
C14

Testimony of [REDACTED] Command Sergeant Major, 51st
Signal Battalion, Fort Bragg, NC 28310, taken at Fort Bragg, NC on 3 December
2004, from 1435-1652 hours, by [REDACTED]
[REDACTED] IGs.

[REDACTED] The time is 1435. This tape-recorded interview is being
conducted on the 3rd of December 2004 at the Corps Inspector General's Office. Persons
present are the witness, [REDACTED] and the investigating officers,
[REDACTED] and [REDACTED]

This investigation is directed by the corps commanding general into alleged
improprieties by former or current 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 a subject of an
action that may be taken as a result of information gathered by the 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, SSN, address and phone
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 a Privacy Act Statement. Do you understand
it?

[REDACTED] Yes.

[REDACTED] You are not suspected of any criminal offense and you 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] Yes. You read that this investigation is on former members or
members of the 35th Signal Brigade?

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EXHIBIT B-16

(b)(7)(C) Yes.

(b)(7)(C) Okay, I just wanted to clarify that.

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

(b)(7)(C) Yes.

(b)(7)(C) For the record would you please state your full name?

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

(b)(7)(C) And your grade?

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

(b)(7)(C) Okay, and your duty position?

(b)(7)(C) Battalion command sergeant major of the 51st Signal Battalion.

(b)(7)(C) Social security number?

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

(b)(7)(C) Your home or office address and phone number?

(b)(7)(C) My home address is (b)(7)(C)
(b)(7)(C)

(b)(7)(C) We have testimony that an altercation occurred between an officer within your battalion and the spouse of an enlisted Soldier formerly assigned to your battalion. As the incident was developing you were called back to your battalion headquarters by your staff duty NCO. This was on or about 10 May 2004. Please tell us what you know about the incident beginning with whatever led up to the incident, going

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all the way through what transpired as a result of the incident. What do you know about it, what actions did you take?

(b)(7)(C) : First thing I would like clarification. That sounded like about a three or four part question.

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

(b)(7)(C) Do you want me to start at the incident or prior to? I don't understand.

(b)(7)(C) Start prior to the incident, anything that might have led up to that incident to include the incident itself.

(b)(7)(C) : You're asking me to make a statement on the incident that happened at the staff duty desk with the spouse's--with the Soldier's spouse. I'm still not sure what are you asking what led up to it. I had no dealings with that spouse prior to that incident.

(b)(7)(C) Let me ask. We'll do this one at a time. While deployed with your battalion, there were rumors and incidents that led to the perception or the factuality that your (b)(7)(C) was engaged in an improper relationship with a member of his command, (b)(7)(C) of the S-1 section. Are you aware of that?

(b)(7)(C) Yes I was sir.

(b)(7)(C) Tell us what you know about that alleged perceived or factual relationship.

(b)(7)(C) Yes sir. Back in I want to say the February timeframe of '03--

(b)(7)(C) 3 or 4?

(b)(7)(C) Correction, '04. I noticed that (b)(7)(C) seemed to take an interest in being playful around the battalion commander. I notified (b)(7)(C) and told her she needs to stay away from the battalion commander because I felt that she

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thought he was a regular Soldier to play with. And then also after I gave her that directive I talked to the battalion commander. I said, "Sir I think you're playing around with [REDACTED] and [REDACTED] playing with you and kind of vice versa, it doesn't look good." I can't really say it was totally inappropriate because he kind of picks with everybody, but I noticed that there's a little bit more picking going on with that and I told him about the perception that could form from that situation. He says, "Yes sergeant major, I appreciate it, thanks. I really didn't think nothing of that. I really didn't see anything." I said, "Yes, you're right, sir, you're not going to see it, but from the outside looking in that's what it looks like." And from that point I paid particular attention to that situation and I noticed that it didn't totally cease so I went to [REDACTED] and I told her again to stay away from the colonel, period.

We moved from Babylon down to Kuwait. I noticed that, again, they seemed to be magnet to one another when I wasn't around. A lot of times I would pop up and I would notice and again it was just general conversations for the most part, but again, I had given [REDACTED] the order to stay away from the battalion commander. But I could not do anything to her really because I didn't know who initiated the contact. So I talked to the colonel again and told him, I said, "Hey sir again remember I talked to you about your inner circle. You got too many people in your inner circle there that's too close to you. Just need to back off." So they cleaned it up a lot. Of course when I wasn't around I don't know what happened--I mean when I was around I don't know exactly what happened when I was around. And one day [REDACTED] this is what I heard, I didn't see this, [REDACTED] supposedly came into the TOC and the colonel came in and he said something to her and she took off, she went somewhere, I don't know what happened. I do know that she could not be found from that evening up until about; I think they said she came back about 1:00.

[REDACTED] 1300?

[REDACTED] Zero one in the morning.

[REDACTED] Got it.

[REDACTED] And I asked the [REDACTED], to look into it. He looked into it and I think he said the motor sergeant, [REDACTED] said that he gave her a ride back from Camp Doha back to Camp Victory. They were staying on Camp Victory. But I don't know, that never was confirmed. I still felt that something

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wasn't right so I contacted--I talked to the brigade sergeant major, [REDACTED] [REDACTED] 35th Signal Brigade, and I told him, I says, "When we get back I need you to--I need to move [REDACTED]" because I really thought that when they was around me or whatever they seemed to act like everything was okay, but I didn't really feel comfortable that everything was okay and he said, "Okay we'll take a look at it." When we got back I kind of talked to him a little bit about what I observed. And then we went into block leave and the move was to take place when we came back and I don't remember the exact dates. I remember one day getting a phone call from the staff duty and said, "Hey sergeant major there's a [REDACTED] here complaining about the colonel having some affair with his wife and I said, "Okay hold on, I'll be there in a few minutes," and I asked him was the colonel there and he said, "Yes the colonel was there," and I told him, I said, "Tell [REDACTED] don't move, don't do nothing, I'll be there in a few minutes." And I asked the staff duty to call the first sergeant. The first sergeant was called and I met the first sergeant on the way into the door, [REDACTED] and I told him, "That's okay, go ahead and go back."

When I walked into the battalion building the battalion commander was sitting there at the staff duty desk. [REDACTED] and her husband was in the conference room. The colonel looked at me and I looked at him and he said, "I don't know what's going on, sergeant major." And I went into the conference room, female [REDACTED] approached me, "Sergeant major, my husband," she was real ecstatic so I can't sit here and quote what she was saying, but the bottom line is she was saying, "My husband, he don't want nothing, he's just venting," or something to that nature. I listened to a little bit, I pulled her into my office and I said, "What's going on?" Then she tried to say that her husband was accusing her of something but it was nothing, so forth and so on. So then I said okay and I sent [REDACTED] back in the conference room and I brought male [REDACTED] into my office and I said, "Hey what's going on?" And he started to explain to me what had happened. He went back and he said, [REDACTED] my wife is in Alabama," I think Alabama, I'm not real sure exactly where, "But she was away and I was at home and I was cleaning up and I found some letters and in these letters he was talking about things about what he would like to do with her," or something to that nature. I never saw the letters; I never read the letters, okay? He came to the conclusion that it was somebody higher in the chain--high in the chain of command because the letters talked about moving a particular sergeant that worked in the same office with his wife and that person would contact their right-hand and make that happen. So he assumed that there ain't but one person in the battalion that got a right-hand and that's the battalion commander and so he assumed that it was me that was the one that was going to

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make this move. And so he asked his wife about the letters and I guess his wife said there was nothing, this, that, and the other. But he only asked his wife about another letter I think that he found from [REDACTED] and she told him, per what he told me, was that [REDACTED] had been trying to get her to stay with him, hang out with her, get with her or whatever, so he was kind of like just flirting with her.

So I guess she came home, she'd been away in Alabama, she came back that day and he confronted her with the letters and she got real upset and said she was going to the barracks or something to that nature and he followed her. He followed her to the barracks and she didn't know he was following, I guess, and she went over to the battalion headquarters and he noticed she went into the building and I guess he snuck around to—he walked into the battalion headquarters and said, "Hey where'd [REDACTED] go?" The staff duty said, "I don't know, I don't know where she went." He stepped over into the command group area where the battalion commander's door and my door was and I guess he listened and he heard them in there talking or something, I'm not sure exactly. But he did say something to the nature about he walked out and he looked, I guess he tried to peep through the window or whatever and he said he saw the battalion commander holding or hugging her or something to that nature. I'm not real sure. Hugging his wife. And he remembered something out of that conversation was--I think they sensed there was somebody at the window or something and he said, "Who was that? Did they see us, did they see us?" And he went back out to the car, he got into her car in the back, I guess laid down in the back floorboard, they drive a black Chevy Blazer with dark windows, so I guess he got in the back and she couldn't see him and he said he watched. He laid out there and said he liked to burnt up laying out there, but they finally come out of the building, his wife came out of the building and came and got in the car and got on the cell phone and called somebody, so he assumed that she was calling the battalion commander. A few minutes later the battalion commander--she pulls off and a few minutes later the battalion commander comes out of the building and she started talking to him on the phone and they was talking about something about Pope, I think something about Pope, I'm not sure. He couldn't really tell exactly what. He was just catching half of the conversation and then he jumps up out of the back of the vehicle and startles her and she screams and oh by the way, they were going down Gruber road at this time, she was behind the battalion commander and I guess when she yelled and screamed or whatever, the battalion commander--I don't know, but I assume he was on the other end of the phone I guess because they happened to pull over somewhere and he jumps, [REDACTED] jumps out of the car and runs to the battalion headquarters area or something to that nature. This is the best I can remember what he was telling me about it

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and that's when I got the call from the staff duty and I told him, I said, "Okay stay right there, don't go anywhere, I'll be there in a little bit." I talked to [REDACTED] and I told him, I said, "Do you realize what you're doing, do you realize the allegation that you're making? What do you want out of this?" I talked to the colonel and the colonel said that none of that was true; he wasn't doing anything of that nature. [REDACTED] expressed to me his concerns for his family, the love of his wife and trying to keep his marriage and stuff straight. I talked to him, he was insisting on going to the chain, taking it up the chain and that's when I kept talking to him, I said, "Look do you realize what you're going to do here with these allegations and what the ramifications could be," not only with his wife, but of course with the battalion commander. And yes I did stress what it would do to his family that he had just sit there and talked to me about trying to keep together. And he said, "Okay I just need some time to myself." I said, "Okay I'll have [REDACTED] stay in the barracks tonight and you go home and do whatever you need to do." I said, "If you really feel like you have to take this higher or whatever, I'm not trying to stop you, but I would ask you to do one thing for me and that's let me know so I can notify the battalion commander as well as the brigade commander that it's coming." He went home, I sent [REDACTED] to the barracks, somehow or another some communications got mixed up. The staff duty who was supposed to have been making sure [REDACTED] stayed in the barracks and didn't really go anywhere else, gave her a ride over to her house to pick up some stuff and I guess where her and her husband spent the rest of the night and half the morning talking about this issue. He calls me the next day, he tells me that, "Okay sergeant major, I'm not going to do anything right now, I'm just going to hold off, I just need time to think." I don't know how much time went by, I don't know if it was a day, I don't know if it was two days, he called me back and he says, "You know sergeant major, I think I want to go forward with this. I want you to read these letters." I said, "All right, bring the letters in, let me take a look at them." And I think somewhere along this line I had already informed the brigade sergeant major, [REDACTED]

[REDACTED] You think or you know for sure?

[REDACTED] I know I did inform him, but to what date whether it was the exact day after or two days after or whatever, I'm not real sure.

[REDACTED] Well let's get to that part later. Right now you said that he wanted you to read some letters.

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(b)(7)(C) He wanted me to read some letters. I said, "Okay bring them in, see me first thing in the morning." I guess he got hung up or something of that nature. He did not get in there first thing in the morning and I went off to an appointment or whatever, I don't know what happened. He called me and he said, "Hey I got the letters," and I said, "Hey look, give them to my driver and I'll get them when I get there." I got there, no, my driver gave me a call and said, "Sergeant major I think I left the letters on your desk," and when I got there I looked and I didn't see no letters. I called my driver back and I said, "Hey what happened to the letters?" He said, "I don't know, I left them right there on your desk drawer."

(b)(7)(C) Your driver is?

(b)(7)(C) Well actually it was the colonel's driver, (b)(7)(C) but they all work right there in the command group and he said that the letters was not there. The letters were not there when I checked and I told him, I said, "Are you sure, come in here, show me where you left the letters." "The letters was right there," he said, "I left them right in the middle of the desk." I called (b)(7)(C) back, male, and told him, I said, "Look I don't have the letters, I don't know where the letters is. I'll ask the colonel when I talk to him." And I think the colonel came in later and I told him, I said, "Sir (b)(7)(C) wants to go forward with this. I think you need to call the brigade commander and let him know." He says, "I want to talk to him." I said, "Sir I don't think he really wants to talk to you. I'm not sure if that's a good idea or not." He said, "Well I really want to talk to him and let him know that, hey there's nothing there, nothing going on. The possibilities of what he's going to destroy, couple of families here." I said, "Okay I'll see if he wants to talk to you." I asked the (b)(7)(C) about the letters and the colonel said, "Yeah I wanted to see what the letters were." I never got the letters--

(b)(7)(C) Stop a minute. The colonel acknowledged that he had the letters then?

(b)(7)(C) The colonel acknowledged that he--this is what the colonel said. The (b)(7)(C) said, "I wanted to see what was on the letters."

(b)(7)(C) Okay, so indicating he read the letters and saw the letters.

(b)(7)(C) Indicating that he read the letters and saw the letters.

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(b)(7)(C) Did he say those are not my letters or those are letters just taken out of context?

(b)(7)(C) We didn't discuss the letters, sir. We didn't discuss the letters.

(b)(7)(C) So he did not tell you those are not written by me?

(b)(7)(C) No sir.

(b)(7)(C) Then at this point how long have you worked with (b)(7)(C) (b)(7)(C)

(b)(7)(C) I've been working with (b)(7)(C) since June of--since the change of command in July.

(b)(7)(C) I have here two pages out of letters that we received marked one and two and I would ask you to just peruse the first page and tell me it that, to the best of your knowledge, is the handwriting of (b)(7)(C)

(b)(7)(C) At this point it's 1458 and we're going to go off tape while he peruses those letters.

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(b)(7)(C) It is now 1504 and we're back on tape. We went off tape for several minutes to give (b)(7)(C) a letter--the ability to read a couple of letters that (b)(7)(C) gave to us and which he tried earlier to give to (b)(7)(C) and which he gave us permission to share during this investigation.

(b)(7)(C) Sergeant major you had a chance to look at these two pages of the many pages we have. Do you have experience at looking at the colonel's printing before or is everything he submitted to your cursive or is this or is this not his handwriting?

(b)(7)(C) It is, sir, it is very hard for me. I have not seen him print lengthy documents like that. Most of the signatures that I've seen of the colonel's is basically it's a signature. When I look at that, from the surface it doesn't look like his handwriting, but then again I can't sit here and honestly say that I've seen that much handwritten stuff by the colonel.

(b)(7)(C) Okay. Let's do some I guess insing in here. He states in the document here he refers to his right-hand man. What would a right-hand man be?

(b)(7)(C) : Sir I can only speak normally what a right-hand man to anybody is, is the person next who works mostly with them and in this particular case I work directly with the colonel, so I'm considered his right-hand man.

(b)(7)(C) And who would be the left-hand man?

(b)(7)(C) The only thing I can imagine that being would be the XO.

(b)(7)(C) Okay.

(b)(7)(C) In that particular case at the time the XO was (b)(7)(C)

(b)(7)(C) Have you heard (b)(7)(C) use terms like this in everyday talk before?

(b)(7)(C) Terms like what sir?

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(b)(7)(C) Right-hand man, left-hand man. Is that part of his normal vocabulary?

(b)(7)(C) I can't honestly say I have. I'm not sure. I haven't picked up on anything like that.

(b)(7)(C) Is there anything in the pages you read that would make you think whether or not this might have been (b)(7)(C) writing it? Anything that is in those pages?

(b)(7)(C) There is a couple of things in that paper that probably would make me wonder. I can't think of anybody else who would write things about the NCO in that particular shop there. I deal with all enlisted Soldiers, I move them all. Nobody else does. Even if the XO has, (b)(7)(C) in that case, has a desire to move someone, still that's my dealings. I'm the one that put that NCO over there in charge and I do acknowledge and just like I'm pretty sure that the colonel acknowledged it too that she had some issues when she was over there.

(b)(7)(C) Who is she and over where?

(b)(7)(C) (b)(7)(C) the NCOIC of the S-1 shop during that particular time. It was (b)(7)(C) had some and I kind of, I pulled him out of there and I put (b)(7)(C) in charge.

(b)(7)(C) Let me read from the letter. It says in part, "I in no way intervened on your behalf. I discussed the fact that your platoon sergeant didn't have the leadership skills I thought she had with the right-hand man. I mentioned that he thought the group was trying to run over her as they had (b)(7)(C)

(b)(7)(C) (b)(7)(C) sir.

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

(b)(7)(C) Yes sir.

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(b)(7)(C) "But that she might go. Said I wanted to meet her replacement before we hired someone." Do you recall yourself and (b)(7)(C) talking about a platoon sergeant that didn't have leadership skills?

(b)(7)(C) Yes sir.

(b)(7)(C) And who was the platoon sergeant that didn't have leadership skills?

(b)(7)(C) Well sir that conversation that the colonel and I had, I never acknowledged that she didn't have leadership skills and I'm not sure if he did either. We had several conversations about (b)(7)(C) and her leadership abilities over there because of the problems they had over in the S-1 and (b)(7)(C) was a contributing problem in the S-1 and I had talked to (b)(7)(C) when he was the (b)(7)(C) and (b)(7)(C) all three in a group about all the problems that they were having over there.

(b)(7)(C) Okay let me ask you this. You discussed with (b)(7)(C) did you at any point tell (b)(7)(C) that you thought the group was trying to run over a female as they had (b)(7)(C)

(b)(7)(C) (b)(7)(C) I can't really say that I did discuss it. Me and the colonel talked about a lot of issues, okay? I can say that I probably did say that to somebody and it probably was the colonel, it may have been the XO. The XO was in charge of the S-1. I do know that that crew over there was not doing what they were supposed to have been doing under (b)(7)(C) and I felt that once (b)(7)(C) got over there and a lot of the problems still continued, actually got a little worse because (b)(7)(C) really tried hard to instill some discipline over there and it was starting to backfire on her. So I can't really sit here and say that I remember a distinct conversation with the battalion commander about that, I can't.

(b)(7)(C) Do you have a right-hand man?

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

(b)(7)(C) Does the battalion XO have a right-hand man?

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(b)(7)(C) No he don't.

(b)(7)(C) Who else in the battalion headquarters would have a right-hand man?

(b)(7)(C) : Sir again normally and historically the right-hand man is either the commander and the first sergeant or it's the battalion commander and the battalion command sergeant major. That's the norm.

(b)(7)(C) In your opinion command sergeant major, who else could have written these letters besides (b)(7)(C) with information that's in them?

(b)(7)(C) : I have no idea sir who else could have written those letters.

(b)(7)(C) Would anybody else in your opinion be in a knowledgeable enough position to write the letters with the information that's in those letters?

(b)(7)(C) Based on the two pages that I read, the only person that probably would have even been able to come close to writing those letters would have been (b)(7)(C) the XO.

(b)(7)(C) Would there be any reason that he would have written those letters?

(b)(7)(C) No sir.

(b)(7)(C) Was (b)(7)(C) heavy, out of shape?

(b)(7)(C) No sir.

(b)(7)(C) : Was the battalion commander out of shape or heavy?

(b)(7)(C) : No sir.

(b)(7)(C) Because in the letter it says, "I'm trying to get into shape for you." Do you have any idea what that means?

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(b)(7)(C) Sir we're always trying to get into shape for somebody at some point in time. We worked out.

(b)(7)(C) Was there ever any perception or discussion or talk of the battalion commander being involved with a specialist or having an interest in a specialist while you all were deployed also?

(b)(7)(C) A specialist?

(b)(7)(C) Yes.

(b)(7)(C) When you say involved, could you clarify?

(b)(7)(C) Well where it says, "I'm very glad that the visit the day before yesterday didn't change anything I was honestly very worried that it would since we've only had such a short time together and you don't have to worry about any specialist again, I only have eyes for you and I'll only share with you."

(b)(7)(C) I have no idea sir.

(b)(7)(C) Do you have any idea at all about what pie means?

(b)(7)(C) Pie?

(b)(7)(C) P-i-e.

(b)(7)(C) Sir could you read the sentence?

(b)(7)(C) It says, "I can't wait to be with you again. It's on my mind constantly and every time we exchange glances I get chills and some very interesting thoughts, all about pie."

(b)(7)(C) I can't honestly say I know what that is sir.

(b)(7)(C) I'm going to go on with another question. Earlier in your testimony you indicated that the battalion commander was picking and playing around with (b)(7)(C). Specifically what types of actions are you talking about?

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(b)(7)(C) Let me clarify a little something here first. The battalion commander is a very playful commander and a lot of times he can pick at a Soldier or whoever just like if he was a Soldier. That's kind of the way he is. But what really came to my attention was that I saw him one day, he had her in a head lock kind of and I said hey and that kind of--that was way out there and that's what prompt me to pay attention to what was going on and that was eventually shortly after that's when I approached (b)(7)(C) and told her that you don't play with the battalion commander

(b)(7)(C) So he had her in the headlock and was he doing anything as he had her in the headlock?

(b)(7)(C) No just kind of spinned here around. He said something and he kind of grabbed her and spun her around. It was a quick whatever, but no he wasn't doing anything, no sir.

(b)(7)(C) Would he normally do that sort of thing with any other Solders in the battalion?

(b)(7)(C) I have seen him play around a little bit, but not like that, no.

(b)(7)(C) Has he played around with any other female Soldiers?

(b)(7)(C) I can't say I've seen it.

(b)(7)(C) Have you heard any rumors to that effect?

(b)(7)(C) No sir.

(b)(7)(C) What race was your XO?

(b)(7)(C) Black.

(b)(7)(C) And your battalion commander?

(b)(7)(C) Caucasian.

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(b)(7)(C) So you said the only other person you think might have wrote these would have been the XO?

(b)(7)(C) You know when you look at the content and what was discussed, yes; nobody else would have that type of information.

(b)(7)(C) Let me read another part of these letters. "Hey look I understand that my timing sucks, but not much I can do about that. Did that answer your question? The bottom line is I wasn't looking but you brought it out anyway. Your second question, women of color. Well remember I told you there were six, so here's the order, white; black; white; yellow; white; and black. Honestly if you believe that I'm that hung up on the color of someone's skin I'm disappointed in you. Baby this is not me trying something new, a notch in my belt or any other kind of check the block BS. I'm with you because of who and what you are. I think you're beautiful without makeup and with it too." That would indicate that these were written because they were in the possession of (b)(7)(C) and she's what race?

(b)(7)(C) She's black.

(b)(7)(C) So that would indicate that it was probably a person other than a black person that wrote these?

(b)(7)(C) You could read into that way sir. I can't.

(b)(7)(C) Okay. Is your battalion commander married?

(b)(7)(C) Yes he is sir.

(b)(7)(C) Do you know what race his wife is?

(b)(7)(C) She's Caucasian sir.

(b)(7)(C) She's Caucasian? So he says here that the last person he had sex with was black and before that was white. Okay.

(b)(7)(C) Earlier in your testimony you talked about (b)(7)(C) saying that he went up to the battalion commander's window to try to see in.

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(b)(7)(C) I think I recall him telling me that. Something to that nature. You're asking me to try to recall a conversation that happened way back and I'm just trying to give you the details of what made him go from one step to another. I guess what I'm saying, I can't give you the exact quote of what male (b)(7)(C) told me but it was something similar to the effect that he was able to see his wife and supposedly the colonel hugging or kissing or something to that nature and the only place you could do that is at the battalion commander's window.

(b)(7)(C) To the best of your knowledge did the battalion commander or anybody, the staff duty NCO or the staff duty driver go out of the building to look at the battalion commander's office window?

(b)(7)(C) I have no idea, I was gone.

(b)(7)(C) Nobody said anything to you about that?

(b)(7)(C) No, no they didn't. When (b)(7)(C) came, supposedly came in the building, when I talked to (b)(7)(C) about that and he was staff duty at the time, he had no idea of who they--they didn't know who that was that came in the building.

(b)(7)(C) We have some earlier testimony that while you were redeploying and you were in Kuwait, that the battalion commander personally drove a vehicle one night from the base camp where the main PX was back to Camp, was it Camp Virginia where the Soldiers were?

(b)(7)(C) Yes sir.

(b)(7)(C) Personally drove a vehicle back and took (b)(7)(C) with him one-on-one. Do you know anything about that?

(b)(7)(C) Sir I heard that rumor but I cannot confirm that nor deny that.

(b)(7)(C) Are you aware that the battalion commander on occasion took his vehicle without (b)(7)(C)

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(b)(7)(C) Yes sir.

(b)(7)(C) And where would he go when he would do this?

(b)(7)(C) Sir the only thing I can assume that he went back to Camp Victory.

(b)(7)(C) Yeah and you also said awhile ago--

(b)(7)(C) I mean Camp Virginia.

(b)(7)(C) Camp Virginia. You also said awhile ago that (b)(7)(C) disappeared until 0100?

(b)(7)(C) That's the time that I was told that she came back with (b)(7)(C)

(b)(7)(C) Where was the battalion commander during this time?

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

(b)(7)(C) Did you have contact with him while you were looking or while she was missing?

(b)(7)(C) No sir I didn't.

(b)(7)(C) Did anyone else have contact with him while she was missing?

(b)(7)(C) I don't think so sir.

(b)(7)(C) Was anyone looking for him while she was missing?

(b)(7)(C) I can't honestly say they were. The colonel stayed in a trailer that the XO had arranged for him while we was in Doha. He had a trailer; I stayed in a room in another building, the XO stayed in another building. It was not abnormal for the colonel after the evening brief or whatever, go.

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(b)(7)(C) But you had a staff sergeant unaccounted for.

(b)(7)(C) The reason why because I can't remember all the details at the time, but supposably--

(b)(7)(C) Go ahead.

(b)(7)(C) But supposably--

(b)(7)(C) After he finishes I want to go off tape.

(b)(7)(C) Okay, but supposably she had told somebody, I can't remember the details, she had told somebody that she was coming to Victory Camp to wash some clothes or something to that nature and she was supposed to be somewhere else and when one and one started adding up nobody could find her and that's when all of these questions started asking.

(b)(7)(C) So where do you think she was and of course this is just your opinion?

(b)(7)(C) My opinion?

(b)(7)(C) Yes.

(b)(7)(C) I don't know where she was sir.

(b)(7)(C) Where do you THINK she was? That's an opinion.

(b)(7)(C) She could have been anywhere on Doha.

(b)(7)(C) I'm saying where do you think she was at the time?

(b)(7)(C) : Sir if I thought she was--if you're asking me did I think she was with the battalion commander, if I thought she was in there I would have probably went and knocked on his door.

(b)(7)(C) Okay

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(b)(7)(C)

It is now 1422 and we're going off tape.

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(b)(7)(C) It is now 1427 and we're back on tape.

(b)(7)(C) Sergeant major I have another letter that was written to someone named (b)(7)(C) and I want to ask you some questions about this letter. When you got ready to return to the United States you had to wash your vehicles? You had to wash all the vehicles; you had to washrack the vehicles?

(b)(7)(C) Yes sir.

(b)(7)(C) Who was on detail on that washrack?

(b)(7)(C) : I'm not sure exactly what you mean by who was on detail.

(b)(7)(C) Was it the same people that were detailed to the washrack for a length of time to help get the vehicles ready to put on transport to return?

(b)(7)(C) Honestly I can't say I know the answer to that question. Now I will say this. Take for example our vehicles, both myself, the battalion commander, the (b)(7)(C) the drivers; we helped wash our own vehicles. We did not cross the battalion say, "Get a detail to stay on the washrack." If the companies chose to put a detail on the washrack then they may have done that.

(b)(7)(C) Okay, I'm going to read another portion here, it says, "The left-hand man cut me off when he led the fuel tankers to your location." Do you remember the battalion XO leading a convoy for fuel tankers at any given time?

(b)(7)(C) I can't say that, I'm not sure. I don't remember, I don't remember that.

(b)(7)(C) Okay. It says, "I keep working on schemes to get close to you. I know it must suck out there, but I guess I'll find out soon, I'm coming out to wash my truck. (b)(7)(C) and I are going to wash the Hummer. Have already told the right-hand man I won't take no for an answer. Did you miss me today? I missed you." You just testified that you wash your own vehicle; the battalion commander and his driver wash their own vehicles. Did the battalion commander wash his own vehicles?

(b)(7)(C) He was washing the vehicle with--

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(b)(7)(C) Okay and who was his driver?

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

(b)(7)(C) And what did he call his driver?

(b)(7)(C) I never heard him called what you just called right there.

(b)(7)(C) (b)(7)(C) You never heard him refer to him even him even
casually as (b)(7)(C)

(b)(7)(C) No.

(b)(7)(C) He always referred to him as (b)(7)(C) What is (b)(7)(C)
(b)(7)(C) nickname?

(b)(7)(C) Conspiracy Man.

(b)(7)(C) Conspiracy Man?

(b)(7)(C) Yes sir.

(b)(7)(C) You ever heard anyone refer to him as (b)(7)(C)

(b)(7)(C) No sir.

(b)(7)(C) Okay. Do you remember (b)(7)(C) ever going on a convoy
up north?

(b)(7)(C) A particular convoy, no, but I will say that routinely they went on
convoy. Everybody went on convoys and she was part of the S-1 and S-1 was pretty
much on every at least once or twice a week going to Baghdad up north from where we
were at, Babylon. Yes I do remember her going on convoys, but a specific one, no I can't
put a finger on that.

(b)(7)(C) Okay.

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(b)(7)(C) It has been reported to this office that you were a witness to a physical altercation between a private first class assigned to your battalion and your battalion commander while you were in the desert. Can you talk to us about anything you know about the event to include any actions you took at the time to diffuse the situation?

(b)(7)(C) Yes sir. We were sitting out by our tents on a picnic table that overlooked the parking lot and a HUMVEE came into the parking lot, came over the little hill there and come into the parking lot. We noticed it when it came in, the colonel and I, and it didn't take long to notice that it was (b)(7)(C). At the time I thought and really it looked like to me, well I know I didn't think, (b)(7)(C) had his ballistic helmet on and the colonel thought that he didn't have it on so when he got out of the vehicle the colonel hollered over there and said, "Hey (b)(7)(C) where's your headgear at?" (b)(7)(C) well you got to know him to understand, but he basically gone, "Huh?" And I hollered over there and I said, "Huh? Who do you think you're talking to?" And then the colonel repeated and said, "Where's your headgear," and he says, "I got it right here sir," and he walks over--

(b)(7)(C) He?

(b)(7)(C) (b)(7)(C) walks towards us, we were still sitting on the picnic table and the colonel said something to the nature that, "Hey it looked like you didn't have your ballistic helmet on." And he said, "No sir, I got it right here," and he held it up. And as he walked by us he started to mumble something and I said, "What did you say?" And I got up and I said, "Who do you think you're talking to?" But before I could finish who do you think you're talking to, the colonel jumped up and got in (b)(7)(C) face. When I commenced to come around, I said, "Hol, hol, hold up sir, hold up." By that time the colonel came up like that and I stepped between them and pulled (b)(7)(C) away.

(b)(7)(C) We have testimony that he had (b)(7)(C) by the lapels of his uniform.

(b)(7)(C) I can't say I saw that sir.

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(b)(7)(C) We also have testimony that you got between the two to separate them.

(b)(7)(C) I did sir and that's what I said. When—okay, the picnic table was sitting parallel to the platform that we was on. He walked in, let's think north to south, he walked in from the southern part of the picnic table, the part that I was sitting at facing, the colonel would have been sitting on the east side of the picnic table and as he walked by he mumbled and I said, "What did you say?" And by the time I got up and turned from the south side of the picnic table around to the east side, the (b)(7)(C) had already gotten in front of him and that was when I said, "Hol, hol, hold up sir," and that's when the hands come up.

(b)(7)(C) So what's your definition of the colonel got in his face?

(b)(7)(C) The colonel was in his face.

(b)(7)(C) What's that mean?

(b)(7)(C) I saw the colonel all in front of (b)(7)(C) and like I said, as I approached him I saw him come up like that. I'm going to assume and I will tell you I did not see the colonel's hands on (b)(7)(C) but I will assume that he grabbed (b)(7)(C) because he came back like that.

(b)(7)(C) Well what did (b)(7)(C) tell you?

(b)(7)(C) (b)(7)(C) told me he grabbed him.

(b)(7)(C) So based on your assumption of where the commander's hands were and your assessment of the situation at the time and the testimony of (b)(7)(C) to you, would it be safe to say that the colonel had him by the lapels as it was testified to?

(b)(7)(C) I can't say that I saw it. You can speculate that or you can assume that, but I cannot say that I saw that.

(b)(7)(C) Okay, who else was there?

(b)(7)(C) There was, I think (b)(7)(C) approaching the platform.

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

(b)(7)(C) I think it was (b)(7)(C) I'm not sure I can't remember exactly who it was.

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

(b)(7)(C) : (b)(7)(C) from Bravo Company.

(b)(7)(C) First name?

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

(b)(7)(C) Sergeant, staff sergeant?

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

(b)(7)(C) Still in Bravo Company?

(b)(7)(C) : No, he's ETSed.

(b)(7)(C) When did he ETS?

(b)(7)(C) : I think we let him go in August.

(b)(7)(C) Who else was a witness?

(b)(7)(C) That's the only person that I can remember at this time.

(b)(7)(C) : Where was the battalion XO?

(b)(7)(C) He was not there sir.

(b)(7)(C) The S-1?

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(b)(7)(C) I think the battalion XO was in the S-1 because (b)(7)(C) went in to the S-1 right after that happened or he started toward the S-1. I talked to the colonel a few minutes and then--no actually I pulled (b)(7)(C) off to the side and talked to him.

(b)(7)(C) What did (b)(7)(C) tell you?

(b)(7)(C) I can't remember exactly what he said.

(b)(7)(C) To the best of your recollection?

(b)(7)(C) He didn't tell me much of nothing. I was doing the butt chewing.

Okay?

(b)(7)(C) And who were you chewing out?

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

(b)(7)(C) For what event?

(b)(7)(C) Disrespect.

(b)(7)(C) And how was he disrespectful?

(b)(7)(C) Because he was mumbling under his voice after the colonel had said something to him, something to the nature about, "Always fuckin' picking on me."

(b)(7)(C) You heard that?

(b)(7)(C) I heard the mumbling and I heard the, "Fuckin' picking on me." But the actual details of what else that came out of that I don't quite--that's what made me jump up. "Who do you think you're talking to?"

(b)(7)(C) So you counseled (b)(7)(C) for disrespect to the battalion commander and to yourself?

(b)(7)(C) I verbally--not so much to myself because he wasn't talking to me, he was talking to the battalion commander because the battalion commander was the

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one that was talking to him, it wasn't me. Okay, I verbally counseled him; no I didn't sit him down in writing and talk to him. I talked to his supervisor about it after it got around to it.

(b)(7)(C) So he's getting counseled verbally about disrespect. What did he tell you about the colonel having his hands on him?

(b)(7)(C) He said the colonel grabbed him and I think I asked (b)(7)(C) did he see the (b)(7)(C) grab him and (b)(7)(C) said well he didn't see him grab him.

(b)(7)(C) What did the colonel say?

(b)(7)(C) The colonel said he reached up and he pulled back.

(b)(7)(C) What was he reaching up for?

(b)(7)(C) I assume he was getting ready to grab him.

(b)(7)(C) Didn't you talk to the colonel or did you just say, "Hey it's over"?

(b)(7)(C) No, no, no, no I talked to him and he said he caught himself. He said he made him so mad he caught himself.

(b)(7)(C) What did he intend to do if he hadn't caught himself? Did he tell you?

(b)(7)(C) No sir. We can only assume what he was going to do.

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

(b)(7)(C) I don't know how to spell that sir.

(b)(7)(C) Okay, no idea at all?

(b)(7)(C) No sir. Give me a few minutes after this. I can scribble it out, I can get it.

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(b)(7)(C) Okay. Was the colonel--did he have a hot temper? You said he was playful a lot of times. Was there another side of him that was hair trigger temper?

(b)(7)(C) I can't say that it was something that we routinely saw. Other words some people you do see a side of them one day and the next day, no I can't say that routinely that, but I would say that he would have his moments. So do we all.

(b)(7)(C) Okay. It's also been reported to this office that you were a witness at a physical altercation between a staff sergeant assigned to your battalion and your (b)(7)(C) Can you talk to us about that incident?

(b)(7)(C) Yes. We were at Camp Virginia. We was all over by the mil vans loading up, getting equipment ready for either inspection or to reload it back into the mil van, I'm not exactly sure what we were doing. We was out there every day. I was in the back of the mil vans hitting some golf balls and I turned around when I heard some voices and then the next thing I know I saw the colonel pointing and talking to (b)(7)(C) and then he kind of grabbed her by the arm and kind of moved her off from where they were over to the side to continue to counsel her, I guess that's what you want to call it.

(b)(7)(C) How far did he move her?

(b)(7)(C) Oh he moved her pretty good little ways out of the way.

(b)(7)(C) The length of a HUMVEE?

(b)(7)(C) It was further than that sir, 20-30 feet.

(b)(7)(C) And was he dragging her?

(b)(7)(C) He was not dragging her, but it was a forceful move.

(b)(7)(C) He's 6'2" tall I believe?

(b)(7)(C) He's pretty tall.

(b)(7)(C) And she's 5'6", 5'5"?

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(b)(7)(C) She's short.

(b)(7)(C) Did he have her in a situation where she was off balance?

(b)(7)(C) She was a little off balance. Matter of fact I think that at one point I think she pulled away and I think he kind of repushed again, pulled her a little more.

(b)(7)(C) So he grabbed her twice?

(b)(7)(C) I'm not going to say he grabbed her twice. I know he was pulling her along and then she kind of pulled back and he continued to pull her along again. I do remember seeing that part.

(b)(7)(C) What was he saying as he was pulling her along?

(b)(7)(C) I can't quote exactly what he was saying, but he was--

(b)(7)(C) Was he using profanity?

(b)(7)(C) I do remember hearing him use some profanity when he was pointing his finger at her at the HUMVEE when he was talking to her. He said something to the words to this nature, "That's the fuckin' shit I been telling you about. Always running off at your mouth." And I knew what he was talking about because (b)(7)(C) always, she's always got something to say, but (b)(7)(C) said she was not talking to the Soldier about the NCO. She was talking to another NCO about a situation.

(b)(7)(C) Were your battalion commander's actions in relation to (b)(7)(C) professional?

(b)(7)(C) No sir it was not.

(b)(7)(C) At what point did he lose his professional demeanor?

(b)(7)(C) I would say when he grabbed her.

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(b)(7)(C) And he was compounded that with his language as he was communicating with her?

(b)(7)(C) Again I don't remember the exact words as he was pulling her off. At that point in time while he was doing that, the XO walks up to me and (b)(7)(C) the S-3, and I looked at the XO and I looked at those two majors and said, "Go get him."

(b)(7)(C) Did they interrupt him holding (b)(7)(C) In other words did they--

(b)(7)(C) While she was being pulled away?

(b)(7)(C) No. When you said, "Go get him," you meant go get the battalion commander, you said that to the S-3 and the XO, correct?

(b)(7)(C) Right.

(b)(7)(C) Did they go at that point and have him turn loose of (b)(7)(C) or had he already turned her loose?

(b)(7)(C) He had already turned loose from (b)(7)(C)

(b)(7)(C) And what was (b)(7)(C) doing once he turned her loose?

(b)(7)(C) Once he turned her loose he commenced to walking off and that's when (b)(7)(C) went toward the colonel. I was already enroute to (b)(7)(C) at the time. That's what kind of coincided with, "Hey one of you all go get him," and I went to talk to (b)(7)(C)

(b)(7)(C) What do you consider your battalion commander's actions in relation to (b)(7)(C) when he put his hands on her?

(b)(7)(C) What do you mean? Clarify that sir.

(b)(7)(C) Did he violate any regulation; did he violate any Manuals for Court-Martial?

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(b)(7)(C) Oh without a doubt, without a doubt sir.

(b)(7)(C) How so?

(b)(7)(C) Under the circumstances in which we were at, there was no need for him to put his hands on her. It was not a safety issue; it was not something that he needed to get her immediate attention to. It just wasn't called for.

(b)(7)(C) Did you talk to him?

(b)(7)(C) Yes sir.

(b)(7)(C) And he said the reason he did it was?

(b)(7)(C) He said the reason he did it he got upset because he was tired of hearing (b)(7)(C) always bad mouthing people and bad mouthing NCOs, talking bad about NCOs to junior Soldiers. I thought (b)(7)(C) was talking to another NCO, (b)(7)(C) when she was over there. I didn't see the other Soldier that was in the vehicle that I found out about later that was in there--

(b)(7)(C) Even if she was being disrespectful or she was degrading another NCO in front of a junior NCO, would that justify the battalion commander's actions in your opinion?

(b)(7)(C) In my opinion, no. No sir.

(b)(7)(C) We're going off tape to change a tape. It's 1547.

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(After turning over the tape and continuing, the machine malfunctioned. These tapes were not meant to be recorded on both sides, which resulted in some testimony being inaudible. Approximately 10 minutes of recording time was lost.)

(b)(7)(C) It is now 1557. We're back on tape after our machine malfunctioned. I believe (b)(7)(C) was about to continue with a question.

(b)(7)(C) I think the last question I asked was that if (b)(7)(C) had any questions and he asked you if you were aware of any other altercations that the battalion commander had been involved in and your response was not personally, but then he was going to ask you if you'd heard rumors or heard any information about him being in someone else's face at which time the sergeant major said--

(b)(7)(C) No, not physically in anyone's face or anything of that nature.

(b)(7)(C) Your testimony indicates that you're a witness to three events that we're investigating. Two possible assaults or at least inappropriate actions and one allegation of adultery. It's standard procedure for serious incidents to be reported for investigation or resolution. Now just taking these in sequence, on the (b)(7)(C) thing, did you report that to anybody?

(b)(7)(C) I talked to, I talked to--right after it happened, of course I talked to the (b)(7)(C) about it, (b)(7)(C) at the time, and I can't remember if I talked to (b)(7)(C) specifically about that at the time but I do remember telling him about it.

(b)(7)(C) You remember telling who?

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

(b)(7)(C) How long after the event did you tell (b)(7)(C)

(b)(7)(C) It was shortly after because I think (b)(7)(C) was in the S-1 shop at the time.

(b)(7)(C) For the purpose of clarity, shortly means?

(b)(7)(C) Within a matter of a few minutes.

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(b)(7)(C) And then you said you can't remember exactly but how long do you estimate it was before you spoke with (b)(7)(C) about the event?

(b)(7)(C) I don't remember sir. I talked to (b)(7)(C)

(b)(7)(C) Same day?

(b)(7)(C) I can't honestly say I did and I can't say--

(b)(7)(C) Next day?

(b)(7)(C) I'm not sure sir.

(b)(7)(C) Within a week?

(b)(7)(C) Oh without a doubt within a week.

(b)(7)(C) Okay.

(b)(7)(C) What did (b)(7)(C) say to you or what did you and he decide needed to be done about the incident?

(b)(7)(C) I don't remember exactly what (b)(7)(C) said to me, but we kind of discussed it and one of the things that we wanted to do was find out what exactly (b)(7)(C) wanted and the battalion commander requested to speak to (b)(7)(C) and (b)(7)(C) got his appointment to see the battalion commander and when the battalion commander--when (b)(7)(C) came out (b)(7)(C) was satisfied with whatever decision they made and it was a done deal.

(b)(7)(C) Okay let's go to point two-of that. You said (b)(7)(C) you had to know (b)(7)(C) I guess (b)(7)(C) had already been reduced from E-4 to E-3 if my information is correct?

(b)(7)(C) Yes sir.

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(b)(7)(C) He was reduced for?

(b)(7)(C) I want to say disrespect.

(b)(7)(C) And the event that we talked about happened that we just recently talked about involved disrespect also.

(b)(7)(C) Yes sir.

(b)(7)(C) And this happened when? What month?

(b)(7)(C) When this particular?

(b)(7)(C) Yes.

(b)(7)(C) I can't recall sir.

(b)(7)(C) But (b)(7)(C) was a PFC?

(b)(7)(C) Yes sir, matter of fact (b)(7)(C) if I'm not mistaken I think was getting ready to get his specialist back.

(b)(7)(C) Getting ready to get his specialist back?

(b)(7)(C) He was getting ready to get it back or just gotten it back, I'm not sure but I know it had something to do with right around promotion time for (b)(7)(C) I think.

(b)(7)(C) So if your PFC was insubordinate and disrespectful to the battalion commander you went ahead and promoted him?

(b)(7)(C) No.

(b)(7)(C) Then how did he get promoted to specialist? That would establish a track record and UCMJ is for the purpose of rehabilitation.

(b)(7)(C) Sir I don't--

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(b)(7)(C) And the first offense was disrespect to the best of your recollection and your definition of--

(b)(7)(C) But he had served his time.

(b)(7)(C) Correct.

(b)(7)(C) For that--

(b)(7)(C) He had committed the same offense according to you by making those comments in a mumbling way to the battalion commander.

(b)(7)(C) Yes I did feel that he was disrespectful to the battalion commander at the time when he stepped up on that platform.

(b)(7)(C) So having that he already had an established incident of disrespect and then he committed another incident of disrespect and he was promoted soon after that?

(b)(7)(C) Well I can tell you this. I didn't do any counseling on him, no more than the verbal counseling that I did.

(b)(7)(C) I don't think it was a secret though that he had been involved in this incident.

(b)(7)(C) You're right, you're right. Like I said I don't--

(b)(7)(C) So who was the promotion authority?

(b)(7)(C) The company commander is the promotion authority for

(b)(7)(C) And they come to the battalion after he makes his recommendation or he says yes or no, right?

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(b)(7)(C) But his recommendation probably had already been made I think. I'm not sure. I would have to see exactly what month he got promoted. I don't remember right now, I'm not sure. That 4187 could have already been signed by the company commander.

(b)(7)(C) I don't have it exactly in front of me but I believe the incident happened in February?

(b)(7)(C) I'm not sure.

(b)(7)(C) And the promotion was in May. Were you in the room with the battalion commander when he was talking to (b)(7)(C)

(b)(7)(C) No I was not.

(b)(7)(C) Was anyone in there with him?

(b)(7)(C) No one was in there.

(b)(7)(C) Would it not have been appropriate seeing as how the battalion commander had already been brought to the point that he was close to taking physical action against this Soldier?

(b)(7)(C) It would have been the right thing to do was have someone in there.

(b)(7)(C) Did you choose not to go in or were you not invited?

(b)(7)(C) I don't think I was invited and I don't remember the exact--I don't remember basically having a time. I knew the (b)(7)(C) wanted to see him and I knew that at some point in time he got in there to see him. I don't know if he was walking by and the (b)(7)(C) said, "Come in here," I don't know, I'm not real sure.

(b)(7)(C) Let me ask you this. (b)(7)(C) had the Article 15 for disrespect and (b)(7)(C) disrespected your battalion commander in your presence. Had the battalion commander not reacted the way he had, what would have been your recommendation for the disposition of (b)(7)(C) disrespect?

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(b)(7)(C) I probably would have recommended to the first sergeant and company commander that they do some UCMJ on him.

(b)(7)(C) And why was that recommendation not made then?

(b)(7)(C) The recommendation was made. The colonel said he wanted to talk to (b)(7)(C) because I told the colonel, I said, "You know this is--"

(b)(7)(C) I'm sorry let's back up. You said the recommendation was made?

(b)(7)(C) That he should--

(b)(7)(C) You made the recommendation?

(b)(7)(C) To that he should get UCMJ.

(b)(7)(C) And who said no?

(b)(7)(C) I can't say who said no.

(b)(7)(C) Whose position was it to say no?

(b)(7)(C) It would have been--well what do you mean by whose position?

(b)(7)(C) Who did you make the recommendation to?

(b)(7)(C) I think when the XO and I sit down and talked and we talked also with the (b)(7)(C) I think we all agreed that he should have got some UCMJ.

(b)(7)(C) And that would have been imposed company or field grade?

(b)(7)(C) It could have been either or, wherever we choose to do that.

(b)(7)(C) What was the recommendation?

(b)(7)(C) What do you mean?

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(b)(7)(F) Was the recommendation for a company grade Article 15 or field grade Article 15?

(b)(7)(F) Neither one, it was recommended that he get some UCMJ.

(b)(7)(F) And the first sergeant says I agree or disagree?

(b)(7)(F) I think we--I'm not real sure exactly what we agreed on, but I think we all agreed that he should have got some UCMJ.

(b)(7)(F) But he didn't.

(b)(7)(F) I don't think he did.

(b)(7)(F) Do you know why?

(b)(7)(F) No I don't.

(b)(7)(F) Did you ever talk to the company commander or the first sergeant afterwards to find out why not?

(b)(7)(F) I never talked to the company commander. I may have discussed with the first sergeant. Something to that nature I'm not real sure. I do know that basically, honestly when the colonel talked to (b)(7)(F) (b)(7)(F) was satisfied with the--I do know the colonel apologized to him and I want to say pretty much everything was dropped.

(b)(7)(F) But it wasn't up to the colonel was it since it was a company grade?

(b)(7)(F) No I didn't say that it was a company grade. I said it was agreed pretty much amongst us that he should get some UCMJ.

(b)(7)(F) So if it was not going to be company grade, it would have to be battalion field grade.

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(b)(7)(C) Pretty much--no it could have been a summary Article 15. It could have been--

(b)(7)(C) Well that would have been company. It would have been summarized but it would have been company being imposed, right?

(b)(7)(C) True.

(b)(7)(C) So it either would have been the company commander or the battalion commander.

(b)(7)(C) Exactly, one of the two, yes sir.

(b)(7)(C) And your impression was that it was going to be company?

(b)(7)(C) What do you mean, my impression?

(b)(7)(C) Your impression when you had a conversation with the first sergeant and the battalion XO is that they were going to do a company grade Article 15?

(b)(7)(C) The Article 15 would have been pretty much whatever the colonel and I decided really.

(b)(7)(C) Did you and the colonel discuss UCMJ?

(b)(7)(C) We talked about it, but again, after (b)(7)(C) talked--the colonel and (b)(7)(C) talked and (b)(7)(C) was satisfied I guess with the colonel and the colonel did not want to do any UCMJ.

(b)(7)(C) So the colonel was going to impose UCMJ on a Soldier that he was apologizing for unprofessional conduct to?

(b)(7)(C) ; I say again the colonel and I discussed UCMJ along and I also discussed it with the XO.

(b)(7)(C) Okay.

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(b)(7)(C) It had not been decided whether it would have been company grade or battalion--or field grade. (b)(7)(C) had a meeting with the colonel, (b)(7)(C) the colonel apologized to (b)(7)(C) (b)(7)(C) apologized to the colonel and that pretty much was the end of it. There was no written recommendation for UCMJ.

(b)(7)(C) So after the colonel and (b)(7)(C) met, the colonel made the decision there would be no UCMJ then?

(b)(7)(C) I want to say probably everybody agreed there would be no UCMJ because it wasn't like anybody asked the colonel, "Sir you want to do this field grade or company commander you want do this field grade?"

(b)(7)(C) So you know the colonel apologized to (b)(7)(C) and (b)(7)(C) apologized to the colonel. How do you know that?

(b)(7)(C) The colonel told me he apologized to (b)(7)(C) and (b)(7)(C) he didn't tell me that the colonel apologized to him. I think I'd asked him, "Did you get your opportunity to talk to the colonel," and he said yes and I said, "Are you satisfied?" And he said yes. I didn't get into the details with (b)(7)(C) what the colonel talked to him about nor did I ask the colonel exactly what he talked about, but the colonel did tell me he apologized to (b)(7)(C)

(b)(7)(C) What did (b)(7)(C) tell you when you talked to him and you told him what had happened? What guidance did he give you?

(b)(7)(C) I don't remember right off the bat. I don't remember and I'm not sure if I asked him for any guidance or I just basically--I probably just gave him the scenario of what happened.

(b)(7)(C) Would you say that the incident between (b)(7)(C) and your (b)(7)(C) warranted a serious incident report?

(b)(7)(C) No sir.

(b)(7)(C) Why?

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(b)(7)(C) Given the circumstances where we were, what we was doing, everybody was on edge at times. That didn't just happen with leadership. It happened with Soldiers, it happened all the time.

(b)(7)(C) So given the circumstances if you were in Iraq and everybody was on nerves end, if one of your privates had grabbed you, would that have been just apologies?

(b)(7)(C) It depends. I will tell you there were incidents where Soldiers grabbed some other folks.

(b)(7)(C) Okay.

(b)(7)(C) Okay? Did we UCMJ everything that happened over there? No. Like I said everybody was on edge at times. Everybody had their days. I had my days.

(b)(7)(C) Let's go back to (b)(7)(C). Did he give you any specific guidance on what to do?

(b)(7)(C) I think I just told you a minute ago that I don't remember him giving me specific guidance nor do I remember asking him for any. I do remember mentioning it to him.

(b)(7)(C) Did you mention it to him that it was a resolved issue or you told him initially and then followed up that it was resolved?

(b)(7)(C) I don't think we ever got into the details of it.

(b)(7)(C) He wasn't interested?

(b)(7)(C) I can't say that. Again, a lot of it has to do with how I approached it, how I presented it to him and I didn't present it to him in a matter of, "Hey sergeant major I've this situation." You know we were just sitting, this, that, and the other and (b)(7)(C) came up and (b)(7)(C) mumbled something to the colonel and the colonel looked like he was getting ready to grab him and I jumped between--I didn't give him the scenario like that and asked him, "Hey what do you recommend that I do?" I didn't give him that scenario.

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(b)(7)(C) Okay, so you know that you didn't give him that scenario, what scenario did you give him?

(b)(7)(C) I probably mentioned to him, "Hey sergeant major, we were sitting out there today," or whenever it was, (b)(7)(C) came up and he walked by and he mumbled some words, I asked him do you know who you're talking to? The colonel jumped up and I jumped in between them before anything happened." And again you asking me to ask the battalion commander--asking me to ask the brigade commander for advice on something that again I did not acknowledge that the colonel grabbed (b)(7)(C) I did not. So really why would I need to ask the sergeant major for a recommendation--

(b)(7)(C) : So if the colonel didn't grab him, he just got close to him--

(b)(7)(C) He was in his face.

(b)(7)(C) But that's not an offense.

(b)(7)(C) Well it's not an offense, but--

(b)(7)(C) So what did he apologize for?

(b)(7)(C) I don't know. It wasn't appropriate; I will tell you that, it was not appropriate for a battalion commander or a battalion sergeant major or anybody else to that nature, the leadership. We were supposed to be setting an example jumping up there in front of a Soldier's face like that.

(b)(7)(C) But even if he didn't touch him what did he say?

(b)(7)(C) Who's that?

(b)(7)(C) Your battalion commander. What did he say to (b)(7)(C)

(b)(7)(C) He was saying the same thing that I was saying, "What the fuck did you say," at the time when he walked up. Same thing I was saying when I got up, "Who do you think you're talking to?"

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(b)(7)(C) Okay.

(b)(7)(C) To whom did you report the altercation with (b)(7)(C) the (b)(7)(C) and what guidance did you receive?

(b)(7)(C) I reported the altercation, correction; I reported the incident that happened at the staff duty desk to (b)(7)(C) the brigade sergeant major. I asked him for his recommendation based on looking at the situation, the possibilities of where it could go and where it was already at and this was shortly after it happened, the next day.

(b)(7)(C) And (b)(7)(C) told you his recommendation was?

(b)(7)(C) It was not a cut and dry recommendation. We discussed it in great depth. The main thing we both focused on was how much of this was true, was it an allegation or was anything concrete to it. There was some things that had been brought up that made you question. We both agreed that we thought we could try to handle this at the lowest level. If it was an allegation and there wasn't anything concrete, we didn't have anything concrete, some of his guidance to me was find out what (b)(7)(C) wanted and again if he was going to go to the battalion or brigade or whoever he was going to take it to. We wanted to know about it. We also agreed that at the time we wanted to try to satisfy (b)(7)(C) as well as maintain the dignity and respect of the battalion commander, as well as the effects it would have on the unit.

(b)(7)(C) I'm going to ask you some questions here and it's probably going to ruffle your feathers some. But you nor (b)(7)(C) outrank (b)(7)(C), so why would you or (b)(7)(C) be the ones conducting any type any type of investigation based on an allegation against him for adultery?

(b)(7)(C) We didn't, first of all let's get one thing straight. We wasn't investigating anything of adultery. He didn't come to me with adultery charges or allegations. He came to me, when I say he, (b)(7)(C) presented to me the fact that he thought that the battalion commander was messing with his wife.

(b)(7)(C) Messing with meaning what?

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(b)(7)(C) Messing meaning having an affair.

(b)(7)(C) A sexual relationship?

(b)(7)(C) Sexual never came out of the conversation.

(b)(7)(C) But what is an affair?

(b)(7)(C) It depends on who you are and who you're asking.

(b)(7)(C) If I am having an affair with a married woman, what am I doing?

(b)(7)(C) That's a good question. Depends on who you are and who you're asking.

(b)(7)(C) What did you think that he was telling you based on your staff duty NCO was telling you?

(b)(7)(C) What he told me, okay, again I had the conversation with him and he discussed some of that contents of those letters. He felt that there was an inappropriate relationship or affair or whatever, going on with the battalion commander. Again only basing that on the content of those letters, the letters of which I had never seen.

(b)(7)(C) Okay. Let's say then that he told you that it was an inappropriate relationship and he was basing it on letters that you had not seen and he told you that there was an inappropriate relationship and you relayed what you knew to (b)(7)(C)

(b)(7)(C) Still you have no position to where you can resolve a matter involving the allegations of impropriety against your battalion commander.

(b)(7)(C) Hold on a second. Let's back up one thing. Again, what he brought to me was he believed that there was an inappropriate relationship with the battalion commander because again he assumed those letters based on the verbiage that's in them. Right-hand, he thought that there was a senior leader involved in the battalion. So again he didn't come to me and say there was a--

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(b)(7)(C) (b)(7)(C) you have your staff duty NCO calls you at home and I believe the time was around 1900?

(b)(7)(C) Right.

(b)(7)(C) It was come to the battalion, there's a (b)(7)(C) here raising hell, you go to the battalion, present is the battalion commander, (b)(7)(C) the staff duty runner, the staff duty NCO.

Correct?

(b)(7)(C) Right.

(b)(7)(C) What would (b)(7)(C) be doing there at 1900 with the (b)(7)(C) and why would he be saying senior members after the staff duty (b)(7)(C) had already informed you that (b)(7)(C) was making allegations against the battalion commander as far as the relationship with his wife? I think it's pretty safe to assume you felt that (b)(7)(C) was telling you that the battalion commander was having an inappropriate relationship with his wife, not just some senior official.

(b)(7)(C) He was, but again, when he sat down and talked to me--

(b)(7)(C) I understand, but when you went to the (b)(7)(C) did you tell him that you had a staff sergeant from the 82nd Airborne Division making allegations of inappropriate relationship against your battalion commander?

(b)(7)(C) Yes.

(b)(7)(C) And (b)(7)(C) said that we are going to handle this by finding out what (b)(7)(C) wants?

(b)(7)(C) Not exactly words to that effect. He says, "Okay, what do you have?" I said, "Well he said he has these letters." Okay, I said, "I have not seen the letters," and then I started to explain to (b)(7)(C) exactly what I explained earlier about what happened that evening. Okay? Then he says, that's when I told (b)(7)(C) I said, "Hey get me the letters, bring me the letters in."

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(b)(7)(C) I see, okay.

(b)(7)(C) The letters again that--

(b)(7)(C) Let's go to another area. Did you talk to the battalion commander and ask him if he had relayed this information to the brigade commander?

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

(b)(7)(C) And the battalion commander said he had talked to the brigade commander or not?

(b)(7)(C) No he did not talk to the brigade commander.

(b)(7)(C) He did not give the information to the brigade commander?

(b)(7)(C) No.

(b)(7)(C) Do you know whether Command Sergeant Major or when told the brigade commander?

(b)(7)(C) No I do not and I do know and I just found out last week that he did give that information to the battalion commander. When exactly? I don't know.

(b)(7)(C) To the battalion or brigade?

(b)(7)(C) I mean to the brigade commander.

(b)(7)(C) He gave the information to the brigade commander and you found out last week?

(b)(7)(C) Yes.

(b)(7)(C) How did you find out?

(b)(7)(C) I asked him.

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

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

(b)(7)(C) Why did you ask (b)(7)(C) last week?

(b)(7)(C) He had mentioned something to me about a possible investigation and I asked him did the colonel know about this and he said yes.

(b)(7)(C) And he said the colonel knows because?

(b)(7)(C) He told him.

(b)(7)(C) But you didn't ascertain when he told him?

(b)(7)(C) No I didn't because we was in a heated discussion at the time about something else.

(b)(7)(C) Did he say how he became aware that there was an investigation ongoing?

(b)(7)(C) No he didn't. Slow down. I didn't say he said there was--he said there may be a possible investigation.

(b)(7)(C) Okay.

(b)(7)(C) Let me ask a quick question. Do you have any idea originally after the incident happened that you went up and talked to (b)(7)(C) about it and you and he had a conversation? At that point in time did (b)(7)(C) notify the brigade commander or do you know?

(b)(7)(C) I just said I have no idea when he talked to the brigade commander.

(b)(7)(C) So you know that at some point the brigade commander knew something about it, but you don't know if it was a week ago or if it was a couple of days after the incident happened? Is that what you're telling us?

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(b)(7)(C) I have no idea when he told him this and I will tell you I have no idea when he told him this. Again, I told (b)(7)(C) I told him about it again looking for guidance. And I heard what you said about the authority piece, I got that. But again, allegations, (b)(7)(C) at the time and if you talk to him or interview him, he will attest to this, he chose not to go anywhere with this and I made him feel very comfortable, I think I did, that this is what you want to do, then you do what you feel like you need to do. The only thing I asked him to do was, if he could inform us when he got ready to do that.

(b)(7)(C) Let me ask this one other thing and then we can move on to the next one. The letters (b)(7)(C) placed on your desk that you couldn't find and the battalion commander said he wanted to see what were in the letters. Was your office locked?

(b)(7)(C) I'm not sure but it doesn't matter. It's normally locked, but all the--

(b)(7)(C) Who would have access?

(b)(7)(C) : Everybody in the command group got access to my keys.

(b)(7)(C) Okay. But the commander--

(b)(7)(C) He's got access to my office also--

(b)(7)(C) If the commander said he wanted to see what was in the letters, which indicates he read the letters.

(b)(7)(C) You could assume that.

(b)(7)(C) And he never said anything like, "Bullshit, this is not my handwriting. Bullcrap, that's not mine, I didn't write those"?

(b)(7)(C) No.

(b)(7)(C) Hmm, interesting, okay.

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(b)(7)(C) When the letters disappeared did you call (b)(7)(C) and ask him if you could have another copy because they disappeared?

(b)(7)(C) I sure did.

(b)(7)(C) And what happened?

(b)(7)(C) I don't know, (b)(7)(C) never, we never really conversated again after that and I didn't push the issue, I didn't.

(b)(7)(C) (b)(7)(C) did he come back to you and say, "Hey where does this stand now? Did we get closure on this"?

(b)(7)(C) The last conversation, no I can't say the last conversation. I told (b)(7)(C) I had talked to (b)(7)(C) (b)(7)(C) had told me that he wasn't going to go forward with anything, he was going to try to work this thing out with his wife as painful as it was. He said he did not want to jeopardize or end anybody's career and that was it. We didn't--

(b)(7)(C) When did (b)(7)(C) get reassigned to the 327th?

(b)(7)(C) I have no idea. I didn't even know he was reassigned. You're telling me stuff that I don't know.

(b)(7)(C) She.

(b)(7)(C) Oh I'm sorry; I thought you were talking about (b)(7)(C) I would say within a couple of days after this incident.

(b)(7)(C) Who did this? Who reassigned her?

(b)(7)(C) (b)(7)(C) and I. Let me back up.

(b)(7)(C) Wait a minute, wait a minute.

(b)(7)(C) This was a planned reassignment before we ever left--

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(b)(7)(C) A couple of days after this incident she was reassigned which would indicate that (b)(7)(C) knew about it a couple of days after as opposed to a week after.

(b)(7)(C) Hold on sir. I say again, the plan to move (b)(7)(C) was way before this incident ever happened. If you go back to my tape that I said earlier--

(b)(7)(C) I heard you there.

(b)(7)(C) Okay.

(b)(7)(C) I heard you there. Why was she being moved earlier? Because of the perception?

(b)(7)(C) Because of the perception.

(b)(7)(C) Okay. So you had been back how long because the plan was made?

(b)(7)(C) The plan was made in Kuwait.

(b)(7)(C) Right and you had been back how long when this happened?

(b)(7)(C) I don't remember right off the bat. I don't remember.

(b)(7)(C) Well I can--

(b)(7)(C) If you give me dates I can plug from there, but I don't have dates.

(b)(7)(C) (b)(7)(C) went off to ANCOC shortly after you got back because her number had came up because she had been deployed and then she came back from ANCOC.

(b)(7)(C) No sir. This happened way before she went to BNCOC.

(b)(7)(C) BNCOC? Okay.

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(b)(7)(C) Not ANCOG, BNCOG.

(b)(7)(C) Okay.

(b)(7)(C) She was moved to the 327th way before she went to BNCOG.

(b)(7)(C) When did this incident happen? August?

(b)(7)(C) May.

(b)(7)(C) May? When did you redeploy?

(b)(7)(C) We came back 2 April.

(b)(7)(C) Okay. So this would have been right after she returned off leave right?

(b)(7)(C) I think it happened right after we got off block leave. Yes, because she went to Alabama or something of that nature, on leave.

(b)(7)(C) Georgia.

(b)(7)(C) Yes.

(b)(7)(C) So you guys had it planned to move her and this happened, so you went ahead and made sure it happened?

(b)(7)(C) Oh yes sir.

(b)(7)(C) So that means that (b)(7)(C) knew within a few days of the event happening?

(b)(7)(C) I could say (b)(7)(C) knew the next day this happened. I think I said that earlier. The next day of this whatchacallit.

(b)(7)(C) I thought somewhere we had in there within a week.

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(b)(7)(C) No, no, no, that was another question you asked me about

(b)(7)(C)

(b)(7)(C) Okay.

(b)(7)(C) Trust me. (b)(7)(C) knew about it. I didn't wake him that night, I may have, I don't remember, but I will tell you it was less than 24 hours and he knew about this whole incident.

(b)(7)(C) Okay. Did the brigade commander ever ask you anything or mention anything about it?

(b)(7)(C) No he didn't and I asked him about that the other day.

(b)(7)(C) And what did he say?

(b)(7)(C) He basically told me he wished I had brought it to his attention.

(b)(7)(C) Which means he didn't know, in your mind?

(b)(7)(C) I think what--no, I think he knew. I think (b)(7)(C) told him just like he said he told him.

(b)(7)(C) Why do you think that?

(b)(7)(C) He said he told him. (b)(7)(C) told me he told him and I got to believe that, I don't have no reason to otherwise. And he told me (b)(7)(C) told him. When? I don't know, I didn't get into that.

(b)(7)(C) Wait a minute, wait a minute, oh you don't know when?

(b)(7)(C) I don't know when he did. Here's the thing that made me ask the colonel about it.

(b)(7)(C) Okay.

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(b)(7)(C) In a discussion that (b)(7)(C) and I was having that's when he informed me that he had told the battalion commander, brigade commander and I told him, I said, "Well I would have thought you all would have brought me up here to talk about it." Okay? Because he basically told me that this thing was kind of my fault and I--

(b)(7)(C) He who?

(b)(7)(C) (b)(7)(C) Because it had mushroomed like it had and I told him, I quickly reminded him that this was a joint decision that we both made on trying to handle this at the lowest level, make sure that (b)(7)(C) got what he wanted and again, I'm going to reemphasize (b)(7)(C)

(b)(7)(C) I guess I need to clarify. What does get what you want mean?

(b)(7)(C) What I mean by that is, okay, again if you or whenever you interview (b)(7)(C) I'm pretty sure he will tell you that I did not try to persuade him to do anything. I laid out a few things at him, I wanted to make sure he realized what was here, what was at stake and I told him, "Whatever decision you make I'm going to support you on it." Okay? And when I say whatever make sure (b)(7)(C) got what he wanted, that's what I mean.

(b)(7)(C) Did you tell him his wife would be in trouble also?

(b)(7)(C) No but I did tell him this, "You got to remember now that your wife, this is not going to help your family situation." (b)(7)(C) sit down with me and talked, he was talking family, he was concerned about his family and I said, "You got to realize this is not only going to affect the colonel it's going to affect your family situation as well." So I assume, I mean he's not a civilian, he knew that UCMJ was going to apply both ways if it ever get to this. But by the same token I'm sure that he can articulate to you that by no means did I ever try to pursue him either way and I told him, I specifically told him that I would support whatever it is that he wants to do. The only thing that I asked him to do was please give me, please give us the courtesy of letting us know when you want to go forward with it.

(b)(7)(C) Well let me ask you, I know you're not an attorney, but let me ask you what (b)(7)(C) wants or didn't want, is that a factor in whether or not a

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regulatory or Manuals for Court-Martial violation is reported to the appropriate authorities?

(b)(7)(C) To answer the question I would say no, but by the same token, what manual--I didn't have anything in front of me that anything was violated in the Manual for Court-Martial.

(b)(7)(C) Article 92, Uniform Code of Military Justice, violation of a lawful written order, which is AR 600-20, which prohibits fraternization.

(b)(7)(C) Again I had no proof in front of me that fraternization had been committed.

(b)(7)(C) You didn't have to have proof, you had an allegation.

(b)(7)(C) Okay. And I went to my superior--

(b)(7)(C) You're exactly right--

(b)(7)(C) : And talked to him.

(b)(7)(C) You did the right thing.

(b)(7)(C) : Was the XO involved in this at all? (b)(7)(C)

(b)(7)(C) The XO was aware of it.

(b)(7)(C) : Did he report it to anybody, do you know?

(b)(7)(C) I have no idea, I don't think he did.

(b)(7)(C) He sort of left that to you?

(b)(7)(C) Because he understood that me and (b)(7)(C) was working on this.

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[REDACTED] Okay. Let's talk about the altercation with [REDACTED]
Who did you report that to and what guidance did you get?

[REDACTED] Again, I reported it to [REDACTED]

[REDACTED] And what guidance did you receive?

[REDACTED] Can I get a minute?

[REDACTED] We're going off tape. It is now 1633.

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(b)(7)(C) It is now 1634 and we're back on tape. Do you need me to repeat the question?

(b)(7)(C) Yes, yes please sir.

(b)(7)(C) To whom did you report the altercation with the (b)(7)(C) and what guidance did you receive from that person?

(b)(7)(C) Okay, shortly after the altercation between (b)(7)(C) and the colonel, the XO, (b)(7)(C) correction, the XO, (b)(7)(C) and the S-3, (b)(7)(C) later that evening we got together and we said hey we got to advise the colonel here on what we need to do, what needs to happen with this and we, all three of us, went to see the battalion commander, he was in his trailer, and we told the battalion commander that a few things needed to happen. One, he needs to notify the brigade commander immediately that this issue had happened; two, that we recommend that he apologize to (b)(7)(C) as soon as possible, as well as to those Soldiers that witnessed this incident. Shortly after that and he agreed that he would do that, he said he would call (b)(7)(C), I made a decision not to talk to (b)(7)(C) about it until after he had made that phone call to the colonel. He got a hold of the colonel, I don't know when, I don't know, but I would say within the 24 hour period in which this happened keeping in mind the time difference. Then at that point I called (b)(7)(C) and told him what happened and he says, "Okay what--" and I also relayed to him what (b)(7)(C) had been basically stating the whole time that she wanted an apology, the whole nine, and I told him we had lined up those things for the colonel tomorrow, that he was going to talk to (b)(7)(C) and he also was going to talk to the Soldiers about the incident, what happened and that also (b)(7)(C) wanted to move, she wanted to be moved out of the battalion, out of the brigade because she felt that she had been done a disservice--

(b)(7)(C) Injustice.

(b)(7)(C) Injustice, the whole nine yards. And he said, "Well okay we'll take a look at that when you get back." And I think (b)(7)(C) kind of felt that hey it was something simple, that it wasn't as detailed as it was, but later on when we got back here and we went up to see the brigade commander about it, we kind of spelled it out and showed him exactly what happened.

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(b)(7)(C) Who is we?

(b)(7)(C) I had to go up with (b)(7)(C) up there also because (b)(7)(C) wanted to be moved. (b)(7)(C) wanted to make sure that we just wasn't giving in moving somebody because of something.

(b)(7)(C) You and (b)(7)(C) went to see who?

(b)(7)(C) We went to see (b)(7)(C) first.

(b)(7)(C) And then who did you see?

(b)(7)(C) Then we eventually had to see the battalion commander about that issue.

(b)(7)(C) You mean the brigade commander?

(b)(7)(C) I mean the brigade commander.

(b)(7)(C) Okay, so tell us what happened when you went to see the brigade commander.

(b)(7)(C) What do you mean? We explained what happened.

(b)(7)(C) Yes. You explained what happened to (b)(7)(C) and (b)(7)(C) guidance was?

(b)(7)(C) At the time--we explained what happened to (b)(7)(C) guidance was that he was going to do; I think he did a commander's inquiry.

(b)(7)(C) Were you interviewed?

(b)(7)(C) I was interviewed.

(b)(7)(C) Who interviewed you?

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(b)(7)(C) No, let me back up, I take that back. I was not interviewed, I was asked to make a written statement on what happened and I did a written statement.

(b)(7)(C) Who asked you for the written statement?

(b)(7)(C) (b)(7)(C) was the DBC at the time. No, I wasn't interviewed. I made a statement, a sworn statement. I think all of us. When I say all of us, the key leaders, myself, (b)(7)(C)

(b)(7)(C) Was (b)(7)(C) asked to make a statement?

(b)(7)(C) She was asked to make a statement also.

(b)(7)(C) Would it surprise you if we have testimony to the contrary?

(b)(7)(C) What do you mean?

(b)(7)(C) That she was unaware that she didn't testify, that she didn't provide anything to the investigating officer according to her.

(b)(7)(C) Wait a minute, let me clarify something.

(b)(7)(C) Okay.

(b)(7)(C) I told (b)(7)(C) she needed to do a statement. If (b)(7)(C) was supposed to tell her, I have no idea or no recollection of any of that.

(b)(7)(C) Who told you to tell her she was supposed to do it?

(b)(7)(C) I think (b)(7)(C) told me she needed to make a statement. Just like also our driver, (b)(7)(C), had to make a statement.

(b)(7)(C) Who told you you had to make a statement?

(b)(7)(C) (b)(7)(C). Although I knew (b)(7)(C) had told we had to make statements anyway, but (b)(7)(C) told me.

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(b)(7)(C) And he told (b)(7)(C) that he had to make one?

(b)(7)(C) No I can't say that he told (b)(7)(C) specifically. I do know that he told me that (b)(7)(C) needed to make a statement.

(b)(7)(C) So he just took statements. Did he ever interview anybody that you're aware of?

(b)(7)(C) That I'm aware of?

(b)(7)(C) Yes.

(b)(7)(C) I don't know. I don't remember any interviews.

(b)(7)(C) Okay.

(b)(7)(C) Okay, so the brigade commander appointed an investigating officer who did an investigation. Who made the decision to reassign (b)(7)(C) to a new battalion?

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

(b)(7)(C) Why?

(b)(7)(C) Based on her request. She wanted to move, she wanted to be--

(b)(7)(C) She wanted out of the brigade didn't she?

(b)(7)(C) Well she did.

(b)(7)(C) So how did she end up getting moved within the brigade?

(b)(7)(C) Because that's what (b)(7)(C) decided to do, him and the colonel.

(b)(7)(C) Was she given three options where she could go?

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(b)(7)(C) She was.

(b)(7)(C) And she chose the gym?

(b)(7)(C) She did.

(b)(7)(C) So how did she end up over in 50th Signal?

(b)(7)(C) I assume that's the decision that (b)(7)(C) and the colonel made. I know (b)(7)(C) made that decision, but I don't know if the colonel was involved with that decision or not.

(b)(7)(C) Was there ever any discussion that she could go to Fort Huachuca or she could go to Korea?

(b)(7)(C) There was at one time.

(b)(7)(C) And who had that discussion?

(b)(7)(C) (b)(7)(C) and I had that discussion.

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

(b)(7)(C) I think it was brought up once in her presence--she was up there when it was brought up once, (b)(7)(C) and I had a couple of conversations about that because I felt that's all that Soldier wanted to do in this particular situation. She wanted to be reassigned and I personally felt that it was a just request.

(b)(7)(C) ; So moving her to the 50th Signal Battalion which was next in the chute to deploy, was that a just decision?

(b)(7)(C) No I would not have done that.

(b)(7)(C) Why?

(b)(7)(C) Because I personally don't think that's a just.

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(b)(7)(C) Would you think that that was like punishment?

(b)(7)(C) I can't say that. I don't know. (b)(7)(C)

(b)(7)(C) Were they short?

(b)(7)(C) Yes, we were short 31 Romeos across the brigade. We are reporting 31 Romeos on our USR--

(b)(7)(C) So you're short 31 Romeos, 50th Signal is short 31 Romeos?

(b)(7)(C) And probably with 327th at the time. So his point was it was hard for me to justify moving when we were asking in one breath that we're needing these people and we're moving them in another. That was his justification for doing what he was doing. Now you ask me did I think it was just, I said no, but that was his justification.

(b)(7)(C) Didn't he offer to send her to G-6 also?

(b)(7)(C) I think he did. I think he did.

(b)(7)(C) So he was going to lose her out of your brigade?

(b)(7)(C) G-6 is part of our brigade sir.

(b)(7)(C) Oh you have a G-6?

(b)(7)(C) The Soldiers that's assigned to the Corps G-6 are assigned to 35th Signal Brigade.

(b)(7)(C) Oh okay.

(b)(7)(C) They just work at G-6.

(b)(7)(C) So she would have been reassigned within the brigade?

(b)(7)(C) That still was in the brigade.

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(b)(7)(C) Okay. That makes more sense then. Okay.

(b)(7)(C) Let's go back a minute to the night that you got called in by the (b)(7)(C) and went in and talked to the two (b)(7)(C) and once you got all of that settled, what did you talk about or did you give any particular direction to the SCNCO about what to put in his log?

(b)(7)(C) No I did not give directions of what to put in the log, but I did tell the staff duty, "I don't want to hear any of this."

(b)(7)(C) Beg your pardon?

(b)(7)(C) I did tell the staff duty that he's not to be running off at the mouth telling anybody this.

(b)(7)(C) What was in the log? You read it the next morning?

(b)(7)(C) I think it had something to the nature of--I'm not real sure, I'd have to read it again.

(b)(7)(C) You didn't in any way tell the staff duty NCO what he should put in the log?

(b)(7)(C) I told him not to put all of that detail into the log. I did.

(b)(7)(C) Why?

(b)(7)(C) Again trying to keep this thing down at a respectful level. Keep it, make sure that it wasn't just an allegation that spread like wildfire across the battalion, get some truth behind it or something before--that's embarrassing to the unit, to the commander, to the Soldiers.

(b)(7)(C) Yeah I know, but it goes back to (b)(7)(C) and the battalion commander within the battalion headquarters at 1900, you ask why?

(b)(7)(C) What do you mean you ask why?

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(b)(7)(C) Did you ask yourself why they would be there at 1900 and nobody else?

(b)(7)(C) Oh sir I'm not going--it does make you ask why.

(b)(7)(C) Okay.

(b)(7)(C) So you basically told him to keep it simple?

(b)(7)(C) Keep it simple because again you got the battalion commander being accused across the battalion and that'll spread like wildfire and then the next thing you know one thing leads to another.

(b)(7)(C) Now let me ask you this question. Do we still have plenty of tape?

(b)(7)(C) We're fine, yeah.

(b)(7)(C) Okay. As far as your battalion goes now, is there any question in your mind that every Soldier in your battalion doesn't know all about the allegations against your battalion commander?

(b)(7)(C) Say that again.

(b)(7)(C) Is there any doubt in your mind that every Soldier in your battalion doesn't know what's going on and what the allegations are against your

(b)(7)(C) I would tell you that, no, every Soldier in my battalion don't know what's going on with the battalion commander. I will tell you that any Soldier that's got an interest knows. There are some people that go seek gossip and they go looking for stuff and I will tell you a good percentage of my battalion do know. But I can't sit here and tell you every Soldier knows.

(b)(7)(C) Define a good percentage.

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(b)(7)(C) I could easily say 50 percent of them know.

(b)(7)(C) Okay.

(b)(7)(C) Correction, let me rephrase that. I could easily say 50 percent of them probably have heard of the incident at the staff duty desk. But if you're asking me about that relationship piece, no I can't say that. I'm not saying 50 percent of them know about that.

(b)(7)(C) Let me ask you this. At what point do you think that the brigade commander knew?

(b)(7)(C) I have no idea.

(b)(7)(C) Do you think that it's possible that he did not know anything until a week ago?

(b)(7)(C) No I don't think. I think he knew before then.

(b)(7)(C) Why?

(b)(7)(C) Having worked with (b)(7)(C) for going on six years now, he probably did just like I would do with my boss on an issue. Eventually I'd get to it and I'd tell him. No it wouldn't take no half a year, no it wouldn't take no six months. Now would I give all the intricate details? No, but I would say hey and I would have done the same thing. Although him and I agreed that we would try to keep it low because again if it surfaced, he would be doing just like I'm doing, saying who he told and why he told them and when did he tell them to the best of his knowledge. You can't keep something like this. That's why I didn't try to keep it in my battalion. You've got to talk to somebody about it because again, just like I told (b)(7)(C) I didn't know how to handle this thing. I never dealt with nothing like this before.

(b)(7)(C) What is the command climate in your battalion?

(b)(7)(C) The command climate? I'd say our command climate is good. In retrospect with all of this stuff going I still say it's good.

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(b)(7)(C) Do the leaders in your battalion respect the battalion commander?

(b)(7)(C) I think they do. I have not seen any difference, any great difference. Most of our guys are new anyway. The commanders are. A couple of them are new.

(b)(7)(C) Okay.

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

(b)(7)(C) No, that's all I have.

(b)(7)(C) Do you have anything else you wish to present?

(b)(7)(C) No.

(b)(7)(C) Other than the people we've already talked about and the names you've already given us of who might have witnessed something or who might have been in the vicinity when an incident happened, is there anyone else you think we should talk to?

(b)(7)(C) You know you're asking me who all witnessed some of this stuff. Again I mentioned the (b)(7)(C) issue, those are the only people I know that witnessed that, those are the ones that I mentioned here. The (b)(7)(C) issue was witnessed by almost half a company, a whole platoon of folks. The incident with the (b)(7)(C) at the staff duty desk, the only other person that I think may have caught some of that was (b)(7)(C) who has ETSed out of the Army. She was there signing in out on leave at the time when--I don't know if she was there when he actually, when (b)(7)(C) actually came to the staff duty, but she might have caught some of the conversation of (b)(7)(C) talking to me over the phone or something to that nature.

(b)(7)(C) Okay. Anybody else?

(b)(7)(C) No, that's it.

(b)(7)(C) Okay. We are required to protect the confidentiality of IG investigations and the right to privacy and reputations of all the people involved in them.

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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 our permission.

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, social security number, home address and home phone number, outside official channels?

(b)(7)(C) No.

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

(b)(7)(C) No sir.

(b)(7)(C) The time is now 1652 and this interview is concluded.

(The foregoing testimony of (b)(7)(C) was recorded verbatim by microphone. The testimony was transcribed by (b)(7)(C) Closed Microphone Reporter, XVIII Airborne Corps Inspector General Office, Ft Bragg, NC 28310-5000 on 31 January 2007.)

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