
C13

Testimony of [REDACTED] Headquarters, 51st Signal Battalion, Fort Bragg, NC 28310, taken at Fort Bragg, NC on 2 December 2004, from 0813 - 0837 hours, by [REDACTED] and [REDACTED] IGs.

[REDACTED] The time is 0813. This tape-recorded interview is being conducted on the 2nd of December 2004 at the Corps Inspector General's Office. The witness, [REDACTED] and the investigating officers, [REDACTED] and [REDACTED]

This investigation was directed by the commanding general, XVIII Airborne Corps, concerning allegations of alleged improprieties against current or members of the 35th Signal Brigade.

An Inspector General is an impartial fact-finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons, such as the subject of an action that may be taken as a result of information gathered by this inquiry/investigation may be required by law or regulation or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony, but not your personal identifying information, such as your name, social security number, home address, home telephone number, if requested by members of the public pursuant to the Freedom of Information Act.

Since I will ask you to provide your social security number to help identify you as the person testifying, I have provided you with a Privacy Act Statement. Do you understand it?

[REDACTED] I do understand it.

[REDACTED] You are not suspected of any criminal offense and are not the subject of any unfavorable information. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Do you have any questions before we begin?

[REDACTED] No I don't.

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EXHIBIT B-15

(b)(7)(C) Would you please raise your right hand so I may administer the oath. Do you swear that the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

(b)(7)(C) I do.

(b)(7)(C) For our record, would you please state your full name.

(b)(7)(C) (b)(7)(C)

(b)(7)(C) Your rank?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) Your grade and position?

(b)(7)(C) I am major and I am rear detachment commander for the 35th Signal Brigade.

(b)(7)(C) : Okay. Social security number?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) Okay. Your address where you would like us to send you something, home or office?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) And a telephone number?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) When were you last deployed?

(b)(7)(C) I returned from Iraq on April 6th of 2004.

(b)(7)(C) Okay and how long were you there?

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(b)(7)(C) [redacted] Approximately nine months, from July through April.

(b)(7)(C) [redacted] What was your duty position while you were deployed in Iraq?

(b)(7)(C) [redacted] I was the S-3 for the 51st Signal Battalion.

(b)(7)(C) [redacted] Who was the battalion XO?

(b)(7)(C) [redacted] Battalion XO was (b)(7)(C) [redacted]

(b)(7)(C) [redacted] Is (b)(7)(C) [redacted] still at Fort Bragg?

(b)(7)(C) [redacted] No he's not. He's serving with the White House Communication Agency.

(b)(7)(C) [redacted] During the time you were deployed there was an allegation of some wrongdoing based upon--some sexual wrongdoing by members of your command. Did anything like that come to your attention during the time you were deployed or after you returned?

(b)(7)(C) [redacted] Officially one of our lieutenants was relieved of duty for having improper relationships with one of her Soldiers. So I know that was a fact because she admitted to it and action was taken. I witnessed no other improper events while I was there. Is that what you're asking me?

(b)(7)(C) [redacted] That's what I'm asking you. More specifically there has been an allegation that your battalion commander--who was your battalion commander at the time?

(b)(7)(C) [redacted] (b)(7)(C) [redacted]

(b)(7)(C) [redacted] Okay, there's been an allegation that your battalion commander had a sexual affair with a staff sergeant under his command--

(b)(7)(C) [redacted] Okay.

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(b)(7)(C) During the time in the desert.

(b)(7)(C) I did not witness it nor do I think that is credible.

(b)(7)(C) Okay.

(b)(7)(C) But I didn't witness it, I don't have knowledge of it having happened and I don't believe that it happened.

(b)(7)(C) What is your basis for not believing so?

(b)(7)(C) I would have known.

(b)(7)(C) How?

(b)(7)(C) (b)(7)(C) tent was two doors down from my tent on the same platform. Theoretically, yeah it could happen, I mean it could happen anytime, but my personal belief is that it didn't happen. That he did not have sexual relations with a Soldier under his command at all. Part of my reason for believing that is because he relieved a lieutenant for doing the same thing and based on my conversations with him I know that he has strong feelings about that type of action. So it would shock me to later find out that there's credible evidence that this happened because I don't think it could have based on my knowledge of (b)(7)(C)

(b)(7)(C) How much non-duty time while you were deployed did you spend in or around, with or in the vicinity of (b)(7)(C)

(b)(7)(C) We lived, he and I and the command group, that's the battalion commander, the (b)(7)(C) myself; the battalion XO, (b)(7)(C) and then my S-3 sergeant major, (b)(7)(C) The five of us lived in individual tents that were that were right next to the TOC and the ALOC so non-duty time, there really wasn't non-duty time. We were in the TOC or in our tents which were right there next to the headquarters. So when I was off-duty I was in and around him, (b)(7)(C) and the rest of the unit headquarters. That kind of make sense?

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(b)(7)(C) Yes. So you would have been in a position to basically see what was going on with--all of you would have been in the position to see what was going on with everybody else?

(b)(7)(C) Yes.

(b)(7)(C) Okay. Have you heard any rumors or hearsay concerning that topic?

(b)(7)(C) Yes I have. Heard it once right before we left Iraq. (b)(7)(C) had an incident, a separate incident that has been investigated, with an NCO about improper--he grabbed her shirt. It was investigated and it's over. During that time (b)(7)(C) approached me and said that his (b)(7)(C) had told him that there's rumors floating that he may have been sleeping with (b)(7)(C) discussed it with me and kind of said, "Hey (b)(7)(C) told me this--"

(b)(7)(C) Why did he discuss it with you?

(b)(7)(C) Because we discuss everything. I was his S-3. So again that's pretty close, the XO, the S-3, and the commander talk everyday and because of the issues he was having at the time with the Soldier that he had grabbed by the shoulder, his perception, he was worried about how the troops perceived him. His (b)(7)(C) told him this, "Hey sir just so you know this is going on, this is what some Soldiers are thinking," he had approached me and said, "Hey what is your perception of what's going on (b)(7)(C)" and I said, "Sir I haven't seen it, I don't think it happened, I don't know where that was coming from." Subsequent to that since we got back my wife is currently an Army lawyer and she's at CGSC at Fort Leavenworth. One of our phone conversations she and I were talking and she told me that someone at Fort Leavenworth said that (b)(7)(C) was sleeping with a black NCO in his PAC. That was the rumor going around.

(b)(7)(C) At CGSC?

(b)(7)(C) That rumor was at CGSC in Leavenworth and I guess it was about a month and a half ago she told me this. And so yes, I have heard that rumor now twice.

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(b)(7)(C) Did you witness anything that would substantiate that?

(b)(7)(C): I've been going through my mind since you called me yesterday, and I don't. I have not witnessed anything that would substantiate that at all. I personally liked (b)(7)(C), I had a lot of loyalty to him, and so I've been going through my mind trying to think did I overlook something, did I turn a blind eye to him and truthfully I can say that while we were deployed and since we've been back I have not witnessed him and any of the Soldiers being too close or being too chummy or the fact that he might be sleeping with one of them.

(b)(7)(C) Did the (b)(7)(C) or did (b)(7)(C) indicate what information the (b)(7)(C) had or why the (b)(7)(C)

(b)(7)(C) No we didn't discuss that at all. So I don't really know where the (b)(7)(C) how the sergeant major knew that or where he got that information at all. No I really don't know.

(b)(7)(C) What do you know about the assault incident?

(b)(7)(C) A lot. I practically witnessed it. It happened two feet behind me, but yeah I was there and I saw it and then I also participated in the investigation. In fact I did a statement to the investigating officer, (b)(7)(C) And the assault, it wasn't assault, it was improper--he improperly he touched her uniform and he pulled her. So he was investigated for assault and the investigating officer I believe, well I have no idea, but I assume he cleared him of assault because (b)(7)(C) wasn't charged. Maybe he was reprimanded, I don't know. But it was he--I think he improperly touched the NCO by pulling on her shirt.

(b)(7)(C) So to the best of your knowledge there was an investigation done and you participated in the investigation?

(b)(7)(C) That's correct.

(b)(7)(C) As a person who was a witness to the event.

(b)(7)(C) That's correct, yes.

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(b)(7)(C) Okay. And who else was there during that when the--

(b)(7)(C) That incident happened?

(b)(7)(C) The incident happened.

(b)(7)(C) The NCO whose shirt was grabbed was (b)(7)(C) the battalion XO was there, (b)(7)(C); the (b)(7)(C) was there, (b)(7)(C) and there were other Soldiers there. I'm trying to think of their names and it's escaping me but witnessed by at least a handful, five or six Soldiers, and within eyesight or earshot of a good portion of the Headquarters Company.

(b)(7)(C) Okay.

(b)(7)(C) And after the incident happened, the (b)(7)(C) myself, and (b)(7)(C) and (b)(7)(C) all discussed, "Hey, here's what happened sir, here's what we think should happen," we all discussed it and kind of said, "Hey sir, you kind of made a mistake here," and the next day the colonel apologized formally in front of the Headquarters Company about what happened. The investigation happened after he got back and we kind of addressed it there--

(b)(7)(C) He formally apologized to?

(b)(7)(C) To (b)(7)(C) for grabbing her jacket in front of the company.

(b)(7)(C) Do you know did the investigating officer talk to everyone who was a witness to the incident? Do you know?

(b)(7)(C) I really don't know.

(b)(7)(C) Okay, you don't know who he talked to, but he did talk to you?

(b)(7)(C) He did talk to me, yes. Well actually he took a statement from me, yes.

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(b)(7)(C) Are you aware of any incidents that have occurred since you all returned from deployment between (b)(7)(C) and (b)(7)(C) spouse?

(b)(7)(C) No.

(b)(7)(C) You're not aware of any incidents that might have happened after hours at the barracks staff duty?

(b)(7)(C) No. I don't know (b)(7)(C) spouse.

(b)(7)(C) And you haven't heard any hearsay or anything about something that went on at the battalion headquarters or about an altercation between (b)(7)(C) spouse and (b)(7)(C)

(b)(7)(C) No I'm not aware of an altercation.

(b)(7)(C) Okay. No rumors or anything?

(b)(7)(C) No.

(b)(7)(C) Okay. When you--how long have you been out of the 51st?

(b)(7)(C) A month. I left the XO position--I became the XO when I got back from deployment, so I was the XO from July through November of this year and I left that position on the 1st of November and I became the person who was going to be the (b)(7)(C) and I assumed the role when the brigade deployed on the 28th of November.

(b)(7)(C) So you were the XO in May?

(b)(7)(C) XO in July. We got back in April, I was still the S-3, (b)(7)(C) left in July and I became the XO in July.

(b)(7)(C) Okay. You, I think said yesterday, you were going to try to get me some information on (b)(7)(C) where he is--

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(b)(7)(C) I have his phone number, it's in my car.

(b)(7)(C) Great, we'll get that after.

(b)(7)(C) He's at Fort Gordon at the Sentinel (?) Symposium.

(b)(7)(C) Okay and how long does that--

(b)(7)(C) It should be finished like Friday. He may actually be coming back tomorrow, I don't know specifically, but I think he might be back tomorrow. But I have his cell number in my car.

(b)(7)(C) Okay, great.

(b)(7)(C) : So you're the brigade XO rear or brigade commander rear, sorry, right now?

(b)(7)(C) Yes I am.

(b)(7)(C) Are you still the battalion XO?

(b)(7)(C) No I'm not a battalion XO. (b)(7)(C) is the battalion XO.

(b)(7)(C) Okay, all right.

(b)(7)(C) I haven't received my OER yet but yeah, I'm no longer the XO.

(b)(7)(C) Is there anything else concerning the incident, the rumors, of the sexual misconduct while in--while deployed or anything else that we've talked about that I haven't asked you that you would like to--

(b)(7)(C) I'm thinking. I told you about the rumor that my wife heard and I discussed it with (b)(7)(C) afterwards.

(b)(7)(C) Where did she hear it from?

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(b)(7)(C) Another sig officer and I'm trying to think of the name and I don't think she knows the person because a buddy of mine is at CGSC and she was talking to him as they were discussing something and one of the other signal officers was talking to my buddy, (b)(7)(C) and said, "Hey I heard," my wife mentioned I was going to become the rear detachment commander and the other officer said, "Oh he's going to command the 51st?" And she goes, "No (b)(7)(C) is still commander of 51st." And the other guy goes something like, "Oh that's not what I heard, I heard he's sleeping with an NCO and he's going to get fired," or words to that effect. And so that caught (b)(7)(C) by surprise and she told me that night.

(b)(7)(C) Wow, okay.

(b)(7)(C) And other than that, since that, I've been watching (b)(7)(C) (b)(7)(C) It happened while I was still the XO and I'd been watching pretty closely and again I trust and have complete confidence in (b)(7)(C) but you know I'm still watching him and I truthfully have not witnessed anything that would substantiate him having slept with or continuing to sleep with (b)(7)(C)

(b)(7)(C) And I know we're harping on the sleeping with as well, but what about improper relationship?

(b)(7)(C) Well when we got back (b)(7)(C) was one of the PAC NCOs while deployed. When we got back I think (b)(7)(C) moved her to a different battalion so she's been the PAC NCO of the 327th which is across the street.

(b)(7)(C) Why was she moved?

(b)(7)(C) Don't know. It may have been, again I don't personally know, so it may have been because the (b)(7)(C) saw the perception of the improper relationship with (b)(7)(C) and (b)(7)(C) and moved her. That is my guess. (b)(7)(C) and I did not discuss that so I don't know that that's a fact, but I know she did move. Another reason why she might have moved is that we also had another E-6 in the PAC and so he needed to shuffle NCOs so that might be the reason he moved her or it may have been that reason plus the fact that he wanted to help the commander out or remove the perception is my guess.

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(b)(7)(C) Is there anything in your mind that would lead toward that perception even starting?

(b)(7)(C) Truthfully I think and this is personal opinion, I think the incident that happened with he and (b)(7)(C) was the catalyst for perhaps these allegations. Now if these allegations later you determine that they were true, I don't know what I'm talking about but my guess is that his incident with (b)(7)(C) was part of this, and again, it's a guess.

(b)(7)(C) How?

(b)(7)(C) (b)(7)(C) was the retention NCO for the battalion and kind of served in the command group while we were deployed, so she was in and around the command group almost as much as I was, as (b)(7)(C) was, as (b)(7)(C) was. She had a, and I want to describe this correctly so that I don't slander somebody, she had a close relationship with those folks in the command group more than other Soldiers would have. You know easy access to the boss, that kind of stuff. And she had a mouth and one of the reasons why (b)(7)(C) got mad at her was that she was very mouthy and embarrassed her and I feel that part of this might be retribution of some sort on her part. Again, I don't know who made the allegation or whatever, but again, that's a guess on my part is that's part of it. Again, totally my opinion based on perception rather than knowing any facts. I know also that (b)(7)(C) and (b)(7)(C) don't get along real well. Is that part of it, I don't know. Is the (b)(7)(C) making something up, (b)(7)(C) not that way. He's a professional NCO. I know they don't like each other. Part of that stems from perhaps the incident with (b)(7)(C) I don't know, but I believe that incident in Iraq when (b)(7)(C) grabbed her shirt is part of what's going on now. Again all that will be false if you find out that the allegations are true. Again I don't believe they are, but that's my perception. Does that kind of make sense at all?

(b)(7)(C) Mm-hmm.

(b)(7)(C) Sort of?

(b)(7)(C) Do you have any questions?

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(b)(7)(C) Why do you think they don't get along, they don't like each other?

(b)(7)(C) (b)(7)(C) and (b)(7)(C)

(b)(7)(C) Yeah.

(b)(7)(C) Hard to describe. Different philosophies of command I think is part of it. (b)(7)(C) is a getting around being with Soldiers and sometimes, you know, letting Soldiers approach him more often than normal commanders would. Because we were in Iraq and he lived in and around the Soldiers would see him all the time, "Hey sir how you doing?" Sit down and shoot the breeze with him and (b)(7)(C) isn't that way, is a little bit more standoffish as many commanders are and should be. I think they have a different philosophy there and I just don't think they ever clicked.

(b)(7)(C) You said it kind of stemmed though from the (b)(7)(C) incident?

(b)(7)(C) Well and we all thought the colonel made a mistake when he did grab (b)(7)(C) jacket and truthfully he did make a mistake and I think that started a larger rift between he and (b)(7)(C) and again, that's all perception, it's all an opinion.

(b)(7)(C) Were (b)(7)(C) and (b)(7)(C) close professionally?

(b)(7)(C) Professionally yes because she worked in the command group and had been there. (b)(7)(C) and I joined the battalion in midstream during combat. Change of command happened in Iraq and so the command team that was already there was (b)(7)(C), (b)(7)(C) and (b)(7)(C) and I joined in July. And so folks who had been there versus folks who had just gotten there, kind of. He's the commander and you know what I'm saying I think.

(b)(7)(C) Right. Been there.

(b)(7)(C) So (b)(7)(C) was the new guy and (b)(7)(C) was already there and I think part of that is that here's the new guy kind of thing and you're

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doing the wrong thing or you're doing things differently now, but again I'm kind of smearing somebody here and I don't want to smear [REDACTED] because that's not what I'm intending but I think part of that incident has something to do with what's going on now.

[REDACTED] Okay. Do you have any other questions?

[REDACTED] No sir.

[REDACTED] Do you have anything else you wish to present?

[REDACTED] No sir.

[REDACTED] Other than the names that you have already given me of people that you know who were involved and in the vicinity of these incidents, is there anyone else that you think we should talk to?

[REDACTED] All five members of the command group, so [REDACTED] myself, [REDACTED] the [REDACTED] for 51st, all have direct knowledge of what happened in Iraq and lived right next to [REDACTED] and can then give testimony about what they saw on a daily basis. Other folks that worked, [REDACTED] didn't live in that area, but was obviously there. Folks in the S-1 shop who worked with [REDACTED] might be decent witnesses. Again, I don't know what they would know, but the NCOIC of the S-1 was [REDACTED]. The [REDACTED] was [REDACTED] then replaced by [REDACTED].

[REDACTED] Is that during the time you were deployed?

[REDACTED] Yes sir.

[REDACTED] Okay. [REDACTED]

[REDACTED] [REDACTED] was the S-1 while we were deployed and he and [REDACTED] changed in January of 2004 while we were still deployed.

[REDACTED] [REDACTED]

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(b)(7)(C) (b)(7)(C) is her first name and (b)(7)(C) is his first name.
He's getting ready to PCS; she is still the S-1.

(b)(7)(C) So they're both here. Are they both still here on Fort Bragg now?

(b)(7)(C) Yes right now. (b)(7)(C) will leave next week to go to Fort Gordon for the Advance Course. And then the S-3 shop which was also there. And again, now the S-3 wouldn't be as good because the folks that worked with (b)(7)(C) might know better.

(b)(7)(C) (b)(7)(C) was in the S-1 shop?

(b)(7)(C) Ycs. In the ALOC is what it was called there. She's part of the S-1 shop, S-1 and S-4 ALOC together.

(b)(7)(C) Who was the other NCO that you said?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) Spell that.

(b)(7)(C) (b)(7)(C)

(b)(7)(C) : Is that a he or a she?

(b)(7)(C) That's a male, I don't know (b)(7)(C) first name. And then (b)(7)(C) I think. She is also in the 51st S-1 shop, was deployed and knows and worked with (b)(7)(C) the entire time.

(b)(7)(C) Are they both (b)(7)(C) and (b)(7)(C) still here?

(b)(7)(C) Yes (b)(7)(C) is now the rear detachment S-1 for 35th so he works in my headquarters, (b)(7)(C) is the S-1 NCOIC now of 51st so she's still in the 51st here at Bragg.

(b)(7)(C) Okay.

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(b)(7)(C) And again, I don't know what their direct knowledge was but they worked with (b)(7)(C) so they might be able to give you some insight on her side.

(b)(7)(C) Okay thank you. We are required to protect the confidentiality of IG investigations and the right to privacy and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one, without the permission of the investigating officers.

(b)(7)(C) Can I ask a question about that?

(b)(7)(C) Yes.

MAJ Daknis: The phrasing was important to me. You asked me that question, you asked me not to do it. What is my requirement of law or under UCMJ to not discuss this?

(b)(7)(C) You are required not to do so.

(b)(7)(C) Okay I just wanted to make it clear because asked and directing are different to me so I just want to make sure I understand the law sir.

(b)(7)(C) We can tell you're married to a lawyer.

(b)(7)(C) Your testimony may be made part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record to include your testimony. If there is such a request, do you consent to the release of your testimony, but not your personal identifying information such as your name, SSN, home address or home phone number, outside official channels?

(b)(7)(C) I have no issues with releasing my testimony so I guess the answer to your question would be I do consent.

(b)(7)(C) Okay. Do you have any questions?

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[REDACTED] No sir.

[REDACTED] The time is now 0837 and this interview is complete. Thank you.

(The foregoing testimony of [REDACTED] was recorded verbatim by microphone. The testimony was transcribed by [REDACTED], Closed Microphone Reporter, XVIII Airborne Corps Inspector General Office, Ft Bragg, NC 28310-5000 on 8 February 2007.)

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