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HEARING ON MISLEADING INFORMATION
FROM THE BATTLEFIELD

Tuesday, April 24, 2007

House of Representatives,

Committee on Oversight and

Government Reform,

Washington, D.C.

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Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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8 Government Reform,

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10 The committee met, pursuant to call, at 10:20 a.m., in
11 Room 2157, Rayburn House Office Building, the Honorable Henry
12 A. Waxman [chairman of the committee] presiding.

13 Present: Representatives Waxman, Maloney, Cummings,
14 Kucinich, Davis of Illinois, Tierney, Clay, Watson, Lynch,
15 Yarmuth, Braley, Norton, McCollum, Cooper, Hodes, Murphy,
16 Sarbanes, Davis of Virginia, Burton, Shays, Mica, Platts,
17 Duncan, Turner, Issa, Foxx and Sali

18 Also Present: Representatives Honda, Mitchell and
19 Hayes.

20 Staff Present: Phil Schiliro, Chief of Staff; Phil

21 | Barnett, Staff Director and Chief Counsel; Karen Lightfoot,
22 | Communications Director and Senior Policy Advisor; David
23 | Rapallo, Chief Investigative Counsel; John Williams, Deputy
24 | Chief Investigative Counsel; David Leviss, Senior
25 | Investigative Counsel; Suzanne Renaud, Counsel; Susanne
26 | Sachsman, Counsel; Earley Green, Chief Clerk; Teresa Coufal,
27 | Deputy Clerk; Caren Auchman, Press Assistant; Zhongrui J.R.
28 | Deng, Chief Information Officer; Leneal Scott, Information
29 | Systems Manager; Bonney Kapp, Fellow; Kerry Gutknecht, Staff
30 | Assistant; Will Ragland, Staff Assistant; Bret Schothorst;
31 | David Marin, Minority Staff Director; Larry Halloran,
32 | Minority Deputy Staff Director; Jennifer Safavian, Minority
33 | Chief Counsel for Oversight and Investigations; Keith
34 | Ausbrook, Minority General Counsel; Ellen Brown, Minority
35 | Legislative Director and Senior Policy Counsel; A. Brooke
36 | Bennett, Minority Counsel; Charles Phillips, Minority
37 | Counsel; John Callender, Minority Counsel; Christopher
38 | Bright, Minority Professional Staff Member; Nick Palarino,
39 | Minority Senior Investigator and Policy Advisor; John
40 | Cuaderes, Minority Senior Investigator and Policy Advisor;
41 | Patrick Lyden, Minority Parliamentarian and Member Services
42 | Coordinator; Benjamin Chance, Minority Clerk.

43 Chairman WAXMAN. The Committee will come to order.

44 I want to point out by a notice to all the members that
45 the opening statements will be provided by unanimous consent
46 by the Chairman and the Ranking Member, and then we will go
47 right to our witnesses.

48 I also want to start off this hearing by saying
49 something that I think is very clear and already obvious. My
50 colleagues, whether they are Democrats or Republicans,
51 support our troops. We are deeply grateful for their
52 sacrifices. We know that so many men and women have
53 voluntarily put their lives on the line to defend this
54 Country and our freedom.

55 It is probably just is obvious that the actions of our
56 Government are not meeting our aspirations. We saw that
57 vividly and unforgettably when we had the hearing and we
58 watched the disgraceful conditions at Walter Reed. We saw it
59 again when our Government officials made an intolerable
60 breach by making public the secret and classified CIA
61 identity of Valerie Plame Wilson, and we are going to see it
62 again this morning.

63 The bare minimum we owe our soldiers and their families
64 is the truth. That didn't happen for two of the most famous
65 soldiers in the Iraq and Afghanistan wars. For Jessica Lynch
66 and Pat Tillman, the Government violated its basic
67 responsibility.

68 Sensational details and stories were invented in both
69 cases. Sometimes because of the fog of war, the first
70 reports from the battlefield are inaccurate, but that doesn't
71 seem to explain what happened here.

72 In Jessica Lynch's case, the first reports were right.
73 It was the follow-up stories published 10 days after her
74 capture that discarded the facts and misled the Country.

75 The Washington Post published a front page story on
76 April 2nd, 2003. It was written by Vernon Loeb and Dana
77 Priest, and it got the story right. I want to read the lead
78 paragraphs:

79 ''Jessica Lynch, a 19 year old private first class
80 missing since the ambush of an Army maintenance company 10
81 days ago in Southern Iraq, has been rescued by Special
82 Operations forces, defense officials said yesterday.

83 ''CIA operatives in Iraq located Lynch in a hospital
84 near Nasiriyah where she was being held because of multiple
85 wounds, officials said, and a helicopter-borne team of Navy
86 SEALs and Army Rangers rescued her about midnight local
87 time.''

88 That was an accurate statement, but the next day, April
89 3, the Washington Post ran another front page story. This
90 one was written by Susan Schmidt and Vernon Loeb, and the
91 contrast with the April 2 story is remarkable.

92 Here is what the Post reported:

93 ''Pfc. Jessica Lynch, rescued Tuesday from an Iraqi
94 hospital, fought fiercely and shot several enemy soldiers
95 after Iraqi forces ambushed the Army's 507th Ordnance
96 Maintenance Company, firing her weapon until she ran out of
97 ammunition, U.S. officials said yesterday.

98 ''Lynch, a 19 year old supply clerk, continued firing at
99 the Iraqis even after she sustained multiple gunshot wounds
100 and watched several other soldiers in her unit die around her
101 in fighting March 23, one official said.''

102 Where did this false information come from?

103 Jessica Lynch was captured on March 23. The Washington
104 Post published a completely factual article on her rescue on
105 April 2nd, but then they went on, 10 days after her capture,
106 U.S. officials had become the source of a report that riveted
107 the Nation but twisted the truth beyond recognition.

108 It is four years later and we still don't know who is
109 responsible or why they did it. All we really know is that
110 they did a great disservice to Jessica Lynch.

111 And so, I want to say to Private Lynch and her family
112 who are here today, this Committee is going to do its best to
113 find out the source of the fabrications that you had to
114 endure. We want to know whether they were the result of
115 incompetence or a deliberate strategy to spin a compelling
116 story at a critical time, and we will do our best to find out
117 who should be held accountable.

118 | Everyone on this Committee is also familiar with Pat
119 | Tillman's case, and we all share our sympathies with his
120 | wife, Marie, his mother, Mary, his father, Patrick, his
121 | brother, Kevin and his entire family.

122 | But his family wants more than our sympathies and
123 | apologies. They want answers, and they deserve them. Pat
124 | Tillman was killed by members of his own platoon on April 22,
125 | 2004, three years ago this past Sunday. But since then, the
126 | family has been unable to learn why the military told the
127 | world that Corporal Tillman had been killed by the enemy
128 | when, in fact, they knew he had died from friendly fire.

129 | News of the fratricide flew up the chain of command
130 | within days, but the Tillman family was kept in the dark for
131 | more than a month. Many military officials sat in silence
132 | during a nationally televised memorial ceremony highlighting
133 | Pat Tillman's fight against the terrorists. Evidence was
134 | destroyed. Witness statements were doctored.

135 | The Tillman family wants to know how all of this could
136 | have happened, and they want to know whether these actions
137 | were all just accidents or whether they were deliberate.

138 | In working on this hearing, the Committee has learned of
139 | many other cases in which the military failed to tell the
140 | families the truth.

141 | Sergeant Eddie Ryan was a victim of friendly fire during
142 | his second tour in Iraq. He sustained two gunshot wounds to

143 | the head and, thankfully, is still alive, but he didn't find
144 | out the truth about his injuries until five months later even
145 | though his fellow Marines knew immediately that his injuries
146 | were due to friendly fire.

147 | Other families, like those of First Lieutenant Sarah K.
148 | Small, Private First Class Levena Johnson and Lieutenant Ken
149 | Ballard, have been forced to file Freedom of Information Act
150 | requests in order to obtain information about the deaths of
151 | their loved ones. These families have asked the military
152 | repeatedly for basic information, but they have been ignored
153 | or dismissed with slow and incomplete answers. This is
154 | simply unacceptable.

155 | One of the things that make the Afghanistan and Iraq
156 | wars so different from previous wars is the glaring disparity
157 | in sacrifice. For the overwhelming number of Americans, this
158 | war has brought no sacrifice and no inconvenience, but for a
159 | small number of Americans, the war has demanded incredible
160 | and constant sacrifice. Those soldiers and their families
161 | pay that price proudly and without complaint.

162 | That is what Jessica Lynch and Pat Tillman did, and it
163 | is what their families have done, but our Government failed
164 | them. Our government hasn't done right by them.

165 | I hope, in some small but important way, this hearing
166 | can begin to right those wrongs.

167 | The least we owe to our courageous men and women who are

168 | fighting for our freedom is the truth, and that is what we
169 | are going to insist on in this hearing and in our subsequent
170 | examination and investigation.

171 | [Prepared statement of Chairman Waxman follows:]

172 | ***** INSERT *****

173 Chairman WAXMAN. I want to now recognize the Ranking
174 Member of the Committee, Tom Davis.

175 Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

176 If the first casualty of war is the truth, what happens
177 when the wound is self-inflicted?

178 That is the question the Committee confronts today as we
179 examine two very different cases in which accurate
180 information from the battlefield was delayed, distorted or
181 suppressed, not by any foe but by those on our side of the
182 fight. Each case offers very different lessons on how or
183 whether the truth survives in the wake of combat.

184 Chairman Waxman framed this hearing well by asking
185 whether misstatements by military officials regarding the
186 capture of Army Private Jessica Lynch and the death of Army
187 Corporal Patrick Tillman were the result of innocent
188 miscommunication, negligence or deliberate deception.

189 But it is not always easy to tell where inadvertencies
190 end and lying begins. In the military, one innocent
191 misstatement can quickly become the incontrovertible company
192 line reflexively defended up and down the chain of command
193 even after contradictory facts emerge.

194 One erroneous media report amplified by various
195 audiences for their own reasons could overwhelm any effort to
196 set the record straight. Especially in this modern war of
197 ideas as well as arms, the insatiable appetite of the 24/7

198 | global news cycle often outpaces official fact-finding,
199 | filling the vacuum with speculation, supposition and thinly
200 | sourced, premature conclusions.

201 | That appears to be a large part of what happened in the
202 | case of Jessica Lynch. From the outset, Department of
203 | Defense officials took pains to provide accurate information
204 | about her wounds, but an anonymously sourced Washington Post
205 | story loudly heralded a description of her ordeal involving a
206 | solitary firefight with the enemy, bullet wounds and knife
207 | attacks. That tale, which proved inaccurate, seemed at odds
208 | with other emerging information about the circumstances of
209 | her capture and the nature of her injuries.

210 | Still, without knowing the identity or motive of the
211 | Post's unnamed source, it is difficult to fault Pentagon
212 | officials who never fed or perpetuated the Hollywood version
213 | of events but stuck consistently with the facts at hand.

214 | The fog of war can be dense, and Ms. Lynch's story
215 | offers only a cautionary tale about waiting for the smoke to
216 | clear before accepting early battle damage assessments as
217 | fact.

218 | The case of Army Ranger Pat Tillman is far more
219 | troubling. Rules and procedures put in place precisely for
220 | the purpose of providing timely and accurate information
221 | about combat deaths were ignored. Physical evidence that
222 | could have yielded critical information was destroyed.

223 Plausible information and the likelihood this was a friendly
224 fire incident was discounted, perhaps even suppressed, while
225 statements supporting award of the Silver Star went forward,
226 suggesting he died from enemy fire.

227 Those errors, omissions and delays understandably fueled
228 suspicion that senior military officials knew the actual
229 circumstances of Corporal Tillman's death but manipulated the
230 information to avoid bad news. After several investigations,
231 it now seems clear those officers could have and should have
232 known friendly fire was suspected.

233 It was a disservice to the memory of Corporal Tillman,
234 to his family, his unit and the Nation to let the happy myth
235 outrun the unpleasant facts even for a day.

236 While we need to be sensitive to pending recommendations
237 and ongoing investigations in this matter, we need to know
238 why so many did not know the rules when friendly fire is a
239 possibility, and we need to know what has been done to make
240 sure those rules are being strengthened, conveyed and applied
241 to prevent even an accidental recurrence of this type of
242 tragedy.

243 War is about heroic efforts, and we all look for heroes.
244 It is our great fortunate as a Nation to be blessed
245 abundantly with genuine heroes who, in ways large and small,
246 protect our liberties and serve the cause of human dignity
247 every day.

248 The truth about Jessica Lynch and Patrick Tillman is
249 heroic enough. There is no need to embellish or spin it.

250 I hope today's testimony will bring some closure to the
251 Tillman Family and bring some assurances to all service
252 members and their families that truth will survive the battle
253 and accompany them safely home.

254 Thank you, Mr. Chairman.

255 [Prepared statement of Mr. Davis of Virginia follows:]

256 ***** INSERT *****

257 Chairman WAXMAN. Thank you, Mr. Davis.

258 I want to welcome our witnesses. The Tillman Family,
259 Ms. Lynch, those with her, please come forward.

260 While they are doing that, several members who do not
261 serve on our Committee are joining us for the hearing today,
262 and I would like to ask unanimous consent that
263 Representatives Hayes, Honda and Mitchell be allowed to
264 participate in the hearing.

265 Without objection, that will be the order. They will be
266 permitted to ask questions after all members of the Committee
267 have completed their questioning.

268 I want to thank all of you for being here today, not
269 just those who are going to present testimony to us but the
270 other family members that are here as well. We know it is
271 not easy to be here and to have to relive experiences that
272 have been quite unpleasant, but I think it is important not
273 just for you but for the American people and for all the
274 other men and women that are fighting for freedom in Iraq and
275 in Afghanistan.

276 It is the policy of this Committee that all witnesses
277 are sworn in to take an oath, and I would like to ask each of
278 you if you would to please stand and raise your right hand.

279 [Witnesses sworn.]

280 Chairman WAXMAN. The record will indicate that each of
281 the witnesses answered in the affirmative.

282 Mary Tillman is the mother of Corporal Pat Tillman.
283 Mrs. Tillman has persistently pursued the many unanswered
284 questions concerning the circumstances of her son's death and
285 the shortcomings of the investigations that followed.

286 Kevin Tillman is the brother of Corporal Pat Tillman and
287 former Army Ranger who served in the same platoon in
288 Afghanistan as Corporal Tillman, and this is his first time
289 testifying publicly about this matter.

290 Jessica Lynch is a former Private First Class, U.S.
291 Army. Ms. Lynch was captured by Iraqi soldiers on March 23,
292 2003, when her convoy was ambushed, and she was rescued by
293 American troops nine days later.

294 Dr. Gene Bolles is the former Chief of Neurosurgery,
295 Landstuhl Regional Medical Center, Germany. Dr. Bolles
296 treated Private Lynch's injuries in Germany after she was
297 rescued in Iraq.

298 We thank each of you for being here, and we are looking
299 forward to hearing your testimony. I know there will be
300 questions that members will want to ask.

301 Mr. Tillman, there is a button on the base of the mic to
302 turn it on, and I would like to ask you to be sure to pull it
303 close to you. You can pull it close to you rather than
304 having to leave over to it.

305 Thank you very much. You are recognized.

306 | STATEMENTS OF KEVIN TILLMAN; JESSICA LYNCH; DR. GENE BOLLES,
307 | DENVER MEDICAL HEALTH CENTER
308 | STATEMENT OF KEVIN TILLMAN

309 | Mr. KEVIN TILLMAN. I want to thank Chairman Waxman for
310 | holding this hearing and members of the Committee for
311 | attending.

312 | My name is Kevin Tillman.

313 | Two days ago marked the third anniversary of the death
314 | of my older brother, Pat Tillman, in Sperah, Afghanistan. To
315 | our family and friends, it was a devastating loss. To the
316 | Nation, it was a moment of disorientation. To the military,
317 | it was a nightmare. But to others within the Government, it
318 | appears to have been an opportunity.

319 | April of 2004 was turning into the deadliest month to
320 | date in the war in Iraq. The dual rebellions in Najaf and
321 | Fallujah handed the U.S. forces their first tactical defeat
322 | as American commanders essentially surrendered Fallujah to
323 | members of Iraq resistance, and the administration was forced
324 | to accede to Ayatollah Sistani's demand for January elections
325 | in exchange for assistance in extricating U.S. forces from
326 | its battle with the Mahdi Militia.

327 | A call-up of 20,000 additional troops was ordered, and
328 | another 20,000 troops had their tours of duty extended.

329 In the midst of this, the White House learned that
330 Christian Firente [phonetically], Seymour Hersh and other
331 journalists were about to reveal a shocking scandal involving
332 mass and systemic detainee abuse at the facility known as Abu
333 Ghraib.

334 Then on April 22nd, 2004, my brother, Pat, was killed in
335 a firefight in eastern Afghanistan. Immediately after Pat's
336 death, our family was told that he was shot in the head by
337 the enemy in a fierce firefight outside a narrow canyon.

338 In the days leading up to Pat's memorial service, media
339 accounts based on information provided by the Army and the
340 White House were wreathed in a patriotic glow and became more
341 dramatic in tone. A terrible tragedy that might have further
342 undermined support for the war in Iraq was transformed into
343 an inspirational message that served instead to support the
344 Nation's foreign policy wars in Iraq and Afghanistan.

345 To further exploit Pat's death, he was awarded the
346 Silver Star for Valor. The abridged version went like this:

347 Only after his team engaged this well armed enemy did it
348 appear that the enemy's volume of fire into Corporal, into
349 the kill zone diminished. Above the din of battle, Corporal
350 Tillman was heard issuing fire commands to take the fight to
351 an enemy on the dominating high ground.

352 Always leading from the front, Corporal Tillman
353 aggressively maneuvered his team against the enemy position

354 | on the steep slope. As a result of Corporal Tillman's effort
355 | and heroic action, the trail element of the platoon was able
356 | to maneuver through the ambush position of relative safety
357 | without suffering a single casualty.

358 | The fight that ensued at Corporal Tillman's position
359 | increased in intensity. Corporal Tillman focused all his
360 | efforts on keeping the men of his team safe while continuing
361 | to press the attack himself without regard for his own
362 | personal safety. In the face of mortal danger, Corporal
363 | Tillman illustrated that he would not fail his comrades. His
364 | actions are in keeping with the highest standards of the
365 | United States Army.

366 | This was a narrative that inspired countless Americans
367 | as intended.

368 | There was one small problem with the narrative, however.
369 | It was utter fiction. The content of the multiple
370 | investigations revealed a series of contradictions that
371 | strongly suggest deliberate and careful misrepresentations.

372 | We appeal to this Committee because we believe this
373 | narrative was intended to deceive the family but more
374 | importantly to deceive the American public.

375 | Pat's death was clearly the result of fratricide. It
376 | was due to a series of careless actions by several
377 | individuals in our platoon after a small harassing ambush.

378 | During this uncontrolled shooting, the driver of the

379 | vehicle himself recognized friendlies immediately but kept
380 | driving for approximately 400 meters while the soldiers in
381 | the back of his truck continued to shoot at the hillside
382 | where the U.S. soldiers were and civilians.

383 | The vehicle saw arms and hands waving. Smoke was
384 | flying. Pin gun flares. An Afghan soldier was immediately
385 | recognized. They never felt threatened, and they still shot
386 | up the village unprovoked. The vehicle behind them clearly
387 | saw the U.S. soldiers on the hillside and were calling cease
388 | fire.

389 | The end result were the death of Pat and the Afghan
390 | soldier as well as two more soldiers wounded in the village.

391 | The signs were available, but the decision to shoot was
392 | made. This was not some fog of war. They simply lost
393 | control.

394 | According to the sworn statements, statement on April
395 | 26th by the fellow soldier who was right next to Pat,
396 | literally right next to Pat:

397 | ``I remember watching the friendlies just shooting at
398 | us. A 50-cal rolled up into our sights and starting to unload
399 | on top of us. It would work in boosts. Fifty cal for 10 to
400 | 15 seconds, 240 Bravo, 10 to 15 seconds, back and forth.
401 | Specialist Tillman and I were yelling: Cease. Stop. Stop.
402 | Friendlies. Friendlies. Cease fire.

403 | ``But they could not hear us.

404 ''Tillman came up with the idea to let a smoke grenade
405 go. They stopped. This stopped the friendly contact for a
406 few moments, and that is when I realized the AMF soldier was
407 dead.

408 ''At this time, the GMV rolled into a better position to
409 fire on us. We thought the battle was over, though, so we
410 were relieved, getting up, stretching out and talking with
411 one another when I heard some 5.56 rounds coming from the
412 GMV.

413 ''They started firing again. That is when I hit the
414 deck.

415 ''Specialist Tillman at this time was hit by small arms
416 fire. I know this because FE-I know this because I could
417 hear the pain in his voice as he called out: Cease fire.
418 Friendlies. I am Pat, Fing, Tillman, damn it.

419 ''He said this over and over again until he stopped.''

420 The facts of this case clearly show Pat and the Afghan
421 soldier were killed by fellow members of his platoon as well
422 as the wounded soldiers on the hillside, and they knew this
423 immediately.

424 Revealing that Pat's death was a fratricide would have
425 been yet another political disaster during a month already
426 swollen with political disasters and a brutal truth that the
427 American public would undoubtedly find unacceptable. So the
428 facts needed to be suppressed.

429 An alternative narrative had to be constructed. Crucial
430 evidence was destroyed including Pat's uniform, equipment and
431 notebook. The autopsy was not done according to regulation,
432 and a field hospital report was falsified.

433 An initial investigation completed in 8 to 10 days
434 before testimony could be changed or manipulated and which
435 hit disturbingly close to the mark disappeared into thin air
436 and was conveniently by another investigation with more
437 palatable findings.

438 This freshly manufactured narrative was then distributed
439 to the American public, and we believe the strategy had the
440 intended effect. It shifted the focus from the grotesque
441 torture at Abu Ghraib and a downward spiral of an illegal act
442 of aggression to a great American who died a hero's death.

443 Over a month after Pat's death when it became clear that
444 it would no longer be possible to pull off this deception, a
445 few of the facts were parceled out to the public and to our
446 family.

447 General Kensinger was ordered to tell the American
448 public, May 29th, five weeks later, that Pat died of
449 fratricide but with a calculated and nefarious twist. He
450 stated: ``There was no one specific finding of fault'' and
451 that he ``probably died of fratricide.''

452 But there was specific fault, and there was nothing
453 probable about the facts that led to Pat's death. The most

454 | despicable part of what General Kensinger told the American
455 | public was when he said, ``The results of this investigation
456 | in no way diminish the bravery and sacrifice displayed by
457 | Corporal Tillman.``

458 | This is an egregious attempt to manipulate the public
459 | into thinking anyone who would question this 180-degree flip
460 | in the narrative would be casting doubt on Pat's bravery and
461 | sacrifice. Such questioning says nothing about Pat's bravery
462 | and sacrifice anymore than the narrative for Jessica
463 | diminishes her bravery and sacrifice. It does, however, say
464 | a lot about the powers who perpetrated this.

465 | After the truth of Pat's death was partially revealed,
466 | Pat was no longer of use as a sales asset and became strictly
467 | the Army's problem. They were now left with the tax of
468 | briefing our family and answering our questions. With any
469 | luck, our family would sink quietly into our grief, and the
470 | whole unsavory episode would be swept under the rug.
471 | However, they miscalculated our family's reaction.

472 | Through the amazing strength and perseverance of my
473 | mother, the most amazing woman on Earth, our family has
474 | managed to have multiple investigations conducted. However,
475 | while each investigation gathered more information, the
476 | mountain of evidence was never used to arrive at an honest or
477 | even sensible conclusion.

478 | The most recent investigation by the Department of

479 Defense Inspector General and the Criminal Investigative
480 Division of the Army concluded that the killing of Pat was
481 ``an accident.``

482 The handling of the situation after the firefight was
483 described as a compilation of ``missteps, inaccuracies and
484 errors in judgment which created the perception of
485 concealment.``

486 The soldier that shot Pat admitted in his sworn
487 statement that just before he delivered the fatal burst from
488 about 35 meters away, that he saw his target waving hands,
489 but he decided to pull the trigger anyway. Such an act is
490 not an accident. It is a clear violation of the rules of
491 engagement.

492 Writing up a field hospital report stating that Pat
493 ``transferred to intensive care unit for continued CPR``
494 after most of his head had been taken off by multiple 5.56
495 rounds is not misleading.

496 Stating that a giant rectangle bruise covering his chest
497 that sits exactly where the armor plate that protects you
498 from bullets as being ``consistent with paddle marks`` is not
499 misleading. These are deliberate and calculated lies.

500 Writing a Silver Star award before a single eye witness
501 account is taken is not a misstep. Falsifying soldier
502 witness statements for a Silver Star is not a misstep. These
503 are intentional falsehoods that meet the legal definition for

504 fraud.

505 Delivering false information at a nationally televised
506 memorial service is not an error in judgment. Discarding an
507 investigation that does not fit a preordained conclusion is
508 not an error in judgment. These are deliberate acts of
509 deceit.

510 This is not the perception of concealment. This is
511 concealment.

512 Pat is, of course, not the only soldier where
513 battlefield reality has reached the family and the public in
514 the form of a false narrative.

515 First Lieutenant Ken Ballard died in Najaf, Iraq, just
516 one day after Pat's fratricide went public. His mom, Karen
517 Meredith, was told that Ken was killed by a sniper on a
518 rooftop. Fifteen months later, she found out that he was
519 killed by an unmanned gun from his own vehicle.

520 Private Jesse Buryj was killed May 5th, 2004, in Iraq.
521 His family was told he was killed in a vehicle accident. A
522 year later they received the autopsy report, and they found
523 that he was shot in the back. The Army was forced to concede
524 that he was accidentally shot by a Polish soldier. Just
525 recently, out of nowhere, a lieutenant showed up at their
526 family's house and told them that an officer in his own unit
527 had shot him. They are still looking for answers.

528 Sergeant Patrick McCaffrey was killed June 22nd, 2004,

529 | from what the family was told ``an ambush by insurgents.``
530 | Two years later, they found out that those insurgents happen
531 | to be the same Iraqi troops that he was training. Before his
532 | death, he told his chain of command that these same troops
533 | that he was training were trying to kill him and his team.
534 | He was told to keep his mouth shut.

535 | About a year ago, I received a phone call. I was at my
536 | mom's house, and it was an emergency breakthrough from the
537 | operator. It happened to be a woman named Dawn Hellermann
538 | from North Carolina, so it was 2:00 in the morning her time.

539 | Her husband, Staff Sergeant Brian Hellermann was killed
540 | in Iraq. She was tired of receiving new official reasons why
541 | her husband had died. She was desperate for help, so she
542 | called us. The system had failed her.

543 | Those soldiers deserve better, and their families
544 | deserve better.

545 | Our family has relentlessly pursued the truth on this
546 | matter for three years. We have now concluded that our
547 | efforts are being actively thwarted by powers that are more
548 | important, excuse me, that are more interested in protecting
549 | a narrative than getting at the truth or seeing that justice
550 | is served.

551 | That is why we ask Congress, as a sovereign
552 | representative of the whole people, to exercise its power to
553 | investigate the inconsistencies in Pat's death and the

554 | aftermath and all the other soldiers that were betrayed this
555 | system.

556 | The one bit of truth that did survive these
557 | manipulations is that Pat was and still is a great man. He
558 | is the most wonderful older brother to ever exist. Pat
559 | wanted to leave a positive legacy based on his actions, and
560 | he did that. But Pat's death at the hands of his comrades is
561 | a terrible tragedy.

562 | But the fact that the Army and what appears to be others
563 | attempted to hijack his virtue and his legacy is simply
564 | horrific. The least this Country can do for him in return is
565 | to uncover who is responsible for his death, who lied and
566 | covered it up, and who instigated those lies and benefitted
567 | from them. Then ensure that justice is meted out to the
568 | culpable.

569 | Pat and these other soldiers volunteered to put their
570 | lives on the line for this Country. Anything less than the
571 | truth is a betrayal of those values that all soldiers who
572 | have fought for this Nation have sought to uphold.

573 | Thank you for your time.

574 | [Prepared statement of Mr. Tillman follows:]

575 | ***** INSERT *****

576 Chairman WAXMAN. Thank you very much, Mr. Tillman. Thank
577 you very much for your testimony.

578 Mrs. Tillman, I know he was speaking for both of you.
579 Is there anything you want to add briefly?

580 Mrs. MARY TILLMAN. No.

581 Chairman WAXMAN. No, okay.

582 Ms. Lynch, we are pleased to have you here.

583 Make sure the button is pushed on the base of the mic.

584 I am reluctant to tell you to pull it too close to you but

585 see whatever is comfortable.

586 STATEMENT OF JESSICA LYNCH

587 Ms. LYNCH. Chairman Waxman and distinguished members of
588 the Committee, it is an honor to be with you here today, and
589 I am grateful to have this opportunity.

590 I have been asked here today to address misinformation
591 from the battlefield. Quite frankly, it is something that I
592 have been doing since I returned home from Iraq. However, I
593 want to note for the record that I am not politically
594 motivated in my appearance here today.

595 I lived the war in Iraq, and today I still have family
596 and friends fighting in Iraq. My support for our troops is
597 unwaivering.

598 I believe this is not a time for fingerpointing. It is
599 a time for truth, the whole truth, versus hype and
600 misinformation. Because of the misinformation, people tried
601 to discount the realities of my story, including me, as part
602 of the hype. Nothing could be further from the truth.

603 My experiences have caused a personal struggle of all
604 sorts for me. I was given opportunities not extended to my
605 fellow soldiers, and I embraced those opportunities to set
606 the record straight. It is something that I have been doing
607 since 2003. It is something that I imagine I will have to do
608 for the rest of my life.

609 I have answered criticisms for being told, being paid to
610 tell my story. Quite frankly, the injuries I have will last
611 a lifetime, and I have a story to tell, a story that needed
612 to be told so people would know the truth.

613 I want to take a minute to remind the Committee of my
614 true story. I was a soldier.

615 In July of 2001, I enlisted in the Army with my brother,
616 Greg. We have different reasons of why to join, but we both
617 knew that we wanted to serve our Country. I loved my time in
618 the Army, and I am grateful for the opportunity to have
619 served the Country in a time of crisis.

620 In 2003, I received word that I would be deployed. I
621 was part of a 100 mile long convoy going to Baghdad. I drove
622 a five ton water buffalo truck. Our unit had some of the
623 heaviest vehicles, and the sand was so thick that our
624 vehicles would just sink. It would take us hours to just
625 travel the shortest distance.

626 We decided to divide our convoy up so the lighter
627 vehicles could reach our destination, but first came the City
628 of An Nasiryah and a day that I will never forget.

629 The truck I was driving broke down, and I was picked up
630 by my roommate and best friend, Lori Piestewa, who was
631 driving our First Sergeant Robert Dowdy. We also picked up
632 two other soldiers from a different unit to get them out of
633 harm's way.

634 As we drove through An Nasiryah, trying to get turned
635 around to leave the city, the signs of hostility were
636 increasing with people with weapons on rooftops and the
637 street watching our entire move.

638 The vehicle I was riding in was hit by a rocket
639 propelled grenade and slammed into the back of another truck
640 in our unit. Three people in the vehicle were killed upon
641 impact.

642 Lori and I were taken to a hospital where she later died
643 and I was held for nine days. In all, 11 soldiers died that
644 day, six from unit and two others. Six others from my unit
645 were taken prisoner plus two others.

646 Following the ambush, my injuries were extensive. When
647 I awoke in the Iraqi hospital, I was not able to move or feel
648 anything below my waist. I suffered a six-inch gash in my
649 head. My fourth and fifth lumbar were overlapping, causing
650 pressure on my spine. My right humerus was broken. My right
651 foot was crushed. My left femur was shattered.

652 The Iraqis in the hospital tried to help me by removing
653 the bone and replacing it with a 1940s rod that was made for
654 a man.

655 Following my rescue, the doctors at Landstuhl, Germany
656 found in a physical exam that I had been sexually assaulted.

657 Today, I still continue to deal with bowel, bladder and
658 kidney as a result from the injuries. My left leg still has

659 | no feeling from the knee down, and I am required to wear a
660 | brace just to stand and walk.

661 | When I awoke, I did not know where I was. I could not
662 | move. I could not call for help. I could not fight. The
663 | nurses at the hospital tried to soothe me, and they even
664 | tried unsuccessfully at one point to return me to Americans.

665 | On April 1st, while various units created diversions
666 | around Nasiryah, a group came to the hospital to rescue me.
667 | I could hear them speaking in English, but I was still very
668 | afraid.

669 | Then a soldier came into the room. He tore the American
670 | flag from his uniform, and he handed it to me in my hand, and
671 | he told me: We are American soldiers, and we are here to
672 | take you home.

673 | I looked at him and I said, yes, I am an American
674 | soldier too.

675 | When I remember those difficult days, I remember the
676 | fear. I remember the strength. I remember the hand of that
677 | fellow American soldier reassuring me that I was going to be
678 | okay.

679 | At the same time, tales of great heroism were being
680 | told. At my parents' home in Wirt County, West Virginia, it
681 | was under siege by media, all repeating the story of the
682 | little girl Rambo from the hills of West Virginia who went
683 | down fighting. It was not true.

684 I have repeatedly said when asked that if the stories
685 about me helped inspire our troops and rally our Nation, then
686 perhaps there was some good.

687 However, I am still confused as to why they chose to lie
688 and tried to make me a legend when the real heroics of my
689 fellow soldiers that day were legendary. People like Lori
690 Piestewa and First Sergeant Dowdy who picked up fellow
691 soldiers in harm's way or people like Patrick Miller or
692 Sergeant Donald Walters who actually did fight until the very
693 end.

694 The bottom line is the American people are capable of
695 determining their own ideals for heroes. They don't need to
696 be told elaborate lies.

697 My hero is my brother, Greg, who continues to serve his
698 Country today. My hero is friend, Lori Piestewa, who died in
699 Iraq but set an example for a generation of Hopi and Native
700 American women and little girls everywhere about the
701 contributions just one soldier can make. My hero is every
702 American who says my Country needs me and answers that call
703 to fight.

704 I had the good fortunate and opportunity to come home
705 and to tell the truth. Many soldiers, like Pat Tillman, did
706 not have that opportunity.

707 The truth of war is not always easy. The truth is
708 always more heroic than the hype.

709 | Thank you.

710 | [Prepared statement of Ms. Lynch follows:]

711 | ***** INSERT *****

712 Chairman WAXMAN. Thank you very much, Ms. Lynch.
713 Dr. Bolles?

714 STATEMENT OF GENE BOLLES

715 Dr. BOLLES. Mr. Chairman and members of the Committee,
716 thank you for inviting me here today.

717 My name is Gene Bolles, and I am a neurosurgeon.
718 Specifically, I specialize in neuro trauma, spine surgery and
719 radial surgery.

720 I graduated from the University of Michigan's Medical
721 School and did my subsequent training at the University of
722 Colorado Health Sciences Center in Denver, Colorado. I have
723 over 30 years of surgical experience.

724 I was drafted into the military out of my training in
725 1965 and served as a flight surgeon and subsequent vision
726 surgeon of the 8th Infantry Division in Germany.

727 For the next several decades, I worked as practitioner
728 of neurosurgery in the Boulder, Denver area where I performed
729 hundreds of surgeries on victims of trauma.

730 In 2001 before the attacks of September 11th, I was
731 asked to apply for the position of Chief of Neurosurgery at
732 Landstuhl Regional Medical Center in Germany. Through a
733 competitive process, I was selected for the position and

734 commenced my service in November, 2001.

735 I served as Chief of Neurosurgery as a Department of
736 Defense contractor for over two years, leaving in February,
737 2004. For the first year and a half, I was the only
738 neurosurgeon between Okinawa and the United States. After
739 the Iraqi War, Iraqi part of the war began, OIF, more
740 neurosurgeons were added to our staff to handle the increased
741 number of expected patients.

742 During my time as the Chief of Neurosurgery there,
743 patients from Afghanistan, Kosovo, Kuwait, Iraq, amongst
744 elsewhere, were flown in to Landstuhl Regional Medical Center
745 throughout the day. I operated on and oversaw the treatment
746 of many wounded U.S. combat forces.

747 I am here today to discuss my treatment of Private
748 Jessica Lynch and the misfortune that surrounded her
749 condition.

750 Fewer than two weeks after she was captured in Iraq, she
751 arrived in Germany for medical treatment. She had severe
752 injuries that required a number of surgeries. It is these
753 injuries where truth has been coupled perhaps with fiction
754 that I am here to discuss today.

755 Private Lynch was captured by the Iraqis on March 23rd.
756 U.S. forces rescued her from an Iraqi hospital on April 1st,
757 and she was therefore medically evacuated to Germany.

758 I examined Private Lynch and looked for evidence. I did

759 | a complete exam on her and, specifically though, I was
760 | looking for evidence of gunshot wounds in addition to her
761 | other injuries as we were told that she had been shot. I saw
762 | no evidence of gunshot wounds.

763 | I looked for metallic fragments on x-rays. I saw none.
764 | I saw no injuries that looked like a gunshot wound to my eye.
765 | I saw no entrance and exit wounds that appeared to be
766 | corroborative of that.

767 | She did have some puncture wounds of her extremities,
768 | but they were not the kind that I had ever seen made by a
769 | bullet wound. They were consistent with the injuries that
770 | had been described, that she had undergone perhaps a motor
771 | vehicle type of accident.

772 | At some point during our treatment of Private Lynch, one
773 | of the trauma surgeons that was involved in her care was
774 | evaluated, and there was perhaps a difference of opinion
775 | although I did not discuss that with him. He made the
776 | statement that he thought these puncture sites were gunshot
777 | wounds. I did not and do not agree with that assessment. I
778 | saw no clinical or physical evidence that that was the case.

779 | I proceeded to operate on Private Lynch where we
780 | performed an operation for her lumbar spine and her
781 | fractures. For the time Private Lynch was in intensive care,
782 | I saw her on a daily basis. As with other patients, I
783 | checked in with her to monitor her status. I asked how she

784 | was feeling, et cetera.

785 | And I also asked permission to contact her parents, and
786 | I called her parents after the surgery before they came to
787 | Germany. I recall being asked by, I believe, her father if
788 | she had been shot, and I said, no.

789 | I never leaked any other information about my patient's
790 | condition to the press. Although several reporters have
791 | asked me from time to time, I have denied to discuss any
792 | details of her care other than the fact that I was involved
793 | in it.

794 | I am happy to answer any questions that the Committee
795 | and Subcommittee may have about my time at Landstuhl Regional
796 | Medical Center.

797 | Thank you.

798 | [Prepared statement of Dr. Bolles follows:]

799 | ***** INSERT *****

800 Chairman WAXMAN. Thank you very much, Dr. Bolles.

801 We will now proceed to questions from the members of the
802 Committee. Each side will initially control ten minutes by
803 the Chair and by the Ranking Member, and then we will proceed
804 to five minute rounds in order prescribed under the rules.

805 For the 10 minutes that we have on our side, I want to
806 yield to the gentleman from Connecticut, Mr. Murphy.

807 Mr. MURPHY. Thank you very much, Mr. Murphy.

808 I think I can take the liberty of speaking for all the
809 members of the Committee on both sides of the aisle to say to
810 the Tillmans, to Ms. Lynch, we stand in awe of you this
811 morning to present this testimony before this Committee.

812 The only appropriate place to start is where Mr. Waxman
813 began his opening remarks, to express our immeasurable
814 gratitude to the courage of the young Americans who have put
815 themselves in harm's way on behalf of our Country in Iraq and
816 Afghanistan.

817 Having just returned with four other members of this
818 Committee from the fronts in both Iraq and Afghanistan, I
819 know personally how much our soldiers are sacrificing. Quite
820 frankly, as one of the youngest members of this Congress, I
821 also know that my ability to serve here in an air-conditioned
822 hearing room such as this is only made possible by the
823 sacrifices and decisions to serve made by my contemporaries,
824 two of which are sitting before us today.

825 Let me just say this before I ask a few questions to the
826 Tillmans and Ms. Lynch.

827 You have had amazing courage to come here and speak
828 today, and I think it is important to say this. Courage and
829 bravery don't just come in one form. The very fact that you,
830 Ms. Lynch, and you, Mr. Tillman, and you brother volunteered
831 to protect this Country at such gave risk to yourself, was
832 and is an act of great courage and selflessness.

833 But if this Country continues to glorify the bravery of
834 battlefield confrontations, it in some way diminishes the
835 value of another increasingly lost American virtue, that is,
836 telling the truth. It is too bad that this Government has
837 made a seemingly simple act of telling the truth, an act of
838 bravery, but it is, and there are no better examples than
839 Jessica Lynch and the Tillman Family.

840 You could have kept silent and accepted the stories that
841 were handed to you by your Government, but you displayed a
842 courage not often seen in today's world. You chose truth
843 over personal glorification. I think that speaks a lot.

844 I think I can speak for a lot of us up here when I say I
845 wish there were more of you.

846 I especially want to express my condolences to the
847 Tillman Family. This being the third anniversary of Corporal
848 Tillman's death, I know it must be very hard for you to oome
849 here today and especially for you, Mr. Tillman, to speak in

850 public for the first time.

851 The purpose of today's hearing, as Mr. Waxman said, is
852 to examine how these stories, these false stories were
853 invented, how they were spread and how they developed into
854 two defining moments of the war.

855 The question we will try to answer today is simple:
856 Were these false stories the result of an unfortunate series
857 of miscommunications and inaccurate battlefield reports or
858 were they propaganda designed to influence public opinion by
859 misleading the Nation about what really happened?

860 Mr. Tillman, if I can start with your story, there was a
861 lot of publicity about your brother leaving his career in his
862 professional sports, about your decision to leave a pro
863 baseball contract. There was obviously an increased amount
864 of publicity when things went horribly wrong.

865 But I want to get back to the beginning of this story.
866 I want to talk about why you and your brother decided to give
867 up very lucrative careers back here in the United States and
868 join the military. It had nothing to do with publicity, did
869 it, Mr. Tillman?

870 Mr. KEVIN TILLMAN. No, Mr. Murphy, it didn't, but I am
871 not at liberty and I am not comfortable with talking to you
872 or anybody else why we decided to join. That is a personal
873 thing, my apologies.

874 Mr. MURPHY. That is perfectly respectable. I think the

875 | very fact this was a family that made multiple decisions to
876 | enter the military, as Ms. Lynch's family did, I think shows
877 | that this often is a sacrifice made not just by individuals
878 | but made by entire families.

879 | This is a question for either Mr. Tillman or Mrs.
880 | Tillman. You spoke about the consequences and the
881 | circumstances surrounding the incident you spoke about, the
882 | awarding of the Silver Star to your brother. After all this,
883 | you spoke that you learned that he was actually killed by his
884 | own platoon, and this was more than a month after his death.

885 | I can certainly respect if this is not something you
886 | want to talk about, but I think it may be interesting for
887 | this Committee to learn a little bit more about how you found
888 | out that his death was a result of friendly fire and how your
889 | family received this news when you were finally told over a
890 | month after the initial incident, that what you believed was
891 | the case was not truly the case.

892 | Mr. KEVIN TILLMAN. Yes, sir. When I went, when I came
893 | back from San Jose, California, the memorial service, I went
894 | back to work at Fort Lewis, Washington, and my platoon and
895 | company were still in Afghanistan, and I was there working
896 | for about two weeks.

897 | When they got back, I helped pack up all their stuff,
898 | put it in the platoon AO, and everything was kind of no big
899 | deal. I did PT with everybody, the physical training. I

900 | actually did physical training with two of the guys that were
901 | on the vehicle.

902 | I know. I know everybody pretty well. But I did
903 | physical training with everybody.

904 | And then, at around 10:00, I ended up speaking. I was
905 | pulled in by my chain of command, and they told me that Pat
906 | potentially died of fratricide, and it was very generic.
907 | They saw a .50 cal round in a rock, and they didn't explain
908 | it very well. So I didn't. I was upset, but it didn't make
909 | any sense based on what I knew of it, the story that I was
910 | told.

911 | Eventually, the next day I spoke with Colonel Bailey. I
912 | think it was Lieutenant Colonel Bailey. At the time, he was
913 | our battalion commander, and he went over it in detail, and
914 | that is when. It was a Tuesday. It was a month and three
915 | days after the fact, I found out, and he went through the
916 | whole thing, and it was without a doubt. I mean they knew
917 | immediately that it was friendly fire.

918 | So I told Marie, Pat's wife, that that evening when she
919 | got back from work. She had heard a lot of bad news over the
920 | phone, so I decided to wait until she got back. I ended up
921 | holding off.

922 | I wanted to go on Friday to tell my parents because they
923 | also get too much bad news, and I ended up telling my mom, my
924 | dad and younger brother that he, in fact, died of fratricide.

925 So it was about five weeks. That is kind of the gist of
926 the narrative there.

927 Mr. MURPHY. Mr. Tillman, we know now that in the days
928 and weeks before that, there were a lot of people in the
929 military that knew that your brother was killed by his own
930 platoon, and they knew this very soon after his death.

931 I know on our second panel, we will hear from Specialist
932 Bryan O'Neil who was with Corporal Tillman when he was shot,
933 and he will testify that he knew right away that it was
934 friendly fire and that he promptly reported this up the chain
935 of command.

936 If you could talk about the days and weeks following the
937 initial disclosure that this was an incident of friendly fire
938 and how you came to understand that this wasn't known by the
939 military a month after the initial story came out, that this
940 was in fact known fairly immediately by the military through
941 the chain of command that those on the ground knew that this
942 was friendly fire.

943 If you could talk a little bit about how then your
944 family's reaction came to the fact that military officials
945 knew but didn't tell you that your brother had been killed by
946 friendly fire early after the incident.

947 Mr. KEVIN TILLMAN. They gave us the report, and it was
948 that we kind of have to dig through it. They didn't tell us
949 that they knew. They played it off like it was potential.

950 | It was possible, and you start reading the report.

951 | And we got pretty good information from Lieutenant
952 | Colonel Bailey actually did do what seems like a pretty
953 | honorable job when he came to the house and he briefed us off
954 | of the first investigating officer's report.

955 | He actually used the first investigating officer's
956 | report which happened to get lost in the process. They don't
957 | know where it is anymore apparently, but they used his
958 | report. So there was a lot of accuracies.

959 | When we went back to get the full briefing from the
960 | family, it was really watered down. I mean it was they
961 | started kind of pushing things around, and they made it
962 | really nebulous when people found out, and it was they didn't
963 | want to give us a half-baked. I think General McCrystal
964 | didn't want to give us a half-baked answer.

965 | So it looked like FE-I don't know how to answer that
966 | question accurately. It was just all over the charts. You
967 | get a little nugget here, and then you get a bunch of well,
968 | we didn't know. I didn't know. This person didn't know.

969 | But when you go through the documents, the chain of
970 | command, General Kensinger which is a three-star knew in two
971 | days.

972 | Mr. MURPHY. Family discovered fairly quickly that you
973 | were going to have to press this, that your family was going
974 | to have to push the investigation to get to it.

975 Mr. KEVIN TILLMAN. It was a slow process because you
976 don't expect it. You know. It is like I work. I mean I
977 work with these guys. It was understandable. Okay, it was
978 friendly fire. That stuff happens. We are very aware of
979 friendly fires. We are not naive to the fact that that stuff
980 happens.

981 The problem was based on the facts, it wasn't just a
982 friendly fire. It was an engagement with that entire
983 hillside was scared for their life.

984 This squad leader actually got on glass and was going to
985 shoot at the vehicle, and this is a squad leader that didn't
986 shoot a round the entire time and was just coordinating
987 everything.

988 It was very, it was a scary situation, and they kind of
989 kept that from everybody.

990 Mr. MURPHY. What has been your experience with your
991 ability to get information from the military, whether that be
992 access to people that were on the ground, reports filed
993 afterwards?

994 What has been your experience with the willingness of
995 the military to share with you and other families that kind
996 information?

997 Mr. KEVIN TILLMAN. It has been slow, kind of a slog, but
998 I would defer that question. My mom has been kind of hot on
999 the trail for a long time. She has really been pressing

1000 | hard. I would defer a lot of the type of information and the
1001 | powering through it. I didn't get very far with my, on my
1002 | end, my chain of command. They just kind of pushed me
1003 | around.

1004 | Chairman WAXMAN. Thank you, Mr. Murphy. Your time is
1005 | expired.

1006 | Mr. MURPHY. Thank you.

1007 | [Prepared statement of Mr. Murphy follows:]

1008 | ***** INSERT *****

1009 Chairman WAXMAN. Did you want to comment on that, Mrs.
1010 Tillman?

1011 Mrs. MARY TILLMAN. All right. I will start out, I
1012 suppose, and I want to make this very clear because I think
1013 it is very important.

1014 When Colonel Bailey came to our home, he was received
1015 very well.

1016 We learned about the friendly fire. I actually got a
1017 phone call from the Arizona Republic before Kevin had a
1018 chance to tell us that Pat was killed by fratricide. A
1019 reporter from the Arizona Republic called me on Friday, May
1020 28th, and asked me what I thought of the news the military
1021 had just released, and I didn't know what he was talking
1022 about.

1023 And he said, oh, well, you know. Excuse me, I am sorry.

1024 And I wouldn't let him off. I said, look, you called
1025 me. What are you talking about?

1026 And he said, well, the Army has just, come to the
1027 conclusion that Pat was, probably killed by friendly fire.

1028 I know friendly fire is a part of war. The whole family
1029 does. I used to live near Gettysburg. I am a history major.
1030 It is like, of course, it is a reality. It was tragic, and
1031 we were devastated. It happens, and we could accept that.
1032 He was still gone.

1033 Then Colonel Bailey comes to the house, and he is very

1034 | well received. I mean he is a very, okay.

1035 | He was very kind. He was very warm. He seemed to care
1036 | a lot about Pat and Kevin. He was very concerned. So we
1037 | really believed everything he told us.

1038 | And there were some things that I got pretty upset
1039 | about, about the humvee seeming to have more significance
1040 | than the mission, the fact that they split troops because I
1041 | thought, Military 101, you don't split your troops. I heard
1042 | a lot about how Robert E. Lee got away with it, but you just
1043 | shouldn't do it, and I remember that from being a child. So
1044 | I pressed him on certain things, but I really took him at his
1045 | word.

1046 | And then, as Kevin said, about three weeks later, the
1047 | family went to Fort Lewis, Washington to get an official
1048 | briefing, and Colonel Bailey and Colonel Nixon briefed us
1049 | with an entourage of various ranks of soldiers behind us.

1050 | And the story started changing because initially we were
1051 | told that the Afghan was standing on a ridge, and he was
1052 | shooting over their heads, in other words, to allow them to
1053 | be escorted through the canyon. And that is how this
1054 | particular sergeant in the vehicle mistook him for an enemy,
1055 | and we were told he was 200 meters away at that time.

1056 | Well, then when we get up to Washington, all of a sudden
1057 | this Afghan is no longer standing. We made a mistake. He
1058 | was prone.

1059 | Now how do you? How can you be on a ridgeline in a
1060 | prone position, shooting up here? I mean you would have to
1061 | be a contortionist. And this Afghan soldier was shot eight
1062 | times in the chest. So that really didn't add up to us.

1063 | Colonel Bailey also told us that it really was kind of
1064 | dark because when he came to our house, it wasn't that dark.
1065 | All of a sudden, things started to change around.

1066 | He told us that the driver of the vehicle actually
1067 | recognized the Afghan as AMF. He saw soldiers on the
1068 | ridgeline and the vehicles down the road before the sergeant
1069 | shot the Afghan. And our family was appalled. It was like,
1070 | well, how does he allow the other soldiers in the vehicle to
1071 | keep shooting on that ridgeline about 400 meters, and they
1072 | couldn't answer that question.

1073 | Pat's father had asked ahead of time to get the official
1074 | 15-6 report before we went to this meeting so we would be
1075 | prepared for questions.

1076 | Chairman WAXMAN. The original which report?

1077 | Mrs. MARY TILLMAN. Well, the original, it is the report.
1078 | They do an investigation, I guess, when there is a
1079 | fratricide or anything suspicious, and they didn't have it
1080 | ready for us. They basically handed it to us warm out the
1081 | door.

1082 | Chairman WAXMAN. Mrs. Tillman?

1083 | Mrs. MARY TILLMAN. I am sorry.

1084 Chairman WAXMAN. I want you to finish that sentence, but
1085 this is going to come out in the questions because a lot of
1086 members want to ask you questions.

1087 Mrs. MARY TILLMAN. Right, okay. All right.

1088 Anyway, so we read this report on the airplane, and that
1089 is when we became absolutely appalled at what we were
1090 reading, and that is basically where the quest for the truth
1091 began.

1092 Chairman WAXMAN. Thank you very much.

1093 Mr. Davis?

1094 Mr. DAVIS OF VIRGINIA. Thank you.

1095 Let me just say to the Tillman Family, my deepest
1096 condolences as well. Pat Tillman embodied what is best about
1097 America, giving up a career to go help his Country. Then to
1098 be treated this way in terms of trying to get your answers
1099 out and not pulling them, I think is something this Committee
1100 wants to get to the bottom. All of us do.

1101 I would start by asking what questions are still
1102 unanswered for you that this Committee could help you get?

1103 Mrs. MARY TILLMAN. See this binder? That is about how
1104 many questions we have. I mean there are a lot of questions.
1105 I mean I gave questions to certain members of the panel. I
1106 just assumed maybe if you ask us questions.

1107 Mr. DAVIS OF VIRGINIA. Our side didn't get any of those
1108 questions.

1109 Mrs. MARY TILLMAN. Okay, I apologize for that.

1110 Basically, if anyone asked us, we would give them questions.

1111 Mr. DAVIS OF VIRGINIA. Well, let me ask you. I have got
1112 a couple of minutes.

1113 Mrs. MARY TILLMAN. Right.

1114 Mr. DAVIS OF VIRGINIA. Go through a couple of the
1115 largest inconsistencies you see and where we could get to.

1116 Mrs. MARY TILLMAN. Well, I think that the Silver Star
1117 has been focused on a great deal, and one reason that has
1118 been the case is because it leaves a paper trail. It is not
1119 the most outrageous lie or cover-up that is part of this
1120 story, but it does leave a paper trail. So we would like to
1121 know who actually decided to give Pat the Silver Star.

1122 I mean it is not ordinary that you will give a Silver
1123 Star to a soldier that is killed by friendly fire, and yet
1124 they knew immediately he was killed by friendly fire, and
1125 this particular award was written up.

1126 And, in fact, you already know from the memo that
1127 General McCrystal sent to General Abizaid, General Brown and
1128 Kensinger, General Kensinger, that they were aware. And he
1129 admits in there, even though he was killed by friendly fire,
1130 we are going to write this award. Now I find that
1131 particularly peculiar.

1132 Mr. DAVIS OF VIRGINIA. Do you have any questions about
1133 the incident itself that are still unanswered?

1134 I know the story has changed several times. You
1135 indicated earlier as the story changed, it raised more
1136 questions. Are there still unanswered questions about that
1137 we can help with?

1138 Mrs. MARY TILLMAN. Oh, yes, there is a lot of questions
1139 about the circumstances. Yes. We are very perplexed. First
1140 of all, why were the troops split in the first place when it
1141 was not necessary?

1142 Why wasn't an option given to Lieutenant Uthlaut to
1143 destroy the vehicle rather than hold these soldiers up in the
1144 village and frustrate this platoon leader?

1145 That also goes down to why is it that there is evidence
1146 of broken rules of engagement throughout all of the
1147 investigations and yet the CID, the criminal investigators,
1148 come to the conclusion that now ROE violations were broken?

1149 I mean the evidence is there. Anyone who has looked at
1150 these documents, and members of this panel have seen these
1151 documents, and they have broken ROE violations all over the
1152 place. Yet, the criminal investigators said, well, no, there
1153 was no ROE broken. So we find that to be horrific.

1154 Mr. DAVIS OF VIRGINIA. Well, we will continue to look at
1155 this and write a report to gather both sides on this. I
1156 appreciate that.

1157 Dr. Bolles, in April of 2003.

1158 Chairman WAXMAN. Mr. Davis, will you yield to me for

1159 | just a second? We will give you additional time.

1160 | Mr. DAVIS OF VIRGINIA. Sure.

1161 | Chairman WAXMAN. One of the things that we want to do is
1162 | to leave the record open for you to give us additional
1163 | questions that you want us to get the answers to. That is an
1164 | important part of what our job must be.

1165 | Thank you, Mr. Davis.

1166 | Mr. DAVIS OF VIRGINIA. Thank you.

1167 | This is not a partisan exercise. Mr. Waxman and I have
1168 | worked on a lot of these things together.

1169 | Mrs. MARY TILLMAN. Yes, I know.

1170 | Mr. DAVIS OF VIRGINIA. We want to get to the bottom of
1171 | it and help you get through that.

1172 | Mrs. MARY TILLMAN. That is fine. I don't look at it as
1173 | partisan.

1174 | Mr. DAVIS OF VIRGINIA. In fact, not just you want
1175 | closure. I think the public wants closure too because of the
1176 | contradictions that have come through during this time.

1177 | Dr. Bolles, in April of 2003 when Pfc. Lynch was in your
1178 | care, did you speak with any reporters about her case either
1179 | on or off the record that you can remember?

1180 | Dr. BOLLES. The only reporter that I spoke to was
1181 | answering the question of did I know or had I operated on or
1182 | dealt with Private Lynch, and that was shortly thereafter
1183 | from a reporter from Boulder, Colorado.

1184 Mr. DAVIS OF VIRGINIA. Did any reporters ask you to
1185 confirm that Private Lynch might have been shot?

1186 Dr. BOLLES. No. I received a number of requests,
1187 initially turned all of those over to the public information
1188 officer at Landstuhl at the time.

1189 Mr. DAVIS OF VIRGINIA. Were you Private Lynch's primary
1190 physician?

1191 Dr. BOLLES. Well, I would say there was a team of
1192 physicians. I was her neurosurgeon. There was a trauma
1193 surgeon. There were orthopedic surgeons, and we were all
1194 involved as a team.

1195 Mr. DAVIS OF VIRGINIA. Was there any disagreement among
1196 the team about what could have caused her injuries?

1197 Dr. BOLLES. Not at that time to my knowledge, no.

1198 Mr. DAVIS OF VIRGINIA. Because press reports at that
1199 time quoted anonymous medical staff or officials saying that
1200 some of her wounds may have been caused by gunfire. Any idea
1201 where that might have come from?

1202 Dr. BOLLES. Only on what I mentioned in my statement,
1203 that there was the trauma surgeon was questioning the
1204 puncture sites while were in the operating room. I didn't
1205 debate it with him or even I don't know what happened to that
1206 afterwards.

1207 Mr. DAVIS OF VIRGINIA. Were you or are you aware of
1208 anyone who might have been directed by any officials to

1209 | diagnose her wounds as having been caused by gunfire?

1210 | Dr. BOLLES. No, sir.

1211 | Mr. DAVIS OF VIRGINIA. Do you believe others on her
1212 | treatment team were directed?

1213 | Dr. BOLLES. I am sorry, sir?

1214 | Mr. DAVIS OF VIRGINIA. Do you have any indication that
1215 | anybody else on the team might have been directed to find
1216 | that?

1217 | Dr. BOLLES. I do not.

1218 | Mr. DAVIS OF VIRGINIA. Okay, thank you.

1219 | Mr. Burton?

1220 | Mr. BURTON. Thank you, Mr. Davis.

1221 | Let me just say, first of all, that everybody on this
1222 | panel, I am confident, shares your grief. It must be a
1223 | horrible thing to find out that you have lost a loved one and
1224 | you haven't gotten the truth. So we are very sympathetic to
1225 | what you have said today.

1226 | It is unfortunate, I think, in combat that sometimes
1227 | military personnel, the higher-ups, want to create heroes and
1228 | create stories that probably helps their cause, and that
1229 | should not happen. It should not happen especially at the
1230 | expense of people like Mr. Tillman and Ms. Lynch.

1231 | I think everybody in combat over there, those who have
1232 | died and those who have been wounded and those who are still
1233 | in combat, are heroes, and this Nation should revere every

1234 | one of them and what they have done.

1235 | So if you have been misled and it has hurt your
1236 | families, I personally want to apologize to you. I hope that
1237 | you will give us all the questions that you have. I know on
1238 | our side and I am sure the other side wants to get to the
1239 | bottom of it as quickly as possible so that you can be
1240 | assured that you have all of the facts.

1241 | Hopefully, your testimony today will lead to these
1242 | things not happening again in the future and maybe some other
1243 | brothers or parents or families won't have to suffer because
1244 | they got misinformation.

1245 | I think your brother and you leaving very professional
1246 | careers to go into the service of your Country should be
1247 | congratulated, and I think you are both heroes. I am very
1248 | sorry that your brother was lost.

1249 | Ms. Lynch, I am sorry you had to go through all the
1250 | things that you went through, and we appreciate your story
1251 | here today.

1252 | With that, I yield back to Mr. Davis.

1253 | [Prepared statement of Mr. Burton follows:]

1254 | ***** INSERT *****

1255 Chairman WAXMAN. Thank you very much. The gentleman
1256 yields back his time.

1257 Let me just point out to you that this whole
1258 investigation was something that Tom Davis, when he as
1259 Chairman of the Committee, suggested we do and we are working
1260 together on this. This is not a partisan issue in any way,
1261 shape or form.

1262 You want our sympathies, you want our apologies, but you
1263 also want the truth, and that is what we are going to try to
1264 get for you.

1265 Mr. Cummings?

1266 Mr. CUMMINGS. Thank you very much, Mr. Chairman.

1267 I, too, express my sympathy. I thank you to the Tillman
1268 Family for your sacrifice and to Ms. Lynch, I thank you for
1269 your service and to you, Dr. Bolles, I thank you.

1270 To the Tillman Family, mr. Tillman, you said that you
1271 believe that the military was hoping that your family would
1272 sink quietly in your grief. I want to thank you for not
1273 sinking quietly in your grief.

1274 We have an e-mail that was written on April 28th, 2004,
1275 six days after Pat Tillman's death. I don't know if you have
1276 seen this. It is up there on the screen. It describes how
1277 the White House was asking for information about Corporal
1278 Tillman for the President to use in a speech at the White
1279 House Correspondents Dinner.

1280 I would like to make this e-mail a part of the record,
1281 Mr. Chairman.

1282 Chairman WAXMAN. Without objection, that will be the
1283 order.

1284 [The referenced information follows:]

1285 ***** INSERT *****

1286 Mr. CUMMINGS. Let me read you what the e-mail said in
1287 part: ``Just received a call from Mr. Currin, White House
1288 speechwriter. Mr. Currin said that information is for the
1289 President's speech at the Correspondents Dinner this coming
1290 Saturday. It will probably be telvised by C-SPAN.'`

1291 The next day, April 29th, 2004, an urgent communication
1292 was sent to the highest levels of the Army command structure
1293 alerting them that friendly fire was the suspected cause of
1294 death. This communication is called a Personal 4, that is, a
1295 P4 memo. As I understand it, P4 memos are military
1296 communications that require special handling.

1297 Mr. Tillman, you probably know more about this than I
1298 do, but from what I have been told about P4 memos, they are
1299 for eyes only communications, meaning that the addressee must
1300 open it personally and read it immediately. Are you familiar
1301 with that?

1302 Are you aware of that type of memo?

1303 Mr. KEVIN TILLMAN. I am not, sir. I mean I understand
1304 it. I don't know any more than you do. I was an enlisted
1305 guy, E4.

1306 Mr. CUMMINGS. I understand.

1307 Mr. KEVIN TILLMAN. I didn't get up that high.

1308 Mr. CUMMINGS. I understand.

1309 This P4 memo was sent by General McCrystal who was your
1310 brother's regiment commander in Afghanistan to three high

1311 ranking generals including General Kensinger, the head of
1312 Special Operations and General Abizaid, the head of Central
1313 Command.

1314 The P4 warns: `` It is highly possible that Corporal
1315 Tillman was killed by friendly fire.``

1316 It seems to be responding to inquiries from the White
1317 House, and here is what it says: ``POTUS``--meaning
1318 President of the United States--``and the Secretary of the
1319 Army might include comments about Corporal Tillman's heroism
1320 and his approved Silver Star medal in speeches currently
1321 being prepared, not knowing the specifics surrounding his
1322 death.``

1323 It goes on to express concern that the President or
1324 Defense Secretary might suffer ``public embarrassment if the
1325 circumstances of Corporal Tillman's death become public.``

1326 I would also like to make this P4 memo, part of the
1327 hearing record.

1328 Chairman WAXMAN. Without objection.

1329 [The referenced information follows:]

1330 ***** INSERT *****

1331 Mr. CUMMINGS. One question we have is whether this P4
1332 memo made it to the White House, and here is what we do know.
1333 On April 28th, the White House asked for information about
1334 Pat Tillman for a speech the President was giving. The next
1335 day, the P4 memo was sent, stating that Pat Tillman was
1336 killed by friendly fire and warning the President against
1337 mentioning it.

1338 When the President spoke at the Correspondents Dinner,
1339 he was careful in his wording. He praised Pat Tillman's
1340 courage but carefully avoided described how he was killed.

1341 It seems possible that the P4 memo was a direct response
1342 to the White House's inquiry. If that is true, it means that
1343 the White House knew the true facts about Corporal Tillman's
1344 death before the memorial service and weeks before the
1345 Tillman Family was told.

1346 Mr. Tillman, do you know whether the Army ever
1347 investigated how high up the chain of command this
1348 information went and, second, do you think this ought to be
1349 investigated now? You or Mrs. Tillman.

1350 Mr. KEVIN TILLMAN. I don't know how far they went up. It
1351 looks like they stopped, the Department of Defense. Looks
1352 like they stopped at about General Kensinger. But it seems
1353 pretty disingenuous.

1354 I don't have the answers because these things get
1355 piece-mealed to us whether they are leaked to the press or

1356 | whatever. That is kind of why we were hoping we could get to
1357 | you guys because you have that access.

1358 | My mom specifically, among a lot of other people, have
1359 | really worked hard to gather information and try and figure
1360 | out through all these redactions, to figure out who is who,
1361 | and we are just figuring out. It took us like nine months to
1362 | figure out who actually did the investigation, the second
1363 | one, well, the first one, the first official one. So it is
1364 | tough to get information, and that is why.

1365 | It is a bit disingenuous to think that the
1366 | Administration did not know about what was going on,
1367 | something so politically sensitive. So that is kind of what
1368 | we were hoping you guys could get involved with and take a
1369 | look. I mean we only can go so far. We don't have access to
1370 | these people. We don't have access to the unredacted
1371 | information. We are kind of landlocked.

1372 | Mr. CUMMINGS. I see my time is up, but we will do the
1373 | best we can.

1374 | [Prepared statement of Mr. Cummings follows:]

1375 | ***** INSERT *****

1376 Mr. KEVIN TILLMAN. Thank you, sir.

1377 Chairman WAXMAN. Thank you, Mr. Cummings.

1378 Mrs. MARY TILLMAN. Can I say something to that, please?

1379 Chairman WAXMAN. Yes.

1380 Mrs. MARY TILLMAN. Can I say something to that?

1381 I will tell you what we do know. Is my mic on?

1382 Okay, I have been doing a lot of reading about

1383 Rumsfeld, former Secretary of Defense Rumsfeld, and I

1384 believe just from what I have learned about him as a person

1385 and his expectations for his staff, that he would have had

1386 this information. He wasn't an individual who appreciated

1387 other people contacting the White House without it going to

1388 him first.

1389 I can't imagine that this memo could have been sent to

1390 General Abizaid and General Kensinger and General Brown with

1391 the expectation they would tell the President because

1392 Rumsfeld wouldn't want there to be any direct line because he

1393 liked to be the guy to go to the White House. So I believe

1394 that he would have intercepted this memo, first of all.

1395 The other thing is that he was, he had written Pat a

1396 letter, which I don't think he makes a practice of doing

1397 that, and it wasn't an extravagant letter by any stretch. It

1398 was about a two sentence letter, but the fact that he sent

1399 Pat the letter and Pat was a very high profile individual.

1400 He was probably the most high profile individual in the

1401 military at the time.

1402 The fact that he would be killed by friendly fire and no
1403 one would tell Rumsfeld is ludicrous because he would have
1404 had a fit. I mean to have it come, be known to him after the
1405 fact would be extremely upsetting to him.

1406 I have read a particular book on him, but there is a lot
1407 of research I have done on the internet. This is my
1408 conclusion. I have nothing to back it up. I admit that. I
1409 have no paper trail, no facts. But just knowing the type of
1410 individual and the way he operated, I believe these generals
1411 would be absolutely foolish to not tell him.

1412 Chairman WAXMAN. Mrs. Tillman, you don't know whether it
1413 was investigated all the way up the chain of command.

1414 Mrs. MARY TILLMAN. No, I don't know how far they pursued
1415 it.

1416 Chairman WAXMAN. But you think that it should be.

1417 Mrs. MARY TILLMAN. Yes, of course.

1418 Chairman WAXMAN. Thank you very much.

1419 The next in line is Mr. Duncan.

1420 Mr. DUNCAN. Well, thank you very much, Mr. Chairman.

1421 I don't have any questions, but I do want to say this.
1422 We all respect and admire and appreciate the military. I
1423 believe almost all of us do. Yet, we shouldn't worship the
1424 military.

1425 We need to recognize that our armed forces have become

1426 | the most gigantic bureaucracy in the history of the world.
1427 | Like any giant bureaucracy, they do many good things. Of
1428 | course, any bureaucracy does it at great expense, but also
1429 | any huge bureaucracy is often times wasteful and inefficient
1430 | and almost every huge bureaucracy usually tries to cover up
1431 | or gloss over its mistakes.

1432 | I had a longtime friend of mine, another Republican
1433 | member of Congress from the West who told me a few weeks ago,
1434 | and he has supported the war right from the beginning and
1435 | still does, that on our side we make the mistake of never
1436 | questioning anybody who wears a badge or a uniform. The
1437 | other side does that often times with labor and environmental
1438 | groups even when they go to extremes.

1439 | So both sides are guilty of this, but it is our duty
1440 | when we see a major mistake.

1441 | We need to support the military when they deserve to be
1442 | supported, and I think we do that. On the other hand, we
1443 | shouldn't let a patriotic fervor aroused during a time of war
1444 | to lead us never to question any request the military makes,
1445 | any expense they wish to incur and never to say anything
1446 | about any mistake because it is our duty. We don't support
1447 | the troops if we let our armed forces cover up or gloss over
1448 | major mistakes.

1449 | And so, I appreciate the fact, Mr. Chairman, that you
1450 | are holding this hearing. I appreciate the fact that on our

1451 | side former Chairman Davis has supported this. I think that
1452 | simply holding this hearing will cause things like this not
1453 | to happen in the future.

1454 | Like everyone else, I wish to express my condolences to
1455 | the Tillman Family and also my appreciation to Ms. Lynch and
1456 | Dr. Bolles for their service.

1457 | Thank you very much.

1458 | [Prepared statement of Mr. Duncan follows:]

1459 | ***** INSERT *****

1460 Chairman WAXMAN. Thank you, Mr. Duncan.

1461 Mr. Kucinich?

1462 Mr. KUCINICH. Thank you, Mr. Waxman, for holding this
1463 hearing.

1464 I want to thank both the Lynch Family and the Tillman
1465 Family for the service which you have given to this Country
1466 and continue to give to this Country by standing here for the
1467 truth. It is our obligation to facilitate the production of
1468 the information that helps to underscore the importance of
1469 the truth.

1470 In connection with that, I would like to explore some
1471 questions relating to the destruction of physical evidence.
1472 If any of these questions become too sensitive, let me know.

1473 We have been told and according to documents that orders
1474 were given to destroy Corporal Tillman's clothes after the
1475 incident and to burn what was in the bag for security
1476 purposes and that a soldier testified they burned Corporal
1477 Tillman's uniform, socks and gloves and one armor plate on
1478 which it appeared there was an indentation in the top right
1479 corner and also burned a small notebook of Corporal Tillman.

1480 Now I know that, Mr. Tillman, your family has gathered a
1481 lot of evidence about the contradictions. When you looked at
1482 this matter relating to the destruction of evidence, do you
1483 have any comment as to why a medical doctor did not sign off
1484 on the destruction of the uniform?

1485 Mr. KEVIN TILLMAN. No, sir. I don't know he would. I
1486 don't know why that would be. I don't know why any of his
1487 uniform would be cut off because they refer to it as a
1488 biohazard. Well, Pat was a biohazard.

1489 And they avoid mentioning who cut the uniform off him,
1490 who made that decision to cut the uniform off because a lot
1491 of this narrative talking about how they gave him paddle
1492 marks.

1493 He had paddle marks on his chest. We had Dr. Buchs
1494 [phonetically], a respected guy, take a look at that stuff,
1495 and it was clearly bruises on his chest.

1496 And you have got these inconsistencies. Why would they
1497 want to cut his clothes off? What possible reason would you
1498 cut his clothes off when he simply, he did not have
1499 essentially from here back? He had a facial structure and
1500 that was it. He got there in 90 minutes after the firefight,
1501 and he was, Pat was gone.

1502 And they tampered with his body. They cut his clothes
1503 off. They said that they tried to save him, transferred to
1504 ICU. I mean you can't. One, you can't leave paddle marks.
1505 It is a physical impossibility to leave paddle marks on
1506 somebody 90 minutes after that fact.

1507 And that is excluding the other statement saying they
1508 came in there and Pat was on a table, and he was there with
1509 all his clothes on 30 minutes after the fact. So it is

1510 closer, looking like 120 minutes where his body really wasn't
1511 touched.

1512 And you have got all this stuff that it just doesn't
1513 make any sense. Why would they cut it off? Why would they
1514 burn it? How a medical doctor would allow a bunch of
1515 sergeants to roll into his domain and have people taking his
1516 stuff off and burning it.

1517 And some of the e-mails are really strange, like quietly
1518 burning it. No one is watching. People looking behind their
1519 back. It is real weird.

1520 You have got the same stuff we have.

1521 Mr. KUCINICH. You talked about the extent of your
1522 brother's injuries. When you were told that CPR was
1523 attempted, understanding the extent of your brother's
1524 injuries, what did you think about that?

1525 Mr. KEVIN TILLMAN. We didn't get the

1526 Mr. KUCINICH. After the fact, we all received
1527 information.

1528 Mr. KEVIN TILLMAN. We didn't know it was CPR. We didn't
1529 know they tried to perform CPR.

1530 Mrs. MARY TILLMAN. Well, okay, let me explain. We got
1531 the autopsy. It is on.

1532 Chairman WAXMAN. Mrs. Tillman, could you speak close to
1533 the mic, please?

1534 Mrs. MARY TILLMAN. We received the autopsy about five

1535 months after Pat was killed, and on the autopsy it said that
1536 there were these three and a half by three-fourths inch marks
1537 on his chest that were consistent with an attempt at
1538 defibrillation. And I thought that was bizarre because the
1539 autopsy also said that Pat had no brain due to trauma. So it
1540 perplexed us that they would try to resuscitate a man who had
1541 no brain.

1542 And I was under the impression that he had died, and
1543 they deemed him dead immediately. So how could he even have
1544 paddle marks if he received so late?

1545 So I had my daughter-in-law, Pat's wife, get the field
1546 hospital report or FOA, the field hospital report, and we
1547 finally got it almost nine months later, I guess.

1548 And I was absolutely shocked because the field hospital
1549 report doesn't say anything about defibrillation. It says
1550 CPR performed, transferred to ICU for continued CPR. And
1551 that was extremely strange because Pat was dead for 90
1552 minutes before he got to the field hospital and he
1553 essentially had no head.

1554 Mr. KUCINICH. Thank you, Mrs. Tillman.

1555 Mr. Chairman, I know my time for questions has expired.
1556 I just want to say to the Chair that it appears that there
1557 was an elaborate effort here to conceal the circumstances of
1558 Corporal Tillman's death, and the evidence that is being
1559 presented here seems to confirm that.

1560 Of course, the destruction of his notebook is something
1561 that I think this Committee ought to be spending a little bit
1562 more time on as well.

1563 I thank you, Mr. Chairman.

1564 [Prepared statement of Mr. Kucinich follows:]

1565 ***** INSERT *****

1566 Chairman WAXMAN. Thank you, Mr. Kucinich.

1567 Mr. Issa?

1568 Mr. ISSA. Thank you, Mr. Chairman.

1569 I want to thank all of you for being here, Mr. Tillman,
1570 Mrs. Tillman, Ms. Lynch, Doctor.

1571 My questions are, by definition, probably the result of
1572 a whole series of questions you have already heard. I am
1573 going to try and summarize. I appreciate that it is never
1574 pleasant to go through one of these, particularly reliving
1575 traumatic experiences, one, on the battlefield and, two,
1576 because of the battlefield.

1577 But I am trying to understand something related to our
1578 hearing, our deliberation, what we are doing, and let me
1579 characterize it very briefly.

1580 My youth was spent during the Vietnam War. I was a
1581 soldier in 1970, but I was an ROTC cadet on the Kent State
1582 campus in the early seventies, and that was a time in which
1583 they were spitting on military uniforms. It didn't matter if
1584 you were a private, a corporal, a sergeant or an officer, you
1585 were somebody that people could treat badly simply because
1586 you served in uniform.

1587 Apparently, they were mostly treating members of
1588 Congress pretty well.

1589 Now we are dealing in kind of a new era in which we seem
1590 to want to say the soldiers is good, but they are bad.

1591 So I want to follow up with just a couple of questions
1592 to try to make the record clear or have you make the record
1593 clear. It is two different situations, but if we can go back
1594 and forth, I think there is some similarity.

1595 Mr. Tillman, who are they in this case? Are they the
1596 soldiers who were part of the fratricide?

1597 Did they do something willfully wrong or did they do
1598 something that you want us to understand was just wrong today
1599 other than screw up and kill one of their colleagues?

1600 Mr. KEVIN TILLMAN. Yes, sir. The firefight itself was
1601 due to, based on the evidence, it looks like it is gross
1602 negligence, but it looks like criminal intent too, criminal
1603 negligence which is what the first officer concluded,
1604 possibly criminal intent which he tried to push off to CID
1605 and somehow it never got to them.

1606 Mr. ISSA. What you are saying is they fragged your
1607 brother deliberately?

1608 Mr. KEVIN TILLMAN. No. There is a difference between
1609 homicide and criminal negligence. It is like if a kid is in
1610 the street and you are driving and you run into him. You
1611 just didn't see him, but yet you ran into him anyway. That
1612 is unfortunate, but you are going to be held accountable for
1613 driving into a kid standing in the street.

1614 Mr. ISSA. Sure. My other committee I keep slipping to
1615 is Judiciary, so I have the good fortune of going back and

1616 | forth between these two.

1617 | You are saying they were improperly trained leading to
1618 | mistakes made on the battlefield.

1619 | Mr. KEVIN TILLMAN. I didn't say improperly trained, sir.

1620 | Mr. ISSA. Okay, they were properly trained, but they
1621 | made mistakes.

1622 | Mr. KEVIN TILLMAN. I said they were out of control, sir.

1623 | You are referring to there is the American soldiers that
1624 | did this, sir. The they would be the American soldiers on
1625 | that aspect. But if you are referring to the instance, yes,
1626 | but outside of that, there are different layers.

1627 | Mr. ISSA. We have to establish the theys here. One they
1628 | are Els, 2s, 3s, 4s, 5s, up to a lieutenant. That is one
1629 | they.

1630 | In the aftermath, you are saying that they include a
1631 | three-star general.

1632 | Mr. KEVIN TILLMAN. Yes, sir.

1633 | Mr. ISSA. And the entire chain of command.

1634 | Mr. KEVIN TILLMAN. Yes, sir.

1635 | Mr. ISSA. Okay.

1636 | Ms. Lynch, in your case, who are the theys that you
1637 | think made your story which was originally true and simple
1638 | into something that was untrue but more glorious?

1639 | Ms. LYNCH. I don't know exactly where it started out,
1640 | but I know that they would be considered as part of the media

1641 | for letting the story to keep going in such a way that they
1642 | should have found out the facts before they spread the word
1643 | like wildfire. I mean they should have took accountability
1644 | and made sure the stories were accurate before they ran with
1645 | it.

1646 | Mr. ISSA. Do you think there was a conspiracy to create
1647 | this for some reason at a level above the military and the
1648 | media?

1649 | Ms. LYNCH. No.

1650 | Mr. ISSA. Do you have any evidence?

1651 | Ms. LYNCH. No, I don't.

1652 | Mr. ISSA. Okay.

1653 | Ms. LYNCH. I don't.

1654 | Mr. ISSA. Mr. Tillman or Mrs. Tillman, do you think that
1655 | there was a conspiracy?

1656 | I heard some of the e-mails that were sort of the
1657 | opposite. For that reason, I am asking. Do you think that
1658 | there was a conspiracy or involvement by people politically
1659 | connected, in other words, elected or appointed in political
1660 | roles, that fostered the untrue statements about your brother
1661 | or your son?

1662 | Mr. KEVIN TILLMAN. Yes, sir.

1663 | Mr. ISSA. Who are they and what is your evidence?

1664 | Mr. KEVIN TILLMAN. I don't know, sir, who they are. I
1665 | just know the evidence is leading to a point which is why we

1666 | came to your Committee, sir.

1667 | Mr. ISSA. What evidence is leading to that point?

1668 | Mr. KEVIN TILLMAN. Part of the evidence is the P4
1669 | message sent by the head spoke of all the Special Forces. It
1670 | is not a sit rep. It is a warning to these people. This
1671 | information, this is something that is very critically
1672 | sensitive, and it is, in my opinion, very disingenuous to
1673 | think that they did not know especially based on what was
1674 | going on at that time.

1675 | It is a bit speculative right now, and that is why we
1676 | are here. But the whole thing, as a whole if you look at its
1677 | parts and put it together, it is absolutely absurd. This
1678 | whole thing is unbelievable from this manufactured story to
1679 | what really happened. There is just a disconnect.

1680 | And to think that the generals would sua sponte this on
1681 | their own, I don't think that is a very reasonable answer.

1682 | And based off of the e-mail traffic, based on how these,
1683 | a lot of these wars are perception-based. There is a lot of
1684 | information. There is a lot of stuff that is controlled. I
1685 | think it is imperative that the Committee take a look and see
1686 | if that is the case.

1687 | I, personally, am pretty confident that they did have
1688 | something to do with this because they are the ones that
1689 | ultimately benefitted from that story.

1690 | [Prepared statement of Mr. Issa follows:]

1691 ***** INSERT *****

1692 Chairman WAXMAN. Thank you, Mr. Issa.

1693 Mr. Clay?

1694 Mr. CLAY. Thank you, Mr. Chairman. I want to thank
1695 Ranking Member Davis, both of you all, for calling this
1696 hearing.

1697 I want to thank Private Lynch for being here today.
1698 Your courage and dedication to duty both while under enemy
1699 fire and then as a wounded POW are heroic, and your
1700 commitment to making certain that the truth about what
1701 happened to you and your unit finally emerged is equally
1702 heroic.

1703 Mr. and Mrs. Tillman, first as a father, I want to
1704 express my sincere condolences to you on the loss of your
1705 brave son, Patrick. I want to commend you for having the
1706 courage to pursue the truth about your son's death while
1707 bearing the terrible burden of losing a child.

1708 We know now that your painful loss was compounded by
1709 having had to confront a pattern of deception, misleading
1710 information and, in some instances, deliberate
1711 misinformation. Unfortunately, that pattern of misinformation
1712 and deception is not limited to just your son's case.

1713 So, yes, Mr. Tillman, there is a pattern of deception
1714 and misinformation that emanates from the top, from the White
1715 House on down and through the departments responsible for
1716 this war. So you are not too far from the truth, sir.

1717 Back in my district in St. Louis, I had a brave young
1718 constituent by the name of Private Levena Johnson and sadly
1719 in July of 2005, at the age of 19, she became the first
1720 female soldier from Missouri to be killed in Iraq.

1721 Just like Corporate Tillman, Private Johnson was an
1722 exceptional young American. She was an honors student, a
1723 gifted musician and very active in her church and community.
1724 Just like Corporate Tillman, after 9/11, she was inspired to
1725 join the Army to help protect her Country.

1726 Private Johnson came from a proud military tradition.
1727 Her father, Dr. Johnson, is an Army veteran and worked for
1728 the Department of Defense for 25 years. Her uncle served in
1729 Korea. Her grandfather served in World War II for almost two
1730 years.

1731 Dr. and Mrs. Johnson have been trying to get to the
1732 truth about what happened to their daughter, and my office
1733 has tried to assist them in that effort. Unfortunately, they
1734 have been met by a wall of disrespect, evasion and failure
1735 and a failure to provide them with the answers that the
1736 parents of any fallen soldier deserve.

1737 I am thankful that this Committee is taking to get them
1738 the information they have questioned.

1739 Private Levena Johnson gave her life for her Country,
1740 and her Country has a responsibility to tell her family the
1741 whole truth about how she died.

1742 Now, Mrs. Tillman, I want to turn now to Pat's Silver
1743 Star award. The Committee has a copy of the original
1744 citation that supported the Silver Star award. The
1745 certificate says that Pat Tillman put himself in the line of
1746 devastating enemy fire. It also says that Corporate Tillman
1747 was mortally wounded while under fire that resulted in the
1748 platoon's safe passage.

1749 Mrs. Tillman, there is nothing in here at all about
1750 friendly fire, is there?

1751 Mrs. MARY TILLMAN. No. No, there is not, sir. They are
1752 very careful to stay away from that.

1753 Mr. CLAY. So anyone who reads this, including you, would
1754 believe Pat was killed in a firefight with enemy forces,
1755 isn't that right?

1756 Mrs. MARY TILLMAN. Yes, sir.

1757 Mr. CLAY. Lieutenant Colonel Bailey has stated he was
1758 the one who recommended posthumously awarding a Silver Star
1759 to Pat Tillman, claiming that his actions prior to his death
1760 by friendly fire merited the award, but the final version of
1761 this award focused on the supposed battle with enemy
1762 firefighters at the time of death. Do you have any idea why
1763 Colonel Bailey or the other drafters of the award failed to
1764 correct this key fact?

1765 Mrs. MARY TILLMAN. I can speculate, and I do. But I
1766 think because the situation out there was so horrific, and I

1767 | want to say that, Kevin indicates that he believes that the
1768 | Rangers are trained, for the most part, quite well. And so,
1769 | we are not attacking the training, and these soldiers
1770 | themselves, in a different situation, may have performed
1771 | quite well.

1772 | But at this particular moment, they got excited, and
1773 | they were not afraid. When they were asked about this
1774 | particular engagement, not once did they say they were
1775 | afraid. Not once did they say they were being fired upon.
1776 | They said they were excited or one said I wanted to be in a
1777 | firefight.

1778 | General Jones asked, did you PID your target?

1779 | No. I wanted to be in a firefight.

1780 | When they asked, did you see waving hands?

1781 | Yes, we saw waving hands.

1782 | What did it look like, General Jones asked.

1783 | It looked like they were trying to say, hey, it is us.

1784 | And yet, they fired at them.

1785 | [Prepared statement of Mr. Clay follows:]

1786 | ***** INSERT *****

1787 Chairman WAXMAN. Thank you very much, Mr. Clay.

1788 Mr. CLAY. Thank you.

1789 Chairman WAXMAN. Mr. Mica?

1790 Mr. MICA. Well, thank you.

1791 Again, I want to join my colleagues in extending my
1792 deepest sympathy to the Tillman Family on your loss.

1793 I didn't get here for your opening comments, but I have
1794 read your testimony. It does sound like you present some
1795 facts that need further review relating to the questions
1796 about the mission that we should help resolve, and that is
1797 our responsibility. Then I think there are questions too
1798 that have been raised about how this story was handled.

1799 But with your son and your brother, you have an American
1800 hero. He was a hero before he joined the military and always
1801 will be, whether he died by friendly fire or by hostile
1802 action.

1803 I don't know if I could ever be satisfied if it was my
1804 son. I think we have a responsibility to pursue what you
1805 have been told.

1806 I must tell you as a member of Congress, sometimes this
1807 is part of the process we go through too. I learned. I have
1808 had about 19 that I have lost, since I have been in Congress,
1809 in Afghanistan, in Iraq, in Europe, in different things. It
1810 is the hardest thing I have to go through personally.

1811 Sometimes I am very irritated. I read about it first in

1812 | the press. The military doesn't have a good system of
1813 | notifying us. They notify sometimes the next of kin first,
1814 | and sometimes that doesn't work out well because of the
1815 | circumstance. Unfortunately, we have gone through that over
1816 | 2,700 times with death, combat casualties. What is it, 600
1817 | now, with accidents with the military. So you must know that
1818 | about the process.

1819 | I have got a kid that his name is Vacarro, and I was
1820 | told he died trying to save. He was a medic, trying to save
1821 | others. When I heard that, I said, oh, my God, he should be
1822 | awarded a Silver Star. But the funeral has been a couple
1823 | months ago, and it has taken until just recently to see that
1824 | he would get that because of the investigation.

1825 | Of course, you have high profile, Ms. Lynch. You are
1826 | very high profile, like it or not. You were unique among the
1827 | captives and represent a very unique situation.

1828 | Maybe the military did try to make more out of the
1829 | heroes that they believe were heroes.

1830 | Some of the information I have on Ms Lynch, the story
1831 | that she was fighting to her death. This was April 3rd. I
1832 | know you weren't interviewed for that, were you?

1833 | Ms. LYNCH. No.

1834 | Mr. MICA. One of the authors, Loeb, says the Post based
1835 | on this story on battlefield intelligence reports that Loeb
1836 | says are always wrong in some respect. Loeb dismissed

1837 | accusations that the military used his paper as an organ for
1838 | propaganda. I don't think we were spun at all, he says. I
1839 | don't think the Pentagon ever set to make Jessica Lynch a
1840 | poster child for battle heroism.

1841 | So it does happen. I just look at the things that have
1842 | happened in the last week. Governor Corsine, I read in the
1843 | media. I thought some kid cut him off on the turnpike, and
1844 | he ended up in critical condition, almost dying. It turns
1845 | out he was going 91 miles an hour on the turnpike, further
1846 | revealed. Let alone explaining something that occurred
1847 | halfway around the world is very difficult under war
1848 | circumstances.

1849 | Last week, with the unfortunate Virginia Tech incident,
1850 | again, the way the media handled it, I thought there were two
1851 | shooters for a long time, and then we were led to believe
1852 | that it was the mistakes of the administration and others.
1853 | Then we saw the video tape of a mentally deranged individual
1854 | and saw the motivation. So it is very difficult.

1855 | What I don't want you two to become the poster children
1856 | for those who don't think our military does a good job. They
1857 | make mistakes, and they have made mistakes probably in your
1858 | instances, but there are hundreds of thousands of heroes. A
1859 | lot of them aren't with us.

1860 | Thank you, Jessica Lynch, for recognizing the others and
1861 | being honest. You were honest, and you represent the best of

1862 | the best. We thank you.

1863 | I yield back.

1864 | [Prepared statement of Mr. Mica follows:]

1865 | ***** INSERT *****

1866 Chairman WAXMAN. Thank you, Mr. Mica.

1867 Ms. Watson?

1868 Ms. WATSON. I want to thank the Chair for holding this
1869 hearing. I always see this Committee as the seekers of
1870 truth, so thank you for giving us the opportunity to hear
1871 from those who are actually involved.

1872 I want to thank the Tillman Family for their tenacity
1873 and not stopping until you get the actual truth so the story
1874 will be complete and you will have some closure. We see your
1875 son and your brother and your husband and your loved one as a
1876 real hero because he went to fight for his Country, and he
1877 died in that fight. The piece of mind comes when you know
1878 all the circumstances, not a story that has been put together
1879 for political purposes.

1880 So thank you for your presence here. Thank you for your
1881 courage and your tenacity. We need more Americans like you.

1882 And, Jessica Lynch, you indeed are our hero. The
1883 fantasy surrounding your injuries and your hospitalization
1884 was reported to the American people and the world, making you
1885 a Rambo-like hero. You know the truth regardless of the
1886 condition you were in.

1887 I was told the truth by Shoshanna Johnson who was the
1888 first woman who happened to be an African American soldier
1889 who was imprisoned. We brought her to Los Angeles because
1890 she had relatives there, and she told her story. She told us

1891 | how she was caring for you when you had trouble with the
1892 | water and the food. She told us how your weight went down,
1893 | and she told us about your energy level that would not allow
1894 | you to go out and shoot until the last bullet.

1895 | We knew that story, but what I heard through the press
1896 | was something completely different.

1897 | And so, we see you too as a fighter for right, a fighter
1898 | for the Country. It is the circumstances that we think were
1899 | politicized, and this war being politicized is unacceptable
1900 | to so many of us.

1901 | So I want to thank you for your courage to come, your
1902 | honesty, your sincerity, and I want to thank you for what you
1903 | did for your Country.

1904 | Let me ask you this question. Did you come here for
1905 | political reasons?

1906 | Ms. LYNCH. No, I did not.

1907 | Ms. WATSON. Did you join the service for political
1908 | reasons?

1909 | Ms. LYNCH. No, I did not.

1910 | Ms. WATSON. All right, that is from you to the world.

1911 | Now did you get out of the vehicle during the time that
1912 | it was the ambush and several of your colleagues were killed?

1913 | Ms. LYNCH. No. We were traveling at the time, and then
1914 | we were hit by an RPG, and sometime between that point, I was
1915 | unconscious and then taken to the hospital.

1916 Ms. WATSON. But you were in the vehicle.

1917 Ms. LYNCH. Yes, inside the vehicle.

1918 Ms. WATSON. You never got a chance to fire off?

1919 Ms. LYNCH. No, I did not.

1920 Ms. WATSON. All right. Now that is the story that
1921 Shoshanna Johnson told us in front of the press.

1922 Ms. LYNCH. Yes.

1923 Ms. WATSON. That is not the story we heard through the
1924 press afterwards.

1925 Dr. Bolles, you have said there were prick marks, but
1926 you diagnosed to say they were not bullet wounds, is that
1927 correct?

1928 Dr. BOLLES. That is correct.

1929 Ms. WATSON. All right. I just want to establish that
1930 because the story went out. Someone had to become the
1931 heroine or the hero of this war, and you happened, Jessica,
1932 to be that story.

1933 I am so pleased and proud that all of you are here to
1934 tell the truth to the world.

1935 What we want to say here is that we wish you no harm.
1936 We want to express our sincere gratitude to all of you and to
1937 your relatives that would go out in defense of this Country.
1938 But when stories are fabricated, that does a disservice to
1939 you. It does a disservice to our fighting force.

1940 I want to say to all of you, thank you for the courage

1941 | because there is going to be counterattack--I am just as sure
1942 | as I am sitting here--to disprove what you are saying, but we
1943 | heard you. You are the ones that went through it, and we
1944 | will document that.

1945 | So thank you so much for coming.

1946 | Thank you.

1947 | [Prepared statement of Ms. Watson follows:]

1948 | ***** INSERT *****

1949 Chairman WAXMAN. Thank you, Ms. Watson.

1950 Mr. Shays is next, but he wants to hold back on his
1951 comments, so I am going to recognize Mr. Hayes.

1952 Mr. HAYES. Thank you, Mr. Chairman, and thank you for
1953 letting me come.

1954 The witnesses may or may not know, I am not a member of
1955 the Committee, but I represent Fort Bragg in my district and
1956 for years have known and grown up with a number of the people
1957 that are involved.

1958 First, again, let me, as others have, extend my most
1959 sincere condolences to the Tillman Family. Words can't
1960 express our sympathy for you and what has happened.

1961 I appreciate your service, Kevin, in the military, and
1962 Jessica, thank you very much for that.

1963 I simply want to say, Mr. Chairman, that in all this,
1964 the men at Fort Bragg, some of whom are serving elsewhere
1965 right now, are not perfect. But, by the same token, I have
1966 known them for over nine years now to be men of honesty,
1967 integrity, intelligence and commitment to the Country.

1968 As we move forward, anything that we can do to help you,
1969 the families, bring appropriate, proper closure which we all
1970 recognize is not possible, we certainly want to be a part of
1971 that. By the same token, we want to be completely open and
1972 above board, forthcoming and straightforward about other
1973 people are directly and indirectly involved and make sure

1974 that we do what is right for everyone concerned.

1975 My neighbor down the hall, Ms. Watson, talked about this
1976 being political. Well, Washington is political. It doesn't
1977 matter what the year or whom the party in the majority is,
1978 there is a certain amount of politics, and it is up to us.

1979 Mr. Chairman, what I think and hope you and Mr. Davis
1980 are doing--Mr. Tom Davis and Danny Davis as well FE-is to
1981 make sure that whatever political implications go with any
1982 incident, the outcome is such that in the future, mistakes
1983 are avoided, families are protected and we come away doing
1984 the right thing regardless of what party that we are in.

1985 Unfortunately, I have extensively read the many reports,
1986 not the least of which is the 84-page one. As you look at
1987 this, we don't have the luxury of a safe crime scene where we
1988 can go back and carefully evaluate, and that has to be a part
1989 of the overall picture that we are looking at here.

1990 By the same token, I was at Beaufort Marine Corps Air
1991 Station on Saturday when the tragic, tragic loss of a Blue
1992 Angel occurred. Our hearts and prayers go out to that family
1993 as well. But it struck me as we were there on the air
1994 station, an eyewitness so to speak, listening to the news
1995 reports of the ''eyewitnesses'' in the excitement and the
1996 fear and also the confusion that resulted, there was some
1997 lacking of accuracy. I think, again, that needs to be a part
1998 of this.

1999 | Mike Honda, you and I have talked about this. Thank you
2000 | for stepping up and representing this family so well, and it
2001 | is very appropriate.

2002 | Mr. Chairman, again, thank you for letting me speak and
2003 | again to the Tillmans and Ms. Lynch, thank you very much for
2004 | your service. Anything we can do for you, I can assure
2005 | across any political border, we are anxious to do that.

2006 | [Prepared statement of Mr. Hayes follows:]

2007 | ***** INSERT *****

2008 Chairman WAXMAN. Thank you very much, Mr. Hayes.

2009 Mr. Yarmuth.

2010 Mr. YARMUTH. Thank you, Mr. Chairman.

2011 I want to thank the members of the panel for their
2012 testimony. To the Tillmans and Ms. Lynch, on behalf of the
2013 people of Louisville, Kentucky, whom I represent, I want to
2014 thank you for your service and your courage and your
2015 sacrifice.

2016 Dr. Bolles, I would like to turn to you for a minute.
2017 You were Jessica Lynch's surgeon in Germany as we heard
2018 earlier. You were a private contractor there, is that
2019 correct? You weren't a member of the military.

2020 Dr. BOLLES. That is correct.

2021 Mr. YARMUTH. After the stories came out Ms. Lynch that
2022 said that she had been shot, you remained silent. You played
2023 a critical role in this entire episode, and yet the American
2024 people never heard from you. Why did you not speak up at the
2025 time that this all occurred?

2026 Dr. BOLLES. Well, I think every physician has an ethical
2027 responsibility not to talk about their patients publicly or
2028 even privately for the most part. That goes without saying.

2029 Mr. YARMUTH. Were you under any constraints, legal or
2030 otherwise, by virtue of your position as a private contractor
2031 in discussing these incidents?

2032 Dr. BOLLES. No.

2033 Mr. YARMUTH. No, not at all.

2034 Ms. Lynch, were you coached by anybody at any time as to
2035 what you might or should say concerning your situation, your
2036 story?

2037 Ms. LYNCH. Well, when all the stories were being
2038 created, I was kind of kept away from watching the news and
2039 stuff and hearing all the reports. So I really didn't even
2040 know what was going on until a while later. But because I
2041 was still in the Army, I wasn't allowed to talk about what
2042 happened.

2043 Mr. YARMUTH. That is a standard rule, that you aren't
2044 allowed to talk about it, but you did ultimately talk to
2045 network television. That was after.

2046 Ms. LYNCH. Once I was out of the military, I was allowed
2047 to speak about what happened.

2048 Mr. YARMUTH. When you entered the military, let me put
2049 it another way. Has this entire incident made you question
2050 the handling of public information by the military?

2051 Do you think that the Country was well served throughout
2052 this entire episode?

2053 Ms. LYNCH. I do, but I think they could have handled
2054 situations a lot better and made sure that the truth was more
2055 accurate.

2056 Mr. YARMUTH. Going back to you, Dr. Bolles. You said
2057 you were under no constraints. Did you have to sign any kind

2058 of non-disclosure agreement?

2059 Dr. BOLLES. Yes, I did.

2060 Mr. YARMUTH. Was that something you signed, a blanket
2061 non-disclosure agreement regarding all patients or were you
2062 asked to sign this specifically for the Lynch case?

2063 Dr. BOLLES. When you asked me the question before, my
2064 mind was thinking about right afterwards when the press did
2065 contact me. Before she left, the day before or the day of, I
2066 was asked to sign something to say that this would not be
2067 discussed also.

2068 Mr. YARMUTH. You had never been asked to sign anything
2069 like that involving any other patient of yours?

2070 Dr. BOLLES. No, sir.

2071 Mr. YARMUTH. You said that there was another doctor
2072 there who came to a different conclusion as to whether Ms.
2073 Lynch had been shot. Do you know if he was asked to sign a
2074 non-disclosure agreement?

2075 Was he a member of the military?

2076 Dr. BOLLES. He was a member of the military.

2077 Mr. YARMUTH. So he was bound by the same constraints
2078 that Ms. Lynch was.

2079 Dr. BOLLES. I would assume so.

2080 Mr. YARMUTH. Did you think it was peculiar that you were
2081 asked to sign a non-disclosure agreement for one patient?

2082 Dr. BOLLES. At the time, no. I am not sure I do now. I

2083 | kind of assumed they were asking people other than myself and
2084 | that it was a standard procedure.

2085 | Mr. YARMUTH. Looking back at it now, are you suspicious
2086 | of the fact that they did that?

2087 | What do you think was behind their action there?

2088 | Dr. BOLLES. I really don't think I have an opinion on
2089 | that, sir. It may have been standard procedure for a highly
2090 | visible situation such as Private Lynch was. I don't know.

2091 | Mr. YARMUTH. Okay.

2092 | Thank you very much, Mr. Chairman. I yield back.

2093 | [Prepared statement of Mr. Yarmuth follows:]

2094 | ***** INSERT *****

2095 Chairman WAXMAN. Thank you.

2096 Mr. Shays?

2097 Mr. SHAYS. Thank you. Thank you for having this
2098 hearing, Mr. Chairman. I thank our witnesses for being here.

2099 In a hearing like this, you don't even know where to
2100 begin, particularly in five minutes.

2101 Ms. Lynch, your statement says it all. You are on
2102 record. You have come before Congress. It was done in a
2103 very appropriate way, concise, to the point. Thank you for
2104 your service.

2105 I wrestle with this issue. I wrestle with the fact that
2106 there were anonymous sources saying you did things you didn't
2107 do. There was huge attention on you.

2108 I wonder what I would do if I was the Government,
2109 saying, you know what, she really didn't do this. She didn't
2110 really do that and not wanting to show any disrespect to you.

2111 So, in some ways, I feel like you are the one who needed to
2112 set it straight.

2113 I think some people just wanted to show respect to you
2114 and didn't want to cause you any more agony than you went
2115 through, but obviously you have gone through so much. But,
2116 in the end, the record needs to be set straight, and no one
2117 should knowingly distort the record.

2118 I believe the parents, the spouses, the next of kin,
2119 that a spouse has an absolute right to know the truth,

2120 absolute right. Children have an absolute right to know what
2121 happened to their dad. Anyone who gives out false
2122 information should lose their job at the least and something
2123 worse if they really were part of a huge conspiracy.

2124 So thank you, Ms. Lynch, for being here and your
2125 testimony.

2126 Mrs. Tillman, you and your husband are remarkable
2127 parents. You have three sons, two sons who have given up a
2128 lot materially to serve and risk their lives for their
2129 Country. I mean they did this because of the way you raised
2130 them. You are, I think, being very consistent with the way
2131 you raised them. You want the truth.

2132 I don't know. I am going to call you Kevin just because
2133 there are so many Tillmans here but, Kevin, to have served in
2134 the same unit with your brother and to have been made aware
2135 of what happened so quickly, this has to be devastating.

2136 I have three older brothers, no sisters. I can't
2137 imagine losing a brother.

2138 To have served with your brother and to know that he
2139 lost his life and then to know there was a real screw-up.
2140 What is hard for me to imagine is how anyone, knowing you
2141 were there, thought they could distort the truth. I mean for
2142 the life of me, I don't know that. I can't even begin to
2143 think how they thought they could get away with it.

2144 I see your circumstance with Pat different than Ms.

2145 | Lynch because here it does seem to be information directly
2146 | given out, publicly given out, totally false.

2147 | Mr. Kucinich and others--I chaired the National Security
2148 | Subcommittee and now I am its Ranking Member--we asked that
2149 | this investigation happened, but you are not happy with the
2150 | investigation done by the Inspector General.

2151 | I went out for a little bit. I would like one or the
2152 | other or both of you to just tell me again why you are not
2153 | happy or take issue with this investigation.

2154 | Mrs. MARY TILLMAN. The Inspector Generals' investigation
2155 | indicates that.

2156 | Mr. SHAYS. If I could ask, I have trouble hearing you,
2157 | if you can move the mic up. You are not as loud as you think
2158 | you are up here.

2159 | Mrs. MARY TILLMAN. Yes, I am, but I am being very
2160 | careful.

2161 | Mr. SHAYS. Yes, thank you.

2162 | Mrs. MARY TILLMAN. Well, first of all, I just want to
2163 | clear something up. This family has great respect for the
2164 | military. My dad served. My uncle served. I just want to
2165 | make that clear.

2166 | The most comforting sight right after Pat died was the
2167 | sight of General Kensinger which is very sad to me because I
2168 | don't know what his role is in the cover-up. He was very
2169 | kind. He was very impressive in his uniform, and I felt very

2170 proud that he was there.

2171 In other words, we were made to feel rather foolish, I
2172 think. I mean there is an element of the betrayal. You feel
2173 rather foolish. Well, how did I not pick up on this?

2174 And all of the officers we were in touch prior to
2175 uncovering, sort of this deceit, we had respect for. I mean,
2176 I thought General Jones was a very gracious man, and I even
2177 gave him a picture of Pat, because he knew Pat, and then I
2178 felt like he was betraying us in the end although he did do
2179 us a great service because he gave us a lot of information.
2180 But his conclusions were not valid. I mean based on the
2181 evidence, how could he say there was nothing wrong, that
2182 nothing nefarious had happened?

2183 So I just want to make it very clear that this family
2184 does have respect for the military. We had great trust in
2185 the officers that came to us, and I know there are marvelous
2186 people in the military to this day.

2187 But I work for an organization too. I know there are
2188 good and bad people, and it is the people that are doing the
2189 wrong that need to be uncovered.

2190 Mr. SHAYS. I know my light went on, but I would just
2191 love to have you highlight maybe one or two biggest flaws
2192 with this report.

2193 Mrs. MARY TILLMAN. Okay, I understand.

2194 Mr. KEVIN TILLMAN. I will highlight one for you, sir. If

2195 | you could turn to page 53, it talks about, and this is
2196 | redacted so you have got to bear with me. It talks about the
2197 | narrative, the witness statements for the Silver Star, and
2198 | the two Silver Star witnesses.

2199 | One is here, which you guys had to fight to get. That
2200 | is Bryan O'Neil, that the military fought tooth and nail, as
2201 | you know, to keep him from testifying.

2202 | But the narrative on that top right-hand side, read it.
2203 | They are flat out saying I didn't write this. I didn't write
2204 | this. Who wrote this thing? It wasn't me. I didn't say
2205 | this.

2206 | Is that addressed in the conclusion? No.

2207 | I mean that is fraud, correct? To falsify a witness
2208 | statement in a Silver Star award, fabricating it with these
2209 | kids names on it, that is an example of something that it is
2210 | sitting right here.

2211 | Why isn't it addressed in the conclusion? How come no
2212 | one is held accountable for this?

2213 | The whole thing is riddled with nonsense, sir.

2214 | Mr. SHAYS. If I could summarize, there are indications
2215 | here that the Inspector General was not as diligent, did not
2216 | pursue obvious questions, and so you have a lot of unanswered
2217 | issues here because of this report.

2218 | Mrs. MARY TILLMAN. Well, they accepted the CID
2219 | investigation. I mean the IG, they came to conclusions about

2220 certain generals that did some things they shouldn't have
2221 done. I believe these generals were not. I think these
2222 generals were under orders, personally, by someone higher. I
2223 don't think that these generals acted on their own.

2224 But I mean, yes, the IG did say that there were four
2225 generals that are culpable and there are five other officers
2226 that are culpable. I understand that.

2227 However, they also said that the CID investigation was
2228 valid. They gave it. They deemed it okay, and the CID
2229 investigation was a travesty in my eyes. I think it was
2230 ridiculous. There were absolute indications of ROE
2231 violations riddled throughout every single report that was
2232 done.

2233 They didn't. They didn't try to find out really who the
2234 name of this Afghan militia soldier was. For three years, no
2235 one has known his name, and then we are told his name is
2236 Tonny, which I think is kind of ridiculous being it is a
2237 tribal country. They usually have more than one name, and I
2238 don't think that is his real name.

2239 I wanted to know who actually commanded the AMF
2240 soldiers. I asked the IG agent specifically to find that out.
2241 He was communicating with CID. He said he would make sure
2242 they were aware of that.

2243 When I asked the investigator, who commanded the AMF
2244 soldiers. Oh, we didn't look into that.

2245 When I asked them, what was the conclusion with the
2246 ballistics testing, with the bullets that were taken from
2247 Pat's head? Oh, I didn't look into that. We never got any
2248 report.

2249 I mean, in every way, they dodged. They are dodging us,
2250 and the IG condoned that even though they make the public
2251 believe they did such a grand job because they pointed the
2252 finger at four generals and five other officers. That is a
2253 smokescreen. These officers are scapegoats.

2254 Mr. SHAYS. Thank you.

2255 Mrs. MARY TILLMAN. And McCrystal's memo coming out the
2256 way it did is a pure indication that they are feeling like
2257 scapegoats.

2258 Mr. SHAYS. Thank you.

2259 [Prepared statement of Mr. Shays follows:]

2260 ***** INSERT *****

2261 Chairman WAXMAN. Thank you, Mr. Shays.

2262 Mr. Braley.

2263 Mr. BRALEY. Thank you, Mr. Chairman.

2264 Ms. Lynch, Mr. Tillman, I want to thank you for your
2265 eloquent and compelling testimony.

2266 Mr. Tillman, I want to thank you for using the word,
2267 fratricide, because for any family that has gone through what
2268 your family has, there is nothing friendly about friendly
2269 fire. With your permission, I would like to address my
2270 initial remarks to your parents.

2271 When I heard about your son's death, the real causes for
2272 his death, it took me back to when I was a 13-year-old
2273 growing up in Iowa. I had a cousin who was serving in a
2274 Marine artillery fire base in Vietnam, and a story hit the
2275 Des Moines Register that captured the attention of everyone
2276 in my State.

2277 It was about a young man named Michael Mullen from La
2278 Porte City, Iowa, who had gone to high school at Don Bosco,
2279 gone off and gotten his college degree and was a graduate
2280 student when he was drafted into the Army and went and served
2281 his Country honorably.

2282 I want to ask you if this story sounds familiar. During
2283 the predawn hours of February 18th, 1970, on a jungle hilltop
2284 near the village of Chu Lai, South Vietnam, an outgoing shell
2285 from a U.S. Army howitzer accidentally struck a treetop and

2286 | exploded above the men of Charlie Company First Battalion,
2287 | Americal Division. Six were injured, two were killed. One
2288 | of them was Michael Mullen, 25, the fifth generation of his
2289 | family to farm the same fertile Iowa acreage.

2290 | Michael was pierced by a small crescent of steel that
2291 | tore a hole in his heart. He was sleeping and died
2292 | instantly. The Army listed their son as a non-battle
2293 | casualty, a category that they were to learn was used rather
2294 | loosely to keep down the weekly figure of war dead.

2295 | An anguished war protest letter from Peg Mullen,
2296 | Michael's mother, to President Nixon brought back a note from
2297 | a White House clerk, assuring that the President was truly
2298 | sorry that her son had died and attached to the note were
2299 | copies of President Nixon's Vietnamization speeches. Another
2300 | letter from the Adjutant General's Office informed the
2301 | Mullens that the non-battle casualty had been posthumously
2302 | awarded the Bronze Star and the Good Conduct Medal.

2303 | However, they also received a voucher they were asked to
2304 | sign to receive the pay due their son, Michael, at the time
2305 | of his death, and they refused to sign, demanding a full
2306 | accounting from the Government of the circumstances of how he
2307 | died. When they finally got that full accounting, it came
2308 | with a deduction for advanced leave time that their son no
2309 | longer had a position to make up.

2310 | Peg Mullen turned this into a personal crusade, taking

2311 | the money that they received from their son's death benefit
2312 | to take out full page ads in the Des Moines Register,
2313 | consisting of 714 crosses representing Iowa's Vietnam War
2314 | dead. One of the results from that action was that they had
2315 | their family phone tapped.

2316 | As I heard the story of what your family has gone
2317 | through in order to get a full accounting from the Government
2318 | that your son served with honor, I was reminded of how we
2319 | tell ourselves over and over again, and yet we seem to go
2320 | through this every time we are faced with a crisis like we
2321 | face right now.

2322 | Mrs. MARY TILLMAN. I would like to say I think it is
2323 | really important because before someone says anything to us,
2324 | I want to say it first because we have been asked over and
2325 | over again, well, what can we do for your family? How can we
2326 | appease you?

2327 | And it makes me sick. It is not about our family. Our
2328 | family will never be satisfied. We will never have Pat back.

2329 | But what is so outrageous is this isn't about Pat. This
2330 | is about what they did to Pat and what they did to the
2331 | Nation. There is evidence, an accumulation of what is about
2332 | 12 binders on Pat's death. I condensed it to one or two.
2333 | This is evidence that something really awful happened. It is
2334 | your job to find out what happened to him. We have an
2335 | institution in place to find out what happened to him, and

2336 | that is really important, and we are coming to you. Pat died
2337 | for this Country, and he believed it was a great country that
2338 | had a system that worked. It is not perfect. No one has
2339 | ever said that. But there is a system in place to allow for
2340 | it to work, and your job is to find out what happened to Pat.

2341 | It is to find out what happened to Patrick McCaffrey, to
2342 | what happened to Kenneth Ballard, to all the other soldiers.

2343 | By making up these false stories is exactly what Jessica
2344 | said. You are diminishing their true heroism. It may be
2345 | pretty. It may not be like out of a John Wayne movie, but
2346 | that is not what war is all about. It is ugly. It is
2347 | bloody. It is painful. And to write these glorious tales is
2348 | really a disservice to the Nation, and the Nation needs to
2349 | realize this is an ugly war. Everyone should be part of it.
2350 | Everyone should understand what is going on. And we
2351 | shouldn't be allowed to have smokescreens thrown in our face.

2352 | Mr. BRALEY. Thank you.

2353 | One of the articles that I have read after the Pentagon
2354 | report was released noted that the report did not attempt to
2355 | explain why the military command stuck to its feel good story
2356 | of combat heroism at the time of the Abu Ghraib scandal,
2357 | which you referenced in your testimony, Mr. Tillman.

2358 | Can you, either one of you, talk about why or what
2359 | explanations you have received as to why that explanation has
2360 | never been provided?

2361 Mr. KEVIN TILLMAN. I haven't received an explanation. I
2362 don't know if they have a good explanation. I think they are
2363 just, whatever reason. I don't know. Hopefully, you guys
2364 can find that out. I don't know why they stick to the same
2365 story, but they are still sticking it.

2366 Mrs. MARY TILLMAN. General Jones, when he interviewed
2367 General McCrystal for his investigation, he asked, and this
2368 is the document that General Jones provided us. He said,
2369 once you became aware that this was possible fratricide, was
2370 there a conscious decision made not to tell the family of the
2371 possibility? If so, why?

2372 General McCrystal answers, there was a conscious
2373 decision on who we told about the potential because we did
2374 not know all the facts. I did tell the senior
2375 leadership--and there is a redaction, we all know now who he
2376 is talking about FE about the possibility prior to the
2377 memorial ceremony because I felt they needed to know that
2378 before the ceremony. I believe that we did not tell the
2379 family of the possibility because we did not want to give
2380 them some half-baked finding.

2381 But the irony is that is exactly what they did. They
2382 made up a story. They presented it to an honorable military
2383 individual who thought he was giving, that had given the true
2384 facts, and he was mortified that he wasn't. The Army didn't
2385 even present it themselves to be held accountable for the

2386 lie. They handed it over to someone else.

2387 I mean there is no explanation.

2388 And this notion that we wanted to investigate beforehand
2389 is absurd because General Jones also provided documentation
2390 that even before this incident happened, you are supposed to
2391 tell the family right away if you suspect fratricide, period.

2392 It is not nebulous as Colonel Nixon said. It is not
2393 nebulous at all. You simply tell the family you suspect it.
2394 Then you can investigate. Then you can give the family your
2395 conclusions.

2396 So the idea that they were trying to protect us by not
2397 telling us until the investigation took place is ridiculous.

2398 Mr. BRALEY. Thank you.

2399 [Prepared statement of Mr. Braley follows:]

2400 ***** INSERT *****

2401 Chairman WAXMAN. Thank you very much.

2402 Ms. McCollum?

2403 Ms. MCCOLLUM. Thank you, Mr. Chair.

2404 As so many of us have stated, today's hearing is to
2405 honor the special men and women of our armed services by
2406 coming to the truth, and I thank the families for being here
2407 today. I thank you, Ms. Lynch, for being here today.

2408 There are press reports galore, stacks of them. People
2409 were looking for a hero. When you are in boot camp and
2410 before you get to boot camp, you raise up your hand if you
2411 are going to be in the military and you take an oath, and you
2412 are a hero at that moment.

2413 I remember well the situation in Iowa, being from the
2414 neighboring State of Minnesota, and the courage and the
2415 determination of that family. As Congressman Braley pointed
2416 out again, here we are doing it again today.

2417 I am going to refer to the Inspector General's report,
2418 and I can see why you are less than satisfied with it.

2419 Page two, the Inspector General says: We conclude that,
2420 despite shortcomings, the investigation is established on
2421 basic facts--despite shortcomings.

2422 On page three: We determined both investigators were
2423 deficient, both investigations, the early investigations were
2424 deficient primarily because the investigating officer failed
2425 to visit the scene to gather the evidence, failed to review

2426 | the witnesses.

2427 | But, yet, I don't see where there was any action taken.

2428 | Maybe there is another report beyond this that can be

2429 | supplied to me.

2430 | On page four, the Inspector General says: We determined

2431 | that the third investigation was also deficient primarily

2432 | because the investigating officers failed to interview all

2433 | the relevant witnesses and did not access accountability for

2434 | the chain of command's failure with requirements including

2435 | failure to report and investigate friendly fire.

2436 | On page five, the Inspector General goes on to say: We

2437 | found no reasonable explanation for this failure to comply

2438 | with regulations.

2439 | It goes on and on and on, and yet I don't feel that I,

2440 | as a member of Congress, have enough information to find out

2441 | how far up the chain of command this went and how people have

2442 | been held accountable.

2443 | Someone said today, you are here to set the story

2444 | straight. I don't believe you should be here to set the

2445 | story straight.

2446 | Mrs. MARY TILLMAN. Thank you. I agree with you.

2447 | Ms. MCCOLLUM. I believe our military should have set the

2448 | story straight for the Tillman Family, for the Lynch Family

2449 | and for all the families I am currently working with on

2450 | casework to make sure that everything is reported right.

2451 This affects every single family that is serving in our
2452 Country today, and it will affect families servicing tomorrow
2453 if we don't get to the truth.

2454 In this Country, our constitution is based on the fact
2455 that people should have an open government and that all
2456 people are entitled to the pursuit of happiness.

2457 Now this outcome will not make your family happy and,
2458 Ms. Lynch, this outcome will not heal your body whole again
2459 to where it was prior to the injury. But can you tell me in
2460 your words how not being told the truth and having to be here
2461 again, asking for the truth to be fully revealed and everyone
2462 to be held accountable, how that makes you feel betrayed?

2463 You used the word, and I think it is very powerful, Mrs.
2464 Tillman. You had been betrayed.

2465 Mrs. MARY TILLMAN. Well, yes. I mean we have all been
2466 betrayed. It isn't just our family. Every time they betray
2467 a soldier, they betray all of us.

2468 Pat had high ideals for the Country. He did, and he
2469 thought it was imperfect. He certainly didn't join for
2470 political reasons. He thought the country was in need. It
2471 didn't matter who was in office. It didn't matter which
2472 party he voted for. That is beside the point. The Country
2473 was in need.

2474 We had officers that we trusted. We had high regard for
2475 them. My ex-husband, Pat's dad and Kevin and Richard's dad,

2476 | we both kind of turned them over although they were grown men
2477 | and perfectly capable of that. But in your heart, they are
2478 | your kids and you turn them over, and we trusted.

2479 | We knew they could die. Certainly, we knew they could
2480 | die or they could come back wounded or they could be harmed
2481 | to the extent that Jessica was harmed. But we never thought
2482 | that they would use him the way they did.

2483 | And I say they. I don't know who they is. So please
2484 | forgive me if I am trying to put everybody in the same
2485 | category. But they definitely used him.

2486 | And what is so weird is I remember. We all remember
2487 | Jessica's story, and when the truth came out, I am thinking
2488 | in my head, well, they learned their lesson this time. This
2489 | girl, she really showed courage, and she told the truth, and
2490 | they will be smarter next time.

2491 | Well, a year later, they weren't smarter.

2492 | And so, it is a betrayal, but it is not just a betrayal
2493 | to us, and that is why we are here. If it was only a
2494 | betrayal to us, we would sue or something. This is a very
2495 | big issue, and that is why we are in front of Congress
2496 | because Congress is supposed to take care of their citizens.

2497 | [Prepared statement of Ms. McCollum follows:]

2498 | ***** INSERT *****

2499 Chairman WAXMAN. Thank you very much. That is why we
2500 are holding this hearing.

2501 Mrs. MARY TILLMAN. Yes.

2502 Chairman WAXMAN. Thank you.

2503 Mr. Davis?

2504 Mr. DAVIS OF ILLINOIS. Thank you very much, Mr.

2505 Chairman. I want to thank you for holding this hearing.

2506 To the Tillmans, I want to add my thanks to you for your
2507 fortitude, courage and great personal sacrifices that you
2508 have made not only on behalf of your family but on behalf of
2509 all of us who believe in truth, all of us who seek justice
2510 and all of us who believe in valor. And so, we all
2511 appreciate you and what you have been doing.

2512 Private Lynch, let me add thanks to you for your bravery
2513 in battle but just as much for your courage to come forth to
2514 share with the American people, something that perhaps you
2515 wouldn't have had to do unless there was something burning
2516 inside of you, saying that truth is so important that the
2517 people must know and that the people must understand. So
2518 thank you so very much.

2519 Let me ask the Tillmans. On May 3rd, 2004, a large
2520 memorial service was held for Corporal Tillman in San Jose,
2521 California, which was carried on national television. I
2522 would like to ask both of you about that memorial service.

2523 I am sure that Corporal Tillman's death was a severe

2524 | blow to your entire family. This memorial was an opportunity
2525 | to honor his service, to honor the fact that he gave his life
2526 | for his Country. I imagine that you both were dealing with
2527 | very difficult feelings and that you were trying to get some
2528 | sense of closures.

2529 | At the time of the service, you still thought that Pat
2530 | Tillman had been killed in a firefight with the enemy. Is
2531 | that correct?

2532 | Mrs. MARY TILLMAN. Yes, sir.

2533 | Mr. DAVIS OF ILLINOIS. So you had begun to come to terms
2534 | with that at the memorial.

2535 | There were various Defense Department officials present,
2536 | and they spoke about Corporal Tillman's bravery and his
2537 | actions in fighting the enemy. Is that also correct?

2538 | Mrs. MARY TILLMAN. Yes, sir.

2539 | Mr. DAVIS OF ILLINOIS. Now I understand that General
2540 | Kensinger was the highest ranking military officer who
2541 | attended the service. Did you see General Kensinger at the
2542 | memorial service?

2543 | Mrs. MARY TILLMAN. Yes, I did.

2544 | Mr. DAVIS OF ILLINOIS. Did you speak with him and, if
2545 | so, what did he say?

2546 | Mrs. MARY TILLMAN. I did speak with him. I don't
2547 | remember what I said to him. I just remember feeling very
2548 | comforted that he was there, and he was very kind and warm.

2549 I just felt a very close affiliation with the military
2550 somehow because I felt like, well, they understand what we
2551 are going through and they are here to, you know.

2552 I was glad to see him, and I don't remember what he
2553 said. I don't remember what Colonel Chin said.

2554 Mr. DAVIS OF ILLINOIS. But at this point, General
2555 Kensinger already knew that Pat's death was a friendly fire
2556 incident.

2557 Mrs. MARY TILLMAN. Yes.

2558 Mr. DAVIS OF ILLINOIS. The memorial service was on May
2559 3rd, and General Kensinger had received the P4 memo on April
2560 29th, four days earlier, warning that this was a friendly
2561 fire incident. But he didn't tell you anything about this.
2562 He didn't correct what was said at the ceremony.

2563 We had wanted to ask the general about his actions at
2564 our hearing today, but he has refused to testify. Last week,
2565 his attorney sent a letter to the Committee invoking his
2566 Fifth Amendment right against self-incrimination.

2567 Mr. Chairman, I ask that this letter be made a part of
2568 the record.

2569 Chairman WAXMAN. Without objection, that will be the
2570 order.

2571 [The referenced information follows:]

2572 ***** INSERT *****

2573 Mr. DAVIS OF ILLINOIS. I will close by observing it
2574 appears that you were put through the wringer twice. First,
2575 you were hit with Pat's death which was devastating, and then
2576 as you were slowly coming to terms with that, you were hit
2577 again, this time with the revelation that military officials
2578 sitting next to you at Pat's memorial service knew that he
2579 was killed by his own platoon but kept you in the dark.

2580 It is hard to imagine our military and our Government
2581 doing that to its citizens especially when they are mourning
2582 the life of their loved ones who have given to this Country
2583 the most that one can give.

2584 Again, I thank you for your testimony, for your courage
2585 and for being here today.

2586 Mr. Chairman, I yield back the balance of my time.

2587 [Prepared statement of Mr. Davis of Illinois follows:]

2588 ***** INSERT *****

2589 Chairman WAXMAN. Thank you very much, Mr. Davis.

2590 I am going to recognize myself before we call on those
2591 who have joined us, Mr. Mitchell and Mr. Honda.

2592 I can certainly see why you are outraged. You were told
2593 misinformation. The Country was told misinformation.

2594 There have been five investigations, and there are still
2595 unanswered questions. There were three internal
2596 investigations by the military, then the Office of Inspector
2597 General and the CID split it up and did two investigations
2598 themselves, and there are questions that we still haven't
2599 answered.

2600 How high up did this go?

2601 People knew early on that the story that was being sent
2602 around the world was just not true. They didn't let you know
2603 for four or five weeks, but other people knew.

2604 Then the statements on the Silver Star award, the
2605 Inspector General said those statements were fabricated, and
2606 yet he didn't tell us who fabricated them.

2607 Mrs. MARY TILLMAN. Right.

2608 Chairman WAXMAN. We are going to ask him about that in a
2609 minute.

2610 Then I have read, and no one has mentioned this,
2611 statements from people in the military who are so
2612 condescending to you to say: You are lost in your grief.
2613 You can't deal with this whole thing. You cannot accept what

2614 | happened.

2615 | Mrs. MARY TILLMAN. Basically, I would like to address
2616 | that because lieutenant, I believe he is a lieutenant
2617 | general. I lose track. No, I am sorry. He is a colonel. He
2618 | is still a colonel.

2619 | Colonel Kauzlarich said, and I am appalled that he would
2620 | make these comments. He is entitled to his opinion, of
2621 | course, but he said that we were, we would never be satisfied
2622 | because we are not Christians. Spirituality doesn't enter
2623 | into this, I guess, in his mind. We are not Christians. So
2624 | we can't put him to rest, and that is why we will never be
2625 | satisfied, and we are just a pain in the ass, basically.

2626 | Then he did an interview on ESPN where he basically
2627 | reiterated this. I mean to a reporter who then put it on a
2628 | web site and in an actual. He also said that it must make us
2629 | feel terrible that Pat is worm dirt.

2630 | Chairman WAXMAN. Well, that is really horrible.

2631 | I think nobody has studied this more than you. Nobody
2632 | knows more about this than you. So we need to get the
2633 | further questions that you feel have to be answered, and we
2634 | have got to insist that they be answered.

2635 | Five investigations evidently isn't enough. They
2636 | haven't gotten the answers that you need.

2637 | Mrs. MARY TILLMAN. Well, I would like to address also
2638 | General Abizaid because General Abizaid was sent the memo,

2639 | the P4, that almost everyone says is a very crucial memo.
2640 | That it is supposed to be read right away.

2641 | And he claims he didn't receive it. He said he was in
2642 | Iraq. Well, on the Pentagon web site, there is an interview.
2643 | He did a press conference on April 30th, and he was in Qatar.
2644 | And in that press conference, he makes reference to the fact
2645 | that he was in Afghanistan the day before, talking to Pat's
2646 | platoon leader who was wounded in the same exchange that Pat
2647 | was wounded in.

2648 | Chairman WAXMAN. Let me interrupt you because I want to
2649 | get to Ms. Lynch, and I only have a couple of minutes left
2650 | Mrs. MARY TILLMAN. Right.

2651 | Chairman WAXMAN. But let me just say Shakespeare put it
2652 | correctly when he said, oh, what a tangled web we weave when
2653 | first we practice to deceive.

2654 | Evidently, people were out there trying to deceive not
2655 | just you but the American people.

2656 | Ms. Lynch, your injuries, the result of your injuries,
2657 | we were told in the Washington Post and other places were
2658 | because you were a girl Rambo, and that just turned out to be
2659 | not true. Yet, the statements were made by people in the
2660 | military to the press. So they were trying to get a story
2661 | out, and of course both stories are very self-serving when
2662 | you think of those who are trying to support the wars in
2663 | Afghanistan and Iraq.

2664 Then the military had an opportunity to rescue you, and
2665 you were held captive for 10 days. But there was a whole day
2666 before they rescued you when they were preparing not just to
2667 rescue you but to videotape the rescue. Were you aware of
2668 that or aware of it now?

2669 Ms. LYNCH. Yes, I was aware. Well, not at the time, I
2670 wasn't aware that they were videotaping me, no.

2671 Chairman WAXMAN. No, certainly not then.

2672 Ms. LYNCH. But after the fact, yes, I knew about it, and
2673 now, I kind of understand why they did it.

2674 Chairman WAXMAN. Well, maybe you understand it, but it
2675 just seems to me. I come from Hollywood. I expect show
2676 business in Hollywood, not from the military and not to
2677 support a story that was a fabrication.

2678 Our staff interviewed Jim Wilkinson, the Director of
2679 Strategic Communications at CENTCOM. He informed us of the
2680 plans of your rescue operation. He informed the press
2681 operation a full day before it happened.

2682 Then there is a Lieutenant Colonel John Robinson. He is
2683 someone who worked for Mr. Wilkinson. He explained to the
2684 Washington Post why the press office was so interested in
2685 getting video of your rescue, that they postponed your rescue
2686 to do this. He said: We knew it would be the hottest thing
2687 of the day. There was not an intent to talk it down or
2688 embellish it because we didn't need to. It was an awesome

2689 | story FE-the awesome story of your rescue.

2690 | Well, this might have been an awesome story, but this
2691 | was your life and you were the one feeling the pain. They
2692 | were trying to stage a rescue to sustain their heroic story
2693 | that they made up, and your story was heroic enough without
2694 | that fabrication.

2695 | I want to recognize Mr. Honda. He is a representative
2696 | of the Tillman Family, and he asked me to hold this hearing.
2697 | I know he has talked to you, Mrs. Tillman and Mr. Tillman,
2698 | but I recognize him to pursue any questions he wants to.

2699 | Mr. HONDA. Thank you, Mr. Honda. I want to thank you as
2700 | the Chair and Ranking Member Davis and the members of this
2701 | Committee for holding this hearing. It is a hearing that has
2702 | been long awaited, but it was a hearing that was set aside
2703 | until such time that all administrative procedures could be
2704 | exhausted.

2705 | I think the Tillmans have exercised a tremendous amount
2706 | of restraint and patience. To the family, I want to thank
2707 | you for that, and I also thank you for not giving up.

2708 | I guess there is a phrase that says you bring truth to
2709 | power. I think now you will give power to truth, and this is
2710 | the pursuit that we are going after.

2711 | To Ms. Lynch and to Dr. Bolles, thank you for being here
2712 | also.

2713 | There was an initial comment about you, Kevin about

2714 | being there. The situation was, as I understand it, that the
2715 | platoon was set up in two serials. Serial one where your
2716 | brother was in, and Serial 2 was where you were assigned.
2717 | The firing took place, of which you probably heard but did
2718 | not take part in.

2719 | Could you share with us that which happened, step by
2720 | step, through that day and then subsequent days until such
2721 | time that you had become aware that your brother was killed
2722 | by friendly fire?

2723 | Mr. KEVIN TILLMAN. Yes, sir. That is a long narrative,
2724 | but I will speed it up.

2725 | Mr. HONDA. It may be long, but I think it will be
2726 | helpful.

2727 | Mr. KEVIN TILLMAN. We had a broken down GMV, and we were
2728 | stuck. We were stuck in Magara for about six hours, and I am
2729 | not privy to any of the conversations with the PL or any of
2730 | that stuff because I was on a turret gun. I was a Mark 19.

2731 | The long and short of it, they told the PL the decision
2732 | was made to split the platoon up. One go to Manah and the
2733 | other take the broken down GMV up to the hardball road. So
2734 | they took off. The first serial that Pat was in left about
2735 | 10 minutes before we did, and then we followed suit.

2736 | Well, someone made the decision not to go up that road
2737 | because it was too difficult. Well, they traveled into.
2738 | Serial 1 traveled into a canyon. Serial 2 decided to follow

2739 | right behind Serial 1 into that canyon, and I actually was
2740 | the last vehicle enter into the canyon. I mean I didn't know
2741 | what the plan was specifically, but you get a general feel.

2742 | And the long and short of it, we ended up following I
2743 | don't know how close, but I knew we were there. I was in the
2744 | vehicle with the platoon sergeant in the rear of the element.
2745 | So they went through. Pat's group went through and had no
2746 | issues.

2747 | We went through, and we, at some point inside the
2748 | canyon, got hit. Well, as the serial exited the canyon, the
2749 | first vehicle ended up engaging Pat, the AMF soldier, O'Neil
2750 | and the whole, that whole serial on the top right side which
2751 | was an entire squad in a village.

2752 | By the time we pulled up, it was all said and done. So
2753 | we pulled up, and I am just sitting down at the bottom. So
2754 | after all that stuff happens, we ended up slowly working our
2755 | way through.

2756 | And I found out about 45 minutes later that Pat had
2757 | died, and they didn't tell me how. They just told me, you
2758 | know. I asked them where is Pat because I just didn't know
2759 | where he was, and I didn't think about it at all. And then I
2760 | just didn't hear him, and Pat is a very, you know. You
2761 | always know where Till is, you know.

2762 | And so, I asked one of my NCOs. I said, where is Pat,
2763 | and he wouldn't answer. I asked him again, and he told me.

2764 And about five minutes after that, they picked Pat up in
2765 a helicopter and took him away. Then they picked me up about
2766 an hour and a half later and took me away. And from that
2767 point, I was with, well, I wasn't with Pat's body, but I was
2768 in Salerno, then Bagram and eventually I went back with Pat's
2769 body--well, I assume it was Pat's body--to Germany, then to
2770 Dover and then back to San Jose, California.

2771 Then I found out about a month and two days later that
2772 it was, in fact, fratricide that got him and it wasn't the
2773 enemy.

2774 Mr. HONDA. At the time of the shooting when you asked
2775 what had happened, do you recall what the exact wording was
2776 that they shared with you? Do you remember?

2777 Mr. KEVIN TILLMAN. It was very nebulous. Pat was
2778 running. He was outside by a village. He was running up a
2779 hill, and he got, essentially got shot dead-on. And it made
2780 sense in my head because to the right, I mean we were
2781 surrounded by hills.

2782 So it was real. There wasn't a lot of specifics to it,
2783 but I didn't. Just when that stuff happens, it is tough to
2784 process a lot of that stuff anyway. So it was like okay, and
2785 your focus is the fact that they are gone, and that is your
2786 focus.

2787 It was still very general. He was with O'Neil. O'Neil
2788 told me they were running up the hill, and they got shot.

2789 O'Neil was told not to tell me, and so I got a general.

2790 Private O'Neil was the one with Pat. He was told not to
2791 say anything because I called him, like who was with Pat. I
2792 wanted to at least find out who was with him.

2793 I spoke with O'Neil. He told me generally what
2794 happened, but he eliminated pretty much everything. He just
2795 gave me a brief little synopsis, and that was that. I didn't
2796 press him very hard for whatever reason, and then I found out
2797 about a month and two days later.

2798 [Prepared statement of Mr. Honda follows:]

2799 ***** INSERT *****

2800 Chairman WAXMAN. Thank you, Mr. Honda.

2801 Mr. Mitchell, we are pleased to have you with us, and I
2802 recognize you.

2803 Mr. MITCHELL. Thank you very much.

2804 I am not a member of this Committee, and I want to thank
2805 the Chair for allowing me the opportunity to sit with this
2806 distinguished Committee. I appreciate the Committee taking
2807 up this important matter.

2808 Ms. Lynch, thank you for being here.

2809 Mrs. Tillman and Mr. Tillman, thank you for being here.

2810 I wanted to be at this hearing because this is a case
2811 that is important to so many Americans and especially to my
2812 district which includes Tempe and Arizona State University.
2813 It is important to my district because everyone there felt
2814 like they knew Pat Tillman even though they had never met
2815 him.

2816 He was one of the most popular Sun Devil football
2817 players. We appreciated his toughness on the field, and we
2818 were happy he stayed in Arizona to play in the NFL. We were
2819 especially proud when he and Kevin joined the Army. So it
2820 strikes a chord at home to think that the Army could have
2821 treated his memory and his family in the way that they did.

2822 Most of the questions that I have had have been answered
2823 or asked during this hearing. I think what is really
2824 important is that as we read and listen to this, we

2825 understand that there are regulations that were not followed.
2826 There were mistakes that were made. But to have a complete
2827 investigation, I think what is really important and what we
2828 are all after is why did it happen. Why were the regulations
2829 not followed? Why were the mistakes made?

2830 It seems as a result of that, that there happens to be a
2831 lot of questions that you have said that need to be answered.

2832 I appreciate so much your being here and my condolences
2833 and my sympathy and my apologies.

2834 Thank you.

2835 [Prepared statement of Mr. Mitchell follows:]

2836 ***** INSERT *****

2837 Chairman WAXMAN. Thank you very much, Mr. Mitchell.

2838 Let me thank you all very much for being here.

2839 Mrs. MARY TILLMAN. Can I finish my Abizaid story,
2840 please? It is very important to me.

2841 Chairman WAXMAN. Yes, please.

2842 Mrs. MARY TILLMAN. General Abizaid said, if I may go
2843 back, that he was in Iraq at the time that the P4 message was
2844 sent.

2845 And on the Pentagon web site there is an article and
2846 there is a press release where, Abizaid was actually in Qatar
2847 on April 30th, and in that piece he makes mention of the fact
2848 that the day before, April 29th, that he was in Afghanistan,
2849 visiting Pat's platoon leader. Pat's platoon leader was shot
2850 in the face in the same exchange of fire.

2851 And at that time, the platoon leader really didn't know
2852 that he was killed by or wounded by friendly fire or
2853 fratricide. And so, that is kind of the excuse, I guess,
2854 Abizaid has given or other people have given to indicate, oh,
2855 well, even though he was in Afghanistan. Lieutenant Uthlaut
2856 didn't know he was wounded by friendly fire. Therefore, he
2857 couldn't have told Abizaid.

2858 Well, I contend that almost every soldier in Afghanistan
2859 at that point knew Pat had been killed by fratricide. So the
2860 idea that they wouldn't tell Abizaid what was going on if he
2861 didn't already know is ridiculous.

2862 And Abizaid, at the time, was dealing with Iraq that was
2863 an absolute nightmare. The fact that he would go to
2864 Afghanistan to visit a lieutenant that is wounded is kind of
2865 suspicious. I mean why would he do that?

2866 I am sure Abizaid was not that concerned about Pat. I
2867 mean he has got other things to worry about. But he would be
2868 concerned about Pat, knowing he as killed by friendly fire or
2869 fratricide. I mean that would make a huge difference and
2870 that could explain why he was there.

2871 I don't know if he talked to Uthlaut on the phone or if
2872 he talked to him in person, but it doesn't really matter.
2873 The fact that Abizaid was in Afghanistan on that day
2874 indicates to me that he probably knew that Pat was killed by
2875 friendly fire. I just wanted to make that very clear.

2876 Chairman WAXMAN. Well, what you are saying underscores
2877 the reason that you are all before us in this panel because
2878 your cases illustrate the fact that stories were put out that
2879 were not true, that they were put out deliberately, and that
2880 we still don't know how far up this went. We don't know what
2881 the Secretary of Defense knew. We don't know what the white
2882 House knew. These are questions the Committee seeks answers
2883 to.

2884 What we do know is that this was not a series of
2885 accidents, these stories. They were calculatingly put out
2886 for a public relations purpose, and they lingered out there

2887 | for a very long time. Even now, there seems to be, as they
2888 | say, a cover-up to try to prevent us from knowing what
2889 | actually happened in all of the circumstances.

2890 | I think this testimony is not just important to you, but
2891 | it is important to all of us. I thank you very much for
2892 | being here. I appreciate it.

2893 | We have a second panel that we want to hear from, but I
2894 | am going to call a recess for 10 minutes, and then we will
2895 | reconvene the hearing.

2896 | [Recess.]

2897 | Chairman WAXMAN. I ask people to take their seats and
2898 | ask the witnesses to come forward.

2899 | For our second panel today, we have Thomas F. Gimble,
2900 | the Acting Inspector General, Department of Defense.
2901 | Inspector General Gimble will discuss the IG's recent report
2902 | on Corporal Tillman's death and address some of the
2903 | continuing questions concerning the military's handling of
2904 | Jessica Lynch's story.

2905 | Brigadier General Rodney Johnson is the Commanding
2906 | General of the United States Army Criminal Investigations
2907 | Command, CID. He will discuss Army CID's report, addressing
2908 | the circumstances surrounding Corporal Tillman's death.

2909 | Army Specialist Bryan O'Neil was an eyewitness to
2910 | Corporal Tillman's death and has personal knowledge of many
2911 | of the issues that the DoD IG investigated.

2912 Senor Chief Petty Officer Stephen White is a Navy SEAL
2913 who became friends with Corporal Tillman when the two fought
2914 alongside each other in Iraq. Senior Chief White spoke at
2915 Corporal Tillman's memorial service on May 3, 2004.

2916 Lieutenant Colonel John Robinson served as spokesperson
2917 for the U.S. Army Central Command, CENTCOM, when the stir of
2918 Ms. Lynch's kidnaping and rescue unfolded in March and April
2919 of 2003.

2920 I want to welcome all of you to our hearing today.

2921 It is the practice of this Committee that all witnesses
2922 are put under oath. So I would like to ask, if you would, to
2923 stand and raise your right hand.

2924 [Witnesses sworn.]

2925 Chairman WAXMAN. The record will reflect that each of
2926 the witnesses answered in the affirmative.

2927 Let us start with Mr. Gimble.

2928 STATEMENTS OF THE HONORABLE THOMAS F. GIMBLE, ACTING
2929 INSPECTOR GENERAL, DEPARTMENT OF DEFENSE; BRIGADIER GENERAL
2930 RODNEY JOHNSON, ARMY CRIMINAL INVESTIGATIVE COMMAND;
2931 SPECIALIST BRYAN O'NEIL, U.S. ARMY; SENIOR CHIEF STEPHEN
2932 WHITE, NAVY SEAL, U.S. NAVY; LIEUTENANT COLONEL JOHN
2933 ROBINSON, DIRECTOR OF MEDIA SERVICES DIVISION, SOLDIERS MEDIA
2934 CENTER

2935 STATEMENT OF THOMAS F. GIMBLE

2936 Mr. GIMBLE. Mr. Chairman and members of the Committee,
2937 thank you for the opportunity to appear to discuss our review
2938 of the issues concerning the death of Corporal Patrick
2939 Tillman and the rescue of Private First Class Jessica Lynch.

2940 The Army Inspector General as well as members of
2941 Congress asked my office to review the circumstances of
2942 Corporal Tillman's death, and we separated that review into
2943 two parts. One was CID reviewed the facts up to and through
2944 the incident itself while we reviewed the events after the
2945 incident.

2946 Our review focused on three areas: the adequacy of the
2947 investigations, notification of next of kin and the accuracy
2948 of the documentation to support the award of the Silver Star.

2949 There were three sequential Army Regulation 15-6

2950 | investigations into the death of Corporal Tillman occurring
2951 | at battalion, regimental and command levels. Each
2952 | investigation established the basic facts of Corporal
2953 | Tillman's death, that it was caused by friendly fire, that
2954 | the occupants of one vehicle in Corporal Tillman's platoon
2955 | was responsible and that those occupants misidentified
2956 | friendly forces as hostile.

2957 | Each of the three investigations of Corporal Tillman's
2958 | death, however, were deficient and thereby contributed to the
2959 | inaccuracies, the misunderstandings and the perceptions of
2960 | concealment. Those deficiencies are detailed in my written
2961 | statement that include the failure to interview all relevant
2962 | witnesses, failure to address factual inconsistencies in
2963 | witness testimony and drawing conclusions not supported by
2964 | evidence and failure to pursue inaccuracies related to the
2965 | Silver Star.

2966 | The third investigating officer exacerbated the
2967 | situation by sharing findings that were not supported by
2968 | testimony with family members, senior Army officials and
2969 | members of Congress.

2970 | Additionally, we determined that the Commander of the
2971 | Army Special Operations Command misled the third
2972 | investigating officer in my office when he denied that he
2973 | knew friendly fire was suspected before the memorial service
2974 | for Corporal Tillman. The third investigating officer failed

2975 | to pursue those misrepresentations.

2976 | With regard to our second area of focus, notification of
2977 | next of kin, we concluded that responsible Army officials
2978 | failed to notify the primary next of kin as soon as they
2979 | originally suspected friendly fire.

2980 | We determined that the Regimental Commander was
2981 | accountable for his decision to delay the notification of the
2982 | primary next of kin and that the Commander of the Army
2983 | Special Operations Command was also accountable because he
2984 | was in a position to ensure the primary next of kin was
2985 | notified prior to or immediately after Corporal Tillman's
2986 | memorial service but decided not to do so.

2987 | In our final area of focus, the Silver Star, we
2988 | concluded that responsible officials failed to comply with
2989 | the Army Military Award Regulation when they submitted a
2990 | Silver Star recommendation that included inaccurate
2991 | information and a misleading citation that implied Corporal
2992 | Tillman died by enemy fire.

2993 | We determined that the Battalion, Regimental and Joint
2994 | Task Force Commanders were accountable for the inaccurate
2995 | recommendation and that the Commanders of the Joint Task
2996 | Force and the Army Special Operations Command were
2997 | accountable for the failure to inform the Army Silver Star
2998 | Approval Authority that some of the circumstances in the
2999 | recommendation package were under investigation.

3000 My office also reviewed the allegations concerning the
3001 rescue of Private First Class Jessica Lynch. Representatives
3002 Rahm Emmanuel and Louise Slaughter requested an investigation
3003 following the allegations that were reported by the British
3004 Broadcasting Corporation that the rescue of Pfc. Lynch was a
3005 premeditated fabrication.

3006 In coordination with the Inspector General of the Joint
3007 Staff, we tasked the Inspector General of Central Command to
3008 conduct an inquiry.

3009 The Inspector General of the Central Command determined
3010 and we concur that the allegations were not substantiated.
3011 No evidence was found that the rescue was a staged media
3012 event.

3013 The operation constituted a valid mission to recover a
3014 U.S. POW under combat conditions. The rescue as filmed by a
3015 combat cameraman and a member of U.S. Special Operations
3016 Forces in accordance with standard procedures. The U.S.
3017 Special Operations Forces routinely film high priority
3018 missions. There were no public affairs personnel involved in
3019 the planning or the filming of the operation.

3020 The Central Command Inspector General also found no
3021 evidence of any U.S. military member exhibited inappropriate
3022 or dishonorable behavior in connection with the Pfc. Lynch
3023 rescue mission.

3024 During the mission, U.S. Special Operations Forces

3025 | received enemy fire from the hospital building, surrounding
3026 | complex and nearby areas. They followed the tactics,
3027 | technics and procedures and rules of engagement relevant into
3028 | the mission. The Central Command IG further found no
3029 | indication that any service member was acting for the camera
3030 | during the rescue mission.

3031 | Thank you for the opportunity to appear before the
3032 | Committee today to address our investigations concerning the
3033 | death of Corporal Tillman and the rescue of Private Lynch.

3034 | [Prepared statement of Mr. Gimble follows:]

3035 | ***** INSERT *****

3036 Chairman WAXMAN. Thank you very much, Mr. Gimble.
3037 Brigadier General Johnson?

3038 STATEMENT OF RODNEY JOHNSON

3039 Mr. JOHNSON. Good afternoon, Mr. Chairman and
3040 distinguished members.

3041 I am Brigadier General Rod Johnson, Provost Marshall
3042 General and Commanding General of Criminal Investigations
3043 Division.

3044 Before I read my prepared statement, I would like to
3045 offer my sincere and deepest sympathies to the entire Tillman
3046 family. As a father with two kids currently in the military,
3047 a son that is currently deployed to Baghdad and a daughter
3048 who is getting ready to deploy for her second time to
3049 Baghdad, I cannot begin to imagine the pain and grief they
3050 have felt over the last three years. I simply offer my
3051 personal condolences for their loss.

3052 To Ms. Lynch, I don't know if she is still in here or
3053 not, but I just want to thank her for her courage and her
3054 continued service.

3055 The U.S. Army Criminal Investigations Command opened a
3056 criminal investigation on March 6th, 2006, at the request of
3057 the Department of Defense Office of Inspector General, to

3058 | determine if there was any criminality involved in the April
3059 | 22nd, 2004 death of Corporal Patrick Tillman, A Company, 2nd
3060 | Battalion, 75th Regiment and an Afghanistan Military Forces
3061 | soldier and in the wounding of two other U.S. soldiers. On
3062 | 19 March, 2007, we completed our investigation and forward
3063 | the results to the DoD IG.

3064 | During the course of our very extensive and detailed
3065 | investigation, we found that deaths were caused by members of
3066 | the Ranger unit. The investigation determined that members
3067 | of the unit in question split into two sections referred to
3068 | as Serial 1 and Serial 2. The killed and wounded soldiers
3069 | belonged to Serial 1.

3070 | The investigation found that members of Serial 2 did not
3071 | commit the offenses of negligent homicide or aggravated
3072 | assault. It was determined that Corporal Tillman and the AMF
3073 | soldier were killed when members of Serial 2, believing they
3074 | were under enemy fire, returned fire at what they thought
3075 | were enemy combatants.

3076 | Under extreme circumstances and in a very compressed
3077 | timeframe, we believe that members of Serial 2 had a
3078 | reasonable belief that death or harm was about to be
3079 | inflicted on them and they believed it was necessary to
3080 | defend themselves.

3081 | The investigation also found and documented additional
3082 | contributors to the incident to include poor visibility, a

3083 | lack of communications between the two serials, unexpected
3084 | presence of the AMF soldier and the residual effects of the
3085 | weapons fire from the start of the ambush. Prior to this
3086 | incident, AMF soldiers were not integrated or trained as fire
3087 | team members in this Ranger units operations.

3088 | The investigation provided substantial evidence to
3089 | substantiate the incident surrounding Corporal Tillman's and
3090 | the AMF soldier's deaths as well as injuries sustained by the
3091 | other two U.S. soldiers and that they were caused by members
3092 | of their own unit.

3093 | I can assure that my command investigated this incident
3094 | with a tremendous degree of specificity and left no lead
3095 | unturned. Seven CID special agents and two crime lab
3096 | examiners from the U.S. Army Criminal Investigations Lab
3097 | deployed to Afghanistan 17 to 29 April to conduct an
3098 | extensive death scene examination. Accompanying the agents
3099 | into Afghanistan were two of the soldiers who were
3100 | eyewitnesses to the events on 22 April, 2004, when Corporal
3101 | Tillman was killed.

3102 | While in Afghanistan, more than 80 interviews were
3103 | conducted to include identifying and interviewing an Afghan
3104 | doctor who allegedly passed information to the Rangers prior
3105 | to the incident, identifying and interviewing the local truck
3106 | driver who accompanied the Rangers and determining the
3107 | identity of the Afghan soldier who was also killed in the

3108 incident.

3109 In addition to the interviews, forensic processing of
3110 the death scene included video reenactments, rock and soil
3111 samples from Corporal Tillman's position and trajectory
3112 analysis. In total, CID conducted more than 200 interviews
3113 worldwide and processed numerous pieces of evidence to the
3114 crime lab for analysis.

3115 Our final report is thorough. It is detailed at over
3116 1,100 pages in length.

3117 That concludes my statement, and I will be prepared to
3118 take questions, Mr. Chairman.

3119 [Prepared statement of Mr. Johnson follows:]

3120 ***** INSERT *****

3121 Chairman WAXMAN. Thank you very much.

3122 Before we hear from Specialist O'Neil, let me ask the
3123 audience to recognize that you are an audience, not a
3124 participant in this hearing. So we would like to ask you to
3125 refrain from any kind of demonstrations.

3126 Mr. O'Neil?

3127 STATEMENT OF BRYAN O'NEIL

3128 Mr. O'NEIL. Thank you, Chairman and members of the
3129 Committee. I would like to thank you for allowing me to come
3130 here today and speak on behalf of Corporal Pat Tillman.

3131 I would like to say that I joined the Army in June of
3132 2003, and by December of 2003, I was assigned to 2nd
3133 Battalion, 75th Ranger Regiment. I found myself under
3134 direction of Corporal Pat Tillman. He was my team leader up
3135 until the point when he was killed.

3136 After that, I stayed with 275 until December of this
3137 past year, and now I am currently assigned to 4th Battalion
3138 Ranger Training Brigade.

3139 I would thank you for allowing myself to be here.

3140 Chairman WAXMAN. You are here to answer questions
3141 primarily, sir.

3142 Mr. O'NEIL. Yes.

3143 [Prepared statement of Mr. O'Neil follows:]

3144 ***** INSERT *****

3145 Chairman WAXMAN. Thank you very much.

3146 I would like to call on Senior Chief Petty Officer

3147 Stephen White.

3148 STATEMENT OF STEPHEN WHITE

3149 Mr. WHITE. Thank you, Mr. Chairman, members of the

3150 Committee. I appreciate the opportunity to be here.

3151 I will be hopefully clarifying, through questions, my

3152 information I was given the morning of the memorial for the

3153 original write-up of my friend Pat Tillman's Silver Star.

3154 [Prepared statement of Mr. White follows:]

3155 ***** INSERT *****

3156 Chairman WAXMAN. Thank you very much.

3157 Lieutenant Colonel Robinson?

3158 STATEMENT OF JOHN ROBINSON

3159 Mr. ROBINSON. Good afternoon, Mr. Chairman.

3160 I am Lieutenant Colonel John Robinson, Chief of the
3161 Media Services Division in the Soldiers Media Center as part
3162 of Army Public Affairs here in Washington. I was assigned to
3163 Central Command Public Affairs from June, 2002, until July,
3164 2005.

3165 Thank you and I look forward to answering your
3166 questions.

3167 [Prepared statement of Mr. Robinson follows:]

3168 ***** INSERT *****

3169 Chairman WAXMAN. I want to start with you, Specialist
3170 O'Neil, and I want to thank you for being here to testify
3171 about these events. I know it must be difficult for you to
3172 revisit.

3173 But we have asked you here for a number of reasons, one
3174 of which is to find out exactly what happened to Pat Tillman
3175 on April 22nd, 2004, three years ago this week. You were
3176 there. You were a firsthand witness. In fact, you were the
3177 last person to see Pat Tillman alive.

3178 Let me begin by asking you about the events leading up
3179 to the shooting. When the platoon split up, you were part of
3180 the front group referred to as Serial 1 which is the same
3181 group Corporal Tillman was with, is that right?

3182 Mr. O'NEIL. Yes, sir.

3183 Chairman WAXMAN. You had a Afghan soldier with you as
3184 well, is that right?

3185 Mr. O'NEIL. The Afghan soldier, after the ambush and
3186 Corporal Tillman and I dismounted our GMVs and started to
3187 assault the position, the enemy position, that is when I
3188 discovered the Afghan Militiaman had dismounted with us, but
3189 he was not in our GMV that we were riding in, sir.

3190 Chairman WAXMAN. You were positioned on a ridge
3191 overlooking the road on which the other half of the platoon,
3192 Serial 2, was traveling, is that correct?

3193 Mr. O'NEIL. Yes, sir.

3194 Chairman WAXMAN. Can you describe why your team was
3195 positioned on that particular ridge?

3196 Mr. O'NEIL. Well, Pat and myself and the AMF soldier,
3197 when we dismounted and started moving towards a position
3198 where we finally ended up being in, had direction, I believe,
3199 from the squad leader that was from a different squad who was
3200 also in the GMV I was riding in. He had basically directed
3201 us to go along that side of the ridge, and they were covering
3202 the other side, and that is, to my knowledge, why we were in
3203 that position.

3204 Myself, being a private at the time, I was just
3205 following my team leader and where he went, I went there and
3206 tried to go there faster, sir.

3207 Chairman WAXMAN. I am sorry to have to ask you this, but
3208 I would like you to tell us in your own words what happened
3209 right before and after Corporal Tillman was killed. Walk us
3210 through in as much detail as you can recall. What was
3211 Corporal Tillman doing at the time?

3212 Was he trying to signal that this might be friendly
3213 fire?

3214 Was he signaling with his arms?

3215 Was he yelling? What was he saying?

3216 Could you just tell us about it?

3217 Mr. O'NEIL. Yes, sir. When we moved into our final
3218 position, Pat and I and the Afghan Militiaman had decided or

3219 Pat decided we were going to continue to assault, and he
3220 wanted further guidance from the squad leader that was
3221 controlling our element. So he left myself and the AMF
3222 soldier, and when he returned, he basically let me know that
3223 we were going to continue moving in the route that we were.

3224 And before he was able to finish telling me what our
3225 plan was, we had started to receive fire from a GMV. At
3226 first, it was short, sporadic. We didn't really, I didn't
3227 really understand what was happening. I looked and saw that
3228 it was friendly fire coming towards us.

3229 Pat asked me basically what was going on, and I let him
3230 know, and it didn't take long before those in the GMV who
3231 were stopped at the time to dismount and open up on us with
3232 the .50 caliber machine gun and the 240 Bravo machine gun and
3233 basically shot at us, at us, in waves or bursts of rounds.

3234 At that time, I felt myself become limp and I got down.
3235 I had no cover, and there was nothing blocking my sight,
3236 watching the people at the humvee shooting at us. I know Pat
3237 basically was able to get himself behind some cover, but it
3238 was not much.

3239 I basically was yelling, waving from on the ground as
3240 much as I could, and I believe Pat was too at the time
3241 because he was behind me and talking to him, yelling,
3242 screaming, trying to figure out what was going on when he
3243 told me he had a plan. And he, at the time, I thought popped

3244 a pin gun flare, to signal the troops down in the GMV that we
3245 were friendlies. But I later discovered he had popped a
3246 smoke grenade.

3247 After he had done that, the firing ceased in the truck.
3248 So we had both believed at that time, that the shooting was
3249 over and that they had recognized us as friendlies. And we
3250 both stood up, faced each other, was kind of wondering, hey,
3251 what just happened there? Wow, it was an accident. Luckily,
3252 we are both still alive.

3253 It didn't take long after that, sir, before they moved
3254 into a better position, as I said, in the GMV and started
3255 shooting at us again. And at that time, both of us had
3256 gotten down. I was watching them do that, and I can hear Pat
3257 calling: Stop shooting. I am Pat Fing Tillman. Stop
3258 shooting, you know, over and over and over again.

3259 And I could hear the pain that he had in his voice. So
3260 I had know that he was hurt at that time. And it abruptly
3261 stopped with him calling for help, and it wasn't too long
3262 after that before the truck had moved out.

3263 So I laid on my side for a while, wondering what had
3264 just happened because I was young and I didn't really
3265 understand when I discovered there was a large pool of blood
3266 forming up around me.

3267 Chairman WAXMAN. Did you have any doubt at that time
3268 that it was friendly fire that killed Pat Tillman?

3269 Mr. O'NEIL. No, sir. I am 100 percent positive that was
3270 friendly fire.

3271 Chairman WAXMAN. Who was the first person you informed
3272 that the attack may have been a friendly fire shooting?

3273 Mr. O'NEIL. The very first person I informed was right
3274 after I got up and checked on Pat and discovered he was dead.
3275 The guy, the squad leader I called for, came to my position,
3276 and I believe he knew. But when our medic came up to come
3277 assist us, he asked what happened, and I tried to let him
3278 know.

3279 Chairman WAXMAN. Who is he? Can you identify the name?

3280 Mr. O'NEIL. That would be Sergeant Anderson.

3281 Chairman WAXMAN. Sergeant Anderson.

3282 Mr. O'NEIL. And he basically asked me what happened. I
3283 tried to let him know, but our squad leader told me basically
3284 just don't say anything at that time.

3285 And later on that night, the first person I definitely
3286 told would be Specialist Pedro Ariolla [phonetically]. We
3287 were inside the little village where we were being or where
3288 we had set up position in and pulling security on the
3289 personnel that lived in that village. And he asked me point
3290 blank, do you know what happened, and I informed him, yes,
3291 this was friendly fire, sir.

3292 Chairman WAXMAN. Did you inform First Sergeant Thomas
3293 Fuller?

3294 Mr. O'NEIL. Yes, I did, sir. I informed him later that
3295 night that it was friendly fire.

3296 Chairman WAXMAN. How about Command Sergeant Alfred
3297 Birch?

3298 Mr. O'NEIL. Yes, sir. He knew at that time, sir.

3299 Chairman WAXMAN. You said Sergeant Ward, you did inform?

3300 Mr. O'NEIL. I wasn't. I do not believe I told Sergeant
3301 Ward. I was pretty incoherent at that time. I was going
3302 into shock, I believe.

3303 Chairman WAXMAN. How about Sergeant Jackson?

3304 Mr. O'NEIL. Sergeant Jackson, I definitely told that it
3305 was friendly fire, sir.

3306 Chairman WAXMAN. Now let me turn to the Inspector
3307 General. Mr. Gimble, according to your report, on April 23,
3308 Sergeant Fuller and Sergeant Birch told Captain William
3309 Saunders and Lieutenant Colonel Jeffrey Bailey that they
3310 suspected fratricide, is that correct?

3311 Mr. GIMBLE. That is correct.

3312 Chairman WAXMAN. You also found that Colonel Bailey then
3313 told Colonel James Nixon who in turn told Major General
3314 Stanley McCrystal, Commander of the Joint Task Force, is that
3315 right?

3316 Mr. GIMBLE. Right.

3317 Chairman WAXMAN. You found that General McCrystal
3318 informed Brigadier General Howard Yellen, the Deputy

3319 | Commander of the Army Special Operations Command, and all of
3320 | these communications happened no later than April 25th, is
3321 | that right?

3322 | Mr. GIMBLE. I believe that is correct.

3323 | Chairman WAXMAN. Your report states that General Yellen
3324 | then contacted Philip Kensinger, a Lieutenant General and the
3325 | Commander of the Army Special Operations Command and told him
3326 | of the potential fratricide, is that correct?

3327 | Mr. GIMBLE. Yes, sir, right.

3328 | Chairman WAXMAN. Specialist O'Neil, let me return to
3329 | you. As we indicated here, you reported this incident as you
3330 | should have. Then it went up the chain of command, and
3331 | within 72 hours, at least nine military officials knew or
3332 | were informed that Pat Tillman's death was of fratricide
3333 | including at least three generals.

3334 | Given that so many people in the military were informed
3335 | so quickly that this was fratricide, does it trouble you that
3336 | the Tillman Family was kept in the dark about this for
3337 | another month?

3338 | Mr. O'NEIL. Yes, sir, it does. I wanted right off the
3339 | bat to let the family know what had happened, especially
3340 | Kevin because I worked with him in the platoon, and I knew
3341 | that him and the family, both needed or all needed to know
3342 | what had happened. And I was quite appalled that when I was
3343 | able, actually able to speak with Kevin, I was ordered not to

3344 | tell him what happened, sir.

3345 | Chairman WAXMAN. You were ordered not to tell him?

3346 | Mr. O'NEIL. Roger that, sir.

3347 | Chairman WAXMAN. By whom?

3348 | Mr. O'NEIL. At that time, it was by our battalion
3349 | commander, Lieutenant Colonel Bailey, sir.

3350 | Chairman WAXMAN. Did he give you a reason or just an
3351 | order?

3352 | Mr. O'NEIL. He basically just said, sir, that do not let
3353 | Kevin know. He is probably in a bad place knowing his
3354 | brother is dead, and he made it known that I would get in
3355 | trouble, sir, if I spoke with Kevin on it being fratricide,
3356 | sir.

3357 | Chairman WAXMAN. Mr. O'Neil, you were not just an
3358 | eyewitness, but you were also involved in writing the
3359 | statement that was used to award Corporal Tillman the Silver
3360 | Star, but serious questions have now been raised about
3361 | whether someone tampered with your statement.

3362 | Let me start by asking you whether you remember the
3363 | point in time when you were asked to write down your
3364 | recollections of that day.

3365 | Mr. O'NEIL. I couldn't tell you an exact date, sir, of
3366 | when I was actually told to sit down behind a computer and
3367 | type up what I can remember, but I do remember actually doing
3368 | it, sir.

3369 Chairman WAXMAN. Thank you.

3370 I am going to recognize my colleagues. I do want to
3371 pursue that. Perhaps they might in their questions as well.

3372 Mr. Clay, I think you are next.

3373 Mr. CLAY. Thank you, Mr. Chairman.

3374 Let me go to Inspector General Gimble. Since March of
3375 2003, there have been 70 female soldiers killed in action in
3376 Iraq. Twenty-two of them have been listed as non-combat
3377 related deaths. Four of those casualties were from Missouri.
3378 One of them, Private Levena Johnson, was my constituent. Her
3379 parents have been requesting additional information regarding
3380 the circumstances of her death for almost two years.

3381 This week at my request on behalf of the Johnson Family,
3382 this Committee has issued a letter to the Department of
3383 Defense, seeking key information that is yet to be provided.
3384 That request includes a CD containing the original photos
3385 from the criminal investigation into Private Johnson's death
3386 and the original autopsy photos, missing medical records from
3387 Private Johnson's file, all psychological evaluations that
3388 may have been made of Private Johnson and the identity of the
3389 lead investigator into her death.

3390 Inspector General, can you assure this Committee that
3391 our request will be acted on with all deliberate speed and
3392 that the Army will make a maximum effort to provide us with
3393 full disclosure of this information?

3394 Mr. GIMBLE. Mr. Congressman, I haven't seen the request.
3395 Typically, if it goes through Army channels, we don't. We
3396 are not involved in it. If it comes through the DoD IG
3397 channels, then we will do the things necessary to try to
3398 expedite that release of information as appropriate.

3399 Mr. CLAY. This is to the Acting Secretary of the Army.
3400 Will you have any involvement with that request?

3401 Mr. GIMBLE. Actually, then the Army will take care of
3402 that unless there is some other reason. It just goes through
3403 Army channels rather than DoD IG channels.

3404 Mr. CLAY. Well, thank you for that response.

3405 Let me go to Senior Chief White. Thank you for being
3406 here today.

3407 You were the only active member of the armed forces who
3408 spoke at Corporal Pat Tillman's May 3rd memorial service.
3409 How did you know Pat Tillman?

3410 Mr. WHITE. I had worked with him at the beginning of the
3411 Iraq War.

3412 Mr. CLAY. How was it that you were asked to participate
3413 in the memorial service?

3414 Mr. WHITE. When I heard about Pat's death, I called the
3415 family. Kevin had called me back, and I told him that I was
3416 going to try to make it out for the memorial. Two days
3417 later, I got a call from the organizers of the memorial,
3418 asking me if I would do a speech, if I would be a speaker,

3419 and that request came from Kevin and Marie.

3420 Mr. CLAY. From the family?

3421 Mr. WHITE. Yes, sir.

3422 Mr. CLAY. Thank you.

3423 I would like to play a video clip from the remarks you
3424 made at Corporal Tillman's memorial.

3425 [Video.]

3426 Mr. CLAY. Thank you so much.

3427 You were not with Corporal Tillman in Afghanistan when
3428 he was killed, is that correct?

3429 Mr. WHITE. That is correct, sir.

3430 Mr. CLAY. How did you become aware of the details
3431 surrounding his death?

3432 Mr. WHITE. The initial sporadic stuff that I got was
3433 from Kevin himself. The morning of the memorial, I don't
3434 recall exactly how I got word, but I knew that they wanted me
3435 to present or let the family know that he was going to be
3436 presented with the Silver Star.

3437 In order to do that in the presentation, I wanted to
3438 basically surmise what had happened on the target site. I
3439 called an enlisted person, whose name I cannot recall. I
3440 believe he was with the 75th Ranger Battalion. That morning,
3441 he read the citation to me over the phone. I summarized in
3442 my own words, asked him if that was an accurate
3443 summarization, and he said it was, and that is what I went

3444 with in my speech.

3445 Mr. CLAY. Thank you very much for that.

3446 For my last question, Mr. Chairman, Brigadier General
3447 Johnson, you heard the question that I asked the Inspector
3448 General. I believe that this issue comes before you about
3449 Private First Class Levena Johnson. Are you familiar with
3450 the Freedom of Information request that I have sent forward?

3451 Mr. JOHNSON. No, I am not. I have not seen that request
3452 yet.

3453 Mr. CLAY. Can we count on the Army to deal with this
3454 issue?

3455 Mr. JOHNSON. As soon as we get that request, we will
3456 process it.

3457 Mr. CLAY. You will process it. Thank you so much.

3458 Mr. Chairman, I yield back.

3459 Chairman WAXMAN. Thank you very much, Mr. Clay.

3460 Mr. Braley?

3461 Mr. BRALEY. Thank you.

3462 Specialist O'Neil, thank you for appearing today.

3463 In addition to being an eyewitness to Corporal Tillman's
3464 death and reporting this incident up the chain of command,
3465 you were also involved in writing a statement that was used
3466 to award Corporal Tillman the Silver Star. Do you remember
3467 that?

3468 Mr. O'NEIL. Yes, sir.

3469 Mr. BRALEY. Now we are aware of serious questions that
3470 have been raised as to whether someone tampered with your
3471 statement. Let me start by asking you whether you remember
3472 the point in time when you were asked to write down your
3473 recollections of that day.

3474 Mr. O'NEIL. I can't say I remember the exact point in
3475 time where I was informed that I would be writing up a
3476 witness statement towards what happened. I just remember
3477 having my platoon sergeant at the time tell me that I was
3478 going to be writing up a statement on what happened for an
3479 award for Pat, sir.

3480 Mr. BRALEY. But can you give us some general timeframe
3481 in the sequence of events that you have been discussing here
3482 today to give us some context into when that request was made
3483 by your platoon sergeant?

3484 Mr. O'NEIL. I would say a general timeframe, probably
3485 the 26th or 27th of April. We didn't get back to Salerno for
3486 a few days after Pat was killed. So as soon as we got back
3487 to Salerno, that is when I was advised or asked to write the
3488 statement, sir.

3489 Mr. BRALEY. I have been involved in 23 years of being an
3490 attorney and having witnesses prepare statements. Was this a
3491 situation where they gave you a sheet of paper and told you
3492 to write down in your own words your best recollection of the
3493 events that had happened or did someone prepare a statement

3494 | for you to review and sign?

3495 | Mr. O'NEIL. What happened, sir, was I got sat behind a
3496 | computer, and I was told to type up my recollection of what
3497 | happened, and as soon as I was done typing, I was relieved to
3498 | go back to my platoon, sir, and that was the last I heard of
3499 | it.

3500 | Mr. BRALEY. So when you finished typing your statement,
3501 | it was in a digital format that had not been printed out, is
3502 | that correct?

3503 | Mr. O'NEIL. Roger that, sir.

3504 | Mr. BRALEY. No one printed it out and asked you to
3505 | review it and verify it and sign it at the time it was
3506 | originally drafted by you?

3507 | Mr. O'NEIL. No, sir.

3508 | Mr. BRALEY. At any time, did you ever sign in your
3509 | handwriting a statement that you had reviewed and verified
3510 | the authenticity of?

3511 | Mr. O'NEIL. Negative, sir.

3512 | Mr. BRALEY. Now I want to ask you about the statement
3513 | that was ultimately used in the Silver Star commendation.
3514 | This version of the statement says the following: ``Corporal
3515 | Tillman moved us into a position where we would be safe from
3516 | enemy rounds.``

3517 | To the best of your recollection, did you write this
3518 | sentence?

3519 Mr. O'NEIL. That sentence sounds like something I would
3520 have wrote, sir.

3521 Mr. BRALEY. Where were the enemy rounds?

3522 Mr. O'NEIL. We weren't taking direct enemy rounds, sir,
3523 at that time, but we moved into a position where if we would
3524 have been, we would have been safe, sir.

3525 Mr. BRALEY. Did Corporal Tillman shield you from enemy
3526 rounds at any time?

3527 Mr. O'NEIL. Negative, sir.

3528 Mr. BRALEY. This version of the statement also says you
3529 ``engaged the enemy very successfully,`` that the enemy moved
3530 most of their attention to your position which ``drew a lot
3531 of fire from them.``

3532 Did you write these sentences, claiming that you were
3533 engaged with the enemy?

3534 Mr. O'NEIL. No, sir.

3535 Mr. BRALEY. Do you know who made the changes to your
3536 statement to make it appear as if you were receiving fire
3537 from the enemy rather than from your own platoon?

3538 Mr. O'NEIL. No, sir.

3539 Mr. BRALEY. Mr. Gimble, the Inspector General's Office
3540 investigated these alterations to the witnesses' statements
3541 and flagged these differences as well. But in the course of
3542 your investigation, did you ever discover who specifically
3543 changed this language and why that language was changed?

3544 Mr. GIMBLE. Let me just say this. The citations that we
3545 got were part of the package that we got out of the General
3546 Jones investigation, and they were not signed. It just had
3547 stamped as original signed.

3548 And our investigators went back to Specialist O'Neil and
3549 the Sergeant and said, did you write these, and they said,
3550 no, that they did not, okay, that there was parts of that was
3551 accurate, parts of it were inaccurate.

3552 We were unable to determine who in the chain of command
3553 actually did the alterations of it. So we concluded that
3554 when people approved those statements or those citations
3555 based on those statements, being the Battalion, Regimental
3556 and Joint Task Force Commanders, that they were accountable
3557 for the misstatements and inaccuracies.

3558 Mr. BRALEY. Well, I have been through my father's
3559 service records from when he served on Iwo Jima, and there
3560 are signatures on almost every documentation of anything he
3561 did during the entire time he was enlisted.

3562 Is it your understanding that this practice of taking
3563 unsigned statements in support of a commendation
3564 recommendation is standard operating procedure within the
3565 Army?

3566 Mr. GIMBLE. I would not believe it is, but I would only
3567 point out that on the Silver Star, there actually does not
3568 have to be a valorous witness statement at the time this

3569 | occurred. It can just be a citation.

3570 | Mr. BRALEY. Did you ever determine in the course of your
3571 | investigation who, out of all the possible people who had
3572 | contact with that statement, would have been the most likely
3573 | person to have made alterations to the statement originally
3574 | prepared by Specialist O'Neil?

3575 | Mr. GIMBLE. Actually, no, we could not determine that. I
3576 | could speculate, but I just prefer not to. It is somewhere
3577 | in the approval chain that it got edited. So we really can't
3578 | pin a face to the actual, who did the keyboard changes on it.

3579 | So that left us the only action we had after that is
3580 | when you sign up on something. Like when I sign something in
3581 | my office, I am assuming the responsibility for it and the
3582 | accuracy, and I hold myself accountable.

3583 | So when you have the signatures on those citations and
3584 | recommendations, they become accountable for it.

3585 | Mr. BRALEY. As part of your investigation, did you ever
3586 | bring in an IT specialist to look at the hard drive on that
3587 | computer or any other computer that that document had been
3588 | placed upon to determine who had access to the computer and
3589 | was responsible for the alteration?

3590 | Mr. GIMBLE. We got this as a hard copy printout in the
3591 | part of the investigative package from the General Jones
3592 | investigation.

3593 | Mr. BRALEY. So did you ever determine the computers that

3594 | it had been on and who had access?

3595 | Mr. GIMBLE. No, we did not.

3596 | Mr. BRALEY. Do you think that would be a sensible
3597 | follow-up part of an investigation looking into who might
3598 | have been responsible for altering a document of this
3599 | magnitude?

3600 | Mr. GIMBLE. It would be a good thing, but the issue
3601 | would be that it was two years before in theater and we were,
3602 | I am not sure we could ever track the computer down.

3603 | Mr. BRALEY. Well, we wouldn't know that unless we
3604 | actually tried to track it down, would we?

3605 | Mr. GIMBLE. Correct. We wouldn't.

3606 | Mr. BRALEY. Specialist O'Neil, I want to give you the
3607 | opportunity to follow up on a response you were making in
3608 | response to Waxman, and he had to cut you off to keep the
3609 | hearing moving.

3610 | You were talking about after the shooting, whether or
3611 | not Corporal Tillman was dead immediately, and then you had
3612 | to stop your narrative of that. Would you continue with your
3613 | narrative of what you were saying at the time?

3614 | Mr. O'NEIL. Not a problem, sir.

3615 | I started off. At that time I was on the ground, and I
3616 | noticed blood pooling up around me, and at that time I had
3617 | thought that I was shot.

3618 | So I started communicating with Pat not realizing he had

3619 | passed away, asking him if he had been okay, and I had no
3620 | response. And the blood was, there was a lot of blood
3621 | everywhere, and I was starting to get really worried.

3622 | So when I could finally get my body to move, I stood up
3623 | and turned around and looked at Pat, and he was slumped back
3624 | on the ground, covered in blood. And I went up to his
3625 | position. I grabbed him and realized at that time that he
3626 | had been shot in the head, and there wasn't much left of him.

3627 | After that, I kind of blanked out, I really. The next
3628 | thing I remember was Sergeant Ward who was part of Third
3629 | Squad, telling me to pick up my helmet, and I didn't even
3630 | remember taking it off. Putting me on security. Getting me
3631 | to move out of the ridgeline that we were in.

3632 | And I just have little chunks of my memory will come
3633 | back and then will go away. Basically, that is the end of
3634 | the night when I am standing on the side of the building,
3635 | pulling security, and the Regimental Sergeant Major, Sergeant
3636 | Major Birch comes up to me and asks me if I am all right.

3637 | And after that, the next thing I remember, being inside
3638 | a room, pulling security on the local personnel and telling
3639 | Specialist Ariolla that Pat had been killed by friendly fire,
3640 | sir.

3641 | Mr. BRALEY. Thank you.

3642 | Chairman WAXMAN. Thank you, Mr. Braley.

3643 | Ms. McCollum?

3644 Ms. MCCOLLUM. Thank you, Mr. Chair.

3645 Thank you, Specialist O'Neil for being here today and
3646 for, I am sure, really very painful memories as well as
3647 painful testimony, the circumstances you find yourself here,
3648 as Mr. Braley pointed out, having your name attached to the
3649 document that you did not write.

3650 I would like to ask this of Mr. Gimble and Lieutenant
3651 Colonel Robinson. Can either of you tell me how many videos
3652 have been taken of missions such as Jessica Lynch's? How
3653 many videos have been taken?

3654 Mr. ROBINSON. I am sorry. I don't understand the
3655 question.

3656 Ms. MCCOLLUM. How many video teams in either the Iraqi
3657 theater or the Afghani theater, how many videos have been
3658 taken of this type of mission?

3659 The Inspector General says this is rather routine. So I
3660 am sure you can tell me how many videos have been taken.

3661 Mr. ROBINSON. There was innumerable. During the
3662 briefing that was provided from Qatar in the initial days of
3663 Operation Iraqi Freedom, there were visuals of various
3664 different types coming in from many different directions and
3665 sources and platforms to include weapons video, public
3666 affairs people, combat journalists, et cetera.

3667 Ms. MCCOLLUM. So this wasn't classified then if it was
3668 given to the news media?

3669 Mr. ROBINSON. The video itself?

3670 Ms. MCCOLLUM. Yes.

3671 Mr. ROBINSON. The video for Jessica Lynch was provided
3672 to us from a Special Operations unit, and when we received it
3673 at the Press Briefing Center, it had already been edited to a
3674 large degree. My belief was that they had already cleaned it
3675 of anything that was in the video that was classified.

3676 Ms. MCCOLLUM. To the Inspector General, can you tell me
3677 if you know, for Special Forces, how routine this is and how
3678 often they are cleaned up and given to the media?

3679 Mr. GIMBLE. I don't have a count on that because I am
3680 told that it is a routine procedure, but I don't really have
3681 a count and haven't looked at how many times it occurs.

3682 Ms. MCCOLLUM. You are doing an investigation. If
3683 somebody tells you it is routine, you don't go any further.

3684 Mr. GIMBLE. We didn't do the investigation. The Central
3685 Command IG did the investigation.

3686 Ms. MCCOLLUM. Okay, well, I have something that is on
3687 here, and I will check later on, but it says the statement of
3688 Mr. Thomas Gimble, Acting Inspector General. So I will
3689 figure out where page 10 came from later.

3690 Can you tell me how high up this investigation?

3691 I can't find in this report every single person that you
3692 spoke with. I mean anybody in the Pentagon. Mr. Rumsfeld
3693 obviously referred to the Tillman case. How high up the

3694 | chain of command did you go or should I ask how high up the
3695 | chain of command were you allowed to go?

3696 | Mr. GIMBLE. We actually had a letter. We didn't
3697 | interview the Secretary, but we had a letter requesting
3698 | information which he provided on about the day he left the
3699 | Department, and it dealt specifically with the P4 issue.

3700 | We interviewed General Abizaid, General Brown and other
3701 | generals that we identified in the report as being
3702 | accountable, and we interviewed over 100 people.

3703 | So the P4 message, if that was the question as to how
3704 | high that went, according to what we have is that it went to
3705 | General Brown. He looked at it, and he is the Commander of
3706 | Special Operations Command, but he was not in the chain of
3707 | command. So he acknowledged that he received it but did
3708 | nothing with it.

3709 | General Kensinger was the Commander of the U.S. Army
3710 | Special Operations Command, and he received it and was the
3711 | senior representative at the memorial service. And that is
3712 | why we held him accountable in our report saying you should
3713 | have informed the family because you reasonably suspected
3714 | friendly fire.

3715 | We interviewed General Abizaid, and this is detailed in
3716 | the report. But he had a P4 message, but he was in theater
3717 | and it didn't catch up to him until after the memorial
3718 | service.

3719 Ms. MCCOLLUM. Is everybody you speak to under oath?

3720 Mr. GIMBLE. All the ones that we speak to and interview
3721 are under oath, yes, ma'am.

3722 Ms. MCCOLLUM. General Abizaid was under oath?

3723 Mr. GIMBLE. He was under oath.

3724 Ms. MCCOLLUM. Did you talk to anybody in communications
3725 in the Pentagon to find out how high up people knew about
3726 this and knew about when it went from friendly fire and when
3727 they found out?

3728 I am assuming that there were an awful lot of people
3729 involved in putting together this memorial service because
3730 they knew of the high attention it was going to get. So I am
3731 wondering if you talked to everybody involved in the memorial
3732 service and how high up it went as far as people knowing
3733 about the friendly fire and the Silver Star.

3734 Mr. GIMBLE. Let me clarify one at a time. Let me
3735 clarify the notification. What happened is when the event
3736 occurred on April 22nd, the notification of next of kin went
3737 out as hostile fire, and I think that is on the record.

3738 What occurred shortly thereafter within the next day or
3739 so when they determined that fratricide was suspected, the
3740 proper way to have handled that was to put a supplementary
3741 notification report in which would have changed the
3742 notification from hostile fire to unknown, pending outcome of
3743 the investigation. That simply was not done.

3744 Now there was a very close hold group as best we can
3745 tell that really knew that friendly fire was suspected when I
3746 am talking in terms of the chain of command.

3747 Ms. MCCOLLUM. At the memorial service, you stated that
3748 the senior officer that spoke had every indication that that
3749 was not correct.

3750 Mr. GIMBLE. Absolutely.

3751 Ms. MCCOLLUM. There was no one, no senior DoD,
3752 Department of Defense person representing the Secretary's
3753 office. There was nobody higher up there that knew what was
3754 going on. Did you investigate to find out if they knew?

3755 Mr. GIMBLE. We asked. We went to the Secretary of
3756 Defense in writing and asked what he knew and when he knew,
3757 and we got a letter back from him dated December 15, 2006.
3758 And he basically said that he was unaware until sometime in
3759 the May 20th timeframe, and that basically kind of ties in
3760 with when the 15-6.

3761 Ms. MCCOLLUM. When I asked you if everybody was under
3762 oath, you didn't speak directly.

3763 Mr. GIMBLE. We did that in a letter. He was not under
3764 oath. That part was in a letter.

3765 Ms. MCCOLLUM. How long did it take him to respond back
3766 to your letter because it usually takes me six to nine months
3767 to get an answer back?

3768 Mr. GIMBLE. Well, he responded on about the day he left.

3769 | So I think we had actually put it over there about two
3770 | weeks. I need to get back to you on the specific time when
3771 | we went over and asked, but it was not six months.

3772 | When we do the investigation, we come from the bottom on
3773 | it. As we interviewed, we started with the more junior
3774 | people and we interviewed up until we got to the senior
3775 | levels, and he was kind of the last person that filled in
3776 | that gap for us.

3777 | Ms. MCCOLLUM. Who has been held accountable for all
3778 | these bad reports that you state here?

3779 | Mr. GIMBLE. We referred those back to the United States
3780 | Army. We identified the nine people in the report. Provided
3781 | those back. They have that down under, I guess the right
3782 | term is inquiry.

3783 | The Commanding General of the Training Indoctrination
3784 | Command, General Wallace, has been tasked by the Acting
3785 | Secretary of the Army to assess all the facts based on the
3786 | data that both we gathered and also what Johnson's review
3787 | gathered, and they are determining. We determined
3788 | accountability. They are going to determine culpability if
3789 | there is.

3790 | Ms. MCCOLLUM. You determined accountability.

3791 | Mr. GIMBLE. Right. On page 59 of the report in our
3792 | conclusions, we lay those out.

3793 | Ms. MCCOLLUM. It sounds to me from just gleaning through

3794 | this report and all, that it was pretty obvious that these
3795 | reports weren't done right. Witnesses weren't spoken to,
3796 | whatever.

3797 | I would like, in final, to ask you about a news article,
3798 | CBS Washington News. It appeared on April 20th, 2007. It
3799 | talks about Specialist Jay Lane.

3800 | He laid in a hospital bed in Afghanistan, recovering
3801 | from gunshot wounds inflicted by the same fellow Ranger who
3802 | shot at Tillman. Amid his shock and grief, Lane said he
3803 | noticed guards were posted on him. ``I thought it was
3804 | strange,`` Lane recalled.

3805 | Later he said he learned that the reasons for their
3806 | persistence. The news media were sniffing around, and Lane's
3807 | superiors, and these are Lane's own words, ``did not anyone
3808 | talking to us.``

3809 | Did you talk to anybody about the security that was
3810 | placed on people who were part of the unit that was fired on?

3811 | Mr. GIMBLE. Did not.

3812 | Ms. MCCOLLUM. You didn't?

3813 | Mr. GIMBLE. No.

3814 | Ms. MCCOLLUM. Well, sir, in my opinion, and I will take
3815 | the time to read this from cover to cover, I have to say I
3816 | wasn't impressed with the investigations that you reviewed.
3817 | You weren't impressed with them, and I am not impressed with
3818 | yours.

3819 Thank you, Mr. Chair.

3820 Chairman WAXMAN. Thank you, Ms. McCollum.

3821 Just before I recognize Mr. Sarbanes, I want to ask you
3822 this question. We started off our hearing about an e-mail
3823 from the White House, asking for information for the
3824 President to use at the White House Correspondents Dinner,
3825 and there is a P4 memo that you are familiar with. Do you
3826 know whether that memo ever went to the White House?

3827 Mr. GIMBLE. We think the P4 memo stopped with the three
3828 generals that were on it. It didn't go any further. We went
3829 and asked the Secretary of Defense through the letter if he
3830 was aware of that information, and we got a negative response
3831 back.

3832 So it is my belief that or based on what we determined
3833 through sworn testimony is that General Brown saw it before
3834 the memorial service, was aware of it and did nothing with
3835 it. He wasn't in the chain of command.

3836 Lieutenant General Kensinger was aware of it and he was
3837 represented as the senior DoD official at the memorial
3838 service and chose not to share that information with the
3839 family. We held him accountable for that, and that is part
3840 of the referral.

3841 Chairman WAXMAN. Do you know if there was a response to
3842 the e-mail sent from the White House?

3843 Mr. GIMBLE. I am not aware of. That is kind of the

3844 Public Affairs chain of command, and this didn't. The
3845 message I see here was the question that do you have
3846 background on why Corporal Tillman joined the Army, and that
3847 wasn't really a part of what we were looking at.

3848 Chairman WAXMAN. So you didn't review the Public Affairs
3849 documents?

3850 Mr. GIMBLE. This one.

3851 Chairman WAXMAN. Which would have shown if there was an
3852 answer to the White House e-mail.

3853 Mr. GIMBLE. I don't know that there was an answer to
3854 this specific thing. We were asking if the P4 message, and
3855 we know that from what we can tell about it.

3856 Chairman WAXMAN. Right. I understand what you said, but
3857 what I have asked you is the White House sent an e-mail
3858 asking for information for the President to use in his
3859 speech, and I asked whether you knew whether there was a
3860 response to that e-mail.

3861 Mr. GIMBLE. We didn't look at that. It was in the Jones
3862 investigation, and we didn't see it as an open issue.

3863 Chairman WAXMAN. It is still an open issue?

3864 Mr. GIMBLE. No. We said we did not see it as an open
3865 issue.

3866 Chairman WAXMAN. Well, the reason I ask, of course, is
3867 that two days later after the e-mail was sent, the President
3868 spoke of Pat Tillman at the Correspondents Dinner, and he was

3869 | very careful not to mention how he was killed. Of course,
3870 | the P4 memo said exactly that. Be careful to not talk about
3871 | how Pat Tillman was killed.

3872 | Mr. Sarbanes?

3873 | Mr. SARBANES. Thank you, Mr. Chairman.

3874 | Mr. Gimble, I am trying, as Representative McCollum was
3875 | a moment ago, to get my head around the investigations that
3876 | occurred right after the incident and then from that point
3877 | forward. Obviously, the death of this brave soldier was a
3878 | tragedy, but the travesty is then what followed very quickly
3879 | which can only be viewed as a kind of impulse to cover up
3880 | basically what had happened.

3881 | I was looking through your prepared testimony again, and
3882 | you say that the errors in reporting within the chain of
3883 | command bear ultimate responsibility or that the chain of
3884 | command bears ultimate responsibility for the inaccuracies,
3885 | misunderstandings and perceptions of concealment that led to
3886 | our review.

3887 | After your review, do you think is a situation where we
3888 | are dealing with a perception of concealment or actual
3889 | concealment?

3890 | Mr. GIMBLE. Of course, if you are asking my opinion, I
3891 | think it was not a well handled after the fact. The Army did
3892 | not handle this very well. I think they recognize that.

3893 | I don't see that it was a cover-up because the

3894 investigations, the failure was to share with the family.
3895 The investigations pretty much right off the start all
3896 concluded the same thing, that it was a friendly fire
3897 incident.

3898 Okay, there was some mistakes made on how they appointed
3899 the investigating officers. There was some less than a lot
3900 of the people that should have been interviewed were not
3901 interviewed. It just, you know. The rules and regulations
3902 for the protection of evidence were not followed.

3903 We point out all of those issues, all those deficiencies
3904 in those investigations and we have referred that back to the
3905 Army to see if there are things that they think. We are
3906 saying they are accountable. There were mistakes made.

3907 Now they will make the determination if there is any
3908 additional administration or criminal punishments necessary.

3909 Mr. SARBANES. At the ground level, you talk about how
3910 the first investigation was deficient. The second
3911 investigation was deficient. Then there was a third
3912 investigation that was deficient. There was a failure to
3913 abide by the protocols that would normally be triggered right
3914 away in terms of having a legal investigation into friendly
3915 fire death be conducted by the Combatant Commander, that the
3916 Regimental Commander failed to notify the Army Safety Center
3917 of a suspected friendly fire death as required by Army
3918 regulation.

3919 | We take a lot of confident or we want to take a lot of
3920 | confidence that the Army will act in accordance with the
3921 | procedures and protocols that govern whatever the
3922 | circumstance is. It is just a kind of strange credulity here
3923 | that there were two and three instances of not following the
3924 | procedures which makes it hard believe that after a certain
3925 | point in time, this was accidental, that there wasn't some
3926 | kind of pressure, not maybe direct but atmosphere of indirect
3927 | pressure being brought to bear.

3928 | The most interesting thing to me is we have already
3929 | heard testimony that very quickly the word of this being a
3930 | friendly fire incident started going up the chain. Is that
3931 | correct?

3932 | Mr. GIMBLE. That is correct.

3933 | Mr. SARBANES. I mean within days.

3934 | Mr. GIMBLE. Within the next day.

3935 | Mr. SARBANES. So you have people at the highest levels
3936 | who now knew that this was a highly likely friendly fire
3937 | incident. Nevertheless, they did not intervene to fix the
3938 | procedure that was totally out of whack.

3939 | You had this kind of informal sense of what happened.
3940 | Then you have people going through the process but not going
3941 | through the process correctly, and there is no attempt by the
3942 | folks at the higher level to intervene or interrupt this
3943 | faulty process over here and try to fix it. Is that correct,

3944 | at least a description of what was going on?

3945 | Mr. GIMBLE. That is pretty correct. There was knowledge
3946 | that there was suspected friendly fire. Now the question
3947 | becomes it should have been designated as unknown until the
3948 | investigation was completed and that, they failed to do. I
3949 | mean there is no question. They failed.

3950 | Mr. SARBANES. I guess I want to point to three
3951 | breakdowns: A breakdown in the procedure that should have
3952 | been implemented right from the start.

3953 | Mr. GIMBLE. Right.

3954 | Mr. SARBANES. A breakdown in terms of conveying, which
3955 | correct procedure would have done, conveying it to the family
3956 | would have happened.

3957 | But thirdly and as troubling, if not more troubling, a
3958 | breakdown in the sense that people at the highest levels, or
3959 | much higher levels in any event, knew that the story was
3960 | different and didn't somehow intervene to try to get this
3961 | thing back on track both for the benefit of the Army acting
3962 | in accordance with its protocols and for the benefit of the
3963 | family understanding what had really happened.

3964 | Mr. GIMBLE. I think you would find our summary in the
3965 | report, that they have the statement that says we find no
3966 | reasonable explanation for this failure to follow the
3967 | regulations.

3968 | Mr. SARBANES. Thank you, Mr. Chairman.

3969 [Prepared statement of Mr. Sarbanes follows:]

3970 ***** INSERT *****

3971 Chairman WAXMAN. Would you yield to me, Mr. Sarbanes?

3972 Mr. SARBANES. Yes, absolutely.

3973 Chairman WAXMAN. I still want to pursue this question
3974 about this P4 memo. The P4 memo was sent to three generals,
3975 to Kensinger, Abizaid and Brown. Abizaid said he didn't get
3976 it until later. Kensinger got it before the memorial
3977 service.

3978 The memo is advising these generals to let Secretary of
3979 Defense and others know that there may be a problem if they
3980 refer to how Pat Tillman was killed.

3981 You asked the Secretary of Defense, Mr. Rumsfeld,
3982 whether he ever received that P4 memo. You never asked him
3983 personally, but you asked him in writing, and he came back
3984 and said, no. How is that believable that three generals
3985 wouldn't send up the chain of command a memo like this?

3986 Mr. GIMBLE. The addresses on the P4 were the three
3987 generals. I can't explain why they chose not to move that up
3988 other than General Kensinger, as I understand it, wanted to
3989 not move forward with the notification until he had all the
3990 facts laid out as to whether it was friendly fire or not.
3991 There was still that investigation. Those investigations
3992 were going on.

3993 Chairman WAXMAN. You didn't pursue this further?

3994 Mr. GIMBLE. Well, what we did is we thought. He
3995 actually told us that he didn't know about it until after the

3996 ceremony himself, and that is one of the ones that we
3997 referred to the Army to look at.

3998 Chairman WAXMAN. Did you request any documents from
3999 Secretary Rumsfeld to verify this?

4000 Mr. GIMBLE. We have a letter back from him.

4001 Chairman WAXMAN. Just a letter?

4002 Mr. GIMBLE. A letter, correct.

4003 Chairman WAXMAN. Mr. Honda?

4004 Mr. HONDA. Thank you, Mr. Chairman.

4005 Following up on that, Mr. Gimble, would you submit that
4006 letter as a matter of record, please?

4007 Mr. GIMBLE. We sure will.

4008 Mr. HONDA. The letter from Mr. Rumsfeld.

4009 To Mr. Johnson, thank you for saying that you would help
4010 Mr. Clay with the FOI for one of his constituents.

4011 We have a parent here from North Dakota that has the
4012 same request. Would you accommodate her also?

4013 Mr. JOHNSON. Yes, sir.

4014 Mr. HONDA. Thank you.

4015 Mr. JOHNSON. I mean we process them as fast as we can.

4016 Mr. HONDA. Thank you.

4017 Mr. JOHNSON. I just haven't seen those.

4018 Mr. HONDA. Mr. Gimble, as you know, the Tillman Family
4019 was not informed of the actual cause of Corporal Tillman's
4020 death until five weeks after the incident. One critical

4021 | question here is when Central Command, Commander General
4022 | Abizaid learned that Corporal Tillman had died by friendly
4023 | fire.

4024 | On page 24 of your March 26, 2007 review, reveal matters
4025 | related to Corporal Tillman's death, you report that General
4026 | Abizaid told us that there was a delay of 10 to 20 days in
4027 | his receipt of the message from General McCrystal informing
4028 | of Corporal Tillman's fratricide because General Abizaid was
4029 | in Iraq. Is that correct?

4030 | Mr. GIMBLE. That is correct.

4031 | Mr. HONDA. According to recent Associated Press news
4032 | reports, however, General Abizaid visited Afghanistan within
4033 | a week of the incident in question and may even have spoken
4034 | to Corporal Tillman's platoon commander. If this is
4035 | accurate, then I would find it highly unlikely that General
4036 | Abizaid could have remained unaware of the cause of Corporal
4037 | Tillman's death.

4038 | According to the same AP report, however, your spokesman
4039 | said that investigators did not look into General Abizaid's
4040 | visit to Afghanistan. Mr. Gimble, were you and/or your
4041 | investigators aware of General Abizaid's Afghanistan trip?

4042 | If so, I am extremely perplexed why you not have looked
4043 | into this?

4044 | Mr. GIMBLE. We were not aware of the Afghanistan trip on
4045 | April 29th. I would only submit this, though, if he talked

4046 | to the lieutenant, the lieutenant, according to what we have
4047 | in sworn testimony, was unaware that he was a victim of
4048 | friendly fire for about 10 days after the incident which
4049 | would put it at the end of May.

4050 | So I will have to get back to you on the Abizaid trip.

4051 | Mr. HONDA. This is a platoon commander that was unaware.

4052 | Mr. GIMBLE. Well, he was injured. He was shot, shot up
4053 | pretty badly.

4054 | Mr. HONDA. But the platoon commander was aware of it.

4055 | Mr. GIMBLE. According to the documentation we have, he
4056 | was not aware for 10 days that he was a recipient of friendly
4057 | fire.

4058 | Mr. HONDA. The platoon commander?

4059 | Mr. GIMBLE. The platoon commander.

4060 | Mr. HONDA. That means he is the commander of the platoon
4061 | within which the event occurred.

4062 | Mr. GIMBLE. Right. He got shot, pretty seriously shot
4063 | too.

4064 | Mr. HONDA. Every one of those soldiers who were involved
4065 | knew.

4066 | Mr. GIMBLE. According to the sworn testimony we have,
4067 | the lieutenant didn't know for 10 days. He was under the
4068 | impression that it was a result of hostile fire.

4069 | Mr. HONDA. So there was active insulation of information
4070 | from the platoon commander. Is that what you are telling me?

4071 Mr. GIMBLE. I am telling you he was in the hospital is
4072 my understanding and was very seriously injured.

4073 Mr. HONDA. The platoon commander?

4074 Mr. GIMBLE. Right.

4075 Mr. HONDA. Yet, by April 29th, he was able to be visited
4076 by the general?

4077 Mr. GIMBLE. I am not aware of that visit, but I don't
4078 dispute it.

4079 Mr. HONDA. The issue about Captain Richard Scott, the
4080 former Commander of Headquarters Company, 2nd Ranger
4081 Battalion, conducted an initial inquiry into the events in
4082 question, a report that you had discounted. Is that correct?

4083 Mr. GIMBLE. What the initial investigation, the
4084 battalion commander or the regimental commander, I am sorry,
4085 determined that it was not sufficient, so they never issued a
4086 final report on it. They took the draft work in that.

4087 Mr. HONDA. Did you know the contents and the conclusions
4088 of that draft report?

4089 Mr. GIMBLE. They reconstructed it. They didn't get a
4090 copy of the report because I guess it was destroyed, but they
4091 reconstructed the findings.

4092 Mr. HONDA. Did you know the conclusion of that draft
4093 report?

4094 Mr. GIMBLE. Yes, it was friendly fire.

4095 Mr. HONDA. Captain Scott's investigation included taking

4096 | sworn statements from witnesses nearly immediately after
4097 | Corporal Tillman's death, in other words, when eyewitnesses'
4098 | memories were the freshest. Regardless of any potential
4099 | lackings, clearly, Captain Scott's report was invaluable.

4100 | On page 17 of your March 26th review of matters related
4101 | to Corporal Tillman's death, you note that Captain Scott said
4102 | that his investigation concluded that there was gross
4103 | negligence and that he recommended that headquarters further
4104 | investigate to determine whether there was criminal intent.

4105 | However, on the same page of your report, you determine
4106 | that Captain Scott's findings disclosed no mention of gross
4107 | negligence and no recommendation for further investigation to
4108 | determine criminal intent.

4109 | How, Mr. Inspector General, were you able to conclude
4110 | this since according to page 14 of your March 26th review,
4111 | you note that: ``After a wide-ranging effort to include data
4112 | calls, computer searches and witness interviews, we were
4113 | unable to locate an intact copy of Cpt.'''--name
4114 | redacted--``draft report.``

4115 | How were you able to conclude that?

4116 | Mr. GIMBLE. I think if you go ahead and read on, it will
4117 | conclude that we were able to gather the data and the
4118 | conclusions pretty much. So we didn't have the exact report,
4119 | but we had based on some documentation that we gathered, and
4120 | we can obviously provide that.

4121 Chairman WAXMAN. Thank you, Mr. Honda.

4122 Mr. Shays?

4123 Mr. HONDA. Just one more quick one?

4124 Chairman WAXMAN. We are not going to be able to get
4125 everybody in before the votes.

4126 Mr. HONDA. Okay, I will get back.

4127 Mr. SHAYS. I thank the Chairman.

4128 First, I want to thank all of you for being here. I was
4129 here for the testimony of the first panel, and I had two
4130 other places I had to be including the Committee hearing.

4131 I want to particularly apologize to you, Specialist
4132 O'Neil, for not hearing your story. Thank you for your
4133 service. Thank you for your bravery.

4134 Senior Chief White, you loved this man, and this
4135 probably is very painful for you as well.

4136 It is painful for all of you because you are proud of
4137 the service and you don't like to screw up.

4138 But, having said that, what I need to know from a
4139 Congressional side is it strikes me there are two motivations
4140 here. One motivation is the worst thing you could probably
4141 do, I could imagine, is to kill one of your own and to be
4142 involved in a battle where you are fighting your own side.
4143 That would be the hardest thing, I think, to deal with. Is
4144 that a fair statement?

4145 Mr. O'NEIL. Yes, sir.

4146 Mr. SHAYS. Thank you.

4147 I would think then the second issue that arises is that
4148 Mr. Tillman was such a high profile individual. I mean to be
4149 so well known, to give up wealth and fame to serve your
4150 Country and then to have this happen would be another factor.
4151 Would that be accurate?

4152 Maybe, General, you could respond.

4153 Mr. JOHNSON. I think that would be. That would cause
4154 some concern just because of the notoriety of the individual.
4155 But any friendly fire incident, we should treat the same.

4156 Mr. SHAYS. I was a Peace Corps volunteer when my
4157 colleagues were in Vietnam, so I know nothing about war. But
4158 it strikes me that so-called friendly fire, which is killing
4159 your own or attacking your own, happens in any war. It has
4160 happened in the past. It will happen in the future.

4161 General, is that a fair comment?

4162 Mr. JOHNSON. Yes, sir, that is correct. It is
4163 documented in every war.

4164 Mr. SHAYS. Now my question, what is the proper
4165 punishment for someone who knowingly tries to cover up the
4166 fact that a death occurred because of fratricide? What is
4167 it?

4168 Is it that they should be fired? Is it they should be
4169 demoted and fired? What is the practice?

4170 Who can answer that?

4171 Mr. JOHNSON. Sir, I don't believe I can go there. I
4172 think that is out of my lane. I know the four star TRADOC CG
4173 is apparently doing that investigation to determine what
4174 should be done.

4175 Mr. SHAYS. No. I am not asking who did what. I am just
4176 asking, in the end, what discourages individuals from
4177 covering up, distorting information?

4178 What does it take?

4179 Maybe, Mr. Gimble, you can tell me what you know to be
4180 the penalty.

4181 Mr. GIMBLE. I am not sure there is a set penalty because
4182 you have to determine what the circumstances in a case by
4183 case situation are. That is exactly as General Johnson just
4184 said.

4185 We referred it. We took all the data that we got and
4186 referred that down to the Commanding General of TRADOC who
4187 was appointed by the Acting Secretary of the Army to do this
4188 special inquiry.

4189 Mr. SHAYS. My time is running out here.

4190 Senior Chief White, do you have an opinion about what
4191 the penalty should be if someone knowingly in the military
4192 tries to hide the fact that there was a death that occurred
4193 or even if there wasn't a death?

4194 I mean if a pilot goes down the wrong runway and nobody
4195 is killed by it, they are going to lose their job plus. If

4196 | someone tries to cover up that a pilot did that, they are
4197 | going to lose their job.

4198 | It is instructive to me that no one seems to know that.
4199 | I would think there would be a standard penalty. Do you have
4200 | an opinion?

4201 | Mr. WHITE. With my experience with that, sir, it is
4202 | usually a case by case basis. There is no standard, across
4203 | the board standard.

4204 | Mr. SHAYS. Let me ask your opinion. Do you think it is
4205 | a serious offense to cover up or provide false information?

4206 | Mr. WHITE. Absolutely.

4207 | Chairman WAXMAN. Thank you, Mr. Shays.

4208 | Mr. Cummings?

4209 | Mr. CUMMINGS. Mr. Chairman, thank you very much. I will
4210 | be very brief.

4211 | Brigadier General Johnson, is there an offense in the
4212 | military equivalent to obstruction of justice? I am just
4213 | following up on Mr. Shays.

4214 | Mr. JOHNSON. Yes, there is.

4215 | Mr. CUMMINGS. There is.

4216 | Are there facts here from what you have seen that would
4217 | at least cause one in a position, the equivalent of a State's
4218 | attorney or a U.S. attorney, to look at it to see if there
4219 | was something equivalent?

4220 | Is it called obstruction of justice?

4221 Mr. JOHNSON. Yes, sir, it is.

4222 Mr. CUMMINGS. Do you think there are enough facts here
4223 to look into that?

4224 Mr. JOHNSON. I think that is, no doubt, one of the
4225 aspects they are looking at, sir.

4226 Mr. CUMMINGS. Very well.

4227 I want to go to Senior Chief White. Senior Chief White,
4228 when did you learn of how Corporal Tillman was actually
4229 killed.

4230 Mr. WHITE. The Friday night that Kevin Tillman found
4231 out. He called me that evening.

4232 Mr. CUMMINGS. How did you feel when you heard that?
4233 You had already spoken at the funeral, is that right?

4234 Mr. WHITE. Yes, sir.

4235 Mr. CUMMINGS. I am sorry.

4236 Mr. WHITE. I was shocked, to say the least.

4237 Mr. CUMMINGS. Were you let down? Did you feel let down?

4238 Mr. WHITE. Yes, sir.

4239 Mr. CUMMINGS. Who did you feel had let you down?

4240 Mr. WHITE. My military.

4241 Mr. CUMMINGS. So that was disappointing to you, is that
4242 right?

4243 Mr. WHITE. Yes, sir.

4244 Mr. CUMMINGS. Did it affect your trust in any way with
4245 regard to the military?

4246 There are two parts of trust. There is the integrity,
4247 and there is competence. I am just wondering were you
4248 affected in any way with regard to your trust in the
4249 military?

4250 Mr. WHITE. Prior to that, there was no way I would ever
4251 believe that that would have happened.

4252 Mr. CUMMINGS. No way?

4253 Mr. WHITE. No, sir. That shook me up a little bit. I
4254 have got two boys and a wife. If anything happens to me, I
4255 want to make sure they know exactly what happened.

4256 Mr. CUMMINGS. I am sorry. Were you finished?

4257 Mr. WHITE. Yes, sir.

4258 Mr. CUMMINGS. Finally, how do you feel today about your
4259 role in all of this?

4260 First of all, we want to thank you for your service and
4261 you too, all of you and Specialist O'Neil.

4262 We want young people like you. I sit on the Board of
4263 the Naval Academy, and we have wonderful, wonderful young
4264 people you who want to be a part of the military. I am just
4265 wondering. One of the things we are trying to do and
4266 Chairman Waxman, I am sure is trying to figure out how do we
4267 figure out how that trust was lost so that we can restore it
4268 so that young people can feel that sense of its okayness.

4269 I am just wondering. How do you feel about your role in
4270 all of this and how do you think we can help restore that

4271 trust?

4272 Mr. WHITE. My role as far as at the memorial, that was a
4273 horrible thing that happened with Pat. I am the guy that
4274 told America how he died basically at that memorial, and it
4275 was incorrect. That does not sit well with me.

4276 As far as future happenings, it is going to be
4277 leadership by example from here on out for, I am sure,
4278 everyone. That is the only way we can make this thing.

4279 Mr. CUMMINGS. Well, let me say this to you, that being
4280 here today, you and Specialist O'Neil, you are a shining
4281 example of what leadership ought to be about, and I thank God
4282 for you, and I wish you Godspeed.

4283 Chairman WAXMAN. Thank you.

4284 Mr. Honda?

4285 Mr. HONDA. Thank you, Mr. Chairman.

4286 Mr. Gimble, we were talking about the missing documents
4287 from Captain Scott and your conclusions. Let me ask you. If
4288 you had not had access to Captain Scott's report in its
4289 entirety and even if you were able to piece together portions
4290 of it, how were you able to determine that he did not
4291 conclude that there was gross negligence and recommend that
4292 HQ further investigate potential criminal intent?

4293 Mr. GIMBLE. In his findings and recommendations, we
4294 didn't see where he concluded. He didn't comment on that in
4295 those. And so, that was the point.

4296 | We have his findings and conclusions, and we didn't see
4297 | where he used those words of gross negligence. That is how
4298 | we concluded. That is how we concluded.

4299 | Mr. HONDA. To Mr. Johnson, General Johnson, at least
4300 | seven times the Army Criminal Investigations Command report
4301 | addresses the possibility of a Predator Unmanned Aerial
4302 | Vehicle or UAV having overflown the battlefield.

4303 | In one of these instances on page 571, your report
4304 | notices that General Boykin made a formal request for any
4305 | Predator footage and that he, General Boykin, would follow up
4306 | with CIA to ensure that a review for the requested imagery be
4307 | conducted. There is no further mention made in the CID
4308 | report as to whether there was, in fact, follow-up with the
4309 | CIA.

4310 | General, did you look into whether this occurred? If
4311 | so, what were the results of your inquiry and why were they
4312 | not included in the CID report?

4313 | If you did not look into this, why not?

4314 | Mr. JOHNSON. Yes, sir, we did look into that. We had
4315 | one soldier in the trail vehicle who was the Close Air
4316 | Support Coordinator, and he is the one who mentioned that he
4317 | believed there was a Predator in the air during the incident
4318 | because he recognized the sound of a Predator.

4319 | Based on that, we followed up on that. Tried to go
4320 | through our local channels. Did not come up with any. Then

4321 submitted that actual request to the Deputy Undersecretary of
4322 Intel, General Boykin, in September. Got back from him that
4323 he had went through the Special Ops channels and had went
4324 through the CIA channels, and there was no Predator records
4325 of that particular point on the battlefield.

4326 So at this place in time, we do not believe there are
4327 any.

4328 Mr. HONDA. Would there be records that would validate
4329 that conclusion?

4330 Mr. JOHNSON. We have our reply back from General Boykin,
4331 yes, sir.

4332 Mr. HONDA. Can you submit that as a matter of record?

4333 Mr. JOHNSON. Yes, sir, we can.

4334 Mr. HONDA. In your opinion, would there be other ways of
4335 verifying that conclusion that there were not any Predators
4336 in that area?

4337 Mr. JOHNSON. Sir, I don't know what other channels we
4338 would go through. He would have access, and he went to the
4339 CIA and the Special Ops who control the Predators.

4340 Mr. HONDA. Would they not share their information? Would
4341 there be a reason why they would not share their information?

4342 Mr. JOHNSON. Sir, the answer we got back was there was
4343 no Predator reports.

4344 Mr. HONDA. Okay. Thank you, Mr. Chairman.

4345 Chairman WAXMAN. Thank you, Mr. Honda.

4346 Chairman WAXMAN. I just want to ask a few wrap-up
4347 questions if I might.

4348 Lieutenant Colonel Robinson, you were interviewed about
4349 this videotape by the Washington Post of Jessica Lynch, and
4350 your statement according to the Post was: ``We let them know
4351 if possible we wanted to get it. We would like to have the
4352 video. We were hoping we would have good visuals. We knew
4353 it would be the hottest thing of the day. There was not an
4354 intent to talk it down or embellish it because we didn't need
4355 to. It was an awesome story.''

4356 You say you let them know that you wanted to tape the
4357 rescue. Who is the them you were referring to? The rescue
4358 team? The operations folks? Who was it?

4359 Mr. ROBINSON. Mr. Chairman, first of all, I don't
4360 remember ever speaking to Dana Priest, although I don't
4361 necessarily disagree with the content of the article.

4362 Chairman WAXMAN. It might have been Susan Schmidt. I am
4363 not sure which.

4364 Mr. ROBINSON. I am sorry?

4365 Chairman WAXMAN. It might been Susan Schmidt from the
4366 Wshington Post.

4367 Mr. ROBINSON. I can remember talking to Bradley Graham
4368 from the Washington Post about a variety of issues, and Tom
4369 Ricks.

4370 Chairman WAXMAN. But in this quote, they say that you

4371 | said them. Do you recall the quote?

4372 | Mr. ROBINSON. No, sir. I don't remember speaking about
4373 | Jessica Lynch, but I can tell you where the visuals would
4374 | have come from.

4375 | Chairman WAXMAN. Yes.

4376 | Mr. ROBINSON. The visuals would have come from an
4377 | officer who was assigned to the SOF unit who had an
4378 | additional duty of providing visuals back to the press
4379 | center. These were not the only visuals that we received
4380 | from this unit, and we got visuals all day, every day
4381 | throughout that particular operation. And so, these visuals
4382 | that we received would have been visuals that we would have
4383 | requested as soon as we found out that there was a potential
4384 | rescue.

4385 | Chairman WAXMAN. Okay.

4386 | Mr. Gimble, I was shocked to hear press reports that
4387 | Lieutenant Colonel Kauzlarich made comments to the media,
4388 | saying the Tillmans cannot come to terms with their loss
4389 | because they are not Christians. Did you examine these
4390 | comments as part of your investigation and are there any
4391 | military rules or procedures that address Army officers who
4392 | make denigrating comments about deceased servicemen and women
4393 | and their families?

4394 | Mr. GIMBLE. We did not investigate those. I saw the
4395 | comments in the paper, and frankly I was shocked by them too,

4396 | but we didn't investigate. I would defer to my military
4397 | brothers as to if there are procedures or things that you can
4398 | and can't do in that regard.

4399 | Chairman WAXMAN. Does anybody here know whether there
4400 | was a violation of any military regulation for a general to
4401 | make these disparaging comments about service people,
4402 | deceased service people or their family?

4403 | Mr. JOHNSON. Sir, I don't know of any regulation
4404 | prohibiting that, but I find it totally unacceptable.

4405 | Chairman WAXMAN. Is there anything such as a conduct
4406 | unbecoming a member of the United States Armed Services?

4407 | Mr. JOHNSON. There is such a charge as conduct
4408 | unbecoming an officer, yes, sir.

4409 | Chairman WAXMAN. That sounds like it is a pretty
4410 | unbecoming statement for an officer to have made.

4411 | Our hearing today has been about two cases, the Tillman
4412 | case and the Lynch case, and in both cases it seems like we
4413 | say deceptive, misleading information. It wasn't misleading
4414 | information. We have false information that was put out to
4415 | the American people, stories that were fabricated and made
4416 | up.

4417 | In the case of Specialist O'Neil, his statement was
4418 | doctored. It was actually rewritten by somebody. These
4419 | aren't things that are done by mistake. There had to be a
4420 | conscious intent to put a story out and keep with that story

4421 | and eliminate evidence to the contrary and distort the
4422 | record.

4423 | In the case of Jessica Lynch, we have the Washington
4424 | Post story saying that they were told by Government
4425 | officials. So it was attributed in the Post to Government
4426 | officials.

4427 | What we have is a very clear, deliberate abuse
4428 | intentionally done. Why is it so hard to find out who did
4429 | it?

4430 | Why is it so hard to find out who is responsible and to
4431 | hold them accountable?

4432 | Mr. Gimble?

4433 | Mr. GIMBLE. We believe that we did find out who is
4434 | accountable. It is going to be up to the Army to determine
4435 | what to do with it, and we have referred that, and I think
4436 | General Wallace will be finishing his initiative here in the
4437 | near term, and I think there will be a lot of final answers
4438 | to some of these questions.

4439 | Chairman WAXMAN. Brigadier General Johnson, do you have
4440 | any comment on that?

4441 | Mr. JOHNSON. Sir, I think it is essential that we do
4442 | determine the truth and who is responsible. And, as Mr.
4443 | Gimble said, that is exactly what General Wallace has been
4444 | tasked to do and make recommendations to the Sec Army.

4445 | Chairman WAXMAN. Do you know whether he is going to go

4446 | all the way up the chain of command and find out how far this
4447 | goes?

4448 | Mr. JOHNSON. Sir, that is his investigation.

4449 | Chairman WAXMAN. Well, we will look forward to his
4450 | report that he will be producing as a result of his
4451 | investigation.

4452 | I thank all of you for your presence here today. It has
4453 | been very helpful to us to understand the situation better.

4454 | Mr. JOHNSON. Thank you, sir.

4455 | Chairman WAXMAN. That concludes our business, and the
4456 | Committee hearing is adjourned.

4457 | [Whereupon, at 2:45 p.m., the committee was adjourned.]

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