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DEPARTMENT OF THE ARMY
U. S. ARMY CRIMINAL INVESTIGATION COMMAND
FIELD INVESTIGATIVE UNIT
7701 TELEGRAGH ROAD #2591
ALEXANDRIA, VIRGINIA 22315

REPLY TO ATTENTION OF

CISA-FOP (195-2b) 19 Mar 2007

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT – FINAL/SSI – 0013-06-CID201-50048-5H4A/5H8/5C1B/9G2[redacted]

[redacted] DATES/TIMES/LOCATION OF OCCURRENCES:
1. 22 Apr 2004/1404Z-1427Z; ZONES 25 AND 27 IN THE VICINITY OF MAGARAH AND MANAH, AFGHANISTAN (AF).

[redacted] DATE/TIME REPORTED: 6 Mar 2006, 1400

[redacted] INVESTIGATED BY: SA [redacted] SA [redacted] SA [redacted], SA [redacted] SA [redacted] SA [redacted], SA [redacted]

[redacted] SUBJECT: 1. UNKNOWN; [NEGLIGENT HOMICIDE (UNFOUNDED)], [UNDETERMINED MANNER OF DEATH (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)]

[redacted] VICTIM: 1. TILLMAN, PATRICK DANIEL (DECEASED); CPL; [redacted] 6 Nov 1976; M; WHITE; 2nd PLATOON, A COMPANY (CO.), 2nd BATTALION, 75th RANGER (RGR) REGIMENT (RGT) (A/2/75TH RGR RGT), FORT LEWIS, WA 98433 (FLW); SP; [NEGLIGENT HOMICIDE (UNFOUNDED)], [UNDETERMINED MANNER OF DEATH (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [ACCIDENTAL DEATH]

2. [redacted] THANI (DECEASED); AFGHANISTAN MILITARY FORCES (AMF); M; OTHER; WORJELLA VILLAGE, KHOST PROVINCE, AF (NFI); [NEGLIGENT HOMICIDE (UNFOUNDED)], [UNDETERMINED MANNER OF DEATH (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [ACCIDENTAL DEATH]

3. [redacted] (formerly A/2/75th RGR RGT); SP; [AGGRAVATED ASSAULT (UNFOUNDED)]

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4. [redacted] C CO, 1st BATTALION, 11th INFANTRY, FORT BENNING, GA 31905 (FBGA), (formerly A/2/75th RGR RGT); SP; [AGGRAVATED ASSAULT (UNFOUNDED)]

[redacted] [redacted]

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CISA-FOP (195-2b)
CID REPORT – FINAL/SSI – 0013-06-CID201-50048-5H4A/5H8/5C1B/9G2 [redacted]

[redacted] INVESTIGATIVE SUMMARY: On 6 Mar 06, this investigation was initiated based on a HQUSACIDC Mission Tasker Order 075-06 to conduct an investigation surrounding the deaths of CPL TILLMAN and THANI, the AMF Soldier, and injuries of other soldiers during the incident.

[redacted] On 22 Apr 04, A/2/75th RGR RGT was tasked to conduct overwatch operations near the village of Manah, AF. During the course of the movement, one of their vehicles became disabled. After coordination to extract the disabled vehicle was unsuccessful, a decision was made to split the platoon. Serial 1 was tasked to depart and begin overwatch operations near Manah, AF, while Serial 2 was tasked to transport the disabled vehicle, with the assistance of a local "Jingle" truck driver, to a pre-designated location for pick up. Serial 2 was to then link back up with Serial 1, and assist in the overwatch of the village.

[redacted] After the two Serials separated and due to terrain concerns, Serial 2 changed their route and embarked on the identical route Serial 1 had taken. Members of Serial 2 relayed the change of route but due to the terrain their communications was not acknowledged, and Serial 2 had no communication with Serial 1 until after the incident.

[redacted] During their movement through the canyon road, Serial 2 was ambushed and became engaged in a running gun battle with enemy combatants. Serial 1 had just passed through the same canyon without incident and were approximately one thousand meters ahead of Serial 2. Upon hearing explosions, gunfire, and sporadic radio communication from Serial 2, Serial 1 dismounted their vehicles and moved on foot, to a more advantageous position to provide overwatch and fire support for Serial 2's movement out of the ambush. CPL TILLMAN placed [redacted] A/2/75th RGR RGT into position and directed his fire at enemy positions. The AMF soldier THANI (NFI) was near CPL TILLMAN's position but under no official direction of CPL TILLMAN. The AMF soldier purportedly fired at random enemy positions across the wadi where Serial 1 had emerged and Serial 2 was about to emerge from the ambush area. Serial 1 attempted to make radio contact with Serial 2, to advise them of their position. When Vehicle 1, Serial 2 exited the canyon, coming into view of CPL TILLMAN's position, [redacted] A/2/75th RGR RGT, not knowing Serial 1 was in the immediate area, observed what he thought to be an enemy combatant, (THANI), firing his AK-47 rifle directly over their vehicle. [redacted] immediately sighted THANI and fired his M4, killing him. Following [redacted] fire, his squad members engaged the position as well as [redacted] and [redacted] nearby position, which was located adjacent to a large housing structure. After members of Serial 2 identified friendly forces in the area a cease fire was secured. A search of the scene revealed that CPL TILLMAN and THANI were mortally wounded and [redacted] and [redacted] were wounded.

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[redacted] Investigation determined that members of A/2/75th RGR RGT did not commit the offenses of Negligent Homicide or Aggravated Assault. It was determined that although CPL TILLMAN and THANI were killed during the incident, members of A/2/75th RGR RGT believed they were under enemy fire and were returning fire at enemy combatants. Under the extreme

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[redacted] circumstances, members of A/2/75th RGR RGT had a reasonable belief that death or harm was about to be inflicted on them and believed it was necessary to defend themselves.

[redacted] Additional contributors to the incident were poor visibility, a lack of communication between the Serials and the unexpected presence of THANI, the AMF soldier. Prior to this incident, AMF soldiers were not integrated or trained as fire team members in Ranger operations. There is overwhelming evidence to substantiate CPL TILLMAN and THANI's deaths, as well as the injuries sustained by [redacted] and [redacted], were caused by friendly fire.

[redacted] STATUTES:

Article 134, UCMJ: Negligent Homicide (Unfounded)
Article 128, UCMJ: Aggravated Assault (Unfounded)

EXHIBITS/SUBSTANTIATIONS:

Attached:

1. [redacted] Agent's Investigative Report (AIR) of SA [redacted] 6 Mar 06, detailing his receipt of the initial complaint.

2. [redacted] AIR of SA [redacted] 16 Mar 06, detailing his coordination with [redacted] Chief, Fatal Accident Branch, Human Resources Command (HRC), 210 Stovall St., Alexandria, VA 22314 and [redacted] G-3, Combat Readiness Center, Fort Rucker, AL 36362, regarding the accident safety report pertaining to CPL TILLMAN.

3. [redacted] AIR of SA [redacted] 21 Mar 06, detailing the interview and sworn statement of Commander [redacted] Armed Forces Medical Examiner, 1413 Research Blvd., Rockville, MD 20850 and coordination with [redacted] Army Liaison Officer for Mortuary Affairs, 116 26th St., Dover Air Force Base, Dover, DE 19902 regarding the AFIP autopsy of CPL TILLMAN.

4. [redacted] Sworn Statement of [redacted], 20 Mar 06, in which he confirmed he was the autopsy examiner for CPL TILLMAN and described his observations and procedures.

5. [redacted] AIR of SA [redacted] 21 Mar 06, detailing the interview and sworn statement of [redacted] 5th Ranger Training Battalion, Camp Frank D. Merrill, GA 30533.

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6. [redacted] Sworn Statement of [redacted] 21 Mar 06, in which he related he was the squad leader of 2nd Platoon, A/2/75th RGR RGT, which conducted flanking maneuvers and had CPL TILLMAN under his command during the incident. [redacted]

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7. [redacted] AIR of SA [redacted] 22 Mar 06, detailing the interview and sworn statement of [redacted] Headquarters & Headquarters Company (HHC), 75th RGR RGT, FBGA and interview of [redacted], C Co., 4th Ranger Training Battalion, FBGA.

8. [redacted] Sworn Statement of [redacted], 22 Mar 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

9. [redacted] AIR of SA [redacted] 22 Mar 06, detailing the interview and sworn statement of [redacted] Camp Anderson, Fort AP Hill, VA 22427.

10. [redacted] Sworn Statement of [redacted] 22 Mar 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

11. [redacted] AIR of SA [redacted], 22 Mar 06, detailing the interview and sworn statement of [redacted] HHC, 11th Infantry Regiment, FBGA.

12. [redacted] Sworn Statement of [redacted] 22 Mar 06, in which he related he was the platoon leader riding in Serial 1 conducting flanking maneuvers during the incident which led to the death of CPL TILLMAN. [redacted]

13. [redacted] AIR of SA [redacted] 23 Mar 06, detailing the interview and sworn statement of [redacted], HHC, 75th RGR RGT, FBGA.

14. [redacted] Sworn Statement of [redacted] 23 Mar 06, in which he related he was the First Sergeant, 2/75th RGR RGT, and described his observations after the incident had occurred. [redacted]

15. [redacted] AIR of SA [redacted] 23 Mar 06, detailing the interview of [redacted], HHC, 75th RGR RGT, FBGA.

16. [redacted] AIR of SA [redacted] 24 Mar 06, detailing the interview and sworn statement of [redacted] B Co., 1145th Aviation Brigade, Fort Rucker, AL 36362.

17. [redacted] Sworn Statement of [redacted] 24 Mar 06, in which he detailed his knowledge of the events which led to the death of [redacted]AN. [redacted]

18. [redacted] AIR of SA [redacted] 27 Mar 06, detailing coordination with SA [redacted], Department of Defense, Office of the Inspector General, Washington, D.C., 20301 (DODIG); the interview and sworn statement of [redacted] 1663, 1413 Research Blvd, Rockville, MD 20850 and coordination with [redacted] Rear Detachment Commander, 3/71st Cavalry, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY 13602.

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19. [redacted] Sworn Statement of [redacted], 27 Mar 06, in which he related he performed the medico-legal autopsy on the remains of CPL TILLMAN.

20. [redacted] AIR of SA [redacted] 29 Mar 06, detailing the interview of [redacted]

21. [redacted] AIR of SA [redacted] 5 Apr 06, detailing the interview and sworn statement of [redacted] and [redacted] RGR RGT, FLW.

22. [redacted] Sworn Statement of [redacted], 4 Apr 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN.

23. [redacted] Sworn Statement of [redacted] 5 Apr 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

24. [redacted] AIR of SA [redacted] 6 Apr 06, detailing the interview of [redacted] HQ United States Army Special Operations Command (USASOC), Building E-2929, Desert Storm Drive, FBNC; [redacted] D Co., Support Battalion, Special Warfare Training Group (SWTG), FBNC; [redacted] HHC, 2/325th Airborne Infantry, 82nd Airborne Division, FBNC and [redacted] C Co., 2/325th Airborne Infantry, 82nd Airborne Division, FBNC.

25. [redacted] AIR of SA [redacted] 6 Apr 06, detailing the interview and sworn statement of [redacted] C Co., 4th Ranger Training Battalion, FBGA, obtaining a copy of [redacted] 15-6 investigation, and interview of [redacted] Executive Officer, 75th RGR RGT, FBGA.

26. [redacted] Sworn Statement of [redacted], 5 Apr 06, in which he related he was with [redacted] when they destroyed a portion of CPL TILLMAN's equipment. [redacted]

27. [redacted] Sworn Statement of [redacted], 6 Apr 06, in which he related he was manning the Tactical Operations Center (TOC) when CPL TILLMAN was killed. [redacted]

28. [redacted] AIR of SA [redacted] 6 Apr 06, detailing his interview and sworn statement of [redacted]

29. [redacted] Sworn Statement of [redacted] 6 Apr 06, in which he related he was in Serial 1 as the Forward Observer and conducted flanking maneuvers with CPL TILLMAN.

30. [redacted] AIR of SA [redacted] 7 Apr 06, detailing the interview and sworn statement of [redacted] D Co., Support Battalion, Special Warfare Center (SBSWC), FBNC.

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31. [redacted] Sworn Statement of [redacted] 7 Apr 06, in which he related his observations and actions in the lead vehicle of Serial 2 when ambushed in the canyon.

32. [redacted] AIR of SA [redacted] 23 Apr 06, detailing the death scene examination of CPL TILLMAN.

33. [redacted] Death Scene Sketch, 22 Apr 06, prepared by SA [redacted]

34. [redacted] Death Scene Sketch, 22 Apr 06, prepared by SA [redacted]

35. [redacted] Photographic packet comprised of 58 photographs.

a. [redacted] Packet containing photographs 1-20 (death scene).

b. [redacted] Packet containing photographs 21-40 (death scene).

c. [redacted] Packet containing photographs 41-58 (death scene).

36. [redacted] AIR of SA [redacted] 23 Apr 06, detailing the scene examination of Serial 2's proximity to the death scene.

37. [redacted] Ambush Scene Sketch, 23 Apr 06, prepared by SA [redacted]

38. [redacted] Photographic packet comprised of 26 photographs.

a. [redacted] Packet containing photographs 1-20 (ambush scene).

b. [redacted] Packet containing photographs 21-26 (ambush scene).

39. [redacted] AIR of SA [redacted] 22-23 Apr 06, detailing the scene examination of the nearest family village to the incident and the location where [redacted] and [redacted] were injured.

40. [redacted] Scene Sketch, 22 Apr 06, prepared by SA [redacted]

41. [redacted] Photographic packet comprised of 44 photographs.

a. [redacted] Packet containing photographs 1-20 (family dwelling).

b. [redacted] Packet containing photographs 21-40 (family dwelling).

c. [redacted] Packet containing photographs 40 – 44 (family dwelling).

42. [redacted] AIR of SA [redacted] 24 Apr 06, detailing canvass interviews.

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43. [redacted] AIR of SA [redacted], 24 Apr 06, detailing canvass interviews and identifying the "Jingle" truck driver.

44. [redacted] AIR of SA [redacted], 24 Apr 06, detailing the death scene sketch, coordination with [redacted] USACIL regarding evidence collection, canvass interviews, the discovery of [redacted], who provided a letter to [redacted] and coordination with [redacted] Spira, AF (NFI), who identified the deceased AMF soldier as THANI, who resided near the Worjella Village, in the Khost province of AF.

45. [redacted] AIR of SA [redacted], 25 Apr 06, detailing the interview of [redacted], 3/71st Cavalry Co., 10th Mountain Division, Fort Drum, NY 13602.

46. [redacted] AIR of SA [redacted], 27 Apr 06, detailing the interview and sworn statement of [redacted] A/2/75th RGR RGT, FLW.

47. [redacted] Sworn Statement of [redacted], 27 Apr 06, in which he related he was in the first vehicle in Serial 2, which was ambushed in the canyon. [redacted]

48. [redacted] AIR of SA [redacted], 18 May 06, detailing the interviews of [redacted] 1/A/2/75th RGR RGT; [redacted] 2/A/2/75th RGR RGT; [redacted] 1/A/2/75th RGR RGT and [redacted] 3/C/2/75th RGR RGT.

49. [redacted] Sworn Statement of [redacted], 16 May 06, in which he related his observations and actions when Serial 2 was ambushed in the canyon.

50. [redacted] AIR of SA [redacted], 24 May 06, detailing the interviews of [redacted] HHC, 2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted], S-3, 2/75th RGR RGT; [redacted] HHC, 2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] E/2/75th RGR RGT; [redacted] HHC, 2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted], A/2/75th RGR RGT; and [redacted], A/2/75th RGR RGT.

51. [redacted] Sworn Statement of [redacted], 16 May 06, in which he related his observations and actions while in the TOC.

52. [redacted] Sworn Statement of [redacted], 18 May 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

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53. Sworn Statement of , 23 May 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN.

54. AIR of SA , 24 May 06, detailing the interviews of , A/2/75th RGR RGT; , A/2/75th RGR RGT; , A/2/75th RGR RGT; , HHC, 2/75th RGR RGT; , A/2/75th RGR RGT; , A/2/75th RGR RGT; , A/2/75th RGR RGT; , HHC, 2/75th RGR RGT; , 1st Special Forces Group, FLW; seizure of the flashlight as evidence and the interview of , HHC, 2/75th RGR RGT.

55. Sworn Statement of , 16 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

56. Sworn Statement of , 17 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

57. Sworn Statement of , 18 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

58. Sworn Statement of , 23 May 06, in which he related his observations and actions after receiving CPL TILLMAN's belongings.

59. Sworn Statement of , 24 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

60. Photographic packet comprised of 4 photographs.

a. Packet containing photographs 1-4 (Flashlight).

61. AIR of SA , 24 May 06, detailing the interviews of , A/2/75th RGR RGT; , Assistant Operations NCO, 2/75th RGR RGT; , Mortar Plt., 2/75th RGR RGT; , A/2/75th RGR RGT; , A/2/75th RGR RGT; and , S-3, Fire Support Element, 2/75th RGR RGT.

62. Sworn Statement of , 23 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

63. AIR of SA , 30 May 06, detailing the interviews of , HHC, 2/75th RGR RGT; , A/2/75th RGR RGT; , A/2/75th RGR RGT;

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[redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] HQ, 2/75th RGR RGT; [redacted] Recon Plt., 2/75th RGR RGT; [redacted], A/2/75th RGR RGT and [redacted] HQ, 2/75th RGR RGT.

64. [redacted] Sworn Statement of [redacted], 16 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

65. [redacted] Sworn Statement of [redacted] 17 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

66. [redacted] Sworn Statement of [redacted], 23 May 06, detailing his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

67. [redacted] AIR of SA [redacted], 28 Jun 06, detailing the interview of [redacted], [redacted], HHC, 1/11th Infantry, FBGA; [redacted] 4/6 Cavalry, FLW; [redacted] E Co., 51st Infantry, 165th Military Intelligence, Dahrmstadt, GE 09175; [redacted] and [redacted] 78-631 Ihilani Place, Kailua Kona, HI 96740

68. (U) AIR of SA [redacted] 12 Jul 06, detailing the receipt of a United States Army Criminal Investigation Laboratory (USACIL) report positively identifying the flashlight and rock chips as having contained CPL TILLMAN's DNA. The AIR also details the interview of [redacted] B 1/30th Field Artillery A221, Fort Sill, OK 73503 and [redacted], 2/75th RGR RGT.

69. (U) AIR of SA [redacted] 17 Jul 06, detailing the interviews of [redacted] and [redacted] HHC, 4th Battalion, 9th Infantry Regiment, FLW.

70. [redacted] Sworn Statement of [redacted] 10 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

71. [redacted] Sworn Statement of [redacted], 11 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

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72. [redacted] Sworn Statement of [redacted], 13 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.[redacted]

73. [redacted] Sworn Statement of [redacted] 16 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.[redacted]

74. [redacted] Sworn Statement of [redacted] 17 Jul 06 detailing his knowledge of the events which led to the death of CPL TILLMAN.

75. [redacted] AIR of SA [redacted], 19 Jul 06, detailing the interviews of [redacted] Army Training Support Division, Fort Meade, MD 20755 and [redacted]

76. [redacted] Sworn Statement of [redacted] 18 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.[redacted]

77. [redacted] Sworn Statement of [redacted], 19 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.[redacted]

78. [redacted] AIR of SA [redacted] 20 Jul 06, detailing the interview of [redacted]

79. [redacted] AIR of SA [redacted] 25 Jul 06, detailing the interview of [redacted]

80. [redacted] Sworn Statement of [redacted] 25 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

81. [redacted] AIR of SA [redacted], 31 Jul 06, detailing coordination with [redacted] Command Support Division, Humphrey Engineer Center, Alexandria, VA 22315 (HEC); [redacted] 24th Infantry Division, Fort Jackson, SC 29207; [redacted] and, Intelligence Division, HEC; SA [redacted] DODIG, Washington, D.C. 20301; the interviews of [redacted] Troop F, 2nd Armor Regiment, FLW; [redacted] 4th Brigade, USAR Center, FLW; [redacted] HHC, I Corps, FLW; [redacted] HQ, 243rd Regiment, Camp Varnum, RI 02882; [redacted] Army Reserve Regiment, Fort Carson, CO 80022; [redacted] A/2/75th RGR RGT; [redacted] 7TH Field Artillery Regiment, Battery B, FLW; [redacted] A/2/75th RGR RGT; [redacted] A/2/75th RGR RGT; [redacted] 75th Infantry Battalion, FLW; [redacted]

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A/2/75th RGR RGT; 2/75th RGR RGT;
G-3, Operations NCO, USASCAPOC, FBNC; coordination with Detective Metro Police Department; and the interview of

82. Sworn Statement of , 6 Jul 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

83. AIR of SA 8 Aug 06, detailing coordination with G-3, 25th Infantry Division, Schofield Barracks, HI 96857 and coordination with Chief, Transition Processing Center, FLW.

84. Sworn Statement of , 8 Aug 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

85. AIR of SA , 10 Aug 06, detailing coordination with the Psychological Operations Division, The Pentagon, Washington, D.C. 20301, coordination with SA coordination with Detective and the interview of

86. Sworn Statement of 10 Aug 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

87. AIR of SA 28 Aug 06, detailing the interviews of and HC, 2/75th RGR RGT.

88. AIR of SA 30 Aug 06, detailing the interview of S-3, 1/75th RGR RGT, Hunter Army Airfield, GA 31409. related that although he was not present at the time the guidance was given to split the platoon, he believes that if the guidance was given, it would have originated from

89. AIR of SA 6 Sep 06, detailing coordination with interview of coordination with Special Assistant to The Under Secretary of Defense, Pentagon, Washington, D.C. 20301; coordination with Office of the Deputy Under Secretary for Intelligence & Warfare Support, Pentagon, Washington, D.C. 20301; coordination with SA Department of the Treasury, Internal Revenue Service, Washington, D.C. 20310; HEC;

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interview of [redacted] coordination with [redacted] coordination with [redacted] Fire Arms Division, USACIL; coordination with [redacted] coordination with [redacted] Financial Crimes Enforcement Network, USACIDC, Ft. Belvoir, VA 22060; coordination with the National Information Data Base (National Operator Assistance), in an attempt to locate numerous individuals, coordination with the [redacted] Police Department, Communications Department, [redacted] for assistance in locating [redacted] and coordination with [redacted] Judge Advocate, Field Investigative Unit, Alexandria, VA 22315 (FIU).

90. [redacted] AIR of SA [redacted] 8 Sep 06, detailing coordination with [redacted] HEC, who related that the memorandum generated by this office requesting predator drone footage should be classified and the interview of [redacted] (Refused to provide home address).

91. [redacted] Sworn Statement of [redacted], 8 Sep 06, detailing his actions as they pertain to the destruction of CPL TILLMAN's equipment & page 93, AR 735-5 (14-19), regarding the destruction of contaminated clothing and equipment provided by [redacted]

92. [redacted] AIR of SA [redacted] 20 Sep 06, detailing the receipt of a USACIL report, which detailed the forensic examination of CPL TILLMAN's flashlight, the interview of Chaplain [redacted] Joint Special Operations Center, FBNC; [redacted] nd [redacted] (Refused to provide home address).

93. [redacted] Sworn Statement of [redacted] 8 Sep 06, detailing his actions as they pertain to the splitting of the platoon. [redacted]

94. [redacted] AIR of SA [redacted] 27 Sep 06, detailing the interview of [redacted] HHC, 75th RGR RGT, FBGA, the interview of [redacted] HHC, 75TH RGR RGT, FBGA, the interview of [redacted] HHC, 75th RGR RGT, FBGA and coordination with [redacted] 5/14th Cavalry Regiment, Schofield Barracks, HI 96857.

95. [redacted] Sworn Statement of [redacted] 26 Sep 06, detailing his actions as they pertain to the destruction of CPL TILLMAN's equipment. [redacted]

96. [redacted] AIR of SA [redacted] 3 Oct 06, detailing the interview of [redacted] 5/14th Cavalry Regiment, Hawaii Field Office, Schofield Barracks, HI 96857. [redacted]

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97. [redacted] Sworn Statement of [redacted], 3 Oct 06, detailing his knowledge of the receipt of CPL TILLMAN's remains and his part in removing equipment from CPL TILLMAN's remains.

98. [redacted] AIR of SA [redacted], 4 Oct 06, detailing SA [redacted] & SA [redacted] coordination with [redacted] Deputy of the Under Secretary of Defense, Pentagon, Washington D.C. 20301, requesting assistance in determining if predator footage of the incident which led to CPL TILLMAN's death was available, the Security Coordination Detachment, Camp Humpry Engineer Center, Alexandria, VA 22315; the [redacted] Police Department, [redacted] BB&T Bank, [redacted] harleston, WV 25302, [redacted] USACIL, Trace Evidence Division, [redacted] FIU Legal Advisor, [redacted] and [redacted] Army Metallic Materials Technology Branch (AMMTB), Picatinny, NJ 07806-5000.

99. [redacted] AIR of SA [redacted] 10 Oct 06, detailing the receipt of documentation from the office of the Deputy Commander, MacDill Air Force Base, Tampa Florida, 33621-5323, via the office of [redacted]. The memo related that all available sources, data banks and video files have been searched for the images in question however, they yielded negative results. [redacted]

100. [redacted] Memorandum, from [redacted] Vice Admiral, U.S. Navy, Deputy Commander, MacDill Air Force Base, Tampa Florida 33621-5323, 5 Oct 06, relating that no predator footage was available depicting the incident in question. [redacted]

101. [redacted] AIR of SA [redacted], 12 Oct 06, detailing coordination with SA [redacted] Special Agent in Charge, Heidelberg, GE and [redacted]

102. [redacted] AIR of SA [redacted], 13 Oct 06, detailing the interview of [redacted] 61st Armored Regiment, Fort Carson, CO 80913, coordination with [redacted], HHC, 20th Special Forces Group (ABN), 5601 Oporto Madrid Boulevard, Birmingham, AL 35206, interview of [redacted] HQ, U.S. Army Forces Command, Fort McPherson, GA, 30330 and coordination with [redacted]

103. [redacted] AIR of SA [redacted] 16 Oct 06, detailing the interview of [redacted], HHC, 3D Battalion, 20th Special Forces Group, Wauchula, FL, 33873.

104. [redacted] Sworn Statement of [redacted] 16 Oct 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN.

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105. [redacted] AIR of SA [redacted] 18 Oct 06, detailing the interviews of [redacted] B Co., 1145th Aviation Brigade, Ft. Rucker, AL, 36362, [redacted] and [redacted]

106. [redacted] Sworn Statement of [redacted] 18 Oct 06, in which he detailed his knowledge of the events which led to the death of [redacted] CPL TILLMAN. [redacted]

107. [redacted] AIR of SA [redacted] 25 Oct 06, detailing the interviews of [redacted] and [redacted]

108. [redacted] Sworn Statement of [redacted], 24 Oct 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

109. [redacted] Sworn Statement of [redacted] 25 Oct 06, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

110. [redacted] AIR of SA [redacted], 25 Oct 06, detailing the interview of [redacted] 143rd Long Range Surveillance Infantry Detachment, Camp Mabry, TX 78731.

111. [redacted] Sworn Statement of [redacted] 25 Oct 06, detailing his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

112. [redacted] AIR of SA [redacted] 31 Oct 06, detailing the interview of [redacted]

113. [redacted] Sworn Statement of [redacted] 31 Oct 06, detailing his knowledge of the events which led to the death of CPL TILLMAN.

114. [redacted] AIR of SA [redacted] 7 Nov 06, detailing the interview of [redacted] U.S. Army Medical Command, Fort Stewart, GA 31314.

115. [redacted] AIR of SA [redacted], 9 Nov 06, detailing coordination with [redacted] Regimental Executive Officer, 75th RGR RGT, FBGA, obtaining his consent to search for his computer hard drive.

116. [redacted] CID Form 87-R-E, Consent to Search, 9 Nov 06, from [redacted], pertaining to a Maxtor Brand 80 GB computer hard drive.

117. [redacted] AIR of SA [redacted] 16 Nov 06, detailing the computer forensic exam of [redacted] email files. [redacted]

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118. [redacted] AIR of SA [redacted] 27 Nov 06, detailing coordination with SA [redacted] SA [redacted], Command Staff Judge Advocate, USACIDC; [redacted] Chief, General Law Branch, Admin Law Division, Office of the Judge Advocate General, Pentagon, DC; [redacted] Legal Advisor, 701st MP, USACIDC; SA [redacted] receipt of the ROE from [redacted], USAF, Deputy Staff Judge Advocate, FBNC, coordination with [redacted] Firearms Division, USACIL, coordination with SA [redacted] regarding the collection of [redacted] vest coordination with the DODIG regarding a possible inconsistency in [redacted] statement and the receipt by SA [redacted] of the Metallurgical Examination of the flashlight. [redacted]

119. [redacted] AIR of SA [redacted] 1 Dec 06, detailing the collection of body armor, one M4 rifle magazine containing 5.56mm rounds and 5 pin gun flares from [redacted] interview of [redacted] coordination with the Bureau of Alcohol, Tobacco and Firearms, Las Vegas NV, 89122, coordination with the 99th Civil Engineer Squadron, Explosive Ordinance Disposal Unit, Nulles Air Force Base, NV 89122, and the preparation and submittal of a USACIL examination request to examine [redacted] body armor and M4 magazine.

120. [redacted] Photographic packet comprised of 10 photographs.

a. [redacted] Packet containing photographs 1-10 [redacted] body armor and M4 magazine).

121. [redacted] AIR of SA [redacted], 22 Dec 06, detailing coordination with [redacted] Evidence Processor, USACIL; coordination with [redacted], Firearms & Toolmarks, USACIL; coordination with [redacted], AMMTB, Picatinny NJ; coordination with the information security manager of a USSOCOM subordinate unit; coordination with [redacted], USACIL; receipt of [redacted] body armor & crime laboratory report and the packaging and mailing of sworn statements to the information security manager of a USSOCOM subordinate unit for classification review & SA [redacted] coordination with [redacted] who provided a preliminary opine in this investigation. [redacted]

122. [redacted] AIR of SA [redacted], 20 Feb 07, detailing coordination with [redacted] Legal Advisor, 701st MP GRP (CID) about his legal opine on criminal charges.

123. [redacted] AIR of SA [redacted] 8 Feb 07, detailing coordination with [redacted] about [redacted] involvement in the incident.

124. [redacted] Crime Lab Examination Requests, DA Form 3655, 5 Sep 05, 3 May 06, 30 May 06, 1 Dec 06 (USACRC & File only).

125. [redacted] Crime Lab Report #2006-CID131-0765, 23 May 06, relating light conditions, location and photographs of the TILLMAN death location (CD's attached).

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126. [redacted] Crime Lab Report #2006-CID131-0765-R1/A1/A2, 29 Jun 06, relating that the flashlight contained DNA which matched CPL TILLMAN's DNA and a rock chip contained a possible DNA match to CPL TILLMAN.

127. [redacted] Crime Lab Report #2006-CID131-0765, 16 Jul 06, pertaining to firearms trajectory results indicating that rounds fired at CPL TILLMAN's position and the house in the village where [redacted] and [redacted] were seated, came from the wadi where Serial 2 was located.

128. [redacted] Crime Lab Report #2006-CID131-0765-R1-A1, 31 Aug 06, disclosing that the damage to CPL TILLMAN's flashlight was consistent with being struck by either a .30 caliber or 7.62mm bullet.

129. [redacted] Crime Lab Report #2006-CID131-1690, 21 Sep 05, relating the metal fragments recovered from CPL TILLMAN's forearm were not consistent with ammunition.

130. [redacted] Crime Lab Report #2006-CID131-0765-R1-A1, 25 Oct 06, relating that some of the metal fragments recovered from CPL TILLMAN's forearm are similar to the core elemental composition of the flashlight, some of the fragments appear to be either rock-like or vegetative material and the black colored fragments could have originated from "Body Armor Plates" (CD Attached).

131. [redacted] Crime Lab Report #2006-CID131-0765-R2, 13 Dec 06, relating that the single deflected projectile of a caliber larger than 5.56mm but smaller than a .50 caliber round, or that of a hard non-projectile fragment, impacted the vest and magazine in an upward trajectory from left to right from the wearers perspective, at approximately 10 to 15 degree's. Additionally, after the projectile impacted the magazine, it deflected to the wearer's right at approximately 35 to 45 degrees and in an upward direction.

132. [redacted] Armed Forces Institute of Pathology Autopsy Examination Report, 27 Apr 06, detailing the cause of death as multiple gunshot wounds to the head and the manner of death as combat related (USACRC & File only).

133. [redacted] Memorandum from USACIL, Firearms Branch, 30 Aug 06, regarding autopsy photographs depicting three gunshot wounds to CPL TILLMAN's head, concluding that the entrance wounds were consistent with being caused by small caliber bullets such as 5.56mm or 7.62mm bullets.

134. [redacted] Metallurgical Examination Report, 20 Nov 06, from the U.S. Army ARDEC, Metallic Materials Technology Branch, Picatinny, New Jersey, 07806, relating that the analysis of the fragments located in CPL TILLMAN's flashlight were consistent with Grade 1 Antimonial Lead found in 7.62mm ammunition.

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135. [redacted] Metallurgical Examination Report, 3 Jan 07, from the U.S. Army ARDEC, Metallic Materials Technology Branch, Picatinny, New Jersey, 07806, relating that the round that impacted CPL TILLMAN's flashlight was not likely that of a Warsaw Pact round.

136. [redacted] Metallurgical Analysis, 29 Oct 04, from the U.S. Army ARDEC, Metallic Materials Technology Branch, Picatinny, New Jersey 07806, detailing that the composition of all fragments analyzed were aluminum and were not consistent with small caliber ammunition.

137. [redacted] Compact disc 060013.201 containing photographic images and the originals of Exhibit's 35, 38, 41, 60, 120 and 132 (USACRC and file copy only).

138. [redacted] AR 15-6 Investigation, 17 May 04, from [redacted] (USACRC and file copy only).

139. [redacted] AR 15-6 Investigation, 10 Jan 05, from BG JONES [redacted] (USACRC and file copy only).

140. [redacted] (135-1 through 135-5) DA Form 4137, Evidence/Property Custody Document, Voucher Number (VO) 010-06, 011-06, 015-06, 019-06 and 180-06.

141. [redacted] AIR of SA [redacted], 19 Mar 07, detailing the interviews of [redacted]

142. [redacted] Sworn Statement of [redacted] 15 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

143. [redacted] Sworn Statement of [redacted] 15 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

144. [redacted] Sworn Statement of [redacted] 15 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

145. [redacted] Sworn Statement of [redacted] 15 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

146. [redacted] Sworn Statement of [redacted] 15 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

147. [redacted] Sworn Statement of [redacted] 19 Mar 07, in which he detailed his knowledge of the events which led to the death of CPL TILLMAN. [redacted]

Not Attached:

Retained in the evidence depository, this office:

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148. [redacted] Specimen cup, containing five pieces of metal fragments and three pieces of rock fragments, VO 010-06.

149. [redacted] Specimen cup, containing three pieces of metal fragments, VO 010-06.

150. [redacted] Seven rock chips, VO 011-06.

151. [redacted] Soil sample, approximately three pounds, VO 011-06.

152. [redacted] Control soil sample, approximately 1.5 pounds, VO 011-06.

153. [redacted] Flashlight, Surefire brand, VO 015-06.

154. [redacted] Ranger Body Armor, magazine, rounds and pin gun flares belonging to [redacted]. [redacted] VO 019-06.

155. [redacted] DVD-R, containing evidence file of computer hard drive Y26ZZNFL, VO 180-06.

[redacted] The original of Exhibits 1 through 87, 89 through 99, 101 through 123, 137 and 141-147 are retained within the files of this office. The original of Exhibit 88 is retained in the files of the U.S. Army Security Operations Training Facility, P.O. Box 7066, Fort Bragg, NC 28307-5000. The original of Exhibit 100 is retained in the files of the Deputy Commander, MacDill Air Force Base, Tampa Florida, 33621. The original of Exhibit's 124 through 131 and 133 are retained in the files of the United States Army Criminal Investigation Laboratory, 4930 North 31st Street, Forest Park, GA 30297-5205, the original of Exhibit 132 is maintained in the files of the Armed Forces Institute of Pathology, 1413 Research Blvd., Bldg 102, Rockville, MD 20850. The original of Exhibit's 134 through 136 are retained in the files of the U.S. Army ARDEC, Metallic Materials Technology Branch, Picatinny, New Jersey 07806. The originals of Exhibits 138 and 139 are maintained the files of the 2/75th RGR RGT. The original of Exhibit's 148 through 155 are retained within the files of the evidence depository, this office.

[redacted] STATUS: This is a final report. Commander's Report of Disciplinary Action (DA Form 4833) not required.

Report Prepared By:

[redacted]

Special Agent, [redacted]

Report Approved By:

[redacted]

Operations Officer

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DISTRIBUTION:

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[redacted] 1 – Director, U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060.

[redacted] 1 – Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060 (Less Exhibits).

[redacted] 1 – Commander, 701st Military Police Group, 6010th Street, Fort Belvoir, VA 22060 (Less Exhibits).

[redacted] 1 – Department of Defense Office of the Inspector General (DODIG), Investigative Policy and Oversight, ATTN: Director [redacted] 400 Army Navy Drive, Arlington, VA 22202.

[redacted] 1 – Director, Army Staff, ATTN: LTG James L. CAMPBELL, 202 Army Pentagon, Room 3E525, Washington D.C., 20310-202 (Less Exhibits).

[redacted] 1 – The Inspector General, ATTN: LTG Stanley E. GREEN, 1700 Army Pentagon, Washington, D.C., 20310-1700 (Less Exhibits).

[redacted] 1 – Army General Counsel, ATTN: Honorable Benedict S. COHEN, 104 Army Pentagon, Room 2E520, Washington D.C. 20310-104 (Less Exhibits).

[redacted] 1 – Headquarters, U.S. Army Special Operations Command, Army Compartmented Element (ACE) ATTN: SA [redacted] Building E-2929, Desert Storm Drive, Fort Bragg, NC 28310 (Less Exhibits).

[redacted] 1 – Thru: Commander, 75th Ranger Regiment, 6420 Dawson Loop, Fort Benning, GA 31905 (Less Exhibits)

[redacted] 1 – To: Commander, 2nd Battalion, 75th Ranger Regiment, Building 3469, 3rd Division, Mastin Avenue, Fort Lewis, WA 98433 (Less Exhibits)

[redacted] 1 – Commander, Office of the Judge Advocate General (OTJAG), ATTN: MG BLACK, 1777 North Kent Street, Suite 10151, Rossyln, VA 22209 (Less Exhibits).

[redacted] 1 – HQDA, TMO (ATTN: DACS-DMP), Room 1D711, 200 Army Pentagon, Washington 20310-0200 (Less Exhibits)

[redacted] 1 – Director, Armed Forces Institute of Pathology (AFIP), ATTN: Armed Forces Medical Examiner, 1413 Research Blvd, Building 102, Rockville, MD 20850 (Less Exhibits).

[redacted] 1 – Office of the Congressional Legislative Liaison, ATTN: [redacted] 1600 Army Pentagon, Room 1E433, Washington, D.C. 20310-1600 (Less Exhibits).

[redacted] 1 - File.

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) BASIS OF INVESTIGATION: About 1400, 6 Mar 06, this investigation was initiated based upon HQUSACIDC Mission Tasking Order 075-06 to conduct an investigation regarding the circumstances surrounding the death of CPL Patrick D. TILLMAN, [redacted], 2nd Platoon (2 Plt), A Company (A Co), 2nd Battalion, 75th Ranger Regiment (2/75th Ranger), Fort Lewis, WA 98433 (FLW).

(FOUO-LES) About 1500, 6 Mar 06, the undersigned, [redacted] (SA) [redacted] and [redacted] (SA) [redacted] this office met with [redacted] (SA) [redacted] and [redacted] (SA) [redacted], both Department of Defense Inspector General (DoDIG), 400 Army Navy Dr., Room 1055, Arlington, VA 22202, and discussed the historical background of the CPL TILLMAN investigation.

(FOUO-LES) About 1800, 6 Mar 06, SA [redacted] provided a CD-RW containing the unclassified versions of three AR15-6 Investigations previously conducted on the death of CPL TILLMAN. The AR15-6 Investigations summarize the incident as follows:

(FOUO-LES) On 21 Apr 04, two Serials from a Ground Attack Convoy (GAC) (squad sized elements) from the 2/75th Rangers were tasked to conduct clearing operations near Magarah and Manah, Afghanistan (AF). Serial 1 was to conduct clearing operations near Manah while Serial 2 was to transport a disabled vehicle to Khowst Highway and return to Manah, linking up with Serial 1.

(FOUO-LES) On 22 Apr 04, Serial 1, consisting of six vehicles, departed for Manah approximately five minutes ahead of Serial 2, which also consisted of six vehicles including the towed disabled vehicle. Serial 2 subsequently changed their route to Khowst Highway due to the inability to tow the disabled vehicle through rough terrain. Serial 2 did not coordinate the change of route with Serial 1.

(FOUO-LES) Serial 2 reportedly entered a deep canyon toward Manah where they were ambushed by enemy forces. Serial 2 returned fire while exiting the canyon. Serial 1, which was approximately 1000 meters ahead, and having already passed through the canyon without incident, heard the firefight, dismounted their vehicles and moved along a ridge top of the canyon to provide flanking support.

(FOUO-LES) As Serial 2 rounded the canyon road, coming into view of CPL TILLMAN, [redacted], 2 Plt, A Co, 2/75th Ranger and the unknown AMF soldier, [redacted], 2nd Plt. A Co, 2/75th Ranger, traveling in the lead vehicle of Serial 2, observed the AMF soldier and reportedly confused him for the enemy and opened fire with his M4. Other members of Serial 2 subsequently engaged the same location and also began to open fire on a village adjacent to the ridge top. During the volley of fire, members of Serial 2

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 6 Mar 06	EXHIBIT 1

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DETAILS

eventually recognized friendly Ranger forces adjacent the ridge tops and village and called for a cease fire, whereupon it was discovered CPL TILLMAN and the AMF soldier were killed in action. The Platoon Leader [redacted] 2 Plt, A Co, 2/75th Ranger and his RTO, [redacted], 2nd Plt 2/75th Ranger, of Serial 1, who were positioned at the village for command and control, were also wounded during the firefight.

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 6 Mar 06	EXHIBIT 1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1300, 15 Mar 06, SA [redacted] coordinated with [redacted] Chief Fatal Accident Branch, Human Resources Command (HRC), Department of Army (DA), 210 Stovall Street, Alexandria, VA 22314, who stated she did not conduct any investigation regarding the death of CPL TILLMAN. [redacted] stated her office served as a facilitator between the first and second 15-6 investigators and the family. [redacted] stated she did not believe an accident investigation by the safety center was conducted.

(FOUO-LES) About 0905, 16 Mar 06, SA [redacted] coordinated with [redacted], G-3, Combat Readiness Center, Fort Rucker, AL, who stated a safety investigation was conducted; however, the findings and report were privileged information and could not be released to this office without a Freedom of Information Act (FOIA) Request by this office. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU
SIGNATURE [redacted]	DATE: 16 Mar 06 / EXHIBIT: 2

[redacted]CID FORM 94
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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1157, 20 Mar 06, SA [redacted] and SA [redacted], this office, interviewed [redacted] Chief of the Armed Forces Medical Examiners, Building 102, 1413 Research Blvd., Rockville, MD 20850, who rendered a sworn statement detailing his account and knowledge concerning the autopsy of CPL TILLMAN. [redacted] stated the three gunshot wounds to CPL TILLMAN's head were from a small caliber, high velocity projectile, such as a 223/5.56 or a 7.62 caliber round. [redacted] stated the wounds were not caused by a .50 caliber round and the wound on the back of CPL TILLMAN's head was that of an exit wound. (See Sworn Statement for Details)

(FOUO-LES) About 1420, 20 Mar 06, SA [redacted] coordinated with [redacted] Army Liaison Officer for Mortuary Affairs, 116 26th Street, Dover Air Force Base, Dover, DE 19902 (DDE), who stated mortuary affairs rotates personnel in and a variety of jobs are performed by those personnel. [redacted] stated the number of individuals who may have performed some type of action on the remains of CPL TILLMAN could be close to 200 personnel. [redacted] stated mortuary affairs does retain a file on all soldiers and the related activity connected to the soldier.

(FOUO-LES) About 1250, 21 Mar 06, SA [redacted] coordinated with [redacted] who advised this agent that typically when a soldier's remains arrive at Dover, they arrive in an aluminum transfer case and the medical examiners are the first to open the transfer case. The medical examiners and the photographer then document any equipment and/or personal effects, which arrive in the transfer case. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU
SIGNATURE [redacted]	DATE: 21 Mar 06 / EXHIBIT: 3

0013-06-CID201-50048

SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Building 102, 1413 Research Blvd, Rockville, MD 20850
Date: 20 Mar 06
Time: 1117
Statement of: [redacted]
RANK: [redacted] Medical Corps, U.S. Navy
SSN: [redacted]
Org/Address: Armed Forces Medical Examiner, 1413 Research Blvd., Rockville, MD 20850

[redacted] I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

Q: Can you briefly summarize your career and the specialized training you have completed prior to assuming your position here at AFIP?
A: I have a degree in Criminalistics from Michigan State, Law Degree from Creighton University from Omaha, NE, Internship at the Naval Hospital in Oakland, CA, General Medical Officer in the Marine Corps, Residency at Bethesda Naval Medical Center, then I did my fellowship at AFIP. I am board certified in Anatomic, Clinical and Forensic Pathology. I was the Regional Medical Examiner in Okinawa, Japan, then I was a detailer at Naval Personnel Command. I served at the Shelby County Medical Examiner on the weekends in Memphis, TN. I have been the Chief of the Armed Forces Medical Examiners since June of 2002.
Q: When did you first start doing autopsies?
A: In high school.
Q: About many autopsies have you have conducted throughout your career?
A: Over 2000.
Q: And how many of those involved firearms of some sort as a cause or contributor to the death?
A: I have never kept tracked, but probably 20% would be a fair estimate.
Q: Of those, how many have been combat related?
A: Probably 30 at the most.
Q: Of those, can you tell me how many autopsies you have conducted in which the decedents death was caused by their receiving a gunshot wound(s) to the head?
A: Including suicides, at least 100.
Q: How many of those were combat related, in which the decedents death was caused by a gunshot wound to the head?
A: Not many, maybe 10.
Q: Did your office perform a complete autopsy on the remains of CPL TILLMAN?
A: Yes.
Q: Do you recall who requested the autopsy be performed?

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INITIALS [redacted]

STATEMENT OF [redacted], TAKEN AT Rockville, MD 20850, DATED 03/20/06,
CONTINUED:

A: I authorized the autopsy under 10 USC 1471, that is a jurisdictional federal law. It is on the autopsy report.
Q: What is the purpose of conducting an autopsy?
A: To determine the cause and manner of death, collect evidence and to aid law enforcement with investigations.
Q: How were you notified that an autopsy needed to be performed on CPL TILLMAN?
A: We were notified by [redacted] Dept. of Army that this was a high profile case, but our office went through the normal procedures from the Defense Casualty Processing System (DCPS).
Q: Did [redacted] advise you of any special instructions or give you any orders on the conduct of CPL TILLMAN's autopsy?
A: No.
Q: Is this the normal chain of events as it relates to your being informed that an autopsy needs to be conducted?
A: Most of the time I don't get a call about a specific case, we are notified through DCIPS.
Q: Do you recall where and when the autopsy of CPL TILLMAN was performed?
A: At Dover Air Force Base, Dover, DE, on 27 Apr 04.
Q: What is the normal length of time that passes before a combat related death arrives at your location?
A: 2 to 3 days, and it is dependant on the airplanes.
Q: What was the length of time between the notification of CPL TILLMAN's death and the arrival of CPL TILLMAN to Dover?
A: Time of his death was reported at 1637, 22 Apr 04, and the arrival was either on 26 or 27 Apr 04.
Q: Was that a normal delay in the notification and arrival?
A: About normal, maybe a day longer, probably because of the delay in flights. CPL TILLMAN's body was well preserved, there were no indications that there was any significant decomposition.
Q: Do you recall if there were any indications that additional medical procedures had been performed on CPL Tillman prior to the autopsy?
A: We had been told that CPL TILLMAN had been taken to medical, 325th Field Hospital, FOB Salerno. A file folder with shipping information and the medical document containing the FOB hospital information arrived with CPL TILLMAN, which is standard practice.
Q: If previous medical treatment had been conducted on CPL TILLMAN, would documentation have accompanied his remains and would you have been aware of it prior to conducting the autopsy?
A: In this case, yes. That does not mean we get documentation on every case.
Q: Was there any indication of intubations or the injection of any type of medication into CPL TILLMAN when his remains arrived to you?
A: No.
Q: Did anyone witness or attend the autopsy of CPL TILLMAN?

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STATEMENT OF [redacted] TAKEN AT Rockville, MD 20850, DATED 03/20/06, CONTINUED:

A: [redacted] and the photographer, which was [redacted] USAF.
Q: Are there records kept on who was working on CPL TILLMAN's body prior to his arrival to your location?
A: [redacted] (NFI) the army surgeon at FOB Salerno, who pronounced CPL TILLMAN dead.
Q: Do [redacted] take notes or record the autopsy proceedings?
A: Yes.
Q: Did you take notes during the autopsy of CPL TILLMAN?
A: [redacted] did.
Q: Was there anything unusual or odd noted when conducting the autopsy of CPL TILLMAN?
A: Just the 3 gunshot wounds to the head, which were in close proximity to each other.
Q: Were there any additional remains of CPL TILLMAN accompanying him, such as bone / skull fragment(s) or brain matter?
A: Yes, there was a piece of bone that was subsequently identified by DNA. Dover 2125, which was the torso of CPL TILLMAN and Dover 2164, cranial fragments of CPL TILLMAN.
Q: Is it unusual for portions of a decedent's remains not to accompany the body?
A: No.
Q: Is there a process or request generated if portions of a decedent's remains are not accompanying the body or if the decedent is not intact?
A: Yes, but we do not request for anyone to go out to a scene a find more unless we can't identify one of the Soldiers involved in the incident.
Q: Specifically relating to CPL TILLMAN, would the remains that were missing have assisted you in determining which round / projectile struck CPL TILLMAN first / last?
A: If we had the rest of CPL TLLMAN's skull, we could have reconstructed it to aid in determining which round struck CPL TILLMAN first or last.
Q: Do you recall any remains of CPL TILLMAN being forwarded to you at anytime following the autopsy?
A: No.
Q: Do you recall when you first received CPL TILLMAN's remains, what condition the body, was in?
A: We received his remains in a black body bag, just like the autopsy photographs depict.
Q: In the autopsy report there is a statement that "personal effects and clothing are released to the mortuary affairs personnel", exactly what personal effects and clothing were present?
A: CPL TILLMAN's ring.
Q: Do you normally receive a brief or a history of what took place leading to the death of an individual prior to their arrival to your office?
A: We receive a couple of lines in DCIPS of what happened, but nothing detailed.
Q: From the photographs of CPL TILLMAN's autopsy, what do you believe caused the trauma to his head?
A: Gunshot wounds.

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STATEMENT OF [redacted], TAKEN AT Rockville, MD 20850, DATED 03/20/06, CONTINUED:

Q: Do you believe all entrance wounds were from the front of CPL TILLMAN's head?
A: Yes, because it is based on my training to recognize them, the inward beveling of the bone of the wound.
Q: How do you account for the defect in CPL TILLMAN's head?
A: A high velocity gunshot wound is typical of CPL TILLMAN's head injury and accounts for the loss of the back part of his skull.
Q: In your opinion, could small caliber rounds such as .223 / 5.56 or 7.62 have caused the defect in CPL TILLMAN's head?
A: Yes, small caliber but high velocity.
Q: As you're going through the procedure if you find something that you want to collect is it photographed?
A: Yes.
Q: Do you recall if you collected any items from the deceased?
A: [redacted] collected several small metallic fragments, which were photographed.
Q: Do you recall what other injuries CPL TILLMAN sustained other than the bullet wounds?
A: He had some ballistic impact points on the arm and the abrasion on his chest.
Q: Would you have had an opinion at the time as to what caused those other injuries?
A: Specifically no, it looked like shrapnel on the arm.
Q: You mention a three and a quarter inch by three and a half inch area on the left upper chest is consistent with an attempted defibrillation?
A: Right.
Q: Is it typical for a medic to attempt to defibrillate an individual who is in the physical state CPL TILLMAN was?
A: No, but it does happen.
Q: Do you have an opinion whether that was a postmortem mark or pre?
A: Around the time of death, peri-mortem. There was not a lot of hemorrhage around the area.
Q: How long following an individuals death would a defibrillation attempt leave such a mark?
A: Several minutes.
Q: Could the mark have been left by something striking CPL TILLMAN in the chest, something such as an impact from a projectile?
A: Sure.
Q: During the conduct of this investigation, there are some questions as to the distance in which CPL TILLMAN was struck, can you determine an approximate distance the shooter had to be from CPL TILLMAN for him to sustain such injuries?
A: I can not give you an exact distance, but I have heard several theories such as a .50 caliber weapon was used, or CPL TILLMAN was shot from a moving vehicle, or he was shot from 85 meters or further. In my opinion none of those theories were the case. In my opinion CPL TILLMAN was have been shot from a much closer range than 85 meters.

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STATEMENT OF [redacted] TAKEN AT Rockville, MD 20850, DATED 03/20/06, CONTINUED:

Q: Based on your observations, can you eliminate the injuries sustained by CPL TILLMAN as close contact?
A: Yes.
Q: What about an intermediate wound...such as 5-10 ft?
A: Probably from 5 feet on. Stippling, which is burned or unburned pieces of gun powder on the skin, can be seen from 5 feet and closer; however, there was no indication of stippling on CPL TILLMAN.
Q: When you examined CPL TILLMAN's remains and looking at the injuries, do you have an opinion as to whether or not he was wearing his helmet at the time that he was shot?
A: Helmets are designed to stop ballistic fragments traveling 1400 feet per second. 50% of bullets traveling at 1400 feet per second would go right through the helmet, like .50 cal, 223,/5.56, 7.62, or any high velocity shrapnel. We would not be able to tell, it would all depend on what type of helmet CPL TILLMAN was wearing.
Q: What about the exit wounds? Would the helmet have contained any of the blast so that his skull would have remained more intact?
A: No, helmets are not that tight up against the skin.
Q: Based on your observations, do you believe CPL TILLMAN was wearing a helmet at the time he was shot?
A: No way to tell.
Q: And from your examination of those wounds on CPL TILLMAN, did you determine that they were high velocity or low velocity wounds?
A: High velocity wounds.
Q: Is there any forensic process to examine the wound and definitively determine the millimeter or the type of bullet?
A: No, not medically.
Q: In your opinion, what size of round / projectile do you believe caused the injuries to CPL TILLMAN?
A: Small caliber, high velocity rounds.
Q: Can you determine which round impacted CPL TILLMAN first or last?
A: No.
Q: Is it possible to determine that?
A: Yes, if we had the whole skull and put it back together, but that is still a big if.
Q: Can you determine the exact caliber of the round/projectile based on the entrance wound?
A: No.
Q: Can you rule out anything smaller than a .223 or larger than a .50 caliber round?
A: We ruled out a .50 caliber round, but I don't know of any smaller rounds with that high velocity similar to a 223.
Q: Although the entrance point on CPL TILLMANS right forehead appears larger than the other two entrance points, could the same caliber round/projectile cause all three entrance wounds?
A: Yes.

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INITIALS [redacted]

STATEMENT OF CDR [redacted], TAKEN AT Rockville, MD 20850, DATED 03/20/06, CONTINUED:

Q: Based on the photos, can you determine how CPL TILLMAN was positioned at the time of impact?
A: No.
Q: Was there anything unusual at all in regards to how CPL TILLMAN was received or the condition of his body or personal effects when you received him?
A: He had no clothing or gear, but that is not unusual. We usually get more personal effects, such as wallet, dog tags, credit cards, and/or pictures, diary, pens or knick-knack stuff, but none of that came with CPL TILLMAN.
Q: Is it unusual for the 75th Ranger Regiment to forward bodies unclothed or without personal effects?
A: Not any more unusual than other units.
Q: How long is the information pertaining to deaths from combat action retained within the files of this office?
A: This office has everything done since 1865. It will never be destroyed.
Q: Whose responsibility is it to determining cause and manner of death?
A: It is mine, which is delegated to the deputy medical examiners.
Q: Do you believe, based on the information you have to this point, that any foul play was involved in the death of CPL TILLMAN?
A: I don't know if it is foul play, but the stories to date do not make sense with the medical evidence.
Q: If you were to believe anything unusual or foul play was involved in the death of a soldier, what would be your normal course of action?
A: Call law enforcement.
Q: Based on your examination, can you rule out that CPL TILLMAN was hit by more than three rounds / projectiles?
A: No other round/projectiles passed through CPL TILLMAN's skin other than the three in his forehead.
Q: Were you able to recover any metal / fragments from CPL TILLMAN's head?
A: There was some metallic fragments recovered from his scalp, but they were extremely tiny.
Q: Was there anything unusual about the fragments that you recovered from CPL TILLMAN's head?
A: No.
Q: If you did determine there was anything unusual regarding the condition or lack of remains pertaining to a combat related decedent, what would you do?
A: We would do the same thing we did in this case, which was we emailed SA [redacted], Army CID, and called Human Resources Command, the Adjutant General, and spoke to BG FERESEY.
Q: Were you ever contacted by anybody and requested to treat this autopsy differently from any other, to expedite the autopsy, to do anything different than you normally do on any of the autopsies?
A: We slowed this autopsy down on this one because things did not look right.

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0013-06-CID201-50048

STATEMENT OF [redacted] TAKEN AT Rockville, MD 20850, DATED 03/20/06,
CONTINUED:

Q: Did anyone from the 75th Ranger Regiment contact you in any regards, as it pertains to CPL TILLMAN, prior to the arrival of his remains to your office?
A: No.
Q: Did anyone from the 75th Ranger Regiment contact you at any time following the autopsy?
A: [redacted] called me several times, only in the capacity as [redacted] There was lawyer for the 75th Ranger Regiment, [redacted], who contacted me via phone and email.
Q: Was there anything unusual at all pertaining to the receipt, condition, processing, findings or follow on action as it pertains to CPL TILLMAN?
A: Just what was already discussed about the clothing and/or equipment being absent.
Q: Do you wish to add anything else to this statement?
A: No. We would like to examine the helmet if it is found. ////END OF STATEMENT////[redacted]

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AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME.

INITIALS [redacted] PAGE 7 OF 8 [redacted] EXHIBIT 4

0013-06-CID201-5004

STATEMENT OF [redacted] TAKEN AT Rockville, MD 20850, DATED 03/20/06,
CONTINUED:

THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 March, 2006 at Rockville, MD 20850.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ

WITNESS:

[redacted]

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INITIALS [redacted] PAGE 8 OF 8 [redacted] EXHIBIT 4

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1500, 21 Mar 06, the undersigned interviewed [redacted] 5th Ranger Training Battalion, Camp Frank D. Merrill, GA 30533, who related he was the Squad leader in charge of group 1 which conducted flanking maneuvers and had CPL TILLMAN under his command (See Sworn Statement).

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 21 Mar 06	EXHIBIT 5

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Camp Frank D. Merrill, GA	21 Mar 06	1500	0013-06-CID201-50048

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
5th Ranger Traning Battlion, Camp Frank D. Merrill, GA 30533

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 22 Apr 04 the platoon was all together at around noon local time. We had stopped in a village because we were going to attempt to get a local national to tow a broken down HUMMV. The vehicle was being towed by another HUMMV but some linkage in the undercarriage had broken and the wheels were not parallel. The HUMMV that was towing the vehicle was having difficulty and the driver had thought the HUMMV that was towing the broken down HUMMV would blow its engine. An interpreter arranged for a local national to tow the broken down HUMMV and the HUMMV was mounted to the local national "jinga" truck by lifting the front of the HUMMV off the ground. We stayed in the area for approximately 4 hours before receiving orders to split the platoon into two serials (groups). This was not something that was normally done, splitting the serials. There was more discussion with our command as to the orders. We had attempted to get the vehicle air lifted but were told that would take approximately three days. I mentioned to [redacted] who was the platoon leader that we could blow it in place. I don't believe that went any higher then [redacted] We departed from the holding area heading towards Manah, Afghanistan (AF) to provide over watch. I think over watch is to provide a presence of force. I can't remember if we were going to perform any type of clearing operations upon arrival at Manah, AF. I was in the lead vehicle of Serial 1 driving and navigating. [redacted] was in the passenger seat with [redacted] behind [redacted] because [redacted] was the Radio Telephone Operator (RTO). I can not remember the other people in the position of my Ground Mobile Vehicle [redacted] We departed from the holding point under the orders that Serial 2 was to head to the hard top. They were to meet a wrecker on the hard top road to drop off the broken down HUMMV. Upon completion of that mission they were to rejoin with Serial 1 in Manah, AF. I am not sure of their route but they were to break off from Serial 1 to drop the HUMMV off. The blue triangle on the topographical map indicates the holding area where we had stopped and load the broken down HUMMV. The green line on the topographical map indicates the route Serial 1 was to take to get to Manah, AF. The orange line indicates Serial 2's planned route to my knowledge. The blue box indicates approximately where I stopped Serial 1 after making a wrong turn and hearing an explosion. While traveling along the green route on the topographic map I heard over the radio that Serial 2 was going to change routes because the local national driver towing the broken down HUMMV said the route was to dangerous. I asked [redacted] if he heard the transmission and he said yes. I believe both of us attempted to get into contact with Serial 2 to advise them that we knew they were following behind us but to the best of my knowledge they never heard us. I do not remember them acknowledging that we knew the route change. We heard the transmission that they had changed their route well before the blue box stopping point on the topographical map. After hearing the explosion, everybody dismounted the vehicles. I directed two individuals to stay and pull security on the vehicles. I do not remember their names. [redacted] was my Bravo Team Leader and [redacted] was my Alpha Team Leader. I directed both team leaders to move up to the village and hastily clear the area but do not go inside the buildings. I told [redacted] that I was going to provide over watch and get a bearing on the enemy. [redacted] indicated he was going to contact highly and get fire support. All the while I had been attempting to get a hold of Serial 2 to advise them of our location and that we were going to provide fire support. The orange line on Map B indicates the route my two team leaders and my team took to stopped to provide fire support. The green line on map B indicates the approximately top of the spur that provided cover in the direction of the enemy. [redacted] opened fire first while moving into position with his M240B machine gun. I asked him what he was shooting at and he related he identified the enemy on the ridgeline he was shooting at. The red bracketed lines on View C indicate the general area of fire that [redacted] was aiming at. When we got into position the other teams also started firing but I called a cease fire because the range on the weapons was ineffective. I approximated the range at 1 kilometer. I saw muzzle flashes and silhouettes of people on the ridge line marked in red on View C. SPC TILLMAN was originally with [redacted] fire team until he asked if he could drop his body armor and that he found a fire position over the spur. I told him he will not drop his body armor, but it was okay to take position behind the rock formation over the spur. I do not know exactly where SPC TILLMAN was firing at, but we were taking fire from the marked positions on View C and View F. The red box with lines indicates about where a suspect mortar round hit. I directed fire at a silhouette indicated by a red box no lines in View F. We had received fire from across the valley as well but I am unsure of the direct location. I heard over the radio that Serial 2 was mounting up to get around the tow truck vehicle. I remember the lead vehicle starting to make its way out of the canyon, after I had to stand up and look over the spur. I told everybody on the fire teams that friendlies, coming out of the low ground and the lead vehicle was coming out of the canyon and they mimiced the call. When I saw the vehicle coming out I also saw SPC TILLMAN's position. I knew Serial 2 did not know where we [redacted]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 16 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

61 62 66

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. 000033 USAPPC V2.00

[redacted]

EXHIBIT 6

Statement of [redacted] taken at Camp Frank D. Merrill, GA dated 21 Mar 06 continued.

(U) were. After calling out to my fire teams that friendlies were coming out of the canyon I got down and rolled to my back to get the pen flare gun out. I readied the pen flare gun and somebody had fired upon SPC TILLMAN's position because I saw dirt and rocks being kicked up at his location. I then noticed the first vehicle in View G which stopped at the blue box location. When the vehicle stopped, I saw the M240B gunner in the back of the first vehicle fire a burst towards me. The burst walked its way past my position to the north. I then set off the pen flare gun and began motioning cease fire by wave my hand and arm over the front of my face palm out. There where other burst but not as close. I then observed dirt kick up close to the building indicated by a green circle on View G. I then heard people in the vehicle yelling cease fire. After hearing the cease fire called, I heard [redacted] yell he thought someone was hit on the other side of the spur. I then heard [redacted] freaking out. I crested the hill and saw [redacted] without his helmet and weapon grabbing a hold of SPC TILLMAN's shoulder. SPC TILLMAN was in the sitting position with his legs facing the road and body slumped over. I ran up to [redacted] and grabbed him yelling at him to get his helmet on and find his weapon. [redacted] yelled at me "It was our own guys that did it" "They fucking killed him" to the best of my knowledge. I went up to SPC TILLMAN's body to confirm it was SPC TILLMAN by his name tag. After confirming it was SPC TILLMAN, I saw the AMF soldier laying approximately 10 feet in front of SPC TILLMAN heading down towards the canyon. SPC TILLMAN's head appeared to be missing and the AMF soldier sort of slumped over prone. I think I put SPC TILLMAN's weapon on safe and had to cut the AMF soldiers AK-47 sling to clear it. I called over to [redacted] as the platoon sergeant to advise him we had two eagles KIA. I told one of my team leaders to perform security and post [redacted] somewhere else. I went down to meet up with [redacted] and told him either [redacted] said it was fratricide or I said it was into [redacted] ear because there were other people around. [redacted] and [redacted] got to SPC TILLMAN's position and [redacted] went up to SPC TILLMAN but couldn't do anything for him at that point. He then went over to the AMF soldier and looked like he was taking his pulse. He said there was nothing he could do for either of them. I told [redacted] to get the body's together for travel. I then went over to where [redacted] and [redacted] was, to assess the situation. Sometime during this [redacted] asked me who got hit. I told him that I did not know and went on. By this time it was dark. The medical evacuation helicopters arrived shortly after and we got [redacted], [redacted] SPC TILLMAN's body and the AMF soldier out of there. We then cleared the village and town that evening. The following day we departed.

(U) Q: SA [redacted]
(U) A: [redacted]
(U) Q: Have you been in enemy fire fights prior to this incident?
(U) A: Yes.
(U) Q: Do you consider yourself knowledgeable and well trained in combat?
(U) A: Yes.
(U) Q: When was the last confirmed radio contact you had with Serial 2?
(U) A: Before they headed north breaking contact with Serial 1.
(U) Q: When did you next have confirmed radio contact with Serial 2?

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(C) A: When I called over the radio to clear the net and called out to [redacted] that there where two eagles down.
(U) Q: What do you mean when you say eagles?
A: [redacted] which is not exclusively Ranger but also attached friendlies.
(U) Q: Did you visually identify enemy combatants?
(U) A: Yes.
(U) Q: How did you identify those enemy combatants?
(U) A: Through my ACOG Advance Combat Optical Gun Site.
(U) Q: What did the enemy look like?
(U) A: Silhouettes only and I could not identify detailed features.
(U) Q: Did you see any weapons?
(U) A: No but muzzle flash yes.
(U) Q: Who was Serial 2 commander?
(U) A: [redacted] was the highest ranking but not in charge of the movement. [redacted] was the platoon leader but he was in the rear to my knowledge. [redacted], [redacted] then [redacted] in the sense of rank / time in service.
(U) Q: Did Serial 2 know Serial 1's planned route of travel?
(U) A: Yes the leadership was present during the pre operations brief and should have known where everybody was traveling.
(U) Q: In your opinion should Serial 2 have known your position in accordance with Ranger training?
(U) A: Yes.
(U) Q: What in your Ranger training would lead you to say that Serial 2 should have known your position?
(U) A: Situational awareness is always stressed but I do not think they had any idea how close we were.
(U) Q: Did you see the individual M240B gunner in the first vehicle firing upon your position and can you identify him?
(U) A: No at the time I could not see the individual by name.
(U) Q: Did you see who had fired on SPC TILLMAN's position?
(U) A: No.
(U) Q: Did you see the direction of fire on SPC TILLMAN's position?
(U) A: No only the rounds as they deflected straight up in the air.
(U) Q: Did the rounds deflecting have any indicators as being tracer rounds?
(U) A: Not that I remember.
(U) Q: Do you remember the enemy combatants firing tracer rounds?
(U) A: No.
(U) Q: The rounds fired from the first vehicle at your position. Were they tracer rounds?
(U) A: Yes.
(U) Q: Did you see any tracer rounds hit the village?
(U) A: No just the dirt kick up.
(U) Q: Did any other weapons systems beside the M240B fire from the first vehicle to your knowledge?
(U) A: It sounded like a 50 caliber machine sound firing from the far side of the spur.
(U) Q: When the first vehicle can into view and fired the M240B at your position did you see any other weapons system fire from that vehicle?

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(U) A: No because I was only focused on what was about to kill me the M240B.
(U) Q: Did you see the first vehicle or any vehicle fire upon the village?
(U) A: No.
(U) Q: Did you see any smoke from a smoke canister release during this incident?
(U) A: No.
(U) Q: Were you able to see SPC TILLMAN, [redacted] or the AMF soldier signaling cease fire in any way?
(U) A: No.
(U) Q: What weapons system do you think SPC TILLMAN was killed by?
(U) A: I think it was the 50 caliber machine gun. That is totally based on weapons effects of past history of seeing the damage a 50 caliber weapons system can do.
(U) Q: What weapons system do you think the AMF Soldier was killed by?
(U) A: Small arms because I talked with [redacted] later and he said that he believes he was the one that put the AMF solider down. He told me that he identified an individual with a beard and AK-47 machine gun and shot at that individual.
(U) Q: Did [redacted] indicate that after firing his weapons at the supposed enemy, now known as the AMF soldier, that he went down and did not get up?
(U) A: No. He did not tell me that he definitely killed the AMF soldier.
(U) Q: Was there anything on SPC TILLMAN's body that would indicate this incident was fratricide?
(U) A: No.
(U) Q: Was SPC TILLMAN's helmet on him when you initially approach his body?
(U) A: No it was not possible because his head was missing.
(U) Q: Do you know what happen to the helmet?
(U) A: I had a missing set of Night Vision Goggles back in the rear and said I thought it was destroyed. [redacted], I think, said that they were not destroyed and someone had them but he did not say who.
(U) Q: What happened to SPC TILLMAN's body armor?
(U) A: I don't know.
(U) Q: At any point after this incident did anybody give the appearance they wanted or intended to cover this incident up?
(U) A: No.
(U) Q: Where there any civilian dressed Americans attached to your serial or serial 2 that you know of before this incident and during?
(U) A: No.
(U) Q: Did the first vehicle that fired upon your position have any identifying marks that you remember?
(U) A: It had a 50 caliber machine gun on top and M240B in the rear.
(U) Q: Did you recognize any faces in the first vehicle that fired upon your position?
(U) A: No.
(U) Q: Did any other vehicles fire upon you position or any of your team members?
(U) A: No.
(U) Q: After cease fire was called was there any other enemy fire?
(U) A: I don't believe so.
(U) Q: Did anybody to your knowledge check the enemy sites that fired upon Serial 2 and your position?

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(U) A: Yes someone else from A company.
(U) Q: Do you know if anything was found to confirm there were enemy combatants?
(U) A: No.
(U) Q: What do you know about a local doctor providing some kind of warning during your down time getting the tow truck?
(U) A: After the fact [redacted] supposedly received a note containing warning information relating to the enemy but nothing more then that.
(U) Q: Who was the interpreter that translated the tow truck?
(U) A: [redacted] but I don't remember the other.
(U) Q: Did you get a chance to look at Serial 2's vehicles for combat related damage?
(U) A: Yes but I did not see any damage.
(U) Q: Why do you think there was no damage to Serial 2 vehicles?
(U) A: The tight quarters and the fact that the enemy was not dialed in well enough to cause damage.
(U) Q: The enemy combatants you observed, could you tell if they were firing on your position?
(U) A: Yes before the vehicle came out of the canyon.
(U) Q: Did it appear during receiving fire from the enemy that it could have been sniper fire?
(U) A: No. It appeared totally random that they were out of range.
(U) Q: Did you fire your weapon?
(U) A: No.
(U) Q: When did you suspect fratricide was the cause of SPC TILLMAN's and the AMF Soldiers death?
(U) A: When I heard [redacted] yelling it and the fact that I was just fired upon by the first vehicle out of the canyon.
(U) Q: Do you know what happen to SPC TILLMAN's diary/ personal effects?
(U) A: No, I did not know he had a diary.
(U) Q: Do you have anything you wish to add to this statement?
(U) A: No.

///----------END OF STATEMENT----------///

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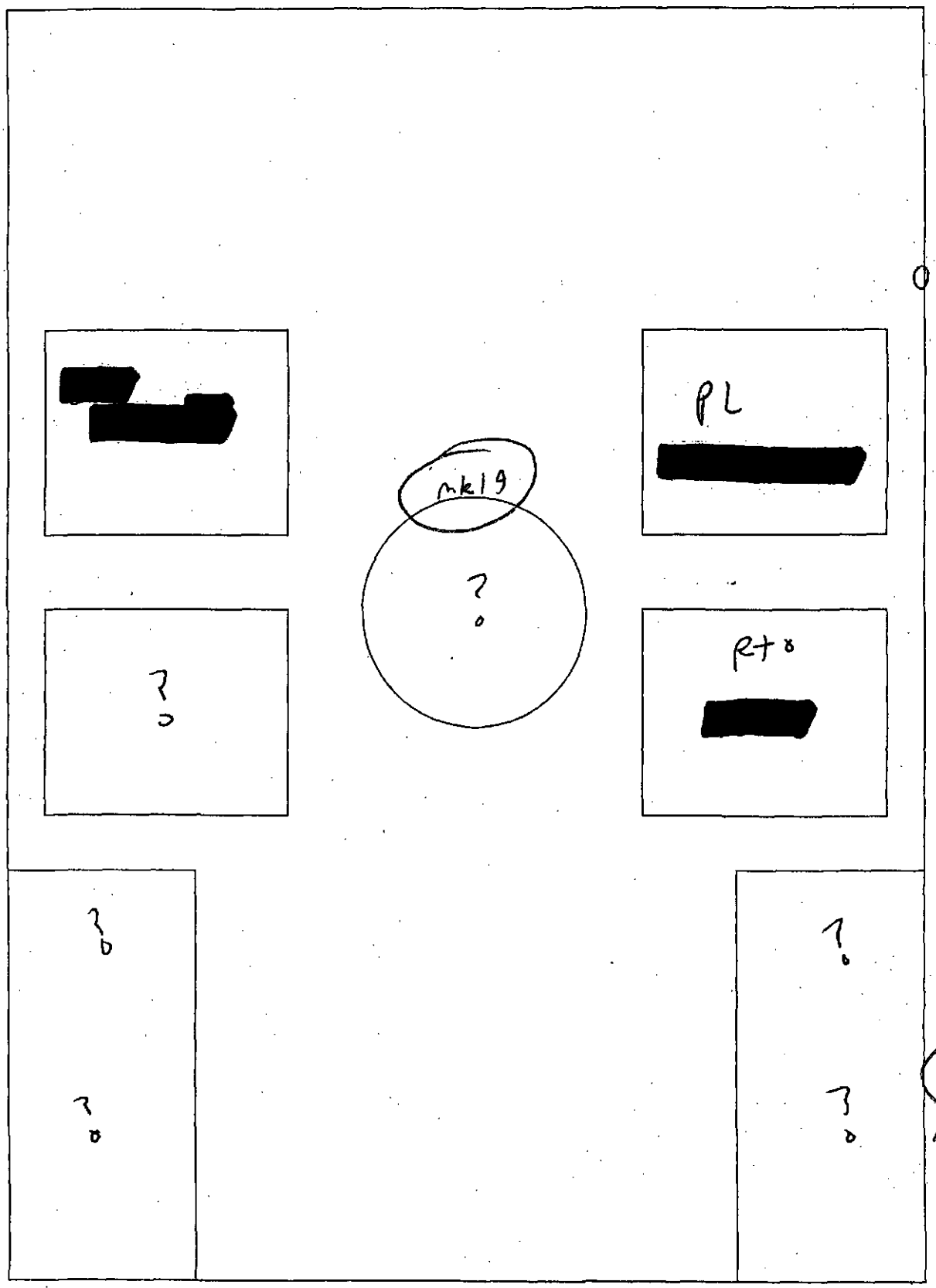
[redacted]

EXHIBIT

STATEMENT OF [redacted] TAKEN AT CAMP FRANK D. MERRILL DATED 21 MAR 06 CONTINUED.

GA

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 16 PAGES.

EXHIBIT G

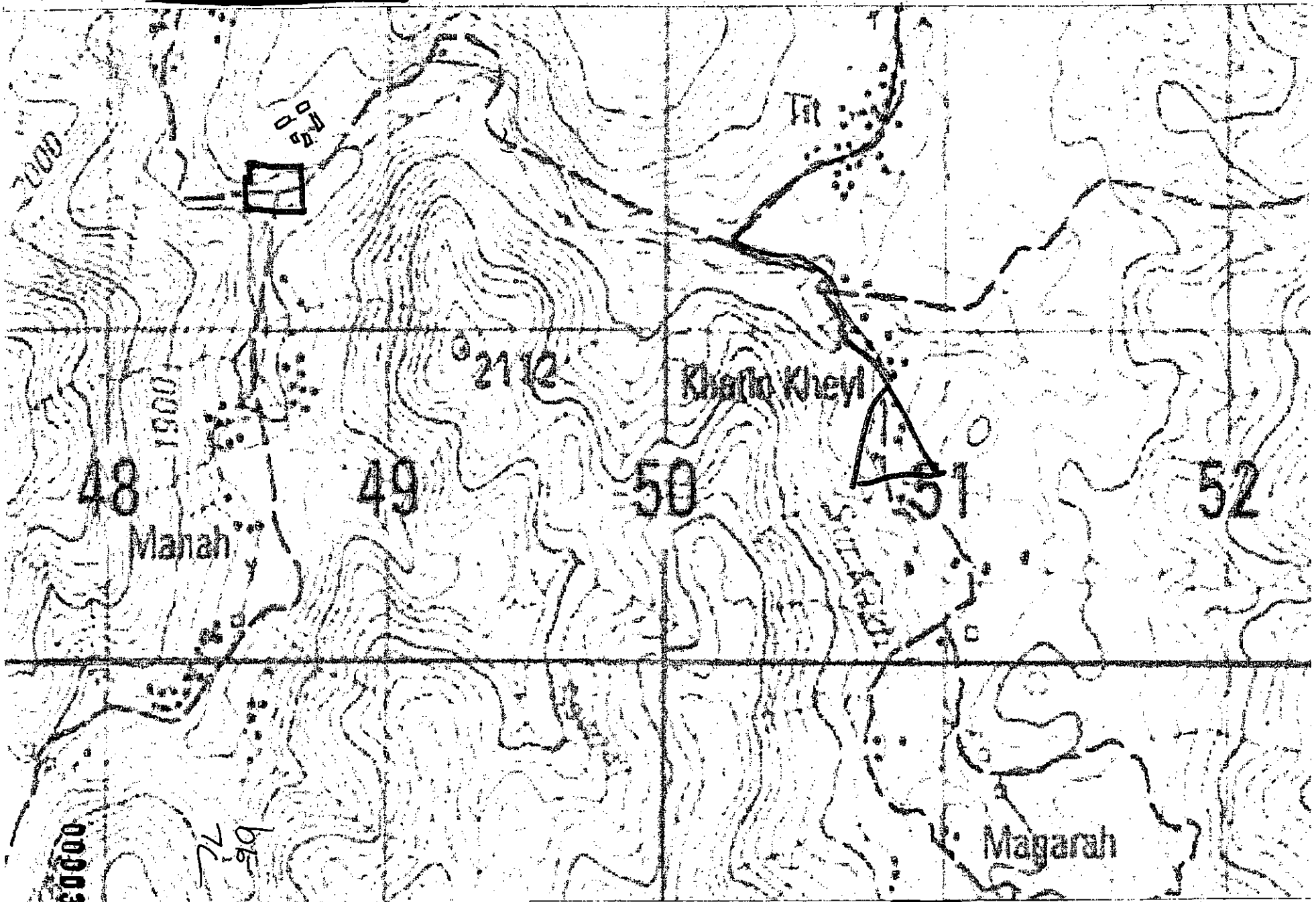

EXHIBIT G
000039
0013-06-CID201-5000

"STATEMENT OF [redacted] TAKEN AT CAMP FRANK D. MERRILL, CA DATED 21 MAR 06 CONTINUED."

A



IMAGE: 27NOV03
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INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 8 OF 16 PAGES."

0013-06-ID201-50048

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EXHIBIT 6

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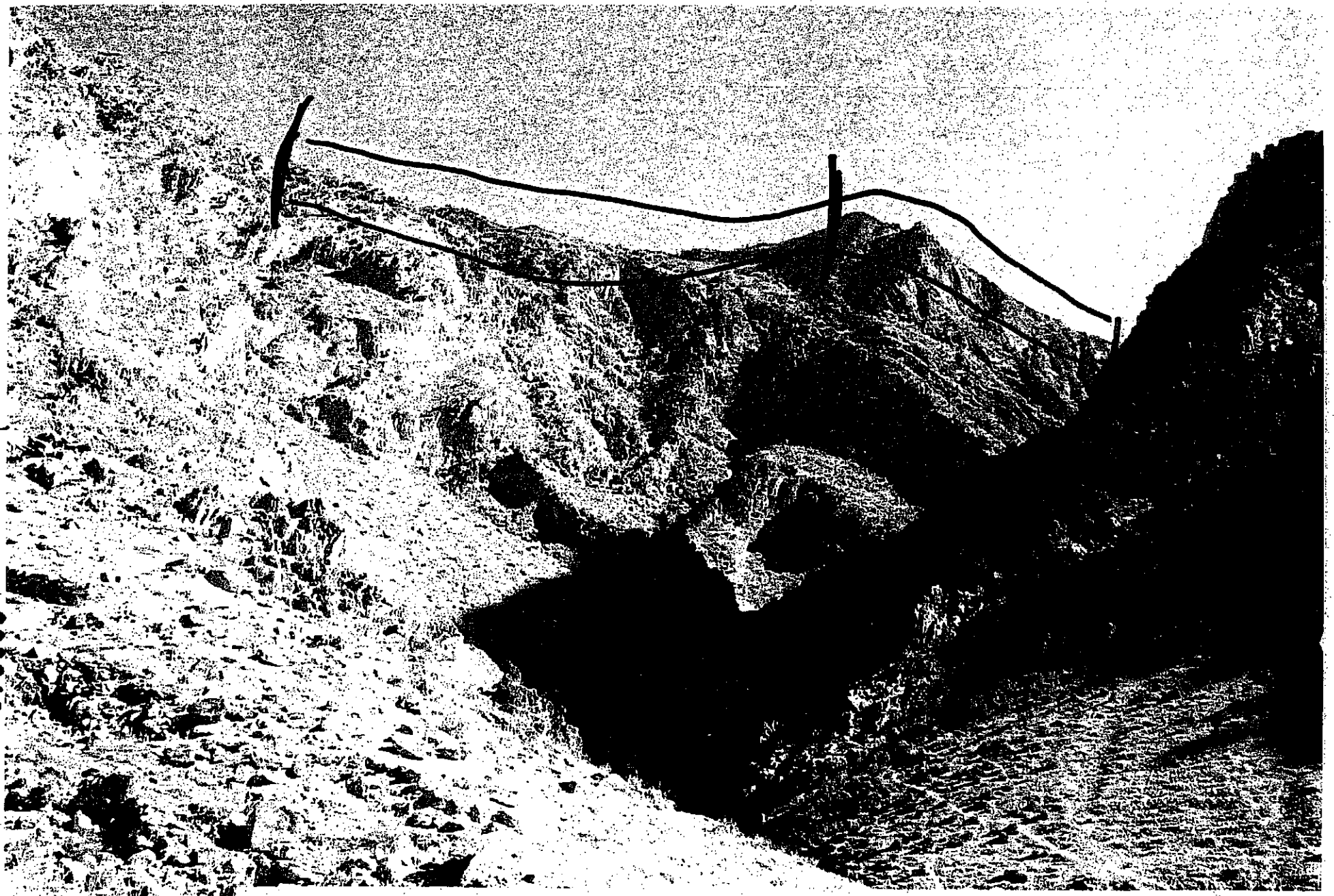
B



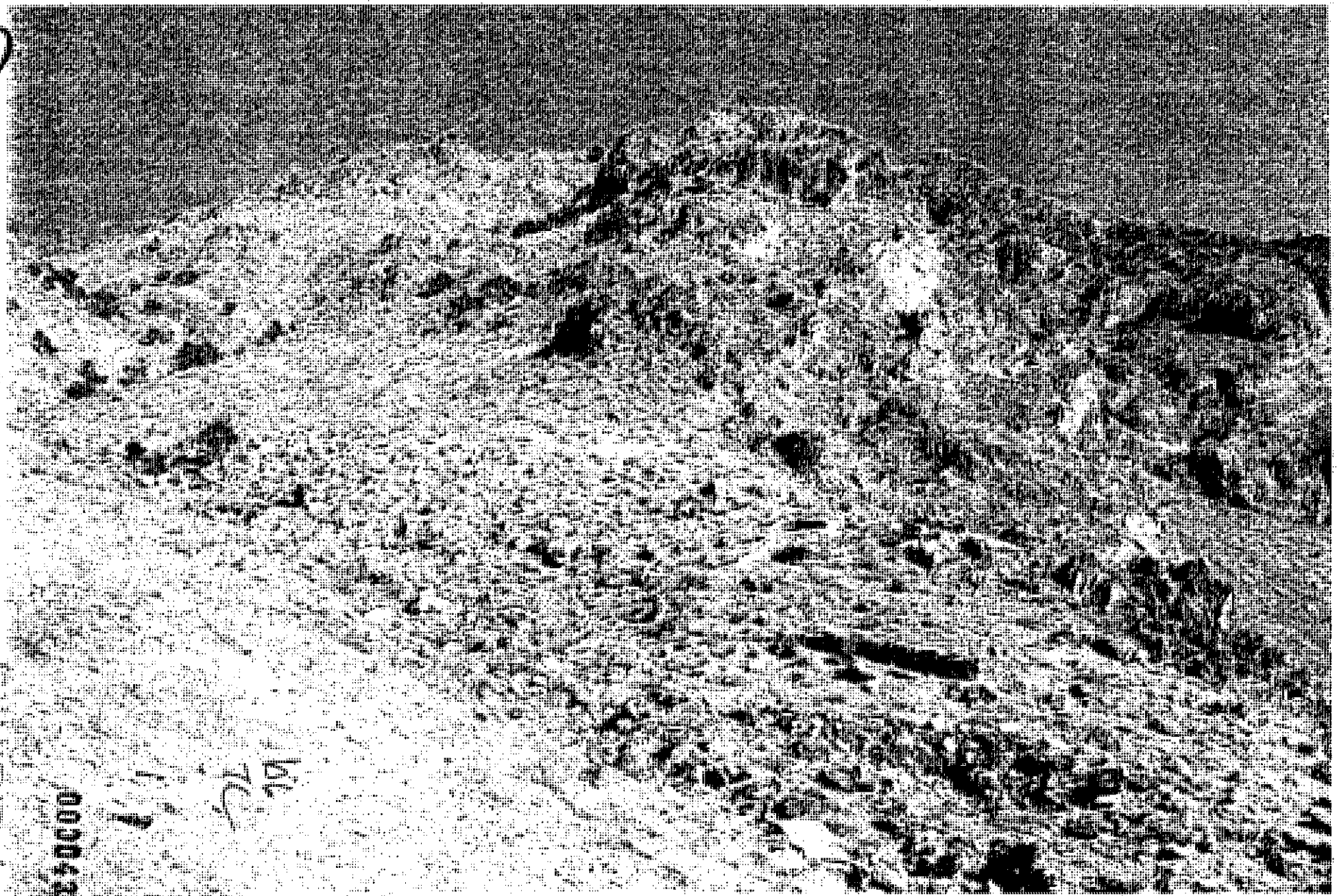
"STATEMENT OF [redacted] TAKEN AT CAMP FRANK D. MERRILL DATED 21 MAR 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

0016-06-CID201-50048

66,7C 000042 EXHIBIT 6



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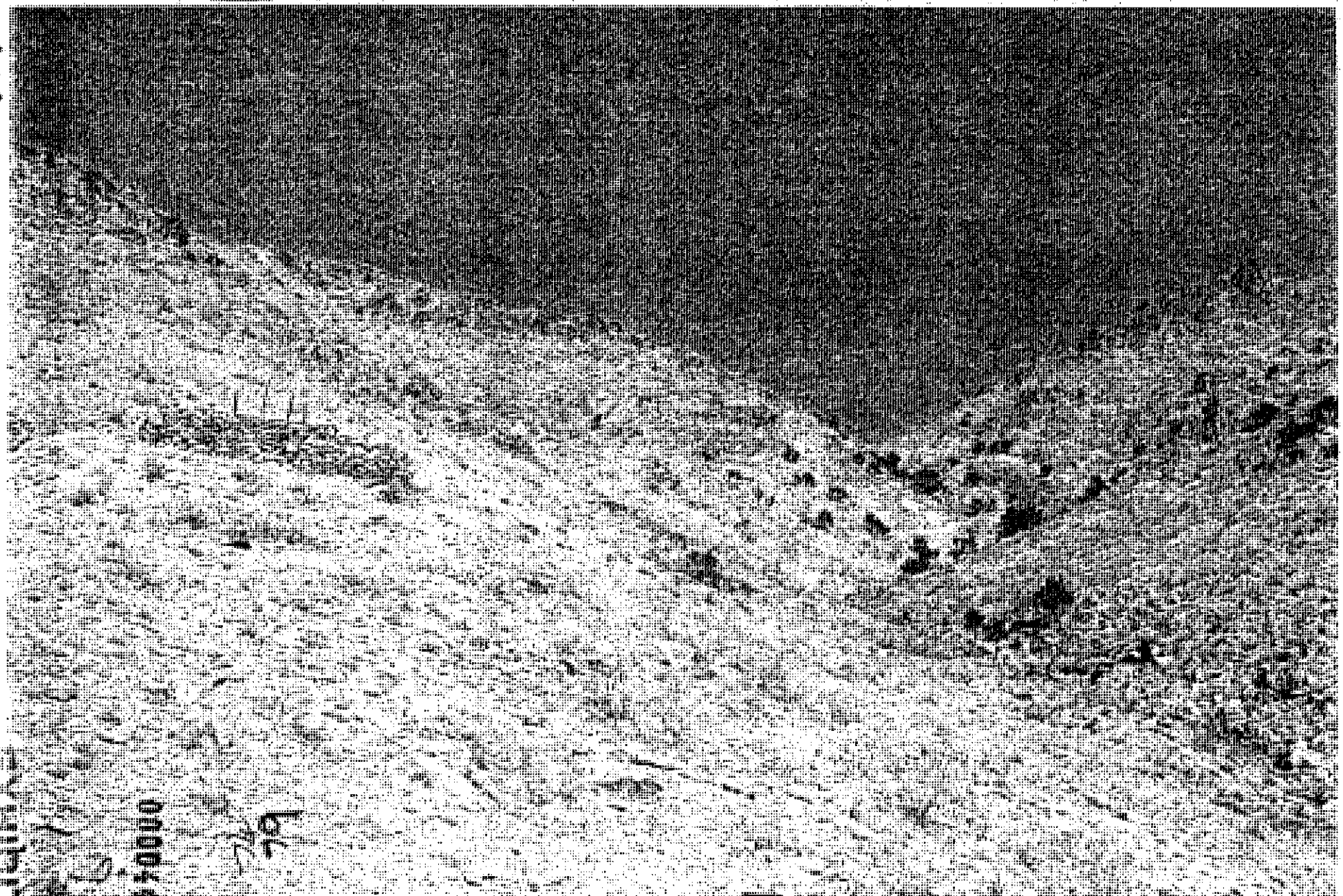

INITIALS OF PERSON MAKING STATEMENT [redacted]

EXHIBIT 6

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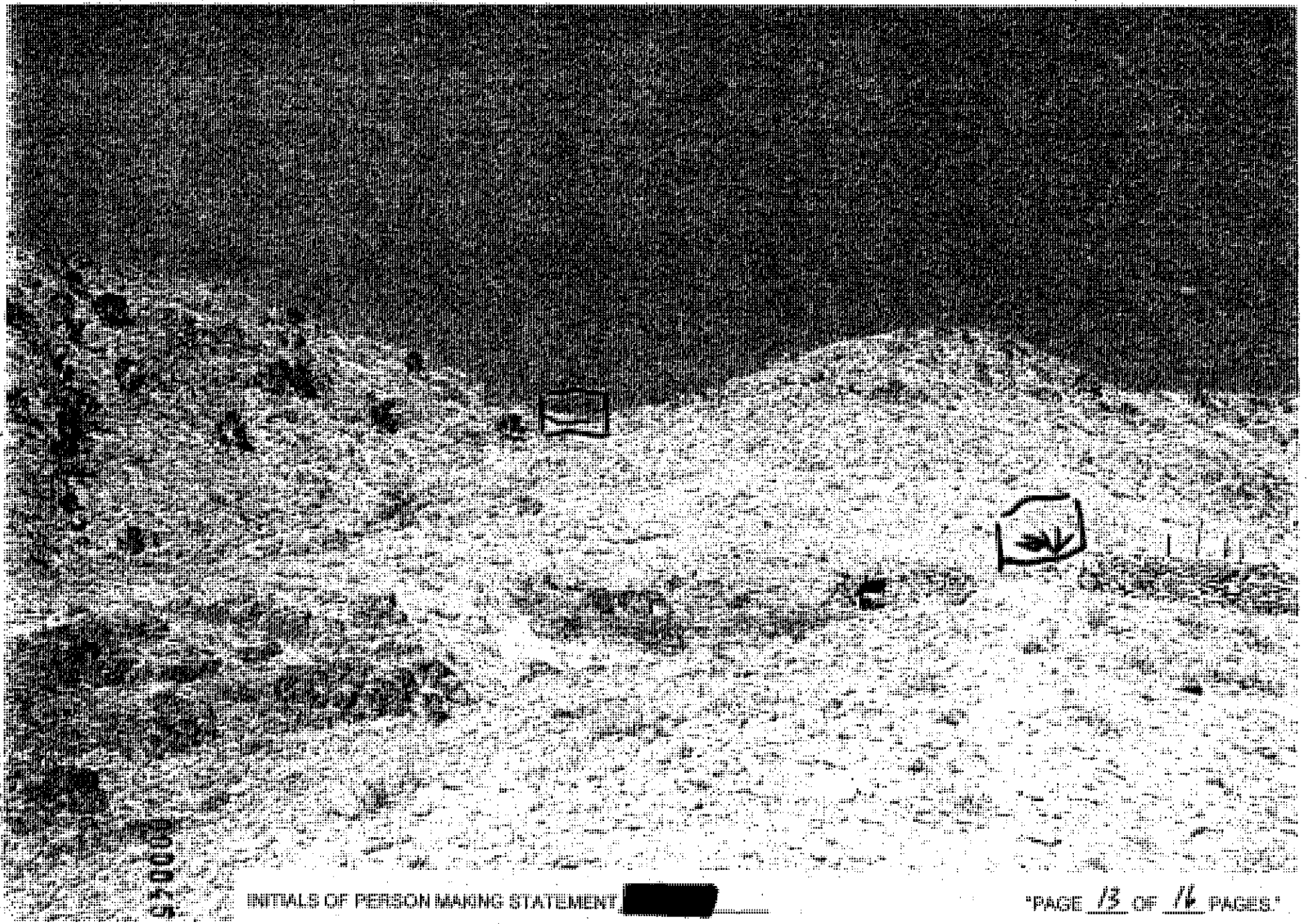
0013-06-CIP201-5004

"STATEMENT OF [redacted] TAKEN AT CAMP FRANK D. MERRILL, GA DATED 21 MAR 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

F

EXHIBIT 6

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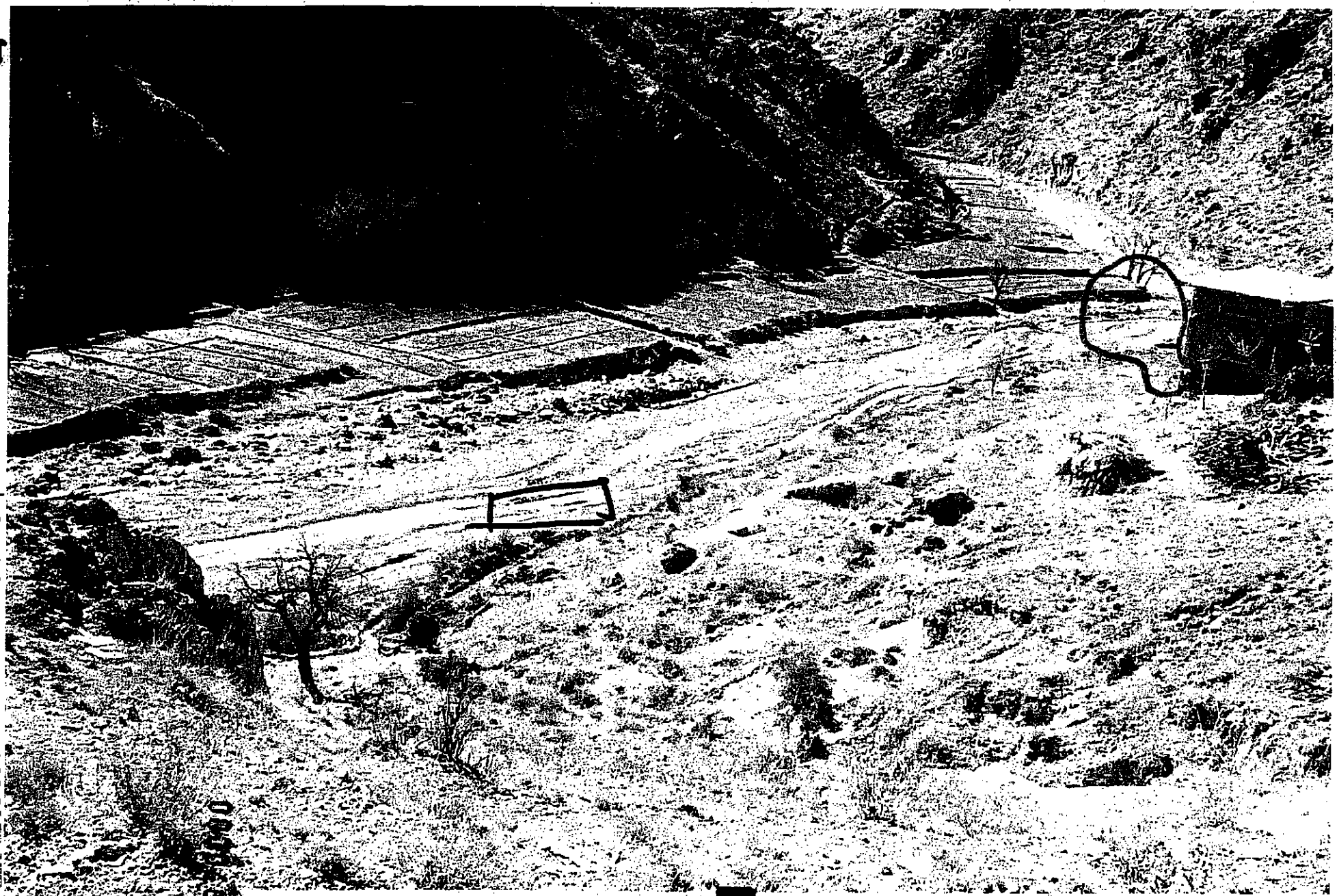
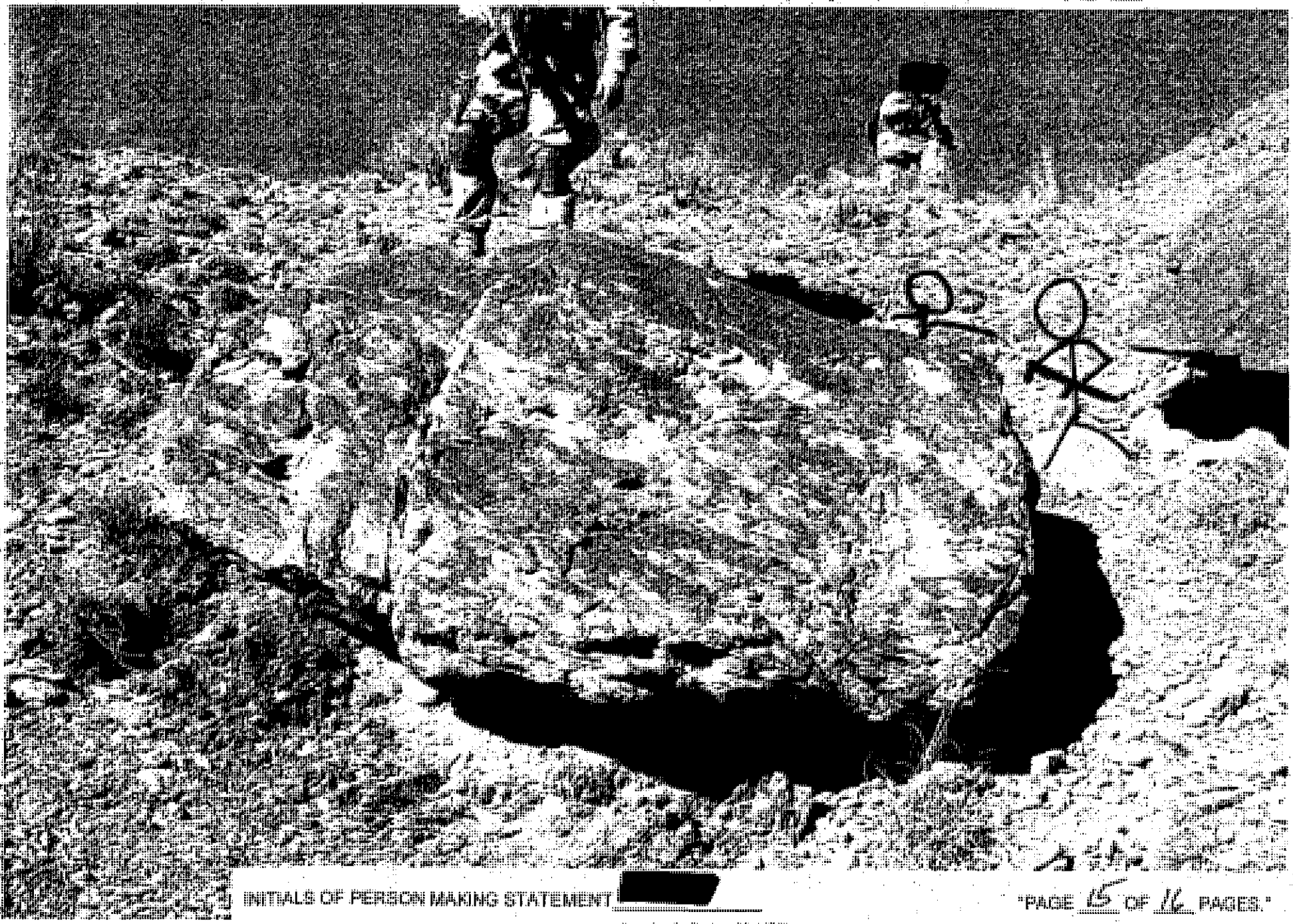
00-2-06-CID201-50048



"STATEMENT OF [redacted] TAKEN AT CAMP FRANK D. MERRILL, GA DATED 21 MAR 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

[redacted] 0013-06-CID201-500

STATEMENT *(Continued)*:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 16. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

SA [redacted]

ORGANIZATION OR ADDRESS

FIU, USACIDC

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of March 20 06

at Camp Frank D. Merrill, GA

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Art 136 UCMJ

(Authority To Administer Oaths)

000048

INITIALS OF PERSON MAKING STATEMENT

PAGE 16 OF 16 PAGES

USAPPC V2.00

[redacted] 66,2C

EXHIBIT 6

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 1310, 22 Mar 06, the undersigned interviewed [redacted] HHC, 75th Ranger Regiment, Fort Benning, GA 31905, who related he was the platoon sergeant in charge of group 2 which was towing the broken down vehicle and initially ambushed in the canyon (See Sworn Statement).

(U) About 1700, 22 Mar 06, the undersigned interviewed [redacted], Fort Benning, GA 31905, who related he was in 1st Platoon, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA stationed in Afghanistan for Operation Enduring Freedom. 1st Platoon arrived at CPL TILLMAN's death area later the evening of 22 Apr 04. They performed security throughout the evening and following first light on 23 Apr 04 there platoon started clearing operations of nearby villages. [redacted] was unsure which village but he was present when the platoon captured four Afghanistan local nationals suspected of conducting the ambush that ultimately lead to CPL TILLMAN's death. The four suspects admitted to conducting the ambush and indicated they had a leader who was not present in the village. 1st Platoon tracked the leader down to a side of a mountain where he was residing in a tent. The leader was apprehended and turned over to intelligence personnel along with the other four individuals conducting the ambush. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 22 Mar 06	EXHIBIT 7

CID FORM 94 FEB 77

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
HHC, 75th Ranger Regiment, #2834, Fort Benning, GA	22 Mar 06	1310	0013-06-CID201-50048

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
HHC, 75th Ranger Regiment, Fort Benning, GA 31905

[redacted] I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 22 Apr 04, I was the platoon sergeant for A Company, 2nd Battalion, 75th Ranger Regiment on deployment to Afghanistan (AF) in support of Operation Enduring Freedom. The platoon had received orders to conduct clearing operation in Manah, AF with a secondary mission of dropping off a dead lined HUMMV on a hard top highway where a wrecker was to meet us and take the vehicle. The highway was out of the way to Manah, AF and the discussion was made to split the platoon into two elements. Element 1 with [redacted] was to proceed to Manah, AF to conduct the clearing operations and hold prior to entering the village of Manah, AF until Element 2 rejoined. I was the Element 2 leader in charge of taking the dead lined HUMMV to the hard top highway to meet with the wrecker, drop it off and proceed down to Manah, AF to rejoin Element 1. Upon rejoining Element one the platoon would then perform clearing operations in the village of Manah, AF. Approximately 0900 local time on 22 Apr 04 we stopped in an unknown named village because the HUMMV that we were towing behind an additional HUMMV had broken some kind of steering rod. This made the vehicle very difficult to maneuver. [redacted] was talking with the TOC (Tactical Operations Center) giving them our current situation. We had been at the unknown named village for approximately six hours waiting on the TOC to make a decision on whether we were going to continue to tow, destroy it in place or have the vehicle sling loaded out by helicopter. After talking with [redacted] he had mentioned the TOC was talking about splitting the platoon and one element taking the dead lined HUMMV to the hard top highway and the other continuing to Manah, AF. After talking with [redacted] who I think received permission from the TOC decided to hire a local national "Jinga" truck driver to tow the dead lined HUMMV to the hard top highway. The decision was made and Element 1 with [redacted] proceeded on their mission to proceed north of Manah, AF and wait for Element 2 to rejoin. Element 2 left about 15-20 minutes behind Element 1. The holding point according to Map A, I drew a blue triangle is my best guess of where that position was that we had loaded the dead lined HUMMV on the "Jinga" truck. The orange line on Map A indicates the mission route that Element 2 was to take and drop the dead lined HUMMV off at the hard top highway then rejoin Element 1 by the orange "X". The red box is an estimation of where the ambush had started on Map A. The green circle is an estimation of where we had stopped Element 2 vehicles after the ambush on Map A. We stopped at a fork in the road where we would have started to head north to drop the dead line HUMMV off and I realized I had traveled up this route before and it would have been to dangerous to maneuver the tow truck vehicle due to excessive drop offs. I attempted to talk with the TOC and with Element 1 to advise our plan of action to route behind Element 1 and head north another route but met with negative confirmation over the radio. I was not able to reach either the TOC or Element 1 more then likely due to the restricted terrain. The "Jinga" truck was positioned in the middle of Element 2 when we departed but by the time we got to the fork and decide to route another way I had the "Jinga" truck move to the front of the Element because it was our slowest asset. It was getting dark the "Jinga" truck drive did not have NODs (night vision goggles) so he would turn his white lights on and everybody else would go dark with their NODs following behind the "Jinga" truck. The terrain became every steep and tight as we were in the base of a canyon. I heard a loud boom and suspected it to be an IED (improvised explosive devise) or road side bomb. I then looked up while still in my HUMMV and saw rocks falling from the right side of the canyon. The Element then dismounted their vehicles per standard operating procedures to perform security or wait for orders to action. I realized this was not an IED but an ambush. I was in the most rear HUMMV of Element 2 and observed the first two vehicle of Element 2 engaging the right side of the canyon with small arms fire and one mortar round. I heard a 50 caliber machine gun engaging but did not see where the 50 caliber machine gun was engaging. I also heard the M240 engaging but did not see where. I attempted to contact the TOC with radio and satellite to no avail and made the decision for everybody to remount their vehicles and push out of the ambush site. There were some people still dismounted as we where guiding our way out of the tight terrain situation we were in. While driving out of the ridge line I was scanning for enemy combatants and did not see any. I then observed a smoke canister and assumed someone had lit the smoke canister to screen our movement. I too popped HC (high concentration) smoke to help with the screening of our movement. We came out of the bend and I saw part of Element 1 up off to the right on a hill. I remember thinking that couldn't have been Element 2 because there would not have been enough time for them to get all the way up there. We then stopped the vehicles and I heard someone yell that someone was hit. I then heard [redacted] yelling "two five", which is my call sign that we had guys that got hit. I immediately got [redacted] who was the platoon medic and moved to [redacted] position. At that point it was getting really dark and I saw [redacted] checking the AMF soldier who he related was dead. I then saw another body which appeared to by SPC TILLMAN and [redacted] confirmed that it was SPC TILLMAN. I told [redacted] to check on SPC TILLMAN who checked and said that there was nothing we could do for him. I told [redacted] to get the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ~~2~~ [redacted] PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF____ TAKEN AT____ DATED____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE____ OF____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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[redacted]

EXHIBIT 8

Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(U) bodies moved in ponchos for "exfil" (ex-filtration). I then asked him where [redacted] was and he replied and pointed back towards Element 1 vehicles. I then moved toward a building where I found [redacted] and [redacted] who was the RTO (radio telephone operator). I heard him calling in a nine line (medical evacuation) to the TOC because it appeared [redacted] was injured in the mouth. [redacted] appeared to have been hit in the leg and [redacted] was patching him up. I called in the nine line for [redacted] and [redacted] and an additional helicopter for the friendly KIA (killed in action). I asked people to set up the helicopter landing zone and told [redacted] to get [redacted] off the Mark19 and I would be down to informed [redacted] had been killed. While things where going on [redacted] came over to me and informed me that he thought "our guys" fired on "our guys". I told him I have a hundred things going on and we'll talk about it later after we secure the area. [redacted] said that [redacted] was really distraught and guarding some local nationals in one of the buildings. I told [redacted] to get [redacted] out of there and to take his weapon. I talked to [redacted] and he told me the he felt really bad and upset but nothing more then that. I later got a call from the TOC that informed me that the rest of the company, 1st and 3rd platoon, were heading out to link up with us. A Ranger reconnaissance movement came up from the Manah, AF direction and linked up with us before 1st and 3rd Ranger platoon arrived and helped pull security. Before the helicopter arrived I went down to talk with [redacted] and [redacted] told me that [redacted] was already told [redacted] was dead by [redacted] I still went down to talk with him and told him I was sorry and that we were there to support him. A Blackhawk helicopter picked up the wounded and an additional Blackhawk picked up the KIA. Shortly after the Blackhawk's left a Chinook helicopter came in and picked up [redacted] and [redacted] was a long time friend of [redacted] and went along for support. I called [redacted] and [redacted] together and told them not to start any rumors and we'll wait for the company to arrive and figure things out. The other platoons arrived and we got our platoon bedded down for the evening. The following morning I talked with [redacted] and [redacted] who asked if I had any idea what had happened. We all walked over to the site where SPC TILLMAN was killed and looked at the scene. There was a large rock with blood and tissue matter sprayed on it. [redacted] asked me if I suspected fratricide and I told him it was very possible. We then finished up and continued the mission.

(U) Q: [redacted]

(U) A: [redacted]

(U) Q: If Element 1 was to wait for Element 2 to rejoin before entering Manah, AF for clearing operations why wouldn't the entire platoon take the dead lined HUMMV to the hard top highway and then the entire platoon proceed to Manah, AF for clearing operations?

(U) A: I don't know. I asked [redacted] that same question and he did not know either.

(U) Q: Did [redacted] indicate that he would ask the TOC?

(U) A: He related to me that he never got an answer to that question.

(U) Q: Did you have any knowledge of why the TOC would split the platoon to have a presence close to Manah, AF sooner rather then later?

(U) A: No, I don't know.

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Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(U) Q: Is this a normal operating procedure to receive orders from the TOC to split the platoon and have an early presence outside of Manah, AF?
(U) A: No.
(U) Q: Why do you suspect the TOC made the decision to split the platoon to have an early presence in Manah, AF?
(U) A: I have no idea. [redacted] told me that the TOC required our presence north of Manah, AF before night fall but were not to enter Manah, AF until the entire platoon rejoined. I have no idea when we were going to enter Manah, AF for clearing operation whether it was going to be that evening when we all rejoined or the following morning.
(U) Q: Do you know or did [redacted] tell you who he was talking to at the TOC about movement operations?
(U) A: No, I don't know.
(U) Q: Do you have idea who made the decision to split the platoon at the TOC?
(U) A: No.
(U) Q: How did you feel about the decision to split the platoon?
(U) A: I did not want to do it. Tactically it was not a good idea.
(U) Q: Did you voice your concerns to [redacted] that you thought the idea to split the platoon us a tactical mistake?
(U) A: I did.
(U) Q: What was [redacted] response to your concerns?
(U) A: He agreed and thought it was a bad idea. He also told me that he had voiced the same concerns to the TOC and unfortunately the decision was made to split the platoon.
(U) Q: Was there any way to go higher then the TOC to protest the decision to split the platoon?
(U) A: I don't think so.
(U) Q: Was this ever discussed with [redacted] to protest the decision to split the platoon?
(U) A: No. When the order came down from the TOC there is no protesting the decision. He voiced his concerns to the TOC and the end state was made by the TOC to split the platoon.
(U) Q: How was the "Jinga" truck driver hired?
[redacted] A: [redacted] with our platoon that I believe negotiated the price for the tow of the HUMMV but I am unsure who was able to find the tow truck driver.
(U) Q: Did the "Jinga" truck driver know your route to drop the dead lined vehicle off?
(U) A: He knew the start and end point that we were taking the vehicle from our current location to the highway?
(U) Q: Was there time between the hiring of the "Jinga" truck drive to departure that the "Jinga" truck driver could have told someone your route?
(U) A: Yes, plenty.
(U) Q: Do you suspect the "Jinga" truck driver of setting up an ambush?
(U) A: I wasn't sure.
(U) Q: Does the platoon have discretionary funds to hire local nationals?
[redacted] A: Yes. [redacted]
(U) Q: Is this normal practice to hire local nationals to perform that type of mission?
(U) A: No not normally but at that point it was our only real options to move the vehicle.
(U) Q: How was the "Jinga" truck driver paid?

b1 b2 b6 7C

Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(U) A: I want to say it was the C Company platoon leader approximately three days later.
(U) Q: Is there record keeping on moneys paid to local nationals for this type of mission?
(U) A: I don't know.
(U) Q: If you saw this "Jinga" truck driver again would you recognize him?
(U) A: It's hard to tell.
(U) Q: Before leaveing the holding point and splitting the platoons was there any warning from local nationals?
(U) A: Right. I think it was [redacted] who told me [redacted] had a note that indicated there was enemy in the area.
(U) Q: Did he give you the note?
(U) A: No. I don't think he had the note.
(U) Q: What did you do with this information?
(U) A: We did not do anything with it.
(U) Q: Did you feel the information to be creditable at the time?
(U) A: No.
(U) Q: Why was the information not creditable?
(U) A: Past history dealing with the local nationals they would be real nice in the morning and then get more confrontational the longer you stay. We get information like that quite a bit and the information never turns up positive.
(U) Q: What color was the smoke you observed?
(U) A: It was HC also the same as I lit off which was a thick gray.
(U) Q: Was there any other colored smoke dispensed?
(U) A: I don't remember seeing any.
(U) Q: What did [redacted] say to you during your conversation with him?
(U) A: He asked me how it happened but I told him I did not know.
(U) Q: Do you think [redacted] suspected fratricide while talking with you?
(U) A: I don't think so.
(U) Q: Do you know if anybody told him while he was onsite?
(U) A: Not that I know of.
(U) Q: Where was SPC TILLMAN's positioned when you saw him onsite?
(U) A: View E, I marked in blue pen and outlined where I saw. He was being supported by another soldier holding his torso up under SPC TILLMAN's arms.
(U) Q: Describe to me the condition of SPC TILLMAN's injuries?
(U) A: It was pretty dark and all I could see was that it appeared he had sustain injuries to his head.
(U) Q: Where was the AMF soldier?
(U) A: View E, I marked in blue pen that he was out of view down in the direction of the arrow.
(U) Q: What condition was the AMF soldiers body in?
(U) A: His head was pointing up hill leaned to his left side on the ground and legs brought up a little towards his body.
(U) Q: Did you see any visible injuries to the AMF soldier?
(U) A: No I did not.
(U) Q: Did you notice anything to SPC TILLMAN's body armor that would lead you to believe friendly forces had fired upon SPC TILLMAN?
(U) A: No.

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Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(U) Q: Did you see SPC TILLMAN's body armor any time after?
(U) A: No but I did see the MOLLE (load bearing vest) the day after but not up close. I talked with [redacted] who had SPC TILLMAN's MOLLE vest, helmet and DCU top. I talked with [redacted] and gave the stuff to him because I didn't want it with the platoon. I don't remember if it was [redacted] or [redacted] who told me that he took a look at the vest and holes appeared to be 5.56 mm. This indicated to me that it was probably friendly fire that killed SPC TILLMAN because the enemy doesn't use 5.56 mm ammo they almost always use 7.62 mm. The AK-47 uses 7.62 mm which is normally used by the locals.
(U) Q: Did anybody mention anything about seeing green tip tracer residue on SPC TILLMAN?
(U) A: I don't remember hearing that.
(U) Q: Describe the blood and tissue matter on the rock?
(U) A: It was a circular pattern and where the blood had started running down.
(U) Q: Was there any kind of pattern to the spray?
A: Not really just a circular pattern of blood and the run off. View E, I marked in red pen a circle of where the blood pattern was.
(U) Q: The day after did anybody take photographs and video of the scene?
(U) A: Not that I know of. The only time I have seen anything resembling photos, presentations or maps was during the MG JONES' 15-6.
(U) Q: Have you been in enemy fire fights prior to this incident?
(U) A: Not an ambush but some raids where fire fights have occurred.
(U) Q: Do you consider yourself knowledgeable and well trained in combat?
(U) A: Yes.
(U) Q: When was the last confirmed radio contact you had with Element 1?
(U) A: Prior to departure from the holding area where we hired the "Jinga" truck driver.
(U) Q: When did you next have confirmed radio contact with Element 1?
(U) A: Not until after dismounting after the ambush.
(U) Q: Did you visually identify enemy combatants?
(U) A: I never did.
(U) Q: Could you see the front of your Element 2 lanes of fire?
(U) A: No I couldn't because I was located to far behind the Element. I could only see maybe two vehicles ahead.
(U) Q: Did you witness any Elements engaging SPC TILLMAN's position?
(U) A: No.
(U) Q: Did you witness any Elements engaging [redacted] and [redacted] position?
(U) A: No.
(U) Q: Did you hear anybody yelling cease fire?
(U) A: No but just as the Element was coming out of the canyon I heard cease fire coming from the vehicles ahead. The enemy fire stopped as well.
(U) Q: Did you see any enemy fire positions?
(U) A: No.
(U) Q: At any point after the incident did anybody give the appearance they wanted or intended to cover this incident up?
(U) A: No.

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Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(U) Q: Were there any civilian dressed Americans attached to your Element or Element 1 that you know of before this incident and during?
(U) A: No I don't think so but it could have been "[redacted]" and "[redacted]" who are attached from Regimental Headquarters to our platoon.
(U) Q: Did anybody to your knowledge check the enemy sites that fired upon your Element?
(U) A: The following morning 1st and 3rd Platoons where sent up to the high ground. I don't think anything came of the search because I didn't hear anything after about it.
(U) Q: Did you get a chance to look at your Elements vehicles and did you notice any damage to them?
(U) A: The following morning we looked but I did not find any.
(U) Q: There were no bullet holes or scratches that appeared to be bullet holes?
(U) A: No.
(U) Q: Was there any shrapnel or mortar / rocket propelled grenade damage?
(U) A: No.
(U) Q: What uniforms were the AMF soldiers wearing?
(U) A: Civilian military mix and some woodland patterned battle dress bottoms.
(U) Q: What was the AMF soldier that was killed wearing?
(U) A: Woodland camo bottoms and a long sleeve purple shirt or jacket with boots but no helmet.
(U) Q: What weapon did he have?
(U) A: I think AK-47.
(U) Q: Would it have been difficult to determine this AMF soldier from the enemy during the ambush in the current lighting conditions at that time?
(U) A: It would have. It was dusk and the light created a backlight appearance at SPC TILLMAN's position so it would have been difficult to determine the enemy.
(U) Q: Did you see anybody in Element 1 singling cease fire?
(U) A: I didn't.
(U) Q: Did any of the enemy fire received appear to be sniper fire?
(U) A: No it appeared very inaccurate.
(U) Q: Do you know what happened to SPC TILLMAN's diary / personal effects?
(U) A: No. He always carried a green floppy note pad but we could not find it.
(U) Q: Where did you vehicle stop after the ambush?
(U) A: View B and C, I marked with a box and dot in blue representing were my vehicle stopped.
(U) Q: Where did you observe some of Element 1 on a hill?
(U) A: View B and C, I marked with a circle and dot in green representing were I saw of Element 1.
(U) Q: Where was SPC TILLMAN's position?
(U) A: View C, I marked with a red "X" was where SPC TILLMAN's position was.
(U) Q: Do you know of any ill will toward SPC TILLMAN by anybody in the platoon?
(U) A: No, he was well liked by everybody.
(U) Q: Would anybody have a reason to see SPC TILLMAN killed?
(U) A: No.
(U) Q: Did [redacted] or anybody in Element 2 admit to shooting and killing SPC TILLMAN and/or the AMF Soldier?

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Statement of [redacted] taken at HHC, 75th Ranger Regiment, Fort Benning, GA 31905 dated 22 Mar 06 continued.

(C) A: Once we got back headquarters an investigation was started. [redacted] came to me and stated "I am pretty sure I killed the AMF soldier and it was possible I could have killed Pat (SPC TILLMAN)." I told him when the investigation starts tell them what you think. He was pretty upset about it and he started crying.

(C) Q: Did anybody in Element 2 admit to shooting at the village where [redacted] and [redacted] were?

(C) A: Not to my recollection.

Q: Do you wish to add anything to this statement?

(C) A: No.

///END OF STATEMENT///

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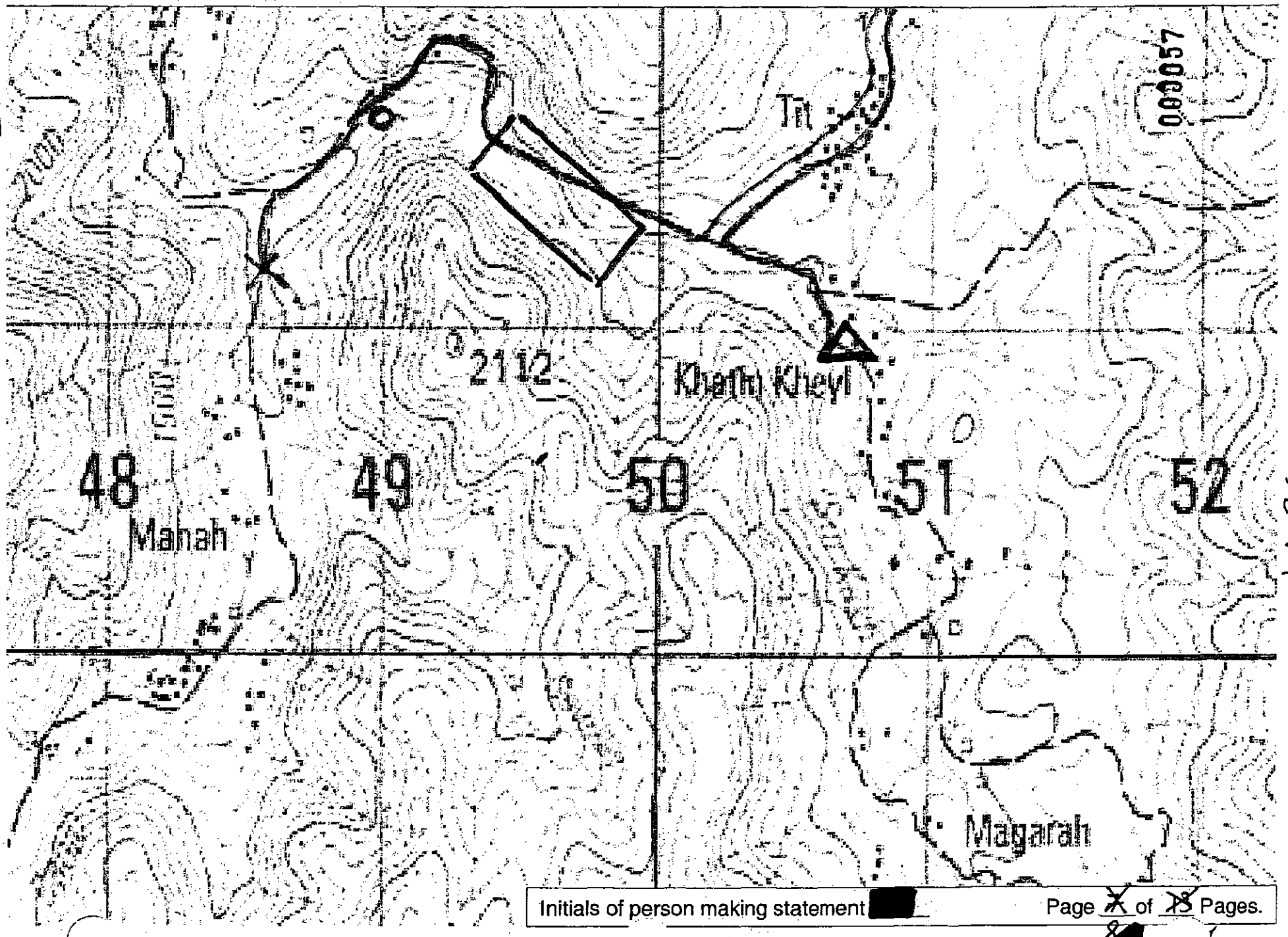
Statement of [redacted] TAKEN AT Fort Benning DATED 22 MAR 06 CONTINUED.

A



Initials of person making statement [redacted] Page ~~7~~ 8 of ~~13~~ Pages.

"STATEMENT OF [redacted] TAKEN AT Fort Benning DATED 22 MAR 06 CONTINUED." 8

B

EXHIBIT

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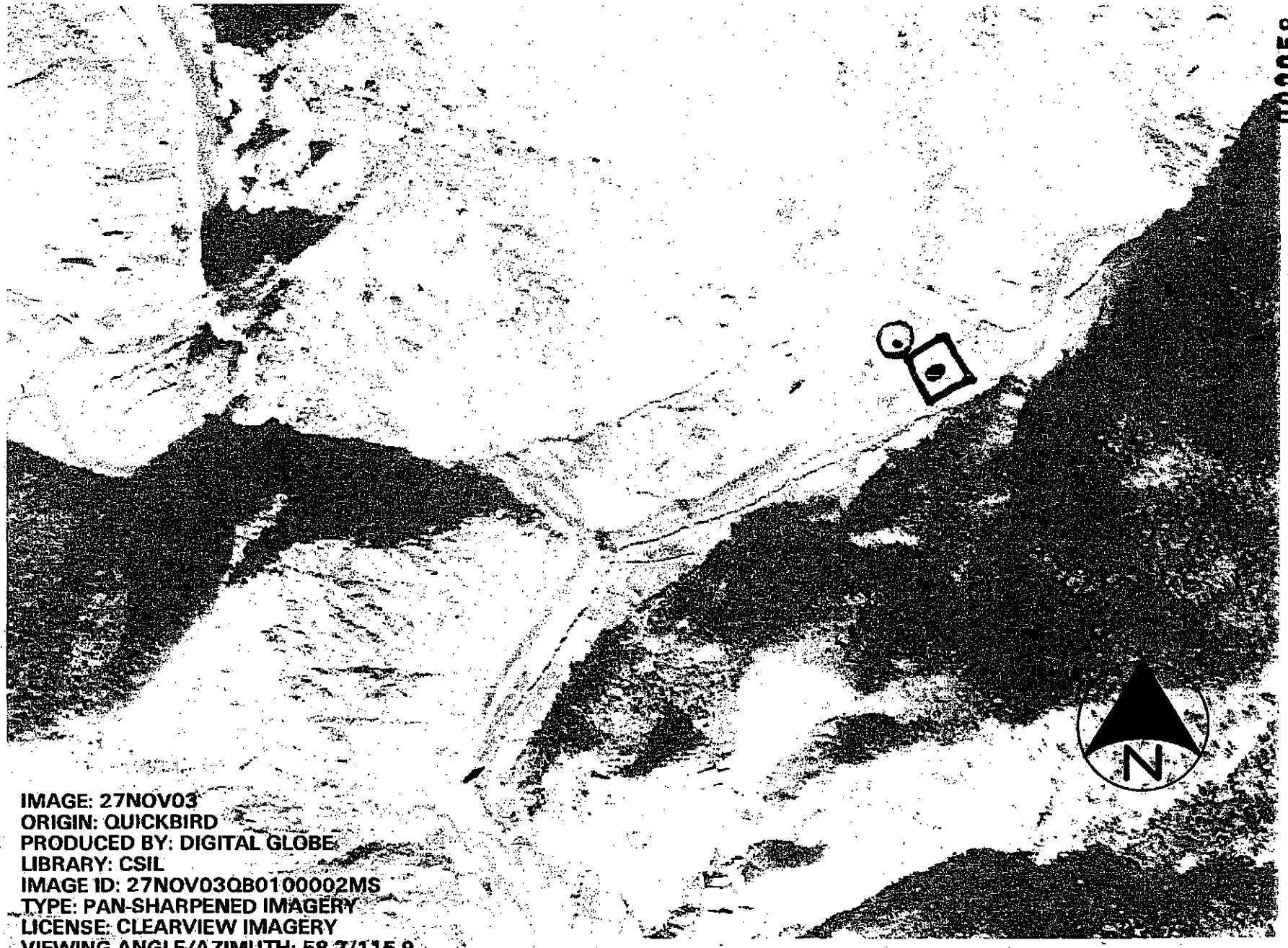
b6 b7C



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INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 9 OF 10 PAGES."

"STATEMENT OF [redacted] TAKEN AT Fort Benning DATED 22MAR06 CONTINUED."

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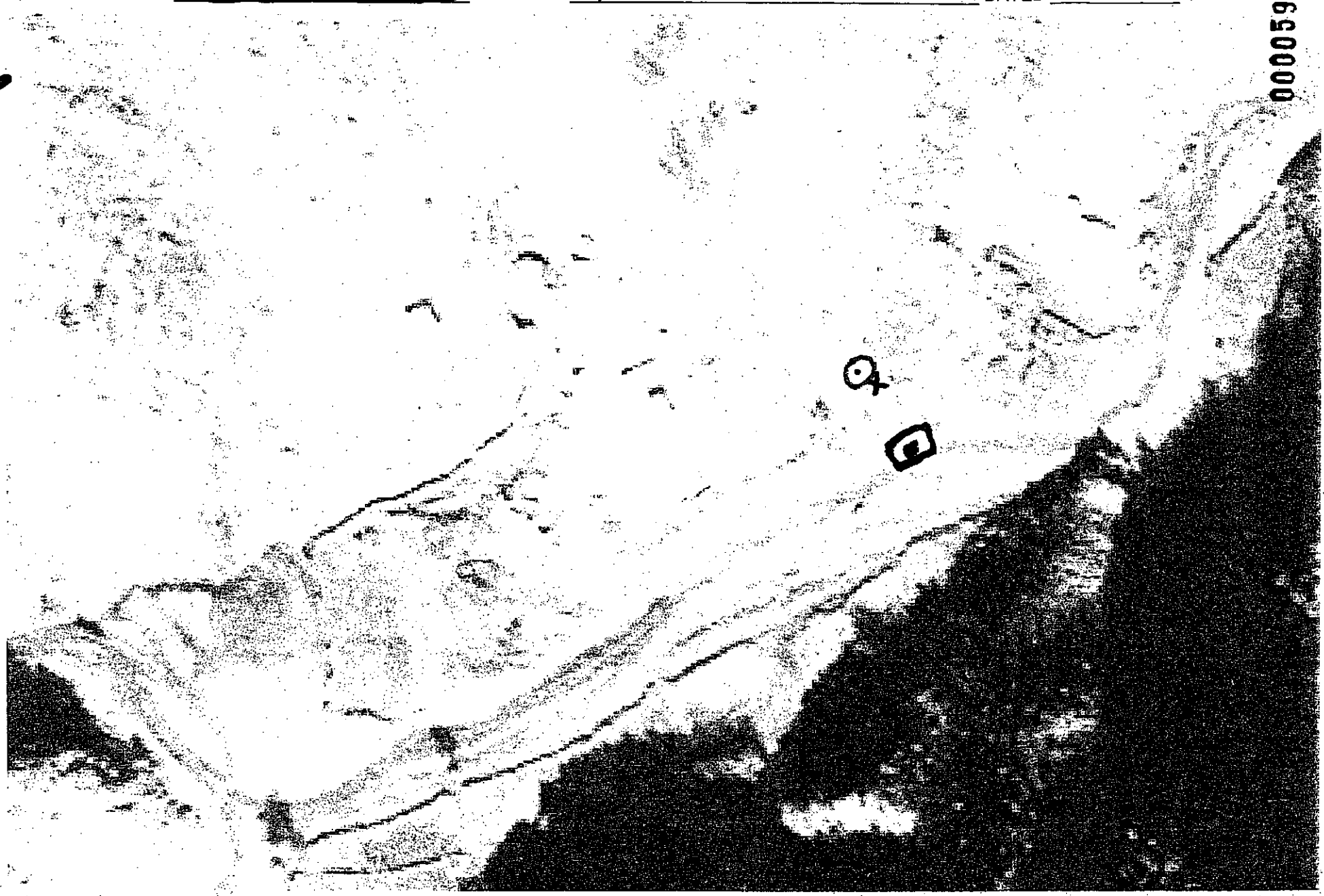
EXHIBIT 8



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE ~~9~~ 10 OF ~~13~~ 14 PAGES."

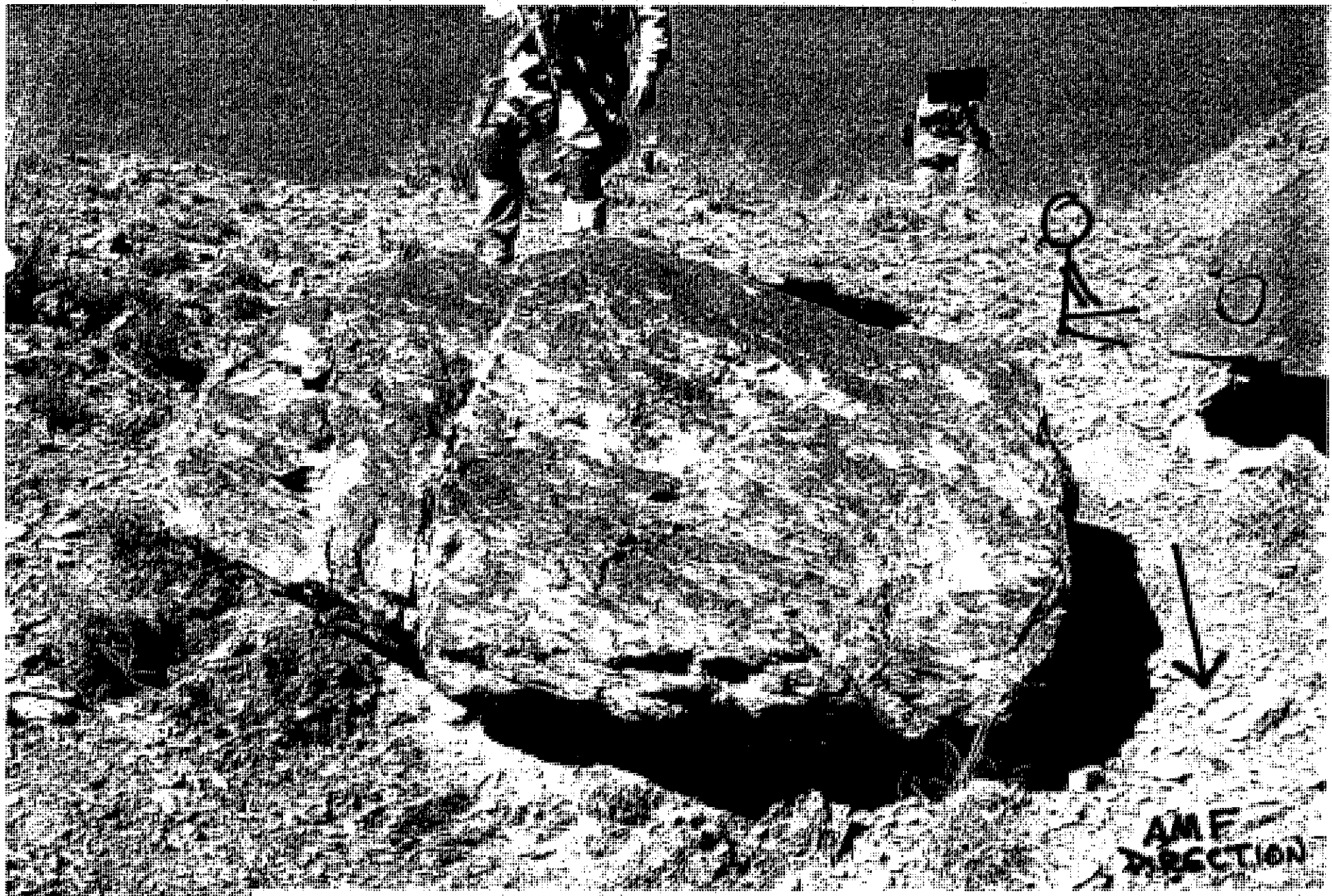
[redacted]

72 '99

0013-06-CID221-20048



"STATEMENT OF [redacted] TAKEN AT Fort Benning DATED 22MAR06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE X OF X PAGES."

EXHIBIT 8

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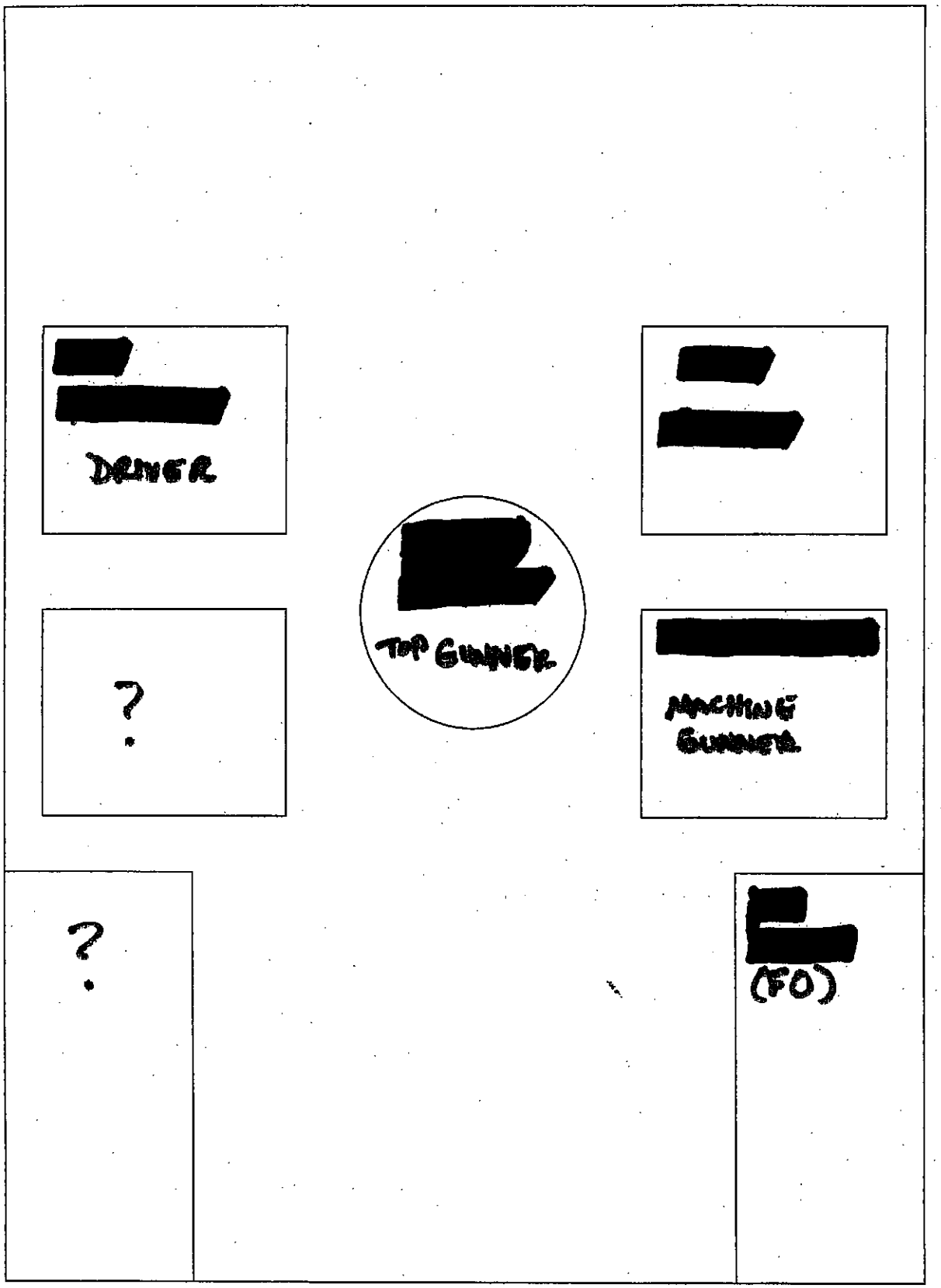
22 '99

STATEMENT OF [redacted] TAKEN AT Fort Benning DATED 22MAR06 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 12 OF 13 PAGES.

13 [redacted] 14 [redacted] 8

[redacted] 0013-06-CID201-50048

STATEMENT *(Continued)*

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13/14. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

SA [redacted]

[redacted]

ORGANIZATION OR ADDRESS

FIU, USACIDC

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of March, 19 06

at HHC, 75th Ranger Regiment, Fort Benning, GA

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Art 136 UCMJ

(Authority To Administer Oaths)

000063

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE ~~13~~ OF ~~14~~ PAGES

USAPPC V2.00

b2, b6, 7C [redacted] [redacted]

EXHIBIT 8

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

(U) About 1447, 22 Mar 06, SA [redacted] and SA [redacted], interviewed [redacted], 75th RGR RGT, FLW, who stated he was in serial 2, which was about 10 minutes behind serial 1, when the ambush occurred in Afghanistan. [redacted] stated the initial contact was from Rocket Propelled Grenades (RPG's) in a canyon, he believed to be about 1 mile from the point where CPL TILLMAN was killed. [redacted] stated he did not witness the incident involving CPL TILLMAN, nor did he see enemy forces. (See Sworn Statement for details).

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 22 MAR 06	EXHIBIT 9

000064

CID FORM 94-E

b2, b6, 7C

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 22 MAR 06 1447 [redacted]

LOCATION: BUILDING SS 0356, Camp Anderson, Ft. AP Hill.

I, [redacted] want to make the following statement under oath:

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

[redacted] I AM SPECIAL AGENT (SA) [redacted] ACCOMOPANYING ME IS SA [redacted], FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2006, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

Q: [redacted], WERE YOU DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: Yes.
Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR UNIT?
A: He was a member of the 75th Ranger Regiment.
Q: WERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
A: Yes. I was on the 2d to the last vehicle, my job 1 was just there to travel with the platoon and to get to know the guys.
Q: WERE THE TWO SERIALS SPLIT?
A: The serials left a few minutes apart. The lead serial went the route through the canyon we turned the opposite way at the split in the road. When we started to turn the Jinga truck driver told us he could not go that route and we needed to go the other way, the way the lead serial went. By the time we got turned around and moving again it was at least 10 minutes.
Q: WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: I'm not sure, the guidance came over the radio.
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: No, it is not common for them to be split, normally the unit / platoon would stay together.
Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
A: I am not sure exactly what was done, however, I did see the Squad Leaders, Platoont Sgt and Platoon Leader get together. I would assume they were ensuring everything was being done that needed to be done prior to departure.
Q: WAS THIS CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?
A: Yes.
Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE ON 22 APR 06?
A: I assume it was done, but I did not witness it. I was in the back of a vehicle and did not witness a communications check.

b2 b6 7C

[redacted]

[redacted] (Initials)

[redacted]

EXHIBIT 10

Q: IN A PREVIOUS STATEMENT, YOU RELATED THAT [redacted] QUESTIONED GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT, IS THIS TRUE?

A: Yes. He did not like the fact that the platoon was going to be split.

Q: WHO DID HE EXPRESS HIS CONCERNS TO?

A: I'm not sure who he was talking to, I assume it [redacted] if he called the S-3 shop it would probably have been the Company Commander, Battalion Operations Officer or someone back at the [redacted].

Q: WHAT CONCERNS DID HE EXPRESS?

A: He was concerned that his platoon was going to be split.

Q: WHAT ANSWERS DID HE RECEIVE AFTER EXPRESSING HIS CONCERNS?

A: I'm not sure what was said.

Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR RANGERS PRIOR TO THE AMBUSH?

A: Nothing specific, but it was understood that the area as a whole was a bad area to be in since it was near the Pakistan border.

Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?

A: If you were leaving from [redacted] but once out on a mission the unit would simply get an update via radio.

Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 06?

A: I assume so.

Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?

A: Not that I am aware of.

Q: WERE YOU AWARE THAT ONE OF YOUR SOLDIERS RECEIVED A MESSAGE FROM A [redacted] WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?

A: No, that is the first I have heard of this.

Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?

A: No.

Q: WHERE WERE YOU POSITIONED WHEN THE AMBUSH TOOK PLACE?

A: I WAS SITTING IN THE SECOND TO THE LAST VEHICLE IN THE 2ND SERIAL. I WAS SEATED IN THE REAR RIGHT OF THE VEHICLE [redacted]
NOTE: ([redacted] ANNOTATED ON PAGE 11 OF THIS STATEMENT WHERE HE WAS SEATED).

Q: WHAT TIME OF DAY DID THE AMBUSH OCCUR?

A: It would have been about 1815 on 22 Apr 04. The sun was starting to go down. The sun would have been setting and they would have had at least a portion of the setting sun in their field of view. This is just a guess as I was not in their position at the time of the firefight. I was in a narrow portion of the canyon road, about 10 meters. wide with cliffs on my sides, I could not really tell where the sun would have been.

Q: DID YOU HEAR AN EXPLOSION WHICH INITIATED THE AMBUSH?

b1 b2 b6 7C

[redacted] (Initials)

[redacted]

EXHIBIT 10

A: Although a lot of the guys believe the start of the ambush was mortar fire, I believe it was RPG fire. I have been shot at by about everything the insurgents have and I am fairly certain that mortars were not fired at us. The ambush started approximately a kilometer from the area in which CPL TILLMAN was killed. I heard an initial explosion near where the lead vehicles were, they were approximately one hundred meters in front of us but were not visible from my position. Approximately 10-20 seconds following the first explosion, I heard two to three additional explosions. After the first explosion, we all dismounted the vehicles for a short time, then remounted. At that time [redacted] came running towards us and told us to get off the vehicles.

NOTE: [redacted] TO THE BEST OF HIS RECOLLECTION AN ACCOUNT OF THE INCIDENT. NOTE: THE SATELLITE IMAGRY DID NOT DEPICT THE LOCATION WHERE [redacted] STATED THE AMBUSH BEGAN, THEREFORE, HE HAND DREW THE INCIDENT (SEE PAGE 10 OF THIS STATEMENT).

(U) Q: HOW MANY EXPLOSIONS DID YOU HEAR?

(U) A: I heard three to four explosions, but there may have been five.

(U) Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?

(U) A: Approximately one hundred meters in front of my position was the first one I heard and than saw one above us on the canyon wall about 10 meters than two more within 30 meters.

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE START OF THE AMBUSH?

(U) A: I dismounted the vehicle and took cover.

(U) Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?

(U) A: Yes, I was thinking it was RPG fire that we were taking, we believed the fire was from the top of the ridgeline. We were firing and moving to get out of the immediate area. We were firing at the top of the ridgeline to try and suppress any enemy which may have been setting up to fire at us again.

Q: DID THE REMAINING RANGERS IN YOUR VEHICLE ENGAGE THE ENEMY?

(U) A: Yes, the guys I was moving with were also trying to suppress the enemy which we believed were on the ridgeline.

(U) Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?

(U) A: Not to my knowledge.

(U) Q: WHAT WERE YOU FIRING AT?

(U) A: The ridgeline to our right side. initially then the left side until the last position where I fi[redacted] to the right side again.

-SEE ATTACHED OVERVIEW PHOTO OF AMBUSH SITE – PAGE 10.

(U) Q: WHAT TYPE OF WEAPON WERE YOU FIRING?

(U) A: I was firing an M-4 carbine which fires a .223 round.

(U) Q: APPROXIMATELY HOW MANY ROUNDS DID YOU FIRE?

(U) A: I would say I fired about three magazines. I was carrying seven magazines.

(U) Q: ARE YOU AWARE OF ANY SNIPERS ACCOMPANYING EITHER OF THE SERIALS?

(U) A: I was not aware of any snipers being with us.

(U) Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?

(U) A: No I did not.

(U) Q: IN AFGHANISTAN, WHAT DO THE INSURGENTS NORMALLY WEAR?

(U) A: They normally wear baggy pants and a long shirt. They occasionally wear woodland pattern field jackets, like our old BDU's.

Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?

b2 b6 7C

A: Known, Likely or Suspected enemy positions can be fired upon.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
(U) A: No, I did not have a radio with me.
(U) Q: WHAT WERE YOUR ACTIONS IMMEDIATELY FOLLOWING THE AMBUSH?
(U) A: I continued down the road (running), as I rounded the corner by the village, [redacted] informed me that we had a KIA and two wounded or one wounded and two KIA. I acknowledged him, then continued towards the village to begin clearing the buildings. At this time, it was about dark.
(U) Q: WHAT WERE THE ACTIONS OF THE REMAINDER OF THE TWO SERIALS FOLLOWING THE AMBUSH?
(U) A: I assume they were treating casualties and setting up perimeter security, I was clearing the village at the time. After clearing the buildings, I began putting on my NVG's but the mount broke. I then sat in front of the village. I then saw [redacted] he told me that "they" were shooting at us and they got TILLMAN. I hugged him and told him that I needed him to continue to provide security for us. At that time I began to wonder about the whole incident. I just felt something was wrong. The bird then arrived and picked up the casualties.
(U) Q: WAS ANYTHING OF SIGNIFANCE LOCATED WHILE CLEARING THE VILLAGE?
(U) A: Yes, there was an AK-47 located. It felt warm, but it may have been from cows lying on it. Me and JACKSON found the weapon under some hay.
(U) Q: WERE ANY ENEMY SEEN OR WAS ANY ADDITIONAL FIRE TAKEN FOLLOWING THE INITIAL AMBUSH?
(U) A: No, neither.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AREA AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
(U) A: Not to my knowledge.
(U) Q: WAS A SEARCH CONDUCTED OF THE OUTLYING AREAS / VILLAGES FOR THE ENEMY WHO SET UP THE AMBUSH?
(U) A: Yes, the following day.
(U) Q: WHAT WAS LOCATED?
(U) A: Nothing to my knowledge was found.
(U) Q: DID ANY LOCAL AFGHANI'S INFORM ANY MEMBER OF YOUR UNIT OF THE POSSIBLE LOCATION(S) OF THE ENEMY WHO SET UP THE AMBUSH?
(U) A: Yes, while in the village of Magra two days following the ambush, a local Afghani informed someone in the patrol that he knew where the individuals were that initiated the ambush on us. I was informed by [redacted] I'm not sure who originally received the information. That night we took off to search the location where the reported individuals who initiated the ambush were located. There was an AC 130 gunship keeping oversight on us as we approached the village, as we did, the gunship reported that they saw two to three individuals running out of the village towards the Pakistani border. The village was fairly close to the border. We never did catch the men who fled. To my knowledge the individual who informed us of the village had pretty good detailed information pertaining to the insurgents, but we were never able to verify any of it. To my knowledge, the village did not yield any pertinent equipment or information.
(U) Q: WHEN DID YOU BECOME AWERE YOU OF CPL TILLMAN'S DEATH?
(U) A: Immediately following the firefight.
Q: WHO INFORMED YOU THAT CPL TILLMAN WAS KILLED?

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[redacted] (Initials)

[redacted]

EXHIBIT 16

A: [redacted] however [redacted] had told me prior to seeing [redacted]

Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?

(U) A: [redacted] told me that he was right next to CPL TILLMAN when he was shot. [redacted] told me an AMF soldier also killed

(U) Q: WAS CPL TILLMAN CARRYING A FULL COMBAT LOAD & WHAT DID IT CONSIST OF?

(U) A: I believe he was, it consisted of two drums of SAW ammo in his pouches and another drum of SAW ammunition on his gun. The total rounds would have been about 600 rounds. I do not believe he fired any of his rounds as we did not find any brass in his area.

(U) Q: DID [redacted] ALSO TELL YOU OF THE AMF SOLDIERS DEATH?

(U) A: No.

(U) Q: WHAT WAS THE AMF SOLDIER WEARING AT THE TIME OF HIS DEATH?

(U) A: I assume it would have been woodland BDU's. I did not see the AMF soldier's body.

(U) Q: WHAT DO THE AMF SOLDIERS NORMALLY WEAR WHEN ON MOVEMENTS WITH THE RANGERS?

(U) A: I would say they would probably have been wearing woodland BDU's, as this is what they normally wear. Sometimes they wear only a BDU top, sometimes only the BDU bottom.

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE NEWS OF CPL TILLMAN'S DEATH?

(U) A: My job was to ensure the guys maintained security and kept doing their jobs.

(U) Q: WAS THERE AN INQUIRY INITIATED SHORTLY FOLLOWING THE AMBUSH?

(U) A: Yes, I personally told [redacted] that I thought this was fratricide and that we needed to initiate an investigation based on [redacted] telling [redacted] that he said it was 'our guys' firing at us. This occured the morning of the 23d of April 2004. [redacted]

(U) Q: WHO INITIATED THE INQUIRY?

A: I believe it was [redacted]

Q: WHAT INFORMATION WAS AVAILABLE TO [redacted] PRIOR TO THE START OF THE INQUIRY?

(U) A: I am not sure.

(U) Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?

(U) A: Yes, [redacted] had a digital camera. I believe he took pictures of the scene from where the vehicles were firing from and from CPL TILLMAN'S position.

(U) Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANOMYSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?

(U) A: No, he was practically worshiped by the guys.

(U) Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITYES? [redacted]

(U) A: No, they were proud that he was a member of ~~our~~ their platoon.

(U) Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?

(U) A: Yes, I walked the entire kill zone and the area where the ambush took place.

(U) Q: DO YOU KNOW IF [redacted] VISITED THE AMBUSH SITE?

(U) A: I don't know if he did or not.

(U) Q: WHEN DID YOU VISIT THE "KILL ZONE"?

(U) A: I visited the kill zone the day following CPL TILLMAN's death.

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[redacted] (Initials)

[redacted]

EXHIBIT 10

(U) Q: WHEN YOU WALKED THE "KILL ZONE" DO YOU RECALL SEEING ANY SMALL ARMS IMPACT POINTS ON THE ROAD WHERE THE VEHICLES WERE POSITIONED?

(U) A: Not small arms fire, but I do remember seeing the impact points of two separate RPG's. They were both in the general area of where I was when the ambush started.

(U) Q: WHAT DID YOU CONCLUDE FOLLOWING YOUR VISIT OF THE "KILL ZONE"?

(U) A: I concluded that the major portion of the firing I heard to my left flank where the front of the convoy was adjacent to where CPL TILLMAN was killed is what resulted in his death.

(U) Q: WHEN THE AMBUSH STARTED, HOW FAR WERE THE RPG IMPACTS FROM THE VEHICLES?

(U) A: 10 – 15 METERS.

(U) Q: DO YOU RECALL IF THERE WAS ANY DAMAGE TO FRIENDLY VEHICLES AS A RESULT OF THE RPG'S?

(U) A: No but the vehicles were already beat up pretty bad.

(U) Q: WERE ANY RANGERS INJURED OR KILLED BY ENEMY FIRE OR BY RPG EXPLOSION(S)?

(U) A: Not to my knowledge.

(U) Q: IS IT UNUSUAL FOR A UNIT TO BE ENGAGED IN AN AMBUSH OR FIRED UPON BY RPG'S AND NOT HAVE ANY DAMAGE TO VEHICLES, EQUIPMENT OR CASUALTIES TO PERSONEL?

(U) A: Its not common, however, its not unusual. I have been shot at many times by a variety of weapon systems and not been injured.

(U) Q: WHEN YOU VISITED CPL TILLMAN'S LAST POSITION, WAS THERE ANY GEAR OR REMAINS COLLECTED?

(U) A: We found a spent .50 cal bullet but no gear. I was with [redacted] when he picked up 2-3 pieces [redacted] which was intact. [redacted] did not have appear to have any gross deformity in it. We picked up the remains, placed them into a zip lock bag and placed the bag into an ammo can. We then gave the ammo can to [redacted] to link up with CPL TILLMANS'S remains.

(U) Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT? (~~SHOW ON PHOTO~~) [redacted]

(U) A: No, I only heard 3d hand that he was seated with his back against a rock, feet facing the road, head back against a rock. I am not exactly sure how he was positioned as I did not see him for myself.

(U) Q: DO YOU KNOW WHO FIRST SAW CPL TILLMAN FOLLOWING THE FIREFIGHT?

(U) A: No.

(U) Q: WHO COLLECTED THE REMAINS OF CPL TILLMAN?

(U) A: No.

(U) Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?

(U) A: Yes, all the remains should be transported with the body. This being said, CPL TILLMAN's remains may have been flown out of country prior to the remains located on the ridge linking up with him, this would be my assumption.

(U) Q: DO YOU KNOW WHY CPL TILLMANS REMAINS ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?

(U) A: No.

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[redacted] (Initials)

[redacted]

EXHIBIT 10

Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?

(U) A: No.

(U) Q: WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?

(U) A: The only piece of equipment I know about was his MOLLE vest. On 25 April [redacted] brought me CPL TILLMANS vest and it was covered with blood and bone. The vest had pieces of Steel Tip Penetrators (front part of the green tip[round]. This could have been parts of CPL TILLMAN's rounds as he was carrying the SAW and ammunition for it but I believe they would have been from incoming rounds.

(U) Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?

(U) A: After the inquiry I was made aware of it.

(U) Q: DO YOU KNOW WHERE THE DIARY MAY BE?

(U) A: No.

(U) Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?

(U) A: No.

(U) Q: WHO REMOVED CPL TILLMANS EQUIPMENT?

(U) A: I don't know.

(U) Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?

(U) A: No, just that [redacted] had his MOLLE vest. He said that we were going to burn his equipment as it would become a health concern and we knew that friendly fire had killed him.

Q: WHO DIRECTED CPL TILLMANS EQUIPMENT BE REMOVED?

(U) A: I don't know.

(U) Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?

(U) A: Just the sensitive items like his weapon, NVG's, etc.

(U) Q: WHAT IS THE NORMAL COURSE OF ACTION AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?

(U) A: Servicable items are retained for the unit to use, personal items are returned to the family.

(U) Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?

(U) A: It is a method of disposal, especially if the equipment is a bio hazard. It was covered in blood, flesh and bone, there was no reason to maintain it.

(U) Q: WHO BURNED CPL TILLMANS EQUIPMENT?

(U) A: I don't know.

(U) Q: WERE CPL TILLMANS PERSONAL EFFECTS REMOVED FROM THE POCKETS OF HIS EQUIPMENT PRIOR TO IT BEING BURNED?

(U) A: I don't know.

(U) Q: WHY WERE CPL TILLMANS CLOTHING / PERSONAL EFFECTS BURNED?

(U) A: The personal effects were not burned to my knowledge, but the MOLLE vest (which is all I saw of CPL TILLMANS effects) was too bloody and would not have been serviceable. We were not thinking of the items as evidence, we understood that the incident was a fratricide, therefore we determined it was unusable. [redacted] said he was going to burn the items and I said that was fine, because they would not tell us anything that we don't already know.

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[redacted] (Initials)

[redacted]

EXHIBIT 10

Q: WAS AN ORDER GIVEN TO BURN CPL TILLMANS EQUIPMENT / PERSONAL EFFECTS?
A: Not to my knowledge.
Q: IS IT COMMON PRACTICE TO REMOVE A RANGERS PERSONAL EFFECTS FROM HIS BODY / GEAR PRIOR TO HIS REMAINS BEING GIVEN TO THE MEDICAL PERSONEL?
A: No, only the combat gear and sensitive items due to weight and space. His sensitive items, weapons and NVG's would be removed. I'm not sure if the personal effects would remain with the body or not.
Q: DID ANY OF YOUR TROOPS INFORM YOU THAT THEY ACTUALLY PHYSICALLY SAW ENEMY SHOOTING AT THEM OR OTHER MEMBERS OF THE UNIT?
A: The only guy I remember saying anything about it was [redacted] He said he saw muzzle flashes but I don't know if he actually saw the enemy. He said he saw muzzle flashes, but I'm not exactly sure from where they were coming from.
Q: IS THERE ANY DOUBT THAT THERE WAS AN EXPLOSION JUST PRIOR TO THE INITIATION OF THE AMBUSH?
A: No. It was an explosion, there is no doubt about it.
Q: COULD THE EXPLOSION HAVE BEEN A VEHICLE MALFUNCTION, TIRE, BACKFIRE, DEBRIS FALLING FROM THE CLIFF?
A: No.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOUR RANGERS VIA RPG FIRE?
A: No.
Q: WAS THERE ANY EVIDENCE OF ENEMY INJURED OR KILLED IN OR AROUND THE AMBUSH SITE?
A: Not to my knowledge.
Q: AFTER THE AMBUSH OCCURRED, DID ANY MEMBERS OF THE PLATOON ATTEMPT TO LOCATE THE ENEMY?
A: The following morning there was a search for the enemy, however, nothing was located. There were patrols conducted as well.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A: No. [redacted] I would like to have an overhead photo of the entire canyon to better depict positions annotated on the sketch I made.

////////////////////////////////////END OF STATEMENT////////////////////////////////////

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[redacted] (Initials)

[redacted]

EXHIBIT 10

AFFIDAVIT

(U) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page [redacted]. fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

[redacted]

Witnessed [redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of March 2006.

[redacted]

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ

(Authority to administer oath)

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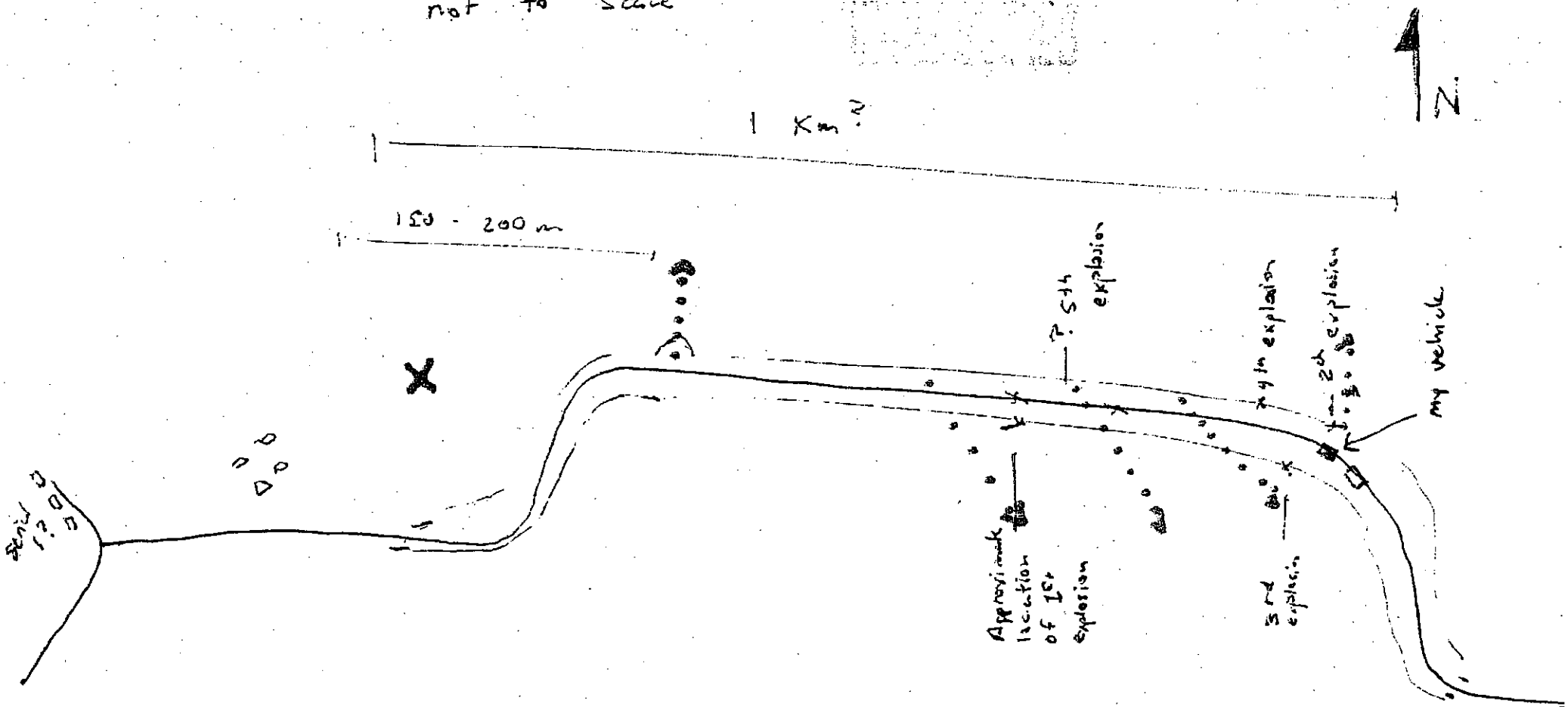
(Initials)

[redacted]

EXHIBIT 10

STAT[illegible]NT OF [redacted] TAKEN - FT AP Hill DATED [redacted] CONT

not to scale



[redacted] CPL TILLMANS APPX. POSITION

[redacted] DIRECTION OF [redacted] FIRE (angle of my fire was 50°-80° up at the canyon wall) - [redacted]

[redacted] VEHICLE

X EXPLOSIONS

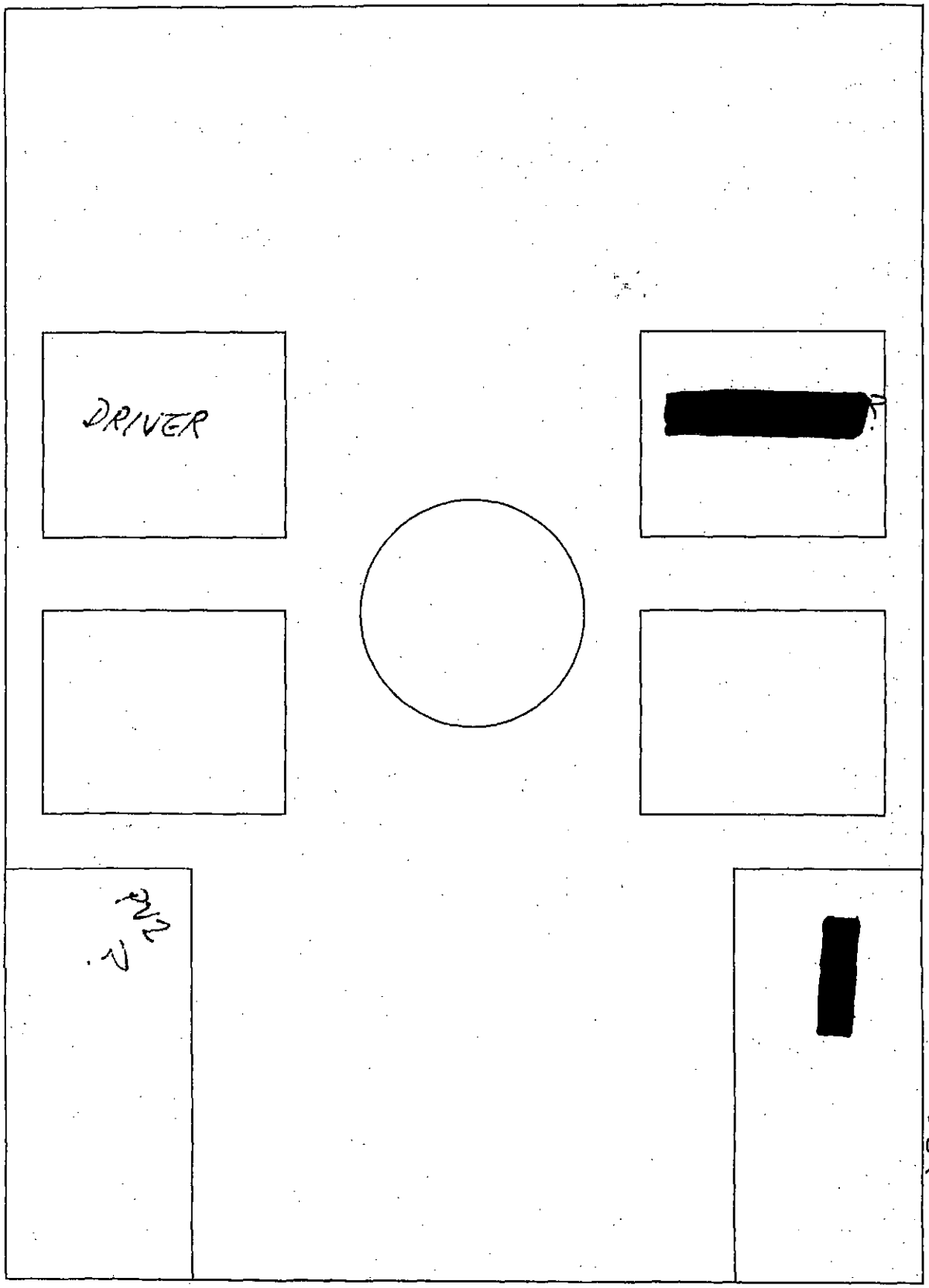
* terrian relief is not depicted on this sketch. this is done to the best of my recollection [redacted]

[redacted]

EXHIBIT 10
000074
0013-06-CID201-500

STATEMENT OF [redacted] TAKEN AT Ft. Ap Wm DATED 22 MAR 06 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 11 OF 11 PAGES.

EXHIBIT 10

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 1932, 22 Mar 06, the undersigned interviewed [redacted] Headquarters and Headquarters Brigade, 11th Infantry Regiment, Fort Benning, GA 31905, who related he was the platoon leader on of 2nd Platoon, A Company, 2/75th Ranger Regiment, riding in group 1 conducting flanking maneuvers. (See Sworn Statement for more details)

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 22 Mar 06	EXHIBIT 11

[redacted]

SWORN STATEMENT 0013-06-CID201-50048

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 *(SSN)*.
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Fort Benning CID Office, Fort Benning, GA	2006/03/22 [redacted]	1932 [redacted]	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS
Headquarters and Headquarters Brigade, 11TH Infantry Regiment, Fort Benning, GA 31905

9. (U) [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My platoon was coming from an Afghanistan Military Force type FOB en route to the villages of Manah to include several small villages in the Manah area. Initially we tried to find a route that was most direct to the Manah villages, one which would bring us from South to North. However, the Afghani military force soldiers related that due to the problems with the one disabled HMMWV, it would be better to go a different route. Referring to my hand drawn map, the blue triangle represents the Afghani military type FOB. The orange line depicts the route that I had initially planned. The green line represents the route that was proposed by the Afghani force. The Afghani force did not show me on the map how they were going to take us, but when I told them we were going to Manah, the AMF soldiers said they knew the best way to get there to best support our vehicle evacuation. Therefore, they led the convoy until we broke down in the village Magarah, which is depicted on my hand drawn map as the blue box. We broke down in the village sometime between 1000 a.m. and noon, local time on 22 Apr 04. We stopped because the broke HUMVV had further problems with the steering mechanism, and it could no longer be towed on all four wheels. When we stopped, initially we were a little spread out. The lead elements of my platoon were already past the village, but the broken vehicle was still in the village. At that time, I called someone at the Regimental Headquarters to let them know the situation. While, I was waiting for the Regimental Headquarters to call back, I moved the platoon into a staggered column formation on the road outside the village for the purpose of a security halt so that we could mutually support each other. I did this to keep us all consolidated until we could figure out what our next course of action would be. Initially, I think [redacted] called back from headquarters. From what I recall he was clarifying the situation. I do not recall if I talked to him or if it was someone else. Eventually, I spoke with [redacted] the company executive officer. I told him our options, which were to get a wrecker down here to tow the vehicle, or to get some resources to sling load the vehicle out. [redacted] response was that the wrecker would not come off of the hardtop and that aircraft would not be available for sling load operations for two to three days. [redacted] related to me that I needed to have the broken vehicle meet a platoon size element escorting a wrecker on the hardtop. Everything subsequent to first communication with [redacted] was done via electronic mail. After that communication, [redacted] and I discussed how to get the broken HMMWV to the hardtop. The first option we discussed was to try to wench the broken HMMWV to the rear bumper of another HMMWV so that way we would be towing it on two wheels instead of four. Therefore, we would not have to use the steering mechanism. [redacted] related his reservation about doing that; he was concerned the rear suspension on the towing HMMWV would get damaged, due to the additional weight that was placed on it. After that, my platoon was approached by an Afghani driver with a big "Jinga" truck, who said he could help us. It was obvious we were broken down. All of the locals were coming out of the village to see what was going on with the Americans. So, the "Jinga" driver said if we paid him, he would help us by towing the truck. I was not present during the initial contact between the platoon and the "Jinga" driver. I received a call on the radio from [redacted] relating the "Jinga" driver was offering to tow the HMMWV in exchange for an amount of money, which I do not recall. Therefore, I met with the "Jinga" driver and spoke with [redacted], who was an Afghani national, named [redacted] I confirmed the price he was charging for it. I was the [redacted] time. I am not sure about the timing, but sometime after I received the call from [redacted] or after I made the deal with the "Jinga" driver, I coordinated with [redacted] giving him the report, which related the best option at the time was to use the "Jinga" truck to get the broken HMMWV out of the valley and to the hardtop road. At that time, I basically was trying to figure out what to do about our Manah mission. I coordinated with [redacted] relating there were three options. The first option was to split the platoon and send one element to deal with getting the broken HMMWV to the hardtop and the other element would move to the village and began clearing operations. The second option was to keep the whole platoon together, move with the HMMWV up to the hardball road, drop the broken HMMWV off with the escort platoon and the wrecker, then move as a platoon to start clearing Manah. The third option was to not worry about meeting a wrecker or escort platoon and move as a platoon with the "Jinga" truck towing the broken [redacted] and then take further orders from there. From there, the response I got back from [redacted] was to go with option one, which was to split the platoon. [redacted]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 14 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ *TAKEN AT* _____ *DATED* _____ 01, 02, 06

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. [redacted] 000077

EXHIBIT 12

Statement of [redacted] taken at the Fort Benning CID Office, Fort Benning, GA 31905, on 22 Mar 06. Continued.

[redacted] I then responded with further questions as to why we were going with option one. I related that I strongly recommend not splitting the platoon and that they keep us together for several reasons. First of which, was security. I felt that having half of a platoon in that environment was not safe. I also did not want to split the platoon for communication reasons, as my vehicle was the only one with a satellite radio. My third reason was it will be getting dark by the time we move out to Manah and our clearing procedures were to clear the villages in the day time. Therefore, I questioned whether or not the one element was to begin clearing at night. The response I received back was that [redacted] does have a satellite radio because he had the company commander's vehicle. Therefore, that reason did not hold water. The second part of the response was no, that the clearing was not to start at night. At that point I began making plans with [redacted] about the sections. I decided I would go with the element to Manah and [redacted] would go with the element to the hardtop. While the decisions were being made on who was going with which element, I was disagreeing with [redacted] about the course of action regarding splitting the platoon. After the response from [redacted] I wanted to ensure I understood the intent, which was that one element would set up an assembly area North of the village, but not start clearing the village. That element was to basically wait for the rest of the platoon to arrive. My point was that we could accomplish the same end state by going with option two, bringing the whole platoon to the hardtop and bringing the whole platoon to the assembly area, North of the village. I questioned if we are not clearing at night, what is the purpose of having an element North of the village? At the end of that question, I asked if the intent of splitting the platoon was to get boots on the ground before nightfall. [redacted] responded yes, that was the intent. Through the communication, I was informed to ensure the section that goes to the hardtop brought the mortar section, [redacted] and possibly the snipers. These elements were to return with the escort platoon back [redacted] I then received a radio call on the same net from an element, who was our Air Support requesting our route information for the two elements. I handed the radio off to my Forward Observer and told him to brief the Air Support on the routes. I then called all of my squad leaders and platoon sergeant to brief them on the plan. I told them who was assigned to which element. I gave instructions to element two. I gave them instructions for linking up with the recovery elements and then linking up with the rest of the platoon. I showed my squad leaders and platoon sergeant the routes of both elements. I then informed them that my element had to move out because we had to be set up by nightfall, North of Manah. I told [redacted] he was in charge of the second element and basically as soon as your element is prepared to move, then move out. I made one final coordination with [redacted] pertaining to the 50 Cal machine gun that was on the broken HMMWV. Among our platoon we had two 50 Cal's and two MK 19's. I e-mailed [redacted] relating that one of our elements would not have a 50 Cal and my question was whether or not that would affect the chosen course of action (splitting the platoon). [redacted] replied that the 50 Cal did not change the situation and to continue to execute, as discussed. Referencing Map B, the blue oblong circle represents where we were stopped with the broken HMMWV. The two orange lines represent the routes. The orange line going to Manah was the route element one was to take and the orange line going North was the route element two was to take. My element then proceeded on the route as drawn on Map B, toward the village of Manah. Referencing Map B, the blue X represents the approximate area where I [redacted]

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EXHIBIT 12

Statement of [redacted], taken at the Fort Benning CID Office, Fort Benning, GA 31905, on 22 Mar 06. Continued. 0013-06-CID201-5004

[redacted] received following communication from [redacted] On my MBTR radio, I could hear [redacted] attempting to contact me. Eventually, I could not reach him on my radio, but my squad leader, [redacted] got in touch with him on his radio. [redacted] related the "Jinga" driver was protesting the route we planned for element two, citing it was going to be too steep for the "Jinga" truck to tow the HMMWV, and he did not want risk it. I was able to say ok, if there was another route to get to the same place, go ahead and go with it. During communication, it was real spotty and breaking up. Therefore, I would say the communication was broken at best, but not effective. After that, my element kept moving along the planned route. Reference Map B, the blue triangle represents where my element stopped next. The reason for the stop was that we heard an explosion from somewhere behind, basically to the East, from the direction we had come. I heard some small arms fire and saw some tracers. Referencing Image C, the blue triangle represents where my vehicle stopped. The trailing line and tick mark in blue shows approximately how far my element's vehicles were stretched out. My radio telephone Operator, [redacted] coordinated with the Regimental headquarters, relating we had come in contact with the enemy and we would develop the situation and call them back. From there, I dismounted the vehicle, as did the rest of my element. I pointed up the direction to where I thought the fire was coming from and said lets go, press the fight. I told [redacted] who was the only squad leader in my element that SPC TILLMAN works for you now, he is part of your squad. A portion of [redacted] squad took off heading up the hill. I got up a portion of the hill and realized I did not have my communications with higher headquarters. Therefore, I went back to my vehicle. I passed [redacted] on my way back to my vehicle. He hollered something to me to the effect of calling our location to higher and that he said something about communicating with an air element on his MBTR. I arrived back at my vehicle. I took the hand mike and called back to the regimental headquarters on the satellite radio. I called in the grid location of where our trucks were at. I also called in the grid of where I thought the enemy was at, which was the high ground. At that point, [redacted] and I began running up the hill. Reference image C, the green line represents the route that [redacted] and I took up the hill. The first orange box was like a brick wall, where we stopped for about five seconds. I told [redacted] I don't think we can see from here, and that we need to move up further. Therefore, we moved to the house depicted by the second orange square. Reference Image D, the blue triangle represents where my vehicle was. The orange line represents the route [redacted] and I took. The two blue dots represent the places we stopped, the first stop lasting about five seconds. The blue square represents the house we were behind. Once behind the house, we got to the corner. Both of use took a knee. [redacted] was behind me and to my right. I saw a group of American soldiers consisting of at least three, but I am not certain about the exact numbers. They were leaning forward on a berm and their heads were down below the top of the berm. There were bullets kicking up dust above their heads. [redacted] and I started to see bullets kicking up dust out in the distance in front of us. That is when I looked at him and he related that he did not think we were safe right here. Then I agreed and said let's move around to the other side of the building. Just as we stood up to turn to move, that is when I got hit and a second or so later, [redacted] got hit as well. When I got hit, I was still able to move. So I got around the house. When [redacted] was hit, he went down. So, I went back and got the radio from him and he was able to crawl a[redacted]

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EXHIBIT 12

[redacted] little bit. We were both kind of on the side of the mountain now, close to the South West corner of the house. Reference Image D, [redacted] and I were located in the green square. I then called [redacted] on the MBTR radio, asking him what the status was. From the point I was at, I saw one of the HMMWV's from the second section. So, I knew [redacted] was near. While I was sitting there, I saw the second element vehicles moving through the canyon and somewhere on the other side of the house, I heard a loud scream. All of the firing had stopped by this point and it was very difficult to see by this point. The sun had dropped behind the canyon. At that time, I called [redacted] to see what his status was. [redacted] related he had two KIA's one American and one Afghani. [redacted] related he would have to get back with me for a final number, after checking with all of his squad leaders. I told [redacted] to add two casualties, that me and [redacted] had both been hit. After that coordination, I switched over to the satellite radio and began calling in the nine line evacuation. I was able to transmit my current location and how many known casualties we had. I did not know how to communicate we had two KIA's. Eventually, I was able to get it across we had two KIA's and two wounded. I then gave them a grid to land helicopters. While that was going on, our squads were pushing out, securing the perimeter, and clearing the houses in the village. From there, [redacted] came over and physically linked up with me. [redacted] had the medic with him. The doc was looking at [redacted] while [redacted] and I were talking. [redacted] communicated one Afghani soldier was killed and SPC TILLMAN was killed. Doc came and looked at me. I handed off the radio to [redacted] to finish the rest of the medical evacuation call. From there, some of the soldiers from our platoon, came up and helped assist [redacted] in making it down to the low ground to wait for the helicopters. On the way down, I saw the reconnaissance platoon had arrived and was helping to secure the area. I am not sure where they came from. While we were sitting on the low ground they brought two body bags and sat those close by. I was told that two aircraft were coming in and [redacted] and I would be getting one and the two KIA's would be getting on the other one. By the time [redacted] had linked up with me initially, guys were putting there NOD (night vision goggles) on. By the time I got down to wait for the helicopter, it was fully dark. Then two aircraft arrived, they load us up and flew us to [redacted] Reference Image

(U) D, the green X represents the location of the American soldiers mentioned above.

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Did you have anyone in civilian clothing attached to your unit?

(U) A: Not that I recall, even the Afghani guys were in uniform.

(U) Q: What were the Afghani guys wearing?

(U) A: They were wearing the old chocolate chip desert uniform. They were light/dark brown shade, camouflaged.

(U) Q: What uniform was your platoon wearing?

(U) A: We were wearing our DCU's modified with the extra pockets. We had our ranger body armor, which was green in color, mich helmets, and individual weapons.

(U) Q: What were the lighting conditions at the time of the ambush?

(U) A: The way I describe it was it was dark enough to be difficult to see, but not dark enough to use NOD's. The sun was right about the top of the canyon right before we got [redacted] ambushed [redacted]

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Statement of [redacted] taken at the Fort Benning CID Office, Fort Benning, GA 31905, on 22 Mar 06. Continued.

(U) [redacted] Q: Was there any intelligence, to your knowledge, from anyone at the village your platoon was stopped in, prior to splitting the platoon?
(U) A: Not that I know of.
(U) Q: Did the suggestion of blowing the broken HMMWV arise?
(U) A: No. I think the reason it did not come up was because my previous company commander on a previous Afghanistan deployment related that it takes regimental commander approval to destroy a vehicle. Therefore, it was basically not an option. That is what I was thinking at the time.
(U) Q: Have you been in enemy fire fights prior to this incident?
(U) A: Nothing I would call a firefight. I had two deployments prior to this one. I was deployed to Iraq with the 101ST during the initial invasion. There was a few enemy personnel who took pop shots and then a grenade was thrown near me. I was not injured either time. The second the deployment was to Afghanistan with the Rangers. I do not recall coming under any kind of enemy contact during that deployment.
(U) Q: Do you consider yourself knowledgeable and well trained for combat?
(U) A: I think so. At the time, I felt confident in my own abilities and knowledge on how to fight a platoon. Since then, I have been deployed and sent to the school house. So, I obviously have more knowledge and experience now, but at the time, I feel I was adequately prepared to do the job.
(U) Q: When was the last time you had confirmed contact with element two, after leaving en route to Manah?
(U) A: About half way through the canyon, when I heard [redacted] tell me about the route change. The next time I heard anything was during the firefight. There was a bunch of chaotic radio traffic.
(U) Q: Did you visually identify any enemy combatants?
(U) A: No.
(U) Q: Can you identify any of the weapons systems being employed by element two during the firefight?
(U) A: No, I cannot identify specifically.
(U) Q: Did you see SPC TILLMAN's location during the firefight?
(U) A: He may have been on that berm in front of me, but I cannot identify any of the soldiers for certain, as their back were to me.
(U) Q: Did you see the Afghani soldier on the berm, during the firefight?
(U) A: I do not recall. I don't think I did.
(U) Q: Where were the other Afghani soldiers during the firefight?
(U) A: I honestly could not tell you.
(U) Q: Do you recall seeing any smoke during the firefight?
(U) A: No.
(U) Q: Do you recall seeing a pengun flare during the firefight?
(U) A: I recall seeing tracers, which may have been a pengun flare, but one of those may have been a pengun flare.
(U) Q: What was the platoon SOP for nonverbally identifying friendly forces?
[redacted] A: We had different stuff, mission dependent. Typically at night, we used chem. Lights and VS-17 panels to mark the flanks during the day.
(U) Q: Is there some signal to use, if being fired upon by friend forces?
(U) A: Not that I know of[redacted]

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(U) [redacted] Q: Did you see any of the tracer rounds hit the village?
(U) A: I saw them flying all over the place, but I do not recall any distinctly hitting the village.
(U) Q: At any point after the incident, did anyone give the appearance that they wanted to cover it up?
(U) A: No. I never had the indication that anyone from my unit wanted to cover it up. The only thing is that I did not think it was a fratricide for about a week and a half after the incident. I initially heard the incident was looking like a fratricide. Eventually, the details were laid out for me. After seeing that, I can see that a fratricide was probably what happened.
(U) Q: Do you know anything was found to confirm that there were enemy combatants?
(U) A: I do not know if anything was found.
(U) Q: Did you have a chance to see element two's vehicles?
(U) A: I saw some of them, but do not remember anything specific about them.
(U) Q: Do you recall if any of them were damaged?
(U) A: I did not look closely enough.
(U) Q: Do you know anything about what happened to SPC TILLMAN's diary/personal effects?
(U) A: No.
(U) Q: Do you recognize Image E?
(U) A: Yes, this is a picture of the view I would have seen from the corner of the building on the right side. The blue stick figure represents [redacted] and I at the corner of the building where we were hit.
(U) Q: Did you have any knowledge why you were to split the platoon?
(U) A: The only answer I could get was the one I fed them, referring to getting boots on the ground in that sector. Other than that, I had no justification.
(U) Q: Is it normal to receive orders from the headquarters to split a platoon?
(U) A: I had not seen it before. So, I would say it is not normal, especially in that terrain.
(U) Q: Did you consider protesting the decision to split the platoon?
(U) A: I did protest it by giving the three reasons not to split the platoon. As far as protesting to someone higher than my commander or [redacted] I did not consider that.
(U) Q: Do you know who the "Jinga" truck driver was?
(U) A: No.
(U) Q: Was there time between the hiring of the "Jinga" truck and the elements moving out?
A: Not more than an hour.
Q: Does the platoon have discretionary funds to hire such locals?
[redacted] A: I do not recall what our rules were about the funds. [redacted]
(U) Q: Who had the money?
(U) A: I had it.
(U) Q: Was there any type of record keeping of it?
(U) A: I kept a record in one of my notebooks. The only thing I had spent money on was food for the platoon, the night prior.
(U) Q: Did you ever observe any smoke during of after the firefight?
(U) A: I do not recall seeing any.
(U) Q: What kind of weapons did the AMF soldiers have? [redacted]

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Statement of [redacted], taken at the Fort Benning CID Office, Fort Benning, GA 31905, on 22 Mar 06. Continued.

(U) [redacted] A: Their personal weapons were AK-47's.
(U) Q: Did any of the enemy fire appear to be sniper fire?
(U) A: Not that I could tell, it was rapid.
(U) Q: During the initial contact, what kind of sound did you hear?
(U) A: I heard an explosion and small arms fire?
(U) Q: What did you think the explosion was?
(U) A: It sounded like either a mortar round or perhaps an IED going off.
(U) Q: Did anyone admit to you that they shot the AMF soldier?
(U) A: No.
(U) Q: Did anyone admit to you that they shot SPC TILLMAN?
(U) A: No.
(U) Q: Did anyone admit to that they shot into the village?
(U) A: No.
(U) Q: Do you know of any ill will toward SPC TILLMAN by anybody in the platoon?
(U) A: Not at all. In fact, quite the opposite. He was the kind of guy that was a more junior leader, but much more mature than many of his peers. SPC TILLMAN was very likeable and was not a hot headed individual.
(U) Q: What does MBTR stand for?
(U) A: I am not sure, something radio.
(U) Q: Did you notice any element two vehicles firing toward your location?
(U) A: I could not see.
(U) Q: Do you have any idea what kind of rounds hit you?
(U) A: No.
(U) Q: Could you differentiate the types of weapons being fired?
(U) A: I could not distinguish.
(U) Q: Did you visually see where the rounds that hit you were coming from?
(U) A: No.
(U) Q: When you were hit in the mouth, do you know the direction where the rounds were coming from?
(U) A: Referring to Image D, the light green dotted sectors of fire show the direction I believe the rounds came from. Shortly after the fire came in, we moved around the house to the other side. All fire ceased to include enemy and friendly.
(U) Q: When did you see the element 2 vehicles come out of the canyon?
(U) A: After I had gotten hit, when I got the radio from [redacted]
(U) Q: Was the shrapnel that was removed from your body returned to you?
(U) A: Yes. I sent the specimens that I had to BG JONES and they sent back what they did not need for testing. I still have that portion.
(U) Q: Do you know who made the final decision to split the platoon?
(U) A: The e-mail came from [redacted] but I am not certain if who made the decision.
(U) Q: Do you have anything else you wish to add to your statement?
(U) A: No[redacted]

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[redacted]

STATEMENT OF [redacted]
TAKEN AT THE FORT BENNING CID OFFICE,
FORT BENNING, GA ON
MAROG. CONTINUED

0013-06-CID201-50048

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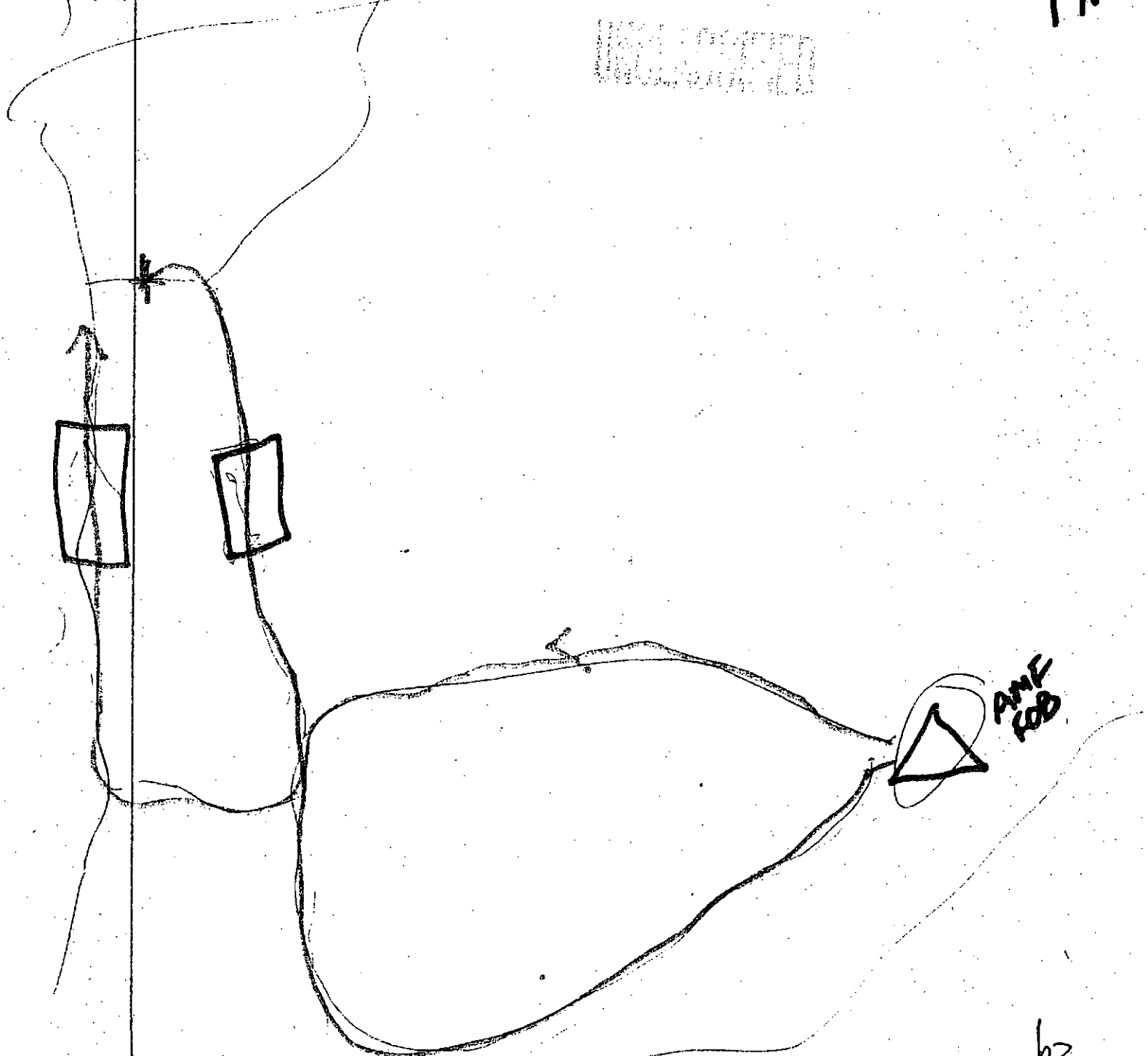

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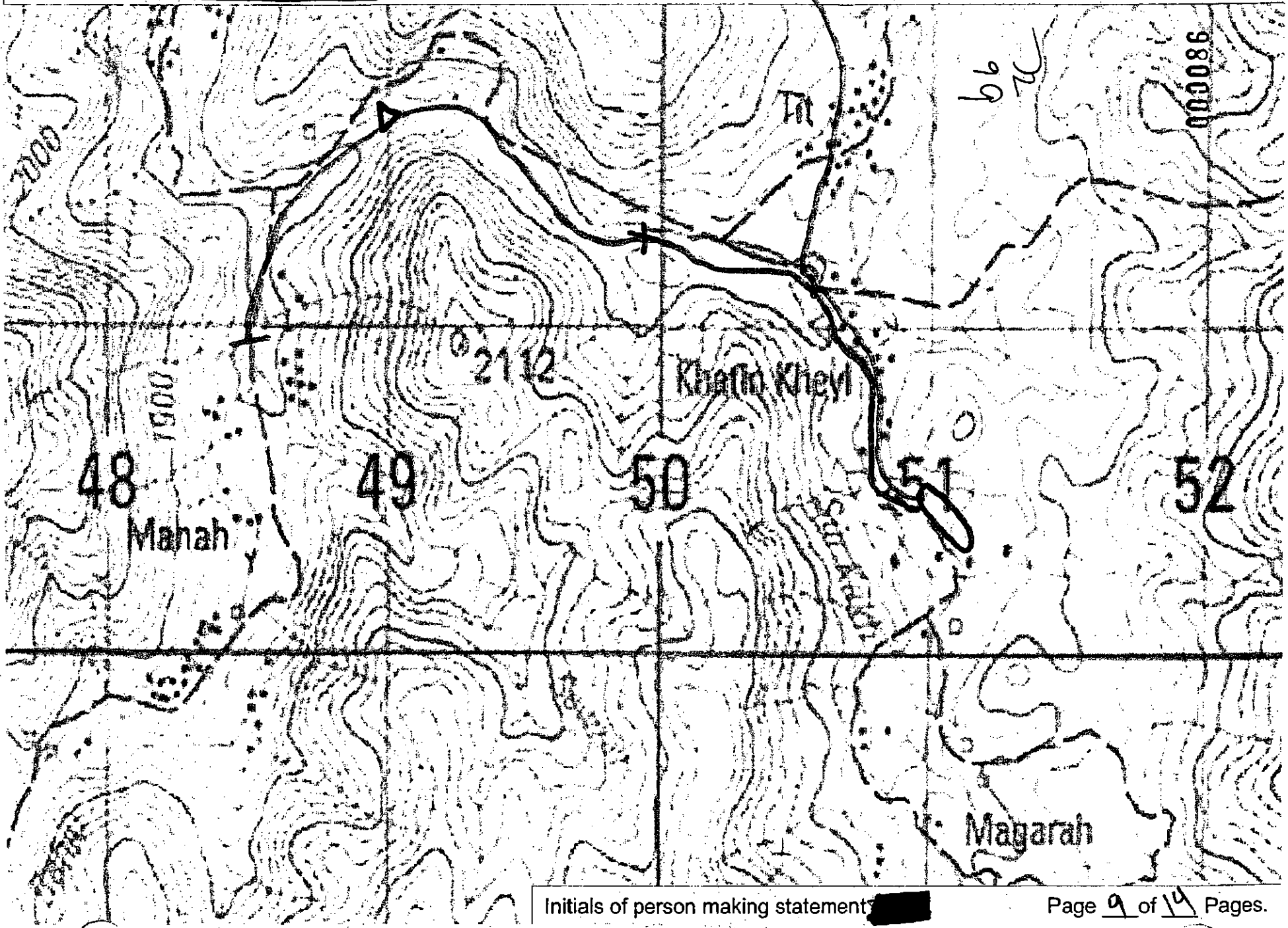
EXHIBIT 12

000085

INITIALS OF PERSON MAKING STATEMENT [redacted]

Statement of [redacted] TAKEN AT FORT BENNING CID OFFICE, FORT BENNING, GA DATED 22 MAR 06 CONTINUED.

EXHIBIT 10



Initials of person making statement: [redacted]

EXHIBIT 69

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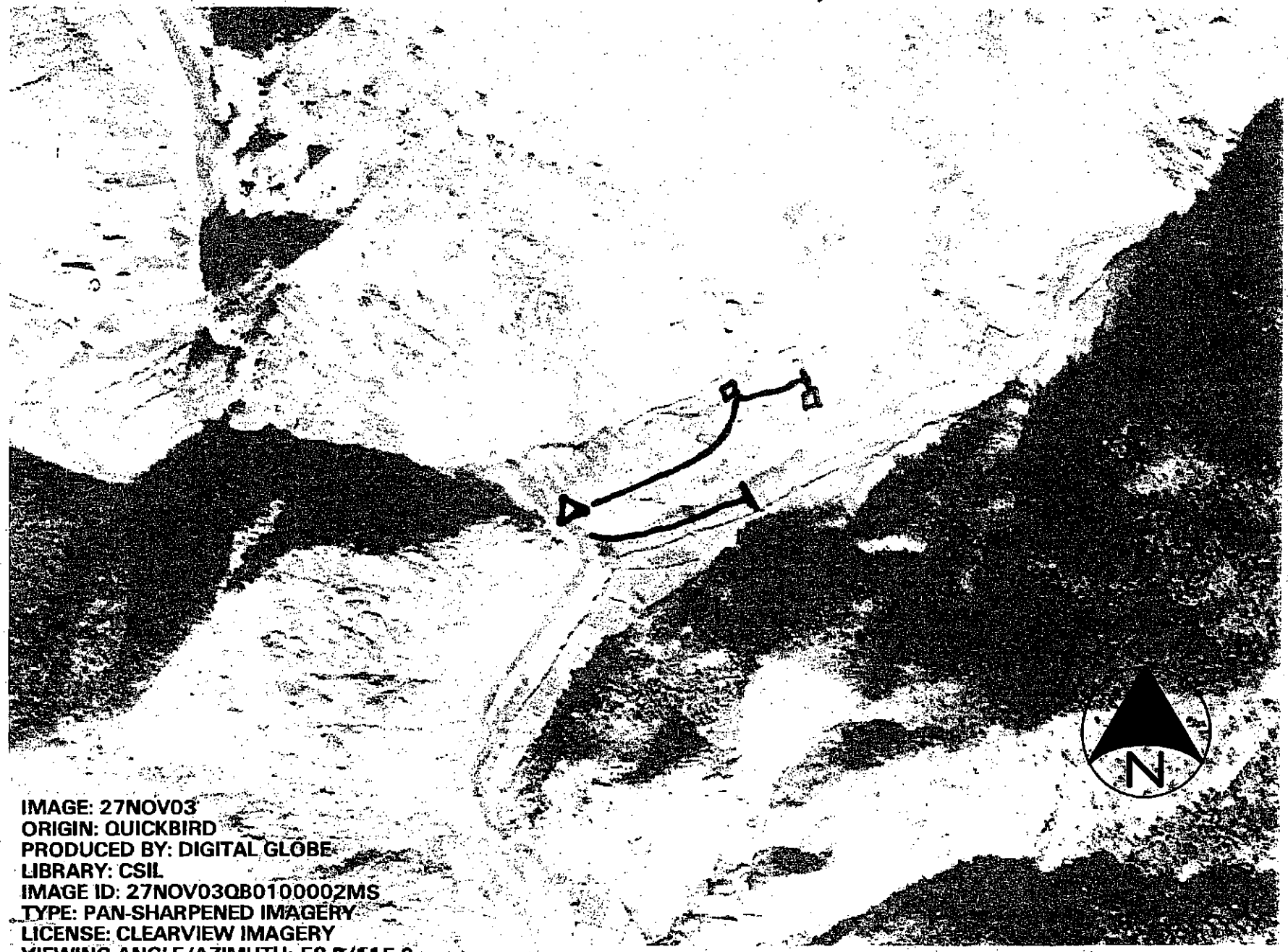

IMAGE: 27NOV03
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PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
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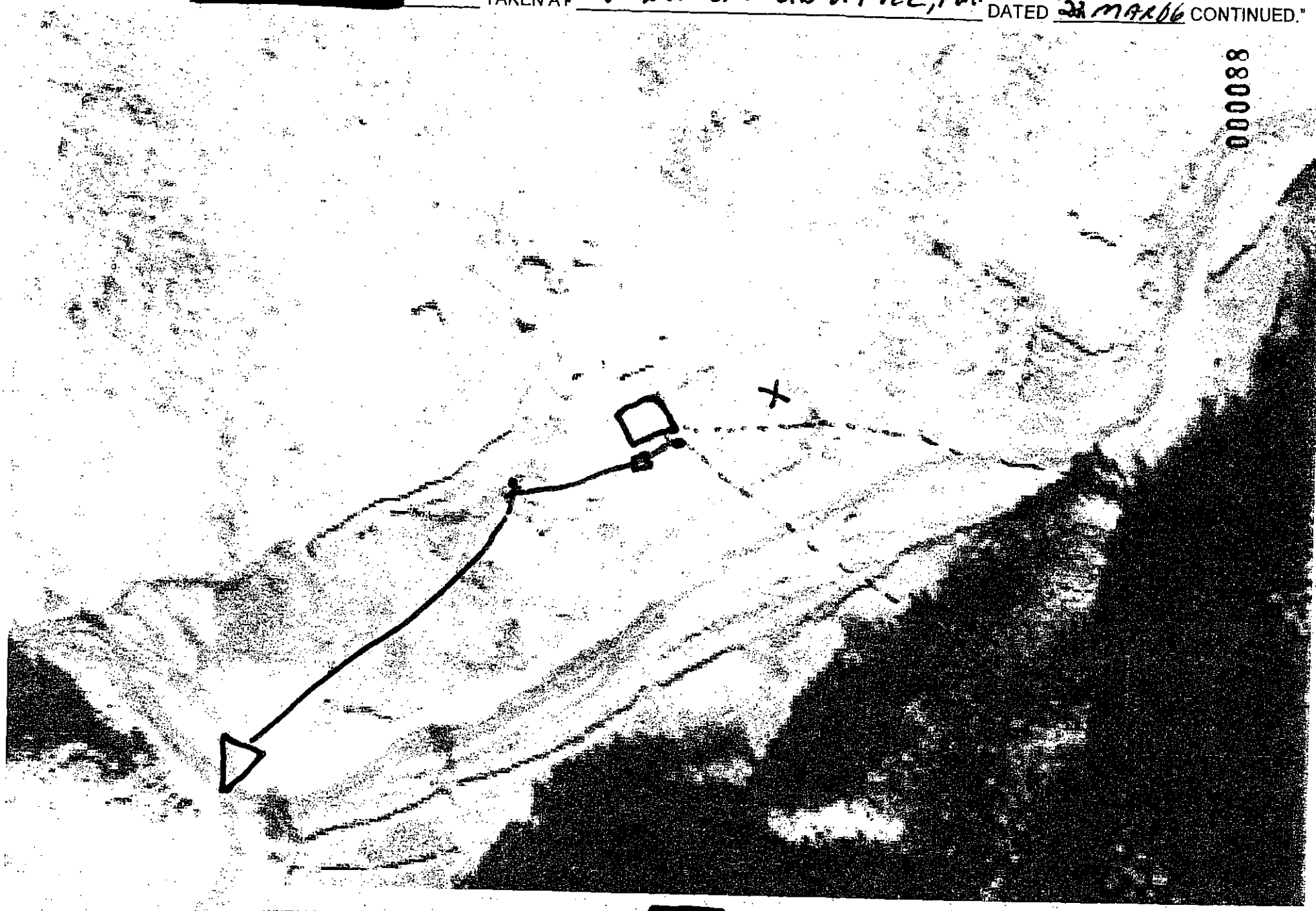
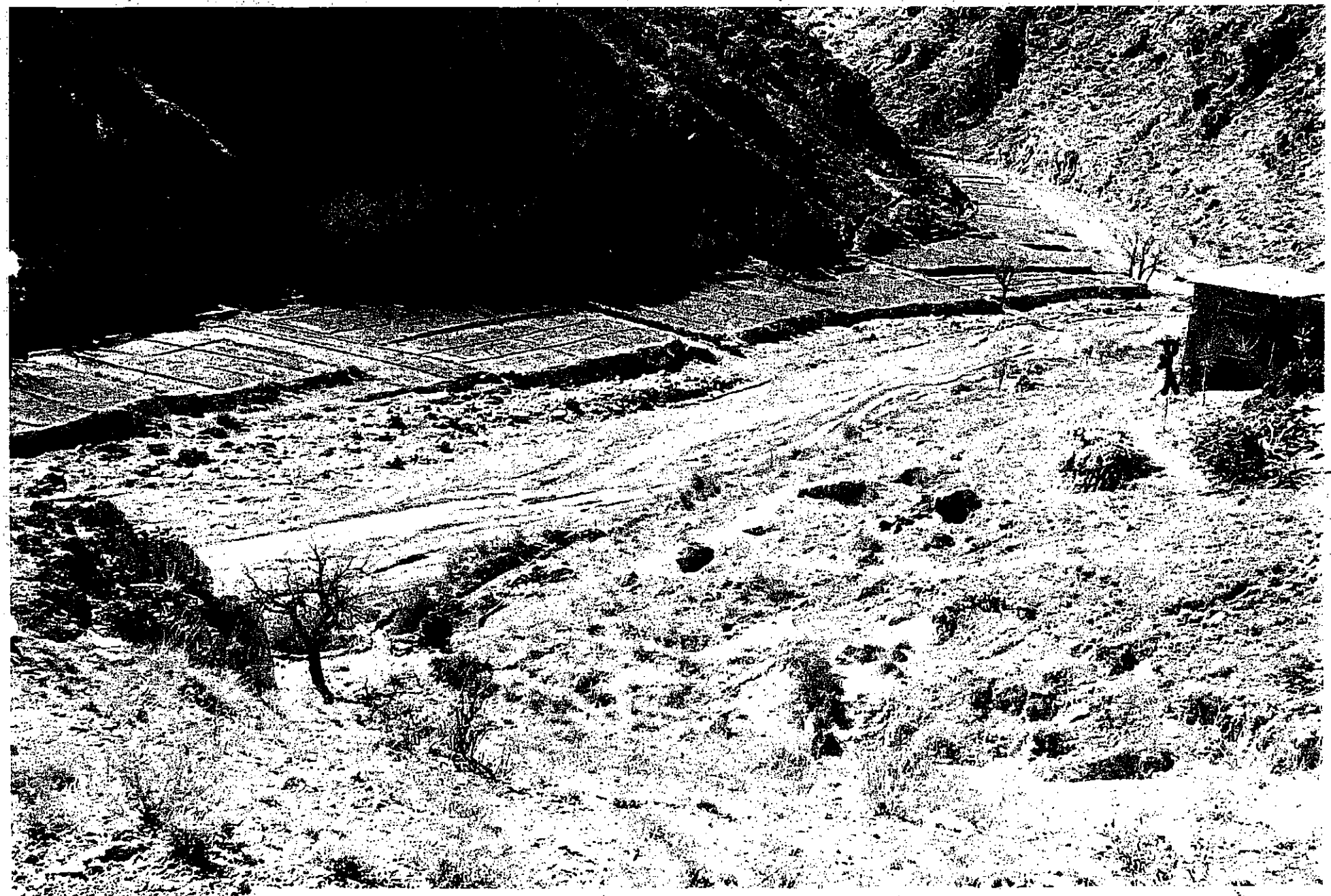
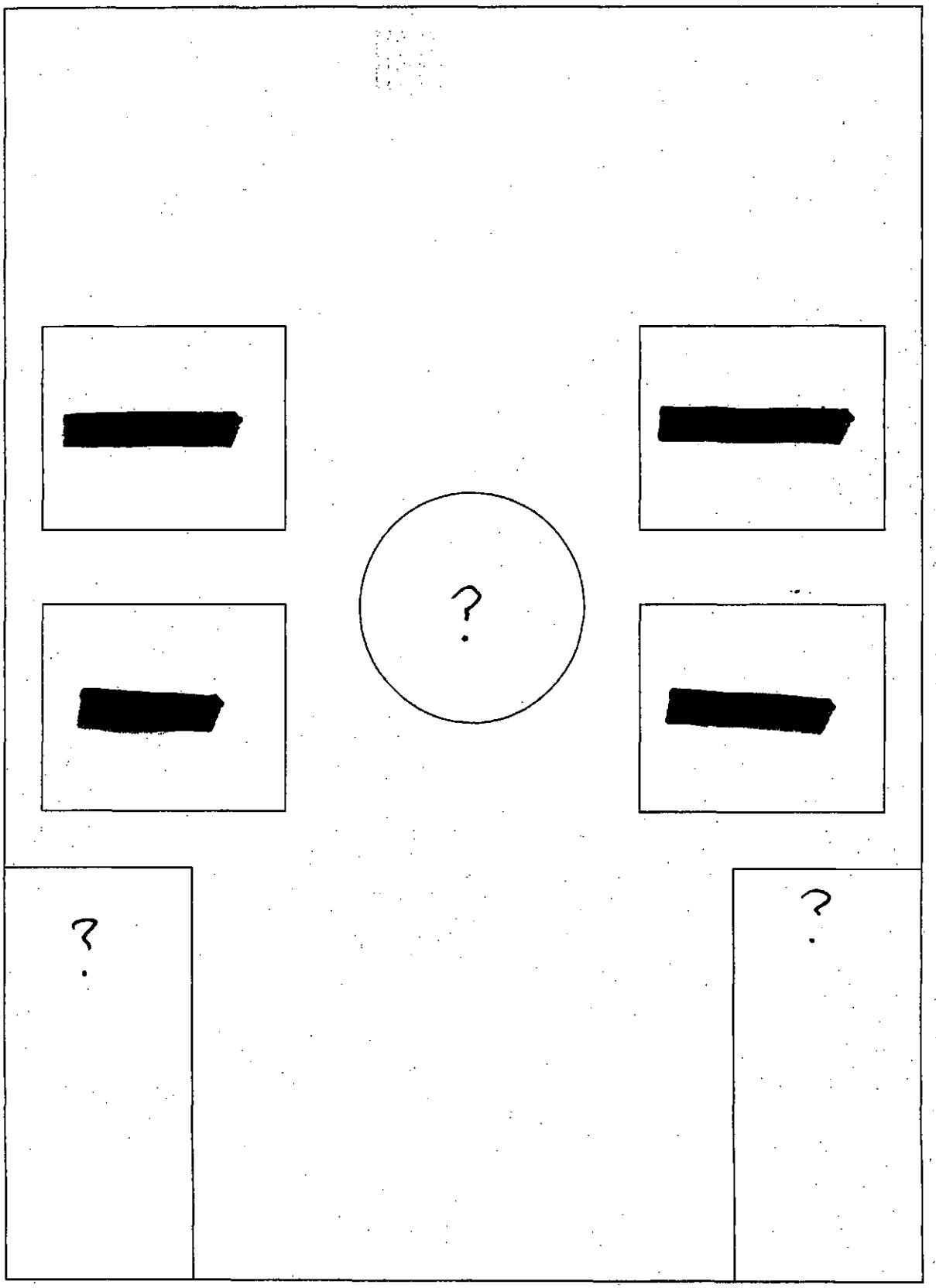
SUN ANGLE/AZIMUTH: 32.1/156.1





STATEMENT OF [redacted] TAKEN AT FORT BENNING, GA CID OFFICE, FT. BENNING, GA DATED 28 MAR 06 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 13 OF 14 PAGES.

EXHIBIT 12

[redacted]

STATEMENT OF [redacted] TAKEN AT Fort Benning CID DATED 2006/03/22

STATEMENT *(Continued)*
///END OF STATEMENT/// [redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 14. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:
[redacted]
SA [redacted]

ORGANIZATION OR ADDRESS

FIU, 701ST MP GP, Alexandria, VA

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of March, 2006 at Fort Benning CID Office, Fort Benning, GA

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

000091

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 14 OF 14 PAGES

PAGE 3, DA FORM 2823, DEC 1998

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EXHIBIT 12

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 0800, 23 Mar 06, SA [redacted] and SA [redacted] interviewed [redacted] Headquarters and Headquarters Company, 75TH Ranger Regiment, Fort Benning, GA 31905, who provided a Sworn Written Statement detailing the events of and leading up to the incident on 22 Apr 04. (See Sworn Statement for details)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE 23 Mar 06
	EXHIBIT 13

0013-06-CID201-00048

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 *(SSN)*.
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Ranger Regiment Headquarters, Fort Benning, GA	2006/03/23 [redacted]	13:26	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS
Headquarters and Headquarters Company, 75TH RangerRegiment, Fort Benning, GA

9. [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

To the best of my memory the last time that I was with 2d PLT prior to the incident, was a day or two days prior to 22 April at BCP 2. I departed BCP 2 with elements of the Company HQ and, I believe 1st PLT, and we went back to [redacted] On 22 April, I was made aware that 2d PLT, while enroute from BCP 2 to another Objective had problems towing a vehicle that had previously become inoperable. It was my understanding that the PLT had requested a slingload to pick up the vehicle, but that was not available at that time, so they decided to tow the vehicle with them and eventually bring it back to the FOB with them. While towing the vehicle it became increasingly damaged to the point that it was unable to be towed, and the plt was stopped short of the objective that they were headed to. I was not involved in all of the conversations that eventually led to the plan of splitting the PLT and half the PLT taking the damaged vehicle to the road, and the other half moving on to the new objective, but was involved at the end of the decision. I went to the TOC early evening the 22d and [redacted] came to me and said that "they" want us to split the Platoon but the Platoon Sergeant and Platoon Leader do not want to do it. I responded by saying that I did not think that was a good idea, and [redacted] said that he did not think it was a good idea either and he was going to readdress the issue with [redacted] Although I was not privy to the conversation, I saw [redacted] go back and speak with [redacted] for several minutes. [redacted] then returned to me and said that "we have to split them up." I responded by saying that it would be O.K. that half a Ranger Platoon would be able to take care of themselves. I understood that then [redacted] sent the message to the Platoon to split and have half of the platoon move with the damaged vehicle to a main road to link up with a wrecker that was being sent from the FOB to meet them and the other half to move to the new Objective and they would meet up at the new objective after the damaged vehicle was transferred to the wrecker. It was clear to me that [redacted] was giving this order at the direction of [redacted] Although I and [redacted] did not think this to be the best course of action, I was not overly concerned with the ability of the PLT to defend itself due to being split up, so I did not worry too much about the decision. A few hours later I was outside the TOC and someone came out and informed me that 2d PLT was in contact. I went into the TOC and learned that the PLT had suffered some casualties and were still under enemy fire. We immediately prepared 3rd PLT to move to the location to support 2d PLT and I left with 3rd PLT to the location. To the best of my knowledge it took us about 2 hours to reach the location of the ambush and once there, I directed 3rd PLT into security positions around the area and brought 2d PLT into the center of the secured area. Later that night [redacted] and 1st PLT also arrived and we continued to establish security and prepared to conduct some clearing operations in the area for the next morning. The next morning at daylight I went around to talk with the men from 2d PLT. When I approached [redacted] and asked how he was doing, he informed me that he was nearest to Tillman and suspected that it was an incidence of friendly fire that hit Tillman. I had [redacted] explain to me why he thought that and once he explained what he saw, I began to believe that he was right and informed [redacted] of this. Later that day when the Bn CDR arrived [redacted] and I informed him of our beliefs. Although I was not there at the time of the incident I stood in the locations of both CPL Tillman and the element that fired at him at the same time of day the next evening and given the circumstances of the events I believe that even though fratricide should and can always be avoided it was evident to me how the firing element made this terrible mistake. The firing element [redacted] GMV) was looking uphill into the setting sun. CPL Tillman was higher on the hill, inside of the haze of the setting sun. There was an Afghan Army soldier standing in line with CPL Tillman lower on the hill side, closer to [redacted] position who was firing across the road that [redacted] GMV was traveling on, at enemy that was now behind [redacted] It is my best estimate that [redacted] saw the Afghan soldier with the AK-47 and beard firing in his direction and thought it was enemy engaging him , and also saw the silhouette of CPL Tillman higher on the hill and assumed that he was also enemy. Both Tillman and the Afghan soldier were on the same hillside that [redacted] was taking fire from a few hundred meters earlier. After returning back to the [redacted] from the area of this incident approximately 3 days later, I was informed that [redacted] had called the FOB and asked someone to find Pat's journal that he kept. I went through the remains of CPL Tillman's clothing and equipment that he was wearing at the time of the incident and could not find it. I inquired about CPL Tillman's Body Armor and where it was, as it was not with the rest of his gear and was informed that it was delivered to [redacted] who was at the FOB when Tillman was brought in and that he had burned it due to the degree that it was contaminated with blood. [redacted]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 9 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____

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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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[redacted]

EXHIBIT M

(U) The next day my supply clerk approached me and asked what he should do with the clothing and gear of CPL Tilman's that he was storing in a large trash bag in the supply tent, and it was very bloody and he was concerned about a health hazard of having the bloody equipment. I took the bag with the clothes and CPL Tillman's load carrying equipment and inventoried it to have a record for the CIF and then burned it. As I was inventorying it I found a fragment of what appeared to be a 5.56 bullet that was stuck in his gear. I gave the bullet fragment to then [redacted] and asked if he needed to keep any of Tillman's gear. I asked him this since he was at the time the investigating officer that was investigating the incident to determine fratricide. He said that he did not need it, and that is when [redacted] (3rd PLT SGT) and I burned the clothing and gear.

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Just to clarify, when referring to the dates above, what year are your referring to?

(U) A: 2004.

(U) Q: Can you explain what BCP stands for?

(U) A: Border Crossing Point.

(U) Q: Who is "they", [redacted] referred to?

(U) A: I put "they" in parentheses because that is what [redacted] said. [redacted] used they referring to higher. [redacted] was referring to [redacted] I am not sure if anyone else was included.

(U) Q: Do you recall what was inventoried by you, referring to CPT TILLMAN's gear?

(U) A: I recall it contained a DCU top and bottom, a helmet cover, the pads from inside his helmet, his Load Carrying Vest, several magazine pouches, SAW drum pouches, flash bang pouches, and a couple of the small miscellaneous type pouches.

(U) Q: Do you know where that inventory is now?

(U) A: The inventory was done on a 3X5 card. When we arrived back to the states, I used card to give the property book officer an accountability of what was destroyed.

(U) Q: Do you have that card?

(U) A: I do not think so.

(U) Q: What happened CPL TILLMAN's gear, referred to above?

(U) A: I burned it.

(U) Q: Was burning contaminated gear common practice?

(U) A: We had done that before. I would not say it is a common practice. If we can clean it and turn it back in, then we do so. However, if it is contaminated to the point of not being able to clean it, then we burn it. That is the first time I personally burned someone's equipment, but I know that it happens.

(U) Q: Did you photograph the scene at anytime?

(U) A: Yes.

(U) Q: Can you expound on the photographs?

(U) A: Once it became clear to me that this may have been a friendly fire incident. I took a camera and went to the scene and took photos. I thought it was a good thing to do. I took the photos from where [redacted] vantage point and from CPL TILLMAN's vantage point. I also took a photo of a 50 caliber round that was embedded in a rock right where CPL TILLMAN was killed. I was just trying to gather some facts, as that point. Because we believed that it was friendly fire, we did look at the incident as an accident. There were enemy bullets flying as well, but we believed that the incident was friendly fire. I [redacted]

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Statement of [redacted] taken at the 75TH Ranger Regiment Headquarters, Fort Benning, GA on 23 Mar 06. Continued

(U) [redacted] anticipated an investigation, which is another reason I took pictures. That is also why I coordinated with [redacted] prior to burning CPL TILLMAN's gear. At my level, it was clear that it was a friendly fire incident; therefore, case closed in our eyes. I am the one that sat [redacted] down and told him that we suspect this was friendly fire. The question remains as to who's bullet actually killed CPL TILLMAN. I gave the photographs to [redacted] The photos were digital. The photos were not taken at the same time, as the incident.

(U) Q: Do you know where the photos are now?
(U) A: No.
(U) Q: Who had access to the photos?
(U) A: I gave the disc containing the photos to [redacted] on the little original disc. The disc was not full size. It was small. I later saw the photos on a report by [redacted]
(U) Q: Did you physically examine the load carrying vest worn by CPL TILLMAN?
(U) A: Yes, I did. I did not inspect the body armor though. The body armor was given to [redacted] which he burned, as explained above.
(U) Q: When you examined the vest, what did you see?
(U) A: I found a fragment I believed to be a round. I gave that fragment to [redacted]
(U) Q: Did you see holes in the vest?
(U) A: Yes, they appeared to be bullet holes, but I cannot speculate as to what kind of round penetrated the vest. The fragment appeared to be 5.56. It was my impression that it was 556 because of the jacketing. In one of the pouches, CPL TILLMAN had a flashbang. One of the bullets hit the flash bang, which is why the bullet fragment was probably there. To the best of my knowledge, the flash bang was forwarded to EOD for disposal. As far as evidence, the next day, I was looking around the site, CPL TILLMAN's [redacted] was still on the ground. Therefore, I put it in a plastic bag, then in an ammo can. I then gave it to [redacted] to put on his vehicle to go with the chaplain. I stayed out, so I asked [redacted] to get it to mortuary affairs. The [redacted] appeared to be about [redacted] There was other matter, but there was this large piece and I just did not want it laying out there.
(U) Q: Can you expound on the clearing operations that were conducted after the incident?
(U) A: The next day, we sent a platoon to clear a small village over the mountain to the North. I am pretty sure that would have been 1ST platoon, but am not certain. I did not go with them. Referring to Map A, the orange arrow depicts the direction the platoon was sent. We sent guys to clear the ridge line. Over the next day or two, we cleared the village circles in green, referring Map A. We then moved to the village of Manah, circles in green as well.
(U) Q: Did anybody examine the enemy ambush sites?
(U) A: Yes. I sent a squad on the right and left of the canyon to secure the area. At day light I had soldiers searching the sites.
(U) Q: Did anybody find evidence of enemy activity at the ambush sites?
(U) A: Physically no.
(U) Q: Did anyone capture the enemy who conducted the ambush on 2D Platoon?
(U) A: Yes, at a later time. It is my perception that we did catch the guy who put this ambush together. Typically a village is a village, they just want to survive. Sometimes, a guy will come in, preach some anti-American sentiments, arise some locals, get a group [redacted] together, and do the attack. The local villagers would filter back into the village and the

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Statement of [redacted] taken at the 75TH Ranger Regiment Headquarters, Fort Benning, GA on 23 Mar 06. Continued

(U) [redacted] organizer would go on. A week or so later, there was some intel that the enemy who did the attack was back in the area. 1ST platoon was sent to the vicinity of Tit. The company executive officer was with the platoon when they did these operations. The platoon went down, hit the target, and told the villagers what they were looking for. They did not find them, but they got some further intel of where the individual was at. This village hopping continued. Finally, they were given intel that the guys who did this were in the mountains. The platoon went into the mountains and captured about five individuals to include one that was supposed to head up the attack. The purpose for that mission was to find the enemy who did the attack. I remember that 1ST platoon came back with some enemy, some equipment, and other intel stuff.

(U) Q: Who interrogated the enemy?
(U) A: We would have turned them over to the holding facility at Khost.
(U) Q: Do you recall which MI unit was at the FOB?
(U) A: I do not recall, but I think it was a group out of Alaska.
(U) Q: Did you receive any further information about the enemy that was captured?
(U) A: No.
(U) Q: What would have happened to the enemy?
(U) A: They would have gone to the holding facility [redacted] possibly to our holding [redacted]
(U) Q: Do you know if any of the enemy admitted to conducting the ambush?
(U) A: I do not know.
(U) Q: Do you know who the interrogators were?
(U) A: No.
(U) Q: Who can we go to, to get further information on this captured enemy?
(U) A: [redacted] He was the Cross Functional Team commander. He would remember what led to their capture. He was the one to say where to go.
(U) Q: Referring to the memorandum labeled 2, did you ever receive guidance in accordance the memo?
(U) A: I never saw the memorandum before, and I have never heard of it.
(U) Q: Who had MBTR's?
(U) A: Squad leaders and above. Occasionally, a team leader may have one, but not usually.
(U) Q: Do you know what happened to CPL TILLMAN's diary and personal effects?
(U) A: As mentioned above, I looked through everything contained in that bag of clothing and did not find it. We dug through everything, and everyone knew he had it. No one found it. Two possible things that may have happened. CPL TILLMAN may have had it in his body armor and when it was burned, it was destroyed. It is not common practice to put anything inside the armor plate pouches, but it is possible. We looked and we looked hard because we knew the family wanted it, as [redacted] had asked for it already. I looked through the clothes several times because [redacted] told me the platoon could not find it. The only other possibility I can think of was the possibility of the diary being lost in the CSH.

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(U) Q: Were there any other personal effects that you recall?
(U) A: Not the stuff I looked through. It was all military gear.
(U) Q: Did anybody admit to you of shooting at CPL TILLMAN's postion?
(U) A: Yes, his position. [redacted] said he shot at the Afghani soldier. I cannot remember his exact words. The words I say are my interpretation of what I understood [redacted]

Statement of [redacted] taken at the 75TH Ranger Regiment Headquarters, Fort Benning, GA on 23 Mar 06. Continued

(U) [redacted] to say. [redacted] related that he perceived the Afghani soldier as a threat. I do not know how he said it, [redacted] said he shot at an area where he saw movement behind/above the Afghani soldier. I never recall anyone saying that they saw a particular person and shot at that person. I was told by [redacted], and [redacted] that they followed their team leader's fire and they fired into that area. One would have been behind [redacted], [redacted] on the 50 cal on top, and [redacted] in the back, I believe.

(U) Q: Did anyone admit to killing CPL TILLMAN?

(U) A: No.

(U) Q: Did anyone admit to killing the AMF soldier?

(U) A: [redacted] admitted to killing the AMF soldier. Based on the area, I think the AMF soldier was visible, and would have been seen for what he was. However, where CPL TILLMAN was, I do not think would have been feasible to see other than movement.

(U) Q: Did [redacted] say there was poor lighting?

(U) A: It was understood by me that the lighting conditions were poor. I do not recall [redacted] specifically saying that. I do know that it was an issue for him and everyone.

(U) Q: Did [redacted] say what he saw before engaging the AMF soldier?

(U) A: [redacted] said he saw what appeared to be an Afghani, with a beard, with an Ak-47, firing his direction. I remember him portraying that to me.

(U) Q: Did [redacted] give any further details about the AMF soldier?

(U) A: No.

(U) Q: Is it common practice for AMF soldiers to join in a firefight?

(U) A: Not at that time. Now a days, we are trying to involve the Afghan face into our missions, but back then it was not. I do not remember why the AMF soldiers were traveling with the platoon, but they were obviously going to help with search of the villages.

(U) Q: Would [redacted] have known that AMF soldiers would have attached themselves to a serial to join the fight?

(U) A: No. That was the first engagement that particular platoon in Afghanistan had at that particular time. Up until this incident, Afghani soldiers had not fought along with our soldiers. I would not have known.

(U) Q: Was there any ill will towards CPL TILLMAN?

(U) A: I can honestly say, the younger guys looked up to him. I had never heard of Pat TILLMAN until he came to the Regiment. Leaders didn't treat him any different. His peers respected him. I cannot think of one incident when anyone had words with CPL TILLMAN [redacted]

(U) Q: Was there ever an idea of blowing the HMMWV in place at the TOC?

(U) A: I do not recall any talk of that. If the request came to the TOC, I did not hear it, but it would have been a no. We just do not do that.

(U) Q: Did you look at the vehicles in Serial 2?

(U) A: I think I informally looked around, looking for damage. I do not recall seeing any. The distance the enemy was engaging was ineffective. Apparently from my understanding, there were bullets striking the ground and all around them.

(U) Q: Is it common to split a platoon?

(U) A: No. However, we do operations at lower level than platoon. When a platoon is out [redacted]

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Statement of [redacted], taken at the 75TH Ranger Regiment Headquarters, Fort Benning, GA on 23 Mar 06. Continued

[redacted] by itself, typically we will not split them. It is a viable option, based on the threat in that area. I do not think there was an enemy force in that area that could overtake a half of a Ranger platoon.

(U) Q: What exactly did [redacted] express to you, when you spoke with him?
(U) A: He expressed to me that he saw the vehicle come around the corner and open fire on their position.
(U) Q: Did you have any involvement with the "Jinga" truck?
(U) A: I did not, but I would say it came to be a factor.
(U) Q: Did you see any expended smoke canisters, when you arrived?
(U) A: I did the next day.
(U) Q: Do you recall what kind of smoke it was?
(U) A: I do not recall the color, but I do remember there was a smoke canister in the vicinity of where the Afghani soldier was killed.
(U) Q: Did you see the bodies of CPL TILLMAN and/or the Afghani soldier at the site?
(U) A: No.
(U) Q: Did the platoon have air support during the attack?
(U) A: No. After the fact, I am sure they brought some in. That is another question for [redacted]
(U) Q: Were there any Americans in civilian attire with the platoon?
(U) A: I do not know, but there might have been.
(U) Q: Do you know anything about prior intelligence received at the village where the "Jinga" truck was hired?
(U) A: No.
(U) Q: Is their a friendly fire SOP at that time? Was their something the one being fired upon should do?
(U) A: No. In our training, we mark our flanks and mark ourselves, but there is nothing to do while being fired upon.
(U) Q: Who was at the scene with you, when you took the pictures?
(U) A: I think [redacted] was with me.
(U) Q: Was there a Ranger Regiment investigation?
(U) A: Yes, [redacted] did one. He is at Fort Carson, CO.
(U) Q: Is it common to communicate by e-mail, when sending instructions stuff?
(U) A: Yes.
(U) Q: Do you have anything you wish to add to your statement?
(U) A: Yes. In the final estimate of this, [redacted] and the rangers with him are the ones that pulled the trigger. However, there are a series of decisions made at several levels above him and circumstances that led to putting him and those Rangers in that position and all are contributing factors. I would like to think that I ,or any other of us in [redacted] position would have made a different decision, but we will never know. Up until this incident [redacted] was known as a great leader and Ranger, and had been recognized by the Battalion Commander for his outstanding performance just prior to this deployment.
(U) Q: Do you have anything else you wish to add to your statement?
(U) A: No. [redacted]

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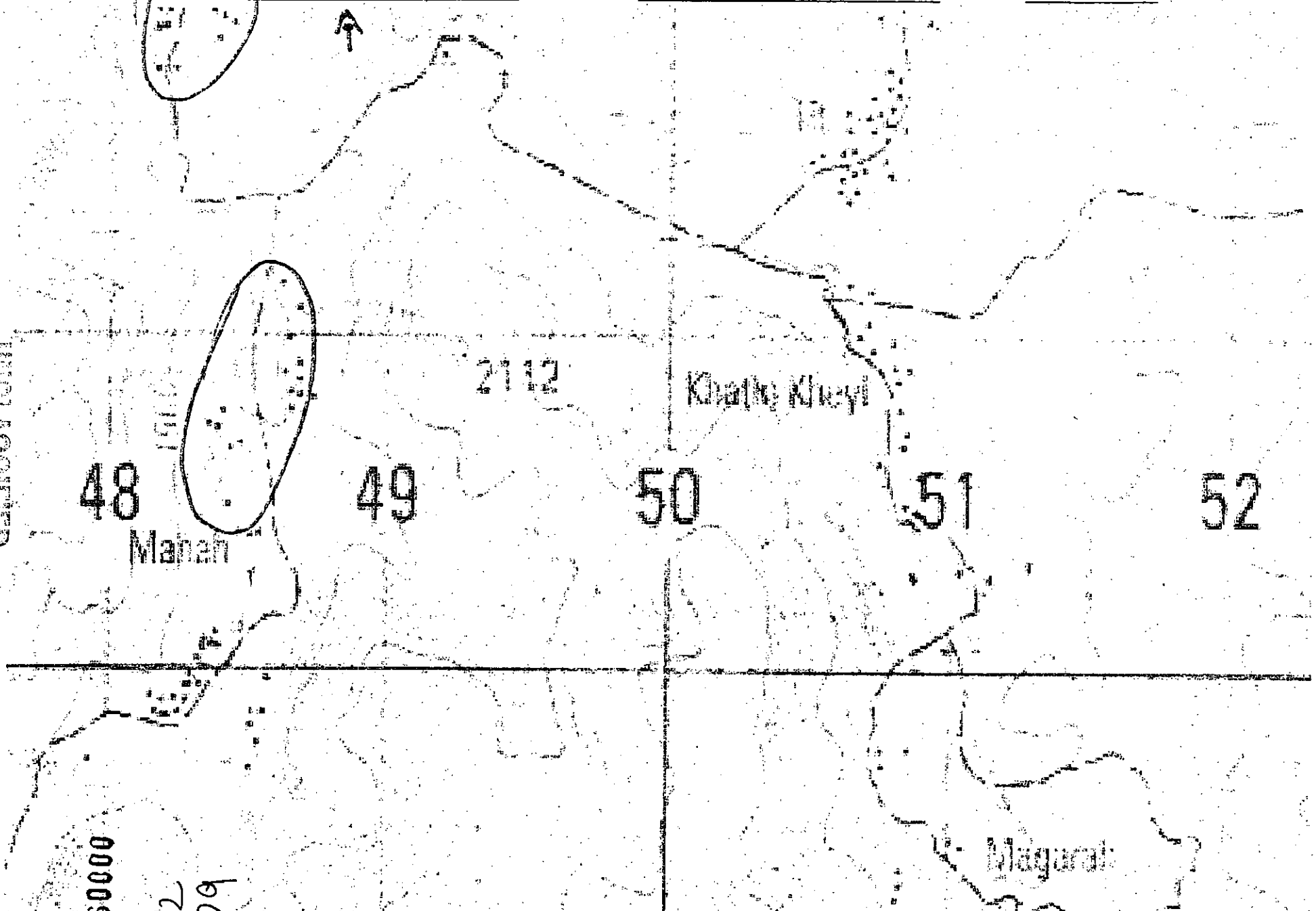
A [redacted] 75th [illegible] RGT HQ

Statement of _____ TAKEN AT Ft Benning, CA DATED 23 MAR 06 CONTINUED.



Initials of person making statement [redacted]

Page 7 of 9 Pages.

0013-06-CID 201-500

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STATEMENT 0 [redacted]
2 AT THE 75th RGR RGT HQ, FT BENNING GA
DATED 23 MAR 06. CONTINUED

UNDER SECRETARY OF DEFENSE 0013-06-CID201-5004
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DEC - 3 [redacted]13

PERSONNEL AND READINESS

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
DIRECTOR, JOINT STAFF

SUBJECT: Policy on Forensic Investigations of Service Members Killed in Service

This memorandum directs the implementation of policy clarification and changes requested by the Armed Forces Medical Examiner (AFME) (attached).

The remains of Service members killed in action must always be treated with dignity and respect. However, it is also crucially important to preserve the forensic evidence regarding the cause of death of Service members killed in action. For a forensic investigation to be done properly, it must be performed by a medical examiner who has the ability to appropriately photograph and otherwise preserve the evidence. Collecting this evidence is especially critical in cases of possible homicide, execution, or friendly fire, and in order to support possible prosecution of criminal conduct.

As policy guidance for the proposed modification of Joint Publication 4-06, Joint Tactics, Techniques, and Procedures for Mortuary Affairs in Joint Operations, 28 August 1996, the remains of all Service members who die in a theater of combat operations will be placed in a human remains pouch with minimum handling consistent with personnel safety. The remains will then be sent to the AFME or the designated representative for forensic examination before being released to the preparing mortuary.

David S. C. Chu

Attachment:
As stated

000100

INITIALS OF PERSON MAKING STATEMENT [redacted]
EXHIBIT 14 PAGE 8 of 9 [redacted]

STATEMENT OF [redacted] TAKEN AT RGR RGT, FBGA DATED 2006/03/23

9. STATEMENT *(Continued)*
///END OF STATEMENT//[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 9. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

[redacted]

SA [redacted]
ORGANIZATION OR ADDRESS

FIU, 701ST MP GP, Alexandria, VA
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of March, 2006 at 75Th Ranger Regiment Headquarters, Fort Benning, GA

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

000101

INITIALS OF PERSON MAKING STATEMENT [redacted]

[redacted] b2 b6 b7C EXHIBIT 14

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 0900, 23 Mar 06, the undersigned interviewed [redacted], HHC, 75th Ranger Regiment, Fort Benning, GA 31905, who related he was the Casualty Notification Officer. He notified SPC TILLMAN [redacted] that [redacted] had "died as a result of gunshot wounds to the head".

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE: 23 Mar 06 / EXHIBIT: 15

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 1200, 24 Mar 06, the undersigned interviewed [redacted] (NMN) [redacted] B Co., 1145 Aviation Brigade, Fort Rucker, AL, who related he was in group 1 conducting the flanking manuvers. (See Sworn Statement for more details.)

///LAST ENTRY///

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000103

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 24 Mar 06	EXHIBIT 16

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Kelley Hall, Fort Rucker, AL	24 Mar 06	1200	0013-06-CID201-50048

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
B Co., 1145 Aviation Brigade, Fort Rucker, AL

(U) I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 0800 (local time), 22 Apr 04, we departed from an Afghanistan Military Forces (AMF) base camp. Approximately 1200 (local time), 22 Apr 04, we stopped at a local village because the vehicle we were towing had become broken down enough that it was becoming to difficult to tow. We ended up pulling security as there were numerous locals. I had over heard or just thought that the next course of action would be to get the dead lined vehicle sling loaded out of the area but nothing more then that. We were at that location for about three to four hours. I was not purview to the plan of action but there was a decision to split the platoon. There was a plan to hire a "Jinga" truck drive to tow the dead lined vehicle for us. I remember seeing them barter with the "Jinga" truck drive but nothing in detail. I was not involved in the loading of the dead lined vehicle and placed [redacted] I thought everybody was moving as one and I was not told the plan so I had no idea there was going to be two Serials. I remember while driving noticing very high cliffs on either side. During the driving at this point I believe I remember [redacted] saying over the radio that they had to turn around. I thought this strange because I thought everybody was together. As we were coming out of the gorge I noticed a village off to the right and came to a "Y" in the road. We started to go right at the "Y" in the road and noticed an approximate 16 year-old boy that I remember seeing back at the village. I thought it was out of the ordinary and called out and I believe after this incident talking with [redacted] who said he noticed the same thing. I remember him being dressed in all black which was also out of the ordinary. We then heard an explosion which came from our rear about where the canyon had opened up for us. We dismounted the vehicles and noticed a lot of fire coming from the canyon. I over heard through [redacted] radio that there was a lot of gun fire and yelling. We moved up towards the village and just before the village I shot over the village at a suspected enemy sight. I noticed the site because I observed trace rounds from the canyon striking this location. I performed over watch and I would bound up to their position following my squad. We finally made it past the village to the side of a spur. I remember rounds hitting around us as we got to this position. Map A, the blue box indicates where my vehicle had stop and we dismounted after the explosion. Map A, the orange line indicates the route I took and stopped. The orange line and cross line indicates area I stopped to perform security and over watch. We started looking for the enemy and identified movement approximately 300 meters away on the side of a mountain. View D, the red box indicates where I saw movement, muzzle flashes and felt that it was the enemy. I might have let out about two burst in that area before running out of ammo. [redacted] called a cease fire because we could not tell any more movement so I reloaded my weapon. Rounds were still going off and I started noticing tracer rounds going over my head. It became evident that it was 50 caliber and I began yelling cease fire because I thought it was one of our vehicles. I remember [redacted] shooting a pen gun flare. Shortly after [redacted] lit the pen gun flare the firing stopped and started again. I began scanning the area again for the enemy because rounds kept coming in. View B, the green circle indicates where I noticed an explosion. We were still receiving rounds but they were all over the place. I remember turning around noticing the village and the 50 caliber machine gun from the first vehicle out of the canyon was shooting at the southern most buildings marked in green on Map A. Everybody started yelling cease fire again and it went down the chain again. Shortly after that I heard a really loud scream coming from the road area that I thought someone had been hit. [redacted] and other leadership went down to where I suspected a casualty happened. It started getting real dark and we were then performing security. It might have been about a half hour we were pulled off security and I started walking down towards where the stretcher was. I helped carry the body down to the helicopter landing zone. We started performing security and noticed the helicopters coming in. A while after that I know 3rd platoon came in and we were told to bed down.

Q: [redacted]
A:
Q: Did you visually identify enemy combatants?
A: Yes.
Q: What did they look like?
A: At about 1100 meters I noticed shapes and muzzle flashes.
Q: Is the first vehicle out of the canyon the only vehicle you notice that fired on the village?
A: Yes.
Q: Did you see any fire coming from the first vehicle at your position?
A: I believe so.
Q: What weapon systems did you see from the first vehicle shooting at the village?

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF [redacted] PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

[redacted]

EXHIBIT 17

Statement of [redacted] taken at Kelley Hall, Fort Rucker, AL dated 24 Mar 06 continued.

(C) A: 50 caliber machine gun because I notice it was knocking big chunks off the village. View F, I marked the blue box as the first vehicle out of the canyon and the green line of the rounds tracking to the building marked with green circles.
(U) Q: Did you see tracer rounds coming from the 50 caliber machine gun in the first vehicle hitting the village?
(U) A: I don't remember visually seeing tracer rounds coming out I just remember seeing the 50 caliber machine gun going off and them the village getting kicked up with dust and rocks.
(U) Q: What weapon systems did you see from the first vehicle shooting at your position?
(U) A: I believe the rear but I'm not sure which. I do remember looking at the vehicle add the weapons were trained on our position.
(U) Q: Have you been in enemy fire fights prior to this incident?
(U) A: Yes.
(U) Q: Do you consider yourself knowledgeable and well trained in combat?
(U) A: Yes.
(U) Q: Did you have a radio to be able to communicate with the platoon?
(U) A: No.
(U) Q: Did your weapon have a magnification scope on it?
(U) A:Yes.
(U) Q: Did you use this magnification scope to identify the enemy?
(U) A: As much as possible, yes.
(U) Q: What magnification was the scope?
(U) A[redacted]
(U) Q: Did you know where SPC TILLMAN's position was during the fire fight?
(U) A: No.
(U) Q: Could you see SPC TILLMAN's position from yours during the fire fight?
(U) A: Knowing where it was after the incident, No I would not have been able to see it.
(U) Q: Did you see any friendly forces fire upon SPC TILLMAN's area or position?
(U) A: I did not.
(U) Q: Did you have tracer rounds coming in on your position?
(U) A: Just the 50 caliber machine gun tracer rounds I noticed in my statement.
(U) Q: Did anybody admit to you that they had fired on friendly forces positions during this incident?
(U) A: I can't recall.
(U) Q: Do you know of anybody that might have had ill will feeling towards SPC TILLMAN?
(U) A: No.
(U) Q: Do you know what happened to SPC TILLMAN's personal effects or diary?
(U) A: No.
(U) Q: When did you suspect fratricide was the cause of SPC TILLMAN's death?
(U) A: When I talked with [redacted] because at the time it was apparent they had fired on us. Seeing the first vehicle firing on the village and seeing the 50 caliber machine gun fire going of head from the general direction of SPC TILLMAN's position.
(U) Q: Did you tell anybody your suspicions of fratricide?
(U) A: I don't know I ever told anybody but through conversation it was inferred.
(U) Q: What were the lighting conditions at the time of the incident?

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[redacted]

Statement of [redacted] taken at Kelley Hall, Fort Rucker, AL dated 24 Mar 06 continued.

(U) A: It was dusk and the sun was going behind the mountains so there was a lot of shadowing.
(U) Q: Is it normal to have the AMF soldiers to fight along side of Rangers?
(U) A: No. We've never practice so no it was not common place.
(U) Q: Did you see any AMF soldiers join in the fight in this incident?
(U) A: [redacted] is what he was called and he was around our squad.
(U) Q: Was [redacted] the AMF soldier that was killed?
(U) A: No.
(U) Q: Do you know the name AMF soldier that was killed?
(U) A: No.
(U) Q: Did [redacted] fight along side while this incident was happening?
(U) A: Yes.
(U) Q: What were the AMF soldiers wearing?
(U) A: Desert uniform with tiger stripes.
(U) Q: Is there specific friendly fire training that Ranger receive?
(U) A: No.
(U) Q: Did you have training on what to do when you receive friendly fire?
(U) A: No.
(U) Q: Did you see SPC TILLMAN's position during daylight hours?
(U) A: No.
(U) Q: Did you search for enemy positions the following day?
(U) A: No.
(U) Q: Do you wish to add anything to this statement?
(U) A: It's been two years since the incident and everything that I was certain of I've explained.
(U) Q: Do you wish to add anything to this statement?
(U) A: No.
///END OF STATEMENT///

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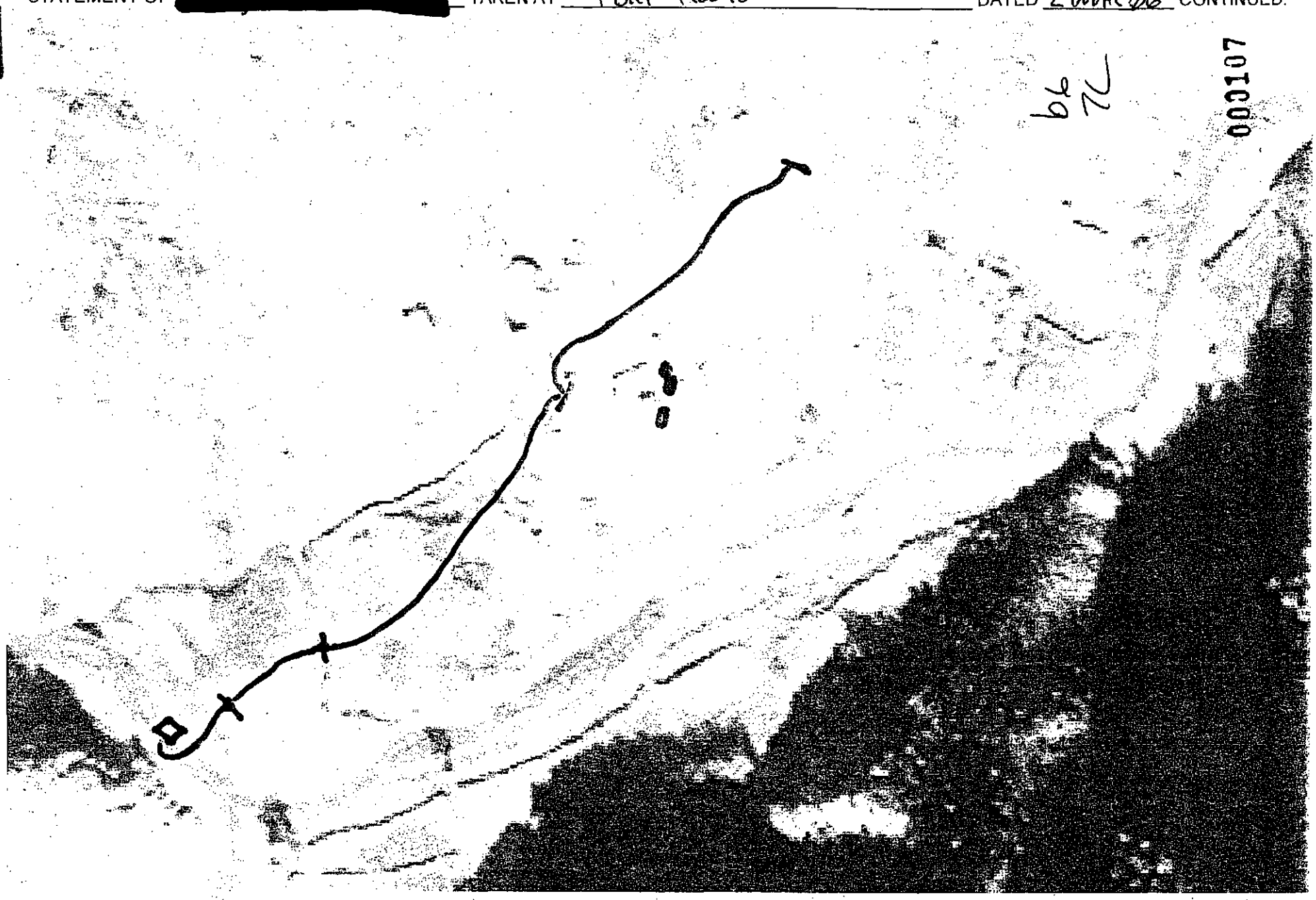
[redacted]

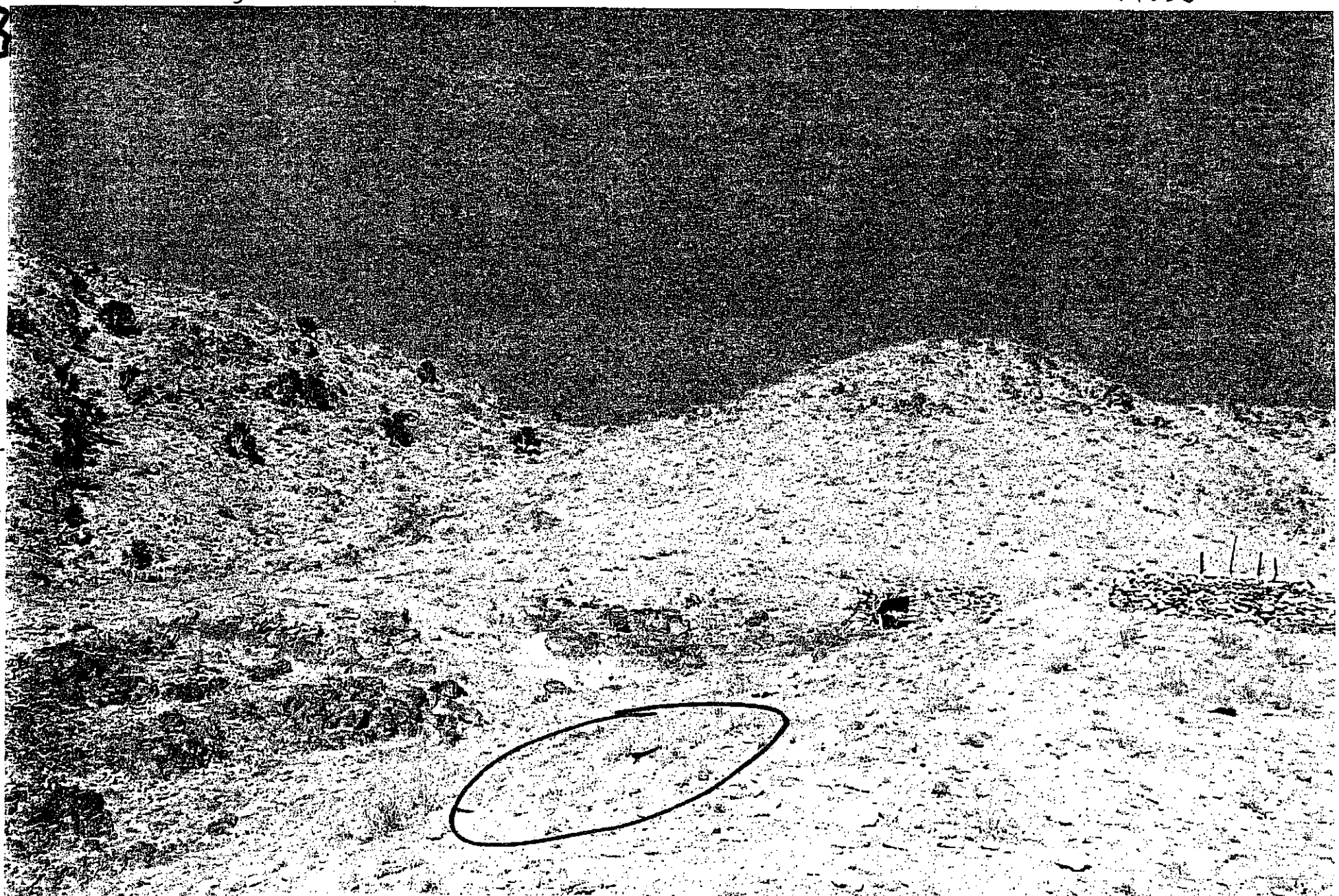
17

A



"STATEMENT OF [redacted] TAKEN AT Fort Rucker DATED 24MAR06 CONTINUED."

B



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 5 OF 11 PAGES."

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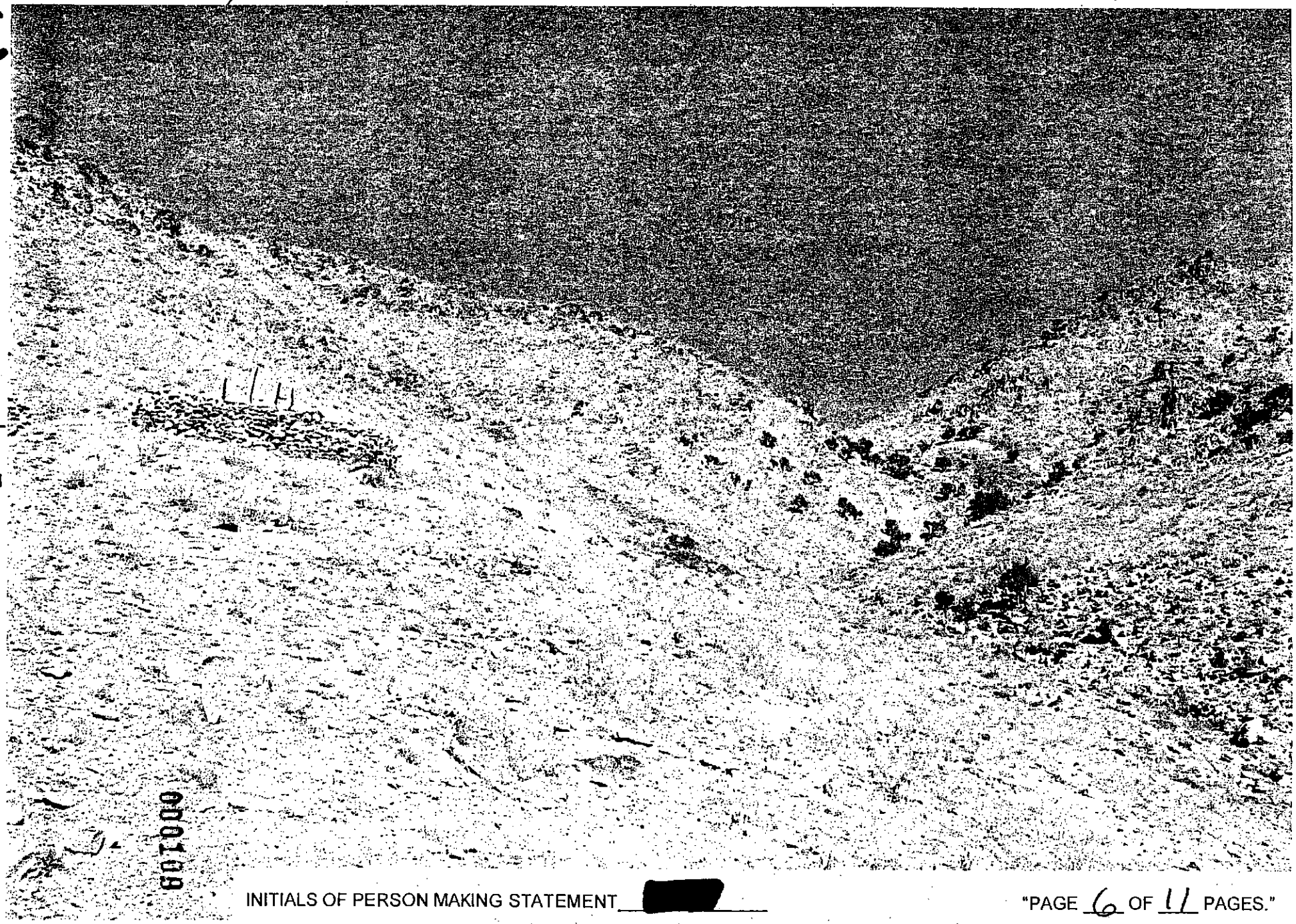
EXHIBIT 02

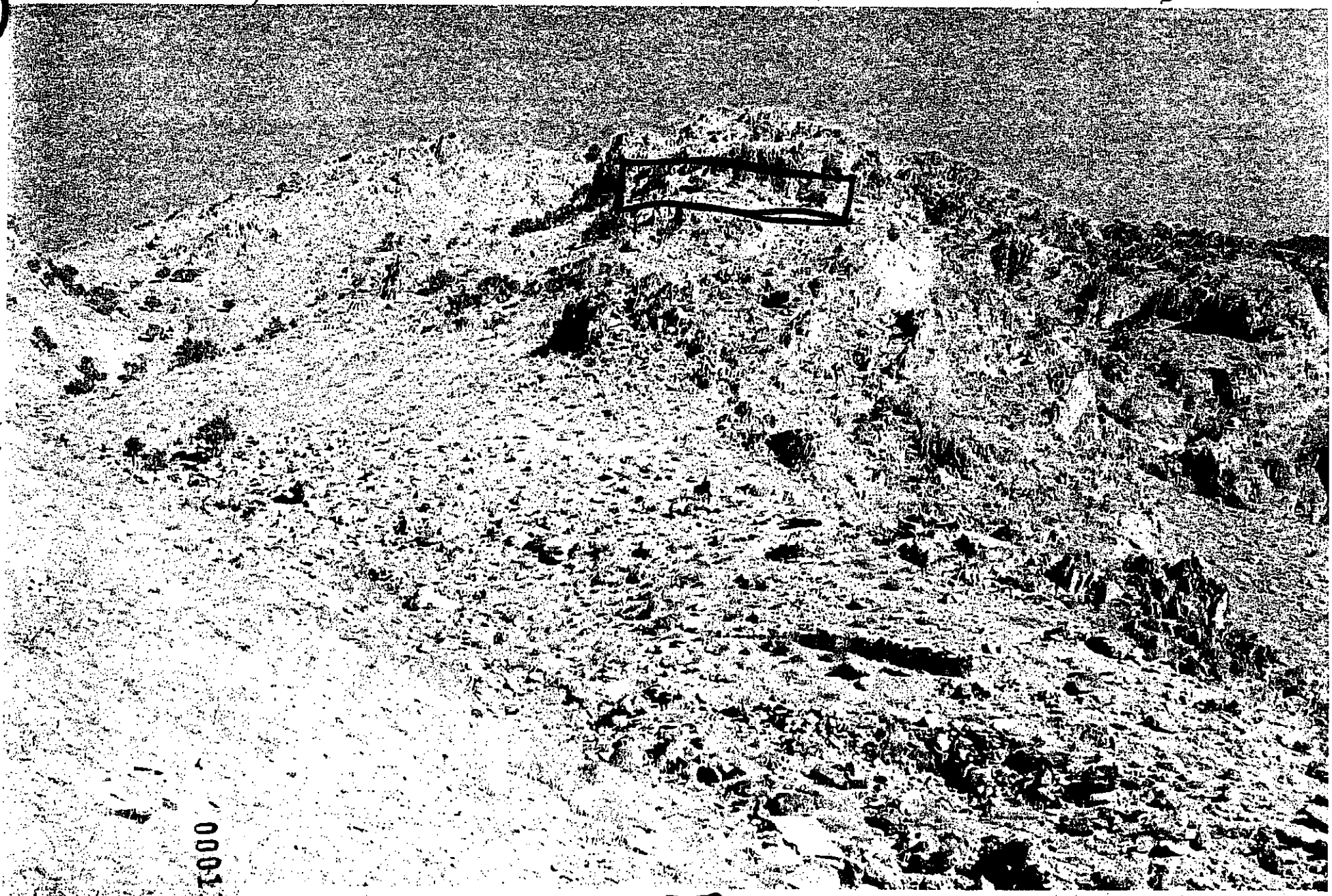
0013-06-CID201-5004

"STATEMENT OF [redacted] TAKEN AT Fort Rucker DATED 24MAR06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

D



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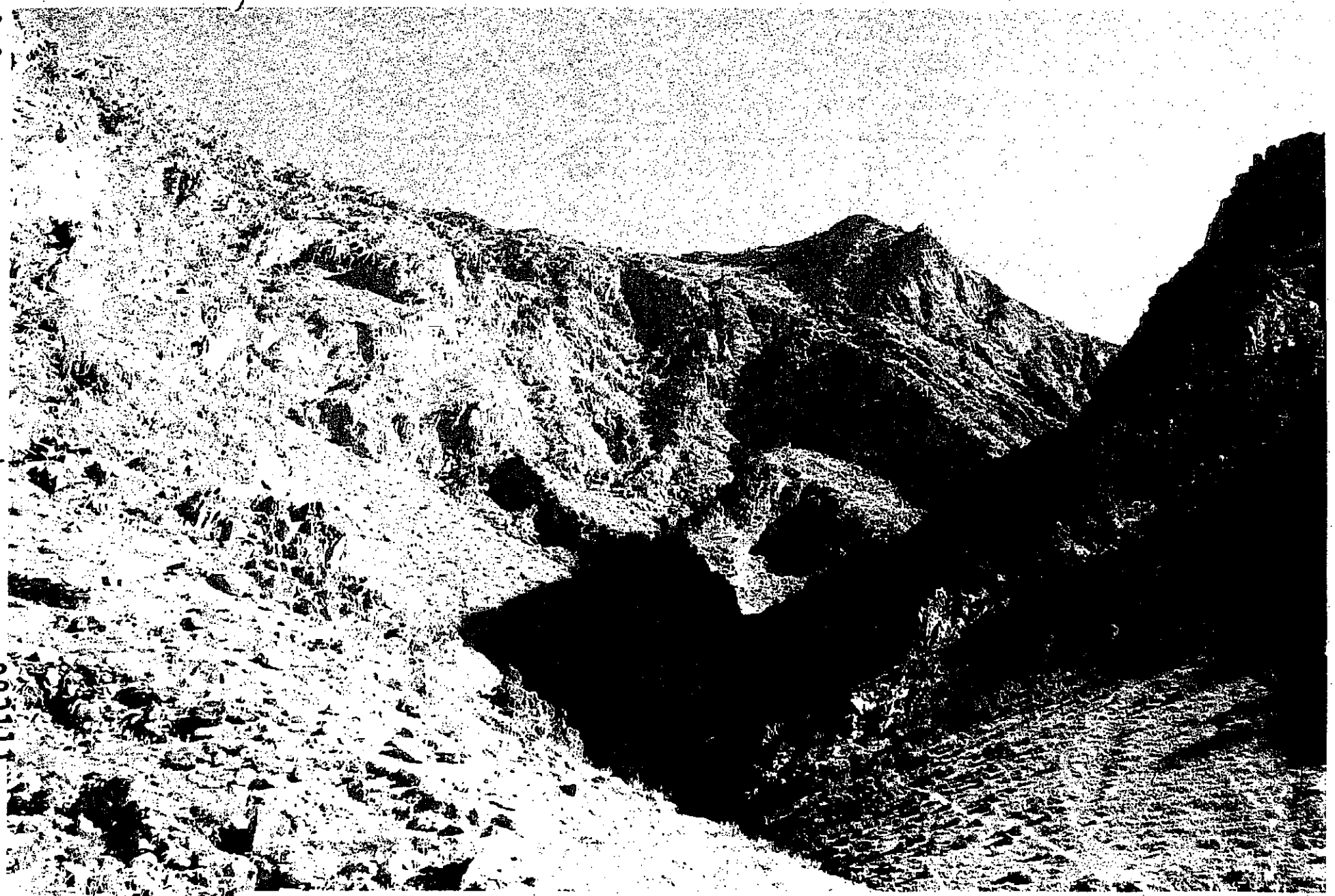
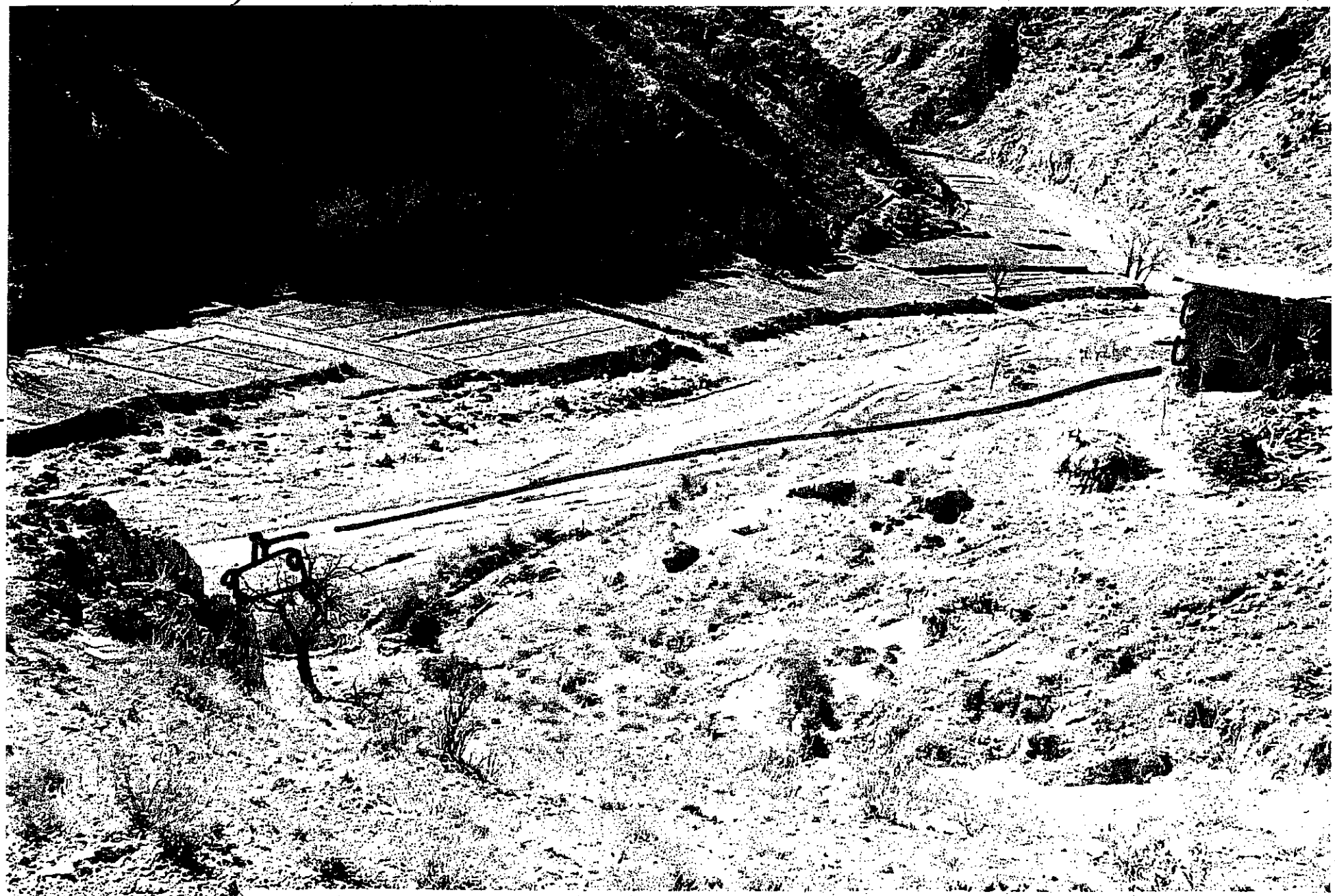
"STATEMENT OF [redacted] TAKEN AT Fort Rucker DATED 25MAR06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"STATEMENT OF [redacted] TAKEN AT Fort Rucker DATED 24MAR06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF [redacted] TAKEN AT Fort Rucker DATED _____ CONTINUED.

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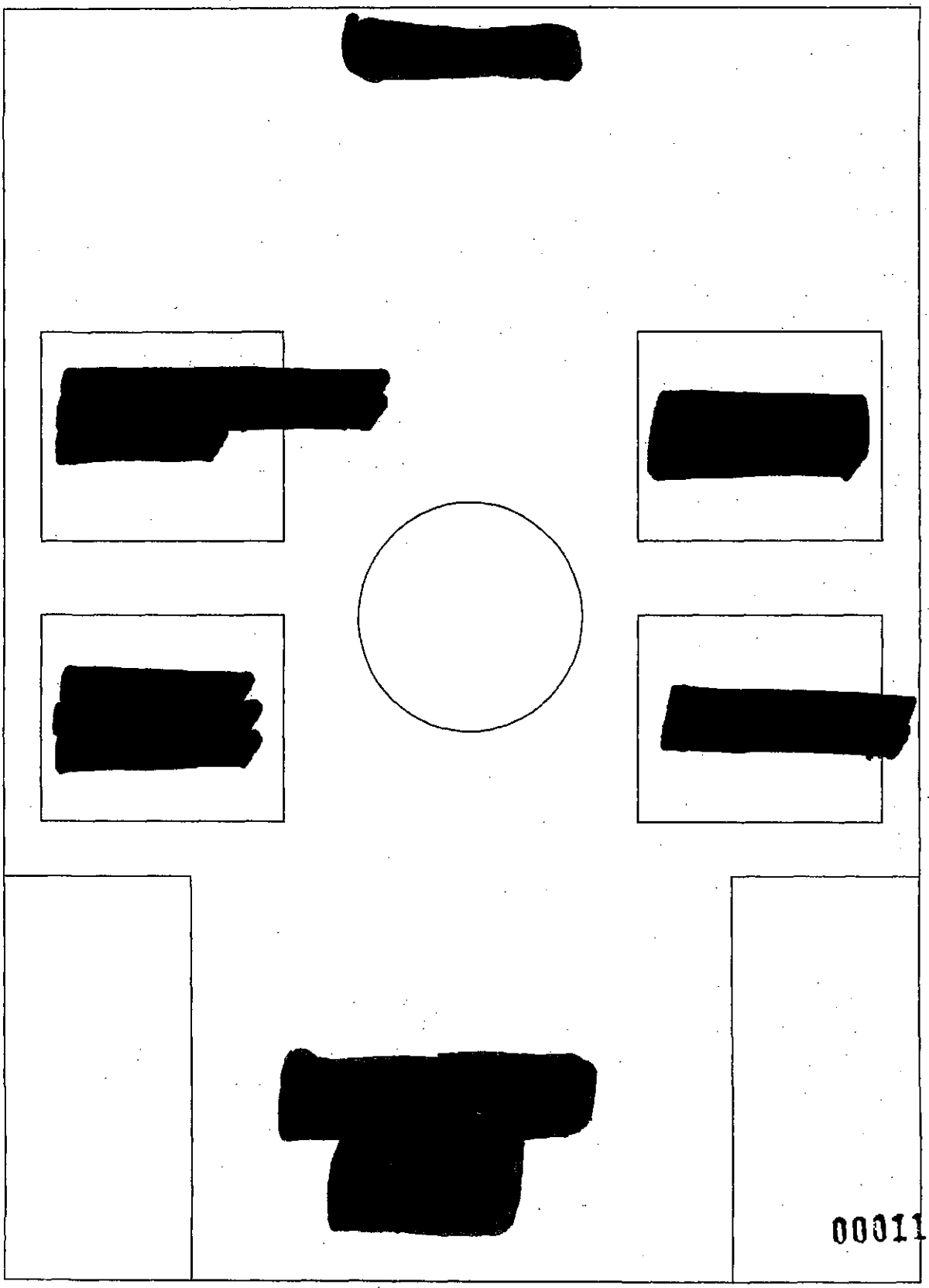

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 10 OF 11 PAGES.

[redacted]

EXHIBIT 17

[redacted]

STATEMENT *(Continued)*

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted] FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SA [redacted]

ORGANIZATION OR ADDRESS

FIU, USACIDC

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of March 2006 at Kelly Hall, Fort Rucker, AL

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Art 136 UCMJ
(Authority To Administer Oaths)

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INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE [redacted] OF [redacted] PAGES

USAPPC V2.00

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ENCLOSURE 17

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 1315, 9 Mar 06, SA [redacted] coordinated with SA [redacted], Department of Defense, Office of the Inspector General, Washington, D.C., 20301 (DODIG), and collected as evidence two plastic specimen cups, one containing five (5) metal and three (3) rock fragments, the other containing three (3) metal fragments, each removed from the body of CPL TILLMAN at the time of his autopsy. Evidence retained on a DA Form 4137, Evidence Property Custody Document (EPCD), voucher number 010-06.

(FOUO-LES) Between 1030 – 1430, 27 Mar 06, SA [redacted] and SA [redacted] interviewed [redacted] Chief Deputy Medical Examiner, Armed Forces Medical Examiner, 1413, Research Blvd., Rockville, MD (See Sworn Statement for Details).

(FOUO-LES) About 1630, 27 Mar 06, SA [redacted] coordinated with [redacted] Rear Detachment Commander, 3/71 Cavalry, 3rd BCT, 10th Mountain Div, FDNY who advised this agent [redacted] C. Company, 10th Mouaintain Division, FDNY, was deployed to FOB NARAY, Afghanistan and the TOC number was (DSN) 318-851-1343/1348.

///LAST ENTRY///

000115

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU	
SIGNATURE [redacted]	DATE 27 Mar 06	EXHIBIT 18

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UNCLASSIFIED

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 27 Mar 06, 1233

LOCATION: 1413 Research Blvd, Rockville, MD 20850

I, [redacted] want to make the following statement under oath:

On 27 Apr 04, I received the body of CPL TILLMAN while at Dover AFB. The receipt of CPL TILLMAN's remains arrived in the typical manner. Other than the close proximity of the rounds in CPL TILLMAN's forehead, the processing of the remains was typical as it pertains to any combat related death. Shortly after his arrival, I began to perform a medico-legal autopsy of CPL TILLMAN.

QUESTIONS (Q) = SA ~~FIU~~ [redacted]
ANSWERS (A) = [redacted]

Q: Can you briefly summarize your career and the specialized training you have completed prior to assuming your position here?
A: I have had several operational training experiences, I am an undersea medical officer as well as a flight surgeon. I have a medical degree and I have completed an anatomic and clinical pathology residency. I have also completed an additional year of training as a forensic pathologist. I am board certified in all of the aforementioned areas. I am also the Chief Deputy Medical Examiner for this office.
Q: When did you first start conducting autopsies?
A: I have been doing autopsies since 1994.
Q: About many autopsies have you have conducted throughout your career?
A: I have completed roughly 800-900 autopsies.
Q: And how many of those involved firearms of some sort as a cause or contributor to the death?
A: Roughly about 300.
Q: Of those, how many have been combat related?
A: Probably 150 or so, with an additional 100 or so performed at the Chief Medical Examiner's office in Maryland on non-combat firearms homicides.
Q: Of those, can you tell me how many autopsies you have conducted in which the decedent's death was caused by their receiving a gunshot wound(s) to the head?
A: Probably about 80 or so.
Q: Did you office perform a complete autopsy on the remains of CPL TILLMAN?
A: Yes.
Q: Do you recall who requested the autopsy be performed?
A: The autopsy was performed under the jurisdiction of the Armed Forces Medical Examiner. I performed the autopsy.
Q: What is the purpose of conducting an autopsy?
A: To establish a medical-legal cause and manner of death, to provide scientific identification of the remains and to provide meaningful data for the improvement of medical care and body armor.

[redacted]

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EXHIBIT 19

UNCLASSIFIED

Q: How were you notified that an autopsy needed to be performed on CPL TILLMAN?
A: We get a CASREP (Casualty Report) from each of the branches of services. Dover AFB also provides a flight manifest providing the names of the decedents and the number of decedents arriving. Casualty affairs also provides a sentence or two with minimal information pertaining to the incident which caused the death.
Q: Is this the normal chain of events as it relates to your being informed that an autopsy needs to be conducted?
A: Yes, no different than any other soldier.
Q: Do you recall where and when the autopsy of CPL TILLMAN was performed?
A: Yes, 27 Apr 2004 at Dover AFB Port Mortuary.
Q: What is the normal length of time that passes before a combat related death arrives at your location?
A: Three to four days. Afghanistan is sometimes a bit tougher, flights are not as frequent out of Afghanistan. CPL TILLMAN's remains would have arrived in the usual four to five days.
Q: Is such a delay normal?
A: Yes, especially in 2004. Logistics have improved since then..
Q: Do you recall if there were any indications that additional medical procedures had been performed on CPL TILLMAN prior to the autopsy?
A: It appeared that a thermal injury on the left side of the chest was a defibrillation attempt, however I cannot be sure. That is about the extent of any medical intervention which I could determine.
Q: If previous medical treatment had been conducted on CPL TILLMAN, would documentation have accompanied his remains and would you have been aware of it prior to conducting the autopsy?
A:. There is supposed to be, however, that is not always the case. Sometimes no documentation arrives even though medical attention was given.
Q: Was there any indication of intubation or the injection of any type of medication into CPL TILLMAN when his remains arrived to you?
A: He was not intubated upon his arrival to Dover AFB. There was no evidence of any IV lines or other medical care given.
Q: Did anyone witness or others attend the autopsy of CPL TILLMAN?
A: There would have been a histology tech with me. I believe he was a [redacted] in the Navy. His name is [redacted] They are there to simply provide the instruments needed, they do not provide any technical assistance with the actual autopsy except opening the skull in certain cases..
Q: Are there records kept on who was working on CPL Tillman's body prior to his arrival to your location?
A: I was told that there were some in-country medical records pertaining to CPL TILLMAN, however, I have never seen them. I believe the Army was trying to obtain and provide the records to the family.
Q: Do you take notes or record the autopsy proceedings?
A: Yes.
Q: Did you take notes during the autopsy of CPL TILLMAN?
A: Yes.
Q: Was there anything unusual or odd noted when conducting the autopsy of CPL TILLMAN?
A: Yes, I noted the possible previous medical intervention as well as the close grouping of the wounds. I also noted that there were several injuries in his forearm which I found to be unusual.
Q: Were there any additional remains of CPL TILLMAN accompanying him, such as bone / skull fragment(s) or brain matter?
A: No.

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[redacted] (Initials)

EXHIBIT 19

Q: Is it unusual for portions of a decedent's remains not to accompany the body?
A: No, we receive remains which are not intact on a frequent basis. It is not uncommon.
Q: Is there a process or request generated if portions of a decedent's remains are not accompanying the body or if the decedent is not intact?
A: Not really, we simply inform the family that the remains are not intact. We also give the family the choice of what to do if the remains are located. In CPL TILLMAN's case, no additional remains have arrived.
Q: Specifically relating to CPL TILLMAN, would the remains that were missing have assisted you in determining which round / projectile struck CPL TILLMAN first / last?
A: Certainly the more I have to work with, the better I could have determined exactly what occurred, however, the rounds were high velocity rounds, and there would have been much fragmentation of the skull, so I am not sure how much they would have assisted.
Q: Do you recall any remains of CPL TILLMAN being forwarded to you at anytime following the autopsy?
A: None were forwarded.
Q: Do you recall when you first received CPL TILLMAN's remains, what condition the body, was in?
A: Yes, it was in reasonably decent condition other than the obvious injuries.
Q: In the autopsy report there is a statement that "personal effects and clothing are released to the mortuary affairs personnel", exactly what personal effects and clothing were present?
A: He had a wedding ring and a set of dog tags.
Q: Do you normally receive a brief or a history of what took place leading to the death of an individual prior to their arrival to your office?
A: Yes, it is a very brief statement as to what occurred. We receive this from Casualty Affairs. In this case, the report related that CPL TILLMAN received a gunshot wound to his head after his unit received small arms fire.
Q: From the photographs of CPL TILLMAN's autopsy, what do you believe caused the trauma to his head?
A: Multiple gunshot wounds.
Q: Do you believe all entrance wounds were from the front of CPL TILLMAN's head?
A: Yes.
Q: In your opinion, could small caliber rounds such as .223 / 5.56 or 7.62 have caused the defect in CPL TILLMAN's head?
A: Yes. The size, characteristics, beveling of the skull, the impact points are more rounded instead of slit like as is on the rear of his head, all of these characteristics were consistent with what I saw during the autopsy of CPL TILLMAN.
Q: As you're going through the procedure if you find something that you want to collect is it photographed?
A: Yes.
Q: Do you recall if you collected any items from the deceased?
A: Yes, I collected small metallic fragments from both CPL TILLMAN's left upper extremity.
Q: Do you recall what other injuries CPL Tillman sustained over than the bullet wounds and the possible defibrulation mark?
A: There were several abrasions on his lower extremities and some on his left upper extremity. He also had a contusion on the right side of his face. This could have occurred from falling after being shot.

[redacted] (Initials)

EXHIBIT 19

Q: Is it typical for a medic to attempt to defibrillate an individual who is in the physical state CPL TILLMAN was?
A: No, but a physician or medic may do things to attempt to revive a person even though they are expected to die or even deceased. It is not unheard of in stressful situations.
Q: Do you have an opinion whether that the defibrillation mark was a postmortem mark or pre?
A: I would call it peri mortum which means right around the time of death.
Q: How long following an individual's death would a defibrillation attempt leave such a mark?
A: Not very long, I would say about several minutes.
Q: Could the mark have been left by something striking CPL TILLMAN in the chest, something such as an impact from a projectile?
A: If someone could give me a history of an item that would leave that type of mark....maybe, but I don't think so.
Q: During the conduct of this investigation, there are some questions as to the distance in which CPL TILLMAN was struck. Can you determine an approximate distance the shooter had to be from CPL TILLMAN for him to sustain such injuries?
A: No, but it was not within a few feet. It was not a contact wound or associated with close range discharge of a weapon. When I say close range I am referring to about four or five feet.
Q: Based on your observations, can you eliminate the injuries sustained by CPL TILLMAN as close contact?
A: Yes.
Q: What about an intermediate wound...such as 5-10 ft?
A: We don't use such a term in this office. If there was stippling or soot it may have been within 5 feet, but I cannot be sure of distance in this case. These are indeterminant distance gunshot wounds, however, they are not close or contact wounds.
Q: When, when you examined CPL Tillman's remains and looking at the injuries, do you have an opinion as to whether or not he was wearing his helmet at the time that he was shot?
A: I cannot tell whether or not he was wearing a helmet, however, if he were wearing a helmet, the entrance wounds would likely have appeared different. I simply cannot make a determination.
Q: What about the exit wounds? Would the helmet have contained any of the blast so that his skull would have remained more intact?
A: It may have assisted in the recovery of the brain and skull, but it would not have changed the appearance of the injury.
Q: Based on your observations, do you believe CPL TILLMAN was wearing a helmet at the time he was shot?
A: I cannot make a determination, but I do not believe the projectiles went through a helmet based on the appearance of the entrance wounds.
Q: And from your examination of those, did you determine that they were high velocity or low velocity wounds?
A: They appear to be high velocity wounds.
Q: Is there any forensic process to examine the wound and definitively determine the millimeter or the type of bullet?
A: No. You can exclude certain rounds such as a .50 caliber round causing the injuries to CPL TILLMAN.
Q: In your opinion, what sized round / projectile do you believe caused the injuries to CPL TILLMAN?
A: To me they are all consistent with high velocity small caliber rounds such as a .223/5.56 or 7.62.

[redacted] (Initials)

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Q: Can you determine which round impacted CPL TILLMAN first or last?
A: No.
Q: Is it possible to determine that?
A: It I had a reasonably intact skull I may be able to determine the order of fire as it pertains to the wounds based on fracture patterns.
Q: Can you determine the exact caliber of the round/projectile based on the entrance wound?
A: No.
Q: Can you rule out anything smaller than a .223 or larger than a .50 caliber round?
A: I can exclude anything larger than a .50 caliber round but I cannot exclude anything smaller than a .223 round.
Q: Although the entrance point on CPL TILLMANS right forehead appears larger than the other two entrance points, could the same caliber round/projectile have caused all three entrance wounds?
A: Yes. Although the photographs of CPL TILLMAN's head show what appears to be a larger impact point on the right side of his forehead, they are actually within 1/16 of an inch in size of each other. A marginal abrasion causes them to appear different in size.
Q: Based on the photos, can you determine how CPL TILLMAN was positioned at the time of impact?
A: No.
Q: Was there anything unusual at all in regards to how CPL TILLMAN was received or the condition of his body or personal effects when you received him?
A: Yes, there was no clothing, however this is not unusual. Nor was there any body armor, although this is not unusual, it is just frustrating as it goes against Army directives.
Q: What personal effects were present when CPL TILLMAN's remains arrived?
A: Just the wedding ring and dog tags.
Q: Is it unusual for a body to arrive unclothed?
A: Protocol says that we are supposed to receive the clothes, as well as the body armor. If they did not receive medical treatment, they should arrive fully clothed. Unfortunately, we receive deceased soldiers weekly without clothing and body armor.
Q: Is it unusual for the 75th Ranger Regiment to forward bodies unclothed or without personal effects?
A: I could not say. I'm not sure if I have conducted an autopsy on a 75th Ranger Regiment soldier since I do not pay attention to the unit.
Q: How long is the information pertaining to deaths from combat action retained within the files of this office?
A: Indefinitely.
Q: Whose responsibility is it to determining cause and manner of death?
A: In this case it would have been mine. I determined gunshot wounds of the head were the cause of CPLTillman's death and homicide as the manner of death. At the time of the autopsy however, we were using the term combat related death for combat related homicides as the manner.
Q: Do you believe, based on the information you have to this point, that any foul play was involved in the death of CPL TILLMAN?
A: There is no reason for me to believe, with what information I have available, that hostile intent or personal issues specifically directed at this soldier was involved in the death of CPL TILLMAN.
Q: If you were to believe anything unusual or foul play was involved in the death of a soldier, what would be your normal course of action?
A: I would inform CID.

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[redacted]

EXHIBIT 19

Q: Based on your examination, can you rule out that CPL TILLMAN was struck by more than three rounds / projectiles?
A: I believe he was struck by three rounds only.
Q: Were you able to recover any metal / fragments from CPL TILLMAN's head?
A: Just several extremely minute fragments from his head. No appreciable portions of a round were removed from his head. They were almost dust like particles.
Q: Was there anything unusual about the fragments that you recovered from CPL TILLMAN's head?
A: No.
Q: If you did determine there was anything unusual regarding the condition or lack of remains pertaining to a combat related decedent, what would you do?
A: Inform CID.
Q: Were you ever contacted by anybody and requested to treat this autopsy differently from any other, to expedite the autopsy, to do anything different than you normally do on the, any of the autopsies?
A: We were concerned about publicity, so we did inform our PAO and Army Casualty Affairs that we were aware of possible media attention.
Q: Did anyone from the 75th Ranger Regiment contact you in any regards, as it pertains to CPL TILLMAN, prior to the arrival of his remains to your office?
A: Not that I am aware of.
Q: Did anyone from the 75th Ranger Regiment contact you at any time following the autopsy?
A: No, just an SJA from Ft. Bragg, NC. He called to discuss the .50 caliber round concern, apparently [redacted] of the deceased, had some concerns pertaining to the distance or the caliber of round(s) which struck [redacted] CPL TILLMAN. Apparently [redacted] had resources which could determine the order of fire and the distances of fire and the SJA wanted to speak to me about that. I could not assist in [redacted] concerns because they were beyond a reasonable scope of interpretation.
Q: Was there anything unusual at all pertaining to the receipt, condition, processing, findings or follow on action as it pertains to CPL TILLMAN?
A: Yes, the injuries and the story as to what happened were not consistent in my opinion. I felt I needed more information. Based on the wounds I had insufficient information as to the circumstances and asked CID to pursue it a little further. To get a cluster of wounds on the forehead is a bit unusual in my experience with deaths resulting from firefights.
Q: Do you have anything to add to this statement?
A: No.

//END OF STATEMENT//

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[redacted] (Initials)

EXHIBIT 19

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 7. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of March 2006.

(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ
(Authority to administer oath)

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(Initials)

EXHIBIT 19

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO LES) About 1300, 29 Mar 06, the undersigned coordinated with [redacted] pertaining to his 15-6 investigation. [redacted] related that the photographs he had of the incident were attached to the original report. [redacted] related the report was prepared by him and [redacted] U.S. Army Judge Advocate School, Charlottesville, VA 22901. The report was then forwarded to the command. The current JAG POC is [redacted] HHC, 75th Ranger Regiment, Fort Benning, GA 31905.

Agent's Comments: The photographs in question were the ones taken the day following the incident on 23 Apr 04. Copies were subsequently provided to this office from the DOD IG's office, as attached to the aforementioned investigative report.///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE 29 Mar 06 / EXHIBIT 20

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1400, 4 Apr 06, SA [redacted] interviewed [redacted] who stated he was in group 1, which conducted flanking maneuvers adjacent CPL TILLMAN. (See Sworn Statement for details).

(FOUO-LES) About 1510, 5 Apr 06, SA [redacted] interviewed [redacted] 2/75th Ranger Regiment, Fort Lewis, WA who stated he was in group 2, which was ambushed in the canyon. (See Sworn Statement for details).

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 5 Apr 06	EXHIBIT 21

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 4APR2006 1408 [redacted]

LOCATION: [redacted] POLICE DEPARTMENT, [redacted]

I, [redacted] **, want to make the following statement under oath:**

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

I AM SPECIAL AGENT (SA) [redacted] ACCOMPANYING ME IS SA [redacted] FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

At about 1030 22 Apr 06, my unit departed the FOB (I'm not sure of the name of the base). We departed the FOB with a broken down vehicle in tow. I was in I believe the fourth vehicle in the first serial. While towing the vehicle, we experienced steering problems with it. We stopped in a small town (not sure of the name of the town) and were there for several hours trying to repair the vehicle. During this time, numerous local Afghans were attempting to fugure out what we were doing as well as begging for food and water. Several hours later, we departed the village with a Jinga truck towing the broken down vehicle. We departed with the vehicle about an hour prior to sundown and were driving approximately 30 minutes. I remember that the valley roads were extremely narrow and very difficult to traverse. I believe that the two serials split at some point during the movement, but I am not sure. My serial just cleared an area that we considered a very good place for an ambush. Just after that I heard a large explosion of some kind as well as a good deal of small arms fire. CPL TILLMAN, who was riding in my vehicle (See Page 7 & 8 for additional personnel riding in [redacted] vehicle) debarked the vehicle and began to run up a small spur in an attempt to suppress the enemy. This was the start of the incident.

[At this time, [redacted] marked page 8 & 9, Map A, depicting his knowledge of the approximate position where his vehicle (marked with a blue box) stopped in the valley road, the route he took to provide suppressive cover fire for members of his unit (marked with green lines), the location where he stopped (marked with an orange X) and the approximate location where he last saw CPL TILLMAN (marked with a red circle)].

[redacted] reiterated his recollection of the incidents by marking page 9 & 10, Map B, depicting his knowledge of the approximate position where his vehicle (marked with a blue box) stopped in the valley road, the route he took to provide suppressive cover fire for members of his unit (marked with green lines), the location where he stopped (marked with an orange X), the approximate location where he last saw CPL TILLMAN (marked with a red circle), the location where he saw an explosion directly in front of his position on the spur (marked with a blue triangle)].

[redacted] (Initials) bb 7c

EXHIBIT 22

Q: WHAT WERE YOUR DUTIES WHILE DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: My duties consisted of doing whatever I could to assist the unit as I was already hurt. My duties were limited to primarily pulling security. On the trip in which the ambush occurred, I spend much time in the "top gun" position manning either the .50 cal or the MK-19.
Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR SERIAL?
A: Yes he was.
Q: WERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
A: Yes.
Q: WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: To my understanding, [redacted] made the decision, but he was told to by higher.
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: No, we normally stay together.
Q: WHY WERE THE SERIALS SPLIT?
A: I don't know.
Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
A: The standard troop leading procedures were conducted. Communications checks, weapons checks, ect.
Q: WAS THIS CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?
A: Yes, although it seemed a bit rushed, I did not witness any procedures overlooked.
Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE ON 22 APR 06?
A: Yes, there was a commo check done prior to our departure.
Q: DID YOU WITNESS [redacted] QUESTION GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT?
A: No.
Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR UNIT PRIOR TO THE AMBUSH?
A: No, we all simply understood that this was a hot area and that we needed to be aware of the area and what was going on. I was not aware of any specific threat against us.
Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?
A: Yes, regularly.
Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 06?
A: I don't know.
Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?
A: Not that I am aware of.
Q: WERE YOU AWARE THAT ONE OF YOUR SOLDIERS RECEIVED A MESSAGE FROM A LOCAL AFGHANISTAN [redacted] WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?
A: No.

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(Initials)

[redacted]

EXHIBIT 22

Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?
A: No.
Q: WHAT STARTED THE AMBUSH?
A: All I know is that I heard a large explosion to the approximate East of my position.
Q: WHERE WAS YOUR VEHICLE POSITIONED AT THE TIME THE AMBUSH STARTED.
A: Refer to Map's A & B (blue box).
Q: HOW MANY EXPLOSIONS DID YOU HEAR AT THE START OF THE AMBUSH?
A: Just one.
Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?
A: They were to the East of my vehicle, I'm not sure how far they were from me. I thought the explosion would have been an IED. I was not sure what vehicle was getting hit, but figured the vehicles that were in the rear portion of the serial had gotten hit. I'm not sure how far the explosion was from me.
Q: DID YOU SEE ANY ADDITIONAL VEHICLES WHEN THE AMBUSH TOOK PLACE?
A: Yes, I saw a vehicle in the general area denoted in Map B, page 9 [redacted], marked with a green box.
Q: DESCRIBE THE VEHICLE THAT YOU OBSERVED?
A: A gun jeep. It was primarily a frame with a gun turret on top and no windshield. I saw the vehicle and someone firing a .50 cal weapon system at the top of ridgelines to the North East and South East denoted in Map B, page 9 [redacted] with black dotted lines.
Q: DID YOU SEE THE [redacted]ICLE FIRE IN THE AREA OF FRIENDLY TROOPS?
A: Yes, I saw the first vehicle firing a .50 cal firing at the village where [redacted] and [redacted] were.
Q: WHERE WAS THIS VEHICLE POSITIONED WHEN IT WAS FIRING AT THE VILLAGE?
A: Adjacent to the village in the canyon road (denoted by a green circle, Map B, Page 9 [redacted] rection of fire denoted by a black dotted line.
Q: DID YOU SEE ANY OTHER WEAPON SYSTEMS FIRING AT FRIENDLY TROOPS?
A: Yes, I saw the M240 which was on the rear of the same vehicle and I believe it was firing in the same direction as the .50 cal.
Q: DID THE FIRST VEHICLE FIRE ON YOUR LOCATION / POSITION?
A: I'm not sure.
Q: DO YOU KNOW WHO WAS IN THE FIRST VEHICLE?
A: [redacted] was the .50 cal gunner, [redacted] was the M240 gunner and [redacted] was the TC.
Q: COULD YOU PHYSICALLY IDENTIFY ANY OF THE OCCUPANTS OF THE VEHICLE AT THE TIME OF THE FIRING?
A: Yes, I could identify [redacted] as the TC, but I could not identify who was firing the weapon systems.
Q: DO YOU RECOGNISE VIEW C, PAGE 11 [redacted]?
A: Yes, I do, this view depicts where the vehicle was located when it started firing (depicted with green circle with #1) and where it stopped moving and firing (depicted with green circle with #2), additionally, the direction of fire is denoted with black dots and the impact point denoted with a red circle.
Q: DID YOU PHYSICALLY SEE ANY ENEMY COMBATANTS OR THEIR POSITIONS?
A: No.
Q: COULD YOU DETERMINE WHERE ENEMY FIRE WAS ORIGINATING?

[redacted]
(Initials)

A: No.
Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?
A: No, I did not fire a single round.
Q: DID THE REMAINING RANGERS IN YOUR VEHICLE ENGAGE THE ENEMY?
A: [redacted] told me that he did engage the enemy, although he stayed at the vehicle firing an M4. He said he saw movement and something shine so he engaged it with his M4.
Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?
A: I don't know, there was small arms fire impacting around the general area, but I am not sure from where it was originating. I had several red tracer rounds impacting directly around me.
Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
A: No.
Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?
A: Don't shoot unless you can see the target. Positive identification has to be made prior to engaging the target?
Q: ARE YOU TRAINED TO FIRE WHERE YOUR SQUADLEADER FIRES REGARDLESS OF YOUR POSITIVELY IDENTIFYING AN ENEMY?
A: We are taught to fire where our team leader is firing, but are also taught to be judicious when engaging a target positively identifying it prior to engaging it.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
A: No.
Q: WHAT WERE YOUR ACTIONS FOLLOWING THE AMBUSH?
A: I awaited orders from leadership, that being [redacted] He gave direction for us to re-group on the road.
Q: WERE ANY CLEARING OPERATIONS CONDUCTED OF THE AREA IMMEDIATELY FOLLOWING THE AMBUSH?
A: Yes, but I was not a part of it.
Q: WERE ANY ENEMY SEEN OR WAS ANY ADDITIONAL FIRE TAKEN FOLLOWING THE INITIAL AMBUSH?
A: Not to my knowledge.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
A: No.
Q: DID ANY LOCAL AFGHANI'S INFORM ANY MEMBER OF YOUR UNIT OF THE POSSIBLE LOCATION(S) OF THE ENEMY WHO SET UP THE AMBUSH?
A: No.
Q: WHEN DID YOU BECOME AWERE YOU OF CPL TILLMAN'S DEATH?
A: It would have been several hours later. The choppers had come and gone and we were already setting up an RON sight.
Q: WHO INFORMED YOU THAT CPL TILLMAN WAS KILLED?
A: [redacted]
Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?

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A: He gathered several of us together and told us that CPL TILLMAN and an Afghan soldier (friendly) were killed.
Q: WAS THERE AN INQUIRY INITIATED SHORTLY FOLLOWING THE INCIDENT?
A: Yes, there was some kind of investigation conducted. I was questioned about the incident, but I cannot remember who it was.
Q: TO YOUR KNOWLEDGE; WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: No.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANIMOSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: I don't know.
Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITIES?
A: Not that I know of.
Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?
A: Not until it was dark. I saw the site, but all I did was carry SKEDCO with a body in it. I'm not sure if it was CPL TILLMAN or the Afghan soldier.
Q: WHAT DID YOU CONCLUDE FOLLOWING THE AMBUSH?
A: I have always questioned if this was actually an ambush or not. I was not sure if CPL TILLMAN was killed by friendlies or not, I say this because I did not see any enemy or enemy positions.
Q: DO YOU RECALL IF THERE WAS ANY DAMAGE TO FRIENDLY VEHICLES POSITIONED ON THE VALLEY ROAD?
A: No, I did look at vehicles looking for damage from what I thought was an IED which I believed started the ambush, but I did not see anything.
Q: WERE ANY ADDITIONAL RANGERS INJURED BY ENEMY FIRE OR BY THE EXPLOSION(S)?
A: No, just [redacted] and [redacted] who were both injured by what I believe to be friendly fire.
Q: DO YOU BELIEVE IT IS UNUSUAL FOR A UNIT TO BE ENGAGED IN AN AMBUSH AND NOT HAVE ANY DAMAGE TO VEHICLES, EQUIPMENT?
A: Yes.
Q: WHEN YOU VISITED CPL TILLMAN'S LAST POSITION, WAS THERE ANY GEAR OR REMAINS PRESENT?
A: No, only the SKEDCO's.
Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT?
A: No.
Q: DO YOU KNOW WHO FIRST SAW CPL TILLMAN FOLLOWING THE FIREFIGHT?
A: No.
Q: WHO COLLECTED AND BAGGED THE REMAINS OF CPL TILLMAN?
A: I don't know.
Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?

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A: Yes, I have been around around others who have been killed, all body parts were put into the same container and transported with the deceased.
Q: DO YOU KNOW WHY CPL TILLMANS REMAINS WOULD HAVE ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
A: No, he should have arrived with his uniform on unless medical personnel removed them for some reason.
Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
A: No.
Q: DO YOU KNOW WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
A: I know that his weapon was temporarily stored. I was told that his MOLLE, body armor and Mitch helmet cover were burned.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
A: No, but I know he kept extensive notes on anything he did.
Q: DO YOU KNOW WHERE THE DIARY MAY BE, DID ANYONE MENTION CPL TILLMAN's DIARY?
A: No.
Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
A: I don't know.
Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
A: [redacted], the only reason I say this is because [redacted] was with him at the time he was shot.
Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
A: No, just sensative items.
Q: WHAT IS THE NORMAL COURSE OF ACTION AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?
A: I don't know.
Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?
A: CPL TILLMAN is the only person I have heard of this happening to, I heard that anything that had blood on it had to be burned.
Q: DO YOU KNOW WHO BURNED CPL TILLMANS EQUIPMENT?
A: No.
Q: OTHER THAN [redacted] DID ANY OF YOUR TROOPS INFORM YOU THAT THEY ACTUALLY PHYSICALLY SAW ENEMY SHOOTING AT THEM OR OTHER MEMBERS OF THE UNIT?
A: Just small talk, nothing that I can specify.
Q: EXACTLY WHAT DID THEY DESCRIBE?
A: Just moving shadows.
Q: ALTHOUGH YOU DID NOT TAKE PART IN A SEARCH OF VILLAGES FOLLOWING THE AMBUSH, DID YOU HEAR WHAT, IF ANYTING WAS FOUND / DETERMINED?

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[redacted] (Initials)

[redacted]

EXHIBIT 22

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 4 APRIL 06 CONTINUED.

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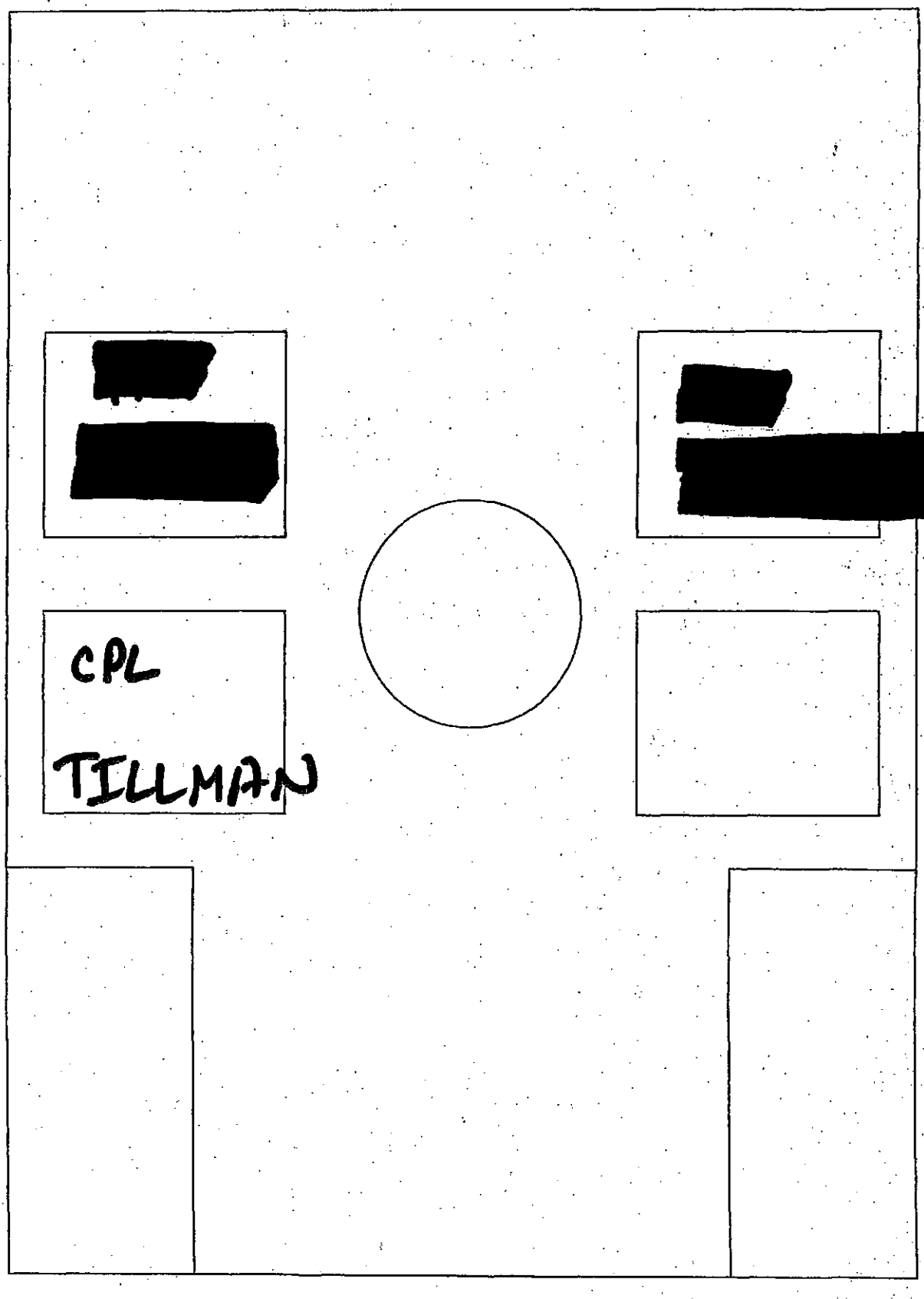

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 8 OF 11 PAGES.

EXHIBIT

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 4APR2006 CONTINUED."

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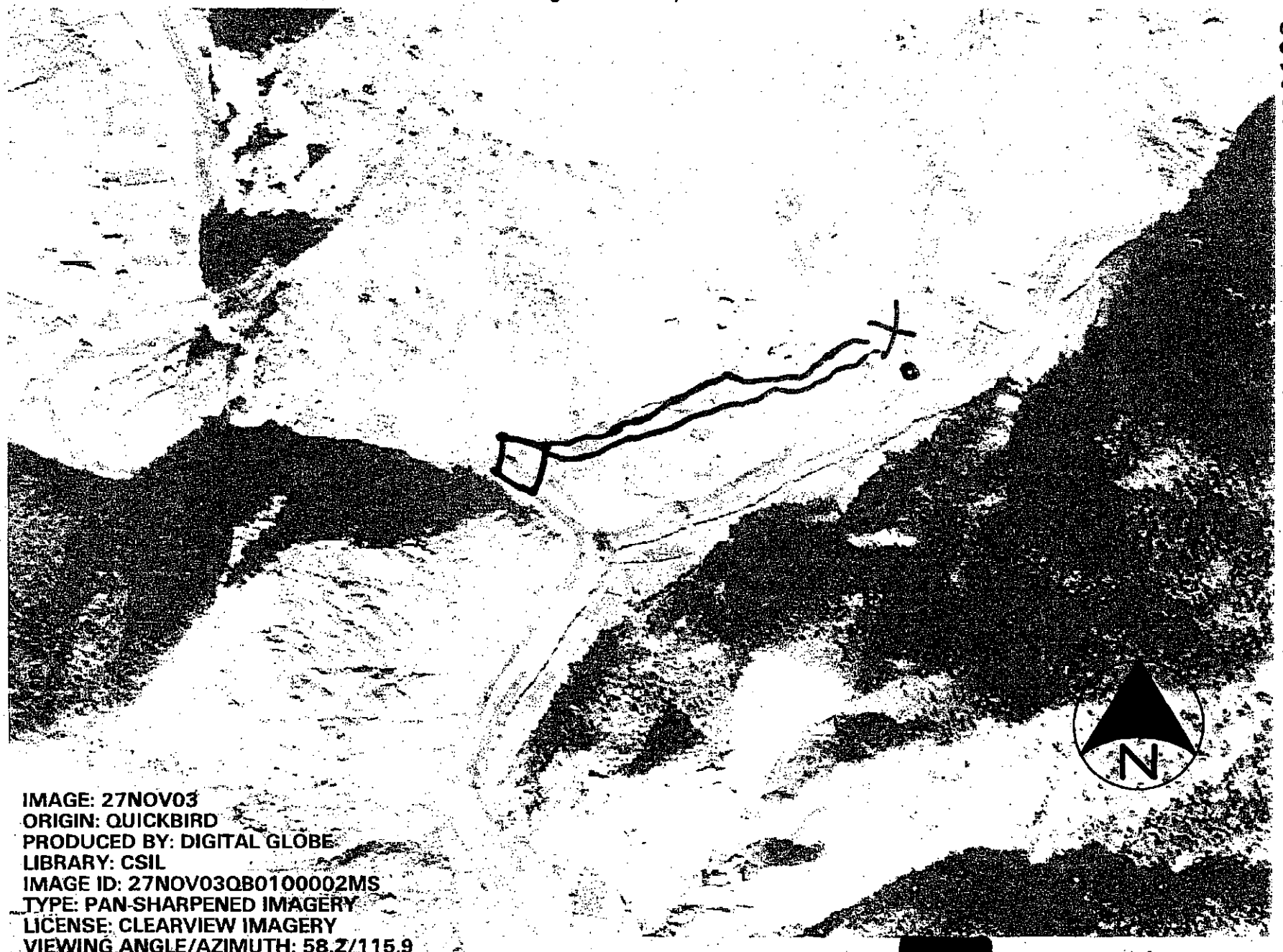

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SUN ANGLE/AZIMUTH: 32.1/156.1

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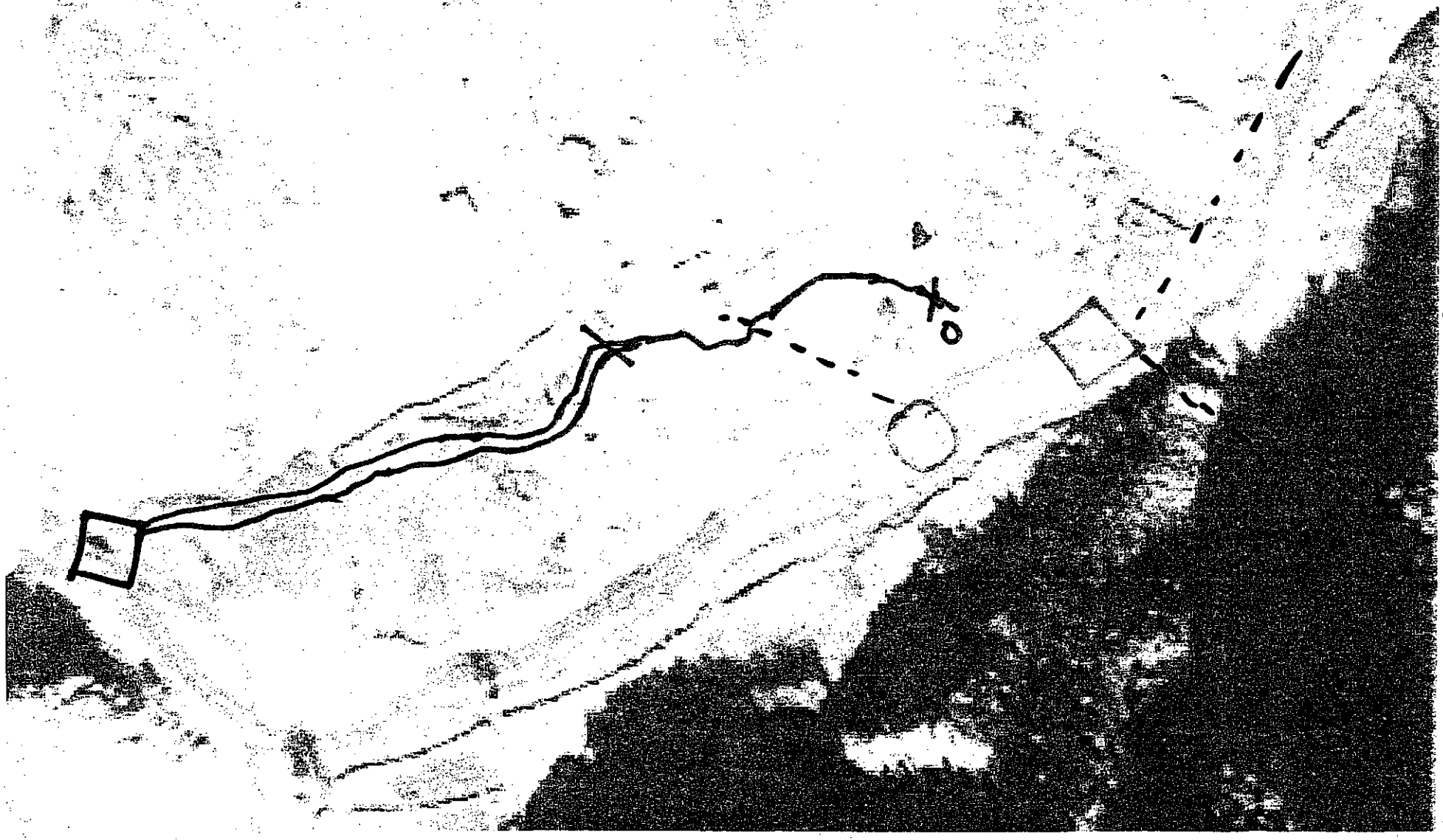

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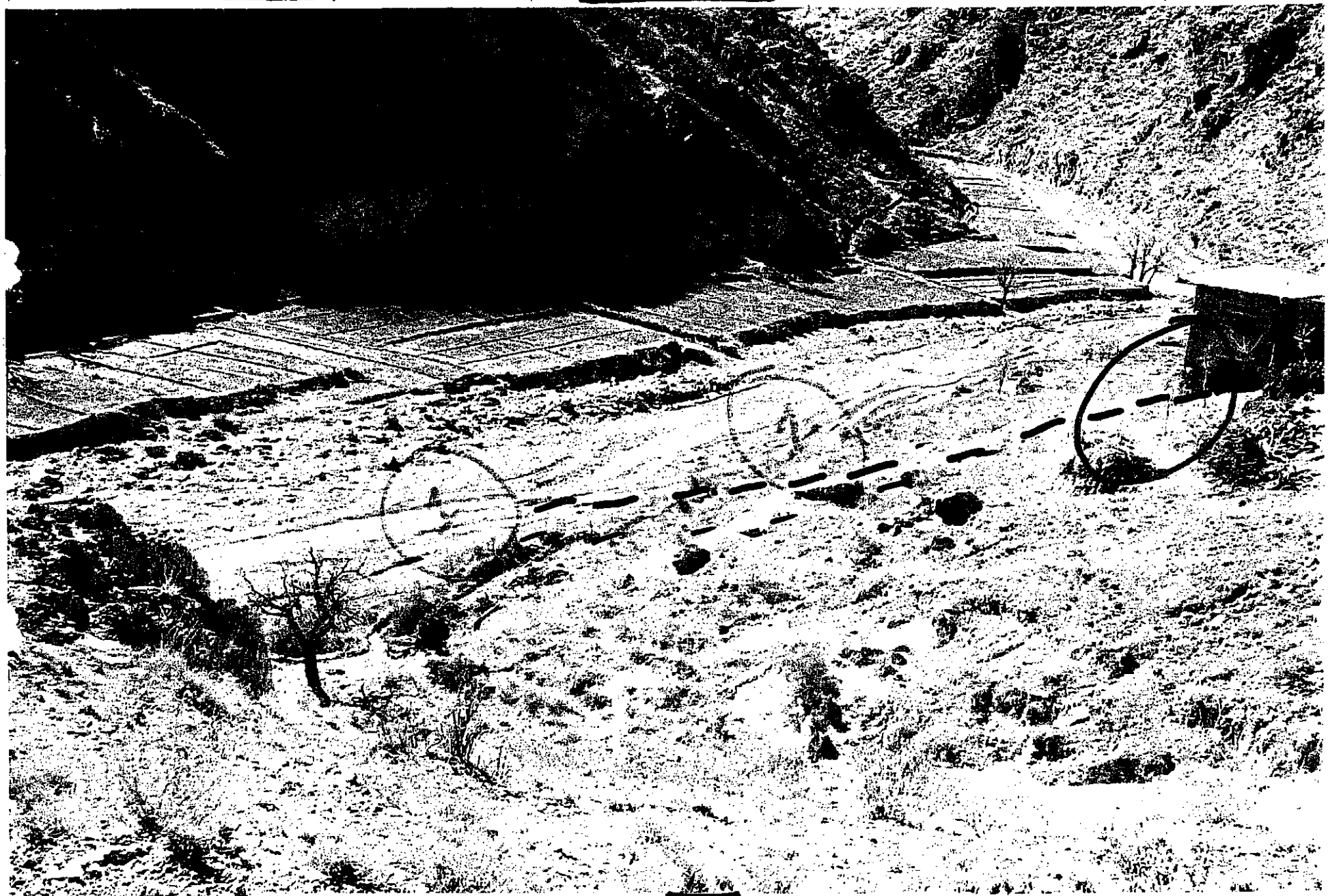

INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE ~~11~~ 10 [redacted] OF 11 PAGES."

A: No, nothing.
Q: IS THERE ANY DOUBT THAT THERE WAS AN EXPLOSION JUST PRIOR TO THE INITIATION OF THE AMBUSH?
A: No, it was some sort of an explosion from what I thought could have been an IED, mortar or RPG.
Q: COULD THE EXPLOSION HAVE BEEN A VEHICLE MALFUNCTION, TIRE, BACKFIRE, DEBRIS FALLING FROM THE CLIFF?
A: No.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU?
A: Yes, I did not see anything, so I do have doubts.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU OF FIRING ON CPL TILLMAN'S POSITION?
A: No.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU, OF FIRING ON FRIENDLY POSITIONS?
A: No.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A: No.

//END OF STATEMENT//

AFFIDAVIT

[redacted]

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 11. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of April 2006.

[redacted]
(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted] FJU

Art 136, UCMJ
(Authority to administer oath)

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[redacted]

EXHIBIT 22

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted], 2/75th Ranger Regiment, Ft. Lewis, WA

DATE/TIME: 05 APR 06 / 1610

LOCATION: Ft. Lewis, CID Office, Ft. Lewis, WA .

(U) I, [redacted] **want to make the following statement under oath:**

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

(U) [redacted] I AM SPECIAL AGENT (SA) [redacted] ACCOMOPANYING ME IS SA [redacted] FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

(U) In April 04, I was deployed as a member of A Company, 2/75 Ranger Battalion, Ft. Lewis, WA. On 22 April 06, my unit departed a border check point (BCP) [redacted] Afghanistan. Later in the day we hired a Jinga driver, which was a local Afghani, to tow the vehicle. He was going to tow the vehicle out of the area onto a road. At about 1800, 22 Apr 06, we began to move towards FOB Salerno. We came to a "Y" in the road and took the road to the left, although we were supposed to go to the right. I heard that the Jinga driver may have led us into the ambush, as he is the one who told us to change our route and take the road to the left. Shortly after we took the road to the left, we came under attack. We were in the canyon area for approximately 10-15 seconds when the first mortar round impacted. We were taking debris from the explosions, at which time we all exited the vehicles and were firing at the top of the canyon walls. I ran back about 15 meters and took cover behind a wall. I did not fire because I could not identify a target. About that time, [redacted] came back to me and told me that I had better start firing, so I did, I fired where the other Rangers were firing, which was on top of the ridge line. A cease fire was then called, at which time we re-mounted the vehicles. The whole thing took about 5 minutes. We then started to maneuver through the canyon road. We had an M240 mounted on our vehicle, behind the TC, I was in the same vehicle as [redacted], which was the last vehicle in the Serial 2. (See vehicle occupant information, marked "A", page 8). We caught up to the rest of the vehicles in my serial, and I saw that everyone was shooting up towards a ridgeline. Shortly after this, the whole platoon was together in the canyon. My vehicle stopped in the canyon road (marked with a blue "X", Map B, page 9). I remember seeing some white smoke on the hillside, north of my approximate position, (marked with a green circle, Map B, page 9). I remember [redacted] saying that the smoke indicated that there were friendlies there. A cease fire was then called, and no further shots were fired after that. [redacted] kept yelling cease fire and I assume it was passed over the radio, but I am not sure. I am not sure where CPL TILLMAN was positioned during this incident, but I did hear from [redacted] that he and CPL TILLMAN were together when they were being shot at. I also heard from [redacted] that while he and CPL TILLMAN were being shot at, CPL TILLMAN screamed "I am Pat TILLMAN, we are friendlies" and that he popped a smoke grenade trying to let those that were firing at them know they were up there. I remember seeing people, which. b1 b2 b6 7C

[redacted] (Initials)

were determined to be friendlies walking around the houses in the village. At that point, I heard that an Eagle (friendly) was hit. [redacted] and [redacted] started to walk up the hill, while I stayed in the vehicle, repositioning it, as we were forming a 360 deg. perimeter around the area. We stayed in this location for the evening and this is when I first heard that CPL TILLMAN was hit. [redacted] came up to our vehicle and informed [redacted] that [redacted] CPL TILLMAN had been killed. I never saw anyone firing on CPL TILLMAN's and [redacted] position, I only heard gunfire. I'm not sure who was firing or what weapon system they were firing, nor am I sure exactly what they were firing at, all I know is that they were firing in a general northerly direction.

(U) Q: , WERE YOU DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
(U) A: Yes.
(U) Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR UNIT?
(U) A: Yes.
(U) Q: WERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
(U) A: Yes.
(U) Q: WERE THE TWO SERIALS SPLIT?
(U) A: Yes.
(U) Q: WHO GAVE THE ORDER TO SPLIT THE SERIALS?
(U) A: I'm not sure.
(U) Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
(U) A: No.
(U) Q: WHY WERE THE SERIALS SPLIT?
) A: No.
(U) Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
(U) A: Yes, vehicles, commo, weapons & equipment checks were conducted.
(U) Q: WAS THIS CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?
(U) A: Yes.
(U) Q: DO YOU RECALL SEEING OR HEARING OF [redacted] QUESTIONED GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT, IS THIS TRUE?
(U) A: I was not near him, so I did not hear that.
(U) Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR UNIT PRIOR TO THE AMBUSH?
(U) A: No, but I do remember that [redacted] was presented with a note from a local Afghani. Apparently he tried to give the note to someone in the unit, but I'm not sure who it was. After this was all over, I remember [redacted] being upset because no-one acted on the note. The note never made it to the unit interpreter so no-one within the unit could make a decision based on what the note said.
(U) Q: DID YOU SEE THE NOTE?
(U) A: No. I'm not sure what it said.
(U) Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?
(U) A: I would assume so, but I am not sure. I know the unit would receive updates daily on enemy activity..
) Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 04?

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[redacted]
(Initials)

(U) A: I'm not sure.
(U) Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?
(U) A: I remember hearing that something had happened in that area previously. I'm not sure exactly what occurred, I just heard that something had happened against U.S. forces.
(U) Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?
(U) A: No.
(U) Q: WHERE WERE YOU POSITIONED IN THE SERIALS PRIOR TO THE AMBUSH?
(U) A: I was in the last vehicle in the second serial.
(U) Q: DID YOU HEAR AN EXPLOSION WHICH INITIATED THE AMBUSH?
(U) A: Yes, I remember two distinct explosions, but I heard there were three or four explosions.
(U) Q: WHERE WAS YOUR VEHICLE POSITIONED AT THE TIME THE AMBUSH STARTED?
(U) A: The last vehicle in the second serial.
(U) Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?
(U) A: Im not sure, I did not see the impact or the smoke, although we did receive some rock debris. I do know the explosions were in front of my vehicle.
(U) Q: WHAT DO YOU BELIEVE CAUSED THE EXPLOSION?
(U) A: From the way it sounded, I believe it was a mortar.
(U) Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?
(U) A: I just fired suppressive fire, I did not actually see a person.
(U) Q: DID THE REMAINING RANGERS IN YOUR VEHICLE ENGAGE THE ENEMY?
(U) A: Yes, they were suppressing the ridgeline.
(U) Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?
(U) A: Yes, I remember hearing bullets going by me and I remember hearing bullets hitting the canyon wall about 2-5 feet from me.
(U) Q: DID YOU FIRE YOUR WEAPON?
(U) A: Yes, I fired at the ridgeline attempting to suppress the enemy.
(U) Q: WHAT TYPE OF WEAPON WERE YOU FIRING?
(U) A: An M4.
(U) Q: APPROXIMATELY HOW MANY ROUNDS DID YOU FIRE?
(U) A: Probably 20- 25 rounds.
(U) Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
(U) A: No.
(U) Q: DID ANYONE IN THE UNIT ADMIT TO YOU THAT THEY FIRED ON CPL TILLMANS OR THE AFGHANI SOLDIERS POSITION?
(U) A: No.
(U) Q: DID ANYONE IN THE UNIT ADMIT TO FIRING IN THE DIRECTION OF THE WHITE SMOKE, ON THE HILLSIDE, DESCRIBED EARLIER IN YOUR STATEMENT?
(U) A: No.
(U) Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?

[redacted] (Initials)

A: It is situation dependant. In training you are trained to see and identify what you are firing at, but during the ambush, we were just trying to get the enemy's heads down and re-group, therefore we were firing where we thought they were.

(U) Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?

(U) A: No.

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE AMBUSH?

(U) A: We regrouped, formed a 360 security perimeter, stayed there for the night and waited for 3D platoon.

(U) Q: WERE ANY CLEARING OPERATIONS CONDUCTED OF THE AREA IMMEDIATELY FOLLOWING THE AMBUSH?

(U) A: Yes, our unit cleared the village in our immediate location as well as an outlying village the following day (23 Apr 04).

(U) Q: WERE ANY ENEMY SEEN OR WAS ANY ADDITIONAL FIRE TAKEN FOLLOWING THE INITIAL AMBUSH?

(U) A: No.

(U) Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?

(U) A: No.

(U) Q: WAS A SEARCH CONDUCTED OF THE OUTLYING AREAS / VILLAGES FOR THE ENEMY WHO SET UP THE AMBUSH?

(U) A: Yes. The immediate village as well as an outlying village were searched.

Q: WHAT WAS LOCATED?

A: I heard possible built up positions were located in an outlying village, nothing was found in the village adjacent to where the ambush took place.

(U) Q: DID ANY LOCAL AFGHANI'S INFORM ANY MEMBER OF YOUR UNIT OF THE POSSIBLE LOCATION(S) OF THE ENEMY WHO SET UP THE AMBUSH?

(U) A: No.

(U) Q: WHEN DID YOU BECOME AWERE YOU OF CPL TILLMAN'S DEATH?

(U) A: The night of 22 Apr 04.

(U) Q: WHO INFORMED YOU THAT CPL TILLMAN WAS KILLED?

(U) A: I think it was [redacted] I knew that Pat TILLMAN had been hit, but I didn't know until then that he had been killed.

(U) Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?

(U) A: He just told me that Pat had been killed.

(U) Q: WAS THERE AN INQUIRY INITIATED FOLLOWING THE AMBUSH?

(U) A: I don't remember one being initiated. I think its standard practice following the death of a Ranger, but I don't remember one being initiated.

(U) Q: WERE YOU INSTRUCTED TO REMAIN QUIET ABOUT THE DEATH OF CPL TILLMAN?

(U) A: No.

(U) Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?

(U) A: No.

Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANOMYSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?

[redacted] (Initials)

(U) A: No.
(U) Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITYES?
(U) A: No.
(U) Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?
(U) A: No.

(U) Q: WHAT DID YOU CONCLUDE FOLLOWING THE AMBUSH?
(U) A: I really had no idea what happened. I assumed CPL TILLMAN was killed by enemy fire, I didn't hear until about 2-3 days after the incident that he may have been killed by friendly fire.
(U) Q: DO YOU RECALL IF THERE WAS ANY DAMAGE TO FRIENDLY VEHICLES CAUSED BY ENEMY FIRE?
(U) A: No. However [redacted] and [redacted] were both shot. I do not know if they were shot by enemy or friendly.
(U) Q: WERE ANY ADDITIONAL RANGERS INJURED OR KILLED BY ENEMY FIRE OR BY THE EXPLOSION(S)?
(U) A: No.
(U) Q: IS IT UNUSUAL FOR A UNIT TO BE ENGAGED IN AN AMBUSH AND NOT HAVE ANY DAMAGE TO VEHICLES, EQUIPMENT OR CASUALTIES TO PERSONEL?
(U) A: Yes.
(U) Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT?
(U) A: No.
(U) Q: DO YOU KNOW WHO FIRST SAW CPL TILLMAN FOLLOWING THE FIREFIGHT?
(U) A: I want to say that it was [redacted] and then [redacted] and [redacted]
(U) Q: WHO COLLECTED THE REMAINS OF CPL TILLMAN?
(U) A: He was put onto a SKEDCO and covered with a poncho prior to being put on the helo, Im not sure who brought his body down the hill.
(U) Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?
(U) A: Yes, it would make sense to collect all body parts and send them together.
(U) Q: DO YOU KNOW WHY OR DID YOU HEAR WHY CPL TILLMANS REMAINS ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
(U) A: No. I only heard about this during the past couple of months, I read it in the newspaper, I was not present and I do not have first hand knowledge as to why or if this occurred.
(U) Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
(U) A: No.
(U) Q: WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
(U) A: No.

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Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
(U) A: No.
(U) Q: DO YOU KNOW WHERE THE DIARY MAY BE?
(U) A: No.
(U) Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
(U) A: No.
(U) Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
(U) A: I don't know.
(U) Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
(U) A: I'm not sure, but the most likely person would have been the medic. I did not see anyone remove his equipment.
(U) Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
(U) A: Yes, if someone is hit, it is common to remove their uniform to ensure there are no additional injuries.
(U) Q: WHAT IS THE NORMAL COURSE OF ACTIONS AS IT PERTAINS TO UNIFORM AND PERSONAL EFFECTS WHICH ARE REMOVED FROM A RANGER KILLED IN ACTION?
(U) A: I'm not sure, this is the first time I have been involved in anything like this. Sensitive items are retained by the unit, I'm not sure what happens to the uniform or personal effects.
(U) Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?
A: To my knowledge, no.
Q: WHO BURNED CPL TILLMANS EQUIPMENT?
(U) A: No, I'm not sure it happened.
(U) Q: IS IT COMMON PRACTICE TO REMOVE A RANGERS PERSONAL EFFECTS FROM HIS BODY / GEAR PRIOR TO HIS REMAINS BEING GIVEN TO THE MEDICAL PERSONEL?
(U) A: As far as I know, the items would remain with the body. Unless the items would hinder the medical personnel, I believe they would remain with the soldier.
(U) Q: DID ANY SOLDIERS IN YOUR UNIT INFORM YOU THAT THEY ACTUALLY PHYSICALLY SAW ENEMY SHOOTING AT THEM OR OTHER MEMBERS OF THE UNIT?
(U) A: No.
(U) Q: UNDERSTANDING THAT AN IMMEDIATE DETERMINATION COULD NOT BE MADE AS TO THIS INCIDENT BEING A NEAR OR FAR AMBUSH, WHAT IS THE UNITS NORMAL COURSE OF ACTION FOLLOWING AN AMBUSH?
(U) A: 50 meters or closer, we would assault, 50 meters or further, we would break contact.
(U) Q: IS THERE ANY DOUBT THAT THERE WAS AN EXPLOSION JUST PRIOR TO THE INITIATION OF THE AMBUSH?
(U) A: No, it was far to loud to be anything other than an explosion. The debris also led me to believe it was an explosion.
(U) Q: COULD THE EXPLOSION HAVE BEEN A VEHICLE MALFUNCTION, TIRE, BACKFIRE, DEBRIS FALLING FROM THE CLIFF?
(U) A: No.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU?

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[redacted] (Initials)

[redacted]

EXHIBIT 23

A: No.

Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?

(U) A: No.

//END OF STATEMENT//

AFFIDAVIT

(U) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 9. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of Apr 2006.

[redacted]

(Witnessed by)

[redacted]

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ

(Authority to administer oath)

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[redacted] (Initials)

[redacted]

EXHIBIT 23

STATEMENT OF [redacted] TAKEN AT Ft. Lewis CI DATED 05APR06 CONTINUED.

FRONT

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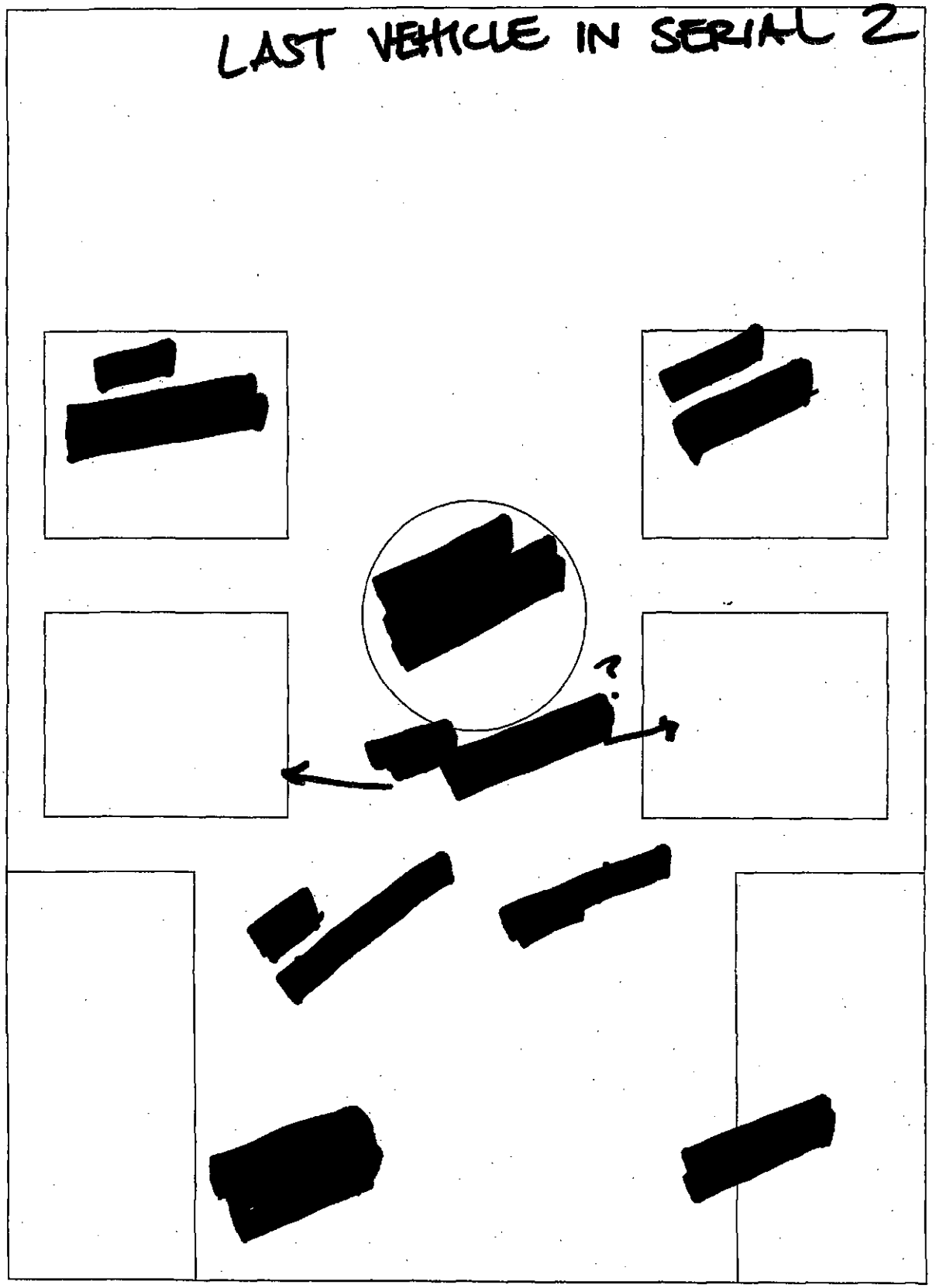
LAST VEHICLE IN SERIAL 2



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 8 OF 9 PAGES.

23

"STATEMENT OF [redacted] TAKEN AT FT. LEWIS CID DATED 05 APR 06 CONTINUED."

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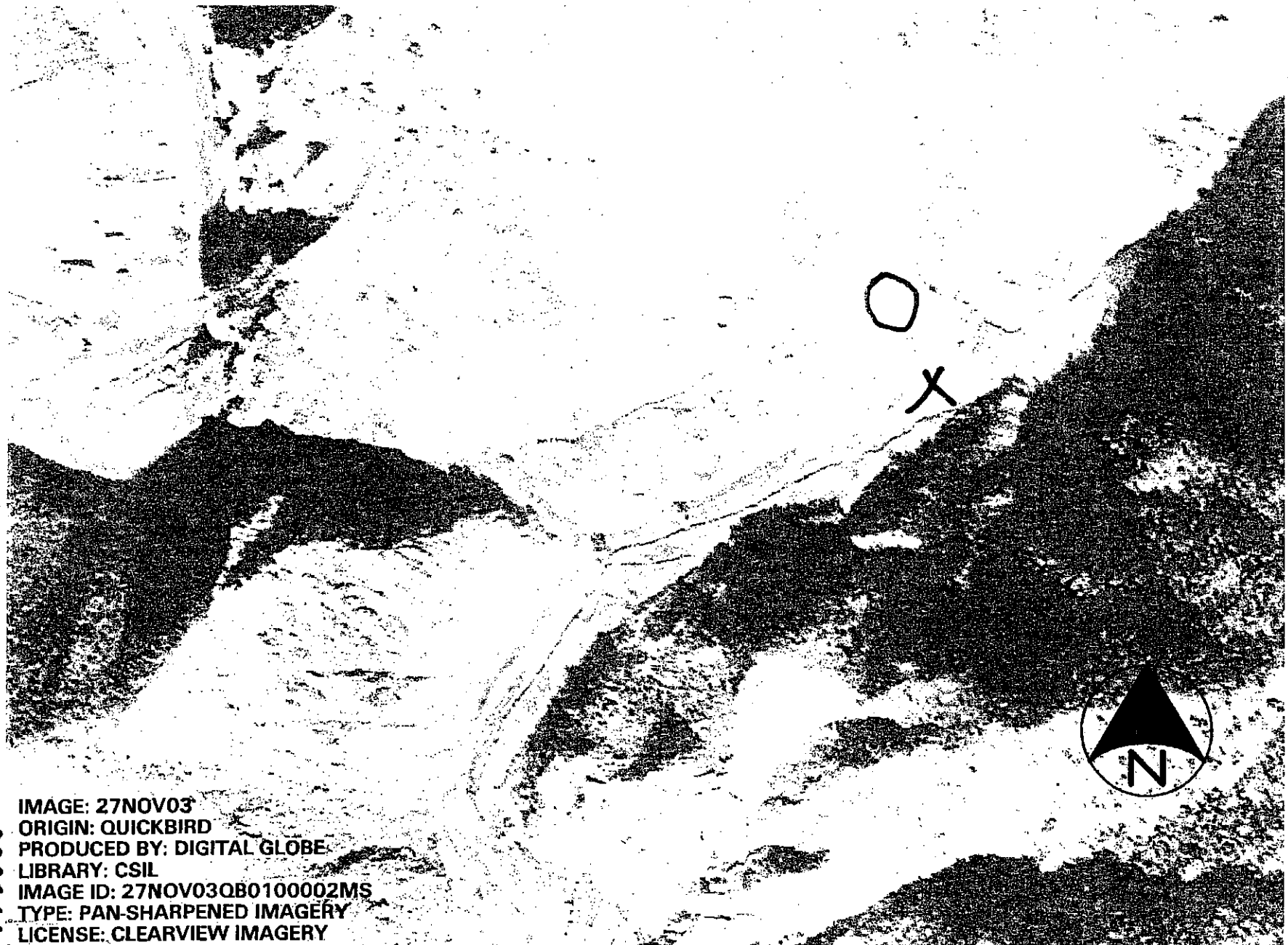

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VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 9 OF 9 PAGES."

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0013-06-CID201-5004

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1539, 3 Apr 06, SA [redacted] interviewed [redacted] HQ USASOC, Building E-2929 Desert Storm Drive, Fort Bragg, NC 28310 (FBNC), who stated he was not in Afghanistan when the incident involving CPL TILLMAN occurred. [redacted] stated he was at FBNC and received a classified message detailing CPL TILLMAN's death. [redacted] further stated he had no other involvement with the incident.

(FOUO-LES) About 1430, 5 Apr 06, SA [redacted] interviewed [redacted] D. Company, Support Battalion, Special Warfare Training Group (SWTG), FBNC, who stated he was a member of the Quick Reaction Force (QRF), which assisted with security efforts after the incident occurred. [redacted] did not have any knowledge pertaining to CPL TILLMAN's equipment.

(FOUO-LES) About 1515, 5 Apr 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company (HHC) 2/325th Airborne Infantry, 82nd Airborne Division, FBNC, who stated he was a member of the Quick Reaction Force (QRF), which assisted with security efforts after the incident occurred. [redacted] stated he was the Radio Telephone Operator (RTO), during this time and monitored the radio when he and the rest of the QRF were at the incident location. [redacted] stated he did not have any information pertaining to CPL TILLMAN's equipment.

(FOUO-LES) About 1430, 6 Apr 06, SA [redacted] interviewed [redacted], C Company, 2/325th Airborne Infantry, 82nd Airborne Division, FBNC, who stated he was a member of the Quick Reaction Force (QRF), which assisted with security efforts after the incident occurred. [redacted] stated he did not have any information pertaining to CPL TILLMAN's equipment. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU	
SIGNATURE [redacted]	DATE 6 Apr 06	EXHIBIT 24

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO LES) About 1400, 5 Apr 06, the undersigned interviewed [redacted] C Co., 4th Ranger Training Battalion, Fort Benning, GA, 31905 (FBGA) in which he related he was with [redacted] when they destroyed some of CPL TILLMAN's equipment. (See Sworn Statement for more details)

(FOUO LES) About 1038, 6 Apr 06, the undersigned interviewed [redacted] Executive Officer, 75th RGR RGT, FBGA, in which he related he was manning the Tactical Operations Center when CPL TILLMAN was killed

///LAST ENTRY///

66

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 6 Apr 06	EXHIBIT 25

[redacted] 0013-06-CID201-5004

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Regimental Headquarters Annex, Fort Benning, GA	[redacted] 5 Apr 06	[redacted] 17:26	
LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**		**GRADE/STATUS**
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS

C Company, 4th Ranger Training Battalion, Fort Benning, GA 31905

[redacted], wish to make the following statement under oath. I [redacted] make the following statement. My platoon along with 2nd platoon Alpha Company 2/75 was located at a border crossing point on the border of Afghanistan and Pakistan. 2nd platoon had a vehicle a GMV that was broken and awaiting parts from a re-supply aircraft. I was ordered to move back [redacted] and did so on the 21st April driving the exact route 2nd Platoon took the following day. On the 22nd while preparing for another mission, I was informed 2nd platoon was in contact. 3rd platoon was ordered to that location and soon after I was ordered to that location as well. We pulled security for 2nd so they could rest. Once 2nd platoon was ordered to move back [redacted] My Platoon leader and I sent our squads out searching for any signs of the enemy's location during the ambush. None were found...Nothing. My platoon was ordered to find the people responsible and we found 5. Four of which were henchmen or guys for hire. One was the commander of the ambush. We were told who they were later on after we got back and they were handed over. We spent about 5 days looking for these people. We were also told that there was only two ways out of that valley. Both had ambushes set and waiting one if not both had IED's waiting. Then, after we were back [redacted] my 1SG [redacted] asked me to come with him to destroy Pat Tillmans equipment. The first thing I pulled out was his Molle vest. I said to my 1SG that the holes in the vest appeared to be made by 5.56mm not 7.62mm. He said they know and to keep quite and let the investigators do their job. At this time was when I had realized Tillman may have been killed by friendly fire. At the place we destroyed his equipment there was Body Armor that was burned completely except for the actual Plates. One was in tact the other was shattered. The 1SG had me tell him what equipment was being destroyed and he wrote it down. I do not know where the list went after that I can just assume that it was turned in to higher. When [redacted] was ordered to split his platoon he said he did not want to split his platoon. But was told he will split the platoon up. Where the platoon was ambushed there is no maneuverability. They were in a canyon with barely enough room to get a GMV through there in a column. With the amount of ammunition that was firing along with different type on gun systems it would have been extremely difficult to communicate or to hear where the fire was coming from because of the Echoing. The [redacted] said himself it was the most confusing ambush he had ever been in. The radio communications would have been non existent because of the amount of turns and the canyon walls that were from 3 feet to about 200 feet high. Along with the IED jammers that were mounted on vehicles that jammed our own radios. My platoon experienced radio communication problems driving through there as well. In my mind there is no way even if they wanted to let the other half of the platoon know what was going on, it would have been in effective[redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF___TAKEN AT__DATED__CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

[redacted]

EXHIBIT 26

STATEMENT OF [redacted], TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 05 APR 06. CONTINUED

We would never move during daylight hours unless it was absolutely necessary for some reason they were ordered to move during daylight hours. We moved only at night to avoid IED attacks and because we knew our capabilities were far superior to the enemies at night. The other thing that complicated that mission was the fact that AMF forces were with the lead element. So imagine your being shot at rocketed and you come around the corner and the first thing you see is an afghani with an AK-47 firing. So they opened fire killing the afghani soldier next to him was [redacted] who dropped to the ground and then Tillman. With the daylight fading away so your eyesight is not as good and not dark enough for NVG's [redacted] was hit; the RTO [redacted] was hit. Neither I nor anyone in my platoon blamed anyone from 2nd platoon for what happened it was an accident. Because of Tillman being famous, information was incorrectly put out before the facts were straight.

(U) Q: SA [redacted]
(U) A: [redacted]
(U) Q: Did you type the narrative above?
(U) A: Yes.
(U) Q: Where did your platoon search for signs of an ambush?
(U) A: My platoon searched on both sides of the canyon. They searched the high ground all around the canyon.
(U) Q: Who made first contact with the individual, who is known as the leader of the ambush?
(U) A: [redacted] squad.
(U) Q: Who were the Tactical HumInt Team personnel with your platoon?
(U) A: It was [redacted] and a black guy, I cannot remember his name.
(U) Q: Who provided the information to you, pertaining to what the captured personnel related?
(U) A: The S-2 and [redacted]
(U) Q: Referring to the MOLLE vest mentioned in your statement, whose vest was it?
(U) A: It was TILLMAN's.
(U) Q: Referring to drawing A, can you depict where the holes you saw were located?
(U) A: The small blue circles represent the approximate location of the seven to ten bullet holes. The other objects represent the pouches.
(U) Q: How did you know that the MOLLE you had was TILLMAN's?
(U) A: Referring to drawing B, I saw TILLMAN's name on the carrier strap. Additionally, The small blue drawing is a more accurate depiction of how the MOLLE looked.
(U) Q: Why were you told to keep quiet and let the investigators do their job?
(U) A: I was told that because [redacted] did not want me informing unit members that SPC TILLMAN was killed by friendly fire. Rather, 1SG wanted the investigation to be the one that put out the official results.
(U) Q: Do you know what happened to the plates you saw?
(U) A: No, they were left on the ground.
(U) Q: Do ever recall seeing a diary or such type of notebook?
(U) A: No, I know SPC TILLMAN kept one, but I did not see it.
(U) Q: Referring to your statement about the conditions of the area where the incident occurred, how are you able to explain the conditions?
(U) A: I am familiar with the conditions of that area because I drove through it twelve times [redacted]

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STATEMENT OF [redacted] TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 05 APR 06. CONTINUED

(U) [redacted] Q: Is it uncommon to operate during daylight hours?
(U) A: Yes, it was uncommon to drive. It was not uncommon to move at night and then wait for daylight to conduct the mission.
(U) Q: In your experience at the time of the incident, was it common for AMF soldiers to fight along side Rangers?
(U) A: It was not common. I am not sure how the AMF soldiers ended up with the platoon.
(U) Q: In previous statements, you mentioned green tips, can you explain what you mean by that?
(U) A: Green tips is another way of saying 5.56 ammunition, the ammunition we use.
(U) Q: Did you see any bullet fragments with SPC TILLMAN's equipment?
(U) A: No, I cannot recall. I did see the flashbang, and it had also been hit with a 5.56 round. The last time I saw it was when [redacted] had it in an ammo can. He was going to destroy it.
(U) Q: Which platoon were you with?
(U) A: 1ST.
(U) Q: Was it common practice to destroy equipment that had blood on it?
(U) A: Yes.
(U) Q: Do know if anyone had any ill will towards [redacted] TILLMAN [redacted]?
(U) A: No. [redacted]

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STATEMENT OF [redacted], taken at THE REGIMENTAL HEADQUARTERS ANNEX, FORT BENNING, GA, ON 05 APR 06. CONTINUED

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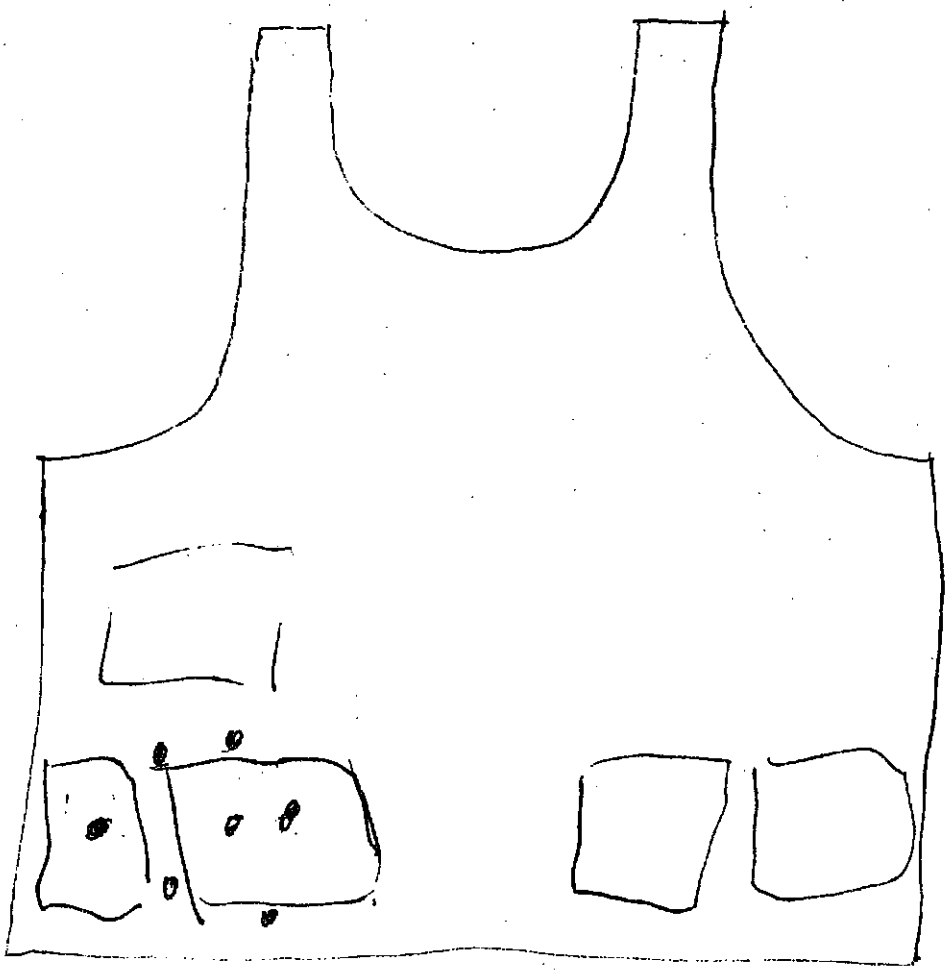

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[redacted]

EXHIBIT 26

INITIALS OF PERSON MAKING STATEMENT [redacted] Page 4 of

STATEMENT OF [redacted], taken
at THE REGIMENTAL HEADQUARTERS ANNEX, FORT BENNING, GA
ON 05 APR06. CONTINUED.

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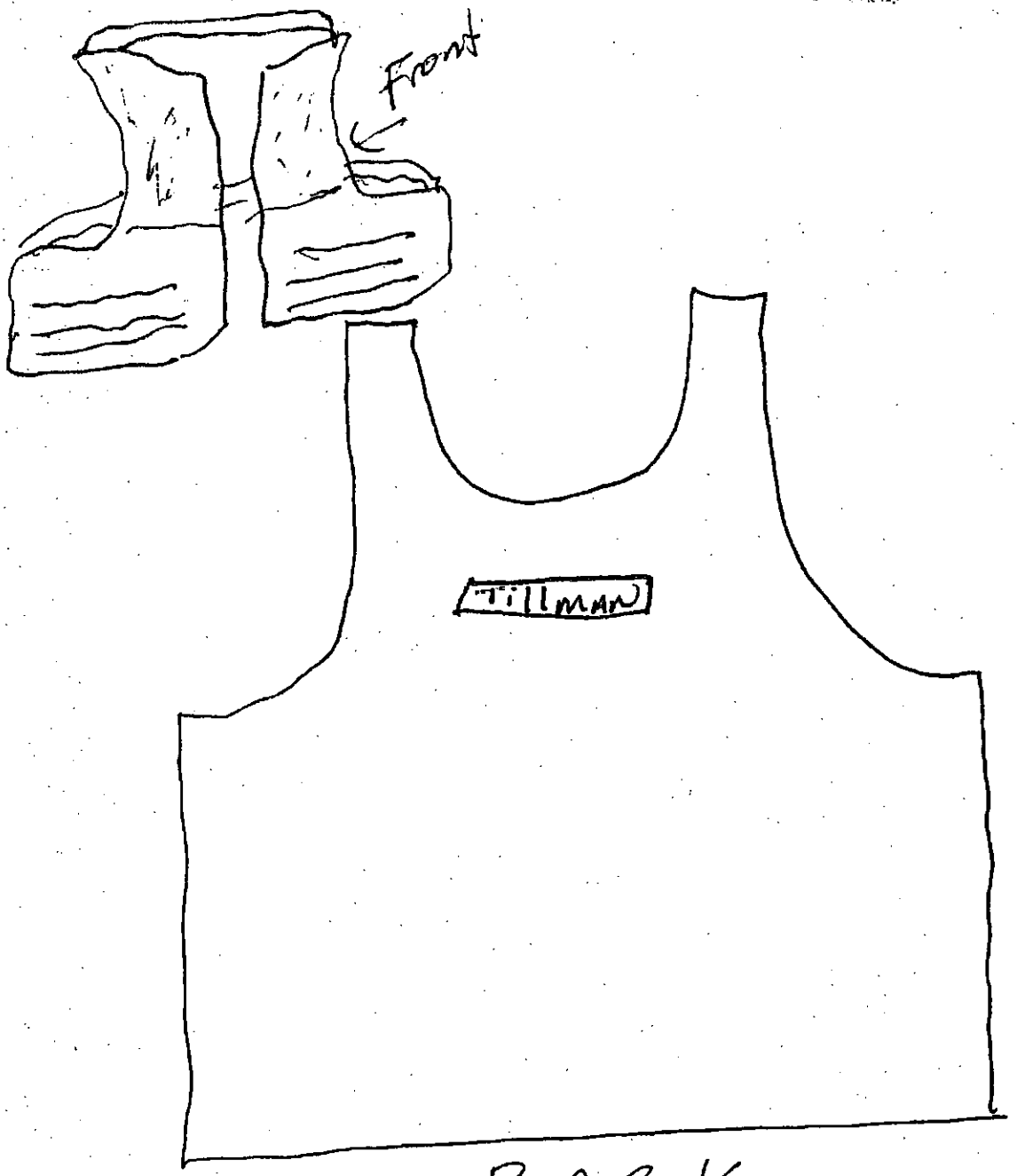

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[redacted]

EXHIBIT 26

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF [redacted], TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 05 APR 06. CONTINUED

[redacted]

Q: Do you have anything else you wish to add to your statement?

(U) A: No.

///END OF STATEMENT//[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 5 DAY OF Apr, 2006
AT Regimental Headquarters Annex, Fort Benning, GA

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

_____

_____

_____

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

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INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 6 OF 6 PAGES

DA Form 2823 (AUTOMATED)

[redacted]

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EXHIBIT 26

[redacted] 0013-06-CID201-50041

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Regimental Headquarters Annex, Fort Benning, GA	6 APR 06	1038	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

Ranger Regimental Executive Officer, 75 Ranger Regimetn, Fort Benning, GA 31905

I, [redacted] wish to make the following statement under oath. 2nd Ranger Battalion was executing operations in the vicinity of Khowst, Afghanistan in support of [redacted]. A/2/75 RGR was directed to conduct a combined HAF/GAF to the northern portion of JSOA DEMI to conduct movement to contact in zone in order to assess active and passive support bases of [redacted]i. After approximately 7 days of operations, A/2/75 cleared multiple villages throughout JSOA DEMI. The company submitted daily reports to the TOC that indicated that there was no enemy presence, and that there was not a significant Haqqani network presence in the zone (I recall a specific report on the radio that stated "Passive support at best"). The TOC was already planning subsequent operations targeting [redacted] strategically located opposite the Bangidar Madrassa and the Sedgai village (Haqqani associates staged attacks against BCP4 from these locations during the JSOA DEMI clearance operations giving us known enemy locations to target vs. the "suspected" presence in [redacted]. Throughout A/2/75's operations in [redacted] they were plagued by vehicle maintenance issues with respect to one of their GMVs. Almost nightly, we deployed vehicle parts via [redacted] to BCP 5 (where one of his platoons was staying with Khowst Provincial Forces (KPF)) in order to attempt to fix the vehicle. We requested detailed parts listings in order to facilitate this process to no avail. At one point, at the request of A/2/75, we submitted a request telephonically through Air channels to [redacted] I was told that the request required at least 96 hours to process, which was deemed infeasible by the collective leadership as [redacted] already directed the withdrawal of portions of A/2/75 in order to focus combat power on [redacted]. The effort remained focused on keeping pressure on the enemy and no one wanted to be bogged down due to maintenance issues. While the majority of [redacted], [redacted] passed on the reports from the Platoon that it would be feasible to self-recover the GMV back to the [redacted] At some point later, I received the report that the platoon was no longer able to tow the GMV as the weight and condition of the towed GMV was damaging the serviceable GMVs. I sought assistance with the [redacted] unit, 1-501 PIR, in the form of Wrecker support. [redacted], [redacted], and I developed a hasty plan. Their input was required in order to gain their feedback based on their familiarity with the terrain. They told me the wrecker would only be able to travel the route to a certain point. They also provided me feedback from the field that the platoon would be able to obtain assistance from a local jinga truck to pull the GMV to the agreed upon dropoff point. We agreed that the platoon would deliver the GMV to the linkup point and proceed to clear the remaining [redacted] the following day prior [redacted] Throughout this process, we'd receive no updates as to the enemy situation that contradicted any of A/2/75's previous reports indicating a lack of enemy presence and/or Haqqani network support. This operation was deemed as low risk. [redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 8 PAGES
	[redacted]	000153

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF__ TAKEN AT__DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF__PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

[redacted]

EXHIBIT 27

[redacted] I shifted my attention to the TOC targeting meeting and preparations for the impending operations into [redacted]. As we completed the targeting meeting I heard [redacted] submit a broken report to the TOC. His report was hurried and the sound of his voice indicated that there was a problem. It was a few moments before [redacted] came on the net to submit a contact report. The situation was unclear, yet we initiated action to launch the local [redacted] Khowst if required. [redacted] came on the net again and reported that he would require a medevac. He did not submit a 9-line request. I told him to just send the grid location so I can launch the medevac. Simultaneously, I recalled the 1-501 Wrecker and the Ranger Platoon escort, launched earlier from Khowst, and gave [redacted] a warning order to take Rangers from Khowst and execute a linkup with [redacted] platoon to assist on site. I knew that it would be a few hours before the linkup would be possible. At some point it appeared that [redacted] was having difficulty speaking and he was off the net for a few moments. [redacted] (LA25) responded to my subsequent calls. [redacted] status was unclear to me at that time. I asked [redacted] to confirm that the LZ was secure in order to facilitate casualty evacuation. He confirmed the LZ was secure and received a followup report that the medevac picked up 3 Casualties. The Battle roster report indicated that one of the casualties was SPC Pat Tillman. Upon completion of the medevac, I directed the platoon to remain in place, execute linkup with the remaining elements of A/2/75 (en route from Khowst), and prepare for subsequent instructions that would most likely follow the next day. I then left the TOC to meet [redacted] at the Forward Surgical Team (FST) location. [redacted] and I laid the flag on SPC Pat Tillman. I asked where [redacted] was, and was told that he was still out with the platoon. I directed a second turn of the helicopter to recover [redacted] and bring him back [redacted]. He arrived within an hour or two and I met him at the TOC. [redacted] was obviously distressed about the incident and I attempted to console him. I was deeply affected throughout this incident as it was difficult for me not to equate the potential loss of [redacted] and it was important to me that he know I knew this loss was terrible. He declined my offer to meet [redacted] that was inbound. He asked me to promise to exact revenge on the ambushers. I told him that we redeployed A CO in zone for that purpose. I went to find [redacted] and [redacted] after they were evaluated by the doctors. Both were in good spirits, were remorseful of the loss of SPC Tillman, but expressed pride in how their platoon reacted to the situation. [redacted] described the enemy ambush occurring from four directions originating from the dominant high ground in the area. He stated that he and his RTO were behind the rest of his elements because they were having difficulty dismounting the Radio rucksack from the GMV. I refrained from asking why he didn't execute command and control from his GMV with the power amplifier and X-Wing sat antenna (the combination of which supported better communications ranges). He told me that he thought he was shot from the enemy position that was to the south. When I asked if he thought this was the same position that shot SPC Tillman, he said that he thought so. [redacted] thanked me for the support that I gave him with respect to quick fire support and the prompt medevac. The next day I was waiting for reports from A/2/75 with respect to their ongoing interviews with the villagers in vicinity of the ambush location. At some point in the afternoon, [redacted] contacted me after he arrived at the site to [redacted]

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EXHIBIT 27

[redacted] ell me that he thought a fratricide event may have occurred. I expressed confusion based on the reports and first-hand accounts I obtained from [redacted] and [redacted] delivered the night before. I told him that the situation was unclear to me. He asked me to appoint a 15-6 officer. I recommended [redacted] to serve as the investigating officer, and [redacted] concurred with my recommendation. I told [redacted] to get his guidance directly from the battalion commander when he returned to Khowst based on my lack of familiarity with what he saw on the ground that led to concerns of fratricide. [redacted] I believe that A/2/75 returned to [redacted] two days after the ambush. I supervised the After Action review (AAR) at [redacted] and was concerned about the sensitivity of the AAR given the fratricide implications revealed by [redacted] the previous day. [redacted] attended the AAR. I asked the platoon to focus on the tactical and operational lessons learned and that I would prefer that we avoid discussing individual actions in order to facilitate the investigation that was about to begin. I was not yet convinced that this was a fratricide armed only with the accounts of [redacted], [redacted], and [redacted] As the platoon recounted their actions over the course of the AAR I became confused as to the disposition of the platoon. It was hard to keep track of where squad leaders and their respective team leaders were located and who was issuing orders to whom. Only after I asked them to draw the locations on the white board did it become apparent to me that the platoon was not only split in two, but was task organized in a manner not consistent with squad integrity. I expressed surprise and told them that this didn't make sense. At some point in the conversation the platoon defended their decision to split the platoon and maintained that they need to retain the ability to operate in split serials in order to preserve flexibility, security, and avoid committing unnecessary combat power. I told them I thought it was inappropriate for this operation, but concurred with the doctrinal requirements for multiple serials [redacted] and [redacted] I offered that in the future, split serial convoys require careful consideration of leader positioning and shifted to another subject in the AAR. Immediately following the AAR, I communicated dissatisfaction with [redacted] in that he violated my intent. We agreed that a miscommunication occurred. [redacted] continued operations in vicinity [redacted] fghanistan until we redeployed in late May 2004.

(U) Q: SA [redacted]
(U) A: [redacted]
(U) Q: When you refer to A/2/75 RGR, can you explain what that means?
(U) A: Alpha Company, 2nd Battalion, 75TH Ranger Regiment.
(U) Q: When you refer HAF/GAF, can you explain what the means?
(U) A: Helo Assault Force and Ground Assault Force.
(U) Q: When you refer to JSOA DEMI, can you explain what that means?
A: Joint Special Operations Area [redacted] and [redacted] was the name for that area. [redacted] is just another area. [redacted] are used to facilitate special operations within conventional unit battle space. [redacted]

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(U) Q: Who is [redacted]?

(U) A: He was the former Taliban Minister of Tribal Affairs, assessed to be residing in Miram Shah, which is about forty kilometers away from the Afghanistan border and he was also assessed to be Usama Bin Laden's primary facilitator in Afghanistan.

(U) Q: What is the Haqqani Network?

(U) A: The Haqqani Network is like any enemy network which is a collaboration of associates of [redacted] that operate from multiple locations.

(U) Q: When you refer to BCP4, can you explain what BCP means?

(U) A: Border Crossing Point, manned by the Khost Prevential Forces in the Khost area.

(U) Q: When you refer to one of the A Company platoons having vehicle trouble, do you know which platoon?

(U) A: I am pretty sure there was an internal rifle company task organization change at some point during the [redacted] AOA DEMI clearance operations. 3rd platoon ultimately departed the BCP with the broken GMV.

(U) Q: When you refer to GMV, what does that mean?

(U) A: Ground Mobility Vehicle, which is a HMMWV(High Muli Purpose Wheeled Vehicle) variance.

(U) Q: Were you given a reason as to why the GMV could not be air lifted?

[redacted], who provides our direct assault lift, does not fly sling missions. Therefore, we sought assistance from the conventional unit that does, [redacted] Those aircraft are dedicated to supporting lift requirements in support of all conventional forces in Afghanistan. They are generally fully committed daily, and therefore provided a response that limited them to providing support at a minimum of 96 hours away from the time of the request. Additionally, at the time there was no direct enemy threat that directed this to be an urgent requirement.

(U) Q: Who is 1-501 PIR?

A: First of the Five o First [redacted] Parachute Infantry Regiment. They were the conventional unit responsible for the overarching battle space we were fighting in. The space that [redacted] were carved out of.

(U) Q: When you refer to NAI, what does that mean?

(U) A: Named Area of Interest.

(U) Q: When you refer to TOC, what does that mean?

(U) A: Tactical Operations Center.

(U) Q: What is an AH-1?

(U) A: An Attack helicopter, Cobra.

(U) Q: Who is [redacted]?

(U) A: He was a sub-commander to [redacted] who was the [redacted]

(U) Q: Referring to your hand drawn sketch, can you clarify the following?

A: 1 represents [redacted] 2 represents [redacted] a sub commander, 3 represents [redacted] a sub commander, 4 represents [redacted] a sub commander for Siraj, 5 represents [redacted] a sub commander for [redacted] and an associate of [redacted] is the one we assessed to be the trigger man/leader for the ambush. To my knowledge, [redacted] was not captured and fled to. [redacted] I heard he returned to Afghnistan like a year later and was granted amnesty under the Karzai reconciliation program. [redacted]

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STATEMENT OF [redacted], TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 06 APR 06. CONTINUED

[redacted] A represents Bermel, Pakistan (home of the Bermel Bazaar – a bazaar known to frequent [redacted] associates), B represents Sedgai Village, the suspected residence of [redacted] and staging area for attacks on Border Crossing Point 4, C represents the Bangidar Madrassa, located within 800 meters of the Afghan Border (inside Pakistan) that is also a known staging area for Haqqani related attacks within Afghanistan, D represents [redacted] suspected location and home of [redacted] represents Pakistan, F represents Afghanistan, G through L represent BCPs as numbered, M represents Khowst, N represents Lwara, O represents [redacted]. P represents a notional depiction of a Air Assault [redacted]

(U) Q: Referring to splitting the platoon, did you give that order?
(U) A: No.
(U) Q: Do you know where the order to split the platoon originated?
(U) A: I do not know for a fact who directed the order. At the time of the AAR, I thought it originated from the platoon leader. I subsequently learned that it was communicated from the company headquarters over e-mail.
(U) Q: Is it common practice to use electronic mail in lieu of radio communications?
(U) A: For administrative reports, yes.
(U) Q: Was destroying the broken GMV an option?
(U) A: No.
(U) Q: Why is that not an option?
(U) A: There was no pressure from the enemy. The precedent had been set in November of 2003, after J. BLESSING was killed in an IED strike. That HMMWV was destroyed far more significantly than the vehicle maintenance issues in this case. Specifically in this case it was tow-able, fixable, and there was no known enemy pressure. Therefore, it was not an option.
(U) Q: Do you know if there is a log of electronic mail traffic?
(U) A: We do not keep a log of traffic that goes in an out of the TOC.
(U) Q: Do you know the names of the captured individuals suspected to have affected the ambush?
(U) A: I do not recall off hand.
(U) Q: Do you know who the captured individuals were released to?
[redacted] A: I do not know the ultimate disposition of any of them. Th[redacted] are available for questioning for a limited amount of time, after which we are directed to either release the detainees or send them for further processing [redacted] in accordance with Combatant Commander Guidance. It was my understanding that [redacted] was supposed to go to GITMO.
(U) Q: Did your group gather intelligence from the captured?
[redacted] A: Yes, we did. Multiple objectives arose [redacted]. However, I cannot recall the specifics.
(U) Q: Do you recall hearing about two ambush sites?
(U) A: No.
(U) Q: Did you ever see SPC TILLMAN's equipment?
(U) A: No. I only saw SPC TILLMAN in his DCUS and boots. I was aware that his equipment was under the control of Alpha Company.
(U) Q: Do you know anything about SPC TILLMAN's diary? [redacted]

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EXHIBIT 27

STATEMENT OF [redacted] TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 06 APR 06. CONTINUED

(U) [redacted] A: No. [redacted] never asked me about it, when I spoke with him.
(U) Q: Can you explain your discussions with [redacted]?
(U) A: I had about three, the night he returned, the subsequent morning, and I saw him off when we flew SPC TILLMAN's remains and [redacted] off to Bagram. The night he returned, I discussed in my narrative. The subsequent morning was to provide him with a telephone.
(U) Q: Is there anything else that went on in the TOC, during the incident?
(U) A: We were focused on providing support to 3rd PLT as stated in my narrative.
(U) Q: Was there a sense of urgency, pertaining to the platoon moving out to Manah?
(U) A: No, I the Manah clearance was not associated with a time line, beyond "begin clearance operations the next day." In a macro sense, that platoon had spent multiple days not conducting clearance operations based on the GMV maintenance challenges, and I admitted in previous testimony that this was particularly frustrating. There was a designated link up arranged with the wrecker that had to occur that night. However, there was no immediate push to be at Manah. In my mind it was a phased operation. Recover the vehicle and then clear the final NAI.
(U) Q: Is it uncommon for platoons to split?
(U) A: No, it is not uncommon, however, it is considered deliberately against the enemy situation and the operational requirements.
(U) Q: Do you have any first hand information about photographs and evidence pertaining to this incident?
(U) A: No.
(U) Q: Can you explain the practices of traveling at night?
[redacted] A: [redacted] Anything that requires interaction with villagers (clearance of residences) occurs during the day, so as to maintain a non aggressive/disruptive posture, consistent with counter-insurgency operation. Nothing led me to believe that we would take a different approach with Manah. Deliberate offensive raids against known enemy targets (i.e. [redacted] occur at night to maintain surprise. The reason we generally prefer to move during the night is because Jay. BLESSING was killed as the result of an IED strike while traveling in a day convoy. Sometimes there is a reason to travel during the day, when associated with conditions that require immediate response. For example, if intelligence says you have to move now or you will lose the target. Each instance must carefully be considered against mission, enemy, terrain, time, and troops available.
(U) Q: Was there any reason to have the platoon in this incident move by convoy during the day?
(U) A: They were towing the GMV to reach the designated link up point in an area previously determined to be non hostile. Additionally, all of their operations in that area occurred during day time.
(U) Q: Did [redacted] ever express concerns about splitting the platoon?
(U) A: No, not to me personally. He had the opportunity at the Forward Surgical Team. He limited that conversation to highlight how proud he was of his platoon. [redacted]

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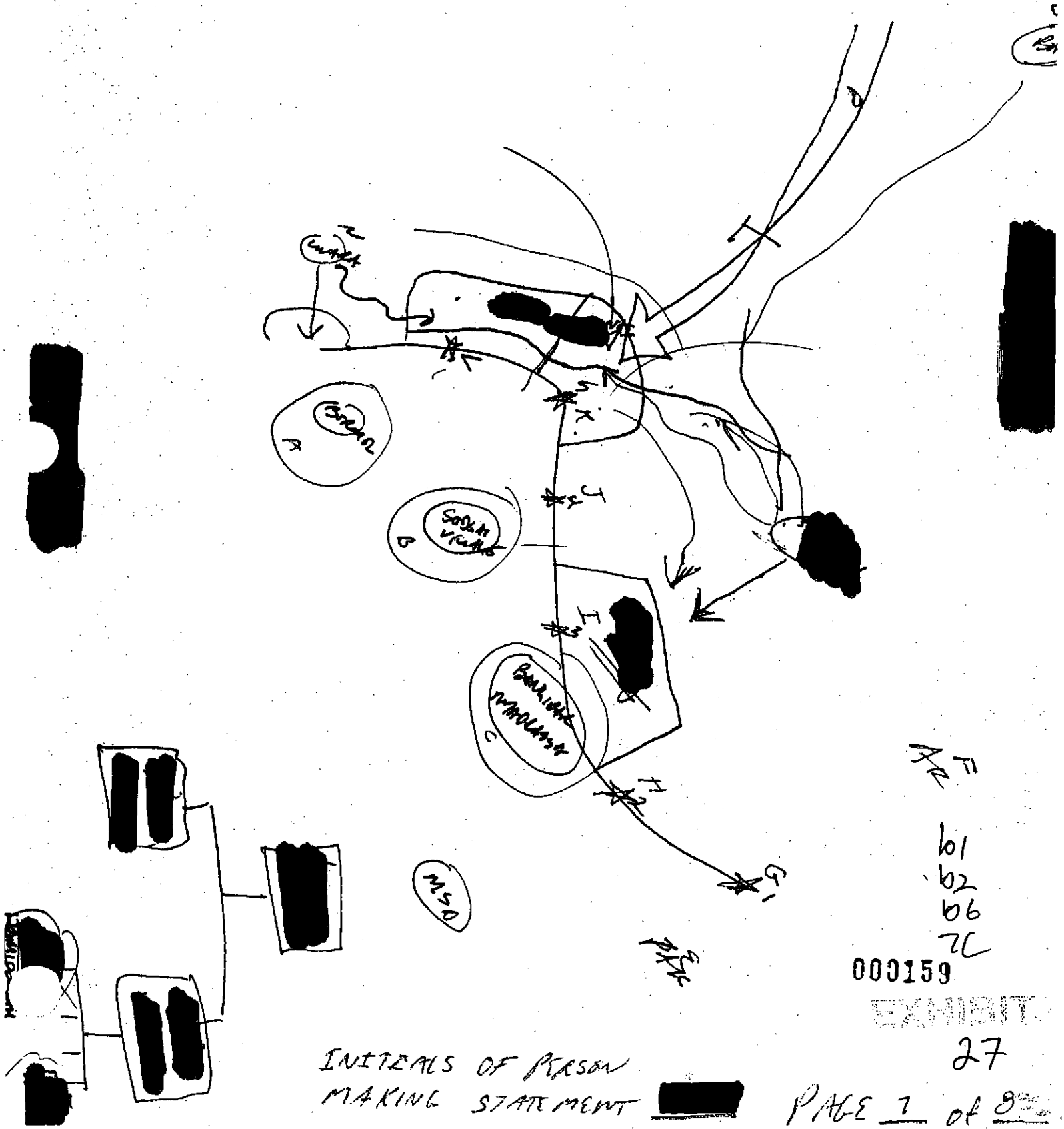
STATEMENT OF [redacted] 0113-06-CID201-500

TAKEN AT REGIMENTAL HEADQUARTERS AND FORT BENNING, GA ON 06 APR 06. CONTINUE



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000159

EXHIBIT 27

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF [redacted] TAKEN AT the Regimental Headquarters Annex, Fort Benning, GA ON 06 APR 06. CONTINUED

[redacted]

Q: Do you have anything else you wish to add to your statement?
A: No.
///END OF STATEMENT/// [redacted]

AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

_____
_____
_____
ORGANIZATION OR ADDRESS

_____
_____
_____
ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 6 DAY OF Apr, 2006
AT Regimental Headquarters Annex, Fort Benning, GA

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

000160

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 8 OF 8 PAGES

DA Form 2823 (AUTOMATED)

[redacted]

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27

EXHIBIT

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO LES) About 1423, 6 Apr 06, the undersigned interviewed [redacted], who related he was in group 1 as the Forward Observer which conducted flanking maneuvers with CPL TILLMAN. (See Sworn Statement for more details)

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION 000161	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 6 Apr 06	EXHIBIT 28

CID FORM 94
1 FEB 77

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 6 APRIL 2004 1423 [redacted]

LOCATION: FBI Federal Building, [redacted]

I, [redacted] want to make the following statement under oath:

[redacted] I AM SPECIAL AGENT (SA) [redacted], ACCOMPANYING ME IS SA [redacted] FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

I was attached to second platoon, A Company, 2ND Battalion, 75th Ranger Regiment, Fort Lewis, WA deployed in support of Operation Enduring Freedom to Afghanistan. On 22 Apr 04, I was assigned as one of the Forward Observers. My job was to call in close air support should the platoon find itself in need of those assets. On 22 Apr 04, in the morning, the platoon departed from the AMF compound in Afghanistan to perform clearing operations in the area. We had a down vehicle that was in tow and the vehicle which was dead lined eventually broke enough that the towing vehicle could not tow it any longer. We ended up in a village and stayed in that location for quite sometime awaiting for a helicopter sling load out. [redacted] was attempting to get the helicopter sling loaded to remove it from the village so that we could continue on our mission. [redacted] had no success in getting the helicopter and command was telling [redacted] to get on with the mission. [redacted] was told by command to separate the platoon and proceed on to the objective. A "jinga" truck driver happened to come by and [redacted] decided to hire the "jinga" truck driver to tow the vehicle to a point that a wrecker could pick it up. Early evening that day the whole platoon departed from the village with the dead lined vehicle in tow by the "jinga" truck driver. I was in serial 1 vehicle 1 with [redacted] and [redacted] At some point in the route serial 2 was to take the dead lined vehicle to the wrecker location. I am unsure of the exact route. At some point in the route I heard an explosion and people started getting out of the vehicles. I heard a machine gun going off and notice one of the AMF soldiers shooting a vehicle mounted machine gun. I then attempted to get on the vehicle radio to call into command to report enemy contact. The vehicle radio was not working and yelled for [redacted] to get his satellite radio up and working. After [redacted] got the radio working I called into command about the contact and requested close air support. The serial began making their way up to a nearby village to provide support. We made our way to a spur left of the road. I remember everybody firing and [redacted] calling out not to fire until we see the enemy. SPC TILLMAN had taken up position just over the spur and I remember telling him not to go any more forward because I had close air support coming in. I remember hearing an aircraft that I initially suspected as a C130 but as I listened closer I knew it was a predator drone. Our air support was only supposed to be three minutes out from my call in. The rate of fire started to increase and realized another one of our vehicles had come out of the canyon. On View "A" and Map "B" I was located where the blue "X" was. I saw the first vehicle denoted in View "A" and Map "B" by a green box with two circles. It was traveling in the direction of the green arrow on View "A" and Map "B". The black slashes on View "A" and Map [redacted]

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EXHIBIT 29

"B" indicate where the first vehicle had been firing. The red circle on View "A" and Map "B" indicates where the first vehicle had finally hit the village. Everybody started yelling cease fire and I believe [redacted] lit off a pen flare. Rounds were still going off but eventually I believe the second serial saw our vehicle and stopped firing. Everybody began checking each other for injuries and that was when someone called out that someone was hit. I asked who it was and [redacted] said not to ask. I eventually found out that it was SPC Pat TILLMAN.

Q: SA [redacted]

A: [redacted]

Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?

A: No.

Q: WHY WERE THE SERIALS SPLIT?

A: Because [redacted] was ordered to split the platoon and get to the objective.

Q: WAS SPLITTING THE PLATOON CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON THIS MISSIONS?

A: No.

Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE ON 22 APR 06 AND WAS THE COMMUNICATION CHECK GOOD?

A: Yes.

Q: WERE YOU AWARE OF ANY SPECIFIC THREAT OF AMBUSH TO HAPPEN ON APRIL 22 AGAINST YOUR UNIT PRIOR TO THE AMBUSH?

A: No.

Q: WERE YOU AWARE THAT ONE OF YOUR SOLDIERS RECEIVED A MESSAGE FROM A LOCAL AFGHANISTAN [redacted] WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?

A: Yes it was [redacted]

Q: HOW MANY EXPLOSIONS DID YOU HEAR?

A: One before the dismount of the vehicles and some others after.

Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?

A: Behind us towards the canyon we had passed through.

Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?

A: Yes.

Q: DID YOU VISUALLY IDENTIFY THE ENEMY?

A: Only movement and muzzle flash.

Q: WHAT KIND OF WEAPON DID YOU HAVE?

A: M4 and A Cog 3x scope.

Q: WHERE YOU ABLE TO IDENTIFY THE ENEMY THROUGH YOUR SCOPE?

A: No.

Q: APPROXIMATELY HOW MANY ROUNDS DID YOU FIRE?

A: 30.

Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?

A: After the explosion when the rounds started I noticed movement in the mountains near the canyon.

Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?

A: Positively identify (PID) your tar[redacted]

(Initials)

EXHIBIT 29

Q: WHEN YOU SAY YOU OBSERVED MOVEMENT, HOW MANY ENEMY DID YOU SEE AND CAN YOU DESCRIBE WHAT THEY WERE WEARING?
A: Roughly one to three individuals but they were to far away to see clothing.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN SERIAL 2 DURING THE AMBUSH?
A: Yes, when we were taking contact before the first vehicle came into view.
Q: WHERE YOU ABLE TO POSITIVELY IDENTIFY THE INDIVIDUALS IN THE FIRST VEHICLE THAT FIRED UPON THE VILLAGE.
A: No.
Q: WERE ANY CLEARING OPERATIONS CONDUCTED OF THE AREA IMMEDIATELY FOLLOWING THE AMBUSH?
A: Yes, Second Platoon secured the area first then 1st and 3rd Platoon arrived.
Q: WAS ANY EVIDENCE DISCOVERED OF THE AMBUSH?
A: Not that I know of.
Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: I don't remember it being used.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANOMYSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: Everybody loved Pat.
Q: DID YOU PERSONALLY SEE WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?
A: No.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
A: No.
Q: HOW DO YOU KNOW A PREDATOR DRONE WAS FLYING IN THE AREA?
A: I could hear it.
Q: DID YOU SEE THE PREDATOR DRONE?
A: No.
Q: HOW DO YOU KNOW IT WAS A PREDATOR DRONE?
A: The sound was prop driven and the C130 do not fly during the day.
Q: DID YOU INQUIRE WHETHER THERE WAS A PREDATOR DRONE IN THE AREA?
A: Yes and I was told it was over us during the ambush.
Q: WHO DID YOU INQUIRE ABOUT THE PREDATOR DRONE?
A: Somebody back at the TOC but I do not remember.
Q: DO YOU KNOW WHAT UNIT WAS MANNING THE PREADTOR DRONES IN THE AREA?
A: No.
Q: DO YOU REMEMBER WHO WAS IN THE TOC WHEN YOU INQUIRED ABOUT THE PREADTOR DRONE?
A: No.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A:. I wish this didn't happen. I don't think anything that happened there was intentional and it could have been avoided if command had listened to what [redacted] had to say.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A: No.

[redacted]
(Initials)

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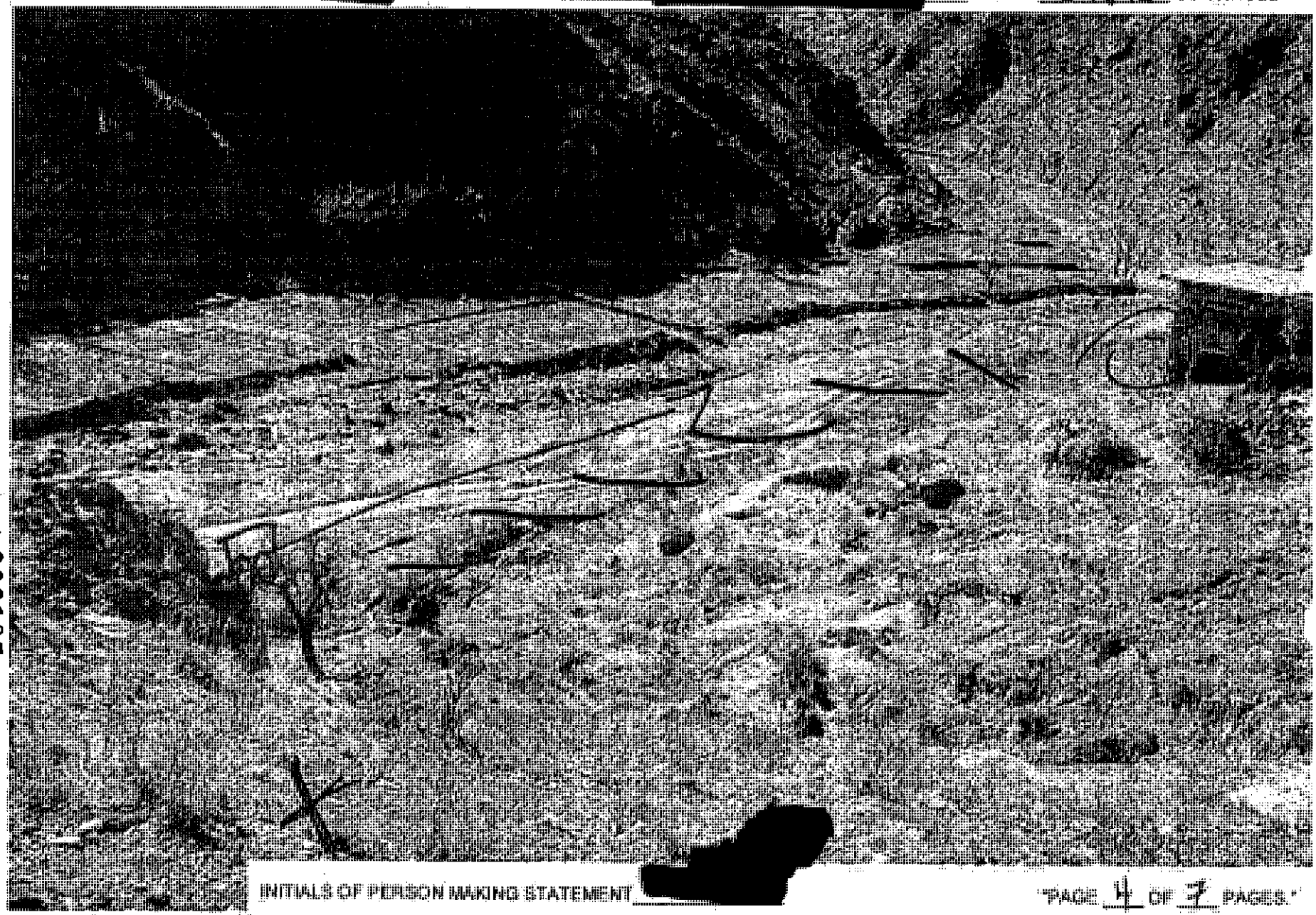
EXHIBIT 29

"A"

UNCLASSIFIED

"STATEMENT OF [redacted] TAKEN AT FBI - [redacted] DATED 6 Apr 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 4 OF 7 PAGES."

UNCLASSIFIED

000165

EXHIBIT 29

0013-06-CID201-50048

B

"STATEMENT OF [redacted] TAKEN AT FBI DATED 6 Feb 06 CONTINUED."

INITIALS OF PERSON MAKING STATEMENT [redacted] UNCLASSIFIED

"PAGE 5 OF 7 PAGES."

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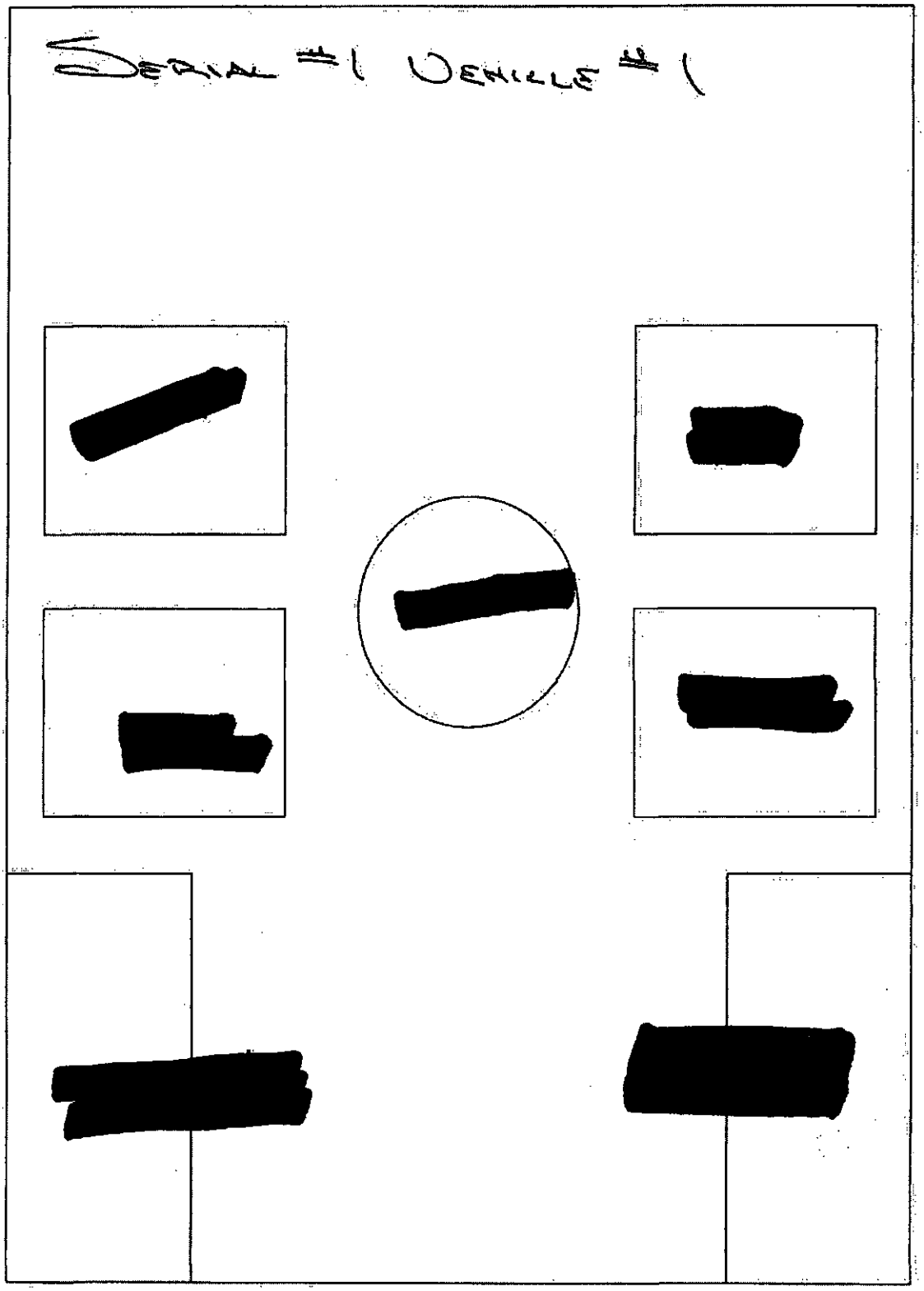
EXHIBIT 27

000166

STATEMENT OF [redacted] TAKEN AT FBI [redacted] DATED 6 APRIL 06 CONTINUED.

FRONT

SERIAL #1 VEHICLE #1



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 7 PAGES.

EXHIBIT 27

//END OF STATEMENT//

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 7. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 Apr 2006.

[redacted]

(Witnessed by)

[redacted]

St, CW3, FU

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ

(Authority to administer oath)

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TC

[redacted]

(Initials)

EXHIBIT 29

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO LES) About 1230, 7 Apr 06, the undersigned interviewed [redacted] D Company, Support Battalion SWC, Fort Bragg, NC 28310, in which he related he was in the lead vehicle of group 2 which was ambushed in the canyon. (See Sworn Statement for more details)

///LAST ENTRY///

b6
TC

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 7 Apr 06	EXHIBIT 30 000169

SWORN STATEMENT 0013-06-CID201-5004

File Number: 0013-06-CID201-50048
Location: Building E2929, Fort Bragg, NC 28310
Date: 6 Apr 06 1230
Time: 7
Statement of: [redacted]
RANK: [redacted]
SSN: [redacted]
Org/Address: D Company, Support Battalion SWC, Fort Bragg, NC 28310

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]
A: [redacted]
Q: [redacted], you provided a statement to the 15-6 investigation conducted by BG JONES, do you have any issues with incorporating that statement into this one?
A: No.
Q: What serial were you in?
A: Two.
Q: What kind of vehicle were you in?
A: A GMV, which is a supped-up HMMWV. The vehicle had row bars.
Q: When did the incident occur involving CPL TILLMAN's death?
A: Is about dusk on 22 Apr 04.
Q: What was the approximate time serial one left?
A: I believe it was about 15 minutes ahead of us, I don't remember the exact time of day, but it was towards the end of the day.
Q: Do you remember how many vehicles were in each serial?
A: No I don't. I can't remember exactly it has been two years. I think it was 3 or 4 vehicles in my serial.
Q: Do you remember the order of movement for the serial that you were in?
A: Originally we were suppose to be the lead vehicle; however, platoon sergeant he made the decision to change routes during the course the movement after the jinga truck driver suggested we change routes because of the time crunch. The jinga truck driver was trying to get home before dark, I was told the driver wanted to get home to his family. At this point it was all hearsay, because I was not in that vehicle.
Q: Do you remember who was in each vehicle of your serial and what weapons each had?
A: I can't remember everybody. On my jeep was [redacted], [redacted] (driver), [redacted], and [redacted], [redacted] and myself-[redacted]
Q: I have a diagram of a HMMWV, would you please annotate where everyone was seated at that time?
A: Yes. (Please see diagram for details)

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INITIALS [redacted] PAGE 1 OF 2 1 EXHIBIT 31

STATEMENT OF [redacted], TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

Q: What was the approximate time of day and can you describe the weather conditions of when your serial was ambushed?
A: It would have been dusk, late afternoon going into dusk. It had rained earlier that day, I think it was clear, we were in a canyon when the ambush occurred.
Q: What initiated the ambush?
A: An explosion. There was one big explosion and then a pause and then there was machine gun fire and then multiple explosions.
Q: What caused the explosion?
A: Initially we thought it was an IED, but later on we were informed that there was mortar position trying to drop rounds on us.
Q: Who informed you that it was a mortar position?
A: The initial investigation, it would have been the first 15-6 investigation.
Q: Could the explosion have been a Rocket Propelled Grenade (RPG)?
A: I don't know, it was a pretty big explosion. It was a big enough explosion that it sent a lot of rocks and debris behind us
Q: How many explosions were there?
A: After two I can't remember. After the second one that is when everything picked up, that is when the firefight initiated.
AGENT'S COMMENT: The following questions will be in reference to [redacted] statement he provided to the 15-6 investigating officer BG JONES.
Q: Did you type this statement which you provided to the BG JONES?
A: Yes.
Q: When did you type this statement?
A: Around the time that I received my punishment from battalion. I think June of 2004.
Q: You previously stated... "a GMV from further back in the convoy engaged the area the explosion occurred. Thinking it was a suspected enemy position; vehicles began to suppress that area. It was hard to identify what they were specifically firing on due to large amounts of dirt being kicked up by impacting rounds." What vehicle and who was in this vehicle are you referring to?
A: I believe it was [redacted] GMV, which I thought was the last vehicle in the serial. There was another GMV, which was directly behind us and it was at the pivot point in the canyon that made a 90 degree bend. It was the GMV behind that one. I believe that one was [redacted] GMV with the MK-19; I remember seeing MK-19 rounds being fired up canyon wall.
Q: You then stated, "I fired in the same area to help gain the fire superiority that we are trained to do in Battle Drill #2. What is Battle Drill #2?
A: React to contact.
Q: At this point during the incident, who was the first to fire from your vehicle?
A: I can't remember.
Q: How far was the canyon where the initial ambush occurred from where the incident involving CPL TILLMAN's death occurred?

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STATEMENT OF [redacted], TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

A: As far as distances go, I only know what the investigators told me, we did not have maps at the time, I didn't anyway, [redacted] might have.
Q: You then stated you fired 200 rounds on this position and did a drum change. How far were you from the position you were firing at?
A: I remember the angle, because I had to shoot up, it may have 200 to 300 meters.
Q: You then stated the vehicle began to move and you almost fell off, but you caught yourself and re-engaged with another 20 rounds. Where were you firing at?
A: One of the GMV's in the rear re-engaged the cliff. Since I did a drum change I came out of the fight, but my vehicle and the entire convoy was still shooting at the cliff. We were basically doing a running gun battle. SOP for us was that if we were ambushed we are supposed to just blow through the kill zone. After I shot the 20 rounds, the convoy was still moving but stopped engaging, because we were not sure where we were taking fire from. The enemy pretty much followed us down the canyon as we were moving. Then another explosion occurred.
Q: You then stated the vehicle stopped and you were ordered to dismount. Who gave the order to dismount and what were the instructions, if any?
A: [redacted] and it was to just push off the GMV and pull security.
Q: You then stated, "I moved out three meters to nine o'clock and pulled security." Were you still in the canyon at this point? If you were pulling security, can you describe your sector of fire?
A: Yes we were still in the canyon, and I pulled security pretty much looking straight up the canyon wall.
Q: Did you see any enemy forces during this time?
A: No, all contact was coming from the 3 o'clock, so everything was coming to my back.
Q: Was anyone with you when you dismounted from the vehicle or did anyone dismount with you? If so, please explain.
A: The whole gun truck dismounted, [redacted] got out and gave us our sector of fire and to see if anyone got hit. [redacted] then returned to the vehicle. [redacted] dismounted and was to my left. We also had an interpreter on the vehicle and he was placed between me and [redacted] I am not sure what [redacted] did [redacted] and [redacted] stayed in the vehicle per our SOP's. [redacted] dismounted and pulled 3 o'clock security. I did not see [redacted] do this; however, according to SOP this is how we would normally operate.
Q: Who was this interpreter?
A: [redacted] was the interpreter. We had two interpreters attached to the platoon. They were from [redacted] believe.
Q: Were the interpreters armed?
A: No.
Q: Why was the interpreter with you?
A: [redacted] stuck him with me and [redacted] one it was on the opposite side of the contact and the interpreter had never been shot at before.
Q: Who was the other interpreter and what vehicle was he in? [redacted]

STATEMENT OF [redacted], TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

A: [redacted] he would have been in the Jinga truck with the platoon sergeant.
Q: At any point in time during this entire incident did your vehicle come under direct fire from any type of weaponry? If so, please explain.
A: We were wrapped up in the firefight the whole time in the canyon, so we did not know at the time. Before we exited the canyon, right before you come around the bend to the village our vehicle saw an individual running on top of the cliff and engaged him. I believe [redacted] called it off. About that same time we thought [redacted] got hit. He screamed and I checked him over. It turned out to be hot brass in [redacted] crotch.
Q: Did you see this individual running on top of the cliff?
A: I caught a glimpse, enough for me to know that it was the enemy and to shoot at. It was easy to know that it was not an American soldier. The things that would have been distinguishing was his body type, he was moving faster that we could and weapons. I can't remember what actual weapon he was carrying. I just remember he was paralleling the jeep.
Q: Could you tell what this individual was wearing?
A: No.
Q: Going back to when you dismounted with the interpreter, how long were you dismounted for?
A: I couldn't tell you how long it was.
Q: Who ordered you to re-mount into the vehicle?
A: [redacted]
Q: You stated after you re-mounted into the vehicle, "Enemy small arms fire erupted from the two o'clock. The vehicle stopped again. [redacted] ran to the Jinga truck to get it moving again since it was blocking our movement. Were you, the vehicle you were in, or anyone else hit by this small arms fire?
A: No we were not far enough up for us to take fire because there was a drop in the canyon wall. The Jinga truck was closer to the drop in the canyon wall.
Q: Why was the Jinga truck blocking your vehicle?
A: The whole time during the ambush the Jinga truck kept stopping and at that point we could not back out of the canyon and we had to keep going forward. The canyon was only wide enough for one vehicle.
Q: Who was the Jinga truck driver?
A: Some local in that area.
Q: You then stated, "At the same time the right side of the GMV and the 50 Caliber machine gun started firing to lay down suppressive fire to allow movement. [redacted] complained that he could not provide effective fire. [redacted] moved the GMV forward and stopped. Why could [redacted] not provide effective fire?
A: Because of the drop in the canyon wall. It was a gradual slope that blocked the saddle.
Q: At this point during the incident, who was the first to fire from your vehicle?
A: [redacted] he was trying to suppress that position for us to get out of the canyon.

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STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

Q: Who was he firing at?
A: At the position where the drop in the canyon wall.
Q: Did you see what he was firing at?
A: I saw the position, but [redacted] was firing the 50 cal, so there was a lot of dirt being kicked up.
Q: How fast was your vehicle moving during this incident?
A: It was pretty slow, because the Jinga truck kept stopping and he was setting the pace. When the Jinga truck was driving he was not driving fast.
Q: You then stated, "[redacted] moved 5 meters in front of the GMV and fired the AT-4. [redacted] continued to engage the new suspected enemy position. I got my gun into the fight once again with a clear sector of fire. I expended 50 rounds on this position." Are you still talking about the drop in the canyon wall?
A: Yes.
Q: Why did you say suspected enemy position?
A: [redacted] would have known for sure because he was the first to fire and was kicking up dust. I fired at the same position. That was the whole thing about the gun fight, I was pulling 9 o'clock security and then having to turn around to help others in my vehicle, so I was one of the last ones to engage.
Q: Explain what you mean when you said you got your gun into the fight once again?
A: Because I was pulling security in my sector of fire and having to turn around.
Q: You said you had a clear sector of fire, what did you see?
A: I saw the little stone wall and where [redacted] was shooting the 50 cal, and I saw where the AT-4 impacted. After the impact things got quiet and everyone remounted. [redacted] dismounted to fire the AT-4 and [redacted] was at the Jinga truck to push them along to get moving. I can't remember if anyone was dismounted during this time.
Q: Did you see any enemy in this sector of fire?
A: I don't know, everything happened so fast. I was trying to cover [redacted] who was running around the vehicle to fire the AT-4, and [redacted] put so many rounds down range.
Q: You then stated your vehicle moved around the Jinga truck. Was it the truck itself or the people you had to move around?
A: We drove around the truck and the people in the truck had dismounted while we were engaging the position. The jinga truck people were on the left, and were just getting to return while we were starting to move. I don't know why the jinga truck dismounted.
Q: How fast was the vehicle moving?
A: We floored it to get around the jinga truck.
Q: You then stated, "When we were in front of the truck, a target was spotted and contact was made. I engaged with 10 rounds." Who spotted the target and explain what you mean by "contact was made?"
A: That was what I was referring to earlier when I said we saw an individual running along the cliff, parallel to us. [redacted] is the one who called contact.

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STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06,
CONTINUED:

Q: You then stated after you exited the canyon, "I then heard shots fired, followed by 'Contact three o'clock.' Everyone echoed the command." What and how many shots did you hear?
A: This was after we exited the canyon and came upon the village, I just remembered shots going off.
Q: Who yelled out "Contact, three o'clock"?
A: Someone behind me, because after I confirmed [redacted] was not hit I returned to the 9 o'clock position.
Q: You then stated, "I stood up, reoriented from the nine to the three o'clock, and looked for where everyone was shooting. I noticed that it was what appeared to be a small stonewall with sticks laid against it on both sides. The lighting was horrible at that point in the firefight. The sun was past the visible horizon. This made all objects to the three o'clock dark, non-detailed shape. These poor conditions affected my eyes due to my ongoing recovery from PRK (corrective eye surgery). My eyes were not at 100% yet..." Was your vehicle taking any direct fire from this position?
A: During the confusion of the firefight I would not have known if the vehicle took any direct fire. I had my back to them, a 50 cal going off above my head, all the jeep was firing.
Q: Did anyone fire on this position?
A: Yes, that whole area was getting shot up.
Q: At this point during the incident, who was the first to fire from your vehicle?
A: I couldn't tell you, my back was to the position.
Q: Did you fire on this position?
A: I fired on the stone wall, I shot to the right side of the wall.
Q: If lighting condition were "horrible" as you describe it, why fire on this position?
A: We were under the impression that we were under contact and at this point we were the lead vehicle coming out of the canyon and we were trying to protect everyone else in the serial. We did not know we had friend lies in front of us, because we could not see there vehicles.
Q: Did your unit know that you had PRK surgery?
A: Yes, my unit sent me to PRK, they also knew my profile, which was a 30 day profile, no night vision, no shooting, sunglasses during the day. PRK takes about 6 months to recover from, but you are cleared for duty at 30 days.
Q: When did you have PRK surgery?
A: I think it was in Jan 04.
Q: Did you tell anyone that your eyes were not 100%? If so, who and what did they say?
A: Yes, the chain of command knew. [redacted] suggested I move to the M203, but I told them I could handle the SAW.
Q: Did you feel your lessened visual clarity affected your ability to effectively employ your weapon?
A: I did not, because all the day and night ranges we had before deployed I could handle, this was the first time I had to fire at dusk.

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STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06,
CONTINUED:

Q: You then stated, "Once again I stuck to SOP and the Battle Drills taught to me in this unit. I fired on what appeared to be an enemy fortified position. I did not identify any bodies or movement of personnel in that area." Please describe what you mean when you said, "what appeared to be an enemy fortified position"?
A: Afghanistan bunkers are constructed using stones that are stacked up all over the country side. You can tell what a bunker looks like because they are small in size.
Q: You then stated, "Going off this I fired at the top of the wall to provide suppressive fire to facilitate the movement of the rest of my convoy from the Kill Zone to a better defensive position. I fired 20 rounds (two 10 round bursts) at that wall with only a few seconds between the first and second. I identified two sets of arms straight up. The arms did not indicate any signs of a cease-fire or any other hand and arm signal. The arms were straight up and that is all I saw of them." Why would you fire on these two sets of arms if they were straight up in the air?
A: The fact that we were taking indirect fire, this was a third world country and they don't have any hand and arm signals like we do. It was my perception they were trying to signal somebody. One of our SOP's is to shoot where your team leader shoots and go where your team leader goes. This is where my GMV was calling contact from. I was basically doing what I was trained to do. The right side of the GMV called contact, it could have been anyone of them.
Q: At this point during the incident, who was the first to fire from your vehicle?
A: I don't who pulled the trigger first, I turned around and started to shoot.
Q: When did you see the two sets of arms in correlation with respect to when you were firing?
A: It is hard to pinpoint down, I just remember the jeep firing and I fired in the same direction.
Q: Were these individuals holding any weapons?
A: At that distance I could not tell, I mean I could not see fingers, it was a good distance.
Q: What were these individuals wearing?
A: I couldn't tell it was a dark silhouette.
Q: Were these individuals yelling anything?
A: I didn't hear anything. All I saw was arms I did not see any heads or torso or physical body. I just saw arms.
Q: Who else fired on these individuals?
A: I couldn't tell you who exactly was firing but our whole jeep was firing at contact. I know [redacted] did not fire any rounds because he was driving pretty much the entire time.
Q: Did these two individuals actually pose a threat?
A: We were in contact at 3 o'clock, I basically went off of what my chain of command was doing, which was firing at that position. I used deductive reasoning because I saw a stone wall and fired upon this wall for suppressive fire.
Q: How far were you from this position?

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STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

A: It was a good distance I don't know exactly how far it was, I only know what I was told after the fact. Giving what happened and what everyone was assuming if that was where Pat TILLMAN was then I would not have been able to tell that was him, because he had a pretty unique body shape compared to everyone else in the platoon. I would say it was about 250-300 meters. The investigators told me that it was about 200 meters. Maybe my estimate of range is off. I did not see anyone stand up.
Q: Were you in the vehicle at this time?
A: Yes, we were all in the vehicle. We were driving pretty fast at this point, maybe 50 mph, I did not notice the speedometer, but it was fast enough that you did not want to fall off of the GMV. Once we came around the jinga truck [redacted] floored it to try and get out of the canyon. Once [redacted] saw the vehicles from serial one that is when he called cease fire and said he had friend lies up there.
Q: Was this the position CPL TILLMAN was later found to be located at?
A: At first when we were over in Afghanistan we all thought it was; however, when we returned to the states I later found out that the position CPL TILLMAN was found was not the position I fired upon.
AGENT'S COMMENT: I have several photographs, one which is the position where CPL TILLMAN was found.
Q: Was this the position you fired upon, please refer to photo number 1?
A: No, because the angle that I was firing from the wall was actually silhouetted above the horizon, this rock is below the horizon.
Q: Are you 100% sure you did not fire at this position?
A: I am 100% sure I did not fire up at that position.
Q: Do you remember seeing this rock when the incident occurred?
A: No.
Q: Do you know if anyone in your vehicle shot at this position?
A: I am not sure. I might be able to tell if there was a wider picture of the area.
Q: Here is another photograph of a rock wall, is this the position you fired upon, please refer to photo number 2?
A: Yes, this looks like the position I fired upon. I fired in a sweeping motion across the right side as I was looking at it.
Q: Was this where you saw the two sets of arms?
A: Yes, now looking at the color photograph, it may have been sticks I am not 100% sure.
Q: When you shot at this position did the arms go down?
A: In the 20 rounds I shot, no.
Q: Are you 100% sure this was the position I fired upon in photograph #2?
A: I would not say 100%, because the picture is too close from where I was; however, the picture looks like the wall that I shot at as our vehicle is coming towards the village.
Q: You then stated, "I did not see any smoke, pen gun flare, or any other friendly signals at that position before, during, or after the incident. After my last 10 round burst as we rounded the spur I heard [redacted] call out 'Cease Fire! We got friend lies up there!

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STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06, CONTINUED:

Cease Fire!' I stopped firing and echoed the command." Could you tell why [redacted] called for the cease fire?
A: [redacted] called for cease fire because he saw the vehicles from serial one, and I turned around when I heard the call and saw the vehicles to our 12 o'clock.
Q: When did your GMV stop after exiting the canyon?
A: Right after the cease fire we slowed down and pulled up towards the end of serial one, we stopped, dismounted and pulled perimeter security.
Q: Did you discuss anything with [redacted] as to why he called cease fire, or did he ever explain why he called for the cease fire?
A: I didn't question him about it. I did not know that the firefight had taken place so closely to the other serial.
Q: Did you or anyone else in your unit personally come under direct fire, from M-4s, SAW's, AK-47's etc? If so please explain.
A: I didn't know at that time. We were under strength during this whole incident, and I did not know until [redacted] came around that night and told me what had happened. All he told me was that we had 2 KIA and 2 wounded and he did not expand on that.
AGENT'S COMMENT: Referring back to the individual running along the ridgeline.
Q: Was there anyone else running with this individual?
A: He was by himself.
Q: Was this individual armed?
A: I can't remember.
Q: Did this individual fire on your position or any members of your unit?
A: I don't know, he was at the 3 o'clock once again.
Q: What was the build of this individual?
A: Skinny, maybe an average height for an Afghanistan.
Q: When did you first learn of CPL TILLMAN's death?
A: Later that night when the Blackhawks were coming in. [redacted] was going around letting everyone know that the casualty evacuation birds were picking up two killed and two wounded.
Q: Was there anything mentioned regarding CPL TILLMAN's death as a possible fratricide?
A: No.
Q: Do you know what happened to CPL TILLMAN's equipment?
A: No.
Q: Do you know if CPL TILLMAN kept a diary and do you know what happened to that diary?
A: I don't know if he did on that deployment, but I know he had one when we deployed to Iraq.
Q: Do you know if CPL TILLMAN had any personal belongings on him at the time of his death?
A: He usually had a sweat band for the wrist that [redacted] gave him.

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STATEMENT OF [redacted], TAKEN AT FORT BRAGG, NC, DATED 04/07/06,
CONTINUED:

Q: Were you aware of any enemy combatants captured and interviewed after this incident occurred?
A: That night they flexed cuffed the driver of the jinga truck and brought him in for questioning about the incident, but he was released. I have no idea what his name was, I never even spoke to him. 3rd Platoon relieved us the next day after we had pulled security in the creek bed all night. I don't know if 3rd platoon captured anyone. Our platoon searched about a mile or two down the creek bed in the same direction towards FOB Salerno and cleared villages.
Q: Did you ever discuss this incident with [redacted]?
A: As far as man to man. I have spoken to him a few times not as much detail as today, but more or less about me getting kicked out of battalion. [redacted] knew he was going to get in trouble sooner than I did. We did not go into details about what had happened out there.
Q: Did [redacted] ever speak to you about any silhouette(s) he saw on the ridgeline?
A: He told me that he saw an Afghanistan silhouette, with an AK-47, which turned out to be the guy attached to TILLMAN's fire team. We never had an AMF soldier attached to any fire teams before that it was always Ranger pure. I knew there were AMF soldiers attached to serial one. I did not know that an AMF soldier was integrated into a fire team at that time.
Q: Did [redacted] tell you whether this silhouette was standing or in the prone position?
A: He said silhouette was standing. Most Middle Eastern soldiers do not lay down to fight they don't feel that it is manly to fight that way.
Q: Did [redacted] tell you if the silhouette was firing over your position or at your position?
A: He said it was in our direction, we did not know it was over us until the first investigator told us. There did two or three in the first six months.
Q: When did he tell you this and was anyone else present?
A: I think [redacted] told the squad after we back to the states and he was told that he was not going to be the squad leader anymore.
Q: Did you ever speak to a chaplain regarding this incident?
A: [redacted] spoke to us about 10 minutes.
Q: What was the conversation about?
A: I told him that I had my whole world completely ripped out of me and I was being accused for killing a friend and being kicked out of the unit.
Q: Do you wish to add anything else to this statement?
A: The only thing is that it has been two years since this incident occurred. It has been hard to recall exact or specific details because of the time that has past.
//////////////////END OF STATEMENT//////////////////[redacted]

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To the Officers and NCOs who this statement concerns it contains the following:

1) My account of the events for the ambush on 22 April 2004.
2) Reference to SOP's and training undergone by the Rangers I work with
3) What I would have done differently
4) My Opinion on my **PUNISHMENT**
5) My feelings as a result to include side effects of this

By reading this information I hope my case will allow for an honorable and just decision in regard to myself, if not, the others I served with on that battlefield. I ask that this information not be merely glanced at but seriously looked over in depth before approving or deciding on my release in this case.

First this is my perspective on how the ambush happened. Unfortunately the 15-6 and questions asked of me were not specific enough to convey what that I saw and did during the contact and immediately following. I will start as we departed where our element had stopped to decide on what to do with the broken GMV. We sat there for a few hours, which seemed like half the day.

Finally we were informed to load up. [redacted] seemed to be on a time crunch to get out of the AO. We mounted the GMV and within a few minutes we got into OOM. Immediately after mounting the GMV [redacted] briefed us the plan. It was supposed to be simple; we would split into two convoys. One would go to the Northwest and the other to the Northeast. The first convoy had to get feet on the ground on an objective before nightfall, which was not long from then. The second convoy, of which I was in, was delegated with the tasks of taking the broken GMV to the nearest hardball road, linking up with a wrecker, giving him the vehicle, and then proceeding out to link up with the other half of our element.

Movement started as [redacted] wrapped up briefing us. It sounded simple, but did not seem to be the best COA since we were undermanned to conduct such an operation within our usual SOP's and capacity. We moved to the "Y" in the road and from there we proceeded to take the route briefed to [redacted] that was to the right. At this point the Jinga truck driver said he had a better route. The decision was made to go his to way to facilitate a faster means of conducting the tasks we needed to link up with our element and complete our overall mission. We turned around and fell in behind the Jinga truck. Shortly after we entered the canyon. [redacted] and [redacted] talked about how this would be a great place to climb if it was in the States. An eerie feeling came across on how this was the perfect spot for an ambush. This was a mutual feeling amongst us. I said it reminded me of the opening of the Lone Ranger where all the Texas Rangers got killed. The canyon closed in on us as we went further into it.

We followed the narrow canyon walls down and around. We came to a curve to the left and followed it onward. Not knowing that was the beginning of the KILL ZONE. We just made the curve and the GMV behind us was negotiating it when the first explosion occurred. All the vehicles in our convoy stopped. We looked around in disbelief. Initial thoughts were, "No fucking way this is happening," "Was it an IED," and "Here we go." I looked to our six o'clock to see rocks falling above the GMV directly behind ours. Our entire GMV yelled to warn them and get them out of harms way. A GMV from further back in the convoy engaged the area the explosion occurred. Thinking it was a suspected enemy position, vehicles began to suppress that area. It was

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hard to identify what they were specifically firing on due to large amounts of dirt being kicked up by impacting rounds. I fired in the same area to help gain the fire superiority that we are trained to do in Battle Drill #2. I fired 200 rounds initially, sat down, and did a drum change. A minor detail to add is as I finished the drum, the gunpowder and hot CLP started to burn my eyes. As I started to standup to re-engage, the GMV started to move. I almost fell off the vehicle but luckily caught myself. I gained my feet and proceeded to re-engage with another 20 rounds. The GMV then stopped again and we were ordered to dismount. I moved out three meters to nine o'clock and pulled security. [redacted] the interpreter, and [redacted] took up a close position to my immediate left. [redacted] moved to me, assigned a sector, and checked if I was hit. [redacted] did the same for [redacted] and told [redacted] to stay with us. He then moved back to the GMV. We were ordered to remount the GMV and started to move again. Enemy small arms fire erupted from the two o'clock. The vehicle stopped again. [redacted] ran to the Jinga truck to get it moving again since it was blocking our movement. At the same time the right side of the GMV and the 50 Cal. MG started firing to lay down suppressive fire to allow movement. [redacted] complained that he could not provide effective fire. [redacted] moved the GMV forward and stopped. [redacted] moved 5 meters in front of the GMV and fired the AT-4. [redacted] continued to engage the new suspected enemy position. I got my gun into the fight once again with a clear sector of fire. I expended 50 rounds on this position. Those not on the GMV mounted up. The GMV started to move around the Jinga truck. Everyone on the GMV yelled to the Jinga truck driver and [redacted] the other interrupter, to get out of the way. The truck driver was extremely slow to get out of the way. Our GMV continued to move around the truck and into a bend in the canyon. When we were in front of the truck, a target was spotted and contact was made. I engaged with 10 rounds. That contact was still inside the canyon a few hundred meters away from were CPL Tillman was killed. A gap developed in our convoy between us and the GMV directly behind us. We slowed down to a crawl. There was still no sight of the village or ridgeline that CPL Tillman was on. As we slowed down, I re-oriented to the nine o'clock. The gap closed up and we returned to normal speed. Our GMV then exited the canyon. I then heard shots fired, followed by "Contact three o'clock." Everyone echoed the command. I stood up, reoriented from the nine to the three o'clock, and looked for where everyone was shooting. I noticed that it was what appeared to be a small stonewall with sticks laid against it on both sides. The lighting was horrible at that point in the firefight. The sun was past the visible horizon. This made all objects to the three o'clock dark, non-detailed shapes. These poor conditions affected my eyes due to my ongoing recovery from PRK (corrective eye surgery). My eyes were not at 100% yet and I have had an opportunity to go to my eye doctor since my return to the states to see the status of them yet. The results of are a slight fuss or haze to the appearance to the outline of shapes. Once again I stuck to SOP and the Battle Drills taught to me in this unit. I fired on what appeared to be an enemy fortified position. I did not identify any bodies or movement of personnel in that area. Going off this I fired at the top of the wall to provide suppressive fire to facilitate the movement of the rest of my convoy from the Kill Zone to a better defensive position. I fired 20 rounds (two 10 round bursts) at that wall with only a few seconds between the first and second. I identified two sets of arms straight up. The arms did not indicate any signs of a cease-fire or any other hand and arm signal. The arms were straight up and that is all I saw of them. I did not

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see any smoke, pen gun flare, or any other friendly identifying signals at that position before, during, or after the accident. After my last 10 round burst as we rounded the spur I heard [redacted] call out "Cease fire! We got friend lies up there! Cease fire!" I stopped firing and echoed the command. I then took my seat and oriented to the nine o'clock once again and that is when I first saw the vehicles of the first convoy. I started to see if we had any enemy in that direction. The GMV stopped down past the last house in the village on the right side if the road. I dismounted, moved to the eleven o'clock, and began to pull security down the left fork in the road. [redacted] did the same to the right of me within a meter. [redacted] moved to us to get his ACE report and start the reorganization and reconciliation.

A few things dully noted if not clearly stated in my account are:

First, every time contact was made or initiated my back was to the point of contact since I ride on the left waist behind the driver. Also, I was pulling security in the direction of the nine o'clock between contacts. This then resulted in me being the last gun in the fight each time and having to orientate myself off of my squad. Yes, I did say in my interview that I did have to force myself to pull security because it was my responsibility. Another thing to add is that all the contact except for the initial contact seemed to come from the three o'clock. To reiterate, that was behind me.

Second, I acted within the SOP's and other procedures taught and instilled in me through training in my 2-½ years in 2nd Plt, A co, 2/75 RGR. Those who read this can refer to the ASOP, A co rule of thumb, TL card, RGR handbook, RGR Creed, and 7-8 to reinforce my actions IAW that I did exactly what I am trained to. To help with reference you can specifically refer to the following and the few attachments I have added to the back of this document.

7-8: page 2-60 section 2-14a, and page 2-61 section 2-14d(1)

Ranger Standards: page 1, page 4 Roger's Standing Orders (mainly 4 and 5), and page 5 section 2

Ranger Handbook: page 1-1, 1-3(top f, g, and h), 2-2(TLP: steps 1, 2, 3, 5, 6, and 7), 2-34 section I, 4-2 section C (1 and 3), 5-1 Principles of Patrolling, 5 4 section 7 and 8, 5-14 section 3(ambush), 6-1 (definition)

Third, I was not informed or aware of where the first convoy's route was, their present location, or how close they were until after the fact. The first time that I even noticed that the element that had been identified as our other half was not until I saw their vehicles after the cease-fire.

There are several things I would have done different, if I could have made the call that caused the current end state. The first issue I would address would be the signals and communications used for our internal communications within our unit. I, along with my colleagues, would suggest not using pen gun flares that could be mistaken for a ricocheting tracer. I would advise using star cluster flares, illumination rounds for M203, and colored smoke that is easily distinguished in low to normal lighting to mark friendly positions especially in an emergency situation like in this unfortunate and horrific accident.

Next I would like to address the planning of this operation. I do not believe splitting a small element into two parts to be the best call. It seems to violate the five principles of patrolling. First of all taking into account the fire and manpower ratio is

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essential for the mission to be conducted safely, effectively and realistically. The dissemination of information was vague and left out details that probably could have made this avoidable, for example, the routes and general location of friendly elements. I believe if we had known the first convoy was in the general area that we would have been on the look out for them coming to our aid instead of giving my GMV the impression that we were spearheading the fight out the KILL ZONE. I also think that listening to a local that we had no kind of relation with was a terrible idea because we did not know what type of person he was or who he sympathized with in this conflict. Also we should not have spent so much time in an open area so that the enemy forces could assess our strengths, weaknesses, capabilities, and limitations. In addition to that, our SOP and COA for GAC movements should be reintegrated because there were two different COA executed. The SOP we use is that the element in the KILL ZONE fights it way out and no other element enters or nears it.

One of the more significant issues was having a foreign unit that we had never worked or trained with before attached to us. Also the fact that the AMF use the same weapons as the enemy that we are fighting could lead to a misperception of friend or foe in a confusing situation. Especially if the person is firing over your position.

Looking back at my actions I wish I had not shot where my element shot because of the end result, but that is due to hindsight. I followed the SOP and the 'fight as we train' mentality that bases what is instilled into us young Rangers from the time we get to battalion until we leave. I would have to say SOPs are not so much what you should do, but rather guidelines to help you do the right thing. I believe my actions were the right thing at the time since I was not aware of a friendly force nearby. My intentions were to save the lives of my Ranger Buddies not to be accused of taking one.

The men of the ***"BLACKSHEEP"*** are my brothers and part of the reason that I do not mind the thought of dying on the battlefield as long as it saves one of them. This is a fact that my wife cannot stand when we do deploy because she is afraid that this deployment I will sacrifice my life doing just that. I love my platoon and take great pride in telling people that I am a "BLACKSHEEP". They are the reason that I have not totally lost my mind because of Tillman's death and the follow-up actions of the investigation. Their support is the reason I was able to continue to do my job overseas afterwards. Also the reason that I am adamant to state my case before those making the decision on my fate because I do not feel justified in being Released For Standards if the very men that I fought with do not want me to leave their ranks. I wish that this decision was to made by them because then I could leave with closure as a Christian, man, and as a warrior. However I know that it will not be their decision to make unfortunately.

One thing that makes this so hard is that someone who does not know the people that I work with or me is making this decision regarding my career and my life. I am sorry in saying that I just work with the "SHEEP" because it is not just that I have fought, suffered, lived with, and enjoyed the good times and bad with them. It is the fact that they are the embodiment of what I have become.

I ask why is it that a young Ranger that does everything that is taught to him to do to be successful on the battlefield is being released. I supported my COC and fellow Rangers. I shot where my leadership shot. I did not identify friendlies in that immediate area. I selected what appeared to be a likely or suspected enemy position to engage and fired at a wall to provide suppression. I did not identify a friendly element or any sign of

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one at that time. I ceased fire on the command. I went off the information that was at my disposal at that specific time to make the decision in that firefight. Is it my fault that the area of operation for the other half of my element was not pointed out since we changed our route in the beginning of our movement? No, I do not think so since the impression was that we were going in two different directions and I did not see where the other element moved out to. Is it not critical to disseminate that information? I do not view this gap in intelligence to be the fault of my squad leader or platoon leader since there was such a rush to get our element moving with the extremely limited amount of daylight left. This reminds me of one of the rules taught to me in Ranger School. It is to allow 1/3 of the time to plan the operation for yourself. The other 2/3 for the men to go over it and all the moving pieces to include at least looking at a map. However, this was not an option in our case since we were rushed to conduct an operation that had such flaws. Which in the end would prove to be fatal.

If anything this sense of urgency was as deadly to Tillman as the bullet that cut his life short. We could have conducted the search at night like we did on the follow-up operations or the next morning like we ended up doing anyway. Why, I ask, why? Maybe it is something that does not make it to my level in the trickle down of information. But now so many lives are forever scarred by this tragic sequence of events and decisions.

I know without a doubt in my heart that I did exactly what I was trained to do and within the limited knowledge that I had to base all my split second decisions on to keep everyone immediately around me alive. All Rangers do what must be done to bring their brothers in arms home and I did it. Unfortunately, due to the lack of a complete picture of the battlefield around us there was the loss of one of my brothers. I wish that the impression that we were the leading element from the second convoy spearheading the way out of the ambush to an area where there were not suppose to be friendlies was not the one given to us in this terrible incident. Especially since the vehicles of the second convoy were not visible until it was too late for us to identify their presence around us. With this perspective, being in contact for 10-15 minutes, over 700 meters, firing on muzzle flashes (suspected and likely targets), and no suspicion of friendly elements nearby, I acted off of my fellow Rangers as I was trained to do.

I do not think that I should be Released For Standards from the unit that I love, dedicated so much to, and sacrificed so much for. I along with most any other Ranger would not look at this as an "Administrative Move," but as a punishment for doing what I am trained to do. No matter how you word it, being Released For Standards is a great dishonor to any Ranger. Especially to one whose fellow Rangers refer to as, and I quote "A damn good Ranger." I take great pride in being the best Ranger that I can be. I have already instilled in my two sons the great honor it is to serve as a Ranger in this fine regiment. I always thought that I would leave the unit with my honor and be able to say how well it took care of me while I was in it. After all, my ultimate goal was to leave here and go to Selection. I had planned on reenlisting for this unit so that I could continue to mentor the new privates in my platoon and eventually lead them on the battlefield as a team leader. But now it seems I am doomed to go down the road and away from these young men that I care so much about. How is that fair if they do not want me to leave? Who is being punished here? What is best for them and the unit?

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Consider this when deciding whether it is best to release me or whether it is best to leave me with the ones who actually are affected by my presence in the "SHEEP."

If I am removed from the Regiment for this I do not feel the proper justice will have been done. After all, the questions asked of me were too vague on the parts that would provide evidence on why I should be separated from this organization as compared to all those on the same GMV. The 15-6 on this case needs to be reviewed because it is ruining so many people's lives and does truly set to rest the events of the evening of 22 April 2004. There is critical information not included or misinterpreted in it that could shed some light on who is really at fault for this. This is why I am so compelled to stand up for myself in this matter because the Regiment taught me to stand for what I believe in, no matter whom it is against because it is the right thing to do. Is this ideal not one of the fundamentals of what it is to be an American? Do we not fight for this principle? If someone does not stand up for the little man in this situation, who will? I will and if you ask around the *"BLACKSHEEP"* they will too.

I am the littlest man in all of this being only 140 pounds soaking wet at 5'5" and if I have to have the largest voice on this then I will because if my COC won't support what they have trained me to do then who will? I have not pushed myself to keep up and surpass others around me just to be fired without my honor as a warrior. After carrying the load of a SAW Gunner over the past year on two combat tours and setting the example to all those around me, especially the privates, is this how it must end? I gave 100% and then some every time I did anything in this unit. I showed those around me that even though I was smaller in stature it is heart that makes the Ranger. Now someone wants to rip the heart out of me that became the very backbone of who I am. I hope after reading this you will take in to consideration all that I have stated when it comes time to make your decision. I pray to God almighty that justice will done and my fate to be an honorable one. Rangers Lead The Way!

[redacted]
2nd Plt. "BLACKSHEEP"

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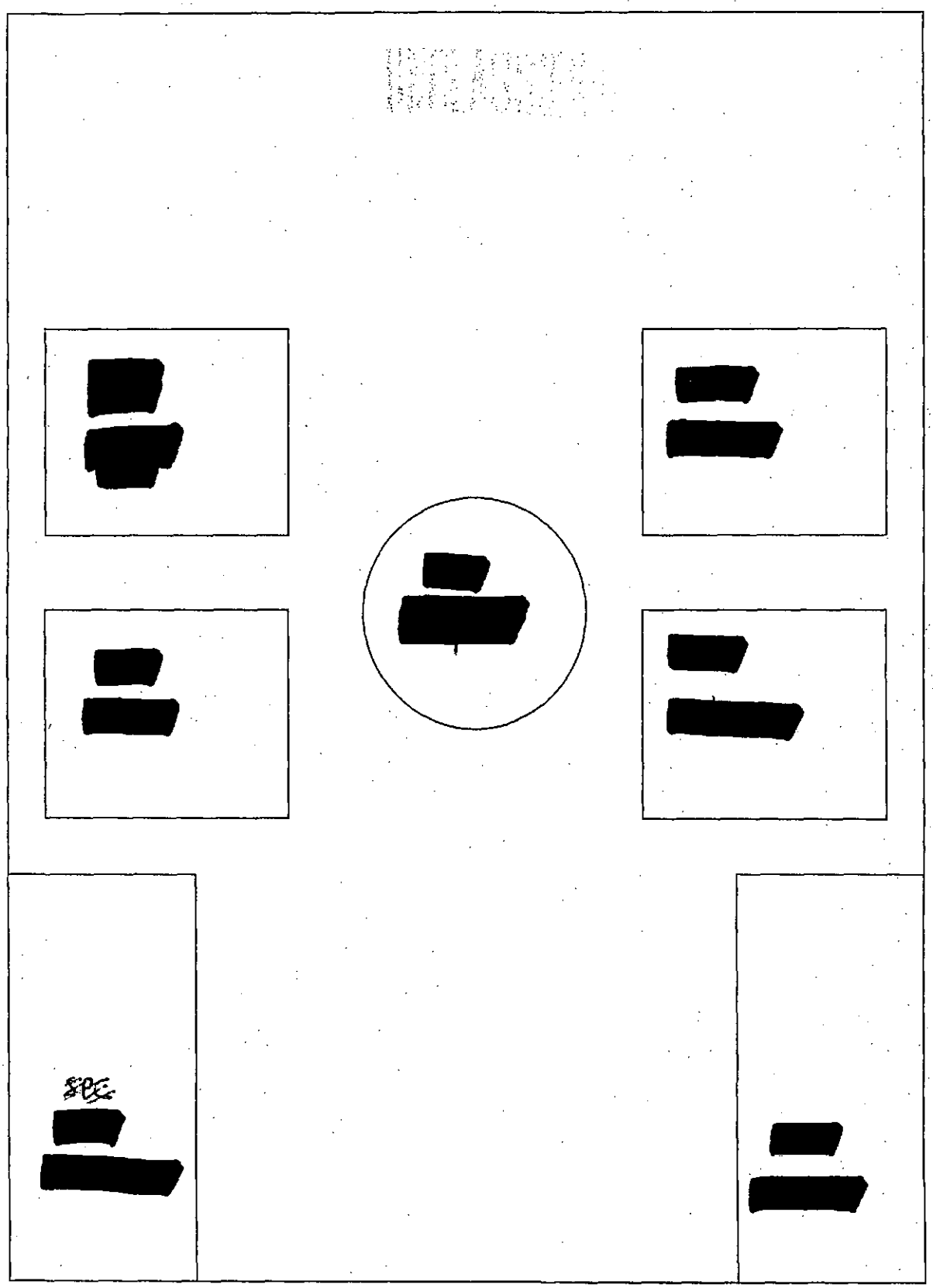
EXHIBIT 31

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC DATED 7 Apr 06 CONTINUED.

FRONT



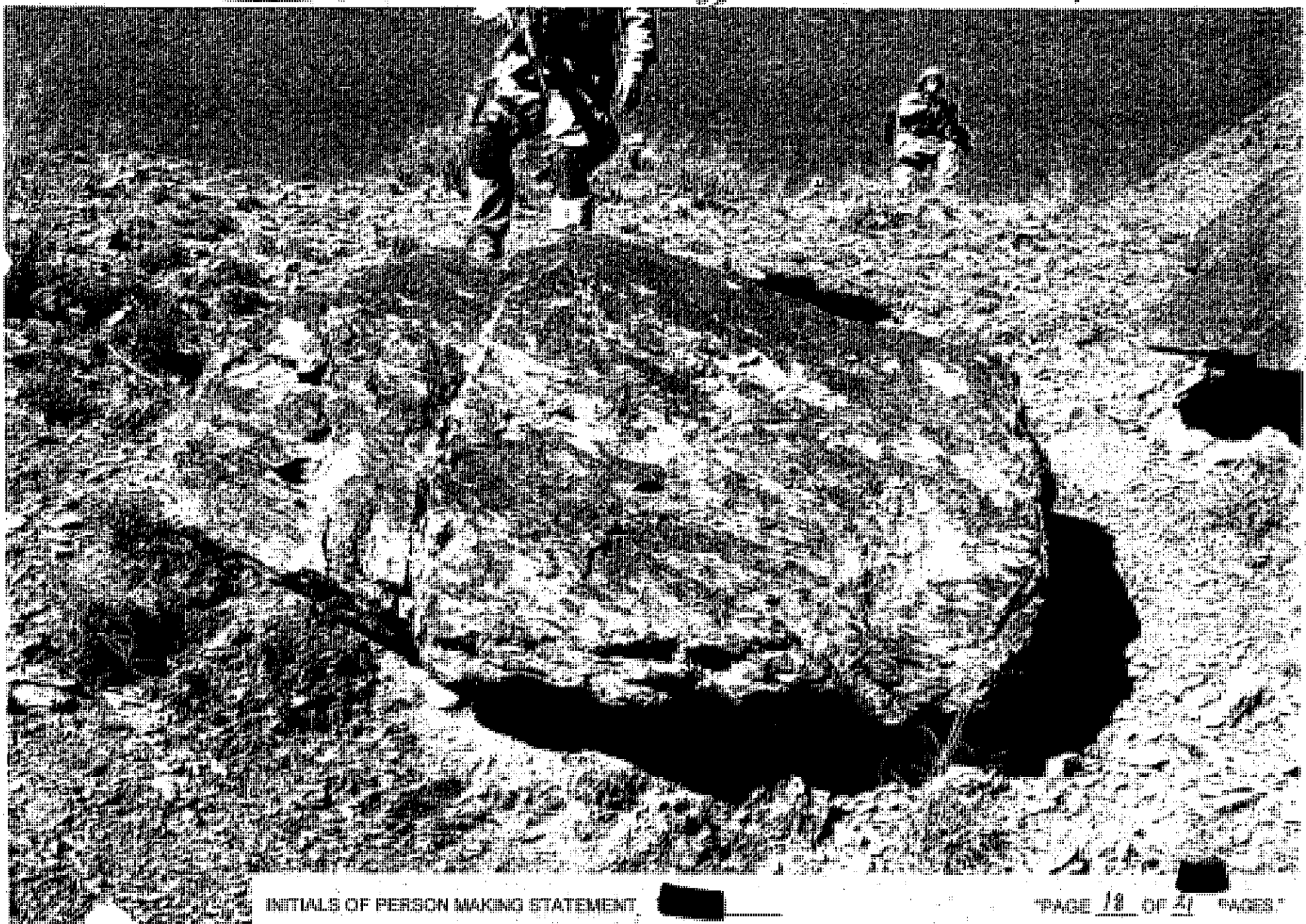
bb
TC

[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 17 OF 21 PAGES.

PROSECUTION EXHIBIT 31

"STATEMENT OF [redacted] TAKEN AT Fort Bragg NC DATED 7 Apr 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 18 OF 21 PAGES."

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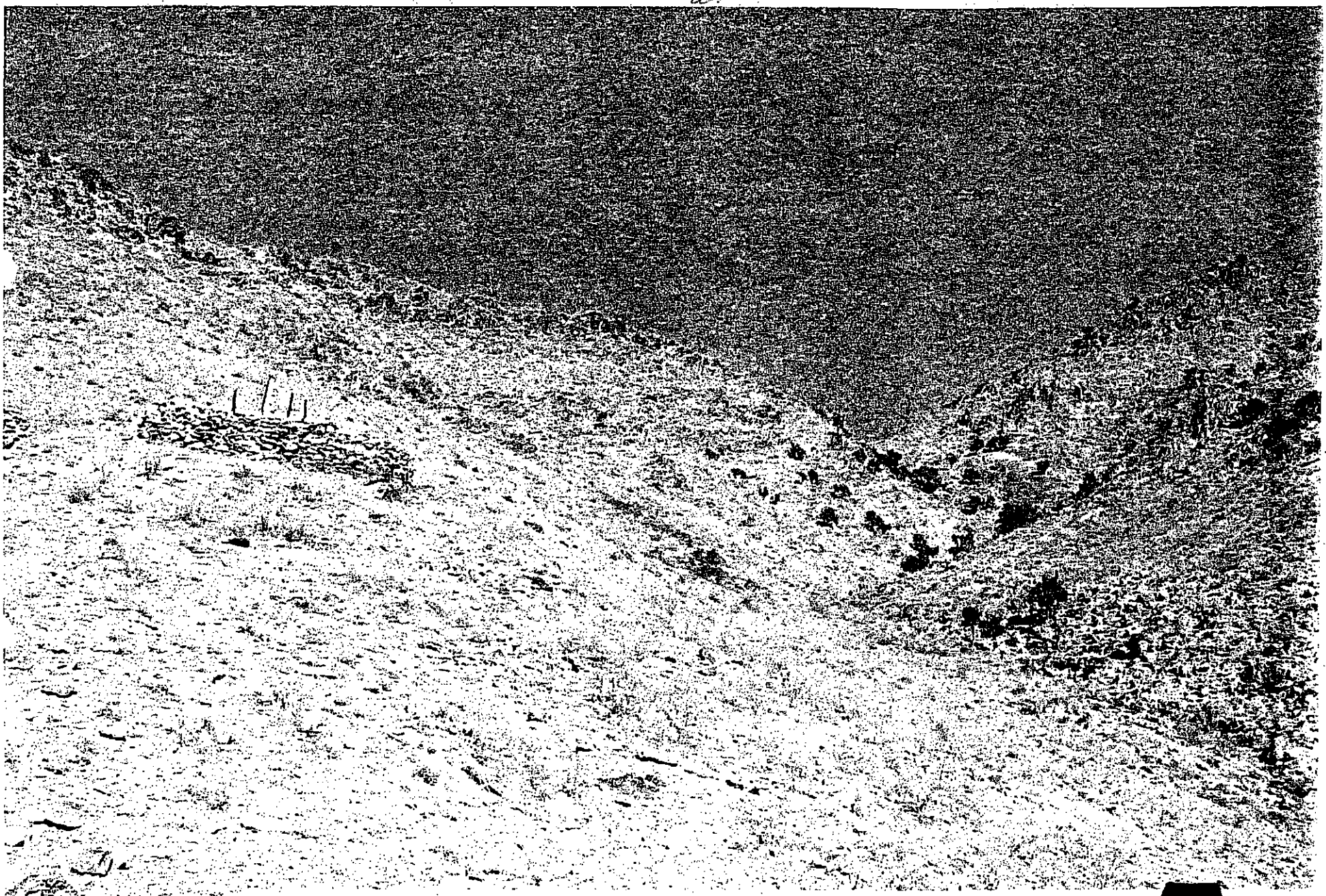
"STATEMENT OF [redacted] TAKEN AT Fort Bragg NC DATED 7 Apr 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

P. #2

EXHIBIT 21
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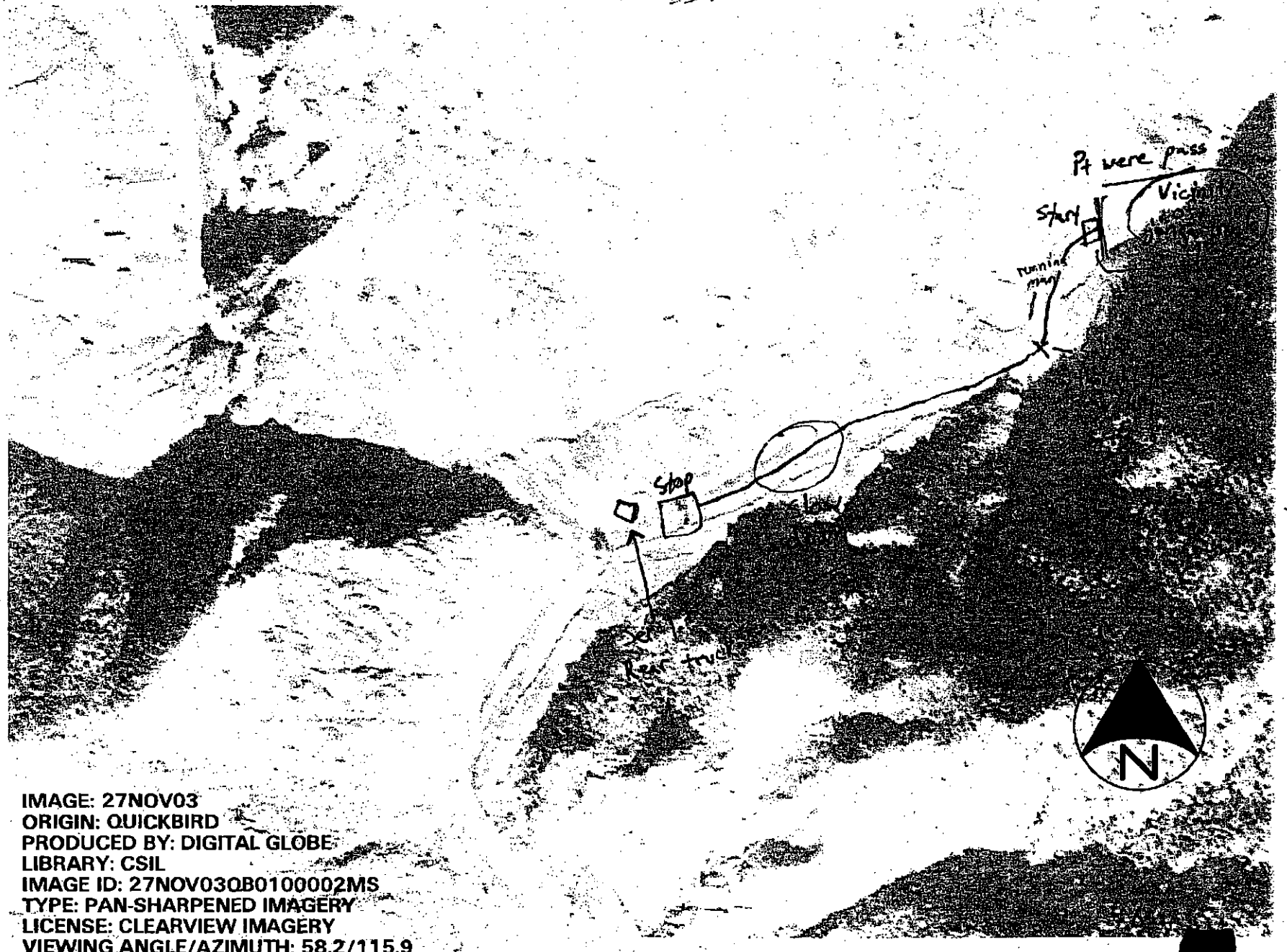
"STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC DATED 7 Apr 06 CONTINUED."



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PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 20 OF 21 PAGES."

oto #3

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EXHIBIT 3C

STATEMENT OF [redacted] TAKEN AT FORT BRAGG, NC, DATED 04/07/06,
CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 21. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 April, 2006 at Fort Bragg, NC 28310.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ

WITNESS:

[redacted]

USATDS, FORT BRAGG FIELD OFFICE

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INITIALS [redacted]

EXHIBIT 31

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 2 Pages

DETAILS:

DEATH SCENE EXAMINATION: Between 1600-1830, 22 Apr 06 and 0730-1730, 23 Apr 06, this office conducted a death scene examination of grid coordinate 42SWB4877571515 located between the villages of Spera and Tit Afghanistan.

Characteristics of Scene: The death scene was identified as two (2) separate rocks on the northern side of a saddle, which was above a washed out river bed. The washed out river bed was primarily used as a road by the people of Afghanistan. The scene was comprised of rock soil and vegetation.

Condition of the Scene: Grid coordinate 42SWB4877571515 contained various types of vegetation in and around the immediate scene. The scene it itself was clean of debris and appeared to be in its natural state. No signs of vandalism were detected.

Environmental Conditions: At the time of the death scene examination on 22 Apr 06, the temperature was approximately 75 degrees Fahrenheit with a slight breeze and mostly cloudy skies. During the time of the death scene examination on 23 Apr 06, the temperature was approximately 80 degrees Fahrenheit with partly cloudy skies. The ground was dry on both days and environmental conditions did not appear to be a factor during the death scene examination.

Factors Pertinent to the Entry/Exit: Grid coordinate 42SWB4877571515 could be accessed by foot in any direction and by vehicle from the washed out river bed from the East and West.

Scene Documentation: SA [redacted] prepared a death scene sketch and SA [redacted] exposed photographs utilizing a Nikon Coolpix 995 Digital still camera with a built-in flash. (See death scene sketch and photographs for details) SA [redacted] U.S. Army Criminal Investigation Laboratory (USACIL) further documented the scene and exposed additional photographs. SA [redacted], USACIL, also documented the death scene and conducted a trajectory analysis to project the paths of the rounds from the GMV to the death scene location.

Search for Latent Impressions: A search for latent impressions was not conducted due to lack of evidentiary value.

Collection of Evidence: Between 0800-0831, 23 Apr 06, SA [redacted] collected seven (7) rock chips from the rock in which CPL TILLMAN was found and two (2) soil samples from grid coordinate 42SWB4877571515. A third soil sample was collected from grid coordinate 42 SWB4877471516, as a

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 23 APR 06	EXHIBIT 32

CID FORM 94-E

b2, b6, 7C

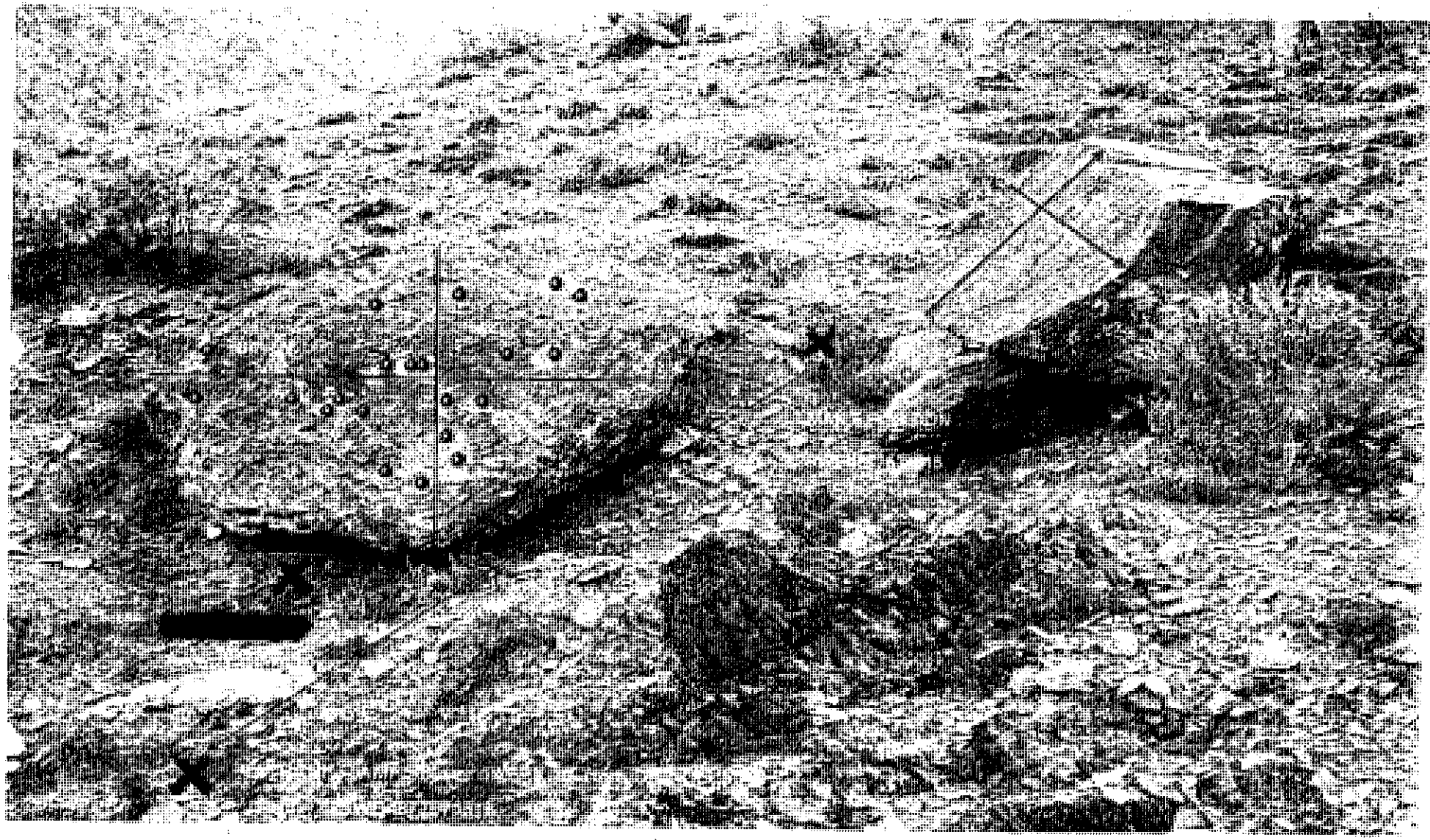
AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 2 Pages

control sample. The aforementioned items were collected for evaluation of possible Deoxyribonucleic Acid (DNA) evidence to be utilized in comparison with CPL TILLMAN's DNA profile. Evidence was retained on a DA Form 4137, Evidence Property Custody Document (EPCD), voucher number 011-06. (See DA Form 4137 EPCD, Voucher 011-06 for details) ////LAST ENTRY////

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 23 APR 06	EXHIBIT 32

CID FORM 94-E

b2, b6, b7C



LEGEND

A – CPL TILLMAN'S FINAL POSITION
GRID - 42SWB4877571515 / 5943 FT

B – THANI – AMF SOLDIER'S FINAL POSITION
GRID – 42SWB4877971515 / 5936 FT

C – NUMEROUS SMALL ARMS IMPACT POINTS

D – [redacted] POSITON (GRID UNKNOWN)

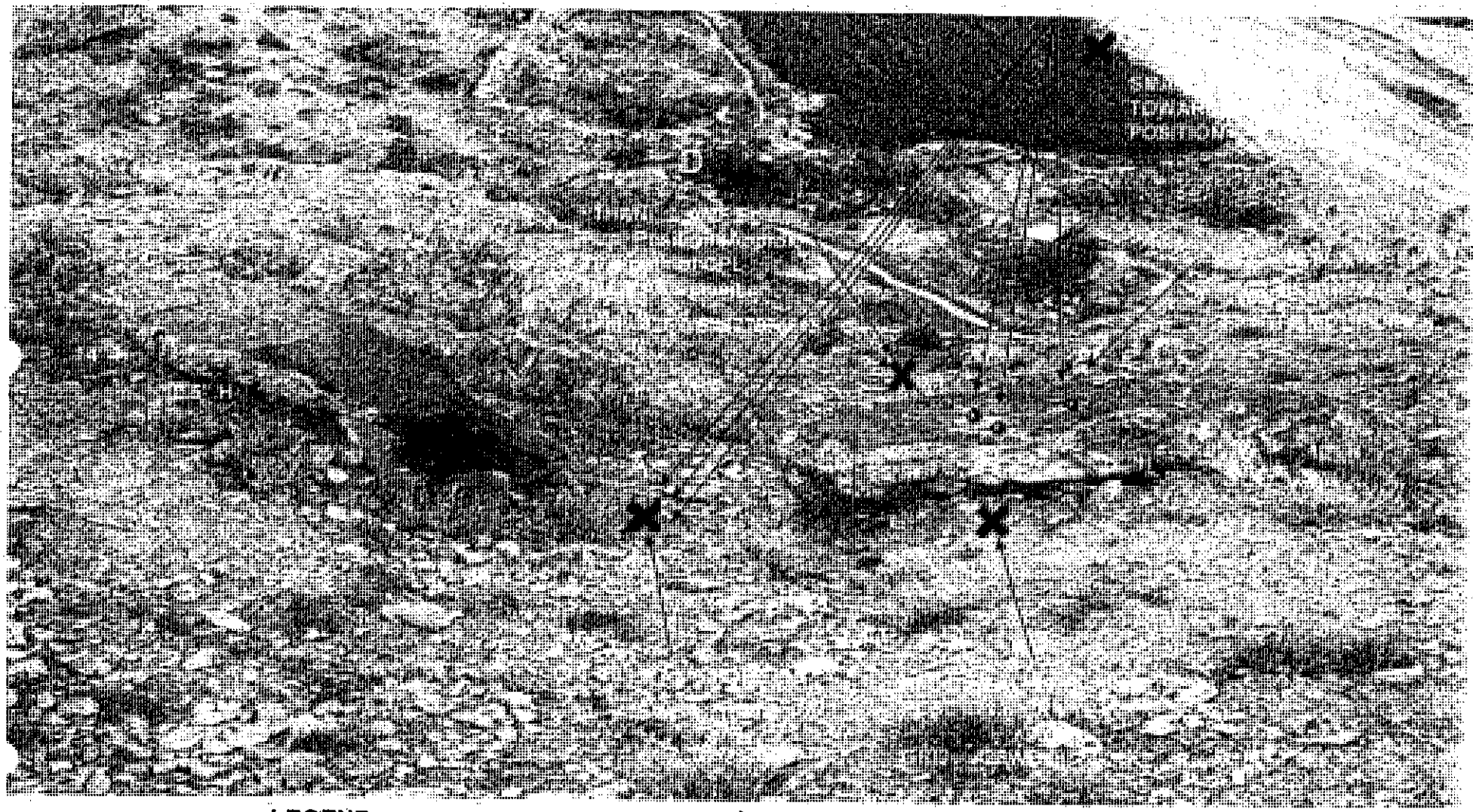
N

Not to Scale

TITLE BLOCK

CASE: 0013-06-CID201-50048
OFFENSE: NEGLIGENT HOMICIDE, AGGRAVATED ASSAULT
SCENE PORTRAYED: CPL PATRICK TILLMAN DEATH SCENE
LOCATION: GRID - 42SWB4877571515 / 5943 FT - AFGHANISTAN
VICTIM: CPL PATRICK TILLMAN
TIME & DATE BEGAN: 1700, 22 APR 06
SKETCHED BY: SA [redacted]
VERIFIED BY: SA [redacted]

FOR OFFICIAL USE ONLY



LEGEND

A – CPL TILLMAN'S FINAL POSITION
GRID – 42SWB4877571515 / 5943 FT

B – [redacted] REPORTED POSITION (PER EYE WITNESSES) DURING FIREFIGHT GRID – 42SWB4877471515 / 5945 FT

C – [redacted] POSITION PER HIS STATEMENT

D – THANI – AMF SOLDIER'S FINAL POSITION
GRID – 42SWB4877971515 / 5936 FT

E – APPROX ORIGIN OF SMALL ARMS FIRE

N

Not to Scale

TITLE BLOCK

CASE: 0013-06-CID201-50048
OFFENSE: NEGLIGENT HOMICIDE, AGGRAVATED ASSAULT
SCENE PORTRAYED: CPL PATRICK TILLMAN DEATH SCENE
LOCATION: GRID - 42SWB4877571515 / 5943 FT – AFGHANISTAN
VICTIM: CPL PATRICK TILLMAN
TIME & DATE BEGAN: 1700, 22 APR 06
SKETCHED BY: SA [redacted]
VERIFIED BY: SA [redacted]

FOR OFFICIAL USE ONLY

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSCN0737.JPG depicting site of TILLMAN death scene from the corner of the rock wall on the riverbed.
2.	DSCN0742.JPG depicting closer view TILLMAN death scene from the corner of the rock wall on the riverbed.
3.	DSCN0743.JPG depicting view of fortified position from the corner of the rock wall on the riverbed.
4.	DSCN0745.JPG depicting view of the end of the canyon with Jinga truck from TILLMAN's position.
5.	DSCN0746.JPG depicting closer view of the end of the canyon with Jinga truck from TILLMAN's position.
6.	DSCN0748.JPG depicting view of river bed with two Jinga trucks from TILLMAN's position.
7.	DSCN0749.JPG depicting view of TILLMAN's position (360 degrees-clockwise).
8.	DSCN0751.JPG depicting view of Southern ridge across the river bed from TILLMAN's position.
9.	DSCN0752.JPG depicting view of suspected enemy position on the Southern ridge from TILLMAN's position.
10.	DSCN0754.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
11.	DSCN0755.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

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EXHIBIT 35

12. DSCN0756.JPG depicting close-up view of TILLMAN's and [redacted] positions.

13. DSCN0757.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

14. DSCN0758.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

15. DSCN0759.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

16. DSCN0760.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

17. DSCN0761.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

18. DSCN0762.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

19. DSCN0763.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

20. DSCN0764.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

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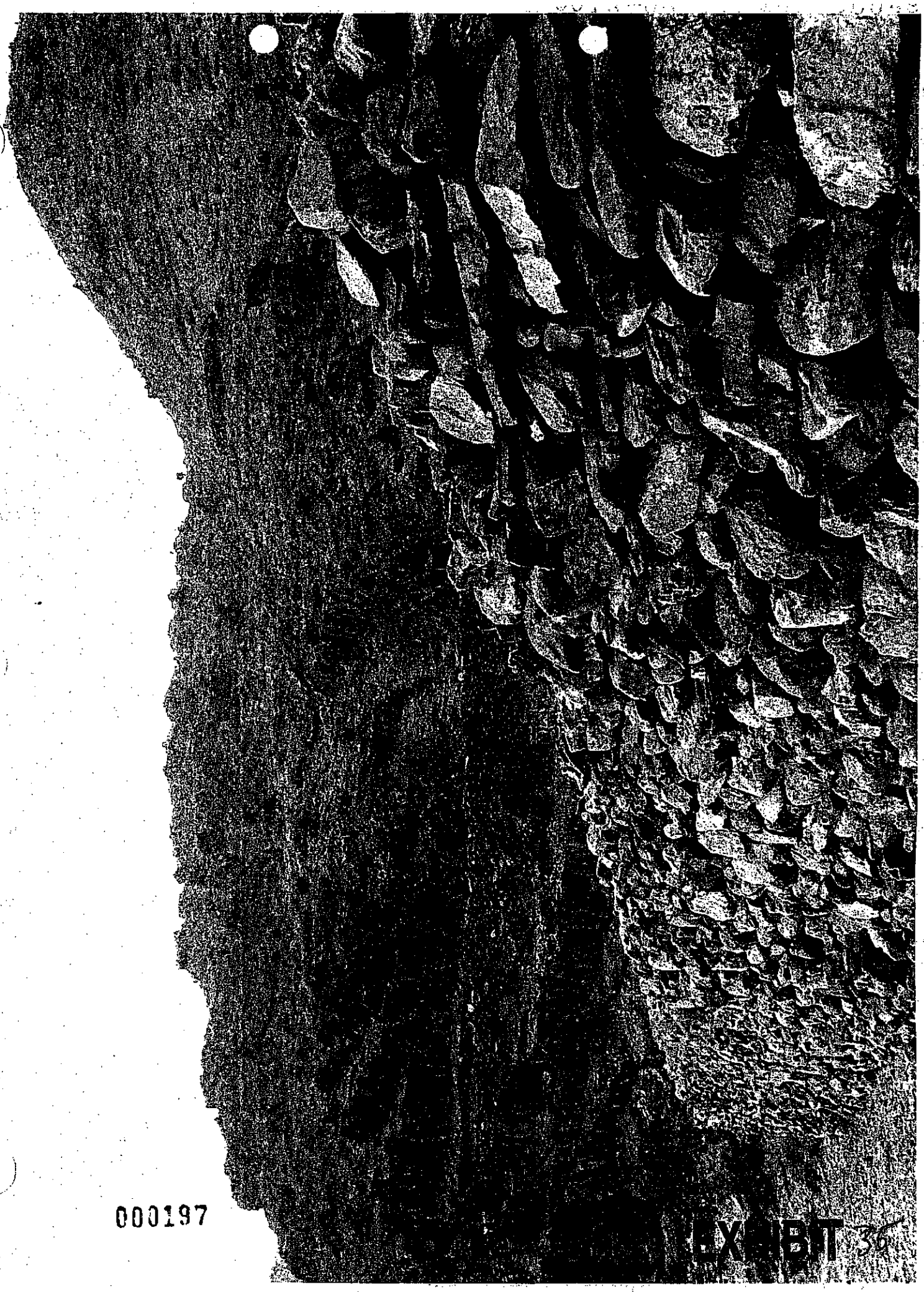

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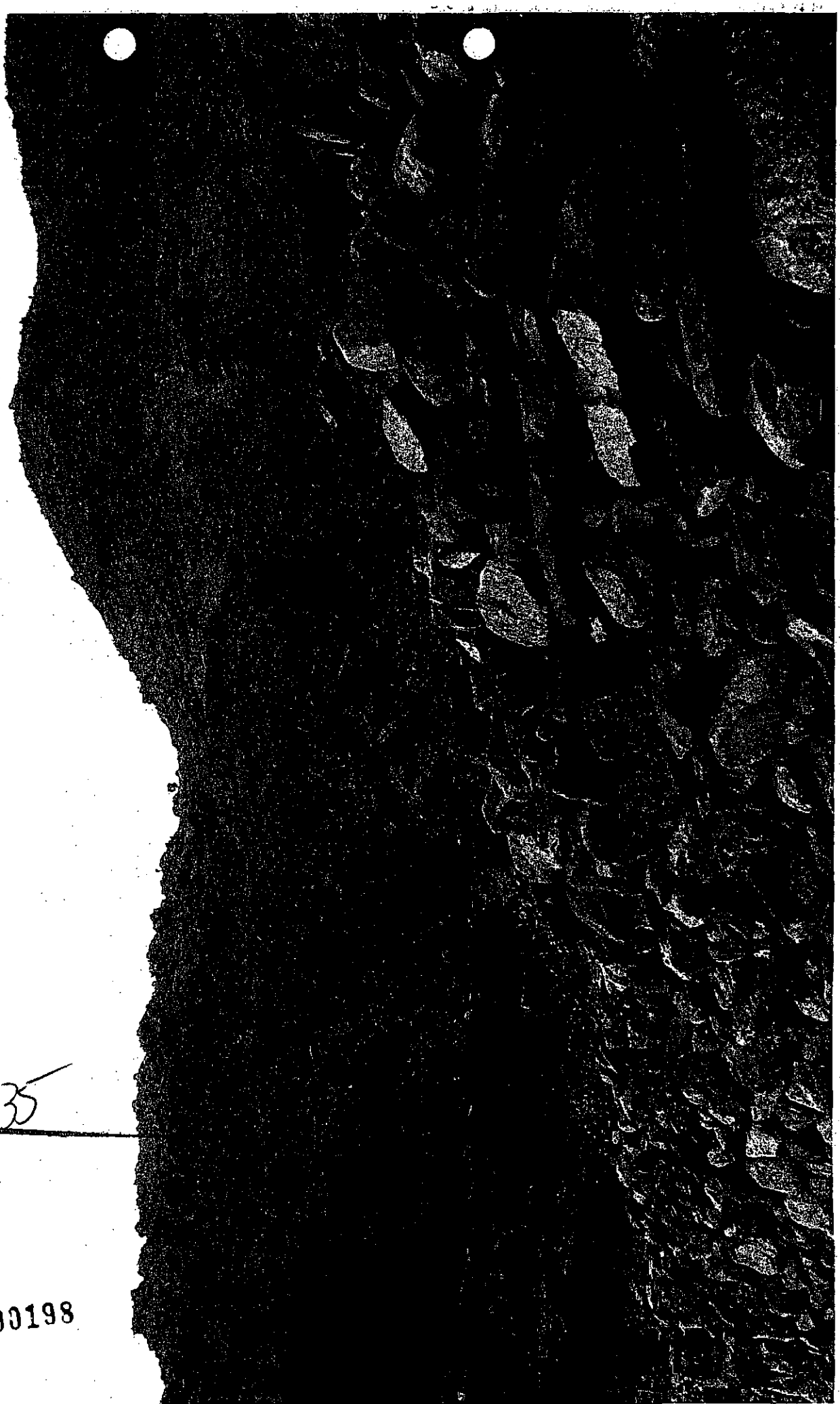

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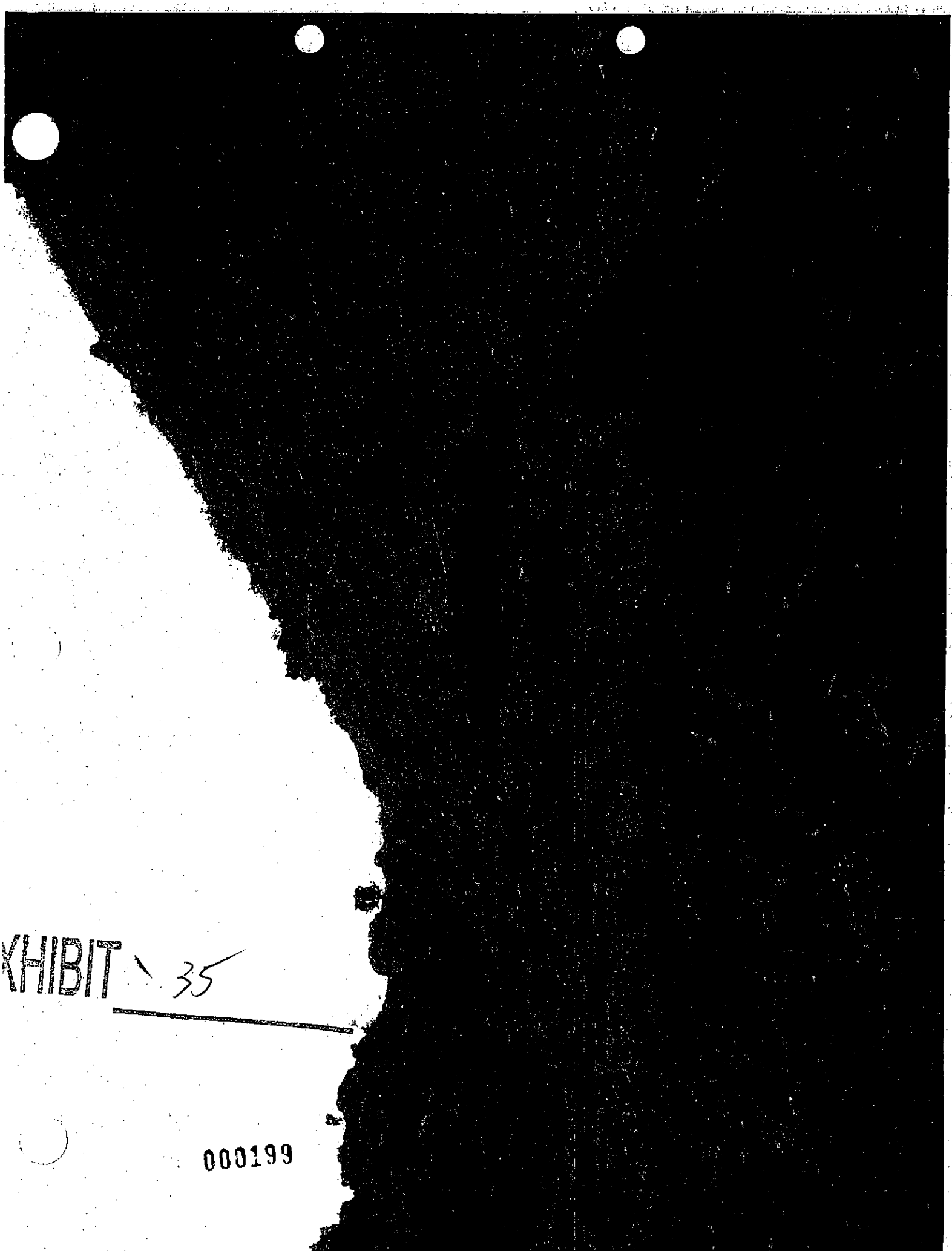

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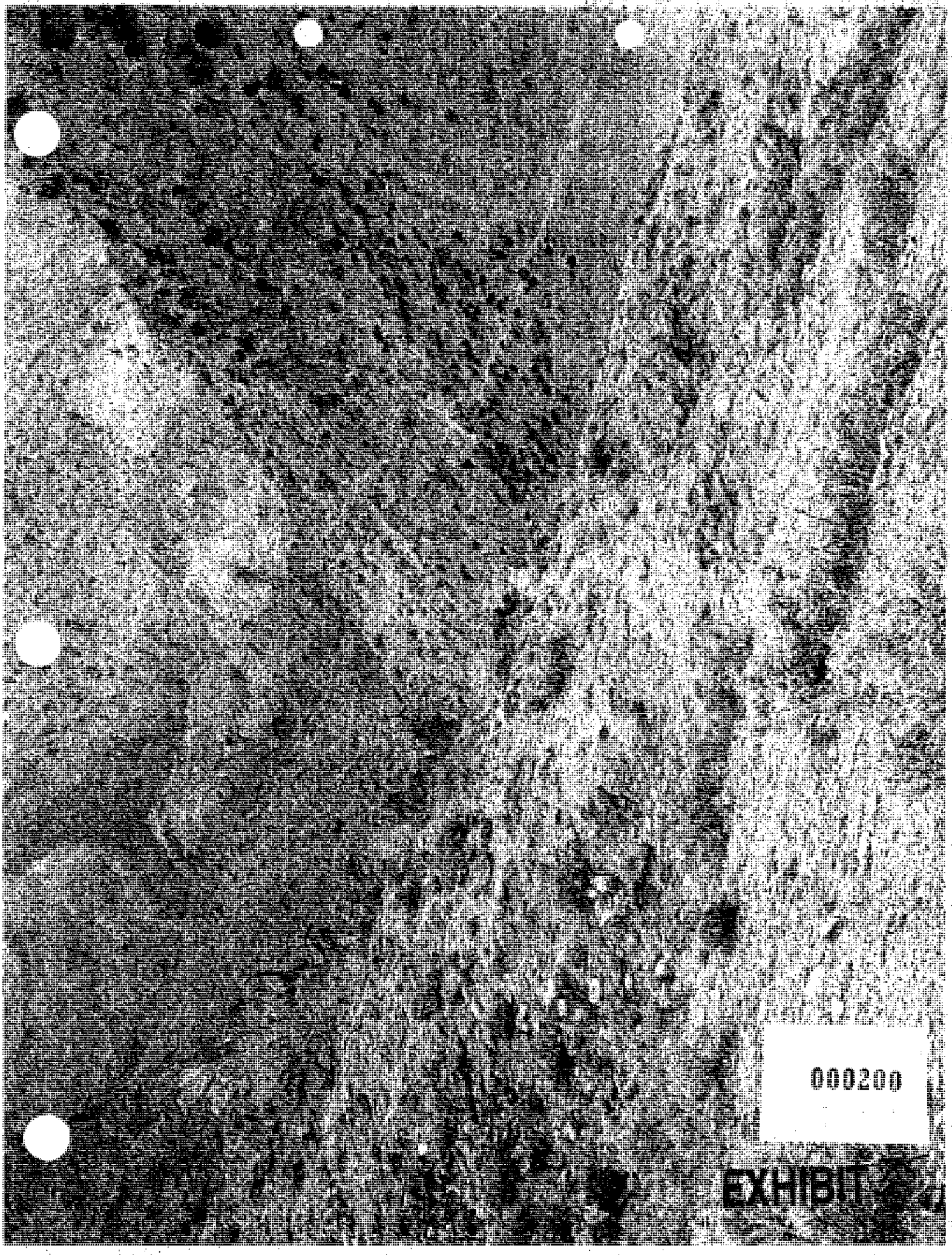
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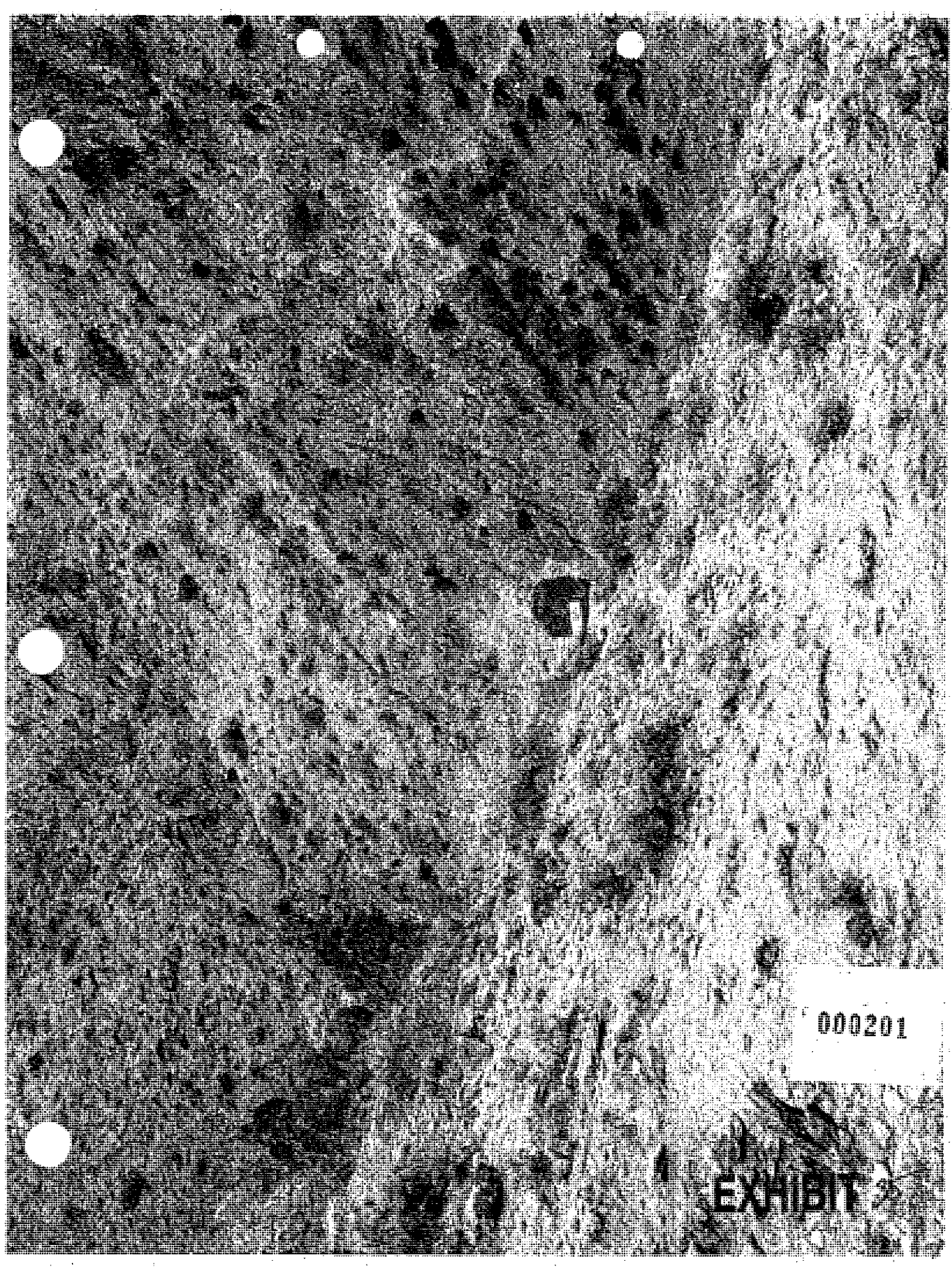

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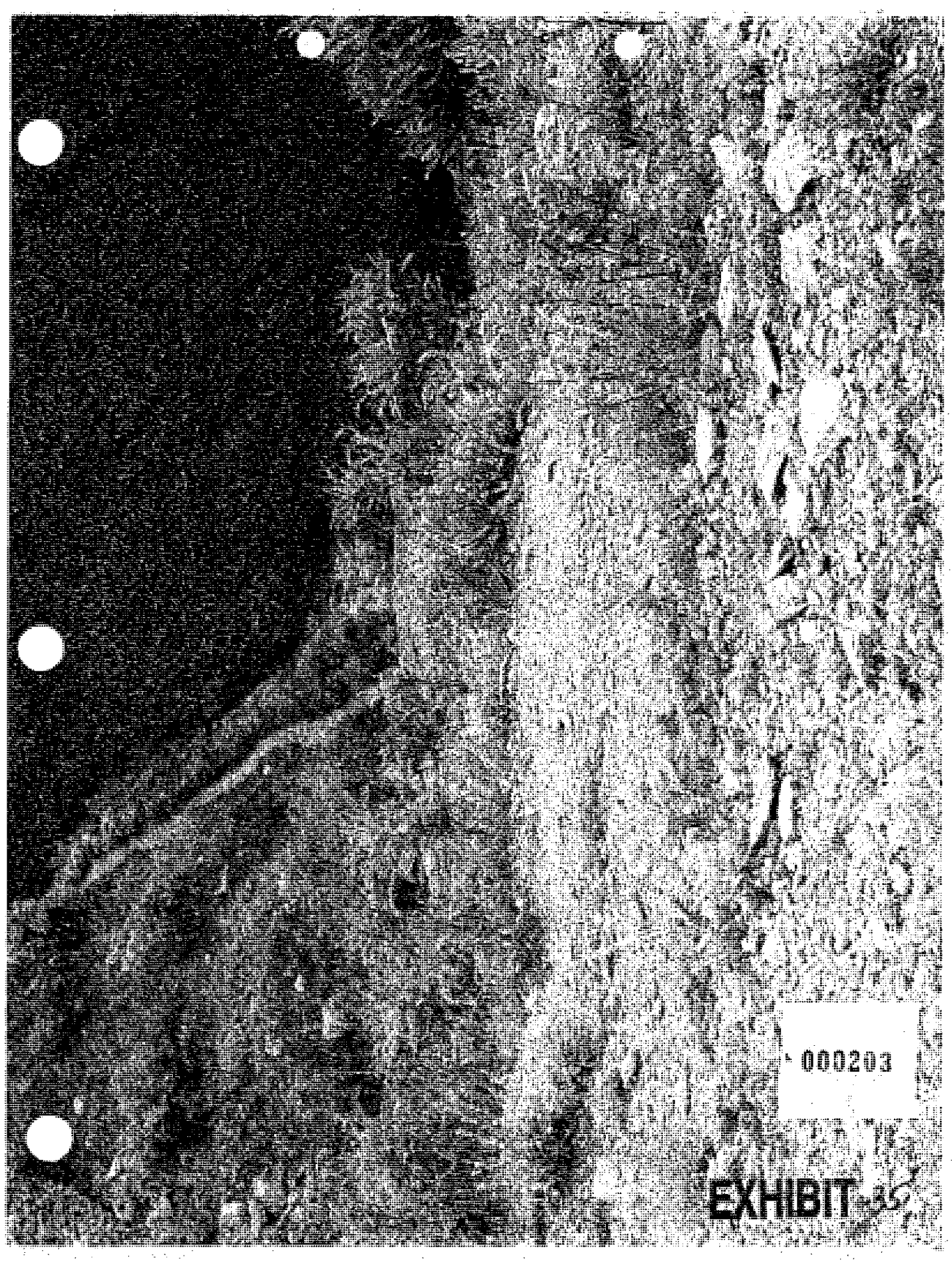

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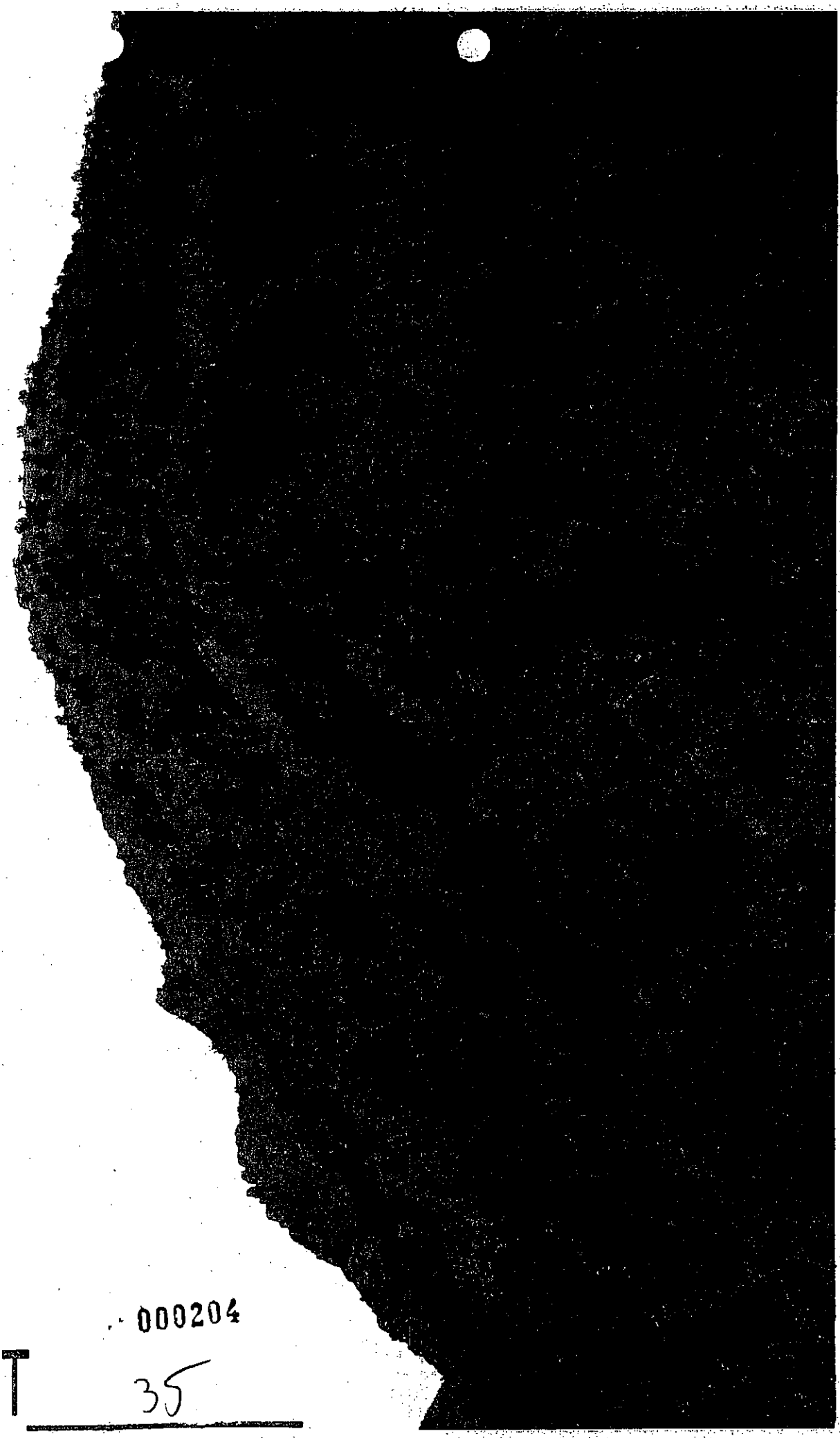

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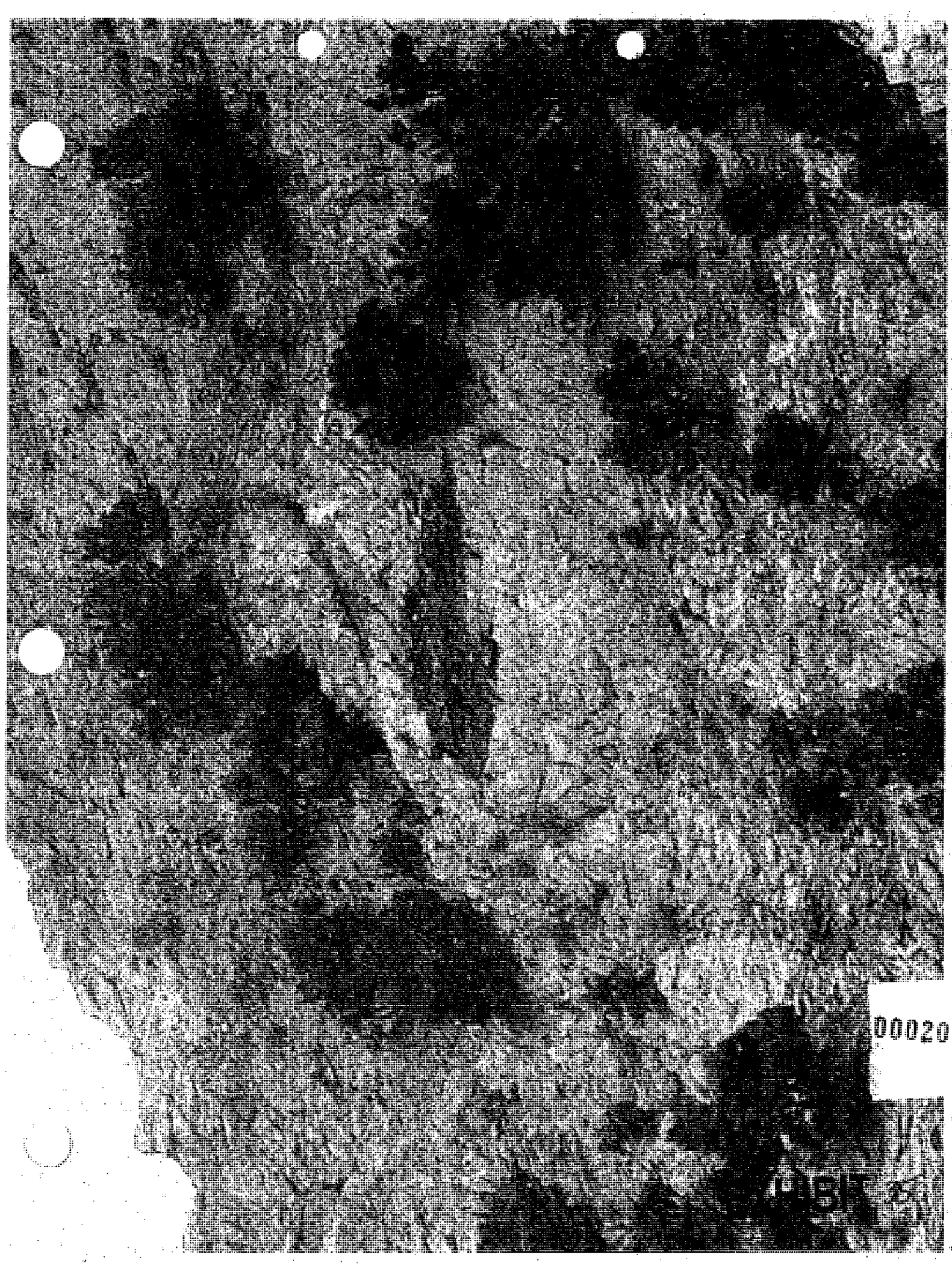

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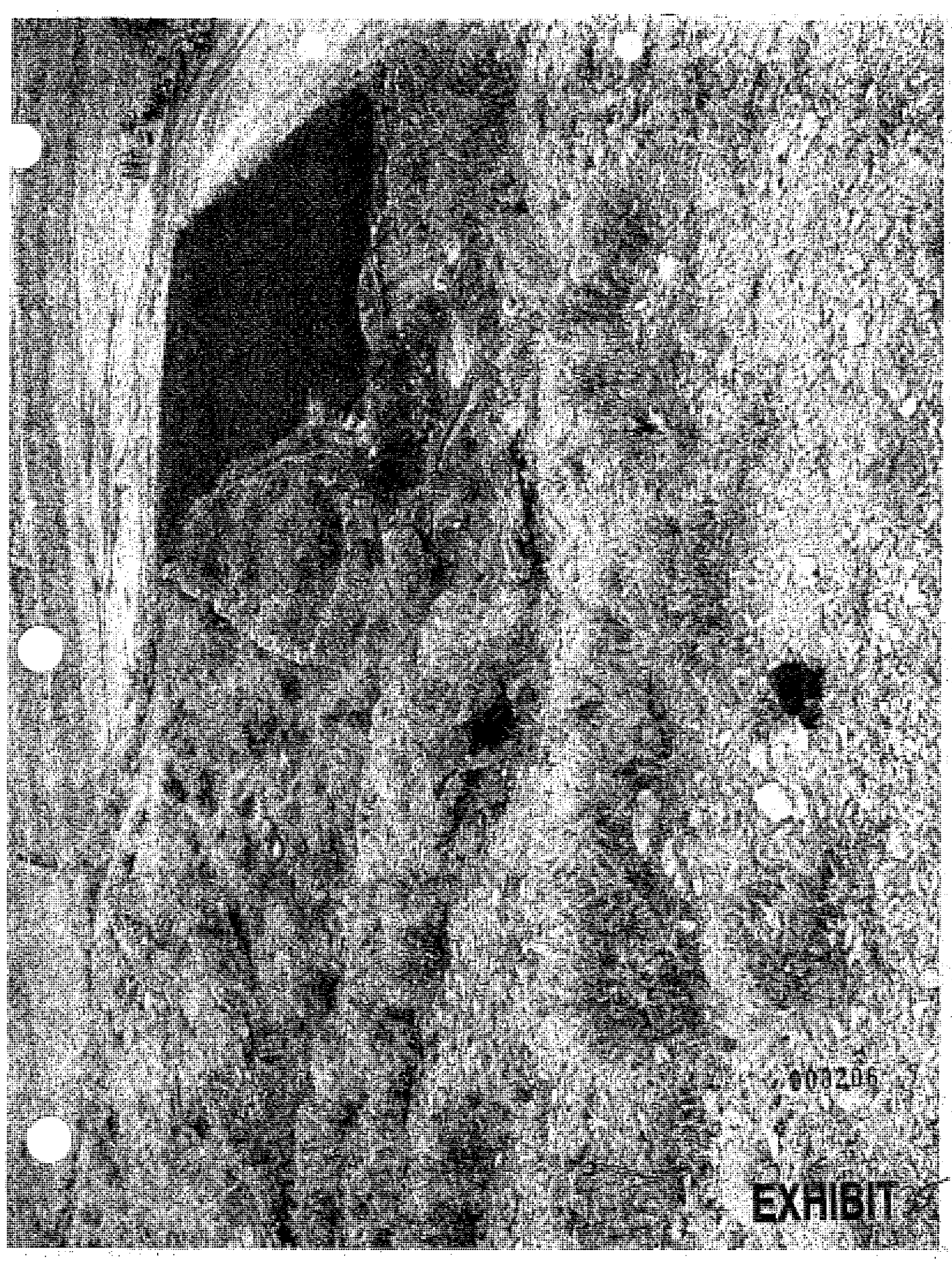
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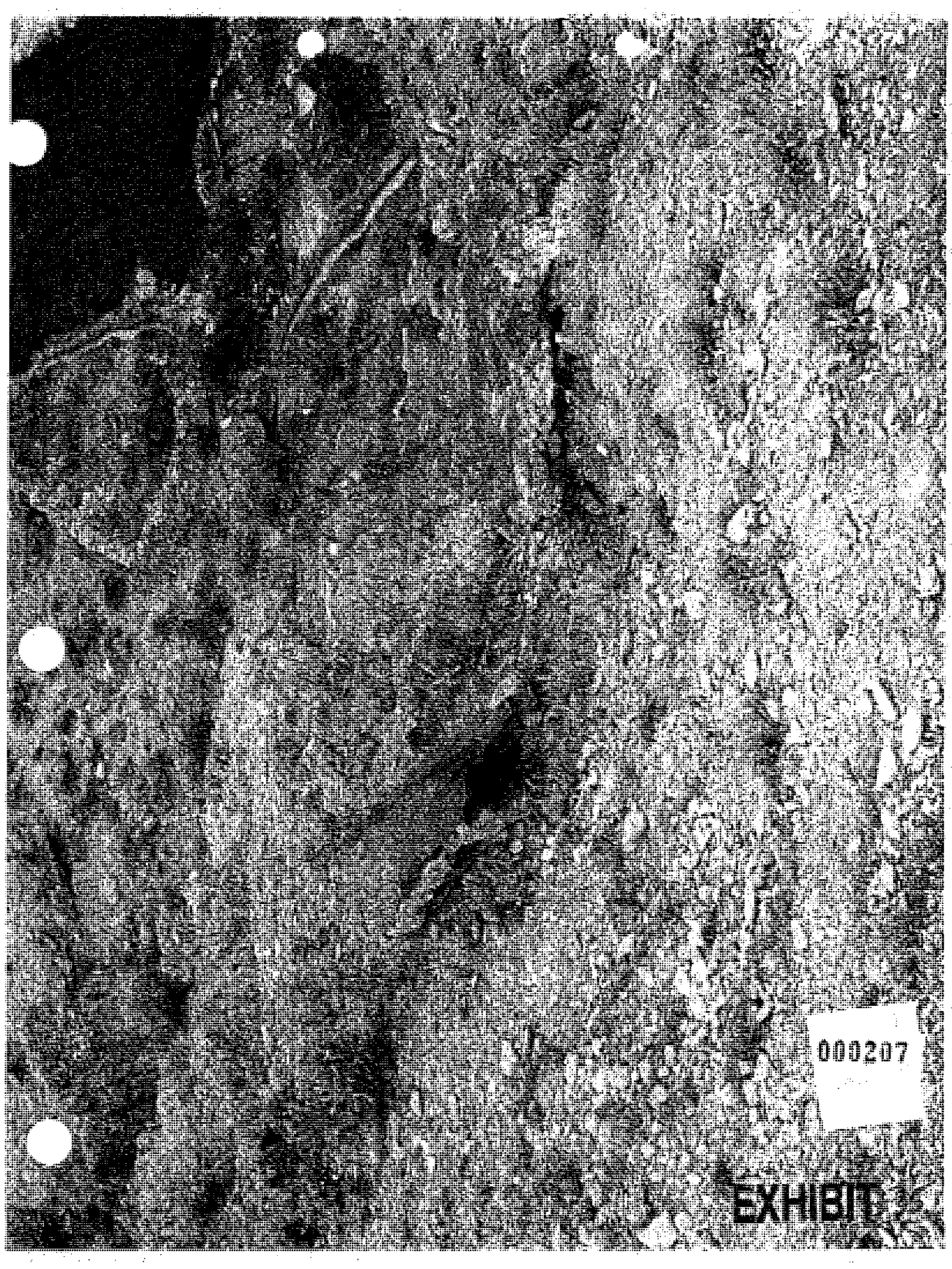
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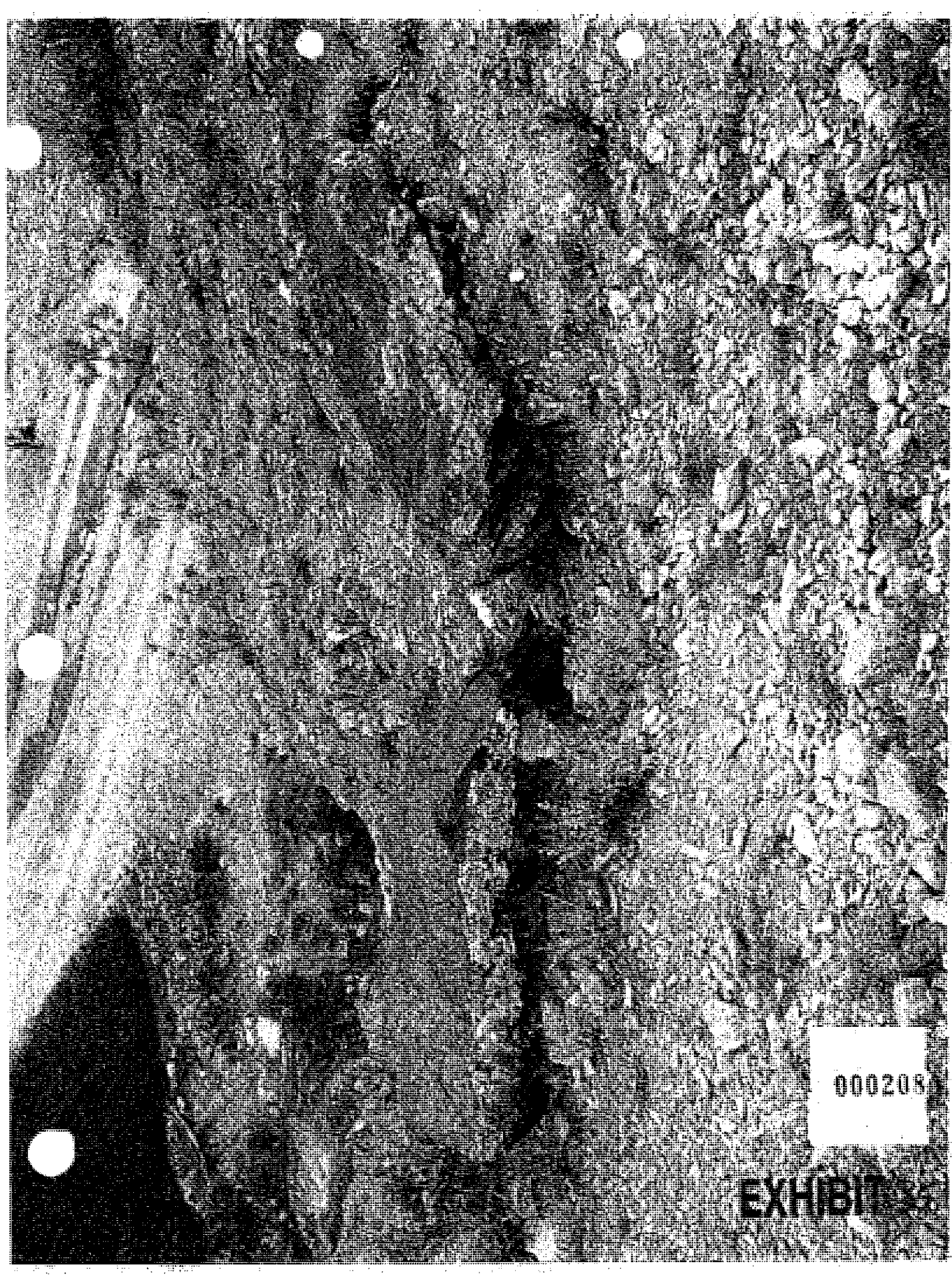

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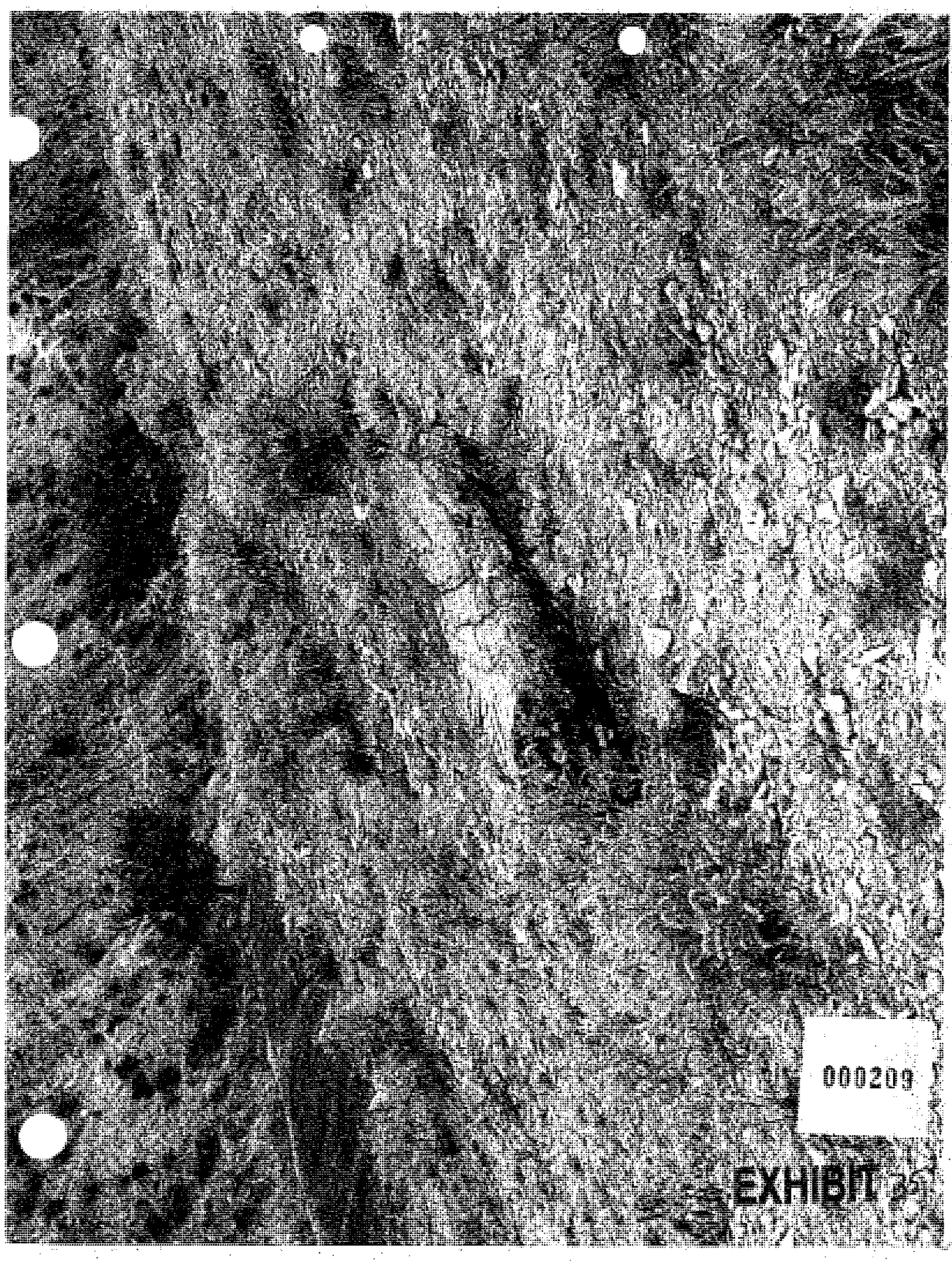

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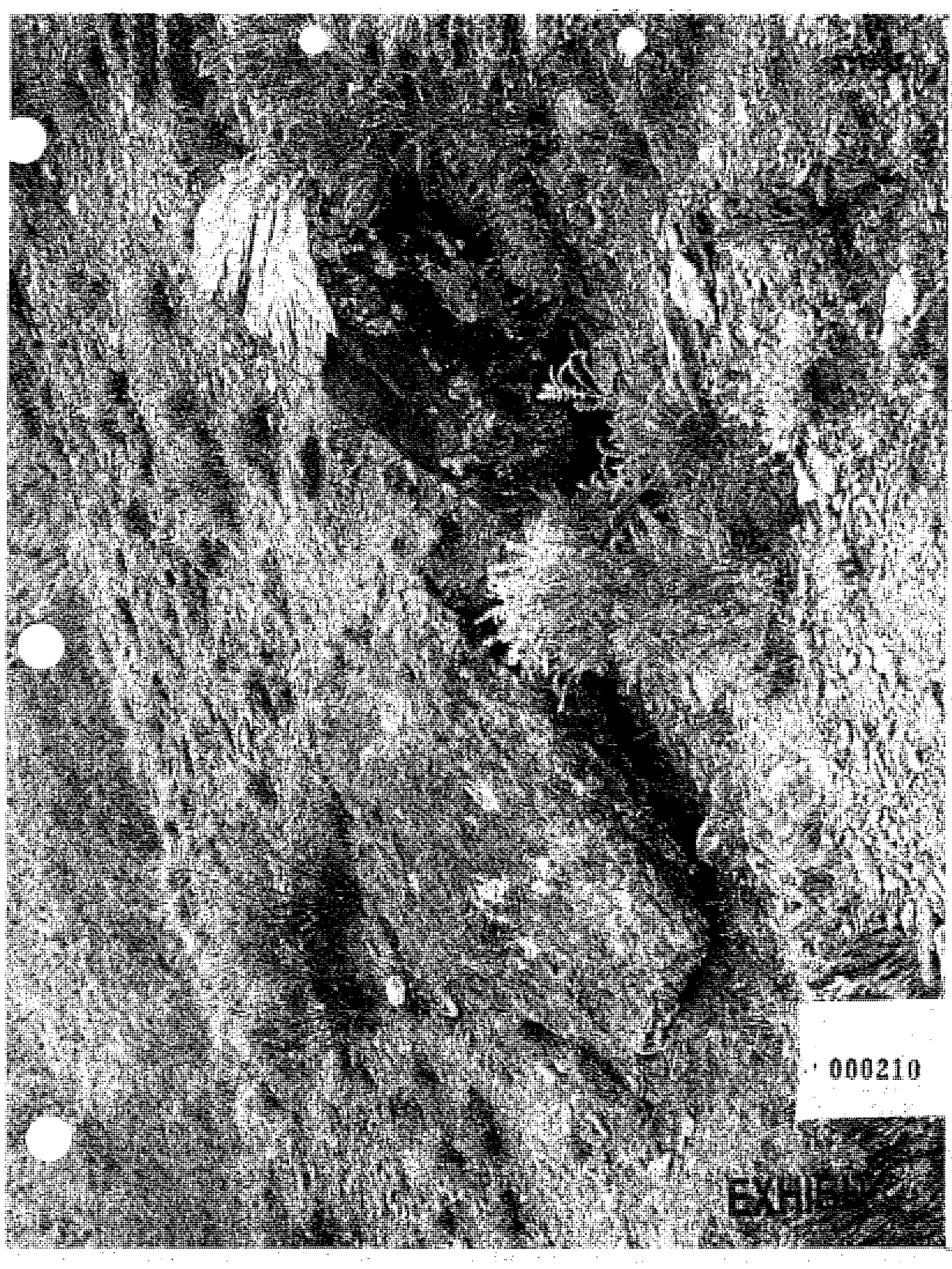

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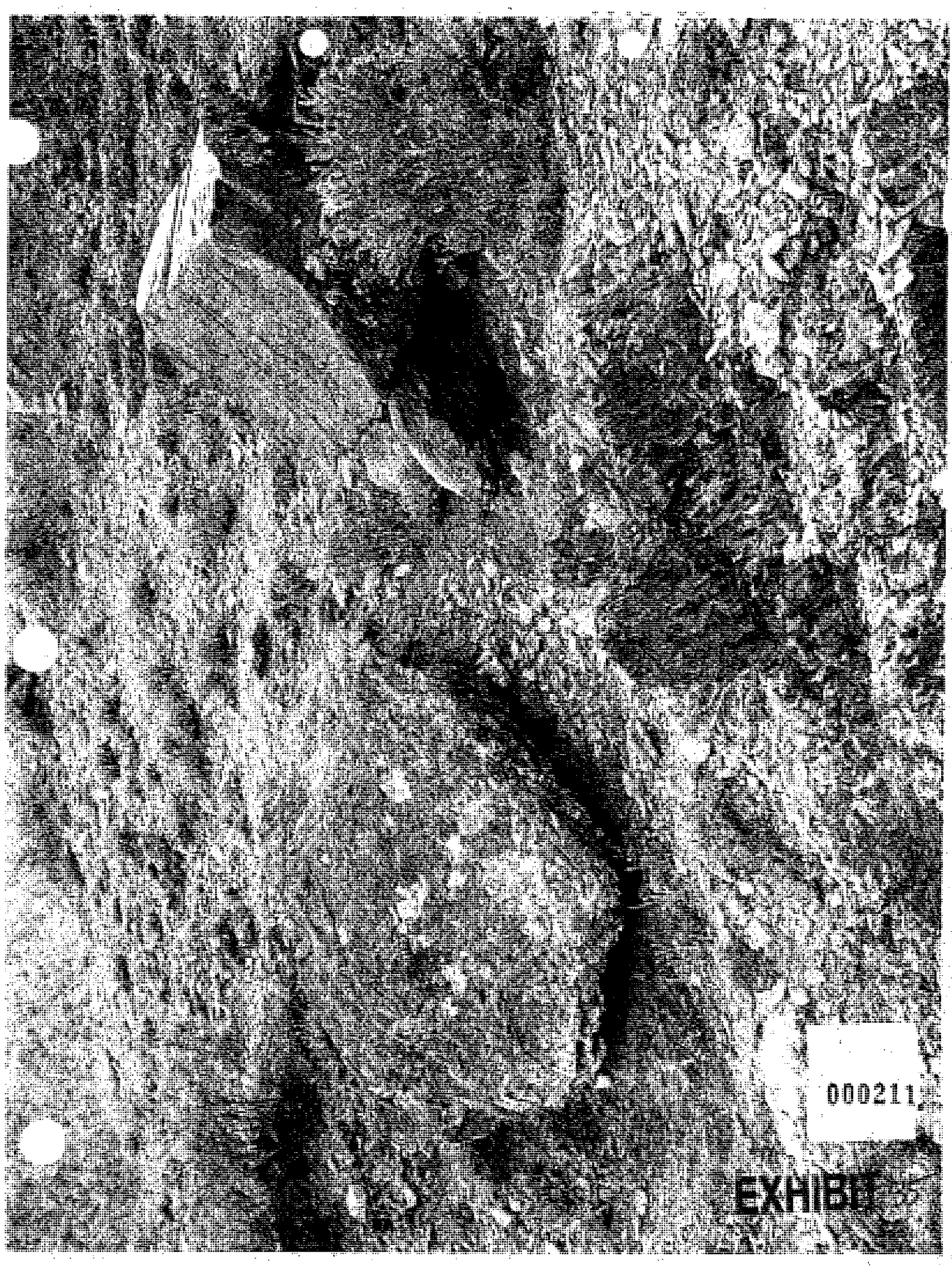

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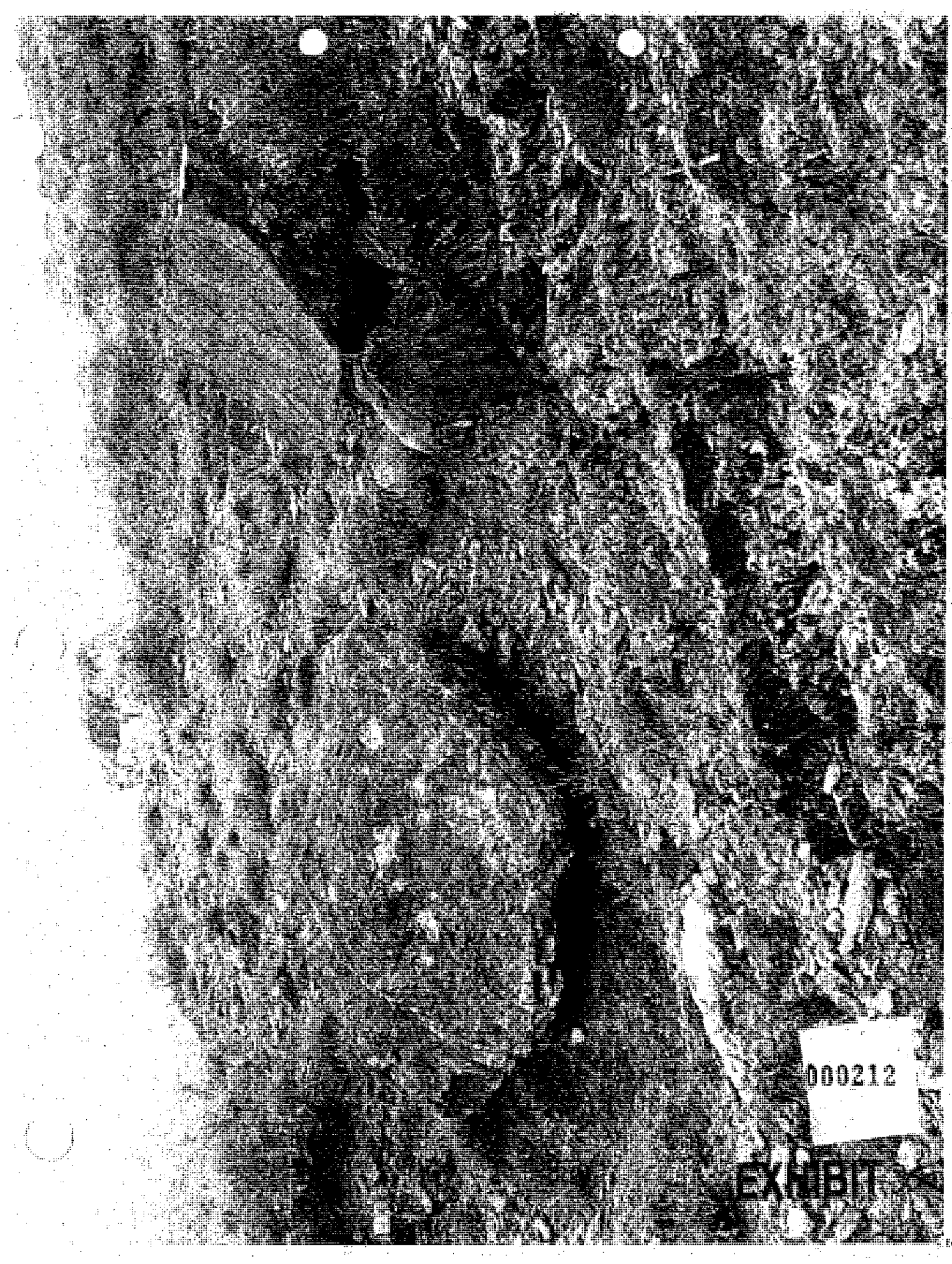
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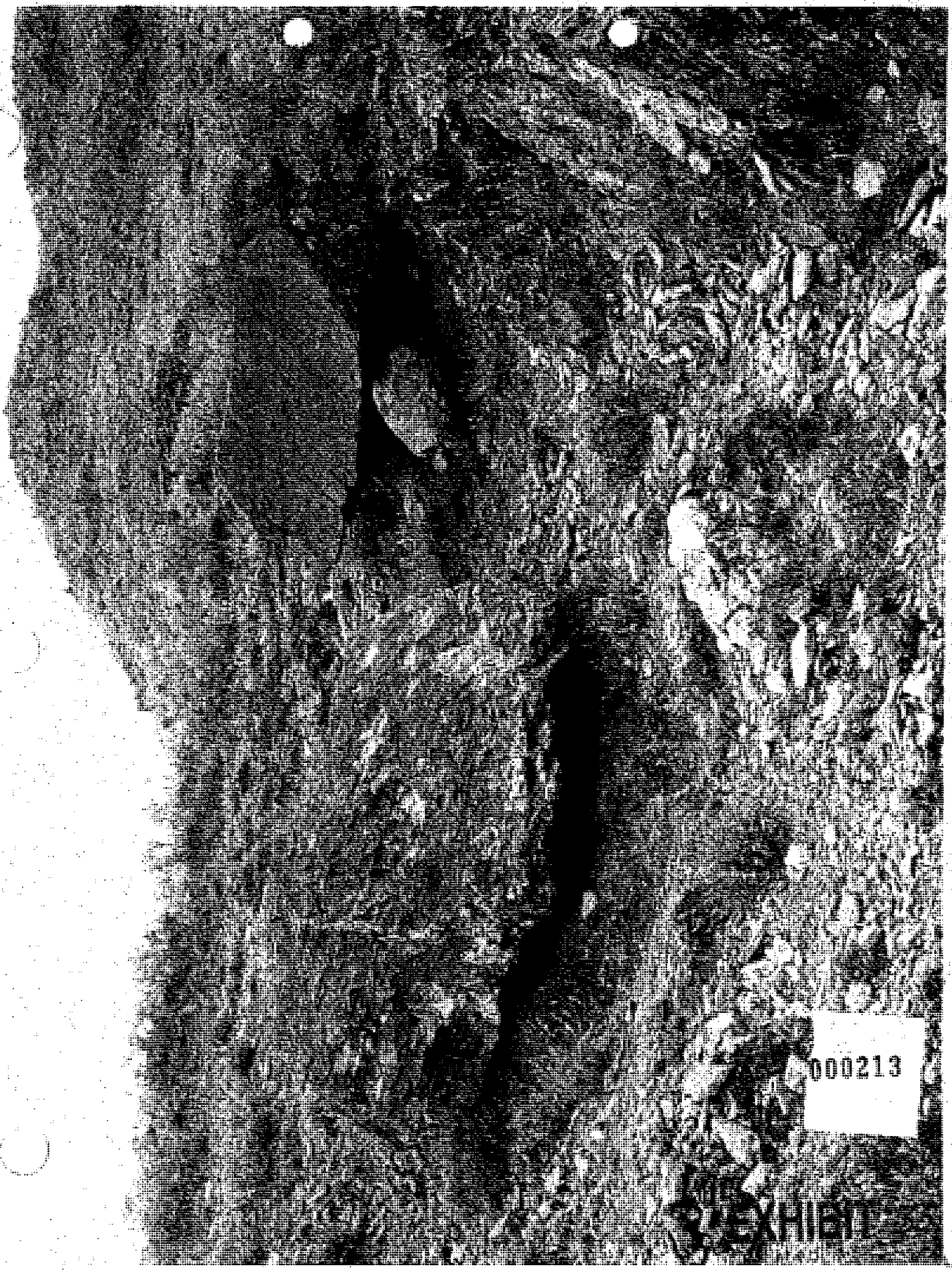
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EXHIBIT


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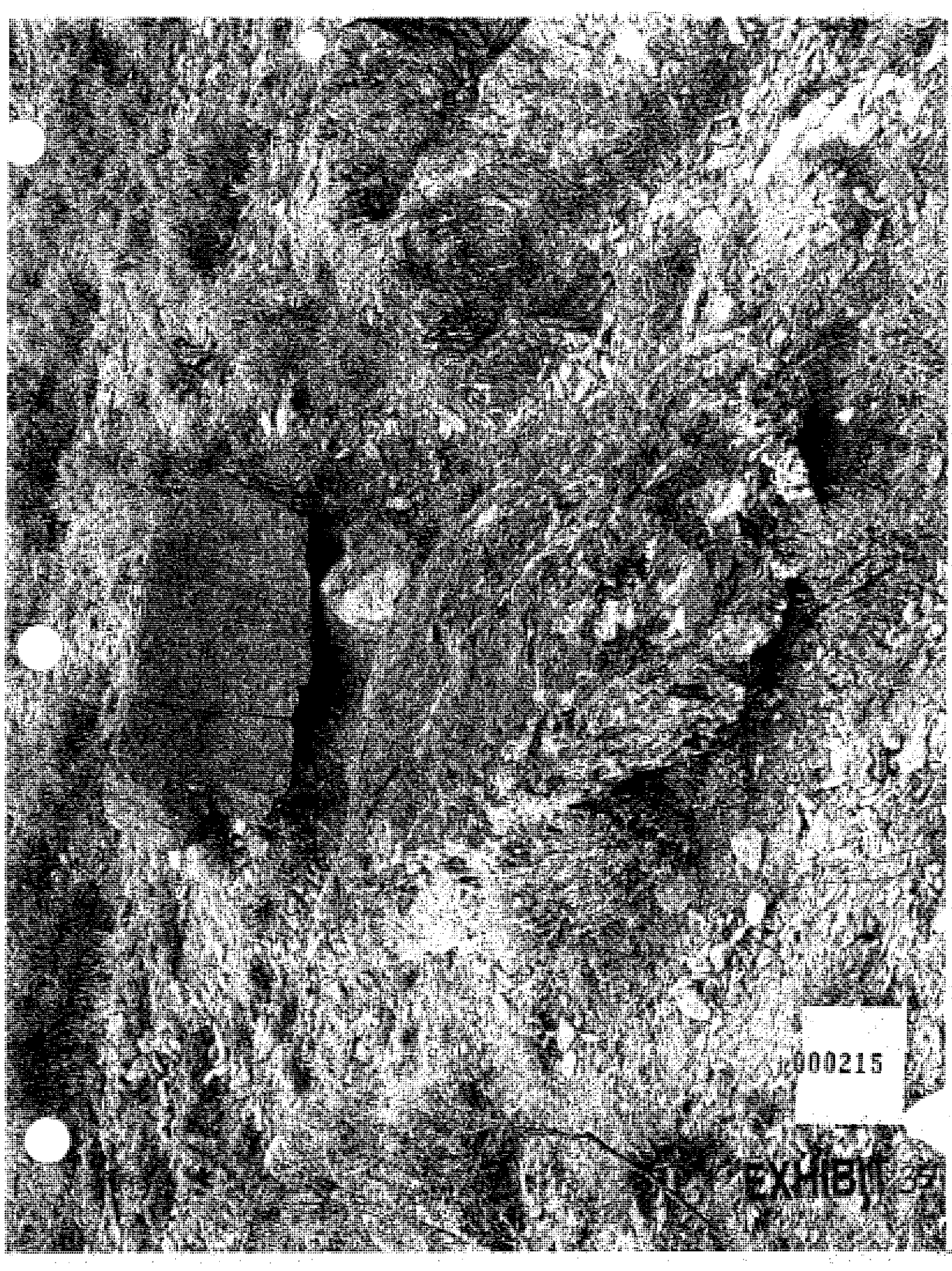
EXHIBIT 35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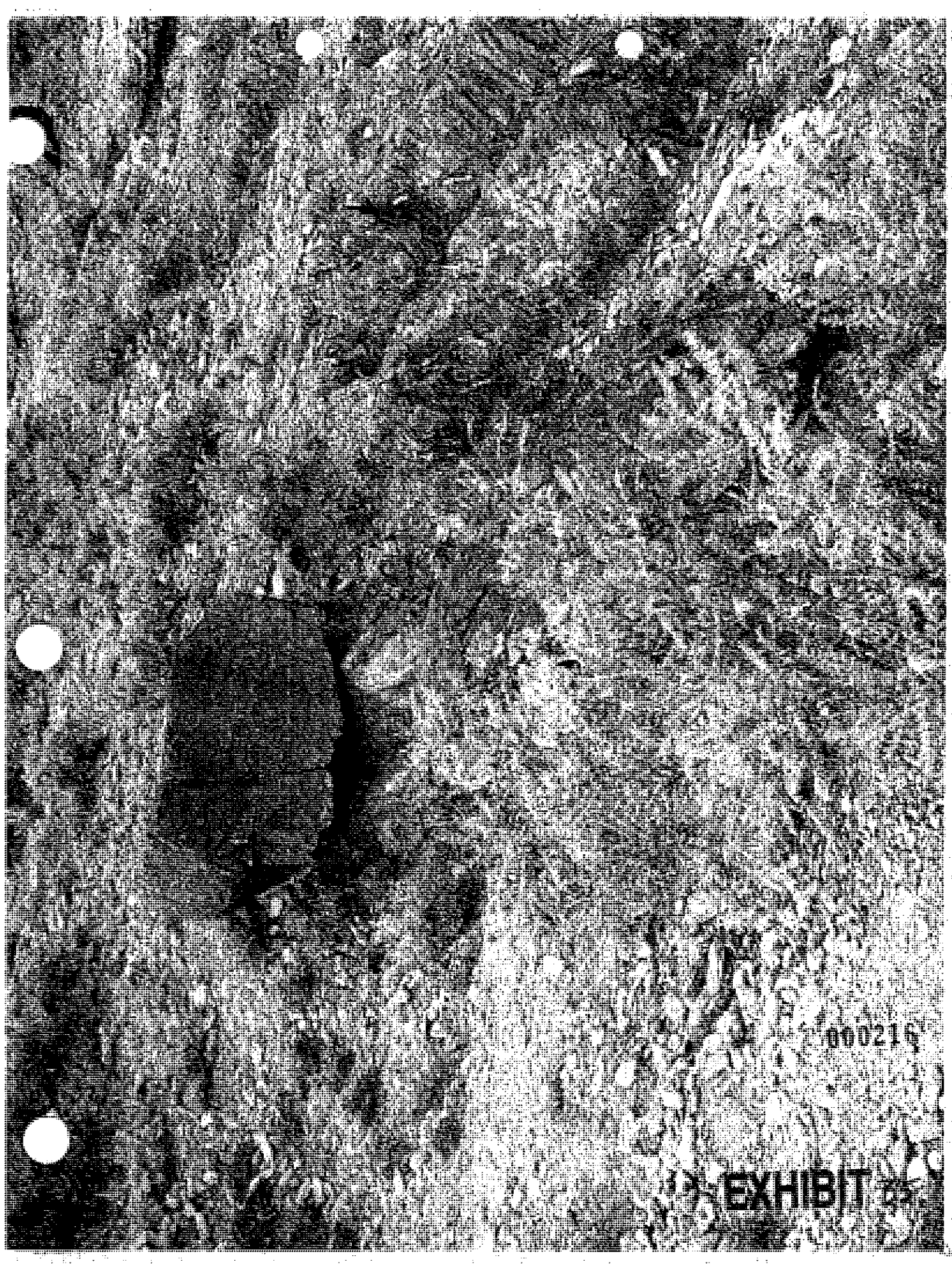
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EXHIBIT

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
21.	DSCN0765.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
22.	DSCN0766.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
23.	DSCN0767.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
24.	DSCN0768.JPG depicting close-up view of AMF soldier's firing position.
25.	DSCN0769.JPG depicting close-up view of AMF soldier's firing position with scale.
26.	DSCN0771.JPG depicting close-up view of AMF soldier's firing position with scale.
27.	DSCN0772.JPG depicting close-up view of TILLMAN's firing position.
28.	DSCN0773.JPG depicting close-up view of TILLMAN's firing position with scale.
29.	DSCN0774.JPG depicting close-up view of TILLMAN's firing position with scale.
30.	DSCN0775.JPG depicting view of AMF soldier's death scene.
31.	DSCN0776.JPG depicting close-up view of AMF soldier's death scene.
32.	DSCN0778.JPG depicting close-up view of AMF soldier's death scene with scale.

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EXHIBIT 35

33. DSCN0779.JPG depicting close-up view of AMF soldier's firing position.

34. DSCN0780.JPG depicting close-up view of TILLMAN's final location.

35. DSCN0781.JPG depicting view of TILLMAN's overall final location.

36. DSCN0782.JPG depicting close-up view of TILLMAN's final location before the collection of rock chips as evidence.

37. DSCN0783.JPG depicting close-up view of TILLMAN's final location before the collection of rock chips as evidence.

38. DSCN0784.JPG depicting close-up view of TILLMAN's final location after the collection of rock chips as evidence.

39. DSCN0785.JPG depicting TILLMAN's and [redacted] position with roped off section of search area overlooking the riverbed.

40. DSCN0786.JPG depicting TILLMAN's and [redacted] position with roped off section of search area from the riverbed.

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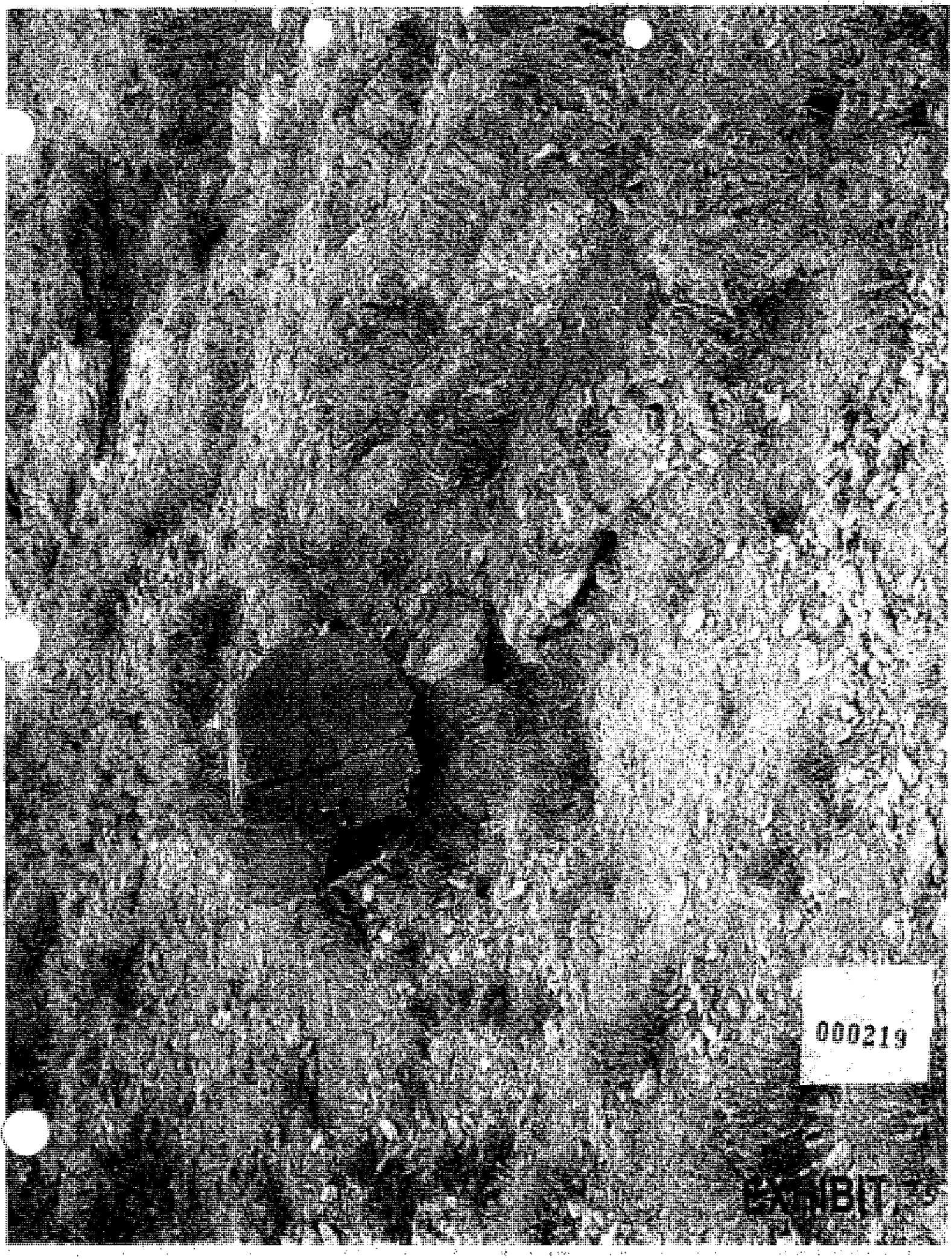
EXHIBIT 35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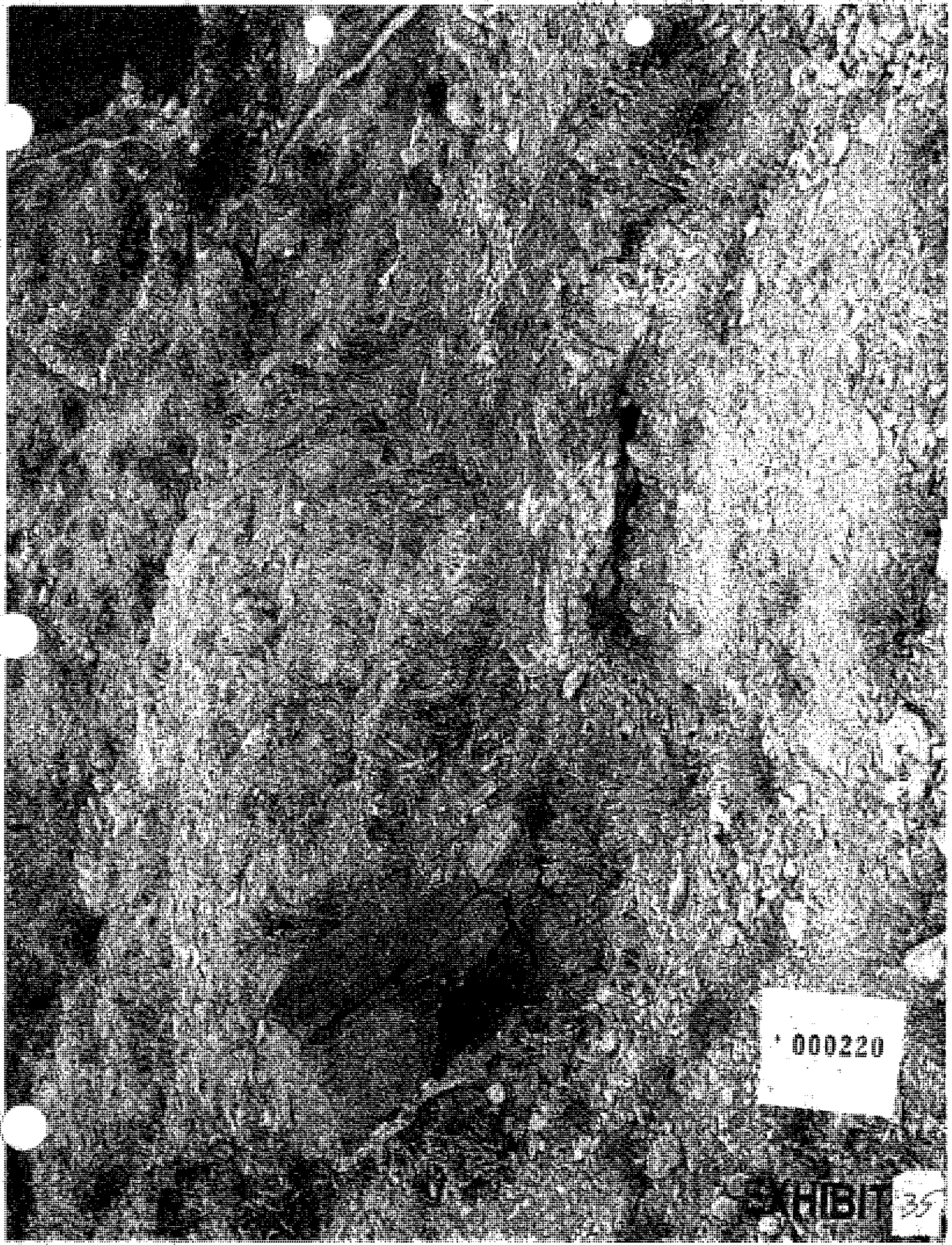
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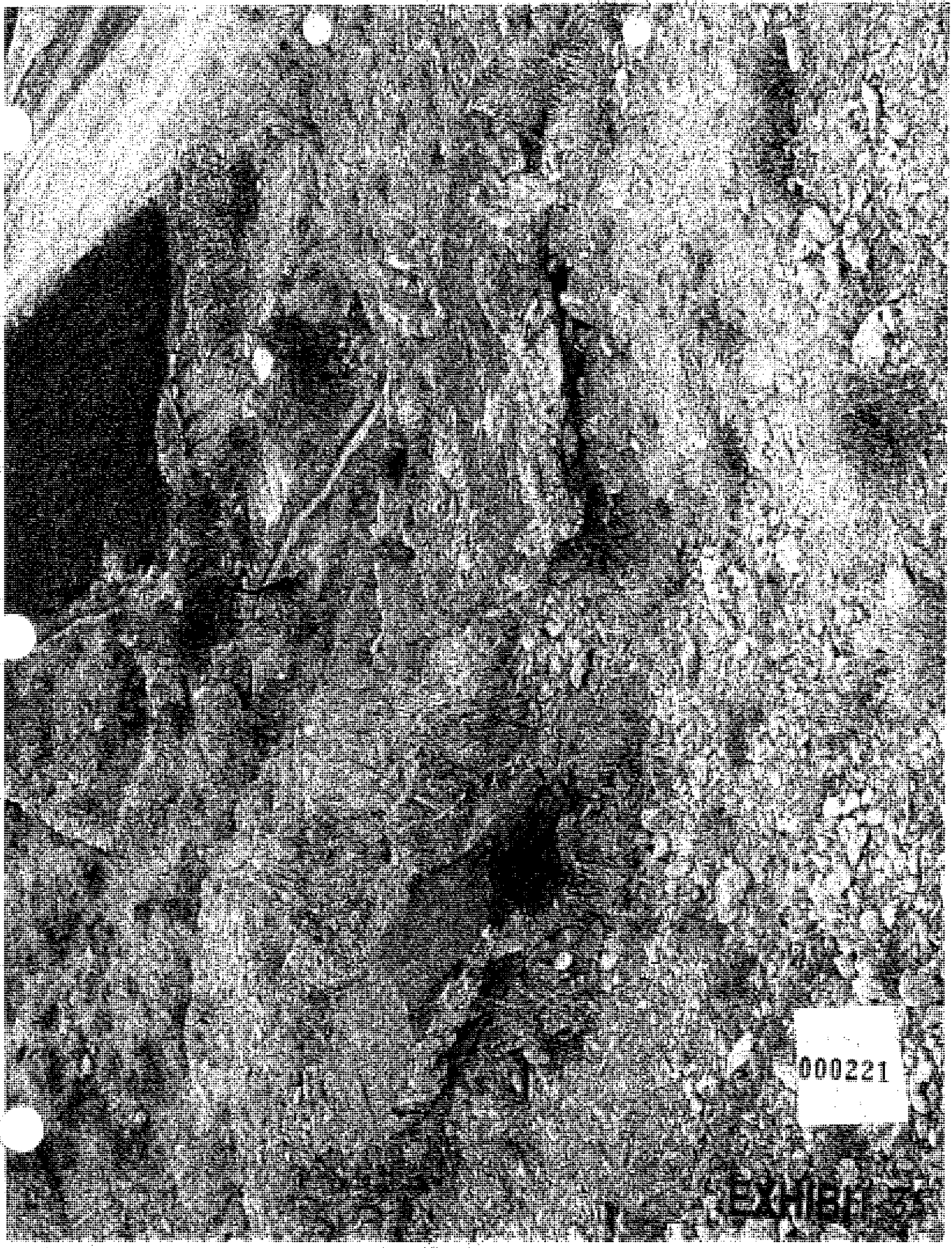
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EXHIBIT

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EXHIBIT 35

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EXHIBIT 3

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EXHIBIT 24



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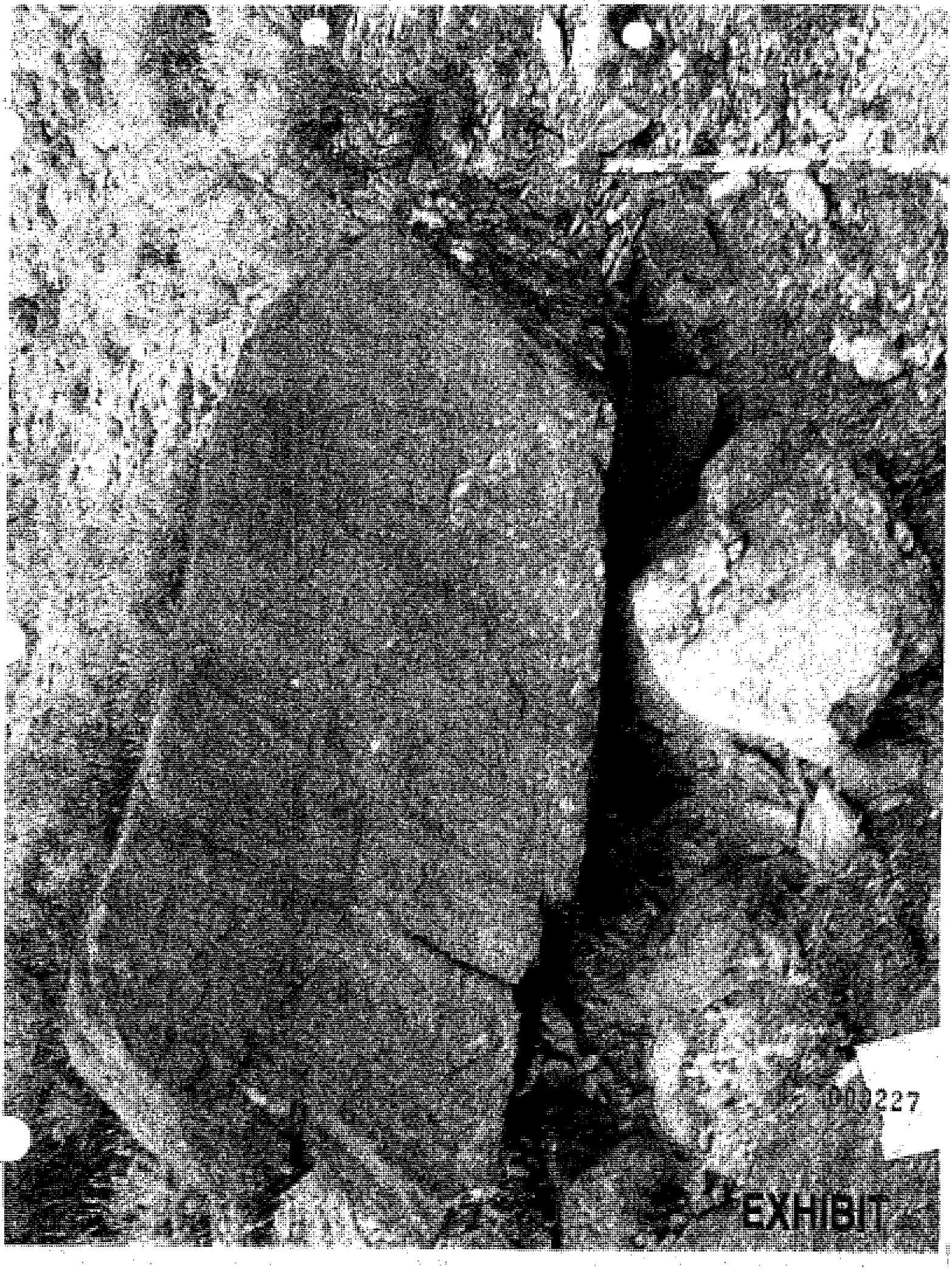
EXHIBIT 25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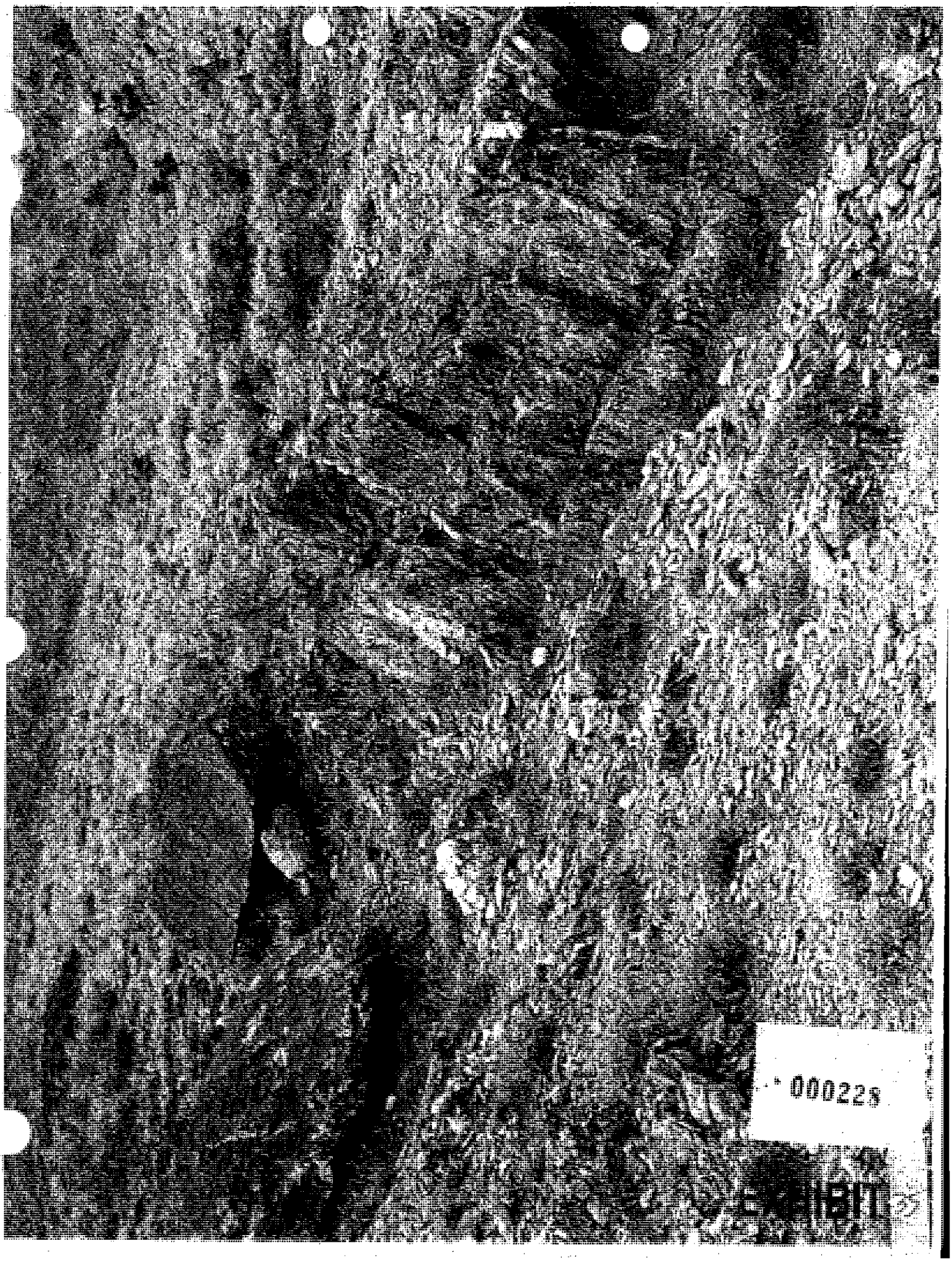
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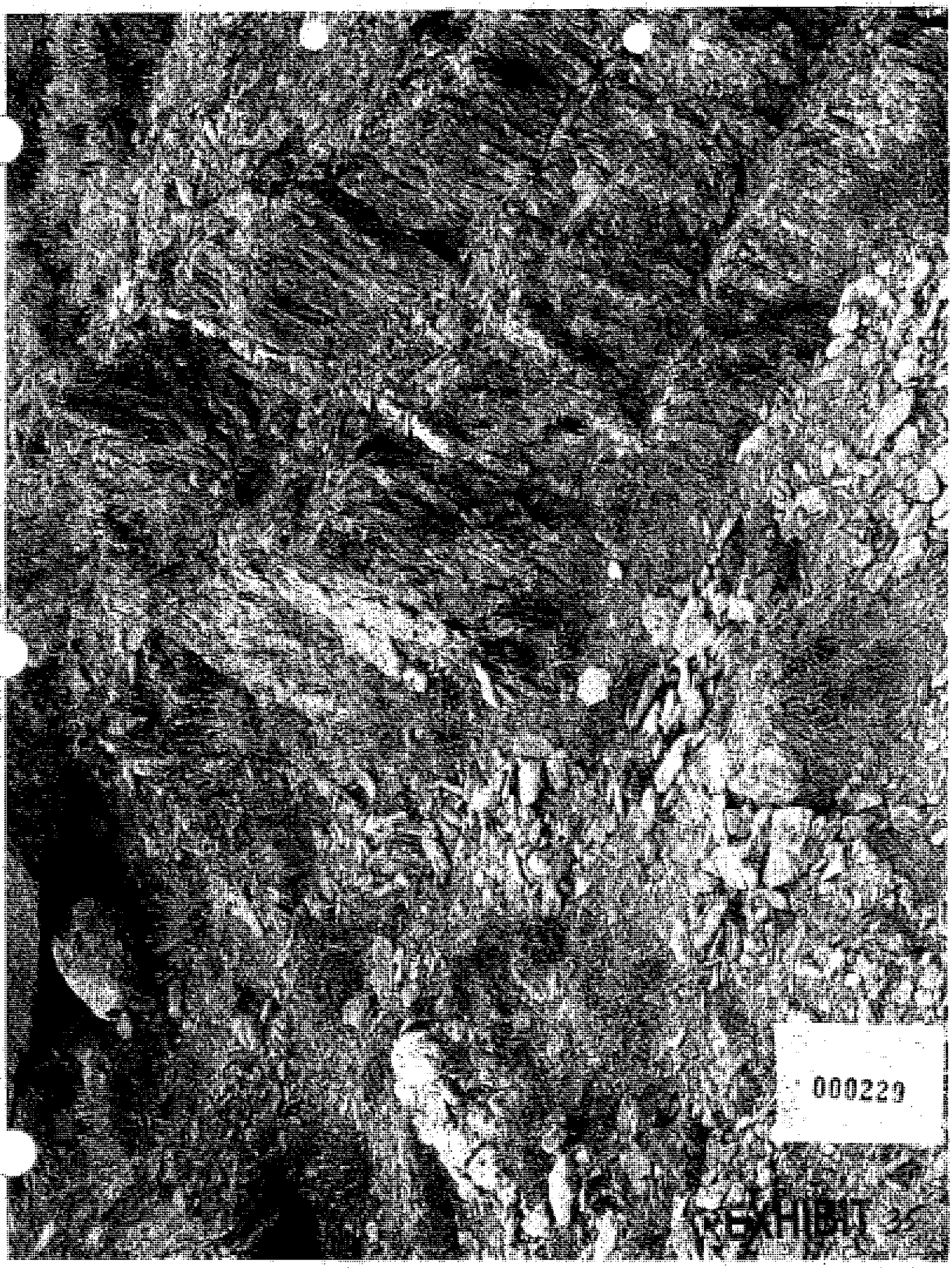
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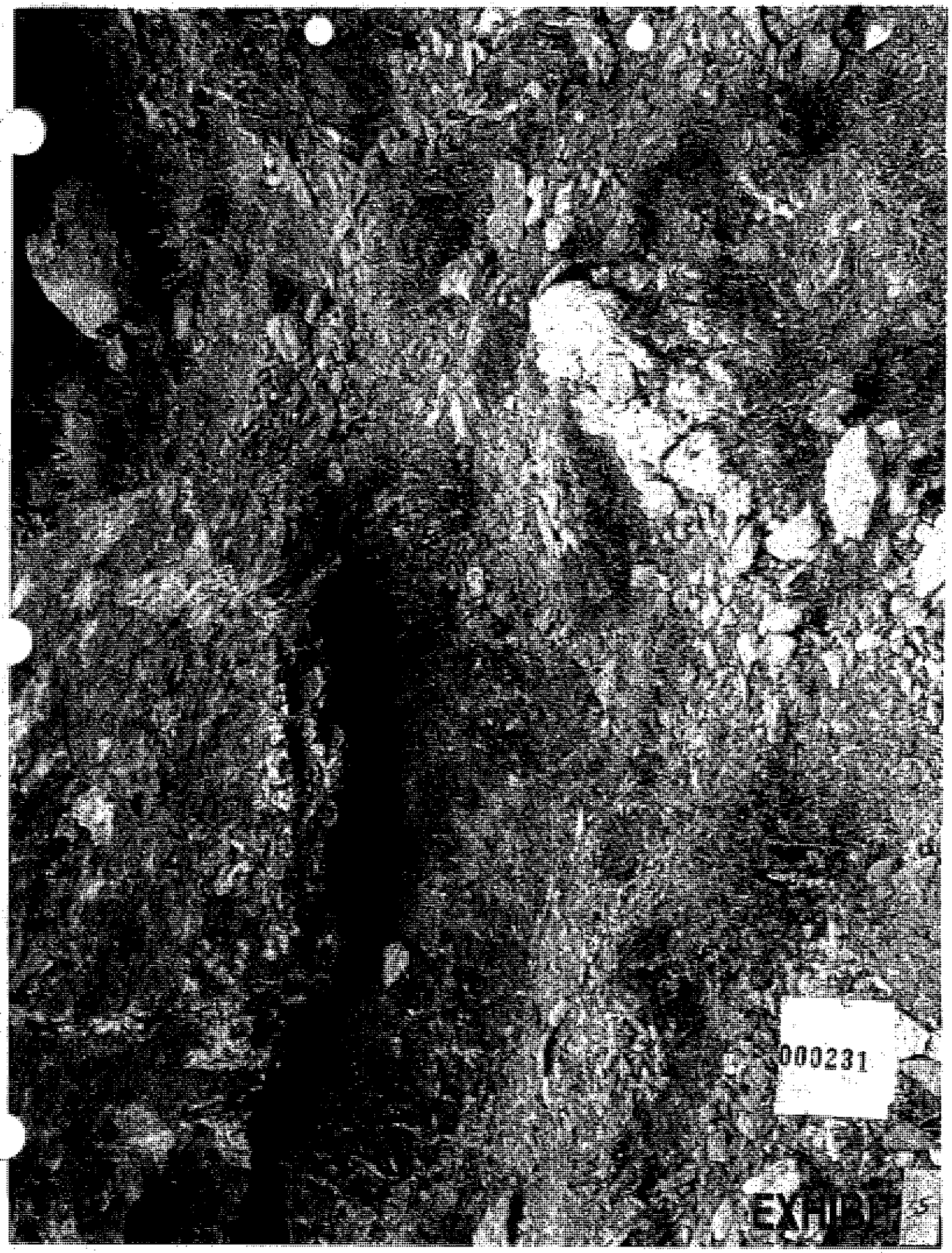
EXHIBIT 55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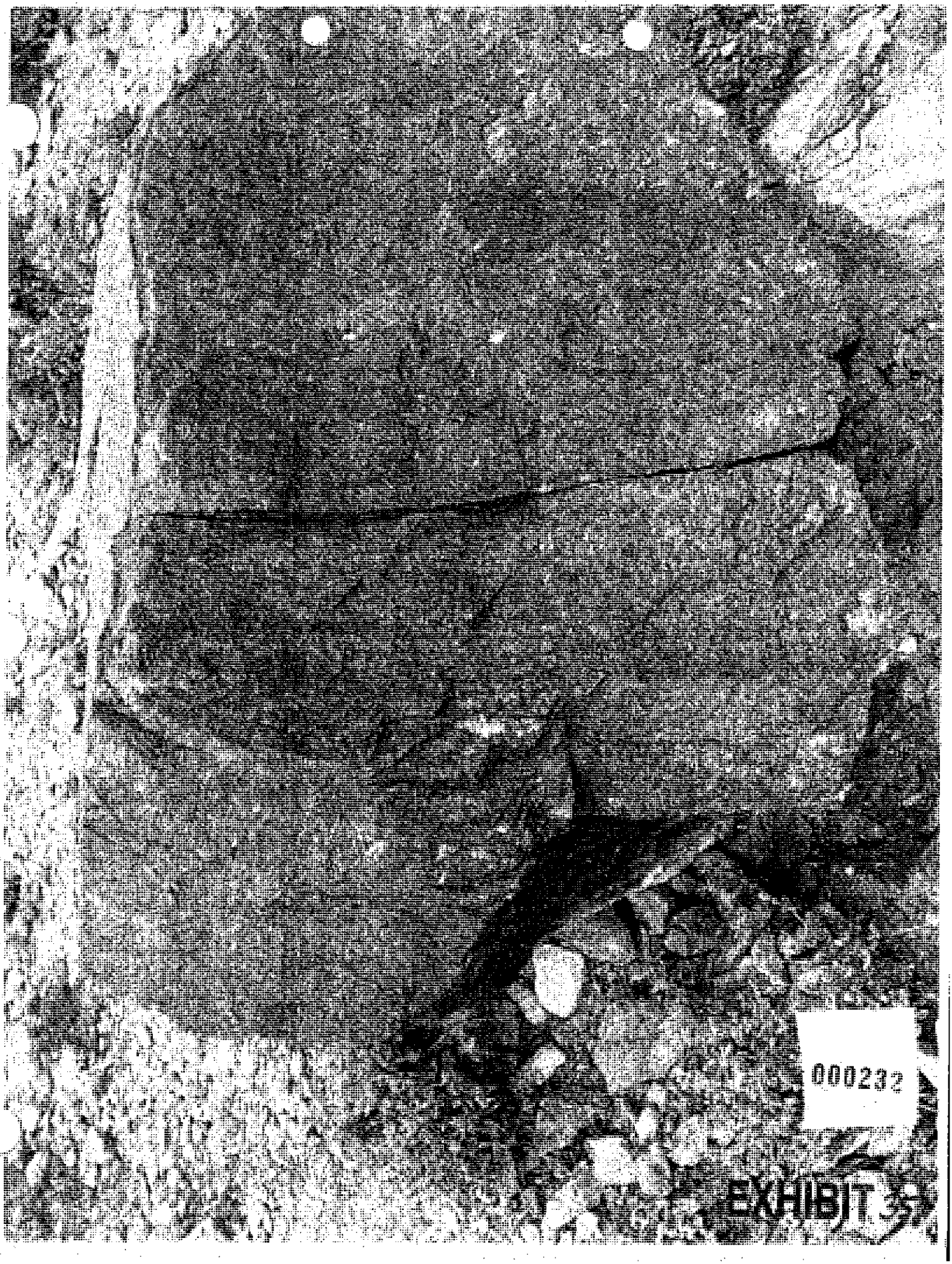
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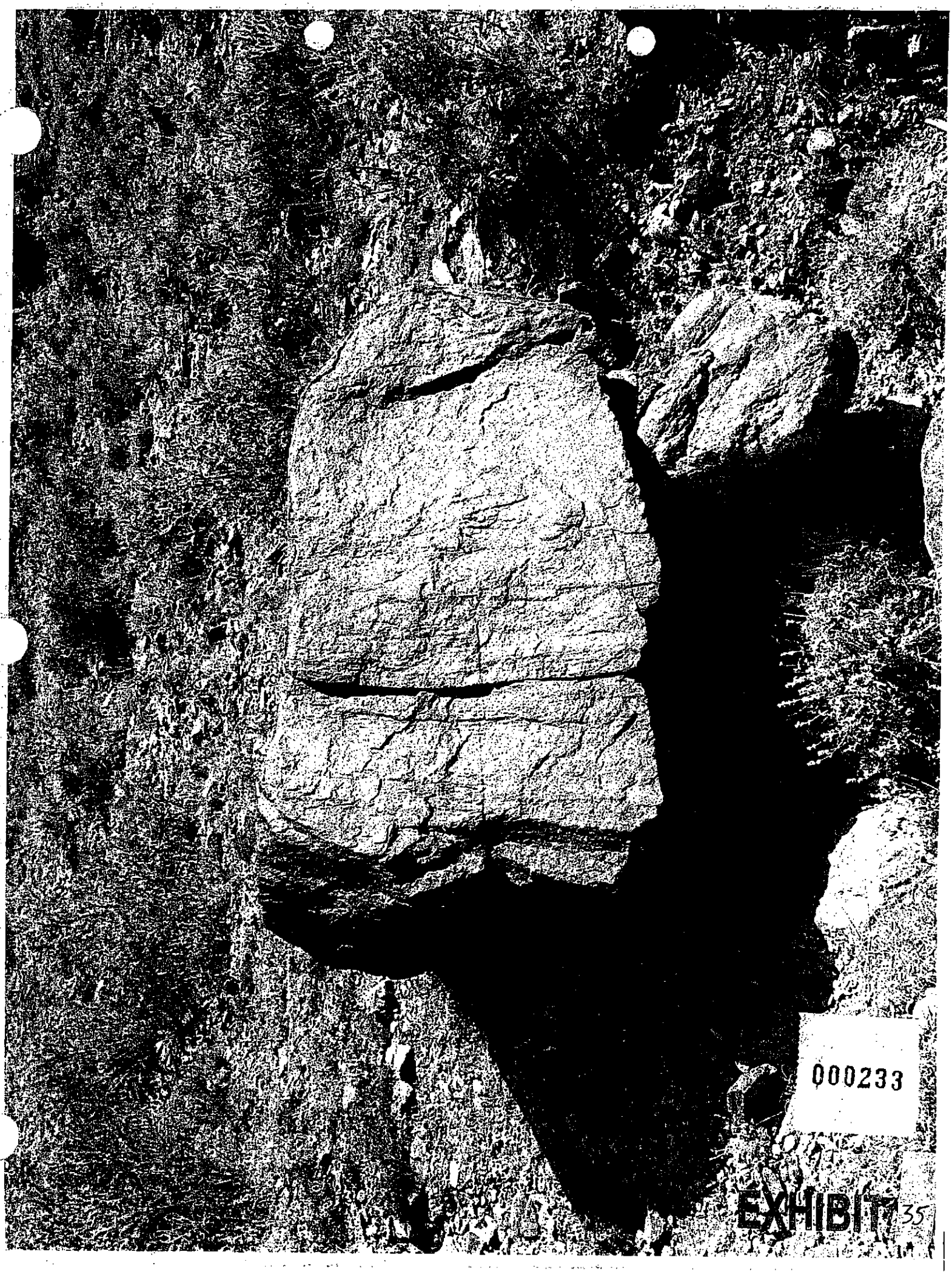

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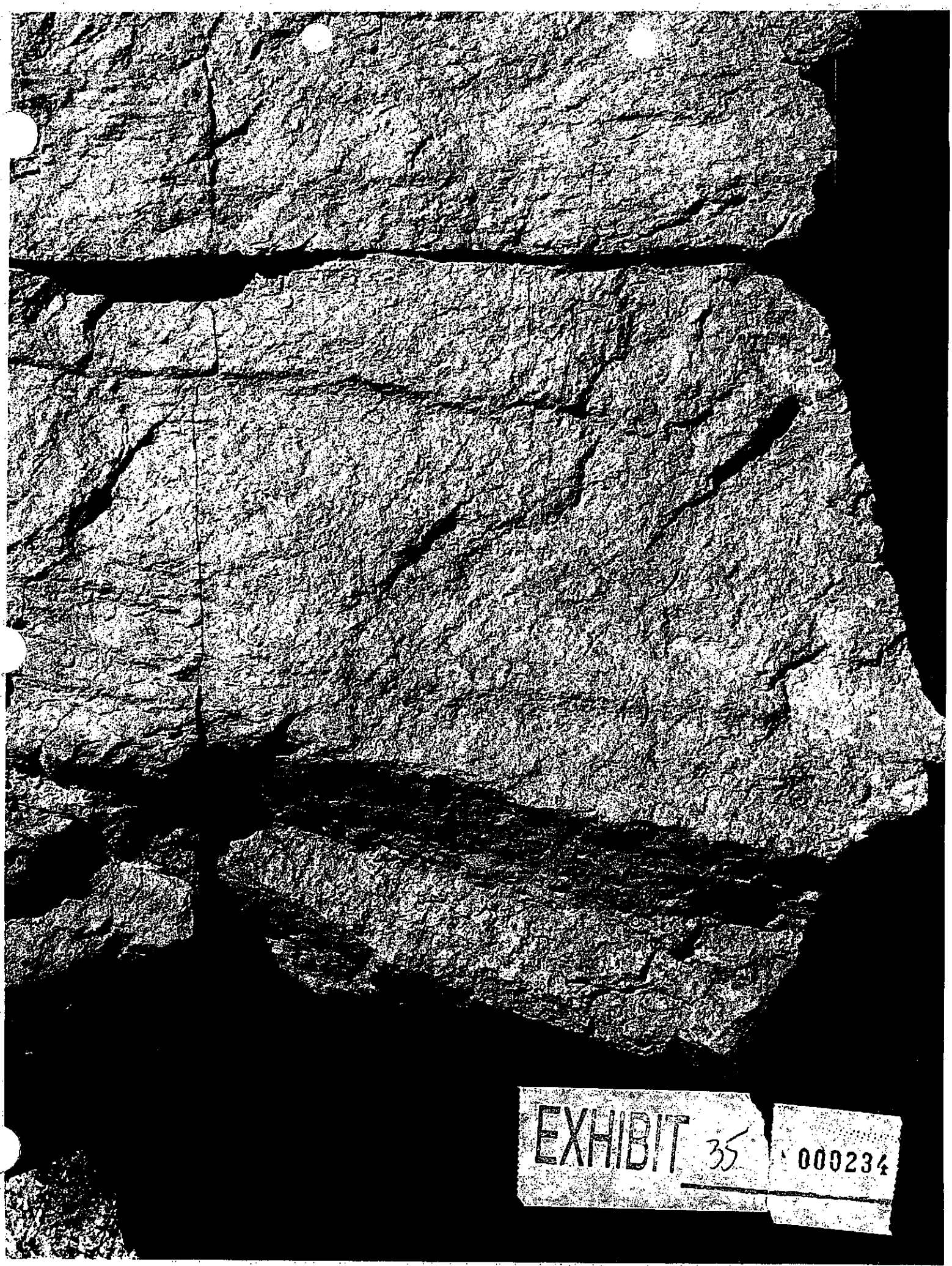
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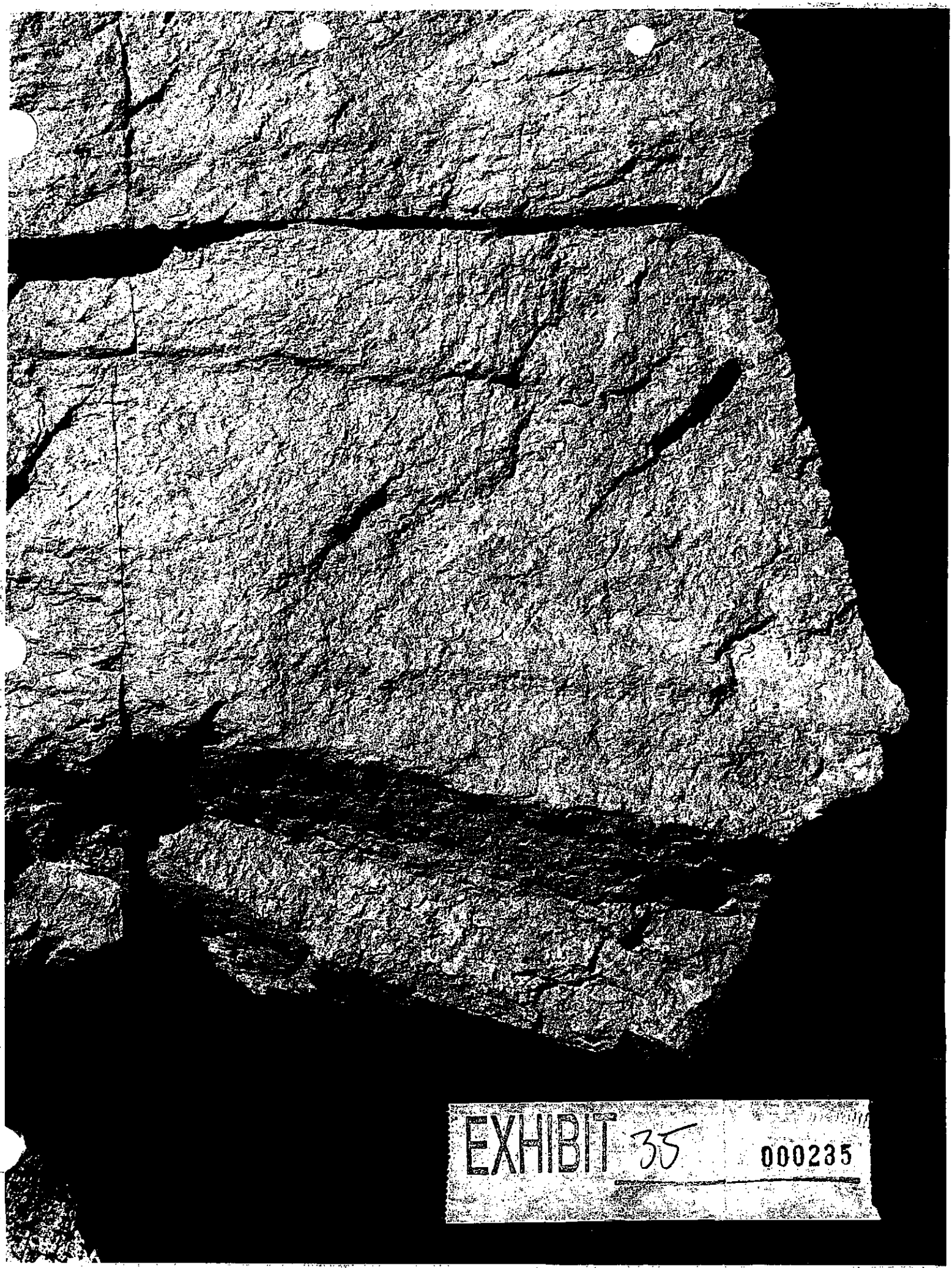

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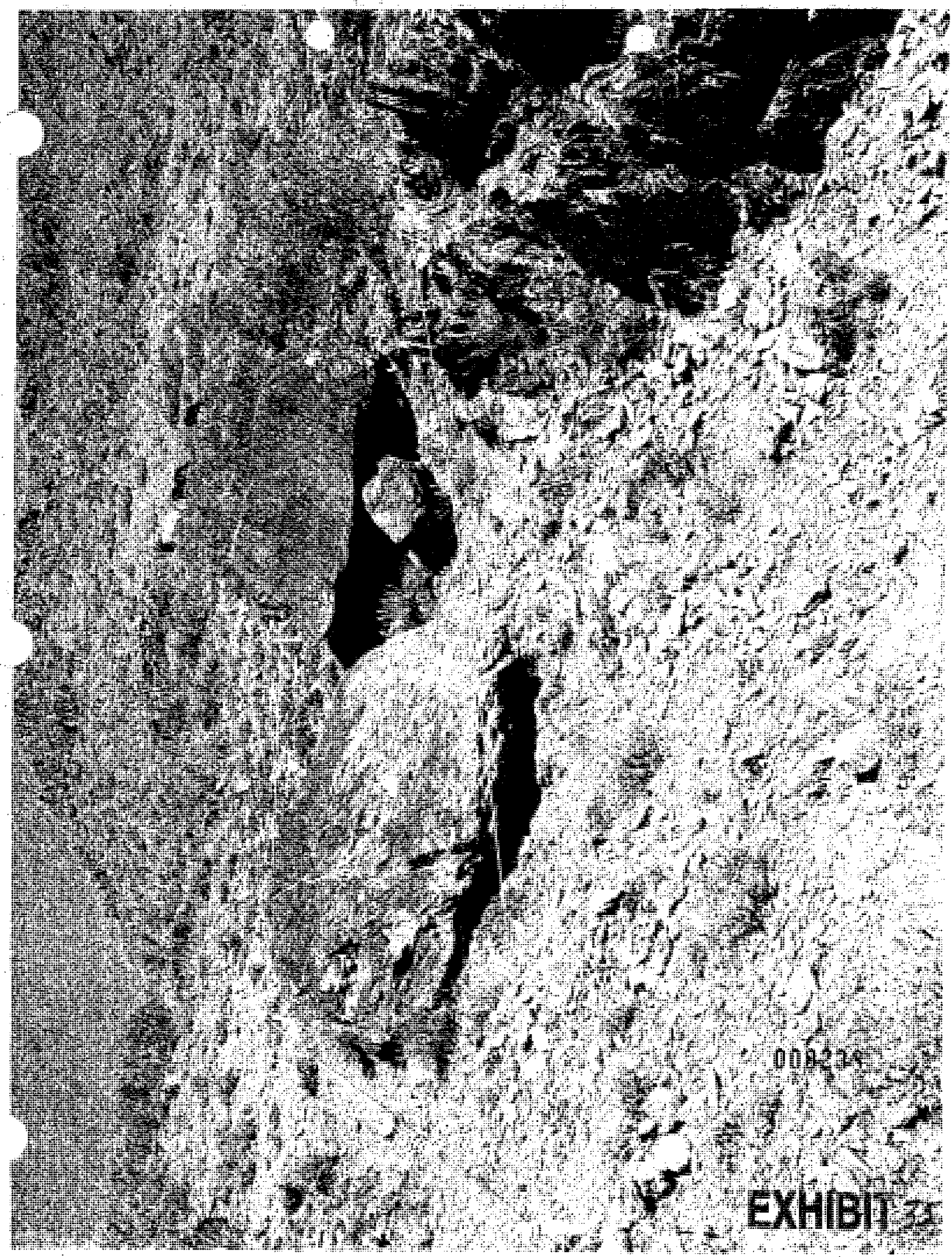
EXHIBIT 35



EXHIBIT

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
41.	DSCN0788.JPG depicting locations of soil sample markers with the TILLMAN death scene.
42.	DSCN0789.JPG depicting view of soil sample markers #1 and #2 from TILLMAN's final location.
43.	DSCN0790.JPG depicting close-up view of soil sample markers #1 and #2 from TILLMAN's final location..
44.	DSCN0791.JPG depicting view of soil sample marker #3 from [redacted] position (control sample).
45.	DSCN0792.JPG depicting close-up view of soil sample marker #3 from [redacted] position (control sample).
46.	DSCN0793.JPG depicting view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
47.	DSCN0794.JPG depicting view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
48.	DSCN0795.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
49.	DSCN0796.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.

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EXHIBIT 35

50. DSCN0797.JPG depicting view of trajectory lines from the TILLMAN death scene a HMMWV on the river bed.

51. DSCN0798.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to a HMMWV on the river bed.

52. DSCN0799.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to a HMMWV on the river bed.

53. DSCN0801.JPG depicting view of the fortified position on the Northern ridge above and from the TILLMAN death scene.

54. DSCN0802.JPG depicting close-up view of the aforementioned fortified position.

55. DSCN0803.JPG depicting close-up view of the aforementioned fortified position.

56. DSCN0804.JPG depicting view of the fortified position facing the riverbed.

57. DSCN0805.JPG depicting the inside view of the fortified position.

58. DSCN0806.JPG depicting view of the riverbed and overlooking the TILLMAN death scene from inside the fortified position.

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EXHIBIT 35



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EXHIBIT 35


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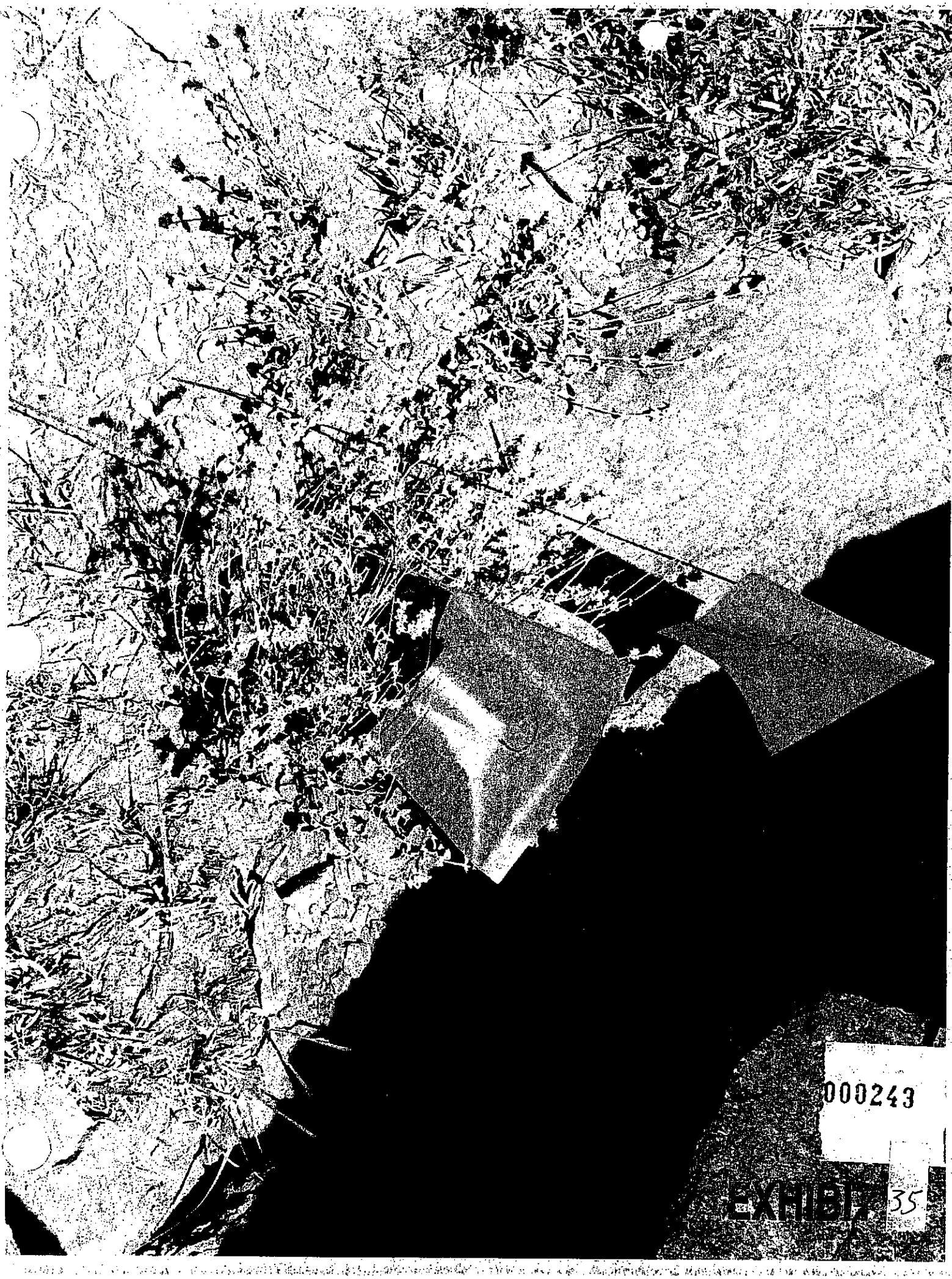
EXHIBIT 35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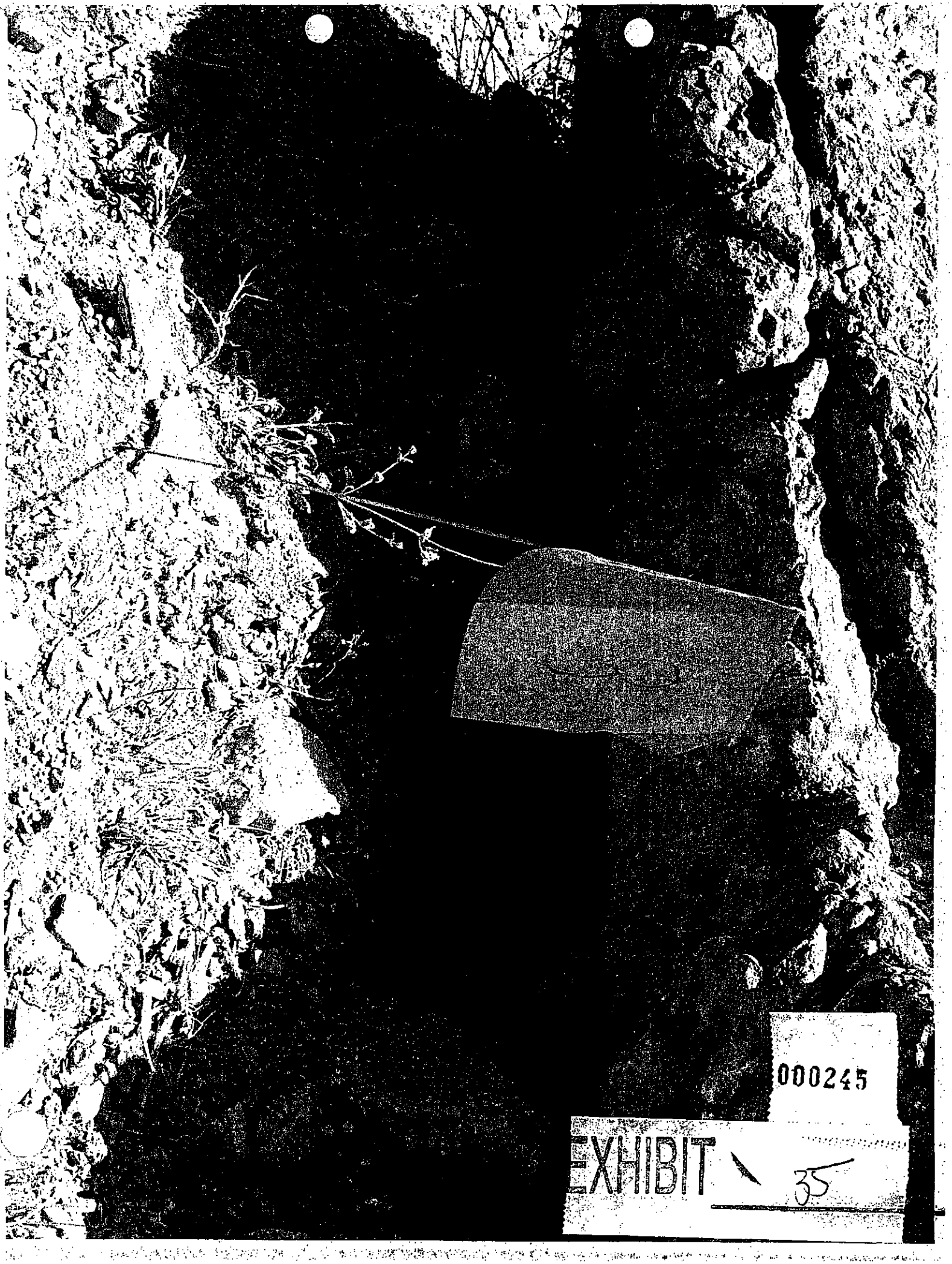
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EXHIBIT 35


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EXHIBIT 35

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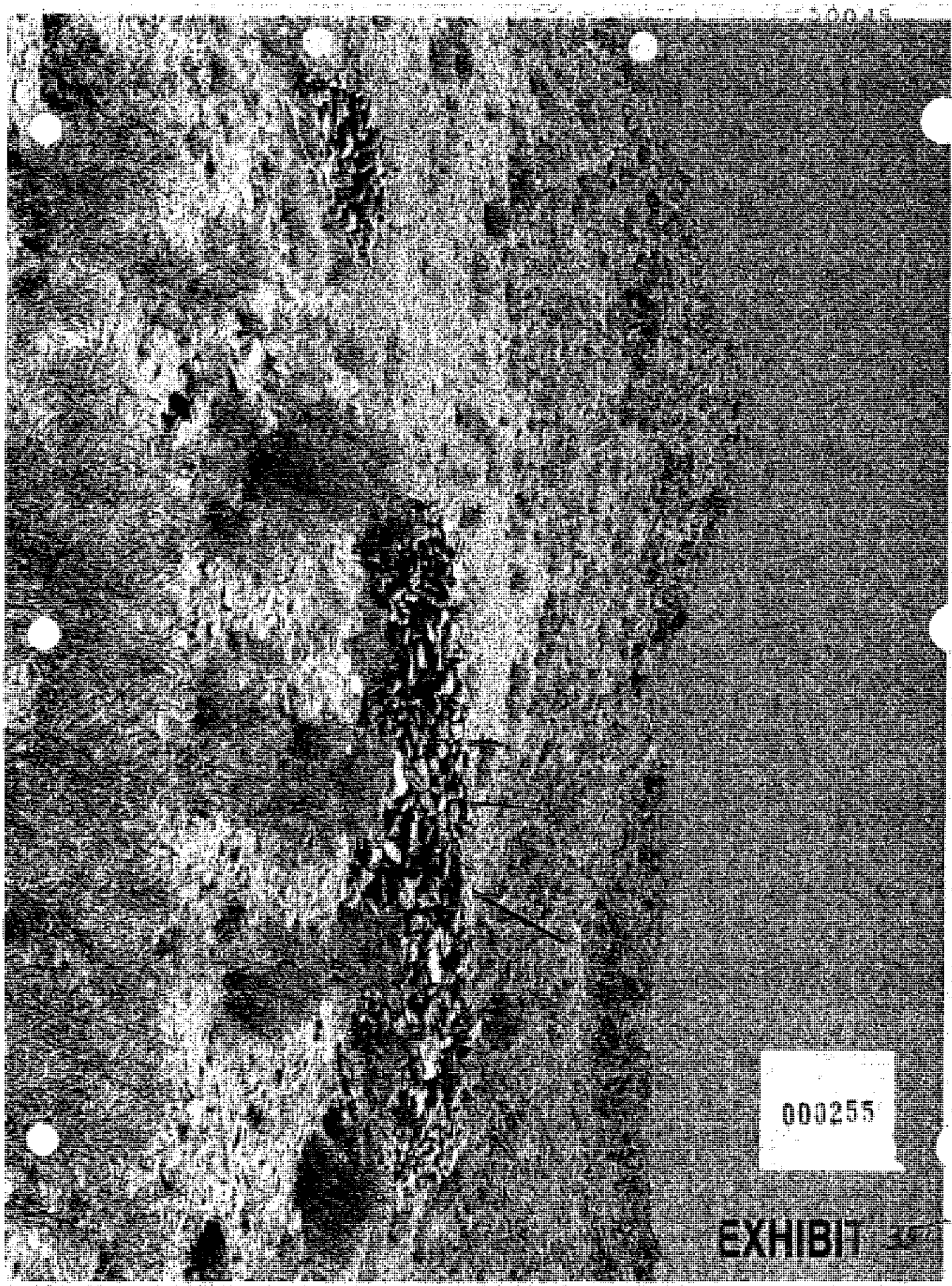

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EXHIBIT 35

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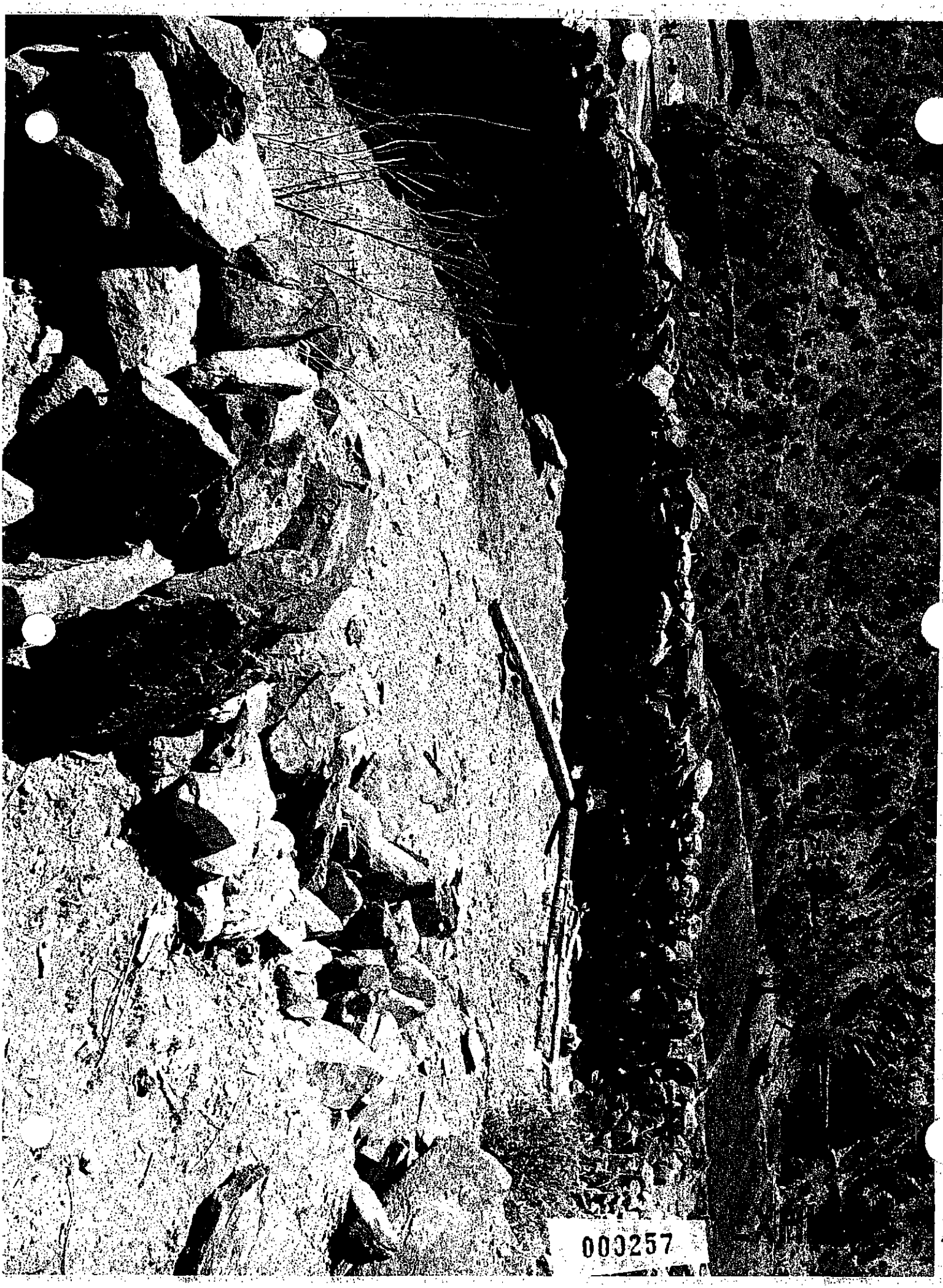

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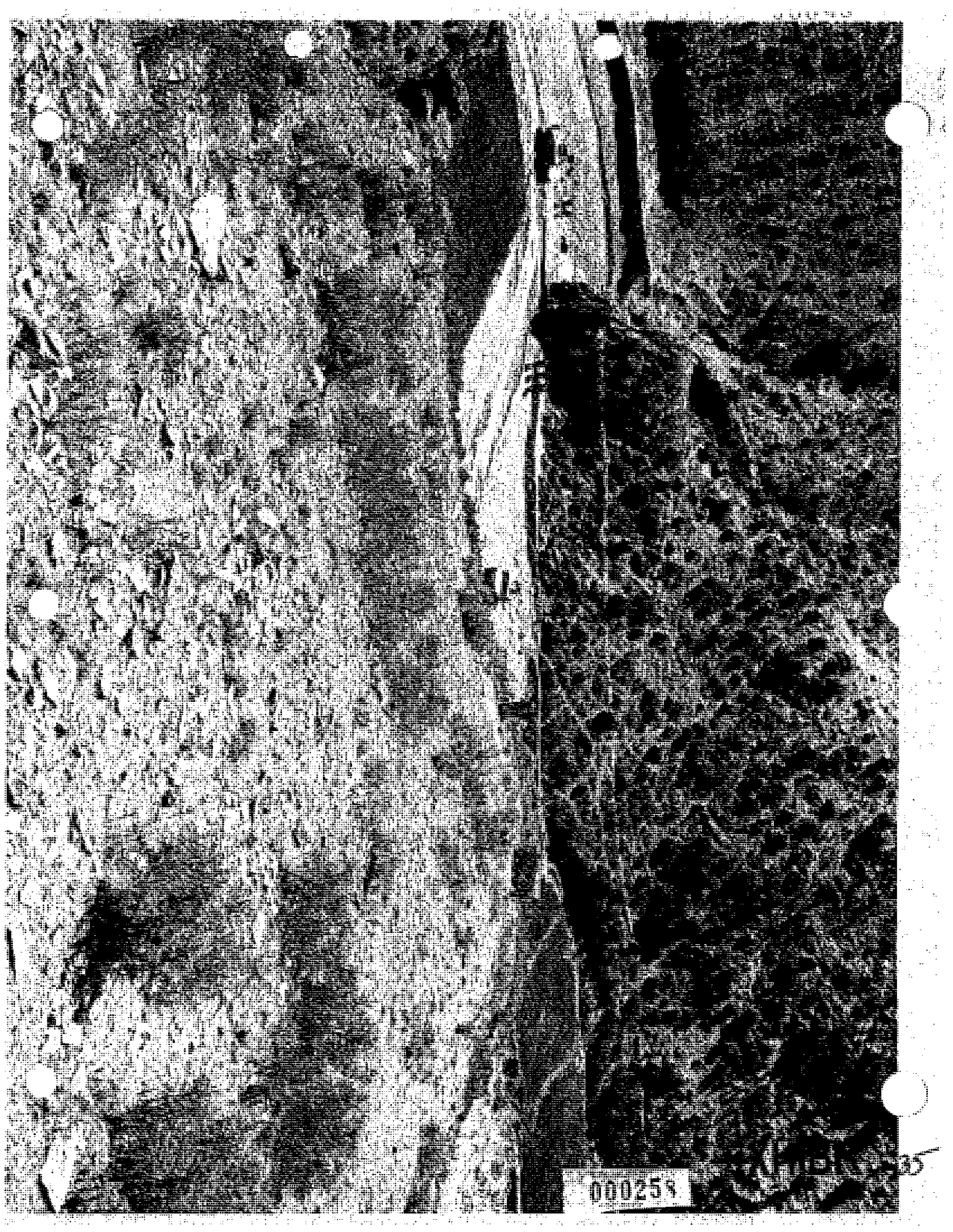
000258

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES)Crime Scene Examination:
About 0800, 23 Apr 06 (local Afghanistan), the undersigned conducted a crime scene examination of grid coordinate 42 S WB 4942971708 location in the Spera District, Afghanistan.

(FOUO-LES)Characteristics of the Scene:
The crime scene was identified as grid coordinate 42 S WB 4942971708 by [redacted] 2nd Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA 98433 as the start of the ambush area. The road at grid coordinates 42 S WB 4942971708 was known as a "wadi" (A **wadi** (Arabic *wādī*) is a dry riverbed that contains water only during times of heavy rain.) The wadi was only wide enough for one vehicle to pass at grid coordinate 42 S WB 4942971708 to the TILLMAN death scene at which time [redacted] reported he was able to go around the "Jingle" truck. The wadi had small streams of water channeling down following the wadi stream bed. The wadi had been traveled enough by Afghanistan locals and military vehicles than the wadi had the appearance of tire ruts. The sides of the wadi where lined by rocks that years of erosions have carved through to form a make shift road. The wadi canyon walls at places where approximately 300 feet high which eventually taper out and the wadi widens at the point of the TILLMAN death scene.

(FOUO-LES)Condition of the Scene: At the time of the crime scene examination, the wadi was not over run by water. There were visible streams of water possibly from rain run off running east to west. There were numerous rocks which made it difficult to gain sure footing. The approximate elevation was 1500 feet above sea level.

(FOUO-LES)Environmental Condition: At the time of the crime scene examination, the sky was partly cloudy with the sun shining. The approximate temperature was 75 degrees Fahrenheit. There were at times noticeable wind breezes but this agent was unable to determine a direction due to the high cliff on either side of the wadi.

(FOUO-LES)Factors Pertinent to the Entry/Exit: There were only two ways to exit the crime scene area without proper mountain climbing gear. The wadi ran from east to west and following the canyon floor either way would have been the only way to exit the area.

(FOUO-LES)Scene Documentation: This agent prepared a crime scene sketch and exposed photographs utilizing a Nikon Coolpix 900 Digital still camera with a built-in flash. (See crime scene sketch and photographs for details).

(FOUO-LES)Search for Latent Impressions: A search for latent impressions was not conducted due to lack of evidentiary value.

000259

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 23 Apr 06	EXHIBIT 36

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES)Collection of Evidence: No evidence was collected as nothing of evidentiary value was discovered.

///LAST ENTRY///

000260

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 23 Apr 06	EXHIBIT 36

CID FORM 94
1 FEB 77

b6, 7C

Exhibit 37

Page(s) 261 withheld.

Exemption(s) b1 and
not reasonably segregable.

United States Army Criminal Investigation Command

PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSCN0001.JPG depicting start of ambush site at Grid Coordinates 42S WB 49429 71708
2.	DSCN0002.JPG depicting the tight driving width going towards the Tillman death scene.
3.	DSCN0003.JPG depicting the tight driving width going towards the Tillman death scene.
4.	DSCN0004.JPG depicting the tight driving width going towards the Tillman death scene.
5.	DSCN0005.JPG depicting the tight driving width going towards the Tillman death scene.
6.	DSCN0006.JPG depicting the tight driving width going towards the Tillman death scene.
7.	DSCN0007.JPG depicting the tight driving width going towards the Tillman death scene.
8.	DSCN0008.JPG depicting the tight driving width going towards the Tillman death scene.
9.	DSCN0009.JPG depicting the tight driving width going towards the Tillman death scene.
10.	DSCN0010.JPG depicting the tight driving width going towards the Tillman death scene.
11.	DSCN0320.JPG depicting the tight driving width going towards the Tillman death scene.

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EXHIBIT 38

12. DSCN0321.JPG depicting the tight driving width going towards the Tillman death scene.

13. DSCN0322.JPG depicting the tight driving width going towards the Tillman death scene.

14. DSCN0323.JPG depicting the tight driving width going towards the Tillman death scene.

15. DSCN0324.JPG depicting the tight driving width going towards the Tillman death scene.

16. DSCN0326.JPG depicting the tight driving width going towards the Tillman death scene.

17. DSCN0327.JPG depicting the tight driving width going towards the Tillman death scene.

18. DSCN0328.JPG depicting the tight driving width going towards the Tillman death scene.

19. DSCN0329.JPG depicting the tight driving width going towards the Tillman death scene.

20. DSCN0330.JPG depicting the tight driving width going towards the Tillman death scene.

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EXHIBIT 38

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EXHIBIT 29

000265

EXHIBIT

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE

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EXHIBIT 36

FOR OFFICIAL USE Only

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EXHIBIT 38

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EXHIBIT 38


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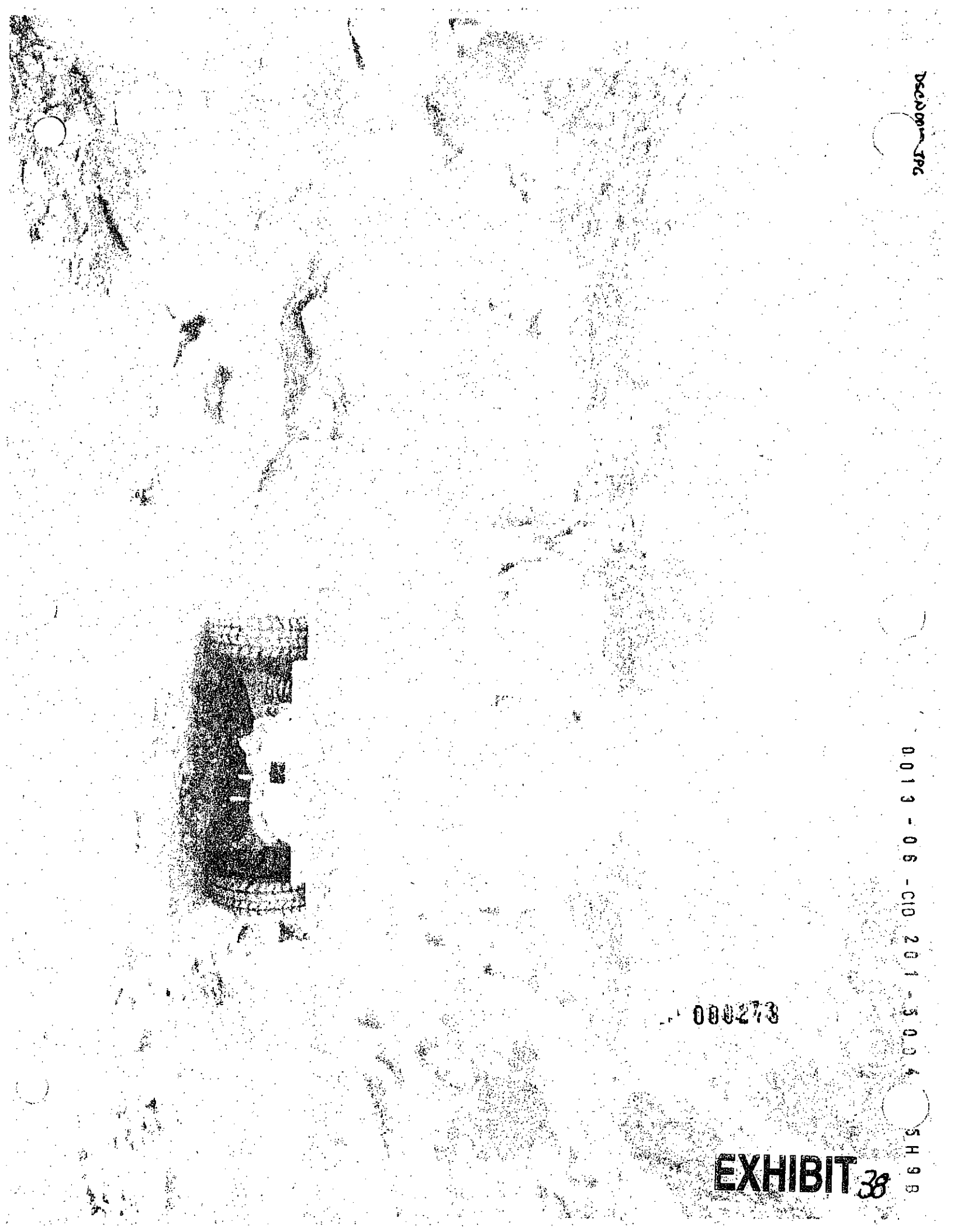
EXHIBIT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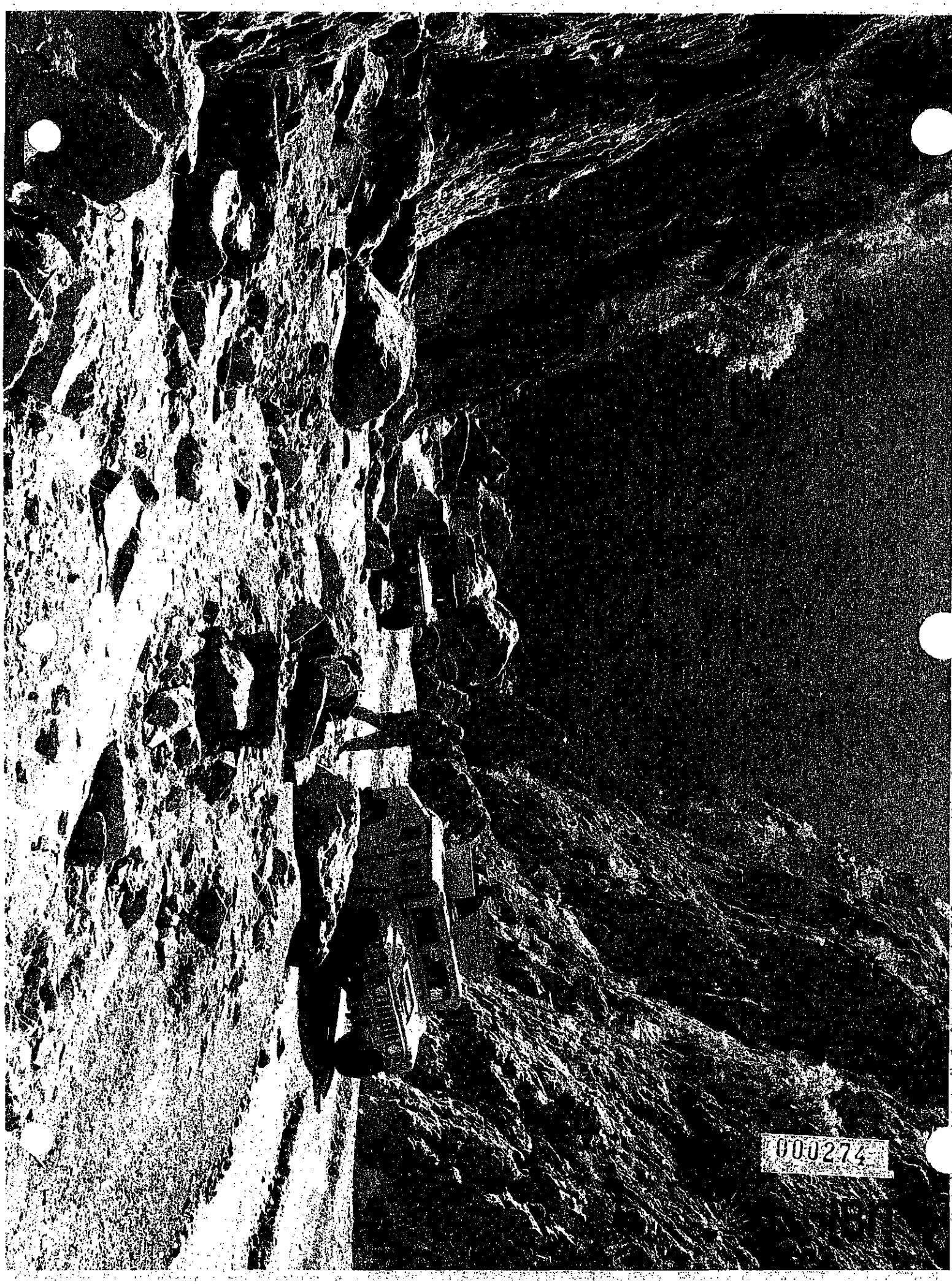
0013-06-CID 201-5004 5H9B



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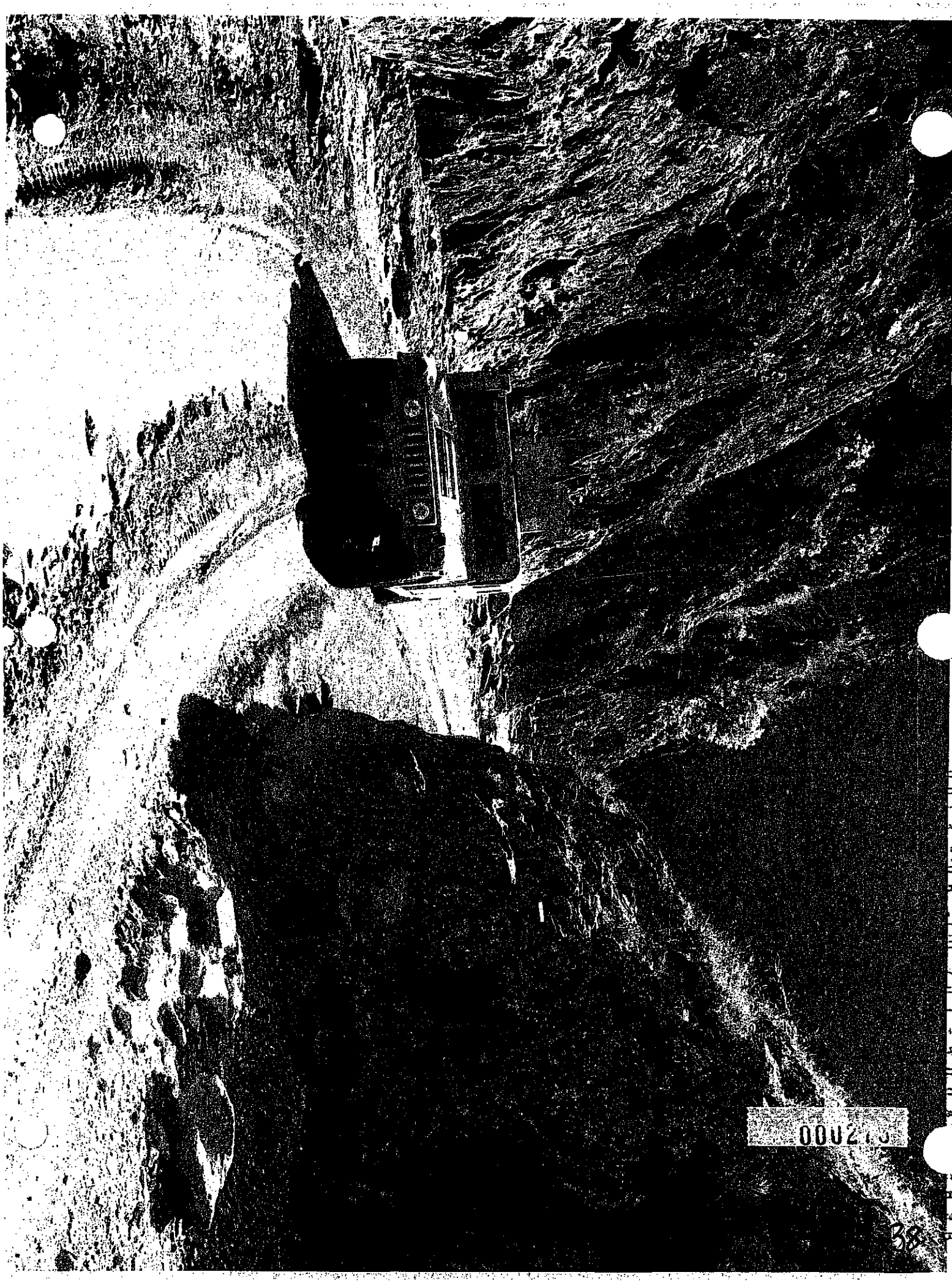

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EXHIBIT 000276
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EXHIBIT
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DSCN0326.JPG

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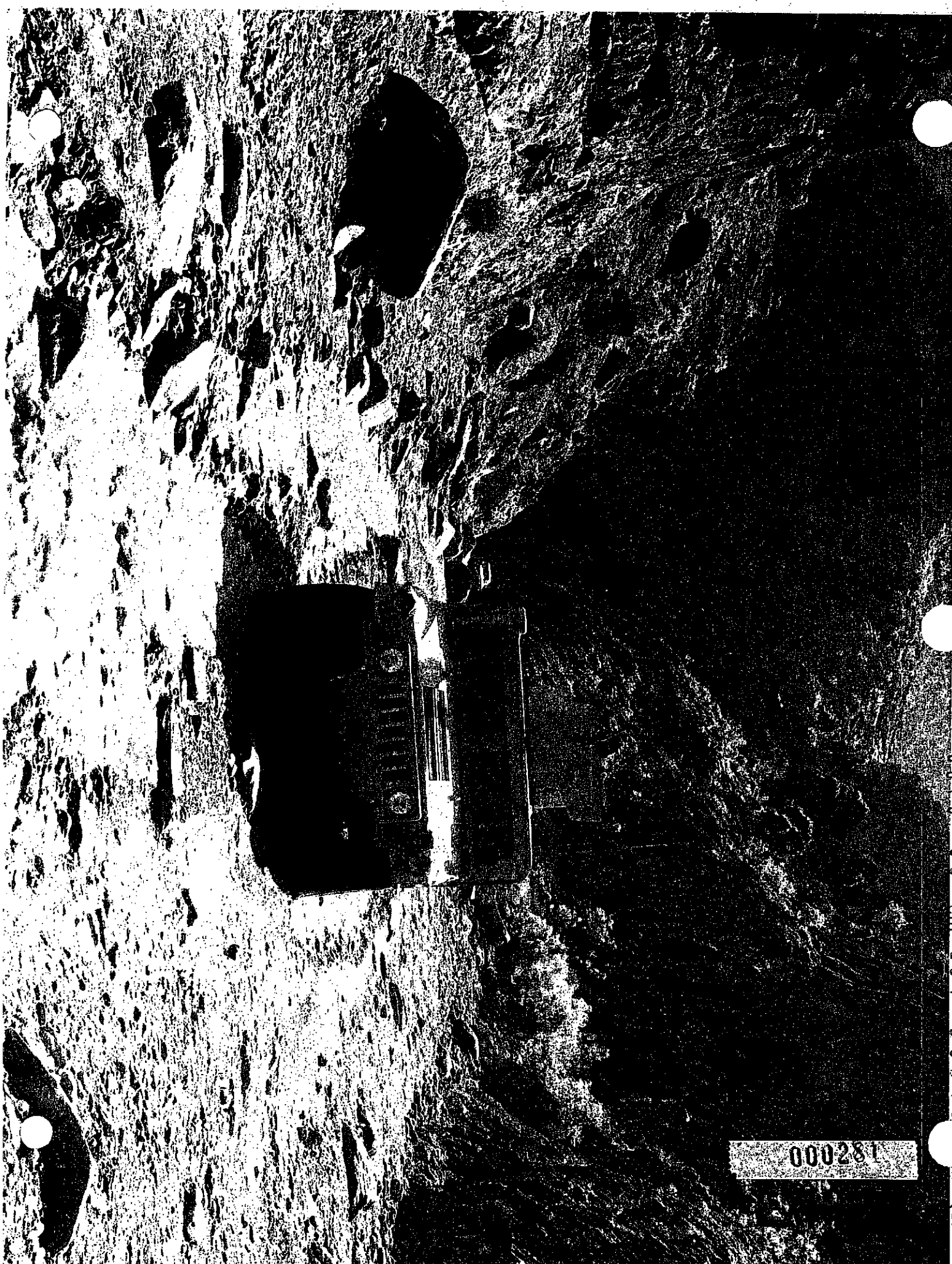
EXHIBIT 38



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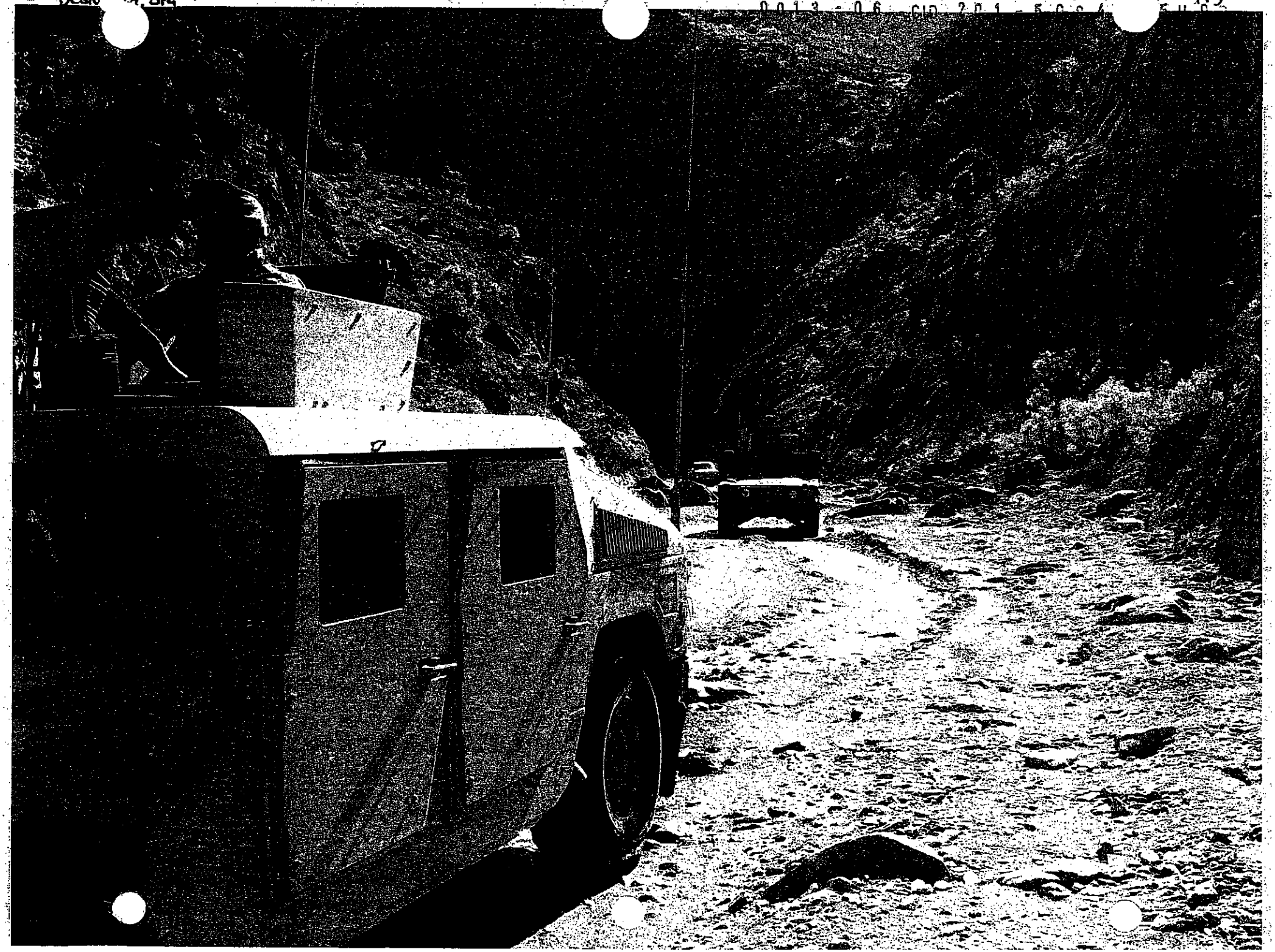


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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

CRIME SCENE EXAMINATION: From 1600-1830, 22 Apr 06 and 0730-1730, 23 Apr 06, this office conducted a crime scene examination of Military Grid Reference System (MGRS) grid number 42SWB4870671469, located between the villages of Spera and Tit, Afghanistan at elevation 5,918 feet.

Characteristics of Scene: The crime scene was identified as a small cluster of approximately 5 buildings, with special emphasis on the one and only two story building in the cluster. The building was a two story building of mud, straw, rock and wood construction. The top floor was used primarily as a residence area. The bottom floor was used primarily as an animal enclosure/barn. Since 22 Apr 04, the building was renovated and repaired several times; of significance is the fact the window in the east wall was completely sealed off, a significant change since the incident. The east and south walls both were facing the direction of incoming friendly fire on 22 Apr 04. The building, at it's tallest, measured 18'9". The south wall face measured 28' wide. The east wall measured 17'4" wide.

Conditions of the Scene: The conditions of grid coordinate 42SWB4870671469 were similar to the environment which surrounded it. It was a mountainous area with many small outcroppings of rocks. The mountainside was sparsely vegetative with small shrubs and trees scattered throughout. There was no evidence of material which was foreign to the area.

Environmental Conditions: At the time of the crime scene examination, the temperature was approximately 75 degrees Fahrenheit with a slight breeze and mostly cloudy skies. The ground was mostly dry.

Factors Pertinent to Entry/Exit of the Scene: Grid coordinate 42SWB4870671469 could be accessed by foot from any direction and by vehicle from the washed out river bed from the East and West.

Scene Documentation: SA [redacted], this office, prepared a crime scene sketch and SA [redacted], exposed photographs utilizing a Kodak V550 digital camera with built in flash; additional photos were also exposed by SA [redacted] using a Sony PSC10 digital camera with built in flash (See crime scene sketch and photos for details).

Search for Latent Impressions: A search for latent impressions was not conducted as this process would not yield any evidence of evidentiary value and the process would be of no benefit to the investigation.

Collection of Evidence: Nothing of evidentiary value was collected.

//LAST ITEM//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 22-23 Apr 06	EXHIBIT 39 000284

CID FORM 94-E

b2, b6, 7C

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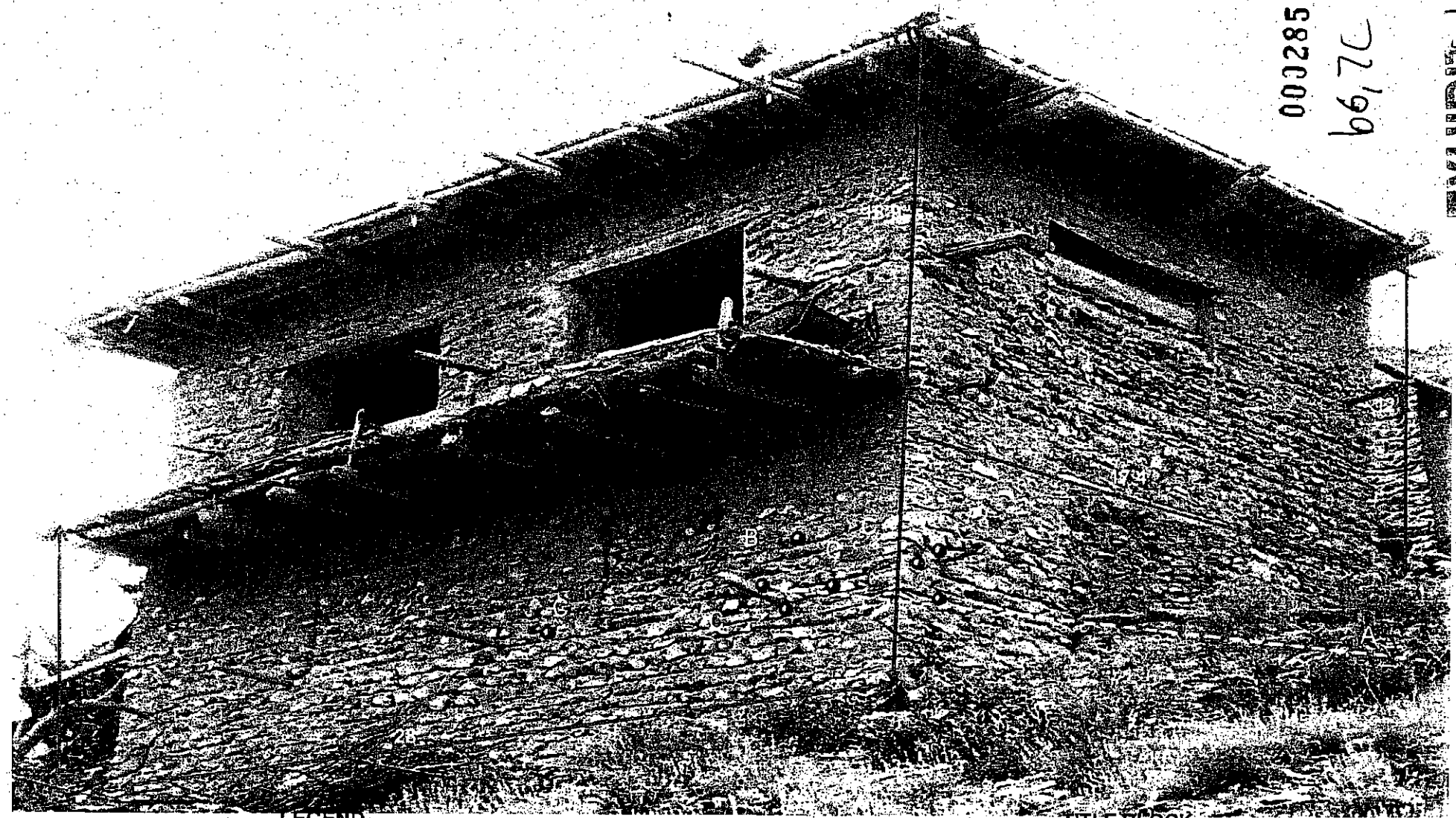
EXHIBIT 40



LEGEND

A - suspected trajectory of fires

B - suspected small arms impact points

C - attempted bullet fragment excavation sites

N

Not to Scale

TITLE BLOCK

CASE: 0013-06-CID201-50048

OFFENSE: NEGLIGENT HOMICIDE, AGGRAVATED ASSAULT

SCENE PORTRAYED: [redacted] FAMILY RESIDENCE "BIG HOUSE"

LOCATION: GRID - 42SWB4870671469/ELEV 5918FT-AFGHANISTAN

VICTIM: [redacted]

TIME & DATE BEGAN: 1700, 22 Apr 06

SKETCHED BY: SA [redacted]

VERIFIED BY: SA [redacted]

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	Photograph depicting suspected impact of small arms fire on "big house"
2.	Photograph depicting view of "big house" from suspected fire position.
3.	Photograph depicting view of "big house" from distant position.
4.	Photograph depicting front and side view of "big house"
5.	Photograph depicting right side of "big house" and additional structures.
6.	Photograph depicting far right side of village.
7.	Photograph depicting front of "big house".
8.	Photograph depicting view of valley road from "big house"
9.	Photograph depicting right front corner of "big house"
10.	Photograph depicting view of suspected firing position from "big house".
11.	Photograph depicting right front corner of "big house"
12.	Photograph depicting left front corner of "big house".
13.	Photograph depicting left side view of "big house" and other village structures.
14.	Photograph depicting far left edge of village.
15.	Photograph depicting buildings on left edge of village.
16.	Photograph depicting center buildings of village.
17.	Photograph depicting left side of main living area in village.
18.	Photograph depicting right side of main living area in village.

000286

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EXHIBIT 41

19. Photograph depicting left corner of main living area in village.

20. Photograph depicting back side of mail living area in village.

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EXHIBIT 41


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EXHIBIT 4

0013-06-CID201-500

04/22/2006

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EXHIBIT 41

EXHIBIT 4

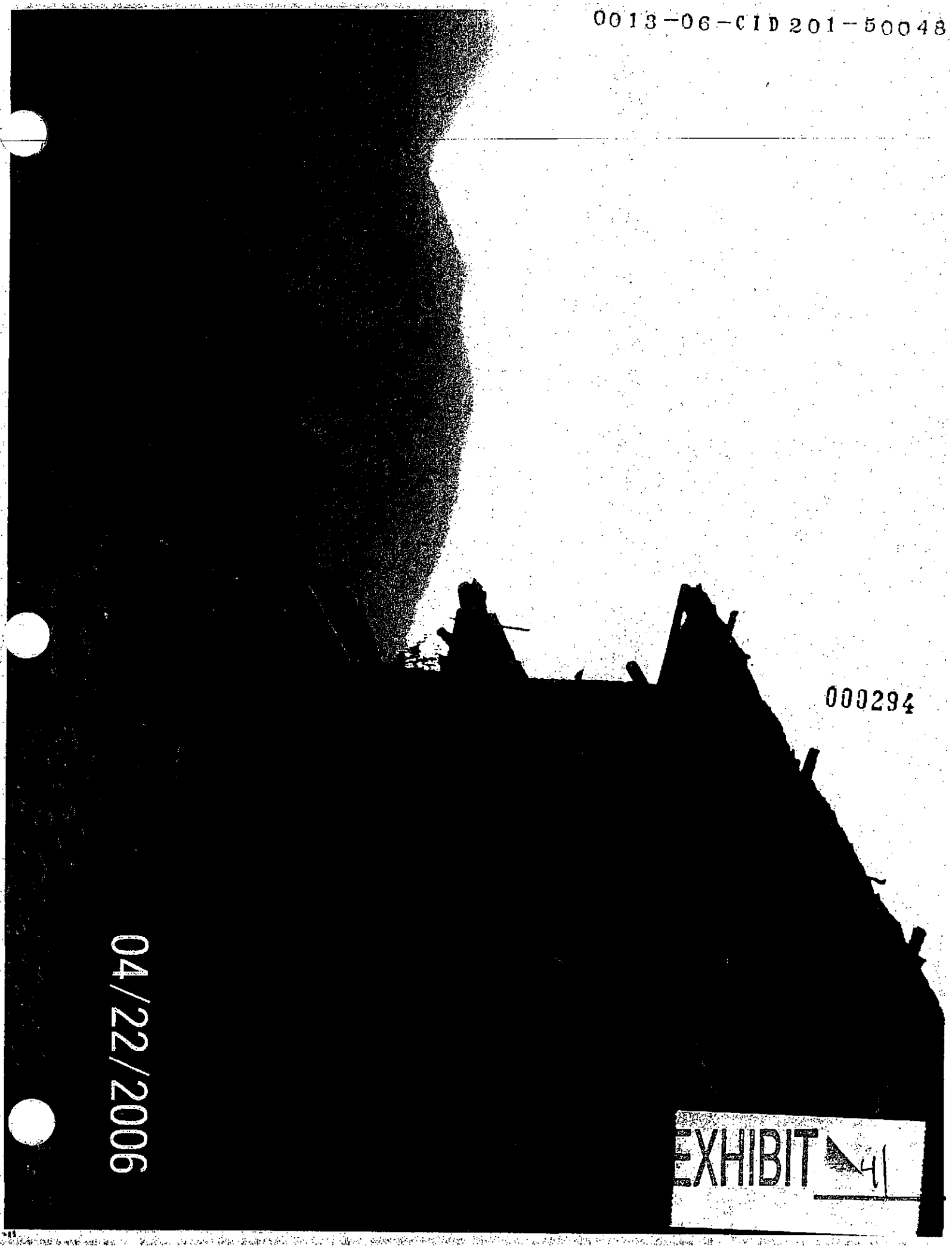

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EXHIBIT 41

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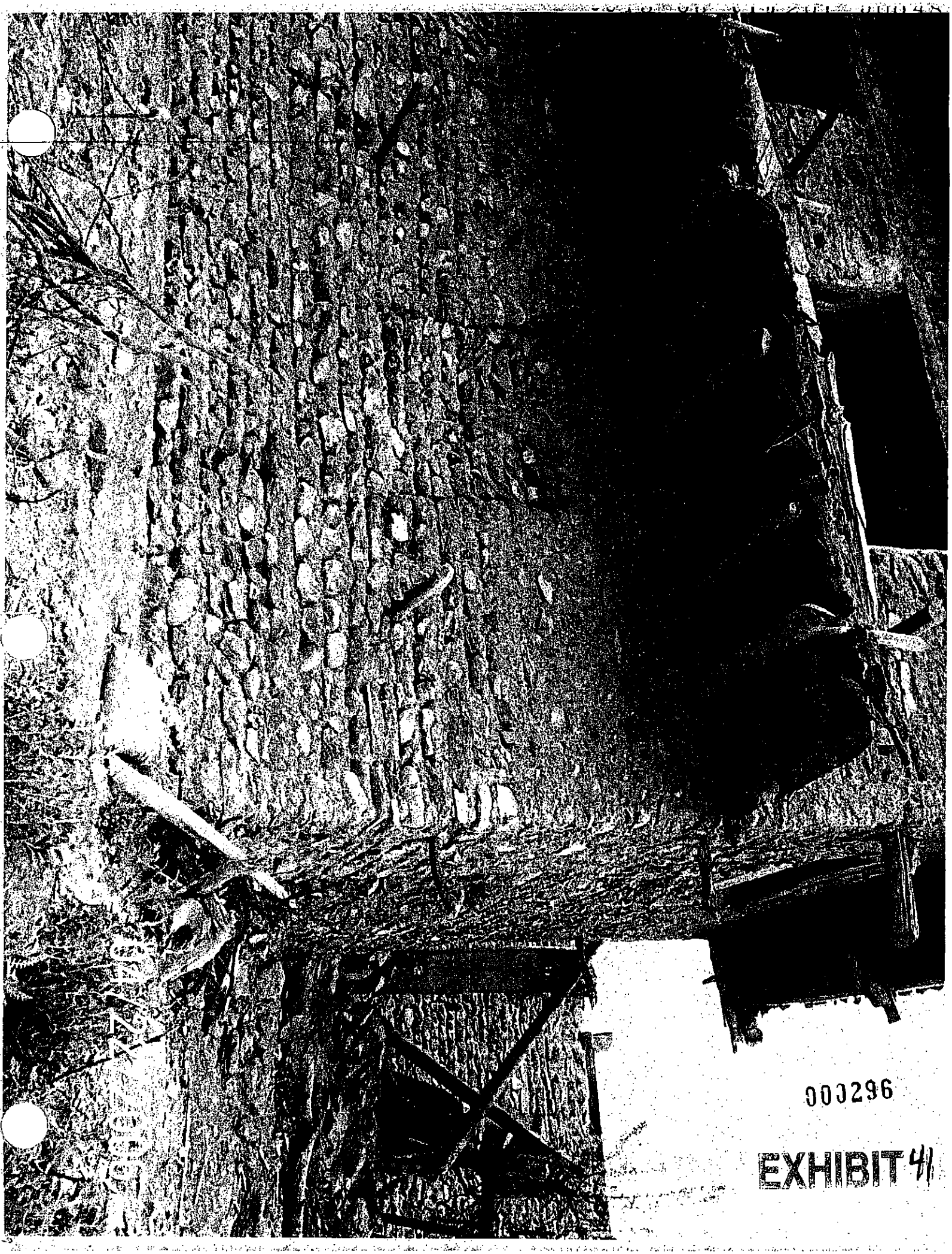
EXHIBIT 40



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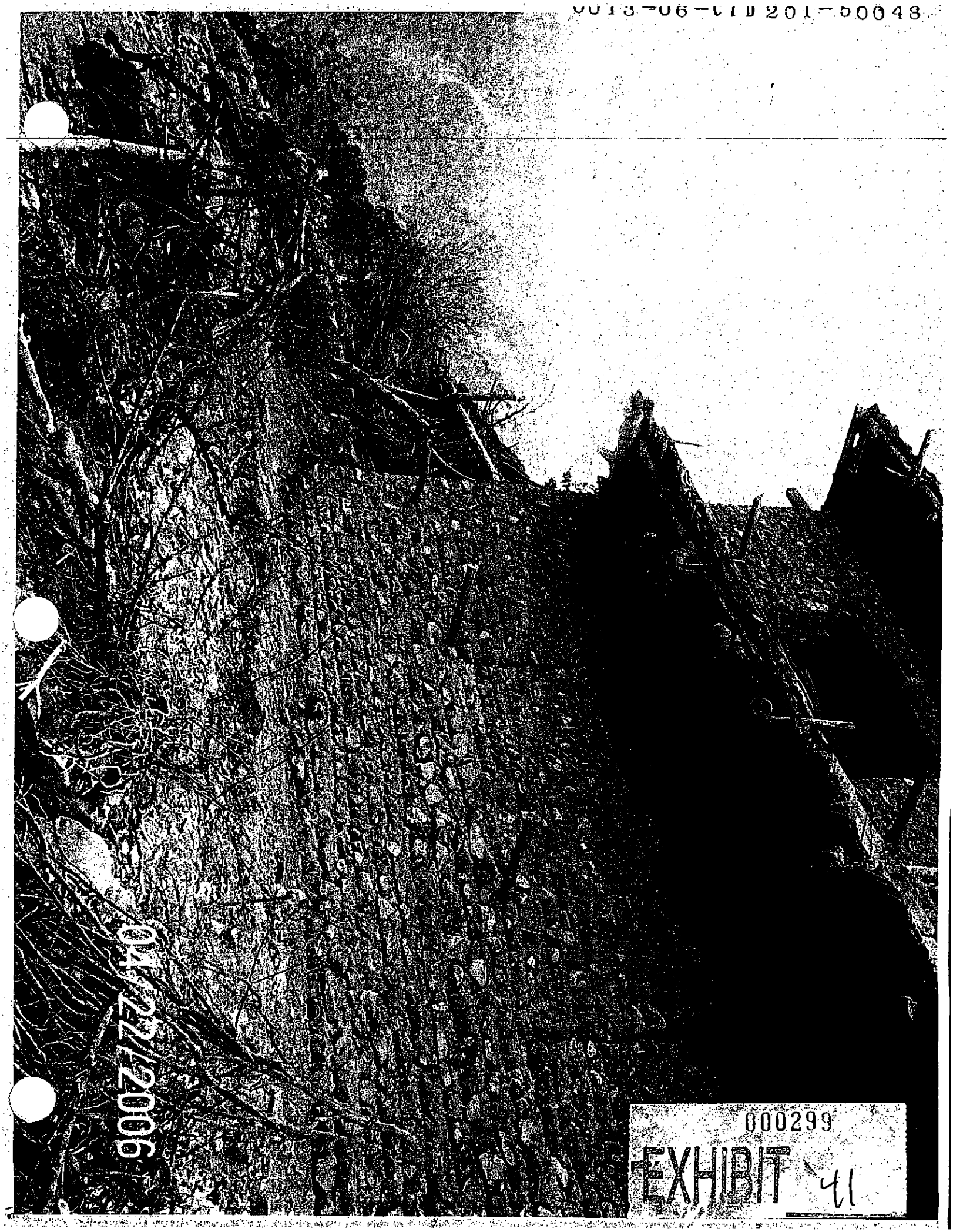

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EXHIBIT 41

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EXHIBIT

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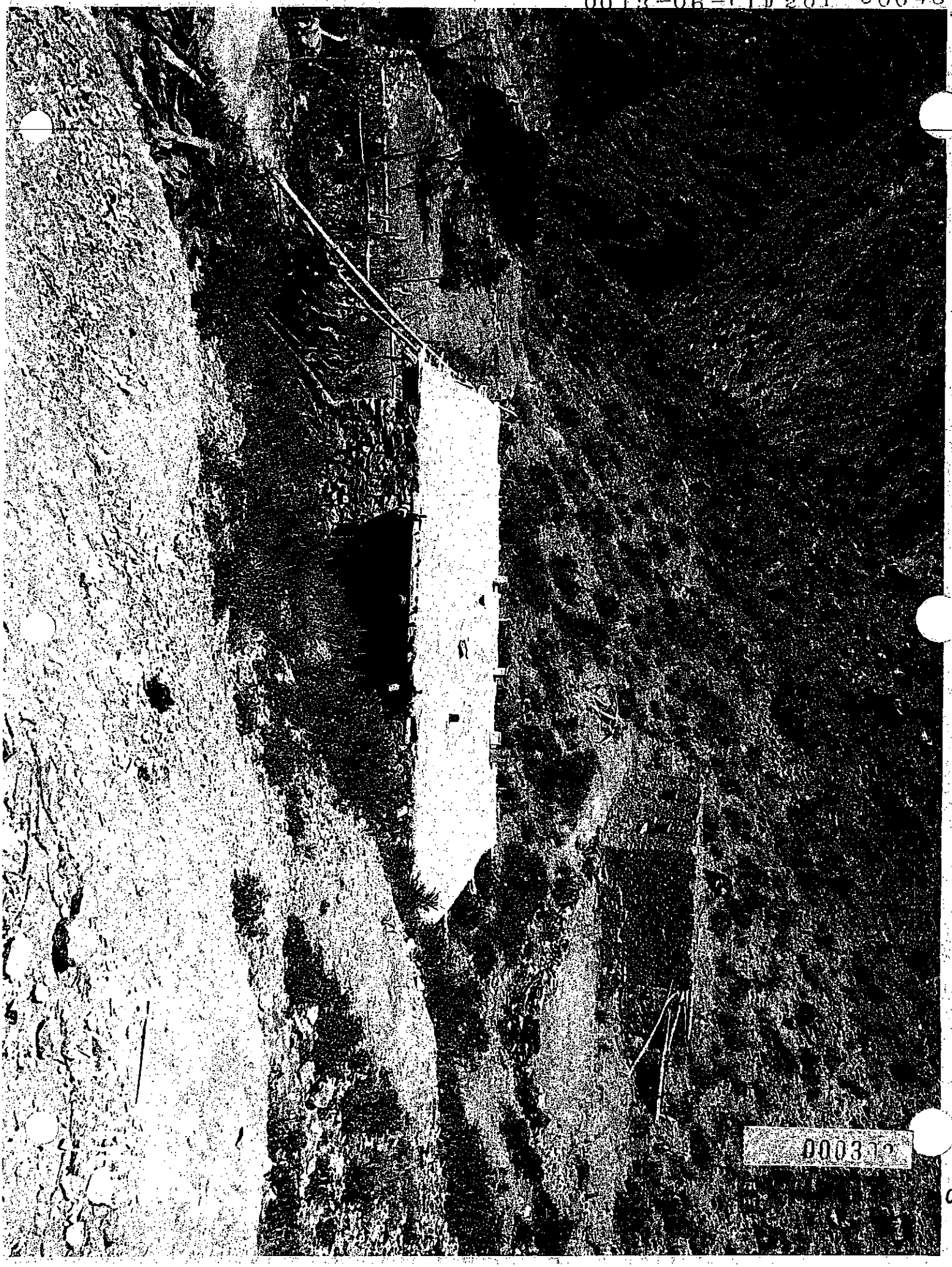
EXHIBIT 46



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23/2006
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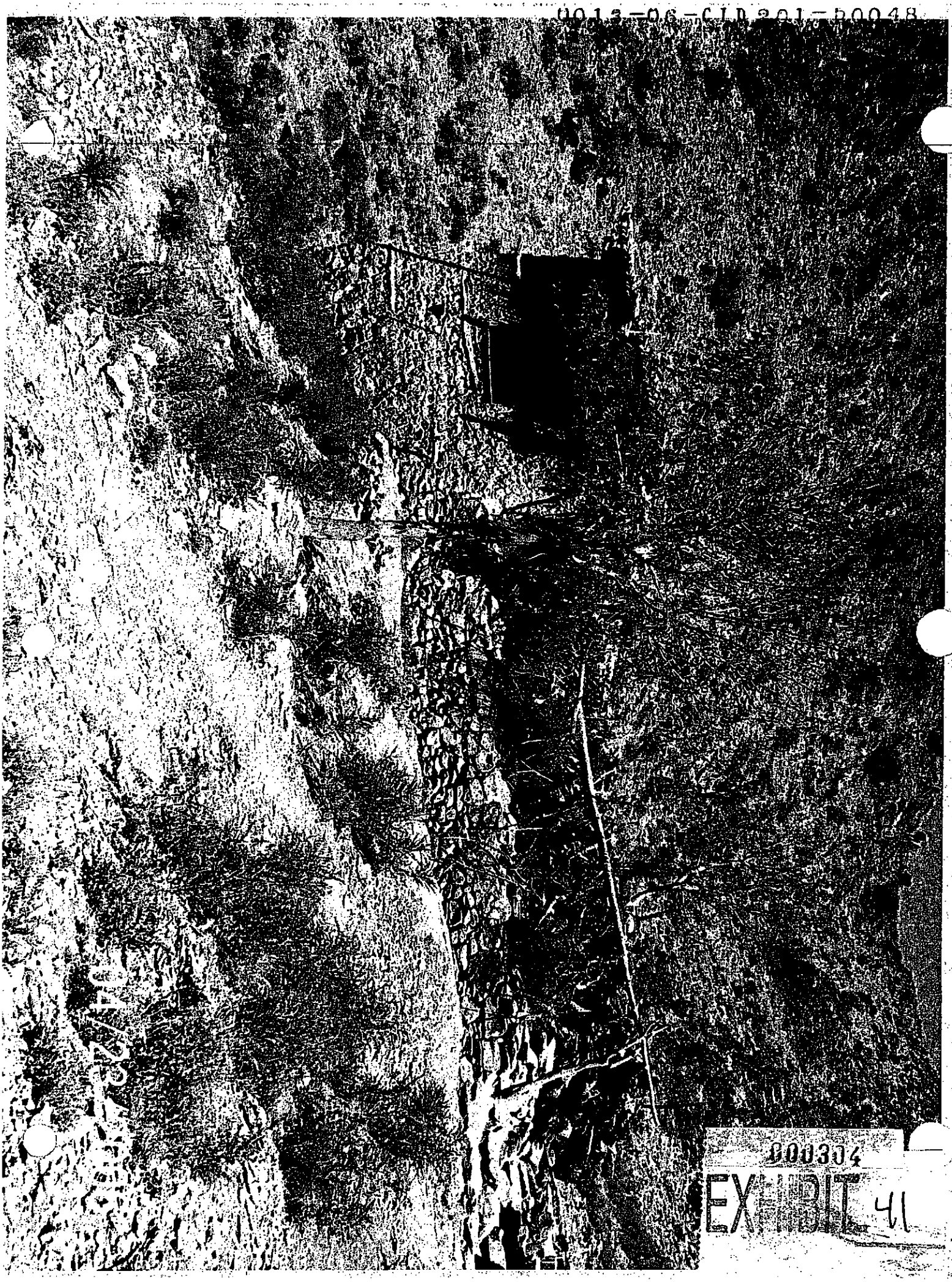

EXHIBIT 41

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HIBIT

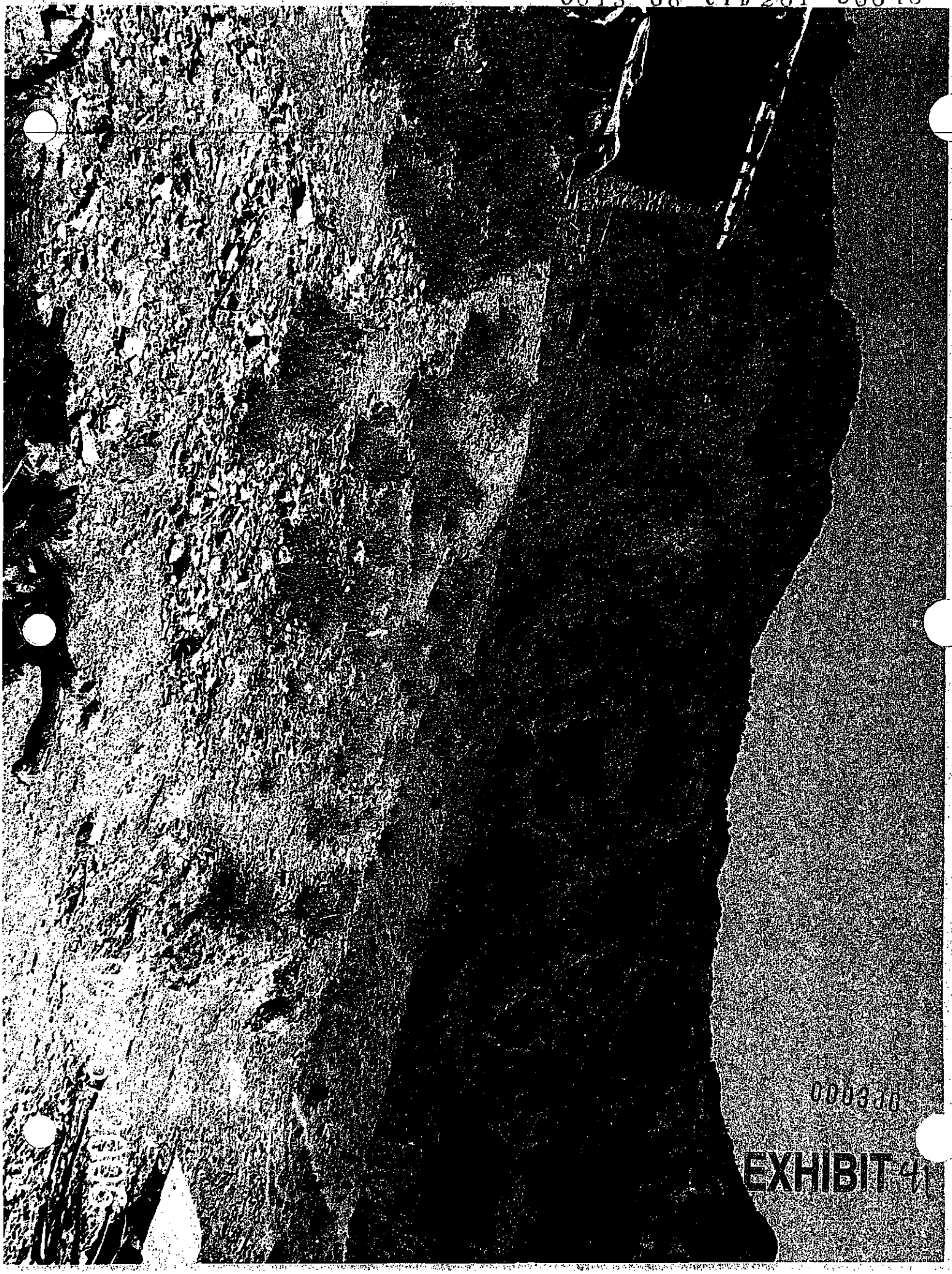

EXHIBIT 41

04/23/2006

000307

EXHIBIT 4

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
21.	Photograph depicting center buildings of village.
22.	Photograph depicting right side of village buildings.
23.	Photograph depicting building behind "big house".
24.	Photograph depicting distant view of building behind "big house"
25.	Photograph depicting center village building.
26.	Photograph depicting center village building
27.	Photograph depicting left side of center village building.
28.	Photograph depicting view of valley from left side of village
29.	Photograph depicting left side of main living are in village.
30.	Photograph depicting back left side of village.
31.	Photograph depicting back left side of village.
32.	Photograph depicting mail living area in village.
33.	Photograph depicting senior male of village.
34.	Photograph depicting senior male of village.
35.	Photograph depicting village building.
36.	Photograph depicting inside barn area of "big house".
37.	Photograph depicting inside right corner of "big house"
38.	Photograph depicting inside right corner of "big house"
39.	Photograph depicting inside right corner of "big house"
40.	Photograph depicting inside right corner of "big house"

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EXHIBIT 41

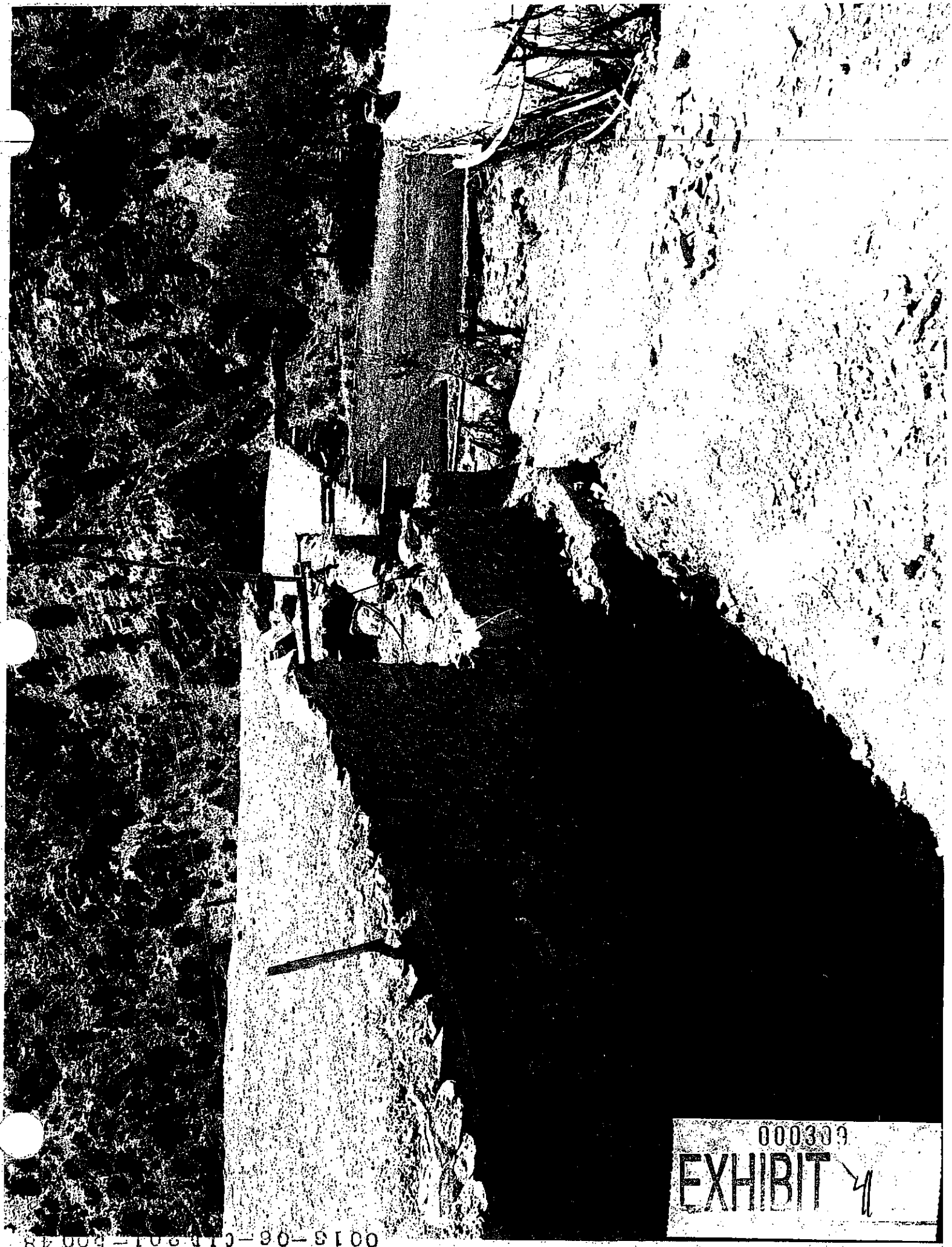

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EXHIBIT 4

0013-06-CIP201-500 48

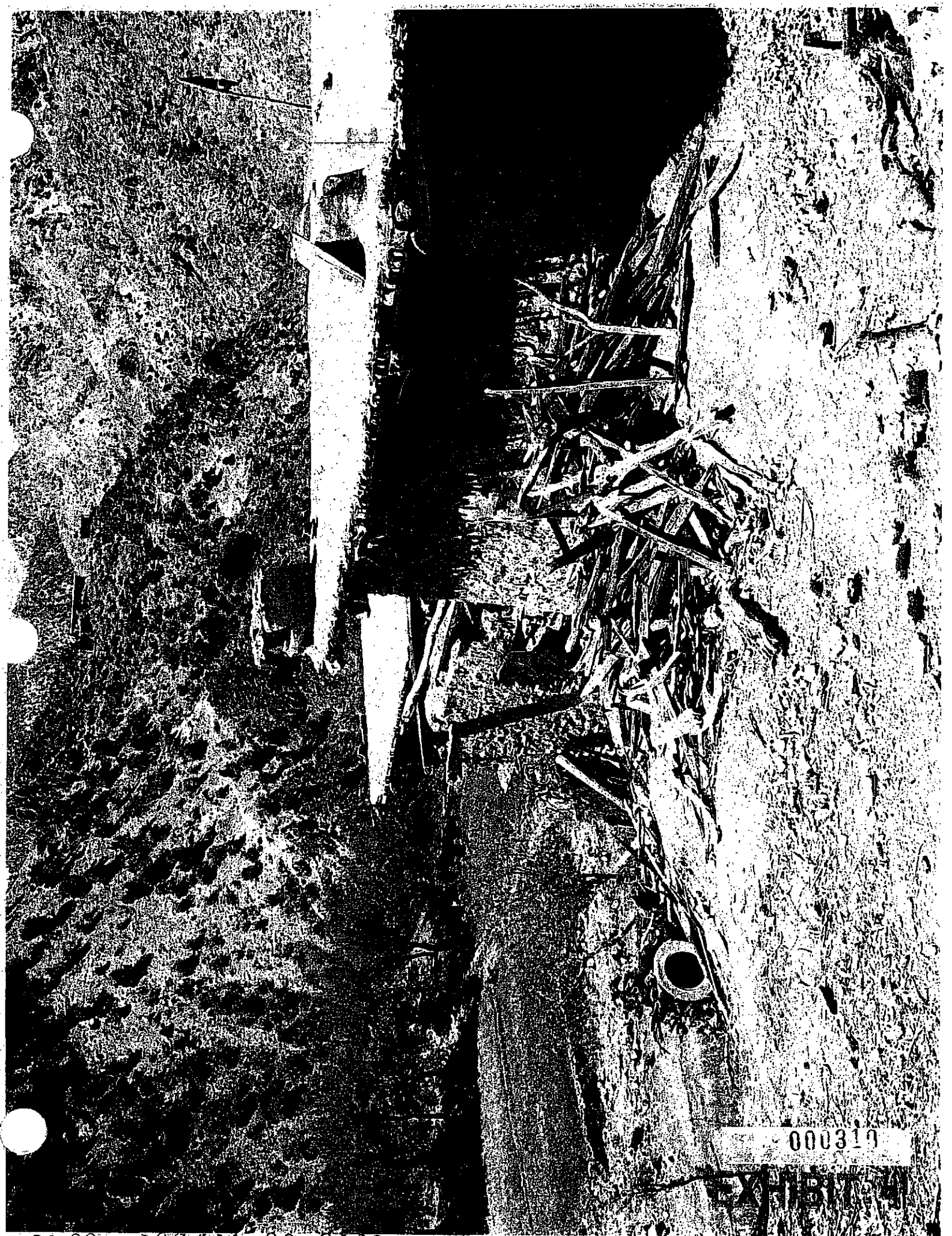

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EXHIBIT 4

0013-06-CID 201-00048



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EXHIBIT 41

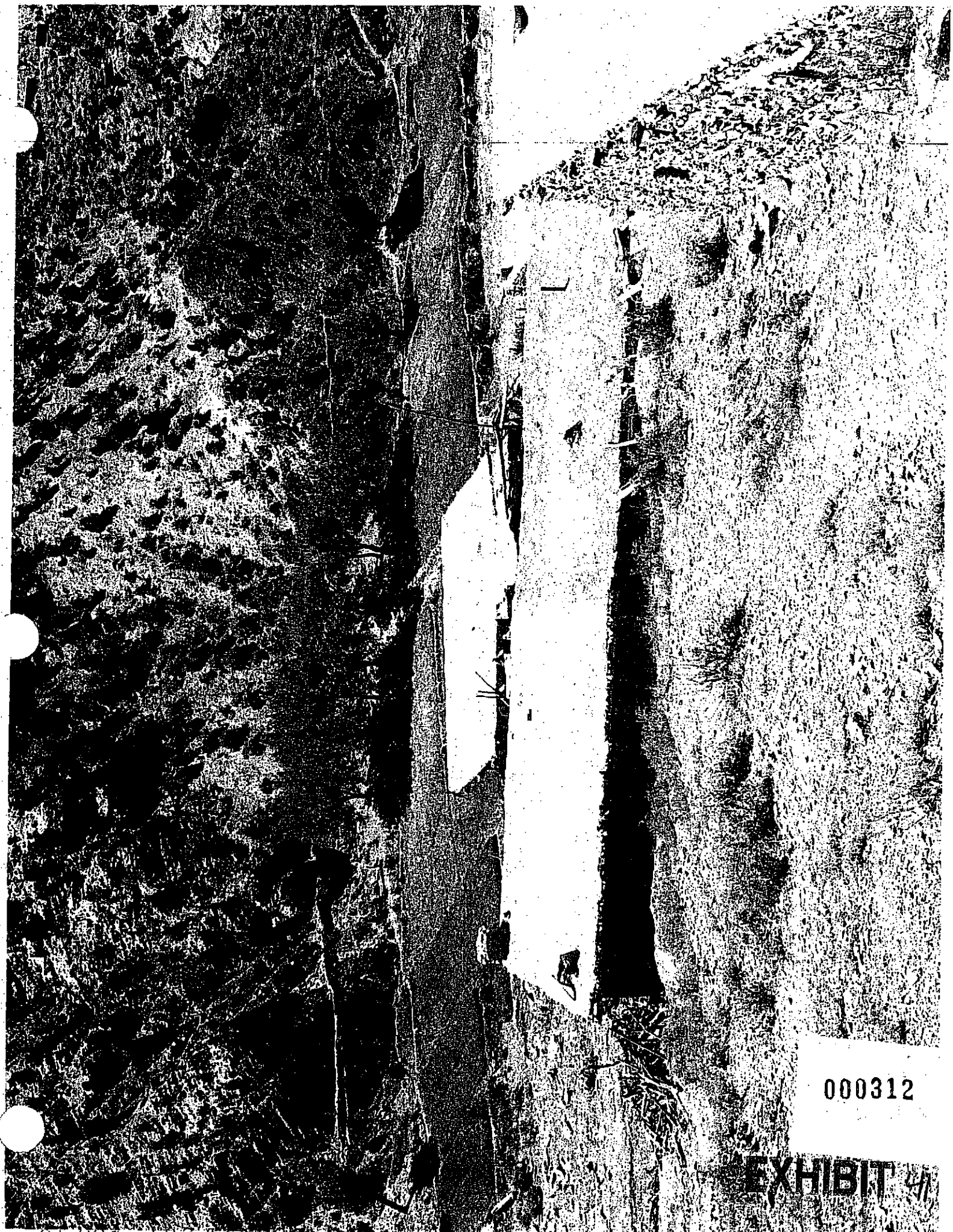

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EXHIBIT 41

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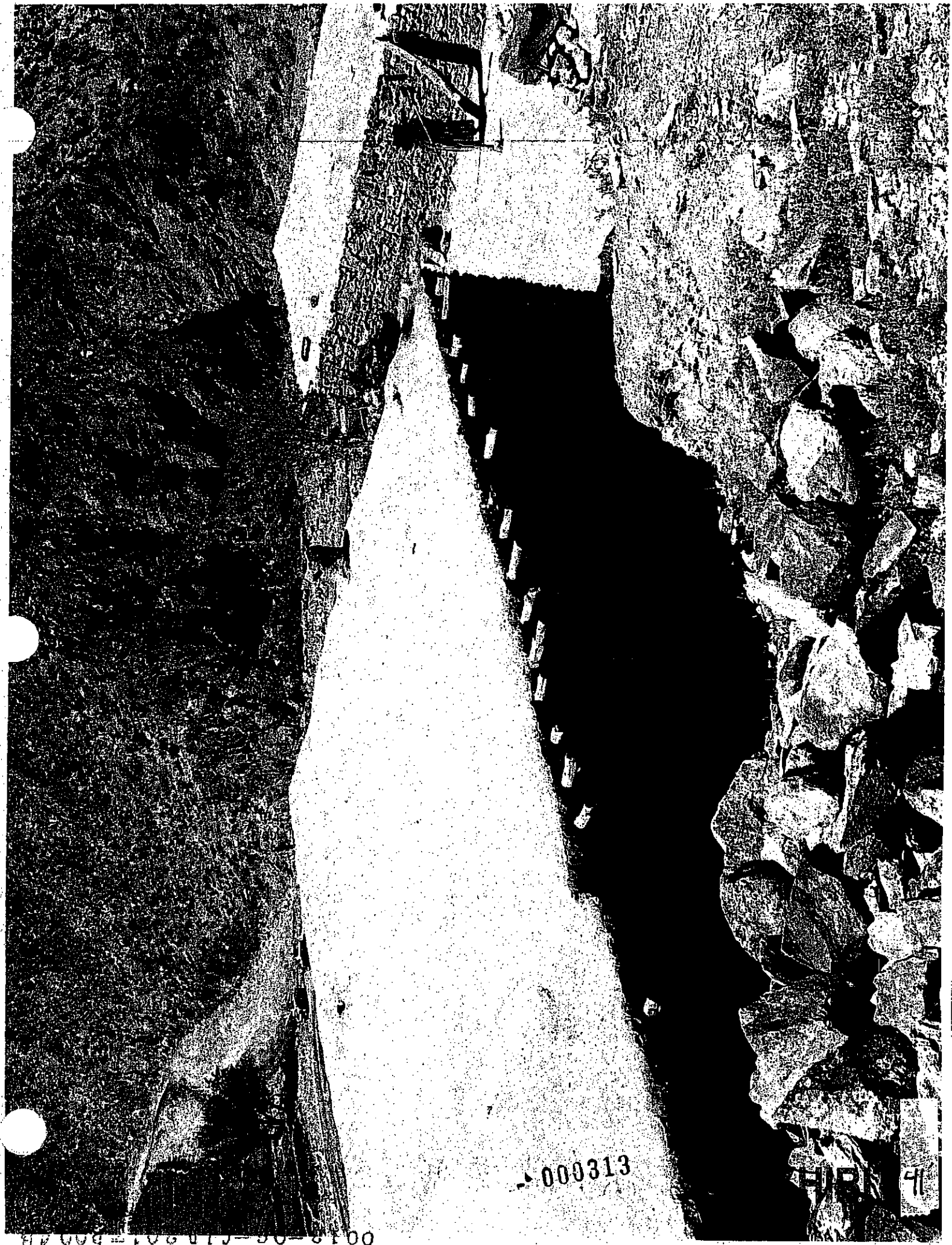
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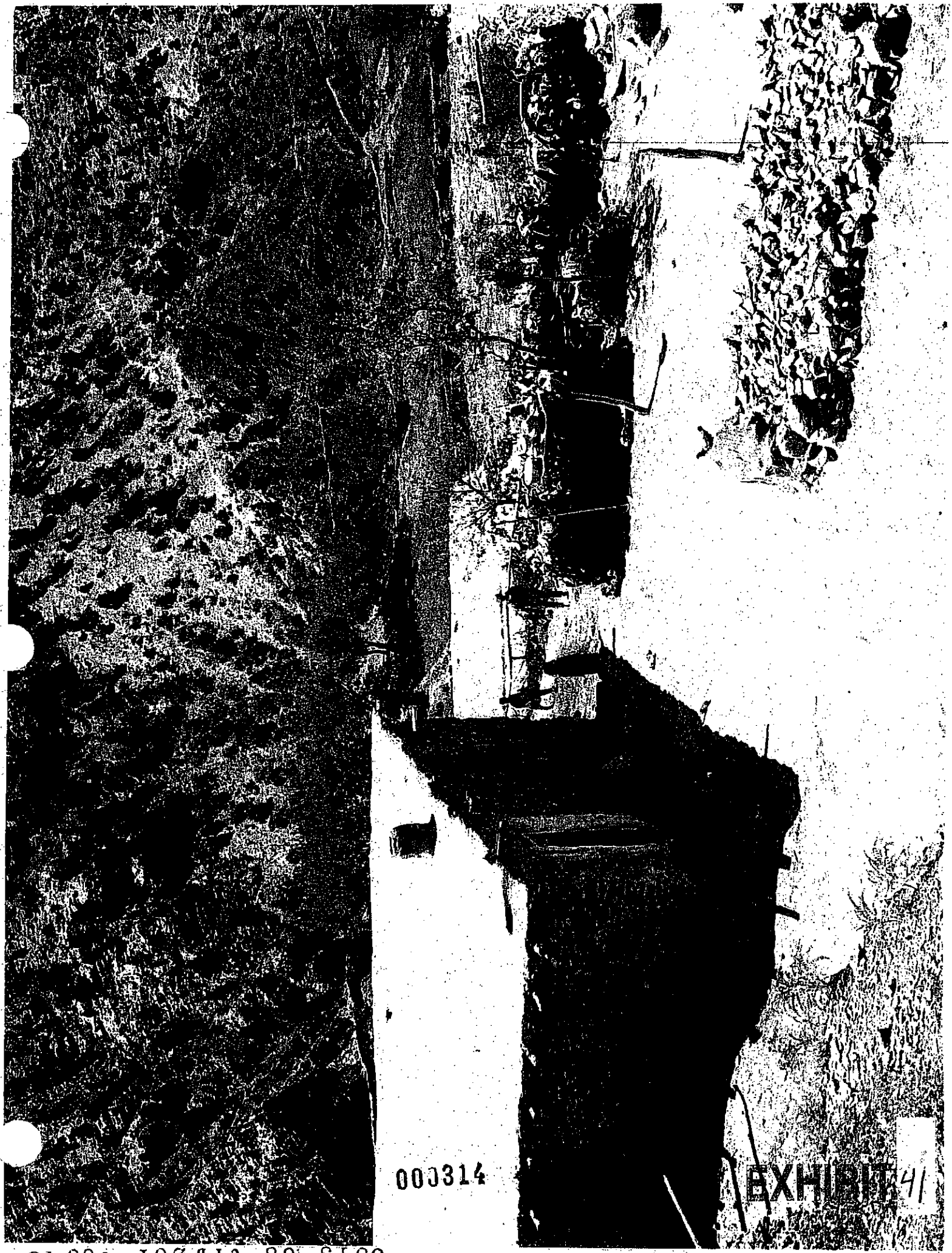

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EXHIBIT 41

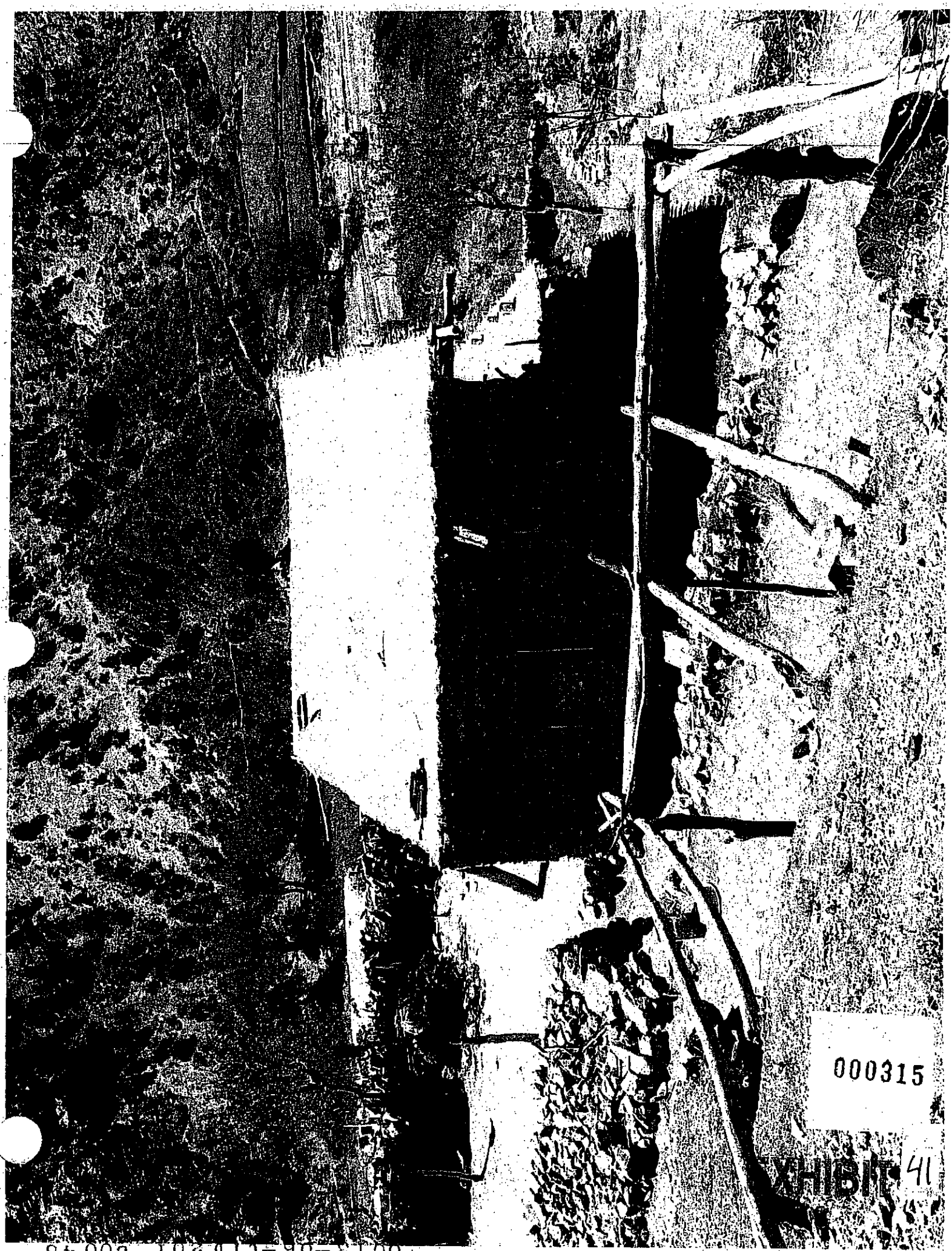

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EXHIBIT 41

0013-06-CID801-50048

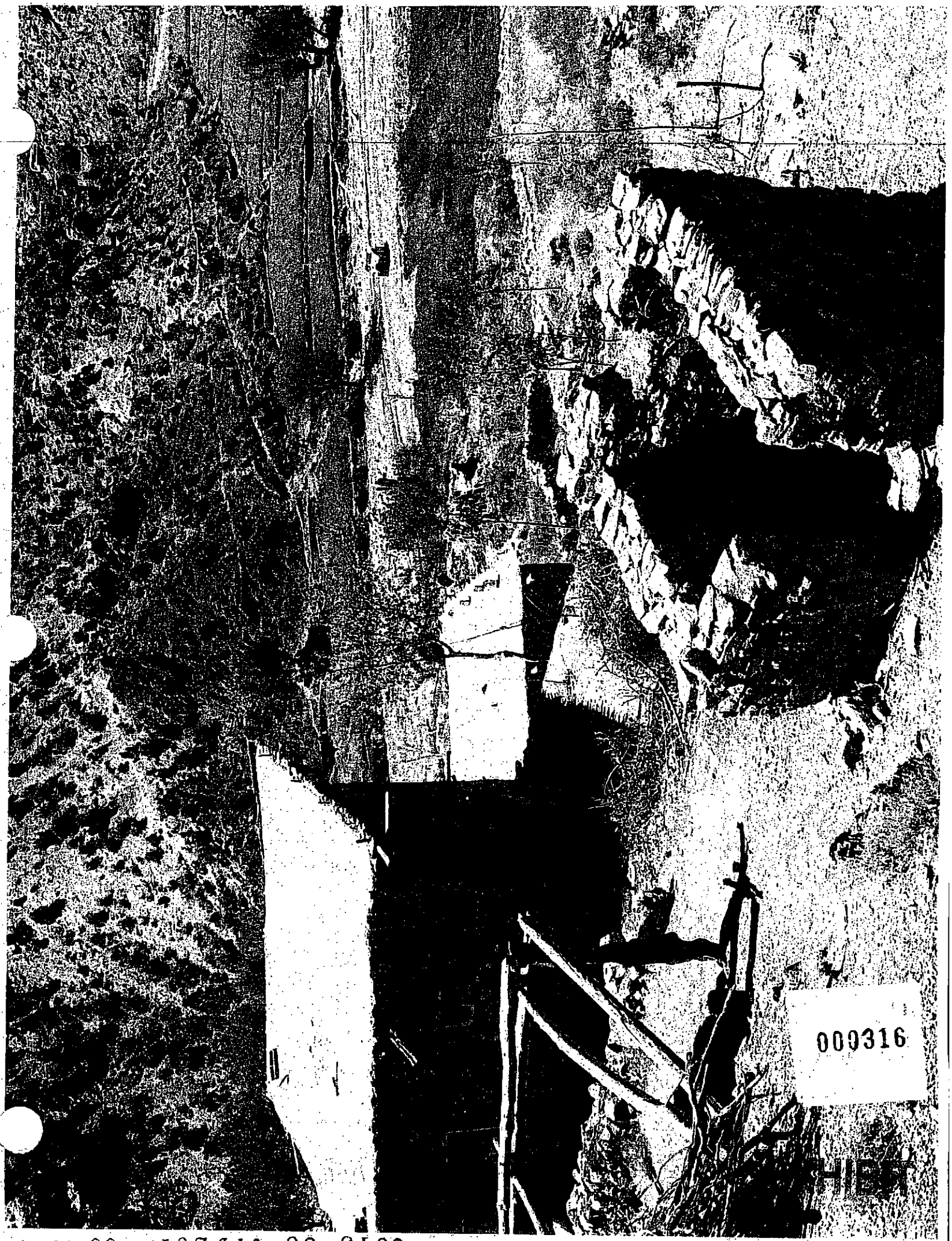

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EXHIBIT 41


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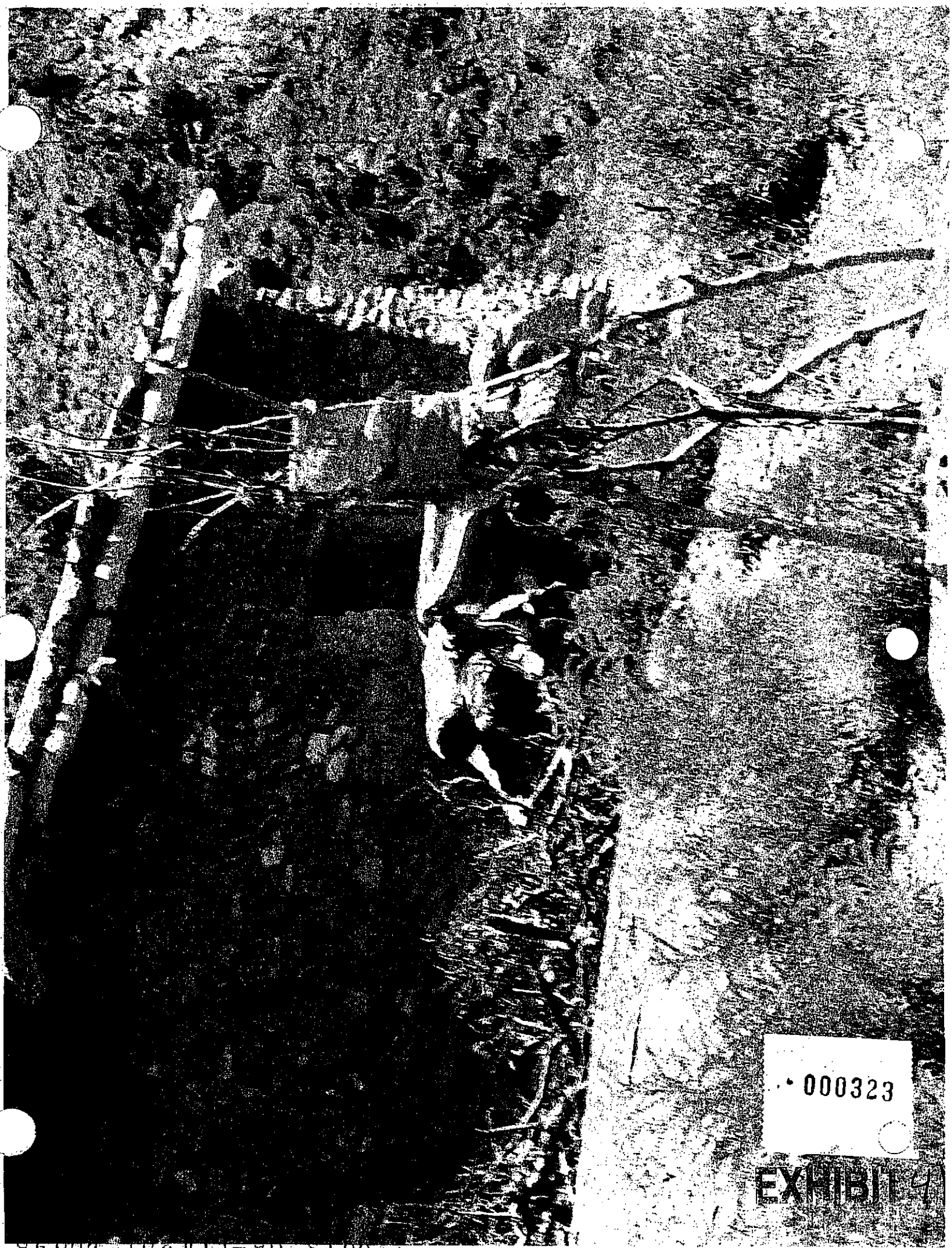

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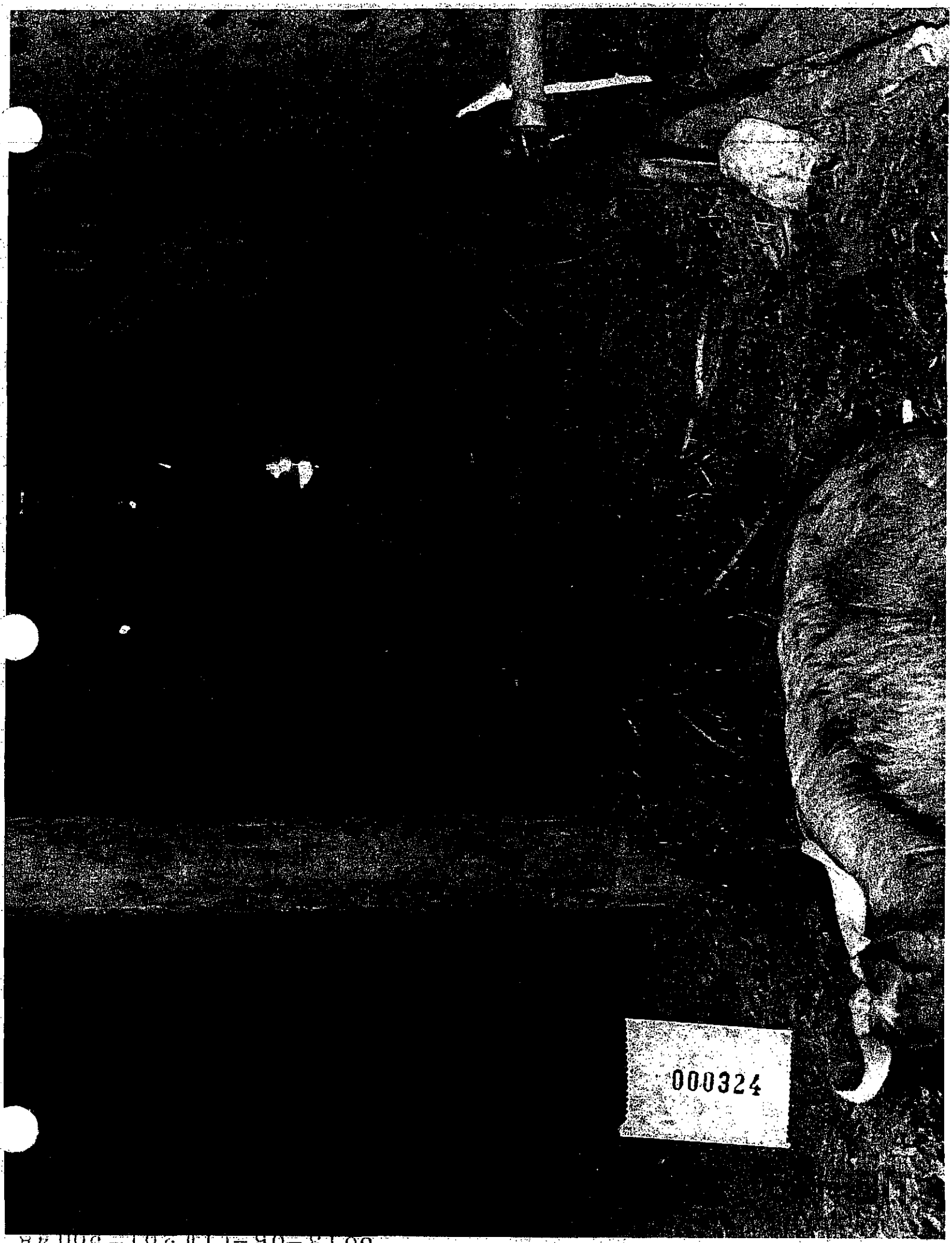
EXHIBIT 4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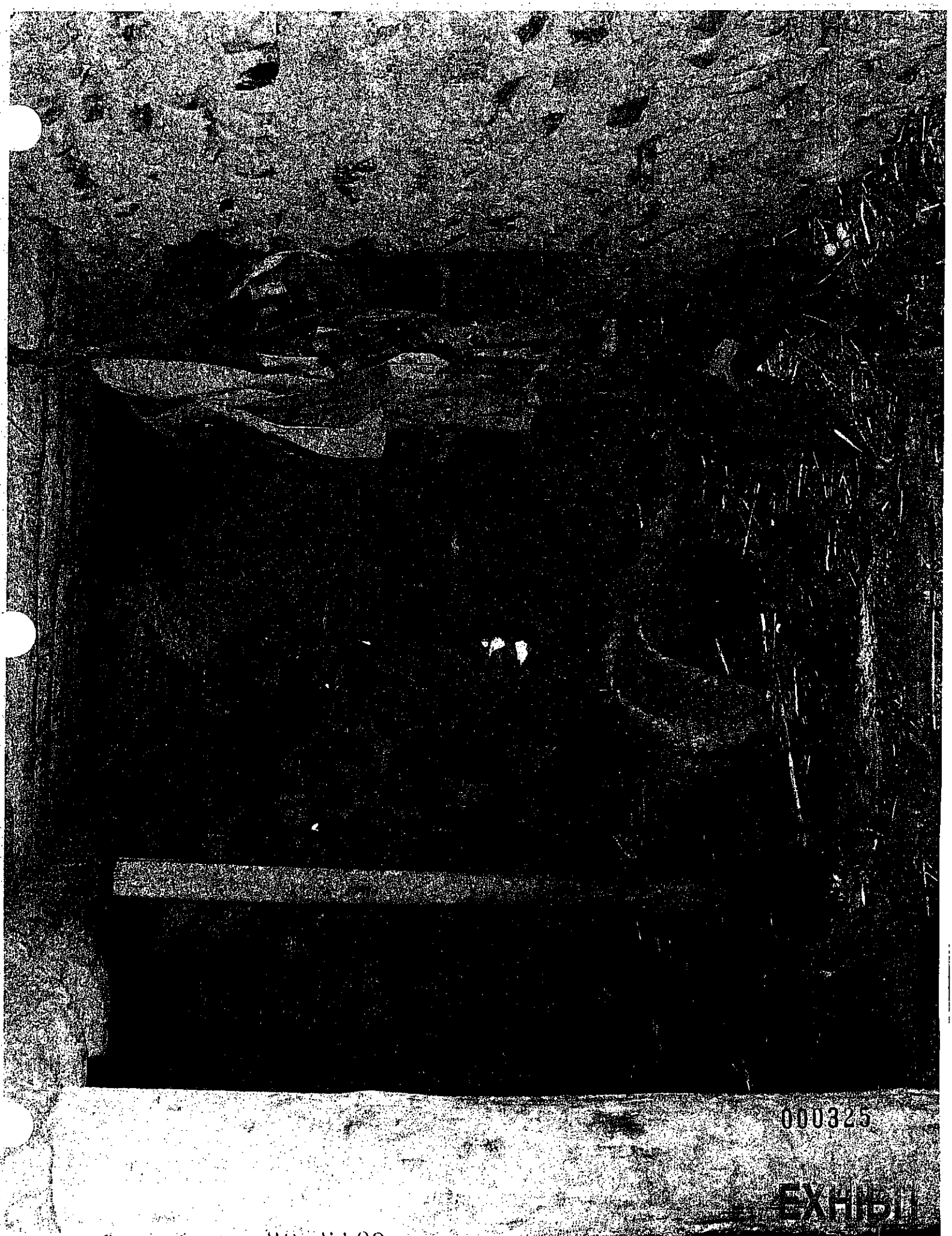

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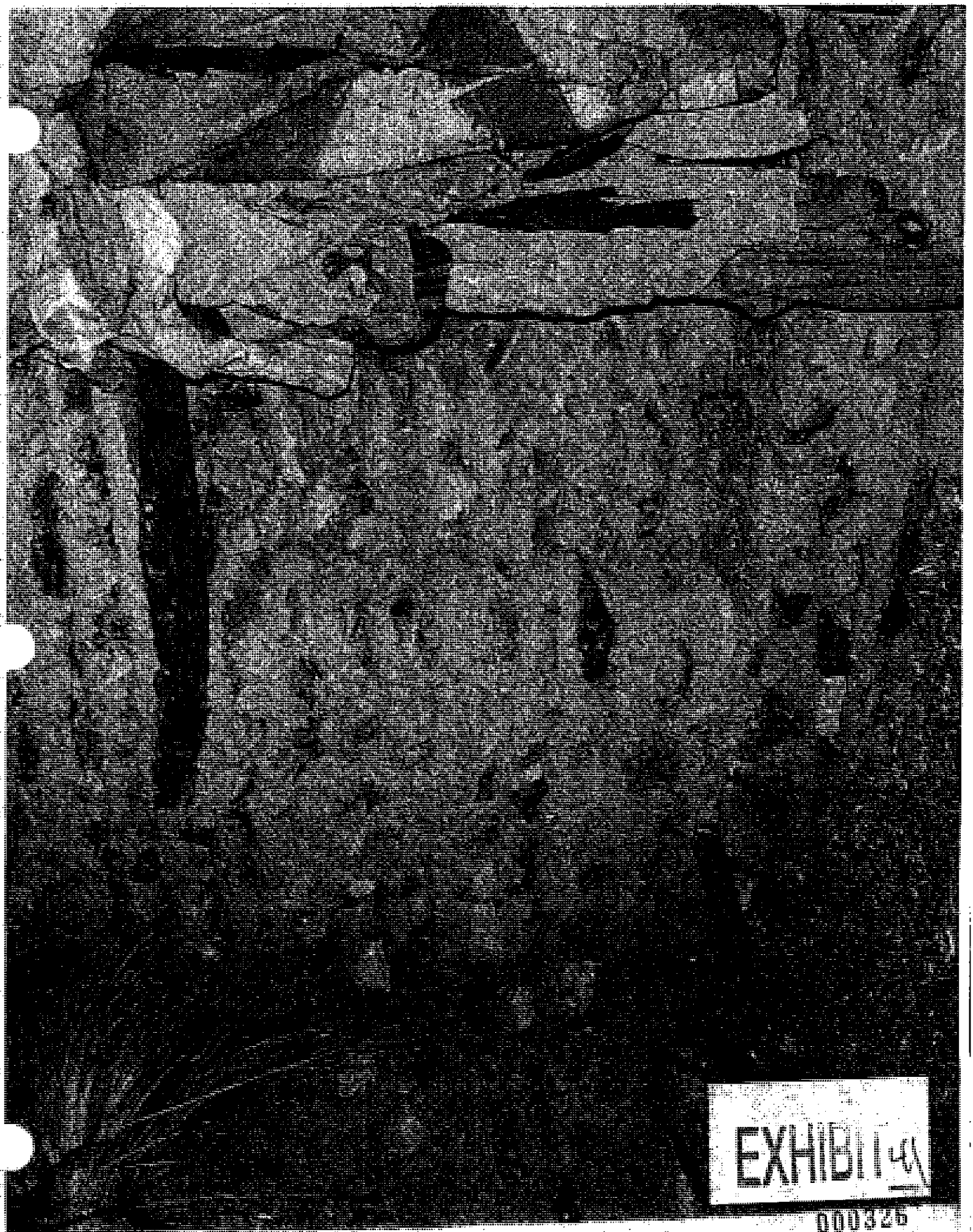

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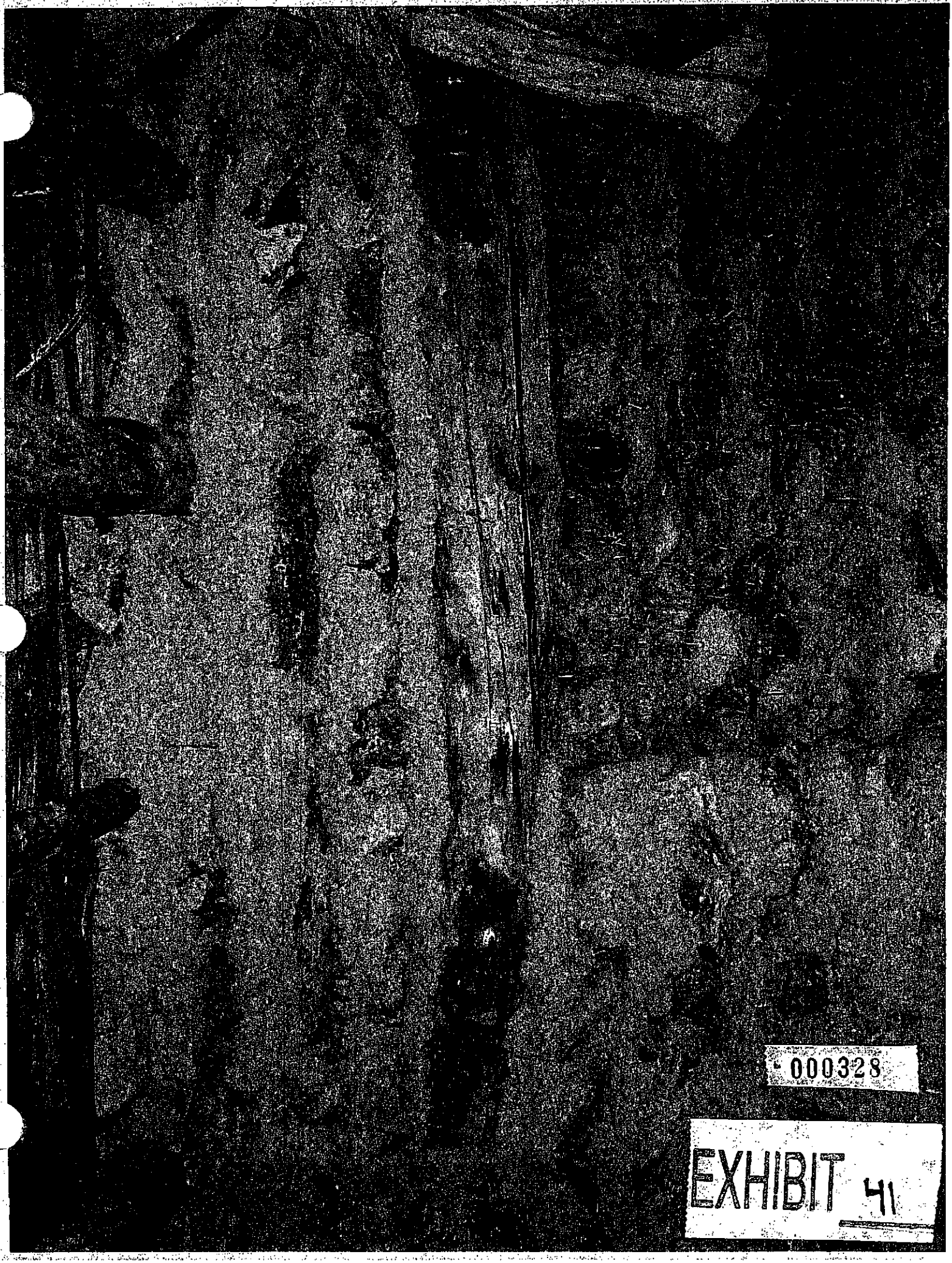

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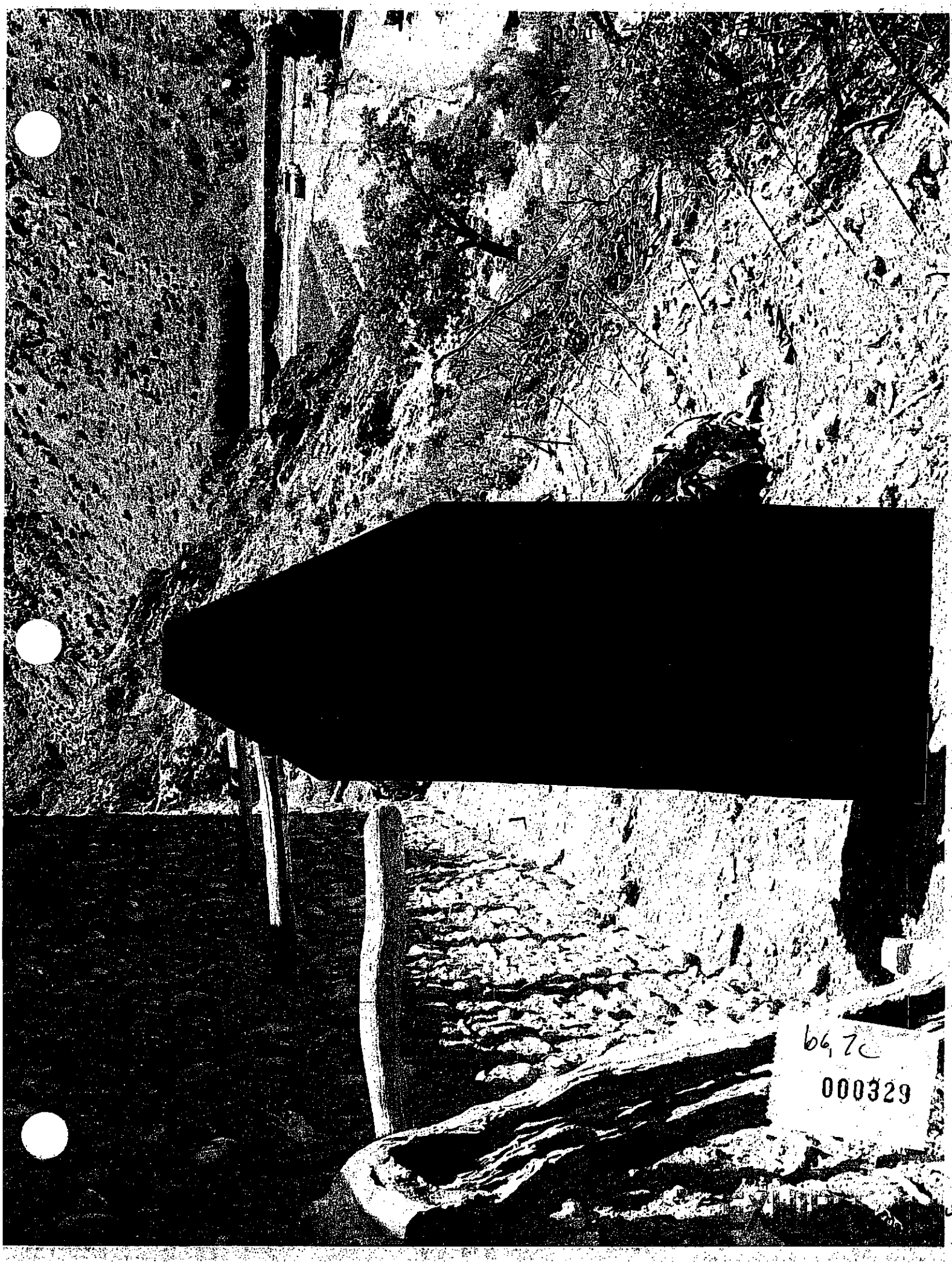
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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
41.	Photograph depicting [redacted]
42.	Photograph depicting scaled front of impacted round on "big house"
43.	Photograph depicting front of impacted round on "big house"
44.	Photograph depicting scaled back of impacted round on "big house"

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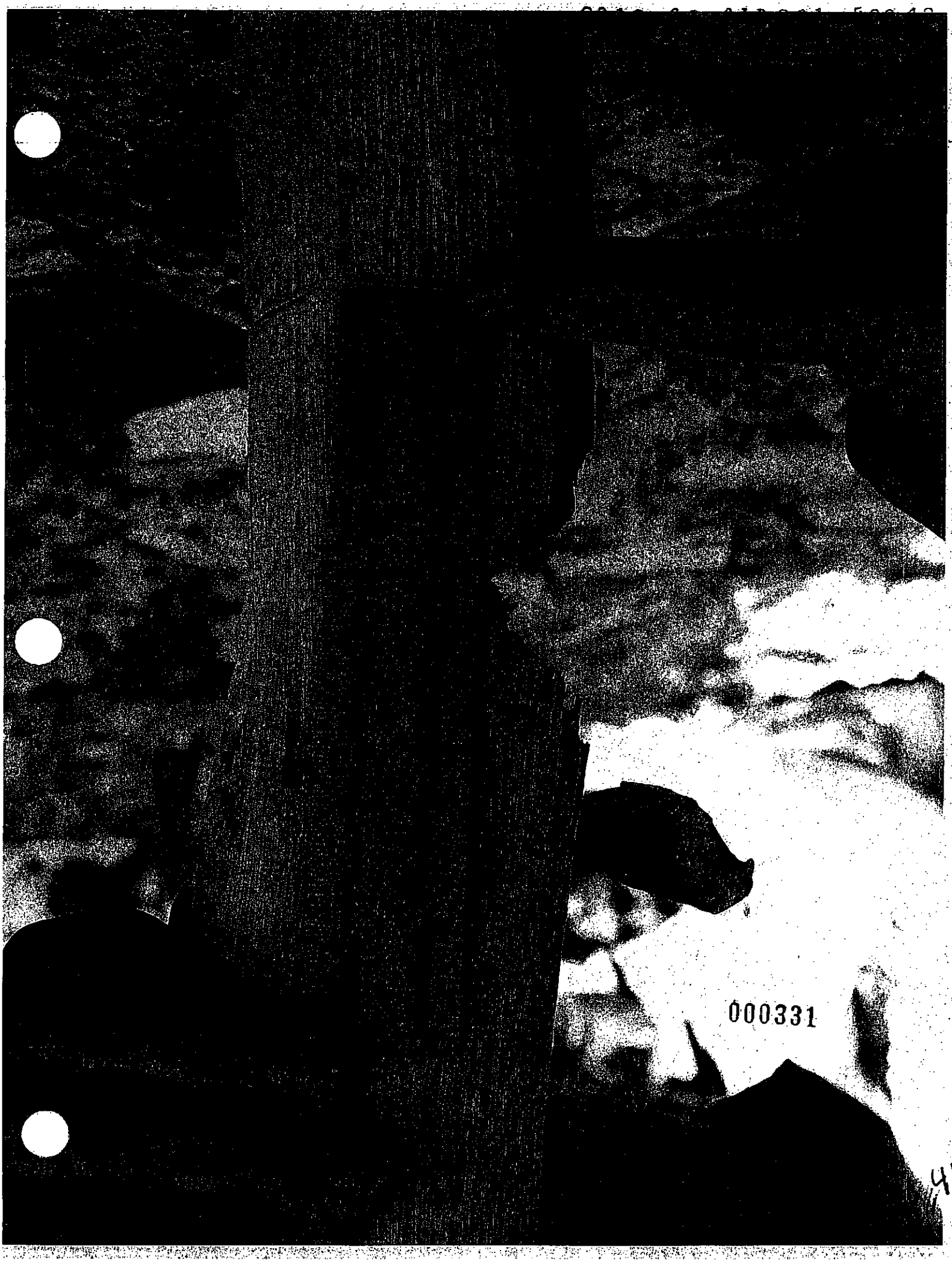
TC

FOR OFFICIAL USE ONLY

EXHIBIT 41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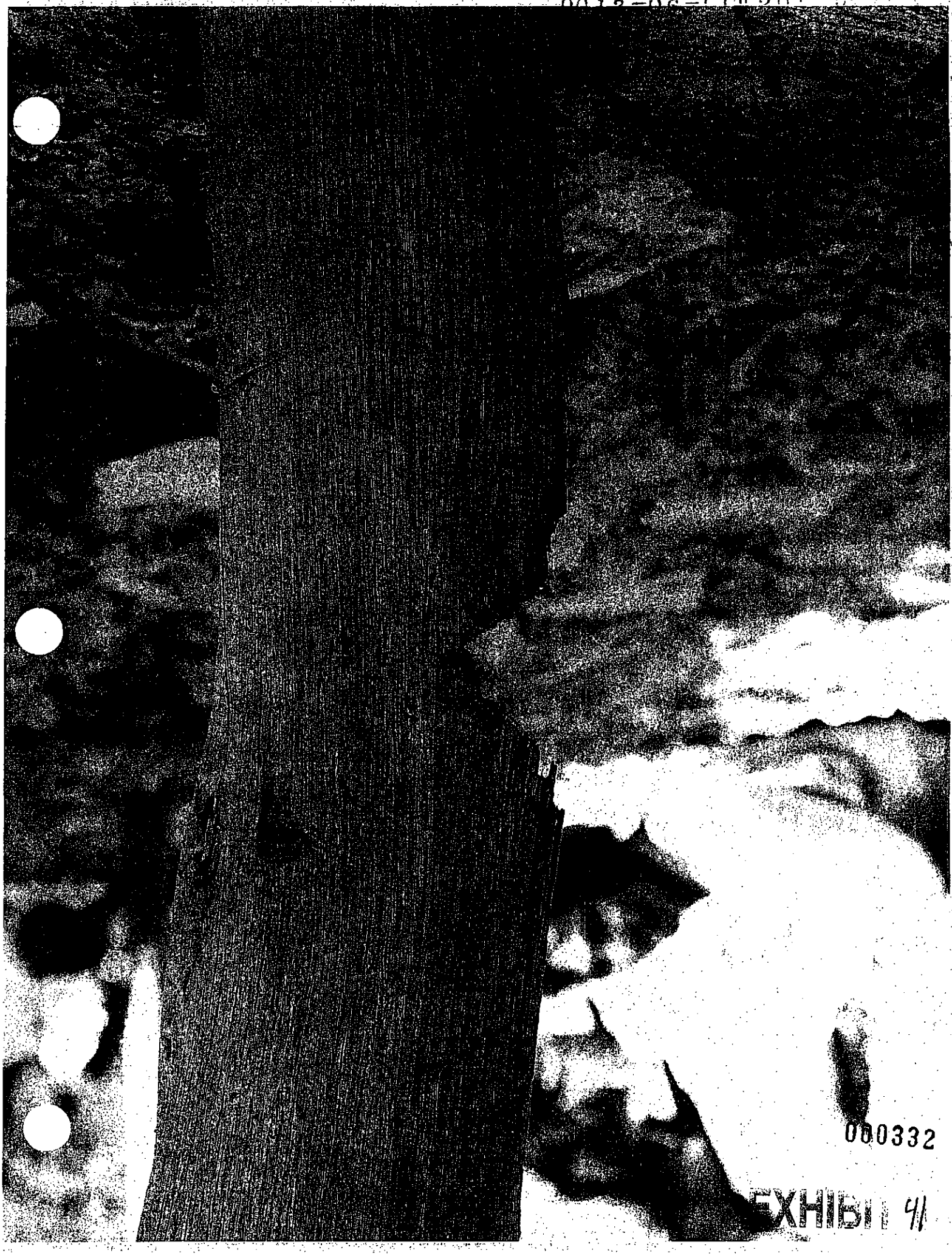

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EXHIBIT 41

000333

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

PAGE 1 OF 1 PAGES

DETAILS

(FOUO LES) About 1500-1800, 24 Apr 06, the undersigned conducted canvass interviews of the following listed local nationals which where traveling by foot or vehicle in the vicinity of CPL TILLMAN's death location for any information pertaining to the knowledge of the incident or the "jingle" truck driver. None of the following individuals had any evidentiary information.

[redacted]

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE 24 Apr 06 / EXHIBIT 42

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 3 Pages

DETAILS:
(FOUO/LES) About 1700, 22 Apr 06, SA [redacted] SA [redacted] and Interpreter [redacted] 003-68-5653, L3 Communications/SOS conducted canvass interviews of the small cluster of buildings near the area where CPL TILLMAN died, also known as the village of Tit, Afghanistan.

(FOUO/LES) Present in the "village" was one adult male, approximately [redacted] years old, named [redacted] (NFI). He stated, through the interpreter, there were three separate families which resided in those buildings and that each family had three adult males in it. There were many children ranging in age from approximately 18 months to approximately 16 years old. [redacted] stated he recalled the incident wherein American soldiers came through and there was lots of firing. He stated when the firing started everyone present ran and hid and did not see exactly what happened. He further stated when all the firing stopped; the American soldiers came through all the buildings and searched them. When asked if he ever saw any Al-Qaeda or Taliban soldiers in the area he stated "No."

(FOUO/LES) About 1030, 23 Apr 06, SA [redacted], SA [redacted], and Interpreter [redacted] conducted canvass interviews in the town of Magarah, Afghanistan in an effort to find the "Jingle" truck driver who towed the broken GMV for the rangers in 2004.

(FOUO/LES) Canvass interviews were conducted of the following individuals:

[redacted]

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE: 24 Apr 06 / EXHIBIT: 43

000335

CID FORM 94-E

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 3 Pages

All interviews met with negative results.

(FOUO/LES) Between 1600 and 1730, 23 Apr 06, SA [redacted], SA [redacted], and Interpreters [redacted] and [redacted] L3 Communications, ATS, conducted canvass interviews of all adult males passing by the crime scene in an effort to find the "Jingle" truck driver who towed the broken GMV for the rangers in 2004. One of the individuals interviewed provided a name of the person they believe towed the broken GMV.

(FOUO/LES) The following individuals were interviewed:

[redacted]

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE 24 Apr 06 / EXHIBIT 43

CID FORM 94-E

000336

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 3 of 3 Pages

[redacted]

(FOUO/LES) During the interview of [redacted], he stated he believed the individual this office was looking for was named [redacted] who lived in the town of [redacted], approximately [redacted] minutes south of this location. [redacted] further stated he believed [redacted]

(FOUO/LES) About 0700, 24 Apr 06, SA [redacted], SA [redacted] and Interpreter [redacted], interviewed [redacted] in the village of [redacted] Afghanistan in reference to his involvement in the incident which occurred on 22 Apr 04. [redacted] stated he was hired to tow a military vehicle and nothing else. He denied being involved in any plan to ambush the rangers and denied knowledge of any Al-Qaeda members wanting to ambush the rangers at that time. [redacted] had nothing further to add.

//LAST ITEM//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 24 Apr 06	EXHIBIT 43

CID FORM 94-E

000337

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 2 Pages

DETAILS:

(U) At about 1700, 22 Apr 06, SA [redacted] and SA [redacted] arrived at the location in which CPL TILLMAN was killed (Grid 42SWB4877571515 / elevation 5943 ft). SA [redacted] prepared a rough sketch of the area while SA [redacted] exposed numerous photographs detailing the scene. A thorough crime scene examination was conducted at this time (See Crime Scene Exam AIR for details).

(U) At about 0700, 23 Apr 06, SA [redacted] and SA [redacted] coordinated with SA [redacted] United States Army Criminal Investigation Laboratory (USACIL), regarding the collection of blood swabbings and soil samples. SA [redacted] advised this office obtain pieces of the rock where TILLMAN's last known position was, as opposed to swabbings of the rock, due to the amount of time that has elapsed since the incident occurred and the unlikely probability that swabbings would yield any pertinent DNA.

(U) At about 1200, 23 Apr 06, SA [redacted] interviewed [redacted] resident of the village of [redacted] Afghanistan (NFI), who indicated the [redacted] Agents were attempting to locate was [redacted] however, he was unavailable for an interview and would not be returning to the AO for several days as he was attending a "Bazzar" outside of the area with family members.

(U) Between 1600 - 1630, 23 Apr 06, SA [redacted] and Interpreter [redacted] conducted interviews of the following individuals:

[redacted]

The aforementioned individuals were driving Jingle trucks through the same area where the ambush / firefight took place. The canvass interviews were conducted in an attempt to identify the driver who assisted the 2/75th Rangers prior to the ambush taking place.

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b6
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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 24 Apr 06	EXHIBIT 44

CID FORM 94-E

000338

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 2 Pages

(U) At about 0700, 24 Apr 06, SA [redacted] interviewed [redacted] Village of [redacted] Afghanistan (NFI), who stated that the AMF soldier who accompanied the 2/75th Rangers during the ambush on 22 Apr 04 was named THANI, and that he was from the Worjella Village in the Khost Province of Afghanistan (NFI). [redacted] stated that although he was unaware of the chain of events which led to Mr. THANI's death, he heard Mr. THANI's death was the result of being shot by an American who was a member of the 2/75th Rangers. [redacted] could not provide any additional pertinent information.

///LAST ENTRY///

b2
b6
TC

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 24 Apr 06	EXHIBIT 44

CID FORM 94-E

000339

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID201-50048

PAGE 1 OF 1 PAGE

DETAILS

(FOUO-LES) About 0910, 25 Apr 06, SA [redacted] interviewed [redacted] 3/71 Cavalry Company, 10th Mountain Division, Fort Drum, NY 13602, currently deployed to [redacted] Afghanistan, in support of Operation Enduring Freedom (OEF). [redacted] stated he was apart of a Quick Reaction Force (QRF), which pulled security through the canyon after incident involving the death of CPL TILLMAN. [redacted] tated his element attempted to identify the individual(s) responsible for the ambush on 2nd platoon, 2/75th Ranger Regiment; however, his element was unsuccessful.
/////LAST ENTRY/////

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b6
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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 25 Apr 06	EXHIBIT 45

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 1225, 27 Apr 06, the undersigned interviewed and obtained a written sworn statement from [redacted] A Co., 2/75th Ranger, FLW, who related he was in group 2 which was ambushed in the canyon. (See Sworn Statement for more details.)

///LAST ENTRY///

66
TC

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 27 Apr 06	EXHIBIT 46

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Bldg 2591, Alexandria, VA	20070426	1225	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
2/75th Ranger Reg., Fort Lewis, WA 98433

9. I, [redacted] want to make the following statement under oath:

About 22 Apr 04, I was assigned to Second Platoon, A company, 2 Battlaion, 75th Ranger Regiment, Fort Lewis, WA deployed to Afghanistan in support of Operation Enduring Freedom. We were either at the 2nd or 5th BCP (Border Control Point) which was controlled by the Afghanistan Military Forces (AMF). About 0600 local time we departed but I am unsure at this point where we were going. I do remember that we were going to tow one of the dead lined GMV (Ground Mobile Vehicle) out of this area. Around 1200 we arrived in the area of Margarah, AF denoted by the blue box on Map A, at which point the GMV that we were towing became further disabled. It became to difficult for the GMV towing it and the convoy was stopped. We were in the area for quite sometime because the GMV had broken the steering undercarrage which resulted in the vehicle being unable to tow without lifting the front end. Our platoon was not equiped to tow the GMV in this manner. While in the area of Margarah, AF all I remember is someone had hired a "Jinga" truck driver to mount the dead lined GMV to the truck and help tow it. We were going to tow the vehicle [redacted] Salerno. I recalled [redacted] had received orders that his platoon was to have feet on the ground in Mana, AF before night fall. There was talk of attempting to get the vehicle sling loaded out but that never came about. The ultimate decission was to split the platoon into two sections where one section was to tow the vehicle to FOB Salerno and the other to Mana, AF per command orders. The second section which was towing the vehicle was to drop off the dead lined vehicle and return to Mana, AF to link back up with section 1. I also recall from hearing from other people in the platoon that he had voiced his dislike for the order to split his platoon into two sections. About 1700 local time section one departed Margarah, AF a little ahead of section two. I was the lead vehicle in section 2 just behind the "Jinga" truck that was to tow the vehicle to FOB Salerno. While enroute I remember the "Jinga" truck driver stopping and [redacted] asked the truck driver why he had stopped. The truck driver said that he would be unable to tow the vehicle down the route we were headed. The truck driver then rerouted the same route as section 1. I remember seeing section one heading into the canyon area. As we were heading into the canyon area denoted by the red triangle we were attacked. I had heard a large explosion which I had originally thought was an IED (improvised explosive device) and everybody dismounted their vehicles. The "jinga" truck driver had stopped and every vehicle behind it was blocked from passing. I remember rocks started falling and shortly after that I heard AK small arms fire. I pretty sure [redacted] started to engage with the 50 caliber machine gun in the direction of where the explosion went off. [redacted] was on the net and confirmed there were no casualties with the explosion and we decided to push through kill zone. [redacted] ran up to the "Jinga" truck driver and got him to start moving out of the kill zone. A while into the route after the first time the "jinga

000342

b1, b2, b6, 7C [redacted]

EXHIBIT 47

truck driver stopped I positively identified enemy in the area denoted by the green "X" on Map A. He appeared to be carrying a PKM which is a medium machine gun. I remember [redacted] getting out of the vehicle at this time with an AT-4 (Anti Tank) rocket launcher and firing on the same location I had observed the enemy with the PKM. I remember sometime in this incident seeing muzzle flashes in the area denoted by a orange circle on Map A. I then directed [redacted] who was behind the drivers seat with a SAW (Squad Automatic Weapon) to fire upon that position as well as myself with my M4. All the while [redacted] was still trying to get the "Jinga" truck driving to continue to move out of the kill zone. I remember being able to get around the "jinga" truck denoted by a orange box on Map B. The firing in the vehicle was continuous around the "Jinga" truck in various locations. I first noticed section one vehicle denoted by the blue circle on Map B because I first saw a [redacted] After identifing the vehicle as section one I observed an individual with a beard and AK denoted by a red "X" on MAP C who was standing because it was just a real quick glimpse. I then remember while driving after seeing the inidividual with the AK, I must have been going around 25-30 MPH, I observed individuals waving there hands and I denoted their location by a green circle on MAP C. I distinctly remember seeing four inidividuals laying on their sides waving there hands and immediately associated them as friendly because I remember the vehicles. I then started to yell friendlies on top about two times. Right after I said that [redacted] turned the 50 caliber machine gun on the individuals denoted by the green circle on MAP C. I remember yelling "NO" then "cease fire" three or four times and grabbed [redacted] pants and started shaking them. The weapons firing was deafening, I don't think he could hear me so that is why I grabbed his pant leg and started shaking it. I don't remember him acknowledging my shaking at this point but I remember [redacted] then repeating the command "cease fire". The "cease fire" command pretty much went down the line and everybody stopped firing. I then stopped the vehicle denoted by the black box on MAP C and we dismounted. I believe sometime after dismounting I heard over the radio that there were casualties. I then took over security for the vehicles in section two's and section one's area. Others left the area to perform clearing operation in the buildings close by and tend to the casualties. Well after about one hour into the security I had heard that SPC TILLMAN was the only KIA. I had also heard the [redacted] and [redacted] had also been hit.

(U) Q: [redacted]
(U) A: [redacted]
(U) Q: Why was the "jinga" truck the first vehicle in the convoy of section two?
(U) A: Because he was indiginus to the area and we were using him as a guide. He also knew what route he could take to support his laod.
(U) Q: Was there any intelligence that would have indicated you were going to be ambushed?
(U) A: There was but I did not hear about it until two days after the ambush. This was a note that was passed to [redacted] by [redacted] AF. This information is all second hand and what I have heard to talk in the platoon.
(U) Q: Did the individual you recognized with the AK denoted by the red "X" on MAP C appear to be firing his weapon?
(U) A: He had his weapon at ready but I don't remember him firing.
(U) Q: Do you recall anybody in your vehicle firing on this individual?
(U) A: I did not see anybody in my vehicle fire upon this location.
(U) Q: Do you recall anybody beside [redacted] firing on the friendly forces denoted by the green circle on MAP C?
(U) A: I know other people were firing but I am unsure of their direction.
(U) Q: Do you recall seeing anybody fire upon the village in MAP C?
(U) A: No I don't.
(U) Q: Do you recall seeing anybody else in the area you denoted with a red "X"?
(U) A: No.
(U) Q: Why did it take so long to get around the "jinga" truck in the ambush area?
(U) A: The canyon was to narrow or the rocks were to large to manuver around.
(U) Q: Was it common to split the platoon into two sections to perform missions?
A: No it is not.

000343

[redacted] b1, b2, b6, 7C EXHIBIT 47

(U) Q: Did you or anybody else have communication with section one to indiciate route changes and your location?
A: I personnaly did not, but I know [redacted] was the person directing communications. I am unsure if he had communication with them.
(U) Q: Describe the enemy you observed denoted by the green "X" on MAP A?
(U) A: I could only see an outline and what appeared to be a PKM machine gun at a right should arms. He was running away from us over the ridge line.
(U) Q: What is your units SOP as it pertains to actually engaging enemy with small arms fire?
(U) A: In an all out ambush it is Known, Likely, and Suspected enemy locations.
(U) Q: Do you rememebr hearing aircraft in the area during or after the ambush?
(U) A: No.
(U) Q: To your knowledge was there any ill will towards SPC TILLMAN in the platoon or company?
(U) A: Definitely No.
(U) Q: Do you recall if SPC TILLMAN had a diary and do you recall what became of it?
(U) A: No and I don't know.
(U) Q: Has anybody since the ambush admitted to firing on friendly forces during the ambush or killing SPC TILLMAN or the AMF soldier?
(U) A: Yes.
(U) Q: Who has admitted to you of firing on friendly forces?
(U) A: [redacted]
(U) Q: How did [redacted] admit to you of firing on friendly forces?
(U) A: Just before the memorial for SPC TILLMAN he was crying pretty hard and said he was pretty sure he was the one that killed the AMF soldier.
(U) Q: Did [redacted] ever admit to you that he had killed SPC TILLMAN?
(U) A: No.
(U) Q: Did anybody else admit to firing on friendly forces?
(U) A: No. I remember telling [redacted] and [redacted] that they had been firing on friendly forces but nobody opening admitted it. Once they knew that it was them they didn't deny that they fired on friendlies. Both of them were not doing well after telling them.
(U) Q: Have you been in enemy combat engagements prior to this ambush?
(U) A: This was my first fire fight.
(U) Q: Are you trained to fire where your squad leader fires?
(U) A: Privates are, yes.
(U) Q: In your professional opinion as a Ranger did [redacted] have control over the ambush situation?
(U) A: Yes.
(U) Q: Was he directing fire as a squad leader should to doctrine?
(U) A: Yes.
(U) Q: In your opinion should [redacted] have recognized the individual you denoted by the red "X" as friendly forces before firing upon him?
(U) A: I can say that I would not have fired upon that position with the information I had but I do not think [redacted] had seen the vehicles ahead before firing on the AMF Soldier. Given the situation or putting myself in his shoes without having seen section one's vehicle I probably would have fired on that individuals because he had the appearance of the enemy.
(U) Q: What were the lighting conditions like during the ambush?
(U) A: Getting close to dark but not dark enough to use night vision googles.
(U) Q: What were the lighting conditions when you observed the AMF soldier denoted by the red "X" on MAP C?
(U) A: While driving I remember sun light shining and it was bright enough for me to look away.
(U) Q: Were you instructed not say anything about the incident?
(U) A: No, just OPSEC stuff we were not aloud to talk about.
(U) Q: Did you go into the area where SPC TILLMAN was killed?
A: No, I did not.
Q: What happen to SPC TILLMAN's equipment?

000344

b2, b6, 7C [redacted]

EXHIBIT 47

STATEMENT OF [redacted] TAKEN AT BIAP 2591 DATED 27 April 06

0013-06-CID201-5004

A: The only equipment I remember was his NODs (night observation device) because I had to clean them of blood.

Q: Do you recall what became of SPC TILLMAN's vest and clothes?

A: No.

Q: Do you wish to add anything to this statement?

A: In no way shape or form was SPC TILLMAN ever intentially fired upon. Everybody in the platoon had nothing but respect for SPC TILLMAN.

Q: Do you wish to add anything else to this statement?

A: No.

///END OF STATEMENT///

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EXHIBIT 47

A

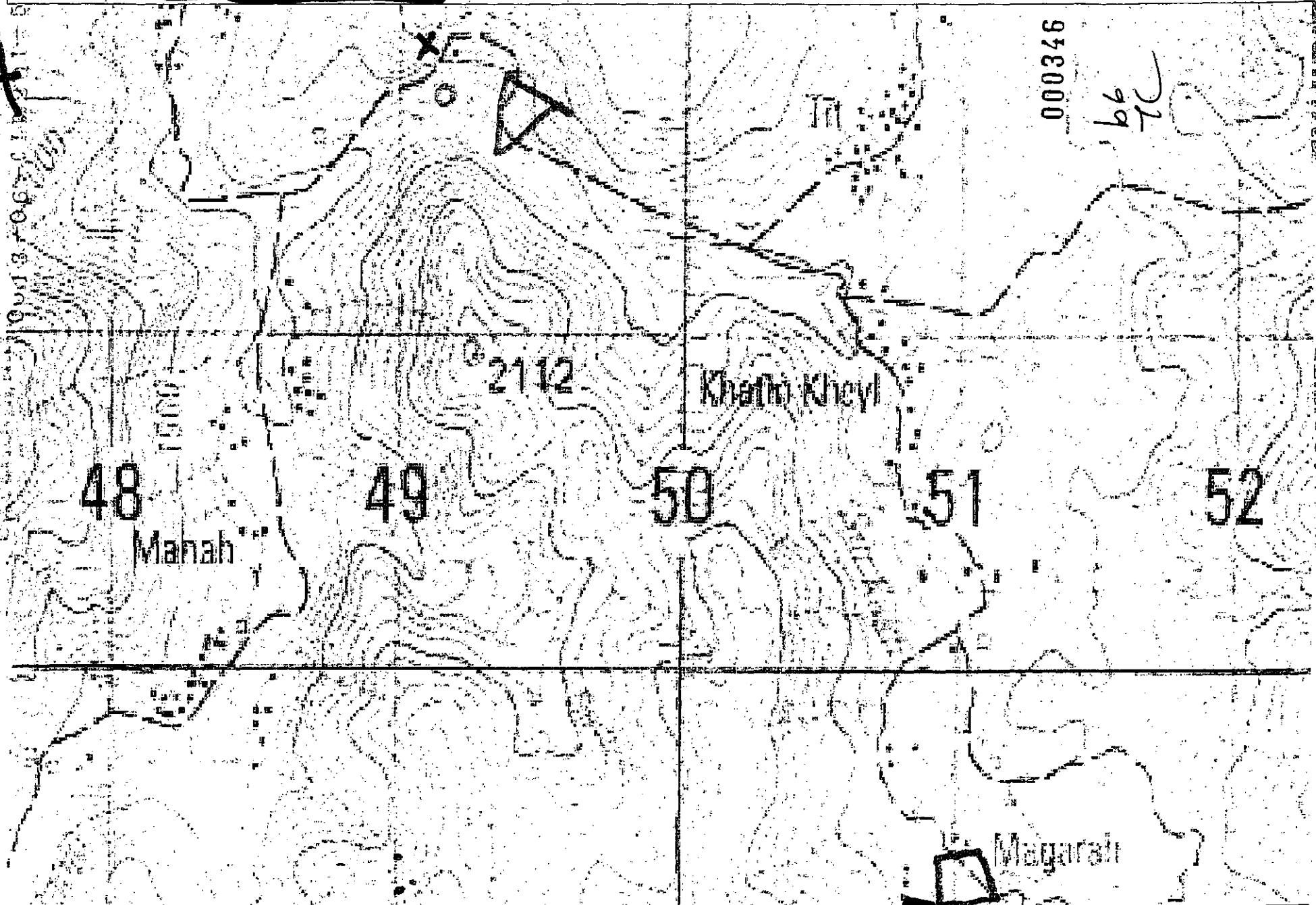

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EXHIBIT 41

"STATEMENT OF [redacted] TAKEN AT BLD 2591 DATED 27April 06 CONTINUED."

B

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EXHIBIT 47

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IMAGE: 27NOV03
ORIGIN: QUICKBIRD
PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 6 OF 9 PAGES."

"STATEMENT OF [redacted] TAKEN AT BID 2591 DATED 27April06 CONTINUED."

EXHIBIT 47

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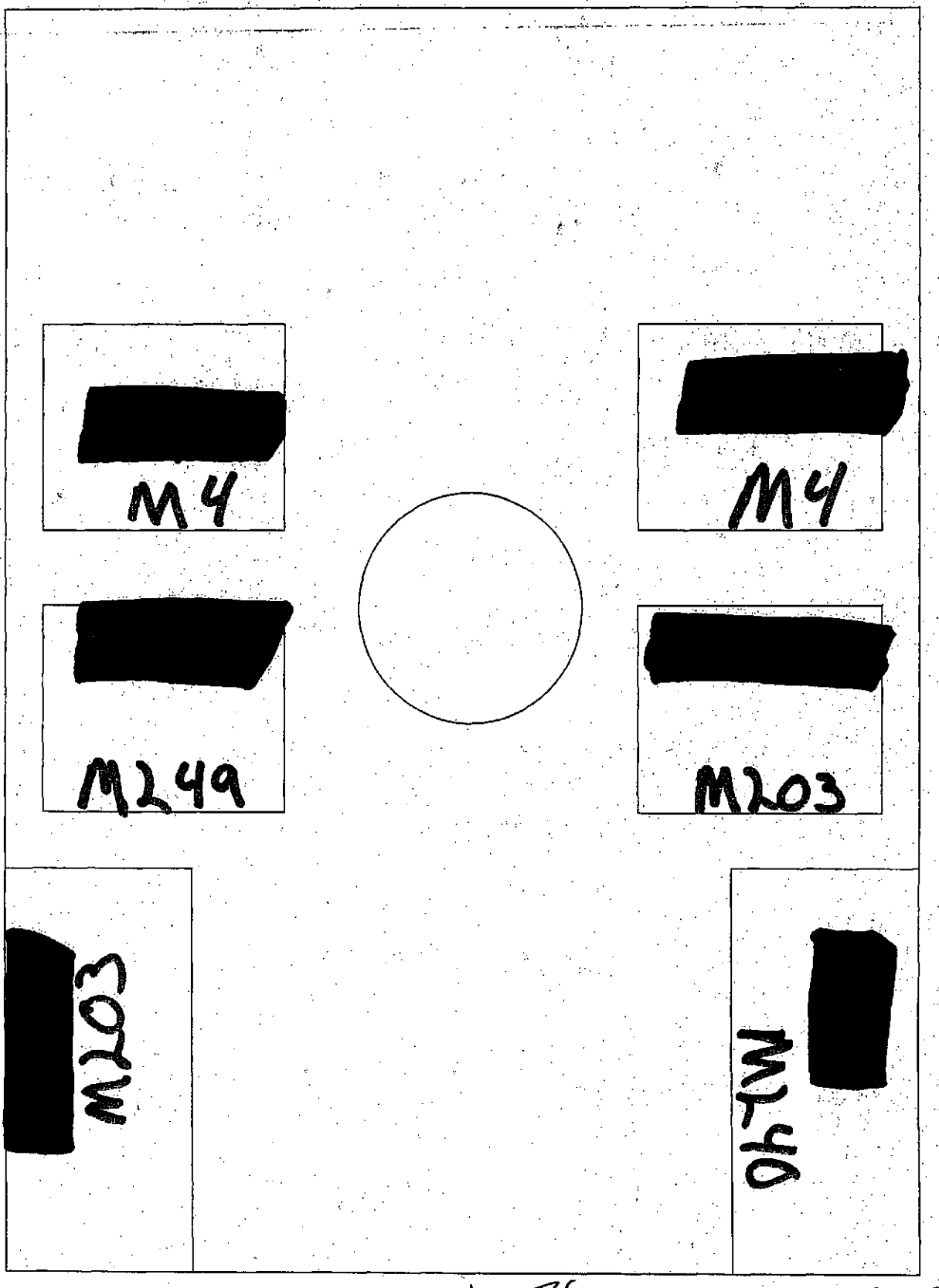
INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 7 OF 9 PAGES."

STATEMENT OF [redacted] TAKEN AT BLDG 2591 DATED 4/24/06 CONTINUED.

FRONT

0013-06-CIP-201-000



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 9 PAGES

EXHIBIT 47

EXHIBIT

STATEMENT OF [redacted] TAKEN AT BLDG 2591 DATED 27 Apr 06

0013-06-CID201-50048

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 9. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 27 day of April, 2006
at Bldg 2591, 7701 Telegraph Rd, Alexandria, VA

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SPECIAL AGENT [redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 9 OF 9 PAGES

[redacted]

EXHIBIT 47

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID221-50048

DETAILS

About 1035, 16 May 06, the undersigned interviewed and obtained a written sworn statement from [redacted] 1st Platoon (Plt), A Company (Co), 2nd Battalion, 75th Ranger Regiment (2/75th Ranger), Fort Lewis, WA 98433 (FLW), relating his views of events surrounding the ambush incident (See Sworn Statement).

About 1105, 17 May 06, the undersigned interviewed [redacted] 2nd Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA in which he related he was in the first serial with [redacted] (Former member of the 2/75th RGR RGT, FLW), and [redacted] (Former member of the 2/75th RGR RGT, FLW). He could not remember anybody else in the vehicle but that there were others inside. [redacted] knew that the unit was trying to find and hire a "jingle" truck driver but had no dealings with it as he was pulling security at the time. After having the disabled truck mounted on the "jingle" truck the serials left at approximately 1800 local time. He remembers high cliffs and only a single HMMWV could pass through. After the cliffs they stopped and heard rounds and an explosion. They evacuated the vehicles and observed tracer rounds coming from the canyon they had just exited. This was [redacted] first fire fight, and he could not determine if the explosions were from mortar's or RPG fire. They moved up towards some houses making their way towards where the fire was coming from to conduct flanking maneuvers to cover the second serial. [redacted] remembers seeing the enemy and muzzle flashes high in the cliffs at which time he informed [redacted]. At that same time [redacted] B Company, 1145th Aviation Battalion, Ft. Rucker, AL 36330, saw the same enemy position and fired a burst from his weapon. They made it to a spur in the terrain and were left of the wadi facing the cliffs and enemy positions. [redacted] had an M-4 with ACOG scope. He does not remember seeing the detail level or type of weapons or clothing from the enemy. [redacted] remembers seeing the AMF soldier but they had never been apart or trained with the Rangers before. He did not know why the AMF soldier was with them. [redacted] remembers seeing a GMV come into view to his right in the wadi and observed the .50 caliber and 240B machines guns and were firing in his direction. He remembers seeing [redacted] Army Training Support Division, Ft. Meade, MD 20755 and [redacted] HHC, 3D Battalion, 20th Special Forces Group, Wauchula, FL 33873 (Both former members of the 2/75th RGR RGT, FLW), on the machine guns firing in his position. [redacted] also remembers rounds striking around him and the other people in his squad. He also saw rounds from that vehicle strike the village but remembers them to be 240B from the dust. He says a .50 caliber round would have made a bigger dust cloud. [redacted] never saw SPC P. TILLMAN's firing position and whether SPC P. TILLMAN was shot by enemy or friendly fire. [redacted] helped place SPC P. TILLMAN on the SKEDCO and described his damages to his body [redacted] During the incident lighting conditions were dusk and not dark enough for NODs. [redacted] also stated he was not close to SPC P. TILLMAN and did

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE: 18 May 06 / EXHIBIT: 48 000351

DETAILS

not recall him writing in a diary. After the incident no body ever gave an indicator this incident should ever be covered up.

About 0750, 18 May 06, the undersigned interviewed [redacted] 1st Plt, A Co, 2/75th Ranger, FLW, who related he was in 1st Plt at the time of the incident and only pulled security after the incident occurred. [redacted] had no other information pertaining to this investigation.

About 1130, 18 May 06, the undersigned interviewed [redacted] 3rd Plt, C Co, 2/75th Ranger, FLW, who related he was in 1st Plt at the time of the incident and only pulled security after the incident occurred. [redacted] had no other information pertaining to this investigation.

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE: 18 May 06 / EXHIBIT: 48

SWORN STATEMENT 0013-06-CID201-50048

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CID Office, Fort Lewis, WA	20060516	13:13	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
1st Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA

9.
I, [redacted], want to make the following statement under oath:

I was assigned to 2nd Platoon, A Company, 2/75th Ranger Regiment station in Afghanistan in support of Operation Enduring Freedom in Apr 2004. My platoon was assigned a mission to escort a dead lined vehicle out to a location where a wrecker could pick the vehicle up then we were to setup an over watch position close to a village. We departed BCP (Border Control Point) 5 at about 0900 local time. We were towing the vehicle out when we stopped near the village of Magarah, AF because something in the suspension of the vehicle broke and it could not be towed without lifting the front end. We did not have the equipment to be able to do that so our command element was trying to get an airlift out for the vehicle. Apparently the airlift was not available so a local "Jingle" truck driver [redacted] was hired to tow the vehicle out to the wrecker location. The vehicle the lifted onto the tail end of the "jingle" truck for towing. About 1700 local time we departed from the village of Magarah, AF. I remember the decision was to split the platoon into two groups to have the platoon leaders group move on to the over watch position and our group would drop off the vehicle and then link back up with the platoon leaders group. Map A denotes by orange line the route we approximately took. Sometime in that route [redacted] was yelling up at the vehicles ahead and a route was chosen. On map A I denoted a blue triangle in the approximate location of where I thought the ambush started. On map A I denoted a green circle for the approximate location of where we stopped. At the start of the ambush there was an explosion that we suspected as an IED (Improvised Explosive Device). The explosion sound came from the front of the convoy and I then witnessed a second explosion. The second explosion was at the vehicles approximate 2 o'clock position high in the canyon approximately 150-200 feet above and 20-30 meters out. Everybody pretty much started engaging the ridge tops at this time. Most of the fire was directed at the right side of the canyon. After the first volley of suppressive fire [redacted] called a cease fire and we started receiving direct small arms fire to our convoy. The fire was coming from the right side of the canyon and most people redirected more suppressive fire in that location. There was then a call to remount the vehicles and moved approximately three times during our route out of the canyon, we had dismounted and remounted due to the "jingle" truck moving and stopping. I don't remember going around the "jingle" truck but we had stopped receiving fire and ultimately the vehicles had stopped and so did the firing.

Q: [redacted]
A: [redacted]
Q: Was the explosion you saw did it have the appearance of being a Rocket Propelled Grenade (RPG) or mortar?
A: I suspected mortar at the time because I did not witness any smoke trails.
Q: At the time of the ambush did you see any enemy in the canyon?

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 7 PAGES

EXHIBIT 49

A: No.
Q: At anytime during the route out of the canyon did you see any enemy combatants?
A: I only saw muzzle flashes.
Q: What happened after the vehicles and firing stopped?
A: [redacted] was coming down the hill closet to the village. [redacted] reported to [redacted] that he had two possible KIAs (Killed in Action). I immediately grabbed my Aid bag (Medical Bag) and followed [redacted] and [redacted] back up the hill. I initially came across the Afghan soldier who us seated and his torso twisted to the right. I laid him flat on his back and checked for signs of life and found none. I remember seeing blood in the general area of his torso but did not take a long look as I knew I had other casualties to attend to. I was conducting a triage of the casualties and left the afghan soldier and went up the hill towards other casualty. I observed another casualty that was in the seated position with his feet approximately facing towards a farm field close to the road. The torso was awkwardly slumped forward and I remember seeing the front of his face [redacted] When I had come up upon the body I recognized him as SPC TILLMAN from his face. [redacted] there was nothing I could do. I indicated to [redacted] and [redacted] that there was nothing I could do. I was asked by [redacted] to get his dog tags to positively identify it was SPC TILLMAN. I was able to find SPC TILLMAN's BUMP card which has all his information on it like full name, ssn, blood type etc. [redacted] then called people together to start moving the bodies and prepare to evacuation. We the received another call that there were two additional casualties. [redacted] and I both went over to where the other two casualties were and it turned out be [redacted] and [redacted]. [redacted] sustained a gun shot wound to the upper lip and fragment to his left thigh. [redacted] sustained a gun shot wound to the left knee. Another individual was putting a pressure dressing on [redacted] so I took care of [redacted] I had some people move [redacted] down the hill towards the vehicle for evacuation and the tended to [redacted]. I added and additional pressure dressing and SPLINTED [redacted] He was ten carried down the hill for evacuation.
Q: About where was [redacted] and [redacted] when you got to them?
A: They were close to the first house towards the wadi.
Q: Did you engage the enemy with your weapon?
A: Yes.
Q: What kind of fire did you engage the enemy with?
A: Suppressive fire.
Q: Did you positively identify any enemy combatants?
A: No, unless you count muzzle flashes.
Q: To your knowledge, did you engage fire in the direction of SPC TILLMAN's and the Afghan soldier area?
A: No I did not. I was in the rear vehicle of the second group with my fire directed towards the rear of the convoy towards the suspect enemy locations.
Q: Did you fire in the general location of the village area?
A: No.
Q: Has anybody admitted to you of shooting in the area or SPC TILLMAN's position and/or the village?
A: No, no one has directly [redacted] me that.
Q: Have you heard conversations of someone admitting quilt to shooting in the location of SPC TILLMAN's position and/or the village?
A: No.
Q: Has anybody indicated to you that you should not talk about this incident to the effect of covering this incident up?
A: We have only been told to discuss the incident with people who are authorized to know.
Q: Do you have any idea what might have happened to SPC TILLMAN's personal effects that were on him?
A: The equipment is normally remove to aid in the removal of the body on the skedco. If personal effects where located in the equipment it would have gone with it and the body separately.
Q: Did you know SPC TILLMAN or had routine conversations with him?

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EXHIBIT 49

A: Yes, we went through Ranger Indoctrination Program together [redacted]
Q: Did you know SPC TILLMAN to write in a journal?
A: Never saw him.
Q: Did you witness anybody firing in the locations of SPC TILLMAN's position or the village?
A: No, I did not.
Q: Did you examine SPC TILLMAN's body and his injuries?
A: Beyond observing the damage or missing the back of his head, nothing more then that.
Q: Did you notice anything to SPC TILLMAN's armor or face that would have indicate where SPC TILLMAN or the Afghan soldier received fire from?
A: There was a large blood splatter on the rock behind him which would have indicated to me the fire direction would have come form the road or canyon to the southeast. There were numerous shell casings about the area around SPC TILLMAN's position saw it appeared they were firing.
Q: When did you suspect this incident to be fratricide?
A: The following day.
Q: What suspected you to think it was fratricide?
A: The think I overheard the suspicion, but not from anybody in particular, but after taking a look at the scene in the daylight and retracing the sequence of events it had that appearance.
Q: Did anybody try to cover this suspicion of fratricide up?
A: No.
Q: Was there anything else that you can remember of significant to the scene?
A: I remember seeing a smoke grenade in the wadi which I later after conversation with other people thought it to be the smoke grenade that SPC TILLMAN supposedly throw.
Q: To your knowledge did anybody have any ill will towards SPC TILLMAN?
A: No.
Q: What were the lighting condition at the time of the ambush?
A: It was getting darker and shadows where forming in the canyon.
Q: At the time you got to SPC TILLMAN's position what were the lighting conditions?
A: Twilight but not dark enough for NODs yet. The sun was down under the mountains at that point.
Q: Is it common practice to split the platoon to conduct missions?
A: We have done it before.
Q: Where to purview to the conversations involving [redacted] and breaking up the platoon?
A: No.
Q: Did you or your vehicle have communications with the first group?
A: I can't say for sure because I did not have any of that equipment. I know [redacted] was talking on the radio but with who I have no idea.
Q: Did you know that the first group was ahead of you in the convoy?
A: Yes.
Q: Did you know how far ahead the first group was to your position?
A: I suspected they weren't real far but I was at the opposite ended of the convoy.
Q: Did you know if anybody had communication with the first group and did they express their intensions of flanking the enemy from your position?
A: I couldn't speak of that at all and have no idea.
Q: Did you remember hearing or over hearing conversations about a predator drone being in the area during the ambush?
A: During the ambush no, but after yes. I don't remember personally seeing it though.
Q: Have you been involved in previous fire fights?
A: Yes before and since.
Q: In your opinion having experience with fire fights, what cause this incident?
A: I think the vehicle that fired on the position was not aware the first group was flanking their position and thought they were the enemy and fired.
Q: Has this type of incident happened to you before or since?
A: No, no fratricide incidents.
Q: Do you wish to add anything to this statement?

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EXHIBIT 49

STATEMENT OF [redacted] TAKEN AT CID [illegible] DATED 16MAY06

A: No.
///END OF STATEMENT///

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 7 PAGES

EXHIBIT 49

Statement of [redacted] TAKEN AT CID FORT LEWIS DATED 16 MAY 06 CONTINUED.

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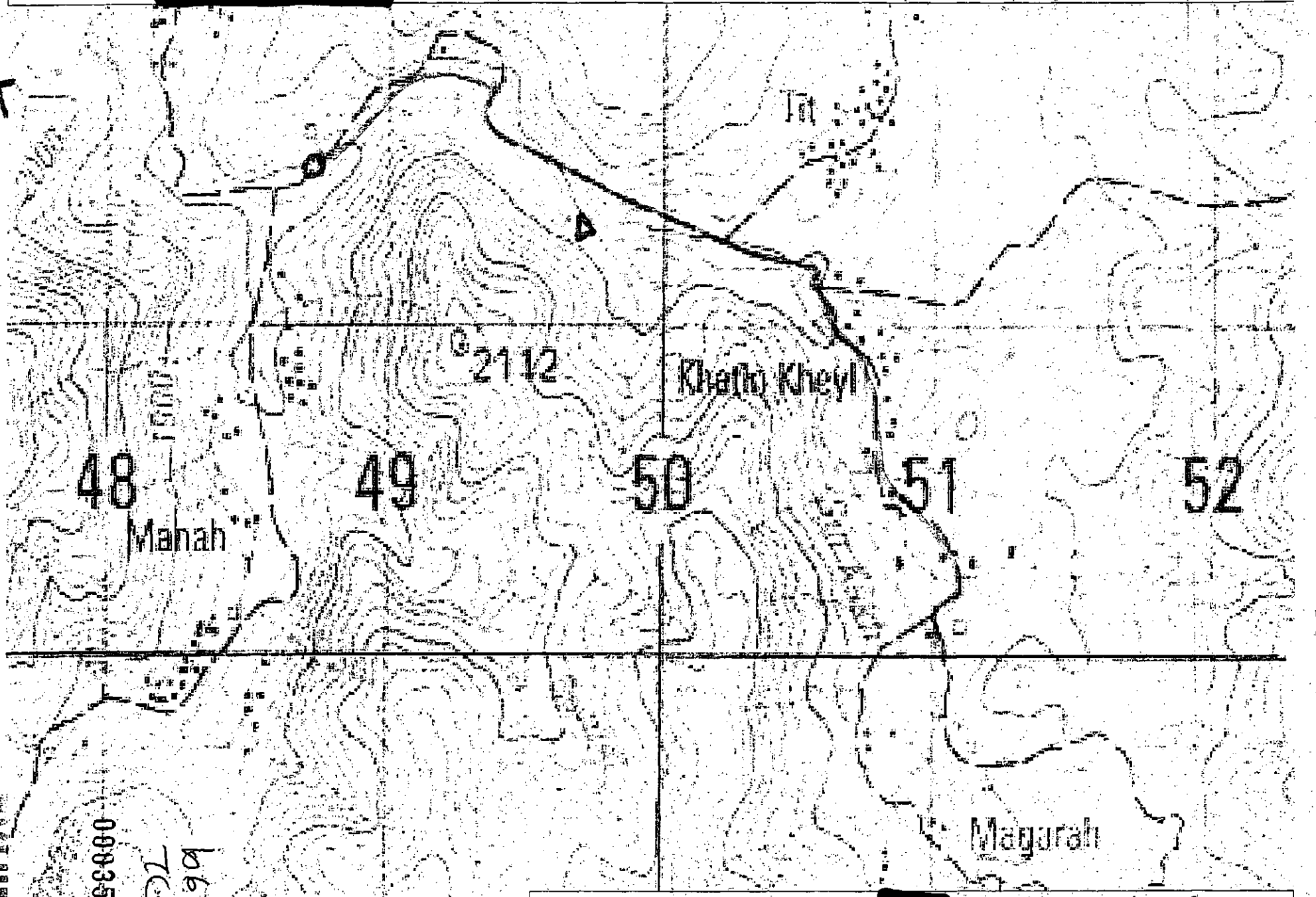

EXHIBIT 4

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Initials of person making statement [redacted] Page 5 of 7 Pages.

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STATEMENT OF [redacted] TAKEN AT CID FORT LEWIS DATED 16MAY06 CONTINUED.

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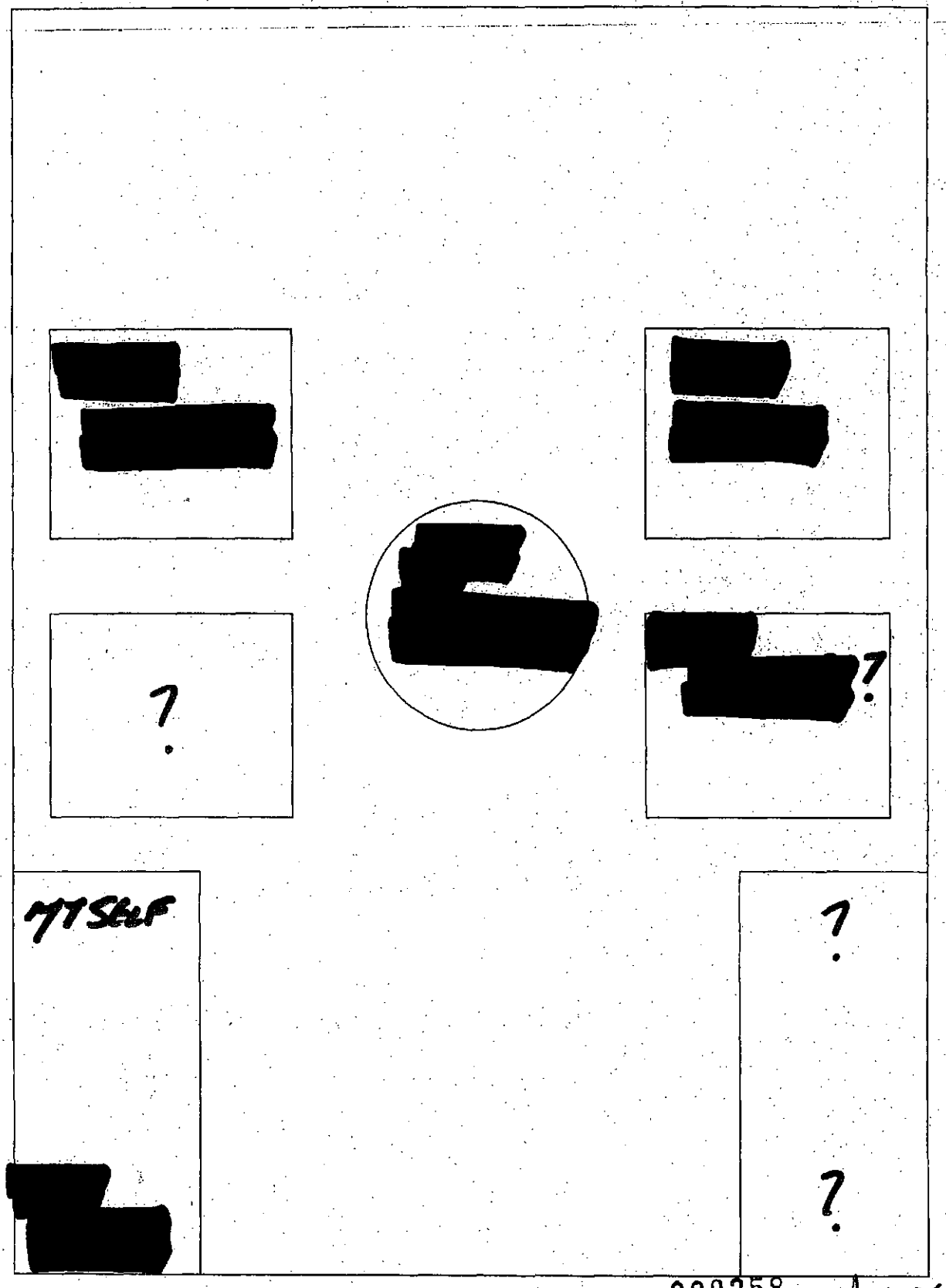

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 7 PAGES.

EXHIBIT 49

STATEMENT OF [redacted] TAKEN AT CID Ft. Lewis DATED 16 MAY 06

0018-06-CID201-50048

AFFIDAVIT

I [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 16 day of May, 2006
at CID Fort Lewis, WA

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 7 OF 7 PAGES

EXHIBIT 49

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50142 Page 1 of 3 Pages

DETAILS:
(FOUO-LES) About 1215, 16 May 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company (HHC), 2D Ranger Battalion, 75TH Ranger Regiment, Fort Lewis, WA 98433 (FLWA), wherein he provided a Sworn Written Statement detailing his account of the Critical Incident Stress Debriefing and search for CPL P. TILLMAN's diary. (See Sworn Statement for details)

Agent's Comment: [redacted] was [redacted] for the 2D Ranger Battalion. Therefore, subsequent conversations that he had with 2D Platoon members were privileged and covered under privileged information. Therefore, those areas were not discussed in the interview.

(FOUO-LES) About 0945, 17 May 06, SA [redacted] interviewed [redacted] A Company, 2D Ranger Battalion, 75TH Ranger Regiment(2/75TH), FLWA. [redacted] related that he was dispatched with 1ST and 3D Platoon following the incident. [redacted] further related that he had no pertinent information to provide pertaining to this investigation.

(FOUO-LES) About 1300, 17 May 06, SA [redacted] interviewed [redacted] D Platoon, A Company, 2/75TH, FLWA pertaining to the events of 22 Apr 04. [redacted] related he was in 3D Platoon at the time and was not present during the actual incident. [redacted] further related that his platoon, 3D Platoon, was the quick reaction force for the regiment and was subsequently notified of the incident. [redacted] related that his duty was to guard the canyon road, as he was an anti-tank gunner and took part in no other missions.

(FOUO-LES) About 0750, 18 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA, wherein he provided a Sworn Written Statement detailing the events, from his perspective, of the incident. (See Sworn Statement for details)

(FOUO-LES) About 1250, 18 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related that he was apart of the reactionary force and only pulled security in the village, while at the site. [redacted] had no further information to offer, pertaining to the incident.

(FOUO-LES) About 1330, 18 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related that he was a part of the reactionary force. [redacted] further related upon his arrival to the scene, he

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 24 MAY 06	EXHIBIT 50

CID FORM 94-E

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-52242
	Page 2 of 3 Pages

climbed to an observation point and pulled security there for three days. [redacted] related that he had no further information to provide pertaining to this investigation.

Agent's Comment: When asked, [redacted] related that there were no signs of enemy, at his location.

(FOUO-LES) About 0810, 23 May 06, SA [redacted] interviewed [redacted] S-3, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related that he was on leave following Basic Non-Commissioned Officers Course at Fort Benning, GA. Therefore, [redacted] had no information to provide.

(FOUO-LES) About 0830, 23 May 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related that he was in 3D Platoon at the time of the incident and 3D Platoon was the Quick Reaction Force at the time. [redacted] related that his group was alerted and went to the scene. [redacted] related he did not know exactly where the immediate death scene was. [redacted] further related his vehicle occupied the mouth of canyon and pulled security. [redacted] had no further information to provide.

(FOUO-LES) About 0900, 23 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related that at the time of the incident there were rumors floating around to the effect of a platoon being under contact. [redacted] related he was in the Tactical Operations Command area and overheard a portion of a nine line medivac request. [redacted] further related that his platoon was subsequently alerted and moved out to the ambush site. [redacted] stated that at the break of daylight, 23 Apr 04, his team proceeded up the South West ridgeline to look for enemy and/or signs of enemy. [redacted] stated there were no signs of enemy and the only thing noted was that there were good fighting positions. [redacted] further stated his group proceeded through the ambush site, upon returning from the ridgeline and he noted several shell casings of 5.56 and 7.62. [redacted] had no further information to provide.

(FOUO-LES) About 1245, 23 May 06, SA [redacted] interviewed [redacted] E Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04, wherein [redacted] provided a Sworn Written Statement detailing his knowledge of the incident. (See Sworn Statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE 24 May 06 / EXHIBIT 50

CID FORM 94-E

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-5C7-12
	Page 3 of 3 Pages

(FOUO-LES) About 0900, 24 May 06, SA [redacted] interviewed [redacted] HHC, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related he was not in Afghanistan at the time of the incident and probably did not arrive in country until approximately 30 Apr 04. [redacted] had no further information to provide.

(FOUO-LES) About 0930, 24 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related he was in 1ST Platoon, A Company at the time. [redacted] related his platoon was notified of the incident and subsequently proceeded to that area. [redacted] further related he pulled security in the valley area, near the rock wall, South of the are where [redacted] was killed. [redacted] related he did not see the area where [redacted] was killed, nor did he see any remains of a fire fight. [redacted] had no further information to provide.

(FOUO-LES) About 1005, 24 May 06, SA [redacted] interviewed [redacted] 386-92-1142, A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related he was assigned to 3D Platoon, A Company at the time and was a part of the Quick Reaction Force. [redacted] related his group was alerted of the incident and subsequently drove to the ambush site to secure it. [redacted] further related that since he was an anti tank gunner, his position was to secure the South West portion of the "Y" intersection of the valley and never really saw the actual site where CPL TILLMAN was killed. [redacted] had no further information to provide.

(FOUO-LES) About 1040, 24 May 06, SA [redacted] interviewed [redacted] A Company, 2/75TH, FLWA pertaining to the incident on 22 Apr 04. [redacted] related he was in 3D Platoon, A Company at the time of the incident and was a part of the Quick Reaction Force. [redacted] also related he was a private at the time and had limited information about the incident. [redacted] stated his group departed FOB Salerno approximately twenty minutes following notification and arrived at the site approximately two hours later. [redacted] related he was told there was an ambush and his job was to pull security, securing the area. [redacted] further related his position was in the valley and he never approached the site where CPL TILLMAN was killed. [redacted] further related that he conducted a road block, stopping and searching all passerby's, which yielded nothing of value. [redacted] also related he saw no remains of a firefight, but recalled seeing [redacted] in a shaken-up manner. [redacted] stated he did not converse with [redacted] had no further information to provide. /// LAST ENTRY ///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE 24 MAY 06 / EXHIBIT 50

CID FORM 94-E

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis CID Office, Fort Lewis, WA	2006/05/16	1353	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
2D Ranger Battalion, 75TH Ranger Regiment, Fort Lewis , WA 98433

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was notified of the death of Ranger Pat Tillman over the command channels of our SATCOM radio system almost immediately after the firefight. I was with , the Battalion Commander, at the time of the notification. We traveled together to the location of Tillman's platoon at first light the next morning. Later that day the unit was withdrawn to the nearest US FOB. Sometime during the 24-48 hours that followed Tillman's death I conducted a CISD brief with the platoon. Also during that time I was notified that Ranger Tillman's diary was missing and would like to take it back to the states with him , Tillman's 1SG and I looked for the diary for the next several hours. We checked all of his personal belongings that had not be destroyed. We check the FST that cared for Tillman's body and asked the rest of the platoon if they had seen the diary. We were unable to locate the diary and no one we talked to remembered seeing it after Tillman's death.

Q: SA
A:
Q: Do you recall the names of those indvidiuals at the Foward Surgical Team?
A: No, I spoke with the head doctor. He referred us to the nurses, all of which said they did not recall seeing it.
Q: Do you recall anyone stating that they shot or shot at the AMF soldier and CPL TILLMAN's postion?
A: I do not recall anyone specifically saying that.
Q: Is some information you have under priviledged information?
A: Yes, we are governed under a priviledge information regulation.
Q: Is there anything else you wish to add to your statement?
A: No.///END OF STATEMENT///

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10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT ____ DATED ____

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

Exhibit 51

STATEMENT OF [redacted] TAKEN AT Ft Lewis CID Office DATED 2006/05/16

9. STATEMENT *(Continued)*
I [redacted]SED

bb
TC

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Typed Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16TH day of May, 2006 at Fort Lewis CID Office, Fort Lewis WA

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Typed Name of Person Administering Oath)

Art 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

[redacted] 0013-06-CID201-50048

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Fort Lewis CID Office, Fort Lewis, WA 98433	[redacted] 18MAY06	[redacted] 0952	
LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**		**GRADE/STATUS**
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
A Company, 2D Battalion, 75TH Ranger Regiment, Fort Lewis, WA 98433

[redacted], [redacted] wish to make the following statement under oath. Some time between late morning to early afternoon, my platoon arrived at Magarah. We had left from either BCP 2 or BCP 5, I cannot remember which one it was. We stopped Magarah because a vehicle we had been towing from the BCP became further disabled to a point that we could not tow it with the resources we had. While in Magarah the leadership was trying to figure out how to get the broken vehicle back [redacted] I am not sure of the details, but it ended up that a Jingle truck driver was going to tow the broken vehicle. While in Magarah all I did was pull security. I am not sure at what time exactly, but near the end of the day light period, we departed Magarah. We ended up going through a narrow canyon, at which time I heard an explosion. My vehicle was located at a major "L" shape in the canyon, when I heard the explosion. We then dismounted. I shot about a half of a magazine up into the cliffs following my team leaders line of fire. We then mounted back up and moved back out. At that time [redacted] reported that we did not have any casualties at the time and that we needed to just keep going. As we were moving through the rest of the canyon, I heard a few more explosions and lots of gun fire going off. I recall [redacted] noting there was smoke and he subsequently took a canister from our vehicle and threw it with the assumption that the smoke was for a screen that was initiated from another vehicle. I do not recall the exact distance of the smoke; I just remember that it was on the right side of the vehicle. When we neared the end of the canyon, [redacted] reported that there were casualties. We arrived near a wall at the end of the canyon. We backed our vehicle in on the West side of the wall. We then dismounted and pulled security. At that time the visibility was not good. It was a time where we could not see well without the nods, but could not see with them either. About five to ten minutes later, we finally were able to use our nods. I do not recall an exact time line, but I remember [redacted] called for two SKEDCOS and two ponchos. [redacted] was on the high ground toward the village area. I got the ponchos and I think I handed them off to someone else, who brought them to [redacted]. Me, [redacted], and [redacted] moved up the high ground. There was a six or seven foot wall that we were taking the casualty (CPL TILLMAN) off. We did not go all the way up the hill, we went just below the last little lip. We then took the casualty down the hill and down the road a little bit to the HLZ. I returned to my vehicle and pulled security. We ended up reconsolidating all of the vehicles down the road to the West. I do not when or who, but I recall the link up coming form the Northwest with additional forces (3D Platoon, A CompanY). My vehicle was still the Eastern most vehicle once we reconsolidated; therefore, I did not see the link up or anything. I just know it happened. Sometime in that time frame, after the reconsolidation, someone informed [redacted] that [redacted] who had been killed. My squad leader, [redacted] informed me that I would be exfilled later on with [redacted] Again, I do not recall the exact time, but sometime in the night a MH-47 came in, me and [redacted] boarded, and flew to [redacted] When we landed in [redacted] there was a senior NCO within the battalion, who picked us up. We ended up being put in one of the tents there. Me and [redacted] did not really talk all that much. [redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF___TAKEN AT__DATED__CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

[redacted] EXHIBIT 52

Sworn Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA 98433 on 18 May 06. Continued...

[redacted] He then left in the morning, prior to the platoon arriving back to [redacted]. That is pretty much it.

(U) Q: SA [redacted]
(U) A: [redacted]
(U) Q: Referring to drawing A, can you mark the locations of Rangers in your vehicle?
(U) A: Yes. However, I cannot recall who was in the back, with the exception of [redacted] (See Drawing A)
(U) Q: Referring to Map B, can you trace the route of the convoy to the best of your knowledge?
(U) A: Yes, the blue line represents the route we took from Magarah and through the Canyon. The blue arrow represents the direction of travel. The map is not entirely accurate because the road is off a bit. (See Map B for details)
(U) Q: Referring to Image C, can you mark the position of where your vehicle was located, once the convoy stopped?
(U) A: Yes, the orange square represents the location. (See Image C for details)
(U) Q: Referring to Image D, can you mark the position of where your vehicle was located, once the convoy stopped?
(U) A: Yes, the orange square represents the location. (See Image D for details)
(U) Q: Referring to the map and other images shown to you, are you able to recall the location of your vehicle, when the ambush began?
(U) A: No.
(U) Q: Prior to that left turn, did you see any tracer rounds?
(U) A: Yes, I saw tracer rounds being shot in an Easterly direction. The rounds were not passing over head, but were off to my front, moving left to right. It appeared the tracer rounds were being shot from the vehicle in front of us in the convoy.
(U) Q: Was this fire, prior to CPL TILLMAN's location?
(U) A: Yes, the vehicle was still in the canyon. It was probably a one to three hundred meters into the canyon.
(U) Q: Did you fire any rounds?
(U) A: Yes, about half of a magazine. I fired because I could see where [redacted] was shooting, in a Northerly direction.
(U) Q: Is it common for you to shoot where your leadership is shooting?
(U) A: Yes.
(U) Q: Did you see any enemy forces?
(U) A: No, I did not.
(U) Q: Can you describe the explosion you heard?
(U) A: It was loud and echoed throughout the canyon. I could not tell exactly what it was.
(U) Q: Was there a time when your ability to hear became hindered?
(U) A: No.
(U) Q: Referring to the stop in the village of Magarah, was there a note from a doctor?
(U) A I remember there being a note from a doctor, but I do not recall the details about it.
(U) Q: Did Serial 1 and Serial 2 leave Magarah together?
(U) A: I do not recall.
(U) Q: Did you know the plan for the movement?
(U) A: Not really.
(U) Q: Can you describe the size of the canyon walls? [redacted]

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EXHIBIT 52

Sworn Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA 98433 on 18 May 06. Continued...

(U) [redacted]A: The canyon was about six to ten feet wider than a HMMWV, on average, until we reached the big bend, when it opened up. The walls were pretty high, I cannot exactly say. They were high enough that you would not be able to distinguish facial features.

(U) Q: Can you tell me what color the smoke was that [redacted] saw?

(U) A: I do not recall.

(U) Q: Can you tell me what color smoke [redacted] threw?

(U) A: I do not recall.

(U) Q: Did you ever see a pen gun flare go off?

(U) A: No.

(U) Q: When handling CPL TILLMAN's body, did you ever come in contact with a diary?

(U) A: No.

(U) Q: Do you have any information pertaining to CPL TILLMAN's diary?

(U) A: No.

(U) Q: Do you have any information pertaining to the AMF soldier?

(U) A: No. I saw him around, but that was about it.

(U) Q: At that time, April 2004, was it common for AMF soldiers to fight along side Coalition forces?

(U) A: I do not really have any insight into that.

(U) Q: Can you explain the following acronyms for me (AMF, HLZ, SKEDCOS, EXFILLED, FOB)

(U) Q: Afghan Militia Force(AMF).
Helicopter Landing Zone(HLZ).

(U) A SKEDCO is a basically a litter, used to carry casualties.
To be taken away, off of the objective (EXFILLED).
Forward Operating Base(FOB.

(U) Q: During your time with [redacted], was anything discussed between you two?

(U) A: No. He just wanted some alone time, so I complied.

(U) Q: Did you take part in the Critical Incident Stress Debriefing with [redacted]?

(U) A: Yes.

(U) Q: Did anyone make a statement to the effect "I shot the AMF soldier."?

(U) A: No.

(U) Q: How many explosions did you hear?

(U) A: I heard somewhere between four to six.

(U) Q: Do you know if any of those were caused by Serial two, i.e. the 203, MK 19, etc...?

(U) A: I know people did, but I did not see anyone shooting them. However, the explosions I heard were not from a MK 19 or 203, they would not make explosions that big.

(U) Q: Is there anything else you wish to add to your statement?

(U) A: Referring to my narrative, once we started moving again, after the initial explosions and dismount, there was not much gun fire. It was only spermatic.

(U) A: No.///END OF STATEMENT///[redacted]

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[redacted]

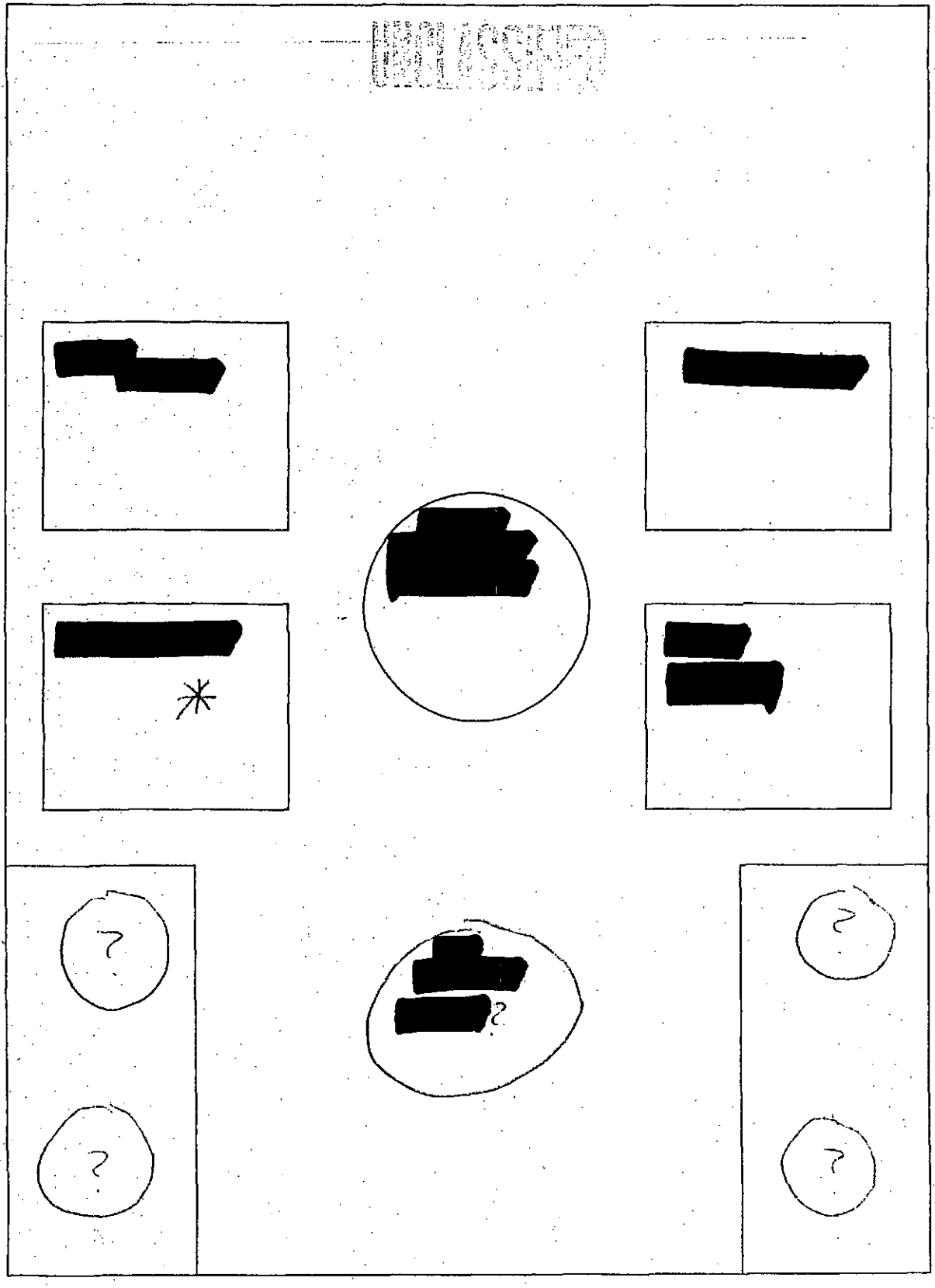
EXHIBIT 52

PORTLEWIS CID OFFICE

STATEMENT OF [redacted] TAKEN AT FLWA DATED 18 MAY 16 CONTINUED.

FRONT

0013-06-CID201-50048



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 8 PAGES.

EXHIBIT 52

B

Statement of [redacted] TAKEN AT FT LEWIS CID OFFICE, FLW DATED 8 MAY 06 CONTINUED.

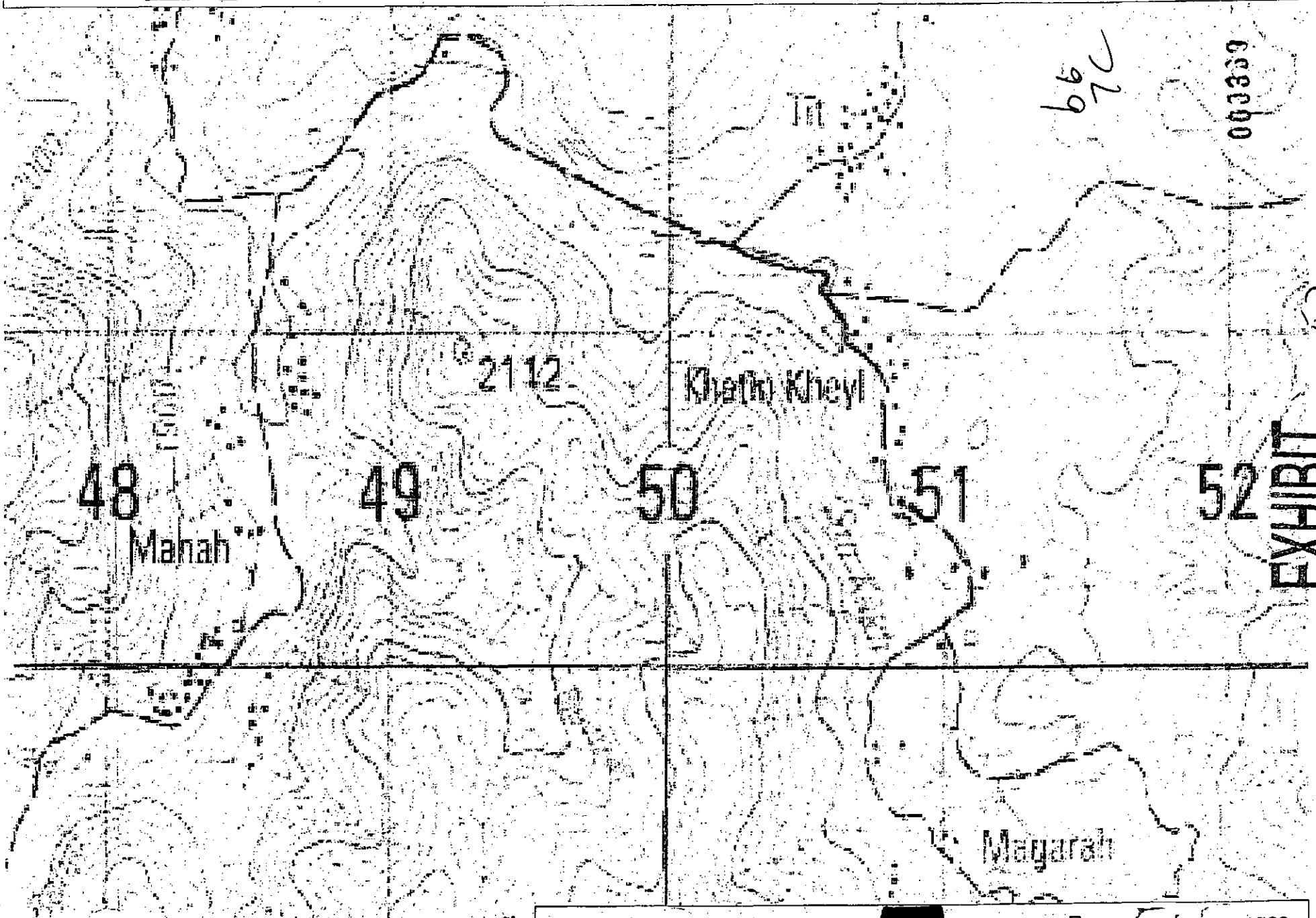

EXHIBIT 52

Initials of p [redacted] making statement [redacted] Page 5 of [redacted] ges.

C

"STATEMENT OF [redacted] TAKEN AT FT LEWIS CID OFFICE, FLWA DATED 18 MAY 06 CONTINUED

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EXHIBIT



INITIALS OF PERSON MAKING STATEMENT [redacted] ____

Statement of [redacted] Dated 18 MAY 06 Continued.....

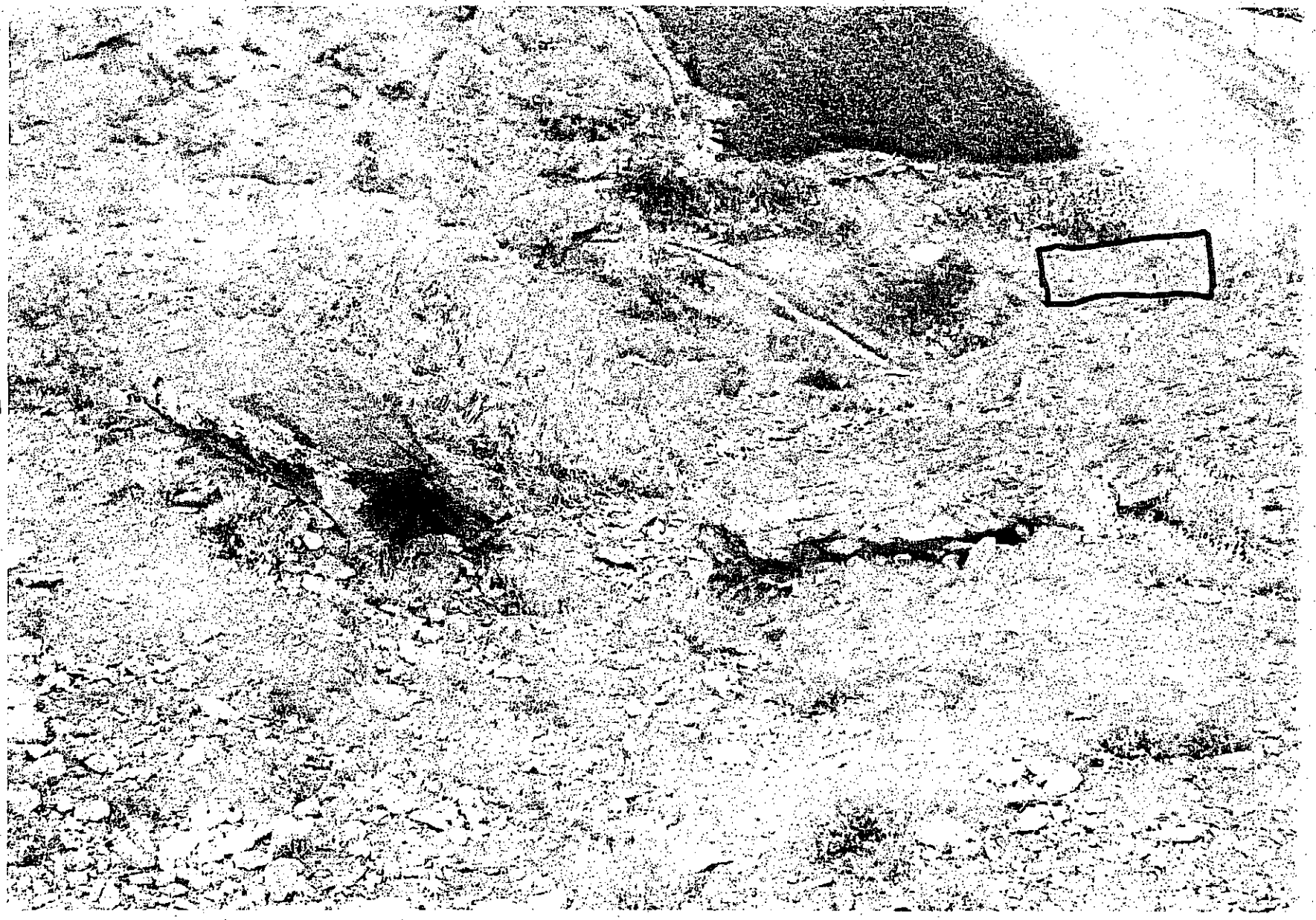

EXHIBIT 52

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Initials of person making statement [redacted]

Page 7 of 8 Pages

NOT USED. [redacted]

AFFIDAVIT

(w) I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 18 DAY OF May, 2006
AT Fort Lewis CID Office, Fort Lewis, WA 98433

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 8 OF 8 PAGES

DA Form 2823 (AUTOMATED)

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EXHIBIT 52

[redacted] 0013-06-CID901-60048

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Fort Lewis CID Office, Fort Lewis, WA 98433	23 May 06	1422	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
E Company, 2D Battalion, 75TH Ranger Regiment, Fort Lewis, WA 98433

I, [redacted], wish to make the following statement under oath. While at Border Crossing Point(BCP) 5, a 1025 A2 Cargo HMMWV became disabled. I am not sure about exact dates, but do know that all of the below events occurred during the April 04 timeframe. I was notified a few days before our leaving BCP five that "we were leaving." Therefore, I had a few days to fix the broken HMMWV. I ordered a fuel pump, it came in, and I put it on the HMMWV. That did not fix the problem. I tried everything I knew at the time to get it working and I never got it fixed. While I was working on it, I was told that we had to role out. Therefore, I hooked it up to another HWWMV and started towing it. Everything was fine, other than it was day light. We wanted to leave earlier, but the truck held us up. While towing the broken HMMWV, it became disabled further, to a point where the front end needed to be lifted off of the ground because it could not be steered anymore. At this time, we had broken down in the middle of a village, in a creek bed. [redacted] inquired about rebuilding the front end to keep towing it, but I related that that was not a viable option due to time. Further, the truck would still not run, due to the engine problem. There were all kinds of villagers watching us, as usual. Someone asked about a Jingle truck and one appeared. We lifted the HMMWV and attached it to the Jingle truck with chains. It was really our only viable option. There was no way we could get a tow truck out there because of the terrain. The platoon left the village together and then split intentionally. I do not recall exactly why, but we did. I was [redacted] TILLMAN and [redacted] We were the second or third vehicle. I could see the first truck, as we were not spread out that far. We crossed a bend in the canyon and heard the ambush break out. I looked back and saw tracers coming from the second group of vehicles going up into the hill. At that point several of the Rangers left the vehicles and went up the hill. That was the last time I saw them until after the incident. While I was down with the vehicles, I heard various weapons systems going off. The shots had stopped for a minute. I heard a bunch of yelling and think I saw a star cluster. The shots then started again. Then all of the shots stopped. [redacted] later came down the hill to check on us and told us to pull security. I think a reconnaissance group came by that night, the birds came and picked up the KIA and injured up. We left the next morning.

Q: SA [redacted]
A: [redacted]
Q: What was your job?
A: I was the [redacted] for the platoon.
Q: What was wrong with the broken HMMWV?
A: A fuel cut-off solenoid had gone bad. I found this out later just by experience.
Q: Was there an option of air-lifting the vehicle out?
A: Yes, that was discussed when we were talking about rebuilding the front end. I had heard that air-lifting was an issue about getting a bird in. [redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF__ TAKEN AT__ DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF__PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (AUTOMATED)

EXHIBIT 53 [redacted]

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Sworn Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA 98433, on 23 May 06. Continued...

(U) Q: Is it common practice to move during the day time?
(U) A: It did not really happen a lot. The few times I moved in day time, people were killed. It was not the original plan, at that time, but it happened because of the truck.
(U) Q: What were the lighting conditions like, when you first heard the gunfire, prior to anyone from you element leaving the vehicles?
(U) A: It was early evening/nautical twilight. It was too light to use night vision and too dark to see clearly. I recall being told to dawn our night vision following the incident.
(U) Q: Could you see the village near the ambush site?
(U) A: No, there was a cliff and hill blocking my view.
(U) Q: What was the HUMMWV being towed with, prior to the hire of the Jingle truck?
(U) A: Another HMMWV. It was attached with tow straps.
(U) Q: Why were tow straps used?
(U) A: By using a tow bar, the vehicle could not be turned in the steep terrain due to the stiffness of using a tow bar. Additionally, since the vehicle would not run we did not want a great distance because the two, for this could cause the towing vehicle to be pushed off of a cliff.
(U) Q: Do you recall seeing smoke during the fire fight?
(U) A: I do not recall seeing it. I heard there was smoke thrown, but I do not remember seeing it.
(U) Q: Did you deal with the remains of CPL TILLMAN or the AMF soldier?
(U) A: No.
(U) Q: Do you know the route that the second serial was supposed to take?
(U) A: No.
(U) Q: Do you know if anyone in Serial One was able to communicate with Serial Two?
(U) A: I am not sure. I think that was a problem, but I am not certain.
(U) Q: Did you have communication with anyone from Serial Two?
(U) A: No, not until the end when [redacted] came down to check on us.
(U) Q: Why did CPL TILLMAN end up in your vehicle?
(U) A: I had the room. He was previously in the broken truck.
(U) Q: Do you know where the AMF soldiers went, when the vehicles stopped?
(U) A: I recall seeing a few at the bottom of the hill, near the vehicles.
(U) Q: Did you see any enemy forces during the incident?
(U) A: No.
(U) Q: Was there any thought about destroying the broken vehicle?
(U) A: I recall from my first deployment that leaving a vehicle was not an option.
(U) Q: Did you have any insight pertaining to the plan of leaving from the village where the HMMWV had broken for a second time.
(U) A: No. The only part I had in it was stating that the broken HMMWV had to be towed.
(U) Q: Do you recall anything pertaining to [redacted] passing intelligence to the platoon?
(U) A: No, I do not know anything about that.
(U) Q: Did you participate in a Critical Incident Stress Debriefing following the incident?
(U) A: No.
(U) Q: Were you permanently assigned to 2D Platoon?
(U) A: No, I was attached to [redacted] and 2D Platoon for that trip.
(U) Q: Do you know anything about CPL TILLMAN's diary? [redacted]

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EXHIBIT 53 [redacted]

Sworn Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA 98433, on 23 May 06. Continued...

(U) [redacted]: No.
Q: Referring to various shots you heard, can you distinguish any particular weapons systems?
(U) A: I heard a 50 cal, 240, M-4's, and AK-47's.
(U) Q: Did you hear any explosions?
(U) A: Initially, I think there was one, but I do not recall.
(U) Q: Did you go up the hill to where CPL TILLMAN was killed?
(U) A: No.
(U) Q: Did you see an AMF soldier go with CPL TILLMAN?
(U) A: I did not see him.
(U) Q: Referring to Image A, can you depict your location and the direct of where CPL TILLMAN went?
(U) A: The blue "X" represents my vehicle, the blue "." Represents where I pulled security, and the blue arrow represents the direction CPL TILLMAN went.
(U) Q: Do you have anything else you wish to add to your statement?
(U) A: No.///END OF STATEMENT[redacted]

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[redacted]

EXHIBIT 53

"STAT IT OF [redacted] TAKEN AT FT LEWIS CID OFFICE DATED 23 NOV 06 CC UED."

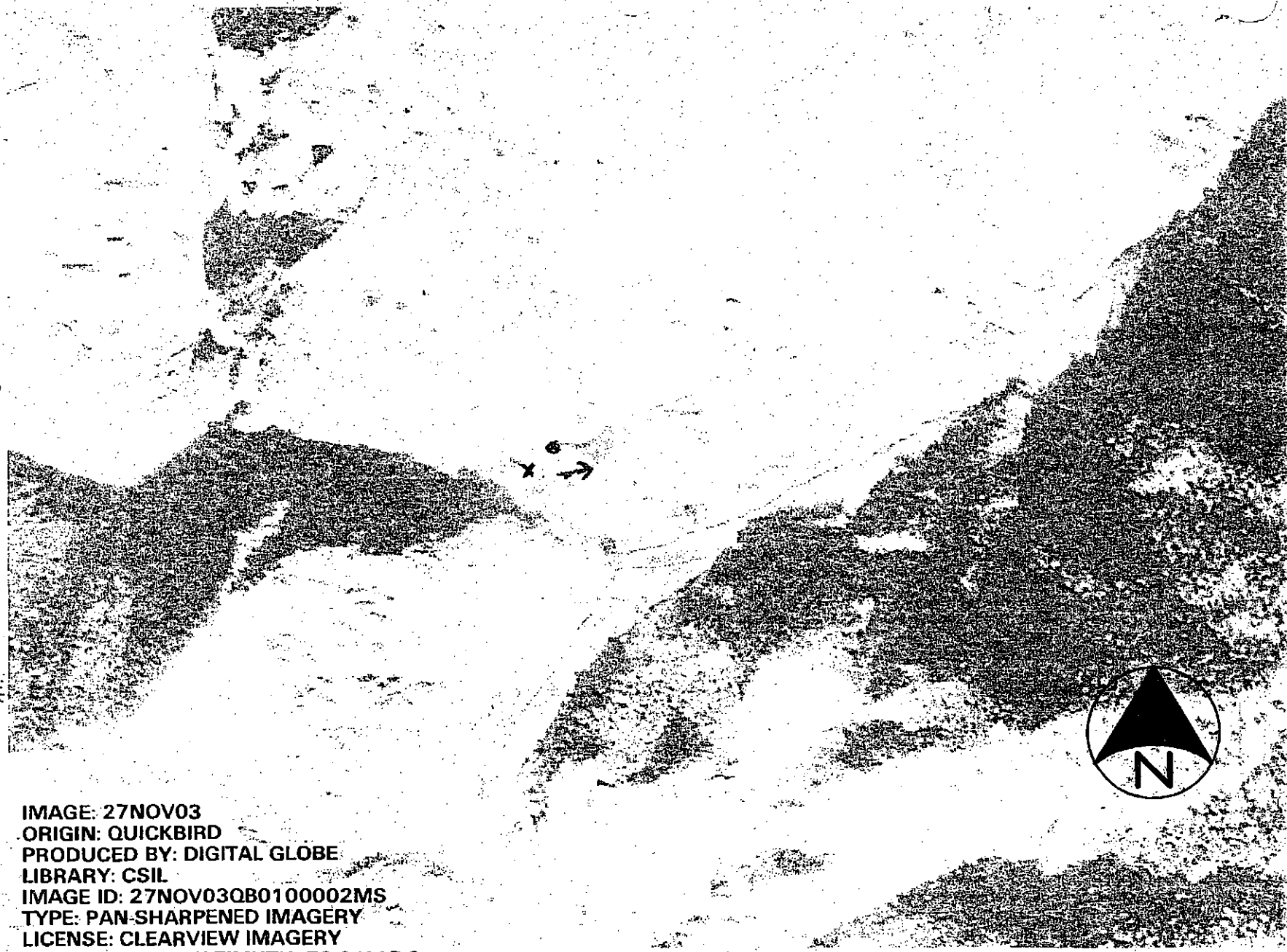

IMAGE: 27NOV03
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PRODUCED BY: DIGITAL GLOBE
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LICENSE: CLEARVIEW IMAGERY
VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 4 OF 6 PAGES."

EXHIBIT 53

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0013-06-CID 201-60048

STATEMENT OF [redacted] TAKEN AT Flint DATED 23 [illegible] CONTINUED.

FRONT

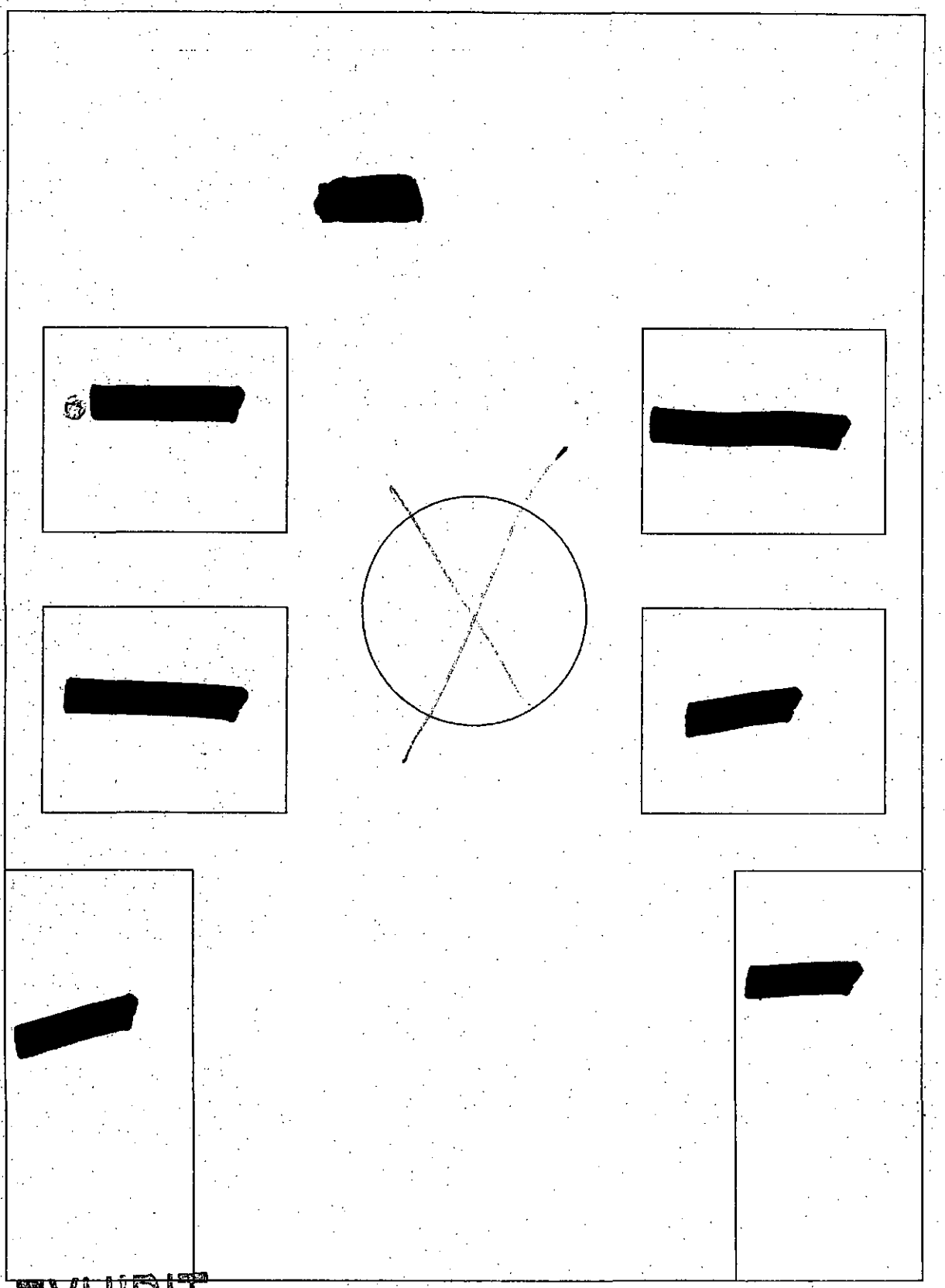

EXHIBIT 53

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 6 PAGES.

[redacted]

[redacted]

Not used [redacted]

AFFIDAVIT

(b) I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 23 DAY OF May, 2006
AT Fort Lewis CID Office, Fort Lewis, WA 98433

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

ORGANIZATION OR ADDRESS

[redacted]

INITIALS OF PERSON MAKING STATEMENT PAGE 6 OF 6 PAGES

DA Form 2823 (AUTOMATED)

[redacted] EXHIBIT 06, TC 000378
53

(FOUO-LES) About 1254, 16 May 06, SA [redacted] interviewed [redacted] A Company (Co.), 2/75th Ranger Regiment (Rgt.), Fort Lewis, WA 98433 (FLWA), who stated he was in the Gun Mounted Vehicle (GMV) in serial two. [redacted] stated the ambush began in the canyon from what he thought was a mortar round and continued until serial two exited the canyon and the cease fire was called by his vehicle. (See Sworn Statement for Details)

(FOUO-LES) About 1337, 16 May 06, SA [redacted] interviewed [redacted] A Co. 2.75th Ranger Rgt, FLWA, who stated he was attached to 1st platoon and was not at the incident location when the death of CPL TILLMAN occurred. [redacted] stated his platoon received the word that night and proceeded to the incident site to assist in perimeter security. [redacted] stated he further pulled security at a roadblock at the incident site to assist in the questioning of local Afghanistan people to determine the details of the incident. [redacted] also cleared surrounding villages in an attempt to gather intelligence, which he stated proved to no avail. [redacted] further stated he did not know what happened to CPL TILLMAN's clothing, equipment, or personal effects, nor did he actually see the site where CPL TILLMAN was killed.

(FOUO-LES) About 1500, 17 May 06, SA [redacted] interviewed [redacted], A Co., 2/75th Ranger Rgt, FLWA, who stated he was the M-240 gunner in the last vehicle of the entire convoy (Serial #2). [redacted] stated one mortar round initiated the ambush and the platoon reacted to the ambush by laying down suppressive fire throughout the canyon. [redacted] stated no one from his GMV fired upon CPL TILLMAN's position. [redacted] further stated he was handed CPL [redacted]MAN's helmet and weapon and secured both items in his GMV and stated the items were taken out of the GMV when they returned to FOB [redacted] stated he did not know what happened to the items once they returned to FOB [redacted]

(FOUO-LES) About 1132, 18 May 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company (HHC) 2/75th Ranger Rgt., FLWA, who was in the GMV behind [redacted] vehicle during the entire incident. [redacted] stated he saw [redacted] vehicle fire upon the spur where it was later determined CPL TILLMAN, [redacted] and [redacted] were located. [redacted] further stated as his GMV rounded the rock wall he saw the AMF soldier on the ground and could see four Rangers on top of the spur. (See Sworn Statement for details)

(FOUO-LES) About 1300, 18 May 06, SA [redacted] interviewed [redacted] A Co. 2/75th Ranger Rgt, FLWA, who stated he was apart of the Quick Reaction Force (QRF), which pulled security after the incident involving CPL TILLMAN occurred. [redacted] stated he stayed with the vehicles the entire time he was out there, which was two days, while other Rangers cleared villages near the vicinity.

(FOUO-LES) About 0850, 23 May 06, SA [redacted] interviewed [redacted] A Co. 2/75th Ranger Rgt, FLWA, who stated he was in first platoon and was not apart of serials one or two

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE: 24 May 06 / EXHIBIT: 54

D.

when the incident involving CPL TILLMAN occurred. [redacted] stated he pulled security after the ambush occurred for about two hours and then was told to search the surrounding areas for any brass or RPG bodies. [redacted] stated he, nor did anyone else that he knew found any such items.

(FOUO-LES) About 0935, 23 May 06, SA [redacted] interviewed [redacted] 7651, A Co. 2/75th Ranger Rgt, FLWA, who stated he was in first platoon when the incident involving CPL TILLMAN occurred. [redacted] stated he pulled security from his vehicle the entire time he was out at the scene and did not participate in any other activities.

(FOUO-LES) About 1315, 23 May 06, SA [redacted], interviewed [redacted], HHC 2/75th Ranger Rgt, FLWA, who stated he was in the first vehicle of serial one when the platoon left the village of Magarah, Afghanistan. [redacted] stated he was attached to 2nd platoon, 2/75th Ranger Rgt, from the anti-tank platoon of the same unit. [redacted] stated serial one was at the village when he turned around a saw smoke from the explosion. [redacted] did not know what the explosion was but he notified the officer in his vehicle (NFI), and the vehicle dismounted and began to pull security. [redacted] stated he was not aware of the events which led to the death of CPL TILLMAN, nor was he aware of the events afterwards. [redacted] stated he did not know what happened to CPL TILLMAN's clothing or equipment and he never went to the location where CPL TILLMAN was found.

(FOUO-LES) About 1537, 23 May 06, SA [redacted] interviewed [redacted] Group Support Command, 1st Special Forces Group, FLWA, who provided a sworn statement, which he stated he conducted an inventory of CPL TILLMAN's belongings in Bagram, Afghanistan and found CPL TILLMAN's journal, dog tags, clothing, boots, books, wallet and some other miscellaneous items. [redacted] stated he provided the journal, wallet, name tapes and dog tags to CPL TILLMAN's [redacted] when [redacted] stayed with him in Bagram, Afghanistan. [redacted] further stated he also was given the flash light, which was mounted on CPL TILLMAN's weapon, which was located in his former office at A. Co., 2/75th Ranger Rgt, FLWA. [redacted] stated the flashlight appeared to have a bullet hole in it. (See Sworn Statement for Details)

(FOUO-LES) About 1605, 23 May 06, SA [redacted] collected the flashlight from [redacted] which was retained on a DA Form 4137, Evidence/Property Custody Document (EPCD), Voucher Number (VO) 15-06/06. (See DA Form 4137, VO 15-06 for details)

(FOUO-LES) About 1630, 23 May 06, SA [redacted] and SA [redacted], exposed digital photographs of the flashlight utilizing a Sony Compact Disc Mavica Digital Camera with built-in flash. (See Photographic Contact Sheet for Details)

(FOUO-LES) About 1000, 24 May 06, SA [redacted] coordinated with [redacted] who stated he would obtain the inventory paperwork from the unit and provide a copy to this office. [redacted] further stated after thinking about the events, which he described in his statement, he realized that he shipped CPL

D.

TILLMAN's duffel bag back to FLWA and he had placed a rough draft copy of the inventory in the duffel bag.

(FOUO-LES) About 1130, 24 May 06, SA [redacted] coordinated with [redacted] and obtained copies of the documents pertaining to the inventory he conducted on CPL TILLMAN's belongings. The documents did not reflect CPL TILLMAN's journal, dog tags, wallet, or name tapes, which [redacted] stated he provided to [redacted]

(FOUO-LES) About 1205, 24 May 06, SA [redacted] interviewed [redacted] HHC, 2/75th Ranger Rgt, FLWA, who provided a sworn statement detailing his actions in April of 2004. [redacted] stated he was one of the snipers in serial #2. [redacted] stated he saw through his optics a person waving their arms above their head as his vehicle exited the canyon. The individual was on the side of a hill on the right side of convoy. [redacted] stated he could not identify the individual and did not see any other personnel at this position. (See Sworn Statement for details)
///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
URE [redacted]	DATE 24 May 06	EXHIBIT 54 000381

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060516 [redacted]	.25 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
A Co., 2/75th Ranger Regiment, Fort Lewis, WA 98433

9.
(U) [redacted], want to make the following statement under oath:

I have been in my current unit since 20 Mar 04, and I deployed to Afghanistan in early April of 2004. On 21 Apr 04, one of our Gun Mounted Vehicles (GMV) broke down and we towed the vehicle as far as we could before the vehicle seized up and wheels began to drag. We stopped in the town of Magarah, Afghanistan. Several ideas were proposed to attempt to get the GMV out of the town. I don't remember whose idea it was to have a Jinga truck tow the GMV. Trying to tow the GMV by Jinga truck actually took a lot longer than anticipated. The squad leaders, platoon leader and platoon sergeant had a meeting regarding the plan as far as what "higher" wanted us to do. They came back and said we were going to split up into two groups and that the GMV that I was in was going to be the lead vehicle for the second group (the group with the Jinga truck and broken down GMV). Once the decision was made the first group left Magarah and our group left about 30 m[illegible]s later, it was getting close to sunset, but I am not sure of the actual time of d[illegible]nce we got the word to move out, we were the lead vehicle and we cleared the village of Magarah, we took a right and the Jinga truck driver (NFI) got someone's attention and said that the proposed route was going to be too difficult and that he knew of an easier route to take. Everyone agreed and the Jinga truck took the lead and we followed him into the canyon. As soon as the last vehicle entered the mouth of the canyon and cleared the first bend was when the ambush occurred. I thought the ambush initiated from a mortar round. The Jinga truck stopped and everybody else stopped and dismounted to pull security and we started yelling to the trail vehicles that rocks were coming down because of the incoming rounds. Shortly after that we started taking gun fire and the NCO in the Jinga truck, (NFI) got the driver to continue to move the truck. I don't remember if it was the next mortar round that come in, but the Jinga truck stopped again and everyone began to dismount and scan their respective sectors of fire. I don't remember why the Jinga truck driver stopped, but he stopped twice, and I am not sure why. We stopped firing twice until we heard either gun fire or more incoming mortar rounds. Once we would get going after we stopped, [redacted] and another squad leader (NFI) was running up and down the convoy helping the convoy move along. I remember a couple of guys who called out that they saw muzzle flashes and called the direction. Throughout the whole thing I fired three 203 rounds and four magazines, but I don't remember doing any magazine changes, but I know I went through that many magazines. I even gave some 203 rounds to [redacted] Right around the house we passed the Jinga truck. I can't remember if we passed the house before or after TILLMAN's position. Once I looked up at TILLMAN's position I could see silhouette's but could not make any one out. I saw someone up at that position call cease fire, the basic hand and arm signal that we learned in basic training. That was after we open fired on that position. We moved forward a little more and I then noticed the [redacted] I am sure the people in front of me in the GMV saw the trucks before I did, because of my position. We t[illegible]ulled over and conducted a security halt and pulled perimeter security. I did not e[illegible]now we had anyone wounded at that time. We also told the next vehicle that came around the bend before we stopped to cease fire. At that time the sun was going down and I could not [illegible] uniforms or weapons, they were just shadows on the hill. I have 20/20

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EXHIBIT [redacted] 55 [redacted]

Page 1 of [redacted]

vision and all I could see were shadows. When we came around the bend, before the security halt, somebody called out muzzle flashes or AK-47 fire, I don't remember what g[redacted]r attention to TILLMAN's spot, but something got everybody's attention, and we s[redacted]d firing at the 4 or 5 o'clock position. The .50 cal was less than 10 feet from me and I did not have hearing protection at this time, it was hard for me to distinguish what weapons were being fired on country side. After the security halt a squad cleared the villages and people started to ask the persons in the village and the Jinga truck driver if they knew anything. I don't know if anything was found out from those interviews. I heard a couple of days later that we had found out that the Jinga truck driver was in on it. That night we were told that we had [redacted] which is what we called ourselves, down and one AMF soldier down. I can't not remember when I was told who was killed.

Q: SA [redacted]

A: [redacted]

Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?

A: Please see diagram for details.

Q: You stated earlier that you thought it was mortar rounds that initiated the ambush in the canyon. Could the explosions have been anything other than mortar rounds?

A: If it was anything other than mortars, the enemy was a bad shot. I do not see how it could have been a Rocket Propelled Grenade, because I did not hear any initial blast. All I saw and heard was an explosion, which was at our 6 o'clock. If it was an Improvised Explosive Device, the explosions were too high on the side of the canyon walls. I believe [redacted] said he heard the rounds coming in, but I did not.

Q: Who gave the order to split the convoy in Magarah?

A: That was coming from Bagram or Salerno; I don't know who said it.

Q: Did you see any enemy soldiers in the canyon?

A: No.

Q: Did you fire your weapon in the canyon?

A: Yes, I fired both 203 and M-4 rounds.

Q [redacted]t were you firing at?

A. [redacted] soon as I heard incoming, I fired where everyone was pointing at and if we heard sporadic fire, I fired in the direction of where I would normally pull security at the 6-8 o'clock position just to cover the vehicle.

Q: Did you fire your weapon at TILLMAN's position after your vehicle exited the canyon?

A: No.

Q: Did you see any weapons at TILLMAN's position?

A: No.

Q: I have a diagram, marked Attachment B, which is an overview of a map of the area from Magarah to where the incident occurred. Could you please trace the route the convoys or serials took after the element departed from Magarah. Please annotate where you think the Jinga truck driver changed the routes and where the ambush occurred.

A: Please see diagram for details.

Q: Do you remember who called out contact after exiting the canyon?

A: No.

Q: Did you ever see the AMF soldier at TILLMAN's position?

A: No.

Q: Who called for cease fire in your vehicle?

A: As soon as we first saw the first hand and arm signal from TILLMAN's position, everyone was calling it out, at least that what it seemed like that everybody was calling it.

Q: Were you aware of a Doctor in Magarah who passed a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?

A: No.

Q: What happened the next day after the incident occurred?

A: The next day we conducted [redacted] or basically clearing villages lo[redacted]ng for weapons or any valuable intelligence on the village where the incident

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EXHIBIT 55

occurred and villages up and down the river bed. We then went back to FOB SALERNO, with the Jinga truck driver and the broken down GMV.
Q: [redacted] there an After Action Review (AAR) conducted?
A: [redacted].
Q: what came out of the AAR?
A: Everybody told there side of the story. It was very confusing.
Q: Was the Toyota trucks apart of the first serial?
A: They were not even with us; however, they met with first serial during movement.
Q: Did you ever see the GMV's from the first serial after exiting the canyon?
A: No, I did not know we had linked up with them until the next day.
Q: Did you ever see TILLMAN's position after the incident occurred or did you search around the area for any reason.
A: No.
Q: Do you how TILLMAN was found?
A: I don't.
Q: Do you know what happened to TILLMAN's equipment and clothing?
A: No I don't know.
Q: Do you know if TILLMAN kept a diary or journal?
A: Not that I know of.
Q: What is the Ranger SOP regarding contact from the enemey?
A: Point where my team leader points, shoot where my team leader shoots, which is one of them. As far as reacting to contact, our SOP states to fire in the direction of contact. As far as in the canyon, I could not tell where contact was coming from because of the echoes in the canyon.
Q: Does the Ranger SOP state anything about identfying your target before you engage the target?
A: Yes, the SOP states to positively ID the target. The only thing I could identify was the gun fire in canyon. I could not distinguish between AK-47 fire and M-4 fire during the entire incident.
Q: Do you know how far you were on the road to TILLMAN's position during the incident?
A: [redacted]on't.
Q: [redacted] you have anything else to add to the statement?
A: No. ///End of Statement///[redacted]

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[redacted] EXHIBIT 55

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 16 May 06 CONTINUED.

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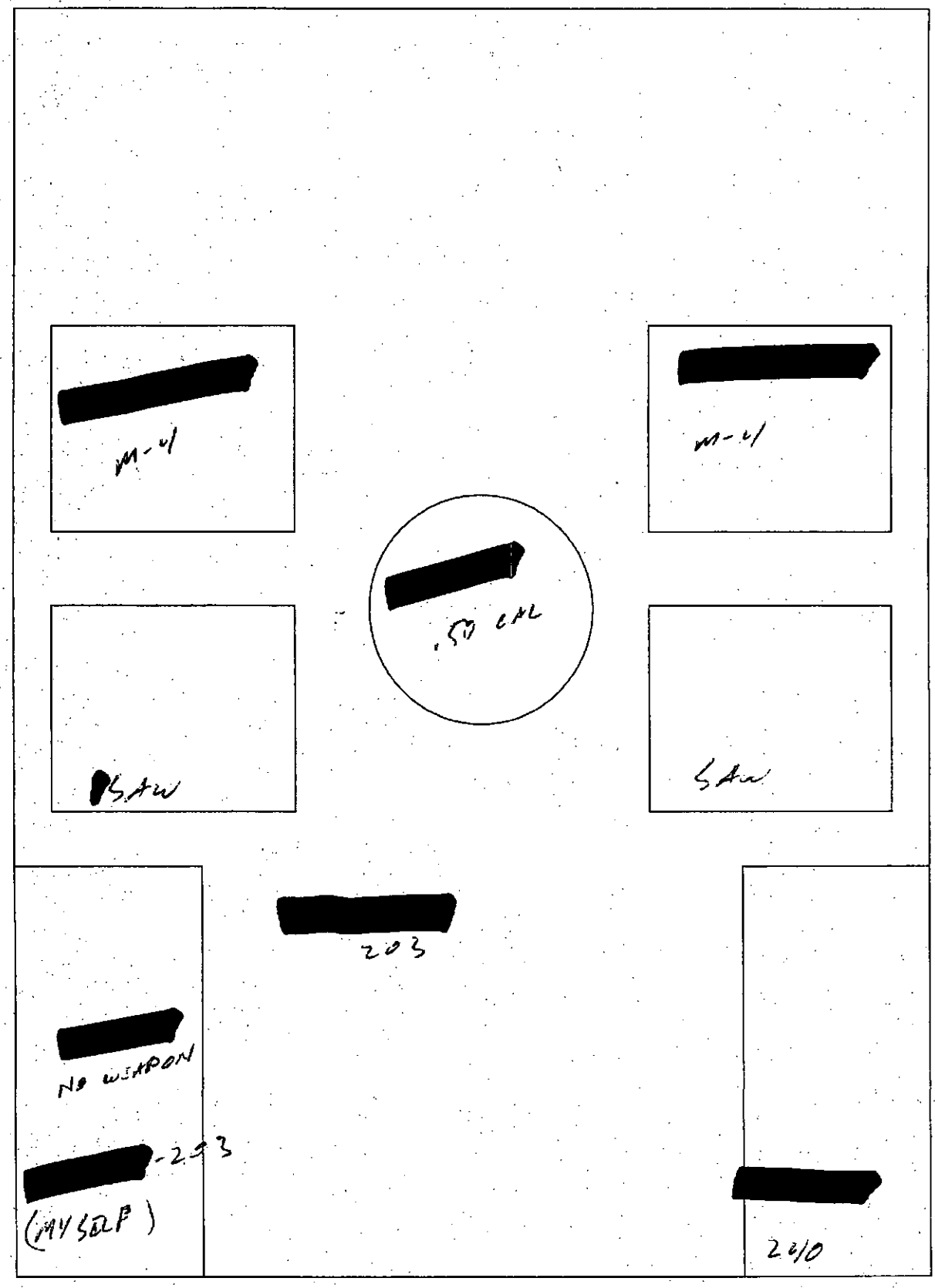

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

Enclosure A [redacted]

EXHIBIT 55

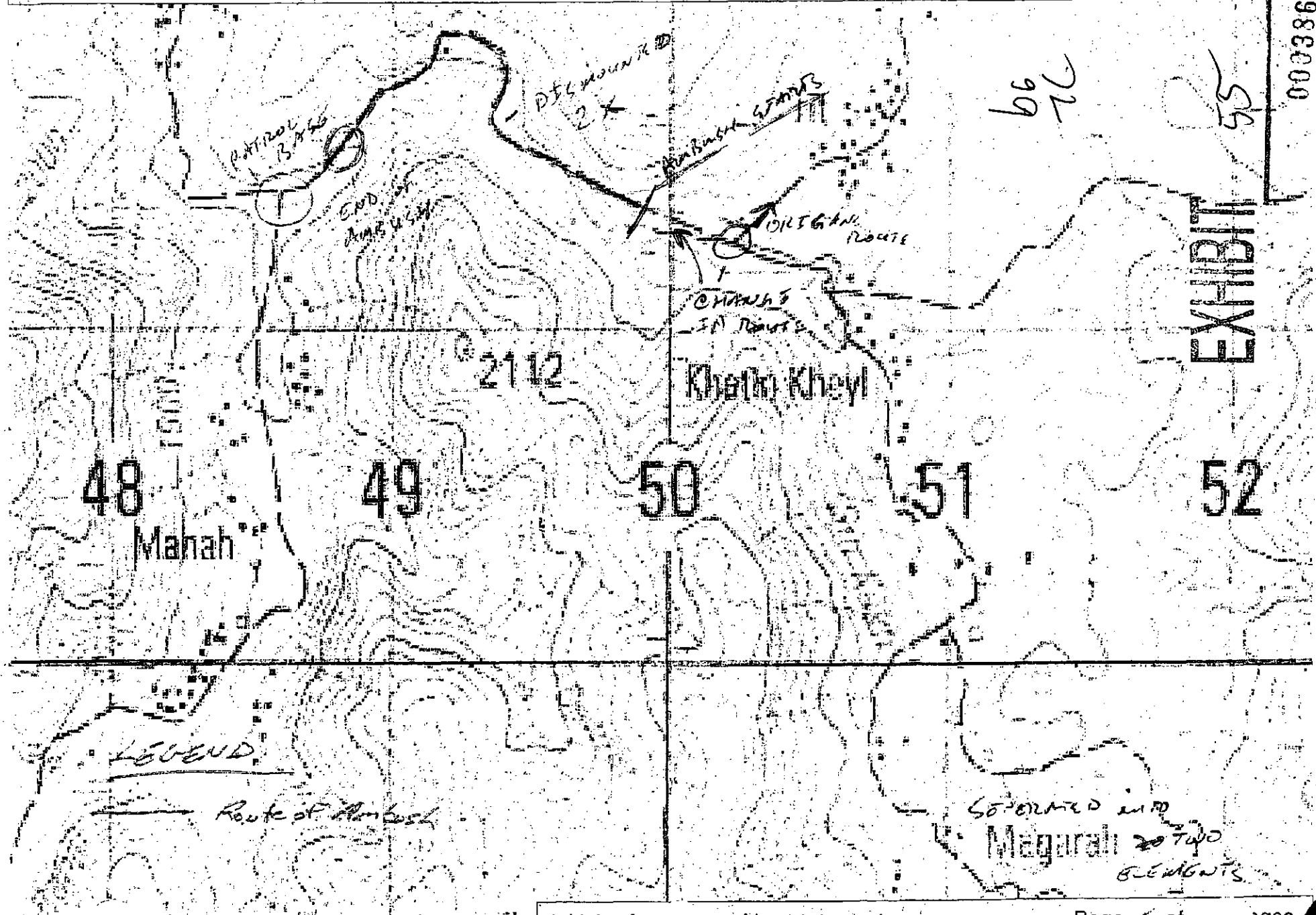

EXHIBIT 55

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STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON P. 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 16 day of May, 2006
at Fort Lewis, WA

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 6 PAGES

[redacted]

EXHIBIT 55

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

A[redacted]ITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PR[redacted]PLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060517 [redacted]	1500 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
A Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433

9.
([redacted]) [redacted] want to make the following statement under oath:

Q: SA [redacted]
A: [redacted]
Q: Do you recall the events that took place around 22 Apr 04?
A: Yes.
Q: Can you describe for me what you heard and saw regarding these events?
A: I don't know the exact date that everything happened, but I was in 2nd platoon of my current unit. My unit was passing through the town of Magarah, Afghanistan on our way back [redacted]. We stopped in Magarah, because we need food water and one of our Gun Mounted Vehicles (GMV) was broken down and needed to be towed. There was some old guy [redacted] had a Jinga truck (NFI). I don't who the actual Jinga truck driver was or who in our platoon hired him, but I know a Jinga truck towed our GMV and c[redacted]f our soldiers was in the Jinga truck during the towing.
Q[redacted]w long were you in the town of Magarah before the platoon left?
A: I don't know the exact time, but we were there for about 2 or 3 hours.
Q: What time did the platoon leave Magarah?
A: Late afternoon.
Q: Did the platoon split up when they left Magarah?
A: No.
Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?
A: Please see diagram for details.
Q: Did your convoy change routes during the movement from Magarah?
A: I think we went a different way than we were originally suppose to.
Q: Who was the individual(s) who made the decision to change routes?
A: I don't know.
Q: I have a diagram, marked Attachment B, which is an overview of a map of the area from Magarah to where the incident occurred. Could you please trace the route the convoys or serials took after the element departed from Magarah. Please annotate where you think the Jinga truck driver changed the routes and where the ambush occurred.
A: As far as where we changed routes, I am not sure of where that occurred. (Please see diagram for details)
Q: Where was your vehicle during the movement?
A: My vehicle was the last one in the entire movement.
Q: What initiated the ambush?
A: I think just one mortar round, which landed on the rock ledge that came over us. We entered the canyon and stopped probably because of the terrain of the area. We were talking in our vehicle that this area would be a good spot for an ambush, and then the mortar round went off.
Q[redacted]w many mortar rounds were there?
A[redacted]e mortar round that I could tell. There were some other explosions up front, which sounded to me like RPG fire. We though that there was an IED up front and [redacted] radioed ahead and whoever answered said there was contact with the two lead vehicles.

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EXHIBIT 56 Initials [redacted] Page 1 of 2

STATEMENT OF [redacted] TAKEN AT Stevens Wa DATED 17 May 03

Q: What two vehicles were the lead?
A: I don't know.
Q: Could the explosions have been anything other than mortar rounds?
A: I think that was definitely a mortar round, just the way it sounded because of the way it hit and went off.
Q: What was your reaction to the initial ambush, as well as, the GMV you were in?
A: I was confused on what had just happened. There was confusion througout the GMV, until we heard the platoon was making contact up front.
Q: Did you see any enemy soldiers in the canyon?
A: No, I personally did not see any.
Q: Did you fire your weapon in the canyon?
A: Yes, I was firing to about the 4 o'clock area from my vehicle at the ridgeline of the canyon.
Q: What were you firing at?
A: I was not necessarily firing at anything, I was more or less suppressing the area in case there was any enemy up there.
Q: Did anyone else from your GMV fire their weapons?
A: Yes, [redacted] fired his weapon. [redacted] attempted to fire his Mark-19, but because he could not get it to work he fired his 9-mil. They were firing up at the ridgeline.
Q: Did you fire your weapon at TILLMAN's position after your vehicle exited the canyon?
A: No.
Q: Did anyone in your vehicle fire at TILLMAN's position after exiting the canyon?
A: No.
Q: Did your vehicle stop at any other time during the ambush while you were in the canyon?
A: Yes, I don't recall how many times we stopped. I believe we stopped because of the terrain and as other vehicles came into contact in the canyon. Everytime we stopped we dismounted and we pulled security. I pulled security from the 3 to 5 o'clock area of the vehicle.
Q: After exiting the canyon did you see TILLMAN's position?
A: Yes, I saw the position, but I did not see him. I did not know it was his position unitl after we were told TILLMAN was Killed in Action (KIA).
Q: Did you see any weapons at TILLMAN's position after you came out of the canyon?
A: No.
Q: Did anyone in your GMV call out contact in the canyon or see any enemy personnel?
A: From what [redacted] who was our driver, told me was that he saw enemy personnel on the ridgeline in the canyon, but I did not see anything because I was facing the opposite direction.
Q: From your vehicle was contact called out after exiting the canyon?
A: No.
Q: Did anyone call for cease fire in your vehicle?
A: [redacted] did call cease fire, so we could hear any enemy firing.
Q: Were you aware of a Doctor in Magarah who passed a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
A: No.
Q: What happened that night and the next day after the incident occurred?
A: That night we drove down another 500 meters and set up a perimeter and waited for 1st platoon to link up with us. Once they linked up with us, they pulled security for us while we slept. The next day my squad went up to the ridgeline that was to our 3 o'clock of our vehicle and also North of the village where the incident occurred. We just overwatched the other villages past the ridgeline.
Q: Was there an After Action Review (AAR)conducted?
A: I can't remember if there was or not.
Q: Did you ever see TILLMAN's position after the incident occurred or did you search around the area for any reason.
A: No.
Q: Did you how TILLMAN was found?

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[redacted] EXHIBIT 56

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 17 Mar 06

A: [redacted], who was the [redacted] told me CPL TILLMAN was sitting upright and slouched over.
Q: you know what happened to TILLMAN's equipment and clothing?
A: [illegible]er the incident, [redacted] gave me TILLMAN's helmet and SAW gun and told me not to lose it. So I tied both items to the back of our GMV.
Q: What happened to the helmet and SAW gun?
A: While we were still there the SAW gun was washed off and it was left in my vehicle until we got back to [redacted] and I am not sure what happened to both items once we got to SALERNO.
Q: What about TILLMAN's other equipment, like his protective vest and clothing?
A: Some of it was put in a black bag and I am not sure what happened to it. I never saw or heard about it again.
Q: Do you know if TILLMAN kept a diary or journal?
A: No.
Q: What is the Ranger SOP regarding contact from the enemey?
A: Once we make contact, we are suppose to fire back at the enemy. It is up to the leader or leaders on what Battle Drill he wants to conduct.
Q: Does the Ranger SOP state anything about identfying your target before you engage the target?
A: Yes, it says we should positively identify before you shoot.
Q: Do you have anything else to add to the statement?
A: No. ///End of Statement//[redacted]

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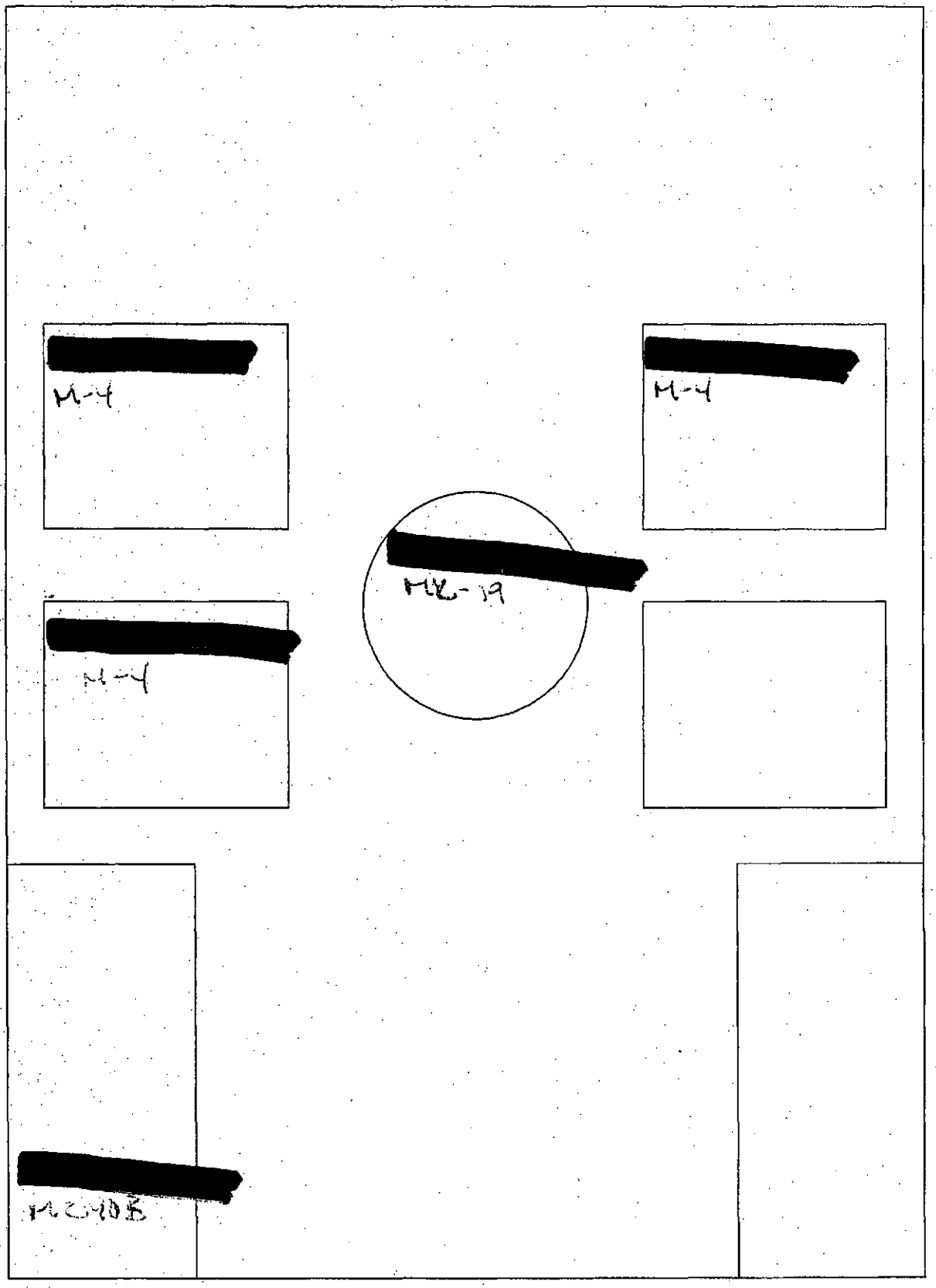
EXHIBIT ____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF [redacted] PAGES

[redacted]

EXHIBIT 56

STATEMENT OF [redacted] TAKEN AT Fort Lewis WA DATED 7 May 15 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 1 PAGES.

Attachment 4

[redacted]

EXHIBIT 56

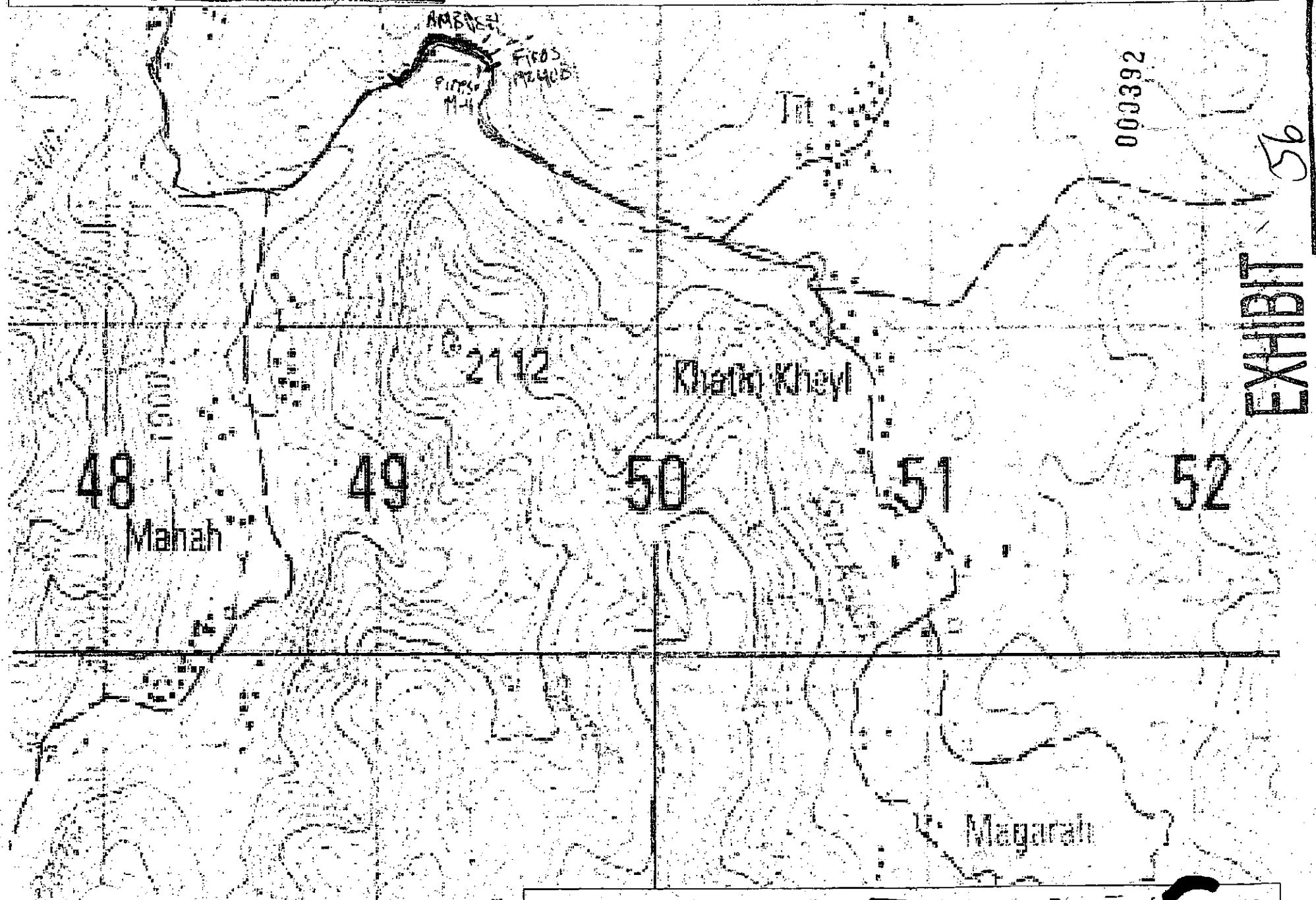

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EXHIBIT 56

STATEMENT OF [redacted] TAKEN AT Ft Lewis, WA DATED 17 May 06

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6 [redacted] FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 17 day of May, 2006
at Fort Lewis, WA

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 6 PAGES

[redacted]

EXHIBIT 56

[redacted] [redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

A[illegible]ITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PR[illegible]PLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060518 [redacted]	1132L [redacted]	[illegible]013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
HHC Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433

9.
([illegible]) [redacted] want to make the following statement under oath:

Q: SA [redacted]
A: [redacted]
Q: Do you recall the events that took place around 22 Apr 04?
A: Yes.
Q: Can you describe for me the events that took place at that time, starting with the day the platoon was in Magarah, Afghanistan?
A: Previous to the day in Magarah we were at Border Crossing Point #5, a check point on the border of Afghanistan, manned by AMF soldiers. We had a GMV broken down and we attempted to obtain the necessary parts to fix the vehicle. On that final day we were told to move and the tow the vehicle by higher, I believe the Cross Function Team (CFT) Commander at [redacted] made the decision. The CFT commander may have been [redacted] or [redacted]. We left 0700 local on 22 Apr 04, and the plan was for us to tow the vehicle t[illegible]e next village we were suppose to clear in our AO. I'm pretty sure that was Manah 1, Manah 2 and Manah 3, it was basically 3 villages in a row all named the same. We got about 3/4ths of the way there, about this time it was early afternoon. The GMV suspension broke from the terrain, we were basically dragging the vehicle and it came to a point that we could no longer tow the vehicle. We stopped in Magarah. Once we stopped we immediately contacted higher, we were there for about 2 to 3 hours. I was not in the decision making process, but myself and [redacted] suggested to the [redacted] that we air lift the GMV out. The answer was no because it would take 2 days for that to happen. After that, between the squad leaders and platoon sergeant the idea was to have a Jinga truck tow the GMV. By this time a crowd of 75 to 100 locals gathered, which was during the negotiations between our unit and the Jinga truck driver (NFI), which I feel attributed to the ambush because the locals overheard our destination and plan. At this time [redacted] was on the radio informing higher of our plan. Higher told him that we needed to bring the vehicle to the hard ball road and a wrecker would meet us there and tow the GMV back [redacted] Higher also told [redacted] to continue to clear the remaining villages on the way back. [redacted] and higher went back and forth regarding the plan. Higher wanted to split the platoon and send an element to Manah to continue the clearance of the AO, while the second element was to tow the GMV. We of course did not want to split up, but higher said that we would split up to continue the mission. It was my impression that higher wanted the villages cleared before dark that day. I over heard most of the conversation between higher and [redacted] because [redacted] was using my radio at that point. During this time [redacted] the company commander advised [redacted] to split the platoon. I remember [redacted] on the radio at this point. I don't believe [redacted] had anything to do with it. I do know [redacted] and [redacted] were co-located at that same TOC during this conversation. To say who actually made the decision to split up, I do not know. Once we got the word for that, [illegible][redacted] began to organize the serials. The two serials were supposed to exit Magarah [illegible]e same route, after Magarah there was a split in the road and serial #1 was to go left and serial #2 was to go right. After we all knew the route, serial #1 left about an hour before sundown, I don't know the actually time, but serial #2 left about 5 minutes

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[redacted] Initials [redacted] EXHIBIT 57 [redacted]

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 19 May 03

after serial #1. I don't know the order of movement for serial #1, but the order of movement for serial #2 was [redacted] vehicle, then the Jinga truck, then mortar cargo # [redacted] vehicle), then mortar vehicle #2 [redacted], and then [redacted] vehicle with C [redacted] I know serial #1 had a squad element of AMF soldiers with them, because these soldiers would go into the villages with us to help clear. When serial #2 reached the fork in the road, I could see the last vehicle for serial #1 enter the canyon, [redacted] made a right on the correct route, but the Jinga truck made a left and [redacted] vehicle stopped and Jinga truck stopped and there was some discussion on the radio about the Jinga truck not being able to make the planned route due to the terrain. Both routes would have taken us to the hard ball road. The planned route, meaning the right turn would have been faster. After that discussion [redacted] vehicle turned around and began to follow the Jinga truck. I don't know who was with the Jinga truck driver, but it may have been [redacted] or [redacted] We then entered the canyon; I never received any radio traffic from serial #1 during this time. We entered the canyon and the first round impacted, which I thought the first three were mortar rounds, but the after first round impacted the Jinga truck stopped and the driver tried to get out, but they got him back in. We were stopped for about 20 seconds, pulled security and then got back in the vehicles and began to move again. We went about 100 meters and there was second mortar round, we again stopped, pulled security for about 20 seconds and then re-mounted and continued to move. About another 100 meters down the road a third round impacted, we stopped, pulled security, at this point I observed 4 enemy personnel on the Northern ridgeline, moving parallel with our serial in the direction of movement. I could not see what they had in there hands, but they were in local clothing, gray man dresses. I and my driver, [redacted] engaged the 4 personnel and I was trying to get the two snipers, [redacted], and [redacted] to engage; however, by that time it was too late, the 4 enemy personnel were behind cover. Then [redacted] had his 60mm gunner fire a round attempting to hit the top of the northern ridgeline so he would know the range for any possible target in the future. At this halt, was the first and only time I heard AK-47 fire, which came from the Southern side on the ridgeline.. I can't be sure of whether the AK-47 fire was in front or behind us, because of the echoes in the canyon. We remounted and continued to move, we were stopped for about a minute on this aforementioned stop. We continued to move, and I believe an RPG impacted above [redacted] vehicle. I believe it was an RPG, because there were two booms and a smoke trail from the Southern to the Northern side of the canyon. The convoy slowed down and almost stopped, but we did not stop, I yelled at [redacted] vehicle to continue to move, which they did. During all of these stops, after every impact [redacted] .50 cal gunner shot the actual impact areas, for whatever reason. The canyon began to open up at this point, as we came around the corner, I could not see the village, the .50 cal gunner on [redacted] vehicle was still suppressing the Northern high ridgeline, we are not to the spur yet, which was [redacted] location. My two snipers did engage at the same point on the high ridgeline as [redacted] .50 cal gunner. Each sniper fired one shot, because they said they saw movement, I don't know the details of that movement because I didn't see the movement nor did they tell me. These sniper shots were the last shots fired from my vehicle. I told them to cease fire until they were positive they saw something. Now [redacted] vehicle was out of the canyon and we were about 100 meters behind them. As [redacted] vehicle came around the rock wall, which fenced in the field, it was about a 45 degree angle up to what I later learned was TILLMAN's location. [redacted] .50 cal gunner was engaging this location; I could see the tracer rounds and impacts on the spur. Before [redacted] vehicle fired at this position, they passed the Jinga truck because it had slowed down so much and moved over to the far left of the road just out the canyon. Once [redacted] vehicle fired on the spur and passed the rock wall, the .50 cal gunner began to fire on the village buildings. It is possible that other weapons from [redacted] vehicle were firing, however the sound would have been masked by the .50 cal and I could clearly see the direction the barrel was pointed on the .50 cal in reference to the tracer impacts I observed. I saw the .50 cal gunner hit the two story building in the village. At this point my vehicle is still behind the Jinga truck, but we have closed the distance to [redacted] vehicle by about 50 meters in front of us. The Jinga truck was on the left side of the road and mine was on the right as was [redacted] vehicle, so I had a clear view

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[redacted]

EXHIBIT 57

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 13 May 05

of his vehicle. As .50 cal gunner is engaging the village my vehicle is rounding the rock wall, at this point I see the injured AMF soldier on the side of the spur, he was w[redacted]ng tiger striped uniform, and I could see 4 Rangers further up the spur on top, w[redacted] I later found out was [redacted] squad. I did not see any Rangers just above the AMF soldier near the two rocks where, I later found out that, that was the location of TILLMAN and [redacted] I did see this position as we rounded the rock wall. I could clearly see the uniforms and helmets at this time of the Rangers on top of the spur; however, prior to that, just prior to the rounding of the rock wall the sun was beginning to set and was not quite down below the high ridgeline and gave a glare at this point. When we passed the rock wall the way the terrain was the sun was further down and there was not a glare from the sun at all. When I identified the friend locations, I pointed them out to my vehicle and I also called on the radio to [redacted] to cease fire, I received nothing back. At this point his vehicle was passed the two story building and [redacted] 240 gunner on his vehicle was engaging the two story building from the other direction the rounds were ricocheting towards [redacted] position as well as the rest of serial #2 coming out of the canyon. At that point I could also see the vehicles from serial #1, which were passed the village. Once [redacted] vehicle passed the last building in the village, he stopped at the intersection, the rest of the convoy stopped and I could hear [redacted] calling [redacted] that he had casualties. We then established security perimeter while [redacted] assessed the situation. About 10 minutes passed, then [redacted] called and requested litters, I know [redacted] the driver of [redacted] vehicle went to help package the casualties, but I do not know who the other two were. Once they went up there, we received a net call about a medevac and the ETA was unknown, at the same time a Recon platoon from our unit, which was moving from a separate area, heard the contact and came down from the hard ball road and met at the intersection with serial #1. At this point we have serial #1, serial #2 and the recon element, we expanded security and put guys on the high ground and we waited for the Medevac to occur. Also at this point, [redacted] was brought to my position to separate him from what was going on. [redacted] did not know [redacted] was the casualty. [redacted] told [redacted] what had happened, which was about the same time t[redacted]irst Helo was coming in. The first helo took out Pat TILLMAN and the AMF soldier, [redacted] went on a separate helo. Once that had happened the entire element was continuing to pull security, but no other contact occurred. My vehicle never took effective direct fire. Early in the morning, a platoon from FOB Salerno relieved us for security and we went to sleep. Then the following day, I think early evening, we continued to the town of Manah, which was just before dark. We stayed in Manah until the morning of the 24th, we cleared that village and then we drove back to FOB Salerno that night.

Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?
A: Please see diagram for details.
Q: Did you or anyone in your vehicle fire your weapon at TILLMAN's position after your vehicle exited the canyon?
A: No.
Q: What were the weather conditions during this incident?
A: It was clear skies and nice, but it was right sundown.
Q: After your vehicle exited the canyon, did you ever see any smoke grenades or pen flares?
A: I did not.
Q: I have a diagram, marked Attachment B, which is an overview of a map of the area from Magarah to where the incident occurred. Could you please trace the route the convoys or serials took after the element departed from Magarah. Please annotate where you think the Jinga truck driver changed the routes and where the ambush occurred.
A: Please see diagram for details.
Q: I have an image overview of the areas where this incident occurred, marked Attachment C. Could you please annotate where [redacted] vehicle, your vehicle, the Jinga truck and serial one was positioned?
A: Please see attachment C for details.

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EXHIBIT ____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 3 OF 8 PAGES

[redacted]

EXHIBIT 57

[redacted]

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED [illegible]

Q: I have a photograph, marked Attachment D, of the area where the incident occurred. Could you please annotate where the where [redacted] vehicle, your vehicle, the Jinga t[illegible] and serial one was positioned?
A: [illegible]ease see attachment D for details.
Q: were you aware of a Doctor in Magarah who passed a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
A: No, the first I had heard about that was after USASOC investigation.
Q: Was there an After Action Review (AAR) conducted?
A: Yes.
Q: What came out of the AAR?
A: I don't remember exactly what was discussed; a lot of the discussion was what the conversation was between the chain of command.
Q: Did you ever see TILLMAN's position after the incident occurred or did you search around that area for any reason?
A: No, not until the USASOC investigation did I go out to his position.
Q: Do you how TILLMAN was found?
A: No.
Q: Do you know what happened to TILLMAN's equipment and clothing?
A: I believe it went on the helo with him. His sensitive items would have been secured by his platoon, which would have been his weapon and night vision goggles.
Q: Was anyone wearing night vision goggles during this incident?
A: No, it was not dark enough yet.
Q: Do you know if TILLMAN kept a diary or journal?
A: I don't know.
Q: What is the Ranger SOP regarding contact from the enemy?
A: With contact you basically return fire, at known, likely and suspected enemy positions. In this case you would want to expedite getting the convoy clear of kill zone, once an element is clear of the kill zone, they will establish over watch/SBF of the area to facilitate the rest of the element exiting the kill zone. You would not stop an [illegible]lement in the kill zone especially with the restrictive terrain of this area, which i[illegible] I don't understand the element stopped every time there was an impact. Serial #1 d[illegible]ne right thing by moving into position on the high ground to support our movement out of the kill zone; however, there was no communication with them and our element had no idea that they were in the position they were in until it was all over.
Q: Does the Ranger SOP state anything about identifying your target before you engage the target?
A: Yes, acquire, identify and engage.
Q: Where was the AMF soldier located in relation to the two rocks on the side of the spur?
A: He was in front of the two rocks and down on his stomach, and he was not moving.
Q: Do you know how far you were on the road to TILLMAN's position during the incident?
A: It was about 75 meters, which was obtained during the USASOC investigation.
Q: Who was the M-240 gunner and .50 cal gunner of [redacted] vehicle?
A: No.
Q: How fast was your vehicle and [redacted] vehicle moving after exiting the canyon?
A: The way the road was, probably both vehicles did not move faster than 30 mph.
Q: Do you have anything else to add to the statement?
A: ///End of Statement/// [redacted]

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 8 PAGES [redacted]

[redacted]

EXHIBIT 57

STATEMENT OF [redacted] TAKEN AT Fort Bliss, TX DATED 18 Nov 2 CONTINUED.

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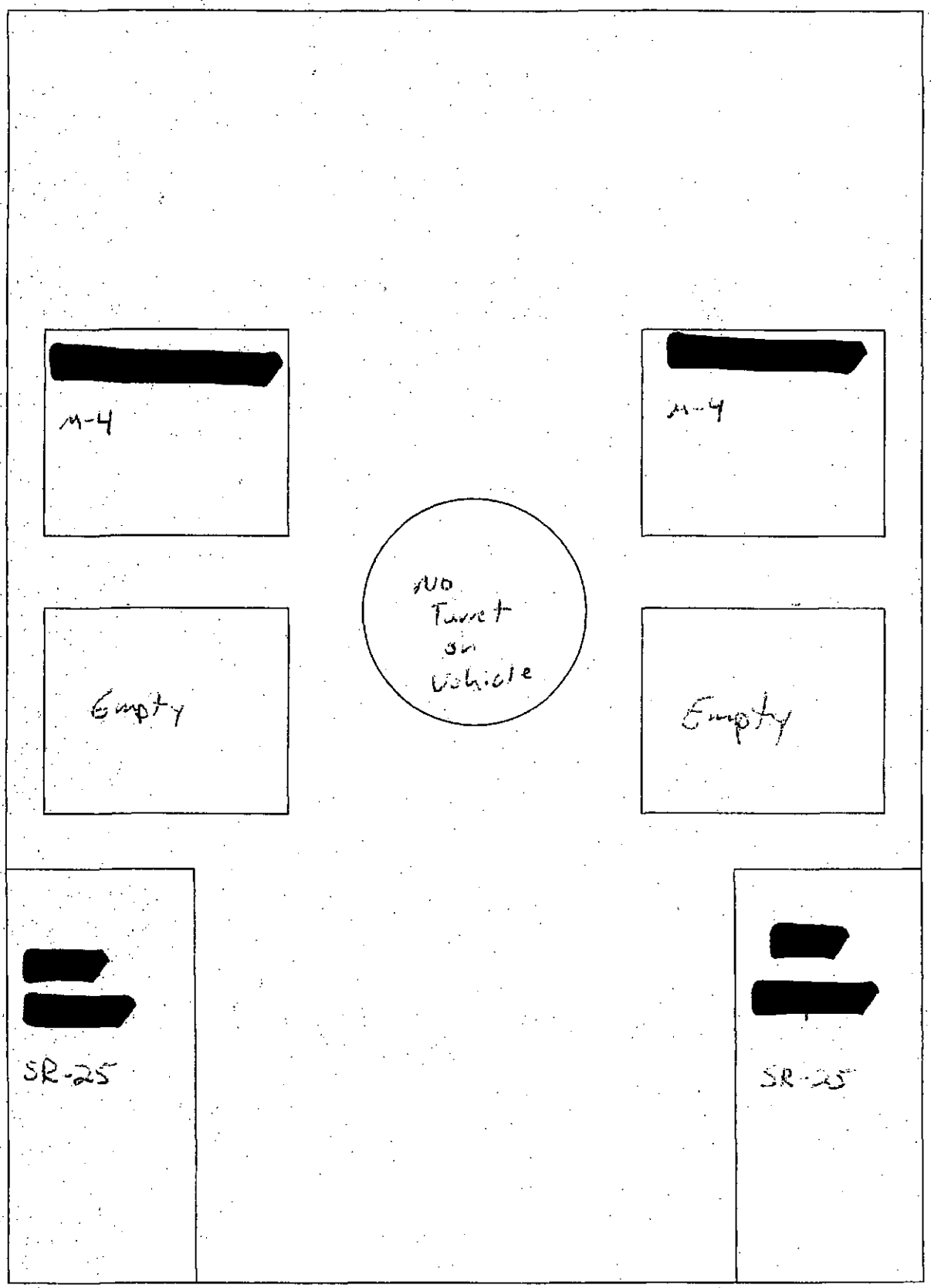

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 5 PAGES. [redacted]

Attachment A

EXHIBIT 57

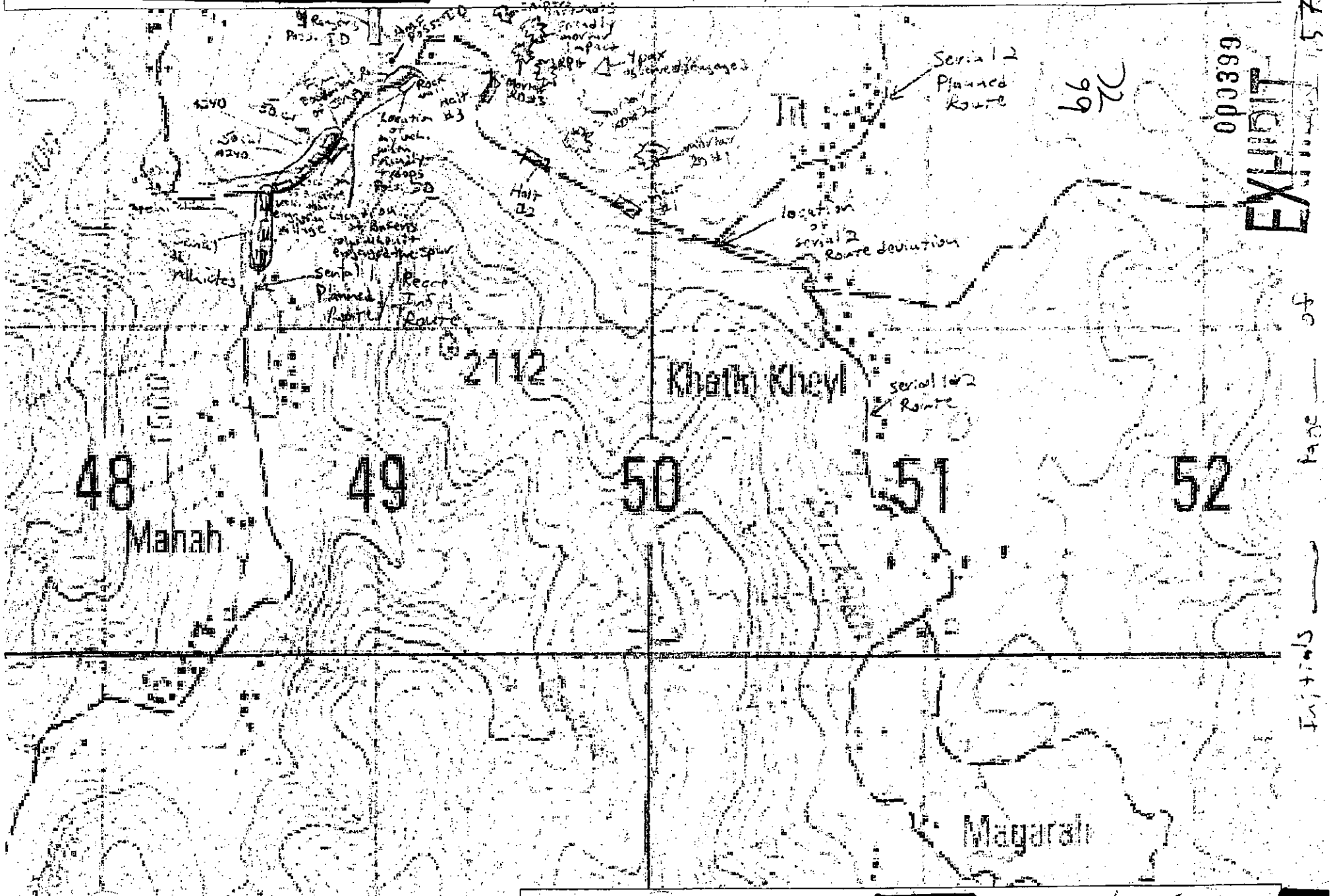

EXHIBIT 00389

"STATEMENT OF [redacted] TAKEN AT Fort Lewis WA DATED 18 Mar 06 CONTINUED."

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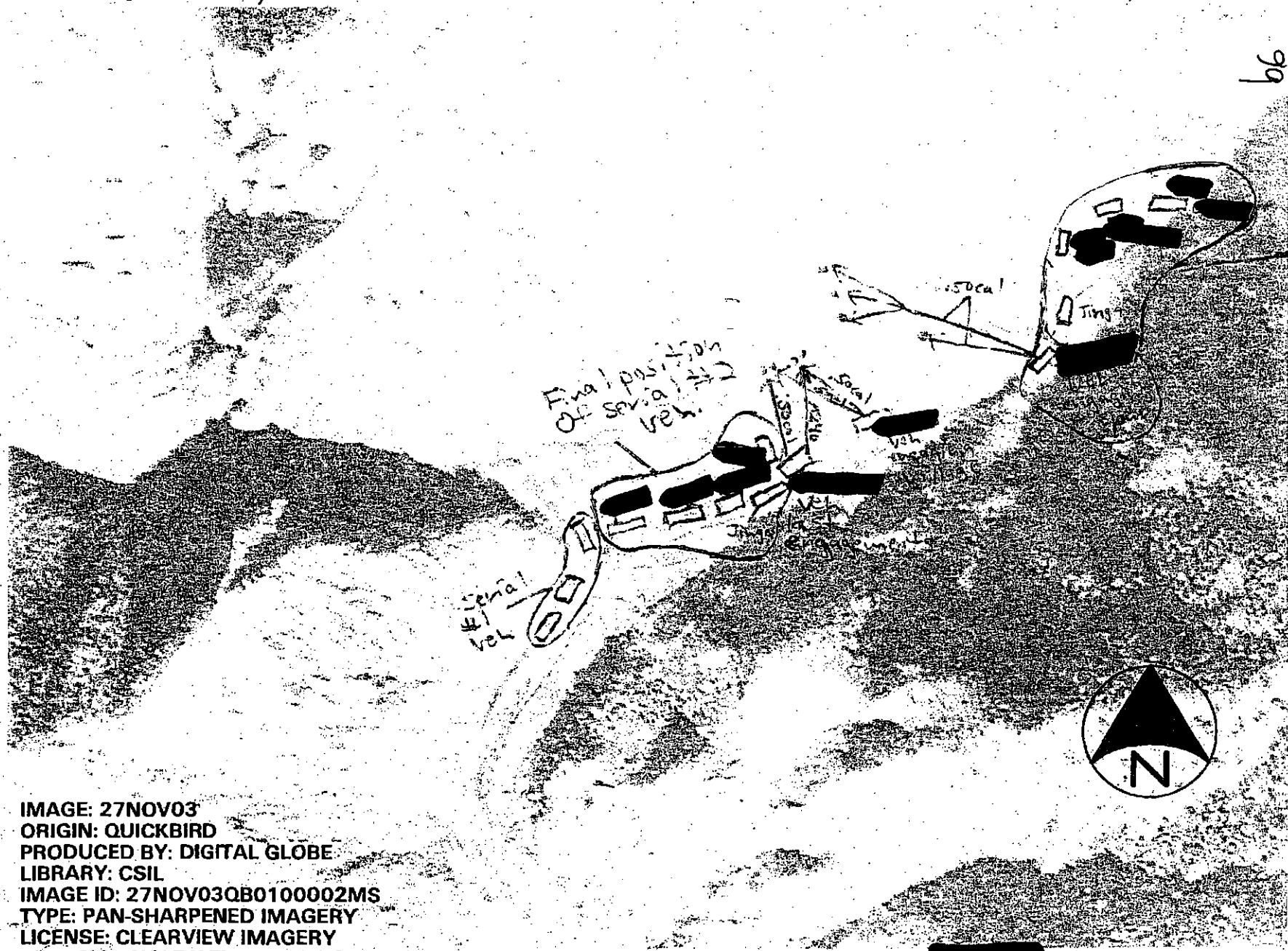

IMAGE: 27NOV03
ORIGIN: QUICKBIRD
PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
V NG ANGLE/AZIMUTH: 58.2/115.9
S NGLE/AZIMUTH: 32.1/156.1

INITIALS OF PER. MAKING STATEMENT [redacted] "PAGE 7 OF 8 GES. [redacted]

EXHIBIT 57

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. [redacted] FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 18 day of May, 2006
at Fort Lewis, WA

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 8 OF 8 PAGES

[redacted]

EXHIBIT 92

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

A[illegible]ITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PR[illegible]LE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060523 [redacted]	16:37 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
Group Support Company, 1st Special Forces Group, Fort Lewis, WA 98433

9.
(b) [redacted], [redacted] want to make the following statement under oath:

I was deployed to Bagram, Afghanistan, in April of 2004. I was hanging out one day, when it came over the radio that 2nd platoon, 2/75th Rangers had received fire. I heard there was two KIA's and one was identified as the AMF soldier that was killed. One of our code names used to identify people in the platoon came of the radio. The code name is usually [redacted] When this came over the radio, because it was my platoon, I looked on the alpha roster and discovered that it was Pat Tillman who had been killed. I then told the other personnel who were in the The Operations Command (TOC). There were four other bystanders in the TOC during this time. We rounded everyone else up to notify them that someone had been killed. The phones and internet had been cut off, to prevent anyone from talking about the incident. We actually did not tell anyone who was killed, o[illegible]hat someone was killed, but that information on who it actually was leaked out p[illegible]y quick. After that, it was basically standard operating procedures; you have to go inventory the personnel effects. I inventoried all of CPL TILLMAN's personnel effects that were left behind in one of the buildings on [redacted] Typically what would happen was the Rangers would pack whatever they needed into there ruck sack and leave everything else in there duffel bag back in [redacted] After that, I inquired to my XO, [redacted] about CPL TILLMAN's body armor, his fighting vest, helmet and his weapon, and I was informed that those particular items were burned at the fire base. I am not sure what fire base TILLMAN was taken to. I never saw any of that equipment. His body arrived at Bagram, and turned over to mortuary affairs. [redacted] came and stayed with me for about 3 days before he left, that is when I gave [redacted] all of TILLMAN's personal items, to include the journal, some books (NFI), his wallet, his dog tags, and his name tapes. I secured all of other belongings, like uniforms, boots, basically all of TILLMAN's issued items were locked in an issued duffel bag and stored inside the I.S.U.-90, a container used for hauling equipment back and forth overseas. [redacted] also gave me a flashlight CPL TILLMAN had on his SAW. The flashlight had a bullet hole in it, and it is currently kept at my old office over at 2/75, here on Fort Lewis, WA.

Q: SA [redacted]
A: [redacted]
Q: What personal items did you inventory from CPL TILLMAN's duffel bag in [redacted]
A: A journal, a wallet, some books, dog tags, and anything that had his name on it, like name tapes, extra set of boots, gore-tex jacket and pants, black sleeping bag, various magazine pouches for the M-4, some personal hygiene items, socks, T-shirts, that is pretty much all I can remember.
Q: What did you do with these aforementioned items?
A: I did an inventory of them and put them in the duffel bag, which I locked an placed in the I.S.U.-90. I gave [redacted] the dog tags, the name tapes, the books, the wallet a[illegible]e journal.
Q[illegible]d you ever look through CPL TILLMAN's journal and/or wallet?
A: No.
Q: Did you ever copy anything from CPL TILLMAN's journal and/or wallet?

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[redacted] EXHIBIT 58 [redacted]

A: No.
Q: Would you have any reason to keep any of CPL TILLMAN's personal items?
A: I was friends with Pat and [redacted] outside of work. I have no reason for keeping.
Q: you know what [redacted] did with the personal items you gave him?
A: [redacted] really hung on to that stuff, he would look through it from time to time.
Q: Do you remember what the journal looked like?
A: It was a black book, about 8" X 5", and was kept in a Ziploc bag, it was just a black notebook.
Q: Do you know what happened to TILLMAN's duffel bag you stored in the I.S.U.-90?
A: No.
Q: Did you lock the I.S.U.-90?
A: Yes.
Q: What type of lock did you use for TILLMAN's duffel bag and the container?
A: I use a government 5200 series lock for both the duffel bag and the container.
Q: What did you do with the keys?
A: I kept the keys. I did not give them to anybody. The container was transported back to the states and I put TILLMAN's duffel bag in my office. I don't know what happened to it from there.
Q: When was the last time you saw TILLMAN's duffel bag?
A: Over 2 years ago.
Q: Do you know where [redacted] is now and do you know his first name?
A: I believe his first name is [redacted] and he is at the advanced course at Fort Benning, GA, for the next 9 months or so.
Q: Did you obtain any of CPL TILLMAN's equipment from the day he was killed?
A: His ruck sack.
Q: Who did you received the ruck sack from?
A: I don't remember.
Q: Did the ruck sack have any bullet holes in it or any blood on it?
A: No.
Q: What happen to the ruck sack?
A: put it with the duffel bag.
Q: d [redacted] give any of CPL TILLMAN's equipment, i.e. body armor, magazines, molle vest?
A: Not that I can remember.
Q: Could anyone else in your section have received any of TILLMAN's equipment?
A: The only other person I could think of was [redacted] he was the S-4 NCOIC. He is still at 2nd Battalion.
Q: Do you have anything else to add to the statement?
A: ///End of Statement/// [redacted]

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STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 23 May 06

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON P. 1, AND ENDS ON PAGE 3 [redacted] I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 23 day of May, 2006
at Fort Lewis, WA

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

Art 136, UCMJ
(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 3 OF 3 PAGES

[redacted] [redacted]

EXHIBIT 158

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

A[redacted]ITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PR[redacted]LE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060524 [redacted]	1205 [redacted]	013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
HHC Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433

9. [redacted] want to make the following statement under oath:

Q: SA [redacted]
A:
Q: Do you remember the events that took place on or near the 22nd of April, 2004?
A: One of our vehicles broke down in a small village in Afghanistan. We had requested air support to evacuate the downed vehicle, which was denied. Someone in our platoon made contact with some local nationals in this village to arrange transportation of our damaged HMMWV. We rigged up the Jinga truck to the HMMWV and then we moved to link up with another platoon. Pat TILLMAN took my seat in the [redacted] and I moved to [redacted] vehicle. I assumed radio duties, I was suppose to link up with Charlie Platoon Leader/RTO and both elements were going to go our separate ways after the link up site. Our platoon had not split up at this point. I knew the general plan; however, I d[redacted] remember the order of movement when we left the village. It is SOP to send a s[redacted]ity force up front and determine route selection and aid the convoy in movement. My job as a sniper was to observe far, left or right security. I had right security at that time. We took off in the late afternoon. The canyon was not more than 5 miles I am assuming, I know it did not take us long to get there after we had left. We proceeded into the canyon and immediate red flags came up as a possible ambush point. There was barely enough room for the HMMWV's and there were extremely tall cliffs on the left and right. Shortly after we entered the canyon we heard explosions and enemy small arms fire towards the front or lead of the convoy. The convoy stopped, I was later told because the Jinga truck driver had blocked the path. I know we had some of our element ahead of the Jinga truck. I heard that the Jinga truck driver suggested the route we took. I can not be 100% sure if we had a different route planned or not. I and [redacted] the other sniper, were called up towards the front of the convoy, and saw some guys who appeared to be pinned down by enemy small arms fire. As we were moving up, an RPG hit on top of canyon wall, which knock some rocks down on us. We pushed through to the element that was engaged in contact. I engaged all known and suspected enemy targets. I expended not more than 10 rounds from my SPR 5.56 caliber, which is a Special Police Rifle that is basically acurized M-4 with a scope on it. The contact stopped, and at that point I believe someone from our element took control of the Jinga truck and moved the truck to get the convoy out of there. We took contact one more time in the canyon and again I engaged with suppressive fire with the same weapon. The convoy continued to move and we broke through the canyon and came to some rolling hills, which were still steep but you had a better field of view. As we came out of the canyon I was pulling security and looking through my optics towards the ridgeline on the right side. I heard and saw one of the gun jeeps engaging to the North, as we passed by I saw bullet holes and tracer rounds burning in the house and I assumed that is what the gun jeep had engaged. I turned and saw a smoke grenade pop with my naked eye. I looked through my c[redacted] a person waving there hands in the air and I saw smoke grenade billowing. I don't r[redacted]ber if I saw the village first before I saw the person waving their arms. The person was on a hill top and I did not see any friendly fire going in that direction. I immediately called cease fire. I did not know we had any other guys on the ridgeline.

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[redacted] EXHIBIT 59 pg 1 of 5 [redacted]

The reason I called cease fire was that I wasn't positive that the person I saw was a friendly or not. It was possible that the enemy force was trying to confuse us but in my m[illegible] personally wanted to be sure of who I was shooting at. After that there was no m[illegible] contact from either enemy or friendly and we pushed further down the road. By this time everyone was out of the canyon and we stopped to assess the situation. I was pulling security on the road out of the canyon towards the Northwest ridgeline. The casualty evacuation helicopters came in and took the wounded personnel, shortly after that we were informed by higher that personnel on the ridgeline had monitored the helicopters exiting the area and they were descriptive as to what type of helicopters they were. Then [redacted] and I were sent up to the Northern ridgeline, which overlooked the other village in an observation point to see if anyone else was observing our convoy or moving to re-engage it. I did not see any enemy activity at all. We stayed up on the observation point until day break and some more individuals came up to help reinforce the area. We did observe some individuals to the far West during the day time who may have been watching our activity; however, we had 10X optics, they would have had to have some powerful optics to observe our element. The people were just going about there business as far as I could tell from that range.

Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?

A: Please see diagram for details.

Q: What initiated the ambush in the canyon?

A: Mortar or IED explosions.

Q: Were you aware that the convoy split up at the village where the element decided to have a local national tow the broken down vehicle?

A: No.

Q: Did you see any enemy soldiers in the canyon?

A: Yes.

Q: Could you describe the enemy soldiers and how many there were?

A: Dark hair, beard, they were quickly peeking around rocks. I don't know how many there were, it could have been one person or four or more different positions on either sided [illegible] ridgeline. I also saw muzzles flashes from these positions. I could not tell what t[illegible] were wearing.

Q: Did you fire your weapon in the canyon?

A: Yes.

Q: Did anyone else in your vehicle fire their weapons?

A: I am not sure, I could not say with a 100% certainty.

Q: Did you fire your weapon at the position where you saw the person waving their hands after your vehicle exited the canyon?

A: No.

Q: Did anyone in your vehicle call out contact after exiting the canyon?

A: I don't remember anyone calling out contact.

Q: Did you ever see the AMF soldier at the position where you saw the individual waving their arms?

A: No.

Q: At the position where the soldier was waving their arms could you see what type of clothing they were wearing?

A: I just saw that the clothing was lighter than the background. I could not tell if they were wearing DCU's or a uniform. I thought I might have seen some load bearing equipment, and I am not sure I saw a helmet on the person or not.

Q: How far do you think you were from this position?

A: Anywhere from 300 to 500 meters, I am not 100% sure.

Q: How many people did you see at this position?

A: Just that one person.

Q: Can you describe that one person?

A: It was a person in lighter clothes than the background with smoke billowing underneath.

Q: [illegible]s this person holding a weapon at this position?

A[illegible] both hands were up above there head waving.

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Q: Was this person standing?
A: I only saw half the body from the waist up, I could not tell if they were standing or n
Q: d you ever see a pen flare after your vehicle exited the canyon?
A: I don't remember seeing a pen gun flare.
Q: What were the lighting conditions like when your vehicle exited the canyon?
A: It was getting dark.
Q: Did anyone in your vehicle have night vision goggles on?
A: I know I had my NVG's on, but by gun night vision was off because I could still see. Our SOP is to put on NVG's on at about dusk. I don't know about anyone else.
Q: Who called for cease fire in your vehicle?
A: I thought it was me, but I could have echoed it.
Q: Were you aware of [redacted] a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
A: Yes, I did not see the note, but I was told a note was given by a local national to someone in our chain of command. I was told this shortly before we left the village. I don't remember who told me, information just trickled down the chain of command. I was told the note said to beware of some kind of ambush.
Q: Did you use your optics to see the person waving there arms?
A: Yes, but I don't remember what power I had my scope on.
Q: Can you describe your field of view that you saw through your optics when you saw the person waving their arms?
A: I saw about 20 to 40 meters in each direction. I could not see the road from where I was at that time.
Q: Were you standing when you saw this individual?
A: I was standing in the back of a gun jeep.
Q: Was your vehicle moving when you saw this individual?
A: It was stop and go, I can't remember if we were moving or not when I saw this individual, but I do remember I had a choppy field of view. I had an unstable platform I was looking through my optics.
Q: ow long do you think you saw this individual waving the arms through your optics?
A: I only looked through the optics for about 5 seconds or less.
Q: What type of optics did you have?
A: A Mark 3 Varix, which is a 3.5 X 10 power, 42 mm objective lens.
Q: Was there an After Action Review (AAR) conducted?
A: Yes.
Q: What came out of the AAR?
A: Just a broader idea of what other elements in our platoon were doing during the incident.
Q: Did you ever see TILLMAN's position after the incident occurred or did you search around the area for any reason.
A: No.
Q: Do you how TILLMAN was found?
A: No.
Q: Do you know what happened to TILLMAN's equipment and clothing?
A: No.
Q: Do you know if TILLMAN kept a diary or journal?
A: No.
Q: What is the Ranger SOP regarding contact from the enemy?
A: For an ambush, we are supposed to push through the contact.
Q: Does the Ranger SOP state anything about identifying your target before you engage the target?
A: Yes, we are supposed to identify a threat, and then use escalation of force as necessary to neutralize the threat. The line's rule of thumb is to go where your team leader goes, do what your team leader does, and shoot where your team leader shoots.
Q: Do you have anything else to add to the statement?
A: //End of Statement// [redacted]

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EXHIBIT 59

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 24 May 05 CONTINUED.

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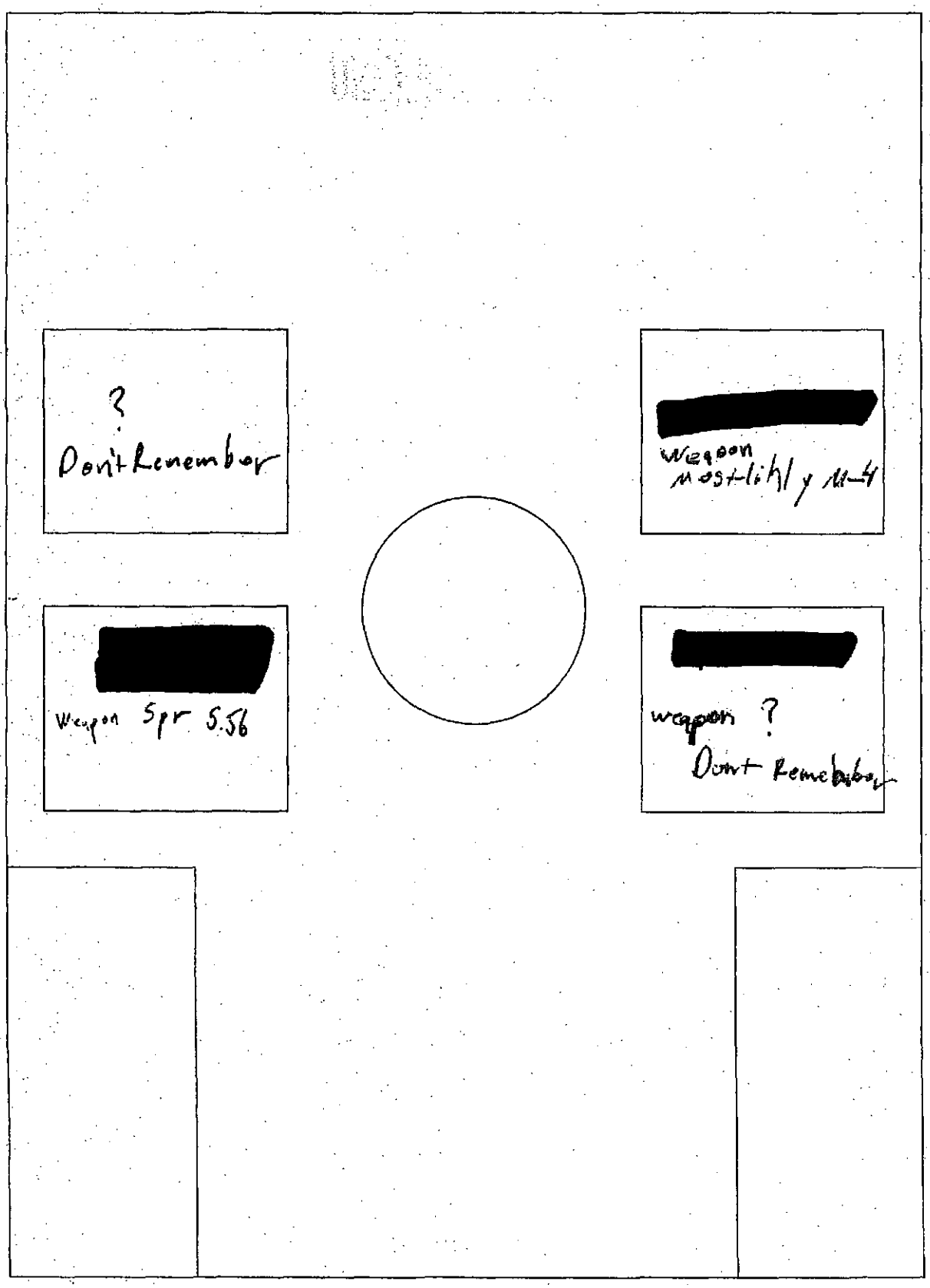

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Attachment #.

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 5 PAGES [redacted]

EXHIBIT 59

[redacted]

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 24 May 06

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6 [redacted]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 24 day of May, 2006
at Fort Lewis, WA

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 5 PAGES [redacted]

[redacted]

EXHIBIT 59

FOR OFFICIAL USE ONLY

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSC09470.JPG depicting SureFire® flashlight size.
2.	DSC09471.JPG depicting the appearance of serological residue on the flashlight.
3.	DSC09475.JPG depicting the flashlight damage side view.
4.	DSC09477.JPG depicting the flashlight damage head view.

FOR OFFICIAL USE ONLY

EXHIBIT 60

FOR LEGAL USE ONLY

EXHIBIT 60

EXHIBIT 60

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

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EXHIBIT

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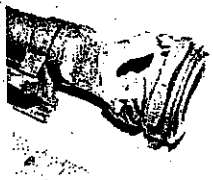
FOR OFFICIAL USE ONLY

EXHIBIT 60



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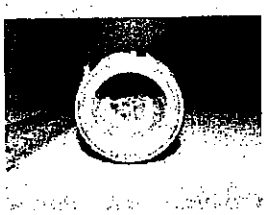

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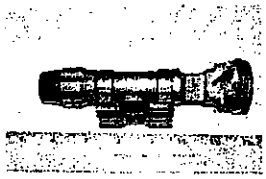

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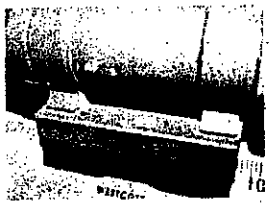

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EXHIBIT 60

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID221-50048

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About 0845, 23 May 06, the undersigned interviewed [redacted], 3rd Platoon (Plt), A Company (Co), 2nd Battalion, 75th Ranger Regiment (2/75th Ranger), Fort Lewis, WA 98433 (FLW), who related he was in 3rd Platoon at the time of the incident and only pulled security after the incident occurred. He also related he was apart of clearing operations of some local villages in the area for insurgents. [redacted] had no other information pertaining to this investigation.

About 0900, 23 May 06, the undersigned interviewed [redacted] Assistant Operations NCO, 2/75th Ranger, FLW, who related he was apart of 3rd Platoon and pulled security for most of the evening. [redacted] related he was with [redacted] and [redacted] HHC, 2/75th Ranger, during their visit to the TILLMAN death scene. He helped [redacted] pick up TILLMAN's [redacted] and placed them in an ammo can which he later gave to the [redacted] (NFI). [redacted] also maintained TILLMAN's load bearing vest, plate carrier, helmet and weapon. He related he went through the load bearing vest removing items from the vest and observed TILLMAN's 30 round magazines that would have been located on the front of his person had bullet holes in them. He suspected the bullet holes were 5.56 in diameter. [redacted] also related there was no damage to TILLMAN's helmet beside the blood on the Kevlar cover. He gave the equipment to the supply sergeant, [redacted] 1st Special Forces Group, Ft. Lewis, WA and is not sure what became of the equipment afterwards. [redacted] recalls giving some personal items that TILLMAN was carrying to [redacted] HHC, 75th Ranger, which included a standard army green "memo" flip up writing pad and pens. [redacted] also recalls taking pictures of the 30 round magazines with the bullet holes in them and giving the digital camera back to [redacted]

About 1255, 23 May 06, the undersigned interviewed [redacted] Mortar Platoon, 2/75th Ranger, FLW, relating his views of events surrounding the ambush incident (See Sworn Statement).

About 0856, 24 May 06, the undersigned interviewed [redacted] 1st Plt, A Co, 2/75th Ranger, FLW, who related he was in 3rd Plt at the time of the incident and only pulled security after the incident occurred. [redacted] had no other information pertaining to this investigation.

About 0910, 24 May 06, the undersigned interviewed [redacted] 3rd Plt, A Co, 2/75th Ranger, FLW, who related he was in 3rd Plt at the time of the incident and only pulled security after the incident occurred. [redacted] had no other information pertaining to this investigation.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 24 May 06	EXHIBIT 61

About 1550, 24 May 06, the undersigned interviewed [redacted] S-3 Fire Support Element, 2/75th Ranger, FLW, who related he was with the company XO at the time they arrived at the scene. [redacted] had no other information pertaining to this investigation.

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
TURE [redacted]	DATE 24 May 06	EXHIBIT 61

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA	20060523	14:23	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION

Mortor Platoon, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA 98433

9.

(●) I, [redacted], want to make the following statement under oath:

About 22 Apr 04, I was assigned to 2nd Platoon, A Company, 2/75 Ranger Regiment, Fort Lewis, WA on deployment to Afghanistan in support of Operation Enduring Freedom. I was a mortarman assigned to 2nd Platoon. That day I was driving one of the HMMV's in the second group which was to tow a broken down vehicle to the hardball. After getting the vehicle to the hardball we were to refit [redacted] About noon that day after driving we stopped close to a village because the vehicles half shafts had broke and the wheels were pointing out from the undercarriage. We were there for quite sometime until someone hired a "Hagee" to tow the vehicle out. The vehicle was finally put on the "jinga" truck and we started moving out. The platoon split up during the route and at some point b[redacted]e the ambush we were to head on one route but the "Hagee" driver said the route was u[redacted]e and they would have to head further down. He said the best way to our destination was to head through the valley. I heard an explosion and suspect it to have been a mortar round. Everybody got out of their vehicle and started shooting up the canyon to suppress fire. We tried to get everybody in the trucks and move out of the ambush area. It took quite sometime because the convoy would bunch up and we would have to dismount to provide suppressive fire. This happened a couple times during the route out. We finally made it out of the canyon and I noticed a house off to the right. I remember seeing a pen gun flare go off which means shift fire. After the pen gun flare cease fire was shortly called. I was told to pull security outside the vehicle and was there until 2nd Platoon was told to sleep.

Q: [redacted]
A: [redacted]
Q: Prior to this incident had you been involved in any combat situations?
A: This was my first combat situation.
Q: What weapon did you carry?
A: M4 and mortars, 81mm and 60mm.
Q: What optical site did you have for your weapon?
A: Red dot with no power.
Q: Did you visually identify the enemy?
A: No.
Q: Did you see Afghan nationals in the area when the ambush started?
A: No.
Q: After driving through the canyon and coming out of the canyon did you see any Afghan nationals?
A: No.
Q: Did you see any enemy positions?
A: [redacted]s.

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[redacted]

EXHIBIT 62

Q: What lead you to believe they were enemy positions?
A: We heard AK-47 fire but we couldn't tell where it was coming from.
Q: Did you engage the enemy with your weapon?
A: Yes.
Q: what kind of fire did you engage the enemy with?
A: Suppressive.
Q: Did you positively identify any enemy combatants?
A: No.
Q: To your knowledge, did you engage fire in the direction of SPC TILLMAN's and the Afghan soldier area?
A: Yes.
Q: If you were the driver of the vehicle where would your direction of fire be orientated?
A: I was pointing over the hood sometime on either side of the canyon while stopped. When I was driving I was not shooting.
Q: How do you know you shot in the area or direction where SPC TILLMAN or the Afghan soldier?
A: When the [redacted] went up the hill I saw were he was going.
Q: When you were shooting in that general area where SPC TILLMAN and the Afghan soldier were did you see the enemy in that area?
A: No.
Q: Did you see any individuals in that area where SPC TILLMAN and the Afghan soldier were killed?
A: No.
Q: Did you see any movement in the area of SPC TILLMAN and the Afghan soldier's position?
A: No.
Q: Did you fire in the general location of the village area?
A: Yes.
Q: Why did you fire in that area of the village?
A: It was a likely area where the enemy would be hiding.
Q: Did you see any enemy in the village area?
A: No.
Q: Did you see anybody in the village?
A: No.
Q: Did anybody direct your fire?
A: No.
Q: What are you trained to fire at?
A: Likely and suspected enemy positions.
Q: Did you know that group 1 of your platoon was ahead of your group?
A: I did not expect them to be ahead of us because they were going to raid a village.
Q: Was there any communication with group 1 during the ambush?
A: Not to my knowledge.
Q: Did you see any friendly forces in your area of fire?
A: No.
Q: Has anybody admitted to you of shooting in the area of SPC TILLMAN's position and/or the village?
A: No.
Q: Have you heard conversations of someone admitting guilt to shooting in the location of SPC TILLMAN's position and/or the village?
A: No.
Q: Has anybody indicated to you that you should not talk about this incident to the effect of covering this incident up?
A: No.
Q: Do you have any idea what might have happened to SPC TILLMAN's personal effects that were on him?
A: No, they normally get loaded up on the litter.
Q: Did you know SPC TILLMAN or had routine conversations with him?
A: No.

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STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 23 May 06

Q: Did you know SPC TILLMAN to write in a journal?
A: No.
Q: Did you witness anybody firing in the locations of SPC TILLMAN's position or the vicinity?
A: There was fire going every where.
Q: Did you go to the area where SPC TILLMAN was killed?
A: No.
Q: Did you suspect this incident to be fratricide?
A: No not until later in the deployment.
Q: What lead you to suspect this incident was fratricide?
A: Somebody said it was but I can't remember who told me.
Q: Did anybody try to cover the suspicion of fratricide up?
A: No.
Q: To your knowledge did anybody have any ill will towards SPC TILLMAN?
A: No.
Q: What were the lighting conditions at the time of the ambush?
A: Dusk where the sun was under the mountains and shadows were forming.
Q: Is it common practice to split the platoon to conduct missions?
A: I had only been in the unit for about three week prior to this incident so I really don't know.
Q: Were you purview to the conversations involving [redacted] and breaking up the platoon?
A: No.
Q: Did you or your vehicle have communications with the first group?
A: No.
Q: Did you know that the first group was ahead of you in the convoy?
A: I knew they had gone in that direction but thought they were miles down the road.
Q: Did you know if anybody had communication with the first group and did they express their intensions of flanking the enemy from your position?
A: No I don't think anybody had communication between the groups but after getting out of [redacted] canyon we did.
Q: Did you remember hearing or over hearing conversations about a predator drone being in the area during the ambush?
A: No don't think so.
Q: Do you wish to add anything to this statement?
A: No. ///END OF STATEMENT///

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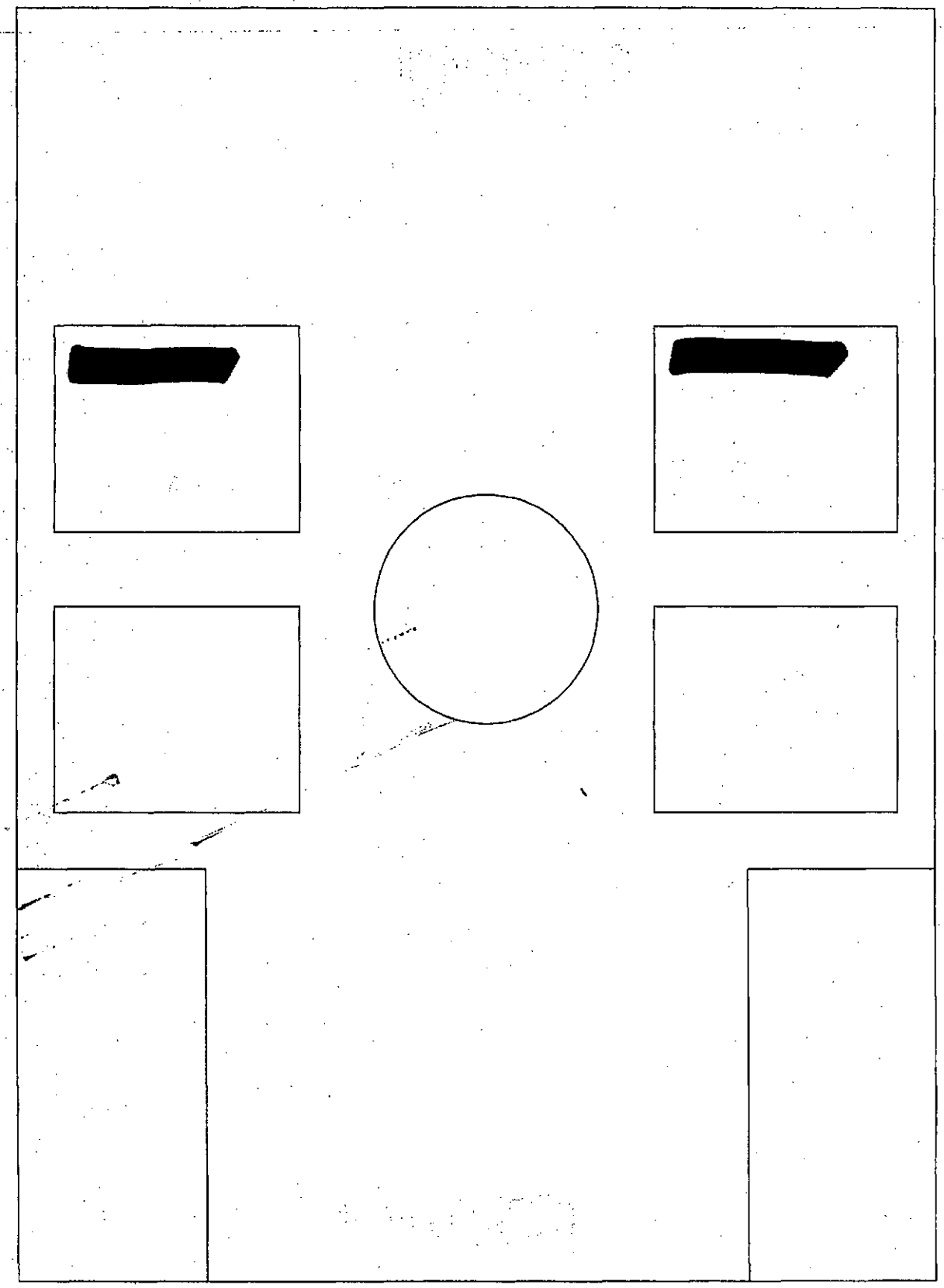
[redacted]

EXHIBIT 62

STATEMENT OF [redacted] TAKEN AT Ft. Lewis WA DATED 23 May 06 CONTINUED:

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 5 PAGES.

EXHIBIT

62

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA DATED 23 May 06

0013-06-CID201-50018

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 23 day of May, 2006
at Fort Lewis, WA

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 5 PAGES

[redacted]

EXHIBIT 62

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

(U) About 1210, 16 May 06, SA [redacted] obtained a Sworn Written Statement from [redacted] HHC, 2/75th Ranger Regiment, Ft. Lewis, WA 98433, detailing his knowledge of the events which led to the death of CPL TILLMAN on 22 Apr 04 (See Sworn Statement for Details).

(U) About 1120, 17 May 06, SA [redacted] obtained a Sworn Written Statement from [redacted] 2ND Platoon 2/75th Ranger Regiment, Ft. Lewis, WA 98433, detailing his knowledge of the events which led to the death of CPL TILLMAN on 22 Apr 04 (See Sworn Statement for Details).

(U) About 0900, 18 May 06, SA [redacted] interviewed [redacted] 3rd Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

(U) About 1000, 18 May 06, SA [redacted] interviewed [redacted] 3rd Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

(U) About 0900, 23 May 06, SA [redacted] interviewed [redacted] 2nd Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

About 0930, 23 May 06, SA [redacted] interviewed [redacted] 1st Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

(U) About 0945, 23 May 06, SA [redacted] interviewed [redacted] 1st Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

(U) About 1600, 23 May 06, SA [redacted] obtained a Sworn Written Statement from [redacted] HQ, 2/75th Ranger Regiment, Ft. Lewis, WA 98433, detailing his knowledge of the events which led to the death of CPL TILLMAN on 22 Apr 04 (See Sworn Statement for Details)

(U) About 0900, 24 May 06, SA [redacted] interviewed [redacted] Recon Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE: 30 May 2006 / EXHIBIT: 63

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(U) About 0930, 24 May 06, SA [redacted] interviewed [redacted], 3rd Platoon, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] had no pertinent information to provide as he was not witness to the events that led to the death of CPL TILLMAN.

(U)About 1330, 24 May 06, SA [redacted] interviewed [redacted], HQ 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] related that he would not provide another statement, as he has already provided a total of four, to include two sworn statements detailing his knowledge of the events which led to the death of CPL TILLMAN and the conduct of his initial 15-6 investigation pertaining to the matter. [redacted] further related that he and his wife are constantly being harassed by reporters affiliated with the San Francisco Chronicle, The Washington Post and ESPN media agencies. [redacted] related that he and his wife have been threatened by the aforementioned agencies, in which they stated they would print his name and attempt to tie him to some type of DOD cover-up as it pertains to this investigation.

(U) At 0900, 30 May 06, SA [redacted] amended the Death Scene Sketch's. This was done due to the 16 May 06, Sworn Written Statement provided by [redacted] in which he related that he was positioned on the south side of the rock adjacent to CPL TILLMAN's position, not to the north side of the rock as related by other members of the unit who witnessed the incident.

Note: The exact grid coordinate for [redacted] position was not obtained, as the aforementioned information was not known at the time of the Death Scene Examination. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE: [redacted]	DATE: 30 May 06	EXHIBIT: 63

EXHIBIT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Ft. Lewis, WA, CID Office	20060516	1210 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
2/75th Ranger Regiment, HHC

9.
(U) I, SPC [redacted], want to make the following statement under oath:

I AM SPECIAL AGENT (SA) [redacted] FIELD INVESTIGATIVE UNIT (CID). I AM ACCOMPANIED BY SA [redacted] WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

On 22 April 2004, at about 1100 or so in the morning, we had a vehicle that was broken down. We stopped at a small town called Magarah, Afghanistan. We were there for about four hours or so. We basically sat around and waited for a decision as to what to do with the vehicle. We were going to blow it in place or have it air lifted out of the area. My squad leader [redacted] told us that we were going to have to have someone fr[redacted]he town tow the truck. After that we waited around and prepared to leave. Me and Pa[redacted]LLMAN) were originally going to get on the lead vehicle for the movement but there was ..ot any room for Pat, so I got on the lead vehicle and pat got on the Toyata behind us. (See document "A" for vehicle occupants [redacted]). That would have put him in the second vehicle in the movement. Once we started moving, we wound up in a canyon. Me and [redacted] commented on how good of an ambush site the area would have been. The canyon was very rough, there were large boulders everywhere, the walls were at least a hundred feet high on each side. I actually had to lay on top of the vehicle to be able to pull security. We were pretty much all the way past the canyon when I heard gunfire. I assumed it was the second serial taking fire. We saw Pat's vehicle stop and we yelled at [redacted] our driver to stop the vehicle . We could see smoke and gunfire coming from the canyon. [redacted] and myself dismounted our vehicle, [redacted] and [redacted] set up a blocking position. I planned on staying with them but Pat called for me telling me to hurry up and come with him. I remember he took off running towards a little village, I ran after him to try to catch up. I met up with him at a small wall near the village. I crawled under a hole in the wall and finally linked up with Pat. We ran up to the first house in the village and we sat there for a few minutes trying to figure out what was going on. I remember Pat asking [redacted] "Hey, what are we doing". Pat and I then pretty much paralled the road, running back towards the direction of the canyon. Pat was in front of me pretty much the whole time. As we running, I noticed an AMF soldier behind us. We ran around a curve on the hill and noticed what looked like a pretty good position to take cover. (See document "B", green line with arrow depicts direction of travel, green squares are where the vehicles stopped, blue line is the path Pat and I took, blue circle designtates where Pat and I first stopped in the village, and the blue "X" depicts Pats position [redacted]). We stopped there at which time the AMF soldier caught up with us. Pat then pointed at a position on the cliff and told me to watch were he was firing. Me and the AMF soldier then began to engage the position that Pat was directing us [redacted] fire on. I could see muzzle flashes coming from the ridgeline, but I could not see in[redacted]uals (See document "C" , enemy muzzle flashes and our direction of fire depicted by red boxes [redacted]). This is the only ridgeline where I saw enemy muzzle flashes. Pat then told me to stay there, that he was going to find [redacted] I continued to fire on

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Exhibit 64

the position which Pat directed us to fire on. I noticed the AMF soldier was firing in all directions, he was firing over the main road we just drove in on. A couple of mi[illegible]s later Pat returned and told us that we needed to keep our armor on and that we we[illegible]oing to run up a hill. Then I heard bullets coming by us. There was not much fire coming at first, but then I heard distinctly heavy machine gunfire and saw dirt kicking up behind us. I fell over next to a rock and saw friendlys firing at us from the vehicles (See Image "D", blue boxes depict vehicle positions when they engaged us with machine gun fire, blue arrows depict direction of travel, and the black dots depict the position and direction of fire from friendlies, the red "X" depicts Pat's position [redacted]. I then lost track of the AMF soldier. I remember watching the friendlys just shooting at us. Pat asked me what was going on…I told Pat that it was friendly fire, that our guys were shooting at us. Pat said that he was not sure what to do…then he said that he had an idea. The whole time were kept receiving fire from the friendlys. I then heard a hissing sound, it was a purple smoke grenade that Pat had set off. The fire then stopped, and Pat and I got up…we stretched and spoke to eachother, asking if eachother was OK. We both thought everything was good to go at that time. As we were standing up, I heard a couple more a couple of individual shots at us, I threw my gun down because I thought maybe if I threw my weapon down they would stop firing at us. I fell behind the rock again, I looked toward the road and it appeared that the guys had dismounted the vehicles. The bursts from machine guns started again…this time it was from a .50 and 7.62 machine gun. I began to pray out loud. I was sure I was going to die, the rounds were kicking up around us. Pat then asked me why I was praying, he asked me what me it could do for me. I could tell that Pat was hurt at this time because there was a different sound in his voice. He then started to yell at the top of his lungs "What are you shooting at, Im Pat fucking TILLMAN", the whole time the firing continued. Although the whole time they were firing at us seemed to be forever, [redacted] actual time was not more than a minute. Pat abruptly stopped yelling. (See Image "E[redacted]red "X" depicts where Pat's (TILLMAN) final position was) (See Image "H[redacted]location from road where friendly vehicles were when firing, the green dot depicts where the AMF soldiers position was, the orange dot depicts where my position was, the red dot depicts Pat's (TILLMAN) final position). Af[illegible]that I layed down and just laid there for a minute or two (See Image "F[redacted]the red "X[illegible]picts Pat's final position, the Blue "X" depicts my position when I was being fired upon and the green "X" depicets the approximate location of the AMF soldier before and after being killed). I remember hearing what I thought was running water, I thought that Pat had urinated on himself. I asked Pat if he had urinated on himself, but he did not answer. I looked at the rock next to us, and I remember seeing a stream of blood. I didn't believe what I was seeing, I then saw what appeared to be pieces of blood and tissue. I thought I had been shot at first, I then realized that I was fine. I sat up, took a knee and looked at Pat. He looked like he was kind of sitting, his back was on the hill, he was laying back (See Image "G[redacted]the red figure indicates the final position of Pat (TILLMAN), the brown depicts the position of Pat's (TILLMAN)weapon). I remember that I started yelling for help, I grabbed Pat by the body armor, pulled him towards me and was trying to help him. I remember seeing blood coming from his head and I knew that I could not help him at that time. I yelled for [redacted] to come and help. He and [redacted] arrived, [redacted] pulled me away from Pat & told me to put my helmet on. I then took a few steps and remember seeing the AMF soldier lying face down on the ground. I took a piece of glint tape and put it on the AMF soldiers back, knowing that there would be aircraft coming in. [redacted] handed me my weapon and told me to keep checking for the enemy. [redacted] then grabbed me and told me to get out of there. I slung my weapon over my back, grabbed Pats weapon (SAW - 5.56 machine gun), I grabbed his helmet and his NODS, they were both full of blood. I started walking down the hill, but I could not control my body. I kept falling as I was walking down the hill. [redacted] kept asking who had been hit, I looked at [redacted] but I just could not say anything. I was not sure what to do, I just looked at [redacted] and kept walking. I was told by [redacted] to do my job, that I was needed to continue the fight. [redacted] then put me in a position at a building in the village to pull security. I remember seeing [redacted] crying, he had been wounded. He was in the village. I then put on my NODS, turned them or[illegible]began looking around. [redacted] then came up to me, put his hand on my shoulder

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EXHIBIT 64

STATEMENT OF [redacted] TAKEN AT FT. LEWIS CID OFFICE DATED 16 MAY 06

and asked me if I was OK. I said no, Pat had been killed. He told me that everything was going to be OK and then walked away. I then remember hearing [redacted] yelling "N[redacted]p". Then the helo came in and took Pat and the AMF soldier away. Shortly af[redacted]rds, still being in the village, I told [redacted], [redacted] and [redacted] what had happened. We were then releaved by 1st and 3d platoons. I threw down my sleeping bag, and realized that I had blood on my top. [redacted] told me to give him the DCU top, that he was going to do something with it, so I gave it to him. I then tried to get some sleep, but couldn't. The next day, we departed for a patrol, we started to do business as usual.

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

Q: WHAT WERE YOUR DUTIES WHILE DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: My duties consisted of being a grenadier for 2d Squad, 2d Platoon, 2/75th Ranger Regiment.
Q: WHEN IN MAGARAH, DO YOU RECALL WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: No, I didn't know at the time, but I have learned that the order to split the unit was by [redacted]
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: Not that I know of, I didn't think it was a good decision.
Q: WHY WERE THE SERIALS SPLIT?
A: I think it was because the Jingle truck needed extra security on it, but Im not sure exactly why.
Q: DO YOU RECALL ANY SPECIFIC TROOP LEADING PROCEDURES BEING CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
A: No.
Q: DO YOU NORMALLY CONDUCT TROOP LEADING PROCEDURES PRIOR TO DEPARTING ON OTHER MISSIONS?
A: Yes, it is normally done prior to any movement.
Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE ON 22 APR 04?
A: [redacted] it was conducted, I assume it was done by all vehicles and anyone who had commo.
Q: [redacted] YOU WITNESS [redacted] QUESTION GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT?
A: I don't remember him questioning it, but I do remember that word filtered down to us that the [redacted] was not happy with the decision to split the platoon.
Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR UNIT PRIOR TO THE AMBUSH?
A: No, we just all assumed that there were bad guys all over the place, but nothing specific came down.
Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?
A: Im not sure.
Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 04?
A: I would assume so, but I am not sure.
Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?
A: Not that I am aware of. I knew we were in the area for a reason, but Im not sure exactly why.
Q: WERE YOU AWARE THAT ONE OF YOUR SOLDIERS RECEIVED A MESSAGE FROM [redacted] [redacted]WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?
A: Yes, I heard that [redacted] received a message from [redacted] that there was danger up ahead. [redacted] talked about it after everything that happened. [redacted] provided the letter to [redacted], our platoon SGT, who basically ignored the letter.
Q: WAS THE LETTER PROVIDED TO ANYONE OTHER THAN [redacted] MAYBE SOMEONE HIGHER IN RANK OR POSITION THAN [redacted]?
A: I don't believe so. I think he got the letter and just disguarded it.
Q: WAS IT COMMON TO RECEIVE LETTERS FROM [redacted] VILLAGERS RELATING THAT THERE MAY BE TR[redacted] AHEAD?

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EXHIBIT 64

STATEMENT OF [redacted] TAKEN AT FT. LEWIS ID OFFICE DATED 16 MAY 06

A: No, that was the first and only letter that I know of.
Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AM IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?
A:
Q: DO YOU KNOW WHAT STARTED THE AMBUSH?
A: I believe we were mortared, but I cannot be sure. I saw flashes from the ridgelines, but they could have been impacts from friendly fire or tracer rounds.
Q: HOW MANY EXPLOSIONS DID YOU HEAR AT THE START OF THE AMBUSH?
A: I heard about three or four.
Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?
A: We were out of harms way, about 800 - 1000 meters away from the canyon when the ambush started.
Q: WHEN YOU DISMOUNTED THE VEHICLES, DID SPC TILLMAN DIRECT YOU TO FOLLOW HIM?
A: Yes.
Q: WHEN YOU ARRIVED AT THE INCIDENT LOCATION, DID SPC TILLMAN DIRECT YOU WHERE TO POSITION YOURSELF AND FIRE YOUR WEAPON?
A: Yes, he directed me towards a ridgeline, this is where I saw the muzzle flashes, so I started returning fire. He was basically leading our small element which consisted of me, Pat and the AMF soldier.
Q: WHEN YOU ARRIVED AT THE INCIDENT LOCATION AND BEGAN TO RECEIVE FIRE, WERE YOU ABLE TO DISCERN WHICH VEHICLE IN THE SERIAL WAS FIRING AT YOU?
A: No.
Q: WERE YOU ABLE TO SEE FACES OF ANYONE WHO WAS FIRING AT YOU AND PAT'S POSITION?
A: No.
Q: WERE YOU ABLE TO DISCERN WHAT WEAPONS SYSTEM LAST FIRED PRIOR TO PAT RECEIVING HIS MORTAL INJURIES?
A: No, but I am sure it was a burst. I believed it was the .50 cal at first, but I have read in the papers that it was the 7.62 that killed Pat.
Q: DO YOU RECLAL THE LIGHTING AND VISIBILITY CONDITOINS AT THE TIME THE AMBUSH STARTED AND THE TIME THE FRIENDLY FIRE INCIDENT TOOK PLACE WHICH RESULTED IN PAT"S DEATH?
A: , I recall that I could see everything just fine. I could see what I had to see. I d see the NODS on the friendly's helmets, I could see the vehicles clearly, I could see the guys shapes pretty clearly and I could tell that they were friendlys. [redacted] told me that he could tell that we were friendlys that they were firing at before he told them to cease fire.
Q: COULD YOU IDENTIFY THE UNIFORMS THE FRIENDLYS WERE WEARING?
A: No, it was far enough away that I could not see their uniforms clearly.
Q: DO YOU RECALL WHAT THE AMF SOLDIER WAS WEARING?
A: He was wearing a tiger striped set of BDU's with a tiger striped baseball hat.
Q: WHERE WAS THE AFM SOLDIER POSITIONED IN COMPARISON TO PAT (TILLMAN)?
A: The AMF soldier was positioned in front of me, Pat was to the rear of me. We were kind of positioned in a line facing the road.
Q: WAS IT COMMON FOR AMF SOLDIERS TO FIGHT ALONGSIDE MEMBERS OF YOUR UNIT?
A: No, it was the first time I saw it happen.
Q: YOU MENTIONED EARLIER THAT THE SMOKE THAT PAT RELEASED WAS PURPLE IN COLOR, ARE YOU SURE IT WAS PURPLE SMOKE?
A: No, I don't really remember what color the smoke was, I was told via conversations that the smoke was purple.
Q: WHAT WAS PAT'S (TILLMAN) POSITION PRIOR TO HIM BEING SHOT?
A: THE LAST TIME I SAW HIM ALIVE, HE WAS ON ONE KNEE.
Q: COULD YOU PHYSICALLY IDENTIFY ANY OF THE OCCUPANTS OF THE VEHICLE AT THE TIME OF THE FIRING?
A: No.
Q: DID YOU PHYSICALLY SEE ANY ENEMY COMBATANTS OR THEIR POSITIONS?
A: No, just muzzle flashes.
Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?
A: Not that I know of.
Q: YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?

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EXHIBIT 64

STATEMENT OF [redacted] TAKEN AT FLW4 DATED 16 MAY 06

A: Yes, I saw those who had been captured following the incident, there were about two or three, there heads were covered and they were seated on the side of the road.
Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?
A: We are always taught to return fire if fired upon. In an ambush like this one, we should have just sped off and got out of the area. We are also tought to acquire the threat and engage the threat.
Q: ARE YOU TRAINED TO FIRE WHERE YOUR SQUADLEADER FIRES REGARDLESS OF YOUR ABILITY TO POSITIVELY IDENTIFYING AN ENEMY?
A: No, we should always positively ID who or what we are firing at, regardless of where the squadleader is firing.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN YOUR SERIAL OR THE OTHER SERIAL DURING THE FRIENDLY FIRE INCIDENT?
A: Via radios no, but I do remember Pat talking to [redacted] in the village, and he spoke to [redacted] when we were on the hill, but he did not speak to anyone via radio.
Q: WHAT WERE YOUR ACTIONS FOLLOWING THE AMBUSH?
A: I grabbed Pat's weapon, helmet and NOD's, and continued with the mission to the best of my ability.
Q: WERE ANY CLEARING OPERATIONS CONDUCTED OF THE AREA IMMEDIATELY FOLLOWING THE AMBUSH?
A: The day after the ambush we cleared the village and another village adjacent to our location. I am under the impression that we did not find anything.
Q: WERE ANY ENEMY SEEN OR WAS ANY ADDITIONAL FIRE TAKEN FOLLOWING THE INITIAL AMBUSH?
A: No.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
A: I was under the impression that previous engagements with other units, but nothing having to deal with us.
Q: DID ANY LOCAL AFGHANI'S INFORM ANY MEMBER OF YOUR UNIT OF THE POSSIBLE LOCATION(S) OF THE ENEMY WHO SET UP THE AMBUSH?
A: Yes, we were told that there was danger ahead prior to the ambush, I am not sure if anyone informed us of anything following the ambush.
Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: We were photo's taken of the area we were shot at and photo's of the prisoners but Im not sure of any images being taken at the scene of Pat's death.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANIMOSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: No, he was the guy that tied the platoon together. Everyone loved Pat.
Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITIES?
A: Not that I know of.
Q: IS THERE ANY DOUBT IN YOUR MIND THAT THE DEATH OF PAT TILLMAN WAS THE RESULT OF FRIENGLY FIRE?
A: No, not at all. I am positive that he was killed by friiedly fire.
Q: ARE YOU AWARE OF ANY ADDITIONAL RANGERS BEING INJURED BY FRIENDLY FIRE?
A: Yes, [redacted] and [redacted] were both injured. They were in the village when they were shot. I have read reports that they were injured by friendly fire.
Q: DID YOU SEE FRIENDLYS FIRING ON THE VILLAGE?
A: No.
Q: WHO COLLECTED AND BAGGED THE REMAINS OF CPL TILLMAN?
A: They were put on a SKEDCO, [redacted] and [redacted] transported Pat to the helo for evacuation.
Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?
A: Yes. Pat's remains, [redacted] were large enough to have been collected and transported with his body. The remains were visible and were visible for collection.
Q: DO YOU RECALL PAT's CLOTHING OR GEAR BEING REMOVED PRIOR TO HIS BEING TRANSPORTED OUT OF THE AREA?

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EXHIBIT 64

STATEMENT OF [redacted] TAKEN AT FT. LEWIS, CID OFFICE DATED 16 MAY 06

A: No, the only items would have been his helmet and his gun, which I took. Im not sure who I handed them off to once I got to the bottom of the hill.
Q: DO YOU KNOW WHY CPL TILLMANS REMAINS WOULD HAVE ARRIVED CONUS UNCLOTHED AND WITHOUT ALL THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
A: Yes, I was told that they had to burn uniforms with possible contaminants on them (blood). That is the only reason that I can think of as to why his gear and clothing would not have accompanied his remains.
Q: DO YOU RECALL HEARING WHO MAY HAVE COLLECTED PAT's REMAINS (Other than the body)?
A: No.
Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
A: No.
Q: DO YOU KNOW WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
A: No. But I know that [redacted] has Pat's helmet. I met with [redacted] for coffee in June of last year (05) and gave him the helmet Pat was wearing at the time of the incident. I was given the helmet by [redacted] he told me to make sure the helmet made it into Pat's memorial, so I decided to give to [redacted].
Q: CAN YOU DESCRIBE THE CONDITION OF THE HELMET?
A: The helmet did not have the helmet cover on it, there were not any holes in the helmet or any other significant damage to it.
Q: Was Pat wearing his helmet during the friendly fire incident?
A: Yes.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
A: Yes.
Q: DO YOU KNOW WHERE THE DIARY MAY BE, DID ANYONE MENTION CPL TILLMAN's DIARY?
A: He kept the diary in his DCU left breast pocket.
Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
A: Yes, he did have it, he never went anywhere without it, Im sure it was on him at the time of his death.
Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: DO YOU KNOW OF ANYONE SPECIFICALLY, WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
A: No, anyone from the time he was placed on the bird until the time his gear was removed could have taken the diary. Im not sure who took the diary or why they may have done it.
Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
A: I don't think so, Im sure if the Ranger is injured they would, but not if he is killed.
Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?
A: That is what I was told, I was told by [redacted] that it is common. I know my uniform was burned because it had a lot of blood on it.
Q: DO YOU KNOW WHO BURNED CPL TILLMANS EQUIPMENT?
A: No, but I gave mine to [redacted] to burn. I believe they just took it up the road and tossed it into a fire.
Q: DID ANY OTHER RANGERS INFORM YOU THAT THEY ACTUALLY PHYSICALLY SAW ENEMY SHOOTING AT THEM OR OTHER MEMBERS OF THE UNIT?
A: No.
Q: EXACTLY WHAT DID THEY DESCRIBE?
A: Just the muzzle flashes, but no actual people.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU?
A: No, Im positive there were. From the explosions I heard, the level of training we have etc. One guy accidentially firing his weapon would not start a situation like this.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU, OF FIRING ON CPL TILLMAN'S POSITION?
A: No, but I know who did it. It was [redacted] was firing the .50 cal, [redacted] was firing the M249 SAW (5.56mm) and [redacted] was firing the M240 (7.62 mm). Although no-one admitted that they shot Pat, through later conversations and meetings it was determined that their vehicle was the one that shot at

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EXHIBIT 64

0013-06-CID221-50018

FT. LEWIS TO OFFICE

STATEMENT OF [redacted] TAKEN AT FLWA DATED 16 MAY 06

as. [redacted] admitted to one of the other squad leaders (Im not sure who), that he was the one who shot the AMF soldier.

Q: [redacted] ANYONE IN THE UNIT ADMIT TO YOU, THAT THEY FIRED ON FRIENDLY POSITIONS?

A:

Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?

A. I agree that what happened was an accident, but I believe that the way it was handled was a travesty to the TILLMAN family and to the professionalism of the unit. They basically slapped the hands of the guys that were responsible. That is all I want to say.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////

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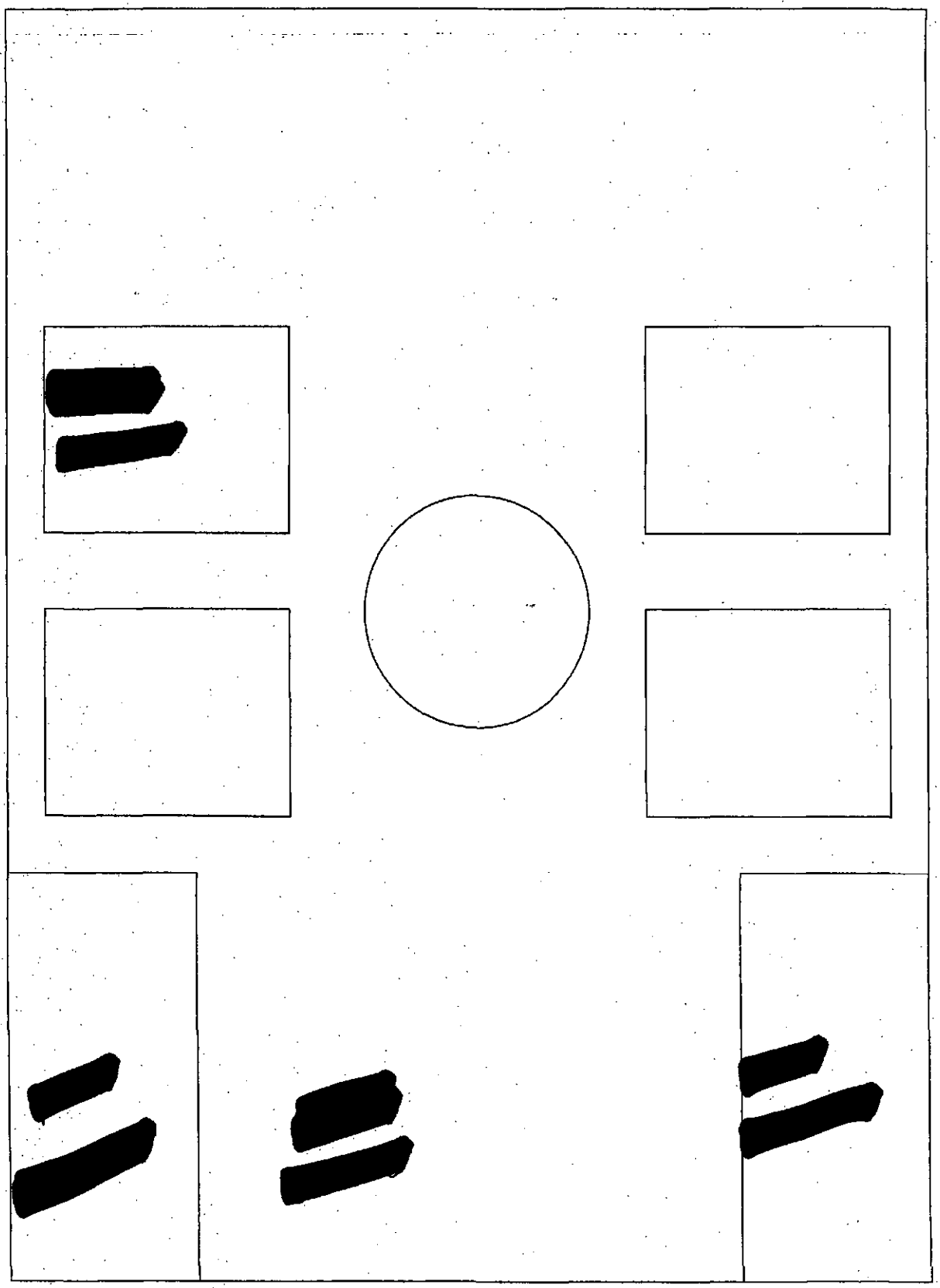
EXHIBIT 64

5 A.

STATEMENT OF [redacted] TAKEN AT FT LEWIS C. OFFICE 16 MAY 06 DATED 16 MAY 06 CONTINUED.

FRONT



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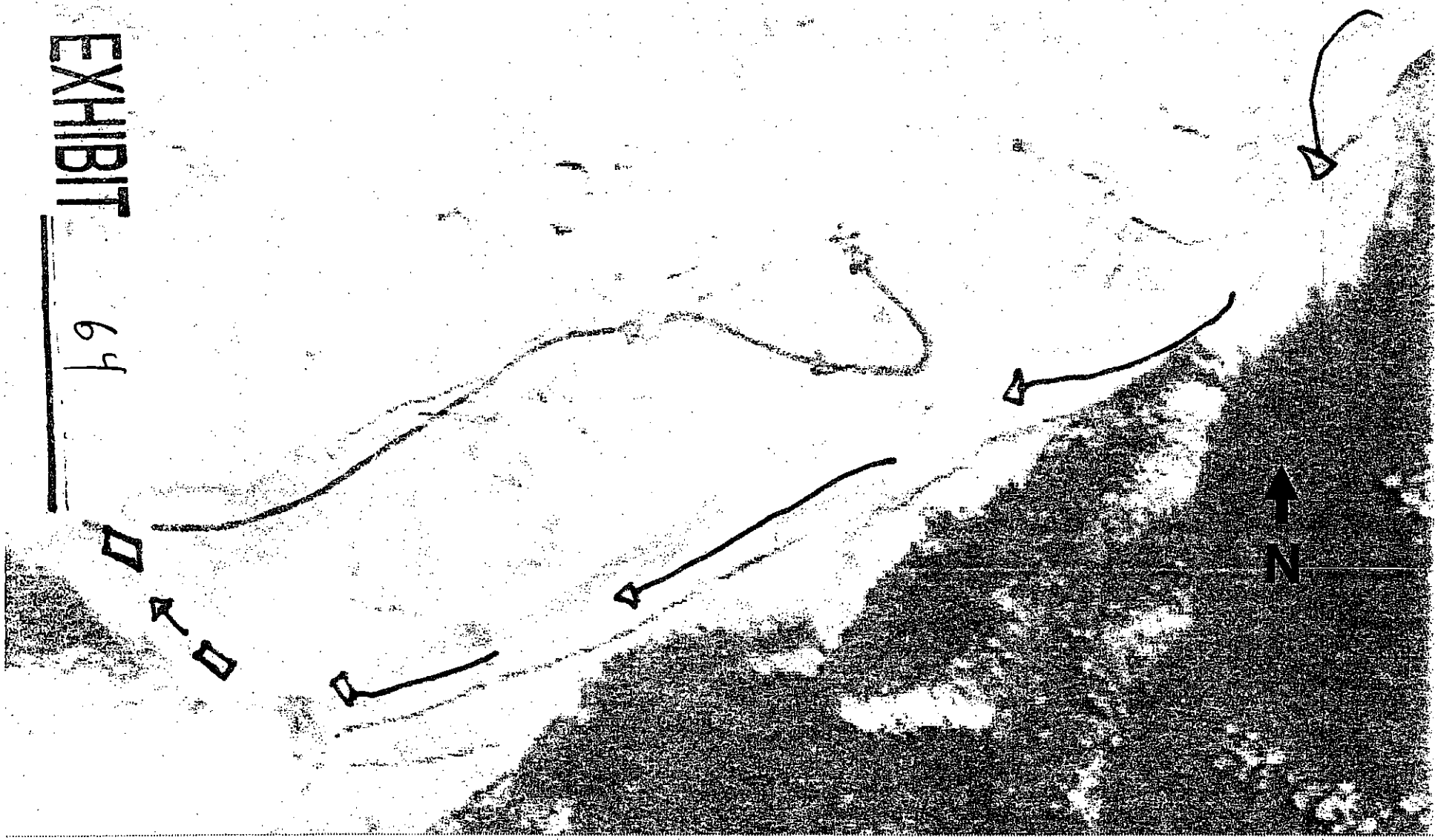
INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 16 PAGES.

EXHIBIT 64

15.

Sta[illegible]nt of [redacted] Dated 11 [illegible]AY 06, taken at FT LEWIS CID OFFICE, FLWA Continued.....

EXHIBIT 64



Initials of person making statement [redacted]

Page 9 of 16 Pages

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"STA NT OF [redacted] TAKEN AT FT L CID OFFICE, FLWA DATED 16 MAY 06 C NUED."

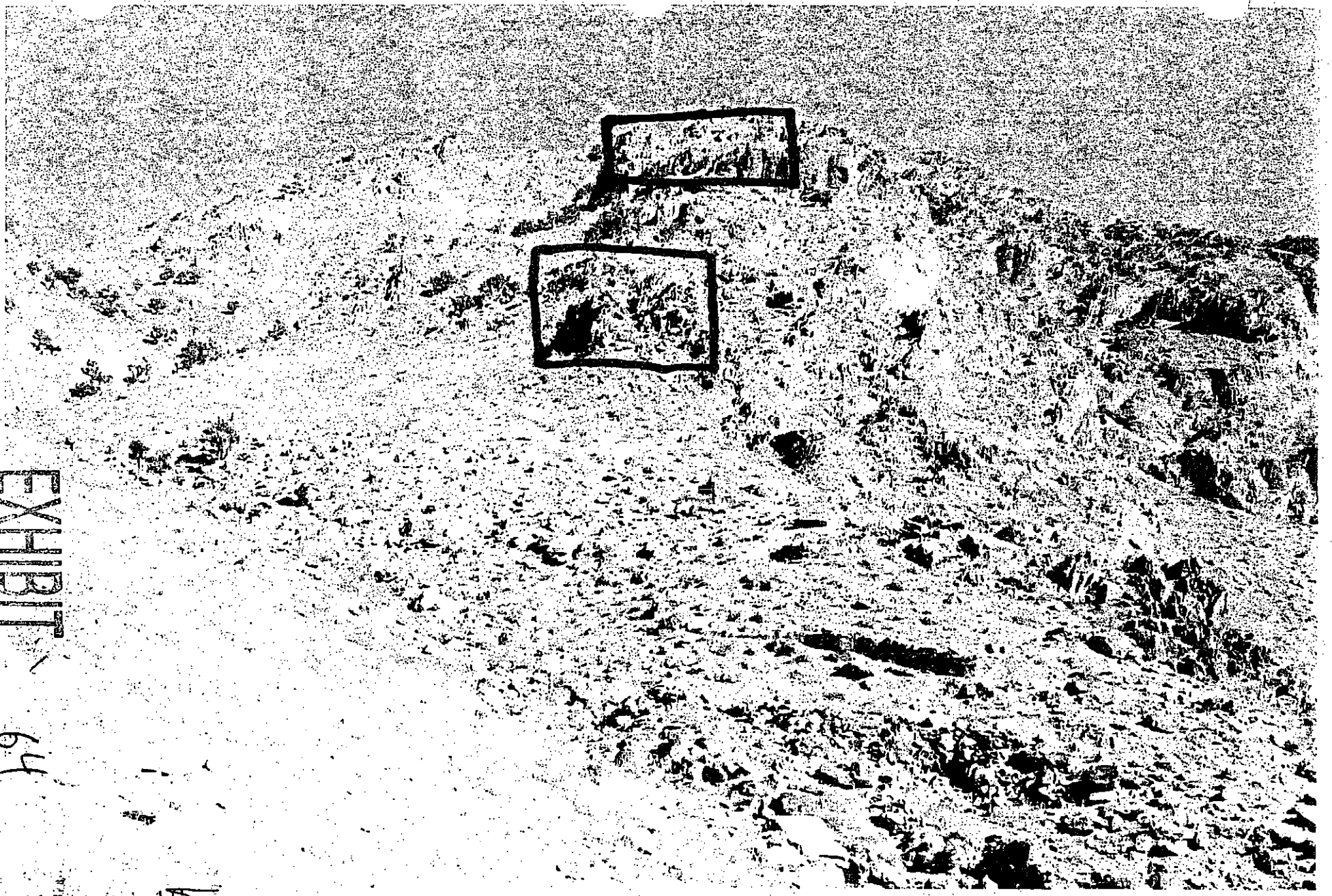

EXHIBIT 4

INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 12 OF 16 PAGES."

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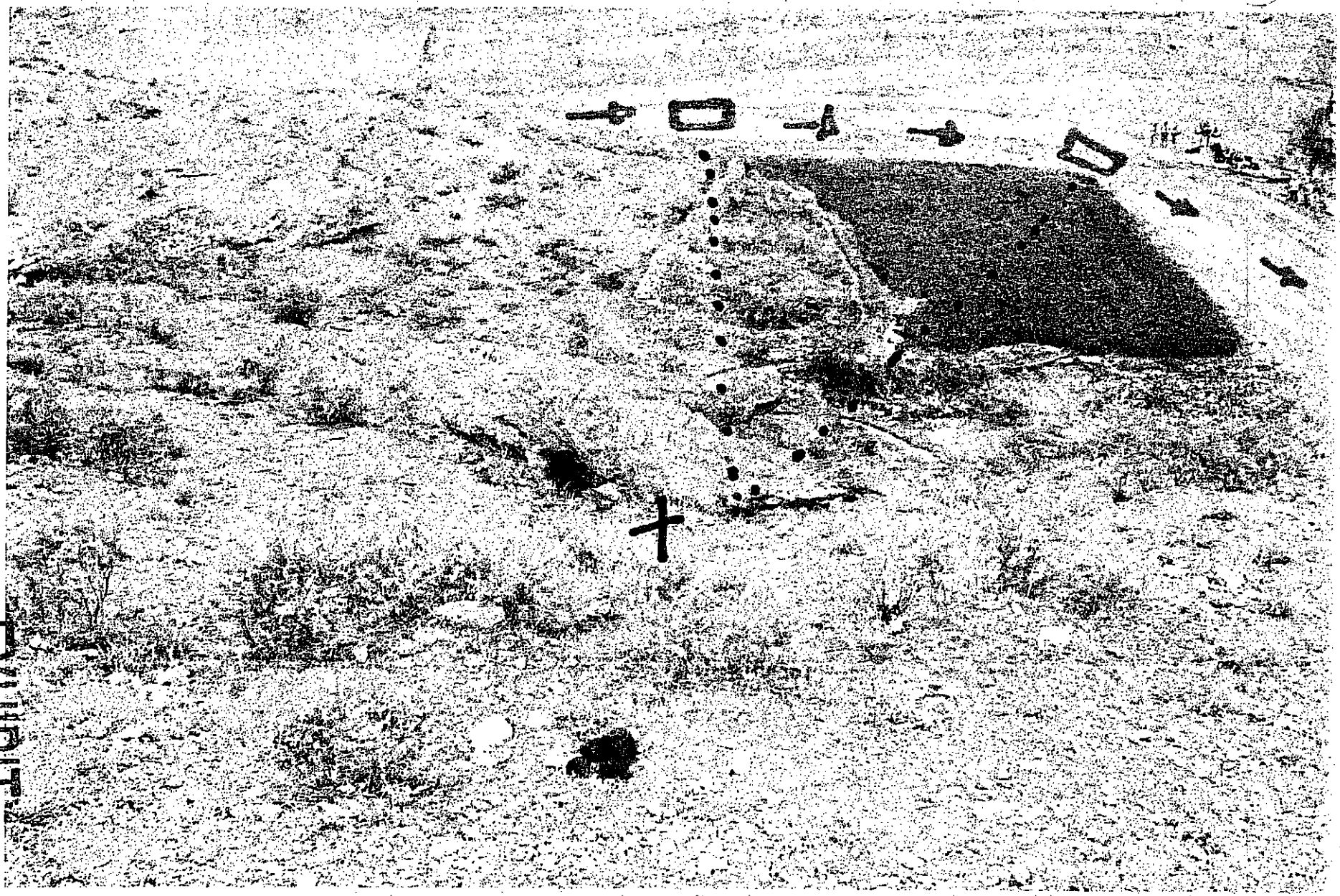


Initials of person making statement [redacted]

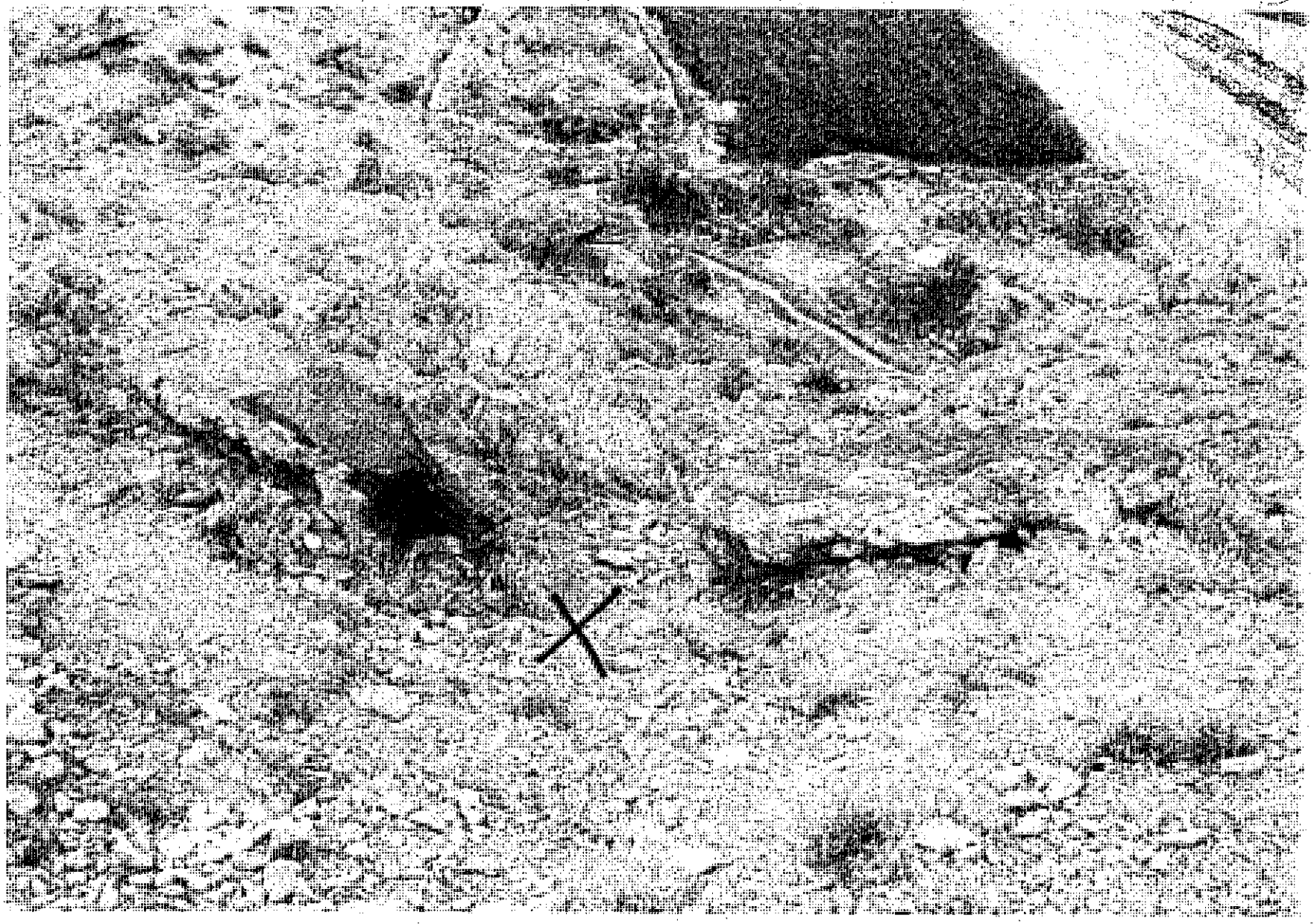
Page 11 of 16 Pages

EXHIBIT 64

000435

0012 06-CID 201-00048

Statement of [redacted] Dated 16 MAR 06 Taken at [illegible] Continued.....FLWA



Initials of person making statement [redacted]

Page 12 of 16 Pages

EXHIBIT 64

00436

0013-06-CID201-50048

Statement of [redacted], d 16 MAY 06 taken at FT LEWIS CID OFFICE, Continued..... JLWA



Initials of person making statement [redacted]

Page 13 of 16 Pages

EXHIBIT 64

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EXHIBIT 64

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 14 OF 16 PAGES

"STATEM... OF [redacted] TAKEN AT FT LEWIS ID OFFICE, FLWA DATED 16 MAY 06 CONT ...D."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 15 OF 16 PAGES."

000439

0012-06-CID201-50048

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FT LEWIS TO OFFICE

STATEMENT OF [redacted] TAKEN AT FLWA DATED 16 MAY 06

[redacted] AFFIDAVIT

( ), HAVE READOR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 16. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

SA [redacted]

[redacted]

ORGANIZATION OR ADDRESS

FIU, 7702 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 16th day of May, 2006 at Ft. Lewis, CID.

[redacted]

(Signature of Person Administering Oath)

[redacted] SA

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 16 OF 16 PAGES

EXHIBIT 64

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

N [redacted]:

DATE/TIME: 17MAY06/ 1120 [redacted]

LOCATION: FT. LEWIS, WA (CID)

I, [redacted], **want to make the following statement under oath:**

I AM SPECIAL AGENT (SA) [redacted] FIELD INVESTIGATIVE UNIT (CID). I AM HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

SYNOPSIS

On 22 Apr 04, we were in Magrah, Afghanistan. We were in the river bed by the village. We were there due to a broken down vehicle, I believe we were there for several hours waiting for a determination as to what to do with the vehicle. We were going to tow the vehicle, blow it in place or sling load it. At some point the decision was made that we needed to get moving and be at our next location before sunset that day. We decided to drag the vehicle to an improved road in the area, via a local jingle driver from the village. I got into a jingle truck with the local villager. The first serial took off and we were to follow about 10-15 minutes later. I got into the Jingle truck which was towing the vehicle **(See Image "A" for additional occupants in Jingle Truck** [redacted]**.** We started dragging the vehicle, we were enroute to t[redacted]mproved road. The lead serial was supposed to take one route, while we were to take another route. [redacted]ere going to link back up after the vehicle was handed off to someone from the task force. While enroute to the road, the jingle driver said that he could not tow the vehicle through the canyon. We then change routes and ended up following the same route that the rest of the platoon was on. We were on the route for about 15 – 20 minutes before we came up to the canyon. Once in the canyon I heard an explosion to our rear. I dismounted the vehicle, I assumed it was an IED. Everyone else in the truck then dismounted the vehicle and took cover. We were yelling back to the rest of the serial to see if anyone was hurt. At some point, small arms fire started. I could hear AK-47 fire and see muzzle flashes on the ridgeline. I'm not sure if I saw anyone on the ridge, but I did see debris being kicked up from the ridge and muzzle flash. I believed the debris and the explosions were from mortar rounds, but I'm not sure. We were all returning fire to known, likely or suspected enemy positions. I remember [redacted] getting on the radio and telling everyone to get out of the canyon. I was suppressing fire towards the Northern side of the canyon. We eventually made our way out of the canyon while suppressing fire. Me and three other Rangers ended up being the only ones left on foot in the canyon as everyone else had driven out of the kill zone. We finally linked back up with the serial. By that time, they were all stopped and dismounted. I remember hearing [redacted] on the radio saying that Pat (TILLMAN) had been hit. I got on the radio told him to "shut the fuck up", because he was kind of freaking out on the radio. He was saying that Pat was dead. When I exited the canyon I linked up with [redacted] I then told [redacted] to get a SKEDCO and go up and get Pat (TILLMAN) **(See Image "B", Green Arrow's show direction of travel, the green boxes depict the location where I saw friendly vehicles were positioned on road** [redacted]**.** I told [redacted] or [redacted] we had to secure the

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EXHIBIT 000441 65

[redacted]

vil[redacted] so we didn't get hit again. **(See Image "C", red "X" depicts location of [redacted] position, my u[redacted]tanding is that he was standing at Pat's (TILLMAN) location, however I could not see Pat's body from where I was standing [redacted].)** Me, [redacted] and [redacted] ended up clearing the village. We found a few weapons in the village, one thing that struck me as odd was the fact that they had multiple buildings with dinner set up for 4-6 people but there was no one there. That led me to believe that members of the village may have had something to do with the ambush. Once we cleared the village and rounding up all the people, [redacted] took over as the platoon leader. He called in for a helo to extract the injured and Pat (TILLMAN). There was AMF soldier that had been hit as well, but I'm not sure if he was dead already or if he died enroute to the hospital. While this was going on, I told [redacted] (he was part of a small element that reinforced us after the incident) that we needed to get some security on the high ground surrounding our area. We bedded down for the night and began to clear another village up the road from our location. Sometime during the night two other platoons arrived in the area and re-enforced us, that is about all I recall about the incident.

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

Q: WHAT WERE YOUR DUTIES WHILE DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: I was the squad leader for A Company, 2nd Platoon, 2/75th Ranger Regiment. I ended up being the platoon sergeant after [redacted] got wounded.
Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR SERIAL?
A: No, Pat was a member of serial one, while I was a member of serial two.
Q: [redacted]ERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
A. Yes, but I was separate from the exact location where the incident occurred. As stated above, I was in the valley on foot when the vehicles exited the canyon and when the actual shooting occurred.
Q: WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: We received the order from the platoon leader, [redacted] who received it from higher.
Q: IS IT COMMON FOR THE PLATOON TO BE SPLIT?
A: It's not uncommon, it happens. It depends on the mission.
Q: TO YOUR KNOWLEDGE, WHY WERE THE SERIALS SPLIT?
A: So we could have eyes on the village we were being sent to before sunset.
Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE MAGRAH?
A: I know both serials could communicate via radio, we also had Falcon View. Commo was up and working, it worked before and after we exited the canyon. I believe we could not hear the radios because of the rounds being fired in the canyon, some of the Rangers seemed to have lost their hearing for a short time. I believe [redacted] said that he could hear talking on the radio as well, so I'm sure the commo was working. I believe we did conduct a commo check prior to departing MAGRAH.
Q: WERE THE PROCEDURES CONDUCTED IN MAGRAH CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?
A: Yes, the only thing that was different was that Pat (TILLMAN) was attached to the other serial, this was all due to the vehicle issue.
Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE [redacted] 22 APR 06?

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[redacted] (Initials)

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[redacted]

EXHIBIT 65

A: To my knowledge, yes.
Q: DID YOU WITNESS [redacted] QUESTION GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT?
A: Yes, he told us that he thought it was a bad idea to split the platoon.
Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR UNIT PRIOR TO THE AMBUSH?
A: No.
Q: WERE INTELLIGENCE ASSETS NORMALLY UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?
A: We normally have close air support [redacted] would depart. We would normally get intel via higher, if there was any info, we would have known about it.
Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 06?
A: I would not know.
Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?
A: Nothing specific.
Q: WERE YOU AWARE THAT ONE OF YOUR SOLDIERS RECEIVED A MESSAGE FROM A [redacted] WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?
A: I believe [redacted] got some information about a possible threat. I'm not sure if it was a letter or verbal. The information was not specific enough for the unit to react to it. I'm not sure what happened to the information after that.
Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?
A: No.
Q: WHERE WAS YOUR VEHICLE POSITIONED AT THE TIME THE AMBUSH STARTED.
A: My vehicle was the lead vehicle in Serial two, I was in the Jingle truck.
Q: HOW MANY EXPLOSIONS DID YOU HEAR AT THE START OF THE AMBUSH?
A: Several.
Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?
A: I would say it was at our five o'clock, in a NE direction. It was about 200 – 300 meters away.
Q: DID YOU WITNESS ANY PORTION OF THE INCIDENT IN WHICH FRIENDLYS FIRED UPON PAT TILLMAN'S POSITION?
A: No.
Q: DID YOU WITNESS ANY PORTION OF THE INCIDENT IN WHICH FRIENDLYS FIRED UPON THE VILLAGE?
A: No.
Q: DID YOU PHYSICALLY SEE ANY ENEMY COMBATANTS OR THEIR POSITIONS?
A: No, but I saw muzzle flashes on the ridges, saw and heard explosions and heard AK-47 fire.
Q: DID THE REMAINING RANGERS IN YOUR VEHICLE ENGAGE THE ENEMY?
A: Yes.
Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?
Yes, I could hear the AK-47 fire and hear the crack of the rounds.

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[redacted]
(Initials)

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[redacted]

EXHIBIT 65

Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
A: No, but I did see dust kicking up from where the AK-47's were firing from and muzzle signatures.
Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?
A: We engage known, likely or suspected enemy locations. I believe the ROE we were under at that time was that we had to feel threatened or the entity we were going to engage had to display hostile intent.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
A: As I came out of the canyon, after the shooting stopped I was in contact with [redacted] I also heard [redacted] tell everyone to get out of the canyon during the ambush. Those are the only two calls I remember.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
A: No.
Q: DID ANY LOCAL AFGHANI'S INFORM ANY MEMBER OF YOUR UNIT OF THE POSSIBLE LOCATION(S) OF THE ENEMY WHO SET UP THE AMBUSH?
A: I don't think anyone identified the enemy or their locations at that time.
Q: WHEN DID YOU BECOME AWARE YOU OF CPL TILLMAN'S DEATH?
A: After I exited the canyon via [redacted] on the radio.
Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: No.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANIMOSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: Not that I know of.
Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITIES?
A: Not that I know of. I was with the platoon for only about four months prior to the deployment. I was not there for very long. There were some people in the unit that said Pat had attitude issues and respect issues. That being said, there was nothing that would constitute any ill feelings towards Pat.
Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?
A: Yes, but it was after his body had been removed. There were remains (blood & flesh) on the rock next to where he laid. There was a belt and some bandages lying there as well. When [redacted] and I met following the incident, he told me that he thought the death of Pat was the result of fratricide (**See Image "D", depicts location on rock where I saw blood and flesh** [redacted]
Q: WHAT DID YOU CONCLUDE FOLLOWING THE AMBUSH?
A: When I was at Pat's location looking down at the road, it became apparent to me that the death of Pat was fratricide.
Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT?
No.

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[redacted] (Initials)

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[redacted]

EXHIBIT 65

Q: WHO COLLECTED THE REMAINS OF CPL TILLMAN?
A: not positive but I think it may have been [redacted] and [redacted] who were at the location. Im not sure who collected his remains.
Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?
A: Yes, the soldiers remains should accompany the body.
Q: DO YOU KNOW WHY CPL TILLMANS REMAINS WOULD HAVE ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
A: No.
Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
A: No.
Q: DO YOU KNOW WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
A: Any equipment with bodily remains on it would have been destroyed (burned), weapons, NODS, ruck, sensitive items etc. would have been inventoried and retained by the unit.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
A: Yes.
Q: DO YOU KNOW WHERE THE DIARY MAY BE, DID ANYONE MENTION CPL TILLMAN's DIARY?
A: No. I personally searched all of Pat's equipment looking for the diary. The only thing I can think of is that he kept the diary in his RBA and it was burned with the RBA.
Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
A: I would assume so, he kept it with him all the time.
Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
A: Other than me, it would have been [redacted] or [redacted] were the ones that inventoried Pat's gear. But anyone who treated him on sight, the medical crew, the hospital staff or unit personnel [redacted] could have came in contact with the diary or any other personal effects.
Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
A: Yes, generally speaking if someone is wounded the gear would be removed in search of secondary injuries. If killed, it would be a medical call. Pat is the only guy I have ever had killed.
Q: WHAT IS THE NORMAL COURSE OF ACTION AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?
A: Sensitive items are retained. Personal items are forwarded with the body. Food, ammo, critical equipment etc. is retained by the unit.
Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?
A: Yes, due to a bio hazard concern. We normally burn any items which are contaminated with blood.
Q: DO YOU KNOW WHO BURNED CPL TILLMANS EQUIPMENT?
A: No.

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[redacted] (Initials)

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[redacted]

EXHIBIT 65

Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU?
A: No, it was definatly an ambush.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU OF FIRING ON CPL TILLMAN'S POSITION?
A: I don't think so. Through the ongoing investigations I've learned that the firing most likely came from [redacted] vehicle. That being said, when rounds impact on rocks, especially .50 cal, they will create a cloud of dust similar to white smoke. This may have obscured the vision of the Rangers firing on Pats position and contributed in Pat's death. The sun was also setting behind them, so it contributed to obsceuring their vision.
Q: WHAT WAS THE LIGHTING CONDITION AT THE TIME OF THE AMBUSH?
A: I would say it was BENT, beginning of nautical twilight. It was difficult to see. That in addition to the sun setting contributed to the lack of light and visibility.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU, OF FIRING ON FRIENDLY POSITIONS SUCH AS THE VILLAGE?
A: No.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A. No.

//END OF STATEMENT//

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 10. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of April 2006. 17 MAY [redacted]

(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted], FIU

Art 136, UCMJ
(Authority to administer oath)

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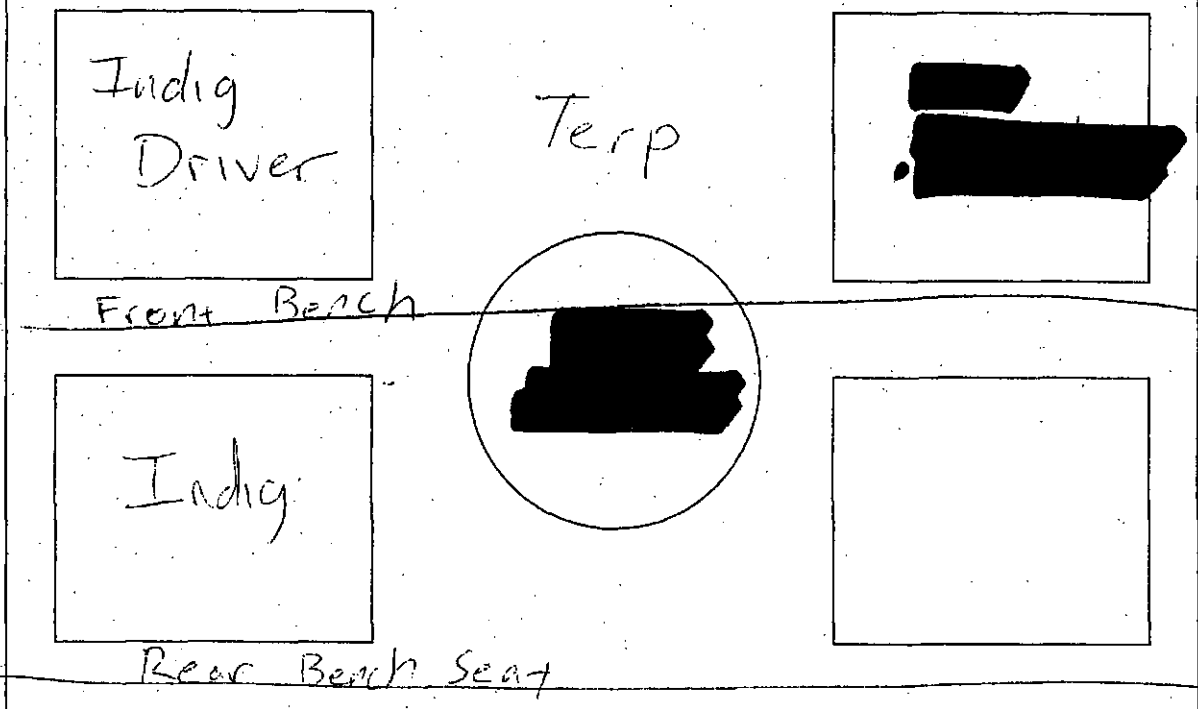
(Initials)

[redacted]

EXHIBIT 65

Jingle Truck



Note: This was a jingle truck with front & rear seats. There were only two doors and no turret. I am not positive where the Terp and [redacted] were sitting.

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EXHIBIT 65 000447

Sta nt of [redacted], Dated 1 ay 06 Continued.....

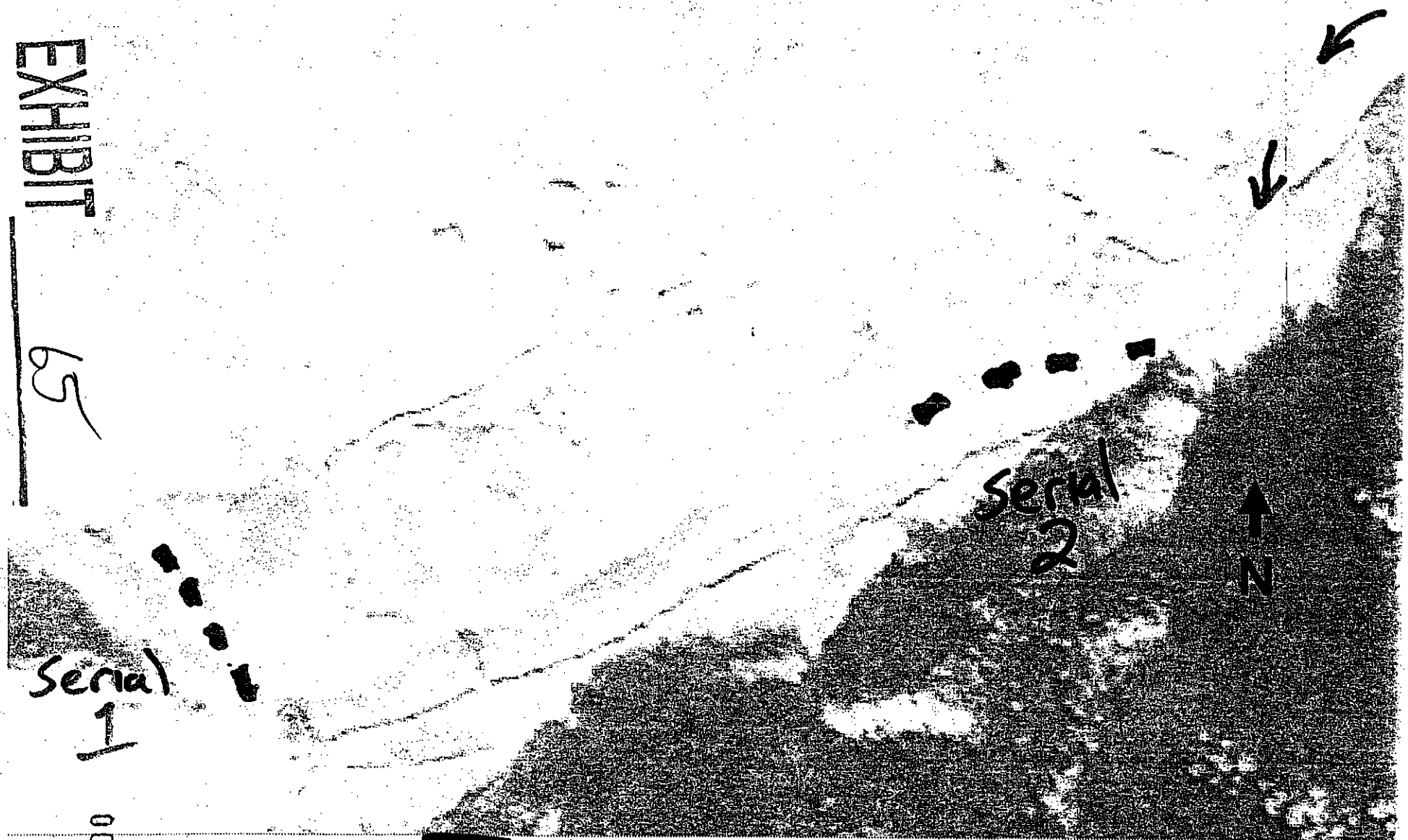

EXHIBIT 65

Initials of person making statement [redacted]

Page 2 of 10 Pages

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Statement of [redacted], d 17 May 06, Continued.....



Initials of person making statement [redacted]

Page 9 of 10 Pages

EXHIBIT 65

000449

0018-06-CID201-50048

S ement of [redacted], Da d 17 May 06 Continued.....



EXHIBIT 65

Initials of person making statement [redacted]

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SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

N[redacted]:

DATE/TIME: 23 May 06 / 1600 [redacted]

LOCATION: FT. LEWIS CID OFFICE, FT. LEWIS, WA

I, [redacted], want to make the following statement under oath:

QUESTIONS (Q) = SA [redacted]
ANSWERS (A) = [redacted]

I AM SPECIAL AGENT (SA) [redacted] FIELD INVESTIGATIVE UNIT (CID). I AM HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

On 22 Apr 04, we were in the village of Magrah, Afghanistan. We were there for about five or six hours, due to a broken down vehicle. We normally would not move during the day either, the only reason was because of the vehicle. We were all doing our jobs, pulling security, eating etc. Our higher command was trying to coordinate with someone to get the vehicle airlifted, but due to our mission we could not wait, they were telling us that it was going to take up to three days to airlift the vehicle. Soon after a decision was made to hire a jingle driver to tow the vehicle to a more passable road. Some of the Rangers hooked up the vehicle and we departed. We decided to split the convoy into two elements, the first half was going to a follow-on mission, the second element was going to take another route, drop the [redacted] off and link back up with us. I was in the first serial, second vehicle **(See Image "A" for additional occupants of my vehicle** [redacted]. When we were in the village, there was a guy sitting by a building for the entire duration of our stay in Magrah. I told my gunner [redacted] about the guy, I'm sure he brought it up to someone higher. I asked some of the villagers about the guy, but they just said he was a crazy guy. I noticed that as soon as we left, the guy started running around to the other side of the building. I thought this was strange, this was the last that I saw of him. We started to move out, we were enroute to the canyon when we commented to each other that this place was a good place for trouble. There was a split in the road, the jingle driver was supposed to take a right and drop off the vehicle. The lead vehicle took the right, but the jingle driver kept going straight. I'm not sure why the jingle driver kept going straight. I assume the rest of the serial followed him. From my understanding the jingle driver stopped in the kill zone as soon as the first round hit. By the time the first round hit, my serial was about a thousand meters out of the canyon. On the side of the canyon I saw a good sized explosion, I thought it was a mortar round. After I saw that, all hell broke loose. Visibility was getting low, I could see tracer fire in the canyon. It was like fireworks in the canyon. As soon as my vehicle dismounted, [redacted] began to run towards the canyon. I saw them running up a small hill towards the village. **(See Image "B", blue arrows depict direction of travel, blue boxes depict where vehicles first stopped in the valley, red line depicts** [redacted] **TILLMAN** [redacted] **route of travel, the red "X" depicts where I last saw** [redacted] **TILLMAN** [redacted]**.** About that time I took rounds for the [redacted] (recoiless rifle .84 mm) and positioned myself in front of the vehicles to block the roads **(See Image "B", green circle depicts my position and the last time I**

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saw Pat (TILLMAN) [redacted]). I was positioned there for about 45 – 50 minutes. A squad leader came o[redacted]he canyon (not sure who it was) and told us to reposition our vehicles. At that time we repositioned our vehicles around the bend **(See Image "B", Orange boxes depict location of repositioned vehicles [redacted]**. We stayed in this position for several hours, until we were relieved by other platoons. During the ambush I heard numerous rounds impacting on the rocks adjacent to our location **(See Image "B", blue dots depict locations where rounds were impacting near our location [redacted])**. This is when I first heard that the unit had taken casualties. I did not know who it was, but I was told that we had lost someone. I was told this by one of the squad leaders (not sure who it was). An [redacted] came through our AO about 10-15 minutes following the ambush, we pulled them out of the vehicle and held them throughout the night. At some point in the morning, we moved up the hill, behind the village. We moved here to provide over watch for the guys who were clearing a village, we were there for most of the day. Early that evening, we took off out of that area. That was about all I can recall about the incident. We went back to the FOB and conducted an AAR about the incident.

Q: WHAT WERE YOUR DUTIES WHILE DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: I was the AG for the [redacted] (.84mm recoiless rifle).
Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR SERIAL?
A: Yes.
Q: WERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
A: Yes.
Q: WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: I not sure if we were ordered to split the serials, my PLT SGT and Platoon Leader were probably told by someone working in the TOC that we needed to figure out a way to get the vehicle to the nearest FOB or a location where we could get another vehicle.
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: No.
Q: WHAT TROOP LEADING PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
A: I do not remember. I find it hard to imagine that there were none done, but I don't remember.
Q: WAS A COMMUNICATIONS CHECK CONDUCTED PRIOR TO THE SERIALS DEPARTURE ON 22 APR 04?
A: I cannot remember.
Q: DID YOU WITNESS [redacted] QUESTION GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT?
A: No, the only thing I remember is that he was pissed off that we could not get the assets to us when we needed them. He was upset that the vehicle could not be airlifted out.
Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR UNIT PRIOR TO THE AMBUSH?
A: Yes, I heard that there was a threat. I don't remember exactly what it was, but something was told to either my PLT CDR or PLT SGT about an upcoming threat. I'm not sure if any action was taken regarding this threat. The only reason I heard about this was because when I told [redacted] about the guy I mentioned earlier sitting in the village for hours watching us, he told me something about a p[redacted]le upcoming threat. He did not specify what the threat was.

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RE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON ONS WHILE IN AFGHANISTAN?

I don't remember. We are normally brought up to speed on what was going on, but I don't recall any info on the day of 22 Apr 04.

Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?

A: Not that I know of. I know that the Border Crossing Point (BCP) where the vehicle first broke down was supposed to be a location where the enemy frequented. We were there to intradict.

Q: WERE YOU AWARE THAT ONE OF THE OTHER RANGERS RECEIVED A MESSAGE FROM A LOCAL AFGHANISTAN DOCTOR WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?

A: I just heard that something was brought up to the PLT SGT and PLT LDR. I'm not sure what the information was.

Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?

A: Just the information received by the informant. Again, I heard this second hand, I did not have any direct knowledge of it.

Q: DO YOU RECALL WHAT STARTED THE AMBUSH?

A: I believe it was a mortar round, but I was not in the canyon. I could visually see the explosion take place in the canyon. From my position, the explosion was about a thousand meters away, it was a couple hundred feet above one of our vehicles on the right side as I was looking at it.

Q: HOW MANY EXPLOSIONS DID YOU HEAR AT THE START OF THE AMBUSH?

A: on't recall how many, but I know there were a few explosions.

Q: WHERE WERE THE EXPLOSIONS IN COMPARISON TO YOUR VEHICLE?

A: About a thousand meters away.

Q: WHEN YOU WERE POSITIONED IN THE VALLEY, DO YOU RECALL SEEING FRIENDLY TROOPS OR VEHICLES FIRING AT CPL TILLMAN'S FINAL POSITION OR ON THE VILLAGE (Locations shown to [redacted] via Image "B")?

A: No.

Q: DO YOU RECALL HEARING A .50 CALIBRE MACHINE GUN FIRE ONCE THE OTHER SERIAL WAS OUT OF THE CANYON?

A: Yes, but there were a variety of weapons being fired, I could not tell where or what they were being fired at.

Q: DID YOU SEE A VEHICLE FIRE IN THE AREA OF FRIENDLY TROOPS?

A: No.

Q: DID YOU SEE ANY WEAPON SYSTEM FIRING WHERE FRIENDLY TROOPS WERE POSITIONED?

A: No.

Q: CAN YOU DESCRIBE THE LIGHTING / VISIBILITY AT THE TIME OF THE AMBUSH?

A: At the time of the ambush it was starting to get dark, but you could still see fairly well. By the time the serial caught back to us in the valley, it was pretty dark. You could have used NOD's at that time. I remember seeing smoke being popped around the village. It was about 400 meters away and it was red.

Q: DID YOU PHYSICALLY SEE ANY ENEMY COMBATANTS OR THEIR POSITIONS?

A: No.

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[redacted] EXHIBIT 66

Q: [redacted]ULD YOU DETERMINE WHERE ENEMY FIRE WAS ORIGINATING?
A: [redacted].
Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?
A: No.
Q: DID THE REMAINING RANGERS IN YOUR VEHICLE ENGAGE THE ENEMY?
A: I don't know. I don't think so. I didn't hear them fire.
Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?
A: Yes, as depicted on Image "B", but nothing direct, no accurate fire on us.
Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
A: No, other than the guys mentioned earlier in the statement, the two guys we pulled from [redacted] We found out later that they may have been involved. I don't remember exactly how we figured out they were involved, but I believe their names came up from other interrogations we conducted a couple of weeks later.
Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?
A: I will fire without visually seeing the target if ordered to fire for covering reasons or if threatened. Otherwise it would have to be a Known, Likely or Suspected target.
Q: ARE YOU TRAINED TO FIRE WHERE YOUR SQUADLEADER FIRES REGARDLESS OF YOUR ABILITY TO POSITIVELY IDENTIFYING AN ENEMY?
A: No.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
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Q: [redacted]ERE ANY CLEARING OPERATIONS CONDUCTED OF THE AREA IMMEDIATELY FOLLOWING THE AMBUSH & IF SO, WHAT WAS FOUND?
A: Yes, but I don't recall if anything was found.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
A: No.
Q: WHEN DID YOU BECOME AWERE OF CPL TILLMAN'S DEATH?
A: I did not know who it was, but I think I was told by [redacted] that someone was injured during the ambush. I don't remember a specific time that I was told of CPL TILLMAN's death.
Q: WHO INFORMED YOU THAT CPL TILLMAN WAS KILLED?
A: I don't recall.
Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?
A: Just that these guys were no joke (meaning the enemy), that we were going to be here for a while and that we took a couple of casualties. I don't remember what was said about CPL TILLMAN.
Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: I don't recall.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANIMOSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: No, there was not.

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[redacted]

Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JE[redacted]US OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FIN[redacted]NCIAL SITUATION OR PHYSICAL ABILITIES?
A: No.
Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?
A: No.
Q: WHO COLLECTED THE REMAINS OF CPL TILLMAN?
A: I don't remember.
Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?
A: I would assume that they would keep all the body parts together. In the heat of the moment during a firefight maybe a portion would be left behind, but it should be collected following the incident.
Q: DO YOU KNOW WHY CPL TILLMANS REMAINS WOULD HAVE ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
A: No.
Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
A: No.
Q: DO YOU KNOW WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
A: No, but I heard some of his equipment was burned. This is second hand information.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN A[redacted]ANISTAN?
A: I don't know. I do remember him writing in the village in Magrah, but Im not sure what he was writing on.
Q: DID YOU HEAR WHERE THE DIARY MAY BE, OR DID ANYONE MENTION CPL TILLMAN's DIARY TO YOU?
A: No.
Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
A: I don't know.
Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
A: I don't know.
Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
A: I don't know.
Q: WHAT IS THE NORMAL COURSE OF ACTION AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?
A: I know that an inventory needs to be taken, NODS, weapons etc. would be collected. Personal effects in the rear would also be inventoried.
Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?

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[redacted]

A: I don't know. I know if the RBA was damaged it would have been burned. Im not sure if they are t[redacted]n or if we are the ones who burn them.
Q: DO YOU KNOW WHO BURNED CPL TILLMANS EQUIPMENT?
A: No.
Q: ALTHOUGH YOU DID NOT TAKE PART IN A SEARCH OF VILLAGES FOLLOWING THE AMBUSH, DID YOU HEAR WHAT, IF ANYTING WAS FOUND / DETERMINED?
A: I don't remember.
Q: IS THERE ANY DOUBT THAT THERE WAS AN EXPLOSION JUST PRIOR TO THE INITIATION OF THE AMBUSH?
A: No.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU?
A: In the immediate area I have my doubts, but I'm sure we were attacked.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU OF FIRING ON CPL TILLMAN'S POSITION?
A: Yes, [redacted] or [redacted] told me that he fired in Pat's area. A couple of days after the incident, I asked [redacted] about it He said he was firing in Pat's direction and that he was scared. He said he fired quite a few rounds and that he would do it again if he was in the same situation. He said he was worried for his life. [redacted] told me that his vehicle came around a corner, and that he fired a few burst from his M240 7.62 machine gun up into the area where people were. He said that he fired in the direction where TILLMAN was and that he was scared. I think, based on his facial expressions and the feeling that I got from him that he may have shot Pat (TILLMAN). I walked away from him when he said that, I did not like the comment. I don't think he was intentionally firing on friendly positions, he did not tell me that fired on friendly troops.
Q: DID ANYONE IN THE UNIT ADMIT, TO YOU, OF FIRING ON FRIENDLY POSITIONS?
A. Other than the previous answer...no.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A. No.

//END OF STATEMENT//

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[redacted]

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page [redacted]. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

[redacted]
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of May 2006.

(Witnessed by)

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ
(Authority to administer oath)

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EXHIBIT 66

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STATEMENT OF [redacted] TAKEN AT Ft. Lewis CID DATED 22 May CONTINUED.

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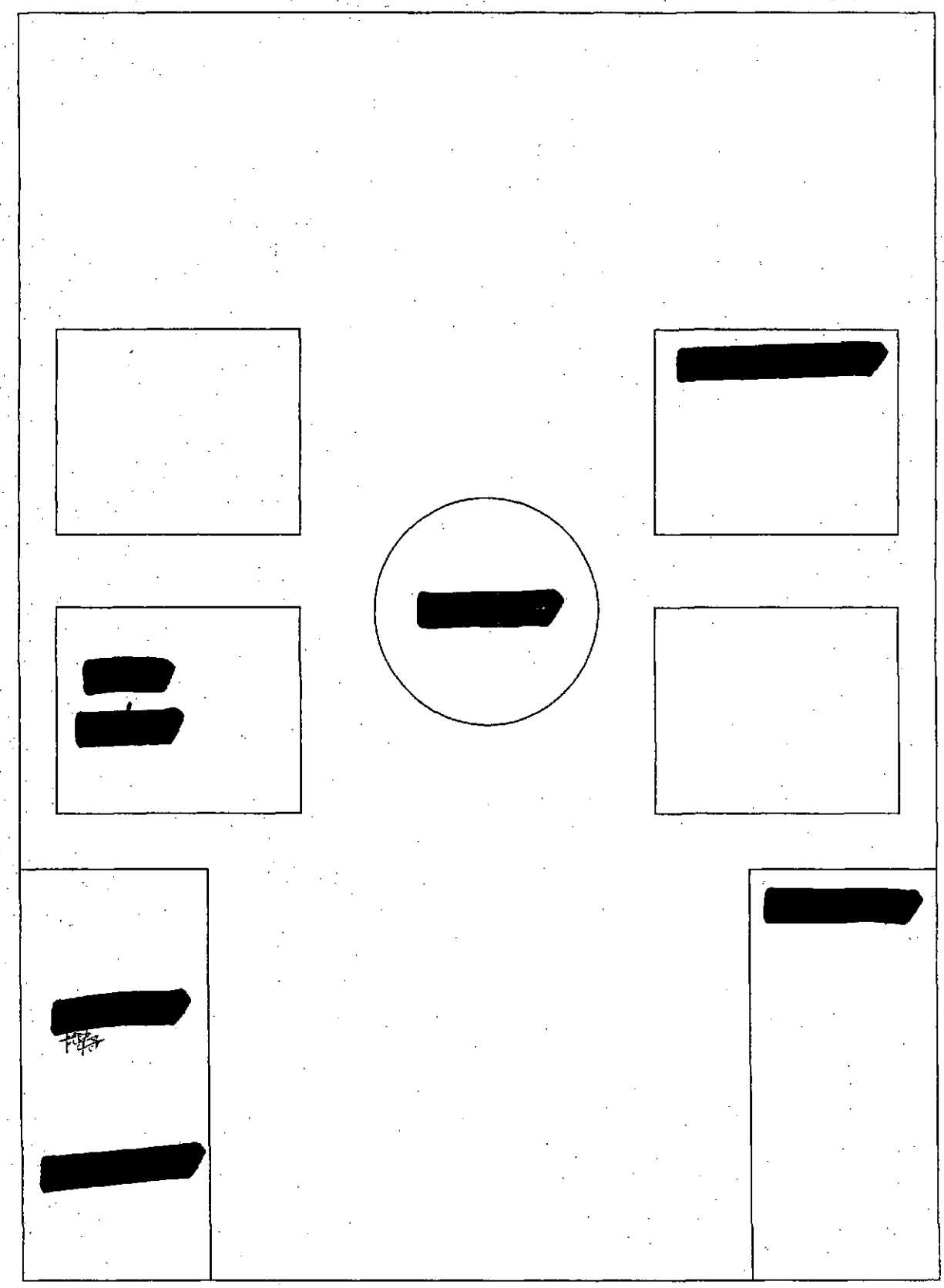

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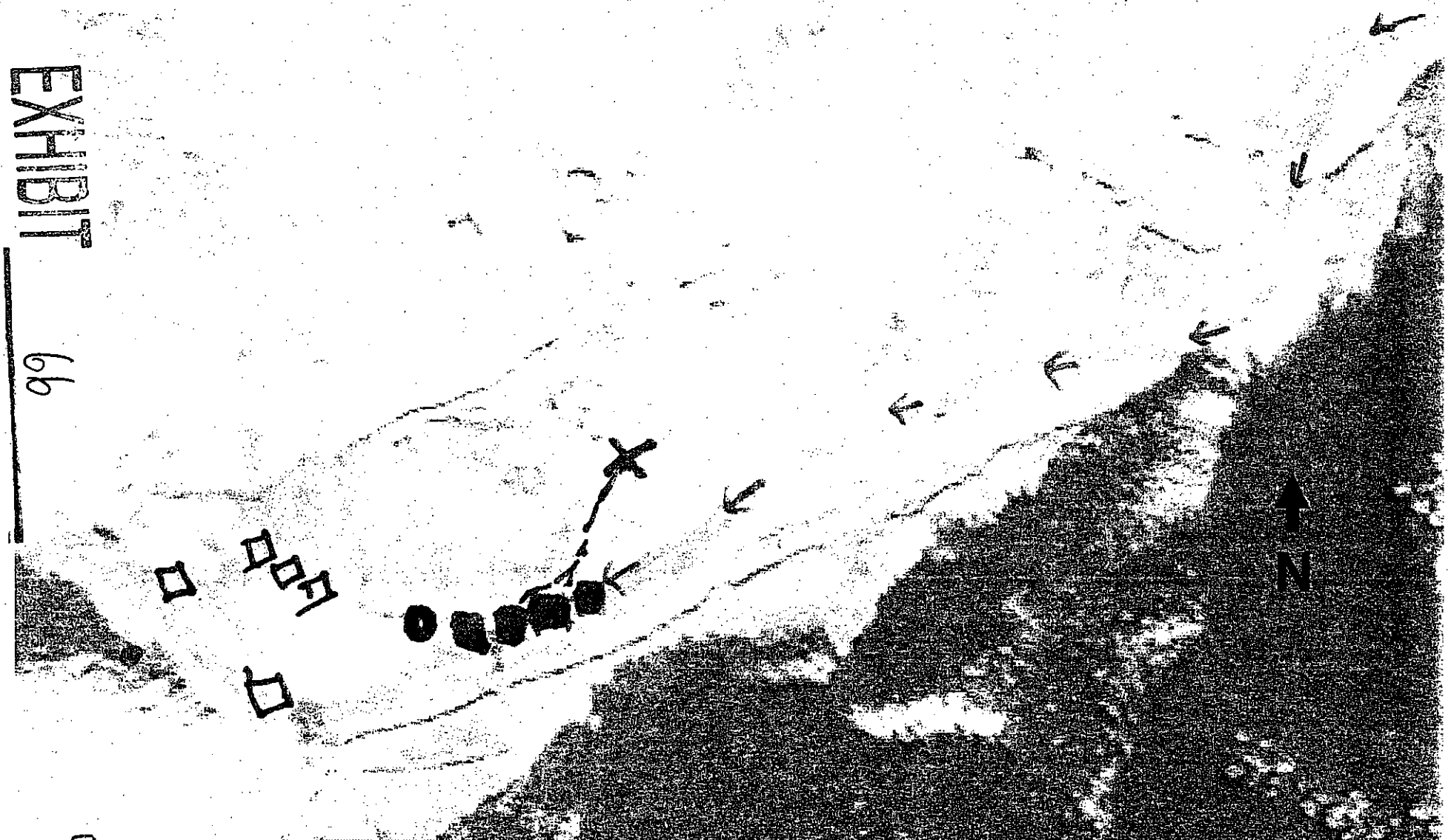
INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 9 PAGES.

Sta[illegible]t of [redacted], Dated [illegible] Continued.....



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Initials of person making statement [redacted]

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1300, 7 Jun 06, SA [redacted] interviewed [redacted] HHC 1/11th Infantry, Fort Benning, GA 31905, who stated he was member of the Quick Reaction Force (QRF) who responded to the location where 2nd platoon had been ambushed and was not present during the ambush. [redacted] stated his element searched for suspected enemy positions and shell casings; however, none were found. [redacted] stated he searched the immediate high ground and not through the canyon.

(FOUO-LES) About 1140, 9 Jun 06, SA [redacted] interviewed [redacted] 4-6 Cavalry, FLWA, who stated he was a member of the QRF who responded to the incident location involving CPL TILLMAN. [redacted] stated he assisted in searching for enemy fighting positions and any evidence thereof; however, he did not think anything was discovered.

(FOUO-LES) About 1030, 21 Jun 06, SA [redacted] interviewed [redacted] who stated he was a member of the quick reaction force, which established security during the aftermath of the incident involving CPL TILLMAN. [redacted] stated he did not know any specific details of the incident.

(FOUO-LES) About 1315, 21 Jun 06, SA [redacted] interviewed [redacted] who stated he did not know any specific details of the incident.

(FOUO-LES) About 1345, 27 Jun 06, SA [redacted] interviewed [redacted], E Company 51st Infantry, 165th Military Intelligence, Dahrmstadt, GE (forward), who stated he was a member of the quick reaction force, which provided security after the incident involving the death of CPL TILLMAN occurred. [redacted] stated he had no knowledge of the friendly fire incident until sometime later in his deployment.

(FOUO-LES) About 1530, 27 Jun 06, SA [redacted] interviewed [redacted] former Captain in the 2/75th Ranger Regiment, who stated he was apart of the quick reaction force, which provided security after the incident involving the death of CPL TILLMAN occurred. [redacted] stated [redacted] S-1, 2/75th Ranger Regiment, FLWA, received CPL TILLMAN's equipment when his remains arrived at FOB Salerno. [redacted] stated he monitored the radio traffic and coordinated for air support during the perimeter security after the incident occurred.

(FOUO-LES) About 1510, 28 Jun 06, SA [redacted] interviewed [redacted] who stated he was a member of 3rd platoon, 2/75th Ranger Rgt, FLWA, when CPL TILLMAN was killed. [redacted] stated he was a member of the QRF team, which pulled security after the incident occurred. [redacted] stated he did not have any significant information to provide to this investigation. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 28 Jun 06	EXHIBIT 67

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

AILS

(FOUO-LES) About 1120, 10 Jul 06, SA [redacted] received the U.S. Army Criminal Investigation Laboratory Report, Case Number 2006-CID131-0765, which revealed a positive identification between the flashlight and the rock chips with CPL TILLMAN's DNA profile. (See USACIL report for details)

(FOUO-LES) About 1340, 10 Jul 06, SA [redacted] interviewed [redacted] B 1/30th Field Artillery A221, Fort Sill, OK 73503, who stated he was not apart of the QRF or the convoy that was ambushed when the 2/75th Ranger Regiment was deployed to Afghanistan. [redacted] stated when the incident occurred he was in Bagram, Afghanistan and never traveled to the actual location.

(FOUO-LES) About 1040, 12 Jul 06, SA [redacted] interviewed [redacted] 2/75th Ranger Rgt, FLWA, who stated he was a member of the QRF, which pulled security at the location after the incident occurred. [redacted] stated he was told to search for any enemy bodies and casings from ammunition. [redacted] stated he only found casings from mortars, which there was no indication of the age of the mortar casings. [redacted] stated to his knowledge he thought CPL TILLMAN's body armor was locked in the supply tent at FOB Salerno, Afghanistan, but added he was handed the body armor in Bagram, Afghanistan, in which he placed the body armor on the pallet of the C-130 with [redacted] equipment, which was flying to McCord Air Force Base, WA. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
TURE [redacted]	DATE 12 Jul 06	EXHIBIT 68

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
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DETAILS:
About 1100, 10 Jul 06, SA [redacted] interviewed [redacted], wherein he provided a Sworn Written Statement, detailing his account of the incident on 22 Apr 04. (See Sworn Statement for details)

Agent's Comment: Following the interview, [redacted] queried this agent as to whether or not [redacted] had been interviewed. [redacted] related [redacted] was at the same facility as he.

About 1415, 10 Jul 06, SA [redacted] scheduled an interview with [redacted] for 11 Jul 06.

Agent's Comment: There were no available facilities to conduct an interview of [redacted] on 10 Jul 06, as this agent had already exceeded the time block provided, while conducting [redacted] interview.

About 0830, 11 Jul 06, SA [redacted] interviewed [redacted] wherein he provided a Sworn Written Statement, detailing his account of the incident on 22 Apr 04. (See Sworn Statement for details)

About 1130, 13 Jul 06, SA [redacted] interviewed [redacted] wherein he provided a Sworn Written Statement, detailing his account of the incident on 22 Apr 04. (See Sworn Statement for details)

About 1000, 15 Jul 06, SA [redacted] attempted to contact [redacted] which met with negative results. However, contact was made with [redacted] related [redacted] was out of town. [redacted] provided this agent with [redacted] contact number, as [redacted]

About 1400, 15 Jul 06, SA [redacted] attempted to contact [redacted] which met with negative results. However, contact was made with [redacted] who is the owner of the above address. This agent left contact information with [redacted] who related he would pass the information on to [redacted] related [redacted] is currently overseas, but had no further information to provide.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 17 Jul 06	EXHIBIT 69

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
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About 1600, 16 Jul 06, SA [redacted] interviewed [redacted] wherein he provided a Sworn Written Statement, detailing his account of the incident on 22 Apr 04. (See Sworn Statement for details)

About 1530, 17 Jul 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company, 4th Battalion, 9th Infantry Regiment, Fort Lewis, WA 98433, wherein he provided a Sworn Written Statement, detailing his account of the incident on 22 Apr 04. (See Sworn Statement for details)

About 2000, 17 Jul 06, SA [redacted] coordinated with [redacted], requesting an interview. [redacted] requested he be contact mid week on the week of 24 – 28 Jul 06. [redacted] related [redacted] was not certain when an interview could be completed.

Agent's Comment: [redacted] contact number is [redacted] ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 17 Jul 06	EXHIBIT 69

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CID FORM 94-E

000463

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
[redacted]	10 Jul 06 [redacted]	1330 [redacted]	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS [redacted]

I, [redacted] wish to make the following statement under oath. My platoon, 2D platoon was at BCP 5, and we were told that we were going to tow a broken HMMWV to another checkpoint and transfer it to another unit. We were then going to proceed to another area and conduct operations. Upon our way to the checkpoint, the vehicle became too battered to continue. So, at that point we stopped at a village and [redacted] called to higher to attempt to get the vehicle air lifted out. I believe [redacted] received a response back relating that the airlift would not happen, as there was no air support in the area. I believe after three attempts the order came to split us up. I am not positive who made the decision, but I believe [redacted] was communicating with the battalion commander's office. While this was going on, I believe [redacted] and [redacted] stopped a Jingle truck and offered him some money to tow the truck. They were trying to find an alternative way to move the vehicle. The truck was lifted up onto the Jingle truck with a few jacks and chained it down. After that, we stilled waited on a response from higher up for a final plan. The final decision was made to split the platoon. The platoon started moving out together. The platoon was supposed to split up at the Y, prior to the ambush site. At the Y, my vehicle proceeded to make a left turn through the valley area. We drove through there with two HMMWV's including mine and the third vehicle had Afghan soldiers. Right when we passed the house on the right, we heard an explosion, and what appeared to be the Afghan soldiers, firing back into the direction of the valley. We drove a little more, parked, and [redacted] related that the element should help the other element out. [redacted] called up to higher to report that the unit was under contact. CPL P. TILLMAN came to the vehicle and related that he wanted to go up towards the house. A group went up, I recall P. TILLMAN, [redacted] and [redacted] Then [redacted] and [redacted] followed shortly after. [redacted] told me, [redacted], and [redacted] to lock down our area. We were facing the opposite way that they went. We were pulling 360 security though. Once, [redacted] and [redacted] group went in front of the house, we could not see them any more. We were on our own until the fire had stopped. [redacted] after all the firing had stopped, came up to us and asked us if everyone was alright. We told [redacted] that everything was fine and we asked if everyone else was alright. [redacted] related a few people were hurt, but he would not say who it was. [redacted] gave us the same security orders and he left. [redacted] then related that reci and 3D platoon was coming down to help us out. From this point, we were waiting for the help to come. When they arrived, they reinforced us. I then saw someone carrying a saw gunner body armor away. That is all I know for the rest of the time.

Q: SA [redacted]

A: [redacted]

Q: What was the plan for splitting the platoon?

A: It was explained briefly that half of us were to go to the mission site, as higher up wanted us there before dark. The other half of the platoon was to get the truck to the hard ball and transfer it to another unit. [redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 6 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF__ TAKEN AT__DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF__PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

b6, 7C

Exhibit 70

Statement of [redacted], taken at [redacted] on 10 Jul 06. Continued...

[redacted] Q: You were shown several photographs, do you recognize any of them?
A: Just one (B), it appears like the area of where we were broken down at, I am not certain though.
Q: How were you kept in the know about what was going on with the platoon?
A: Since I was in [redacted] vehicle, I overheard [redacted] and [redacted] talking to each other.
Q: Prior to movement from the village, what information was distributed?
A: The first set of vehicles was moving to the recon spot and the second set was moving to the hard ball.
Q: How was the information distributed?
A: I believe the squad leaders came and spoke with [redacted] and [redacted], and it was distributed through the chain of command.
Q: How long was the platoon in the village, while figuring out what to do with the broken HMMWV?
A: I cannot say for sure, but at least two hours.
Q: Is it common for Rangers to move during the day?
A: Yes.
Q: When CPL P. TILLMAN went up the hill during the fire fight, did you see any Afghani soldiers go as well?
A: No, I did not.
Q: Did you see where the Afghani soldiers were during the fire fight?
A: No, because of my position.
Q: At that time, was it common for Afghani's to fight along U.S. forces?
A: I had heard it was not an everyday thing, but had also heard that there were times that both worked together.
Q: How long were you in Afghanistan?
A: I believe three months.
Q: During your deployment, did the Afghani soldiers work with you?
A: Only that one time.
Q: Did you see any of the e-mails between [redacted] and higher up?
A: No.
Q: How well did you know CPL TILLMAN?
A: I knew him pretty well. [redacted]
Q: Did CPL P. TILLMAN carry a diary?
A: I think so, but I am not certain.
Q: Did you have any contact with CPL P. TILLMAN's armor, clothing, etc...
A: No.
Q: Were you present during a Critical Incident Stress Debriefing?
A: Yes.
Q: Did anyone that you know of say that they shot the Afghani soldier or CPL TILLMAN?
A: That meeting was about letting stress out and personal feelings, so I would rather not comment about that.
Q: Did you ever see smoke go off?
A: I did not see any, but I heard other people say there was. I also heard about conflicts of the color of smoke [redacted]

000465

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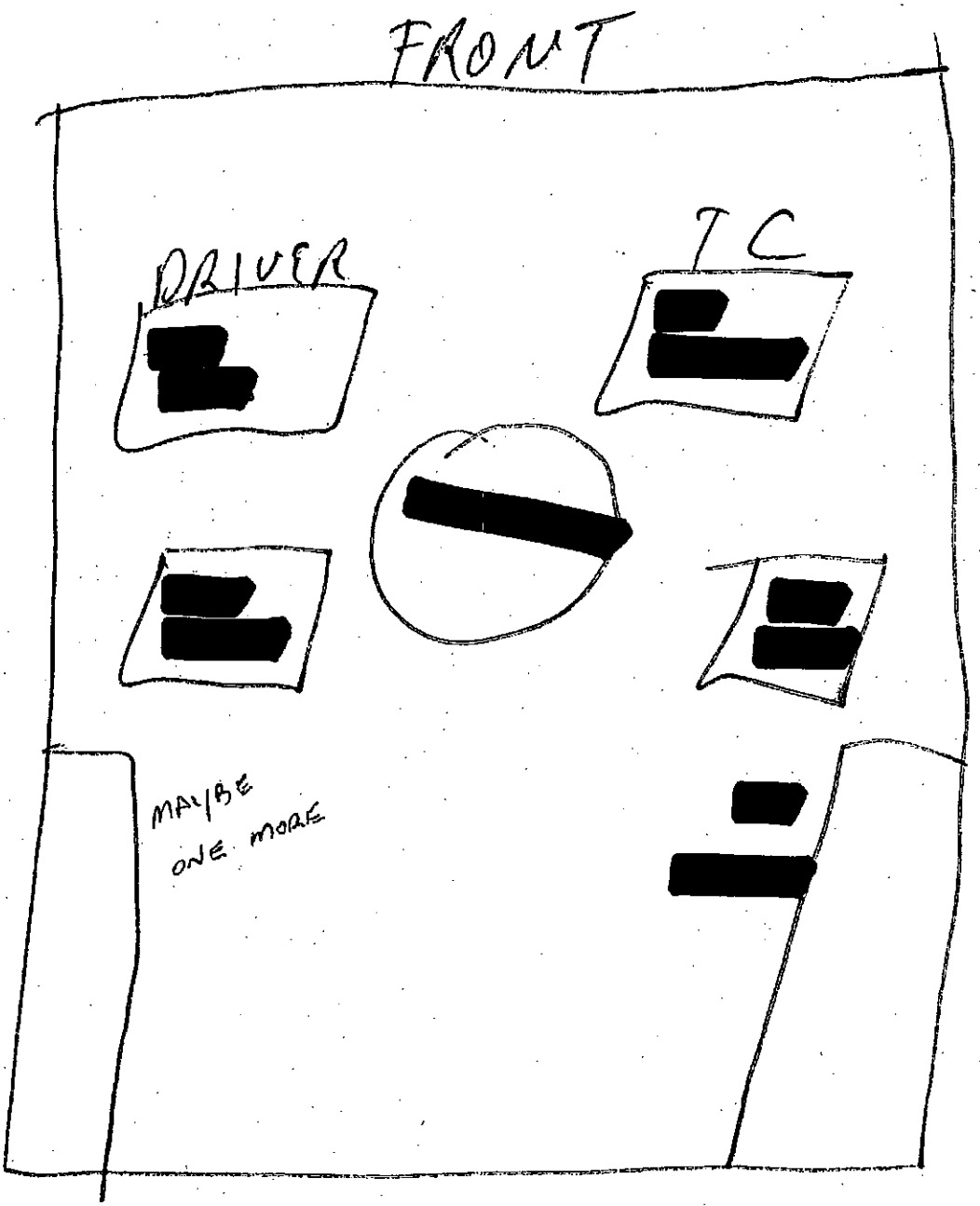
Exhibit 70

[redacted] Statement of [redacted] taken at [redacted], on 10 Jul 06. Continued...

Q: Did you ever see a pen gun flare go off?
A: No, with the smoke and pen gun flare I was facing the opposite way, so I would not have seen either.
Q: Do you know when your element lost communication with the second element?
A: It seemed like we lost communication, as we made the turn into the valley/canyon area. We would get bits and pieces, but no understandable communication.
Q: While at the village with the broken HMMWV, was their any talk about a doctor passing a note of some sort?
A: I did not hear about that until we were back in the states.
Q: In your vehicle, was their any question as to the plan of action, when moving out from the village?
A: No.
Q: Was their any question about whether the platoon was going to break up?
A: Everyone knew, I do not think their was nay confusion.
Q: During the firefight, what were the lighting conditions like?
A: About the first five to ten minutes, everything was visible, but by the end of it, it was quite dark.
Q: What were the Afghani soldiers wearing?
A: Their clothing was mixed; most of them had some type of camouflage pattern on it.
Q: What type of weapons were the Afghani soldiers carrying?
A: They had one RPG, a weapon mounted on the vehicle, and rest were carrying AK 47's.
Q: Was their a sense of urgency to get to the site for the operation?
A: I got feeling that higher wanted at least part of the platoon near the site before dark.
Q: Is there anything else you would like to add to your statement?
A: No.///END OF STATEMENT [redacted]

Statement of [redacted] taken at [redacted], on 10 Jul 06. Continued...

A



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Initials of Person Making Statement [redacted]

Exhibit 70

B

Statement of [redacted] taken at [redacted] on 10 Jul 06. Continued…



Statement of [redacted] Dated 10 Jul 06, Continued……

Initials of person making statement _____ Page ___ of ___ Pages

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b6

Initials of Person Making Statement [redacted]

Page 5 of 6 Pages

Exhibit 70

NOT USED [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 10 DAY OF Jul, 2006
AT [redacted]

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 6 PAGES

DA Form 2823 (AUTOMATED)

b6, 7C

Exhibit 70

[redacted]

0013-06-CID201-50048

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
[redacted]	11 Jul 06 [redacted]	1105 [redacted]	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

[redacted]

I, [redacted] wish to make the following statement under oath. We (2D Platoon) were at a BCP and I heard that we were going back to [redacted] One of our trucks was giving us a problem. The mechanics continually worked on it, but could not fix it. So, the broken truck was hooked up to mine and we towed it. I do not recall exactly who was driving the broken truck, but I think it was [redacted] We started towing it and about one to three hours into the drive, the broken truck got a flat. We stopped and fixed the flat, and began towing again. At some point, the trucks steering went out. We continued to tow it for a little while. We then stopped at a village, where it was decided that we needed to get rid of that truck. We were at this village for three to five hours. I heard of rumors from consisting of a helicopter coming in to pick of the truck and having a tow truck come in and get it. I recall hearing that his request got denied. I then heard half of the platoon was going to go do a mission on a village. My element was to bring the broken truck to a hardball road and transfer the truck to another unit. We were then to catch up to the first element. I am not sure where it came from, but a Jingle truck ended up towing the broken truck. I thought that either the plan had changed or we were going to escort the Jingle truck to the hard ball. We proceeded out from the village we were stalled at. We came into a split where the first element was to go to the objective and we were going to the hardball. The first element was going to go left and we were going to go right. The jingle truck turn around and ended up going left because the Jungle truck supposedly could not make it. Since we were going left, I though we were all as a platoon again. I was not sure if the plan had changed again or not. As soon as the last vehicle, my vehicle went through the valley entrance, about four hundred meters in, we heard an explosion. It sounded like rain. That is when we stopped, dismounted, and started firing. We all concentrated our fire on one area. I recall seeing .50 caliber rounds going into that area. I assumed they had a better angle and saw enemy there. Mortar rounds were dropping on us, so [redacted] related we needed to get out there since it was indirect fire. I recall [redacted] asking for a situation report. I recall hearing [redacted] report no casualties. So, [redacted] related to keep moving. I recall seeing the [redacted] and [redacted] running in the direction of movement, along side of us. I then saw a Pen gun flare drop and I recall seeing smoke. At this point, my vehicle was not firing and the firing had stopped. My truck stopped just in front of the houses. I was then instructed to go and check on the platoon leader and [redacted] I ran straight to the platoon leader. He was sitting on the ground, his face was bloody, and he was talking on the radio. I interrupted him and asked if he was alright. He said he was fine. So, I checked on [redacted] He was laying on the ground, holding the antenna for the platoon leader. I asked him if he was alright and he related that a rock must have jumped up and hit him in his knee (right knee). I told [redacted] to cut [redacted] pants leg to get a better look at it. [redacted] did so and related to [redacted] that he had been shot in the knee. I told [redacted] he did. I told [redacted] to stop the bleeding. I was pulling security since I had the SAW. About to or three minutes after [redacted] started wrapping [redacted] knee. [redacted] came and started his stuff. While this was going on, I recall [redacted] came over and he began talking to the platoon leader. The [redacted] and [redacted] came up.

000470

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF___ TAKEN AT__DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

[redacted] b1, b6, 7C

Exhibit 71

Statement of [redacted], taken at [redacted] on 11 Jul 06. Continued...

Those two went to clear the house. After the house was cleared, I took [redacted] down the hill. I told [redacted] to stay at the house. I took [redacted] down to the Helicopter Landing Zone. I was then told to go pull security. I ran up to my point. The helicopters finally came in. I had heard the skedco come in. The helicopter took the platoon leader, [redacted] CPL TILLMAN, and I believe [redacted] After that, I was called back to the vehicle, when I heard the news was broken to [redacted] squad leader told him the news. [redacted] came to me and I was then told it was P. TILLMAN that was killed. I then went with [redacted] to the house, where [redacted], and [redacted] were. That is when I saw [redacted] under nods covered in blood and matter. He had no expression on his face and he was just standing there in disbelief. [redacted] called me over and told me to take [redacted] weapon and go with [redacted] to go clean [redacted] weapon. [redacted] and I re-cleared the house gain. We then cleaned the weapon. We then went back and gave [redacted] his weapon back. We then pulled security. We were then called to the road, where we went down for the night. I recall hearing that the Quick Reaction Force had been called to come to our location. I recall seeing them the next morning, as there were a large number of us there. I went over to weapons squad in [redacted] place. My squad went on top of the mountain where we were taking fire from, and I covered down on a village on the other side while my platoon had cleared the village. I only heard one gun shot in the village at this time. I believe a team leader had shot a dog that was charging him. There was one individual in the village that was found with a leg injury. He related he fell and my platoon left him alone. I do not recall anyone noting that there wad any enemy found. We then took off to [redacted] Also, I recall hearing something about communications security had been changed that day. I had heard this because I heard that there was a problem with calling in air support.

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Referring to the pen gun flare, can you show me the direction it went.

(U) A: Referring to Photograph B, the blue X represents about where my vehicle was when I saw the pen gun flare land. The red dots portray the direction I saw the pen gun flare go. The blur dot and red arrow represent where I saw the pen gun flare land. The green markings represent the direction in which the smoke was blowing.

(U) Q: Referring to Photograph C, can you explain the markings on it?

(U) A: The blue X represents about where my vehicle was. The red dot represents approximately where Me, [redacted] the platoon leader, and [redacted] were. [redacted] was against the wall, which is not depicted.

(U) Q: About how fast was your vehicle driving after the ambush?

(U) A: At the fastest point in between twenty to thirty miles per hour.

(U) Q: Do you recall what color the smoke was?

(U) A: It was either purple or green. I am sure it was a colored smoke.

(U) Q: At that time, were Afghani forces to fight along side US forces?

(U) A: I was thinking it might have been something new because I am pretty sure that was the first time we had Afghani forces with us on a movement. The only reason we went to the BCP, our higher ups received information that the BCP was to be ambushed by Taliban forces.

(U) Q: Referring to [redacted] wound, could you determine the direction of travel? [redacted]

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b1
b6
7C

[redacted]

Exhibit 71

Statement of [redacted], taken at [redacted] on 11 Jul 06. Continued...

(U) A: From my view, it appeared that it came through the top of the knee, through the knee cap, and out the bottom.

(U) Q: Did you hear any communications from the first element?

(U) A: The only radio transmissions I heard were [redacted] relating they were taking fire, no casualties, and [redacted] saying to keep moving. I recall hearing [redacted] talking to others, but cannot recall who it was. Also, when [redacted] said over the radio that we were taking fire, I recall [redacted] saying that the Afghani soldiers were going crazy, losing there minds, and that they took off.

(U) Q: Who was the gunner for your vehicle?

(U) A: The top gunner was [redacted] on the MK 19. On the back, [redacted] and I had a 240. Mine broke pretty quick.

(U) Q: Was [redacted] able to shoot the MK 19?

(U) A: As far as I know it jammed as soon as he pulled the trigger. I tried to help him, but couldn't get it fixed. [redacted] then fired some rounds from his M-9. It then jammed, so [redacted] through it down to me to fix. At the same time I handed him [redacted] M-4. As soon as I gave him the rifle, [redacted] pulled it up in acquiring a shot. I did not see him fire it, as I had to get back to pulling to security. However, I am pretty sure he would have fired it.

(U) Q: Did you see the other Afghani soldiers, following the fire fight?

(U) A: I never saw then throughout the incident.

(U) Q: Prior to movement from the village where the platoon was stalled at, were you briefed on the plan?

(U) A: The last thing I heard was that we were going to drop off the truck. I did not hear much about what the first element was going to do other than what I said above.

(U) Q: To your knowledge, did the platoon move together?

(U) A: Yes, we all moved out together. It was to my understanding, when we got to the slit they were going to break off and secure a site. We were to break off and drop the truck off.

(U) Q: Do you wish to add anything else to your statement?

(U) A: No. ///END OF STATEMENT// [redacted]

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Exhibit 71

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 11 [redacted] CONTINUED.

FRONT

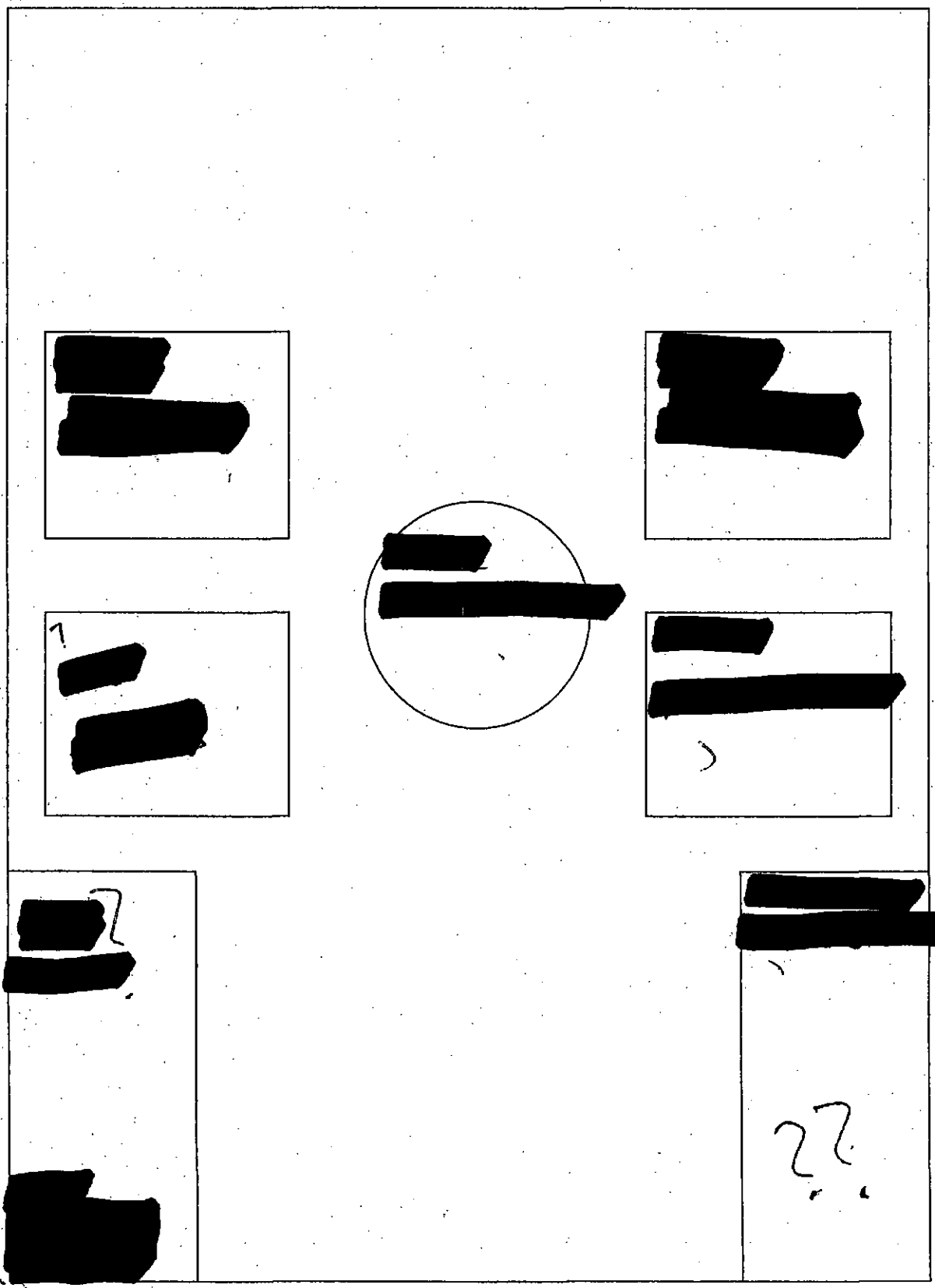

Exhibit 71



IMAGE: 27NOV03
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PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

Exhibit 21

000477

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 11 Jan 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 6 OF 7 PAGES."

[redacted]

NOT USED [redacted]

AFFIDAVIT

(U) I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISH[redacted]FUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 11 DAY OF Jul, 2006

AT [redacted]

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

_____

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 7 OF 7 PAGES

DA Form 2823 (AUTOMATED)

000476

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[redacted]

Exhibit 771

[redacted]

0013-06-CID201-50048

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
15111 East Hwy 40, Marshall, IL 62441	13 Jul 06	1929	
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL [redacted]URITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			
[redacted]			

(U) I, [redacted], wish to make the following statement under oath. We were at the border crossing point. We were traveling to another objective, when we broke down in a small town. I do not recall the town's name. We were broke down there for about six hours. It was right as we went into town. Right as we pulled into the town, there was a group of guys (Afghanis) that did not want us there. It was passed down from higher to move out. We decided to hire a Jingle truck to pull the broken vehicle. The Jingle truck hooks on and we hall. We move for not even another hour. There was a break in contact. We noticed the break in contact as my vehicle was paralleled with the small group of house, after exiting the canyon. That is when I heard communication within my vehicle about the break. We started to come to a stop. About that time, I looked back at the exit point of the canyon and saw what looked like a mortar round impact kind oh high on the South canyon wall. At that we exited out vehicle. I heard [redacted] start to yell for our squad. He was yelling for me to get on him. We got together and moved up towards the village. The whole time P. TILLMAN was yelling for [redacted] and [redacted] would call back that he was right behind him. We went in the village and did a hasty clear. We moved up to the next hill past the village and got on line. I believe [redacted] was the first one to initiate fire on the hill side. [redacted] asked [redacted] if he saw anything. [redacted] related that he had thought he had seen something. He had fired directly straight into the hill side in front of us. I believe it was this time when the first, what looked like a mortar round blew up in front of us. I recall [redacted] asking if we were taking 60's. At this time, someone initiated fire to my left. That is when I saw a group of muzzle flashes, and I fired. I heard someone say we were taking rounds from the 6 (meaning our rear). I turned around and fired that direction as well. The area was above the village more toward the top of the mountain. I then turned around and fired a few more rounds at the other position I had fired at before. I had not seen any additional flashes. I then heard [redacted] and [redacted] relate to cease fire. I did a mag change. At that time is when one last mortar round hit near the village. I fired once more; we made one more bound forward. TILLMAN and [redacted] were the first to move out. I had run down the hill. As I was coming up, I saw a group of tracer rounds fly in our direction. I went back down the hill. I heard [redacted] start to scream. Everyone was funneling up through a draw. We got online on the next incline where P TILLMAN and [redacted] had already pushed on. I saw [redacted] pull P. TILLMAN up. There was already smoke going off. We were shot at one more time. The whole time, I could hear [redacted] on the radio, trying to get radio contact, and not getting a response. At one point, I recall seeing [redacted] fire a pen gun flare, but do not recall exactly when. I saw that P TILLMAN was hit. There was a lot of blood. We went and bound on down. That is when I saw the other vehicles pull out the exit point of the canyon. I saw [redacted] firing the 240 in our direction and toward the village. I am pretty sure I saw the SAW firing as well, from the right hand weigh seat. [redacted] was the last one who stopped firing. I believe the vehicle had come to a stop before he actually stopped firing. After the firing had stopped, I recall [redacted] and maybe [redacted] moved up to P TILLMAN. I recall [redacted] making a call on the radio, relating we had one KIA. I moved up to the site and pulled security. They drug P. TILLMANS body down to a GMV that had turned around [redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 9 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADI[redacted]TEMENT OF___TAKEN AT__DATED__CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

[redacted]

EXHIBIT 72

Statement of [redacted], taken at [redacted]
on 13 Jul 06. Continued...

I believe they were using a poncho. I recall carrying some sort of equipment, but do not recall what it was. P. TILLMAN was loaded onto a vehicle. After that, we set security in. Another platoon came down, met up with us, and set security in. A helicopter came down and took P. TILLMAN out and the AMF soldier. From there, we just set in security. There was a sleep plan enacted. The next day, we expanded our perimeter. We searched the village that we had pushed through. We found a few AK's. I found one that was in a trough, like a cattle trough, with some grain thrown on the top of it. After that, we received word we were going to move out. I road with [redacted] in the Jingle truck. We drove for most of the night with them. We had another GMV problem along the way, but the mechanic ended up fixing it. Shortly after that, we parted ways with the Jingle truck. We [redacted]

Q: Did you see the AMF soldier?
A: I saw the AMF soldier down below P. TILLMAN in line with the opening of the canyon. I first saw him, when I saw [redacted] grab P. TILLMAN.
Q: Before moving up the hill, did you see the AMF soldier?
A: I vaguely recall seeing the AMF soldier running toward the village, but lost track of him throughout the whole bounding process.
Q: What was position in the platoon at that time?
A: I was a 203 gunner in 3D Squad, Bravo Team. [redacted] and [redacted] were in my team. [redacted] was the team leader and [redacted] was the SAW gunner.
Q: Do you recall hearing a whistling noise?
A: I heard one right when I first stepped out of the vehicle, following when the first round when off.
Q: What type weapon did it sound like?
A: It had to be either a mortar or a RPG.
Q: Referring back to when you were at the BCP, why did the platoon move out?
A: I think we were moving out to go [redacted] but it could have been for another mission.
Q: While at the village, broken down, what kind of communication flow was there?
A: There was not much. There were times we sat there, not knowing much. I could see them working on the vehicle. The team leader was pretty good at putting information out. So, I do not think it was flowing much at all.
Q: How did the platoon move out from the village, where the vehicle was broken down?
A: To my level, it was "hey, get in we are taking off." There was short build up to it, as we could see the broken vehicle being loaded on the Jingle truck.
Q: Did you know what the plan was to get rid of the broken vehicle?
A: No.
Q: Once the platoon moved out from the village, how did it go?
A: We got into a standard convoy with the broken vehicle in the middle. We moved at a slow pace.
Q: Was it your understanding that the platoon was moving as one?
A: Yes.
Q: Were you ever briefed regarding the platoon splitting up?
A: No.
Q: How many vehicles from the front were you?

[redacted]

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EXHIBIT 72

[redacted] taken at [redacted]
on 13 Jul 06. Continued...

A: I believe two back, so I think my vehicle was the third one. I am certain there was an up-armor in front of us, which [redacted] was driving.
Q: After exiting the canyon, toward the village, which direction did the convoy go?
A: We went right.
Q: Do you recall where the other AMF soldiers were during the incident?
A: No.
Q: At that time, was it common for AMF soldiers to fight along side US forces?
A: I really do not know, it was my first deployment.
Q: At that point, had you seen any AMF soldiers fight along side US forces?
A: No.
Q: Referring to Image B, can you describe you route?
A: The blue line with arrows, represent the direction the convoy was traveling. The orange dot represents where my vehicle had stopped, when we went up the hill. The orange line with arrows represents the initial path taken and the orange dot represents our first stop. The green line represents the second push and the green box represents where we stopped. The pink line represents the last bound and the pink box represents where we stopped. This is where I was when I saw [redacted] grab P. TILLMAN. There location is depicted with the blue "X".
Q: You were shown several pictures, do you recall where the muzzle flashes came from?
A: I do not see the exact location, but referring to image C, The blue arrow represents the area the muzzle flashes were.
Q: Referring to image D, can you depict where [redacted] and P. TILLMAN was, when you saw them?
A: The orange X represents [redacted] and the green X represents P. TILLMAN.
Q: At what point, did the initial gun fire come in to your location?
A: On our first bound.
Q: Did you see anyone fire at your location?
A: No.
Q: Did you see anyone fire at P. TILLMAN's location?
A: Yes, I saw two guys firing at our location, [redacted] and [redacted]
Q: Did you see anyone fire at the village?
A: Yes, I saw [redacted]
Q: What were the lighting conditions at the time of the firefight?
A: Dusk, it was getting dark. We affixed night vision following the firefight.
Q: Do you recall what uniform the AMF soldier was wearing?
A: I believe it was Tiger strip camo with some type of rack system on the front, holding magazine. He had an AK-47.
Q: Was there a lot of dirt kicked up in your area?
A: Yes, it was really dusty from the bottom of the canyon, up to the hill where we were at. Dirt was flying from the incoming gunfire that had hit around us, but there was a lot of dust down where the vehicles were still moving.
Q: Following your initial realization that P. TILLMAN was dead, was there anymore gunfire?
A: Yes, there was one more burst, as the vehicles were pulling up to the village.
Q: Did you see [redacted] or [redacted] during the incident?

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Initials of Person Making Statement [redacted]

EXHIBIT 72

Statement of [redacted], taken at [redacted]
on 13 Jul 06. Continued...

(U) A: I saw them near the village, when I saw [redacted] shoot toward the village. One was down, when I looked over to that building and the other one was standing.
(U) Q: Was anything about the incident discussed, following the incident?
(U) A: Yes, there was a meeting once we got back to FOB Salerno. I do not recall if our first statements were taken or not. Some of the guys were talking out loud about what happened. Some people were mad. [redacted] talked to us.
(U) Q: How well did you know P. TILLMAN?
(U) A: I guess fairly well.
(U) Q: Do you know if he kept a diary?
(U) A: I heard he had. I saw him writing in a notebook, but I am not sure if it was a diary or not.
(U) Q: Can you describe the notebook?
(U) A: It was a small black notebook.
(U) Q: Did you participate in any recovery of P. TILLMAN's gear?
(U) A: Just that initial part, at the scene.
(U) Q: Do you recall ever seeing any of P. TILLMAN's gear following the incident?
(U) A: No.
(U) Q: Is there anything else you wish to add to your statement?
(U) A: No.///END OF STATEMENT///

[redacted]

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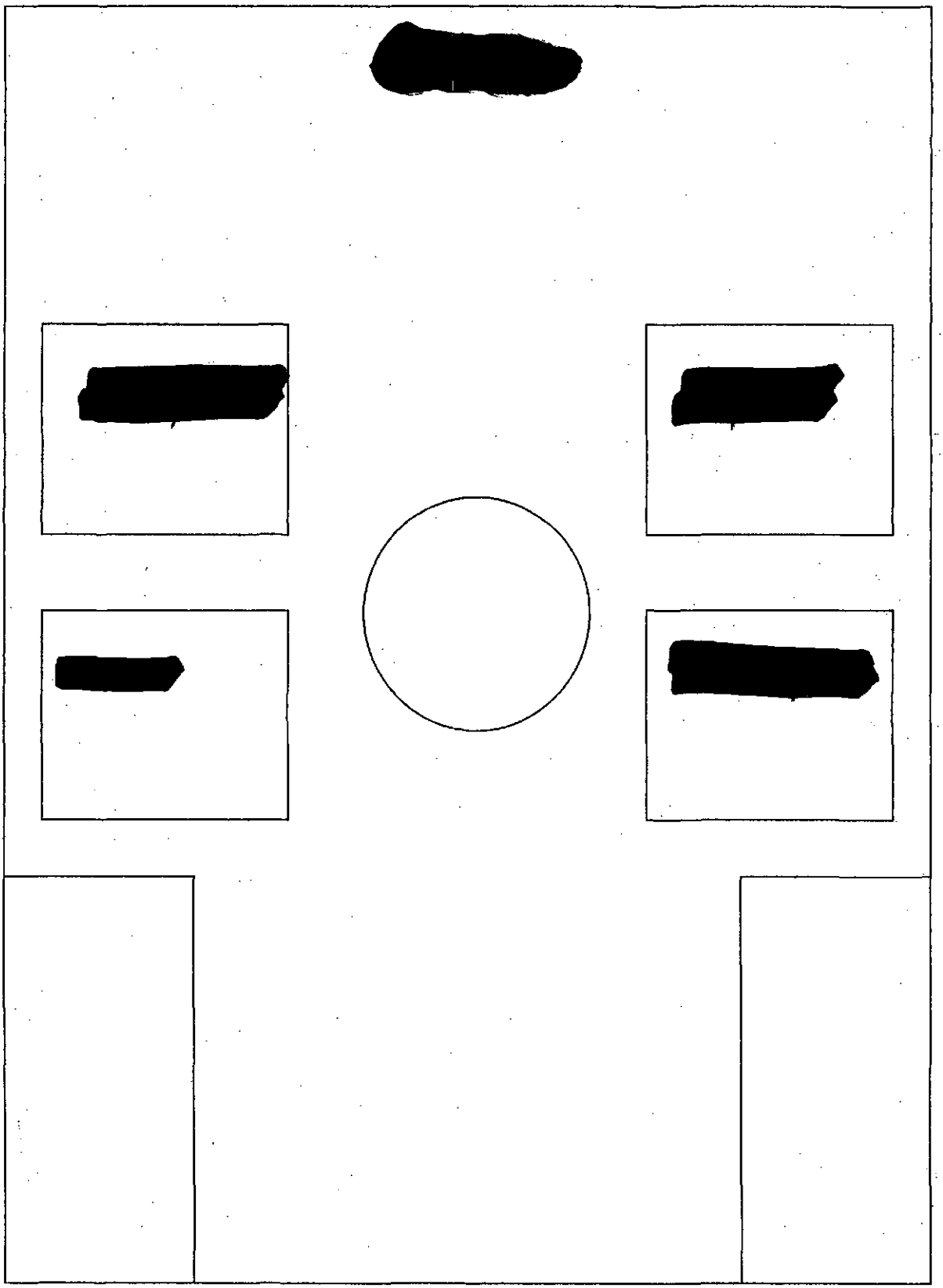
Initials of Person Making Statement [redacted]

EXHIBIT 72

Statement of [redacted], taken at [redacted]
on 13 Jul 06. Continued...

A



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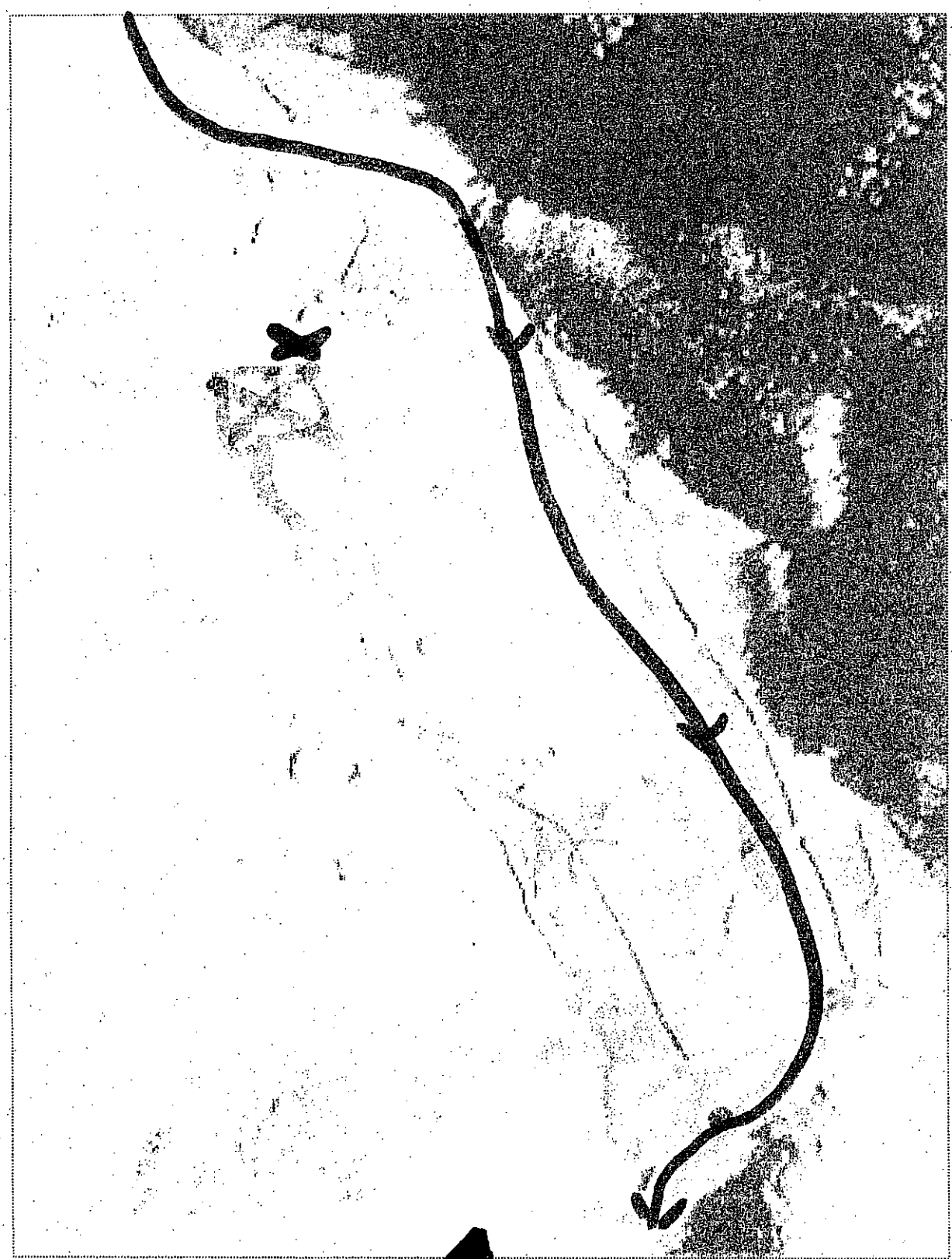
Initials of Person Making Statement [redacted]

EXHIBIT 72

Statement of [redacted], taken at [redacted]
on 13 Jul 06. Continued...



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Initials of Person Making Statement [redacted]

EXHIBIT 72

Statement of [redacted] taken at [redacted]
on 13 Jul 06. Continued...



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000483

EXHIBIT 72

Statement of [redacted], taken at [redacted]
on 13 Jul 06. Continued...



b6
7C

Initials of Person Making Statement [redacted]

EXHIBIT 72

0013-06-CID201-5004

Not Used

[redacted]

AFFIDAVIT

(U) I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 13 DAY OF Jul, 2006
AT [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

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INITIALS OF PERSON MAKING STATEMENT

PAGE 9 OF 9 PAGES

DA Form 2823 [redacted] (OMATED)

b6, 7C

[redacted]

EXHIBIT 72

[redacted]

0013-06-CID201-50041

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Fort Lewis CID Office, Fort Lewis, WA	16 Jul 06	1830	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

[redacted]

[redacted] wish to make the following statement under oath. 2nd PLT had to stop near the town of Spiryah (sp?) in order to fix an older HMWWV that had broken down. We spent most of the day pulling security around the vehicles in the midst of many locals who watched our actions. The mood was somewhat relaxed but with an air of urgency to get the vehicle repaired and on the road. The possibility of a sling-load was ruled out, so the chain of command decided to tow the vehicle out with a "Jinga" truck. The platoon was to separate into two serials, one to tow the disabled vehicle with the local truck, one to lead out. I don't recall precisely what our task was. It was something to the effect that the second serial would tow the truck somewhere [redacted] and would meet us at a later time. As we entered twilight, the two serials moved out with myself and 3rd squad with a gun attached in the lead and most of the rest of the PLT in the second serial. We wound our way through very steep canyons and exited just below a small group of buildings. We proceeded past them and toward the next wind of canyon when we heard what sounded like an IED, but what I was told later was actually mortar fire from the ambush of serial 2. We stopped the serial, [redacted] had us dismount and the goal was obvious of making our way back to the second serial to help. The road/riverbed was too tight to turn around in easily so we moved on foot up the steep grade to where the little village was located. I recall being roughly centered as we cleared through with Tillman's team somewhere to my right on lower ground. Bravo team I think was to my left, but the terrain was such that we intermixed a bit as we cleared through. There seemed to be nothing in the village at the time and we took up the high ground on a small finger that trailed down to the riverbed below. There was a lot of fire coming from the canyons beyond. We engaged visible targets on the high ground to our right and muzzle flashes on the high ground to our front. I knew there was no way our people could be up at that altitude so felt confident in returning that fire. I did worry what was to our front in the low ground as I didn't know serial 2's exact location and saw no point in proceeding further into that unknown caught between the ambush and our own people. I felt we were exposed on the finger. [redacted] was trying to get the other serial on the radio so we could get a clearer picture of where we needed to be to help. I remember seeing what I thought at the time was a tracer round go up toward the high ground we were engaging to our front. Apparently it was an AT-4. We began to take more accurate fire and indirect. At the time I thought it was a mortar that had fixed us as we would have been very visible to the high ground. Thinking about it over some time, its impact was more in keeping with a 40mm 203 round or Mk 19. At this point things were extremely confusing. It was getting dark and difficult to see. At one point we thought we were taking fire from the high ground to the rear. It was obviously the echo and confusion. I tried to inform [redacted] that we needed to get off that finger but he couldn't hear me for the shooting and trying to communicate on the MBITR (radio). I remember [redacted] pointing out the enemy on the high ground to our right as he popped back over the reverse slope of that terrain. I called it out and heard Tillman repeat it at that time. I think [redacted] was to my left as we started taking heavier fire that walked in right between us. The next memory I have is serial 2's vehicles coming around the bend in the river bed to our right. [redacted]

b1, b2, b6, 7C 000486

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF___TAKEN AT__DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

EXHIBIT 73

[redacted]

Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA on 16 Jul 06. Continued...

(U) They were engaging the buildings we had cleared through which I realized [redacted] (sp?) and [redacted] were probably somewhere in the vicinity of that area. I clearly remember the .50 cal of one of the vehicles engaging the buildings as the impacts were very obvious. We realized they didn't know our position and screamed for them to cease fire. [redacted] shot a pen-gun flare (red) vertically to indicate our position and the cease fire. I realized later this must have seemed like just another tracer as the fire didn't stop. We screamed and waved on a knee until they had passed and the fire ceased. My ears rung with the shooting but I could hear screaming and crying and realized something had happened near where Tillman had his team. My whole squad tried to rush there and help. I told them to get back down and pull security as I went over to the area to assess what was going on. I met [redacted] there. Tillman was dead. The AMF soldier was dead. The area was covered in blood and kit. I remember [redacted] and the medic showing up at some point and there obviously being nothing they could do. They went to tend the rest of the PLT I imagine, and [redacted] and I were there with the bodies. [redacted] left to tend to the squad and I stayed with Tillman. The plan was to secure the area, package the bodies, and wait for them to be exfiled on a bird that was shortly due in. It seemed to me no one wanted to wrap the bodies so myself and [redacted] and possibly [redacted] (Bravo TL) put them in ponchos we got from the PLT and put them on SKEDCOS. Once they were wrapped, we moved them down the sloping terrain to the riverbed where we loaded them onto GMVs to be taken to the landing zone (LZ) that was being set up. At that point I policed up Tillman's SAW kit which I think we had cut off him in order to package and move him down the hill. I carried it the rest of the time until we made our way back to the village proper where I encountered [redacted] and the SGM of the Regiment at the time. I left the kit with them telling them whose it was. From there we secured the LZ and after the bird came and went, moved back to the village to pull security until I believe 3rd PLT came in to relieve us. From there we moved back down to the riverbed and slept inside the perimeter until light. We moved back into the village to clear it again in the daylight and search for weapons, etc. Later that day we moved to the next village down the riverbed and searched and cleared that one as well. I believe it was at the end of that day that we finally loaded up and moved back [redacted]

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Do you know why there was a sense of urgency to get back on the road?

(U) A: I was personally concerned with the fact that were at the village all day. It was getting closed to dark. We were just supposed to be pushing through the area, not staying there all day. We knew that we were not in the best area.

(U) Q: Where were the two serials to go?

(U) A: The first serial was supposed to go to site and wait for serial 2. Serial 2 was going to drop the broken vehicle off on the hard ball road. I cannot exactly recall where we were to meet at.

(U) Q: Who was the lead vehicle?

(U) A: I believe the AMF soldiers and [redacted] vehicles were in front, then mine. I do not recall the exact order.

(U) Q: Did the serials ever split, as planned? [redacted]

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b2
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Initials of Person Making Statement [redacted]

[redacted]

EXHIBIT 73

Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA on 16 Jul 06. Continued...

[redacted]

(U) A: Serial 2 was behind us, and they were to do something else. I do not recall seeing serial 2 after leaving the village. However, seeing to the rear in the vehicles we were in was not easy.

(U) Q: Did you ever see any enemy?

(U) A: Yes, the one most clearly was on the high ground to the right. [redacted] pointed it out to me. It was difficult because the guy would go back and fourth on top of the high ground, limiting our ability to engage him.

(U) Q: Referring to image B, can you describe the routes you took?

(U) A: The red line depicts the route that Serial One took while mounted in the vehicles. The arrows on the line depict the direction of travel. The blue line represents the movement on foot, with arrows depicting the direction of travel. The final line with three arrows depicts the where the squad was and the direction they were facing. P. TILLMAN would have been near the bottom arrow.

(U) Q: When you arrive to the death scene, how was P. TILLMAN's body positioned?

(U) A: He was on his back with his legs straight out. I do not recall where his arms were.

(U) Q: When you arrive to the death scene, how was the AMF soldier's body positioned?

(U) A: Similar to P. TILLMAN's, but he was below P. TILLMAN.

(U) Q: Do you recall seeing a diary?

(U) A: No.

(U) Q: What equipment did you have of P. TILLMAN's?

(U) A: His SAW kit, which is like a vest with some SAW pouches and what ever else was on it. I am not sure what was attached to it. That is all I immediately saw there.

(U) Q: Was information disseminated about the movement and split of the platoon?

(U) A: Yes, we knew the general concept. There was a sense of urgency to get out before it got to dark. However, it was relayed to us that we were going to divide into two serials. It was a hasty-type brief.

(U) Q: Who was in your team?

(U) A: It was me, [redacted] and I cannot recall if I had a fourth soldier or not.

(U) Q: Referring to the AMF soldier, who was killed, what was his uniform?

(U) A: It looked like tiger striped sand colored DCU's. I think he had an AK-47 for a weapon.

(U) Q: At that time, was it common for AMF soldiers to fight along side US forces?

(U) A: I had never seen it before. I know we worked with them from time to time. I do not know why the AMF soldier went with P. TILLMAN, as the other AMF soldiers stayed with the vehicle.

(U) Q: Can you explain the AT-4?

(U) A: At some point during the firing, I saw what I thought was a 240 tracer. I later realized that it looked like and AT-4. I was later told that someone shot an AT-4 up into the mountain.

(U) Q: Do you recall a break in fire?

(U) A: The way I recall it was that they were shooting the whole time. It seemed like it got worse the longer the into the incident.

(U) Q: Do you recall seeing smoke?

(U) A: No.

(U) Q: Can you explain the uncertainty of where the fire was coming from? [redacted]

000488

b2
b6
7C

Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA on 16 Jul 06. Continued...

[redacted]: There was a time when I thought we were at the bottom of a barrel and everyone was shooting at us. At one point, we thought we were taking fire from the rear, past the village, but up really high. It was very confusing.

Q: What was the direction of fire from your position?

A: Straight forward and up. We all shot into the high ground. I directed my team to shoot to the high ground because that is where we saw the muzzle flashes from and I was not sure where our 2D serial was.

Q: Did you see [redacted] or [redacted]?

A: I do not recall seeing them after we dismounted the vehicles.

Q: Can you describe the lighting conditions?

A: It was twilight.

Q: Can you describe hearing conditions?

A: I know myself and many others were defened from our weapons. Additionally, we had the echoes from the canyon.

Q: Do you know if radio communications were ever successful?

A: I do not think so. I was later told there was a problem with everyone being on the net at the same time.

Q: Do you know at what point serial two was to split?

A: No, they had a point, but I am not sure.

Q: Do you know anything about a note from a doctor?

A: No.

Q: Do you know who was shooting the 50 cal or the 240?

A: I knew who was on the weapons, but I could not visually see them.

Q: Who was on the weapons?

A: [redacted] was on the 50 cal and [redacted] was on the MK 19

Q: Do you wish to add anything else to your statement?

A: No.///END OF STATEMENT///

[redacted]

b2
b6
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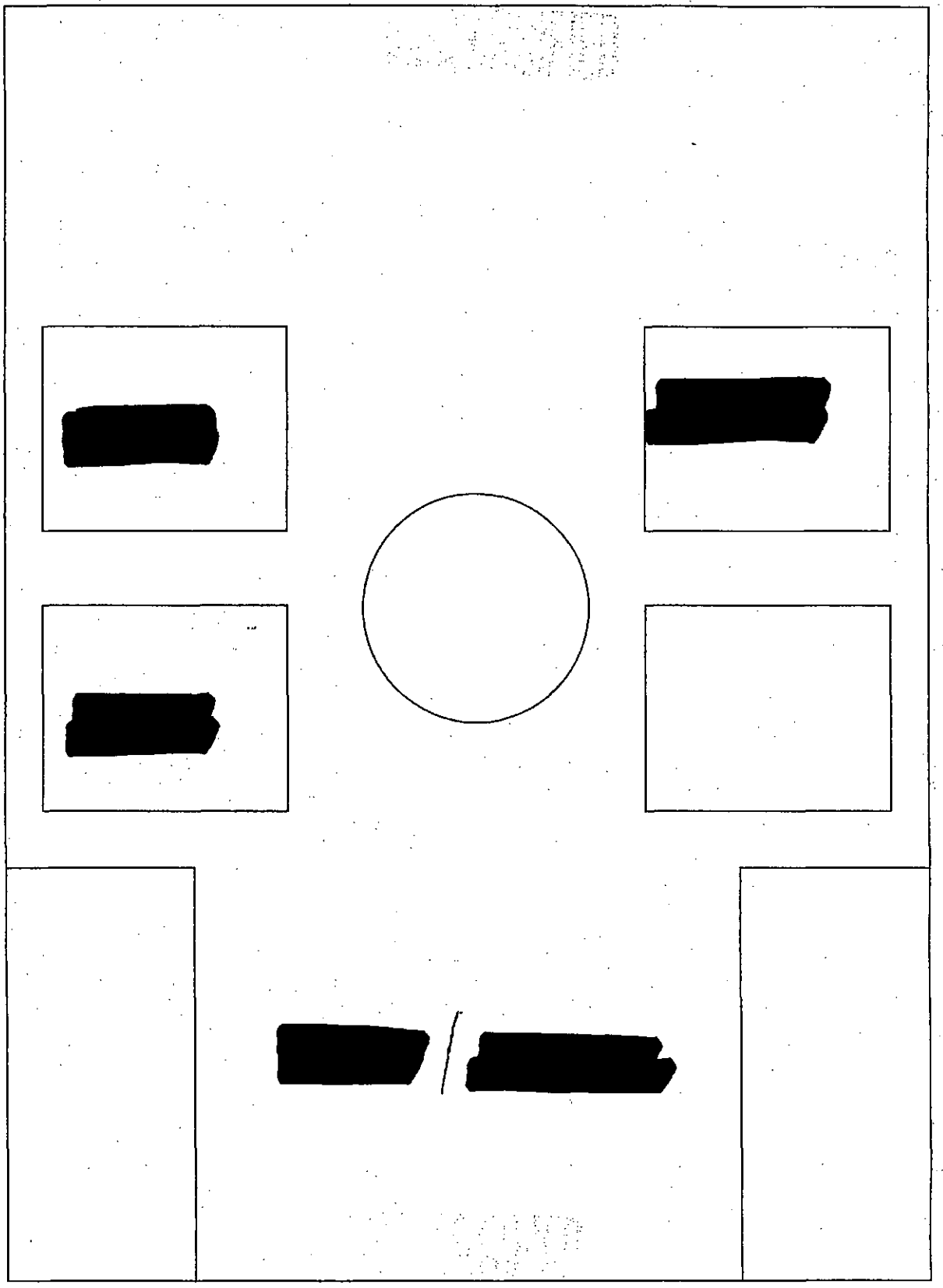
Initials of Person Making Statement [redacted]

EXHIBIT 73

[redacted]

Statement of [redacted] taken at the Fort Lewis CID Office, Fort Lewis, WA on 16 Jul 06. Continued...

FRONT



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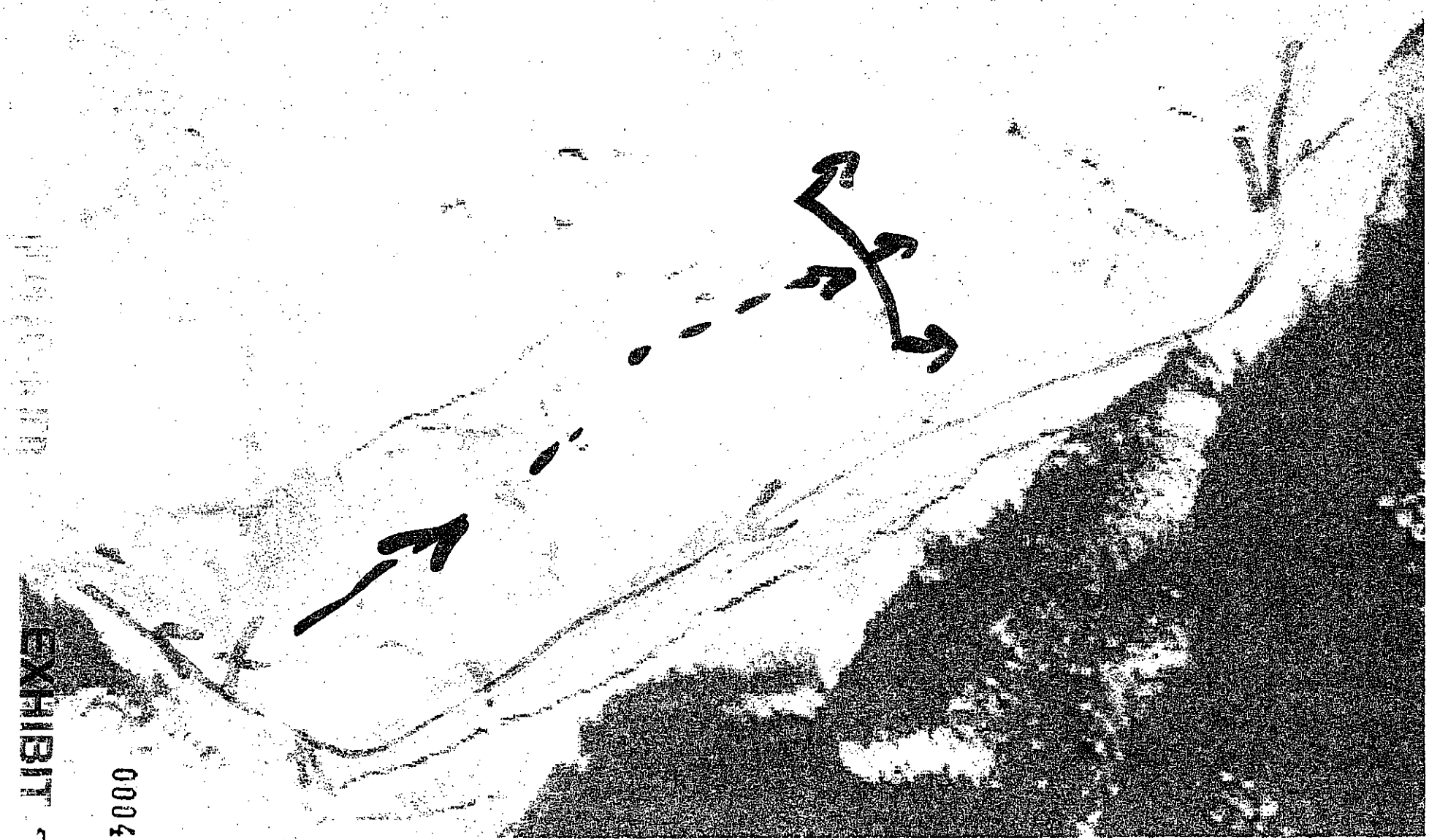
Initials of Person Making Statement [redacted]

EXHIBIT 73

B

"STATEMENT OF [redacted] TAKEN AT FORT LEWIS, WA FORT LEWIS CID OFFICE DATED 16 JUL 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 6 OF 7 PAGES."

EXHIBIT B

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0013-06-CID 201-50043

NOT USED - [redacted]

AFFIDAVIT

(U) I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 16 DAY OF Jul, 2006
AT Fort Lewis CID Office, Fort Lewis, WA

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

DA Form 2823 (AUTOMATED)

06, TC

[redacted]

EXHIBIT 73

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
HHC, 4th Battalion, 9Th Regiment, Fort Lewis, WA 98433	17 Jul 06	1723	[redacted]

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
HHC, 4th Battalion, 9Th Regiment, Fort Lewis, WA 98433

I, [redacted] wish to make the following statement under oath. I was the mortar platoon sergeant for HHC 2/75TH Ranger Regiment. I was the battalion mortar platoon sergeant. I cannot recall exactly why I was at the BCP where I met up with 2D platoon, but I was there. While at the BCP, I adjoined to 2D platoon with [redacted] who was driving, [redacted] and there were some more soldiers with [redacted] who was my right hand man. We stayed at the BCP for a couple of days because of a broken vehicle 2D platoon had. A fuel pump was flown in, and that did not fix the problem. The decision was made that the vehicle would be towed. I cannot recall the exact date, but we left in the morning with the broken vehicle. We got off to a late start because the mechanic was still working on the vehicle. As we were moving, we got to a point where the vehicle could no longer be towed, because it was not really being towed. Rather, we were dragging it. There was a problem with the suspension, where the wheels were facing opposite directions. So, we stopped in a village. I spoke with [redacted] and [redacted] and it was suggested that we sling the vehicle out. [redacted] called to higher with the suggestion. It was related to [redacted] that there was no way that was going to happen. I have to add that a CH-47 flew over top of us and we thought it would be to good to be true, but it wasn't ours. Following the notification that the vehicle would not be sling loaded out, we began to brainstorm about what to do with the vehicle. At this time, a Jingle truck came into play. It was decided that was the best way to get the vehicle out. As we working, a big huge crowd was hanging around. The interpreter was negotiating with the driver. The plan at the time was to take the vehicle to the hard ball where a wrecker was going to meet us. We were then going to continue the mission of clearing a sector. Serial one then took off. A few minutes later we took off, and the Jingle truck was following. At one point, just before the canyon, we had actually turned right, but the Jingle truck went straight. He related that he wanted to go that way. So, we spun around and he became the lead vehicle. We entered the canyon, at which time a loud explosion occurred. The first thing I though was IED. We realized that we were in a bad spot and probably an ambush. Then all of the rocks started coming down. It was hard to tell what was going on. Every time rounds impacted, all kind of debris came down. We stopped and dismounted, then I said we needed to keep going and move out of the area. For some reason we stopped twice. I dismounted the vehicle and went along side the vehicle. The second time we stopped, I believe there was some AK-47 fire. There was some question about RPG's. I am sure there were mortars, but not so sure about RPG's. There was limited small arms fire. At one point we stopped and pulled the 60 handheld mortar. [redacted] fired one round, which I loaded. All we were trying to do was get a range. The reason is we had to add elevation. The round did not impact at the top, but we knew where we stood. I never did identify any targets. I did not shoot my M-4 once. We did notidentify any targets when we shot the mortar either. We were simply prepping it. The mortar has a range finder on it, but it does not take into account elevation. So, by firing that round, we could see where we needed to be [redacted]

66, TC 000493

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "[redacted] OF___ TAKEN AT__DATED__ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (ATUOMATED)

EXHIBIT 74

Statement of [redacted], taken at the HHC, 4th Batualion, 9th Infantry Regiment, Fort Lewis, WA 98433. Continued...

[redacted] We then mounted back up and continued to move. After that, we drove straight through. I do not think we dismounted again. Once we were almost out of the canyon, there was less firing and the mortars had kept falling. The .50 cal in the lead vehicle continued to fire. We came out to the mouth where it opened up. I recall driving by a little spur and I saw our guys along the spur, laying in fighting positions. It was shortly after that, I heard over the radio we had casualties. I recall during the incident that communications was spoty. We then pulled off and set up positions. I called [redacted], who was in the trail vehicle. Once we got our mortars set up, I called [redacted] if he needed a hand. He related he needed help moving casualties. So, me and [redacted] went up the hill and linked up with 2D platoon's guys. We called and got one of my skedcos. We moved two loaded skedcos down the hill and took them to the helicopter LZ. The rest of the night, we secured the area. Another bird was brought in to fly out [redacted].

Q: SA [redacted]

A: [redacted]

Q: Do you recall what the first serial was to do?

A: The first serial was to occupy outside of a village where we were to clear. I do not believe they were to start clearing, but they were just going to occupy. The second serial was to move out and meet up with the first serial, after dropping the broken vehicle. One point that was made that there was no reason to rush because nothing was going to happen due darkness. I recall [redacted] and [redacted] were both not happy about the splitting. It was not that a ranger platoon could not split and handle themselves. The question was why, what was the purpose since clearing was not to start until the following morn.

Q: Did you have any interaction with [redacted]

A: I don't recall saying anything to him

Q: Did you have any interaction with [redacted]?

A: I recall him at the HLZ, but knew he would be alright.

Q: Do you recall seeing smoke, as you exited the canyon?

A: No.

Q: Do you recall seeing a pen gun flare?

A: No.

Q: How long had you been in Afghanistan?

A: Not long, but it was not our first time out.

Q: At that time, was it common for Arghani forces to fight along side US forces?

A: Not common, but not unheard of.

Q: What were the lighting conditions at the time?

A: The sun was setting, evening was coming along. Evening was coming along, as we were leaving the ville.

Q: What were the hearing conditions?

A: Down in the canyon it was pretty ruff. I recall a couple of guys being almost def when it was done with. I recall the weapons squad leader could not hear his radio, following the incident because his hearing was gone. He got it back in a couple of days.

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Q: Did you interact with any of P. TILLMAN's equipment?

A: No.

Q: Do ever recall seeing a diary, P. TILLMAN may have had?

A: No. [redacted]

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Initials of Person Making Statement: [redacted]

EXHIBIT 74

Statement of [redacted], taken at the HHC, 4th Battalion, 9th Infantry Regiment, Fort Lewis, WA 98433. Continued...

Q: Do you recall why the vehicle could not be sling loaded out?
A: No, no answer was given. I believe it was because there were no assets available.
Q: How was the communication flow, back at the village?
A: There was huddle, which include the squad leaders and up were there. So, there was a definite plan, which included all of the key players. Shortly after the meeting we moved out. There was always this sense of urgency that we were falling behind. I not saying that PCI's, communications checks, and so on were neglected. It was just lets move out.
Q: Do you ever recall seeing the Jingle truck stopping, while moving through the canyon?
A: I really did not see it while we were moving, but I vaguely recall passing it.
Q: Did you ever hear communications from the first element, after leaving the village?
A: Honestly, I cannot say for sure. Eventually I did, but cannot recall when the first time was.
Q: During the ambush, do you recall hearing communications from the first serial?
A: I may have, but cannot say for sure.
Q: About how fast were the vehicles moving through the ambush?
A: Slowly.
Q: Did you see and/or hear the first vehicle firing?
A: Both, I saw and heard it.
Q: Do you recall seeing the 240 gunner firing?
A: I do not recall. I do not recall how that truck was set up.
Q: Did you go to the spot where P. TILLMAN was?
A: No, by the time we got to the hill, the two KIA's were partially down the hill, where we helped bring them to the LZ.
Q: Did you know who the KIA's were at the time?
A: No.
Q: Referring to image B, can you describe the route your vehicle took?
A: The red line with arrows depicts out direction of travel. The first X, adjacent to the blue line is about where I was when I saw the first serial. The blue line represents about where the first serial was spread out. The second red x represents where my vehicle stopped.
Q: Had you been in combat prior to this?
A: Yes.
Q: How would you compare this incident to any previous experiences?
A: When we entered the canyon, we realized we were in a vulnerable spot. As it went on, we realized we were not too bad off. However, initial thought, was that the opposing forces were on it. I think where we went wrong was in the village. The route was discussed with onlookers present.
Q: Can you describe the Jingle truck?
A: I just recall it being red.
Q: Do you recall who the interpreter was?
A: No, being in mortars, we bounced around so much.
Q: Is there anything else you wish to add to your statement?
A: It was confusing, especially the terrain situation. [redacted] was the most dominant voice over the radio, talking in a calm manner trying to keep everyone calm [redacted]

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Initials of Person Making Statement: [redacted]

EXHIBIT 74

Statement of [redacted] taken at the HHC, 4th Battalion, 9th Infantry Regiment, Fort Lewis, WA 98433. Continued…

[redacted] did an excellent job. The way things worked out, if he did not have situational awareness, it was not for lock of trying or incompetence.

Q: Do you recall talking with P. TILLMAN, prior to the incident?

A: Yes, we were just talking about ranger school. I had mentioned that I had [redacted] who went through with me. He thought that was interesting. He was a good dude, didn't act like a star football player.

Q: Is there anything else you wish to add to your statement?

A: No.///END OF STATEMENT//[redacted]

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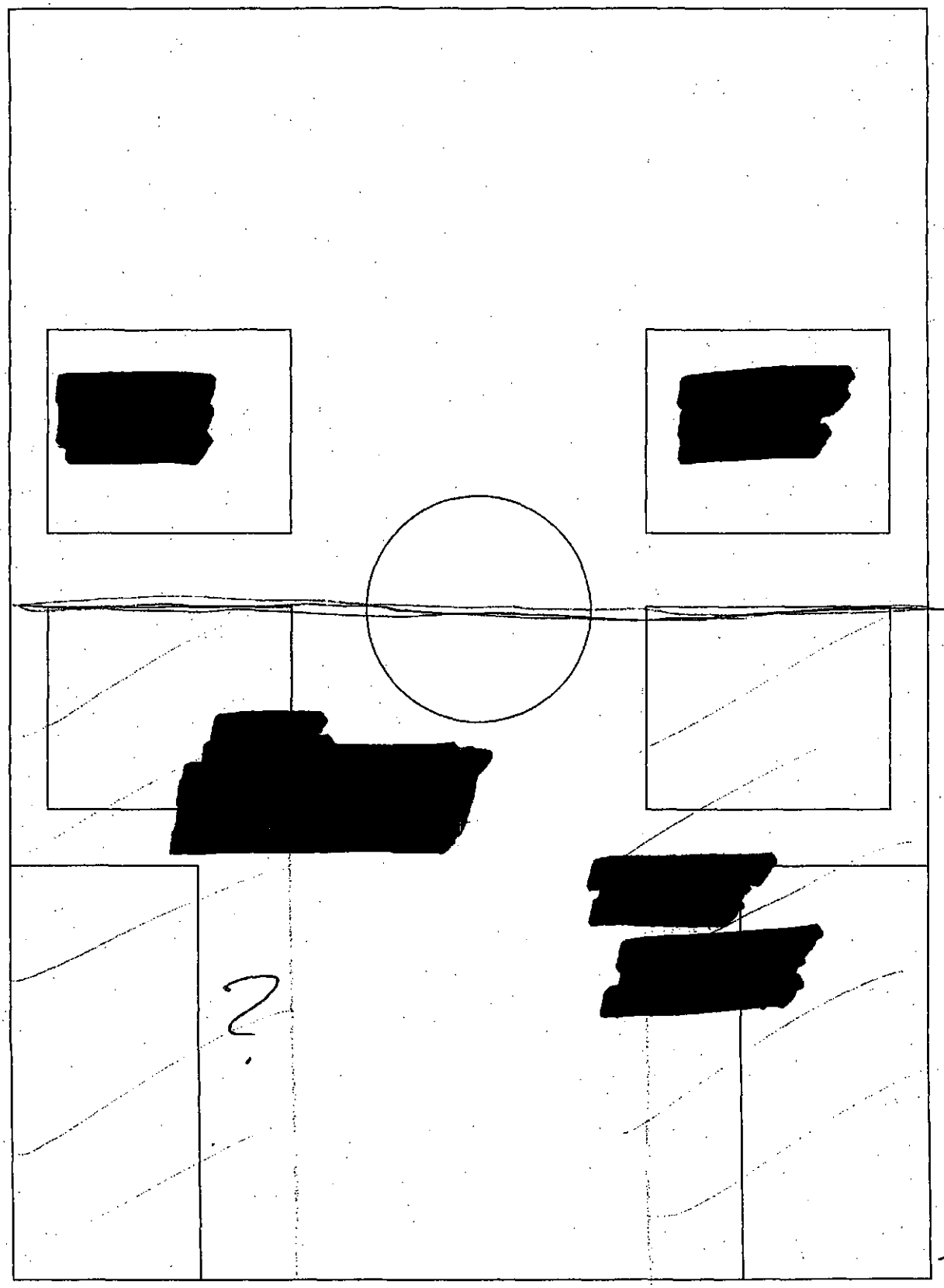
Initials of Person Making Statement: [redacted]

EXHIBIT 74

Statement of [redacted], taken at the HHC, 4th Battalion, 9th Infantry Regiment, Fort Lewis, WA 98433. Continued FRONT



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Initials of Person Making Statement: [redacted]

EXHIBIT 74

Statement of [redacted], taken at the HHC, 4th Batalion, 9th Infantry Regiment, Fort Lewis, WA 98433. Continued...



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Initials of Person Making Statement: [redacted]

EXHIBIT 74

NOT USED [redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINSTER OATHS, THIS 17 DAY OF Jul ; 2006
AT HHC, 4th Battalion, 9th Infantry, Fort Lewis WA 98433

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 7 OF 7 PAGES

DA Form 2823 (AUTOMATED)

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EXHIBIT 74

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1416, 18 Jul 06, SA [redacted] interviewed [redacted], 1 Army Training Support Division, Headquarters, Fort Meade, MD 20755, who stated he was in the second element with [redacted] on 22 Apr 04. [redacted] stated his vehicle did not do a map recon nor did they have communications with the first element during the ambush. His vehicle attempted to make radio contact throughout the ambush. [redacted] stated after his vehicle pass the jinga truck and exited the canyon, he observed muzzle flashes on the ridgeline to his immediate left side and engaged his M-240B weapon at this position. [redacted] stated he did not find out what exactly happened until the next day. (See Sworn Statement for details)

(FOUO-LES) About 1849, 19 Jul 06, SA [redacted] interviewed [redacted] who stated he was a member of the first element and [redacted] squad, which set up on the ridgeline facing the canyon and provided suppressive fire for the second element and engaged muzzle flashes on the ridgeline within the canyon. [redacted] stated he observed [redacted] vehicle engage his general position on the ridgeline and the village in the area. (See Sworn Statement for details) ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 19 Jul 06	EXHIBIT 75

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[redacted]	20060718 [redacted]	1416 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION
1 Army Training Support Division, Headquarters, Fort Meade, MD 20755

9.
[redacted], want to make the following statement under oath:

(U) Q: SA [redacted]
(U) A: [redacted]
(U) Q: Can you describe for me the events which took place on or around 22 Apr 04, while you were deployed with A Company, 2/75th Ranger Regiment, to Afghanistan?
(U) A: We had been moving with a broken down GMV, we basically had been towing it trying to get to the hard ball road; however, once we got to Magarah it came down to the point that we needed to have the vehicle removed by other means than towing. We were in Magarah for about 3-5 hours; I can't remember exactly how long we were there. At that point it was determined that we were going to hire a Jinga truck driver who would tow the broken down GMV. A decision was made to split the platoon up into two elements; the first element was comprised of our jeep and the other half of our platoon, which would escort the jeep back to the hard ball road. The second element, which included the platoon leader and Pat TILLMAN's squad were tasked with occupation of a potential site for follow on missions or what we call sensitive site exploitations (SSE). I was not aware of the exact location of that site. During the time at Magarah, [redacted] was monitoring the radio traffic for our vehicle, some of which we heard and some of it we didn't. The guys in our vehicle were frequently attempting to keep the local Afghanistan people away from the vehicle, which was the reason for us not hearing all of the radio traffic. What we did hear, which was based on [redacted] reaction and the radio traffic, the platoon leader, [redacted] was not happy with the decision to split the platoon up from Magarah. I don't know what [redacted] feelings were on the decision to hire a Jinga truck driver, but it was my understanding he did not agree with the decision to split the platoon up. When movement was initiated, which was roughly at dusk, [redacted] element moved out about 15-20 minutes ahead before we did. Our element initiated movement with the Jinga truck, which towed the broken down GMV, leading the element. Shortly after movement initiated we came to an opening with a couple of different routes. We essentially stopped and then determined the route the element was going to take. I don't know if the route change was due to a wrong turn. Our vehicle did not do a map recon of the route which we were going to take before leaving Magarah. I was unfamiliar with the terrain and I was also sitting in the back of the vehicle with my back facing the direction of travel. I assumed [redacted] knew where we were going, as well as, [redacted] because he was driving. Also I don't know who was making the decision on the route which we were going to travel. I know that the platoon was upset about having to split up and also leaving at dusk from after having been observed by Afghanis for the entire day. Originally we wanted to air lift the GMV out. We had seen Chinooks fly around at our position in the city during the day, I saw them twice. It all added to the general frustration of the platoon that day. Upon entering the canyon as light continued to diminish, I began to feel extremely uneasy because the canyon began to close in on us. I remember commenting to [redacted] that this would be a great place for an ambush, which

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[redacted]

EXHIBIT 76

he agreed with. A few minutes later, I saw an explosion on the canyon wall above one of e follow on jeeps. Rocks were falling from the position and we yelled at the vehicle r them to move. We then began taking small arms fire, initially, we did not know if here was fire from the South ridgeline, but I saw muzzle flashes from the North ridgeline, which is where I was focused on in the vehicle. At that point everyone in our jeep returned fire on that position based on identifying shapes and muzzle flashes. The shapes we saw were basically movement on the ridgeline. Myself and [redacted] returned fire and communicating with each other in regards to trying to point out targets to each other. We were moving when the explosion occurred, we then stopped because the Jinga truck had stopped and we could not move around the truck. I don't who or what got the Jinga truck to move again but we continued on in the canyon. We continued to spot muzzle flashes and return fire. I don't remember how many positions I saw or how many times we stopped. I know I saw at least 3-4 positions. I believed we stopped one more time, I am not sure why we stopped, but it at least one more before exiting the canyon. We finally began to pick up speed because we had been moving slow. Ultimately the terrain opened up and we saw more muzzle flashes on our right, which was my left. I believe at this point we passed the Jinga truck, which would have been on my left. [redacted] fired a few rounds at a position on the right, my left after we exited the canyon. That was a cue for me and [redacted] to fire at that position. I fired probably three separate bursts, which was probably 3-5 round bursts. I remember that very clearly because it seemed everyone had calmed down after exiting the canyon. I felt that way because we had exited the canyon, picked up movement and the initial adrenaline rush was over at least for me. Those were probably the most focused and calmest shots I fired. I saw no indication or signal of a friendly position. I did see muzzle flashes at this position. I fired those bursts and we continued to move. I eventually heard cease fire, but I don't remember who said it. It seemed like it was coming from everywhere. The vehicle was stopped at that point and I saw an AMF soldier who had come around to the back of vehicle. The impression I got from him was that he was worked up and he wanted us to stop firing. I don't recall exactly if this AMF soldier was waving his arms and/or lling out cease fire. He was pretty worked up. This AMF soldier was trying to capture r attention, which at this point the vehicle and nobody was firing. We then did equipment check and everybody was asking if everyone else was alright. I was pulled off the vehicle with my weapon and told to pull security towards the direction of travel past the village. I stayed at that position for the rest of the night and was not aware of the actions that occurred at CPL TILLMAN's position.

(U) Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?
(U) A: Please see attachment A for details.
(U) Q: Who gave the order to split the convoy in Magarah?
(U) A: Ultimately the [redacted] but from our understanding it was the company commander, [redacted]
(U) Q: Did you see any enemy soldiers in the canyon?
(U) A: No, as far as physically seeing a bad guy, no.
(U) Q: Did you fire your weapon in the canyon?
(U) A: Yes, overall about 300 to 400.
(U) Q: What were you firing at?
(U) A: I was firing out muzzle flashes.
(U) Q: Why were you only firing out muzzle flashes, even though you did not see anyone physically?
(U) A: Because that was determined to be a significant enough threat to return fire. Our vehicle was taking sporadic fire from an elevated position, which was after the first explosion. We were also attempting to suppress enemy positions, and not just kill enemy soldiers.
(U) Q: How many explosions were there in the canyon?
(U) A: At least two that I remember.
(U) Q: How many times did your vehicle stop in the canyon?
Counting the initial stop, twice, possibly three, but I am not entirely certain about e vehicle stopping three times.

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[redacted] EXHIBIT 76

Q: Did you fire your weapon at TILLMAN's position after your vehicle exited the canyon?
A: Yes, I think about 15-20 rounds.
Q: What weapon(s) were you firing at this point?
A: My M-240B, that is the only weapon I fired during the entire incident.
Q: Did you see any weapons at TILLMAN's position?
A: I saw the muzzle flashes from that position, but I could not identify what type of weapon it was.
Q: Could you tell what type of weapon was being fired from this position by sound?
A: I personally could not.
Q: Who else from your vehicle fired at this position?
A: I know [redacted] and [redacted] fired their weapons. I did not know at the time but [redacted] fired his weapon, which I found out after having spoken with him about the matter.
Q: Did any other vehicle fire at this position?
A: I don't know that, not that I know of, but I do not know that for sure.
Q: Did anyone call out contact after exiting the canyon?
A: I don't remember.
Q: Did you ever see the AMF soldier at TILLMAN's position?
A: No, all I could see was muzzle flashes I could not see anyone at the position itself, there was no indication that it was a friendly force.
Q: Was your vehicle taking any type of fire from this position?
A: We believed so, but it was not like it was effective fire. We believed so based on the way muzzle flashes were looking. It seemed like it was facing us and not a side view of a muzzle flash.
Q: Who fired first at this position from your vehicle?
A: From what I remember [redacted] did.
Q: Did anyone in your vehicle call for cease fire?
A: I think eventually someone did but I don't remember cueing in on who it was.
Q: Was there a cessation in firing or a pause in the action after exiting the canyon?
A: Based on how we were firing throughout the canyon there was random suppressive fire from our vehicle, which carried over after exiting the canyon. Once we exited the canyon and [redacted] fired his weapon and the suppressive fired continued from me and [redacted] I fired around 15-20 rounds. I am not sure of how many rounds anyone else fired. It wasn't as if one person fired and then we all fired simultaneously, the suppressive fire was random from the vehicle which is based on the training of alternating fires that we received.
Q: After exiting the canyon, what were the lighting conditions like?
A: Practically dark, very poor.
Q: Was anyone, including you, using any type of night vision device, before, during or after the ambush?
A: Before and during no, I did not begin using my nods until after the vehicle was finally stopped and I was pulling security, because at that point it was dark.
Q: What type of sites were you using on your weapon?
A: Normally I would have used an M-203 ELKAN site, but it was broken, so I was using iron sites.
Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
A: No.
Q: Were you aware of [redacted] who passed a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
A: No.
Q: Did you ever see any pen gun flares or smoke grenades during the incident after exiting the canyon and the ambush?
A: I don't recall seeing them. Possibly someone in the vehicle but there was not a recognition of that. If someone or I did see the pen gun flare, it would have been almost indistinguishable from tracer rounds bouncing off rocks the same for the smoke grenade due to the explosions off the rocks.
Q: Was there any explosions after exiting the canyon?
A: Not that I recall.

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EXHIBIT 76

(U) Q: Does the enemy have any tracer rounds?
(U) A: Not that I am aware of.
(U) Q: What happened the next day after the incident occurred?
(U) A: The quick reaction force arrived about 4-6 hours after the incident, which we were relieved and caught some sleep. We then cleaned weapons and vehicles and prepared for movement.
(U) Q: Was there an After Action Review (AAR) conducted?
(U) A: Yes, back at FOB Salerno.
(U) Q: What came out of the AAR?
(U) A: It was basically coming to an understanding why one element was wondering why there were friendlies on the hillside and why one element was wondering why there were getting shot at. The result of that discussion was a complete understanding because both parties agreed as to the justification of the actions by the other party, as evidence that duty positions were not changed conducting further missions for the remainder of the deployment.
(U) Q: [redacted]
(U) A: I believe so, yes.
(U) Q: Did you ever see the GMV's from the first serial after exiting the canyon?
(U) A: I don't recall ever seeing them.
(U) Q: Did you ever see TILLMAN's position after the incident occurred or did you search around the area for any reason.
(U) A: No.
(U) Q: Do you how TILLMAN was found?
(U) A: No.
(U) Q: Do you know what happened to TILLMAN's equipment and clothing?
(U) A: No.
(U) Q: Do you know if TILLMAN kept a diary or journal?
(U) A: I know he did, but I did not work with him directly and I never saw it.
(U) Q: What is the Ranger SOP regarding contact from the enemy?
(U) A: On a basic level the SOP states you will go where your team leader goes, do what he does and engage where he does.
(U) Q: Does the Ranger SOP state anything about identifying your target before you engage the target?
(U) A: Yes, generally speaking you have to know that it is an enemy position you are engaging, based on if you can positively identify the individual or the location of the enemy. In this situation due to the terrain, we were not aware of any friendlies in the area and therefore knew due to the muzzle flashes that there was enemy on the ridgeline.
(U) Q: Do you know how far you were on the road to TILLMAN's position during the incident?
(U) A: I don't know.
(U) Q: Do you know how fast you were traveling once your vehicle exited the canyon?
(U) A: I'm sure we could not have been going more than 15mph, but that is relative to standing still, like we were in the canyon. I am not exactly sure.
(U) Q: Did anyone in your vehicle admit to you or state that they were positive they fired upon the AMF soldier or Pat TILLMAN?
(U) A: No.
(U) Q: When did you become of aware that the incident was possibly a fratricide?
(U) A: The following night just before we initiated movement back to the hard ball. [redacted]
(U) Q: DID YOU KNOW SERIAL ONE WAS AHEAD OF YOUR ELEMENT?
(U) A: No.
(U) Q: HOW FAR AHEAD OF YOUR LOCATION DID YOU BELIEVE SERIAL ONE TO BE?
(U) A: I had no idea of where their location was when we left Magarah.
(U) Q: WAS ANYONE IN YOUR VEHICLE IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
(U) A: Not that I was aware of.
(U) Q: WHAT DO YOU INTERPRET AS BEING A HAND AND ARM SIGNAL FOR CEASE FIRE OR SURRENDER?
(U) A: Hands up or the typical non-firing hand having in front of the face.

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EXHIBIT 76

STATEMENT OF [redacted] TAKEN AT **Alexandria, VA 22315**; DATED **18 Jul 06**, CONTINUED:

(U) Q: DO YOU RECALL HITTING WHAT YOU BELIEVED TO BE ENEMY COMBATANTS DURING THE INCIDENT WITH ROUNDS FROM YOUR WEAPON?
(U) A: I don't recall being able to identify my rounds impacting any human being during the incident.
(U) Q: I have an image overview, marked attachments B and C, of the general location of where the ambush occurred and the incident involving Pat TILLMAN. Could you please annotate the direction of travel of your vehicle and the approximate location of where you were firing?
(U) A: Please see Attachments B and C for details. [redacted] marked the location of his vehicle when they exited the canyon and the direction of travel in blue ink and annotated his direction of fire in green ink. [redacted] also annotated the general location of where he saw the muzzle flashes in red ink. Attachment C was shown but not used.
(U) Q: I have an image, marked attachment D, depicting the location of Pat TILLMAN and the AMF soldier, do you recognize this picture and can you tell me where you saw the muzzle flashes you indicated earlier in your statement?
(U) A: Please see Attachment D for details. [redacted] marked the general location of where he saw the muzzle flashes in red ink.
(U) Q: Did you or anyone from your vehicle fire at the village?
(U) A: I did not, I don't know if anyone else did.
(U) Q: Do you have anything else to add to the statement?
(U) A: I believe the most vital aspect to fully understanding the events of 22 April 2004 is to fully grasp the information to which members of our platoon had access and the situation we were put into by a commander who was not on the ground and therefore not, in my opinion, in the best position to make a determination of whether or not we should have been split-up. I am fully convinced that the decision to divide our platoon was the root cause of this incident with other factors such as terrain, bad communication, and poor lighting also contributing in an extremely negative way. I believe that every member of our platoon understood that what happened that day was a horrendous tragedy and that each man made the best decision based on extremely imperfect information. Members of Pat's element that were fired at were fully convinced that we in the lead vehicle of the second element did the right thing and believed they would have made the same decision if put in our position. I know this because each member of that squad has told me as much. That level of trust is also evidenced by the fact that our platoon continued to operate very effectively for the duration of the deployment completing numerous missions together with no change of duty positions. Although the results of my decision to fire on what I later learned was Pat's position were horrendous, given what information I had and given what we as a platoon had been engaging prior to reaching Pat's position, for me not to fire would have been wrong. Had I had any indication that there were possibly friendly forces in that vicinity I would never have fired on that position? Had there been any doubt of any man's competency following the incident he would not have remained an active participant in combat operations. I believe the decision to relieve [redacted] and eventually remove him from the Regiment is deplorable and reflects poorly on our company commander who ultimately put us in that situation. To hold a subordinate officer responsible for events that occurred because of orders given from a higher authority is simply ridiculous. I believe that the decisions made by my direct leadership in the platoon to include [redacted] were sound and I trusted their judgment before, during and after the incident. Finally, I am thoroughly disappointed at the way the Army as a whole has handled this incident. I do not believe any decisions were made with the intent of hurting or wronging anyone but it is clear that the Tillman family was placed in terrible circumstances by not only losing a son but being lied to about the nature of his death. Pat Tillman was an outstanding human being and his memory is only dishonored by the behavior of officers and bureaucrats removed from the tactical environment and situation on the ground. I was proud to serve with him and each member of 2nd PLT A Co. 2/75 and only hope that my input offers greater clarification and closure on these events.
(U) Q: Did you type the answer to the previous question and the previous question only?
(U) A: Yes.
(U) Q: Do you have anything else to add to the statement?
(U) A: No. ///End of Statement//[redacted]

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AFFIDAVIT

(b) I, [redacted], HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 18 day of July, 2006
at Alexandria, VA 22315.

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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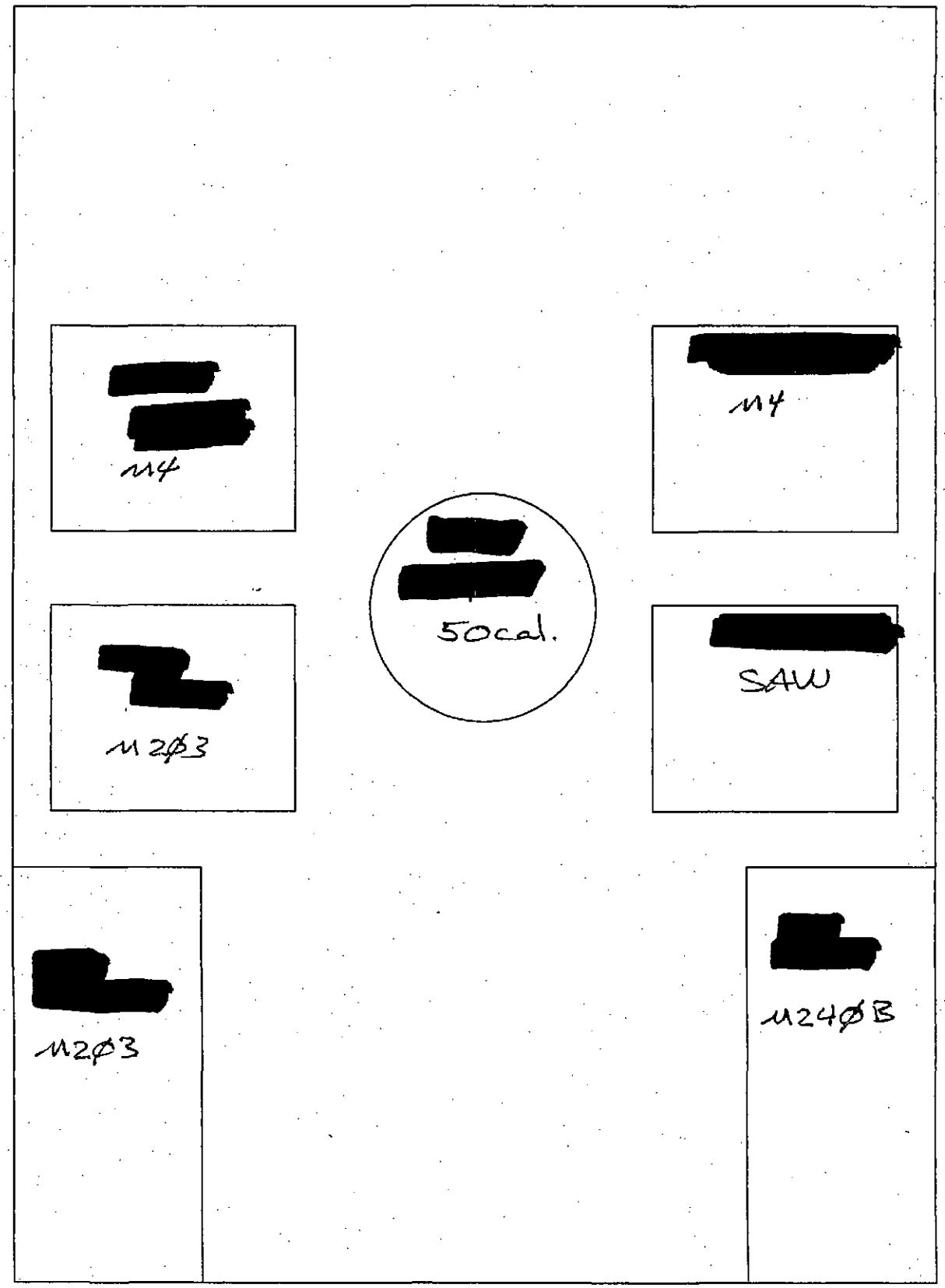
EXHIBIT 76

STATEMENT OF [redacted] TAKEN AT Hanahan, SC DATED 12/3/06 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 7 OF 10 PAGES.

Attachment 4

EXHIBIT 76

"STATEMENT OF [redacted] TAKEN AT Leesburg VA 22075 DATED 18 Jan 06 CONTINUED."

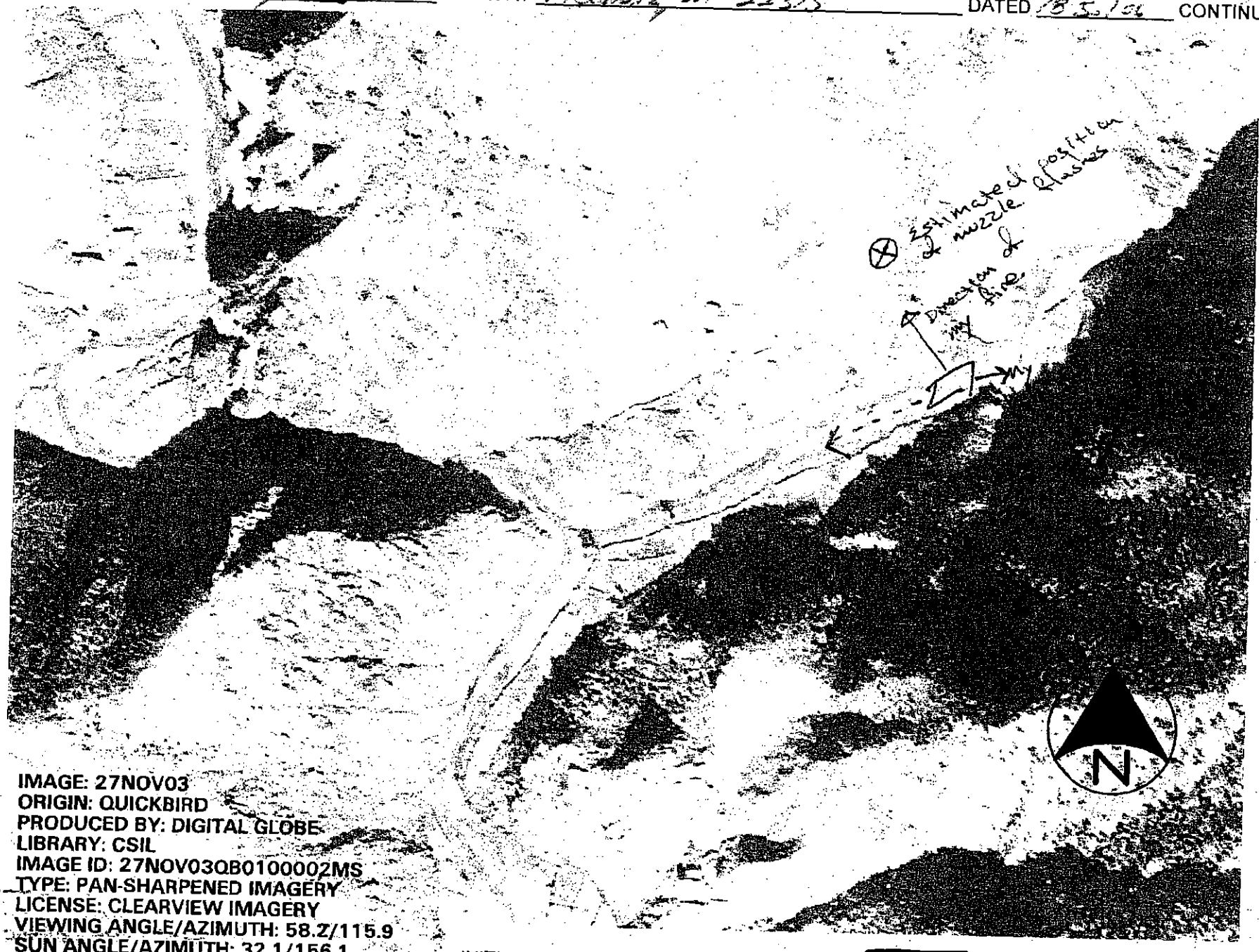
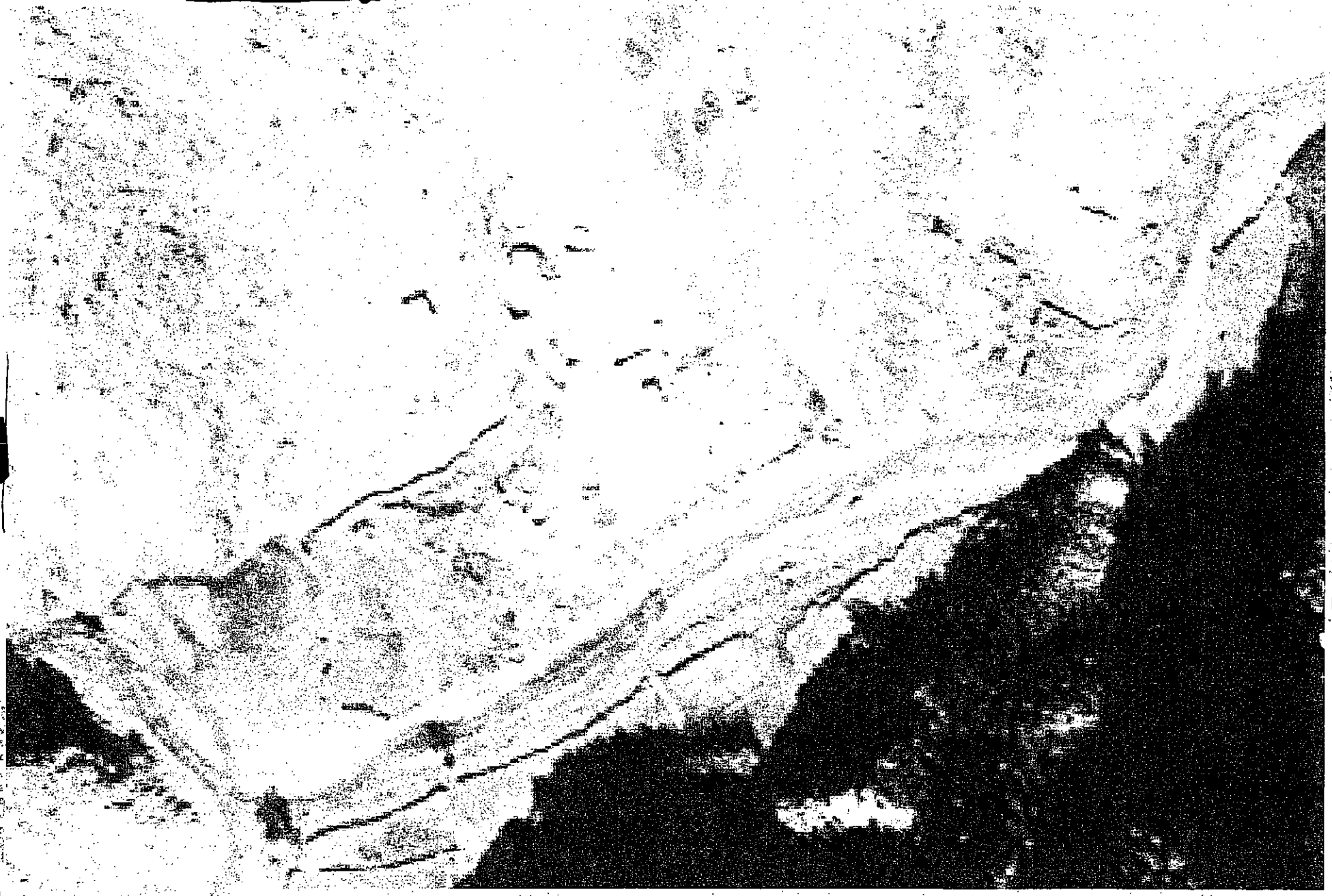


IMAGE: 27NOV03
ORIGIN: QUICKBIRD
PRODUCED BY: DIGITAL GLOBE
LIBRARY: CSIL
IMAGE ID: 27NOV03QB0100002MS
TYPE: PAN-SHARPENED IMAGERY
LICENSE: CLEARVIEW IMAGERY
VIEWING ANGLE/AZIMUTH: 58.2/115.9
SUN ANGLE/AZIMUTH: 32.1/156.1

INITIALS OF PERSON MAKING STATEMENT [redacted] "PAGE 5 OF 10 PAGES." [redacted]

000508

"STATEMENT OF [redacted] TAKEN AT Alexandria, VA 22315 DATED 18 Jul 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 9 OF 10 PAGES." [redacted]

EXHIBIT 76

000509

76

Statement of [redacted], Dated 18 Jul 06, Continued.....



[redacted]

Initials of person making statement [redacted]

Page 10 of 10 Pages [redacted]

Attachment D

76

000510

76

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[redacted]	20060719[redacted]	1819 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION [redacted]

9. [redacted] want to make the following statement under oath:

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Can you describe for me the events which took place on or around 22 Apr 04, while you were deployed with A Company, 2/75th Ranger Regiment, to Afghanistan?

A: During that time we had one of our vehicles break down and we sat in this town for around 2 to 4 hours waiting for the answer to either stay or go to another site in relation to our mission. During this time I believe [redacted] received a note, which I did not see, but I heard that said that our platoon was being set up, in reference to a possible ambush. We then heard that we were going to split up and the second element was going to take the vehicle back to [redacted] and our element was going to push past the village where the incident took place and set up there for the next mission. The first element took off about 5 minutes before the second element. The second element was supposed to go to the right before entering the canyon. I heard after everything was done that the Jinga truck driver told the element during the movement that he could not take the original route as planned and then took our route. Our element took off first and we entered the canyon and we saw some local kids on the side of the road and they were laughing and we were all talking about how this would be a good spot for an ambush. It was almost like something was up when I saw kids. We went out and got out of the canyon and as soon as we left the canyons we saw a village on the right. We slowed down because we were not sure if this was the left that we needed to make in the movement. We had no idea or communication with the second element regarding the decision to take the same route during the movement as we did. All of sudden we had a lot of radio traffic and we heard gun fire and explosions. We did not know it was us or them. We all dismounted from the vehicles. [redacted] pointed [redacted] the top gunner down the right side of the fork in the road. Soon as we dismounted [redacted] the second element was being ambushed and that they were coming through the canyon. [redacted] said that we were going to provide over watch for the second element. About that same time TILLMAN and [redacted] began to run up towards the village. We were going to do a hasty clear of the village on our towards the ridgeline. That was the last I saw of TILLMAN and [redacted] because I was getting out of the vehicle and getting my gear. We ran up and we did a fast clear of the village and made sure nobody was in the village that we could see and bother us. I sat up on the right side just past the village. I started to lay down suppressive fire after we saw muzzle flashes towards the North ridgeline. We could not see anybody on the ridgeline or anyone from the second element. The muzzle flashes were not even directed towards us, but we began to lay down suppressive fire. After that we started receiving fire from the positions of where we saw the muzzle flashes. I proceeded to back off the ridge and hide for cover. I then saw [redacted] on my right and behind me, I pushed him further back behind me, when I did that everyone started talking about where we were getting fire from. Someone said that we were getting fire from the ridgeline across the road. I don't remember who said that but I then positioned [redacted] towards that

000511

[redacted] b1, b2, b6, 7C EXHIBIT 77

ridgeline. When I pushed back up I could not see the muzzle flashes but you could hear the impact of the rounds. We could tell the second element was coming through canyon. I began to lay down additional suppressive fire and then we received mortar fire, I am not sure if it was the enemy or from us. We had two to three to our front, one to the left and one behind us. The rounds were walking towards our position. I am not sure what they were, it could have been 203's, but they were explosions. Then there was a lull in firing, nobody from our element was shooting. Somebody said that TILLMAN, [redacted] and the Afghani Militia soldier was below our position to the front and right of us. Then all of a sudden our element started shooting again and we started seeing more muzzle flashes. By this time the second element was coming out of the canyon and we started receiving fire from them. I started to push back behind the ridge because of the fire we received. During this time I saw the smoke grenade go off to my front right and then we stopped and everyone started screaming cease fire. We were saying cease fire to whoever was shooting at us. I turned around to [redacted] and saw .50 cal rounds and other rounds impacting the house behind us. Almost at the same time the first vehicle came out from the canyon, the .50 cal jammed and [redacted] stepped out of the moving vehicle and shot 3 to 5 shots at us, and [redacted] shot the pen gun flare. [redacted] noticed that it was us and he turned to [redacted] and called cease fire and everyone from vehicle echoed cease fire. As soon as we knew that the vehicle said cease fire. We heard [redacted] saying TILLMAN was dead. [redacted] and I ran towards the position where TILLMAN was. I could not see TILLMAN's face only his wounds. As soon as we assessed that he was dead. We asked [redacted] if he was okay and at that same time [redacted] told everyone to get away and pull security. After that I don't really know what happened because I was pulling security.

(V) Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting and who else was in the vehicle and with what weapon?

(U) A: Please see attachment A for details.

(U) Q: How was TILLMAN found when you and [redacted] ran to his location?

(U) A: He was pushed back against the rock, which held him up. He was slumped over the rock on his back.

(U) Q: You stated earlier [redacted] exited his vehicle and fired in your general direction, is this correct?

(U) A: Yes.

(U) Q: Did [redacted] fully exit the vehicle?

(U) A: Yes, he must have because I got a frontal view of him from my position.

(U) Q: Was [redacted] vehicle stopped at this time?

(U) A: No, it was moving.

(U) Q: How fast was this vehicle moving?

(U) A: It was moving slow, maybe within walking speed.

(U) Q: Could you tell if anyone in [redacted] vehicle was wearing any Night Vision Goggles?

(U) A: No not that I could tell. We did not leave at night so there was no need to have Night Vision on at that time.

(U) Q: Who gave the order to split the convoy in Magarah?

(U) A: I don't know. Higher pushed [redacted] to split the platoon.

(U) Q: Did you see any enemy soldiers in the canyon or on the ridgeline?

(U) A: No, just muzzle flashes.

(U) Q: Did you fire your weapon in the canyon or on the ridgeline?

(U) A: On the ridgeline.

(U) Q: What were you firing at?

(U) A: I was firing at the position of where the muzzle flashes were coming from.

(U) Q: Why were you only firing at muzzle flashes, even though you did not see anyone physically?

(U) A: Because that is where the second element was shooting at and we knew that friendly people were not on the ridgeline.

(U) Q: Did any other vehicle fire at TILLMAN's position other than the one you described earlier?

(U) A: I don't know which on fired at TILLMAN position.

(U) Q: Did [redacted] vehicle fire at TILLMAN's position?

(U) A: I don't know.

b2 b6, 7C

[redacted]

STATEMENT OF [redacted], TAKEN AT [redacted], DATED 19 Jul 06, CONTINUED:

Q: Did you ever see the AMF soldier at TILLMAN's position?
A: No.
Q: What were the lighting conditions like during this incident?
A: It was getting darker.
Q: Was anyone, including you, using any type of night vision device, before, during or after the incident?
A: It was not dark enough to use the night vision.
Q: What type of sites were you using on your weapon?
A: I was using COMP-M sites, which is a combat optic, I don't remember the acronym.
Q: DID YOU SEE ANY ENEMY JUST PRIOR TO, DURING OR FOLLOWING THE START OF THE AMBUSH?
A: No.
Q: Do you know who passed a note to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
A: It was a lady that is all I heard.
Q: What happened the next day after the incident occurred?
A: We had all stopped that night and we were told to stay put until higher got out there.
Q: Was there an After Action Review (AAR) conducted?
A: When we got back to [redacted] there was one.
Q: What came out of the AAR?
A: We really did not get an AAR.
Q: Was the Toyota trucks apart of the first element?
A: Yes.
Q: Do you know what happened to TILLMAN's equipment and clothing?
A: No.
Q: Do you know if TILLMAN kept a diary or journal?
A: Yes, I am not sure what happened to that.
Q: Does the Ranger SOP state anything about identifying your target before you engage the target?
A: Yes, you have to identify if they have a weapon and if they are friendly or not.
Q: Do you know how far you were from TILLMAN's position during the incident?
A: I want to say about 15 to 20 meters
Q: Did anyone admit to you or state that they were positive they fired upon the AMF soldier or Pat TILLMAN?
A: No.
Q: When did you become of aware that the incident was possibly a fratricide?
A: When we ran up to him, I mean it was obvious that it was. I think [redacted] said it, I am not sure.
Q: DID YOU KNOW SERIAL TWO WAS BEHIND YOUR ELEMENT?
A: No.
Q: WAS ANYONE IN YOUR VEHICLE IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
A: No, there was too much radio traffic. [redacted] was trying to get through, but there was too much traffic. I don't even think they could communicate with themselves.
Q: I have an image overview, marked attachments B of the general location of the ridgeline above the road where the second element exited the canyon. Could you please annotate where you saw muzzle flashes from the enemy?
A: [redacted] marked the attachment with a red pen in relation to the muzzle flashes he observed.
Q: I have an image, marked attachment C and D, depicting the location of the ridgeline you describe, do you recognize this picture and can you tell me where your squad was in relation to this picture?
A: [redacted] marked the picture using a green pen of where his squad was.
Q: Do you have anything else to add to the statement?
A: No. ///End of Statement///[redacted]

b1, b2, b6, 7C

000513

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 7 OF 8 PAGES

[redacted]

EXHIBIT 77

STATEMENT OF [redacted] TAKEN AT [redacted]; DATED 19 Jul 06, CONTINUED:

AFFIDAVIT

(U) I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 19 day of July, 2006
at [redacted]

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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000514

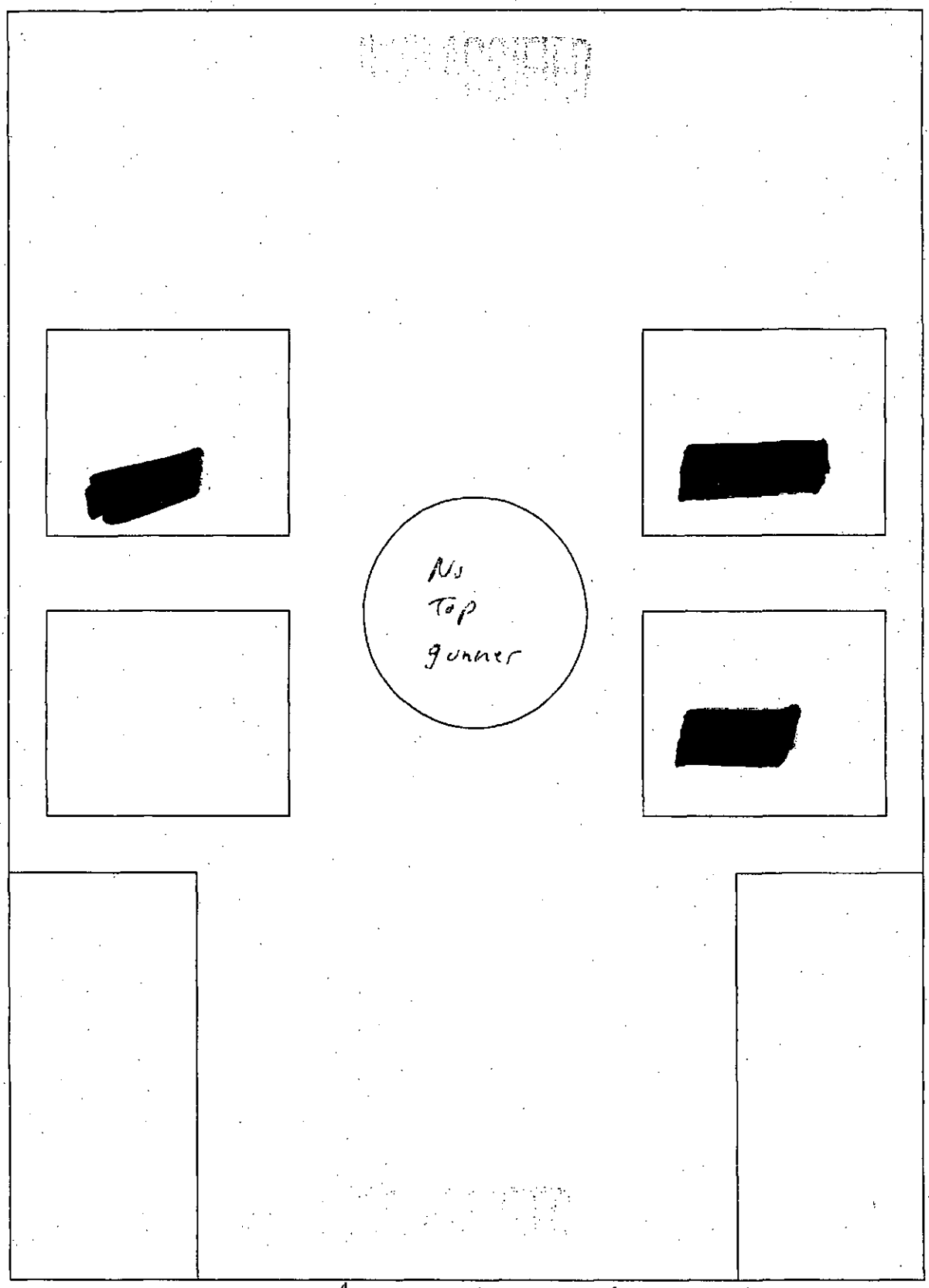
EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 8 PAGES

[redacted]

EXHIBIT 77

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 1/5/16 CONTINUED.

FRONT



Armored Vehicle (Hatch back)

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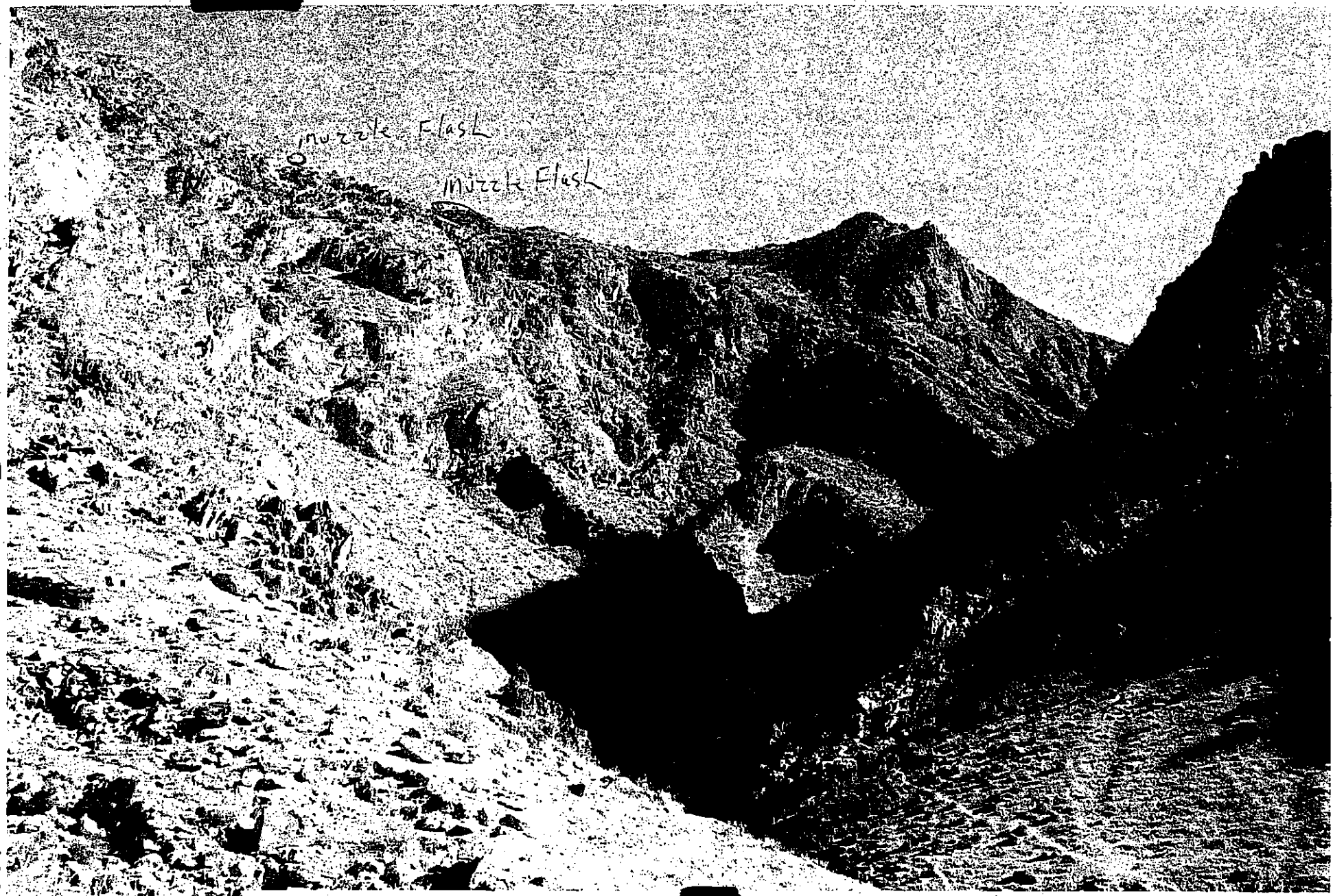
000515

Attachment 1

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 8 PAGES

EXHIBIT 77

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 193-106 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

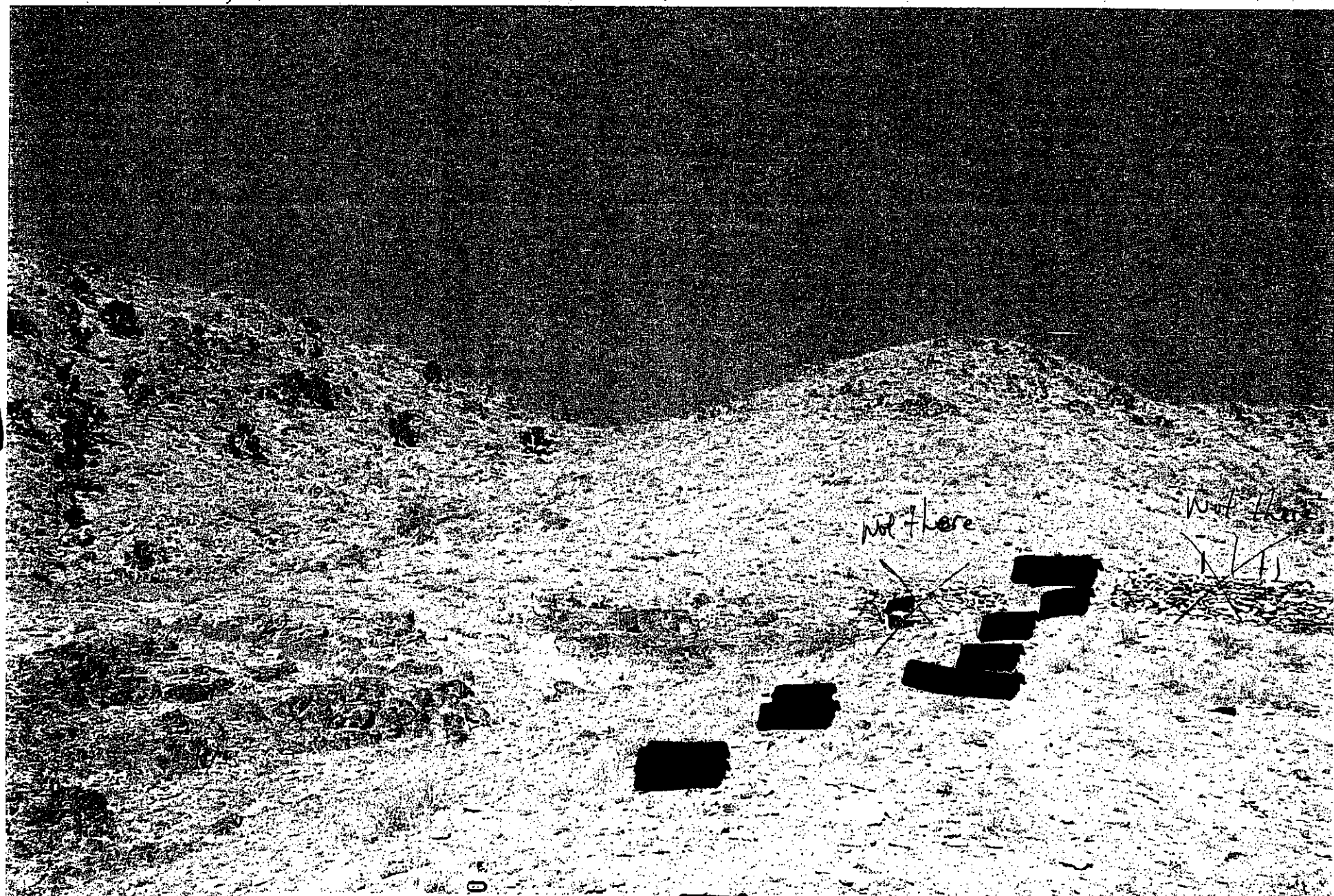
"PAGE 6 OF 8 PAGES." [redacted]

Attachment B.

106

EXHIBIT 77 000516

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 19 Jul 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 7 OF 8 PAGES."

Attachment C

000517

EXHIBIT 77

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 19 Jul 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 8 OF 8 PAGES [redacted]

Attachment D

000518

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EXHIBIT 77

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

PAGE 1 OF 1 PAGES

DETAILS

(FOUO LES) About 1640, 20 Jul 06, the undersigned interviewed [redacted] which he related he was out of the military and working for [redacted] also related he would be leaving for Iraq with the company for three months on [redacted] This agent made the decision to verbally interview [redacted] as it was likely a written sworn statement would not be obtained until his return. [redacted] related he was in the sniper section of 2nd Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA, and was present with the second serial during the ambush. [redacted] related he was in a HMMWV with [redacted] HHC, 2/75th RGR RGT, FLW as the Team Commander and the only other individual he remembers in the vehicle was [redacted] HHC, 2/75th RGR RGT, FLW. His primary weapon was the SR-25 (Standard Rifle) with a 10x scope and [redacted] had a SPR (Special Police Rifle). [redacted] remembers an explosion in the canyon approximately 15' from their vehicle on the right ridge. He also related during the route out of the canyon they made frequent stops and he found himself running a long side the vehicle during the route out. While running he recalled seeing three to four individuals he suspected to be the enemy running along the right ridge. [redacted] described the individuals as wearing standard native garments for the area and carrying AK-47s. He also stated he only saw them briefly before they ran out of site. [redacted] stated he never fired a shot because his weapon being a snipe rifle, negated a clear shot at the enemy. While coming out of the canyon he related he never saw any individual(s) or movement in the area where P. TILLMAN or the first serial was. He remembers the vehicles coming to a stop and being ordered, with [redacted] to go to the ridge top behind the buildings. He heard from other members in the platoon that P. TILLMAN was the one that had been killed. [redacted] related he did not have a close relationship with P. TILLMAN as he was not in the same squad and never had an opportunity to make his acquaintance. He did not have any contact with P. TILLMAN to know whether he had a journal and did not have any contact with P. TILLMAN's equipment after the incident. [redacted] also related he did not know it was possible fratricide until some time later. He stated during the after action reviews no one made any comments to the effect that this incident should be kept quite or gave the appearance of a cover up. This agent explained to [redacted] that if a determination was made to obtain a written sworn statement from him, this agent would be in contact and a written sworn statement would be obtained while he was in Iraq.

///LAST ENTRY///

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000519

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 20 Jul 06	EXHIBIT 78

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO LES) About 0855, 25 Jul 06, the undersigned interviewed [redacted], which he related he was out of the military [redacted] related while he was active duty he was assigned to 2nd Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. [redacted] was in the last vehicle of the second serial with [redacted] HHC, 2/75th RGR RGT, FLW. [redacted] never had visual or physical site of P. TILLMAN's area of death until the convoy stopped and regrouped. (See Statement for more details.)

///LAST ENTRY///

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000520

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 25 Jul 06	EXHIBIT 79

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[redacted]	20060725	11:52	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION [redacted]

9.

I, [redacted] want to make the following statement under oath:

About 22 Apr 04, I was assigned to 2nd Platoon, A Company, 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA deployed to Afghanistan in support of Operation Enduring Freedom. That day we were tasked to conduct over watch operations on a village before night fall. A vehicle of ours had been experiencing maintenance malfunctions. A decision was made to tow the vehicle out with another vehicle. While traveling to conduct our mission the vehicle became further damaged and was not able to be towed. The vehicles steering rods were broke and would not allow the other vehicle towing it to go any further. Our command element, [redacted] attempted to contact headquarters to get authorization to sling load the vehicle out by helicopter to no avail. Ultimately the decision was made to hire a "jingle" truck driver, local national, to tow the vehicle out. The vehicle was mounted to the rear of the "jingle" truck and we left the area. We had a large group of locals starting to gather. [redacted] gave me a piece of paper written [redacted] that said "come see me" and the [redacted] name [redacted]. The note was written in English and was given to me before we left. [redacted] of the note and asked him if we could go see [redacted]. [redacted] basically told me to shut up and that he did not have time. This time spend was over many hours and we had not left until approximately 1700, local time. The plan as it was told to me by [redacted] was that the platoon would be split and one section that would be in place to conduct the over watch mission and the second section would drop the vehicle off. I was in the second section that was to drop the vehicle off. I was in a vehicle with [redacted] and others (see page 4). The route apparently was not safe for the "jingle" truck to pass according to the "jingle" truck driver so a new route was made following behind the first section. There were only two routes from our location to go north and the first section had to go that way to get to their destination. After we were to drop the vehicle off we too were going to rejoin the first section. We ended up following behind the first sections route. We never saw the first section after making the change. In our section our vehicle was the last. We started coming into a tight canyon area were everybody was talking that this was an excellent ambush site. I remember hearing an explosion up off to the right of our position and seeing the dust cloud. [redacted] yelled out IED and I returned his call with "that was a mortar". I remember looking up the right mountain side and seeing movement. I looked through my A Cog and saw a silhouette of an individual. I started directing fire for the rest of the individuals in the vehicle. More explosions started and [redacted] said they were mortars and we started leaving the area. The movement was stop and go out of the ambush area. The movement topped just outside of the canyon and I had everybody pull security towards the rear

000521

b6, 7C

EXHIBIT 80

where the ambush started. We moved once more and I remember seeing a dust cloud and stopped again. During the ambush [redacted] MK-19 was jammed and I remember clearing the jam. [redacted] disappeared at that point and we pulled security. I heard something on a radio about a casualty. I remember [redacted] coming to our vehicle and said that an Aid and Litter people were needed. I asked who needed help and [redacted] told me quietly that it was P. TILLMAN. I asked if he was alright and [redacted] said no. Myself, [redacted] and [redacted] went up to were P. TILLMAN was. The body was already on the "skedko" and we moved the body down to the helicopter area. I went back to my vehicle where [redacted] was. [redacted] wanted to know who it was and I told him [redacted] He did not believe me at first and had to tell him again until he believed me. I then watched [redacted] until the helicopters arrived to get him out.

Q: [redacted]
A: [redacted]
Q: The note which was given to you [redacted] Was there any indication from [redacted] what the note was about?
A: No it was just urgent but we had no idea about what.
Q: When did you suspect fratricide?
A: I was told by [redacted] that the incident that killed P. TILLMAN was suspected friendly fire. I then went to [redacted] and asked him if P. TILLMAN's death was friendly fire. He stated that he did not know.
Q: Did you go to the area where P. TILLMAN died?
A: Yes the morning after I saw the blood and what appeared to be .50 caliber impact round that chipped a rock.
Q: Did you talk with [redacted]?
A: Yes but I don't recall him saying anything about friendly fire at that point.
Q: Had you been in pervious fire fights?
A: Yes one other major and others where minor.
Q: Did you engage the enemy with your weapon?
A: Yes.
Q: What kind of fire did you engage the enemy with?
A: Direct fire with my M-4 and my squad was directing their fire to mine.
Q: What kind of weapon did you have?
A: M-4 with A Cog 3x.
Q: Did you positively identify any enemy combatants?
A: The silhouette I saw had the most advantageous line of site to effect an ambush so I perceived him as the enemy.
Q: To your knowledge, did you engage fire in the direction of P. TILLMAN's and the Afghan soldier area?
A: 100% positive no.
Q: Did you fire in the general location of the village area?
A: 100% positive no.
Q: Has anybody admitted to you of shooting in the area or P. TILLMAN's position and/or the village?
A: Yes, [redacted] told me that he had seen the Afghan poised with his rifle shooting towards his location. [redacted] said he shot and his team directed fire on his fire. The only person he said he saw was the Afghan that appeared to be a threat to them
Q: Has anybody indicated to you that you should not talk about this incident to the effect of covering this incident up?
A: No.
Q: Do you have any idea what might have happened to P. TILLMAN's personal effects that were on him?
A: No. I remember him having a notebook that he wrote to his wife in but never found it.
Q: What happened to P. TILLMAN's equipment?
A: I helped clean his weapon and NODS and the rest of the cloth equipment which had blood on it was bagged to be burned.
Q: Did you witness anybody firing in the locations of P. TILLMAN's position or the village?
A: No.

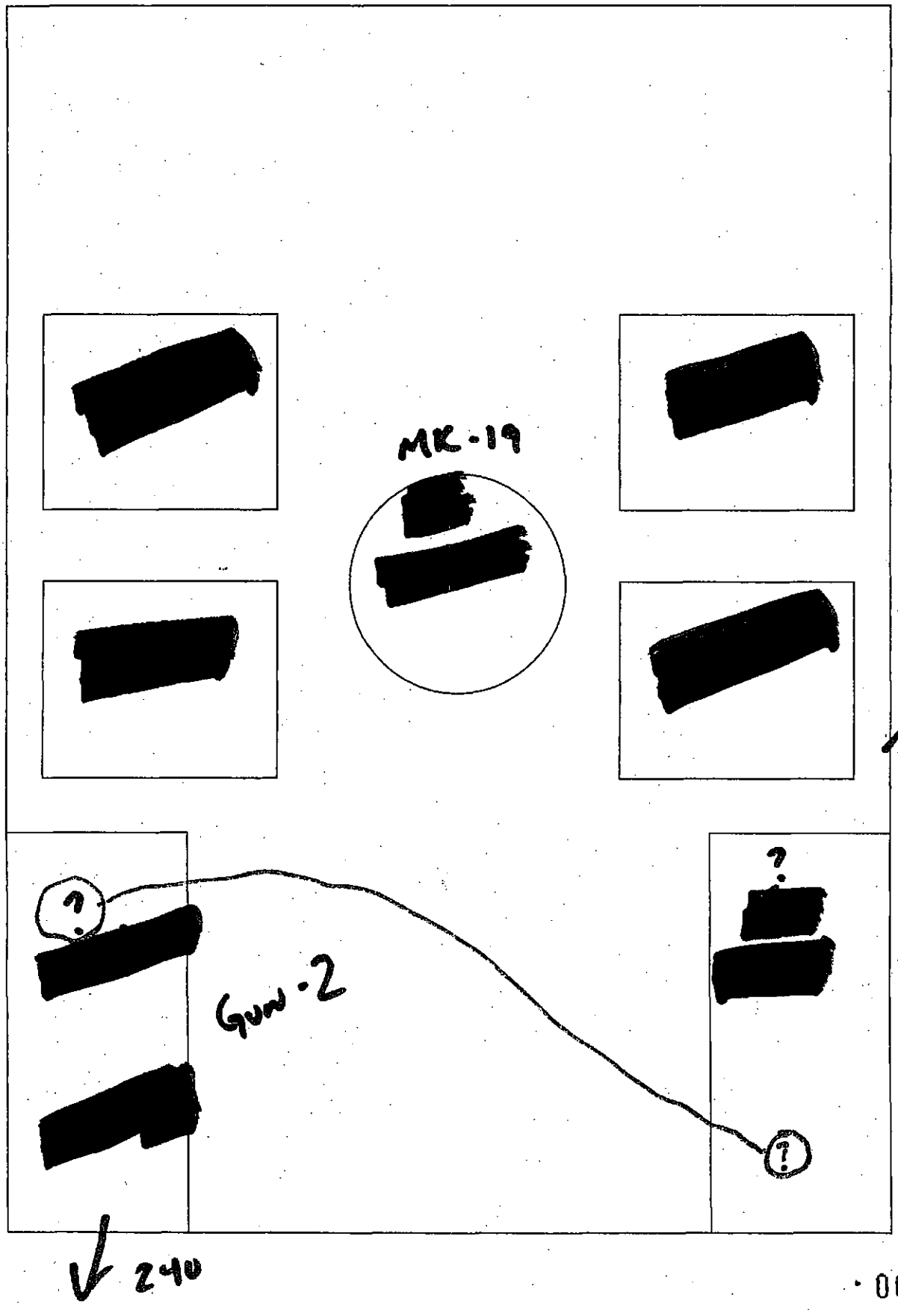
Q: Did you notice anything to P. TILLMAN's armor or face that would have indicate where P. TILLMAN or the Afghan soldier received fire from?
A: I did not see his armor enough to tell but P. TILLMAN's face was visibly damaged enough that the left side of his head appeared to take the impact of the round first.
Q: Did anybody try to cover this suspicion of fratricide up?
A: No.
Q: What were the lighting conditions at the time of the ambush?
A: The sun had just set over the mountains so we did not have direct sunlight at the time of the ambush.
Q: At the time you got to P. TILLMAN's position what were the lighting conditions?
A: It was definitely dark but [redacted] and I were not using NODs because it would hinder our movement with the skedco.
Q: Is it common practice to split the platoon to conduct missions?
A: No we had never done that before.
Q: Were you privy to the conversations involving [redacted] and breaking up the platoon?
A: Not the actual conversation or radio transmissions.
Q: Did you or your vehicle have communications with the first group?
A: No.
Q: Did you know that the first group was ahead of you in the convoy?
A: Kinda yes and kinda no. We had no idea how far.
Q: Did you know if anybody had communication with the first group and did they express their intensions of flanking the enemy from your position?
A: No.
Q: Did you remember hearing or over hearing conversations about a predator drone being in the area during the ambush?
A: No.
Q: In your opinion having experience with fire fights, what caused this incident?
A: First incident that caused the death of P. TILLMAN was the command element not allowing the sling load of the vehicle out. This would have prevented to splitting of the platoon and ultimately causing miscommunication or lack of which got P. TILLMAN killed. The vehicle should have also been sling loaded at the point the vehicle could not be driven further and then using local nationals to guide the route.
Q: What did you think of P. TILLMAN?
A: Honestly I didn't like him at first because he was disrespectful. At one point I wrote him up on counseling because he called me as an NCO a "jackass". He was a leader and would have eventually been a great leader. P. TILLMAN eventually became a team leader and we saw eye to eye.
Q: Did anybody in the platoon have any ill will towards P. TILLMAN?
A: No.
Q: Do you wish to add anything to this statement?
A: No.///END OF STATEMENT///

bb JTL

EXHIBIT 80

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 25 Jul 06 CONTINUED.

FRONT



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STATEMENT OF [redacted] TAKEN AT [redacted] DATED 25 Jul 06

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 25 day of July, 2006

at [redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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DETAILS:

(U) At 1000, 5 Jun 06, SA [redacted] and SA [redacted] coordinated with [redacted] Command Support Division, Humphry Engineer Center, Alexandria, VA 22315, regarding predator footage which may have been obtained for the date and time of the incident in which CPL TILLMAN was killed. [redacted] stated that the predator footage this office requested was not available.

Note: [redacted] also stated that the predator may have been engaged in another grid at the time of the incident, and would have been diverted to the incident of the firefight. If this were the case, the video feed may exist, however, it would be retained under the original grid coordinate it was tasked to video.

(U) At 1430, 6 Jun 06, SA [redacted] coordinated with [redacted] 24th Infantry Division, Ft. Jackson, SC 29207. [redacted] stated that he would be willing to provide a statement relating to the events which led to the death of CPL TILLMAN, however, he would like to have his attorney present during the interview.

Note: [redacted] will be ETS'ing from the Army in Sep 06, however, he will be stationed in Ft. Meade, MD until that time.

(U) At 0900, 7 Jun 06, SA [redacted] coordinated with [redacted] Intelligence Division, Command Support Division, Humphry Engineer Center, Alexandria, VA 22315, who stated that he has contacted his points of contact in an attempt to obtain the predator footage requested by this office.

(U) At 1100, 7 Jun 06, per SA [redacted] guidance, SA [redacted] coordinated with [redacted] DODIG, Washington D.C. 20301, and provided him with copies of all sworn written statements obtained by this office pertaining to the CPL TILLMAN incident.

(U) At 1430, 7 Jun 06, SA [redacted] interviewed [redacted], Troop F, 2nd Armor Regiment, Ft. Lewis, WA, 98433 regarding the incident which resulted in the death of CPL TILLMAN. [redacted] stated that he was a member of 1st Platoon, 2/75th RGR RGT, but did not witness the ambush. [redacted] stated that he did not arrive at the location until later in the evening of 22 Apr 04, at which time 2nd Platoon departed. [redacted] had no pertinent information to provide.

(U) At 1540, 7 Jun 06, SA [redacted] interviewed [redacted] 4th Brigade, USAR Center, Ft. Lewis, WA, 98433 regarding the incident which resulted in the death of CPL TILLMAN. [redacted] stated that he did not have any pertinent information pertaining to the incident

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 31 Jul 06	EXHIBIT 81

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and that he was not in the valley during the incident. [redacted] would not provide any additional information pertaining to the incident other than he did not personally know what happened.

(FOUO-LES) At 1430, 8 Jun 06, SA [redacted] interviewed [redacted] HHC, I Corps, Ft. Lewis, WA 98433, regarding the incident which resulted in the death of CPL TILLMAN. [redacted] stated that he was not present during the ambush nor does he have any knowledge of the event. [redacted] stated that he was with the Battalion S-3 at the time of the ambush and never even visited the site.

(U) At 0830, 12 Jun 06, SA [redacted] interviewed [redacted] Headquarters, 243RD Regiment (RTI), Camp Varnum, RI 02882. [redacted] stated that he was not present during the ambush and only heard about the incident via others in the unit. [redacted] did not witness the incident, nor did he have any pertinent information to provide.

(U) At 1000, 12 Jun 06, SA [redacted] interviewed [redacted] 61st Army Reserve Regiment, 3rd Dismounted Recon Troop, Ft. Carson, CO 90913. [redacted] stated that he was CPL TILLMAN's Executive Officer at the time of the ambush, however he was not present during the incident. [redacted] further related that he was a member of the Quick Reaction Force (QRF) which relieved 2ND Platoon on 22 Apr 04. [redacted] did not witness the incident, nor did he have any pertinent information to provide.

(U) At 1500, 12 Jun 06, SA [redacted] interviewed [redacted] former member of the 2/75th RGR RGT, who stated that he was not present during the ambush. [redacted] did state that he was a member of the QRF, however, he did not witness any portion of the events which led to CPL TILLMAN's death, nor does he have any pertinent information to provide.

(U) At 1200, 13 Jun 06, per SA [redacted] guidance, SA [redacted] coordinated with [redacted] DODIG, Washington, D.C. 20301, and provided him a copy of [redacted] HHC, 2/75TH RGR RGT, FLW sworn written statement.

(U) At 1215, 14 Jun 06, SA [redacted] coordinated with [redacted] stated that he was not present during the ambush which took CPL TILLMAN's life, nor does he have any knowledge which would assist this investigation

(U) At 1330, 14 Jun 06, SA [redacted] interviewed [redacted] stated that although he was in Afghanistan during

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the time of the incident, acting as the Executive Officer, 1st Platoon, 2/75th RGR RGT, FLW, he was not present during the actual ambush. [redacted] had no pertinent information to provide to this investigation.

(U) At 1300, 19 Jun 06, SA [redacted] interviewed [redacted], 1ST Platoon, 2/75th RGR RGT, FLW, regarding his knowledge of the incident which led to the death of [redacted] TILLMAN. [redacted] stated that he was a member of the QRF and did not arrive at the incident location until later in the evening, long after the death of CPL TILLMAN had occurred. [redacted] could not provide any pertinent information pertaining to the investigation.

(U) At 1400, 19 Jun 06, SA [redacted] interviewed [redacted], 37th Field Artillery Regiment, Battery B, FLW. [redacted] stated that he had no knowledge of the events which led to the death of CPL TILLMAN as he never deployed to Afghanistan with the unit.

(FOUO-LES) At 1515, 19 Jun 06, SA [redacted] interviewed [redacted] A Company, 2/75th Ranger Regiment, Ft. Lewis, WA 98433. [redacted] stated that he was in 3d platoon at the time of the incident, however, he was not present during the ambush. [redacted] could not provide any pertinent information pertaining to this investigation.

(U) At 0800, 20 Jun 06, SA [redacted] coordinated with [redacted] regarding the status of the predator footage. [redacted] stated that he was unable to locate any footage of the events which took place on 22 Apr 04, which resulted in the death of CPL TILLMAN.

(U) At 1240, 20 Jun 06, SA [redacted] interviewed [redacted] former member of 2/75th RGR RGT, FLW. [redacted] stated that he was deployed in Afghanistan during the time of the incident, however, he was not present at the location of CPL TILLMAN's death during the ambush. [redacted] had no pertinent information to provide to this investigation.

(U) At 1310, 20 Jun 06, SA [redacted] interviewed [redacted] A Company, 2/75th RGR RGT, FLW, regarding his knowledge of the events which led to the death of CPL TILLMAN. [redacted] stated that he was deployed in Afghanistan during the time of the incident, however, he was not present in the valley at the time of CPL TILLMAN's death. [redacted] had no pertinent information to provide to this investigation.

(U) At 1400, 20 Jun 06, SA [redacted] interviewed [redacted] 75TH Infantry Battalion, Ft. Lewis, WA 98433, regarding his knowledge of the events which led to the death of CPL

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
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TILLMAN. [redacted] stated that he was deployed in Afghanistan during the time of the incident, however, he was not present in the valley at the time of CPL TILLMAN's death. [redacted] had no pertinent information to provide to this investigation.

(U) At 1030, 21 Jun 06, SA [redacted] interviewed [redacted] A Company, 2/75th RGR RGT, FLW, regarding his knowledge of the events which led to the death of CPL TILLMAN. [redacted] stated that he was deployed in Afghanistan during the time of the incident, however, he was not present in the valley at the time of CPL TILLMAN's death. [redacted] had no pertinent information to provide to this investigation.

(FOUO-LES) At 1310, 27 Jun 06, SA [redacted] interviewed [redacted] G-3, Operations NCO, USASCAPOC, Ft. Bragg, NC regarding his knowledge of the events which led to the death of CPL TILLMAN. [redacted] was not deployed to Afghanistan during the time of the incident. [redacted] had no pertinent information to provide regarding the incident.

(FOUO-LES) At 1100, 28 Jun 06, SA [redacted] interviewed [redacted] stated that although he was deployed in Afghanistan during the timeframe in question, he was not present during the incident which led to CPL TILLMAN's death. [redacted] had no pertinent information to provide.

(U) At 1145, 6 Jul 06, SA [redacted] and SA [redacted] interviewed [redacted] provided a sworn written statement detailing his knowledge of the events which led to the death of CPL TILLMAN (See Statement for Details).

(U) At about 1600, 26 Jul 06, SA [redacted] interviewed [redacted], 2/75th RGR RGT, FLW, regarding his observations in the Tactical Operations Center (TOC) on 22 Apr 04, Magarah, Afghanistan prior to the chain of events which led to the death of CPL TILLMAN. [redacted] stated that he could not recall any conversations between [redacted] 2/75TH RGR RGT, FLW or [redacted], 2/75th RGR RGT, FLW, nor did he know who made the decision to split the platoon prior to the movement. [redacted] could not provide any pertinent information pertaining to this investigation.

(U) At about 1000, 27 Jul 06, SA [redacted] interviewed [redacted] stated that he was deployed as a member of the 2/75th RGR RGT during April of 04, however, he did not have any direct knowledge pertaining to the death of CPL TILLMAN. [redacted] stated that he was a member of the quick

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SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
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reaction force that arrived at the location after the incident occurred. [redacted] could not provide any pertinent information pertaining to this incident.

(U) At about 1200, 28 Jul 06, SA [redacted] coordinated with Detective [redacted] Metropolitan Police Department, [redacted] regarding his assistance in locating [redacted] former member of the 2/75th RGR RGT, FLW (NFI). All known contact information was provided to Detective [redacted] he will attempt to locate [redacted] and inquire as to his willingness to provide a statement detailing his knowledge of the events which led to the death of CPL TILLMAN.

At about 0800, 31 Jul 06, SA [redacted] coordinated with SA [redacted] who related that [redacted] USA MEDDAC, Ft. Stewart, GA 31314, is the doctor who received CPL TILLMAN's remains at the CASH, FOB Salerno, in Apr 04. [redacted] related that he was sent to this particular CASH in an attempt to re-organize it, as it was being run by Army reservists (325th Field Hospital, Independence, MI), and had numerous organizational and managerial issues. [redacted] stated that he received CPL TILLMAN's remains and pronounced him dead. [redacted] stated that shortly after CPL TILLMAN arrived, several members of his unit (2/75th) arrived and re-claimed his remains. [redacted] stated that this was approved and was protocol at the time because the CASH's did not have a mortuary affairs department or freezers for deceased persons at the time. [redacted] related that he was unsure where CPL TILLMAN's remains were forwarded to, but assumed it was to another CASH in the AO which could accommodate him. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 31 Jul 06	EXHIBIT 81

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE	DATE 31 Jul 06	EXHIBIT 84

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[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted] 1145

DATE/TIME: 6 Jul 06

LOCATION: Ft. Lewis, Washington (CID Office)

(W) I, [redacted], want to make the following statement under oath:

Q) QUESTIONS (Q) = SA [redacted]
A) ANSWERS (A) = [redacted]

Q) [redacted] I AM SPECIAL AGENT (SA) [redacted] ACCOMOPANYING ME IS SA [redacted] FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

A) On 22 April 04, my unit stopped at a town called Magrah, in Afghanistan. We had to stop because a vehicle had broken an axle. At first we requested an airlift to out of the area via the 160th, but they told us that they could not airlift the vehicle for us. After that, we turned to the locals for assistance. I believe we were approached by a local jungle driver who informed us that he could tow the vehicle for us. We then informed our higher headquarters of the offer, at which time they told us to do what we had to do and that that we had to continue our mission and get boots on the ground at our next objective. We were also told that we had to move the vehicle to a hardball where it could be picked up by a tow truck and moved back to [redacted] for repairs. At that point the issue came up that we may need to split the platoon so we could get boots on the ground at the next objective and complete the movement of the broken truck to the hardball. At that time, all the leaders came together and the guidance was given by [redacted] (PL) that higher headquarters wanted us to split the platoon to complete the tasks. Everyone that was there was in disagreance with the guidance as we did not want to split the platoon. We were worried about fire superiority, we had a weapon system down (.50 cal) and our platoon was not up to full strength, we had some people that were not normally in our platoon with us, so we did not want to split. [redacted] then took our concerns and went back to the Tactical Operational Center (TOC) and told them that we did not want to split the platoon due to the aforementioned reasons. A short time later, [redacted] came back and told us that his guidance was to continue with the mission which consisted of completing both objectives (vehicle to hardball and boots on the ground at next objective). After that, we made a hasty plan, we split our element into two convoys. The PL, [redacted] squad, CPL TILLMAN, [redacted] and the AMF soldiers departed in the first convoy. About ten minutes later, my convoy departed. My vehicle was the lead vehicle (See Image A, page 12 for occupants of my vehicle). Once we arrived at an intersection where we were supposed to take a right the convoy was halted by 2-5 ([redacted]), who told us that it would be easier for the jingle truck to take a left instead of taking a right as the jingle truck driver told him that the terrain was to difficult to drive on the original route. We took the left turn, the jingle truck was the lead vehicle at that time. We started to enter a valley, we were about 200 – 300 meters into the canyon at which time we heard a loud explosion. I initially thought it was an IED, we all dismounted the vehicles. At that time another

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[redacted] (Initials)

[redacted]

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[redacted]plosion to my rear occurred. Some of the guys in the rear of the convoy then began to lay down suppressive fire in the area of the explosions. After we initially began to lay down suppressive fire, we began receiving fire. [redacted] then told us that we needed to move. I then told my guys to mount up on the GMV, I then grabbed the jingle driver and his assistant and got into the jingle truck. We started to drive through the canyon, it was very narrow so we had to stay in line through the canyon. We were moving about five MPH due to the terrain, the whole time receiving fire from the enemy. The jingle truck driver then stopped the vehicle, I noticed a guy running on the ridgeline. I told [redacted] to fire the 84mm rocket at the enemy position and [redacted] to fire on him as well. At that point, we noticed we were only taking fire from the north side of the ridge during the whole exchange. I ran back to the jingle driver and got the vehicle moving again, we kept driving through the canyon at which time I broke out the passenger side window so I could fire my weapon through it. The creek bed started to widen up, at which time I ran back to my GMV and told [redacted] to drive around the jingle truck because he was just going to slow. At this point, I am in the GMV with [redacted] and the others noted on Image A. We kept returning fire when we started to come around a bend in the road, as we came around the bend I noticed AK-47 muzzle flash to my right side which appeared to be firing over our positions (See Image B, page 13 [redacted] - orange arrows depict direction of travel, green boxes depict GMV's positions, red depicts enemy positions, brown circle depicts location of AK -47 fire & suspected enemy position {AK-47 on hillside – CPL TILLMAN & AMF final positions). At this time, I returned fire at what I believed to be enemy positions and the others in the vehicle returned fire at the same position as me. I was firing an M-4 (5.56mm). I fired a total of six rounds, at what I believed to be the enemy. I fired at him because he was firing an AK-47 towards our direction. I believe I shot the AMF soldier, in my mind I identified him as not being friendly, so I concentrated all my rounds at him. That being said, [redacted]ny of the others could have shot him as well. Once we were almost past the AMF position, [redacted] [redacted]lled out "Friendlys", "Friendlys". He then yelled "Cease Fire", "Cease Fire". I then looked up the road and saw our vehicles ahead of us about one hundred meters or so. I then began to yell "Cease Fire". That's when I looked back onto the ridgeline and saw [redacted] firing off a red pen gun flare. Once I saw the flare being fired, it seemed that everyone stopped firing. We then continued to drive up to the other friendly vehicles and dismounted. We set up a security posture and called in a MEDEVAC as we had a couple of wounded Rangers. We swept through the village looking for enemy personnel. By this time it was dusk, so visibility was not very good. Once we stopped, we donned out night vision goggles as visibility was poor.

Q: [redacted] WERE YOU DEPLOYED TO AFGHANISTAN DURING APRIL OF 2004?
A: Yes.
Q: WHAT UNIT WERE YOU WITH?
A: I was with 2/75th, 2nd Platoon.
Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR UNIT?
A: Yes he was.
Q: WERE YOU PRESENT DURING THE AMBUSH IN WHICH CPL TILLMAN WAS KILLED?
A: Yes I was.
Q: WERE THE TWO SERIALS SPLIT?
A: Yes they were split.
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: No.
Q: WHY WERE THE SERIALS SPLIT?

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(U) A: To my knowledge this was the guidance given to [redacted] by either the TOC or the JOC.
(U) WHO GAVE THE ORDER TO SPLIT THE SERIALS?
(U) A: I don't know who gave the order to [redacted], all I know is that he gave us the guidance.
(U) Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
(U) A: We conducted a communications check and I received Fragmentation Order (FRAG O) from [redacted] which is a change to the initial OPORDER. Communications was up on all vehicles prior to our departure.
(U) Q: WAS THIS CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?
(U) A: Yes.
(U) Q: DID [redacted] QUESTION GUIDANCE AS IT PERTAINED TO THIS PARTICULAR MOVEMENT?
(U) A: Yes, he was pretty angry over the call to split the platoon. We all told him that the guidance was stupid and he told us that he knew it was wrong and that he told higher that, but they insisted it be done.
(U) Q: WHO DID HE EXPRESS HIS CONCERNS TO?
(U) A: Yes, he expressed his concerns of splitting the platoon to either to TOC or the JOC. I'm not sure exactly who he was speaking to.
(U) Q: WHAT ANSWERS DID HE RECEIVE AFTER EXPRESSING HIS CONCERNS?
(U) A: He was told that we needed to split the platoon to ensure we got boots on the ground for our next objective prior to nightfall.
(U) Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR RANGERS PRIOR TO THE AMBUSH?
(U) A: We did receive an intelligence brief prior to departing FOB Bagrahm informing us that the canyon area where the ambush took place was a known enemy area, as that area was where friendlys had been attacked before.
(U) Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON MISSIONS WHILE IN AFGHANISTAN?
(U) A: We would receive briefings from the Battalion level S-2.
(U) Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 04?
(U) A: Not that I recall, but if anything came up, then we would have been notified. The last intelligence briefing we received was a couple of days prior to the ambush. We were told that about 100 Taliban were going to be in the area, and that they were going to attack crossing points in the area, which is why we were in the area. .
(U) Q: WERE THERE ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?
(U) A: Not that I knew of specifically, but historically speaking, yes.
(U) Q: WERE YOU AWARE THAT A SOLDIER IN YOUR UNIT RECEIVED A MESSAGE FROM [redacted] WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?
A: After the fact, but not before. When we were all gathered together after the ambush conducting an AAR back at [redacted] said that he received a letter from a doctor in Magrah and that it was urgent. [redacted] did not elaborate on the contents of the letter. I'm not sure if he even had the letter on him at the time. From my understanding the letter was passed up through the chain of command, but was not followed up on. We periodically receive information or letters from locals and we simply do not have the time to follow up on all of them.

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[redacted] (Initials)

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(U) Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE COMING ATTACK / AMBUSH IN OR AROUND THE VILLAGE WHERE THE INCIDENT TOOK PLACE?

(U) A: No.

(U) Q: WHAT IS YOUR UNDERSTANDING OF THE RANGER SOP (GAC SOP, Chapter 3B-1), AS IT PERTAINS TO REACTING TO NEAR AND FAR AMBUSHES?

(U) A: Our SOP is [redacted]

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE START OF THE AMBUSH?

(U) A: My actions were to get the convoy out of the kill zone and lay suppressive fire on known, likely or known enemy positions, which is what I did.

(U) Q: DID YOU ENGAGE THE ENEMY AT ANY TIME DURING THE AMBUSH?

(U) A: Yes, I fired known positions. I actually saw one enemy combatant, he was moving along the ridgeline firing at us. The other times I engaged the enemy I was returning fire at muzzle flashes.

(U) Q: WHILE IN THE CANYON, DID THE REMAINING RANGERS IN YOUR UNIT ENGAGE THE ENEMY, IF SO, WHAT DIRECTION WERE THEY FIRING?

(U) A: Yes, they were firing to the North and the South as there were enemy on both sides of us.

(U) Q: DID YOU OR YOUR SERIAL TAKE ANY DIRECT SMALL ARMS FIRE?

(U) A: Yes, but no vehicle or personnel were hit while we were in the canyon.

(U) Q: YOU MENTINOED THAT YOU WERE FIRING AN M-4 (5.56), WHAT OPTICS WERE YOU USING (SCOPE OR IRON SITES)?

(U) A: I had an [redacted], that is another reason that I am sure I shot the AMF soldier. If the [redacted] are on target, then that is where the rounds will impact. That being said, I am sure I did not see anyone behind or adjacent to him, I only fired on the AMF soldier.

(U) Q: PREVIOUSLY YOU MENTIONED THAT YOU FIRED APPROXIMATELY 6 ROUNDS, HOW CAN YOU BE SURE YOU ONLY FIRED 6 ROUNDS?

(U) A: I had a [redacted] in each prior to the ambush starting. When the incident was completed, I noted I fired two full magazines in the canyon, reloaded a new [redacted] magazine, and did not fire again until I fired the additional 6 rounds at the position noted in Image B. I am sure I only fired 6 rounds because I count each round fired.

(U) Q: ONCE OUT OF THE CANYON, AND ROUNDING THE BEND DEPICTED IN IMAGE B, DID YOU IDENTIFY WHAT WERE YOU FIRING AT?

(U) A: Yes I did, I identified what I thought was a threat, then I engaged the threat. Again, I identified him as a threat as he was firing an AK-47, had a beard, and was firing directly over our vehicles. AMF soldiers do not normally accompany us while engaged in a firefight, therefore he should not have been with [redacted] squad.

(U) Q: WHAT METHOD OF FIRE WHERE YOU USING WHILE ENGAGING THE PURPORTED ENEMY POSITION DEPICTED IN IMAGE B? (DIRECT, SUPPRESSIVE, ETC)?

(U) A: It was direct fire, I was aiming at him because I believed he was enemy.

(U) Q: DO YOU RECOGNIZE THE IMAGE PRESENTED TO YOU (IMAGE C, page 14 DEPICTS HILLSIDE LOCATION WHERE AMF SOLDIER AND CPL TILLMAN WERE FOUND)?

(U) A: Yes, this is the hillside where I engaged what I believed to be the enemy soldier firing the AK-47 over our vehicles. The red X depicts the approximate location of the AMF soldier, the orange arrow depict the direction the AMF soldier was firing, the green box depicts my vehicle location and the green

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[redacted]s and arrow depict my direction of fire. I did not see any other personnel other than what has now been determined to be the AMF soldier.

Q: DESCRIBE EXACTLY WHAT YOU SAW WHEN YOU WERE FIRING AT THE LOCATION DEPICTED IN IMAGE C.

A: I saw AK-47 muzzle flash and I saw that the person firing the AK-47 was Afghani. I believe he was wearing a tiger striped uniform. I'm not sure if he had tiger striped bottoms or tops or a complete tiger striped uniform on. He was not wearing a helmet, I'm not sure if he had a base ball hat on or not.

Q: DO YOU RECALL HITTING WHAT YOU BELIEVED TO BE ENEMY COMBATANTS DURING THE INCIDENT WITH ROUNDS FROM YOUR WEAPON?

A: Yes, I'm sure I did.

Q: PLEASE DESCRIBE, IN DETAIL, WHAT OCCURRED WHEN YOU IDENTIFIED AND FIRED UPON WHAT YOU BELIEVED TO BE ENEMY COMBATANTS LOCATED IN THE AREA DEPICTED IN IMAGE C.

A: I cant remember if he was standing or in the prone position. I remember firing at him, but I could not identify his clothing initially. I knew it was not our uniform, there were no friendly markings and that he was firing an AK-47 rifle. I don't remember of he fell, stopped firing or anything. I know he did not move to take cover when I was firing at him.

Q: DID YOU INTERPRET THIS FIRE AS BEING LIFE THREATENING FOR YOU OR THE OTHER RANGERS?

A: Yes I did.

Q: DID YOU HEAR [redacted] INSTRUCT YOU TO CEASE FIRE PRIOR TO ENGAGING WHAT YOU BELIEVED TO BE ENEMY COMBATANTS?

A: Negative.

DID YOU HEAR [redacted] GIVE ANY INSTRUCTIONS DURING THE FIREFIGHT?

A: Yes, he yelled "Cease Fire" and "Friendlys", but this was after we engaged the purported enemy combatants.

Q: DID [redacted] INFORM YOU AT ANY TIME DURING THE INCIDENT THAT THERE WERE FRINEDLYS IN THE AREA (SEE IMAGE D - DEPICTS [redacted] LOCATION WHEN HE WAS FIRST MADE AWARE OF FRIENDLY TROOPS BEING IN THE AREA AND WHEN [redacted] YELLED CEASE FIRE)

A: Yes, but this was after we had fired. The green box in image D depicts the approximate location of my vehicle and the first time I noticed friendly vehicles.

Q: DID YOU KNOW THERE WERE FRIENDLYS IN AREA THAT YOU WERE FIRING UPON PRIOR TO ENGAGING WHAT YOU BELIEVED TO BE ENEMY COMBATANTS?

A: No. By the time we turned our convoy around and changed routes approximately 25 minutes had passed, so I had no idea they were there. Additionally, there was no communication that I am aware of with the lead convoy, so we had no idea they had stopped and were backtracking toward our direction.

Q: DID YOU SEE ANYONE OTHER THAN THE AMF SOLDIER IN THE IMMEDIATE AREA YOU WERE FIRING UPON ONCE YOU EXITED THE CANYON AND ROUNDED THE BEND IN THE ROAD?

A: No.

Q: WHAT DO YOU INTERPRET AS BEING A HAND AND ARM SIGNAL FOR CEASE FIRE OR SURRENDER?

A: Non firing arm waiving in front of face with the palm facing out.

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[redacted]

EXHIBIT 82

(U) DID YOU AT ANY TIME, PRIOR TO, DURING OR AFTER FIRING YOUR WEAPON ON THE [redacted]LSIDE DEPICTED IN IMAGE C, WITNESS THE SUSPECTED ENEMY COMBATANTS OR FRIENDLYS WITH THEIR HANDS ABOVE THEIR HEADS OR SIGNALING CEASE FIRE OR SURRENDER VIA HAND AND ARM SIGNALS?

(U) A: No.

(U) Q: KNOWING SERIAL ONE HAD TAKEN THE SAME ROUTE, ALTHOUGH 25 MINUTES AHEAD OF YOUR POSITION, AND THAT RANGERS ARE TRAINED TO [redacted] DID IT OCCUR TO YOU THAT SERIAL ONE [redacted]?

(U) A: No, I thought they would have been completely out of the area. There was no dust from vehicles or any sign what so ever that they were there until we actually rounded the corner and saw the vehicles.

(U) Q: RANGER STANDARD OPERATING PROCEDURE DICTATES [redacted] YOU FEEL YOU EXERCISED FIRE CONTROL WHILE EXITING THE CANYON AND ENGAGING THE POSITION NOW KNOWN TO BE THE AMF SOLDIER AND CPL TILLMANS POSITION, KNOWING THAT THE FIRST CONVOY TRAVELED THE SAME ROUTE AS YOURS?

(U) A: Yes, at that time and under those circumstances I did. I thought I was engaging the enemy, I had no idea that friendlys were in the area. We just got ambushed, as far as I knew we were still in the kill zone. I rounded the corner and saw AK-47 muzzle flash and engaged what appeared to me to be the enemy.

(U) Q: RANGER STANDARD OPERATING PROCEDURE ALSO DICTATES - [redacted] - DID YOU USE ANY OF THESE FIRE COMMANDS TO CONTROL YOUR VEHICLE AND MENS FIRE?

(U) A: Yes I did, [redacted] By me firing my weapon it is considered a fire command. It is embedded in all of us that we acquire, identify and engage the enemy. By me firing at the position I was giving a fire command for the others to fire on the same position.

(U) Q: DID YOU IN-ACCORDANCE-WITH (IAW) RANGER STANDARD OPERATING PROCEDURE - [redacted]

(U) A: Yes.

(U) Q: DID YOU IN-ACCORDANCE-WITH (IAW) RANGER STANDARD OPERATING PROCEDURE - [redacted]

(U) A: The only guidance was me firing my weapon on the suspected enemy position. It is understood that by me firing at the position, they in turn need to fire on the same position. But no verbal guidance was given by me to fire on the position.

(U) Q: DID YOUR RANGERS IN-ACCORDANCE-WITH (IAW) RANGER STANDARD OPERATING PROCEDURE - [redacted]

(U) A: No.

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[redacted] (Initials)

[redacted]

EXHIBIT 82

Q: DID YOU IN-ACCORDANCE-WITH (IAW) RANGER STANDARD OPERATING PROCEDURE [redacted]

A: No, the unit already knew that we were in an ambush, [redacted] would have been who I would have coordinated with, but he was involved in the ambush the same as me, so there was no reason to coordinate with him at that time.

Q: HOW MANY ENEMY DID YOU SEE, CAN YOU DESCRIBE WHAT THEY WERE WEARING?

A: I saw one guy in the canyon running in the canyon and the AMF soldier. I saw two separate sets of muzzle flashes in the canyon and one set of muzzle flashes where the AMF soldier was.

Q: EXACTLY WHERE WERE THE ENEMY POSITIONED WHEN YOU CAME OUT OF THE CANYON?

A: They were positioned to our north. As we came out of the canyon, they would have been our rear right (Note: [redacted] cannot determine where the enemy positions were from the photo's). In addition to the position of the AMF soldier described earlier.

Q: CAN YOU DESCRIBE THE LEVEL OF VISIBILITY AT THE TIME OF THE AMBUSH?

A: It was right at dusk, the sun was settling behind the ridgeline. When the first contact was made in the canyon you could see just silouttes of people, you could not depict what they were wearing. When we came out of the canyon the visibility was a little better, but it was still very difficult to see.

Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL BEFORE OR DURING THE AMBUSH?

A: No.

Q: WHAT WERE YOUR ACTIONS FOLLOWING THE AMBUSH?

A: We set up a perimeter security and swept through the village. I remember there was only one older man there and the rest was women and children. I cannot remember if we found any weapons or anything.

Q: WERE ANY ENEMY SEEN OR WAS ANY ADDITIONAL FIRE TAKEN FOLLOWING THE INITIAL AMBUSH?

A: No.

Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?

A: No.

Q: WAS A SEARCH CONDUCTED OF THE OUTLYING AREAS / VILLAGES FOR THE ENEMY WHO SET UP THE AMBUSH?

A: Yes.

Q: WHAT WAS LOCATED?

A: In an adjacent village we located several AK-47's nothing out of the ordinary.

Q: WHEN DID YOU BECOME AWARE OF CPL TILLMAN'S DEATH?

A: Not until I heard [redacted] come over the radio that we had two KIA's and two wounded. I did not find out that it was CPLTILLMAN until about five minutes after we stopped the vehicles following the incident.

Q: WHO INFORMED YOU THAT CPL TILLMAN WAS KILLED?

A: I was told by [redacted] I heard [redacted] telling [redacted] that CPL TILLMAN had been killed.

Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?

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(U) A: Nothing specific. Just that CPL TILLMAN had been killed and that it was a friendly fire incident. He and the other squad leaders had a meeting immediately following the incident and determined that the death of CPL TILLMAN was more than likely a friendly fire incident. We came to this conclusion based off of what [redacted] said. He said that he had taken friendly fire at his location, which was directly behind where CPL TILLMAN, [redacted] and the AMF soldier were, so he came to the conclusion that it was probably friendly fire.

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE NEWS OF CPL TILLMAN'S DEATH?

(U) A: I was responsible for setting up the Helo Landing Zone and was with the bodies until the helo's arrived.

(U) Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?

(U) A: No, not at that time. The next morning, [redacted] and [redacted] took some photo's of the area as well as the road.

(U) Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANOMYSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?

(U) A: No.

(U) Q: DID YOU, OR ANYONE IN THE UNIT HARBOR ENVIOUS, JEALOUS OR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITIES?

(U) A: No.

(U) Q: WHAT TYPE OF SOLDIER WAS CPL TILLMAN?

(U) A: He was a pretty good soldier. He really started to assume the leadership role. He was outshining his peers and there was talk of him becoming a team leader within the platoon. He was really doing his job well, he was kind of an acting team leader for [redacted] as there was a void in that position due to another Ranger wanting to quit (never deployed with unit / does not remember name). The soldier just got married and the op tempo was to high for him.

(U) Q: DID YOU HAVE ANY PERSONAL ANIMOSITY TOWARDS CPL TILLMAN?

(U) A: No.

(U) Q: HOW DO YOU FEEL ABOUT THE DEATH OF CPL TILLMAN?

(U) A: Horrible.

(U) Q: FOLLOWING THE INCIDENT, WHAT, IF ANYTHING DID YOU CONCLUDE?

(U) A: I assumed it was friendly fire right after I heard of his death. I assumed this because of what [redacted] had said regarding his position and the position of CPL TILLMAN and the fact that [redacted] was receiving friendly fire as well. Additionally, after I saw the vehicles parked ahead of the bend, I said to myself "Oh Shit", I hope these were not friendlys we were firing at.

(U) Q: DID YOU PERSONALLY VISIT THE "KILL ZONE" OR THE LOCATION WHERE CPL TILLMAN WAS KILLED FOLLOWING THE AMBUSH?

(U) A: Not until the following day. [redacted] me and the rest of the squad leaders went up there to look at the position.

(U) Q: WHEN YOU VISITED CPL TILLMAN'S LAST POSITION, WAS THERE ANY GEAR OR REMAINS COLLECTED AT THAT TIME?

(U) A: No gear was collected, but you could see blood and flesh in his position. We did not collect the remains.

(U) Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT?

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A: No.
: DO YOU KNOW WHO FIRST SAW CPL TILLMAN FOLLOWING THE FIREFIGHT?
A: No.
Q: WHO COLLECTED THE REMAINS OF CPL TILLMAN?
A: [redacted] squad packaged the bodies, so if anyone would have collected the remains I would assume it would have been his squad.
Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?
A: Yes, we try to bring back all parts, but in the case of CPL TILLMAN, I'm not sure if we would have collected [redacted] that were remaining.
Q: DO YOU KNOW WHY CPL TILLMANS REMAINS ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?
A: We try to collect everything, all personal effects to return to the family. If the uniform, DCU's or other items are saturated we would burn them, I am not sure what happened to CPL TILLMAN's uniform. We normally bring back any personal effects to give to the family following the deployment.
Q: WHO WOULD NORMALLY MAINTAIN THE PERSONAL ITEMS OF A RANGER WHO WAS KILLED?
A: It normally is maintained by the supply SGT, in this case it would have been [redacted] I know [redacted] did not receive the personal items while we were in SALERNO, but they would have eventually made it to him for inventory. Im not sure who had the items prior to [redacted] receiving them.
Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?
No.
Q: WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?
A: I don't know.
Q: ARE YOU AWARE OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?
A: Yes, I would see him write in a book from time to time. I do not recall what the book looked like.
Q: DO YOU KNOW WHERE THE DIARY MAY BE?
A: No, I thought it was given to [redacted] while back at [redacted]. I'm not sure who would have given it to him....I am just assuming it would have been given to [redacted]
Q: DO YOU KNOW IF THE DIARY WAS ON CPL TILLMAN AT THE TIME OF HIS DEATH?
A: I don't know.
Q: WHO REMOVED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?
A: No.
Q: WHO DIRECTED CPL TILLMANS EQUIPMENT BE REMOVED?
A: No.
Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?
A: Sensitive items yes, but as far as the rest of the items I am not real sure.

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Q: WHAT IS THE NORMAL COURSE OF ACTION AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?
A: Sensitive items are inventoried and maintained in the supply room. As far as the uniform and the rest of the items I am not sure.
Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?
A: My assumption is if it is saturated in blood it would be burned. I'm not sure what the SOP is as far as that is concerned.
Q: WHO BURNED CPL TILLMANS EQUIPMENT?
A: I don't know.
Q: WERE CPL TILLMANS PERSONAL EFFECTS REMOVED FROM THE POCKETS OF HIS EQUIPMENT PRIOR TO IT BEING BURNED?
A: I don't know.
Q: WHO GAVE THE ORDER TO BURN CPL TILLMANS EQUIPMENT / PERSONAL EFFECTS?
A: I don't know.
Q: IS IT COMMON PRACTICE TO REMOVE A RANGERS PERSONAL EFFECTS FROM HIS BODY / GEAR PRIOR TO HIS REMAINS BEING GIVEN TO THE MEDICAL PERSONEL?
A: I don't know.
Q: IS THERE ANY DOUBT THAT THERE WERE ENEMY IN THE IMMEDIATE AREA FIRING AT YOU AND THE OTHER MEMBERS OF YOUR UNIT?
A: No, it was later determined that the enemy were caught and admitted to staging the ambush.
Q: DID YOU FIRE INTO THE VILLAGE ADJACENT TO CPL TILLMANS FINAL POSITION?
A: No.
Q: DID YOU SEE ANYONE IN YOUR UNIT FIRE INTO THE VILLAGE?
No.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A: No.

//END OF STATEMENT//

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AFFIDAVIT

(U) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 July 2006.

[redacted]

(Witnessed by)

SA [redacted]

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ

(Authority to administer oath)

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[redacted]

EXHIBIT 82

FRONT

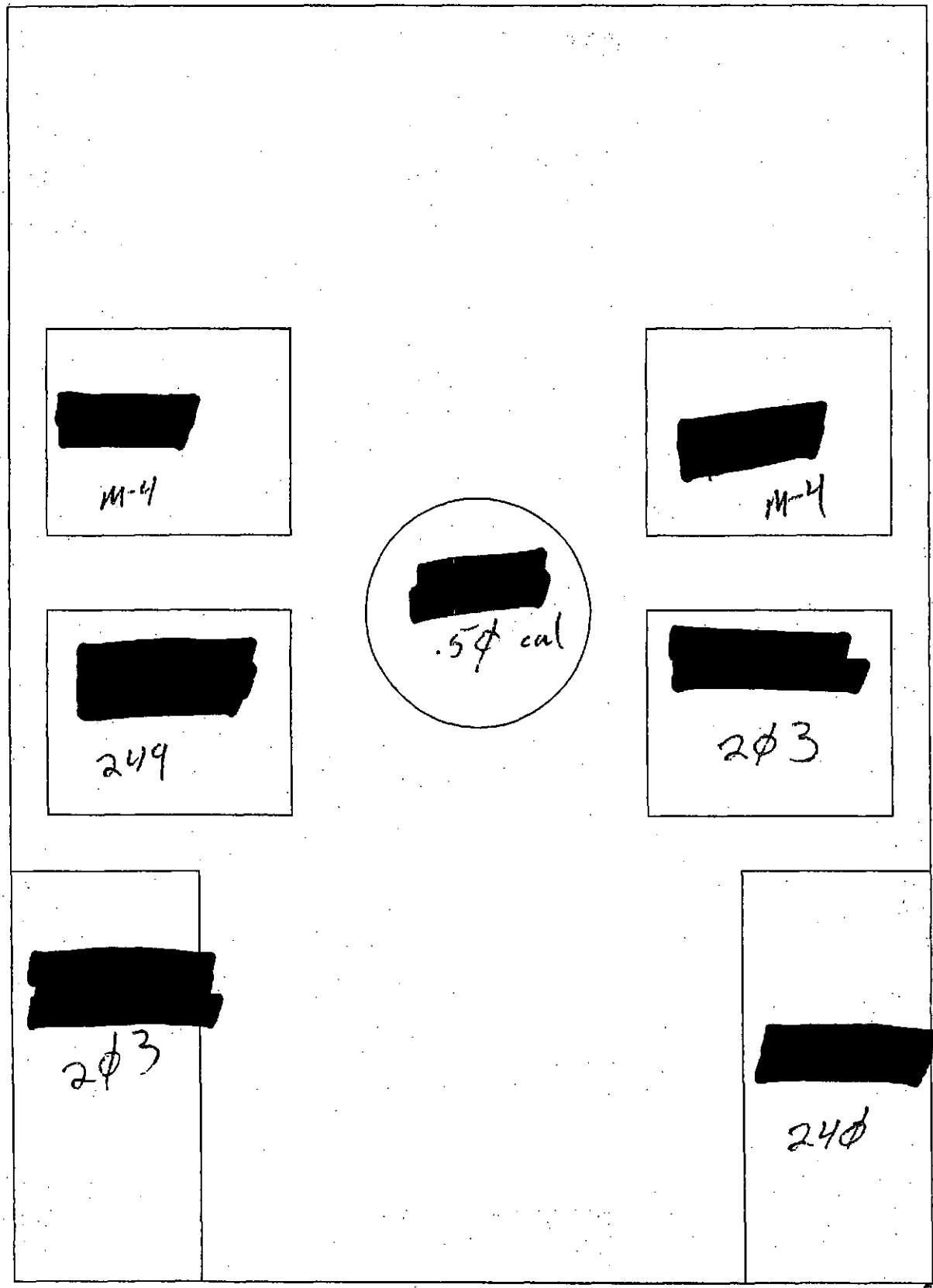

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Image A.

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Image: L



Image.

Statement of [redacted], Dated 6 Jul 06 Continued.....

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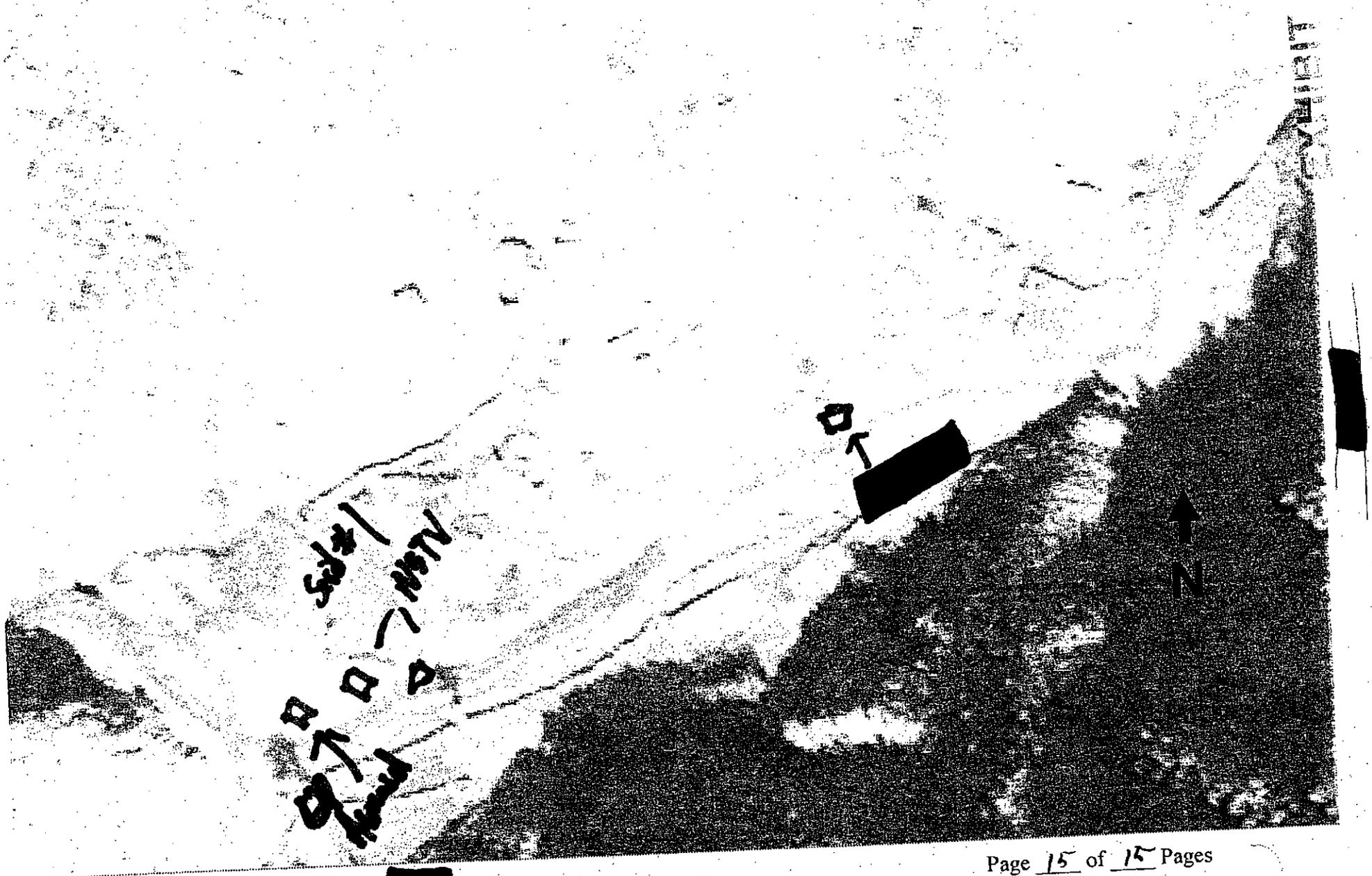

Initials of person making statement [redacted]

Image 1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1915, 25 Jul 06, SA [redacted] interviewed [redacted] G-3, 25th Infantry Division, Schofield Barracks, HI 96857, who stated he was located with [redacted] 2/75th Ranger Regiment, Fort Lewis, WA 98433 (FLWA), inside the Tactical Operation Center (TOC), the day A Company, 2/75th Infantry Regiment, was ambushed. [redacted] stated he thought the decision to split the platoon occurred on the ground and does not remember any discussion about the decision to split the platoon coming from [redacted] stated he was attempting to handle the call for close air support, which came from the ground forces. [redacted] indicated there was no Predator present during or after the incident, and the only air support provided was an A-10 Warthog, which he believed did not have aerial footage. [redacted] stated he thought [redacted] A Company, 2/75th Ranger Regiment, FLWA, arrived to the TOC from the field after the initial contact from the ambush took place and does not recall any conversation between [redacted] and [redacted]

(FOUO-LES) About 1200, 8 Aug 06, SA [redacted] interviewed [redacted] who provided a sworn statement detailing his accounts of the events that took place on 22 Apr 04. [redacted] stated he was a member of the first element that departed the village of Magarah, Afghanistan on 22 Apr 04. [redacted] further stated his squad set up security on the spur, past the local village during the ambush and he observed rounds impacting the "big house" during the time the vehicles from the second element were exiting the canyon. [redacted] stated he never saw any of the vehicles from the second element fire after exiting the canyon. (See Sworn Statement for details)

(FOUO-LES) AGENT'S COMMENT: [redacted] did not annotate the ending time on his sworn statement. This agent annotated the approximate time the interview was completed.

(FOUO-LES) About 1330, 8 Aug 06, SA [redacted] and SA [redacted] this office, coordinated with [redacted] Transition Processing Center, FLWA, who conducted a system inquiry on the list of remaining interviews for this investigation. [redacted] was able to locate several soldiers through the TRANSPOC Military Personnel Transition Processing database; however, she did state that without a separation date for each soldier it would be virtually impossible to locate every soldier who has ETS'd from the U.S. Army. [redacted] stated the system purges itself after 6 months from the time a soldier ETS's from the U.S. Army. (See TRANSPOC documents for details)

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
NATURE [redacted]	DATE 8 Aug 06	EXHIBIT 83

1 FEB [redacted]

[redacted] 0013-06-CID201-50048

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Lewis, WA 98433	20060808	1200 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION

[redacted]

9. [redacted]

(U) I [redacted] want to make the following statement under oath:

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Can you describe for me the events which took place on or around 22 Apr 04, while you were deployed with A Company, 2/75th Ranger Regiment, to Afghanistan?

(U) A: Prior to entering the town of Magarah one of our vehicles broke down. After towing the broken down vehicle through the rugged terrain, we ended up dragging it on its front axle to Magarah. There was no way of towing it any more with any of our vehicles. It came to the point that we had to get the truck out that night and we could not stay in the town overnight because of directions from higher. We originally wanted to sling load the truck out of the town; however, we could not do that. So we ended up using a Jinga truck to tow the broken down truck. After roughly around 6-8 hours of being in Magarah, [redacted] came back to [redacted] and advised him that higher wanted us to continue the sion and tow the truck to the highway. I was not there when [redacted] received the word from higher but I was there when he told [redacted] They both seemed amazed in directions pushed down upon them. I remember we were told that we had to be set by night fall at our next mission and move the broke down 1097 to the highway. Dusk was starting set in and the sun was going down. We had been pulling 360 degree security around the area while we were in town. It was decided that our squad was going to take a left on the road to continue the mission and the other element was going to tow the truck to the highway, which they would have taken a right on the road. We ended up going through the canyon and we did not have communication with the other element at this time. As we were going through the village past the canyon, there were some kids and adults at the intersection at a village that were previously at Magarah. We then heard explosions behind us and we dismounted and headed towards the village because that was the only safe cover we had. As we dismounted and we took up a 360 degree security by taking a knee. We then immediately moved out to take cover. We moved towards the village and hastily cleared the village moving out towards the fire. We past the village and we went down a draw and up onto a spur and I placed my team on the spur, with [redacted] and [redacted] on my right, [redacted] was at my six o'clock pulling security on the village. On the left side were [redacted] who pulled left flank security and [redacted] was up there as well. At one point we saw muzzle flashes on the Northeast ridgeline. The northeast was our 12 o'clock. I shot five to eight rounds at the ridgeline. At one point [redacted] observed muzzle flashes on the East ridgeline and he asked me if he was cleared to engage and I asked him if he could still observed the individuals, which he said he did not, so I told him "hold what you have". There were two sets of engagement on the Northeast ridgeline during the incident. We heard yelling and there was dirt kicking up around us. Then I turned around saw a flash on the western ridgeline and some people fired at this position. At this time the vehicles were coming out of the canyon and I saw rounds hitting the village e, the fire stopped and then I saw the lead truck down on the road. During this

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STATEMENT OF [redacted] TAKEN AT; DATED 08 Aug 06, CONTINUED:

whole time [redacted] was trying to establish communications, I don't even think he fired a round during the whole incident.

Who were the individuals who dismounted and pulled security past the village on the ir?

A: [redacted] myself, [redacted] the forward observer, [redacted] assistant gunner who I can't remember, those were the individuals on the spur. I thought TILLMAN and [redacted] were below us, I did not know until later that they had came around and were in front of us. My assumption is that TILLMAN had seen the rock and that it was a good position for him.

Q: Who was the first person who made contact with TILLMAN's position after the incident?

A: [redacted] went over the burm and was on the radio yelling that we had two KIA's and one wounded.

Q: Did anyone move up with [redacted] to TILLMAN's position?

A: I think roughly [redacted] and I moved up as [redacted] was yelling. I think [redacted] went up to the location for a brief moment and then went back to his position.

Q: How was TILLMAN found at this location?

A: He was on his knees, I can't remember if he was on one or two knees and his body was straight up and was not leaning up against the rock.

Q: When the vehicle exited the canyon and was traveling on the road below your position, do you know how fast the vehicle was moving?

A: Not very fast I could not tell you exactly. There moving at a moderate rate of speed.

Q: Could you tell who was in this vehicle?

A: No. I knew who was in the lead vehicle before we left the town of Magarah.

Q: Was this vehicle engaging any targets?

A: No, this is where I stated earlier that I saw rounds impacting the house, the fire stopped and then I saw the vehicle.

Q: Did anyone in this vehicle dismount and engage a target?

A: No, after the truck came around the firing stopped.

Q: Could you tell if anyone in this vehicle was wearing any Night Vision Goggles?

A: No, that was not something I keyed in on at the time. I was not wearing any, not il everything was settled.

Who gave the order to split the convoy in Magarah?

A: [redacted] was told was to do, which was to continue the mission, tow the truck to the highway and be set up by nightfall.

Q: Do you know who [redacted] was communicating with?

A: No, my guess was S-3 operations.

Q: What is your opinion of the decision to split the platoon up into two elements prior to movement?

A: It was a bad idea.

Q: Was the decision to split the platoon up a common practice?

A: No.

Q: Did you see any enemy soldiers in the canyon or on the ridgeline?

A: Yes, on the Northeast ridgeline I saw two sets of muzzle flashes, but I did not see silhouettes.

Q: Did you fire your weapon in the canyon or on the ridgeline?

A: I fired at the ridgeline, around 5 to 8 rounds of my M-4.

Q: What were you firing at?

A: Actually the muzzle flashes that I saw with my eyes and the area of the impact of the M240. [redacted] was firing the M240.

Q: Why were you only firing at muzzle flashes, even though you did not see anyone physically?

A: It was obvious that dirt was kicking up around us and there was muzzle flashes and we knew that there no other friendlies in the area.

Q: Did you ever see the AMF soldier at TILLMAN's position?

A: No, not until after the incident. I don't recall him moving with us up to the village.

Q: What were the lighting conditions like during this incident?

The sun was getting ready to go down over the mountains and it was dusk.

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Q: Were you aware of a note that was past to your unit warning of a possible ambush or attempting to speak with the leadership about an ambush?
I did not know anything about it until the AAR.
What happened the next day after the incident occurred?
A: We cleared villages in the area and watched two birds sling load 998's in the area.
Q: Was there an After Action Review (AAR) conducted?
A: When we returned to [redacted], with [redacted]. It was not so much an AAR as it was a traumatic experience, let's talk about it.
Q: Do you know what happened to TILLMAN's equipment and clothing?
A: No.
Q: Was anyone on the spur wearing NVG's?
A: [redacted] and [redacted] were. I don't know about anyone else. I picked up a helmet and some NVG's when I went to TILLMAN's position, but I gave that equipment to [redacted] I think it might have been [redacted] equipment.
Q: Do you know if TILLMAN kept a diary or journal?
A: Yes, I know [redacted] wanted it, but I don't know what happened to it. I heard that everything with blood on it was burned.
Q: What does the journal look like?
A: I don't know, never really seen it.
Q: Do you know how far you were from TILLMAN's position during the incident?
A: About 15 meters.
Q: Did anyone admit to you or state that they were positive they fired upon the AMF soldier or Pat TILLMAN?
A: Nobody stated that fired upon Pat TILLMAN, [redacted] stated he saw an AK-47 and an Afghan and that he "took him out".
Q: When did you become of aware that the incident was possibly a fratricide?
A: After I saw the truck bank around the corner and I heard [redacted] say cease fire.
Q: Did you know the second element of your platoon was behind your element during this incident?
No.
Was there a map recon conducted or a mission brief conducted before both elements left the town of Magarah?
A: Yes, I remember seeing the map and the observation point.
Q: How much time was there in between both elements leaving the town of Magarah?
A: We left at the same time and our vehicles pushed further out and by the time we entered the canyon we did not have communication or a visual with the other half.
Q: Was anyone in your vehicle in communication with anyone in the other serial during the ambush?
A: No. [redacted] was trying hard. The only other people who had communication were me, [redacted] and [redacted] I don't know if [redacted] had established communications or not.
Q: Do you remember seeing any smoke from smoke grenades or a pen gun flare during the incident?
A: I saw [redacted] shoot the pen gun flare a couple times, but I do not recall seeing any smoke.
Q: Do you recall any Predator flying over the area or any request for air support.
A: Yes, I remember the requests for air support and time hacks for the air support. I don't recall seeing any predator in the air.
Q: I have a satellite image overview, marked attachment A of the general location of where the incident occurred. Could you please annotate where you and the other members of your squad dismounted and traveled through the village to pull security on the spur?
A: Please see attachment A for details.
Q: I have an image, marked attachment B, depicting the location of the Northeast ridgeline you describe, do you recognize this picture and can you tell me where you saw muzzle flashes on the ridgeline in relation to this picture?
A: Please see attachment B for details.
Q: Do you know if TILLMAN, [redacted] or the AMF soldier engaged any targets?
A: No.

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Q: I have an image of the location of the rocks where TILLMAN, [redacted] and the AMF soldier were located, marked attachments C, could please annotate where these 3 individuals were located after the incident took place.

Please see attachment C for details.

Q: Do you know who retrieve TILLMAN's body and equipment at the initial cache site at FOB SALERNO and moved it to a second cache?

A: No.

Q: Do you have anything else to add to the statement?

A: No. ///End of Statement///[redacted]

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[redacted] 0013-06-CID201-50010

STATEMENT OF [redacted]; TAKEN AT; DATED **08 Aug 06,** CONTINUED:

AFFIDAVIT

(U) I, [redacted] HAVE READ OR HAVE READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

[redacted]

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 8 day of August, 2006 at Fort Lewis, WA 98433.

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT ____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 8 PAGES

[redacted]

EXHIBIT 84

"STATEMENT OF [redacted] TAKEN AT Ft. Lewis CID DATED 08 Aug 06 CONTINUED."



INITIALS OF PERSON MAKING STATEMENT [redacted]

"PAGE 6 OF 8 PAGES." [redacted]

EXHIBIT 84

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Attachment A

0013-06-CID 201-50048

0013-06-CID201-90048

"STATEMENT OF [redacted] TAKEN AT El Lewis CID DATED 06 Aug 06 CONTINUED"

PAGE 7 OF 7 PAGES

INITIALS OF PERSON MAKING STATEMENT [redacted]

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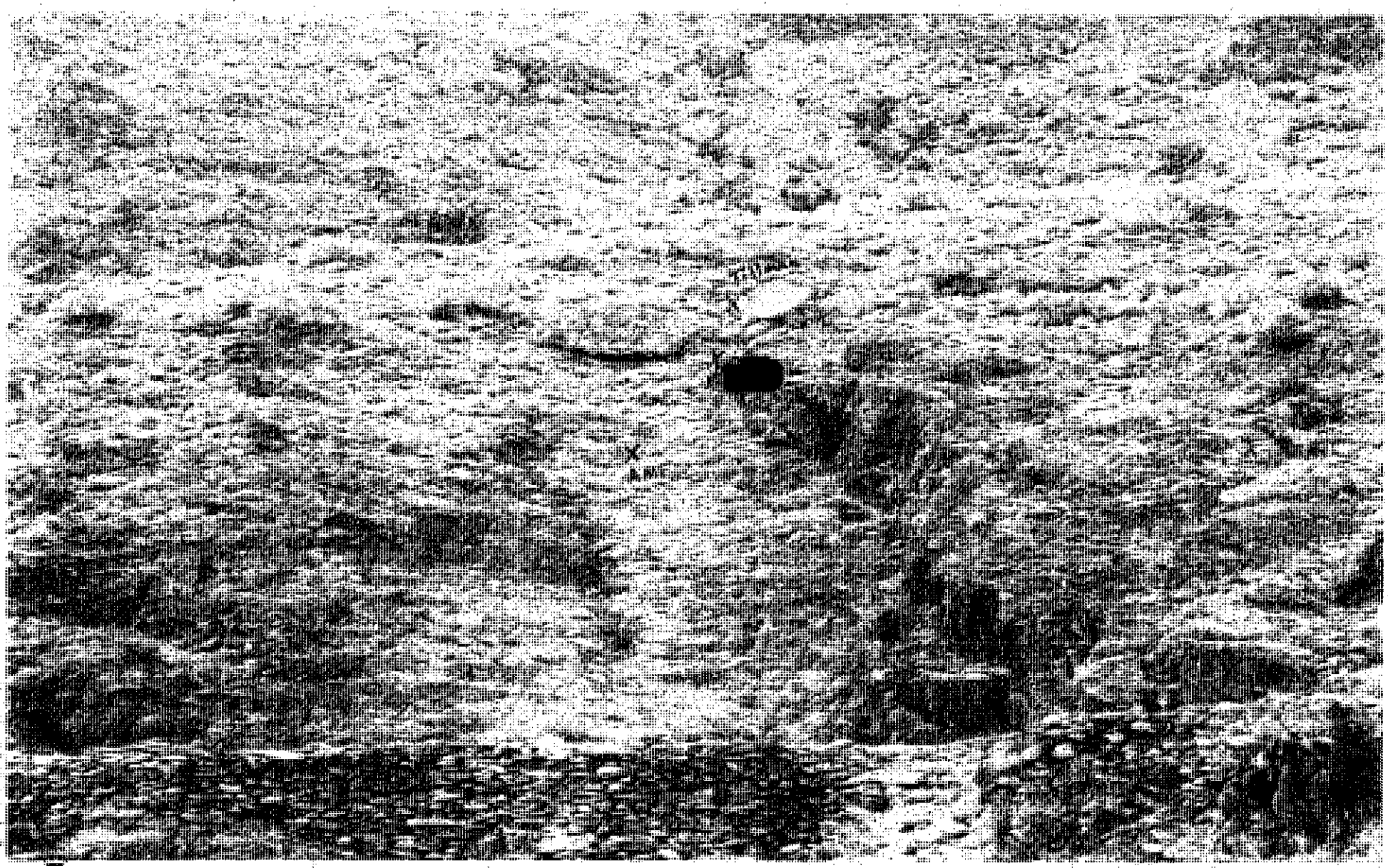
Attachment 13.

EXHIBIT 84

STATEMENT OF [redacted] DATED 08 Aug 06 Taken at Ft. Lewis CID CONTINUED



INITIALS OF PERSON MAKING STATEMENT [redacted]

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Attachment C.

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

(U) Between 1000 – 1330, 1 Aug 06, SA [redacted] and SA [redacted] coordinated with [redacted] Psychological Operations, the Pentagon, Washington D.C., regarding assistance in locating the predator footage which was taken during the TILLMAN incident. [redacted] related that [redacted] or [redacted] (NFI) could be contacted and may be of assistance. [redacted] had no additional information to provide.

(U) Between 1300-1330, 2 Aug 06, SA [redacted] attempted to coordinate - via national 555-1212 # - with [redacted] and [redacted] no listing was available on them.

(U) At about 1100, 2 Aug 06, SA [redacted] coordinated with SA [redacted] DODIG, Washington, D.C., and provided him Compact Disks containing all video imagery taken during the crime scene examination of the TILLMAN scene.

(U) At about 0900, 3 Aug 06, SA [redacted] was contacted by Detective [redacted] Metropolitan Police Department, [redacted], regarding [redacted]. Detective [redacted] stated that he located [redacted] and that he would be willing to provide a statement detailing the events which led to his being wounded and the death of CPL TILLMAN. [redacted] provided [redacted] is the phone number where [redacted] could be reached.

(U) At about 0930, 4 Aug 06, SA [redacted] attempted to coordinate with [redacted] and [redacted] the phone numbers provided were not in service. Additionally, attempted to contact [redacted] left message requesting he contact this agent upon his return.

(U) At about 1130, 10 Aug 06, SA [redacted] obtained a sworn written statement from [redacted] (former member of 1st Plt, 2/75th RGR RGT), detailing the events of 22 Apr 04, which led to the death of CPL TILLMAN (See Statement for Details). /// LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 10 Aug 06	EXHIBIT 85

CID FORM 94-E

000556

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 10 AUG 06, 1540 [redacted]

LOCATION: [redacted]

(U) I, [redacted] want to make the following statement under oath:

(U) QUESTIONS (Q) = SA [redacted]
(U) ANSWERS (A) = [redacted]

(U) [redacted] I AM SPECIAL AGENT (SA) [redacted] ACCOMPANYING ME IS SA [redacted], FIELD INVESTIGATIVE UNIT (CID). WE ARE HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, WHICH RESULTED IN THE DEATH OF CPL PATRICK TILLMAN.

[redacted] On 22 Apr 04, I was deployed with my unit, 2/75th Ranger Regiment, 2nd Platoon. We had a vehicle bread down, a front axle broke and we were not able to tow the vehicle. We were in Magrah, Afghanistan at the time. We got SATCOM set up and began looking for a way to get the broken vehicle out of the AO. [redacted] had requested a helo to sling load the vehicle out of the area, but he was informed that they could not do that. He was then informed that he had to tow the vehicle out of the area to a primary road. I'm not sure what road it was. [redacted] was not happy about the decision as he [redacted]s going to have to split the platoon to complete another mission we were tasked with. I know that [redacted] was not happy with the decision. I believe he received the guidance from either [redacted] who were in [redacted] at the time. I don't know specifically who gave him the order, but I assume it had to be one of them. All the squad leaders were then pulled together and we began to reconsolidate weapons and gear, to ensure the items were evenly dispersed. Shortly after, we began to move out. My serial departed first **(See page [redacted] for occupants of my vehicle),** I'm not sure how long after we departed that the second serial departed. We entered a canyon which contained very high walls, I remember [redacted] saying that this was a perfect place for an ambush that kind of alerted all of us in the vehicle that this may be a bad place to be. I remember that shortly after [redacted] said that, I heard a mortar round drop near us, I then looked and saw tracer fire going towards two enemy positions which were located in the cliffs. The vehicle in front of us then slammed on their brakes, so we stopped. I tried to set up a SATCOM antenna but couldn't. [redacted] then pulled out a GPS and obtained grid coordinates on the two enemy positions that we had identified. He then called the ETAC (Forward Observer for the Air Force that calls in air strikes), and provided the grid coordinates for the strike. By this time, we were already out of the canyon and were positioned in front a small village. About that time [redacted] and I ran up towards the village, when we arrived at the village, we positioned our selves on the front side of the largest house in the village. I remember there were rounds impacting adjacent to the building. I then ran to the North East side of the building where [redacted] was located and began to return fire towards the ridgeline where we saw muzzle flashes coming from one enemy position. There was then an explosion which went off right next to us, I was hit in the left shoulder with frag. from whatever it was that exploded. [redacted] was also hit in the

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[redacted]

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EXHIBIT 86

[redacted]

e and was messed up pretty bad. Right about that time, I was hit in the left knee and had another nd ricochet off of my right chest. [redacted] came around the corner and asked me if I was airight, I told him that I had been hit and that I was messed up pretty bad. He said we were going to have to wait for a MEDEVAC. The whole time I could see [redacted] squad moving, I could see numerous impacts and dirt kicking up around [redacted] and his squad. I remember thinking that there were a lot of impacts from a single enemy position. There was a couple of seconds of a lul in firing, when I saw friendly vehicles coming down the road. The vehicles never stopped moving, they kept driving and firing .50 cal and 7.62 cal machine guns until they arrived at out vehicles. Just before they stopped, more rounds began impacting in and around my position and the village. These rounds were definitely coming from friendly vehicles. I could see the M240 gunner firing at me and the big house, I'm not sure which vehicle it was because there was kind of a gaggle of several vehicles, but I am sure the M240 gunner was firing at me and the village. The whole time this was going on, I could see numerous red pen gun flares going off, the red pen gun flares were designated to shift fire. It should have been obvious that there were friendlies on the mountain as we were the only ones who used the red pen gun flares. That being said, neither me or [redacted] set off any flares. The friendly vehicles kept maneuvering past out parked vehicles and did not stop firing until shortly after they passed our position at the big house. I just sat there for a minute when [redacted] came up to me and asked me if I was OK. He was bleeding very badly from his face, I then started to set up communications again, I set the up the SATCOM antenna and tried to establish communications, but was not able to. [redacted] and [redacted] came up to me noticed that I was hit, [redacted] cut my DCU's and bandaged my leg. The rest of the platoon then set up 360 deg. security around us, [redacted] then informed everyone over the radio that we needed a MEDEVAC and that we had two KIA and two WIA. About 30 minutes later, the helo arrived, me and [redacted] flew to [redacted] for medical treatment.

Q: WAS CPL PATRICK TILLMAN A MEMBER OF YOUR UNIT?
A: Yes.
Q: DO YOU KNOW WHO GAVE THE ORDER TO SPLIT THE SERIALS?
A: No, but I assume it had to be [redacted]
Q: WHY DO YOU ASSUME IT WAS EITHER [redacted] OR [redacted] THAT GAVE [redacted] THE ORDER TO SPLIT THE SERIAL?
A: Because [redacted] said the XO was the one who gave the order. Both are XO's, [redacted] was the Company XO while [redacted] was the BN XO. I'm not positive, but I believe the BN XO would have been the one to have given [redacted] the order....but I'm just not sure.
Q: IS IT COMMON FOR THE SERIALS TO BE SPLIT?
A: I wouldn't say that it never happens, if a serial is a company sized element than it would not be unusual to split them, but if it was a platoon sized serial, then it is, in my opinion unusual. I never saw a platoon sized element split. I know for a fact that [redacted] was upset about the call to split the platoon.
Q: WHY WERE THE SERIALS SPLIT?
A: We had to hit an objective the following day, first thing in the morning. The command wanted us there and set up by dark. When the vehicle became an issue, we then had two separate missions that had to get completed, therefore a decision was made to split the unit and complete both.
Q: WHAT PROCEDURES WERE CONDUCTED PRIOR TO THE SERIALS DEPARTURE?
A: Commo checks were done on [redacted] vehicle, my radio was checked as well, that being d, I don't remember a commo check being done with [redacted] element. I think we were all

[redacted] (Initials)

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EXHIBIT 86

[redacted]

nder the assumption that the platoon frequency would be used and the two elements would be able to k back up that way.

(U) Q: WAS THIS CONSISTENT WITH PREVIOUS PROCEDURES CONDUCTED PRIOR TO DEPARTING ON MISSIONS?

(U) A: Yes.

(U) Q: YOU MENTIONED THAT [redacted] WAS NOT HAPPY WITH THE DECISION TO SPLIT THE PLATOON, WHO DID HE EXPRESS HIS CONCERNS TO AND WHAT VIEWS DID HE EXPRESS?

(U) A: I could just tell that he received the orders and did not approve of the decision. He then pulled the squad leaders together and gave them the guidance…I could tell that he did not approve of the decision. He was upset over the weapons situation, we only had one .50 cal machine gun, and if we split the platoon, only one serial would have that firepower.

(U) Q: DID YOU HEAR [redacted] QUESTION THE GUIDANCE TO SPLIT THE PLATOON?

(U) A: No.

(U) Q: WERE YOU AWARE OF ANY SPECIFIC THREAT AGAINST YOUR RANGERS PRIOR TO THE AMBUSH?

(U) A: No, everyone (locals) seemed to be pretty friendly. We had no reason to believe that this would happen. No-one was aggressive towards us.

(U) Q: WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO YOUR UNITS DEPARTURE ON PREVIOUS MISSIONS WHILE IN AFGHANISTAN?

(U) A: I would inform the TOC of our positions and locations where we were moving to, but we would not coordinate with any specific intell asset to request enemy activity or threats against us. If something was going on in an area we were going to, the TOC would let us know.

( ) WERE INTELLIGENCE ASSETS UTILIZED PRIOR TO THE MOVEMENT(S) ON 22 APR 04?

(U) A: No.

(U) Q: WAS THE PLATOON AWARE OF ENEMY OPERATIONS IN THE IMMEDIATE AREA OF THE AMBUSH SITE PRIOR TO THE AMBUSH TAKING PLACE?

(U) A: No, we were under the impression that the village we were going to hit had already been hit by the 10th Mountain Division, we were just going to surprise them and look for weapons or any other items we could identify as hostile.

(U) Q: WERE YOU AWARE THAT ONE OF THE RANGERS RECEIVED A MESSAGE FROM A LOCAL AFGHANISTAN DOCTOR WHICH MAY HAVE TRIED TO WARN THE UNIT OF AN UPCOMING AMBUSH?

(U) A: No. This is the first I have heard of this.

(U) Q: DID YOUR UNIT HAVE ANY INTELLIGENCE WHATSOEVER REGARDING A POSSIBLE UPCOMING ATTACK / AMBUSH IN OR AROUND THE VALLEY / VILLAGE WHERE THE INCIDENT TOOK PLACE?

(U) A: No.

(U) Q: WHAT WERE YOUR ACTIONS FOLLOWING THE START OF THE AMBUSH?

(U) A: As stated earlier, me and [redacted] departed the vehicles, ran to the village, engaged the enemy positions and finally received friendly fire.

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[redacted] – **(SEE ATTACHED OVERVIEW PHOTO OF AMBUSH SITE – PAGE 10, RED LINE**

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[redacted] (Initials)

[redacted]

EXHIBIT 86

PICTS DIRECTION OF TRAVEL, GREEN BOXES DEPICT WHERE WE STOPPED, ANGE LINE DEPICTS ROUTE OF TRAVEL ME AND [redacted] TOOK, GREEN CIRCLE DEPICTS LOCATION ADJACENT TO THE BIG HOUSE WHERE ME AND [redacted] STOPPED AND ENGAGED ENEMY POSITIONS, ENEMY POSITIONS DEPICTED BY BROWN "X'S", DIRECTION OF OUR FIRE DEPICTED BY BROWN DOTS).

(SEE ATTACHED PHOTO, PAGE 11, RED X DEPICTS [redacted] POSITION RED TRIANGLE DEPICTS [redacted] POSITION WHEN INJURED.

Q: WHERE DID THE FIRE, WHICH STRUCK YOU AND THE VILLAGE STRUCTURES INITIATE FROM?

A: From a friendly vehicle, it was from an M240 machine gun.

(SEE ATTACHED OVERVIEW OF VEHICLE POSITIONS AS THEY FIRED ON MR. [redacted] POSITION – PAGE 12, GREEN SQUARE DEPICTS THE APPROXIMATE LOCATION OF [redacted] WHEN HE FIRST NOTICED A FRIENDLY VEHICLE FIRING AT HIS POSITION AND INTO THE VILLAGE, RED DOTS DEPICT DIRECTION OF FIRE BY M240 MACHINE GUN)

Q: COULD YOU IDENTIFY RANGER OR THE SPECIFIC VEHICLE WHICH WAS FIRING ON YOUR POSITION?

A: No, I just knew it was friendlies.

Q: COULD YOU IDENTIFY ANY OF THE OCCUPANTS IN THE VEHICLE THAT FIRED AT U AND INTO THE VILLAGE?

A: No. But I knew [redacted] was manning the .50 cal. I did not visually identify him, but I knew that he manned the vehicle.

Q: WERE THERE ANY SPECIFIC MARKINGS ON THE VEHICLE THAT YOU COULD IDENTIFY?

A: No.

Q: DO YOU RECALL THE APPROXIMATE NUMBER OF ROUNDS FIRED IN YOUR DIRECTION?

A: I estimate there were about 3-5 bursts of 3-5 rounds fired from the M240.

Q: WAS THERE A PRECIEVED THREAT, AMF SOLDIER, LOCAL AFGHANI OR ANY OTHER REASON WHICH WOULD JUSTIFY FRIENDLIES FIRING ON YOU OR THE VILLAGE?

A: No, I only saw a female and a child. I did not see anyone else in the village. I assume he thought I was an Afghani soldier and engaged me with fire.

Q: COULD YOU DETERMINE (BASED ON MUZZLE FLASH OR SOUND), WHAT CALIBER WEAPON WAS FIRED AT YOUR POSITION?

A: Yes, it was 7.62mm.

Q: KNOWING WHERE CPL TILLMANS FINAL POSITION WAS, DID YOU WITNESS ANY FRIENDLIES FIRING ON HIS POSITION FROM VEHICLES OR OTHERWISE?

A: No, but the same vehicle that fired on my position appeared to be firing in the general direction of CPL TILLMAN and the AMF soldier.

Q: WHAT TYPE OF WEAPON WERE YOU FIRING?

M-4, 5.56mm rounds.

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[redacted]

EXHIBIT 86

Q: APPROXIMATELY HOW MANY ROUNDS DID YOU FIRE?
A: 10 – 12 rounds.
Q: WHAT IS THE UNITS SOP AS IT PERTAINS TO ACTUALLY ENGAGING ENEMY WITH SMALL ARMS FIRE?
A: [redacted] I saw muzzle flashes coming from the ridge line and engaged them.
Q: HOW MANY ENEMY DID YOU SEE, CAN YOU DESCRIBE WHAT THEY WERE WEARING?
A: I can't describe what they were wearing, but I did identify several enemy positions, there was also an enemy position across the road and to the left, it was very high on the mountain.
Q: WERE YOU IN COMMUNICATION WITH ANYONE IN THE OTHER SERIAL DURING THE AMBUSH?
A: No. I had it set up to Plt. Frequency, but I did not talk to anyone. Too much was going on, I was hit, [redacted] was hit, we were just trying to figure out what was going on.
Q: WHAT WERE THE ACTIONS OF THE TWO SERIALS FOLLOWING THE AMBUSH?
A: I was MEDEVAC'ed out, I'm not sure what the platoon did.
Q: DID YOUR UNIT ENGAGE THE ENEMY IN THAT AO AT ANYTIME PRIOR TO OR FOLLOWING 22 APR 04?
A: No.
Q: DID MEDICAL PERSONNEL DETERMINE WHAT CALIBER ROUND STRUCK YOUR LEG?
A: They said it was a 7.62 round that hit me in the knee.
Q: WERE ANY FRAGMENTS FROM THE PROJECTILE REMOVED FROM YOUR LEG?
A: No.
Q: WHEN DID YOU BECOME AWERE YOU OF CPL TILLMAN'S DEATH?
A: Not until the next day, the supply clerk told me that he had been killed. I remember there were guards on us while we were in the hospital, I thought it was strange. I later found out it was because media was on [redacted] and they did not want anyone talking to us.
Q: WHAT WAS SAID TO YOU REGARDING CPL TILLMAN'S DEATH?
A: [redacted] informed me that SPC TILLMAN had been killed. He did not elaborate on it, he just told me that he had been hit and killed during the incident.
Q: TO YOUR KNOWLEDGE, WERE ANY PHOTOGRAPHS OR VIDEO TAPE TAKEN AT THE SCENE OF CPL TILLMAN'S DEATH FOLLOWING THE AMBUSH?
A: Not that I know of.
Q: TO YOUR KNOWLEDGE, WAS THERE ANY ANOMYSITY BY ANY MEMBER OF THE UNIT TOWARDS CPL TILLMAN?
A: No, not that I know of. Everyone thought he was a great guy.
Q: TO YOUR KNOWLEDGE, WERE ANY OF THE SQUAD LEADERS IN THE UNIT ENVIOUS, JEALOUS OR HARBOR ANY ILL FEELINGS TOWARDS CPL TILLMAN DUE TO HIS STATUS, FINANCIAL SITUATION OR PHYSICAL ABILITYES?
A: No.
Q: DO YOU KNOW THE DIRECTION AND THE POSITION IN WHICH CPL TILLMAN WAS FOUND FOLLOWING THE FIREFIGHT?
A: No.
Q: DO YOU KNOW WHO FIRST SAW CPL TILLMAN FOLLOWING THE FIREFIGHT?
A: I don't know.

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[redacted] (Initials)

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EXHIBIT 86

Q: WOULD IT BE CONSIDERED UNUSUAL FOR A SOLDIERS REMAINS (BODY PARTS) NOT ACCOMPANY THE DECEASED EVEN THOUGH THEY HAVE ALL BEEN ACCOUNTED FOR?

A: Yes, but [redacted] and [redacted] are the ones who collected CPL TILLMANS remains, I'm sure they were kind of in shock over the whole thing and were not worried about picking up small pieces of flesh and brain matter to transport.

Q: DO YOU KNOW WHY CPL TILLMANS REMAINS ARRIVED CONUS UNCLOTHED AND WITHOUT ANY OF THE EQUIPMENT / GEAR / PERSONEL EFFECTS?

A: No.

Q: DO YOU KNOW WHY CPL TILLMANS BODILY REMAINS DID NOT ARRIVE CONUS IN THEIR ENTIRETY?

A: No.

Q: WHAT HAPPENED TO THE EQUIPMENT CPL TILLMAN WAS WEARING DURING THE AMBUSH?

A: I don't know. I do know that [redacted] received CPL TILLMAN's ruck sack, molle system and that sort of thing. I know there was a diary that CPL TILLMAN maintained that was not in the ruck or the molle gear.

Q: WHAT DO YOU KNOW OF CPL TILLMAN MAINTAINING A PERSONAL DIARY WHILE IN AFGHANISTAN?

A: I saw CPL TILLMAN write in a notebook where he would maintain notes and personal information. I guess it could be considered a diary. Just before the movement on 22 Apr 04, I saw him writing in it and I saw him put it into one of the cargo pockets in his pants. That is the last time I saw it.

Q: DO YOU KNOW WHERE THE DIARY MAY BE?

No.

Q: DO YOU KNOW WHO REMOVED CPL TILLMANS EQUIPMENT?

A: No, but I heard the gear that was contaminated with blood and [redacted] were burned.

Q: DO YOU KNOW OF ANYONE WHO MAY HAVE COME IN CONTACT WITH CPL TILLMANS PERSONAL EFFECTS TO INCLUDE HIS DIARY FOLLOWING HIS DEATH?

A: No.

Q: IS IT COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?

A: No. Sensitive items, and items that can be used would be removed from the body. Additionally, any intell., maps, or items believed to contain OPSEC material would be removed.

Q: IS IT COMMON TO BURN THE EQUIPMENT OF A RANGER KILLED IN ACTION?

A: No, the entire time I have been in the army I have never heard of this. Clothes may be burned due to their being a potential bio-hazzard, but never the gear.

Q: WHO BURNED CPL TILLMANS EQUIPMENT?

A: I heard it was [redacted] that was responsible for burning the equipment – or at least being in charge of the detail that burned the equipment.

Q: DO YOU KNOW IF CPL TILLMANS PERSONAL EFFECTS REMOVED FROM THE POCKETS OF HIS EQUIPMENT PRIOR TO IT BEING BURNED?

A: No.

Q: DO YOU KNOW WHO GAVE THE ORDER TO BURN CPL TILLMANS EQUIPMENT / PERSONAL EFFECTS?

No. But it would have came from higher. The platoon would not have made that decision.

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[redacted] (Initials)

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EXHIBIT 86

[redacted]

Q: IS IT COMMON PRACTICE TO REMOVE A RANGERS PERSONAL EFFECTS FROM HIS BODY / GEAR PRIOR TO HIS REMAINS BEING GIVEN TO THE MEDICAL PERSONEL?

A: No, only sensitive items. Not DCU's or personal effects. It seems that someone would be going out of their way to remove personal effects or DCU's from a deceased soldier.

Q: DO YOU KNOW WHERE CPL TILLMANS REMAINS WERE TAKEN TO IMMEDIATELY FOLLOWING HIS BEING FLOWN OUT VIA MEDEVAC?

A: I know he was delivered to [redacted] I'm not sure exactly where though.

Q: DO YOU KNOW WHO RETRIEVED CPL TILLMANS REMAINS FROM THE CASH HE WAS DELIVERED TO FOLLOWING HIS DEATH?

A: No.

Q: DO YOU KNOW WHO GAVE THE ORDER TO RETRIEVE CPL TILLMANS REMAINS FROM THE CASH HE WAS INITIALLY DELIVERED TO?

A: No.

Q: WHAT IS YOUR OPINION AS IT PERTAINS TO SPLITTING THE PLATOON PRIOR TO THE MOVEMENT?

A: I didn't necessarily like it, if I had to make the decision, I would have had the entire platoon stick together for the movement to the road to drop off the vehicle and to our next objective.

Q: DID THE RANGER SOP CHANGE PRIOR TO YOUR DEPLOYMENT TO TO AFGHANISTAN?

A: Not that I know of.

Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?

A. Yes, I heard there was a platoon meeting while in Afghanistan shortly after the incident, where it was determined that CPL TILLMAN was killed by friendly fire. The platoon knew this, but nothing was said about it. The media kept reporting that he was killed by the enemy. That is all I want to add to this statement.

//END OF STATEMENT//

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[redacted]

EXHIBIT 86

AFFIDAVIT

(U) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 2. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of August 2006.

[redacted]
(Witnessed)

[redacted] SA

[redacted]
(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ
(Authority to administer oath)

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[redacted]
(Initials)

EXHIBIT 86

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 12 Aug 06 CONTINUED.

FRONT

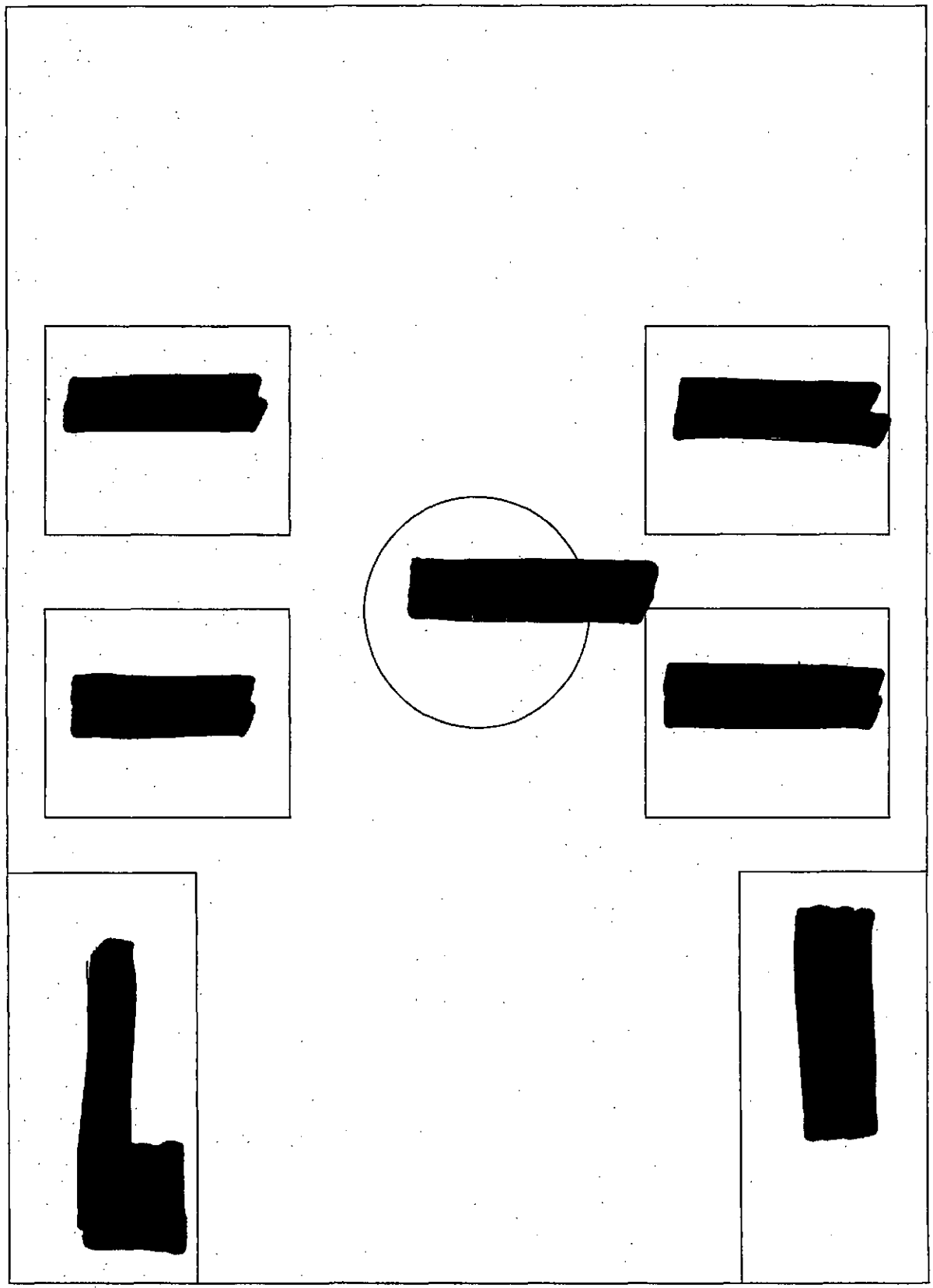

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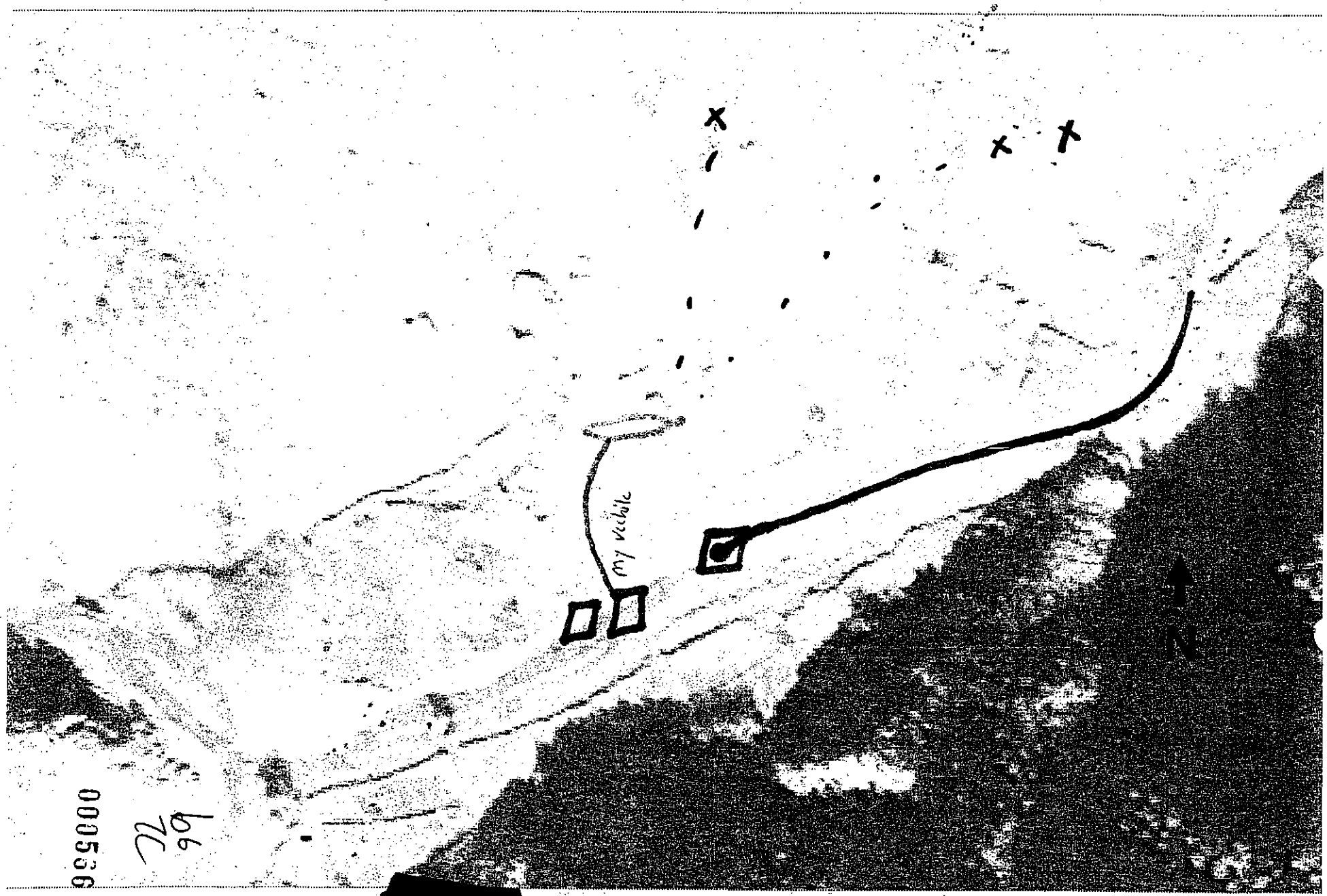
EXHIBIT 86



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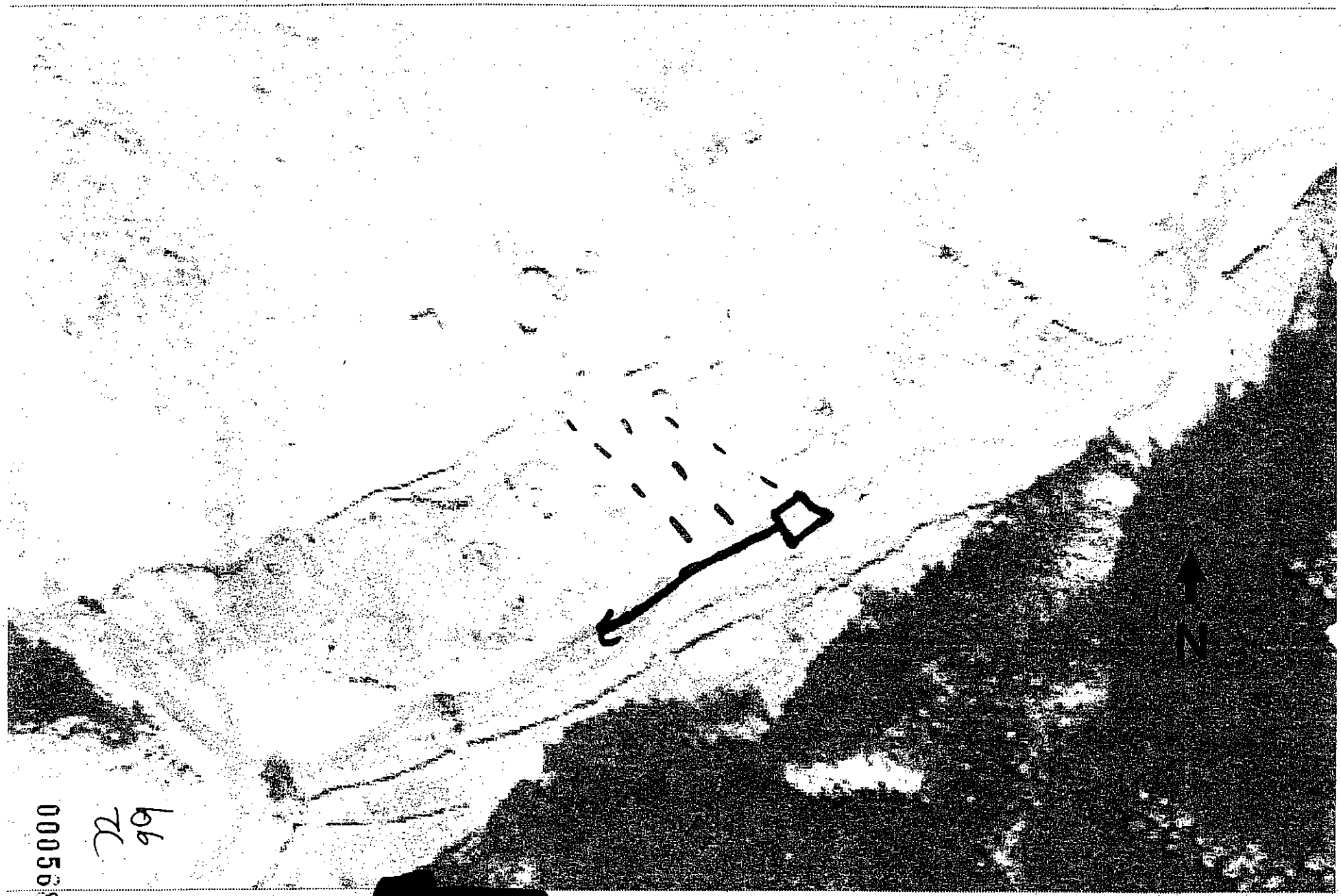
Initials of person making statement [redacted]


04/22/2006

Statement of [redacted], Dated 10 Aug 06 Continued.....



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Initials of person making statement [redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1035, 24 Aug 06, SA [redacted] interviewed [redacted] who stated he was a member of 3rd platoon, with the 2/75th Ranger Rgt, Fort Lewis, WA 98433 (FLWA). [redacted] stated he was a member of the Quick Reaction Force (QRF), which relieved 2nd platoon after the incident occurred and did not witness the ambush or the incident itself. [redacted] assisted in pulling security and clearing local villages after his arrival. [redacted] further stated he did not have any information or knowledge regarding the decision to split the platoon or what happened to CPL TILLMAN's equipment.

(FOUO-LES) About 1225, 28 Aug 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company, 2/75th Ranger Regiment, FLWA, who stated he was just coming on duty at the Tactical Operational Command when the second element of 2nd platoon, A Company, 2/75th Ranger Regiment, FLWA, received enemy contact. [redacted] stated he was not present for the decision to split 2nd platoon into two elements, nor could he speculate as to who made the decision to split the platoon. /// LAST ENTRY ///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 28 Aug 06	EXHIBIT 87

AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER
0072-06-CID343

DETAILS

BASIS FOR INVESTIGATION: About 0900, 31 Jul 06, this office received a Request for Assistance (RFA) from the Field Investigative Unit, Alexandria, VA, regarding their investigation involving the death of CPL Patrick TILLMAN. Specifically requested was an interview of [redacted] S-3, 1/75th Ranger Regiment, Hunter Army Airfield, GA.

About 0610, 28 Aug 06, SA [redacted] and SA [redacted] this office, interviewed [redacted] related he was the Assistant S-3, 2/75th Ranger Regiment, at the time of CPL TILLMAN's death. [redacted] recalled getting ready to come on shift when he was notified that the element, of which CPL TILLMAN was a part, was in "contact". He entered the TOC after receiving this notice. [redacted] related the Battalion Commander was not in the TOC at the time of the incident. Reportedly, he was at another compound at the time. [redacted] stated that if an order to divide the platoon was given, it would have come from [redacted] the S-3. [redacted] left the unit shortly after incident and had nothing further to offer.

STATUS OF INVESTIGATION: All investigative activity has been completed; the matter under investigation is closed in the files of this office. ////////////LAST ITEM////////////

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TYPED AGENT'S NAME AND SEQUENCE NUMBER

[redacted]
PROTECT IDENTITY

ORGANIZATION

SOTF-CID
PO Box 70660
Ft Bragg, NC 28307

000570

SIGNATURE

///ORIGINAL SIGNED///

DATE

30 August 2006

EXHIBIT

1

CID FORM 94-E

FOR OFFICIAL USE ONLY

EXHIBIT 88

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 4 Pages

DETAILS:

(U) At about 1400, 16 Aug 06, SA [redacted] coordinated with [redacted] Former U.S. Commander, Afghanistan, regarding obtaining his assistance in locating predator footage which may have been taken during the TILLMAN incident. [redacted] related that the chances of footage being taken at the incident location during that time frame is minimal and that he had no pertinent information to provide.

(U) At about 1300, 17 Aug 06, SA [redacted] interviewed [redacted] stated that he was deployed as a member of the 2/75th RGR RGT during April of 04, however, he did not have any direct knowledge pertaining to the death of CPL TILLMAN. [redacted] stated that he was a member of the quick reaction force that arrived at the location after the incident occurred. [redacted] could not provide any pertinent information pertaining to this incident.

(U) At about 1300, 21 Aug 06, SA [redacted] interviewed [redacted] did not have any direct knowledge pertaining to the death of CPL TILLMAN. [redacted] stated that he was a member of the quick reaction force that arrived at the location after the incident occurred. [redacted] could not provide any pertinent information pertaining to this incident.

(U) Between 1000 – 1300, 22 Aug 06, SA [redacted] and SA [redacted] coordinated with [redacted] Special Assistant to the U.S. Secretary of Defense, Pentagon, 20050, regarding guidance he may have pertaining to locating possible predator footage which may have been taken during the incident which resulted in CPL TILLMAN's death. [redacted] referred these agents to LTG William G. BOYKIN, Deputy Under Secretary of Defense for Intelligence & Warfare Support, Pentagon, 20050, for additional assistance.

(U) At about 1300, 22 Aug 06, SA [redacted] and SA [redacted] coordinated with LTG BOYKIN regarding the predator footage in question. The meeting did not yield any pertinent information, however, LTG BOYKIN requested this office prepare a formal request for the information, at which time he would coordinate with the Central Intelligence Agency and ensure a review for the requested imagery is conducted.

(U) At about 1400, 22 Aug 06, SA [redacted] generated a memorandum through SA [redacted] Department of the Treasury, Internal Revenu Service, Washington, D.C. 20515, requesting they review the names and social security numbers for the remaining 2/75th RGR RGT, FLW members

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000571	
SIGNATURE [redacted]	DATE 6 SEP 06	EXHIBIT 89

CID FORM 94-[redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 4 Pages

who this office is unable to locate. The memo is requesting their assistance in obtaining addresses and / or phone numbers for the individuals.

(U) At about 1100, 23 Aug 06, SA [redacted] prepared a draft Request For Assistance to the Deputy Under Secretary of Defense for Intelligence & Warfare Support, Pentagon, Washington, D.C., 20050.

(U) At about 1340, 24 Aug 06, SA [redacted] interviewed [redacted] had no pertinent information pertaining to the incident that lead to the death of CPL TILLMAN. [redacted] stated that he did not arrived at the incident site until later in the evening as he was part of the QRF. [redacted] could not provide any additional information pertaining to this case.

(U) At about 1400, 28 Aug 06, SA [redacted] coordinated with [redacted] stated that he was unwilling to provide this office a statement detailing the events which occurred on 22 Apr 04.

(U) At about 1515, 28 Aug 06, SA [redacted] coordinated with [redacted] Fire Arms expert, United States Army Criminal Investigation Laboratory, 4930, North 31st Street, Forest Park, GA 30297 (USACIL). [redacted] was requested to provide this office documentation relating to the probability of .223, 5.56 & 7.62 rounds impacting an area approximately five inches in diameter, from a distance of approximately 80 meters. [redacted] stated that he would generate a memorandum to reflect that the aforementioned is possible.

(U) At about 1030, 30 Aug 06, SA [redacted] coordinated with [redacted] Security Office, Security Coordination Detachment, Humphries Engineer Center, Alexandria, VA, and provided him a copy of the memorandum for the Under SECDEF for OPSEC review.

(U) At about 1300, 30 Aug 06, SA [redacted] coordinated with SA [redacted] and provided him copies of statements provided by [redacted] and [redacted] Additionally, [redacted] was provided digital copies of the crime scene examination

(U) At about 1235, 5 Sep 06, SA [redacted] received a memorandum from [redacted] Firearms Division, USACIL. The memorandum provided information regarding various weapons systems which were employed during the incident with led to the death of CPL TILLMAN. The memorandum reflected that an M240, M249 or M4 Carbine could have caused the wounds sustained by CPL TILLMAN in Apr 04.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 6 SEP 06	EXHIBIT 89

000572

CID FORM [redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 3 of 4 Pages

(U) At about 1420, 5 Sep 06, SA [redacted] coordinated with [redacted] regarding an interview. [redacted] related [redacted] he would not be able to provide a statement at this time.

(U) At about 1500, 5 Sep 06, SA [redacted] coordinated with SA [redacted] Financial Crimes Enforcement Network, USACIDC, regarding her assistance in locating the remaining individuals needing to be interviewed. SA [redacted] was forwarded the list of remaining personal and their SSN's.

(U) At about 0830, 6 Sep 06, SA [redacted] received a reply from SA [redacted] in which she provided addresses for the remaining individuals.

(U) Between 1240 – 1320, 6 Sep 06, SA [redacted] coordinated with the National Information Data Base (National Operator Assistance) and cross checked the addresses provided by SA [redacted] in an attempt to verify the addresses and obtain phone numbers of the individuals needed to be interviewed. The names checked were as follows; [redacted] Of the names checked, the only phone number and address confirmed was that of [redacted] Additionally, [redacted] was listed as having a phone number that was not listed, but the address matched.

(U) At 1330, 6 Sep 06, SA [redacted] attempted to contact [redacted], the phone was answered by a [redacted] who related that there was no [redacted] residing at the residence, and that she did not know anyone named [redacted]

(U) At about 1345, 6 Sep 06, SA [redacted] coordinated with the [redacted] Police Department, Communications Department, [redacted] and requested they attempt to verify the residence of and obtain a phone number to [redacted] Additionally, this Agents phone number was provided to give to [redacted] and requested that he contact this agent as soon as possible.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000573	
SIGNATURE [redacted]	DATE 6 SEP 06	EXHIBIT 89

CID FORM 94-C

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 4 of 4 Pages

(U) At about 1500, 6 Sep 06, SA [redacted] was contacted by [redacted] who related that he had no knowledge of the incident in question, nor was he ever a member of the 2/75th RGR RGT.

(U) At about 1520, 6 Sep 06, SA [redacted] coordinated with [redacted], Judge Advocate, FIU, regarding immunity as it pertains to [redacted] upcoming statement. [redacted] generated a memorandum relating that this office does not have the means to grant immunity to [redacted] The memo was forwarded to [redacted] attorney ([redacted]) as well as DODIG. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 6 SEP 06	EXHIBIT 89

000574

CID FORM 94-E

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

(U) At about 0800, 7 Sep 06, SA [redacted] coordinated with [redacted] Security Coordinations Detachment, Humphries Engineer Center, Alexandria, VA 22315. [redacted] related that the memorandum generated by this office requesting predator drone footage should be classified SECRET / NOFORN.

(U) Between 1235 – 1335, 8 Sep 06, SA [redacted] interviewed [redacted] Former Logistics Officer, 2/75th RGR RGT, FLW (Refused to provide address), regarding his knowledge of the events which led to the destruction of CPL TILLMAN's equipment, while deployed in Afghanistan in Apr 04. [redacted] provided a sworn written statement detailing his knowledge of the events (See Statement for Details). ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000575	
SIGNATURE [redacted]	DATE 8 Sep 06	EXHIBIT 90

CID FORM 94-E

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50048

NAME: [redacted]

DATE/TIME: 8 Sep 06 / 1335 [redacted]

LOCATION: [redacted]

(U) **I, [redacted], want to make the following statement under oath:**

(U) QUESTIONS (Q) = SA [redacted]

(U) ANSWERS (A) = [redacted]

(U) [redacted] AM SPECIAL AGENT (SA) [redacted], FIELD INVESTIGATIVE UNIT (CID). I AM HERE TO OBTAIN YOUR VIEW OF THE EVENTS WHICH OCCURRED ON 22 APRIL 2004, AS THEY PERTAIN TO THE RECEIPT AND PROCESSING OF CPL TILLMAN'S REMAINS AND EQUIPMENT.

(U) In April of 04, I was deployed in Afghanistan. I was the S-4 for the 2/75th Ranger Battalion. My primary duties were to act as the logistics officer for the Battalion. I would sustain the force with all classes of supplies, refit the platoons with ammunition, food and other equipment. That was primarily my job as it pertained to my deployment in Afghanistan.

(U) Q: WERE YOU PRESENT DURING THE INCIDENT WHICH TOOK CPL TILLMAN'S LIFE?

(U) A: No I was not.

(U) Q: WHERE WERE YOU DURING THE INCIDENT?

(U) A: I was at [redacted]

(U) Q: WHAT WERE YOUR DUTIES?

(U) A: I was the S-4 for the Battalion. My duties were as stated above.

(U) Q: WHEN DID YOU FIRST BECOME AWARE OF CPL TILLMAN'S DEATH?

(U) A: We were in the Tactical Operations Center back at [redacted] A message came over the radio with the information that CPL TILLMAN had been killed.

(U) Q: DID YOU RECEIVE CPL TILLMAN'S REMAINS FOLLOWING HIS DEATH?

(U) A: No, I did not receive his remains. His body was brought to [redacted] He was brought to the medical facility, the doctors did whatever it is they do, then his body was [redacted] Afghanistan.

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(U) Q: DO YOU RECALL WHAT TIME / DAY YOU RECEIVED CPL TILLMAN'S REMAINS?

[redacted] (Initials)

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[redacted]

EXHIBIT 91

A: I never received CPL TILLMANS remains. I never saw them.

Q: DO YOU RECALL WHO PROVIDED CPL TILLMAN'S REMAINS TO [redacted] MEDICAL PERSONNEL?

A: I do not know who specifically provided his remains to the medical personnel.

Q: WERE YOU GIVEN GUIDANCE TO DESTROY / BURN CPL TILLMAN'S EQUIPMENT?

A: I was handed an orange bag, it was handed to me by [redacted] He told me that this was CPL TILLMAN's equipment and that it was covered in blood [redacted] and that I needed to dispose of it, I disposed of it according to unit SOP.

Q: WHO REMOVED THE UNIFORM / EQUIPMENT FROM CPL TILLMANS REMAINS?

A: I do not know.

Q: EXACTLY WHAT ITEMS (PERSONAL EFFECTS AND MILITARY GEAR) WERE REMOVED FROM CPL TILLMAN AND PLACED INTO THE BAG?

A: When I opened the bag, I rememberd there were a pair of DCU's, his body armor and a couple of MOLLE pouches, I did not place CPL TILLMAN's equipment into the bag, I removed it them from the bag.

Q: DID YOU INVENTORY THE ITEMS PRIVIDED TO YOU, SPECIFICALLY, DID YOU INVENTORY THE DCU'S OR THE MOLLE POUCHES?

A: I put on rubber gloves and patted the Molle pouches and the DCU's down. I do not believe there were any items in the pockets or the Molle pouches.

Q: WAS THE EQUIPMENT STORED PRIOR TO DESTROYING IT?

A: To the best of my knowledge the equipment was stored for a period of 12-24 hours. I am not sure exactly where the equipment was stored.

Q: WHO HAD ACCESS TO THE EQUIPMENT WHILE IT WAS STORED?

A: I don't know.

Q: EXACTLY WHAT GEAR / EQUIPMENT / PERSONAL EFFECTS WERE DESTROYED?

A: DCU's, top and bottoms, Molle pouches and the body armor.

Q: DO YOU RECALL SEEING ANY PERSONAL EFFECTS OF CPL TILLMAN, SUCH AS A DIARY OR SMALL NOTEBOOK?

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A: No.

Q: DO YOU RECALL ANYONE STATING THAT THEY HAD OBTAINED OR KNEW THE LOCATION OF CPL TILLMAN'S DIARY?

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[redacted] (Initials)

EXHIBIT 91

[redacted]

(U) A: No.

(U) Q: DO YOU RECALL RECEIVING AN AMMUNITION CAN OR SIMILAR CONTAINER CONTAINING ANY REMAINS OF CPL TILLMAN?

(U) A: No.

(U) Q: DO YOU RECALL SPECIFIC DAMAGE / IMPACTS ON THE BODY ARMOR, DCU'S OR MOLLE POUCHES?

(U) A: Yes, one corner of the body armor appeared to have been crushed. I am not sure if this would have been caused by dropping the body armor or if it was the result of an impact from a round. I did not see any damage to the DCU's or the Molle pouches.

(U) Q: DO YOU RECALL SEEING OR COLLECTING U.S. ROUNDS WHICH MAY HAVE BEEN IMPACTED INTO CPL TILLMANS UNIFORM OR QUIPMENT (GREEN TIPS)?

(U) A: No.

(U) Q: IS IT UNCOMMON FOR A SOLDIERS REMAINS (BODY PARTS) NOT TO ACCOMPANY THE DECEASED EVEN IF THEY HAVE ALL BEEN ACCOUNTED FOR?

(U) A: It is my opinion that if the item was considered a bio hazard then it would not accompany the remains back to CONUS.

(U) Q: DO YOU RECALL WHAT REGULATION GOVERNS THE DESTRUCTION OF A DECEASED SOLDIERS REMAINS AND OR EQUIPMENT?

(U) A: Note: Provided AR 735-5, DATED 10 Jun 2002.

(U) Q: OTHER THAN SENSITIVE ITEMS, IS IT ACCEPTED / COMMON PRACTICE TO REMOVE THE CLOTHING AND EQUIPMENT FROM A RANGER WHO IS KILLED IN ACTION?

(U) A: I do not know.

(U) Q: WHAT IS THE NORMAL COURSE OF ACTIONS AS IT PERTAINS TO EQUIPMENT WHICH IS REMOVED FROM A RANGER KILLED IN ACTION?

(U) A: I can tell you what we have done in the past. I would assume the personal equipment would remain with the deceased. If the items were contaminated (bio hazard), they would be destroyed. Items which are accountable on a commanders property book would be retained within the Army system.

(U) Q: WHO BURNED CPL TILLMANS EQUIPMENT?

(U) A: Myself and [redacted] burned the equipment. There was no one else present.

(U) Q: ARE YOU AWARE OF CPL TILLMANS PERSONAL EFFECTS BEING REMOVED FROM THE POCKETS OF HIS EQUIPMENT PRIOR TO YOU RECEIVING HIS REMAINS.

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[redacted] (Initials)

EXHIBIT 91

[redacted]

A: No.

(U) Q: WHY WERE CPL TILLMANS CLOTHING / PERSONAL EFFECTS BURNED?

(U) A: They were considered a bio hazard.

(U) Q: WAS THERE SPECIFIC GUIDANCE GIVEN TO YOU BY ANYONE IN YOUR CHAIN OF COMMAND TO BURN CPL TILLMANS EQUIPMENT / PERSONAL EFFECTS?

(U) A: No, I went with what the units standard operating procedure was.

(U) Q: IS IT COMMON PRACTICE TO REMOVE A RANGERS PERSONAL EFFECTS FROM HIS BODY / GEAR PRIOR TO HIS REMAINS BEING GIVEN TO THE MEDICAL PERSONEL?

(U) A: My opinion is that personal items would have remained with him until his remains arrived at the CASH.

(U) Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?

(U) A.No.

//END OF STATEMENT//

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[redacted] (Initials)

EXHIBIT 91

[redacted]

AFFIDAVIT

(U) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 5 . I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of September 2006.

(Witnessed by)
[redacted]

[redacted]
(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ
(Authority to administer oath)

[redacted]

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(Initials)

[redacted]

EXHIBIT 91

tolerance authorized by AR 30-18, paragraph 5-10, or if the approving authority for DA Form 4170-R does not approve the gains or losses.

b. Overdrawn or underdrawn meal status, ARNG. Bring overdrawn or underdrawn meal status in excess of the authorized tolerance factors for annual training or inactive duty training into tolerance per AR 30-1, paragraph 8-4.

14–18. Losses of cashmeal payment sheets, DD Form 1544 (Cash Meal Payment Book) and money collected as payment for meals in a dinning facility

Losses of cashmeal payment sheets and/or money collected as payment for meals in a dinning facility require an investigation under AR 15-6 per AR 30-1, paragraph 11-2. A report of survey will be initiated to account for the lost form(s) and/or money, and to assess financial liability if negligence is found.

14–19. Destruction of contaminated clothing and equipment

a. Individual clothing. Replace contaminated individual clothing directed to be destroyed by medical authority using gratuitous issue procedures DA Form 3078, (Personal Clothing Request). (See AR 700-84, paragraph 5-4b, for detailed instructions.)

b. Organizational clothing. Contaminated organizational clothing and individual equipment destroyed by direction of medical authority, will be adjusted from property records. List this property on a memorandum, bearing a signed statement naming the medical officer who directed the destruction of the articles, and the signature of the unit commander. When received by the person maintaining the accountable record, a document number will be assigned to the memorandum, and memorandum posted as a loss to the accountable record(s).

14–20. Disassembled or cannibalized major items, kits, or assemblies

When a major item (except aircraft), kit, or assembly is disassembled or cannibalized according to instructions of the appropriate wholesale item manager, an adjustment to the stock record account is required. Adjustments are made using inventory adjustment report (IAR) procedures as prescribed in paragraph 14-28, or turn-in documents as prescribed in AR 710-2. A report of survey is not normally required for this type of adjustment to the property record. However, report of survey procedures may be used to investigate the circumstances causing the property to be damaged.

14–21. Losses incident to taking part in joint exercises and operations

Property belonging to Army or ARNG units taking part in joint exercises or operations will not lose its Army or ARNG identity. It remains the property of the Army or ARNG unit or organization involved. Account for losses of, or damage to, such property according to this regulation.

14–22. Property determined to be unsafe for further use or storage because of age

Supplies such as drugs, biologicals, ammunition, chemicals, parachutes, or other supplies of a similar nature, determined to be unsafe or unsuitable for further use or storage beyond a specified date by the wholesale item manage, or The Surgeon General (TSG) will receive disposition instruction as follows:

a. On hand quantities of these items may be disposed of at any locality, as specified in instructions published in Army supply bulletins and other approved media.

b. List quantities for disposal on the proper turn-in forms according to AR 710-2, or AR 40-61 for medical commodities. These forms may be used as vouchers to drop the property from the accountable records if the following data is furnished and confirmed by the accountable officer.

(1) A supply bulletin or other competent directive is cited authorizing the disposal of the supplies.

(2) Reference to records or data is cited by which—

(a) The supplies may be positively identified as pertaining to a designated lot.

(b) The supplies have been procured or issued before a date specified in the supply bulletin, or applicable regulations may not be available.

c. If such records or data are not available, a report of survey will be initiated.

14–23. Property ordered to be abandoned

In the course of combat, contingency operations, large-scale field maneuvers involving simulated combat conditions, military advisory activities, or to meet other military requirements, situations may develop requiring the abandonment of property.

a. When abandonment of property is necessary, written authorization to abandon the property will specify the circumstance leading to the abandonment decision. The authorization document may not be prepared until after abandonment has occurred. This will not matter providing the installation or division commander (State Adjutant General ARNG) approves the authorization document.

b. If the authorization document is not approved, a report of survey or AR 15-6 investigation will be initiated.

c. The approved authorization document will be used as the voucher to adjust the accountable records.

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EXHIBIT 91

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1245, 5 Sep 06, SA [redacted] received a U.S. Army Criminal Investigation Laboratory (USACIL) report, which detailed the forensic examination of a flashlight. The report indicated that the damage sustained to the flashlight was consistent with a high speed projectile such as a bullet. The bullet entered the lens and exited the right side of the flashlight. The report further stated the caliber of the round that could have caused the damage is consistent with being a .30 caliber or a 7.62mm round.

(FOUO-LES) About 1300, 5 Sep 06, SA [redacted] interviewed [redacted] Joint Special Operations Command (JSOC), Fort Bragg, NC 28310, who stated he oversaw the critical event debriefing, which occurred several days after the incident. [redacted] stated he did not have direct knowledge regarding the decision to split the platoon or who destroyed the equipment of CPL TILLMAN. [redacted] stated he received indirect knowledge of the decision to split the platoon from the critical event debriefing, which revealed the decision came from the Collection Forward Targeting Commander, [redacted]

(FOUO-LES) About 1616, 8 Sep 06, SA [redacted] interviewed [redacted] who rendered a sworn statement stating to the best of his recollection, [redacted], ordered him to split 2nd platoon up, which in-turn was given to the executive officer and then to 2nd platoon. (See Sworn Statement for details)

(FOUO-LES) About 1300, 12 Sep 06, SA [redacted] and SA [redacted] provided [redacted] DUSD (I), Pentagon, Washington D.C., with a Request For Assistance, dated 12 Sep 06, in an attempt to determine if predator footage of the incident, which led to CPL TILLMAN's death was available.

(FOUO-LES) About 1340, 19 Sep 06, SA [redacted] interviewed [redacted] who stated he was a member of the Quick Reaction Force (QRF), which arrived on scene after the incident involving CPL TILLMAN occurred. [redacted] stated he had no direct knowledge regarding how CPL TILLMAN was found or what happened to his equipment.

(FOUO-LES) About 1450, 19 Sep 06, SA [redacted] interviewed [redacted] who stated he was a member of the QRF, which arrived on scene after the incident involving CPL TILLMAN occurred. [redacted] stated he had no direct knowledge regarding how CPL TILLMAN was found or what happened to his equipment.

(FOUO-LES) About 1330, 20 Sep 06, SA [redacted] interviewed [redacted] who stated he was a member of the QRF, which arrived on scene after the incident involving CPL TILLMAN occurred. [redacted] stated he only pulled security from a vehicle the entire time he was at the scene and did not have any other information regarding the incident. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE: 20 Sep 06	EXHIBIT: 92 000582

[redacted] 0013-06-CID201-50048

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Washington, D.C. 20006	20060908 [redacted]	1615 [redacted]	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION

9. [redacted] I, [redacted] want to make the following statement under oath:

(U) Q: SA [redacted]

(U) A. [redacted]

(U) Q: Could you please describe the events as you recall them on or around 22 Apr 04?

A: I was the commander of A Company, 2nd Battalion, 75th Ranger, Regiment. On the night of the 21st, the morning of the 22nd Apr 04, I flew out of BCP 5, back to Khowst, Afghanistan. When I flew out I knew that 2nd platoon had a broken down vehicle, which they were attempting to fix. I spent the morning conducting coordination's for future operations at [redacted] When I got back to [redacted] I found out 2nd platoon still had a broken down vehicle, that their movement had stopped in the village of Mana/Maghara, and that they did not have the means to drag the vehicle any further. The command and staff in the TOC then began brainstorming courses of action to meet three criteria. First we knew that we could not abandon the broken vehicle in zone and that it had to be evacuated. Second, we still had to confirm or deny enemy presence in the village of Tit. Third we had to accomplish both of these in a manner that allowed us to transition into future operations in accordance with our timeline. The first course of action we discussed was to attempt to sling load the vehicle out of the area. [redacted] stated they could not sling load the vehicle out because they did not have the assets. I don't remember who said it, but someone in the TOC came up with the idea to requisition a Jinga truck and have the vehicle towed out of the area. The second course of action once we established that a Jinga truck would tow the vehicle was whether the Jinga truck would bring the vehicle all the way back to [redacted] or meet the platoon half way between their position and [redacted] We also entertained the idea of having a wrecker attempt to meet the platoon at their location and tow the vehicle. The course of action that allowed us to accomplish all of our criteria was having the Jinga truck with the broken vehicle meet the wrecker half way. All of this took approximately 2 hours or so. During this time [redacted] told me that we could not have the entire 2nd platoon stopped for one broken down vehicle. To the best of my recollection, the order I received from [redacted] was to split the platoon. I then told my XO, [redacted] to relay those orders over email to 2nd platoon, while I continued to coordinate for the movement of the wrecker and plan for our future operations. The final plan called for second platoon to split the platoon with one section going to Tit village for clearing operations, and the second element to escort the Jinga truck with the broken down GMV and meet the wrecker. At [redacted] the plan was to send half a platoon from C Company to escort the wrecker to meet the 2nd element of 2nd platoon at the designated link up point. Then my XO told me that he was getting some feed back from 2nd platoon that they did not want to split up. I then spoke to [redacted] who was with me at [redacted] I asked him what he thought of splitting the platoon. I told him that I did not want to do it but was told to do so by [redacted] stated did not want to split the platoon either. That is when I started war gaming in my mind other options we

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 4 PAGES

[redacted]

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could pursue without having to split the platoon. The bottom line was I could not come up with another course of action to meet the needs of the mission, i.e. bringing the vehicle back to the FOB, continuing the mission and within the specified time. I looked at the platoon to see if they had the assets to split the platoon, which they did. Each element could have satellite communications, two big guns in a Mark-19 or a .50 Caliber machine gun, a Forward Observer, and an element of the platoon leadership. 2nd platoon met those requirements. That gave me comfort in knowing this. We had spent 2 weeks in this area conducting operations, clearing villages, speaking with village elders, and the unit determined there was no enemy present. Based on the assets that second platoon had and my estimation of the enemy situation, I could not come up with a better alternative and the platoon executed the plan. This occurred around mid-afternoon. The next thing that happened after 2nd platoon split up was that we were receiving reports that they were receiving enemy contact.

Q: What was your location when 2nd platoon was attempting to tow the broken down GMV in Mana/Magarah, Afghanistan?

A: While they were trying to move I believe I was at [redacted] conducting the coordination's.

Q: Who were the parties involved in the decision to split the platoon?

A: Myself and [redacted]

Q: Where was the decision to split the platoon made?

A: In the TOC at [redacted]

Q: Who came up with the idea to split the platoon into two elements?

A: My understanding after talking to [redacted] was that he wanted to split the platoon.

Q: Was there any discussion on the decision to split the platoon?

A: There really was no discussion; [redacted] told me that we could not have the entire platoon stopped for one vehicle.

Q: Were there any witnesses to this discussion?

A: I don't know who else heard it.

Q: Do you remember who was in the TOC at this time?

A: I don't remember.

Q: Was there any disagreement on the decision to split the platoon? If so who and why?

A: [redacted] was sending emails back to my XO, in which he stated he disagreed with the decision to split the platoon. I don't know the specific reasons [redacted] had for not wanting to split the platoon.

Q: Did you ever go back to [redacted] after your initial discussion with him and after [redacted] stated he disagreed with the decision?

A: I don't remember doing that, because I did not have a viable alternative course of action that met all mission requirements to present him with.

Q: Who was the order to split the platoon given to?

A: [redacted] gave me the order verbally, I gave the order to [redacted] verbally and [redacted] gave the order to [redacted] over email.

Q: Was it standard practice to split platoon size elements into two or more elements prior to the TILLMAN incident for convoy movement?

A: It depends on the mission, if the platoon is going to the same location then no; we would not split the platoon up. If there were multiple destinations then we would split up to accomplish the mission.

Q: Was it standard practice to split platoon size elements into two or more elements after the TILLMAN incident?

A: Nothing in writing, the situation never came up where we had to split an element up again, but we did continue to operate in squad size elements in our zone like before.

Q: Did you and [redacted] discuss the decision to split the platoon after the incident occurred?

A: Yes, several days after the incident, during the after action review, [redacted] asked where the decision to split the platoon came from. I pulled him off to the side and said what do you mean; you are the one who told

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STATEMENT OF [redacted] TAKEN AT Washington, D.C. DATED 6 Sep 06

me to do it. He said that he did not remember doing that. In my mind, replaying the situation, when I gave [redacted] the order to split the platoon, I 100% thought that was what [redacted] told me to do.

Q: Were you ever told/ordered to take responsibility for the decision to split the platoon after the incident occurred?

A: No. I have always taken responsibility for literally giving this order to [redacted] I am the commander and I gave the order to split the platoon. [redacted] did not give the order to the platoon, he gave it to me. I was under the 100% understanding that is what [redacted] wanted done, until he came back and denied giving the order, that is what makes me second guess myself.

Q: Do know what happened to CPL TILLMAN's remains and equipment?

A: I know his body was [redacted] and then back to the states. When we got out to the ambush site, the [redacted] and [redacted] were walking around talking about what happened. I remember they had collected some [redacted] told me that he had collected some [redacted] I did not see him do this. I think the [redacted] was in a MRE bag or a can. 1SG sent the bag or can back with 2nd platoon once they left the area. I never saw CPL TILLMAN's body or the [redacted]

Q: Do you have anything else to add to your statement?

A: No. ///End of Statement/// [redacted]

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STATEMENT OF [redacted]; TAKEN AT Washington, D.C.; DATED 8 Sep 06

AFFIDAVIT

(U) I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 8th day of September, 2006
at Washington, D.C.

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

Art 136, UCMJ
(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 4 PAGES

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[redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201- 50048
	Page 1 of 1 Pages

DETAILS:

(FOUO-LES) About 1920, 22 Sep 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company(HHC), 75TH Ranger Regiment (75TH RGR RGT), Fort Benning, GA 31905 (FBGA), pertaining to his whereabouts during the April 22, 2004 timeframe. [redacted] related he was not with CPL TILLMAN's platoon at the time of the incident. Subsequently, [redacted] had no additional information to add pertaining to this investigation.

(FOUO-LES) About 0920, 26 Sep 06, SA [redacted] interviewed [redacted] HHC, 75TH RGR RGT, FBGA, wherein he provided a Sworn Written Statement detailing his account of burning CPL TILLMAN's clothing/equipment, which [redacted] gave to him with instructions to burn it. (See Sworn Statement for details)

(FOUO-LES) About 1330, 26 Sep 06, SA [redacted] re-interviewed [redacted] HHC, 75TH RGR RGT, FBGA, pertaining to his Sworn Statement obtained by this agent on 23 Mar 06. This agent queried [redacted] for clarification on what clothing/equipment he burned and what clothing/equipment [redacted] burned. [redacted] related he burned everything except for CPL TILLMAN's Ranger Body Armor. This agent specifically asked [redacted] if he burned CPL TILLMAN's uniform. [redacted] was certain that he burned CPL TILLMAN's uniform.

Agent's Comment: This interviews cleared up the discrepancy of the two separate burning's. However, one discrepancy remains, as [redacted] and [redacted] both affirmed they burned CPL TILLAMN's uniform at two different times. A follow up lead, interview of [redacted], 5/14 Cavalry, Schofield Barracks, HI has been scheduled.

(FOUO-LES) About 1700, 27 Sep 06, SA [redacted] coordinated with [redacted] requesting an interview. The interview was scheduled for 1200, 03 Oct 06. /// LAST ENTRY ///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 27 Sep 06	EXHIBIT 94

CID FORM 94-E

000587

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50049

NAME/SSN/GRADE/UNIT: [redacted] E-06, 75TH Ranger Regiment, Fort Benning, GA 31905

DATE/TIME: 26SEP06 1107 [redacted]

LOCATION: Ranger Operations Center, Fort Benning, GA 31905

[redacted] **want to make the following statement under oath:** The night that CPL TILLMAN was killed, I first heard that their were casualties, as A Company was ambushed. I did not know the extent of the casualties' injuries or anything like that. The casualties were CPL TILLMAN, [redacted] and his RTO. The only casualty that I am certain came back to the FOB was CPL TILLMAN. Other than the three aforementioned individuals, I am not sure who else came back. At that time, I was in my tent. [redacted] came to my tent and put a lock on communications, which is SOP. [redacted] then came to me with an orange plastic bag containing CPL TILLMAN's clothes. He then related that he wanted me to burn what was in the bag for security purposes. Additionally, [redacted] related he wanted me alone to burn what was in the bag to prevent security violations, leaks, and rumors. [redacted] also related to me CPL TILLMAN was dead. I then took the bag to the back of [redacted] I got a burn barrel and started it up. I began placing items of clothing into the burn barrel. [redacted] came out one time to ensure that everything was going alright. He then left. At that time it was just me out there burning CPL TILLMAN's clothing. [redacted] then came back right at the end, when I was finishing.

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: What items were in the orange plastic bag?

(U) A: CPL TILLMAN's DCU top, bottoms, socks, gloves, and I believe the RBA.

(U) Q: Are you certain you burned the RBA?

(U) A: I am pretty sure I burned his RBA. I vividly recall one armor plate that I burned because when I looked at the plate, there appeared to be an indention in the top right corner which I thought may have been where a round had impacted.

(U) Q: Can you describe the Top?

(U) A: It was a desert DCU top. It was ripped and covered in blood. I recall seeing CPL TILLMAN's nametape on it.

(U) Q: Can you describe the Bottom?

(U) A: It was a desert DCU bottom. The top half of the bottoms were soiled and stained, and contained some blood as well.

(U) Q: Can you describe the socks?

(U) A: I believe the socks were not totally bloody, but there were some blood on the socks. I cannot recall anything else about them.

(U) Q: Can you describe the gloves?

(U) A: The gloves were obviously dirty and stained. I think they had a little blood on them too.

(U) Q: Regarding the RBA, what was contained on it?

(U) A: It had some pouches, which were soiled in blood. The RBA itself was soiled with blood as well.

(U) Q: Do you recall if the pouches had anything in them? [redacted]

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[redacted]
(Initials)

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[redacted]

EXHIBIT 95

(U) I believe they emptied them before they gave them to me (they being the medics). I think there was some random trash, papers, pens.
(U) Q: Do you recall seeing any notebooks?
(U) A: I saw one small notepad, which contained operational stuff on it. It was real small. It looked like one of our standard pads we keep our notes in. I looked in it and saw an objective name on the front page. I did not look further. I then burned it.
(U) Q: Did you have any contact with CPL TILLMAN's body?
(U) A: No.
(U) Q: Do you know who gave [redacted] the bag?
(U) A: No.
(U) Q: What was the current SOP regarding the disposal of contaminated equipment?
(U) A: I did not know of one, I just thought it was common sense to burn clothes that were bloody as they were of no use to anyone and it is a health issue.
(U) Q: Do you recall if the equipment was stored, prior to your burning it?
(U) A: I do not know.
(U) Q: Do you recall seeing any personal effects in the bag, such as diary?
(U) A: I really do not recall. It was dark.
(U) Q: Do you recall anyone stating that they had obtained or knew the location of CPL TILLMAN's diary?
(U) A: No.
(U) Q: Do you recall ever seeing or receiving an ammo can containing any remains of CPL TILLMAN?
(U) A: No.
(U) Q: Do you recall seeing any U.S. rounds or green tips anywhere in the items?
(U) A: No.
(U) Is it uncommon for a soldier's remains (body parts) not to accompany the deceased even if they have all been accounted for?
(U) A: I would assume that all parts travel with the body they belong to.
(U) Q: Do you recall what regulation governs the destruction of a deceased soldier's remains and or equipment?
(U) A: No.
(U) Q: Other than sensitive items, is it common to remove clothing/equipment from a Ranger who had been killed?
(U) A: Yes.
(U) Q: What was commonly done with the clothing/equipment once removed?
(U) A: It was destroyed.
(U) Q: Other than [redacted] was there anyone else present when you burned the equipment?
(U) A: No.
(U) Q: Are you aware of any personal effects that may have been removed from the equipment, prior to your receiving it?
(U) A: No.
(U) Q: Why were the CPL TILLMAN's clothing and equipment burned?
(U) A: In my opinion, for sanitary reasons.
(U) Q: Do you have anything else you wish to add to your statement? [redacted]
(U) A: No.///END OF STATEMENT/// [redacted]

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[redacted]
(Initials)

[redacted]

EXHIBIT 95

[redacted]

Statement of [redacted], taken at the Rangers Operations Center, Fort Benning, GA 3[redacted] on 26 September 2006 Continued:

AFFIDAVIT

(V) I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 3. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of September 2006, at the Rangers Operations Center, Fort Benning, GA 31905

[redacted]
(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted]

Art 136, UCMJ
(Authority to administer oath)

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[redacted]
(Initials)

[redacted]

EXHIBIT 95

[redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID201-50048

PAGE 1 OF 1 PAGE

DETAILS

([redacted]-LES) About 1303, 3 Oct 06, SA [redacted] this office interviewed [redacted] HHT, 5th BN, 14th Cavalry Regiment, 25th Infantry Division, Schofield Barracks, HI in reference to his involvement with items belonging to CPL TILLMAN which were subsequently burned. [redacted] stated his purpose for going to the morgue at [redacted] was to positively identify CPL TILLMAN's body. Following his identification of the body, to assist the morgue technician, he removed CPL TILLMAN's body armor and NOMEX (aviator) flight gloves and placed both of these items in either a aviator's kit bag or an orange plastic bag and handed the bag and it's contents off to [redacted] the unit supply officer. See sworn statement for further details.//Last Entry//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
[redacted]	FIELD INVESTIGATIVE UNIT 701st MP Group (CID), USACIDC 7701 Telegraph Road, Alexandria, VA 22315	000591
SIGNATURE [redacted]	DATE 3 Oct 06	EXHIBIT 96

CID FORM 94 FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE
1 FEB 77

[redacted]

Exhibit 96

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 *(SSN).*
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Hawaii Field Office, Schofield Barracks, HI	2006/10/03 [redacted]	1303 HRS	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS
HHT, 5th BN, 14th Cavalry RGT, 25th ID, Schofield Barracks, HI

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

This statement is being provided to help clarify the chain of custody of some of CPL TILLMAN's belongings shortly after his death. At the time of CPL TILLMAN's death I was the HHC 1SG/senior enlisted soldier for our element at FOB Salerno.

Q: SA [redacted]
A: [redacted]

Q: How did you come to be in possession of a bag with CPL TILLMAN's belongings?
A: One of the medical personnel assigned to the FST asked me to come back to the morgue to identify the body of CPL TILLMAN. I proceeded to the morgue and positively identified the body as CPL TILLMAN's. The female soldier there was hesitant to remove the body armor so I told her I would do it. He was wearing his body armor, DCU's, boots, and NOMEX (aviator) flight gloves and his dog tags. I placed his body armor and his gloves into a bag.
Q: What happened to CPL TILLMAN's DCU's, boots and dog tags?
A: The dog tags I gave to [redacted] the next morning. The DCU's and boots I have no idea what happened to them.
Q: Were the DCU's and boots still on CPL TILLMAN's body when you left him?
A: Yes sir.
Q: What did you place in the bag?
A: The body armor and the NOMEX gloves.
Q: Can you describe the bag?
A: I don't remember whether the bag was orange or an aviator's kit bag.
Q: What was the time frame following CPL TILLMAN's arrival at the morgue till you went back to identify the body?
A: It was within half an hour.
Q: Did you receive any instructions from anyone regarding what to do with the contents of the bag?
A: No.
Q: What did you do with the bag?
A: I believe I gave the bag to [redacted] who subsequently burned it the following day.
Q: Were you present when the bag and it's contents were burned?
A: No sir.
Q: Was the bag ever stored or held before you released the bag to [redacted]?
A: No.
Q: Were there any personal effects present on CPL TILLMAN or in his DCU's or body armor?
A: Other than his dog tags no. None that I saw.
Q: Did you notice or see a diary on CPL TILLMAN's person?
A: No sir.
Q: Was there anything else on CPL TILLMAN's body?
A: Aside from standard uniform items, no. My purpose was to identify the body and nothing else. I ended up removing the body armor only because the young female soldier there seemed squeamish about doing it herself.
Q: Can you identify the female who was with you in the morgue?
A: No, I believe she was an [redacted] and I know she was a guardsman or reservist.
Q: Is there anything else you would like to add to this statement?
A: No.//END OF STATEMENT//

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted], TAKEN AT ____ DATED ____" 000592

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

Exhibit 97

STATEMENT OF [redacted] TAKEN AT HAWAII FO DATED 2006/10/03

STATEMENT *(Continued)*

NOT USED

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of October, 2006 at Hawaii Field Office, Schofield Barracks, HI

[redacted]
(Signature of Person Administering Oath)

SA [redacted], FIU
(Typed Name of Person Administering Oath)

Art 136, UCMJ
(Authority To Administer Oaths)

000593

INITIALS OF PERSON MAKING STATEMENT [redacted]

Exhibit 97

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 3 Pages

DETAILS:

(U) About 1300, 12 Sep 06, SA [redacted] and SA [redacted] provided [redacted] DUSD(I), Pentagon, Washington D.C., with a Request For Assistance, dated 12 Sep06, in an attempt to determine if predator footage of the incident which led to CPL TILLMAN's death was available.

(U) At about 1300, 13 Sep 06, SA [redacted] received a message from [redacted] (via SAFI Alert), [redacted] relating that she has information pertaining to two of the names submitted for review. [redacted] left a voice mail [redacted].

(U) At about 1600, 13 Sep 06, SA [redacted] coordinated with [redacted] who provided the following information pertaining to [redacted] and [redacted]:

[redacted]

(U) At about 1115, 14 Sep 06, SA [redacted] coordinated with [redacted] claimed he was not the [redacted] this office was looking for as he was never a member of the 2/75th RGR RGT.

(U) At about 1000, 15 Sep 06, SA [redacted] coordinated with [redacted] United States Army Criminal Investigation Laboratory, Ft. Gillem, GA, 30050 (USACIL), regarding the elemental analysis on the flashlight. [redacted] stated that he had not completed his examination of the previous request by this office, and that he would not have the capability to determine if the residual metal left by the round that traveled through the flashlight originated from U.S. or foreign rounds. [redacted] referred this agent to [redacted] ARMY ARDEL, METALLIC MATERIALS TECHNOLOGHY BRANCH, PPRC, EWETD, AETL (BLDG – 60),PICATINNY, N.J. 07806-5000 for additional assistance in this matter.

(U) At about 1320, 15 Sep 06, SA [redacted] coordinated with the [redacted] Police Department Dispatch, [redacted] This agent requested their department drive by [redacted] and determine if [redacted] resides at the location. If so, it was requested that they provide him with this agent's phone number and that he contact this office ASAP.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 4 Oct 06	EXHIBIT 98

CID FORM 94-E

000594

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 3 Pages

(FOUO-LES) At about 1400, 18 Sep 06, SA [redacted] coordinated with [redacted] regarding the flashlight and the elemental analysis issue. [redacted] stated that [redacted] would be the individual who could conduct the examination of the flashlight. [redacted] requested an e-mail be forwarded to him requesting that they forward the flashlight to [redacted] following the completion of their examinations.

Note: An e-mail was forwarded to [redacted] requesting the flashlight be forwarded to [redacted]

ARMY ARDEL
METALLIC MATERIALS TECHNOLOGHY BRANCH
PPRC, EWETD, AETL (BLDG – 60)
PICATINNY, N.J. 07806-5000

following their completion of examinations on the flashlight.

(U) At about 1430, 18 Sep 06, SA [redacted] coordinated with [redacted] and briefed her on the status of the flashlight as well as the examination requested by this office. [redacted] stated that she would attempt to determine if the flashlight was struck by a NATO round upon its receipt.

(U) At about 0900, 19 Sep 06, SA [redacted] received e-mail from DODIG which questioned whether or not [redacted] decision should be considered as being sufficient to warrant a UCMJ violation. Attached were 15-6 investigation excerpts from various statements relating to the issue. All excerpts, as well as [redacted] 22 Mar 06, Sworn Written Statement were reviewed.

(U) At about 1100, 19 Sep 06, SA [redacted] briefed [redacted] on the DODIG e-mail, and provided all documentation pertaining to [redacted] and the possible UCMJ violation.

(U) At about 1230, 19 Sep 06, [redacted] completed his review of the aforementioned documents. His opine was that there is no UCMJ violation on the part of [redacted] and that he made a command decision to alter the route due to safety considerations.

(U) At about 1230, 20 Sep 06, SA [redacted] coordinated with the [redacted] Police Department dispatch for a second time. This agent requested their department drive by [redacted] and determine if [redacted] resides at the location. If so, it was requested that they provide him with this agents phone number and that he contact this office ASAP.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 4 Oct 06	EXHIBIT 98

CID FORM 94-E

000595

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 3 of 3 Pages

(U) At about 1330, 3 Oct 06, SA [redacted] coordinated with the [redacted] Police Department dispatch for a third time. This agent requested their department drive by [redacted] and determine if [redacted] resides at the location. If so, it was requested that they provide him with this agent's phone number and that he contact this office ASAP. [redacted]

(U) At about 0900, 4 Oct 06, SA [redacted] coordinated with SA [redacted] USACIL, regarding forwarding of the flashlight to [redacted] U.S. Army ARDEL, NJ for metallurgic comparison. SA [redacted] related that there was no need for this office to forward any documentation regarding the additional examination. [redacted] related that their office would generate any documentation and would forward the flashlight for the elemental analysis.

(U) At about 1320, 4 Oct 06, SA [redacted] coordinated with [redacted] regarding an inconsistency in the sworn written statement of [redacted] in which [redacted] related that [redacted] exited the GMV prior to initiating fire on the hillside where the AMF soldier and CPL TILLMAN were positioned. [redacted] related that he was absolutely positive that he did not exit the vehicle prior to engaging the AMF soldier and that he did not exit the vehicle at any point during the incident.

(U) At about 1330, 4 Oct 06, SA [redacted] coordinated with [redacted] regarding his sworn statement in which he related that [redacted] exited the GMV prior to initiating fire on the AMF soldier and CPL TILLMAN's position. [redacted] related that he is not sure if [redacted] actually exited the vehicle or not. [redacted] stated that the inconsistency in his sworn written statement provided to this office was due to the lapse of time that had occurred between the day of the incident and when he provided the statement.

(U) At about 1345, 4 Oct 06, SA [redacted] coordinated with the [redacted] police department regarding [redacted] Coordination was made with [redacted] who related that he had no pertinent information to provide pertaining to the incident which occurred in Afghanistan.
///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 4 Oct 06	EXHIBIT 98

CID FORM 94-E

000596

~~FOR OFFICIAL USE ONLY~~

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

About 1315, 10 Oct 06, SA received an email from which included a memorandum stating that the initiated a query to all organizations that might have filmed or received video footage from Predators or any other air platforms in the vicinity of during ground combat actions that occurred at approximately (See Memorandum dated 5 Oct 06 for details. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE	DATE 10 Oct 06	EXHIBIT 99

CID FORM 94-E

000597

~~FOR OFFICIAL USE ONLY~~

[redacted]

UNITED STATES SPECIAL OPERATIONS COMMAND
OFFICE OF THE DEPUTY COMMANDER
7701 TAMPA POINT BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

5 October 2006

MEMORANDUM FOR LTG William G. Boykin, Deputy Under Secretary of Defense for Intelligence and Warfighter Support, Pentagon, Washington, D.C. 20050

SUBJECT: Report of Investigation [redacted] into the Death of CPL Patrick Tillman) [redacted]

Reference: Office of the Under Secretary of Defense (Intelligence and Warfighter Support), 22 Sep 06, Subj: Report of Investigation [redacted] into the Death of CPL Patrick Tillman) [redacted]

1. [redacted] In response to your request, United States Special Operations Command initiated a query to all organizations that might have filmed or received video footage from Predators or any other air platforms in the vicinity of [redacted] during ground combat actions that occurred at approximately [redacted]

2. [redacted] Neither the operational commanders nor any of the units that provided logistics, operations or intelligence support to that mission are aware of any air platforms near [redacted] at that time. All available sources, data banks and video files have been thoroughly searched. No video footage of that ground action is known or suspected to exist.

ERIC T. OLSON
Vice Admiral, U.S. Navy
Deputy Commander

Cc: Field Investigation Unit, U.S. Army Criminal Investigation Command

[redacted]

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EXHIBIT 100

000598

[redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:

(U) At about 1040, 12 Oct 06, SA [redacted] coordinated with [redacted], Special Agent in Charge, Heidelberg, GE, regarding his knowledge of the autopsy of CPL TILLMAN, as he was the CID representative for AFIP during the time CPL TILLMAN's remains arrived in the U.S..

[redacted] related that he did not attend the autopsy and that he had no pertinent information to provide.

(U) At about 2020, 12 Oct 06, SA [redacted] coordinated with [redacted], regarding this office obtaining a sworn written statement from him detailing the events [redacted]. [redacted] related that he would be available at any time between 16 – 20 Oct 06.

The information has been forwarded to SA [redacted] for location / time coordinations. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 12 Oct 06	EXHIBIT 101

CID FORM 94-E

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-[redacted] Page 1 of 2 Pages

DETAILS:
(FOUO-LES) About 1400, 03 Oct 06, SA [redacted] interviewed [redacted], 61ST Armored Regiment, Fort Carson, CO 80913. [redacted] was the company executive officer at the time of the incident. [redacted] related he facilitated the communication exchange between the tactical operations command (TOC) group ([redacted] and [redacted]) and [redacted]. [redacted] facilitated this communication by means of electronic mail and radio communications. This agent asked [redacted] if he recalled who made the decision to split the platoon. [redacted] replied in saying he was certain the decision was made by [redacted] or both. [redacted] had no further information to provide pertaining to this criminal investigation.

(FOUO-LES) About 1000, 11 Oct 06, SA [redacted] coordinated with [redacted] Headquarters and Headquarters Company, 20TH Special Forces Group (ABN), 5601 Oporto Madrid Boulevard, Birmingham, AL 35206-1499 pertaining to the whereabouts of [redacted] C Company, 3D Battalion, 20TH Special Forces Group, [redacted] related [redacted] is currently attending the Special Forces Qualification Course at Fort Bragg, NC.

(FOUO-LES) About 1515, 11 Oct 06, SA [redacted] interviewed [redacted] Headquarters, U.S. Army Forces Command, Fort McPHERSON, GA. [redacted] related he was with B Company, 2/75TH Ranger Regiment, at the time of the incident. [redacted] related he was notified the night of 22 Apr 04 of the incident and went out to the site the following morning, where he was briefed by the leadership on the ground. [redacted] stated heinformed higher about the suspected fratricide and appointed the initial 15-6 officer.

Agent's Comment: Referring to [redacted] statement, [redacted] related he instructed [redacted] to withdraw a planning element from A Company, who was in the field, to begin planning for new missions. [redacted] related [redacted] was the cross functional commander and was responsible for the planning of the future missions to be conducted.

Referring to [redacted]s statement, [redacted] related he was with [redacted] at the B Company Tactical Operation Center when notified of the incident.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 003301
SIGNATURE [redacted]	DATE 13 Oct 06 / EXHIBIT 102

CID FORM 94-E

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AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-[redacted] Page 2 of 2 Pages

(FOUO-LES) About 1400, 13 Oct 06, SA [redacted] coordinated with [redacted] pertaining to an interview regarding this investigation. [redacted] related he was currently in Iraq, and due to his situation, declined to be interviewed. [redacted] related he did not see a need to give a statement again, as his recollection has increasingly gotten worse over the years. Therefore, no interview will be conducted.///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 13 Oct 06	EXHIBIT 102

CID FORM 94-E

000301

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201- 50042
	Page 1 of 1 Pages

DETAILS:
(FOUO-LES) About 1700, 16 Oct 06, SA [redacted] interviewed [redacted] Headquarters and Headquarters Company, 3D Battalion, 20TH Special Forces Group, [redacted], wherein he provided a Sworn Written Statement detailing his account of the events of and surrounding the incident on 22 Apr 04. (See Sworn Statement for details)///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 16 Oct 06	EXHIBIT 103

CID FORM 94-E

000302

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-50049

NAME/SSN/GRADE/UNIT: [redacted], [redacted], HHC, 3D Battalion, 20 SF Group, Wauchula, FL

DATE/TIME: 16 OCT 06, 1935 [redacted]

LOCATION: Fort Bragg CID Office, Fort Bragg, NC

[redacted] **I, [redacted] want to make the following statement under oath:** First, I want to say that as time passes, I remember less and less about the incident, but I will do my best to recollect. I recall a vehicle was broken down and we were stopped in this town for a long time. We were hanging out all day. [redacted] updated us every so often. We were told [redacted] tried to get the broken GMV sling loaded out, but higher had related that was not going to happen. So, eventually [redacted] disseminated information about how we were going to move out. As I remember it, the plan was for the first element to move to a village and my element to take the broken GMV to the hardball. The first element moved out and my element followed about ten minutes later. Once we got to the first "Y," the Jinga truck driver related he could not make it on the route we had chosen. It made sense to us as the route was pretty steep, rocky, windy, and mountainous. The route the Jinga driver wanted to go was the same route we eventually went back to the FOB on, following the incident. Therefore, we went to the left following the same route as the other element went trough. The terrain was pretty open, but as you entered the canyon area, the space narrowed with tall walls. The road seemed to have been a dried up river bed. It seemed like when the last vehicle entered the canyon was when the first explosion went off. My first though was that it was an IED and someone in the rear of the convoy had gotten messed up. There was some gunfire and it was SOP to drive through the ambush to get out of the kill zone. I vaguely recall there was an issue with the Jinga truck stopping, but do not recall details. During the shooting, I was the .50 cal gunner, and as such had the biggest sector of fire. So, I had the team members direct my fire. I was shooting where my team members were firing at. [redacted] was calling fire. My memory of the firing is vague, but there was a lot of firing going on. I cannot recall the exact turns. Right before CPL TILLMAN area was engaged, I though the driver of my vehicle was hit because he was yelling, grabbing his leg, like he had got hit. As we exited the canyon, [redacted] saw the Afghni and called fire to that sector. It seemed that every weapon had fired on that position. It seemed like since we were the lead gun truck and their was only one other in the rear and no MK 19 rounds were going off we would have fired the most rounds. I fired about two bursts and I was rounds out. I threw the ammo can off and I had to reload the weapon. I did not shoot any of the new belt because at that time we had seen the friendly forces. We pulled up and got into a defensive position and affixed our night vision shortly thereafter. It got dark out and reoriented down the road from where the first element was supposed to turn. Later on, someone brought me [redacted] line mil and related to me that Pat had been killed. Some other guys had come out that night. The next day my squad went and provided over watch. That night we went back to the FOB. When we got back, we were loading stuff into our tent. I then approached [redacted] and related that I thought we had shot into Pat's position. [redacted] related it was pretty confusing and we will find out what was going on. In the next couple of days, [redacted] interviewed us. We just finished the deployment. I never heard anything about CPL TILLMAN's uniforms being destroyed or anything of that aspect. Some of the guys were really down about the incident, but we tried to keep it within the platoon. Other than the higher [redacted]

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[redacted]

[redacted]

EXHIBIT 104

ups, we tried to keep the other platoons out of it. I went on every mission after that as a 50 cal gunner no matter what the configuration was. I feel my platoon had confidence in my skills.

Q: What unit were you assigned to during the incident?

A: The blacksheep, 2D Ranger Battalion. 2D Platoon, A Company, 2D RGR BN, 75TH RGR RGT.

Q: What was your position in 2D Platoon?

A: I was a 240 gunner, except for in mounted movements, I was a big gunner. I was almost always a 50 cal gunner because I had a lot of experience in training on the 50 cal.

Q: What vehicle were you during the incident?

A: I was in the first vehicle of the 2D convoy.

Q: Do you recall how long you were in the village with the broken GMV?

A: It seemed like a good portion of the day.

Q: Can you describe the route your element originally going to take?

A: My element was to move out from the village, take a right at the Y and move out to the hardball. We were going to drop the vehicle off and move back down to link up with the 1ST element.

Q: Why did your element deviate from the planned route?

A: The Jinga truck driver did not think he could make it safely through the planned route. I agreed that the route would have been dangerous for a large truck towing another vehicle.

Q: Had you been down that route before?

A: I do not think I had.

Q: Had you been through the canyon before?

A: I am pretty sure not because I would have remembered the canyon.

Q: How many vehicles were in your convoy?

A: I think it was my truck in the front, two more vehicles and the MK 19 in the rear. The Jinga truck was towing the broken GMV.

Q: When you initially left the village, who was in the front?

A: My vehicle was always the first out of the American vehicles. I cannot recall if the Jinga truck led out or if we did.

Q: Can you describe the explosion?

A: It was just a loud sound. I initially though it was an IED.

Q: Did you see any impacts?

A: No.

Q: Were there anymore explosions?

A: I cannot recall.

Q: Did you see any enemy forces?

A: I thought I had seen them, but it is not like I saw someone just standing there. I was firing where the rangers on the vehicle were directing me to, as I had a suppression weapon.

Q: What is the SOP for directing fire?

A: The one you are drilled into as a PVT, shoot where you team leader shoots, go where your team leader goes, and do what your team leader does. Then everyone had their sector of fire based off of their position in the vehicle and took fire commands from their leadership.

Q: What was the visibility like during the incident?

A: I think there were some shadows. I think the sun was off to the right side. You did not need night vision at that point.

Q: When you exited the canyon, what did you see? [redacted]

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[redacted] (Initials)

EXHIBIT 104

A: We came around a curve and at the end of a spur, we saw a group of houses. I was oriented in the other direction. [redacted] then called fire and I transitioned my weapon and saw some quick shapes and fired where [redacted] and the other guys were firing. I fired about two burst, maybe twelve rounds or so.
Q: Did you ever shoot into the village?
A: No, I do not believe we were close enough when I ran out of rounds. It takes a few seconds to reload. By then, a cease fire had been called.
Q: Do you recall seeing any friendly forces before firing?
A: No.
Q: Did you see any friendly vehicles before firing?
A: No.
Q: Did you see the Afghani soldier that [redacted] fired at?
A: No, he was probably just one of the shapes I saw.
Q: Do you recall seeing a pen gun flare?
A: No, but they are red, could have looked just like tracer.
Q: Do you recall seeing smoke.
A: No.
Q: To your knowledge, did anyone fire an AT4 into the village area?
A: I am not sure. I think the AT4 was fired back in the canyon.
Q: Did your vehicle have communications with the first element after leaving the village?
A: I do not know.
Q: As a gunner, would you have dealt with communications?
A: Not really, but I could hear the radio. If communications was going up to the first element, it would have come from our Platoon Sergeant.
Q: What direction did you fire your weapon?
A: Predominantly to the right, but at one point during the ambush, I shot to the left.
Q: Did you CPL TILLMAN?
A: No.
Q: Did you see [redacted]?
A: No.
Q: Did you see [redacted]?
A: No.
Q: Did you see [redacted]?
A: No.
Q: Did you see any of the other Rangers from the first element?
A: No.
Q: Who else fired at the Afghani's location from your vehicle?
A: I am pretty sure everyone, but [redacted] but I am not certain.
Q: Had you ever had Afghani forces fight along side you?
A: We hung out at their BP's, it may have happened occasionally, but it was not common. We did not really roll with them. I can think of one time in the previous deployment, but do not recall of any other times in that deployment.
Q: What kind of uniform did the Afghani's wear?
A: They did not have a set uniform it seemed.
Q: What would enemy forces wear [redacted]

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[redacted]
(Initials)

Exhibit 604

A: You could not really tell, as there were occasions they were rumored to have body armor and lasers, so you could not really tell what they had.
Q: Do you recall seeing a muzzle flash from the Afghani's location?
A: I do not recall, as it took me a second or two to reorient to that direction.
Q: When were you notified of the friendly fire incident?
A: Initially, it came out that it may have been the 50 cal gunner may have killed him. Right away it was suspected. As soon as we returned to the FOB, I brought it up to my squad leader. It was not set in stone at the time; it was left to the investigation figure it out.
Q: Did you ever see or come in contact with CPL TILLMAN's remains following the incident?
A: No.
Q: Did you ever see or come in contact with the Afghani soldier's remains following the incident?
A: No.
Q: Do you have any information pertaining to CPL TILLMAN's diary?
A: No, I did not know he really kept one until I read an ESPN article.
Q: Who told you to cease fire?
A: [redacted]
Q: Did you see any Afgani soldiers running toward your vehicle from where the first element's vehicles were parked?
A: I do not recall.
Q: Did you shoot into the Afghani soldier's location (the TILLMAN location)?
A: Yes.
Q: When you shot into that area, do you recall if your weapon walked up the incline?
A: I do not believe, as I did not fire that many rounds and I was used to firing machine guns.
Q: Would your unit consider you to be qualified on the 50 cal?
A: I cannot recall. I was probably the more qualified Ranger from the group.
Q: Did [redacted] ever mention to you whether or not he had shot the Afghani?
A: I do not recall. It was kind of bad when we got back. I stopped seeing [redacted] and may have talked to him once since the incident.
Q: Do you feel that your vehicle acted in accordance with SOP?
A: I know there is a conflicting issue about PID'ing your target, but [redacted] was one of those great soldiers. So if he was to call fire somewhere, you would trust him. Part of your job is following that. I fired where he called fire. Who knows what the enemy would have had. I think any reasonable soldier (Ranger) in the same situation would have reacted the same way. It is a terrible situation.
Q: What are the levels of identifying a target?
A: Known, Suspected, Likely, and PID. In my mind, it was a likely/known target, as if I have a few Rangers firing in that position, I trust them. It was not like trying to shoot through bamboo grass into a building, not knowing what was in it. I do not fault [redacted] for doing what he did, when he saw an Afghani firing in our direction. It was one of those split second decisions and unfortunately turned out disastrous.
Q: You were shown several pictures (Aerial Photography of village and death scene, Death Scene (rock), and road with Building in it). Do the pictures look familiar to you?
A: This was the location of where we were, but I cannot tell. The only thing I can identify is the direction element one was supposed to go, but I cannot positively identify anyone's direction.
Q: Do you recall if it was the Jinga truck driver or [redacted] who made the decision to alter the route? [redacted]

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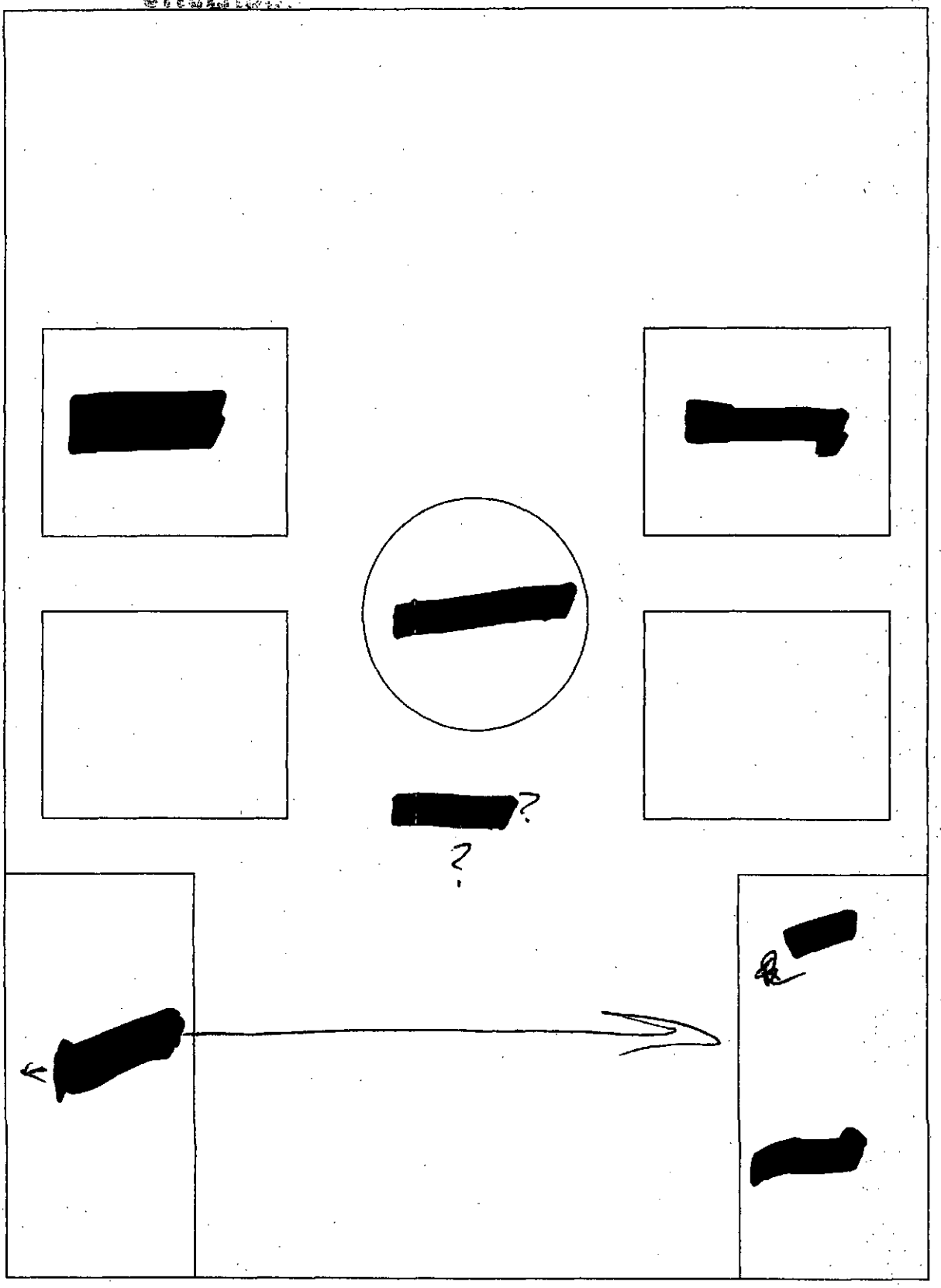
[redacted] (Initials)

EXHIBIT 104

STATEMENT OF [redacted] 06 1303, TAKEN AT FORT BRAGG CID OFFICE, FORT BRAGG NC ON 16 SEP 06 CONTINUED

UNCLASSIFIED

FRONT



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A: I do not know.
Q: Do you have anything else you wish to add to your statement?
A: I feel the Army should have some type of system to help the individuals following an incident like this in lieu of simply saying the chaplain is available. There was really no help for the soldiers available unless they wanted to go talk to a chaplain, who may not be the best qualified person to deal with trauma. Also, we were told that we could not get a sling load for along period of time, but the very next day we saw several helicopters go buy with a sling load. It seemed like a decision on higher's part to split us up. It seemed like problem after problem had happened with the broken GMV and communications.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO YOUR STATEMENT?
A: NO SIR /// END OF STATEMENT [redacted]

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on page 1 and ends on page 6. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of October 2006, at the Fort Bragg CID Office, Fort Bragg, NC

(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted]

Art 136, UCMJ
(Authority to administer oath)

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(Initials)

EXHIBIT 104

[redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1015, 10 Oct 06, SA [redacted] reviewed the statements of [redacted] B. Company, 1145 Aviation Brigade, Fort Rucker, AL 36330. The statements reviewed were the 15-6 investigation and the 2823 taken by this office. [redacted] stated while deployed to Afghanistan during the incident involving CPL TILLMAN, in his 2823 that he overheard on the radio [redacted] stated his element was going to turn around and change routes. [redacted] indicated he did not know the plan at the time of the movement, but stated he thought the platoon was traveling as one element. [redacted] also stated he did not have a radio, nor did he state he was in communication with the second element.

[redacted] (~~FOUO-LES~~) About 0910, 12 Oct 06, SA [redacted] interviewed [redacted], who stated he was a Radio Telephone Operator (RTO), in the Headquarter platoon of A Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433, who stated he was monitoring the radio in a tent in Salerno, Afghanistan, when 2nd platoon came into contact with enemy combatants. [redacted] stated he overheard [redacted] trying to communicate with the [redacted] Afghanistan; however, he believed due to the vehicle jammers that the 2/75th may have had during the short deployment to Afghanistan, communications may have been affected. [redacted] stated [redacted] would transmit a message to the TOC, the TOC would respond; however, [redacted] would then re-transmit the same message as before. [redacted] stated he did not know if [redacted] was in a vehicle or where he was located during the incident and further stated he thought the vehicle jammers would have cause the inconsistency with the communication with the soldiers on the ground and the TOC. [redacted] further stated he was a member of the Quick Reaction Force which responded to the area where 2nd platoon was located after the incident and was in a vehicle the entire time monitoring the radio. [redacted] stated he did not know who made the decision to split the platoon nor did he have any knowledge of what happened to CPL TILLMAN'S equipment.

(FOUO-LES) About 1841, 18 Oct 06, SA [redacted] and SA [redacted] this office, interviewed [redacted] who stated he was in the second element of 2nd Platoon, A Company, 2/75th Ranger Regiment, FLWA, when his unit was deployed to Afghanistan in April of 2004. [redacted] stated the incident [redacted] had already occurred when his vehicle exited the canyon. (See Sworn Statement of [redacted] for details)

(FOUO-LES) AGENT'S COMMENT: After the completion of the sworn statement, [redacted] spoke about the family's frustration with the overall handling by the Department of Defense and the U.S. Army regarding the death [redacted] stated he would provide this office with a list of these issues via email. ///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, FIU
SIGNATURE [redacted]	DATE 18 Oct 06 / EXHIBIT 105 000609

1 FEB 77

[redacted]

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPLE PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional / alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[redacted]	20061018	1841	0013-06-CID201-50048

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE / STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION [redacted]

9. (U) [redacted], I, [redacted] want to make the following statement under oath:

(U) I was a member of A Company, 2nd Platoon 2/75th Ranger Regiment and during a deployment to Afganistan in 2004, our unit was conducting a mission and we had a broken down GMV that we were towing. I was in the vehicle that was towing the GMV, when our element came to the village of Magarah, Afghanistan. At this point our vehicle veered to the right and the broken down GMV basically bottomed out and the steering column broke. We then began to pull security in Magarah for about 5 to 6 hours trying to remedy the situation.

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Can you discuss the events, which occurred in the village of Magarah, Afghanistan on 22 Apr 04?

A: The platoon leader, [redacted] at that time was trying to get a helicopter to fly the broken down vehicle out or get a wrecker to tow the vehicle out. I am not sure who [redacted] was communicating with, but it was either the Tactical Operation Center [redacted].

(U) Q: I have a diagram, marked Attachment A, which is a diagram of a HMMWV, could you annotate where you were sitting, who else was in the vehicle and with what weapon?

(U) A: Please see diagram for details.

(U) Q: Were you aware of the decision that was made to split 2nd platoon into two elements before leaving Magarah?

(U) A: I was. I found out from [redacted] prior to leaving, but [redacted] may have mentioned it to me as well.

(U) Q: Did you know who was involved in that decision making process?

(U) A: No I did not know who was involved in that decision.

(U) Q: Were you involved, or did you have any input in that decision making process?

(U) A: No.

(U) Q: What was the solution to tow the broken down GMV out of Magarah?

(U) A: I was not in the decision making process to solve the broken down GMV; however, I know that the decision was made to strap the GMV to the back of a Jinga truck and have a local Jinga truck driver tow the vehicle out.

(U) Q: Once the decision was made to tow the GMV out of Magarah, what was the plan of action?

(U) A: Once the GMV was strapped on, I assumed that we were going out to the next village, but we were told that one element was going on to the next village and one element was going to tow the vehicle to the hard ball road. I was in the second element. The decision was made right before the two elements left Magarah. I did not have any prior knowledge that the platoon was going to split up.

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(U) Q: Did you know who was in charge of the two elements?

(U) A: I knew the platoon leader was in the first element, our element had [redacted] but at the time [redacted] was in charge.

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(U) Q: Did you know what the plan of action was regarding the broken down GMV?
(U) A: No, not until the first element left. I was under the assumption that our entire platoon was going on to the next town of Manah; however, the first element proceeded to Manah, and the second element was going to tow the vehicle to the hard ball road and then meet back up with the first element in Manah.
(U) Q: Before leaving Magarah, Afghanistan, did 2nd platoon conduct any type of Pre-combat checks or Pre-Combat Inspections?
(U) A: No.
(U) Q: Did you or anyone else in your vehicle know the route of the first element before leaving Magarah?
(U) A: Yes, because the plan all along was for element to go to the town of Manah before the GMV became completely inoperable.
(U) Q: Was a radio/communications check conducted between the elements before departing Magarah?
(U) A: I don't know.
(U) Q: Did anyone in your vehicle have communications with the first element prior to leaving Magarah?
(U) A: I don't know.
(U) Q: What happened after you left Magarah?
(U) A: We left 5-10 minutes after the first element left. I didn't know the order of movement and our vehicle was lagging behind. At one point an IR light fell off the vehicle and I had to jump off and retrieve the light. We then caught up with the rest of our element because the first part of our element had stopped due to the terrain. As we caught up with the rest of our element, I could see the last vehicle of the first element enter the canyon. The first part of our element had already begun to turn around. [redacted] said that the jinga truck driver had said that he could not make it to the hard ball road on the current route because the terrain was too rugged. We then turned around and followed the route the first element of our platoon had taken.
(U) Q: What was the last vehicle you saw of serial one that entered the canyon?
(U) A: I thought it was one of our supply trucks, either a HMMWV or a GMV, which was not apart of serial two.
(U) Q: Were you aware of why this decision was made?
(U) A: No.
(U) Q: What happened after your element changed routes?
(U) A: We followed right behind serial one in the canyon, in the direction of Mana.
(U) Q: Between the time your element changed routes and the time your element was ambushed, were you aware of any communication between the two elements?
(U) A: No
(U) Q: During the ambush were you aware of any communication between the two elements?
(U) A: No, I did not know of any communications.
(U) Q: Were you aware of when communication were established between the two elements?
(U) A: Specifically no, but definitely after everything was done.
(U) Q: Was there any attempt to establish communications with serial one from your vehicle after your element changed routes?
(U) A: No, not that I know of.
(U) Q: Did you personally see any enemy combatants fire on your element during the ambush?
(U) A: Negative.
(U) Q: What was the reaction of you and the other Rangers in your vehicle to the ambush?
(U) A: My personal initial reaction was to orient the Mark-19 so that the barrel would be able to fire above the canyon walls. I tried to get the Mark-19 to shoot at the ridgeline, but I thought that if I fired it, the round would land right on top of us. [redacted] yelled to get out of the vehicle and I got off and got behind of a rock. Everone dismounted the vehicle. I was sitting behind the rock and scanning for enemy and at this point we were not taking any fire so I got back on the vehicle in an attempt to get the Mark-19 operational. I could not get the Mark-19 operational so I got the M-240, which also could not be oriented based on our position. At this point I got off the vehicle got behind the same rock and I used my 9mm pistol and fired 7 to 9 shots. I was looking above the ridgeline and I saw I think red tracer rounds. Then [redacted] told

b1, b2, b6, 7C [redacted] 000611 EXHIBIT 106

everyone to get into the vehicle, which took a while and then we began moving again. Fire picked up again as we moved out and our element had closed the gap and we slowed down again. At one point my M-240 got ripped off because we got to close to canyon wall, so I had to jump off and retrieve the weapon. I got back on the vehicle and I attempted to get the Mark-19 operational. There was still sporadic gun fire; I don't know who was shooting, as we continued to make our way through the canyon. We never stopped or dismounted again until we were out of the canyon.

Q: Were you aware of the first element's location during the ambush?
A: No, not specifically, but I knew they were in front of us.
Q: Were you aware of first element's attempt to provide cover/support fire for your element during the ambush?
A: Negative
Q: At what point was cease fire called and why?
A: By the time our vehicle made it out of the canyon, it was obvious that a cease fire had been called.
Q: After the cease fire was called what happened next?
A: We pulled up and everyone got out, we were last vehicle out of the canyon. We backed up the vehicle after the rock wall, below the spur. I was still trying to fix the Mark-19. There were some guys floating up the spur and towards the house that was located in the area.
Q: Prior to 22 Apr 04, had your unit ever discussed, worked with, trained or established SOP's for operating jointly with Afghanistan Military Force (AMF) soldiers?
A: No.
Q: Following the ambush, what were you told regarding any casualties or injuries received by friendly forces?
A: None.
Q: Who told you and what were you told regarding [redacted]?
A: About 45 minutes after we exited the canyon, I asked [redacted] where [redacted] was. Initially he did not respond, so I asked him again and he told me that Pat was KIA.
Q: Did you ever see [redacted] position after the incident occurred?
A: No.
Q: Were you aware of an inventory on your brother's equipment and clothing?
A: At the time, no. I never received any inventory paperwork.
Q: Did you know if [redacted] kept a diary or journal?
A: I did.
Q: Can you describe the diary or journal [redacted] kept?
A: It was a little green spiral waterproof notebook, that Pat used out in the field. He kept it in his RBA (Ranger Body Armor). Pat used this notebook for personal notes in the field in case it rained or got wet.
Q: Do you know where this diary or journal is now?
A: No.
Q: Do you know what happened to [redacted] equipment?
A: No.
Q: Were any of [redacted] personal items ever given to you?
A: Yes, I was given his dog tags and then I received his ruck sack back in Bagram. I also received the journal that Pat used back in the rear.
Q: What were the lighting/environmental conditions like when you left Magarah?
A: Sunny.
Q: What were the lighting/environmental conditions like when your element entered the canyon?
A: Sunny, but setting.
Q: What were the lighting/environmental conditions like when your element was ambushed?
A: The canyon walls were very tall and angled towards us. The canyon was wide enough to go single file but not side by side. I don't recall the lighting conditions at this time.
Q: What were the lighting/environmental conditions like when your element exited the canyon?

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(U) A: The sun had already set, but there was still enough light for me to see things and identify people.

Q: Was there any dust/dirt or rocks kicked up from the firing of weapons during the ambush?

(U) A: Yes, but it was not enough to impair my vision.

(U) Q: Do you have anything else to add to the statement?

(U) A: I did not like the decision to split the platoon, based on the fact that I was going to be separated from Pat and it just didn't seem like a very good plan since we had been in the village for 6 hours. ///End of Statement/// [redacted]

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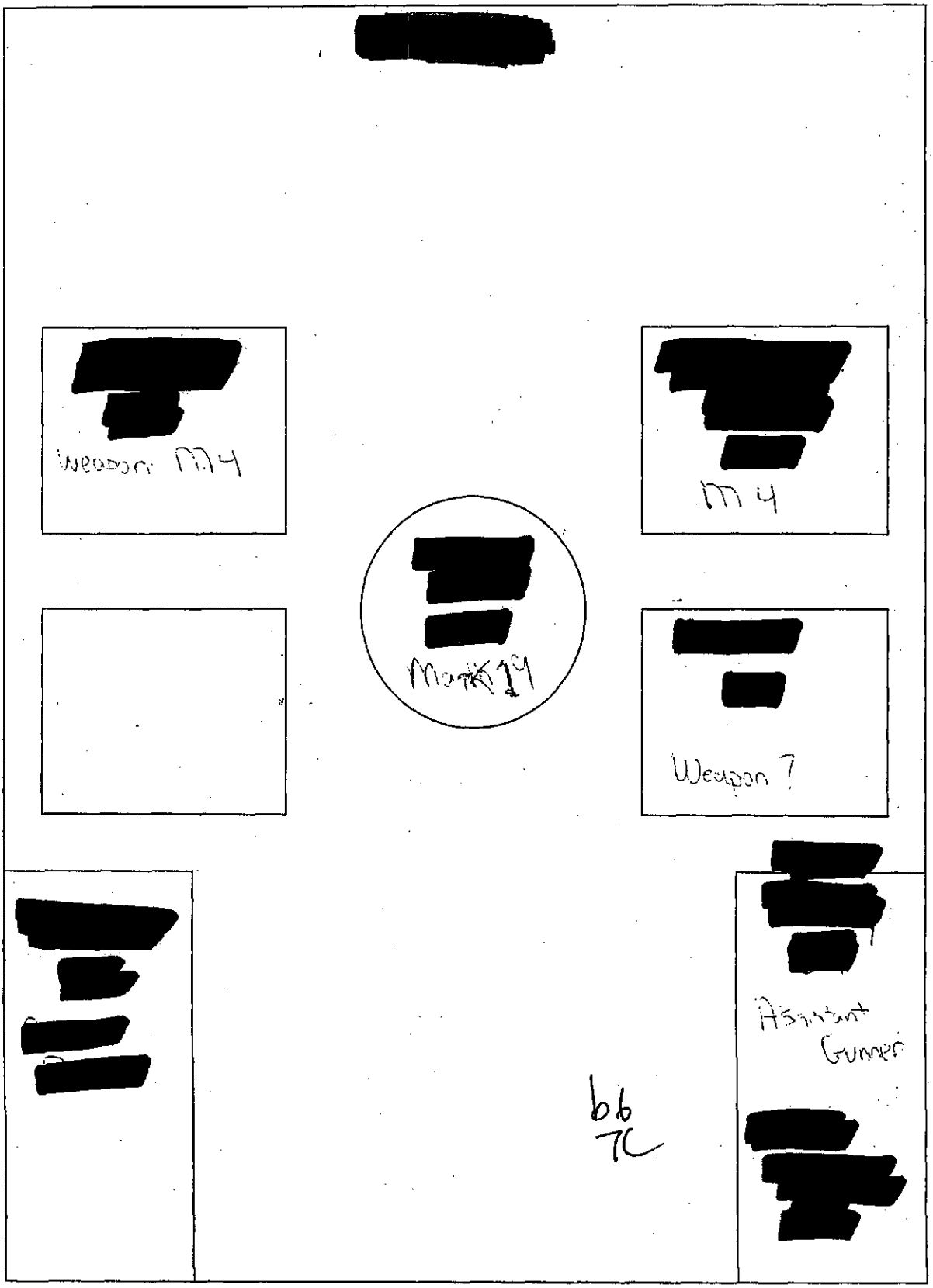
STATEMENT OF [redacted] TAKEN AT [redacted] DATED 18 Apr 06 CONTINUED.

FRONT



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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 5 OF 6 PAGES

[redacted]

Attachment A.

EXHIBIT 106

STATEMENT OF [redacted] TAKEN AT [redacted] DATED **18 Oct 06.**

AFFIDAVIT

(u) I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

[redacted]

ORGANIZATION OR ADDRESS

FBU

7701 Telegraph Rd.

Alexandria, VA

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 18 day of Oct, 2006

at [redacted]

[redacted] *e of Person Administering Oath)*

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 6 PAGES

[redacted]

EXHIBIT 106

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 18 Oct 06.

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [redacted] I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THIS STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNSIHMENT, AND WITHOUT COERSION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

[redacted]

ORGANIZATION OR ADDRESS

FBU

7701 Telegraph Rd.

Alexandria, VA

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 18 day of Oct, 2006

at [redacted]

[redacted] *ure of Person Administering Oath)*

[redacted]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 6 OF 6 PAGES

[redacted]

EXHIBIT 106

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048 Page 1 of 1 Pages

DETAILS:

(FOUO/LES) About 2045, 24 Oct 06, SA [redacted] this office, interviewed [redacted] in relation to his knowledge of events which occurred on 22 Apr 04, in Afghanistan. [redacted] provided a sworn statement detailing his observations and knowledge of the details which transpired on that day. At the time of the incident [redacted] was a saw gunner and in the first serial. (See statement for details)

(FOUO/LES) About 1910, 25 Oct 06, SA [redacted] interviewed [redacted] in relation to his knowledge of events which occurred on 22 Apr 04, in Afghanistan. [redacted] provided a sworn statement detailing his observations and involvement in the days events. At the time of the incident [redacted] was a [redacted] very aware of the decisions being made that day and was in the second serial. (See statement for details)

//LAST ITEM//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000317	
SIGNATURE [redacted]	DATE 25 Oct 06	EXHIBIT 107

CID FORM 94-E

[redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 *(SSN)*.
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
[redacted]	2006/10/24 [redacted]	2045 [redacted]	0013-06-CID201-5[redacted]

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS [redacted]

9.

(U) [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(U) On April 22, 2004 I was assigned as a saw gunner to A Company, 2/75th Ranger Bn., while on a deployment to Afghanistan. On this particular day we had stopped in Magarah, Afghanistan because of a broked down ground maneuver vehicle (GMV). We were there for an extended period of time, I don't remember how long before we departed and continued on with our mission.

(U) Q: SA [redacted]
(U) A: [redacted]

(U) Q: Can you tell me why your platoon stopped in Magarah, Afghanistan on Apr 22, 2004?
(U) A: We had a broken down GMV.
(U) Q: Can you name all the soldiers present in your vehicle on that day?
(U) A: [redacted]
(U) Q: Were you aware of any decision making process going on at the time involving the broken down GMV?
(U) A: I had heard from [redacted] that we were trying to get the GMV sling loaded but I don't know the specifics.
(U) Q: Were you aware of who was involved in this decision making process?
(U) A: Other than [redacted] and [redacted] I don't know.
Q: Do you know who they were talking to in trying to come up with a solution for the GMV?
A: I assume it was someone at the TOC (tactical operation center).
Q: What was the end result and do you know why this decision was made?
(U) A: As far as I know the end result was to hook it up to the back of a Jinga truck and tow it back to base.
(U) Q: Prior to your departure from Magarah, were any pre-combat checks or inspections conducted?
(U) A: They were always done. Anytime we went somewhere everything was always checked.
(U) Q: Were you aware of any communications checks conducted between the two serials prior to them splitting?
(U) A: None that I was aware of.
(U) Q: Were you aware of who was in charge of each serial and if so who?
(U) A: If I did I don't remember now.
(U) Q: Just prior to your departure from Magarah, can you describe the environmental/lighting conditions at the time (i.e. sunny, cloudy, overcast)?
(U) A: It was still light outside and as far as I was concerned these were terrible conditions and went against everything that we were taught. It could have been partly cloudy though.
(U) Q: What happened after you departed Magarah?
(U) A: We just started rolling in our vehicles and went through a canyon until we came out to an open area where there was a housing compound and stopped.
(U) Q: What were the environmental/lighting conditions just prior to entering the canyon?
(U) A: It was getting darker. The sky was starting to look gray, the orange of the sun had gone away and there was probably only another 45 minutes until it got dark.
(U) Q: What happened once you reached the other side of the canyon?
(U) A: We got out and just started streching our legs. We were kind of in a holding pattern until someone figured out what we were going to do. A few minutes later I heard an explosion followed by machine gun fire. [redacted]

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10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____

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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

[redacted] EXHIBIT 108

[redacted]

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 2006/10/24

9. STATEMENT *(Continued)*

(U) Q: Did you know serial 2 was being ambushed?
(U) A: I knew there was an explosion and gun fire and we immediately deployed but I did not know serial 2 was being ambushed. I
(U) didn't know where they were. Before we left Magarah very little information was put out before both serials departed.
(U) Q: Were you aware of serial 2's position prior to hearing enemy gunfire?
(U) A: No.
(U) Q: Was anyone else around you aware of serial 2's position?
(U) A: I believe so, yeah.
(U) Q: At the time of the enemy gunfire were you aware of any communication occuring between your serial and serial 2?
(U) A: I can't remember but I remember [redacted] having a radio. Whether or not he had any communication with them I don't know.
(U) Q: Can you describe your actions and the actions of the other rangers in your vehicle when you heard the enemy gunfire?
(U) A: Everyone took off up the hill to gain a vantage point over what was happening.
(U) Q: Were you aware of where SPC Pat TILLMAN was located and what he was doing?
(U) A: I was the last person up the hill and everyone was taking different routes up and I remember Pat asking if we could drop body armor and as we kept going up I remember him saying he was going to take his team furher out. I remember seeing him go down a dip then back up over a small crest on the mountain side to where I couldn't see him anymore.
(U) Q: When did you first notice serial 2?
(U) A: When I got to the top of the hill.
(U) Q: What were they doing when you saw them?
(U) A: They were driving the same route we had just come from, getting ready to come aroung the same hill. I can remember seeing at least two vehicles. One of them specifically I remember just shooting as they were rolling. It was not until they were stopped that I felt like we were being accurately engaged. When they came out of the canyon there was a lot of firing, then there were lulls in the firing and it didn't stop until it was done.
(U) Q: Could you identify who was firing at you?
(U) A: No.
(U) Q: What specifically could you see of the vehicles below (faces, actions, weapon systems, movements)?
(U) A: I could see guys dismonting, orientation of the weapons when they dismounted. I believe one of the guys was [redacted] only because he is a smaller guy; but definitely knew they were orienting their weapons up hill.
Q: Were you aware of any sort of cease fire being called; how was it called and who initiated it?
A: There was definitely a cease fire being called. I don't remember who initiated it but I definitely remember everyone on the hillside screaming it.
(U) Q: Did you or any of the other rangers near the village attempt to call a cease fire or somehow gain the attention of serial 2?
(U) A: Yes, we were all screaming cease fire and waving our hands in the cease fire motion.
(U) Q: Was anyone, according to your knowledge at the time, attempting to communicate with serial 2 to make them aware of your positions on the hillside?
(U) A: I remember [redacted] the FO (forward observer) trying to get a hold of someone and [redacted] was trying the whole time were getting fired at to get a hold of someone.
(U) Q: Prior to Apr 22, 2004 did you and/or your platoon ever receive or conduct any training, briefings, guidance or direction in regards to conducting joint operations with Afghan Military Forces?
(U) A: Nothing formally, no.
(U) Q: Is there anything I have missed which you would like to add to this statement?
(U) A: After we got back [redacted] I started talking to the other guys and asked who was shooting at the hillside and [redacted] answered with "everybody was shooting. I'll take that to my grave". On a separate note, [redacted] told me not to say anything until they figured out exactly what happened. I heard from [redacted] afterward that he heard a predator overhead during the incident.
(U) Q: Did you hear a predator during the incident?
(U) A: No.
(U) Q: Is there anything else you would like to add to this statement?
(U) A: No.//END OF STATEMENT//

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INITIALS OF PERSON MAKING STATEMENT [redacted]

[redacted] EXHIBIT 108

[redacted]

0013-06-CID201-50048

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 2006/10/24

9. STATEMENT *(Continued)*

Not Used [redacted]

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AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24TH day of OCTOBER, 2006

at [redacted]

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Typed Name of Person Administering Oath)

Art 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

000620

INITIALS OF PERSON MAKING STATEMENT [redacted]

[redacted]

EXHIBIT 108

[redacted]

SWORN STATEMENT

50049

FILE NUMBER: 0013-06-CID201-00000

NAME: [redacted]

DATE/TIME: 25 Oct 06, 7:10 pm

LOCATION: [redacted]

I, [redacted] **want to make the following statement under oath:**

On 22 Apr 2004 we had stopped in Magarah, Afghanistan because we had a broken GMV whose steering column was broken and couldn't be towed any further by our other vehicles. There were two options presented to higher to resolve the problem with the GMV; the first was to sling-load the GMV out, the second was to blow it in place. Both plans were rejected. The first due to a lack of aviation support, we were told that they couldn't get a bird out to us for two days, the second because they did not want to leave any U.S. equipment for the enemy to use. I personally felt that because the GMV had been acquired in an earlier deployment it should have been blown in place. The last call to higher was a question of what to do with the GMV. Higher pretty much left it up to the platoon chain of command to deal with the problem. Eventually higher came back with the initial call to split the platoon up and have one half tow the GMV [redacted] and have the other half continue on their mission to clear a village in a nearby valley. The call was questioned by [redacted] because he didn't feel comfortable splitting the platoon up because it made us combat ineffective. He called back to higher to express his concern about their plan. He was told to deal with it and do as he was told. The broken GMV now was an issue to deal with. Because no American force could possible tow it, we had to enlist the help of the locals. Using an interpreter, we asked the locals if there was anyone that had a "jinga" truck that would be of assistance. A man from the crowd stepped forward and said he could help. We paid him a nominal fee for his service and within an hour he returned with a jinga truck to help. By this time it was getting to be late afternoon, the entire village and nearby villages were probably more than aware of our presence in the valley at that time. We arranged to jack up the front of the GMV high enough to chain the front end to the back of the jinga truck. The wheels weren't quite off the ground but the axel wasn't dragging anymore. [redacted] was at the time formulating a plan to finish his mission. Because of his order to split the platoon up he was forced to take half with him to finish clearing the nearby valley, and send half another direction [redacted] with the broken GMV. The order of movement was Serial 1, including [redacted] two squads including Pat, and 2 Toyota trucks carrying AMF soldiers, and Serial 2 including [redacted] the rest of the platoon and me. I think each element was more aware about what their individual tasks were than they were about the other element's tasks. Serial 1 knew they were going left through the canyon, but probably weren't as aware that Serial 2 would be taking a right and going back to Salerno. Serial 2 knew Serial 1 was going left but probably didn't know where that road led or what its conditions were going to be like. As far as Serial 2 was concerned, I don't think they ever intended on seeing Serial 1 again. The order of departure from Magara was Serial 1 first with the 2 AMF trucks in the rear, followed by Serial 2 with the jinga truck towing the broken GMV in our rear. Serial 1 took the left at the intersection and rolled out of sight. As Serial 2, we took a left and continued that direction until the jinga truck driver reached the intersection and told the interpreter in his cab, along with the squad leader in his cab, that if we went left, there would be a short cut. [redacted] who was the squad leader in his cab, radioed up to the front of the convoy and repeated what the truck driver had said. This

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EXHIBIT 000621 109

[redacted]

[redacted] seemed fine to the leadership because the shorter the better and we all agreed to turn around and go through the canyon left. The jinga truck driver took this opportunity to take the lead through the canyon. We spread out, I was in the third GMV back from the front, a cargo, and we took our normal 25meter intervals. It was around one of the strait parts of the canyon, the walls were extremely high and narrow, that the first round impacted in between the first two HMMWV's. At first everyone's thought was that of an IED, but that wasn't the case as the next round exploded even closer to the GMV in front of me. My platoon sergeant, [redacted], was aware of the round and identified it as a mortar round. It was at that moment when the AK-47 fired erupted from the top of the canyon. I didn't necessarily see any rounds impacting around my GMV, but it was enough to know that we were all in serious trouble. The jinga truck driver, at the lead, parked his truck and jumped out and started running. [redacted] had to chase him down to drag him back to his truck. In this time every weapon in the Serial was pointed up at the canyon walls and unloading as many rounds as they could. I took 9 shots with my rifle but after not seeing anyone on the canyon walls, I stopped shooting. The jinga truck driver stopped at least twice and started to run. Each time we had to keep stopping and return fire because there was no other way around him. We were stuck in the kill zone. I did get out after he stopped the second time and launched a mortar round on to the top of the cliff. After that we came around the last corner of the canyon, and the walls started to taper down. The sun had set but it wasn't dark enough for night vision. The finger that Pat was on was like a palm tree against the setting sun, you could make out the shaped of the tree against the backdrop, but it would've have been impossible to have made out anything on the front side of that tree. This was the situation on the hill. I didn't see the Afghan soldier that [redacted] shot, but if he did see his silhouette, all he would've seen would have been the outline of an Afghan and the outline of the AK he was holding. I know Pat was farther down the hill and would have been nearly impossible to see. I didn't physically see the GMV in front of us shoot anything, probably because I was driving and was so focused on the road, but I did hear my platoon sergeant say in a rather high strung, almost "what are you doing?" voice, say "those are friendly's!" That's all I remember from the hillside, as we drove past the finger, the backside opened up and you could see from outside of the shadow, the rest of the platoon more clearly. The rest of the platoon was clearly visible and clearly friendly, even in the fading light. If anyone shot at them, they would've been severely trigger happy, for lack of a better word. I stopped the GMV and heard the call on the radio about a casualty, I asked my platoon sergeant who it was, and if they needed help. I heard the radio call out to bring a skedco (a sled to carry casualties). I quickly jumped up the vehicle in front of me; I grabbed the skedco, the med-bag, and took off running back in the direction of the canyon. I reached the finger where Pat was at and climbed up the rugged terrain to where his body was being covered by [redacted] and [redacted]. When I arrived, Pat's body was already covered, I asked who it was, and they told me and asked me to get another sled for the Afghan soldier next to Pat. [redacted] had reached me by that time and said he would get it. [redacted] and [redacted] packaged up Pat, I asked them why they had him covered, they said it was "because of his condition," [redacted] I received the next skedco that [redacted] brought up and me and him packaged up the Afghan soldier. We dragged both bodies down the steep terrain back to the road. [redacted] was sitting next to his radio with cotton in his cheek from where he was shot, still shouting orders, waiting to get evacuated. The first bird came and took the "walking wounded" and the second bird came a few minutes after that for Pat and the Afghani. I dragged Pats body to the bird and loaded him up. The next day I was pulling security for the platoon and looked up to see and Chinook helicopter sling loading a GMV, it was a quiet reminder that perhaps if our leadership had done their job right in Bagram and had gotten that helicopter to us like we asked, none of this would have happened.

[redacted]

Q: SA [redacted]
A: [redacted]

(u) Q: Can you name all the other soldiers present in your vehicle that day?
(u) A: [redacted] and myself.
(u) Q: Were you aware of any decision making process going on at the time involving the broken down GMV?
(u) A: Yes.
(u) Q: Were you aware of who was involved in this decision making process? If so who?
(u) A: [redacted] the [redacted] and the [redacted]
(u) Q: Do you know who they were talking to in trying to come up with a solution for the GMV?
(u) A: I know [redacted] was part of it and then there was someone else higher than him telling him what to do. I believe it was either [redacted] or [redacted]
(u) Q: What was the end result and do you know why the decision was made?
(u) A: The end result was to split the platoon up and the decision was made because the higher ups wanted assurance the other end of the valley had been swept.
(u) Q: Prior to your departure from Magarah were any pre-combat checks or inspections conducted?
(u) A: Yes.
(u) Q: Were you aware of any communications checks conducted between the two serials prior to them splitting?
(u) A: Yes, I know they checked with each other before they split.
(u) Q: Were you aware of who was in charge of each serial?
(u) A: Yes, [redacted] was in charge of serial 1 and [redacted] was in charge of serial 2.
(u) Q: Just prior to your departure from Magarah, can you describe the environmental/lighting conditions at the time (i.e. sunny, cloudy, overcast)?
(u) A: It was dusk. Clear with the sun just going down below the mountain range but not yet set. NVG's could definitely not be used yet either.
(u) Q: Which serial were you in and what was your vehicles position in the serial?
(u) A: I was in serial 2 and was the third vehicle back from the front. The jinga truck was in the lead.
(u) Q: What happened after you departed Magarah?
(u) A: Serial 1 took and left at a "T" intersection and disappeared into a canyon and serial 2 took a right and began heading east. By the time the last American vehicle had turned right the jinga truck approached the intersection and told the squad leader, [redacted] who was riding in the truck with him through the interpreter that the road to the left was a short cut. So [redacted] then decided to change the route based on the jinga truck driver's recommendation.
(u) Q: Were you aware of who made the decision to turn the serial around and why?
(u) A: Yes, because it was a short cut.
(u) Q: Were you involved in the decision making process to turn the serial around and follow serial 1's route?
(u) A: Absolutely not.
(u) Q: What were the environmental/lighting conditions just prior to entering the canyon?
(u) A: It had started to get a little bit darker. The sun was starting to hit the very top of the canyon and we were bathed in shadow but we could still see pretty clearly.
(u) Q: Did you see from where you were being fired upon?

[redacted]
(Initials)

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A: No I didn't see any enemy positions but I knew fire was coming from the top of the canyon. It sounded like fire was coming from in front and from behind us as well. I distinctly remember hearing AK 47 fire in the canyon.

(U) Q: At any time on 22 Apr 04, did you see any hostile enemy personnel directing fire upon you or any other friendly forces?

(U) A: I didn't see anybody. The way the canyon walls came in on us it was difficult to see up to the top but it doesn't mean there wasn't anybody there.

(U) Q: Can you describe your actions and the actions of the other rangers in your vehicle after you started to receive fire?

(U) A: I returned fire. I returned with 9 rounds. I also fired one mortar round in the general direction of the incoming fire.

(U) Q: What were the conditions inside the canyon after your serial started receiving fire?

(U) A: There were a lot of shadows and it had just rained so there was not a lot of dust. The lighting conditions were pretty much the same as when we entered it.

(U) Q: Were you aware of what the Ranger Standing Operating Procedure (SOP) was for returning fire once fired upon? If so, what was it?

(U) A: Yes. If it's in an ambush you return fire and drive through the ambush. When engaging an enemy and not in an ambush you positively identify your target.

(U) Q: Were you aware of any communications occurring between your serial and serial 1 either before you entered the canyon or while you were in it?

(U) A: No. You couldn't hear a thing.

(U) Q: Were you aware of when communication was re-established with serial 1?

A: Yeah, when we ran into them. I know there were efforts being made to reestablish comms with serial 1 but you just couldn't hear anything.

(U) Q: Were you or anyone in your vehicle aware of serial 1's position prior to entering the canyon?

(U) A: I didn't know where they were. I know which way they had gone but I didn't know exactly were they were. I certainly didn't know they were that close.

(U) Q: How about while in the canyon?

(U) A: No.

(U) Q: What happened once you came out of the canyon?

(U) A: The road opened up, we went around the jinga truck. I pretty much had tunnel vision and as we passed the finger [redacted] pointed out the friendlies.

(U) Q: Were you aware of anyone calling a cease fire? If so, by whom and how was it called?

(U) A: I wasn't aware of anyone calling a cease fire. By the time my truck came out of the canyon everyone in my truck had stopped shooting and there was no reason to call cease fire.

(U) Q: How were you made aware of the casualties?

(U) A: Radio. I didn't know it was Pat till I got there.

(U) Q: Prior to Apr 22, 2004 did you and/or the platoon you were attached to ever receive or conduct any training, briefings, guidance or direction in regard to conducting joint operations with Afghan Military Forces?

(U) A: No. They were just kind of there and attached to us.

(U) Q: Is there anything I have missed which you would like to add to this statement?

(U) A: No.

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//END OF STATEMENT//

[redacted]
(Initials)

[redacted]

EXHIBIT 109

[redacted]

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 0th day of 2000 on/in 25 [redacted]

(Witnessed by)

[redacted]

(Signature of person administering oath)

SA [redacted] FIU

Art 136, UCMJ
(Authority to administer oath)

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EXHIBIT 109

[redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-5[illegible] Page 1 of 1 Pages

DETAILS:
(FOUO-LES) About 1600, 25 Oct 06, SA [redacted] interviewed [redacted] 143RD Long Range Surveillance Infantry Detachment, Camp Mabry, TX, wherein he provided a Sworn Written Statement detailing the events leading up to and surrounding the incident on 22 Apr 04. (See Sworn Statement for details)///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 25 Oct 06	EXHIBIT 110

CID FORM 94-E

000326

[redacted]

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-Scrub

NAME/SSN/GRADE/UNIT: [redacted] E-04, 143RD Long Range Surveillance INF DET, Camp Mabry, TX

DATE/TIME: 25 OCT 06 [redacted] 1800 [redacted]

LOCATION: CAMP MABRY CID OFFICE, BLDG 11, CAMP MABRY, TX [redacted]

(U) [redacted] I, [redacted] **want to make the following statement under oath:**

(U) Q: SA [redacted]

(U) A: [redacted]

(U) Q: Can you tell me what unit you were in during April 04?

(U) A: I was attached to HHC, and was in Alpha section mortars, attached to 2D Platoon, A Co, 2D RGR BN.

(U) Q: Can you take me through the events, from your perspective, leading up to and during the incident on 22 Apr 04?

[redacted] A: We, 2D Plt, were at BCP 5 on 21 Apr 04. We left there on 22 Apr 04. We were doing normal patrol base activities while there. I recall seeing FARMER and some other guys working on a HMMWV that was broke down. At some point, it was decided to leave BCP 5. So, the broken HMMWV was attached to another HMMWV with a tow hook and we towed it. We were just driving along trying to get to another objective to do what we normally do. Along the way, we broke down near a village, as the broken HMMWV was immobile with the vehicles we had. I recall clearing that village a week before, so it was the second time we were there. All of the locals were out watching us. I recall the leadership going over ideas of how to get the vehicle out of there. One thought was to airlift the vehicle out of there, but that did not happen. While we were out there, it hailed for about forty-five minutes, which is why I thought the air support would not come. Then the decision was for an LMTV to come out and tow the vehicle, but it could only make it about half way, due to the terrain. One of the locals said they had a truck that they could use to tow the vehicle to the hardball, where the LMTV could pick it up. He said he could have it there in about forty-five minutes. After the truck arrived, it took another forty-five minutes to an hour to get the truck hooked up. They then sliced the tires to get the air of them because the truck had to be drug. At that point, the leadership decided to split us up in two serials. Serial one would continue to the original objective to clear it and serial two would escort the vehicle to the hard ball road. I do not recall if serial two was to go all the way [redacted] or go back to help Serial 1. I just know that we were taking the vehicle to the LMTV. Pat was part of Serial 1 and I know his group only had about three HMMWV's. They left a good fifteen to twenty minutes ahead of us. We then took off with about three HMMWv's or so and maybe a couple of [redacted]. When we left the village, the Jinga truck was in trail. We moved up about 500 meters or so, where Serial 1 took a left. When we got to the first fork, we were supposed to take a right. We were driving that way and I recall looking back and saw the Jinga truck going to the left. There was a Ranger with him, who related the Jinga truck driver wanted to take the left because it was faster. So, all of the vehicles that were in front did a loop, and caught back up behind the Jinga truck. So, he was in the lead as we entered the canyon. We were about a hundred meters before the first closure, when we heard the first explosion. We really did not know what it was at first; no one was expecting it. After that, we continued moving forward, as we moved through the first enclosure and made it to an area where it opened up slightly, the second round hit the top of the canyon, about fifty feet above my vehicle. I recall rocks falling into our vehicle. That [redacted]

[redacted] (Initials)

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[redacted] EXHIBIT 003527

is when we realized we were getting ambushed. I remember the Jinga truck stopped and the driver got out, running away. So, everyone dismounted and tried to take cover as best they could. There was really no cover. Everyone was shooting up, trying to lay suppressive fire as best as they could. I remember [redacted] and [redacted] fired off one of their mortar rounds. We were there in that same spot shooting for maybe four to five minutes because there was no place to go, due to the Jinga truck. I not sure how, but the Jinga driver got back in the truck and started driving again. We moved for about 100 meters and the driver got back out and started running again. I do not know what happened with the Jinga truck, but we started moving again. Eventually we met up with Serial 1's vehicles. I know I heard over the radio that there was an Eagle (a Ranger) and an Afghani soldier down. It was kind of light out when we left from the town, but the sun was defiantly going down. From the time we started through the time everything was finished, the sun had set. I personally did not see any enemy personnel. I could here enemy shooting from further down the canyon, and did not know Serial 1 was where they were until I got to their vehicles. We then set up security. At that point I heard the initials of PT, as the Eagle that was down. I still did not know who that was. I recall [redacted] being called, asking him to get the SKEDCO. I remember he left with the SKEDCO. At this point, I was pulling security on the right side of the ridge, just fifty meters below that tiny village. I remember a team was sent to clear the buildings and there was lady kind of screaming the whole night. I do not recall any other shot being fired. At some point, the medivac helicopter came out and picked up Pat. I recall his brother [redacted] pretty much screaming the whole time. A couple of hour's later, 3D platoon came out and kind of relieved us, giving us a break. We then bedded down. I remember I did not wake up until it was bright daylight out the next day. The next day, 2D platoon was to go back to [redacted] and 3D platoon was to go clear that village. I then got re-attached to 3D platoon, so I had to stay out there.

(U) Q: Who else got re-attached to 3D Platoon?

A: Me, [redacted], [redacted] and [redacted] I am not sure about anyone else. I just recall being the gunner.

(U) Q: Referring to the ridge on the right where Serial 1 was located, can you describe the Sun related factor?

(U) A: The sun was just sitting on the ridgeline and it finally went down, once we got to the point where we stopped and set of the security perimeter. At no time was the sun above the ridgeline where you could easily identify things. Everything appeared as black silhouettes.

(U) Q: Do you have anything to provide regarding [redacted] or [redacted]?

(U) A: No, I really did not know he was the PL until after the incident. At the time, I was a SPC and did not get into that area.

(U) Q: Can you clarify whose idea it was to go left at the intersection?

(U) A: The Jinga truck driver.

(U) Q: How were you briefed once you left the village where you had been with the broken HMMWV?

(U) A: I am not sure if it was [redacted] or [redacted] who told me the 1st serial was going to the objective and the 2d serial was escorting the truck. I do not recall whether we were going back to the objective or to Salerno.

(U) Q: Did you shoot any rounds?

(U) A: I shot maybe 15 to 20 out the SAW. I did not shoot at first because I did not see anything. I was next to [redacted] and I asked him if he saw anything because he was shooting. He related he did not. I turned around and shot toward a spur. This was after we dismounted. That was the only time I shot. I did not see anything, so I did not shoot anything. The only reason I shot initially was because it is the first thing you are supposed to do in an ambush is gain fire superiority. [redacted]

[redacted] (Initials)

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[redacted]

EXHIBIT 11

(u) Q: How far back from [redacted] vehicle were you?
(u) A: I think I was the third one back from him.
(u) Q: When you got to Serial 1's vehicles, did you see any smoke?
(u) A: No.
(u) Q: Did you see a pen gun flare?
(u) A: No, the only thing I saw was tracer rounds.
(u) Q: Could you tell where the tracer rounds were coming from?
(u) A: No.
(u) Q: Did you see Serial 1 on the ridge line?
(u) A: Not while they were there during the incident.
(u) Q: At that time, was it common for Afghani soldiers to fight alongside your platoon?
(u) A: At that time, it was my second week in country and first deployment, so I did not really know a hole lot.
(u) Q: You were shown several photographs from the site of the incident, do you recognize the area?
(u) A: Yes, it appears to be where we ended up stopping.
(u) Q: Is there anything significant you can show me on the pictures?
(u) A: No.
(u) Q: Did you participate in a debrief?
(u) A: I did not go through any open brief, but I did talk to the chaplain out at the site.
(u) Q: Did you ever go in the area where Pat was killed?
(u) A: No.
(u) Q: Did you have any contact with Pat or his belongings following the incident?
(u) A: No. The last time I saw Pat was back at the village. He was like two guys down from me, pulling security.
(u) Q: Did you have any contact with the AMF soldier or his belongings?
(u) A: No.
(u) Q: Who told you that it was Pat that was killed?
(u) A: I can't remember.
(u) Q: During the incident, do you recall hearing any radio traffic from Serial 1?
(u) A: No.
(u) Q: Can you clarify the part about the local national bringing up the idea about towing the HMMWV with the Jinga truck?
(u) A: One of the local's overheard they were having issues getting the vehicle out and brought the idea up. I am assuming the local was trying to make money.
(u) Q: Other than what you previously related, did you see anyone else shooting?
(u) A: Everyone was shooting, I thought I was messed up because I wasn't shooting.
(u) Q: Do you have any information about a diary?
(u) A: No.
(u) Q: Is there anything else you want to add to your statement? [redacted]
(u) A: No. [redacted]

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[redacted] (Initials)

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EXHIBIT III

CAMP MAGISTRATE OFFICE

STATEMENT OF [redacted] TAKEN AT CAMP MABRY, TX DATED 25OCT06 CONTINUED.

FRONT

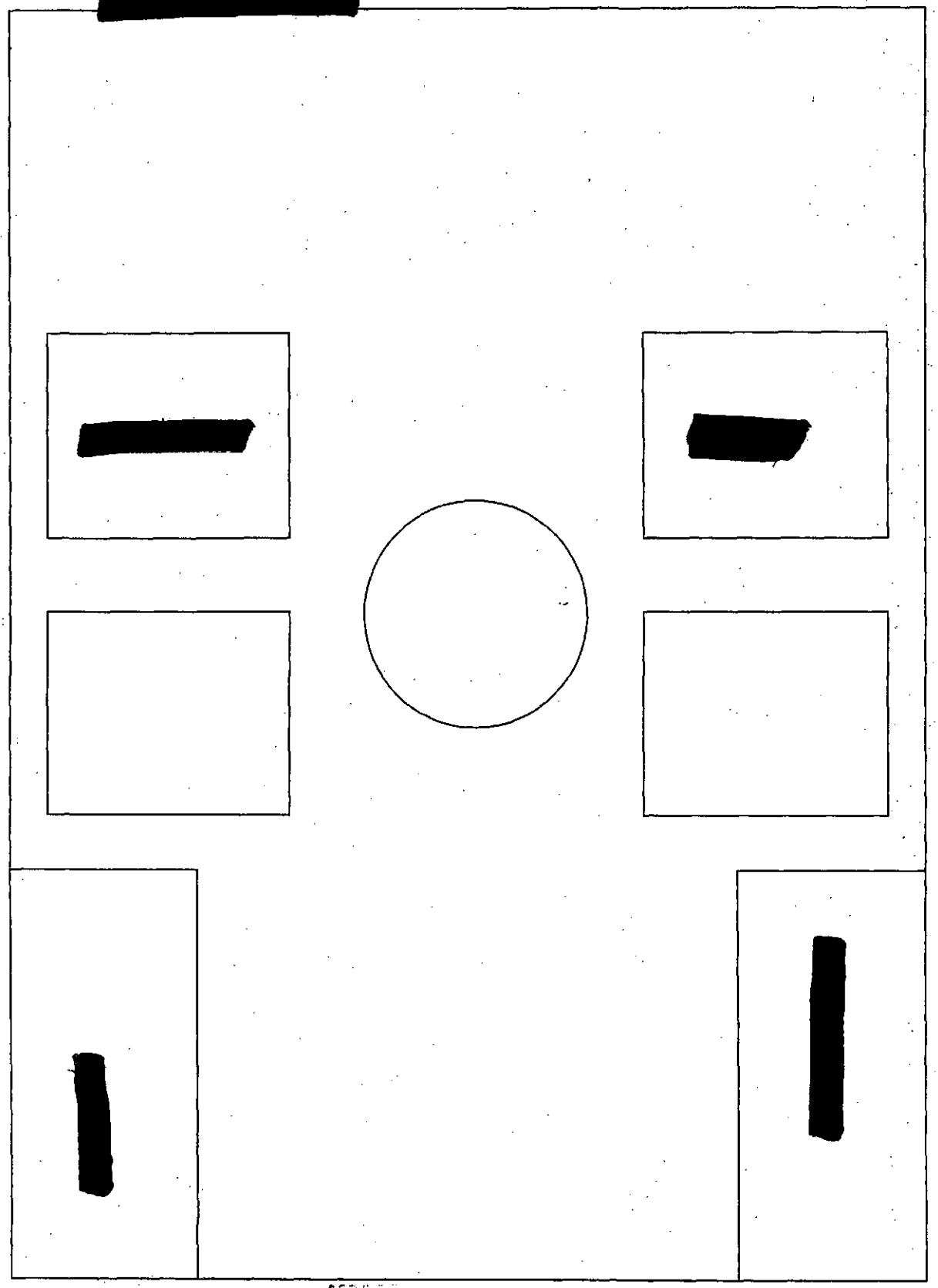

EXHIBIT III

UNCLASSIFIED

000331

INITIALS OF PERSON MAKING STATEMENT BDD PAGE 4 OF 5 PAGES.

EXHIBIT III

///END OF STATEMENT/// [redacted]

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of October 2006, at the Camp Mabry CID Office, BLDG 11, Camp Mabry, TX

[redacted]
(Signature of person administering oath)

(Witnessed by)

SA [redacted]

Art 136, UCMJ
(Authority to administer oath)

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EXHIBIT [redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 1 Pages

DETAILS:
(FOUO-LES) About 2130, 31 Oct 06, SA [redacted] interviewed [redacted] wherein he provided a Sworn Written Statement detailing the events leading up to and surrounding the incident on 22 Apr 04. (See Sworn Statement for details)///
LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315	
SIGNATURE [redacted]	DATE 31 Oct 06	EXHIBIT 112

CID FORM 94-E

SWORN STATEMENT

FILE NUMBER: 0013-06-CID201-5[illegible]

NAME/SSN/GRADE/UNIT: [redacted]

DATE/TIME: 31 OCT 2006 [redacted] 2355 [redacted]

LOCATION: [redacted]

I, [redacted] **want to make the following statement under oath:** In April, 2004 my platoon was at BCP 5 with a broken GMV, which I was assigned to. I was the gunner on it and I think [redacted] was the driver. While at the BCP, we worked on the vehicle, trying to fix it. About 24 Apr 04, we had to leave the BCP to conduct clearing operations. I really did not know much about the operations aspect, as I was just an assistant gunner. Along the way to the next objective, the GMV further broke where the steering was inoperable. So, first it was the pump, then I think there were some tire issues and we ran out of tires, and finally we hit some rocks that totally wiped out the steering. At this point, we were in a village. In the village, there were many Afghani nationals gathered around watching us. Also, we had Afghani forces attached to us. We were in the village almost the whole afternoon, till just before sundown. All I did was pull security and try not to fall asleep. It was calm out there, not much happening. Once it was time to move out, I was in the first serial. All I knew was there were two convoys, mine being the lead and then a second one trailing. The broken GMV was cleaned out; all the weapons and stuff was put into other vehicles. I was initially put in a hilux and then I was moved into an up armored. We were given a quick frago type brief. This is where I was placed into a different vehicle. I believe it was [redacted] or [redacted] was the one who briefed me that we were breaking into two elements. Even though [redacted] was my squad leader, I fell under [redacted] at times, as we were kind of rearranged. From the time we left the village, my element had nothing else to do with the broken GMV. We then moved out heading toward the objective. We entered the canyon area. I remember it vividly as there was only one way in and one way out. We drove through without incident. I recall looking out of the windows and noting that I could not see much. Next thing I know, we got contact. We were out of the canyon when the contact was made. I recall dismounting the vehicle and heading up the mountain. As I ran into a small inhabited building, I cleared it with an AMF soldier. He was off to my left. I recall him firing his AK because we were being shot at from the rear. [redacted] shot a couple of burst to a ridgeline to our front. Throughout the incident we were fired at from the front, right, left, and rear. It was like rounds were coming from everywhere, whistling. I knew there were bad guys shooting at us, but I could never identify them, but our fire suppressed them a bit, as the enemy fire backed off. At some point, I peaked over the ridge looking for enemy and that is when I saw the second element. I was planning on throwing a grenade, which is why I looked over the ridge, but when I saw our GMV's, I did not do anything. Right after I saw the GMV is when I saw tracers flying up at us. That is when I realized our guys were shooting at us. Fortunately, the 50 cal did not fire us up so much because I believe there would have been more than two casualties. There wasn't much we could do about it. Once they got closer, you really could not see the element. Then, all of a sudden we had gotten lit up. It was the worse when they were coming around the bend. It seemed that everything mellowed out. I think we assumed they recognized us, but apparently that was not the case. We though they were just going to cruse on by. During the last fire, it seemed like everyone was shooting at us. Then, all of the firing had ceased. I pulled security the whole time. I was with [redacted] for a bit, as I pulled security by him because he was hysterical. Some guys packaged TILLMAN up, and then the [redacted]

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[redacted]
(Initials)

EXHIBIT 113

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choppers came. A fresh platoon was then brought in. We stayed out at the sight that night, pulling security. We searched looking for things of where the enemy was. I am not sure what was found.
Q: What was your position during this time?
A: I was an assistant gunner with 3D Squad, 2D Platoon, A Company, 2/75 RGR RGT.
Q: What were the lighting conditions before, during, and after the incident?
A: Back at the village, it was fine. When we left the village, we left in the most vulnerable time, as the sun was going down. During the incident, it was in the twilight time. There was just a little bit of sun, but it was pretty much down. After the incident, it was time for night vision.
Q: Did you ever fire any rounds?
A: Me personally, no. I peaked over the ridge because I thought it was a near ambush, but it was confusing.
Q: Which direction was the AMF soldier you identified shooting?
A: He was shooting toward the rear ridgeline.
Q: Referring to the imagery, can you depict where the AMF soldier was and his sector of fire?
A: The blue X represents his location with his sector of fire outlined with a line and arrow on the left and right. The box represents out elements position. We were kind of close together due to the terrain.
Q: Do you recall a hail storm while you were back at the village?
A: No.
Q: Did you handle CPL TILLMAN's remains?
A: No, I did not.
Q: Did you handle CPL TILLMAN's equipment and/or personal belongings?
A: No.
Q: Did you handle the AMF soldier's remains?
A: No.
Q: Did you handle any of his equipment?
A: No.
Q: Do you have any information about a diary CPL TILLMAN may have had?
A: No.
Q: Do you know why the AMF soldier was with CPL TILLMAN?
A: I do not know why. I do not think he was attached to his team. No one could understand the AMF soldiers, only by hand gestures.
Q: Was it common at that time for AMF soldier's to fight along side US forces?
A: We were together at BCP's. Sometimes they would help us.
Q: So to clarify, there were two AMF soldiers with serial one?
A: Yes, there were other AMF soldiers by the vehicles. There commander was in between the village and the draw talking on a radio. Then the one AMF soldier was by me and the obviously the one by CPL TILLMAN.
Q: What were the AMF soldiers wearing?
A: They wore a mix of stuff. I really do not recall.
Q: Did you see smoke employed during the incident?
A: No.
Q: Did you see a pen gun flare?
A: Yes, but how could you tell a pen gun flare from a tracer.
Q: What was the plan, as you understood it, when leaving the village?

b6
7C

[redacted]

EXHIBIT 113

A: The plan was for Serial one to move out. There was some talk about clearing a village. Serial two was taking care of the vehicle.
Q: Did you have any communication equipment?
A: No.
Q: Did you see or hear an explosion on the ridge?
A: Yes.
Q: Do you have any idea of what it was?
A: It was to the left of me. I thought it was a mortar, but it could have been a 203 round.
Q: Do you have any information about the Jinga truck deal?
A: Basically, we could not get air support. The tow truck could not get to us. So, the decision was made to have the Jinga truck tow it out. The GMV was done, you basically had to drag the thing.
Q: What about [redacted] and [redacted]?
A: They were down by the village, when we were on the ridge.
Q: Did you see either of them get hit?
A: No, they were behind us.
Q: Did you personally see any of the Rangers from the second serial shooting at your location?
A: I never physically saw anyone shooting at us. When I looked over the ridge, they were simply shooting at the ridgeline, but it was difficult to make them out.
Q: Did you ever positively identify enemy?
A: No, I saw and heard rounds from enemy, but could never PID any.
Q: Is there anything in particular you recall about CPL TILLMAN's body?
A: I just recall that he did not have much of a head left.
Q: How did CPL TILLMAN and his team end up at there location?
A: Earlier in the incident, when I was with [redacted] and [redacted] told [redacted] he was going over to the location where he died. I remember him looking at me with a look like he was not scared and ready to go. He then went off to my right. I did not see him again until after he was killed.
Q: Is there anything else you wish to add to your statement?
A: Many things could have been done differently, none of us anticipated this happening, and the whole incident was confusing.
Q: Is there anything else you wish to add to your statement?
A: No [redacted].

[redacted]
(Initials)

b6
7C

000636

EXHIBIT 113

"STATEMENT OF [redacted] TAKEN AT [redacted] DATED 3/6/06 CONTINUED."

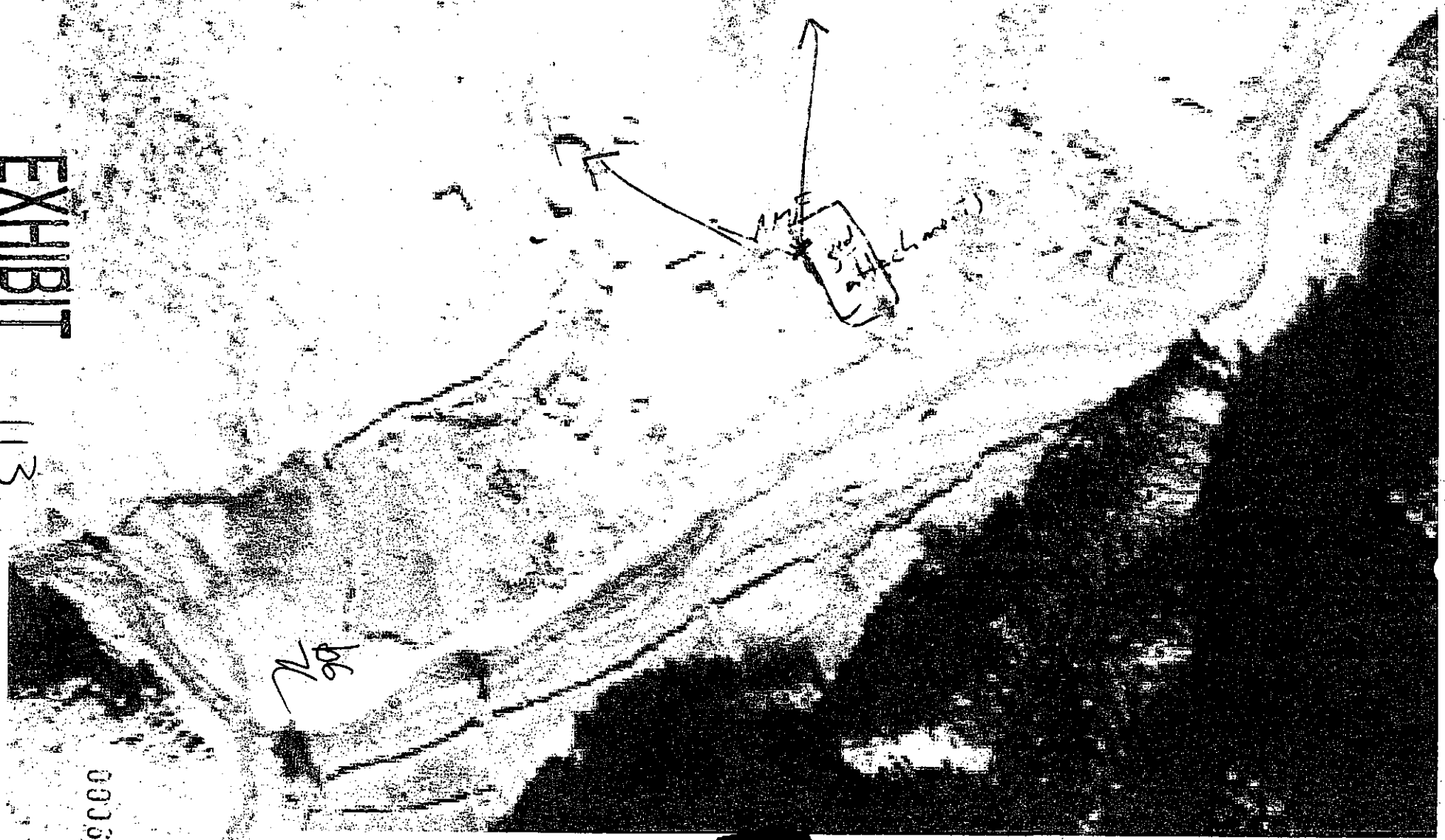


EXHIBIT 113

Armo [redacted] 31 OCT 06 CONTINU

FRONT

[redacted]

[redacted]

[redacted]

[redacted]

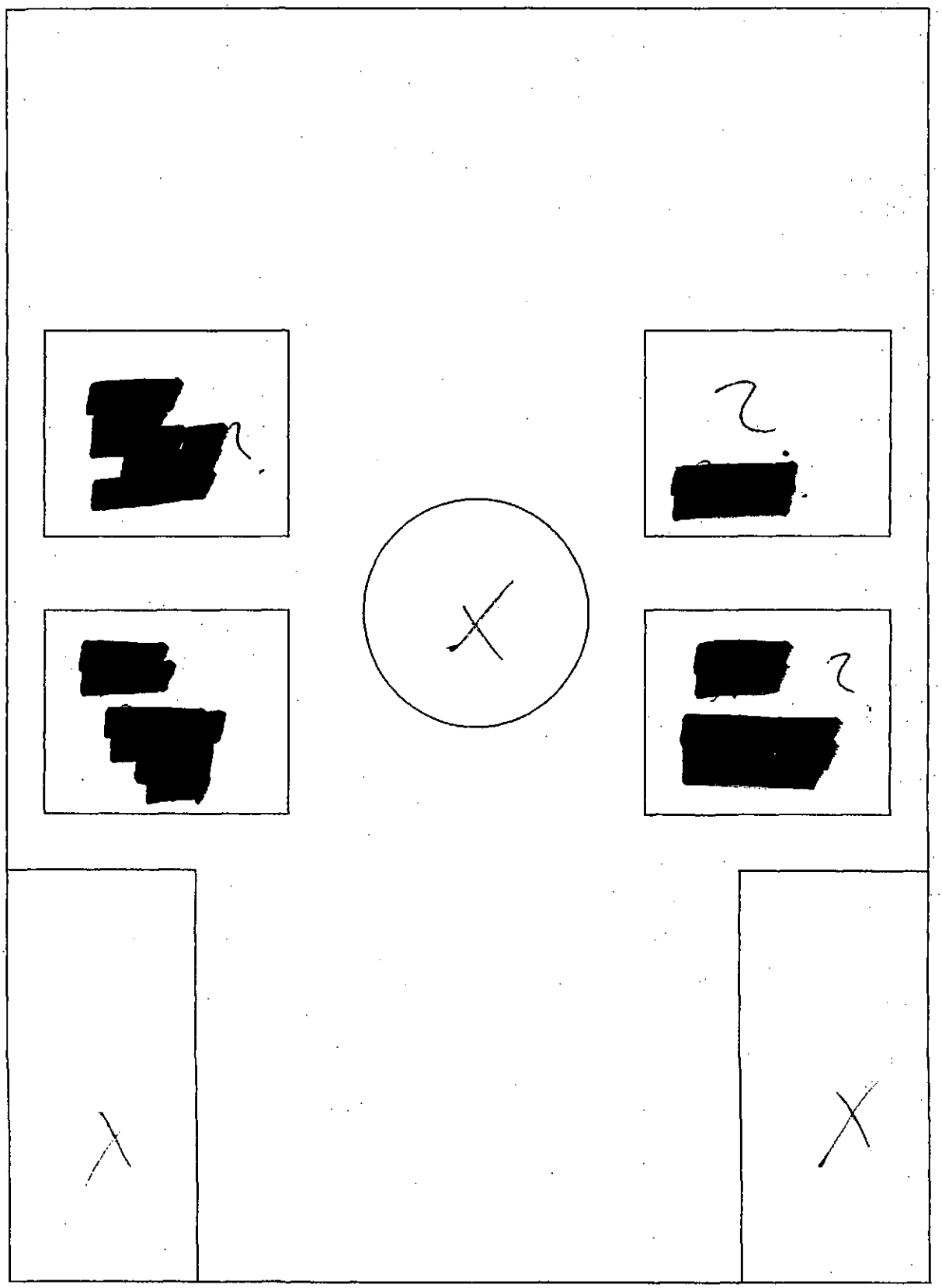


EXHIBIT 113

000638

INITIALS [redacted]

PAGE 5 OF 6 PAG

///END OF STATEMENT///

[redacted]

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on page 1 and ends on page 6. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of October 2006, at the Hampton Inn, 1901 Dewar Drive, [redacted]

(Witnessed by)

[redacted]

(Signature of person administering oath)

SA [redacted]

Art 136, UCMJ
(Authority to administer oath)

bb
cc

000639

[redacted]
(Initials)

EXHIBIT 113

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-56048 Page 1 of 1 Pages

DETAILS:
(FOUO-LES) About 1730, 07 Nov 06, SA [redacted] interviewed [redacted], U.S. Army Medical Command, Fort Stewart, GA 31314, wherein he related he was the surgeon at [redacted] who received CPL TILLMAN and pronounced him dead. [redacted] noted that his identity was not made known to him until the following morning. [redacted] then related if any other information were needed, he would like to obtain legal counsel. This interview was subsequently terminated.///LAST ENTRY///

b7
b6
7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE 07 Nov 06 / EXHIBIT 114

000640

CID FORM 94-E

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1430, 6 Nov 06, SA [redacted] interviewed [redacted] Regimental Executive Officer, 75th Ranger Regiment, Fort Benning, GA 31905, regarding his computer. [redacted] stated the computer in his office was the Regimental Executive Officer's computer, which has been passed down from officer to officer and [redacted] former executive officer, did have some .pst files on the computer. [redacted] stated he discovered the .pst files after after conducting a search of the computer in response to a data call request received by the Department of Defense Inspector General (DoDIG), in reference to the TILLMAN investigation.

(FOUO-LES) About 0741, 9 Nov 06, SA [redacted] obtained [redacted] consent to search the Maxtor Brand, 80 gigabyte hard drive in his office computer. (See CID Form 87-R-E for details)

(FOUO-LES) About 0745, 9 Nov 06, SA [redacted] collected a hard drive from [redacted] computer, which was retained on a DA Form 4137, Evidence/Property Custody Document (EPCD), for forensic examination purposes. ///Last Entry///

b2
b6
1C

000341

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 9 Nov 06	EXHIBIT 115

0013-06-CID201-50048

Date:	**Consent To Search** (USACIDC Supplement 1 to AR 190-22)	Time:
9 Nov 06		09 0741 Nov 06

1. Name of person consenting to the search: [redacted]

2. Organization and location: 75th Ranger Regiment, Fort Benning, GA 31905

3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law:

Undetermined Manner of Death (CPL Patrick TILLMAN), Case Number 0013-06-CID201-50048

4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you do not give your consent, do not sign this form.)

5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: ***(Initial and sign applicable blocks)***

		Initials	*Signature*
a.	My Person		
b.	My Quarters		

Located At:

		Initials	*Signature*
c.	My Vehicle		

Located At:

Described As:

		Initials	*Signature*
d.	Other	[redacted]	[redacted]

Located At: *Computer Hard Drive SN:* Y26 7ZNFC

Described As: Maxtor brand 80GB hard drive

I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: ***The seizure, imaging, and non-destructive forensic examination of the specified computer hard drive SN*** Y26 7ZNFC ***from a government owned computer. CID will safeguard the drive and personnel data protected by the Privacy Act in accordance with Army regulations. CID will return drives not containing evidence of criminal activity as soon as reasonably possible. CID will conduct a forensically sound examination of the information contained on the hard drive to determine whether there is evidentiary value relating to CID investigation*** 0013-06-CID201-50048.

6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:

[redacted]
Signature of Person Granting Consent

000642

[redacted]
Signature of USA[redacted]gent

Signature of Witness (If Available)

CID Form 87-R-E
1 Jan 00

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

EXHIBIT 116

[redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 0630, 16 Nov 06, the undersigned conducted a search of HD SN Y26ZZNFC evidence file for evidence of "rules of engagement" concerning the TILLMAN shooting.

(U) The undersigned located two .pst files (See Figure A) which are Microsoft Outlook mail archive file which contain email. These files were titled compressible encryption so EnCase® could not view. The files were exported from the EnCase® image and inputted into a forensic system Microsoft Outlook software for view.

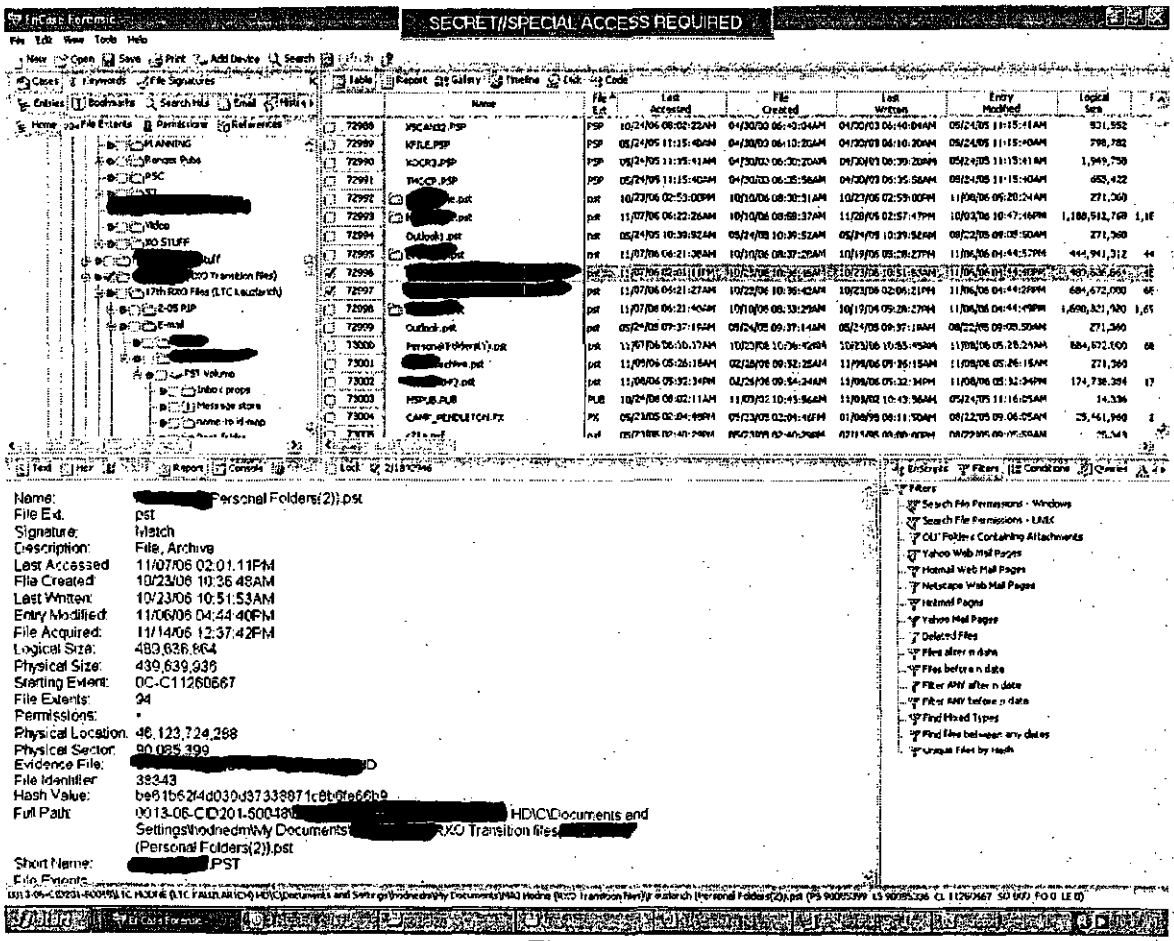


Figure A

(U) A search of the "[redacted](Personal Folder(2)).pst" for "ROE" revealed the following emails associated with the search term "ROE" (See Figure B).

b6
000343 7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU
SIGNATURE [redacted]	DATE 16 November 2006 / EXHIBIT 117

CID FORM 94
1 FEB 77

[redacted]

[redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID201-50048

DETAILS

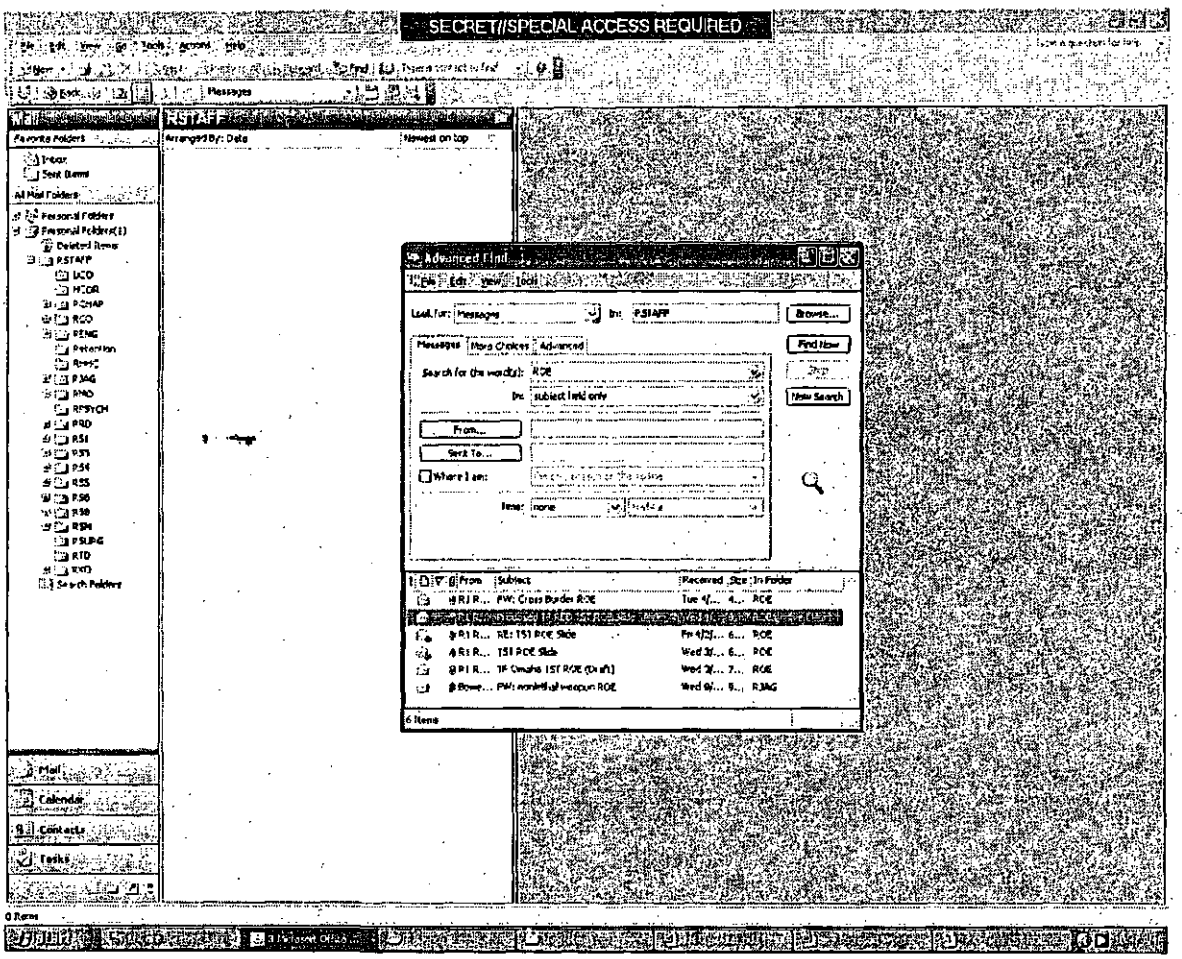


Figure B

(U) This agent printed the documents contained in the email directory RJAG\ROE referencing "ROE" (See Enclosures A-L)(S//ACCM//PF).

66
2C

000644

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU
SIGNATURE [redacted]	DATE: 16 November 2006 / EXHIBIT: 117

[redacted]

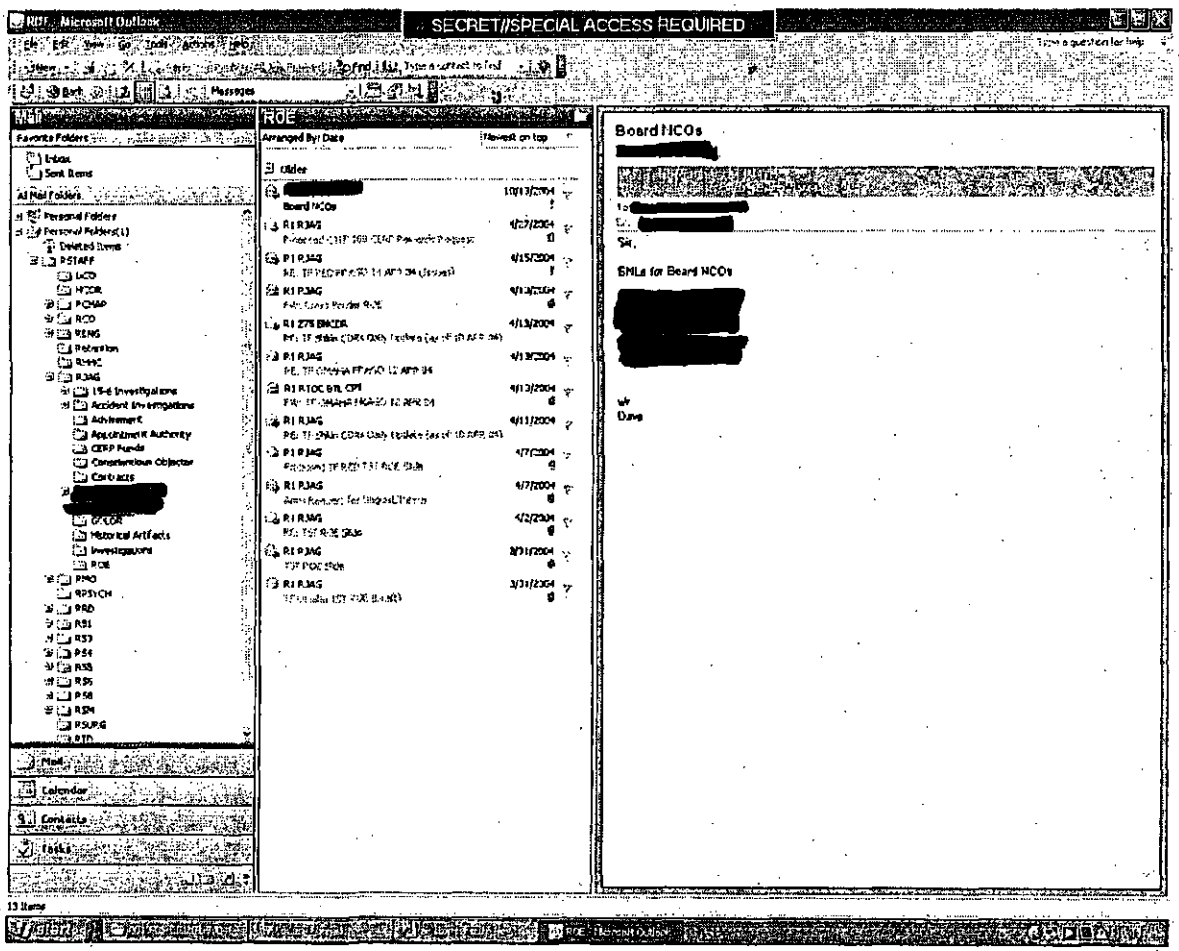
[redacted]

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS



///LAST ENTRY///

b6
7C

000645

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	701st MP GRP (CID), USACIDC, CCIU
SIGNATURE [redacted]	DATE: 16 November 2006 / EXHIBIT: 117

CID FORM 94
FEB 77

[redacted]

[redacted]

Unknown

0013-06-^ID201-50048

From: R1 RJAG
Sent: Wednesday, March 31, 2004 3:39 PM
To: R1 RS3; R1 RAS3; R1 MARXO; R1 RS2
Cc: R1 RXO
Subject: TF Omaha TST ROE (Draft)
Attachments: TF Omaha TST ROE.ppt

[redacted]

Gents,

I'm working to consolidate the two attached slides into one. I need your assistance to review the slides and ensure that I haven't missed any major ROE that are necessary to support the proposed COAs.

Thanks,
RJAG

[redacted]

b1
b2

000346

[redacted]

12/14/2006

Enclosure A

[redacted]

TF OMAHA TST ROE

- [redacted]

USCENTCOM may approve entry for operations against UBL/Zawahiri/MM Omar

- **Approved Supplemental ROE IAW [redacted] ROE**
  - [redacted]
    - ✓ TF CDR may engage TST targets within approved JSOA if seeking engagement authority from CDR CENTCOM would jeopardize mission
    - ✓ CDR USCENTCOM may designate SEZs within JSOAs
      - TF CDR may direct unobserved fires within the SEZ
  - On-Scene CDR may treat as hostile and attack individuals or forces assisting or deliberately interfering with the mission
  - Expanding Ammo
  - Non-Lethal RCAs
- **OEF ROE Authorization Serial Two**
  - Hot LZ approval by CDR CENTCOM may be delegated to TF CDR
    - ✓ On-Scene CDR may treat as hostile and attack all personnel during infil and exfil ops

[redacted]

[redacted]

000647

b1
b2

[redacted]

0013-06-CID201-50

[redacted]

TF OMAHA TST ROE

• Desired ROE for TST Mission

- Use of Deadly Force to protect designated third-country national citizens in PAK
- Temporary detention of individuals in [redacted] who are interfering with mission accomplishment or possess information important to mission accomplishment
- Authority to detain and transport individuals encountered in [redacted] and interfering with mission accomplishment or possessing information important to mission accomplishment, to forward staging bases for the purpose of intelligence debriefing
- Use of self-deactivating and/or command-detonated mines
- Fixed and rotary wing CAS [redacted] in support of TST missions
- Authority to engage aircraft [redacted] national airspace, in support of a TST mission, as a hostile force, when actionable intelligence, defined as the presence of sufficient indicators, would lead a reasonable person to believe that UBL/Zawahiri/MM Omar are aboard such aircraft

[redacted]

000648
0013-06-CID201-50048

[redacted]

Unknown

0013-06-CID201-5004

From: R1 RJAG
Sent: Wednesday, March 31, 2004 8:03 PM
To: T1 JAG; B04 JAG
Cc: R1 RS3; R1 RXO
Subject: TST ROE Slide
Attachments: TF Omaha TST ROEv2.ppt

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

For your review and "chop,"

VR,
RJAG

[redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b1
b2

000349

[redacted]

Enclosure 3

[redacted]

TF OMAHA TST ROE

WHAT WE HAVE

- **All ROE IAW Serial Auth II and MODs**
- **All [redacted] ROE**
- Self Defense/All Means Necessary/ All US Forces/Allied Forces
- Hot LZs
- Personnel Recovery OPs
- Detain individuals interfering with [redacted] or possess info important to [redacted]
- Attack individuals assisting hostile forces or deliberately interfering with MA
- Self-Deactivating and CMD-Detonating Mines
- Expanding Ammo

WHAT WE WANT

- Authority to engage UBL/Zawahiri/Omar with unobserved fires
- Authority to detain and transport individuals in Pakistan who are interfering with MA or possess info important to MA, to forward staging bases for the purpose of intelligence debriefing
- Authority to engage hostile forces in Pakistan with CAS
- Authority to designate SEZs
- Authority to engage aircraft in [redacted], when actionable intelligence, defined as the presence of sufficient indicators, would lead a reasonable person to believe that UBL/Zawahiri/Omar are aboard such aircraft

[redacted]

000650

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b2

0013-06-CID201-50048

[redacted]

Unknown

0013-06-CID201-50048

From: R1 RJAG
Sent: Friday, April 02, 2004 2:55 AM
To: R1 RXO
Subject: RE: TST ROE Slide
Attachments: TF Omaha TST ROEv7a.ppt

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Sir,

You were sent the wrong slide. Just like the JPG dude loaded up the wrong slide for the briefing last night.

This slide will change, but it's a little more clear than the previous one.

VR,
RJAG

-----Original Message-----
From: R1 RXO
Sent: Friday, April 02, 2004 12:03 AM
To: R1 RJAG
Subject: RE: TST ROE Slide

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

[redacted]

What's [redacted] So much to learn....

VR,
[redacted]
TF RED XO
435-7228

-----Original Message-----
From: R1 RJAG
Sent: Wednesday, March 31, 2004 8:03 PM
To: T1 JAG; B04 JAG
Cc: R1 RS3; R1 RXO
Subject: TST ROE Slide

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CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

000651

For your review and "chop,"

[redacted]

12/14/2006

Enclosure C

[redacted]

VR,
RJAG

0013-06-ID201-500

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: [redacted]

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: [redacted]

CLASSIFIED BY: [redacted]
REASON: [redacted]
DECLASSIFY [redacted]

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: [redacted]

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: NOFORN/[redacted]
TERMS: NONE

b1
b2

000652

[redacted]

[redacted]

[redacted] HVT TST ROE

WHAT WE HAVE

- **IAW OEF and NOBLE VENTURE ROE**
- Declare hostile and attack anyone assisting hostile forces or deliberately interfering with TST mission
- Declare hostile and attack anyone within close proximity of a landing zone (infil/exfil)
- Reconnaissance platforms and Close Air Support assets may [redacted] ISO TF OMAHA for:
  - "Hot Pursuit" of C2 targets
  - Personnel Recovery Ops
  - CDR CC directs TST/DA/Terminal Guidance of UBL/Zawahiri/Omar
- Detain anyone interfering with TST operations or who possesses important operations info
- Expanding Ammo (Close Quarters Battle)
- Self-Deactivating/Command Detonated Mines

WHAT WE WANT

- Authority for unobserved fires
- Authority to detain and transport *civilians* from [redacted] to [redacted] for intel debriefings
- Non-lethal RCA (tunnel/cave clearing ops)

[redacted]

[redacted]

0013-06-010201-50048

003653

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b2

[redacted]

Unknown

0518-06-CID201-50048

From: R1 RJAG
Sent: Wednesday, April 07, 2004 12:50 PM
To: R1 RS3
Cc: R1 RAS3; R1 RXO
Subject: Proposed TF RED TST ROE Slide
Attachments: TF Omaha TST ROE Slide.ppt

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Sir,

For your review and chop.

VR,
RJAG

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b1
b2

000654

[redacted]

12/14/2006

Enclosure E

[redacted]

Rules of Engagement

YOU MAY...

- Engage enemy forces committing **hostile acts** or displaying **hostile intent**
- Engage persons **actively assisting** enemy or **deliberately interfering** with the mission
- Engage enemy forces who are **fleeing with weapons**
- Engage targets that pose a **likely and identifiable** threat to air assets
- Use deadly force **to protect** designated third-country nationals or military forces
- Use non-lethal riot control agents **(RCAs)**
- **Detain civilians** on target for intelligence exploitation
- Conduct **electronic warfare**

YOU MUST...

- **Positively identify** (PID) your targets

[redacted]

[redacted]

[redacted]

0013-06-CID201-50048

000655

29 19

[redacted]

Unknown

0013-06-CID201-50048

From: R1 RJAG
Sent: Sunday, April 11, 2004 6:45 AM
To: R1 RS3
Cc: R1 RTOC BTL [redacted] R1 RFSO; R1 RXO; R1 RAS3
Subject: RE: TF [redacted] CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Sir,

If PAK cannot or will not prevent hostile forces from [redacted] and the hostile force constitutes an imminent threat to ongoing operations, [redacted] is authorized to counter the threat. (OEF Serial II ROE, Supplemental 006).

The unit that is engaged by hostile fire has an inherent right of self-defense to respond to a [redacted] threat. Once attacked, the unit in contact should immediately notify the RS3, who will in turn, notify the J3. The below slide summarizes the current authority for cross-border ops in PAK and can also be found in the TST Omaha ROE brief on the RJAG webpage.

[redacted]

ROE FOR [redacted] OPERATIONS

- Entry into [redacted] authorized for:
  - Hot pursuit of AQ/Taliban/Terrorist C2 targets from [redacted] (must be *continuous and uninterrupted*) [redacted];
  - If CDRCENTCOM (due to time constraints) directs DA/TGO against The Big 3 (UBL/Zawahiri/Omar) ([redacted]);
  - If SECDEF approves (JSOA or DA w/o JSOA);
  - [redacted]
  - Personnel recovery (PR) operations (all US forces);
    - Recommend read broadly: in extremis MEDEVAC, injured, accident, downed A/C; WIA; troops in contact;
  - Self-defense:
    - Hostile Act / Intent in AFG => May pursue into [redacted] w/ air & ground assets
    - Hostile Act / Intent in [redacted] => May enter [redacted] to engage and pursue w/ air & ground assets
    - Geographic limits: [redacted] (AFG-Iran-PAK border)
      - General rule: [redacted]
      - JTF Commander must inform CENTCOM immediately
      - JTF Commander must ensure notification of MI Liaison team @ BAD (via U-2/DCE IBAD)
- [redacted] an cross border for self-defense, personnel recovery and Hot Pursuit

[redacted]

17

Let me know if you have additional questions,
RJAG

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b2
b6

000656

[redacted]

Exhibit P

[redacted]

0013-06-CID201-5004

-----Original Message-----
From: R1 RS3
Sent: Saturday, April 10, 2004 11:08 PM
To: R1 RTOC BTL[redacted]
Cc: R1 RFSO; R1 RXO; R1 RAS3; R1 RJAG
Subject: RE: TF Shkin CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION:[redacted]
CAVEATS:[redacted]
TERMS: NONE

Thanks – good report.

RXO – both JAG and FSO are researching ROE to see what response options we have against indirect fires received from[redacted]

RXO –[redacted] asking if we can square away his pay agent.

[redacted] have current ops work lining up delivery of[redacted] to BCP 217 with next aerial resupply.

Thanks
RS3

-----Original Message-----
From: R1 RTOC BTL CPT
Sent: Saturday, April 10, 2004 2:39 PM
To:[redacted] P; R1 175 BNAS3; R1 175 BNLNO; R1 175 BNS1; R1 175 BNS3; R1 175 BNS3 SGM; R1 175 BNS5; R1 275 BNAS3; R1 275 BNLNO; R1 275 BNS3; R1 275 BNS3 SGM; R1 375 BNAS3; R1 375 BNS3; R1 375 BNS3 SGM; R1 375 BTLCPT; R1 AUSLNO; R1 RAIRNCO; R1 RAIROFF; R1 RALO; R1 RAS3; R1 RCHAP; R1 RCITECH; R1 RCSM;[redacted]; R1 RFSNCO; R1 RFSO; R1 RHHC CDR; R1 RIO; R1 RJAG; R1 RLNO4; R1 RMED; R1 RMO; R1 ROBTECH; R1 ROPSSGM; R1 RRD OPS; R1 RS1 NCO; R1 RS2; R1 RS3; R1 RS3 AOPS; R1 RS4; R1 RS5 DIR; R1 RS6; R1 RSURG; R1 RTARGO; R1 RTOC BTL NCO; R1 RXO;[redacted]
Subject: FW: TF Shkin CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION: SECRET
CAVEATS: SPECAT x 4/ELDER PROPHET
TERMS: NONE

V/R
[redacted] BTL CPT
[redacted]

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b2
b6
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-----Original Message-----
From:[redacted]
Sent: Saturday, April 10, 2004 2:26 PM
To: R1 RTOC BTL CPT
Cc: R1 RAS3; R1 175 BNS3[redacted]
Subject: TF[redacted] CDRs Daily Update (as of 10 APR 04)

000357

[redacted]

[redacted]

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

CLASSIFIED BY: [redacted]
REASON: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b1
b2

[redacted]

Unknown

0013-06-CID201-50048

From: R1 RTOC BTL CPT
Sent: Tuesday, April 13, 2004 3:55 AM
To: R1 RXO; R1 RS3
Subject: FW: TF OMAHA FRAGO 12 APR 04
Attachments: [redacted]ROE.pdf

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Gentleman,
FYI.

V/R
[redacted] BTL CPT
[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, April 13, 2004 3:41 AM
To: R1 RTOC BTL CPT; R1 RJAG; R1 RS3
Cc: R1 175 BNCDR; [redacted]
Subject: RE: TF OMAHA FRAGO 12 APR 04

CLASSIFICATION: UNCLASSIFIED
CAVEATS: [redacted]
TERMS: NONE

[redacted]

We noted potential conflict in ROE based upon what is imbedded in today's FRAG and previous guidance.

(1) [redacted]its are not authorized to execute direct / indirect fires or maneuver of any sort into [redacted]territory, without the approval of the RCO

Our read from the previous ROE is that if attacked from across the border, we were authorized to shoot back without requesting permission from anyone. Now it looks as if we are saying we need to contact the RCO --- this will severely constrain the actions of the BCP's to defend themselves....

b1
b2
b6
7L

Thanks
CV

[redacted]
1/75 XO
R: 971-1008

000659

-----Original Message-----
From: R1 RTOC BTL CPT
Sent: Monday, April 12, 2004 7:53 PM
To: [redacted]
175 BNAS3; R1 175 BNLNO; R1 175 BNS1; R1 175 BNS3; R1 175 BNS3 SGM; R1 175 BNS5; R1 275

BNAS3; R1 275 BNLNO; R1 275 BNS3; R1 275 BNS3 SGM; R1 RAIRNCO; R1 RAIROFF; R1 RALO; R1 RAS3; R1 RCHAP; R1 RCITECH; R1 RCSM; R1 RED JOC LNO; R1 RFSNCO; R1 RFSO; R1 RHHC CDR; R1 RIO; R1 RJAG; R1 RLNO4; R1 RMED; R1 RMO; R1 ROBTECH; R1 ROPSSGM; R1 RRD OPS; R1 RS1 NCO; R1 RS2; R1 RS3; R1 RS3 AOPS; R1 RS4; R1 RS5 DIR; R1 RS6; R1 RSURG; R1 RTARGO; R1 RTOC BTL NCO; R1 RXO;

Subject: TF OMAHA FRAGO 12 APR 04

CLASSIFICATION:
CAVEATS:
TERMS: NONE

ALCON,

TF OMAHA FRAGO 12 APR 04 is attached.

V/R

BTL CPT

DERIVED FROM:
DECLASSIFY ON:

CLASSIFICATION W/O ATCH:
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION:
CAVEATS:
TERMS: NONE

CLASSIFICATION W/O ATCH: UNCLASSIFIED
CAVEATS W/O ATCH:
TERMS W/O ATCH: NONE

CLASSIFICATION: UNCLASSIFIED
CAVEATS:
TERMS: NONE

DERIVED FROM:
DECLASSIFY ON

CLASSIFICATION W/O ATCH:
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION:
CAVEATS:
TERMS: NONE

b1
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000860

[redacted]

ROE FOR [redacted] OPERATIONS

- Entry into PAK authorized for:
  - Hot pursuit of AQ/Taliban/Terrorist C2 targets from AFG into Pakistan (must be *continuous and uninterrupted*) [redacted]
  - If CDRCENTCOM (due to time constraints) directs DA/TGO against The Big 3 (UBL/Zawahiri/Omar) [redacted]
  - If SECDEF approves (JSOA or DA w/o JSOA); [redacted]
  - Personnel recovery (PR) operations (all US forces);
    - Recommend read broadly: in extremis MEDEVAC, injured, accident, downed A/C; MIA; troops in contact;
  - Self-defense:
    - Hostile Act / Intent in [redacted] => May pursue [redacted] w/ air & ground assets
    - Hostile Act / Intent in [redacted] -> May enter [redacted] engage and pursue w/ air & ground assets
    - Geographic limits: [redacted]
      - General rule: penetrate no deeper than 10 KM
      - JTF Commander must inform CENTCOM immediately
      - JTF Commander must ensure notification of Mil Liaison team @ IBAD (via U-70 / DCE IBAD)
- [redacted] for self-defense, personnel recovery and Hot Pursuit. [redacted]

0013-06-CID201-50048

[redacted]

Unknown 0013-06-CID201-50048

From: R1 RJAG
Sent: Tuesday, April 13, 2004 5:05 AM
To: [redacted]
Cc: R1 RS3; R1 RXO
Subject: RE: TF OMAHA FRAGO 12 APR 04

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

[redacted]

The RCO has put a restriction on [redacted] ability to respond to direct/indirect fires from [redacted] I've attached a slide that summarizes the current [redacted] but remember, the RCO can impose more restrictive ROE at his discretion. That's exactly what he's done here. Check with [redacted] but I suspect RCO has already discussed this limitation with him.

As you can see from the attached slide, taken from the TF Omaha ROE brief, your reading of the ROE regarding self-defense from cross-border fires, is right on.

ROE FOR [redacted] OPERATIONS

- Entry into [redacted] authorized for:
  - Hot pursuit of AQ/Taliban/Terrorist C2 targets from [redacted] (must be *continuous and uninterrupted*);
  - If CDRCENTCOM (due to time constraints) directs DA/TGO against The Big 3 (UBL/Zawahiri/Omar);
  - If SECDEF approves (JSOA or DA w/o JSOA);
  - [redacted] approved supplemental ROE;
  - Personnel recovery (PR) operations (all US forces);
    - Recommend read broadly: In extremis MEDEVAC, injured, accident, downed A/C; WIA; troops in contact;
  - Self-defense:
    - Hostile Act / Intent i[redacted] w/ air & ground assets
    - Hostile Act [redacted] engage and pursue w/ air & ground assets
    - Geographic limits: [redacted]
      - General rule: [redacted]
      - JTF Commander must inform CENTCOM immediately
      - JTF Commander must ensure notification of MI Liaison team @ IBAD (via U-70/DCE IBAD)

- [redacted] personnel recovery and Hot Pursuit.

[redacted] 17

b1
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7C

I know this doesn't resolve your dilemma, but hopefully it clears up the issues.

VR,
[redacted] RJAG

-----Original Message-----
From: [redacted]
Sent: Tuesday, April 13, 2004 7:41 AM
To: R1 RTOC BTL CPT; R1 RJAG; R1 RS3

000662

[redacted]

[redacted]

0013-06-CID201-50048

Cc: R1 175 BNCDR; [redacted]
Subject: RE: TF OMAHA FRAGO 12 APR 04

CLASSIFICATION: UNCLASSIFIED
CAVEATS: [redacted]
TERMS: NONE

[redacted]

We noted potential conflict in ROE based upon what is imbedded in today's FRAG and previous guidance.

(1) [redacted] units are not authorized to execute direct / indirect fires or maneuver of any sort into [redacted] without the approval of the RCO

Our read from the previous ROE is that if attacked from across the border, we were authorized to shoot back without requesting permission from anyone. Now it looks as if we are saying we need to contact the RCO --- this will severely constrain the actions of the BCP's to defend themselves....

Thanks

[redacted]

1/75 XO
R: [redacted]

-----Original Message-----
From: R1 RTOC BTL CPT
Sent: Monday, April 12, 2004 7:53 PM
To: [redacted]; R1 175 BNAS3; R1 175 BNLNO; R1 175 BNS1; R1 175 BNS3; R1 175 BNS3 SGM; R1 175 BNS5; R1 275 BNAS3; R1 275 BNLNO; R1 275 BNS3; R1 275 BNS3 SGM; R1 RAIRNCO; R1 RAIROFF; R1 RALO; R1 RAS3; R1 RCHAP; R1 RCITECH; R1 RCSM; [redacted]; R1 RFSNCO; R1 RFSO; R1 RHHC CDR; R1 RIO; R1 RJAG; R1 RLNO4; R1 RMED; R1 RMO; R1 ROBTECH; R1 ROPSSGM; R1 RRD OPS; R1 RS1 NCO; R1 RS2; R1 RS3; R1 RS3 AOPS; R1 RS4; R1 RS5 DIR; R1 RS6; R1 RSURG; R1 RTARGO; R1 RTOC BTL NCO; R1 RXO; [redacted]
Subject: TF OMAHA FRAGO 12 APR 04

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

ALCON,
TF OMAHA FRAGO 12 APR 04 is attached.

V/R

[redacted]

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000663

DERIVED FROM: [redacted]

[redacted]

[redacted]

0013-06-CID201-50048

DECLASSIFY ON: x4

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

CLASSIFICATION W/O ATCH: UNCLASSIFIED
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: UNCLASSIFIED
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b)
b2

000664

[redacted]

[redacted]

Unknown

0013-06-CID201-50048

From: R1 275 BNCDR
Sent: Tuesday, April 13, 2004 6:51 AM
To: R1 275 BNXO; R1 RXO
Subject: RE: TF [redacted] CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION: [redacted]
CAVEATS: SI
TERMS: HVCCO

RXO,

Please have the JAG prepare a clear, one page ROE that is blessed by the RCO. [redacted] is right. The guidance is not clear, as discussed below. Since we are close to the border, this has the opportunity to take on international dimensions. I specifically want to know if a TCP in contact with ACM forces can [redacted] to capture or kill the enemy without RCO approval."

Thank you.

[redacted]

-----Original Message-----
From: R1 275 BNXO
Sent: Tuesday, April 13, 2004 6:12 AM
To: [redacted] R1 275 BNCDR; R1 275 BNS3
Cc: R1 275 BNAS3
Subject: RE: TF Shkin CDRs Daily Update (as of 10 APR 04)

Gents,

I agree with [redacted] completely. From talking to the ODA here they believe that the ability to [redacted] in hot pursuit is critical. [redacted]. All intercepts and sources verify that this completely upset their sense of invulnerableness [redacted] It has decreased the level of attacks recently as the ACM cannot recruit local guns for hire to fight us.

I think we need the relaxed restrictions to be effective.

Before I departed BAF I spoke with the RXO about this matter and he said that we were operating under the more relaxed restrictions outlined below.

RLTW!

b1
b2
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-----Original Message-----
From: [redacted]
Sent: Tuesday, April 13, 2004 12:46 AM
To: R1 275 BNCDR; R1 275 BNS3; R1 275 BNXO
Cc: R1 275 BNAS3
Subject: FW: TF [redacted] CDRs Daily Update (as of 10 APR 04)

000335

CLASSIFICATION: [redacted]
CAVEATS: NONE
TERMS: NONE

[redacted]

Enclosure I

0013-06-CID201-50048

Gentlemen,

I want to ensure that we are straight on the ROE. The attached slide is what I was tracking on for [redacted] ops. It basically allows Ranger to defend himself and pursue those who display hostile act/intent into [redacted]. I does not require approval, only notification. I understand that yesterday's FRAGO said that no one could cross without RCO approval. That is a significantly more restrictive ROE. The bad guys in our zone know and understand the Big Army ROE and employ the border as a control measure. I saw the attached ROE as a big step forward. I wanted to make sure we were operating within in the intent, and to voice my concerns over a significantly more restrictive ROE. I will have a BCP that is right on the border based on the way I read the RGTL FRAGO they cannot [redacted] that has shot at them until we get RCO approval.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Sunday, April 11, 2004 4:14 AM
To: [redacted]
Subject: FW: TF [redacted] CDRs Daily Update (as of 10 APR 04)

Gents,
Don't believe any of this is new. Info on ROE below.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Sunday, April 11, 2004 6:48 AM
To: [redacted]
Subject: FW: TF [redacted] CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION: UNCLASSIFIED
CAVEATS: [redacted]
TERMS: NONE

Highlight the fact that a response is authorized, but must go to the J3 of TF Omaha.

[redacted]
1/75 XO
[redacted]

-----Original Message-----
From: R1 RJAG
Sent: Sunday, April 11, 2004 6:45 AM
To: R1 RS3
Cc: R1 RTOC BTL [redacted] R1 RFSO; R1 RXO; R1 RAS3
Subject: RE: TF [redacted] CDRs Daily Update (as of 10 APR 04)

b1
b2
b6
TC

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

000336

Sir,

[redacted] annot or will not prevent hostile forces from using their [redacted] forces, and the hostile force constitutes an imminent threat to ongoing operations, entry into the [redacted] is authorized to counter the threat. [redacted]

[redacted]

006).

0013-06-CID201-50049

The unit that is engaged by hostile fire has an inherent right of self-defense to respond to a cross-border threat. Once attacked, the unit in contact should immediately notify the RS3, who will in turn, notify the J3. The below slide summarizes the current authority for [redacted] and can also be found in the TST Omaha ROE brief on the RJAG webpage.

[redacted]

ROE FOR [redacted] RATIONS

- Entry into [redacted] authorized for:
  - Hot pursuit of AQ/Taliban/Terrorist C2 targets from [redacted] (must be *continuous and uninterrupted*) [redacted]
  - If CDRCENTCOM (due to time constraints) directs DA/TGO against The Big 3 (UBL/Zawahiri/Omar) [redacted]
  - If SECDEF approves (JSOA or DA w/o JSOA): [redacted]
  - Personnel recovery (PR) operations (all US forces);
    - Recommend read broadly: in extremis MEDEVAC, injured, accident, downed A/C, MIA; troops in contact;
  - Self-defense:
    - Hostile Act / Intent [redacted] => May [redacted] w/ air & ground assets
    - Hostile Act / Intent in [redacted] => May enter [redacted] engage and pursue w/ air & ground assets
    - Geographic limits: [redacted]
      - General rule: penetrate no deeper than 10 KM
      - JTF Commander must inform CENTCOM immediately
      - JTF Commander must ensure notification of MI Liaison team @ IBAD (via U-70/DCE IBAD)
- [redacted] for self-defense, personnel recovery and Hot Pursuit.

[redacted] 17

Let me know if you have additional questions,
RJAG

-----Original Message-----
From: R1 RS3
Sent: Saturday, April 10, 2004 11:08 PM
To: R1 RTOC BTL [redacted]
Cc: R1 RFSO; R1 RXO; R1 RAS3; R1 RJAG
Subject: RE: TF [redacted] CDRs Daily Update (as of 10 APR 04)

b1
b2
b6
7C

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

000667

Thanks – good report.

RXO – both JAG and FSO are researching ROE to see what response options we have against indirect fires received from [redacted]

[redacted]

[redacted]-13-06-CID201-50048

RXO - [redacted] asking if we can square away his pay agent.

Rich – have current ops work lining up delivery of [redacted] to BCP 217 with next aerial resupply.

Thanks
RS3

-----Original Message-----
From: R1 RTOC BTL CPT
Sent: Saturday, April 10, 2004 2:39 PM
To: [redacted] R1 175 BNAS3; R1 175 BNLNO; R1 175 BNS1; R1 175 BNS3; R1 175 BNS3 SGM; R1 175 BNS5; R1 275 BNAS3; R1 275 BNLNO; R1 275 BNS3; R1 275 BNS3 SGM; R1 375 BNAS3; R1 375 BNS3; R1 375 BNS3 SGM; R1 375 BTLCPT; R1 AUSLNO; R1 RAIRNCO; R1 RAIROFF; R1 RALO; R1 RAS3; R1 RCHAP; R1 RCITECH; R1 RCSM; [redacted] JOC LNO; R1 RFSNCO; R1 RFSO; R1 RHHC CDR; R1 RIO; R1 RJAG; R1 RLNO4; R1 RMED; R1 RMO; R1 ROBTECH; R1 ROPSSGM; R1 RRD OPS; R1 RS1 NCO; R1 RS2; R1 RS3; R1 RS3 AOPS; R1 RS4; R1 RS5 DIR; R1 RS6; R1 RSURG; R1 RTARGO; R1 RTOC BTL NCO; R1 RXO; [redacted]
Subject: FW: TF Shkin CDRs Daily Update (as of 10 APR 04)

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

V/R
[redacted] BTL CPT
[redacted]

-----Original Message-----
From: [redacted]
Sent: Saturday, April 10, 2004 2:26 PM
To: R1 RTOC BTL CPT
Cc: R1 RAS3; R1 175 BNS3; [redacted]
Subject: TF [redacted] CDRs Daily Update (as of 10 APR 04)

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

CLASSIFIED BY: [redacted]

b1
b2
b6
7C

000668

[redacted]

[redacted]

0013-06-CID201-50048

REASON: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

CLASSIFICATION W/O ATCH: UNCLASSIFIED
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: UNCLASSIFIED
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM:
DECLASSIFY ON:

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: NONE
TERMS: NONE

DERIVED FROM: Elder Prophet
DECLASSIFY ON: X1

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: [redacted]

CLASSIFICATION: [redacted]
CAVEATS: SI
TERMS: HVCCO

b1
b2

[redacted]

[redacted]

Unknown 0013-06-CID201-50048

From: R1 RJAG
Sent: Tuesday, April 13, 2004 4:59 PM
To: R1 RXO
Subject: FW: [redacted] ROE
Attachments: TF OMAHA ROE [redacted] Ops.ppt

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

-----Original Message-----
From: R1 RJAG
Sent: Tuesday, April 13, 2004 6:03 PM
To: R1 275 BNCDR; R1 175 BNCDR
Cc: R1 175 BNXO; R1 275 BNXO; R1 RS3; R1 175 BNS3; R1 275 BNS3
Subject: Cross Border ROE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Gentlemen,

Per the RCO's guidance, I have attached a one page slide summary of [redacted] for your review and distribution.

VR,
RJAG

DERIVED FROM: JSOC Man 380-5 (1JUN 01)
DECLASSIFY ON: x4

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

b1

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

000670

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

[redacted]

Enclosure 3

[redacted]

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b1
b2

[redacted]

[redacted] ROE (SELF DEFENSE)

Positive Identification (PID) of the Hostile Force MUST be maintained at all times.

Self Defense:

- **Hostile Acts:**
  - **MAY** engage hostile forces committing a HOSTILE ACT (e.g. Shooting at you)
  - **MUST** seek RCO approval before engaging hostile forces with indirect fires
  - Engagement may be made with both ground and air assets

- **Hostile Intent**:
  - **MAY** engage hostile forces displaying HOSTILE INTENT (i.e. Preparing to commit a hostile act against you)
  - **MUST** seek RCO approval before engaging hostile forces with indirect fires
  - Engagement may be made with both ground and air assets

- **Pursuit for the Purpose of Engagement**:
  - **MUST** seek RCO approval before [redacted]
  - Pursuit **MUST** be continuous and uninterrupted (i.e. No breaks in contact)
  - [redacted] as necessary to eliminate the threat; [redacted]
  - Pursuit may be made with both ground and air assets

[redacted]

0013-08-CID201-50048

000672

[redacted]

Unknown

0013-06-CID201-50048

From: R1 RJAG
Sent: Thursday, April 15, 2004 4:43 AM
To: R1 RXO
Subject: RE: [redacted] FRAGO 14 APR 04 (Issues)
Importance: High

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

Sir,

Wrong. Jacked-Up. Here's the correct ROE as briefed by myself to the Commanders:

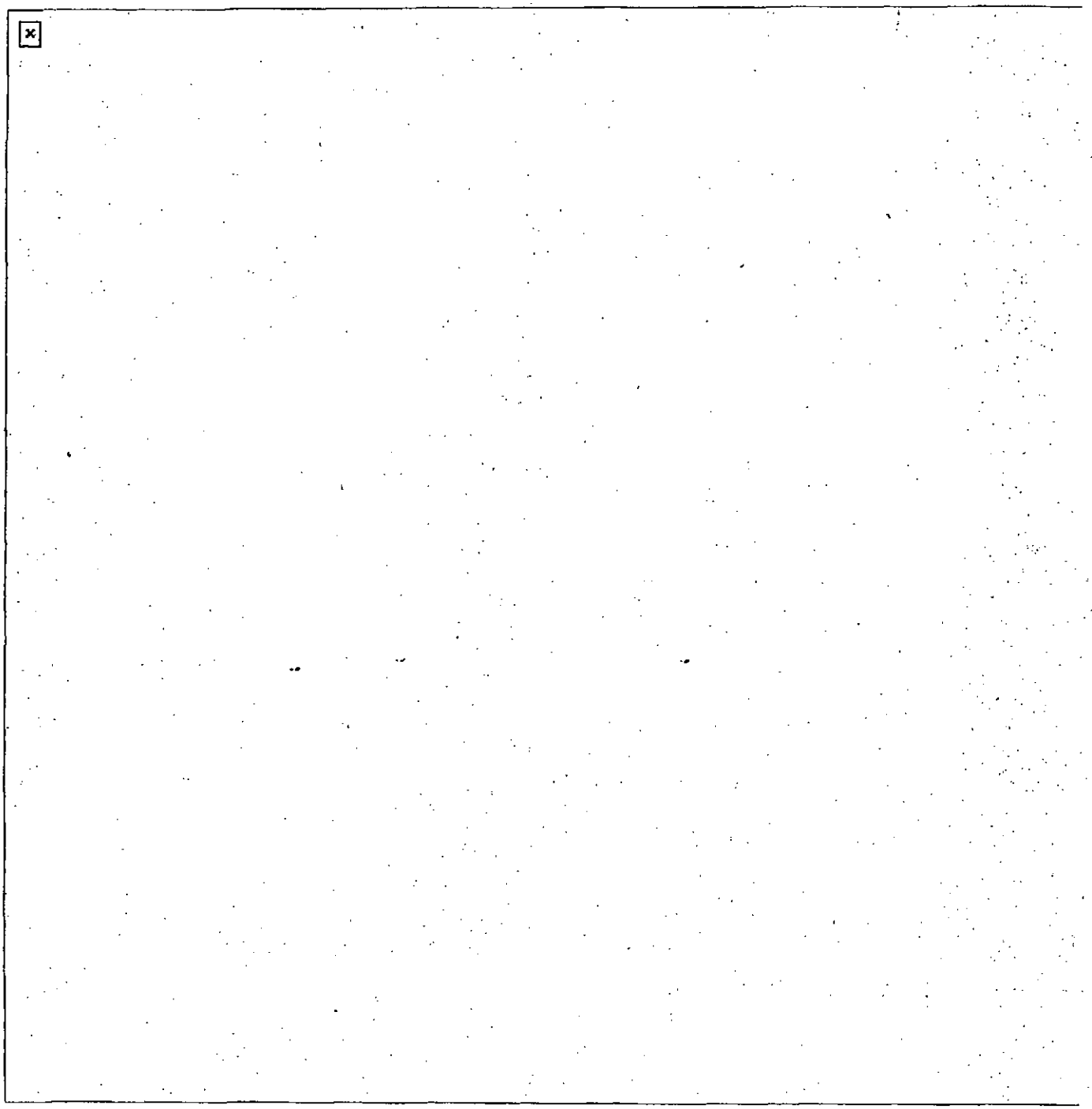
b1
b2

000373

[redacted]

Enclosure K

[redacted] 0013-06-CID201-50048



Preguntas?

RLTW/RJAG

b1
b2

-----Original Message-----
From: R1 RXO
Sent: Thursday, April 15, 2004 5:04 AM
To: R1 RJAG; R1 RS4
Cc: R1 RAS3; R1 RS3
Subject: FW[redacted]FRAGO 14 APR 04 (Issues)

000674

[redacted]

[redacted]

0013-06-CID201-50048

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

RJAG... please review wording for line d.1. (Coordinating Instructions that state ROE requirements). Think this will again cause confusion... direct fire is immediately authorized into Pakistan if friendly forces come under direct fire attack from forces in Pakistan while on patrol. Our forces retain the right of self defense (hostile act or hostile intent) without the RCO's authorization. The way d.1. is written, it will cause confusion again. Thoughts?

RS4... your planning timeline for the resupply matrix should go from R-Day to R-5 versus R-Day to R+5. Anytime you use +, you must continue with an established R-Day that never changes. It's just like T-Weeks for training schedules. Questions, come see me and I'll explain further. Thanks.

VR,
[redacted]
XO
435-7228

-----Original Message-----
From: R1 RTOC BTL CPT
Sent: Wednesday, April 14, 2004 8:06 PM
To: [redacted] Regiment [redacted]; IZ Ranger Regiment S2 [redacted]; [redacted] R1 175 BNAS3; R1 175 BNLNO; R1 175 BNS1; R1 175 BNS3; R1 175 BNS3 SGM; R1 175 BNS5; R1 275 BNAS3; R1 275 BNLNO; R1 275 BNS3 SGM; R1 RAIRNCO; R1 RAIROFF; R1 RALO; R1 RAS3; R1 RCHAP; R1 RCITECH; R1 RCSM; R1 RED JOC LNO; R1 RFSNCO; R1 RFSO; R1 RHHC CDR; R1 RIO; R1 RJAG; R1 RLNO4; R1 RMED; R1 RMO; R1 ROBTECH; R1 ROPSSGM; R1 RRD OPS; R1 RS1 NCO; R1 RS2; R1 RS3; R1 RS3 AOPS; R1 RS4; R1 RS5 DIR; R1 RS6; R1 RSURG; R1 RTARGO; R1 RTOC BTL NCO; R1 RXO; [redacted]
Subject: [redacted] FRAGO 14 APR 04

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

ALCON,
[redacted] FRAGO 14 APR 04 is attached.

V/R
[redacted] BTL CPT
[redacted]

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DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

000675

[redacted]

[redacted]

CLASSIFIED BY: [redacted]
REASON: 1.5a
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: [redacted]
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: [redacted]
TERMS: NONE

b1
b2

[redacted]

[redacted]

Positive Identification (PID) of the Hostile Force MUST be maintained at all times.

Self Defense:

- **Hostile Acts:**
  - **MAY** engage hostile forces committing a HOSTILE ACT (e.g. Shooting at you)
  - **MUST** seek RCO approval before engaging hostile forces with indirect fires
  - Engagement may be made with both ground and air assets

- **Hostile Intent:**
  - **MAY** engage hostile forces displaying HOSTILE INTENT (i.e. Preparing to commit a hostile act against you)
  - **MUST** seek RCO approval before engaging hostile forces with indirect fires
  - Engagement may be made with both ground and air assets

- **Pursuit for the Purpose of Engagement:**
  - **MUST** seek RCO approval before [redacted]
  - Pursuit **MUST** be continuous and uninterrupted (i.e. No breaks in contact)
  - [redacted] as necessary to eliminate the threat, [redacted]
  - Pursuit may be made with bc ground and air assets

0013-06-CID20-50[illegible]8
000377

[redacted]

Unknown

0013-06-CID201-50048

From: R1 RJAG
Sent: Tuesday, April 27, 2004 6:44 PM
To: R1 RS3; R1 RS2; R1 RS4; R1 RS5; R1 CA PLANNER; R1 RCITECH
Cc: R1 RXO
Subject: Proposed [redacted] CERP Rewards Request
Attachments: [redacted] CERP Rewards Memo.doc; [redacted] CERP FRAGO 250.doc; FRAGO 480 (CHNG [redacted] Small Rewards.doc

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

Gents,

I have attached a proposal that, if approved by the [redacted], would allow the RCO to use CERP funds to pay small rewards for information. As you will see, the request is almost identical to a program already set up in Iraq for [redacted] forces.

I appreciate your "CHOPs," as well as your comments/criticisms, as it will make this a better product. Likewise, if you think I'm "out-in-left-field," please tell me...it wouldn't be the first time.

RLTW/RJAG

DERIVED FROM: [redacted]
DECLASSIFY ON: [redacted]

CLASSIFICATION W/O ATCH: [redacted]
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: [redacted]
CAVEATS: NONE
TERMS: NONE

b1
b2

000678

[redacted]

Enclosure L

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 2 Pages

DETAILS:

(U) About 1000, 14 Nov 06, SA [redacted] was contacted by SA [redacted] regarding possible documents which were obtained by [redacted] which originated from a journal [redacted] was maintaining while in Afghanistan in April 04. SA [redacted] related that he was going to fly to [redacted] State, coordinate with [redacted] and collect the documents.

Additionally, SA [redacted] FAXed several documents which mentioned ROE for the timeframe in question as well as mission names which may be able to assist [redacted].

(U) About 0900, 15 Nov 06, SA [redacted] coordinated with SA [redacted] regarding the status of the ROE and the OPORDER for the Apr 04 timeframe. SA [redacted] related that he is continually coordinating with [redacted] who is attempting to locate the documents, however, has been unsuccessful to this point.

(U) About 1600, 15 Nov 06, SA [redacted] coordinated with SA [redacted] regarding the documents FAXed to this office by SA [redacted] The documents were FAXed (via secure FAX) to SA [redacted] for review.

Additionally, this agent informed SA [redacted] of the time critical nature of this request, as this investigation was pending the receipt of the ROE / OPORDER prior to a final determination being made in this investigation. SA [redacted] related that he would not only utilize [redacted] but he would coordinate with additional POC's he has pertaining to the issue.

SA [redacted] was also requested to coordinate with his POC(s) at USCENTCOM, as it appears that the documentation forwarded to this office by SA [redacted] refer to the ROE possibly being maintained there.

(U) About 1600, 15 Nov 06, SA [redacted] coordinated with SA [redacted] regarding the ROE. SA [redacted] related that [redacted] concluded that the 2/75th Rgt Rgt does not have any information pertaining to the ROE or the OPORDER for the period of time in question.

[redacted] (U) About 1300, 16 Nov 06, SA [redacted] coordinated with SA [redacted] regarding the status of his POC to obtain the ROE. SA [redacted] stated that [redacted] FBNC, [redacted] will be the POC this office needs to coordinate with, as his office is the approving authority for the 2/75th RGR RGT ROE.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 003679	
SIGNATURE [redacted]	DATE 27 NOV 06	EXHIBIT 118

CID FORM 94-E

b1, b2, b6, 7C

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 2 Pages

(U) Between 0900 – 1030, 17 Nov 06, SA [redacted] and SA [redacted] provided a briefing of this investigation to [redacted], 701st SJA, [redacted] Chief, General Law Branch, Admin Law Division, USACIDC and [redacted], Legal Advisor, 701st MP, USACIDC. The briefing consisted of all video imagery as well as a detailed slide show depicting the events which occurred on 22 Apr 04.

(U) At about 1000, 20 Nov 06, SA [redacted] received a copy of the ROE from [redacted] USAF, Deputy Staff Judge Advocate, Ft. Bragg, NC (See ROE for details).

(U) About 1044, 20 Nov 06, SA [redacted] coordinated with [redacted] Head, Firearms Division, USACIL, and [redacted] Firearms Division, USACIL, and briefed both on the status of the vest and magazine. Both related that any pertinent information, other than the items being struck by a round, would be unlikely.

(U) About 1300, 20 Nov 06, SA [redacted] received guidance from SA [redacted] regarding a vest and 5.56mm magazine which [redacted] has had in his position since the firefight. This office will collect the aforementioned items, forward to the USACIL and request they conduct an examination of the items despite the previous coordination with USACIL.

(U) About 1400, 27 Nov 06, this office received information from DODIG regarding an inconsistency in a statement their office recently obtained, as compared to the 10 Aug 06 Sworn Statement taken by this office pertaining to [redacted] Apparently, in the DODIG statement, [redacted] stated that he saw a Serial 2 vehicle stop and witnessed a passenger get out of the vehicle and fire an M4 weapon at the ridge line and Serial 1. In the statement obtained by this office, [redacted] stated that the vehicles never stopped moving and that they kept driving and firing their weapons until they arrived at the friendly vehicles locations. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000680	
SIGNATURE [redacted]	DATE 27 Nov 06	EXHIBIT 118

CID FORM 94-E [redacted]

b2, b6, 7C

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0013-06-CID201-50048 PAGE 1 OF 2 PAGE

DETAILS

(U) At 1150, 28 Nov 06, SA [redacted] collected as evidence 1 set of Ranger Body Armor from [redacted]. Evidence was retained on Evidence/Property Custody Document, DA Form 4137 (EPCD), voucher 019-06 (See EPCD for details). Armor had three M4 magazine pouches across the chest; center of which contained 1 M4 magazine with an undetermined number of 5.56 rounds. Magazine appears to have been impacted by multiple rounds. Lower part of vest had one utility pouch which contained 5 pin gun flares. 10 photographs were exposed of the evidence using a Nikon D-80 Digital SLR camera. (See photographic packet for details)

(U) At 1200, 28 Nov 06, SA [redacted] interviewed [redacted] regarding discrepancies found in previous statements given to 15-6 investigators, this office and Department of Defense Inspector General (DODIG). [redacted] was notified that in his statement given to this office on 10 Aug 06 he said "The vehicles never stopped moving, they kept driving and firing 50 cal and 7.62 machine guns until they arrived at our vehicles" and in a statement given to DODIG in Nov 06 he said [redacted] saw the serial 2 vehicle stop and [redacted] or the person who was in the passenger side in the TC seat get out of the passenger side of the vehicle and that person fired or at least aimed his M4 weapon at the ridgeline at serial 1". SA [redacted] questioned [redacted] on whether the vehicle stopped or didn't. [redacted] was very indecisive and stated the vehicle actually just slowed enough for the TC to get out, point or fire his weapon and the run to get back in the vehicle. [redacted] stated he was having difficulty remembering the exact event details as it has been over two years and he has told the story so many times to so many different people.

(U) Next SA [redacted] questioned [redacted] on how he obtained his Ranger Body Armor from Afghanistan. Previous statements differ as to whether he obtained his Ranger Body Armor from [redacted] or [redacted]. [redacted] clarified he was medically evacuated from Afghanistan and his vest was brought back to Fort Lewis Washington and given to him by [redacted] who knew [redacted] would want the armor for its sentimental value. [redacted] then got permission to keep the Ranger Body Armor from [redacted]

(U) Finally, SA [redacted] questioned [redacted] on whether he informed this office during a previous interview that he had his Ranger Body Armor in his possession. [redacted] related he thought he had mentioned it to everyone he has talked to but is not 100% positive who he mentioned it to by name. [redacted] stated it is possible he didn't mention the vest but doesn't remember due to having spoken about it so often and to so many different people.

(U) At 1400, 28 Nov 06, SA [redacted] coordinated with [redacted] Resident Agent in Charge (RAC), Bureau of Alcohol, Tobacco, and Firearms, [redacted] and requested assistance in storing/disposing of the 5 pin gun flares and launcher. [redacted] related ATF could not assist without

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION FIELD INVESTIGATIVE UNIT 701st MP Group (CID), USACIDC 7701 Telegraph Road, Alexandria, VA 22315	62 66 0003817C
SA [redacted]		
SIGNATURE [redacted]	DATE 1 Dec 06	EXHIBIT 119

DETAILS

initiating a case, but would contact the [redacted] and request assistance.

(U) At 1540, 28 Nov 06, SA [redacted] released the 5 pin gun flares and launcher to [redacted] U.S. Air Force, [redacted] and [redacted]. Items were release and documented on EPCD, voucher 019-06. SA [redacted] asked [redacted] to not destroy the flares until this office made the determination as to whether or not they will serve any evidentiary purpose.

(U) On 1 Dec 06, this office submitted a Request for Laboratory Examination to the United States Army Criminal Investigative Laboratory (USACIL), Forest Park, GA 30297. The request was to have the Ranger Body Armor and magazine examined to determine trajectory; type and caliber of the rounds, number of impacts and locate any residual metallic fragments which may determine make/origin of the rounds. (See Laboratory Examination Request for details)

//Last Entry//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	FIELD INVESTIGATIVE UNIT 701st MP Group (CID), USACIDC 7701 Telegraph Road, Alexandria, VA 22315	000682
SIGNATURE [redacted]	DATE: 1 Dec 06	EXHIBIT: 119

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	Photograph depicting [redacted] Ranger Body Armor
2.	Photograph depicting center magazine pouch
3.	Photograph depicting center magazine pouch open
4.	Photograph depicting magazine removed from pouch
5.	Photograph depicting close up of impact point on magazine
6.	Photograph depicting side view of magazine
7.	Photograph depicting close up side top view of magazine
8.	Photograph depicting close up of impact point on magazine
9.	Photograph depicting top view of impact point on magazine
10.	Photograph depicting close up view of impact point on magazine

b6
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EXHIBIT 120

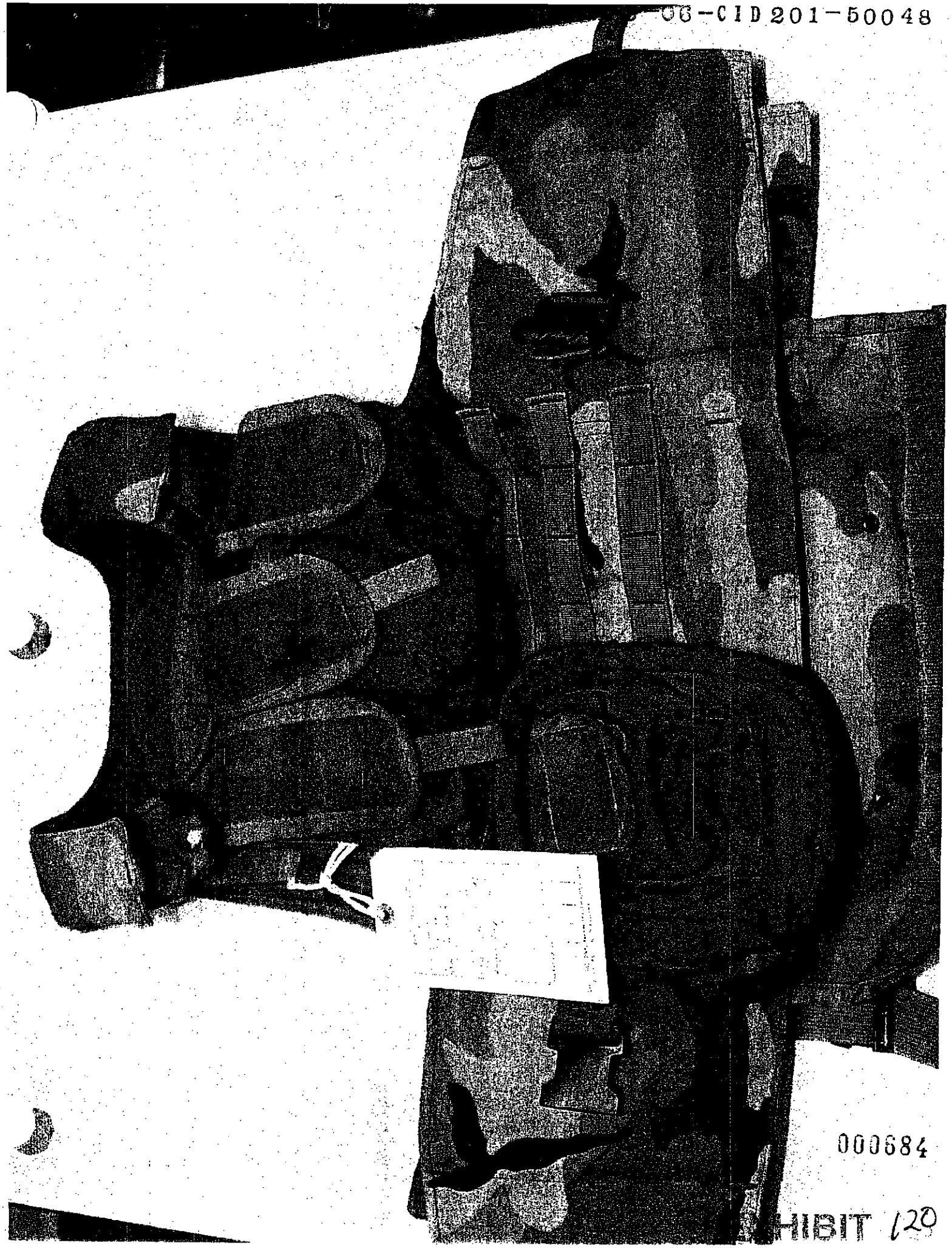
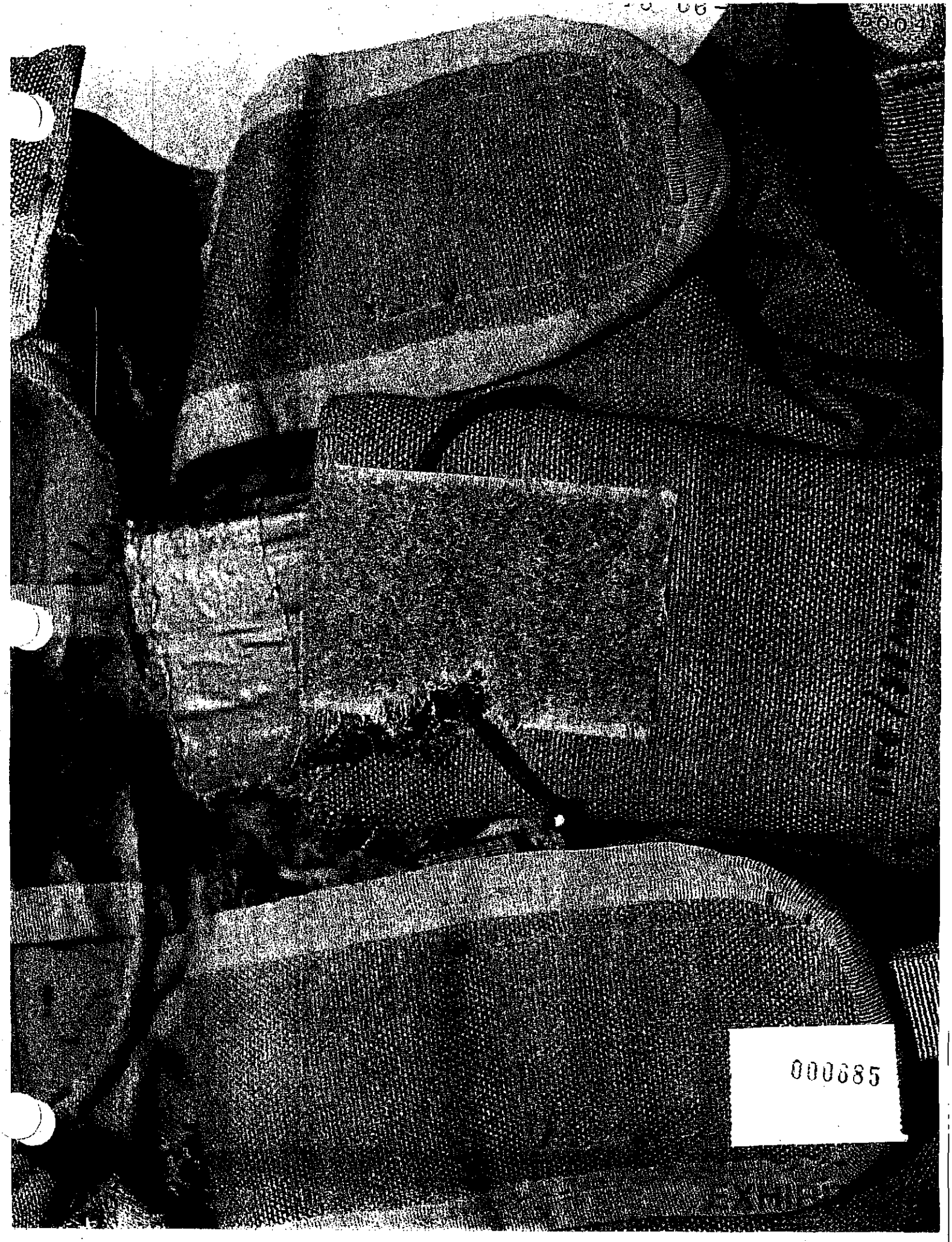


EXHIBIT 120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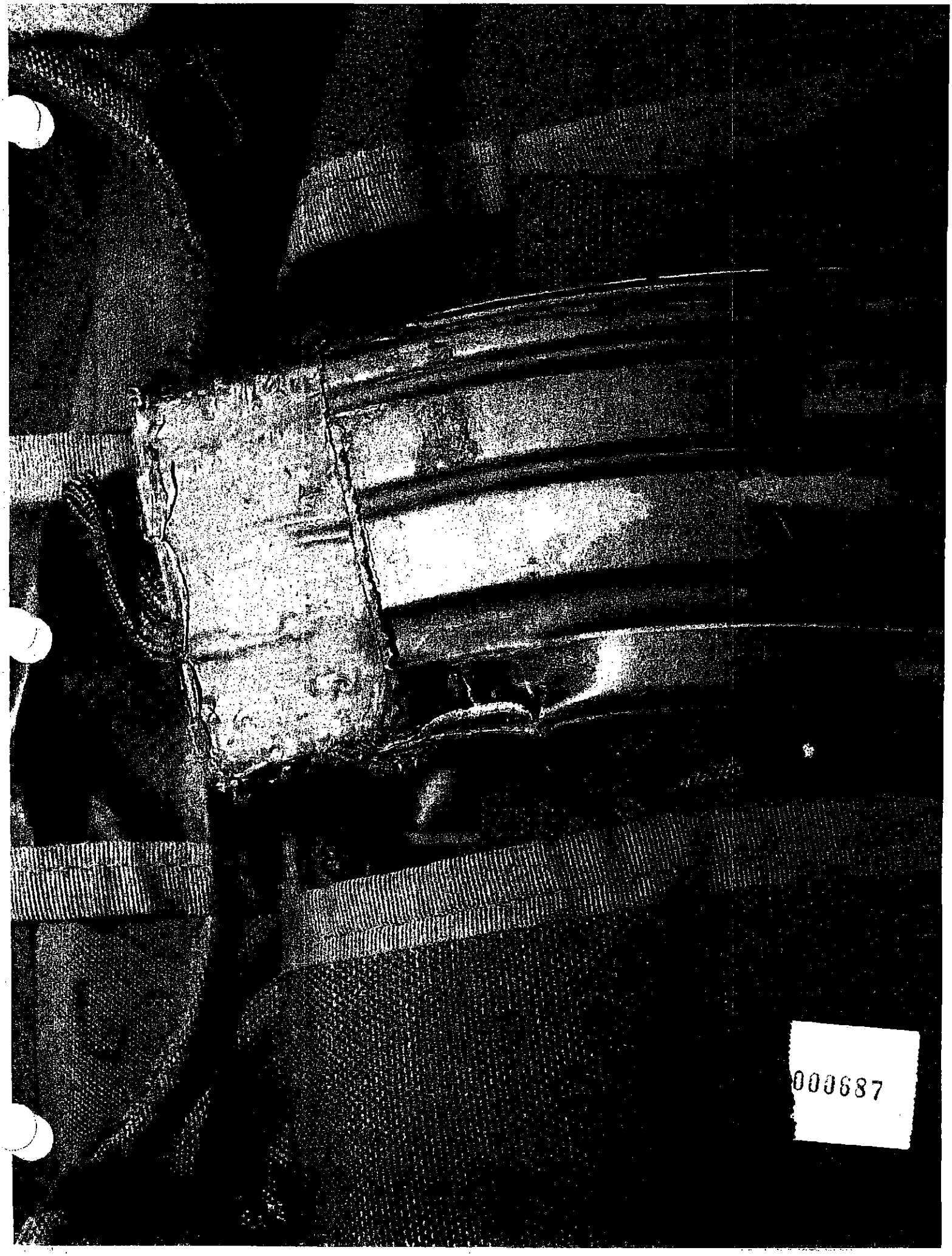
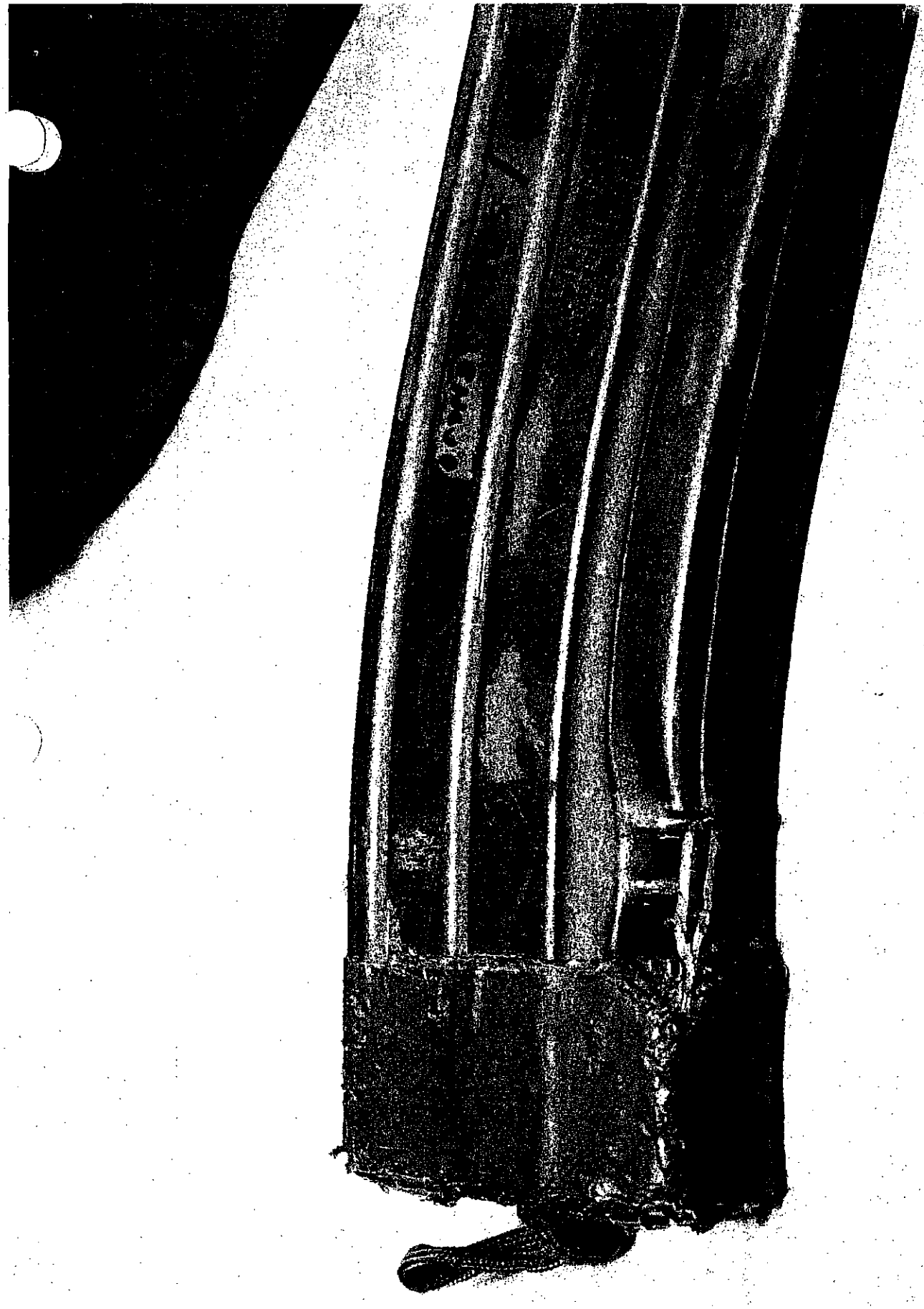
120


000687



000688

EXHIBIT 120



EXHIBIT 120



01-5004

000390

EXHIBIT 120



EXHIBIT 120



EXHIBIT P20

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 2 of 3 Pages

[redacted] forward copies of the documentation with the actual classified portion of the documents marked. [redacted] related that it would take approximately two weeks to complete.

(U) At 0900, 18 Dec 06, SA [redacted] was contacted by [redacted], regarding the classification markings pertaining to the statements. [redacted] was unsure exactly what the request was, as relayed to him from [redacted]

This agent explained the request at which time [redacted] related that he will mark specific areas of each statement as they relate to their specific classification and will forward the statements to this office when completed.

(U) At 1015, 18 Dec 06, SA [redacted] coordinated with [redacted], Firearms and Tool marks, USACIL, regarding the examination of [redacted] vest and magazine. [redacted] stated that he determined the impact and damage sustained on [redacted] vest and magazine were caused by a projectile larger than a .22 caliber round. Further, when the round impacted, it was in "Yaw", or from a deflection. The round impacted the vest from a left to right and lower to upper direction. There were no fragments identified in the vest or the magazine, therefore, the items will not be forwarded to Picatinny for additional examinations.

(U) At 1330, 19 Dec 06, [redacted] Evidence Custodian, FIU, received [redacted] body armor, magazine with rounds and a Crime Laboratory Report clarifying their findings. The items were collected and will be retained in the evidence depository of this office (DA Form 4137 / Document Number 019-06).

(U) At 0830, 19 Dec 06, SA [redacted] prepared and packaged statements of [redacted] and [redacted]. The items were forwarded to:

[redacted]
Office of the Staff Judge Advocate
[redacted]
Ft. Bragg, NC 28310

for [redacted] classification review.

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000593

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315
SIGNATURE [redacted]	DATE 22 DEC 06 / EXHIBIT 121

CID FORM 94-E

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 1 of 3 Pages

DETAILS:

(U) At about 1440 6 Dec 06, [redacted] Evidence Custodian, this office, coordinated with [redacted], USACIL, regarding the receipt of [redacted] body armor and M4 magazine. [redacted] stated that they had in fact received the items and would be conducting the examinations.

(U) At 0900, 7 Dec 06, SA [redacted] coordinated with [redacted], USACIL, regarding the receipt and examination of the M4 magazine. [redacted] was requested to add an additional examination to the request "Determine how many impacts the magazine had received". [redacted] stated he would ensure the additional examination was requested.

(U) At 0935, 7 Dec 06, SA [redacted] coordinated with [redacted] Firearms / Toolmarks, USACIL, regarding an estimated timeframe for their completion of the examination. [redacted] stated that he could not provide a definitive timeframe for the completion of the examination.

(U) At 1300, 12 Dec 06, SA [redacted] coordinated with [redacted] regarding the status of the elemental analysis. [redacted] stated that she has not yet completed the examination as she has been out of the office for several days due to a family emergency.

[redacted] stated that she should have a finalized report to this office within @ 10 days.

[redacted] (U) At 1410, 12 Dec 06, SA [redacted] received statements from [redacted] with classification markings. Information pertaining to the classification markings will be transferred to original statements.

Note: This agent coordinated with [redacted] and confirmed receipt of the documents. Copy of DA Form 3964 has been forwarded to their office per their request to:

[redacted]
Office of the Staff Judge Advocate
[redacted]
Ft. Bragg, NC 28310

[redacted] (U) At 1600, 12 Dec 06, SA [redacted] coordinated with [redacted] FBNC regarding the statements. Although the statements are "Class Marked", they do not identify exactly what specific information, in each document, is actually classified. This agent requested [redacted]

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b6, 7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 003394
SIGNATURE [redacted]	DATE 22 DEC 06 / EXHIBIT 121

CID FORM 94-E

[redacted]

AGENTS INVESTIGATIVE REPORT CID Regulation 195-1	ROI NUMBER 0013-06-CID201-50048
	Page 3 of 3 Pages

(U) At about 1100, 22 Dec 06, SA [redacted] coordinated with [redacted], Legal Advisor, HQ, USACIDC, who stated he declined to title any soldier within this investigation for any wrongdoing. [redacted] stated he was going to re-evaluate the punishment (ART 15's) that some of the soldiers received in regards to his opine.

b2
b6, 7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigative Unit, Bldg 2591, 7701 Telegraph Road, Alexandria, VA 22315 000695	
SIGNATURE [redacted]	DATE 22 DEC 06	EXHIBIT 121

CID FORM 94-E

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(U) About 0930, 20 Feb 07, the undersigned coordinated with [redacted] Legal Attorney, 701st MP Grp (CID), Fort Belvoir, VA, who rendered his legal opine on criminal changes involving the CPL TILLMAN investigation. [redacted] stated his review of the findings was limited to the USACIDC investigation to include the two 15-6 investigations. He summarizes the incident as the shooting on CPL TILLMAN's position, [redacted] position and [redacted] position. [redacted] concluded that no crimes were committed during the three incidents. The incident did not meet all the elements of proof of a crime and the right to self-defense and defense of others foreclose criminal liability.

///LAST ENTRY///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	003696 701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 20 Feb 07	EXHIBIT 122

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0013-06-CID201-50048

DETAILS

(U) At 1515, 7 Mar 07, SA [redacted] re-interviewed [redacted], Headquarters, Headquarters Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433. [redacted] was asked the following questions pertaining to [redacted] firing at the CPL TILLMAN's position and at the position of [redacted] and [redacted]. The following questions were asked to provide clarification:

Q. What was [redacted] function in your vehicle on 22 Apr 04?
A. He was the driver.

Q. Did you see [redacted] engage the enemy? When?
A. I don't remember him engaging the enemy because he was driving.

Q. Did you see [redacted] fire his weapon after exiting the canyon area before CPL TILLMAN's position?
A. I don't remember seeing him fire his weapon.

Q. Did you see [redacted] fire his weapon at CPL TILLMAN's position?
A. I don't remember him firing his weapon at CPL TILLMAN's position.

Q. Did you see [redacted] fire his weapon at [redacted] position?
A. I don't remember him firing his weapon at [redacted] position.

Q. Did you see [redacted] fire his weapon at [redacted] / [redacted] position?
A. I don't remember him firing his weapon at this position either.

Q. Was there a vehicle mounted weapons system for the driver to use?
A. No.

Q. How did [redacted] use his weapon if he was driving the vehicle?
A. Good question, I don't know.

Q. Is this common practice to fire your weapon while driving a vehicle?
A. No.

Q. Is this trained, to fire a weapon from a vehicle?
A. No.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigation Unit (FIU) 7701 Telegraph Road, Alexandria, VA	000697
SIGNATURE [redacted]	DATE 8 Mar 07	EXHIBIT 123

123

DETAILS

Q. On your previous statement given to this office on 19 May 06, when asked if anyone in your vehicle fired on CPL TILLMAN's position or in the direction of [redacted] and [redacted] you stated "NO". Why now do you not remember?
A: I honestly don't remember him firing, but it is possible he could have and due to the fact I was focused on everything else that was going on I don't remember it.

(U) At 1530, 7 Mar 07, SA [redacted], re-interviewed [redacted] Headquarters, Headquarters Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433. [redacted] was asked the following questions pertaining to [redacted] firing at the CPL TILLMAN's position and at the position of [redacted] and [redacted] The following questions were asked to provide clarification:

Q. What was [redacted] function in your vehicle on 22 Apr 04?
A. I believe he was the driver.

Q. Did you see [redacted] engage the enemy? When?
A. I don't remember him engaging the enemy because he would have been driving.

Q. Did you see [redacted] fire his weapon after exiting the canyon area before CPL TILLMAN's position?
A. I don't remember seeing him fire his weapon, but I was focused on looking for the enemy through my optics I wasn't paying attention to him.

Q. Did you see [redacted] fire his weapon at CPL TILLMAN's position?
A. I don't remember him firing his weapon at CPL TILLMAN's position.

Q. Did you see [redacted] fire his weapon at [redacted] position?
A. I don't remember him firing his weapon at [redacted] position.

Q. Did you see [redacted] fire his weapon at [redacted] position?
A. I don't remember him firing his weapon at this position either.

Q. Was there a vehicle mounted weapons system for the driver to use?
A. No.

Q. How did [redacted] use his weapon if he was driving the vehicle?
A. I don't think he could have.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigation Unit (FIU) 7701 Telegraph Road, Alexandria, VA	000698
SIGNATURE [redacted]	DATE 8 Mar 07	EXHIBIT 123

DETAILS

Q. Is this common practice to fire your weapon while driving a vehicle?
A. No.

Q. Is this trained, to fire a weapon from a vehicle?
A. No.

Q. Is it possible [redacted] could have fired his weapon at each of these positions?
A. Sure it's possible, but I don't remember if he did or didn't fire at any of them.

About 0930, 8 Mar 07, SA [redacted] this office, re-interviewed [redacted] and asked the following questions pertaining to [redacted] firing at the CPL TILLMAN's position and at the position of [redacted] and [redacted] The following questions were asked to provide clarification:

Q. What was [redacted] function in your vehicle on 22 Apr 04?
A: Driver.

Q. Did you see [redacted] engage the enemy? When? What weapon and how?
A: No.

Q. Did you see [redacted] fire his weapon after exiting the canyon area before CPL TILLMAN's position?
A: No.

Q. Did you see [redacted] fire his weapon at CPL TILLMAN's position?
A: No.

Q. Did you see [redacted] ire his weapon at [redacted] osition?
A: No.

Q. Did you see [redacted] fire his weapon at [redacted] / [redacted] position?
A: No.

Q. Was there a vehicle mounted weapons system for the driver to use?
A: No.

b2
b6
7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigation Unit (FIU) 7701 Telegraph Road, Alexandria, VA	000699
SIGNATURE [redacted]	DATE 8 Mar 07	EXHIBIT 123

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

Q. How did [redacted] use his weapon if he was driving the vehicle?
A: I don't think he did.

Q. Is this common practice to fire your weapon while driving a vehicle?
A: No.

Q. Is this trained, to fire a weapon from a vehicle?
A: Yes.

//Last Entry//

b2
b6
7C

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Field Investigation Unit (FIU) 7701 Telegraph Road, Alexandria, VA	000709
SIGNATURE [redacted]	DATE 8 Mar 07	EXHIBIT 123

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-5; The proponent agency is the United States Army Crime Investigation Command

LAB USE ONLY

Referral Number 0013-06-CID801-50048

TO: *(Include Zip Code)*	FROM: *(Include Zip Code)*	RECEIVED	RETURNED
DIRECTOR USACIL-CONUS 4553 NORTH 2ND STREET BUILDING 213-B FORT GILLEM, GA 30050-5000 ATTN: **Firearms Divison** [redacted]	Office of the Inspector General Department of Defense ATTN: SA [redacted] 400 Army Navy Drive Arlington, VA 22202	☐ REGIS MAIL ☐ RY EXP ☐ HAND DATE RECEIVED BY	☐ REGIS MAIL ☐ RY EXP ☐ HAND DATE

EVIDENCE RECEIPT

RECEIVED	INITIATED

1. CONTRIBUTOR CASE NUMBER	2. INVESTIGATOR'S NAME	3. AUTOVON AND PHONE NUMBER
2005C006	**Special Agent** [redacted]	[redacted]

4. SUSPECT(S) *(Last, first and middle name(s))*

Unknown

5. VICTIM(S) *(Last, first and middle name(s))*

CPL Patrick D. Tillman

6. TYPE OF OFFENSE	7. ONE COPY OF EVIDENCE RECEIPT ENCLOSED WITH EVIDENCE	8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
Suspected Friendly Fire Death	☒ YES ☐ NO	☐ YES ☒ NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)

10. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Specimen cup marked "ME 04-289 body bag" containing four clear plastic envelopes. Each envelop contains Small fragments of an unknown type material (Item 1 on DA Form 4137, dated 1205, 27 APR 04).
2.	Specimen cup marked "ME-04-289 Left forearm", containing three (3) clear plastic envelopes. Each Envelope contains small fragments of an unknown type material (Item 2 on DA Form 4137, 1205, 27 [redacted] 04)
3	Armed Forces Medical Examiners Report ME-04-289
4	Metallurgical Analysis Report dated October 29, 2004, prepared by [redacted]

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000701

DA FORM 3655
1 AUG 74

REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE

EXHIBIT 124

10. EVIDENCE SUBMITTED	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

11. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report.)*

On about 22 Apr 2004, CPL Tillman was shot and killed in Afghanistan during US military operations. Subsequent investigations (AR 15-6) conducted into CPL Tillman's death, concluded he was killed by friendly fire from other US Forces members. The Army's investigations failed to identify the EXACT caliber or type of ammunition that struck//killed CPL Tillman, and did not identify the individual(s) responsible for his death. On 27 Apr 2004, the Armed Forces Medical Examiners Office conducted an autopsy on the remains of CPL Tillman and removed metal fragments (Exhibits 1 and 2) from his left arm and head (See AFME Autopsy Report ME 04-289 for details).

REQUEST: It is requested that you examine Exhibits 1 and 2 and attempt to determine the type of material that was removed from the body of CPL Tillman during his autopsy. It is further requested that you attempt to determine if the material is a part of the ammunition that struck CPL Tillman, and if it is from ammunition carried by US Forces members. Also attempt to determine the caliber of ammunition if at all possible.

NOTE: The fragments being submitted in Exhibits 1 and 2 were previously in the possession of the Armaments Engineering & Technology Center, Picatinny, NJ (October 2004 – September 2005). They had been submitted to that office by the US Army Safety Center, Fort Rucker, AL for examination as a part of the Army's Accident Investigation into the death of CPL Tillman. (See Attached Metallurgical Analysis Report dated October 29, 2004, by [redacted]

[redacted] can be reached at [redacted] (DSN: [redacted] or via e-mail at: [redacted]@us.army.mil

THIS REQUEST HAS BEEN COORDINATED WITH [redacted], CHIEF, FIREARMS DIVISION

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TYPED/PRINTED NAME OF REQUESTER	SIGNATURE	DATE
Special Agent [redacted]	[redacted]	September 5, 2005

DA FORM 3655 PG 2

EXHIBIT 124

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-6; the proponent agency is the United States Army Criminal Investigation Command.

0013-06-CID201-50048

LAB USE ONLY
REFERRAL NUMBER

TO: *(Include Zip Code)*	FROM: *(Include Zip Code)*	RECEIVED	RETURNED
LABORATORY DIRECTOR US ARMY CRIMINAL INVESTIGATIONS LABORATORY 4930 N. 31st Street FOREST PARK , GA 30297-5205 **ATTN**: Serology/DNA Firearms and Toolmarks	Special Agent in Charge FIU, Bldg 2591 7701 Telegraph Road Alexandria, VA 22315 E Mail: [redacted]@belvoir.army.mil	REGIS MAIL RY EXP HAND DATE	REGIS MA RY EXP HAND DATE

RECEIVED BY

EVIDENCE RECEIPT

RECEIVED	INITIATED

1. CONTRIBUTOR CASE NUMBER	2. INVESTIGATOR'S NAME	3. AUTOVON AND PHONE NUMBER
0013-06-CID201-50048	SA [redacted]	Civ [redacted]

4. SUSPECT(S) *(Last, first and middle name(s))*
Unknown

5. VICTIM(S) (Last, first and middle name(s))
TILLMAN, Patrick Daniel

6. TYPE OF OFFENSE	7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE	8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
Undetermined Manner of Death	[X] YES [ ] NO	[X] YES [ ] NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(
5 Sep 05, 2005C006, 2005-CID131-1690
3 May 06, 0013-06-CID201-50048, 2006-CID131-0765-R1

10 EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Specimen cup marked "ME 04-289 body bag" (Item 1, VO 010-06)
2	Specimen cup marked "ME 04-289 body bag" (Item 2, VO 010-06)
3	Flashlight (Item 1, VO 015-06)

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DA FORM 1 AUG 74 3655 REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE.

EXHIBIT 124

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-6; the proponent agency is the United States Army Criminal Investigation Command.

0013-06-CID201-50048

LAB USE ONLY

REFERRAL NUMBER

RECEIVED		RETURNED	
	REGIS MAIL		REGIS MAIL
	RY EXP		RY EXP
	HAND		HAND
DATE		DATE	

RECEIVED BY

EVIDENCE RECEIPT

RECEIVED	INITIATED

TO: *(Include Zip Code)*
LABORATORY DIRECTOR

US ARMY CRIMINAL INVESTIGATIONS LABORATORY
4930 N. 31st Street
FOREST PARK , GA 30297-5205

ATTN: Serology/DNA

FROM: *(Include Zip Code)*
Special Agent in Charge
FIU, Bldg 2591
7701 Telegraph Road
Alexandria, VA 22315

E Mail: [redacted]@belvoir.army.mil

1. CONTRIBUTOR CASE NUMBER
0013-06-CID201-50048

2. INVESTIGATOR'S NAME
SA [redacted]

3. AUTOVON AND PHONE NUMBER
Civ [redacted]

4. SUSPECT(S) *(Last, first and middle name(s))*
Unknown

5. VICTIM(S) (Last, first and middle name(s))
TILLMAN, Patrick Daniel

6. TYPE OF OFFENSE
Undetermined Manner of Death

7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE
[X] YES [ ] NO

8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
[ ] YES [X] NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)

10 EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	(7) Rock Chips (Item 1, Voucher 011/06)
2	(2) Soil Samples (Item 2, Voucher 011/06)
3	(1) Control Soil Sample (Item3, Voucher 011/06)

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DA FORM 1 AUG 74 3655 REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE.

EXHIBIT 129

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.

LAB USE ONLY

REFERRAL NUMBER

RECEIVED	RETURNED
REGIS MAIL	REGIS MAIL
RY EXP	RY EXP
HAND	HAND
DATE	DATE
RECEIVED BY	
EVIDENCE RECEIPT: RECEIVED	INITIATED

TO: *(Include Zip Code)*
LABORATORY DIRECTOR
US ARMY CRIMINAL
INVESTIGATIONS LABORATORY
4930 N. 31 st Street
FOREST PARK, GA 30297-5205

ATTN:
Firearms

FROM: *(Include Zip Code)*
Operations Officer
FIU, Bldg 2591
7701 Telegraph Rd.
Alexandra, VA 22315

1. CONTRIBUTOR CASE NUMBER
0013-06_CID201-50048

2. INVESTIGATOR'S NAME
SA [redacted]

3. AUTOVON AND PHONE NUMBER
[redacted]

4. SUSPECT(S) *(Last, first and middle name(s))*
Unknown

5. VICTIM(S) *(Last, first and middle name(s))*
TILLMAN, Patrick Daniel

6. TYPE OF OFFENSE
Undetermined Manner of Death

7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE
☒ YES ☐ NO

8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
☒ YES ☐ NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)
5 Sep 05, 2005C006, 2005-CID131-1690
3 May 06, 0013-06-CID201-50048, 2006-CID131-0765-R1

10. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Ranger Body armor; center pouch having 1 magazine containing unknown number of 5.56 rounds (Item 1, VO 019-06)

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DA FORM 3655, AUG 74 REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE. USAPPC V1.00

EXHIBIT 124

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-IS

23 May 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: Investigative Support Branch – Final Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

EXHIBITS:

None

FINDINGS:

1. The first enclosure is a DVD containing an interactive electronic version of this report. All text entries underlined in blue are hotlinks to video and image files. In order to view the files hold down the <control> key and left-click on the underlined blue text.

2. On 22 April 2006, a Canon XL2 video camcorder was set up at grid coordinates 42S WB 48841 71465 to record lighting conditions and general visibility at the time of day the shooting in question occurred. In addition, small arms fire (AK-47), a red pen flare, and a white smoke grenade were discharged in order to simulate events that allegedly occurred during the incident in question. The camera position was determined by both eye witness accounts and ballistics determinations by the Firearms examiner present at the scene. A position was selected along the path of the gun truck approximately mid-way between the location at which gunfire was initiated and the point at which the Serial 2 gun truck ceased firing on DECEASED's position. The camera field of view was centered on DECEASED's position at the time of the shooting (approximate azimuth 295 degrees magnetic). No audio was recorded for this clip. In order to view the video footage, click on the following link: Processed Video\Sequence 01.mpg.

EXHIBIT 125

CILA-IS
SUBJECT: Investigative Support Branch - Final Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

3. Foreground and background incident light meter readings were taken every five minutes during the recording above until light levels fell too low to be accurately recorded (below Exposure Value (EV) 1.0). The EV scale is exponential. A change in one (1) EV represents a doubling or halving in the amount of light. For example: An exposure value of 5.0 indicates twice the light intensity as a reading of 4.0. Results are as follows:

Light Levels in EV recorded at 200 ISO:

	Tillman Position-		Big House-	
Time	Foreground	Background	Foreground	Background
1400Z	5.7	6.2	5.3	5.7
1405Z	4.0	4.4	4.0	4.4
1410Z	2.9	3.8	2.6	2.9
1415Z	1.8	2.4	1.2	1.4
1420Z	0.1	0.8	-0.3	0.0

Weather conditions at the time of the above measurements and video recording were similar to those on the date of the incident (partly cloudy). According to [redacted] and [redacted], there was slightly less cloud cover on the day of the incident than on the day the above described video and light measurements were recorded.

4. Still photographs taken from the video camcorder position panning from 120 to 260 degrees magnetic, normal Field of View (FOV), can be found at Processed Stills\S1. Still image files are provided in both JPEG and TIFF formats.

5. On 23 April 2006, a series of still photographs was taken of DECEASED's final position on the north ridge from four positions along S2's route of travel through the valley. The first still was taken from grid coordinates 42S WB 48858 71501, the point at which DECEASED's position was first visible from S2's route of travel (Processed Stills\S2).

6. The movement of Serial 1 (flanking the north ridge) was video recorded by the undersigned. [redacted] described events along the route according to his recollection of events (Processed Video\Sequence 04.mpg). Of particular note, [redacted]

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EXHIBIT 125

CILA-IS
SUBJECT: Investigative Support Branch - Final Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

[redacted] pointed out the position of enemy troops the deceased Afghan Military Forces (AMF) soldier was allegedly firing at. There were what appeared to be fortifications at 105 degrees magnetic and 115 degrees magnetic from DECEASED's position. These were later determined to be stacks of fire wood indicating the presence of either footpaths or roads along the ridge (Processed Video\Sequence 03.mpg).

7. The final two enclosed video clips were recorded from the gun turret of a HMMV as [redacted] (the driver of the gun truck that allegedly fired on DECEASED) drove the route that S2 followed through the canyon and into the valley at the time of the incident under investigation. Recording begins at grid coordinates 42S WB 49429 71708, the location of initial enemy contact. The first video was recorded at midday to clearly visualize the canyon and valley features. [redacted] stopped at key points and provided descriptions of the events as he recalled them. [redacted] drove at approximately the same speed as at the time of the incident (Processed Video\Sequence 02.mpg). The second clip was recorded from 1300Z to 1315Z at a slower rate of speed in order to improve quality of the video. Lighting conditions at the time of the incident under investigation were lower than for these two reconstructions. AK-47 fire, pen flare, and white smoke were again reproduced (Processed Video\Sequence 05.mpg). Light levels were recorded as follows:

Light Levels in EV recorded at 200 ISO:

	Tillman Position-		Big House-	
Time	Foreground	Background	Foreground	Background
1300Z	10.5	11.7	10.1	10.5
1303Z	10.3	11.6	10.1	10.5
1306Z	10.4	11.5	10.0	10.4
1311Z	10.3	11.4	9.8	10.5
1314Z	10.3	11.3	9.9	10.6

8. All video and still photography was captured using lens focal lengths approximating a normal field of view (approximately 27 degrees vertical).

EXHIBIT 125 000708 66 ZC

0013-06-CID201-50048

CILA-IS
SUBJECT: Investigative Support Branch – Final Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

9. The second enclosure is a DVD containing other still images captured at the scene.

10. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@usacil.army.mil.

Encl (2) AS

[redacted]
SA
Forensic Science Coordinator

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EXHIBIT 125

000709

2006-CID131-0765

0013-06-CID201-50046

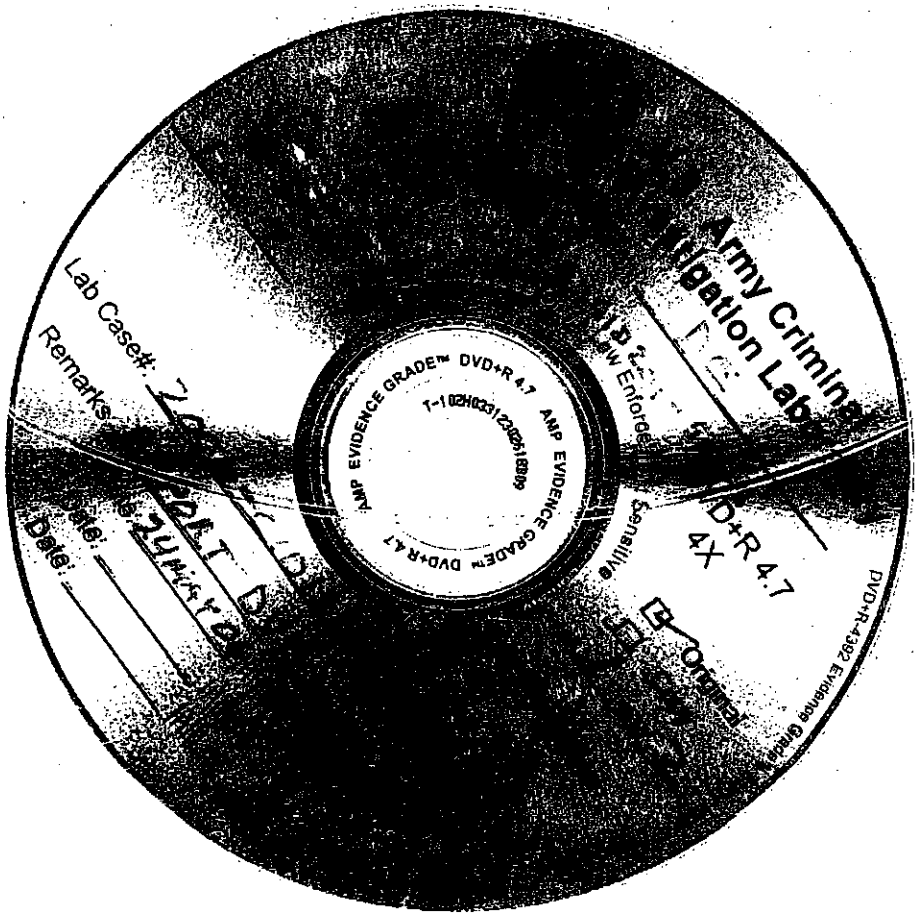

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EXHIBIT 125

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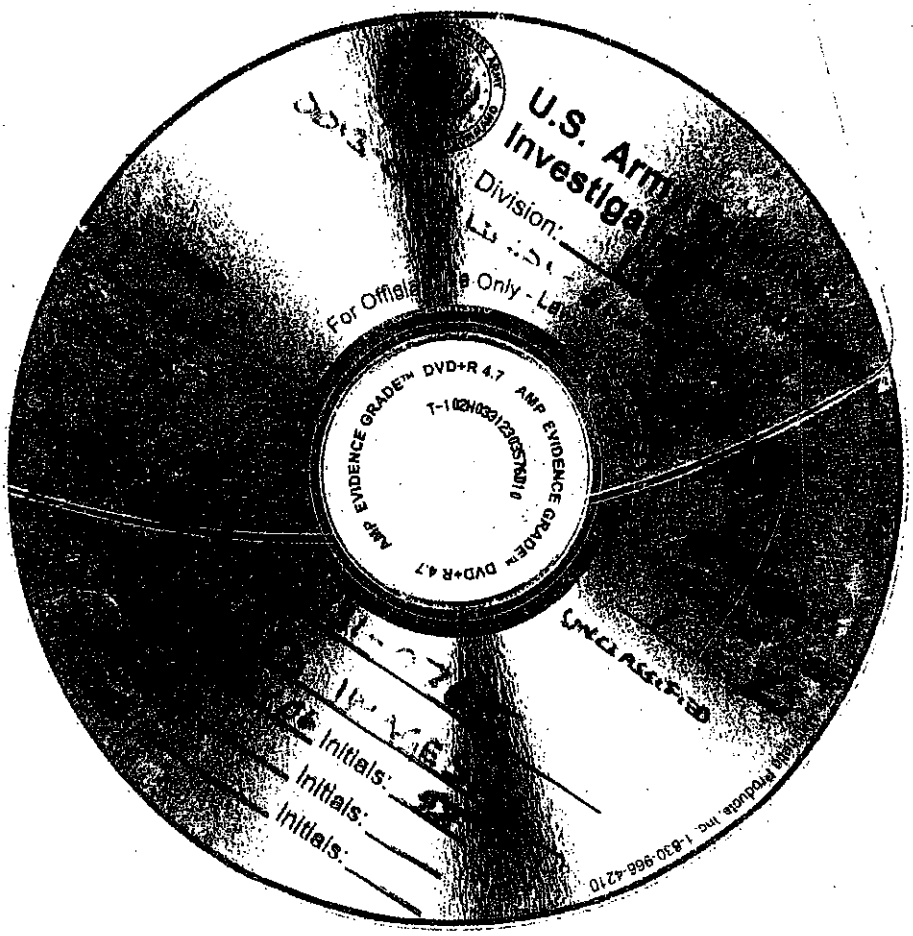
Wednesday, May 24, 2006
DVD 1 OF 1 DVDs
Initials [redacted] Enclosure No. 1

2006-CID131-0765

0013-06-CID201-50048



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Wednesday, May 24, 2006
DVD 1 OF 1 DVDs
Initials [redacted] Enclosure No. 2

EXHIBIT 125

EXHIBIT 125

Sequence 1

2006-CD

000711A

EXHIBIT 125

Sequence 2

0003711B

EXHIBIT 125

Sequence 3

000711C

EXHIBIT 125

Sequence 4

000711D

EXHIBIT 125

Sequence 5

000711 E

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA

29 June 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1/A1/A2
Submitter Case Number 0013-06-CID201-50048

EXHIBITS:

1 - Rock chips (Item 1, Doc 011-06).
1(1) - Rock chip #1.
1(2) - Rock Chip #2.
1(3) - Rock Chip #3.
1(4) - Rock Chip #4.
1(5) - Rock Chip #5.
1(6) - Rock Chip #6.
1(7) - Rock Chip #7.
2 - Soil samples (Item 2, Doc 011-06).
2(1) - Soil sample bag #1.
2(2) - Soil sample bag #2.
3 - Soil sample, control (Item 3, Doc 011-06).
6 - Flashlight (Item 1, Doc 015-06).
7 - Tissue sample of TILLMAN from AFDIL.
8 - DNA Profile of TILLMAN from AFDIL.

FINDINGS:

1. No blood was detected on Exhibits 1(2) (Rock Chip #2), 1(7) (Rock Chip #7), 2(1) (Soil sample bag #1), or 2(2) (Soil sample bag #2).

EXHIBIT 126

0013-06-CID201-50048

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1/A1/A2
Submitter Case Number 0013-06-CID201-50048

2. The possible presence of blood was detected (using chemical analysis) on Exhibits 1(1) (Rock chip #1), 1(3) (Rock chip #3), 1(4) (Rock chip #4), 1(5) (Rock chip #5), and 1(6) (Rock chip #6).

3. The possible presence of blood was detected (using chemical analysis) on Exhibit 6 (Flashlight); however, blood could not be confirmed (using immunological analysis).

4. No examinations were performed on Exhibit 3 (Control soil sample).

5. Samples from Exhibits 1(1) (Rock chip #1), 1(3) (Rock chip #3), 1(4) (Rock chip #4), 1(5) (Rock chip #5), 1(6) (Rock chip #6), 6 (Flashlight), and 7 (Tissue sample of TILLMAN) were extracted and DNA (deoxyribonucleic acid) profiles were obtained using PCR (polymerase chain reaction) technology on the fifteen STR (short tandem repeat) loci D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, D2S1338, D19S433, and the gender identification locus Amelogenin.

6. The DNA profile obtained from Exhibit 6 (Flashlight) matches the DNA profile from Exhibit 7 (Tissue sample of TILLMAN). The frequency of occurrence of this profile among unrelated individuals in the U.S. population is estimated to be:

Caucasian	1 in 1.9 sextillion
Black	1 in 140 sextillion
Hispanic	1 in 42 sextillion.

7. The DNA profile obtained from Exhibit 7 (Tissue sample of TILLMAN) is included as a possible source of the partial DNA profile obtained from Exhibit 1(3) (Rock chip #3). The frequency of occurrence of this partial profile among unrelated individuals in the U.S. population is estimated to be:

Caucasian	1 in 1.4 billion
Black	1 in 4.6 billion
Hispanic	1 in 5.8 billion.

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EXHIBIT 126

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1/A1/A2
Submitter Case Number 0013-06-CID201-50048

8. Inconclusive DNA results were obtained due to degraded and/or an insufficient amount of human DNA present in Exhibit 1(1) (Rock chip #1).

9. No DNA results were obtained due to degraded and/or an insufficient amount of human DNA present on Exhibits 1(4) (Rock chip #4), 1(5) (Rock chip #5), and 1(6) (Rock chip #6).

10. Exhibit 8 (DNA Profile of TILLMAN from AFDIL) was not utilized to generate statistics.

11. A possible hair was collected from Exhibit 2(2) (Soil sample bag #2) and packaged with the evidence.

12. The above listed exhibits are being returned to the submitting agency upon the completion of laboratory testing. Retain the possible hair with the evidence.

13. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@usacil.army.mil.

[redacted]
Forensic DNA Examiner

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EXHIBIT 126

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FA

16 July 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: Firearms Branch – After Action Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

1. The purpose of this on site examination, located in the mountains, at the village of Tit, Province of Khost, Afghanistan was to conduct forensic bullet(s) flight path analysis relating to a combat friendly fire (shooting) incident.

2. On 22 and 23 April 2006, a bullet flight path analysis was conducted from a position where a large rock (grid coordinates WB48773 71512) sits on the side of a mountain spur to the canyon floor (Grid coordinates WB4884 7146). Examination of the large rock disclosed approximately 15 impact areas which are consistent with bullet strikes. Most of the bullet strikes appeared to have ricochet upward, no bullets remained in the rock face. Based on all the information including crime scene information provided by Special Agents of the CID Field Investigative Unit; two US Army Rangers, [redacted] and [redacted] who were present during the shooting incident and the bullet flight path analysis, it was determined that the bullets that struck the large rock, which was adjacent to where one U.S. Army soldier was killed and one Afghanistan soldier was killed, came from a modified HUMVEE (GMV) while on the canyon floor, the approximate Grid coordinates WB 4884 7146. The canyon floor at this grid coordinates can be described as narrow; a sometime stream and roadway. At the time of this examination there was running water and sporadic foot and vehicle traffic.

EXHIBIT 127

0013-06-CID201-500

CILA-FA
SUBJECT: Firearms Branch - After Action Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0058-06-CID369-65419

3. On 23 April 2006, a bullet flight path analysis was conducted from the position where a house (dwelling), identified as the "big house" sits on the side of the mountain, same side as the large rock approximately 110 meters to West. The "big house" is described as a two story adobe (mud) building. A search for bullet holes which could be used for the bullet flight path analysis was conducted and one suitable bullet hole was located in one of the wooden horizontal support beams for the "big house". This is also the approximately location where two U.S. soldiers were struck and wounded by bullets. The hole in the wooden support beam is consistent with the damage that is made by a 7.62mm bullet. Based on the bullet flight path analysis it was determined that the bullet that struck the wooden support beam came from the same approximate location on the canyon floor, Grid coordinates WB4884 7146 as the bullets that struck the "big rock".

4. Based on the information provided by the CID Field Investigative Unit, the HUMVEE (GMV) was armed with one M2, .50 caliber machine gun mounted on the turret, one M-240B, 7.62mm, machine gun, one M249, 5.56mm squad machine gun and M4, 5.56mm Infantry carbines. All of the firearms are capable of providing effective fire from their location in the canyon floor to the "large rock" and the "big house".

5. The exact location of the HUMVEE (GMV) at the time of the shooting could not be determined, therefore an approximate location was given. This was because of several variables, such as: The grade of the curve and curvature of the roadway, the lateral movement of the HUMVEE, the modulation of speed and braking by the driver.

[redacted]
Forensic Firearm Examiner

EXHIBIT 127

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FA

31 Aug 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

EXHIBITS:

6 - Flashlight (Item 1, Doc 015-06).

FINDINGS:

1. Examination of Exhibit 6 (flashlight) disclosed that there is damage consistent with the passage of a high speed projectile such as a bullet. The bullet entered the front area (lens) and exited the right side of Exhibit 6. The caliber of the bullet that could have caused the damage is consistent with being .30 caliber or 7.62mm.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@usacil.army.mil.

[redacted]
Forensic Firearms Examiner

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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EXHIBIT 126

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-EP 21 September 2005

MEMORANDUM FOR OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, 400 ARMY NAVY DRIVE, ARLINGTON, VA 22202

SUBJECT: Forensic Branch Report(s)
USACIL Case Number 2005-CID131-1690
Submitter Case Number 2005C006

1. Enclosed are the Interim Laboratory Exhibit List (Encl 1) and Final Branch Report for the Firearm (Encl 2) Branch. The Trace Evidence Branch Report is pending.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.

3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.

4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.

5. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

2 Encls

[redacted]
Deputy Records Custodian

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AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 129

000718

FOR O. ICIAL USE ONLY – LAW ENFORCEMEN SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-FA 21 September 2005

MEMORANDUM FOR OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, 400 ARMY NAVY DRIVE, ARLINGTON, VA 22202

SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2005-CID131-1690
Submitter Case Number 2005C006

EXHIBITS:

1 (1-8) - Specimen cup containing eight fragments, (Item 1).
2 (1-3) - Specimen cup containing three fragments, (Item 2).

FINDINGS:

1. Examination of Exhibits 1 (1-8) and 2 (1-3) (fragments) disclosed they are not consistent with being bullet fragments.

2. Coordination was effected with the Trace Evidence Branch, USACIL, who will conduct a metallurgical analysis on the above mentioned fragments.

3. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

EXHIBIT 129

Encl 2

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21 September 2005

INTERIM LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2005-CID131-1690
Submitter Case Number 2005C006

1 (1-8) - Specimen cup containing fragments (Item 1).
2 (1-3) - Specimen cup containing fragments (Item 2).

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EXHIBIT 129

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Final

CILA-FA
SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2005-CID131-1690
Submitter Case Number 2005C006

[redacted]
Forensic Firearms Examiner

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EXHIBIT 129

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-TE

25 October 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

EXHIBITS:

4(1-11) - Specimen cup containing eleven fragments (Item 1, Doc 010-06) previously examined as Exhibit 1 under USACIL # 2005-1690.
5(1-3) - Specimen cup containing three fragments (Item 2, Doc 010-06) previously examined as Exhibit 2 under USACIL # 2005-1690.
6 - Flashlight (Item 1, Doc 015-06).

FINDINGS:

1. This report contains hyperlinked texts (in blue) which allow the user to directly access and view the associated images when reading this report (an MS WORD file named TE in the TE Report and Images folder) from Enclosure 1. To do so, place the CD marked TE Report into a computer and open the Trace Evidence Branch Report. By placing the cursor on the hyperlinked text, holding down the CTRL key and clicking on the text, the linked image will be displayed. Based on the image display program utilized, the image may have to be resized in order to view the entire image. In addition, the brightness and/or contrast may need to be adjusted for best viewing.

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 130

CILA-TE
SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

2. The flashlight submitted as Exhibit 6 has a hole through one side of the front portion of the flashlight body. The exterior of this flashlight bears a dull gray-green colored finish. However, the interior surface of the light housing bears a golden colored finish. The metal core of the flashlight body is silver in color and primarily composed of aluminum with minor amounts of magnesium, silicon, iron, copper and tin.

3. Exhibit 4(1-11) contained one silver colored piece of metal (Exhibit 4-1) and four black colored pieces of material (Exhibits 4-8 through 4-11). The remaining fragments of material (4-2 through 4-7) were either brown colored rock-like pieces of material or fragments of brown vegetation.

4. Examinations of the metal fragment in Exhibit 4-1 disclosed the following:

(a) No potential areas for physical matching of this metal fragment to the flashlight body were noted on the exterior or within the interior of the light housing of Exhibit 6.

(b) One surface of this fragment appears to be a manufactured surface as opposed to a fracture face. That surface bears a slight gold color/hue. However, visual comparison and elemental analysis of this gold colored surface with gold colored metal standards removed from the front and interior portions of the light housing of Exhibit 6 disclosed them to be dissimilar in both appearance and elemental composition.

(c) The core metal of this fragment was found to be primarily composed of aluminum with traces of magnesium, silicon, iron, copper, and tin. This composition is similar to the core elemental composition of the flashlight body (Exhibit 6). It should be noted that this metal fragment bears unevenly distributed residues of lead.

These results indicate that the metal fragment in Exhibit 4-1 did not originate from the damaged flashlight (Exhibit 6).

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5. The black colored fragments in Exhibits 4-8, 4-9, 4-10 and 4-11 are light in weight and display conchoidal fracture features on some of these fracture faces. Elemental analysis of

EXHIBIT 130

CILA-TE
SUBJECT: Trace Evidence Branch – Final Report
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

each of these black colored pieces of material disclosed them to be composed of boron and carbon. With respect to normal military combat gear, the elemental composition and physical characteristics of these particles indicate that they could have originated from a fractured boron carbide "Small Arms Protective Insert" (SAPI) plate. These plates are also commonly referred to as "Body Armor Plates," "Stand Alone Plates," "Ceramic Rifle Plates," "Ballistic Plates," "Ballistic Protection," or "Ballistic Shield." SAPI plates are composed of either boron carbide or silicon carbide. No possible source for these black fragments was noted within the damaged flashlight submitted as Exhibit 6.

6. No examinations were conducted on the brown rock-like particles and vegetation fragments in Exhibits 4-2 through 4-7.

7. Examinations of the metal fragments submitted as Exhibit 5-1 through 5-3 disclosed the following:

(a) Each of these fragments has dull gray-green surfaces which are similar in color and appearance to the exterior of the flashlight body (Exhibit 6).

(b) Exhibits 5-1 and 5-2 are thin pieces of metal which have two parallel manufactured surfaces that are joined by a smooth curved edge. These fragments are similar in thickness and appearance to the damaged "fins" of Exhibit 6. These fragments were found to be consistent in the elemental composition of both their surface coating and metal core with metal standards removed from the "fins" of Exhibit 6.

(c) Exhibit 5-3 was found to be consistent in the elemental composition of its surface coating and metal core with metal standards removed from the "fins" Exhibit 6.

(d) No physical match was found between these metal fragments and the broken edges of the "fins" Exhibit 6.

These results indicate that the metal fragments in Exhibit 5-1 through 5-3 could have originated from Exhibit 6.

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CILA-TE
SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

8. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

[redacted]

Encl
Compact Disk - 1

Forensic Chemist

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EXHIBIT 130

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0013-06-CID201-50048

ENCL 1

0013-06-CID201-50048

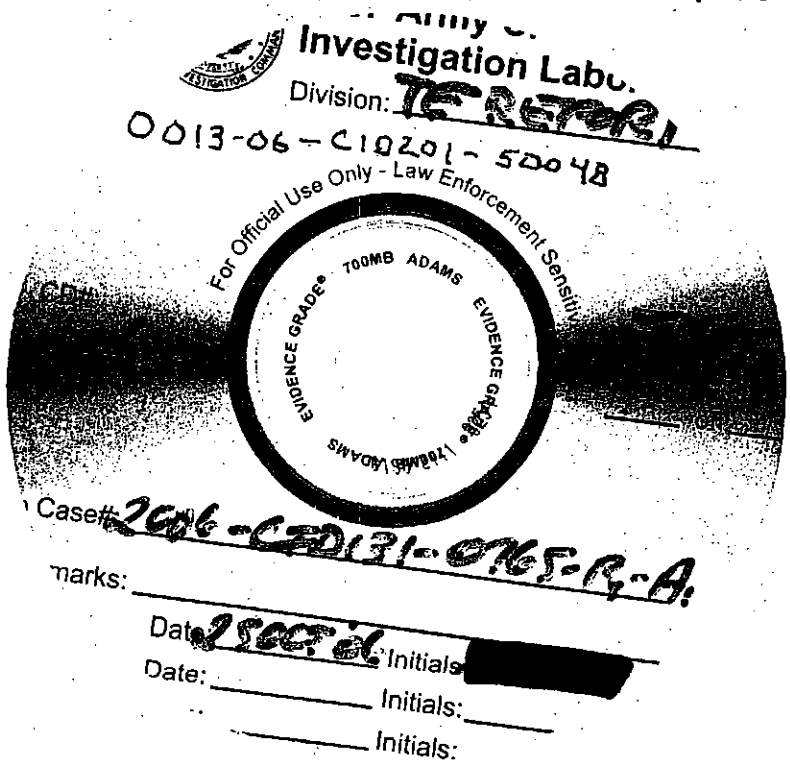

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EXHIBIT 130

Exhibit 6
2006-0765


Exhibit 6 Flashlight
2006-0765 DBF
Exhibit 5-1 Metal Fragment
2006-0765 DBF

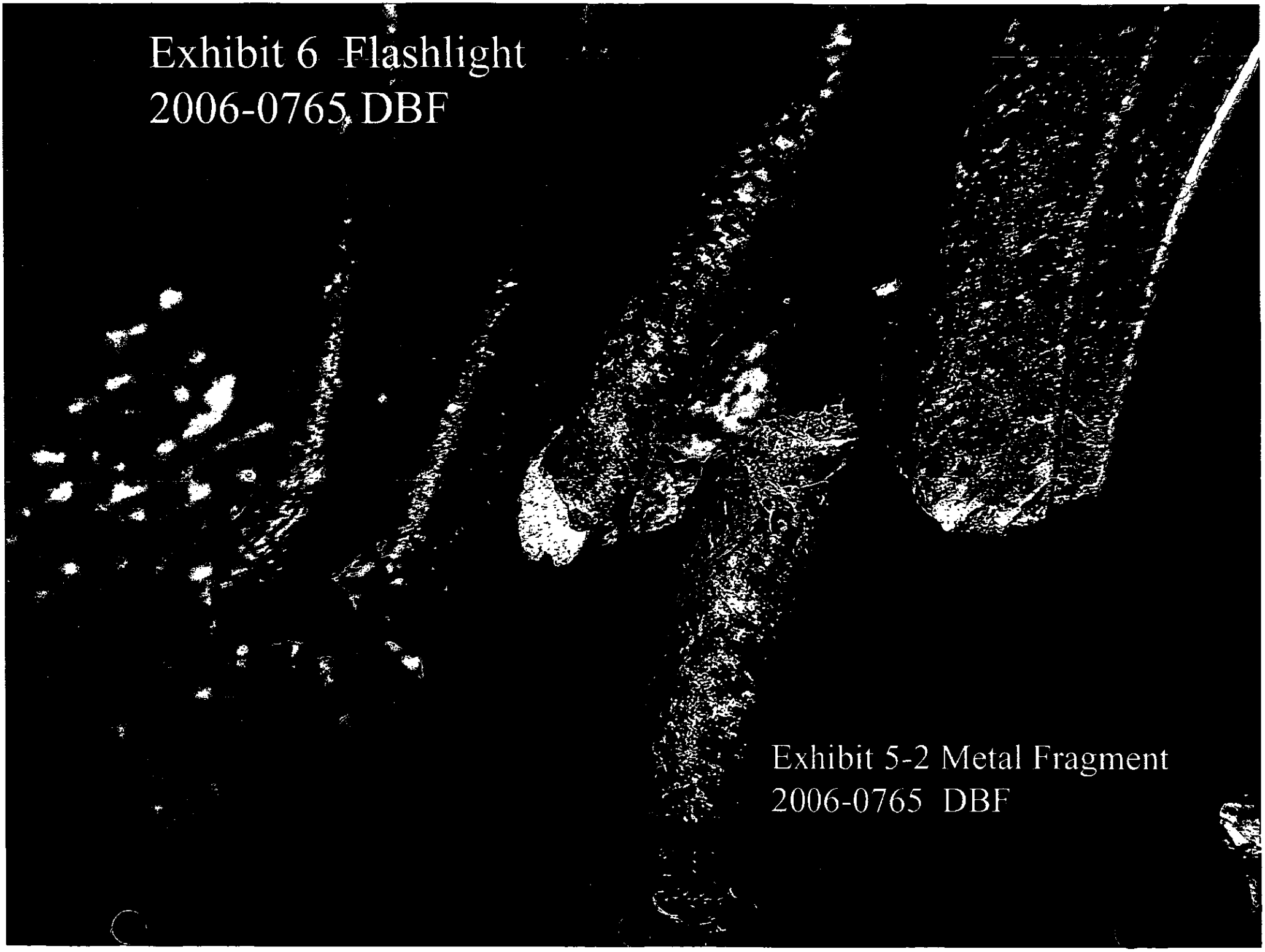


Exhibit 6 Flashlight
2006-0765 DBF
Exhibit 5-2 Metal Fragment
2006-0765 DBF

Exhibit 4-11
2006-0765 DBF

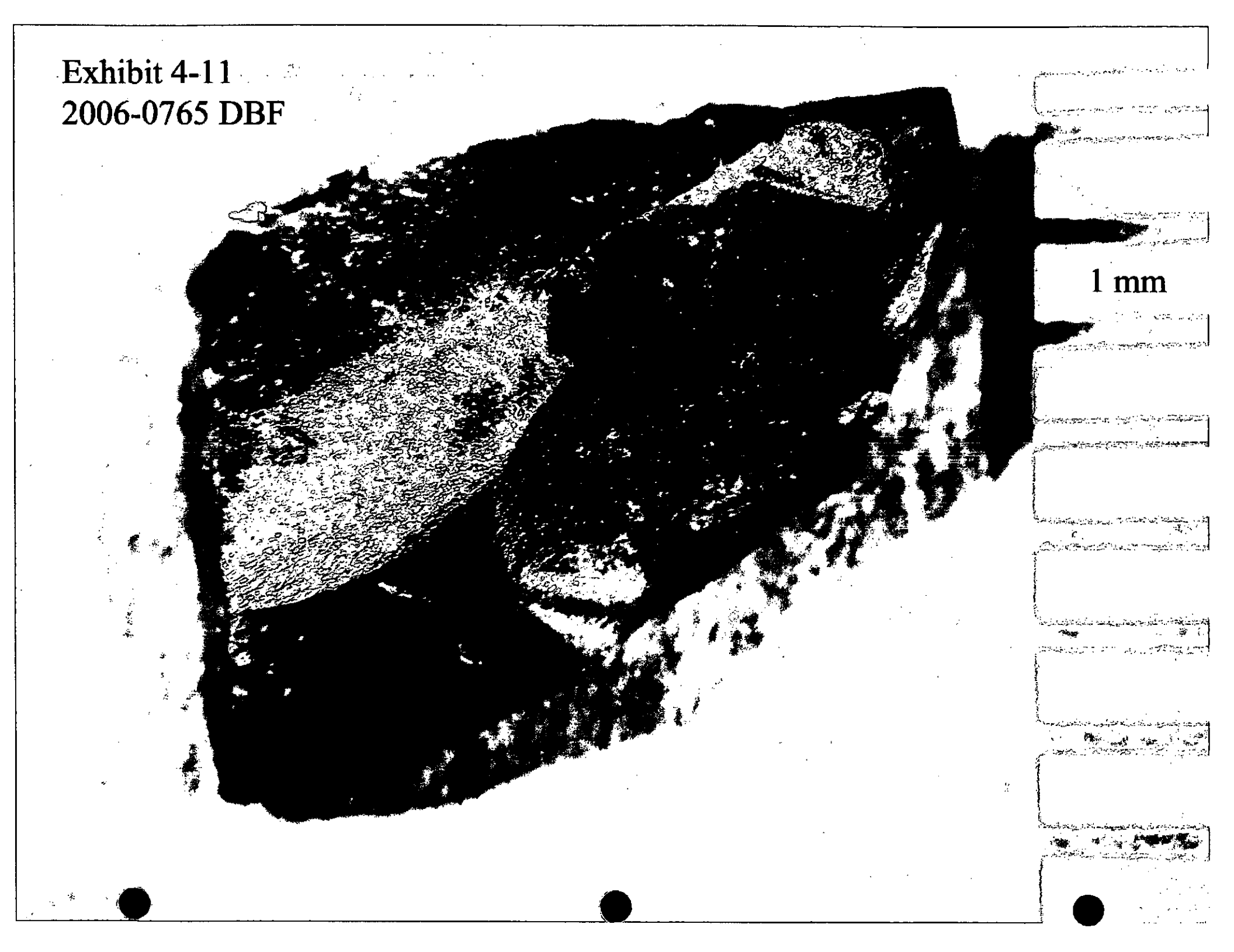


Exhibit 4-8
2006-0765 DBF



1 mm

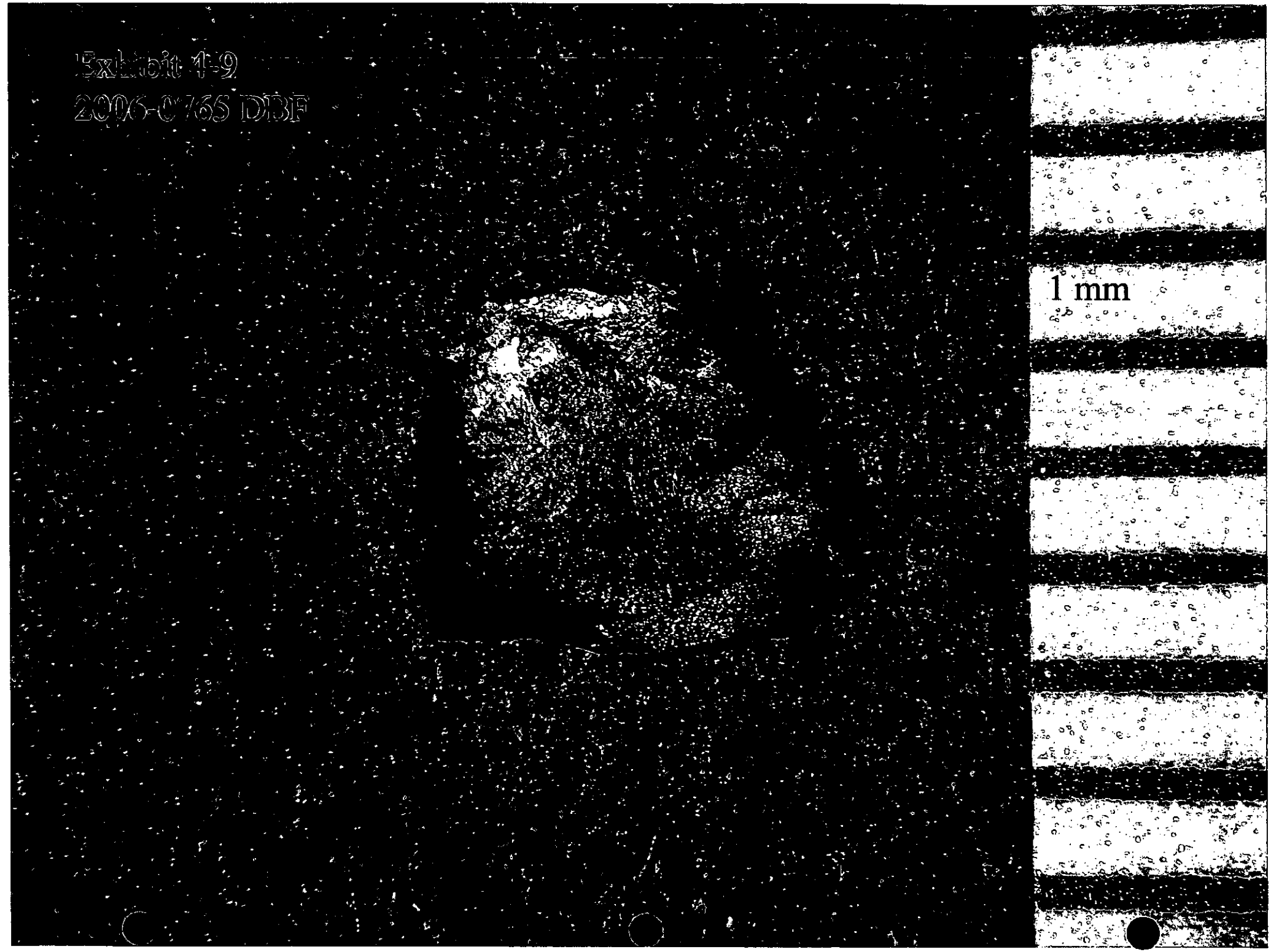
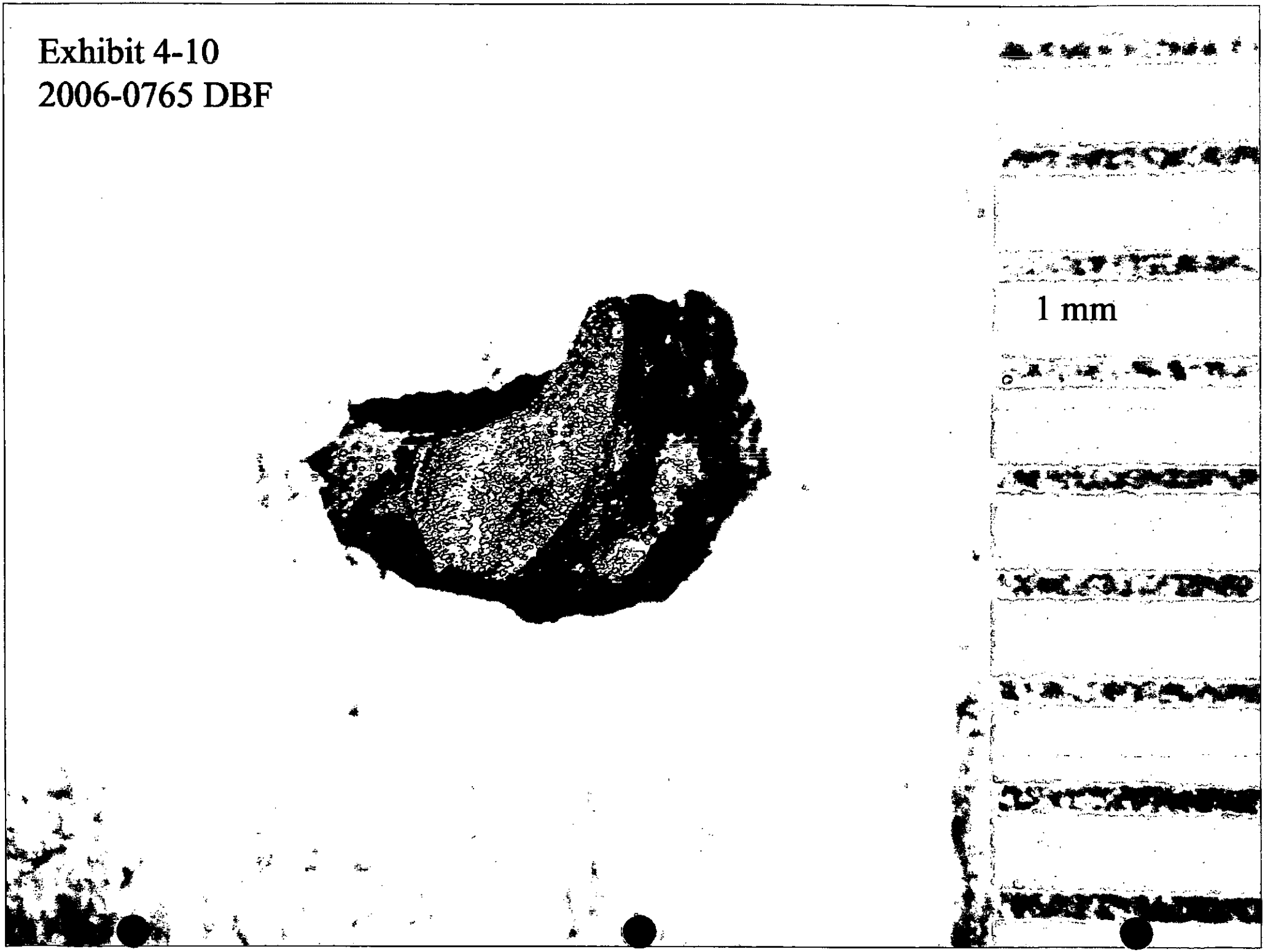
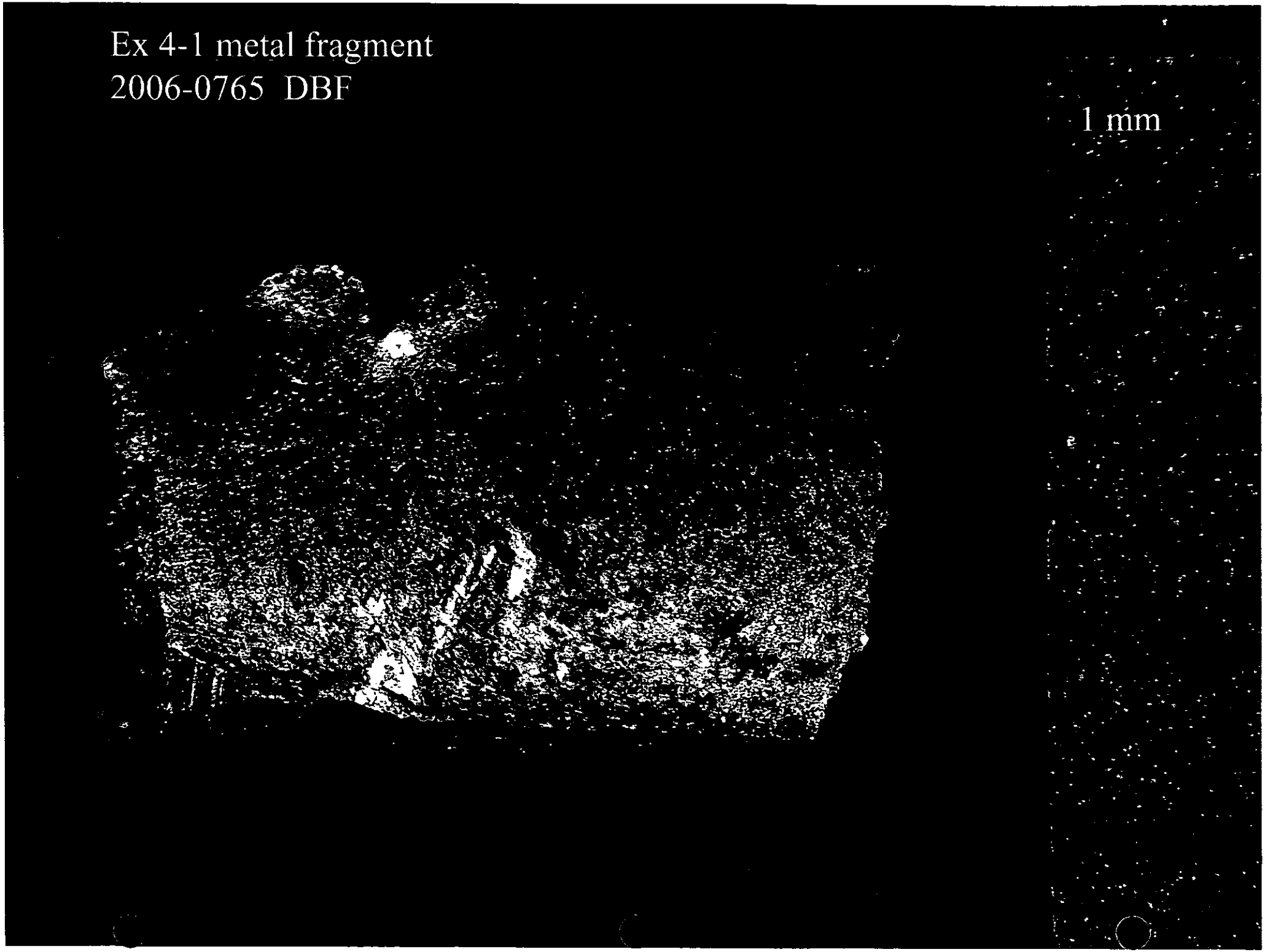


Exhibit 4-9
2006-0765 DBF
1 mm

Exhibit 4-10
2006-0765 DBF




Ex 4-1 metal fragment
2006-0765 DBF
1 mm

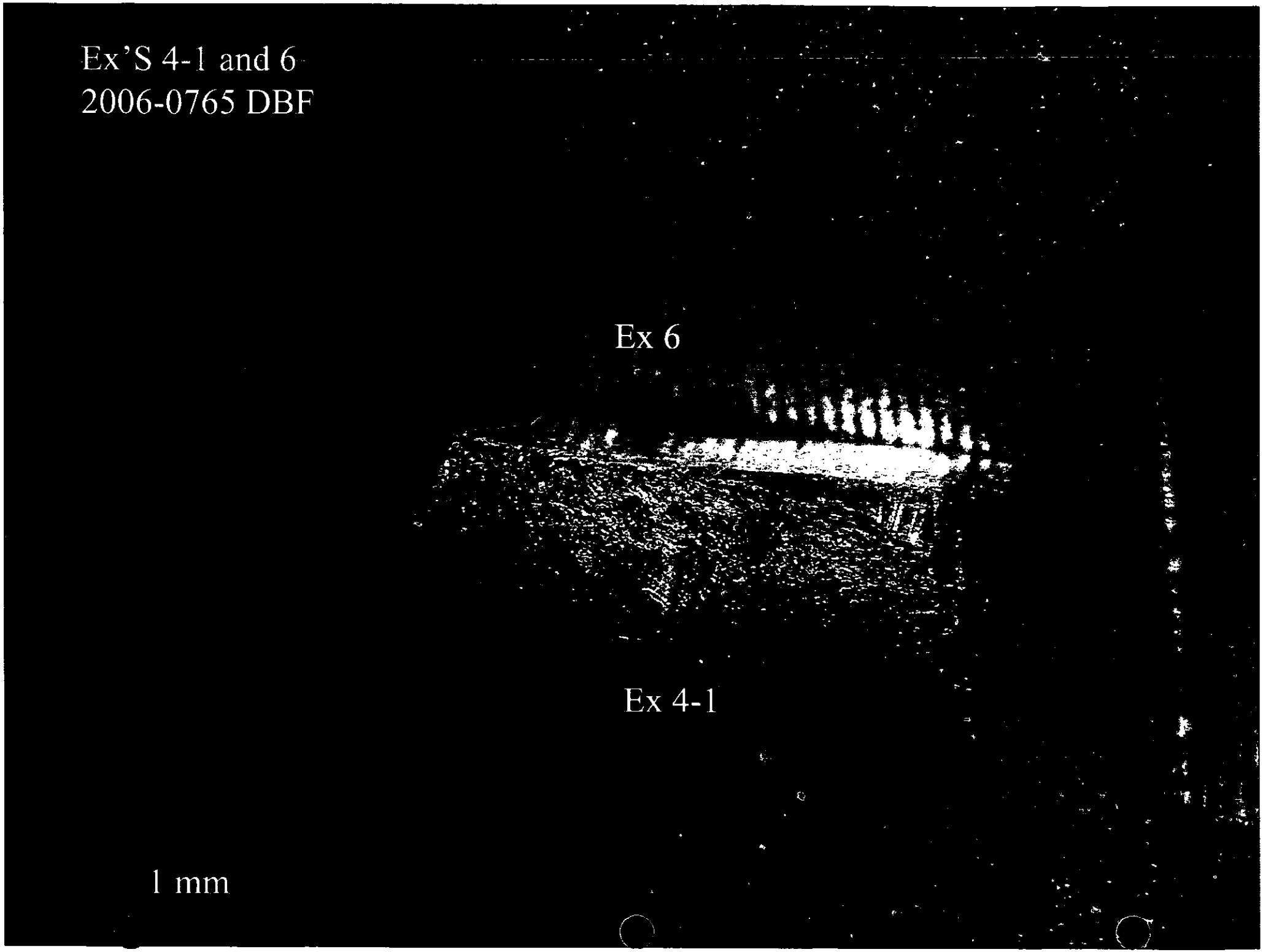
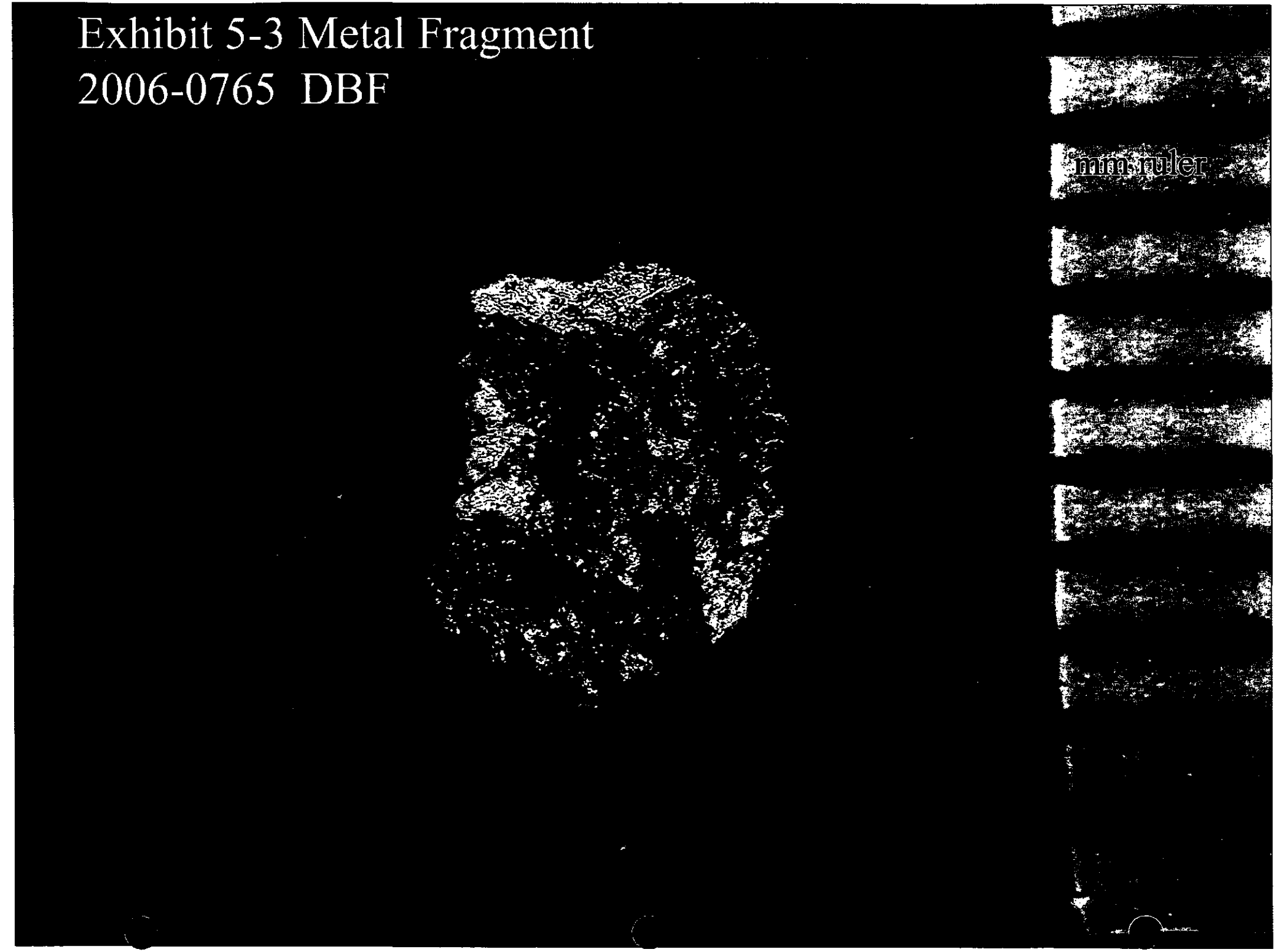

Ex'S 4-1 and 6
2006-0765 DBF
Ex 6
Ex 4-1
1 mm

Exhibit 5-3 Metal Fragment
2006-0765 DBF



DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FA 13 December 2006

MEMORANDUM FOR COMMANDER, FIELD INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: FA Branch - Final Report
USACIL Case Number 2006-CID131-0765-R2
Submitter Case Number 0013-06-CID201-50048

EXHIBITS:

9 - Body armor with magazine (Item 1, Doc 019-06).

FINDINGS:

1. Exhibit 9 (body armor) is an olive green camouflaged, "Ranger" Body Armor with no armor plates, size medium regular, with three magazine pouches attached to the chest of the vest, with one magazine loaded with thirty 5.56mm cartridges inside the middle magazine pouch. A visual examination of the vest was made of the exterior front, exterior back, interior front, interior back, magazine pouches, and utility pouch, for any holes, tears, or visible residues consistent with the passage of a bullet or projectile. There is an elongated tearing of the vest fabric on the inside front right shoulder strap (wearer's perspective) approximately 3" long. On the front of this area, the tear is approximately 2 ½" long (refer to label A on Photograph 1). No other tears or damage were observed in the interior front or back of the vest, or the exterior back of the vest. The exterior front of the vest has damage to the middle magazine pouch and right side magazine pouch (wearer's perspective). The back right top corner of the flap for the middle magazine pouch (wearer's perspective), has an approximately 1 ¼" tear in-line with the shoulder tear (refer to label B on Photograph 1). The right side of this pouch has a tear on the side approximately 1" in the fold of the pouch side

EXHIBIT 131

CILA-FA
SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2006-CID131-0765-R2
Submitter Case Number 0013-06-CID201-50048

from the wearer's perspective (refer to label C on Photograph 1). The right side magazine pouch has a tear on the left side (wearer's perspective) approximately 1 ½" long and into the bend of the flap (refer to label D on Photograph 1). This tear is angled left to right, in an upward direction (wearer's perspective) approximately 2 ½" long (refer to label E on Photograph 2). This tearing is also in line with the tearing of the right shoulder strap of the vest previously described. The initial tearing of the middle pouch was chemically tested for lead residues with negative results.

2. The magazine from the middle pouch of Exhibit 1 was examined. The base is covered with green duct tape and the magazine was found upside down in the pouch. On the front right side of the magazine, at the top of the location of the follower, is a single impact area. This impact caused fracturing of metal and what has the appearance of two holes. This impact has also caused the fractured metal of the side of the magazine to protrude into it forcing the follower to stay in the current position. There was a full magazine of cartridges, and the two bullets that were under the upper hole and lower hole are damaged from the impact to the magazine causing the metal of the magazine to protrude into the shoulder area of the bullets, forcing the bullets to bend toward the left side of the magazine. The damaged area is approximately ¼" wide and 7/8" long, at the front edge of the magazine, approximately 1 3/8" from the bottom of the magazine. There is no visible trace copper bullet residues, green paint, or toolmarks indicative of the passage of a bullet or other projectile in the damaged area observed in the magazine. This could have been caused by the impact of a bullet, or some other hard surface (rock fragment, steel fragment, etc). The damage of the holes and surrounding area have the appearance of a "plowing" affect, where the metal appears to have been impacted by a left to right direction as it appears from the wearer's perspective, and in an upward direction. This would also be consistent with the positioning of damage observed on the vest.

3. The appearance of the damage to the magazine and vest could be the result of an impacting projectile first hitting the magazine and then deflecting in a "plowing" motion before continuing to deflect in an upward left to right direction

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EXHIBIT 131

CILA-FA
SUBJECT: Firearms Branch – Final Report
USACIL Case Number 2006-CID131-0765-R2
Submitter Case Number 0013-06-CID201-50048

(viewed from the wearer's perspective). Damage to the vest is consistent with this trajectory/deflection pattern.

4. An attempt to determine the possible angle of impact of the projectile into the magazine, and the possible angle of deflection from the magazine was made. The measurements and angles are approximate. There are too many variables that cannot be determined for a specific and accurate reconstruction of the overall trajectory. From the examination of the impact in the magazine, after passing through the flap of the middle pouch, it can be determined that the impact into the magazine was not a direct projectile impact, but the impact of a projectile already destabilized, most likely from a previous deflection/ricochet. This is based on the initial elongated tear in the flap, and the damage to the magazine. The damaged appearance in the magazine is consistent with a side projectile impact, where part of the areas of the projectile are impacting as it plows into the magazine and fractures the metal. The approximate width and length of this damage is consistent with a projectile greater than 5.56mm caliber and less than .50 caliber. The approximate angle of impact from the wearer's perspective is from left to right at approximately 10 to 15 degrees. It is impacting in an upward direction, but this angle is undeterminable.

5. From the examination of the torn areas of the vest in the right side of the middle pouch, left side of the right pouch, top of flap of right pouch, and right shoulder strap, it can be determined that after impacting the magazine, the projectile deflected to the right (wearer's perspective) at approximately 35 to 45 degrees, in an upward direction.

6. The most accurate conclusion that can be determined from an examination of the damage in the vest and magazine, is that a single deflected projectile of a possible caliber larger than 5.56mm, or a hard non-projectile fragment, impacted the magazine in an upward trajectory from left to right, deflected from the magazine continuing an upward trajectory from left to right at an increased angle, from the wearer's perspective (refer to Photograph 2).

EXHIBIT 131 000729

CILA-FA
SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2006-CID131-0765-R2
Submitter Case Number 0013-06-CID201-50048

7. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

[redacted]
Forensic Firearms Examiner



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EXHIBIT 131

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CILA-FA
SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2006-CID131-0765-R2
Submitter Case Number 0013-06-CID201-50048



Case #2006-0765, [redacted]
13Dec06, Photo #[redacted]
measurements are approximate
and not to scale

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EXHIBIT 131

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EXHIBIT 132

PAGES 732 - 740

FINAL AUTOPSY EXAMINATION REPORT

REFERRED TO

U.S. ARMY MEDICAL DEPARTMENT
FREEDOM OF INFORMATION/PRIVACY ACT OFFICE
ATTN: MCFP
2050 WORTH ROAD
FORT SAM HOUSTON, TX 78234-6013

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FA

30 August 2006

MEMORANDUM FOR COMMANDER, FILED INVESTIGATIVE UNIT, USACIDC, BUILDING 2591, 7701 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

SUBJECT: Firearms Branch – Response to FIU questions.
USACIL Case Number 2005-CID131-1690 and
2006-CID131-0765
Submitter Case Number 0013-06-CID201-50048

1. The purpose of this letter is to provide information concerning the possibility that one or more different types of firearms could have caused the wounds located on Cpl. TILLMAN'S head at a distance of approximately 80 meters (262 feet). Plus provide information concerning the following firearms: The M4 carbine; the M249 Machine gun; and the M240 Machine gun.

2. After reviewing the autopsy photographs which depicts three gunshot wounds to the front portion of Cpl. TILLMAN'S head, two of the wounds (entrance holes) are consistent being caused by small caliber bullets, such as 5.56mm and the other wound is consistent with being caused by a larger diameter bullet, such as 7.62mm.
The question: Could the wounds have been caused by the above listed firearms at the distance of approximately 80 meters?

The answer to this question is: **Yes.**

3. The caliber of the listed firearms are consistent with the type of wounds (entrance holes). The range of the bullets fired from the above listed firearms is definitely within their capability. A skilled rifleman and or machine gun operator (machine gunner) should be able to place an effective shot placement at the distance of approximately 80 meters. especially if the firearms are mounted.

EXHIBIT 133

CILA-FA
SUBJECT: Firearms Branch - After Action Report
USACIL Case Number 2006-CID131-0765
Submitter Case Number 0058-06-CID369-65419

4. Capabilities of these firearms are listed below:

M240 (series) Machine Gun
Caliber: 7.62 x 51 or 7.62 NATO
Full automatic mode of fire.
Rate of fire:
Sustained rate: 100 rounds per minute, delivered in 6-9 round bursts in 4-5 seconds.
Rapid rate: 200 rounds per minute, delivered in 10-13 round bursts in 2 to 3 seconds.
Cyclic rate: 650 - 950 per minute.
Maximum effective range 1,100 meters.

M4 Carbine
Caliber: 5.56mm or 5.56 NATO
Has select fire modes of fire.
In semi-automatic mode: Approximately 45 rounds per minute
In automatic mode: 700-900 rounds per minute.
Maximum effective range: 360 meters

M249 (SAW) Machine gun
Caliber: 5.56mm or 5.56 NATO
Full automatic mode of fire.
Rate of fire
Sustained rate: 85 rounds per minute, delivered in 6-9 round bursts in 4-5 seconds.
Rapid rate: 200 rounds per minute, delivered in 10-13 round bursts in 2 to 3 seconds.
Cyclic rate: 750 rounds per minute.
Maximum effective range: 600 meters for point targets and 1000 meters for area targets.

[redacted]
Forensic Firearm Examiner

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EXHIBIT 133

AMSRD-AAR-AEE-P November 20, 2006

MEMORANDUM FOR RECORD

Subject: Metallurgical Examination of Flashlight, Exhibit 6; USACIL Case Number 2006-CID131-0765-R1-A1

1. Objective: Determine the chemical composition of lead (Pb) debris found in a flashlight that contained a bullet hole, Figure 1 [Ex 6]. Then, identify the round that created the bullet hole based on the composition of the lead debris.

2. Background: Firearms Examination of the flashlight determined that it was damaged by a 7.62mm or .30 caliber bullet.

Firearms Branch – Final Report, August 31, 2006
USACIL Case Number 2006-CID131-0765-R1-A1
Submitter Case Number 0013-06-CID201-50048

3. Experimental Procedure: Debris collected from the flashlight was put on specimen stubs. The composition of the debris, specifically the areas rich in lead, was analyzed using energy dispersive spectroscopy (EDS) in a scanning electron microscope (SEM).

The composition of the lead-rich areas was compared to the lead used in the following types of US ammunition: 7.62mm lead slug [M80 Ball, Drawing No. 8595667] and the .30 caliber lead slug [Drawing No. 8595437].

The 7.62mm [M80 Ball Round] uses antimonial lead, Grade 1, MIL-L-13283. The .30 caliber uses antimonial lead, Grade 2, MIL-L-13283. The composition of these two grades is given below.

Element	Grade 1 (Weight %)	Grade 2 (Weight%)
Lead + Antimony	99.2	99.2
Antimony	1.0 – 2.5	9.0 – 10.5
Copper, max.	0.10	0.10

The drawing of the .50 caliber bullet [M33, Drawing No. 6171991] was also checked, however, this ammunition uses a steel core not a lead core. Thus, it has been eliminated as a possible round.

Several 7.62mm Warsaw Pact rounds will also be examined. However, most Warsaw Pact rounds have a steel core. This analysis will be submitted under a separate report.

4. Discussion of Results: The debris taken from the flashlight, was analyzed using EDS in several areas, Figure 2a. Typically, the amount of antimony (Sb) ranged from

EXHIBIT 134

1.90 - 4.07 wt% and lead (Pb) made up the balance of the composition, Figures 2b & 2c. *This is fairly good agreement with the Grade 1 Antimonial Lead called out in the slug specifications for 7.62mm.*

5. Point of Contact for this analysis is [redacted]@pica.army.mil, Commercial [redacted], DSN [redacted] Address: US Army ARDEC, Bldg. 60, Picatinny Arsenal, NJ 07806-5000.

[redacted]
Chief, Metallic Materials Technology Branch

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EXHIBIT

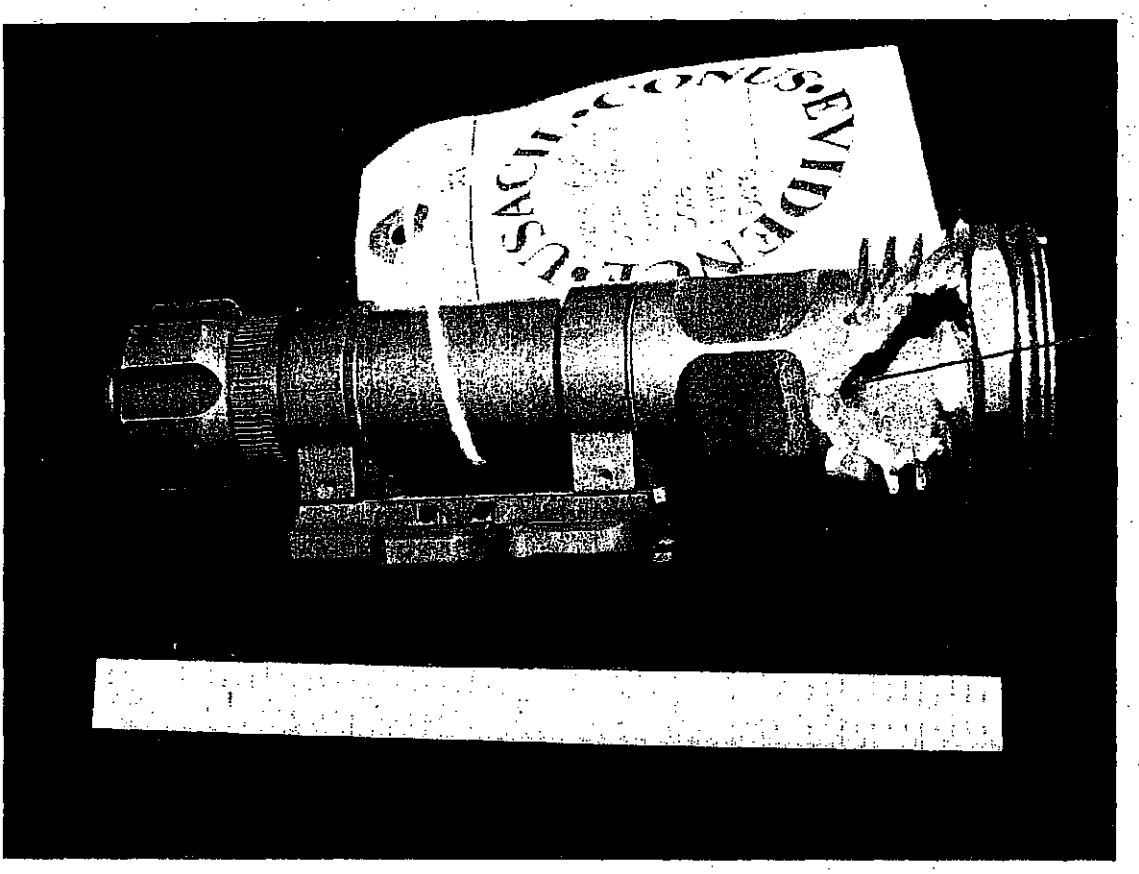


Figure 1. The flashlight, Ex 6. An arrow points to the location, on the inside of the flashlight, where debris containing lead was found. This debris was analyzed to determine the chemical composition.

EXHIBIT 2

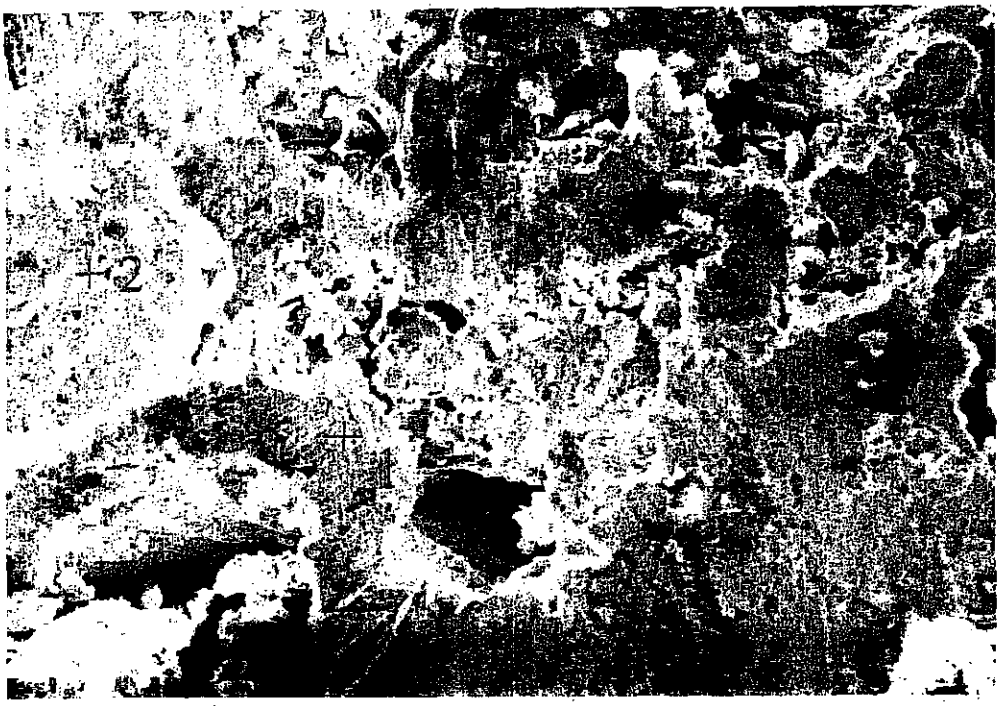
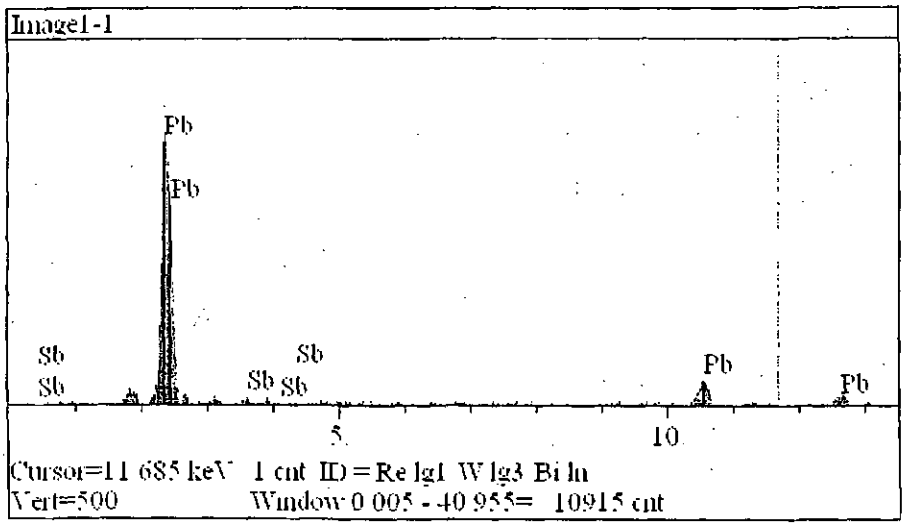
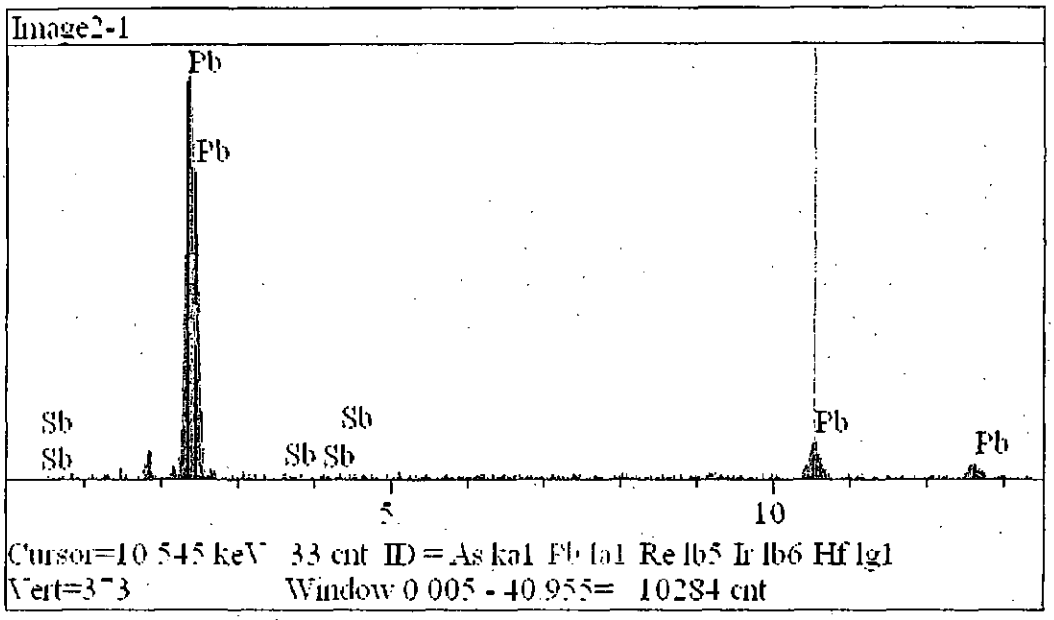


Figure 2a. An SEM photograph of the debris that was analyzed using EDS, [Magnification ~ 150x]. Spot 1 corresponds to Figure 2b and Spot 2 corresponds to Figure 2c.



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Sb	La	1.57	0.323	4.072	wt.%	
Pb	La	7.58	0.711	95.928	wt.%	
				100.000	wt.%	Total

Figure 2b. The composition of Spot 1, shown in Figure 2a, using EDS. This spot contains 4.07 wt% antimony (Sb) and the balance is lead (Pb).



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Sb	La	0.76	0.225	1.898	wt.%	
Pb	La	8.15	0.737	98.103	wt.%	
				100.000	wt.%	Total

Figure 2c. The composition of Spot 1, shown in Figure 2a, using EDS. This spot contains 1.90 wt% antimony (Sb) and the balance is lead (Pb).

AMSRD-AAR-AEE-P January 3, 2007

MEMORANDUM FOR RECORD

SUBJECT: 7.62MM BULLET, LEAD CORE ANALYSES

1. Objective: Determine the chemistry of the lead cores used in the following foreign bullets:

Chinese	7.62mm x 39mm
Czech	7.62mm x 25mm Ball (manuf. 1952)
Russian	7.62mm x 25mm Ball (manuf. 1949)
Romanian	7.9mm x 57mm Ball (manuf. 1974)

2. Background Information:

A flashlight with bullet holes, Ex 6 from USACIL Case Number 2006-CID131-0765-R1-A1, Figure 1, contained small lead and aluminum near the bullet entrance and exit sites, Figure 2. The lead was isolated and further analyzed using energy dispersive spectroscopy (EDS). The lead is a match to that used in the US - 7.62mm M855 Ball Round. The lead is antimonial lead, Grade 1, MIL-L-13283 and contains: 1.0 – 2.5 wt% antimony; 0.10 wt% copper; 99.2 wt% lead + antimony.

It was also decided that several Warsaw Pact bullets and a Chinese bullet be examined to determine whether or not the lead used in these bullets matched the lead in Ex 6.

3. Experimental Procedure:

A. The bullets were mounted and polished to expose the interior core.

B. The polished specimens were photographed.

C. The chemical compositions of the core were analyzed using Energy Dispersive Spectroscopy (EDS) (which is housed within the Scanning Electron Microscope (SEM)).

4. Discussion of Results:

Photographs of Polished Specimens: Figures 3 – 5 show the cross-sections of the Chinese, Czech and Romanian bullets, respectively. The design of these bullets is similar in the respect that it contains a steel core surrounded by lead filler and a steel jacket. The Russian ammunition, by contrast, has only a lead core and a steel jacket, Figure 6. Thus, the Russian 7.62mm ammunition is similar to US ammunition except that US ammunition has a copper jacket not a steel jacket.

Lead Composition Analysis: The EDS analyses of all of the lead compositions used in the Warsaw Pact and Chinese ammunition showed that they were close matches to the lead used in US ammunition , Figures 7 - 10. Thus, no distinction could be made. Table I consolidates all of the lead composition data.

EXHIBIT 135

TABLE I: Lead Composition Data, Weight %

Specimen	Lead + Antimony	Antimony	Copper
Chinese	99.61	2.15	not detect.
Czech	99.53	2.056	not detect.
Romanian	99.68	0.956	not detect.
Russian	98.51	3.936	not detect.
MIL-L-13283 Grade 1	99.2	1.0 – 2.5	0.10

5. Conclusions:

*The lead analyzed from the cores of the Romanian 7.9mm bullet and Chinese, Czech and Russian 7.62mm ammunition was a close match to the US MIL-L-13283 Grade 1 lead.

*The Chinese, Czech and Romanian bullets each contained a large, steel core surrounded by a small amount of lead. All of the bullets, including the Russian bullet, have steel jackets. Thus, it would be expected that steel (in the form of iron, Fe) would be detected along with the lead particle and debris found in Ex 6. However, previous analysis of the entrance/exit sites from Ex 6 did not show the presence of iron.

*It is not likely that Warsaw Pact ammunition was used to shoot a hole through Ex 6, the flashlight.

6. POC for this analysis is [redacted] AMSRD-AAR-AEE-P, [redacted]@us.army.mil, Commercial Telephone: [redacted]

[redacted]

Chief, Metallic Materials Technology Branch
US Army ARDEC
Bldg. 60
Picatinny Arsenal, NJ 07806-5000

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7C



Figure 1. Flashlight from Ex 6. The red mark denote one area that was scraped for lead analysis.

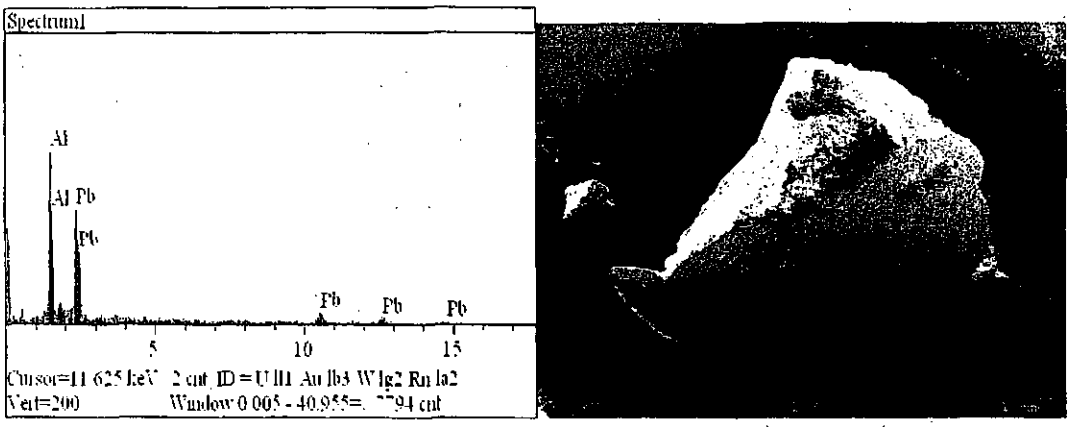


Figure 2. EDS Spectrum of a piece of the flashlight [Ex 6] taken from either near the entrance or exit site. An overall chemistry was taken to identify all of the elements left by the bullet that penetrated the flashlight. The only elements detected were aluminum (from the flashlight case) and lead (from the bullet). No other elements, such as iron (Fe) were detected. Thus eliminating the possibility that Ex 6 had been shot with a bullet containing steel.

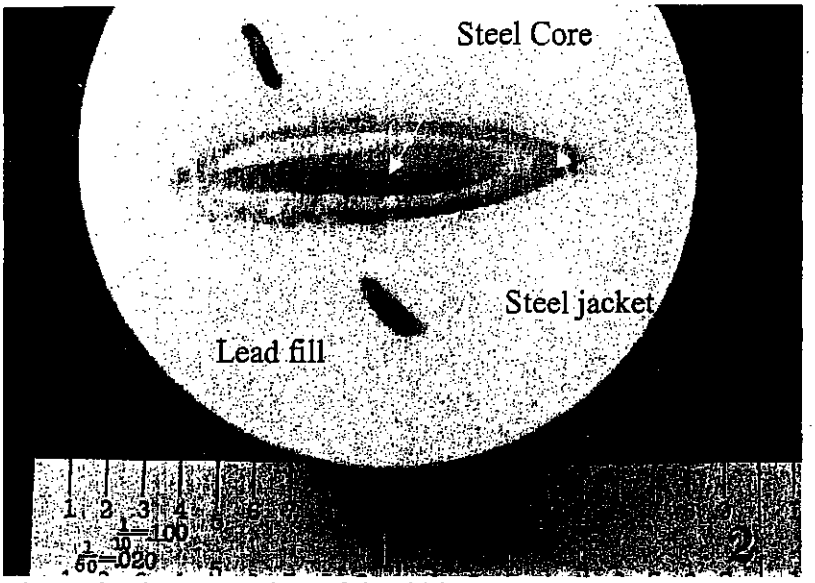


Figure 3. Cross-section of the Chinese 7.62mm x 39mm. There is a steel core surrounded by lead fill. The jacket is steel.

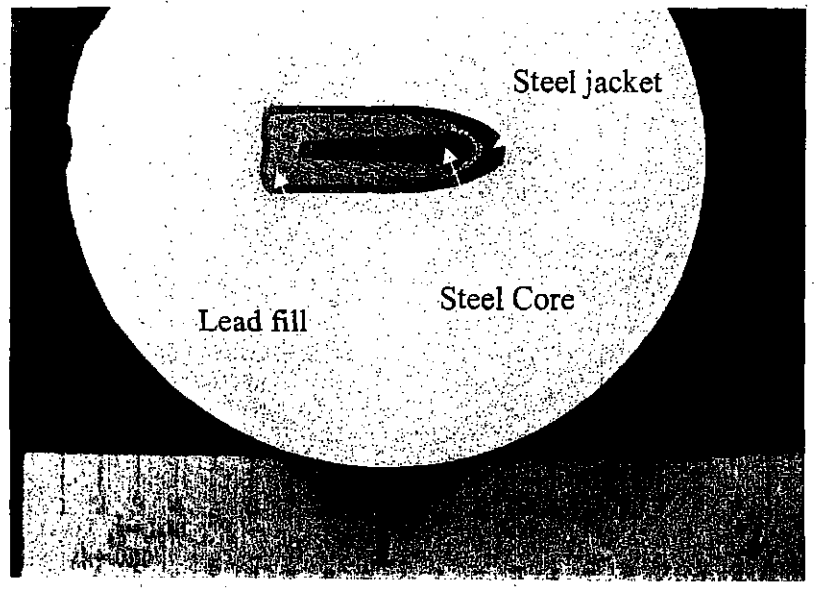


Figure 4. Cross-section of the Czech 7.62mm x 25mm ball round. Arrows point to the steel core, steel jacket and lead fill.

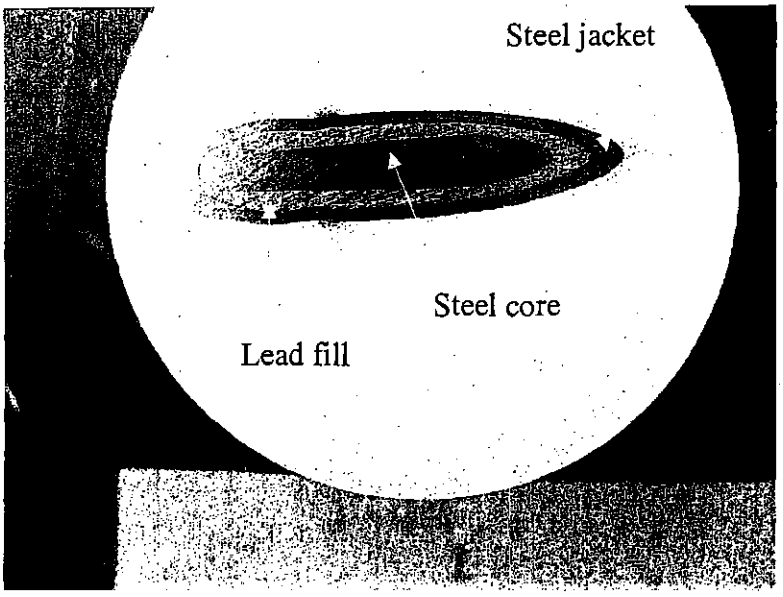


Figure 5. Cross-section of the Romanian 7.9mm x 57mm. Arrows point to the steel core, steel jacket and lead fill.

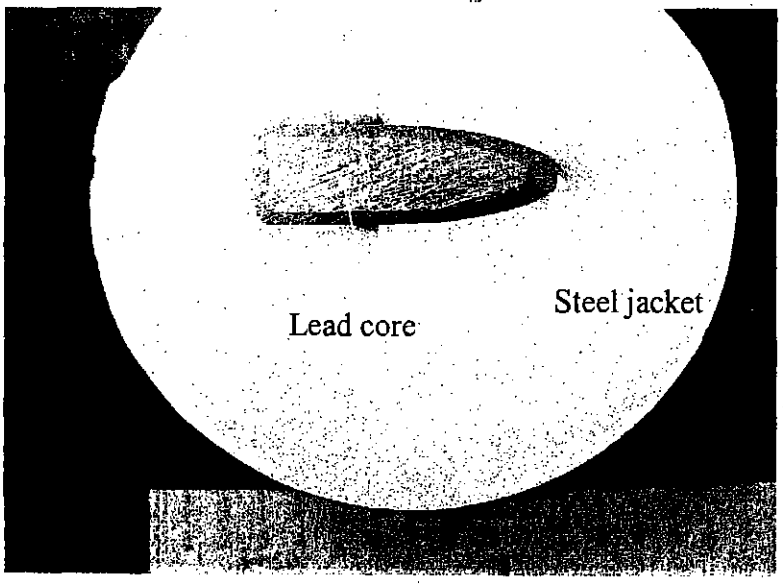
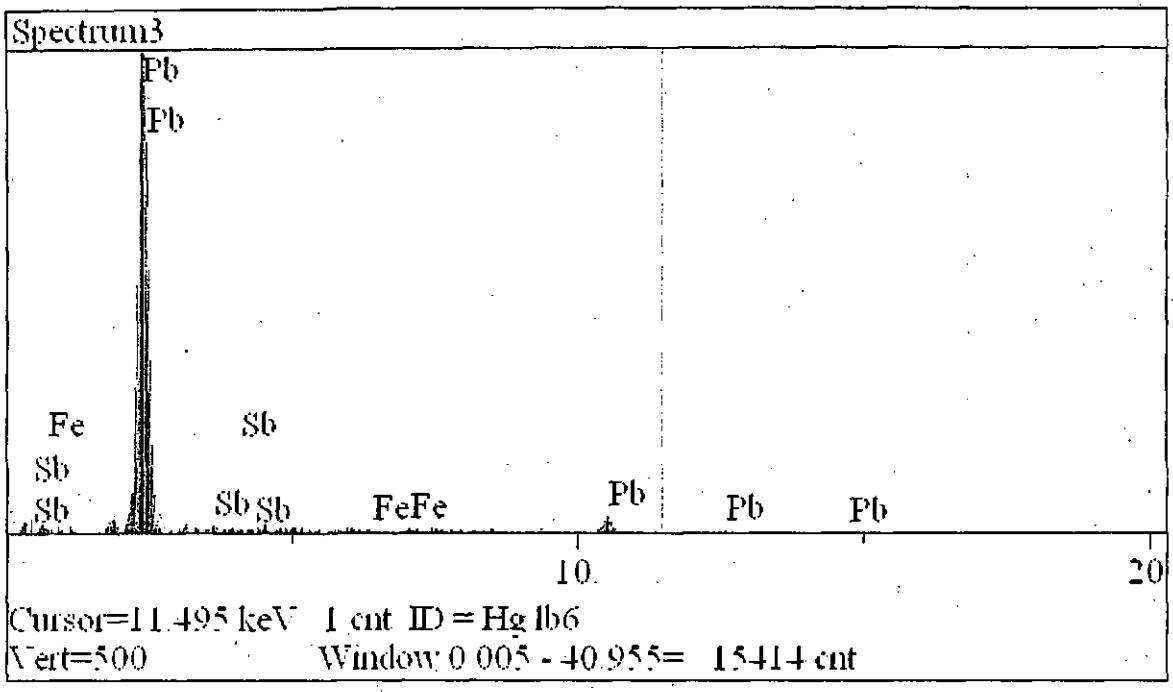
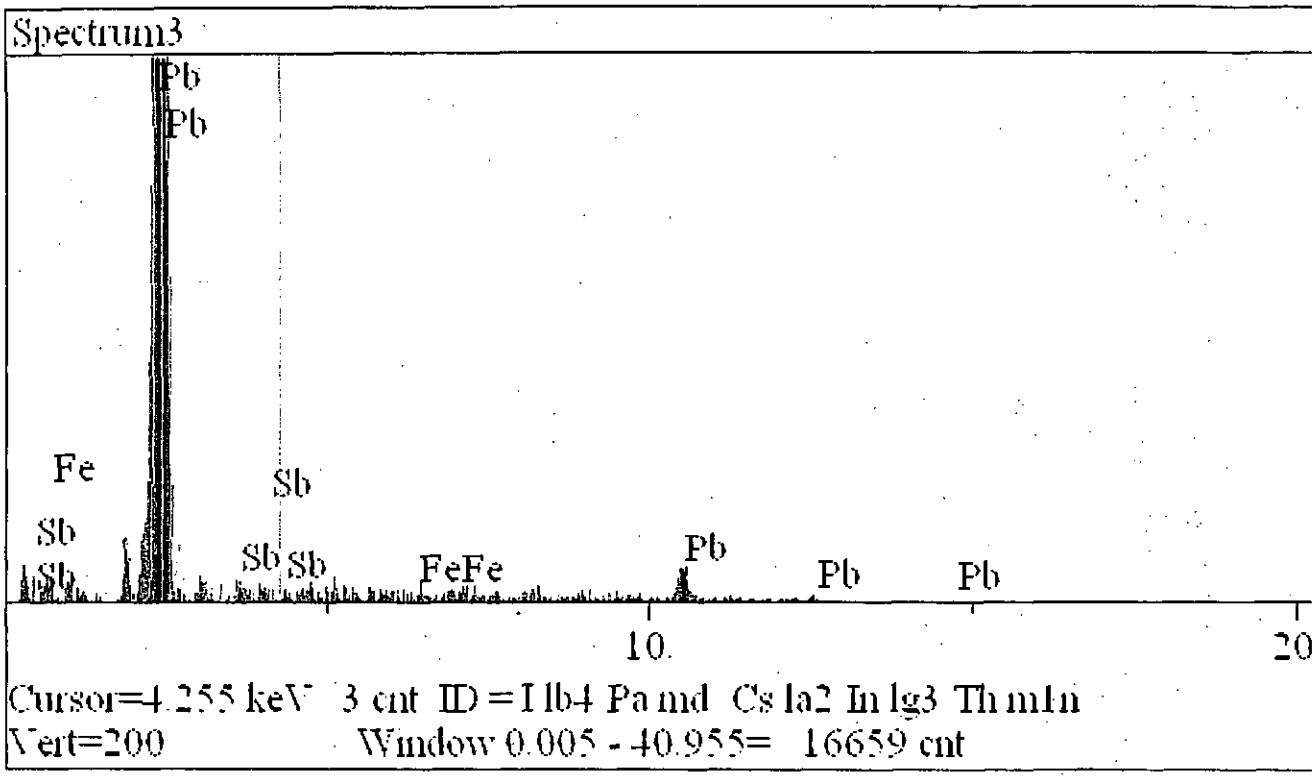


Figure 6. Cross-section of the Russian 7.62mm ball round. This has a steel jacket and a lead core.



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Fe	Ka	0.73	0.221	0.394	wt.%	
Sb	La	1.30	0.294	2.146	wt.%	
Pb	Ma	133.68	2.985	97.460	wt.%	
				100.000	wt.%	Total

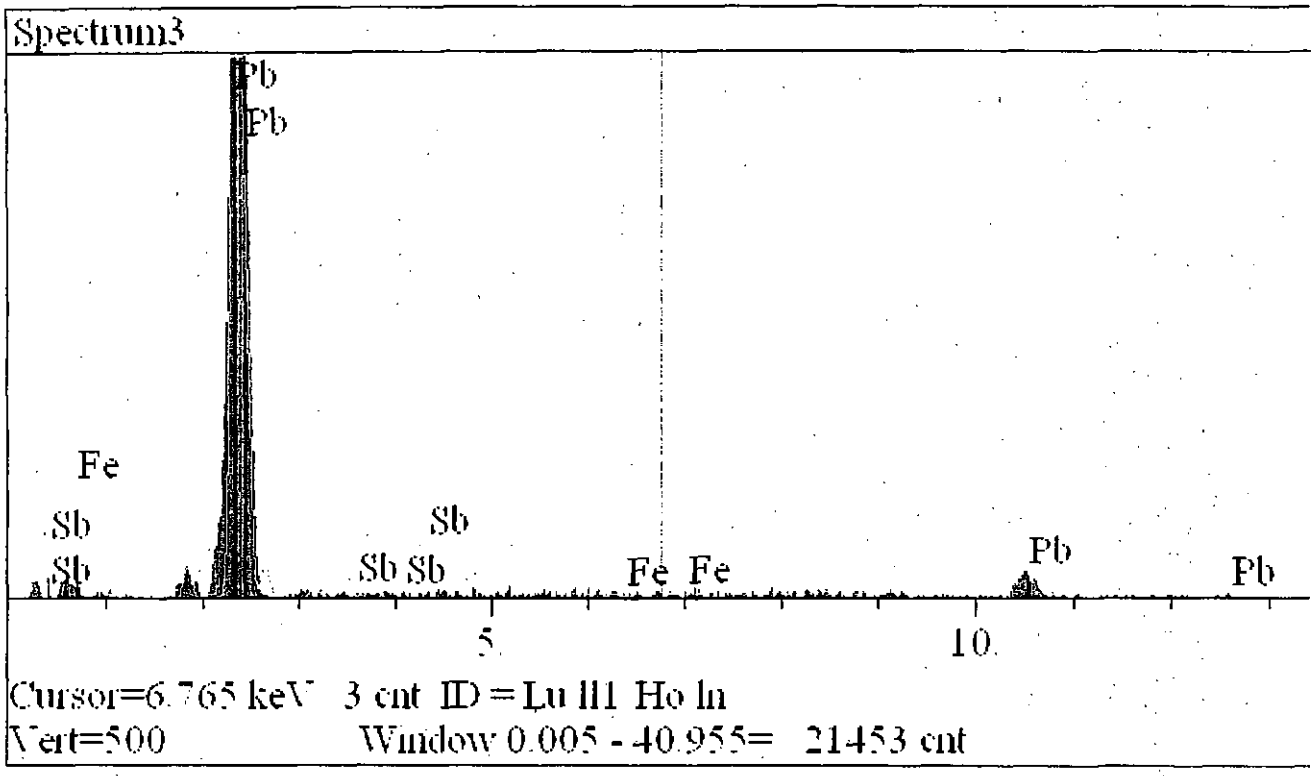
Figure 7. EDS spectrum and composition of the lead filler in the Chinese bullet.



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Fe	Ka	0.95	0.252	0.467	wt.%	
Sb	La	1.37	0.302	2.056	wt.%	
Pb	Ma	146.88	3.129	97.478	wt.%	
				100.000	wt.%	Total

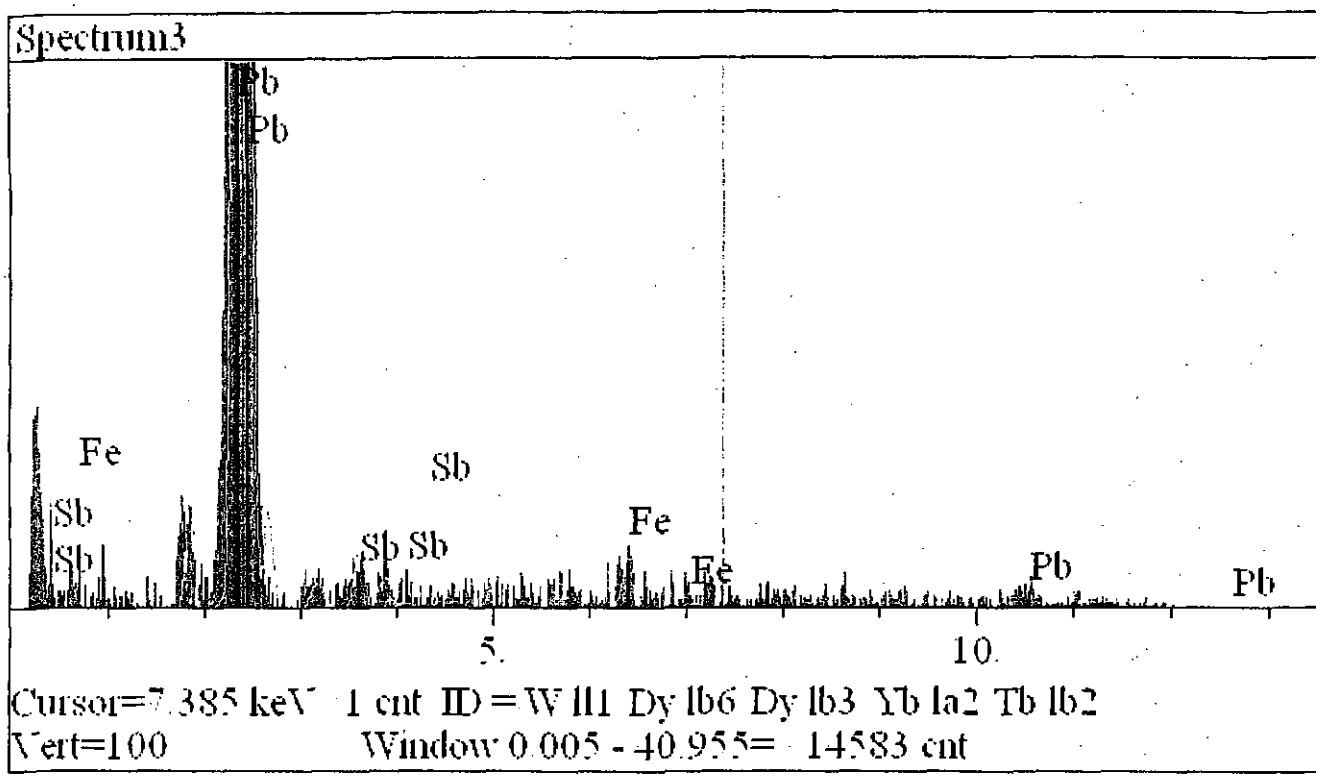
Figure 8. EDS Spectrum and composition of the lead filler in the Czech bullet.

EXHIBIT 435



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Fe	Ka	0.82	0.234	0.320	wt.%	
Sb	La	0.80	0.231	0.956	wt.%	
Pb	Ma	188.17	3.542	98.724	wt.%	
				100.000	wt.%	Total

Figure 9. EDS Spectrum and composition of the lead filler in the Romanian bullet.



Elt.	Line	Intensity (c/s)	Error 2-sig	Conc	Units	
Fe	Ka	2.54	0.411	1.449	wt.%	
Sb	La	2.28	0.390	3.936	wt.%	
Pb	Ma	122.60	2.859	94.615	wt.%	
				100.000	wt.%	Total

Figure 10. EDS spectrum and composition of lead in the Russian bullet.

0013-06-CID201-50048

METALLURGICAL ANALYSIS

OF FOUR METAL FRAGMENTS FROM

ME-04-289; CID Sequence No. 04-CID112

By

[redacted]

C, Metallic Materials Technology Branch

October 29, 2004

US Army ARDEC
Metallic Materials Technology Branch
PPRC, EWETD, AETC
Picatinny, New Jersey 07806-5000

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EXHIBIT 136

OBJECTIVE

Determine the composition, weight, dimensions and density of four metal fragments. Three fragments [Fragment Numbers 1—3] were marked "ME 04-289 Left Forearm" and one fragment [Fragment Number 4] was marked "ME 04-289 Body Bag". There were additional rock fragments marked "ME 04-289 Body Bag" but these were not analyzed as part of this investigation. All of the fragments correspond to CID Sequence No. 04-CID112.

EXPERIMENTAL PROCEDURE

I. Visual Inspection
   A. Specimens cleaned with Alconox detergent and water in an ultrasonic cleaner
   B. Specimens photographed with Nikon Digital Camera.

II. Weight Measurements, using Ohaus Digital Scale

III. Density Measurements, using Mettler AT200 Digital Scale

IV. Composition Analysis, using Energy Dispersive Spectroscopy (EDS) which is attached to the Scanning Electron Microscope (SEM)
(note: a small area of each fragment was scraped clean with a new, stainless steel razor blade to create a clean, flat surface to ensure accurate composition analysis.)

DISCUSSION OF RESULTS

I. Visual Inspection: The fragments were examined in the "as-received" condition and photographed, Figures 1a—4b. The fragments contained many fibers and were highly deformed. No key features were noted—such as dimples, engravings or embossed patterns—that could aid in identifying the type of ammunition or weapon that these fragments came from.

II. Weight and Density Measurements: The fragments were weighed and the densities measured, Table I. The density of pure aluminum is 2.7 g/cc and lead is 11.0 g/cc. The four fragments had densities that were close to that of pure aluminum. Small density differences can attributed to the number of fibers on the surface of the fragments and internal porosity caused by the deformation.

TABLE I: Weight (grams) and Density Measurements (g/cc)

Specimen No.	Weight (g)	Density (g/cc)
1	0.1716	2.2108
2	0.1734	2.5283
3	0.0353	2.5292
4	0.0169	2.8051

EXHIBIT 136

III. Composition Analysis using Energy Dispersive Spectroscopy (EDS): The composition of all of the fragments was aluminum. The aluminum appears to be mostly pure but it may have small amounts of alloying elements, such as iron or silicon, present in quantities too low to detect with EDS.

Figures 5a-8b show the EDS spectra and accompanying photographs of each of the fragments. The peaks seen in the EDS spectra correspond to elements detected in the fragments. To avoid the effects of surface contamination caused by dirt, the fragments were analyzed in the areas that had been scraped clean with a razor blade as shown in Figure 5a, for example. In each of the four fragments analyzed, only an aluminum peak was detected.

Typically, foreign and domestic small caliber ammunition is made with one or more of the following metals: lead, bismuth, steel, copper, copper/zinc alloys and, occasionally, tungsten. Pure aluminum is not used in any small caliber ammunition, however, aluminum alloys are sometimes used for cartridge cases (40mm cartridge cases use Al alloy 6066, for example).

Other types of ammunition such as hand grenades and mortars are typically made with steel bodies. Mortars do have aluminum components, such as fins and ignition cartridge housings, however the aluminum components are usually made with aluminum alloys.

CONCLUSIONS

*All four fragments analyzed were aluminum. This was confirmed using both EDS Analysis and density measurements.

EXHIBIT 136

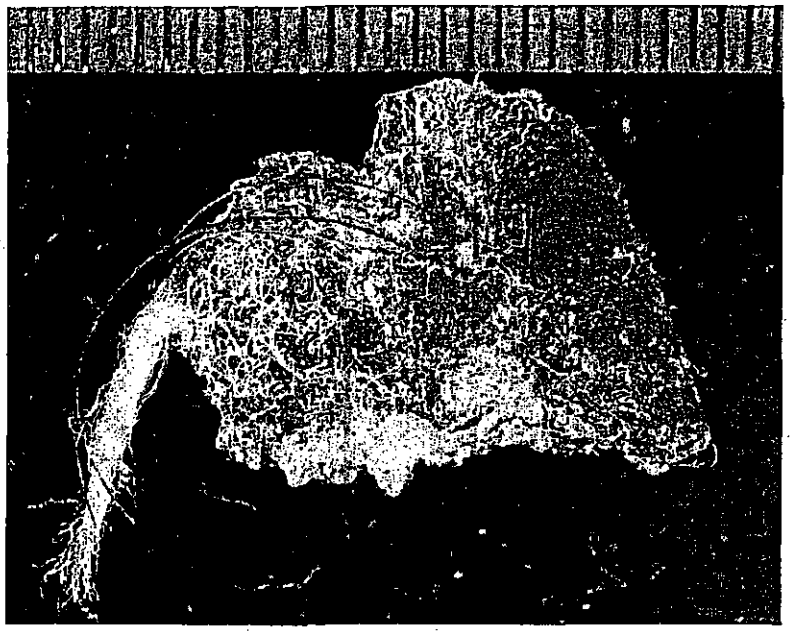

Figure 1a. Top view of Fragment No. 1, ME-04-289, left forearm. Many organic fibers were noted on the surface. These fibers needed to be cleaned off using a razor blade so that the metal could be analyzed properly for chemical composition. Fragment length approx. =0.335 inches; Fragment width approx. = 0.270 inches. Scale = 1/50 inches.

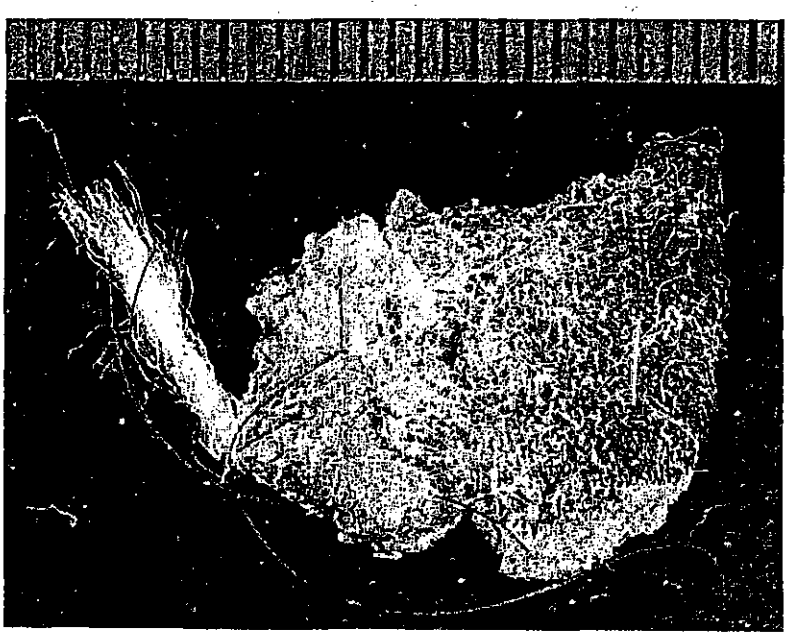

Figure 1b. Fragment No. 1 bottom view. Scale = 1/50 inches.

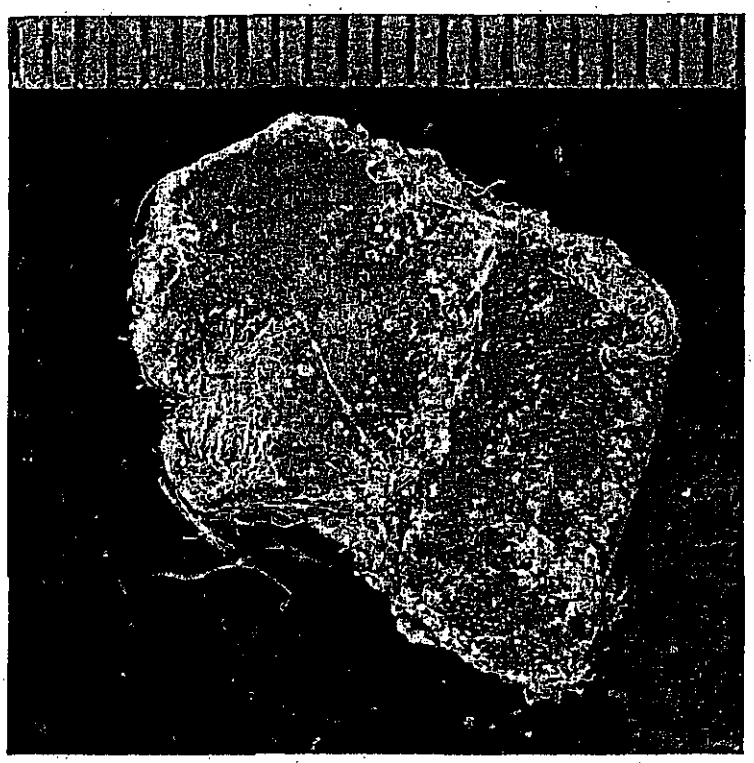

Figure 2a. Top view of Fragment No. 2, ME-04-289 ,left forearm. This fragment is approximately 0.330 inches long and 0.25 inches wide. Scale = 1/50 inches.

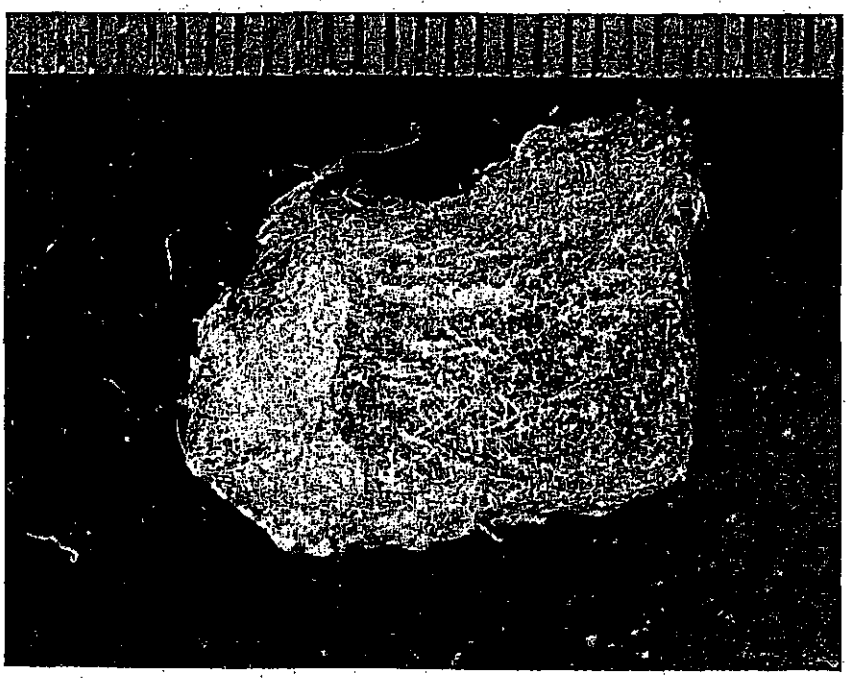

Figure 2b. Bottom view of Fragment No. 2. Scale = 1/50 inches.

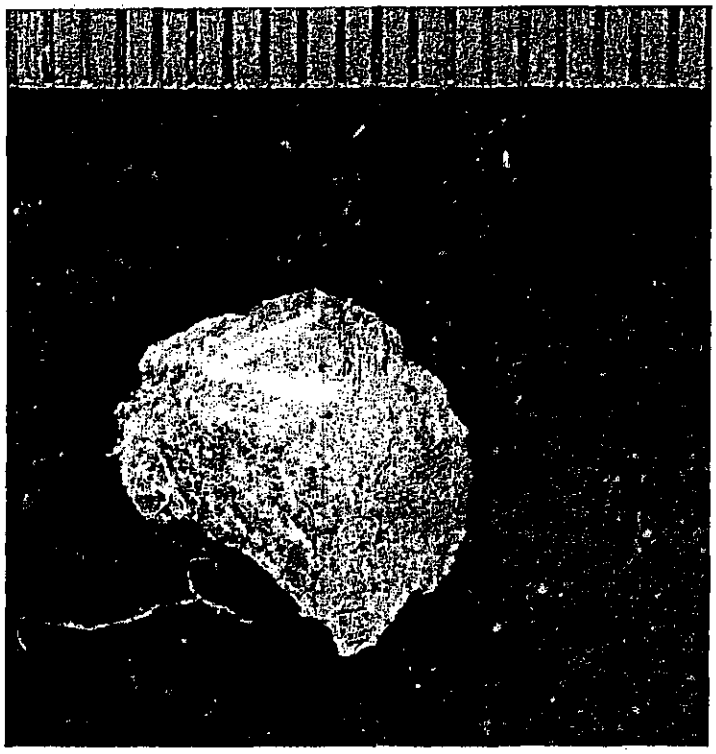

Figure 3a. Top view of Frag. No. 3, ME-04-289, left forearm. Fragment is approximately 0.20 inches long and 0.15 inches wide. Scale = 1/50 inches.

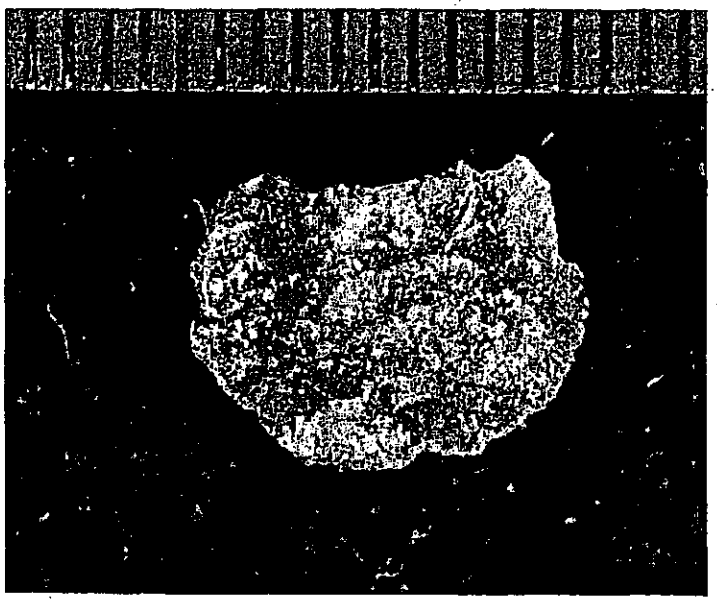

Figure 3b. Bottom view of Fragment No. 3. Scale = 1/50 inches.

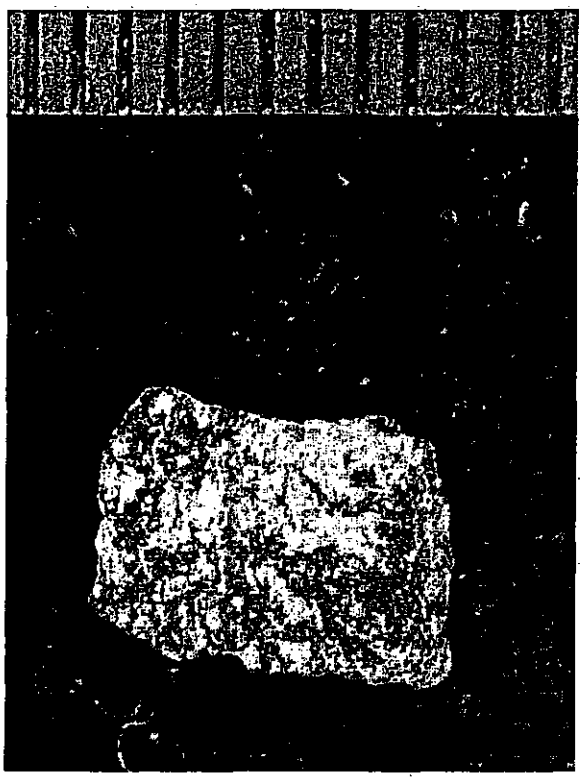

Figure 4a. Top view of Fragment No. 4, ME-04-289, body bag. This fragment is approximately 0.20 inches long and 0.125 inches wide. Scale = 1/50 inches.

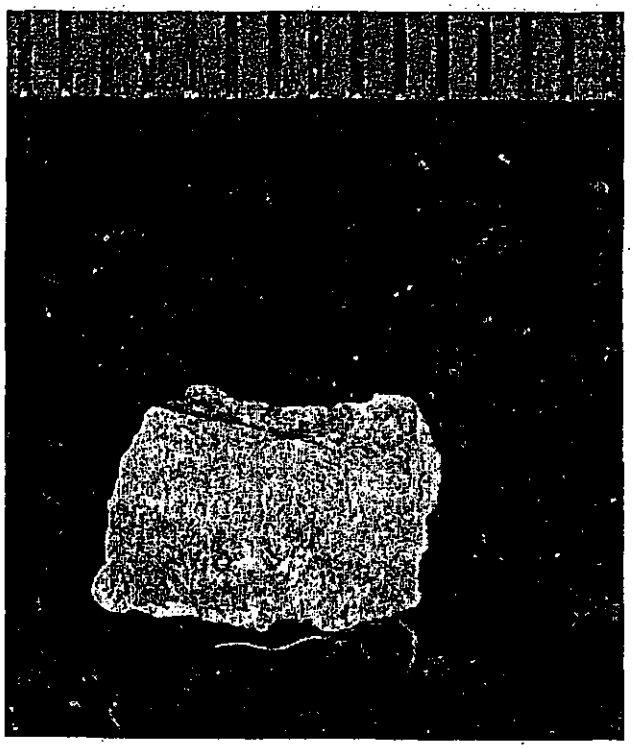

Figure 4b. Bottom view of Fragment No. 4. Scale = 1/50 inches.



Figure 5a. SEM photograph of Fragment No. 1. The orange box is the location where the fragment was scraped clean so that the EDS chemical analysis could be completed, Figure 5b.

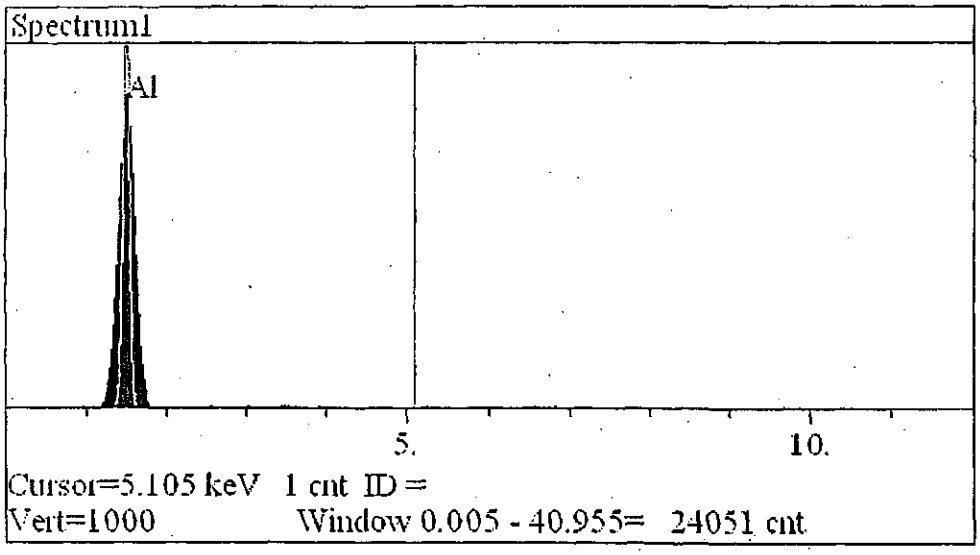

Figure 5b. The EDS spectrum of Fragment No. 1 showing the qualitative results of the chemical analysis. The only element detected was aluminum, which corresponds to the red peak in the spectrum.

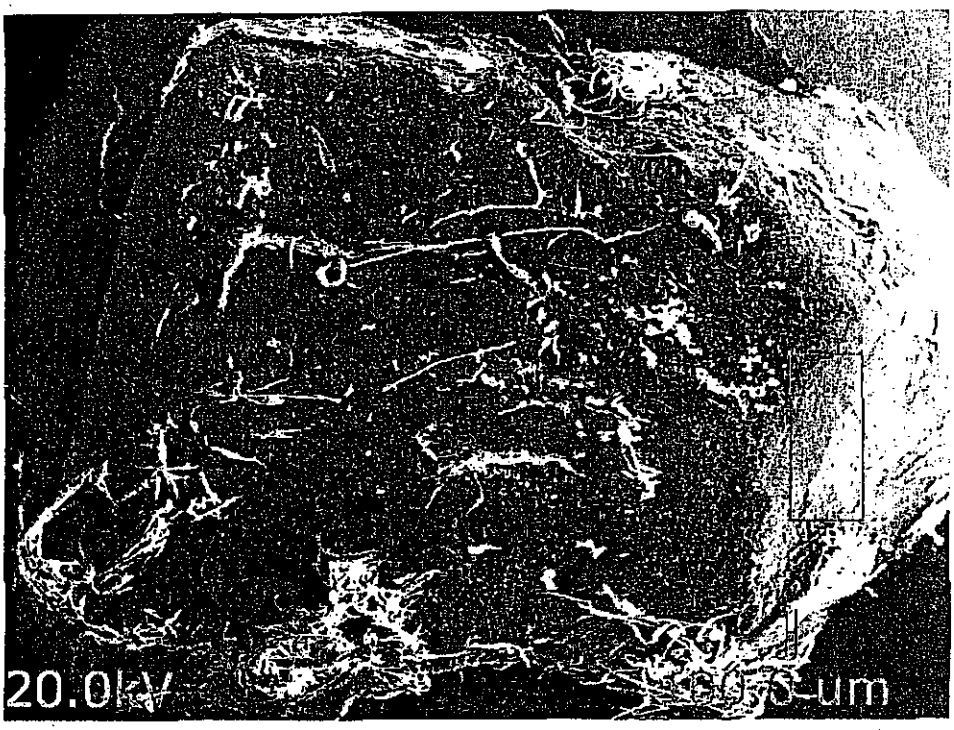

Figure 6a. SEM photograph of Fragment No. 2. The orange box is the location where the fragment was scraped clean so that the EDS chemical analysis could be completed, Figure 6b.

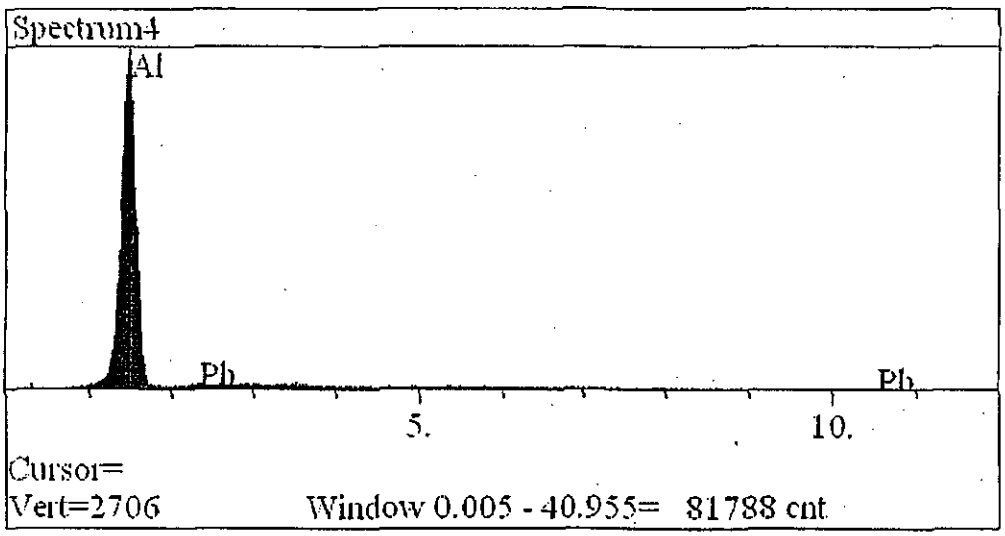

Figure 6b. The EDS spectrum of Fragment No. 2 showing the qualitative results of the chemical analysis. The only element detected was aluminum, which corresponds to the red peak in the spectrum. If lead was present, one would expect to see a peak where the chemical symbols 'Pb' are located on the spectrum. Lead is not present.

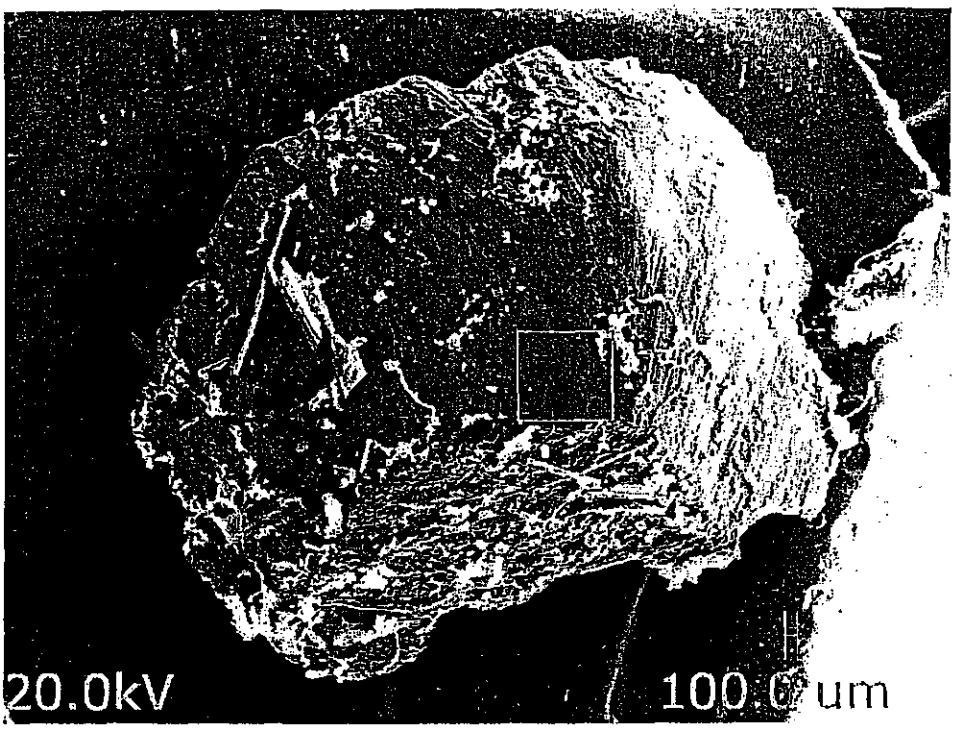

Figure 7a. SEM photograph of Fragment No. 3. The orange box is the location where the fragment was scraped clean so that the EDS chemical analysis could be completed, Figure 7b.

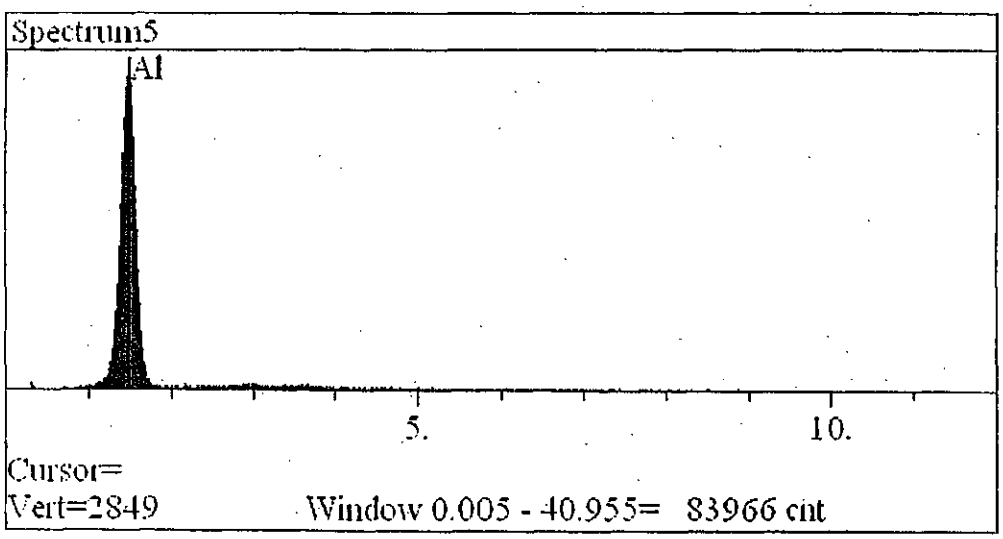

Figure 7b. The EDS spectrum of Fragment No. 3 showing the qualitative results of the chemical analysis. The only element detected was aluminum, which corresponds to the red peak in the spectrum.

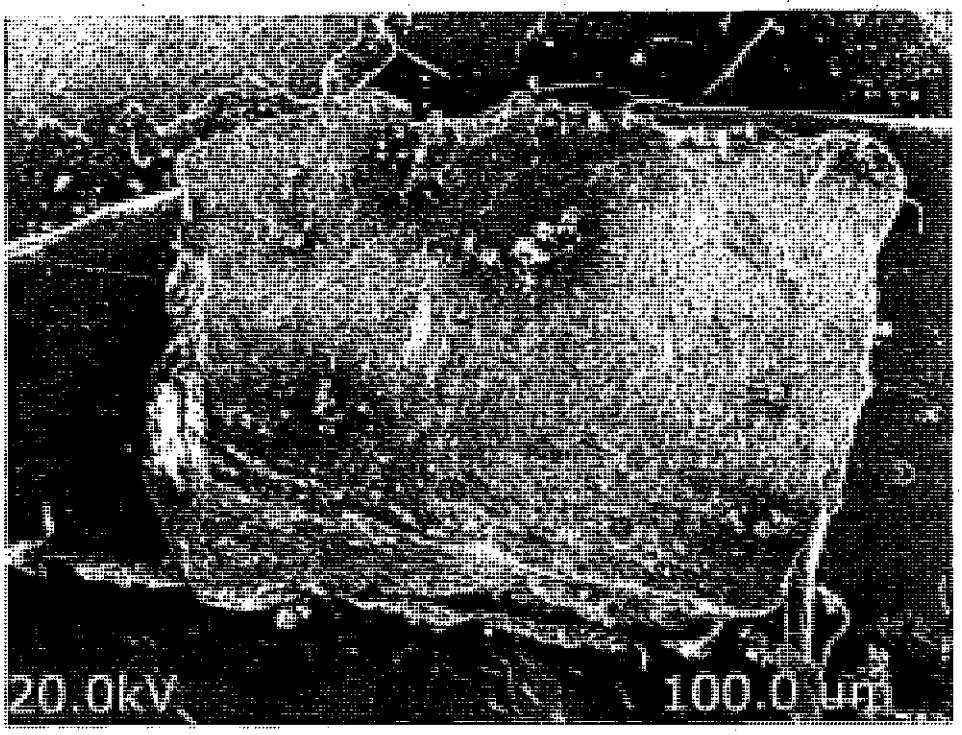

Figure 8a. SEM photograph of Fragment No. 4. The orange box is the location where the fragment was scraped clean so that the EDS chemical analysis could be completed, Figure 8b.

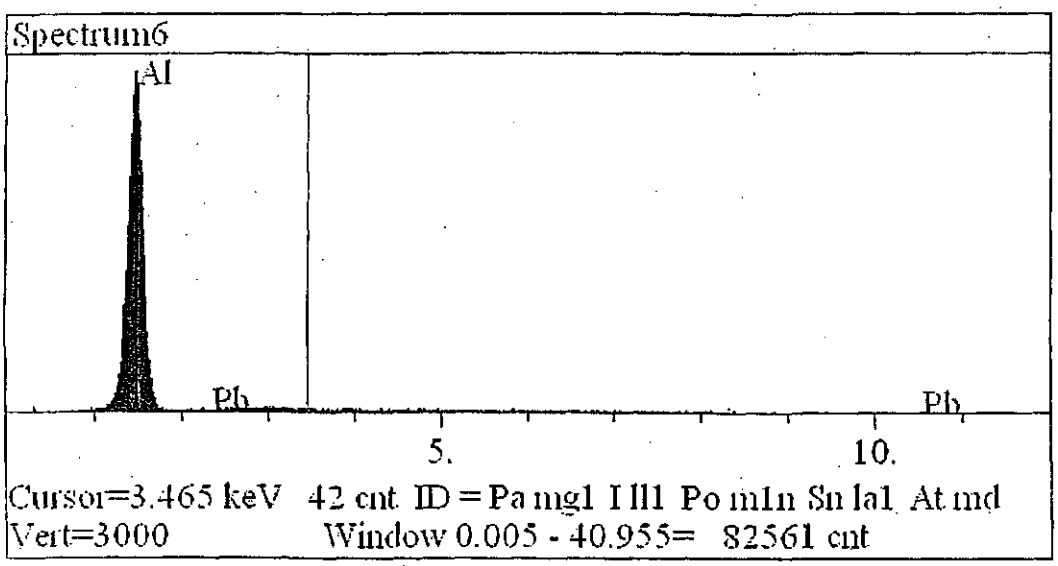

Figure 8b. The EDS spectrum of Fragment No. 4 showing the qualitative results of the chemical analysis. The only element detected was aluminum, which corresponds to the red peak in the spectrum. If lead was present, one would expect to see a peak where the chemical symbols 'Pb' are located on the spectrum. Lead is not present.

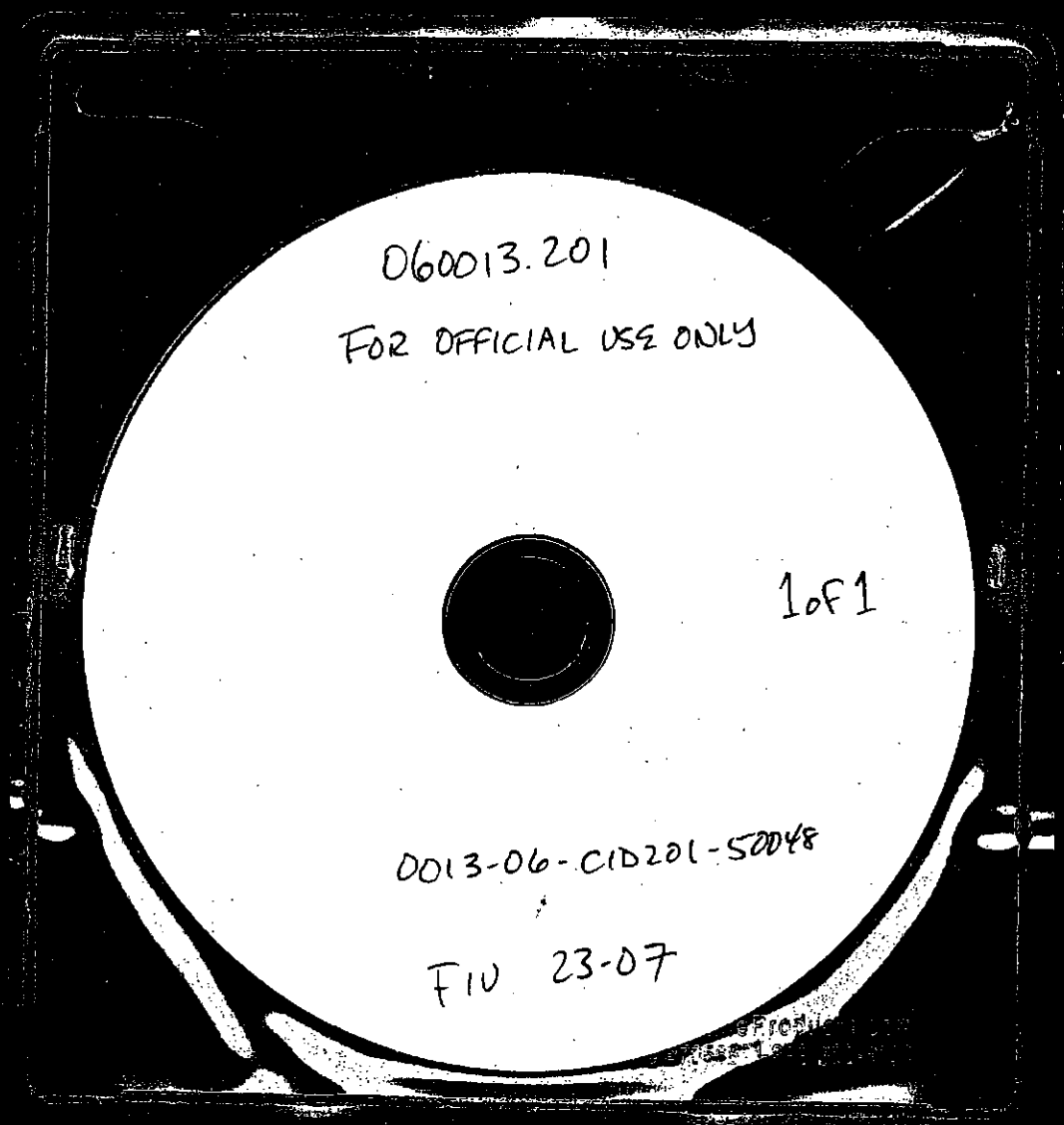

EXHIBIT 137

000769

INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202–4704

JUL 29 2005

MEMORANDUM FOR ARMED FORCES INSTITUTE OF PATHOLOGY, OFFICE OF THE ARMED FORCES MEDICAL EXAMINER, WASHINGTON, DC 20305

SUBJECT: Autopsy Photographs of CPL Patrick D. Tillman, SSN: [redacted]
(Autopsy No. ME04-289, AFIP No. 2923991)

The Office of the Inspector General of the Department of Defense, Assistant Inspector General for Investigative Policy and Oversight is evaluating Army investigations into the death of CPL Patrick Tillman, under our Project No. 2005C006. Our evaluation requires us to review the autopsy photographs of CPL Tillman taken on April 27, 2004.

Please forward the photographs to Office of the Inspector General of the Department of Defense, Office of Investigative Policy and Oversight, ATTN: Special Agent [redacted] Room 1055, 400 Army Navy Drive, Arlington, VA 22202-4704.

Please address any questions regarding this request to Special Agent [redacted] at (703) [redacted], or Special Agent [redacted] at (703) [redacted] Your assistance in this matter is greatly appreciated.

John J. Perryman
Director of Oversight
Office of Investigative Policy and Oversight

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EXHIBIT 137

AUTOPSY PHOTOGRAPHS

REFERRED TO

AU.S. ARMY MEDICAL DEPARTMENT
FREEDOM OF INFORMATION/PRIVACY ACT OFFICE
ATTN: MCFP
2050 WORTH ROAD
FORT SAM HOUSTON, TX 78234-6013

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSCN0001.JPG depicting start of ambush site at Grid Coordinates 42S WB 49429 71708
2.	DSCN0002.JPG depicting the tight driving width going towards the Tillman death scene.
3.	DSCN0003.JPG depicting the tight driving width going towards the Tillman death scene.
4.	DSCN0004.JPG depicting the tight driving width going towards the Tillman death scene.
5.	DSCN0005.JPG depicting the tight driving width going towards the Tillman death scene.
6.	DSCN0006.JPG depicting the tight driving width going towards the Tillman death scene.
7.	DSCN0007.JPG depicting the tight driving width going towards the Tillman death scene.
8.	DSCN0008.JPG depicting the tight driving width going towards the Tillman death scene.
9.	DSCN0009.JPG depicting the tight driving width going towards the Tillman death scene.
10.	DSCN0010.JPG depicting the tight driving width going towards the Tillman death scene.
11.	DSCN0320.JPG depicting the tight driving width going towards the Tillman death scene.

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12. DSCN0321.JPG depicting the tight driving width going towards the Tillman death scene.
13. DSCN0322.JPG depicting the tight driving width going towards the Tillman death scene.
14. DSCN0323.JPG depicting the tight driving width going towards the Tillman death scene.
15. DSCN0324.JPG depicting the tight driving width going towards the Tillman death scene.
16. DSCN0326.JPG depicting the tight driving width going towards the Tillman death scene.
17. DSCN0327.JPG depicting the tight driving width going towards the Tillman death scene.
18. DSCN0328.JPG depicting the tight driving width going towards the Tillman death scene.
19. DSCN0329.JPG depicting the tight driving width going towards the Tillman death scene.
20. DSCN0330.JPG depicting the tight driving width going towards the Tillman death scene.

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSCN0331.JPG depicting the tight driving width going towards the Tillman death scene.
2.	DSCN0332.JPG depicting the tight driving width going towards the Tillman death scene.
3.	DSCN0333.JPG depicting the tight driving width going towards the Tillman death scene.
4.	DSCN03341.JPG depicting the tight driving width going towards the Tillman death scene.
5.	DSCN0335.JPG depicting the tight driving width going towards the Tillman death scene.
6.	DSCN0336.JPG depicting the tight driving width going towards the Tillman death scene.

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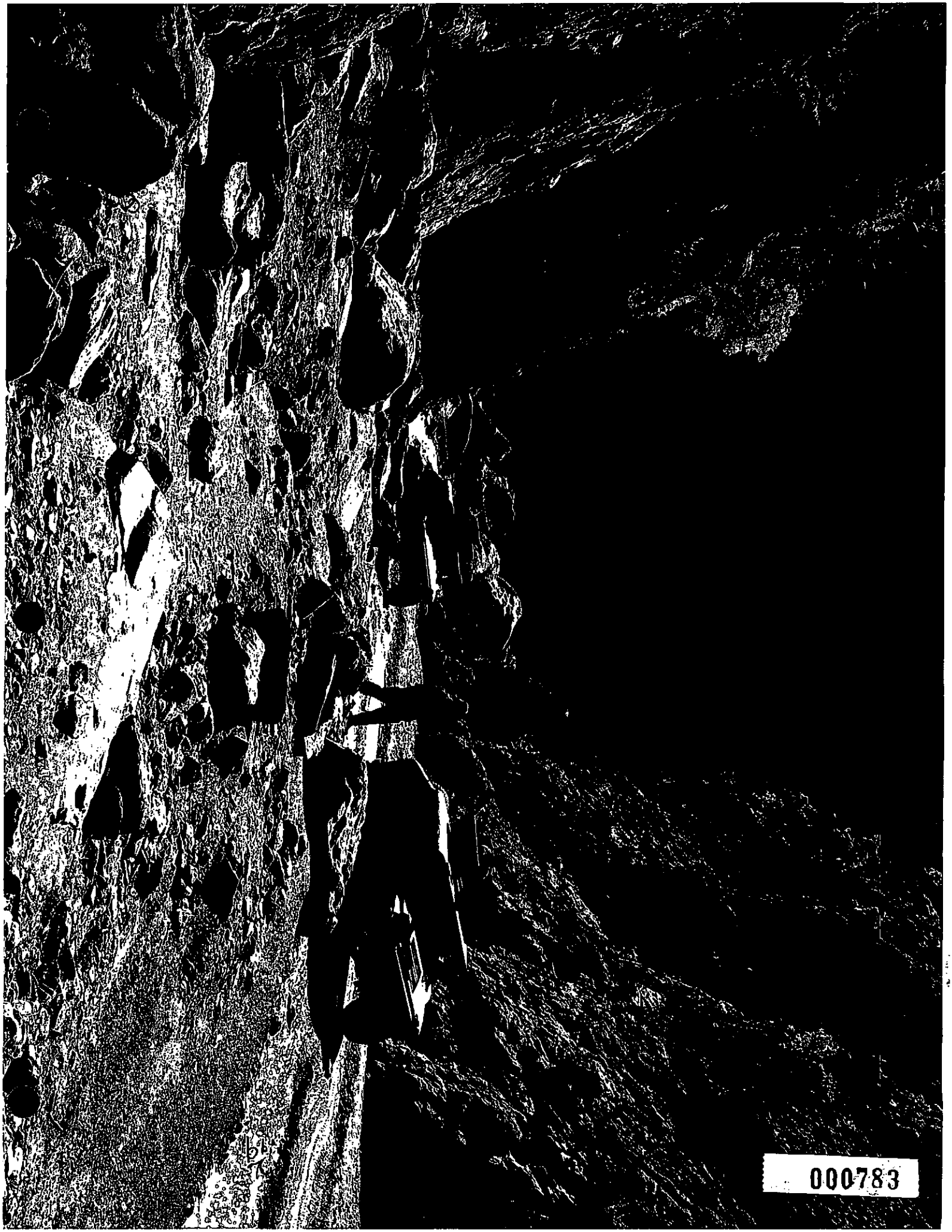
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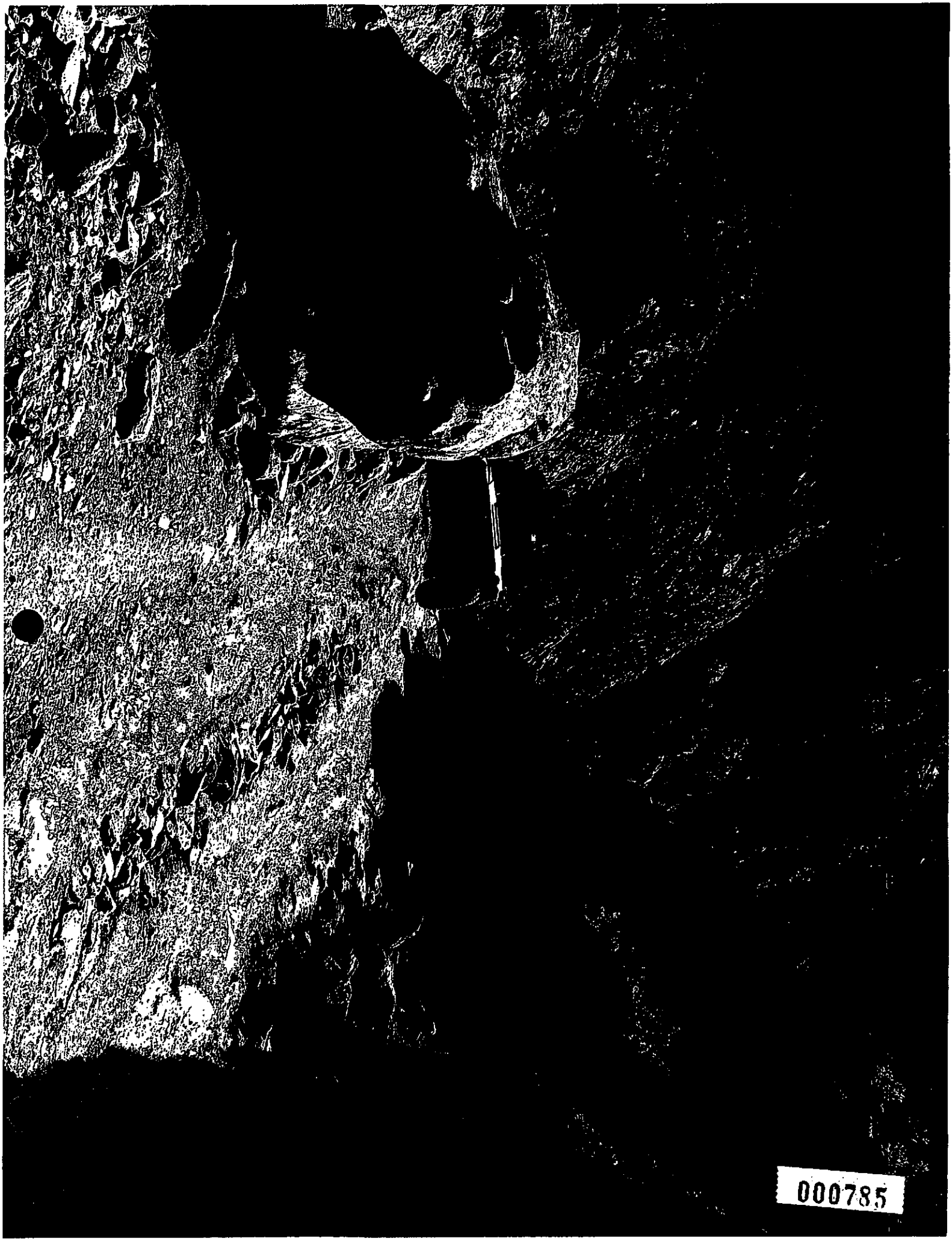

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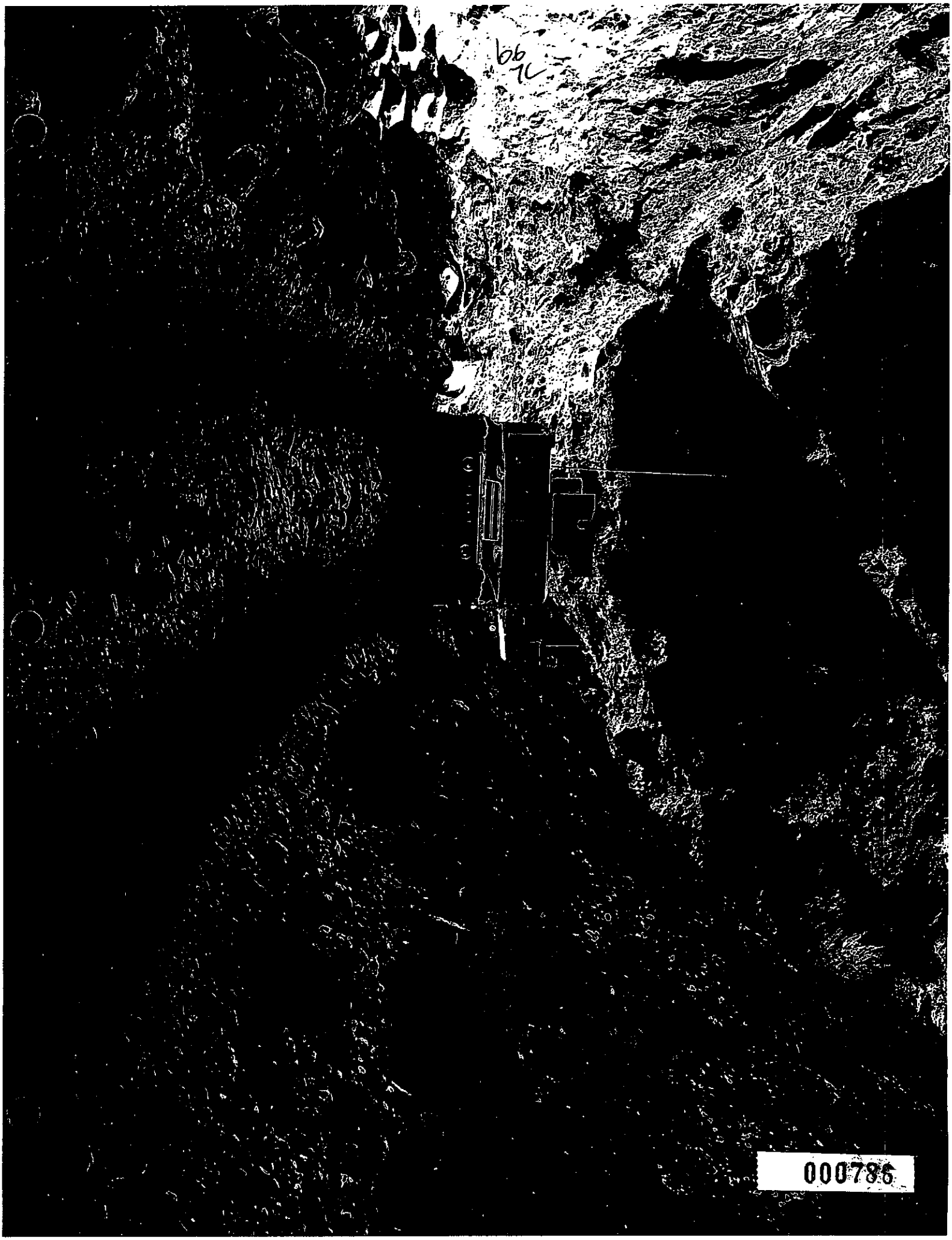
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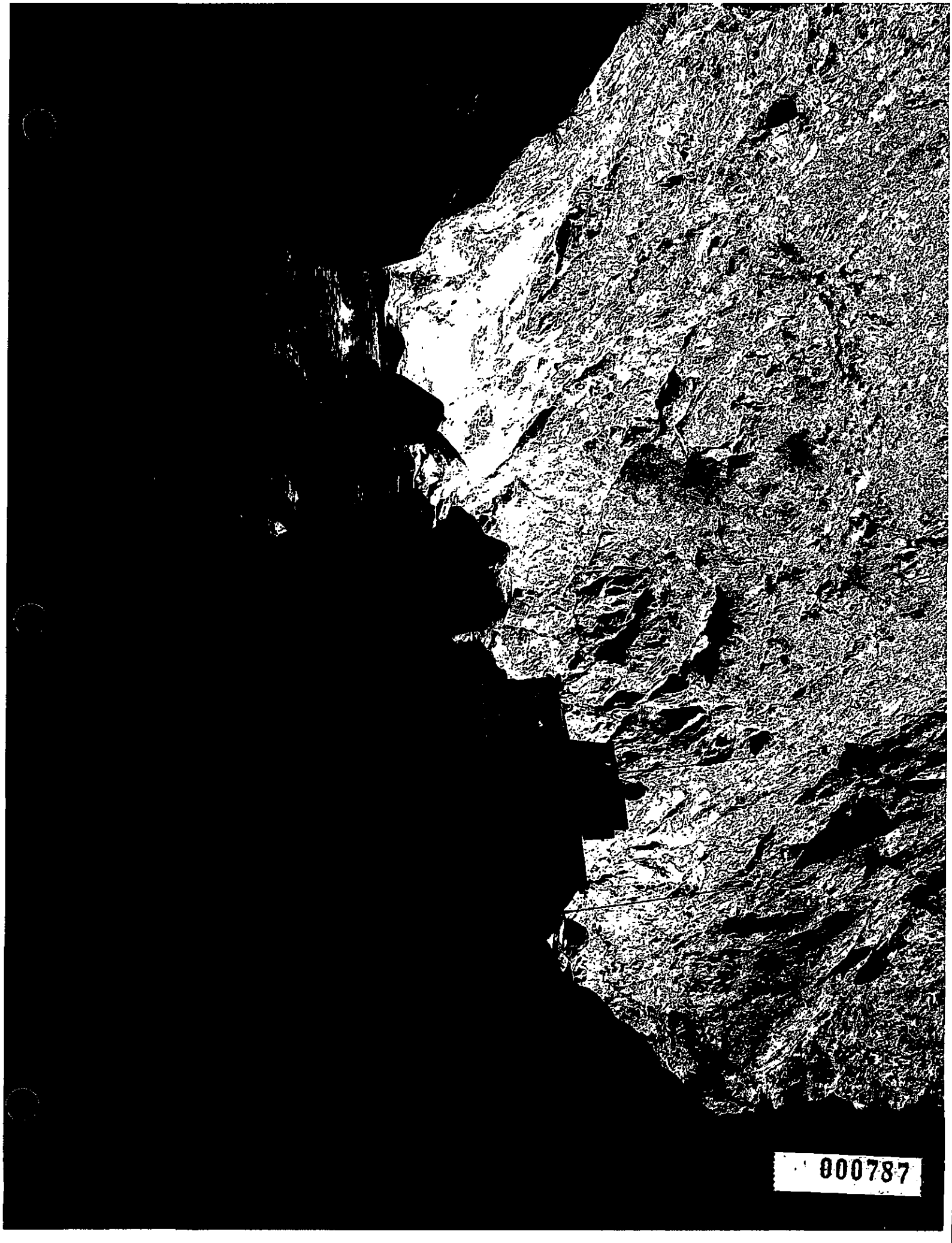
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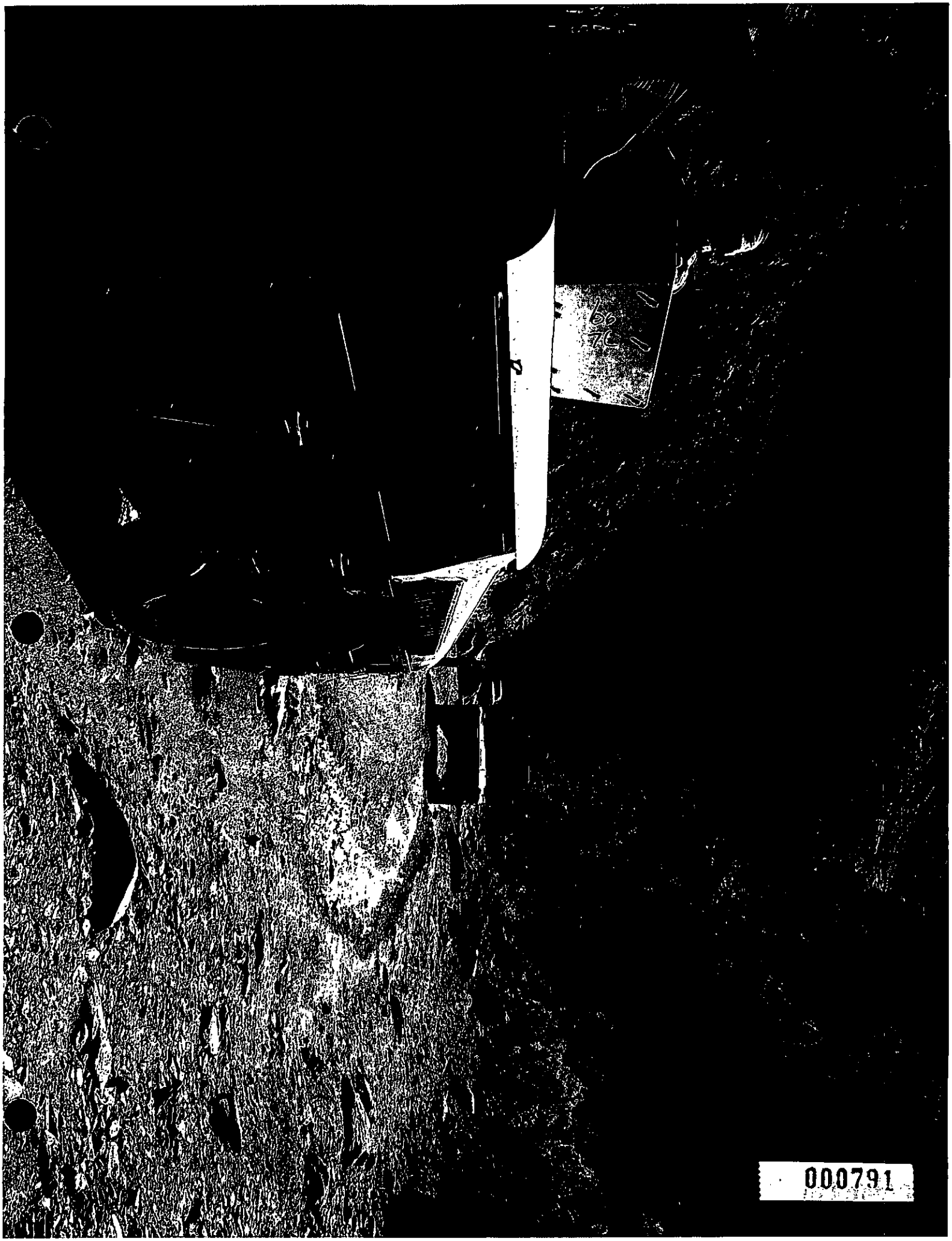
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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	Photograph depicting suspected impact of small arms fire on "big house"
2.	Photograph depicting view of "big house" from suspected fire position.
3.	Photograph depicting view of "big house" from distant position.
4.	Photograph depicting front and side view of "big house"
5.	Photograph depicting right side of "big house" and additional structures.
6.	Photograph depicting far right side of village.
7.	Photograph depicting front of "big house".
8.	Photograph depicting view of valley road from "big house"
9.	Photograph depicting right front corner of "big house"
10.	Photograph depicting view of suspected firing position from "big house".
11.	Photograph depicting right front corner of "big house"
12.	Photograph depicting left front corner of "big house".
13.	Photograph depicting left side view of "big house" and other village structures.
14.	Photograph depicting far left edge of village.
15.	Photograph depicting buildings on left edge of village.
16.	Photograph depicting center buildings of village.
17.	Photograph depicting left side of main living area in village.
18.	Photograph depicting right side of main living area in village.

19. Photograph depicting left corner of main living area in village.

20. Photograph depicting back side of mail living area in village.

FOR OFFICIAL USE ONLY

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
21.	Photograph depicting center buildings of village.
22.	Photograph depicting right side of village buildings.
23.	Photograph depicting building behind "big house".
24.	Photograph depicting distant view of building behind "big house"
25.	Photograph depicting center village building.
26.	Photograph depicting center village building
27.	Photograph depicting left side of center village building.
28.	Photograph depicting view of valley from left side of village
29.	Photograph depicting left side of main living are in village.
30.	Photograph depicting back left side of village.
31.	Photograph depicting back left side of village.
32.	Photograph depicting mail living area in village.
33.	Photograph depicting senior male of village.
34.	Photograph depicting senior male of village.
35.	Photograph depicting village building.
36.	Photograph depicting inside barn area of "big house".
37.	Photograph depicting inside right corner of "big house"
38.	Photograph depicting inside right corner of "big house"
39.	Photograph depicting inside right corner of "big house"
40.	Photograph depicting inside right corner of "big house"

FOR OFFICIAL USE ONLY

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
41.	Photograph depicting village elder (ZAMIR JAN)
42.	Photograph depicting scaled front of impacted round on "big house"
43.	Photograph depicting front of impacted round on "big house"
44.	Photograph depicting scaled back of impacted round on "big house"

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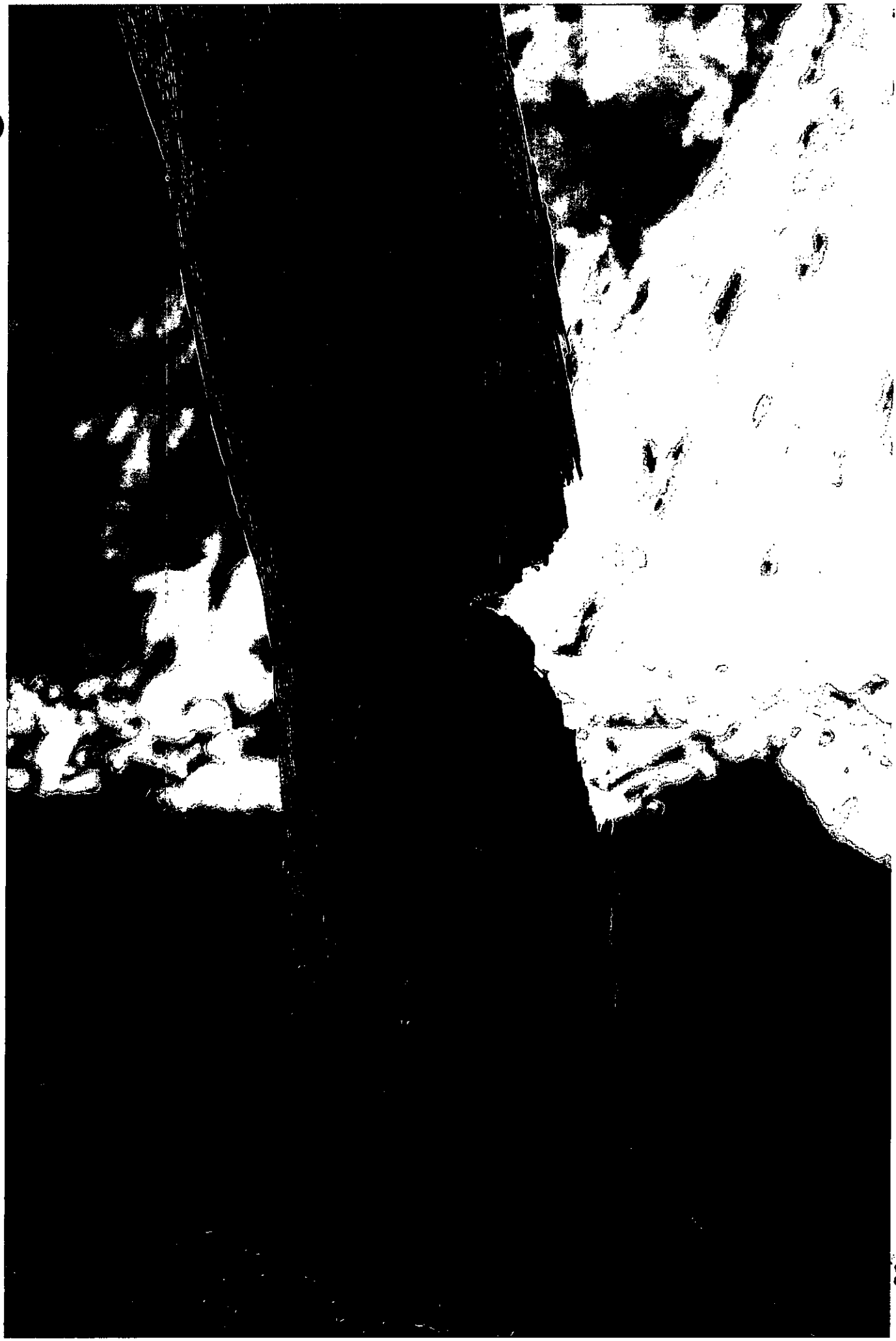

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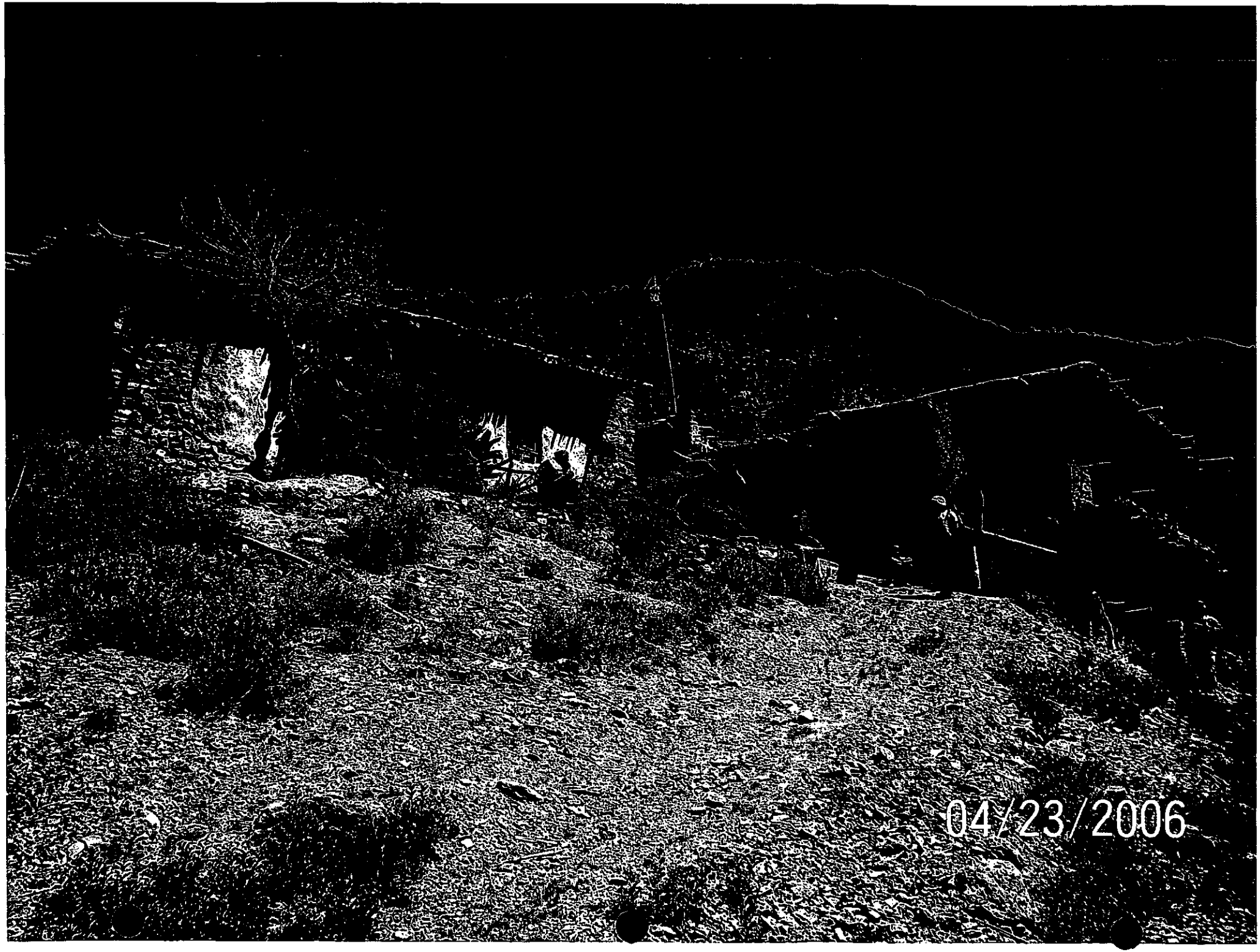
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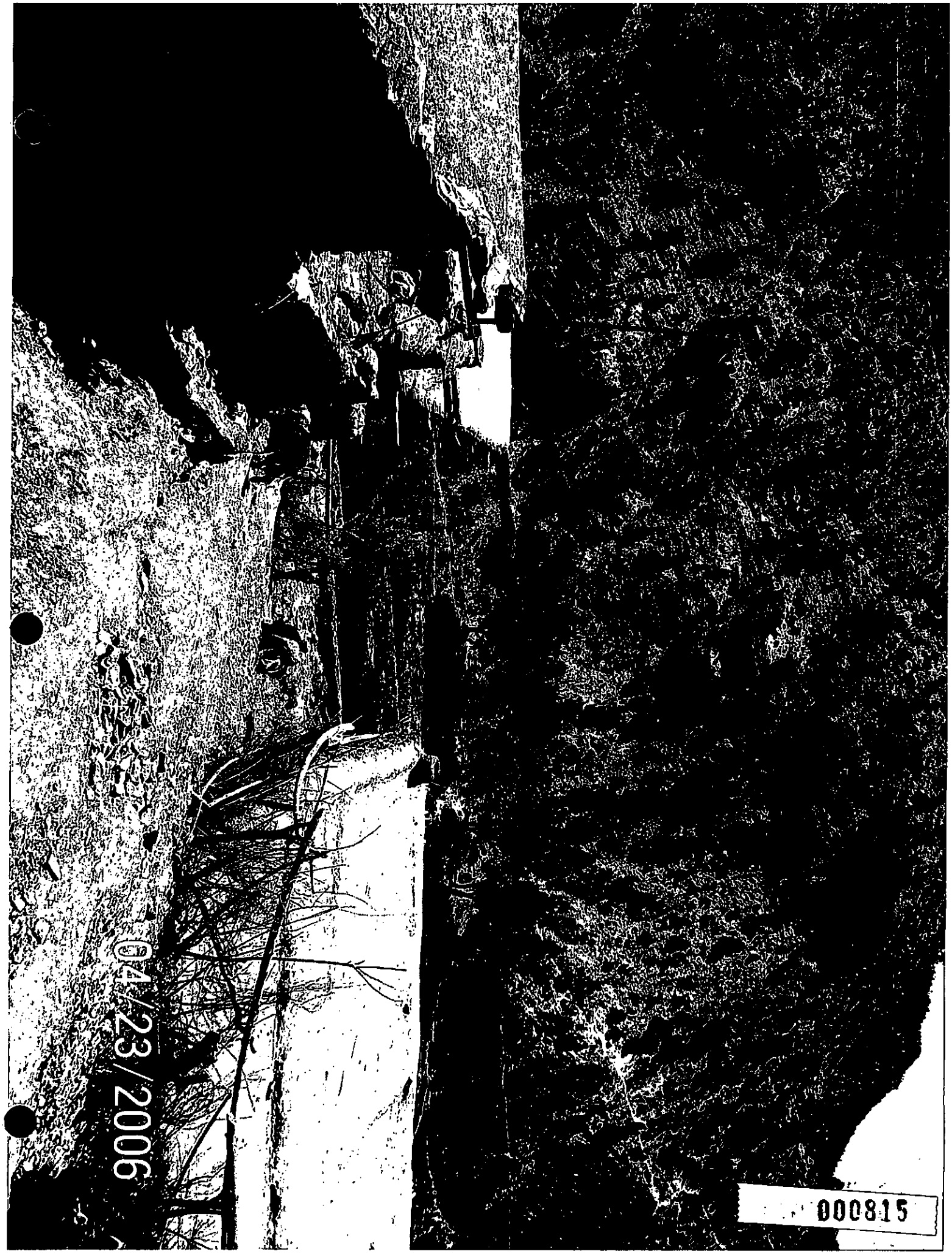
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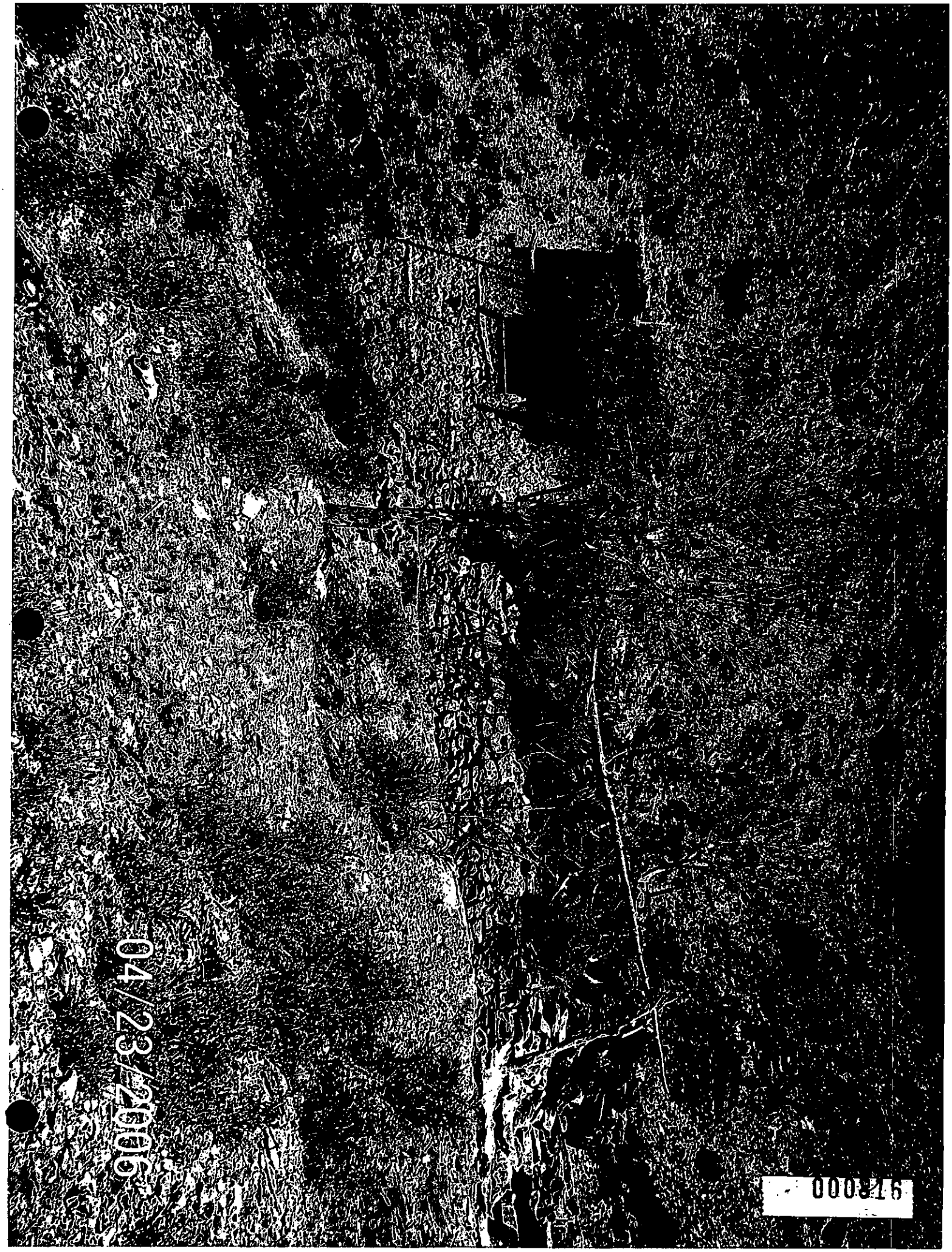
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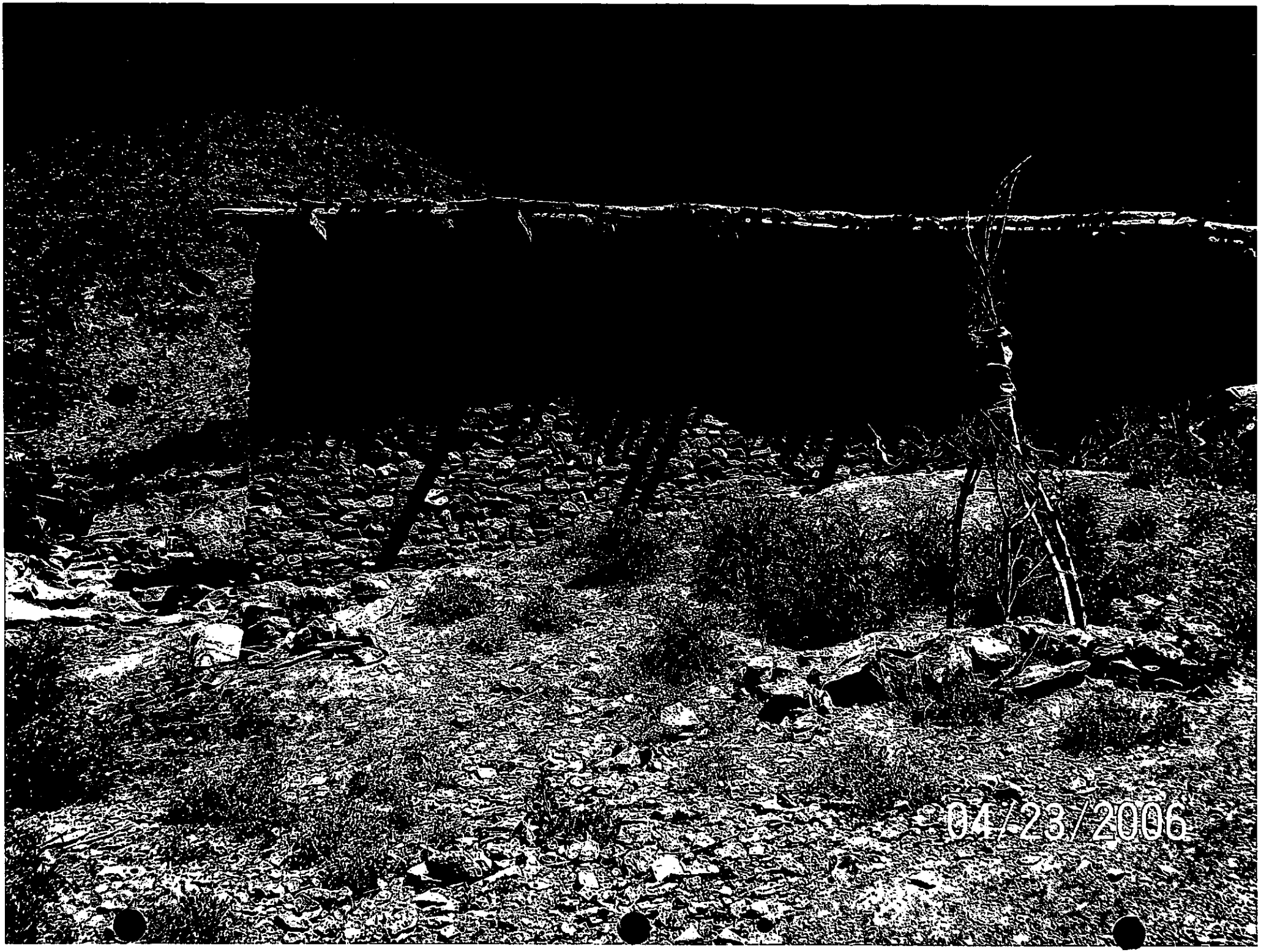
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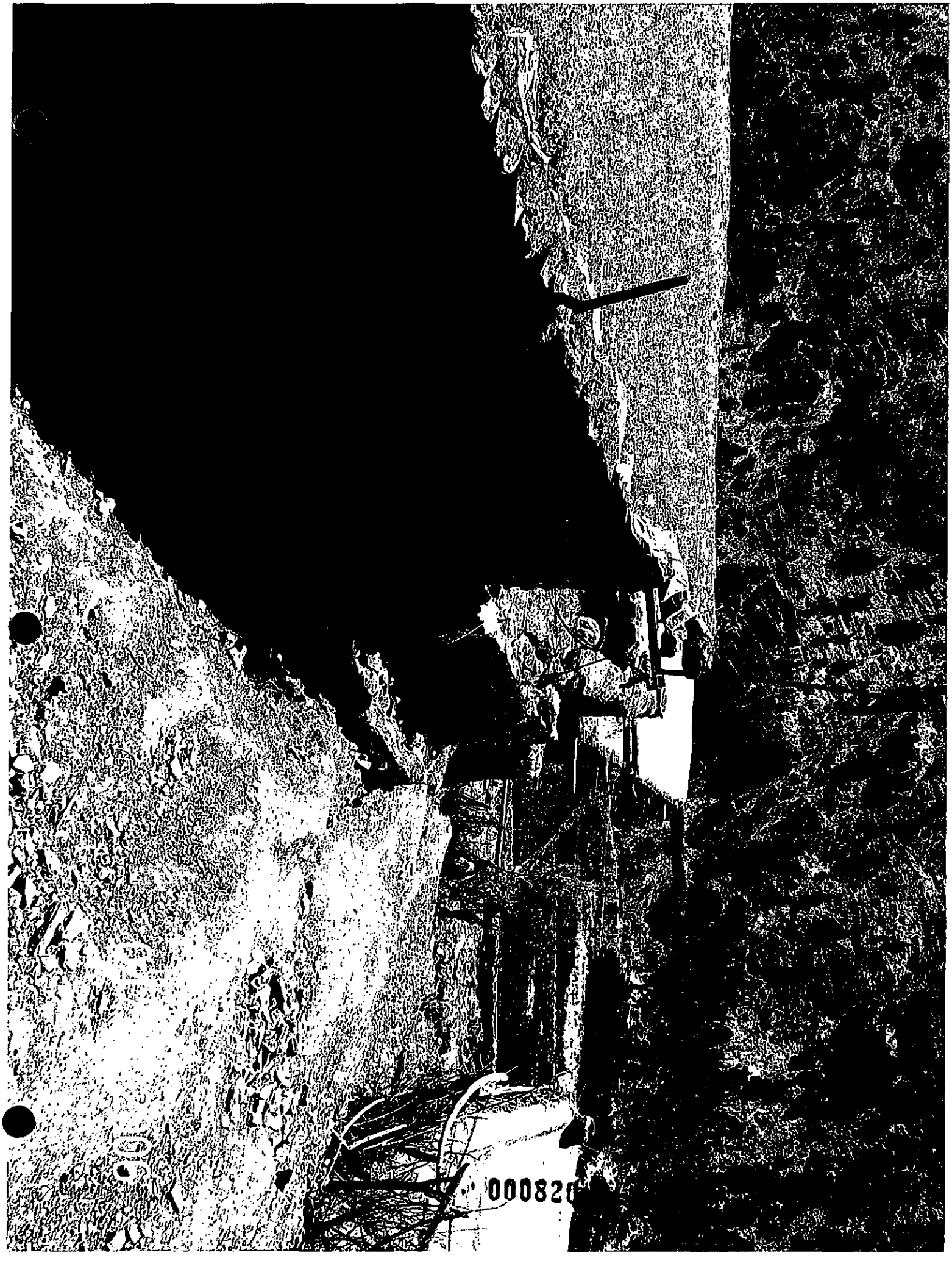
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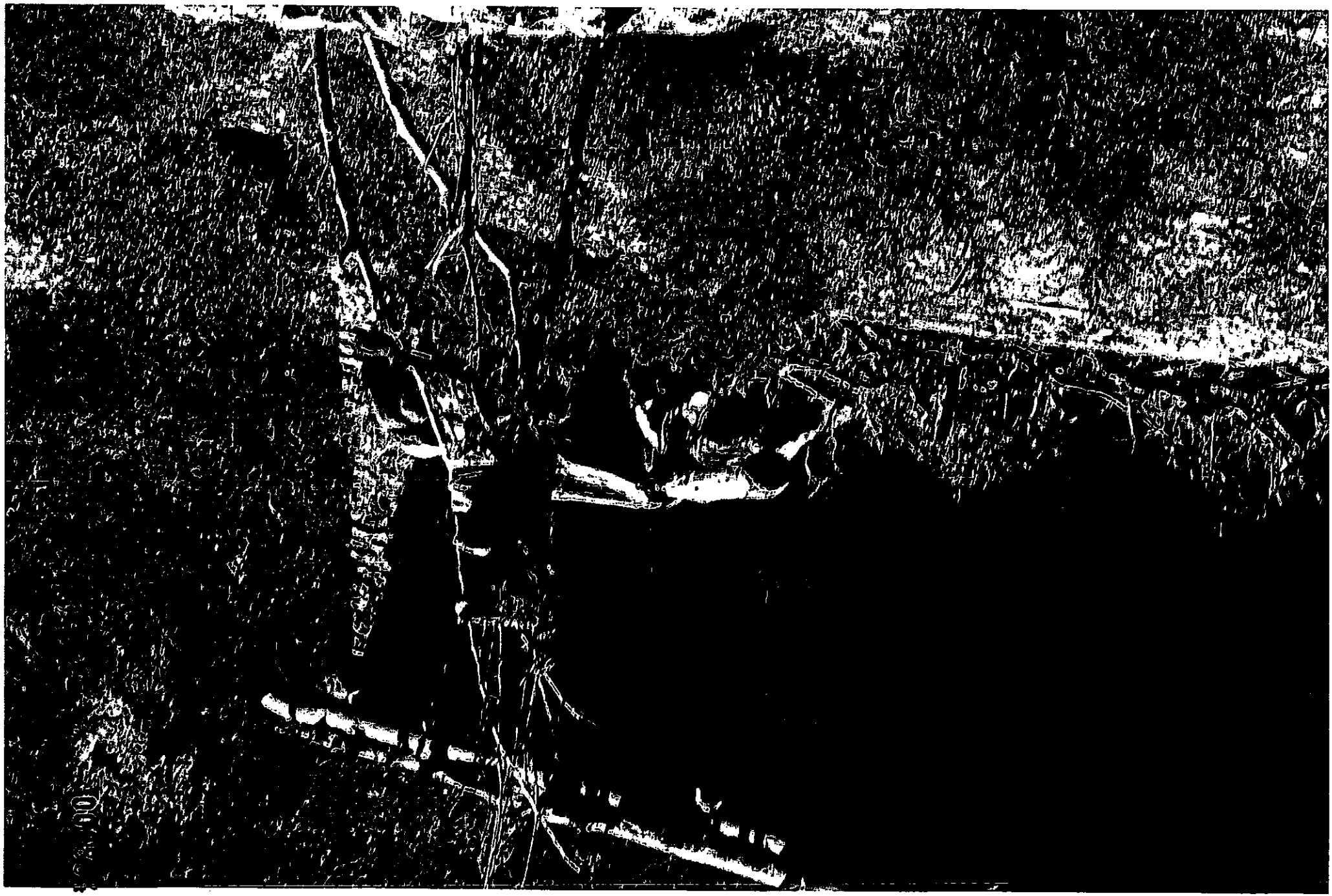

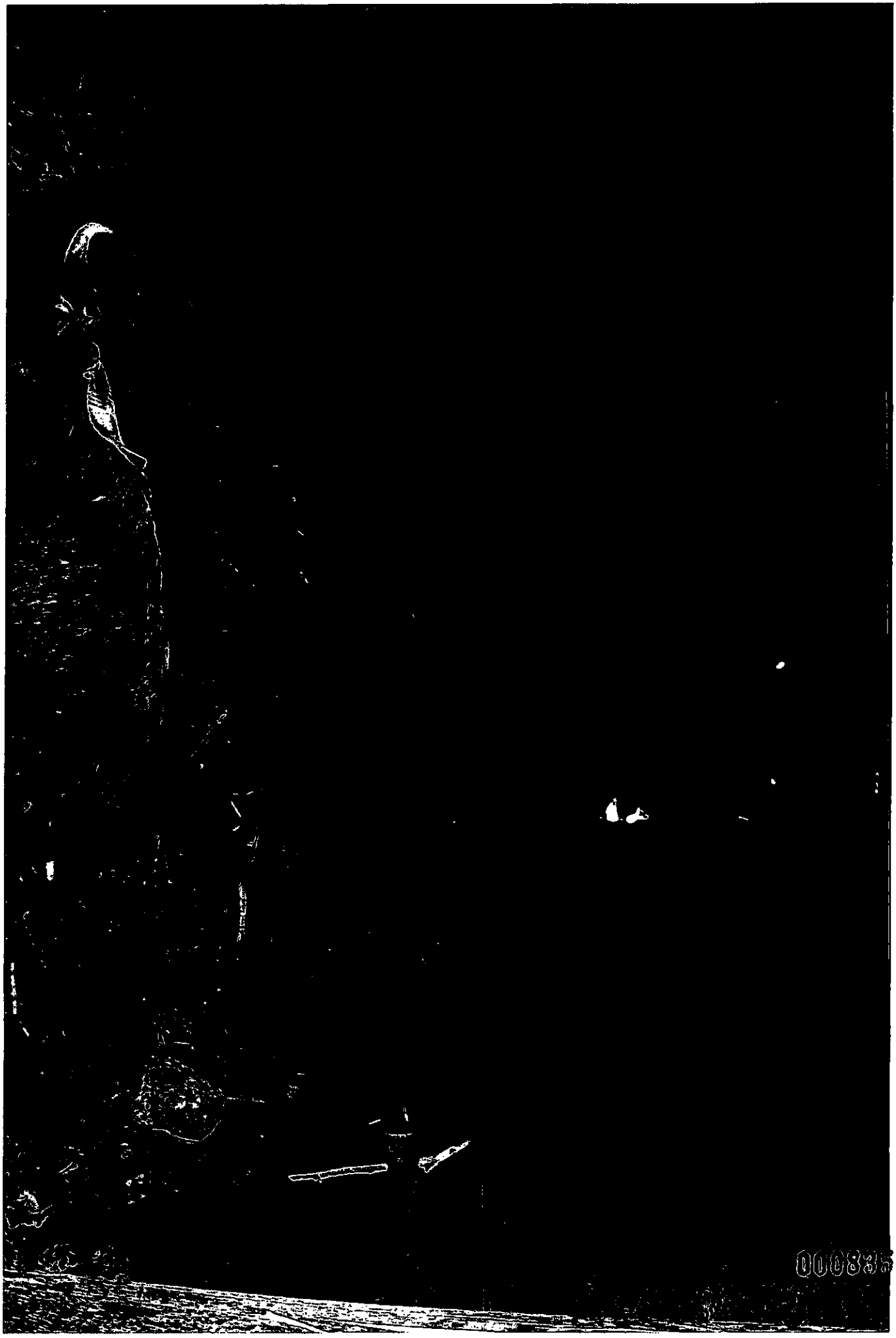
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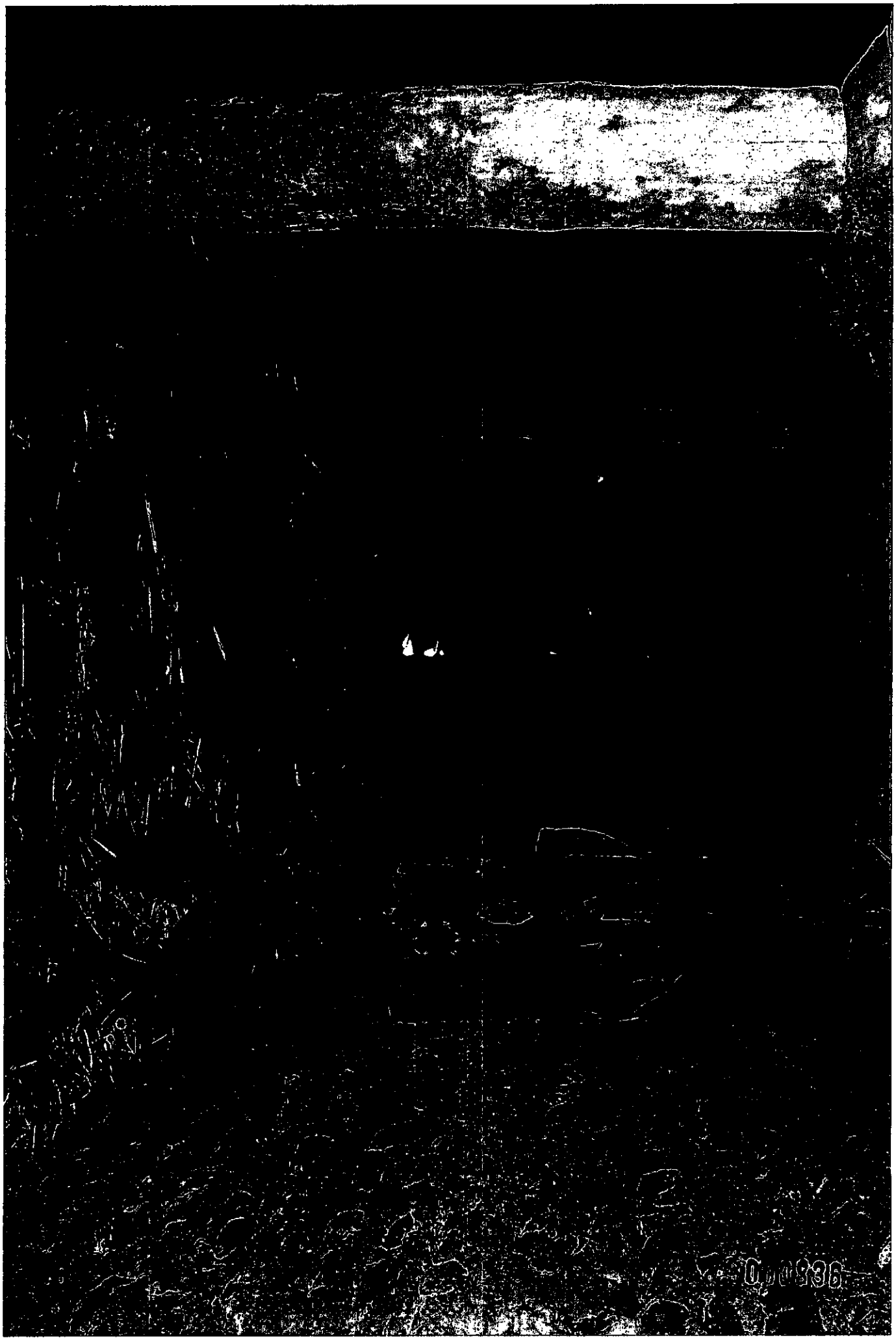

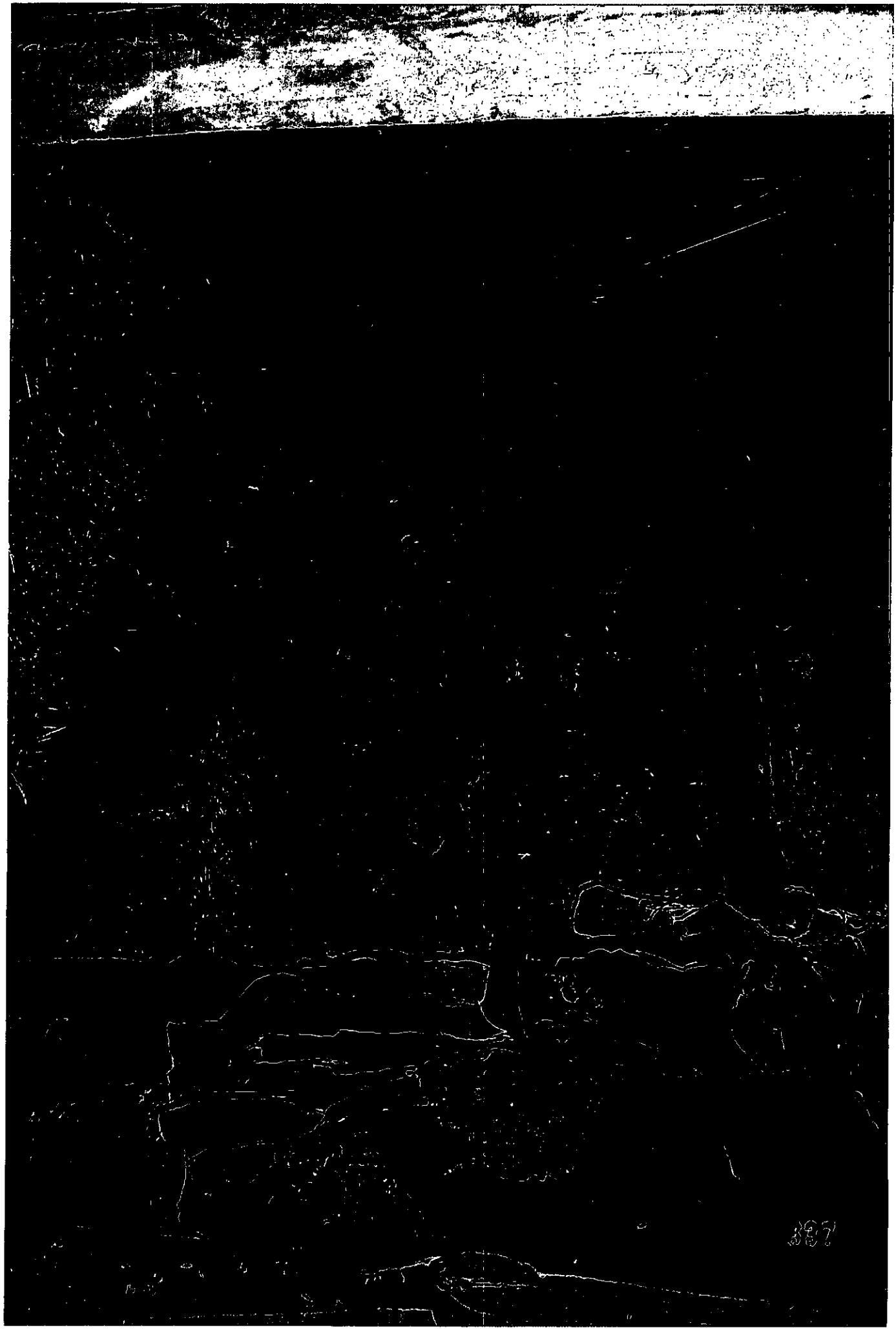

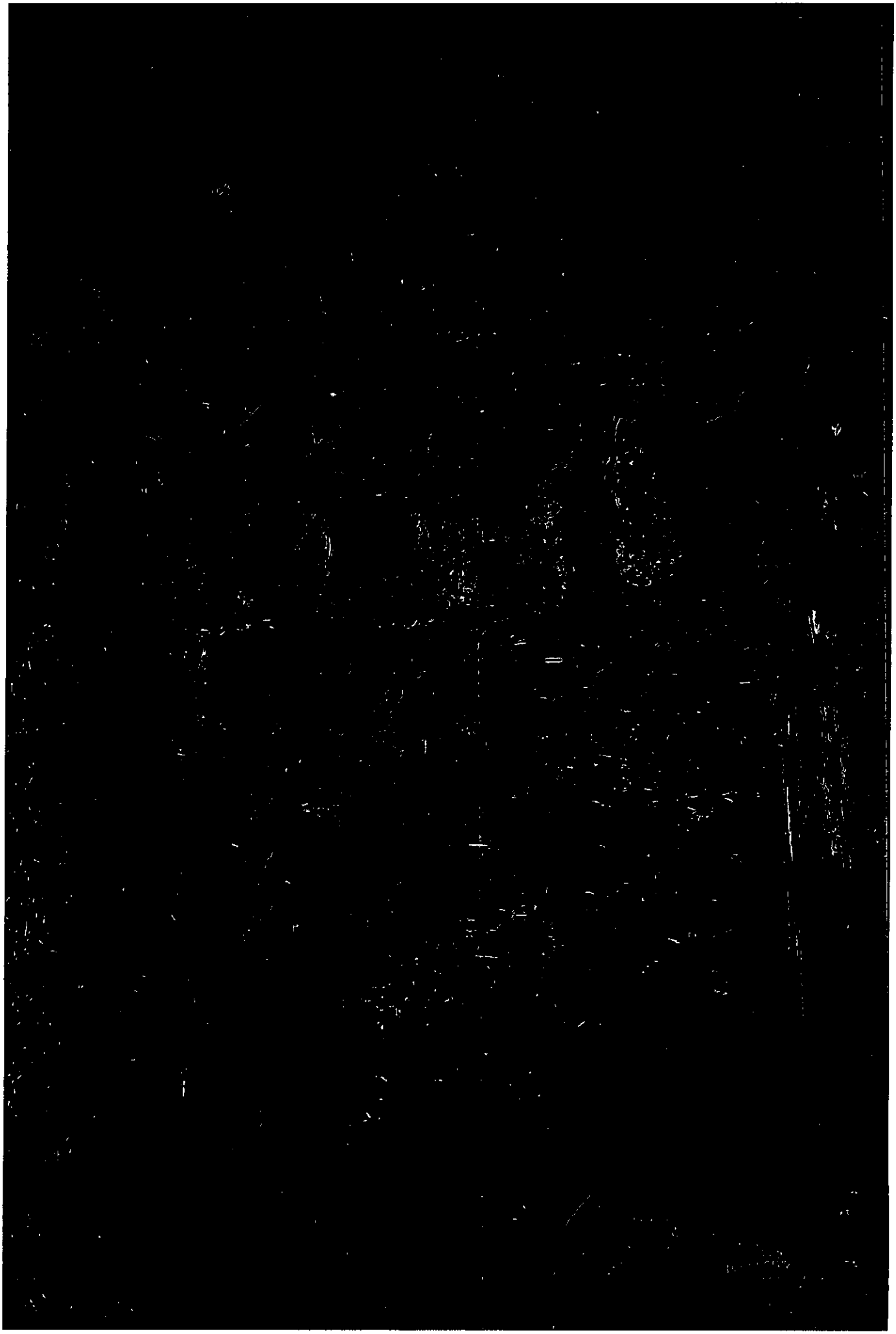

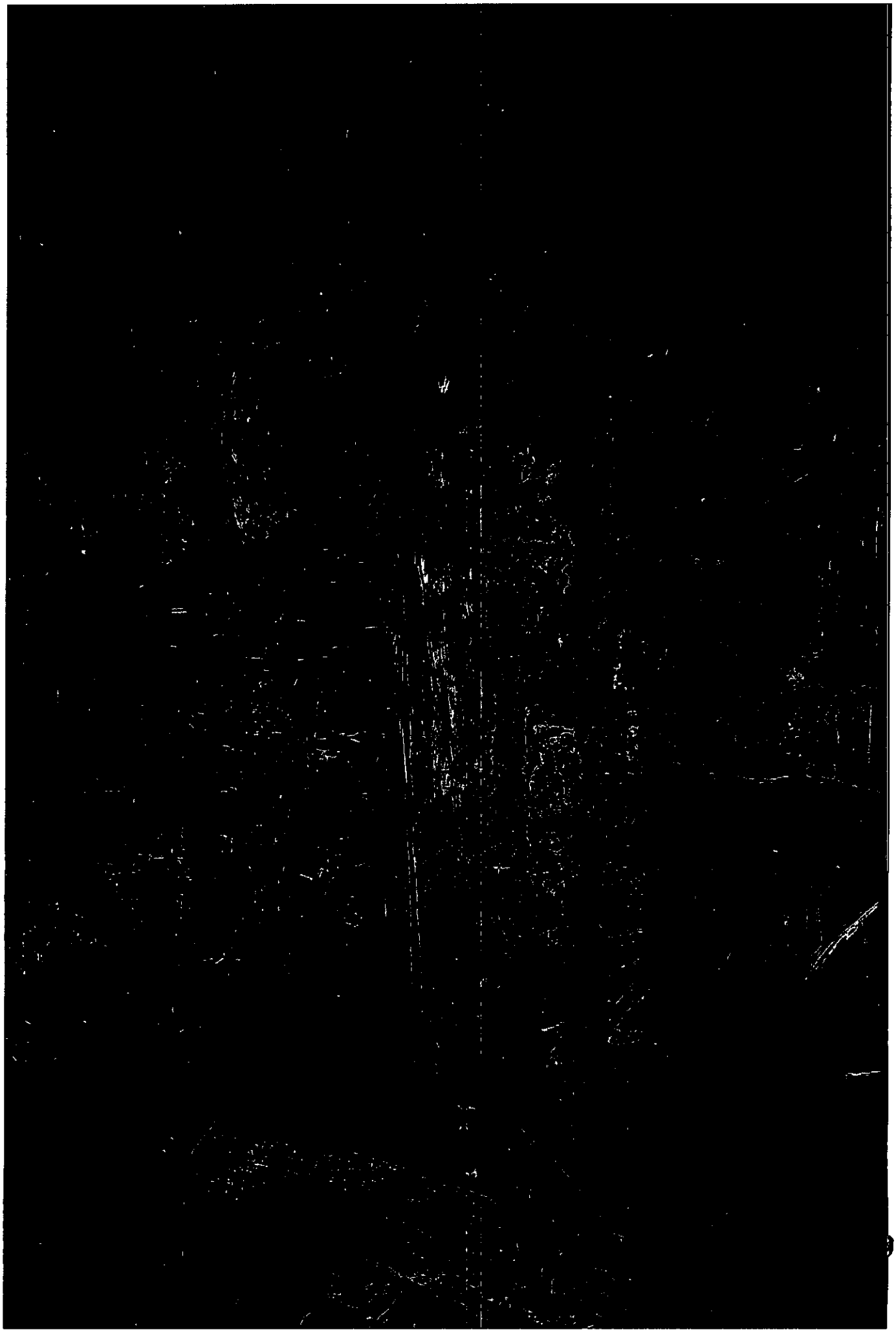

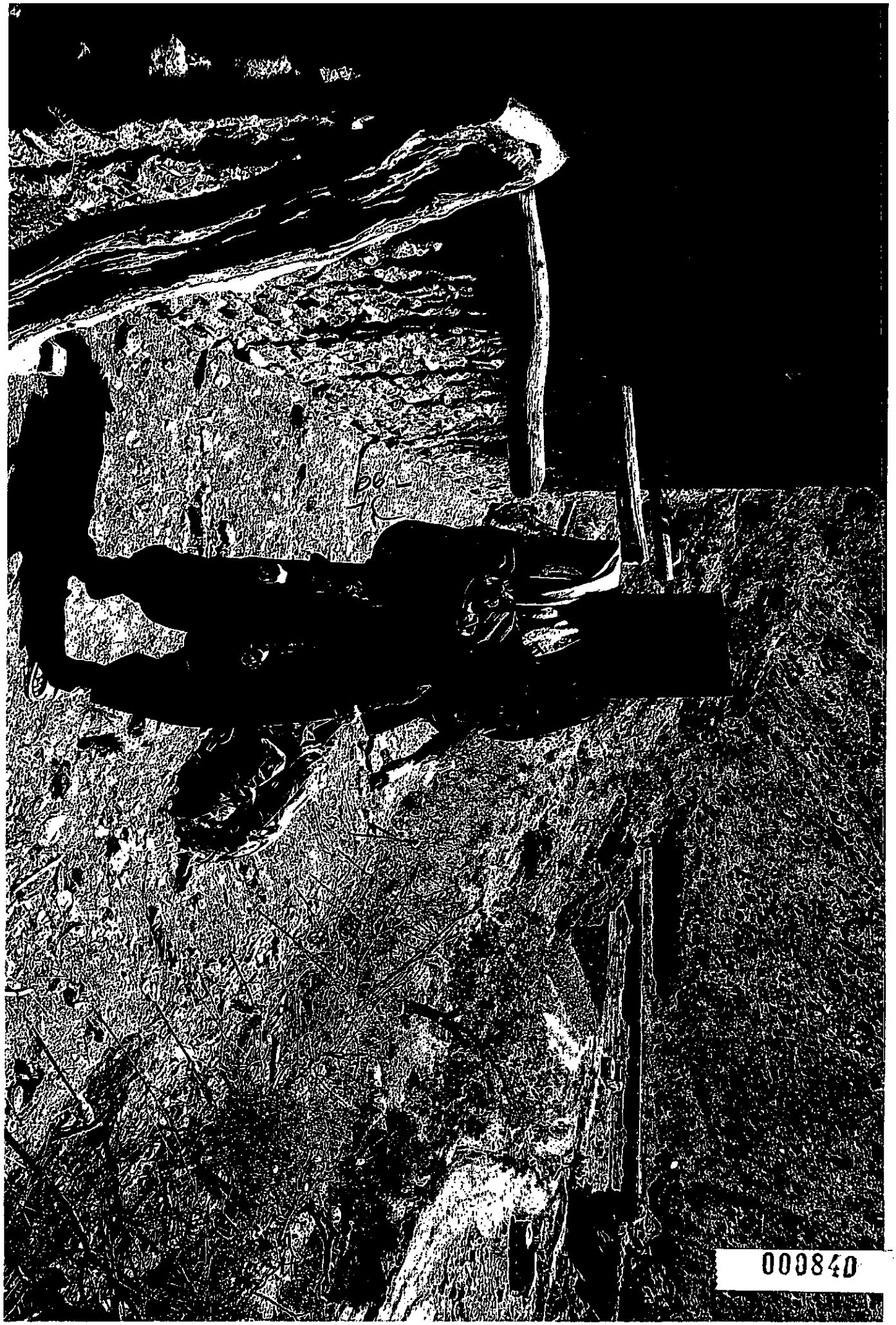

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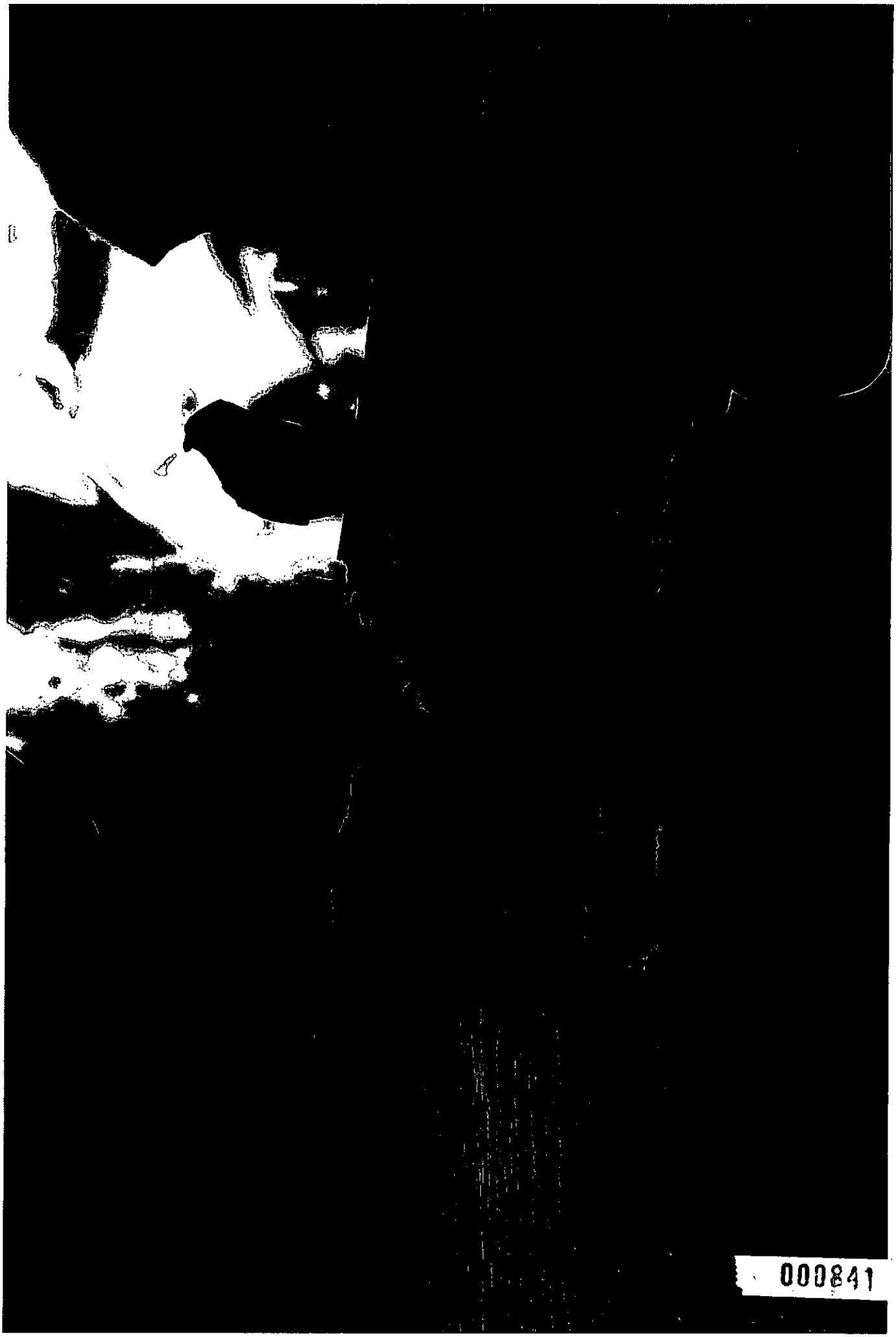

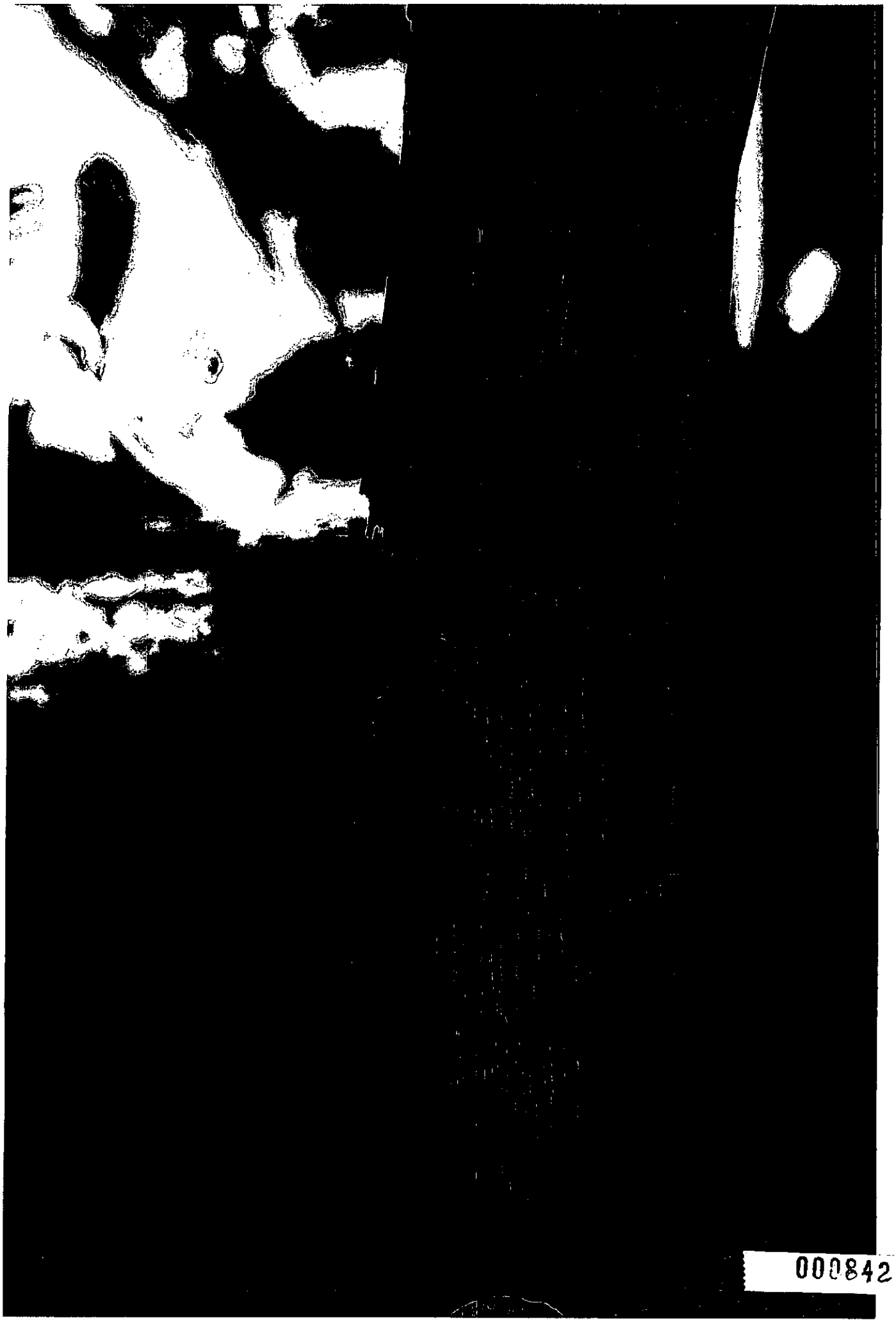

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSC09470.JPG depicting SureFire® flashlight size.
2.	DSC09471.JPG depicting the appearance of serological residue on the flashlight.
3.	DSC09475.JPG depicting the flashlight damage side view.
4.	DSC09477.JPG depicting the flashlight damage head view.

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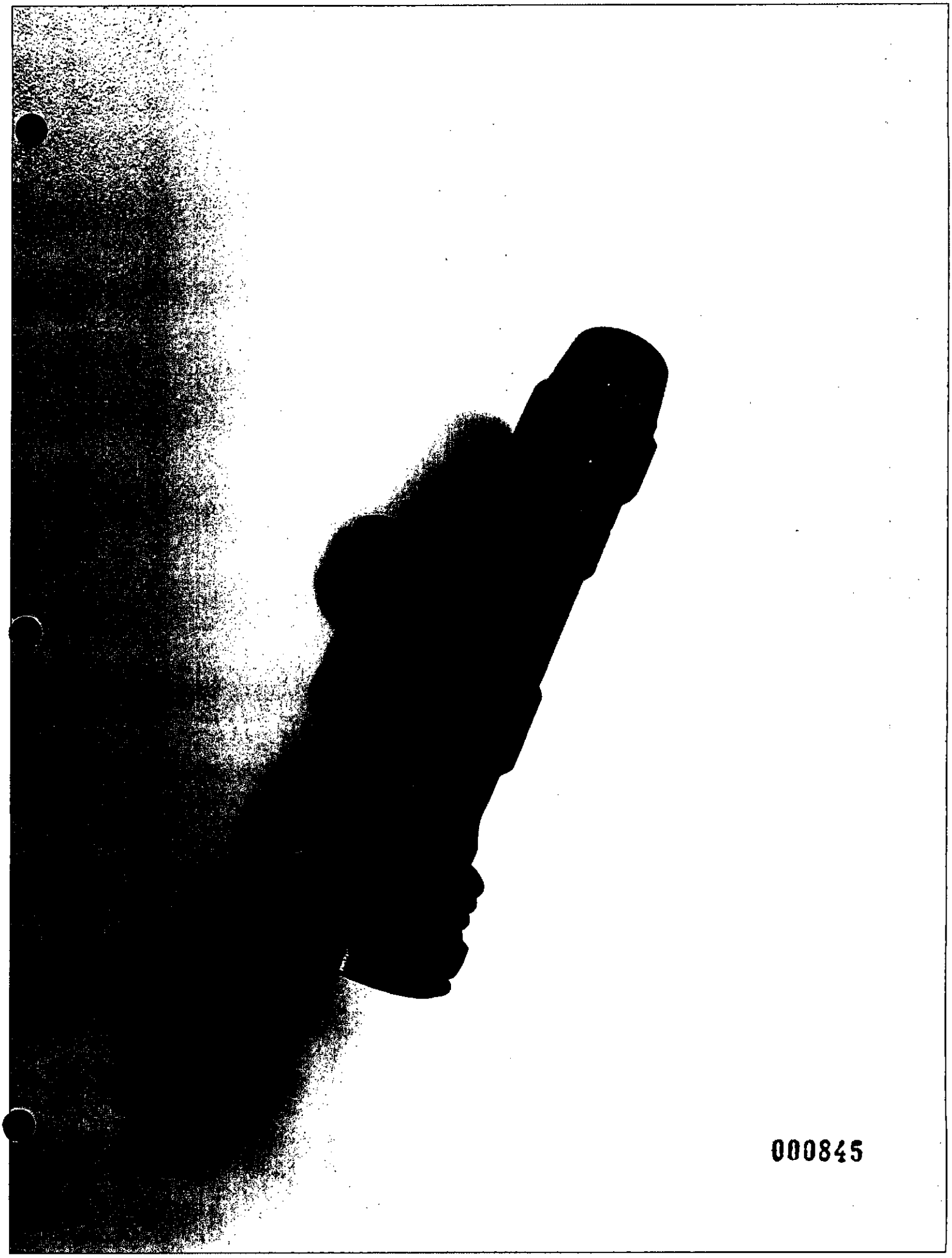

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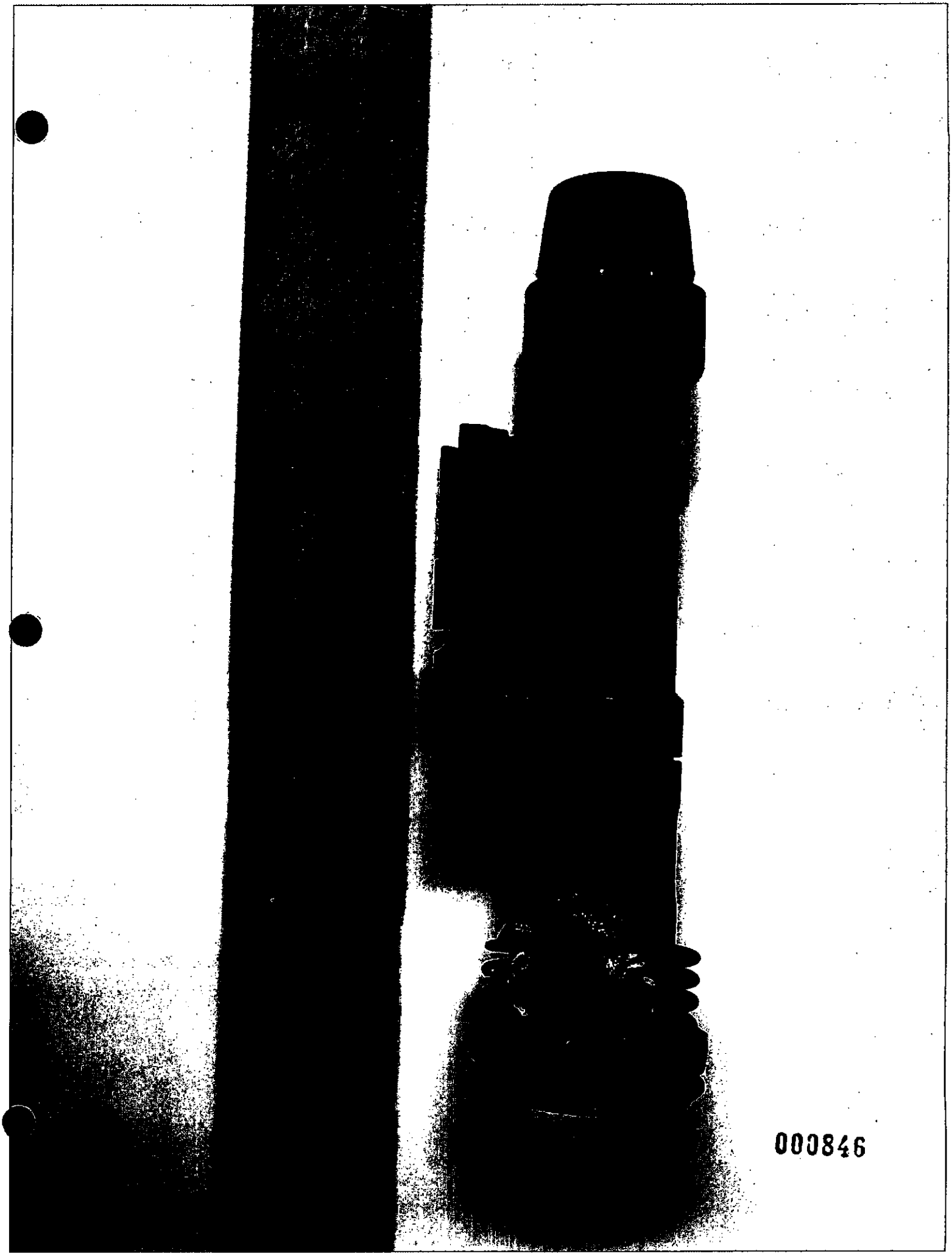

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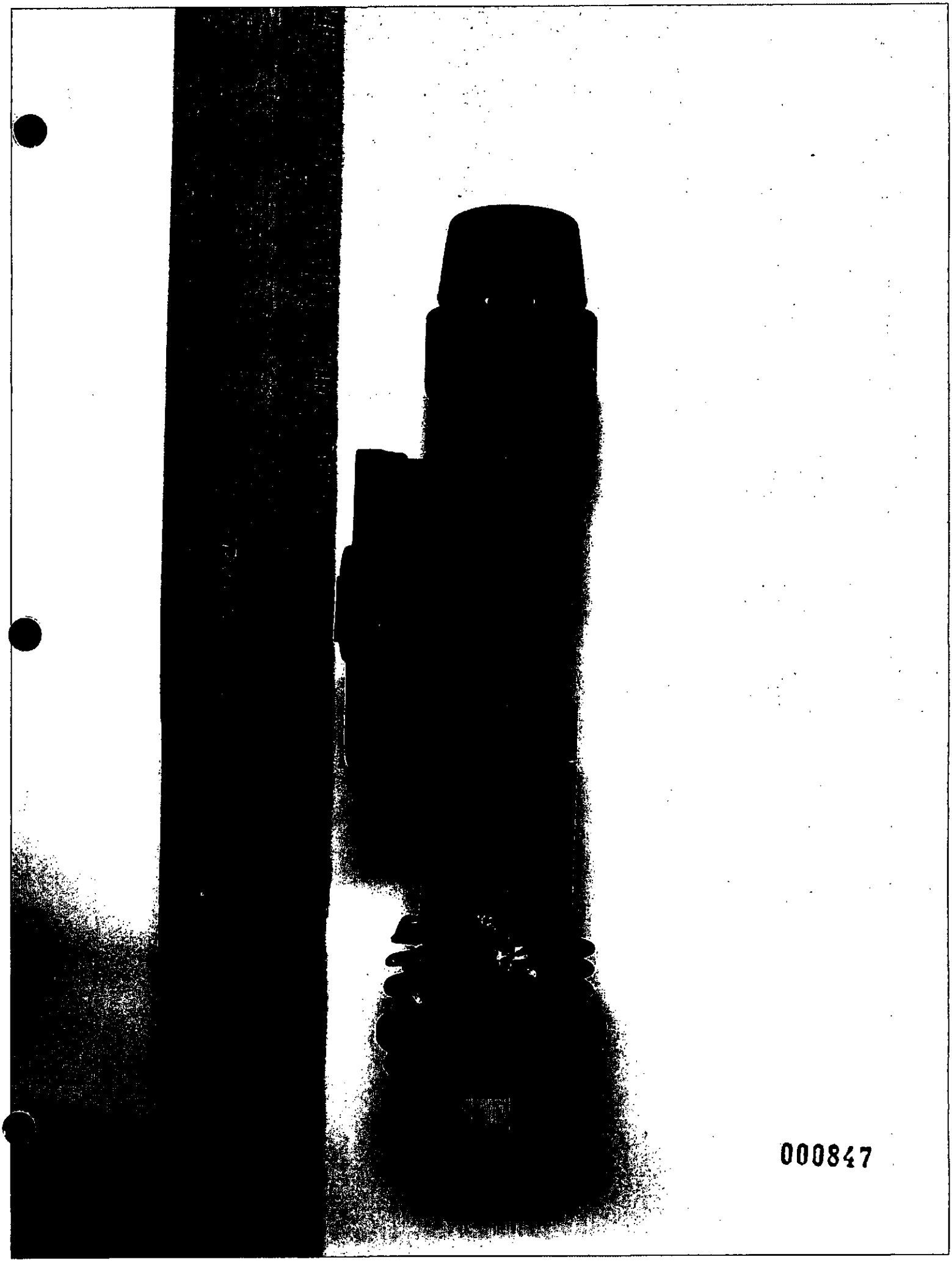

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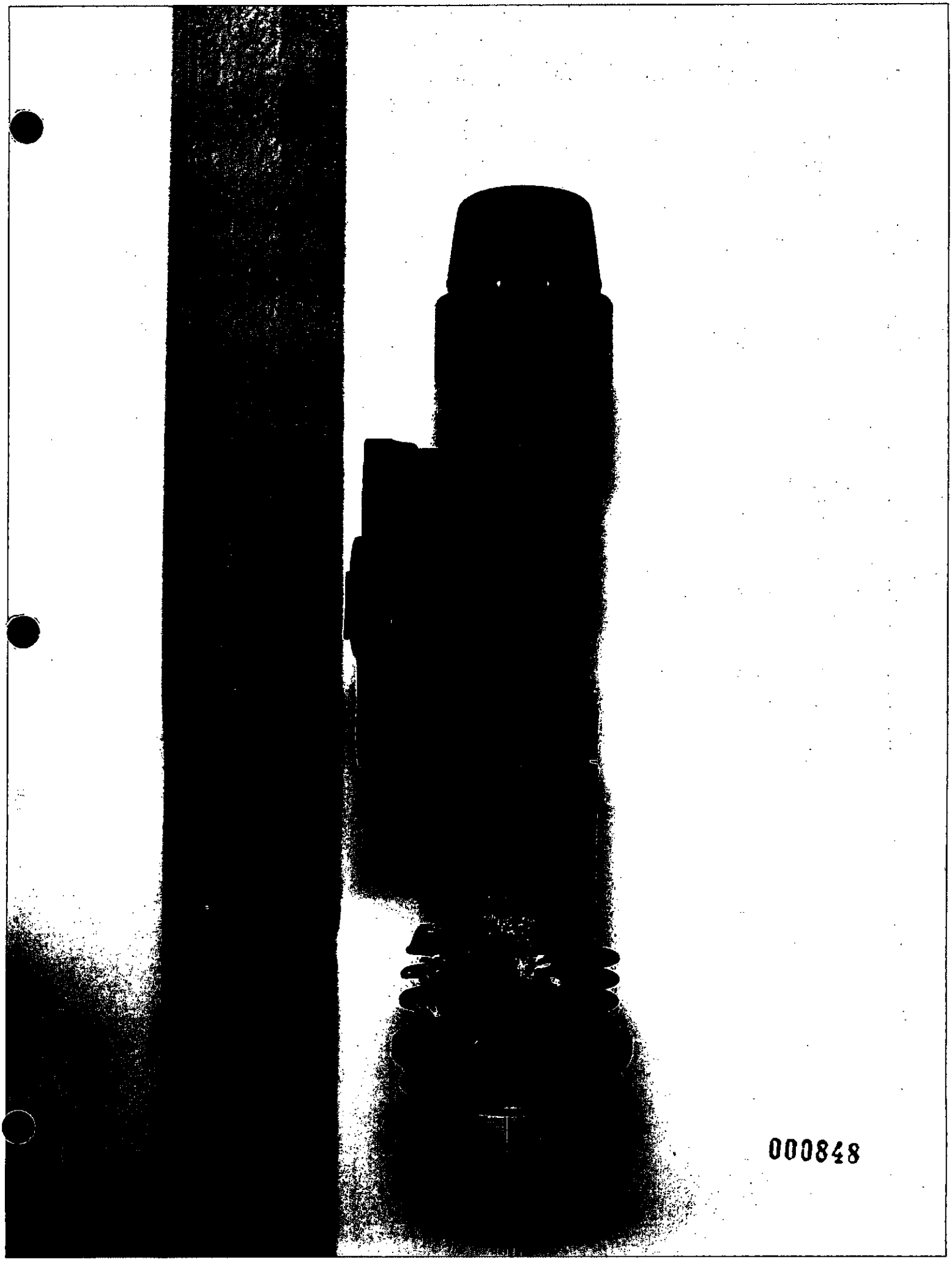

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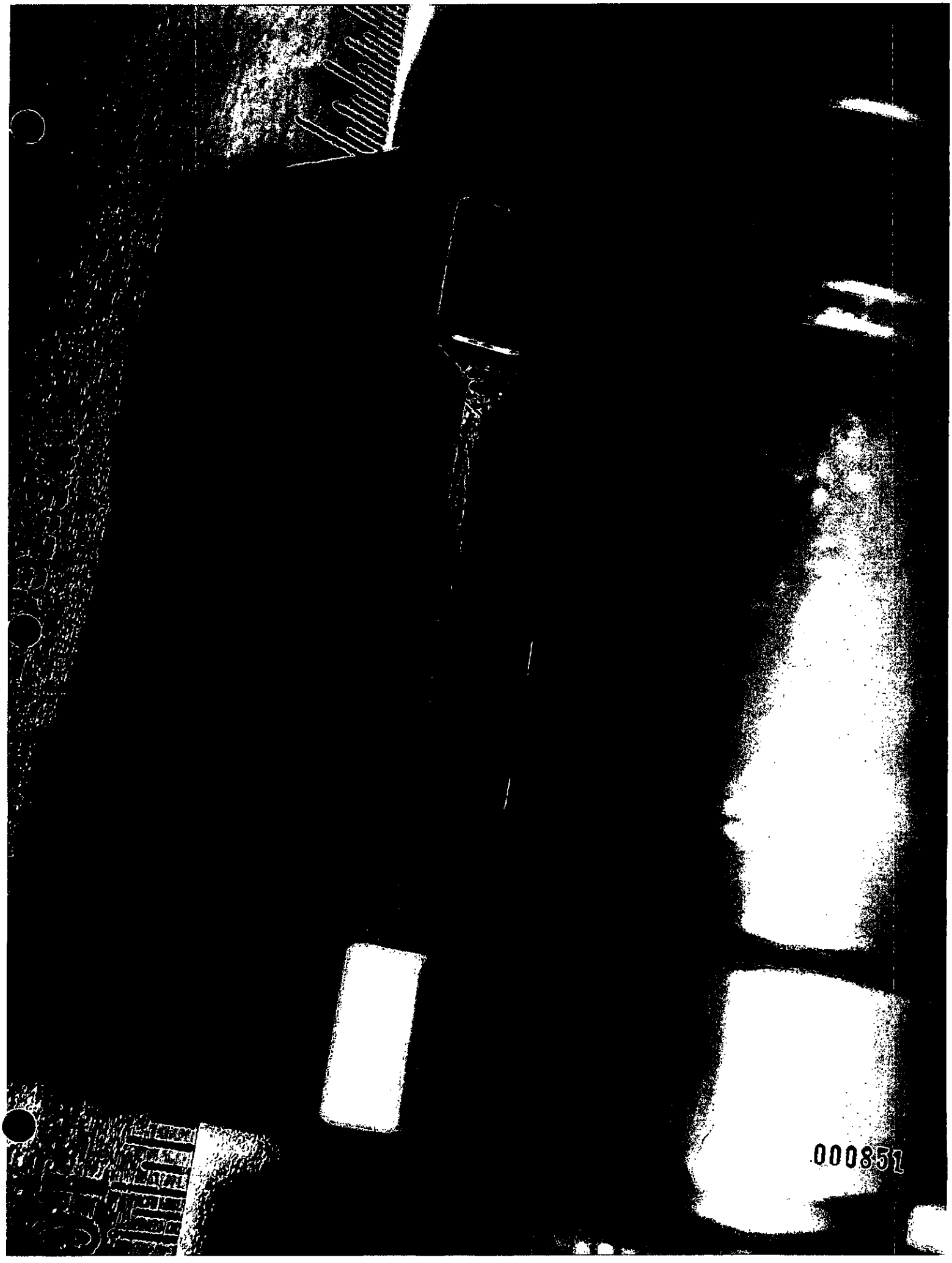
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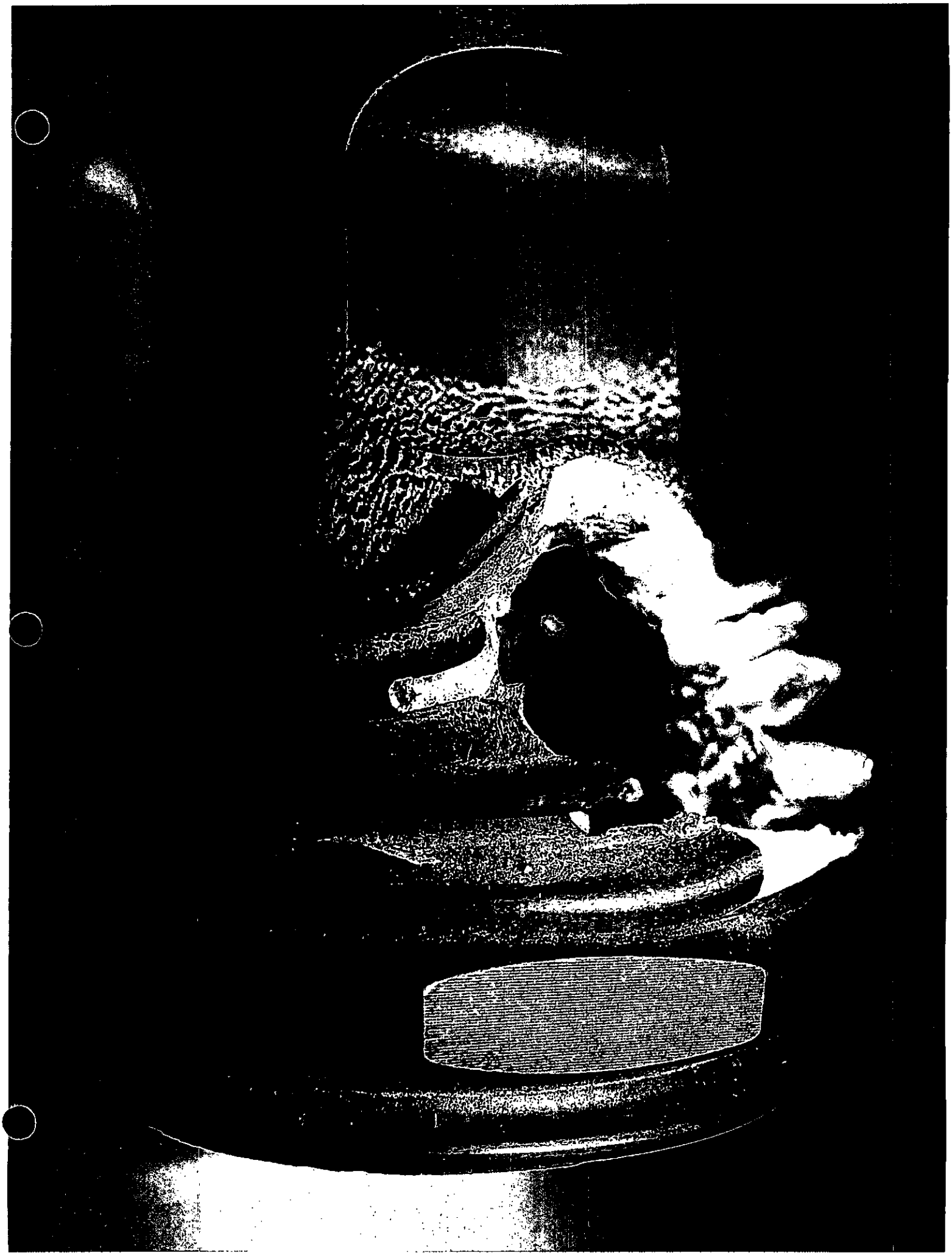

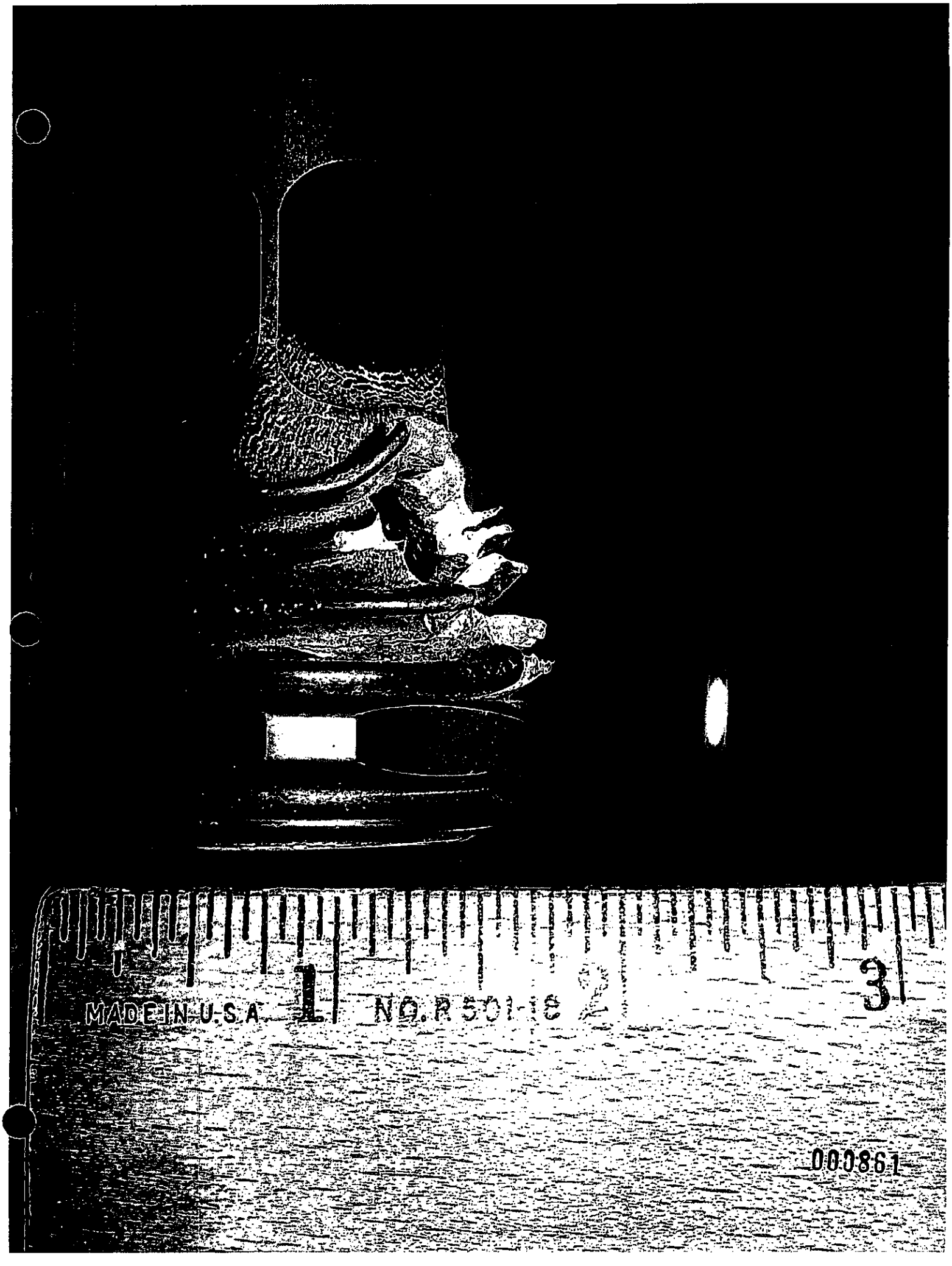
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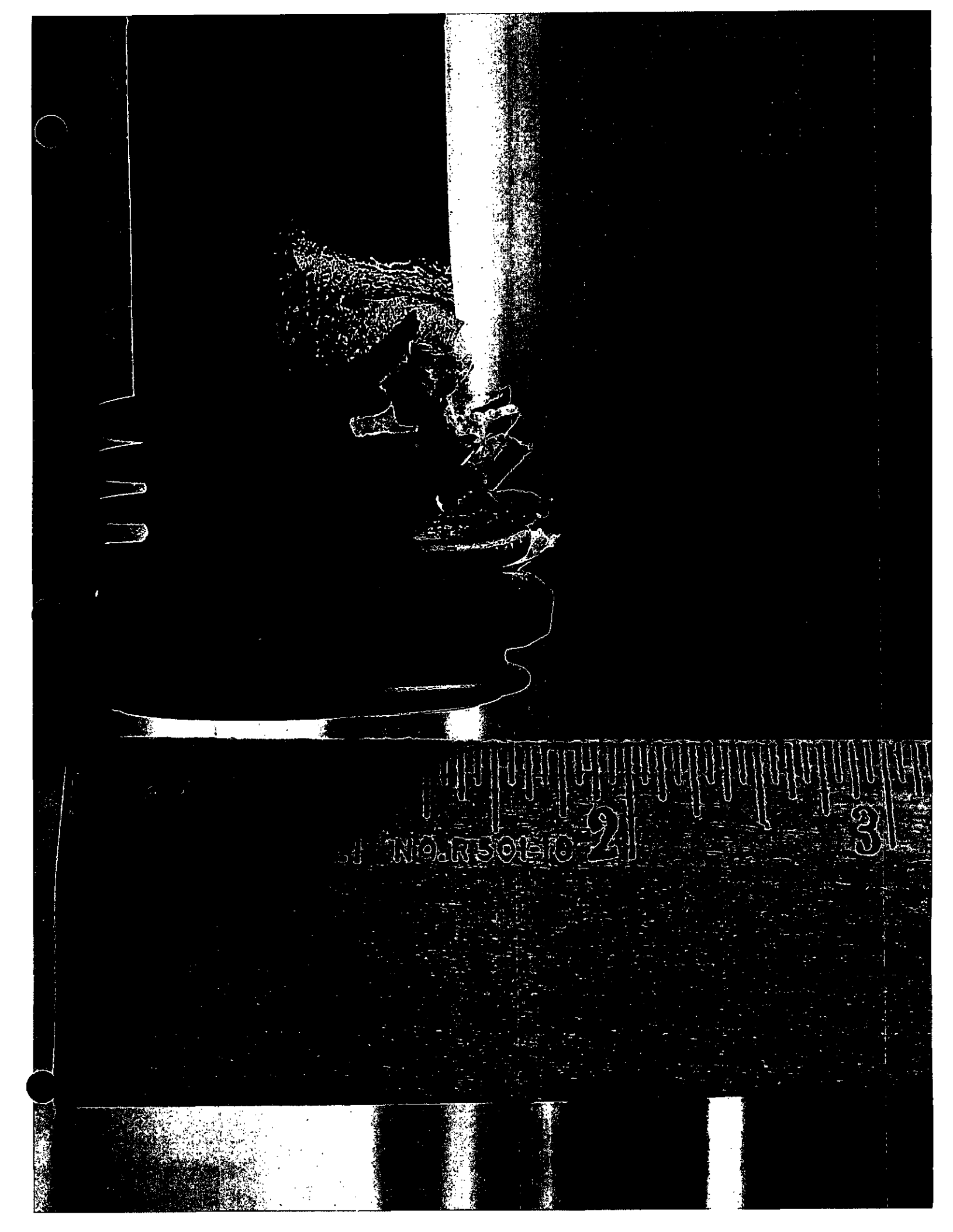
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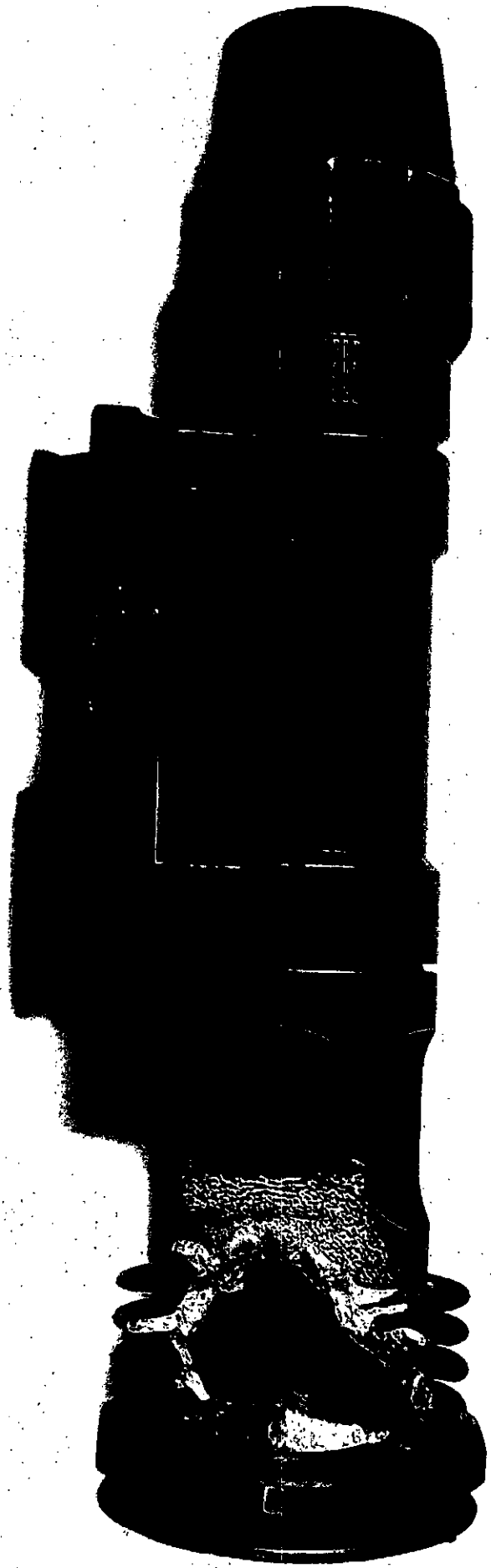

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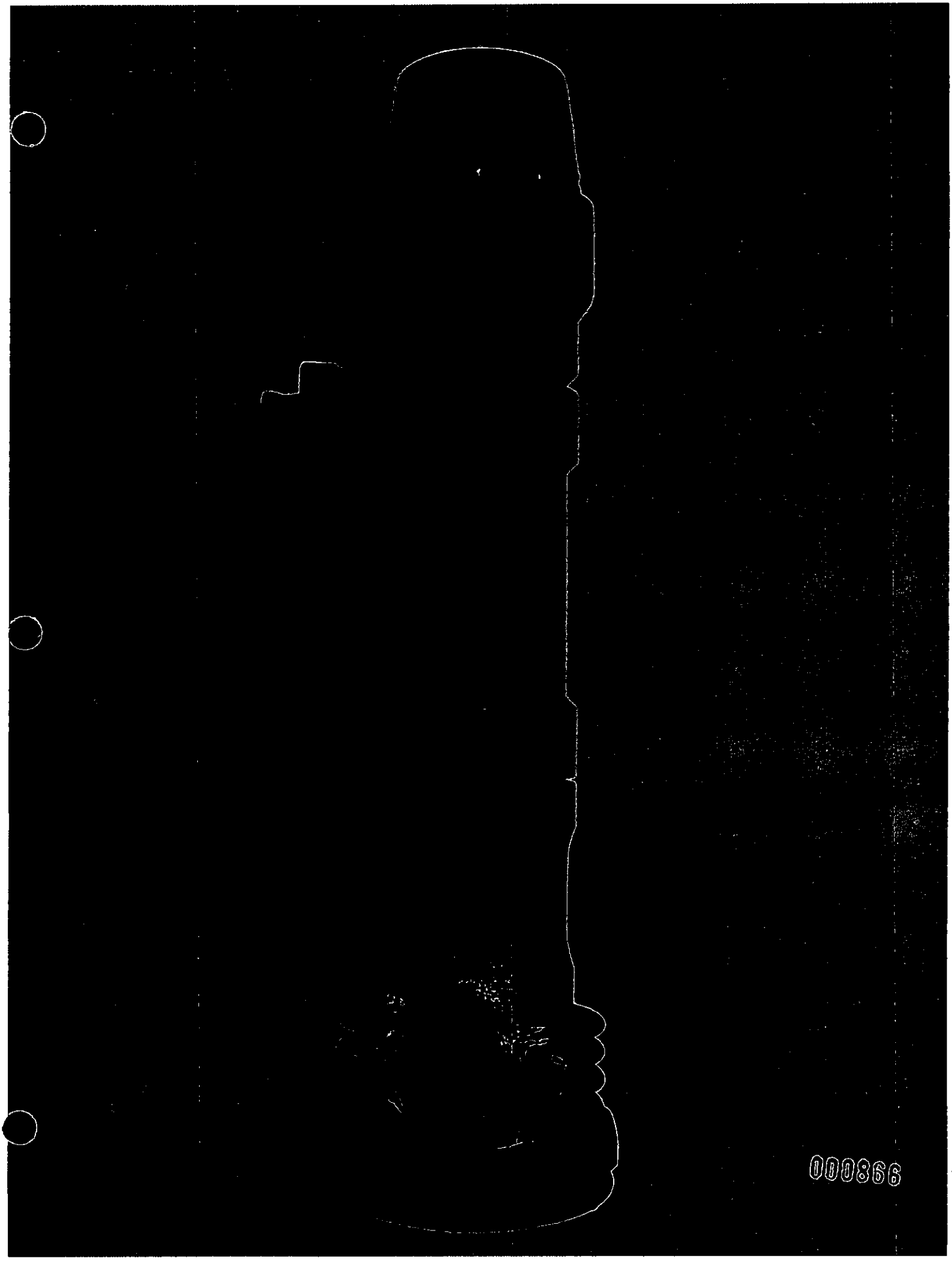

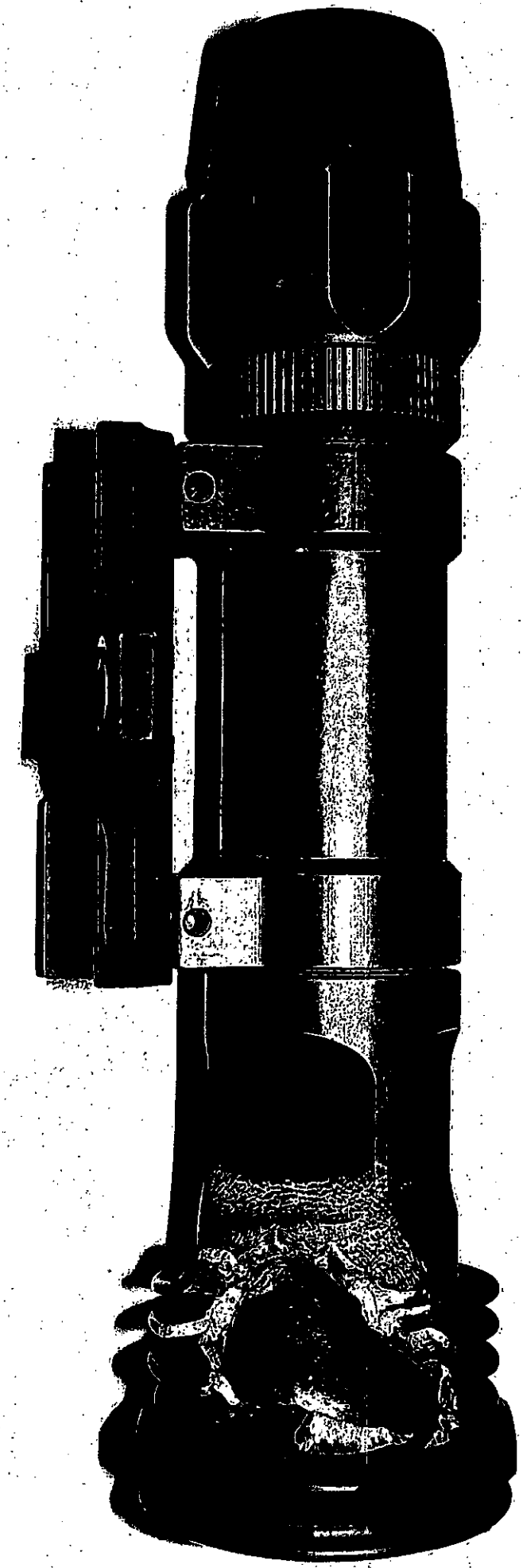

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	DSCN0737.JPG depicting site of TILLMAN death scene from the corner of the rock wall on the riverbed.
2.	DSCN0742.JPG depicting closer view TILLMAN death scene from the corner of the rock wall on the riverbed.
3.	DSCN0743.JPG depicting view of fortified position from the corner of the rock wall on the riverbed.
4.	DSCN0745.JPG depicting view of the end of the canyon with Jinga truck from TILLMAN's position.
5.	DSCN0746.JPG depicting closer view of the end of the canyon with Jinga truck from TILLMAN's position.
6.	DSCN0748.JPG depicting view of river bed with two Jinga trucks from TILLMAN's position.
7.	DSCN0749.JPG depicting view of TILLMAN's position (360 degrees-clockwise).
8.	DSCN0751.JPG depicting view of Southern ridge across the river bed from TILLMAN's position.
9.	DSCN0752.JPG depicting view of suspected enemy position on the Southern ridge from TILLMAN's position.
10.	DSCN0754.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
11.	DSCN0755.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

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12. DSCN0756.JPG depicting close-up view of TILLMAN's and [redacted] positions.
13. DSCN0757.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
14. DSCN0758.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
15. DSCN0759.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
16. DSCN0760.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
17. DSCN0761.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
18. DSCN0762.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
19. DSCN0763.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
20. DSCN0764.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
21.	DSCN0765.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
22.	DSCN0766.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
23.	DSCN0767.JPG depicting view of TILLMAN's and [redacted] positions (360 degrees-clockwise).
24.	DSCN0768.JPG depicting close-up view of AMF soldier's firing position.
25.	DSCN0769.JPG depicting close-up view of AMF soldier's firing position with scale.
26.	DSCN0771.JPG depicting close-up view of AMF soldier's firing position with scale.
27.	DSCN0772.JPG depicting close-up view of TILLMAN's firing position.
28.	DSCN0773.JPG depicting close-up view of TILLMAN's firing position with scale.
29.	DSCN0774.JPG depicting close-up view of TILLMAN's firing position with scale.
30.	DSCN0775.JPG depicting view of AMF soldier's death scene.
31.	DSCN0776.JPG depicting close-up view of AMF soldier's death scene.
32.	DSCN0778.JPG depicting close-up view of AMF soldier's death scene with scale.

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33. DSCN0779.JPG depicting close-up view of AMF soldier's firing position.

34. DSCN0780.JPG depicting close-up view of TILLMAN's final location.

35. DSCN0781.JPG depicting view of TILLMAN's overall final location.

36. DSCN0782.JPG depicting close-up view of TILLMAN's final location before the collection of rock chips as evidence.

37. DSCN0783.JPG depicting close-up view of TILLMAN's final location before the collection of rock chips as evidence.

38. DSCN0784.JPG depicting close-up view of TILLMAN's final location after the collection of rock chips as evidence.

39. DSCN0785.JPG depicting TILLMAN's and [redacted] position with roped off section of search area overlooking the riverbed.

40. DSCN0786.JPG depicting TILLMAN's and [redacted] position with roped off section of search area from the riverbed.

United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
41.	DSCN0788.JPG depicting locations of soil sample markers with the TILLMAN death scene.
42.	DSCN0789.JPG depicting view of soil sample markers #1 and #2 from TILLMAN's final location.
43.	DSCN0790.JPG depicting close-up view of soil sample markers #1 and #2 from TILLMAN's final location.
44.	DSCN0791.JPG depicting view of soil sample marker #3 from ONEAL's position (control sample).
45.	DSCN0792.JPG depicting close-up view of soil sample marker #3 from ONEAL's position (control sample).
46.	DSCN0793.JPG depicting view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
47.	DSCN0794.JPG depicting view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
48.	DSCN0795.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.
49.	DSCN0796.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to the corner of the rock wall on the river bed.

50. DSCN0797.JPG depicting view of trajectory lines from the TILLMAN death scene a HMMWV on the river bed.
51. DSCN0798.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to a HMMWV on the river bed.
52. DSCN0799.JPG depicting close-up view of trajectory lines from the TILLMAN death scene to a HMMWV on the river bed.
53. DSCN0801.JPG depicting view of the fortified position on the Northern ridge above and from the TILLMAN death scene.
54. DSCN0802.JPG depicting close-up view of the aforementioned fortified position.
55. DSCN0803.JPG depicting close-up view of the aforementioned fortified position.
56. DSCN0804.JPG depicting view of the fortified position facing the riverbed.
57. DSCN0805.JPG depicting the inside view of the fortified position.
58. DSCN0806.JPG depicting view of the riverbed and overlooking the TILLMAN death scene from inside the fortified position.

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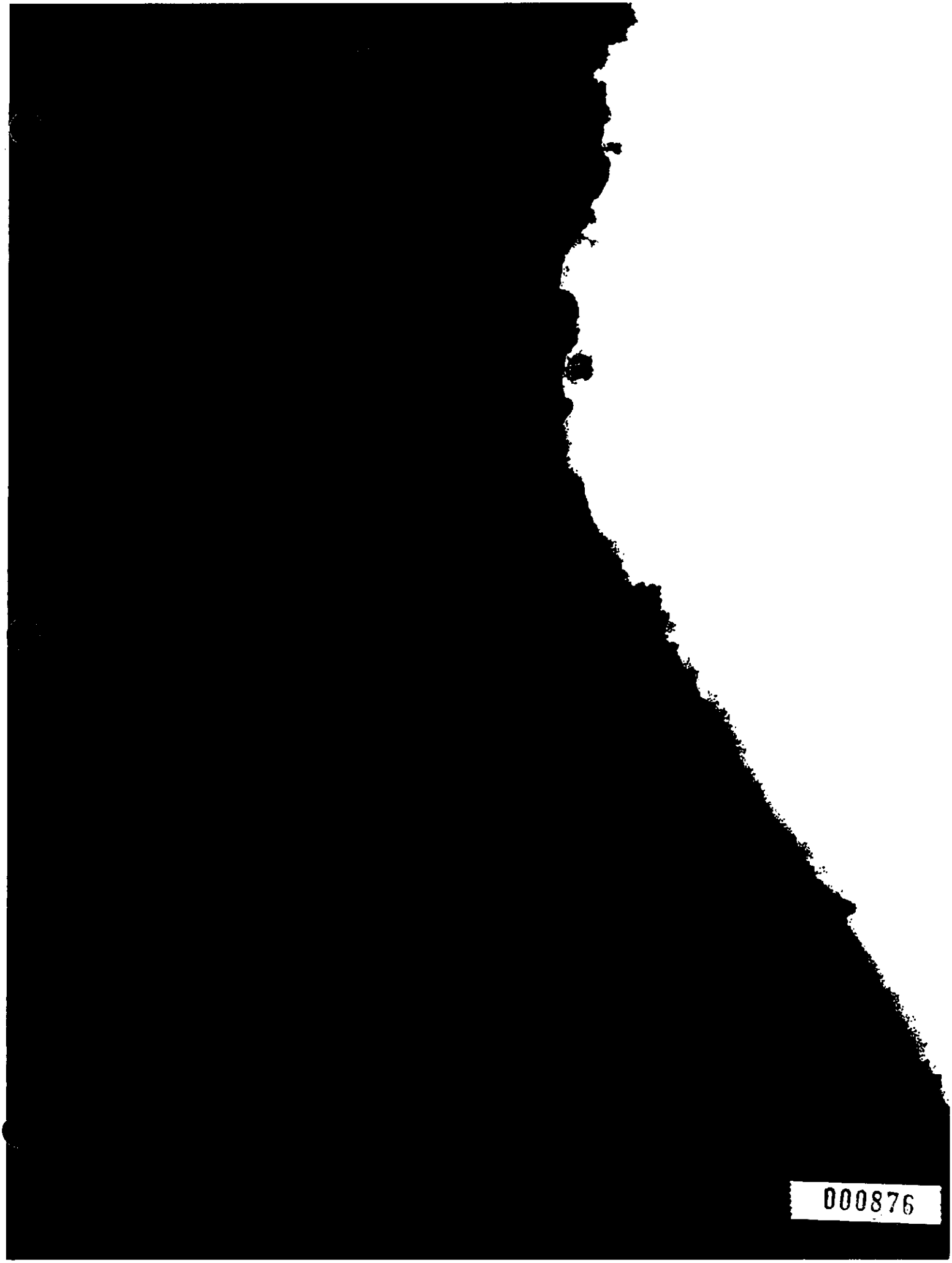
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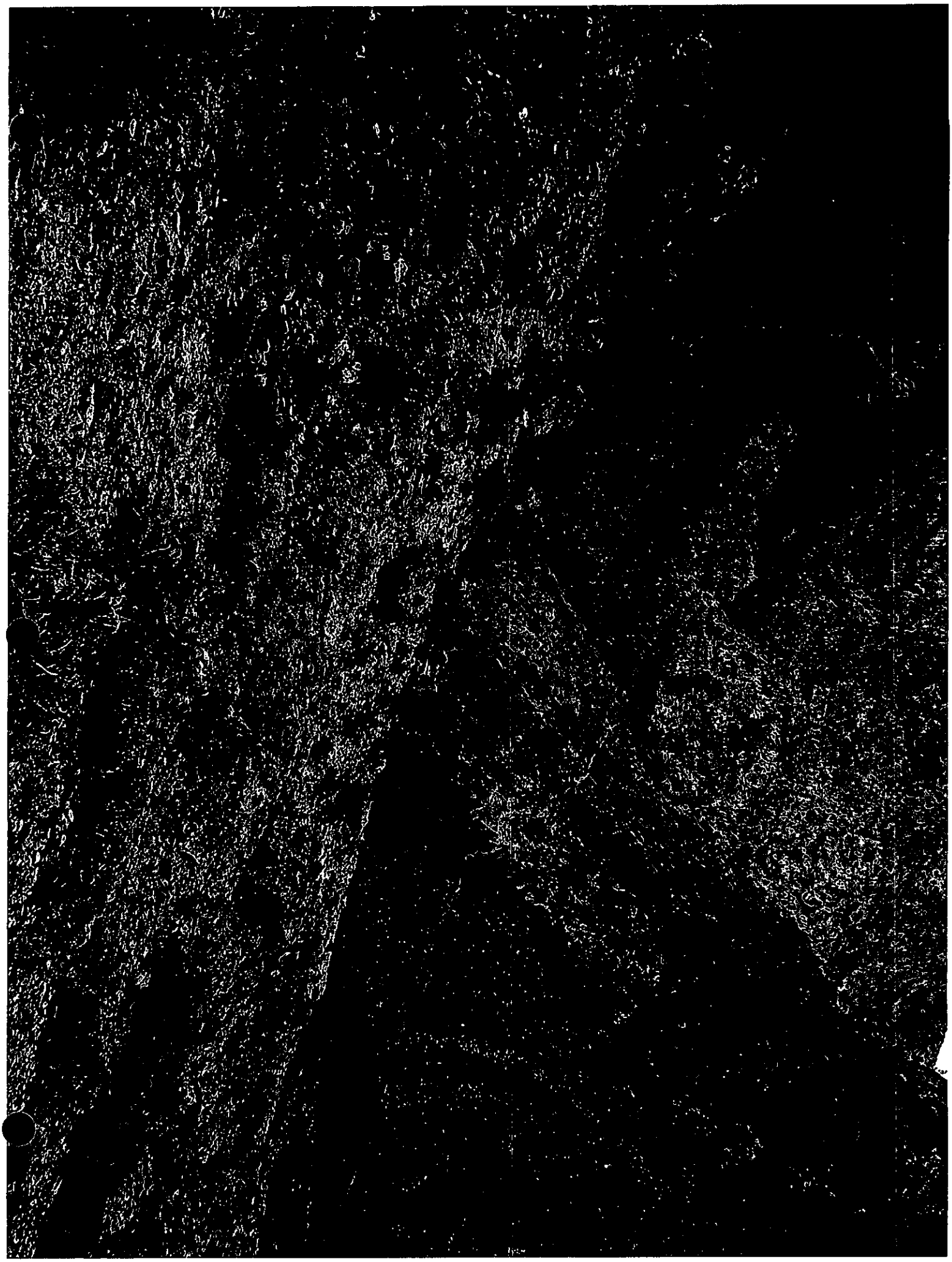


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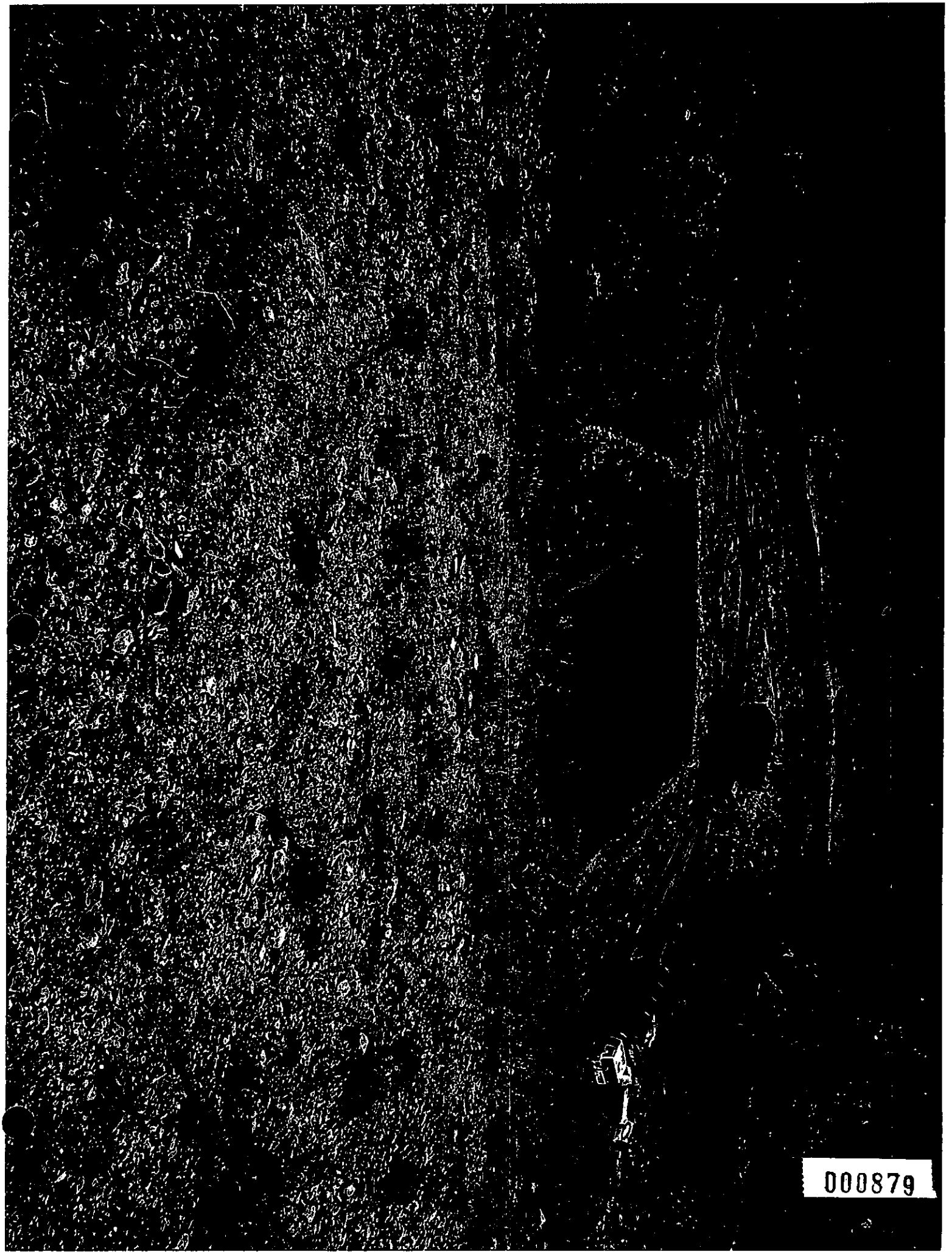
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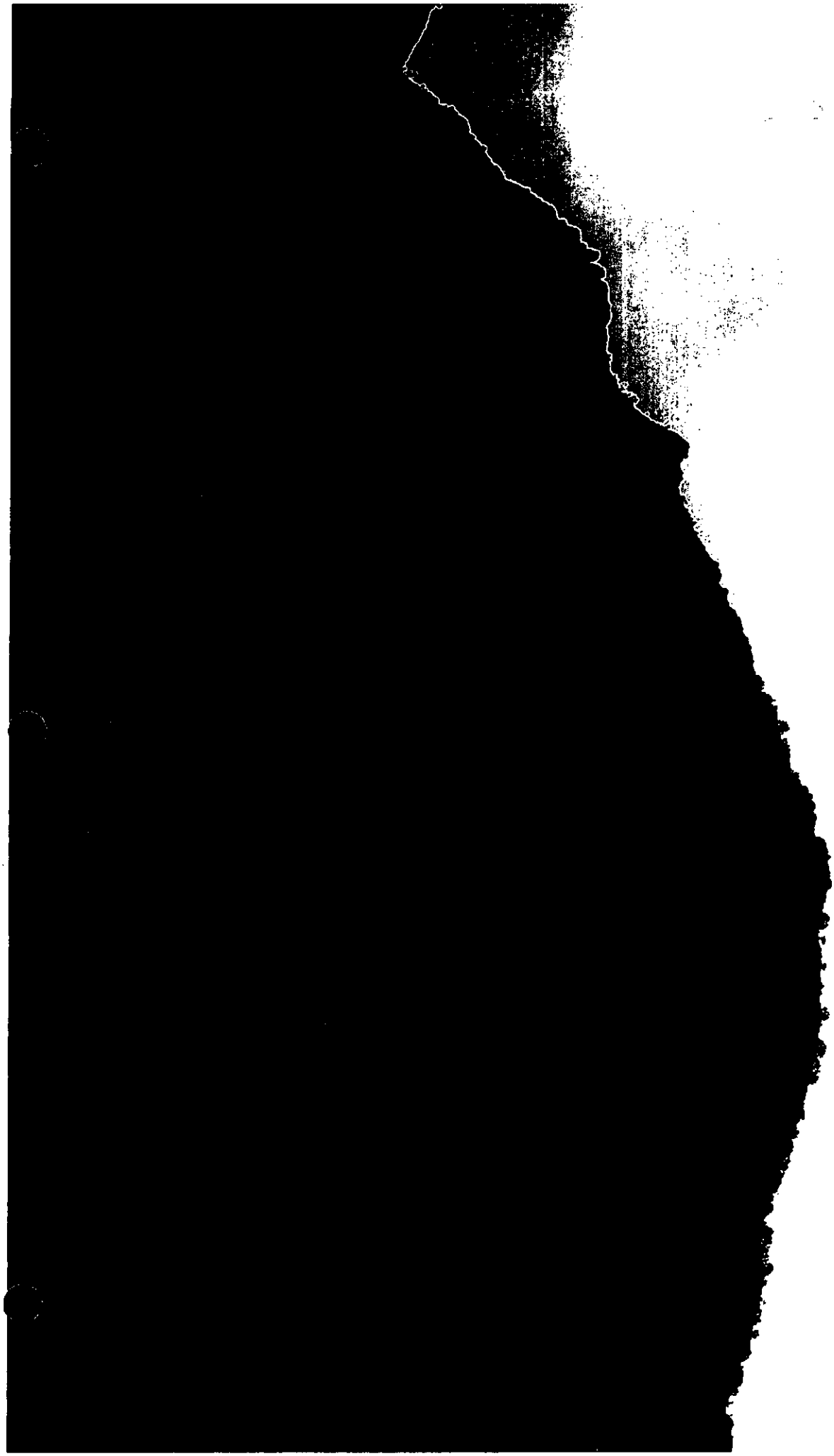

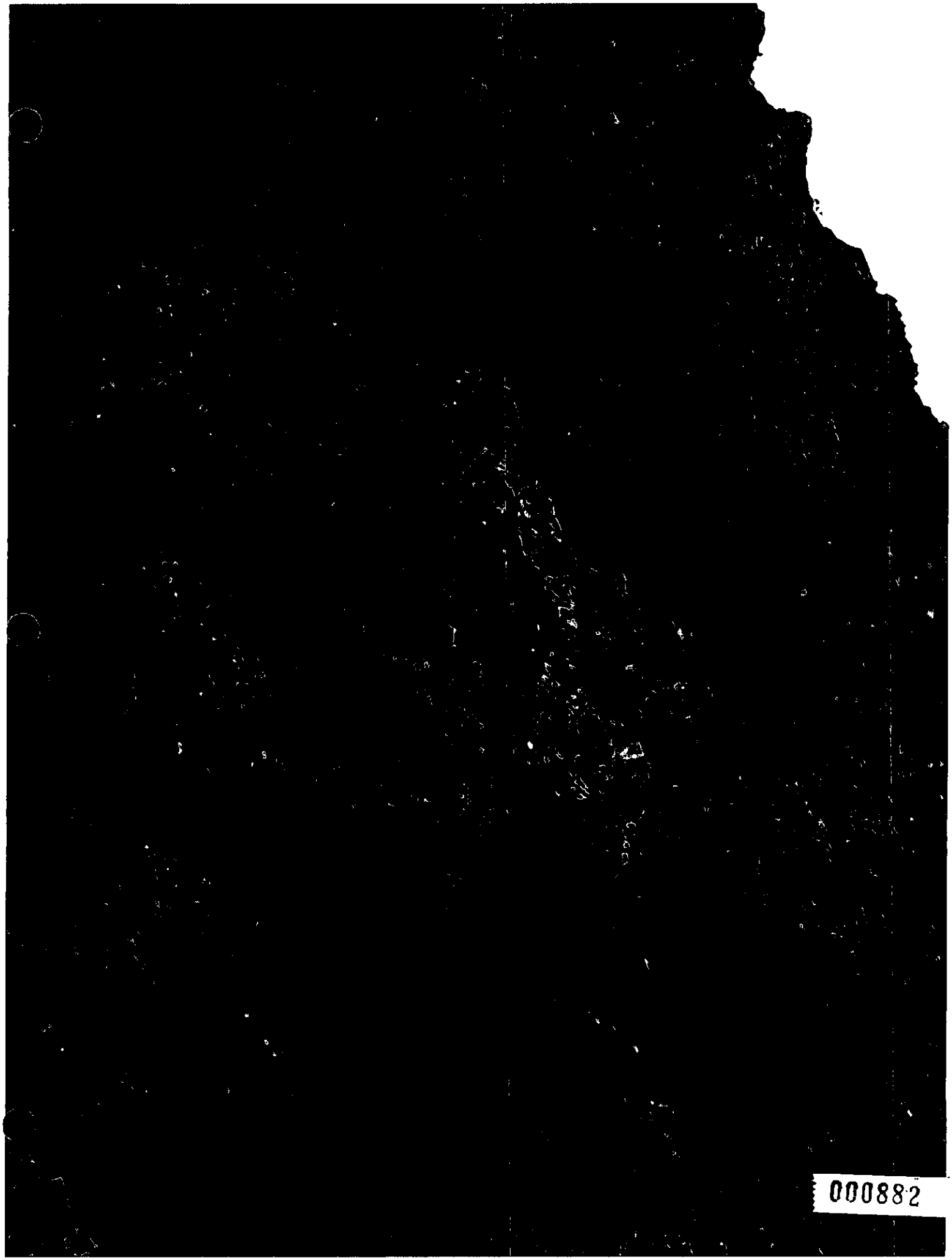

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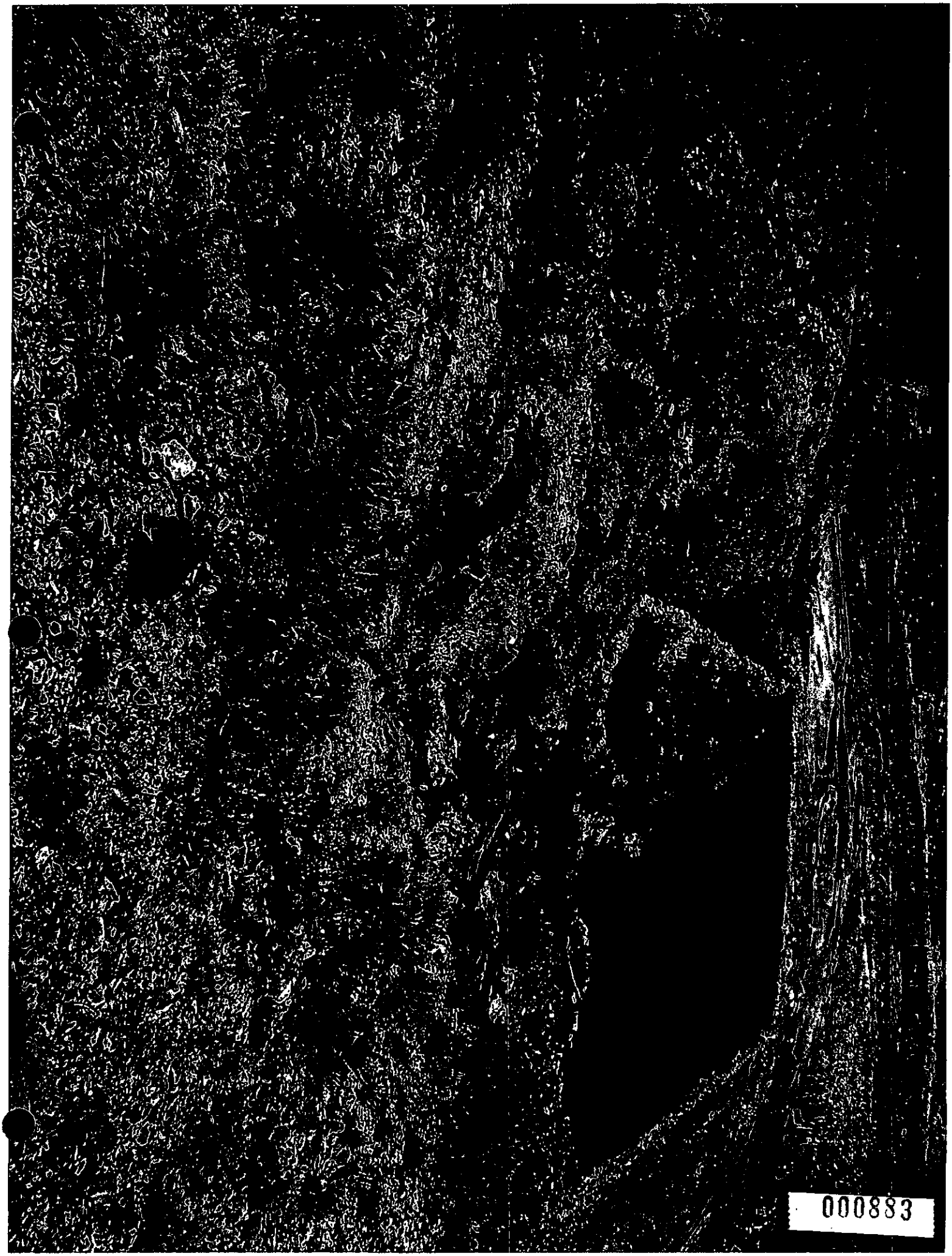
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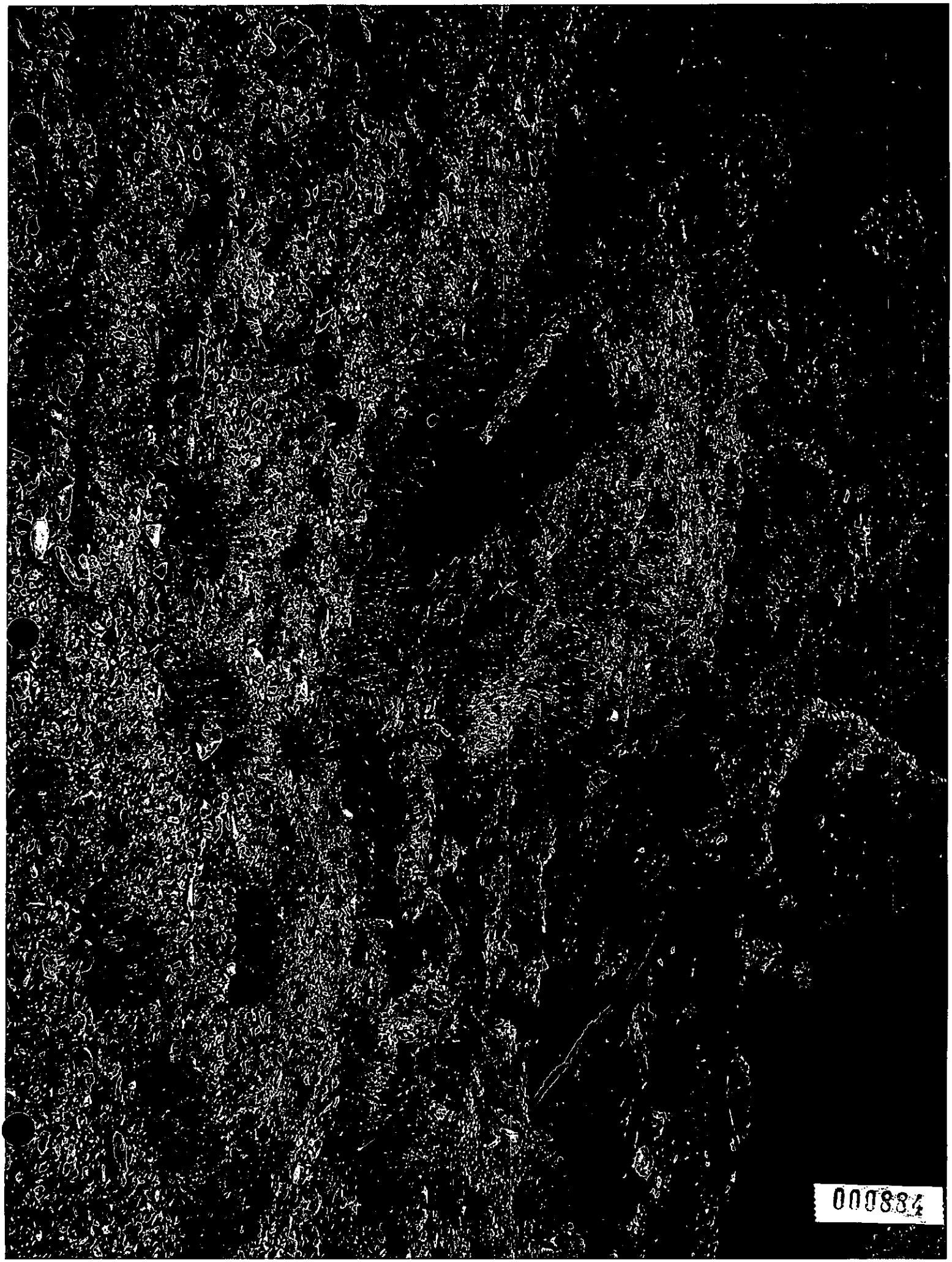
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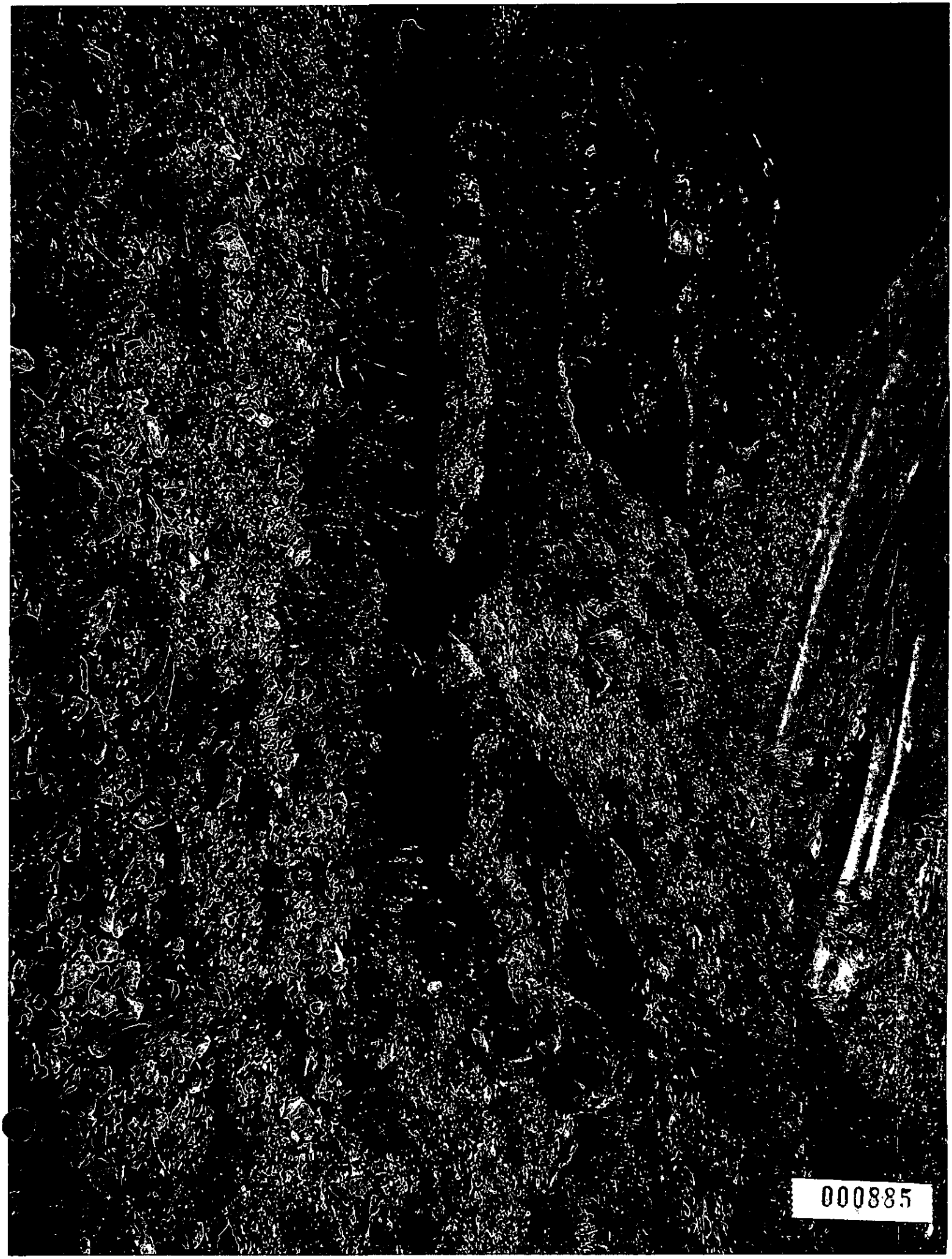
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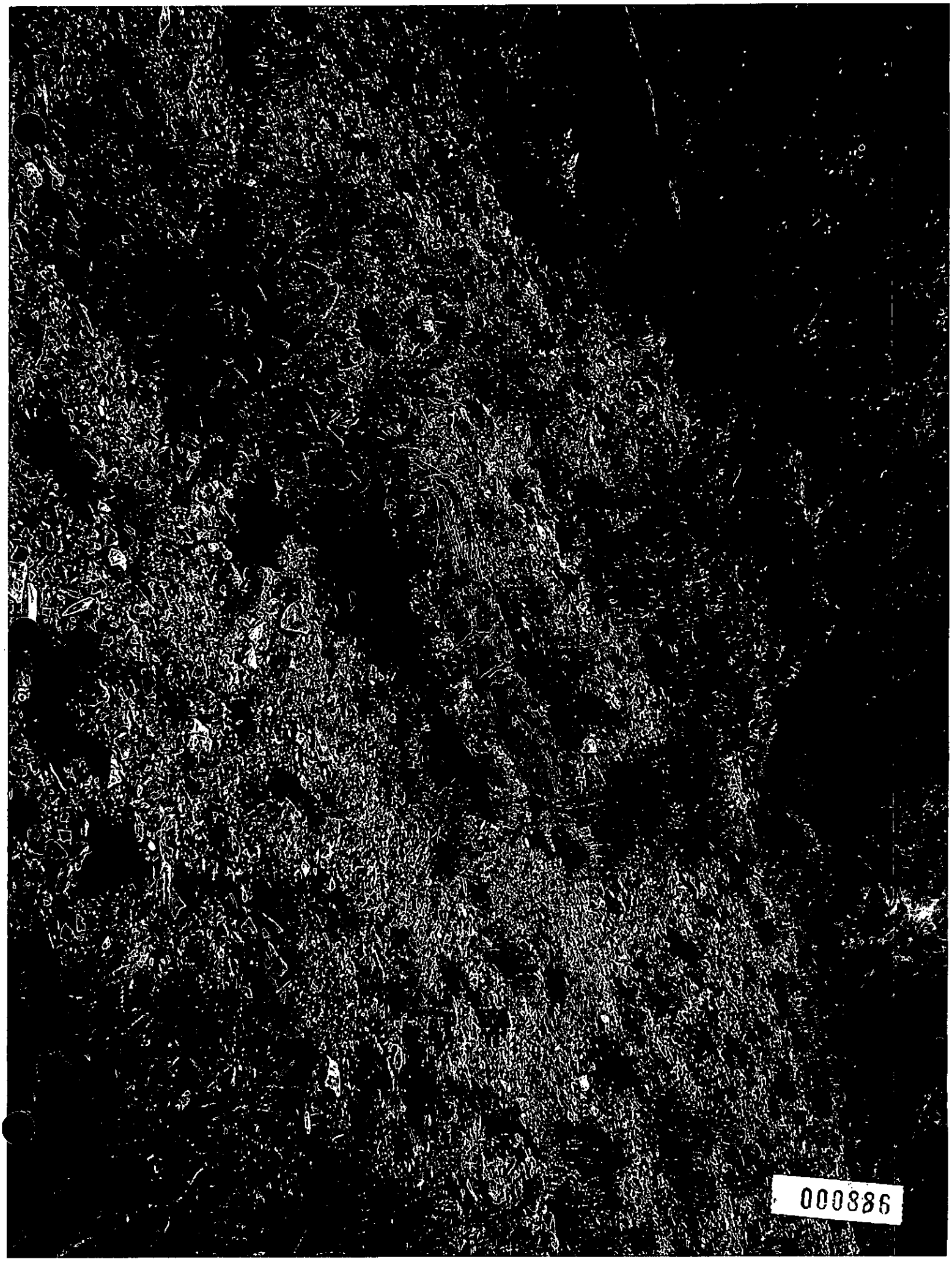
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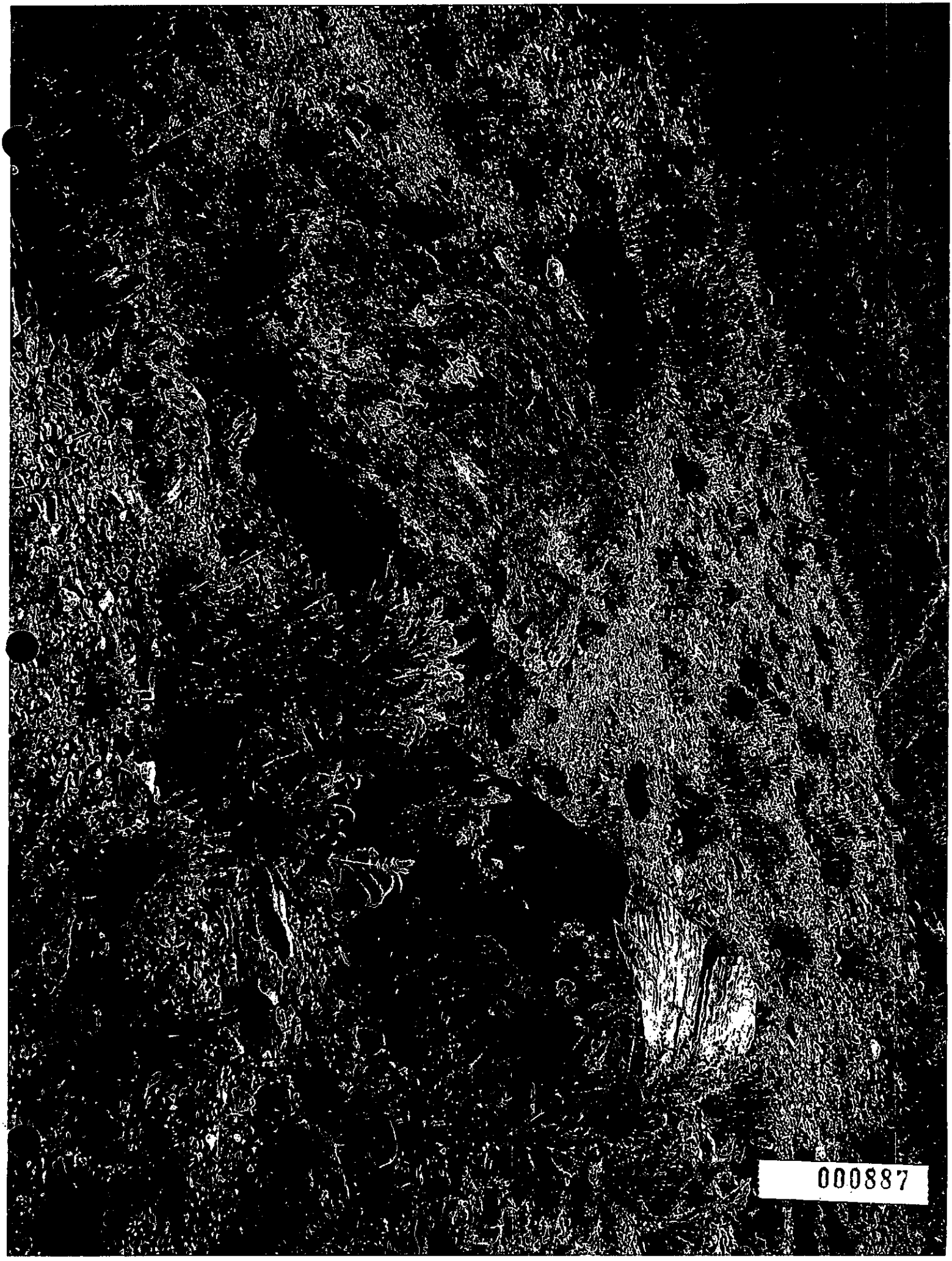
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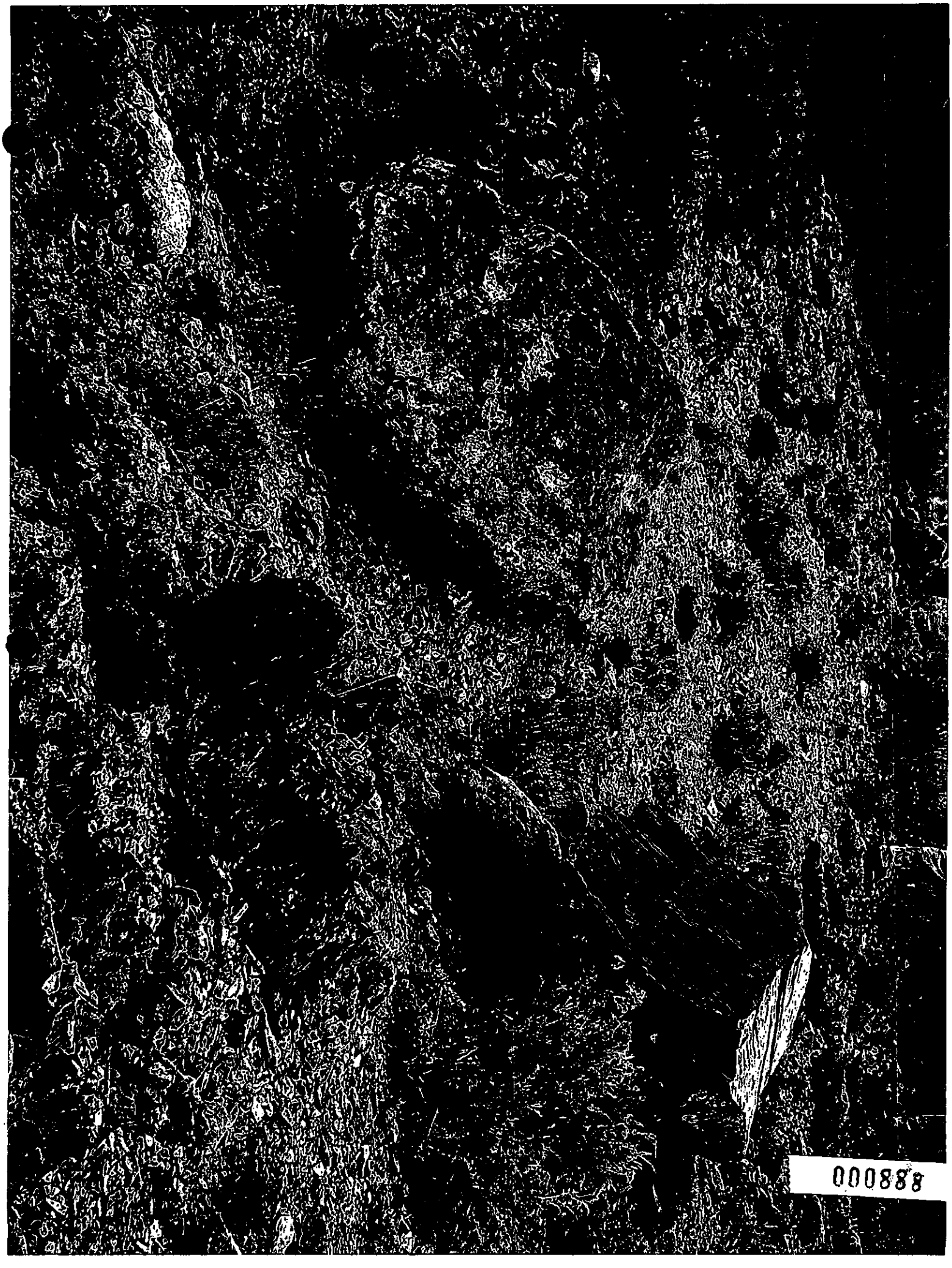
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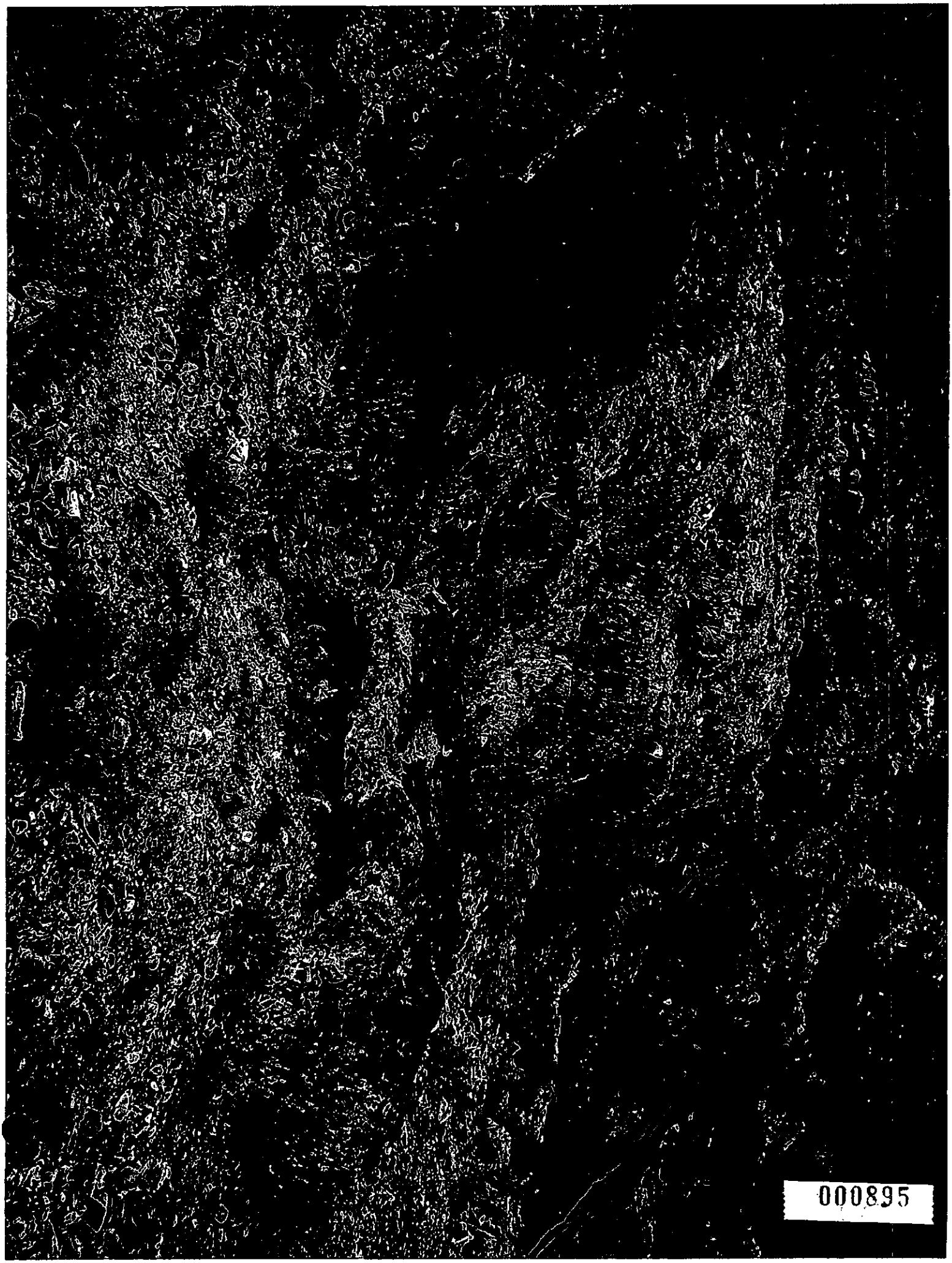
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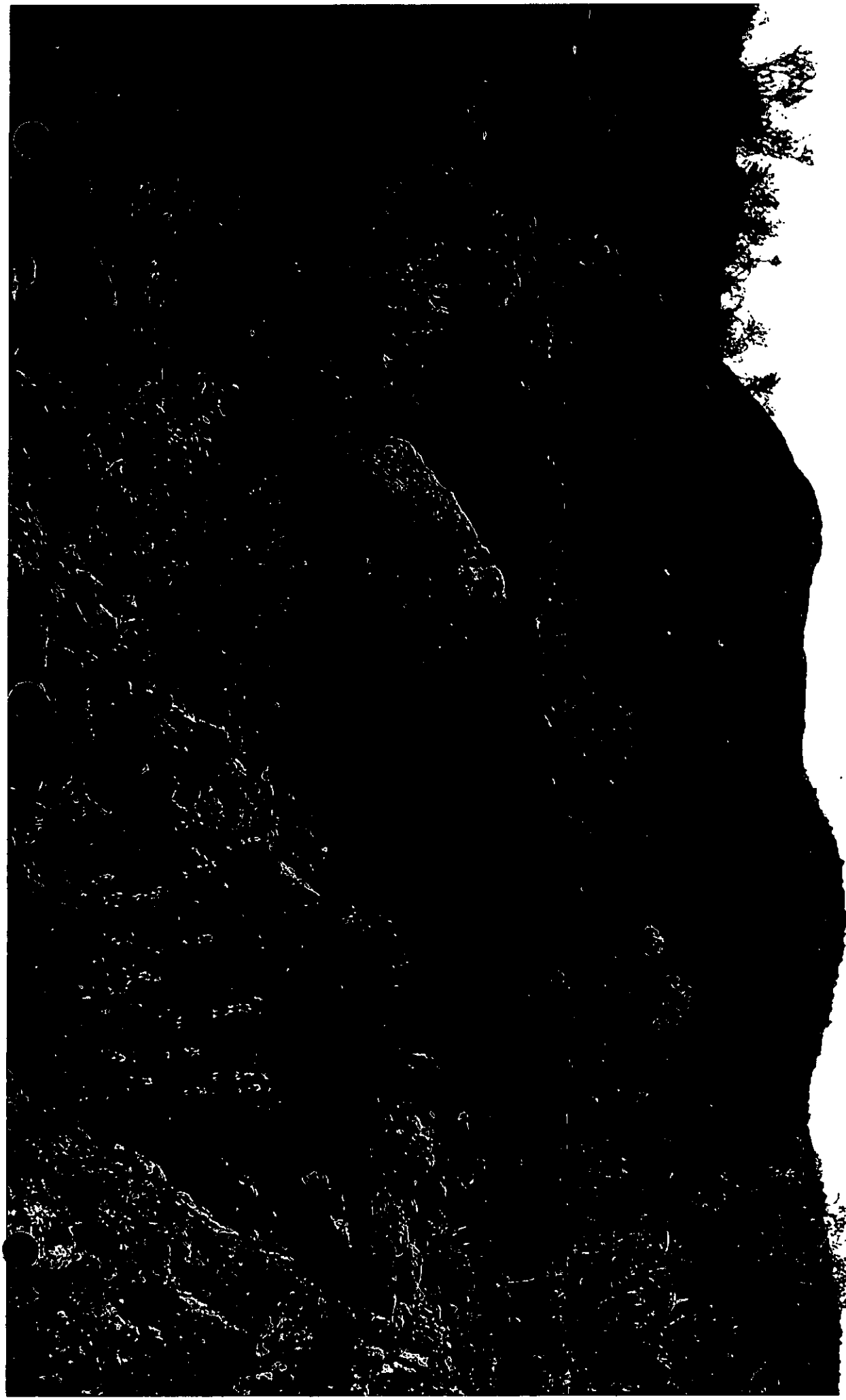

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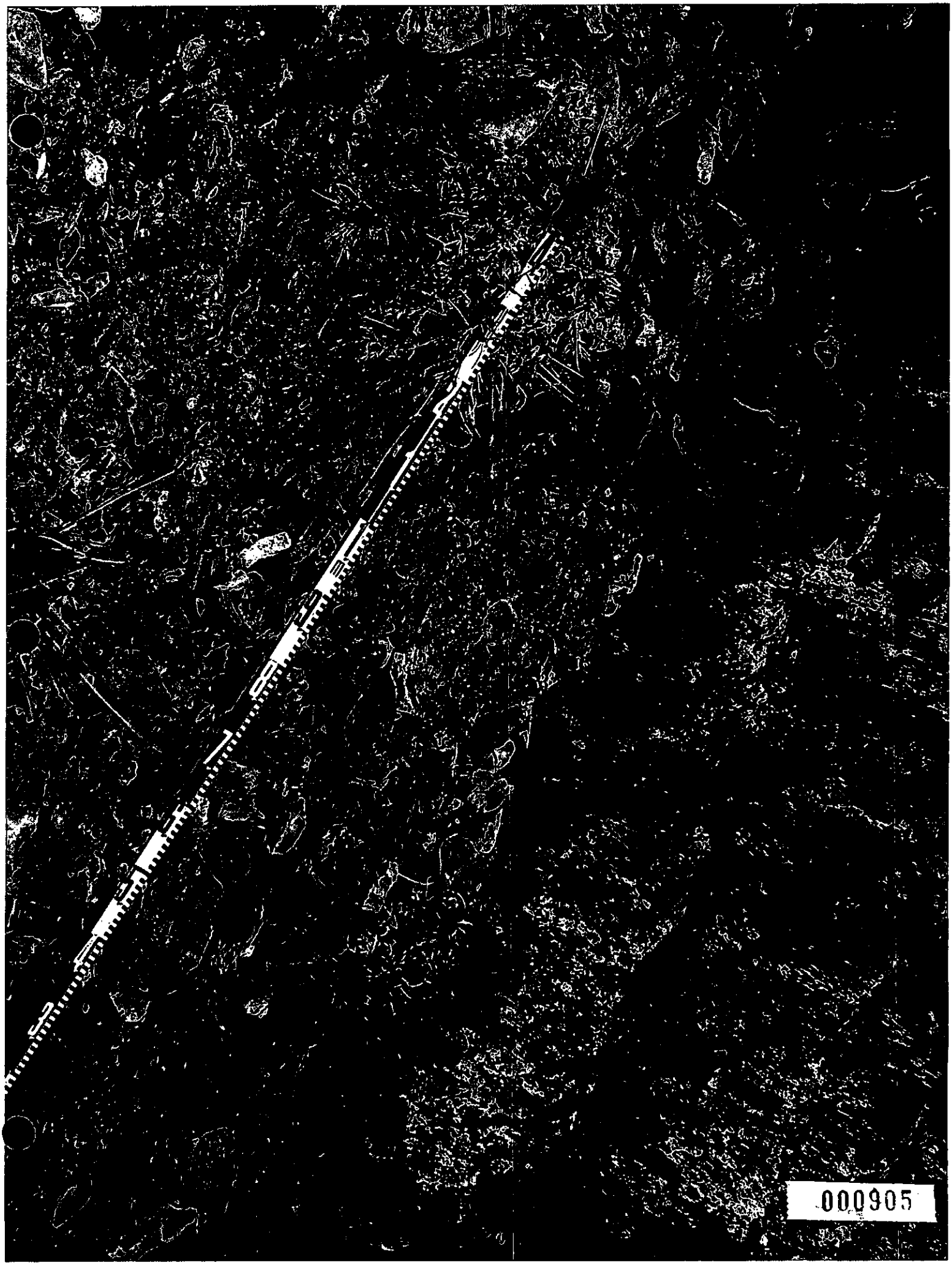
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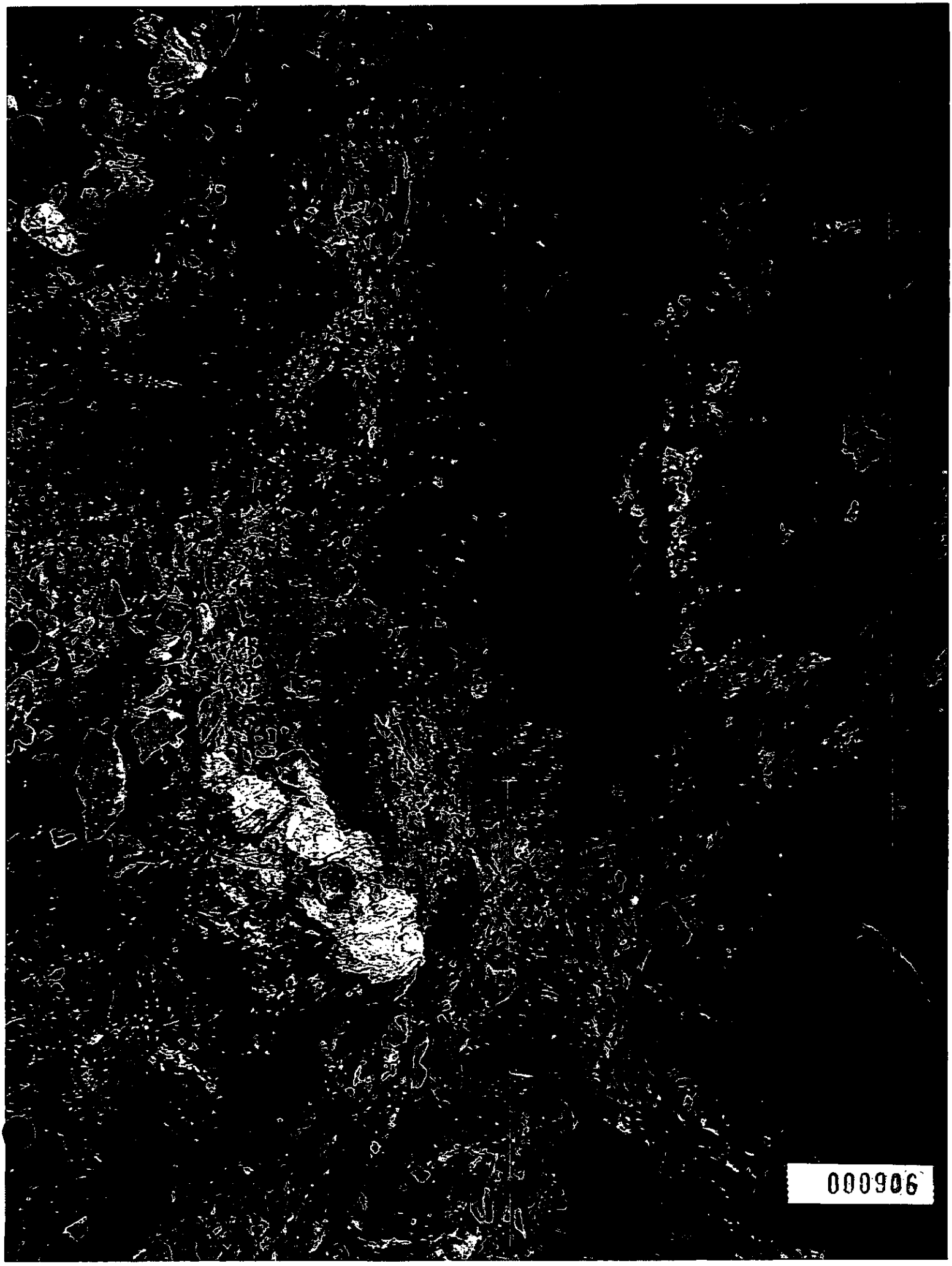
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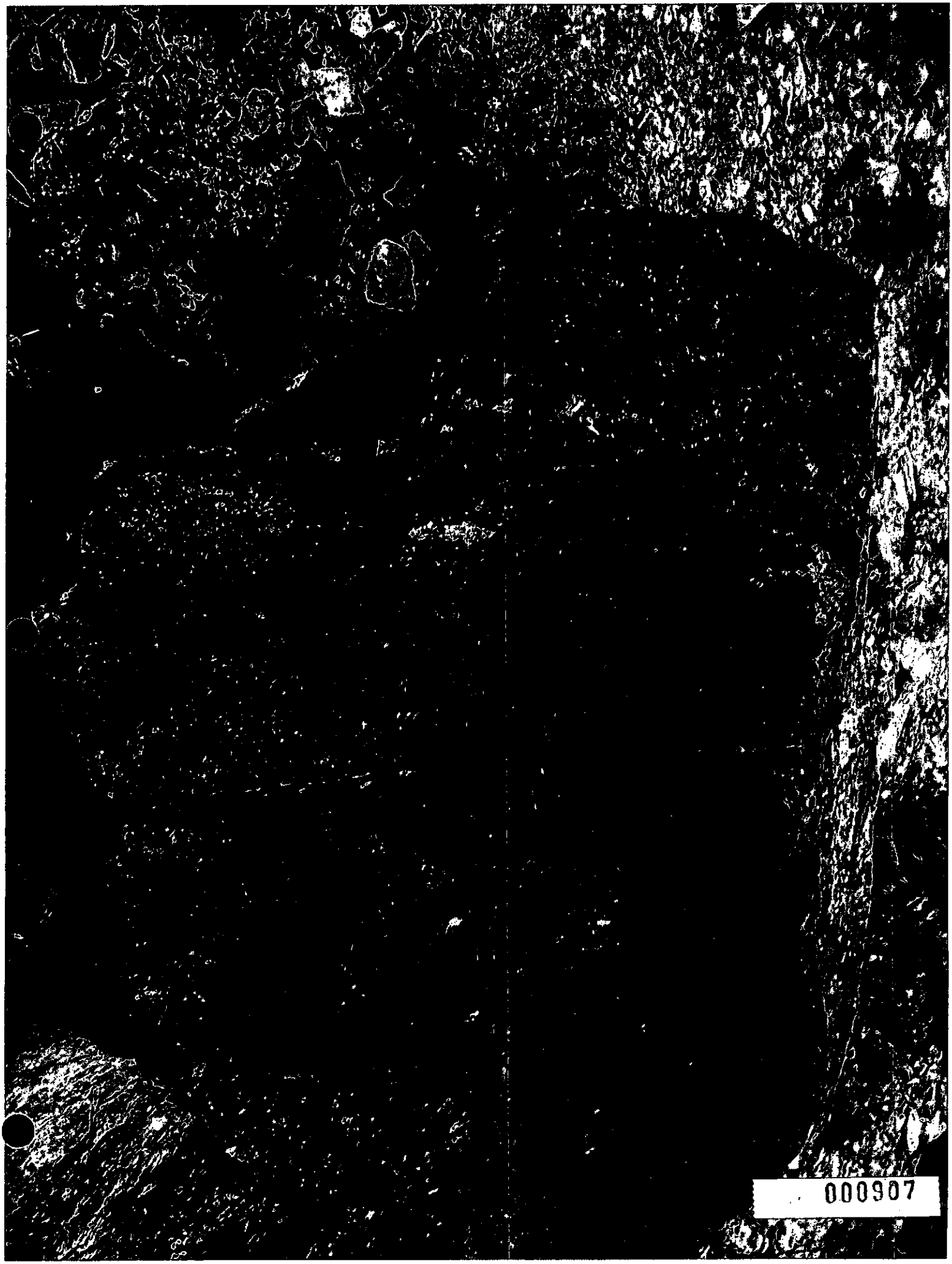
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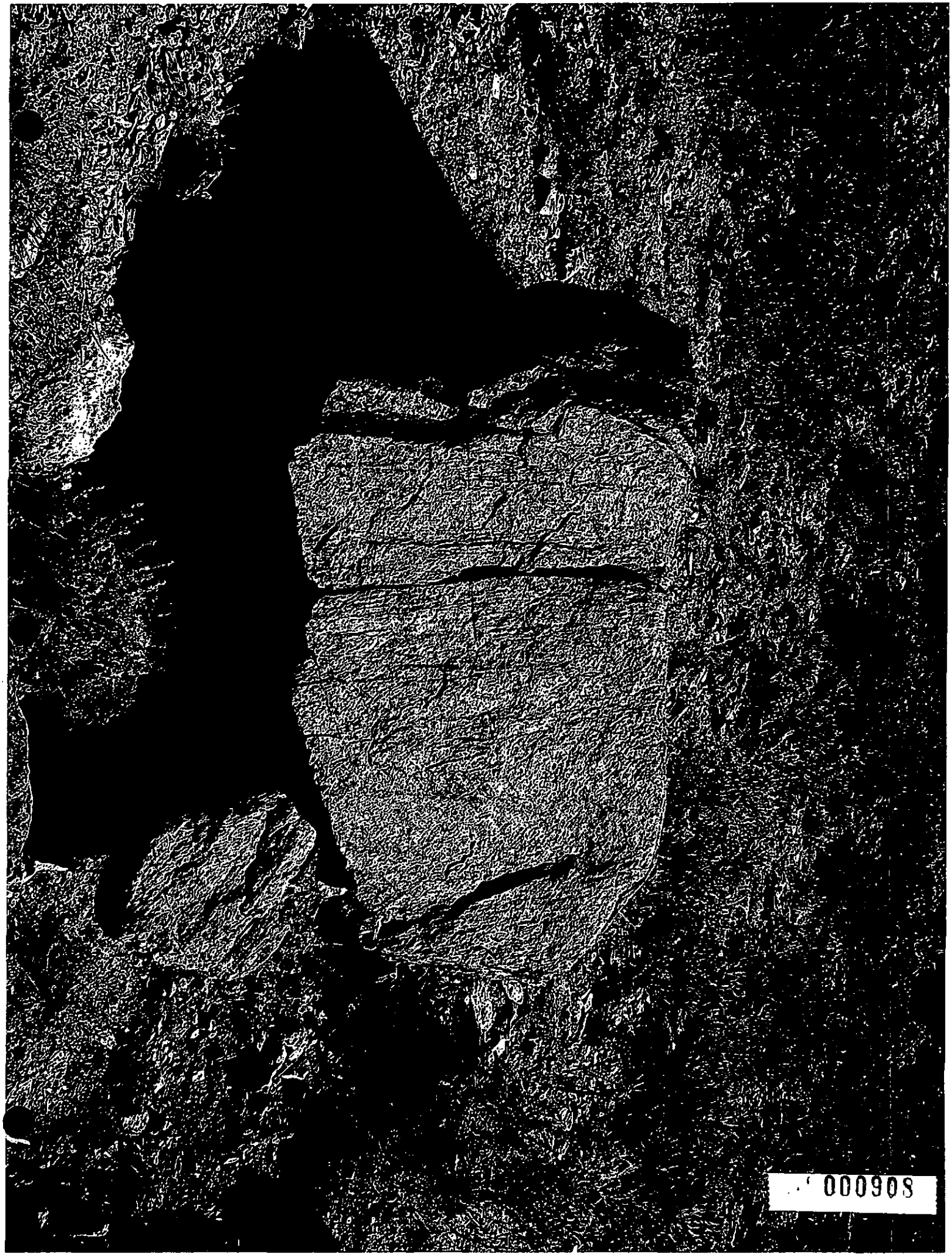
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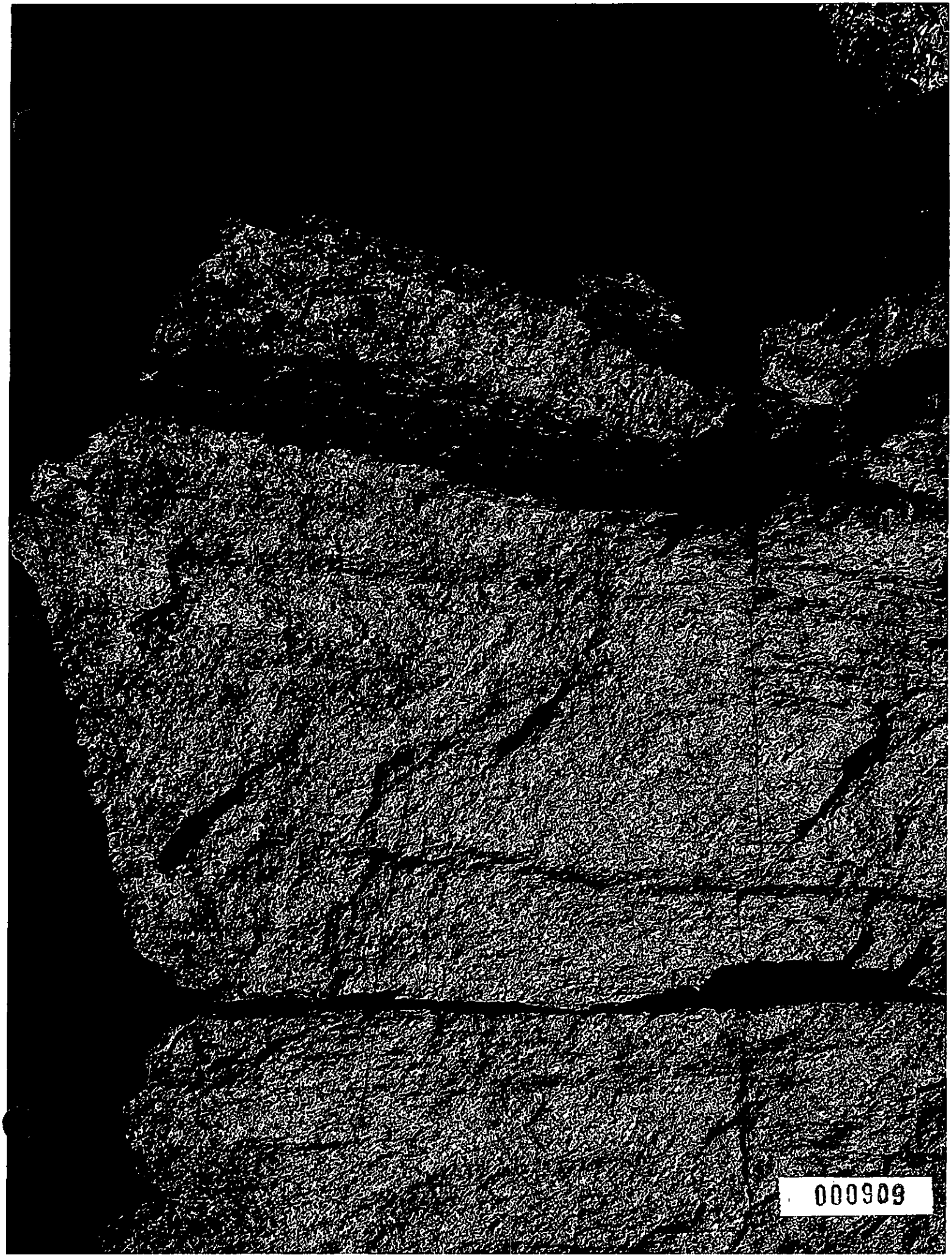
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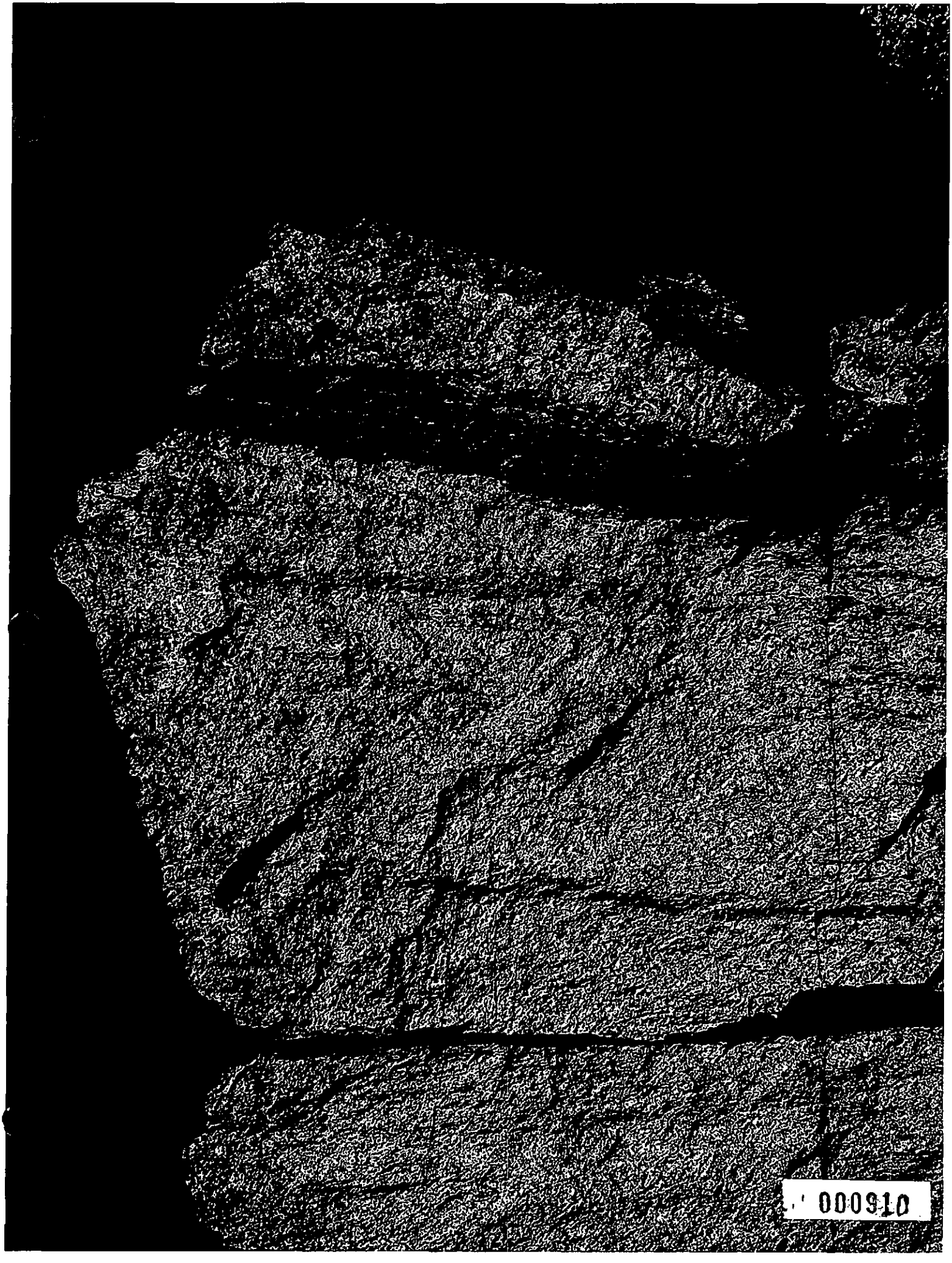
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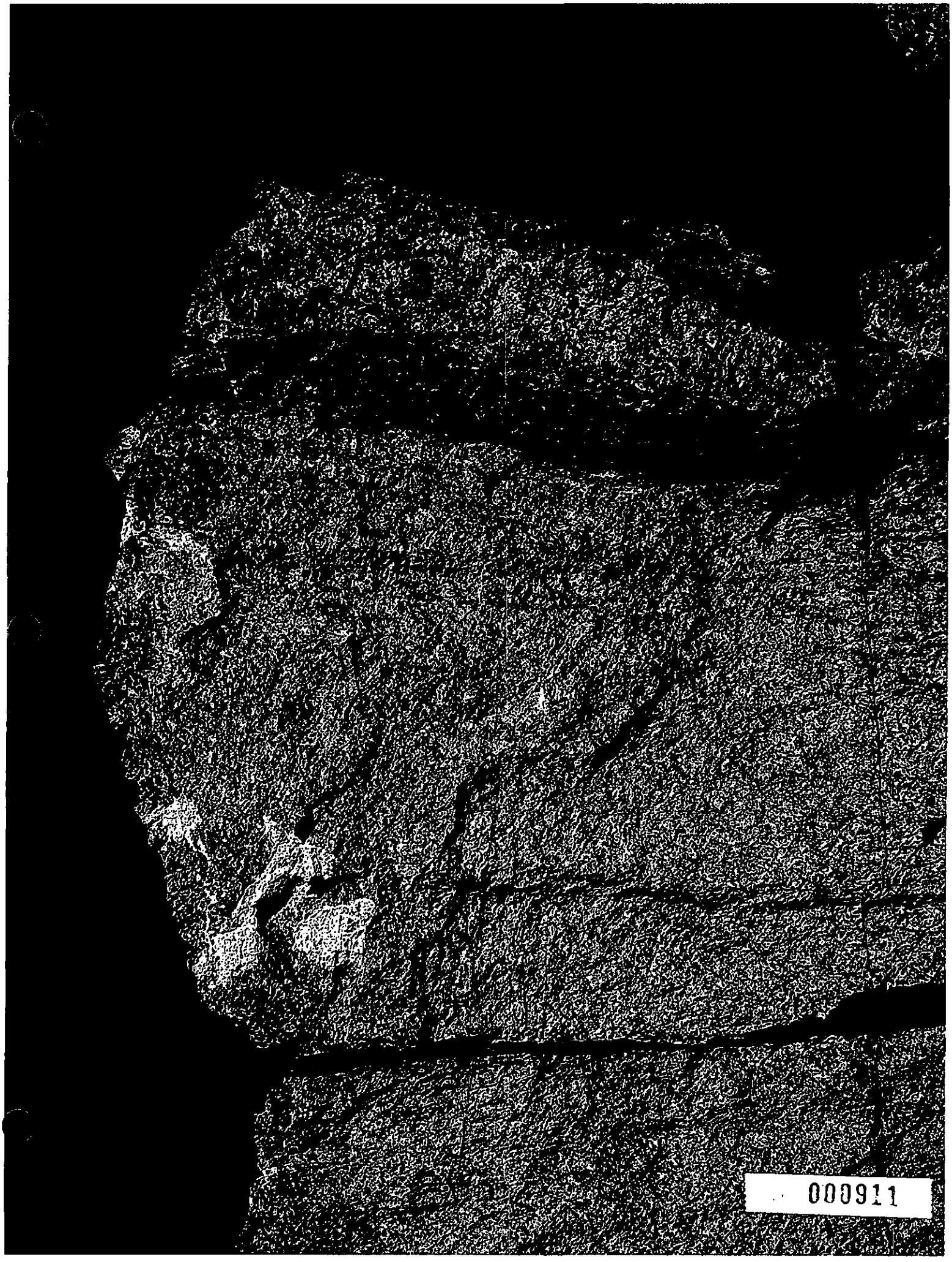
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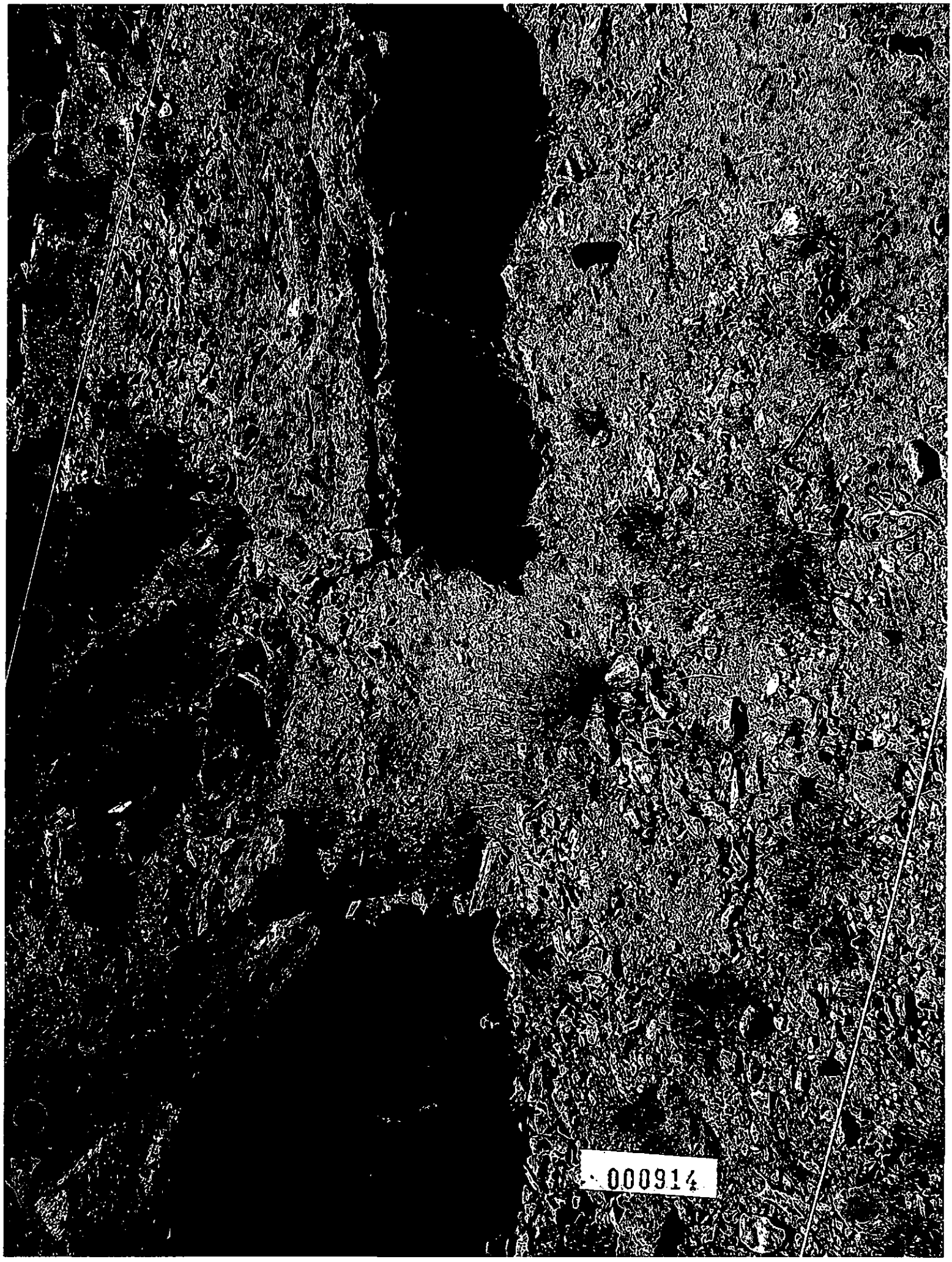
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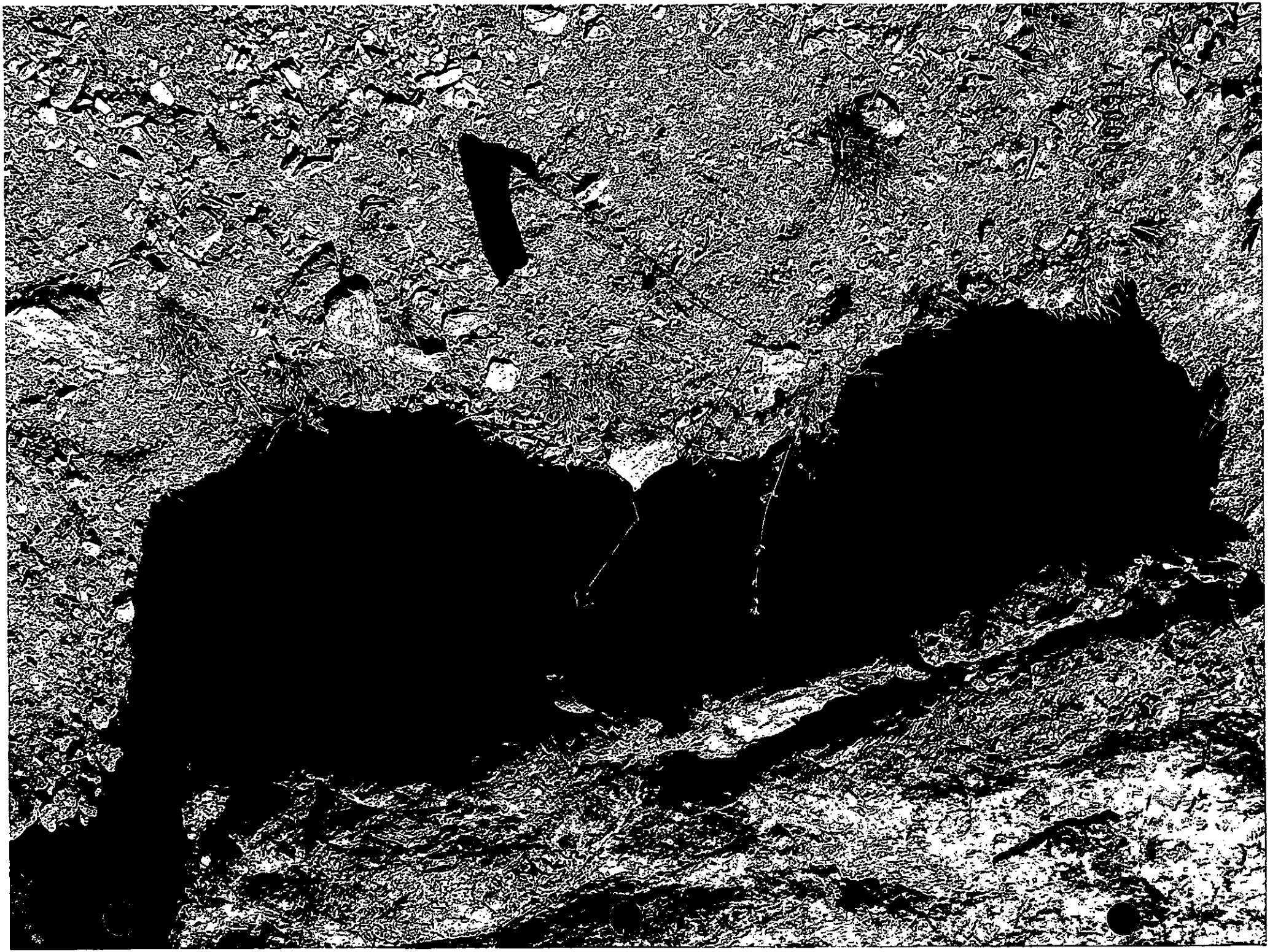

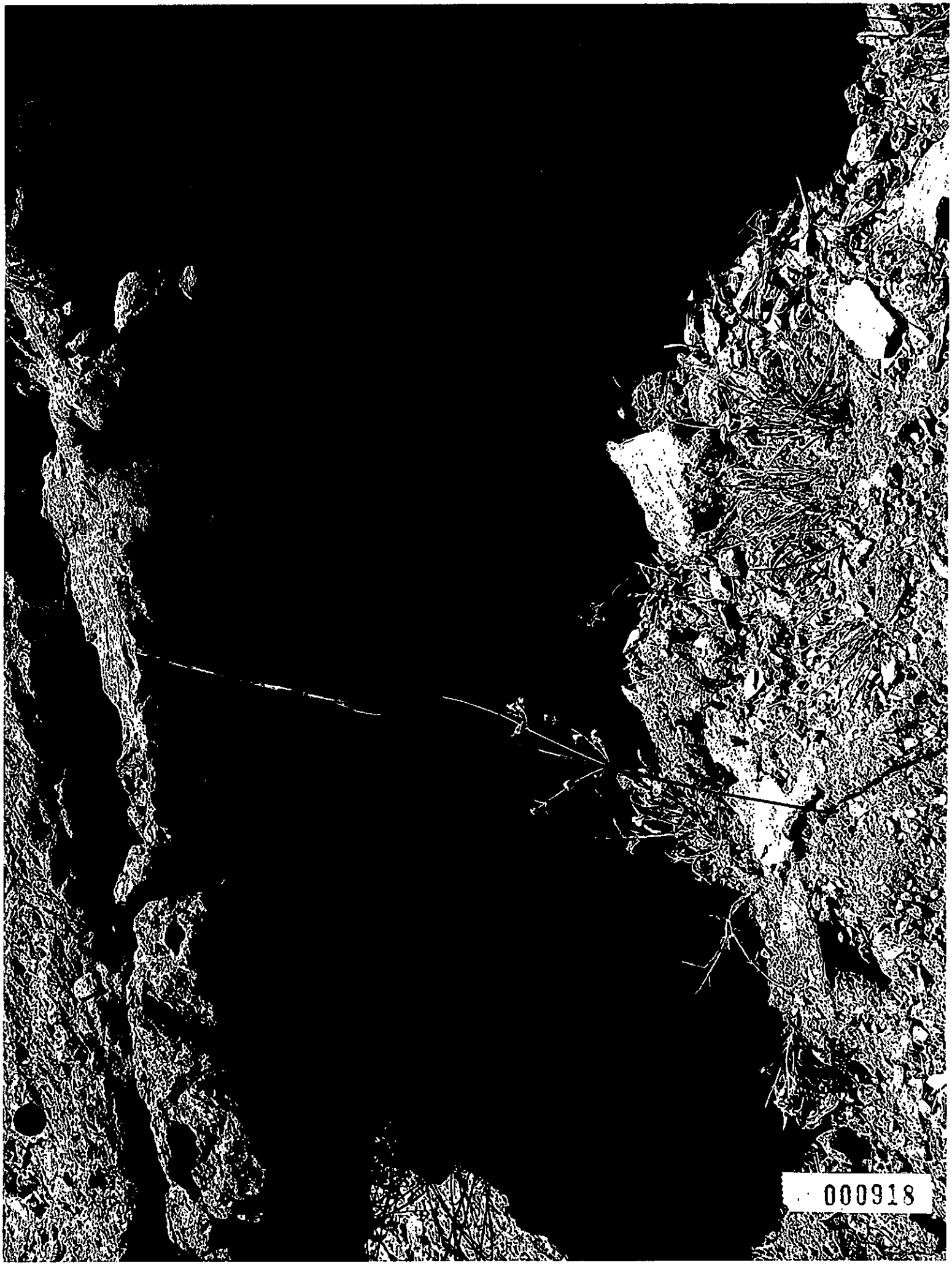
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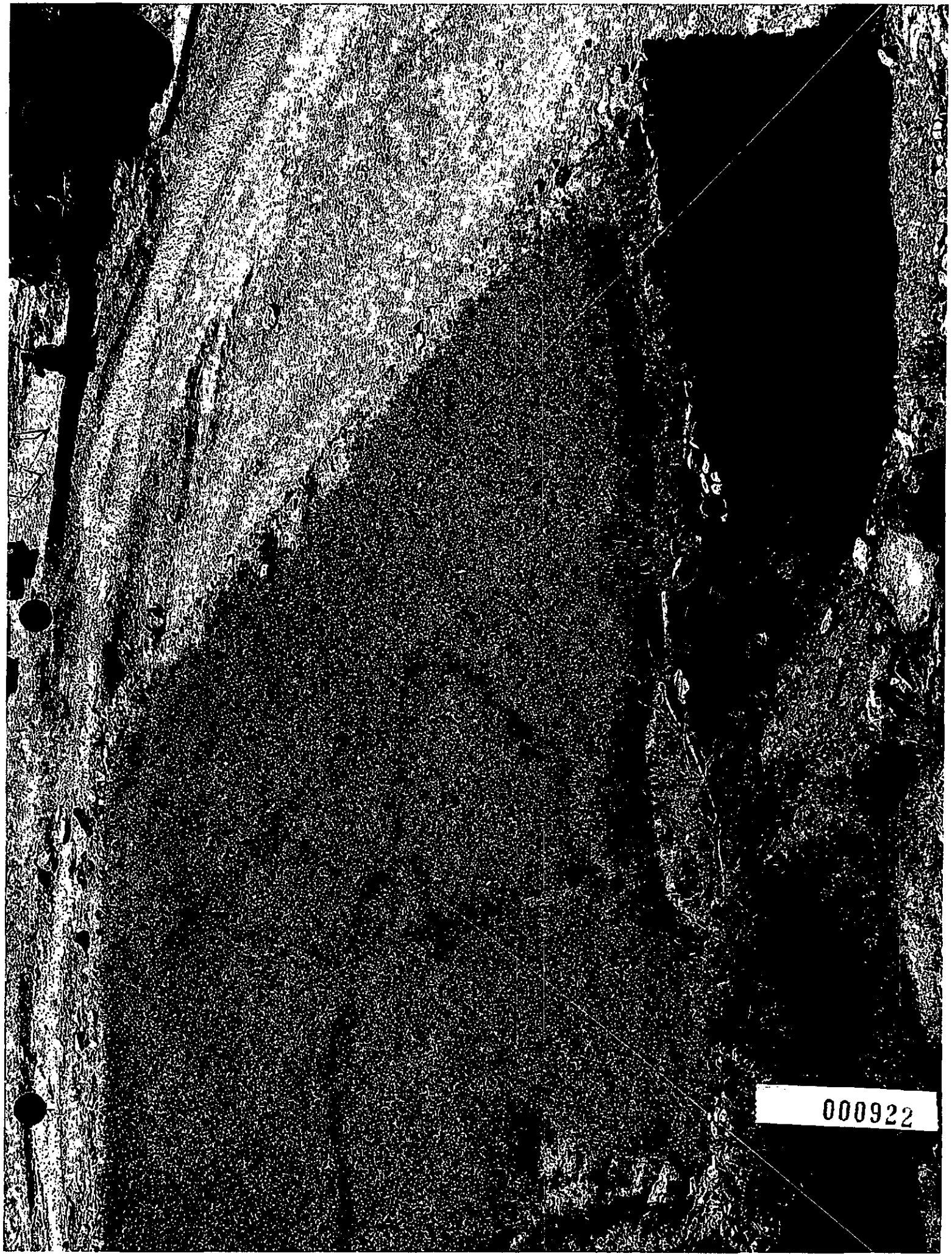
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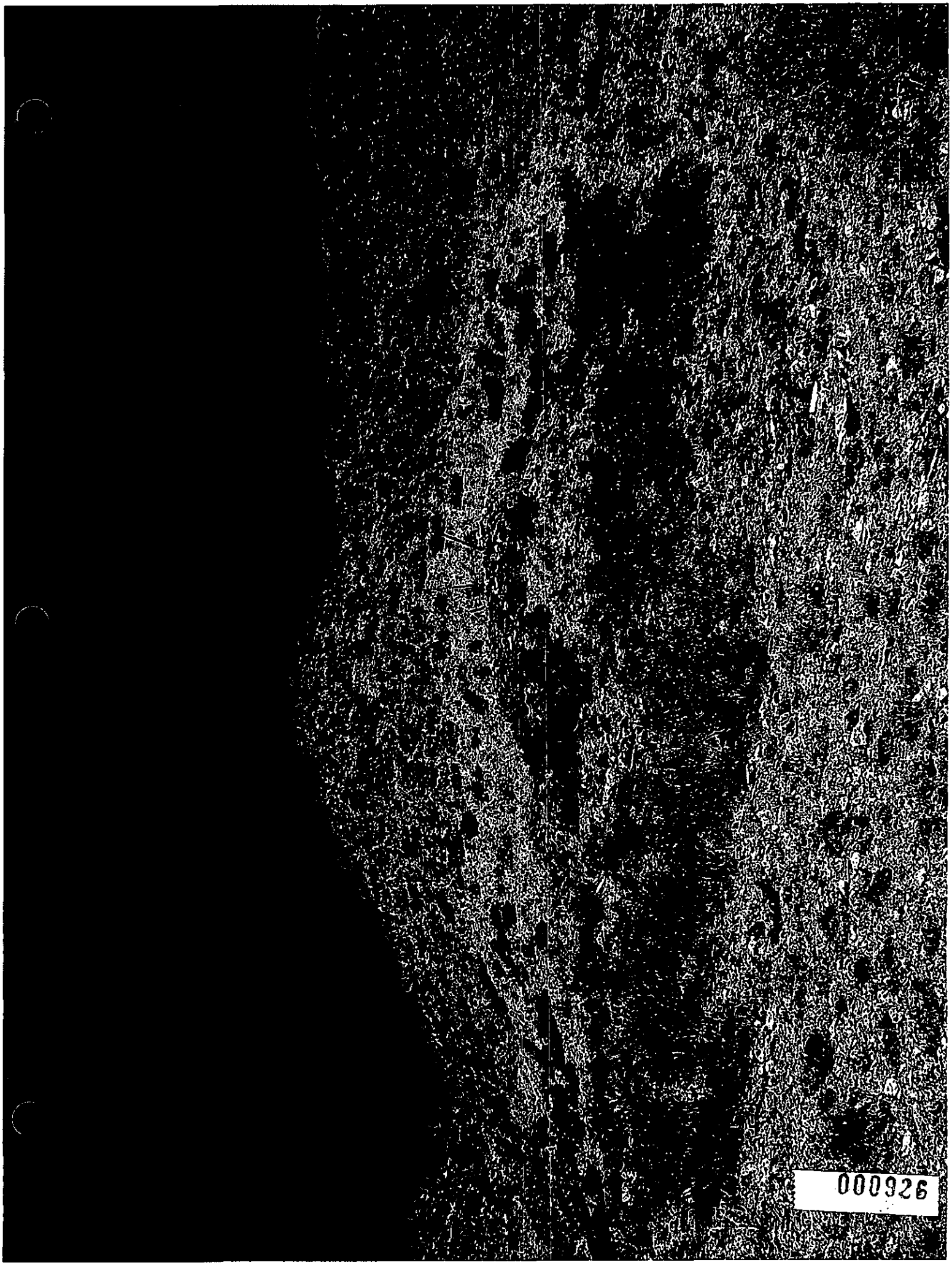
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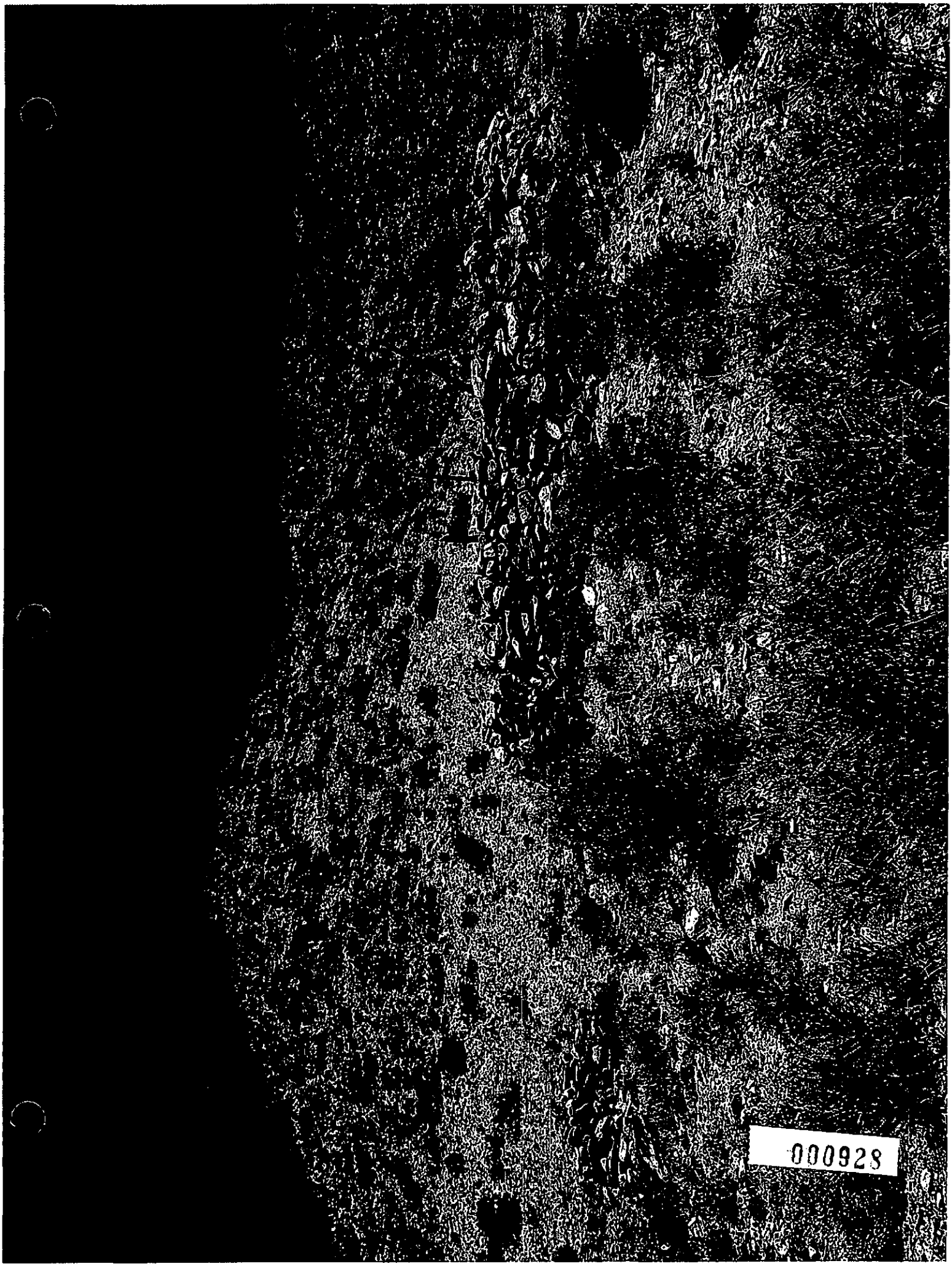
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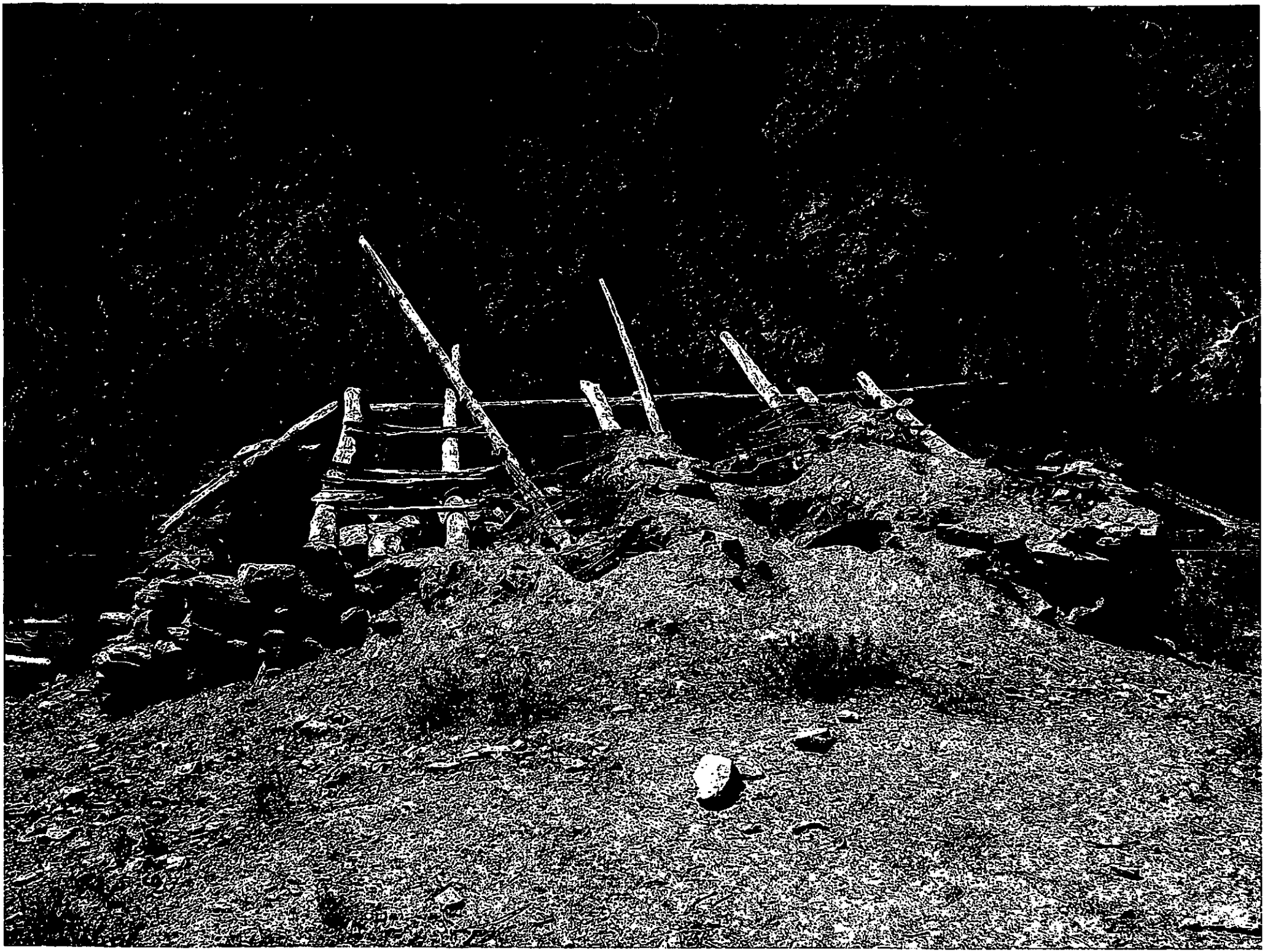

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United States Army Criminal Investigation Command
PHOTOGRAPHIC PACKET

CASE NUMBER: 0013-06-CID201-50048

NUMBER	DESCRIPTION OF PHOTOGRAPH
1.	Photograph depicting [redacted] Ranger Body Armor
2.	Photograph depicting center magazine pouch
3.	Photograph depicting center magazine pouch open
4.	Photograph depicting magazine removed from pouch
5.	Photograph depicting close up of impact point on magazine
6.	Photograph depicting side view of magazine
7.	Photograph depicting close up side top view of magazine
8.	Photograph depicting close up of impact point on magazine
9.	Photograph depicting top view of impact point on magazine
10.	Photograph depicting close up view of impact point on magazine

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TY TAG
195-5
ICSOPS
ITEM
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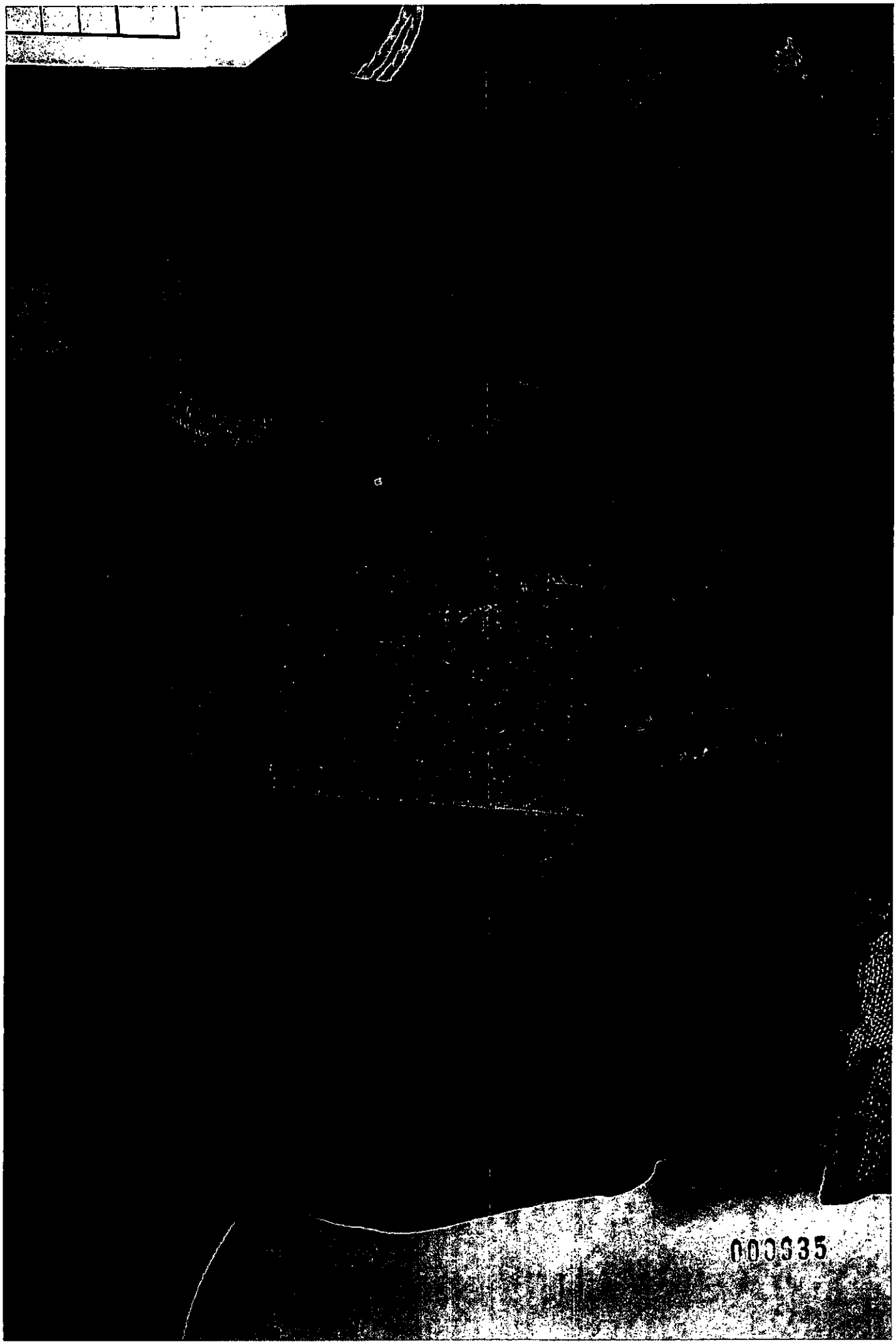
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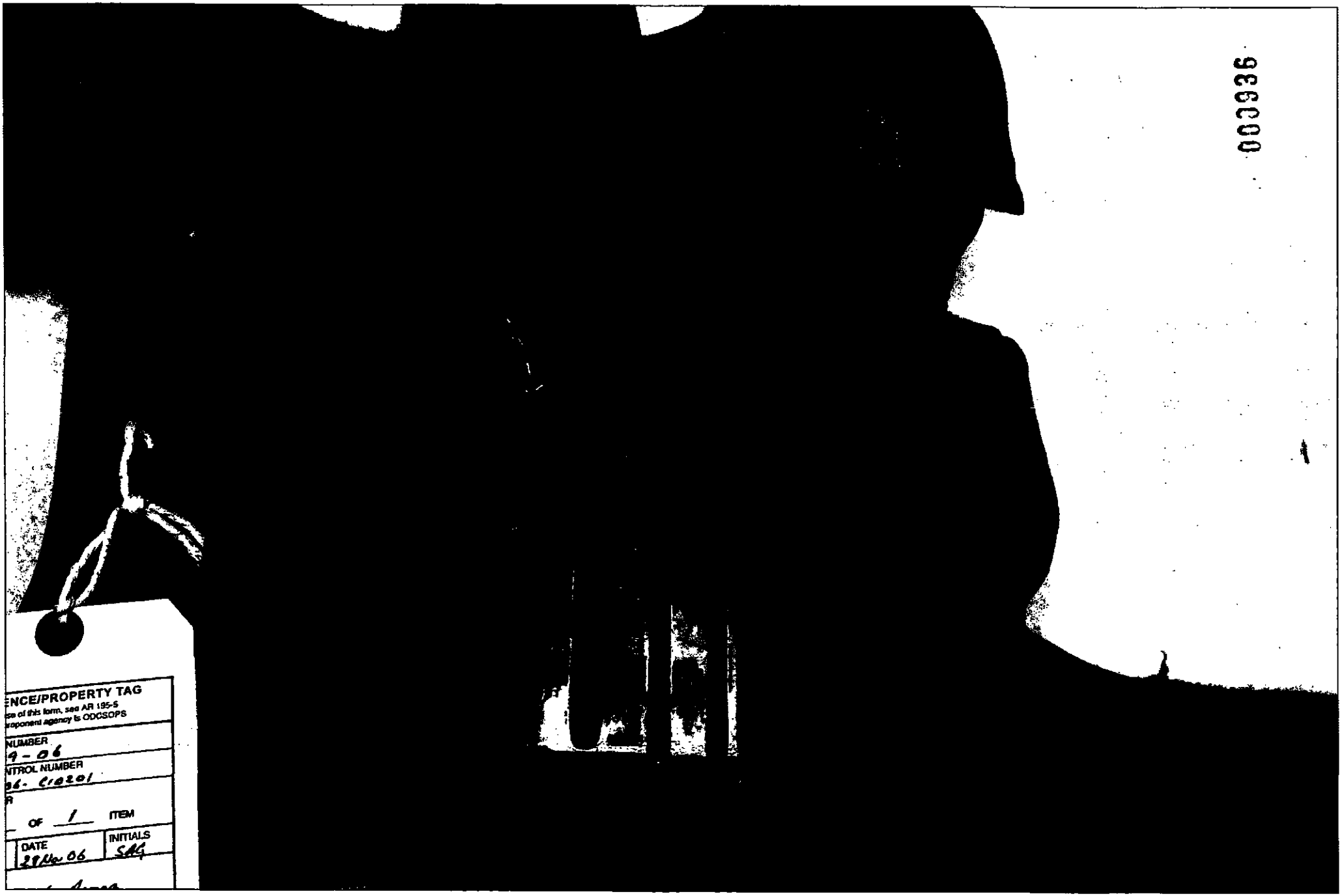
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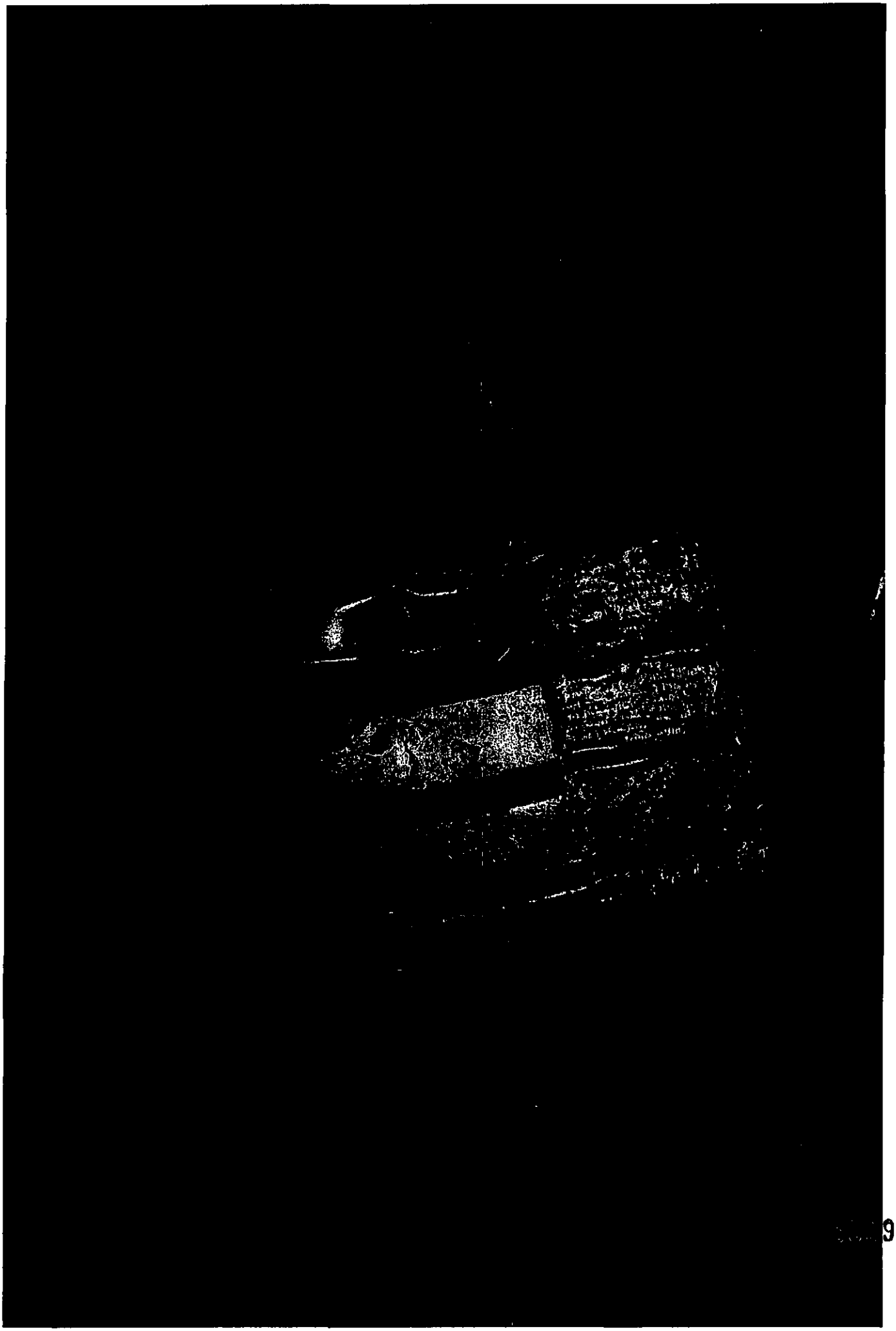



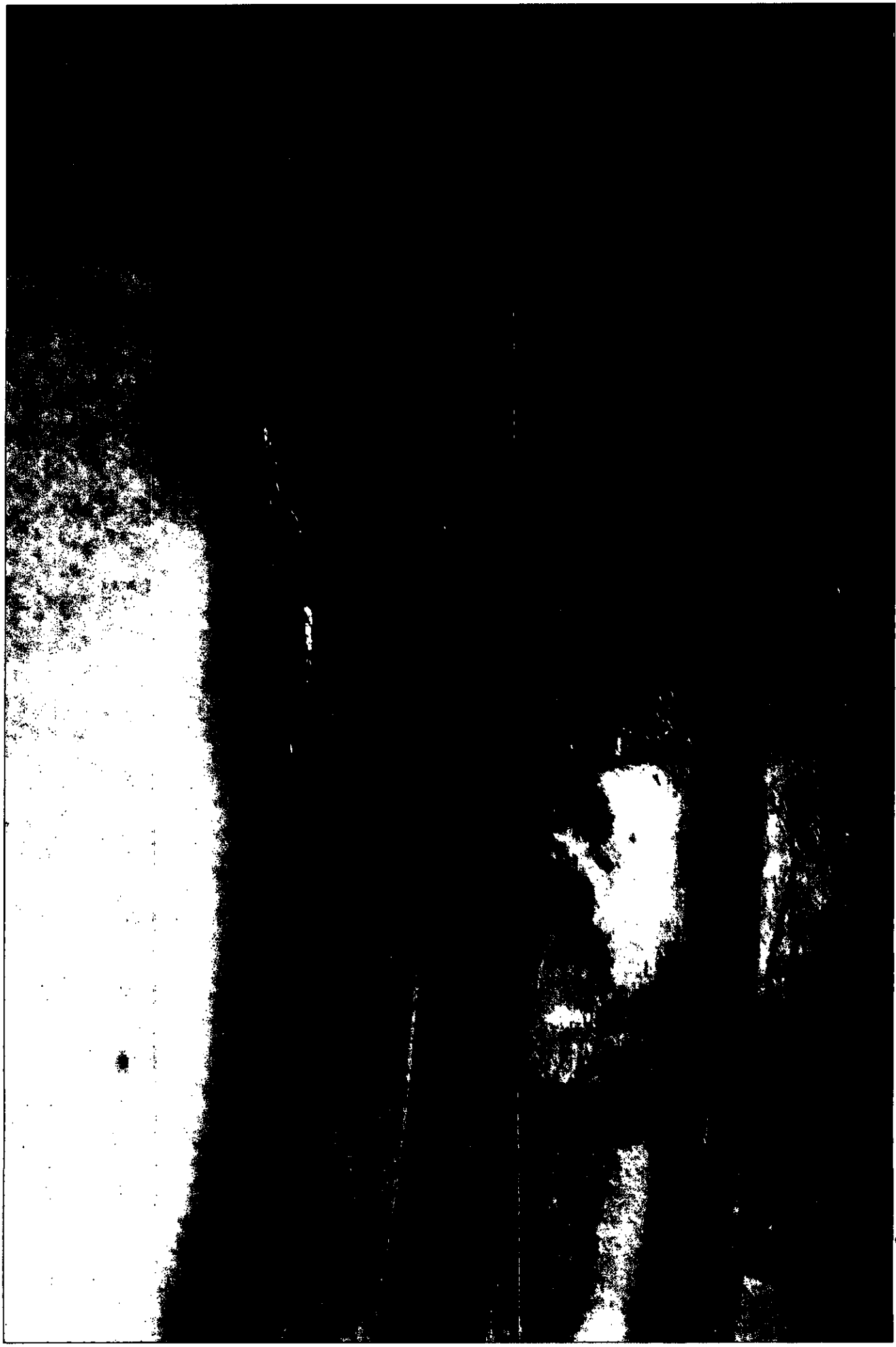

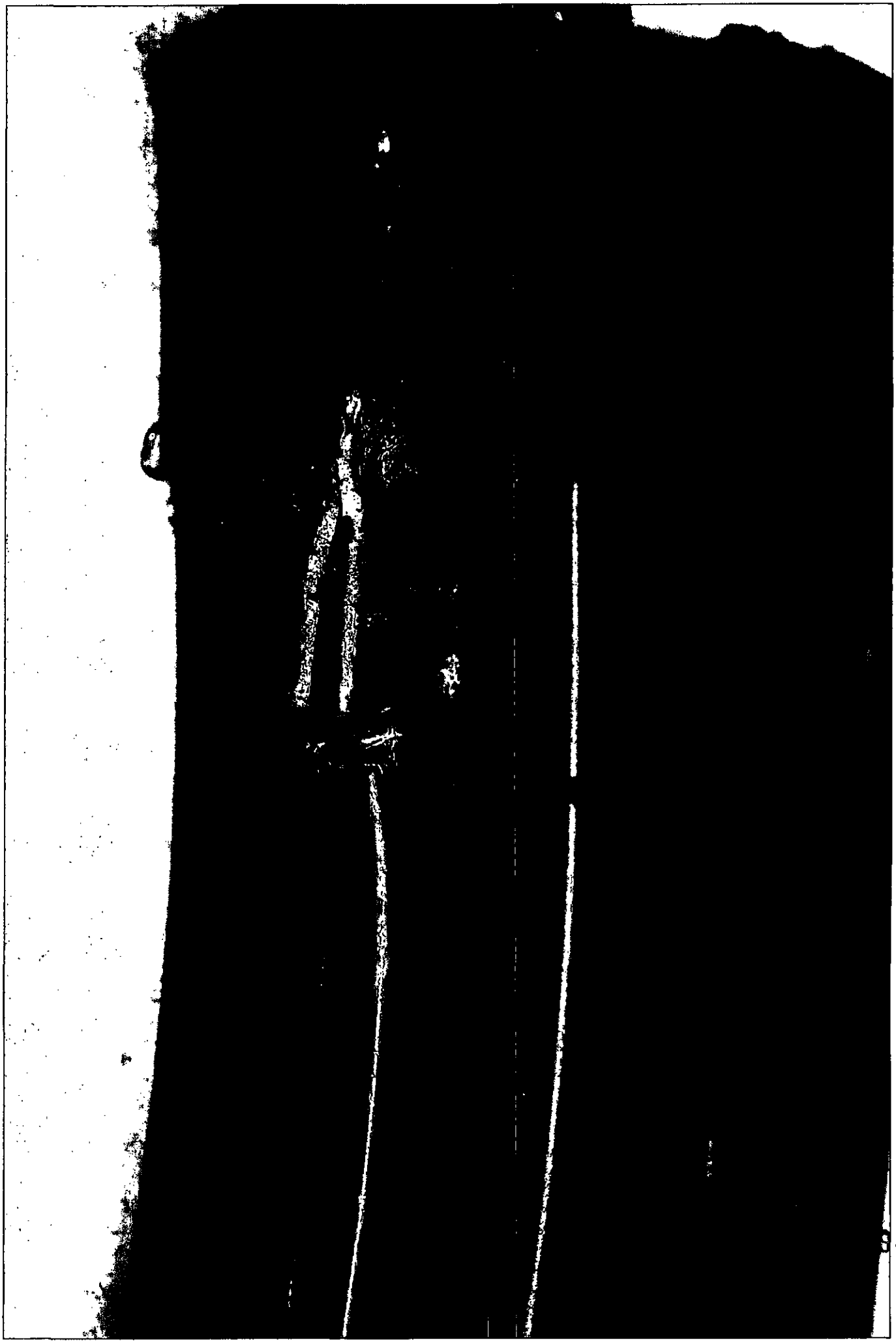

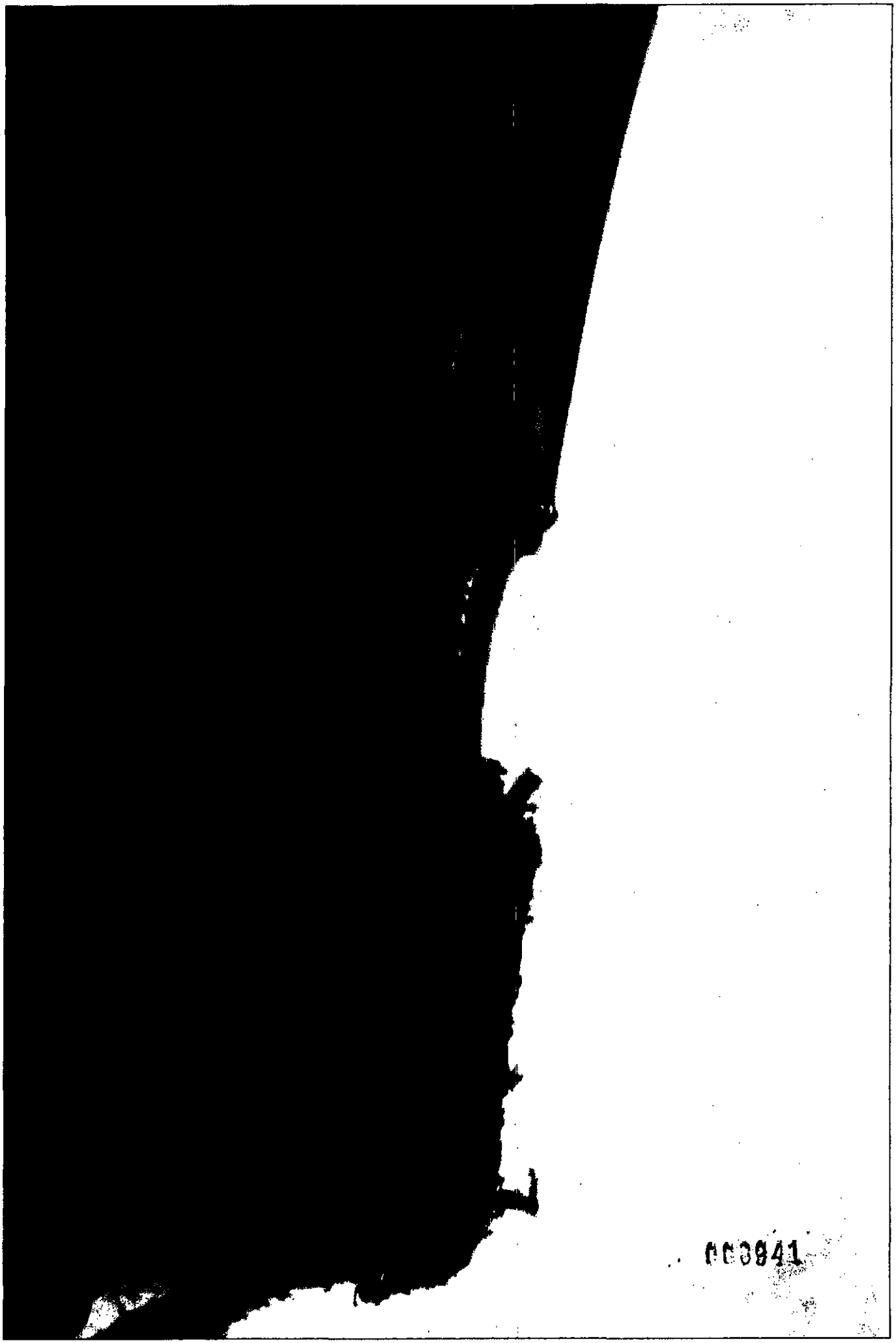

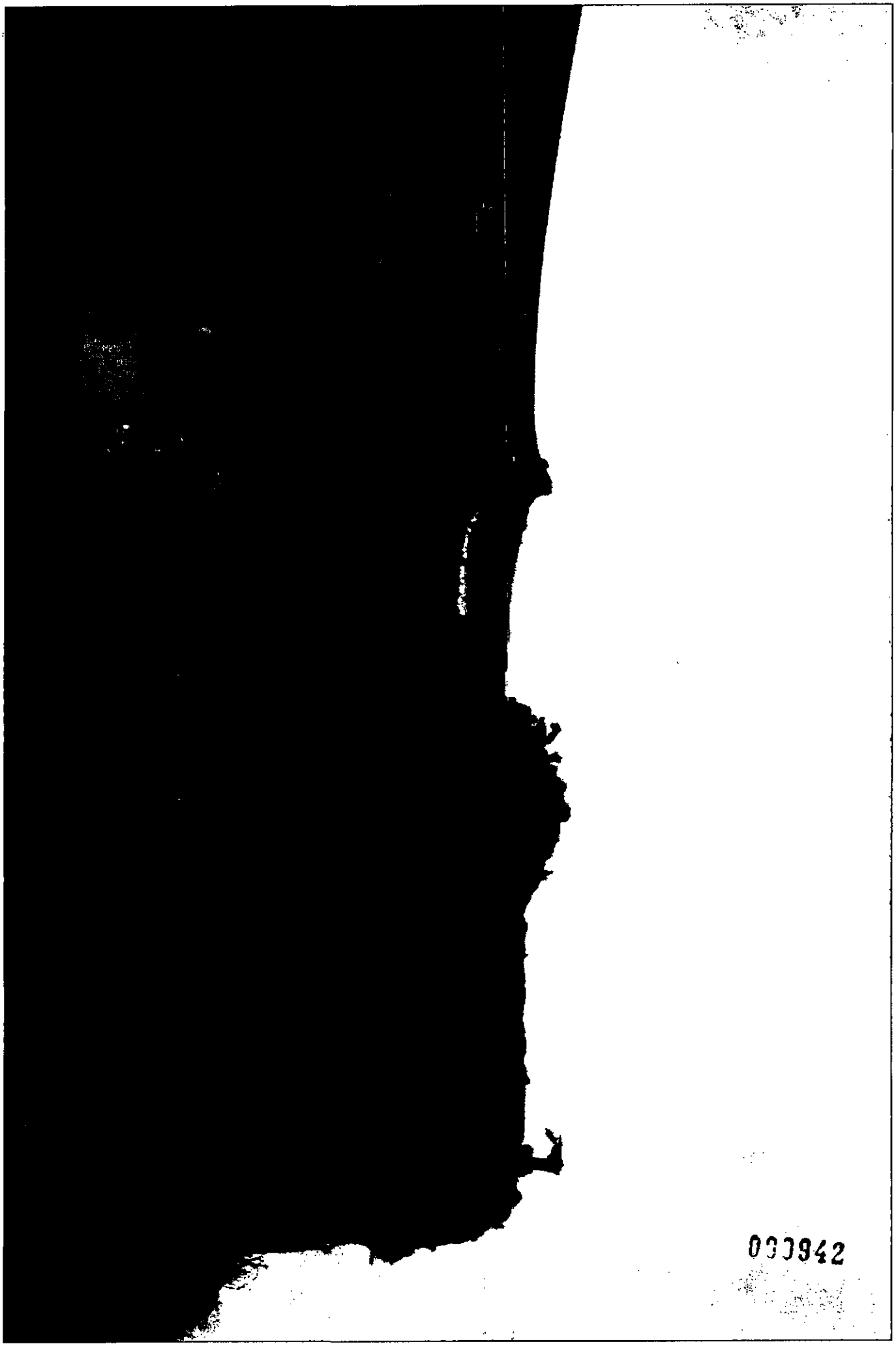

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UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJA

10 June 2004

MEMORANDUM FOR COMMANDER, AHRC, ATTN: AHRC-PEC (MAJ GOINS), 200 STOVALL STREET, ALEXANDRIA, VA 22332-0670

SUBJECT: Release of Report - Friendly Fire Investigation 75th Ranger Regiment, Afghanistan, 22 April 2004

1. On 28 May 2004, the Commander, USCENTCOM, approved the subject report of investigation (enclosure). This report is forwarded to your office for appropriate coordination and release to the next of kin of CPL Patrick D. Tillman, A Company, 2d Battalion, 75th Ranger Regiment, U.S. Army.

2. In arriving at the releasable version of the report, all personal information to include names and social security numbers were redacted in order to preserve the personal privacy of those service members. Classified information involving unit orders, locations and names, also was redacted in order to preserve the safety of the units involved.

3. This command will not release any other copies of the report until after release of the report to the next of kin. Accordingly, we request you inform this office when release to the next of kin has been accomplished. My point of contact is [redacted], DSN 651-6422.

[redacted]

Encl
Report of Investigation
(Redacted)

COL, U.S. ARMY
Assistant Staff Judge Advocate

(b) (6)

000943

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EXHIBIT 138

CCJA

28 MAY 2006

MEMORANDUM FOR

Commander, [redacted] Afghanistan
APO AE 09354
Commander, U.S. Army Special Operations Command, Fort Bragg, North Carolina 28310
Commander, Special Operations Command Central, MacDill AFB, Florida 33621-5101

SUBJECT: Report of Fratricide Investigation

REF: DoD Instruction 6055.7, 3 OCT 00, Subject: Accident Investigation, Reporting, and Record Keeping

1. The enclosed investigation was prepared in compliance with the reference and has been approved. It is forwarded for evaluation and any action you deem appropriate to incorporate relevant lessons learned.

2. All requests concerning the report made pursuant to the Freedom of Information Act and/or Privacy Act should be forwarded to USCENTCOM, attention FOIA officer.

for John F. Abizaid

JOHN P. ABIZAID
General, U.S. Army

Encl

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EXHIBIT 138

[redacted]

DEPARTMENT OF THE ARMY
Headquarters, 75th Ranger Regiment
Bagram Airfield, Afghanistan

AORG-CO (15-6) 8 May 2004

MEMORANDUM FOR [redacted] 75th Ranger Regiment, Bagram Airfield, Afghanistan

SUBJECT: Investigating Officer Appointment

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the events and circumstances surrounding the death of CPL Patrick D. Tillman, A Company, 2d Battalion, 75th Ranger Regiment, on the night of 22 April 2004.

2. In your investigation, use informal procedures under AR 15-6. You are directed to make findings and recommendations on the following:

a. Any significant events that occurred before, during and after CPL Tillman's death;

b. Any circumstances that may have led to or contributed to CPL Tillman's death;

c. Any evidence that indicates CPL Tillman's death was the result of "friendly fire" or fratricide;

3. If in the course of your investigation you suspect that certain people may be criminally liable for CPL Tillman's death, then you must advise them of their rights under the UCMJ, Article 31, using the Rights Warning Procedures, DA Form 3881. I strongly encourage you to obtain assistance with these legal matters from the Regimental Judge Advocate.

4. Submit your findings and recommendations on DA Form 1574 to this headquarters, ATTN: AORG-CO, within 7 days.

[redacted]
COL, IN
Commanding

000945

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EXHIBIT 138

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [redacted] Commanding
(Appointing authority)

on 8 May 2004 *(Anach inclosure 1. Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*
(Date)

SECTION II - SESSIONS

The *(investigation) (board)* commenced at _____ *(Place)* at _____ *(Time)*

on _____ *(If a formal board met for more than one session, check here* ☐ *. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*
(Date)

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at _____ *(Time)* on _____ *(Date)*

and completed findings and recommendations at _____ *(Time)* on _____ *(Date)*

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES	YES	NO[1]	NA[2]
Inclosures *(para 3-15, AR 15-6)*			
Are the following inclosed and numbered consecutively with Roman numerals: *(Attached in order listed)*			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? *(See item 9, below)*			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements *(Certificate, if statement provided orally)?*			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered *(e.g., absence of material witnesses)?*			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers *(other than evidence)* relating to administrative aspects of the investigation or board?			X

FOOTNOTES: *1/ Explain all negative answers on an attached sheet.*
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

000946

DA FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE. Page 1 of 4 pages

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EXHIBIT 138

		YES	NO	NA#
2	Exhibits *(para 3-16, AR 15-6)*			
	a. Are all items offered *(whether or not received)* or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			X
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions *(if substituted for real or documentary evidence)* properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board *(para 3-6b, AR 15-6)*?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit *(para 3-16d, AR 15-6)*?			X
3	Was a quorum present when the board voted on findings and recommendations *(paras 4-1 and 5-2b, AR 15-6)*?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS *(Chapter 5, AR 15-6)*				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment *(para 5-3b, AR 15-6)*?			
5	Was a quorum present at every session of the board *(para 5-2b, AR 15-6)*?			
6	Was each absence of any member properly excused *(para 5-2a, AR 15-6)*?			
7	Were members, witnesses, reporter, and interpreter sworn, if required *(para 3-1, AR 15-6)*?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence *(para 5-2d, AR 15-6)*?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED *(Section II, Chapter 5, AR 15-6)*				
9	Notice to respondents *(para 5-5, AR 15-6)*:			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began *(or otherwise was absent during part of the proceedings)*:			
	a. Was he properly notified *(para 5-5, AR 15-6)*?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel *(para 5-4c, AR 15-6)*?			
11	Counsel *(para 5-6, AR 15-6)*:			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here [ ] *)*			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy *(or, if oral, a summary)* of the request and the action taken on it included in the report *(para 5-6b, AR 15-6)*?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality *(para 5-7, AR 15-6)*:			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to *(para 5-8a, AR 15-6)*:			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument *(para 5-9, AR 15-6)*?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses *(para 5-8b, AR 15-6)*?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it *(para 5-11, AR 15-6)*?			

FOOTNOTES: *1. Explain all negative answers on an indicated sheet.*
2. Use of the Not column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or hearing.

Page 7 of 7 pages DA Form 1574, Mar 84

EXHIBIT 138

FOR OFFICIAL USE ONLY

SECTION IV - FINDINGS *(para 3-10, AR 15-6)*

The *(investigating officer) (board)*, having carefully considered the evidence, finds:

SEE ENCLOSURE 1, FINDINGS.

SECTION V - RECOMMENDATIONS *(para 3-11, AR 15-6)*

In view of the above findings, the *(investigating officer) (board)* recommends:

SEE ENCLOSURE 2, RECOMMENDATIONS.

FOR OFFICIAL USE ONLY

EXHIBIT 138

SECTION VI - AUTHENTICATION *(para 3-17, AR 15-6)*

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. *(If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)*

(Recorder)	[redacted] *(Investigating Officer) (President)*
(Member)	*(Member)*
(Member)	*(Member)*

SECTION VII - MINORITY REPORT *(para 3-13, AR 15-6)*

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. *(In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)*

(Member)	*(Member)*

SECTION VIII - ACTION BY APPOINTING AUTHORITY *(para 2-3, AR 15-6)*

The findings and recommendations of the (*investigating officer*) ~~(board)~~ are (*approved*) ~~disapproved~~ ~~(approved with following exceptions/substitutions)~~. *(If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)*

[redacted]

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ENCLOSURE 1

[redacted]

SECTION IV - FINDINGS

PURPOSE.

The purpose of this Army Regulation 15-6 investigation is to investigate the events and circumstances that led to the death of Corporal Patrick D. Tillman on the afternoon of 22 April 2004 in the vicinity of Speyrah, Afghanistan. My findings and recommendations are based on numerous witness interviews, a review of unit SOPs, and an examination of other relevant evidence.

My findings lead me to believe that CPL Tillman's death was the result of fratricide during an extremely chaotic enemy ambush. The major factors that contributed to the accidental death were the following: 1) insufficient command and control measures established at the Cross Functional Team Headquarters, Company and Platoon level; 2) failure to execute fire control/fire distribution procedures to standard at the Squad level; and 3) failure to positively identify targets as friend or foe at the individual level. My recommendations will address each of the above with respect to the persons I believe should be held accountable and the appropriate actions that should be considered levied against each.

BACKGROUND.

- Company A's Clearance in Zone Operations (13-20 April 2004).

On 13 April 2004, Company A, consisting of 1st and 2nd Platoons, Company A, 2nd Battalion, 75th Ranger Regiment (1/A and 2/A) and 1st Platoon, Company C, 2nd Battalion, 75th Ranger Regiment (1/C) infiltrated Joint Special Operations Area (JSOA) [redacted] via Ground Assault Convoy (GAC) (1/A and 2/A) and rotary wing air assault (1/C). Company A's mission was to clear zones 30-34 and 38-39 to kill/capture any Anti-Coalition Members/Forces (ACM/ACF) (Enclosure 1). The Company A clearance operations in zone concluded on 20 April 2004 at which time 1/A conducted a GAC back to [redacted] 1/C moved into Pick-up Zone (PZ) posture for rotary wing exfiltration on the evening of 21 April 2004 and 2/A assembled in the vicinity of Border Crossing Point (BCP) #5, Afghanistan ([redacted]) to conduct refit operations and troop leading procedures (TLPs) on 21 April 2004 for the Platoon's follow-on operations in the northwestern portion of JSOA [redacted], specifically zones 25-27, on 22-23 April 2004 (Enclosure 2).

- 2/A Refit Operations and TLPs (21 April 2004).

On the evening of 20 April 2004, one of 2/A's Ground Mobility Vehicles (GMV) was reported as non-mission capable (NMC) (Enclosure 14). The Platoon's mechanic, [redacted] diagnosed the GMV's deadline deficiency as an inoperable fuel pump. With 21 April 2004 dedicated to refit operations and TLPs, the Platoon could wait for the fuel pump that was to arrive on the rotary wing resupply the evening of 21 April 2004. At approximately 2330z, 21 April 2004, the resupply occurred and the fuel pump was delivered.

- Company A Commander and Executive Officer depart JSOA [redacted] (21 2330z April 2004).

[redacted] the [redacted] Commander, and [redacted] the [redacted] Executive Officer (XO), had been commanding and controlling Company A's clearance operations in zone throughout the Company's employment in JSOA

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[redacted] With clearance operations complete on the night of 20 April 2004, the 2nd Battalion, 75th Ranger Regiment Commander, [redacted] directed that [redacted] depart for [redacted] in order to refit and conduct planning for follow-on Company operations in Area of Operation (AO) [redacted] (Enclosure 10). [redacted] directed that his XO, [redacted], fly out with him on the resupply aircraft so that [redacted] could focus on the Company's vehicle maintenance and class of supply refit prior to the conduct of operations in AO [redacted]. [redacted] decision to leave no Company command and control element with 2/A was based on his trust and confidence in 2/A's demonstrated abilities, the upcoming mission in AO [redacted], and the Battalion Commander's directive to come out of zone (Enclosure 11). After the Commander and XO's departure, the only forces remaining in the previous Company A AO was 2/A, consisting of the Platoon Leader, [redacted], 34 Rangers under his charge, and nine vehicles comprised of two Non Standard Tactical Vehicles (NSTVs), four GMVs (one NMC), one up-armored vehicle (M1114), and two cargo vehicles (M1097A2).

- Fuel Pump fails to repair NMC GMV (early morning of 22 April 2004).

Sunrise on 22 April 2004 occurred at 0042z. It was approximately at this time that [redacted] commenced work to install the new fuel pump on the NMC GMV. At approximately 0300z, [redacted] informed [redacted] the [redacted] Platoon Sergeant, that the fuel pump did not fix the GMV and that it would have to be towed with tow straps since the Platoon did not have a tow bar (Enclosures 14 & 15). [redacted] developed a plan to tow the NMC GMV to the next zone that he and 2/A were to begin to clear that day -- Zone 26a. To facilitate the platoon's movement, the Afghanistan Military Forces (AMF) Commander from BCP #5 attached four of his AMF Soldiers with two NSTVs to his Platoon for the purpose of guiding 2/A on the best road network, given the towed vehicle, to get into zone (Enclosure 14). The Platoon commenced movement on the planned route at approximately 0400z (Enclosure 15).

- 2/A conducts GAC to Zone 26a (22 0400-0754z April 2004).

[redacted] reported to the [redacted] Tactical Operations Center (TOC) 22 0514z April 2004 that his GAC was at WB 5158 6249. At 0530z, he reported his GAC's location at WB 5061 6383. At 0604z the 2/A GAC passes through WB 5116 6565. The next report the [redacted] TOC received from [redacted] (0647z) was that he required a recovery vehicle at his position, WB 5089 6970, vicinity the Village of Margarah (Enclosure 5). [redacted] determined that the vehicle could no longer be towed by a GMV as the NMC GMV's front suspension was "out" on both the left and right sides; the front fender was almost touching the tires; it could no longer be steered due to the shocks/suspension being broken; and, the steering box was nonfunctional (Enclosure 12).

Between 0647z and 0754z, the Platoon discussed courses of action (COAs) on how to best recover the NMC GMV back to [redacted] without further destroying the front-end of the NMC GMV and not damage one of 2/A's other vehicles. At 0754z, [redacted] reported to [redacted] that they wanted to sling load the NMC GMV from WB 50912 69409 (Enclosure 5). The Staff at [redacted] submitted the request to CJTF-180 for one CH-47 Chinook Helicopter to move to the requested Pick-up Zone (PZ) and airlift the NMC GMV back to [redacted]. Approximately 3-4 hours later, CJTF-180 informed [redacted] that the request in essence was denied and that the earliest the disabled vehicle could be airlifted was within 3-4 days (Enclosure 10).

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- Course of Action Development to Recover the Disabled GMV (22 1130z April 2004).

Shortly after the denied sling load request, at approximately 22 1130z April 2004, the [redacted] Commander [redacted] informed [redacted] that "we had better not have any more delays due to this vehicle (or something to that effect)". The [redacted] Staff developed a plan to provide security escort (1/C) for a wrecker to meet 2/A in the vicinity of the intersection at WB 558 825. [redacted] intent was for the entire platoon to make the movement as he felt there was enough time to linkup, turn over the disabled vehicle to the wrecker and 1/C security element, and return to JSOA [redacted] to begin clearance operations in Zone 26a at first light, 23 April 2004 (Enclosure 10).

[redacted] and [redacted] both in the [redacted] TOC, wargamed options for 2/A to recover the NMC GMV to the linkup point. While wargaming with [redacted] was conversing via [redacted] Email with [redacted] stated that he could hire a Jinga Truck and driver to tow the NMC GMV to the linkup point for $120. [redacted] also provided three COAs to [redacted] on how he could conduct the tactical movement with his platoon: 1) split section – send one section with the disabled GMV and the other to their respective objective; 2) send the entire Platoon to the linkup point, drop off the disabled GMV, and divert back to the objective; or 3) send the entire Platoon with the disabled GMV back to [redacted] (Enclosure 12).

- The Course of Action Decision (22 1310z April 2004).

[redacted] discussed the options with [redacted] and upon confirming the number of heavy guns that were within the Platoon, relayed [redacted] to [redacted] the following: "1) let me know when you SP with the Jinga and broken vehicle; 2) send one section along with both mortar vehicles back to the linkup point. Both mortar vehicles, the 81 tubes, the mortar personnel along with the Snipers need to come back to [redacted], so send them with the broken vehicle. Keep the 60 mortar section with you; 3) send one section into your next objective area to start clearing. The escort section will meet you in zone after they drop off the broken vehicle" (Enclosure 12).

Upon receipt of the above [redacted] message, [redacted] strongly recommended through [redacted] that [redacted] reconsider splitting his Platoon's movement due to security issues and the fact that there would be no value added in sending a single section to the objective area because it would be near dark and clearing villages and high ground was only done during hours of daylight, given the current tactics, techniques and procedures (TTPs) the Company was using (Enclosures 12-15).

[redacted] was directed to execute split section movement to ensure the section without the NMC GMV could "get boots on the ground" prior to nightfall (Enclosure 14). Again, [redacted] requested reconsideration, this time on [redacted] communications, in the hope that [redacted] or [redacted] would overhear the conversation and intervene / overrule the COA (Enclosure 14). Neither heard the conversation and [redacted] again relayed the orders of executing movement in split section.

- 2/A TLPs prior to Movement (22 1315z April 2004).

[redacted]

[redacted] understanding but not agreeing with his orders, commenced hasty TLPs in preparation for the movement. In essence, the Platoon would move in two Serials – Serial 1 would consist of 16 Rangers and four AMF Soldiers moving in six vehicles (one GMV, one M1114 up-armored vehicle, and four NSTVs) and Serial 2 would consist of 19 Rangers and two local nationals moving in five vehicles (two GMVs, two M1097A2 cargo vehicles, and the Jinga Truck towing the NMC GMV) (Enclosure 7). The two Serials would conduct movement on two separate routes – Serial 1 on a northwestern route (Margarah to Manah) and Serial 2 on a northern route (Margarah to Tit to Afzal Kheyl to Ragay) (Enclosure 1).

- 2/A Commences Movement (22 1330z April 2004).

At approximately 1330z, five plus hours after having arrived in the Village of Margarah with the NMC GMV, Serial 1 commenced movement to the vehicle drop-off point (VDO) just north of the Village of Manah (Enclosure 26). Serial 1's movement was uneventful while they moved through the restricted terrain towards Manah.

Serial 2 commenced movement on their planned route approximately five minutes after Serial 1 (Enclosure 26). The Jinga Truck and towed NMC GMV was third in order of movement, behind the lead GMV that was commanded by [redacted], and then one of the M1097A2 cargo vehicles, commanded b[redacted]. The Platoon Sergeant, [redacted] commanded the trail vehicle of Serial 2, a GMV. Serial 2's movement was unimpeded until it got to the intersection where the Serial was to take a right and move northeast towards the Village of Tit. The first and second vehicles had already made the turn and were approximately 300-500 meters down the road when [redacted], commander of the Jinga Truck, radioed the Platoon Sergeant and informed him that the Jinga Truck driver could not negotiate the route they had intended to travel on given the NMC GMV in tow. The Jinga driver opted to use the same route that Serial 1 was on.

[redacted] and [redacted] agreed that the Jinga Truck would take the lead position in the convoy as the driver knew the route (Enclosure 25). Both [redacted] and [redacted] vehicles turned around and rejoined the Serial behind the Jinga Truck, second and third in order of movement now, respectively.

- Troops in Contact (22 1404z April 2004).

At 1404z, approximately 30 minutes after Serial 1 commenced movement from the Village of Margarah [redacted] reported troops in contact vicinity WB 497 714 to the [redacted] TOC (Enclosure 5). Hearing loud explosions and seeing tracer fire going into and out of the canyon that Serial 1 had just traveled though, the Rangers and AMF Soldiers dismounted from their vehicles just west of a small village they had passed on their route to the VDO site north of the Village of Manah.

[redacted] immediately directed [redacted] to maneuver his Squad into the fight; [redacted] then informed Corporal Patrick D. Tillman that his Fire Team was now part of his Squad (Tillman's Team belonged to [redacted] Squad that was moving with Serial 2). Once [redacted] Squad task organization was understood by all, he maneuvered his three fire teams 300-400 meters to the north-south ridgeline that was east of the village (100 meters). [redacted] Squad now consisted of his habitual Fire Team A, led by [redacted] his habitual Fire

[redacted]

Team B, led by [redacted], and Corporal Tillman's Fire Team that consisted of [redacted] and an AMF Soldier.

Under [redacted] direction, it was [redacted] intent to move to the north-south ridgeline east of the village to provide overwatching fires and facilitate the assumed Serial 2's safe escape from the ambush's kill zone (Enclosure 16). [redacted] effectively controlled the fires of his teams while continuously attempting to make communications with Serial 2 via [redacted] communications to ensure Serial 2 knew the location of his teams as they drove towards them out of the canyon (Enclosures 16 & 17).

Unable to make an accurate assessment of the situation, [redacted] told [redacted], the Platoon Radio Telephone Operator (RTO), to grab the radio and then [redacted] fell in behind [redacted] Squad. Within about 50 meters or so, [redacted] recognized that his RTO and Forward Observer (FO), [redacted] were not with him. [redacted] returned to his vehicle to find that [redacted] had set up the [redacted] antennae on the ground. [redacted] had just sent an updated grid of Serial 1's location to the [redacted] TOC, gave the radio handset to [redacted] and then took off at a run to catch up with [redacted] then grabbed the satellite antennae as [redacted] put the radio on his back and they began to maneuver towards [redacted] Squad position.

Throughout the movement, [redacted] and [redacted] heard rounds cracking by their ears but were unable to determine the direction the fires were coming from. Stopping briefly by a wall vicinity the village [redacted] determined that he needed to get closer as a house was obstructing his view of the fight. [redacted] and [redacted] then moved to the southeast corner of the house and observed members of [redacted] Squad pinned down behind the north-south ridgeline with bullets kicking up dirt on the military crest of the ridgeline. It was at that time that [redacted] noticed tracers were coming from the opposite side of the north-south ridgeline of which he recommended that they needed to move to a safer location. As they attempted to move to the other side of the house they were both hit by what they assumed was machine gun fire (Enclosure 14).

- Enemy Composition and Disposition during the Ambush (22 1404z April 2004).

While 2/A spent in excess of five hours in the Village of Margarah, it is my belief that the ACM took advantage of an opportunity that presented itself – ambush the security element that was to travel with the slow moving Jinga Truck towing the NMC GMV. Given the terrain and only two routes that the Jinga Truck could move on, the ACM had a better than 50% chance of knowing which route the Jinga Truck driver would prefer to tow the vehicle on.

CFT [redacted] has recently identified two separate ACM active resistances in the vicinity of where the ambush occurred. [redacted]

Group 1, consisting of 3-6 ACM and a mortar tube with six rounds was positioned on the southern ridge. Group 2, consisting of 6-8 ACM with small caliber weapons was positioned on the northern ridge. Both groups were able to see the movement of Serial 2 into the ambush

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kill zone and were able to overwatch the village that [redacted] and [redacted] were attempting to command, control and provide overwatching fires from. Enclosure 3 depicts what I believe the enemy's disposition and composition were the afternoon the ambush took place.

Mortars, fired from the southern ridgeline, initiated the ambush. Given the steepness and depth of the canyon Serial 2 was moving through, the mortars proved to be ineffective as they careened off the wall of the northern ridge. Direct fires from both the northern and southern ridges also were ineffective as the terrain's sheer relief protected Serial 2 within the bottom of the canyon -- the terrain masked the enemies' ability to get a good line of sight position to effectively fire onto the convoy. [redacted] Squad, in less restrictive terrain was fired upon by both direct and indirect fires of which [redacted] Squad observed and returned fires (Enclosures 14, 16-18, 27-29).

- In the Ambush's Kill Zone (22 1404z April 2004).

Serial 2, now led by the Jinga Truck, entered the restrictive route at approximately 1400z, of which sunset was to occur at 1401z on 22 April 2004. Just prior to 1404z, the first mortar round impacted on the northern wall above the convoy causing rocks to fall. Initially thinking that an Improvised Explosive Device (IED) had exploded, all members of Serial 2 dismounted from their vehicles. When the second and third mortar rounds hit the northern ridge and the convoy began to take small caliber weapons fire, Serial 2 recognized that they were in the kill zone of an enemy ambush and got back into their vehicles in an attempt to quickly drive out of it. The Jinga Truck, however, was inadvertently blocking the convoy's escape due to the restrictive terrain (the southern and northern rock walls were only 5-7 meters apart in places). As vehicle commanders directed Ranger's fires onto enemy muzzle flashes to suppress the enemies' fires, [redacted] aggressively coaxed the Jinga driver to continue to move his vehicle down the road so that the Ranger convoy could eventually get around it (Enclosure 20).

- The Positioning of Corporal Tillman's Fire Team (22 1407z April 2004).

During Serial 2's attempt to get around the Jinga Truck, Corporal Tillman positioned his Fire Team of [redacted] and the AMF Soldier on the eastern side of the north-south ridgeline so that they could better engage/suppress enemy forces (a potential mortar crew and security element) on the southern ridgeline. It was Corporal Tillman's intent to drop his Ranger Body Armor to lighten his load and take his Team across the east-west road that Serial 2 was traveling on so that they could assault the southern ridgeline in hopes to kill/capture the ACM forces that they saw firing from that location. [redacted] disapproved his request and directed him to position his forces in a safe location that could still provide overwatching fires on the southern ridgeline (Enclosure 16).

- Fratricide (22 1413z April 2004).

At approximately 1413z, [redacted] and his GMV that possessed an M2 .50 Caliber Heavy Machine Gun, manned by [redacted], a M240B Machine Gun, manned by [redacted], a M249 Squad Automatic Weapon (SAW), manned by [redacted] and three M4s manned by [redacted] and the driver, [redacted] finally worked their way around the Jinga Truck and out of the ambush kill zone, or so they thought. Upon coming around a bend in the road (200 meters east of the north-south ridge that [redacted] and his three Fire Teams occupied),

[redacted]

[redacted] saw the muzzle flashes from the AMF Soldier that was engaging enemy forces on the southern ridgeline.
Observing what he thought was an enemy soldier firing an AK-47, [redacted] engaged the AMF Soldier until the AMF Soldier stopped firing (Enclosure 19). In accordance with the Platoon's standing fire control and distribution operating procedures, when [redacted] commenced firing as the Squad Leader and Vehicle Commander, all members of his vehicle were to orient their weapon systems, positively identify their targets, and engage said targets if determined that they were enemy [redacted] responsible as a Squad Leader to maintain situational awareness and effectively direct his men's fires, admitted to me that he had "tunnel vision" and failed to see the other friendly forces on the north-south ridgeline. [redacted] and [redacted] each claimed to have seen shapes on the ridgeline in the vicinity of where [redacted] was engaging the AMF Soldier. All, without positively identifying the shapes, fired bursts of machine gun fire into the shapes.

One of the shapes they were engaging was Corporal Tillman who had just returned from coordinating his Team's future actions with [redacted]. After taking fir[redacted] Tillman and [redacted] eventually assessed that they were being fired on by the GMV that was quickly approaching their position. Corporal Tillman and [redacted] efforts to identify themselves as friendly forces to [redacted] GMV failed. In the prone position, both yelled and waved. It wasn't until Corporal Tillman threw a purple smoke that the firing subsided to the point the two of them were confident the fighting was over and they both stood up. Upon standing, the machine gun fires commenced again. [redacted] immediately returned to his covered position and Corporal Tillman received his mortal wounds (Enclosure 18). [redacted] GMV then moved beyond the east side of the north-south ridgeline and focused its fires on the west side.

As [redacted] GMV crested the hill and moved to the vicinity of the small village, he redirected his machine gun crews (now only the M240B and M249 SAW, since the M2 .50 Caliber was out of ammunition) to fire into the west side of the north-south ridgeline (where [redacted] and his A and B Fire Teams were located). About the same time [redacted] saw the Serial 1 vehicles and yelled "Cease Fire", [redacted] fired a pen gun flare to mark his position. Between [redacted] seeing the pen gun flare and [redacted] finally getting the attention of his temporarily deaf GMV crew members, all weapons ceased firing on the friendly forces that were positioned on the north-south ridgeline.

- The Aftermath (22 1418z April 2004).

Immediately upon the cease fire, [redacted] yelled for help as both Corporal Tillman and the AMF Soldier were down (Enclosure 18). At 1418z, [redacted] reported that their forces were no longer in contact, that they were conducting consolidation, and that they request a MEDEVAC. At 1427z, that [redacted] called in the initial 9-Line MEDEVAC request reporting two Killed in Actions (KIA) (one eagle (Corporal Tillman) and one AMF Soldier). At 1435z, [redacted] sent an updated 9-Line MEDEVAC request that included two eagles Wounded in Action (WIA) ([redacted] and [redacted]). It is my conclusion that while [redacted] was engaging the east-side of the north-south ridgeline, stray rounds/fragmentation went over the ridgeline and struck both [redacted] and [redacted] (Enclosure 19, 20 & 24).

[redacted]

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CONCLUSIONS.

After carefully reviewing the findings, I have drawn several conclusions about the conditions that set the stage for the ambush of the 2/A Platoon and contributed to the fratricidal killing of Corporal Patrick D. Tillman. My conclusions are as follows:

- [redacted] decision to direc[redacted] to split up his platoon to conduct combat operations created serious command and control issues for his Platoon Leader. Conducting combat operations in an area with known enemy activity, it was not unforeseeable that the Platoon could be ambushed. By dividing the Platoon's firepower into two Serials, the ability to mass all of its firepower to defend itself was degraded. Likewise, the task of having to maintain communications between two Serials, both operating independently of each other, in mountainous terrain, contributed to the eventual breakdown in internal Platoon communications.

- The Company Commander's directive to "have boots on the ground" before nightfall created a false sense of urgency for [redacted] and caused him to undertake a difficult combat operation with a hasty plan, limited mission analysis, and abbreviated troop leading procedures. The Commander, whether intentional or not, set the conditions for [redacted] to rush his planning process and mission preparations so that he could, "get boots on the ground."

- [redacted] did not effectively communicate his Commander's Intent to the Company Commander, and [redacted] failed to seek clarification from him[redacted] [redacted] mistakenly interpreted [redacted] remark, spoken out of frustration, as his intent to get the Battalion's operational timeline back on schedule. As a result, [redacted] [redacted] issued the order to split up [redacted] Platoon so that at least one section of the platoon would be in position to conduct village clearing operations on the morning of 23 April. However, since village clearing operations were usually conducted during daylight hours, and the Platoon section traveling to Manah would probably arrive right before nightfall, there was no tactical advantage to splitting up the Platoon sections just to have one section in place before the other arrived.

- [redacted] did not fully comprehend the "friction" his order had generated between his XO and his Platoon Leader. By relying on [redacted] to pass his intent via email messages, [redacted] did not communicate directly with his Platoon Leader. While it is not clear why [redacted] and [redacted] did not speak directly with each other, the lack of direct communication between the two key leaders contributed to the overall confusion of how the Platoon would conduct split platoon combat operations.

- The [redacted] TOC may have "battle tracked" the platoon's movements, but key leaders were not aware of the exact plan for conducting the split platoon operations; what routes were being traveled once the plan had changed; or that the platoon had commenced movement during daylight hours in violation of the Battalion Commander's prohibition against doing so without his authorization. As a result, the [redacted] Commander, Staff, Company Commander and XO, were caught "off-guard" when Serial 2 was ambushed in the canyon just west of the Village of Tit.

[redacted]

- Relying on a local Jinga Truck driver to tow the broken GMV was ingenious and resourceful, but it also added an unknown variable into the combat equation. By allowing the truck driver to take the convoy lead for Serial 2, [redacted] assumed a great deal of risk. The truck driver may have been familiar with local roads, but not on how to lead a military convoy out of a violent ambush. While the driver eventually drove the truck forward, allowing others to pass by him, the delay in moving him just contributed to the chaos that was unfolding during the firefight inside the canyon's walls.

- [redacted] failed to maintain his situational awareness when he allowed himself to become "tunnel visioned" on the AMF Soldier he had engaged. [redacted] failed to properly identify his target, who was 200 meters away, and focused only on the AK-47's muzzle flashes and the "shape" of the figure holding the weapon. As [redacted] fired, his Squad directed their fires, without his command or positive target identification, into the same general area where he fired. Squad Leaders are responsible for directing the fires within their Squad, but [redacted] failed to do so here.

- [redacted] was not in control of his Squad's fires. For at least two of [redacted] machine-gunners, it was their first firefight. [redacted] should have been aware of this fact, and closely supervised where his M2 .50 Caliber and M240B Machine Guns were firing. His failure to do so resulted in the deaths of Corporal Tillman and the AMF Soldier, and the serious wounding of two other [redacted] and [redacted]. While a great deal of discretion should be granted to a leader who is making difficult judgments in the heat of combat, the Command also has a responsibility to hold its leaders accountable when that judgment is so wanton or poor that it places the lives of other men at risk.

- [redacted], and [redacted] all failed to positively identify their respective targets and exercise good fire discipline. Each of them admitted that they could not identify their targets and fired wherever [redacted] was firing his weapon. Their collective failure to exercise fire discipline, by confirming the identity of their targets, resulted in the shootings of Corporal Tillman, [redacted] and the firing upon [redacted] and his Squad.

[redacted]

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ENCLOSURE 2

SECTION V – RECOMMENDATIONS

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

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ENCLOSURE INDEX

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Enclosure 27	[redacted] Statement
Enclosure 28	[redacted] Statement
Enclosure 29	[redacted] Statement

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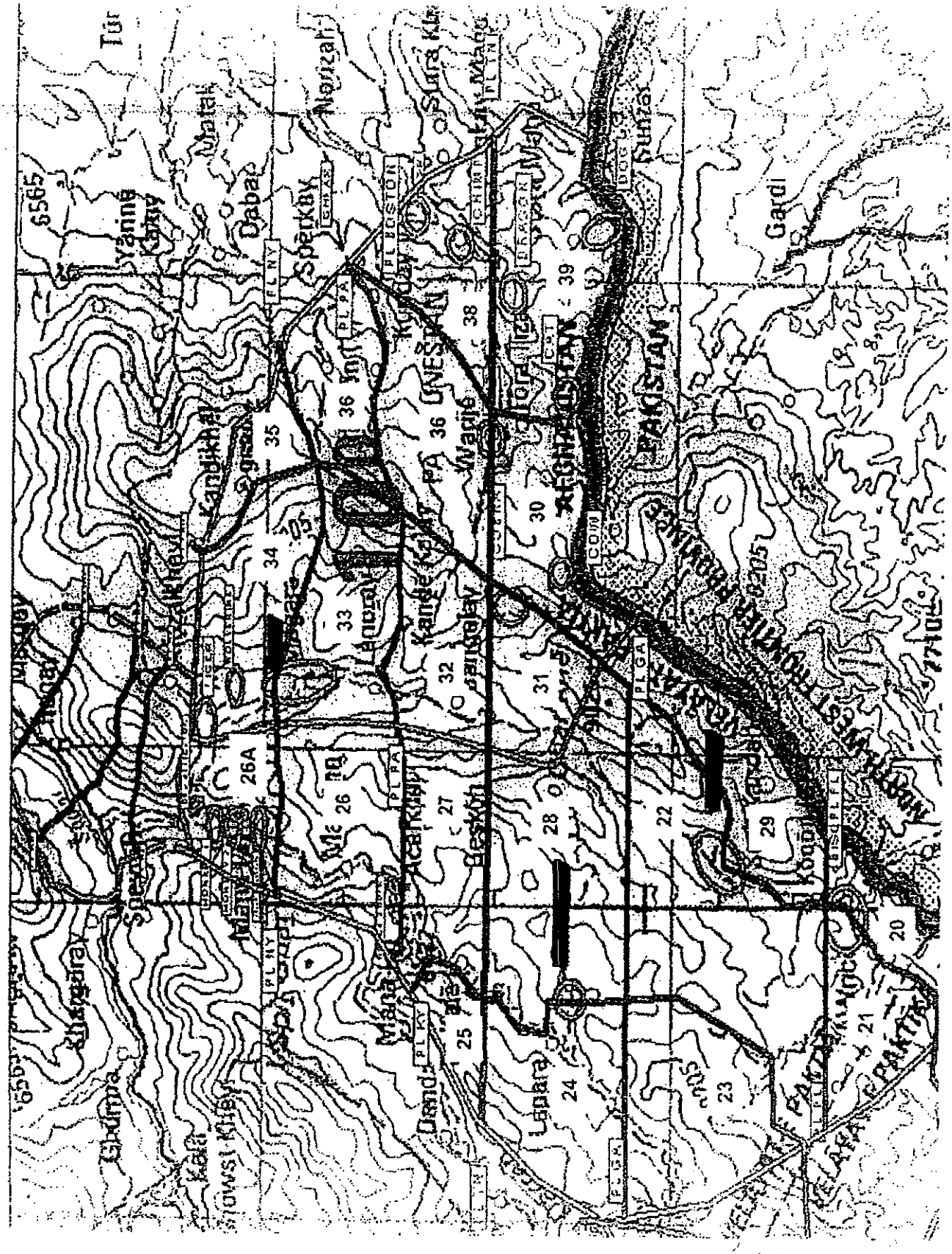

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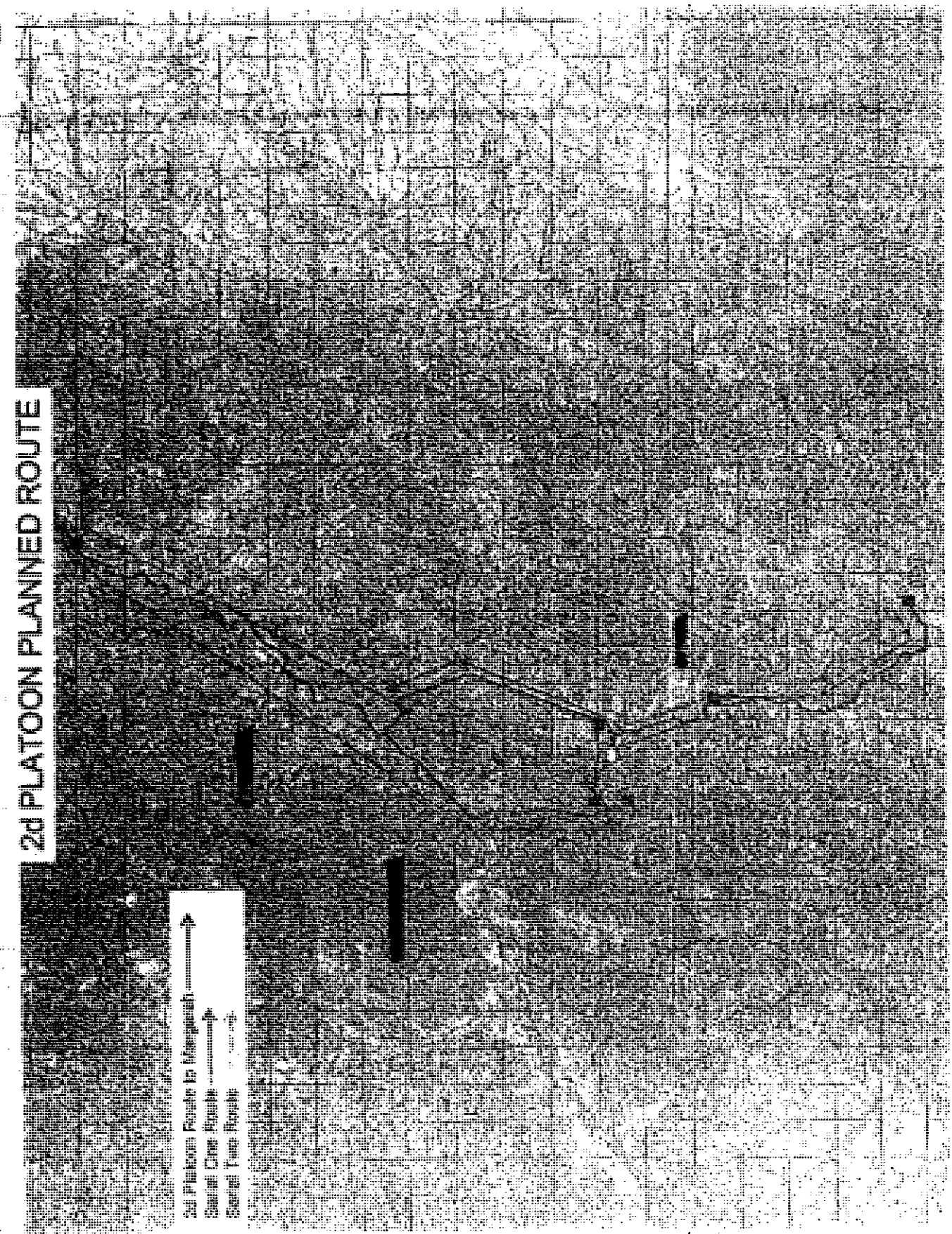

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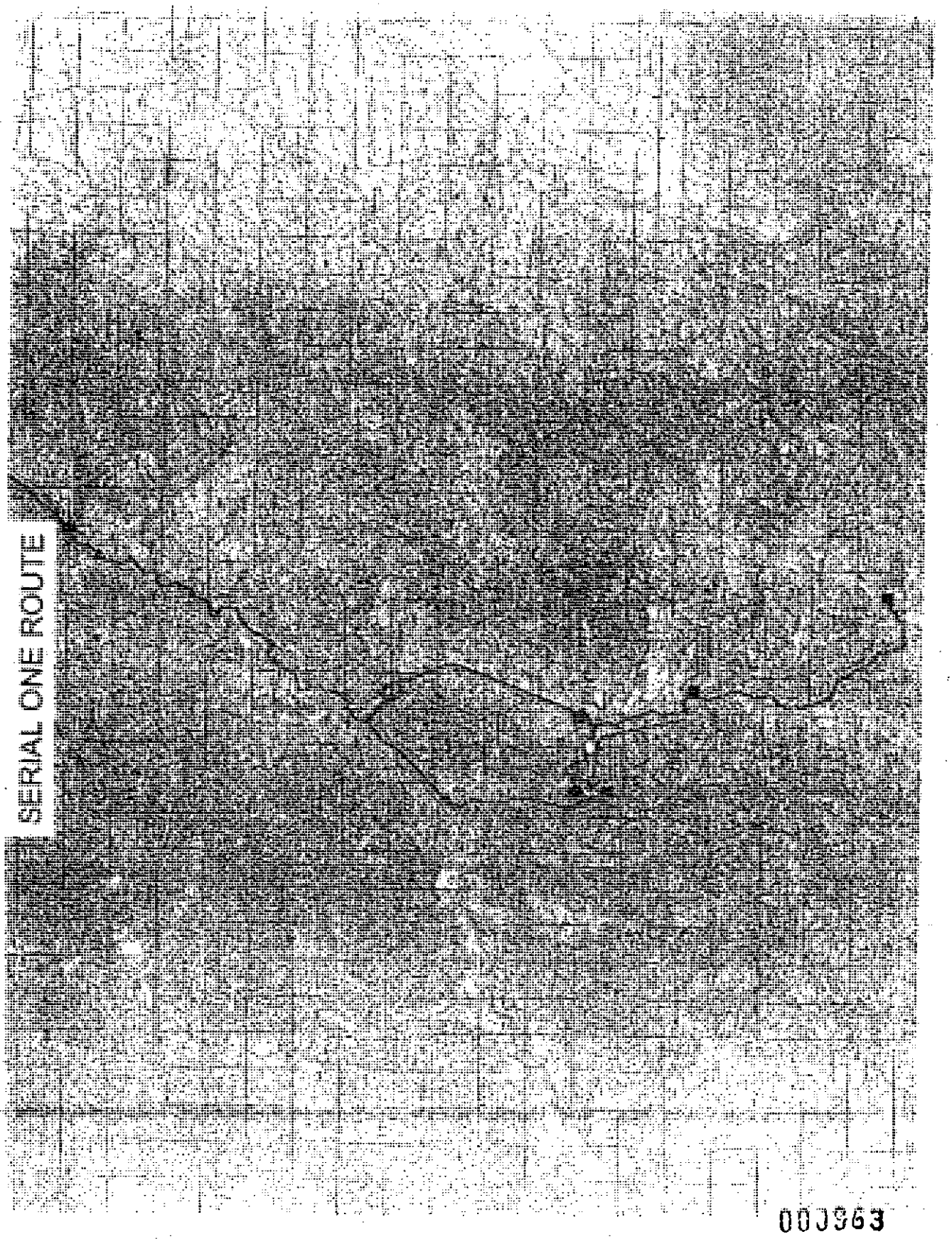

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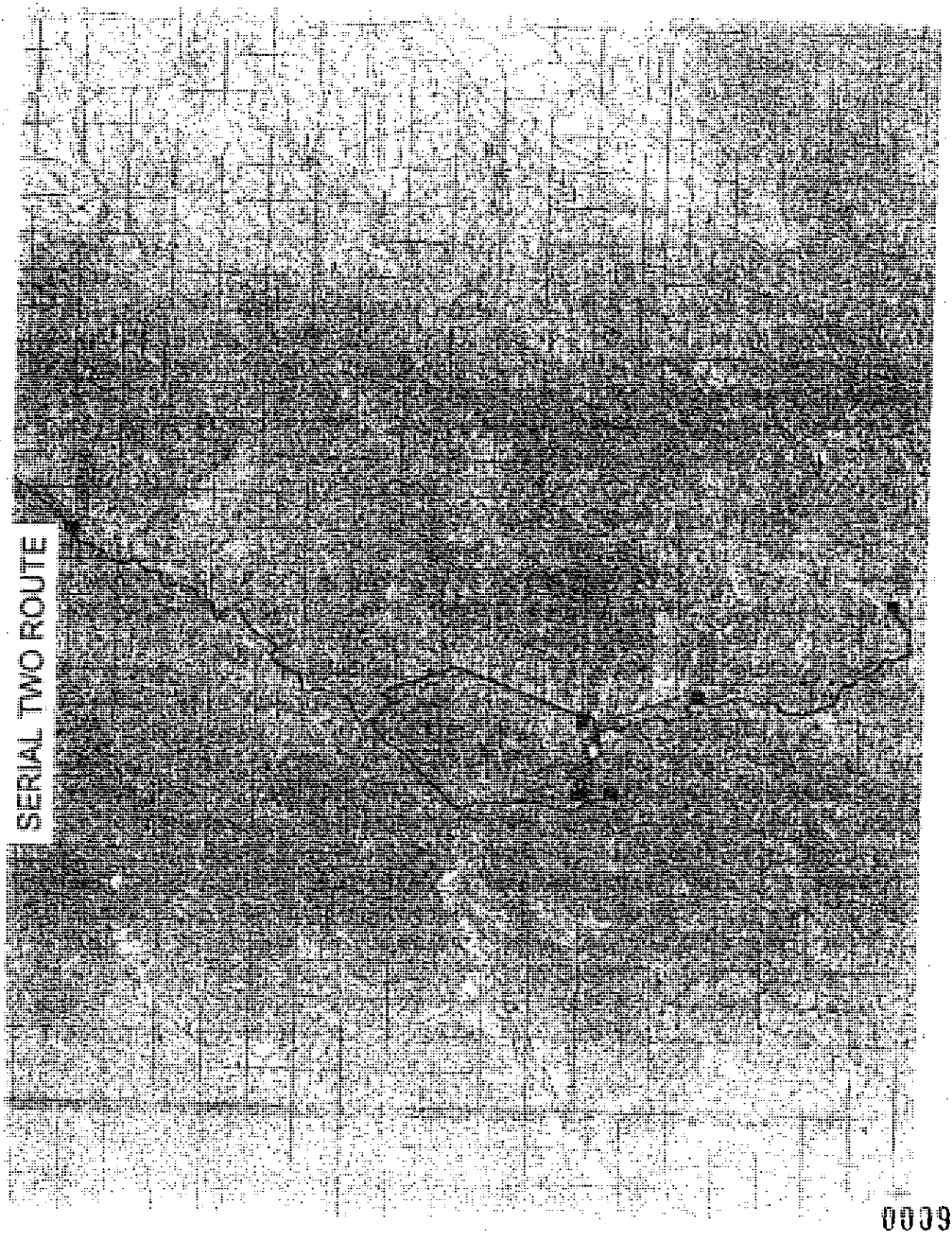

000964

EXHIBIT 138

Classified

b1

000965

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EXHIBIT 138

0013-06-CID201-50048

Classified

b1

009966

EXHIBIT 138

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Bagram Light Data

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EXHIBIT 138

22APR04	NEW TOC LOG	
0030Z	[redacted] TO [redacted] CP15	[redacted]
0047Z	[redacted] RPTS TO [redacted] CP 16	[redacted]
0100Z	[redacted] RPTS TO [redacted] RPTS OP LOCATED AG WB 3729 5754.	[redacted]
0102Z	[redacted] RPTS TO [redacted] CP 2	[redacted]
0125Z	[redacted] RPTS TO [redacted] SHOTS FIRED AG WB 16790 64104. SPOTTED 2 PAX MOVING NORTH TO WEST	[redacted]
0131Z	[redacted] RPTS TO [redacted] NEED DISTANCE AND DIRECTION	[redacted]
0137Z	[redacted] RPTS TO [redacted] CP01	[redacted]
0152Z	[redacted] TO [redacted] NEED INFO ON KIA, 2 X MALES IN LATE OR EARLY 30'S, 2 X AK-47'S, BOTH WERE FOREIGNERS	[redacted]
0230Z	[redacted] RPTS TO [redacted] BLDNG IS SOME TYPE OF FARM. NO SIGNS OF ENEMY, SAW ONE FAMILY, 1 TENT AT WB 371 581. LOT OF PEOPLE MOVING AROUND CONDUCTING DAILY BUSINESS	
0250Z	[redacted] RPTS TO [redacted] 2 X VEH, 6 X PAX DTS [redacted]	[redacted]
0327Z	[redacted] TO [redacted] CP 1	[redacted]
0418Z	[redacted] TO [redacted] CP Y01	[redacted]
0514Z	[redacted] TO [redacted] LOC AG WB 5158 6249	[redacted]
0514Z	[redacted] TO [redacted] CP G01	[redacted]
0526Z	[redacted] TO [redacted] CP G02	[redacted]
0530Z	[redacted] TO [redacted] LOC AG WB 5061 6383	[redacted]
0542Z	[redacted] TO [redacted] L/U AG WB 4173 6001	[redacted]
0604Z	[redacted] TO [redacted] LOC AG WB 5116 6565	[redacted]
0620Z	[redacted] TO [redacted] DPT [redacted] ENROUTE TO [redacted] 2 X GMV'S, 7 X PAX.	[redacted]
0625Z	[redacted] TO [redacted] CP G02	
0647Z	[redacted] TO [redacted] LOC AG WB 5089 6970 W/ DISABLED GMV. NEEDS A RECOVERY VEH AT HIS POSITION	[redacted]
0650Z	[redacted] TO [redacted] [redacted] 15 MICS FROM VDO.	
0754z	[redacted] REPORTS THEY WANT TO SLING LOAD THE GMV WHICH IS LOCATED AT GRID WB 50912 69409	[redacted]
0829z	[redacted] REPORTS TO [redacted] THAT THEY ARE ENROUTE TO [redacted] LOCATION	[redacted] TO [redacted]
1404z	[redacted] RPTS TIC VIC 42WB 497 714 UNKNOWN SIZE ELEMENT	[redacted]

EXHIBIT 138

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1405z	REQUESTS FOR CAS ASSETS ARE BEING SENT UP	[redacted]
1406z	[redacted] ELEMENT (MARINE AH-1) REPORTS THAT THEY WILL RESPOND	[redacted]
1413z	[redacted] RPTS HEAVY CONTACT HIS POSITION FROM HIGH GROUND	[redacted]
1418z	[redacted] RPTS TROOPS NO LONGER IN CONTACT- CONDUCTING CONSOLIDATION REQUESTS MEDEVAC	[redacted]
1420z	[redacted]	[redacted]
1421z	[redacted] RTPS [redacted] ELEMENT (AH1) IS ENROUTE, 20 MIN ETA	[redacted] TO [redacted]
1427z	[redacted] RPTS INITIAL 9-LINE -2X KIA (1X EAGLE, 1X AMF)	[redacted]
1435z	[redacted] SENDS FOLLOWING UPDATE TO 9 LINE -LOCATION: 42SWB 487 714 - CAX: 2X WIA EAGLES AMBULATORY, 2X KIA (1X EAGLE, 1X AMF)	
1439z	[redacted] SP [redacted] FOR [redacted] LOCATION: RTE [redacted] 5 VEHICLES, 38 PAX	
1440z	[redacted] ELEMENT PUSHING MEDEVAC TO [redacted] LOCATION ALONG WITH AH-1 SUPPORT. MEDEVAC C/S- [redacted] [redacted] IN THE RED [redacted] ETA AT HLZ: 1500	[redacted]
1445z	[redacted] (AH1) RPTS TEST FIRE COMPLETE ENROUTE OBJ	[redacted]
1450z	[redacted] ELEMENT (AH-1) RPTS 10 MINUTES OUT	[redacted]
1456z	[redacted] RPTS CP1 ENROUTE TO [redacted]	
1457z	[redacted] RPTS CP 410	[redacted]
1500z	[redacted] RPTS S- 15-20 ACM A- MTR FIRE AND DF SMALL ARMS, ATTACKED FROM HIGH GROUND. L- 42S WB 497 714 INTIAL CONTACT, MOVED TO 42SWB 487 714 T- 221413APRz	[redacted]
1505z	[redacted] RPTS LINK-UP WITH [redacted] ASSISTING IN MEDEVAC	[redacted]
1505z	[redacted] RPTS MEDEVAC A/C ARRIVING HLZ	[redacted]
1508z	[redacted] RTS TO [redacted]	[redacted]
1511z	[redacted] REQUESTS CHECK-IN FREQ FOR FAST MOVERS	[redacted]

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EXHIBIT 138

1517z	1ST MEDEVAC AIRCRAFT DPT PZ FOR [redacted]	[redacted]
1526z	2ND MEDEVAC AIRCARFT DPT PZ FOR [redacted]	[redacted]
1529z	[redacted] RPTS CP 409	[redacted]
1535z	[redacted]	[redacted]
1539z	BOTH MEDEVAC A/C ARR [redacted]	[redacted]
1544z	[redacted] RPTS CURR POS IS 42SWB 6156 8526	[redacted]
1546z	[redacted] RPTS CLEARING REMAINDER OF BUILDINGS VIC OF TIC	[redacted]
1547z	[redacted] SENDS SITREP: [redacted] CURRENTLY CLEARING THE HIGH GROUND VIC OF CONTACT. [redacted] RPTS THAT THEY ARE CONTINUING TO SECURE AREA [redacted]	[redacted]
1550z	[redacted] RPTS HE IS STOPPED ON RTE [redacted] VIC 42SWB 60150 85145 APPROX. 90 MINUTES FROM [redacted] POSITION	[redacted] TO [redacted]
1600Z	[redacted]	[redacted]
1611Z	[redacted] RPTS TO [redacted] - KIA ROSTER #- AT9060, AMBULATORY ROSTER # - AU2633, AL4640	[redacted]
1616Z	[redacted] RPTS TO [redacted] - PUCING INDIVIDUALS IN JENGA TRUCK, THESE GUYS SAY THE TRUCK AND ROUTE NEVER GOT HIT.	[redacted]
1635z	[redacted] REPORTS THAT [redacted] IS CURRENTLY CLEARING THE VILLAGE, THEY HAVE A FEMALE AND A MALE IN CUSTODY, THE FEMALE ISBEING RESPONSIVE TO QUESTIONING, THE MALE IS NOT, SHOWING THAT HE HAS SOMETHNG TO HIDE, THEY HAVE ALSO PUCd THE TWO DRIVERS BUT HAVE NOT STARTED QUESTIONING THEM YET, THEY WILL SEND A SITREP AFTER THEY ARE QUESTIONED.	[redacted]
1650z	[redacted] WORKING TO EXFIL AT9060, THEY NEED THE HLZ GRID	[redacted]
1710z	[redacted] CALLED [redacted] FOR GRID TO THE HLZ FOR PICK UP OF THE KIA AND LOCATION WITHIN	[redacted] TO [redacted]

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EXHIBIT 138

	THE VILLAGE	
1712z	[redacted] REPORTS THE HLZ GRID AS 4871 7143	[redacted]
1718z	[redacted] RESONDED TO [redacted] DIRECTING THEM TO [redacted] TO [redacted] MARK THE HLZ [redacted]	
1720z	[redacted] REPORTED THAT THE TWO JINGA RUCK DRIVERS HAD GOOD STORIES, THE TERP STATED THAT WHEN HE TOLD THEM TO GET DOWN THEY JUST LAUGHED	[redacted]
1724Z	[redacted]	[redacted]
1725Z	[redacted] TO [redacted] - AG WB 486 714 IS THE TOWN OF SREAKAHN	[redacted]
1805Z	[redacted] TO [redacted] LEAVING PUC W/ 2/A ELEMENT	[redacted]
1809Z	[redacted] TO [redacted] - RPTS ETA 1823	[redacted]
1817Z	[redacted] C [redacted] NEED INFO ON HLZ. [redacted] SENDS HLZ SECURE: TAKE HEADING 060 RIGHT SIDE 50M ROCKS LEFT SIDE. HLZ MARKED [redacted]	[redacted]
1820Z	[redacted] TO [redacted] - 1KM FROM YOUR POSITION, HLZ NO LONGER HOT, R/S PULLING SECURITY ON VIC. 2/A SECURING BLDNG ON NORTH SIDE. [redacted] ON LOW GROUND	[redacted]
1854Z	[redacted]	[redacted]
1922Z	[redacted] TO [redacted] - CP507	[redacted]
1936Z	[redacted] TO [redacted] –AFTER REFUEL MOVING TO WB 168 641 AND L/U W/ [redacted]	[redacted]
2010Z	[redacted] TO [redacted] -DPTING TOC1	[redacted]
2023Z	[redacted] TO [redacted] - WAITING TO L/U W/ [redacted] WHEN 2/A WAS ATTACKED THERE WAS ONLY ONE MAN IN VILLAGE. HE IS TOWN ELDER. 1 WOMAN SCREAMED OUT THIS IS AN ACM VILLAGE, THEY COME HERE OFTEN TO SEEK SHELTER. WE CURRENTLY HAVE 1 TERP, WOULD LIKE TO HAVE A THT TEAM.	[redacted]
2035Z	[redacted] TO [redacted] BOTH LOCATED AT @ WB 504 758.	[redacted]
2158Z	[redacted] ETA TO [redacted] 2230	[redacted]
2206Z	[redacted] SENDS GRIDS- 1/A-WB 488 715 CP, 2/A WB 4866 9714 3/2/A WB 4842 7141 3/4/A-WB 4851 7170 3/3/A-WB 4920 7122	[redacted]

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EXHIBIT 138

	3/1- WB 4867 7144 3/1/A- WB 4902 7193. EST. TCP'S AND OP'S N & S END OF VALLEY. PATROLS WILL BE CONDUCTED AT FIRST LIGHT THROUGHOUT THE HILLS, CLEARANCE OF BEDINGS AND WILL PUSH OUT TO SURROUNDING VILLAGES TO SECURE AREA.	
2236Z	[redacted] TO [redacted] CP 511	[redacted]
2241Z	[redacted] TO [redacted] NEED TO KNOW HOW MANY PAX @ OBJ BEAR. [redacted] GOING TO [redacted] THE REST GOING TO [redacted]	[redacted]
2244Z	[redacted] TO [redacted] - CP 516	[redacted]
2323Z	[redacted] TO [redacted] - VEHICLE REAR ENDED, ATTEMPTING TOW. WILL CALL IF NEED FURTHER ASSISTANCE. AG WB 7431 8788	
2335Z	[redacted] TO [redacted] CP 517	[redacted]
23APR04	**NEW TOC LOG**	
0017Z	[redacted] TO [redacted] - ARR @ [redacted]	[redacted]
0133Z	[redacted] TO [redacted] -DETAINED 2 PAX WITH RANGER MAGS FROM AMBUSH SITE LAST NIGHT & MAP SHEET 2983 @ LOCATION OF COMPANY CP AND MFP. MAGS WERE NOT LOADED	[redacted]
0820z	CONFIRMED WITH [redacted] THAT THERE WERE 4 PUCs IN CUSTODY ALTHOUGH THEY MAY ONLY KEEP ONE	[redacted]
1100z	BATTALION CONFERNCE CALL ON [redacted]	[redacted]
1200z	REGT CONFERENCE CALL ON [redacted]	[redacted]
1200z	[redacted] TO [redacted] TROOPS IN CONTACT WB 39671676 AT BCP 209.	[redacted]
1227z	[redacted]	[redacted]
1237	[redacted] TO [redacted] GOING OFF [redacted] FOR A FEW MINUTES IN ORDER TO SEND [redacted]	[redacted]
1241	[redacted] TO [redacted] BACK UP ON [redacted]	[redacted]
1445	[redacted] TO [redacted] AC130 [redacted] START TIME IS AT 1700	[redacted]
1446	[redacted] TO [redacted] CP12	[redacted]
1452	[redacted] TO [redacted] CP11	[redacted]
1457	[redacted] TO [redacted] PULLING IN THE GATE RIGHT	[redacted]

EXHIBIT 138

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	NOW AT [redacted]
1614z	[redacted] TO [redacted] SP FROM [redacted], 4 VEHICLES, 18 [redacted] TO [redacted] PAX
1626z	[redacted] REPORTS CP 7
1634z	[redacted] TO [redacted] REPORTS CP 12
1645z	[redacted]
1650z	[redacted] REPORTS SOUTHERN TCP 48630 70495; NOTHERN TCP 48662 70666; CO CP MORTARS 48644 70578; 1ST PLT OP 4841 7038; 3RD PLT OP 48795 70500
1656z	[redacted] REPORTS CP 6
1700z	[redacted]
1703z	[redacted] TO [redacted] REPORTS CP 14
1709z	[redacted] TO [redacted] REPORTS CP15
1714z	[redacted] TO [redacted] REPORTS CP16
1724z	[redacted] TO [redacted] REPORTS CP 5
1727z	[redacted] TO [redacted] REPORTS ARRIVAL AT OBJ [redacted]
1747z	[redacted] TO [redacted] REPORTS CP 4
1807z	[redacted] REPORTS THERE POSITION AS WB 5474 7989
1809z	[redacted] TO [redacted] REPORTS CP 3
1833z	[redacted] TO [redacted] REPORTS CP 2
1841z	[redacted] REPORTS THAT RIGHT PAST CP 2 ONE OF THEIR GMVs HAS A BROKEN IE ROD, THEY WILL ATTEMPT TO REPAIR THE VEHICLE AND CONTINUE ON.
1856z	[redacted] REPORTS THAT THEY ARE IN THE PROCESS OF CHANGING THE TIRE
1945z	[redacted] REPORTS THAT THE VEHICLE CAN'T BE FIXED, THEY WILL DRAG THE GMV TO THE HARDBALL FOR LINK UP, THEY ARE REQUESTING A WRECKER
2028z	[redacted] REPORTS TO [redacted] THAT THE [redacted] TO OPERATIONAL RESERVE WILL BE ACTIVATED, ALONG WITH A WRECKER FROM THE 501ST
2042z	[redacted] REPORTS THAT THE GMV IS ON TWO WHEELS NOW AND IT WILL BE HARD PRESSED TO GET THE GMV TO THE HARD BALL
2050z	[redacted] REPORTS THAT THE CONVOY IS ON THE MOVE AND THAT THEY WIL LINK UP VIC THE UNDERPASS
2110Z	[redacted] TO [redacted] L/U WITH WRECKER, SPING [redacted]

EXHIBIT 138

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	THROUGH WIRE	
2126Z	[redacted] TO [redacted] UPDATES EVERY HOUR OF WRECKERS LOCATION	[redacted]
2129Z	[redacted] TO [redacted] SPING W/ 51 X PAX, 10 X VEH	[redacted]
2136Z	[redacted] TO [redacted] RELAY TO [redacted] KNOW IF THEY NEED TO TURNON [redacted] THEY HAVE 2 X AMF [redacted] DRIVING WITH WHITE LGHT'S	[redacted]
2140Z	[redacted] TO [redacted] CP A01	[redacted]
2143Z	[redacted] TO [redacted] LOC AG WB 5861 8475, WILL WAIT HERE FOR [redacted]	[redacted]
2207Z	[redacted] O [redacted] 2 KM AWAY W/3 VEH'S UNDER WHITE LIGHTS	[redacted]
2216Z	[redacted] TO [redacted] L/U COMPLETE, AG WB 587 848	[redacted]
2230Z	[redacted] TO [redacted] GMV ON WRECKER, SP FOR [redacted]	[redacted]
2319Z	[redacted] TO [redacted] CP A01	[redacted]
2328Z	[redacted] TO [redacted] 2-B-2 AG WB 40506 63854 & MFP, 2-B-3 WB 4133 6562	[redacted]
2339Z	[redacted] TO [redacted] COMMS WITH [redacted]	[redacted]
2400Z	[redacted] ARR [redacted]	[redacted]
24APR04	**NEW TOC LOG**	
0011Z	[redacted] TO [redacted] BEGAN CLEARING OBJ BOBCAT AND BARACUDA	[redacted]
0100Z	[redacted] TO [redacted] NSTR, FOUND 5 AK-47'S THAT VILLAGERS GAVE UP WILLINGLY, NO SCHOOLS, NO MEDICAL CAPABILITY.	[redacted]
0237Z	[redacted] TO [redacted] LOC AG WB 5089 7180.	[redacted]
0400Z	[redacted] TO [redacted] FINISH CLEARANCE OF VILLAGE, NSTR.	[redacted]
0423Z		

EXHIBIT 138

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	[redacted] BASS RPT: NOTIFICATION OF PRIMARY FOR IF	
159 2004-04-23 00:54:00	COMMITTEE [illegible] Taken [redacted] HAS BEEN I NFORMED	
158 2004-04-23 00:17:00	[redacted] RPT: ARR [redacted]	
157 2004-04-23 00:04:00	[redacted] BTLCPT RPT: FRAGO OUT	
156 2004-04-22 23:29:00	[redacted] RSLNO RPT: TST REHEARSAL HAS SLIPPED, TIME/DATE TBD	
156 2004-04-22 23:35:00	[redacted] RPT: AT CP 517	
154 2004-04-22 23:25:00	[redacted] RPT: AT CP 513	
153 2004-04-22 23:20:00	[redacted] RPT: HAVE BROKEN VEHICLE IN TOW, MOVING T O [redacted]	
152 2004-04-22 23:08:00	[redacted] RPT:HAD VEHICLE ACCIDENT WITH OWN VEHICLE S, NO INJURIES,TRYING TO MAKE ONE VEHICLE TOWABLE(DEADL INED), AT GRID WB 7431 8788	
151 2004-04-22 22:55:00	[redacted] RPT: AR [redacted] 2228Z	
150 2004-04-22 22:49:00	[redacted] BTLCPT RPT: SITREP OUT	
149 2004-04-22 22:37:00	[redacted] RPT AT CP 513	
148 2004-04-22 22:18:00	[redacted] SITREP: CURRENT GRID LOC, -1/A WB 48870 71520 -CP/MFP/2A WB 48669 71415 -33 WB 4842 7141 -34 WB 4851 4170 -33A WB 4920 7122 -31 WB 4867 7144 -31A WB 4902 7193 SECURED THE HIGH GROUND, EMPLACED OP'S, TCP ;S ON THE NORTH AND SOUTH SIDES. IN THE MORNING WILL BE GIN PATROLS IN THE VALLEY, CONDUCT SSE ON BLDGS IN THE AREA, AS WELL AS CONDUCT PATROLS AROUND LOCAL VILLIGAES. IN THE AO.	
147 2004-04-22 21:58:00	[redacted] RPT: ETA TO [redacted] 2230Z	
146 2004-04-22 21:45:00	[redacted] RPT: AT CP 509	
145 2004-04-22 21:33:00	[redacted] RPT [redacted] ON STATION ATT	
144 2004-04-22 21:20:00	[redacted] RPT: DPT [redacted] HAS 7 EAGLES : : 4 [redacted] 3 [redacted] ETA TO [redacted] 2150Z	
143 2004-04-22 21:10:00	[redacted] RPT: CURRENT GRID TO LOC. WB 4875 7435	
142 2004-04-22 21:00:00	[redacted] RPT:ARR BCP 203 WITH ALL VEHICLES AND PA X	
141 2004-04-22 20:23:00	[redacted] RPT: SECURED HIGH GROUND AROUND POSITI ON, ONLY ONE MAN IN THE VILLAGE WHEN [redacted] GOT TO THERE , IT WAS JUST WOMEN AND CHILDERN BESIDES HIM.	
140 2004-04-22 19:36:00	[redacted] RPT: RETURING TO [redacted] TO REFUEL	
139 2004-04-22 19:23:00	[redacted] RPT: CP 507	
138 2004-04-22 19:17:00	[redacted] TO [redacted] TIE INTO [redacted] PERIMIT ER AND HOLD POSITION THERE.	
137 2004-04-22 19:15:00	[redacted] RPT: HAS LINKED UP WITH [redacted] ELEMENT	
136 2004-04-22 18:56:00	[redacted] RPT: IS CURRENTLY DOWN WITH AN OVERHEATING EN GINE RIGHT NOW NOT SURE IF IT WILL BE ABLE TO FLY IN SU PPORT O [redacted]	
135 2004-04-22 18:55:00	[redacted]	

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	[redacted] RPT: UP ON SENSITIVE ITEMS AND
134 2004-04-22 18:39:00	EQUIPMENT. CURRENTLY SETTING UP A CP WITH THE QRF PLT A ND CHECKING THE SECURITY PERIMETER
133 2004-04-22 18:30:00	[redacted] RPT: PICKED UP THE TWO PAX A[redacted] POSITIO N
132 2004-04-22 18:09:00	[redacted] RPT: [redacted] WILL TOUCHING DOWN AT THERE LOCATION AT APROX 1823
131 2004-04-22 18:05:00	[redacted] RPT: IS GOING TO CONDUCT A DAY BACK TO [redacted] THEY ARE LEAVING IMMEDIATELY. THE DETAIN EES ARE STAYING WITH[redacted]UIPMENT.
130 2004-04-22 18:02:00	[redacted] RPT: CURRENTLY AT GRID WB 4856 7137
129 2004-04-22 17:56:00	[redacted] RPT: CHALK 4 IS ON THE GROUND
128 2004-04-22 17:49:00	[redacted] RPT: CHALK THREE IS ON THE GROUN D.
127 2004-04-22 17:42:00	[redacted] RPT: CHALK TWO IS ON THE GROUND
126 2004-04-22 17:37:00	[redacted] RPT: CHALK ONE ON THE GROUND
125 2004-04-22 17:26:00	[redacted] RPT: THE NAME OF THE TOWN IS SREAKAHN AND THE GRID IS WB 486 714
124 2004-04-22 17:17:00	[redacted] RPT: A-10'S WILL SHOOT OFF IN ILLUM W HEN THE BIRDS ARE ONE MINUTE OUT FROM THE TARGET
123 2004-04-22 17:15:00	[redacted] RPT: HLZ CONDITIONS 6-8 KNOT WIN DS GUSTING TO 16-20 TWO PAX TO MARK HLZ
122 2004-04-22 17:14:00	[redacted] RPT: CP 2
121 2004-04-22 17:14:00	[redacted] RPT: RETRIVAL BIRD AT[redacted] POS ITIONIS 30 MINUTES
120 2004-04-22 17:06:00	[redacted] RPT: CP 1
119 2004-04-22 16:36:00	[redacted] RPT: THERE SEEMS TO BE A WORKER IN THE LITTLE TOWN NEAR THE AMBUSH SITE WHO IS CLAIMING THAT THE TOWN IS A WAY STATION FOR ACM. THE LOCAL ELDER IS DENYING IT, BUT APPEARS TO BE LYING. MIGHT DETAIN THE LOCAL ELDER IN ADDITION TO THE DRIVERS OF THE INGA TRU CK.
118 2004-04-22 16:34:00	[redacted] RPT: IS MOVING TOWARDS[redacted]S P OSITION AT THIS TIME
117 2004-04-22 16:30:00	[redacted] RPT[redacted] WILL HAVE[redacted] ASSET FOR APROX 3 0 MINUTES.
116 2004-04-22 16:28:00	[redacted] IS ON 100% ALERT AT THIS TIME.
115 2004-04-22 16:19:00	[redacted] 38 PAX DEPARTED AT 1610 ENROUTE TO[redacted] PSN.
114 2004-04-22 16:14:00	[redacted] RPT: GO AHEAD AND DETAIN DRIVERS.
113 2004-04-22 16:14:00	[redacted] RPT: REQUESTING PERMISSION TO DETAIN INGA TRUCK DRIVERS. THE INGA DRIVERS ADJUSTED THE ROU TE OF THE CONVOY, SLOWED DOWN DURING THE AMBUSH THERE B Y BLOCKING OTHER VEHICLES AND THE INGA TRUCK RECEIVED N O FIRE.

EXHIBIT 138

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112	2004-04-22 16:00:00	[redacted]
111	2004-04-22 15:55:00	[redacted] RPT APPOX AN HOUR AND A HALF FROM [redacted]
110	2004-04-22 15:50:00	[redacted] RPT: COMPOSITION OF [redacted] IS 5 VEHICLE S 38 PAX AND ARE ENROUTE TO THE [redacted] POSITION
109	2004-04-22 15:49:00	[redacted] RPT: CO-LOCATED WITH [redacted] ELEMENT [redacted] IS PROVIDING SECURITY AS THE [redacted] ELEMENT IS MOVING T O CLEAR THE HIGH GROUND.
108	2004-04-22 15:44:00	[redacted] RPT: IS IN THE PROCESS OF CLEARING TH E HIGH GROUND IN VIC OF THE AMBUSH SITE
107	2004-04-22 15:43:00	[redacted] RPT: IS CURRENTLY AT WB 6156 8526. TH EY ARE GOING TO HOLD UP AND AWAIT THE [redacted] ELEMENT TO A RRIVE.
106	2004-04-22 15:41:00	[redacted] ELEMENT (FIRE SUPPORT) RPT: APROX 30 MINS FROM [redacted] POSITION AT THIS TIME
105	2004-04-22 15:36:00	[redacted]
104	2004-04-22 15:32:00	[redacted] RPT: INSTRUCTED [redacted] TO AWAI [redacted] AND CONDUCT LINK UP
103	2004-04-22 15:29:00	[redacted] RPT: 409
102	2004-04-22 15:26:00	[redacted] RPT: MED EVAC TWO HAS DEPARTED
101	2004-04-22 15:26:00	[redacted] RPT: MED EVAC ONE HAS DEPARTED FOR [redacted]
100	2004-04-22 15:25:00	JOC STAND UP BRIEF IS AT 1545Z.
99	2004-04-22 15:22:00	HLZ FOR ORF IS WB16767 63924. 2 DETAINEES WILL EXFIL T O BAF [redacted] 1 DETAINEE W ILL EXFIL TO OF [redacted]
98	2004-04-22 15:08:00	[redacted] RPT: RTO AT THIS TIME
97	2004-04-22 15:08:00	[redacted] RPT [redacted] WILL PROVIDE SECURITY FOR THE BROKEN GMV THAT IS BEING TRANSPORTED BACK TO [redacted] VIA JINGA TRUCK.
96	2004-04-22 15:07:00	[redacted] RPT: LIKED UP WITH [redacted] AND ARE ASSIST ING WITH THE MED EVAC OF CASUALTIES.
95	2004-04-22 15:01:00	[redacted]
94	2004-04-22 14:57:00	[redacted] RPT: CP 410
93	2004-04-22 14:56:00	[redacted] RPT: CP 1
93	2004-04-22 14:56:00	[redacted] RPT [redacted] ELEMENT IS INBOUND AS WELL
91	2004-04-22 14:50:00	[redacted] RPT: [redacted] INBOUND TO THE [redacted] ELEMEN T AT THIS TIME. ALL FORCES ON THE RIDGELINES POSITIONS ARE MARKED.
90	2004-04-22 14:04:00	[redacted] RPT: WAS MOUNTED MOVING IN VIC OF GRI D WB 464 714. TOOK DIRECT AND INDIRECT FIRE. MANUVERED ON CONTACT AND STOPPED AT GRID WB 487 714. AT THE WB 487 714 THERE WAS SOME BUILDINGS WHICH WHERE CLEARED WI TH NSTR. ACM EITHER BROKE CONTACT OR WHERE KILLED. CU RRENT DISPOSITION OF FORCES IS SOME ARE OCCUPING THE

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		RT DSELINE AND GO MS AND POSITIONAL AT THE VEHICLES.
86	2004-04-22 14:47:00	[redacted] RPT: CP 2
85	2004-04-22 14:45:00	[redacted] RPT: MEDICAL EVACUATION ONLY GOING AR [redacted] AND [redacted]
84	2004-04-22 14:43:00	[redacted] RPT: A-10'S [redacted] IS ENROU E. ETA 1450
83	2004-04-22 14:42:00	[redacted] RPT: MEDICAL EVACUATION SPINNING. ETA TO [redacted] ELEMENT IS 1502Z
82	2004-04-22 14:42:00	[redacted] RPT: NINE LINE IS AS FOLLOWS: 1. WB 4860 7147 2. 353.57/ 1A26 3. 2 KIA (ONE T[redacted] ONE AMC) TWO AMBULATORY 4. A 5. A TWO PAX 6. P 7 [redacted] 8. 3 US 1 AFGHAN NATIONAL 9. N/A
81	2004-04-22 14:27:00	[redacted] RPT: IS RTB AT THIS TIME.
80	2004-04-22 14:25:00	[redacted]
79	2004-04-22 14:24:00	[redacted] RPT: HLZ GRID IS WB 4870 7147
78	2004-04-22 14:22:00	RTARGO[redacted] RPT: AH 1'S HAVE BEEN LAUNCHED. ETA IS 15-25 MINUTES
77	2004-04-22 14:22:00	RTARGO[redacted] RPT: AH-1'S HAVE BEEN LAUNCHED. ETA IS 15-25 MINUTES
76	2004-04-22 14:21:00	RTARGO[redacted] RPT: AH-1'S HAVE BEEN LAUNCHED. ETA IS 15-25 MINUTES
75	2004-04-22 14:19:00	[redacted] RPT: HAS TAKEN CASUALITIES. NO LONGER UNDER FIRE AT THIS TIME. ACCESSING CAUALITIES AND 9 LI NES WILL FOLLOW.
74	2004-04-22 14:16:00	[redacted] RPT: CP 505
73	2004-04-22 14:15:00	[redacted] RPT: 5 HOURS TO GET A GAC TO THE CONTA CT POINT
72	2004-04-22 14:07:00	[redacted] RPT: UPDATE TO CURRENT GRID. IT IS W B 4967 7134
71	2004-04-22 14:05:00	[redacted] RPT: CURRENT GRID OF CONTACT IS WB 48 4 714
70	2004-04-22 14:04:00	[redacted] RPT: TROOPS IN CONTACT.
69	2004-04-22 13:59:00	[redacted] HAS GOOD OVERWATCH AND SECURITY FOR THE ONE SHIP HLZ.
68	2004-04-22 13:54:00	[redacted] RPT: CALL SIGN FOR QRF TONIGHT WILL B[redacted]
67	2004-04-22 13:43:00	[redacted] RPT: CP 501
66	2004-04-22 13:31:00	[redacted] RPT: CP 500, SP WAS TEN MINUTES AGO
65	2004-04-22 13:21:00	[redacted] REPORTS LINKED UP WIT[redacted]
64	2004-04-22 12:40:00	[redacted] RPT: LINKUP WILL TAKE PLACE AT [redacted]
63	2004-04-22 12:37:00	[redacted] RP[redacted] AND[redacted] HAVE A VISUAL LINKUP, WILL HAVE HARD LINK UP IN APROX 20-30 MINUTES.
62	2004-04-22 12:33:00	[redacted] RPT: SET UP BASE CAMP FOR T IE N IGHT AT GRID[redacted]

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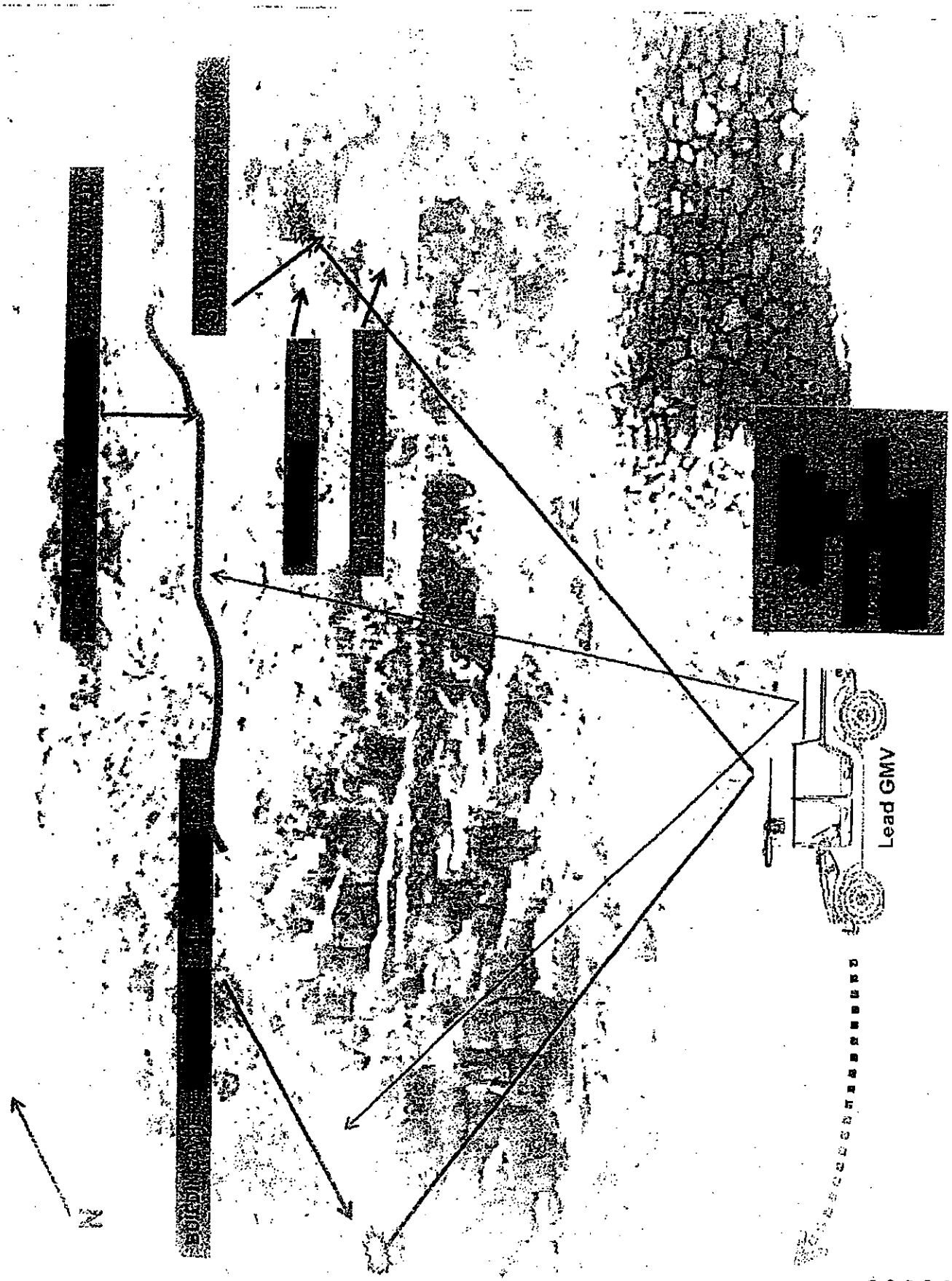
PAGES 980-982

PRELIMINARY AUTOPSY EXAMINATION REPORT

REFERRED TO

AU.S. ARMY MEDICAL DEPARTMENT
FREEDOM OF INFORMATION/PRIVACY ACT OFFICE
ATTN: MCFP
2050 WORTH ROAD
FORT SAM HOUSTON, TX 78234-6013



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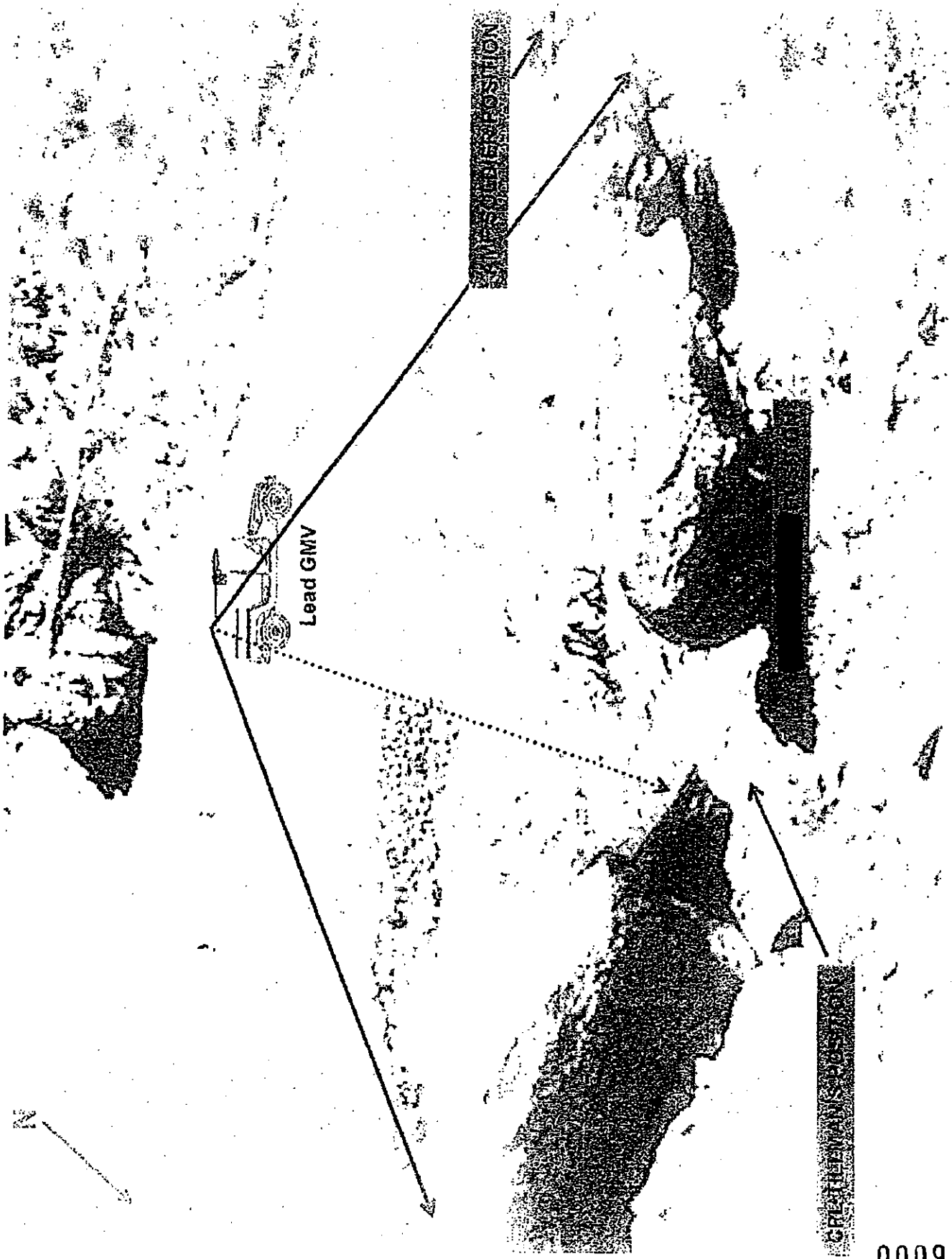

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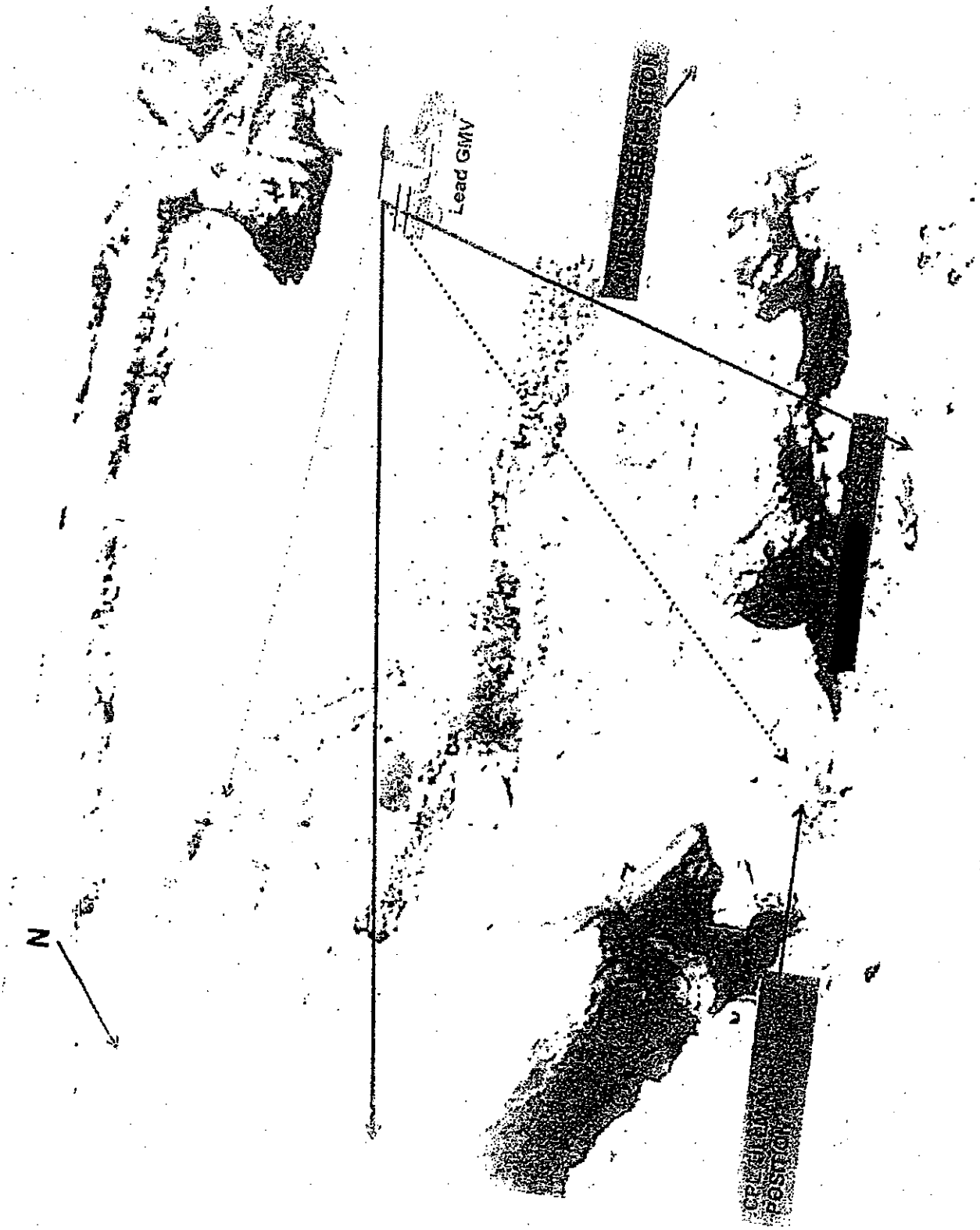

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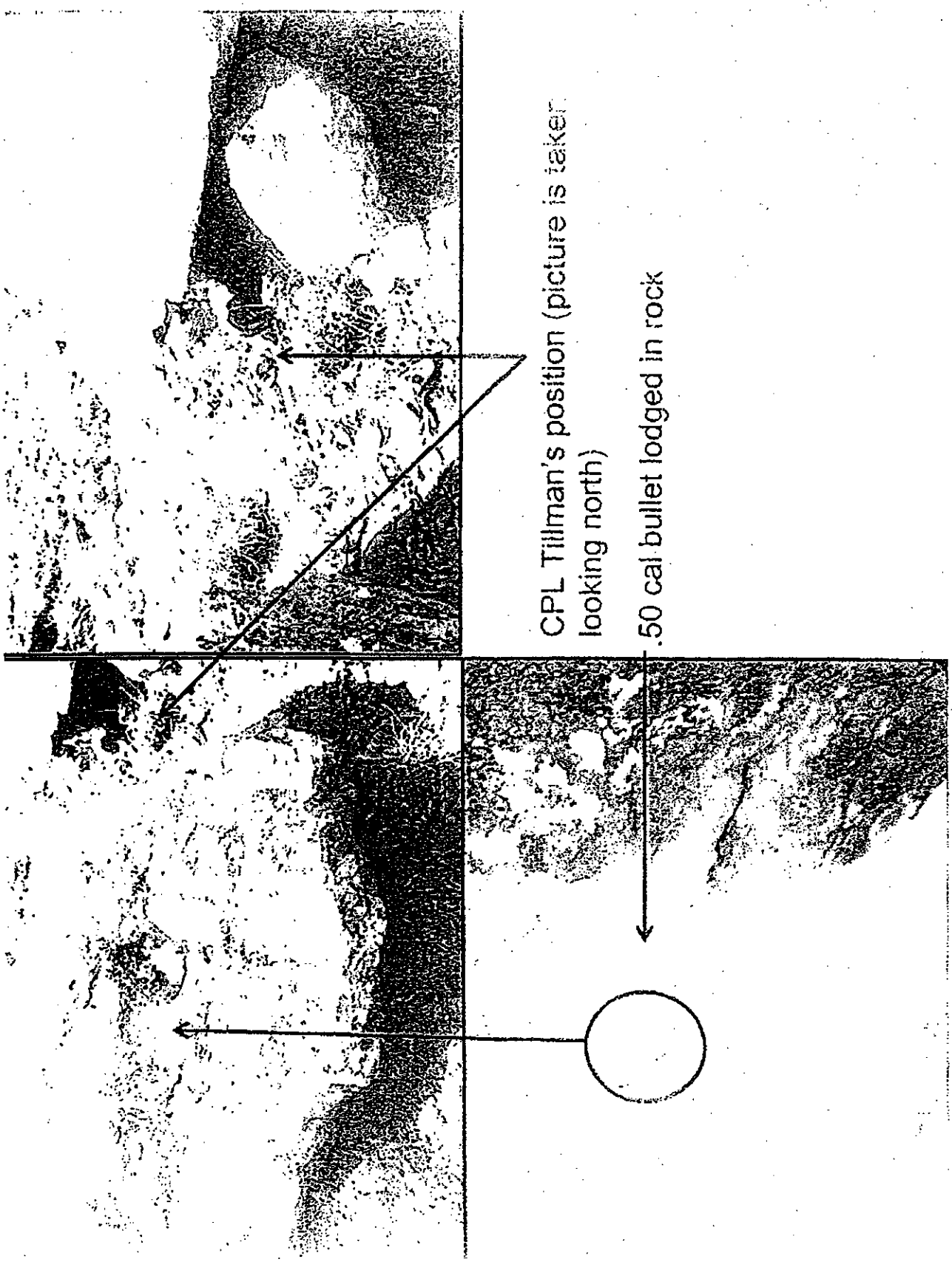

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EXHIBIT 138

[redacted] [redacted] 2/75 RGR BN [redacted] 28 0930Z APR 04

The following statement refers to my account of events of 2/A's contact on 22 APR 04:

At approximately 1400z on 22 APR I heard the RTO from 2/A attempting to contact the TOC on [redacted] I could tell by the tone of his voice that he was potentially in contact and alerted the key pax to the TOC. The RTO sent his follow up report indicating that [redacted] was in contact but he did not specify grid. The personnel in the TOC were initially surprised as we thought 2/A would not be moving until darkness (details listed below). The TOC responded to the contact and resourced the platoon with [redacted], AH-1, A-10s and UH-60 MEDEVAC. We had very little information from the PLT LDR or the RTO and never received a 9-line MEDEVAC request. We were unaware that his unit was split in two elements and were unclear as to exactly what size force the platoon was in contact with. The first SALUTE report came in to the TOC at 1500z from [redacted] In fact, it wasn't until [redacted] came up on the net when I received the SALUTE report as well as the number of casualties by type. Within 45 minutes of the first report, AH-1s and MEDEVAC aircraft were at 2/A's location to support. The TOC LOG records the details of the events for the period of 221400z through 221800z APR 04.

I spoke with [redacted] and [redacted] on the morning of 23 APR prior to his evacuation to BAF for treatment. By his account, he was behind one of his squads maneuvering up the north face of the valley and positioned himself where he could C2 the squad. He described that he thought he was in a good position until he started receiving fire from his flank. He repositioned himself and his RTO but was later hit from this incoming fire.

I became very concerned about the events that occurred when I facilitated the AAR with the leadership of 2/A at [redacted] I focused the discussion points on TLPs, Battle Drills, C2, and enemy TTPs, and emphasized the purpose of the AAR was to learn our lessons from the ambush to make us more effective in subsequent situations. When I asked the PLT to describe what happened and draw it on the butcher paper, it was clear to me that they were not task organized in accordance with our SOP (key leader locations) and were operating in split sections that did not necessarily maintain squad integrity (only 1 Squad leader with the lead element). It also became clear to me that there was no effective command and control of squad and platoon maneuver. I was aware that there was an ongoing investigation concerning this incident, and after combining [redacted] account with the individual accounts from the AAR I shifted the discussion back to avoid interfering with the investigation. I have not read the investigation report, but drew my own conclusions that potentially all 4 individuals were wounded or killed by friendly fire. I also suspect that the enemy was only on one side of the valley; however I acknowledge that this is only my opinion. I approached [redacted] and asked why the PLT operated in the manner that they did. He said he thought the platoon was operating within my intent. That was not the case.

The following describes my intent/guidance for the events of 22 APR.

1. Zone clearance of zones 25-27 from 23-24 APR (per 22 APR BN FRAGO). Zone clearance was not expected to begin on the night of 22 APR due to the disabled vehicle recovery.
2. We originally tasked A CO to clear the zone beginning on 22 APR. I accepted the fact that the disabled vehicle would prevent us from meeting this timeline and I asked the S4 to see if he could obtain Wrecker support from 1-501 PIR to facilitate evacuation on the night of 22 APR.
3. The vehicle had been disabled for almost 48 hours and I informed [redacted] that "we had better not have any more delays due to this vehicle" (or something to that effect). The TOC developed a plan to provide security escort (1/C) for the wrecker to meet the Platoon IVO the intersection at 42S WB558825. I felt that there was enough time to conduct linkup, turn over the disabled vehicle to the wrecker and 1/C security element, and return 2/A to zone 26A to begin clearance at daylight.
4. My intent was that the entire platoon was supposed to execute the vehicle transfer mission and return to zone. I asked [redacted] if the wrecker would be able to navigate the roads south of the hardball to reduce the amount of driving the platoon would have to execute outside of AO [redacted].
5. As always, I expect commanders and leaders in this battalion to inform the TOC of potential friction points in operations. My assessment is that the PLT LDR was not comfortable with the

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EXHIBIT 138

guidance from his CO CDR. The CO CDR never passed that assessment to me or the members of my TOC. The CO CDR was back at [redacted] while his platoon was in AO[redacted] so he may have been unaware of some of the friction points.

Some other concerns from my perspective:

1. I am not aware of the specific guidance that [redacted] gave to [redacted] regarding movement instructions for 2/A.
2. BC standing guidance was [redacted]. All repositioning to adjacent zones was specifically to occur in [redacted]. Any exception required BC approval, and I don't think this occurred.
3. Some of these problems could be rectified through more communication in the form of backbriefs.

END OF STATEMENT [redacted] RS AR (1)

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OPCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
Headquarters, 2d Ranger Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q: [redacted]
A: [redacted]

Q1: On 21 APR 04, did you receive a SITREP or FRAGO from the A Co., Commander explaining how 2/A/2/75 was going to repair or move the disabled GMV from BCP 5#?

A: No, but I understood that we were going to fly sufficient repair parts to the company during resupply operations to fix the GMV.

Q2: On 22 APR 04, did the A Co., Commander brief you or give you a FRAGO for the 2/A/2/75 GAC movement?

A: Not specifically for a GAC movement, but we knew the platoon was supposed to clear its zone. We knew the platoon had an inoperable vehicle, but the platoon could still execute the clearing mission it had been given, as long as the vehicle could be towed by another GMV.

Q3: On 22 APR 04, were you, or someone in the Battalion Operations section, tracking the 2/A/2/75 GAC movement from BCP 5#? If yes, then how was 2/A/2/75's GAC movement tracked?

A: Yes. The Battle Captain tracks each units movement using [redacted]. Eventually, we knew the platoon had to stop in Margarah village because the GMV could no longer be towed behind another GMV.

Q4: What is the Battalion Commander's policy regarding GAC movements [redacted]?

A: The Commander stated back in November 2003 that [redacted] authorized by himself. He reiterated this in the TOC and during our GAC LPD prior to our current deployment.

Q5: Did you, or anyone else, seek the Battalion Commander's approval for the 2/A/2/75 GAC movement [redacted]?

A: Not to my knowledge. However, [redacted] and that required movement in zone to accomplish the mission.

Q6: On 22 April 04, at 0754 hours, did you know the 2/A/2/75 GAC had to stop near the village of Margarah?

A: Yes. I knew the platoon had to stop there due to the broken GMV.

Q7: Were you notified that the platoon leader had requested to have a disabled GMV slingloaded from Margarah?

A: Yes. We sent in the request for them to TF 180. However, after several hours, the request came back essentially denied. We were informed that it would be 3-4 days before a helicopter would be available to slingload the broken GMV out of Margarah.

Q8: Who approved the plan to have the disabled 2/A/2/75 GMV towed by a local national driving a "JINGA" truck?

A: The platoon leader developed the plan, and I endorsed it. I wanted to get a wrecker to his location and tried to coordinate one with the 528th. But, I was told that the wrecker would not be to negotiate the road trails to get to the broken GMV.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ..... TAKEN AT ..... DATED ..... CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ... OF ... PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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EXHIBIT 138

STATEMENT (Continued)

Q9: Did the GAC movement plan for 2/A/2/75 change after the platoon had to stop for several hours in Margarah village?
A: Yes. They went from conducting clearing operations to executing a vehicle-recovery operation. The platoon's mission was to deliver the vehicle to a transfer point off the Khowst Highway where it could be taken by a wrecker. This was my intent.

Q10: After the GAC movement delay, did anyone order the platoon leader to make it to the town of Manah before daylight?

A: The Battalion FRAGO for 22 April stated that the Company had to start clearance of sectors 25-27 on the 23rd. Originally, the Company had to start clearing these sectors on the 22, but the timeline was pushed back. I still expected the platoon to be able to drop off the broken GMV and make it to the town of Manah to complete its assigned mission on the 23d. Based on movement rates in zones, we expected the platoon would be able to complete the move[redacted]

Q11: Why was the GAC movement split into two convoy serials? Did you approve of the plan?

A: I did not know the platoon was split into two sections. I first found out about this during the AAR process that followed the incident. I did not order the splitting of the platoon. My only comment to the Company Commander was, "This vehicle problem better not delay us anymore." We already were delayed 24 hours.

Q12: Were you briefed on how the 2/A/2/75 would resume its GAC movement to Manah? Was the plan briefed to the Battalion Commander?

A: No. I believe there was a communication problem, or misunderstanding, between the Company Commander and myself. The Commander didn't backbrief me, nor did I specify that he backbrief me. We developed the plan to have the vehicle towed by the JINGA truck together, and I worked the coordination piece of getting the maintenance wrecker to meet his platoon out by the Khowst Highway.

Q13: Why did A/2/75 request fire support for 1300 - 1500 (z) hours on 22 April 04?

A: I'm not absolutely sure, but this is when units generally want fire support because of the enemy's pattern of attacking during these hours of limited visibility. I know the request was not approved as I had to pull CAS from another location to support 2/A in contact.

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 0. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

_____
(Signature of Person Making Statement)

WITNESSES:

_____
ORGANIZATION OR ADDRESS

_____
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19 ____ at _____

_____
(Signature of Person Administering Oath)

_____
(Typed Name of Person Administering Oath)

_____
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan	2 May 04	0631Z	
LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]	SOCIAL SECURITY NUMBER: [redacted]	GRADE/STATUS: [redacted]	

ORGANIZATION OR ADDRESS
A/2/75 Ranger

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 22 April, 2004, I was sitting in the 2/75 Ranger TOC conducting planning for my company's upcoming operations. As I was planning, a call came across the radio from my 2nd Platoon. 2nd Platoon was enroute from BCP 5 to clear several zones in the north west portion of our area of operations. One of the vehicles 2nd Platoon was using was broken and had to be towed. The call that came across the radio was in reference to that vehicle. The Platoon said that they had been towing the broken vehicle from BCP 5, but that had only further damaged the vehicle to a point that they could no longer tow it with the vehicles they had. Myself and the Battalion Staff started to brainstorm for ideas to get the broken vehicle out of the area. The idea was presented to use a local Jinga truck to tow the vehicle out of the area. At the same time, the staff coordinated to get a wrecker from 1-501st to move down with a security section from 1/C/2/75 to link up with the broken vehicle. As this was going on, the Battalion S3 told me that we could not have one broken vehicle stop an entire Ranger Platoon, and that we needed to send one section of the platoon forward into zone and move one back with the broken vehicle to link up with the wrecker. This was not an unusual move. We often worked in squad size elements and we were currently sending a section from 1/C down with the wrecker. I had my XO make contact with the 2nd Platoon to determine how many big guns they had with them to ensure they were capable of operating in split sections. The word came back that they had three MK19's and one .50 Cal machine gun. In my estimation, this gave them the sufficient fire power to operate in split sections, so I gave the order through my XO to have the platoon move one section into their assigned zone and one section with the disabled vehicle. Some time after I gave the order to the platoon, the 2nd Platoon RTO made a call over the radio that the platoon was in contact. I do not remember the times that these events took place.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 0 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 0. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of [redacted] 19[redacted]

at [redacted]

[redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 0 OF 0 PAGES

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EXHIBIT 136

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
A Company, 2d Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

A: [redacted]

Q1: On 22 APR 04, was there a time 2/A/2/75 was to commence movement from BCP#5?

A: There was no specific time for the platoon to begin movement. They received a fuel pump for the broken GMV on the 21st. I figured it would take 2-3 hours for the mechanic to install the pump. Then, the platoon would begin movment during the hours of darkness on the 21st. However, the fuel pump did not fix the GMV problems and so the timeline was fluid.

Q2: How long did you plan on it to take 2d platoon to convoy, transfer the disabled GMV, and set up a VDO outside the town of Manah?

A: Initially, I thought the vehicle would be drivable. So, I planned on the whole movement only taking about two hours. I realized the GMV was still broken on the 22d when the platoon leader called in to say the vehicle was still disabled.

Q3: Did you require your platoon leader to backbrief on his GAC movement plan? What was the plan?

A: I was briefed on his route plan for movement from BCP #5 to conduct clearing operations. But, I did not require him to backbrief me on his movement plan for getting the broken GMV to the transfer point and then getting to a VDO position near Manah village.

Q4: On 22 APR 04, were you tracking 2d platoon's GAC movement from BCP #5 ?

A: No, I was not personally tracking the platoon's movement. The platoon's movement was tracked by the Battle Captain.

Q5: Who approved the GAC movement [redacted]?

A: I allowed the platoon leader to move [redacted]. I didn't seek authorization because I believed that the S-3 was aware that 2/A/2/75 was movin[redacted].

Q6: When did you find out 2/A/2/75 had to stop at the village of Margarah?

A: I can't specifically recall, but I think it was around 1200 (z) hours.

Q7: Were you backbriefed on your platoon leaders plan to transfer the broken GMV to the maintenance recovery team and make it to the VDO outside of Manah?

A: No. I knew that one section of the platoon was going to move the vehicle to a link-up point off the Khowst highway where they would drop off the broken GMV. I knew the other section would move to Manah and set up a VDO site where the rest of the platoon would eventually join them. I assumed that since the platoon had already traveled the route a few days earlier, they would probably bypass the northern route thru the village of Tit because it would have been too difficult.

Q9: Did you backbrief anyone on the 2/A/2/75 GAC movment plan from Margarah?

A: No. I was not required to backbrief anyone.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT (Continued)

Q10: Did [redacted] tell you that 2d platoon was authorized to move [redacted]?

A: No. But, I thought that since he knew what had to be accomplished by the platoon, that he was at least aware that some of the movement would occur [redacted]

Q11: [redacted] tell you needed to have 2d platoon at a VBO outside of Manah village before daylight on the 23d?

A: I was sitting in the [redacted] TOC with [redacted] when we learned that 2d platoon was stuck in Manparah with the broken GMV. We both knew that the platoon leader had to hire a JINGA truck driver to tow his vehicle out of the town. This course of action was developed after TF 180 was contacted about providing a helo to slingload the vehicle; but ultimately could not supply one for 2-3 days. [redacted] made it clear that it we couldn't have one broken GMV holding up an entire platoon from accomplishing its assigned mission. We both were involved, along with my XO, in coordinating a maintenance recovery team from the 528th to transfer the vehicle at a designated location along the Khowst highway.

Q12: Did you question [redacted] directive about when 2d platoon had to be in position to clear in zone?

A: No, I did not. I thought it could be done. Past experience led me to believe that the platoon, which had some of my most experienced NCOs, could accomplish dropping off the broken GMV, traveling through the hours of darkness, and posture themselves to begin clearing operations in the village of Manah during daylight hours on the 23d.

Q13: Did you order your platoon leader to split up his platoon into two convoy sections?

A: Yes. Again, it was my belief that this is what the S-3 wanted when he stated that the platoon had to be in Manah on the 23d and I was confident that 2d platoon could execute the mission in this fashion. I alsofelt the platoon had sufficient firepower to operate in split sections.

Q14: What did you tell your XO to tell your 2d platoon leader about commencing movement from Manparah?

A: I didn't give them a specific timeline they had to follow. My main concern was the proper distribution of firepower. The platoon leader could move when he was ready to move.

Q15: Why didn't you tell the platoon leader yourself?

A: I didn't realize there was "friction" between the XO and the platoon leader over the order to operate in split sections.

Q16: Why didn't you have any Command and Control (C2) in the field assisting and supporting the GAC movement?

A: On the night of the 21st, I was pulled out of the field, from BCP #5 where I was with 2d platoon, and told to return to the Battalion TOC for planning future operations. My XO was also pulled out with me. Again, I have a great deal of confidence in 2d platoon's capabilities to handle its missions and felt they could handle this mission.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 19 04 at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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EXHIBIT 138

[redacted]

am: [redacted]
Sent: Thursday, April 22, 2004 1:35 PM
To: [redacted]
Subject: RE: vehicle ?

don't you have [redacted] racing with the vehicle now? I also have at [redacted] in my office.

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 9:04 AM
To: [redacted]
Subject: RE: vehicle

here are some things that I'm thinking about right now...

I would recommend keeping our whole platoon up to the highway and then having us go together to the villages, and here's my reasons:
1) splitting sections would mean that one of the sections only has one gun truck with it, which our 4th GMV is down
2) with the waning daylight, by the time the GMV section reaches the OBJ it's going to be dark. clearing the villages at night given our current ins seems like it would not work
3) i'm the only one with [redacted] are returning to [redacted]. if something were to happen to the ugv section, they'd be in a woods void

recommend that the whole platoon escorts to the highway, sets up for the night just north of the first village, and begins clearing south when the sun comes up. if this does not fit in line with your intent, we will execute as previously discussed.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 9:32 AM
To: [redacted]
Subject: RE: vehicle

here's what needs to happen...

1. let me know when you PP with the jings and broken vehicle.

2. send a section along with both motor vehicles back to the MS highway. BOTH motor vehicles, the MI tanks, and motor personnel stuck with the UNITED need to come back to Balkans...can send them with the broken vehicle. keep your GP section with you.

3. send one section into your next objective area to start clearing. the escort section will then meet you in zone after they drop off the broken vehicle.

4. a wrecker along with a GMV section from 1/9 will RP with you on the MS highway from 40s to 50s. they are linking up at 1500 and will RP shortly thereafter.

how copy?

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 8:19 AM
To: [redacted]
Subject: RE: vehicle

[redacted]

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is doing it, and [redacted] th who will for LSA we have to the evidence that we would destroy the rear suspension of the good GMV.

not optimal a level 4 fringe case it would put our GMV once in a while it is ok to the highway for 0120. he's currently going to get his trunky and is waiting to hear if there is an if this sag level I be a go, would you be able to have the wrecker meet us on the hwy? If the plan doesn't work out, we'll come up with something else.

as it appears right now, a tow bar probably wouldn't make much difference.

looking forward: should this plan go thru, do we:
1) split section -- send one with the disabled GMV and the other to our CHIs
2) send the whole platoon to the hwy, drop of the disabled GMV and divert back to the CHIs
3) roll the whole platoon with the disabled GMV back to [redacted] just want to get routes worked down if it's either of the former two.

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 7:44 AM
To: [redacted]
Subject: RE: vehicle

ok...item 1, the pax at [redacted] fucked you with the water...you will have to get it from local sources...I will chew someone's ass for not sending what was requested.

I need to know asap if this system you are rigging is going to work. I don't care what happens to the vehicle...just try to get it as far as you can.

we are working up the parts right now and are going to try and send one out to help [redacted]..

I know you are working hard to get this done, just need sitrep on that system you are rigging up.

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 2:30 AM
To: [redacted]
Subject: RE: vehicle

see below

[redacted]

-----Original Message-----
From: [redacted]
Sent: Thursday, April 22, 2004 3:06 AM
To: [redacted]
Subject: vehicle

need some info regarding this vehicle...

1. need a detailed description from [redacted] on what is currently wrong with the vehicle and why it cannot be towed any further. the front suspension is out, both the left and right sides; the front fender is almost touching the tires; it cannot be steered due to the suspension/shocks being broken; the steering box is not working as well; in addition, the vehicle will not start, and farmer cannot determine why it won't start (apparently it's not the fuel pump)

2. if we could get you parts, what parts would [redacted] need to tow the vehicle a little further - shock absorbers, springs, power steering gear box...and farmer says that there is probably more wrong with it than he doesn't know; he also says what needs to be done he can never done before, but as you know he is highly motivated and will try anything

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[illegible] would you tow the vehicle from the rear?
[illegible] possibly, but with the lander almost touching the tires due to the broken shocks, it [illegible] likely drag on the ground; also, with just tow straps it would be impossible to [illegible] the left/right travel of the vehicle in rear tow

[illegible] do you have a tow bar?
[illegible] no

[illegible] the bottom line is that you need to get that vehicle further north so we can get a wrecker to pick it up. we will take the wrecker as far as we can take it, but everyone is saying that we cannot take it far off the KG highway. if we try to sling it, it will take [illegible] days to get air to you. I think the best option is to get you the parts you need to tow it to the highway. --roger; as you can see there is no easy answer. the only other thing we can think of is jerry-rigging a tow somehow with a winch and dragging it. we're war-gaming it right now. we are willing to try it for sure, but there's a lot of earth between here and the main road. I'll get back to you and let you know if this thing is going to work.

need as much info as you can provide.

[redacted]

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	4 May 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS	
[redacted]	[redacted]	[redacted]	

ORGANIZATION OR ADDRESS
2nd Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q1: When and how was the FRAGO issued to [redacted] to conduct his GAC movement on 22 APR 04?
A1: The FRAGO was relayed over [redacted] and [redacted]. I assisted the final order to move from the broken vehicle site over [redacted]. I do not recall the time.

Q2: What did the FRAGO state?
A2: The FRAGO stated that [redacted] was to move his element in two separate sections. One section was to move with the broken vehicle to the LU point, and one section was to move into the next zone and prepare for future operations.

Q3: Did you save a hard copy of the FRAGO?
A3: No

Q4: Who told [redacted] to split his platoon into two sections?
A4: I received the order from [redacted], who received the order from the Battalion S3. We were all located in the TOC at the time. LT I assumed. [redacted]

Q5: Who told [redacted] to move during daylight hours?
A4: I received the order from [redacted], who received the order from the S3. LT I assumed. [redacted]

Q6: Was the company battle tracking 2d platoon's movement?
A6: I do not recall. I assumed that the TOC was battle tracking, and the company CP was co-located

Q7: Do you think the timeline given in the FRAGO to [redacted] gave him enough time to conduct TLPs?
A7: Yes. There were two possible COAs...either to move the entire platoon to the LU point or to split sections. I believe that there was time to conduct hasty TLPs for both COAs during the time it took to load the broken Jinga truck.

Q8: When [redacted] expressed his concerns about splitting his platoon into two different sections, what was your commander's response?
A8: I agreed with [redacted] concerns about splitting his platoon into two separate sections. I relayed the concerns to [redacted] and he understood it was a valid concern, but it was stressed by the BN S3 to get forces in zone and not let the broken vehicle impede operations

Q9: Are you aware of the Battalion Commander's directive that states [redacted]? Any deviations from his guidance would need his approval.
Q9: No

EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF, TAKEN AT, DATED, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST READ THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UNNEEDED, THE BACK OF PAGE 1 WILL BE RULED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE NUMBERED SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

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STATEMENT: (Continued)

AFFIDAVIT

I [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of May 19 04 at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: [redacted]

PAGE 1 OF 2 PAGES

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
A Company, 2d Battalion, 75th Ranger Regiment

[redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

A: [redacted]

Q1: What's the policy o[redacted] movements?
A: I didn't know that there's a direct prohibition against them. It was my understanding that the Battalion Commander strongly discouraged them and that they were to be avoided whenever possible.

Q2. Why weren't you in the filed on the 22d to help provide Command and Control to 2d platoon?
A: I was brought out of the field on the evening of the 21st to help the Commander plan for future operations. I had worked on getting a fuel pump to the platoon so that it could repiur the broken GMV. I thought that once the fuel pump was installed, the platoon could start its movement during nightfall on the 21st.

Q3: Was the original plan to clear in zone on the 22d?
A: Before the vehicle was broken, yes it was.

Q4: Who controlled the platoon's movement once it left BCP #5?
A: The TOC is always battle tracking unit movements. Additionally, the platoon is suspposed to provide a SITREP every hour to the Battle Captain.

Q5: Were you backbried on the route movement?
A: I was not briefed on the route. The platoon leader usually briefs the Commander. I knew the platoon was to move from BCP #5 to Manah. Once the vehicle was broken, the platoon was going to transfer the disabled GMV to a maintenance recovery team at a designated link-up point.

Q6: What are your XO duties?
A: I run the Commander's ACP. The Commander runs the platoon leaders. I don't get involved with the individual platoon movements, unless the Commander is unable to issue orders. I also provide additional Command and Control to the Commander when he needs it. I am the 2d in Command and lead the Company in his absence.

Q7: Who made the decision to the split the platoon into two sections?
A: It was the Company Commander's decision, but I beleive he got his guidance from the S-3.

Q8: Why did the Commander use you to interface wit[redacted] on the 22d?
A: Originally, I got involved to work out a COA to get the vehicle repaired. I took several COAs to the Commander for his review. During this time, I had [redacted] comms with the platoon leader. It was the platoon leader who came up with the COA to operate as a split section. However, he did not support that COA, and only offered it as a possibility. In face, once it was chosedn, he argued against it. Ultimarely, the Commander told the platoon leader to split his section and I had to relay that message. The Commander also told the platoon leader to start movement during daylight. The Commander wanted to ensure that the platoon leader have "boots on the ground" by daybreak to clear the Manah village per the Battalion's tasking.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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STATEMENT (Continued)

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer [redacted] 12th day of May 2004
at [redacted]

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

001001

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Statement by [redacted] 12MAY04

Events of 22APR04

Background Information:

1) Our Platoon's mission was to clear villages in Zones 26 and 26A on 22 and 23 APR, moving into zone on the night of 21 APR.
2) For this mission we were given a [redacted] of AMF soldiers from BCP-5 (two Hiluxes), and told that they would assist us in clearance of the villages and CA. When I briefed them on where we were traveling to, they offered to lead the convoy for us since they were familiar with the villages and the routes how to get there. I showed them on the map the route that I wanted to take, asked them if it would support GMVs, and they said the route would work.
3) On 21 APR, one of our platoon GMVs would not start. Our mechanic assessed that it needed a new fuel pump, and we had one scheduled to come in on our resupply birds the night of 21 APR.
4) Due to stormy weather, the birds could not land until 2330 with our resupply. By the time we off-loaded the birds and distributed/loaded the supplies, daylight was well upon us. In addition, our mechanic determined that he could not install the fuel pump until the fuel filter dried out a bit, causing a further delay.
5) Even after the mechanic installed the fuel pump, he could not get the vehicle to start, nor could he figure out what was wrong with it. At that point, I asked the mechanic if he thought we could tow it with the tow straps that we had. He said it was worth a try, and at that point I made the decision to tow it with us to the OBJs, since we would be going to [redacted] in a couple of days anyway.
6) The AMF commander at BCP-5, taking note of our situation, suggested that we take a different route than the one we had planned the day before. He said the one we initially settled on would not support a towed vehicle, and that his AMF Team would lead us on a different route that would still bring us to our OBJ villages.

At 0400, we determined that we would not be able to get our disabled GMV to start, and we departed BCP-5 with it in tow. The AMF [redacted] took us on a long south-westerly route, hand-railing the border, before we eventually turned north again and began moving towards OBJ [redacted]. As we passed by our target villages several kilometers to the east, I told my squad leaders that we would no longer be approaching them from the south as we had planned, and that the villages we planned to clear on Day 2 would now be cleared on Day 1 (and vice versa).

When we got in vicinity of the village of Magarah (OBJ [redacted], the steering on the towed GMV malfunctioned and we had to halt the convoy. The shocks and

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front suspension on the GMV were broken, the front bumper was practically resting on the front tires, and our mechanic determined that we could not tow it further with tow straps or a tow bar. At this point I relayed back to battalion our grid and current situation, suggesting two options: getting a wrecker pushed to us, or using aircraft to sling-load the disabled GMV back to [redacted]. Later, after I had repositioned our vehicles for security and had spoken with my PSG, I relayed to battalion that the most desirable course of action from our perspective was the sling-load. We had the link-count sheet with us, and the terrain we were on would support a helicopter operation.

At least an hour passed before we received any word back from our company. I spoke with [redacted] the company XO, on [redacted] and he informed me that neither of the options we suggested would be feasible. He said that the wrecker could not negotiate the roads off of the main highway, and aircraft would not be available for 3-4 days for a sling-load operation. What he suggested was that they could get the wrecker to meet us up on the highway, but we would need to find a way to get it up to the highway ourselves. [redacted] then told me to conduct the rest of our communications via [redacted] and to keep him updated on what we came up with.

The next option we pursued was trying to find a way to lift the disabled GMV's front (or rear) end onto the back of another GMV with a winch, but the mechanic determined that this would probably destroy the rear suspension on the towing GMV. Finally, [redacted] approached me and asked if we could use the money I had as paying agent to pay a Jinga truck driver. He said that a local driver offered to tow it to the highway for us for $120. I sent an [redacted] message to [redacted] stating that this looked like it might be our best option, and he said to go with it. He also said that he would coordinate to have a wrecker and a section from 1/C meet us up on the highway where the trail met (vicinity WB 555 824), and to let him know as just soon as the Jinga convoy was moving. I wrote back that I understood, and then asked which course of action our platoon should take: 1) Split up the platoon with one section going to the highway and one going to the OBJ, with the highway section coming back down to the OBJ after the drop-off; 2) Keep the platoon together to escort the disabled GMV to the highway, and then divert the whole platoon back to the OBJ; or 3) Keep the platoon together and escort the disabled GMV all the way back to [redacted] responded that we needed to go with the first course of action, have the OBJ section start clearing the OBJ, and he gave us the additional tasking to send the 81mm Mortar trucks and the snipers back to [redacted] with the disabled GMV. I shot back a counter-recommendation via HPW that we go with the second course of action, for the following reasons: 1) I was not comfortable splitting sections because that would leave one of the sections with only one GMV; 2) Only 1 of the sections would have [redacted] (I was incorrect on this – I forgot the CO had switched his GMV out with one of ours at BCP-5, so we had the comms from his vehicle); and 3) The sun was beginning to set and I did not see the sense in beginning clearing the village at night, as there was no templated threat, and our TTP to that point was to [redacted] before clearing their village. [redacted] back and

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asked if I still had the CO's GMV, which he correctly assumed had [redacted] capability. I wrote back that I had overlooked that fact, but my main concern was still security, and I was still not comfortable splitting up my platoon. After I sent that message, I waited for well over an hour before getting a response back as to our final course of action.

In the meantime, I began breaking down the vehicles into sections. I decided that I would go with the first section since we were supposed to start clearing the village, and I had [redacted] go with the second section. Obviously, the disabled GMV, Jinga truck, and MTR trucks (including an [redacted] and [redacted] had to go with the second section, as well as [redacted] GMV. (Additionally, the [redacted] opted to go with the second section because he wanted to return to [redacted] for an upcoming AASLT mission). I also decided to give the second section [redacted] GMV. Without it, that would leave only [redacted] GMV driving back to the OBJ from the drop-off, and none of the rest of my vehicles would provide adequate security. Since they were taking a much longer movement than the first section, I determined they needed the most firepower. That left the OBJ section with my GMV, an up-armored HMMWV, two NSTVs, and two AMF Hiluxes. My section had 3rd squad and half of second squad; second squad had to be split up because they could not ride in the disabled GMV. I put [redacted] the second squad leader, with the highway section because I thought the threat would be greater to his convoy. This way I had a maneuver leader on each GMV for the return trip, [redacted] on the first GMV and [redacted] on the second. [redacted] also remained with the highway section because the majority of his squad (top gunners and M240B gunners) were going to have to be with the section that had two GMVs.

During the time that I was trying to get hold of [redacted] on the radio, a [redacted] element came on the radio asking where we were planning on moving. I told him to stand by for my FO ([redacted]. I briefed [redacted] on the locations we would be traveling to, and told [redacted] to send the grids to th[redacted] element.

I finally reached [redacted] on the [redacted] and asked him if he received my message about why I did not want to split up my platoon. He said that he did and that I still needed to execute the first course of action. I then asked him if it was their intent for me to start clearing the village at night. He said no. Then I responded that it didn't make sense to split up my platoon just so one section could set up a VDO for the other. He said that I still needed to move as planned. I responded again to make sure that I was clear, "So the only reason you want me to split up is so I can get boots on the ground in sector before it gets dark?" [redacted] said yes, that was the reason. I tried one last ditch effort, saying that we only had one .50cal between both sections, and asked if that changed anything. He said that it did not. At that point I figured I had pushed the envelope far enough and accepted the mission.

By that time the sun was dropping below the ridgeline and I assessed that my section needed to move with haste to accomplish the intent of getting into sector before dark. I gathered the squad leaders, told them how we were going to be task organized and why, and went over the plan briefly for the rest of the night and the following day. I then pulled [redacted] aside and went over more

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specific instructions; at this point I was treating us as two separate convoys. [redacted] said that the Jinga truck driver claimed to know the best route back the highway, and that they would take his recommendation. I made sure he knew where the link-up point was, whom he was linking up with, and that he was to link up with 1/C on our company net when they got close. We also went over our internal communications plan. I said that given the distance that would soon be between us, we would not be able to talk on our platoon net for long, and that should the towed GMV become further disabled or they take contact, he would have to talk to the company on [redacted]. I also told him that when he got close to our VDO near the OBJ, to contact us on our platoon net. Finally, I told him that since his section was going to be slow-moving with the towed vehicle and I had a deadline to meet, that I was going to move out with my section quickly and for him to move out with his section when he was ready.

Unfortunately all of these events left us static in Magarah for several hours, giving the enemy plenty of time to assess our situation and set up an ambush along the route in the direction we were traveling.

Shortly after we began to move, I called [redacted] on our platoon net to make sure he knew that although the 81mm MTRs were going back to [redacted], that we were keeping our 60mm MTR with us. [redacted], who was right next to me in the vehicle, could hear me on his radio, but I got no response from [redacted] [redacted] [redacted]s relayed the message, and I heard on my radio [redacted] respond that he understood.

As the trail elements of my section were coming out of the canyon into the open area, we heard an explosion. We stopped our vehicles, dismounted, and left the vehicles where they were, in relative safety. My RTO, [redacted], called immediately on [redacted] that we had contact, and I told [redacted] we needed to get up there to press the fight. [redacted] told SPC Tillman, P. that he was a team leader for him now, since Tillman's squad leader was in the second section, and he immediately began moving his make-shift squad towards the contact. From where we were I could not see the enemy or make an adequate assessment of the situation, so I determined that I needed to get closer. I told [redacted] to grab the radio, but did not look back to see if he was following me, and I headed towards the contact right behind [redacted] squad. Just then I heard [redacted] come over the radio and say that they had not taken any casualties, and that they were returning fire. After I had moved about 50m, I realized that [redacted] and [redacted] were not behind me. I returned to the vehicles where [redacted] and [redacted] had set up the black satellite antenna on the ground. As I approached I heard [redacted] send up a grid for our current location; as [redacted] passed the radio off to me he told me that he was monitoring fighter check-in on his MBTR, and then he took off in the direction of [redacted] squad. Then I got on the radio and sent up a grid to the contact on the high ground, the only place I had seen tracers coming from initially. After I sent the grid I grabbed the black satellite antenna, [redacted] put the radio on his back, and the two of us began running together towards the contact. The entire time we were moving, we heard rounds cracking by our ears, but we could not pinpoint from which direction the fire was coming. We stopped briefly at a wall near the large house, and I determined that we needed

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to get closer because the house was obstructing our view of the fight. [redacted] and I displaced again to the corner of the house in front of us and set up the antenna there. At that time I saw 4-5 of our guys pinned down behind a berm. They were lying against it for cover, and rounds were kicking up dirt at the top of the berm just above their heads. [redacted] noticed tracers coming from the opposite ridge-line, and told me we were not in a safe spot. I concurred, and just as we were turning to move around to the other side of the house, we both got hit by what was probably a burst from a machine gun. Neither of us saw exactly what hit us or from which direction it came. I took bullet fragments in my face and left leg, and both [redacted] and I took smaller fragments all along our left side. A second burst sent a round through [redacted] left knee, and he was unable move all the way to the rear of the building.

At that time, I noticed [redacted] section moving through the canyon into the open area. Right about then we stopped receiving contact altogether and I called [redacted] to see where we stood on casualties. Since he had just linked up with my section, he could not give me an answer immediately, and the squad leaders could not give *him* an answer immediately because the squads were split between the sections. Meanwhile, we had lost [redacted] communications and [redacted] was crawling around with the antenna trying to get reception. [redacted] called and told me that we had two Eagle KIA, one US Soldier and one AMF soldier; he also said that he was still trying to get a complete roll-up from the remainder of the platoon. I informed him that [redacted] and I had been hit, and he assured me that he and our medic ([redacted] would be heading up to our location shortly. At that time [redacted] dispatched several soldiers to package up our KIA and bring them to the low ground. I called on [redacted] for a MEDEVAC, giving the HLZ grid location and the number of casualties we had identified so far. The squad leaders began putting their men into security positions, and they also sent teams to clear the few structures in our area. When [redacted] and [redacted] reached my position, I handed [redacted] the [redacted] mike and told him what I had passed up so far. [redacted] and a few other Rangers began treating [redacted] and me for our wounds, and [redacted] finished calling up the MEDEVAC request. At one point while I was being treated, [redacted] left the radio and I heard [redacted] calling for him. I picked up the mike and copied the frequencies for the MEDEVAC birds, and gave them to [redacted] when he returned. More of our Rangers came up to the house to assist, and they buddy-carried [redacted] and me to the HLZ. When I reached the low ground I linked up with the [redacted] and [redacted], and gave them a brief SITREP. They linked up with our squad leaders and began assisting with security and MEDEVAC operations. Shortly after I arrived at the HLZ, Rangers pulled up the bodies of our KIA in SKEDCOs. About 15 minutes later, the MEDEVAC birds arrived, [redacted] and I got loaded up, and they flew us back to [redacted].

END OF STATEMENT [redacted]

[redacted]

001006

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	2 May 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
2nd Ranger Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q: What is your current position? How long have you been in your duty position?
Q: What squad was SPC Patrick D. Tillman assigned to? Who is his squad leader?
Q: What was his duty position?
Q: How many hours of sleep did your platoon get the night prior to the enemy contact?
Q: What was you battle rhythm during your clearance in zone missions?
Q: Why didnt the SL, [redacted] ride with his Squad in serial 1?
Q: How many squad leaders were in serial 2? Serial 1?
Q: How many .50cals/MK 19 in serial 1? Serial 2?
Q: What vehicle were you riding in?
Q: What time did your platoon receive the FRAGO from the Company Commander?
Q: Did you have enough time to conduct thorough PCIs?
Q: Did you have enough time to conduct thorough TLPs?
Q: Did the platoon do rehearsals?
Q: Did the PL issue a GAC/convoy brief?
Q: Did you have enough time to conduct PCIs?
Q: What was your understanding of the FRAGO?
Q: Were you suppose to move during the day?
Q: Were you told to split your platoon into two sections?
Q: Who told your PL to move during the day?
Q: What were your thoughts about moving your platoon during the day?
Q: If you were against moving your platoon during the day, why didn't you bring it up the the CO CoC?
Q: Did you know that the BC put out a directive [redacted]
Q: Did you know that you had air coverage (2 x A10s) from [redacted], but the AC never took off from BAF due to bird conditions?
Q: Did the PL conduct a comms check prior to movement? All radios working?
Q: What is your SOP on the comms when moving in two different sections?
Q: Why didnt you use [redacted] on your vehicle to communicate with the PL once UHF wasnt working?
Q: When did you realize your serial was in contact?
Q: Did you attempt to call your PL to report enemy contact? How about the TOC via [redacted]?
Q: Did you know the location of Serial one once your serial made contact with the enemy? Who did you attempt to call?
Q: How light was it during the enemy contact? Did the dusk hours effect your ability to see clearly?
Q: When did you see the smoke on the ridgeline? What were your actions?
Q: When did you know your platoon received casualties? What were your actions upon learning that SPC Pat Tillman had been shot? Your platoon leader?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___, TAKEN AT ___, DATED ___, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

001007

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EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [redacted].

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of April, 19 04

at [redacted]

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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EXHIBIT 138

1. Platoon Sergeant, 22 months.
2. 2d Squad: [redacted]
3. Saw Gunner, also serving as an acting Team Leader due to the previous Team Leader being RFS'd just prior to deployment.
4. At least 8 or more.
5. Steady, it slowed quite a bit due to the damaged GMV. We were waiting at the BCP for an aerial resupply of parts.
6. The way the vehicles were configured half of 2d Squad went with section 1 and the other half with section 2.
7. Serial 2 had one SL, Serial 1 had 3.
8. The platoon had 3 MK-19 and one M2. Serial 2 had one MK-19 and one M2, Serial 1 had the remainder.
9. Last Vehicle.
10. I don't remember the time [redacted] received the FRAGO.
11. PCI's were limited to minutes due to the time constraint.
12. SAME AS 11.
13. No time was given to do rehearsals. Once the platoon was in the town trying to rig the vehicle all pax were involved pulling security due to the large amount of people. The main concern while rigging the damaged vehicle was that no locals tried to take something from a vehicle.
14. No. We received what vehicles were going where.
15. No.
16. My understanding of the FRAGO is as follows, higher intent was that he take the platoon split, his portion to the northern part of our sector to clear and stop prior to entering the town and set up an ORP for the night. I would take the remainder to the highway and link up with C-1 who had a wrecker. I would hand over the GMV, Mortar Section, and RSM. I would then head with the remainder of the element and link-up with [redacted] Upon first light the platoon would clear from the North to South of are AO.
17. I was never told not to move during the day.
18. Yes I was told we would split the platoon.
19. I assumed the order to move during the day was from higher.

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EXHIBIT 138

20. I did not want to move period. I was frustrated that the platoon could not get the GMV sling-loaded out. The damaged vehicle at that point was dead weight. We sat for hours waiting for a solution.

21. I thought we were being directed to move, everyone was becoming impatient from setting all day. The main concern I had at that point was to not split the section up.

22. I don't recall ever receiving the information on not to [redacted].

23. I did not know air coverage was scheduled.

24. A communications check was conducted within the platoon and prior to departure communications ware good to go.

25. Normally no communications between the two sections was not a factor, they would work independently. Main concern with split section is communication with higher.

26. I tried to contac[redacted] on UHF, once I realized UHF was not working with [redacted], I tried to contact 2-6 and the TOC on [redacted]. I didn't hear a call of anyone in contact and I thought that at that point maybe 2-6 was wrapped up in the fight and didn't pass the grid up.

27. I first thought we had hit an IED, seconds later I realized we were in contact when the first Mortar round exploded on the high ground.

28. SAME AS 26.

29. I thought Serial 1 was farther up due to the speed of the truck towing the GMV.

30. Right when we moved out the sun was going down; I knew during the drive it would be dark soon so we prepped NOD's prior to moving. The light and terrain made it difficult to scan terrain.

31. I saw the smoke when I came around the bend just prior to the village, the [redacted] was dismounted and moving on the right of the vehicle, I thought someone threw smoke to conceal so I told the [redacted] to look out and I also threw a smoke a few feet to the right of it.

32. Once the vehicle reached the village everyone dismounted. As soon as I dismounted [redacted] called me on the radio and directed me to move to his location and that we had two casualties. Once [redacted] said Tillman had been hit I moved with [redacted] as fast as possible, I was hoping that the injury wasn't severe and that [redacted] could stabilize him. Once I realized that Tillman and the AMF were KIA I asked [redacted] where [redacted] was at and I was mad that no accurate reporting was going on. Once I moved to the corner of the building I spotted [redacted] and the RTO. I dropped down beside him and started asking him what he was doing; at that point I spotted the blood around his mouth and realized that both PL and RTO had been hit.

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
2-75 Ranger Regiment

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 22nd of April 2004, 2nd platoon was leaving Magarah in two sections. Section one was moving to Hanah, section two was moving to [redacted]. Then Section two was going to link up with section one in Manah. I was the lead GMV driver in section one with the Platoon Leader. We passed through a small town vic 42S WB 487716. Past the small town, the road split and we went right, continuing a westerly direction. Section two was about a click behind us. At this point they came under mortar fire to the east of our location. Section one dismounted and we moved up the high ground through the small town. We ended up at the eastern side of the town on a ridgeline facing east. I had my Alpha and Bravo team to my left side and Tillman's team to my right side. At this point we were receiving fire from the north and northeast. We were also receiving mortar fire that was impacting on the northwest of our position. I tried several times to call back to [redacted] in section two to tell him that we were over-watching his movement out of the ambush. I tried to tell him that we were on the high ground to the north or his right as he enters the open area. But he never got my call. While we were under contact, Tillman said he was going to push to the far side of the ridge we were on about 50 to a minute after he moved, I saw a puff of dirt on the far side of the hill (the side Tillman was on) then noticed the lead GMV down on the road pass my position and fire on my position. At this time, I was moving my arms and shot a pen-gun flare. The vehicle stopped shooting at us. Next I could hear [redacted] screaming on the far side of the hill and [redacted] said I think we have a man down over there. So I ran over the hill. [redacted] was next to Tillmans body screaming. I told him to push out and give me security. Then I called [redacted] to report man down. The vehicles were all by the intersection at this time so I got a GMV to move to where Tillman was and where the AMF guy was dead as well.

The GMV moved up to our position and linked up with the PSG and medic on foot and brought them both to Tillman and the AMF guy. [redacted] said they were both dead. Then we got the call that [redacted] and [redacted] were hit. [redacted] went to their position and he and [redacted] treated them. I moved to the building where the PL and RTO were being treated. I helped the PL get his radio off and then helped [redacted] to the HLZ. 1st and 2nd squad were helping clear the village as I moved back up from the HLZ. I got my squad together and started to do an SSE. We put all of the people in the town in a small room under guard and searched everything then established security around the small village and waited for the rest of the company. We were relieved by 3rd PLT then we got some sleep and got ready for follow on ops.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ___ PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 63, WHICH WILL BE USED USAPA V1.00

001011

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EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of May, 19 04

at [redacted]

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

0C1012

EXHIBIT 138

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			
2d Platoon, B Company, 2d Battalion, 75th Ranger Regiment			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [redacted]

Q1: When Serial II came under enemy fire, what did you do?

A: I was with Serial I and we had already driven through the canyon area where the ambush was taking place. We had just driven through a small village. When I heard the ambush start, I figured it was probably Serial II. I dismounted the GMV I was on, grabbed my squad, including CPL Tillman's team, and started moving through the village. I saw the ridgeline next to the village and headed for it. I figured it would give us a good vantage point for seeing what was happening.

Q2: Where did you observe the enemy?

A: I could actually see the enemy from the high Northern ridgeline. I could see their mortar rounds landing just below the Northern ridgeline. I could see their muzzle flashes. I would estimate that they were about 800 meter away. It was difficult to see them because the sun was setting. CPL Tillman told me that he saw the enemy on the Southern ridgline. I figured this is where the mortars were being fired from. A few minutes later, I started receiving sporadic fire from behind me and to the North.

Q4: Why was CPL Tillman assigned to your squad for the GAC movement?

A: He was assigned because of manning purposes. I wondered why we were operating in split sections, but since we were, several of the guys had to shifted around to even out the fire power between the two sections. As for the AMF soldier, it seemed like he just attached himself to Tillman's team.

Q5: Once the ambush started, what did CPL Tillman do?

A: We all moved to the top of the ridgeline to our front. CPL Tillman identified the enemy fighting from the Southern ridgeline overlooking the canyon. He asked me if he could drop his RBA (body armor). I told him "no." I didn't think about it at the time, but I think he wanted to assault the Southern ridgeline. He then moved down the slope and into a position where he could engage the enemy on the Southern ridgeline.

Q7: What task and purpose, if any, did you give CPL Tillman?

A: I didn't need to give him a task and purpose. He reacted, we all reacted, just like it was some type of battle-drill. He told me where he spotted the enemy and where he wanted to position his team to engage the enemy. I agreed with his plan and let him move his team into a fighting position.

Q8: Did you direct CPL Tillman to place himself on the downslope of the ridge?

A: No. I didn't need to. I trusted his judgment as a team leader and watched him execute fire movement drills during training. I thought he was fully capable of covering the Southern ridgeline from where he wanted to set up.

Q9: After CPL Tillman took up a position with his team, did he ever leave that position?

A: No. He stayed and fought from the position he took up with his team.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___, TAKEN AT ___, DATED ___, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

001013

EXHIBIT 138

STATEMENT (Continued)

Q10: When did you realize that you were taking friendly fires?

A: Once I saw the lead GMV from Serial two, they started immediately firing on us. I was trying to reach them on UHF radio, but I couldn't get through to them. I could hear everyone in serial two talking.

Q11: Did you seek smoke rising from CPL Tillman's position?

A: I saw smoke rising from his position, but at the time, I didn't know what it was. I also saw smoke in one of the buildings in the village.

Q12: Where was the platoon leader?

A: The platoon leader was with his RTO in the village at the base of the ridgeline. He was trying to get communications with Serial two because we just knew they were in the ambush. I had comms with the platoon leader and told him where I was at and what we were going to do. I'm sure he was also trying to get comms with the Battalion because I saw him yelling at his RTO to get his handheld [redacted] out.

AFFIDAVIT

I [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: [redacted]

001014

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 01		
LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]	SOCIAL SECURITY NUMBER: [redacted]		GRADE/STATUS: [redacted]
ORGANIZATION OR ADDRESS			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the radio they said we were taking enemy fire on the second convoy. So we all stopped and dismounted and ran to the first berm to assess where it was coming from. I could hear fire coming from the canyon at that time. I could see Tillman run by on my far left and call for [redacted] to check up on hi[redacted] told Alpha TM to move forward and up to the next spot near the village to get a closer look. At that time, I lost sight of [redacted] and Tillman. I recognized that we are not taking fire from the village. [redacted] told [redacted] to pick it up to the berm. At this point, I saw the second convoy's ammo and tracers going up to the ridge where they were. So I took aim at a target and took about a 3-four round bursts [redacted] called cease fire and to acquire your targets. At that time, I looked over the ridge and saw the 1st vehicle of the 2nd convoy make it through. So I got back down on my side of the berm. (At this time we are taking a good amount of fire from the ridges to keep us down.) I acquired a muzzle flash on the far ridgeline and fired more burst. I then stopped because I am noticing larger explosives around our position and larger weapon systems firing from the berm. What I thought was a mortar at Tillman's position, was the smoke he popped off which slowed down the fire. I started to listen for rounds impacting around us and noticed what systems were going off and I could hear a different weapon that I was not familiar with. I noticed the firing coming from Tillman's position. I got down lower on the berm and watched the tracers and explosives land on our side of the berm on the far left. So I looked up at the explosion then I noticed the PL and RTO run from the corner of the building and noticed the rounds impacting on the house. I see them turn and go back and then a vehicle came over with a .50 cal. The TC got out and shot at us, while everybody is yelling "cease fire". It didn't get through, but we all kept on trying while [redacted] got the pen-gun flare and shot it. They noticed the flare and I went over to the other side of the ridgeline (whether or not the enemy or friendly was shooting) because [redacted] was yelling "Oh my God, Oh my God" four times and was saying that Pat Tillman has been shot. I got to his location and noticed Tillman was missing his head. I saw [redacted] on my left run up and get comms with [redacted]. So I turned and went back over the berm and continued to pull security while they packaged up Tillman and the AMF soldier. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED USAPPC V2.00

001015

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

[redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE ____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ____ day of _____, 19 ____

at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 06		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			
2/75 Ranger Regiment			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was in the first serial that moved out on the GAC. The lead vehicle, with [redacted] driving. We started moving out from the Village of Margarah and from the start we pulled ahead of the second serial. While enroute to our objective [redacted] and I talked about Ranger School and how beautiful the country was when we hear an explosion. We called for [redacted] to stop, but he didn't hear us. So we kept on moving form about 10-15 meters before stopping. After we stopped [redacted] and [redacted] pulled security while I moved out with SPC Tillman who was in the BILUX behind us. We first moved through and up the village linking up with [redacted] squad led by [redacted]. We received no contact in the village so we moved out, splitting up [redacted] team who linked up with [redacted] from SPC Tillman and I. SPC Tillman and I moved up some sort of a ridgeline then down into a draw where we linked up with an AMF guy. We secured some ? lower here we could put some fire down on a high ridge area where we saw some movement of what looked like to be enemy pax. SPC Tillman was forward and to the right of me at this time when I moved down to him behind the same rock. He then (Tillman) told me he was going to go link up with [redacted] to find out what was the plan. So I moved into his position to lay down some fire for him while he moved out. At this time I was controlling the AMF guy on where to fire because he wanted to move out. But he lost focus of the ridge to our front form some action from the ridge line to our right side shooting across the road. It took SPC Tillman a few moments to return back to our position with a plan of action, and when he moved down to my position on the side of the rock he took a hold of the top, laying down fire on the ridge. Not long after did a friendly cargo/GMV come down the road toward our direction. When they made eye contact with us, they opened fire with small arms. They rolled through very quickly. After they came, a GMV with a .50 cal rolled into our sight and started to unload on top of us. They would work in bursts, .50 cal for 10-15 seconds, 240B 10-15 seconds (back and forth) for a few minutes. SPC Tillman and I were yelling "stop...stop...friendlies...friendlies, cease fire!" But they couldn't hear us. Tillman came up with the idea to let a smoke grenade go. This stopped the friendly contact for a few moments and that's when I realized that the AMF soldier was dead. At this time, the GMV rolled into a better position to fire on us. We thought the battle was over so we were relieved, getting up stretching out and talking with one another when I heard some 5.56 rounds coming from the GMV. They started firing again. After only a few 5.56 rounds the .50 cal started firing again. That's when I hit the deck and started praying. SPC Tillman at this time was hit with some small arms fire. I know this because I could hear the pain in his voice as he called out "cease fire, friendlies, I am Pat fucking Tillman dammit." He said this over and over again until he stopped. Not long after the firing stopped, the GMV moved out. I was lying next to the original rock I used for cover when I heard what sounded like water pouring down. I thought maybe SPC Tillman had pissed himself but it kept coming for about 2 minutes. I then looked over at my side to see a river of blood coming down form where he was. I had blood all over my shoulder from him and when I looked at him, I saw his head was gone. I started screaming for [redacted], medic, anyone who would come to my location. I was scared to death and didn't know what to do. [redacted] arrived a minute after that and he put me on security. We later moved down the draw into a safe and secure area when [redacted] went up and checked the AMF soldier and SPC Tillman. After that, I moved out with [redacted] to pull security for the village, [redacted] and [redacted], who were both shot. That night I talked to the [redacted] and [redacted] about what happened and I pulled guard on some kids and woman in a building until first and 3rd PLT arrived so we could get some rack. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68 WHICH WILL BE USED

CID017

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EXHIBIT 138

STATEMENT *(Continued)*

AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 0. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 4 OF 5 PAGES

0001018

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, A Company, 2d Battalion, 75th Ranger Regiment

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [redacted]
A: [redacted]

Q1: Why did CPL Tillman and yourself go over the crest of the Western ridgeline?
A: We thought it was a good place to fight from. We were going to assault up the ridgeline.

Q2: Did you see any enemy forces on the Southern ridgeline?
A: I didn't see any enemy there, but the AMF soldier was shooting in that area.

Q3: What weapons were fired at your position?
A: It was the .50 caliber machinegun and the M240B machinegun.

Q4: How did the AMF soldier get killed?
A: He was shot as the GMV was firing on our position. He got shot right before I heard the .50 caliber machine gun.

Q5: How did CPL Tillman get killed?
A: He was yelling "cease fire" to the GMV that was shooting at us. He got up and left his position to throw a smoke grenade. Once the smoke grenade was thrown, the firing briefly stopped. We both stood up, and then the firing resumed again.

Q6: Were the .50 caliber machine gun rounds going over the ridgeline?
A: Yes.

Q7: What were the light conditions like when you were being shot at?
A: They were still pretty good. There wasn't a need for NODs yet.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___, TAKEN AT ___, DATED ___, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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EXHIBIT 138

STATEMENT *(Continued)*

AFFIDAVIT

[redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] *(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of May, 2004 at [redacted]

ORGANIZATION OR ADDRESS

[redacted] *(Signature of Person Administering Oath)*

[redacted] *(Typed Name of Person Administering Oath)*

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

[redacted] PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45, the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22 April 04, I received a FRAGO to move to Manah. [redacted] convoy (which I was in) was to move to the highway to meet up with the tow truck. PL's convoy moved out and then a few minutes later our convoy moved out. Plan was for myself, who was point to move out the same we entered the region about a week ago. During the GAC I received a radio call from [redacted] telling me to stop. After a few minutes it was said that the jinga truck driver knows a better way and that he would take lead. At which point and time my GMV fell in behind him. When we turned around that corner in the valley, my GMV heard a loud boom. I had everyone dismount believing [redacted] GMV hit an IED. Then on the north side of the ridge line I noticed rocks falling then saw the 2nd and 3rd mortar rounds hit. Then a little small arms fire also from the north ridgeline [redacted] came over the radio telling me to move. I saw [redacted] and [redacted] behind covering us and suppressing so I told [redacted] to punch it. I ran up and grabbed the jinga truck driver and the Terp and threw them in the truck and started to move. As we were moving, the convoy kept taking small arms fire from the north ridgeline. I kept on suppressing at the muzzle flashes at which point and time I went rounds out, so I jumped from the jinga truck back to my GMV which was still moving grabbing more ammo. I spotted 1 enemy pax on top of the north ridgeline, and started to engage that pax. I ordered my M203 gunner to put HE on him and fire the AT-4 at him. I also fixed the snipers fire onto him as well. At that point and time, we started to receive enemy fire from the south ridgeline, so I had the men engage that threat too. I then ran back up to the jinga truck and told him move out. I was still taking enemy fire at this time from the ridgeline. I then noticed an enemy pax running west on the north ridgeline and engaged at him. Then the jinga truck stopped for some reason. I jumped out and moved back to my GMV and told [redacted] to move around the truck. Then fixed all my GMV's fires onto the north ridgeline where I saw enemy pax. Then I noticed muzzle flashes coming from a spur east of the village and everyone started to shoot towards the muzzle flash as we came up on line with the ridge my TM Leader, [redacted] said "friendlies." I looked down the road and saw the PL's convoy patrol with them and there were no where to be found. Then, I yelled "cease fire" [redacted] was yelling it too. By the 3rd and 4th time everyone stopped at which we were already past [redacted] element on the ridgeline. I saw him shooting up a pen-gun flare. I was still shooting and engaging what I now know was the AMF soldier. When I first heard [redacted] screaming friendlies, I looked down at the road, then back up the ridgeline and I identified Rangers. That's when I yelled "cease fire." And like I said before, it took a couple of times of yelling it before the whole GMV stopped shooting, at which point we were already beyond [redacted] position. From there we stopped and I pushed out security at the time it was already getting dark. From the start of the GAC until I finally identified Rangers on the ridgeline and saw [redacted] vehicles I had no idea where they were at or located. I didn't pick up any radio traffic from either of them. After I pushed out security, [redacted] and the [redacted] cleared the village. This is when I learned we had casualties. The medevac bird came in and I went up to the village to help SSE the place. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
[redacted]	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 69, WHICH WILL BE USED. USAPPC V2.00

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EXHIBIT 138

STATEMENT *(Continued)*

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT [redacted]FIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, [redacted]

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

0001022

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

EXHIBIT 138

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

Q: [redacted]
A: [redacted]

Q1: During the ambush on 22 APR 04, was your convoy attacked with RPGs or mortars?

A: I can't confirm, but I believe it was mortars.

Q2: Where was the enemy located?

A: The North and South ridgelines. They were on both sides of the canyon.

Q3: When did you start receiving fires?

A: After we hit the first bend in the road, we had about four mortar rounds hit around us. We were also taking smalls arms fire.

Q4: Who controlled the fireson your GMV?

A: I did.

Q5: From the time you started receiving enemy fires, until the engagement completely stopped, how did you control fires from your GMV?

A: I oriented on the muzzle flashes, then everyone on the GMV followed.

Q6: What weapons systems or optics were you using to acquire and engage the enemy?

A: I was using my [redacted]. It wasn't dark enough at the time for NODS.

Q7: What is your eyesight? Do you wear glasses?

A: 20-20. No.

Q8: What were the light conditions like during the fires engagement?

A: It was dusk. The sun was going down.

Q9: At what point during the ambush did you start directing fires to the Western ridgeline to your front?

A: I first engaged on the Northern ridgeline. Then, I shifted my focus when I was muzzle flashes as we started driving towards the Western ridgline in front of us.

Q11: How far away was your GMV from the Western idgeline when your first started shooting at the muzzleflashes?

A: Maybe ~~400~~ 300 [redacted] meters.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

EXHIBIT 138

FOR OFFICIAL USE ONLY

STATEMENT *(Continued)*

Q12: Were you able to Positively Identify (PID) CPL Tillman's fire team?

A: No.

Q13: How far away was your GMV from CPL Tillman's team when your men engaged his position?

A: Maybe 200 meters.

Q14: Did you see the smoke grenade he threw near his position?

A: No.

Q15: Did you hear CPL Tillman, or anyone from [redacted] squad yelling for you to cease fires?

A: No. [redacted] was the first to yell "cease fire." I never heard them yelling on the ridgeline.

Q16: Did you see CPL Tillman, or anyone from [redacted] squad waving their arms in the air?

A: First, I saw [redacted] pen gun flare. Then, I saw the arms waving, but not before I saw the pen gun flare.

Q17: Did you ever see CPL Tillman or anyone else in his team standing, kneeling, or in the prone?

A: I saw a figure holding an AK-47, his muzzle was flashing, he wasn't wearing a helmet, and he was in the prone. I zoned in on him because I could see the AK-47. I focused only on him.. I got tunnel-vision.

Q18: Did you or one of your men fire into the village next to the ridgeline as you drove past CPL Tillman's position? Why?

A: The 240 gunner didn't stop firing until we were past the ridgeline, but I don't think anyone on my vehicle fired into the village. We weren't taking enemy fire from the village.

Q19: From the time you heard someone yell, "Contact 3 o'clock," until the firing into the village, were you taking enemy fire?

A: I don't recall anyone saying "Contact 3 o'clock." I only saw rounds impacting when I was dismounted and running. That was at the start of the ambush.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT [redacted] BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR [redacted] UCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 19 04

at [redacted]

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OOCSOPS

LOCATION	DATE	TIME	FILE NUMBER
	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

I [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 22nd of April our platoon was suppose to GAC from [redacted] to the village of Mana to conduct a SSE of the village. From the very start of the GAC, there was a broken down GMV. We tried to fix it, but nothing made it turn over, so the PL made the decision to tow it with a GMV with tow straps. This worked until we reached the village of Magarah, where the GMV became un-towable. We sat there for several hours before we heard from higher whether or not we could sling load it or get a wrecker out to our location. Finally we had a Haji offer us to tow it with his Jinga truck. As soon as we got it rigged; which took several more hours, we started our movement. The original plan was to GAC the entire platoon back to [redacted]. At the last minute, we were ordered to split the platoon into two sections. Section 1 was going to the village of Manah and the second section to Salerno to drop off the GMV and then move back to Manah to link up with the remainder of the platoon. The PL was extremely upset that we had to break up into two convoys. Section one was to go to the northwest and section two was to go to the northeast. When we got to the Y intersection in the road, 1st section went to the northwest, and my section went to the northeast. 200-500 meters into the route, my section turned around and came back to the same route taken by section one. The Jinga truck driver said his truck could not handle the terrain on the route. After turning around, the Jinga truck took the lead. We entered a canyon with approximately 5 to 7 meter between the walls and towering about 150 to 200 meters up. Right before we took a left turn, we took enemy contact. Initially, I thought it was an IED, but then we heard another explosion and almost immediately after that we started taking small arms fire. So we mounted back up to push through the ambush. We fired on known, likely and suspected locations. Getting the Jinga truck driver to move was extremely difficult. It was stop and go for most of the way. Half way through the contact the Jinga truck driver completely stopped and wouldn't move. We dismounted and [redacted] positively identified an enemy pax on the ridge and told [redacted] to take out the AT4 and fire on him. [redacted] already had it out and took the shot. All I could ID was the muzzle flashes on the south ridgeline and oriented my SAW gunner at them. [redacted] ran up to the Jinga truck and got it moving again. We all mounted back up and we saw muzzle flashes where we were shooting at. I later learned that the explosions were mortar fire and most of them were hitting on the north ridgline. Once [redacted] got the Jinga rolling again, he mounted back on the GMV. As soon as there was enough room we went around the Jinga truck. Immediately after that, about 200 meters, we rounded a corner where I saw the NSTVs from the first convoy. (I was the driver the entire time)I looked to my right and saw one pax with an AK47 which confused me for a split second, but I also saw the rest of section one on the top of the ridgeline. I yelled twice "we have friendlies on top." They (GMV crew) must have not heard me because my GMV opened fired on them (section one on the ridgeline). I screamed "no" and then yelled repeatedly several times to cease fire. No one heard me. By that time, I believe everybody was deaf from all the gun fire that had been shot off. Finally, they stopped after a few bursts on the .50 cal. After that, things started calming down and security perimeter was established. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED USAPPC V2.1

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted], Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, A Company, 2d Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

([redacted])

A: [redacted]

Q1: On 22 APR 04, did your platoon leader give a FRAGO or convoy brief prior to leaving Margarah village?

A: I'm pretty sure he gave one to the Squad Leaders.

Q2: What was the plan to get from Margarah to the VDO location outside of Manah?

A: The platoon would be split into two convoy sections. Both would travel the same route up to a point. One section would eventually head towards the Northeast and drop off the broken GMV. Afterwards, it would travel to the V.D.O. near Manah and link up with the rest of the platoon.

Q3: What convoy control measure were in place to track the movement between the two convoy elements?

A: I have no idea.

Q4: What did the JINGA truck driver do during the ambush? How did he react?

A: First, he got out of his truck, then got back into it. The driver seemed calm.

Q6: How did the ambush commence?

A: There was a loud explosion. Initially, several of us thought it was an I.E.D. We dismounted the vehicle. Then I realized it was a mortar and got back into the vehicle to drive out of the area.

Q7: Did you see enemy forces along the Southern ridgeline?

A: I saw muzzle flashes along the Southern ridgeline.

Q8: Who commanded the fire control and fire distribution on your vehicle?

A: My ~~team~~ Squad leader, [redacted].

Q10: At what distance did your Rangers engage CPL Tillman's fireteam and the village next to the ridgeline where they were positioned?

A: It was at about 150-200 meters.

Q11: When did you positively I.D. the friendly forces on the ridgeline? What actions did you take?

A: The GMV was moving towards the ridgeline. I saw the AMF soldier, but didn't recognize right away that it was an AMF soldier. Eventually, I could tell there were U.S. forces behind the AMF soldier.

Q12: Why didn't the other Rangers on your vehicle identify the friendly forces at the same time you did?

A: I don't know. They weren't looking at the GMVs when I spotted them.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ..... TAKEN AT ..... DATED ..... CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ... OF ... PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I think as soon as all of serial 2 entered the canyon, we heard a loud explosion up on the east Ridge. "IED" was called by [redacted] I believe, and everyone dismounted. I turned the .50 cal around and we started to receive small arms fire. Initially I couldn't see any muzzle flashes so I suppressed where friendly rounds were impacting on the ridges. The next few minutes are pretty hazy in my memory- it was stop and go driving because the hajis dismounted so I believe [redacted] and [redacted] got them moving and sometimes it seemed we'd get to far ahead of the rest of serial 2. So we would stop and suppress the ridges. When I saw muzzle flashes to the north, I returned fire, but most of the time I was suppressing where individual Rangers on my GMV were engaging. At one point our vehicle was facing north on a curve and I think someone called "RPG" and they dismounted. At that point I had gone through 300 rounds and I was re-loading another 100 round belt. A few Rangers were firing to the east but my sector was masked by a huge boulder so I called for someone to move forward (north) so I could engage, which I did. [redacted] grabbed the AT-4 and shot it to my left, or north, I believe. About he same time we were getting engaged from multiple directions, and so I might have put some burst SW. We started moving again and my fires were to the north and east. As we were driving SW out of the kill zone, I was engaging mostly to the north. Around this time, I thought the driver got hit in the leg. As we approached the ridge running north/south, I think someone called "contact right." In the back, some Rangers engaged and I turned the turret and saw two shapes and put my last bursts into the target. I believe other weapons were firing a little longer until [redacted] called cease fire and then we saw serial 1 vehicle. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

001027

EXHIBIT 138

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU[redacted]INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May, 19 04

at Mannheim [redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

001028

EXHIBIT 138

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted], Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS

2d Platoon, A Company, 2d Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [redacted]
A: [redacted]

Q1: On 22 APR 04, what were your duties and responsibilities during the GAC movement?

A: I was the .50 cal. machine-gunner on the lead convoy vehicle.

Q2: Who commanded your fire direction and fire distribution on your GMV?

A: Part of the time it was the vehicle TC, [redacted]. He would call out a direction and I would follow it. Othertimes, I would shoot where others were shooting. I would shoot at the muzzle flashes, but only saw them a few times.

Q3: Once you were ambushed, who controlled and directed your fires?

A: I was controlling my own fires.

Q4: Where were the enemy fires coming from during the ambush?

A: Mostly from the Northern ridgeline, but there were some to the East and South.

Q5: Could you see the muzzle flashes on the Western ridgeline to your front? (How far away were they when the firefight started?)

A: Not really. I tended to focus on the muzzleflashes to the North and South.

Q6: What were the light conditions like?

A: Light conditions were O.K., but it was becoming dark. I didn't need NODS though.

Q7: What kind of optics were you using on your M4?

A: Iron sights.

Q8: Was this your first firefight? (If not, how many others have you been in?)

A: Yes.

Q9: Why did you fire at the arms waving on the Southern ridgeline?

A: I didn't see any waving arms.

Q10: Did you have Positive Identification of your target when you fired? What was your target?

A: I assumed others had P.I.D., so I just followed them and put down suppressive fires where others were shooting.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 63, WHICH WILL BE USED. USAPPC V2.00

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EXHIBIT 138

STATEMENT (Continued)

Q11: Who said, "Contact at 3 O'Clock?" Did you start firing at the 3 O'Clock position near the ridgeline?

A: I don't recall anyone saying that. I think I heard someone say "contact right." I turned, engaged, and fired.

Q12: At this point in time, were you taking enemy fires?

A: No.

Q13: As your GMV drove up to the ridgeline, could you identify any targets? What were they?

A: I could make out dark figures and saw muzzle flashes.

Q14: Could you hear anyone on the ridgeline yelling for you to ceasefire?

A: No.

Q15: Did you see the smoke near CPL Tillman's position? What did you think this was? Why did you keep firing?

A: No.

Q16: Did you see CPL Tillman standing up? What was he doing? Did you see him get shot?

A: I saw two figures on the ridgeline, but I couldn't tell what they were doing.

Q17: Did you see [redacted] fire into the village next to the ridgeline? Were you taking fire from the village?

A: I don't believe he shot into the village.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAW[redacted] INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of May, 19 04 at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

FOR OFFICIAL USE ONLY

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]
ORGANIZATION OR ADDRESS			

I [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was manning a M240B machine gun mounted on a rack on the right rear of the GMV commanded by [redacted] and only fired from this position throughout the course of the engagement. After traveling some distance through the canyon I saw an explosion on the north side of the cliff directly above the vehicle containing [redacted] and [redacted]. Those on my GMV and myself yelled for them to move as rocks were falling on them as a result of the explosion. I then saw muzzle flashes on the ridgeline (north side) and engaged with my M240B. Due to the placement of my gun on the vehicle, I could only place effective fire on the north side of the ridge so I cannot say whether or not we took any fire from the south. During the contact our vehicle stopped at least twice to dismount and engage, however I maintained my position on the vehicle and fired exclusively from that platform. I dismounted only once to move the vehicle forward to give the .50 cal gunner [redacted] a shot on a part of the north ridge from which fire was coming. While in the canyon I engaged based on muzzle flash and saw no enemy pax physically. Also while in the canyon, I recall [redacted] requesting to use the AT-4 and firing that weapon, though I didn't see where the round hit. As we moved through the canyon and picked up speed, I saw movement on the ridgeline above the village. I fired in the direction of what I believed to be the enemy as I had no idea of serial one's whereabouts. And most definitely had no idea that there were any friendlies on the ridge either through comms or signals, i.e. flares or smoke. The shots I fired on the ridge occupied by serial one were the last of the approximately 500 rounds I shot during the contact. Upon coming to a halt slightly past the village and AMF solder told myself and [redacted] to "cease fire" on the ridge as there were friendlies in that area. When our GMV was positioned, I was pulled off along with the gun to set up a firing position facing to the north. [redacted] indicated my sector of fire with his laser which excluded the ridge due the friendlies there. During the entire engagement, I had no indication as to serial one's whereabouts or their movements. I engaged what I believed to be enemy pax based on muzzle flashes and movement along the ridge. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___, TAKEN AT ___, DATED ___, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 65, WHICH WILL BE USED.

001031 EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of Aug, 19 04 at

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

EXHIBIT 138

001032

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form: see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, A Company, 2d Battalion, 75th Ranger Regiment

[redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q: [redacted]
A: [redacted]

Q1: On 22 APR 04, what were your duties and responsibilites during the GAC movement?

A: I was the 240B machine-gunner on [redacted] GMV.

Q2: Who controlled the fires on your GMV?

A: [redacted] and [redacted]. Commands weren't given though. If they were shooting in a an area, I would focus my fires on that area. Generally, I focused on shooting towards the Northern ridgeline. I focused on engaging the muzzle flashes.

Q3: Where were the enemy fires coming from during the ambush?

A: On three occassions, I saw muzzleflashes coming from the North side of the canyon.

Q4: What were the light conditions like?

A: The light was not ideal. I could clearly see once we left the canyon area. In the canyon, the light conditions were poor. The whole time I could only make out shapes and shadows.

Q8: Was this your first firefight? (If not, how many others have you been in?)

A: Yes.

Q9: Why did you fire at the shapes on the Western ridgeline?

A: I was excited. I saw muzzle flashes. I saw shapes. I fired at what I thought were enemy forces.

Q10: During the entire firefight, how many rounds did you fire?

A: About 500 rounds. I fired my last rounds in the vicinity of CPL Tillman's position. Maybe 20 rounds.

Q11: At this point in time, were you taking enemy fires?

A: Our GMV never took any rounds. We weren't taking immediate fires.

Q12: As your GMV drove up to the ridgeline, could you identify any targets? What were they?

A: I fired at muzzle flashes and figures. No one specifically ordered me to fire on the ridgeline. I focused on where others were shooting. I had no idea that any part of the platoon was on that ridgeline.

Q13: Could you hear anyone on the ridgeline yelling for you to ceasefire?

A: No. The first time I heard someone yell "cease fire" was when an AMF Commander called it.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

EXHIBIT 138
0013-06-CID201-50033

STATEMENT *(Continued)*

Q14: Could you see anyone waving their arms back and forth?

A: No, I didn't see anyone waving their arms.

Q15: Did you see the smoke near CPL Tillman's position?

A: No.

Q16: Did you see CPL Tillman standing up?

A: No. I don't remember seeing Pat's position. I did see what I thought was an enemy fighter.

AFFIDAVIT

I [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 04

at [redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

FOR OFFICIAL USE ONLY

EXHIBIT 136

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

[redacted]

I was riding left waist behind the driver [redacted], on the lead GMV in the second convoy. As the vehicle exited the canyon (Kill Zone) I sat down and picked up security to our nine o' clock. At that time, I heard contact, three o' clock. I then stood up and turned so that I am oriented across the vehicle to our three o' clock. I began firing perpendicular to the GMV seeing how no one was in my field of fire. I was shooting where the rest of the GMV was shooting which was the spur with a position on it. The position was a rock wall and a stick corral. My gun was the last one to fire on that position. As we were firing I saw 3 to 4 arms pop up. I believe it was enemy pax since the arms went straight up. They did not look like the cease fire hand and arm signal because they were waving side to side. The GMV spotted the movement and the rate of fire increased. We were still driving so the .50 cal was firing to the side of the vehicle. In doing so, its fire and moved from the spur along the hillside to the first house in the village. I clearly remember the flashes and the dust from the impact of the rounds. [redacted] then yelled cease fire as the .50 cal fired on a house in the village. All the weapon systems shut down. We then pulled up the creek bed just past the last building of the village. [redacted] parked the GMV on the right side of the road and we dismounted. We then pushed out and pulled security. We then began our consolidation and re-organization.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 55, WHICH WILL BE USED

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EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 19 04 at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

001036

FOR OFFICIAL USE ONLY

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OCCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted], Afghanistan	10 MAY 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, A Company, 2d Battalion, 75th Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q: [redacted]
A: [redacted]

Q1: On 22 APR 04, what were your duties and responsibilites during the GAC movement?

A: SAW Gunner. Pulled security behind the [redacted] on his GMV.

Q2: Who commanded your fire direction and fire distribution on your GMV?

A: It changed throughout the firefight. Whoever spotted movement directed the fires.

Q3: Once you were ambushed, who controlled and directed your fires?

A: [redacted] and [redacted]. After the initial contact, I was given a specific area to cover. While the GMV was moving, I fired wherever others were shooting. I was standing up on the left waist seat.

Q4: Where were the enemy fires coming from during the ambush?

A: Seemed like enemy fires were coming from the rear of the vehicle. As moved along the route it seemed to come from the right of the GMV.

Q5: What were the light conditions like?

A: It was like twilight. You couldn't see colors, but you could see silohouttes.

Q6: What kind of optics were you using on your M4? M249

A: I had my [redacted]

Q7: Was this your first firefight? (If not, how many others have you been in?)

A: Yes. No, second fire fight

Q8: Why did you fire at the arms waving on the ridgeline?

A: I saw the arms waving, but I didn't think that they were trying to signal a cease-fire.

Q9: Did you have Positive Identification of your target when you fired? What was your target?

A: I engaged with my weapon in the same general area where others were firing on the ridgeline. I just tried to keep the fires going where others fired.

Q10: Who said, "Contact at 3 O'Clock?" Did you start firing at the 3 O'Clock position near the ridgeline?

A: [redacted]. He was sitting in the right-waist seat behind [redacted].

Q11: At this point in time, were you taking enemy fires?

A: I couldn't tell. Others were firing and I wanted to stay in the firefight.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF , TAKEN AT , DATED , CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED 001037 USAPP

EXHIBIT 138

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

Q12: As your GMV drove up to the ridgeline, could you identify any targets? What were they?

A: I saw a figure firing, who I know now was an AMF soldier.

Q13. Could you hear anyone on the ridgeline yelling for you to ceasefire?

A: No. I didn't lose my hearing, but it was difficult to hear. I didn't hear [redacted] say "cease fire." Once the 50 cal. and 240 stop firing I heard [redacted] say "Cease fire".

Q14: How were you acquiring your targets?

A: I fired where others were firing. I couldn't identify the dark figures as friendly personnel.

Q15: Did you see [redacted] fire into the village next to the ridgeline? Were you taking fire from the village?

A: Yes. I saw rounds impact on the first house in the village. He was shooting at the 3 o'clock position.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

001038

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On the 22nd of April, our platoon, the Blacksheep, was tasked with a mission to move to the village of Manah and set in for the night until first light when we would clear the village. During our trip there, the GMV that was being towed became untowable So the the next couple of hours, we worked on a plan to rig the GMV up and tow it out to the hardball road. Eventually, a local with a Jinga truck said he would tow our GMV to the hardhall from the current village we were in. After a long time, we were ready to go; however, our convoy broke off into two separate convoys. The first convoy was going to continue onto the village of Manah as our convoy drove to the harball. The initial plan was for serial 2 to turn right at the village of TIT, while serial 1 turned lefic to move to Manah. As we turned right (I was in the lead GMV right wayseat), the Jinga truck driver stopped and suggested we go left because right would be to steep and rough for him to drive down. So the Jinga truck driver took the lead into the canyon.

While in the canyon, it began to open up and right before we made a left, a mortar round struck the wall. I looked up and saw rocks falling towards the cargo behind us. I yelled for them to get out and then heard [redacted] yell, "dismount." So I jumped out and fired a 40mm at what was some muzzle flashes. I fired 5 rounds total and then 2 to the left where I thought I saw some muzzle flashes on the ridgeline. In between the 40mm rounds I fired 2 to 3 shots and then would reload my M203. Then we re-mounted back on the vehicle because we finally got the Jinga truck moving again and I continued to suppress the suspected enemy location until we started to move. At that point, I changed mags and we continued on until the Jinga truck driver stopped again. We dismounted and I fired some 5.56 and my last M203 rounds at some more muzzle flashes. We then mounted up and I was on my third magazine, I believe and M203 rounds out. I continued to fire at suspected enemy locations, finishing my mag and then unhooking the AT-4 for a possible fire mission. Once again, the Jinga truck driver stopped again so I jumped off with the AT-4 a[redacted]had me fire and the top of the ridgeline to engage enemy pax. I aimed low to avoid shooting over the ridge. When I first pushed the trigger, I forgt to cock it and corrected my mistake and engaged the target. I then jumped back on the GMV and shoot about 20 rounds at the same location as we blew past the Jinga truck. As we did this, we were directed to shift fires onto the ridge to our 12 o' clock.

I fired at the ridgeline with suppressive fires, finishing the last 5-10 rounds before re-loading. By the time I had changed my magazines, the berm was to our 3 o'clock and the .50 cal and M240B opened up on the berm again, so I continued to pull security on the ridge/hill to our 12-1 o' clock position. At that point [redacted] yelled "cease fire." I echoed the command and looked back at the berm as the .50 cal stopped. I then saw a pen gun flare shoot up indicating that was our guys on the berm.

After that, we set up a security perimeter and I helped with the HLZ and carrying the casualties down the hill. We loaded the birds and I went back to pulling security and SSE on the village.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ..., TAKEN AT ..., DATED ..., CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ... OF ... PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

EXHIBIT 138

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 0. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN[redacted]

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OOCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted], Afghanistan			
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, Alpha Company, 2d Battalion, 75th Ranger Regiment

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

Q: [redacted]
A:

Q1: What weapon system do you carry?
A: I carry an M4 with the M203 grenade launcher.

Q2: Did you fire on the Western ridgeline where CPL Tillman's team was positioned?
A: Yes

Q3: Why did you fire on the Western ridgeline?
A: While we were coming out of the ambush, my squad leader saw muzzle flashes and oriented his fires in that direction. I fired about 18-10 rounds from my M4 then had to change magazines. We were only about 100 meters away when we started firing. At this time, our GMV was driving pretty fast towards them.

Q4: What was the orientation of the .50 caliber machinegun and the M240 machinegun?
A: Both weapons were firing on the ridgeline the entire time we were moving. First, the weapons were shooting at the front of the ridgeline as we drove towards it. As we drove next to the ridgeline, the firing was at the side of the ridgeline. As we drove past the ridgeline towards the village, the the gunners were firing behind the ridgeline. Both [redacted] and [redacted] were shooting at the ridgeline.

Q5: Did you ever see smoke near CPL Tillman's position?
A: No, I never saw any smoke. I did see the pen gun flare go off.

Q6: Did you see anyone shoot at or into the village?
A: No, I did not.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___, TAKEN AT ___, DATED ___, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

001041

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUE[redacted]ENT.

[redacted]

(S[redacted] Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to admini[redacted] 12th day of May 2004 at [redacted]

[redacted] of Person Administering [redacted]

[redacted]ned Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

001042

FOR OFFICIAL USE ONLY

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On 22 APR 04 IVO OBJ [redacted] our platoon made plans to GAC back to [redacted]. Right before we were going to depart, our Platoon Leader informed us that there was a change in plans. We now had to send a section of the platoon to the next valley to the west near the town of Manah and send the other section to the highway and drop our downed vehicle off to Charlie Company, 1st PLT. The second section would then drive down to Manah and link up with the rest of the platoon. Section one departed down their route with section two following. I was in section two in the Jinga truck. [redacted] was in the lead GMV in section two. His GMV made a right at a Y intersection and the driver of the Jinga truck said we needed to go left because it was an easier route to drive. At that intersection was the last I saw of section one. I informed [redacted] of the driver's route he wanted to take and we agreed it would be easier and that the Jinga truck would take lead because he was familiar with the route. As soon as we entered the valley, I heard an explosion which I thought was an IED that hit a vehicle behind us. Myself and [redacted] exited the Jinga truck and that's when I saw an explosion on the top of the ridge that came from a mortar round. Once we realized that we were in a mortar attack, we started to receive small arms fire from both sides of the ridgeline. We wanted to get everyone out of the kill zone immediately. [redacted] jumped in the Jinga truck and told the driver to drive out of the area so other vehicles could move as well. Myself and [redacted] were on opposite sides of the road providing suppression on the ridge lines where we saw muzzle flashes. We started to run down the road following the vehicles providing what suppression we could. The [redacted] joined [redacted] on his side of the road and we continued to support each others movement.

I jumped on the mortar vehicle for about 15 meters or so then jumped of and got cover by some rocks. I never saw any rounds impact near me, but I felt that they continued with this ambush for a long time. As we neared the town, the [redacted] waved me over to their side of the road and informed me that the three of us were going to clear the houses. At about that time I started to hear screaming. It sounded as if it was [redacted] but my ears were ringing so bad that I was not sure. When we got to the first building, I saw the PL and his RTO. The PL had blood on his face and the RTO was clinching his leg. The [redacted] and myself then proceeded to clear the rest of the village. [redacted] and myself set up a HLZ and escorted the wounded on the first bird and the KIAs on the second bird. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 60 WHICH WILL BE USED

001043

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN[redacted]

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of MAY, 19 04
at AFGANISTAN [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
[redacted] Afghanistan			

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
2d Platoon, A Company, 3d Battalion, 75th Ranger Regiment

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [redacted]
A: [redacted]

Q1: On 22 APR 04, in Margarah village, how long did it take to find a "JINGA" truck driver to tow the disabled vehicle?

A: It took about 1-1 1/2 hours to find a driver.

Q2: Did the platoon leader give a FRAGO or convoy brief before leaving Margarah? What was the plan?

A: A convoy brief was given. The plan for Section one was to lead out and head towards the village of Manah. The other section would drop off the disabled GMV, then link up with Section one at the VDO location.

Q3: Did you have radio communications with anyone in Serial one? Serial two?

A: There was no communication between the two convoy sections. You could tell section two had comms because you could hear them on the radio. You just couldn't talk with them. I did not have communications with serial one, but I did have internal communications with my serial, serial two, [redacted].

Q4: Was the JINGA truck driver briefed on the convoy route prior to movement?

A: The driver was not briefed. He was just supposed to follow along. I rode in the JINGA truck with him.

Q5: At what point did the truck driver take the lead in the convoy?

A: Once we got to the turn-off point where there was a "Y" in the road, the driver said he couldn't navigate the planned route. He suggested another route which would still get us to where we needed to go. There was a joint agreement between [redacted] and [redacted] to let him lead the convoy.

Q6: Once the ambush commenced, what did the JINGA truck driver do?

A: I told him to stop the truck because I thought an IED had been detonated. I dismounted the truck with [redacted]. We then saw a mortar round impact on the high end of the ridgeline. The driver jumped out of the truck and sought cover behind a rock. He seemed pretty frightened by the ambush. Later on he was upset because [redacted] broke out his window and yelled at him to move his truck. You could tell he was mad about the window.

Q7: Did the JINGA truck driver have a cell phone or radio with him? Did he speak English?

A: He had no comms with him. No, he didn't speak English.

Q8: How did the ambush commence?

A: The ambush commenced with the mortar rounds and small arms fire.

Q9: What types of fires were you receiving?

A: The fires were ineffective. They weren't very accurate.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 0 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ... TAKEN AT ... DATED ... CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ... OF ... PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 65, WHICH WILL BE USED

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EXHIBIT 138

STATEMENT (Continued)

Q11: What were the light conditions like at the time of the ambush?

A: Visibility was O.K. Our NODS were prepped and ready to wear. It was just starting to get dark. By the time we reached the village, it was getting dark.

Q11: Did you ever see the enemy?

A: I personally never saw any enemy. I saw muzzle flashes, and at times, it seemed like they were moving.

Q12: As the GMVs drove past the "JINGA" truck, what were you doing?

A: [redacted] and I were pulling security. We were in watch and shoot mode. I was watching the Northern ridgeline and he was watching the Southern ridgeline.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU[redacted] UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of MAY, 19 04

at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

0013-06-CID201-50013

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22 APR04 our GAC split with the first section. My section was suppose to head to a RON site to prepare for the next day's mission to search through villages on the way back to [redacted]. The second section was to tow a disabled GMV back to [redacted] then link up with us at the RON site later that night. We moved out and began winding through the canyon. As we passed the small village on our right, I heard an explosion which I immediately thought was an IED. I could see our vehicles were undamaged and assumed the other convoy took contact. We immediately dismounted and began ascending the terrace farm steppes to close in on the contact. As this time, I realized that there were enemy positions on the ridgeline to my immediate front and front right. As we reached the village I began to worry about the ridgeline to the right as we moved along due to its proximity and vantage over us. I told my team and the M240B gunner [redacted] to conduct buddy bounds so we could cover and scan that ridgeline. The M240B fire a burst to the farther ridgeline immediately to our front. We passed through the buildings approaching the berm or small finger which was to be our final position. My M203 gunner, [redacted], said he identified enemy on the ridge to our right but hopped up and ran away to the reverse side. At that time we were engaging muzzle flashes to our front, high on that ridge and began to engage where the enemy had been spotted by [redacted]. I wanted to find targets to ID so we could put fire on them, but could not see them other than their positions they had occupied. I called out [redacted] sighting and heard SPC Pat Tillman echo what I said. At this time, we had occupied our firing line on the berm and were taking fire from what seemed like all directions. We began taking some sort of indirect fire that splashed 20 or so meters to my rear-left. At the time, I assumed it to be 60mm mortar from the enemy. We continued to engage the known and likely positions high on the ridgeline around us as we took more fire. Tillman went low on my right side and I remember not liking his position. I had just seen a red tracer come up over us from the low-ground which immediately struck me as being a M240 tracer from having seen so many. At that time the issue of friendly fire began turning over in my mind and I wanted to get a clear disposition of friendlies before moving further. At this time, I saw the GMV's come around the bend in the river bed to my low right side firing up my area and the buildings behind us. I couldn't remember who we had following behind us but know they were back there so I started screaming "cease fire" on a knee waving. [redacted] fired the pen-gun flare as we all screamed cease fire. The GMVs ceased fire and I could then hear [redacted] screaming and crying " Oh my fucking God" over and over again. The whole right side started to pick up and move there. I told them to stop and pull security and not for everyone to go. I ran over and met [redacted] there. SPC Pat Tillman was on his back KIA and the AMF soldier was down. [redacted] helmet was off and I tried to calm him down and told him to put his helmet on. [redacted] couldn't get through on comms so we ran back to find the medic who was already enroute. I ran back to Tillman and stayed with him until the SKEDCOS and ponchos came up. I packaged both him and the AMF with [redacted] and [redacted] and moved back to the HLZ. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 65, WHICH WILL BE USED

001047

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EXHIBIT 138

0018-06-CID261-50049

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OPCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	SOCIAL SECURITY NUMBER [redacted]		GRADE/STATUS [redacted]
ORGANIZATION OR ADDRESS			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22 April 04, I was attached to Alpha Company as part of an 81mm team. We departed for another area in our zone @ approximately 0500hrs (z) with a disabled GMV being towed by another GMV. We got about 3 KM from our destination when the disabled vehicle became unable to tow. WE stopped in a town to assess the situation. I suggested to the PSG and PL that we request an aircraft and I and [redacted] would rig the vehicle to sling. The request was sent by the PL and he was told it would be four days before that could happen. The vehicle could not be towed unless the wheels were off the ground. We arranged for a local truck to tow the vehicle and negotiated to have it towed to the FOB. The PL was communicating w/ the TOC of [redacted] and [redacted] for guidance. He received a FRAGORD shortly after the vehicle was ready to move. He was told to send an element to our original destination and to send the rest with the disabled vehicle to link up with a wrecker at the highway. There was a lot of confusion about the guidance and the timeline. The PSG and PL gathered the leaders and identified who was going back and who was continuing on. They then briefed the route and we began crossloading equipment and personnel accordingly. The first serial started movement @ approximately 1330hrs (z) and the second serial containing myself and the disabled vehicle followed shortly behind. We came to an intersection just outside of the town where we were supposed to turn right, the lead vehicle and mine made the turn and were told to stop over the radio by the PSG. He said the driver of the local truck thought another route was better suited for the trip. My vehicle turned around and we started the same route that serial one used. We were about 5 minutes behind them. About 300m into the draw, the terrain became severely restricted with only inches on either side of the vehicle. Shortly after entering this corridor a round impacted to the 3 o'clock off the lead vehicle, 50m up the rock wall. The initial thought was an IED so the convoy stopped and dismounted. A second round impacted 30 m above my vehicle and at that point I concluded that it was a mortar attack and sent a net call to move through it. We loaded back up and started moving. Two more rounds impacted and the lead vehicle stopped. We dismounted again and I saw three personnel moving along the same ridgeline that the rounds were hitting on. Me and my driver engaged them with small arms while the lead vehicle top gunner engaged them with the .50 cal and M240B. They then fired an AT-4 and 60mm mortar. I saw a smoke trail come from the 9 o'clock position followed by an impact. I again told the lead element to continue moving and we loaded and started moving again. I stopped shortly to pickup the snipers that were riding with me who had bounded forward to get a better view. We then started moving but there was a 150-200 m gap between me and the lead vehicle. That vehicle continued to fire the .50cal as they moved. When I rounded the last curve, I saw them stop again and began shooting at the ridge short of the village. We stopped and dismounted. The snipers took shots from the vehicle then we started moving again. The lead vehicle started engaging the first building with the .50cal. They rounded the spur and I lost sight of them, but noticed they had started shooting the reverse side with the M240B. I saw tracer rounds hitting the building and called on the radio to tell them to cease fire because the angle of the fire was close to the rest of the convoy. We got on line with the spur and I saw the friendly troops on the ridge and heard 2-3 on the radio saying he had casualties. We stopped just past the buildings and began assisting with security and casevac.

After the second stop, I did not hear any enemy small arms fire; however the lead vehicle fired continuously in the area of the friendlies. I did not see them there until I was right by them, but I am sure that the .50 cal and M240B fire was in their direction.

Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 65, WHICH WILL BE USED USAPPA V1.00

001048

EXHIBIT 138

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of April 19 91

at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE OF PAGES

001049

FOR OFFICIAL USE ONLY

EXHIBIT 138

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
2/75 Ranger Regiment

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We took a right at a fork in the road. We noticed some grown men and several children in the street to our left. We continued for 50 meters when we heard a loud explosion behind us. We dismounted and observed tracer fire going up into the mountains in all directions about 700m behind us coming from the road. [redacted], and I linked up w[redacted]. I overheard someone screaming on his MBITR "were being hit from all sides." I thought I heard "man down" also. At this point we started moving up toward the village, bounding in 2-3 man element with Pat Tillman and his team. About 25m short of the village I fired a burst at a ridgeline about 1000m away where tracer fire from the canyon was impacting. The squad moved into the village and stopped briefly. I moved to a firing position inside the village and pulled security on the ridgeline on the opposite side of the road from the village. The squad moved up to the berm. When they were set, I followed them to the top of the berm. As I dropped to the ground, I heard whistling and snapping and recognized that as incoming rounds. At that point we all believed that the rounds were coming from a ledge about 200-300 m northeast of us and bout 150 ft above us. We put sustained fire on the ledge for about 30 seconds. I remember firing three burst. [redacted] called a cease fire since we couldn't positively ID any targets. At that point the fire impacting on our position increased. I noticed tracer fire and a large amount of regular fire coming up out of the valley at us from the other side of the berm. Initially, I thought a squad of Afghanis were on the other side firing up at us, but the volume of fire seemed too great. Plus there were large tracers coming up at us. I then realized it was friendly fire and started yelling "Ranger, Ranger" and "Cease fire." Everybody on the ridge started yelling also. At that point rounds started impacting in and around our individual positions. Dirt that kicked up from a round hit me in the face. It was obvious rounds were coming from behind our position. We turned around and looked for targets on the ridgeline behind us. At this time there was a small explosion about 30 ft uphill from me. At first I thought it was a RPG but someone yelled it was a friendly 60mm. I looked down at the road and a gun jeep crested the bend. Their .50 cal shot up the corner of one building of the village we had initially cleared. Again we were yelling "cease fire" and began waving. Many of the guns on the jeep were pointed in our direction. At this point it seemed most of the fire stopped. I heard screaming and thought someone was wounded very badly. [redacted] went to the screaming and said "we have one KIA." [redacted] asked for a few volunteers and told the rest of us to pull security. We remained on the ridge until after dark and they went down the other side and helped lower a body in a SKEDCO down into a GMV. I still did not know who had gotten shot. I thought it was [redacted] until two hrs later.
Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE NUMBERED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

001050

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, [redacted]

[redacted]ure of Person Making [redacted]ment)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May 19 [illegible]

at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person [redacted]ring Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001051

EXHIBIT 138

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
Afghanistan	26 APR 04		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

I [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[redacted]

I first heard the explosion, and then I looked to the right and saw a cloud of dust. At that time, I knew serial two was taking contact. Then a command was given by [redacted] SL to dismount and start moving towards the village or houses. We then ran towards the house going up a ravine or waterway. At this time, I could hear Pat Tillman yelling for [redacted]. We then quickly moved through the village. After running through, we started to spread out. The first to fire was [redacted] M240B gunner. He was firing at the far ridgeline, where we saw enemy muzzle flashes. As we were moving up, we could see tracer rounds from the serial 2 firing from the road up towards the top of the ridgeline. While we were moving, I could hear [redacted] trying to call the serial two on the radio. We then moved to our overwatch position. As I moved down the ridge to spread out, I could see and hear rounds coming at us. These rounds were tracers and I could see and hear Tillman and [redacted] yelling "stop firing." I then moved down the hill to push out a little further to the right. At this time, I heard [redacted] start screaming for help. At this time I was at my final fighting position. I looked over the hill and saw that Tillman was down. I then started firing on muzzle flashes from the hillside to the front of us. At this time, I started to take fire from the GMV (I believe it as the first one). We all started screaming stop firing. A pen gun flare was shot at this time. At just about the same time the flare was shot, the last burst from the GMV was shot at the village. After this, [redacted] and [redacted] moved to Tillman's and [redacted] position. At this time they started to evacuate the body. I pulled security to the right the whole time this was going on. Nothing follows.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____, TAKEN AT ____, DATED ____, CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

001052

FOR OFFICIAL USE ONLY

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE ____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ____ day of _____ 19__ at _____

(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE OF PAGES

001053

FOR OFFICIAL USE ONLY

EXHIBIT 138

STATEMENT (Continued)

AFFIDAVIT

I [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of [redacted], 19 04

at [redacted]

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 6 OF 6 PAGES

001054

EXHIBIT 138

EXHIBIT 139

AR 15-6 INVESTIGATION, 10 JAN 05, FROM BG JONES

REFERRED TO

U.S. ARMY SPECIAL OPERATIONS COMMAND
ATTN: AOIM-ISM
FORT BRAGG, NC 28310

(05-1690)

13-06-CID201-50048

EVIDENCE./PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: ~~0613-04-CID112~~

CRD REPORT/CID ROI NUMBER: ~~04-CID~~

RECEIVING ACTIVITY	LOCATION
Aberdeen Proving Ground Resident Agency	APG, MD 21005
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ☐ OWNER CDR (Dr.) [redacted] ☒ OTHER Chief Deputy Medical Examiner, OAFME	ADDRESS (*Include Zip Code*) Office of the Armed Forces Medical Examiner 1413 Research Blvd Rockville, MD 20850

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From the hands of Dr. [redacted] while in the morgue of the Port Mortuary Affairs Building (#116), Dover Air Force Base, Dover, DE 19902	Evidence	1205, 27 APR 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
(1-8) 1	1	Specimen cup, clear plastic construction, with a gray in color screw on type lid. Cup marked with "ME 04-289 body bag" Cup contains approximately 5 pieces of metal fragments, metal type construction; all were silver and black in color, all with jagged edges, and various sizes and shapes; and 3 pieces of suspected rock fragments, brown in color, irregular in shape, various sizes. Fragments were removed from the body bag of SPC Patrick D. TILLMAN, [redacted] during autopsy. Cup marked for ID with 1205, 27 APR 04, [redacted]
(1-3) 2	1	Specimen cup, clear plastic construction, with a gray in color screw on type lid. Cup marked with "ME 04-289 left forearm" Cup contains approximately 3 pieces of metal fragments, metal type construction; all were silver and black in color, all with jagged edges, and various sizes and shapes. Fragments were removed from the left forearm of SPC Patrick D. TILLMAN, [redacted], during autopsy. Cup marked for ID with 1205, 27 APR 04, [redacted] ////////////////////////// LAST ITEM//////////////////////////////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	27 Apr 04	[redacted] NAME, GRADE OR TITLE CDR (Dr) [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	Evaluation as Evidence
1-2	27 APR 04	SIGNAT[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE MR [redacted]	RELEASED TO AFIP
1-2	6 Oct 04	[redacted] [redacted]	SIGNATURE 8417 4937 2981 NAME, GRADE OR TITLE Fedex Tracking #	Released to Fedex For shipping
1-2		SIGNATURE 8417-4937 2981 NAME, GRADE OR TITLE Fed ex Tracking #	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] CWS	Accident Inv.
		SIGNATURE [redacted] NAME, GRADE OR TITLE	[redacted] NAME, GRADE OR TITLE [redacted] Chief Metallic Med'S Technology Corp.	Metallurgical Analysis

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

EXHIBIT 140

DOCUMENT NUMBER 010-05

001056

(95-16-90)

0013-06-CID201-50044

CHAIN OF CUSTODY *(Continued)*

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	2 SEP 2005	SIGNATURE N/A NAME, GRADE OR TITLE US MAIL	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] SA	USACIL EXAMINATION
1-2	16 SEP 05	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	Return to FA for examination purposes
1-2	5 Oct 05	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE RA 390 302 835 45 NAME, GRADE OR TITLE [redacted]	RETURN TO SUBMITTER
1-2		SIGNATURE RA 390 302 835 45 NAME, GRADE OR TITLE [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] SA	RELEASED TO C.I.
1-2	9 MAIL 05	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	RELEASED TO CONTROL MENT
1-2	7 MAR 06	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] IOA	RECEIVED BY Evidence Custodian
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)* _____

DESTROY _____

OTHER *(Specify)*

FINAL DISPOSAL AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ *(Grade)*

_____ *(Name)* _____ *(Organization)* (IS) (ARE) NO LONGER REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. *(If article(s) must be retained, do not sign, but explain in separate correspondence.)*

_____ *(Typed/Printed Name, Grade, Title)* _____ *(Signature)* _____ *(Date)*

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.

b6
7C

_____ *(Typed/Printed Name, Organization)* _____ *(Signature)*

USAPEC V1.00

EXHIBIT 140

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form, see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR CID SEQUENCE NUMBER: 0013-06-CID201 50048

CRD REPORT/CID ROI NUMBER: 50048

RECEIVING ACTIVITY	LOCATION
FIU, 701st MP Group (CID), USACIDC	Alexandria, VA 22315
NAME, GRADE, AND TITLE OF PERSON FROM WHOM RECEIVED ☐ OWNER ☐ OTHER CRIME SCENE	ADDRESS *(Include Zip Code)*

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
Khost Province, Afghanistan: Grid's 42SWB4877571515 & 42SWB4877471516, approximate location of CPL Patrick TILLMAN's death.	Evidence	0800 – 0831, 23 Apr 06

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES *(Include model, serial number, condition, and unusual marks or scratches)*
1	1	Rock chips (7), brown / grey in color, obtained from the location of CPL Patrick TILLMAN's death, (Grid - 42SWB4877571515 / elevation 5948 ft). Placed in yellow/brown colored envelope , paper type material. Envelope sealed and marked for ID with [redacted] 0800 - 0802, 23 Apr 06.
2	2	Soil samples, grey in color, sandy & rocky in consistency, approximately 3 lbs total, taken from the location of CPL Patrick TILLMAN's death (Grid - 42SWB4877571515 / elevation 5948 ft). Placed in two clear zip lock bags, plastic type material. Bags marked for ID with [redacted] 0830, 23 Apr 06.
3	1	Controlled soil sample, grey in color, sandy & rocky in consistency, approximately 1.5 lbs, taken from a location approximately eight (8) feet (Grid - 42SWB4877471516 / elevation 5952 ft), from the location of CPL Patrick TILLMAN's death. Placed in one clear zip lock bag, plastic type material. Bag marked for ID with [redacted] 0831, 23 Apr 06.

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	060423	SIGNATURE [redacted] NAME, GRADE, OR TITLE CRIME SCENE	SIGNATURE [redacted] NAME, GRADE, OR TITLE SA [redacted]	EVALUATE AS EVIDENCE
1-3	060427	SIGNATURE [redacted] NAME, GRADE, OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE, OR TITLE [redacted]	RELEASED TO EVIDENCE CUSTODIAN bb
		SIGNATURE NAME, GRADE, OR TITLE	SIGNATURE NAME, GRADE, OR TITLE	TC
		SIGNATURE NAME, GRADE, OR TITLE	SIGNATURE NAME, GRADE, OR TITLE	1058

DA FORM 4137
1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

EXHIBIT 140

LOCATION _____

DOCUMENT NUMBER 011-06

DEPARTMENT OF THE ARMY
U. S. ARMY CRIMINAL INVESTIGATION COMMAND
Field Investigative Unit
7701 Telegraph Road
Alexandria, VA 22315

0013-06-CID201-50048

REPLY TO
ATTENTION OF

CISA-FOP

27 Apr 06

MEMORANDUM FOR RECORD

SUBJECT: ROI 0013-06-CID201-50048-Evidence Collection

1. On 23 Apr 06, this office collected four pieces of evidence pertaining to Report of Investigation (ROI) 0013-06-CID201-50048. The evidence was not released to the evidence custodian of this office, IAW 195-5, due to the TDY status of this office in Afghanistan when the evidence was collected. The undersigned retained the evidence in a locked pelican case beginning on the night of 23 Apr 06, until 27 Apr 06. The evidence was then transported by the undersigned to this office and placed in a temporary evidence safe overnight on 26 Apr 06. On 27 Apr 06, the evidence was released to the evidence custodian of this office.

2. Point of contact in regard to this memorandum is SA [redacted] at COMM: [redacted] or [redacted]@belvoir.army.mil.

[redacted]
CW3
Intelligence and Operations Team Chief

b6
TC

b6
TC

001059

Printed on Recycled Paper

EXHIBIT 140

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0013-06-CID201-50048

CRD REPORT/CID ROI NUMBER: 50048

RECEIVING ACTIVITY: Field Investigative Unit 701st MP Group (CID)	LOCATION: Alexandria VA 22315
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: ☐ OWNER ☒ OTHER [redacted]	ADDRESS (Include Zip Code): A Co 2/75th Ranger Regiment Fort Lewis, WA 98433
LOCATION FROM WHERE OBTAINED: From the hands of [redacted] while on the quad at Fort Lewis, WA 98433	REASON OBTAINED: Evidence / TIME/DATE OBTAINED: 1605/23 May 06

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Flashlight, Surefire brand, model # A0178913, metal type construction, green in color. Flashlight contains an apparent bullet hole near the lens. Marked for identification with 1605/23 May 06/[redacted] Flashlight was placed in a clear paper bag and sealed for protection of trace evidence. Bag was sealed using brown packaging tape and marked for identification with 1605/23 May 06/[redacted]/0013-06-CID201-50
		Last Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	23 May 06	[redacted] NAME, GRADE OR TITLE [redacted]	[redacted] NAME, GRADE OR TITLE [redacted] SA	Evaluation as Evidence
1	24 May 06	[redacted] SIGNATURE [redacted], SA	SIGNATURE FEDEX NAME, GRADE OR TITLE 848500002860	Released to Fed Ex
1	24 May 06	SIGNATURE FEDEX NAME, GRADE OR TITLE 848500002860	SIGN[redacted] R TITLE [redacted]	Released to case agent
1	25 May 06	SIGN[redacted] OR TITLE [redacted] SA	[redacted] GRADE OR TITLE [redacted] IOA	Release to Evidence Custo
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	66 7L

001060

DA FORM 4137, 1 JUL 76 — Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

LOCATION S-2 — DOCUMENT NUMBER 015-0 — USAPI

EXHIBIT 140

EXHIBIT

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

R/CID SEQUENCE NUMBER: 0013-06-CID201

CRD REPORT/CID ROI NUMBER: 50048

RECEIVING ACTIVITY	LOCATION
FIU, USACIDC	7701 Telegraph Rd #2591, Alexandria, VA 22315

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED	ADDRESS (Include Zip Code)
☐ OWNER CRIME SCENE ☒ OTHER	N/A

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
Computer hard drive (hd) SN Y26ZZNFL obtained from SA [redacted] this office, who received the hd from LTC [redacted] 75 Ranger Regiment, Fort Benning, GA	EVIDENCE	1000, 20 Nov 06

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	5	DVD-R Disc, silver in color, platic type material, containing an evidence file of computer hard drive SN Y26ZZNFL; marked for ID with [redacted] 1000, 20 Nov 06.
		LAST ITEM

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 of 1	20 Nov 06	SIGNATURE: CRIME SCENE NAME, GRADE OR TITLE	SI[redacted] NAME, GRADE OR TITLE: [redacted], SA	EVIDENCE
1 of 1	20 Nov 06	SI[redacted] NAME, GRADE OR TITLE: [redacted], SA	SIGNATURE: [redacted] NAME, GRADE OR TITLE: [redacted], EoA	Released to Evidence Custodian
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	b6
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	001061

DA FORM 4137, 1 JUL 1976 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

APD PE v1.00

LOCATION F-22 L-9

DOCUMENT NUMBER 18006

EXHIBIT 140

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: CID 06-[illegible]201

CRD REPORT/CID ROI NUMBER: 30048

RECEIVING ACTIVITY: [illegible]	LOCATION: [illegible]
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: ☒ OWNER ☐ OTHER [redacted]	ADDRESS (Include Zip Code): [redacted]
LOCATION FROM WHERE OBTAINED: [redacted]	REASON OBTAINED: Evidence
TIME/DATE OBTAINED: 1150/28 Nov 06	

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Ranger Body Armor with no armor plates [illegible] chest [illegible] pouch having [illegible] 5.56 ammo [illegible] 5 pin gun shaped [illegible] [illegible] green [illegible] [illegible]
		[illegible]
		[illegible]

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0013-06-CID201

CRD REPORT/CID ROI NUMBER: 50048

RECEIVING ACTIVITY: Field Investigative Unit

LOCATION: [redacted]

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

☒ OWNER [redacted]

☐ OTHER [redacted]

ADDRESS [redacted]

LOCATION FROM WHERE OBTAINED: Limited of [redacted] AT [redacted]

REASON OBTAINED: Evidence

TIME/DATE OBTAINED: 1150/28 Nov 06

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Ranger Body Armor with NO Armor plates, size medium Regular with 3 M-4 magazine pouches across chest center pouch having 1 magazine containing unknown number of 5.56 rounds. Bottom of carrier containing one utility pouch containing 5.56 gun flares + Launcher. vest carrier is green camouflage pattern + pouches are olive dark-green MFEA with [redacted] 1150/28 Nov 06
		LAST ITEM

66
TC

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	28 Nov 06	[redacted] NAME, GRADE OR TITLE [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	Evaluation as Evidence
1	28 Nov 06	[redacted] SA [redacted]	[redacted]	5 pin Gun Flares + Launcher Released to Evd
1	30 Nov 06	[redacted] SA [redacted]	[redacted] IOA	RECEIVED BY Evidence Custodian Body Armor + Magazine
1	01 Dec 06	[redacted] IOA	SIGNATURE Registered Mail NAME, GRADE OR TITLE RA 234 378 287 US	FORWARDED TO USACIL for Examination
1	08 Dec 06	SIGNATURE Registered Mail NAME, GRADE OR TITLE RA 234 378 287 US	[redacted] Firearm and Toolmark Examiner	LAB EXAMINATION 071063

DA FORM 4137
1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 28 Sep 75 Which are Obsolete.

LOCATION 5-2

DOCUMENT NUMBER 019-0[illegible]

EXHIBIT 140

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0013-06-CID201-50048

DETAILS

(FOUO-LES) About 1234, 15 Mar 07, SA [redacted] this office, re-interviewed [redacted] Headquarters and Headquarters Company (HHC), 3rd Battalion, 20th Special Forces Group, Wauchula, FL, who provided a sworn statement in which he stated he did not fire his weapon on the big house, nor did he know if anyone else in his vehicle fired their weapons on the same location. [redacted] did not have any significant changes to his previous statements. (See sworn statement, dated 15 Mar 07, for details)

(FOUO-LES) About 1247, 15 Mar 07, SA [redacted] re-interviewed [redacted] Mortar Platoon, 2/75th Ranger Regiment, Fort Lewis, WA 98433 (FLWA), who provided a sworn statement in which he did not have any significant changes from his previous statement to this office. [redacted] stated at one point in the incident he dismounted his vehicle after coming to a stop and he did fire on the big house because he thought it was a suspected enemy position. [redacted] did not recall if anyone else in his vehicle fired on the same location. (See sworn statement, dated 15 Mar 07, for details)

(FOUO-LES) About 1738, 15 Mar 07, SA [redacted] re-interviewed [redacted] A Company, 2/75th Ranger Regiment, FLWA, who provided a sworn statement stating he did not fire his weapon towards the big house, nor did he know if anyone in his vehicle fired at the same location. (See sworn statement, dated 15 Mar 07, for details)

AGENT'S COMMENT: [redacted] reviewed his previous statement to this office and clarified that he did not fire on the position where the Afghanistan Military Force (AMF) soldier was located. [redacted] stated he did not know that this was the same location where CPL TILLMAN was also located until he was notified by this office in the previous interview. [redacted] also stated he did not have any power on the optics for his M-203 weapon.

(FOUO-LES) About 1831, 15 Mar 07, SA [redacted] this office, re-interviewed [redacted] A Company, 2/75th Ranger Regiment, FLWA, who provided a sworn statement in which he stated he did not fire his weapon on the big house, nor did he remember if anyone in his vehicle fired their weapons on the same location. (See sworn statement, dated 15 Mar 07, for details)

(FOUO-LES) About 1900, 15 Mar 07, SA [redacted] re-interviewed [redacted] who provided a sworn statement in which he stated he did not fire his weapon on the big house, nor could he remember if anyone in his vehicle fired their weapons on the same location. (See sworn statement, dated 15 Mar 07, for details)

(FOUO-LES) About 1305, 19 Mar 07, SA [redacted] re-interviewed [redacted] 1st Army Division East, Fort Meade, MD 20755, who provided a sworn statement in which he stated he did not fire on the big house, nor did he remember if anyone in his vehicle fired their weapons on the same location. (See sworn statement, dated 19 Mar 07, for details)

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	701st MP GRP (CID), USACIDC, FIU	
SIGNATURE [redacted]	DATE 19 Mar 07	EXHIBIT 001064

SWORN STATEMENT 0013-06-CID201-50048

FILE NUMBER: 0013-06-CID201-

NAME/SSN/GRADE/UNIT: [redacted] HHC, 3D Battalion, 20TH SF Group, Wauchula, FL

DATE/TIME: 15MAR07 1234

LOCATION: BLDG 2312, Fort Bragg, NC

I, [redacted], **want to make the following statement under oath:**

Q: SA [redacted]

A: [redacted]

Note: SA [redacted] presents Exhibit A, a photograph of the "Big House."

Q: Referring to Exhibit A, do you recognize the structure?

A: Yes.

Q: Can you describe why you recognize the structure?

A: After the firefight, when I was initially pulling security, I was pulling security toward that direction. The next day I saw it from a distance.

Q: With a pen, can you mark on Exhibit A the direction of travel your vehicle took?

A: See arrow drawn on Diagram A.

Q: Referring back to the time period your vehicle came out of the canyon; can you describe your actions?

A: I was facing left of the direction of travel. Someone called a fire command and some guns opened up. I turned to the right with two burst and then I went into my reloading procedures. Cease fire was called while I was in the process of reloading. The call was echoed. The vehicle was still moving during the aforementioned events. Everyone then took up security positions after we had stopped.

Q: Following the cease fire, where did your vehicle come to a stop?

A: I cannot recall the exact location, but it was somewhere in the general area of the "Y."

Q: Can you describe the reloading procedure you followed during the incident?

A: Rounds out, I removed the expended can, picked up a full can from beneath my feet, put it in the little can holder, raised the feed tray cover, cleared any brass that remained, put new ammo in, and charged it.

Q: About how long did it take you to reload?

A: I am not really sure.

Q: Can you please describe your platoon battle drill "react to ambush while mounted?"

A: The main objective is to get out of the kill zone, while engage the enemy, and continue moving. While engaging the enemy, the goal is to suppress the enemy position to allow for escape. Not everyone will be oriented, depending on their location in the vehicle, but the big guns are to lay suppressive fire based off of fire commands from the vehicle commander, in this case the squad leader. Machine guns will be doing more suppressive, while the M-4's are more of a point weapon.

Q: Can you describe point?

A: A point target is the exact person (enemy) and area targets are like the area the enemy is in.

Q: How did you orient your initial fire?

A: After fire was called, others engaged, I turned the turret to my right, saw a couple of shapes in the area of CPL TILLMAN's position and fired two burst.

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[redacted]
(Initials)

EXHIBIT 142

Q: Did you adjust your fire from CPL TILLMAN's position, prior to your running out of rounds?
A: No.
Q: Just to clarify, you fired two bursts on CPL TILLMAN's position, ran out of ammunition, and conducted reloading procedures.
A: Yes.
Q: Following the reloading procedures, did you engage at any other time?
A: No.
Q: Did you see the enemy?
A: Since I had the suppression weapon, I was trying to suppress where targets were identified by members of the team. I would take my firing queues based off of where they were shooting. So, I never positively identified a particular individual.
Q: Were your fires directed?
A: Yes.
Q: Who directed your fire?
A: Sometimes it would be an individual team member. At different times, [redacted] directed fire as well.
Q: Who directed your fire when you engaged CPL TILLMAN's position?
A: My fire was directed based off of the engagements of other individuals and a fire command.
Q: Do you recall what that command was?
A: I do not recall the exact wording, but I recall stating the wording in previous investigations.
Q: Do you recall which investigation?
A: One of the ones that occurred around the time frame of the battalion investigation.
Q: How many rounds did you fire?
A: I shot two bursts, I recall this because I remember pulling the trigger twice. An average burst is 6 to 9 rounds, but they both could have been smaller because I saw the belt was short.
Q: Did you see muzzle flashes?
A: I can't recall. I might have recalled in previous statements, but just don't remember now. We are coming up on almost three years since the incident.
Q: Following your transition of fire to CPL TILLMAN's position, did you see any movement?
A: I could tell there was something there, but not in detail. I did not see anyone waving, running, or any other such drastic movement.
Q: What were they wearing?
A: I did not see anyone in detail.
Q: Just to clarify, did you ever positively identify a specific enemy target?
A: I based my identification off of my team member's identification.
Q: After the cease fire was called, did you spend any time near the big house?
A: No. Until the next day, I don't recall leaving the road. The next day I walked by the building, following the road, but I was never really close to the building.
Q: Can you approximate how close you were to the building, at the closest point?
A: No.
Q: Did you notice any damage to the big house?
A: No, but I had heard through news sources that the building was shot.
Q: Did you see anyone adjust their fire from TILLMAN's position? [redacted]

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A: No, I was preoccupied reloading, as previously mentioned. I had to throw my can, bend over in the turret and get a new can. While reloading I was involved with my own weapons system and not focused on other individuals.
Q: What weapon systems were you using?
A: I was manning the 50 cal, mounted in a vehicle turret.
Q: Can you describe the configuration of the mounted weapon?
A: The gun was mounted on the turret and can be fired either in what we call "free gun" mode or with the T/E locked down, which stabilizes the weapon. In this case it was in "free gun" mode, which allows for flexibility, but gives up a certain degree of stabilization.
Q: Can you explain when you would use the "free gun" mode?
A: In closer engagements such as driving through a village, I would not lock it down because you would be able to react quicker.
Q: Can you describe when you would use the T/E locked down mode?
A: T/E locked down is better if you are stopped or have an isolated objective. If the targets are farther away, you would use this mode to maximize accuracy. It also depends on elevation and convoy position.
Q: Why did you use the "free gun" mode?
A: Earlier in the ambush I used this mode so that I could acquire the targets at the high level of elevation that I had to aim at. Additionally, the mode used depends on the situation. In this case, since we were moving, locking the gun down with the T/E would have restricted my ability to transition and fire on locations. I also used the free gun mode due to the rough terrain. In this case I was able to absorb the shock of the vehicles movement while allowing better stabilization of the weapon. The circumstances of this particular movement made it better to use free gun mode.
Q: When you ran out of rounds, do you recall where you tossed the empty ammo can?
A: I am not certain, but I pretty sure it was before the building. I say this because that part is early on in my reloading sequence.
Q: Did your vehicle stop at any time from the point where you engaged CPL TILLMAN's position?
A: I don't believe so. As I recall, the vehicle was moving continuously until the final stop.
Q: Did you ever see any of the rounds from your vehicle strike the village?
A: No.
Q: Did you ever see rounds from any of the other weapons systems on your vehicle strike the village?
A: No.
Q: Did you fire into the village?
A: No.
Q: Did you see anyone else fire at the village?
A: No, I can speculate that if it happened, it was while I was reloading. I did not personally see anyone engage the village.
Q: Is it possible that you shifted fire toward the village area?
A: No.
Q: Can you explain why you know that you did not shift fire toward the village area?
A: I was looking down the iron sights of the weapon. Also, from where I engaged CPL TILLMAN's position, it would have been a drastic shift.
Q: Did you see anyone else shoot towards the village area?
A: No. Again, I was in a reloading sequence. I was more concerned with getting my gun back into action.

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[redacted]
(Initials)

EXHIBIT 142

Sworn Statement of [redacted]

0013-06-CID201-50048

taken at BLDG 2312, FORT BRAGG, NC on 15 MAR07

continued - -

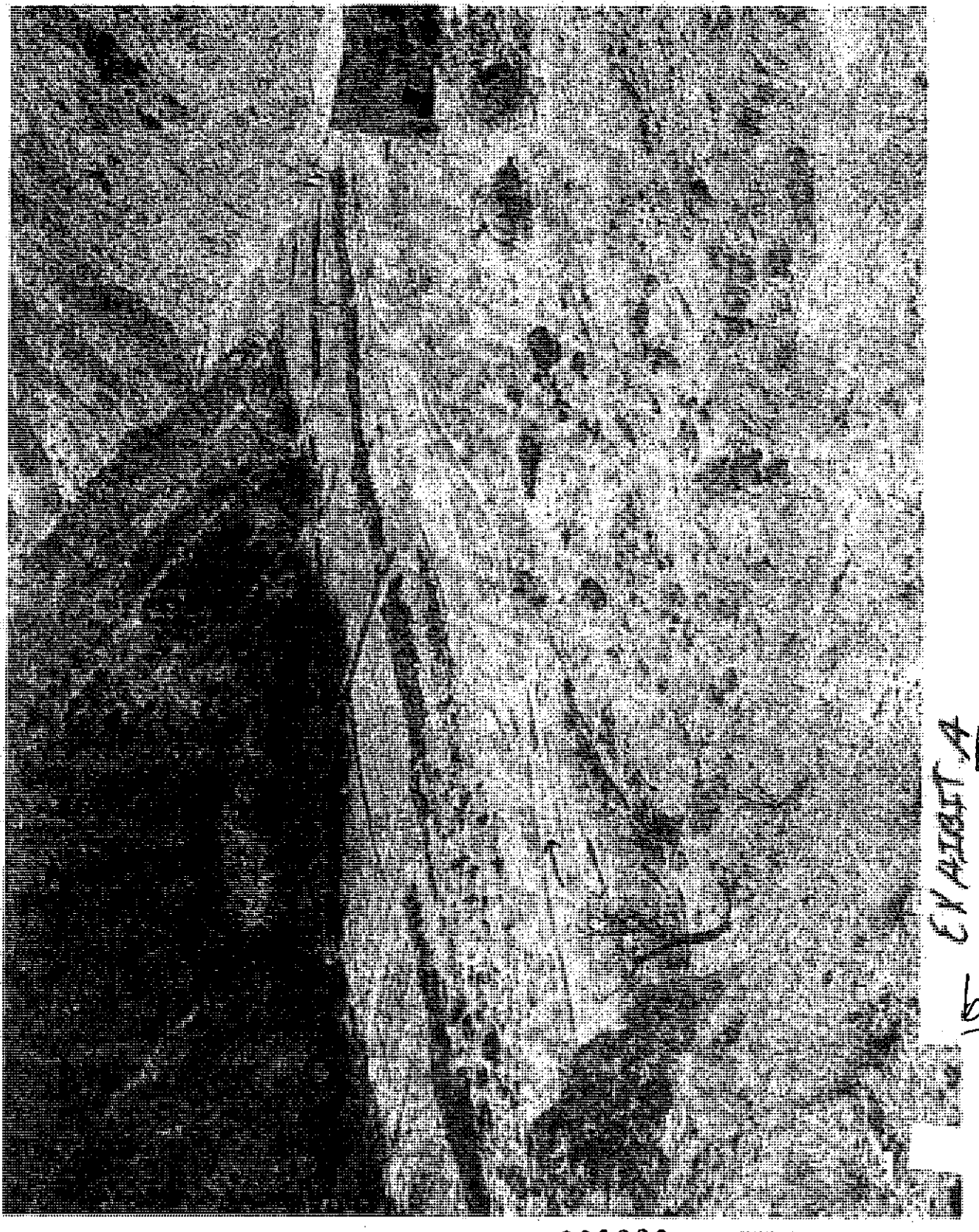

EXHIBIT 14

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INITIALS [redacted] FOR OFFICIAL USE ONLY

EXHIBIT 142

Page 4 of 5 pages

Statement of [redacted], taken at BLDG 2312, Fort Bragg, NC on 15 Mar 07 Continued:

[redacted]Q: Do you have anything else you wish to add to your statement?
A: No///END OF STATEMENT///[redacted]

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
(Signature of person making statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15TH Day of March 2007 at BLDG 2312, Fort Bragg, NC.

(Witnessed by)

[redacted]
(Signature of person administering oath)

SA [redacted]

Art 136, UCMJ
(Authority to administer oath)

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(Initials)

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FOR OFFICIAL USE ONLY

EXHIBIT 42

SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Fort Lewis, WA 98433
Date: 15 Mar 07
Time: 12:47
Statement of:
RANK:
SSN:
Org/Address: Mortar Platoon, 2/75th Ranger Regiment, Fort Lewis, WA 98433

I, , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA
A:

Q: During the incident back in April of 2004, were you a driver for a HMMWV in serial 2?
A: Yes.
Q: Did your vehicle stop in the canyon at any point in time during the ambush?
A: Yes, I don't remember exactly how many times we stopped. I think we stopped 3 to 6 times in the canyon.
Q: Did you ever dismount your vehicle and fire in the canyon?
A: Yes.
Q: What were you firing at?
A: Known, suspected and likely enemy positions. Known is when you see the enemy and you know they are there. Likely is when you have seen them and the enemy ducks down and they might be there again. Suspected is where you think the enemy might be, like a good hiding place, like behind a rock, shadows where you can't see them, but they can see you, or even fortified positions.
Q: What type of fire were you conducting?
A: Suppressive.
Q: After exiting the canyon, did you fire your weapon?
A: I believe so.
Q: What weapon system were you firing?
A: An M-4.
Q: What did you fire at?
A: At the big house.
Q: At what angle or clock position did you see the house when you fired?
A: Probably around 2 o'clock.
Q: Do you remember how many times you fired?
A: A couple of times, no more than six or seven.
Q: Did you have any optics on your M-4?
A: Just the Comp-M red dot.
Q: Did you use the red dot?

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STATEMENT OF [redacted]; TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

A: Yes.
Q: Did you see anyone at the big house?
A: I didn't see anyone; I fired at that position because it was a suspected enemy position.
Q: Do you remember what part of the house you shot at?
A: I think I shot at the upstairs window.
Q: Did anyone orient your fire at this position?
A: I don't remember if anyone else was shooting at the big house. We are taught to shoot where our team leader shoots, I was with my platoon sergeant at the time, I don't remember if he shot at the big house or not, it was likely that he would have been on the radio at that time.
Q: At this point during the incident, was your vehicle before or after the rock wall located in the picture seen before you?
A: It would have to been after the rock wall, but as far as me remembering exactly I don't know. (Please reference Photo A and Photo B.)
Q: Was your vehicle moving or stopped at this time?
A: It was stopped and I was dismounted.
Q: Did you see muzzle flashes after exiting the canyon?
A: No, I don't specifically remember any, there was shots going everywhere until they called cease fire.
Q: Did you see any suspected enemy movement?
A: No, I really couldn't see anything during the canyon ambush or after we exited.
Q: After the ceasefire was called, did you spend any time near the big house?
A: After the cease fire was called, we pulled the vehicles up by the rest of the platoon and waited by the vehicles. We then set up a security perimeter and I never went up towards the big house.
Q: Did you see anyone adjust their fire away from Tillman's position?
A: No.
Q: Describe your platoon battle drill "react to ambush when mounted"?
A: It's a little bit different in a canyon, because you can't go to the enemy. It was a far ambush and basically you have to lay down suppressive fire and get out of the canyon. Basically get out of the kill zone, which the kill zone would be where the enemy can fire at you.
Q: Was everything true in your previous statement to the best of your knowledge?
A: Yes.
Q: Do you wish to add anything else to this statement?
A: I was a Private back in April 2004 and the way I understood the events may not necessarily have been the way they were. ////////////////END OF STATEMENT//////////////// [redacted]

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STATEMENT OF [redacted] TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 March 2007 at Fort Lewis, WA 98433.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ
Authority to Administer Oath

WITNESS:

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INITIALS [redacted] PAGE 3 OF [redacted] EXHIBIT _____

"STATEMENT OF [redacted] TAKEN AT Fort Lewis WA 98433 DATED 15 March 07 CONTINUED."

"PAGE 4 OF 5 PAGES."

INITIALS OF PERSON MAKING STATEMENT [redacted]

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"STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA 98433 DATED 15 Sep 07 CONTINUED."

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 5 OF 5 PAGES

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SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Fort Lewis, WA 98433
Date: 15 Mar 07
Time:
Statement of: [redacted]
RANK: [redacted]
SSN: [redacted]
Org/Address: A. Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]
A: [redacted]
Q: During the incident back in April of 2004, were you in the vehicle with [redacted] and [redacted]
A: Yes.
Q: Did your vehicle stop in the canyon at any point in time during the ambush?
A: I dismounted twice, but I am not sure how many times we stopped.
Q: Did you ever dismount your vehicle and fire in the canyon?
A: I dismounted twice and fired in the canyon.
Q: What were you firing at?
A: Any where people saw muzzle flashes or anywhere that we that we were being fired upon.
Q: What did you see in the canyon?
A: I did not see anything and I did not see any muzzle flashes. I was directing my fire where other people were directing there fire in order to lay down suppressive fire.
Q: After exiting the canyon, did you fire your weapon?
A: No.
Q: What weapon system were you firing?
A: M-203.
Q: Did you fire at TILLMAN's position?
A: No.
Q: Did you fire at the big house?
A: No.
Q: Did you see anyone at the big house?
A: No, I don't recall seeing anybody.
Q: After exiting the canyon did your vehicle pass the jinga truck?
A: I believe we passed the truck before exiting the canyon.
Q: After passing the jinga truck, did your vehicle stop again?
A: I don't think so.
Q: Did you see muzzle flashes after exiting the canyon?
A: No.

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INITIALS [redacted] PAGE 1 OF 4 EXHIBIT ____

STATEMENT OF [redacted], TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

Q: Did you see any suspected enemy movement?
A: No.
Q: Did you see anyone adjust their fire away from Tillman's position?
A: Soon as we got the hand and arm signal for cease fire everybody stopped, our GMV came to a stop and as the next vehicle in our serial came around the corner we signaled to them to cease fire.
Q: After the ceasefire was called, did you spend any time near the big house?
A: I went up to conduct a sensitive site exploitation (SSE) on the house and then I pulled security around the house and then the next day I also conducted more SSE's on the other structures near the big house.
Q: Describe your platoon battle drill "react to ambush when mounted"?
A: If it is a near ambush dismount and the element which is being attacked rushes through the ambush, and if it is a far ambush you return fire and move out.
Q: Can you describe each of the terms of "known, likely or suspected enemy positions"?
A: Known is when you see the enemy, the enemy is shooting, you see a weapon, basically a confirmed position. Likely is where the enemy is possibly located, like behind cover, and around corners, where an enemy has been known to be. Suspected is where you think the enemy might be located.
Q: In your previous statement you stated, "When we came around the bend, before the security halt, somebody called out muzzle flashes or AK-47 fire, I don't remember what got our attention to TILLMAN's spot, but something got everybody's attention, and we started firing a the 4 or 5 o'clock position." Is this still an accurate statement?
A: No, this is not an accurate statement because the left side of the vehicle did not have a clear field of fire and I did not fire on this position. I don't recognize the area based on the picture and my personal recollection of the incident. It is only based on my last interview with CID. (See photograph A. for reference)
Q: Did you see anyone at this position?
A: From what I saw, I saw silhouettes and I saw the .50 cal did a run up at this position, and then the people up on the position gave the cease fire with the hand and arm signals. I could see the cease fire signal, which was repeated in our vehicle and then to the vehicle behind us.
Q: Can you elaborate when you state you did not have a clear field fire?
A: My rifle would have been pointed to close to [redacted] position, because he was next to me on the passenger side of vehicle, but I could see up at the position just not a clear view to shoot.
Q: Was everything true in your previous statement to the best of your knowledge, with the exception of the aforementioned question?
A: Yes.
Q: Do you know if anyone in your vehicle fired on the big house?
A: I don't recall.
Q: Do you wish to add anything else to this statement?
A: No. ////////////////END OF STATEMENT////////////////

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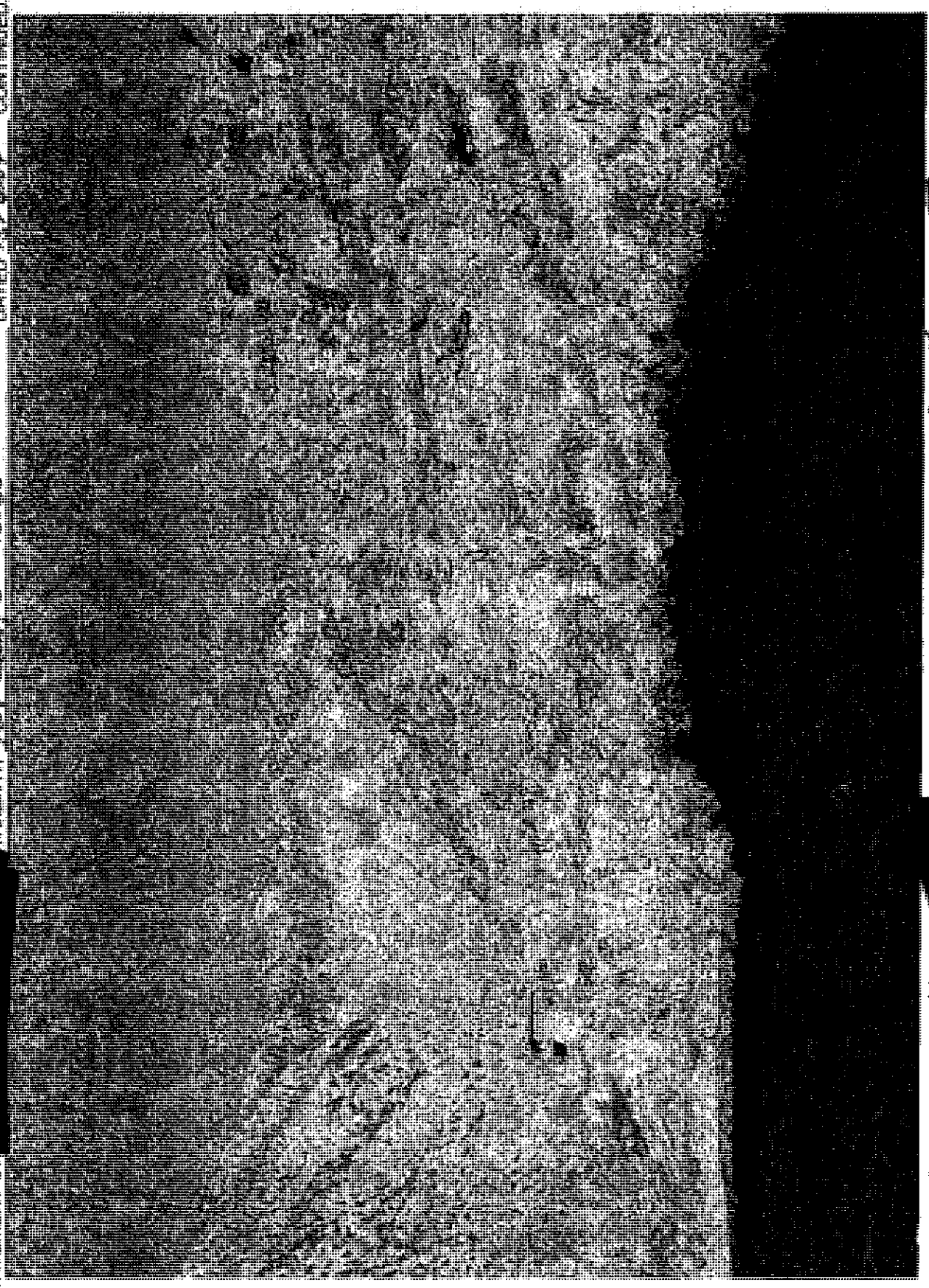
"STATEMENT OF [redacted] TAKEN AT [illegible] DATED [illegible] CONTINUED"



"PAGE 3 OF 4 PAGES"

INITIAL: PERSON MAKING STATEMENT [redacted]

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FOR OFFICIAL USE ONLY

STATEMENT OF [redacted], TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 March, 2007 at Fort Lewis, WA 98433.

[redacted]

[redacted]ering Oath)

SA [redacted]

Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ

WITNESS:

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INITIALS [redacted] PAGE 4 OF 4 EXHIBIT _____

SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Fort Lewis, WA 98433
Date: [redacted]5 Mar 07
Time:
Statement of: [redacted]
RANK:
SSN:
Org/Address: A. Company, 2/75th Ranger Regiment, Fort Lewis, WA 98433

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]
A:
Q: During the incident of April of 2004, were you the driver of [redacted] vehicle?
A: Yes.
Q: Did your vehicle stop in the canyon at any point in time during the ambush?
A: Yes.
Q: How many times did your vehicle stop in the canyon?
A: Two or three times.
Q: Did you ever dismount your vehicle and fire while in the canyon?
A: Yes.
Q: What were you firing at?
A: Muzzle flashes.
Q: What type of fire were you conducting?
A: Suppressive fire.
Q: After exiting the canyon, did you fire your weapon?
A: No.
Q: What type of weapon system were you firing?
A: M4
Q: Did you have any type of optics on your weapon?
A: Comp-M and a PAC-2
Q: When you exited the canyon did you see anything you believed to be hostile directed against you or your fellow rangers?
A: Yes.
Q: What did you see?
A: I saw a person with an AK-47 rifle up on my right.
Q: Did you fire at this position?
A: No.
Q: What did you do?
A: I continued to drive and that's when all the shooting started and as we came around the rock wall I saw friendlies up on the hill and that's when I started calling cease fire.

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INITIALS [redacted] PAGE 1 OF 3 EXHIBIT ____

STATEMENT OF [redacted], TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

Q: Do you remember who fired at this (Tillman's) position?
A: I can only assume [redacted] and maybe [redacted]
Q: Did you fire at the big house?
A: No.
Q: Do you remember anyone else firing at the big house?
A: No.
Q: Did you see anyone at the big house?
A: No.
Q: Did you see anyone adjust their fire away from Tillman's position and orient it at the big house?
A: No.
Q: After the ceasefire was called, did you spend any time near the big house?
A: No.
Q: Describe your platoon battle drill "react to ambush when mounted"?
A: I would consider the ambush in the canyon a near ambush but because of the terrain we followed far ambush protocols which are to get out of the kill zone while laying down suppressive fire.
Q: Was everything true in your previous statement to the best of your knowledge?
A: Yes.
Q: Can you describe each of the terms of "known, likely or suspected enemy positions"?
A: Known is if you have seen enemy personnel firing at you from a particular position; likely is if you have seen muzzle flashes but not necessarily the enemy himself; suspected would be, this would be a good spot for the enemy to be at, like behind a boulder would be a suspected position.
Q: Do you wish to add anything else to this statement?
A: No. ////////////////END OF STATEMENT////////////////

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INITIALS [redacted] PAGE 2 OF 3 EXHIBIT _____

001080 EXHIBIT 145

STATEMENT OF [redacted] TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07.
CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 March, 2007 at Fort Lewis, WA 98433.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

Typed Name of Person Administering Oath)

10 USC 936

WITNESS:

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INITIALS [redacted]

SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Fort Lewis, WA 98433
Date: 15 Mar 07
Time: 1500
Statement of: [redacted]
RANK: [redacted]
SSN: [redacted]
Org/Address: [redacted]

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]
A: [redacted]
Q: During the incident back in April of 2004, were you the TC of the vehicle that [redacted] was driving?
A: Yes.
Q: Did your vehicle stop in the canyon at any point in time during the ambush?
A: Yes, I think it was 2 or3 times.
Q: Did you ever dismount your vehicle and fire in the canyon?
A: Yes.
Q: What were you firing at?
A: At first I was firing at suspected enemy positions in the canyon where the mortar rounds were impacting on the wall, and then I fired at muzzle flashes and then an enemy combatant in the canyon.
Q: What type of fire were you conducting?
A: It was suppressive fire.
Q: After exiting the canyon, did you fire your weapon?
A: Yes.
Q: What weapon system were you firing?
A: M-4.
Q: Did you fire at TILLMAN's position?
A: Yes.
Q: Did you fire at the big house?
A: No.
Q: Did anyone in your vehicle fire at the big house?
A: I did not see anyone shoot there.
Q: Did you have any optics on your weapon?
A: Yes, a Comp-M red point, no power, just aim point only.
Q: Did you use this optic during the ambush?
A: Yes.
Q: Were you aiming at something using this optic?
A: Yes, I aimed at the muzzle flashes, and the enemy combatant.

06
TC

STATEMENT OF [redacted], TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

Q: Did you use this optic on the AMF soldier?
A: Yes.
Q: Did you see anyone at the big house?
A: No.
Q: After exiting the canyon and your vehicle passed the jinga truck, did your vehicle ever stop again?
A: Only at the security halt.
Q: Did you see muzzle flashes after exiting the canyon?
A: Yes.
Q: Did you see any suspected enemy movement after exiting the canyon?
A: Yes, after we turned the corner of the field that was when I heard an AK-47 fire and saw the muzzle flashes that I thought was coming at us, so I aimed and returned fire.
Q: Did anyone else in your vehicle shoot at this position?
A: Yes, I remember the 240, the .50 cal and rifles firing up there.
Q: Did you see anyone adjust their fire away from Tillman's position?
A: Negative.
Q: After the ceasefire was called, did you spend any time near the big house?
A: Yes, I went up to the big house because that was where the head shed was, by this time it was dark and we were wearing nods and we started searching the village and setting up a helicopter landing zone.
Q: Could you tell if there were any fresh bullet holes or impacts on the big house?
A: No, because it was night, I did go up to the house the next day, but I did not look for fresh bullet holes or impacts.
Q: Describe your platoon battle drill "react to ambush when mounted"?
A: For mounted, whether it was near or far, you return fire and keep moving.
Q: Can you describe each of the terms of "known, likely or suspected enemy positions"?
A: A known position would be you have definitely see an enemy or position firing at you; a likely position would be a position that the enemy could use, for example an empty bunker, likely does not mean an enemy is actually located there; suspected is the same as likely. Suspected is not definitive that an enemy is located there. I would personally classify likely and suspected as the same thing.
Q: Was everything true in your previous statement to the best of your knowledge?
A: Yes.
Q: Do you wish to add anything else to this statement?
A: No. ////////////////END OF STATEMENT//////////////// [redacted]

06
TC

STATEMENT OF [redacted] TAKEN AT FORT LEWIS, WA 98433; DATED 03/15/07, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 March, 2007 at Fort Lewis, WA 98433.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ

WITNESS:

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b6
7C

SWORN STATEMENT

File Number: 0013-06-CID201-50048
Location: Humphrey's Engineer Center, Alexandria, VA 22315
Date: 19 Mar 07
Time: 1305
Statement of: [redacted]
RANK: [redacted]
SSN: [redacted]
Org/Address: 1st Army Division East, Fort Meade, MD 20755

[redacted] I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]
A: [redacted]

Q: During the incident back in April of 2004, were you the 240 gunner of the vehicle that [redacted] was driving?
A: Yes.
Q: Did your vehicle stop in the canyon at any point in time during the ambush?
A: Yes, we initially stopped at the beginning because the jinga truck stopped and would not move, and it seems like there were two other times once the jinga truck started moving it would stop again and the guys would dismount, take cover and return fire.
Q: After exiting the canyon, did you fire your weapon?
A: Yes.
Q: What were you firing at?
A: I was firing at a position to the right of the vehicle that [redacted] was firing at; I saw muzzle flashes and silhouettes moving against the landscape.
Q: Do you know if this was the same position that the AMF soldier and TILLMAN were located at?
A: I do now; I did not know that at the time of the incident.
Q: Did you ever adjust your fire away from this location?
A: No, I don't think so.
Q: At what clock position was this location at in reference to the vehicle?
A: I would say the location is somewhere between the 2 and 3 o'clock position.
Q: What range of motion did you have with your weapon while mounted on the vehicle?
A: Basically about 1 o'clock to the 5 o'clock position.
Q: What was the clock position of the big house during this same time that you engaged your weapon?
A: At the time I don't know, because I don't remember recognizing them as buildings until we past them.
Q: Did you fire your weapon before you past the buildings?
A: Yes.
Q: How many rounds did you fire?
A: About 3 bursts, so about 15 to 20 rounds total for that location.

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INITIALS [redacted]

STATEMENT OF [redacted] TAKEN AT Humphrey's Engineer Center, Alexandria, VA 22315; DATED 03/19/07, CONTINUED:

Q: Was this the last time you fire your weapon?
A: Yes.
Q: What type of fire were you conducting?
A: In my mind I was conducting suppressive fire.
Q: What weapon system were you firing?
A: M-240.
Q: Did you fire at the big house?
A: No.
Q: Did anyone in your vehicle fire at the big house?
A: I don't recall anyone firing at that location.
Q: Once you past the big house did you fire your weapon again?
A: No.
Q: Did you have any optics on your weapon?
A: No I did not have any optics on the weapon, I was using iron sites.
Q: Did you see anyone at the big house?
A: No.
Q: After exiting the canyon and your vehicle passed the jinga truck, did your vehicle ever stop again?
A: Yes, eventually we pulled off the road past the buildings and we dismounted and pulled security.
Q: Did you see anyone adjust their fire away from Tillman's position?
A: No, I don't remember that.
Q: After the ceasefire was called, did you spend any time near the big house?
A: No, I was dismounted with the M-240 and I pulled security down the road for the rest of the night.
Q: Describe your platoon battle drill "react to ambush when mounted"?
A: Basically if you could ascertain where the fire was coming from it was to stop, dismount and return fire, then mount up and get moving. I did not learn the distinction between a near or and far ambush until after the incident.
Q: Can you describe each of the terms of "known, likely or suspected enemy positions"?
A: A known position is there no doubt that there are bad guys there, you saw somebody that fit the description of the enemy, muzzle flashes coming at you. Likely is the next level down, which meant that there are probably bad guys but we don't know. You probably should not shoot. Suspected that we definitely don't shoot at, because it is the lowest level of threat.
Q: Was everything true in your previous statement to the best of your knowledge?
A: Yes.
Q: Do you wish to add anything else to this statement?
A: No. ////////////////END OF STATEMENT////////////////[redacted]

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TC

STATEMENT OF [redacted] TAKEN AT Humphrey's Engineer Center, Alexandria, VA 22315; DATED 03/19/07, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 March 2007 at Alexandria, VA 22315.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

Typed Name of Person Administering Oath)

ARTICLE 136(b)(4) UCMJ

WITNESS:

[redacted]

b2
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7C