

UNITED STATES DEPARTMENT OF DEFENSE

+ + + + +

JUDICIAL PROCEEDINGS PANEL

+ + + + +

PUBLIC MEETING

+ + + + +

THURSDAY
JULY 27, 2017

+ + + + +

The Panel met in the Video Conference Room, Suite 150, One Liberty Center, 875 North Randolph Street, Arlington, Virginia, at 9:00 a.m., Hon. Elizabeth Holtzman, Chair, presiding.

PRESENT

Hon. Elizabeth Holtzman, Chair
Hon. Barbara Jones
Mr. Victor Stone
Mr. Tom Taylor
VADM(R) Patricia Tracey

STAFF

Captain Tammy P. Tideswell, U.S. Navy - Staff Director
Ms. Julie Carson - Legislative Liaison/Attorney Advisor
Ms. Theresa Gallagher - Attorney Advisor
Ms. Meghan Peters - Attorney Advisor
Ms. Terri Saunders - Attorney Advisor

DESIGNATED FEDERAL OFFICIAL

Mr. Bill Sprance - Alternate Designated Federal Official (DFO)

CONTENTS

Welcome and Introduction

 Designated Federal Official Opens Meeting

 Mr. Bill Sprance 3

 Remarks of the Chair

 Hon. Elizabeth Holtzman. 3

Panel Deliberations on JPP Report on Panel Concerns Regarding the Fair Administration of Military Justice in Sexual Assault Cases (cont'd) 5

Panel Deliberations on JPP Final Report.73

Panel Deliberations on JPP Report on Sexual Assault Investigations in the Military (cont'd) 183

Panel Deliberations on JPP Report on Statistical Data Regarding Military Adjudication of Sexual Assault Offenses Fiscal Year 2015 (cont'd) 203

Meeting Adjourned. 205

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

2 9:29 a.m.

3 MR. SPRANCE: Good morning, everyone,
4 I'm Bill Sprance, the Designated Federal
5 Official. The meeting of the Judicial
6 Proceedings Panel is now open. At this point, I
7 will turn the meeting over to the chair, the
8 Honorable Elizabeth Holtzman. Good morning,
9 Madam Chair.

10 CHAIR HOLTZMAN: Good morning, Mr.
11 Sprance. Thank you very much. I'd like to
12 welcome everyone in attendance today. This is
13 day two of the 32nd meeting of the Judicial
14 Proceedings Panel. All five members of the Panel
15 are present here today.

16 Today's meeting is transcribed, and
17 the full written transcript will be posted on JPP
18 website at <http://jpp.whs.mil>.

19 The Judicial Proceedings Panel was
20 created by the National Defense Authorization Act
21 for Fiscal Year 2013, as amended. Our mandate is
22 to conduct an independent review and assessment

1 of judicial proceedings conducted under the
2 Uniform Code of Military Justice involving adult
3 sexual assault and related offenses since the
4 most recent amendment to Article 120 of the UCMJ
5 in 2012.

6 At today's meeting, the Panel will
7 deliberate on the JPP final report. Each public
8 meeting of the Judicial Proceedings Panel
9 includes time to receive input from the public.
10 The JPP received no requests for public comment
11 at today's meeting. Thank you very much --

12 CAPT TIDESWELL: I'm sorry, Ms.
13 Holtzman, if I could stop you there. I think
14 we're going to be a little bit out of order.
15 We're not going to do the final report. If you
16 don't mind, we're going to double back based on
17 yesterday's proceedings.

18 CHAIR HOLTZMAN: Yes, that's what I --

19 CAPT TIDESWELL: And start with Ms.
20 Saunders, unless you object.

21 CHAIR HOLTZMAN: Right, that's what I
22 thought.

1 CAPT TIDESWELL: Yes, ma'am.

2 CHAIR HOLTZMAN: So I was going to add
3 that at today's meeting, the Panel will
4 deliberate on the JPP final report and other
5 items.

6 CAPT TIDESWELL: Thank you.

7 CHAIR HOLTZMAN: Okay, should have
8 done that. So thank you very much for joining us
9 today. We're ready to begin the meeting.
10 Captain Tideswell, no, Terri Saunders, would you
11 please walk us through where we left off
12 yesterday and what we need to address this
13 morning.

14 MS. SAUNDERS: Certainly. So I have
15 given you all a recent copy of the Panel Concerns
16 Report. And you'll notice all of the changes
17 that you made yesterday or that you approved
18 yesterday, it should be right there, ma'am. It's
19 the --

20 CHAIR HOLTZMAN: Oh, this.

21 MS. SAUNDERS: That's right, the top
22 one I think there. Everything that you see in

1 Track Changes are the changes that were made
2 yesterday. The one I want to specifically draw
3 your attention to is at the bottom of page two.
4 You'll see the red there.

5 And I know there was some discussion
6 among the Panel yesterday about approve versus
7 adopt. So if you, I'd like to read this sentence
8 to you, and we'll see if that satisfies everyone.

9 CHAIR HOLTZMAN: What page are you on?

10 MS. SAUNDERS: I'm at the bottom of
11 page two, the red Track Changes there. And it
12 says: As a result of this deliberation and review
13 of the Subcommittee report included as Appendix
14 A, the JPP issues nine recommendations.

15 So it doesn't include the word adopt
16 or approve, but it makes it clear that the
17 Subcommittee report is attached. So I throw that
18 out there for discussion.

19 JUDGE JONES: That sounds good.

20 MR. STONE: Yeah, me too.

21 MS. SAUNDERS: And if everyone likes
22 that language, we'll include that in the

1 investigations report as well.

2 MR. STONE: Okay, let's make them
3 consistent.

4 MS. SAUNDERS: Certainly. But if you
5 all want to take a few minutes to go through. Or
6 I can walk you through one by one to make sure
7 that this comports with you discussion yesterday.

8 CHAIR HOLTZMAN: Have the members had
9 a chance to do that yet?

10 MR. STONE: I think we could read
11 them.

12 PROF. TAYLOR: I had a chance to read
13 them. They seemed okay to me.

14 CHAIR HOLTZMAN: Admiral, do we need
15 some time? Take about three minutes.

16 VADM TRACEY: Okay.

17 (Whereupon, the above-entitled matter
18 went off the record at 9:33 a.m. and resumed at
19 9:51 a.m.)

20 CHAIR HOLTZMAN: Is everyone finished?
21 Thank you. Okay, thank you, everyone for your
22 patience. All right, so any comments?

1 VADM TRACEY: I had two requests and
2 two recommendations.

3 CHAIR HOLTZMAN: Yes, Admiral.

4 VADM TRACEY: Starting on page 8. I
5 don't know if anyone has something before that.

6 CHAIR HOLTZMAN: Well, I do, but let's
7 start with you, Admiral. So you get to, wherever
8 you want to start with, that's fine.

9 VADM TRACEY: On page 8 in the bullet
10 on U.S. v. Boyce, is there more common language
11 that would explain reversed and remanded to the
12 public? So is there some other way to say that?

13 MR. STONE: I actually had some
14 comments on that same thing. So I don't know if
15 you have words you want to put in, or you want
16 to?

17 VADM TRACEY: I'm looking for help
18 from the --

19 CHAIR HOLTZMAN: Well, reversed, you
20 could say overturned.

21 VADM TRACEY: Overturned, that's good.

22 CHAIR HOLTZMAN: I don't know that we

1 need to have remanded since it's overturned.

2 VADM TRACEY: I'm good with that.

3 Yeah, that would do the trick.

4 MR. STONE: I'm sorry, with what?

5 CHAIR HOLTZMAN: Just overturned,

6 leave out the remanded.

7 MR. STONE: Yeah, reversed and --

8 CHAIR HOLTZMAN: Because it's just --

9 MS. SAUNDERS: Overturned.

10 CHAIR HOLTZMAN: Remanded is in it,

11 nobody's going to --

12 MR. STONE: Reversed and remanded for

13 retrial is what happened.

14 CHAIR HOLTZMAN: I know that's what
15 happened. But do we have to tell the whole truth
16 and nothing but the truth?

17 MR. STONE: Yes, yes, we do.

18 CHAIR HOLTZMAN: Well, okay we could.
19 What I suggested was, because of the jargon here,
20 that we use the word overturned.

21 VADM TRACEY: For purposes for which
22 we're citing this case, I think that's the point

1 that we were focused on, is that in fact, they
2 did end up having to overturn a case around the
3 apparent --

4 CHAIR HOLTZMAN: This issue, right.

5 VADM TRACEY: Command influence.

6 MR. STONE: Well, in order to be clear
7 about what these cases stand for, because I think
8 I made the point yesterday that I think they
9 stand for the exact opposite of what you can read
10 in by putting them here. I have a couple of
11 changes that I'd like you to consider. On --

12 CHAIR HOLTZMAN: Why don't we, Mr.
13 Stone, let's take them one at a time here. Let's
14 do hers first, and then we'll turn to yours on
15 this section. So you wanted?

16 VADM TRACEY: On the recommendation
17 56, that's my request. My recommendation is in
18 the bullet that leads into these two, discussion
19 of these two cases, the JPP notes media coverage.

20 CHAIR HOLTZMAN: Yeah.

21 VADM TRACEY: I believe it is the
22 media coverage that underscores, in the last

1 line, the JPP concerns. I think this gets to Mr.
2 Stone's point that if you do take the time to dig
3 into these two cases, they make an excellent case
4 that the DoD's quite vigilant about avoiding
5 undue command influence and pressure.

6 CHAIR HOLTZMAN: So --

7 VADM TRACEY: But what we're focused
8 on is the fact that most people aren't going to
9 do that, and this media coverage underscores the
10 creation of the perception. So I'm looking for,
11 that underscores -- JPP notes media coverage that
12 underscores. So I'm just asking that we make
13 underscore go with media coverage.

14 CHAIR HOLTZMAN: So how would it read
15 now?

16 VADM TRACEY: JPP notes media coverage
17 of two sexual assault court-martial appellate
18 cases, both of which came to light following the
19 Subcommittee's issuance of its report, that
20 underscores the JPP's concerns related to
21 perceived pressure on convening authorities.

22 CHAIR HOLTZMAN: What has changed?

1 VADM TRACEY: It's not underscore.
2 Underscore would be that the two cases are what
3 we're concerned about. It's the media coverage
4 that we're concerned about.

5 CHAIR HOLTZMAN: Oh, I see. That's
6 what you want to do.

7 MR. STONE: I'd like to propose --

8 CHAIR HOLTZMAN: Wait, wait, can I
9 just take a second.

10 MR. STONE: Propose an amendment to
11 that.

12 CHAIR HOLTZMAN: Yeah, okay, just one
13 second. I just want to understand in my own
14 head.

15 MS. SAUNDERS: So just adding, making
16 that plural, underscores.

17 VADM TRACEY: Actually making it
18 singular, but.

19 MS. SAUNDERS: Oh.

20 CHAIR HOLTZMAN: Yes, right.

21 VADM TRACEY: Technical, sorry.

22 CHAIR HOLTZMAN: Right, okay. Anybody

1 have any concern about -- well.

2 MR. STONE: Yes, I do. I'd like to
3 suggest a friendly amendment here, and this is
4 how I saw it. That we leave the word, that
5 underscore, and it should say: That underscore
6 the JPP's concerns and the military Services'
7 close attention to perceived pressure on
8 convening authorities.

9 Because both of those cases show they
10 took action immediately. In one, he's going to
11 be on his third convening authority. And the
12 other one, they've already decided it, but they
13 said, we decided it, but even so, we're going to
14 stop and remand for more attention.

15 So both of them show the military
16 Services' close attention. We're jumping on a
17 bandwagon that left the station, as I said, in
18 2014 with that Howell opinion. It doesn't mean
19 that we shouldn't be saying what we're saying,
20 but I don't want to leave the impression that the
21 military Services haven't been concerned, because
22 both of these cases show they're concerned.

1 That's why they're reversed or sent
2 back after opinion. So I would just leave it,
3 say: that underscore the JPP's concerns and the
4 military Services' close attention to perceived
5 pressure on convening authorities.

6 CHAIR HOLTZMAN: Okay, I have an
7 objection to that.

8 VADM TRACEY: I do as well.

9 JUDGE JONES: So do I.

10 CHAIR HOLTZMAN: We have only two
11 cases. We haven't studied that issue. It's
12 anecdotal in these two cases, and I just don't
13 think we need to go there.

14 MR. STONE: Then I suggest you strike
15 the whole thing. If you want to say we haven't
16 studied the cases, that was my point yesterday.

17 JUDGE JONES: Why don't we vote?

18 CHAIR HOLTZMAN: Yeah, I was just
19 about to do that. Okay.

20 MR. STONE: Well, Mr. Taylor, did you
21 want to say something?

22 PROF. TAYLOR: Well, I was going to

1 say that I think what could be accurate would be
2 to say, and the military court's response.

3 MR. STONE: Okay.

4 PROF. TAYLOR: Because we do know what
5 the response was in both of these cases. I don't
6 know that the military Services have responded.

7 MR. STONE: Okay.

8 PROF. TAYLOR: But the military courts
9 have responded.

10 MR. STONE: And the military courts
11 responded, okay.

12 PROF. TAYLOR: But I would ask the
13 chair, does that, would that satisfy your --

14 CHAIR HOLTZMAN: So how would it read?
15 I can't -- I don't know.

16 PROF. TAYLOR: It would read: that
17 underscores the JPP's concerns and the military
18 courts' responses to perceived pressure.

19 CHAIR HOLTZMAN: To me it's not clear,
20 because --

21 JUDGE JONES: I think, I see where
22 you're going, Mr. Taylor. What about: the JPP

1 notes that -- and I'm not sure I even like this,
2 but -- media coverage of two sexual assault
3 court-martial appellate cases and the media's
4 response to them, put that there. Underscores
5 the JPP's concerns -- see, I don't --

6 MR. STONE: But we're not citing the
7 media papers. We're only citing the cases down
8 here.

9 CHAIR HOLTZMAN: I didn't understand
10 your point, Mr. Stone.

11 MR. STONE: There's no reference to
12 where the media said that. There's only
13 reference to the reports of the cases.

14 JUDGE JONES: We're citing a fact that
15 it was in the media.

16 MR. STONE: I know we're saying it,
17 but there's no citation to it.

18 JUDGE JONES: Well, there's a lot of
19 things we haven't put a citation to. This is a
20 sentence. We've noticed that there's media
21 coverage.

22 I don't think we're being critical of

1 the response of the military. I think the point
2 of this is simply to say that we've noticed, and
3 noted, and we're noting that these concerns have
4 come to light in these two cases, and it's a
5 fact. It's not really a statement against the
6 military response. So, you know, I don't.

7 MR. STONE: But the media's coverage
8 is misleading. They're making it sound like the
9 military's doing nothing, when in both cases, the
10 military really acted extraordinarily.

11 VADM TRACEY: I think the purpose of
12 this recommendation has to do with the climate in
13 which people are experiencing the military
14 justice system. And the climate is comprised not
15 only of what's in the UCMJ and what the
16 military's implementation of that is, but also
17 what the media says about it, what the Shipmates
18 have to say about it.

19 And that's what our intent in this
20 discussion is, is that -- our observation is that
21 people subject to the UCMJ and people who have to
22 trust the UCMJ are operating in an environment

1 which appears to be characterized by
2 extraordinary pressure on convening authorities
3 to prosecute.

4 CHAIR HOLTZMAN: And I think that --

5 MR. STONE: Then why don't we just say
6 the media continues to cover, to give extensive
7 coverage to instances of unlawful command
8 influence. Why cite the cases if we're not going
9 to be showing that we're not telling the people
10 who read this that we don't think the military in
11 these cases did their job?

12 That's what it sounds like by citing
13 the cases. In fact, and that's where I agree
14 with Mr. Taylor's -- I'm fine with his: and the
15 military courts' responses. Either don't cite
16 the case, or at least point out that when it came
17 up in the cases, they acted immediately.

18 They were solicitous. They didn't put
19 in here, which I would like to put in, that in
20 one case, he's asking for -- he's already had two
21 convening authorities, and he's working for his
22 third, which they gave him a hearing to have.

1 And then the other one they found
2 there was in fact no unlawful command influence.
3 I mean, it makes it sound like these cases don't
4 show any response by the military, and we're
5 telling the people who are going to get this on
6 the Congressional Armed Services Committee, you
7 know that, hey, there's not enough being done
8 here.

9 There's something being done, but
10 we're still worried about the media, I guess.

11 CHAIR HOLTZMAN: I --

12 MR. STONE: Delete the two bullets if
13 you want.

14 CHAIR HOLTZMAN: Yeah, my personal
15 view is that we should accept the amendment of
16 the Admiral, which is to add the letter s to
17 underscores, and adopt this. And that
18 underscores, I have a small word question, and
19 not a substantive question but just a
20 wordsmithing question. But let's just take a
21 vote.

22 PROF. TAYLOR: Well, just a --

1 JUDGE JONES: Are you adding
2 overturned as well?

3 CHAIR HOLTZMAN: Oh, yeah, we're going
4 to add overturned.

5 MR. STONE: Well, I haven't gotten to
6 make any of my suggestions, so --

7 CHAIR HOLTZMAN: Oh, you have more?

8 MR. STONE: How are we going to do
9 these?

10 CHAIR HOLTZMAN: Okay, well, let's go.
11 Do we have any other amendments to the framing
12 bullet?

13 MR. STONE: Yes.

14 CHAIR HOLTZMAN: Okay.

15 MR. STONE: When we get to the first
16 bullet --

17 CHAIR HOLTZMAN: All right let's go
18 first, let's go first to the Admiral's amendment,
19 which is to add s. Any objection to that?

20 (No audible response.)

21 CHAIR HOLTZMAN: Okay, hearing none,
22 that's accepted. Now, Mr. Stone, do you have an

1 amendment to the framing?

2 MR. STONE: Yes, in the first bullet,
3 originally I would have had it written: A
4 declaration of the convening authority was
5 submitted --

6 CHAIR HOLTZMAN: Oh, you were talking
7 -- we're no longer in the framing bullet?

8 MR. STONE: No.

9 CHAIR HOLTZMAN: We're in the first
10 bullet.

11 MR. STONE: I'm in the thing under it.

12 CHAIR HOLTZMAN: Okay.

13 MR. STONE: Okay. This, the
14 declaration of the convening authority was
15 submitted. It doesn't point out that this is an
16 adversarial submission at this point. So what I
17 would say was after was submitted, I would add:
18 that has not yet been judicially ruled on.
19 Because what's going on is a remand that hasn't
20 happened.

21 He hasn't stated it. It's an
22 affidavit, and no judge has found that it means

1 the way it's been put together. A judge could
2 say, yes, it means it was unlawful command
3 influence. A judge could also say, all you're
4 telling me is that there were concerns in the
5 air.

6 Nobody's produced those people that
7 they claimed they were going to produce. They
8 haven't testified that way, and I'm sorry, but I
9 don't find it exists. So I just want to say that
10 has not yet been judicially ruled on.

11 CHAIR HOLTZMAN: Okay.

12 MR. STONE: Unless you want to say it
13 was submitted by a defense counsel and not yet
14 been judicially ruled on. But I don't think we
15 have to say that. We just have to say that, to
16 be honest about it, it's not yet been judicially
17 ruled on.

18 CHAIR HOLTZMAN: Mr. Stone, what could
19 a judge do to that affidavit except to find that
20 the person who submitted it lied?

21 MR. STONE: Well --

22 CHAIR HOLTZMAN: Or, I mean, in terms

1 of the facts alleged, they are the facts alleged.
2 What legal weight is given to it is not really of
3 concern. Maybe I'm wrong.

4 MR. STONE: Gee, I'm very sorry to say
5 an adversarial pleading is not fact. And that at
6 this point is an adversarial pleading.

7 CHAIR HOLTZMAN: It doesn't mean a
8 pleading, it's an affidavit, isn't it? It says
9 this is what happened to me. So either --

10 MR. STONE: No, it doesn't say that.
11 It is a basis for him to be put on the stand and
12 cross-examined, that's what it is. That would
13 not --

14 CHAIR HOLTZMAN: No, you're talking
15 about --

16 JUDGE JONES: Could you lower your
17 voice? It's bothering me.

18 CHAIR HOLTZMAN: Anyway I think we're
19 just going to have to vote on this. So can you
20 just state your full amendment please, Mr. Stone,
21 so we can vote on it?

22 MR. STONE: Yeah, that was it. That

1 has not yet been judicially ruled on, that
2 states. And then everything else that's there.

3 CHAIR HOLTZMAN: Oh, submitted, after
4 the word submitted, that has not been judicially
5 ruled on.

6 MR. STONE: And the footnote down
7 there to Barry, which says footnote 2, but I
8 think it's footnote 3. Oh, I see, 3 is the
9 declaration. Where in footnote 2, it says
10 rehearing granted, it should just say remanded,
11 not rehearing granted. Because that court didn't
12 grant rehearing. They remanded it. So it ought
13 to be remanded.

14 And then in the second bullet about
15 Boyce --

16 CHAIR HOLTZMAN: Wait a minute. I'm
17 taking this bullet by bullet. Actually, I wasn't
18 even up to bullet number 1, Mr. Stone, when you,
19 because I was up onto the framing bullet.

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: Okay, you're up to
22 Barry. So let's just deal with that one at a

1 time. You have if the proposal is -- and we've,
2 I guess because it's a factual correction, we've
3 accepted the change of Ms. Saunders to change
4 rehearing granted to remanded. Okay.

5 Now you have submitted this, the
6 language, after the word submitted in the first
7 bullet, you're proposing -- you want to repeat it
8 again?

9 MR. STONE: The words that say it has
10 not yet been judicially ruled on.

11 CHAIR HOLTZMAN: Okay. Those in
12 favor, say aye.

13 MR. STONE: Aye.

14 CHAIR HOLTZMAN: Those opposed.

15 (Chorus of no.)

16 CHAIR HOLTZMAN: The no's have it.
17 The amendment's not agreed to. Any other
18 amendments to bullet one? Okay. I just have a
19 suggestion. It says: In the first case, a
20 declaration of the convening authority was
21 submitted.

22 Do we need to say to the court, to the

1 judge? Or do we not? I leave that up to the
2 Admiral grammarian, or anybody else in terms of
3 style. I just wondered if we needed to have
4 that. This is no substantive change. It's just
5 a clarification change.

6 PROF. TAYLOR: I think that would be
7 helpful to say submitted to the court.

8 JUDGE JONES: Yeah, that's fine.

9 CHAIR HOLTZMAN: Is that fine. Any
10 objection to that?

11 VADM TRACEY: To the court, right?

12 CHAIR HOLTZMAN: Yes. Okay, we
13 finished with --

14 MR. STONE: Well, it should have the
15 court. I have to add as a comment that,
16 therefore, it's even more appropriate to say that
17 has not yet been ruled on, then not say
18 judicially. But you just put that in, that it's
19 submitted it to the court. That has not yet been
20 ruled on.

21 JUDGE JONES: Look, whether we said to
22 the court or not, it's obvious that it was

1 submitted in the case. I don't think that
2 changes a thing. And we're talking about a
3 perception, not the results of any, or the
4 process of any judicial proceeding.

5 CHAIR HOLTZMAN: All right, are we
6 voting on "to the court"? Let's vote on the "to
7 court", the addition, my amendment, after the
8 word submitted, add the words, to the court.
9 Those in favor say aye.

10 (Chorus of aye.)

11 CHAIR HOLTZMAN: Those opposed.

12 MR. STONE: Opposed without the
13 following words, that has not yet been ruled,
14 after it.

15 CHAIR HOLTZMAN: Okay. So the
16 amendment is agreed to. Mr. Stone, do you have
17 another amendment to bullet number 1?

18 MR. STONE: No.

19 CHAIR HOLTZMAN: Okay. Bullet number
20 1, all in favor as amended say aye.

21 (Chorus of aye.)

22 CHAIR HOLTZMAN: Opposed.

1 MR. STONE: Opposed.

2 CHAIR HOLTZMAN: The ayes have it.
3 Bullet number 2. Any amendments to bullet number
4 2?

5 MR. STONE: Yes.

6 CHAIR HOLTZMAN: Okay.

7 VADM TRACEY: We've already voted on
8 the overturn versus reversed and remanded. Or
9 were we going to vote on this?

10 JUDGE JONES: In bullet number 2.

11 CHAIR HOLTZMAN: No, we haven't voted
12 on that. Now is your moment in the sun.

13 VADM TRACEY: So I do recommend we
14 substitute overturned for reversed and remanded.

15 CHAIR HOLTZMAN: Okay. And
16 discussion?

17 MR. STONE: Yes. I think that that
18 again is misleading. Overturned suggests that
19 that's the end of the case. It is not the end of
20 the case, and they specifically said it was not
21 the end of the case. If you want to say
22 overturned and remanded for retrial.

1 MS. GALLAGHER: If I may make a point
2 of clarification. In the military, you don't
3 remand back to a lower court.

4 MR. STONE: They remand to --

5 MS. GALLAGHER: It's returned to the
6 convening authority.

7 MR. STONE: That's right.

8 MS. GALLAGHER: Who has to make a
9 determination of whether or not to refer it back
10 to --

11 MR. STONE: That's right.

12 MS. GALLAGHER: The court. So I'm not
13 certain remand is the technical --

14 MR. STONE: Well, the reason I say
15 that is because if you look in the last footnote
16 of the majority opinion, and if you look in the
17 dissents, the majority opinion says, we do not
18 think -- we think it would be a windfall if we
19 simply reversed with prejudice.

20 And the two dissents agree with that
21 part of the majority. We can say, and remanded
22 to the convening authority. But I think that

1 goes over the head of most people who would get
2 this report because they're not sure what that
3 means.

4 CAPT TIDESWELL: Could it be a --

5 MR. STONE: If you want to say
6 remanded to the convening authority to consider
7 whether or not to conduct a retrial, sure.
8 That's a lot of words.

9 MS. GALLAGHER: Or returned.

10 CAPT TIDESWELL: It's sent back,
11 returned.

12 MR. SPRANCE: Sent back, returned.

13 MS. GALLAGHER: The jargon you can say
14 returned to the convening authority with a new
15 trial authorized.

16 MR. STONE: Yeah, you could say that.

17 CHAIR HOLTZMAN: What does that mean,
18 a new trial authorized?

19 MS. GALLAGHER: It means that he --
20 instead of dismissing with prejudice, which would
21 preclude them from retrying the case. They have
22 allowed, they're sending it back to the convening

1 authority to make the decision of whether to
2 order a new trial.

3 CHAIR HOLTZMAN: As to whether to.
4 But when you say with a new trial authorized, it
5 suggests that the new trial is going to be
6 authorized.

7 MR. SPRANCE: Yes.

8 CHAIR HOLTZMAN: As opposed to
9 considering whether or not to authorize.

10 So I think your formulation is
11 misleading.

12 MS. GALLAGHER: Yeah, and I apologize,
13 I don't have the case in front of me.

14 CHAIR HOLTZMAN: That's the problem.

15 MR. STONE: Well, if it said reversed
16 and remanded, allowing for retrial.

17 CHAIR HOLTZMAN: Remanded is a, as the
18 Admiral has pointed out, is a term that people
19 reading this mostly will not understand.

20 VADM TRACEY: What about overturned,
21 allowing for retrial?

22 MR. STONE: Yes.

1 VADM TRACEY: Speaks to the common
2 reader.

3 MR. STONE: Overturned allowing for
4 retrial is fine with me.

5 CHAIR HOLTZMAN: Do we need the
6 allowing for retrial in the actual text, or can
7 we put it in the footnote?

8 VADM TRACEY: Yeah, I think a footnote
9 would serve for me.

10 CHAIR HOLTZMAN: We have it, right,
11 maybe in footnote 4 you can say the, whatever it
12 is, the reversal. Oh, the court allowed for a,
13 or authorized, allowed, whatever your language
14 was, a retrial.

15 VADM TRACEY: That would work for me.

16 MR. STONE: That's fine.

17 PROF. TAYLOR: That's fine with me.

18 JUDGE JONES: That's fine.

19 MR. STONE: Okay. Then I have a
20 second.

21 CHAIR HOLTZMAN: Well, wait a minute.
22 We don't have the language for that, so can we

1 just -- so what is the language in footnote 4?

2 MS. SAUNDERS: Should I just say this
3 case was overturned and returned to the convening
4 authority, allowing for retrial?

5 MR. STONE: Yeah, it's in the
6 footnote, that's okay.

7 JUDGE JONES: That's the footnote
8 language.

9 MS. SAUNDERS: That would be the
10 footnote.

11 JUDGE JONES: Just so I'm sure, what
12 is the actual language in the bullet? I
13 apologize, I lost track.

14 MS. SAUNDERS: Would we just say
15 overturned in the --

16 JUDGE JONES: Right, right.

17 MS. SAUNDERS: Okay.

18 CHAIR HOLTZMAN: Okay, so instead of
19 reversed and remanded, we have overturned. Okay.
20 And we have a footnote also saying, Ms. Saunders.

21 MS. SAUNDERS: The footnote could
22 potentially say: This case was overturned and

1 returned to the convening authority, allowing for
2 a retrial.

3 CHAIR HOLTZMAN: We have to say
4 overturned again?

5 MS. SAUNDERS: We don't have to. We
6 could say this case was returned to the convening
7 authority, allowing for retrial.

8 CHAIR HOLTZMAN: Okay, is there any
9 objection to those changes?

10 (Chorus of no.)

11 CHAIR HOLTZMAN: Hearing, none, it's
12 approved. Any other suggestions or amendments to
13 bullet two?

14 MR. STONE: Yes.

15 CHAIR HOLTZMAN: The second bullet.
16 Okay.

17 MR. STONE: Yes. The last sentence
18 that as it stands is also misleading, where it
19 says, this was primarily due. And to clarify
20 that -- where it talks about its failure to
21 affirm a prior sexual assault case, that isn't
22 why it was returned.

1 And to clarify that, you have to say
2 those are the facts, but not why it was
3 overturned. You have to say: which resulted in a
4 public appearance of unlawful command influence,
5 comma, even though the court found there was in
6 fact no unlawful command influence.

7 In other words, it was overturned for
8 a legal reason. Those are the facts behind it,
9 and I'm just giving --

10 CHAIR HOLTZMAN: Wait a minute, so
11 you're in sentence number one. I thought you
12 were in sentence number two.

13 MR. STONE: No, I'm at the very end of
14 sentence two. For his failure to refer a prior
15 sexual assault case to court-martial is where it
16 stands now, which resulted in a public appearance
17 of unlawful command influence, comma, even though
18 the court found there was in fact no unlawful
19 command influence. That's what the case holds.

20 JUDGE JONES: So how would you start
21 the sentence again?

22 MR. STONE: Just exactly with what's

1 there.

2 CHAIR HOLTZMAN: Yeah, I mean this is
3 getting into it being like Proust.

4 MR. STONE: I mean, or you could make
5 it to a new sentence that said this resulted or
6 these facts resulted in a public appearance of
7 unlawful command influence, comma, even though
8 the court found there was in fact no unlawful
9 command influence.

10 CHAIR HOLTZMAN: You know what, can I
11 just make a suggestion? Because we say the word
12 appearance in sentence number one, which precedes
13 sentence number two. We could say in a footnote
14 to this case, another footnote or add to that
15 footnote, the court found that there was no
16 unlawful command influence in fact.

17 MS. SAUNDERS: No actual unlawful.

18 CHAIR HOLTZMAN: Yes.

19 JUDGE JONES: As opposed to
20 appearance, right.

21 CHAIR HOLTZMAN: So we just, is that
22 acceptable?

1 MR. STONE: There was in fact no
2 unlawful command influence?

3 CHAIR HOLTZMAN: Yes. And we get to
4 Hemingway style. And objection to that?

5 PROF. TAYLOR: None.

6 CHAIR HOLTZMAN: Okay. So that's
7 accepted. I have one -- is there anything else
8 since we're on page 8? I have one suggestion.
9 Again, this is just a kind of wordsmithing. It's
10 no substantive change intended here.

11 But in the first full bullet on the
12 page, where it says, perceive there to pressure
13 on convening authorities to refer sexual assault
14 cases to trial, even based on weak evidence.
15 That's really not great. Maybe, even when based
16 on weak evidence?

17 MR. STONE: Yeah, that's okay. It's
18 okay with me.

19 CHAIR HOLTZMAN: Admiral, does that
20 pass your muster?

21 VADM TRACEY: Yes, it does.

22 CHAIR HOLTZMAN: Or you may have a

1 better suggestion.

2 VADM TRACEY: I think that we've used
3 this language multiple times.

4 CHAIR HOLTZMAN: I know I have. I was
5 struck by it several times. I'm not changing the
6 substance, but --

7 VADM TRACEY: Right, exactly.

8 PROF. TAYLOR: I would agree with
9 that, since I'm the one that introduced that
10 language to start with.

11 CHAIR HOLTZMAN: Oh, okay, Mr. Taylor,
12 thank you.

13 PROF. TAYLOR: And if I may, on that
14 same page.

15 CHAIR HOLTZMAN: Right.

16 PROF. TAYLOR: The similar conforming
17 change in the very last bullet on page 8, where
18 we talk about referring cases to trial even when
19 there is a lack of evidence. So what I was
20 trying to look for was consistency, and I missed
21 that one.

22 CHAIR HOLTZMAN: Right. So when you

1 say even when there is -- so what do you want to
2 do with the last bullet?

3 PROF. TAYLOR: Right, use the same
4 words, even when based on weak evidence.

5 CHAIR HOLTZMAN: Okay. Okay, so are
6 those two, and without objection, those two
7 changes, one in the first full bullet and then
8 one in the last bullet are adopted.

9 Okay, that's page 8. Should we go
10 back to the beginning?

11 MR. STONE: Well, unless anybody has
12 anything. Anybody have anything else?

13 VADM TRACEY: I did, on page 9.

14 CHAIR HOLTZMAN: Okay, go to page 9,
15 Admiral.

16 VADM TRACEY: At recommendation 59.

17 CHAIR HOLTZMAN: Wait, wait, wait.
18 Page 9, 59, yes.

19 VADM TRACEY: 59, the last bullet.
20 Again, common language for venire or venire,
21 what's the --

22 CHAIR HOLTZMAN: Yeah, okay, where are

1 we?

2 VADM TRACEY: The very last line.

3 CHAIR HOLTZMAN: Right.

4 PROF. TAYLOR: How about jury pool?

5 CHAIR HOLTZMAN: There you go, right,
6 beautiful. Any objection?

7 JUDGE JONES: No.

8 MR. STONE: You're saying juror pool?

9 CHAIR HOLTZMAN: Jury pool instead of
10 venire.

11 MR. STONE: Okay, again, we're talking
12 technically. Technically, they're not a jury.
13 But technically, you would say panel member pool,
14 I think. But if you want, they're not jurors,
15 but I won't object if Mr. Taylor's okay with that
16 language.

17 CHAIR HOLTZMAN: I think it's
18 accurate. Okay, any other suggested changes?

19 VADM TRACEY: If I may, on page 10,
20 this is, we have the footnote omitted, up on the
21 very first line.

22 CHAIR HOLTZMAN: Right.

1 VADM TRACEY: Does that belong inside
2 the quotes? Because the footnote is actually
3 part of --

4 CHAIR HOLTZMAN: Yeah, probably.

5 VADM TRACEY: The reference.

6 CHAIR HOLTZMAN: Yes. Okay, that
7 changes it. Okay, any other changes,
8 suggestions? Okay, I just have a few, again,
9 wordsmithing, sorry. I'm going to page 1, where
10 it says, the first full -- oh, the second full
11 paragraph.

12 Kind of next-to-last sentence, where
13 it says, To address these concerns, Congress, et
14 cetera, have all worked to change the military
15 system so that victims of sexual assault will be
16 treated with respect and not -- okay, it's fine.
17 I'm okay with it the way it is. I'm sorry.

18 Okay, page two, second full paragraph,
19 line two, where it says: visited military
20 installations throughout the United States and
21 Asia. We only went to two installations in Asia,
22 so I don't think throughout can properly modify

1 Asia. It's not accurate. So throughout the
2 United States and in Asia.

3 MR. STONE: Why don't you just say in
4 the United States and Asia? You did say 25.

5 CHAIR HOLTZMAN: That's fine. Okay.
6 That's fine with me. All right, page 3, number
7 4, the same point, Mr. Taylor, that I had before.
8 Where it says, Even based on weak evidence. Even
9 when based on weak evidence. Any objection to
10 that change?

11 JUDGE JONES: No.

12 MR. STONE: No.

13 CHAIR HOLTZMAN: Agreed to, so that
14 change is agreed to.

15 Okay, in point number 6, when we talk
16 about -- this is more substantive. When we talk
17 about the training that can confuse military
18 members, do we want to say that the training -- I
19 mean the training that we're referring to here is
20 really with regard to alcohol, and I don't know
21 whether we want to be specific about that at this
22 point.

1 Because what it says now is that
2 military members who potentially may sit on
3 court-martial panels receive sexual assault
4 prevention and response training that may confuse
5 them regarding the legal standard for consent in
6 sexual assault cases. I would suggest saying
7 legal standard for consent --

8 JUDGE JONES: In alcohol-related
9 sexual assault cases?

10 CHAIR HOLTZMAN: Yeah, right, or when
11 alcohol is involved in sexual assault, something
12 like that. But just so that we're not talking
13 about the whole universe of the problem of
14 consent. I think it would be better. I mean,
15 that's just my suggestion.

16 MR. STONE: So response training
17 related to alcohol use, or related to alcohol?

18 VADM TRACEY: Or consent when alcohol
19 is involved.

20 CHAIR HOLTZMAN: Yeah, okay.

21 MR. STONE: Wait, so what language did
22 you have?

1 CHAIR HOLTZMAN: When alcohol,
2 regarding the legal standard for consent when
3 alcohol is involved in sexual assault cases. So
4 take your language, when alcohol --

5 PROF. TAYLOR: I think that's a good
6 idea. I thought about the same thing, but I
7 wasn't sure how many changes we were going to
8 make. But I think that's a good fix.

9 CHAIR HOLTZMAN: Okay.

10 JUDGE JONES: Can we just say in
11 alcohol-related sexual assault cases?

12 CHAIR HOLTZMAN: Yeah, that's fine.

13 VADM TRACEY: I recommend not.

14 CHAIR HOLTZMAN: Okay.

15 JUDGE JONES: Too broad, you mean?

16 VADM TRACEY: Yes, I think that's.

17 JUDGE JONES: So what was your
18 suggestion again?

19 MR. STONE: Regarding --

20 VADM TRACEY: Standard for consent
21 when alcohol is involved in sexual assault cases.
22 That's fine.

1 CHAIR HOLTZMAN: Okay, without
2 objection, that's agreed to.

3 Okay, I also had a question with
4 regard to bullet point number 7. Again, the
5 issue's on bullet point number 7, and talks about
6 expedited transfers. But this a kind of, I think
7 it's an incomplete summary of the problems that
8 we identified with expedited transfers, and
9 that's why I'm raising it.

10 It says that the current policy on
11 expedited transfers can make it difficult for
12 investigators to adequately consult with victims
13 when victims have been transferred to faraway
14 locations. I had no trouble with that. I think
15 that's fine.

16 But the problem with expedited
17 transfer was not only that. It was an issue that
18 was related with regard to potential -- how this
19 could be used by defense counsel to undermine
20 these cases. That's not addressed here. This is
21 a kind of a summary of our whole report, and
22 that's left out.

1 So I think we need somehow to add that
2 to point number 7. I would suggest that. I
3 don't have the language.

4 MR. STONE: Let me suggest something
5 else.

6 CHAIR HOLTZMAN: Okay.

7 MR. STONE: Since this is just a
8 summary, and when we get to it, we talk about it,
9 what if we just say, don't make it so specific
10 and say: The current policy on expedited transfer
11 of sexual assault victims can make it difficult
12 for investigators and prosecutors? And then jump
13 to when victims have been transferred to faraway
14 locations.

15 Inside this, when we get to the
16 recommendation, we explain a lot more detail.
17 And otherwise we're going to be, like you said,
18 we're going to put in all that detail in here
19 when you haven't yet gotten the background.

20 CHAIR HOLTZMAN: I'm okay with that.

21 MR. STONE: All right.

22 CHAIR HOLTZMAN: Anybody object?

1 VADM TRACEY: No.

2 JUDGE JONES: No.

3 CHAIR HOLTZMAN: Okay, without
4 objection that's agreed to.

5 MS. SAUNDERS: So they can make it
6 difficult for investigators and prosecutors --

7 MR. STONE: When victims, yeah.

8 MS. SAUNDERS: When victims, okay.

9 CHAIR HOLTZMAN: Right, because that
10 implies that's the only issue, and it's really
11 not. Okay. There is a -- no. Okay,
12 recommendation 52, it just, after all --

13 MR. STONE: Can I?

14 CHAIR HOLTZMAN: Yeah, go ahead.

15 MR. STONE: Just before you get there,
16 right above that, the title says Summary of JPP.
17 Shouldn't we take out Summary of? Shouldn't that
18 just be JPP Recommendations? These aren't the
19 summary. These are the recommendations with the
20 bullets.

21 CHAIR HOLTZMAN: We could have list
22 of.

1 MR. STONE: Yeah, we could have list
2 of. But I think we could just put --

3 CHAIR HOLTZMAN: Or you can just JPP
4 Recommendations.

5 MR. STONE: Okay, unless somebody
6 objects.

7 CHAIR HOLTZMAN: So just, without
8 objection, it's agreed to.

9 MR. STONE: Yeah. Okay, I'm sorry.

10 CHAIR HOLTZMAN: Okay, but this was
11 triggered in my mind because of the various
12 conversations we had yesterday. And
13 recommendation 52, line 1, 2, 3, 4, 5, where it
14 says that, basically it says that the preliminary
15 hearing process no longer serves a useful
16 purpose.

17 I'm not sure that -- do we really want
18 to go that far? Maybe it no longer serves a
19 useful discovery purpose, or -- and I don't know
20 if I'm opening a minefield here, but I just --

21 VADM TRACEY: I thought we took out
22 that amendment --

1 JUDGE JONES: I thought we did -

2 VADM TRACEY: -- someplace else.

3 PROF. TAYLOR: Yeah, we did in one of
4 the bullets.

5 JUDGE JONES: Yeah, I think we did
6 take it out somewhere.

7 CHAIR HOLTZMAN: Yeah, that's why it
8 struck me when I read it.

9 VADM TRACEY: It is not a meaningful
10 process for evaluating the strength of the case.

11 CHAIR HOLTZMAN: Right.

12 VADM TRACEY: Is in the second bullet.
13 Or, yeah, second bullet.

14 MR. STONE: In other words, so in the
15 recommendation, what if we just, since we're
16 going to discuss it later, we stop that sentence
17 after, continue the review of the new Article 32
18 preliminary hearing process, period. Strike the
19 rest of the sentence, and then continue with:
20 This review should look at whether, blah, blah,
21 blah, blah, blah. And we've got the stuff right
22 below.

1 CHAIR HOLTZMAN: Well --

2 MR. STONE: I mean, or you have a
3 different way you want to get rid of the "no
4 longer"? I mean, because we say it, and then we
5 have process.

6 CHAIR HOLTZMAN: Well, you could just
7 say maybe, no longer serves the same purpose as
8 it did before. Maybe that would be better.
9 Maybe that's not accurate, because it still does
10 serve a probable cause --

11 MR. STONE: It does.

12 CHAIR HOLTZMAN: -- purpose. I just
13 was going to add no longer serves a useful
14 discovery purpose.

15 MR. STONE: I'm okay with that. I'm
16 fine with that, that's accurate. It's just, this
17 is a pretty long recommendation. That's why I
18 was thinking of shortening it.

19 CHAIR HOLTZMAN: Yeah, so I --

20 MR. STONE: Of all our
21 recommendations, this one is gigantic.

22 CHAIR HOLTZMAN: Right. So does

1 anybody object to that?

2 PROF. TAYLOR: I don't.

3 JUDGE JONES: No.

4 CHAIR HOLTZMAN: Okay, without
5 objection, that's agreed to.

6 On page 5, the last bullet under
7 recommendation 52 and just before 53, is there a
8 problem here? It says, because of statutory
9 changes, the Secretary of Defense and DAC-IPAD
10 should continue monitoring court-martial data to
11 see how the statutory changes have affected the
12 data.

13 Is that what we're looking for? Or
14 have affected the something. But I don't think
15 we're interested in how changes affect data. We
16 want to see how changes affect some process. Is
17 that right?

18 MS. SAUNDERS: The process, the
19 military justice process?

20 CHAIR HOLTZMAN: Am I wrong?

21 PROF. TAYLOR: No.

22 CHAIR HOLTZMAN: Okay. So I think we

1 need to fix that.

2 MS. SAUNDERS: Affected the court-
3 martial process?

4 CHAIR HOLTZMAN: You could just say
5 how the statutory changes have worked.

6 JUDGE JONES: Although there's that
7 whole problem with having to be charged under
8 different statutes depending on the dates and all
9 that. Is that what you were alluding to here? I
10 just don't know.

11 MS. SAUNDERS: This is the change in
12 the Article 32 process.

13 JUDGE JONES: Right.

14 MS. SAUNDERS: And to see if that
15 affects how cases are processed, whether more
16 cases are referred, fewer cases, you know, to see
17 how that affects --

18 CHAIR HOLTZMAN: So do you want to
19 take some time, maybe after we finish going
20 through this, Terri, to try to move on to --

21 MR. STONE: I'd just go with your word
22 work, how they work. See if or see how well the

1 statutory changes work.

2 CHAIR HOLTZMAN: Yes, okay.

3 VADM TRACEY: I'm sorry, but statutory
4 changes are, we're doing exactly what they
5 intended in the statute. What we're interested
6 in is if those changes in the statute have
7 second- and third-order effects that are
8 desirable or undesirable.

9 CHAIR HOLTZMAN: Right.

10 VADM TRACEY: So it's not how they
11 work.

12 CHAIR HOLTZMAN: Okay.

13 VADM TRACEY: It's how they affect the
14 court-martial process, I think.

15 MR. STONE: I'm okay with that.

16 CHAIR HOLTZMAN: Or you can say to
17 evaluate, could continue monitoring court-martial
18 data to evaluate the effect of the statutory
19 changes.

20 PROF. TAYLOR: That's what I was
21 thinking.

22 MR. STONE: Good.

1 CHAIR HOLTZMAN: All right, without
2 objection, that's --

3 MR. STONE: Effect of the statutory
4 changes, good.

5 CHAIR HOLTZMAN: That's accepted.

6 Okay, page 6, bullet 2. I just
7 thought this might be clarifying, but I could be
8 wrong, because I'm not, never was, never will be
9 a U.S. Attorney or anything involved with that.
10 But here it says, in the second sentence about
11 the official guidance of the Attorney General,
12 the Manual -- full stop there for a moment, who
13 is our Attorney? Okay, never mind.

14 The Manual provides that an attorney
15 should commence prosecution. Is this only if the
16 admissible evidence will probably be sufficient
17 to obtain and sustain a conviction? Do you need
18 the word only there, and is that correct? Or if
19 we don't know, then we just fudge, so to speak.

20 MS. SAUNDERS: I'll pull the -- I'm
21 going to have to pull the --

22 MR. STONE: No, it's not only, because

1 there's a whole lot of factors.

2 MS. SAUNDERS: Yeah.

3 MR. STONE: And that can be
4 overridden.

5 CHAIR HOLTZMAN: I understand the
6 other factors. I'm just trying to say, but if
7 this factor is not there --

8 MR. STONE: No.

9 CHAIR HOLTZMAN: They can't do it.

10 MR. STONE: It's not a but for.

11 CHAIR HOLTZMAN: It's not a but for.

12 MR. STONE: No.

13 CHAIR HOLTZMAN: Okay.

14 MR. STONE: It's a very long section,
15 similar to the new Article 33.

16 CHAIR HOLTZMAN: Okay, that's why I
17 raised it.

18 MS. SAUNDERS: I do recall there being
19 a provision that says, even in situations where -

20 -

21 CHAIR HOLTZMAN: Where.

22 MS. SAUNDERS: There may be situations

1 where they don't feel --

2 CHAIR HOLTZMAN: Okay, fine.

3 MR. STONE: It's a very long section.

4 CHAIR HOLTZMAN: All right, okay. And
5 we have a weak evidence issue in the next-to-last
6 bullet. Okay.

7 MS. SAUNDERS: At the bottom of 6, or

8 --

9 CHAIR HOLTZMAN: Yeah, on the bottom,
10 next-to-last bullet on the bottom of 6.

11 MS. SAUNDERS: Even.

12 CHAIR HOLTZMAN: I have even when, or
13 when based on, or something.

14 MS. SAUNDERS: Even when based on.

15 CHAIR HOLTZMAN: Yeah.

16 MR. STONE: Instead of with.

17 CHAIR HOLTZMAN: Okay, that's it.

18 Those are all my suggestions. Oh, wait, excuse
19 me, I had something on 9 and 10. Okay. In
20 recommendation 59, is it only -- and maybe this
21 is just I'm just not familiar enough with this --
22 but we're talking about the legal definition of

1 impairment.

2 Is that the critical term with regard
3 to the use of alcohol, or are there other terms
4 with regard to use of alcohol that we need to be
5 concerned about?

6 MR. STONE: Well, actually, you get
7 concerned about, it's a finding of voluntariness,
8 but they use impairment as a way --

9 CHAIR HOLTZMAN: Okay, is that the
10 only -- right.

11 MR. STONE: To reflect whether the
12 person acted voluntarily.

13 CHAIR HOLTZMAN: But there's no other,
14 right. Okay, so that's the key trigger term.
15 Okay, it was a question.

16 Okay, bullet 1 under 59. The way it
17 reads is -- you need to sharpen it because it's
18 too vague. Counsel on site visits reported their
19 perceptions that sexual assault prevention and
20 response training has become so pervasive as to
21 affect the judgement of court-martial panel
22 members.

1 I mean, it may affect their judgement
2 in a good way. So I don't -- it's not just that
3 it's pervasive. So there are really two problems
4 with regard to the training. One is that it's
5 pervasive, and you have training fatigue. And
6 the other is that they're being trained in such a
7 way as to produce a misapprehension of legal
8 standards.

9 I mean, we say the training fatigue in
10 the second bullet. So maybe, so I'm not --

11 MR. STONE: All right, let me make a
12 suggestion. Instead of has become so pervasive
13 as to, why don't we just say counsel on site
14 visits reported their perception that sexual
15 assault prevention and assault training is
16 important because it affects the judgement of
17 court-martial panel members.

18 Isn't that what we're trying to say in
19 this one? The next bullet talks about training
20 fatigue. This one, you're trying to say it's
21 important, this isn't something you should
22 overlook, because it carries over into the court-

1 martial context.

2 MS. SAUNDERS: I think we're talking
3 about perceptions of counsel who were spoken to
4 on site visits. And I don't think that was the
5 gist of what they were trying to say. I don't
6 think they were saying, it's important -- I think
7 they're saying that it's, that perhaps some of
8 the training is not accurate, or it's being taken
9 in the wrong way by --

10 JUDGE JONES: Well, is this hearkening
11 back to the alcohol?

12 MS. SAUNDERS: Right.

13 CHAIR HOLTZMAN: Yeah, this is really
14 a repetition of bullet number 3. You see bullet
15 number 3? So we may not even --

16 MR. STONE: You want to delete it?

17 CHAIR HOLTZMAN: Well, you need to
18 talk about what we're -- you know, counsel on
19 site visits, you can just say simply complained
20 about or raised complaints about sexual assault
21 and prevention training, period.

22 Then you can have the training

1 fatigue, and then you have the misperception
2 about the use. I don't know, but the way it is
3 right now, it's not --

4 MR. STONE: Complained about sexual
5 assault training, period.

6 VADM TRACEY: How about raised
7 concerns?

8 CHAIR HOLTZMAN: Okay, raised
9 concerns. Beautiful, much more diplomatic.

10 VADM TRACEY: About sexual assault
11 prevention and response training, period, right?

12 CHAIR HOLTZMAN: Yeah.

13 MR. STONE: Raised concerns, and what
14 did you --

15 CHAIR HOLTZMAN: About sexual assault
16 and response training, period.

17 MR. STONE: Okay, and that's the whole
18 bullet now?

19 CHAIR HOLTZMAN: Yeah, I think so.

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: Let's just go to 3
22 and see if 3 is comprehensive enough. Yeah.

1 JUDGE JONES: Except we don't have, we
2 have them denying something we haven't -- in
3 other words in 3, we have the coordinator saying
4 we don't train them that way.

5 VADM TRACEY: But we have, counsel
6 indicated they still hear those misperceptions
7 about --

8 MR. STONE: That's what they said to
9 the Subcommittee.

10 JUDGE JONES: I realize that. But I'm
11 saying if all we say in bullet 1 is counsel on
12 the site visits --

13 CHAIR HOLTZMAN: Okay, so maybe --

14 JUDGE JONES: Reported, raised
15 concerns about the training, but we don't say
16 specifically what training, that's all.

17 CHAIR HOLTZMAN: Okay, maybe we could
18 change it to say raised concerns about the
19 training in terms of its pervasiveness and its --
20 because it was both pervasive and misleading. Or
21 something like that.

22 JUDGE JONES: I don't care about

1 pervasive.

2 CHAIR HOLTZMAN: Okay. Okay, fine.

3 JUDGE JONES: Because I think that's
4 -- that, to me, is more the fatigue.

5 CHAIR HOLTZMAN: Because it's, yeah,
6 misleading.

7 JUDGE JONES: I'm just, one of the
8 concerns that they raised about the SAPR
9 training, they were primarily, every time we
10 talked to anybody --

11 CHAIR HOLTZMAN: Right.

12 JUDGE JONES: -- about alcohol.
13 That's all I'm saying. And then that matches up
14 with 3, with the third bullet.

15 CHAIR HOLTZMAN: Sexual assault
16 training.

17 MR. STONE: Let me just say we say
18 that, like in the last two lines of the third
19 bullet. So unless we're going to repeat that
20 exactly, counsel indicated they still hear
21 misperceptions about alcohol use and impairment
22 from court-martial panel members.

1 JUDGE JONES: I'm sorry, where's that?

2 MR. STONE: That's the last two lines
3 of bullet 3.

4 CHAIR HOLTZMAN: Bullet 3. We could
5 --

6 MR. STONE: I don't know why we have
7 to repeat that.

8 JUDGE JONES: I'm sorry, are we on
9 page 9?

10 MR. STONE: Yeah.

11 CHAIR HOLTZMAN: Yeah, we're still on
12 page 9.

13 MR. STONE: See, look at the last two
14 lines of, in other words, the first part of
15 bullet 3.

16 JUDGE JONES: Oh, I see, so we slipped
17 counsel in there. Counsel and --

18 CHAIR HOLTZMAN: Well, you know what,
19 we could --

20 MR. STONE: In other words, we showed
21 the two parts of the problem, that the SAPR
22 people say they're doing it correctly, but

1 counsel indicated they still hear misperceptions.

2 CHAIR HOLTZMAN: Barbara, a way of
3 helping you out there is if we change, inverted
4 those two phrases.

5 JUDGE JONES: Yeah, then we have the
6 problem --

7 CHAIR HOLTZMAN: And started with
8 counsel.

9 JUDGE JONES: Yeah.

10 CHAIR HOLTZMAN: Started with counsel
11 indicated they still hear misperceptions about
12 alcohol use, even though, or while sexual assault
13 coordinators say --

14 JUDGE JONES: We could just get rid of
15 bullet 1 and just start --

16 MR. STONE: That's what I was going to
17 say.

18 JUDGE JONES: Counsel raised -- on
19 site visits, counsel raised concerns about or
20 indicated that they still hear, and then the
21 coordinators' response. And then we don't need
22 bullet 1. Does that make any sense? Is that all

1 right?

2 VADM TRACEY: I'm okay with removing
3 bullet 1.

4 MR. STONE: You can -- on site visits
5 or counsel on site visits? This is the order
6 that --

7 MS. SAUNDERS: So we're going to start
8 with counsel on site visits.

9 MR. STONE: Indicated that.

10 MS. SAUNDERS: Indicated. And then
11 we're going to get rid of bullet 1 altogether?

12 CHAIR HOLTZMAN: Yeah, and then you'll
13 -- but you'll add as part of that sentence, while
14 sexual assault coordinators.

15 MR. STONE: Or maybe it should be
16 although or even though, one of those two.

17 CHAIR HOLTZMAN: Right, correct.

18 MS. SAUNDERS: Would this now be the
19 second bullet in that?

20 CHAIR HOLTZMAN: First.

21 MS. SAUNDERS: Or you want --

22 CHAIR HOLTZMAN: Oh, I see, no, second

1 bullet. Okay, because we had the last one, the
2 case. Okay. All right, okay, without objection
3 that change is accepted.

4 All right, now we're up to
5 recommendation number 60. Okay, it's also long.
6 But in the middle of that, commanders and SVCs
7 and VLCs should receive training in how locating
8 victims from less desirable to more desirable
9 locations can be used by defense counsel to
10 suggest abuse of this system and to cast doubt on
11 the victims' credibility.

12 Abuse of the system is too vague, it
13 seems to me, to suggest victims' abuse of the
14 system and cast doubt on their credibility. I
15 think you need to say who's abusing. So I --

16 MR. STONE: Isn't it the casting doubt
17 on the credibility what the abuse is?

18 CHAIR HOLTZMAN: Right, but I would
19 rather put the --

20 MR. STONE: What if you just said to
21 cast doubt on the victims' credibility?

22 CHAIR HOLTZMAN: We had that there.

1 But to suggest -- oh, you mean you want to take
2 out suggest abuse?

3 MR. STONE: Yeah, and just skip right
4 to that, because that's the abuse that they're,
5 that's the thing we're worried about.

6 VADM TRACEY: Actually, the abuse that
7 we're talking about is the victims' abuse of the
8 system.

9 CHAIR HOLTZMAN: Correct, that's what
10 I, so that's why I was going to say that, so that
11 we -- so my suggestion would be to suggest
12 victims' abuse of this system, and to cast doubt
13 on their credibility, possibly leading to more
14 acquittals. Right. So the victims', s', and,
15 see, I'm getting there.

16 VADM TRACEY: Very good.

17 CHAIR HOLTZMAN: Yeah, no. And cast
18 doubt on their instead of victims', right. Okay.

19 PROF. TAYLOR: I'm good with this.

20 CHAIR HOLTZMAN: Without objection,
21 that's agreed to.

22 Okay, the only other question I have

1 is in bullet 3, or bullet 2, sorry, where it
2 talks about good locations, we use the word
3 desirable. Is good really -- should we use good
4 and bad? I don't.

5 MR. STONE: You want to say desirable
6 and less desirable?

7 CHAIR HOLTZMAN: We say that in the
8 recommendation.

9 MR. STONE: Well, we could be
10 consistent.

11 CHAIR HOLTZMAN: I don't know, so I
12 raised that. I had that with a question mark,
13 desirable.

14 MS. SAUNDERS: Replace good with
15 desirable?

16 CHAIR HOLTZMAN: And then are
17 frequently requested in less, or undesirable.

18 JUDGE JONES: Can be desirable and
19 less desirable, I guess, or undesirable.

20 MR. STONE: Yes.

21 JUDGE JONES: I like either way.

22 CHAIR HOLTZMAN: I like undesirable.

1 But they are frequently requested in undesirable,
2 or you can say less desirable. I don't care.

3 JUDGE JONES: Yeah, I don't care.

4 CHAIR HOLTZMAN: I don't care either.

5 PROF. TAYLOR: I think I would put
6 less desirable. We don't want to say we put
7 people in undesirable locations.

8 CHAIR HOLTZMAN: Right.

9 PROF. TAYLOR: Even though it's true.

10 CHAIR HOLTZMAN: And again, in bullet

11 1 --

12 MR. STONE: Actually, I wondered
13 whether you should say popular locations
14 frequently that are requested and less popular
15 locations. Because it really depends on who you
16 are. I mean, if your family is in Omaha, you
17 want a base near Omaha.

18 CHAIR HOLTZMAN: Well, that's why
19 desirable. Desirable to the victim. I mean
20 desirable is a pretty broad term.

21 MR. STONE: I think it's the
22 popularity. I mean, some of those locations

1 would probably, you'd find peculiar. It's like
2 people want to be on bases, I've heard, in
3 Southeast Asia because they get a house helper
4 for almost nothing.

5 They say, oh, I have a cook and a
6 gardener and this and that. To me it seems
7 crazy, but it's a popular location. I just
8 wonder if that, but I don't care.

9 CHAIR HOLTZMAN: I just - I prefer --

10 MR. STONE: If it doesn't strike
11 anybody that way, leave it as desirable and less
12 desirable.

13 CHAIR HOLTZMAN: Okay. And similarly
14 in bullet number one, where we say some counsel
15 and commanders feel that expedited transfers are
16 abused. Again, are abused by victims. Again,
17 it's vague.

18 VADM TRACEY: Are these by victim?

19 CHAIR HOLTZMAN: Yeah, I'd add by
20 victims. Okay. Without -- you have an
21 objection?

22 JUDGE JONES: No, objection, no.

1 CHAIR HOLTZMAN: Okay, without
2 objection that's agreed. And so I'm finished
3 with my suggestions. Any other comments,
4 suggestions?

5 Okay, we're ready to vote. Those in
6 favor of adopting Judicial Proceedings Panel
7 report regarding fair administration of military
8 judge sexual assault cases say aye.

9 (Chorus of aye.)

10 CHAIR HOLTZMAN: Opposed. Hearing no,
11 the report is agreed to. Thank you, Terri
12 Saunders.

13 MS. SAUNDERS: Thank you.

14 CHAIR HOLTZMAN: You have done a
15 miraculous job. We are very grateful. And to
16 the Panel members for their patience.

17 Okay, shall we take a five-minute
18 break and then we'll come back to do --

19 MR. STONE: Well I have one question
20 before we do that.

21 CHAIR HOLTZMAN: Yeah.

22 MR. STONE: Do we need to just do the

1 same thing you just did on the investigations
2 report, now that we clarified that language that
3 you can conform at the beginning?

4 MS. SAUNDERS: I will pass that
5 information on. I know Meghan is making some
6 changes based on the, what you all discussed
7 yesterday.

8 MR. STONE: Well, and what you gave us
9 here. You just said it's going --

10 MS. SAUNDERS: Right.

11 MR. STONE: To conform to that.

12 MS. SAUNDERS: I will make sure --

13 MR. STONE: Oh, oh, you mean you think
14 we still need to look at it again.

15 MS. SAUNDERS: I don't know what you
16 -- I was actually not in the room when you
17 discussed that report yesterday, so I don't know
18 where you left it.

19 MR. STONE: I thought that was the
20 only -- wasn't that the only thing left?

21 CAPT TIDESWELL: It's my understanding
22 that we have some hanging issues with the data

1 report.

2 MS. SAUNDERS: Right.

3 CAPT TIDESWELL: I believe, and then
4 the sexual assault investigation report.

5 MR. STONE: Okay, all right.

6 CHAIR HOLTZMAN: Okay, well, anyway,
7 let's just take a five-minute break right now,
8 and then we'll come back. Do we have those
9 reports to look at, or are we going to do the
10 final report?

11 CAPT TIDESWELL: I thought we'd do the
12 final report next.

13 CHAIR HOLTZMAN: Okay.

14 CAPT TIDESWELL: Meghan was still in
15 there working on some --

16 CHAIR HOLTZMAN: Fine, okay. So short
17 break, and then we'll come back.

18 (Whereupon, the above-entitled matter
19 went off the record at 10:44 a.m. and resumed at
20 10:54 a.m.)

21 MR. SPRANCE: Back on the record.

22 CAPT TIDESWELL: Are we good, Mr.

1 Sprance?

2 MR. SPRANCE: Yes, we're on.

3 CAPT TIDESWELL: Yes, ma'am. So the
4 Staff would like to recommend that the Panel
5 consider issuing a final report. We believe that
6 after all these years of hard work it would be
7 nice to have one sort of reference point for you
8 all to sign out so that the public can see
9 everything that you've accomplished over the past
10 three years.

11 In Tab 8 of your read ahead materials
12 is the original draft report that we provided you
13 as part of the read ahead. We received a lot of
14 questions yesterday from some of the Members, and
15 so we've also provided you with some additional
16 documents, that we placed at your seats this
17 morning.

18 CHAIR HOLTZMAN: Right. Which tab is
19 that?

20 CAPT TIDESWELL: It's Tab 8, ma'am.
21 It's the last tab in the read ahead materials.

22 CHAIR HOLTZMAN: Oh, I had Tab 7.

1 That's the wrong on.

2 CAPT TIDESWELL: Tab 8.

3 CHAIR HOLTZMAN: I'm at a different
4 date. Okay. Yes, I got it.

5 CAPT TIDESWELL: You got it, ma'am?

6 MR. STONE: It's my Tab 7 also.

7 CHAIR HOLTZMAN: There's another
8 report. There's another one of these big
9 reports. In the second big report, it's Tab 8.

10 JUDGE JONES: What are we looking for?
11 Would you start me up on this?

12 CAPT TIDESWELL: Yes, ma'am. So,
13 we're on Tab 8.

14 JUDGE JONES: Okay, I have a Tab 8.

15 CAPT TIDESWELL: Okay, so we're all
16 clear there.

17 JUDGE JONES: Okay.

18 CAPT TIDESWELL: But there are also
19 some documents that we put at your seats today.

20 JUDGE JONES: Right. Okay.

21 CAPT TIDESWELL: So the first one is,
22 literally it's the outline of what we, as a

1 Staff, thought would be important to put in your
2 final report.

3 CHAIR HOLTZMAN: Where is that?

4 CAPT TIDESWELL: And it's a document
5 that looks like this.

6 CHAIR HOLTZMAN: Oh, okay. Yes,
7 right, got it.

8 CAPT TIDESWELL: And the title is,
9 Judicial Proceedings Panel final report
10 discussion outline.

11 CHAIR HOLTZMAN: Okay.

12 CAPT TIDESWELL: And what we're
13 recommending is, just to sort of break it down
14 into several chapters, with the first chapter
15 being an introduction and a task accomplished.

16 The idea was we went back and looked
17 at all the statutory taskings that you were given
18 over the years, what the RSP recommended that you
19 all would look at, as well as a couple of items
20 that you all independently decided to take on,
21 such as victims' appellant rights.

22 And in Chapter 1, there is an

1 introduction. And we sort of outlined all the
2 various reports and recommendations that the JPP
3 has completed.

4 And I believe Ms. Gallagher was kind
5 enough yesterday to inform you, a lot of the
6 language we literally lifted out of the press
7 releases, when we released the reports. So it
8 should be noncontroversial, and it's just
9 language we've used in the past.

10 The second chapter are the statutory
11 tasks that were reviewed and assessed by the JPP,
12 but were not addressed in previous JPP reports.
13 So, in other words, there were certain tasks that
14 you did not issue a report on. And this is sort
15 of what I would call a sweep up chapter.

16 Stuff we have to just sort of explain
17 to Congress what was done. And you'll see the
18 issues that are outlined in that chapter.

19 And Ms. Gallagher is going to be kind
20 enough to walk you through that in a moment.

21 The third chapter are issues not
22 assessed by the JPP because they were sort of

1 intervening events that occurred. Other actions
2 that were taken. And you can see listed on the
3 outline, those issues that would appear in
4 Chapter 3.

5 Chapter 4 would be recommendations to
6 future military sexual assault commissions, which
7 in this case is really the DAC-IPAD.

8 MR. STONE: You're going to lift that
9 right out?

10 CAPT TIDESWELL: Lift it right out.

11 MR. STONE: Okay.

12 CAPT TIDESWELL: And we thought it
13 would be helpful --

14 MR. STONE: Right. So, we're not
15 going to add anything to the recommendations,
16 we're just going to lift them?

17 CAPT TIDESWELL: No, sir. Exactly.

18 MR. STONE: Perfect.

19 CAPT TIDESWELL: We believe, as a
20 Staff, that none of this should be controversial.
21 It's literally just sort of lifting and
22 organizing it in a way so when somebody reflects

1 back on the accomplishments of the JPP, they see
2 it all in one spot. And of course, there would
3 be a conclusion.

4 If you look at the appendices, which
5 is the last thing listed on page 2, we have not
6 provided those to you yet. We're still working
7 on them and we're very close to being finished.

8 But a lot of what you'll see there in
9 the appendices, we typically provide the statute,
10 the charter, the bios. We outline who the
11 members are.

12 And go down. The things that I would
13 draw your attention to are really --

14 MS. CARSON: D.

15 CAPT TIDESWELL: -- D, is where we
16 start. And I'll allow, Ms. Carson, if you want
17 to take over from there.

18 If you look at what we've provided you
19 next, we talk in terms of appendices. So your
20 next handout that you have in front of you should
21 say Appendix Blank, Judicial Proceedings Panel
22 tasks.

1 And, Ms. Carson, if you don't mind
2 walking the Panel through what exactly that would
3 entail.

4 MR. STONE: I have one question.

5 CAPT TIDESWELL: Yes, sir?

6 MR. STONE: After, let's look at the
7 first page of the outline, after Chapter 4
8 recommendations, is there a 5, conclusion?
9 Haven't we done it --

10 CAPT TIDESWELL: Yes, sir.

11 MR. STONE: -- one sentence?

12 CAPT TIDESWELL: Yes, it is.

13 MR. STONE: I mean, here it is, it's
14 right back here?

15 CAPT TIDESWELL: Thank you to all who
16 have supported us as the JPP --

17 MR. STONE: Oh, okay. Okay, so it's
18 really a thank you.

19 CAPT TIDESWELL: Yes, sir.

20 MR. STONE: Okay.

21 CAPT TIDESWELL: Yes, it's very pro
22 forma. It's like a paragraph.

1 MR. STONE: Okay, got it. Thank you.

2 CAPT TIDESWELL: Yes, sir.

3 MS. CARSON: Okay, so the Appendix
4 called Judicial Proceedings Panel tasks breaks
5 your tasks into the three categories.

6 You have 16 statutory tasks that were
7 assigned in FY13, '14 and '15 NDAA's. The tasks
8 assigned by the RSP, there were four tasks
9 assigned to you by the predecessor Panel, the
10 Response Systems Panel.

11 And there were two tasks independently
12 undertaken by the Panel, retaliation and victims'
13 appellant rights. So it essentially lays out the
14 22 tasks.

15 The next appendix is reports and
16 recommendations of the Judicial Proceedings
17 Panel. And it lists, in order the reports that
18 you have issued, and in chronological order, the
19 recommendations.

20 Through Recommendation 46, which is
21 your last published report. And it is on that
22 back page 6.

1 Ends at 46 because there are three
2 more substantive reports that will be issued.
3 And then the final report that won't have any
4 recommendations in it.

5 So it looks like, from the discussions
6 we've had today, yesterday and today, you're
7 going to go through Recommendation 63. I think
8 there are eight. We ended at 46, and there are
9 going to be 17 more recommendations.

10 The last piece is an attempt to put
11 together by topic, both the tasks that were
12 assigned the Panel, the related recommendations
13 to those tasks, and then the legislative and
14 policy status of those recommendations.

15 So the green box, if you look on the
16 first page, is under Article 120, there were
17 three tasks assigned. Two were statutory, one
18 was from the RSP, related to Article 120.

19 You made nine recommendations related
20 to Article 120. And you'll see the congressional
21 action implementing those tasks, on the second
22 page.

1 CHAIR HOLTZMAN: Excuse me, can I
2 interrupt one second?

3 MS. CARSON: Yes, ma'am.

4 CHAIR HOLTZMAN: Where does the
5 Subcommittee come into this? Do we indicate that
6 we set up the Subcommittee?

7 CAPT TIDESWELL: We could do that.
8 And this is the purpose of this discussion.

9 CHAIR HOLTZMAN: You want to do that?
10 We could have a chapter.

11 CAPT TIDESWELL: Yes, ma'am.

12 CHAIR HOLTZMAN: Yes, there should be
13 something about it --

14 CAPT TIDESWELL: Listed in the
15 reports?

16 CHAIR HOLTZMAN: Yes. I mean, when we
17 talked about Article 120 --

18 MS. CARSON: It starts with Article
19 120. And you'll see, with the recommendations of
20 the Committee in the initial report were, that a
21 Subcommittee be formed to evaluate 17 additional
22 tasks.

1 So that's where we addressed the
2 Subcommittee --

3 CHAIR HOLTZMAN: Okay, but I think --

4 MS. CARSON: -- as far as the
5 recommendations for the points well taken.

6 CHAIR HOLTZMAN: -- separate chapter
7 about the work of the Subcommittee.

8 CAPT TIDESWELL: Yes, ma'am.

9 CHAIR HOLTZMAN: And we made a
10 recommendation that Subcommittees be setup --

11 CAPT TIDESWELL: Sure.

12 CHAIR HOLTZMAN: -- both with regard
13 to 120 --

14 CAPT TIDESWELL: Yes, ma'am.

15 CHAIR HOLTZMAN: -- and with regard to
16 a broader investigation and what that resulted
17 in.

18 CAPT TIDESWELL: Yes, ma'am.

19 CHAIR HOLTZMAN: Does anybody disagree
20 with that?

21 PROF. TAYLOR: No, I agree.

22 CHAIR HOLTZMAN: All right, I'm sorry.

1 CAPT TIDESWELL: Yes. No, that's
2 fine.

3 PROF. TAYLOR: Excuse me, Madam Chair.

4 CHAIR HOLTZMAN: Yes, go ahead.

5 PROF. TAYLOR: Perhaps it was implicit
6 in your question. But also, I would think the
7 Subcommittee reports would be folded into this as
8 part of that.

9 CAPT TIDESWELL: Yes, sir.

10 CHAIR HOLTZMAN: I hadn't thought
11 about that, Mr. Taylor, but thank you.

12 VADM TRACEY: True. But aren't they
13 folded as part of our reports?

14 MR. STONE: Yes, they're attached to
15 all the other reports. And we didn't -- we
16 issued our own reports as a Committee. I
17 certainly don't mind referring to them, but
18 they're not the JPP's transmittal.

19 CAPT TIDESWELL: They are always
20 attached to the back of the reports.

21 MR. STONE: Yes, right.

22 CAPT TIDESWELL: Yes, sir. So we sort

1 of subsume them in.

2 But I think it would be helpful to
3 have a chapter that outlines their work --

4 MR. STONE: Sure.

5 CAPT TIDESWELL: -- why they were
6 created, what they've done and identify their
7 reports.

8 CHAIR HOLTZMAN: And how can people
9 access them?

10 CAPT TIDESWELL: Well, everything's on
11 the website, ma'am. And it's available for --

12 CHAIR HOLTZMAN: And will the website
13 be there permanently or what?

14 CAPT TIDESWELL: Yes, ma'am.

15 JUDGE JONES: I think the RSP --

16 CHAIR HOLTZMAN: And we don't get
17 wiped out by a different administration or
18 something like that?

19 CAPT TIDESWELL: Not that I'm aware
20 of. No, ma'am.

21 CHAIR HOLTZMAN: Okay.

22 JUDGE JONES: I don't know. I know

1 the final product of the RSP had the Subcommittee
2 reports in it. I don't know whether -- so is
3 that what we're doing or we're not doing that?

4 MS. CARSON: The document that's been
5 put together, at this point, has reference and
6 links to each of your reports but is not
7 including every report in it. If that's
8 something you want to do, that's a decision to
9 make now.

10 So, I wouldn't necessarily say we'd
11 include the Subcommittee reports, other than a
12 reference and a link to them, the way we've done
13 to each of your reports. So that's a decision
14 for you to make.

15 CHAIR HOLTZMAN: Oh, okay. So you
16 haven't even put the reports in. So wait a
17 minute, let's just step back. Where is this
18 going, this document? This final report. It
19 goes to the Secretary of Defense --

20 CAPT TIDESWELL: Yes, ma'am.

21 CHAIR HOLTZMAN: -- Congress, I mean,
22 to the House and the Senate Armed Services

1 Committee?

2 CAPT TIDESWELL: Yes, ma'am.

3 JUDGE JONES: And they're going to be
4 bound in books or --

5 CAPT TIDESWELL: Yes, ma'am. Just
6 like a regular report.

7 JUDGE JONES: Just like the RSP?

8 CHAIR HOLTZMAN: Right. Can we issue
9 a separate book that goes with it? That has all
10 these reports, including the Subcommittee report.

11 CAPT TIDESWELL: We could do a whole
12 compilation. Absolutely.

13 MS. CARSON: We could make that the --
14 that's an option for you, for the final report.
15 If you'd like the final report to be this, what
16 we've talked about here, overlaid, each of the
17 reports together in one bound volume, that could
18 be --

19 CHAIR HOLTZMAN: yes, I think that
20 would be --

21 MR. STONE: That's going to scare
22 people from reading it unless you do it, Volume 1

1 of Volume 2.

2 MS. CARSON: It will look like the RSP
3 report, which is two gigantic volumes that are a
4 little bit overwhelming to people.

5 MR. STONE: That's right.

6 MS. CARSON: But it's a way to put all
7 of your work together if you want to --

8 CHAIR HOLTZMAN: Yes. And so if
9 somebody wants to look at it, like the DAC-IPAD -
10 -

11 MS. CARSON: Yes.

12 CHAIR HOLTZMAN: -- or people who are
13 in colleges or scholars, or whatever, want to see
14 all the work of it. I think it's handy to have
15 everything bound together. And you said --

16 JUDGE JONES: Wasn't there only one
17 volume that was the final report for the RSP?

18 MS. CARSON: The RSP had one volume
19 that was the final report --

20 JUDGE JONES: And it included --

21 MS. CARSON: -- and they considered it
22 an appendix that had --

1 JUDGE JONES: It was called an
2 appendix, but it was in the --

3 MS. CARSON: -- every Subcommittee
4 report.

5 JUDGE JONES: -- but it was in the --

6 MS. CARSON: It was its own individual
7 bound. There were two bound volumes in the RSP.

8 JUDGE JONES: Oh, there were two.
9 Okay.

10 MS. CARSON: One is the RSP report,
11 and the second was the bound volumes of the
12 Subcommittee reports.

13 CHAIR HOLTZMAN: Well, what do the
14 other members think? What do you think, Mr.
15 Taylor, about including all the reports in a
16 separate appendix?

17 PROF. TAYLOR: No, I mean, I certainly
18 don't oppose to that. But I think the important
19 thing, for researchers, based on my colleagues at
20 Duke is, that there be internet access to it,
21 because nobody gets bound volumes and goes
22 through them anymore, it's too much trouble.

1 JUDGE JONES: Right.

2 MR. STONE: Right.

3 PROF. TAYLOR: So it's got to be on
4 the internet to be useful.

5 MR. STONE: I recommend, just for
6 consistency purposes, since we go back and forth,
7 certainly at the beginning with so many things
8 about the RSP, that we not only have the same
9 format, and not a gigantic report so it's not
10 intimidating, but the second volume, and that,
11 insofar as possible, that type styles and the
12 look of it be consistent with the RSP so people
13 sort of can figure out that there's a
14 relationship between these two.

15 You know, a lot of times we asked,
16 what happened with that RSP recommendation, and
17 we even want to put tasks in the RSP
18 recommendation. I mean, even in our comments
19 yesterday about the people who here have been on
20 the RSP.

21 So it seems to me, to the extent that
22 somebody actually sits them on the shelf, it

1 would be nice if it's the same size and has a lot
2 of the same look. And that once they understand
3 the RSP, there's a document here that's their
4 final report, and here's all the backup stuff,
5 that they have the same thing for us.

6 I think the U.S. Sentencing Commission
7 does that. They have a main document then they
8 have a backup document. And every year those two
9 come out the same you can sort of, it's much
10 easier to follow.

11 You know what to expect in the first
12 one, and you know where all the other source
13 stuff is. In addition to it being, as was said,
14 on the internet.

15 So I mean, if we're going to bind it,
16 I'd like to see it look consistent. Type styles,
17 typefaces, all that stuff.

18 CAPT TIDESWELL: Yes, sir. I have to
19 go back and look, because I'm not familiar with
20 the typeface in the RSP. But what I would argue
21 is, the JPP sort of has a look to it --

22 CHAIR HOLTZMAN: Yes.

1 CAPT TIDESWELL: -- actually that your
2 reports have all -- and I would recommend we
3 remain consistent with that.

4 MS. CARSON: That's modeled on the
5 RSP. They already look like the RSP.

6 CAPT TIDESWELL: So we should --

7 MS. CARSON: Just a different cover.

8 MR. STONE: That's perfect. That's
9 good.

10 MS. CARSON: The RSP is grey, the JPP
11 is blue.

12 MR. STONE: Good.

13 MS. CARSON: Other than that, they're
14 very similar.

15 MR. STONE: Okay. And we're not going
16 to let DAC-IPAD use blue or grey, right?

17 MS. CARSON: I think it's red.

18 CHAIR HOLTZMAN: I agree with what Mr.
19 Taylor said, but I still think it might be a good
20 idea to put all this stuff together until there's
21 some bound volumes, so it's altogether in one
22 place.

1 CAPT TIDESWELL: We'll do so.

2 CHAIR HOLTZMAN: If somebody wants to
3 look at that, it's in one place.

4 CAPT TIDESWELL: Yes, ma'am. Okay, no
5 problem.

6 CHAIR HOLTZMAN: It's not a problem?

7 MS. CARSON: It's not a problem at
8 all.

9 CAPT TIDESWELL: No.

10 MS. CARSON: Just a matter of your
11 desire. So the report that we talk about, that's
12 sort of this summation, will --

13 CHAIR HOLTZMAN: The skinny report.

14 MS. CARSON: Or do you want it as a
15 standalone and then the follow-up is the
16 compilation of all the other reports?

17 CHAIR HOLTZMAN: Yes, right. I think
18 they should -- should we have the so called
19 skinny one?

20 MR. STONE: Right.

21 CHAIR HOLTZMAN: So that we are very
22 contemporary, right up to the moment, and we'll

1 talk about skinny.

2 JUDGE JONES: Are you talking about
3 like the pamphlet that came out with the RSP?

4 CAPT TIDESWELL: No.

5 MS. CARSON: No, no. It's just like
6 our reports. The JPP reports have been much
7 thinner than any RSP report.

8 JUDGE JONES: It's going to be a much
9 smaller volume. Yes.

10 MS. CARSON: So it will be a small
11 report like all of the JPP reports --

12 CHAIR HOLTZMAN: Right. And then it
13 will be a big report.

14 MS. CARSON: -- and a big one that
15 combines everything all together in one place.

16 CHAIR HOLTZMAN: Right. I don't think
17 we have a contemporary word for that, like fat,
18 but whatever it is.

19 MS. CARSON: It's a comprehensive --

20 CHAIR HOLTZMAN: If it's skinny it's
21 very --

22 MS. CARSON: -- book and the summary

1 is small.

2 CHAIR HOLTZMAN: Okay.

3 MS. CARSON: This is what we did book.
4 So it will be two volumes. Is that everybody's
5 desire?

6 MR. STONE: So the very busy people
7 who get it are not intimidated and actually read
8 it.

9 CHAIR HOLTZMAN: Correct. Correct.
10 Definitely.

11 MS. CARSON: And it will go to the
12 same distribution all over the reports.

13 JUDGE JONES: So, I'm sorry, the
14 skinny one just has our recommendations with
15 bullets under it?

16 MR. STONE: No --

17 CAPT TIDESWELL: It has what's in the
18 outline.

19 MS. CARSON: It's what's in that tab.

20 CHAIR HOLTZMAN: It will be called
21 final report.

22 MS. CARSON: The final version of

1 that.

2 JUDGE JONES: Oh, okay.

3 CHAIR HOLTZMAN: So we'll have final
4 report, that will be a skinny volume with all the
5 recommendations, whatever is in here.

6 MS. CARSON: It will be about 17 pages
7 long, 18 pages long.

8 CHAIR HOLTZMAN: And then there's
9 going to be a separate -- where are the
10 appendices, are they --

11 MS. CARSON: Well, they'll be these
12 small appendices that you're looking at with,
13 here's a list of all the recommendations --

14 CHAIR HOLTZMAN: Right, right.

15 MS. CARSON: -- a list of all the
16 tasking.

17 CHAIR HOLTZMAN: Right, right. So
18 that's in that volume.

19 MS. CARSON: Yes.

20 CHAIR HOLTZMAN: And then there's a
21 separate big volume with all the reports.

22 MS. CARSON: It's every report.

1 CHAIR HOLTZMAN: Okay.

2 MS. CARSON: And do you want a
3 separate -- do you want anything but a
4 compilation of the reports in that second volume?
5 That's just the complete list.

6 CHAIR HOLTZMAN: I don't know, should
7 we have illustrations, I mean, what are you
8 talking about?

9 (Laughter.)

10 MR. STONE: I mean, there's
11 transcripts. There's transcripts. Because who
12 knows --

13 MS. CARSON: You don't want anything
14 --

15 (Simultaneous speaking.)

16 MS. GALLAGHER: -- both the JPP
17 reports and the Subcommittee reports.

18 PROF. TAYLOR: Yes, I'd just like to
19 clarify. The Subcommittee reports are an
20 integral part of this body of work --

21 CHAIR HOLTZMAN: Right.

22 MS. CARSON: Yes, but they're included

1 in the report.

2 PROF. TAYLOR: Right.

3 MS. CARSON: So they're appendices in
4 each of your reports.

5 CHAIR HOLTZMAN: Oh, okay. But they
6 will be --

7 MS. CARSON: So you'd be putting them
8 in twice if you --

9 CHAIR HOLTZMAN: No, no, we're not
10 going to put them twice --

11 MR. STONE: No, no, I'm talking --

12 MS. CARSON: Okay.

13 CHAIR HOLTZMAN: -- but they will be
14 in there, okay.

15 MS. CARSON: Yes.

16 CHAIR HOLTZMAN: Perfect.

17 MS. CARSON: Yes.

18 CHAIR HOLTZMAN: Okay, great. Okay,
19 I think we got it. And who's that list going to?
20 I mean, what's our distribution list?

21 CAPT TIDESWELL: Oh, it's as you said,
22 Secretary of Defense. Typically, it goes to the

1 Hill -- the leaders of the HASC and the SASC, to
2 all of their staffers. We have --

3 MS. CARSON: We have a FACA
4 requirement that goes to the Library of Congress.

5 CHAIR HOLTZMAN: Okay, fine. Okay,
6 great. Perfect. Okay, that's it.

7 MS. CARSON: Anyone whose...

8 CHAIR HOLTZMAN: I'm sorry for
9 interrupting, let's go ahead.

10 PROF. TAYLOR: Hold on to that. In
11 response to your question, if I may. I think
12 that it would really be a good idea to have a
13 press release that's a little less pro forma.

14 MS. CARSON: Okay.

15 PROF. TAYLOR: And instead of, I mean,
16 all the ones you have written have been
17 excellent, but I think for the final press
18 release it would be a really good idea to
19 advertise a little bit more, market a little bit
20 more what this has been.

21 I understood when I asked that
22 question earlier, that there was some reluctance

1 with the previous administration to do that. But
2 I see no reason not to do that now. To just make
3 it clear what this has been about.

4 CHAIR HOLTZMAN: Well, I mean -- you
5 mean for the report final?

6 PROF. TAYLOR: Yes.

7 CHAIR HOLTZMAN: And what about for
8 the, what do we call it, the justice report that
9 we're issuing now?

10 MS. CARSON: The three reports.

11 CHAIR HOLTZMAN: Yes. Three of them,
12 I forgot the name of it. Yes.

13 MS. CARSON: The data report, the
14 investigations report --

15 CHAIR HOLTZMAN: No, we're not going
16 to get the data report, no one's going to pick up
17 on that.

18 MS. CARSON: But they'll each have a
19 release and a press release. And then they'll be
20 the final report that will be sort of your bigger
21 vision of a comprehensive press release.

22 MR. STONE: Right. In order for us

1 not to have to review, again, the press release,
2 I mean I guess it should be words that are lifted
3 out of stuff we've all approved more or less,
4 right?

5 MS. CARSON: Yes. In the past, it's
6 been the chair whose approved the press release.
7 They try to keep it to about a page.

8 MR. STONE: Okay.

9 MS. CARSON: So helpful guidance would
10 be, how long do you want this final press release
11 to be. That gives us the --

12 MR. STONE: If you have something
13 special in mind I guess is what I'm asking.

14 PROF. TAYLOR: Well, just something
15 that, instead of as more of a compilation of
16 numbers, perhaps a little more substance about
17 what it means. But, I don't know, maybe you
18 disagree, Madam Chair.

19 CHAIR HOLTZMAN: No, actually, Mr.
20 Taylor, you made a good point.

21 CAPT TIDESWELL: We'll get it out for
22 you, ma'am, to review.

1 CHAIR HOLTZMAN: Okay, great. And I
2 think we'll, you know, make sure that Mr. Taylor
3 has a chance, and the other members have a chance
4 to see it.

5 CAPT TIDESWELL: Yes, ma'am.

6 CHAIR HOLTZMAN: Okay.

7 MS. CARSON: Okay. So the last piece
8 here is what will be Appendix G probably, but it
9 is -- okay, so we went through this.

10 So this is our Article 120 that leaves
11 you with, really what I think ultimately the
12 legacy is, which is the implementation status of
13 these recommendations. Do you want to walk
14 through this document and discuss it or do you
15 feel like you're, or do you want to walk through
16 the draft report, where we stand with it right
17 now? I'll kind of take the lead from you on how
18 you feel about the final report.

19 CHAIR HOLTZMAN: I mean, does anybody
20 want Ms. Carson to go through this? I mean, I
21 think we can just look at the handout.

22 MS. CARSON: Do you have anything else

1 you want to discuss?

2 MR. STONE: I read through with some
3 interest for two, kind of carefully. Are you
4 going to discuss that, or would you like me to
5 suggest some stuff about that now?

6 MS. GALLAGHER: I think that we were
7 trying to figure out whether you wanted to walk
8 through this attachment.

9 MR. STONE: Oh, that attachment.

10 MS. GALLAGHER: Yes.

11 MS. CARSON: Yes, let's say we're in
12 Chapter 1 --

13 (Simultaneous speaking.)

14 MR. STONE: I'm sorry.

15 MS. GALLAGHER: -- report. We're not
16 quite there yet.

17 MR. STONE: Okay.

18 MS. CARSON: So if you have any
19 questions about where you've been and what the
20 implementation is and what's left, you'll see
21 what's highlighted in this document is what is
22 yet to be reported.

1 MR. STONE: Not going finished.

2 MS. CARSON: And where I've made notes
3 on the issues that were not, either were not
4 covered because there were intervening. Military
5 Justice Review Group mostly did some
6 comprehensive review of a couple of the topics.

7 There was an executive order on this
8 DoD Safe Helpline that came out almost the same
9 time as we were tasked to do that.

10 And then the other issue, the Chapter
11 2 that Ms. Gallagher will focus on, are there
12 issues where you heard testimony, you've done
13 work, you've done some assessments on these
14 topics, but recommendations in reference to what
15 you've done has not been made, yet, in a report.
16 So at this point it will just be, this is the
17 status of what the JPP did and the way things
18 stand as this final report is issued, without
19 recommendations.

20 CHAIR HOLTZMAN: Okay, so --

21 PROF. TAYLOR: So if I may, I just
22 have one suggestion. And that is, I did have a

1 chance to look at the Chair's proposed edits to
2 the report, I think we got it this morning, so I
3 took a quick look at those, and I noticed that in
4 a couple of places --

5 MR. STONE: Wait, so we're done with
6 this color thing?

7 PROF. TAYLOR: Well, no, I'm coming
8 back to this.

9 CHAIR HOLTZMAN: Okay.

10 MR. STONE: Oh, okay. Go ahead. Yes,
11 okay.

12 PROF. TAYLOR: So this is about this,
13 but it's also about your edits.

14 MR. STONE: Got it.

15 CHAIR HOLTZMAN: Okay.

16 PROF. TAYLOR: And they have to do
17 with whether you characterize what Congress does
18 as something as a result of the Committee or
19 following the Committee.

20 And I noticed that in a place or two
21 you had changed following to, as a result of.
22 Which I'm perfectly okay with.

1 I'm just suggesting that the two
2 should conform to each other so that whatever we
3 come up with is reflected accurately in both
4 documents.

5 MS. CARSON: Well, that was a wise
6 perception of yours, Mr. Taylor, because we put
7 this document together first, and then the
8 narrative was kind of built from this document.

9 PROF. TAYLOR: Right.

10 MS. CARSON: So as we go through and
11 edit this document, we'll go back and make those
12 revisions --

13 PROF. TAYLOR: Just to assure that
14 they're consistent.

15 CHAIR HOLTZMAN: Right. Now, I'm not
16 sure that, Mr. Taylor, I'm giving you too much
17 credit, that I actually, factually, was correct
18 when I said, as a result of.

19 MS. CARSON: There's only one that --

20 CHAIR HOLTZMAN: That I was wrong on?

21 MS. CARSON: -- may not be correct --

22 CHAIR HOLTZMAN: Okay.

1 MS. CARSON: -- and the EO for
2 removing the constitutionally required --

3 CHAIR HOLTZMAN: Right.

4 MS. CARSON: -- exception on M.R.E.
5 412.

6 MR. STONE: Yes.

7 MS. CARSON: That EO was already out
8 there. And the JPPs assessment was, we support
9 that and we think that should be --

10 CHAIR HOLTZMAN: Oh, okay. So please
11 change it.

12 MS. CARSON: So that's one --

13 PROF. TAYLOR: That was one of the
14 examples that I thought --

15 MR. STONE: Me too.

16 PROF. TAYLOR: -- well, we really
17 can't --

18 CHAIR HOLTZMAN: Okay, fine.

19 MS. CARSON: A few of them is a little
20 --

21 CHAIR HOLTZMAN: Part of the reason I
22 made the change was because you kept saying,

1 following and following and following. And I was
2 trying to find some alternative that way --

3 MS. CARSON: No, it's kind of an
4 attempt to be a little bit vague. So that's
5 okay.

6 CHAIR HOLTZMAN: But if it's not
7 accurate, of course, we can't include it.

8 MS. CARSON: Yes.

9 CHAIR HOLTZMAN: So please be sure
10 that --

11 PROF. TAYLOR: That was my only
12 comment. To look at that.

13 MR. STONE: There's also the question
14 of, if you're going to say, as a result, do we
15 have to go back and cite congressional testimony?
16 Whereas following blurs it. It may have been as
17 a result of, as to one member, but somebody else
18 might have spoken about it before that or
19 proposed it before that. And I wonder if it's
20 going to be a little presumptuous or strike some
21 people as arrogant. Because we're sending this
22 to Congress to think that our report is why they

1 did it as opposed to we added to the mix.

2 PROF. TAYLOR: I mean, I think you can
3 think of ways to say that, like consistent with
4 our record.

5 MR. STONE: Oh, right.

6 PROF. TAYLOR: Something like that.

7 MR. STONE: I like that.

8 JUDGE JONES: And we still get credit
9 for either having prescience or --

10 PROF. TAYLOR: Sure.

11 JUDGE JONES: -- just being good.

12 PROF. TAYLOR: Sure.

13 CHAIR HOLTZMAN: Right. It was just
14 a word thing. I wasn't trying to actually --

15 MR. STONE: I like that one better.

16 CHAIR HOLTZMAN: But I think in some
17 cases it was what we did.

18 MS. CARSON: I think the retaliation
19 and victims' appellant rights, in particular, the
20 work of JPP definitely drove what was -- I mean,
21 that's pretty easy to sort of see how that all
22 happens. Some of the others, it's a little less

1 clear. Things sort of happen.

2 I think the JPP definitely had a big
3 impact, but I don't know that we can go back and
4 draw --

5 CHAIR HOLTZMAN: Fine.

6 (Simultaneous speaking.)

7 CHAIR HOLTZMAN: We can't claim credit
8 for what we're not responsible for. There's no
9 question about that.

10 Okay, so we are finished now. Any
11 other comments on the green document.

12 JUDGE JONES: Excuse me, I'm sorry.

13 CHAIR HOLTZMAN: Go ahead.

14 JUDGE JONES: I'm just confused. Is
15 there some statistic though about how many of our
16 recommendations the Secretary adopted?

17 MS. CARSON: We have one --

18 JUDGE JONES: As opposed to Congress
19 --

20 MS. CARSON: Right.

21 JUDGE JONES: -- and acting
22 legislation.

1 MS. CARSON: We have one memo from DoD
2 that was provided to us after the initial report
3 that came down and accepted, or accepted in part,
4 all of the recommendations from the initial
5 report. We don't have any --

6 JUDGE JONES: Nothing since then.

7 MS. CARSON: -- DoD input since --

8 JUDGE JONES: Okay.

9 MS. CARSON: -- except one DoD IG
10 policy that we found a press release about.
11 That's really everything that we've heard from
12 DoD about.

13 JUDGE JONES: Okay. Because there was
14 a lot in RSP, I thought.

15 MS. CARSON: Yes. We got a response
16 from DoD to all of the reports.

17 JUDGE JONES: All hundred and --

18 MS. CARSON: It's all of the
19 recommendations --

20 JUDGE JONES: Yes. And we didn't get
21 that in this.

22 MS. CARSON: Just got the first

1 report.

2 JUDGE JONES: Okay. Thank you.

3 CHAIR HOLTZMAN: So what's next?

4 CAPT TIDESWELL: So with that said,
5 ma'am, if you could turn to the document with the
6 blue cross outs, the cross outs are Track Changes
7 from Ms. Holtzman's review. And we'll work off
8 of that document.

9 And I thought I would turn it over to

10 --

11 MS. GALLAGHER: I think Julie was
12 going to just walk through Chapter 1 real quick.

13 MS. CARSON: I think everybody,
14 they're pretty --

15 MS. GALLAGHER: Are there any
16 questions about --

17 MS. CARSON: -- copy edit kind of
18 edits in the first part. So I think we discussed
19 --

20 CHAIR HOLTZMAN: The first part. Oh

21 --

22 MS. CARSON: The Chapter 1 A.

1 MR. STONE: Yes, I have some --

2 CHAIR HOLTZMAN: Do you have some --

3 MR. STONE: -- edits. Just a

4 consistency. Say, on page 2, the second

5 paragraph, where we do talk about the

6 Subcommittee, we need that language to conform

7 with what we just decided on that other report.

8 Where instead of saying installations across

9 Asia, blah, blah, blah, we just said, in, in

10 don't know, whatever --

11 MS. CARSON: We'll conform with the

12 other report.

13 MR. STONE: Yes. And we also put the

14 word panels in.

15 MS. CARSON: Yes.

16 MR. STONE: Just so it conforms with

17 the same language.

18 MS. CARSON: Yes. Got it.

19 MR. STONE: And you may not need an

20 extra chapter, because it's in here. We're

21 talking right out at the front. I mean page 2

22 about the Subcommittee.

1 So I'm not sure that we need it. I
2 mean, that's an integral part right up front. Do
3 we still need a, we had said something about a
4 separate chapter, do you want them to stay right
5 there in the front in Chapter 1?

6 CHAIR HOLTZMAN: What? I'm sorry.

7 MR. STONE: The Subcommittee. It's on
8 page 2 of the report. It's right at the
9 beginning.

10 MS. CARSON: It's addressed in the
11 methodology. That they set up a Subcommittee and
12 what it did.

13 MR. STONE: Yes. It's right at the
14 beginning.

15 CHAIR HOLTZMAN: Right.

16 MS. CARSON: So do you want an
17 additional chapter about the Subcommittee --

18 MR. STONE: It repeats that again.

19 MS. CARSON: -- is the question, in
20 the final report?

21 CHAIR HOLTZMAN: Let me see. Is it
22 complete enough?

1 MS. CARSON: Could we beef that up,
2 would that be --

3 MR. STONE: Well that's what I just
4 asked. It's going to be more complete if she
5 lifts from the last report we just did. Because
6 it was a little more complete there. Where we're
7 lifting from.

8 CHAIR HOLTZMAN: Well, I'm not sure
9 what the recommendation is now, with regard to
10 the Subcommittee. What are you proposing?

11 MS. CARSON: Well, we went through the
12 outline to start with.

13 CHAIR HOLTZMAN: Right. I said they
14 should be a separate part to address the
15 Subcommittee.

16 MS. CARSON: Correct.

17 CHAIR HOLTZMAN: Right.

18 MS. CARSON: So the question is, is
19 this sufficient or do you want another part? Now
20 we're into the report, so this is what you'll
21 read as the final report.

22 MR. STONE: It's got all the reports

1 listed, it tells what they did. It says that
2 they, you know, and you can expand this based on
3 what's in that last report.

4 Which had the number of hearings they
5 had, and even outlined the number of reports. I
6 think it even footnoted them in that one. And
7 you can lift that right into here now that you
8 have that. That we just finished it.

9 MS. CARSON: So if you go back to the
10 outline, under Chapter 1, Part A, that's where
11 we're discussing the Subcommittee now.
12 Currently.

13 CAPT TIDESWELL: Or you can put it in
14 its own category.

15 MS. CARSON: Or we can make it a part
16 of --

17 (Simultaneous speaking.)

18 MS. CARSON: -- or we can make it a
19 Chapter 1, Part B --

20 MS. GALLAGHER: Right.

21 MS. CARSON: -- and specifically
22 highlight the Subcommittee. That's the question.

1 MS. GALLAGHER: And reports and
2 recommendations would become C.

3 PROF. TAYLOR: Well it seems to me,
4 and I could be wrong about this, to start
5 discussing the JPP Subcommittee substantive
6 reports, before you actually discuss the JPP
7 final report and the chapters, just doesn't suit.

8 CHAIR HOLTZMAN: Right.

9 PROF. TAYLOR: It seems to me that it
10 belongs at the end of that, not at the beginning.

11 CHAIR HOLTZMAN: Correct.

12 PROF. TAYLOR: So I think that as a
13 methodology, it's fine to talk about the tasking
14 of the Subcommittee. But when you get to that
15 third paragraph on page 2, I'm not sure that
16 belongs there. And that might be a better
17 introduction to the separate chapter that lists
18 the Subcommittee reports that follows the actual
19 substance of the JPP reports.

20 CHAIR HOLTZMAN: You mean the third
21 paragraph or do you mean the first full paragraph
22 on page 2?

1 PROF. TAYLOR: Well, the one that
2 says, the JPP Subcommittee issued a --

3 CHAIR HOLTZMAN: Right.

4 PROF. TAYLOR: -- total of --

5 CHAIR HOLTZMAN: Right.

6 PROF. TAYLOR: -- that's the one I'm
7 referring to.

8 CHAIR HOLTZMAN: Okay.

9 PROF. TAYLOR: Yes.

10 MR. STONE: Okay. I'm fine with that.

11 VADM TRACEY: I'm sorry, and were you
12 suggesting that we're going to have a chapter on
13 the Subcommittee that is similar to the structure
14 we're doing on the JPP itself, where we're going
15 to list out all of the recommendations of the
16 Subcommittee?

17 We subsequently modified those
18 recommendations, will that not be confusing?

19 CAPT TIDESWELL: Yes, I would not
20 recommend that.

21 MS. CARSON: I think we just explain
22 --

1 CAPT TIDESWELL: What they did --

2 MS. CARSON: -- we had Subcommittees,
3 Subcommittee did these reports, period --

4 CAPT TIDESWELL: That's it.

5 MS. CARSON: -- and then leave their
6 work stand as the reports that they issued.

7 PROF. TAYLOR: But that's the reason
8 why it seemed to me that you wouldn't want to
9 actually have a discussion to highlight what the
10 Subcommittees did before what we did.

11 VADM TRACEY: I think that's right.

12 PROF. TAYLOR: Because they won't know
13 of a supplement.

14 VADM TRACEY: I agree with that. I
15 agree with that. I was just thinking I was
16 hearing that we were going to do a structure on
17 their reports that mirrors the structure we're
18 doing on the JPP's report.

19 PROF. TAYLOR: I see.

20 MR. STONE: And I agree with that too.

21 CHAIR HOLTZMAN: Yes, because I think
22 this paragraph is a little skimpy when it is

1 referred to, Mr. Taylor, in terms of describing
2 what the Subcommittee did. I mean, you might
3 want another several paragraphs.

4 CAPT TIDESWELL: We'll tease it out.

5 PROF. TAYLOR: Oh, I agree with that.

6 CHAIR HOLTZMAN: But definitely not
7 the kind of discussion about things that we're
8 talking about that we haven't brought up.

9 MR. STONE: So --

10 JUDGE JONES: Are we leaving some
11 reference to the fact that we obtained a lot of
12 our information from the Subcommittees?

13 CHAIR HOLTZMAN: No, no, that's going
14 to be in.

15 JUDGE JONES: I'm just kidding.

16 CHAIR HOLTZMAN: So all that would
17 come out basically, as I understand Mr. Taylor's
18 suggestion, is what would come out of A, 1 A,
19 this paragraph, I think on page 2.

20 MS. CARSON: The third paragraph.

21 CHAIR HOLTZMAN: The first -- yes.

22 MS. CARSON: The third paragraph that

1 starts, the JPP --

2 CHAIR HOLTZMAN: Are you working from
3 this, okay, you're working from the same --

4 MS. GALLAGHER: Would it be the second
5 and third paragraph?

6 MR. STONE: No, I think it would go
7 into --

8 CHAIR HOLTZMAN: No, just the third
9 paragraph.

10 MR. STONE: -- B and B Number 11 in B.
11 Because it's before we get to that statutory
12 tasks not reviewed --

13 CHAIR HOLTZMAN: Yes.

14 MR. STONE: -- and it's after you've
15 talked all about what the JPP did.

16 MS. GALLAGHER: Okay.

17 PROF. TAYLOR: Yes, it could be Number
18 11, as Mr. Stone pointed out, and then three
19 subparagraphs with three reports are. That's
20 where you actually have the meat of what the
21 subcommittee did.

22 CHAIR HOLTZMAN: Right.

1 PROF. TAYLOR: Excuse me, what the
2 Subcommittees did.

3 CHAIR HOLTZMAN: Right. But the first
4 discussion of the Subcommittee --

5 MS. CARSON: Will that stay in where
6 it is?

7 CHAIR HOLTZMAN: Yes, I think it
8 should be there.

9 MS. CARSON: Okay.

10 CHAIR HOLTZMAN: But the third
11 paragraph --

12 MS. CARSON: The results of the
13 Subcommittee --

14 CHAIR HOLTZMAN: Yes, the third
15 paragraph on page 2 --

16 MS. CARSON: Right.

17 CHAIR HOLTZMAN: -- we could move over
18 to the --

19 MS. CARSON: Got it.

20 CHAIR HOLTZMAN: -- other one,
21 correct?

22 PROF. TAYLOR: That was my idea. I

1 think you're just following up on what Ms. Carson
2 said about this sort of just sets up the
3 structure, it doesn't really get into the detail.

4 CHAIR HOLTZMAN: I got it.

5 JUDGE JONES: All right. And it fits
6 under the topic, which is how our methodology --

7 PROF. TAYLOR: Exactly.

8 JUDGE JONES: -- how we got it.

9 CHAIR HOLTZMAN: Now the really big
10 question is, do we mention Judge Jones write-up?

11 JUDGE JONES: My what?

12 (Laughter.)

13 CHAIR HOLTZMAN: As Chair, we need to
14 at some point. Okay, so are we going through --

15 MR. STONE: Yes, what do you want to
16 tell us next --

17 CHAIR HOLTZMAN: -- the track changes?

18 MR. STONE: -- or should we just -- do
19 you want to proceed or --

20 CHAIR HOLTZMAN: Yes. What do we do
21 know?

22 MS. CARSON: So that was page 2. Do

1 you want to go page by page? I don't know if you
2 have other edits you want to review, but that's
3 where we kind of start going with this.

4 CHAIR HOLTZMAN: Okay. Oh, I see, so
5 the track changes, the blue are my --

6 MS. CARSON: Are Ms. Holtzman's
7 proposed changes.

8 CHAIR HOLTZMAN: -- edits, which of
9 course you're totally free to reject or change or
10 whatever.

11 MR. STONE: Well, on page 3 then, the
12 comment that's out there in the blue, consistent
13 with what we said before. Do we want to say, a
14 number of JPP recommendations contained in its
15 initial report, were implemented or consistent
16 with actions by Congress and the Department of
17 Defense?

18 CHAIR HOLTZMAN: I don't think --

19 MR. STONE: It just fuzzes it up a
20 little bit, using the language you suggested
21 before?

22 CHAIR HOLTZMAN: I think, were

1 implemented by Congress and Department of Defense
2 is fudgey. It doesn't say that --

3 MS. CARSON: It was because --

4 CHAIR HOLTZMAN: -- resolved --

5 MS. CARSON: -- you recommended it and
6 it was done.

7 CHAIR HOLTZMAN: Right. Why it's not
8 addressed. So I think it's vague enough.
9 Personally.

10 Mr. Stone has --

11 JUDGE JONES: Yes, as long we're not
12 saying followed our recommendation --

13 CHAIR HOLTZMAN: Right.

14 JUDGE JONES: -- or as a result of --

15 CHAIR HOLTZMAN: Right.

16 JUDGE JONES: -- is probably okay.

17 MR. STONE: Which we're going to take
18 out on page 4.

19 CHAIR HOLTZMAN: Yes.

20 VADM TRACEY: Then on the second
21 sentence in that same paragraph, are we changing,
22 following the JPPs recommendation to be

1 consistent with?

2 MS. CARSON: Which? Where?

3 VADM TRACEY: Second sentence of the
4 third paragraph, page 3. It currently says,
5 following the JPP's recommendations relating to
6 the DoD and interagency review process, Congress
7 enacted.

8 CHAIR HOLTZMAN: Well, I think
9 following may be accurate --

10 MS. CARSON: But following is not as
11 a result of. Following means they did it.

12 MR. STONE: It's a timeline.

13 CHAIR HOLTZMAN: Right.

14 MS. CARSON: And the JPP recommended
15 it, which is causal.

16 CHAIR HOLTZMAN: Right. Exactly.
17 It's not causal, it's acting as a suggestion. I
18 see what you're saying because it sounds like a -
19 -

20 MR. STONE: You know, you would rather
21 --

22 (Simultaneous speaking.)

1 MR. STONE: -- maybe you just want to
2 say after. Or shortly after Congress and
3 enacted.

4 VADM TRACEY: Consistent with.

5 JUDGE JONES: I think consistent with
6 is the best.

7 MR. STONE: Consistent with?

8 PROF. TAYLOR: Well, consistent with
9 is the ultimate fudge on this.

10 (Laughter.)

11 PROF. TAYLOR: You know, following has
12 two meanings.

13 CHAIR HOLTZMAN: Right.

14 MS. CARSON: Yes.

15 MR. STONE: Consistent with sounds
16 good.

17 JUDGE JONES: I don't even remember
18 this recommendation, so I don't want to overstate
19 this.

20 (Laughter.)

21 CHAIR HOLTZMAN: Well, it says the
22 Secretary of Defense also approved this

1 recommendation.

2 MS. CARSON: I think this was pretty
3 safely because of your --

4 JUDGE JONES: Because of us.

5 MS. CARSON: -- what you did. Yes.

6 CHAIR HOLTZMAN: So --

7 MS. CARSON: Because this was because
8 Article 120, the change in 2012, at the time of
9 your report in 2015 there was still no guidance.
10 And so your recommendation was, got to fix this
11 interagency review process.

12 CHAIR HOLTZMAN: Right.

13 MS. CARSON: And then it came out in
14 the NDAA. So I think this one flows pretty well.

15 JUDGE JONES: And this isn't Congress,
16 or it is Congress. Yes.

17 CHAIR HOLTZMAN: Right. I'm okay with
18 that. I'm okay with that.

19 MS. CARSON: Really, the only one I
20 had to question about was the one with the EO on
21 the 412's.

22 CHAIR HOLTZMAN: Okay. So if

1 everything is factually correct I'm okay --

2 MS. CARSON: Okay. And we changed
3 that one.

4 CHAIR HOLTZMAN: All right, now we're
5 up to page 4. And second paragraph, you're going
6 to put inconsistent with, right?

7 MS. CARSON: If you like.

8 CHAIR HOLTZMAN: That's --

9 MS. CARSON: Your recommendation was
10 the President sign it. And the President did
11 sign it.

12 CHAIR HOLTZMAN: Oh, okay. Well, I
13 added, as a result of, I just don't think so.

14 MS. CARSON: No, no, but as the
15 following I think is okay. If you want to keep
16 that.

17 CHAIR HOLTZMAN: Yes, following.
18 Right.

19 MS. CARSON: I think that --

20 CHAIR HOLTZMAN: But we have -- oh, I
21 see, because we changed in response to. Okay,
22 fine. So we don't have following in these two

1 paragraphs.

2 VADM TRACEY: I'm sorry, I'm confused.
3 On page 4, doesn't the notes say that the
4 executive order was actually out there before the
5 JPP recommendation, so what are we doing in that
6 paragraph?

7 MS. CARSON: The executive order was
8 out there but had not yet been signed. And so
9 the JPP was aware of the order and evaluated it
10 and considered it and recommended that it be
11 signed. And the President signed it. So, you
12 supported what was out there.

13 VADM TRACEY: Okay.

14 MS. CARSON: How you want to
15 characterize that.

16 CHAIR HOLTZMAN: You think that's too
17 much of a --

18 VADM TRACEY: It's been out there for
19 so long, I would find it hard to take credit for
20 pushing it to the front of the desk.

21 MS. GALLAGHER: So you're advocating
22 consistently?

1 JUDGE JONES: This is on the --

2 CHAIR HOLTZMAN: President signing.

3 Well, it could be that our, you know, remember,
4 this stuff was sitting out for a long time, that
5 was part of the problem when we first started.

6 Nothing was happening on executive orders and the
7 whole process was taking forever.

8 JUDGE JONES: I think --

9 CHAIR HOLTZMAN: I mean, I don't know
10 that we have to be so shy, but maybe we should.

11 JUDGE JONES: Yes, I think we should
12 be shy.

13 CHAIR HOLTZMAN: Okay. So you want to
14 say consistent with?

15 MR. STONE: Yes.

16 CHAIR HOLTZMAN: In addition,
17 consistent with the JPPs recommendation?

18 MR. STONE: Yes.

19 CHAIR HOLTZMAN: Fine, I'm okay with
20 that.

21 MR. STONE: On the top of 5, looking
22 at the very first line at the moment, which is

1 the edit, I just wonder if in describing state
2 compensation systems you want to say, this is the
3 first line as it reads now, in blue, victim
4 compensation program is varied as to who and what
5 is covered, to how long, and the amounts
6 provided.

7 I mean, I don't know that I go into
8 all the detail, except that we're already talking
9 about who and what is covered, that maybe there's
10 also this issue that some allow you to do it for
11 two years and some three years and some one year.
12 And it's hard for the military people to know, or
13 even be state side or whatever.

14 CHAIR HOLTZMAN: That's fine. I don't
15 have an objection.

16 JUDGE JONES: I like that amendment.

17 CHAIR HOLTZMAN: That's good. Without
18 objection, that's accepted.

19 MR. STONE: And I took out the words,
20 in terms of only, because I --

21 CHAIR HOLTZMAN: Yes, right.

22 JUDGE JONES: Right.

1 CHAIR HOLTZMAN: We got your whole
2 amendment. And it's been accepted.

3 MR. STONE: Careful, people are going
4 to start thinking you and I are agreeing on
5 everything.

6 CHAIR HOLTZMAN: Yes, I know.

7 (Laughter.)

8 CHAIR HOLTZMAN: Don't worry about
9 that one. We'll fix that. Okay, what's next?

10 MS. GALLAGHER: Anything else on page
11 5?

12 JUDGE JONES: So we don't have any
13 trouble with adopting our recommendation?

14 CHAIR HOLTZMAN: We're on page 5?

15 MR. STONE: On page 5 in the middle.

16 JUDGE JONES: Yes. The President
17 adopted our recommendation?

18 MR. STONE: Is that one okay, Ms.
19 Carson?

20 MS. CARSON: I don't really know how
21 related -- I don't know on that one.

22 CHAIR HOLTZMAN: All right, so just

1 not following, that's all.

2 VADM TRACEY: So consistently?

3 CHAIR HOLTZMAN: Well, I guess if we
4 haven't used following on two pages we can say
5 it. We can say it. I don't know if we said
6 following.

7 MS. CARSON: We say following and
8 consistent with are sort of acceptable for us for
9 things that happened close in time and may be
10 related, but not necessarily causal, right? So
11 we'll make those -- I'll make sure those are
12 interspersed.

13 MR. STONE: Okay. And where it's
14 grey, go to consistent with --

15 MS. CARSON: Okay. The more greyer it
16 is --

17 MR. STONE: Yes. When it's more grey
18 than white or black.

19 MS. CARSON: Got it.

20 CHAIR HOLTZMAN: Are we up to page 6?
21 Actually, the change I proposed in paragraph, the
22 second full paragraph, it says, use the

1 definition, in federal law. Maybe it should be
2 contained in federal law. Might be better.

3 PROF. TAYLOR: Yes, I agree.

4 CHAIR HOLTZMAN: I think in the last
5 Paragraph, 2, too much is taken out. I think it
6 should be, to understand and mitigate the
7 effects, you don't need incidents of retaliation.

8 So just would have, the Panel stressed
9 a critical importance of such data to understand
10 and mitigate the effects of retaliation on
11 individual Servicemembers. And the only thing
12 that comes out is, of incidents.

13 MR. STONE: Do you need the effects
14 even, and mitigate retaliation?

15 CHAIR HOLTZMAN: No, I think the
16 effects, to understand the effects of
17 retaliation. Okay, fine. Maybe if you could
18 take that out.

19 MS. CARSON: Take out --

20 CHAIR HOLTZMAN: But mitigate is
21 important --

22 MR. STONE: Okay.

1 MS. CARSON: Understand and mitigate
2 retaliation.

3 CHAIR HOLTZMAN: No, that doesn't
4 sound right.

5 VADM TRACEY: Understand --

6 JUDGE JONES: Mitigate retaliation as
7 often.

8 VADM TRACEY: -- and mitigate. You're
9 right, it isn't. Understand and mitigate the
10 effects --

11 PROF. TAYLOR: Well, I like to keep
12 effects in there because I think the impact on
13 the Servicemembers, we had testimony about --

14 CHAIR HOLTZMAN: Right.

15 PROF. TAYLOR: -- was pretty
16 pervasive, I mean.

17 CHAIR HOLTZMAN: Okay. So how about,
18 to understand the causes or the nature of
19 retaliation -- to understand the nature and
20 effects of retaliation.

21 JUDGE JONES: The nature of
22 retaliation and its effects on --

1 CHAIR HOLTZMAN: Fine. All right,
2 fine.

3 MS. CARSON: The nature of retaliation
4 and its effects --

5 JUDGE JONES: Wait. I don't want to
6 lose mitigate, I guess.

7 CHAIR HOLTZMAN: Oh, yes.

8 JUDGE JONES: Yes.

9 CHAIR HOLTZMAN: Yes, so I was going
10 to -- well, I think just mitigate, understand and
11 mitigate the effects of retaliation is fine. I'm
12 okay with that. And maybe someone can figure out
13 a better way, I don't care.

14 PROF. TAYLOR: Sounds good.

15 CHAIR HOLTZMAN: It's just we don't
16 need the incidents.

17 MS. CARSON: Got it.

18 CHAIR HOLTZMAN: I guess we have,
19 claiming too much credit on page 7.

20 MR. STONE: We can go with consistent
21 with.

22 CHAIR HOLTZMAN: And then following?

1 MR. STONE: Yes.

2 JUDGE JONES: You know, we may have
3 been the cause of all of these. Isn't it --

4 MS. CARSON: I think --

5 JUDGE JONES: -- in the record?

6 MS. CARSON: Well, you don't --

7 JUDGE JONES: It's hard.

8 MS. CARSON: There's not really a
9 direct -- we did this because the JPP recommended
10 it. We recommended it and then we see it
11 happening.

12 JUDGE JONES: Yes, right. I got you.

13 MS. CARSON: So we can infer --

14 JUDGE JONES: Right. Okay.

15 MS. CARSON: -- that there was a
16 pretty big impact.

17 MR. STONE: There's no cause and
18 effect with regard to anything Congress does.

19 JUDGE JONES: So we could just take
20 adopting it and say -- was that your suggestion,
21 we get rid of adopting, on 7? We just say,
22 another JPP recommendation Congress also enacted.

1 It's sort of saying the same thing, but --

2 CHAIR HOLTZMAN: What would you have
3 it? Just start with another JPP recommendation?

4 JUDGE JONES: I don't know, maybe
5 nobody -- maybe adopting is fine, I don't know.
6 Adopting implies there's a choice of our
7 recommendation, that's all. I'm trying to decide
8 how sensitive we all are to this.

9 CHAIR HOLTZMAN: I don't think --
10 what's the problem with adopting? I mean --

11 MS. CARSON: Unless it's clear it was
12 something that was already there, I think if you
13 want to adopt it, say it was adopted.

14 JUDGE JONES: Okay. Yes, that's fine.

15 MS. CARSON: There's no evidence that
16 wasn't the case.

17 JUDGE JONES: Then let's leave it. I
18 take it back.

19 MR. STONE: That's on 7?

20 MS. CARSON: Yes. Deleting adopting.

21 JUDGE JONES: Sure.

22 CHAIR HOLTZMAN: On the bottom, you

1 want to leave following? In the last paragraph.

2 MS. CARSON: I think that was
3 definitely in response to your recommendation.

4 CHAIR HOLTZMAN: Oh, it was? Oh,
5 okay. Fine. Then leave it.

6 We finished with page 8. Page 9.
7 Page 9, just conform that language where it says
8 installations in the United States and Asia. And
9 how have we met with panels, that has to be
10 changed.

11 MS. CARSON: Yes, we'll conform all
12 that.

13 CHAIR HOLTZMAN: Okay. Anything else
14 on 9? Okay, page 10. Are we okay with 10?

15 MR. STONE: I was speed reading it.
16 It's a little difficult to be sure.

17 CHAIR HOLTZMAN: Oh, okay.

18 MR. STONE: And we don't yet have 8,
19 9 and 10 and what will be 11, but with their
20 things.

21 CHAIR HOLTZMAN: Well, on page 9
22 they're going to conform the language in

1 paragraph, the first full paragraph, to change it
2 in the way we had previously.

3 Are we finished with 9 or are we still
4 reading 9? I guess you're still reading 9.

5 PROF. TAYLOR: I guess while -- I'm
6 sorry, are we ready to go to page 10?

7 CHAIR HOLTZMAN: I'm up to page 10,
8 but I was asking people if they've finished page
9 9. I didn't hear anything so.

10 Okay, we're up to page 10. Are we
11 finished with 9?

12 JUDGE JONES: I am.

13 PROF. TAYLOR: Yes.

14 MR. STONE: I am.

15 CHAIR HOLTZMAN: Okay. So, on page 10
16 -- so 9 is okay because I'm not hearing any
17 objection, so page 10, Mr. Taylor.

18 PROF. TAYLOR: Yes. So, I supposed
19 that by adding in the one that you've amended,
20 Subparagraph 2, to grant by legislation, you're
21 distinguishing these first two categories of
22 things that Congress need to do from

1 Subparagraphs 3 and 4 --

2 CHAIR HOLTZMAN: Right.

3 PROF. TAYLOR: -- which can be done
4 within the department.

5 CHAIR HOLTZMAN: Right.

6 PROF. TAYLOR: Correct.

7 CHAIR HOLTZMAN: Or -- yes, because
8 they said through congressional action. I don't
9 know what that would be.

10 So, I mean, you can also state, and it
11 might be more -- it might be better to say,
12 provide victims with a statutory ability to
13 protect their rights. Or provide victims -- yes.
14 I don't know. It's fine the way it is.

15 MR. STONE: Statutory rights, impose
16 conviction appellant. Take their own words.

17 CHAIR HOLTZMAN: No, because they
18 already have their rights. So we're giving them
19 a statutory ability I guess.

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: The legislation is
22 fine. In both places, I guess it's fine.

1 PROF. TAYLOR: Yes --

2 (Simultaneous speaking.)

3 PROF. TAYLOR: I just want to be sure
4 that I understood the distinction between --

5 CHAIR HOLTZMAN: Yes.

6 PROF. TAYLOR: -- 1 and 2 versus 3 and
7 4.

8 CHAIR HOLTZMAN: Right.

9 PROF. TAYLOR: Got you.

10 CHAIR HOLTZMAN: Because we said that
11 the problem with the Court of Appeals is that
12 they needed to have the specific jurisdiction in
13 the statute.

14 PROF. TAYLOR: Right.

15 JUDGE JONES: I think it's okay.

16 CHAIR HOLTZMAN: Yes, I think it's
17 okay. Any other corrections on page 10, if not,
18 10 is adopted. 11.

19 MR. STONE: Ms. Gallagher, I think
20 you're up.

21 MS. GALLAGHER: Yes. Now we're on to
22 Chapter 2?

1 MR. STONE: Yes.

2 MS. GALLAGHER: If we --

3 CHAIR HOLTZMAN: Are we up to Chapter
4 2? Wait a minute. Oh, statutory task review --

5 MS. GALLAGHER: Right.

6 CHAIR HOLTZMAN: Yes, right. Okay.

7 MS. GALLAGHER: And this is the one
8 that is not a straight lift out of documents that
9 you've already done.

10 CHAIR HOLTZMAN: Right.

11 MS. GALLAGHER: It's out of different
12 testimony and Subcommittee material. And RFI
13 responses.

14 And I suggest we go through the same
15 way as we've been going through, just page by
16 page, if you have any.

17 CHAIR HOLTZMAN: All right. So, are
18 there any issues on page 11?

19 MR. STONE: No, I just have a
20 question.

21 CHAIR HOLTZMAN: Okay.

22 MR. STONE: And I guess starts really

1 on 12. These blues comments --

2 CHAIR HOLTZMAN: All right, wait a
3 minute.

4 MR. STONE: -- and these red comments
5 --

6 CHAIR HOLTZMAN: Wait, wait, wait.

7 MS. GALLAGHER: Yes.

8 CHAIR HOLTZMAN: If it starts on 12,
9 let's just get through 11. Are we okay with 11?

10 MR. STONE: I'm just --

11 MS. GALLAGHER: Yes, the blue comments
12 are Ms. Holtzman's --

13 MR. STONE: And the red?

14 MS. GALLAGHER: -- and the red are
15 administrative. It's been a work in progress.
16 We're still --

17 MR. STONE: Okay, yours.

18 CHAIR HOLTZMAN: Staffs.

19 MS. GALLAGHER: -- informed --

20 MR. STONE: Staffs. Staffs. Okay,
21 that's all I wanted to know.

22 MS. GALLAGHER: The footnotes and

1 stuff.

2 MR. STONE: Okay. Fine.

3 MS. GALLAGHER: So the red is Staff.

4 CHAIR HOLTZMAN: You could read it
5 Democratic, Republican. Okay, so we've finished
6 with page 11 now, right? So 11 is adopted
7 without objection.

8 And page 12. Oh, I haven't had a
9 chance to read the Staff's changes.

10 MS. GALLAGHER: And the sole reason
11 for the changes in Paragraphs 3 and 4 on 12, is
12 originally it was just straight lifted out of the
13 Subcommittee --

14 CHAIR HOLTZMAN: Right.

15 MS. GALLAGHER: -- a one-page
16 memorandum. And this was just to summarize,
17 instead of having to do a block quote to make it
18 more readable.

19 CHAIR HOLTZMAN: Okay. Also, we say
20 counsel universally stated, we changed that. So
21 obviously, any place that we have made changes
22 you'll conform to the changes that we've already

1 made.

2 MS. GALLAGHER: Yes.

3 MR. STONE: Okay, I have a question on
4 12. On two lines above B, where it says, and the
5 policy.

6 I wonder if we shouldn't say, which we
7 endorse, has improved the public perception in
8 the military's handling of sexual assault cases.

9 We haven't previously issued an
10 opinion on them. I mean there's a nice little
11 summary here.

12 It's something that we're saying we
13 like to, I mean, should we just -- we don't have
14 to say, which we endorse, but it seemed to me
15 that that was an appropriate place to put in
16 those three words, if the other Members of the
17 Panel agree. I guess I just wanted to throw that
18 out there.

19 MS. GALLAGHER: Yes. It has been
20 written without any of those recommendations or
21 conclusions, because we didn't have them from
22 you.

1 And if there are recommendations or
2 conclusions the Panel wants to make, with regards
3 to each section, that's certainly something to
4 discuss.

5 CHAIR HOLTZMAN: Well, didn't the RSP
6 make a recommendation on those?

7 JUDGE JONES: All I know is, hasn't
8 withholding regulation been around since Panetta?

9 CHAIR HOLTZMAN: Yes, a long time.

10 MS. CARSON: It was The Invisible War.

11 JUDGE JONES: Right.

12 MS. CARSON: It was right after the
13 documentary --

14 JUDGE JONES: Right. So it's a little
15 late to be --

16 CHAIR HOLTZMAN: Right.

17 MS. GALLAGHER: Yes. The SECDEF memo
18 was April 20th of 2012.

19 JUDGE JONES: Yes.

20 MS. CARSON: But you were asked to
21 assess it, so --

22 MS. GALLAGHER: Yes, it was a specific

1 task to assess it.

2 VADM TRACEY: So we don't recommend
3 any changes to it?

4 MS. CARSON: So you might want to make
5 a comment --

6 (Simultaneous speaking.)

7 JUDGE JONES: -- recommending a
8 change.

9 MS. CARSON: Yes, if you accept it and
10 don't make any changes. If you want to make a
11 comment.

12 CAPT TIDESWELL: I think Mr. Stone
13 makes a good point.

14 CHAIR HOLTZMAN: So --

15 MS. GALLAGHER: Which we endorse it,
16 you want to add that in?

17 MR. STONE: It's consistent, right?

18 CHAIR HOLTZMAN: Well, I mean --

19 MR. STONE: We can just leave it if
20 you want to just leave it.

21 CHAIR HOLTZMAN: Yes, we haven't
22 really --

1 MR. STONE: I just thought --

2 CHAIR HOLTZMAN: -- examined that, so
3 to endorse it at this point without, I don't --

4 MR. STONE: If it's good, it's good.

5 MS. CARSON: So what we did is just
6 lay out there, here's the state of things. So,
7 you can just leave it at that or you can make a
8 comment to what your --

9 MS. GALLAGHER: And if no change is
10 needed and you're just stating, here it is and
11 you're not making any change, you're not, I mean,
12 maybe you don't need to say anything.

13 CHAIR HOLTZMAN: Are we required to
14 say something?

15 MS. CARSON: No.

16 MS. GALLAGHER: No.

17 PROF. TAYLOR: No.

18 CHAIR HOLTZMAN: Well, if we're not
19 required to.

20 MR. STONE: Okay. I have a change.
21 Go up one paragraph to the, during the JPP's
22 Subcommittee site visits.

1 MS. GALLAGHER: Yes, sir.

2 MR. STONE: In their other stuff, and
3 again, this is conforming, we would say counsel
4 stated, we took out the universally.

5 MS. GALLAGHER: Yes, sir.

6 CHAIR HOLTZMAN: Yes, I just said
7 that.

8 MS. GALLAGHER: Yes, sir.

9 MR. STONE: Okay. Sorry, I missed
10 that.

11 VADM TRACEY: Page 11 says that we
12 were tasked to review and assess.

13 MS. GALLAGHER: Correct.

14 VADM TRACEY: Five issues.

15 MS. GALLAGHER: Yes.

16 VADM TRACEY: I do believe assess
17 suggests some statement about, this is the
18 monitoring, this the review, what is our
19 assessment. Recommend no changes at this time,
20 endorse it --

21 CHAIR HOLTZMAN: Oh, okay, wait a
22 minute.

1 VADM TRACEY: I don't think you can
2 just report.

3 CHAIR HOLTZMAN: Where is the, oh, the
4 initial disposition withholding policy. I see.

5 Well, can we say something like, based
6 on the foregoing there seems to be no reason to
7 suggest any change from this policy?

8 PROF. TAYLOR: I would agree with
9 that.

10 VADM TRACEY: Based on the foregoing,
11 the JPP does not recommend any changes?

12 CHAIR HOLTZMAN: Yes. In this policy.

13 JUDGE JONES: That's fine.

14 CHAIR HOLTZMAN: I just want to go
15 back to the, you changed, on the other hand to
16 additionally. I do think that the other hand is
17 correct there.

18 Because, first, you're talking about
19 the negative, possible negative impacts on slight
20 delays. But here the people are talking about
21 the positive impacts so I think on the other hand
22 is correct.

1 MR. STONE: So we're taking out the
2 word, many? Is that the stuff too, because it's
3 another one of these unnecessary sorts of
4 cumulative words that we struck before. And just
5 say, on the other hand, site visit participants
6 observe?

7 CHAIR HOLTZMAN: Yes, fine. So, we're
8 going to insert, on the other hand, I mean, we're
9 going to retain on the other hand, strike
10 additionally and strike many. Any objection to
11 that?

12 MS. GALLAGHER: No.

13 JUDGE JONES: No.

14 CHAIR HOLTZMAN: Hearing none, it's
15 approved. We're up to page, are we up to page 13
16 now?

17 MR. STONE: You could put this one --
18 just one question on that.

19 CHAIR HOLTZMAN: Yes, go ahead.

20 MR. STONE: The line right after the
21 one we just dealt with, which says, O-6 typically
22 has more. Do we want to say O-6 officers or

1 something?

2 CHAIR HOLTZMAN: Yes, that's better.

3 MR. STONE: O-6 is sort of left out
4 there, I'm not sure who O-6 --

5 CHAIR HOLTZMAN: Or maybe you'd have
6 to say --

7 VADM TRACEY: It says an O-6.

8 CHAIR HOLTZMAN: Yes, so you need, an
9 O-6 officer.

10 MR. STONE: An O-6 officer.

11 VADM TRACEY: It's an O-6.

12 CHAIR HOLTZMAN: Is that what it's
13 called?

14 VADM TRACEY: Yes, an O-6.

15 CHAIR HOLTZMAN: Okay.

16 MR. STONE: But don't we still have to
17 say officer?

18 CAPT TIDESWELL: That's what O stands
19 for.

20 MR. STONE: And O-6 officer.

21 MS. GALLAGHER: An officer in the rank
22 of O-6, if that --

1 CAPT TIDESWELL: The O means officer.

2 CHAIR HOLTZMAN: Even I know what an
3 O-6 is.

4 (Laughter.)

5 MR. STONE: I think there are people
6 who get this, in Congress, who haven't been in
7 the military nowadays and they're not going to
8 know what in the world an O-6 is.

9 CHAIR HOLTZMAN: I don't know what
10 it's good for, I just know that it was a rank.

11 MR. STONE: Yes.

12 CAPT TIDESWELL: Sometimes between
13 colonels, captains --

14 CHAIR HOLTZMAN: I don't know why it
15 would be incorrect to say, officers of an O-6
16 rank are holding an O-6 rank.

17 MR. STONE: That's okay.

18 PROF. TAYLOR: That would be fine.

19 CHAIR HOLTZMAN: All right. An
20 officer with an O-6 rank typically has more
21 military justice experience.

22 Okay. And without objection, that

1 change is accepted. Page 13.

2 MR. STONE: Wait. So, what did we do
3 on the last line of our policy, did we have
4 actual language there? We talked about it, but I
5 didn't get what the language --

6 MS. GALLAGHER: The language I have is
7 that the JPP does not recommend any changes to --
8 oh, based on the foregoing, the JPP does not
9 recommend any changes to this policy.

10 MR. STONE: Okay, so that's a new
11 sentence after the footnote, or before the
12 Footnote 44?

13 MS. GALLAGHER: It would be after
14 Footnote 44.

15 MR. STONE: Okay.

16 VADM TRACEY: Why is there a footnote
17 in the statement in a paragraph?

18 PROF. TAYLOR: No, it would be in the
19 text, but it's just after Number 44.

20 VADM TRACEY: Oh, I'm sorry.

21 PROF. TAYLOR: Just the last sentence.

22 VADM TRACEY: Okay.

1 CHAIR HOLTZMAN: All right, without
2 objection that's all that is agreed to. Page 13.
3 Any objection on 13?

4 JUDGE JONES: No.

5 CHAIR HOLTZMAN: It's approved. We're
6 up to page 14. Any objection to 14?

7 PROF. TAYLOR: No.

8 CHAIR HOLTZMAN: We approve 14. We're
9 up to page 15.

10 MR. STONE: On the top of 15, after
11 the footnote, again, I'd like the sentence sort
12 of like we just did after 44. Something about
13 based on the blah, blah, blah, the JPP either
14 recommends no change or endorses this policy or
15 blah, blah, blah. It's --

16 CHAIR HOLTZMAN: Okay.

17 MR. STONE: -- logical place. But
18 somebody else can wordsmith it.

19 CHAIR HOLTZMAN: What are we
20 endorsing?

21 MS. GALLAGHER: We could put something
22 like the JPP believes that trial counsel training

1 and experience is moving in the right direction.
2 Or something like that.

3 CHAIR HOLTZMAN: As appropriate, can
4 you say that?

5 MS. GALLAGHER: Yes.

6 MR. STONE: This enhanced trial
7 counseling training is appropriate.

8 VADM TRACEY: So we have a quasi-
9 assessment on page 13 in the third paragraph.
10 The Subcommittee's observation is that the
11 program is running well, but there is a lack of
12 in-court experience.

13 MS. GALLAGHER: Correct.

14 VADM TRACEY: For the trial counsel.

15 CHAIR HOLTZMAN: From a different
16 perspective -- well, here it says, a recently
17 enacted NDAA provision specifically addresses
18 counsel training and experience, so do we need an
19 endorsement?

20 MS. GALLAGHER: No. That is, I mean,
21 it does kind of direct them to look at it
22 internally. And I don't know what more we would

1 be doing at this point.

2 MR. STONE: So that's why the last one
3 said -- what did the last one say? Have you got
4 that language --

5 CHAIR HOLTZMAN: I don't think we need
6 --

7 MS. CARSON: It doesn't recommend any
8 changes at this time.

9 MR. STONE: So that's what I'd say
10 here too. But I --

11 CHAIR HOLTZMAN: I don't know, but if
12 Congress has --

13 MS. CARSON: In the middle of
14 something --

15 CHAIR HOLTZMAN: -- done something, I
16 don't know that we can say we don't recommend
17 changes.

18 MS. CARSON: Based on the
19 congressional statutory requirements. You can
20 say, based on Congress' requirement --

21 CHAIR HOLTZMAN: Or you can say --
22 (Simultaneous speaking.)

1 CHAIR HOLTZMAN: Why don't you say, in
2 light of Congress' actions --

3 MS. CARSON: Right.

4 CHAIR HOLTZMAN: -- we make no further
5 recommendation --

6 JUDGE JONES: Further recommendations.

7 CHAIR HOLTZMAN: -- at this time.

8 PROF. TAYLOR: That's good.

9 MR. STONE: That's okay.

10 PROF. TAYLOR: I like that.

11 CHAIR HOLTZMAN: All right, page, that
12 was 13, 14. So that change is accepted without
13 objection and --

14 MR. STONE: Wait, is that change on 13
15 or 15?

16 MS. CARSON: It's on 15. Carries
17 over, it's on 15.

18 MS. GALLAGHER: It would be on 15.

19 MR. STONE: It's on 15.

20 MS. GALLAGHER: The very --

21 MR. STONE: That's what I thought.

22 MS. CARSON: Yes.

1 MR. STONE: Okay, because when I heard
2 we were on 14 I got confused.

3 MS. GALLAGHER: -- last sentence.

4 CHAIR HOLTZMAN: Okay, so we're on 15.
5 Any other changes to 15? Okay, if not, 15 is
6 approved.

7 Page 16. Any objections on 16? If
8 not, 16 is approved. 17.

9 MR. STONE: Yes.

10 CHAIR HOLTZMAN: Do we have a problem
11 on 17?

12 MR. STONE: Well, it's not a problem,
13 it's again, after the -- looking at the paragraph
14 that's at the top of the page, that continues on,
15 that says, the Marine Corps is the only Service
16 that has added investigators to its complex trial
17 team to complete any additional investigation
18 needed for the prosecution effort.

19 I thought we should say something
20 like, our Recommendations 39 and 40, support
21 meeting the need for demonstrative investigative
22 resources, consequently we recommend that these

1 Marine Corps actions be duplicated by all these
2 Services. Because this is consistent with our 39
3 and 40, where we said defense investigators.

4 CAPT TIDESWELL: Those were for the
5 defense counsel.

6 JUDGE JONES: Those are for the
7 defense counsel, yes.

8 MR. STONE: Yes. I mean, if we're
9 going to say that everybody should have them, and
10 we point here that the Marine Corps is the only
11 one that stepped up to the plate here --

12 CAPT TIDESWELL: Superiority.

13 MS. GALLAGHER: There is one of those,
14 whether or not we have the data and have done
15 enough research and heard enough evidence to make
16 a determination that the trial counsel isn't able
17 to rely on the MCIOs for their investigation
18 versus requiring the Services to fund.

19 MR. STONE: That's what you got here
20 though. That's exactly what's in the prior
21 paragraphs. That's the data that we collect.

22 I mean, I don't know if we have to

1 make it a formal recommendation, I'm just saying
2 we support.

3 JUDGE JONES: Well, except that they
4 have special victim -- What's the name of that
5 group where they have their own investigators at
6 the trial, counsel, inlaid already?

7 MS. GALLAGHER: Well, just the Marine
8 Corps.

9 JUDGE JONES: Well, no, no,
10 throughout.

11 (Simultaneous speaking.)

12 JUDGE JONES: I was under the
13 impression all the Services --

14 MS. CARSON: The SVIP.

15 JUDGE JONES: Yes.

16 MS. CARSON: But this is in spite of
17 the SVIP.

18 CAPT TIDESWELL: Yes, capability.

19 MS. CARSON: This is in spite of the
20 SVIP. There are still some --

21 JUDGE JONES: Oh, these are additional
22 --

1 MS. CARSON: -- concerns once a case
2 is -- the SVIP that requires them to work
3 together till the case is closed.

4 JUDGE JONES: Right.

5 MS. CARSON: Then once the case is
6 closed before the trial there is still that kind
7 of window where there may be --

8 MR. STONE: And you've got to get --

9 (Simultaneous speaking.)

10 CHAIR HOLTZMAN: The case is closed
11 before trial.

12 JUDGE JONES: Yes.

13 MR. STONE: Yes, they send the whole
14 package.

15 MS. GALLAGHER: Wait a minute, I'm not
16 following that.

17 (Simultaneous speaking.)

18 MS. CARSON: Sometimes the
19 investigative --

20 MS. GALLAGHER: The investigative
21 case, oh.

22 MS. CARSON: The investigation is

1 closed by investigator's in some cases prior --

2 MS. GALLAGHER: Oh, okay.

3 JUDGE JONES: Before the Committee
4 probably makes their decision on --

5 MR. STONE: And just to read into the
6 record here for us, you know, you've got:
7 Prosecutors asserted that the investigators often
8 decline to follow up on important leads while
9 investigators asserted that requested additional
10 investigation is unnecessary or is difficult for
11 an already overburdened and understaffed
12 investigative unit to execute. Which you've got
13 footnoted to the Subcommittee.

14 So that's why you have -- the Marine
15 Corps has addressed it basically and it seems to
16 me it's hanging there, whether we shouldn't give
17 them a little pat on the back and say it is
18 consistent with what we did in saying that when
19 there is need for investigators see
20 Recommendation 39 and 40, it ought to be
21 addressed. Even that would be enough.

22 MS. GALLAGHER: That would be an area

1 that would perhaps be ripe for the DAC-IPAD to
2 investigate further and, you know --

3 MR. STONE: Well, that's another way
4 to look at it.

5 MS. GALLAGHER: -- and between the
6 investigative organizations and the prosecutors
7 to see whether --

8 JUDGE JONES: I feel better about that
9 only because we heard that the defense have no
10 investigators and there was a lot of study with
11 respect to a lot, with a lot of data.

12 CHAIR HOLTZMAN: Right.

13 (Simultaneous speaking.)

14 MS. CARSON: It's a slightly different
15 issue.

16 JUDGE JONES: Well, it's a different
17 issue. This is --

18 PROF. TAYLOR: Well, in addition to
19 that, Judge Jones, this is a tasker that asked us
20 only to monitor trends, it doesn't ask us to
21 assess it.

22 CHAIR HOLTZMAN: Right.

1 PROF. TAYLOR: It says monitor trends
2 and the development utilization --

3 CHAIR HOLTZMAN: Right, so then --
4 Correct. So I don't think we need to add
5 anything.

6 PROF. TAYLOR: -- and effectiveness.
7 So I think we've done that.

8 CHAIR HOLTZMAN: No, I don't think we
9 need to add anything after, on page 17.

10 PROF. TAYLOR: I agree.

11 MS. CARSON: And it speaks for itself,
12 that block.

13 JUDGE JONES: Yes, right.

14 MS. CARSON: I mean somebody reads
15 that it raises the question, so --

16 CHAIR HOLTZMAN: Right.

17 JUDGE JONES: Thank you, Mr. Taylor.
18 I didn't realize that was our mission.

19 CHAIR HOLTZMAN: Okay, so --

20 JUDGE JONES: Monitor, okay.

21 CHAIR HOLTZMAN: Any other issues on
22 page 17?

1 JUDGE JONES: On that one.

2 CHAIR HOLTZMAN: Okay, if not 17 is
3 approved. 18? Any objection to anything on 17
4 or, I mean on 18? If not, that's approved.
5 We're up to 19. Any issues on 19? If not, 19 is
6 approved.

7 VADM TRACEY: So this is the place
8 where we are supposed to assess?

9 MS. GALLAGHER: Yes, 19 is review and
10 assess.

11 MR. STONE: Nineteen what?

12 MS. GALLAGHER: For the mental health
13 it is review and assess, because --

14 JUDGE JONES: Our task.

15 MS. CARSON: Yes. And also for 412.

16 MS. GALLAGHER: No, the 412 is just
17 follow-up from your initial report, kind of your
18 own taskings. You told yourselves to continue to
19 monitor and --

20 CHAIR HOLTZMAN: Right, but --

21 MS. GALLAGHER: So 412 doesn't need
22 anything, the mental health is a review and

1 assess task.

2 CHAIR HOLTZMAN: That's right.

3 VADM TRACEY: So I'm reading on page
4 15, which is Paragraph 6, right --

5 MS. GALLAGHER: Yes.

6 VADM TRACEY: -- that applies to the
7 task.

8 MS. GALLAGHER: Right.

9 VADM TRACEY: That it is an NDAA
10 tasking to monitor trends.

11 MS. GALLAGHER: We're on 15 with
12 regards to the SVIP.

13 CHAIR HOLTZMAN: Where are we?
14 Admiral, where are you reading from?

15 VADM TRACEY: Page 15, the task is to
16 monitor.

17 CHAIR HOLTZMAN: That's just special
18 victims, isn't it? Special Victim --

19 MS. GALLAGHER: Right.

20 CHAIR HOLTZMAN: -- IP Program.

21 MS. GALLAGHER: The 412 tasking is on
22 page 17.

1 VADM TRACEY: I'm sorry, page 17.

2 CHAIR HOLTZMAN: 412 on 17?

3 MS. GALLAGHER: It's 17, yes, okay.

4 VADM TRACEY: So it is a review and
5 assess --

6 MS. GALLAGHER: And my thought process
7 --

8 VADM TRACEY: -- on very specific
9 instances, right?

10 MS. GALLAGHER: -- on that was you did
11 an entire chapter, or a whole section in the
12 initial report that was a review and assessment
13 of M.R.E. 412 that meets the tasking of review
14 and assess, but you left some due-outs in light
15 of some significant changes that were occurring,
16 and I think --

17 CHAIR HOLTZMAN: What's a due-out?

18 MS. GALLAGHER: Oh, I'm sorry, that
19 would be military shorthand --

20 CHAIR HOLTZMAN: That there are other
21 issues --

22 MS. GALLAGHER: Yes. There is -- Yes.

1 CHAIR HOLTZMAN: Okay.

2 MS. GALLAGHER: You said you would
3 continue to monitor.

4 MS. CARSON: In the initial report.

5 CHAIR HOLTZMAN: Well, and maybe to
6 solve your problem, Admiral, we can say, don't we
7 say here that we issued a report in response to
8 this, so --

9 MR. STONE: Yes, we say that.

10 CHAIR HOLTZMAN: Okay, so --

11 MR. STONE: That's the last paragraph
12 before assessment.

13 CHAIR HOLTZMAN: Right. In its
14 initial report JPP assessed but noted that
15 pending changes should be monitored. So I think
16 we have responded to the tasking.

17 VADM TRACEY: Okay.

18 MR. STONE: Agree.

19 CHAIR HOLTZMAN: All right. So
20 without objection page 18 is agreed to. We are
21 up to 19, which is mental health records. Any
22 objection on 19?

1 (No audible response.)

2 CHAIR HOLTZMAN: Nineteen is agreed
3 to. Page 20, any objections on 20?

4 (No audible response.)

5 CHAIR HOLTZMAN: If not, 20 is agreed
6 to. Page 21 -- And without objection 20 is
7 agreed to. 21?

8 (No audible response.)

9 CHAIR HOLTZMAN: Without objection 21
10 is accepted. Going to 22?

11 (No audible response.)

12 CHAIR HOLTZMAN: Without objection 22
13 is agreed upon. Twenty-three?

14 MR. STONE: Yes, I got --

15 CHAIR HOLTZMAN: Okay.

16 MR. STONE: I have a concern in 23.

17 Take a look down at Footnote 116, maybe you can
18 tell me if this is accurate, but I think it would
19 be accurate to write near the end of the first
20 line of the footnote: The CAAF granted review but
21 determined it lacked jurisdiction, which we have
22 separately recommended should be explicitly

1 provided -- JPP Recommendation 46 -- over the
2 case. Something like that.

3 CHAIR HOLTZMAN: Maybe we don't put --

4 MR. STONE: Maybe say it after the
5 words, over the case.

6 CHAIR HOLTZMAN: Maybe at the end of
7 that --

8 MR. STONE: Somewhere.

9 CHAIR HOLTZMAN: -- determined it
10 lacked jurisdiction. The JPP has recommended
11 that specific jurisdiction be granted. See page
12 whatever it is, above.

13 MR. STONE: Yes.

14 MS. GALLAGHER: Good, good.

15 MR. STONE: And Recommendation 46.

16 CHAIR HOLTZMAN: Okay.

17 MR. STONE: Because you have it in the
18 note.

19 CHAIR HOLTZMAN: Right. Well, with
20 that change is page 23 accepted?

21 (No audible response.)

22 CHAIR HOLTZMAN: Hearing no objection

1 23 is accepted. We are up to 24. Without any
2 objection 24 is accepted. Twenty-five?

3 (No audible response.)

4 CHAIR HOLTZMAN: Without objection 25
5 is accepted. Twenty-six?

6 (No audible response.)

7 CHAIR HOLTZMAN: Without objection 26
8 is accepted. Twenty-seven?

9 (No audible response.)

10 CHAIR HOLTZMAN: Without objection 27
11 is accepted. Twenty-eight?

12 MR. STONE: I have an objection on 27.

13 (Laughter.)

14 JUDGE JONES: I thought it was easy.

15 MR. STONE: I can't accept 27 until I
16 get something.

17 MS. GALLAGHER: And that's going to be
18 exactly verbatim, your recommendations --

19 MR. STONE: Sure, okay.

20 MS. GALLAGHER: -- to the DAC-IPAD.

21 MR. STONE: Oh, here, and here is a
22 draft conclusion on 28. Let me just --

1 CHAIR HOLTZMAN: Okay. And he just
2 wrote a conclusion if anybody wants to take a
3 second to read that we can. And where do we
4 mention our staff?

5 MR. STONE: It's in there.

6 CHAIR HOLTZMAN: No.

7 (Simultaneous speaking.)

8 MR. STONE: Tell us where you want to
9 put it.

10 CHAIR HOLTZMAN: Yes, I think we
11 should add something about the staff.

12 CAPT TIDESWELL: Yes, ma'am.

13 CHAIR HOLTZMAN: And the first
14 sentence is a little skinny.

15 MR. STONE: Yes, do we need the words
16 sincere gratitude instead of gratitude?

17 CHAIR HOLTZMAN: Yes, right, correct,
18 I think Mr. Stone is right. I think we should
19 take sincere out, but I'd like to add: to examine
20 the important issues of sexual assault in the
21 military and to propose recommendations for
22 reform, or something like that, not just to

1 examine, but -- yes, I mean maybe something like,
2 we hope our work has led to, I don't know, more
3 effective prosecution of these cases and more
4 effective and fairer prosecution of these cases.

5 And what can we say about victims?

6 And more sensitive --

7 MR. STONE: Treatment of.

8 CHAIR HOLTZMAN: -- treatment of
9 victims in the military justice system. Okay.

10 And, well, maybe the --

11 VADM TRACEY: Should --

12 CHAIR HOLTZMAN: -- last sentence
13 then, JPP says, with deep appreciation to its
14 hardworking and dedicated staff and to everyone
15 else who helped fulfill this mission. I'm sorry,
16 Admiral, I didn't mean to cut you off.

17 VADM TRACEY: I'm sorry. Just our
18 task was not the issue of sexual assault in the
19 military, it was about the --

20 CHAIR HOLTZMAN: Oh, yes, I'm sorry,
21 sexual assault, an important issue of --

22 VADM TRACEY: You said the words, and

1 I --

2 (Simultaneous speaking.)

3 CHAIR HOLTZMAN: In the military
4 justice system - sexual assault --

5 VADM TRACEY: Should probably have
6 been, military justice system's handling of
7 sexual assault in the military.

8 CHAIR HOLTZMAN: Fine, okay. Yes, and
9 if you could -- so could you kind of read that
10 back to us, I mean if you can? Let me give you a
11 few seconds to do that. I'm counting. I can't
12 believe this.

13 PROF. TAYLOR: It seems that somewhere
14 we all have the idea of independent review and
15 assessment because --

16 CHAIR HOLTZMAN: Right.

17 PROF. TAYLOR: -- that seems to me
18 what we have been about.

19 CHAIR HOLTZMAN: Well, you can say to
20 engage --

21 VADM TRACEY: So expresses gratitude
22 to the Congress for the opportunity to provide

1 the independent review and assessment of --

2 CHAIR HOLTZMAN: All right. Well,
3 what about, the opportunity to engage and examine
4 an independent -- oh, I don't know, maybe what
5 you want to say is: to provide an independent --
6 the opportunity to --

7 MS. CARSON: So you want to talk about
8 the judicial proceedings related to sexual
9 assault?

10 VADM TRACEY: Something about the
11 military justice system I think is what we are --

12 CHAIR HOLTZMAN: Right.

13 MS. CARSON: Right.

14 PROF. TAYLOR: I was just going back
15 to the statutory language --

16 CHAIR HOLTZMAN: Yes.

17 PROF. TAYLOR: -- which is: conduct an
18 independent review and assessment of judicial
19 proceedings conducted under the UCMJ involving
20 adult sexual assault and related offenses.

21 CHAIR HOLTZMAN: Right.

22 PROF. TAYLOR: I was just going back

1 to the fundamental language --

2 MS. CARSON: Right.

3 CHAIR HOLTZMAN: All right.

4 PROF. TAYLOR: -- for the purpose of
5 developing recommendations for improvements to
6 such proceedings.

7 CHAIR HOLTZMAN: Yes, right, okay.

8 And then we hope that our work has contributed,
9 has made positive contribution to this result, or
10 something to this.

11 JUDGE JONES: It's a very small bound.
12 If they need anything further, I think it should
13 just be the JPP would not have been able to --

14 CHAIR HOLTZMAN: Right.

15 JUDGE JONES: Right.

16 MR. STONE: I agree.

17 CHAIR HOLTZMAN: So we can have a kind
18 of, for a second, or do we have --

19 MS. GALLAGHER: What I would suggest
20 is that we take all of the thoughts that you've
21 given once we get the transcript and we put it
22 together to make sure we've got our grammar

1 flowing with all of the ideas and when we send
2 out the report, because, clearly, it has to come
3 back to you, because we have these sections that
4 have to be filled in, when it comes around
5 administratively for you to assess you can come
6 back with your track changes --

7 MR. STONE: To the Captain.

8 MS. GALLAGHER: -- on the language.
9 Yes, yes, absolutely.

10 CAPT TIDESWELL: Individually, yes.

11 MS. GALLAGHER: Yes.

12 MR. STONE: Individually.

13 CAPT TIDESWELL: Yes, like what Bill
14 was telling --

15 CHAIR HOLTZMAN: And how do we approve
16 the report then, Mr. Sprance? I would really
17 like to get --

18 (Simultaneous speaking.)

19 MR. STONE: Could we, if this, if all
20 the track changes are circulated by the Captain
21 as technical ones could we individually respond
22 to her that we approve and sign it? Because we

1 approved something and signed it that way?

2 MR. SPRANCE: I don't know that we
3 could do that, by doing it by email or that way,
4 I don't know that that could be --

5 CAPT TIDESWELL: Is this a solution,
6 Bill? I would argue the conclusion is probably
7 not controversial. It's more just the grammar
8 and all and the paragraph structure. If you all
9 are comfortable sort of approving the report
10 subject to the changes --

11 MR. SPRANCE: Subject to the changes.

12 CAPT TIDESWELL: -- as well as sending
13 this back to Meghan --

14 MS. PETERS: With regards to the --

15 MR. SPRANCE: Yes, subject to the
16 changes that you have addressed.

17 CAPT TIDESWELL: And then if there is
18 a discomfort on some level then we just reopen
19 and have a meeting over the phone.

20 CHAIR HOLTZMAN: Yes, over the phone.

21 MR. SPRANCE: I think that would be
22 the best course --

1 (Simultaneous speaking.)

2 MR. STONE: That's what I would say.

3 I'm with you.

4 CHAIR HOLTZMAN: All right. So
5 without objection -- Is there any objection?

6 (No audible response.)

7 CHAIR HOLTZMAN: Then that's what the
8 Committee decides, I mean the Panel decides.

9 CAPT TIDESWELL: Yes, ma'am, very
10 well.

11 CHAIR HOLTZMAN: Okay, great.

12 CAPT TIDESWELL: We have two minor
13 things to take up, data and sexual assault
14 investigations, and you all have a 12:30 cab, so
15 --

16 CHAIR HOLTZMAN: Yes.

17 CAPT TIDESWELL: So I think we're
18 going to --

19 CHAIR HOLTZMAN: So our first
20 recommendation is on the Data Report. What do we
21 have to do, Ms. Peters?

22 MS. PETERS: I would recommend, ma'am,

1 that we look at the Investigations Report, the
2 page that I provided to you with yellow
3 highlights.

4 CHAIR HOLTZMAN: Okay, page 5, yes.

5 MS. PETERS: Yes, ma'am.

6 CHAIR HOLTZMAN: So you want us to
7 read that?

8 MS. PETERS: Yes, ma'am.

9 CHAIR HOLTZMAN: Okay.

10 MR. STONE: I'm sorry, I'm lost. We
11 have a page that says 5 --

12 MS. PETERS: Yes, and that's what --
13 Sorry, sir, I ask that you review at this time so
14 that we can look at the bullets to Recommendation
15 50 in the Investigations Report.

16 MR. STONE: Okay. We're missing stuff
17 in the last bullet that was talking about --

18 (Simultaneous speaking)

19 CHAIR HOLTZMAN: All right, just wait
20 until everybody finishes.

21 MR. STONE: But it was that thing
22 about --

1 CHAIR HOLTZMAN: Mr. Stone, why don't
2 you wait until everybody finishes, please.

3 MR. STONE: Okay.

4 (Whereupon, the above-entitled matter
5 went off the record at 12:18 p.m. and resumed at
6 12:22 p.m.)

7 CHAIR HOLTZMAN: All right. Changes
8 on page 5 or any suggestions?

9 MR. STONE: Yes. There are words
10 missing in the second bullet on the one, two,
11 third line before the word investigators, it
12 should say: which may aid investigators and
13 prosecutors making decisions about investigating
14 and charging sexual assault crimes, instead of,
15 without possessing all of the available evidence,
16 as I read what we had. In order for it to read -
17 - I just --

18 CHAIR HOLTZMAN: So it would read how?
19 When a victim refuses to turn over relevant
20 evidence, such as photographs, text messages, or
21 social media information contained on the
22 victim's cell phone --

1 MR. STONE: That -- okay, I didn't
2 know -- okay, that may -- Oh, no, it's --

3 CHAIR HOLTZMAN: Okay, so you wanted,
4 would turn over relevant evidence that may --

5 MR. STONE: Okay, wait. When a victim
6 refuses to turn over --

7 (Simultaneous speaking.)

8 MS. PETERS: Sir, if I may make a
9 point. I believe that yesterday the Committee
10 voted on Recommendation 2 in its original form,
11 and that did not contain "which may aid".

12 MR. STONE: Okay. All right, leave
13 that one. Go to the next paragraph, F.

14 CHAIR HOLTZMAN: Okay, so you don't
15 have a problem with paragraph, Bullet 2?

16 MR. STONE: I'm okay.

17 CHAIR HOLTZMAN: We're okay with
18 Bullet 2?

19 MR. STONE: Let's go to Bullet 3.

20 CHAIR HOLTZMAN: All right. Well,
21 wait a minute, let's just formally do this. Any
22 other objection or problem with Bullet 2?

1 MR. TAYLOR: None.

2 CHAIR HOLTZMAN: So that's accepted,
3 okay, without objection, all right.

4 MR. STONE: Bullet 3, we add --

5 CHAIR HOLTZMAN: I have -- Yes.

6 MR. STONE: We add a phrase at the end
7 of the first sentence that says: as well as the
8 loss of the use of the phone.

9 CHAIR HOLTZMAN: Right.

10 MR. STONE: I thought it was supposed
11 to be the loss of the use of -- and any data on
12 the phone, because they have their calendar,
13 their, you know, address book --

14 CHAIR HOLTZMAN: But that's -- I think
15 that's implicit in the use of it.

16 (Simultaneous speaking.)

17 CHAIR HOLTZMAN: I think it's
18 implicit, yes.

19 MR. STONE: Everybody agree it's
20 implicit.

21 JUDGE JONES: I agree.

22 CHAIR HOLTZMAN: Yes.

1 VADM TRACEY: I agree.

2 MR. STONE: Because it sounds like a
3 lot of people don't have smart phones, but, all
4 right. All right, and then in the last --

5 CHAIR HOLTZMAN: Well, wait, I'm still
6 on three, Bullet 3. I have -- when you say,
7 typically contained on a smart phone, that was
8 fine when you didn't have self-incriminating.

9 MS. PETERS: Four. Yes, ma'am.

10 CHAIR HOLTZMAN: Now that we have
11 self-incriminating I don't think you can say
12 typically. I think you say, that may be
13 contained on a smart phone.

14 MS. PETERS: Yes, ma'am, noted. Got
15 it.

16 CHAIR HOLTZMAN: Any objection to
17 that?

18 (No audible response.)

19 CHAIR HOLTZMAN: Okay.

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: Okay, so without
22 objection Bullet Number 3 is accepted. Okay,

1 Bullet Number 4.

2 PROF. TAYLOR: I have an objection to
3 that.

4 CHAIR HOLTZMAN: Yes, sir?

5 PROF. TAYLOR: So yesterday the one we
6 approved had struck the words, unless there is a
7 valid military search authorization for a
8 cellular phone, the victims -- and the one we
9 approved said: some SVCs/VLCs reported that they
10 advised clients that they should not voluntarily
11 turn over their cellular phones to investigators.

12 CHAIR HOLTZMAN: Right. So what do
13 you want to do?

14 MS. PETERS: So that's my omission.
15 I think I -- It looked more like an underline
16 than a cross-out --

17 PROF. TAYLOR: Strike the words,
18 unless there is a valid military search
19 authorization for a cellular phone, victims. And
20 instead put the word they. So it will read --

21 CHAIR HOLTZMAN: So some SVCs -- Okay,
22 go ahead.

1 PROF. TAYLOR: Some SVCs/VLCs reported
2 that they advised clients that they should not
3 voluntarily --

4 MR. STONE: Should be victims.

5 PROF. TAYLOR: -- turn over their --

6 CHAIR HOLTZMAN: Should be, they
7 advise victims, really, instead of clients.

8 PROF. TAYLOR: Yes.

9 CHAIR HOLTZMAN: Okay.

10 PROF. TAYLOR: Advise -- yes, thank
11 you -- turn over their cellular phones to
12 investigators.

13 CHAIR HOLTZMAN: Okay. So without
14 objection that amendment is agreed to.

15 (No audible response.)

16 CHAIR HOLTZMAN: Okay. Last bullet?

17 MR. STONE: Yes, last bullet, first
18 line, I thought we added after, forensic
19 techniques for imaging and searching cellular
20 phones. And I thought there was an insert: and
21 well-crafted consent forms. I thought --

22 (Simultaneous speaking.)

1 CHAIR HOLTZMAN: Yes, right.

2 MR. STONE: It may minimize -- That's
3 what I had --

4 (Simultaneous speaking.)

5 PROF. TAYLOR: I agree with that
6 change.

7 JUDGE JONES: Yes.

8 MR. STONE: Well-crafted consent
9 forms.

10 CHAIR HOLTZMAN: Well, maybe not
11 putting and. Because we are talking forensic
12 techniques and we don't want that to apply to
13 well-crafted.

14 MR. STONE: What --

15 CHAIR HOLTZMAN: Maybe --

16 VADM TRACEY: How about use, coupled
17 with use of --

18 CHAIR HOLTZMAN: Oh, yes, coupled with
19 use of well-crafted. Excellent. Coupled with
20 use of well-crafted consent forms. And I would
21 like to add, and, therefore, should be explored.
22 I would like to add, and, therefore, it should be

1 fully explored.

2 MR. STONE: No problem, okay.

3 CHAIR HOLTZMAN: Okay. So with those
4 changes do we accept -- Without objection the
5 last bullet is accepted with those two changes.

6 I have just two, again, wordsmithing
7 changes, one on the Recommendation 50 itself. I
8 don't know that the, to ensure that sexual, the
9 last part of it, doesn't that -- I would like to
10 say where it says, and develop appropriate
11 remedies. See, the problem I have is, develop
12 appropriate remedies and address a victim's
13 legitimate concerns about turning over this
14 evidence -- all right, well, let's leave it the
15 way it is.

16 MR. STONE: Do you want to stop it
17 sooner? We could stop it at --

18 CHAIR HOLTZMAN: I was going to put
19 the "to ensure" right after remedies, but I don't
20 know if that does any --

21 MR. STONE: But it -- They're not
22 turning over this evidence you could stop the

1 whole sentence there because we -- The rest of it
2 is sort of redundant and we discuss it below.
3 Now we have made those bullets longer.

4 CHAIR HOLTZMAN: No, let's leave it.
5 I'd just leave it. I'm sorry to raise that.
6 Okay, and the second part is -- So, the framing
7 is accepted without objection.

8 The first bullet, I don't think you
9 can -- Can you impede the investigations as a
10 whole? Okay, fine. I have no problem with
11 Bullet 1. Okay, so --

12 CAPT TIDESWELL: Ma'am, may I ask a
13 question?

14 CHAIR HOLTZMAN: For the framing, yes.

15 CAPT TIDESWELL: In Recommendation 50
16 you all sort of suggested to the Secretary of
17 Defense that he develop appropriate remedies, is
18 guidance a better word than remedies?

19 MR. TAYLOR: I don't know.

20 VADM TRACEY: Well, guidance might be
21 the remedy.

22 CAPT TIDESWELL: Might be the remedy.

1 MR. STONE: No, it's plural, it's
2 appropriate remedies --

3 CHAIR HOLTZMAN: Right.

4 MR. STONE: -- because there is
5 different things he might do.

6 CHAIR HOLTZMAN: Okay. So without
7 objection now 5 is amended, is adopted, okay.

8 MS. PETERS: Yes. Yes, ma'am.

9 CHAIR HOLTZMAN: Now we are up to
10 data. What do we have to do on this?

11 MS. PETERS: Yes, ma'am. So the Panel
12 is aware, I have taken the edits approved in the
13 Concerns Report and the Ex Sum that relate the
14 handling of the Subcommittee Report and put those
15 in the Investigations Report as well, because
16 it's the exact same verbiage.

17 Where it's the exact same verbiage
18 about the installation site visits in the
19 Subcommittee Report, those edits will be
20 reflected in the Investigations Report as well.

21 CHAIR HOLTZMAN: Okay. So what do we
22 have to do about this?

1 MS. PETERS: The two issues, ma'am,
2 are on page 4, 54(c), statistics have now been
3 inserted instead of words like low or high in
4 54(c), and so that the sex assault offense
5 conviction rate is 36 percent and conviction on
6 any offense is 59 percent.

7 CHAIR HOLTZMAN: Okay.

8 MS. PETERS: As well, you asked that
9 certain verbiage be eliminated from the
10 parentheses and that's why that is highlighted,
11 to reflect that change.

12 Conforming edits have been on page 42,
13 because page 42 contains the Panel's analysis in
14 blue text, so, yes, you will see on page 42 that
15 it's been highlighted.

16 CHAIR HOLTZMAN: Okay. So without
17 objection those --

18 MS. PETERS: Oh, sorry, ma'am.

19 CHAIR HOLTZMAN: And then we can say
20 without objection those changes are adopted.
21 What else?

22 MS. PETERS: Page 21, ma'am. Page 21

1 contains a chart with the active duty population
2 size in response to Admiral Tracey's question
3 about whether that contains Reserve members or
4 mobilized under Title 10.

5 CHAIR HOLTZMAN: Right.

6 MS. PETERS: The DoD resource cited
7 does not include those people mobilized,
8 therefore, the --

9 CHAIR HOLTZMAN: Okay. So we have
10 these --

11 MS. PETERS: -- caveat has been added
12 in highlight below.

13 CHAIR HOLTZMAN: Right, good.

14 MS. PETERS: Below the table.

15 CHAIR HOLTZMAN: Okay.

16 VADM TRACEY: So if I could just, the
17 language here, these figures do not include
18 Reserve and Guard component members --

19 MS. PETERS: Does the Reserve
20 component include both Reserve and Guard?

21 PROF. TAYLOR: It does, the Reserve
22 components.

1 VADM TRACEY: But I think that the
2 Guard is particularly sensitive.

3 MS. PETERS: Okay. Yes, ma'am.

4 VADM TRACEY: The Guard and Reserve
5 component members --

6 MR. STONE: Do you say Guard, or did
7 you say National Guard?

8 VADM TRACEY: Guard and Reserve
9 component members.

10 MS. PETERS: Okay.

11 VADM TRACEY: Supplemented the active
12 component, I mean that's just not the right term
13 of art here.

14 MS. PETERS: Served in --

15 CHAIR HOLTZMAN: Well, why don't we
16 need -- Why don't you just do not include the
17 number of Reserve and Guard component members
18 period. Is that enough?

19 VADM TRACEY: Let me just explain
20 what's troubling me.

21 CHAIR HOLTZMAN: Okay.

22 VADM TRACEY: I realize you are under

1 a time crunch, but we have flagged the Army as
2 having a higher rate of incidents than anybody
3 else does.

4 CHAIR HOLTZMAN: Right.

5 VADM TRACEY: And part of that
6 conclusion comes from the fact that we are using
7 a percentage that is based only on the active
8 component and at least my understanding is there
9 is a pretty big chunk of the Guard that is on
10 active duty right now and the Reserves that are
11 on active duty, so the denominator would be
12 different if we had the accurate account.

13 We can't get the accurate account from
14 the data that is available to us, so I am
15 concerned that we are signaling something about
16 the Army that may not be accurate, and we don't
17 have a way to resolve the numbers.

18 So I was trying to get a footnote that
19 would drive whoever follows up on this to first
20 clarify whether the number is bigger in the Army
21 just because the Army is that much bigger than
22 everybody else is.

1 CHAIR HOLTZMAN: Okay. So we can --
2 Why don't we just say that, that the numbers,
3 these numbers do not -- The Army -- The numbers,
4 the active duty population for the Army may be
5 larger, may not be comparable with the other
6 Services because it may include Reserve and
7 National Guard elements that are not included in
8 the other Services.

9 We have no way of determining the
10 number, and, therefore, caution has to be
11 applied. I don't know. Is that kind of what you
12 have in mind?

13 VADM TRACEY: Yes. Yes.

14 CHAIR HOLTZMAN: Well, it may not even
15 be -- So --

16 VADM TRACEY: So it is not that the
17 figures from the DMDC are incorrect, it's that
18 the percentages were calculated --

19 CHAIR HOLTZMAN: Right. So you can't
20 compare them.

21 VADM TRACEY: -- only against the
22 active duty population to the extent that Guard

1 and Reserve members -- Because everybody has
2 Reserve members activated right now.

3 CHAIR HOLTZMAN: Oh, they do, oh,
4 okay.

5 VADM TRACEY: The problem is that the
6 Army is so much bigger than everybody else that
7 it could be a significant, statistically
8 significant problem, that we have used the wrong
9 denominator and we can't get the right
10 denominator.

11 CHAIR HOLTZMAN: And why would it make
12 a difference if -- If everybody has got Army,
13 have got Reserve and Guard units, why does that
14 make a difference?

15 VADM TRACEY: The Army is the most
16 heavily engaged right now, and so they are likely
17 to have a bigger share of their Reservists --

18 CHAIR HOLTZMAN: Yes.

19 VADM TRACEY: -- on active duty
20 subject to the UCMJ than anybody else does. And
21 so we may be seeing a proportionate distribution
22 of incidents if we had the right denominator.

1 Maybe it doesn't bother anybody else,
2 but it troubles me that we seem to have called
3 out and passed on to the follow-on Committee this
4 signal that the Army has this higher than typical
5 incident rate and we don't actually know that
6 that's the case.

7 MR. STONE: Doesn't the last sentence
8 say that though? Isn't that exactly what the
9 last sentence says? Except that maybe it should
10 be courts-martial, right. I thought that was
11 pretty good there.

12 VADM TRACEY: So, these figures do not
13 include the number of Guard and Reserve component
14 members who were mobilized and subject to the
15 UCMJ in Fiscal Year 2015.

16 CHAIR HOLTZMAN: Is that okay with
17 you?

18 VADM TRACEY: I think that is the edit
19 to that sentence.

20 CHAIR HOLTZMAN: Okay.

21 VADM TRACEY: Okay. My problem with
22 the last sentence is that we are saying we

1 shouldn't do that to calculate --

2 CHAIR HOLTZMAN: Yes.

3 VADM TRACEY: -- but we have done it,
4 right.

5 CHAIR HOLTZMAN: Right.

6 VADM TRACEY: So, these figures should
7 not be used to compare the proportion of courts-
8 martial --

9 MR. STONE: Okay.

10 VADM TRACEY: -- relative to the other
11 Services.

12 PROF. TAYLOR: That's good. I agree
13 with that.

14 CHAIR HOLTZMAN: The proportion of
15 courts-martial in the Army --

16 VADM TRACEY: In the Army relative to
17 the other Services.

18 CHAIR HOLTZMAN: So the way it would
19 read now is: These figures do not include the
20 number of Guard and Reserve component members who
21 were activated --

22 MR. STONE: Mobilized.

1 VADM TRACEY: Mobilized.

2 CHAIR HOLTZMAN: Who were mobilized
3 and subject to --

4 VADM TRACEY: Subject to the UCMJ in
5 Fiscal Year 2015.

6 CHAIR HOLTZMAN: Okay. Who were
7 mobilized and who were also subject to the UCMJ
8 in Fiscal Year 2015, and, therefore, these
9 figures should not be used to calculate the
10 proportion of --

11 MR. STONE: No, no, to compare.

12 VADM TRACEY: To compare.

13 CHAIR HOLTZMAN: To compare the
14 proportion of courts-martial in the Army relative
15 to the other Services. Right?

16 VADM TRACEY: Correct.

17 CHAIR HOLTZMAN: And then we don't
18 need total calculation.

19 JUDGE JONES: And they'll have to know
20 that more people got activated into the Army?

21 CHAIR HOLTZMAN: Yes --

22 PROF. TAYLOR: I just have one

1 friendly amendment to that, Admiral Tracey.

2 VADM TRACEY: Yes?

3 PROF. TAYLOR: If we said instead of
4 the word mobilized, on active duty, because there
5 are various displays of getting on active duty,
6 not just mobilized.

7 VADM TRACEY: That's correct. No,
8 you're right about that. You are right about
9 that.

10 CHAIR HOLTZMAN: All right. So now I
11 am going to read it again. These figures do not
12 include the number of Guard and Reserve component
13 members who --

14 MR. STONE: On active duty.

15 CHAIR HOLTZMAN: -- were on active
16 duty and were also subject to the UCMJ in fiscal
17 year 2015.

18 MR. STONE: I don't think you need
19 also and were subject.

20 CHAIR HOLTZMAN: No, I'm saying: were
21 also subject to the UCMJ in fiscal year 2015.
22 Therefore, these figures should not be used to

1 compare the proportion of courts-martial in the
2 Army relative to the other Services. Right, is
3 that it?

4 VADM TRACEY: Right.

5 CHAIR HOLTZMAN: Okay. Without
6 objection this is adopted. So the Data Report
7 without objection is adopted as amended.

8 MS. PETERS: Have you all adopted the
9 Investigations Report as a whole as amended?

10 CHAIR HOLTZMAN: Oh, okay. So we
11 adopted page 5, so with the amendment to page 5
12 without objection the Investigations Report is
13 adopted. I think we have finished our work.

14 Congratulations, members. Thank you.
15 Thank you, staff. Thank you, everybody who
16 contributed to this. It's really amazing. I
17 mean, more or less, all the time. Great.

18 MR. SPRANCE: The meeting is closed.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:38 p.m.)
21
22

A		
a.m 1:11 3:2 7:18,19 73:19,20	142:19	42:13,14 45:2 47:4 48:8 51:5 67:21 71:2 71:11 158:2 172:20 173:2,5,7,13 190:14
ability 143:12,19	addition 27:7 92:13 132:16 167:18	agreeing 134:4
able 163:16 180:13	additional 74:15 83:21 115:17 162:17 164:21 166:9	ahead 47:14 74:11,13 74:21 85:4 100:9 106:10 111:13 154:19 189:22
above-entitled 7:17 73:18 185:4 205:19	additionally 153:16 154:10	aid 185:12 186:11
absolutely 88:12 181:9	address 5:12 41:13 116:14 187:13 192:12	air 22:5
abuse 66:10,12,13,17 67:2,4,6,7,12	addressed 45:20 77:12 84:1 115:10 126:8 166:15,21 182:16	alcohol 42:20 43:11,17 43:17,18 44:1,3,4,21 57:3,4 59:11 62:12,21 64:12
abused 70:16,16	addresses 159:17	alcohol-related 43:8 44:11
abusing 66:15	adequately 45:12	alleged 23:1,1
accept 19:15 150:9 175:15 192:4	Adjourned 2:14	allow 79:16 133:10
acceptable 36:22 135:8	Adjudication 2:11	allowed 30:22 32:12,13
accepted 20:22 25:3 37:7 54:5 66:3 112:3 112:3 133:18 134:2 157:1 161:12 173:10 174:20 175:1,2,5,8,11 187:2 188:22 192:5 193:7	administration 2:5 71:7 86:17 101:1	allowing 31:16,21 32:3 32:6 33:4 34:1,7
access 86:9 90:20	administrative 146:15	alluding 52:9
accomplished 74:9 76:15	administratively 181:5	Alternate 1:20
accomplishments 79:1	Admiral 7:14 8:3,7 19:16 26:2 31:18 37:19 39:15 170:14 172:6 177:16 196:2 204:1	alternative 109:2
account 198:12,13	Admiral's 20:18	altogether 65:11 93:21
accurate 15:1 40:18 42:1 50:9,16 59:8 109:7 127:9 173:18 173:19 198:12,13,16	admissible 54:16	amazing 205:16
accurately 107:3	adopt 6:7,15 19:17 140:13	amended 3:21 27:20 142:19 194:7 205:7,9
acquittals 67:14	adopted 39:8 111:16 134:17 140:13 144:18 147:6 194:7 195:20 205:6,7,8,11,13	amendment 4:4 12:10 13:3 19:15 20:18 21:1 23:20 27:7,16,17 48:22 133:16 134:2 190:14 204:1 205:11
Act 3:20	adopting 71:6 134:13 139:20,21 140:5,6,10 140:20	amendment's 25:17
acted 17:10 18:17 57:12	adult 4:2 179:20	amendments 20:11 25:18 28:3 34:12
acting 111:21 127:17	adversarial 21:16 23:5 23:6	amounts 133:5
action 13:10 82:21 143:8	advertise 100:19	analysis 195:13
actions 78:1 125:16 161:2 163:1	advise 190:7,10	anecdotal 14:12
activated 200:2 202:21 203:20	advised 189:10 190:2	anybody 12:22 26:2 39:11,12 46:22 51:1 62:10 70:11 84:19 103:19 176:2 198:2 200:20 201:1
active 196:1 197:11 198:7,10,11 199:4,22 200:19 204:4,5,14,15	Advisor 1:17,18,18,19	anymore 90:22
actual 32:6 33:12 36:17 118:18 157:4	advocating 131:21	anyway 23:18 73:6
add 5:2 19:16 20:4,19 21:17 26:15 27:8 36:14 46:1 50:13 65:13 70:19 78:15 150:16 168:4,9 176:11,19 187:4,6 191:21,22	affect 51:15,16 53:13 57:21 58:1	apologize 31:12 33:13
added 110:1 130:13 162:16 190:18 196:11	affidavit 21:22 22:19 23:8	apparent 10:3
adding 12:15 20:1	affirm 34:21	Appeals 144:11
	agree 18:13 29:20 38:8 84:21 93:18 120:14 120:15,20 121:5 136:3 148:17 153:8 168:10 172:18 180:16 187:19,21 188:1 191:5 202:12	appear 78:3
	agreed 25:17 27:16	appearance 35:4,16 36:6,12,20
		appears 18:1
		appellant 76:21 81:13 110:19 143:16
		appellate 11:17 16:3
		appendices 79:4,9,19
		97:10,12 99:3
		appendix 6:13 79:21 81:3,15 89:22 90:2,16 103:8
		applied 199:11
		applies 170:6
		apply 191:12
		appreciation 177:13
		appropriate 26:16 148:15 159:3,7 192:10,12 193:17 194:2
		approve 6:6,16 158:8 181:15,22
		approved 5:17 34:12 102:3,6 128:22 154:15 158:5 162:6,8 169:3,4,6 182:1 189:6 189:9 194:12
		approving 182:9
		April 149:18
		area 166:22
		argue 92:20 182:6
		Arlington 1:10
		Armed 19:6 87:22
		Army 198:1,16,20,21 199:3,4 200:6,12,15 201:4 202:15,16 203:14,20 205:2
		arrogant 109:21
		art 197:13
		Article 4:4 49:17 52:12 55:15 82:16,18,20 83:17,18 103:10 129:8
		Asia 41:21,21 42:1,2,4 70:3 114:9 141:8
		asked 91:15 100:21 116:4 149:20 167:19 195:8
		asking 11:12 18:20 102:13 142:8
		assault 2:6,9,11 4:3 11:17 16:2 34:21 35:15 37:13 41:15 43:3,6,9,11 44:3,11 44:21 46:11 57:19 58:15,15 59:20 60:5 60:10,15 62:15 64:12 65:14 71:8 73:4 78:6 148:8 176:20 177:18 177:21 178:4,7 179:9 179:20 183:13 185:14 195:4
		asserted 166:7,9
		assess 149:21 150:1 152:12,16 167:21 169:8,10,13 170:1

171:5,14 181:5
assessed 77:11,22
 172:14
assessment 3:22 108:8
 152:19 159:9 171:12
 172:12 178:15 179:1
 179:18
assessments 105:13
assigned 81:7,8,9
 82:12,17
assure 107:13
attached 6:17 85:14,20
attachment 104:8,9
attempt 82:10 109:4
attendance 3:12
attention 6:3 13:7,14,16
 14:4 79:13
attorney 1:18,18,19
 54:9,11,13,14
audible 20:20 173:1,4,8
 173:11 174:21 175:3
 175:6,9 183:6 188:18
 190:15
authorities 11:21 13:8
 14:5 18:2,21 37:13
authority 13:11 21:4,14
 25:20 29:6,22 30:6,14
 31:1 33:4 34:1,7
authorization 3:20
 189:7,19
authorize 31:9
authorized 30:15,18
 31:4,6 32:13
available 86:11 185:15
 198:14
avoiding 11:4
aware 86:19 131:9
 194:12
aye 25:12,13 27:9,10,20
 27:21 71:8,9
eyes 28:2

B

B 117:19 122:10,10,10
 148:4
back 4:16 14:2 29:3,9
 30:10,12,22 39:10
 59:11 71:18 73:8,17
 73:21 76:16 79:1
 80:14 81:22 85:20
 87:17 91:6 92:19
 106:8 107:11 109:15
 111:3 117:9 140:18
 153:15 166:17 178:10
 179:14,22 181:3,6
 182:13
background 46:19
backup 92:4,8

bad 68:4
bandwagon 13:17
Barbara 1:13 64:2
Barry 24:7,22
base 69:17
based 4:16 37:14,15
 39:4 42:8,9 56:13,14
 72:6 90:19 117:2
 153:5,10 157:8
 158:13 160:18,20
 198:7
bases 70:2
basically 48:14 121:17
 166:15
basis 23:11
beautiful 40:6 60:9
beef 116:1
beginning 39:10 72:3
 91:7 115:9,14 118:10
believe 10:21 73:3 74:5
 77:4 78:19 152:16
 178:12 186:9
believes 158:22
belong 41:1
belongs 118:10,16
best 128:6 182:22
better 38:1 43:14 50:8
 110:15 118:16 136:2
 138:13 143:11 155:2
 167:8 193:18
big 75:8,9 95:13,14
 97:21 111:2 124:9
 139:16 198:9
bigger 101:20 198:20
 198:21 200:6,17
Bill 1:20 2:3 3:4 181:13
 182:6
bind 92:15
bios 79:10
bit 4:14 89:4 100:19,19
 109:4 125:20
black 135:18
blah 49:20,20,21,21,21
 114:9,9,9 158:13,13
 158:13,15,15,15
Blank 79:21
block 147:17 168:12
blue 93:11,16 113:6
 125:5,12 133:3
 146:11 195:14
blues 146:1
blurs 109:16
body 98:20
book 88:9 95:22 96:3
 187:13
books 88:4
bother 201:1
bothering 23:17

bottom 6:3,10 56:7,9,10
 140:22
bound 88:4,17 89:15
 90:7,7,11,21 93:21
 180:11
box 82:15
Boyce 8:10 24:15
break 71:18 73:7,17
 76:13
breaks 81:4
broad 44:15 69:20
broader 84:16
brought 121:8
built 107:8
bullet 8:9 10:18 20:12
 20:16 21:2,7,10 24:14
 24:17,17,18,19 25:7
 25:18 27:17,19 28:3,3
 28:10 33:12 34:13,15
 37:11 38:17 39:2,7,8
 39:19 45:4,5 49:12,13
 51:6 54:6 56:6,10
 57:16 58:10,19 59:14
 59:14 60:18 61:11
 62:14,19 63:3,4,15
 64:15,22 65:3,11,19
 66:1 68:1,1 69:10
 70:14 184:17 185:10
 186:15,18,19,22
 187:4 188:6,22 189:1
 190:16,17 192:5
 193:8,11
bullets 19:12 47:20
 49:4 96:15 184:14
 193:3
busy 96:6

C

C 118:2
CAAF 173:20
cab 183:14
calculate 202:1 203:9
calculated 199:18
calculation 203:18
calendar 187:12
call 77:15 101:8
called 81:4 90:1 94:18
 96:20 155:13 201:2
capability 164:18
CAPT 4:12,19 5:1,6
 30:4,10 72:21 73:3,11
 73:14,22 74:3,20 75:2
 75:5,12,15,18,21 76:4
 76:8,12 78:10,12,17
 78:19 79:15 80:5,10
 80:12,15,19,21 81:2
 83:7,11,14 84:8,11,14
 84:18 85:1,9,19,22
 86:5,10,14,19 87:20
 88:2,5,11 92:18 93:1
 93:6 94:1,4,9 95:4
 96:17 99:21 102:21
 103:5 113:4 117:13
 119:19 120:1,4 121:4
 150:12 155:18 156:1
 156:12 163:4,12
 164:18 176:12 181:10
 181:13 182:5,12,17
 183:9,12,17 193:12
 193:15,22
Captain 1:16 5:10 181:7
 181:20
captains 156:13
care 61:22 69:2,3,4
 70:8 138:13
Careful 134:3
carefully 104:3
carries 58:22 161:16
case 9:22 10:2 11:3
 18:16,20 25:19 27:1
 28:19,20,21 30:21
 31:13 33:3,22 34:6,21
 35:15,19 36:14 49:10
 66:2 78:7 140:16
 165:1,3,5,10,21 174:2
 174:5 201:6
cases 2:6 10:7,19 11:3
 11:18 12:2 13:9,22
 14:11,12,16 15:5 16:3
 16:7,13 17:4,9 18:8
 18:11,13,17 19:3
 37:14 38:18 43:6,9
 44:3,11,21 45:20
 52:15,16,16 71:8
 110:17 148:8 166:1
 177:3,4
cast 66:10,14,21 67:12
 67:17
casting 66:16
categories 81:5 142:21
category 117:14
causal 127:15,17
 135:10
cause 50:10 139:3,17
causes 137:18
caution 199:10
caveat 196:11
cell 185:22
cellular 189:8,11,19
 190:11,19
Center 1:10
certain 29:13 77:13
 195:9
certainly 5:14 7:4 85:17
 90:17 91:7 149:3
cetera 41:14

- Chair's** 106:1
chance 7:9,12 103:3,3
 106:1 147:9
change 25:3,3 26:4,5
 37:10 38:17 41:14
 42:10,14 52:11 61:18
 64:3 66:3 108:11,22
 125:9 129:8 135:21
 142:1 150:8 151:9,11
 151:20 153:7 157:1
 158:14 161:12,14
 174:20 191:6 195:11
changed 11:22 106:21
 130:2,21 141:10
 147:20 153:15
changes 5:16 6:1,1,11
 10:11 27:2 34:9 39:7
 40:18 41:7,7 44:7
 51:9,11,15,16 52:5
 53:1,4,6,19 54:4 72:6
 113:6 124:17 125:5,7
 147:9,11,21,22 150:3
 150:10 152:19 153:11
 157:7,9 160:8,17
 162:5 171:15 172:15
 181:6,20 182:10,11
 182:16 185:7 192:4,5
 192:7 195:20
changing 38:5 126:21
chapter 76:14,22 77:10
 77:15,18,21 78:4,5
 80:7 83:10 84:6 86:3
 104:12 105:10 113:12
 113:22 114:20 115:4
 115:5,17 117:10,19
 118:17 119:12 144:22
 145:3 171:11
chapters 76:14 118:7
characterize 106:17
 131:15
characterized 18:1
charged 52:7
charging 185:14
chart 196:1
charter 79:10
choice 140:6
Chorus 25:15 27:10,21
 34:10 71:9
chronological 81:18
chunk 198:9
circulated 181:20
citation 16:17,19
cite 18:8,15 109:15
cited 196:6
citing 9:22 16:6,7,14
 18:12
claim 111:7
claimed 22:7
- claiming** 138:19
clarification 26:5 29:2
clarified 72:2
clarify 34:19 35:1 98:19
 198:20
clarifying 54:7
clear 6:16 10:6 15:19
 75:16 101:3 111:1
 140:11
clearly 181:2
clients 189:10 190:2,7
climate 17:12,14
close 13:7,16 14:4 79:7
 135:9
closed 165:3,6,10
 166:1 205:18
Code 4:2
colleagues 90:19
collect 163:21
colleges 89:13
colonels 156:13
color 106:6
combines 95:15
come 17:4 71:18 73:8
 73:17 83:5 92:9 107:3
 121:17,18 181:2,5
comes 136:12 181:4
 198:6
comfortable 182:9
coming 106:7
comma 35:5,17 36:7
command 10:5 11:5
 18:7 19:2 22:2 35:4,6
 35:17,19 36:7,9,16
 37:2
commanders 66:6
 70:15
commence 54:15
comment 4:10 26:15
 109:12 125:12 150:5
 150:11 151:8
comments 7:22 8:14
 71:3 91:18 111:11
 146:1,4,11
Commission 92:6
commissions 78:6
Committee 19:6 83:20
 85:16 88:1 106:18,19
 166:3 183:8 186:9
 201:3
common 8:10 32:1
 39:20
comparable 199:5
compare 199:20 202:7
 203:11,12,13 205:1
compensation 133:2,4
compilation 88:12
 94:16 98:4 102:15
- complained** 59:19 60:4
complaints 59:20
complete 98:5 115:22
 116:4,6 162:17
completed 77:3
complex 162:16
component 196:18,20
 197:5,9,12,17 198:8
 201:13 202:20 204:12
components 196:22
comports 7:7
comprehensive 60:22
 95:19 101:21 105:6
comprised 17:14
concern 13:1 23:3
 173:16
concerned 12:3,4 13:21
 13:22 57:5,7 198:15
concerns 2:5 5:15 11:1
 11:20 13:6 14:3 15:17
 16:5 17:3 22:4 41:13
 60:7,9,13 61:15,18
 62:8 64:19 165:1
 192:13 194:13
conclusion 79:3 80:8
 175:22 176:2 182:6
 198:6
conclusions 148:21
 149:2
conduct 3:22 30:7
 179:17
conducted 4:1 179:19
Conference 1:9
conform 72:3,11 107:2
 114:6,11 141:7,11,22
 147:22
conforming 38:16
 152:3 195:12
conforms 114:16
confuse 42:17 43:4
confused 111:14 131:2
 162:2
confusing 119:18
Congratulations
 205:14
Congress 41:13 77:17
 87:21 100:4 106:17
 109:22 111:18 125:16
 126:1 127:6 128:2
 129:15,16 139:18,22
 142:22 156:6 160:12
 178:22
Congress' 160:20
 161:2
congressional 19:6
 82:20 109:15 143:8
 160:19
consent 43:5,7,14,18
- 44:2,20 190:21 191:8
 191:20
consequently 162:22
consider 10:11 30:6
 74:5
considered 89:21
 131:10
considering 31:9
consistency 38:20 91:6
 114:4
consistent 7:3 68:10
 91:12 92:16 93:3
 107:14 110:3 125:12
 125:15 127:1 128:4,5
 128:7,8,15 132:14,17
 135:8,14 138:20
 150:17 163:2 166:18
consistently 131:22
 135:2
constitutionally 108:2
consult 45:12
cont'd 2:6,9,12
contain 186:11
contained 125:14 136:2
 185:21 188:7,13
contains 195:13 196:1
 196:3
contemporary 94:22
 95:17
CONTENTS 2:1
context 59:1
continue 49:17,19
 51:10 53:17 169:18
 172:3
continues 18:6 162:14
contributed 180:8
 205:16
contribution 180:9
controversial 78:20
 182:7
convening 11:21 13:8
 13:11 14:5 18:2,21
 21:4,14 25:20 29:6,22
 30:6,14,22 33:3 34:1
 34:6 37:13
conversations 48:12
conviction 54:17
 143:16 195:5,5
cook 70:5
coordinator 61:3
coordinators 64:13
 65:14
coordinators' 64:21
copy 5:15 113:17
Corps 162:15 163:1,10
 164:8 166:15
correct 54:18 65:17
 67:9 96:9,9 107:17,21

116:16 118:11 123:21
 130:1 143:6 152:13
 153:17,22 159:13
 168:4 176:17 203:16
 204:7
correction 25:2
corrections 144:17
correctly 63:22
counsel 22:13 45:19
 57:18 58:13 59:3,18
 61:5,11 62:20 63:17
 63:17 64:1,8,10,18,19
 65:5,8 66:9 70:14
 147:20 152:3 158:22
 159:14,18 163:5,7,16
 164:6
counseling 159:7
counting 178:11
couple 10:10 76:19
 105:6 106:4
coupled 191:16,18,19
course 79:2 109:7
 125:9 182:22
court 24:11 25:22 26:7
 26:11,15,19,22 27:6,7
 27:8 29:3,12 32:12
 35:5,18 36:8,15
 144:11
court's 15:2
court- 52:2 58:22
court-martial 11:17
 16:3 35:15 43:3 51:10
 53:14,17 57:21 58:17
 62:22
courts 15:8,10
courts' 15:18 18:15
courts- 202:7
courts-martial 201:10
 202:15 203:14 205:1
cover 18:6 93:7
coverage 10:19,22 11:9
 11:11,13,16 12:3 16:2
 16:21 17:7 18:7
covered 105:4 133:5,9
crazy 70:7
created 3:20 86:6
creation 11:10
credibility 66:11,14,17
 66:21 67:13
credit 107:17 110:8
 111:7 131:19 138:19
crimes 185:14
critical 16:22 57:2
 136:9
cross 113:6,6
cross-examined 23:12
cross-out 189:16
crunch 198:1

cumulative 154:4
current 45:10 46:10
currently 117:12 127:4
cut 177:16

D

D 79:14,15
DAC-IPAD 51:9 78:7
 89:9 93:16 167:1
 175:20
data 2:11 51:10,12,15
 53:18 72:22 101:13
 101:16 136:9 163:14
 163:21 167:11 183:13
 183:20 187:11 194:10
 198:14 205:6
date 75:4
dates 52:8
day 3:13
deal 24:22
dealt 154:21
decide 140:7
decided 13:12,13 76:20
 114:7
decides 183:8,8
decision 31:1 87:8,13
 166:4
decisions 185:13
declaration 21:4,14
 24:9 25:20
decline 166:8
dedicated 177:14
deep 177:13
defense 1:1 3:20 22:13
 45:19 51:9 66:9 87:19
 99:22 125:17 126:1
 128:22 163:3,5,7
 167:9 193:17
definitely 96:10 110:20
 111:2 121:6 141:3
definition 56:22 136:1
delays 153:20
delete 19:12 59:16
Deleting 140:20
deliberate 4:7 5:4
deliberation 6:12
Deliberations 2:5,7,8
 2:10
Democratic 147:5
demonstrative 162:21
denominator 198:11
 200:9,10,22
denying 61:2
department 1:1 125:16
 126:1 143:4
depending 52:8
depends 69:15
describing 121:1 133:1

Designated 1:20,20 2:2
 3:4
desirable 53:8 66:8,8
 68:3,5,6,13,15,18,19
 69:2,6,19,19,20 70:11
 70:12
desire 94:11 96:5
desk 131:20
detail 46:16,18 124:3
 133:8
determination 29:9
 163:16
determined 173:21
 174:9
determining 199:9
develop 192:10,11
 193:17
developing 180:5
development 168:2
DFO 1:21
difference 200:12,14
different 50:3 52:8 75:3
 86:17 93:7 145:11
 159:15 167:14,16
 194:5 198:12
difficult 45:11 46:11
 47:6 141:16 166:10
dig 11:2
diplomatic 60:9
direct 139:9 159:21
direction 159:1
Director 1:16
disagree 84:19 102:18
discomfort 182:18
discovery 48:19 50:14
discuss 49:16 103:14
 104:1,4 118:6 149:4
 193:2
discussed 72:6,17
 113:18
discussing 117:11
 118:5
discussion 6:5,18 7:7
 10:18 17:20 28:16
 76:10 83:8 120:9
 121:7 123:4
discussions 82:5
dismissing 30:20
displays 204:5
disposition 153:4
dissents 29:17,20
distinction 144:4
distinguishing 142:21
distribution 96:12
 99:20 200:21
DMDC 199:17
document 76:4 87:4,18
 92:3,7,8 103:14

104:21 107:7,8,11
 111:11 113:5,8
documentary 149:13
documents 74:16 75:19
 107:4 145:8
DoD 105:8 112:1,7,9,12
 112:16 127:6 196:6
DoD's 11:4
doing 17:9 53:4 63:22
 87:3,3 119:14 120:18
 131:5 160:1 182:3
double 4:16
doubt 66:10,14,16,21
 67:12,18
draft 74:12 103:16
 175:22
draw 6:2 79:13 111:4
drive 198:19
drove 110:20
due 34:19
due-out 171:17
due-outs 171:14
Duke 90:20
duplicated 163:1
duty 196:1 198:10,11
 199:4,22 200:19
 204:4,5,14,16

E

earlier 100:22
easier 92:10
easy 110:21 175:14
edit 107:11 113:17
 133:1 201:18
edits 106:1,13 113:18
 114:3 125:2,8 194:12
 194:19 195:12
effect 53:18 54:3
 139:18
effective 177:3,4
effectiveness 168:6
effects 53:7 136:7,10
 136:13,16,16 137:10
 137:12,20,22 138:4
 138:11
effort 162:18
eight 82:8
either 18:15 23:9 68:21
 69:4 105:3 110:9
 158:13
elements 199:7
eliminated 195:9
Elizabeth 1:11,12 2:4
 3:8
email 182:3
enacted 127:7 128:3
 139:22 159:17
ended 82:8

endorse 148:7,14
150:15 151:3 152:20
endorsement 159:19
endorses 158:14
endorsing 158:20
Ends 82:1
engage 178:20 179:3
engaged 200:16
enhanced 159:6
ensure 192:8,19
entail 80:3
entire 171:11
environment 17:22
EO 108:1,7 129:20
essentially 81:13
et 41:13
evaluate 53:17,18
83:21
evaluated 131:9
evaluating 49:10
events 78:1
everybody 113:13
163:9 184:20 185:2
187:19 198:22 200:1
200:6,12 205:15
everybody's 96:4
everything's 86:10
evidence 37:14,16
38:19 39:4 42:8,9
54:16 56:5 140:15
163:15 185:15,20
186:4 192:14,22
Ex 194:13
exact 10:9 194:16,17
exactly 35:22 38:7 53:4
62:20 78:17 80:2
124:7 127:16 163:20
175:18 201:8
examine 176:19 177:1
179:3
examined 151:2
examples 108:14
excellent 11:3 100:17
191:19
exception 108:4
excuse 56:18 83:1 85:3
111:12 123:1
execute 166:12
executive 105:7 131:4
131:7 132:6
exists 22:9
expand 117:2
expect 92:11
expedited 45:6,8,11,16
46:10 70:15
experience 156:21
159:1,12,18
experiencing 17:13

explain 8:11 46:16
77:16 119:21 197:19
explicitly 173:22
explored 191:21 192:1
expresses 178:21
extensive 18:6
extent 91:21 199:22
extra 114:20
extraordinarily 17:10
extraordinary 18:2

F

F 186:13
FACA 100:3
fact 10:1 11:8 16:14
17:5 18:13 19:2 23:5
35:6,18 36:8,16 37:1
121:11 198:6
factor 55:7
factors 55:1,6
facts 23:1,1 35:2,8 36:6
factual 25:2
factually 107:17 130:1
failure 34:20 35:14
fair 2:5 71:7
fairer 177:4
familiar 56:21 92:19
family 69:16
far 48:18 84:4
faraway 45:13 46:13
fat 95:17
fatigue 58:5,9,20 60:1
62:4
favor 25:12 27:9,20
71:6
federal 1:20,20 2:2 3:4
136:1,2
feel 56:1 70:15 103:15
103:18 167:8
fewer 52:16
figure 91:13 104:7
138:12
figures 196:17 199:17
201:12 202:6,19
203:9 204:11,22
filled 181:4
final 2:7 4:7,15 5:4
73:10,12 74:5 76:2,9
82:3 87:1,18 88:14,15
89:17,19 92:4 96:21
96:22 97:3 100:17
101:5,20 102:10
103:18 105:18 115:20
116:21 118:7
find 22:9,19 70:1 109:2
131:19
finding 57:7
fine 8:8 18:14 26:8,9

32:4,16,17,18 41:16
42:5,6 44:12,22 45:15
50:16 56:2 62:2 73:16
85:2 100:5 108:18
111:5 118:13 119:10
130:22 132:19 133:14
136:17 138:1,2,11
140:5,14 141:5
143:14,22,22 147:2
153:13 154:7 156:18
178:8 188:8 193:10
finish 52:19
finished 7:20 26:13
71:2 79:7 105:1
111:10 117:8 141:6
142:3,8,11 147:5
205:13
finishes 184:20 185:2
first 10:14 20:15,18,18
21:2,9 25:6,19 37:11
39:7 40:21 41:10
63:14 65:20 75:21
76:14 80:7 82:16
92:11 107:7 112:22
113:18,20 118:21
121:21 123:3 132:5
132:22 133:3 142:1
142:21 153:18 173:19
176:13 183:19 187:7
190:17 193:8 198:19
Fiscal 2:10 3:21 201:15
203:5,8 204:16,21
fits 124:5
five 3:14 152:14
five-minute 71:17 73:7
fix 44:8 52:1 129:10
134:9
flagged 198:1
flowing 181:1
flows 129:14
focus 105:11
focused 10:1 11:7
folded 85:7,13
follow 92:10 166:8
follow-on 201:3
follow-up 94:15 169:17
followed 126:12
following 11:18 27:13
106:19,21 109:1,1,1
109:16 124:1 126:22
127:5,9,10,11 128:11
130:15,17,22 135:1,4
135:6,7 138:22 141:1
165:16
follows 118:18 198:19
footnote 24:6,7,8,9
29:15 32:7,8,11 33:1
33:6,7,10,20,21 36:13

36:14,15 40:20 41:2
157:11,12,14,16
158:11 173:17,20
198:18
footnoted 117:6 166:13
footnotes 146:22
foregoing 153:6,10
157:8
forensic 190:18 191:11
forever 132:7
forgot 101:12
form 186:10
forma 80:22 100:13
formal 164:1
formally 186:21
format 91:9
formed 83:21
forms 190:21 191:9,20
formulation 31:10
forth 91:6
found 19:1 21:22 35:5
35:18 36:8,15 112:10
four 81:8 188:9
framing 20:11 21:1,7
24:19 193:6,14
free 125:9
freely 68:17 69:1
69:14
friendly 13:3 204:1
front 31:13 79:20
114:21 115:2,5
131:20
fudge 54:19 128:9
fudgey 126:2
fulfill 177:15
full 3:17 23:20 37:11
39:7 41:10,10,18
54:12 118:21 135:22
142:1
fully 192:1
fund 163:8
fundamental 180:1
further 161:4,6 167:2
180:12
future 78:6
fuzzes 125:19
FY13 81:7

G

G 103:8
Gallagher 1:18 29:1,5,8
29:12 30:9,13,19
31:12 77:4,19 98:16
104:6,10,15 105:11
113:11,15 117:20
118:1 122:4,16
131:21 134:10 144:19
144:21 145:2,5,7,11

146:7,11,14,19,22
 147:3,10,15 148:2,19
 149:17,22 150:15
 151:9,16 152:1,5,8,13
 152:15 154:12 155:21
 157:6,13 158:21
 159:5,13,20 161:18
 161:20 162:3 163:13
 164:7 165:15,20
 166:2,22 167:5 169:9
 169:12,16,21 170:5,8
 170:11,19,21 171:3,6
 171:10,18,22 172:2
 174:14 175:17,20
 180:19 181:8,11
gardener 70:6
Gee 23:4
General 54:11
getting 36:3 67:15
 204:5
gigantic 50:21 89:3
 91:9
gist 59:5
give 18:6 166:16 178:10
given 5:15 23:2 76:17
 180:21
gives 102:11
giving 35:9 107:16
 143:18
gotten 20:5 46:19
grammar 180:22 182:7
grammarian 26:2
grant 24:12 142:20
granted 24:10,11 25:4
 173:20 174:11
grateful 71:15
gratitude 176:16,16
 178:21
green 82:15 111:11
grey 93:10,16 135:14
 135:17
greyer 135:15
group 105:5 164:5
Guard 196:18,20 197:2
 197:4,6,7,8,17 198:9
 199:7,22 200:13
 201:13 202:20 204:12
guess 19:10 25:2 68:19
 102:2,13 135:3 138:6
 138:18 142:4,5
 143:19,22 145:22
 148:17
guidance 54:11 102:9
 129:9 193:18,20

H

hand 153:15,16,21
 154:5,8,9

handling 148:8 178:6
 194:14
handout 79:20 103:21
handy 89:14
hanging 72:22 166:16
happen 111:1
happened 9:13,15
 21:20 23:9 91:16
 135:9
happening 132:6
 139:11
happens 110:22
hard 74:6 131:19
 133:12 139:7
hardworking 177:14
HASC 100:1
head 12:14 30:1
health 169:12,22
 172:21
hear 61:6 62:20 64:1,11
 64:20 142:9
heard 70:2 105:12
 112:11 162:1 163:15
 167:9
hearing 18:22 20:21
 34:11 48:15 49:18
 71:10 120:16 142:16
 154:14 174:22
hearings 117:4
hearkening 59:10
heavily 200:16
help 8:17
helped 177:15
helper 70:3
helpful 26:7 78:13 86:2
 102:9
helping 64:3
Helpline 105:8
Hemingway 37:4
hey 19:7
high 195:3
higher 198:2 201:4
highlight 117:22 120:9
 196:12
highlighted 104:21
 195:10,15
highlights 184:3
Hill 100:1
Hold 100:10
holding 156:16
holds 35:19
Holtzman's 113:7 125:6
 146:12
Hon 1:11,12,13 2:4
honest 22:16
Honorable 3:8
hope 177:2 180:8
house 70:3 87:22

Howell 13:18
http://jpp.whs.mil 3:18
hundred 112:17

I

idea 44:6 76:16 93:20
 100:12,18 123:22
 178:14
ideas 181:1
identified 45:8
identify 86:6
IG 112:9
illustrations 98:7
imaging 190:19
immediately 13:10
 18:17
impact 111:3 137:12
 139:16
impacts 153:19,21
impairment 57:1,8
 62:21
impede 193:9
implementation 17:16
 103:12 104:20
implemented 125:15
 126:1
implementing 82:21
implicit 85:5 187:15,18
 187:20
implies 47:10 140:6
importance 136:9
important 58:16,21
 59:6 76:1 90:18
 136:21 166:8 176:20
 177:21
impose 143:15
impression 13:20
 164:13
improved 148:7
improvements 180:5
in-court 159:12
incident 201:5
incidents 136:7,12
 138:16 198:2 200:22
include 6:15,22 87:11
 109:7 196:7,17,20
 197:16 199:6 201:13
 202:19 204:12
included 6:13 89:20
 98:22 199:7
includes 4:9
including 87:7 88:10
 90:15
incomplete 45:7
inconsistent 130:6
incorrect 156:15
 199:17
independent 3:22
 178:14 179:1,4,5,18
independently 76:20
 81:11
indicate 83:5
indicated 61:6 62:20
 64:1,11,20 65:9,10
individual 90:6 136:11
individually 181:10,12
 181:21
infer 139:13
influence 10:5 11:5
 18:8 19:2 22:3 35:4,6
 35:17,19 36:7,9,16
 37:2
inform 77:5
information 72:5
 121:12 185:21
informed 146:19
initial 83:20 112:2,4
 125:15 153:4 169:17
 171:12 172:4,14
inlaid 164:6
input 4:9 112:7
insert 154:8 190:20
inserted 195:3
inside 41:1 46:15
insofar 91:11
installation 194:18
installations 41:20,21
 114:8 141:8
instances 18:7 171:9
integral 98:20 115:2
intended 37:10 53:5
intent 17:19
interagency 127:6
 129:11
interest 104:3
interested 51:15 53:5
internally 159:22
internet 90:20 91:4
 92:14
interrupt 83:2
interrupting 100:9
interspersed 135:12
intervening 78:1 105:4
intimidated 96:7
intimidating 91:10
introduced 38:9
introduction 2:2 76:15
 77:1 118:17
inverted 64:3
investigate 167:2
investigating 185:13
investigation 73:4
 84:16 162:17 163:17
 165:22 166:10
investigations 2:9 7:1
 72:1 101:14 183:14

184:1,15 193:9
 194:15,20 205:9,12
investigative 162:21
 165:19,20 166:12
 167:6
investigator's 166:1
investigators 45:12
 46:12 47:6 162:16
 163:3 164:5 166:7,9
 166:19 167:10 185:11
 185:12 189:11 190:12
Invisible 149:10
involved 43:11,19 44:3
 44:21 54:9
involving 4:2 179:19
IP 170:20
issuance 11:19
issue 10:4 14:11 45:17
 47:10 56:5 77:14 88:8
 105:10 133:10 167:15
 167:17 177:18,21
issue's 45:5
issued 81:18 82:2
 85:16 105:18 119:2
 120:6 148:9 172:7
issues 6:14 72:22 77:18
 77:21 78:3 105:3,12
 145:18 152:14 168:21
 169:5 171:21 176:20
 195:1
issuing 74:5 101:9
items 5:5 76:19

J

jargon 9:19 30:13
job 18:11 71:15
joining 5:8
JPP 2:5,7,8,10,13 3:17
 4:7,10 5:4 6:14 10:19
 11:1,11,16 15:22
 47:16,18 48:3 77:2,11
 77:12,22 79:1 80:16
 92:21 93:10 95:6,11
 98:16 105:17 110:20
 111:2 118:5,6,19
 119:2,14 122:1,15
 125:14 127:14 131:5
 131:9 139:9,22 140:3
 153:11 157:7,8
 158:13,22 172:14
 174:1,10 177:13
 180:13
JPP's 11:20 13:6 14:3
 15:17 16:5 85:18
 120:18 127:5 151:21
JPPs 108:8 126:22
 132:17
judgement 57:21 58:1

58:16
judicial 1:3 3:5,13,19
 4:1,8 27:4 71:6 76:9
 79:21 81:4,16 179:8
 179:18
judicially 21:18 22:10
 22:14,16 24:1,4 25:10
 26:18
Julie 1:17 113:11
JULY 1:7
jump 46:12
jumping 13:16
jurisdiction 144:12
 173:21 174:10,11
juror 40:8
jurors 40:14
jury 40:4,9,12
justice 2:6 4:2 17:14
 51:19 101:8 105:5
 156:21 177:9 178:4,6
 179:11

K

keep 102:7 130:15
 137:11
kept 108:22
key 57:14
kidding 121:15
knows 98:12

L

lack 38:19 159:11
lacked 173:21 174:10
language 6:22 8:10
 25:6 32:13,22 33:1,8
 33:12 38:3,10 39:20
 40:16 43:21 44:4 46:3
 72:2 77:6,9 114:6,17
 125:20 141:7,22
 157:4,5,6 160:4
 179:15 180:1 181:8
 196:17
larger 199:5
late 149:15
Laughter 98:9 124:12
 128:10,20 134:7
 156:4 175:13
law 136:1,2
lay 151:6
lays 81:13
lead 103:17
leaders 100:1
leading 67:13
leads 10:18 166:8
leave 9:6 13:4,20 14:2
 26:1 70:11 120:5
 140:17 141:1,5
 150:19,20 151:7
 186:12 192:14 193:4
 193:5
leaves 103:10
leaving 121:10
led 177:2
left 5:11 13:17 45:22
 72:18,20 104:20
 155:3 171:14
legacy 103:12
legal 23:2 35:8 43:5,7
 44:2 56:22 58:7
legislation 111:22
 142:20 143:21
legislative 1:17 82:13
legitimate 192:13
let's 7:2 8:6 10:13,13
 19:20 20:10,17,18
 24:22 27:6 60:21 73:7
 80:6 87:17 100:9
 104:11 140:17 146:9
 186:19,21 192:14
 193:4
letter 19:16
level 182:18
Liaison/Attorney 1:17
Liberty 1:10
Library 100:4
lied 22:20
lift 78:8,10,16 117:7
 145:8
lifted 77:6 102:2 147:12
lifting 78:21 116:7
lifts 116:5
light 11:18 17:4 161:2
 171:14
likes 6:21
line 11:1 40:2,21 41:19
 48:13 132:22 133:3
 154:20 157:3 173:20
 185:11 190:18
lines 62:18 63:2,14
 148:4
link 87:12
links 87:6
list 47:21 48:1 97:13,15
 98:5 99:19,20 119:15
listed 78:2 79:5 83:14
 117:1
lists 81:17 118:17
literally 75:22 77:6
 78:21
little 4:14 89:4 100:13
 100:19,19 102:16
 108:19 109:4,20
 110:22 116:6 120:22
 125:20 141:16 148:10
 149:14 166:17 176:14
locating 66:7

location 70:7
locations 45:14 46:14
 66:9 68:2 69:7,13,15
 69:22
logical 158:17
long 50:17 55:14 56:3
 66:5 97:7,7 102:10
 126:11 131:19 132:4
 133:5 149:9
longer 21:7 48:15,18
 50:4,7,13 193:3
look 26:21 29:15,16
 38:20 49:20 63:13
 72:14 73:9 76:19 79:4
 79:18 80:6 82:15 89:2
 89:9 91:12 92:2,16,19
 92:21 93:5 94:3
 103:21 106:1,3
 109:12 159:21 167:4
 173:17 184:1,14
looked 76:16 189:15
looking 8:17 11:10
 51:13 75:10 97:12
 132:21 162:13
looks 76:5 82:5
lose 138:6
loss 187:8,11
lost 33:13 184:10
lot 16:18 30:8 46:16
 55:1 74:13 77:5 79:8
 91:15 92:1 112:14
 121:11 167:10,11,11
 188:3
low 195:3
lower 23:16 29:3

M

M.R.E 108:4 171:13
ma'am 5:1,18 74:3,20
 75:5,12 83:3,11 84:8
 84:14,18 86:11,14,20
 87:20 88:2,5 94:4
 102:22 103:5 113:5
 176:12 183:9,22
 184:5,8 188:9,14
 193:12 194:8,11
 195:1,18,22 197:3
Madam 3:9 85:3 102:18
main 92:7
majority 29:16,17,21
making 12:15,17 17:8
 72:5 151:11 185:13
mandate 3:21
Manual 54:12,14
Marine 162:15 163:1,10
 164:7 166:14
mark 68:12
market 100:19

martial 52:3 59:1 202:8
matches 62:13
material 145:12
materials 74:11,21
matter 7:17 73:18 94:10
 185:4 205:19
MCIOs 163:17
mean 13:18 19:3 22:22
 23:7 30:17 36:2,4
 42:19 43:14 44:15
 50:2,4 58:1,9 67:1
 69:16,19,22 72:13
 80:13 83:16 87:21
 90:17 91:18 92:15
 98:7,10 99:20 100:15
 101:4,5 102:2 103:19
 103:20 110:2,20
 114:21 115:2 118:20
 118:21 121:2 132:9
 133:7 137:16 140:10
 143:10 148:10,13
 150:18 151:11 154:8
 159:20 163:8,22
 168:14 169:4 177:1
 177:16 178:10 183:8
 197:12 205:17
meaningful 49:9
meanings 128:12
means 21:22 22:2 30:3
 30:19 102:17 127:11
 156:1
meat 122:20
media 10:19,22 11:9,11
 11:13,16 12:3 16:2,7
 16:12,15,20 17:17
 18:6 19:10 185:21
media's 16:3 17:7
meeting 1:5 2:2,13,14
 3:5,7,13,16 4:6,8,11
 5:3,9 162:21 182:19
 205:18
meets 171:13
Meghan 1:18 72:5
 73:14 182:13
member 40:13 109:17
members 3:14 7:8
 42:18 43:2 57:22
 58:17 62:22 71:16
 74:14 79:11 90:14
 103:3 148:16 196:3
 196:18 197:5,9,17
 200:1,2 201:14
 202:20 204:13 205:14
memo 112:1 149:17
memorandum 147:16
mental 169:12,22
 172:21
mention 124:10 176:4

messages 185:20
met 1:9 141:9
methodology 115:11
 118:13 124:6
middle 66:6 134:15
 160:13
military 2:6,9,11 4:2
 13:6,15,21 14:4 15:2
 15:6,8,10,17 17:1,6
 17:10,13 18:10,15
 19:4 29:2 41:14,19
 42:17 43:2 51:19 71:7
 78:6 105:4 133:12
 156:7,21 171:19
 176:21 177:9,19
 178:3,6,7 179:11
 189:7,18
military's 17:9,16 148:8
mind 4:16 48:11 54:13
 80:1 85:17 102:13
 199:12
minefield 48:20
minimize 191:2
minor 183:12
minute 24:16 32:21
 35:10 87:17 145:4
 146:3 152:22 165:15
 186:21
minutes 7:5,15
miraculous 71:15
mirrors 120:17
misapprehension 58:7
misleading 17:8 28:18
 31:11 34:18 61:20
 62:6
misperception 60:1
misperceptions 61:6
 62:21 64:1,11
missed 38:20 152:9
missing 184:16 185:10
mission 168:18 177:15
mitigate 136:6,10,14,20
 137:1,6,8,9 138:6,10
 138:11
mix 110:1
mobilized 196:4,7
 201:14 202:22 203:1
 203:2,7 204:4,6
modeled 93:4
modified 119:17
modify 41:22
moment 28:12 54:12
 77:20 94:22 132:22
monitor 167:20 168:1
 168:20 169:19 170:10
 170:16 172:3
monitored 172:15
monitoring 51:10 53:17

152:18
morning 3:3,8,10 5:13
 74:17 106:2
move 52:20 123:17
moving 159:1
multiple 38:3
muster 37:20

N

name 101:12 164:4
narrative 107:8
National 3:20 197:7
 199:7
nature 137:18,19,21
 138:3
Navy 1:16
NDAA 129:14 159:17
 170:9
NDAAs 81:7
near 69:17 173:19
necessarily 87:10
 135:10
need 5:12 7:14 9:1
 14:13 25:22 32:5 46:1
 52:1 54:17 57:4,17
 59:17 64:21 66:15
 71:22 72:14 114:6,19
 115:1,3 124:13 136:7
 136:13 138:16 142:22
 151:12 155:8 159:18
 160:5 162:21 166:19
 168:4,9 169:21
 176:15 180:12 197:16
 203:18 204:18
needed 26:3 144:12
 151:10 162:18
negative 153:19,19
never 54:8,8,13
new 30:14,18 31:2,4,5
 36:5 49:17 55:15
 157:10
next-to-last 41:12 56:5
 56:10
nice 74:7 92:1 148:10
nine 6:14 82:19
Nineteen 169:11 173:2
no's 25:16
nobody's 9:11 22:6
noncontroversial 77:8
North 1:10
note 174:18
noted 17:3 172:14
 188:14
notes 10:19 11:11,16
 16:1 105:2 131:3
notice 5:16
noticed 16:20 17:2
 106:3,20

noting 17:3
nowadays 156:7
number 24:18 27:17,19
 28:3,3,10 35:11,12
 36:12,13 42:6,15 45:4
 45:5 46:2 59:14,15
 66:5 70:14 117:4,5
 122:10,17 125:14
 157:19 188:22 189:1
 197:17 198:20 199:10
 201:13 202:20 204:12
numbers 102:16 198:17
 199:2,3,3

O

O 155:18 156:1
O-6 154:21,22 155:3,4,7
 155:9,10,11,14,20,22
 156:3,8,15,16,20
object 4:20 40:15 46:22
 51:1
objection 14:7 20:19
 26:10 34:9 37:4 39:6
 40:6 42:9 45:2 47:4
 48:8 51:5 54:2 66:2
 67:20 70:21,22 71:2
 133:15,18 142:17
 147:7 154:10 156:22
 158:2,3,6 161:13
 169:3 172:20,22
 173:6,9,12 174:22
 175:2,4,7,10,12 183:5
 183:5 186:22 187:3
 188:16,22 189:2
 190:14 192:4 193:7
 194:7 195:17,20
 205:6,7,12
objections 162:7 173:3
objects 48:6
observation 17:20
 159:10
observe 154:6
obtain 54:17
obtained 121:11
obvious 26:22
obviously 147:21
occurred 78:1
occurring 171:15
offense 195:4,6
offenses 2:11 4:3
 179:20
officer 155:9,10,17,20
 155:21 156:1,20
officers 154:22 156:15
official 1:20,21 2:2 3:5
 54:11
Omaha 69:16,17
omission 189:14

omitted 40:20
once 92:2 165:1,5
 180:21
one's 101:16
one-page 147:15
ones 100:16 181:21
open 3:6
opening 48:20
Opens 2:2
operating 17:22
opinion 13:18 14:2
 29:16,17 148:10
opportunity 178:22
 179:3,6
oppose 90:18
opposed 25:14 27:11
 27:12,22 28:1 31:8
 36:19 71:10 110:1
 111:18
opposite 10:9
option 88:14
order 4:14 10:6 31:2
 65:5 81:17,18 101:22
 105:7 131:4,7,9
 185:16
orders 132:6
organizations 167:6
organizing 78:22
original 74:12 186:10
originally 21:3 147:12
ought 24:12 166:20
outline 75:22 76:10
 78:3 79:10 80:7 96:18
 116:12 117:10
outlined 77:1,18 117:5
outlines 86:3
outs 113:6,6
overburdened 166:11
overlaid 88:16
overlook 58:22
overridden 55:4
overstate 128:18
overtake 10:2 28:8
overturned 8:20,21 9:1
 9:5,9,20 20:2,4 28:14
 28:18,22 31:20 32:3
 33:3,15,19,22 34:4
 35:3,7
overwhelming 89:4

P

P 1:16
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 185:5,6 205:20
package 165:14
page 6:3,9,11 8:4,9
 37:8,12 38:14,17 39:9

39:13,14,18 40:19
 41:9,18 42:6 51:6
 54:6 63:9,12 79:5
 80:7 81:22 82:16,22
 102:7 114:4,21 115:8
 118:15,22 121:19
 123:15 124:22 125:1
 125:1,11 126:18
 127:4 130:5 131:3
 134:10,14,15 135:20
 138:19 141:6,6,7,14
 141:21 142:6,7,8,10
 142:15,17 144:17
 145:15,16,18 147:6,8
 152:11 154:15,15
 157:1 158:2,6,9 159:9
 161:11 162:7,14
 168:9,22 170:3,15,22
 171:1 172:20 173:3,6
 174:11,20 184:2,4,11
 185:8 195:2,12,13,14
 195:22,22 205:11,11
pages 97:6,7 135:4
pamphlet 95:3
panel 1:3,9 2:5,5,7,8,10
 3:6,14,14,19 4:6,8 5:3
 5:15 6:6 40:13 57:21
 58:17 62:22 71:6,16
 74:4 76:9 79:21 80:2
 81:4,9,10,12,17 82:12
 136:8 148:17 149:2
 183:8 194:11
Panel's 195:13
panels 43:3 114:14
 141:9
Panetta 149:8
papers 16:7
paragraph 41:11,18
 80:22 114:5 118:15
 118:21,21 120:22
 121:19,20,22 122:5,9
 123:11,15 126:21
 127:4 130:5 131:6
 135:21,22 136:5
 141:1 142:1,1 151:21
 157:17 159:9 162:13
 170:4 172:11 182:8
 186:13,15
paragraphs 121:3
 131:1 147:11 163:21
parentheses 195:10
part 29:21 41:3 63:14
 65:13 74:13 85:8,13
 98:20 108:21 112:3
 113:18,20 115:2
 116:14,19 117:10,15
 117:19 132:5 192:9
 193:6 198:5

participants 154:5
particular 110:19
particularly 197:2
parts 63:21
pass 37:20 72:4
passed 201:3
pat 166:17
patience 7:22 71:16
Patricia 1:14
peculiar 70:1
pending 172:15
people 11:8 17:13,21
 17:21 18:9 19:5 22:6
 30:1 31:18 63:22 69:7
 70:2 86:8 88:22 89:4
 89:12 91:12,19 96:6
 109:21 133:12 134:3
 142:8 153:20 156:5
 188:3 196:7 203:20
perceive 37:12
perceived 11:21 13:7
 14:4 15:18
percent 195:5,6
percentage 198:7
percentages 199:18
perception 11:10 27:3
 58:14 107:6 148:7
perceptions 57:19 59:3
perfect 78:18 93:8
 99:16 100:6
perfectly 106:22
period 49:18 59:21 60:5
 60:11,16 120:3
 197:18
permanently 86:13
person 22:20 57:12
personal 19:14
Personally 126:9
perspective 159:16
pervasive 57:20 58:3,5
 58:12 61:20 62:1
 137:16
pervasiveness 61:19
Peters 1:18 182:14
 183:21,22 184:5,8,12
 186:8 188:9,14
 189:14 194:8,11
 195:1,8,18,22 196:6
 196:11,14,19 197:3
 197:10,14 205:8
phone 182:19,20
 185:22 187:8,12
 188:7,13 189:8,19
phones 188:3 189:11
 190:11,20
photographs 185:20
phrase 187:6
phrases 64:4

pick 101:16
piece 82:10 103:7
place 93:22 94:3 95:15
 106:20 147:21 148:15
 158:17 169:7
placed 74:16
places 106:4 143:22
plate 163:11
pleading 23:5,6,8
please 5:11 23:20
 108:10 109:9 185:2
plural 12:16 194:1
point 3:6 9:22 10:8 11:2
 14:16 16:10 17:1
 18:16 21:15,16 23:6
 29:1 42:7,15,22 45:4
 45:5 46:2 74:7 87:5
 102:20 105:16 124:14
 150:13 151:3 160:1
 163:10 186:9
pointed 31:18 122:18
points 84:5
policy 45:10 46:10
 82:14 112:10 148:5
 153:4,7,12 157:3,9
 158:14
pool 40:4,8,9,13
popular 69:13,14 70:7
popularity 69:22
population 196:1 199:4
 199:22
positive 153:21 180:9
possessing 185:15
possible 91:11 153:19
possibly 67:13
posted 3:17
potential 45:18
potentially 33:22 43:2
precedes 36:12
preclude 30:21
predecessor 81:9
prefer 70:9
prejudice 29:19 30:20
preliminary 48:14
 49:18
prescience 110:9
present 1:12 3:15
President 130:10,10
 131:11 132:2 134:16
presiding 1:11
press 77:6 100:13,17
 101:19,21 102:1,6,10
 112:10
pressure 11:5,21 13:7
 14:5 15:18 18:2 37:12
presumptuous 109:20
pretty 50:17 69:20
 110:21 113:14 129:2

129:14 137:15 139:16
198:9 201:11
prevention 43:4 57:19
58:15 59:21 60:11
previous 77:12 101:1
previously 142:2 148:9
primarily 34:19 62:9
prior 34:21 35:14
163:20 166:1
pro 80:21 100:13
probable 50:10
probably 41:4 54:16
70:1 103:8 126:16
166:4 178:5 182:6
problem 31:14 43:13
45:16 51:8 52:7 63:21
64:6 94:5,6,7 132:5
140:10 144:11 162:10
162:12 172:6 186:15
186:22 192:2,11
193:10 200:5,8
201:21
problems 45:7 58:3
proceed 124:19
proceeding 27:4
proceedings 1:3 3:6,14
3:19 4:1,8,17 71:6
76:9 79:21 81:4,16
179:8,19 180:6
process 27:4 48:15
49:10,18 50:5 51:16
51:18,19 52:3,12
53:14 127:6 129:11
132:7 171:6
processed 52:15
produce 22:7 58:7
produced 22:6
product 87:1
program 133:4 159:11
170:20
progress 146:15
properly 41:22
proportion 202:7,14
203:10,14 205:1
proportionate 200:21
proposal 25:1
propose 12:7,10 176:21
proposed 106:1 109:19
125:7 135:21
proposing 25:7 116:10
prosecute 18:3
prosecution 54:15
162:18 177:3,4
prosecutors 46:12 47:6
166:7 167:6 185:13
protect 143:13
Proust 36:3
provide 79:9 143:12,13

178:22 179:5
provided 74:12,15 79:6
79:18 112:2 133:6
174:1 184:2
provides 54:14
provision 55:19 159:17
public 1:5 4:7,9,10 8:12
35:4,16 36:6 74:8
148:7
published 81:21
pull 54:20,21
purpose 17:11 48:16,19
50:7,12,14 83:8 180:4
purposes 9:21 91:6
pushing 131:20
put 8:15 16:4,19 18:18
18:19 22:1 23:11
26:18 32:7 46:18 48:2
66:19 69:5,6 75:19
76:1 82:10 87:5,16
89:6 91:17 93:20
99:10 107:6 114:13
117:13 130:6 148:15
154:17 158:21 174:3
176:9 180:21 189:20
192:18 194:14
putting 10:10 99:7
191:11

Q

quasi- 159:8
question 19:18,19,20
45:3 57:15 67:22
68:12 71:19 80:4 85:6
100:11,22 109:13
111:9 115:19 116:18
117:22 124:10 129:20
145:20 148:3 154:18
168:15 193:13 196:2
questions 74:14 104:19
113:16
quick 106:3 113:12
quite 11:4 104:16
quote 147:17
quotes 41:2

R

raise 193:5
raised 55:17 59:20 60:6
60:8,13 61:14,18 62:8
64:18,19 68:12
raises 168:15
raising 45:9
Randolph 1:10
rank 155:21 156:10,16
156:16,20
rate 195:5 198:2 201:5
read 6:7 7:10,12 10:9

11:14 15:14,16 18:10
49:8 74:11,13,21 96:7
104:2 116:21 147:4,9
166:5 176:3 178:9
184:7 185:16,16,18
189:20 202:19 204:11
readable 147:18
reader 32:2
reading 31:19 88:22
141:15 142:4,4 170:3
170:14
reads 57:17 133:3
168:14
ready 5:9 71:5 142:6
real 113:12
realize 61:10 168:18
197:22
reason 29:14 35:8
101:2 108:21 120:7
147:10 153:6
recall 55:18
receive 4:9 43:3 66:7
received 4:10 74:13
recommend 28:13
44:13 74:4 91:5 93:2
119:20 150:2 152:19
153:11 157:7,9 160:7
160:16 162:22 183:22
recommendation 10:16
10:17 17:12 39:16
46:16 47:12 48:13
49:15 50:17 51:7
56:20 66:5 68:8 81:20
82:7 84:10 91:16,18
116:9 126:12,22
128:18 129:1,10
130:9 131:5 132:17
134:13,17 139:22
140:3,7 141:3 149:6
161:5 164:1 166:20
174:1,15 183:20
184:14 186:10 192:7
193:15
recommendations 6:14
8:2 47:18,19 48:4
50:21 77:2 78:5,15
80:8 81:16,19 82:4,9
82:12,14,19 83:19
84:5 96:14 97:5,13
103:13 105:14,19
111:16 112:4,19
118:2 119:15,18
125:14 127:5 148:20
149:1 161:6 162:20
175:18 176:21 180:5
recommended 76:18
126:5 127:14 131:10
139:9,10 173:22

174:10
recommending 76:13
150:7
recommends 158:14
record 7:18 73:19,21
110:4 139:5 166:6
185:5 205:20
records 172:21
red 6:4,11 93:17 146:4
146:13,14 147:3
redundant 193:2
refer 29:9 35:14 37:13
reference 16:11,13 41:5
74:7 87:5,12 105:14
121:11
referred 52:16 121:1
referring 38:18 42:19
85:17 119:7
reflect 57:11 195:11
reflected 107:3 194:20
reflects 78:22
reform 176:22
refuses 185:19 186:6
regard 42:20 45:4,18
57:2,4 58:4 84:12,15
116:9 139:18
regarding 2:5,11 43:5
44:2,19 71:7
regards 149:2 170:12
182:14
regular 88:6
regulation 149:8
rehearing 24:10,11,12
25:4
reject 125:9
relate 194:13
related 4:3 11:20 43:17
43:17 45:18 82:12,18
82:19 134:21 135:10
179:8,20
relating 127:5
relationship 91:14
relative 202:10,16
203:14 205:2
release 100:13,18
101:19,19,21 102:1,6
102:10 112:10
released 77:7
releases 77:7
relevant 185:19 186:4
reluctance 100:22
rely 163:17
remain 93:3
remand 13:14 21:19
29:3,4,13
remanded 8:11 9:1,6,10
9:12 24:10,12,13 25:4
28:8,14,22 29:21 30:6

31:16,17 33:19
Remarks 2:3
remedies 192:11,12,19
 193:17,18 194:2
remedy 193:21,22
remember 128:17
 132:3
removing 65:2 108:2
reopen 182:18
repeat 25:7 62:19 63:7
repeats 115:18
repetition 59:14
Replace 68:14
reported 57:18 58:14
 61:14 104:22 189:9
 190:1
reports 16:13 73:9 75:9
 77:2,7,12 81:15,17
 82:2 83:15 85:7,13,15
 85:16,20 86:7 87:2,6
 87:11,13,16 88:10,17
 90:12,15 93:2 94:16
 95:6,6,11 96:12 97:21
 98:4,17,17,19 99:4
 101:10 112:16 116:22
 117:5 118:1,6,18,19
 120:3,6,17 122:19
Republican 147:5
request 10:17
requested 68:17 69:1
 69:14 166:9
requests 4:10 8:1
required 108:2 151:13
 151:19
requirement 100:4
 160:20
requirements 160:19
requires 165:2
requiring 163:18
research 163:15
researchers 90:19
Reserve 196:3,18,19,20
 196:21 197:4,8,17
 199:6 200:1,2,13
 201:13 202:20 204:12
Reserves 198:10
Reservists 200:17
resolve 198:17
resolved 126:4
resource 196:6
resources 162:22
respect 41:16 167:11
respond 181:21
responded 15:6,9,11
 172:16
response 15:2,5 16:4
 17:1,6 19:4 20:20
 43:4,16 57:20 60:11

60:16 64:21 81:10
 100:11 112:15 130:21
 141:3 172:7 173:1,4,8
 173:11 174:21 175:3
 175:6,9 183:6 188:18
 190:15 196:2
responses 15:18 18:15
 145:13
responsible 111:8
rest 49:19 193:1
result 6:12 106:18,21
 107:18 109:14,17
 126:14 127:11 130:13
 180:9
resulted 35:3,16 36:5,6
 84:16
results 27:3 123:12
resumed 7:18 73:19
 185:5
retain 154:9
retaliation 81:12 110:18
 136:7,10,14,17 137:2
 137:6,19,20,22 138:3
 138:11
retrial 9:13 28:22 30:7
 31:16,21 32:4,6,14
 33:4 34:2,7
retrying 30:21
returned 29:5 30:9,11
 30:12,14 33:3 34:1,6
 34:22
reversal 32:12
reversed 8:11,19 9:7,12
 14:1 28:8,14 29:19
 31:15 33:19
review 3:22 6:12 49:17
 49:20 102:1,22 105:5
 105:6 113:7 125:2
 127:6 129:11 145:4
 152:12,18 169:9,13
 169:22 171:4,12,13
 173:20 178:14 179:1
 179:18 184:13
reviewed 77:11 122:12
revisions 107:12
RFI 145:12
rid 50:3 64:14 65:11
 139:21
rights 76:21 81:13
 110:19 143:13,15,18
ripe 167:1
room 1:10 72:16
RSP 76:18 81:8 82:18
 86:15 87:1 88:7 89:2
 89:17,18 90:7,10 91:8
 91:12,16,17,20 92:3
 92:20 93:5,5,10 95:3
 95:7 112:14 149:5

ruled 21:18 22:10,14,17
 24:1,5 25:10 26:17,20
 27:13
running 159:11

S

s 19:16 20:19
s' 67:14
Safe 105:8
safely 129:3
SAPR 62:8 63:21
SASC 100:1
satisfies 6:8
satisfy 15:13
Saunders 1:19 4:20
 5:10,14,21 6:10,21
 7:4 9:9 12:15,19 25:3
 33:2,9,14,17,20,21
 34:5 36:17 47:5,8
 51:18 52:2,11,14
 54:20 55:2,18,22 56:7
 56:11,14 59:2,12 65:7
 65:10,18,21 68:14
 71:12,13 72:4,10,12
 72:15 73:2
saw 13:4
saying 13:19,19 16:16
 33:20 40:8 43:6 59:6
 59:7 61:3,11 62:13
 108:22 114:8 126:12
 127:18 140:1 148:12
 164:1 166:18 201:22
 204:20
says 6:12 17:17 23:8
 24:7,9 25:19 29:17
 34:19 37:12 41:10,13
 41:19 42:8 43:1 45:10
 47:16 48:14,14 51:8
 54:10 55:19 117:1
 119:2 127:4 128:21
 135:22 141:7 148:4
 152:11 154:21 155:7
 159:16 162:15 168:1
 177:13 184:11 187:7
 192:10 201:9
scare 88:21
scholars 89:13
search 189:7,18
searching 190:19
seats 74:16 75:19
SECDEF 149:17
second 12:9,13 24:14
 32:20 34:15 41:10,18
 49:12,13 54:10 58:10
 65:19,22 75:9 77:10
 82:21 83:2 90:11
 91:10 98:4 114:4
 122:4 126:20 127:3

130:5 135:22 176:3
 180:18 185:10 193:6
second- 53:7
seconds 178:11
Secretary 51:9 87:19
 99:22 111:16 128:22
 193:16
section 10:15 55:14
 56:3 149:3 171:11
sections 181:3
seeing 200:21
self-incriminating
 188:8,11
Senate 87:22
send 165:13 181:1
sending 30:22 109:21
 182:12
sense 64:22
sensitive 140:8 177:6
 197:2
sent 14:1 30:10,12
sentence 6:7 16:20
 34:17 35:11,12,14,21
 36:5,12,13 41:12
 49:16,19 54:10 65:13
 80:11 126:21 127:3
 157:11,21 158:11
 162:3 176:14 177:12
 187:7 193:1 201:7,9
 201:19,22
Sentencing 92:6
separate 84:6 88:9
 90:16 97:9,21 98:3
 115:4 116:14 118:17
separately 173:22
serve 32:9 50:10
Served 197:14
serves 48:15,18 50:7
 50:13
Service 162:15
Servicemembers
 136:11 137:13
Services 13:21 15:6
 19:6 87:22 163:2,18
 164:13 199:6,8
 202:11,17 203:15
 205:2
Services' 13:6,16 14:4
set 83:6 115:11
sets 124:2
setup 84:10
sex 195:4
sexual 2:6,8,11 4:3
 11:17 16:2 34:21
 35:15 37:13 41:15
 43:3,6,9,11 44:3,11
 44:21 46:11 57:19
 58:14 59:20 60:4,10

- 60:15 62:15 64:12
65:14 71:8 73:4 78:6
148:8 176:20 177:18
177:21 178:4,7 179:8
179:20 183:13 185:14
192:8
share 200:17
sharpen 57:17
shelf 91:22
Shipmates 17:17
short 73:16
shortening 50:18
shorthand 171:19
shortly 128:2
show 13:9,15,22 19:4
showed 63:20
showing 18:9
shy 132:10,12
side 133:13
sign 74:8 130:10,11
181:22
signal 201:4
signaling 198:15
signed 131:8,11,11
182:1
significant 171:15
200:7,8
signing 132:2
similar 38:16 55:15
93:14 119:13
similarly 70:13
simply 17:2 29:19
59:19
Simultaneous 98:15
104:13 111:6 117:17
127:22 144:2 150:6
160:22 164:11 165:9
165:17 167:13 176:7
178:2 181:18 183:1
184:18 186:7 187:16
190:22 191:4
sincere 176:16,19
singular 12:18
sir 78:17 80:5,10,19
81:2 85:9,22 92:18
152:1,5,8 184:13
186:8 189:4
sit 43:2
site 57:18 58:13 59:4,19
61:12 64:19 65:4,5,8
151:22 154:5 194:18
sits 91:22
sitting 132:4
situations 55:19,22
size 92:1 196:2
skimpy 120:22
skinny 94:13,19 95:1
95:20 96:14 97:4
176:14
skip 67:3
slight 153:19
slightly 167:14
slipped 63:16
small 19:18 95:10 96:1
97:12 180:11
smaller 95:9
smart 188:3,7,13
social 185:21
sole 147:10
solicitous 18:18
solution 182:5
solve 172:6
somebody 48:5 78:22
89:9 91:22 94:2
109:17 158:18 168:14
someplace 49:2
sooner 192:17
sorry 4:12 9:4 12:21
22:8 23:4 41:9,17
48:9 53:3 63:1,8 68:1
84:22 96:13 100:8
104:14 111:12 115:6
119:11 131:2 142:6
152:9 157:20 171:1
171:18 177:15,17,20
184:10,13 193:5
195:18
sort 74:7 76:13 77:1,14
77:16,22 78:21 85:22
91:13 92:9,21 94:12
101:20 110:21 111:1
124:2 135:8 140:1
155:3 158:11 182:9
193:2,16
sorts 154:3
sound 17:8 19:3 137:4
sounds 6:19 18:12
127:18 128:15 138:14
188:2
sourc 92:12
Southeast 70:3
speak 54:19
speaking 98:15 104:13
111:6 117:17 127:22
144:2 150:6 160:22
164:11 165:9,17
167:13 176:7 178:2
181:18 183:1 184:18
186:7 187:16 190:22
191:4
speaks 32:1 168:11
special 102:13 164:4
170:17,18
specific 42:21 46:9
144:12 149:22 171:8
174:11
specifically 6:2 28:20
61:16 117:21 159:17
speed 141:15
spite 164:16,19
spoken 59:3 109:18
spot 79:2
Sprance 1:20 2:3 3:3,4
3:11 30:12 31:7 73:21
74:1,2 181:16 182:2
182:11,15,21 205:18
staff 1:15,16 74:4 76:1
78:20 147:3 176:4,11
177:14 205:15
Staff's 147:9
staffers 100:2
Staffs 146:18,20,20
stand 10:7,9 23:11
103:16 105:18 120:6
standalone 94:15
standard 43:5,7 44:2,20
standards 58:8
stands 34:18 35:16
155:18
start 4:19 8:7,8 35:20
38:10 64:15 65:7
75:11 79:16 116:12
118:4 125:3 134:4
140:3
started 64:7,10 132:5
Starting 8:4
starts 83:18 122:1
145:22 146:8
state 23:20 133:1,13
143:10 151:6
stated 21:21 147:20
152:4
statement 17:5 152:17
157:17
states 1:1 24:2 41:20
42:2,4 141:8
stating 151:10
station 13:17
statistic 111:15
Statistical 2:11
statistically 200:7
statistics 195:2
status 82:14 103:12
105:17
statute 53:5,6 79:9
144:13
statutes 52:8
statutory 51:8,11 52:5
53:1,3,18 54:3 76:17
77:10 81:6 82:17
122:11 143:12,15,19
145:4 160:19 179:15
stay 115:4 123:5
step 87:17
stepped 163:11
Stone's 11:2
stop 4:13 13:14 49:16
54:12 192:16,17,22
straight 145:8 147:12
Street 1:10
strength 49:10
stressed 136:8
strike 14:14 49:18
70:10 109:20 154:9
154:10 189:17
struck 38:5 49:8 154:4
189:6
structure 119:13
120:16,17 124:3
182:8
studied 14:11,16
study 167:10
stuff 49:21 77:16 92:4
92:13,17 93:20 102:3
104:5 132:4 147:1
152:2 154:2 184:16
style 26:3 37:4
styles 91:11 92:16
subcommittee 6:13,17
61:9 83:5,6,21 84:2,7
85:7 87:1,11 88:10
90:3,12 98:17,19
114:6,22 115:7,11,17
116:10,15 117:11,22
118:5,14,18 119:2,13
119:16 120:3 121:2
122:21 123:4,13
145:12 147:13 151:22
166:13 194:14,19
Subcommittee's 11:19
159:10
Subcommittees 84:10
120:2,10 121:12
123:2
subject 17:21 182:10
182:11,15 200:20
201:14 203:3,4,7
204:16,19,21
submission 21:16
submitted 21:5,15,17
22:13,20 24:3,4 25:5
25:6,21 26:7,19 27:1
27:8
Subparagraph 142:20
subparagraphs 122:19
143:1
subsequently 119:17
substance 38:6 102:16
118:19
substantive 19:19 26:4
37:10 42:16 82:2
118:5

substitute 28:14
subsume 86:1
sufficient 54:16 116:19
suggest 13:3 14:14
 43:6 46:2,4 66:10,13
 67:1,2,11 104:5
 145:14 153:7 180:19
suggested 9:19 40:18
 125:20 193:16
suggesting 107:1
 119:12
suggestion 25:19 36:11
 37:8 38:1 43:15 44:18
 58:12 67:11 105:22
 121:18 127:17 139:20
suggestions 20:6 34:12
 41:8 56:18 71:3,4
 185:8
suggests 28:18 31:5
 152:17
suit 118:7
Suite 1:10
Sum 194:13
summarize 147:16
summary 45:7,21 46:8
 47:16,17,19 95:22
 148:11
summation 94:12
sun 28:12
Superiority 163:12
supplement 120:13
Supplemented 197:11
support 108:8 162:20
 164:2
supported 80:16
 131:12
supposed 142:18 169:8
 187:10
sustain 54:17
SVCs 66:6 189:21
SVCs/VLCs 189:9
 190:1
SVIP 164:14,17,20
 165:2 170:12
sweep 77:15
system 17:14 41:15
 66:10,12,14 67:8,12
 177:9 178:4 179:11
system's 178:6
systems 81:10 133:2

T

tab 74:11,18,20,21,22
 75:2,6,9,13,14 96:19
table 196:14
taken 59:8 78:2 84:5
 136:5 194:12
talk 38:18 42:15,16 46:8

59:18 79:19 94:11
 95:1 114:5 118:13
 179:7
talked 62:10 83:17
 88:16 122:15 157:4
talking 21:6 23:14 27:2
 40:11 43:12 56:22
 59:2 67:7 95:2 98:8
 99:11 114:21 121:8
 133:8 153:18,20
 184:17 191:11
talks 34:20 45:5 58:19
 68:2
Tammy 1:16
task 76:15 145:4 150:1
 169:14 170:1,7,15
 177:18
tasked 105:9 152:12
tasker 167:19
tasking 97:16 118:13
 170:10,21 171:13
 172:16
taskings 76:17 169:18
tasks 77:11,13 79:22
 81:4,5,6,7,8,11,14
 82:11,13,17,21 83:22
 91:17 122:12
Taylor's 18:14 40:15
 121:17
team 162:17
tease 121:4
technical 12:21 29:13
 181:21
technically 40:12,12,13
techniques 190:19
 191:12
tell 9:15 124:16 173:18
 176:8
telling 18:9 19:5 22:4
 181:14
tells 117:1
term 31:18 57:2,14
 69:20 197:12
terms 22:22 26:2 57:3
 61:19 79:19 121:1
 133:20
Terri 1:19 5:10 52:20
 71:11
testified 22:8
testimony 105:12
 109:15 137:13 145:12
text 32:6 157:19 185:20
 195:14
thank 3:11 4:11 5:6,8
 7:21,21 38:12 71:11
 71:13 80:15,18 81:1
 85:11 113:2 168:17
 190:10 205:14,15,15

Theresa 1:18
things 16:19 79:12 91:7
 105:17 111:1 121:7
 135:9 141:20 142:22
 151:6 183:13 194:5
thinner 95:7
third 13:11 18:22 62:14
 62:18 77:21 118:15
 118:20 121:20,22
 122:5,8 123:10,14
 127:4 159:9 185:11
third-order 53:7
thought 4:22 35:11
 44:6 48:21 49:1 54:7
 72:19 73:11 76:1
 78:12 85:10 108:14
 112:14 113:9 151:1
 161:21 162:19 171:6
 175:14 187:10 190:18
 190:20,21 201:10
thoughts 180:20
three 7:15 74:10 81:5
 82:1,17 101:10,11
 122:18,19 133:11
 148:16 188:6
throw 6:17 148:17
THURSDAY 1:7
Tideswell 1:16 4:12,19
 5:1,6,10 30:4,10
 72:21 73:3,11,14,22
 74:3,20 75:2,5,12,15
 75:18,21 76:4,8,12
 78:10,12,17,19 79:15
 80:5,10,12,15,19,21
 81:2 83:7,11,14 84:8
 84:11,14,18 85:1,9,19
 85:22 86:5,10,14,19
 87:20 88:2,5,11 92:18
 93:1,6 94:1,4,9 95:4
 96:17 99:21 102:21
 103:5 113:4 117:13
 119:19 120:1,4 121:4
 150:12 155:18 156:1
 156:12 163:4,12
 164:18 176:12 181:10
 181:13 182:5,12,17
 183:9,12,17 193:12
 193:15,22
till 165:3
timeline 127:12
times 38:3,5 91:15
title 47:16 76:8 196:4
today 3:12,15 5:9 75:19
 82:6,6
today's 3:16 4:6,11 5:3
told 169:18
Tom 1:14
top 5:21 132:21 158:10

162:14
topic 82:11 124:6
topics 105:6,14
total 119:4 203:18
totally 125:9
Tracey's 196:2
track 6:1,11 33:13
 113:6 124:17 125:5
 181:6,20
train 61:4
trained 58:6
training 42:17,18,19
 43:4,16 57:20 58:4,5
 58:9,15,19 59:8,21,22
 60:5,11,16 61:15,16
 61:19 62:9,16 66:7
 158:22 159:7,18
transcribed 3:16
transcript 3:17 180:21
transcripts 98:11,11
transfer 45:17 46:10
transferred 45:13 46:13
transfers 45:6,8,11
 70:15
transmittal 85:18
treated 41:16
treatment 177:7,8
trends 167:20 168:1
 170:10
trial 30:15,18 31:2,4,5
 37:14 38:18 158:22
 159:6,14 162:16
 163:16 164:6 165:6
 165:11
trick 9:3
trigger 57:14
triggered 48:11
trouble 45:14 90:22
 134:13
troubles 201:2
troubling 197:20
true 69:9 85:12
trust 17:22
truth 9:15,16
try 52:20 102:7
trying 38:20 55:6 58:18
 58:20 59:5 104:7
 109:2 110:14 140:7
 198:18
turn 3:7 10:14 113:5,9
 185:19 186:4,6
 189:11 190:5,11
turning 192:13,22
Twenty-eight 175:11
Twenty-five 175:2
Twenty-seven 175:8
Twenty-six 175:5
Twenty-three 173:13

twice 99:8,10
two 3:13 6:3,11 8:1,2
 10:18,19 11:3,17 12:2
 14:10,12 16:2 17:4
 18:20 19:12 29:20
 34:13 35:12,14 36:13
 39:6,6 41:18,19,21
 58:3 62:18 63:2,13,21
 64:4 65:16 81:11
 82:17 89:3 90:7,8
 91:14 92:8 96:4 104:3
 106:20 107:1 128:12
 130:22 133:11 135:4
 142:21 148:4 183:12
 185:10 192:5,6 195:1
type 91:11 92:16
typeface 92:20
typefaces 92:17
typical 201:4
typically 79:9 99:22
 154:21 156:20 188:7
 188:12

U

U.S. 1:16 8:10 54:9 92:6
UCMJ 4:4 17:15,21,22
 179:19 200:20 201:15
 203:4,7 204:16,21
ultimate 128:9
ultimately 103:11
underline 189:15
undermine 45:19
underscore 11:13 12:1
 12:2 13:5,5 14:3
underscores 10:22
 11:9,11,12,20 12:16
 15:17 16:4 19:17,18
understaffed 166:11
understand 12:13 16:9
 31:19 55:5 92:2
 121:17 136:6,9,16
 137:1,5,9,18,19
 138:10
understanding 72:21
 198:8
understood 100:21
 144:4
undertaken 81:12
undesirable 53:8 68:17
 68:19,22 69:1,7
undue 11:5
Uniform 4:2
unit 166:12
United 1:1 41:20 42:2,4
 141:8
units 200:13
universally 147:20
 152:4

universe 43:13
unlawful 18:7 19:2 22:2
 35:4,6,17,18 36:7,8
 36:16,17 37:2
unnecessary 154:3
 166:10
use 9:20 39:3 43:17
 57:3,4,8 60:2 62:21
 64:12 68:2,3 93:16
 135:22 187:8,11,15
 191:16,17,19,20
useful 48:15,19 50:13
 91:4
utilization 168:2

V

v 8:10
VADM(R) 1:14
vague 57:18 66:12
 70:17 109:4 126:8
valid 189:7,18
varied 133:4
various 48:11 77:2
 204:5
venire 39:20,20 40:10
verbatim 175:18
verbiage 194:16,17
 195:9
version 96:22
versus 6:6 28:8 144:6
 163:18
victim 69:19 70:18
 133:3 164:4 170:18
 185:19 186:5
victim's 185:22 192:12
victims 41:15 45:12,13
 46:11,13 47:7,8 66:8
 70:16,20 143:12,13
 170:18 177:5,9 189:8
 189:19 190:4,7
victims' 66:11,13,21
 67:7,12,14,18 76:21
 81:12 110:19
Victor 1:13
Video 1:9
view 19:15
vigilant 11:4
Virginia 1:10
vision 101:21
visit 154:5
visited 41:19
visits 57:18 58:14 59:4
 59:19 61:12 64:19
 65:4,5,8 151:22
 194:18
VLCs 66:7
voice 23:17
volume 88:17,22 89:1

89:17,18 91:10 95:9
 97:4,18,21 98:4
volumes 89:3 90:7,11
 90:21 93:21 96:4
voluntarily 57:12
 189:10 190:3
voluntariness 57:7
vote 14:17 19:21 23:19
 23:21 27:6 28:9 71:5
voted 28:7,11 186:10
voting 27:6

W

wait 12:8,8 24:16 32:21
 35:10 39:17,17,17
 43:21 56:18 87:16
 106:5 138:5 145:4
 146:2,6,6,6 152:21
 157:2 161:14 165:15
 184:19 185:2 186:5
 186:21 188:5
walk 5:11 7:6 77:20
 103:13,15 104:7
 113:12
walking 80:2
wanted 10:15 104:7
 146:21 148:17 186:3
wants 89:9 94:2 149:2
 176:2
War 149:10
wasn't 24:17 44:7 72:20
 89:16 110:14 140:16
way 8:12 22:1,8 41:17
 50:3 57:8,16 58:2,7
 59:9 60:2 61:4 64:2
 68:21 70:11 78:22
 87:12 89:6 105:17
 109:2 138:13 142:2
 143:14 145:15 167:3
 182:1,3 192:15
 198:17 199:9 202:18
ways 110:3
weak 37:14,16 39:4
 42:8,9 56:5
website 3:18 86:11,12
weight 23:2
welcome 2:2 3:12
well-crafted 190:21
 191:8,13,19,20
went 7:18 41:21 73:19
 76:16 103:9 116:11
 185:5 205:20
white 135:18
windfall 29:18
window 165:7
wiped 86:17
wise 107:5
withholding 149:8

153:4
wonder 70:8 109:19
 133:1 148:6
wondered 26:3 69:12
word 6:15 9:20 13:4
 19:18 24:4 25:6 27:8
 36:11 52:21 54:18
 68:2 95:17 110:14
 114:14 154:2 185:11
 189:20 193:18 204:4
words 8:15 25:9 27:8
 27:13 30:8 35:7 39:4
 49:14 61:3 63:14,20
 77:13 102:2 133:19
 143:16 148:16 154:4
 174:5 176:15 177:22
 185:9 189:6,17 195:3
wordsmith 158:18
wordsmithing 19:20
 37:9 41:9 192:6
work 32:15 52:22,22
 53:1,11 74:6 84:7
 86:3 89:7,14 98:20
 105:13 110:20 113:7
 120:6 146:15 165:2
 177:2 180:8 205:13
worked 41:14 52:5
working 18:21 73:15
 79:6 122:2,3
world 156:8
worried 19:10 67:5
worry 134:8
wouldn't 87:10 120:8
Wrap-up 2:13
write 173:19
write-up 124:10
written 3:17 21:3
 100:16 148:20
wrong 23:3 51:20 54:8
 59:9 75:1 107:20
 118:4 200:8
wrote 176:2

X

Y

year 2:10 3:21 92:8
 133:11 201:15 203:5
 203:8 204:17,21
years 74:6,10 76:18
 133:11,11
yellow 184:2
yesterday 5:12,17,18
 6:2,6 7:7 10:8 14:16
 48:12 72:7,17 74:14
 77:5 82:6 91:19 186:9
 189:5
yesterday's 4:17

Z	2017 1:7	60 66:5
0	203 2:12	63 82:7
1	205 2:13,14	7
10 40:19 56:19 141:14	20th 149:18	7 45:4,5 46:2 74:22 75:6
141:14,19 142:6,7,10	21 173:6,7,9 195:22,22	138:19 139:21 140:19
142:15,17 144:17,18	22 81:14 173:10,12	73 2:7
196:4	23 173:16 174:20 175:1	8
10:44 73:19	24 175:1,2	8 8:4,9 37:8 38:17 39:9
10:54 73:20	25 42:4 175:4	74:11,20 75:2,9,13,14
11 122:10,18 141:19	26 175:7	141:6,18
144:18 145:18 146:9	27 1:7 175:10,12,15	875 1:10
146:9 147:6,6 152:11	28 175:22	9
116 173:17	3	9 39:13,14,18 56:19
12 146:1,8 147:8,11	3 2:3,4 24:8,8 42:6	63:9,12 141:6,7,14,19
148:4	48:13 59:14,15 60:21	141:21 142:3,4,4,9,11
12:18 185:5	60:22 61:3 62:14 63:3	142:16
12:22 185:6	63:4,15 68:1 78:4	9:00 1:10
12:30 183:14	125:11 127:4 143:1	9:29 3:2
12:38 205:20	144:6 147:11 186:19	9:33 7:18
120 4:4 82:16,18,20	187:4 188:6,22	9:51 7:19
83:17,19 84:13	32 49:17 52:12	
103:10 129:8	32nd 3:13	
13 154:15 157:1 158:2,3	33 55:15	
159:9 161:12,14	36 195:5	
14 81:7 158:6,6,8	39 162:20 163:2 166:20	
161:12 162:2	4	
15 81:7 158:9,10 161:15	4 32:11 33:1 42:7 48:13	
161:16,17,18,19	78:5 80:7 126:18	
162:4,5,5 170:4,11,15	130:5 131:3 143:1	
150 1:10	144:7 147:11 189:1	
16 81:6 162:7,7,8	195:2	
17 82:9 83:21 97:6	40 162:20 163:3 166:20	
162:8,11 168:9,22	412 108:5 169:15,16,21	
169:2,3 170:22 171:1	170:21 171:2,13	
171:2,3	412's 129:21	
177 2:9	42 195:12,13,14	
18 97:7 169:3,4 172:20	44 157:12,14,19 158:12	
19 169:5,5,5,9 172:21	46 81:20 82:1,8 174:1	
172:22	174:15	
2	5	
2 24:7,9 28:3,4,10 48:13	5 2:6 48:13 51:6 80:8	
54:6 68:1 79:5 89:1	132:21 134:11,14,15	
105:11 114:4,21	184:4,11 185:8 194:7	
115:8 118:15,22	205:11,11	
121:19 123:15 124:22	50 184:15 192:7 193:15	
136:5 142:20 144:6	52 47:12 48:13 51:7	
144:22 145:4 186:10	53 51:7	
186:15,18,22	54(c) 195:2,4	
20 173:3,3,5,6	56 10:17	
2012 4:5 129:8 149:18	59 39:16,18,19 56:20	
2013 3:21	57:16 195:6	
2014 13:18	6	
2015 2:11 129:9 201:15	6 42:15 54:6 56:7,10	
203:5,8 204:17,21	81:22 135:20 170:4	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Judicial Proceedings Panel

Before: US DOD

Date: 07-27-17

Place: Arlington, VA

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701