

Secretary Rumsfeld Questions

Questions for Secretary Rumsfeld

Introduction

The DoD Inspector General, Office of Investigative Policy and Oversight is completing its review of the Army's investigations of the death of CPL Tillman. The Secretary of Defense may have knowledge relevant to our effort, and accordingly, we request his responses to the questions that follow.

Basis for Evaluation

We initiated our evaluation based on concerns expressed by Mr. Patrick K. Tillman, father of CPL Tillman, in an April 21, 2005, letter to BG Gary M. Jones, the Investigating Officer assigned by LTG Phillip R. Kensinger, Commander, US Army Special Operations Command (USASOC). BG Jones investigated Mrs. Mary Tillman's (mother) concerns about problems related to the Ranger Regiment's investigation of CPL Tillman's death. Mr. Tillman said the first Army investigation was a "sham" and that BG Jones' second investigation "turned out worse." In short, Mr. Tillman accused the Army of failing to properly investigate CPL Tillman's death as a "homicide," and of continued efforts to "cover-up" misconduct by those responsible.

Additionally, in an August 3, 2005 letter, Congressman Michael M. Honda (California) expressed interest in the Army's investigation into CPL Tillman's death and urged the DoD IG to consult CPL Tillman's mother, Mary, prior to finalizing the scope of our review. Congressman Honda provided the DoD IG with eight questions that he desired to be answered in the course of this evaluation.

Finally, in August 2005, the Secretary of the Army Inspector General forwarded questions posed in July 2005 by a staff assistant to Senator McCain (Arizona) to the Army's Congressional Liaison Office with seven questions pertaining to BG Jones' investigation.

Learning of the Tillman Incident and Investigations

1. What has been your involvement with matters related to CPL Tillman before his death, his death, the investigations, how the Army responded to his death, etc.?
2. When did you first learn about the death of CPL Tillman? Do you recall how you first learned of his death and the circumstances? Who informed you and what were you told?
3. When did you become aware fratricide was suspected, or fratricide took CPL Tillman's life?
4. Who informed you and what did they tell you?
5. When were you informed the Army was investigating the circumstances of CPL Tillman's death? Who informed you and what were you told?

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On May 3, 2004, you sent a sympathy letter to Mrs. Patrick D. Tillman. This also happened to be the date of CPL Tillman's Memorial Service in San Jose, CA where his widow was presented with CPL Tillman's Silver Star Award, the Purple Heart, and the Meritorious Service Medal.

6. On May 3, 2004, what was your understanding of the cause and manner of CPL Tillman's death?
7. Were you aware prior to the May 3, 2004 memorial service when the Silver Star award was presented to the widow:
 - a. That fratricide was suspected as the cause of CPL Tillman's death?, or
 - b. That the incident was under investigation?, or
 - c. That the family next of kin (NOK) and secondary NOK had not yet been informed, either that fratricide was suspected, or that the incident was being investigated by the Army?

We determined that on April 23, 2004, the Battalion Commander verbally appointed a Captain (Commander, HHC, 2/75th Ranger Regiment) as the first 15-6 Investigating Officer because fratricide was suspected. The Captain submitted a draft report to the Commander, 75th Ranger Regiment on/about April 29, 2004. The Commander, 75th Ranger Regiment determined that additional investigation was necessary and on May 8, 2004, he appointed his Executive Officer (XO), an Army Lieutenant Colonel as Investigating Officer. This investigation was subsequently approved for GEN Abizaid by his deputy, LTG Sattler on May 28, 2004.

8. Were you aware at the time that these investigations were underway?
 - a. If yes, what were you told about these investigations, who told you and when?
 - b. If yes, did you question the authority or qualifications of these individuals to initiate and appoint these investigations/investigators?
9. Were you advised of the results of these investigations? Did you discuss them? If so, please comment on when, with whom, the substance, and whether you issued any guidance. Were you aware of the Army requirement for a Board of Officers to review friendly fire incidents and that others were wounded and killed in this incident?

NOK Notifications

10. At the time you were told friendly fire was suspected, did you have any discussions regarding cause of death? If yes, with whom and did you issue any guidance?
11. When you were told friendly fire was suspected, did you know the family was told enemy fire caused CPL Tillman's death, and the family was not to be informed the death was under investigation until friendly fire was resolved one way or the other? Did you agree with that approach? Did you issue any guidance?

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CPL Tillman's primary NOK (spouse) and secondary NOK (parents) were not informed by the Army until May 29, 2004, after CPL Tillman's death had been investigated, that he was killed by friendly fire, some 36 days after they were notified of his death by enemy fire.

12. Do you think the delay in notification of NOK was reasonable in this case? Why or why not?

Circumstances surrounding Silver Star Award

13. Do you recall receiving any information related to CPL Tillman's Silver Star award? If yes, what do you recall? Did you read the citation? When?

The text below is an excerpt from a document provided to DoD IG with the USASOC AR 15-6 investigation entitled, "Questions from 5 Oct 04 E-mail from Mary Tillman." Please review the text and answer the related questions that follow:

The presentation of the Silver Star was based on information provided to the chain of command by witnesses to the incident. The Silver Star was formally submitted on 27 April 2004 and approved on 29 April 2004. Based on the information available to CPL Tillman's commanders at the time, they felt his actions and intentions, as relayed to them, warranted that level of recognition.

The evidence gathered during this investigation also leads the Investigating Officer to conclude that CPL Tillman's plan was to lead those soldiers under his control (PFC O'Neal and the AMF Soldier) in an assault on the enemy positions on the Southern Ridgeline. Such an assault was an audacious plan and would have involved covering a large expanse of open ground exposed to direct enemy fire. Upon clearing that open ground he would have had to climb steep, rocky terrain to reach the enemy positions that were engaging his fellow Rangers on the Spur. Such an aggressive maneuver, at the risk of his own life, to bring the fight to the enemy was, in the minds of his commanders, worthy of a Silver Star. That his plan was interrupted by his tragic death at the hands of fellow Rangers does absolutely nothing to detract from the selfless and intrepid nature of his actions.¹

14. Prior to now, do you recall reading a document containing that information or being briefed on anything similar concerning CPL Tillman? If yes, please comment on when and who told you or briefed you and the circumstances that surrounded it?

Personal For (P4) message regarding CPL Tillman's death before May 3, 2004 Memorial Service

On April 29, 2004, the Commanding General, Task Force sent a "Personal For" (P4) message to the commanders at US Central Command (CENTCOM), US Special Operations Command (USSOCOM), and USASOC, The message stated,

"Sir, in the aftermath of Corporal Patrick Tillman's untimely yet heroic death in Afghanistan on 22 April 04, it is anticipated that a 15-6 investigation nearing completion will find that it is highly possible that Corporal Tillman was killed by friendly fire. This potential finding is

¹ Undated document entitled "Questions from 5 Oct 04 email from Mrs. Tillman, p. 6

exacerbated by the unconfirmed but suspected reports that POTUS and the Secretary of the Army might include comments about Corporal Tillman's heroism and his approved Silver Star medal in speeches currently being prepared, not knowing the specifics surrounding his death.

The potential that he might have been killed by friendly fire in no way detracts from his witnessed heroism or the recommended personal decoration for valor in the face of the enemy. Corporal Tillman was killed in a complicated battlespace geometry involving two separate Ranger vehicle serials traversing through severe terrain along a winding 500-600 foot defile in which friendly forces were fired upon by multiple enemy positions. Corporal Tillman disembarked from his vehicle, and in support of his fellow Rangers and demonstrating great concern for their welfare over care for his own safety entered the enemy kill-zone into which both enemy and friendly fire impacted. I felt that it was essential that you received this information as soon as we detected it in order to preclude any unknowing statements by our country's leaders which might cause public embarrassment if the circumstances of Corporal Tillman's death become public."²

15. Was the information in this message brought to your attention? How and when? What discussions did you have with anyone about this message or information?

16. Do know why this General Officer felt it necessary to warn his superiors so they could in turn warn the President and the Secretary of the Army to preclude any unknowing statements "which might cause public embarrassment if the circumstances of Corporal Tillman's death become public"?

17. As a result of this P4 message, or any communication containing similar information regarding CPL Tillman's death by friendly fire, did you have discussions with administration officials outside of DoD? With whom and how?

18. LTG Kensinger, Commander, USASOC attended CPL Tillman's May 3, 2004 memorial service. Prior to the memorial service, did you discuss with LTG Kensinger, or other DoD or Army officials whether or not to tell the family the death was under investigation or that fratricide was suspected?

19. At any point, did you issue guidance to LTG Kensinger, or other DoD or Army officials on whether or not to tell the family the death was under investigation or that fratricide was suspected?

General Concerns about Army Investigations

² April 29, 2004, P4 Message, Subject: "P4 CONCERNING INFORMATION ON CORPORAL TILLMANS DEATH"

We are aware of the following three memoranda that you sent to the Secretary of the Army:

March 6, 2006 to Gordon England, CC: Fran Harvey, et al, SUBJECT: Pat Tillman, "I am not convinced the Army is the right organization to undertake the fifth investigation..."

March 13, 2006 to Fran Harvey, SUBJECT: Letter of Apology to the Tillman Family, "...This situation was handled poorly. It is not acceptable, and you may want to say that..."

March 15, 2006 to Fran Harvey, SUBJECT: Response to Death of Corporal Tillman, "...How in the world can this be explained?"

20. Did you provide any guidance prior to March 2006 regarding actions taken after CPL Tillman's death? If so, please describe the guidance provided.

21. Prior to the March 2006 memoranda cited above did you provide any guidance or express any concerns about any of the investigations that were conducted into the death of CPL Tillman, and/or the Army's overall handling of the incident? If so, what was your guidance and to whom? What were your concerns, and how did they come to light and to whom and how did you express them?

22. Portions of the family's complaints about the Army's response to the death of CPL Tillman concerned LTG Kensinger's personal action, and actions by the chain of command of which he was a part. Do you know why the Secretary of the Army sent the complaint to LTG Kensinger to investigate and allowed LTG Kensinger to appoint a subordinate to investigate the complaints? What were you told?

23. Were you briefed or informed about the family's concerns about the chain-of-command's investigation and response to CPL Tillman's death? If yes, what were you told?

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Coordination or guidance to Army and Joint Chiefs of Staff (JCS)

24. Please provide details of any discussions or communications you had pertaining to the death of CPL Tillman and the response to that death with any of the following officials and officers: Acting Secretary of the Army Brownlee, Secretary of the Army Harvey, the Chief of Staff of the Army, the Director of the Army Staff, The Army Inspector General, the Commander, US Army CID, the Chairman, Joint Chiefs of Staff, the Commander, USSOCOM (GEN Brown), or the Commander, USCENTCOM (GEN Abizaid). Who was present for any of these discussions?

25. Who among those listed above briefed you on any aspect of CPL Tillman's death or its aftermath? What was the purpose of the briefing(s)? Who was present during the briefing(s)? Did you request any additional information or issue any guidance as a result of these briefings?

26. Is there anything you would like to add concerning your knowledge of the response to CPL Tillman's death?

Conclusion

This is an official inquiry and we ask that you not discuss our questions and your answers included in this document with anyone while this investigation is ongoing.

Submitted by:

SIGNATURE

DATE

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