

UNITED STATES DEPARTMENT OF DEFENSE

+ + + + +

RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT
CRIMES PANEL

+ + + + +

THE ROLE OF THE COMMANDER IN THE MILITARY
JUSTICE SYSTEM: PERSPECTIVES OF RETIRED
SENIOR COMMANDERS AND FORMER OFFICERS

+ + + + +

THURSDAY
JANUARY 30, 2014

+ + + + +

The Panel met in the Faculty
Conference Room at The George Washington
University Law School, 716 20th Street, N.W.,
Washington, D.C., at 8:30 a.m., Hon. Barbara
Jones, Chair, presiding.

PRESENT:

The Honorable Barbara Jones
The Honorable Elizabeth Holtzman
Vice Admiral (Retired) James Houck
Brigadier General (Retired) Colleen McGuire
Brigadier General (Retired) Malinda Dunn
Colonel (Retired) Holly Cook
Professor Elizabeth Hillman
Harvey Bryant
Mai Fernandez

PRESENTERS:

General (Retired) Ann Dunwoody, U.S. Army
General (Retired) Roger Brady, U.S. Air
Force
Vice Admiral (Retired) Mike Vitale,
U.S. Navy*
Lieutenant General (Retired) James Campbell,
U.S. Army
Lieutenant General (Retired) Ralph Jodice
II, U.S. Air Force*
Major General (Retired) Martha Rainville,
U.S. Air Force*
Brigadier General (Retired) Pat Foote,
U.S. Army
Rear Admiral (Retired) Marty Evans,
U.S. Navy*
Rear Admiral (Retired) Harold Robinson,
U.S. Navy
Rear Admiral (Retired) William Baumgartner,
U.S. Coast Guard
Captain (Retired) Lory Manning, U.S. Navy
Colonel (Retired) Paul McHale, U.S. Marine
Corps*
K. Denise Rucker Krepp, former U.S. Coast
Guard JAG & former Chief Counsel,
U.S. Maritime Administration

STAFF:

Colonel Patricia Ham, RSP Staff Director
Maria Fried, Designated Federal Official
Lieutenant Colonel Kyle Green, RSP Senior
Attorney

* present by teleconference

TABLE OF CONTENTS

Page

Comments from the Panel Chair	
Hon. Barbara Jones.....	5
Perspectives of Retired Senior Commanders and Former Officers who Endorse Changing the Role of the Commander in Military Justice Processes	
Maj Gen Rainville, U.S. Air Force..	10
BG Foote, U.S. Army.....	15
RDML Evans, U.S. Navy.....	22
RDML Robinson, U.S. Navy.....	28
CAPT Manning, U.S. Navy.....	37
Col McHale, U.S. Marine Corps.....	42
Ms. Krepp, U.S. Coast Guard JAG and former Chief Counsel, U.S. Maritime Administration.....	46
Panel Q & A	52
Perspectives of Retired Senior Commanders	
Gen Dunwoody, U.S. Army.....	96
Gen Brady, U.S. Air Force.....	102
VADM Vitale, U.S. Navy.....	108
Lt Gen Campbell, U.S. Army.....	110
Lt Gen Jodice, U.S. Air Force.....	115
RADM Baumgartner, U.S. Coast Guard.	120
Panel Q & A.....	128
Public Comment.....	200
Panel Deliberations.....	252
Role of the Commander Subcommittee Report to Panel.....	327

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

P-R-O-C-E-E-D-I-N-G-S

(8:46 a.m.)

MS. FRIED: Good morning, everyone.

My name is Maria Fried. I am the Designated
Federal Official for the Response Systems
Panel. Thank you all for coming. Thank you,
Panel members for joining us.

With that, I would like to turn it
over to the Staff Director for this Panel,
Colonel Patty Ham.

COL HAM: Thank you, Ms. Fried.

Good morning panel members and everyone
attending this meeting of the Response Systems
to Adult Sexual Assault Crimes Panel.

Panel members Bryant, Fernandez and
Representative Holtzman will be joining us a
little bit later.

A couple of administrative notes.
C-SPAN is here today. They are not
broadcasting the meeting live but they are
recording it.

You are permitted to take pictures.

1 Please do not do so during the session, so as
2 not to distract the presenters.

3 We received public comment for
4 today's meeting from several people: Ms.
5 Christina Thundathil, with some attachments;
6 Ms. Melissa Davis, who requested the members
7 receive a link to a book that she has written
8 and the members do have that; Mr. Tim Dixon;
9 and Ms. Sarah Zak. We also received a request
10 from Ms. Davis, Mr. Dixon, Ms. Zak, and Ms.
11 Jenny Lee to address the panel in the public
12 comment period.

13 The members have copies of the
14 public comments and they are also posted on
15 the panel's website, which is found at
16 responsesystemspanel.whs.mil at a link for
17 today's meeting.

18 Madam Chair, are you ready to
19 proceed?

20 JUDGE JONES: Yes, thank you. Good
21 morning everyone. Welcome to this meeting of
22 the Response Systems Panel to Adult Sexual

1 Assault.

2 Before we get started, I want to
3 extend the panel's thanks and appreciation to
4 interim Dean Greg Maggs and the George
5 Washington University Law School for allowing
6 the panel to use its facilities for this
7 meeting.

8 As many of you may know, in addition
9 to being a brilliant scholar and professor of
10 law here at GW, Dean Maggs is also a Colonel
11 in the United States Army Reserve, Judge
12 Advocate General's Corps, who has served in
13 many positions, including Appellate Judge.

14 Dean, I don't know if you are in the
15 room at this point but thank you very much.

16 The panel also wants to express its
17 thanks to Dean Hank Molinengo, who is the
18 Assistant Dean, Administrative Affairs, as
19 well as Ms. Natalie Fields, the Director for
20 Conference and Event Services and her
21 assistant, Ms. Wanda Wilder and Mr. Andrew
22 Lawrence, Media Services Coordinator. I want

1 to thank all of you for helping us put this
2 meeting together.

3 In the National Defense
4 Authorization Act for Fiscal Year 2013,
5 Congress directed the Secretary of Defense to
6 establish the Response Systems Panel to
7 conduct an independent review and assessment
8 of the systems used to investigate, prosecute,
9 and adjudicate crimes involving adult sexual
10 assault and related offenses under the Uniform
11 Code of Military Justice for the purpose of
12 developing recommendations regarding how to
13 improve the effectiveness of those systems.

14 Among many other very important and
15 challenging tasks, Congress directed the Panel
16 to assess the role of the commander, including
17 initiatives to modify the current role of the
18 commander in the military justice system.

19 The panel has already focused much
20 of its efforts in this area and we will spend
21 today discussing it as well.

22 In addition to the panel's efforts,

1 due to the vast scope of the tasks that
2 Congress assigned to us and the short time
3 that we have within which to accomplish our
4 work, we have established three subcommittees.
5 The Role of the Commander, a Subcommittee on
6 Comparative Systems and a Subcommittee on
7 Victim Services. It seemed the most efficient
8 way to proceed and get as much done as we
9 possibly could in the time that we had.

10 Various panel members serve on each
11 of the subcommittees, along with subject
12 matter experts, who were added in order to
13 help us with our work. I serve as the Chair
14 of the Role of the Commander Subcommittee.

15 At a Role of the Commander
16 Subcommittee meeting earlier this month, the
17 members requested to hear from retired general
18 officers and former officers who both
19 supported and opposed modifying the
20 commander's authority to convene courts-
21 martial. We heard from a number of retired
22 officers at the Subcommittee meeting and I

1 believe that was held on January 9th, if my
2 memory serves me. And there is a transcript
3 of it. It was fully transcribed. We await
4 getting it back in order to post it on the
5 panel's website. Oh, I'm sorry. It is
6 already on the panel's website, the transcript
7 from January 9th.

8 We invited everyone who appeared at
9 that Subcommittee meeting to come and testify
10 today at the full panel meeting, which is a
11 public meeting and many of the same retired
12 and former officers who appeared before the
13 Subcommittee have been able to come back and
14 accept this invitation to present their views
15 to the full panel.

16 We are also lucky today to have some
17 additional distinguished retired officers who
18 were not at the subcommittee meeting. Their
19 biographies and all of the background
20 materials provided to the panel in preparation
21 for this meeting are available on the panel's
22 website, as well as the public comments that

1 Colonel Ham just mentioned earlier that we
2 received in connection with today's meeting.

3 Having just given that background,
4 I would like to turn now to our presenters for
5 our first session this morning. And they will
6 speak in favor of modifying the role of the
7 commander in the military justice process.

8 As you can see, we have four
9 presenters who are here in person and we have
10 three who have joined us by phone. Let me
11 just start by thanking each and every one of
12 you for making yourselves available today.

13 All right, if we could, I would like
14 to begin with General Rainville. General, are
15 you there?

16 MAJ GEN RAINVILLE: Yes, I am. I'm
17 here. Good morning.

18 JUDGE JONES: Good morning. We
19 would be pleased to hear your comments.

20 MAJ GEN RAINVILLE: Thank you very
21 much. And thank you for allowing us to
22 participate over the phone. I regret that I

1 couldn't be there in person this morning.

2 I am General Rainville. I served,
3 as a brief background, on both active duty in
4 the Air Force, the Air Force Reserve, and the
5 National Guard. And I have 14 years of
6 command time with nine of those as the
7 Adjutant General of the Vermont National
8 Guard, both Army and Air.

9 I firmly support placing decisions
10 to prosecute sexual assault and other serious
11 criminal offenses within the military legal
12 system and moving them from outside of the
13 command chain.

14 I think that the decisions to
15 prosecute or not should be based on evidence,
16 independent of preexisting command
17 relationships and that really our men and
18 women deserve that fair treatment and due
19 process that would come with that.

20 I strongly believe in holding
21 commanders responsible. That is a given. But
22 we should not confuse command responsibility

1 with leadership. Commanders should always be
2 responsible for command climate. And this
3 change, if made, would allow those commanders
4 to focus their efforts on command business,
5 improving the command climate, and on the
6 warfighting abilities of their units.

7 Leadership, to me, is an ability to
8 inspire others, to set a moral example, to
9 think strategically, while focusing on mission
10 success. I think that even since we met on
11 the 9th of January in that panel, even more
12 reports have come out in the paper of
13 misbehavior, unacceptable actions by senior
14 military officers, unfortunately, and others
15 within the command chain. And it just points,
16 I think, to the importance of what the
17 subcommittee is doing and the recommendations
18 that you will be submitting and the importance
19 for a substantive and visible change in the
20 structure of the military's response.

21 For decades since I was in in 1979
22 up to the present time, the military,

1 Department of Defense has gone through cycles
2 of focus on the issue of sexual harassment and
3 sexual assault in the military. And some good
4 actions were taken. The decisions to put
5 emphasis on it with commanders to hold
6 commanders responsible and to educate the men
7 and women in the military on harassment, on
8 acceptable behavior versus unacceptable
9 behavior. They need to timely measure it
10 afterward and we wanted to see the success of
11 what we did but, lo and behold, the cycle
12 repeated itself over and over and over.

13 And I think that now with the
14 changes that Senator Gillibrand has proposed
15 in her legislation that go further than any
16 changes that have been made before, there is
17 a real opportunity to strike at the heart of
18 part of the problem, and that is to change
19 that structure, to place the decisions to
20 prosecute with trained military legal
21 professionals, to let commanders lead, to free
22 them to focus on mission-readiness and

1 warfighting in their command climate and
2 inspiring and leading. And as a result, to be
3 able to build back that faith and confidence
4 in due process within the military that we
5 must demand of ourselves to provide for those
6 men and women who are serving, men and women
7 in all ranks and in all fields.

8 So, I really thank you for
9 addressing this. I won't repeat other things
10 that I had said before, except just to
11 emphasize that it is more important than ever
12 that this is seriously dealt with and that we
13 don't accept push back on change but really
14 look for ways that will actually have a strong
15 positive effect on these problems that keep
16 repeating themselves.

17 So thank you again for the
18 opportunity to talk by phone. I will be
19 listening in and be willing to answer any
20 questions when that is appropriate. Thank
21 you.

22 JUDGE JONES: Thank you very much,

1 General. I would like to turn now to General
2 Pat Foote, U.S. Army, who is with us this
3 morning.

4 BG FOOTE: Thank you very much. And
5 thank you for this opportunity to appear
6 before the panel to express --

7 JUDGE JONES: You know, I am just
8 wondering. Are the microphones on? Because
9 I can hear you but I don't know if anyone in
10 the back can.

11 RDML ROBINSON: Ma'am, we were
12 briefed that these little ones are the public
13 microphones and --

14 JUDGE JONES: Okay, great.

15 RDML ROBINSON: -- these are
16 recording.

17 JUDGE JONES: If you can't hear me,
18 put your hand up but I just wanted to make
19 sure everyone could hear you.

20 BG FOOTE: Okay, thanks.

21 JUDGE JONES: Go ahead, general.

22 BG FOOTE: I come at this from the

1 direction that I served on active duty for 30
2 years as a commissioned officer during the
3 years of the Women's Army Corps from 1969 --
4 pardon me, 1959 to 1978 and through the
5 process when the Corps was integrated into the
6 Army mainstream over a period of four decades.

7 In retirement, 23 years, I have
8 continued to work the issues that are
9 concerning dysfunctional policies governing
10 how we utilize, train women in the military
11 and also the issues of sexual harassment.

12 I have very reluctantly agreed and
13 come to the conclusion that there is a problem
14 in continuing to attempt to resolve sexual
15 assault cases within the existing chain of
16 command and that I do support Senator
17 Gillibrand and her effort to take this and put
18 it under the appropriate leader authorities
19 external to the chain of command to handle the
20 problems and let commanders command.

21 When I commanded a WAC company, a
22 Women's Army Corps company at Fort Belvoir,

1 Virginia from '64 to '66, we had at that time
2 what I consider an old girl network that was
3 very effective from company commanders to
4 women staff advisors at Army level to the
5 Officer of the Director back to the training
6 center in how we managed, commanded our Army
7 women. I only had five women assigned to me.
8 The remainder of the women in the unit were
9 assigned to three separate commanders, the
10 post, and as students who were all billeted
11 together simply because of their gender. And
12 I was their commander.

13 And in this particular arrangement,
14 I had UCMJ authority over every one of these
15 women. The system worked pretty well right
16 there, where the chain of command to which the
17 women really responded was not the chain of
18 command that adjudicated any cases of
19 misbehavior with them.

20 In 1996, after the Aberdeen Proving
21 Ground scandal broke, I was recalled to active
22 duty by the Secretary of Army to serve as the

1 Vice Chair of the Senior Review Panel on
2 Sexual Harassment. There had been a
3 tremendous amount of extremely adverse
4 publicity concerning the events at Aberdeen
5 Proving Ground where a number of drill
6 sergeants, officers, and others were
7 implicated in having sexual relationships with
8 women in training.

9 When this happened, the Secretary
10 decided that the way to really get into the
11 heart of what is going on here was to have the
12 panel go forth into the Army and measure its
13 human dimension worldwide. And in the next
14 year, our panels, there were 40 of us, went
15 worldwide to 55 installations, interviewed or
16 focused grouped or surveyed over 35,000 troops
17 and family members also. And we did a lot of
18 wandering around wherever we were to find out
19 what was the command climate in which we were
20 operating there.

21 In September of 1997, the final
22 report was rendered and I will tell you it was

1 documented thoroughly. We had nine behavioral
2 scientists working with us to ensure that our
3 research documents were valid and that the
4 questions were valid.

5 So when the report came out and was
6 delivered to the Secretary, four major
7 findings occurred. Number one, yes, sexual
8 harassment is extant in the Army but sexual
9 discrimination is the larger problem.

10 Number two, the equal opportunity
11 program at Department of Army level looked
12 beautiful on paper. It did not work worth
13 anything. The soldiers did not respect it.
14 The soldiers did not trust it. And they felt
15 that if they registered a complaint of sexual
16 assault or whatever the complaint might be,
17 that they would be further victimized by their
18 peers or superiors for having caused this
19 problem in the unit.

20 Number three, we found that most
21 drill sergeants were very competent in doing
22 what they did and they did it well in the

1 there. We were involved in the Vietnam War
2 and that took the priority.

3 Let's fast forward 17 years to the
4 current time and the same problems that we
5 identified then are identified Army-wide now.
6 And there has been no solution offered to
7 ensure that we can handle this under the
8 present mechanisms that we are using.

9 And it is for this reason that I
10 have felt compelled to stand and say that we
11 need to think out of the box. We need new
12 direction. We need creative thinking. We
13 need not to be so married to the chain of
14 command, which I believe in, I truly believe
15 in, as the mechanism to command, manage, and
16 administer to the Army in war and peace. But
17 when you have got a weak link in that chain,
18 then it behooves us to take that weak link out
19 and come up with a different mechanism for
20 handling the very complex cases of sexual
21 assault with which we deal.

22 So for that reason, I support

1 Senator Gillibrand and I hope that we will
2 make a very thorough search for a better way
3 to ensure a better Army of the future. Thank
4 you.

5 JUDGE JONES: All right, thank you
6 very much, General Foote. And thank you for
7 all of your service.

8 BG FOOTE: Thank you.

9 JUDGE JONES: Next, we will hear
10 from Admiral Evans, U.S. Navy.

11 RDML EVANS: Thank you very much,
12 Judge Jones. Members of the panel, ladies and
13 gentlemen, thank you for inviting me to meet
14 with the panel today. It is an honor for this
15 retiree to be given the opportunity to
16 testify.

17 By way of background, I served
18 nearly 30 years on active duty in the United
19 States Navy. More than eight of those years
20 were as a commander of units in the United
21 States and overseas, ranging in size from 200
22 to over 6,000 personnel.

1 Commands included the Naval Station
2 in San Francisco, Navy Recruiting, the George
3 C. Marshall Center for European Security
4 Studies in Germany and the Naval Post Graduate
5 School. For six of those command years, I had
6 the authority to convene general courts-
7 martial.

8 I also had a one-year assignment as
9 the Director of the Navy's Standing Committee
10 on Military and Civilian Women in the
11 Department of the Navy created in 1992 in the
12 wake of the infamous Tailhook scandal. That
13 committee's mission was to develop a strategy
14 to change the culture and the climate of the
15 Navy and Marine Corps to value and respect
16 women.

17 We did develop a strategy, 80
18 specific actions, and it was implemented. It
19 included a get tough approach to dealing with
20 sexual assault and harassment, education for
21 all hands and many substantive changes to
22 systems and processes. Yet, here we are again

1 addressing the same issues of leadership,
2 command climate, and accountability.

3 I also served as a presidential
4 appointee on the Military Academy Board of
5 Visitors for five years and on the Board of
6 the Naval Academy Foundation for nine years.

7 Like many Americans, I have watched
8 the debate about the military justice system
9 and the military's handling of sexual assault
10 cases for the past several years. From my
11 perspective, this has always been first and
12 foremost about readiness, recruiting,
13 training, organizing, equipping, and most
14 importantly leading America's finest men and
15 women to be ready to go into harm's way
16 supporting the nation's interest.

17 The number of incidents and
18 persistence of the criminal conduct compels a
19 new and improved approach. At least since
20 1992 in Tailhook, commanders have said they
21 get it, yet the statistics tell a different
22 story. When incidents of unwanted sexual

1 conduct are alleged to have occurred, victims
2 should feel confident in reporting them to
3 their chain of command and believe that the
4 system will handle a complaint seriously and
5 sensitively. And as important, alleged
6 perpetrators should also feel they will be
7 treated fairly in the military justice system.

8 As a commanding officer and
9 commander, I appreciated those particular
10 prerogatives entrusted to us in the military
11 justice system. I, too, believe they were
12 essential to the maintenance of good order and
13 discipline in my command. Today, I believe
14 some of those same prerogatives contribute to
15 a culture that is not in fact or perception
16 promoting a climate free from unwanted sexual
17 conduct and safeguarding the rights of both
18 the accused and the victim.

19 I applaud the most recent changes in
20 the military justice system. In my judgment,
21 they represent significant and long-needed
22 progress, particularly with regard to crimes

1 involving unwanted sexual conduct and the
2 seeming epidemic of sexual assault in the
3 military. There is no question, once again,
4 a full court press is on. Yet, I am not
5 convinced it is all that is necessary to
6 address the crisis, which is why I support
7 Senator Gillibrand's proposal.

8 With commanders retaining the
9 decision on which cases go to trial, I believe
10 overcoming the fact or appearance of conflict
11 of interest is too huge a mountain to climb.
12 From my own experience, it was gut-wrenching
13 to receive a sailor's allegation of sexual
14 assault by another member of the command,
15 particularly one who was senior and perhaps
16 had an excellent performance record. But it
17 is even more gut-wrenching to reflect on what
18 crimes may not have been reported because the
19 man or woman in my command did not believe I
20 would believe their side of the story or they
21 thought there would be retaliation.

22 I think I would have accepted and

1 perhaps even welcomed a senior JAG officer
2 with prosecuting experience weighing the
3 evidence and making a fact-based decision
4 about whether to move forward with a court-
5 martial. That would be in the best interest
6 of both the alleged victim and the accused.

7 I cannot see how a commander's
8 authority would be undermined and that she or
9 he would somehow not be able to set the proper
10 command climate to support the unit's mission,
11 if cases proceeded to trial based on the
12 strength and weaknesses of evidence.

13 When I was a commander in my first
14 command assignment, I did not have general
15 court-martial convening authority. The
16 regional commander, a one-star admiral held
17 that authority. My having to refer the most
18 serious cases to him did not in any way lessen
19 my charge and ability to lead my sailors and
20 officers effectively and certainly, it did not
21 absolve me of any accountability for good
22 order and discipline and, most especially, for

1 accomplishing the mission.

2 I believe Senator Gillibrand's
3 legislation strikes exactly the right balance
4 between military command needs and supporting
5 victims and accused. It is more important
6 than ever to implement the substantive changes
7 enacted by the NDAA but also to take this
8 additional measure to enhance the trust and
9 confidence in the military justice system.

10 Thank you again, Judge Jones and
11 Committee for giving me the opportunity to
12 speak with you today.

13 JUDGE JONES: Thank you very much,
14 Admiral.

15 Now, we will hear from Admiral
16 Robinson with the U.S. Navy.

17 RDML ROBINSON: Thank you very much,
18 Your Honor and thanks to the entire panel. I
19 have had an opportunity to read some of the
20 record from January 8th and what you are
21 dealing with is amazingly complex and vexing
22 and I know we are all on the same side.

1 Permit this old retired chaplain of
2 36 years' service to reflect, not simply to
3 reprise what I said at the beginning of that
4 January 8th meeting, but to reflect a bit on
5 the remarks that were made in the afternoon
6 session following our presentation. And I do
7 so as an individual with a, I think, unique
8 perspective as a chaplain not ever in the
9 chain of command but yet part of the chain of
10 command. I have been privy to the inner
11 thinking of commanders. I have been, often,
12 the first to hear of an incident because
13 chaplains are first responders in many cases
14 when they are trusted and respected. I have
15 been the source of solace and strength, I
16 hope, for some of them and occasionally
17 witness to the inner struggles of perpetrators
18 who have come for counseling. So, something
19 of a unique perspective alongside the chain of
20 command.

21 And I bring that panel, those
22 thoughts to what was said, as I said following

1 our presentation. The people that you heard
2 from in the afternoon and the people you are
3 going to hear from later this day are among
4 the finest human beings and the most
5 distinguished commanders you will ever have an
6 opportunity to hear from. I stand in awe of
7 some of them. And to even be addressing you
8 knowing that they are doing so as well amazes
9 me. They are the senior commanders who get
10 it. They understand it.

11 And nothing I am about to say should
12 indicate that no senior commander, no senior
13 leader gets it and understands it. But they
14 have also lived for 30 or more years with the
15 chain of command being an article of faith.
16 As a chaplain, I know something about how
17 faith and articles of faith work. And it
18 becomes more than simply the party line. It
19 becomes a whole way of thinking and a
20 perspective that really governs the way you
21 see virtually every issue in your life. That
22 is what faith is at its best and, sometimes,

1 command climate, mission accomplishment, and
2 all the other aspects that we hold the command
3 responsible for, without the specific
4 convening authority, which is what we are
5 discussing today is convening authority.

6 And I would argue that convening
7 authority is not a necessary, especially when
8 we are dealing with non-military crimes, with
9 crimes that are felonies as part of the larger
10 legal system outside the military, that
11 convening authority is not a necessary
12 element, although I understand the folks you
13 are hearing from have operated all their life
14 with it and it is very hard to break out of
15 that thinking pattern.

16 I can also say that since it is a
17 matter of something more than the party line,
18 it is a matter of faith, that commanders must
19 have all of this authority, it becomes
20 difficult -- look, it becomes difficult for me
21 to break with the predominant thinking of the
22 senior leaders that I have marveled at over

1 the years. And that is a very difficult thing
2 to do and it is difficult especially to do so
3 in public.

4 So, speaking to other folks senior
5 to myself, I know that there are many who are
6 on the fence. They are ambivalent. They are
7 not ready to break with the party line and not
8 ready to do so publicly. And we have heard
9 just a moment ago General Foote say that she
10 does so both reluctantly but feeling compelled
11 by the circumstances to do so. And that is
12 very difficult for any of us.

13 I will remind us that just a couple
14 of years ago several of the most senior
15 members of leadership in the military
16 counseled Congress in public hearings that
17 repeal of Don't Ask, Don't Tell would be a
18 significant burden for their branch of the
19 Armed Forces. I say it that way because not
20 every chief of staff or senior said that but
21 several did that it would be a significant
22 burden and it would be a disturbance in the

1 force but their branch would do it if ordered.

2 Yet when it actually came to it,
3 Don't Ask, Don't Tell was repealed, did
4 anybody notice? Life went on. And even in
5 those branches of the service that thought
6 they were going to be most challenged, it was
7 like watching a predicted train wreck that all
8 of a sudden didn't have any noise, no sound,
9 it was a silent movie. It just didn't happen.

10 So, I counsel us that breaking out
11 of what we have always known is frightening
12 and difficult but, perhaps, necessary.

13 The sense was made in the afternoon
14 session last time that we ought to wait for
15 the changes that have been made over the last
16 several years to take effect so that we can
17 then calibrate and not to pile on when we
18 don't know what the results of the most recent
19 change is. That would be fine in a kind of
20 academic setting but where thousands of lives
21 are being impacted each year, thousands, tens
22 of thousands of lives are being terribly

1 horribly impacted, I think it is time to
2 fire for effect.

3 We have heard that Tailhook and
4 Aberdeen and the litany is endless. We could
5 talk for hours about the number of times we
6 have been told this was changing. It is time
7 to throw, I believe that it is time to throw
8 everything we have at it, as reluctantly as I
9 am to come to that decision, which I called
10 the draconian response in my testimony two
11 weeks ago.

12 One that I came to, only out of the
13 same sense of despair that must influence, you
14 will recall that I referenced Charlie Brown
15 and Lucy and the football. And eventually,
16 you have got to say to Lucy, no, somebody is
17 going to hold the football and it is time for
18 somebody else to hold the football and I
19 believe on more than just sexual assault
20 cases, but on all felonies that would be
21 civilian crimes and so that we are not
22 creating courts unique to this or a court

1 structure unique to this issue but allowing a
2 wider range into those, all civilian felony
3 levels that are not military crimes.

4 Finally, let me say that chaplains,
5 at our best, serve each our God but care for
6 the humanity of the servicemembers that we
7 encounter. That is our ultimate and most
8 precious charge, the humanity of the people we
9 serve with and we serve them in the most
10 inhumane of all possible circumstances, the
11 demonic domain of war.

12 Just after the inhumanity of war, I
13 place the inhumanity of sexual abuse. It
14 dehumanizes all who are engaged or touched by
15 it. And we can't put an end to war. We have
16 tried. It has been part of the prophetic
17 message from Isaiah and Amos till today. But
18 we might be able to put an end to sexual abuse
19 and harassment of our men and women in the
20 Armed Forces and I hope you will succeed in
21 making that dream real. Thank you.

22 JUDGE JONES: Thank you very much.

1 I had non-judicial punishment
2 authority and convening authority for summary
3 and special courts-martial. The Commanding
4 Officer, Naval Support Activity, Diego Garcia,
5 a senior Navy captain, held the general court-
6 martial authority for the island's permanent
7 party personnel.

8 So, I have first-hand understanding
9 and experience of the authority a commander
10 needs to execute the full responsibilities he
11 or she has for maintaining good order and
12 discipline, while meeting a demanding command
13 mission.

14 This fall, like I think all of my
15 fellow military people who have been convening
16 authorities, I spent a long time thinking
17 about the Military Justice Improvement Act and
18 I came to the conclusion that I needed to
19 support it and I wrote a letter to Senator
20 Gillibrand telling her that I supported that
21 Military Justice Improvement Act. Here is
22 why.

1 First, the Military Justice
2 Improvement Act does not impinge on or in any
3 way diminish a commander's responsibility for
4 good order and discipline or the means and
5 authority a commander has to carry out that
6 responsibility. It keeps non-judicial
7 punishment and convening authority for summary
8 and special court-martial-level crimes in the
9 commander's hands and general court-martial
10 convening authority for felony level, military
11 crimes, such as desertion or mutiny all in the
12 chain of command.

13 I am convinced that under the
14 provisions of the Military Justice Improvement
15 Act the commander retains all the tools he or
16 she needs to execute his full responsibilities
17 for the command's good order and discipline.
18 What the Military Justice Improvement Act does
19 is restructure the commander's role in the
20 handling of non-military-specific felonies by
21 placing three decisions requiring legal
22 expertise that are today completely in the

1 commander's hands with little to no legal
2 training into the hands of professional
3 military lawyers.

4 These decisions are: 1) whether or
5 not to convene a general court-martial for a
6 felony crime; 2) the selection of the jurors,
7 if any; and 3) the authority as first
8 reviewer, post-court-martial to unilaterally
9 overturn a conviction or reduce or eliminate
10 punishment.

11 This restructuring in no way
12 diminishes the commander's authority or his or
13 her responsibilities for good order and
14 discipline. I am repeating that like a broken
15 record because I keep hearing in media reports
16 at least that it does. I just don't see how
17 it does.

18 When 90 percent of the men and women
19 who are sexually assaulted in the military
20 won't report the crime because they are
21 convinced that not only will justice not be
22 done but also that they will face serious

1 retaliation, the chain of command, and the
2 military justice system are broken, badly
3 broken.

4 We have been tinkering around the
5 edges for at last the past 22 years, since
6 1992's Tailhook scandal and it has gotten no
7 better. In just this past week, I have seen
8 media reports stating that neither those who
9 have been sexually assaulted nor, I might add,
10 those who have been accused of sexually
11 assaulting others are confident the system, as
12 is, can render justice. Their unease rests on
13 the unilateral role of the commander to
14 determine if there will be court-martial, to
15 select the juries, and to overturn
16 convictions. And we know commanders do that.
17 It has been in the news.

18 The Military Justice Improvement Act
19 has the best chance, I think, of restoring the
20 confidence of our troops in the military's
21 justice system, while keeping the authority
22 and the tools for maintaining good order and

1 justice and discipline in the commander's
2 hands.

3 So, I become more convinced every
4 time I think about it that this is the only
5 way we can go. Thank you.

6 JUDGE JONES: Thank you very much,
7 Captain.

8 Colonel McHale, are you on the
9 telephone?

10 COL MCHALE: I am, Judge, and good
11 morning to you and to the members of the
12 panel.

13 JUDGE JONES: Good morning. Please
14 go ahead with your remarks.

15 COL MCHALE: Thank you, Judge. As
16 a former Congressman, member of the House
17 Armed Services Committee, Defense Department
18 official and Marine, my involvement with our
19 nation's military spans almost 42 years. I
20 have commanded three platoons, a rifle
21 company, an infantry regiment, and for more
22 than a year was the Assistant Division

1 Commander of the Fourth Marine Division.

2 I am a former Board Member of the
3 Naval Academy, a former Board Member at the
4 Naval War College, and I currently serve as an
5 adjunct professor at the Army War College.

6 My words cannot convey the respect
7 and admiration I have for our men and women in
8 uniform. Having served in the Marine Corps
9 for over 33 years, and having served as
10 Assistant Secretary of Defense for six more,
11 I support Senator Gillibrand's initiative and
12 here are my reasons.

13 First and foremost, an effective
14 commander needs to focus his or her attention
15 on the warfighting responsibilities of the
16 command. Our commanders are superbly trained
17 and carefully chosen to fulfil this
18 warfighting duty. By contrast, commanders are
19 rarely trained or prepared to exercise
20 informed judgment regarding the weight of
21 evidence in pending criminal matters. They
22 are trained to prepare their troops for

1 battle.

2 The Gillibrand legislation will
3 allow commanders to be combat leaders, while
4 permitting military lawyers to weigh questions
5 of evidence and potential criminality.

6 The second issue involves due
7 process. A good commander develops close
8 personal and professional relationships with
9 members of the command. For this reason, when
10 two members of the command are placed in an
11 adversarial relationship, accused and accuser,
12 it is very difficult for the commander to be
13 truly impartial. Yes, a strong and worthy
14 commander can and should exercise objective
15 judgment under these circumstances but
16 commanders are human beings and there will
17 always-lingering doubts as to the commander's
18 impartiality regarding well-known
19 subordinates.

20 And finally what I consider to be
21 the show stopper, entrusting a commander with
22 a decision to prosecute raises an inherent

1 conflict of interest. Commanders are rightly
2 held accountable for their command climate.
3 In that context, each court-martial referral
4 may be seen by some as proof of poor command
5 climate, potentially affecting a commander's
6 own career and, thereby, deterring justified
7 criminal referrals.

8 In sharp contrast, some commanders
9 may be tempted to pursue unwarranted
10 prosecutions by the accused to quickly
11 distance themselves in the command from
12 notorious criminal allegations. For example,
13 to ensure prompt punishment of the accused
14 Marines, an angry regimental commander during
15 the Gulf War ordered me to complete a very
16 complex criminal investigation within 24
17 hours. In either case, too soft or too
18 lenient, the commander's decision is
19 potentially tainted by a lack of impartiality
20 and perhaps or even likely, self-interest.

21 Members of the panel, you are
22 grappling with an incredibly important issue

1 of military justice. I thank you for this
2 opportunity to present my thoughts.

3 JUDGE JONES: All right, thank you
4 very much, Colonel McHale.

5 Our last panelist is Ms. Denise
6 Krepp, who is a former U.S. Coast Guard JAG
7 and former Chief Counsel for the U.S. Maritime
8 Administration.

9 Ms. Krepp.

10 MS. KREPP: Thank you for inviting
11 me to testify today. And thank you for having
12 this meeting in public. It is my hope that
13 all future panel meetings and subpanel
14 meetings are also in public because this is a
15 very important topic.

16 After the last hearing, I received
17 a hate email. I received an email from an
18 individual who told me that I was unpatriotic
19 because I testified. I was flabbergasted.

20 I am a Coast Guard Vet. I am
21 married to a Navy Vet. I am the daughter of
22 two Army Vets. I am the granddaughter, I am

1 the niece of veterans. And to be told that I
2 was unpatriotic to talk about this issue was
3 -- it was sad and it was troubling. And it
4 was troubling because this is not something
5 that people should be hiding.

6 You know, as Chief Counsel at the
7 Maritime Administration, we faced a lot of
8 problems. Chief Counsel at the Maritime
9 Administration, I was responsible for the U.S.
10 Merchant Marine Academy. It is the fifth
11 military institution. Its graduates have a
12 military requirement. They either go on
13 active duty or they go in the reserves but
14 they do have a military requirement.

15 And the girls at our academy in 2009
16 and 2010 didn't trust the senior leadership.
17 And that is reflected in a report that came
18 out in 2011. They came in first and second
19 years trusting and by the third year they
20 would only trust their priests and their
21 rabbis. There was no trust.

22 We had problems. I knew about these

1 problems because I, again, had jurisdiction
2 over Kings Point. And a whistle-blower came
3 forward in the summer of 2011. The whistle-
4 blower made allegations that based off of the
5 information that I knew what was going on up
6 at Kings Point were likely to be true. I
7 asked for an IG investigation because again,
8 my girls and boys were going to be going into
9 the military, an environment that I already
10 knew.

11 Less than 24 hours after I asked for
12 the IG investigation, I was put in a room on
13 speaker phone and screamed at and told by
14 Secretary Ray LaHood that I should not have
15 asked for the IG investigation, that I needed
16 more supervision and how dare I look into this
17 issue. Well, I did it because there were
18 problems. I did it because these children
19 that were there could have been my daughters.
20 And I was subsequently told by then Deputy
21 Secretary Porcari a few months later that the
22 Secretary had lost confidence in my ability to

1 be Chief Counsel. And that was directly
2 related to the IG investigation that I had
3 asked for.

4 I was very proud of what I did in
5 2011 and I would do the same thing in 2014
6 because the men and women who go into our
7 academies have to go into an environment that
8 they can trust. And not only do they have to
9 go into that type of environment, they have to
10 go into the military that they can trust.

11 And what was very disturbing to me
12 this week was to read in the Washington Post,
13 we have all kind of danced around it, but let
14 me read about it. Let's just put it on the
15 record, talking about General Schweitzer, who
16 said, more than hour after having the first
17 email and after he had read that with a
18 sitting member of Congress who has a husband
19 and a son, he said, and I quote, he apologized
20 for his delay saying he had masturbated three
21 times over the past two hours after the
22 meeting with the Congressman, who, beforehand

1 had said, wow, she is smoking hot.

2 Wow. So, we are graduating students
3 from academies in environments that aren't
4 good. We are putting them into a military
5 where you have colonels, because he was a
6 colonel at the time, who were allowed to say
7 these things on a government email but not
8 only was he allowed to do that, the Army let
9 him pin on General and then put him up for
10 promotion. Not only did they put him up but
11 the Senate confirmed him for two stars.

12 So, when you ask us whether or not
13 there is a problem with the command climate
14 and there is a problem with the current
15 command, my answer is yes. I saw it first-
16 hand at Kings Point and now I am reading about
17 it in the Washington Post. That doesn't
18 engender trust. That doesn't say to the
19 victim or victims to come forward. What that
20 says is that people who do this, they are
21 going to be protected and we can't do that.
22 We cannot do that. Too many of us served

1 honorably in the military. Too many of us
2 have a family tradition of serving honorably.
3 And this type of behavior is not honorable and
4 it cannot continue.

5 There was a blog that was written in
6 Esquire by a Lieutenant Colonel Bateman and he
7 talked about manning up. Well, I think it is
8 time we man up and we woman up and we say we
9 need to make some changes because as a mother,
10 I can't imagine the conversation that
11 Representative Ellmers had with her son.

12 Because you know her son's
13 classmates read the same thing we all did in
14 the Washington Post and to say you are going
15 to go to school the next day and you are going
16 to get some comments. I can't imagine that.
17 I just can't. I can't.

18 And the other thing I can't imagine
19 is opening up the Air Force Times and looking
20 at the Facebook account where the Air Force IG
21 lamented about the resigning of another
22 general. If you are a victim and you have

1 been assaulted and you read the Air Force
2 Times and you look and see that post that was
3 by the IG, do you think you are going to trust
4 them? You are not going to trust them. We
5 have to change the culture. We have to change
6 the structure.

7 And we have to open cases that have
8 been closed, like LaVena Johnson's. The fact
9 that the military made her parents FOIA her
10 records so they could see how she died. It
11 wasn't suicide but you tell her parents they
12 have to FOIA. Again, if something happened to
13 my daughters and I was told I had to FOIA
14 them, FOIA the records, I can't imagine that.
15 I would go crazy. But we are doing that to
16 parents and then we are making them read the
17 Washington Post.

18 We have to change the system to
19 again focus on the honor of the system. The
20 honor is at stake. And as the committee and
21 the group of individuals that we have here
22 have the ability to bring honor back. We are

1 losing it. We cannot tell our young people to
2 go in if there is no honor. And for that,
3 please, I beg of you, bring it back.

4 JUDGE JONES: Thank you very much,
5 Ms. Krepp.

6 All right, I am now going to open
7 the discussion up to the panel. Are there any
8 comments or questions that anyone would like
9 to make?

10 PROF. HILLMAN: Judge Jones, I have
11 a question.

12 JUDGE JONES: Yes, Professor
13 Hillman.

14 PROF. HILLMAN: Thank you. Thanks
15 to everybody here in person, for those of you
16 who returned to us from the previous
17 subcommittee meeting and on the phone as well.
18 I am grateful for your willingness to come
19 back and to step forward on this issue that we
20 are wrestling with.

21 I have a question for you about some
22 other proposals that have been floated. Your

1 conviction that this change should be made to
2 remove the convening authority from the
3 military justice process and shift to a
4 military prosecutor, are you convinced that
5 that goes far enough? Do you think that we
6 should take this out of the military justice
7 system altogether, given the problems that you
8 gestured at in terms of how the military has
9 handled this in the past?

10 Sure, General Foote?

11 BG FOOTE: In my impression or in my
12 feeling is that if we do it as proposed by
13 Senator Gillibrand, then we will create the
14 environment where a trained military lawyer
15 will be in charge of this particular or this
16 incident and I do not think we should remove
17 it further from the military system.

18 At this time, I don't think that
19 would be warranted. I think we have to give
20 this a chance. I think it has a great chance
21 of working when you create an independent
22 judge or assessor of the facts to make that

1 decision. I think it should stay within the
2 military system.

3 PROF. HILLMAN: Thank you.

4 RDML ROBINSON: Professor, Dean
5 Hillman, one of the recommendations of the
6 panel that was -- the federal panel that was
7 convened a few years ago and reported out in
8 2012 was that the command itself needed to
9 hear the adjudication of cases. And it wasn't
10 enough for them to be fairly adjudicated but
11 the command needed to see that worked out in
12 public. And I am afraid that if you took it
13 entirely out of the military system, that
14 would be missing.

15 I am also concerned, you know we
16 have a sense of trial by a jury of one's
17 peers. And I am not convinced that the
18 civilian population can function as peers for
19 those who are serving in the military. It is
20 such a different environment. And to preserve
21 the sense of fairness for the accused, I don't
22 think -- we try the accused by folks, their

1 peers or senior. So that it becomes -- that
2 is one of the things that just amazes me about
3 the case a couple of years ago where a senior
4 commander overturned a conviction because the
5 conviction was by other people in the same
6 branch of service, serving at his, at the
7 perpetrator's or the accused levels or senior,
8 so that the sense of fair play is provided for
9 the perpetrator as well. I just don't think
10 that as much as I love the folks back in
11 Centreville, Massachusetts, I am not sure that
12 they are ready to try a case that occurs in
13 Balad because you haven't been there. You
14 haven't done that. You can't understand it.
15 Or aboard ship or in a hundred other
16 situations. I don't know if that is helpful.

17 JUDGE JONES: Thank you, Admiral.

18 CAPT MANNING: I think that it is at
19 the point where the legal expertise is
20 required to make a decision that the break
21 should come and that is at, I think, when you
22 are dealing with a felony crime that is not

1 military.

2 I spent many, many years at remote
3 communication stations all over the world and
4 never once did I actually see or have any
5 of the people that were at the commands I was
6 at have to go to a general court-martial.
7 Most of the stuff is routine things, NJP or
8 again, also not all that often a summary or a
9 special court-martial can handle it. And it
10 is like keeping the children's discipline in
11 the family or allowing the watch shift to send
12 somebody home because they don't feel good.
13 It is at the point, to use the medical analogy
14 where you need the doctor, the professional to
15 diagnose appendicitis that you shift should he
16 go home with the flu to let's have the medical
17 people make the decision. And I think this is
18 analogous. It is at the point where you
19 really need the legal expertise to properly
20 handle a crime that it should shift to the
21 legal system.

22 JUDGE JONES: Thank you. Anyone

1 else on the telephone?

2 COL MCHALE: Judge Jones, this is
3 Paul McHale.

4 JUDGE JONES: Yes.

5 COL MCHALE: I had a little
6 difficulty hearing some of the earlier
7 speakers. I think we have some challenges
8 with the acoustics.

9 But in response to the questions
10 that you raised, let me just say that I think
11 the Gillibrand legislation would be an
12 enormously important and, I believe effective
13 step toward a correction of the past abuses
14 that gave rise to your inquiry. So, I think
15 taking the step of passing the Gillibrand
16 legislation would move this in the right
17 direction.

18 The Gillibrand proposal, as you
19 know, goes beyond the crime of sexual assault.
20 It involves a number of other serious crimes
21 under the UCMJ. And I would first want to
22 give the Gillibrand proposal the opportunity

1 for full implementation before I would look at
2 removing other crimes, including sexual
3 assault from the UCMJ.

4 I think it is important to recognize
5 that some of these other crimes could occur in
6 a combat environment. A combat environment is
7 inherently brutal. It is not the place to
8 apply standards, due process, evidentiary
9 collection and second guessing that would,
10 inevitably, be the case if we subjected even
11 lawful killings in a combat environment to
12 oversight by civilian courts.

13 And so I think we need to recognize
14 the unique character and brutality of a combat
15 environment and retain these prosecutions
16 under the UCMJ but bring the objectivity to
17 the convening authority by removing that duty
18 and assignment from the commander and placing
19 it in the hands of a judge advocate who
20 understands the brutality of war but who also
21 understands far better than a commander how to
22 weigh evidence.

1 RDML EVANS: This is Rear Admiral
2 Evans. I support what Colonel Coleman [sic]
3 has just offered. And I think that with the
4 changes that come from the recent passage of
5 the NDAA as well as changes from just the last
6 couple of years, the final piece of it, if the
7 passage of the Gillibrand legislation when it
8 happens, I think that that really, really
9 shores up the UCMJ, the military justice
10 system.

11 I have had the experience when I was
12 the commanding officer in San Francisco of
13 having to refer cases that involved civilians
14 on Treasure Island to the civilian court
15 system and it was a totally unsatisfactory
16 experience. There was a lack of understanding
17 of the context, environment. There was a lack
18 of substantial interest in prosecuting the
19 cases by the U.S. Attorney at the time in San
20 Francisco.

21 So, I have had that experience which
22 convinces me that with the recent changes,

1 with the additional change that this
2 legislation represents, it provides the best
3 opportunity for a military justice system that
4 really does support command requirements in
5 the mission accomplishment.

6 JUDGE JONES: Are there other
7 questions? Yes, Colonel Cook.

8 COL COOK: Yes, ma'am, thank you.
9 And thank you all again for coming here today.
10 I know this is difficult. You have all
11 served. You have all been in that environment
12 and we appreciate your continuing the passion
13 toward servicemembers and their well-being, as
14 we all are trying to do up here.

15 One of the -- I know you all support
16 Senator Gillibrand's proposal. And I guess
17 one of the questions I am going to ask you is
18 right now the way the system works, a
19 commander who also has the authority of being
20 a convening authority, has got the authority
21 to put it to court -- what we are talking
22 about here is not taking them out of command

1 but just taking away that court piece of what
2 they do.

3 We have heard testimony from a lot
4 of panels and a lot of people and the way it
5 works right now, our understanding is that the
6 commander who sends a case to like a general
7 court-martial, which is more than a year in
8 jail or an officer-type case, must do so with
9 the advice of a senior legal advisor, whoever
10 that staff judge advocate is in the field.

11 The testimony we have heard also
12 shows or indicates that those decisions are
13 made together and, in 99 percent of the cases,
14 based on the -- the last panel, if I read the
15 testimony that was provided back in January,
16 that the officers that were there couldn't
17 think of a case where they disagreed with
18 their senior lawyer weighing the evidence and
19 considering what came out at an Article 32
20 investigation, which is a pre-trial type
21 inquiry before any general court, that they
22 come to the conclusion together of whether it

1 should proceed for trial or not.

2 The proposal on the table takes that
3 convening authority away from there and puts
4 it in a judge advocate separate from the
5 command back in the United States someplace,
6 arguably, to make that same decision. Well,
7 those decisions changed. If right now it is
8 based on the evidence in a senior judge
9 advocate's review in-theater with the
10 commander's input, it is coming to one
11 conclusion. I guess my concern is I am not
12 sure that decision will change if it is based
13 on the evidence put someplace else.

14 My bigger concern, having served in
15 the military as well for almost 23 years and
16 being a judge advocate in both Bosnia,
17 Baghdad, my concern is not the command
18 authority as much as the military justice
19 effectiveness. Because when you do have that
20 legal advisor helping that commander and a
21 joint decision to understand everything that
22 is there, the thing that can happen quickly is

1 you have access to the witnesses. If the
2 combat environment is at a stage where that
3 case can proceed in-theater, it does.

4 I can think of a case where we had
5 a new division rotate in, a servicemember
6 assaulted another servicemember by brandishing
7 a weapon that they are carrying all of a
8 sudden for the first time. That happened on
9 a Friday night. By Monday there was a judge
10 from Germany who flew into Bosnia that tried
11 the case and he left. Swift justice. The
12 defense waived all their timeliness and things
13 like that and the case was resolved and the
14 message that was sent to everybody else was
15 good order and discipline. That can happen
16 quickly in that type of procedure.

17 This proposal moves it to someplace
18 in the United States. And now somebody who
19 needs access to the witnesses, needs the
20 evidence, the delays in the effectiveness is
21 what my concerns become at that point and I am
22 not sure the decisions become any differently

1 since the judge advocate is such a key role as
2 it is now.

3 So, I would appreciate your input or
4 your insights into that particular piece.

5 CAPT MANNING: I would recommend to
6 anybody on the panel who hasn't read it an
7 article in Army Lawyer by Major Frank
8 Rosenblatt called "Military Justice in a
9 Deployed Environment." What he does is look
10 at the statistics of what went on in Iraq and
11 Afghanistan, vis-a-vis violations of the UCMJ
12 in the first four or five years because that
13 is what he could get the data for. What he
14 found is most often, for some of the reasons
15 you mentioned, witnesses, the perishability of
16 evidence, nothing was done. Nothing. Because
17 the commanders just didn't have the time, even
18 locally, with the authority locally, to gather
19 up the evidence. Witnesses came and went.
20 So, for most of the things that happened in
21 the first four or five years of a major crime
22 nature, no action was taken. And when it was,

1 it was usually the witnesses and things were
2 sent back to the U.S., where it was actually
3 handled because they had the time to have a
4 nice, leisurely court-martial.

5 So, I don't know -- we haven't
6 really been holding general courts-martial in
7 Iraq and Afghanistan.

8 COL COOK: And one point I will let
9 you know on that one. There is also another
10 Army Lawyer article that responded to Major
11 Rosenblatt -- I think it was major at the
12 time.

13 CAPT MANNING: It is major.

14 COL COOK: Okay -- to Major
15 Rosenblatt showing how there are cases that
16 are there. And having served in Baghdad and
17 having served in Bosnia as the Staff Judge
18 Advocate for combat divisions, I know that
19 they do happen.

20 Again, you are right, though,
21 initially if the conditions don't allow it,
22 then that may not be the place for it and you

1 send it back to your rear detachment.

2 CAPT MANNING: And I would respond
3 that he was looking at the first three to four
4 years only. And you are correct, there have
5 been courts-martial since then but the actual
6 active combat in those first three or four
7 years.

8 So, I think that is something we
9 need to look at, whether we can actually have
10 the military justice system as it functions
11 today in an active combat.

12 COL COOK: And just one point to
13 that. My own experience, when I was the Staff
14 Judge Advocate for the First Cavalry Division,
15 it was during the surge in Iraq, where we went
16 there, we were increasing hostilities and we
17 did try cases. And I am not disagreeing that
18 change is needed. I am just asking would a
19 change of just pulling that SJA's input into
20 a commander as it is on the site and then
21 putting in the rear, change the assessment of
22 evidence? And I welcome the input.

1 CAPT MANNING: I would say one more
2 thing to answer that point. When I was a
3 commanding officer, we had no JAGs on Diego
4 Garcia. The problem isn't that, for the most
5 part, that the SJA and the convening authority
6 probably do work well together but as it is
7 today, the commanding authority does not have
8 to take that lawyer advice and that is where
9 I think the distrust comes in. So, I think we
10 need to deal with that problem.

11 RDML ROBINSON: Can I suggest to
12 you, Colonel, you will recall most -- I said
13 in my earlier remarks, most commanders are
14 beginning to get it. Some of them have always
15 gotten it, understood the issue. And the fact
16 that 99 percent of the time the JAG's
17 recommendation is taken by the commander is
18 welcome but not surprising news to me.

19 My concern is that we permit the
20 other one percent to exist and exist in some
21 of the most flagrant situations and there is
22 no structural response to it.

1 And I won't go through all of the
2 cases but the Army is coming now to
3 understand, as other branches have already
4 understood and will understand, that there is
5 a level of toxicity in the leadership for some
6 leaders, not for all. The men and women I
7 have served with at senior level are, not only
8 are they the people that would take me to war
9 but I would go to war willingly with them. I
10 trusted them with my very life and the life of
11 the people I work with. But there are
12 exceptions. We have all seen exceptions. And
13 the fact that those exceptions are tolerated
14 by the system --

15 Now, I would hope that removing this
16 authority for convening the general court-
17 martial from the chain of command wouldn't
18 necessarily send it back to CONUS on all
19 occasions, just as you were able with Baghdad
20 to convene court-martial. What would make
21 this different?

22 I don't know how it would be

1 implemented. Thankfully, as a chaplain, I
2 don't have to worry about that. You do as a
3 JAG. But our military is capable of amazing
4 thinking and ingenuity. And to find some way
5 to do this proximate to where it occurred is
6 important.

7 By the way, that also speaks to the
8 earlier question about taking it out of the
9 military structure entirely. How do you
10 investigate? How do you send a civilian
11 investigator?

12 But back to what I had said in
13 response to that as well, the command needs to
14 see the adjudication and needs to see the
15 result. So, I would hope that Senator
16 Gillibrand's, I think, modest recommendation
17 would be accepted and then implemented without
18 it being sent back into some black hole back
19 in the United States where no one would ever
20 know what really happened. I don't think that
21 is fair to the accused or to the survivors.

22 MS. KREPP: And Colonel, if I can

1 add, in my role at the Maritime
2 Administration, I wore many hats. Some days
3 I was the Chief Counsel. Some days I was the
4 Deputy Administrator. Some days I was the
5 Administrator. And depending on what day,
6 really, was how I thought. I mean, if I was
7 the Chief Counsel, then I was advising
8 somebody on legal issues and that other person
9 had the final say.

10 When I was the Deputy or I was the
11 Acting, I took my hat off and I had somebody
12 else providing me with legal information. And
13 that legal information was part of many other
14 considerations that I took into account.

15 So by leaving it with the lawyers,
16 you leave it with the evidence and you take
17 out other factors that, quite frankly,
18 shouldn't be considered when you are dealing
19 with this type of issue. There shouldn't be
20 political issues. There shouldn't be I know
21 his family; I know her family. Those types of
22 issues should be taken out. Leave it with the

1 evidence.

2 BG DUNN: But I think we have also
3 had a considerable amount of testimony in
4 front of this panel about just the reverse,
5 where a lawyer may look at the evidence and
6 say I have got my won/lost record to protect
7 and I am not sure how this is going to go.
8 And a commander has said to the lawyer, no,
9 this case needs to go to trial. It is
10 important. It has an impact on the unit. It
11 has an impact on good order and discipline.
12 That case needs to go to court, whether
13 ultimately there is a conviction or not, it
14 needs to go to court because it is a critical
15 case and it has a critical impact on good
16 order and discipline. It can go both ways.

17 RDML ROBINSON: General, I would
18 wonder how many of that second genre of cases
19 where the commander said no, it has got to go
20 to court, had to do with this issue. Because
21 I think this issue may be the blind side of
22 the difficult vision for many of the

1 commanders.

2 And I have seen commanders who have
3 been put on other issues a high level of moral
4 rectitude appropriately wanting people tried
5 and appropriately convicted who just didn't
6 get this issue. Which, by the way, they might
7 have gotten it as it applies to the E-3 and E-
8 4 to the very young people in the community
9 but not understood it as it applied to
10 predators at the O-4 or O-5 predator level,
11 which were more people they knew better and
12 were more collegial with.

13 So yes, it cuts both ways but take
14 your best shot after 50 years. The other way
15 didn't work.

16 BG DUNN: You know I think, too,
17 that everybody who serves has their own
18 experiences with that. And certainly, I spent
19 28 years and five months in the legal field
20 and there were many cases like that of all
21 sorts and certainly, of sexual assault where
22 commanders were -- I mean a good commander is

1 a good commander and is committed to good
2 order and discipline in their unit and is,
3 sometimes, more forceful in terms of pushing
4 cases through than a lawyer might be when the
5 evidence is one of these classic cases that we
6 have, like sexual assault where you only have
7 two witnesses.

8 RDML ROBINSON: Which is why I was
9 so reluctant. A good commander is a good
10 commander and you are hearing from great, not
11 just good but great. I mean these are the
12 people that made three and four stars. This
13 is a very rarified group you are hearing from
14 and they are not just good commanders. They
15 are great commanders.

16 So, how about all the ones that
17 didn't reach that level and the fact that the
18 system didn't do anything about all the
19 others? I know it takes a long time to turn
20 an aircraft carrier. Not all my days were
21 with the Marines. But you don't need the
22 entire ocean to do it either.

1 JUDGE JONES: Can I reorient this a
2 little bit and ask why do we have, I am
3 assuming from your support of the Gillibrand
4 bill, so much confidence in the results that
5 we are going to get from the O-6s, who are JAG
6 officers, who will become the body of
7 convening authorities who will be separate
8 from the chain of command?

9 We have discussed it and we know we
10 have JAG officers now who are the staff
11 officer and explain to the commander what the
12 legal issues are with respect to probable
13 cause, with respect to jurisdiction, et cetera
14 and writes an actual report. And then we have
15 the commander, the convening authority, I
16 should say, making the decision.

17 What do we think? Do we think that
18 this body of new convening authorities are
19 going to be making different decisions? Are
20 they going to have all the information they
21 actually need to make a decision based on the
22 evidence, if they are separated from the

1 location and the command that is involved? I
2 just wonder where does the confidence come
3 from that this is going to be a better way to
4 make these decisions?

5 RDML ROBINSON: Your Honor, I am an
6 old guy, so I come from the --

7 JUDGE JONES: I'm an old girl.
8 (Laughter.)

9 RDML ROBINSON: This isn't the
10 confessional, ma'am.

11 (Laughter.)

12 RDML ROBINSON: I come from the
13 Powell era where you go into a situation with
14 overwhelming force, not with the minimal
15 required. I mean that was part of the Powell
16 Doctrine is that you go into a situation with
17 overwhelming force. And part of what I said
18 two weeks ago was we need something dramatic.
19 We need something that will get the attention
20 of the system at large. This is a dramatic
21 kind of change. It is perfect? Probably not.
22 But nothing has shaken the system in the 50

1 years that this has gone on. We have heard
2 time and again good officers, great officers.

3 And by the way, I said last time, I
4 believe the chain of command, if it really had
5 understood this, would have been and should be
6 the most effective means for change, that it
7 can exercise the kind of control no civilian
8 can imagine within the context of that command
9 but they haven't gotten it.

10 And so, this is almost the wakeup
11 call theory that I am giving you that they
12 need to get it. And I had said for five years
13 that it should be implemented with the ability
14 to test the waters to see how it is going, but
15 there is no way to know. As I said before,
16 you take your best shot. Our best shots until
17 now haven't worked. Let's try a different
18 technique. And it is frustration we hear.
19 That is reticence. That is what General Foote
20 called reluctance in being compelled. It is
21 just not working the way it is now.

22 BG FOOTE: Judge Jones?

1 JUDGE JONES: Yes?

2 BG FOOTE: When I look at it from my
3 point of view, spending over 50 years of my
4 life within the profession actually on active
5 duty and then 23 in retirement, and almost
6 every week having these issues on my plate
7 before some study group, some audience, some
8 task force, to talk about, and going back year
9 after year, after year, after year and the
10 same problems are there and they haven't
11 improved. Since the senior review panel in
12 1996-97, there have been 17 or 18 other
13 studies, task force, panels, looking at the
14 same thing and nothing happens.

15 So to me, one of the great, great
16 virtues of Senator Gillibrand's legislation is
17 that at least we think objectivity at a level
18 not seen before will be introduced in the
19 process by taking out of the chain of command
20 the responsibility for adjudication. We get
21 new eyes, a new approach to look at this. But
22 I also would expect these individuals, these

1 lawyers to be highly skilled, highly
2 experienced in handling such cases.

3 RDML ROBINSON: Specifically trained
4 in that area.

5 BG FOOTE: Specifically trained in
6 that area. Give it a chance. If this doesn't
7 work, then back to the drawing board again.
8 But at least we will have introduced new
9 thought, new action, a new direction because
10 the old direction is a road that leads to
11 nowhere.

12 MS. KREPP: Ma'am, a lot of this
13 goes back to honor. You know I was amazed by
14 the response that my friends in the veteran
15 community had towards this article. They were
16 appalled. And the reason they were appalled
17 is it was because people were calling them up
18 and saying, so did you sexually harass
19 somebody? Did you know somebody who did this?
20 There is a perception out there right now that
21 the military is out of control. This is a
22 military that we all served in honorably. And

1 to continue to allow this perception to
2 persist, it is not good. It is just -- you
3 just can't do this. You are not going to
4 attract the best and the brightest if people
5 believe that if you go into the military that
6 you are going to be sexually assaulted and
7 when you are sexually assaulted, nothing is
8 going to happen.

9 The system isn't working. We have
10 got to fix it. Again, we have got to focus on
11 the honor of the institution and the honor of
12 the men and the women that are in it.

13 BG FOOTE: Can I give you one small
14 example of a case that was miserably
15 mishandled?

16 Back when I was a commander at the
17 WAC Detachment at Fort Belvoir, I had assigned
18 to my unit a chaplain, who was really the
19 chaplain for the hospital, to be the man who
20 my troops would go to if they wanted to
21 discuss matters of religion, the heart,
22 problems, whatever. And I had him as my

1 battalion chaplain.

2 I had several young women with
3 emotional problems, problems of the heart, who
4 would need to see a chaplain. I referred them
5 over to him, one by one. And that went on for
6 about two months.

7 Finally, a young woman who had been
8 to see this chaplain came with her fiancé to
9 see me during commander's open house to tell
10 me that as soon as she went in the chaplain's
11 office, he shut the door and began fondling
12 her, kissing her, and saying if you report
13 this, no one will believe you anyhow because
14 I am a major and you are a private. And that
15 this was going on and that I was part of the
16 group that sent somebody over to deal with a
17 predator such as this just drove me crazy.

18 I went right to the brigade
19 chaplain, reported it. He went to the chief
20 of chaplains to report it. Overnight, this
21 chaplain was moved. Nothing happened within
22 the command. He showed up later in Europe

1 doing the very same thing and finally, he got
2 nailed there. But the problem was passed on
3 with no action whatsoever.

4 So that really puts a taste in your
5 mind about the efficiency and effectiveness of
6 the system that knows what to do but doesn't
7 do because it doesn't want to embarrass
8 itself. That is wrong. We have got to have
9 objectivity.

10 RDML EVANS: Your Honor, may I add
11 a comment as well, please?

12 JUDGE JONES: Sure. I'm sorry, who
13 is speaking? I just wanted you to identify
14 yourself. Sorry.

15 RDML EVANS: I'm sorry. It is Rear
16 Admiral Evans.

17 JUDGE JONES: Thank you.

18 RDML EVANS: I had great confidence
19 in the senior members of the Judge Advocate
20 General Corps, based on my experience working
21 with them on various issues when I was in
22 command. And I think that the advice that I

1 received from them was extremely helpful in
2 making some of the most challenging decisions
3 I had to make.

4 The reason, though, that I support
5 Senator Gillibrand's legislation is because I
6 think it addresses more than the other changes
7 that have been made, that inherent conflict of
8 interest issue.

9 I can recall having an allegation
10 come to me about a very senior member of my
11 command by quite a junior member. And it was
12 one of the most gut-wrenching situations that
13 I ever encountered because I had to evaluate,
14 to make that choice between whether this
15 senior person could possibly have behaved in
16 the way that seemed so totally
17 uncharacteristic and this allegation by a very
18 junior member of the command whose record was,
19 frankly, a little bit questionable. That was
20 an experience for me as I had to try to pull
21 out the pieces that were fact-based versus the
22 personality circumstances, if you will.

1 And so I have always thought that
2 one of the key reasons why, and I understand
3 from the surveys, the key reasons why people,
4 men and women, don't report is because they
5 believe that somebody else will be believed
6 before they will be believed, despite whatever
7 evidence is presented. And so for that
8 reason, I think that a piece of shoring up the
9 trust and confidence in the military justice
10 system is to reduce, eliminate that specific
11 conflict of interest.

12 I don't think those young sailors
13 that were in my command had any sense of the
14 fact that a judge advocate general had advised
15 me in all of these things. That is not in
16 their sort of consciousness, if you will.

17 I think that the legislation gives
18 us an opportunity to say that that commander
19 is not going to be able to make decisions
20 based on the personalities, that it will be
21 fact-based and evidence-based. And I think it
22 also is important from the perspective of the

1 victim. How many times have we heard people
2 say well, the only reason that I would have
3 prosecuted was because of the PC environment,
4 because the commanders had to do it?

5 So, I have heard from the alleged
6 victims -- I mean the alleged perpetrators of
7 various crimes that they, too, were victims of
8 something other than a fact-based decision
9 process.

10 And so I think it is really
11 important to put this piece at this time into
12 the puzzle of why the military justice system
13 has not been as effective as we would have
14 hoped over the past years.

15 Thank you.

16 COL MCHALE: Judge Jones?

17 JUDGE JONES: Yes, go ahead.

18 COL MCHALE: This is Paul McHale.

19 If I could just make a brief comment.

20 JUDGE JONES: Sure.

21 COL MCHALE: My confidence in the
22 Gillibrand proposal is the result of my belief

1 that we are much more likely to get an
2 objective and professional assessment of the
3 evidence from the judge advocate, as opposed
4 to the commander. And I think it is important
5 to recognize that a commander has enormous
6 responsibility to the command, going well
7 beyond issues of due process to the accused in
8 a particular case.

9 Once the allegations are on the
10 front page of the Army Times or the Navy
11 Times, the New York Times or the Washington
12 Post, that commander is going to be looking
13 not only at the guilt or innocence
14 potentially of the accused but the overall
15 impact of the allegations upon the command
16 climate for which he or she is responsible.

17 And I hadn't thought about this
18 earlier but in all sincerity, I recommend the
19 re-reading of Herman Melville's Billy Budd.

20 The commander is going to be worried
21 about the unit. A question was raised earlier
22 about a judge advocate who might be reticent

1 about taking a case on to trial but a
2 commander who feels that there is a need to
3 take the case to trial. Well, that need may
4 be derived from concerns on the part of the
5 commander that go well beyond the evidence,
6 the guilt or innocence of the accused. And in
7 my judgment, no case should go forward to
8 trial because of those other considerations,
9 in the absence of evidence of criminality.

10 And so I think that the commander
11 should worry about the unit. The command
12 climate, the leadership tools available to him
13 or to her in preparing for the warfighting
14 mission of the command. But you are much more
15 likely to get an objective assessment walking
16 away from the precedent of Billy Budd by
17 having a staff judge advocate at some distance
18 from the surrounding issues, looking solely at
19 the quantum of evidence and making a
20 determination from a professional standpoint
21 as to whether or not that evidence justifies
22 the prosecution.

1 JUDGE JONES: Yes?

2 MAJ GEN RAINVILLE: Your Honor, this
3 is General Rainville.

4 JUDGE JONES: All right, General, go
5 ahead.

6 MAJ GEN RAINVILLE: Thank you. I'm
7 sorry, it is difficult for me to hear who is
8 talking other than you and those on the phone.
9 I just wanted to add just a couple of comments
10 to the last few speakers.

11 And I think it is good, as was said
12 earlier, to remind ourselves that most
13 commanders have a good relationship with their
14 judge advocate. Most commanders really try
15 their best to do it right and to weigh
16 evidence and make the best calls they can.

17 But we are here today because there
18 are enough that are having trouble with that
19 for whatever reason. And I really think the
20 Gillibrand changes are necessary from a
21 commander's point of view, not some attorney's
22 or anyone else's, but from a commander's point

1 of view, that they are necessary to do a
2 couple of important things. And one is to
3 take out of the equation those inherent
4 preexisting relationships that commanders have
5 and that their staff judge advocates would
6 have either with each other or with those in
7 their command that are the accused or the
8 accusers and allow the investigation to
9 provide evidence in fact to an independent
10 military counsel and I think the military
11 counsel is important.

12 The other piece of this is important
13 and that is that to supporting due process and
14 not only in fact but the perception of due
15 process among all the men and women in
16 uniform. We are dealing with those who have
17 reported and we are talking about the evidence
18 and who is best to weigh evidence and who
19 should decide it should go forward. But what
20 about all of those who aren't reporting
21 because they believe that they won't have due
22 process, that they won't be listened to?

1 So, I think that the change, the
2 concrete change to take it out of the chain of
3 command addresses all of these issues. And it
4 leaves it with the military system, where it
5 belongs but it puts it in a system that should
6 be in fact and will be received as fair in
7 providing due process.

8 And I don't assume in any way that
9 the senior judge advocates that will be
10 hearing this would have to be in the United
11 States or in any particular physical location
12 to be able to do their job. And I also
13 wouldn't assume that the commander in the
14 chain would not have any input. I would hope
15 that a good system would include input from
16 those commanders so that they can provide
17 information on unique circumstances or context
18 that is important for a good decision whether
19 to go forward or not.

20 So, I would just say that while it
21 is good to realize we have a lot of great
22 commanders doing the right thing, we are

1 really here today because we have some that
2 aren't and because of a strong perception
3 among our men and women that there isn't due
4 process and there might be retaliation and
5 that would make them hesitate to report a
6 serious crime and to have that taken care of.
7 And I think that our military readiness, our
8 reputation as a profession, really is at
9 stake.

10 Thank you.

11 JUDGE JONES: Thank you. Yes,
12 Admiral.

13 RDML ROBINSON: General Foote, by
14 raising the issue of the specific chaplain,
15 that reminded me of something I have long
16 since wanted to forget that describes how it
17 is that the non-objective, the emotional gets
18 involved.

19 I was at flag rank at a time when an
20 individual, an O-6, chaplain -- an O-5
21 chaplain -- I'm sorry -- was discovered or
22 charged with being a predator and it had been,

1 it seemed -- he is now convicted -- so we can
2 say has been convicted of having been a
3 predator for many years.

4 But in the run up to the actual
5 trial and during the investigative process,
6 the emotions were wild on both sides. On the
7 one side saying, that is a chaplain, the one
8 person who should never be doing that, the one
9 person that should always -- everybody should
10 know better but I am just characterizing the
11 kind of responses. This guy has got to be
12 made an example of. I heard that.

13 On the other side, it was, no, he's
14 a good guy. This can't be right. I can't
15 believe it. He has been too good to my
16 family.

17 The range of emotion was so wide and
18 so disparate, and so dependent on prior either
19 relationships with the chaplain or with
20 preconceptions of the role of chaplains and
21 the like, that it was really disparaging to me
22 that we couldn't bring in some more rational

1 judgment. Eventually that was brought in.
2 Eventually that played out appropriately.
3 There is no playing out well in this kind of
4 a situation. And the man is currently serving
5 time in a federal penitentiary. And that was
6 finally reached.

7 But the sense of emotion is so
8 overwhelming for people, not just with
9 chaplains but in other cases. We saw this in
10 the case in Italy. He is just a good guy. He
11 is a great pilot. We really need him in the
12 command because I know him and I know his
13 family. That just doesn't work or it hasn't
14 worked. It hasn't always worked. Let me keep
15 couching that.

16 JUDGE JONES: Any other comments or
17 questions?

18 MS. KREPP: Judge, if I may?

19 JUDGE JONES: Yes.

20 MS. KREPP: I would just like to
21 remind people that as lawyers, we are held to
22 a higher responsibility.

1 JUDGE JONES: I'm sorry, I can't
2 hear you, Ms. Krepp.

3 MS. KREPP: As lawyers, we are held
4 to a higher duty. Not only are we responsible
5 as military officers but we also have our bar
6 license at risk. And that, I believe, adds an
7 extra layer and provides us with I wouldn't
8 say security but it helps ensure that we take
9 the right steps. Because again, we are taught
10 as 1Ls, 2Ls, and 3Ls to follow the law. We
11 are also taught that if we don't, and if we
12 have problems and we let things slide, that we
13 can be brought up on charges ourselves. We
14 can be disbarred if we do not act ethically.
15 That is not the same standard at times that
16 has been put on commanding officers because
17 most of the times they are not lawyers. But
18 as lawyers, we have that responsibility.

19 Not only do we have that
20 responsibility but I would like to go back to
21 one of the issues dealing with evidence and
22 how can we assure if the lawyers are in

1 charge, that they will get the evidence.
2 Well, if you are in charge, you get that
3 information. That is the CO that says this is
4 the lawyer. He is in charge. Give him the
5 evidence. Now, if you are about to tell me
6 that a commanding officer can't ensure that
7 the lawyer can get evidence in that
8 circumstance, then how are we going to be sure
9 that the lawyer is currently getting all the
10 evidence that he or she needs right now?

11 JUDGE JONES: Thank you very much.
12 Unless there are any further comments or
13 questions, then I think we can adjourn or take
14 a five-minute break until the next panel.

15 (Whereupon, the above-entitled
16 matter went off the record at 10:29
17 a.m. and resumed at 10:41 a.m.)

18 JUDGE JONES: We are now going to
19 move to the second panel of the morning, which
20 are the perspectives of retired senior
21 commanders, additional senior commanders from
22 those we just heard.

1 And I would like to begin with
2 General Dunwoody, U.S. Army.

3 GEN DUNWOODY: Good morning, Madam
4 Chair and distinguished panel members. I want
5 to thank all of you first for committing your
6 time and energy dealing with the business at
7 hand.

8 I retired from the Army in October
9 of 2012, after serving nearly 38 years; 16 of
10 those years as a commander at every level in
11 our Army. I have seen a lot. I have learned
12 a great deal. And I hope that my thoughts
13 merit your consideration as you finalize your
14 recommendations.

15 I know my comments today will put me
16 at odds with many of my friends and many folks
17 whose opinion I respect and admire but I am
18 here today because I have spent my life trying
19 to do the right thing for the right reason;
20 not the popular thing, the right thing.

21 I have also spent a career in the
22 Army with outstanding military leaders who

1 also spent their lives trying to do the right
2 thing for the right reasons. Leaders who
3 lived the Warrior Ethos, lived the Soldier's
4 Creed, and leaders who believed in this
5 profession of selfless service.

6 It is very disturbing to read the
7 headlines and the allegations about leaders in
8 our profession who have not lived up to the
9 standards in the ethos of the profession. But
10 what you don't read about because it is not
11 newsworthy, is about the thousands of quiet
12 professionals who live the Warrior Ethos every
13 day and make incredible sacrifices every day
14 because they believe in what they are doing
15 and they believe in this institution.

16 I came into the Army right after the
17 end of the Vietnam War. Our country was war
18 weary and our Congress was looking for a peace
19 dividend. So resources for our military
20 training were seriously lacking. There were
21 significant drug and alcohol problems, racial
22 tensions. Running high in misconduct was a

1 serious problem. We still had draftees who
2 hated being in the Army and we had under-
3 educated non-high school graduates who
4 wouldn't qualify for service today.

5 Looking back, that post-Vietnam
6 Army, we now refer to it as the broken or
7 hollow Army. It wasn't a fun time to start an
8 Army career but it ended up being an exciting
9 and professionally rewarding experience.

10 We transitioned to an all-voluntary
11 force when people said we couldn't. We
12 transitioned women into the regular Army when
13 people said we shouldn't. And we rebuilt our
14 Army almost from ashes through hard work and
15 complete belief and trust in the chain of
16 command. We didn't wring our hands. We
17 rolled up our sleeves and we got after it.

18 I grew up in an Army where the chain
19 of command was a trusted chain of command.
20 The chain of command was responsible for
21 creating positive command climate, providing
22 good order and discipline for all men and

1 women and their families and rewarding good
2 behavior while disciplining bad behavior. And
3 I believe only the chain of command can fix
4 this problem. Only the chain of command can
5 lead us out of this problem and restore faith.

6 In the Army, we expect commanders to
7 be accountable for doing what is right. I
8 have seen a list of reasons why commanders
9 need to be taken out of the loop. They can't
10 be fair. They can't see through conflict of
11 interest. They are not technically competent
12 in legal matters. These commanders, men and
13 women, are hand-picked or board-selected
14 because they are stand-out leaders.

15 I don't know how we can expect and
16 trust our commanders to train our sons and
17 daughters to fight and win our nation's war
18 and yet not trust them to provide and
19 establish a command climate that provides each
20 and every soldier a safe working environment
21 when we are soldiers, men and women, work
22 together as comrades.

1 During my almost four decades of
2 service in the Army, I have seen the military
3 overcome many adversities but it has never
4 been done by divesting its leadership
5 responsibilities. It is done by holding the
6 leadership accountable. Let's hold the
7 commanders responsible to lead us out of this
8 crisis.

9 The easier thing to do is take them
10 out of the food chain. What will that do,
11 cover up weaker leaders who can't make the
12 tough choices? I don't believe taking the
13 commander out of the loop will do anything
14 except create greater distrust between the
15 leader and the led.

16 The great work done by Senator
17 Gillibrand and Senator McCaskill, as evidenced
18 by the over 30 additions to the recent NDAA
19 legislation governing sexual assault, is
20 historic in and of itself. The checks and
21 balances these additions bring will certainly
22 eliminate a lot of the challenges we are

1 facing today.

2 I know the Army is fully supportive
3 of these initiatives and, quite frankly, was
4 included in the drafting of this legislation.
5 I truly believe our leaders get it and I think
6 we are already seeing the positive effects.

7 I fully support Senator McCaskill's
8 position on this issue. We can either trust
9 our commanders and leaders to do the right
10 thing or not. Like most societal issues,
11 sexual assault is more than a military issue.
12 It is an issue on our campuses as well as in
13 our business and our industries.

14 I urge you to let the military chain
15 of command lead us out of this crisis, as they
16 have every other crisis throughout history.

17 Thank you. I look forward to your
18 questions.

19 JUDGE JONES: Thank you, General.

20 General Brady, --

21 GEN BRADY: Yes, ma'am.

22 JUDGE JONES: -- U.S. Air Force.

1 GEN BRADY: Thank you. First of
2 all, thank you very much for this opportunity.
3 Thank you, even more importantly, for your
4 focus on this issue.

5 First of all, I would certainly echo
6 all of the comments that General Ann Dunwoody
7 just gave you, a colleague that I was proud to
8 serve with a number of years ago. She is much
9 younger than I but I retired in 2011 as the
10 Commander, U.S. Air Forces Europe, after 41
11 years.

12 Like Ann, I served actually a little
13 before she did, I served in Vietnam and I saw
14 what actually were race riots in our Air Force
15 in a couple of places. I saw problems that we
16 had dealing with coming to grips with the
17 realities of race, gender equality, but we
18 worked ourselves through that and we educated
19 ourselves along the way a great deal.

20 I have commanded at group wing and
21 major command level in both the Air Force and
22 the Joint arena and have seen a lot in those

1 years.

2 As the Director of Personnel for the
3 U.S. Air Force in the 2004 to 2008 period, we
4 went through yet another what seemed to be a
5 surge in sexual assault activity and I was
6 responsible for the Air Force's response to
7 that. And that is when we first began the
8 training that I am sure is much improved now
9 from what we did. And we trained SARCs, a
10 sexual response -- Sexual Assault Response
11 Coordinators and began that.

12 It was a challenging time and I can
13 remember very specifically briefing our
14 Corona, which is the Air Force Senior
15 Leadership Council, as a three-star, briefed
16 all the four-stars. And it was, as you might
17 expect, a room of white males, 55-year-old
18 white males.

19 I showed a film that we had made
20 that depicted a sexual assault. And I thought
21 I was going to get thrown out of the room.
22 There were those who didn't believe it. There

1 were those who could not believe that airmen
2 would do that sort of thing and didn't like
3 the idea of seeing an airman in uniform doing
4 that sort of thing.

5 I know we have come a long way just
6 in my personal experience with that.

7 I served as a senior member of a
8 court-martial panel who took a very senior
9 colonel to court on a sexual assault case in
10 about 1995. In 1995, we really didn't know
11 what sexual assault was. We ended up
12 convicting this individual, probably it was
13 the right decision probably for maybe for the
14 wrong reason because we didn't really know
15 what sexual assault was. I know now that it
16 was sexual assault. We did convict and we did
17 send him to jail. Because inherently, we knew
18 something really bad had happened and the
19 evidence supported that.

20 We have made great progress in this.
21 Have we made enough? No. We are appalled by,
22 as you are appalled by, as Senator Gillibrand,

1 and Senator McCaskill, and all decent people
2 are appalled by this in our force. The
3 question is, what is the solution to it.

4 Command authority and the command
5 environment is a difficult thing, sometimes,
6 to describe. Good order and discipline is
7 very difficult to describe and particularly so
8 to those who have, perhaps, not had the
9 opportunity to be a part of it.

10 But I want to make just two
11 comments. I listened to the former panel a
12 few moments ago and there were two things that
13 were said that struck me. First of all,
14 someone said we are here today because a few
15 commanders don't do the right thing. And that
16 is absolutely true. There are a few. But I
17 would also say there is nothing, there is no
18 process in our society that is easier to
19 execute than removing a commander. That
20 person's superior only has to say: I have lost
21 confidence in your ability to command this
22 organization. That's it. That is 100 percent

1 of the due process. And we need to exercise
2 that where it is appropriate.

3 Another comment that is made
4 sometimes is that this is such an emotionally
5 charged event when this happens -- and it is,
6 trust me -- particularly when you have a
7 formerly trusted individual who is accused of
8 this sort of thing. It is a very emotional
9 thing. It is very difficult.

10 But it is not that difficult.
11 Commanders are not just technicians. If
12 commanders cannot make that judgment, they are
13 really not commanders. That is what
14 commanders do. There are captains. I had
15 captains working for me that were better
16 technicians than I was. I was there for gray
17 hair and judgment. And if I didn't have that
18 kind of judgment, then I am not qualified to
19 be a commander because command is about
20 judgment more than anything else.

21 The point is being made occasionally
22 also that lawyers have responsibility, our

1 lawyers, our attorneys, have responsibility as
2 military officers and all of the ethos and the
3 values that go with that. Plus, they are
4 officers of the court. Therefore, as this
5 narrative goes, therefore, they are better
6 prepared, better technically prepared to make
7 those kinds of judgments. My response to that
8 would be, that is exactly right and those are
9 the people that work for us and are giving us
10 the advice, the technical advice that we need,
11 that perhaps we don't have. We have lots of
12 people who advise us, who have more technical
13 advice, more technical expertise than we do.
14 Lawyers are just one of them.

15 But to carve that out and to move
16 that to some independent body, I think would
17 have two results, neither of which is good.
18 One, it destroys the confidence of people in
19 the chain of command that are responsible for
20 not just mission accomplishment but for their
21 well-being, every aspect of their well-being.

22 And second, it would not get the

1 result that we all want. This is not a
2 situation, this is not a contest of advocates
3 and their attorneys against the chain of
4 command and their attorneys. This is about
5 what is the right thing to do for the people
6 who serve.

7 And I fully believe that the chain
8 of command, flawed as some of us are, is the
9 best opportunity to ensure that we continue to
10 have mission success, to make sure that we
11 take care of people who are victims, and that
12 we bring justice to the perpetrators.

13 Thank you very much.

14 JUDGE JONES: Thank you, General.

15 Admiral Vitale, U.S. -- oh, you are
16 on the phone.

17 VADM VITALE: Can you hear me now?

18 JUDGE JONES: I am talking to the
19 phone now. Sorry. Go ahead.

20 VADM VITALE: Okay, can you hear me,
21 ma'am?

22 JUDGE JONES: I can, thank you.

1 VADM VITALE: All right. Well,
2 thank you very much for this opportunity. I
3 have the opportune pleasure to be able to call
4 you from warm Hawaii this morning.

5 I retired two years ago in February
6 of 2012, after serving three years with the
7 Commander Navy Installations Command, which
8 was responsible for all of the base operations
9 of the Navy 70 bases worldwide. So, I have
10 had an opportunity to be involved in the many
11 improvements and focus that the Navy has put
12 on sexual assault and prevention for the last
13 five years.

14 I know and have heard a lot of the
15 testimony that has been going on so I won't
16 spend a lot of time, other than to say simply
17 put, given the fact that we have done a
18 tremendous amount and while I appreciate and
19 understand that there is a lot of good
20 intentions here with this new legislation, I
21 believe it is premature.

22 I believe that many of the changes

1 and improvements that the services, in
2 particular the Navy, have put into place need
3 run time before we would take something as
4 seriously as affecting the chain of command
5 and the commander's authority to execute good
6 order and discipline and be responsible for
7 the mission of his command.

8 So with that, I will pass to the
9 next and await your questions.

10 JUDGE JONES: All right, thank you.
11 General Campbell.

12 LTG CAMPBELL: Good morning.

13 JUDGE JONES: Good morning.

14 LTG CAMPBELL: Good morning to you
15 all. My name is Jim Campbell and I think I
16 might be the old timer here. I retired in
17 March of 2008, after having had the honor to
18 serve our country as a soldier for nearly 37
19 years. I commanded at the company, the
20 battalion, the brigade, the division, and the
21 Army level and I fulfilled my responsibilities
22 as a summary, special, and general court-

1 to those of us who were fortunate enough to
2 lead America's most treasured resource, and
3 that is our sons and daughters in uniform.

4 I applaud the passion and the
5 general concern of all members of Congress and
6 the Defense Department to thoroughly examine
7 the investigation, prosecution, and
8 adjudication of the sexual assault cases and
9 place the highest possible priority on
10 eliminating it from our ranks.

11 Sexual assault is really an insider
12 threat that undermines the readiness of a unit
13 and, as our Army Chief of Staff, General
14 Odierno has said, betrays a sacred trust at a
15 number of different levels: soldiers' trust
16 in one another, trust in their leaders, and
17 trust between our Army and the American
18 public.

19 A commander is responsible and
20 accountable for all his or her unit does or
21 fails to do. Men and women within that
22 command look to their commander and their

1 chain of command to train them, to care for
2 them, and to maintain a command climate in
3 which they can grow personally and
4 professionally. Good order and discipline in
5 a unit is non-negotiable. It is the
6 foundation of the unit.

7 My experiences have been that each
8 time our Army has faced a huge problem, a huge
9 challenge, it has been the commander and the
10 chain of command who have not only been
11 integral to a solution but are in the lead
12 each step in the process to the resolve the
13 problem.

14 I am, therefore, strongly opposed to
15 the proposed legislation that would remove the
16 commander from making the decision to try
17 sexual assault cases and other major criminal
18 cases.

19 A commander's responsibility to
20 maintain good order and discipline is, quite
21 frankly, a fulltime proposition. It cannot be
22 addressed like an on/off switch in which the

1 commander is fully engaged and focused in
2 certain areas that maintain good order and
3 discipline but is forced to the sidelines in
4 other areas. It will not work. Every soldier
5 in that unit must know and have confidence in
6 their commander that he or she is calling the
7 shots and not standing on the sidelines,
8 particularly when it comes to sexual assault
9 cases. To take the commander out of that role
10 will erode his or her authority and
11 credibility with subordinate leaders and
12 soldiers. The most effective way to
13 dramatically reduce sexual assault in our
14 ranks is by holding the commander in the chain
15 of command more accountable, not removing them
16 from this process and forcing them to the
17 sidelines. They must be front and center,
18 fully engaged and demonstrate in every deed
19 and word that we will not stand for this
20 behavior.

21 I thank you once again for including
22 me today and I look forward to your questions.

1 JUDGE JONES: Thank you, General
2 Campbell.

3 General Jodice.

4 LT GEN JODICE: Good morning. This
5 is Ralph Jodice.

6 JUDGE JONES: Thank you.

7 LT GEN JODICE: Thank you for
8 including me in this very important
9 discussion. I'm sorry I didn't make it there
10 in person. Of all places, I got stuck in
11 Maxwell Air Force Base, Montgomery, Alabama,
12 due to ice and snow.

13 I echo much of what has been said by
14 previous flag officers in regard to this issue
15 and I am completely in favor of retaining UCMJ
16 courts-martial convening authority in the
17 hands of the very capable and competent
18 commanders.

19 Last summer, I retired from the
20 United States Air Force after 36 and a half
21 years. During that time, I had the honor and
22 privilege to serve and lead our nation's

1 treasured sons and daughters and those of our
2 Allies, partners and friends, as a commander
3 six different times. Those levels of command
4 were at squadron, at group level, as a wing
5 commander. I was the commander for the
6 European NATO Pilot Training Program. And
7 NATO's Pilot Training Program was, at that
8 time, comprised of 13 different nations.

9 As the Commander of the Air Force
10 District of Washington, a major command
11 equivalent, I held court-martial convening
12 authority during an atrocity. I did have to
13 remove a commander not for a sexual assault
14 reason but it's a painstaking process.

15 My last assignment in the last three
16 and a half years was a NATO commander for
17 NATO's Allied Air Command in Izmir, Turkey, an
18 Air Force equivalent. And during that time
19 period, I spent several months as NATO's
20 Combined Forces Component Commander in 2011
21 for its operation known as Operation Unified
22 Protector.

1 During those three commands in the
2 international setting, and I will throw in
3 another position, a fourth position as our
4 Defense Attaché in Beijing, China, there still
5 are very stark differences in commanders from
6 different countries to carry out their mission
7 or how they were allowed to take care of their
8 mission and their people. From these
9 experiences, many saw the United States
10 military system for accountability,
11 responsibility, and good order and discipline
12 as a model to follow.

13 As the Commander of the Euro NATO
14 Joint Jet Pilot Training Program, I did have
15 to conduct a commander to write an
16 investigation who had an inappropriate
17 relationship in my number two in command who
18 was a German colonel. I did not have a vice
19 commander but he was my officer commander.
20 Many times he said to me, we don't put in the
21 amount of effort, the amount of time to go
22 through such an investigation. And in my

1 experiences in the international environment,
2 our allies, partners and friends, may continue
3 to strive throughout military just like the
4 United States.

5 At all levels of command, I firmly
6 believe and I think all commanders take it
7 very seriously, that is the mantle of command
8 to responsibility for every issue in every
9 aspect of the unit. As a commander, I firmly
10 believe in assertive leadership. People
11 needing it, do not work for the commander.
12 The commander works for the people.

13 As commander, I believe a commander
14 has three important responsibilities to the
15 mission, the unit, and the people. They are
16 first to provide direction, guide them in what
17 to do, let them figure out the "how" part.

18 Two, enforce the standards. In the
19 United States Air Force, we have Air Force
20 instructions for just about everything, such
21 things as dress and appearance, maintenance of
22 aircraft, zero tolerance for sexual assaults.

1 There can never be double standards in the
2 United States military. Everyone has to be
3 held accountable and I believe that if
4 commanders do that, if they can do that and
5 continue to do that across the board, because
6 they can enforce all the standards.

7 And third, commanders need to make
8 the difficult decisions to keep their
9 responsibility to decide any and every issue.
10 And taking that responsibility to continue to
11 seek counsel from their lead one advisors,
12 their JAGs, maybe an operations officer, a
13 deputy commander or a vice commander, to a
14 command chief and probably trusted other
15 commanders to help guide them. But in the
16 end, it is the commander who makes those
17 difficult decisions, based on the facts that
18 they have.

19 If you take UCMJ and courts-martial
20 convening authority away from commanders, you
21 not only take away two of the three items I
22 just mentioned, I believe you take away their

1 authority to enforce standards and I believe
2 you take away their ability to make the
3 difficult decisions. He or she no longer has
4 that responsibility to serve his or her people
5 and no longer serve as a leader. Mission
6 effectiveness and taking care of people, some
7 of whom are victims, will negatively be
8 affected. As General Dunwoody said, I am a
9 firm believer in you have to do the right
10 thing. You have to do the right things right
11 and you have to do those right things right
12 for the right reasons.

13 Thank you. I look forward to your
14 questions.

15 JUDGE JONES: Thank you, General.

16 And now we will turn to Admiral
17 Baumgartner, U.S. Coast Guard.

18 RADM BAUMGARTNER: Well, good
19 morning. And I appreciate the opportunity to
20 appear here today.

21 I have recently retired after 33
22 years in the United States Coast Guard. It

1 was my distinct privilege to have the last
2 time that I wore my uniform in active duty was
3 to appear in an informal session before this
4 same panel.

5 In many ways, there is a lot of
6 symmetry to that. I entered the Coast Guard
7 Academy with the first class of women.
8 Throughout my then, if you add that time, 37
9 years in the Coast Guard uniform, I have
10 observed many things, many classmates from the
11 academy. And I found out many years later on
12 many things have happened to them early on in
13 their career, the difficulties that they went
14 through.

15 I am also a father with daughters
16 that are in college. I also have a lot of
17 other informal experiences and information
18 from many other women who went through
19 difficulties, sexual assault, rapes and so
20 forth that took many different paths to deal
21 with those particular situations throughout
22 their lifetimes.

1 I have a little bit of unique
2 background from everyone else in this
3 particular panel. I started out on ships,
4 commanded a couple of ships, then went to law
5 school in mid-career. I did not stay in the
6 legal program. The Coast Guard is a little
7 bit different but I was, I have been a defense
8 counsel in sexual assault cases, trial
9 counsel, staff judge advocate, commander, and
10 judge advocate general dealing with sexual
11 assault cases, the whole range of the process.

12 From my viewpoint and my experience,
13 first I would say that I agree with much of
14 what the rest of my panel members have said
15 here about the importance of the chain of
16 command, the integrity of commanders and their
17 ability and their responsibility to do the
18 right things the right way at the right time
19 for the right reasons. I won't repeat any of
20 those things.

21 I will, though, add something that
22 I think is very important from my point of

1 view, is very easily lost but is, perhaps,
2 more important than most of the things that
3 are talked about. When we look at the purpose
4 of sexual assault response systems, when we
5 look at the purpose of a trial of an accused
6 sexual assaulter, we have to remember that it
7 is not just that individual case that it is
8 important. What I see as our overall goal and
9 our overall objective is the United States
10 military and, ideally, United States society
11 in which women can feel safe, supported, part
12 of the community. If they are attacked or
13 assaulted, they know that their environment,
14 their community, their unit, whatever it is,
15 will rally around them and not the accuser --
16 I'm sorry -- not the accused; where they know
17 that they have opportunities to advance; where
18 they know that this particular issue will not
19 be a potential stumbling block for them.

20 Frankly, in my experience, I have
21 seen it be a tremendous stumbling block and I
22 have seen women that have had to have dealt

1 with the issue: Do I report? What are the
2 implications if I go forward? If I get a
3 conviction, what then happens? How does my
4 unit react to me as an accuser? What does
5 that mean for my long-term career?

6 Frankly, early on in this business,
7 I saw most women that came forward, their
8 careers did not survive the process. And much
9 of that had to do with the environment in the
10 units and how people identified either with
11 them or with their accuser. In the last five
12 to ten years, I have seen changes there.

13 Now, when we look at how we deal
14 with court-martials, I can tell you that from
15 my experience, people identify. They identify
16 with the victim. They identify with the
17 accused. One of our best tools to make an
18 impact on this issue is to change the
19 environment in our units and to make sure that
20 the men and women in our units identify with
21 the victim, not with the accused.

22 The current system we have, we have

1 a great tool, if we do it right and I think we
2 are on the road to do doing it right, to
3 reinforce that. The people in our units,
4 small, medium, large, whatever, look to their
5 commanders to lead them through mortally
6 dangerous situations, to lead them through
7 stormy seas, to do a host of other things.
8 They place great implicit trust in them. They
9 also will place trust in them if they are the
10 ones that are convening and leading the
11 judicial process against accused, against the
12 people that are assaulting.

13 If we remove and we have a different
14 convening authority that is no longer part of
15 that command, no longer part of the people
16 that they trust their lives, but is something
17 else outside of that that is driving this
18 process, I believe that one of the results
19 that you are going to have is that inside
20 those units they are going to start to
21 identify more with the assaulter than with the
22 victim because now the organization that is

1 supporting the victim is some outside entity.
2 It is not part of their chain of command. It
3 is not the people that they trust with their
4 lives in every other situation. It is
5 something else.

6 I have seen this happen in other
7 context. The more you have outside entities
8 come in and driving that, the more people
9 identify with the accused.

10 In my experience, when we have
11 civilian authorities prosecute a sexual
12 assault against a military member, you are
13 much more likely to find the unit identify
14 with the accused. In fact, they almost always
15 identify with the accused because it is an
16 outside entity. They don't know them. They
17 don't know who it is but they know the
18 accused, especially if the victim is not part
19 of that same unit. And that is a tremendous
20 challenge for us.

21 I have even seen it in cases where
22 we went through the process and could not move

1 if you actually did studies, you would find
2 that college campuses are much worse right now
3 than in the military and they have a much,
4 much bigger challenge on college campuses to
5 change the environment. They don't control
6 most of the aspects of those students. It is
7 an outside entity taking action. You will
8 find out, I think, by and large that most
9 people end up or most men end up identifying
10 more with the accuser than with the victim in
11 those situations on a college campus. I can't
12 say for sure. I have not done the research so
13 that is my speculation from talking to my
14 associates, my world of work, my contacts and
15 so forth.

16 But we do have that unique
17 opportunity in the military to really change
18 the total environment. As we look at what we
19 are going to do with prosecutions, I believe
20 that that needs to be front and center of
21 everything we think about. Yes, we can make
22 an individual prosecution better by changing,

1 by bringing in some other system but what will
2 that do to everything else? What does that do
3 to that woman's career as she goes forward,
4 even if there is a conviction? What does it
5 do to the viewpoint of those people in the
6 unit?

7 I think that if we are not careful
8 here, we could actually undermine many of the
9 other programs that we are doing in the
10 military right now to change attitudes towards
11 sexual assault.

12 I would be happy to take questions
13 about this later on but I do think it is
14 vitally important for us to look at it this
15 way. Think of the psychology of units with
16 unit cohesion, how outside influences, how
17 those are perceived and how they will respond
18 to those particular aspects.

19 Thank you very much for your time.

20 JUDGE JONES: Thank you, Admiral.

21 I would like to open up the panel for
22 questions. Jim?

1 VADM HOUCK: Good morning and thank
2 you for being here with us. This issue was
3 broached in the previous panel and we had
4 several distinguished retired officers raise
5 this point and I wanted to explore it with you
6 all a little bit more. And by the way, for
7 those on the phone, this is Vice Admiral
8 Houck.

9 The issue is a commander's ability
10 to make an objective decision. And sometimes
11 through the course of our panel discussions,
12 it has acquired sort of informally the title
13 of conflict of interest. And it seems to
14 manifest itself as a concern in two different
15 ways. The first way being that a commander
16 cannot make an objective decision about people
17 whom he or she knows. If the commander has a
18 personal knowledge of life and has been
19 exposed to the alleged victim or the alleged
20 accused, that a commander cannot make an
21 objective decision, that the decision process
22 will be flawed. That is kind of Part 1 of

1 this.

2 Part 2 is different but it is also
3 considered to be a conflict of interest by
4 some which is that if you are a commander
5 today and you are charged with maintaining a
6 good and healthy command climate, that you
7 have a conflict of interest if you then raise
8 charges against a member of your command. In
9 other words, you have an incentive to not do
10 that because it will reflect poorly on you if
11 you make this kind of referral decision about
12 an allegation.

13 So for those two reasons, either you
14 know the people too well or it will reflect
15 badly on you and your command and your
16 leadership if you call out a problem and refer
17 charges that there is a conflict of interest.

18 Can I invite any of you to speak to
19 either of those two? The first one seems to
20 get a little bit more attention but I think
21 they are both kind of out there and I would
22 just ask any of you to speak to that.

1 LT GEN JODICE: Admiral, this is
2 Ralph Jodice from on the phone. If I could
3 tackle that one first.

4 JUDGE JONES: Thank you.

5 VADM HOUCK: Please.

6 LT GEN JODICE: Admiral, as I
7 mentioned, when I was the commander of the Air
8 Force District of Washington, I had to remove
9 a commander. And I won't get into who or all
10 the details. I will say it was not for a
11 sexual reason, sexual assault reason. It had
12 to do with leadership.

13 And I knew that commander fairly
14 well. We had been together for nearly a year,
15 actually for over a year. And when the
16 information first came to me via an anonymous
17 IG complaint, it was followed three or four
18 days later by a second IG complaint. And so
19 I took those very seriously. I launched a
20 commander-directed investigation and it was
21 hard. It was extremely difficult. The unit
22 obviously knew about it at my level. His unit

1 knew about it because many were interviewed
2 for that investigation.

3 And as I went through the process to
4 make a decision and the report was presented
5 to me, I will tell you that that was not an
6 easy decision. It was one of the hardest
7 decisions I have ever had to make in my Air
8 Force career. But I didn't shy away from it
9 at all. I didn't shy away from it because it
10 was another commander or because I knew the
11 individual and because the individual had, at
12 the time, a potentially long-term promising
13 career. I tackled it. I sought the advice of
14 my JAG, my legal advisor. I sought the advice
15 of my vice commander, a few other trusty
16 commanders, my command chief. And that
17 decision process, I didn't rush through it and
18 I tossed and turned with it with a lot of
19 effort, sleepless nights and everything. And
20 in the end, I made a decision because, as
21 General Brady had said, I lost faith, trust
22 and confidence in his ability to command. And

1 it didn't make any difference that I knew the
2 individual, that we have been together, had
3 seemed to be very effective. But when those
4 allegations were substantiated on some of the
5 things that he had done, there was no question
6 that that was the right decision to do. And
7 I think that the command climate like I said,
8 yes, it was difficult on that wing when the
9 commander was removed. But and some obviously
10 don't know the full context of what had
11 occurred in that situation but I had others,
12 after the fact, say you did the right thing.
13 That was exactly what needed to happen. It
14 should have probably been brought to the
15 attention of others sooner.

16 So my short answer to the Admiral is
17 that commanders can be objective. They are.
18 They take all those things into account. They
19 wrestle with them day in and day out and it
20 comes down to like many have said, it is what
21 do we need for good order and discipline in
22 the overall unit. And so, I believe that

1 commanders can be objective and that is an
2 exact example of how I was able to do that in
3 a very difficult situation.

4 Thank you.

5 VADM HOUCK: Thank you, sir.

6 GEN BRADY: Admiral Houck, thank
7 you, first of all, for that question because
8 I know it is something that has been brought
9 up. The conflict of interest issue has been
10 brought up a number of times and it is a valid
11 question.

12 It is a valid question because
13 occasionally, I think rarely, frankly, but
14 occasionally commanders flunk that test.

15 Command 101 is do the right thing.
16 We are taught from the beginning. Every
17 service says it differently. The Air Force
18 calls it service before self. All the other
19 services have a similar phrase that conveys
20 the same idea. But commanders are the
21 guardians of that value. And it means that
22 nobody is bigger than the team. Nobody is

1 bigger than the mission, including the
2 commander.

3 So as regards an individual that you
4 have known and like Ralph Jodice said, I had
5 the same experience. We had to remove a
6 general officer who worked for me, my direct
7 report, whom I had known for more than 20
8 years. I was his friend.

9 We need to distinguish between the
10 uncomfortable and the difficult. What was
11 right was easy. That is not a difficult
12 decision. It is uncomfortable. But refer to
13 my first statement, Command 101 is do the
14 right thing. And I think most commanders
15 understand that. If you are a commander, you
16 have to understand that.

17 As regards to command climate,
18 Admiral Houck, I appreciate the comment you
19 made. I would turn it on its head and say you
20 are more likely to do more damage to the
21 command and your career, if that is important
22 to you, if you don't take action because there

1 is nothing more devastating to a command
2 climate than lowering your standards.

3 VADM HOUCK: Did you ever -- did any
4 of you ever look unfavorably on a subordinate
5 commander who referred a case to trial because
6 that was indicative of a bad climate in their
7 unit?

8 GEN BRADY: No, I can't recall doing
9 that. No.

10 RADM BAUMGARTNER: No, sir.

11 GEN DUNWOODY: No, I would say I
12 have not either. I think all inquiries need
13 to be looked at. And the stats are not
14 important. What's important is your role as
15 a commander, which is about leadership and
16 command is a privilege. And with the command
17 authority comes responsibilities and
18 accountability and that is what soldiers, men
19 and women and their families look to the
20 commander for.

21 And similar to General Brady, I have
22 also had to relieve commanders for command

1 climate. But I can assure you, as General
2 Brady said, the cost of not doing the right
3 thing is much more damaging than doing the
4 right thing. Soldiers are looking to you to
5 see what action you take both in rewarding
6 good soldiers or disciplining poor performance
7 and not disciplining poor performance, it is
8 not invisible on them. And all that does is
9 demoralize soldiers who are working hard not
10 be rewarded and seeing those who are not being
11 disciplined not being taken care of.

12 And in order to establish that good
13 order and discipline, the good commander, the
14 leadership does both. And they establish and
15 your soldiers know and they will do anything
16 for you if they know that you are going to
17 take care of them.

18 JUDGE JONES: General.

19 LTG CAMPBELL: Admiral, this is Jim
20 Campbell. If I could give it a shot, sir.

21 The two questions you brought up,
22 they are the toughest and they are also the

1 ones that your subordinate leaders and
2 soldiers will watch most carefully because
3 they know it is the toughest.

4 And if I could share with the panel,
5 and I will do this short and to the point, a
6 rough experience I had is a colonel-level
7 commander in which, and this was in Somalia
8 when one of our young soldiers had done an
9 extraordinary job one afternoon in a really
10 difficult spot. And I was so impressed with
11 his composure in that situation that I sought
12 him out to thank him for doing his job. And
13 he said sir, I just did what I was trained to
14 do. And so at every opportunity, I would
15 trumpet this young man as being kind of what
16 we all want to be, very low keel, no fanfare,
17 doing his job.

18 Well, low and behold, I wish I could
19 put a period at the end of the sentence but he
20 got in a lot of trouble. He got in so much
21 trouble, I had to refer it to a court-martial.

22 And what it taught me was what you

1 look for is three things. You are looking for
2 competence. You are looking for commitment
3 and character. And when it is most dangerous
4 is when the person is most competent and has
5 that character issue. And that is when you
6 have got to step up.

7 To your other point, which is a
8 great one that I really hadn't given a whole
9 bunch of thought until you had just mentioned
10 it about how I would look, were I to do
11 something along those lines to refer charges.
12 I am a firm believer, and I shared this with
13 junior officers, sir, that the day you arrive
14 as a leader is the day the respect and
15 admiration of those you serve to do the right
16 thing is a lot more important than any praise
17 you get from a boss or how people look at you.
18 And so you have to stay to that standard, in
19 my opinion to be a solid commander.

20 Thank you.

21 JUDGE JONES: Mr. Bryant?

22 MR. BRYANT: Yes, thank you. For

1 those on the phone, this is Harvey Bryant --

2 JUDGE JONES: Oh, I'm sorry.

3 RADM BAUMGARTNER: One thing that
4 you do have with a conflict of interest is you
5 have higher commanders. And the difficult
6 thing for me, the most uncomfortable, should
7 be when you decide that you don't think that
8 you should go forward with something or move
9 further on allegations on someone that you are
10 close to. You do have the ability, and I
11 think commanders, it is incumbent upon you to
12 send that out to your higher commander and
13 give the whole matter to them. I mean, that
14 is an option that we have. And as higher
15 commanders, they have to be aware that you
16 receive those with no questions asked if a
17 lower commander does, that send that up to
18 you.

19 In my position in the past, I have
20 taken cases where I looked and knew that there
21 was a popular person there that was the
22 accused and we simply took it right away from

1 that command, so they didn't have to deal with
2 that issue. Because I do believe people can
3 make the difficult decision and go forward and
4 prosecute someone but it is more difficult and
5 you do need -- there should be some
6 introspection if you actually are close to
7 somebody to make sure that you have been
8 objective.

9 And we do have mechanisms for that,
10 which is the higher command. Your SJA should
11 be able to help you with that and deal with
12 higher commands as well. But I do think that
13 is an important thing.

14 JUDGE JONES: Thank you. Mr.
15 Bryant?

16 MR. BRYANT: Thank you, Your Honor.
17 My name is Harvey Bryant. For those on the
18 phone, I parachuted in about 30 minutes ago.

19 I wasn't here from the beginning but
20 what we have heard from this panel and the
21 issues that are before us have been repeated
22 over time. While I missed General Dunwoody's

1 comments, I think I heard the majority of
2 General Brady's and of course all the rest of
3 you.

4 My question is, and I preface it by
5 some assumptions, and that is that all
6 commanders, when we talk about trust, we talk
7 about caring for them. They have to trust as
8 a fulltime job. We are responsible for their
9 healthcare, welfare. That also means
10 medically and safety-wise. I assume that
11 commanders are still rated and encouraged to
12 maintain safety within their organization so
13 that people aren't slipping and falling and
14 busting their heads in the motor pool or
15 whatever it happens to be, falling off of
16 bridges if they are in the engineering corps.
17 And also medical safety. If a unit's sexually
18 transmitted diseases go off the chart or
19 become more than the norm, if meningitis
20 breaks out in a particular unit but nowhere
21 else on post or on base, tuberculosis breaks
22 out, then there is going to be some emphasis.

1 Commanders have that responsibility, do they
2 not, in all instances?

3 And so my question then is, and I
4 don't really mean to be facetious or smart
5 with you but I think it is a decent analogy.
6 How many of you commanders have made the
7 decision when one of the people in your
8 command needed an operation or needed to go to
9 the hospital? Isn't that the function of
10 technicians, which are doctors, just like
11 lawyers are? And how do you feature that as
12 affecting the morale in your unit when it is
13 not your decision whether this person needs an
14 appendectomy, or a heart catheterization, or
15 an amputation, or whatever it might be that
16 they need hospital care for? Isn't that the
17 function of the doctor technician? And do
18 your troops then say well, gee whiz,
19 commander, I thought you were making all the
20 decisions here. Why does Joe have to have an
21 appendix taken out? Or I don't think there is
22 anything wrong with Joe's kidneys.

1 And so I ask how in the context of
2 which we are speaking that particular issue
3 fits in with the issue that the commander must
4 make all decisions about everything for
5 everybody?

6 GEN BRADY: With respect, Mr.
7 Bryant, that is not a good analogy.

8 MR. BRYANT: All right.

9 GEN BRADY: Because we are talking
10 about behavior.

11 MR. BRYANT: Well, isn't safety --

12 GEN BRADY: And commanders -- yes,
13 we are responsible for safety.

14 MR. BRYANT: Right and if somebody
15 --

16 GEN BRADY: We are responsible for
17 buffoonery.

18 MR. BRYANT: And if somebody breaks
19 their arm, you don't decide whether or not it
20 is going to be a splint or what the treatment
21 of the person is going to be.

22 GEN BRADY: No, we don't.

1 MR. BRYANT: I prefaced it by saying
2 that I understand you are responsible, all
3 commanders are, for safety and for health,
4 cleanliness within their units.

5 GEN BRADY: Yes.

6 MR. BRYANT: But when something goes
7 wrong, when something goes bad, aren't those
8 medical people's decisions?

9 GEN BRADY: They are. The specific
10 treatment, obviously, most commanders are not
11 medical experts. But we had better be
12 behavior experts.

13 MR. BRYANT: Why?

14 GEN BRADY: Because command is about
15 behavior. It is about behavior. And most of
16 us have a background or we wouldn't be
17 commanders. We have some technical expertise.

18 But your real expertise, when you
19 make someone a commander, you are most
20 interested in, and when you sit on Command
21 Selection Boards, which I am confident
22 everybody on this panel has, when you sit on

1 a Command Selection Board, it is different
2 from a Promotion Board because what you are
3 looking at is, and there are very candid
4 discussions on the Command Selection Boards
5 that you can't have in a Promotion Board
6 because Command Selection Boards are dictated
7 by law. I mean Promotion Boards are dictated
8 by law and what you can do and not do.

9 Command is not. And the reason is
10 because you need to have command, you need to
11 have candid discussions about the judgment of
12 this individual. Everybody you meet in the
13 Command Selection Board is competent,
14 technically competent. It is about judgment.
15 And the things that we have to make judgments
16 about more than anything else is people's
17 behavior, including sexual assault.

18 BG McGUIRE: Your Honor?

19 JUDGE JONES: Yes.

20 BG McGUIRE: But as a commander,
21 don't you believe that in the event somebody
22 in your unit gets a broken arm or needs some

1 treatment, something of that sort, that as a
2 commander, you are going to look into the
3 conditions in which that event happened --

4 GEN BRADY: Of course.

5 BG McGUIRE: -- and take actions to
6 ensure that they get good treatment and make
7 sure that it doesn't happen for everybody
8 else?

9 GEN BRADY: It is not an isolated
10 event.

11 BG McGUIRE: That is exactly right.

12 GEN BRADY: It is. It could reflect
13 many other things about the unit.

14 BG McGUIRE: Correct.

15 RADM BAUMGARTNER: And -- I'm sorry.
16 Go ahead.

17 BG McGUIRE: But I just wanted to
18 make a statement on that particular point but
19 I would also, and this is after 30 plus years,
20 the majority of my career in law enforcement,
21 you can't help but sometimes be a little jaded
22 at times, that I find that nobody is

1 infallible.

2 And so when we look at our current
3 system, we have a system of law enforcement
4 investigators that during the course of the
5 investigation, work hand-in-hand with the
6 legal community to ensure that evidence is
7 being collected properly.

8 Then when it is presented to a
9 commander, that commander then also gets
10 advice and judgment with another lawyer to
11 ensure that they want to go forth with
12 prosecuting the offense or not.

13 And on the occasions where the
14 decision is or not and it is both the lawyer
15 and the advisor and the commander, there is
16 also the recourse of the investigator to go
17 further, to pursue that as well. And that is
18 an aspect I think that we have forgotten in
19 some regards is that when we take one
20 individual out of the decision-making aspect
21 of that entire chain, we are starting to
22 lessen the opportunities for covering the

1 checks and balances and that your -- the
2 infallibility of any one person then is kept
3 in check. By taking the commander out, I'm
4 not so sure all lawyers would assume and say
5 they are infallible in and of themselves.

6 RADM BAUMGARTNER: One thing I would
7 like to say, the medical analogy, it would
8 only work if the people actually setting the
9 arm and doing the procedure were laymen.

10 When you have a trial, the people
11 that are making the ultimate irrevocable
12 decision are the men and women on the court-
13 martial panel. Laymen not lawyers.

14 So you have fundamentally different
15 processes. And the judgment that you are
16 asking a commander to do is evaluate things in
17 terms of overall justice as they appear to
18 laymen, as they appear to commanders. If you
19 go onto the civilian side, you have governors,
20 you have the president that have authority to
21 oversee different aspects of the justice
22 systems that aren't lawyers. So, the doctor

1 is more like the pilot. I have had pilots
2 that work for me that land the plane, make
3 decisions on how they are going to do those
4 things. They take care of that technical
5 area. They are the in person doing it. Very
6 different, I think, in the military justice
7 system where in the end it is lay people on a
8 jury or on a court-martial panel that make the
9 irrevocable decision.

10 MR. BRYANT: Well, if I may, Admiral
11 Baumgartner, I really wasn't talking about the
12 ultimate decision of the trial. I was talking
13 about the process of initiating, referring
14 charges. That pilot decides how he is going
15 to land and if he is going to land, regardless
16 of who else is onboard.

17 So, what I am trying to point out,
18 I think through this question is that if,
19 hypothetically, in a medical situation it is
20 the doctor, the medical community who is
21 making the decision, whether it is in a combat
22 situation or back here in the United States or

1 a large Army base, Air Force base somewhere
2 else in the world, the doctors are making
3 those decisions. And I would hope we would
4 all agree they are the proper people to be
5 making that decision. It doesn't mean that
6 commanders are still not going to be
7 responsible for ensuring the health and safety
8 of their units. There is still going to be
9 that emphasis. If you say well, the doctors
10 are making those decisions, I don't care what
11 goes on in the motor pool or what the safety
12 is here or how clean we keep this place
13 because doctors are ruling that.

14 And I am trying to say that when we
15 say well, if we turn this over to someone
16 else, some other entity, hypothetically
17 military lawyers, that suddenly commanders
18 aren't going to care about sexual assault
19 anymore. And I think you have all pretty
20 clearly said yes, you will. Yes, commanders
21 will continue to emphasize and be responsible
22 for sexual assaults in their units, just as,

1 to repeat myself, they are responsible for
2 safety. They are responsible for health, even
3 though when things go wrong and a body gets
4 assaulted non-sexually, a body gets assaulted
5 by something that fell from the roof that
6 should have been secured at some point, that
7 the decision of what to do with that crushed
8 head is going to be made by someone other than
9 the commander.

10 GEN BRADY: I think again, Mr.
11 Bryant, I take your point but we are talking
12 about behavior here and we are talking about
13 judgment.

14 MR. BRYANT: In every respect.

15 GEN BRADY: And I think it is
16 different.

17 MR. BRYANT: Well if the company
18 commander, if the sergeants aren't seeing that
19 people are eating healthily, for instance, or
20 washing their hands after whatever, and that
21 the barracks and the housing areas are not
22 kept clean, sanitized, and all sorts of

1 medical issues break out in that unit, that is
2 a behavior issue, is it not? So, the
3 commanders are still going to be responsible
4 for that behavior or lack thereof, I am
5 assuming, in their units, even though medical
6 personnel are the ones who are making the
7 ultimate decisions how to treat the wounded.
8 In this case we will call them the victims or
9 the perpetrators.

10 GEN DUNWOODY: Maybe this will help
11 clarify. I think, from my experience being in
12 command and 16 years of my 38 as a commander,
13 what the commander is ultimately responsible
14 and accountable for everything that happens in
15 his or her unit.

16 What you have, you have a suite of
17 people, technical IG, JAG, doctor, -- I am
18 not a doctor but I had doctors working for me
19 -- equal opportunity people. You have a bench
20 of technicians that are there to advise. And
21 not every activity belongs in one of those
22 stovepipes, sometimes the chaplain and the EEO

1 or the command climate. And the commander has
2 the ability to integrate the capabilities that
3 he or she has on the staff to come up with the
4 best solution recommendation in order to
5 address the issue.

6 And I think we go back into these
7 stovepipes and we lose, the commander loses a
8 purview of their experience, their leadership
9 abilities. They also see things, it has been
10 my experience, that even if stovepipe folks
11 won't see, although as we grow up in
12 professional development, all of us get better
13 in our business. But the commander is the
14 integrator of all that information in order to
15 know how to best deal with that issue.

16 JUDGE JONES: Ms. Holtzman?

17 MS. HOLTZMAN: Yes, I agree with the
18 analogy isn't exact in the sense that of
19 course who is making the decision to send that
20 military person to the doctor to begin with?
21 If it is the person himself or herself, they
22 may not be a doctor but they say I need

1 medical help. Or if it is a commander, you
2 know, you are walking around looking funny.
3 You look like you need to go to the hospital.
4 Okay, that initial decision is not going to be
5 made necessarily by a medical doctor.

6 That is how a lot of decisions are
7 made about medical help. Someone sends
8 someone to a doctor, or someone gets to the
9 doctor they themselves aren't medical. But of
10 course once it is determined that you need
11 professional help, then of course you need a
12 professional. And sort of the same thing
13 happens here.

14 My question was going sort of to the
15 point, I wanted to see what your comment was,
16 something that Admiral Baumgartner said. Now
17 whether you see this as also somehow a
18 response to the question about the analogy of
19 medical personnel, what you were saying as I
20 took it is that having the commander put his
21 or her imprimatur on the decision to
22 prosecute, is not just a technical decision,

1 oh, you need to go to the doctor. It is also
2 sending a statement to all the troops that
3 this behavior on its face is not acceptable
4 and I, as commander convening authority, want
5 to make it clear that when this kind of
6 behavior takes place, it has got to go to the
7 hospital. It has got to be addressed, whether
8 it is our legal system. And so that that
9 itself is a message that is important to, to
10 use your phrase, good order and discipline, or
11 to morale or to ethical standards.

12 Am I misunderstanding what you said?

13 RADM BAUMGARTNER: No. No. In fact
14 my opening statement, that is very much line
15 with that. That is an important thing. And
16 if you want to go to other areas that
17 certainly if your troops are reminded by the
18 hospital that it is time to come in and have
19 their dental exam, that is one thing.

20 MS. HOLTZMAN: Oh, I forgot about
21 that.

22 RADM BAUMGARTNER: If their

1 commander says I want that dental exam done on
2 time and you better be green for deployment,
3 it is going to happen, they understand. This
4 is operational. This is coming from those
5 people that I trust with my life. This has
6 that stamp there.

7 In fact, throughout my career, I
8 picked different items that were always
9 problems administratively. You put your
10 imprint on those items, relate them to
11 operations and effectiveness and how you have
12 to have a climate, you have tremendous impact
13 on how those particular items are addressed
14 and what the compliance is because it makes
15 the commands, priority has that command
16 influence behind it. So you understand
17 exactly what I am talking about.

18 JUDGE JONES: Professor Hillman.

19 PROF. HILLMAN: Thank you, Judge
20 Jones.

21 Admiral Baumgartner, you are making
22 me feel guilty about missing my last dentist

1 appointment and grateful for the freedom to
2 cancel it.

3 (Laughter.)

4 RADM BAUMGARTNER: Well, if your
5 commander had told you to go, you would go.

6 PROF. HILLMAN: Yes, I would have.

7 I have a small question and then a
8 bigger question. So the small question, which
9 is perhaps inappropriately characterized as
10 small, goes to why we have this problem now.

11 And General Brady, I am grateful you
12 are back today. This is -- I am grateful for
13 everyone who is with us on the phone and in
14 person. You are not the first group of
15 incredibly impressive accomplished military
16 senior commanders who have led our force
17 through these past decades of so many
18 challenges. And General Brady, you said
19 something the last time that we heard from you
20 about the nature of the problem, I think. And
21 I just want to put that out here and ask if
22 this is what you see as the source of the

1 problem today in the Armed Forces.

2 You said finally -- this is the end
3 of your statement to us the last time we heard
4 from you: The Department of Defense needs to
5 realize we are in the parenting business. Our
6 society by any measure is coarsening. And
7 while I have the ultimate respect for the
8 young men and women who choose to serve this
9 nation, too often they do not respect the
10 opinions, the bodies, or the basic humanity of
11 those around them. They come to us with 18
12 years of society's conditioning and some of it
13 is absolutely, is inimical to teamwork,
14 respect, good order and discipline and,
15 ultimately, the success of our mission.

16 So, General, is the problem then the
17 people that we are getting in the service
18 today rather than the military culture itself?

19 GEN BRADY: Well, it is all our
20 problems but the military didn't invent this.
21 It is we have in too many cases -- and the
22 only good number in this business is zero. In

1 too many cases we have not done all that we
2 could do, I believe.

3 I hate it when people read my words
4 back to me but yes, that is what I said.

5 (Laughter.)

6 PROF. HILLMAN: Lawyers like to do
7 that. That is exactly what I said and that is
8 the story I am sticking to.

9 No, I think that there are lots of
10 challenges. I think what I said about the
11 generation coming in now I think is true. And
12 I think research would back that up. That
13 does not in any way excuse our responsibility
14 in the service to take that on. But we are.
15 We are doing some parenting that we wouldn't
16 have done in past years, I think. Because we
17 are having to correct some behaviors that we
18 might not have in former times, perhaps, but
19 we must be willing to do that.

20 I think that a great advance, in
21 fact the most significant thing that happened
22 in my 41-year career was the increasing role

1 the Army because it was a values-based
2 institution.

3 And what you find from kids that are
4 coming in today, not necessarily all, some
5 come in from broken homes, not the same
6 values, certainly that I grew up with. And so
7 it is incumbent upon the service as we bring
8 new members into the military that we spend
9 time with the soldierization of values,
10 respect, dignity that we expect to be existent
11 in our force.

12 And what I will tell you that
13 whether someone comes into the military for
14 two years, ten years, twenty years, they will
15 return a better citizen because of the
16 discipline, the leadership and
17 responsibilities that we put on them in the
18 military. I personally believe that.

19 JUDGE JONES: General Campbell.

20 LTG CAMPBELL: Ma'am, I had the
21 opportunity the last two days to sit in the
22 back of the room of, I will use the acronym

1 and then I will do my best to define it, the
2 Army's SHARP Summit, Sexual Harassment Assault
3 Response and Prevention Summit, in which the
4 Chief of Staff Army and the Sergeant Major of
5 the Army with the most senior Army commanders
6 and command sergeants major in the world came
7 from all over, attended this two-day event.
8 And the issue of society in the contributing
9 factor was one of the big discussion points.

10 And what was refreshing to me, from
11 where I sat, is a renewed emphasis to look at
12 where a young soldier is most vulnerable,
13 where he or she is most vulnerable. And it
14 usually, and I will use military grade, from
15 E-1 private to E-4 specialist, probably the
16 most vulnerable is a victim. And what the
17 Army is doing now in terms of putting a razor
18 beam on what we do to that environment.
19 Because if you do get a young man or a woman
20 who comes in from society to sit down with
21 them and say look, this behavior may have been
22 acceptable from where you came. It is no

1 longer acceptable. And to really put the
2 razor on that environment in which they work.

3 So, I can tell you it certainly has
4 the attention of the senior leadership of the
5 Army.

6 PROF. HILLMAN: Thank you, General.

7 JUDGE JONES: You had your larger
8 question.

9 PROF. HILLMAN: Right.

10 (Laughter.)

11 PROF. HILLMAN: So you are not the
12 first folks we have heard from on this but you
13 are close to the last that we will hear on
14 this narrow issue. We are close to having to
15 start to decide about some of the many, many
16 issues that face us in the realm that we are
17 studying. And this really is just but one of
18 many. You have actually given us insight into
19 many others.

20 But on this issue of the sort of
21 convening authorities rule, I am just going to
22 cut to the chase here and say if commanders as

1 convening authorities can solve this problem
2 and if it is so easy as General Brady has
3 suggested to remove commanders who falter, and
4 if commanders are indeed experts in behavior
5 and understand the ways to get servicemembers
6 to do right, you have all talked a lot about
7 doing the right thing -- I keep seeing that
8 movie, actually you have said it so many times
9 -- I think we have done a lot of the wrong
10 things in the wrong way for a very long time
11 in this narrow arena of stopping rape and
12 sexual assault and sexual harassment in the
13 Armed Forces during the time that you have
14 been senior leaders in the services.

15 Why should we not consider this
16 change, whether you consider it technical or
17 far-reaching, of removing convening
18 authorities from the criminal justice process
19 when what we have been doing has not worked?

20 VADM HOUCK: I would like to add,
21 before you answer, I would like to add a
22 companion question to it to consider in

1 parallel. And what makes me ask the companion
2 question is the media report over the past
3 weekend about the White House study of sexual
4 assault on college campuses. And which that
5 report, if it is accurate, and I am repeating
6 what I have heard accurately, I don't vouch
7 for the report, is that one in five women on
8 college campuses are the victims of sexual
9 assaults and that 12 percent of those victims,
10 12 percent report, and that 88 percent do not.

11 And so the companion question that
12 I would raise is why are we not, because
13 society has done so poorly, why are we not
14 considering and revamping the civilian system
15 of prosecution that we have right now? Why
16 are we not removing the authority from senior
17 civilian prosecutors to prosecute cases?

18 RADM BAUMGARTNER: I will start to
19 respond there. One thing --

20 VADM VITALE: If I could, this is
21 Mike Vitale.

22 JUDGE JONES: Go ahead.

1 VADM VITALE: Thank you, ma'am.

2 Ma'am, I think the answer, quite frankly, is
3 the fact that as leaders, every generation
4 learns and understands how society is
5 changing. And clearly, that is true for all
6 of us. And while you can make a case that
7 this has been going on for some time and
8 leaders should have been aware of it all
9 along, I would argue that just to the
10 gentleman's comment about what we are learning
11 about going on in college is we probably
12 surmised it for some time but now we have the
13 data. And with the data, we can take action.

14 And so we have been now, for the
15 last three to five years, extremely focused on
16 trying to ensure that we are in fact
17 eliminating this problem. And so I would
18 argue that given that, we need to give
19 ourselves -- recognize that it is not a broken
20 system. It doesn't require radical surgery.
21 It just needs tuning.

22 And you can make this argument that

1 tuning this could be done by this legislation
2 but I would argue that the tuning can be done
3 by merely the fact that the commanders are now
4 well aware of the challenge and are trying to
5 do what is right to take care of that
6 challenge.

7 So giving it time to make that
8 happen is different than the past where you
9 said hey, we didn't do anything about it.
10 Well, we didn't really understand the
11 significance of that problem and that is why
12 people talk to it but really didn't grab it
13 and run with it. We are grabbing and running
14 with it now and I think it needs time to take
15 effect.

16 JUDGE JONES: Admiral?

17 RADM BAUMGARTNER: Yes. I would say
18 a couple of things in response to that. One,
19 is we should be careful to a system that
20 doesn't seem to be working for society in
21 general. And I suspect there are other ways
22 to look at these numbers on college campuses.

1 There are much worse places to be than the
2 military, especially when you look at the
3 percentage of males and females and you factor
4 in the percentage of people inclined to be
5 perpetrators versus the number of victims and
6 so forth.

7 So you will find out that it is
8 probably a much worse problem on college
9 campuses than it is in the military, even much
10 worse percentage-wise when you are just
11 looking at statistics.

12 So that would be part of my
13 question. Why move to a system that is more
14 likely it isn't working there? The second
15 part of the answer would be if we go back ten
16 years, we had people that did not understand
17 the problem. Many people in society don't
18 understand the problem. One of the challenges
19 that we have is that the vast majority of men
20 are not inclined to be perpetrators here. And
21 it is hard, until it is shoved in your face
22 that there are men out there that do this kind

1 of stuff, that will do it, and that you have
2 to come to grips with that. And I think that
3 has happened. And that has certainly happened
4 over the last five to ten years in the
5 military and specifically, say in the last
6 three or four, thanks to a lot of publicity,
7 a lot of help from the outside to make that
8 focus and to come to that significant
9 emotional understanding that your colleagues
10 out there do these kinds of things. And that
11 you won't necessarily know that because they
12 will look to be normal. They will look to be
13 productive, good soldiers, sailors, coast
14 guardsmen, airmen, and so forth.

15 We have passed, I think, that
16 understanding. And we have got that
17 understanding now. We can take that
18 understanding, some greater tools, put them in
19 the hands of commanders with a system that can
20 get things done and focus them on this. And
21 there are tweaks that I think that need to be
22 made and have been made already in the last

1 couple of years to the system that will
2 prevent many of the problems. And I think we
3 are in a much better place to go forward and
4 we can accomplish much more inside the system
5 because we can control in the right way many
6 more of the elements that are involved.

7 GEN BRADY: Let me make a comment
8 regarding, and I think it is one that I made
9 the last time when I called in by phone. And
10 that is about everybody on every side of this
11 issue has their data, okay, has their data and
12 their reporting and their surveys, et cetera.
13 In my experience, and I came into the fight
14 directly in about 2004 in the sexual assault
15 response coordinator program and the first
16 thing we had to do is educate ourselves about
17 the nature of the crime. And we did that.

18 We reached out to people like Dr.
19 Lisak, who is at Boston University. We
20 reached out to a woman named Anne Munch, who
21 was a -- some of you may know her. She was a
22 prosecutor. And they did yeomen's work for us

1 educating us in senior leadership about the
2 nature of this.

3 One of the things that we learned
4 and that the FBI had already known was that
5 this was a, as they called it, the most under-
6 reported crime in America. The number was
7 five percent or something like that. You said
8 12. It is not big enough is the answer.

9 And so one of our mantras to begin
10 with was, we need more reports. We suspect it
11 is happening. We don't know how big it is but
12 it is bigger than we think it is. So, we
13 really need more reports. So, we worked on it
14 pretty hard for a long time.

15 Recently, there was this report that
16 came out from the services of a vastly
17 increased number of reports of sexual assault.
18 Some folks took that to mean oh, my gosh, it
19 is even worse than we thought it was. You
20 guys are worse than we thought you were. But
21 some of us took it as saying this means that
22 people have increased confidence in the chain

1 of command to deal with this and so they are
2 coming forward in bigger numbers than they
3 have in the past.

4 So, I guess your glass can be half
5 empty or half full on that one but we wanted
6 more reports. We are not happy that we have
7 them but we are happy in the sense that if
8 there is any good news there is that there
9 does appear to be increased confidence.

10 Finally, on the accountability
11 issue, if I am a commander and I have referred
12 a case to court-martial, I am going to bird
13 dog that issue. Okay? It is in my job jar
14 and I am going to follow it, and I am going to
15 know what is happening, and I am going to ask
16 questions about what is happening, as opposed
17 to it being on a court docket. If it goes
18 someplace else, it is on a court docket.
19 Commanders, their human nature, are they going
20 to be unconcerned? No but all commanders have
21 got more to do than they have got time to do
22 it.

1 So, where is it going to get the
2 attention, if it has been shuffled off to some
3 specialist in another chain or if it is still
4 part of my job jar?

5 JUDGE JONES: Ms. Holtzman.

6 MS. HOLTZMAN: Thank you, Madam
7 Chair. First, thanks to all of you for coming
8 and to those of you on the phone. I
9 appreciate the information you're giving us to
10 grapple with this very serious question. And
11 I think Admiral Houck raised an issue that's
12 concerned me a lot which is what is this whole
13 concern about conflict of interest. And I
14 think the reason that people are raising the
15 idea of conflict of interest is because
16 there's somehow a notion that a commander can
17 really squelch, interfere with the process.
18 So if some sexual assault has taken place in
19 his or her command, they can just push it
20 under the rug and that they have an interest
21 in doing it. I see someone in the audience
22 nodding their head. That's what I think is at

1 the crux of this concern about conflict of
2 interest, that a commander is going to have an
3 interest in not proceeding with a prosecution
4 of sexual assault and will be able to squelch
5 it.

6 Could you please address that? Just
7 that in a narrow way. Can commanders squelch
8 it? Can they interfere with the
9 investigation? Can they stop the prosecution?
10 Can they push these things under the rug?

11 I'd like you all to respond.

12 GEN BRADY: If you're not very
13 smart. I mean I don't know what rock you've
14 been living under if you think you can hide
15 anything from anybody as a commander. No, I
16 mean the Congress, bless their hearts, you
17 know, they get any email they want.

18 No. We live -- the glass house is
19 a trite phrase, but it's absolutely true. If
20 you're in any position of authority in 2014,
21 there's some young airman, some young PFC,
22 some young soldier who can see you doing

1 anything, you use your staff card or drop your
2 child off at elementary school on the way to
3 your office and you will be held off the
4 Brigadier General list. I guarantee you.
5 I've seen it.

6 So no, you can't hide anything. And
7 that's the way it ought to be. That's what we
8 sign up to. One of my mentors said we sign an
9 unlimited liability clause. And we accept
10 that. And that's the way it ought to be, so
11 no. I don't think we can. You will be found
12 out. And you should be, if you are subverting
13 the process.

14 GEN DUNWOODY: I think there is this
15 notion that there is this good old boy network
16 that would allow people to sweep it under the
17 rug, but my experience is that does not exist.
18 There may be people that attempt, but in this
19 day and age, the consequences of trying to do
20 that on the good order and discipline of the
21 organization are much worse than doing the
22 right thing for the right reason.

1 MS. HOLTZMAN: And are there ways --
2 does the commander control the investigation?

3 GEN BRADY: No.

4 LTG CAMPBELL: No.

5 MS. HOLTZMAN: Can the commander
6 stop the investigation?

7 GEN BRADY: I suppose you could, but
8 man, I don't know under what justification.
9 No. That would be pretty silly.

10 RADM BAUMGARTNER: It would be a
11 great peril if you tried to do that.
12 Certainly, I can't speak for how all of the
13 other services are set up, but the
14 investigators, there is transparency to other
15 places of what they're doing. So other people
16 know what investigations are happening.
17 They're monitored. So that if you squelched
18 an investigation, it would not be very long
19 before the highest levels, certainly in the
20 Coast Guard, knew that you had squelched an
21 investigation. It would be a great peril.

22 BG McGUIRE: And I can speak on

1 behalf of the Criminal Investigation Division,
2 at least, in command in the Army is that
3 because it's an independent investigative arm,
4 commanders do not have the authority to
5 interfere in an investigation.

6 GEN BRADY: And I have been at the
7 most senior levels of the Air Force sitting
8 with our Chief and he would routinely ask our
9 senior attorney or our IG, how is
10 investigation X going? And all he was asking
11 about was a time frame. I've never seen
12 anybody would ask -- he was just saying are
13 you close to being through? Or how are we
14 doing? And they'd say well, it's going to
15 take quite a bit while longer.

16 No commander that has any awareness
17 gets involved in the investigation process
18 once he or she launches it.

19 MS. HOLTZMAN: Yes, sir.

20 LT GEN JODICE: Ma'am, this is Ralph
21 Jodice on the phone if I could add in, please?

22 MS. HOLTZMAN: Sure, go ahead.

1 Thank you.

2 LT GEN JODICE: Yes, thank you.

3 Commanders can't squelch those kind of things.

4 Again, I'll use my own personal experience

5 that the NATO commander there, Commander,

6 Izmir, there were allegations against my

7 senior enlisted advisor. And again, folks

8 came to me, presented me with their facts. I

9 launched a commander-directed investigation.

10 If I had squelched that, all the other people

11 in the unit knew that there were inappropriate

12 things that this individual had said and done.

13 And we've all talked about good order and

14 discipline. If I had squelched that and swept

15 it under the rug, it just would have torn the

16 entire unit apart.

17 So as a commander, you owe that

18 answer, no matter how that answer comes out,

19 you owe that answer to everybody, to the

20 victim and to those that are making the

21 allegations. And so you can't squelch it.

22 That's the responsibility of command. Would

1 not allow you to do that. And we wouldn't
2 take command so seriously if we go oh, yes,
3 I'll just push it away. Because we owe that
4 answer to everybody and to ensure that if
5 there is a problem, we take care of and then
6 we make the right decision and the decision
7 might be a significant punishment for the
8 individual. It could be the loss of a rank.
9 It could be even imprisonment. And so I don't
10 see that squelching -- it does absolutely no
11 good. And it's detrimental to any
12 organization. And you've got to find the
13 right answer, no matter how hard it is.
14 You've got to find that right answer so that
15 everybody knows when the decision is made that
16 the right thing has been done. And some might
17 disagree with it along the way, but as a
18 commander, you know that you've done that and
19 you dug into it and you poured over the report
20 that's presented to you. You've taken all the
21 experience that you had and you take the
22 advice again from your legal advisor, from

1 your deputy commander and others. Then you
2 know you're going to make the right decision.

3 JUDGE JONES: General Campbell?

4 LTG CAMPBELL: The only thing I was
5 going to add, and again this is based on what
6 I heard the last few days, is that there are
7 so many mechanisms in place the moment a
8 victim steps forward and says something bad
9 has happened that the commander at great peril
10 to his or her professional career, if they
11 don't report that within hours, then they
12 might lose that chance to command that unit.

13 Special Victims Counsel who leap
14 into action, they track this, ma'am. They
15 track down to the hour that this is being
16 done. I cannot imagine a scenario in which a
17 commander will say let's squelch this. It
18 ain't going to happen.

19 JUDGE JONES: Did you have anything
20 else, Liz?

21 MS. HOLTZMAN: No, that's it. Thank
22 you. Thank you, ma'am.

1 JUDGE JONES: Colonel Cook.

2 COL COOK: Thank you. For those on
3 the phone, this is Colonel Holly Cook. It's
4 going to build on something you've all gone
5 to. One of the other perceptions besides the
6 conflict of interest issue that there's
7 concern about, can commanders make that call.
8 The other concern is -- the other reason to
9 give it to the judge advocates, take it away
10 from the commander and make it truly objective
11 is commanders, they're not trained to do this.

12 Now five out of six of you don't
13 have law degrees. Sir, you do. All of you
14 have left the military with -- most of you
15 within the last 24 months. General Campbell,
16 sir, you are a bit more removed than everybody
17 else in terms of your timing, but you
18 currently work with the -- according to your
19 résumé, currently work with the Chief of Staff
20 of the Army on development of our general
21 officers.

22 Even this morning, a comment that

1 was made this morning, you can go back to the
2 transcript, but my notes said that commanders
3 are rarely trained to exercise informed
4 judgment for cases. They are trained for
5 operational success.

6 I'm not talking about past training
7 because the problems have been there. But
8 data is being collected. We're learning still
9 from the past. But can you comment, if you
10 know, on the current training for our senior
11 leaders to make informed judgments, if you
12 believe they can make that and what are we
13 doing to keep that current in terms of the
14 information that is constantly being
15 developed?

16 Sir?

17 VADM VITALE: This is Mike Vitale,
18 if I could start.

19 JUDGE JONES: Yes, go ahead.

20 VADM VITALE: Thank you, ma'am. I
21 would argue you're probably correct in the
22 past that commanders early on didn't get a lot

1 of experience per se in this, but I would not
2 say that that's a reason to take it away from
3 them. From the first time, commanders
4 usually are at the O-5 level have the first
5 experience with this situation. And so those
6 who come on board, a ship in my case, and you
7 know being in command and now start gaining
8 experience having to hold Article 15s. But
9 they have a legal ability to reach back and
10 get advice. And through that Article 15
11 experience begin to really understand how this
12 process works and why the commander is so
13 important to making sure that he makes fair
14 and consistent judgments for each and every
15 one of those cases. I can tell you that for
16 me, coming into command, my objective was zero
17 Article 15s. I was very naive and I was very
18 optimistic.

19 (Laughter.)

20 By the time I was done with my
21 command tour 14 months later, I had 60 cases.
22 I didn't want to have 60 cases, but gained a

1 tremendous amount of experience through that.
2 As you continued to escalate up through
3 command, of course, that experience gets
4 broadened and until you're finally a flag or
5 general officer and now you're a convening
6 authority, and I would tell you throughout
7 that span, you're not only gaining experience
8 yourself, but you're also getting advised by
9 very professional JAGs who understand and have
10 more experience than you do.

11 So I would argue that while you're
12 not necessarily trained, you are getting
13 training through that experience to the point
14 where you do have a tremendous appreciation
15 and understanding of how to balance plea
16 bargaining with the charges, with what you
17 want to see come out of that as potential
18 justice in the best and most fair and
19 consistent way for all those concerned, the
20 victims as well as the accused.

21 That's what I would say at this point.
22 But I would also tell you that with response

1 to your question about training now, we have
2 recognized that there is a need to ensure. In
3 the Navy, we have moved most of our general
4 courts-martial to the regional commanders so
5 that they can again continue building this
6 body of experience. They do go through
7 training now when they are assigned as
8 regional commanders by our JAG Corps, to make
9 sure that they're ready for that position, if
10 not ready already.

11 COL COOK: And is that legal
12 training, when you say they do go through
13 training where they're assigned to those
14 positions, is that specific legal training on
15 what they may encounter?

16 VADM VITALE: Yes.

17 COL COOK: Thanks.

18 VADM VITALE: And trained by our JAG
19 Corps specifically to do that. And again,
20 it's not new. Remember, this isn't a new
21 exposure. They've been doing this as
22 commanders since the O-5 level. So they have

1 probably anywhere between seven to ten years
2 of experience in this arena and so it's not
3 new. It's the JAG just making sure that they
4 fully understand and new general court model
5 and being the authority, what that authority
6 brings and how best to execute.

7 LT GEN JODICE: Ralph Jodice, if I
8 could add?

9 COL COOK: Sure, go ahead.

10 LT GEN JODICE: As we go through and
11 become commanders at different levels, at
12 least in the United States Air Force, we go
13 through different types of commanders' course.
14 Now as a squadron commander or group
15 commander, wing commander, and in every one of
16 those levels and even we go through as flag
17 officers, such things as CAPSTONE and
18 PINNACLE, at the one- and three- star level,
19 legal courses or legal advice and legal
20 presentations are done in every one of those
21 courses.

22 And I haven't been to one in a

1 while, but I would venture to say that those
2 are increasing even more and more. I know
3 again in my particular situation when I took
4 over as the command of the Air Force District
5 of Washington and had court-martial convening
6 authority for over 40,000 airmen located not
7 only the National Capital Region, but around
8 the world, I spent the time and sat down with
9 my JAG to ensure I knew what it was that I
10 could and could not do, what was expected.
11 And there were cases that I was looking at all
12 the time to including prison sentences and
13 cutting those short, keep them where they
14 were, and in every one of those cases and
15 situations, the JAG is right here along with
16 us.

17 And in the case of the things we
18 were talking about with regards to sexual
19 assault and victims, I believe that we are
20 doing way more training today than we have in
21 the past. And like Admiral Vitale has said,
22 there needs to be a little bit of time and I

1 know there's not much, but I believe that all
2 commanders know that they need to have that
3 guidance because they're not legal experts and
4 that guidance from their JAG or their legal
5 advisor and to keep them very close when
6 they're making these really tough and
7 difficult decisions that affects people's
8 lives. And I believe that they do.

9 GEN BRADY: I really think that all
10 of the services, all the services have
11 specific -- first of all, just an officer
12 development course when you're a second
13 lieutenant or an ensign all the way up, you
14 get some legal information. But as you become
15 commanders, I think all the services have a
16 specific school for you for every level of
17 command.

18 And certainly, things like the legal
19 aspects of command, probably receive as much
20 or more emphasis than anything else. But you
21 don't learn to be a commander in a classroom.
22 Where you learn it and I think you learn it

1 from -- I learned it from lawyers who were
2 normally half my age. Because every week we
3 had a session called Cops and Robbers and in
4 Cops and Robbers you discussed every case
5 going on on the installation. And your law
6 enforcement people were there, CID, OSI. The
7 attorneys were there. And you got a
8 background on every case and the status of
9 every case. That's where you learn about --
10 for me, that's where I learned about what was
11 appropriate and what was not appropriate, what
12 could and should be done along the way.

13 So by the time you're a senior guy
14 or gal, you've had a lot of experience with
15 the legal business. You're not a legal
16 expert. You never run out of the need for an
17 attorney, but you probably spend as much time
18 with the attorney as you do with anyone else,
19 was my experience.

20 JUDGE JONES: General Dunwoody.

21 LTG CAMPBELL: If I could add,
22 ma'am?

1 JUDGE JONES: Sure, General
2 Campbell.

3 LTG CAMPBELL: Yes, ma'am. The
4 training a general officer receives is very
5 individualized. If a young man or woman is
6 selected to become a brigadier general and is
7 moving to a command position, they go to our
8 Staff Judge Advocate School in
9 Charlottesville. And it's not sitting with
10 PowerPoints. It is one-on-one.

11 I just talked to a young man the
12 other day that had gone through that and how
13 impressed he was that the people took the time
14 to do that for him. At each of our pre-
15 commands, it's a very important part.

16 Now I suppose you could say the
17 danger is you would come out of that saying
18 I'm a pretty smart guy. I know this stuff.
19 And I'm not trying to be glib, but one of my
20 golden rules was if you ever got ready to do
21 something that feels real good, stop and ask
22 your lawyer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(Laughter.)

And I can't tell you the number of times that saved me from perhaps doing something that might not have been smart. And so I tried to follow that as best I could.

JUDGE JONES: Ms. Fernandez.

MS. FERNANDEZ: I have a pretty stark question. I think Admiral Baumgartner, you said a lot of changes happened in the last two or three years. Let's say the threat of taking the commander out of the process goes away. Just goes away.

We've heard a lot of testimony that that has gotten a lot of the change moving, the threat of taking the commander out. Once that threat is gone, are all these changes and trainings and resources that have been put towards this problem going to go away? That always lies in the back of my mind. Is if this panel reports out that we're going to leave the commander just where he or she is, that then we're going to stop looking at this

1 problem as much as we've been looking at it
2 for the last two or three years.

3 RADM BAUMGARTNER: I would say my
4 guess would be that if attention faded from
5 this problem and progress wasn't made, that I
6 think the services are all well aware that
7 legislation could be introduced in five years
8 and if nothing has happened or it hasn't
9 improved in five years or gotten worse in five
10 years, it would be a very short conversation
11 at that point in time. I think the services
12 are all well aware that any progress that's
13 made has to be sustained, otherwise, this is
14 still an issue. It's still a threat. And it
15 doesn't need all this process to go forward in
16 the future, if the services get what they ask
17 for, but don't deliver.

18 GEN BRADY: Ma'am, I think that's an
19 important question. And my answer would be I
20 certainly hope not. But there's one thing I
21 mentioned in an earlier panel. We really need
22 better data and OSD can force that. The

1 services won't do it. I mean they'll all do
2 it differently. We really do need some better
3 data. Everybody's got their own set of facts.
4 And none of them match up.

5 But OSD needs to drive CID, OSI,
6 NCIS, all the attorneys, commanders, they need
7 to collect, force the services to provide the
8 same data, the same answers to the same
9 questions, asked the same way so that we know
10 what we're talking about in the nature -- to
11 the degree that we can.

12 There's always going to be a little
13 murkiness because of the nature of the crime
14 and the nature of reporting. But we can deal
15 with a better set of facts if we were a little
16 more standardized. And I think that would be
17 in my opinion an important recommendation for
18 your panel for something that OSD needs to
19 drive so that we know what we're talking
20 about.

21 JUDGE JONES: General Dunwoody.

22 GEN DUNWOODY: I would say we

1 shouldn't need a threat to fix this problem
2 for starters. I would also say that probably
3 below the senior levels people don't know that
4 this could -- they could lose that authority
5 for the general population at large. But what
6 I think you're seeing is people are doing all
7 the right things for the right reason because
8 we're better educated. We understand the
9 problem better and we know we have to get
10 after it.

11 I think the measures and the focus
12 that Congress has put on it and this panel is
13 bringing to it has got leadership's attention.
14 They get it. And they know that we have to
15 get after this.

16 And when I think back, the
17 integrations of blacks into the Army, the
18 integration of women into the Army, the "Don't
19 Ask, Don't Tell" going out the door and that
20 non-event, who led those transformations? It
21 was the military. And it was the leaders in
22 the military. It was the commanders in the

1 would say it's likely we will continue to
2 recognize that this problem exists and
3 continue to treat it and do all the things
4 that we're talking about and doing today.

5 JUDGE JONES: Anything further? All
6 right, then I think with our thanks, we're
7 going to adjourn this panel now and again, I
8 can't thank you enough for coming.

9 We'll be in recess for lunch.

10 (Whereupon, the above-entitled
11 matter went off the record at 12:17 p.m. and
12 resumed at 1:25 p.m.)
13
14
15
16
17
18
19
20
21
22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:25 P.M.

Col HAM: Before we start the public comment period, we did receive a statement from Senator Clara McCaskill that's been distributed to the panel and as soon as we can get it posted on the website we will.

Now we're going to proceed to public comment and again we had requests from four different people for public comment. I mispronounced Mr. Collins' name. I don't know if Mr. Collins is present. We're going to start with Melissa Davis. Ms. Davis from Arkansas. Please come up and have a seat.

MS. DAVIS: Thank you. Good afternoon.

JUDGE JONES: Good afternoon, Ms. Davis.

MS. DAVIS: I would like to start by saying thank you for allowing me the opportunity to address this panel and discuss military sexual trauma for I will not be silenced anymore.

1 I am an Army veteran, the wife of a
2 retired Marine lieutenant colonel. I am the
3 granddaughter of a decorated soldier. I am a
4 military sexual trauma survivor.

5 I am the author of Silenced No More.
6 I recounted my sexual assault, as well as the
7 story of Carrie Knowling and Sophie
8 Champineau, who lost their lives to the hands
9 of military sexual trauma.

10 I am also a former law enforcement
11 sexual assault investigator. I have a
12 Bachelor of Science in criminal justice,
13 specializing in victim studies.

14 I am here both as a victim and as an
15 advocate. In 1982, Captain Ted Mars was
16 stationed at Fort Eustis, Virginia, and was
17 tasked with conducting a survey of military
18 women on that post. His task was to determine
19 how female soldiers were adapting to the
20 military, were they being treated as equals.
21 Since he felt this was a task better suited
22 for women, he felt women would open up better

1 to another woman, he assigned four female
2 soldiers to perform this survey.

3 Captain Mars was so enraged and
4 mortified by the atrocities that were reported
5 back to him, he took it upon himself to write
6 the first zero tolerance policy. I have
7 personally been in contact with Captain Mars.
8 It's where I received this information.

9 I'd like to go from there, keep in
10 mind it was 1982. In 1986, I was 18 years old
11 by three months. I had completed basic
12 training which no one can say they enjoy, but
13 I will say it took me from a civilian to a
14 soldier. I had two of the best drill
15 sergeants you could ever say and no one likes
16 drill sergeants. I did not at the time. If
17 they tell you they do, they're lying.

18 Those gentlemen taught us what
19 honor, courage, strength, loyalty was about.
20 I loved the military. I came from a broken
21 home, an abusive home. I found a place I
22 belonged until I reached Fort Eustis,

1 Virginia.

2 I was on that installation not even
3 one week when we were at our supply, been
4 issued our gear. My platoon's sergeant went
5 inside to see where we were at in order.
6 While he was gone, I was called out of
7 formation by a male drill sergeant. Any of
8 you that have been in the military know it's
9 bad enough to be called out by your own drill
10 sergeant or sergeant, much less one you do not
11 even know. All you can think of is what have
12 I done? Your whole mind, your heart races,
13 you're terrified. And as I run over to this
14 drill sergeant and stand at attention, I was
15 rather shocked when he asked me where I was
16 from. I couldn't fathom. I replied Texas.
17 His comment was "That's what I thought. I
18 heard you talking and I love that Southern
19 accent."

20 My sergeant came back outside and
21 yelled for me to return to formation which I
22 did. We went in and was issued our equipment.

1 I never gave it another thought of being
2 called out until four days later while I was
3 laying in my bunk reading a letter from my
4 husband who was also a soldier at Fort Sam
5 Houston training. A female enlisted came in
6 with a note that told me that I was to report
7 to the first sergeant's office. Again, all
8 you can think of is terror.

9 I had no idea why I was being called
10 there. That fear is drilled in you from day
11 one. I reported to the office. There was no
12 one in the outer office. If you've been in
13 the military, well, it's kind of like a CEO.
14 You have your secretaries that sit out there
15 and your office is in the back. There was no
16 one there.

17 As I walked in I was told to enter.
18 I walk in and the first sergeant is sitting
19 there. And it's the male who had called me
20 out of formation that day. He had just
21 replaced our former first sergeant who was
22 being held over on rape charges.

1 I was told to report for a special
2 duty. Later that night at nine o'clock we
3 would be wearing PT gear and I was dismissed.
4 I went back to my room, finished the letter to
5 my husband and reported for duty. When I
6 arrived there it was actually a room that was
7 two doors down from my dorm room. I knocked
8 on it. There was no answer. I knocked again.
9 No answer. I tried the door handle, opened
10 it, and there was a dark room. I reached in
11 to turn a light on and was grabbed by my arm
12 and pulled into that room.

13 I was pushed against a brick wall.
14 As I was being told he had not stopped
15 thinking about me since he heard me talk that
16 first day. It was then I realized who was in
17 that room with me and it was in that room
18 during a thunderstorm I was raped for the
19 first time. And I say the first time because
20 I was under his command for another seven
21 weeks. I was threatened that he would ruin my
22 husband's and my military career. We come

1 from poor families. We are the first of both
2 of our families to even graduate high school.
3 This was our opportunity to go to college to
4 change our lives, to be better.

5 I was threatened that if I said
6 anything, my husband and I would never serve
7 at the same base. And the ultimate threat was
8 he would hold me over and recycle me which
9 would put me under his command for another
10 eight weeks.

11 But you see, even with all of the
12 threats, I did speak out. I told my husband,
13 whose advice was to keep quiet because it was
14 a few weeks out of the rest of our life. I
15 called an uncle who was a master sergeant
16 serving in Korea, who advised me that if I
17 wanted to stay in the military, that I would
18 keep quiet and go to my next base. So I kept
19 quiet and I was an exemplary soldier.

20 I served until my husband was killed
21 by a drunk driver. I was six months pregnant
22 and had a two and a half-year old and got out.

1 I have raised my children. I've gotten a
2 college degree, but I never spoke of those
3 rapes until 1990.

4 I went to the head of the Women's
5 Department at the Houston VA because I was
6 having depression, nightmares. I can't even
7 begin to describe the things. I was informed
8 there were no programs to help me. She
9 recommended I go to AA meetings. I do not
10 drink. I did not drink. But that was the
11 help that was offered, AA meetings.

12 I did not speak again until
13 September 2012 when I was sitting in my room
14 with a gun to my head. I couldn't take the
15 pain any more. My husband cannot walk up
16 behind me and hug me without giving me warning
17 because I startle. He's currently a
18 contractor in Afghanistan. When he's gone, I
19 sleep with a loaded gun on the pillow next to
20 me. I spent three years in my home. I could
21 not leave. I had a teenage son who became my
22 chauffeur when my husband was gone. This

1 child spent his young adult days driving me
2 back and forth to doctor's appointments,
3 psychiatrists. Did the grocery shopping
4 because I couldn't be out in public.

5 So you see for the panel that sit
6 here before me, a few minutes ago, I would
7 like to say this, there is one major fact that
8 has been overlooked. From the very day you
9 enter the military, submission is drilled into
10 you. You are told you do not challenge
11 ranking NCOs or officers. There was no one in
12 my chain of command that I knew nor felt
13 comfortable enough to tell what happened to
14 me. Had I had someone, anyone at that time
15 that I could have gone to, I wouldn't have
16 been silenced for 26 years.

17 I have grown children that I am
18 trying to build bonds with that should have
19 been done when they were children. But
20 because of disassociation, I was not able to
21 give them the nurturing love that they
22 deserved. I am a 46-year-old woman who is

1 learning what it means to be compassionate
2 with my children. My children were raised
3 with what was drilled in me. Put your big
4 girl panties on, get up, and move on.

5 My children frequently referred to
6 me as the ice queen because I don't show
7 emotions. I don't show love. I don't show
8 hate. I'm just me.

9 The panel before me sat here and
10 said that the chain of command is equipped to
11 deal with this. I say it's not. Had I told
12 my platoon sergeant, he would have had to
13 report it to the chain of command, to my first
14 sergeant, my rapist. How could I feel secure
15 in reporting it? Keep in mind the threats and
16 the intimidation. How could I have received
17 fair and just investigation when my chain of
18 command included my rapist?

19 I'd like to move on to 1996,
20 Aberdeen Proving Ground. After the scandal
21 broke, retired Colonel Ned Mars was
22 interviewed by People magazine in which the

1 study that was conducted in 1982 was
2 discussed, the zero tolerance policy he had
3 written 14 years earlier. It is now 2014, 32
4 years after that policy was written and we are
5 still giving lip service to zero tolerance and
6 the command's ability to control and reduce
7 the alarming rate of military sexual assault.

8 Clearly, zero tolerance has not and
9 is not effective. The military is not just
10 about its leaders. It is not just about the
11 command. It needs to focus and care as much
12 about the lower enlisted and officers.

13 It was suggested by the gentleman on
14 the end, I didn't catch his name, I'm sorry,
15 that we give the chain of command another
16 chance. I say 32 years, actually if you look
17 at it, much longer than that was enough of a
18 chance. If we give them another five years,
19 if we do that, at the current rate of 26,000
20 sexual assaults that was reported in 2012, we
21 are allowing a minimum of another 130,000
22 soldiers to be potentially assaulted while the

1 command attempts to prove it can be effective
2 in what it has failed at for the last 50
3 years.

4 That shows us that the majority of
5 reports do not even reach the higher command
6 out of fear of intimidation, retaliation,
7 humiliation and potentially death as in Carrie
8 Knowling and Sophie Champineau cases, the two
9 women I talk about in my book. These are the
10 reasons I support Senator Gillibrand and the
11 Military Justice Improvement Act, for removing
12 the convening authority. Zero tolerance is
13 not a new phrase. It's not a new policy.
14 It's been around at least 32 years. It has
15 not worked. It will not work. I do not think
16 that the commanders deserve another 130,000
17 victims so that they can prove they can do
18 something that they have not managed to do in
19 the last 34 years.

20 Thank you for your time.

21 JUDGE JONES: Thank you, ma'am. I
22 just want to say it's very important that you

1 came here today and that we were able to hear
2 what happened to you. And I appreciate that
3 it couldn't have been easy for you.

4 MS. DAVIS: Thank you very much.

5 JUDGE JONES: Next is Ginny Lee,
6 also from Arkansas.

7 MS. LEE: It is a pleasure to be
8 here today because I get a chance to no longer
9 be silent. I knew when I was a little girl
10 taking care of my mom just after she had
11 broken her back that I wanted to be a
12 registered nurse. I spent my school career
13 going towards that goal of being a registered
14 nurse.

15 My senior year in high school, our
16 country was attacked overseas. Libya bombed
17 a popular GI bar, hangout in Frankfurt,
18 Germany. President Reagan responded swiftly
19 and with the least amount of casualties
20 possible and taught me that I wanted to be a
21 soldier, too, so that I could combine two
22 dreams into one. I could enlist, become a

1 nurse, an officer, and make a career out of
2 it.

3 Those dreams started to swiftly be
4 taken away from me. My second week in basic
5 training I had gotten sick from all the
6 immunizations and my drill sergeant who was
7 often under the influence of alcohol more than
8 he was sober said that I had to be isolated
9 because my fellow recruits said that I was
10 keeping them awake with my coughing.

11 In the middle of the night I could
12 feel a hand touch my head as if feeling for
13 fever. At first I thought hey, this is my
14 dad, checking on me, you know? Then that hand
15 moved down to my breast and then it continued
16 down the rest of my body. As I tried to fight
17 him, he took his forearm and placed it over
18 the top of my shoulders, my chest and my
19 throat so I couldn't scream out. He told me
20 if I quit fighting, I wouldn't be hurt. I
21 kept fighting for a while and I realized he
22 had far more strength than I did.

1 but they said I wasn't pregnant and explained
2 to me why.

3 That night the drill sergeant, drunk
4 again, came after me and yanked me from the
5 bottom bunk by the collars of my BTUs. He
6 threw me against the wall, the brick wall,
7 destroying my shoulder. My female drill
8 sergeant heard the noise, ran upstairs, saw me
9 pinned against the wall, and her only reaction
10 was "oh shit" and walked back down the stairs.
11 I was then summoned to their office and told
12 that if I even dared to report either incident
13 that it would be their word against mine and
14 that there would be more punishment to come.

15 The next morning I didn't know how
16 badly my shoulder had been injured. I tried
17 to do PT that morning and my shoulder was
18 completely out of joint with the first push-
19 up. They personally escorted me to sick call
20 and told them that I dislocated my shoulder
21 during grass drills. And that's what I was
22 told would be my story.

1 I managed to get out of basic, but
2 continued to have problems with the shoulder.
3 I had also had bruises on my hips from where
4 he had thrown me to the ground after the drill
5 sergeant showed up. And I thought they were
6 just bruises. My parents reiterated to me
7 that the only way to survive this was to act
8 as if it didn't happen and not to ever speak
9 of it again.

10 But I didn't want to be that person
11 because if he did it to the girl in the cycle
12 before me, who else was he going to do it to?
13 Because he did it to me. So at one of my
14 orthopedic appointments I tried to tell the
15 doctor. I did tell the doctor the real reason
16 behind the shoulder injury. He didn't
17 document -- not one part of the story, but he
18 did refer me to social work services for
19 counseling. I was never allowed to go.

20 At that point I just wanted to get
21 to my next duty station which was going to be
22 Germany. When I got to Germany, no one knew

1 torn out of both sockets. So every time I
2 would try to run, do PT, push-ups, the
3 collarbone would go on my airway and it would
4 crush the airway. They had to go in and
5 remove an inch of it.

6 It was my firing shoulder. So they
7 said if I couldn't fire a weapon, I couldn't
8 be a soldier. So I thought one more time I'm
9 going to try to tell what really happened so
10 that something can be done. So when the
11 medical review papers started coming in, I
12 filled out the form where I requested to
13 appear in front of the medical review board
14 and specifically asked for a woman to be on
15 the board so I could tell them what happened
16 to me.

17 Within a month my discharge papers
18 were there. Mysteriously, a telephonic form
19 showed up in the my files saying that I agreed
20 not to go and testify in front of the medical
21 review board. They just wanted me out.

22 Everything about the military I

1 loved. Going up Drag Ass Hill didn't bother
2 me at Fort Jackson, South Carolina. Running
3 12 miles didn't bother me. The long nights,
4 cold nights, wet nights, none of that bothered
5 me. Because when I came in I thought I was
6 going to be part of a team, a family, with
7 brothers and sisters at arms that would have
8 my back and I would have theirs, that I would
9 take a bullet for and they would take a bullet
10 for me. And I believed that all the way
11 through my chain of command.

12 I have spent the last 20 years
13 trying to get my disability through the VA for
14 PTSD. Even though it wasn't as severe as it
15 is today, I still have the nightmares and I
16 lost four marriages because of it. When the
17 shoulder injury got so bad that I could no
18 longer be a registered nurse, it was like
19 being raped all over again. Now both of my
20 dreams are gone. And I became a shell.

21 To the gentlemen that were sitting
22 at this table before us, I want to tell them

1 that every blind eye they developed and every
2 deaf ear they turned, they raped me as much as
3 the drill sergeant did that night. To me,
4 being silent isn't enough any more.

5 In President Reagan's words, "They
6 counted on me to be passive. They counted
7 wrong." You raped me. And it's time for it
8 to change. The military has had their time.

9 Thank you.

10 JUDGE JONES: Thank you very much,
11 Ms. Lee. I very much appreciated hearing from
12 you.

13 MS. LEE: Some of the things that I
14 want you all to take into consideration --

15 JUDGE JONES: I'm sorry, I thought
16 you said thank you and you were leaving.

17 MS. LEE: Just a few statistics.

18 All of you can see that I'm someone's
19 daughter, but just for a moment think that I'm
20 your son. Because there are many men out
21 there being raped and brutalized as there are
22 women. But we have spoken more about women

1 throughout this entire process than we have
2 the men. And that needs to be addressed, too.

3 There needs to be tougher penalties,
4 mandatory prison. When they do get out, they
5 need to be required to be on sexual assault
6 prevention registries and maybe, just maybe
7 last year two police officers wouldn't have
8 lost their lives because the chief warrant
9 officer was given a choice to either resign
10 his commission after raping a fellow officer
11 and enlistee or face court-martial. He
12 resigned. And he did it again in the civilian
13 world. And now there are two officers, dead.
14 Wives without husbands and children without
15 their father. Because we gave him a choice.
16 Neither way was what happened to me or how
17 that happened is right. And that's why the
18 chain of command has got to be taken out of
19 it.

20 As a sexual assault nurse examiner
21 volunteer, that needs to be a part of the
22 process for every victim, male and female.

1 They know the protocols. Commanders don't
2 know the protocols. They don't know how to
3 take pictures to see tears in the cervix or to
4 comb for evidence or to look under fingernails
5 for scrapings that can prove a case.
6 Commanders aren't trained. They're trained to
7 get us ready, troop ready to go to war, not to
8 go to court.

9 JUDGE JONES: Thank you again, Ms.
10 Lee, very much.

11 COL HAM: Ma'am, we had a request
12 from a Mr. Tim Collins. I don't know if he
13 has been able to make it today.

14 JUDGE JONES: Mr. Collins? And he
15 did say that he might not be able to make it,
16 so it doesn't look like he did.

17 COL HAM: And our final public
18 comment is from Ms. Sara Zak from Arlington.

19 MS. ZAK: Good afternoon, Your
20 Honor. My name is Sarah Zak. Thank you for
21 the opportunity to address the Systems
22 Response Panel today.

1 I'm a retired Navy commander and a
2 graduate student on leave of absence from the
3 University of Southern California, School of
4 Social Work. I am not a stakeholder and I am
5 not looking for employment. I am not a victim
6 of sexual assault and I am not an expert in
7 any of the professional fields that are
8 currently addressing this problem.

9 I am an independent, self-supported,
10 concerned citizen who has come to the D.C.
11 area to learn about the military sexual
12 assault problem and what is being done to fix
13 it.

14 First, I would like to offer my
15 thanks to the panel for all the work that has
16 been done to find a solution to this problem.
17 I can't imagine all the time and energy that
18 has gone into it from your part. I certainly
19 have an idea of how it has been for the
20 witnesses.

21 Given that the purpose of this panel
22 is to make recommendations on how to improve

1 the current system, I join with others who are
2 eagerly anticipating the public release of the
3 results of your investigation. Personally, I
4 hope your report will include recommendations
5 for two or three alternatives to the current
6 system of investigation and prosecution and I
7 hope that one of them will give Senators
8 Gillibrand and McCaskill a basis for
9 collaborating on a single bill that will
10 improve the military sexual assault problem,
11 be acceptable to the Department of Defense,
12 and get strong bipartisan support in Congress.

13 As I stated earlier, I have a
14 perspective on this issue that I believe is
15 unique so in closing, I request your
16 permission to offer a couple of personal
17 thoughts. I agree with those who believe the
18 commander of the accused should remain part of
19 the prosecution of an alleged sexual assault
20 offender. I also agree with those who believe
21 the commander of the accused may be too biased
22 to fairly adjudicate cases involving sexual

1 assault.

2 With due respect to sexual assault
3 victims and Senator Gillibrand, removing the
4 commander of the accused from the process is
5 not the only way to eliminate the perceived
6 bias. As with many things in the military,
7 training may be part of the answer and I know
8 that is being addressed by the Department of
9 Defense Sexual Assault Prevention and
10 Reporting [sic] Office.

11 Unfortunately, the statistics that
12 are used to support military sexual assault
13 prevention and reporting training pose a
14 credibility problem. The consistency with
15 which the statistics are being kept through
16 the Department of Defense is an issue of
17 concern. A lack of understanding about the
18 source and collection of the data also
19 contributes to the general disbelief that
20 military sexual assault is a problem at all.

21 So although the DoD annual report on
22 sexual assault for Fiscal Year '12 presents

1 data that you have in front of you, it's a pie
2 chart that indicates the percentages of rape,
3 sexual assault, aggravated sexual contact,
4 abusive sexual contact, non-consensual sodomy
5 and other. I would propose that when that
6 chart is presented in front of some training
7 to commanders they'll see the pie chart, but
8 instead of seeing rape, they'll see the victim
9 asked for it. Instead of seeing sexual
10 assault, they'll read too much alcohol
11 involved. Instead of reading aggravated
12 sexual contact, they'll think oh, my God,
13 another he said/she said problem. Instead of
14 abusive sexual contact, they're going to be
15 thinking the victim is lying. And as far as
16 non-consensual sodomy is concerned, they'll
17 probably think my sailor, airman, soldier,
18 Marine, is not a sex offender. And for the
19 other category it may be something as trivial
20 as the accused was just joking around.

21 After three decades of empty threats
22 of zero tolerance, it seems to have taken

1 hours in the congressional hot seats for the
2 leaders of the military services to finally
3 get that there is a serious sexual assault
4 problem in the military. I hope they are able
5 to overcome challenges such as doubt of the
6 statistics and get the rest of the troops on
7 board with the new program in a timely manner.

8 Again, thank you for the privilege
9 of speaking with you today.

10 JUDGE JONES: Thank you very much,
11 Ms. Zak.

12 COL HAM: That completes the public
13 comment, ma'am. Did you want to take a five-
14 minute break?

15 JUDGE JONES: We're going to try to
16 reconfigure the seating up here, so we're
17 going to take a five-minute break and we'll
18 come back to continue the process. Thanks.

19 (Off the record.)

20 JUDGE JONES: All right. At this
21 point, ladies and gentlemen, we've heard our
22 presenters and we've also taken public

1 comment. And, again, I want to thank the last
2 three speakers who were kind enough to come in
3 here and tell us their thoughts and their
4 stories of what happened to them. It's very
5 important to us.

6 What we're going to do now, and let
7 me explain it, is the following. As I think
8 I've mentioned earlier, the panel has three
9 Subcommittees so that we could divide the
10 tasks, and a Subcommittee has one or more,
11 usually two or more - they can't hear me?

12 Okay. Sorry. I don't know if we've ever had a

13 -

14 (Off the record comment.)

15 JUDGE JONES: Once the Panel was
16 formed with its nine members, we also created
17 three Subcommittees. And the one that you've
18 heard from today the most has been the - or
19 the topic of is the role of the commander, and
20 there is a Role of the Commander Subcommittee.
21 That Subcommittee has worked at a number of
22 meetings. We've also, of course, all been

1 present for the other public meetings which
2 are not Subcommittee but full panel meetings.
3 And we have an initial report, an initial
4 assessment with respect to whether commanders,
5 senior commanders should retain authority to
6 refer cases of sexual assault to courts-
7 martial.

8 This is a report out from a
9 Subcommittee. It is not - it has not been
10 deliberated by the full panel, the nine-member
11 panel, and that's what we intend to do today.

12 Each of the panel members has been
13 presented with a copy of the initial report
14 out from the Role of the Commander
15 Subcommittee, and at this point I'm going to
16 introduce the topics that have been covered,
17 the findings that the Subcommittee has arrived
18 at, as well as a narrative of the initial
19 assessment and conclusions of the
20 Subcommittee.

21 As I said, this is not the report of
22 the full panel. This is the deliberations of

1 the full panel on this initial assessment out
2 of a Subcommittee. So, let me begin with a
3 little description of what our methodology has
4 been.

5 Since June 2013 this panel and
6 Subcommittee members have held and attended 16
7 days of hearings including public meetings,
8 Subcommittee meetings, as I mentioned. We also
9 had preparatory sessions and there were site
10 visits. You may have heard some testimony with
11 respect to that. We've had more than 170
12 presenters. Presenters have included surviving
13 sexual assault victims and we've heard from
14 more today, current and former commanders both
15 active duty and retired military justice
16 practitioners, military and civilian criminal
17 investigators, civilian prosecutors, defense
18 counsel, and victim's counsel, sexual assault
19 victim advocacy groups, military and civilian
20 victim advocates, military sexual assault
21 response coordinators that we all know as
22 SARCs, Judge Advocates General from each of

1 the services, a variety of academicians
2 including social science professors, law
3 professors, statisticians, criminologists, and
4 behavioral health professionals, first
5 responders, chaplains, and currently serving
6 United States Senators, Senators Gillibrand
7 and McCaskill have both appeared before the
8 panel and given us the benefit of their
9 thoughts.

10 In addition, the Subcommittee has
11 considered publicly available information and
12 documents and materials that have been
13 provided to us including government reports,
14 transcripts of hearing testimony, policy
15 memoranda, official correspondence,
16 statistical data, and training aids. To date,
17 the Department of Defense and the services
18 have submitted more than 400 pages of
19 narrative responses, and more than 750
20 attached documents.

21 This panel has also sent letters to
22 18 victim advocacy organizations around the

1 country soliciting input from these
2 organizations to assist us in our review.
3 Advocacy organizations providing information
4 to the panel have included those working
5 specifically in military sexual assault,
6 including Protect our Defenders, Service
7 Women's Action Network, Rape, Abuse and Incest
8 National Network, the National Organization
9 for Victim Assistance, and the National
10 Alliance to End Sexual Violence.

11 All right. Let me now read the
12 background and the findings and conclusions
13 which I wish to mention again are an initial
14 assessment from the Subcommittee to be
15 deliberated now by the full panel.

16 Based on all information considered
17 to this point, a strong majority of
18 Subcommittee Members agrees the evidence does
19 not support a conclusion that removing
20 authority to convene courts-martials from
21 senior commanders will reduce the incidence of
22 sexual assault or increase reporting of sexual

1 assaults in the Armed Forces, nor does the
2 evidence indicate it will improve the quality
3 of investigations and prosecutions, or
4 increase the conviction rate in these cases.
5 Further the evidence does not support a
6 conclusion that removing such authority will
7 increase confidence among victims of sexual
8 assault about the fairness of the military
9 justice system or reduce their concerns about
10 possible reprisal for making reports of sexual
11 assault.

12 As a result, the Subcommittee's
13 assessment at this time is that the authority
14 vested in senior commanders to convene courts-
15 martial under the Uniform Code of Military
16 Justice for sexual assault offenses should not
17 be changed.

18 Now, in reaching this conclusion the
19 Subcommittee has made the following findings.
20 First, criticism of the military justice
21 system often confuses the term "commander"
22 with the person authorized to convene courts-

1 martial for serious violations of the Uniform
2 Code of Military Justice. These are not the
3 same thing.

4 Second, under current law and
5 practice the authority to refer a sexual
6 assault allegation for trial by court-martial
7 is reserved to a level of commander who will
8 normally be removed from any personal
9 knowledge of the accused or victim. If a
10 convening authority has an interest in a
11 particular case other than an official
12 interest, the convening authority is required
13 to recuse himself or herself.

14 Third, senior commanders vested with
15 convening authority do not face an inherent
16 conflict of interest when they convene courts-
17 martial for sexual assault offenses allegedly
18 committed by members of their command. As with
19 leaders of all organizations, commanders often
20 must make decision that may negatively impact
21 individual members of the organization when
22 these decisions are in the best interest of

1 the organization.

2 Fourth, there is no evidentiary
3 basis at this time supporting a conclusion
4 that removing senior commanders as convening
5 authority will reduce the incidence of sexual
6 assault or increase sexual assault reporting.

7 Fifth, sexual assault victims
8 currently have numerous channels outside the
9 chain of command to report incidents of sexual
10 assault, and they are not required to report
11 to anyone in their organization or any member
12 of their chain of command. These alternative
13 reporting channels which exist today are well
14 and broadly publicized throughout the
15 military. Military personnel in the United
16 States may always call civilian authorities,
17 health care professionals, or other civilian
18 agencies to report a sexual assault.

19 Sixth, under current law and
20 practice sexual assault allegations must be
21 referred to and investigated by military
22 criminal investigative organizations that are

1 independent of the chain of command. No
2 commander or convening authority may refuse to
3 forward an allegation or impede an
4 investigation. Any attempt to do so would
5 constitute a dereliction of duty or
6 obstruction of justice which would be a
7 violation of the Uniform Code of Military
8 Justice.

9 Under current law and practice, the
10 authority to resolve sexual assault
11 allegations is limited to senior commanders
12 who must receive advice from judge advocates
13 before determining appropriate resolution.

14 Eighth, none of the military justice
15 systems employed by our Allies was changed or
16 set up to deal with the problem of sexual
17 assault, and the evidence does not indicate
18 that the removal of the commander from the
19 decision making process in non-U.S. military
20 justice systems has affected the reporting of
21 sexual assaults. In fact, despite fundamental
22 changes to their military justice systems

1 including eliminating the role of the
2 convening authority and placing prosecution
3 decisions with independent military or
4 sometimes civilian entities, our allies still
5 face many of the same issues in preventing and
6 responding to sexual assaults as the United
7 States Military.

8 Ninth, it is not clear what impact
9 removing convening authority from senior
10 commanders would have on the military justice
11 process, or what consequences would result to
12 organizational discipline or operational
13 capability and effectiveness.

14 Tenth, Congress has recently enacted
15 significant reforms addressing sexual assault
16 in the military, and the Department of Defense
17 has implemented numerous changes to policies
18 and programs to improve oversight and
19 response. These reforms and changes have not
20 yet been fully evaluated to assess their
21 impact on sexual assault reporting or
22 prosecution.

1 And lastly, prosecution of sexual
2 misconduct contributes to the overall effort
3 to address this problem. Commanders must play
4 a central role in preventing sexual assault by
5 establishing command climate that ensures
6 subordinates are trained in and embrace their
7 moral and legal obligations, and by
8 emphasizing the role of accountability at all
9 levels of the organization.

10 The Subcommittee heard many
11 perspectives and reviewed considerable
12 information, as I mentioned earlier, about the
13 commander's role in the military justice
14 system as the prosecutorial disposition
15 authority for sexual assault allegations.

16 Proponents advocating for system
17 change and those defending the UCMJ's current
18 convening authority framework offered
19 different opinions about what consequences
20 would result from such change. The
21 Subcommittee did not find, however, clear
22 evidence of what consequences, positive or

1 negative, would result from substantially
2 changing the UCMJ's convening authority
3 framework. Accordingly, the Subcommittee
4 believes caution is warranted and systemic
5 change may not be advisable if recent and
6 current efforts produce meaningful
7 improvements.

8 The suggestion by some that vesting
9 convening decisions for courts-martial with
10 prosecutors instead of senior commanders will
11 better address the problem of sexual assault
12 is problematic. A presenter at a September
13 panel public meeting observed that it assumes
14 too much that somehow a prosecutor is always
15 going to be better at this than commanders.
16 Civilian jurisdictions face under-reporting
17 challenges that are similar to the military,
18 and it is not clear that the criminal justice
19 response in civilian jurisdictions where
20 prosecutorial decisions are supervised by
21 elected or appointed lawyers is more
22 effective.

1 A recent White House report
2 describing the civilian sector notes, and I
3 quote, "Across all demographics rapists and
4 sex offenders are too often not made to pay
5 for their crimes and remain free to assault
6 again. Arrest rates are low and meritorious
7 cases are still being dropped, many times
8 because law enforcement officers and
9 prosecutors are not fully trained on the
10 nature of these crimes or how best to
11 investigate and prosecute them."

12 The White House report also
13 highlighted how that low prosecution rates in
14 the civilian sector and prosecution decisions
15 that contradicted the desires of sexual
16 assault survivors abound. Often, prosecutors
17 based charging decisions on whether physical
18 evidence connecting the suspect to the crime
19 was present, if the suspect had a prior
20 criminal record, and if there were no
21 questions about the survivor's character or
22 behavior. Other factors outside the intrinsic

1 merits of the case such as budget, staffing,
2 or time constraints also may influence
3 charging decisions for prosecutors.

4 In short, arguments about the
5 advantage of prosecutors over commanders with
6 respect to convening authority are not
7 consistent with information from the civilian
8 sector.

9 Congress, as I had previously
10 mentioned, has recently enacted significant
11 reforms to address sexual assault in the
12 military, and the Department of Defense has
13 implemented numerous changes to both policies
14 and programs to include oversight and
15 response. Preliminary indicators demonstrated
16 in recent reporting and prosecution trends
17 appear encouraging, but these reforms and
18 changes, as I've mentioned, have not yet been
19 fully evaluated to assess their impact on
20 sexual assault reporting or prosecution.

21 Irrespective of changes to senior
22 commander authority in the military justice

1 system, commanders and leaders at all levels
2 must continue their focused efforts to prevent
3 incidents of sexual assault and respond
4 appropriately to incidents when they occur.

5 Military commanders are essential to
6 creating and enforcing appropriate command
7 climates and senior leaders are responsible
8 for ensuring all commanders effectively
9 accomplish this fundamental responsibility.

10 I'd only like to add that, as I
11 mentioned and I'll say it again, this is our
12 initial assessment, and with respect to the
13 Role of the Commander Committee there are a
14 number of other issues that we are tasked with
15 looking into. And, indeed, I am certain that
16 we will hear more information with respect to
17 the, retaining the commander as the convening
18 authority.

19 I'd like to now ask Professor
20 Hillman to speak as she has a separate
21 statement for the consideration of the panel.

22 PROF. HILLMAN: Thank you, Your

1 Honor. I appreciate the opportunity to set
2 forth my perspective on the issues as a member
3 of the Subcommittee that I reached. Three
4 prefatory notes, then I'll read the statement
5 that's before you that's attached behind the
6 report of the Subcommittee.

7 First, I'll note that I wrote it
8 before we heard testimony today, and I
9 appreciate the testimony of everybody today.
10 And as the Subcommittee overall will do, I
11 will integrate that into the statement that I
12 wrote. And I don't want folks to feel not
13 heard because you came today rather than
14 earlier.

15 Second, I want to thank our staff.
16 I could not have reached conclusions or
17 written this without the support of a staff
18 that has compiled a Herculean amount of
19 information, and I'm grateful for that.

20 I'd also like to mention that the
21 Subcommittees, the other two Subcommittees
22 have not yet reported to us, and I look

1 forward to their reports, too, as does the
2 panel overall, I'm sure, as we assess these
3 issues.

4 And then the third thing I want to
5 say before I read it is I have great respect
6 for the survivors of military sexual assault,
7 for the leaders of our Armed Forces, and for
8 my colleagues on this panel. We share a goal
9 of improving the military's response to rape
10 and sexual assault.

11 I understand the recommendation to
12 retain prosecutorial discretion in command
13 stems from their commitment to both fight
14 military rape and sexual assault, and preserve
15 a military, legal, and command structure that
16 works. I don't share their opinion that this
17 particular part, that the military, legal, and
18 command structure works for this particular
19 problem, and that's why I reached a different
20 conclusion from considering the same evidence.

21 I wrote separately to explain why I
22 stand apart from my Subcommittee colleagues on

1 the issue of whether convening authorities
2 should retain prosecutorial discretion. I
3 believe we should vest discretionary authority
4 to prosecute rape and sexual assault in the
5 same people on whom federal, state, and many
6 respected Military Criminal Justice Systems
7 rely, trained, experienced prosecutors.

8 For decades, military sexual
9 assaults scandals have been a regular source
10 of national embarrassment. Senior military
11 officers testified repeatedly and convincingly
12 before our panel and Subcommittees about the
13 imperative to "get to the left of the
14 problem," not to wait until the next incident
15 to respond but, instead, make immediate
16 changes to break the cycle of scandal,
17 apology, response, and recurrence.

18 They and many other witnesses
19 asserted that the only way to prevent military
20 sexual assault is to attend to the big picture
21 factors, cultural, social, demographic,
22 environmental that enable it to occur. We

1 heard no evidence that the military justice
2 system is any worse than civilian
3 jurisdictions at responding to rape and sexual
4 assault. We did, however, see proof that rape
5 and sexual assault continue to occur at too
6 high a frequency in the Armed Forces despite
7 distinctive elements of military service that
8 should curb their prevalence. These elements
9 include the elevation of honor and sacrifice
10 above personal gain, a greater degree of
11 surveillance in military life, the higher
12 ethical standards that service members must
13 embrace, and the military's ability to select
14 its members from among those eligible to
15 serve.

16 Rape and sexual assault pose
17 distinctive challenges in the U.S. military
18 which remains predominantly male and marked by
19 imbalances of power among the individuals who
20 serve. We entrust our military with the
21 legitimate use of force to support and defend
22 our country and our Constitution against all

1 enemies, a duty it bears in part by drawing on
2 a history of war and military successes in
3 which sexual violence has unfortunately been
4 commonplace.

5 Commanders must overcome this by
6 leading a cultural shift towards greater
7 respect for gender equality and legitimate
8 avenues for sexual expression away from a norm
9 that celebrates only aggressive male
10 sexuality. This shift is no slight change in
11 force. It is a sea change, albeit one
12 underway.

13 If commanders remain focused on
14 implementing this change they will continue to
15 improve the confidence of survivors in the
16 military's ability to respond. Survivors and
17 their families and communities will be able to
18 trust that their assailants with stellar
19 military records or mission-essential skills
20 will not be protected from legitimate
21 prosecution. They will realize that reprisals
22 from fellow service members are not an

1 inevitable consequence of reporting a sexual
2 assault, and all service members will know
3 that attitudes that denigrate women and gay
4 men will not be tolerated both because they
5 violate regulations and because they create
6 conditions in which sexual assault is more
7 likely.

8 Although commanders must lead the
9 way in changing military culture, they are
10 neither essential nor well-suited for their
11 current role in the legal process of criminal
12 prosecution. Command authority in military
13 Justice has already been reduced significantly
14 over time. It will be further limited through
15 recently enacted changes, yet the UCMJ
16 continues to require that convening
17 authorities exercise prosecutorial discretion.
18 This mixture of roles in which a convening
19 authority must both protect the overall well-
20 being of a unit and insure that unit's mission
21 is accomplished, as well as decide whether a
22 specific factual context warrants prosecution,

1 creates a conflict that cuts in different
2 ways, all unhealthy.

3 For example, commanders who speak
4 out assertively on the importance of
5 prosecuting sexual assaults risk undermining
6 the legitimacy of any later courts-martial.
7 Likewise, in light of the heightened attention
8 now directed towards military sexual assault,
9 defense counsel's well-founded concern that
10 convening authorities under pressure to
11 demonstrate high rates of conviction and
12 prosecution will order courts-martial to go
13 forward regardless of the strength of the
14 evidence. Removing the convening authority
15 from the charging process would address these
16 concerns while freeing commanders to zero in
17 on the changes in culture that are our best
18 hope for sustainable improvement in sexual
19 assault prevention and response.

20 The decision to prosecute is among
21 the heaviest burdens we place on attorneys in
22 public service. The ethics of the prosecutor

1 are among the most powerful and studied in the
2 profession. Whether there is evidence to
3 support a criminal prosecution is a question
4 of law and of discretion. Senior judge
5 advocates licensed by the same authorities
6 that license civilian attorneys and subject to
7 the professional ethics codes of both civilian
8 and military authorities are every bit as
9 capable of exercising that discretion as their
10 civilian counterparts.

11 When some of our allies adopted
12 legal reforms to replace convening authorities
13 with experienced and trained prosecutors,
14 opponents voiced concerns about the
15 deterioration of command and disengagement
16 from the problem of sexual assault that were
17 very similar to those now raised by many U.S.
18 military leaders; yet, no country with
19 independent prosecutors has reported any such
20 dire consequences. I see no reason to defer to
21 predictions about the impact of this change
22 over the pleas of survivors of sexual assault,

1 many of whom consider an independent
2 prosecutorial authority the cornerstone of any
3 effective response to military sexual assault.

4 Likewise, U.S. service members who
5 face courts-martial deserve no fewer
6 safeguards of an impartial and independent
7 tribunal than service members of other
8 countries with whom they serve. The United
9 Kingdom, Canada, Australia and most other
10 countries with well-regarded military justice
11 systems have already ended command control of
12 courts-martial to protect the rights of
13 accused service members. That goal is
14 consistent with the procedural fairness that
15 both victims and alleged perpetrators of rape
16 and sexual assault deserve from U.S. Military
17 Justice.

18 Our panel and Subcommittees heard
19 again and again that the sexual assault
20 problem in our military has given service
21 members and others reason to pause when young
22 people turn to them for advice about whether

1 they should join the U.S. Armed Forces. That
2 reluctance to allow our daughters and sons to
3 embrace a life of service to our country is
4 the real threat to U.S. military effectiveness
5 at stake in this debate. An impartial and
6 independent military justice system that
7 operates beyond the grasp of command control
8 would help restore faith that military service
9 remains an honorable, viable choice for all.
10 Thank you, Your Honor.

11 JUDGE JONES: Thank you. At this
12 point, are there any comments before we begin
13 actual deliberations with respect to the
14 contents of the report, or the findings?
15 Colonel Cook.

16 COL COOK: Yes. One point just based
17 on the initial assessment read both by the
18 majority of the Subcommittee and by Professor
19 Hillman in her statement, the one thing I
20 would suggest is just in the methodology just
21 to reflect that we heard from both male and
22 female surviving sexual assault victims, and

1 that we heard from our allied brethren, the
2 other military forces. That's addressed in
3 Finding 8 on the initial assessment and both
4 Professor Hillman's, but it's not reflected in
5 terms of who we looked for, and who we
6 considered. So, just as an administrative
7 comment.

8 JUDGE JONES: Thank you, Colonel. Any
9 other comments with respect to the substance
10 of the report?

11 All right. Why don't I just begin,
12 and I - we can go finding by finding, and
13 then reach the ultimate conclusion which we
14 can then discuss. The first one is the
15 criticism of military justice system often
16 confuses the term "commander" with the person
17 authorized to convene courts-martial for
18 serious violations of the UCMJ. These are not
19 the same things.

20 I think I'd just like to throw out
21 the fact that when I first got on this panel
22 I didn't know what a convening authority was,

1 and learning exactly how the system works
2 within the military, how the Justice System
3 works has made a big difference.

4 The convening authority, and I think
5 this is a later finding, is almost always not
6 the direct commander of either the accused or
7 the accuser. And I think there's a perception
8 out there that a victim of sexual assault ends
9 up having her case determined by her direct
10 commander, or his direct commander. And I
11 think that it's important to make that
12 distinction.

13 I guess I should back up and say
14 this is also a Response Systems panel that is
15 charged with looking for positive responses
16 that will be effective to reducing sexual
17 assault in the military. And I have not been
18 persuaded that the removal of a commander as
19 the convening authority is going to have a
20 positive impact.

21 There is no empirical evidence that
22 reporting is going to increase. There is no

1 empirical evidence that prosecutions will be
2 better handled, that investigations even
3 before prosecutions will be better handled.
4 And I should say, by the way, there's a lot of
5 evidence that with reforms and also just the
6 training that's been going on for several
7 years, investigations and prosecutions are
8 being handled in a better fashion than they
9 were with the military reaching out to the
10 best practices of civilian systems. So, I'm
11 not denigrating those investigations and
12 prosecutions, I'm simply saying that there is
13 no evidence that removing the convening
14 authority is going to improve any of those
15 parts of the system as they exist now.

16 If I were persuaded that removing
17 the convening authority would encourage
18 victims to report then this would be a
19 different story, but I'm not persuaded of
20 that. If you think back on most of the
21 evidence that we've heard both from victims
22 who have come in to tell us what happened to

1 them and others, the complaints are about not
2 just commanders, of course, but sexual
3 assaults by many members of the military,
4 complaints about ostracism by peers,
5 complaints about lack of services, complaints
6 about not being listened to or understood.
7 Those are all legitimate complaints. They all
8 speak to the culture of the military and the
9 failure to provide those services that are
10 necessary, or the quality of services that are
11 necessary. In my mind, they do not have
12 anything to do with a convening authority who
13 makes a decision on whether or not to
14 prosecute.

15 I think that when you have a
16 problem, as we do, we look at it and try to
17 figure out what the elements of it are, we
18 look for causes, and then you look for how to
19 cure it. I just don't see a result coming out
20 of removing a convening authority that is
21 going to make a difference. What I do see will
22 make a difference is the work of the

1 commanders, the leadership of the commanders,
2 and believe me, I agree with other statements
3 today, they are under a lot of pressure to get
4 it right, if you want to call it that, this
5 time. That's been a changed culture, and I
6 don't - I just don't see the efficacy of
7 removing the commander as convening authority.

8 I've spoken for a long time. Maybe
9 others would like to comment.

10 BG DUNN: Could I add something to
11 your remarks?

12 JUDGE JONES: Sure, by all means.

13 BG DUNN: I think one of the other
14 things that we have seen is a big divide in
15 understanding the way the system works between
16 those who are young in age, maybe also young
17 in terms of time in service. And although I
18 know we're discussing the role of the
19 commander here in our larger capacity as a
20 panel, you know, I think that's where our
21 future discussions on training and victim
22 services, and execution so that individuals

1 know where to go and where to turn when
2 something happens is much more of an issue
3 than, as you said, a high level far removed
4 from the incident actually makes a decision on
5 whether a case goes - you know, is referred
6 for court-martial.

7 PROF. HILLMAN: Can I respond?

8 JUDGE JONES: Sure. Absolutely.

9 PROF. HILLMAN: I agree that there's
10 no proof of what difference this would make.
11 There is no - chairing the Comparative
12 Systems Subcommittee has made clear there is
13 no comparable jurisdiction to the U.S.
14 military, none. Foreign military jurisdictions
15 are not directly comparable, civilian
16 jurisdictions which are all over the place in
17 size and demographics, and the complexity of
18 the cases, and the frequency of the cases, and
19 all the things that shape responses, they're
20 all over the place. We can't say - we can't
21 look to a system and say this is one that we
22 - has made this change that we can understand

1 what happens. That's absolutely right. I just
2 don't see proof of the negative effects of it
3 either. And, in part, that goes to this first
4 point about the commander and the convening
5 authority. I don't think the soldier on the
6 ground knows who the convening authority is.
7 And if the soldier on the ground already
8 doesn't know who the convening authority is
9 who's ordering the prosecution to go forward,
10 then what difference would it make to move it
11 to an independent military prosecutor who is
12 potentially remote, because if already don't
13 have that conflict embedded in a close in
14 commander who knows what's happening, and
15 that's why the service member would trust that
16 it would be handled appropriately because that
17 commander is someone who has the trust of that
18 service member already. That's not the person
19 making the decision, so why would it harm
20 their confidence in the system to move it from
21 that distant convening authority, distant in
22 rank and location frequently, to a arguably

1 similarly distant military prosecutor?

2 JUDGE JONES: Well, I agree that I
3 don't think many or most soldiers do know what
4 or who the convening authority is, but I think
5 that also means that making that change
6 actually has little value in the day-to-day
7 reactions of our soldiers who may be potential
8 sexual assault victims.

9 BG DUNN: And we have heard so much
10 testimony from commanders about how integral
11 they view the Uniform Code, you know, their
12 authority under the UCMJ to be to their
13 ability to maintain good order and discipline
14 in the command. And, you know, if I take what
15 Professor Hillman just said about well, if we
16 change it it's not going to impact the
17 soldiers that much because it's so far
18 removed, I think you don't make a change that
19 large without a really good reason to make it.
20 And from my perspective, we don't have the
21 evidence to show that making the change will
22 have the impact.

1 JUDGE JONES: Well, I'm also
2 concerned that this change won't have an
3 impact. It will be made but it won't have -
4 if it's made, won't have an impact, and then,
5 one, it won't have been an effective response.
6 But, two, I worry about the reaction of sexual
7 assault victims then.

8 There's a perception that this
9 change is going to make - sort of make
10 everything all right, or I think somebody
11 today said was the last thing we need. I don't
12 view it that way, and I think if you're going
13 to make a change, as General Dunn said, is
14 going to be a large systemic change in the way
15 the Uniform Code of Military Justice works and
16 how the command system works, the convening
17 authority system works, we have to have some
18 confidence that there's going to be a positive
19 result in responding to sexual assault, which
20 is why I don't believe that we're necessarily
21 going to see that. I have no proof of it. And,
22 moreover, I don't see where switching out a

1 commander who's advised by a judge advocate,
2 a general and his staff is going to come out
3 with any different, less informed decisions
4 than a different body of O-6 JAGS who will be
5 somewhere else. And, frankly, I don't think
6 the sexual assault victims are going to know.
7 They're going to see military lawyers, if they
8 see them, making these convening decisions,
9 and they're going to - I don't know how
10 different they're going to look from the
11 decisions they're getting now.

12 My concern is I don't - I cannot
13 say as I sit here that I think there will be
14 incredibly negative results to the command if
15 this convening authority is taken away. I
16 don't know, and that's something that we're
17 continuing to look at. We said we don't have
18 any clear evidence of what the impact will be
19 one way or the other. But what I also don't
20 have any proof of is that this is going to
21 make a difference in terms of how sexual
22 assaults are dealt with, the services that are

1 provided, how they're dealt with by
2 investigators or prosecutors. And I think the
3 results that need to be achieved here is more
4 reporting, better investigating, better
5 services, medical, mental health, all of
6 those, better prosecutions and adjudications,
7 and I think those are the kinds of results
8 that are going to make a difference in
9 victims' confidence, not the change of a
10 convening authority far distant from the
11 command where the event occurred, and the
12 abuses where the event occurred. Ms. Holtzman.

13 MS. HOLTZMAN: Madam Chair, I find
14 myself in a kind of unusual position here
15 because I feel - I mean, I've heard the
16 testimony of the survivors, and it's very
17 powerful, and it's very disturbing as an
18 American, as a woman. And, obviously, I think
19 everybody on this committee wants to do
20 whatever we can to try to make a difference so
21 that this kind of experience doesn't happen to
22 anybody else.

1 I spent a good deal of my
2 professional life involved in fighting sexual
3 assault as a member of Congress, as a District
4 Attorney, so if the evidence were before me
5 that removing the commander as convening
6 authority and putting it in the hands of a
7 prosecutorial bureaucracy would make the
8 difference in conviction or quality of
9 prosecution, in the willingness to report, in
10 the willingness to cooperate, I would be
11 saying junk it. We can't have the present
12 system. But we haven't seen any evidence of
13 that.

14 I think as the Chair pointed out,
15 and I think Professor Hillman pointed out,
16 this is such an abstract issue, the convening
17 authority; nobody even knows what it is. I
18 mean, very few people. I came also to this
19 panel, I had no idea what a convening
20 authority, I didn't know how the military
21 justice system worked. And I'm not here as a
22 handmaiden of the military, I'm here as

1 somebody who started out with a view that
2 Senator Gillibrand is a very bright and
3 intelligent, and committed person for whom I
4 have great amount of respect, and I thought
5 her proposal sounded right.

6 I've changed my mind, because I was
7 just listening to what we heard. I started out
8 that way thinking why not change it? And now
9 I'm saying why change it? Because I do think
10 that some of what we've heard here gives me
11 pause in terms of what would happen to the
12 present system. I do believe that when a
13 commander makes a decision, the convening
14 authority, which is military personnel, says
15 that this conduct warrants referral for
16 prosecution. That makes a statement to the
17 whole military that this conduct is on its
18 face unacceptable. That doesn't mean that this
19 person did it, that the accused did it, or
20 that it actually happened, but that this
21 conduct is not tolerated. And I think that
22 kind of a statement is really important.

1 If we junk this idea of the
2 commander, high-up commander as the convening
3 authority, convening authority meaning having
4 the decision about whether to prosecute and
5 what charges to bring, who are we leaving it
6 up to? You know, it's like jumping from the
7 frying pan into the fire. What are we jumping
8 from, and what are we jumping to? And I'm very
9 worried about the to, what we are picking out
10 as an alternative. It sounds very wonderful.
11 Let's turn this over to trained prosecutors.

12 I can tell you right now, I was
13 District Attorney in Brooklyn, the fourth
14 largest office in the United States. There is
15 a major investigation about "trained"
16 prosecutors going on right now in that county
17 because the question is whether trained
18 prosecutors follow the law, the Constitution,
19 not the Code of Military Justice, but the U.S.
20 Constitution with regard to the requirement to
21 turn over exculpatory evidence to defendants.
22 These are trained prosecutors.

1 There are other issues with regard
2 to trained prosecutors, and when I became
3 District Attorney I cared a lot about the
4 prosecution of sexual offenses. And I made
5 those changes in priorities. In my office when
6 I came there, I wouldn't say that the
7 prosecution of sexual offenses was a top
8 priority, and I would say that if the case
9 were close they might decide not to bring it.
10 I made a change in that because I said, as
11 some commanders might say, or convening
12 authority might say, it's more important to
13 send a message if the facts warrant it, and
14 the law warrants it, to try to achieve a
15 conviction than to say oh, I want to have a
16 high conviction rate. Just turning it over to
17 a prosecutor doesn't mean you're going to get
18 the result that you're looking for here
19 because a prosecutor - these are - what this
20 provision would do is be to take all felony
21 cases, burglaries, theft, assault, and other
22 kinds of similar - murder and take them to

1 the prosecutorial authority, whatever it is.
2 Well, who's going to decide in this
3 prosecutorial authority that sex crimes are a
4 priority? Maybe they'll think that burglary is
5 a priority, or maybe they'll think that auto
6 theft at a felony level is a priority, or
7 maybe they'll think that regular assault is a
8 priority. That's what happened when I became
9 DA, I had to change those priorities. Who's
10 going to be setting those priorities? We don't
11 know.

12 Here we have a command structure
13 where we know who's held accountable. We know
14 the person who's made that charging decision.
15 When it's turned over to a faceless, nameless
16 organization who's making that charging
17 decision? Who do I complain to? Who do I hold
18 accountable? These are very serious questions.
19 And while it sounds very good to turn it over
20 to trained and experienced prosecutors, I've
21 been there. I had an office of 400 trained and
22 experience prosecutors, and I would not say

1 that without a leader setting the priorities
2 and setting the charging direction, that just
3 turning it over would produce a result that
4 any one of us would have supported. Each
5 decision might be fine on its own but, you
6 know, I've got this big caseload and I'm
7 worried about my promotion so I'm not going to
8 take this he said/she said, because if I lose
9 that, that's going to be a demerit for me.

10 Don't think that prosecutors won't
11 have some of the very same concerns that
12 everyone is worried about with regard to
13 commanders. They are also human beings, so
14 before we jump from what I don't consider yet
15 to be a frying pan, I don't want to jump into
16 a fire. So, I need to know where we're going
17 to if we're going to make this change, and we
18 don't have that clear. And I think, also, that
19 if we had - we don't have the evidence that
20 we need to have to make the change at all.

21 I just also want to point out the
22 decision now because of the focused attention

1 on this problem, the decision by the convening
2 authority has been very narrow so that if the
3 judge advocate, the legal advisor and the
4 convening authority don't agree on what should
5 be done, then the whole matter automatically
6 goes up. So, the decision - no commander is
7 going to have a final decision to say no,
8 unless that's reviewed. Well, that's pretty
9 serious. That means that that decision to say
10 no is going to be really carefully
11 scrutinized. And that's what I think was one
12 of the problems here that I raised with the
13 former members of the military, is the fear
14 that if you leave this with any commanders
15 that somehow they will try to push this under
16 the rug by not deciding to prosecute, or by
17 interfering with investigations.

18 Well, they can't interfere with
19 investigations, but they can't push this under
20 the rug either because a no decision is going
21 to be reviewed on a higher level.

22 How this works in practice is

1 something we have to see. These are all new
2 changes that have been made, but it seems to
3 me that the changes that have been made will
4 protect the concerns that the commander - the
5 convening authority is making a serious
6 judgment. I might not always agree, people
7 might not always agree with my opinion, but
8 that the decision is made with sincerity, on
9 the basis of the evidence in an honest and
10 honorable, straightforward way. And if it's
11 not, it's going to be reviewed. And that's
12 going to be reviewed.

13 So, I think that the changes that
14 have been made should address the issue of
15 trust, and I think those people who want to
16 see the system changed ought to take a really,
17 really, really hard look at what the
18 alternative is. And that has not been spelled
19 out. It's very fuzzy, very vague, and very
20 problematic and troublesome to me having been
21 in that very hot seat of a prosecutor where we
22 had to prosecute these cases. And without the

1 leadership, and without the drive to make
2 those changes, who knows what kind of
3 bureaucratic response there will be,
4 bureaucratic response to the issue of sexual
5 assault by trained professional prosecutors.
6 That could happen, and that is a danger here,
7 and that hasn't really been addressed by those
8 people who advocate that change. Thank you.

9 JUDGE JONES: Jim.

10 VADM HOUCK: I am one of the
11 Subcommittee members who is supportive of the
12 majority, if you will, opinion that's been
13 reached. And I think that to segue from
14 Congresswoman Holtzman's comments about
15 trained professional prosecutors, I have been
16 a professional prosecutor in the military. I
17 have supervised them. There are many things
18 that I don't know. There are probably a few
19 people who have more insight into this dynamic
20 than I do in terms of the relationship of the
21 prosecutor with decision makers in the
22 military.

1 I would submit that, number one, we
2 have much evidence that the decisions will not
3 change at all. Overwhelming evidence that in
4 a statistically significant way the decisions
5 won't change at all. I would submit that the
6 decisions are actually better as a result of
7 having commanders involved. That having been
8 here myself and having been down this road,
9 I've learned from commanders who I've argued
10 with and debated, and the decision making
11 process that comes out of that interaction
12 between the commander and their Judge Advocate
13 produces a stronger, not a weaker decision.

14 One of our witnesses this morning
15 told part of a story that he told in its
16 entirety in an earlier panel. Former
17 Congressman McHale, Colonel McHale talked
18 about this morning the fact that when he was
19 on Reserve duty he was asked by a commander to
20 do something that he viewed to be
21 inappropriate. He was asked to rush an
22 investigation, and Colonel McHale was outraged

1 by that. That's what he described this
2 morning. At our previous session he told us
3 the rest of the story, which was that he
4 pushed back on the commander and he argued
5 with the commander, and he persuaded the
6 commander to do the right thing. That goes on
7 all the time, and I think the evidence of
8 this, I think that we haven't really commented
9 much on, but I think ought to be pretty
10 compelling to people is that we have advocacy
11 for a system where military lawyers are
12 essentially put in charge of prosecutions.

13 If you stop to think about it, your
14 natural conclusion would be to think that
15 military lawyers would support that kind of
16 aggrandizement of their authority and their
17 importance in their role of a system. It ought
18 to say something that to a person military
19 lawyers do not support that increase in their
20 authority.

21 I was The Judge Advocate General of
22 the United States Navy for three years, and

1 the Deputy JAG for three years before that. I
2 think it would be a mistake to increase the
3 authority of military authorities - military
4 lawyers in that way. And it's not a gender
5 thing. Female judge advocates feel the same
6 way as male judge advocates do. Why is that?
7 Why do we see it this way, in a way that's so
8 curious sometimes to civilians and to
9 outsiders who look at the system that exists
10 for the rest of society, which seems to work
11 well enough; although, I do think studies that
12 are coming out to a certain degree give lie to
13 how well it really does work. But why do we
14 see it that way? I think because when we have
15 served we have an understanding that a base
16 fundamental to this is the issue of trust in
17 the commander, and the role that that plays in
18 military society. And it is not a decision to
19 give somebody an appendectomy or to set a
20 broken arm.

21 It is, as General Brady talked about
22 this morning, fundamentally about behavior and

1 the trust that we place in people to make
2 decisions that put people in harm's way, to go
3 to their death, to die, and to say now at this
4 juncture to acknowledge the obvious, that we
5 have a long way to go. But that to remove
6 commanders from this now I think sends a
7 signal of distrust to commanders and their own
8 ability to fix it. And, frankly, I think that
9 it is wrong to say that the military has had
10 30-some years. It may not be wrong to say, but
11 I think it's over simplistic to say that the
12 military has had 30-some years, or however
13 many years you choose, to fix this. This
14 dynamic is changing. It's a moving target, and
15 we have to continue to keep our eye on the
16 ball to get there. But commanders have played
17 a central role, a central judicial role in the
18 solution of the drug problem in the military.
19 They've played a central judicial, quasi-
20 judicial role in the resolution of race as a
21 problem in the military. And I think that the
22 decision to keep the convening authority

1 involved in this is the right one for those
2 reasons.

3 JUDGE JONES: Colonel Cook.

4 COL COOK: Madam Chairman, two
5 points. One is going to be exactly what
6 Congresswoman Holtzman had just said. You
7 know, when I sit there, I've been in the
8 system, but you sit there and you look back
9 and say would it change anything if we did
10 remove the convening authority piece? And I
11 can't - for me, I still come back to if it is
12 the evidence and that legal advisor and the
13 commander that are considering the same
14 information, I don't see that the person, if
15 it's a Judge Advocate, whether it's in a
16 regional type office or remote into a central
17 location back in the United States, that
18 that's going to change any of those results,
19 so I don't see that statistical difference.
20 But even if I assume that maybe it would, it
21 changes the perception of the victims or of
22 the people involved in the system, and that is

1 critically important, as well.

2 The concern I have is to take that
3 to the next step, the second- and third- order
4 effects that you sometimes consider within the
5 military and you do set up the centralized
6 area, perhaps a prosecutorial bureaucracy. If
7 you've got - you're talking about felony
8 cases, not just sexual assault cases if you
9 look at the proposal. If you've got now a team
10 that is supposed to just prosecute these
11 cases, that command's case, that sexual
12 assault case that is now in a queue where it
13 might be the most important case at an
14 individual command where they're giving it
15 their priority because they've got a problem
16 with something like that, now it's going to
17 fall into a queue with other cases. It becomes
18 a number.

19 And if I try to think about what's
20 the impact then on the victim that's still in
21 the field, wherever they're located, on the
22 command that's trying to maintain discipline

1 but they've got no input, or authority, or
2 maybe knowledge of what step in the process
3 that that's at, the victim may see extra
4 delays. I don't see how that helps.

5 The command may have a discipline
6 issue that they can't address, and you have
7 somebody who stands accused of an offense,
8 whether right or wrong, but that person is now
9 having this hung over their heads potentially.
10 There's no evidence to that regard, but
11 potentially longer than they might otherwise
12 have. So, part of me says not too much the do
13 no harm. I don't - we didn't get any evidence
14 that shows it would make a difference in terms
15 of what the decisions that are there. We also
16 have no evidence that those potential delays
17 are being part of a political bureaucracy or
18 prosecutorial bureaucracy of one case whether
19 it's adequately resourced or not, that that's
20 not going to cause more harm than it actually
21 helps in that part.

22 The second point I would make is in

1 terms of recognizing, the people who will read
2 this report, this is the initial assessment.
3 We'll put together a final report for the
4 panel at the end, and recognizing it's not
5 just going to be read by people who have a
6 military background or any exposure. We watch
7 that - the difference between a convening
8 authority and a commander. The way this is
9 currently worded it talks about that the
10 criticism of the justice system often confuses
11 the term "commander" with the person
12 authorized to convene a court-martial. And
13 that's not the same. Oh, yes, it can be.

14 I would recommend that we clarify
15 that. It's the authority. There's command
16 authority, and there's convening authority,
17 and it can be the same person, so don't focus
18 on the person piece of that. A commander can
19 have a convening authority and be the same
20 person, which this talks about the person in
21 the first sentence and it just says it's not
22 the same thing. Command authority and

1 convening authority are not the same thing. It
2 can be one person has both of those
3 authorities, so I would just request that we
4 clarify that in the final report.

5 JUDGE JONES: Thank you.

6 MR. BRYANT: Judge Jones?

7 JUDGE JONES: Yes, Mr. Bryant.

8 MR. BRYANT: Yes. First of all, I
9 want to say how much I appreciate those who
10 have been on the Role of the Commander
11 Subcommittee. You're all very, very
12 experienced people with a great deal of wisdom
13 and good judgment, and you've certainly worked
14 hard and heard a lot of information.

15 As a full panel member I have heard
16 and been privileged to hear a lot of the
17 information that we have all heard, and I am
18 yet to understand how if we removed the
19 convening authority from the military
20 commanders, that somehow this has a tremendous
21 effect on morale, it shows the troops we don't
22 trust these men and women. And, you know,

1 we've talked about surveys.

2 It would be interesting if we could
3 have a survey of, I don't know, E-5 and above,
4 not to put down the 1-4s, but okay, we'll
5 start with E-4s. If JAG officers were making
6 prosecutorial decisions in felonies, would
7 that somehow lessen your respect for your
8 commander and your willingness to obey his or
9 her orders? And I just have to believe in
10 commonsense, the answer would be a resounding
11 no, it's not going to affect anything that I
12 would do because the ultimate thing we have to
13 remember is our military, they're warfighters.
14 That's what they do, that's what we want them
15 to do. That's what we want to continue to
16 empower them to do. So, this idea that somehow
17 the perception of a commander is going to be
18 lessened if he's not the one making this
19 hopefully very small part of their overall
20 duties, which is who's going to face a court-
21 martial and who's not. I haven't seen anything
22 that convinces me that that's going to, or

1 should be a problem other than the fact that
2 that was expressed early on in some of our
3 panel meetings. I haven't heard that as much
4 lately, that particular idea.

5 The other thing that we all need to
6 keep in mind is in justice, it's perception
7 that counts a lot. It counts an awful lot. In
8 your jurisdiction, Congresswoman - well, I
9 just went blank on your name. I'm sorry, Liz.

10 MS. HOLTZMAN: Holtzman.

11 MR. BRYANT: In your jurisdiction.

12 Yes, when you were District Attorney in
13 Brooklyn, if the perception was that justice
14 wasn't being done, then justice wasn't being
15 done in the mind of the public. And that's
16 part of the issue here. We cannot deny as this
17 group that there is a perception, and I think
18 it's at this point right or wrong, a
19 substantial perception that if we place this
20 authority in someone other than the commander
21 who's got all these men and women under his
22 command, that something fairer and better is

1 we have no evidence, and I don't even know
2 that this is essential to this particular
3 issue of removing command convening authority,
4 say that we have no evidence that the
5 conviction rate would go up or down, or that
6 the reporting rate would go up or down. To me,
7 that's a side issue from whether or not we can
8 then say that trained professional prosecutors
9 as in the rest of our society are making these
10 ultimate decisions about whether or not a case
11 is winnable.

12 It disturbs me a great deal when we
13 heard evidence and testimony, which I will
14 relate in just a minute. You will probably
15 recall it. And when I read proposals that
16 indicate well, you know, commanders will go
17 ahead despite, and have gone ahead despite the
18 suggestion of their JAG officers. And I think
19 one of the examples that I'm leading up to is
20 the document that we have that refers to the
21 prosecution at the Naval Academy where the
22 convening authority went ahead despite the

1 prosecutor's advice and now looking back in
2 hindsight we know that probably they should
3 have followed the prosecutor's advice, at
4 least in the cases that have been adjudicated
5 thus far, as opposed to the commander ignoring
6 that advice and going ahead in those
7 particular cases.

8 Again, criminal cases are driven by
9 facts, what facts are available, how well
10 they're investigated, and who's willing to
11 testify, and what kind of witness they make.
12 And in my mind, the people who can best assess
13 that are those who do it for a living, and
14 that's the prosecutors.

15 I know it's - I'm going to bring up
16 my old - well, let me finish with this. We
17 had a - I don't remember what month it was.
18 It was a full panel meeting and somebody on
19 the end said that they had a case, and they
20 were quite proud of it. They had a case of
21 sexual assault, I don't remember whether it
22 was rape or not, which they "knew we couldn't

1 win, but I had him court-martialed to teach
2 him a lesson."

3 Now, that's just wrong. That's not
4 justice. It makes the system start to come
5 apart and fray at the edges. When you start
6 throwing bad cases into the courtroom, whether
7 it's civilian or military, just to "teach
8 somebody a lesson," when you know you're not
9 going to win; first of all, it's an abuse of
10 the process. And second of all, it doesn't
11 teach that defendant anything. What it taught
12 that defendant was hey, even court-martialed,
13 I can get away with this because that person
14 did. And that disturbs me as well as the
15 language that we have received to date
16 indicating that victims in these cases, and
17 I'm taking this out of a particular paragraph,
18 the victims in these cases got their day in
19 court because a commander, not a lawyer, had
20 the ability to move a case forward. If we
21 create a system in which prosecutors have the
22 only say we will see fewer cases go to court-

1 martial.

2 Well, what does it mean to say that,
3 that commanders are going to have knee-jerk
4 reactions to -

5 JUDGE JONES: You're quoting Senator
6 McCaskill.

7 MR. BRYANT: That's one of them.
8 That's one of them. And I - we've had her
9 before us, and I agree with Congresswoman
10 Holtzman that she is a very dedicated, very
11 wise person who has studied this.

12 MS. HOLTZMAN: I didn't say anything
13 about Senator McCaskill, but you are quoting
14 me even though I wasn't saying that.

15 MR. BRYANT: You were talking about
16 Senator Gillian at the time.

17 MS. HOLTZMAN: Gillibrand.

18 MR. BRYANT: Yes, Gillibrand at the
19 time. Boy, I'm having real bad trouble with
20 last names. Let me check here. Bryant, okay.
21 Let me move on.

22 Well, there's some other things that

1 I want to say and could address, in
2 particular. You know, when we say that
3 commanders have to have that authority, you're
4 probably tired of it, but the example that I
5 used early on was in the paramilitary
6 organizations of our sheriffs and police
7 departments across the country, some who have
8 thousands of employees, many of whom are
9 committing crimes from time to time. We do not
10 say well, you are their commander, you will
11 decide whether or not this officer, this
12 deputy sheriff will be prosecuted. That just
13 doesn't happen. It goes to the prosecutor's
14 office. And I've never heard a chief of police
15 or sheriff say boy, my men and women don't
16 respect me any more because I'm not the one
17 deciding who gets prosecuted and who doesn't.

18 Letting the fox get in the henhouse
19 sometimes is what gives the perception that
20 things aren't going like they should go, like
21 people expect them to go, and have a right to
22 see them go.

1 The criticism, for instance, in the
2 civilian world, oftentimes in the police
3 departments is well, the police department is
4 investigating itself. No wonder they cleared
5 this officer in whatever particular conduct is
6 must be. And that's the perception, rightly or
7 wrongly, that is going on now with commanders
8 having convening authority.

9 And, again, just to conclude, I
10 haven't seen or heard anything that convinces
11 me that if we put this authority somewhere
12 else we have somehow significantly damaged, or
13 even slightly damaged, frankly, the
14 warfighting capability of our men and women in
15 uniform because their commander no longer
16 decides who's going to get court-martialed for
17 a felony and who's not.

18 JUDGE JONES: Mai.

19 MS. FERNANDEZ: Yes. I wanted to
20 address Mr. Bryant's comment sort of directly.
21 You know, I think we are all here to deal with
22 the facts around getting rid of sexual assault

1 - that just placates us if we're stopping the
2 perception of it. We're not getting to the
3 root of the problem, and I'm also fearful that
4 okay, we take the commander out. All of a
5 sudden our attention shifts to is this change
6 going to work? How many resources do we have
7 to throw at it? And we're throwing resources
8 at something we don't know is going to work.
9 We need those resources for things that are
10 going to work, and I think that's part of what
11 this Committee is trying to do, also, is to
12 figure out what is going to stop sexual
13 assault in the military. So, I was like
14 Congresswoman Holtzman, I went into this
15 thinking, you know, it makes sense. I was a
16 former prosecutor. I like the independence of
17 a prosecutor. It just sort of when you hear it
18 at first blush, you go yes, I want to go with
19 that. But when you hear the facts like you
20 would in a case, it just doesn't hold up. If
21 there's evidence out there, I'd like to see
22 it.

1 All of that said, I also do think
2 that many of the changes that have taken place
3 in the last couple of years are because we're
4 arguing about the authority of the commander.
5 And if that wasn't at risk, then many of these
6 changes wouldn't take place. And I think we
7 need to honestly have a conversation about how
8 we keep the pressure on the military to
9 continue these changes so that we have real
10 change, and we see the end of sexual assault
11 in the military.

12 BG MCGUIRE: I also wanted to
13 complement that thought, as well, in terms of
14 we're dealing with so many variables all at
15 once. And the more solutions and ideas to
16 throw at the problem without really giving
17 time to really identify the effects of what
18 we're already doing is just, I think, throwing
19 - is potentially complicating the whole
20 issue.

21 PROF. HILLMAN: One of the challenges
22 for us is that this decision to not alter the

1 convening authority's power isn't only -
2 isn't taking place on a stable playing field
3 because all sorts of things are changing right
4 before us that we actually have no idea what
5 the impact is going to be on reporting rates,
6 or what the impact is going to be on The Judge
7 Advocate Generals for each of the services, or
8 what the impact will be on conviction rates.

9 We don't know, for instance, what
10 the Special Victims Counsel program will be
11 like in terms of ultimate justice or resource
12 allocation. We don't know what the changes in
13 the Article 32 process, which are wholesale,
14 that massive - that is a systemic change
15 that's happening. We don't know what impact
16 that will have. We don't understand how the
17 emphasis on the specialized expertise to
18 prosecute these complex cases that the
19 military is developing and is transporting to
20 the places where it's needed right now, we
21 don't know if that's sustainable from a
22 resource perspective.

1 All these changes are happening. If
2 we don't actually change this part of the
3 system, the charging authority part, then I
4 deeply worry we're creating a system that is
5 not only not better at doing what it's been
6 doing, but will be much worse because
7 commanders will pursue cases that aren't
8 warranted, because they'll do what General
9 Brady said, bird dog the issue. I mean,
10 commanders are supposed to have full control
11 of the system, and yet it's an independent and
12 impartial justice system. I can't reconcile
13 those concepts in my mind.

14 I agree we can't consider this
15 outside of the larger context. I don't know
16 what that proof would look like, that you
17 want, that this change would work because we
18 don't - we have this change in other military
19 justice systems but they're not enough like
20 our military to draw conclusions from it. And
21 perhaps more significantly, no one collects
22 the kind of data the United States does on

1 this. We have more information about what's
2 happening in the United States, and even the
3 information we have here is terrible. I mean,
4 we're talking about an iceberg we can't see.
5 Right? Because if we don't have 75 percent of
6 the reports of these incidents, which is our
7 best guess. Right? I mean, at most we have 25
8 percent reporting rate maybe, 5 to 25 percent
9 are usually the numbers that we get. We don't
10 know - until we know more about the problem,
11 I don't think we can find actually evidence to
12 support this kind of change.

13 COL COOK: In response to the last
14 comment that you just made, Professor Hillman.
15 One of the - you're right, I don't know what
16 that evidence would look like. But for one of
17 the concerns I have, I know that in the
18 military one of the things that - one of the
19 basic reasons to have a Uniform Code of
20 Military Justice and to have an embedded
21 military justice system is the expeditionary
22 nature, the swift nature, the fact that

1 commanders in the military need to focus on
2 fighting and winning the nation's wars and
3 operational requirements, and having a case be
4 prolonged with the witnesses, and the victims,
5 and the accused is not - usually the cases
6 are handled very quickly and completely, and
7 it gets moved on. I'm not saying they're
8 always resolved appropriately. That's part of
9 why we're even here, but I -you know, as far
10 as that evidence goes, I'd want to know if you
11 put it into a queue essentially, then how long
12 does it take even within the civilian sector?
13 You know, how quickly - I know from my own
14 experience how quickly we have tried a murder
15 case from beginning to end from the time you
16 find the evidence to within six months you've
17 got a conviction and somebody in jail for
18 life.

19 I don't know if that's even possible
20 in the civilian community, but I would need to
21 know some of that more before saying we take
22 a risk to change something and put it into a

1 centralized area that doesn't do more harm
2 than it does help. And that would be one of
3 the things I would like to see, if it exists.
4 I'd prefer not to see any more cases, but
5 that's a different issue.

6 BG DUNN: I also think there is -
7 when you think about our military and its
8 mission, and the responsibility of commanders
9 which no one else in the world has to make
10 decisions that impact a unit, that send people
11 to die, and you tie good order and discipline
12 into that process, I mean, it does not work if
13 there's not good order and discipline in the
14 unit. And, you know, we have had commanders
15 and former - and retirees come in and tell us
16 that they think it could be moved, but by a
17 vast majority we have had current and former
18 commanders and leaders of all of our military
19 services come in and say that is integral to
20 the way we function as a military, and is so
21 critical to our good order and discipline
22 which allows us to get at our ultimate

1 mission, which is not to prosecute criminals,
2 it's to prosecute our nation's wars.

3 I just - without knowing that it
4 will make a difference, without having
5 evidence that it will make any difference in
6 sexual assault prosecutions I don't see how I
7 could support a recommendation to change that.

8 MR. BRYANT: Madam Chair.

9 JUDGE JONES: Mr. Bryant.

10 MR. BRYANT: At one point last fall
11 we were discussing as a panel, or it came up
12 as a panel a prototype program where it
13 wouldn't be service-wide, but a designated Air
14 Force base, a designated Naval base, and maybe
15 a designated, you know, Army base and so on
16 would give this a try, and then maybe we would
17 get some of the facts and results, and be able
18 to look at this as a pilot program, if you
19 will, to see how it might play out across the
20 services. So, I just ask that whether or not
21 as a Subcommittee you all might want to
22 consider that as a secondary recommendation,

1 that this be given a try somewhere, even if
2 it's not all the services.

3 I remember - and I believe that 100
4 percent. As one of the Army generals said, you
5 know, we follow orders. We'll do what we're
6 required to do, and what we're told to do. And
7 it was in response to that proposal or that
8 suggestion. So, I put that out there as an
9 alternative and a way to find out would this
10 work, and maybe gather some statistics.
11 Obviously, it would have to be something that
12 ran for more than 12 months for you to find
13 it.

14 And then in terms of Colonel Houck,
15 Cook - maybe my contacts need changing.
16 Anyway, I'm embarrassed, to tell you the
17 truth. I've been with these people for months,
18 and I'm blowing their last names here today.

19 I don't know why it would take
20 longer to try the cases just because we change
21 who the convening authority would be. Wouldn't
22 that stay the same? I'm just curious. I don't

1 - maybe I missed your point, but I don't know
2 why that would change the amount of time it
3 takes to initiate and finish the case, because
4 JAG officers are doing those cases. Right?

5 COL COOK: Yes, but if you have a
6 team, now you've got - I think you increase
7 and centralize the number of cases. And,
8 again, you've got to prioritize within that
9 scheme. Whereas, in a command right now that
10 case could be the most important thing on your
11 docket and on your plate. The judge is usually
12 located within driving distance of your
13 particular region or your area. The witnesses
14 within - it's - I just get concerned that it
15 gets lost in a number when it's all
16 consolidated within a region, or within -
17 definitely get concerned if it's consolidated
18 within the United States and where we are
19 located is not just in the United States, and
20 not even mainly within the United States. But
21 even if you put it on a regional basis, it has
22 still got to be prioritized, allocated, and it

1 won't have the same - it's not the only case
2 in town. And that may be what you find at a
3 particular installation. And as you just said,
4 if you try it at a particular command on a
5 trial basis, the number would still stay
6 relatively low. You couldn't have that Judge
7 Advocate making that decision. Again, I still
8 don't see that it might be different any more
9 than what it is now when you do a prosecutor
10 and the commander, but the volume is not going
11 to be the same. It's not going to be that
12 queue aspect that I'm probably more concerned
13 with.

14 MR. BRYANT: Let's say just
15 hypothetically, I don't have anything against
16 Fort Bragg, but let's say we pick Fort Bragg
17 because I think that's currently the Army's
18 largest base in terms of number of people, and
19 let it go there for a couple of years, see
20 what happens. You've got all the things you're
21 talking about, the judges are there, the JAGs
22 are there, the people are there.

1 COL COOK: And I'll defer to the
2 former Staff Judge Advocate for the highest
3 command that's at Fort Bragg, and that would
4 be General Dunn.

5 MR. BRYANT: Okay.

6 BG DUNN: And you have five
7 different, six different general court-martial
8 convening authorities with 50,000 active duty
9 soldiers there. You have a combined number of
10 cases prosecuted there and five separate -
11 six separate court-martial jurisdictions over
12 the course of a year that exceed all the rest
13 of the cases in the United States Army. I
14 mean, you know, exactly what Holly has said I
15 think would be a concern because you would
16 pull it away from all of those commanders over
17 to one part of post, and it would become like
18 trying to get a medical appointment at the
19 hospital, you know. You are not getting that
20 day after tomorrow. You are not getting it day
21 after tomorrow.

22 JUDGE JONES: Ms. Holtzman.

1 MS. HOLTZMAN: You know, originally,
2 too, I was open to the idea of a pilot project
3 because I didn't come to this with an adverse
4 approach to the proposal. So I said well, you
5 know, if everybody thinks this could be
6 harmful let's try it out. But I've now
7 reversed my view about that because I don't
8 see any reason to do it. If you give me a
9 reason to do it, I'm ready to do it right now.

10 Where is the conflict of interest?
11 I've heard people talk conflict of interest,
12 conflict of interest, conflict of interest.
13 I'm not seeing it. I don't see it. It doesn't
14 exist. You show me the conflict of interest,
15 I'll say okay, that's very serious. But just
16 because a commander has to - who's an O-5 or
17 O-6 level which I now understand is a
18 Lieutenant Colonel, don't ask me what that is,
19 but - it's a joke. But, you know, that's a
20 pretty high level person, that commander -
21 convening authority is not likely to know
22 either one of the people, so what is the

1 conflict? That person is a commander, that
2 convening authority has to resolve all kinds
3 of conflicts. I get two people on the base get
4 into a fight, not a criminal matter but they
5 get into some dispute that has to be resolved.
6 Is that a conflict if you have to decide that?
7 Commanders have to decide all kinds of
8 conflicts, all kinds of tensions, all kinds of
9 issues like that. You know, who gets to drive
10 the jeep today, or who gets two jeeps and one
11 jeep. I mean, all those issues have to be
12 resolved. That doesn't mean there's a conflict
13 of interest, so show me the conflict of
14 interest here. Then I'll say okay, what do we
15 do to solve it? But I haven't seen that.

16 And to make changes just for
17 symbolic purposes, I thought Mai said it very
18 well. I mean, I think we need to be past that,
19 and I think part of the reason we need to be
20 past that is because we need to be honest with
21 the American people. What is really going on
22 here, and what's really going to make a

1 difference? And this is like a silver bullet.
2 Everyone says oh, just do this, and then we
3 can walk away, we solved our problem. It
4 hasn't solved the problem, no way it can solve
5 the problem. There are all the other issues of
6 victim services, the quality of prosecution,
7 how the rape statute itself which was
8 rewritten several times, I think Professor
9 Hillman has tried to - maybe you understand
10 what it means but, you know, I mean, there are
11 a lot of other serious problems here that have
12 to be addressed. And Veterans Administration
13 services which, you know, we haven't looked at
14 but that came up over here. It's a huge
15 problem.

16 Okay. These are things that will
17 make a difference in people's lives in a
18 concrete way. So, I like symbols, I'm very
19 interested in symbols, but I'm really
20 interested in the concrete reality of what we
21 can do that will really affect people's lives.
22 And I'm open, you know, this Commission has

1 until - the panel has until what, the end of
2 June, or May, or whatever we have.

3 JUDGE JONES: I think the beginning
4 of June, right.

5 MS. HOLTZMAN: You know, I'm open to
6 change my mind again about this, but I would
7 rather if we don't have the evidence that
8 prompts the change, ask the military to review
9 it, ask them to look at it again, but let's
10 move on to something where we can really in a
11 concrete way make improvements that will
12 affect and qualitatively improve the
13 prosecution of these cases.

14 One other point I just want to
15 address. The question came up about well, how
16 can you get more prosecutions. That worries me
17 because the facts are the facts. Well, the
18 facts are the facts, he says X, she says Y.
19 Well, I'm a prosecutor, tough case to win.
20 Maybe I don't want to take that risk. That's
21 not a question of the facts really, it's a
22 question of am I going to put my win/loss

1 ratio on the line here.

2 Now, that's how a case can be
3 brought or not brought. We don't want
4 decisions - sometimes we don't want decisions
5 made on that basis. Sometimes we want to say
6 you know something, we're willing - it's a
7 close case but the facts just - the facts and
8 the law justify the prosecution. We're willing
9 to accept the possibility, the risk of defeat.
10 Some prosecutors may say no, I don't want to.
11 That's how those things could work. Now, the
12 question is who's going to make those
13 judgments? Is it going to be someone in -
14 under this system I don't know who makes those
15 judgments.

16 COL COOK: It's interesting to me
17 that in terms of your last comment, ma'am, I
18 don't think we heard one commander who came
19 and testified to this Panel at any point ever,
20 use the term of a conviction rate. Those were
21 the lawyer terms. They look at the command
22 climate and they may be more likely to send

1 that case to court because they need to -it's
2 two people, credibility issue, put it in front
3 of a panel, or put it in front of a Military
4 Judge and let them have their day in court and
5 figure out what the justice comes out of the
6 results. So, conviction rate is a lawyer's
7 term.

8 MS. HOLTZMAN: And that could be a
9 factor for a prosecutor in deciding whether or
10 not to go forward with a case; whereas, it
11 would not be necessarily for a commander.

12 VADM HOUCK: And you can send a case
13 to court that you think you may not win and it
14 still is ethical, and it's still within the
15 realm of the attorney's ethics to do so. The
16 fact that you think that the case may not be
17 winnable doesn't mean that it's unethical to
18 send it for prosecution.

19 MR. BRYANT: Well, you have to take
20 a chance sometimes with prosecutions and, you
21 know, prosecutors are sometimes accused in
22 some place of just wanting to shoot goldfish

1 in a bowl. But I really don't think that's
2 true in the civilian world, and I don't think
3 it's true in the military world either. It has
4 to be assessed for whether or not you have a
5 substantial likelihood at least of a
6 conviction.

7 I still think that just, you know,
8 throwing a case up there and say is the
9 Government ready? Yes, we're ready. When you
10 know it's very unlikely you're going to get a
11 conviction here spoils the view of the system
12 for the jury panel, for the judge, and for
13 everyone else. No commander, no warfighter is
14 going to say well, we're going to attack that
15 hill. I don't think we have a chance of taking
16 it, but daggumit we'll teach them a lesson
17 because it's - I feel like we ought to at
18 least give it a shot. I hope we're not
19 conducting wars like that. I feel confident
20 that we're not conducting wars like that, and
21 I hope we won't do prosecutions like that.

22 But there's a third aspect to the

1 conflict of interest, Congresswoman Holtzman,
2 that General Brady brought up in response to
3 Admiral Houck's two-pronged conflict, and that
4 is the actual conflict of bringing these cases
5 when perhaps they shouldn't be brought, and
6 that we were going to increase, you know, the
7 prosecution rate.

8 We only should be increasing the
9 prosecution rate if we've got legitimate
10 victims or legitimate evidence that has some
11 substantial likelihood of getting a conviction
12 rather than just throwing these things up as
13 a jump ball to see who gets it. That's
14 contrary to everything that I have seen, and
15 learned, and practiced, and believed in as a
16 prosecutor for 40 years.

17 JUDGE JONES: It's never been my
18 experience as a prosecutor that we looked at
19 things in terms of do we have a substantial
20 ability to get a conviction. I mean, we think
21 about it, of course, but in a sexual assault
22 case if you find the victim credible, at least

1 in my experience over the years, and believe
2 you already have probable cause, but believe
3 that the victim is telling the truth, you go
4 forward with that if you can, if you have the
5 resources or whatever other problems may
6 exist. But the fact that you may not think a
7 case is winnable is not a reason not to go
8 forward. That's all I wanted to say.

9 MR. BRYANT: But if you know, and
10 just for my own - I have to tell you that the
11 last case, the last jury trial I had in my
12 career was back in November, it was a rape
13 case. We had a victim who did not speak good
14 English, had to be translated from Chinese. We
15 had no DNA, no fingerprints, no sperm, no
16 nothing, and I took the case myself because I
17 just believed that a jury would believe her
18 testimony based on some of the other facts.
19 And we did get a conviction, three life
20 sentences plus. So I don't want to be
21 misunderstood. I'm not saying it has to be a
22 slam dunk. We certainly try cases that are not

1 slam dunks, and hope that the judge or the
2 jury agrees with us. But when a prosecutor's
3 experience and - primarily his experience and
4 his understanding of the law and the elements
5 tell him that there - I put this case on.
6 There shouldn't be a conviction, there might
7 be, but there shouldn't be, then that case
8 shouldn't even be brought.

9 VADM HOUCK: Well, I believe - I'm
10 very confident that if the overwhelming number
11 of cases that are out there that military
12 judge advocates are advising commanders on
13 that they are not treating these cases as jump
14 balls, throwing them in the air and saying
15 come what may, we're just going to do this
16 because it's politically correct. It is a
17 large, large Department of Defense, and just
18 like civilian jurisdictions are large, you're
19 not going to find a perfect record in any
20 jurisdiction, but it is not a norm within the
21 United States Armed Forces that the cases are
22 being prosecuted this way.

1 MR. BRYANT: And, Jim, excuse me. I
2 was not suggesting that they were. I'm
3 suggesting that that becomes part of the
4 conflict - potentially becomes part of the
5 conflict when we put such pressure on the
6 convening authorities, the commanders to go
7 forward.

8 JUDGE JONES: And I think all we're
9 saying is that we're not putting win in the
10 equation. We are trying to decide if you have
11 a victim who wants to go forward and who's
12 credible, and you have not just a probable
13 cause case, but those other two factors, and
14 then you go forward. So, I'm just - I'm
15 saying I think we're only talking about win
16 here.

17 MR. BRYANT: And I agree with you 100
18 percent, Judge, and all the lawyers on this
19 panel and the non-lawyers have heard the
20 cliché if you're not losing cases, you're not
21 trying cases. I mean, you're going to lose
22 your share of cases. Everybody knows and

1 understands that.

2 PROF. HILLMAN: Judge Jones, may I
3 respond to Congresswoman Holtzman, because I
4 have - I don't think I answered your question
5 sufficiently what is the conflict, and why
6 does perception - if this is about perception
7 rather than actually stopping the crime, then
8 why is it so important? Those are reasonable
9 questions.

10 To me, the command control of the
11 court-martial process is a great risk to the
12 fairness of that process. And that's
13 increasing - that has -- the consequences
14 of failing to achieve high prosecution and
15 conviction rates has never been higher for a
16 convening authority right now. I mean, we're
17 looking at command climate which is the term
18 that's used to describe the atmosphere in
19 which service members work and live under the
20 leadership of their command.

21 If there is - if there are not
22 sufficient - for instance, there could be

1 many more restricted reports that would go
2 forward in a command climate that was
3 changing. I could see pressure on a convening
4 authority to force victims who report to
5 convert from unrestricted - from restricted
6 to an unrestricted report. I don't think that
7 would be good for those victims. I want those
8 - I want more unrestricted reports that
9 actually can be investigated and prosecuted,
10 but I think that the pressure to demonstrate
11 progress on all the metrics that we actually
12 as a panel are also going to put out that we
13 want to know about what's happening on the
14 ground creates a lot of pressure on convening
15 authorities who are in charge of this process.
16 And I think it creates an even larger specter
17 of unlawful command influence, too much
18 intervention in the court-martial process
19 which is, in part, a matter of perception.
20 Unlawful command influence is litigated all
21 the time, and lots of times in sexual assault
22 cases, and it has to do with the commander

1 being too embedded in the military justice
2 process.

3 Some of these changes have already
4 removed the commander from parts of this
5 process, especially the tail end with the
6 changes in Article 60. But having the
7 commander - the convening authority - the
8 commanders who are convening authorities as
9 the charging authority at the top, at the
10 front end, it creates a potential barrier to
11 sustaining those convictions going forward,
12 and a problem with the ultimate fairness of
13 the process that is to me a very cognizable
14 conflict there.

15 The other point about perception,
16 the thing that we have to do, and some of our
17 panelists today referenced this, to understand
18 this problem better is to increase reporting
19 rates. We all know that. You know, the biggest
20 problem here is not the failure to investigate
21 and prosecute. That is a big failure in some
22 instances, not worse in the military than

1 elsewhere, but that is a problem. But the
2 biggest problem is the failure to report.
3 That's all about perception, isn't it? I mean,
4 the perception is how my case will get treated
5 when I come forward and say this is what
6 happened to me. And, actually, some of what
7 our panelists have said today and our public
8 comments actually have made - the point
9 they've made today, you know, the first person
10 to hear that is the one we need to make the
11 right choice about how to receive that report.
12 I want our commanders to be fighting wars,
13 winning wars, coming up with great operational
14 strategies, taking care of their people, and
15 educating everybody to -everybody within that
16 military community over which they have far
17 more control than we do over civilian
18 communities, so that everybody out there if
19 they hear that first report will say the right
20 thing that will eventually lead to an
21 unrestricted report, and will get the
22 investigation, and prosecution, adjudication

1 and that perpetrator out of commission for any
2 crimes going forward. And to me that's just
3 all about perception, so I can't -making
4 changes based on perception might seem like
5 it's some soft thing on which to base our
6 decision, but to me it's the whole ball of
7 wax.

8 VADM HOUCK: I can't - I think two
9 points that Professor Hillman makes that I
10 think are worth talking about. One is, and she
11 has not said this but others have implied it,
12 some of our witnesses have implied it, that --
13 or said it directly, that the commander needs
14 to be freed to lead, and that removing the
15 authority from the commander will free the
16 commander to lead. I completely disagree that
17 there's any barrier to a commander leading
18 against sexual assault and not fulfilling his
19 or her burdens to prosecute cases, refer cases
20 in an ethical way.

21 It does require the commander to
22 consult with a lawyer, to consult with a Judge

1 Advocate to make sure that their public
2 pronouncements on military justice are
3 consistent with command influence law, but
4 it's not difficult to do. Most commanders do
5 it. There are the occasional exception but,
6 again, that's the imperfection of life. This
7 can be done, and it's not difficult.

8 I have not heard, a second point, in
9 the testimony, the eloquent and the moving
10 testimony of our survivors today and in other
11 days. I, for one, have heard many of them say
12 they support the changes that Senator
13 Gillibrand is promoting. I have not heard one
14 say that fear of the commander was a prominent
15 part of their own situation, and there's a
16 difference. And I think we need to be alert to
17 that difference. And I would not presume for
18 a minute to be inside the minds of survivors
19 and what they've gone through, but I think
20 others have said it, and I'll say it again. I
21 have not seen the empirical evidence that
22 suggests that fear of a commander is a

1 prominent issue in why we have under-reporting
2 in the military.

3 I would ask again why if the figure
4 is correct, why 88 percent of college student
5 women don't report. Is it their fear of their
6 commander? Of course not. So, I think that Ms.
7 Fernandez made a spectacular point and made it
8 in a really compelling way about this panel's
9 obligation who have studied this issue
10 rigorously and carefully to educate. And
11 Congresswoman Holtzman made the same point, to
12 educate and not react to perceptions if we
13 don't believe these perceptions are accurate.

14 Panel member, and witness, after
15 witness, after witness has used the same
16 phraseology in describing this. Those who
17 support the change by saying right or wrong
18 there's this perception. Well, I want to go
19 back to the right or wrong part. I think it's
20 our obligation to point out if we believe it's
21 wrong, and to not be led by the right or wrong
22 phenomenon in this.

1 MS. FERNANDEZ: Just to follow-up on
2 Professor Hillman's issue about perception. I
3 think that one of our biggest things is to get
4 reports going up, but - and I am not going to
5 sit in the shoes of a sexual assault victim in
6 the military also, but my sense is in working
7 in this field, is that your perception that
8 the system is working for you is somebody who
9 is the first person you have contact with says
10 I believe you. I care about you. And then they
11 start providing you with services.

12 The idea of joint - what's going to
13 happen in a criminal justice system that I
14 didn't understand myself until I left law
15 school is something that's pretty far away
16 from the initial victimization. All you want
17 is somebody to believe you, and if you're hurt
18 to help you get over your hurt. And then other
19 things start kicking in. But I think that that
20 perception is really important with where I do
21 think our resources need to be going to, which
22 is those people who are making the first

1 contact with victims. And some of those could
2 be commanders, some of those are SARCs, some
3 of them are best friends, some of them are all
4 over the place, but that's where the
5 perception that people will believe you is the
6 most important.

7 JUDGE JONES: Have we said it all
8 this afternoon?

9 MS. FERNANDEZ: I just also want to
10 thank those of you who came up and shared your
11 personal stories. It's not an easy thing to
12 do, and it brings a real reality to what we're
13 doing here.

14 JUDGE JONES: All right. We've had
15 our deliberations and I think we're - we have
16 a report from our Subcommittee which is, as I
17 said, an initial assessment. I think there is
18 consensus on the panel for the report, and
19 we've heard strong and very well-articulated
20 statements that disagree with the ultimate
21 conclusion, and some other parts of the
22 report.

1 Okay. This process will continue.

2 All right. Then at this time, I will take a
3 poll of the full panel with respect to whether
4 or not you are in agreement with the initial
5 assessment from the Role of the Commander
6 Subcommittee. Colonel Cook?

7 COL COOK: I'm in agreement with the
8 initial assessment to leave senior commanders
9 with the convening authority. One of the
10 things I would - I know we talked about
11 number one.

12 JUDGE JONES: Right.

13 COL COOK: The only thing I would
14 suggest is - a couple of things I would just
15 suggest besides on the methodology, that I
16 would like to see included is, again, it's
17 going to not just the military background
18 audience. Even the basic difference between
19 special court-martial convening authority and
20 a general court-martial convening authority,
21 defining them in the footnotes.

22 I would suggest that by the same

1 token something that is defined in the
2 footnote at number 54 that talks about the
3 special court-martial convening authority no
4 longer having jurisdiction on sexual offense
5 cases based on a recent move to put them to
6 general court-martial convening authority,
7 take that out of a footnote, put it up into
8 the body to show that as of June of - for any
9 offense after June of 2014. The question I
10 have, and I'm not familiar with the rule
11 change, if after June of 2014 it has to go to
12 a general court-martial convening authority to
13 refer a case to a court, does the special
14 court-martial convening authority still have
15 the authority to dismiss the case at their
16 level? The referral has to go up, but does the
17 dismissal decision get made by the special
18 court-martial convening authority? I don't
19 know the answer to that, but it's a point that
20 in here you talked about them being the
21 initial disposition authority on page 11, but
22 we don't address that point, so I want to see

1 that.

2 One of the comments we heard
3 especially on the panel today talked in terms
4 of that conflict of interest piece. It was, I
5 think, better formulated today in terms of
6 defining what is the exact conflict. I would
7 like to see it. The conflict of interest piece
8 that's in here just elaborated in terms of
9 those things, and then add the concern that
10 people have that they don't make informed
11 decisions. What training? The commander's got
12 their own experience, they understand -
13 they've got their Judge Advocate but they also
14 get specialized training throughout the
15 process. They're not lawyers, but this isn't
16 an uninformed decision, and if training is a
17 concern then maybe putting something more into
18 there about that.

19 With those comments made then, yes,
20 I do agree with the strong majority of the
21 Subcommittee that believes you leave the
22 convening authority and the commander in the

1 same person.

2 JUDGE JONES: All right. And I should
3 just say that this is a Subcommittee report
4 out which is being adopted or not adopted in
5 part or in whole by each panel member. It's
6 not the final report. The final report will
7 also have to be discussed, but it is important
8 for those of you who are not on the
9 Subcommittee to express comments just as
10 Colonel Cook did. So, let me go to you,
11 General McGuire.

12 BG McGUIRE: I'm in support.

13 JUDGE JONES: All right. General
14 Dunn.

15 BG DUNN: I concur with the
16 recommendation of the Subcommittee.

17 JUDGE JONES: All right. Ms.
18 Holtzman.

19 MS. HOLTZMAN: I concur, as well. I
20 mean, obviously, there's some editing changes
21 but subject to those, I have - I concur with
22 the conclusions and the findings.

1 JUDGE JONES: All right. I concur
2 with the conclusions and the findings.

3 VADM HOUCK: I concur.

4 PROF. HILLMAN: I do not concur.

5 MR. BRYANT: With all due respect for
6 the wisdom and insight and the well-reasoned
7 conclusions that you have reached at this
8 point in our deliberations, at this stage I
9 disagree.

10 MS. FERNANDEZ: I concur.

11 JUDGE JONES: All right. You make a
12 good point, Mr. Bryant, it's at this point. As
13 I started to say before, our job is not over.
14 We have more to do, but it seems important as
15 we reach certain levels of knowledge and
16 information that we make initial assessments,
17 so that's what we've done here. And I thank
18 you all for being so attentive, being here,
19 and in particular I thank the witnesses who
20 came up and who told their own stories with
21 respect to what happened to them as sexual
22 assault victims in our military. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MS. FRIED: We thank the staff, too.

JUDGE JONES: Do I have to thank the staff?

(Laughter.)

JUDGE JONES: Yes, of course. We want to thank our staff. They're wonderful. They've been with us since May, and we'll thank them again because, as I said, our job is not over.

(Applause.)

MS. FRIED: The meeting is closed.

(Whereupon, the above-entitled matter went off the record at 4:14 p.m.)

A	
A-F-T-E-R-N-O-...	academies 49:7 50:3
200:1	academy 24:4,6 43:3 47:10,15 121:7,11 285:21
a.m 1:12 4:2 95:17 95:17	accent 203:19
AA 207:9,11	accept 9:14 14:13 178:9 308:9
Aberdeen 17:20 18:4 35:4 209:20	acceptable 13:8 157:3 165:22 166:1 224:11
abilities 12:6 155:9	accepted 26:22 70:17
ability 12:7 27:19 48:22 52:22 77:13 105:21 120:2 122:17 130:9 133:22 141:10 155:2 186:9 210:6 246:13 247:16 260:13 276:8 287:20 311:20	access 64:1,19
able 9:13 14:3 27:9 36:18 69:19 84:19 90:12 109:3 135:2 142:11 177:4 208:20 212:1 222:13,15 227:4 247:17 291:15 299:17	accomplish 8:3 173:4 242:9
aboard 56:15	accomplished 159:15 248:21
abound 240:16	accomplishing 28:1
above-entitled 95:15 199:10 329:11	accomplishment 32:1 61:5 107:20
absence 87:9 223:2	account 51:20 71:14 134:18
absolutely 105:16 160:13 177:19 182:10 258:8 259:1	accountability 24:2 27:21 117:10 137:18 175:10 238:8
absolve 27:21	accountable 31:11 45:2 99:7 100:6 112:20 114:15 119:3 154:14 268:13,18
abstract 264:16	accurate 168:5 321:13
abuse 36:13,18 232:7 287:9	accurately 168:6
abuses 58:13 263:12	accused 25:18 27:6 28:5 41:10 44:11 45:10,13 55:21,22 56:7 70:21 86:7 86:14 87:6 89:7 106:7 111:11 123:5,16 124:17 124:21 125:11 126:9,14,15,18 130:20 141:22 187:20 224:18,21 225:4 226:20
abusive 202:21 226:4,14	234:9 251:13 254:6 265:19 279:7 297:5 309:21
academic 34:20	accuser 44:11 123:15 124:4,11 128:10 254:7
academicians 231:1	accusers 89:8
	achieve 267:14 315:14
	achieved 263:3
	acknowledge 276:4
	acoustics 58:8
	acquired 37:13 130:12
	acronym 164:22
	act 7:4 38:17,21 39:2,15,18 41:18 94:14 211:11 216:7
	Acting 71:11
	action 37:15 65:22 79:9 82:3 128:7 136:22 138:5 169:13 183:14 198:19 232:7
	actions 12:13 13:4 23:18 148:5
	active 11:3 16:1 17:21 22:18 47:13 67:6,11 78:4 121:2 230:15 303:8
	activity 38:4 103:5 154:21 214:11
	actual 67:5 75:14 92:4 252:13 284:15 291:16 311:4
	adapting 201:19
	add 41:9 71:1 82:10 88:9 121:8 122:21 163:11 167:20,21 180:21 183:5 189:8 192:21 242:10 257:10 326:9
	added 8:12
	addition 6:8 7:22 231:10
	additional 9:17 20:12 28:8 61:1 95:21
	additions 100:18 100:21
	address 5:11 26:6 155:5 177:6 200:20 222:21 238:3 239:11 241:11 249:15 271:14 279:6 289:1 290:20 307:15 325:22
	addressed 113:22 157:7 158:13 221:2 225:8 253:2 272:7 306:12
	addresses 83:6 90:3
	addressing 14:9 24:1 30:7 223:8 237:15
	adds 94:6
	adequately 279:19
	adjourn 95:13 199:7
	adjudicate 7:9 224:22
	adjudicated 17:18 55:10 286:4
	adjudication 55:9 70:14 78:20 112:8 318:22
	adjudications 263:6
	adjunct 43:5
	Adjutant 11:7
	administer 21:16
	Administration 2:14 3:10 46:8 47:7,9 71:2 306:12
	administrative 4:18 6:18 253:6
	administratively 158:9
	Administrator 71:4,5
	admiral 1:16 2:3,8 2:9,10 22:10 27:16 28:14,15 56:17 60:1 82:16 91:12 108:15 120:16 129:20 130:7 132:1,6 134:16 135:6 136:18 138:19 151:10 156:16 158:21 170:16 176:11 190:21 194:8 284:5 311:3
	admiration 43:7 140:15
	admire 96:17
	adopted 250:11 327:4,4
	adult 1:3 4:14 5:22 7:9 208:1
	advance 123:17 161:20
	advantage 241:5
	adversarial 44:11
	adverse 18:3 304:3
	adversities 100:3
	advice 62:9 68:8 82:22 107:10,10 107:13 111:16,16 133:13,14 149:10 182:22 186:10 189:19 206:13 236:12 251:22 286:1,3,6
	advisable 239:5
	advise 107:12 154:20
	advised 84:14 187:8 206:16 262:1
	advising 71:7 313:12
	advisor 62:9 63:20

133:14 149:15 181:7 182:22 191:5 270:3 277:12 advisors 17:4 119:11 advocacy 230:19 231:22 232:3 274:10 advocate 6:12 59:19 62:10 63:4 63:16 65:1 66:18 67:14 82:19 84:14 86:3,22 87:17 88:14 122:9,10 193:8 201:15 262:1 270:3 272:8 273:12 274:21 277:15 284:6 294:7 302:7 303:2 320:1 326:13 advocate's 63:9 advocates 89:5 90:9 108:2 111:13 184:9 230:20,22 236:12 250:5 275:5,6 313:12 advocating 238:16 Affairs 6:18 affect 282:11 306:21 307:12 Afghanistan 65:11 66:7 207:18 afraid 55:12 afternoon 29:5 30:2 34:13 139:9 200:16,17 222:19 323:8 afterward 13:10 age 178:19 192:2 257:16 agencies 235:18 aggrandizement 274:16 aggravated 226:3 226:11 aggressive 247:9	ago 33:9,14 35:11 55:7 56:3 76:18 102:8 105:12 109:5 142:18 208:6 agree 122:13 152:4 155:17 224:17,20 257:2 258:9 260:2 270:4 271:6,7 288:9 295:14 314:17 326:20 agreed 16:12 218:19 agreement 324:4,7 agrees 232:18 313:2 ahead 15:21 42:14 85:17 88:5 108:19 148:16 168:22 180:22 185:19 189:9 198:10 285:17,17,22 286:6 aids 231:16 ain't 183:18 air 2:2,6,7 3:6,12 3:14 11:4,4,8 51:19,20 52:1 101:22 102:10,14 102:21 103:3,6,14 115:11,20 116:9 116:17,18 118:19 118:19 132:7 133:7 135:17 152:1 180:7 189:12 190:4 299:13 313:14 aircraft 74:20 118:22 airman 104:3 177:21 226:17 airmen 104:1 172:14 190:6 airway 218:3,4 Alabama 115:11 alarming 210:7 albeit 247:11	alcohol 97:21 213:7 226:10 alert 320:16 all-voluntary 98:10 all-volunteer 162:3 allegation 26:13 83:9,17 131:12 234:6 236:3 allegations 45:12 48:4 86:9,15 97:7 134:4 141:9 181:6 181:21 235:20 236:11 238:15 alleged 25:1,5 27:6 85:5,6 130:19,19 224:19 251:15 allegedly 234:17 Alliance 232:10 allied 116:17 253:1 allies 116:2 118:2 236:15 237:4 250:11 allocated 301:22 allocation 294:12 allow 12:3 44:3 66:21 80:1 89:8 178:16 182:1 252:2 allowed 50:6,8 117:7 216:19 allowing 6:5 10:21 36:1 57:11 200:19 210:21 allows 298:22 alongside 29:19 alter 293:22 alternative 235:12 266:10 271:18 300:9 alternatives 224:5 altogether 54:7 always-lingering 44:17 amazed 79:13 amazes 30:8 56:2 amazing 70:3 amazingly 28:21	ambivalent 33:6 America 174:6 America's 24:14 112:2 American 112:17 263:18 305:21 Americans 24:7 Amos 36:17 amount 18:3 72:3 109:18 117:21,21 187:1 212:19 243:18 265:4 301:2 amputation 144:15 analogous 57:18 analogy 57:13 144:5 145:7 150:7 155:18 156:18 Andrew 6:21 angry 45:14 Ann 2:2 102:6,12 Anne 173:20 annual 225:21 anonymous 132:16 answer 14:19 50:15 68:2 134:16 167:21 169:2 171:15 174:8 181:18,18,19 182:4,13,14 195:19 198:13 205:8,9 225:7 282:10 325:19 answered 284:4 315:4 answers 196:8 anticipating 224:2 anybody 34:4 65:6 177:15 180:12 263:22 anymore 152:19 200:22 Anyway 300:16 apart 181:16 244:22 287:5 apologized 49:19 apology 245:17	appalled 79:16,16 104:21,22 105:2 appear 15:5 120:20 121:3 150:17,18 175:9 218:13 241:17 appearance 26:10 118:21 appeared 9:8,12 231:7 Appellate 6:13 appendectomy 144:14 275:19 appendicitis 57:15 appendix 144:21 applaud 25:19 112:4 Applause 329:9 applied 73:9 applies 73:7 apply 59:8 appointed 239:21 appointee 24:4 appointment 159:1 303:18 appointments 208:2 216:14 appreciate 61:12 65:3 109:18 120:19 136:18 176:9 212:2 243:1 243:9 281:9 appreciated 25:9 220:11 appreciation 6:3 187:14 approach 23:19 24:19 78:21 304:4 appropriate 14:20 16:18 20:7 106:2 192:11,11 236:13 242:6 appropriately 73:4 73:5 93:2 242:4 259:16 297:8 area 7:20 79:4,6 151:5 223:11
--	---	--	--	--

278:6 298:1 301:13 areas 114:2,4 153:21 157:16 arena 102:22 167:11 189:2 arguably 63:6 259:22 argue 32:6 169:9 169:18 170:2 185:21 187:11 argued 273:9 274:4 arguing 293:4 argument 169:22 arguments 241:4 Arkansas 200:14 212:6 Arlington 222:18 arm 145:19 147:22 150:9 180:3 205:11 275:20 Armed 33:19 36:20 42:17 160:1 167:13 233:1 244:7 246:6 252:1 313:21 arms 214:4 219:7 Army 2:2,5,8 3:6 3:12,13 6:11 11:8 15:2 16:3,6,22 17:4,6,22 18:12 19:8,11 20:17 21:16 22:3 43:5 46:22 50:8 65:7 66:10 69:2 86:10 96:2,8,11,22 97:16 98:2,6,7,8 98:12,14,18 99:6 100:2 101:2 110:21 112:13,17 113:8 152:1 163:14,17,22 164:1 165:4,5,5 165:17 166:5 180:2 184:20 197:17,18 201:1 284:7,7 299:15	300:4 303:13 Army's 165:2 302:17 Army-wide 20:7 21:5 arrangement 17:13 Arrest 240:6 arrive 140:13 arrived 205:6 229:17 article 30:15 31:17 62:19 65:7 66:10 79:15 186:8,10,17 294:13 317:6 articles 30:17 ashes 98:14 asked 48:7,11,15 49:3 141:16 196:9 203:15 218:14 226:9 273:19,21 asking 67:18 150:16 180:10 aspect 107:21 118:9 149:18,20 302:12 310:22 aspects 31:12 32:2 127:19,20 128:6 129:18 150:21 191:19 Ass 219:1 assailants 247:18 assault 1:3 4:14 6:1 7:10 11:10 13:3 16:15 19:16 21:21 23:20 24:9 26:2 26:14 35:19 58:19 59:3 73:21 74:6 100:19 101:11 103:5,10,20 104:9 104:11,15,16 109:12 112:8,11 113:17 114:8,13 116:13 121:19 122:8,11 123:4 126:12 129:11 132:11 147:17 152:18 163:7,8	165:2 167:12 168:4 173:14 174:17 176:18 177:4 190:19 201:6,11 210:7 221:5,20 223:6,12 224:10,19 225:1,2 225:9,12,20,22 226:3,10 227:3 229:6 230:13,18 230:20 232:5,22 233:8,11,16 234:6 234:17 235:6,6,7 235:10,18,20 236:10,17 237:15 237:21 238:4,15 239:11 240:5,16 241:11,20 242:3 244:6,10,14 245:4 245:20 246:4,5,16 248:2,6 249:8,19 250:16,22 251:3 251:16,19 252:22 254:8,17 260:8 261:7,19 262:6 264:3 267:21 268:7 272:5 278:8 278:12 284:21 286:21 290:22 291:16 292:13 293:10 299:6 311:21 316:21 319:18 322:5 328:22 assaulted 40:19 41:9 52:1 64:6 80:6,7 123:13 153:4,4 210:22 assaulter 123:6 125:21 assaulters 127:10 assaulting 41:11 125:12 assaults 118:22 152:22 168:9 210:20 233:1 236:21 237:6	245:9 249:5 256:3 262:22 asserted 245:19 assertive 118:10 assertively 249:4 assess 7:16 237:20 241:19 244:2 286:12 assessed 310:4 assessment 7:7 67:21 86:2 87:15 229:4,19 230:1 232:14 233:13 242:12 252:17 253:3 280:2 323:17 324:5,8 assessments 328:16 assessor 54:22 assigned 8:2 17:7,9 20:8 80:17 188:7 188:13 202:1 assignment 23:8 27:14 59:18 116:15 assist 232:2 Assistance 232:9 assistant 6:18,21 42:22 43:10 associates 128:14 assume 90:8,13 143:10 150:4 277:20 assumes 239:13 assuming 75:3 154:5 assumptions 143:5 assure 94:22 138:1 atmosphere 315:18 atrocities 202:4 atrocities 116:12 Attaché 117:4 attached 231:20 243:5 attachments 5:5 attack 310:14 attacked 123:12 212:16	attempt 16:14 178:18 236:4 attempts 211:1 attend 245:20 attended 165:7 230:6 attending 4:13 attention 43:14 76:19 131:20 134:15 166:4 176:2 195:4 197:13 203:14 249:7 269:22 292:5 attentive 328:18 attitudes 129:10 248:3 attorney 2:17 60:19 180:9 192:17,18 264:4 266:13 267:3 283:12 attorney's 88:21 309:15 attorneys 107:1 108:3,4 192:7 196:6 249:21 250:6 attract 80:4 audience 78:7 176:21 324:18 Australia 251:9 author 201:5 authorities 16:18 38:16 75:7,18 126:11 127:3 166:21 167:1,18 235:16 245:1 248:17 249:10 250:5,8,12 275:3 281:3 303:8 314:6 316:15 317:8 authority 8:20 17:14 23:6 27:8 27:15,17 31:4,11 31:20 32:4,5,7,11 32:19 38:2,2,6,9
---	---	---	--	---

39:5,7,10 40:7,12 41:21 54:2 59:17 61:19,20,20 63:3 63:18 65:18 68:5 68:7 69:16 75:15 105:4 110:5 111:1 114:10 115:16 116:12 119:20 120:1 125:14 127:11 137:17 150:20 157:4 168:16 177:20 180:4 187:6 189:5 189:5 190:6 197:4 211:12 229:5 232:20 233:6,13 234:5,10,12,15 235:5 236:2,10 237:2,9 238:15,18 239:2 241:6,22 242:18 245:3 248:12,19 249:14 251:2 253:22 254:4,19 255:14 255:17 256:12,20 257:7 259:5,6,8 259:21 260:4,12 261:17 262:15 263:10 264:6,17 264:20 265:14 266:3,3 267:12 268:1,3 270:2,4 271:5 274:16,20 275:3 276:22 277:10 279:1 280:8,15,16,16,19 280:22 281:1,19 283:20 285:3,22 289:3 290:8,11 291:3 293:4 295:3 300:21 304:21 305:2 315:16 316:4 317:7,9 319:15 324:9,19 324:20 325:3,6,12 325:14,15,18,21 326:22	authority's 294:1 Authorization 7:4 authorized 233:22 253:17 280:12 auto 268:5 automatically 270:5 available 9:21 10:12 87:12 111:7 231:11 286:9 avenues 247:8 await 9:3 110:9 awake 213:10 aware 141:15 169:8 170:4 195:6,12 awareness 180:16 awe 30:6 awful 283:7 284:13	280:6 324:17 bad 99:2 104:18 137:6 146:7 183:8 203:9 214:13 219:17 287:6 288:19 badly 41:2 131:15 215:16 Baghdad 63:17 66:16 69:19 Balad 56:13 balance 28:3 187:15 balances 100:21 150:1 ball 276:16 311:13 319:6 balls 313:14 bar 94:5 212:17 Barbara 1:12,15 3:3 bargaining 187:16 barracks 153:21 barrier 317:10 319:17 base 20:1,20 109:8 115:11 143:21 152:1,1 206:7,18 217:2 275:15 299:14,14,15 302:18 305:3 319:5 based 11:15 27:11 48:4 62:14 63:8 63:12 75:21 82:20 84:20 119:17 163:15 183:5 232:16 240:17 252:16 312:18 319:4 325:5 bases 109:9 basic 20:12 160:10 202:11 213:4 216:1 296:19 324:18 basis 224:8 235:3 271:9 301:21	302:5 308:5 Bateman 51:6 battalion 81:1 110:20 battalions 31:18 battle 44:1 Baumgartner 2:10 3:14 120:17,18 137:10 141:3 148:15 150:6 151:11 156:16 157:13,22 158:21 159:4 168:18 170:17 179:10 194:8 195:3 beam 165:18 bears 247:1 beautiful 19:12 beef 127:13 beg 53:3 began 81:11 103:7 103:11 beginning 29:3 68:14 135:16 142:19 297:15 307:3 behalf 180:1 behaved 83:15 behavior 13:8,9 51:3 99:2,2 114:20 145:10 146:12,15,15 147:17 153:12 154:2,4 157:3,6 165:21 167:4 240:22 275:22 behavioral 19:1 231:4 behaviors 161:17 behold 13:11 139:18 behooves 21:18 Beijing 117:4 beings 30:4 44:16 269:13 belief 85:22 98:15 believe 9:1 11:20	21:14,14 25:3,11 25:13 26:9,19,20 28:2 35:7,19 58:12 77:4 80:5 81:13 84:5 89:21 92:15 94:6 97:14 97:15 99:3 100:12 101:5 103:22 104:1 108:7 109:21,22 118:6 118:10,13 119:3 119:22 120:1 125:18 128:19 134:22 142:2 147:21 161:2 164:18 185:12 190:19 191:1,8 198:8 224:14,17 224:20 245:3 257:2 261:20 265:12 282:9 300:3 312:1,2,17 313:9 321:13,20 322:10,17 323:5 believed 84:5,6 97:4 219:10 311:15 312:17 believer 120:9 140:12 believes 239:4 326:21 belonged 202:22 belongs 90:5 154:21 Belvoir 16:22 80:17 bench 154:19 benefit 231:8 best 27:5 30:22 36:5 41:19 61:2 73:14 77:16,16 80:4 88:15,16 89:18 108:9 111:15 124:17 127:6,10 155:4,15 165:1 187:18 189:6 194:5
---	--	--	---	---

202:14 214:19	bipartisan 224:12	boys 48:8	162:5,7 164:7	budget 241:1
234:22 240:10	bird 175:12 295:9	Brady 2:2 3:12	266:5 267:9	buffoonery 145:17
249:17 255:10	bit 4:17 29:4 75:2	101:20,21 102:1	286:15	build 14:3 184:4
286:12 296:7	83:19 122:1,7	133:21 135:6	bringing 129:1	208:18
323:3	130:6 131:20	137:8,21 138:2	197:13 311:4	building 188:5
betrays 112:14	180:15 184:16	145:6,9,12,16,22	brings 189:6	bullet 219:9,9
better 22:2,3 41:7	190:22 250:8	146:5,9,14 148:4	323:12	306:1
59:21 73:11 76:3	black 70:18	148:9,12 153:10	British 37:19	bunch 140:9
92:10 106:15	blacks 197:17	153:15 159:11,18	broached 130:3	bunk 204:3 214:3
107:5,6 128:22	blank 283:9	160:19 167:2	broadcasting 4:20	215:5
146:11 155:12	bless 177:16	173:7 177:12	broadened 187:4	burden 33:18,22
158:2 164:15	blessed 111:11	179:3,7 180:6	broadly 235:14	burdens 249:21
173:3 195:22	blind 72:21 220:1	191:9 195:18	broke 17:21 209:21	319:19
196:2,15 197:8,9	block 123:19,21	275:21 295:9	broken 40:14 41:2	bureaucracy 264:7
201:21,22 206:4	blog 51:5	311:2	41:3 98:6 147:22	278:6 279:17,18
239:11,15 255:2,3	blower 48:4	Brady's 143:2	164:5 169:19	bureaucratic 272:3
255:8 263:4,4,6	blowing 300:18	Bragg 302:16,16	202:20 212:11	272:4
273:6 283:22	blush 292:18	303:3	275:20	burglaries 267:21
291:15 295:5	board 24:4,5 43:2,3	branch 33:18 34:1	Brooklyn 266:13	burglary 268:4
317:18 326:5	79:7 119:5 147:1	56:6	283:13	business 12:4 96:6
beyond 58:19 86:7	147:2,5,13 186:6	branches 34:5 69:3	brothers 219:7	101:13 111:14
87:5 252:7	218:13,15,21	brandishing 64:6	brought 93:1 94:13	124:6 155:13
BG 3:6 15:4,20,22	227:7	break 32:14,21	134:14 135:8,10	160:5,22 192:15
22:8 54:11 72:2	board-selected	33:7 56:20 95:14	138:21 291:12	busting 143:14
73:16 77:22 78:2	99:13	154:1 227:14,17	308:3,3 311:2,5	
79:5 80:13 147:18	Boards 146:21	245:16	313:8	C
147:20 148:5,11	147:4,6,7	breaking 34:10	Brown 35:14	C 23:3
148:14,17 179:22	bodies 160:10	breaks 143:20,21	bruises 214:4 216:3	C-SPAN 4:19
257:10,13 260:9	body 75:6,18	145:18	216:6	calibrate 34:17
293:12 298:6	107:16 153:3,4	breast 213:15	brutal 59:7	California 223:3
303:6 327:12,15	188:6 213:16	brethren 253:1	brutality 59:14,20	call 77:11 109:3
bias 225:6	262:4 325:8	brick 205:13 215:6	brutalized 220:21	131:16 154:8
biased 224:21	bombed 212:16	bridges 143:16	Bryant 1:18 4:15	184:7 214:22
big 165:9 174:8,11	bonds 208:18	brief 11:3 85:19	140:21,22 141:1	215:19 235:16
209:3 245:20	book 5:7 211:9	briefed 15:12	142:15,16,17	257:4
254:3 257:14	Bosnia 63:16 64:10	103:15	145:7,8,11,14,18	called 35:9 65:8
269:6 317:21	66:17	briefing 103:13	146:1,6,13 151:10	77:20 173:9 174:5
bigger 63:14 128:4	boss 140:17	brigade 81:18	153:11,14,17	192:3 203:6,9
135:22 136:1	Boston 173:19	110:20	281:6,7,8 283:11	204:2,9,19 206:15
159:8 174:12	bother 219:1,3	brigadier 1:16,17	288:7,15,18,20	214:16,19
175:2 198:5	bothered 162:10	2:7 178:4 193:6	299:8,9,10 302:14	calling 79:17 114:6
biggest 317:19	219:4	bright 265:2	303:5 309:19	calls 88:16 135:18
318:2 322:3	bottom 20:4 215:5	brightest 80:4	312:9 314:1,17	camp 20:5
bill 75:4 224:9	bowl 310:1	brilliant 6:9	328:5,12	Campbell 2:4 3:13
billeted 17:10	box 21:11	bring 29:21 52:22	Bryant's 290:20	110:11,12,14,15
Billy 86:19 87:16	boy 178:15 288:19	53:3 59:16 92:22	BTUs 215:5	115:2 138:19,20
biographies 9:19	289:15	100:21 108:12	Budd 86:19 87:16	164:19,20 179:4

183:3,4 184:15	127:8	112:8 113:17,18	242:15 275:12	227:5 239:17
192:21 193:2,3	careful 129:7	114:9 122:8,11	328:15	246:17 293:21
campus 127:22	170:19	126:21 127:15	certainly 27:20	challenging 7:15
128:11	carefully 43:17	141:20 160:21	31:19 73:18,21	83:2 103:12
campuses 101:12	139:2 270:10	161:1 168:17	100:21 102:5	Champineau 201:8
128:2,4 168:4,8	321:10	185:4 186:15,21	157:17 164:6	211:8
170:22 171:9	caring 143:7	186:22 190:11,14	166:3 172:3	chance 41:19 54:20
198:4	Carolina 219:2	211:8 224:22	179:12,19 191:18	54:20 79:6 183:12
Canada 251:9	Carrie 201:7 211:7	229:6 233:4 240:7	195:20 223:18	210:16,18 212:8
cancel 159:2	carrier 74:20	258:18,18 267:21	281:13 312:22	309:20 310:15
candid 147:3,11	carry 39:5 117:6	271:22 278:8,8,11	cervix 222:3	change 12:3,19
capabilities 155:2	carrying 64:7	278:17 286:4,7,8	cetera 75:13	13:18 14:13 23:14
capability 237:13	carve 107:15	287:6,16,18,22	173:12	34:19 52:5,5,18
290:14	case 45:17 56:3,12	291:9 294:18	chain 11:13 12:15	54:1 61:1 63:12
capable 70:3	59:10 62:6,8,17	295:7 297:5 298:4	16:15,19 17:16,17	67:18,19,21 76:21
115:17 250:9	64:3,4,11,13 72:9	300:20 301:4,7	21:13,17 25:3	77:6 90:1,2
capacity 257:19	72:12,15 80:14	303:10,13 307:13	29:9,9,19 30:15	124:18 128:5,17
Capital 190:7	86:8 87:1,3,7	311:4 312:22	31:2,4 39:12 41:1	129:10 167:16
CAPSTONE	93:10 104:9 123:7	313:11,13,21	69:17 75:8 77:4	194:14 206:4
189:17	127:21 137:5	314:20,21,22	78:19 90:2,14	220:8 238:17,20
CAPT 3:8 37:2	154:8 162:15	316:22 319:19,19	98:15,18,19,20	239:5 247:10,11
56:18 65:5 66:13	169:6 175:12	325:5	99:3,4 100:10	247:14 250:21
67:2 68:1	186:6 190:17	casualties 212:19	101:14 107:19	258:22 260:5,16
captain 2:11 37:1,7	192:4,8,9 198:16	catch 210:14	108:3,7 110:4	260:18,21 261:2,9
38:5 42:7 201:15	222:5 234:11	category 226:19	113:1,10 114:14	261:13,14 263:9
202:3,7 217:17	241:1 254:9 258:5	catheterization	122:15 126:2	265:8,9 267:10
captains 106:14,15	267:8 278:11,12	144:14	127:12 149:21	268:9 269:17,20
card 178:1	278:13 279:18	Catholic 163:15	174:22 176:3	272:8 273:3,5
care 36:5 91:6	284:19,22 285:10	cause 75:13 279:20	198:8 208:12	277:9,18 292:5
108:11 113:1	286:19,20 287:20	312:2 314:13	209:10,13,17	293:10 294:14
117:7 120:6	292:20 297:3,15	caused 19:18	210:15 219:11	295:2,17,18
138:11,17 144:16	301:3,10 302:1	causes 256:18	221:18 235:9,12	296:12 297:22
151:4 152:10,18	307:19 308:2,7	caution 239:4	236:1	299:7 300:20
170:5 182:5	309:1,10,12,16	Cavalry 67:14	Chair 1:13 3:2 5:18	301:2 307:6,8
210:11 212:10	310:8 311:22	celebrates 247:9	8:13 18:1 96:4	321:17 325:11
235:17 284:19	312:7,11,13,16	center 17:6 23:3	176:7 263:13	changed 63:7
318:14 322:10	313:5,7 314:13	114:17 128:20	264:14 299:8	217:12 233:17
cared 267:3	318:4 325:13,15	291:20	chairing 258:11	236:15 257:5
career 45:6 96:21	caseload 269:6	central 238:4	Chairman 277:4	265:6 271:16
98:8 121:13 124:5	cases 16:15 17:18	276:17,17,19	challenge 113:9	changes 13:14,16
129:3 133:8,13	21:20 24:10 26:9	277:16	126:20 128:4	23:21 25:19 28:6
136:21 148:20	27:11,18 29:13	centralize 301:7	170:4,6 198:5	34:15 51:9 60:4,5
158:7 161:22	35:20 52:7 55:9	centralized 278:5	208:10	60:22 83:6 88:20
183:10 205:22	60:13,19 62:13	298:1	challenged 34:6	109:22 124:12
212:12 213:1	66:15 67:17 69:2	Centreville 56:11	challenges 58:7	127:14 194:9,16
312:12	72:18 73:20 74:4	CEO 204:13	100:22 159:18	236:22 237:17,19
careers 124:8	74:5 79:2 93:9	certain 114:2	161:10 171:18	241:13,18,21

245:16 248:15 249:17 267:5 271:2,3,13 272:2 277:21 291:18 293:2,6,9 294:12 295:1 305:16 317:3,6 319:4 320:12 327:20 changing 3:5 20:14 35:6 128:22 169:5 239:2 248:9 276:14 294:3 300:15 316:3 channels 235:8,13 chaplain 29:1,8 30:16 70:1 80:18 80:19 81:1,4,8,19 81:21 91:14,20,21 92:7,19 154:22 chaplain's 81:10 chaplains 29:13 36:4 81:20 92:20 93:9 231:5 character 59:14 140:3,5 240:21 characterize 162:11 characterized 159:9 162:12 characterizing 92:10 charge 27:19 31:14 31:16 36:8 54:15 95:1,2,4 274:12 316:15 charged 91:22 106:5 131:5 254:15 charges 31:14 94:13 131:8,17 140:11 151:14 187:16 204:22 266:5 charging 240:17 241:3 249:15 268:14,16 269:2 295:3 317:9	Charlie 35:14 Charlottesville 193:9 chart 143:18 226:2 226:6,7 chase 166:22 chauffeur 207:22 check 150:3 288:20 checking 213:14 checks 100:20 150:1 chest 213:18 214:4 chief 2:13 3:9 33:20 46:7 47:6,8 49:1 71:3,7 81:19 112:13 119:14 133:16 165:4 180:8 184:19 221:8 289:14 child 178:2 208:1 children 48:18 207:1 208:17,19 209:2,2,5 221:14 children's 57:10 China 117:4 Chinese 312:14 choice 83:14 221:9 221:15 252:9 318:11 choices 100:12 choose 160:8 276:13 chosen 43:17 Christina 5:5 CID 192:6 196:5 circumstance 95:8 circumstances 33:11 36:10 44:15 83:22 90:17 citizen 164:15 223:10 civilian 23:10 35:21 36:2 55:18 59:12 60:14 70:10 77:7 126:11 127:3 150:19 168:14,17 202:13 221:12	230:16,17,19 235:16,17 237:4 239:16,19 240:2 240:14 241:7 246:2 250:6,7,10 255:10 258:15 287:7 290:2 297:12,20 310:2 313:18 318:17 civilians 60:13 275:8 civility 162:5,8 Clara 200:5 clarify 154:11 280:14 281:4 class 121:7 classic 74:5 classmates 51:13 121:10 classroom 191:21 clause 178:9 clean 152:12 153:22 214:2 cleanliness 146:4 clear 157:5 237:8 238:21 239:18 258:12 262:18 269:18 cleared 290:4 clearly 152:20 169:5 210:8 cliche 314:20 climate 12:2,5 14:1 18:19 20:7 23:14 24:2 25:16 27:10 32:1 45:2,5 50:13 86:16 87:12 98:21 99:19 113:2 131:6 134:7 136:17 137:2,6 138:1 155:1 158:12 238:5 308:22 315:17 316:2 climates 242:7 climb 26:11 close 44:7 141:10 142:6 166:13,14	180:13 191:5 259:13 267:9 308:7 closed 52:8 329:10 closing 224:15 clothes 214:2 coarsening 160:6 coast 2:11,13 3:9 3:14 46:6,20 120:17,22 121:6,9 122:6 172:13 179:20 Code 7:11 111:6 233:15 234:2 236:7 260:11 261:15 266:19 296:19 codes 250:7 cognizable 317:13 cohesion 129:16 Col 3:8 4:11 42:10 42:15 58:2,5 61:8 66:8,14 67:12 85:16,18,21 184:2 188:11,17 189:9 200:3 222:11,17 227:12 252:16 277:4 296:13 301:5 303:1 308:16 324:7,13 cold 219:4 Coleman 60:2 collaborating 224:9 collarbone 217:22 218:3 collars 215:5 colleague 102:7 colleagues 172:9 244:8,22 collect 196:7 collected 149:7 185:8 collection 59:9 225:18 collects 295:21 Colleen 1:16	college 43:4,5 121:16 127:22 128:2,4,11 168:4 168:8 169:11 170:22 171:8 206:3 207:2 321:4 collegial 73:12 Collins 200:11,12 222:12,14 colonel 1:17 2:12 2:15,16 4:10 6:10 10:1 42:8 46:4 50:6 51:6 60:2 61:7 68:12 70:22 104:9 117:18 184:1,3 201:2 209:21 252:15 253:8 273:17,22 277:3 300:14 304:18 324:6 327:10 colonel-level 139:6 colonels 31:18 50:5 comb 222:4 combat 44:3 59:6,6 59:11,14 64:2 66:18 67:6,11 151:21 combine 212:21 combined 116:20 303:9 come 9:9,13 11:19 12:12 15:22 16:13 21:19 29:18 35:9 50:19 53:18 56:21 60:4 62:22 76:2,6 76:12 83:10 104:5 126:8 155:3 157:18 160:11 164:5 172:2,8 186:6 187:17 193:17 200:14 205:22 215:14 217:9 223:10 227:18 228:2 255:22 262:2 277:11 287:4
---	---	--	--	---

298:15,19 304:3	127:12 131:6,8,15	43:14 44:7,12,14	242:13,17 253:16	100:7 101:9
313:15 318:5	133:16,22 134:7	44:21 45:14 56:4	254:6,10,10,18	105:15 106:11,12
comes 68:9 114:8	135:15 136:13,17	59:18,21 61:19	257:7,19 259:4,14	106:13,14 115:18
134:20 137:17	136:21 137:1,16	62:6 63:20 67:20	259:17 262:1	117:5 118:6 119:4
164:13 165:20	137:16,22 142:1	68:17 72:8,19	264:5 265:13	119:7,15,20
181:18 273:11	142:10 144:8	73:22 74:1,9,10	266:2,2 270:6	122:16 125:5
309:5	146:14,20 147:1,4	75:11,15 80:16	271:4 273:12,19	133:16 134:17
comfortable	147:6,9,10,13	84:18 86:4,5,12	274:4,5,6 275:17	135:1,14,20
208:13	154:12 155:1	86:20 87:2,5,10	277:13 280:8,11	136:14 137:22
coming 4:6 61:9	158:15 165:6	90:13 96:10	280:18 281:10	141:5,11,15 143:6
63:10 69:2 102:16	175:1 176:19	100:13 102:10	282:8,17 283:20	143:11 144:1,6
158:4 161:11	180:2 181:22	105:19 106:19	286:5 287:19	145:12 146:3,10
164:4 175:2 176:7	182:2 183:12	109:7 112:19,22	289:10 290:15	146:17 150:18
186:16 199:8	186:7,16,21 187:3	113:9,16 114:1,6	291:14 292:4	152:6,17,20 154:3
218:11 256:19	190:4 191:17,19	114:9,14 116:2,5	293:4 302:10	159:16 163:3
275:12 318:13	193:7 198:8	116:5,9,13,16,20	304:16,20 305:1	165:5 166:22
command 11:6,13	205:20 206:9	117:13,15,19,19	308:18 309:11	167:3,4 170:3
11:16,22 12:2,4,5	208:12 209:10,13	118:9,11,12,13,13	310:13 316:22	172:19 175:19,20
12:15 14:1 16:16	209:18 210:11,15	119:13,13,16	317:4,7 319:13,15	177:7 180:4 181:3
16:19,20 17:16,18	211:1,5 219:11	122:9 130:15,17	319:16,17,21	184:7,11 185:2,22
18:19 21:14,15	221:18 234:18	130:20 131:4	320:14,22 321:6	186:3 188:4,8,22
23:5 24:2 25:3,13	235:9,12 236:1	132:7,9,13 133:10	324:5 326:22	189:11,13 191:2
26:14,19 27:10,14	238:5 242:6	133:15 134:9	commander's 8:20	191:15 196:6
28:4 29:9,10,20	244:12,15,18	136:2,15 137:5,15	27:7 31:5 39:3,9	197:22 211:16
30:15 31:3,4,18	248:12 250:15	137:20 138:13	39:19 40:1,12	222:1,6 226:7
32:1,2 38:12	251:11 252:7	139:7 140:19	42:1 44:17 45:5	229:4,5 230:14
39:12 41:1 43:16	260:14 261:16	141:12,17 144:19	45:18 63:10 81:9	232:21 233:14
44:9,10 45:2,4,11	262:14 263:11	145:3 146:19	88:21,22 110:5	234:14,19 235:4
50:13,15 55:8,11	268:12 278:14,22	147:20 148:2	113:19 130:9	236:11 237:10
61:4,22 63:5,17	279:5 280:15,22	149:9,9,15 150:3	238:13 291:3	238:3 239:10,15
69:17 70:13 75:8	283:22 285:3	150:16 153:9,18	326:11	241:5 242:1,5,8
76:1 77:4,8 78:19	301:9 302:4 303:3	154:12,13 155:1,7	commander-dire...	247:5,13 248:8
81:22 82:22 83:11	308:21 315:10,17	155:13 156:1,20	132:20 181:9	249:3,16 256:2
83:18 84:13 86:6	315:20 316:2,17	157:4 158:1 159:5	commanders 1:6	257:1,1 260:10
86:15 87:11,14	316:20 320:3	162:20 163:6	3:4,11 11:21 12:1	267:11 269:13
89:7 90:3 93:12	command's 39:17	175:11 176:16	12:3 13:5,6,21	270:14 273:7,9
98:16,19,19,20,21	210:6 278:11	177:2,15 179:2,5	16:20 17:3,9	276:6,7,16 281:20
99:3,4,19 101:15	commanded 16:21	180:16 181:5,5,17	24:20 26:8 29:11	285:16 288:3
102:21 105:4,4,21	17:6 42:20 102:20	182:18 183:1,9,17	30:5,9 31:8,10	289:3 290:7 295:7
106:19 107:19	110:19 122:4	184:10 186:12	32:18 41:16 43:16	295:10 297:1
108:4,8 109:7	commander 1:5	189:14,15,15	43:18 44:3,16	298:8,14,18
110:4,7 112:22	3:5,18 7:16,18 8:5	191:21 194:11,15	45:1,8 65:17	303:16 305:7
113:1,2,10 114:15	8:14,15 10:7	194:21 223:1	68:13 73:1,2,22	313:12 314:6
116:3,10,17	17:12 22:20 25:9	224:18,21 225:4	74:14,15 85:4	317:8 318:12
117:17 118:5,7	27:13,16 30:12	228:19,20 229:14	88:13,14 89:4	320:4 323:2 324:8
119:14 122:16	37:17 38:9 39:5	233:21 234:7	90:16,22 95:21,21	commanding 25:8
125:15 126:2	39:15 41:13 43:1	236:2,18 241:22	99:6,8,12,16	37:17 38:3 60:12

68:3,7 94:16 95:6	community 73:8	293:19	265:21 290:5	Congresswoman
commands 23:1	79:15 123:12,14	Component 116:20	conducted 210:1	272:14 277:6
57:5 117:1 142:12	149:6 151:20	composure 139:11	conducting 201:17	283:8 284:2 288:9
158:15 193:15	297:20 318:16	comprised 116:8	310:19,20	292:14 311:1
comment 3:16 5:3	companion 167:22	comrades 99:22	Conference 1:11	315:3 321:11
5:12 82:11 85:19	168:1,11	concepts 295:13	6:20	connecting 240:18
106:3 136:18	company 16:21,22	concern 63:11,14	confessional 76:10	connection 10:2
156:15 169:10	17:3 31:7,10,13	63:17 68:19 112:5	confidence 14:3	consciousness
173:7 184:22	42:21 110:19	130:14 176:13	28:9 41:20 48:22	84:16
185:9 200:4,9,10	153:17	177:1 184:7,8	75:4 76:2 82:18	consensus 323:18
203:17 222:18	comparable 258:13	225:17 249:9	84:9 85:21 105:21	consequence 248:1
227:13 228:1,14	258:15	262:12 278:2	107:18 114:5	consequences
253:7 257:9	Comparative 8:6	303:15 326:9,17	133:22 174:22	178:19 237:11
290:20 296:14	258:11	concerned 55:15	175:9 233:7	238:19,22 250:20
308:17	compassionate	176:12 187:19	247:15 259:20	315:13
commented 274:8	209:1	223:10 226:16	261:18 263:9	consider 17:2
comments 3:2 5:14	compelled 21:10	261:2 301:14,17	confident 25:2	44:20 167:15,16
9:22 10:19 51:16	33:10 77:20	302:12	41:11 146:21	167:22 251:1
53:8 88:9 93:16	compelling 274:10	concerning 16:9	310:19 313:10	269:14 278:4
95:12 96:15 102:6	321:8	18:4	confirmed 50:11	295:14 299:22
105:11 143:1	compels 24:18	concerns 64:21	conflict 26:10 45:1	considerable 72:3
252:12 253:9	competence 140:2	87:4 233:9 249:16	83:7 84:11 99:10	238:11
272:14 318:8	competent 19:21	250:14 269:11	130:13 131:3,7,17	consideration
326:2,19 327:9	99:11 115:17	271:4 296:17	135:9 141:4	96:13 220:14
commission 221:10	140:4 147:13,14	conclude 290:9	176:13,15 177:1	242:21 291:17
306:22 319:1	compiled 243:18	conclusion 16:13	184:6 234:16	considerations
commissioned 16:2	complain 268:17	38:18 62:22 63:11	249:1 259:13	71:14 87:8
commitment	complaint 19:15,16	232:19 233:6,18	304:10,11,12,12	considered 71:18
111:20 140:2	25:4 132:17,18	235:3 244:20	304:14 305:1,6,12	131:3 231:11
163:18 244:13	complaints 256:1,4	253:13 274:14	305:13 311:1,3,4	232:16 253:6
committed 74:1	256:5,5,7	323:21	314:4,5 315:5	considering 62:19
234:18 265:3	complement	conclusions 229:19	317:14 326:4,6,7	168:14 244:20
committee 23:9	293:13	232:12 243:16	conflicts 305:3,8	277:13
28:11 42:17 52:20	complete 45:15	295:20 327:22	confuse 11:22	consistency 225:14
242:13 263:19	98:15	328:2,7	confuses 233:21	consistent 186:14
291:13 292:11	completed 202:11	concrete 90:2	253:16 280:10	187:19 241:7
committee's 23:13	completely 39:22	306:18,20 307:11	Congress 7:5,15	251:14 320:3
committing 96:5	115:15 215:18	concur 327:15,19	8:2 33:16 49:18	consolidated
289:9	217:22 297:6	327:21 328:1,3,4	97:18 112:5	301:16,17
commonplace	319:16	328:10	177:16 197:12	constantly 185:14
247:4	completes 227:12	conditioning	224:12 237:14	constitute 236:5
commonsense	complex 21:20	160:12	241:9 264:3	Constitution
282:10	28:21 45:16	conditions 66:21	congressional	246:22 266:18,20
communication	217:21 294:18	148:3 248:6	227:1	constraints 241:2
57:3	complexity 258:17	conduct 7:7 24:18	Congressman	consult 319:22,22
communities	compliance 158:14	25:1,17 26:1	42:16 49:22	contact 202:7
247:17 318:18	complicating	117:15 265:15,17	273:17	226:3,4,12,14

322:9 323:1	32:11 38:2,15	54:1 56:4,5 72:13	cost 138:2	104:9 107:4
contacts 128:14	39:7,10 54:2	124:3 129:4 233:4	couching 93:15	110:22 150:12
300:15	59:17 61:20 63:3	249:11 264:8	coughing 213:10	175:17,18 189:4
contents 3:1 252:14	68:5 69:16 75:7	267:15,16 285:5	Council 103:15	222:8 282:20
contest 108:2	75:15,18 111:1	294:8 297:17	counsel 2:13 3:9	287:19,22 309:1,4
context 45:3 60:17	115:16 116:11	308:20 309:6	34:10 46:7 47:6,8	309:13 325:13
77:8 90:17 126:7	119:20 125:10,14	310:6,11 311:11	49:1 71:3,7 89:10	court-martial
127:6 134:10	127:11 157:4	311:20 312:19	89:11 119:11	27:15 39:9 40:5
145:1 248:22	166:21 167:1,17	313:6 315:15	122:8,9 183:13	41:14 45:3 57:6,9
295:15	187:5 190:5	convictions 41:16	230:18,18 294:10	62:7 66:4 69:20
continue 51:4 80:1	211:12 234:10,12	317:11	counsel's 249:9	104:8 116:11
108:9 118:2 119:5	234:15 235:4	convinced 26:5	counseled 33:16	139:21 151:8
119:10 152:21	236:2 237:2,9	39:13 40:21 42:3	counseling 29:18	175:12 190:5
188:5 199:1,3	238:18 239:2,9	54:4 55:17	216:19	221:11 234:6
227:18 242:2	241:6 242:17	convinces 60:22	counted 220:6,6	258:6 280:12
246:5 247:14	245:1 248:16,18	282:22 290:10	counter 111:16	303:7,11 315:11
276:15 282:15	249:10,14 250:12	convincingly	counterparts	316:18 324:19,20
293:9 324:1	253:22 254:4,19	245:11	250:10	325:3,6,12,14,18
continued 16:8	255:13,17 256:12	Cook 1:17 61:7,8	countries 117:6	court-martial-level
187:2 198:21	256:20 257:7	66:8,14 67:12	251:8,10	39:8
213:15 216:2	259:4,6,8,21	184:1,2,3 188:11	country 97:17	court-martialed
continues 248:16	260:4 261:16	188:17 189:9	110:18 212:16	287:1,12 290:16
continuing 16:14	262:8,15 263:10	252:15,16 277:3,4	232:1 246:22	court-martials
61:12 262:17	264:5,16,19	296:13 300:15	250:18 252:3	124:14
contractor 207:18	265:13 266:2,3	301:5 303:1	289:7	courtroom 287:6
contradicted	267:11 270:1,4	308:16 324:6,7,13	counts 283:7,7	courts 8:20 23:6
240:15	271:5 276:22	327:10	county 266:16	35:22 59:12 229:6
contrary 311:14	277:10 280:7,16	cooperate 264:10	couple 4:18 33:13	233:14,22 234:16
contrast 43:18 45:8	280:19 281:1,19	coordinator 6:22	56:3 60:6 88:9	courts-martial
contribute 25:14	285:3,22 290:8	173:15	89:2 102:15 122:4	31:20 38:3 66:6
contributes 225:19	294:1 300:21	coordinators	170:18 173:1	67:5 115:16
238:2	303:8 304:21	103:11 230:21	224:16 293:3	119:19 188:4
contributing 165:8	305:2 314:6	copies 5:13	302:19 324:14	239:9 249:6,12
control 77:7 79:21	315:16 316:3,14	Cops 192:3,4	courage 202:19	251:5,12 253:17
127:19 128:5	317:7,8 324:9,19	copy 229:13	course 130:11	courts-martials
173:5 179:2 210:6	324:20 325:3,6,12	cornerstone 251:2	143:2 148:4 149:4	232:20
251:11 252:7	325:14,18 326:22	Corona 103:14	155:19 156:10,11	cover 100:11
295:10 315:10	conversation 51:10	corps 2:12 3:8 6:12	187:3 189:13	covered 229:16
318:17	195:10 293:7	16:3,5,22 23:15	191:12 217:15	covering 149:22
CONUS 69:18	convert 316:5	31:8 43:8 82:20	228:22 256:2	crazy 52:15 81:17
convene 8:20 23:6	convey 43:6	143:16 188:8,19	303:12 311:21	create 54:13,21
40:5 69:20 232:20	conveys 135:19	correct 67:4 148:14	321:6 329:5	100:14 248:5
233:14,22 234:16	convict 104:16	161:17 185:21	courses 189:19,21	287:21
253:17 280:12	convicted 73:5 92:1	313:16 321:4	court 26:4 27:4	created 20:6 23:11
convened 55:7	92:2	correction 58:13	35:22 38:5 60:14	228:16
convening 27:15	convicting 104:12	correspondence	61:21 62:1,21	creates 249:1
31:3,10 32:4,5,6	conviction 40:9	231:15	69:16 72:12,14,20	316:14,16 317:10

creating 35:22 98:21 242:6 295:4	crushed 153:7	dangerous 125:6 140:3	28:21 32:8 56:22 71:18 89:16 94:21 96:6 102:16 122:10 293:14	268:14,17 269:5 269:22 270:1,6,7 270:9,20 271:8 272:21 273:10,13 275:18 276:22 293:22 302:7 319:6 325:17 326:16
creative 21:12	crux 177:1	dare 48:16	dealt 14:12 123:22 262:22 263:1	
credibility 114:11 225:14 309:2	cry 214:20	dared 214:6 215:12	Dean 6:4,10,14,17 6:18 55:4	
credible 311:22 314:12	cultural 245:21 247:6	dark 205:10	death 211:7 276:3	decision-making 149:20
Creed 97:4	culture 23:14 25:15 52:5 160:18 248:9 249:17 256:8 257:5	data 65:13 169:13 169:13 173:11,11 185:8 195:22 196:3,8 225:18 226:1 231:16 295:22	debate 24:8 252:5	decisions 11:9,14 13:4,19 39:21 40:4 62:12 63:7 64:22 75:19 76:4 83:2 84:19 119:8 119:17 120:3 133:7 144:20 145:4 146:8 151:3 152:3,10 154:7 156:6 191:7 234:22 237:3 239:9,20 240:14 240:17 241:3 262:3,8,11 273:2 273:4,6 276:2 279:15 282:6 285:10 298:10 308:4,4 326:11
Crew 37:20	curb 246:8	date 231:16 287:15	debated 273:10	
cried 217:12	cure 256:19	date 231:16 287:15	decades 12:21 16:6 100:1 159:17 226:21 245:8	
crime 40:6,20 56:22 57:20 58:19 65:21 91:6 173:17 174:6 196:13 240:18 291:21,21 291:22 315:7	curious 275:8 300:22	daughter 46:21 220:19	decent 105:1 144:5	
crimes 1:3 4:14 7:9 25:22 26:18 32:8 32:9 35:21 36:3 39:8,11 58:20 59:2,5 85:7 240:5 240:10 268:3 289:9 319:2	current 7:17 21:4 50:14 124:22 149:2 185:10,13 210:19 224:1,5 230:14 234:4 235:19 236:9 238:17 239:6 248:11 298:17	daughters 48:19 52:13 99:17 112:3 116:1 121:15 252:2	decide 89:19 119:9 141:7 145:19 166:15 248:21 267:9 268:2 284:3 284:8 289:11 305:6,7 314:10	
criminal 11:11 24:18 43:21 45:7 45:12,16 113:17 167:18 180:1 201:12 230:16 235:22 239:18 240:20 245:6 248:11 250:3 284:14,17 286:8 305:4 322:13	currently 43:4 93:4 95:9 184:18,19 207:17 223:8 231:5 235:8 280:9 302:17	Davis 5:6,10 200:13,13,15,17 200:18 212:4	decided 18:10 31:15	
criminality 44:5 87:9	curriculum 20:16	day 30:3 51:15 71:5 97:13,13 134:19 134:19 140:13,14 178:19 193:12 204:10,20 205:16 208:8 217:1,3 287:18 303:20,20 309:4	decides 151:14 290:16	decorated 201:3
criminals 299:1	cut 166:22	day-to-day 260:6	deciding 270:16 289:17 309:9	dedicated 288:10
criminologists 231:3	cuts 73:13 249:1	days 71:2,3,4 74:20 132:18 164:21 183:6 204:2 208:1 230:7 320:11	decision 26:9 27:3 35:9 44:22 45:18 55:1 56:20 57:17 63:6,12,21 75:16 75:21 85:8 90:18 104:13 113:16 130:10,16,21,21 131:11 133:4,6,17 133:20 134:6 136:12 142:3 144:7,13 149:14 150:12 151:9,12 151:21 152:5 153:7 155:19 156:4,21,22 182:6 182:6,15 183:2 234:20 236:19 249:20 256:13 258:4 259:19 265:13 266:4	deed 114:18
crisis 26:6 100:8 101:15,16	cutting 190:13	dead 214:8 221:13		deeply 295:4
critical 72:14,15 298:21	cycle 13:11 214:8 214:11 216:11 245:16	deaf 220:2		defeat 308:9
critically 278:1	cycles 13:1	deal 21:21 68:10 81:16 96:12 102:19 121:20 124:13 142:1,11 155:15 163:1,10 175:1 196:14 209:11 214:15 236:16 264:1 281:12 285:12 290:21 291:15		defend 246:21
criticism 233:20 253:15 280:10 290:1	D	dealing 23:19		defendant 287:11 287:12
crush 218:4	D.C 1:12 223:10			defendants 266:21
	DA 268:9			Defenders 232:6
	dad 213:14			defending 238:17
	daggumit 310:16			defense 1:1 7:3,5 13:1 42:17 43:10 64:12 112:6 117:4 122:7 160:4 224:11 225:9,16 230:17 231:17 237:16 241:12 249:9 284:16
	damage 136:20			
	damaged 290:12 290:13			
	damaging 138:3			
	danced 49:13			
	danger 193:17 272:6			

313:17	225:8,16 231:17	254:9	135:17 196:2	discharged 217:19
defer 250:20 303:1	237:16 241:12	determining	difficult 32:20,20	discipline 25:13
define 165:1	290:3 313:17	236:13	33:1,2,12 34:12	27:22 31:22 38:12
defined 325:1	departments 289:7	deterring 45:6	44:12 61:10 72:22	39:4,17 40:14
defining 324:21	290:3	detrimental 182:11	88:7 105:5,7	42:1 57:10 64:15
326:6	dependent 92:18	devastating 137:1	106:9,10 119:8,17	72:11,16 74:2
definitely 301:17	depending 71:5	develop 23:13,17	120:3 132:21	98:22 105:6 110:6
degree 196:11	depicted 103:20	developed 185:15	134:8 135:3	111:8 113:4,20
207:2 246:10	Deployed 65:9	198:19 220:1	136:10,11 139:10	114:3 117:11
275:12	deployment 158:2	developing 7:12	141:5 142:3,4	134:21 138:13
degrees 184:13	depression 207:6	294:19	191:7 320:4,7	157:10 160:14
dehumanizes 36:14	deputy 48:20 71:4	development	difficulties 121:13	163:5,21 164:16
delay 49:20	71:10 119:13	155:12 184:20	121:19	178:20 181:14
delays 64:20 279:4	183:1 275:1	191:12	difficulty 58:6	237:12 260:13
279:16	289:12	develops 44:7	dig 198:7	278:22 279:5
deliberated 229:10	dereliction 236:5	diagnose 57:15	dignity 20:9 164:10	298:11,13,21
232:15	derived 87:4	dictated 147:6,7	diligence 127:15	disciplined 138:11
deliberations 3:17	describe 105:6,7	die 276:3 298:11	dime 217:13	disciplining 99:2
229:22 252:13	207:7 315:18	died 52:10	dimension 18:13	138:6,7
323:15 328:8	described 274:1	Diego 37:19 38:4	diminish 39:3	discovered 91:21
deliver 195:17	describes 91:16	68:3	diminishes 40:12	discretion 244:12
delivered 19:6	describing 240:2	difference 134:1	dire 250:20	245:2 248:17
demand 14:5	321:16	254:3 256:21,22	direct 136:6 254:6	250:4,9
demanding 38:12	description 230:3	258:10 259:10	254:9,10	discretionary
demerit 269:9	desertion 39:11	262:21 263:8,20	directed 7:5,15	245:3
demographic	deserve 11:18	264:8 277:19	249:8	discrimination
245:21	211:16 251:5,16	279:14 280:7	direction 16:1	19:9
demographics	deserved 208:22	299:4,5 306:1,17	21:12 58:17 79:9	discuss 80:21
240:3 258:17	designated 2:16 4:4	320:16,17 324:18	79:10 118:16	200:20 253:14
demonic 36:11	299:13,14,15	differences 117:5	269:2	discussed 75:9
demonstrate	desires 240:15	different 21:19	directly 49:1	192:4 210:2 327:7
114:18 249:11	despair 35:13	24:21 55:20 69:21	173:14 258:15	discussing 7:21
316:10	despite 84:6 236:21	75:19 77:17	290:20 319:13	32:5 257:18
demonstrated	246:6 285:17,17	112:15 116:3,8	Director 2:15 4:9	299:11
241:15	285:22	117:6 121:20	6:19 17:5 23:9	discussion 37:5
demoralize 138:9	destroying 215:7	122:7 125:13	37:8 103:2	53:7 115:9 165:9
denigrate 248:3	destroys 107:18	127:4 130:14	disability 219:13	discussions 130:11
denigrating 255:11	detachment 67:1	131:2 147:1	disagree 182:17	147:4,11 257:21
Denise 2:13 46:5	80:17	150:14,21 151:6	319:16 323:20	diseases 143:18
dental 157:19	details 132:10	153:16 158:8	328:9	disengagement
158:1	deterioration	162:7 170:8	disagreed 62:17	250:15
dentist 158:22	250:15	189:11,13 200:10	disagreeing 67:17	dislocated 215:20
deny 283:16	determination	238:19 244:19	disassociation	dislocating 217:20
department 1:1	87:20	249:1 255:19	208:20	dismiss 325:15
13:1 19:11 23:11	determine 41:14	262:3,4,10 298:5	disbarred 94:14	dismissal 325:17
42:17 112:6 160:4	201:18 284:11	302:8 303:7,7	disbelief 225:19	dismissed 205:3
207:5 224:11	determined 156:10	differently 64:22	discharge 218:17	disparaging 92:21

disparate 92:18	doctor's 208:2	dreaming 217:4	142:22	318:15
dispenser 217:7	doctors 144:10	dreams 212:22	duties 282:20	education 23:20
disposition 238:14	152:2,9,13 154:18	213:3 219:20	duty 11:3 16:1	37:9 127:16
325:21	Doctrine 76:16	dress 118:21	17:22 22:18 43:18	EEO 154:22
dispute 305:5	document 216:17	drill 18:5 19:21	47:13 59:17 78:5	effect 14:15 34:16
distance 45:11	285:20	20:13 202:14,16	94:4 121:2 205:2	35:2 170:15
87:17 301:12	documented 19:1	203:7,9,14 213:6	205:5 216:21	281:21
distant 259:21,21	documents 19:3	215:3,7 216:4	230:15 236:5	effective 17:3 43:13
260:1 263:10	231:12,20	220:3	247:1 273:19	58:12 77:6 85:13
distinct 121:1	DoD 225:21	drilled 204:10	303:8	114:12 134:3
distinction 254:12	dog 175:13 295:9	208:9 209:3	dynamic 272:19	198:19 210:9
distinctive 246:7	doing 12:17 19:21	drills 215:21	276:14	211:1 239:22
246:17	30:8 52:15 82:1	drink 207:10,10	dysfunctional 16:9	251:3 254:16
distinguish 136:9	90:22 92:8 97:14	drive 196:5,19		261:5
distinguished 9:17	99:7 104:3 125:2	272:1 305:9	E	effectively 27:20
30:5 96:4 130:4	129:9 137:8 138:2	driven 286:8	E 73:7	162:15 242:8
distract 5:2	138:3 139:12,17	driver 206:21	E-1 165:15	effectiveness 7:13
distributed 200:6	150:9 151:5	driving 125:17	E-3 73:7	63:19 64:20 82:5
District 116:10	161:15 162:14	126:8 208:1	E-4 165:15	120:6 158:11
132:8 190:4 264:3	165:17 167:7,19	301:12	E-4s 282:5	237:13 252:4
266:13 267:3	176:21 177:22	drop 178:1 217:13	E-5 282:3	effects 101:6 259:2
283:12	178:21 179:15	dropped 240:7	eagerly 224:2	278:4 293:17
distrust 68:9	180:14 185:13	drove 81:17	ear 220:2	efficacy 257:6
100:14 276:7	188:21 190:20	drug 97:21 198:17	earlier 8:16 10:1	efficiency 82:5
disturbance 33:22	194:3 197:6	198:17 276:18	37:12 58:6 68:13	efficient 8:7
disturbing 49:11	198:22 199:4	drunk 206:21	70:8 86:18,21	effort 16:17 117:21
97:6 263:17	293:18 295:5,6	215:3	88:12 195:21	133:19 238:2
disturbs 285:12	301:4 323:13	due 8:1 11:18 14:4	210:3 224:13	efforts 7:20,22 12:4
287:14	domain 36:11	44:6 59:8 86:7	228:8 238:12	239:6 242:2
divesting 100:4	door 81:11 197:19	89:13,14,21 90:7	243:14 273:16	eight 22:19 206:10
divide 228:9	205:9	91:3 106:1 115:12	early 121:12 124:6	Eighth 236:14
257:14	doors 205:7	225:2 328:5	185:22 198:18	either 45:17 47:12
dividend 97:19	dorm 205:7	dug 182:19	283:2 289:5	74:22 89:6 92:18
division 42:22 43:1	double 119:1	dunk 312:22	easier 100:9 105:18	101:8 124:10
64:5 67:14 110:20	doubt 227:5	dunks 313:1	easily 123:1 284:4	131:13,19 137:12
180:1	doubts 44:17	Dunn 1:17 72:2	easy 133:6 136:11	215:12 221:9
divisions 66:18	Dr 173:18	73:16 257:10,13	167:2 212:3	254:6 259:3
Dixon 5:8,10	draconian 35:10	260:9 261:13	323:11	270:20 304:22
DNA 312:15	draftees 98:1	298:6 303:4,6	eating 153:19	310:3
docket 175:17,18	drafting 101:4	327:14,15	echo 102:5 115:13	elaborated 326:8
301:11	Drag 219:1	Dunwoody 2:2 3:12	edges 41:5 287:5	elected 239:21
doctor 57:14	dramatic 76:18,20	96:2,3 102:6	editing 327:20	element 32:12
144:17 150:22	dramatically	120:8 137:11	educate 13:6	elementary 178:2
151:20 154:17,18	114:13	154:10 163:11	173:16 321:10,12	elements 173:6
155:20,22 156:5,8	draw 295:20	178:14 192:20	educated 98:3	246:7,8 256:17
156:9 157:1	drawing 79:7 247:1	196:21,22	102:18 197:8	313:4
216:15,15	dream 36:21	Dunwoody's	educating 174:1	elevation 246:9

eligible 246:14	248:15	entered 121:6	essentially 274:12	44:5 59:22 62:18
eliminate 40:9	encounter 36:7	entire 28:18 74:22	297:11	63:8,13 64:20
84:10 100:22	188:15	149:21 181:16	establish 7:6 99:19	65:16,19 67:22
198:21 225:5	encountered 83:13	221:1	138:12,14	71:16 72:1,5 74:5
eliminating 112:10	encourage 255:17	entirely 55:13 70:9	established 8:4	75:22 84:7 86:3
169:17 237:1	encouraged 143:11	entirety 273:16	establishing 238:5	87:5,9,19,21
Elizabeth 1:15,18	encouraging	entities 126:7 237:4	et 75:13 173:12	88:16 89:9,17,18
Ellmers 51:11	241:17	entity 126:1,16	ethical 157:11	94:21 95:1,5,7,10
eloquent 320:9	ended 98:8 104:11	128:7 152:16	246:12 309:14	104:19 149:6
else's 88:22	251:11	entrust 246:20	319:20	222:4 232:18
email 46:17,17	endless 35:4	entrusted 25:10	ethically 94:14	233:2,5 236:17
49:17 50:7 177:17	Endorse 3:5	entrusting 44:21	ethics 20:17 249:22	238:22 240:18
embarrass 82:7	ends 254:8	environment 48:9	250:7 309:15	244:20 246:1
embarrassed	enemies 247:1	49:7,9 54:14	ethos 97:3,9,12	249:14 250:2
300:16	energy 96:6 223:17	55:20 59:6,6,11	107:2	254:21 255:1,5,13
embarrassment	enforce 118:18	59:15 60:17 61:11	Euro 117:13	255:21 260:21
245:10	119:6 120:1	64:2 65:9 85:3	Europe 81:22	262:18 264:4,12
embedded 259:13	enforcement	99:20 105:5 118:1	102:10	266:21 269:19
296:20 317:1	148:20 149:3	123:13 124:9,19	European 23:3	271:9 273:2,3
embrace 238:6	192:6 201:10	127:9 128:5,18	116:6	274:7 277:12
246:13 252:3	240:8	165:18 166:2	Eustis 201:16	279:10,13,16
emotion 92:17 93:7	enforcing 242:6	environmental	202:22	285:1,4,13 291:7
emotional 81:3	engaged 36:14	245:22	evaluate 83:13	292:21 296:11,16
91:17 106:8 172:9	114:1,18	environmets 50:3	150:16	297:10,16 299:5
emotionally 106:4	engender 50:18	epidemic 26:2	evaluated 237:20	307:7 311:10
emotions 92:6	engineering 143:16	equal 19:10 154:19	241:19	320:21
209:7	English 312:14	equality 102:17	Evans 2:8 3:7	evidence-based
emphasis 13:5	enhance 28:8	247:7	22:10,11 60:1,2	84:21
143:22 152:9	enjoy 202:12	equals 201:20	82:10,15,16,18	evidenced 100:17
165:11 191:20	enlist 212:22	equation 89:3	event 6:20 106:5	evidentiary 59:8
294:17	enlisted 181:7	314:10	147:21 148:3,10	235:2
emphasize 14:11	204:5 210:12	equipment 203:22	165:7 263:11,12	exact 135:2 155:18
152:21	enlistee 221:11	equipped 209:10	events 18:4	326:6
emphasizing 238:8	enormous 86:5	equipping 24:13	eventually 35:15	exactly 28:3 107:8
empirical 254:21	enormously 58:12	equivalent 116:11	93:1,2 318:20	134:13 148:11
255:1 320:21	enraged 202:3	116:18	everybody 53:15	158:17 161:7
employed 111:9	ensign 191:13	era 76:13	64:14 73:17 92:9	254:1 277:5
236:15	ensure 19:2 20:7	erode 114:10	145:5 146:22	303:14
employees 289:8	21:7 22:3 45:13	escalate 187:2	147:12 148:7	exam 157:19 158:1
employing 111:10	94:8 95:6 108:9	escorted 215:19	173:10 181:19	examine 112:6
employment 223:5	111:7 148:6 149:6	especially 27:22	182:4,15 184:16	examiner 221:20
empower 282:16	149:11 169:16	32:7 33:2 126:18	243:9 263:19	example 12:8 45:12
empty 175:5	182:4 188:2 190:9	171:2 317:5 326:3	304:5 314:22	80:14 92:12 135:2
226:21	ensures 238:5	Esquire 51:6	318:15,15,18	249:3 289:4
enable 245:22	ensuring 152:7	essential 25:12	Everybody's 196:3	examples 285:19
enacted 28:7	242:8	242:5 248:10	evidence 11:15	exceed 303:12
237:14 241:10	enter 204:17 208:9	285:2	27:3,12 43:21	excellent 26:16

exception 320:5	313:3,3 326:12	251:5 265:18	fair 11:18 56:8	federal 2:16 4:5
exceptions 69:12	experienced 79:2	282:20	70:21 90:6 99:10	55:6 93:5 245:5
69:12,13	245:7 250:13	Facebook 51:20	186:13 187:18	feel 25:2,6 57:12
exciting 98:8	268:20 281:12	faced 47:7 113:8	209:17	123:11 158:22
exculpatory 266:21	experiences 73:18	faceless 268:15	fairer 283:22	209:14 213:12
excuse 161:13	113:7 117:9 118:1	facetious 144:4	fairly 25:7 55:10	243:12 263:15
314:1	121:17	facilities 6:6	132:13 224:22	275:5 310:17,19
execute 38:10	expert 192:16	facing 101:1	fairness 55:21	feeling 33:10 54:12
39:16 105:19	223:6	111:21	233:8 251:14	213:12
110:5 189:6	expertise 39:22	fact 25:15 26:10	315:12 317:12	feels 87:2 193:21
execution 257:22	56:19 57:19	52:8 68:15 69:13	faith 14:3 30:15,17	fell 153:5
exemplary 206:19	107:13 146:17,18	74:17 84:14 89:9	30:17,22 32:18	fellow 37:10,13,14
exercise 43:19	294:17	89:14 90:6 109:17	99:5 133:21 252:8	38:15 213:9
44:14 77:7 106:1	experts 8:12	126:14 134:12	fall 38:14 278:17	221:10 247:22
185:3 248:17	146:11,12 167:4	157:13 158:7	299:10	felonies 32:9 35:20
exercising 250:9	191:3	161:21 169:3,16	falling 143:13,15	39:20 282:6
exist 68:20,20	explain 37:22	170:3 208:7	falter 167:3	felony 36:2 39:10
178:17 235:13	75:11 228:7	236:21 253:21	familiar 325:10	40:6 56:22 267:20
255:15 304:14	244:21	273:18 283:1	families 99:1	268:6 278:7
312:6	explained 215:1	296:22 309:16	137:19 206:1,2	290:17
existent 164:10	explore 130:5	312:6	247:17	felt 19:14 21:10
existing 16:15	exposed 130:19	fact-based 27:3	family 18:17 51:2	201:21,22 208:12
exists 199:2 275:9	exposure 188:21	83:21 84:21 85:8	57:11 71:21,21	female 201:19
298:3	280:6	fact-driven 284:18	92:16 93:13	202:1 204:5 215:7
expect 78:22 99:6	express 6:16 15:6	factor 165:9 171:3	163:15 219:6	221:22 252:22
99:15 103:17	327:9	309:9	fanfare 139:16	275:5
164:10 289:21	expressed 283:2	factors 71:17	far 54:5 59:21	females 171:3
expected 190:10	expression 247:8	240:22 245:21	213:22 226:15	fence 33:6
expeditionary	extant 19:8	314:13	258:3 260:17	Fernandez 1:19
296:21	extend 6:3	facts 54:22 119:17	263:10 286:5	4:15 194:6,7
experience 26:12	extending 20:12	181:8 196:3,15	297:9 318:16	290:19 321:7
27:2 38:9 60:11	external 16:19	267:13 284:18,21	322:15	322:1 323:9
60:16,21 67:13	extra 94:7 127:15	286:9,9 290:22	far-reaching	328:10
82:20 83:20 98:9	279:3	291:2,5,10,11,12	167:17	fever 213:13
104:6 122:12	extraordinary	291:16 292:19	fashion 255:8	fewer 251:5 287:22
123:20 124:15	139:9	299:17 307:17,17	fast 21:3	fiancé 81:8
126:10 136:5	extremely 18:3	307:18,18,21	father 121:15	field 62:10 73:19
139:6 154:11	83:1 111:12	308:7,7 312:18	221:15	278:21 294:2
155:8,10 173:13	132:21 169:15	factual 248:22	fathom 203:16	322:7
178:17 181:4	eye 220:1 276:15	Faculty 1:11	favor 10:6 115:15	fields 6:19 14:7
182:21 186:1,5,8	eyes 78:21	faded 195:4	FBI 174:4	223:7
186:11 187:1,3,7		failed 211:2	fear 204:10 211:6	fifth 47:10 235:7
187:10,13 188:6	F	failing 315:14	270:13 320:14,22	fight 99:17 173:13
189:2 192:14,19	face 40:22 157:3	fails 112:21	321:5	213:16 244:13
263:21 268:22	166:16 171:21	failure 256:9	fearful 292:3	305:4
284:14 297:14	221:11 234:15	317:20,21 318:2	feature 144:11	fighting 213:20,21
311:18 312:1	237:5 239:16	failures 20:3	February 109:5	264:2 297:2

318:12	first 10:5 24:11	flagrant 68:21	51:19,20 52:1	Fort 16:22 80:17
figure 118:17	27:13 29:12,13	flawed 108:8	76:14,17 78:8,13	201:16 202:22
256:17 292:12	39:1 40:7 43:13	130:22	98:11 101:22	204:4 219:2
309:5 321:3	47:18 49:16 50:15	flew 64:10	102:14,21 103:3	302:16,16 303:3
file 31:14	58:21 64:8 65:12	floated 53:22	103:14 105:2	forth 18:12 121:20
files 218:19	65:21 67:3,6,14	flu 57:16	115:11,20 116:9	128:15 149:11
fill 31:14	96:5 102:1,5	flunk 135:14	116:18 118:19,19	171:6 172:14
filled 218:12	103:7 105:13	focus 12:4 13:2,22	132:8 133:8	208:2 243:2
filling 20:19	118:16 121:7	43:14 52:19 80:10	135:17 152:1	fortunate 112:1
film 103:19	122:13 130:15	102:4 109:11	159:16 162:4	forward 20:10,18
final 18:21 60:6	131:19 132:3,16	172:8,20 197:11	164:11 180:7	21:3 27:4 48:3
71:9 222:17 270:7	135:7 136:13	210:11 280:17	189:12 190:4	50:19 53:19 87:7
280:3 281:4 327:6	159:14 162:2,9	297:1	195:22 196:7	89:19 90:19
327:6	166:12 173:15	focused 7:19 18:16	246:21 247:11	101:17 114:22
finalize 96:13	176:7 186:3,4	114:1 169:15	299:14 316:4	120:13 124:2,7
finally 36:4 44:20	191:11 202:6	242:2 247:13	Force's 103:6	129:3 141:8 142:3
81:7 82:1 93:6	204:7,18,21	269:22	forced 114:3	173:3 175:2 183:8
111:11 160:2	205:16,19,19	focusing 12:9	forceful 74:3	195:15 236:3
175:10 187:4	206:1 209:13	FOIA 52:9,12,13	forces 33:19 36:20	244:1 249:13
217:14 227:2	213:13 215:18	52:14	102:10 116:20	259:9 287:20
find 18:18 70:4	217:7,11,17	folks 32:12 33:4	160:1 167:13	309:10 312:4,8
126:13 127:3,22	223:14 231:4	55:22 56:10 96:16	233:1 244:7 246:6	314:7,11,14 316:2
128:1,8 148:22	233:20 243:7	155:10 166:12	252:1 253:2	317:11 318:5
164:3 171:7	253:14,21 259:3	174:18 181:7	313:21	319:2
182:12,14 214:21	280:21 281:8	243:12	forcing 114:16	found 5:15 19:20
223:16 238:21	287:9 292:18	follow 94:10	forearm 213:17	20:2 65:14 121:11
263:13 296:11	318:9,19 322:9,22	117:12 175:14	Foreign 258:14	163:18 178:11
297:16 300:9,12	first-hand 38:8	194:5 266:18	foremost 24:12	202:21
302:2 311:22	Fiscal 7:4 225:22	300:5	43:13	foundation 24:6
313:19	fits 145:3	follow-up 322:1	forget 91:16	113:6
finding 253:3,12,12	five 17:7 24:5 65:12	followed 132:17	forgot 157:20	four 10:8 16:6 19:6
254:5	65:21 73:19 77:12	286:3	forgotten 149:18	20:2 37:21,22
findings 19:7	109:13 124:11	following 29:6,22	form 218:12,18	65:12,21 67:3,6
229:17 232:12	168:7 169:15	228:7 233:19	formation 203:7,21	74:12 100:1
233:19 252:14	172:4 174:7	fondling 81:11	204:20	132:17 163:15
327:22 328:2	184:12 195:7,9,9	food 100:10	formed 228:16	172:6 200:9 202:1
fine 34:19 269:5	210:18 217:5	football 35:15,17	former 1:6 2:13,13	204:2 219:16
finest 24:14 30:4	227:13 303:6,10	35:18	3:4,9 8:18 9:12	four-stars 103:16
fingernails 222:4	five-minute 95:14	Foot 2:7 3:6 15:2	42:16 43:2,3 46:6	fourth 43:1 117:3
fingerprints 312:15	227:17	15:4,20,22 22:6,8	46:7 105:11	235:2 266:13
finish 286:16 301:3	fix 80:10 99:3	33:9 54:10,11	161:18 201:10	fox 289:18
finished 205:4	197:1 223:12	77:19,22 78:2	204:21 230:14	frame 180:11
fire 35:2 218:7	276:8,13	79:5 80:13 91:13	270:13 273:16	framework 238:18
266:7 269:16	flabbergasted	footnote 325:2,7	292:16 298:15,17	239:3
firing 218:6	46:19	footnotes 324:21	303:2	Francisco 23:2
firm 120:9 140:12	flag 91:19 115:14	force 2:3,6,7 3:6,12	formerly 106:7	60:12,20
firmly 11:9 118:5,9	187:4 189:16	3:14 11:4,4 34:1	formulated 326:5	Frank 65:7

Frankfurt 212:17	240:9 241:19	180:6,20 181:2	gentleman 210:13	166:18 169:18
frankly 71:17	fun 98:7	189:7,10 191:9	gentleman's 169:10	221:9 223:21
83:19 101:3	function 55:18	195:18 196:22	gentlemen 22:13	231:8 251:20
113:21 123:20	144:9,17 298:20	gender 17:11	202:18 219:21	300:1
124:6 135:13	functions 67:10	102:17 247:7	227:21	gives 84:17 265:10
169:2 262:5 276:8	fundamental	275:4	George 1:11 6:4	289:19
290:13	236:21 242:9	general 1:16,17 2:2	23:2	giving 28:11 77:11
fray 287:5	275:16	2:2,4,5,6,7 8:17	German 117:18	107:9 170:7 176:9
free 13:21 25:16	fundamentally	10:14,14 11:2,7	Germany 23:4	207:16 210:5
240:5 319:15	150:14 275:22	15:1,1,21 22:6	64:10 212:18	278:14 293:16
freed 319:14	funny 156:2	23:6 27:14 31:19	216:22,22 217:12	glass 175:4 177:18
freedom 159:1	further 13:15	33:9 38:5 39:9	gestured 54:8	glib 193:19
freeing 249:16	19:17 54:17 95:12	40:5 49:15 50:9	getting 9:4 95:9	go 13:15 15:21
frequency 246:6	141:9 149:17	51:22 54:10 57:6	160:17 187:8,12	18:12 24:15 26:9
258:18	199:5 233:5	62:6,21 66:6	262:11 290:22	42:5,14 47:12,13
frequently 31:17	248:14	69:16 72:17 77:19	292:2 303:19,20	49:6,7,9,10 51:15
209:5 259:22	future 22:3 46:13	82:20 84:14 88:3	311:11	52:15 53:2 57:6
Friday 64:9	195:16 257:21	88:4 91:13 96:2	GI 212:17	57:16 69:1,9 72:7
Fried 2:16 4:3,4,11	fuzzy 271:19	101:19,20 102:6	Gillian 288:16	72:9,12,14,16,19
329:1,10		108:14 110:11,22	Gillibrand 13:14	76:13,16 80:5,20
friend 136:8	G	112:5,13 115:1,3	16:17 22:1 38:20	85:17 87:5,7 88:4
214:19	gain 246:10	120:8,15 122:10	44:2 54:13 58:11	89:19 90:19 94:20
friends 79:14 96:16	gained 186:22	133:21 136:6	58:15,18,22 60:7	107:3 108:19
116:2 118:2 323:3	gaining 186:7	137:21 138:1,18	75:3 85:22 88:20	117:21 124:2
frightening 34:11	187:7	142:22 143:2	100:17 104:22	141:8 142:3
front 72:4 86:10	gal 192:14	159:11,18 160:16	211:10 224:8	143:18 144:8
114:17 128:20	Garcia 37:19 38:4	164:19 166:6	225:3 231:6 265:2	148:16 149:11,16
218:13,20 226:1,6	68:4	167:2 170:21	288:17,18 320:13	150:19 153:3
309:2,3 317:10	gather 65:18	178:4 183:3	Gillibrand's 26:7	155:6 156:3 157:1
frustration 77:18	300:10	184:15,20 187:5	28:2 43:11 61:16	157:6,16 159:5,5
frying 266:7	gathering 37:12	188:3 189:4	70:16 78:16 83:5	168:22 171:15
269:15	gay 248:3	192:20 193:1,4,6	Ginny 212:5	173:3 180:22
fulfil 43:17	gear 203:4 205:3	196:21 197:5	girl 17:2 76:7 209:4	182:2 185:1,19
fulfilled 110:21	gee 144:18	225:19 230:22	212:9 214:8	188:6,12 189:9,10
fulfilling 319:18	Gen 3:6,12,12,13	261:13 262:2	216:11	189:12,16 193:7
full 9:10,15 26:4	3:14 10:16,20	274:21 275:21	girls 47:15 48:8	194:18 195:15
38:10 39:16 59:1	88:2,6 96:3	284:6 295:8 303:4	give 54:19 58:22	198:10 202:9
134:10 175:5	101:21 102:1	303:7 311:2	79:6 80:13 95:4	206:3,18 207:9
229:2,10,22 230:1	115:4,7 132:1,6	324:20 325:6,12	138:20 141:13	214:1,22 216:19
232:15 281:15	135:6 137:8,11	327:11,13	169:18 184:9	218:3,4,20 222:7
286:18 295:10	145:6,9,12,16,22	General's 6:12	208:21 210:15,18	222:8 249:12
324:3	146:5,9,14 148:4	generals 294:7	224:7 275:12,19	253:12 258:1
fulltime 113:21	148:9,12 153:10	300:4	299:16 304:8	259:9 276:2,5
143:8	153:15 154:10	generation 161:11	310:18	285:5,6,16 287:22
fully 9:3 101:2,7	160:19 163:11	169:3	given 10:3 11:21	289:20,21,22
108:7 114:1,18	173:7 177:12	generations 163:15	22:15 54:7 109:17	292:18,18 302:19
189:4 237:20	178:14 179:3,7	genre 72:18	140:8 163:3	309:10 312:3,7

314:6,11,14 316:1 321:18 325:11,16 327:10 goal 123:8 212:13 244:8 251:13 God 36:5 162:7 226:12 goes 54:5 58:19 79:13 107:5 129:3 146:6,7 152:11 159:10 175:17 194:11,12 258:5 259:3 270:6 274:6 289:13 297:10 going 18:11 30:3 34:6 35:17 48:5,8 48:8 50:21 51:14 51:15 52:3,4 53:6 61:17 72:7 75:5 75:19,20 76:3 77:14 78:8 80:3,6 80:8 81:15 84:19 86:6,12,20 95:8 95:18 103:21 109:15 125:19,20 128:19 138:16 143:22 145:20,21 148:2 151:3,14,15 152:6,8,18 153:8 154:3 156:4,14 158:3 162:17,18 163:9 166:21 169:7,11 175:12 175:14,14,15,19 176:1 177:2 180:10,14 183:2,5 183:18 184:4 192:5 194:18,20 194:22 196:12 197:19 198:15 199:7 200:8,12 212:13 216:12,21 217:19 218:9 219:1,6 226:14 227:15,17 228:6 229:15 239:15 254:19,22 255:6	255:14 256:21 260:16 261:9,12 261:14,18,21 262:2,6,7,9,10,20 263:8 266:16 267:17 268:2,10 269:7,9,16,17 270:7,10,20 271:11,12 277:5 277:18 278:16 279:20 280:5 282:11,17,20,22 284:1,3,8,9 286:6 286:15 287:9 288:3 289:20 290:7,16 291:3,14 292:6,8,10,12 294:5,6 302:10,11 305:21,22 307:22 308:12,13 310:10 310:14,14 311:6 313:15,19 314:21 316:12 317:11 319:2 322:4,4,12 322:21 324:17 golden 193:20 goldfish 309:22 good 4:3,12 5:20 10:17,18 13:3 25:12 27:21 31:22 37:4 38:11 39:4 39:17 40:13 41:22 42:10,13 44:7 50:4 57:12 64:15 72:11,15 73:22 74:1,1,9,9,11,14 77:2 80:2 88:11 88:13 90:15,18,21 92:14,15 93:10 96:3 98:22 99:1 105:6 107:17 109:19 110:5,12 110:13,14 111:7 113:4,20 114:2 115:4 117:11 120:18 130:1 131:6 134:21	138:6,12,13 145:7 148:6 157:10 160:14,22 163:4 172:13 175:8 178:15,20 181:13 182:11 193:21 200:15,17 222:19 260:13,19 264:1 268:19 281:13 284:18,19,21,22 291:6 298:11,13 298:21 312:13 316:7 328:12 gosh 174:18 gotten 41:6 68:15 73:7 77:9 194:14 195:9 207:1 213:5 governing 16:9 100:19 government 50:7 231:13 310:9 governors 150:19 governs 30:20 grab 170:12 grabbed 205:11 grabbing 170:13 grade 165:14 graduate 23:4 206:2 223:2 graduates 47:11 98:3 graduating 50:2 granddaughter 46:22 201:3 grapple 176:10 grappling 45:22 grasp 252:7 grass 215:21 grateful 53:18 159:1,11,12 243:19 gray 106:16 great 15:14 54:20 74:10,11,15 77:2 78:15,15 82:18 90:21 93:11 96:12 100:16 102:19	104:20 125:1,8 127:8 140:8 161:20 179:11,21 183:9 244:5 265:4 281:12 285:12 315:11 318:13 greater 100:14 111:5 172:18 246:10 247:6 green 2:16 158:2 Greg 6:4 grew 98:18 164:6 grips 102:16 172:2 grocery 208:3 ground 17:21 18:5 209:20 216:4 259:6,7 316:14 group 52:21 74:13 78:7 81:16 102:20 116:4 159:14 189:14 283:17 grouped 18:16 groups 230:19 grow 113:3 155:11 grown 208:17 guarantee 178:4 Guard 2:11,13 3:9 3:14 11:5,8 46:6 46:20 120:17,22 121:6,9 122:6 179:20 guardians 135:21 guardsmen 172:14 guess 61:16 63:11 175:4 195:4 254:13 296:7 guessing 59:9 guidance 191:3,4 guide 118:16 119:15 guilt 86:13 87:6 guilty 158:22 Gulf 45:15 gun 207:14,19 gut 214:15 gut-wrenching 26:12,17 83:12	guy 76:6 92:11,14 93:10 163:10 192:13 193:18 guys 174:20 GW 6:10 <hr/> H <hr/> hair 106:17 half 115:20 116:16 175:4,5 192:2 217:12 half-year 206:22 Ham 2:15 4:10,11 10:1 200:3 222:11 222:17 227:12 hand 15:18 50:16 96:7 213:12,14 hand-in-hand 149:5 hand-picked 99:13 handle 16:19 21:7 25:4 57:9,20 205:9 handled 54:9 66:3 255:2,3,8 259:16 297:6 handling 21:20 24:9 39:20 79:2 handmaiden 264:22 hands 23:21 39:9 40:1,2 42:2 59:19 98:16 115:17 153:20 172:19 201:8 264:6 hangout 212:17 Hank 6:17 happen 31:16 34:9 63:22 64:15 66:19 80:8 126:6 134:13 148:7 158:3 162:21,22 170:8 183:18 214:18 216:8 263:21 265:11 272:6 284:1 289:13 322:13
---	---	---	--	--

happened 18:9 52:12 64:8 65:20 70:20 81:21 104:18 121:12 148:3 161:21 172:3,3 183:9 194:9 195:8 208:13 212:2 214:17 217:1,15 218:9,15 221:16 221:17 228:4 255:22 265:20 268:8 318:6 328:21	hat 37:13 71:11 hate 46:17 161:3 209:8 hated 98:2 hats 71:2 Hawaii 109:4 head 136:19 153:8 176:22 207:4,14 213:12 headlines 97:7 heads 143:14 279:9 health 146:3 152:7 153:2 231:4 235:17 263:5 healthcare 143:9 healthily 153:19 healthy 131:6 hear 8:17 10:19 15:9,17,19 22:9 28:15 29:12 30:3 30:6 55:9 77:18 88:7 94:2 108:17 108:20 166:13 212:1 228:11 242:16 281:16 292:17,19 318:10 318:19 heard 8:21 30:1 33:8 35:3 62:3,11 77:1 85:1,5 92:12 95:22 109:14 142:20 143:1 159:19 160:3 166:12 168:6 183:6 194:13 203:18 205:15 215:8 227:21 228:18 230:10,13 238:10 243:8,13 246:1 251:18 252:21 253:1 255:21 260:9 263:15 265:7,10 281:14,15,17 283:3 285:13 289:14 290:10 304:11 308:18	314:19 320:8,11 320:13 323:19 326:2 hearing 32:13 40:15 46:16 58:6 74:10,13 90:10 220:11 231:14 hearings 33:16 230:7 heart 13:17 18:11 80:21 81:3 144:14 203:12 hearts 177:16 heaviest 249:21 heels 198:7 heightened 249:7 held 9:1 27:16 31:11 38:5 45:2 93:21 94:3 116:11 119:3 178:3 204:22 230:6 268:13 help 8:13 119:15 142:11 148:21 154:10 156:1,7,11 172:7 207:8,11 252:8 298:2 322:18 helpful 56:16 83:1 helping 7:1 63:20 helps 94:8 279:4,21 henhouse 289:18 Herculean 243:18 Herman 86:19 hesitate 91:5 hey 170:9 213:13 287:12 hide 177:14 178:6 hiding 47:5 high 73:3 97:22 206:2 212:15 246:6 249:11 258:3 267:16 304:20 315:14 high-up 266:2 higher 93:22 94:4 141:5,12,14	142:10,12 211:5 246:11 270:21 315:15 highest 112:9 179:19 303:2 highlighted 240:13 highly 79:1,1 hill 219:1 310:15 Hillman 1:18 53:10 53:13,14 55:3,5 158:18,19 159:6 161:6 166:6,9,11 242:20,22 252:19 258:7,9 260:15 264:15 293:21 296:14 306:9 315:2 319:9 328:4 Hillman's 253:4 322:2 hindsight 286:2 hips 216:3 historic 100:20 history 101:16 247:2 hold 13:5 32:2 35:17,18 100:6 186:8 206:8 268:17 291:8 292:20 holding 11:20 66:6 100:5 114:14 hole 70:18 hollow 98:7 Holly 1:17 184:3 303:14 Holtzman 1:15 4:16 155:16,17 157:20 176:5,6 179:1,5 180:19,22 183:21 263:12,13 277:6 283:10,10 284:2 288:10,12 288:17 292:14 303:22 304:1 307:5 309:8 311:1 315:3 321:11 327:18,19	Holtzman's 272:14 home 57:12,16 202:21,21 207:20 homes 164:5 Hon 1:12 3:3 honest 271:9 305:20 honestly 293:7 honor 22:14 28:18 37:3 52:19,20,22 53:2 76:5 79:13 80:11,11 82:10 88:2 110:17 115:21 142:16 147:18 202:19 222:20 243:1 246:9 252:10 honorable 1:15,15 51:3 252:9 271:10 honorably 51:1,2 79:22 hope 22:1 29:16 36:20 46:12 69:15 70:15 90:14 96:12 152:3 195:20 224:4,7 227:4 249:18 310:18,21 313:1 hoped 85:14 hopefully 282:19 horrifically 35:1 hospital 80:19 144:9,16 156:3 157:7,18 303:19 host 125:7 hostilities 67:16 hot 50:1 227:1 271:21 Houck 1:16 130:1,8 132:5 135:5,6 136:18 137:3 167:20 176:11 272:10 300:14 309:12 313:9 319:8 328:3 Houck's 311:3 Houcks 284:5
--	--	--	---	---

hour 49:16 183:15	124:15,15,16,20	implications 124:2	109:11 110:1	162:1
hours 35:5 45:17	125:21 126:9,13	implicit 125:8	239:7 307:11	incredibly 45:22
48:11 49:21	126:15 293:17	implied 319:11,12	improving 12:5	159:15 262:14
183:11 227:1	identifying 128:9	importance 12:16	244:9	incumbent 141:11
house 42:16 81:9	IG 48:7,12,15 49:2	12:18 122:15	in-theater 63:9	164:7
168:3 177:18	51:20 52:3 132:17	249:4 274:17	64:3	independence
240:1,12	132:18 154:17	important 7:14	inappropriate	292:16
housing 153:21	180:9	14:11 25:5 28:5	117:16 181:11	independent 7:7
Houston 204:5	ignoring 286:5	45:22 46:15 58:12	273:21	11:16 54:21 89:9
207:5	II 2:6	59:4 70:6 72:10	inappropriately	107:16 180:3
hug 207:16	illuminate 291:4	84:22 85:11 86:4	159:9	223:9 236:1 237:3
huge 26:11 113:8,8	imagine 51:10,16	89:2,11,12 90:18	incentive 131:9	250:19 251:1,6
306:14	51:18 52:14 77:8	115:8 118:14	Incest 232:7	252:6 259:11
human 18:13 30:4	183:16 223:17	122:22 123:2,8	inch 218:5	295:11
44:16 175:19	imbalances 246:19	129:14 136:21	incidence 232:21	Indian 37:19
269:13	immediate 245:15	137:14,14 140:16	235:5	indicate 30:12
humanity 36:6,8	immunizations	142:13 157:9,15	incident 29:12	233:2 236:17
160:10	213:6	186:13 193:15	54:16 215:12	285:16
humiliation 211:7	impact 72:10,11,15	195:19 196:17	245:14 258:4	indicates 62:12
hundred 56:15	86:15 124:18	211:22 228:5	incidents 24:17,22	226:2
hung 279:9	158:12 234:20	254:11 265:22	235:9 242:3,4	indicating 287:16
hurt 213:20 322:17	237:8,21 241:19	267:12 278:1,13	296:6	indicative 137:6
322:18	250:21 254:20	301:10 315:8	inclined 171:4,20	indicators 241:15
husband 49:18	260:16,22 261:3,4	322:20 323:6	include 90:15	individual 29:7
204:4 205:5 206:6	262:18 278:20	327:7 328:14	224:4 241:14	46:18 91:20
206:12,20 207:15	294:5,6,8,15	importantly 24:14	246:9	104:12 106:7
207:22	298:10	102:3	included 20:11,15	123:7 128:22
husband's 205:22	impacted 34:21	impressed 139:10	23:1,19 101:4	133:11,11 134:2
husbands 221:14	35:1	193:13	209:18 230:12	136:3 147:12
hypothetically	impartial 44:13	impression 54:11	232:4 324:16	149:20 181:12
151:19 152:16	251:6 252:5	impressive 159:15	including 6:13 7:16	182:8 234:21
302:15	295:12	imprimatur 156:21	59:2 114:21 115:8	278:14
I	impartiality 44:18	imprint 158:10	136:1 147:17	individualized
ice 115:12 209:6	45:19	imprisonment	190:12 230:7	193:5
iceberg 296:4	impede 236:3	182:9	231:2,13 232:6	individuals 52:21
idea 104:3 135:20	imperative 245:13	improve 7:13	237:1	78:22 246:19
176:15 204:9	imperfection 320:6	223:22 224:10	increase 232:22	257:22
223:19 264:19	impinge 39:2	233:2 237:18	233:4,7 235:6	industries 101:13
266:1 282:16	implement 28:6	247:15 255:14	254:22 274:19	industry 198:4
283:4 294:4 304:2	implementation	307:12	275:2 301:6 311:6	inevitable 248:1
322:12	59:1	improved 24:19	317:18	inevitably 59:10
ideally 123:10	implemented 23:18	78:11 103:8 195:9	increased 174:17	infallibility 150:2
ideas 293:15	70:1,17 77:13	improvement	174:22 175:9	infallible 149:1
identified 21:5,5	237:17 241:13	38:17,21 39:2,14	increasing 67:16	150:5
124:10 198:20	implementing	39:18 41:18	161:22 190:2	infamous 23:12
identify 82:13	247:14	211:11 249:18	311:8 315:13	infantry 42:21
	implicated 18:7	improvements	incredible 97:13	infection 214:13

influence 35:13 158:16 213:7 241:2 316:17,20 320:3	innocence 86:13 87:6	intentions 109:20	117:16,22 132:20 133:2 149:5 177:9 179:2,6,18,21 180:1,5,10,17 181:9 209:17 224:3,6 236:4 266:15 273:22 318:22	47:2 48:17 53:19 68:15 71:19 72:20 72:21 73:6 83:8 91:14 101:8,11,12 102:4 111:21 115:14 118:8 119:9 123:18 124:1,18 130:2,9 135:9 140:5 142:2 145:2,3 154:2 155:5,15 162:12 162:13 163:13 165:8 166:14,20 173:11 175:11,13 176:11 184:6 195:14 198:6 224:14 225:16 245:1 258:2 264:16 271:14 272:4 275:16 279:6 283:16 285:3,7 291:15,19 293:20 295:9 298:5 309:2 321:1 321:9 322:2
influences 129:16	input 63:10 65:3 67:19,22 90:14,15 232:1 279:1	interaction 273:11	investigations 179:16 233:3 255:2,7,11 270:17 270:19	issued 203:4,22
informal 121:3,17	inquiries 137:12	interest 24:16 26:11 27:5 45:1 60:18 83:8 84:11 99:11 130:13 131:3,7,17 135:9 141:4 176:13,15 176:20 177:2,3 184:6 234:10,12 234:16,22 304:10 304:11,12,12,14 305:13,14 311:1 326:4,7	invisible 138:8	issues 16:8,11 24:1 71:8,20,22 73:3 75:12 78:6 82:21 86:7 87:18 90:3 94:21 101:10 142:21 154:1 166:16 237:5 242:14 243:2 244:3 267:1 305:9 305:11 306:5
informally 130:12	inquiry 58:14 62:21	interested 146:20 306:19,20	invitation 9:14	Italy 93:10
information 48:5 71:12,13 75:20 90:17 95:3 121:17 132:16 155:14 176:9 185:14 191:14 202:8 231:11 232:3,16 238:12 241:7 242:16 243:19 277:14 281:14,17 296:1,3 328:16	inside 111:14 125:19 173:4 203:5 214:5 320:18	interesting 282:2 308:16	invite 131:18	items 119:21 158:8 158:10,13
informed 43:20 185:3,11 207:7 262:3 326:10	insider 112:11	interfere 176:17 177:8 180:5 270:18	invited 9:8	Izmir 116:17 181:6
ingenuity 70:4	insights 65:4	interfering 270:17	inviting 22:13 46:10	J
inherent 44:22 83:7 89:3 234:15	inspire 12:8	interim 6:4	involved 21:1 60:13 76:1 91:18 109:10 173:6 180:17 226:11 264:2 273:7 277:1 277:22 284:15	Jackson 219:2
inherently 59:7 104:17	inspiring 14:2	international 117:2 118:1	involvement 42:18	jaded 148:21
inhumane 36:10	installation 192:5 203:2 302:3	intervention 316:18	involves 44:6 58:20	JAG 2:13 3:9 27:1 46:6 70:3 75:5,10 133:14 154:17
inhumanity 36:12 36:13	installations 18:15 109:7	interviewed 18:15 133:1 209:22	involving 7:9 26:1 224:22	
inimical 160:13	instances 144:2 317:22	intimidation 209:16 211:6	Iraq 65:10 66:7 67:15	
initial 156:4 229:3 229:3,13,18 230:1 232:13 242:12 252:17 253:3 280:2 322:16 323:17 324:4,8 325:21 328:16	Institute 37:10	intrinsic 240:22	Irrespective 241:21	
initially 66:21	institution 47:11 80:11 97:15 163:20 164:2	introduce 229:16	irrevocable 150:11 151:9	
initiate 301:3	instructions 118:20	introduced 78:18 79:8 195:7	Isaiah 36:17	
initiating 151:13	instructors 20:14	introspection 142:6	Island 60:14	
initiative 43:11	insure 248:20	invent 160:20	island's 38:6	
initiatives 7:17 101:3	integral 113:11 260:10 298:19	investigate 7:8 70:10 240:11 317:20	isolated 148:9 213:8	
injured 215:16	integrate 155:2 243:11	investigated 235:21 286:10 316:9	issue 13:2 30:21 36:1 44:6 45:22	
injury 216:16 217:21 219:17	integrated 16:5	investigating 263:4 290:4		
inner 29:10,17	integration 197:18	investigation 45:16 48:7,12,15 49:2 62:20 89:8 112:7		

188:8,18 189:3 190:9,15 191:4 275:1 282:5 284:10 285:18 301:4 JAG's 68:16 JAGs 68:3 119:12 187:9 262:4 302:21 jail 62:8 104:17 297:17 James 1:16 2:4 January 1:9 9:1,7 12:11 28:20 29:4 62:15 jar 175:13 176:4 jeep 305:10,11 jeeps 305:10 Jenny 5:11 Jet 117:14 Jim 110:15 129:22 138:19 272:9 314:1 job 90:12 139:9,12 139:17 143:8 175:13 176:4 291:4 328:13 329:8 Jodice 2:5 3:14 115:3,4,5,7 132:1 132:2,6 136:4 180:20,21 181:2 189:7,7,10 Joe 144:20 Joe's 144:22 Johnson's 52:8 join 224:1 252:1 joined 10:10 163:19 joining 4:7,16 joint 63:21 102:22 117:14 215:18 322:12 joke 304:19 joking 226:20 Jones 1:13,15 3:3 5:20 10:18 14:22	15:7,14,17,21 22:5,9,12 28:10 28:13 36:22 42:6 42:13 46:3 53:4 53:10,12 56:17 57:22 58:2,4 61:6 75:1 76:7 77:22 78:1 82:12,17 85:16,17,20 88:1 88:4 91:11 93:16 93:19 94:1 95:11 95:18 101:19,22 108:14,18,22 110:10,13 115:1,6 120:15 129:20 132:4 138:18 140:21 141:2 142:14 147:19 155:16 158:18,20 164:19 166:7 168:22 170:16 176:5 183:3,19 184:1 185:19 192:20 193:1 194:6 196:21 198:10 199:5 200:17 211:21 212:5 220:10,15 222:9,14 227:10 227:15,20 228:15 252:11 253:8 257:12 258:8 260:2 261:1 272:9 277:3 281:5,6,7 288:5 290:18 299:9 303:22 307:3 311:17 314:8 315:2 323:7 323:14 324:12 327:2,13,17 328:1 328:11 329:2,5 judge 5:20 6:11,13 10:18 14:22 15:7 15:14,17,21 22:5 22:9,12 28:10,13 36:22 42:6,10,13 42:15 46:3 53:4	53:10,12 54:22 56:17 57:22 58:2 58:4 59:19 61:6 62:10 63:4,8,16 64:9 65:1 66:17 67:14 75:1 76:7 77:22 78:1 82:12 82:17,19 84:14 85:16,17,20 86:3 86:22 87:17 88:1 88:4,14 89:5 90:9 91:11 93:16,18,19 94:1 95:11,18 101:19,22 108:14 108:18,22 110:10 110:13 111:13 115:1,6 120:15 122:9,10 129:20 132:4 138:18 140:21 141:2 142:14 147:19 155:16 158:18,19 164:19 166:7 168:22 170:16 176:5 183:3,19 184:1,9 185:19 192:20 193:1,8 194:6 196:21 198:10 199:5 200:17 211:21 212:5 220:10,15 222:9,14 227:10 227:15,20 228:15 252:11 253:8 257:12 258:8 260:2 261:1 272:9 277:3 281:5,6,7 288:5 290:18 299:9 303:22 307:3 311:17 314:8 315:2 323:7 323:14 324:12 327:2,13,17 328:1 328:11 329:2,5 judge 5:20 6:11,13 10:18 14:22 15:7 15:14,17,21 22:5 22:9,12 28:10,13 36:22 42:6,10,13 42:15 46:3 53:4	315:2 319:22 323:7,14 324:12 326:13 327:2,13 327:17 328:1,11 329:2,5 judges 302:21 judgment 25:20 43:20 44:15 87:7 93:1 106:12,17,18 106:20 147:11,14 149:10 150:15 153:13 185:4 271:6 281:13 judgments 107:7 147:15 185:11 186:14 308:13,15 judicial 125:11 276:17,19,20 jump 269:14,15 311:13 313:13 jumping 266:6,7,8 junction 276:4 June 230:5 307:2,4 325:8,9,11 junior 31:7 83:11 83:18 140:13 junk 264:11 266:1 juries 41:15 jurisdiction 48:1 75:13 258:13 283:8,11 313:20 325:4 jurisdictions 239:16,19 246:3 258:14,16 303:11 313:18 jurors 40:6 jury 55:16 151:8 310:12 312:11,17 313:2 justice 1:6 3:5 7:11 7:18 10:7 24:8 25:7,11,20 28:9 38:17,21 39:1,14 39:18 40:21 41:2 41:12,18,21 42:1 46:1 54:3,6 60:9	61:3 63:18 64:11 65:8 67:10 84:9 85:12 108:12 111:6 150:17,21 151:6 167:18 187:18 201:12 211:11 230:15 233:9,16,20 234:2 236:6,8,14,20,22 237:10 238:13 239:18 241:22 245:6 246:1 248:13 251:10,17 252:6 253:15 254:2 261:15 264:21 266:19 280:10 283:6,13 283:14 287:4 294:11 295:12,19 296:20,21 309:5 317:1 320:2 322:13 justification 179:8 justified 45:6 justifies 87:21 justify 308:8 <hr/> K K 2:13 keel 139:16 keep 14:15 40:15 93:14 119:8 152:12 167:7 185:13 190:13 191:5 202:9 206:13,18 209:15 276:15,22 283:6 293:8 keeping 41:21 57:10 213:10 keeps 39:6 kept 150:2 153:22 206:18 213:21 217:20 225:15 key 65:1 84:2,3 kicking 322:19 kidneys 144:22
---	---	---	--	---

kids 164:3	131:14 134:10	328:15	law 1:12 6:5,10	69:6 96:22 97:2,4
killed 206:20	135:8 138:15,16	Knowing 201:7	94:10 122:4 147:7	97:7 99:14 100:11
killings 59:11	139:3 155:15	211:8	147:8 148:20	101:5,9 112:16
kind 34:19 49:13	156:2 172:11	known 34:11	149:3 184:13	114:11 139:1
76:21 77:7 92:11	173:21 174:11	116:21 136:4,7	192:5 201:10	167:14 169:3,8
93:3 106:18 127:5	175:15 177:13,17	174:4	231:2 234:4	185:11 197:21
130:22 131:11,21	179:8,16 182:18	knows 82:6 130:17	235:19 236:9	210:10 227:2
139:15 157:5	183:2 185:10	182:15 259:6,14	240:8 250:4	234:19 242:1,7
171:22 181:3	186:7 190:2 191:1	264:17 272:2	266:18 267:14	244:7 250:18
204:13 228:2	191:2 193:18	314:22	284:17 308:8	298:18
263:14,21 265:22	196:9,19 197:3,9	Korea 206:16	313:4 320:3	leadership 12:1,7
272:2 274:15	197:14 198:6	Krepp 2:13 3:9	322:14	20:3,6 24:1 33:15
286:11 295:22	200:11 203:8,11	46:6,9,10 53:5	lawful 59:11	47:16 69:5 87:12
296:12	213:14 214:10	70:22 79:12 93:18	Lawrence 6:22	100:4,6 103:15
kinds 107:7 172:10	215:15 222:1,2,2	93:20 94:2,3	lawyer 54:14 62:18	118:10 131:16
263:7 267:22	222:12 225:7	Kyle 2:16	65:7 66:10 68:8	132:12 137:15
305:2,7,8,8	228:12 230:21		72:5,8 74:4 95:4,7	138:14 155:8
Kingdom 251:9	248:2 253:22	L	95:9 149:10,14	164:16 166:4
Kings 48:2,6 50:16	257:18,20 258:1,5	lack 45:19 60:16,17	193:22 287:19	174:1 257:1 272:1
kissing 81:12	259:8 260:3,11,14	154:4 225:17	308:21 319:22	315:20
knee-jerk 288:3	262:6,9,16 264:20	256:5	lawyer's 309:6	leadership's 197:13
knees 214:5	266:6 268:11,13	lacking 97:20	lawyers 40:3 44:4	leading 14:2 24:14
knew 47:22 48:5,10	268:13 269:6,16	ladies 22:12 227:21	71:15 79:1 93:21	125:10 247:6
73:11 104:17	272:18 277:7	LaHood 48:14	94:3,17,18,22	285:19 319:17
111:14 132:13,22	281:22 282:3	lamented 51:21	106:22 107:1,14	leads 79:10
133:1,10 134:1	285:1,16 286:2,15	land 151:2,15,15	144:11 150:4,13	leap 183:13
141:20 179:20	287:8 289:2	language 287:15	150:22 152:17	learn 191:21,22,22
181:11 190:9	290:21 292:8,15	large 76:20 125:4	161:6 192:1	192:9 223:11
208:12 212:9	294:9,12,15,21	128:8 152:1	239:21 262:7	learned 96:11
216:22 217:5	295:15 296:10,10	162:14 197:5	274:11,15,19	174:3 192:1,10
286:22	296:15,17 297:9	260:19 261:14	275:4 314:18	273:9 311:15
knocked 205:7,8	297:10,13,13,19	313:17,17,18	326:15	learning 169:10
know 6:8,14 15:7,9	297:21 298:14	larger 19:9 32:9	lay 151:7	185:8 209:1 254:1
28:22 30:16 33:5	299:15 300:5,19	166:7 257:19	layer 94:7	learns 169:4
34:18 41:16 47:6	301:1 303:14,19	295:15 316:16	laying 204:3	leave 71:16,22
51:12 55:15 56:16	304:1,5,19,21	largest 266:14	laymen 150:9,13,18	194:21 207:21
58:19 61:10,15	305:9 306:10,13	302:18	lead 13:21 27:19	223:2 270:14
66:5,9,18 69:22	306:22 307:5	lastly 238:1	99:5 100:7 101:15	324:8 326:21
70:20 71:20,21	308:6,14 309:21	lately 283:4	112:2 113:11	leaves 90:4
73:16 74:19 75:9	310:7,10 311:6	Laughter 76:8,11	115:22 119:11	leaving 71:15
77:15 79:13,19	312:9 316:13	159:3 161:5	125:5,6 198:2,3	220:16 266:5
92:10 93:12,12	317:19,19 318:9	166:10 186:19	248:8 318:20	led 100:15 159:16
96:15 99:15 101:2	324:10 325:19	194:1 329:4	319:14,16	162:19 197:20
104:5,10,14,15	knowing 30:8	launched 132:19	leader 16:18 30:13	321:21
109:14 114:5	299:3	181:9	100:15 120:5	Lee 5:11 212:5,7
123:13,16,18	knowledge 130:18	launches 180:18	140:14 269:1	220:11,13,17
126:16,17,17	234:9 279:2	LaVena 52:8	leaders 32:22 44:3	222:10

left 64:11 184:14 245:13 322:14	39:10 69:5,7 73:3 73:10 74:17 78:17	Lisak 173:19	212:8 219:18	lost 48:22 105:20
legal 11:11 13:20 32:10 39:21 40:1	96:10 102:21	list 99:8 178:4	279:11 290:15	123:1 133:21
56:19 57:19,21	110:21 116:4	listen 111:22	300:20 325:4	201:8 219:16
62:9 63:20 71:8	132:22 186:4	listened 89:22	look 14:14 32:20	221:8 301:15
71:12,13 73:19	188:22 189:18	105:11 214:20	48:16 52:2 59:1	lot 18:17 47:7 62:3
75:12 99:12 111:6	191:16 234:7	256:6	65:9 67:9 72:5	62:4 79:12 90:21
111:15 122:6	258:3 268:6	listening 14:19	78:2,21 101:17	96:11 100:22
133:14 149:6	270:21 304:17,20	265:7	112:22 114:22	102:22 109:14,16
157:8 182:22	325:16	litany 35:4	120:13 123:3,5	109:19 121:5,16
186:9 188:11,14	levels 36:3 56:7	litigated 316:20	124:13 125:4	133:18 139:20
189:19,19,19	112:15 116:3	little 4:17 15:12	128:18 129:14	140:16 156:6
191:3,4,14,18	118:5 179:19	40:1 58:5 75:2	137:4,19 140:1,10	167:6,9 172:6,7
192:15,15 238:7	180:7 189:11,16	83:19 102:12	140:17 148:2	176:12 185:22
244:15,17 248:11	197:3 238:9 242:1	122:1,6 130:6	149:2 156:3	192:14 194:9,13
250:12 270:3	328:15	131:20 148:21	165:11,21 170:22	194:14 255:4
277:12	liability 178:9	163:18 190:22	171:2 172:12,12	257:3 267:3
legislation 13:15	Libya 212:16	196:12,15 212:9	198:16 210:16	281:14,16 283:7,7
28:3 44:2 58:11	license 94:6 250:6	230:3 260:6	217:13 222:4,16	284:13 306:11
58:16 60:7 61:2	licensed 250:5	live 4:20 97:12	243:22 256:16,18	316:14
78:16 83:5 84:17	lie 275:12	177:18 315:19	256:18 258:21	lots 107:11 161:9
100:19 101:4	lies 194:19	lived 30:14 97:3,3,8	262:10,17 271:17	316:21
109:20 113:15	lieutenant 2:4,5,16	lives 34:20,22 97:1	275:9 277:8 278:9	love 56:10 203:18
170:1 195:7	31:17 51:6 191:13	125:16 126:4	291:13 295:16	208:21 209:7
legitimacy 249:6	201:2 304:18	127:20 191:8	296:16 299:18	loved 202:20 219:1
legitimate 246:21	life 30:21 32:13	201:8 206:4 221:8	307:9 308:21	low 13:11 139:16
247:7,20 256:7	34:4 69:10,10	306:17,21	looked 19:11	139:18 240:6,13
311:9,10	78:4 96:18 130:18	living 177:14	137:13 141:20	302:6
legs 214:5	158:5 206:14	286:13	253:5 291:6	lower 141:17
leisurely 66:4	246:11 252:3	Liz 183:20 283:9	306:13 311:18	210:12
lenient 45:18	264:2 297:18	loaded 207:19	looking 51:19 67:3	lowering 137:2
lessen 27:18 149:22	312:19 320:6	locally 65:18,18	78:13 86:12 87:18	loyalty 202:19
282:7	lifetimes 121:22	located 190:6	97:18 98:5 138:4	Lt 3:13,14 115:4,7
lessened 282:18	light 205:11 249:7	278:21 301:12,19	140:1,2 147:3	132:1,6 180:20
lesson 287:2,8	likelihood 310:5	location 76:1 90:11	156:2 171:11	181:2 189:7,10
310:16	311:11	259:22 277:17	190:11 194:22	LTG 110:12,14
let's 21:3 49:14	likes 202:15	long 38:16 74:19	195:1 217:3 223:5	138:19 164:20
57:16 77:17 100:6	Likewise 249:7	91:15 104:5	242:15 254:15	179:4 183:4
183:17 194:10	251:4	167:10 174:14	267:18 286:1	192:21 193:3
266:11 302:14,16	limited 236:11	179:18 217:18	315:17	lucky 9:16
304:6 307:9	248:14	219:3 257:8 276:5	loop 99:9 100:13	Lucy 35:15,16
letter 38:19 204:3	line 30:18 32:17	297:11	Lory 2:11 37:6	lunch 199:9
205:4	33:7 157:14 308:1	long-needed 25:21	lose 155:7 183:12	lying 202:17
letters 231:21	lines 140:11	long-term 124:5	197:4 269:8	226:15
Letting 289:18	link 5:7,16 21:17	133:12	314:21	
level 17:4 19:11	21:18	longer 120:3,5	loses 155:7	<hr/> M <hr/>
	lip 210:5	125:14,15 166:1	losing 53:1 314:20	ma'am 15:11 61:8
		180:15 210:17	loss 182:8	76:10 79:12

101:21 108:21 164:20 169:1,2 180:20 183:14,22 185:20 192:22 193:3 195:18 198:9,12 211:21 222:11 227:13 308:17 Madam 5:18 96:3 176:6 263:13 277:4 299:8 magazine 209:22 Maggs 6:4,10 Mai 1:19 290:18 305:17 mainstream 16:6 maintain 113:2,20 114:2 127:11 143:12 260:13 278:22 maintaining 31:22 38:11 41:22 131:5 maintenance 25:12 118:21 Maj 3:6 10:16,20 88:2,6 major 2:6 19:6 20:3 65:7,21 66:10,11,13,14 81:14 102:21 113:17 116:10 127:19 165:4,6 208:7 266:15 majority 143:1 148:20 171:19 211:4 232:17 252:18 272:12 298:17 326:20 makers 272:21 making 10:12 27:3 36:21 52:16 75:16 75:19 83:2 87:19 113:16 144:19 150:11 151:21 152:2,5,10 154:6 155:19 158:21 181:20 186:13	189:3 191:6 233:10 236:19 259:19 260:5,21 262:8 268:16 271:5 273:10 282:5,18 285:9 302:7 319:3 322:22 male 203:7 204:19 221:22 246:18 247:9 252:21 275:6 males 103:17,18 171:3 Malinda 1:17 man 26:19 51:8 80:19 93:4 139:15 165:19 179:8 193:5,11 man's 162:13 manage 21:15 managed 17:6 211:18 216:1 mandatory 221:4 manifest 130:14 manner 227:7 manning 2:11 3:8 37:1,2,6 51:7 56:18 65:5 66:13 67:2 68:1 mantle 118:7 mantras 174:9 March 110:17 Maria 2:16 4:4 Marine 2:12 3:8 23:15 31:8 42:18 43:1,8 47:10 201:2 226:18 Marines 31:9 45:14 74:21 Maritime 2:14 3:10 46:7 47:7,8 71:1 marked 246:18 marriages 219:16 married 21:13 46:21 Mars 201:15 202:3	202:7 209:21 Marshall 23:3 Martha 2:6 martial 8:21 23:7 27:5 38:6 69:17 111:1 150:13 229:7 233:15 234:1,17 282:21 288:1 Marty 2:8 marveled 32:22 mass 284:20 Massachusetts 56:11 massive 294:14 master 206:15 masturbated 49:20 match 196:4 materials 9:20 231:12 matter 8:12 32:17 32:18 95:16 141:13 181:18 182:13 199:11 270:5 305:4 316:19 329:12 matters 43:21 80:21 99:12 Maxwell 115:11 McCaskill 100:17 105:1 200:5 224:8 231:7 288:6,13 McCaskill's 101:7 McGuire 1:16 147:18,20 148:5 148:11,14,17 179:22 293:12 327:11,12 McHale 2:12 3:8 42:8,10,15 46:4 58:2,3,5 85:16,18 85:18,21 273:17 273:17,22 mean 71:6 73:22 74:11 76:15 85:6 124:5 141:13 144:4 147:7 152:5	174:18 177:13,16 196:1 263:15 264:18 265:18 267:17 288:2 295:9 296:3,7 298:12 303:14 305:11,12,18 306:10 309:17 311:20 314:21 315:16 318:3 327:20 meaning 266:3 meaningful 239:6 means 39:4 77:6 135:21 143:9 174:21 209:1 257:12 260:5 270:9 306:10 measure 13:9 18:12 28:8 160:6 measures 197:11 mechanism 21:15 21:19 mechanisms 21:8 142:9 183:7 media 6:22 40:15 41:8 168:2 medical 57:13,16 143:17 146:8,11 150:7 151:19,20 154:1,5 156:1,5,7 156:9,19 218:11 218:13,20 263:5 303:18 medically 143:10 217:19 medium 125:4 meet 22:13 111:9 147:12 meeting 4:13,20 5:4,17,21 6:7 7:2 8:16,22 9:9,10,11 9:18,21 10:2 29:4 38:12 46:12 49:22 53:17 239:13 286:18 329:10 meetings 46:13,14	207:9,11 228:22 229:1,2 230:7,8 283:3 Melissa 5:6 200:13 Melville's 86:19 member 26:14 42:16 43:2,3 49:18 83:10,11,18 104:7 126:12 131:8 235:11 243:2 259:15,18 264:3 281:15 321:14 327:5 members 4:7,12,15 5:6,8,13 8:10,17 18:17 22:12 33:15 42:11 44:9,10 45:21 82:19 96:4 112:5 122:14 164:8 228:16 229:12 230:6 232:18 234:18,21 246:12,14 247:22 248:2 251:4,7,13 251:21 256:3 270:13 272:11 315:19 memoranda 231:15 memory 9:2 men 11:17 13:6 14:6,6 20:8 24:14 36:19 40:18 43:7 49:6 69:6 80:12 84:4 89:15 91:3 98:22 99:12,21 111:13 112:21 124:20 127:20 128:9 137:18 150:12 160:8 162:6,13,17,19 171:19,22 220:20 221:2 248:4 281:22 283:21 289:15 290:14 meningitis 143:19 menstrual 214:11
--	---	--	--	--

mental 263:5	67:10 70:3,9	270:13 272:16,22	37:20 38:13 61:5	11:1 15:3 37:4
mention 232:13	79:21,22 80:5	274:11,15,18	87:14 107:20	42:11,13 95:19
243:20	84:9 85:12 89:10	275:3,3,18 276:9	108:10 110:7	96:3 109:4 110:12
mentioned 10:1	89:10 90:4 91:7	276:12,18,21	117:6,8 118:15	110:13,14 115:4
65:15 119:22	94:5 96:22 97:19	278:5 280:6	120:5 136:1	120:19 130:1
132:7 140:9	100:2 101:11,14	281:19 282:13	160:15 248:20	184:22 185:1
195:21 228:8	107:2 111:6,21	287:7 291:1	298:8 299:1	214:3 215:15,17
230:8 238:12	117:10 118:3	292:13 293:8,11	mission-essential	273:14,18 274:2
241:10,18 242:11	119:2 123:10	294:19 295:18,20	247:19	275:22
mentors 178:8	126:12 127:7,9,18	296:18,20,21	mission-readiness	mortally 125:5
Merchant 47:10	128:3,17 129:10	297:1 298:7,18,20	13:22	mortified 202:4
merely 170:3	151:6 152:17	307:8 309:3 310:3	mistake 275:2	mother 51:9
merit 96:13	155:20 159:15	313:11 317:1,22	misunderstanding	motor 143:14
meritorious 240:6	160:18,20 164:8	318:16 320:2	157:12	152:11
merits 241:1	164:13,18 165:14	321:2 322:6	misunderstood	mountain 26:11
message 36:17	171:2,9 172:5	324:17 328:22	312:21	move 27:4 58:16
64:14 157:9	184:14 197:21,22	military's 12:20	mixture 248:18	95:19 107:15
267:13	198:1 200:21	24:9 41:20 244:9	model 117:12	126:22 141:8
met 1:11 12:10	201:4,9,17,20	246:13 247:16	189:4 198:4	171:13 209:4,19
methodology 230:3	202:20 203:8	mind 82:5 163:9	modest 70:16	259:10,20 287:20
252:20 324:15	204:13 205:22	194:19 202:10	modify 7:17	288:21 307:10
metrics 316:11	206:17 208:9	203:12 209:15	modifying 8:19	325:5
microphones 15:8	210:7,9 211:11	256:11 265:6	10:6	moved 81:21 127:2
15:13	218:22 220:8	283:6,15 286:12	Molinengo 6:17	188:3 213:15
mid-career 122:5	223:11 224:10	295:13 307:6	mom 212:10	297:7 298:16
middle 213:11	225:6,12,20 227:2	minds 320:18	214:16,17	moves 64:17
Mike 2:3 168:21	227:4 230:15,16	mine 215:13	moment 33:9 183:7	movie 34:9 167:8
185:17 198:9	230:19,20 232:5	minimal 76:14	220:19	moving 11:12
miles 219:3	233:8,15,20 234:2	minimum 210:21	moments 105:12	193:7 194:14
military 1:5 3:5	235:15,15,21	minute 227:14	Monday 64:9	276:14 291:2
7:11,18 10:7	236:7,14,19,22	285:14 320:18	monitored 179:17	320:9
11:11 12:14,22	237:3,7,10,16	minutes 142:18	Montgomery	Munch 173:20
13:3,7,20 14:4	238:13 239:17	208:6	115:11	murder 267:22
16:10 23:10 24:4	241:12,22 242:5	misbehavior 12:13	month 8:16 37:12	284:20 297:14
24:8 25:7,10,20	244:6,14,15,17	17:19	218:17 286:17	murkiness 196:13
26:3 28:4,9 32:10	245:6,8,10,19	misconduct 97:22	months 48:21	mutiny 39:11
33:15 36:3 37:8	246:1,7,11,17,20	238:2	73:19 81:6 116:19	Mysteriously
38:15,17,21 39:1	247:2,19 248:9,12	miserably 80:14	184:15 186:21	218:18
39:10,14,18 40:3	249:8 250:8,18	mishandled 80:15	202:11 206:21	
40:19 41:2,18	251:3,10,16,20	mispronounced	297:16 300:12,17	N
42:19 44:4 46:1	252:4,6,8 253:2	200:11	moral 12:8 73:3	N.W 1:12
47:11,12,14 48:9	253:15 254:2,17	missed 142:22	238:7	nailed 82:2
49:10 50:4 51:1	255:9 256:3,8	301:1	morale 144:12	naive 186:17
52:9 54:3,4,6,8,14	258:14,14 259:11	missing 55:14	157:11 281:21	name 4:4 37:6
54:17 55:2,13,19	260:1 261:15	158:22	morality 20:18	110:15 142:17
57:1 60:9 61:3	262:7 264:20,22	mission 12:9 23:13	morning 4:3,12	200:11 210:14
63:15,18 65:8	265:14,17 266:19	27:10 28:1 32:1	5:21 10:5,17,18	222:20 283:9

named 173:20	necessarily 69:18	144:13 147:22	non-consensual	237:17 241:13
nameless 268:15	156:5 164:4	160:4 169:21	226:4,16	nurse 212:12,14
names 288:20	172:11 187:12	170:14 190:22	non-event 197:20	213:1 219:18
300:18	261:20 309:11	196:5,18 210:11	non-high 98:3	221:20
narrative 107:5	necessary 26:5	217:16 221:2,3,21	non-judicial 38:1	nurturing 208:21
229:18 231:19	32:7,11 34:12	284:16 319:13	39:6	
narrow 166:14	88:20 89:1 256:10	negative 239:1	non-lawyers	O
167:11 177:7	256:11	259:2 262:14	314:19	o'clock 205:2
270:2	neck 214:4	negatively 120:7	non-military 32:8	O-4 73:10
Natalie 6:19	Ned 209:21	234:20	non-military-spe...	O-5 37:16 73:10
nation 160:9	need 13:9 21:11,11	neither 41:8 107:17	39:20	91:20 186:4
nation's 24:16	21:12,13 51:9	221:16 248:10	non-negotiable	188:22 304:16
42:19 99:17	57:14,19 59:13	network 17:2 37:15	113:5	O-6 91:20 262:4
115:22 297:2	67:9 68:10 74:21	178:15 232:7,8	non-objective	304:17
299:2	75:21 76:18,19	never 31:10 57:4	91:17	O-6s 75:5
national 7:3 11:5,7	77:12 81:4 87:2,3	92:8 100:3 119:1	non-sexually 153:4	obey 282:8
190:7 232:8,8,9	93:11 99:9 106:1	180:11 192:16	non-U.S 236:19	objective 44:14
245:10 291:20	107:10 110:2	204:1 206:6 207:2	norm 143:19 247:8	86:2 87:15 123:9
nations 116:8	119:7 127:13,13	216:19 289:14	313:20	130:10,16,21
NATO 116:6,16	127:16,16,17	311:17 315:15	normal 172:12	134:17 135:1
117:13 181:5	134:21 136:9	new 21:11 24:19	normally 192:2	142:8 184:10
NATO's 116:7,17	137:12 142:5	64:5 75:18 78:21	234:8	186:16
116:19	144:16 147:10,10	78:21 79:8,9,9	note 204:6 243:7	objectivity 59:16
natural 274:14	155:22 156:3,10	86:11 109:20	notes 4:18 185:2	78:17 82:9
nature 65:22	156:11 157:1	164:8 188:20,20	240:2 243:4	obligation 321:9,20
159:20 173:17	169:18 172:21	189:3,4 211:13,13	notice 34:4	obligations 238:7
174:2 175:19	174:10,13 188:2	227:7 271:1	notion 176:16	observed 121:10
196:10,13,14	191:2 192:16	news 41:17 68:18	178:15	239:13
240:10 296:22,22	195:15,21 196:2,6	175:8	notorious 45:12	obstruction 236:6
Naval 23:1,4 24:6	197:1 198:3,3,6	newsworthy 97:11	November 312:12	obvious 276:4
37:18 38:4 43:3,4	221:5 261:11	nice 66:4	number 8:21 18:5	obviously 132:22
285:21 299:14	263:3 269:16,20	niece 47:1	19:7,10,20 20:2	134:9 146:10
Navy 2:4,9,10,11	283:5 292:9 293:7	night 64:9 205:2	20:11 24:17 35:5	263:18 300:11
3:7,7,8,13 22:10	297:1,20 300:15	213:11 214:14	58:20 102:8	327:20
22:19 23:2,11,15	305:18,19,20	215:3 220:3	112:15 117:17	occasional 320:5
28:16 37:1,6,17	309:1 318:10	nightmares 207:6	135:10 160:22	occasionally 29:16
38:5 46:21 86:10	320:16 322:21	219:15	171:5 174:6,17	106:21 135:13,14
109:7,9,11 110:2	needed 38:18 48:15	nights 133:19	194:2 228:21	occasions 69:19
188:3 223:1	55:8,11 67:18	219:3,4,4	242:14 273:1	149:13
274:22 284:6,7	134:13 144:8,8	nine 11:6 19:1 24:6	278:18 301:7,15	occur 59:5 242:4
Navy's 23:9	294:20	205:2 228:16	302:5,18 303:9	245:22 246:5
NCIS 196:6	needing 118:11	nine-member	313:10 324:11	occurred 19:7 25:1
NCOs 208:11	needs 28:4 38:10	229:10	325:2	70:5 134:11
NDAA 28:7 60:5	39:16 43:14 64:19	Ninth 237:8	numbers 162:3	263:11,12
100:18	64:19 70:13,14	NJP 57:7	170:22 175:2	occurs 56:12
nearly 22:18 96:9	72:9,12,14 95:10	nodding 176:22	296:9	ocean 37:19 74:22
110:18 132:14	111:9 128:20	noise 34:8 215:8	numerous 235:8	October 96:8

odds 96:16	oh 9:5 108:15 141:2 157:1,20 174:18	119:12 158:11	105:22 125:22	overturn 40:9 41:15
Odierno 112:14	182:2 215:10	opinion 96:17	143:12 162:19	overturned 56:4
offender 224:20 226:18	226:12 267:15	140:19 196:17	178:21 182:12	overwhelming 76:14,17 93:8
offenders 240:4	280:13 306:2	244:16 271:7	232:8 234:21	273:3 313:10
offense 149:12	okay 15:14,20	272:12	235:1,11 238:9	owe 181:17,19 182:3
279:7 325:4,9	66:14 108:20	opinions 160:10 238:19	268:16	
offenses 7:10 11:11	156:4 173:11	opponents 250:14	organizational 237:12	
233:16 234:17	175:13 228:12	opportune 109:3	organizations 231:22 232:2,3	
267:4,7	282:4 288:20	opportunities 123:17 149:22	234:19 235:22	<hr/> P <hr/>
offer 223:14 224:16	292:4 303:5	opportunity 13:17	289:6	P-R-O-C-E-E-D-... 4:1
offered 21:6 60:3	304:15 305:14	14:18 15:5 19:10	organizing 24:13	p.m 199:11,12 200:2 329:12
207:11 238:18	306:16 324:1	22:15 28:11,19	originally 304:1	page 3:1 86:10 325:21
office 20:21 81:11	old 17:2 29:1 76:6	30:6 37:5 46:2	orthopedic 216:14	pages 231:18
178:3 204:7,11,12	76:7 79:10 110:16	58:22 61:3 84:18	OSD 195:22 196:5	pain 207:15
204:15 215:11	162:5 178:15	102:2 105:9 108:9	196:18	painstaking 116:14
217:2 225:10	202:10 206:22	109:2,10 120:19	OSI 192:6 196:5	pan 266:7 269:15
266:14 267:5	286:16	127:17 128:17	ostracism 256:4	panel 1:3,11 3:2,10
268:21 277:16	on/off 113:22	139:14 154:19	ought 34:14 178:7	3:15,17,18 4:6,7,9
289:14	onboard 151:16	164:21 200:20	178:10 271:16	4:12,14,15 5:11
officer 16:2 17:5	once 26:3 57:4 86:9	206:3 222:21	274:9,17 310:17	5:22 6:6,16 7:6,15
25:8 27:1 31:7	114:21 156:10	243:1	outer 204:12	7:19 8:10 9:10,15
37:18 38:4 60:12	180:18 194:15	opposed 8:19 86:3	outraged 273:22	9:20 12:11 15:6
68:3 75:11 95:6	228:15 293:15	113:14 175:16	outside 11:12 32:10	18:1,12 22:12,14
117:19 119:12	one's 55:16	286:5	125:17 126:1,7,16	28:18 29:21 42:12
136:6 187:5	one-on-one 193:10	optimistic 186:18	128:7 129:16	45:21 46:13 53:7
191:11 193:4	one-star 27:16	option 141:14	172:7 203:20	55:6,6 62:14 65:6
213:1 221:9,10	one-year 23:8	order 8:12 9:4	235:8 240:22	72:4 78:11 95:14
289:11 290:5	ones 15:12 74:16	25:12 27:22 31:22	295:15	95:19 96:4 104:8
officer-type 62:8	125:10 139:1	38:11 39:4,17	outsiders 275:9	105:11 111:19
officers 1:6 3:4	154:6 162:14	40:13 41:22 64:15	outstanding 96:22	121:4 122:3,14
8:18,18,22 9:12	open 52:7 53:6 81:9	72:11,16 74:2	overall 86:14 123:8	129:21 130:3,11
9:17 12:14 18:6	129:21 201:22	98:22 105:6 110:6	123:9 134:22	139:4 142:20
27:20 62:16 75:6	291:11 304:2	111:8 113:4,20	150:17 238:2	146:22 150:13
75:10 77:2,2 94:5	306:22 307:5	114:2 117:11	243:10 244:2	151:8 194:20
94:16 107:2,4	opened 205:9	134:21 138:12,13	248:19 282:19	195:21 196:18
115:14 130:4	opening 51:19	155:4,14 157:10	overcome 100:3	197:12 199:7
140:13 184:21	157:14	160:14 163:4	227:5 247:5	200:6,20 208:5
189:17 208:11	operated 32:13	178:20 181:13	overcoming 26:10	209:9 222:22
210:12 221:7,13	operates 252:7	203:5 249:12	overlooked 208:8	223:15,21 228:8
240:8 245:11	operating 18:20	260:13 278:3	Overnight 81:20	228:15 229:2,10
282:5 284:10	operation 116:21	298:11,13,21	overseas 22:21	229:11,12,22
285:18 301:4	116:21 144:8	ordered 34:1 45:15	212:16	230:1,5 231:8,21
official 2:16 4:5	operational 158:4	ordering 259:9	oversee 150:21	232:4,15 239:13
42:18 231:15	185:5 237:12	orders 282:9 300:5	oversight 59:12	
234:11	297:3 318:13	organization	237:18 241:14	
oftentimes 290:2	operations 109:8			

242:21 244:2,8	282:19 283:16	pay 240:4	318:14 322:22	319:1
245:12 251:18	292:10 295:2,3	PC 85:3	323:5 326:10	perpetrator's 56:7
253:21 254:14	297:8 303:17	peace 21:16 97:18	people's 146:8	perpetrators 25:6
257:20 264:19	305:19 314:3,4	peers 19:18 55:17	147:16 191:7	29:17 85:6 108:12
273:16 280:4	316:19 320:15	55:18 56:1 256:4	306:17,21	154:9 171:5,20
281:15 283:3	321:19 327:5	penalties 221:3	perceived 129:17	251:15
286:18 299:11,12	participate 10:22	pending 43:21	225:5	persist 80:2
307:1 308:19	37:5	penitentiary 93:5	percent 40:18	persistence 24:18
309:3 310:12	particular 17:13	Pentagon 20:5	62:13 68:16,20	person 10:9 11:1
314:19 316:12	25:9 54:15 65:4	people 5:4 30:1,2	105:22 168:9,10	53:15 71:8 83:15
321:14 323:18	86:8 90:11 110:2	36:8 38:15 47:5	168:10 174:7	92:8,9 115:10
324:3 326:3 327:5	121:21 122:3	50:20 53:1 56:5	296:5,8,8 300:4	140:4 141:21
panel's 5:15 6:3	123:18 129:18	57:5,17 62:4 69:8	314:18 321:4	144:13 145:21
7:22 9:5,6,21	143:20 145:2	69:11 73:4,8,11	percentage 171:3,4	150:2 151:5
321:8	148:18 158:13	74:12 79:17 80:4	percentage-wise	155:20,21 159:14
panelist 46:5	190:3 234:11	84:3 85:1 93:8,21	171:10	216:10 217:11
panelists 317:17	244:17,18 283:4	98:11,13 105:1	percentages 226:2	233:22 253:16
318:7	284:9 285:2 286:7	107:9,12,18 108:5	perception 25:15	259:18 265:3,19
panels 18:14 62:4	287:17 289:2	108:11 117:8	79:20 80:1 89:14	268:14 274:18
78:13	290:5 301:13	118:10,12,15	91:2 254:7 261:8	277:14 279:8
panties 209:4	302:3,4 328:19	120:4,6 124:10,15	277:21 282:17	280:11,17,18,20
paper 12:12 19:12	particularly 25:22	125:3,12,15 126:3	283:6,13,17,19	280:20 281:2
papers 218:11,17	26:15 105:7 106:6	126:8 128:9 129:5	289:19 290:6	287:13 288:11
parachuted 142:18	114:8	130:16 131:14	291:1,22 292:2	304:20 305:1
paragraph 287:17	partners 116:2	140:17 142:2	315:6,6 316:19	318:9 322:9 327:1
parallel 168:1	118:2	143:13 144:7	317:15 318:3,4	person's 105:20
paramilitary 289:5	parts 255:15 317:4	150:8,10 151:7	319:3,4 321:18	personal 44:8
pardon 16:4	323:21	152:4 153:19	322:2,7,20 323:5	104:6 130:18
parenting 160:5	party 30:18 32:17	154:17,19 158:5	perceptions 184:5	181:4 224:16
161:15	33:7 38:7	160:17 161:3	321:12,13	234:8 246:10
parents 52:9,11,16	pass 110:8	170:12 171:4,16	perfect 76:21	323:11
216:6	passage 60:4,7	171:17 173:18	313:19	personalities 84:20
part 13:18 29:9	passed 82:2 172:15	174:22 176:14	perform 202:2	personality 83:22
32:9 36:16 68:5	passing 58:15	178:16,18 179:15	performance 26:16	personally 113:3
71:13 76:15,17	passion 61:12	181:10 192:6	138:6,7	164:18 202:7
81:15 87:4 105:9	112:4	193:13 197:3,6	peril 179:11,21	215:19 224:3
118:17 123:11	passive 220:6	200:10 209:22	183:9	personnel 22:22
125:14,15 126:2	Pat 2:7 15:2	245:5 251:22	period 5:12 16:6	38:7 103:2 154:6
126:18 130:22	paths 121:20	264:18 271:6,15	103:3 116:19	156:19 235:15
131:2 171:12,15	Patricia 2:15	272:8,19 274:10	139:19 200:4	265:14
176:4 193:15	patron 217:4	276:1,2 277:22	perishability 65:15	perspective 24:11
216:17 219:6	pattern 32:15	280:1,5 281:12	permanent 38:6	29:8,19 30:20
221:21 223:18	Patty 4:10	284:14 286:12	permission 224:16	84:22 224:14
224:18 225:7	Paul 2:12 58:3	289:21 298:10	permit 29:1 68:19	243:2 260:20
244:17 247:1	85:18	300:17 302:18,22	permitted 4:22	294:22
259:3 273:15	pause 251:21	304:11,22 305:3	permitting 44:4	perspectives 1:6
279:12,17,21	265:11	305:21 309:2	perpetrator 56:9	3:4,11 95:20

238:11	152:12 157:6	229:15 232:17	261:18	preconceptions
persuaded 254:18	173:3 176:18	252:12,16 259:4	possibility 308:9	92:20
255:16,19 274:5	183:7 202:21	269:21 279:22	possible 36:10	predator 73:10
PFC 177:21	249:21 258:16,20	283:18 284:2	112:9 212:20	81:17 91:22 92:3
phenomenon	276:1 283:19	291:13 299:10	233:10 297:19	predators 73:10
321:22	293:2,6 294:2	301:1 307:14	possibly 8:9 83:15	predicted 34:7
phone 10:10,22	309:22 323:4	308:19 317:15	post 9:4 17:10 20:5	predictions 250:21
14:18 48:13 53:17	placed 44:10	318:8 320:8 321:7	23:4 49:12 50:17	predominant 32:21
88:8 108:16,19	213:17	321:11,20 325:19	51:14 52:2,17	predominantly
130:7 132:2 141:1	places 102:15	325:22 328:8,12	86:12 143:21	246:18
142:18 159:13	115:10 171:1	328:12	201:18 217:2	preexisting 11:16
173:9 176:8	179:15 294:20	pointed 264:14,15	303:17	89:4
180:21 184:3	placing 11:9 39:21	Pointers 163:16	post-court-martial	preface 143:4
phrase 135:19	59:18 237:2	points 12:15 165:9	40:8	prefaced 146:1
157:10 177:19	plane 151:2	277:5 319:9	post-Vietnam 98:5	prefatory 243:4
211:13	plate 78:6 301:11	police 221:7 289:6	posted 5:14 200:7	prefer 298:4
phraseology	platoon 209:12	289:14 290:2,3	potential 44:5	pregnant 206:21
321:16	platoon's 203:4	policies 16:9	123:19 127:9	214:10,21 215:1
physical 90:11	platoons 42:20	237:17 241:13	187:17 260:7	Preliminary
214:10 240:17	play 56:8 238:3	policing 163:21	279:16 317:10	241:15
pick 302:16	299:19	policy 37:14 202:6	potentially 45:5,19	premature 109:21
picked 158:8 217:6	played 93:2 276:16	210:2,4 211:13	86:14 133:12	preparation 9:20
picking 266:9	276:19	231:14	210:22 211:7	preparatory 230:9
picture 163:9	playing 93:3 294:2	political 71:20	259:12 279:9,11	prepare 43:22
245:20	plays 275:17	279:17	293:19 314:4	prepared 43:19
pictures 4:22 222:3	plea 187:15	politically 313:16	poured 182:19	107:6,6
pie 226:1,7	pleas 250:22	poll 324:3	Powell 76:13,15	preparing 87:13
piece 60:6 62:1	please 5:1 42:13	pool 143:14 152:11	power 246:19	prerogatives 25:10
65:4 84:8 85:11	53:3 82:11 132:5	poor 45:4 138:6,7	294:1	25:14
89:12 163:12,13	177:6 180:21	206:1	powerful 250:1	present 1:14 2:18
277:10 280:18	200:14	poorly 131:10	263:17	9:14 12:22 21:8
326:4,7	pleased 10:19	168:13	PowerPoints	46:2 200:12 229:1
pieces 83:21	pleasure 109:3	popular 96:20	193:10	240:19 264:11
pile 34:17	212:7	141:21 212:17	practice 234:5	265:12
pillow 207:19	plus 107:3 148:19	population 55:18	235:20 236:9	presentation 29:6
pilot 93:11 116:6,7	312:20	197:5	270:22	30:1
117:14 151:1,14	point 6:15 48:2,6	Porcari 48:21	practiced 311:15	presentations
299:18 304:2	50:16 56:19 57:13	pose 225:13 246:16	practices 255:10	189:20
pilots 151:1	57:18 64:21 66:8	position 101:8	practitioners	presented 84:7
pin 50:9	67:12 68:2 78:3	117:3,3 141:19	230:16	133:4 149:8 181:8
PINNACLE	88:21,22 106:21	177:20 188:9	praise 140:16	182:20 226:6
189:18	122:22 130:5	193:7 263:14	pre 193:14	229:13
pinned 215:9	139:5 140:7	positions 6:13	pre-commissioni...	presenter 239:12
placates 292:1	148:18 151:17	188:14	111:2	presenters 2:1 5:2
place 13:19 36:13	153:6,11 156:15	positive 14:15	pre-trial 62:20	10:4,9 227:22
59:7 66:22 110:2	187:13,21 195:11	98:21 101:6	precedent 87:16	230:12,12
112:9 125:8,9	216:20 227:21	238:22 254:15,20	precious 36:8	presents 225:22

preserve 55:20 244:14	227:8	81:3,3 94:12	293:21 315:2	prompts 307:8
president 150:20 212:18 220:5	privileged 281:16	97:21 102:15	328:4	pronouncements 320:2
presidential 24:3	privy 29:10	158:9 160:20	profession 78:4	proof 45:4 246:4
presiding 1:13	probable 75:12 312:2 314:12	173:2 185:7 216:2	91:8 97:5,8,9	258:10 259:2
press 26:4	probably 68:6 76:21 104:12,13	270:12 291:10	250:2	261:21 262:20
pressure 249:10 257:3 293:8 314:5	119:14 134:14	306:11 312:5	professional 40:2	295:16
316:3,10,14	165:15 169:11	procedural 251:14	44:8 57:14 86:2	proper 27:9 152:4
presume 320:17	171:8 185:21	procedure 64:16	87:20 111:13	properly 57:19
pretty 17:15	189:1 191:19	150:9	155:12 156:11,12	149:7
152:19 174:14	192:17 197:2	proceed 5:19 8:8	183:10 187:9	prophetic 36:16
179:9 193:18	226:17 272:18	63:1 64:3 200:8	223:7 250:7 264:2	Proponents 238:16
194:7 198:18	285:14 286:2	proceeded 27:11	272:5,15,16 285:8	proposal 26:7
270:8 274:9 284:4	289:4 302:12	proceeding 177:3	professionally 98:9	58:18,22 61:16
304:20 322:15	problem 13:18	process 10:7 11:19	113:4	63:2 64:17 85:22
prevalence 246:8	16:13 19:9,19	14:4 16:5 20:13	professionals 13:21	265:5 278:9 291:6
prevent 173:2	20:3 50:13,14	44:7 54:3 59:8	97:12 231:4	291:7 300:7 304:4
242:2 245:19	68:4,10 82:2 98:1	78:19 85:9 86:7	235:17	proposals 53:22
preventing 237:5	99:4,5 113:8,13	89:13,15,22 90:7	professor 1:18 6:9	285:15
238:4	131:16 159:10,20	91:4 92:5 105:18	43:5 53:12 55:4	propose 226:5
prevention 109:12	160:1,16 162:17	106:1 113:12	158:18 242:19	proposed 13:14
165:3 221:6 225:9	162:18 167:1	114:16 116:14	252:18 253:4	54:12 113:15
225:13 249:19	169:17 170:11	122:11 124:8	260:15 264:15	proposition 113:21
previous 53:16	171:8,17,18 182:5	125:11,18 126:22	296:14 306:8	prosecute 7:8
115:14 130:3	194:18 195:1,5	130:21 133:3,17	319:9 322:2	11:10,15 13:20
274:2	197:1,9 198:15,17	151:13 167:18	professors 231:2,3	44:22 126:11
previously 241:9	198:17,20 199:2	176:17 178:13	program 19:11	142:4 156:22
priests 47:20	223:8,12,16	180:17 186:12	116:6,7 117:14	168:17 240:11
primarily 313:3	224:10 225:14,20	194:11 195:15	122:6 173:15	245:4 249:20
prior 92:18 240:19	226:13 227:4	221:1,22 225:4	198:20 227:7	256:14 266:4
priorities 267:5	236:16 238:3	227:18 236:19	294:10 299:12,18	270:16 271:22
268:9,10 269:1	239:11 244:19	237:11 248:11	programs 129:9	278:10 294:18
284:3,11	245:14 250:16	249:15 273:11	207:8 237:18	299:1,2 317:21
prioritize 301:8	251:20 256:16	279:2 287:10	241:14	319:19
prioritized 301:22	270:1 276:18,21	294:13 298:12	progress 25:22	prosecuted 85:3
priority 21:2 112:9	278:15 283:1	315:11,12 316:15	104:20 195:5,12	289:12,17 303:10
158:15 267:8	292:3 293:16	316:18 317:2,5,13	316:11	313:22 316:9
268:4,5,6,8	296:10 306:3,4,5	324:1 326:15	progressed 111:4	prosecuting 27:2
278:15 284:9	306:15 317:12,18	processes 3:5 23:22	project 37:8 304:2	60:18 149:12
prison 190:12	317:20 318:1,2	150:15	prolonged 297:4	249:5
221:4	problematic	produce 239:6	prominent 320:14	prosecution 87:22
private 81:14	239:12 271:20	269:3	321:1	112:7 128:22
165:15	problems 14:15	produces 273:13	promising 133:12	168:15 177:3,9
privilege 115:22	16:20 21:4 47:8	productive 172:13	promoting 25:16	224:6,19 237:2,22
121:1 137:16	47:22 48:1,18	PROF 53:10,14	320:13	238:1 240:13,14
	54:7 78:10 80:22	55:3 158:19 159:6	promotion 50:10	241:16,20 247:21
		161:6 166:6,9,11	147:2,5,7 269:7	248:12,22 249:12
		242:22 258:7,9	prompt 45:13	

250:3 259:9 264:9 265:16 267:4,7 285:21 306:6 307:13 308:8 309:18 311:7,9 315:14 318:22 prosecutions 45:10 59:15 128:19 233:3 255:1,3,7 255:12 263:6 274:12 284:15 299:6 307:16 309:20 310:21 prosecutor 54:4 173:22 239:14 249:22 259:11 260:1 267:17,19 271:21 272:16,21 292:16,17 302:9 307:19 309:9 311:16,18 prosecutor's 286:1 286:3 289:13 313:2 prosecutorial 238:14 239:20 244:12 245:2 248:17 251:2 264:7 268:1,3 278:6 279:18 282:6 prosecutors 168:17 230:17 239:10 240:9,16 241:3,5 245:7 250:13,19 263:2 266:11,16 266:18,22 267:2 268:20,22 269:10 272:5,15 285:8 286:14 287:21 308:10 309:21 protect 72:6 232:6 248:19 251:12 271:4 protected 50:21 247:20 Protector 116:22	protocols 222:1,2 prototype 299:12 proud 49:4 102:7 286:20 prove 211:1,17 222:5 provide 14:5 89:9 90:16 99:18 118:16 196:7 256:9 provided 9:20 56:8 62:15 111:15 231:13 263:1 provides 61:2 94:7 99:19 providing 71:12 90:7 98:21 232:3 322:11 Proving 17:20 18:5 209:20 provision 267:20 provisions 39:14 proximate 70:5 psychiatrists 208:3 psychology 129:15 PT 205:3 215:17 218:2 PTSD 219:14 public 3:16 5:3,11 5:14 9:11,22 15:12 33:3,16 46:12,14 55:12 112:18 200:3,8,10 208:4 222:17 224:2 227:12,22 229:1 230:7 239:13 249:22 283:15 291:5 318:7 320:1 publicity 18:4 172:6 publicized 235:14 publicly 33:8 231:11 pull 83:20 303:16 pulled 205:12 pulling 67:19	punishment 38:1 39:7 40:10 45:13 182:7 215:14 purpose 7:11 123:3 123:5 223:21 purposes 305:17 pursue 45:9 149:17 295:7 purview 155:8 push 14:13 176:19 177:10 182:3 215:18 270:15,19 push-ups 218:2 pushed 205:13 274:4 pushing 74:3 put 7:1 13:4 15:18 16:17 36:15,18 48:12 49:14 50:9 50:10 61:21 63:13 73:3 85:11 94:16 96:15 109:11,17 110:2 117:20 127:5 139:19 156:20 158:9 159:21 164:17 166:1 172:18 194:17 197:12 206:9 209:3 214:2 274:12 276:2 280:3 282:4 290:11 297:11,22 300:8 301:21 307:22 309:2,3 313:5 314:5 316:12 325:5,7 puts 63:3 82:4 90:5 putting 50:4 67:21 165:17 264:6 314:9 326:17 puzzle 85:12	quality 233:2 256:10 264:8 306:6 quantum 87:19 quasi 276:19 queen 209:6 question 26:3 53:11,21 70:8 86:21 105:3 134:5 135:7,11,12 143:4 144:3 151:18 156:14,18 159:7,8 159:8 166:8 167:22 168:2,11 171:13 176:10 188:1 194:8 195:19 198:13 250:3 266:17 291:12 307:15,21 307:22 308:12 315:4 325:9 questionable 83:19 questions 14:20 19:4 44:4 53:8 58:9 61:7,17 93:17 95:13 101:18 110:9 114:22 120:14 129:12,22 138:21 141:16 175:16 196:9 240:21 268:18 315:9 queue 278:12,17 297:11 302:12 quickly 45:10 63:22 64:16 297:6 297:13,14 quiet 97:11 206:13 206:18,19 quit 213:20 quite 71:17 83:11 101:3 113:20 169:2 180:15 286:20 quote 49:19 240:3 quoting 288:5,13	R rabbis 47:21 race 102:14,17 276:20 races 203:12 racial 97:21 radical 169:20 RADM 3:14 120:18 137:10 141:3 148:15 150:6 157:13,22 159:4 168:18 170:17 179:10 195:3 Rainville 2:6 3:6 10:14,16,20 11:2 88:2,3,6 raise 130:4 131:7 168:12 raised 58:10 86:21 176:11 207:1 209:2 250:17 270:12 raises 44:22 raising 91:14 176:14 rally 123:15 Ralph 2:5 115:5 132:2 136:4 180:20 189:7 ran 111:16 215:8 300:12 range 36:2 92:17 122:11 ranging 22:21 rank 91:19 182:8 259:22 ranking 208:11 ranks 14:7 111:4 112:10 114:14 rape 167:11 204:22 226:2,8 232:7 244:9,14 245:4 246:3,4,16 251:15 284:20 286:22 306:7 312:12 raped 205:18 219:19 220:2,7,21
Q				
qualified 106:18 qualify 98:4 qualitatively 307:12				

rapes 121:19 207:3	244:5 252:17	274:8 275:13	recognizing 280:1	referenced 35:14
raping 221:10	280:1,5 285:15	293:16,17 305:21	280:4	317:17
rapist 209:14,18	readiness 24:12	305:22 306:19,21	recommend 65:5	referral 45:3
rapists 240:3	91:7 112:12	307:10,21 310:1	86:18 280:14	131:11 265:15
rarely 43:19	reading 50:16	321:8 322:20	recommendation	325:16
135:13 185:3	204:3 226:11	realm 166:16	68:17 70:16 155:4	referrals 45:7
rarified 74:13	ready 5:18 24:15	309:15	196:17 244:11	referred 81:4 137:5
rate 210:7,19 233:4	33:7,8 56:12	rear 2:8,9,10 60:1	299:7,22 327:16	175:11 209:5
267:16 285:5,6	188:9,10 193:20	67:1,21 82:15	recommendations	235:21 258:5
296:8 308:20	222:7,7 304:9	reason 21:9,22 44:9	7:12 12:17 20:11	referring 151:13
309:6 311:7,9	310:9,9	79:16 83:4 84:8	55:5 96:14 223:22	refers 285:20
rated 143:11	Reagan 212:18	85:2 88:19 96:19	224:4	reflect 26:17 29:2,4
rates 240:6,13	Reagan's 220:5	104:14 116:14	recommended	131:10,14 148:12
249:11 294:5,8	real 13:17 36:21	127:2 132:11,11	207:9	252:21
315:15 317:19	146:18 193:21	147:9 176:14	reconcile 295:12	reflected 47:17
ratio 308:1	216:15 252:4	178:22 184:8	reconfigure 227:16	253:4
rational 92:22	288:19 293:9	186:2 197:7	record 26:16 28:20	reforms 237:15,19
Ray 48:14	323:12	216:15 250:20	40:15 49:15 72:6	241:11,17 250:12
razor 165:17 166:2	realities 102:17	251:21 260:19	83:18 95:16	255:5
RDML 3:7,7 15:11	reality 306:20	304:8,9 305:19	199:11 227:19	refreshing 165:10
15:15 22:11 28:17	323:12	312:7	228:14 240:20	refuse 236:2
55:4 60:1 68:11	realize 90:21 160:5	reasonable 315:8	313:19 329:12	regard 25:22
72:17 74:8 76:5,9	247:21	reasons 43:12	recording 4:21	115:14 266:20
76:12 79:3 82:10	realized 205:16	65:14 84:2,3 97:2	15:16	267:1 269:12
82:15,18 91:13	213:21	99:8 120:12	records 52:10,14	279:10
re-reading 86:19	really 11:17 14:8	122:19 131:13	247:19	regarding 7:12
reach 74:17 186:9	14:13 17:17 18:10	211:10 277:2	recounted 201:6	43:20 44:18 173:8
211:5 253:13	30:20 57:19 60:8	296:19	recourse 149:16	regardless 151:15
328:15	60:8 61:4 66:6	rebuilding 163:21	recruiting 23:2	249:13
reached 93:6	70:20 71:6 77:4	rebuilt 98:13	24:12	regards 136:3,17
173:18,20 202:22	80:18 82:4 85:10	recall 35:14 68:12	recruits 213:9	149:19 190:18
205:10 243:3,16	88:14,19 91:1,8	83:9 137:8 285:15	rectitude 73:4	regiment 42:21
244:19 272:13	92:21 93:11	recalled 17:21	recurrence 245:17	regimental 45:14
328:7	104:10,14,18	receive 5:7 26:13	recuse 234:13	region 190:7
reaching 233:18	106:13 112:11	141:16 191:19	recycle 206:8	301:13,16
255:9	128:17 139:9	200:4 236:12	reduce 40:9 84:10	regional 27:16
react 124:4 321:12	140:8 144:4	318:11	114:13 210:6	188:4,8 277:16
reaction 215:9	151:11 163:16	received 5:3,9 10:2	232:21 233:9	301:21
261:6	166:1,17 170:10	46:16,17 83:1	235:5	registered 19:15
reactions 260:7	170:12 174:13	90:6 202:8 209:16	reduced 248:13	212:12,13 219:18
288:4	176:17 186:11	287:15	reducing 254:16	registries 221:6
read 28:19 49:12	191:6,9 195:21	receives 193:4	refer 27:17 60:13	regret 10:22
49:14,17 51:13	196:2 198:15	recess 199:9	98:6 131:16	regular 98:12
52:1,16 62:14	214:13 218:9	recognize 59:4,13	136:12 139:21	245:9 268:7
65:6 97:6,10	260:19 265:22	86:5 169:19 199:2	140:11 216:18	regulations 248:5
161:3 226:10	270:10 271:16,17	recognized 188:2	229:6 234:5	reinforce 125:3
232:11 243:4	271:17 272:7	198:17	319:19 325:13	reinserting 20:16

reiterated 216:6	184:16 234:8	318:2,11,19,21	requirements 61:4	66:10 212:18
relate 158:10	258:3 260:18	321:5 323:16,18	297:3	responders 29:13
285:14	281:18 317:4	323:22 327:3,6,6	requiring 39:21	231:5
related 7:10 49:2	removing 59:2,17	reported 26:18	research 19:3 37:9	responding 237:6
relationship 44:11	69:15 105:19	55:7 81:19 89:17	128:12 161:12	246:3 261:19
88:13 117:17	114:15 167:17	174:6 202:4	Reserve 6:11 11:4	response 1:3 4:5,13
272:20	168:16 211:11	204:11 205:5	273:19	5:22 7:6 12:20
relationships 11:17	225:3 232:19	210:20 243:22	reserved 234:7	35:10 58:9 68:22
18:7 44:8 89:4	233:6 235:4 237:9	250:19	reserves 47:13	70:13 79:14 103:6
92:19	249:14 255:13,16	reporting 25:2	resign 221:9	103:10,10 107:7
relatively 302:6	256:20 257:7	89:20 173:12	resigned 221:12	123:4 156:18
release 224:2	264:5 285:3	196:14 209:15	resigning 51:21	165:3 170:18
relieve 137:22	319:14	225:10,13 232:22	resolution 236:13	173:15 187:22
religion 80:21	render 41:12	235:6,13 236:20	276:20	222:22 230:21
reluctance 77:20	rendered 18:22	237:21 241:16,20	resolve 16:14	237:19 239:19
252:2	renewed 165:11	248:1 254:22	113:12 236:10	241:15 244:9
reluctant 74:9	reorient 75:1	263:4 285:6 294:5	305:2	245:17 249:19
reluctantly 16:12	repeal 33:17	296:8 317:18	resolved 64:13	251:3 254:14
33:10 35:8	repealed 34:3	reports 12:12	297:8 305:5,12	261:5 272:3,4
rely 245:7	repeat 14:9 122:19	40:15 41:8 174:10	resounding 282:10	296:13 300:7
remain 224:18	153:1	174:13,17 175:6	resource 112:2	311:2
240:5 247:13	repeated 13:12	194:20 211:5	294:11,22	responses 92:11
remainder 17:8	142:21	231:13 233:10	resourced 279:19	231:19 254:15
remains 246:18	repeatedly 245:11	244:1 296:6 316:1	resources 97:19	258:19
252:9	repeating 14:16	316:8 322:4	194:17 292:6,7,9	responsesystems...
remarks 29:5	40:14 168:5	represent 25:21	312:5 322:21	5:16
42:14 68:13	replace 250:12	Representative	respect 19:13 20:9	responsibilities
257:11	replaced 204:21	4:16 51:11	23:15 43:6 75:12	38:10 39:16 40:13
remember 31:6	replied 203:16	represents 61:2	75:13 96:17	43:15 100:5
103:13 123:6	report 3:18 18:22	reprisal 233:10	140:14 145:6	110:21 118:14
188:20 282:13	19:5 20:10 37:11	reprisals 247:21	153:14 160:7,9,14	137:17 164:17
286:17,21 300:3	40:20 47:17 75:14	reprise 29:3	164:10 225:2	responsibility
remembered 214:6	81:12,20 84:4	reputation 91:8	229:4 230:11	11:22 39:3,6
remind 33:13	91:5 124:1 133:4	request 5:9 222:11	241:6 242:12,16	78:20 86:6 93:22
88:12 93:21	136:7 168:2,5,7	224:15 281:3	244:5 247:7	94:18,20 106:22
reminded 91:15	168:10 174:15	requested 5:6 8:17	252:13 253:9	107:1 111:5
157:17	182:19 183:11	214:21 218:12	265:4 282:7	113:19 117:11
remote 57:2 259:12	204:6 205:1	requests 200:9	289:16 324:3	118:8 119:9,10
277:16	209:13 214:2	require 127:14	328:5,21	120:4 122:17
removal 236:18	215:12 224:4	169:20 248:16	respected 29:14	127:12 144:1
254:18	225:21 229:3,8,13	319:21	245:6	161:13 163:4
remove 54:2,16	229:21 235:9,10	required 56:20	respond 67:2	181:22 242:9
113:15 116:13	235:18 240:1,12	76:15 221:5	129:17 168:19	298:8
125:13 132:8	243:6 252:14	234:12 235:10	177:11 242:3	responsible 11:21
136:5 167:3 218:5	253:10 255:18	300:6	245:15 247:16	12:2 13:6 31:12
276:5 277:10	264:9 280:2,3	requirement 47:12	258:7 315:3	31:21 32:3 47:9
removed 134:9	281:4 316:4,6	47:14 266:20	responded 17:17	86:16 94:4 98:20

100:7 103:6	8:21 9:11,17 29:1	125:1,2 128:2	role 1:5 3:5,18 7:16	sacred 112:14
107:19 109:8	37:6 95:20 96:8	129:10 134:6,12	7:17 8:5,14,15	sacrifice 246:9
110:6 112:19	102:9 109:5	135:15 136:11,14	10:6 39:19 41:13	sacrifices 97:13
143:8 145:13,16	110:16 115:19	138:2,4 140:15	65:1 71:1 92:20	sad 47:3
146:2 152:7,21	120:21 130:4	141:22 145:8,14	114:9 137:14	safe 99:20 123:11
153:1,2 154:3,13	201:2 209:21	148:11 166:9	161:22 228:19,20	127:7
163:20 242:7	223:1 230:15	167:6,7 168:15	229:14 237:1	safeguarding 25:17
rest 122:14 127:18	retiree 22:15	170:5 173:5	238:4,8,13 242:13	safeguards 251:6
143:2 206:14	retirees 298:15	178:22,22 182:6	248:11 257:18	safety 143:12,17
213:16 227:6	retirement 16:7	182:13,14,16	274:17 275:17	145:11,13 146:3
274:3 275:10	78:5	183:2 190:15	276:17,17,20	152:7,11 153:2
285:9 303:12	return 164:15	197:7,7 199:6	281:10 324:5	safety-wise 143:10
restore 99:5 252:8	203:21	221:17 227:20	roles 248:18	said/she 226:13
restoring 41:19	returned 53:16	232:11 253:11	rolled 98:17	269:8
restricted 316:1,5	revamping 20:13	257:4 259:1	roof 153:5	sailor 226:17
restructure 39:19	168:14	261:10 265:5	room 1:11 6:15	sailor's 26:13
restructuring	reverse 72:4	266:12,16 274:6	48:12 103:17,21	sailors 27:19 37:21
40:11	reversed 304:7	277:1 279:8	164:22 205:4,6,7	84:12 172:13
rests 41:12	review 7:7 18:1	283:18 289:21	205:10,12,17,17	Sam 204:4
result 14:2 70:15	63:9 78:11 218:11	294:3,20 296:5,7	207:13	San 23:2 60:12,19
85:22 108:1 127:4	218:13,21 232:2	296:15 301:4,9	root 292:3	sanitized 153:22
233:12 237:11	307:8	304:9 307:4	Rosenblatt 65:8	Sara 222:18
238:20 239:1	reviewed 238:11	315:16 318:11,19	66:11,15	Sarah 5:9 222:20
256:19 261:19	270:8,21 271:11	321:17,19,21	rotate 64:5	SARCs 103:9
267:18 269:3	271:12	323:14 324:2,12	ROTC 111:3	230:22 323:2
273:6	reviewer 40:8	327:2,13,17 328:1	rough 139:6	sat 165:11 190:8
results 34:18 75:4	reviewing 127:15	328:11	routine 57:7	209:9
107:17 125:18	rewarded 138:10	rightly 45:1 290:6	routinely 180:8	saved 194:3
224:3 262:14	rewarding 98:9	rights 25:17 111:10	RSP 2:15,16	saw 50:15 93:9
263:3,7 277:18	99:1 138:5	251:12	Rucker 2:13	102:13,15 117:9
299:17 309:6	rewritten 306:8	rigorously 321:10	rug 176:20 177:10	124:7 215:8
résumé 184:19	rid 290:22 291:14	riots 102:14	178:17 181:15	saying 49:20 79:18
resumed 95:17	rifle 42:20	rise 58:14	270:16,20	81:12 92:7 146:1
199:12	right 10:13 17:15	risk 94:6 249:5	ruin 127:8 205:21	156:19 174:21
retain 59:15 229:5	22:5 28:3 46:3	293:5 297:22	rule 166:21 325:10	180:12 193:17
244:12 245:2	53:6 58:16 61:18	307:20 308:9	rules 193:20	200:19 218:19
retaining 26:8	62:5 63:7 66:20	315:11	ruling 152:13	255:12 264:11
115:15 242:17	79:20 81:18 88:4	road 79:10 125:2	run 92:4 110:3	265:9 288:14
retains 39:15	88:15 90:22 92:14	273:8	170:13 192:16	297:7,21 312:21
retaliation 26:21	94:9 95:10 96:19	Robbers 192:3,4	203:13 218:2	313:14 314:9,15
41:1 91:4 211:6	96:19,20 97:1,2	Robinson 2:9 3:7	running 97:22	321:17
reticence 77:19	97:16 99:7 101:9	15:11,15 28:16,17	170:13 219:2	says 50:20 95:3
reticent 86:22	104:13 105:15	55:4 68:11 72:17	rush 133:17 273:21	135:17 158:1
retired 1:6,16,16	107:8 108:5 109:1	74:8 76:5,9,12		183:8 265:14
1:17,17 2:2,2,3,4	110:10 120:9,10	79:3 91:13	S	279:12 280:21
2:5,6,7,8,9,10,11	120:10,11,11,12	rock 177:13	S-E-S-S-I-O-N	306:2 307:18,18
2:12 3:4,11 8:17	122:18,18,18,19	Roger 2:2	200:1	322:9

scandal 17:21 23:12 41:6 209:20 245:16	secure 127:8 209:14	segue 272:13	174:1 180:7,9 181:7 185:10 192:13 197:3 212:15 229:5 232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	271:5 304:15 306:11
scandals 245:9	secured 153:6	select 41:15 246:13	192:13 197:3 212:15 229:5 232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	seriously 14:12 25:4 97:20 110:4 118:7 132:19 182:2
scared 214:14	security 23:3 94:8	selected 193:6	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	serve 8:10,13 17:22 36:5,9,9 43:4 102:8 108:6 110:18 111:11 115:22 120:4,5 140:15 160:8 206:6 246:15,20 251:8
scenario 183:16	see 10:8 13:10 27:7 30:21 40:16 52:2 52:10 55:11 57:4 70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	selection 20:13 40:6 146:21 147:1 147:4,6,13	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	serve 8:10,13 17:22 36:5,9,9 43:4 102:8 108:6 110:18 111:11 115:22 120:4,5 140:15 160:8 206:6 246:15,20 251:8
scheme 301:9	52:10 55:11 57:4 70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	self 135:18 163:20	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	served 6:12 11:2 16:1 22:17 24:3 37:17 43:8,9 50:22 61:11 63:14 66:16,17 69:7 79:22 102:12,13 104:7 206:20 275:15
scholar 6:9	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	self-interest 45:20	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	serves 9:2 73:17
school 1:12 6:5 23:5 51:15 98:3 122:5 178:2 191:16 193:8 206:2 212:12,15 223:3 322:15	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	self-supported 223:9	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	service 22:7 29:2 31:9 34:5 37:14 56:6 97:5 98:4 100:2 111:19 135:17,18 160:17 161:14 162:1,9 164:7 210:5 232:6 246:7,12 247:22 248:2 249:22 251:4,7,13,20 252:3,8 257:17 259:15,18 315:19
Schweitzer 49:15	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	selfless 97:5 111:19	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	service-wide 299:13
science 201:12 231:2	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	Senate 50:11	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	servicemember 64:5,6
scientists 19:2	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	Senator 13:14 16:16 22:1 26:7 28:2 38:19 43:11 54:13 61:16 70:15 78:16 83:5 100:16 100:17 101:7 104:22 105:1 200:5 211:10 225:3 265:2 288:5 288:13,16 320:12	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	servicemembers 36:6 61:13 167:5
scope 8:1	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	Senators 224:7 231:6,6	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	services 6:20,22 8:7 42:17 110:1 135:19 167:14 174:16 179:13 191:10,10,15 195:6,11,16 196:1
scrapings 222:5	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	send 57:11 67:1 69:18 70:10 104:17 141:12,17 155:19 267:13 298:10 308:22 309:12,18	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
scream 213:19	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	sending 157:2	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
screamed 48:13	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	sends 62:6 156:7 276:6	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
screaming 217:8	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	senior 1:6 2:16 3:4 3:11 12:13 18:1 26:15 27:1 30:9 30:12,12 32:22 33:4,14,20 37:10 37:13,14 38:5 47:16 56:1,3,7 62:9,18 63:8 69:7 78:11 82:19 83:10 83:15 90:9 95:20 95:21 103:14 104:7,8 159:16 165:5 166:4 167:14 168:16	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
scrutinized 270:11	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	Senators 224:7 231:6,6	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
se 186:1	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	send 57:11 67:1 69:18 70:10 104:17 141:12,17 155:19 267:13 298:10 308:22 309:12,18	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
sea 247:11	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	senior 1:6 2:16 3:4 3:11 12:13 18:1 26:15 27:1 30:9 30:12,12 32:22 33:4,14,20 37:10 37:13,14 38:5 47:16 56:1,3,7 62:9,18 63:8 69:7 78:11 82:19 83:10 83:15 90:9 95:20 95:21 103:14 104:7,8 159:16 165:5 166:4 167:14 168:16	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
search 22:2	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	senior 1:6 2:16 3:4 3:11 12:13 18:1 26:15 27:1 30:9 30:12,12 32:22 33:4,14,20 37:10 37:13,14 38:5 47:16 56:1,3,7 62:9,18 63:8 69:7 78:11 82:19 83:10 83:15 90:9 95:20 95:21 103:14 104:7,8 159:16 165:5 166:4 167:14 168:16	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
seas 125:7	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	senior 1:6 2:16 3:4 3:11 12:13 18:1 26:15 27:1 30:9 30:12,12 32:22 33:4,14,20 37:10 37:13,14 38:5 47:16 56:1,3,7 62:9,18 63:8 69:7 78:11 82:19 83:10 83:15 90:9 95:20 95:21 103:14 104:7,8 159:16 165:5 166:4 167:14 168:16	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4 324:8	
seat 200:14 271:21	70:14,14 77:14 81:4,8,9 99:10 123:8 138:5 155:9 155:11 156:15,17 159:22 176:21 177:22 182:10 187:17 198:15 203:5 206:11 208:5 220:18 222:3 226:7,8 246:4 250:20 256:19,21 257:6 259:2 261:21,22 262:7,8 271:1,16 275:7,14 277:14 277:19 279:3,4 287:22 289:22 291:19 292:21 293:10 296:4 298:3,4 299:6,19 302:8,19 304:8,13 311:13 316:3 324:16 325:22 326:7	senior 1:6 2:16 3:4 3:11 12:13 18:1 26:15 27:1 30:9 30:12,12 32:22 33:4,14,20 37:10 37:13,14 38:5 47:16 56:1,3,7 62:9,18 63:8 69:7 78:11 82:19 83:10 83:15 90:9 95:20 95:21 103:14 104:7,8 159:16 165:5 166:4 167:14 168:16	232:21 233:14 234:14 235:4 236:11 237:9 239:10 241:21 242:7 245:10 250:4	

196:7 216:18	167:12,12 168:3,8	sharp 45:8 165:2	150:19 173:10	207:13 219:21
227:2 231:1,17	173:14 174:17	sheet 31:15,16	285:7	situation 76:13,16
256:5,9,10 257:22	176:18 177:4	shell 219:20	side-by-side 111:12	93:4 108:2 126:4
262:22 263:5	190:18 200:21	sheriff 289:12,15	sidelines 114:3,7,17	134:11 135:3
294:7 298:19	201:4,6,9,11	sheriffs 289:6	sides 92:6	139:11 151:19,22
299:20 300:2	210:7,20 221:5,20	shift 54:3 57:11,15	sign 178:8,8	186:5 190:3
306:6,13 322:11	223:6,11 224:10	57:20 247:6,10	signal 276:7	320:15
servicing 14:6 51:2	224:19,22 225:2,9	shifts 292:5	significance 170:11	situations 56:16
55:19 56:6 93:4	225:12,20,22	ship 56:15 186:6	significant 25:21	68:21 83:12
96:9 109:6 206:16	226:3,3,4,9,12,14	ships 122:3,4	33:18,21 97:21	121:21 125:6
231:5	227:3 229:6	shit 215:10	161:21 172:8	128:11 190:15
session 5:1 10:5	230:13,18,20	shocked 203:15	182:7 237:15	six 23:5 43:10
29:6 34:14 121:3	232:5,10,22,22	shoes 322:5	241:10 273:4	116:3 184:12
192:3 274:2	233:7,10,16 234:5	shoot 309:22	significantly	206:21 297:16
sessions 230:9	234:17 235:5,6,7	shopping 208:3	248:13 290:12	303:7,11
set 12:8 27:9	235:9,18,20	shores 60:9	295:21	Sixth 235:19
179:13 196:3,15	236:10,16,21	shoring 84:8	silenced 200:22	size 22:21 258:17
236:16 243:1	237:6,15,21 238:1	short 8:2 134:16	201:5 208:16	SJA 68:5 142:10
275:19 278:5	238:4,15 239:11	139:5 190:13	silent 34:9 212:9	SJA's 67:19
setting 34:20 117:2	240:15 241:11,20	195:10 241:4	220:4	skilled 79:1
150:8 268:10	242:3 244:6,10,14	shot 73:14 77:16	silly 179:9	skills 247:19
269:1,2	245:4,8,20 246:3	138:20 310:18	silver 306:1	slam 312:22 313:1
seven 189:1 205:20	246:5,16 247:3,8	shots 77:16 114:7	similar 135:19	sleep 207:19
214:9	248:1,6 249:5,8	shoulder 215:7,16	137:21 239:17	sleepless 133:19
severe 219:14	249:18 250:16,22	215:17,20 216:2	250:17 267:22	sleeves 98:17
sex 226:18 240:4	251:3,16,19	216:16 217:20,20	similarly 260:1	slide 94:12
268:3	252:22 254:8,16	218:6 219:17	simple 284:20	slight 247:10
sexual 1:3 4:14	256:2 260:8 261:6	shoulders 213:18	simplistic 276:11	slightly 290:13
5:22 7:9 11:10	261:19 262:6,21	shoved 171:21	simply 17:11 29:2	slipping 143:13
13:2,3 16:11,14	264:2 267:4,7	show 44:21 209:6,7	30:18 109:16	small 80:13 125:4
18:2,7 19:7,8,15	272:4 278:8,11	209:7 260:21	141:22 255:12	159:7,8,10 282:19
21:20 23:20 24:9	286:21 290:22	291:2,16 304:14	sincerity 86:18	smart 144:4 177:13
24:22 25:16 26:1	291:15 292:12	305:13 325:8	271:8	193:18 194:4
26:2,13 35:19	293:10 299:6	showed 81:22	single 224:9	smoking 50:1
36:13,18 58:19	311:21 316:21	103:19 216:5	sir 135:5 137:10	snow 115:12
59:2 73:21 74:6	319:18 322:5	218:19	138:20 139:13	sober 213:8
100:19 101:11	325:4 328:21	showing 66:15	140:13 180:19	social 216:18 223:4
103:5,10,10,20	sexuality 247:10	shows 62:12 211:4	184:13,16 185:16	231:2 245:21
104:9,11,15,16	sexually 40:19 41:9	279:14 281:21	sisters 163:1 219:7	societal 101:10
109:12 112:8,11	41:10 79:18 80:6	shuffled 176:2	sit 146:20,22	163:12,13
113:17 114:8,13	80:7 143:17	shut 81:11	164:21 165:20	society 105:18
116:13 118:22	shaken 76:22	shy 133:8,9	204:14 208:5	123:10 127:19
121:19 122:8,10	shape 258:19	sic 60:2 225:10	262:13 277:7,8	160:6 165:8,20
123:4,6 126:11	share 139:4 244:8	sick 213:5 214:22	322:5	168:13 169:4
129:11 132:11,11	244:16 314:22	215:19	site 67:20 230:9	170:20 171:17
147:17 152:18,22	shared 140:12	side 26:20 28:22	sitting 49:18 180:7	198:4 275:10,18
163:7,8 165:2	323:10	72:21 92:7,13	193:9 204:18	285:9

society's 160:12	322:8,17	speaker 48:13	snivel 176:17	282:5 287:4,5
sockets 218:1	someone's 220:18	speakers 58:7	177:4,7 181:3,21	322:11,19
sodomy 226:4,16	someplace 63:5,13	88:10 228:2	183:17	started 6:2 122:3
soft 45:17 319:5	64:17 175:18	speaking 33:4	snatched 179:17	213:3 214:14
solace 29:15	son 49:19 51:11	82:13 145:2 227:9	179:20 181:10,14	218:11 265:1,7
soldier 99:20	207:21 220:20	speaks 70:7	snatching 182:10	328:13
110:18 114:4	son's 51:12	special 38:3 39:8	stable 294:2	starters 197:2
165:12 177:22	sons 99:16 112:3	57:9 110:22	staff 2:15,15 4:9	starting 111:2
201:3 202:14	116:1 252:2	183:13 205:1	17:4 33:20 62:10	149:21
204:4 206:19	soon 81:10 200:6	294:10 324:19	66:17 67:13 75:10	startle 207:17
212:21 218:8	sooner 134:15	325:3,13,17	87:17 89:5 111:13	state 245:5
226:17 259:5	Sophie 201:7 211:8	specialist 165:15	112:13 122:9	stated 224:13
Soldier's 97:3	sorry 9:5 82:12,14	176:3	155:3 165:4 178:1	statement 136:13
soldierization	82:15 88:7 91:21	specialized 294:17	184:19 193:8	148:18 157:2,14
164:9	94:1 108:19 115:9	326:14	243:15,17 262:2	160:3 200:4
soldiers 19:13,14	123:16 141:2	specializing 201:13	303:2 329:1,3,6	242:21 243:4,11
37:21,22 99:21	148:15 162:5	specific 23:18 32:3	staffing 241:1	252:19 265:16,22
112:15 114:12	210:14 220:15	84:10 91:14 146:9	stage 64:2 328:8	statements 257:2
137:18 138:4,6,9	228:12 283:9	188:14 191:11,16	stairs 215:10	323:20
138:15 139:2,8	sort 84:16 104:2,4	248:22	stake 52:20 91:9	States 1:1 6:11
172:13 201:19	106:8 130:12	specifically 79:3,5	252:5	22:19,21 63:5
202:2 210:22	148:1 156:12,14	103:13 172:5	stakeholder 223:4	64:18 70:19 90:11
260:3,7,17 303:9	162:21 166:20	188:19 218:14	stamp 158:6	115:20 117:9
solely 87:18	261:9 290:20	232:5	stand 21:10 30:6	118:4,19 119:2
soliciting 232:1	292:17	spectacular 321:7	114:19 203:14	120:22 123:9,10
solid 140:19	sorts 73:21 153:22	specter 316:16	244:22	151:22 189:12
solider 259:7	294:3	speculation 128:13	stand-out 99:14	231:6 235:16
solution 21:6 105:3	sought 133:13,14	spelled 271:18	standard 94:15	237:7 266:14
113:11 155:4	139:11	spend 7:20 109:16	140:18	274:22 277:17
223:16 276:18	sound 34:8	164:8 192:17	standardized	295:22 296:2
solutions 293:15	sounded 265:5	spending 78:3	196:16	301:18,19,20
solve 162:17,18	sounds 266:10	spent 38:16 57:2	standards 59:8	303:13 313:21
167:1 305:15	268:19	73:18 96:18,21	97:9 118:18 119:1	stating 41:8
306:4	source 29:15	97:1 116:19 190:8	119:6 120:1 137:2	station 20:6 23:1
solved 291:10,10	159:22 225:18	207:20 208:1	157:11 246:12	37:18 216:21
306:3,4	245:9	212:12 219:12	standing 23:9	stationed 201:16
Somalia 139:7	South 219:2	264:1	114:7	stations 57:3
somebody 31:15	Southern 203:18	sperm 312:15	standpoint 87:20	statistical 231:16
35:16,18 57:12	223:3	splint 145:20	stands 279:7	277:19
64:18 71:8,11	span 187:7	spoils 310:11	stapler 217:8	statistically 273:4
79:19,19 81:16	spans 42:19	spoke 207:2	star 189:18	statisticians 231:3
84:5 142:7 145:14	speak 10:6 28:12	spoken 220:22	stark 117:5 194:8	statistics 24:21
145:18 147:21	131:18,22 179:12	257:8	stars 50:11 74:12	65:10 171:11
163:7 261:10	179:22 206:12	spot 139:10	start 10:11 98:7	220:17 225:11,15
265:1 275:19	207:12 216:8	squad 20:5	125:20 166:15	227:6 300:10
279:7 286:18	242:20 249:3	squadron 116:4	168:18 185:18	stats 137:13
287:8 297:17	256:8 312:13	189:14	186:7 200:3,13,18	status 192:8

statute 306:7	224:12 232:17	8:11 228:9,17	suite 154:16	188:9 189:3,9
stay 55:1 122:5	323:19 326:20	243:21,21 245:12	suited 201:21	193:1 244:2
140:18 206:17	stronger 273:13	251:18	summary 38:2 39:7	257:12 258:8
300:22 302:5	strongly 11:20	subject 8:11 250:6	57:8 110:22	320:1
stayed 163:22	113:14	327:21	summer 48:3	surge 67:15 103:5
staying 163:17	struck 105:13	subjected 59:10	115:19	surgery 169:20
stellar 247:18	structural 68:22	submission 208:9	Summit 165:2,3	surmised 169:12
stems 244:13	structure 12:20	submit 273:1,5	summoned 215:11	surprising 68:18
step 53:19 58:13,15	13:19 36:1 52:6	submitted 231:18	superbly 43:16	surrounding 87:18
111:3 113:12	70:9 244:15,18	submitting 12:18	superior 105:20	surveillance 246:11
127:1 140:6 278:3	268:12	subordinate 114:11	superiors 19:18	survey 201:17
279:2	struggles 29:17	137:4 139:1	supervised 239:20	202:2 282:3
steps 94:9 183:8	stuck 115:10	subordinates 44:19	272:17	surveyed 18:16
sticking 161:8	student 223:2	238:6	supervision 48:16	surveys 84:3
stop 177:9 179:6	321:4	subpanel 46:13	supply 203:3	173:12 282:1
193:21 194:22	students 17:10 50:2	subsequently 48:20	support 11:9 16:16	survive 124:8
214:11 274:13	128:6	substance 253:9	21:22 26:6 27:10	216:7
291:21 292:12	studied 250:1	substantial 60:18	38:4,19 43:11	surviving 230:12
stopped 205:14	288:11 321:9	283:19 310:5	60:2 61:4,15 75:3	252:22
stopper 44:21	studies 23:4 78:13	311:11,19	83:4 101:7 127:13	survivor 201:4
stopping 167:11	128:1 201:13	substantially 239:1	211:10 224:12	survivor's 240:21
292:1 315:7	275:11	substantiated	225:12 232:19	survivors 70:21
stories 228:4	study 78:7 168:3	134:4	233:5 243:17	240:16 244:6
323:11 328:20	198:16 210:1	substantive 12:19	246:21 250:3	247:15,16 250:22
stormy 125:7	studying 166:17	23:21 28:6	274:15,19 296:12	263:16 320:10,18
story 24:22 26:20	stuff 57:7 172:1	subverting 178:12	299:7 320:12	suspect 170:21
161:8 201:7	193:18	succeed 36:20	321:17 327:12	174:10 240:18,19
215:22 216:17	stumbling 123:19	success 12:10 13:10	supported 8:19	sustainable 249:18
255:19 273:15	123:21	108:10 160:15	38:20 104:19	294:21
274:3	subcommittee 3:18	185:5	123:11 269:4	sustained 195:13
stovepipe 155:10	8:5,6,14,16,22 9:9	successes 247:2	supporting 24:16	sustaining 317:11
stovepipes 154:22	9:13,18 12:17	sudden 34:8 64:8	28:4 89:13 126:1	sweep 178:16
155:7	53:17 228:10,20	292:5	235:3	swept 181:14
straightforward	228:21 229:2,9,15	suddenly 152:17	supportive 101:2	swift 64:11 296:22
271:10	229:17,20 230:2,6	suffering 214:12	272:11	swiftly 212:18
strategically 12:9	230:8 231:10	sufficient 315:22	suppose 179:7	213:3
strategies 318:14	232:14,18 233:19	sufficiently 315:5	193:16	switch 113:22
strategy 23:13,17	238:10,21 239:3	suggest 68:11	supposed 278:10	switching 261:22
Street 1:12	243:3,6,10 244:22	252:20 324:14,15	295:10	symbolic 305:17
strength 27:12	252:18 258:12	324:22	sure 15:19 54:10	symbols 306:18,19
29:15 202:19	272:11 281:11	suggested 167:3	56:11 63:12 64:22	symmetry 121:6
213:22 249:13	299:21 323:16	210:13	72:7 82:12 85:20	system 1:6 7:18
strike 13:17	324:6 326:21	suggesting 314:2,3	95:8 103:8 108:10	11:12 17:15 24:8
strikes 28:3	327:3,9,16	suggestion 239:8	124:19 127:6	25:4,7,11,20 28:9
strive 118:3	Subcommittee's	285:18 300:8	128:12 142:7	32:10 41:2,11,21
strong 14:14 44:13	233:12	suggests 320:22	148:7 150:4	52:18,19 54:7,17
91:2 198:19	subcommittees 8:4	suicide 52:11	180:22 186:13	55:2,13 57:21

60:10,15 61:3,18 67:10 69:14 74:18 76:20,22 80:9 82:6 84:10 85:12 90:4,5,15 117:10 124:22 129:1 149:3,3 151:7 157:8 168:14 169:20 170:19 171:13 172:19 173:1,4 224:1,6 233:9,21 238:14 238:16 242:1 246:2 252:6 253:15 254:1,2 255:15 257:15 258:21 259:20 261:16,17 264:12 264:21 265:12 271:16 274:11,17 275:9 277:8,22 280:10 287:4,21 295:3,4,11,12 296:21 308:14 310:11 322:8,13 systemic 239:4 261:14 294:14 systems 1:3 4:5,13 5:22 7:6,8,13 8:6 23:22 123:4 150:22 222:21 236:15,20,22 245:6 251:11 254:14 255:10 258:12 295:19	54:6 68:8 69:8 71:16 73:13 77:16 87:3 89:3 90:2 94:8 95:13 100:9 108:11 110:3 114:9 117:7 118:6 119:19,21,22 120:2 129:12 134:18 136:22 138:5,17 148:5 149:19 151:4 153:11 161:14 169:13 170:5,14 172:17 180:15 182:2,5,21 184:9 186:2 207:14 217:16 219:9,9 220:14 222:3 227:13,17 260:14 267:20,22 269:8 271:16 278:2 291:17 292:4 293:6 297:12,21 300:19 307:20 309:19 324:2 325:7 taken 13:4 65:22 68:17 71:22 91:6 99:9 138:11 141:20 144:21 176:18 182:20 213:4 221:18 226:22 227:22 262:15 293:2 takes 63:2 74:19 157:6 301:3 talented 111:12 talk 14:18 35:5 47:2 78:8 143:6,6 170:12 205:15 211:9 214:18 217:14 304:11 talked 51:7 123:3 167:6 181:13 193:11 273:17 275:21 282:1 324:10 325:20	326:3 talking 49:15 61:21 88:8 89:17 108:18 128:13 145:9 151:11,12 153:11 153:12 158:17 185:6 190:18 196:10,19 199:4 203:18 278:7 288:15 296:4 302:21 314:15 319:10 talks 280:9,20 325:2 tape 217:7 target 276:14 task 78:8,13 201:18 201:21 tasked 201:17 242:14 284:10 tasks 7:15 8:1 228:10 taste 82:4 taught 94:9,11 135:16 139:22 202:18 212:20 287:11 teach 287:1,7,11 310:16 team 135:22 219:6 278:9 301:6 teamwork 160:13 tears 222:3 technical 107:10,12 107:13 146:17 151:4 154:17 156:22 167:16 technically 99:11 107:6 147:14 technician 144:17 technicians 106:11 106:16 144:10 154:20 technique 77:18 Ted 201:15 teenage 207:21 Telecommunicat...	37:18 teleconference 2:18 telephone 42:9 58:1 telephonic 218:18 tell 18:22 24:21 33:17 34:3 52:11 53:1 81:9 95:5 124:14 133:5 164:12 166:3 186:15 187:6,22 194:2 197:19 202:17 208:13 216:14,15 218:9 218:15 219:22 228:3 255:22 266:12 298:15 300:16 312:10 313:5 telling 38:20 312:3 tempted 45:9 ten 124:12 164:14 171:15 172:4 189:1 tens 34:21 tensions 97:22 305:8 Tenth 237:14 term 233:21 253:16 280:11 308:20 309:7 315:17 terms 54:8 74:3 150:17 162:2 165:17 184:17 185:13 253:5 257:17 262:21 265:11 272:20 279:14 280:1 293:13 294:11 300:14 302:18 308:17,21 311:19 326:3,5,8 terrible 296:3 terribly 34:22 terrified 203:13 territory 37:20 terror 204:8	terrorism 284:20 test 77:14 135:14 testified 46:19 245:11 308:19 testify 9:9 22:16 46:11 218:20 286:11 testimony 35:10 62:3,11,15 72:3 109:15 194:13 230:10 231:14 243:8,9 260:10 263:16 285:13 312:18 320:9,10 Texas 203:16 thank 4:6,6,11 5:20 6:15 7:1 10:20,21 14:8,17,20,22 15:4,5 22:3,5,6,8 22:11,13 28:10,13 28:17 36:21,22 37:2,4 42:5,6,15 46:1,3,10,11 53:4 53:14 55:3 56:17 57:22 61:8,9 82:17 85:15 88:6 91:10,11 95:11 96:5 101:17,19 102:1,2,3 108:13 108:14,22 109:2 110:10 111:18,22 114:21 115:1,6,7 120:13,15 129:19 129:20 130:1 132:4 135:4,5,6 139:12 140:20,22 142:14,16 158:19 162:7 166:6 169:1 176:6 181:1,2 183:21,22 184:2 185:20 198:10 199:8 200:15,19 211:20,21 212:4 220:9,10,16 222:9 222:20 227:8,10 228:1 242:22 243:15 252:10,11
T				
table 3:1 63:2 219:22 284:14 tackle 111:20 132:3 tackled 133:13 tail 317:5 Tailhook 23:12 24:20 35:3 41:6 tainted 45:19 take 4:22 16:17 21:18 28:7 34:16				

253:8 272:8 281:5	120:10,11 121:10	134:7 135:13	312:6 314:8,15	116:15 117:1
323:10 328:17,19	121:12 122:18,20	136:14 137:12	315:4 316:6,10,16	118:14 119:21
328:22 329:1,2,6	123:2 125:7 134:5	141:7,11 142:12	319:8,10 320:16	132:17 140:1
329:7	134:18 140:1	143:1 144:5,21	320:19 321:6,19	169:15 172:6
Thankfully 70:1	147:15 148:13	149:18 151:6,18	322:3,19,21	189:18 194:10
thanking 10:11	150:16 151:4	152:19 153:10,15	323:15,17 326:5	195:2 202:11
thanks 6:3,17	153:3 155:9 162:2	154:11 155:6	thinking 21:12	207:20 224:5
15:20 28:18 53:14	167:10 170:18	159:20 161:9,10	29:11 30:19 32:15	226:21 228:2,8,17
172:6 176:7	172:10,20 174:3	161:11,12,16,20	32:21 38:16 70:4	243:3 274:22
188:17 199:6	177:10 181:3,12	162:6,16 163:5,12	111:17 163:7,9	275:1 312:19
223:15 227:18	189:17 190:17	167:9 169:2	205:15 226:15	three-star 103:15
theft 267:21 268:6	191:18 197:7	170:14 172:2,15	265:8 292:15	threw 215:6
theirs 219:8	199:3 207:7	172:21 173:2,8	thinks 304:5	throat 213:19
theory 77:11	220:13 225:6	174:12 176:11,14	third 47:19 119:7	throw 35:7,7 117:2
thereof 154:4	253:19 257:14	176:22 177:14	234:14 244:4	217:6 253:20
they'd 180:14	258:19 272:17	178:11,14 191:9	278:3 310:22	292:7 293:16
thing 33:1 49:5	288:22 289:20	191:15,22 194:8	thorough 22:2	throwing 287:6
51:13,18 63:22	292:9 294:3	195:6,11,18	thoroughly 19:1	292:7 293:18
68:2 78:14 82:1	296:18 298:3	196:16 197:6,11	112:6	310:8 311:12
90:22 96:19,20,20	302:20 306:16	197:16 198:13,14	thought 26:21 34:5	313:14
97:2 100:9 101:10	308:11 311:12,19	199:6 203:11	71:6 79:9 84:1	thrown 103:21
104:2,4 105:5,15	322:3,19 324:10	204:8 211:15	86:17 103:20	216:4
106:8,9 108:5	324:14 326:9	220:19 226:12,17	140:9 144:19	Thundathil 5:5
120:10 134:12	think 11:14 12:9,10	228:7 253:20	174:19,20 203:17	thunderstorm
135:15 136:14	12:16 13:13 21:11	254:4,7,11 255:20	204:1 213:13	205:18
138:3,4 140:16	26:22 29:7 35:1	256:15 257:13,20	214:9,20 216:5	THURSDAY 1:8
141:3,6 142:13	38:14 41:19 42:4	259:5 260:3,4,18	218:8 219:5	tie 298:11
150:6 156:12	51:7 52:3 54:5,16	261:10,12 262:5	220:15 265:4	till 36:17
157:15,19 161:21	54:18,19,20 55:1	262:13 263:2,7,18	291:5 293:13	Tim 5:8 222:12
162:21 167:7	55:22 56:9,18,21	264:14,15 265:9	305:17	time 8:2,9 11:6
168:19 173:16	57:17 58:7,10,14	265:21 268:4,5,7	thoughts 29:22	12:22 17:1 21:4
178:22 182:16	59:4,13 60:3,8	269:10,18 270:11	46:2 96:12 224:17	31:9 34:14 35:1,6
183:4 195:20	62:17 64:4 66:11	271:13,15 272:13	228:3 231:9	35:7,17 38:16
217:7,7 234:3	67:8 68:9,9 70:16	274:7,8,9,13,14	thousands 34:20,21	42:4 50:6 51:8
244:4 252:19	70:20 72:2,21	275:2,11,14 276:6	34:22 97:11 289:8	54:18 60:19 64:8
261:11 274:6	73:16 75:17,17	276:8,11,21	threat 112:12	65:17 66:3,12
275:5 280:22	78:17 82:22 83:6	278:19 283:17	194:10,15,16	68:16 74:19 77:2
281:1 282:12	84:8,12,17,21	284:4 285:18	195:14 197:1	77:3 85:11 91:19
283:5 284:9	85:10 86:4 87:10	290:21 291:4,10	206:7 214:6 252:4	93:5 96:6 98:7
301:10 317:16	88:11,19 89:10	291:11,16 292:10	threatened 205:21	103:12 109:16
318:20 319:5	90:1 91:7 95:13	293:1,6,18 296:11	206:5	110:3 111:17,22
323:11 324:13	101:5 107:16	298:6,7,16 301:6	threats 206:12	113:8 115:21
things 14:9 20:15	110:15 118:6	302:17 303:15	209:15 226:21	116:8,18 117:21
50:7 56:2 57:7	122:22 125:1	305:18,19 306:8	three 8:4 10:10	121:2,8 122:18
64:12 65:20 66:1	127:10,22 128:8	307:3 308:18	17:9 19:20 39:21	129:19 133:12
84:15 89:2 94:12	128:21 129:7,13	309:13,16 310:1,2	42:20 49:20 67:3	142:22 157:18
105:12 118:21	129:15 131:20	310:7,15 311:20	67:6 74:12 109:6	158:2 159:19

160:3 164:9	198:22 199:4	tough 23:19 100:12	transformations	227:6 281:21
167:10,13 169:7	212:1,8 219:15	111:21 191:6	197:20	trouble 88:18
169:12 170:7,14	222:13,22 227:9	307:19	transitioned 98:10	139:20,21 288:19
173:9 174:14	228:18 229:11	tougher 221:3	98:12	troublesome
175:21 180:11	230:14 235:13	toughest 138:22	translated 312:14	271:20
186:3,20 190:8,12	243:8,9,13 257:3	139:3	transmitted 143:18	troubling 47:3,4
190:22 192:13,17	261:11 300:18	tour 186:21	transparency	true 48:6 105:16
193:13 195:11	305:10 317:17	town 302:2	179:14	161:11 169:5
202:16 205:19,19	318:7,9 320:10	toxicity 69:5	transporting	177:19 310:2,3
208:14 211:20	326:3,5	track 183:14,15	294:19	truly 21:14 44:13
214:12 217:8	today's 5:4,17 10:2	198:21	trauma 200:21	101:5 184:10
218:1,8 220:7,8	token 325:1	tract 214:13	201:4,9	trumpet 139:15
223:17 233:13	told 35:6 46:18	tradition 51:2	Treasure 60:14	trust 19:14 28:8
235:3 241:2	47:1 48:13,20	traditions 20:17	treasured 112:2	47:16,20,21 49:8
248:14 257:5,8,17	52:13 159:5 204:6	train 16:10 34:7	116:1	49:10 50:18 52:3
274:7 288:16,19	204:17 205:1,14	99:16 113:1	treat 154:7 199:3	52:4 84:9 98:15
289:9,9 293:17	206:12 208:10	trained 13:20	treated 20:9 25:7	99:16,18 101:8
297:15 301:2	209:11 213:19	43:16,19,22 54:14	201:20 214:22	106:6 112:14,15
316:21 324:2	214:1,6,15,17,17	79:3,5 103:9	318:4	112:16,17 125:8,9
timeliness 64:12	215:11,20,22	111:5,8 139:13	treating 313:13	125:16 126:3
timely 13:9 227:7	217:15,18 273:15	184:11 185:3,4	treatment 11:18	133:21 143:6,7
timer 110:16	273:15 274:2	187:12 188:18	145:20 146:10	158:5 247:18
times 35:5 49:21	300:6 328:20	222:6,6 238:6	148:1,6	259:15,17 271:15
51:19 52:2 85:1	tolerance 118:22	240:9 245:7	tremendous 18:3	275:16 276:1
86:10,11,11 94:15	202:6 210:2,5,8	250:13 266:11,15	109:18 123:21	281:22
94:17 116:3	211:12 226:22	266:17,22 267:2	126:19 158:12	trusted 29:14 69:10
117:20 135:10	tolerated 69:13	268:20,21 272:5	187:1,14 281:20	98:19 106:7
148:22 161:18	248:4 265:21	272:15 285:8	trends 241:16	119:14
167:8 194:3 240:7	tomorrow 303:20	training 17:5 18:8	trial 26:9 27:11	trusting 47:19
306:8 316:21	303:21	20:1,12,15,16,20	55:16 63:1 72:9	trusty 133:15
timing 184:17	tool 31:5 125:1	20:22 24:13 40:2	87:1,3,8 92:5	truth 300:17 312:3
tinkering 41:4	toolkit 31:5	97:20 103:8 111:3	122:8 123:5 127:1	try 55:22 56:12
tired 289:4	tools 31:21 39:15	116:6,7 117:14	137:5 150:10	67:17 77:17 83:20
title 130:12	41:22 87:12 111:7	127:17 185:6,10	151:12 234:6	88:14 113:16
TJAG 284:6	111:9 124:17	187:13 188:1,7,12	302:5 312:11	218:2,9 227:15
today 4:19 7:21	172:18	188:13,14 190:20	tribunal 251:7	256:16 263:20
9:10,16 10:12	top 20:4 213:18	193:4 202:12	tried 36:16 64:10	267:14 270:15
22:14 25:13 28:12	217:17 267:7	204:5 213:5 225:7	73:4 179:11 194:5	278:19 299:16
32:5 36:17 39:22	317:9	225:13 226:6	205:9 213:16	300:1,20 302:4
46:11 61:9 67:11	topic 46:15 228:19	231:16 255:6	215:16 216:14	304:6 312:22
68:7 88:17 91:1	topics 229:16	257:21 326:11,14	297:14 306:9	trying 61:14 96:18
96:15,18 98:4	torn 181:15 218:1	326:16	trite 177:19	97:1 151:17
101:1 105:14	tossed 133:18	trainings 194:17	trivial 226:19	152:14 169:16
114:22 120:20	total 128:18	transcribed 9:3	troop 222:7	170:4 178:19
127:7 131:5	totally 60:15 83:16	transcript 9:2,6	troops 18:16 41:20	193:19 208:18
159:12 160:1,18	touch 213:12	185:2	43:22 80:20	219:13 278:22
164:4 190:20	touched 36:14	transcripts 231:14	144:18 157:2,17	292:11 303:18

314:10,21	3:8,8,9,9,12,12,13	171:16,18 186:11	123:14 124:4	urinalyses 198:22
tuberculosis	3:13,14,14 15:2	187:9 189:4 197:8	126:13,19 129:6	urinalysis 198:20
143:21	22:10 28:16 37:1	198:6 244:11	129:16 132:21,22	urinary 214:13
tuning 169:21	46:6,7 47:9 60:19	258:22 281:18	134:22 137:7	use 6:6 57:13
170:1,2	66:2 96:2 101:22	294:16 304:17	143:20 144:12	157:10 164:22
Turkey 116:17	102:10 103:3	306:9 317:17	147:22 148:13	165:14 178:1
turn 4:8 10:4 15:1	108:15 120:17	322:14 326:12	154:1,15 162:22	181:4 246:21
74:19 120:16	246:17 250:17	understanding	181:11,16 183:12	308:20
136:19 152:15	251:4,16 252:1,4	38:8 60:16 62:5	248:20 298:10,14	usually 66:1 165:14
205:11 251:22	258:13 266:19	172:9,16,17,18	unit's 27:10 143:17	186:4 228:11
258:1 266:11,21	UCMJ 17:14 58:21	187:15 225:17	248:20	296:9 297:5
268:19	59:3,16 60:9	257:15 275:15	United 1:1 6:11	301:11
turned 133:18	65:11 115:15	313:4	22:18,20 63:5	UTI 214:22
220:2 268:15	119:19 248:15	understands 30:13	64:18 70:19 90:10	utilize 16:10
turning 267:16	253:18 260:12	59:20,21 162:20	115:20 117:9	
269:3	UCMJ's 238:17	169:4 315:1	118:4,19 119:2	V
tweaks 172:21	239:2	understood 68:15	120:22 123:9,10	VA 207:5 219:13
twenty 164:14	ultimate 36:7	69:4 73:9 77:5	151:22 189:12	vacancy 20:19
two 19:10 35:10	150:11 151:12	256:6	231:6 235:15	VADM 3:13 108:17
44:10 46:22 49:21	154:7 160:7 206:7	underway 247:12	237:6 251:8	108:20 109:1
50:11 74:7 76:18	253:13 282:12	unease 41:12	266:14 274:22	130:1 132:5 135:5
81:6 105:10,12	285:10 294:11	unethical 309:17	277:17 295:22	137:3 167:20
107:17 109:5	298:22 317:12	unfavorably 137:4	296:2 301:18,19	168:20 169:1
117:17 118:18	323:20	unfortunately	301:20 303:13	185:17,20 188:16
119:21 130:14	ultimately 72:13	12:14 198:14	313:21	188:18 198:9,12
131:13,19 138:21	154:13 160:15	225:11 247:3	units 12:6 20:8,22	272:10 309:12
164:14,21 194:10	unacceptable 12:13	unhealthy 249:2	22:20 124:10,19	313:9 319:8 328:3
195:2 202:14	13:8 265:18	Unified 116:21	124:20 125:3,20	vague 271:19
205:7 206:22	uncharacteristic	uniform 7:10 43:8	127:21 129:15	vaguely 31:6
211:8 212:21	83:17	89:16 104:3 111:6	146:4 152:8,22	valid 19:3,4 135:10
221:7,13 224:5	uncle 206:15	112:3 121:2,9	154:5	135:12
228:11 243:21	uncomfortable	233:15 234:1	University 1:12 6:5	value 23:15 135:21
261:6 277:4 305:3	136:10,12 141:6	236:7 260:11	173:19 223:3	260:6
305:10 309:2	unconcerned	261:15 290:15	unlawful 316:17,20	values 20:17 107:3
314:13 319:8	175:20	296:19	unlimited 178:9	163:14 164:6,9
two-day 165:7	under-reporting	unilateral 41:13	unpatriotic 46:18	values-based
two-pronged 311:3	239:16 321:1	unilaterally 40:8	47:2	163:19 164:1
two-year 163:18	undermine 129:8	uninformed 326:16	unrestricted 316:5	variables 293:14
type 49:9 51:3	undermined 27:8	unique 29:7,19	316:6,8 318:21	variety 231:1
62:20 64:16 71:19	undermines 112:12	35:22 36:1 59:14	unsatisfactory	various 8:10 82:21
277:16	undermining 249:5	90:17 122:1	60:15	85:7
types 71:21 189:13	understand 30:10	128:16 224:15	unusual 263:14	vast 8:1 171:19
U	32:12 56:14 63:21	unit 17:8 19:19	unwanted 24:22	298:17
U.S 2:2,2,4,5,6,7,8	69:3,4 84:2	72:10 74:2 80:18	25:16 26:1	vastly 127:3 174:16
2:9,10,11,11,12	109:19 136:15,16	86:21 87:11	unwarranted 45:9	venture 190:1
2:13,14 3:6,6,7,7	146:2 158:3,16	112:12,20 113:5,6	upstairs 215:8	Vermont 11:7
	167:5 170:10	114:5 118:9,15	urge 101:14	versus 13:8 83:21

171:5	277:21 287:16,18	wait 34:14 245:14	wants 6:16 163:6	42:5 61:18 62:4
vest 245:3	291:21 294:10	waived 64:12	263:19 314:11	70:4,7 73:6,14
vested 233:14	297:4 311:10	wake 23:12	war 21:1,16 36:11	76:3 77:3,15,21
234:14	316:4,7 323:1	wakeup 77:10	36:12,15 43:4,5	83:16 90:8 102:19
vesting 239:8	328:22	walk 204:18 207:15	45:15 59:20 69:8	104:5 111:1
Vet 46:20,21	Vietnam 21:1	306:3	69:9 97:17,17	114:12 122:18
veteran 79:14	97:17 102:13	walked 204:17	99:17 163:22	127:6,10 129:15
201:1	163:22	215:10 217:4	222:7 247:2	130:6,15 161:13
veterans 47:1	view 78:3 88:21	walking 87:15	warfighter 310:13	167:10 173:5
306:12	89:1 123:1 260:11	156:2	warfighters 282:13	177:7 178:2,7,10
Vets 46:22	261:12 265:1	wall 205:13 215:6,6	warfighting 12:6	182:17 187:19
vexing 28:21	304:7 310:11	215:9	14:1 43:15,18	190:20 191:13
viable 252:9	viewed 273:20	Wanda 6:21	87:13 290:14	192:12 196:9
vice 1:16 2:3 18:1	viewpoint 122:12	wandering 18:18	warm 109:4	216:7 219:10
117:18 119:13	129:5	want 6:2,22 58:21	warning 207:16	221:16 225:5
130:7 133:15	views 9:14	82:7 96:4 105:10	warrant 221:8	245:19 248:9
victim 8:7 25:18	violate 248:5	108:1 139:16	267:13	255:4 257:15
27:6 50:19 51:22	violation 236:7	149:11 157:4,16	warranted 54:19	261:12,14 262:19
85:1 124:16,21	violations 65:11	158:1 159:21	239:4 295:8	265:8 271:10
125:22 126:1,18	234:1 253:18	163:3,5,8 177:17	warrants 248:22	273:4 275:4,6,7,7
128:10 130:19	violence 232:10	186:22 187:17	265:15 267:14	275:14 276:2,5
165:16 181:20	247:3	211:22 216:10	Warrior 97:3,12	280:8 298:20
183:8 201:13,14	Virginia 17:1	219:22 220:14	wars 297:2 299:2	300:9 306:4,18
221:22 223:5	201:16 203:1	227:13 228:1	310:19,20 318:12	307:11 313:22
226:8,15 230:19	virtually 30:21	243:12,15 244:4	318:13	319:20 321:8
230:20 231:22	virtues 78:16	257:4 267:15	washing 153:20	ways 14:14 72:16
232:9 234:9 254:8	vis-a-vis 65:11	269:15,21 271:15	Washington 1:11	73:13 121:5
257:21 278:20	visible 12:19	281:9 282:14,15	1:12 6:5 49:12	130:15 167:5
279:3 306:6	vision 72:22	289:1 291:21	50:17 51:14 52:17	170:21 179:1
311:22 312:3,13	Visitors 24:5	292:18 295:17	86:11 116:10	249:2
314:11 322:5	visits 230:10	297:10 299:21	132:8 190:5	we'll 199:9 227:17
victim's 230:18	Vitale 2:3 3:13	307:14,20 308:3,4	wasn't 52:11 55:9	280:3 282:4 300:5
victimization	108:15,17,20	308:5,10 312:20	98:7 142:19	310:16 329:7
322:16	109:1 168:20,21	316:7,8,13 318:12	151:11 195:5	we're 185:8 194:20
victimized 19:17	169:1 185:17,17	321:18 322:16	215:1 219:14	194:22 196:10,19
victims 25:1 28:5	185:20 188:16,18	323:9 325:22	283:14,14 288:14	197:8 198:22
50:19 85:6,7	190:21 198:9,9,12	329:5	293:5	199:4,6 200:8,12
108:11 111:10	vitally 129:14	wanted 13:10 15:18	watch 57:11 139:2	227:15,16 228:6
120:7 154:8 168:8	voiced 250:14	80:20 82:13 88:9	280:6	257:18 261:20
168:9 171:5	volume 302:10	91:16 130:5	watched 24:7	262:16 269:16,17
183:13 187:20	volunteer 221:21	148:17 156:15	watching 34:7	291:14 292:1,2,7
190:19 211:17	vouch 168:6	175:5 206:17	waters 77:14	293:3,14,18 295:4
225:3 230:13	vulnerable 165:12	212:11,20 216:20	wax 319:7	296:4 297:9 300:5
233:7 235:7	165:13,16	218:21 290:19	way 8:8 18:10 22:2	300:6 308:6,8
251:15 252:22		293:12 312:8	22:17 24:15 27:18	310:9,14,18,20
255:18,21 260:8	W	wanting 73:4	30:19,20 31:17	313:15 314:8,9,15
261:7 262:6 263:9	WAC 16:21 80:17	309:22	33:19 39:3 40:11	315:16 323:12,15

we've 181:13 194:13 195:1 227:21,22 228:12 228:22 230:11,13 255:21 265:10 282:1 288:8 291:6 311:9 323:14,19 328:17	81:5,10,18,19 95:16 103:4 121:13,18 122:4 126:22 133:3 199:11 203:4,22 205:4 207:4 283:9 285:22 292:14 329:12	witness 29:17 286:11 321:14,15 321:15	wondering 15:8	310:3
weak 21:17,18	West 163:16	witnesses 64:1,19 65:15,19 66:1 74:7 223:20 245:18 273:14 297:4 301:13 319:12 328:19	word 114:19 215:13	worldwide 18:13 18:15 109:9
weaker 100:11 273:13	wet 219:4	Wives 221:14	worded 280:9	worried 86:20 266:9 269:7,12
weaknesses 27:12	whatsoever 82:3	woman 26:19 51:8 81:7 165:19 173:20 193:5 202:1 208:22 218:14 263:18	words 43:6 131:9 161:3 217:5 220:5	worries 307:16
weapon 64:7 218:7	whistle 48:3	woman's 129:3 214:11	wore 71:2 121:2	worry 70:2 87:11 261:6 295:4
wearing 205:3	whistle-blower 48:2	women 11:18 13:7 14:6,6 16:10 17:4 17:7,7,8,15,17 18:8 20:8 23:10 23:16 24:15 36:19 37:8 40:18 43:7 49:6 69:6 80:12 81:2 84:4 89:15 91:3 98:12 99:1 99:13,21 111:14 112:21 121:7,18 123:11,22 124:7 124:20 127:7,21 137:19 150:12 160:8 162:1,4,6 162:16 168:7 197:18 201:18,22 201:22 211:9 220:22,22 248:3 281:22 283:21 289:15 290:14 321:5	work 8:4,13 16:8 19:12 30:17 68:6 69:11 73:15 79:7 93:13 98:14 99:21 100:16 107:9 114:4 118:11 128:14 149:5 150:8 151:2 166:2 173:22 184:18,19 211:15 216:18 223:4,15 256:22 275:10,13 284:16 291:20 292:6,8,10 295:17 298:12 300:10 308:11 315:19	worse 128:2 171:1 171:8,10 174:19 174:20 178:21 195:9 246:2 295:6 317:22
weary 97:18	white 103:17,18 168:3 240:1,12	women's 129:3 214:11	worked 17:15 55:11 77:17 93:14 93:14 102:18 136:6 167:19 174:13 211:15 228:21 264:21 281:13	worst 31:1
website 5:15 9:5,6 9:22 200:7	whiz 144:18	women's 16:3,22 37:9,15 162:12 207:4 232:7	working 19:2 31:7 54:21 77:21 80:9 82:20 99:20 106:15 138:9 154:18 170:20 171:14 217:2 232:4 322:6,8	worth 19:12 319:10
week 20:12 41:7 49:12 78:6 192:2 203:3 213:4	wholesale 294:13	wonder 72:18 76:2 290:4	workplace 162:8	worthy 44:13
weekend 168:3	wide 92:17	wonderful 266:10 329:6	works 61:18 62:5 118:12 186:12 244:16,18 254:1,3 257:15 261:15,16 261:17 270:22	wouldn't 69:17 90:13 94:7 98:4 146:16 161:15 182:1 208:15 213:20 221:7 267:6 293:6 299:13 300:21
weeks 35:11 76:18 205:21 206:10,14 214:9	widely 162:16		world 57:3 128:14 152:2 165:6 190:8 221:13 284:5 290:2 298:9 310:2	wouldn't 69:17 90:13 94:7 98:4 146:16 161:15 182:1 208:15 213:20 221:7 267:6 293:6 299:13 300:21
weigh 44:4 59:22 88:15 89:18	wider 36:2			wounded 154:7
weighing 27:2 62:18	wife 201:1			wow 50:1,2
weight 43:20	wild 92:6			wreck 34:7
welcome 5:21 67:22 68:18	Wilder 6:21			wrestle 134:19
welcomed 27:1	William 2:10			wrestling 53:20
welfare 143:9	willing 14:19 161:19 286:10 308:6,8			wring 98:16
well-articulated 323:19	willingly 69:9			write 117:15 202:5
well-being 61:13 107:21,21	willingness 53:18 111:20 264:9,10 282:8			writes 75:14
well-founded 249:9	win 99:17 287:1,9 307:19 309:13 314:9,15			written 5:7 51:5 210:3,4 243:17
well-known 44:18	win/loss 307:22			wrong 82:8 104:14 144:22 146:7 153:3 167:9,10 220:7 276:9,10 279:8 283:18 287:3 321:17,19 321:21,21
well-reasoned 328:6	window 217:3			wrongly 290:7
well-regarded 251:10	wing 102:20 116:4 134:8 189:15			wrote 38:19 243:7 243:12 244:21
well-suited 248:10	winnable 285:11 309:17 312:7			
went 18:14 20:10 20:18 31:13 34:4 65:10,19 67:15	winning 297:2 318:13			
	wisdom 281:12 328:6			
	wise 288:11			
	wish 139:18 232:13			

X

X 180:10 307:18
XO 217:14

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Response Systems to Adult Sexual
Assault Crimes Panel Meeting

Before: US DOD

Date: 01-30-14

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701