

## UNITED STATES DEPARTMENT OF DEFENSE

+ + + + +

## JUDICIAL PROCEEDINGS PANEL

+ + + + +

## PUBLIC MEETING

+ + + + +

FRIDAY  
JANUARY 16, 2015

+ + + + +

The Panel met in the U.S. District  
Court for the District of Columbia, 333  
Constitution Avenue, N.W., Courtroom #20, 6th  
Floor, Washington, D.C., at 9:00 a.m., Hon.  
Elizabeth Holtzman, Chair, presiding.

## PRESENT:

Hon. Elizabeth Holtzman

Victor Stone

Tom Taylor

VADM(R) Patricia Tracey

**STAFF:**

Lieutenant Colonel Kyle W. Green, U.S. Air  
Force - Staff Director

Lieutenant Colonel Kelly L. McGovern, U.S.  
Army - Deputy Staff Director

Maria Fried - Designated Federal Officer

Bruce Sprance - Alternate Designated Federal  
Officer

Dwight Sullivan - Alternate Designated Federal  
Officer

Julie K. Carson - Legislative Analyst

Lieutenant Colonel Glen Hines, U.S. Marine Corps  
- Attorney Advisor

Matt Osborn - Attorney Advisor

Meghan Peters - Attorney Advisor

Meghan Tokash - Attorney Advisor

Douglas M. Nelson - Attorney Advisor

Alice Falk - Technical Advisor

## TABLE OF CONTENTS

Item	Page
Welcome	
Maria Fried	4
Conflict of Interest Statement	
Victor Stone	6
Panel Deliberations	
Hon. Elizabeth Holtzman	7
Adjourn	319

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

(9:06 a.m.)

1  
2  
3 MS. FRIED: Good morning. This  
4 meeting is now open. Welcome panel members.  
5 This is the sixth public meeting of the Judicial  
6 Proceedings since FY2012 Amendments Panel, also  
7 known as the Judicial Proceedings Panel or JPP.

8 My name is Maria Fried and I am the  
9 designated federal official to the JPP. The JPP  
10 is congressionally mandated to conduct an  
11 independent review and assessment of judicial  
12 proceedings conducted under the Uniform Code of  
13 Military Justice involving sexual assault and  
14 related offenses since amendments were made to  
15 the Uniform Code of Military Justice regarding  
16 those offenses by Section 541 of the NDAA 2012.

17 The JPP's first report is due to  
18 Congress and the Secretary on February 4, 2015.

19 The distinguished members appointed to  
20 the panel members are as follows: our  
21 Chairwoman, the Honorable Elizabeth Holtzman,  
22 Vice Admiral (Retired) Patricia Tracey, Professor

1 Tom Taylor, Mister Victor Stone.

2 The Honorable Barbara Jones is also a  
3 panel member but she is not able to attend  
4 today's meeting in person.

5 More information of the establishment  
6 of the panel, panel membership and its charter is  
7 available on the JPP website at [jpp.whs.mil](http://jpp.whs.mil).

8 Before the panel members begin their  
9 deliberations, one of our panel members, Victor  
10 Stone, would like to make a statement addressing  
11 his role as a special victim's counsel in  
12 military justice cases.

13 Once Mr. Stone concludes his  
14 statement, Madam Chair will conduct the  
15 deliberations. The purpose of these  
16 deliberations is for the JPP to discuss and, when  
17 ready, propose recommendations to Congress and  
18 the Secretary of Defense.

19 Finally, we did not receive any  
20 requests for oral comments.

21 Madam Chair, if you are ready to  
22 begin, we can start with Mr. Stone's statement.

1 CHAIR HOLTZMAN: Thank you, Ms. Fried.  
2 Mr. Stone?

3 MR. STONE: Thank you. Before we  
4 begin discussing our upcoming February panel  
5 report, I would like to say that the organization  
6 where I am employed, the Maryland Crime Victims  
7 Resource Center, Inc., serves victims at no cost  
8 to the victims and there are no financial  
9 benefits that are dependent upon whether the  
10 prosecution or the defense prevails in a case.

11 My organization currently represents  
12 victims in the military justice system. To avoid  
13 even the appearance of a conflict of interest, I  
14 have voluntarily withdrawn my representation on  
15 cases currently in the military justice system,  
16 where I have entered appearances or served as  
17 counsel.

18 Additionally, I am voluntarily  
19 recusing myself from participation in all  
20 military cases for the duration of my service on  
21 the Judicial Proceedings Panel, including any  
22 military cases currently handled by the

1 organization for which I work, and any future  
2 military justice cases where the Maryland Crime  
3 Victims Resource Center may render services.

4 CHAIR HOLTZMAN: Good morning,  
5 everybody. I would like to begin by welcoming  
6 everyone to this meeting of the Judicial  
7 Proceedings Panel. Today's meeting is being  
8 transcribed and also video recorded by Army  
9 Television. The meeting transcript and a link to  
10 the video recording will be posted on the JPP's  
11 website.

12 As Ms. Fried mentioned, this panel  
13 began its work in August 2014 and we were tasked  
14 in the 2013 National Defense Authorization Act  
15 with providing our first report to Congress and  
16 the Secretary of Defense within 180 days of our  
17 first meeting on February 4, 2015. Today's  
18 meeting is devoted to the panel's deliberation on  
19 our first report.

20 Since August, the panel has met  
21 monthly to consider topics that are part of our  
22 tasking from Congress. We started our review by

1 looking at the punitive articles in the Uniform  
2 Code of Military Justice that is used in the  
3 prosecution of sexual assault crimes in the  
4 military and that is Article 120.

5 We next focused on victim privacy  
6 issues in sexual assault crimes, including a  
7 review of the rules that govern the use of  
8 evidence of prior sexual conduct and the mental  
9 health communications and records of alleged  
10 victims in military judicial proceedings.

11 The panel also reviewed the special  
12 victim's counsel or SVC programs established by  
13 the military services in 2013.

14 In addition, we reviewed how the SVC  
15 programs assist sexual assault victims in  
16 obtaining information about their cases and  
17 exercised their rights under the UCMJ.

18 The panel deliberated on Article 120  
19 at our October public meeting but today's meeting  
20 would be our first opportunity to deliberate on  
21 our other meeting topics. To prepare for today,  
22 our staff developed an initial draft report that



1 summarizes what we have learned and heard about  
2 each of the topics we have reviewed. During this  
3 meeting, we will review this draft and discuss  
4 what findings, conclusions, or recommendations we  
5 will want to make as part of our initial report.

6 Each public meeting of the Judicial  
7 Proceedings Panel includes time to receive  
8 comments and input from the public. The panel  
9 did not receive any comments or requests from the  
10 public to appear at today's meeting. All  
11 materials received by the panel members for  
12 today's meeting and previous meetings are  
13 available on the JPP's website, which is  
14 [jpp.whs.mil](http://jpp.whs.mil).

15 Thank you very much for your attention  
16 and I believe we are ready to begin our  
17 deliberations. As Ms. Fried mentioned, Judge  
18 Jones, unfortunately, can't be with us in person  
19 today. However, she plans to join us by phone  
20 when she is available during the day to  
21 participate in our deliberations. We will miss  
22 her.

1 I thought we would begin proceedings.  
2 Kyle and the staff have prepared a list of issues  
3 for us that were generated by the proceedings  
4 that we already had and by the draft report. And  
5 I thought it might be easiest if we go through  
6 the issues the staff suggested one by one and  
7 decide about them in order.

8 Let me also say that this list of  
9 issues is a draft list prepared by the staff and  
10 it is in no way binding on us. We can add to  
11 this list. I don't think we can subtract from it  
12 because it is before us but we can add to the  
13 list and nobody should feel any inclination to  
14 that saying that we missed an issue, or the staff  
15 missed an issue, or there is something else that  
16 should be considered.

17 So, without any further ado, do we  
18 have that list of issues?

19 LT. COL. GREEN: Yes, ma'am. It is in  
20 your binders.

21 CHAIR HOLTZMAN: Okay. Then, let's  
22 begin with the issue on the draft issues for JPP

1 deliberations, let's start with issue number one,  
2 which is, does the panel have any further  
3 guidance or input for the subcommittee regarding  
4 Article 120 definitions.

5 LT. COL. GREEN: And ma'am, this is  
6 the topic that you deliberated on in your October  
7 meeting, definitions regarding definitions of  
8 consent, mistake of fact, capability to consent,  
9 bodily harm. So, the report encompasses the  
10 findings or the determinations of the panel at  
11 that point as to which of those definitions you  
12 felt warranted additional consideration and  
13 study.

14 And at this point, the panel has  
15 referred those specific definitions that are  
16 outlined in the report to the subcommittee for  
17 additional consideration and potential revision  
18 or language recommendations.

19 CHAIR HOLTZMAN: So, I guess the  
20 question is do we have any further suggestions or  
21 guidance or input regarding those definitions.

22 VADM (R) TRACEY: I had an overall

1 question around the things that are being  
2 referred to the subcommittee. Only in one  
3 instance do we actually sort of expand on what  
4 was the set of things that we thought we didn't  
5 know enough about to draw any conclusions. And I  
6 have the same question, really, about each of  
7 these is what are we asking the subcommittee to  
8 do with regard to definitions? What further  
9 insights are we looking for that will be  
10 compelling to us on what it is we think the  
11 recommendation ought to be?

12 CHAIR HOLTZMAN: Kyle, do you want to  
13 respond?

14 LT. COL. GREEN: The October meeting,  
15 what we summarized for you were the different  
16 viewpoints that we had received regarding whether  
17 a particular definition was useful and then if  
18 there were any contrary opinions that you had  
19 received about whether that definition was  
20 workable within the system or not.

21 And so, ma'am, I guess I don't know  
22 that the panel got much further than that than

1 just saying this is a point that we think the  
2 subcommittee should study further and present its  
3 own recommendations as to whether the  
4 subcommittee believes that that definition is  
5 workable or does need revisions and, if it does  
6 need revisions, then proposed revised language.

7 The process for that would be that the  
8 subcommittee would take that, in that case, a  
9 fairly open-ended issue, conduct its own analysis  
10 and review, provide that review and analysis to  
11 you with any recommendations they might have.

12 At that point, the panel, I think it  
13 would provide you more information upon which to  
14 make your decision, whether it is to endorse that  
15 as a panel, as a recommendation of the panel, to  
16 the Secretary and to Congress. So, I think in  
17 this case, it is probably an open-ended question,  
18 rather than a specific question.

19 CHAIR HOLTZMAN: But let me try also  
20 to give you an example and Kyle, please correct  
21 me, or anybody else here, please correct me if I  
22 am wrong.

1           Let's take the issue of consent. I  
2 think Mr. Taylor was interested and raised some  
3 questions about whether the California, let's  
4 call it that, proposal is something that should  
5 be looked at. Is that what we want? I mean the  
6 language now, I think, correct me if I am wrong,  
7 is something like freely given consent. Does  
8 that really mean the California standard? How  
9 does that comport with the other implications of  
10 that consent?

11           If the consent standard is changed --  
12 well first of all, should it be changed? What is  
13 the standard now actually in the cases? Should  
14 it be changed and, if so, to what? And then what  
15 are the implications for the rest of the statute,  
16 if you change consent?

17           These are really detailed and nuanced  
18 questions, which take some pretty sophisticated  
19 legal analysis to look at. And that is what I  
20 think the subcommittee would do.

21           VADM (R) TRACEY: How is that specific  
22 sort of direction passed to the subcommittee?

1 How do we convey to the subcommittee that one the  
2 elements of a question that we have is, is this a  
3 suitable alternative approach?

4 CHAIR HOLTZMAN: Well, they will know  
5 that in a variety of ways. One, they will see it  
6 from the direction to create the subcommittee.  
7 We will communicate -- they can read all the  
8 transcripts of what we talked about. Kyle will  
9 be available to transmit what we are considering.  
10 And of course, by the way, I think one of the  
11 most important questions that they have to  
12 consider is with each one of the suggested  
13 changes, to balance the need for a change, the  
14 abstract hypothetical need if we were starting  
15 from scratch, tabula rasa, the best possible  
16 statute in the world, the need for a change  
17 versus the consequences of a change, in terms of  
18 disrupting stability and other kinds of  
19 disruptions that would happen in the system.

20 So, I think all of this will be  
21 communicated to them. I don't think that that is  
22 -- I could be wrong, Kyle, but do we need to be

1 clearer about what we want?

2 LT. COL. GREEN: Well, I think, ma'am,  
3 if there is a specific issue that the panel wants  
4 to highlight or raise, then we should do -- then  
5 the panel should do that. I think, otherwise, it  
6 is generally looking at the record the  
7 subcommittee will have. And the staff,  
8 obviously, supporting the subcommittee as we do  
9 you, will try to convey what we believe the issue  
10 that the panel represented. They will have  
11 access to the transcripts and so the intent that  
12 you portrayed of them, that is what we will use  
13 to try to represent that to the subcommittee. If  
14 there are specific issues that you believe need  
15 to be highlighted, then there may be certain  
16 things that you want to emphasize more directly.

17 VADM (R) TRACEY: I think the example  
18 that was just given is of the sort of weight that  
19 I am looking for. We have a specific set of  
20 questions we would like to have considered in  
21 connection with the definition around consent.  
22 And I would not like to think that we employ a



1 subcommittee's time and they come back with  
2 equally fuzzy a response as we have because they  
3 have more time to invest in this, perhaps, but  
4 coming back having landed in the same place that  
5 we had differing opinions isn't going to be  
6 helpful to us.

7 CHAIR HOLTZMAN: I would also hope, as  
8 part of this subcommittee process, that to the  
9 extent, and this is where the subcommittee  
10 becomes really important, to the extent that they  
11 do believe that change is necessary, they may  
12 want to provide the actual language for a new  
13 statute. And that is very much easier to do in a  
14 subcommittee format because they can have  
15 conference calls and so forth.

16 So, I hope it is not going to be fuzzy  
17 but it is a very, very complicated thing to write  
18 a statute from scratch.

19 VADM (R) TRACEY: Please, I am not  
20 arguing that there is not enough for the  
21 subcommittee.

22 CHAIR HOLTZMAN: No, no.

1                   VADM (R) TRACEY: I am asking that the  
2                   subcommittee get enough indication from us as to  
3                   what additional insights we need to have for us  
4                   to be able to -- you know yes, they could write  
5                   statutory language but if we don't have clarity  
6                   on why that language was the right fix, I'm still  
7                   not sure that we even helped.

8                   MS. FRIED: Ms. Holtzman, if I may?  
9                   The subcommittee process, what we did, the  
10                  subcommittee came and briefed RSP on their work  
11                  and their findings and had a dialogue. And if  
12                  they think they needed further discussion and if  
13                  they take it up to the subcommittee, it has to be  
14                  in a public setting.

15                  But things that are just vague or  
16                  ambiguous to the panel members, they can still  
17                  tell the subcommittee to go back and, you know,  
18                  further clarify or address a specific point that  
19                  the panel think needs to be addressed.

20                  So, they have the opportunity in the  
21                  procedure provided to get more clarity, if  
22                  necessary, from the subcommittee until you are

1 comfortable with the work product that we can  
2 actually decide what needs to be done with that.

3 MR. TAYLOR: If I could just add one  
4 other thing, I think Admiral Tracey raises an  
5 extremely good point. I think the Chair  
6 certainly addressed it better than I could have,  
7 in terms of my own concerns about the standard.

8 But in the draft outline for JPP  
9 deliberations, some of these issues were broken  
10 down into specific questions, discrete questions.  
11 So, I think that even looking at this list of  
12 discrete questions, it becomes more clear what we  
13 would like them to figure out.

14 So, I think that there should be  
15 enough information out there not only available  
16 through the public documents but through further  
17 dialogue so that we can probably hit that nail on  
18 the head.

19 VADM (R) TRACEY: And I guess all I am  
20 asking is, is there a reason why those specific  
21 questions are not incorporated into the report.  
22 So, we are not asking the subcommittee to go do a

1 research project about what the question is  
2 before they get to do the research on what the  
3 answer ought to be. And not in every case is  
4 that in the draft.

5 LT. COL. GREEN: There are eight  
6 questions related to definitions that are  
7 specified as questions in the report.

8 Is the current definition of consent  
9 unclear or ambiguous? Are consent or mistake of  
10 fact as to consent defenses under the current  
11 statute?

12 VADM (R) TRACEY: Those are yes or no  
13 questions. I think the Chair articulated around  
14 consent a pretty important and more in-depth set  
15 of questions that we were raising about a  
16 particular approach to addressing consent and  
17 whether that had relevance to us or not. And I  
18 don't believe the yes/no question is going to get  
19 the subcommittee focused on that particular  
20 question for us.

21 MR. STONE: I think your point is well  
22 taken that after each question it did say and if

1 yes or no, what should it be. In other words,  
2 elicit something beyond the yes or no, the yes or  
3 no and some explanation for proposal.

4 VADM (R) TRACEY: Okay, I am still  
5 suggesting that in that example, we have a  
6 particular line of inquiry that was of interest  
7 to us that we don't have the wherewithal to  
8 elaborate on in our committee. And I think if  
9 the subcommittee isn't aware that we want to  
10 examine a California rule, that may end up in a  
11 churn that doesn't need to happen for the  
12 subcommittee.

13 CHAIR HOLTZMAN: Admiral, I think you  
14 raised a good point. I think Mr. Stone has a  
15 partial solution. But I do think if you -- I  
16 mean when I read the report, the draft report, I  
17 did see more of a discussion that informs these  
18 questions.

19 For example, not only the issue that  
20 I raised as an example about consent, and I hope  
21 I didn't take your name in vain, but you know the  
22 issue of bodily harm. I think the draft report

1 explained some of the reasons that bodily harm,  
2 the term could be confusing. And so, I think  
3 that that gives a sense to the subcommittee of  
4 what they should be looking at in terms of bodily  
5 harm. But it may be that when they examine the  
6 statute, they will also find other problems with  
7 the term bodily harm and maybe in the end they  
8 will decide well, despite all of these problems  
9 with the term bodily harm, we don't think you  
10 should change it.

11 So, I don't know if that satisfies you  
12 but the only other solution is that the staff  
13 should come back to us with more specific  
14 examples under each one of these items of what  
15 they mean.

16 Kyle, I don't see a smile on your  
17 face.

18 LT. COL. GREEN: Well, I think what we  
19 tried to do in the report on each of these  
20 questions related to definitions was to provide a  
21 summary of what was heard from both sides on that  
22 particular issue. And then at the end of that

1 subsection is what we intended to be sort of the  
2 analysis or reasoning of the panel as to why you  
3 were either closing the issue or turning it over  
4 to the subcommittee.

5 So, there is a paragraph, in terms of  
6 the definition of consent, that I mean talked  
7 about the ambiguity and seems to -- and it does  
8 refer to the concept of affirmative consent as  
9 described by presenters, which is from the  
10 California University rules. And so we tried to  
11 capture some of that or what we could to  
12 summarize that within the panel's report. And  
13 so, I am not sure if there are points, I guess,  
14 Admiral Tracey that we need to clarify there or  
15 do more than, I guess, we would need to --

16 VADM (R) TRACEY: If I am the only  
17 person who is uncomfortable, then let's move on.  
18 My read of this document leaves me concerned that  
19 the subcommittee will be faced with the same  
20 outcome that we had. They will listen to varying  
21 points of view and have to draw a conclusion  
22 without the benefit of knowing what are the

1 specific things that kept us from being able to  
2 draw a conclusion. I did not find this pointed  
3 enough, in terms of what are the questions that  
4 the panel thought they couldn't reconcile.

5 It is a great summary of what we heard  
6 but then why was the panel not ready to make some  
7 of these calls?

8 We do that in some instances. We  
9 don't do it in others. So, it seems to be a bit  
10 inconsistent. I am not clear on whether that is  
11 sufficient information for the subcommittee to  
12 work with. But I have stated my concern and  
13 let's move on.

14 LT. COL. GREEN: And I think maybe the  
15 overarching concern that you have, ma'am, and one  
16 of the things that the panel, and it goes to the  
17 aspect of this, is drafting language or drafting  
18 alternatives is, obviously, very difficult in  
19 this type of a forum. And so that is one of the  
20 overarching, I think, reasons why you decided to  
21 perhaps have a group, the subcommittee meet and  
22 look at these is simply the issue about if this



1 is highlighted as a potential concern and there  
2 are things on both sides of it, how do we get to  
3 the point of generating alternative language or  
4 an alternative proposal. So, that is where the  
5 subcommittee can provide sort of that working  
6 group format to provide you more specific  
7 guidance of we have looked at this; we took your  
8 concerns. We made an alternative proposal and  
9 here is what that is. And then you are really  
10 looking at an alternative, rather than there are  
11 problems on both sides. What do we do?

12 I think part of it is intended to  
13 provide you more of a working group that provides  
14 you a solution or an answer; whereas, to at this  
15 point, what the panel has heard is really the  
16 concerns are the problems.

17 LT COL MCGOVERN: Kyle, how about we  
18 develop a proposed appendix with a list of  
19 questions that we want the subcommittee or the  
20 members want the subcommittee to address, along  
21 with any other issues with Article 120? And that  
22 could satisfy the concerns of Admiral Tracey.

1           MR. STONE: I guess I would say that  
2           in terms of the February report, and maybe I am  
3           wrong, but I thought that as more of a status  
4           report as to how far we have gotten, and at least  
5           I thought that was a little different than what  
6           we might want to add to the subcommittee's agenda  
7           later, in other words, this is sort of a road  
8           sign of where we are today. And so I didn't  
9           think we needed to be, at least me, I didn't  
10          think we needed to be quite so pointed for  
11          February.

12                 I agree with you as to where we are  
13          going and I think anything anybody wants to throw  
14          in is great but I think we are showing in this  
15          report how much we have -- the input we have  
16          gotten at this point and we are not quite yet at  
17          the output stage. That is going to take the  
18          subcommittee, we may give the subcommittee a hard  
19          time later but that seems to me to be maybe in  
20          the next report or something.

21                 VADM (R) TRACEY: And it is the  
22          approaches that we are giving our status report

1 here and we will separately communicate to the  
2 subcommittee with some specificity around things  
3 that we particularly would like to have them  
4 examine. I am good with that.

5 My question was, how does that happen?

6 CHAIR HOLTZMAN: Well, then the  
7 question is, I mean there is a possibility, Kyle,  
8 isn't there, that the subcommittee will be  
9 created in the relatively near future? So, the  
10 directions need to be given in a relatively short  
11 time. Am I wrong or can they be done at the next  
12 meeting that we have?

13 LT. COL. GREEN: I think they could be  
14 done at the next meeting. The subcommittee has  
15 not been appointed yet. So, once that process  
16 happens, they will have to go through the  
17 appointments process the same way that you did.  
18 So, there is the administrative part of that.  
19 That is going to take some time. I don't think  
20 we would be looking before March probably before  
21 the subcommittee would be ready to begin its  
22 work, anyway, which is probably it would allow.

1           And certainly, if the panel wanted the  
2           subcommittee to attend a public meeting for that  
3           discussion, I think the panel could also provide  
4           written guidance to the subcommittee as to its  
5           issues. I don't think that it all has to be  
6           encompassed in your report. I think Mr. Stone's  
7           description, as we were trying to do it is  
8           accurate. And this is sort of a sign post as to  
9           where you are right now.

10           But and so any additional thoughts  
11           that you would have for the subcommittee could be  
12           shared. That would just be part of the  
13           subcommittee's own consideration.

14           CHAIR HOLTZMAN: How do you feel about  
15           that, Admiral?

16           VADM (R) TRACEY: I'm good with that.  
17           If that is how we want to view this, I am good  
18           with that.

19           CHAIR HOLTZMAN: So, is there any  
20           objection to that?

21           So, Kyle, do you want to frame the  
22           record, at least where we are going?

1           LT. COL. GREEN: Well, and I guess for  
2 those issues under issue number one, those  
3 definitions, there are eight questions framed in  
4 the report for referral to the subcommittee for  
5 further evaluation and to provide recommendations  
6 to the panel, as the subcommittee deems  
7 appropriate.

8           CHAIR HOLTZMAN: So, that will be our  
9 disposition of issue number one.

10          MR. STONE: I don't know if we would  
11 be beating a dead horse but I was particularly  
12 intrigued in the materials we got ahead of time  
13 that a case was decided December 16th, U.S. v.  
14 Schloff relates to the very last of those eight  
15 questions, the definition of sexual contact. I  
16 thought that was a very interesting case, whether  
17 sexual contact can happen with a stethoscope.

18                 And the only thing I was going to do  
19 was say and please comment on U.S. v. Schloff.  
20 Now, they may be doing that anyway but I thought  
21 that that was a very -- we are looking for  
22 helpful judicial opinions fleshing out what is

1 here. And that looked to me to be very helpful,  
2 even though it didn't come from the highest  
3 military court, one level below, I gather.

4 LT. COL. GREEN: Right, it was the  
5 Army Court.

6 MR. STONE: The Army Court. But I  
7 want to be sure that the subcommittee looks at  
8 that. I gather they will if they sent it -- if  
9 we got it but I thought that helps some of the  
10 problems that we had and discussed at some length  
11 whether somebody could use an object to do it.

12 Again, as we pointed out, a lot of  
13 this stuff is new but as we get decisions like  
14 this, and that one is just exactly a month old,  
15 it may make some of the troubles or problems that  
16 people have go away.

17 CHAIR HOLTZMAN: Right. I mean maybe  
18 to broaden your suggestion, they should be  
19 considering all cases up to date, whether they  
20 deal with sexual contact or whether they deal  
21 with anything else and every case that is coming  
22 out this month or next month that they ought to

1 be looking at should be kept current. I guess  
2 you could add that to the guidance.

3 MR. STONE: Yes.

4 CHAIR HOLTZMAN: Okay, does that take  
5 us past issue number one?

6 Do we want to do something on issue  
7 number two, which is does the panel have any  
8 further guidance, aside from the points you have  
9 made and we have already agreed on? Does the  
10 panel have any further guidance or input for the  
11 subcommittee regarding Article 120, statutory  
12 elements and offenses?

13 Well, I guess we have --

14 LT. COL. GREEN: And there were two  
15 specific issues that the panel referred to  
16 subcommittee consideration. Should the accused's  
17 knowledge of a victim's capacity be a required  
18 element of sexual assault? And then the offense  
19 of indecent act was an enumerated offense under a  
20 previous version of the UCMJ. It was not carried  
21 over to the 2012 version. And the question was  
22 raised, should that be added to the UCMJ as an

1 enumerated offense. And both of those issues  
2 were discussed and the panel determined that it  
3 was appropriate to refer those to the  
4 subcommittee for recommendations.

5 CHAIR HOLTZMAN: Any further discussion  
6 on issue number two?

7 Issue number three. Does the panel  
8 have any further guidance or input for the  
9 subcommittee regarding Article 120's treatment of  
10 abuse of authority and coercive relationships?

11 Kyle?

12 LT. COL. GREEN: And the panel  
13 referred five specific questions to the  
14 subcommittee for consideration. Those are  
15 enumerated.

16 Should the panel advise the  
17 subcommittee that it should consider 1) whether  
18 current charging mechanisms used by the military  
19 services are effective and appropriate; 2)  
20 whether the 2012 version of Article 120 affords  
21 prosecutors the ability to charge coercive  
22 relationships as a sexual assault; 3) whether a



1 specific provision of Article 120 should be  
2 amended to ensure that such relationships are  
3 covered; 4) whether an additional provision  
4 should be added under Article 120 to explicitly  
5 address these relationships; and 5) whether  
6 sexual relationships between basic training  
7 instructors and trainees should be treated as a  
8 strict liability offense.

9 MR. STONE: I know I am reading that  
10 last one and I don't know if this is an addition  
11 to that question as you read it or if this is a  
12 sixth question but I thought it related to that  
13 very last one that we ought to add the words  
14 should be treated as strict liability offense or  
15 alternatively, more strictly regulated.

16 In other words, this is a topic that  
17 concerns everybody and whether we go all the way  
18 to recommending a strict liability or just make  
19 it, in laymen's terms, a more easier offense to  
20 prove or recommend regulations in the military  
21 that you shouldn't have contact with these.  
22 Whatever. So, I think that that should be

1 considered at the same time that they look at  
2 strict liability, which is strict liability is a  
3 crime without specific intent, no specific intent  
4 required.

5 In other words, there is a halfway  
6 measure there, too, and I think that that needs  
7 to be looked at in that question. It is not an  
8 all or nothing problem.

9 CHAIR HOLTZMAN: Just kind of in line  
10 with what Mr. Stone has said, I remember that we  
11 got two proposals with regard to the issue of  
12 sexual relationships between basic training  
13 instructors and trainees. One was the strict  
14 liability and that was Representative Speier's  
15 approach. And then Representative Frankel had a  
16 more -- had a broader approach; it wasn't strict  
17 liability, it was kind of an abuse of power, as I  
18 recall it approach.

19 And maybe throwing that in, Mr. Stone,  
20 I thought that should be covered, to review that  
21 proposal as well.

22 MR. STONE: Yes, and I was suggesting

1 even a little less in terms of maybe the  
2 recommendation would be if you had new  
3 regulations, we wouldn't go -- and here is what  
4 they would be.

5 So, I am just saying there is an  
6 incremental spectrum there and just so that that  
7 is addressed, the incremental spectrum, not all  
8 or nothing.

9 VADM (R) TRACEY: So, there are  
10 regulations and you are suggesting evaluating  
11 whether those are sufficient or whether something  
12 additional to them, short of strict liability  
13 would be --

14 MR. STONE: That's right. Whether it  
15 needs a new small hurdle, a bigger hurdle, or you  
16 need strict liability. In other words, that is a  
17 difficult issue. And I think, correctly, a lot  
18 of people were nervous about going all the way to  
19 strict liability. But I think most of them also  
20 agreed it may not function well right now without  
21 tweaking it in some fashion.

22 MR. TAYLOR: Just a follow-up on that

1 point. I think one of the major concerns was if  
2 you have a relationship between a superior and a  
3 subordinate that ends up in some sort of general  
4 92 disobedience of orders, it may involve sex and  
5 sex in a way that we would want to have that  
6 person registered as a sex offender. But, if all  
7 the person received was punishment under  
8 violation of orders, then it would not, in fact,  
9 require that person to register as a sex  
10 offender. And I think that was what the gravamen  
11 of the problem with using 92. So, I think that  
12 one of the things that we would want to do, as we  
13 spell this out, just to follow-up on what Mr.  
14 Stone said, is to have them address that issue  
15 because it could be that you could still maintain  
16 a violation of the general orders offense but  
17 somehow work that into the registration  
18 requirements as a registered sex offender. That  
19 would be another partial measure.

20 CHAIR HOLTZMAN: So, I think we should  
21 add these three issues to the list.

22 LT. COL. GREEN: Okay.

1           CHAIR HOLTZMAN: Or clarify the list  
2 by adding those items. Unless there is  
3 objection, that will be done.

4           Okay, let's go up to issue four. Does  
5 the panel believe Article 120 should be  
6 bifurcated into separate offenses addressing  
7 penetrative and contact, non-penetrative  
8 offenses?

9           LT. COL. GREEN: And this was not  
10 referred to the subcommittee. You determined  
11 that there was not reason, based on your  
12 analysis, for the subcommittee to need to  
13 consider this. And then the panel reached a  
14 conclusion not to recommend bifurcation.

15          CHAIR HOLTZMAN: Okay, issue five.  
16 Does the panel wish to comment about DoD's  
17 implementation of the 2012 revision of Article  
18 120? Kyle, would you explain that, please?

19          LT. COL. GREEN: This, I think,  
20 Admiral Tracey, you have raised consistently one  
21 of the taskings of the panel is to look at the  
22 implementation -- is to obviously look at the

1 underlying law but also to look at the  
2 implementation of that law.

3 And so this question is raised. We  
4 talk about the process for generating executive  
5 order guidance to implement the rules for Article  
6 120 but this was not something that the panel  
7 provided much analysis or evaluation of. And so,  
8 it is a matter of whether the panel believes that  
9 that is appropriate at this time, if you want to  
10 comment on that or provide any additional  
11 guidance in the report?

12 VADM (R) TRACEY: If I could reiterate  
13 what my concern is here. It is that we are being  
14 asked to measure the effectiveness of changes  
15 that have been made and some of them have not  
16 been in place long enough to have any way to  
17 measure their effectiveness. But one of the  
18 facts we determined was that, in some cases, the  
19 full-blown implementation that would make them  
20 sustainably understood hasn't taken place. The  
21 Department is behind on getting some of the  
22 guidance that is required out so that people know

1 they are implementing what the change is. That  
2 hasn't happened.

3 And a stronger comment, perhaps, from  
4 the panel on the fact that that is impairing any  
5 ability to say that you have implemented changes  
6 that have already been made would be suitable, at  
7 this point in time.

8 I know we heard some things at our  
9 last session that suggested maybe it was moving  
10 along a little bit more than we had thought  
11 previously, but they are still not complete. It  
12 is not in the hands of the practitioners. And is  
13 that something that is worth a stronger comment  
14 from us, than just the fact that we heard that?

15 MR. TAYLOR: I would like to join  
16 Admiral Tracey in suggesting that we do make a  
17 point that we do not believe, as a panel, that  
18 DoD has moved out as quickly as it might have to  
19 implement some of these provisions. And I have  
20 been among those who have asked questions of  
21 people who have testified about this fact. What  
22 do you think the problem is? And essentially the

1 answer seems to be it is just a big bureaucracy.  
2 We just have a lot of these rules and regulations  
3 under the Administrative Procedures Act, and  
4 others, public notice and comment. But I hear  
5 all that but I say yes, but it has been a long  
6 time.

7 And I think it calls for some sort of  
8 a comment on our part that it seems that the  
9 process is moving really too slowly.

10 CHAIR HOLTZMAN: I'm not disagreeing  
11 but I am just looking at issue number six, and so  
12 I want to understand the difference between issue  
13 number five and issue number six because I think  
14 issue number six explicitly raises that point.

15 And so what were you trying to get at  
16 in issue number five that is different from issue  
17 number six or are they the same thing?

18 LT. COL. GREEN: They are -- six is  
19 really an expansion on five in terms of there are  
20 overall issues with implementation.

21 CHAIR HOLTZMAN: Oh, okay. Then why  
22 don't we just strike five and then renumber or am



1 I missing something?

2 MR. STONE: I think that, to be fair,  
3 I would rather that it in some way express the  
4 notion that we would like to know if the process,  
5 the current process could be streamlined.

6 I don't know that I want to say length  
7 of time because some of the changes have happened  
8 quickly and some haven't. So, I think it is more  
9 a question of what was just mentioned here about  
10 I would like to have the subcommittee look at the  
11 current regulations that are in place and tell us  
12 if there is a process by which we could  
13 streamline this. So, that is why I wasn't sure I  
14 wanted to get the time line.

15 I almost feel like you know when they  
16 have international trade agreements, there are  
17 certain -- Congress has an expedited process they  
18 can do and then do it. And the question is, is  
19 there some streamlining that we could get either  
20 at the DoD level or if it has to be in each of  
21 the different services to more quickly get some  
22 of these -- I guess I want to say promptly. I

1 want to be careful what words I use because I  
2 know some of them require a certain amount of  
3 notice and comment and distribution and it is  
4 legitimate to get comment from people in the  
5 field and here there and everywhere.

6 So, that is why I wasn't sure -- that  
7 is why I think I like five better, commenting  
8 about the DoD implementation and say -- than  
9 leaving that out before we get to the specifics.  
10 Like maybe we combine them, those two questions  
11 but I kind of like the notion that we are looking  
12 at streamlining. We are not -- at this point we  
13 certainly are not wrapping anybody's knuckles.

14 CHAIR HOLTZMAN: Aren't there two  
15 issues here, though? One issue is that the 2012  
16 revision is going to take time for the courts to  
17 sink their teeth into no matter what. I mean,  
18 the cases don't happen immediately. The appeals  
19 don't happen immediately. I mean it will, even  
20 under the best of circumstances, even with the  
21 world's most expedited process, if you have new  
22 terms in the statute, you are not going to get a

1 lot of case law for several years. And that is  
2 nobody's fault. That is just how the system  
3 should work, actually.

4 But to the extent that we have  
5 decisions that should have been made on  
6 implementation, either by the Defense Department  
7 itself, not through the court system but either  
8 through regulations that weren't issued, and we  
9 limit to the Defense Department but, as I  
10 remember, the White House also was a, can I use  
11 the word, culprit here. I mean, there is a delay  
12 coming out of the process of getting the White  
13 House to act on certain -- the President has to  
14 take executive action on some things. So, it is  
15 not just the DoD.

16 But is there some way we can be a  
17 little more nuanced in our concerns here? I  
18 mean, I think it would sound -- I don't think I  
19 want to be critical of a system that just has to  
20 take its time because it does, that is how it  
21 works.

22 VADM (R) TRACEY: I think you are

1 right. There are two issues. One is that time  
2 will have to go by before we can have the valid  
3 insights but that time is going to be elongated  
4 by the fact that the actual implementation is  
5 being so slowly executed. So, people are  
6 operating on opinion, not on any sort of  
7 standardized direction.

8 MR. STONE: Yes, the judicial side of  
9 it is going to be slow but nothing stops the  
10 administrative side, the judge advocate general,  
11 staff judge advocate generals from within, say,  
12 90 days or 180 days of this new change, telling  
13 their staff what they think it means, until some  
14 judge says otherwise. And I think that is the  
15 stuff that we want to streamline, let's say that  
16 we at least get the troops understanding we may  
17 be calling for input on you know, please let us  
18 know your comments because within so many days,  
19 as Congress usually does, it says to the  
20 Executive Branch, put out a regulation within --  
21 you have 180 days to implement, knowing full well  
22 the judges may invalidate it five years later but

1 you still get the ball rolling.

2 CHAIR HOLTZMAN: May I make a  
3 suggestion here? I think that we should ask the  
4 staff to prepare a statement on the time issue  
5 for us. And then we can review it, if we all  
6 agree with it.

7 Maria, our guru or gura, I don't know  
8 -- I'm not into Sanskrit so, whatever the right  
9 term is -- can you advise us on how we would  
10 implement such a process if the staff came up  
11 with a suggested language, circulated it to the  
12 members? If we all agreed, then what would  
13 happen, then it would be added to our report. If  
14 everybody didn't agree, then we would have to  
15 have a meeting to resolve the issues or? Okay.

16 MS. FRIED: Yes, and I think if it is  
17 agreed upon, it would be mentioned in the next  
18 meeting that this was agreed upon by the panel.

19 CHAIR HOLTZMAN: I see, okay. So, I  
20 think we should do that. If we are going to do  
21 it by the -- if there is going to be another  
22 meeting on the 30th, we can do it then or it

1 won't be part of this report but it would be part  
2 of our next report, if that is acceptable to the  
3 members. I don't know how you feel about that.

4 MR. STONE: I think that is fine, yes.

5 LT. COL. GREEN: Can I ask -- two  
6 things I heard were a comment from the panel  
7 regarding the implementation and the affect that  
8 it has had on the system and then I think, Mr.  
9 Stone, you mentioned potentially referring this  
10 or some part of this to the subcommittee for  
11 potentially coming up with alternate solutions.  
12 Just so I know with the staff what we are  
13 drafting. Is that something the panel --

14 CHAIR HOLTZMAN: I don't think we have  
15 focused on whether this should go to the  
16 subcommittee.

17 LT. COL. GREEN: Okay, so we are only  
18 talking about the commenting from the panel  
19 level. Okay.

20 CHAIR HOLTZMAN: Right. Okay, so that  
21 is deferred.

22 MR. STONE: I guess the only thing the

1       subcommittee could look at -- maybe we are  
2       overlooking a more streamlined procedure that is  
3       out there. That would be the only thing, if  
4       somebody knows if there is a somewhat quicker  
5       procedure than it goes to the Joint Services  
6       Panel, they send it around for comment. It goes  
7       into the Federal Register. The Secretary of  
8       Defense sends it up to the President. I mean  
9       maybe something that is a little swifter on an  
10      interim basis. Like when you want something in  
11      the Federal Register, there are certain emergency  
12      procedures where you dispense with certain notice  
13      periods on an interim basis because you have to  
14      do certain things to get the ball rolling.

15               CHAIR HOLTZMAN: My only view about  
16      that is that we are giving this panel a big job  
17      in just looking at 120. I mean that is huge.  
18      So, I would recommend that if we have this other  
19      concern, maybe that is something we could look at  
20      ourselves.

21               VADM (R) TRACEY: I am with you. In  
22      fact, to me it is a fundamental concern. It is a

1 barrier to us being able to do what we were asked  
2 to do. And it does need to be commented on in  
3 the first report as something that the Department  
4 has to deal with. The subcommittee can't fix  
5 that problem. The Department has to do that.

6 CHAIR HOLTZMAN: Right. But I think  
7 what Mr. Stone was suggesting is that maybe we  
8 could also recommend an expedited kind of  
9 procedure in these cases. We haven't really  
10 looked at that. And so that is something that I  
11 would suggest not going to this subcommittee but  
12 that we keep it right here and if we want to look  
13 at it down the road, we can look at it.

14 VADM (R) TRACEY: Who do we -- I agree  
15 with you. I don't want to send this to the  
16 subcommittee. I don't believe it belongs there.  
17 Could we ask, in this report, whether the  
18 Department has looked at opportunities to  
19 expedite the process?

20 CHAIR HOLTZMAN: Well, we could. That  
21 could certainly be a point there. And if we  
22 don't hear a positive response, then we can go



1 forward with this.

2 VADM (R) TRACEY: Yes, okay.

3 CHAIR HOLTZMAN: Okay, so I think that  
4 we are finished with the first issues on 120 in  
5 the subcommittee.

6 LT. COL. GREEN: Just to close this  
7 out, were there any other issues that the panel  
8 members determined that we should add to Article  
9 120?

10 CHAIR HOLTZMAN: Okay, great. Now, we  
11 can go to Issue B, which is JPP analysis and  
12 recommendations on SVC programs.

13 Issue number seven. Does the panel  
14 wish to provide overall initial impressions or  
15 comments about the SVC program? Are you saying  
16 aside from what is in the draft report, Kyle?  
17 I'm not sure I fully understand.

18 LT. COL. GREEN: Yes. Again, this  
19 perhaps is easier to discuss at the end. I mean  
20 obviously there are a number of specific issues  
21 on this specific point.

22 CHAIR HOLTZMAN: Okay. So should we

1 just defer this item to when we finish when we go  
2 through all the rest of the issues in Item B? Is  
3 that okay with everybody?

4 Okay, so the first issue is issue  
5 eight. Do we believe that counsel selected to  
6 serve as SVCs have sufficient criminal law  
7 experience? Isn't this dealt with in the report?

8 LT. COL. GREEN: Yes, ma'am, it is.  
9 You received information about the level of  
10 experience and the experience level of those who  
11 are selected to serve as SVCs. We received  
12 testimony from witnesses, the judge advocates  
13 general, as well as data on individual counsel to  
14 know their experience. Generally, based on the  
15 assignments process for the different services  
16 for their SVC programs, some of the services, the  
17 SVCs, by the nature of those assignments often  
18 have one to two litigation assignments prior to  
19 serving as an SVC; whereas, other of the services  
20 may be an initial assignment and come into the  
21 SVC position without any criminal law experience.

22 And so the question really posed from

1 that information is just does the panel believe  
2 that some comment is warranted on that or is that  
3 just the nature of the process.

4 CHAIR HOLTZMAN: Well, what have we  
5 said in the report, we just identified the issue?

6 LT. COL. GREEN: Right. This is just  
7 something based on the testimony --

8 CHAIR HOLTZMAN: The recommendation  
9 then.

10 LT. COL. GREEN: On all of these  
11 issues from hereon out, the report does not  
12 include any analysis because the panel hasn't  
13 made any. So, these are issues that we believe  
14 were raised by testimony you heard or information  
15 you have received and points for you to discuss  
16 to determine whether or not it is something the  
17 panel wishes to comment on.

18 MR. TAYLOR: So, I will be glad to  
19 take the first crack at this. It seems to me,  
20 from the testimony that we heard that it is ideal  
21 for the SVCs to have had criminal law experience.  
22 And indeed, I think all the services but the Army

1 and perhaps the Coast Guard have that as a  
2 requirement.

3 And we also received testimony that  
4 for prosecutors and defense counsel dealing with  
5 SVCs who did not have prior criminal law  
6 experience, it was more difficult. And what I  
7 worry about in that situation is that the client  
8 will not be well served because the person  
9 appointed to represent him or her simply won't  
10 have the background experience to make the right  
11 calls at the right time and maybe end up  
12 intending to help the victim but putting him or  
13 in a worse position legally.

14 CHAIR HOLTZMAN: Any other comment?

15 VADM (R) TRACEY: I agree with that.

16 And furthermore, this is a new program and so, to  
17 the extent that it becomes a target for being a  
18 barrier to the progress of the justice system and  
19 what have you, it will get to be less well  
20 supported by the line community than it needs to  
21 be.

22 MR. STONE: And I don't know if it is

1 part of that question but should they have some  
2 minimum length of time in a criminal justice  
3 system either as a prosecutor or a defense  
4 counsel for which maybe they could be detailed or  
5 prior to coming into the service, you know, three  
6 months, six months, some minimum so that they  
7 have had a couple of cases and they could see  
8 some of the problems.

9 I myself am probably not uncomfortable  
10 even with six months but I would want them to  
11 have something. I don't want them to step into  
12 that courtroom the first time never having been  
13 there.

14 VADM (R) TRACEY: So, if they are new  
15 to DoD, at least credit prior to DoD, service  
16 prior to DoD, you are saying.

17 CHAIR HOLTZMAN: You mean in civilian  
18 sector having had courtroom experience but --

19 MR. STONE: But not necessarily. I  
20 mean it could be in the military if they came in  
21 and the SVC program detailed people without any  
22 experience to the prosecution service for six

1 months and then they brought them back or  
2 detailed them to the defense service somewhere  
3 for six months and brought them back, just so  
4 that they --

5 CHAIR HOLTZMAN: That wasn't the  
6 question. The question was were you including  
7 civilian service.

8 MR. STONE: Yes, I include civilian.

9 CHAIR HOLTZMAN: But suppose somebody  
10 had just civilian service, could they be  
11 assigned, under your view, --

12 MR. STONE: Yes.

13 CHAIR HOLTZMAN: -- immediately to the  
14 special victim's counsel?

15 MR. STONE: I think they could because  
16 I, personally, moved into military victim's  
17 assistance with just civilian legal experience  
18 and it was not impossible. It was I understood  
19 what I was looking for. Sure, I had to read more  
20 regulations and understand a lot of things but,  
21 generally, I was not at sea. And so I think that  
22 that would be a little more open for them, too.

1           CHAIR HOLTZMAN: Okay. I'm not sure  
2 that I would agree to a specific time period but  
3 I certainly agree with the suggestion that  
4 everybody assigned to this should have some prior  
5 litigation experience.

6           MR. STONE: In the criminal system.

7           CHAIR HOLTZMAN: Justice system, yes.

8           MR. STONE: In the criminal justice  
9 system, yes.

10          CHAIR HOLTZMAN: Maybe not criminal  
11 justice system but prior litigation experience.

12          MR. STONE: Well, then they are going  
13 to come in with civil litigation experience and,  
14 as you may well know, the 95 percent of that is  
15 depositions.

16          CHAIR HOLTZMAN: Correct, okay. Well,  
17 but you might have had -- well, we can say  
18 courtroom experience maybe. It is possible  
19 someone with --

20          MR. STONE: Well, see my concern is  
21 that unless they have a little bit of criminal  
22 justice experience, the Brady and Giglio issues

1 are not forefront. And the Fifth Amendment,  
2 First Amendment, Sixth Amendment, they didn't  
3 wrestle with them at all. I mean the last time  
4 they will tell you they did it is sometimes in my  
5 first year in law school. And that could be a  
6 long time ago.

7 So, you are right, I don't think we  
8 have to put a number on how long but they need to  
9 have a little bit of time in a criminal justice  
10 system in order that the first two or three  
11 clients aren't the ones they learn on who got,  
12 unfortunately, incompetent assistance.

13 CHAIR HOLTZMAN: Is there any  
14 disagreement with that? Okay, so, we will add  
15 that to our -- so, that is our response on issue  
16 number eight.

17 LT. COL. GREEN: And I think the issue  
18 is, and this is just generally on all of these  
19 questions, we need to think about what the panel  
20 wants to provide in terms of analysis and whether  
21 there are specific recommendations, either  
22 explicit recommendation or just more of a



1 guidance the Department should consider, Congress  
2 should consider. Something more specific than  
3 that or just the panel's impressions. And so  
4 that is --

5 CHAIR HOLTZMAN: Well, I think it is  
6 stronger than it should consider.

7 MR. STONE: I think so, too.

8 LT. COL. GREEN: On this issue?

9 CHAIR HOLTZMAN: Yes, I think that the  
10 panel recommends that all counsel assigned to  
11 special victim's counsel or the other term for it  
12 have adequate criminal justice experience before  
13 being assigned.

14 LT. COL. GREEN: Okay.

15 CHAIR HOLTZMAN: Is there any  
16 disagreement with that?

17 MR. TAYLOR: I don't disagree at all.  
18 I think you could maybe add one more qualifier,  
19 enough experience to be sure that they represent  
20 the rights of their client appropriately, or  
21 something like that. So without, as the Chair  
22 said, getting into three months, six months, nine

1 months. It should be enough.

2 MR. STONE: Yes, I don't think  
3 somebody who was a rape victim is going to be  
4 real comfortable meeting their special victim's  
5 counsel who comes in and admits well, you are the  
6 first one I have ever seen. I have been doing  
7 civil work until now. They are going to be like  
8 my God, what am I doing here.

9 LT. COL. GREEN: So, the staff will  
10 use the comments you provided in terms of the  
11 analysis for the panel's review of this issue and  
12 then we will build a recommendation based on that  
13 analysis.

14 CHAIR HOLTZMAN: Right and preface it  
15 with the comments that we have heard from the --  
16 I mean you have to support this recommendation  
17 and it will be supported by the comments that we  
18 have heard in testimony and presentations.

19 LT. COL. GREEN: Yes, ma'am, I think  
20 the --

21 VADM (R) TRACEY: I think this comes  
22 pretty close.

1                   LT. COL. GREEN: Yes, ma'am. The  
2 draft will supplement what is currently in the  
3 draft report, subject, of course, to your edits  
4 but we will supplement the draft report with your  
5 analysis.

6                   CHAIR HOLTZMAN: Okay, issue nine.  
7 Are SVC training requirements sufficient and does  
8 the training itself adequately prepare counsel to  
9 serve as SVCs?

10                  LT. COL. GREEN: And we would note  
11 there is something in the report about this  
12 already from Mr. Stone's impressions from the  
13 August Army course that he attended. We did  
14 include that.

15                  MR. STONE: My only issue from that  
16 was what happens to someone who is assigned to  
17 this and has missed the course or couldn't attend  
18 the course, and what do they do in the interim.  
19 But I thought they said some of this was on video  
20 and they make it available to them to see through  
21 a video. So, that was -- anytime you have a good  
22 training course, there is a problem until the

1 next six months when it is given again.

2 CHAIR HOLTZMAN: Well, I mean my only  
3 concern that this is -- I think that from what we  
4 have heard, at least, my sense is that it is  
5 sufficient. But the question is what does the  
6 military have in place to assure that it is on an  
7 ongoing basis sufficient and do they have an  
8 evaluation program in place to ensure that that  
9 is okay. I mean, I don't know what they do with  
10 their other training materials.

11 VADM (R) TRACEY: So, the regular  
12 training is managed inside a pretty rigorous  
13 system with regular curriculum reviews and  
14 updates and so forth. I don't know that some of  
15 these categories of training get swept up in that  
16 system. So, that may be a good question to ask.

17 And then I think the issue of how long  
18 could the delay be before a newly appointed SVC  
19 who missed the training gets through the training  
20 and how many victims are they assisting in that  
21 time frame. Is there a way to substitute for the  
22 classroom training, if you missed it and you are

1 coming into that role?

2 MR. STONE: Well, I think that is why  
3 they were videoing it, that they have something  
4 on video.

5 VADM (R) TRACEY: And so something,  
6 perhaps, with regard to what is the policy by  
7 which you have to have completed that within X  
8 number of days of arriving in your assignment.

9 MR. STONE: Right.

10 CHAIR HOLTZMAN: Admiral, my only  
11 question is are we supposed to be asking  
12 questions in this report or are we supposed to be  
13 giving answers in this report. So, if we don't  
14 know the answer, I don't know whether we can  
15 raise it with DoD or whether we have to raise it  
16 in a future point, or whether we should say this  
17 is an issue that remains. We don't know enough.

18 VADM (R) TRACEY: I have agreed to  
19 that. I think those are the issues.

20 CHAIR HOLTZMAN: Okay. Okay because  
21 I'm not sure that we will get an answer from DoD.  
22 I'm not sure. It is like the Delphic oracle.

1           But I do think that we can say that  
2 this is an area that we think we want to satisfy  
3 -- we are not satisfied yet that there is  
4 sufficient -- we have to do further inquiry to  
5 assure ourselves that there is sufficient quality  
6 control and assessment of the adequacy of the  
7 training as it goes forward. Something to that  
8 effect. I don't have the right language.

9           LT. COL. GREEN: And I think, ma'am,  
10 with the panel's continued review of all topics  
11 over the course of time, you can generate -- I  
12 mean provide impressions. And then as a follow-  
13 up issue, if the panel wants to have further  
14 briefings on particular issues, it just becomes a  
15 point of discussion.

16           CHAIR HOLTZMAN: Okay, great. So, are  
17 we prepared to move on from that?

18           Okay, issue ten. Are the different  
19 organizational models (the Army uses legal  
20 assistance attorneys, rather than stovepiped SVC  
21 organization) used by the services for the SVC  
22 programs appropriate and/or effective?

1            Kyle, do you want to explain that a  
2 little bit?

3            LT. COL. GREEN: The fundamental  
4 organizations of the SVC programs are different.  
5 The Army, Air Force, and Navy programs are  
6 organized within the overall umbrella of their  
7 legal assistance programs; whereas, the Marine  
8 Corps is a direct reporting organization to the  
9 staff judge advocate to the commandant. The  
10 Army's SVC programs are manned by their legal  
11 assistance mission at the base.

12           The Army has a specific section within  
13 legal offices or at an installation that is a  
14 legal assistance office. And that is the  
15 organization that provides -- it falls under the  
16 staff judge advocate but that is the organization  
17 that provides SVCs and the SVCs are organized  
18 under them.

19           The Air Force and Navy programs are  
20 stovepiped organization. They fall within the  
21 legal assistance mission of the JAG Corps but  
22 they do not fall under the base legal office, the

1 staff judge advocate or anything in terms of the  
2 installation's chain of command. They report  
3 directly up to the judge advocate generals  
4 through the legal assistance organization of the  
5 programs.

6 So, there are different models for  
7 organization. I think it has changed  
8 practically. I mean I think this impacts the  
9 experience level of the counsel that are assigned  
10 because the Army, people assigned to its legal  
11 assistance, as legal assistance attorneys tend to  
12 come in at the more junior level; whereas, the  
13 other programs use more experienced counsel to  
14 fill those roles in those stovepiped  
15 organizations.

16 And so the point of this question,  
17 obviously there is a fundamental difference in  
18 terms of these programs and does the panel  
19 believe that it warrants discussion in the report  
20 about those differences or any comment.

21 CHAIR HOLTZMAN: Well, my only view is  
22 that if the only real -- at this point, we



1 haven't heard anything that raises any serious  
2 issues except to the extent that this might  
3 affect the experience of the attorneys assigned.  
4 And since we have dealt with that in terms of our  
5 prior recommendation, perhaps we just postpone  
6 this point entirely until we see down the road  
7 what kind of impact this is having, if any.

8 MR. STONE: Does it mean that the Army  
9 has a harder time getting applicants who have  
10 some experience in because of the way they are  
11 set up? Is that impacting negatively on the last  
12 question, the last two questions, question eight?  
13 I mean I don't know if that is the case.

14 If it isn't, I am perfectly happy to  
15 say I don't care how they do it if good people  
16 are assigned. Organize it any way you want. But  
17 if it has a direct effect, if the others seem to  
18 do better because it seems to be a more -- the  
19 organization has a little more status or they get  
20 a little more budget money that way because all  
21 the services are moving people around when a  
22 little base doesn't have somebody available or

1 they had two victims and they have to bring  
2 somebody in. If it affects that they have enough  
3 travel money or enough stuff like that, that  
4 would be different.

5 But again, I think you are right. I  
6 don't think we have heard enough to know that, at  
7 this point.

8 VADM (R) TRACEY: It is a little bit  
9 too soon to tell. Right? It is a brand new  
10 program.

11 CHAIR HOLTZMAN: Right. I think the  
12 only part that any concern is raised is with the  
13 issue of experience and we are already addressing  
14 that. So, I would postpone this issue. I mean I  
15 don't think it is something that we should deal  
16 with now. Am I wrong?

17 LT. COL. GREEN: The other issue that  
18 was raised in addition to training, which I think  
19 your recommendation regarding training will have  
20 an impact in terms of who the Army assigns to  
21 these positions, if the Department would adopt  
22 that, it would change their -- it doesn't fit

1 their legal assistance office model.

2 But the other part of this is that the  
3 Army's program is organized under the  
4 installation staff judge advocate, who is also  
5 responsible for the prosecution of the cases.

6 MR. TAYLOR: That was the point I was  
7 going to make. I think the issue for me, and I  
8 am perfectly fine to follow the lead of taking  
9 this up in more detail later but there is a  
10 potential issue of influence from the front  
11 office. If you know that your SVC counsel is  
12 ultimately going to be rated by the chief of  
13 legal assistance who will be rated by the staff  
14 judge advocate, then that tends to put the  
15 potential there for undue influence or pressure  
16 on the SVC counsel. And particularly, if the  
17 counsel are relatively junior, it will be more  
18 difficult for that lawyer, with the best of  
19 intentions, to perhaps be as candid and  
20 forthright as we would like for him or her to be  
21 in representing their victim client.

22 So, I am a little concerned about

1 this, just from that point of view, because we  
2 did hear some evidence and testimony of cases of  
3 retaliation against SVC counsel. And I think the  
4 implicit likelihood of that is greater if you  
5 have a chain of command that has some leeway,  
6 some say, excuse me, over the SVC services than  
7 if you have a reporting chain that is completely  
8 outside the command.

9 VADM (R) TRACEY: Actually, at some  
10 point, though, the general court-marital  
11 convening authority has to own the success of  
12 this entire ecosystem or it will never have the  
13 impact we want it to have. It is not just about  
14 making sure that the trial counsel business is  
15 done right. They do have responsibility for  
16 whether the whole system is producing what it is  
17 supposed to produce.

18 And so if our solution is to guard  
19 against nefarious behavior by people by pulling  
20 apart the pieces of a system, then the  
21 responsibility falls to the TJAG to make the  
22 system work and it is not that TJAG's

1 responsibility. It is the line commander's  
2 responsibility to make it work.

3 MR. TAYLOR: Well, I would put it in  
4 the same line of thought, I suppose as why we  
5 have stovepiped organizations for defense  
6 counsel. Recognizing over at least a couple of  
7 decades that there is a potential there for some  
8 sort of influence that is not necessarily good,  
9 the services pretty much use stovepiped methods  
10 of dealing with defense counsel who have done  
11 that for years. And the question would be  
12 whether the SVC program ought to be viewed about  
13 the same way. At least that is the way I would  
14 frame the question.

15 And it would be a very small slice of  
16 what the GCM convening authority's overall  
17 responsibilities have to do with. But the GCM  
18 convening authority also would have no authority  
19 over the defense counsel because they are in a  
20 stovepiped organization as well.

21 LT. COL. GREEN: Or the MCIOs. The  
22 investigating organizations are independent as

1 well. And so that influence that the GCMCA has  
2 is indirect. It is not ADCON.

3 MR. STONE: And where that hits the  
4 fan, among other things, are when you have, for  
5 example, a resource cutback. You don't want the  
6 person -- you want a stovepipe organization so  
7 people who are focused on this decide if it can  
8 be cut back, rather than cutting back everybody  
9 ten percent and hurting some program more than  
10 others because they are much smaller, for  
11 example.

12 So yes, that is where a stovepipe  
13 comes in. Because a lot of times, right, they  
14 can't cut back on the defense service when there  
15 is an across the board cutback because they have  
16 got to represent the people who are charged.

17 So, it is the same kind of thing. It  
18 may be that you are right, stovepipe makes more  
19 sense.

20 CHAIR HOLTZMAN: I find your --

21 LT COL McGOVERN: Representative  
22 Holtzman, we can ask a follow-up RFI if people

1 would be seeking that information and ask the  
2 Army and the other services -- we asked them what  
3 their structure was but how did they come about  
4 that. How did the Army come up with that  
5 analysis? To provide more SVCs at every  
6 installation, what would they have to -- what was  
7 their analysis and what services would they have  
8 to cut back on if they were to develop a  
9 stovepipe organization? And that could be  
10 provided with the additional information.

11 MR. STONE: There is actually one  
12 other serious issue that I do remember from the  
13 training that I went to that cuts in favor of a  
14 stovepipe organization. They pointed out, and  
15 this is sometimes why the legal assistance office  
16 initially has more in common with the special  
17 victim's counsel than the prosecution service,  
18 and that was because the base commander and most  
19 of the people involved ultimately have a standard  
20 of is this the best policy for the service, for  
21 the broader good of whatever it is I am in  
22 control of here, this unit, this base, whatever.

1 And both the defense service and sometimes the  
2 legal assistance service, like in a divorce  
3 situation that they are handling for somebody or  
4 bill collection, and the victim's counsel do find  
5 themselves in a position where if they have to  
6 choose between the broader good for the service  
7 or the best, the highest good for their client,  
8 have to choose their client.

9 So, like if a client says to them I am  
10 going to drop this whole case because I am going  
11 to have a nervous breakdown if we go through with  
12 this rape trial, even if the base commander  
13 thinks it should go forward, that victim's  
14 counsel is probably going to have to probably  
15 wind up advocating that the case not go forward  
16 because he can see how fragile the mental state  
17 of his victim is, who has got to live the rest of  
18 their life and doesn't want a nervous breakdown.

19 So, that they did mention that this is  
20 a unique position being a special victim's  
21 counsel because the client comes before the  
22 service. And that is an argument for it being



1 stovepiped because it has that -- this is one of  
2 the very few places where that happens. It  
3 doesn't always hit the fan in most cases but in  
4 one out of certainly 50 or 100 cases, that  
5 decision is going to have to be made. And you  
6 are right, the base commander is not -- it is not  
7 going to be in his normal frame of reference. He  
8 is going to see it as obstructive, as probably  
9 the base commander should.

10 CHAIR HOLTZMAN: Well, my suggestion  
11 about this, in just thinking about it, is to  
12 raise the concerns that you have raised, both of  
13 you have raised here, and say that we are going  
14 to seek additional information on this matter.

15 I think that we should ask, I think,  
16 Kelly, that you raised a very good point. We can  
17 ask the Army to justify its decision. I mean not  
18 to justify it in a hostile way but to give the  
19 reasons, the explanation for why they chose this.  
20 And also what safeguards they have, if any, to  
21 protect against exactly the points that you  
22 raised about commander influence, willingness to

1 buck the system by representing your client as  
2 opposed to what the commander might want or the  
3 unit might want.

4 So, is that acceptable?

5 MR. TAYLOR: Yes, thank you.

6 CHAIR HOLTZMAN: Okay. Thank you.

7 Okay, so that is issue, where were we, oh, ten.

8 Issue 11. Should the panel make any  
9 suggestions regarding geographic location of  
10 SVCs, including those situations where SVCs are  
11 not assigned at the same duty location as their  
12 clients?

13 Kyle, do you want to --

14 LT. COL. GREEN: There was discussion  
15 from members and this is not unique to the SVC  
16 program. It is an issue that comes up with our  
17 defense counsel systems as well. But there are  
18 cases, obviously, where SVCs are serving clients  
19 who are at other installations. And so you heard  
20 testimony about the alternative ways those SVCs  
21 support their clients through video  
22 communications, teleconference, the like. But

1       there was discussion from some of the victim  
2       advocates, the victims themselves talked about  
3       the importance of that face-to-face  
4       communication. And so, again, just an issue that  
5       we noted for you as to whether you wanted to  
6       consider any of this.

7                   CHAIR HOLTZMAN: Anybody have any  
8       comments, further comments?

9                   I guess my concern is if we make a  
10       recommendation -- I am assuming that the reasons  
11       for this are simply both monetary and logistical.  
12       And so, if that is the case, I don't know whether  
13       our recommendation would -- obviously, the best  
14       thing is to have your lawyer next door. Well,  
15       maybe it is not the best thing, maybe down the  
16       block. But how practical is that?

17                   MR. STONE: I remember I asked a  
18       question of several of the people at one of these  
19       meetings, would you rather have a video  
20       conference, telephone conference, and stuff like  
21       that and they wouldn't answer my question. They  
22       kept saying no, we want to be in person. Our

1 experience is they won't tell us certain things  
2 except in a closed room in person, which it seems  
3 to me that I agree that there is personnel  
4 limits, there is practical limits. But I think  
5 we could still say something that, from what we  
6 have heard so far a distributed, rather than a  
7 centralized system appears to be better. At  
8 least I think perhaps it was the Coast Guard said  
9 they have one centralized command on the east  
10 coast and one on the west coast with victim  
11 counsel. So, that is sort of like a centralized  
12 unit and everybody in-between goes there or they  
13 fly out to see you. And it did not sound like,  
14 at least from the preliminary data we have had  
15 from the other services and those victim counsel,  
16 that their clients were real happy with non-face-  
17 to-face contact.

18 So, it seems to me that if they are  
19 going to geographically not distribute them out,  
20 they are going to have to recognize it is going  
21 to cost them more in travel funds to be putting  
22 people on planes all the time. I mean, it can be

1 done that way.

2 The Department of Justice, the  
3 Antitrust Division is centralized, basically, in  
4 Washington, but there are people who are on the  
5 road three-quarters of every month. Whereas, for  
6 criminal prosecutions, criminal prosecutors are  
7 Assistant U.S. Attorneys in 94 different  
8 locations throughout the country. I mean there  
9 is alternate ways to look at things.

10 But if you are going to centralize it,  
11 since face-to-face contact is what they are  
12 telling us, it at least means that to do that,  
13 they have to have a really big transportation  
14 budget.

15 The Air Force has it a little easier.  
16 They own the planes. But I don't know what Coast  
17 Guard is doing.

18 LT. COL. GREEN: Our victim's counsel  
19 aren't using those very often.

20 MR. STONE: Well, there you go. Then,  
21 that is not helping either.

22 CHAIR HOLTZMAN: Can we make a

1 suggestion here or a recommendation that we have  
2 heard, I mean the presentations have indicated  
3 that special victim's counsel feel that it is  
4 vital to have face-to-face contact with their  
5 clients? I mean recognizing practical  
6 limitations on the problem, we recommend that  
7 every effort be made to assure that this can  
8 happen. I don't know.

9 Or we can just say we don't have  
10 enough information and just take a look at this  
11 in more detail down the road.

12 MR. TAYLOR: Well, this is one of  
13 those that I was surprised that people were able  
14 to come up with as many inventive ways of  
15 addressing this problem as they did. I thought  
16 that the programs and the commands had been very  
17 flexible in trying to make these resources  
18 available. And if anything, bending over  
19 backwards, recognizing that the best solution is  
20 having someone right there on station. I thought  
21 that people were pretty nimble in handling this  
22 particular piece of the problem.

1           VADM (R) TRACEY: So, I agree. And so  
2 I think first of all, a positive comment to that  
3 effect might be helpful from the panel,  
4 reinforcing the fact that everybody who talked to  
5 us said this works best when it can be a face-to-  
6 face, ongoing face-to-face engagement between the  
7 victim and the counsel.

8           And then I think that several of the  
9 services have already stipulated that they are  
10 doing regular reevaluations of the distribution  
11 of these resources around the centralized,  
12 decentralized, and the specific decentralized  
13 locations and so endorsing that as something that  
14 needs to continue to be a part of the process.

15           LT COL McGOVERN: Kyle, there was an  
16 additional issue that the value of face-to-face  
17 counseling that we talked about, the issue of  
18 possible delay. I didn't know if you all wanted  
19 to address that.

20           MR. STONE: Yes, because they can't  
21 always get on a plane the next day or that day.

22           LT. COL. GREEN: Right, I think the

1 SARC's spoke specifically at your December meeting  
2 about the fact that a victim that they are  
3 working with locally, and SARC's do have a more  
4 geographic distribution, they are at every  
5 installation or every unit, and so they may see a  
6 case where a victim makes a report, needs to  
7 speak to a counsel or requests counsel, is  
8 assigned to counsel elsewhere and the  
9 investigation either has to be delayed or there  
10 may be some impact on that based on that. So,  
11 they did speak to you about that in December.

12 LT COL McGOVERN: And the  
13 investigators as well.

14 LT. COL. GREEN: Yes.

15 VADM (R) TRACEY: But I think it is  
16 consistent with our observation that when  
17 everybody is in the same place, it works the  
18 best. That there are downsides to that not  
19 being.

20 CHAIR HOLTZMAN: Right. So, that  
21 should be the recommendation but I don't -- as to  
22 the maximum extent feasible, that should be the



1 case.

2 VADM (R) TRACEY: And to continue to  
3 look for the creative ways to narrow the time  
4 delays and still respect the victim's  
5 preferences.

6 CHAIR HOLTZMAN: Okay. Are we onboard  
7 on that recommendation? Okay, thank you.

8 Kelly, I'm sorry my back is to you.  
9 I don't mean to be rude. But that is the way we  
10 set up here.

11 Okay, so we are on issue 12. Should  
12 victim eligibility requirements to qualify for  
13 SVC services be consistent among the services and  
14 if so, what criteria should be used?

15 Kyle, do you want to comment?

16 LT. COL. GREEN: There is some  
17 difference. There is a general requirement under  
18 10 USC 1044 (e) that requires SVC services to be  
19 provided to those individuals who are eligible  
20 for military legal assistance.

21 And so the 1044 umbrella for providing  
22 SVC support sort of creates the broad category

1 but the services have indicated, and the Navy  
2 spoke about its extending services to reservists  
3 or other categories of personnel, based on that.  
4 And so, I think the services are making some  
5 different interpretations of what victims qualify  
6 for that support and also what crimes. I think  
7 in particular the Marine Corps has extended SVC  
8 support to all victims of all crimes and the  
9 other services have maintained support only for  
10 sexual assault victims. And so, there is a  
11 difference.

12 MR. STONE: Okay. When you go beyond  
13 sexual assault, you could argue that it goes  
14 outside our mandate. The problem is that sexual  
15 assault cases can be dropped and become other  
16 kinds of assaults that are not sexual assaults  
17 when they are being handled. Or the sexual  
18 assault can also include armed robbery before the  
19 sexual assault.

20 So, it seems to me that I want to say  
21 they are sexual assault related but maybe the  
22 answer is in sexual assault investigations

1 because you don't know how it is going to play  
2 out in the charges. Maybe that is one piece of  
3 the eligibility requirement.

4 The other piece is a time piece that  
5 we heard about that I know exists, which is the  
6 person was an active duty member or an eligible  
7 military person's dependent when the crime  
8 occurred but it is now two years down the line  
9 and they are no longer a dependent and some of  
10 the services were struggling with what do you do  
11 with the person who is now an ex-wife and has no  
12 current relationship with the military services  
13 at all.

14 And so I think both of those issues  
15 would benefit by a consistent rule across the  
16 services. I don't see why either one is unique  
17 to a service. They are more unique to the  
18 victims and those are, frankly, the ones who  
19 complained to the press, to Congress people, to  
20 organizations, national victim service  
21 organizations, and they say well, if everybody  
22 had been more prompt and prosecuted this while my

1 husband was still in or I was still married to  
2 him, I would have gotten some services. So, how  
3 can you deny them to me now that it has simply  
4 taken you this long to get your act going and I  
5 am no longer married to him and/or he is no  
6 longer in the service, or whatever? He is no  
7 longer in the service but he is not the  
8 defendant. The defendant is.

9 So, it seems to me I do think there  
10 should be some consistency. If there is a good  
11 reason not to cover these people later on, then  
12 probably it ought to extend across the services  
13 and vice-versa.

14 I don't think you need to show a  
15 particular service what to do. These are hard  
16 cases, I admit, when the cases gets older and  
17 older. And now I guess the clearest thing is  
18 they just took the statute of limitations off  
19 rape. So you can have a case that is 20 years  
20 old and the person may not have been in the  
21 service for a really long time. And is that a  
22 situation that the service generally or the

1 Department of Defense wants to put some  
2 limitation on time? We are going to assign an  
3 SVC if it is less than ten years old. I don't  
4 know. But I am just saying I see that as being  
5 an issue and it sort of has equal protection  
6 overtones, too. You are giving it to the people  
7 who are getting prosecuted today but it got down  
8 the line a little bit or a lot and now I don't  
9 get it. What do I do?

10 So, I do think that it is an important  
11 issue and I think if it is not going to be  
12 consistent, we should sort of understand why.

13 LT. COL. GREEN: By putting the  
14 service under 10 USC 1044, Congress has  
15 established limits that the services are required  
16 to abide by. And so some of that, in terms of  
17 the categories of services of who they can  
18 provide services to, that may be a requirement to  
19 change the law to extend that out in order to  
20 allow the services to do that.

21 The other part of that, in terms of  
22 the Marines extending services to others outside

1 of these specific category of offenses is its own  
2 internal decision to do that. So, I think on the  
3 categories of personnel, if the panel wants to  
4 make recommendations on that, that is probably  
5 something that is going to have to change the  
6 law. In terms of the categories of services,  
7 that may be within the services to control.

8 MR. STONE: They changed that statute  
9 of limitations. They got rid of it. There are  
10 ramifications when you do that.

11 CHAIR HOLTZMAN: Well, you can't ask  
12 Congress always to be aware of things. I mean it  
13 is pretty hard for them to understand what they  
14 are doing directly, much less all the collateral  
15 damage that can happen.

16 My reaction to this is that we really  
17 don't have enough information about this to make  
18 a -- at least I don't feel that I am  
19 knowledgeable enough about where the services are  
20 stopping, how people are reacting to it. Maybe  
21 this could be an item on the agenda for the  
22 future but I don't feel comfortable personally

1 making a recommendation to the Defense  
2 Department, based on the record that we have.

3 MR. TAYLOR: I agree with the Chair.  
4 That statute talks in terms of eligibility. It  
5 says these people are eligible for legal  
6 assistance. So, it ties everything into legal  
7 assistance, as if this is just another form of  
8 legal assistance like a will or a contract. And  
9 I don't think it really is. I think it is very  
10 different from that.

11 And I noticed in the draft report that  
12 I looked at in talking about categories that were  
13 excluded, including, of course, all civilian  
14 victims who have no connection with the military  
15 and there is a good number of those cases, you  
16 just wonder what were they thinking about in  
17 tying it solely to legal assistance when they  
18 drafted the statute this way for the eligibility  
19 requirement.

20 And I was looking at the footnote and  
21 I noticed, and this is not just a tease to a  
22 site, is there a reference explaining all of

1 those excluded? And I don't know enough about  
2 the statutory history, that is footnote 230 in  
3 the report. And I just wonder if we just don't  
4 need to have more information about this and more  
5 analysis to sort of figure this out because  
6 equitably, I agree with most of what Mr. Stone  
7 said, in terms of what seems like a right result,  
8 a fair result, a good policy. But it seems to a  
9 certain extent the statute has us hamstrung a  
10 little bit.

11 VADM (R) TRACEY: I agree.

12 CHAIR HOLTZMAN: Okay, so should we  
13 postpone this to a future agenda item for the  
14 panel to review? I mean I think those are very  
15 important questions, particularly about civilian  
16 victims and others.

17 VADM (R) TRACEY: I agree.

18 CHAIR HOLTZMAN: I mean if the  
19 military is really interested in dealing with  
20 issues of rape, I mean, in many cases where the  
21 rape is not a single occurrence, you have serial  
22 rapists, and so to protect people in the



1 military, you need to make sure that these cases  
2 are properly resolved.

3 VADM (R) TRACEY: Not just that. For  
4 a force like Air Force, which is a very tightly  
5 integrated civilian military force, the fact that  
6 a federal civilian employee victim is not --

7 CHAIR HOLTZMAN: Exactly.

8 VADM (R) TRACEY: -- being counseled  
9 in the same way is corrosive.

10 CHAIR HOLTZMAN: Absolutely. So, we  
11 should definitely look at that issue down the  
12 road.

13 LT. COL. GREEN: Would you like us to  
14 -- I mean obviously you provided some discussion  
15 here. Would you like to have some of that  
16 discussion added to the report or just leave it  
17 factual at this point and not?

18 CHAIR HOLTZMAN: I personally don't  
19 think it should be added to the report. We don't  
20 know enough yet.

21 LT. COL. GREEN: Okay.

22 MR. STONE: But you could put it on

1 your side list as one of those agenda items that  
2 we need at our next upcoming meeting.

3 LT. COL. GREEN: Yes, sir.

4 MR. STONE: That is clearly needed.

5 LT. COL. GREEN: Well, I think we can  
6 add exactly that. The panel believes this is an  
7 issue that warrants further consideration and we  
8 will do so.

9 CHAIR HOLTZMAN: Okay.

10 LT. COL. GREEN: So, we can add that.

11 CHAIR HOLTZMAN: Fine.

12 Issue 13. Are response personnel  
13 adequately notifying victims about access to SVCs  
14 early enough in the process for victims to fully  
15 benefit from SVC representation and guidance.

16 Kyle, do you want to outline that for  
17 us?

18 LT. COL. GREEN: The requirements as  
19 spelled out in the report is the law says that  
20 victims must be informed of eligibility for legal  
21 assistance when seeking assistance from a SARC, a  
22 victim advocate, a military criminal investigator

1 or other VWAP or trial counsel.

2 So, that is the clarity of the statute  
3 and you heard testimony that the SARCs and VAs  
4 provide information about SVC representation  
5 before the victims choose what type of reports to  
6 make. But there was some discussion among the  
7 investigators that they interpret that more  
8 broadly. They may begin the process and talk to  
9 the victim, take a statement prior to providing  
10 or discussing their rights to an SVC, whereas,  
11 others said they do it up-front. So, there is  
12 some differences of practical procedural use of  
13 this among the services.

14 CHAIR HOLTZMAN: It is mostly though  
15 with the criminal investigators. Is that  
16 correct?

17 LT. COL. GREEN: Yes, ma'am.

18 CHAIR HOLTZMAN: What do the panel  
19 members think about this?

20 LT. COL. GREEN: There was a  
21 recommendation, ma'am, from the RSP that actually  
22 recommended to DoD that the right to an SVC

1       should vest prior to, at the earliest stages.  
2       And I believe that DoD -- do you recall on that  
3       -- I thought DoD declined. The recommendation  
4       regarding for victims to be informed of their  
5       right to an SVC prior to any discussion with  
6       investigators. I believe that DoD did not adopt  
7       that recommendation of the RSP, if I am not  
8       mistaken.

9                   MR. STONE: I'm going to add to this,  
10       as an observation here that in the civilian  
11       system, the federal civilian system, there is a  
12       requirement that the U.S. Attorney offices and  
13       all the prosecutors and the prosecutorial  
14       services and the criminal investigators give a  
15       brochure, which has turned out to become one  
16       piece of paper folded in thirds to the victims  
17       because they recognize that many times they get  
18       to the victims and the victims are still so, I  
19       don't want to say totally in shock but they are  
20       so preoccupied and focused either on what  
21       happened on them or trying not to think about  
22       what happened to them, that advising them that

1 they can have a victim's counsel and here is who  
2 it is and how you get them, goes right by them.  
3 They will tell you tell you later they either  
4 don't even remember it happening or they  
5 certainly couldn't recall and they weren't in the  
6 mood to write it down.

7 So, everybody has come up and they are  
8 actually on the web but these very brief one-  
9 page, as I say folded sort of like this, the long  
10 way, and they print on all sides of it, that  
11 everybody hands and actually signs on the bottom  
12 when they hand it over, that they have handed it  
13 to the victim.

14 So, the victim goes home with a piece  
15 of paper. And the next day or the victim's  
16 husband or mother or brother can see it and it  
17 has got the services, the phone numbers. It  
18 really takes care of this were you notified at  
19 the earliest possible time. The people who were  
20 supposed to notify don't feel like oh, they are  
21 going to come back against me now because she  
22 can't remember anything and she was visibly upset

1 at the time or he was visibly upset. And it also  
2 satisfies the victim's need to know well, I can't  
3 remember what they told me but I have something  
4 here. And it helps them when they are a little  
5 calmer or it could be days, weeks, or months  
6 later decide yes, I do want -- where is that  
7 thing they told me for the -- I didn't think I  
8 needed it but it has got everything in there.

9 So, I wonder if this business about  
10 whether early enough in the process it may have  
11 something to with -- you know notified how?  
12 Maybe it should say in writing early enough. And  
13 then it forces people to do this little piece of  
14 paper that they hand out and it just serves a  
15 very good purpose. It protects everybody who has  
16 to do the notice and get the notice.

17 So, I don't know if we want to just  
18 say that that is something we will take up later  
19 or what you want to do with that.

20 LT COL McGOVERN: I think we would  
21 still have to articulate like time because When  
22 is a question, sir. When you are notifying.

1 Because the requirement is to notify them of the  
2 availability of legal assistance. Maybe not have  
3 a right to a special victim counsel like a  
4 defendant has a right to counsel. So,  
5 investigators don't see it as a Miranda type  
6 warning that they have to give up front. First  
7 they try to develop a rapport. But if there is  
8 implications of collateral misconduct, other  
9 things, the timing does become important.

10 MR. STONE: Well, the federal  
11 investigators in the rest of the country non-  
12 military have to hand out that piece of paper if  
13 it hasn't been handed out before they got there  
14 because sometimes they are not the first one on  
15 the scene. Believe it or not, sometimes it could  
16 be the prosecutor. It could be some other group  
17 that gets there first.

18 But the investigators, the FBI, they  
19 will have a notice that they hand out and it  
20 relieves them of having -- you're right,  
21 sometimes they are uncomfortable saying -- they  
22 want to talk to the person but they don't

1 necessarily -- they feel more comfortable about  
2 making all those warnings. It is just not part  
3 of their normal duties. So, they are not even  
4 sure what it all means.

5 But having a document that has been  
6 approved for that service that the investigators  
7 hand out solves that problem.

8 MS. TOKASH: Our investigators  
9 actually do have that form. It's the DD-2701.

10 MR. STONE: Oh, okay.

11 MS. TOKASH: Yes, sir. And it  
12 contains the information of who the point of  
13 contact is for the prosecution and the victim  
14 witness liaison officer.

15 LT. COL. GREEN: But it does not  
16 include information about the special victim's  
17 counsel.

18 MS. TOKASH: Correct. I don't believe  
19 it's been updated to that extent.

20 MS. CARSON: The Army has a specific  
21 form that they have them sign.

22 LT. COL. GREEN: Sorry, say that



1       again.

2                   MS. CARSON:   The Army   has a form they  
3   have them sign that they notified about special  
4   victim's counsel.

5                   VADM (R) TRACEY:   That the  
6   investigator signs?

7                   MS. PETERS:   Yes, ma'am.

8                   MS. CARSON: No that the victim signs.

9                   MS. PETERS:   And that form is service-  
10   wide because it is form DD-2910 was updated in  
11   the last year to include notification of the  
12   availability of legal assistance.

13                   And I think one of the program  
14   managers provided testimony that that is what the  
15   investigators and what the SARCs - or at least  
16   what the SARCs and the victim advocates are using  
17   for their reporting out and notifying them of the  
18   availability of legal assistance. I think the  
19   question is do the investigators have a  
20   corresponding form.

21                   LT COL MCGOVERN:   The outlier, at this  
22   point, only the Air Force. The other services do

1 seem to have a policy to inform them up front but  
2 the Air Force said they do not see it as a right  
3 to counsel but - so at some point in the  
4 conversation they do advise them of availability.

5 MR. STONE: I'm thinking from all this  
6 discussion, this is another one of those agenda  
7 items that we need to put for a different  
8 meeting.

9 CHAIR HOLTZMAN: Right or maybe we can  
10 just do one of these -- what do you call them?

11 LT COL McGOVERN: RFIs.

12 CHAIR HOLTZMAN: RFI to the services  
13 to make sure to find out exactly what their  
14 practice is and then we can make a  
15 recommendation.

16 Okay, everybody comfortable with that?

17 MR. STONE: Yes.

18 CHAIR HOLTZMAN: Okay, we are up to  
19 14. Is additional statutory or regulatory  
20 guidance used to specify whether victims should  
21 be informed of the availability of legal  
22 assistance and SVC representation. Doesn't this

1 go back to the same?

2 LT. COL. GREEN: The same prior issue,  
3 yes, ma'am.

4 CHAIR HOLTZMAN: Okay. Issue 15.  
5 Should there be standardization regarding the  
6 scope of SVC's representation, especially  
7 pertaining to representing victims in collateral  
8 misconduct matters?

9 Kyle, do you want to address that?

10 MR. STONE: That goes back to 12.

11 LT. COL. GREEN: No, this is the other  
12 side of it, in terms of -- and this is the issue  
13 about a victim, obviously, who is in trouble for  
14 something and whether the SVC is qualified to act  
15 in a defense counsel capacity for that person to  
16 represent them in that matter.

17 MR. STONE: Right, using drugs while  
18 the sex offense happened.

19 LT. COL. GREEN: Yes, sir. There are  
20 different practices among the services about the  
21 limits -- about what they allow their counsel to  
22 provide.

1           I mean within the military system, you  
2           have to be certified as a defense counsel to  
3           practice as a defense counsel. And so SVCs are  
4           not certified defense counsel and so there is  
5           some limitation that practically flows from that  
6           about their ability to provide defense counsel  
7           services.

8           CHAIR HOLTZMAN: But do you want to  
9           summarize what the testimony showed? Kyle, do  
10          you mind?

11          LT. COL. GREEN: I think -- well,  
12          there is guidance that the 1044(e), the statute  
13          allowing for legal assistance for victims, legal  
14          consultation for collateral misconduct, what that  
15          allows them to do is talk with the victim about  
16          their right to seek military defense services but  
17          not necessarily to represent them in that matter.

18          And so the practical aspect of what  
19          you heard was SVCs saying how far can I go  
20          because in so many of these cases, there is minor  
21          misconduct on the part of the victim that may be  
22          involved. So, how far can I go in representing

1 my client in the underlying matter, based on  
2 maybe my victim has an issue with underage  
3 drinking or something like that.

4 So, I think there are some issues that  
5 SVCs and VLCs are experiencing practically about  
6 what can I do in terms of negotiations with trial  
7 counsel or a legal office to not have that issue  
8 be a concern to my clients but in the context of  
9 negotiating the underlying sexual assault offense  
10 that they reported. And the services each and  
11 the counsel each described somewhat different  
12 applications of that in terms of how far they go  
13 or feel they are able to go.

14 CHAIR HOLTZMAN: Any comments from  
15 panel members?

16 MR. STONE: Makes sense to me the way  
17 we stand on this but there may be counter-  
18 arguments. I don't know. But it seems to make  
19 sense that if the 10 USC is applicable across all  
20 of the services.

21 LT. COL. GREEN: And I think there is  
22 -- we did just get an update this week from the

1 Under Secretary of Defense P&R, Ryan Oakley, and  
2 I think the DoD is working on an overall DoD  
3 instruction that will clarify the collateral  
4 misconduct.

5 Julie, can you --

6 MS. CARSON: I think it is going to be  
7 in 1030.02. I think it is probably going to  
8 reiterate what is in 1044(e) that they can advise  
9 and I think it is going to go further than that.  
10 But it should be, they told us, within the next  
11 30 days it should be released in the Federal  
12 Register notice. So, we will have that as soon  
13 as it is released and we can see what DoD says  
14 about it.

15 CHAIR HOLTZMAN: Should we wait to see  
16 what the DoD is going to do on this issue?

17 MR. TAYLOR: I think so because the  
18 answer to this question, to some extent, I think,  
19 depends upon another issue that we talked about  
20 earlier. The Army, for example, to its credit,  
21 says that only defense counsel can handle matters  
22 of victim misconduct, regardless of the severity.

1 And that is in recognition of the fact that they  
2 assigned people to the program who have had no  
3 defense experience or certified as defense  
4 counsel. Whereas, the other services that do  
5 have people assigned after having stints as being  
6 certified as defense counsel allow more leeway.

7 So, I think this is one of those that  
8 sort of makes sense the way they are doing it now  
9 but it goes to this other question about whether  
10 you ought to have people serving as SVCs who  
11 don't have this kind of background.

12 CHAIR HOLTZMAN: Right because it  
13 seems to me it makes a lot of sense to have  
14 somebody who establishes a rapport with the  
15 victim right off, particularly if there is a  
16 minor issue, that that should be able to be  
17 resolved by that counsel. And then all of a  
18 sudden you have got to drop that counsel and the  
19 counsel can't resolve the whole rape issue and  
20 that has to go now to another lawyer. I think it  
21 is complicated for the victim.

22 MR. TAYLOR: It is.

1                   LT COL MCGOVERN: I think the Air  
2 Force's proposal to address that is that they  
3 have been seeking defense counsel and the SVC can  
4 then act as a second chair in that defense. For  
5 instance, if they are seeking immunity in the  
6 court-martial, the TDS attorney would have  
7 expertise but the SVC still has a role.

8                   So, there are policies out there  
9 trying to address these issues.

10                  CHAIR HOLTZMAN: So, at least at this  
11 point I feel uncomfortable making the  
12 recommendation. I would like to see what DoD has  
13 to say and then maybe revisit this issue because  
14 it is really an important one. But it is also  
15 something that the services are feeling out,  
16 which is, you know it is a new program. I don't  
17 know that we have complete answers on it.

18                  MR. STONE: In the rest of the non-  
19 military world, that same attorney would handle  
20 all those problems.

21                  CHAIR HOLTZMAN: Correct.

22                  MR. STONE: So, that is why it seems



1 so odd to us.

2 CHAIR HOLTZMAN: Right. Okay, so we  
3 will wait to hear what DoD has to say and we will  
4 revisit this, Kyle. That will be on your agenda.

5 Are monitoring -- issue 17. Are  
6 monitoring and reporting efforts, which are  
7 different for each of the services, appropriate  
8 and effective?

9 LT. COL. GREEN: Ma'am, we missed 16.

10 CHAIR HOLTZMAN: Oh, I'm sorry. I'm  
11 sorry. Does the panel wish to comment on DoD's  
12 oversight of and regulation and guidance for the  
13 services SVC programs?

14 MR. STONE: We are doing that, aren't  
15 we?

16 CHAIR HOLTZMAN: Well, we are not DoD.

17 LT. COL. GREEN: This issue came up in  
18 the context of the requirement is for DoD to  
19 establish special victim's counsel programs but  
20 the authority and responsibility for the  
21 administration and management of those programs  
22 goes to the judge advocates generals of each of

1 the services. So, there are services programs  
2 and the issue is whether the panel believes -- I  
3 know one of the issues when the DoD  
4 representative spoke was that DoD doesn't provide  
5 a whole lot of centralized direction on its SVC  
6 programs. Again, that is not different or  
7 unusual compared to the other legal services that  
8 are provided by the services through the Judge  
9 Advocate Generals Corps but it is a matter of  
10 whether there are issues that the panel believes  
11 warrant discussion for centralized guidance or  
12 control.

13 CHAIR HOLTZMAN: Well my point of  
14 view, I think one of the issues that occurred to  
15 me is that you have different standards and  
16 different procedures for evaluating these SVC  
17 programs in each of the services. Am I correct,  
18 Kyle?

19 LT. COL. GREEN: That is correct.  
20 Yes, ma'am.

21 CHAIR HOLTZMAN: I mean that seems to  
22 me to be something that you would want to really

1 standardize. I mean I believe in initiative,  
2 innovation, and so forth but if you want to know  
3 whether something is working, it shouldn't be a  
4 matter of which service you are in, in terms of  
5 the overall program. There might be variations.  
6 But I would hope that the DoD would be making  
7 sure that the evaluations of these programs are,  
8 if not standardized, that they are acceptable,  
9 that the standards being used to evaluate are  
10 acceptable.

11 VADM (R) TRACEY: It goes a bit to 17.

12 MR. STONE: Yes, you are combining 17  
13 with it. That's okay.

14 CHAIR HOLTZMAN: I know. I am trying  
15 to move us fast.

16 VADM (R) TRACEY: But that's right.  
17 I think that is where you would start, get a  
18 centralized standardized view of how effective  
19 the programs are to determine whether additional  
20 centralized guidance is appropriate.

21 MR. STONE: Whose program is working  
22 better or whose program is not working the way it

1 should.

2 Because by comparing them, if it is a  
3 problem that all the services are having, then I  
4 think there is a presumption that it is a  
5 function of the military's system that you can't  
6 do this. But if some services overcome problems  
7 like how long it takes to notify the victim or  
8 get them counsel or whatever, and you are way out  
9 of sync, then maybe you do have to rethink your  
10 internal organization.

11 VADM (R) TRACEY: And it may well be  
12 that the answers to some of the other questions  
13 that we have tabled, like whether the org  
14 structures should be different from the way they  
15 are set up today might give rise to a set of sort  
16 of guiding principles that we would recommend DoD  
17 might want to embrace, even if they are not going  
18 to write regulatory guidance that they would set  
19 some parameters that characterize an effective  
20 program.

21 CHAIR HOLTZMAN: But so, what is our  
22 answer to issue 16?

1 MR. TAYLOR: It seems to me, if I  
2 could just suggest this, that our answer could be  
3 something along the lines that it is not apparent  
4 that DoD is currently exercising any oversight or  
5 regulation of this particular program, although  
6 they probably should consider doing so. They  
7 have issued no instructions, no directives, no  
8 regulations regarding the program since its  
9 inception. And now that we have best practices  
10 being developed by some services and perhaps not  
11 so good practices developed by other services, it  
12 will be high time to take a look at that.

13 VADM (R) TRACEY: And in order to do  
14 that, they need to execute on issue number 17.

15 CHAIR HOLTZMAN: Okay. And they  
16 should be evaluating the monitoring and reporting  
17 --

18 MR. TAYLOR: Right.

19 VADM (R) TRACEY: Right.

20 CHAIR HOLTZMAN: -- in each of the  
21 services. So, is that the point we are going to  
22 make on 17, that DoD should be reviewing that?

1 VADM (R) TRACEY: Uh-huh.

2 MR. TAYLOR: I agree.

3 CHAIR HOLTZMAN: Okay.

4 LT. COL. GREEN: I think the nuance  
5 with 17 is that there are differences even  
6 internal with the services. And again, you  
7 talked to the newness of these programs but each  
8 of the services described different evaluation  
9 standards that they have internally for how they  
10 are monitoring their own programs, what measures  
11 of success or concern they have established. And  
12 certainly some of that is natural but this point  
13 goes to the --

14 CHAIR HOLTZMAN: To 18 now?

15 LT. COL. GREEN: They all sort of  
16 flow, yes, ma'am, the oversight evaluation.

17 CHAIR HOLTZMAN: Well, I think the  
18 point we are making, though, I think Mr. Taylor's  
19 point is exactly correct and I think then we just  
20 fold in 17 and 18, which is to make sure -- is  
21 that DoD -- that we are concerned that the --  
22 isn't it that we are concerned that there be

1       adequate measures for evaluating each one of  
2       these programs in the services and that it is  
3       DoD's responsibility to ensure that that is the  
4       case?

5                   And isn't it true that one of the  
6       services isn't even going to begin evaluation  
7       immediately, that they are going to be waiting a  
8       year or two or am I wrong about that?

9                   LT. COL. GREEN:  Meghan, in terms of  
10      what we heard from the services about program  
11      evaluation, do you recall one of the services  
12      indicating that they were not currently doing any  
13      evaluation and were going to delay that?

14                  MS. PETERS:  Yes, and I think that the  
15      Navy said that.

16                  MS. CARSON:  No, I think it was the  
17      Marine Corps said that they were looking at their  
18      long-term metrics but they are still tracking  
19      some information.  They are all tracking some  
20      information of the program data set.

21                  CHAIR HOLTZMAN:  The program has been  
22      in effect for a year and it seems to me that they

1 should have been, at the outset of the program,  
2 developing metrics to evaluate it. And so, this  
3 is not good, in my opinion, not adequate.

4 MR. STONE: Well, at the minimum, it  
5 is not adequate for us. We can't do our  
6 evaluation process. I mean maybe they have a  
7 longer framework than us but, given the sunset,  
8 ultimately, of this panel, we are not going to be  
9 able to report back if they don't start giving us  
10 some evaluation. And I don't think they want us  
11 to report back everybody's given us evaluation  
12 except the Navy because they can't get it  
13 together.

14 So, I think that at least with an idea  
15 on us, they have to figure out how they are going  
16 to give us some data in a timely fashion first.

17 VADM (R) TRACEY: I would rather that  
18 we couch this in terms of the management of this  
19 program for the purposes for which it is  
20 intended, not in terms of what this panel needs.

21 CHAIR HOLTZMAN: Right, exactly. I  
22 agree.



1                   VADM (R) TRACEY: I think you have  
2 framed it exactly right.

3                   LT COL McGOVERN: The Department of  
4 the Navy, they are now reporting. The Navy just  
5 said in FY15 they are going to do a self-  
6 assessment, which is on page 45 of the draft  
7 report.

8                   MS. CARSON: All the services provided  
9 metrics that they track. They just aren't all  
10 the same. Some track far more than others.

11                  CHAIR HOLTZMAN: And some what?

12                  MS. CARSON: Some track more things  
13 than others.

14                  MR. TAYLOR: That is the problem.

15                  CHAIR HOLTZMAN: Right.

16                  MR. STONE: It goes to that uniformity  
17 business. And I would say this raises an issue  
18 which I have had from the beginning, which is  
19 when the FBI tracks its uniform client statistics  
20 and it does it across every state, as well as a  
21 couple separate agencies of the federal  
22 government, they give you the parameters. They

1 say we don't care how you collect it; we want the  
2 number in this category back. If you have to  
3 interpolate or guess for it, whatever, we will  
4 take your best number. We are not telling you  
5 how to get there but in order to compare the  
6 states and the federal government on how we are  
7 doing, this is how we define whatever. This is  
8 the date range. This is whatever it is.

9 And so, I think that collecting those  
10 statistics to be useful for the rest of the  
11 world, at least the rest of the country that is  
12 looking at this, there has to be some of that  
13 kind of overall look.

14 And frankly, I am troubled that the  
15 services are not reporting to the FBI at the end  
16 of every year when every state is doing it. I  
17 don't know what the exception was but that is  
18 going to be somewhere either that is a future  
19 topic or something here.

20 I don't understand why uniform crime  
21 statistics don't include the hundreds of  
22 thousands of people we have in the military.

1           CHAIR HOLTZMAN: I would postpone that  
2 because that is a statistic on incidents. What  
3 we are talking about right here is the  
4 evaluation. And I think that it is really  
5 important to make sure we have quality control in  
6 that evaluation and it is really important also.

7           I mean at least there would be a basic  
8 minimum that everybody has to adhere to to assure  
9 this program is working. I mean it is important  
10 because they have cutbacks in the military now.  
11 I mean, how much does Congress want to support  
12 this kind of thing? I mean I think from a  
13 practical point of view and from also making sure  
14 that the program is really working as it is  
15 intended to, I think the DoD has a responsibility  
16 to assure that the evaluations are appropriate.  
17 I mean just not write it off and say oh, well,  
18 yes, Marine Corps is looking at this and Navy is  
19 looking at that and somebody else, you know,  
20 laissez-faire and it shouldn't be.

21           MR. STONE: And there has to be some  
22 kind of client satisfaction metric because if the

1 vast majority of clients are happy or unhappy,  
2 that affects whether it should continue being  
3 funded. I mean maybe they will say we don't care  
4 about it but you have to have something from the  
5 clients, too.

6 CHAIR HOLTZMAN: Right and how is that  
7 being collected, Kyle?

8 LT. COL. GREEN: Currently, the only  
9 service that is -- well, I'm sorry. The Air  
10 Force, Navy, and Coast Guard told us they have  
11 victim satisfaction surveys, although the Navy  
12 and Coast Guard say they don't consider them an  
13 evaluation metric of their program. The Air  
14 Force does.

15 CHAIR HOLTZMAN: Well, see, that is  
16 really an important thing. Are you going to  
17 evaluate the program without including victim  
18 satisfaction? I mean that is a very interesting  
19 way of evaluating a program that deals with  
20 providing services to victims. But I mean that  
21 is why I think there needs to be a firm,  
22 centralized guiding hand here.

1           And also, to include specifically in  
2           our recommendation that they should be reviewing  
3           the issue that there need to be victim  
4           satisfaction surveys as well, conducted by all  
5           the services. And the questions that go into  
6           victim satisfaction surveys have to be reviewed.  
7           How are you measuring it? What do you want to  
8           know?

9           LT. COL. GREEN: The report talks  
10          about a program that is under development by the  
11          DoD SAPRO office, which is the survivor  
12          experience survey. The panel hasn't heard about  
13          that from DoD but some of the services talked  
14          about that they will use, they won't develop  
15          independent surveys, they will use that survey as  
16          their tool for determining victim satisfaction.

17          CHAIR HOLTZMAN: When is that survey  
18          coming out?

19          MS. CARSON: It was part of the report  
20          to the President in December that was done by the  
21          Sexual Assault Prevention and Response DoD.

22          CHAIR HOLTZMAN: So, we haven't had a

1 chance to look at that yet.

2 LT. COL. GREEN: That's right and it  
3 is a one-time survey. I don't know that it is  
4 ongoing.

5 MS. CARSON: I'm not sure what the --  
6 I mean we just haven't heard enough about it.  
7 I'm not sure what the frequency of the survey is  
8 going to be. Two of the services are going to  
9 rely on that and the others all have their own  
10 victim satisfaction surveys. They are all  
11 different.

12 LT. COL. GREEN: The difference  
13 between that is that is sort of a set time, here  
14 is when the survey is conducted versus the victim  
15 satisfaction surveys of the other services, which  
16 are provided to the clients, based on when they  
17 conclude services or at some point during their  
18 representation. And so, it is an ongoing  
19 assessment versus a periodic assessment through  
20 the NCIS.

21 MR. STONE: That's okay. At least  
22 somebody has thought about the kinds of questions

1 to ask and who to ask them to. That's good.

2 CHAIR HOLTZMAN: So, what are we  
3 saying here?

4 LT COL McGOVERN: For issues 17 there  
5 are actually four measurements that we found the  
6 services used, one being the victim survey,  
7 second was conversion rate from restricted to  
8 unrestricted. And there was also the rate at  
9 which people are actually using an SVC, which we  
10 are calling a utilization rate. That is  
11 something they are not tracking but we were  
12 wondering if you all wanted to comment on some of  
13 those specifics mentioned in the report as  
14 whether they would be a good measurement. It  
15 seems we are saying victim satisfaction would be  
16 a good measurement. Whereas, conversion rate, is  
17 that a reflection of the SVC program or just  
18 something we should be tracking?

19 If the panel members could address  
20 those issues within 17, that would be helpful.

21 MR. STONE: I, myself, think that  
22 there are some components missing there. For

1 example, I would like to see the services tell me  
2 the retention rates after looking some years down  
3 the line at people who have been served by  
4 victims and victims who haven't had services as  
5 compared with the retention rates of non-victims  
6 because most of the victims that I have heard  
7 from don't want to stay in the service after  
8 that. It is too complicated if they are moved to  
9 a different base or there were rumors, et cetera.  
10 And so, you know with that is a consequence of  
11 sexual assaults in the military. It would be  
12 nice to know if providing special victim's  
13 counsel has any impact on keeping people we would  
14 like to keep.

15 MR. TAYLOR: In terms of answering the  
16 question are monitoring and reporting efforts  
17 different for each of the services appropriate  
18 and effective, it seems to me that there might be  
19 the consensus in this group that the Army and the  
20 Marine Corps, since they do not identify victim  
21 satisfaction as a program performance standard,  
22 is not something we agree with.



1 CHAIR HOLTZMAN: Correct.

2 MR. TAYLOR: So, we at least agree  
3 with that, that if you are not gauging victim  
4 satisfaction, you are not doing a good job of  
5 measuring performance.

6 CHAIR HOLTZMAN: Right. We agree on  
7 that.

8 And the other point, though, that one  
9 might want to consider is whether it is  
10 sufficient just to have a victim satisfaction  
11 survey done once a year, as opposed to getting it  
12 while the victim is in the course, or has  
13 finished -- I mean I don't know what the proper  
14 point is. I am not a survey engineer. But when  
15 do you assess the victim satisfaction and is the  
16 SAPRO measurement correct and how are the other  
17 services, when are they measuring? And what are  
18 they asking in terms of victim satisfaction? Are  
19 the questions adequate?

20 I mean, so, it is a concern I have.

21 VADM (R) TRACEY: So, we agree that  
22 the fact that two services have elected not to

1 consider victim satisfaction as a criteria is not  
2 satisfactory.

3 CHAIR HOLTZMAN: Correct.

4 VADM (R) TRACEY: We have heard about  
5 this survey that has been developed. We have not  
6 seen the question that are in that and it is a  
7 once -- maybe a one-time. We don't even know if  
8 it is one time or not?

9 LT. COL. GREEN: No, ma'am. It was  
10 administered in 2014 as part of the overall  
11 surveying process that they did with Rand and  
12 incidents. And so we don't know. We don't have  
13 information as to when it may be used again.

14 CHAIR HOLTZMAN: Well, my suggestion,  
15 then, is still to go back to the basic point,  
16 which is saying DoD needs to take an active role  
17 in the measurement and performance of this  
18 program. And along with that, we have the  
19 specific concrete suggestion to make that victim  
20 satisfaction surveys need to be part of the  
21 measurement of the effectiveness of the program  
22 in both the Marine Corps and the Navy -- no Air

1 Force.

2 LT. COL. GREEN: Army unit.

3 CHAIR HOLTZMAN: And then, do we,  
4 ourselves, want to look at this issue in further  
5 depth or how do you feel about it? Do we need  
6 to?

7 VADM (R) TRACEY: I think so. I mean  
8 this has been our problem here is that the data  
9 that is collected on any of this is not  
10 particularly informative. So, if we have got --

11 MR. STONE: We are getting numbers  
12 about values and dollars but it doesn't -- we  
13 don't know if that translates into satisfaction.

14 VADM (R) TRACEY: Well but not just  
15 satisfaction. I think it is important to measure  
16 some of the mechanical impacts of the program.  
17 So, if in fact the way it is being executed is  
18 contributing to delays, is there data that would  
19 substantiate a different model for executing it,  
20 for instance? I think things like that are  
21 things that the panel wouldn't necessarily need  
22 those but the DoD should be looking at those

1 kinds of precursor kinds of measures of  
2 effectiveness.

3 CHAIR HOLTZMAN: Well, we haven't  
4 actually looked at the surveys.

5 VADM (R) TRACEY: Correct.

6 CHAIR HOLTZMAN: We don't know what is  
7 in the performance. We don't know -- so maybe we  
8 can make those two points and then take this up  
9 as an agenda item and maybe hear from some  
10 outside people who can take a look at the surveys  
11 and give us an impression about how good they  
12 are.

13 VADM (R) TRACEY: So, those are  
14 surveys but I think question 19 raises an issue  
15 around some of the issues that the people who  
16 testified raised with the programs and whether  
17 any of those should be monitored.

18 CHAIR HOLTZMAN: So, you are getting  
19 ahead of me. I thought I was racing ahead.

20 So, are we finished with whatever it  
21 is, 16, 17, and 18? Are we up to 19? Anybody  
22 have anything else to say? Okay, so let's look

1 at 19.

2 LT. COL. GREEN: One point, and I  
3 don't know, ma'am, if this goes to it. The  
4 staff, on behalf of the panel, made a request for  
5 information for specific data counsel by counsel  
6 for people serving in the SVC program. We  
7 received that at the end of December and so we  
8 have been crunching that and trying to put  
9 together that.

10 Because like you said, there aren't  
11 any -- the services have not indicated to us in  
12 the RFIs that they don't have program evaluation  
13 standards, other than the Air Force and it  
14 provided three that are spelled in the report.  
15 But we used that data to determine three  
16 measurements that were sort of top line data or  
17 one based on our review of the data and, two,  
18 based on what the Air Force is saying it is doing  
19 in terms of looking at issues about how victims  
20 are represented.

21 And so what I sent you yesterday was  
22 a possible --

1 CHAIR HOLTZMAN: Oh, I didn't get --

2 LT. COL. GREEN: It is in your folder,  
3 ma'am.

4 CHAIR HOLTZMAN: Okay.

5 LT. COL. GREEN: -- possible  
6 additional piece to the report about evaluation  
7 data and criteria.

8 The services don't measure utilization  
9 rates. So, the services right now don't track of  
10 those victims who file an unrestricted report or  
11 a restricted report, how many of them are  
12 obtaining services from an SVC? That is not  
13 something they are looking at.

14 We were able to look at the data and  
15 determine what those rates are. So, from what we  
16 got from the services, 73 percent across DoD of  
17 victims who filed an unrestricted report are  
18 obtaining services from an SVC versus 23 percent  
19 for those filing restricted reports.

20 And so, we think at least in terms of  
21 a top line look as to the depth of how well the  
22 program is getting to the victims who are filing

1 reports, this might be at least an initial  
2 indicator as to how they are doing.

3 So, again, not necessarily the only  
4 indicators that DoD might want to consider but I  
5 think the panel's analysis could help educate DoD  
6 on maybe some things you all believe might be  
7 worth tracking and looking at.

8 And then the second two, the other  
9 metrics that we found data for were conversion  
10 rates and the Air Force does track this, and DoD  
11 actually tracks this, how many people convert  
12 from a restricted report to an unrestricted  
13 report. And I think the perspectives of the  
14 program managers and the programs is that working  
15 with an SVC increases the likelihood that a  
16 victim would be willing to move or will want to  
17 change, not be willing -- I don't know that they  
18 take an advocacy role in that -- but will want to  
19 change from a restrictive report which can't  
20 result in any criminal prosecution or action over  
21 to an unrestricted report that the service can  
22 take action on.

1           And the data represents that out. I  
2 mean DoD's conversion rate for all victims who  
3 have filed a report is about 19 percent. And  
4 based on the data we looked at, those conversion  
5 rate for those victims who are represented by  
6 SVCs is 36 percent with 17 percent increase  
7 overall in the number of victims.

8           Again, just a statistic that would  
9 indicate the value of the SVC program for those  
10 victims that filed.

11           And finally, the dropout rate, the  
12 services measure, the number of victims who  
13 declined to participate in the military justice  
14 process, that is something that they track just  
15 in terms of where the cases go. But the services  
16 and the Air Force is tracking specifically the  
17 dropout rate, the number of victims during each  
18 stage of the process from investigations through  
19 completion of the judicial process drop out of  
20 the process. And so we were able to calculate  
21 those numbers for DoD in each of the services  
22 that indicate how many drop out of the process.



1 CHAIR HOLTZMAN: But there is nothing  
2 comparative here.

3 LT. COL. GREEN: No, ma'am, there is  
4 not. Comparative to what?

5 CHAIR HOLTZMAN: Comparative in the  
6 sense of people who are not represented by SVCs,  
7 what is the dropout rate?

8 VADM (R) TRACEY: The total dropout  
9 rate is the last number.

10 LT. COL. GREEN: But these are only  
11 ones who were represented by SVCs.

12 CHAIR HOLTZMAN: Well, I am interested  
13 in the ones who are not represented by SVCs.

14 MR. STONE: Where is your control  
15 group, she is asking.

16 LT. COL. GREEN: These numbers  
17 represent the total dropout of only clients who  
18 are represented by SVCs. The ones who are not,  
19 we don't know.

20 CHAIR HOLTZMAN: Well, that is --

21 LT COL McGOVERN: Well, and I think  
22 the measurement actually for the Air Force refers

1 to is a 2011 before the program was initiated  
2 what was their dropout rate versus now.

3 CHAIR HOLTZMAN: Okay.

4 LT COL McGOVERN: Rather than, do you  
5 have an SVC or --

6 CHAIR HOLTZMAN: So, what is the  
7 comparison there?

8 LT COL McGOVERN: Again, we think  
9 slightly different numbers but in 2011 the Air  
10 Force had 96 victims drop out of the prosecution,  
11 which was a 29 percent rate. There are, our  
12 response said they now have a 28 percent rate.

13 So, that measurement isn't showing  
14 great progress but if you look at the numbers we  
15 compiled based on different data to see if you  
16 had an SVC, were they dropping out or not, you  
17 come up with a different set of numbers. So, the  
18 key will be to define dropout rate and are you  
19 comparing it to previous years or are you  
20 comparing whether they had an SVC or not.

21 The Army actually started their  
22 special victim prosecutor program in 2009 and

1 that is where you have a specialized prosecutor  
2 on sexual assault cases. And Colonel Mulligan  
3 testified in December of 2013 that they only had  
4 a six percent dropout rate once they had the SVP  
5 program.

6 So, it is hard to necessarily  
7 attribute a dropout rate to do you have a really  
8 great prosecutor or do you have a really great  
9 victim's counsel? But it is an indicator of are  
10 victims being more satisfied or are we avoiding  
11 victim fatigue by providing these additional  
12 services?

13 MR. STONE: Well, there is also a  
14 complicated factor there, which is, and I don't  
15 know if I am getting somewhat into the next  
16 issue, but they are related. And that is, as  
17 soon as you brought in special victim prosecutors  
18 and you brought in victim assistance, the VAs and  
19 the SARCs, you covered what at least in the  
20 initial break-in period, was about 90 percent of  
21 what the special victim's counsel were doing  
22 because you were now providing a person with

1 expertise and training to be a contact and a  
2 confidant to the victim. And at least at the  
3 early stage, a lot of those victim counsel, and  
4 this may be still be going on, were not really  
5 allowed to litigate very much, so they were more  
6 like counsel in the office, not counsel in the  
7 courtroom. And having what amounted to a  
8 paralegal or a trained social worker in that  
9 office provided a lot of the same overlapping  
10 services and much more than there was before you  
11 had those programs.

12 So, I think that finding the  
13 additional effort and effect gets a little more  
14 complicated. And one reason I say it has some  
15 overlap is, and I guess this takes -- I don't  
16 know if we are ready for question 19 but --

17 CHAIR HOLTZMAN: We are. I think we  
18 are, yes.

19 MR. STONE: Okay. As to question 19,  
20 I certainly heard during these hearings  
21 stakeholders who were clients, SVCs, SARCs, all  
22 state that there were a lot of times when they

1 were not given the charge sheet, when they were  
2 not given notice of hearings that were not  
3 necessarily Article 32 but other pretrial  
4 hearings, when they were not invited to attend  
5 the hearings, when they didn't get pleadings, and  
6 when they showed up when they told they wouldn't  
7 be heard because this was not a 412 issue or a  
8 513 issue. And, indeed, even that had to be  
9 litigated in LRM.

10 CHAIR HOLTZMAN: Mr. Stone, excuse me.  
11 I made a mistake. I don't think we are up to 19  
12 yet.

13 MR. STONE: Oh, okay.

14 CHAIR HOLTZMAN: Kyle just brought  
15 this to my attention. I didn't get these  
16 materials yesterday.

17 MR. STONE: Oh, so, you think we are  
18 still on 18? Okay.

19 CHAIR HOLTZMAN: We are still on 18.

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: My own reaction to  
22 the work you did is first of all to complement

1 the staff on taking these numbers and massaging  
2 them in a new way. But I must say that if you  
3 look at the utilization report of SVCs and  
4 restricted reports, that does raise a very  
5 serious question. And actually the total, I mean  
6 even when unrestricted reporting is taking place,  
7 it is only 73 percent raises a question. But  
8 that it is 23 percent for restricted reports does  
9 raise a very serious question as to why that is  
10 the case. And that needs to be really understood  
11 better.

12 LT. COL. GREEN: And I think one of  
13 the points from that, Ms. Holtzman, is this is  
14 what allows you to maybe provide some of those  
15 targeted areas that you need to consider and do  
16 that. And currently, the services aren't even  
17 looking at that.

18 CHAIR HOLTZMAN: Well, that is the  
19 point.

20 LT. COL. GREEN: Yes, ma'am.

21 CHAIR HOLTZMAN: So, I think that this  
22 goes exactly to the points that we are making,

1 that there needs to be some total overview of  
2 what information they are getting and secondly,  
3 then, what are they doing about it because this  
4 really raises -- I mean on the one hand it is  
5 good, if you look at the conversion rates, those  
6 that are a 17 percent increase. That is a great  
7 number. I don't know what to make out of the  
8 third chart because there is no comparison.

9 But I must say I am troubled about the  
10 restricted reports, the number of percentage.  
11 So, what does that mean? Does that mean that  
12 there is not enough communication to the people  
13 who have made restrictive reports about the fact  
14 that the SVC is still available or is available  
15 to begin with or that it is not being understood?  
16 I don't know what to make of that number but it  
17 is not a great number.

18 So, I don't know how we want to  
19 include -- I mean I haven't read this document,  
20 so I can't say that I wouldn't propose changes to  
21 it but the numbers are important and should be  
22 included in the report. But I think that this

1 just goes to the points that we have been making,  
2 that the analysis of the numbers is not good  
3 enough. The measurement of the program is not  
4 good enough.

5 MR. STONE: And actually what you are  
6 saying is what I thought our answer should be,  
7 that we table there to question, is it seven,  
8 which was do we wish to provide overall initial  
9 impression or comments about the program? Yes,  
10 the evaluation is not getting off on the right  
11 foot. It is not comprehensive. It is not  
12 uniform. And so we are not getting enough  
13 meaningful stuff. That is how I would look at  
14 seven, which we sort of tabled before.

15 CHAIR HOLTZMAN: Well, I think we can  
16 put it in the answer to issue 17 -- 16, 17, and  
17 18. I have no objection if anyone wants to add  
18 it again in an earlier point on that, some in  
19 favor of redundancy.

20 LT. COL. GREEN: And I would say we  
21 have gotten tremendous participation from the SVC  
22 programs and we have gotten a lot of information.



1 I think part of it is the newness of these  
2 programs that a lot of this is still under  
3 development. I guess the only thing I would say  
4 is I think the services have provided us as much  
5 as they can. It is simply that it doesn't exist,  
6 in a lot of cases.

7 MR. STONE: Or it is not coordinated  
8 to ask exactly the same questions. That goes to  
9 the coordination.

10 Yes, they are providing data but we  
11 have got to get the same parameters so we can  
12 pair one against the other or the same date  
13 range. You know we have to have, and maybe it  
14 has to come from higher up, so that -- because  
15 they are collecting data. I totally agree with  
16 that and then I feel bad that you get data that  
17 doesn't mesh with the other services' data.

18 VADM (R) TRACEY: So, is part of the  
19 answer to 18 we think that a client satisfaction  
20 assessment of some kind, whether this survey is  
21 appropriate or not -- we don't know we haven't  
22 looked at it -- some of these which are sort of

1 proxies for client satisfaction, these sorts of  
2 metrics ought to be being collected, measured and  
3 baselined against something so that you can know  
4 whether you are progressing or not.

5 And then a third set of metrics,  
6 perhaps, that are about the way the system is set  
7 up, whether it is working effectively or not, in  
8 terms of just the ability to make the service  
9 available to enough people and so forth which  
10 have to do the mechanics on time delays and so  
11 forth.

12 CHAIR HOLTZMAN: Yes, plus then, when  
13 they have the information, what are they doing  
14 about it? But if they don't have the information  
15 they can't even address it.

16 I guess what worries me, though, is  
17 that, or concerns me is that why would you want  
18 to hire three separate groups to develop metrics  
19 for a program that applies uniformly across the  
20 military in terms of client satisfaction, what  
21 works and so forth?

22 VADM (R) TRACEY: So, aren't we

1 addressing in answer to 15, 16, --

2 CHAIR HOLTZMAN: Yes. Sorry, I am  
3 just repeating myself with rhetorical questions.

4 So, do you have this, Kyle, what we  
5 are planning to do?

6 LT. COL. GREEN: Yes, ma'am. And I  
7 guess the question is, I mean I know this is new  
8 material for the panel and it is a matter of  
9 whether this is something you want to include in  
10 your report, this additional language. Again, I  
11 think we can couch it by, and I don't think we  
12 believe that this is everything that could be  
13 monitored or should be monitored from the data  
14 but it is an example of what can be done with  
15 evaluation.

16 And certainly the panel can help just  
17 providing maybe some recommendations.

18 MR. STONE: The only thing I was  
19 surprised wasn't in there I thought you were  
20 going to do something on utilization of transfers  
21 among victims because I thought that was the data  
22 that people were keeping. And so, therefore, the

1 data was there to look and see if you can tease  
2 anything out of how many victims are or aren't  
3 requesting transfers. I know I think that also  
4 that retention rate is important, too, to  
5 transfer help but I am not sure that that has  
6 been collected from victims already. So, maybe  
7 that is a future thing that they do have to look  
8 at. But I thought there was some transfer data,  
9 those emergency immediate transfers and that  
10 maybe that would play into this as a formal  
11 question in client satisfaction, too.

12 They could be less satisfied but they  
13 needed to transfer, whether they liked it or not,  
14 or it could be not take the transfer and not be  
15 satisfied. I mean I don't know how it cuts but I  
16 think you could tease some interesting stuff out  
17 of that, too.

18 LT. COL. GREEN: Yes, sir. That is  
19 something we need to continue. Julie, why don't  
20 you --

21 MS. CARSON: Well, what we asked for,  
22 if I may, what we asked for in this data call

1 that we did from each of the services for the  
2 first time you were able to collect the data, we  
3 asked the same question to each service by SVC.  
4 We said please list every SVC and then we asked  
5 all those question. How many unrestricted? How  
6 many restricted? How many expedited transfers  
7 were requested? How many expedited transfers  
8 were granted? How many trials were attended?  
9 How many Article 32s were attended? How many  
10 dropouts happened during the investigation? How  
11 many dropouts happened? And so that is the table  
12 that you are looking at is the compilation of the  
13 data that we sought across the services, asking  
14 the same questions.

15 So, our thought is that is the first  
16 sort of step for you to look at and determine  
17 what you think the most important questions are.  
18 We collected a lot of stuff but we also have  
19 questions to go back now and ask the services to  
20 be sure we are still measuring out those stats.

21 So, we are in the process now of  
22 asking some of those questions, where we have a

1 few questions about the data but we are  
2 aggregating it all. So, we will be able to show  
3 you everything we have soon.

4 CHAIR HOLTZMAN: I think the staff has  
5 done a terrific job here.

6 VADM (R) TRACEY: Will we have a  
7 chance to review how we have couched this? I  
8 would be comfortable suggesting that these are  
9 indicative of the kinds of data that DoD ought to  
10 be collecting not our final recommendation or  
11 what have you but that there is certainly  
12 improvement to be made in this area.

13 CHAIR HOLTZMAN: Okay. Everybody in  
14 agreement?

15 MR. STONE: Agreed.

16 CHAIR HOLTZMAN: Okay, thanks to the  
17 staff for a very excellent job.

18 Shall we take a break at this point?

19 MR. STONE: Are we up to 18, 19?

20 CHAIR HOLTZMAN: Oh, sorry, yes,  
21 right. Sorry.

22 MR. STONE: Are we up to 19?

1 CHAIR HOLTZMAN: Okay, should any  
2 issues raised by stakeholders, clients, SVCs,  
3 SARCs, investigators, trial counsel, defense  
4 counsel be monitored or incorporated into metrics  
5 used by DoD and the services to evaluate their  
6 SVC programs?

7 Mr. Stone, I know you --

8 MR. STONE: Yes, I did. I heard  
9 conflicting statements in our testimony from the  
10 different people who testified about whether the  
11 SVCs were in fact being allowed to participate  
12 the way they wanted; whether they were being  
13 notified of hearings or there were hearings in  
14 the case that they were not even notified about;  
15 whether they were getting all the pleadings in  
16 cases or not getting all the pleadings; and  
17 whether even when they were allowed to be  
18 present, they were being allowed to speak for  
19 their victims; whether the counsel were being  
20 allowed to be heard or the counsel were being  
21 told oh, no, no, the victim can talk now, this is  
22 not for you to talk.

1           And I think there needs to be in the  
2 questions that go to SVCs, they need to report on  
3 that because I don't know whether that is  
4 happening on a regular basis, if that was just an  
5 implementation flaw at the beginning that people  
6 are getting over, or if that is ongoing because  
7 that is very serious if it is ongoing that people  
8 are saying LRM said you only get to speak in two  
9 kinds of hearings. You may be able to show up  
10 for the rest, your victim may be able to comment  
11 at sentencing, but you sit down. We need to know  
12 if that is happening or not happening and we have  
13 got a lot of different views on that. So, I  
14 would like to see some numbers on that so I know  
15 whether that is anecdotal and rare or common  
16 occurrence and something that needs to be  
17 addressed.

18           VADM (R) TRACEY: And again, that is  
19 data that DoD should want, not just the panel.  
20 DoD should want that kind of data.

21           CHAIR HOLTZMAN: But I think also the  
22 question that was raised, I thought that you were



1 going to make another point, Mr. Stone, which is  
2 that a number of the SVCs before us asked for  
3 rules on these matters. Should there be rules so  
4 that there is clarity? Where do they stand? Do  
5 they get all the pleadings? I mean that, to me,  
6 seems to be obvious. I don't understand why the  
7 SVC wouldn't get a copy of every single pleading  
8 that is in the case. I mean there might be some  
9 circumstances in which that might not be  
10 appropriate but then you could try to get a  
11 protective order, if that is what it is called in  
12 the military, but a protective order from the  
13 judge.

14 It would seem to me that we heard that  
15 and I strongly support the development promptly  
16 of rules so that SVCs are not just floundering  
17 and judges aren't floundering and everybody has  
18 the same set of rules. It is not a real big  
19 deal, it seems to me. And I think it is also not  
20 a real big deal for us to recommend that, at  
21 least in terms of pleadings, that SVCs get copy  
22 of the pleadings that are filed in the case.

1           VADM (R) TRACEY: So, is that part of  
2 our overall assessment of the program? That is  
3 the question seven that we will come --

4           CHAIR HOLTZMAN: I don't know if it is  
5 overall. I would just answer 19 in that way.

6           VADM (R) TRACEY: Nineteen is about  
7 what metrics should be monitored. And so, it is  
8 counts of --

9           CHAIR HOLTZMAN: I see. Oh, okay.

10          MR. STONE: I think that fits into  
11 seven as well.

12          CHAIR HOLTZMAN: Okay.

13          MR. STONE: At least what we heard so  
14 far suggests that there has been an overly narrow  
15 view of what the SVCs are allowed to do.

16          CHAIR HOLTZMAN: I am making a  
17 different point.

18          MR. STONE: Oh, okay.

19          CHAIR HOLTZMAN: I'm not saying that  
20 it is narrow. It is that they haven't addressed  
21 it so that people are left floundering.

22          MR. STONE: Vague.

1           CHAIR HOLTZMAN: Yes. It is just not  
2 there. So, they asked for -- am I wrong Kyle?  
3 But I thought that we had a number of SVCs as  
4 well as others say we would like to see some  
5 rules on this subject.

6           LT. COL. GREEN: Right.

7           CHAIR HOLTZMAN: Not what the rules  
8 are, as much as -- although there were some  
9 suggestions, but basically, where do we stand;  
10 what is our role in this process; and to have  
11 some rules regulating that. I thought it was  
12 just for clarity sake, as opposed to anything  
13 else.

14           And so my proposal, maybe this goes  
15 back to seven, is that that be included  
16 specifically, the development of rules for how  
17 special victim's counsel handle themselves in the  
18 proceedings. And I would also add to that  
19 specifically that they should get a copy of the  
20 pleadings in the case.

21           LT COL McGOVERN: Ms. Holtzman, I  
22 think that goes to issues numbered 40, 41 where

1 we are talking about access to information.

2 CHAIR HOLTZMAN: Oh, I'm sorry. Yes,  
3 I'm trying to really get to the end of this  
4 project.

5 (Laughter.)

6 (Simultaneous speaking.)

7 CHAIR HOLTZMAN: All right sorry.

8 LT COL McGOVERN: Do you use it as a  
9 metric.

10 CHAIR HOLTZMAN: Oh, okay. Sorry.  
11 Okay.

12 (Simultaneous speaking.)

13 LT COL McGOVERN: -- people don't get  
14 sleepy.

15 MR. STONE: That's true but issue  
16 seven is an important issue. That is why it was  
17 incorporated, as you said.

18 CHAIR HOLTZMAN: Okay. Thank you.

19 VADM (R) TRACEY: But if we want to,  
20 we have got all sorts of data that you were just  
21 describing because it is a startup program, you  
22 ought to count those things right now. Later, it

1 may be something that you decide you don't  
2 monitor anymore.

3 CHAIR HOLTZMAN: Right.

4 VADM (R) TRACEY: But as a startup,  
5 you ought to be counting the instances in which  
6 SVCs didn't get the support that the system would  
7 say they are supposed to get.

8 CHAIR HOLTZMAN: Okay. So, are we now  
9 finished with issue 18?

10 MR. STONE: And 19.

11 CHAIR HOLTZMAN: Nineteen, sorry.  
12 Nineteen. I'm on the wrong page here. Sorry.

13 VADM (R) TRACEY: I'm sorry, on 19 are  
14 you saying that there were a set of things that  
15 are the measures of how well the system is  
16 actually working that should be monitored? And  
17 these counts are one, the delays in trial are a  
18 second group, I think. And the delay in  
19 availability of the SVC for the victim would  
20 maybe be a third.

21 CHAIR HOLTZMAN: Anybody object to  
22 that?

1 MR. STONE: Sounds good.

2 LT COL McGOVERN: I think the  
3 objective here, trial counsel, defense counsel  
4 also, as stakeholders in the process, mentioned  
5 delays in proceedings?

6 VADM (R) TRACEY: Yes, that whole  
7 bundle of delays that are called for in a summary  
8 notice form. I think they are ways to measure  
9 those.

10 CHAIR HOLTZMAN: Are we done?

11 LT. COL. GREEN: The other area, just  
12 in terms of looking at the specific stakeholders,  
13 because each of them obviously brought a  
14 different perspective to this, but one of the  
15 points is just resource allocation from the  
16 defense counsel was raised both from a perception  
17 standpoint and an actual standpoint. So, I don't  
18 know if that is -- again, I just bring that to  
19 your attention as something that --

20 CHAIR HOLTZMAN: Can you just refresh  
21 my memory? Exactly what was the complaint?  
22 Because I do remember it and I --

1 MR. STONE: They complained about  
2 having to get their subpoenas from the prosecutor  
3 instead of like a neutral clerk, as you would  
4 normally do.

5 CHAIR HOLTZMAN: All right.

6 MR. STONE: That they can't get a  
7 witness brought in unless the prosecutor okays it  
8 because he pays for it, I guess. Something like  
9 that.

10 VADM (R) TRACEY: And in this context,  
11 the SVC has a budget set aside for travel and --

12 CHAIR HOLTZMAN: That is what it was,  
13 right.

14 VADM (R) TRACEY: Whereas, the defense  
15 counsel is subject to the approval of the --

16 CHAIR HOLTZMAN: Right. So, I think  
17 that that is an important point because I think  
18 one of the strengths of the military justice  
19 system is that it seemed to be fair. And I think  
20 if the victim's counsel has a budget for travel  
21 and so forth, that the defense counsel shouldn't  
22 be treated as a stepchild in that system.

1 MR. STONE: Well, of course, there are  
2 nowhere near the number of special victim's  
3 counsel. So, they are being shared and dragged  
4 all over the place and defense counsel are going  
5 to be on every base. So, I mean, it is not quite  
6 an exact equivalent but yes, the idea is that, in  
7 theory, they are kind of a resource to be  
8 considered.

9 VADM (R) TRACEY: Is this a metric  
10 that we are trying to set up?

11 MR. STONE: Oh, that's right.

12 VADM (R) TRACEY: Or is this an area  
13 we think we should comment on with respect to  
14 what stakeholders brought to our attention.

15 LT. COL. GREEN: I think either would  
16 be appropriate, ma'am, depending on what the  
17 panels determine.

18 MR. STONE: A metric would be how  
19 often has a defense request for a witness been  
20 refused. That is an appropriate metric.

21 MR. OSBORN: And, ma'am, if I may.  
22 Just in terms of comparing the different



1 programs, we are talking about the SVCs as well  
2 as the defense community and ensuring our  
3 appearance or whatever with travel budgets and  
4 that sort of thing. It is kind of outside the  
5 purview of this to look at the second and third  
6 order events in the panel's recommendations to  
7 these other programs but at least recognizing  
8 that some of these programs face the same issues.  
9 So, but we heard from one defense counsel that  
10 not all the services require any justice  
11 experience for ADCs.

12 So, the panel is going to recommend  
13 that SVCs have military justice experience. The  
14 second order affecting that if the services to  
15 choose to implement that is the defense counsel  
16 saying no thank you. That needs to be required  
17 for us as well.

18 The same thing for the locations as  
19 well. ADCs aren't at every installation. So,  
20 there are times when ADCs have clients that  
21 aren't face-to-face with them.

22 So, at least recognizing that other

1 communities face similar issues.

2 VADM (R) TRACEY: I thought about that  
3 and why I think this is right. The defense  
4 counsel and the trial counsel are both inside the  
5 structure for which there is oversight, reach-  
6 back, and this is a new program and in most of  
7 the cases, this is an external -- you know, their  
8 reach-back is all the way to the JAG. So, there  
9 is not the same sort of day to day oversight of  
10 activity of the SVCs as there is for the well-  
11 established counsels. Is that right or not?

12 MR. OSBORN: Outside of the Army,  
13 which has the reach-back being in the legal  
14 office, it is very similar to the ADC programs,  
15 in terms of having whether it is a senior victim  
16 counsel somewhere are reaching back through their  
17 chain to their leadership, whether it is in  
18 Washington or some places have different circuits  
19 set up or division offices, things like that.

20 So, in terms of day to day looking at  
21 oversight, it is much like defense counsel in  
22 terms of if you have somebody at an installation

1 but their boss is somewhere else.

2 VADM (R) TRACEY: I think the point,  
3 though, is you can't get experience until you get  
4 experience. And in the DoD in particular,  
5 somebody has to be the new guy who doesn't have  
6 experience.

7 So, if they are not going to be  
8 developing experience as trial or defense  
9 counsel, do you want them developing as the  
10 special victim's counsel.

11 MR. OSBORN: Right. And likewise, if  
12 you don't have experience, do you want them  
13 developing it as they are defending someone?

14 VADM (Simultaneous speaking)R) TRACEY:  
15 And I am suggesting the system expects that there  
16 is a number of defense counsels who don't have  
17 experience. And so, --

18 LT COL McGOVERN: Actually, I think,  
19 ma'am, the offices require them to have  
20 prosecution experience prior to being defense  
21 attorneys.

22 (Simultaneous speaking.)

1           VADM (R) TRACEY: So, then it is the  
2 prosecution that doesn't have experience. At  
3 some point, somebody is the new guy. And the  
4 system plans for that and provides for the  
5 oversight for that person to not run amuck. And  
6 that is not true for the special victim's  
7 counsel.

8           MR. STONE: If the defense counsel are  
9 having to be certified throughout all the  
10 services and somebody has some standards and  
11 looks at it, we don't have that with victim's  
12 counsel, which means you throw somebody into it.

13           MR. OSBORN: It is the difference  
14 between being certified as the trial and defense  
15 counsel and then actually having the experience  
16 to have done it.

17           CHAIR HOLTZMAN: Excuse me for  
18 interrupting. I am told that we have a time  
19 issue now.

20           MS. FRIED: I think now is a good time  
21 for a break.

22           CHAIR HOLTZMAN: Okay. So, we will

1 come back in what, a half hour, 45 minutes?

2 Let's have lunch. And what time?

3 LT. COL. GREEN: We have an hour  
4 scheduled on the schedule for lunch, ma'am.

5 CHAIR HOLTZMAN: Well, let's see how  
6 we stand in 45 minutes.

7 (Whereupon, the above-titled matter  
8 went off the record at 11:40 a.m., and resumed at  
9 1:00 p.m)

10 CHAIR HOLTZMAN: For clarity's sake,  
11 I think we're going to skip to Item E, his  
12 analysis and recommendation on Victim's Rights  
13 and move -this is on page 9 of the document, the  
14 Draft Issues document, and start with Issue 35,  
15 which is, "Should the panel comment on the  
16 continuing development of policies and practices  
17 to implement Article 6(b), Victim's Rights, given  
18 that Section 1701's deadline to establish  
19 guidance recently past." You want to give some  
20 background, please?

21 LT COL GREEN: Section 1701 is the part  
22 of the Fiscal Year '14 NDAA that required the

1 Victim's Rights to be incorporated into Article  
2 6(b) of the UCMJ.

3 The second part of 1701, there were a  
4 number of requirements for the Secretary of  
5 Defense to recommend changes to the MCM and  
6 prescribed regulations to basically implement the  
7 rights under Article 6(b).

8 The FY '14 NDAA was passed on the 26th  
9 of December, 2013, so the one-year timeline for  
10 that guidance just recently past, and so again  
11 just -- this is not - this is just noting that  
12 that deadline has past and the guidance is still  
13 in work. I think some of it is still under  
14 development, and that's just bringing it to the  
15 panel's attention, somewhat similar to the  
16 implementation issues under Article 120, and  
17 whether the panel believes that that's worthy of  
18 comment, or just should note it.

19 CHAIR HOLTZMAN: Well, any comments  
20 from the panel members? Anybody?

21 VADM(R) TRACEY: This is just part of  
22 the whole pattern of delay in getting guidance

1 out to people, and the testimony that we heard  
2 about how much people are struggling with  
3 inconsistencies. Some of the drive to rewrite  
4 things is partly reflective of not having clarity  
5 around things. This is a slightly different  
6 subject than earlier, but it's just sort of a  
7 pattern -

8 CHAIR HOLTZMAN: So, we should -

9 VADM(R) TRACEY: And I would recommend  
10 comment on that.

11 CHAIR HOLTZMAN: Okay. You want a  
12 comment on that. Any opposition, any further  
13 statement? All right. It's definitely not going  
14 to be a positive comment.

15 VADM(R) TRACEY: Right.

16 CHAIR HOLTZMAN: Okay. Issue 36, "Are  
17 SVCs receiving sufficient access to case and  
18 judicial proceedings information, including  
19 docketing notifications, copies of pleadings,  
20 Article 32 reports, Reports of Investigations,  
21 access to evidence and prosecutor merit reviews  
22 to allow them to effectively represent their

1 clients?"

2 Some of this we did discuss. What do  
3 we want to say about this now? Any members -

4 MR. STONE: I want to say no, they're  
5 not - you know, to - it may be some issues like  
6 on the prosecutor merit reviews whether they  
7 should get them but, you know, whether those  
8 should be some of these should be redacted.  
9 But, no, neither the prosecutors are getting  
10 them, nor are the public because they're not  
11 being posted. They're being treated as if they're  
12 sealed documents.

13 LT COL MCGOVERN: I believe in this  
14 case the testimony you heard from TJAGs is that  
15 there are newly developed policies, and so there  
16 may be - this may change in the actual  
17 sufficient access to piece information. Although  
18 it's not electronic access, the Army TJAG, for  
19 instance, testified that they just came out with  
20 this policy which details a long list of things  
21 that they have access to.

22 MR. STONE: It's a short list. I saw



1 that document. That's not an adequate - it  
2 doesn't give you docketing notifications. It  
3 doesn't give you copies certainly of all  
4 pleadings, doesn't give you Reports of  
5 Investigation, it doesn't give you access to  
6 evidence. I know it doesn't give you prosecutor  
7 merit reviews. It's a very short list, and in  
8 terms of this question the answer is still no,  
9 even after that. That was the October 2nd  
10 statement by the Army TJAG. I know.

11 MR. TAYLOR: I don't necessarily  
12 disagree with anything that the Chair or Mr.  
13 Stone has said about sufficient access. I think  
14 it's not sufficient, but it seems to me that  
15 another problem is that to too great an extent  
16 the Defense Department is analyzing this using  
17 the principles of the Freedom of Information Act  
18 and Privacy Act instead of grounding it in a  
19 different sort of framework, a different paradigm  
20 which is access in a judicial proceeding where  
21 the rules are not necessarily the same as those  
22 governing those two acts. So, I think they really

1 need a rethinking, a re-analysis of the way  
2 they're looking at this particular problem. And  
3 that's the problem I have with the guidance that  
4 has been published to this point, is that it's  
5 grounded too much in these traditional  
6 administrative law paradigms instead of something  
7 that's more attuned to what I think we're talking  
8 about here.

9 CHAIR HOLTZMAN: Right. You know,  
10 actually, I mean, when Congress passed the  
11 Freedom of Information Act they were talking  
12 about the public's relationship to the  
13 government. Here we have someone not exactly a  
14 party, but to treat this as someone who's an  
15 outsider is definitely not the right paradigm.  
16 And I think you're right that maybe the deeper  
17 way to look at this is for them to - is to  
18 suggest to DoD that this be reviewed in terms of  
19 what's the right - I mean, not under the Freedom  
20 of Information Act and Rights of Privacy, that  
21 this has to do with a judicial proceeding, and  
22 how people fit into a judicial proceeding, which

1 is entirely different.

2 But the question then is, do we want  
3 to make something more specific, or do we - I  
4 mean, what is our - how specific is our  
5 recommendation going to be?

6 LT COL McGOVERN: I think it may be  
7 important to review the policy - for everyone to  
8 review the policies, because General Darpino  
9 testified that there's this list of things, they  
10 will be provided these pleadings, these notices,  
11 and if there's anything else then we'll look  
12 towards FOIA and Privacy Act, and anything above  
13 and beyond. So, I believe -

14 MR. TAYLOR: But then -

15 LT COL McGOVERN: - was framed that  
16 way.

17 MR. TAYLOR: Right. But then when you  
18 looked at the response from the Defense  
19 Department, the memo that we got from the person  
20 who had testified here, his analysis was almost  
21 entirely based on Freedom of Information and  
22 Privacy, as I recall, but I stand to be

1 corrected.

2 MR. STONE: And that October 2nd letter  
3 relates, I believe, directly to 412, 513, 514. In  
4 other words, it's not case-wide. It's related to,  
5 as I recall it, some narrow specific issues. And  
6 that is the problem that the SVCs were speaking  
7 about, that it's hard to advise somebody about  
8 their rights on whether it's - whether they  
9 should be fighting certain 412 or 513 requests  
10 unless you understand the whole case. You may say  
11 to them this is not worth you fighting this  
12 battle here today because, as I understand the  
13 case, it's got to come out later. But you can't  
14 know that if you don't see everything, you know,  
15 or you might say the opposite. You might say I  
16 think you do want to fight this hard here. You do  
17 want to maybe even testify here or do whatever it  
18 is you've got to do, because it doesn't need to  
19 come out in the context of the rest of the case.  
20 There'll be other witnesses. But you can't know  
21 that unless you see - unless you understand the  
22 whole context of what you're dealing with.

1 CHAIR HOLTZMAN: So, how do we - what  
2 do we want to say about this, that we don't think  
3 it's sufficient? I mean, by the way, Kelly, your  
4 statement referred only to the Army. Is that  
5 correct?

6 LT COL McGOVERN: Yes, ma'am. I'm  
7 reviewing the report on page 81 -

8 CHAIR HOLTZMAN: Okay.

9 LT COL McGOVERN: - to 83 where the  
10 staff assimilated the current status of this type  
11 -

12 CHAIR HOLTZMAN: Okay.

13 LT COL McGOVERN: - and the other  
14 considerations which DoD has articulated that  
15 they have to abide by the Privacy Act, so that is  
16 a lens which they have to look at the issue.

17 MR. STONE: Their own recent letter  
18 acknowledged that there's exclusions and  
19 exceptions for official proceedings and judicial  
20 proceedings.

21 LT COL McGOVERN: And, again, I'm just  
22 trying to note that the testimony was they just

1 established these policies, and it may then  
2 warrant further review.

3 VADM(R) TRACEY: So, is a review, then  
4 the short answer is no, they're not receiving  
5 sufficient. We are aware of some recently  
6 announced changes that will make progress. Our  
7 initial look is maybe not sufficient progress.  
8 And that - and we are concerned that the Privacy  
9 Act and Freedom of Information Act, lenses are  
10 being inappropriately applied.

11 CHAIR HOLTZMAN: May be inappropriate

12 -

13 VADM(R) TRACEY: May be being  
14 inappropriately applied.

15 CHAIR HOLTZMAN: And that we intend to  
16 review this in greater detail.

17 LT COL GREEN: Can I ask the - one of  
18 the points from that is each of the Services is  
19 establishing or has established its own internal  
20 policy, but there's very little DoD guidance.

21 VADM(R) TRACEY: That's correct.

22 LT COL GREEN: And is there - is that

1 something the panel believes is appropriate, or  
2 should this come under an overarching policy from  
3 DoD?

4 VADM(R) TRACEY: Well, a FOIA and  
5 Privacy Act ruling is going to have to be a DoD  
6 view, isn't it?

7 LT COL McGOVERN: Each Service has  
8 their own FOIA office, as well, and so it does  
9 not necessarily mean -

10 VADM(R) TRACEY: But DoD is the last  
11 adjudicator, isn't it, on a FOIA?

12 MR. TAYLOR: DoD is the policy  
13 proponent for the Director for the entire  
14 department, and then each department has somewhat  
15 different nuances about how it's handled. But,  
16 again, getting back to the point about Article  
17 6(b), if Article 6(b) had been implemented by the  
18 Defense Department, they may have chosen to  
19 implement it on its own in the context of what  
20 this statute is trying to do instead of just  
21 automatically looking at it through the paradigm  
22 of the Freedom of Information and Privacy Act,

1       which is - I think they're sort of stuck on at  
2       this point based on what we have been told. So, I  
3       definitely think it needs further review, and  
4       there may be some applicable Freedom of  
5       Information Act principles.

6               And I noted, for example, that some  
7       VLCs had indicated that they'd actually filed  
8       Freedom of Information Act requests because that  
9       was the only mechanism that they had available to  
10      get at the information.

11             CHAIR HOLTZMAN: That's ridiculous, in  
12      my opinion.

13             MR. TAYLOR: I agree.

14             CHAIR HOLTZMAN: I mean, this is a  
15      judicial proceeding.

16             LT COL GREEN: Well, in the current  
17      policy in the Air Force for requesting a Report  
18      of Investigation or much of the case information  
19      is for the SVC to file an Official Use Request  
20      which the Air Force's interpretation is that  
21      what's required to give that counsel access to  
22      that information, but that information can go to



1 the SVC acting in their official use as an  
2 official representative, but they cannot share  
3 that information with their client.

4 LT COL MCGOVERN: And that's explained  
5 on page 81.

6 LT COL GREEN: Right. And so that's  
7 just an example of sort of the application of  
8 this that I think goes awry.

9 CHAIR HOLTZMAN: And it may need  
10 statutory revision. I don't know. That I don't  
11 know, but it seems to me that that's really - I  
12 mean, they're putting themselves into some kind  
13 of pretzel thinking here. I mean, this is a  
14 category - Freedom of Information and Privacy  
15 Act are not categories to determine how matters  
16 should be handled in a judicial proceeding, in my  
17 humble opinion. And I think that's a really  
18 critical point that Mr. Taylor pointed out.

19 And I think that that recommendation  
20 would be fine, and we should look at this matter  
21 further. And I think that that's what you  
22 suggested. Kyle, is that adequate?

1 LT COL GREEN: Yes, ma'am. We can -

2 MR. STONE: And I think the categories  
3 of information will have to be looked at because  
4 some of them everybody in the country should know  
5 about. In other words, docketing stuff, you don't  
6 have to be a victim. Other things, Report of  
7 Investigation, then yes, that's much more narrow.  
8 So, I think there's two categories. There's the  
9 stuff - they take pains in the Military Court-  
10 Martial Manual not to call these proceedings  
11 closed. It's a big deal to close a proceeding.  
12 Well, if it's open somehow there has to be a way  
13 to see documents that are openly filed in the  
14 proceeding.

15 CHAIR HOLTZMAN: Well, I think that's  
16 a point that Mr. Stone actually made earlier, and  
17 that the report doesn't address, but maybe it  
18 should, which is for DoD to look at a  
19 computerized docketing system for all court  
20 papers. I mean, I think we even have it now in  
21 New York City which - for state courts, and  
22 that's a miracle, so if we could do it, the

1 military could easily do it. So, that might be  
2 something - a specific recommendation which  
3 might make it easier at least for everybody to  
4 know, the public to know what's happening here. I  
5 don't know how you feel about that, or do we have  
6 enough information for it? I'm certainly not  
7 going to propose it if we don't - if you don't  
8 think that there's adequate background for that.  
9 But that's how it's done in federal courts.

10 MR. TAYLOR: And most of the documents  
11 being filed in Article 32 proceedings I know are  
12 filed electronically. The presiding -  
13 investigating officers are asking for electronic  
14 copies, and people are already making electronic  
15 documents in the military, so having them, you  
16 know, lodged in a system. They're not still using  
17 paper most of the time, so - or exclusively  
18 paper, I should say.

19 CHAIR HOLTZMAN: Well, if we don't have  
20 enough information to make that recommendation -

21 MR. TAYLOR: Right. I agree.

22 CHAIR HOLTZMAN: - I will easily

1 withdraw it, but that's something to -

2 LT COL McGOVERN: I think we can make  
3 that recommendation and that would - could  
4 possibly solve this, DoD could look into it, but  
5 it does imply a huge - millions of dollars and  
6 maintenance issues that go beyond mere  
7 recommendation.

8 MR. STONE: There is a federal  
9 docketing system now that every federal court  
10 uses.

11 LT COL McGOVERN: I'm familiar with -

12 MR. STONE: Right, PACER. So, I mean,  
13 I can't imagine that PACER can't accommodate the  
14 military, as well.

15 LT COL HINES: Well, Mr. Stone, you've  
16 got to pay to be a subscriber to PACER. If you're  
17 not in the U.S. Attorney's office, or you're not  
18 in the court system of the federal government  
19 you've got to pay for a subscription, so there is  
20 some cost, even though those documents are  
21 publicly -

22 MR. STONE: You're right. It's 10 cents

1 a page, because I - you don't have to be an  
2 attorney to get it. It's a very minimal -

3 CHAIR HOLTZMAN: Okay. I don't want to  
4 get into those kinds of details, but if you think  
5 it's okay for us to suggest that DoD might want  
6 to look into this, if people feel that's okay,  
7 then let's recommend it. If people are not for  
8 it, let's move on.

9 VADM(R) TRACEY: I'm okay with  
10 recommending that they explore adoption of an  
11 electronic method for providing materials.

12 MR. TAYLOR: That's as far as I really  
13 feel comfortable going because I don't have  
14 enough information.

15 CHAIR HOLTZMAN: Exactly. Okay.

16 LT COL GREEN: One point of  
17 clarification. The FY 15 NDAA, and this is not  
18 probably reflected accurately - or FOIA in our  
19 draft report included a provision on Victim's  
20 Rights, Rights to Notice of Proceedings.  
21 Effective immediately it says, "The Service  
22 Secretaries shall establish policies and

1 procedures designed to insure that any counsel of  
2 the victim of an alleged sex-related offense is  
3 provided prompt and adequate notice of the  
4 scheduling of any hearing, trial, or other  
5 proceeding in connection with the prosecution of  
6 such offense." So, that is a provision of the FY  
7 15 NDAA, which -

8 VADM(R) TRACEY: If implemented.

9 LT COL GREEN: Exactly.

10 LT COL McGOVERN: Well, my  
11 understanding from the TJAGs, Army TJAGs  
12 testimony is that those types of things are  
13 provided. The SVCs issues is to access to  
14 evidence during the discovery phase, which is  
15 more complicated.

16 MR. STONE: And that's what I'm saying,  
17 we have to divide the categories. Some of them  
18 may well be taken care of.

19 LT COL McGOVERN: I'll formulate a  
20 recommendation for your review, ma'am.

21 CHAIR HOLTZMAN: Okay, thanks. Number  
22 37, "Do the policies of the services provide

1 sufficient information to victims to enforce  
2 their rights and/or effectively participate in  
3 judicial proceedings?"

4 LT COL MCGOVERN: Goes back to number  
5 36.

6 CHAIR HOLTZMAN: Right. I guess -

7 LT COL GREEN: The first point,  
8 obviously, is about what the rights, but also  
9 participation.

10 MR. STONE: Yes. I mean, this is one of  
11 those things that Ms. Holtzman mentioned before,  
12 is one of those things that's lacking that would  
13 be an SOP, and that is that there are still many  
14 military proceedings where the victim wants the  
15 victim's lawyer to speak for them because they  
16 don't either have the confidence, or the skill,  
17 or feel like they're a public speaker, especially  
18 if they've just been - if they've been the  
19 victim of a sexual assault and they don't want to  
20 get up and speak, but they want their lawyer to  
21 speak for them. And there are many situations  
22 we're hearing about where the lawyer is told no,

1 you don't get to speak for your client. It only  
2 says the victim gets to participate, not you. And  
3 I think that's the effective participation.

4 In every other forum I know of, when  
5 somebody is a lawyer for a client, if the client  
6 says I don't feel comfortable saying this. I want  
7 my lawyer to speak for me, the lawyer gets to  
8 speak.

9 CHAIR HOLTZMAN: The Response Panel  
10 made such a recommendation, and the question is  
11 did the Secretary of Defense adopt that? I mean,  
12 we recommended that because that was specifically  
13 part of the Crime Victim's Act, and the Crimes  
14 Victim Subcommittee made that recommendation.

15 LT COL McGOVERN: That the attorney  
16 always be allowed to speak on behalf of the  
17 client.

18 CHAIR HOLTZMAN: Yes, that the victim's  
19 right to be heard includes the right to be heard  
20 through counsel.

21 LT COL McGOVERN: Right.

22 MS. CARSON: It's in the 2015 NDAA.



1           CHAIR HOLTZMAN: All right. So,  
2 Congress adopted our recommendation. Okay. Either  
3 way - so, I don't know that we have to say  
4 anything about that, except - well, we could. We  
5 could say we're glad that this is in the 2015  
6 NDAA, and we expect that the - and monitor it's  
7 implementation.

8           MS. CARSON: The statute gives 180 days  
9 to implement -

10          CHAIR HOLTZMAN: Okay. Does that  
11 encompass all of Issue 37, just the right to be  
12 heard through counsel? I mean, I guess the other  
13 part of that is their access to information under  
14 36. So, you can combine those two together, if  
15 that's okay with everybody here.

16          MR. STONE: Great.

17          CHAIR HOLTZMAN: Okay. Issue 38,  
18 "Should DoD and the services standardize the  
19 information to be made available to victims of  
20 sexual assault, and the procedures used to  
21 request that information? If so, what information  
22 should be provided, and what procedures should be

1 used?"

2 MR. STONE: I guess we haven't heard  
3 from a speaker about why one service might want  
4 to provide the evidence, and the other might not.  
5 In other words, whether there's a reason for  
6 differences that would, I guess, go outside the  
7 MCM, because mostly the Military Court-Martial  
8 Manual standardizes discovery type procedures and  
9 processes.

10 I'm open to hear if there's reasons  
11 for differences, but I don't quite know what they  
12 would be.

13 LT COL GREEN: I think this is a  
14 continuation of the previous discussion in terms  
15 of the different policies of the services  
16 regarding disclosure of information. I think you  
17 looked at that through the lens of the SVC  
18 representing a victim. This goes more  
19 foundationally to the right of the victim, him or  
20 herself. So, I think at the heart of this it does  
21 go back to the policies of the services regarding  
22 how does a victim or an SVC obtain information in

1 their case? And that's, again, through the  
2 different mechanisms that the services have  
3 established, or the policies that they've  
4 established to create those rules.

5 CHAIR HOLTZMAN: So, in other words,  
6 it's really redundant.

7 LT COL GREEN: Well, redundant if the  
8 SVC has the same standing as the victim in terms  
9 of case information. Yes, ma'am. But if one of  
10 the issues is just the attorney representing the  
11 person on their behalf. And, again, I guess the  
12 one difference is like in the Air Force's policy  
13 where it's a FOIA request, it can be made by an  
14 SVC to obtain a Report of Investigation. It's  
15 then an official use document. That's a document  
16 that would be shareable with the SVC, but not  
17 with the client.

18 CHAIR HOLTZMAN: All right. We already  
19 said we're not in favor of that.

20 LT COL GREEN: Yes.

21 MR. STONE: I think this encompasses  
22 another issue here that's not quite so obvious,

1 and that is after the SVC is no longer  
2 representing the victim, if there is a  
3 commutation request, or the - a pardon, or the  
4 sentence is reduced, at that point the SVC is no  
5 longer in the picture.

6 CHAIR HOLTZMAN: Is that so? It's not  
7 clear to me that the SVC isn't any longer in the  
8 picture. Don't you have a right to the SVC - I  
9 mean, I -

10 VADM(R) TRACEY: Doesn't the victim  
11 have the right to not accept the SVC services?

12 CHAIR HOLTZMAN: Yes.

13 VADM(R) TRACEY: So, does this address  
14 the circumstance in which the victim may not have  
15 -

16 CHAIR HOLTZMAN: Right. Good point.  
17 But, also, does the SVC - I mean, I was just  
18 going back to the Response Panel. The Response  
19 Panel said that the SVC should remain as long as  
20 the victim had - I forget the language. So, if  
21 there were an issue about commutation of  
22 sentence, it would seem to me that - but I don't

1 know if that recommendation was adopted, but the  
2 SVC should be available. It seems to me at least  
3 under the - assuming that we continue the  
4 Response Panel's view on that -

5 MR. STONE: Even years later? In other  
6 words, five years later there could be a request  
7 for commutation or pardon. I would assume the SVC  
8 is probably gone, that particular one -

9 CHAIR HOLTZMAN: Work with a different  
10 SVC, but you still would be entitled to have  
11 somebody represent you on that.

12 MR. STONE: Yes.

13 CHAIR HOLTZMAN: That's what I thought  
14 - but I don't know what the - I don't know  
15 whether - I believe, my memory may be totally  
16 faulty, that the Response Panel recommended  
17 something, didn't have a time period. I don't  
18 know that we specifically thought about  
19 commutation, but it went to as long as the  
20 proceedings - it certainly went through the  
21 appeals process.

22 LT COL McGOVERN: I believe the RFI

1 responses may provide that answer, as well, and  
2 we can follow-up.

3 CHAIR HOLTZMAN: So, maybe we just  
4 postpone this point, at least in terms of -

5 LT COL McGOVERN: Until we get an  
6 answer.

7 MR. STONE: I heard, again, at the  
8 training session that I went down to at  
9 Charlottesville, I heard the representative who  
10 had been a member of the - I guess it was the  
11 Pardon and Commutation Board, and somewhat  
12 surprisingly he told me that they don't always  
13 notify victims because they can't always find  
14 them by then, because they don't maintain a  
15 computerized database like the federal victim  
16 notification system. So, over time they've lost  
17 people. In other words, they acted - they would  
18 like to notify them, but it's only if the person  
19 called in and gave them identification. So, when  
20 it says procedures, I think it's the fact that  
21 there isn't an electronic victim database that's  
22 maintained the way it is in the federal system.

1 And the VNS, that that VNS system follows you  
2 forever no matter when that prisoner gets out of  
3 jail, and sends you a little electronic -  
4 generates a letter.

5 CHAIR HOLTZMAN: Could we postpone this  
6 point because we really don't have the  
7 information -

8 MR. STONE: Yes, yes.

9 CHAIR HOLTZMAN: - about what happens  
10 after the -

11 MR. STONE: Absolutely.

12 CHAIR HOLTZMAN: - victim leaves the  
13 services -

14 MR. STONE: Yes.

15 CHAIR HOLTZMAN: - in terms of  
16 notification, right to SVC, and so forth. We can  
17 get some more information about that. Is that  
18 okay with everyone?

19 Okay. I guess we're up to 39. "Should  
20 DoD and the services establish uniform rules  
21 regarding SVC standing in procedures or  
22 participating in judicial proceedings?" I think

1 we - didn't we answer this already?

2 LT COL McGOVERN: This is the one that  
3 I mentioned -

4 CHAIR HOLTZMAN: Oh, that you told me  
5 I was going to -

6 LT COL McGOVERN: - we were going to  
7 get to.

8 CHAIR HOLTZMAN: Okay. So, does someone  
9 have any thoughts about this?

10 MR. TAYLOR: I think the answer is yes.  
11 We heard abundant testimony that people were all  
12 over the map in terms of how this was handled by  
13 different services, by different judges within  
14 the same service, and so forth and so on. And, of  
15 course, one of the hallmarks of rule of law is  
16 that you're treated fairly no matter where you  
17 are. So, that's my two cents.

18 CHAIR HOLTZMAN: Any objection?

19 VADM(R) TRACEY: I agree.

20 CHAIR HOLTZMAN: Okay.

21 LT COL McGOVERN: In your materials,  
22 Colonel Christensen provided proposals for your



1 review, if you wanted to take a minute to look at  
2 those.

3 CHAIR HOLTZMAN: Where are they?

4 MR. TAYLOR: What page?

5 CHAIR HOLTZMAN: Is it in the draft  
6 report, or is it -

7 LT COL McGOVERN: No, ma'am. These are  
8 recently received -

9 CHAIR HOLTZMAN: Oh.

10 LT COL McGOVERN: - in response to  
11 your Question 3 about specific amendments to  
12 recommend.

13 CHAIR HOLTZMAN: Okay. At 3. Oh, right.

14 LT COL GREEN: POD agreed to provide  
15 these and did provide them. This also came up  
16 during the TJAGs discussion, and I believe, Mr.  
17 Stone, you asked the TJAGs, because this - they  
18 indicated that the JSC is also working on  
19 procedures or rule changes, and so that was  
20 requested by the panel. We have not received  
21 anything in terms of guidance. And, frankly, I  
22 don't know where the development of rules is, so

1 at this point all we have is a recommendation  
2 from Protect our Defenders.

3 CHAIR HOLTZMAN: Well, I don't know  
4 that I can read this right now and make a  
5 thoughtful determination. I don't know that I  
6 ever can, but certainly not in this short a  
7 period of time. So, I would prefer not to make a  
8 recommendation at this point. And we appreciate  
9 having received this material, but we'll take a  
10 look at this at a later point.

11 LT COL McGOVERN: So, is it my  
12 understanding that your recommendation would be  
13 that yes, rules need to be established, but  
14 you're not ready to make a recommendation as to  
15 what those rules are.

16 CHAIR HOLTZMAN: Right. Uniform rules.

17 MR. STONE: Yes, right. Because just  
18 trying to - I did look at some of these in the  
19 proposed Rule 905, that he's suggesting -  
20 there's a sentence in the middle that says, "A  
21 victim has a right to be heard through counsel on  
22 rulings concerning MRE 412, 513, 514, and 615?"

1 And what about sentencing the convicted person,  
2 and any exercise of clemency that eliminates or  
3 reduces a charge or sentence? I mean, there may  
4 be some little pieces. It's a very good start,  
5 but we have to look at it.

6 CHAIR HOLTZMAN: Okay. Issue 40. Other  
7 than making appeals by the All Writs Act, should  
8 victims have procedural mechanisms or established  
9 rights to make interlocutory appeals in courts-  
10 martial?"

11 MR. STONE: Well, to start with, an All  
12 Writs Act writ is not really an appeal. It's a  
13 discretionary petition, and it doesn't even have  
14 to be answered. It could just lay there and  
15 nothing can happen. The difference in an appeal  
16 is somebody has to act, and that's another area  
17 where we got one of these recommended rules for a  
18 72-hour appeal, and a continuance of no more than  
19 five days. And it's a topic we need to look at.

20 CHAIR HOLTZMAN: The RSP, the Response  
21 Panel, made a recommendation that there be an  
22 interlocutory appeal mechanism for crime victims

1 because that's in the Crime Victim's Rights Act,  
2 which is what the military had intended, or at  
3 least at one point had intended to include. So,  
4 we could say that there should be some mechanism  
5 - but I don't know - before I go to that point,  
6 I don't know what the DoD - what the Secretary  
7 of Defense said about that. I mean, has he  
8 accepted it?

9 (Simultaneous speaking)

10 MR. STONE: I was under the impression  
11 that all but two or three of the RSP  
12 recommendations would have been adopted by now.

13 MS. FRIED: They were adopted, some  
14 were adopted in part, only one was rejected.

15 MR. STONE: Oh, okay.

16 MS. FRIED: It wasn't that one.

17 CHAIR HOLTZMAN: What?

18 MS. FRIED: The one that was rejected  
19 wasn't the one we're talking about right now.

20 MR. STONE: So, it might have been  
21 adopted in part.

22 LT COL McGOVERN: Other than being

1 adopted, some are referred to the MJRG for  
2 consideration concerning revisions to the UCMJ as  
3 a whole, so it adopted, that's kind of a loose  
4 term, that -

5 CHAIR HOLTZMAN: All I'm saying is that  
6 it may already be solved.

7 MR. STONE: Right. And removing it from  
8 this report every place you've mentioned there  
9 was a Response Systems Panel action on it, if  
10 this report that we're doing could refer  
11 literally to the right numbered Response System's  
12 recommendation and just give a little blurb as to  
13 where that stands today, wherever it stands, so  
14 that we ought to cross-reference them.

15 LT COL McGOVERN: That's okay.

16 CHAIR HOLTZMAN: So, what do we say  
17 about 40? Do we want to just - you know what,  
18 here's my suggestion. They should find out - I  
19 mean, Marie, I know you're brilliant, but maybe  
20 you're not going to get the answer right now, so  
21 in the draft that you're going to send us, can  
22 you include - if nothing has happened, if they

1 have made no recommendation, or there's no action  
2 by the Defense Department, then perhaps our  
3 recommendation should be simply to reincorporate  
4 or reaffirm what the Response Panel said. And if  
5 they've done it, say we're happy that they've  
6 done it, and we're going to be monitoring it to  
7 make sure that it's being properly implemented.  
8 But I don't think we can take a position since we  
9 don't know what they've done.

10 MR. TAYLOR: I think that's the right  
11 way to put it, though; that if they have done it,  
12 good for them. If they haven't, we think you  
13 should do it.

14 CHAIR HOLTZMAN: Right.

15 MS. FRIED: Ms. Holtzman, just for your  
16 information, for instance, the one you spoke  
17 about earlier regarding the opportunity to  
18 Special Victim Counsel representation, although  
19 not necessarily the same counsel, be extended to  
20 the victim as long as the right of the victim  
21 exists and is at issue. That was referred again  
22 to the Military Justice Review Group -

1 CHAIR HOLTZMAN: So, they haven't  
2 adopted it.

3 MS. FRIED: Correct.

4 CHAIR HOLTZMAN: Great.

5 MS. FRIED: They accepted the MJ Review  
6 for a review in the broader context, as well,  
7 Military Justice System.

8 CHAIR HOLTZMAN: That seemed to be the  
9 least objectionable of all the recommendations,  
10 by the way, or the least controversial.

11 MR. STONE: Well, it sounds like that  
12 may be sustained -

13 CHAIR HOLTZMAN: They solved it.

14 MR. STONE: Overruled it.

15 CHAIR HOLTZMAN: Yes, of course.

16 MR. STONE: We just saved them a lot of  
17 work.

18 CHAIR HOLTZMAN: Right.

19 CHAIR HOLTZMAN: Okay. So, Maria, you  
20 don't have to do any further research if you  
21 don't want to. I mean, it's up to you. We're not  
22 requiring that because we have the solution for

1 the moment.

2 Okay. Our next number is 41. "Does the  
3 panel wish to provide overall recommendations,  
4 impressions, or comments about victim and SVC  
5 access to information and procedures to exercise  
6 victim's rights?" I mean, aside from everything  
7 we've already said.

8 LT COL GREEN: Yes, ma'am. This is the  
9 catchall, just to - if there's anything else  
10 that we've not talked about, or overall  
11 impressions that the panel wishes to make.  
12 Obviously, we'll incorporate all the specific  
13 discussion that we've had.

14 MR. TAYLOR: None from me.

15 VADM(R) TRACEY: None.

16 MR. STONE: Yes. I want to see  
17 something that victims - like a VNS System that  
18 victims can call regardless of whether they have  
19 the SVC, or to find their SVC, or whatever. The  
20 federal system has a victim notification system,  
21 and you can register for it and know what's going  
22 on. Even if you don't want to actively



1 participate you can find out what the status of  
2 this case is, that nothing has been happening,  
3 and it'll just say status. So, there's no place  
4 now that a victim knows if they were discharged  
5 last year, where do I call to find out about my  
6 case? And there needs to be some - I don't care  
7 if it's not electronic, but I think it should be  
8 electronic, you know, a way for them to simply  
9 query the system.

10 LT COL McGOVERN: We will seek  
11 information, as well, on what the services are  
12 currently doing, because we do have the Parole  
13 and Clemency Boards, and in murder cases, for  
14 instance, people do continue to come to those  
15 over here, so there may be processes we haven't  
16 given you the information on.

17 MR. STONE: Okay.

18 CHAIR HOLTZMAN: Why don't we defer  
19 that until we find out -

20 MR. STONE: Okay.

21 CHAIR HOLTZMAN: - what's going on.

22 MR. STONE: Right. Great.

1 CHAIR HOLTZMAN: That's a very good  
2 point for -

3 MR. STONE: I don't mind deferring it.

4 CHAIR HOLTZMAN: Okay, that's a good  
5 point.

6 MR. STONE: As we said, that large  
7 percentage of people who decline an SVC, are they  
8 left out in the cold?

9 CHAIR HOLTZMAN: Right. Good. Any other  
10 points anybody wants to make on this Category E?  
11 Great. Finished.

12 So, we're up to MR 412, which is -

13 LT COL GREEN: Issue 20?

14 CHAIR HOLTZMAN: Issue - they filed a  
15 claim but I have to confirm, verify, is it?

16 VADM(R) TRACEY: Trust, but verify.

17 CHAIR HOLTZMAN: Trust, but verify.

18 That's it. I got the mantra.

19 Issue 20. "In light of recent  
20 statutory and regulation changes, does the panel  
21 propose further modifications to application of  
22 MRE 412 and Article 32 hearings?" Under Bullet

1 Point 1, "Does the panel wish to comment on EO  
2 13669, which changed the rules in RCM 405 to  
3 specify that MRE 412 applies in Article 32  
4 hearings, and specifies that the investigating  
5 hearing officer has the authority of a military  
6 judge to make evidentiary decisions regarding MR  
7 412."

8 Let's just do this first before I read  
9 the second one. I heard, Kelly, that you can  
10 explain this to us, or Kyle, whoever.

11 LT COL McGOVERN: The outline takes -  
12 the statement may take it a bit beyond what EO  
13 13669 said, ma'am.

14 CHAIR HOLTZMAN: Okay.

15 LT COL McGOVERN: The EO states that  
16 the new Article 32 hearing officer can use the  
17 same procedures, especially pertaining to sealing  
18 documents, as those of a military judge. It did  
19 not specify that next rule where we said that RCM  
20 405 imparts change, that the 32 officer can make  
21 determinations regarding MRE 412 evidence. That's  
22 an assumption that if they have the same ability

1 as a judge to make sealing decisions and do other  
2 judge-like activities, then they would also be  
3 able to rule on MRE 412.

4 CHAIR HOLTZMAN: Okay. So, in other  
5 words, this first bullet point is slightly  
6 inaccurate. Is that correct?

7 LT COL McGOVERN: The 32 hearing  
8 officer has the authority -

9 MS. FRIED: Mr. Sullivan, resident  
10 expert in Military Justice, also the Alternate  
11 DFO, part of the Alternate DFO can obviously  
12 speak to that point. Can you clarify that? Isn't  
13 that a -

14 MR. TAYLOR: I think they mean  
15 authority like a military judge, not per the  
16 military judge. Go ahead.

17 MR. SULLIVAN: The actual language of  
18 the Executive Order was that the Article 32  
19 investigating officer, they could serve - the  
20 power of the Article 32 Investigating Officer,  
21 and it said that the Investigating Officer can  
22 assume the judge's power to exclude evidence

1 under 420. And it said that in exercising that  
2 power the 32 IO should use the same procedures as  
3 set out in 412(e) which refers to notice of  
4 enclosed hearing.

5 CHAIR HOLTZMAN: So, basically, the  
6 Investigating Officer will have the same  
7 authority as a military judge in terms of  
8 excluding - the power to exclude evidence.

9 MR. SULLIVAN: That was part - it's  
10 also important to understand that before that  
11 change the MRE, the Rules of Courts-Martial  
12 already said MRE 412 applies at Article 32  
13 investigations.

14 CHAIR HOLTZMAN: Right.

15 MR. SULLIVAN: And so the fundamental  
16 change was them saying, Investigative Officer,  
17 when you're considering these 412 issues, apply  
18 the same procedural protections for the victim's  
19 privacy that a military judge would apply at  
20 court-martial. That was the essential change.

21 CHAIR HOLTZMAN: Right. So, in other  
22 words the Investigating Officer has the same

1 powers as, and stands in the same footsteps as a  
2 judge in the same circumstance.

3 MR. SULLIVAN: That's correct.

4 CHAIR HOLTZMAN: Okay.

5 VADM(R) TRACEY: I think you're saying  
6 they always did. Was the changes they have to use  
7 the procedures?

8 MR. SULLIVAN: Yes, that's correct.

9 VADM(R) TRACEY: Which is not what this  
10 says. And what's the significance of using the  
11 same procedures?

12 CHAIR HOLTZMAN: Mr. Sullivan, I guess  
13 you're the -

14 MR. SULLIVAN: Yes, I'd be happy to  
15 address that. So, before -

16 CHAIR HOLTZMAN: I know you're a guru.  
17 I don't have to worry about the gender on that.

18 (Off microphone comment)

19 MR. SULLIVAN: So, the - before this  
20 was adopted there was some difference in  
21 procedures about whether IOs could use the closed  
22 hearing procedure, for example. So, not all IOs

1 would hold a closed hearing -

2 VADM(R) TRACEY: I see.

3 MR. SULLIVAN: - under 412 at a 32.

4 VADM(R) TRACEY: Okay.

5 MR. SULLIVAN: So, the essential change  
6 here was the President saying, 32, hey, provide  
7 the same procedural capacities that refer to  
8 victim's privacy that would apply in a court-  
9 martial.

10 VADM(R) TRACEY: Okay.

11 CHAIR HOLTZMAN: So, I guess our first  
12 issue is do we want to have a - do we have a  
13 comment on the - that Executive Order? Is that  
14 correct?

15 LT COL GREEN: I think one of the  
16 important things, ma'am, is to take all of these  
17 in context. You have the changes to Article 32  
18 proceedings, or you have the specific changes  
19 from the EO from June of '14. You have the draft  
20 proposed changes from October of '14, which  
21 further changed the rules, and then you have the  
22 new Article 32 legislation which took effect for

1 new procedures entirely for Article 32 which took  
2 effect in the end of December.

3 CHAIR HOLTZMAN: Okay.

4 LT COL GREEN: It's the sum total of  
5 all of those changes, and -

6 CHAIR HOLTZMAN: Okay. So, are we  
7 breaking them down in some kind of way that we  
8 can make sense out of them? What are the issues  
9 that are raised from all three? They may all be  
10 the same.

11 LT COL GREEN: Yes.

12 CHAIR HOLTZMAN: They may have  
13 different things in each one of them, but could  
14 you help us?

15 LT COL GREEN: I don't know that you  
16 can break them down.

17 CHAIR HOLTZMAN: Well, then why are you  
18 asking us to comment on -

19 LT COL GREEN: Well -

20 CHAIR HOLTZMAN: Why is that an issue  
21 here, EO 13669? That seems to make perfect sense.  
22 Am I missing some - what I am missing here?



1           LT COL GREEN: There were concerns  
2 raised by witnesses regarding the application of  
3 13669 and what its effect - its exclusion or its  
4 application of 412 to Article 32 hearings. There  
5 were witnesses at the panel's hearing in October  
6 that talked about the - they specified problems  
7 created.

8           LT COL McGOVERN: It's page 61 of the  
9 report.

10          CHAIR HOLTZMAN: Excuse me.

11          LT COL McGOVERN: Senior Military  
12 Counsel or defense counsel argued that - I  
13 believe this is where it is.

14          LT COL GREEN: It's the paragraph right  
15 above that.

16          LT COL McGOVERN: The middle paragraph  
17 dealing with the constitutionally required  
18 exception -

19          CHAIR HOLTZMAN: Is it on page 61?

20          LT COL GREEN: Yes, ma'am.

21          LT COL McGOVERN: Yes, ma'am.

22          CHAIR HOLTZMAN: In the middle

1 paragraph?

2 LT COL McGOVERN: The middle paragraph

3 -

4 MR. STONE: Isn't it the top one?

5 LT COL GREEN: It's the first one.

6 CHAIR HOLTZMAN: Right.

7 LT COL GREEN: It was controversial.

8 Right. I think the staff in laying out these  
9 different issues, ma'am, and I realize it's  
10 confusing. I think we're pointing out that issues  
11 were raised to the panel about 13669 and its  
12 application. There were additional discussions  
13 about the impact of the October proposed draft  
14 EO. However, I think the panel has to look at  
15 whether it's even possible to look at those in  
16 the context of the new procedures which were just  
17 established at the end of December. And some of  
18 these considerations in terms of how an Article  
19 32 is conducted have completely changed even from  
20 those previous.

21 VADM(R) TRACEY: So, do we know enough

22 to -

1 MR. STONE: Well, but Footnote 407 is  
2 still the - is the issue that I recall, that  
3 they were worried that some of the investigating  
4 officers were not military judges and didn't have  
5 that background. So, they were hypothesizing that  
6 giving them that new power could be kind of  
7 trouble because they just didn't have that  
8 experience. We were throwing something at them  
9 that they could just be designated to run the 32  
10 because there was nobody else there, and now they  
11 have to make these difficult evidentiary  
12 decisions.

13 CHAIR HOLTZMAN: I thought that the  
14 issue wasn't that they were given new power to  
15 make evidentiary decisions. I thought that the  
16 new power they were given was to close the  
17 hearing when they made those evidentiary  
18 decisions. Am I correct, Mr. Sullivan?

19 MR. SULLIVAN: I think that's right.

20 CHAIR HOLTZMAN: So, if it's only  
21 closing the proceeding, that doesn't deal with  
22 whether they should or shouldn't have the power,

1 but closing the proceeding sounds reasonable to  
2 me, unless I'm missing something.

3 MR. STONE: It's because I think that  
4 the argument before that was that the 412  
5 decision shouldn't be made until trial. Maybe  
6 some investigating officers were doing it, but  
7 there was an argument that wait, that shouldn't  
8 be made until like the day before trial by the  
9 military judge.

10 LT COL McGOVERN: I think if you go on  
11 to read Mr. Koffsky's comment that Kyle is  
12 alluding to, there are so many changes in  
13 protections now hope that these 412 issues will  
14 not be litigated often. There's also several  
15 other changes in the past. Before a year ago, the  
16 Investigating Officer was not a JAG in the Army,  
17 so to have him performing judge-like duties in  
18 rulings on 412 would cause concern. So, I think  
19 it goes back to what Admiral Tracey was saying,  
20 do we have enough information? As Kyle is saying  
21 there's so many changes right now. These are  
22 issues to point out that we can have the panel

1 monitor.

2 LT COL GREEN: The other change from  
3 when you heard this testimony in October was at  
4 the time, the law would have required two  
5 different versions of Article 32 depending on the  
6 date of the offense. So, the probability that you  
7 would have Article 32s conducted under the  
8 previous regime still existed, but the FY15 NDAA  
9 clarified that. And now all Article 32s since  
10 December 26th are conducted under the new rules,  
11 so I don't know that the panel needs to spend a  
12 lot of time looking at the previous rules other  
13 than an interesting history of how we've gotten  
14 to there. But, obviously, we're only a few weeks  
15 old on what these new rules mean for these  
16 issues.

17 CHAIR HOLTZMAN: Well, if that's the  
18 case then perhaps - then I think we need to -  
19 my own view would be that we better take a look  
20 at the situation in light of the newest rules, as  
21 opposed to opining on things that may have  
22 changed in the interim. I don't know how the rest

1 of you feel.

2 MR. TAYLOR: It seems to me that the  
3 most constructive thing we can do at this point  
4 is not to look back as to whether the rules were  
5 or were not wisely changed, but instead to  
6 monitor the changes to see what the impact is  
7 going to be on delivering the kind of services  
8 that we want to deliver.

9 CHAIR HOLTZMAN: Well, that sounds  
10 definitely reasonable.

11 MR. STONE: The recent legislation took  
12 care of the second bullet, too, didn't it? Didn't  
13 it talk about - is that in the Fiscal Year 15  
14 NDAA?

15 LT COL GREEN: No, sir. I believe the  
16 constitutional rights exception was removed from  
17 513, but the -

18 MR. STONE: But not for 412?

19 LT COL GREEN: Was not changed for 412.

20 MR. STONE: All right.

21 CHAIR HOLTZMAN: Right. And in 513 only  
22 in the - only pretrial.

1           LT COL GREEN: I think every - I think  
2 the constitutional rights exception was taken out  
3 of 513 entirely.

4           CHAIR HOLTZMAN: Oh, I thought it was  
5 only pretrial. Well -

6           LT COL GREEN: I believe it was removed  
7 as an exception to the privilege.

8           CHAIR HOLTZMAN: I find the  
9 constitutional rights exception troublesome  
10 because it's at best redundant, since every  
11 statute, every Rule of Evidence has to comply  
12 with the Constitution. And so if it's not  
13 redundant, then it's confusing, so I'm interested  
14 in understanding why the - why they took out the  
15 constitutional requirement provision from 513 and  
16 left it in in 412.

17           LT COL GREEN: The staff's discussion  
18 about this, ma'am, is the - and I think what you  
19 heard - the JPP staff.

20           CHAIR HOLTZMAN: Okay.

21           LT COL GREEN: And Mr. Barto raised the  
22 point at your meeting that 513 is a rule of

1 privilege; whereas, 412 is a rule of relevance.  
2 So, a rule of relevance, there may be other  
3 constitutional requirements that are just  
4 different from a rule of privilege. Obviously,  
5 there are other privileges, priest-penitent,  
6 attorney-client where there are more absolute.  
7 There are other state frameworks that provide a  
8 more absolute privilege that don't include a  
9 constitutional exception or constitutional review  
10 under psychotherapist privileges. But 412, MRE  
11 412 mirrors the federal rule in its  
12 constitutional exception, and so -

13 CHAIR HOLTZMAN: That doesn't mean that  
14 it's right.

15 LT COL GREEN: Yes, ma'am. So, that's  
16 what the panel has heard in terms of why that  
17 difference might exist. And the NDAA only removed  
18 it from 513, it didn't talk about -

19 CHAIR HOLTZMAN: The NDAA, I thought it  
20 was the executive -

21 LT COL GREEN: No, ma'am. The NDAA -  
22 the FY 15 NDAA removed the constitutionally



1 required exception from 513. It requires the  
2 President to change 513 to do that.

3 CHAIR HOLTZMAN: Okay.

4 LT COL GREEN: And that's effective in  
5 June. 412 is not changed.

6 MR. STONE: And I think your next issue  
7 says what we're being left with. I think that's  
8 21, what we're talking about.

9 CHAIR HOLTZMAN: Well, it could be but,  
10 I mean, it's obvious - well, okay. We could go  
11 to 21 and then go back to the second bullet of  
12 20, if you want.

13 LT COL GREEN: Can - maybe just to  
14 clarify one thing, ma'am. The issue in terms of  
15 the draft EO and its change to remove the  
16 constitutional rights exception for Article 32  
17 hearings, what you heard from the General  
18 Counsel's office is that the pretrial hearing  
19 provided in Article 32 does not establish the  
20 constitutionality issues. There's no right of  
21 confrontation in a pretrial hearing, so the  
22 guidance was you could remove the constitutional

1 exception from there, but because of the  
2 confrontation rules required that's why it exists  
3 in 412 for courts-martial. So, that's really the  
4 only distinction as to why it was removed from  
5 32s, but only for that limited section of the  
6 judicial process.

7 CHAIR HOLTZMAN: I mean, you have a  
8 right of confrontation with a witness, but you  
9 don't have a right of confrontation when it comes  
10 to a document?

11 LT COL McGOVERN: No, ma'am. With the  
12 new 32 - at Article 32 hearings you don't have  
13 the same rights of confrontation as an accused as  
14 you do at a court-martial.

15 MR. STONE: It's more like a grand  
16 jury. It's limited cross-examination of evidence  
17 because you're just trying to show probable cause  
18 to go to trial.

19 CHAIR HOLTZMAN: So, the determination  
20 that's made in Article 32 that this is evidence  
21 is admissible, is not binding on the trial judge?  
22 It's not binding on the trial judge.

1 LT COL MCGOVERN: No, not at all. No,  
2 ma'am.

3 CHAIR HOLTZMAN: So, just the  
4 preliminary determination.

5 LT COL MCGOVERN: The Rules of Evidence  
6 are loosely applied at - in general outside of  
7 412.

8 CHAIR HOLTZMAN: So, what would the  
9 impact be if the investigative officer said yes,  
10 you can cross-examine? How would this work in  
11 practice, because a witness isn't even taking the  
12 stand?

13 LT COL GREEN: I think it would be the  
14 opposite of that, ma'am. Because of the  
15 constitutional rights exception is no longer  
16 applicable, it carves out a large portion of the  
17 evidence that would otherwise potentially be  
18 considered at an Article 32. It limits the  
19 avenues through which a defense counsel could  
20 offer that evidence.

21 CHAIR HOLTZMAN: But the constitutional  
22 rights exception isn't going to - there's going

1 to be no confrontation issue because the  
2 witness/victim is not taking the stand any more.

3 LT COL GREEN: And you're right. I  
4 mean, you're looking at it in the context of the  
5 new Article 32 procedures.

6 CHAIR HOLTZMAN: Right.

7 LT COL GREEN: And that's the  
8 difficulty, is it may be that this is - but,  
9 obviously, documentary evidence could still be  
10 provided and still raise 412 issues.

11 CHAIR HOLTZMAN: I'm not talking about  
12 - I was comparing it to 513. I was not comparing  
13 it to documents under 412.

14 (Simultaneous speaking)

15 MR. STONE: The victim might want to  
16 take the stand at that hearing because of other  
17 considerations at issue. She might want to -

18 LT COL GREEN: The rules still apply,  
19 but it's within the context of the broader rules  
20 of the new procedures for the hearings.

21 VADM(R) TRACEY: Is this a fruitful  
22 discussion until we actually see what the new

1 rules are, and how they affect this?

2 CHAIR HOLTZMAN: Well, to some extent  
3 it is, but it's very complicated to say the  
4 least, because you have the practical question of  
5 how this is going to be implemented practically.  
6 I mean, what would happen, I guess in the past,  
7 is that the defense could call the victim in an  
8 Article 32 proceeding. I'm saying this because  
9 I'm trying to make sure I understand it. Could  
10 call the defendant - could call the victim in an  
11 Article 32 proceeding, and cross-examine that  
12 victim about her whole sexual experience. This  
13 would not necessarily be for the purpose of  
14 getting facts that would be exonerative, but  
15 possibly to discourage the victim from going  
16 forward at all in this proceeding. And if you  
17 couldn't close the hearing, this would be in  
18 public, and it could be really humiliating, and  
19 really embarrassing, and really awful for the  
20 victim. So, now flash forward - fast forward to  
21 present.

22 LT COL MCGOVERN: So, ma'am, if you

1 could back up.

2 CHAIR HOLTZMAN: Oh, you want me to go  
3 back further?

4 LT COL McGOVERN: No, right there. If  
5 you then went to trial, there would be 412  
6 motions before the military judge -

7 CHAIR HOLTZMAN: Right.

8 LT COL McGOVERN: - who could still  
9 exclude that evidence so it doesn't come before a  
10 military judge or a panel.

11 CHAIR HOLTZMAN: Right. So, the  
12 usefulness at a 412 of that information would  
13 have been what for the defendant, aside from  
14 humiliating -

15 VADM(R) TRACEY: Usefulness of the  
16 Article 32, you mean.

17 CHAIR HOLTZMAN: Yes, the - all of the  
18 -

19 VADM(R) TRACEY: Article 32.

20 CHAIR HOLTZMAN: Right. Bringing out  
21 all the stuff about the defendant - the victim's  
22 past. What good would it do defense?

1 MR. STONE: I'll give you a  
2 hypothetical.

3 CHAIR HOLTZMAN: Okay.

4 MR. STONE: I'm making this up but, you  
5 know, a young woman attends this party where  
6 everybody is basically drunk, and afterwards she  
7 says I was raped by so and so. And the defendant  
8 comes in and his counsel says the lights were  
9 low, we were all drunk. I don't know how she  
10 could identify him. She's picked the wrong guy.  
11 It was somebody else who went in the room with  
12 her, not my client.

13 It might be a difficult enough  
14 identification that the prosecutor might say to  
15 the victim you're going to need at this Article  
16 32 to explain how you weren't so drunk that you  
17 could identify that it was him and not one of the  
18 other 20 guys at the party who were similar  
19 height, and you're all drinking. Explain how you  
20 weren't so drunk that you know it was him, and so  
21 she might want to take the stand and then they  
22 might look to try and say based on her sexual

1 history that she's had a big sexual history and  
2 she's always gotten it wrong.

3 So, I mean, the circumstances can come  
4 up that that might happen, and at the Article 32  
5 the Investigating Officer might say okay, this is  
6 a hard enough identification. I'm going to allow  
7 a very broad scope of cross-examination. I want  
8 to hear everything about her, because I have to  
9 first decide if she really could identify him. I  
10 don't know if this has happened before, and they  
11 get this out, some of this, by looking at her  
12 sexual history. When it gets to trial, it's not  
13 all together clear that the same thing is going  
14 to happen.

15 CHAIR HOLTZMAN: Yes, it's not a great  
16 hypothetical, though.

17 MR. STONE: I know, but every crazy  
18 hypothetical is what happens at trial.

19 CHAIR HOLTZMAN: Okay.

20 LT COL HINES: I think the usefulness  
21 of the result, in answer to your question, at the  
22 32 the Government has got to establish a probable



1 cause. And I think the usefulness of that  
2 information, I think, what some of the defense  
3 counsel who testified were complaining about is  
4 if you foreclose them from bringing up this  
5 evidence in front of the Investigating Officer,  
6 you prevent them from making a credibility, or in  
7 fact challenging some would say the victim's  
8 account. And then not only making that case to  
9 the Investigating Officer, this is a difficult  
10 case for the Government. But also making that  
11 case would be Convening Authority for - if the  
12 Investigating Officer, nevertheless, recommends  
13 that it goes to a felony level court-martial, the  
14 defense counsel can still show that evidence to  
15 the Convening Authority and say, Admiral or  
16 General the Government can't prove this case  
17 beyond a reasonable doubt. Maybe you should  
18 dismiss the charges. So, I think that's part of  
19 the complaint --

20 MR. STONE: Sounds like he's seen one  
21 of my crazy hypotheticals.

22 LT COL GREEN: But I think what's

1 important is that the procedure, the standard for  
2 that Article 32 and what the decision that's  
3 expected from that Article 32 has changed  
4 dramatically.

5 CHAIR HOLTZMAN: Because now fast  
6 forward to present. The victim is not going to  
7 take the stand.

8 LT COL GREEN: Is not obligated to,  
9 yes.

10 MR. STONE: She's not obligated, but  
11 she might. If the prosecutor in the case said,  
12 you know, your first statement to the  
13 investigating officers were I think it was him,  
14 and then later - and you kept putting the word  
15 "think" in there, he could say to her I'm happy  
16 to take this case to an Article 32 and try and  
17 try it, but you're going to need to positively  
18 identify this guy from the stand, or that Article  
19 32 officer is not going to find that you  
20 identified him sufficiently. Everybody was drunk  
21 at that party. There's a million witnesses to  
22 that.

1           That's not so far off the hypothetical  
2           from the Naval Academy case. That's why I  
3           suggested what happens at a party doesn't always  
4           stay at the party.

5           CHAIR HOLTZMAN: So then this is a  
6           question. So the victim could take the stand in  
7           an Article 32 proceeding, might take the stand.  
8           And then would be exposed to a cross-examination,  
9           a substantial cross-examination. And the first  
10          question that's raised is should the standard be  
11          as part of the basis for the judge to make a  
12          decision - I mean, the investigative officer or  
13          whoever is making it, whether that little  
14          exception to the constitutional rights should be  
15          in that determination under 412 or not. And then  
16          do you have the issues in 21? Is that correct?

17          MR. STONE: Yes.

18          LT COL GREEN: And the nuance there is  
19          obviously under 21, you're now at trial, and the  
20          constitutional exception remains a factor,  
21          constitutionally required exception remains a  
22          factor at trial.

1           CHAIR HOLTZMAN: It doesn't remain a  
2 factor. The Constitution remains a factor. The  
3 language of the statute is not a factor. The  
4 judge can always decide that something is  
5 constitutionally required whether the statute  
6 says it or not.

7           LT COL GREEN: Right.

8           LT COL McGOVERN: I think it may go to  
9 - if you look in the report, ma'am, they explain  
10 at trial the U.S. v. Gaddis case basically said  
11 that the constitutionally required language will  
12 always trump that balancing test that they do for  
13 the probative value versus the privacy interest.  
14 So, if you remove the constitutionally required  
15 exception according to Mr. Koffsky at the Article  
16 32 from explicitly still allowing that, then you  
17 are really limiting the Gaddis case from applying  
18 to 32s, that that constitutional right will not  
19 trump the victim's privacy interest at 32 because  
20 according to Mr. Koffsky, an accused does not  
21 have a Sixth Amendment right to confrontation or  
22 to present a defense at Article 32, so the draft

1 EO is designed to limit the use of 412 evidence  
2 at the 32, but defense attorneys have said  
3 they're nervous about that. So, does the panel  
4 want to comment on it, that it looks like it's a  
5 move in the right direction, or that you want to  
6 monitor it, or it's already just so redundant and  
7 confusing, it doesn't matter whether it's  
8 eliminated or not?

9 MR. STONE: I think we could go back to  
10 Mr. Taylor's suggestion from before, that it  
11 might be worth keeping tabs on how many times 412  
12 evidence was moved for that they didn't get at  
13 the Article 32 hearing, that they then did get in  
14 at the trial. That's all.

15 CHAIR HOLTZMAN: But I want to go past  
16 that. I mean, I think that's okay, but I have two  
17 issues. One is, what happens in cases where a  
18 substantial amount of evidence is allowed in an  
19 Article 32, and what does this do to the  
20 willingness of victims to go forward? And to what  
21 extent is it really required in the Article 32?  
22 And are they interpreting this too broadly?

1 That's my sense.

2 I'm sorry, Kelly. I really respect  
3 your brilliance, and Mr. Koffsky's brilliance,  
4 but saying something is constitutionally  
5 required, if it's not constitutionally required  
6 doesn't make it constitutionally required. So, if  
7 the Constitution doesn't apply to Article 32  
8 hearings, saying it's constitutionally required  
9 is meaningless.

10 LT COL McGOVERN: Right, and I think  
11 totally eliminate it. Yes, ma'am, I think that's  
12 why they want to eliminate it.

13 MR. STONE: Yes, that's why they want  
14 to take it out.

15 CHAIR HOLTZMAN: No, but who's taking  
16 it out? thought it just applied to 513, not to -

17  
18 MR. STONE: No, but that second bullet  
19 is the JSC recommending in October '14 -

20 CHAIR HOLTZMAN: Oh, I'm sorry.

21 MR. STONE: - that it come out.

22 CHAIR HOLTZMAN: I misunderstood.

1 MR. STONE: They listened to you.

2 CHAIR HOLTZMAN: I didn't read it.

3 MR. STONE: They listened to you.

4 They're following you.

5 CHAIR HOLTZMAN: Okay, fine.

6 MR. TAYLOR: So, I think that what you  
7 were saying is actually what Mr. Koffsky did say.

8 CHAIR HOLTZMAN: Oh, okay. Fine. Okay.  
9 I'm sorry. I thought you were saying that it  
10 shouldn't apply, but I apologize. Please forgive  
11 me.

12 LT COL McGOVERN: You are in support of  
13 removing constitutional rights exception at 32s,  
14 ma'am?

15 CHAIR HOLTZMAN: I am, but I don't -

16 MR. STONE: That probably was the last  
17 one, two, three, four, five, six words in the  
18 next one that suggests that that doesn't come  
19 into being, and that they're still deciding at  
20 the Article 32s -

21 LT COL McGOVERN: That's not at the -

22 MR. STONE: Oh, no, that's not at the

1 federal - no, that's right. That's at trial, so  
2 that's okay.

3 LT COL McGOVERN: This is more to do  
4 with the U.S. v. Gaddis case, sir, on page 62 and  
5 63 of your report.

6 CHAIR HOLTZMAN: What are we deciding  
7 first of all on 20, bullet 2? Is there any  
8 objection to supporting the decision of JSC  
9 October 14th about the constitutional right  
10 exception?

11 MR. STONE: No objection to supporting  
12 that.

13 CHAIR HOLTZMAN: Okay. Issue 21. I'm  
14 sorry, could you just explain that point, Kyle?

15 LT COL GREEN: There was some  
16 discussion in the report just in terms of how the  
17 judge is making the analysis and in terms of  
18 which is covered first. And there was discussion  
19 that the judges are not necessarily always  
20 looking at the balancing test from a sense of  
21 first determining if, in fact, the evidence is  
22 relevant to start with, or it's not unfairly



1 prejudicial to the victim. And they're first  
2 looking at the constitutionally required  
3 exception, and then that it is opening the door  
4 to more evidence coming in then would necessarily  
5 be brought in.

6 LT COL McGOVERN: We heard testimony  
7 that 513 does require this initial hearing for  
8 them to show why the defense is compelling  
9 production of this evidence. And that step isn't  
10 required explicitly by 412.

11 MR. STONE: The same kind of protective  
12 procedures are parallel.

13 LT COL McGOVERN: There is a case which  
14 illustrated, I think the Marine Corps, that some  
15 judges do do this to insure okay, it sounds like  
16 this information will be relevant to prove  
17 identification. But if they can't first prove  
18 that, then they don't even get to the balancing  
19 test.

20 MR. STONE: Right, but they don't go  
21 into her history until they see that it's  
22 relevant evidence. Yes.

1 CHAIR HOLTZMAN: I think that that  
2 makes sense to find relevance first. But I don't  
3 know that it's only unfairly prejudicial to the  
4 victim, it's prejudicial in the general sense. It  
5 could be prejudicial in the sense that it's so  
6 confusing, and so inflammatory that it affects  
7 the fairness of the trial itself. I don't know  
8 that it would just be the victim. Am I wrong?

9 LT COL GREEN: No, there are two  
10 balancing tests conducted in a 412, first  
11 relative to victim's privacy interest, and second  
12 relative to a 403 balancing test, just for -

13 CHAIR HOLTZMAN: Right. So, the 403  
14 balancing test, you don't need the word "to the  
15 victim" in there. Right? The words "to the  
16 victim."

17 MR. STONE: Yes.

18 CHAIR HOLTZMAN: Okay. So, am I wrong?

19 LT COL McGOVERN: The balancing test in  
20 Gaddis does make it - does the value of the  
21 evidence not outweigh the danger of unfair  
22 prejudice to the alleged victim's privacy?

1 CHAIR HOLTZMAN: Well, that's - is  
2 that the - is that what we're talking about  
3 here, that balancing test?

4 MR. STONE: We're talking about both  
5 tests.

6 CHAIR HOLTZMAN: The second one.

7 MR. STONE: Yes.

8 CHAIR HOLTZMAN: This is the second one  
9 about the victim's privacy is a little bit of an  
10 issue.

11 MR. STONE: Right. The idea is should  
12 you have this preliminary showing before you get  
13 to the other. And I think the answer has to be  
14 yes, because having that preliminary showing  
15 alerts the tribunal, military judge, that this is  
16 the time he listens to the Special Victim's  
17 Counsel. It may be that the prosecutor thinks he  
18 needs this to make his case, but this is where  
19 the victim's interest diverges typically from the  
20 Victim's Counsel if his client says if they're  
21 bringing out my whole history, I don't even want  
22 this case to go forward. You know, this hits the

1 newspapers, and the rest of my life I'm, you  
2 know, I'm ashamed of my life. So, by having that  
3 special, that first determination you mark the  
4 time without it being missed like under 513. It's  
5 a useful step. It's a clear step. Everybody knows  
6 it's going to come, and that's where the Victim's  
7 Counsel is listened to for whatever persuasion he  
8 has. And where the victim gets to say her piece  
9 through her counsel. As I say, that may diverge  
10 from the prosecutor. I frankly think if you'd had  
11 this again in the Naval Academy case, the woman  
12 might not have gone forward at that point.

13 LT COL MCGOVERN: Well, I think if you  
14 look on page 64, you see the written statement of  
15 "We would like to see the balancing test  
16 clarified."

17 CHAIR HOLTZMAN: Who is the "they?"

18 LT COL GREEN: It was a statement from  
19 Miranda Petersen from POD, and Ryan Guilds, the  
20 Victim's Counsel who's worked with a number of  
21 victims in a pro bono capacity.

22 MR. STONE: 420?

1           LT COL McGOVERN: Is it that balancing  
2 test would be trumped by the constitutional  
3 rights -

4           MR. STONE: Right.

5           LT COL McGOVERN: - of the accused,  
6 will they even end up doing a balancing test?

7           MR. STONE: So, now it goes to Issue  
8 22. Right?

9           CHAIR HOLTZMAN: Wait a minute. So,  
10 what have we decided about 21? Okay. I guess my  
11 concern, though, about this, and this is an issue  
12 I think that Judge Jones was concerned about, and  
13 really alerted me to, is that the issue about  
14 unfairly prejudicial, to the victim's rights, is  
15 that the balancing test in 412? Yes, I guess so.  
16 I think so.

17           LT COL McGOVERN: According to Gaddis  
18 it is to the victim -

19           CHAIR HOLTZMAN: I mean, maybe -

20           LT COL McGOVERN: The victim's privacy.  
21 Unfair prejudice to the alleged victim's privacy.

22           CHAIR HOLTZMAN: Okay. Fine. Right,

1 right. Okay. So, that's the first test. Okay. So,  
2 is anybody objecting to supporting Issue 21?

3 Okay, Issue 2. "Should MRE" -

4 LT COL McGOVERN: Can I go back to 21,  
5 ma'am? In your recommendation -

6 CHAIR HOLTZMAN: Sure.

7 LT COL McGOVERN: - you think that it  
8 should be clarified or modified? Are you asking  
9 DoD to take a look at that? How do you want us to  
10 phrase the recommendation?

11 MR. STONE: We just made it as a  
12 recommendation. In other words, we adopted what  
13 the speakers to us in the hearing said.

14 MR. TAYLOR: It should be changed.

15 CHAIR HOLTZMAN: It should be changed.

16 LT COL GREEN: I mean, it's an  
17 Executive Rule, so it would be your  
18 recommendation -

19 MR. TAYLOR: It should be changed. I  
20 think that's at least what I think our  
21 recommendation is.

22 CHAIR HOLTZMAN: But we're not

1 suggesting they study it further. Should MRE  
2 412(c)(3) be amended to clarify that the victim's  
3 privacy is a legitimate issue - interest under  
4 the Supreme Court precedent? And which precedent  
5 are we talking about?

6 LT COL McGOVERN: That was the civil  
7 case.

8 MR. TAYLOR: The Jaffee case, I think.

9 CHAIR HOLTZMAN: I'm really sorry that  
10 we're looking at these issues without Judge Jones  
11 because I know she would have something to say  
12 about it.

13 MR. STONE: This is the question  
14 whether Jaffee v. Redmond completely overtook  
15 Pennsylvania v. Ritchie, which sort of left the  
16 question open.

17 MR. TAYLOR: This is on page 6,  
18 Paragraph E of the staff summary.

19 CHAIR HOLTZMAN: Where is the staff  
20 summary? Page 6? That's staff outline. Staff  
21 report?

22 MR. TAYLOR: I gave you the wrong cite,

1 I think.

2 CHAIR HOLTZMAN: Yes, here we are.

3 LT COL McGOVERN: This is referring to  
4 Footnote 420 on page 64 -

5 CHAIR HOLTZMAN: Wait, wait. Okay.

6 LT COL McGOVERN: Ms. Petersen and Mr.  
7 Ryan Guilds stated that there was a legitimate  
8 interest under this Dallas Supreme Court  
9 precedent. We need to go back and cite that case  
10 for you.

11 LT COL GREEN: I think their written  
12 statement talked about Gaddis, the Gaddis opinion  
13 which is a CAAF opinion established obviously  
14 that the constitutional exception will always  
15 trump victim's interest. And so I think their  
16 assertion was that that case gets it wrong if the  
17 victim's privacy interest is a legitimate privacy  
18 interest, and the analysis in Gaddis would have  
19 been different versus the review of a  
20 constitutional interest versus privacy interest.

21 MR. TAYLOR: I don't think I know  
22 enough about that to say that I agree with it.



1           MR. STONE: I'd like to say something  
2           on this point, because at one of our early  
3           hearings when I asked about certain  
4           constitutional rights, I was told in no uncertain  
5           terms that unless a case in the Supreme Court  
6           says it applies to the military, then certain  
7           constitutional rights do not apply to the  
8           military. And I was later furnished, I think we  
9           all were, with a memo listing about 20 Supreme  
10          Court cases that either do or don't specifically  
11          incorporate certain federal constitutional  
12          rights, like a jury trial, jury of your peers, to  
13          the military. So, the argument was made when I  
14          asked about certain due process issues, well, the  
15          Supreme Court has never said that due process  
16          issue applies in the military cases.

17                 In light of that and those cases, yes,  
18          then I think I'm in favor of Issue 22, that what  
19          the Supreme Court has said as to the rest of the  
20          country as to victim's privacy also applies in  
21          military cases. There isn't a void that has never  
22          been filled that the military can ignore Jaffee

1 v. Redmond and Pennsylvania v. Ritchie, and those  
2 cases. They're going to have to attempt to follow  
3 those as well as everybody else.

4 CHAIR HOLTZMAN: What has the Supreme  
5 Court said with regard to the right of a victim  
6 under 412?

7 MR. STONE: In the Jaffee v. Redmond  
8 case, they said that the right of confrontation  
9 would have to yield to the victim's privacy,  
10 because they said that if it didn't, it would  
11 totally chill people's desire to go to various  
12 counselors. They wouldn't go. The evidence would  
13 not exist because people would realize the right  
14 is opened up every time that this gets an issue.  
15 They even say it would be like a defendant  
16 doesn't have a right to counsel if you could then  
17 put the counsel on the stand when you thought the  
18 defendant wasn't telling a straight story and  
19 start cross-examining him about what the two of  
20 them spoke about. The defendants would stop  
21 talking to their counsel.

22 So, they said the same thing is true.

1 This is what they said in Jaffee v. Redmond, that  
2 if that privilege isn't upheld, people are going  
3 to stop going, in which case they said the  
4 evidence won't exist, so we're not depriving  
5 anybody of anything. At the time those kinds of  
6 statements are made they're expected, and they  
7 are, in fact, not going to be disclosed so,  
8 therefore, we should honor that.

9 Now, the argument was it was in the  
10 context of a civil, not a criminal prosecution,  
11 so people said oh, well then maybe it doesn't  
12 apply to criminal prosecution. But there are  
13 courts around the country who have said no, no,  
14 no, you're right that that was not itself a  
15 criminal prosecution, but the principle that it  
16 said there, in fact, applies civil and criminal  
17 cases. And there's quite a few cases that have  
18 said that, but what I'm just saying is whatever  
19 it said, we would be saying military judges have  
20 to struggle with that. They can't say oh, by the  
21 way, don't even consider those two cases because  
22 whatever we're saying here today also applies in

1 the military, that the privacy of victims is  
2 different in a military court, even though those  
3 victims may not be military members. They may be  
4 civilians who are raped by a military person, but  
5 they're not getting the same privacy rights.

6 LT COL GREEN: And the -

7 MR. STONE: That's the issue.

8 LT COL GREEN: I'm sorry. The  
9 recommendation from POD was to modify the rule to  
10 include a specific statement that would exactly  
11 overcome, it says to say the victim's privacy is  
12 a legitimate governmental interest that promotes  
13 good order and discipline in the Armed Forces.  
14 So, I think their modification would extend that  
15 and make it clear that that constitutional  
16 concern within the military would not be the  
17 same, or not be different than the application  
18 throughout other jurisdictions.

19 CHAIR HOLTZMAN: But the problem is  
20 we're really comparing apples and oranges, with  
21 all due respect, because those cases did not  
22 involve criminal cases.

1 MR. STONE: No, the other one did.  
2 Pennsylvania v. Ritchie was a criminal case.

3 CHAIR HOLTZMAN: Okay.

4 LT COL McGOVERN: But Jaffee was a  
5 civil case dealing with privilege to medical  
6 counseling. Here we're talking about 412 evidence  
7 as Kyle distinguished before.

8 MR. STONE: Right.

9 LT COL McGOVERN: One is dealing with  
10 the privilege, and so it's more absolute  
11 legitimate privacy interest in your mental health  
12 record.

13 MR. STONE: That's right. And we are  
14 not saying in this statement that Jaffee v.  
15 Redmond means XYZ, and it applies. We're simply  
16 saying, and maybe we should put it slightly  
17 differently, that whatever a victim's privacy  
18 right is outside of the military trial context,  
19 also applies in the military trial context. They  
20 don't have no victim's constitutional right,  
21 whatever you think that turns out to be. So, that  
22 the military judge gets to consider it, not that

1 he says, "I don't even look at that here, because  
2 they didn't say that applies in the military  
3 base." He says "Okay, I'll decide if I think it  
4 applies."

5 LT COL McGOVERN: But don't they do  
6 that according to Gaddis in the balancing test?

7 MR. STONE: I don't think so. At least  
8 that's - I guess I'd have to look at it again,  
9 but I don't think so.

10 LT COL McGOVERN: I'm just trying to  
11 clarify for recommendation purposes, if you added  
12 that it was a legitimate interest, victim's  
13 privacy is a legitimate interest for the judge to  
14 consider, would that trump, according to your  
15 opinion, the constitutional rights of the  
16 accused?

17 CHAIR HOLTZMAN: He's making a  
18 different point -

19 LT COL McGOVERN: Okay.

20 CHAIR HOLTZMAN: - I think. And if I  
21 state it, then you tell me I'm wrong because I'm  
22 trying to understand what you're saying. I think

1 what he's saying is, it is not taking a position  
2 on what the privacy right is in a criminal trial  
3 before in the military justice system. He's  
4 saying whatever that right is that's determined  
5 in the civilian system, criminal or civil, that  
6 privacy right, the same right should apply - not  
7 civil or criminal, but in criminal cases, that  
8 same privacy right should exist in the military  
9 justice system, whatever that right is. He's not  
10 saying that it does trump or it doesn't trump, if  
11 the Supreme Court of the United States says, for  
12 example - am I right?

13 MR. STONE: Yes.

14 CHAIR HOLTZMAN: If the Supreme Court  
15 of the United States were to say that in a  
16 criminal trial that the privacy rights of the  
17 victim trump the defendant's constitutional  
18 rights to confrontation, let's assume that were  
19 the case, that that would also apply in the  
20 military. If the Supreme Court, on the other  
21 hand, were to decide that it doesn't trump, that  
22 would apply in the military. Just that the

1 military shouldn't have a separate system for  
2 victim's privacy - from the system in civilian  
3 courts, criminal courts.

4 MR. STONE: And that the military  
5 victims whether they are or aren't Armed Forces  
6 members should be entitled to that same right.  
7 Yes.

8 LT COL McGOVERN: Just go back to  
9 Article 6(b) now, which articulates what victim's  
10 rights are in the military. And we have Gaddis  
11 saying that they weigh the privacy interest in  
12 the balancing test, so I'm not sure where -

13 CHAIR HOLTZMAN: This may make no  
14 difference -

15 LT COL McGOVERN: - the testimony of  
16 that there's a problem.

17 CHAIR HOLTZMAN: Right, there may be no  
18 problem, and there may be no issue. All that he's  
19 saying is whatever it is in the criminal - am I  
20 wrong?

21 MR. STONE: Well, I want to contradict  
22 her on Gaddis for a minute. Okay? Even the



1 summary emphasizing that the victim's privacy  
2 just cannot override the accused's constitutional  
3 rights. One presenter noted that MRE 412 applies,  
4 blah, blah, blah. If Brady is involved, if it's  
5 actually exculpatory, then the Supreme Court  
6 rulings as I read them say the privacy rights  
7 give way, if it's actually exculpatory. If it's  
8 not exculpatory but it's just impeaching, she's a  
9 bad person because she did this, that, and the  
10 other thing, then they don't overrule it. So, it  
11 depends on the context and the facts. So, all  
12 we're saying is that the civilian cases, the non-  
13 military cases on privacy interest of victims are  
14 applicable, and military judges have to look at  
15 them and apply them. They can't say "Oh, show me  
16 a military case on victim's privacy, or I'm not  
17 going to consider it." They have to look at the  
18 case law out there. That's what we're saying.

19 MR. TAYLOR: And you're uncomfortable  
20 with that for some reason.

21 LT COL MCGOVERN: When there's no  
22 military precedent, we cite civilian cases to

1 influence the opinion of the judge.

2 MR. STONE: But in this case, in  
3 effect, I guess what we're saying is depending on  
4 where those cases come from, the civilian cases,  
5 they're going to trump prior military decisions  
6 that didn't really want to recognize a victim's  
7 privacy, that say oh, this is something new. I  
8 don't know what this means. You don't get it.

9 CHAIR HOLTZMAN: I think what he's  
10 coming from is from the premise that not all  
11 constitutional rights are included. And where  
12 you're coming from is Rule 6(b) -

13 LT COL MCGOVERN: Just that we have a  
14 Military Justice System, and Congress has  
15 articulated rights to military victims, and we  
16 have case law saying how they're balancing those  
17 interests. So, I saw the scope of the  
18 recommendation here, are you going to add  
19 language to 412 saying that there is now a  
20 legitimate interest under some Supreme Court  
21 precedent. What does that add or take away from  
22 the Military Justice practice? I feel like we're

1 kind of on a tangent because we haven't  
2 identified that there is a problem whether or not  
3 past constitutional victim's rights apply, so  
4 based on the testimonies received and case law  
5 you've received, would your recommendation be  
6 that this language should be added, or it needs  
7 further study, or monitoring?

8 MR. STONE: Okay. My answer is yes,  
9 there was a problem, and that's why we have all  
10 this legislation about victim's privacy interest  
11 in the military in the past. And Article 6(b) is  
12 a statute, it's not the Constitution, so Article  
13 6(b) standing alone couldn't overcome a purely  
14 confrontational clause, constitutional challenge  
15 by defense counsel that says I want to impeach  
16 her. I want all that evidence. And that's why you  
17 have to say the Supreme Court standard applies  
18 because the Supreme Court standard is it doesn't  
19 overcome a Brady challenge. If it's exculpatory,  
20 that defense counsel gets it. But it may well  
21 overcome a challenge that's purely based on I  
22 want to see it, Your Honor, because everybody

1 knows she's been around and been the girlfriend  
2 of everybody on base. That's why you have to say  
3 that.

4 CHAIR HOLTZMAN: I guess my concern  
5 about this is I'm not 100 percent comfortable  
6 with the idea that a victim's privacy is enough  
7 of an interest if the defendant, assuming that  
8 it's relevant, most of the stuff in my view is  
9 completely irrelevant from a logical basis. I  
10 mean, it goes back to the idea if a woman ever  
11 said yes, she can't say no. So that's of course  
12 logically, as well as factually not correct. But  
13 assuming that we get past the relevance, which I  
14 would apply an extremely strict standard to, I  
15 don't know that a defendant's right  
16 to confrontation at a trial should be trumped by  
17 this. I'm not saying that it shouldn't.

18 MR. STONE: Jaffee was really a  
19 landmark decision in saying that.

20 CHAIR HOLTZMAN: Well, it wasn't a  
21 criminal case, though?

22 MR. STONE: Well, but it's -

1 CHAIR HOLTZMAN: But that's a very  
2 important -

3 MR. STONE: It's a pretty serious  
4 case.

5 CHAIR HOLTZMAN: I understand. Serious  
6 is different from going to prison.

7 MR. STONE: Well, Shrader is a case  
8 that's cited all the time. That's another federal  
9 case.

10 CHAIR HOLTZMAN: Okay. I'm agnostic  
11 still on this point.

12 MR. STONE: I understand.

13 CHAIR HOLTZMAN: I just see that there  
14 are - you know, to me it's -

15 MR. STONE: What would you like to do  
16 here?

17 CHAIR HOLTZMAN: Well, I want to know  
18 what the rest of you want to do. I'm not sure  
19 that MR 412 should be clarified yet. I think we  
20 should see how the new rules are working in terms  
21 of protecting victim's privacy. We have some time  
22 to monitor that.

1 MR. STONE: So, track it.

2 LT COL GREEN: In terms of what the  
3 panel has received, the panel received one  
4 written input on this. We have not received  
5 additional views to determine if there are other  
6 perspectives on this, other than the one that you  
7 have received, so other than this discussion  
8 there's nothing else we have on the point.

9 VADM(R) TRACEY: Do you want to ask  
10 for additional information?

11 CHAIR HOLTZMAN: We could. I mean, I  
12 don't know that we need to make a recommendation  
13 on this point right now. I mean, I would like  
14 more information, and I'd like to monitor this a  
15 bit. I'd like to get a better sense of how this  
16 is working. I'd like to get a better sense of  
17 whether my decision might be affected about how  
18 judges are determining the issue of relevancy. If  
19 they have a very broad sense of relevancy instead  
20 of a strict, narrow, logical sense of relevancy,  
21 then maybe you have to go to this because they're  
22 not interpreting the statute properly, or maybe

1 that's where you have to put the focus on. But  
2 I'm not sure if I'm balancing two interests here,  
3 due process and privacy. It's very tough. I just  
4 raise it. I'm not saying I have a conclusion.

5 MR. STONE: I think we should have  
6 somebody come and speak to us about those two  
7 cases.

8 CHAIR HOLTZMAN: Okay. And how it's  
9 working actually in the military, too, would be a  
10 very good, how it's actually being interpreted. I  
11 mean, we did hear some testimony about that, but  
12 maybe there are more cases on this. I don't know.  
13 Kelly, you're smiling. We must have done  
14 something right, huh? Well, what do you think?

15 LT COL McGOVERN: I think based on the  
16 testimony you received it's good to monitor with  
17 all the change.

18 CHAIR HOLTZMAN: How do you feel, Mr.  
19 Taylor, about this?

20 MR. TAYLOR: Well, yes, I think I  
21 started this conversation by saying I didn't  
22 think I had enough information to have a judgment

1 on this, and that's -

2 CHAIR HOLTZMAN: We haven't enlightened  
3 you?

4 MR. TAYLOR: With all due respect to  
5 both of you. I have enjoyed the conversation, but  
6 I would still like more information, I suppose,  
7 for a lot of the reasons that Kelly said, in  
8 addition to which that was a different case. It  
9 had to do with a psychotherapist privilege, as  
10 opposed to these kinds of records. And again,  
11 with great respect for you, Mr. Stone, I'd just  
12 like to think about it some more.

13 CHAIR HOLTZMAN: Admiral?

14 VADM(R) TRACEY: Fine.

15 MR. STONE: I'll go along with whatever  
16 the majority wants. That's fine.

17 CHAIR HOLTZMAN: You don't even have to  
18 go along. You can write additional views to this  
19 recommendation, you know.

20 MR. STONE: Yes, okay. Well, I'll  
21 reserve my views at this point.

22 CHAIR HOLTZMAN: Yes. All members have



1 that privilege.

2 MR. STONE: Yes.

3 CHAIR HOLTZMAN: Okay. Issue 23. So,  
4 Issue 23 would apply - let me read it. "Should  
5 412 be modified to eliminate the constitutionally  
6 required exception which some presenters argue is  
7 presumed." That modification would apply then  
8 only to the trial, so we should eliminate the  
9 constitutionally required exception at trial,  
10 which some presenters argue is presumed.

11 Have we heard any evidence about how  
12 it's been applied at trial, as opposed to the  
13 Article 32? Do we have any indication that there  
14 have been issues about the focus as far as I've  
15 been able to understand, is that the real  
16 problems on 412 have been at the Article 32  
17 stage? But I could be wrong about that. I mean,  
18 is this a big issue at trial, as well as it was  
19 in 32?

20 LT COL McGOVERN: Your official task  
21 according to your charter is to review records  
22 concerning 412 and 513 -

1 CHAIR HOLTZMAN: Oh, okay.

2 LT COL McGOVERN: - which we found  
3 may be challenging due to the fact that all the  
4 records are sealed. So, otherwise, you're going  
5 to be relying on the limited testimony of the  
6 people appearing before you. So, I would suggest  
7 we continue to work on how we can actually access  
8 records to see how constitutionally required is  
9 being applied at trials, and if we can't do that,  
10 then we find other ways to give you that  
11 information.

12 CHAIR HOLTZMAN: That's a good point.  
13 May I ask a question? Can we get an unsealing  
14 order if the information, the names of the people  
15 are redacted?

16 LT COL McGOVERN: Well, only a court of  
17 competent jurisdiction can unseal records,  
18 according to UCMJ, but Colonel Hines had  
19 suggested that we work towards getting some sort  
20 of limited protective order for the staff to pull  
21 cases and possibly then compile information for  
22 you so that you can make an analysis.

1 CHAIR HOLTZMAN: That I think would be  
2 really helpful.

3 MR. STONE: I thought this question was  
4 going to your repeated point, which I think is  
5 right, that the exception shouldn't say  
6 constitutionally required exception because then  
7 it's presumed. It exists or it doesn't exist,  
8 there's no presumption. You look at the question  
9 and you do it. I thought they were trying to  
10 address what you said, which I agree with.

11 CHAIR HOLTZMAN: Yes. Well, I -

12 LT COL McGOVERN: Defense counsel said  
13 that contrary, according to the -

14 MR. STONE: Yes, right. They say it's  
15 a presumption. And if it's a presumption it's a  
16 -

17 LT COL McGOVERN: It's not a  
18 presumption, that it's an important signal in the  
19 military context.

20 MR. STONE: Well, I don't think you  
21 would assume you have a constitutional right.  
22 Everybody knows it's there.

1 CHAIR HOLTZMAN: Well, that's my view.

2 MR. STONE: Yes.

3 CHAIR HOLTZMAN: But I don't know that  
4 everybody agrees with that. And people may feel  
5 uncomfortable that we're moving - because it  
6 sounds so important and protective, and right.

7 MR. STONE: I agree with you.

8 CHAIR HOLTZMAN: My view is that it  
9 should be removed -

10 MR. STONE: Right.

11 CHAIR HOLTZMAN: - because it's  
12 redundant, and could create confusion, but I'm  
13 open to - you know, but I can certainly accept  
14 that other people would think that it's -

15 VADM(R) TRACEY: We've never actually  
16 seen evidence either way. Right? Nobody's  
17 talked to us on that, one group talked to us  
18 about this.

19 MR. STONE: Even some witnesses who  
20 said that they thought that judges were finding  
21 it was a presumption, and they found it and then  
22 they just moved on. And they don't really appear

1 to weigh or balance anything because well, that's  
2 the presumption.

3 CHAIR HOLTZMAN: Right.

4 MR. STONE: You know, if you don't have  
5 something to overcome that presumption, I'm not  
6 even going to weigh.

7 LT COL McGOVERN: Well, I believe the  
8 testimony you heard is that there's a balancing  
9 test, and then when they do find that things are  
10 constitutionally required, some testified that  
11 judges are narrowly tailoring the decision as to  
12 releasing the evidence to protect the victim's  
13 privacy. So, I think you heard other testimony,  
14 as well, sir.

15 CHAIR HOLTZMAN: See, I think the  
16 problem that I have is that you have a normal  
17 balancing test. What is it, Rule 403 in the  
18 Federal Rules that say if something is relevant,  
19 but is very prejudicial, the judge has a right to  
20 exclude it. Doesn't say prejudicial to whom, but  
21 prejudicial because it could be inflammatory to  
22 the jury, and it's marginally relevant, but it's

1 really inflammatory, so it could confuse the  
2 jury. There is no something there that says  
3 Constitution - in no other federal rule is there  
4 anything that says you'd have to apply these  
5 rules in light of the Constitution. This is the  
6 only one. So, what may happen here is that judges  
7 say "Well, why did they put this in, because it's  
8 not in any other rule?" Well, it was in 513 until  
9 now. So, judges may take this as a signal that  
10 really the framers of this rule are very worried  
11 about excluding evidence that could be protective  
12 of a defendant's rights, constitutional rights.  
13 So, the argument is that it's confusing, it's  
14 like a little thumb on the scale because it  
15 doesn't exist anywhere else. What could it  
16 possibly mean? Why would you need it here? So, it  
17 must have some meaning that we're really supposed  
18 to bend over backwards to help the defendant.  
19 That's what I think the concern is, that we heard  
20 testimony about. But we don't really know that.

21 MR. TAYLOR: Right. So, the testimony  
22 also talked about how if in doubt, the judges

1 would say well, I don't want to be reversed on  
2 appeal for excluding something that's perhaps  
3 constitutionally required.

4 CHAIR HOLTZMAN: Correct.

5 MR. TAYLOR: And the counterpoint to  
6 that argument, as I recall, was that because  
7 Military Justice is constantly under scrutiny,  
8 there should not be the perception that we are  
9 somehow not affording people their constitutional  
10 rights. So, if you take it out, does that mean  
11 that somehow we're diminishing the rights that we  
12 would otherwise afford to service members?

13 CHAIR HOLTZMAN: Right. We're not  
14 starting from scratch here. If you take out  
15 something that says is constitutionally required,  
16 then people will say well, obviously, they don't  
17 care about the constitution. Whereas, if you  
18 didn't put it in to begin with, nobody would even  
19 question that because it doesn't exist anywhere  
20 else.

21 LT COL GREEN: But the right does exist  
22 under FRE 412.

1 CHAIR HOLTZMAN: Right. That's what I'm  
2 saying, in the Federal Rules, also.

3 LT COL GREEN: Right.

4 CHAIR HOLTZMAN: Copies the Federal  
5 Rules. I mean, that what's I meant. I'm sorry, I  
6 didn't - it doesn't exist otherwise in Federal  
7 Rules, or other evidentiary rules. So, I can  
8 understand why people would be reluctant to take  
9 it out. That's all. Because taking out sends a  
10 different signal from not putting it in to begin  
11 with.

12 MR. TAYLOR: And it could be said to  
13 invite an unfair contrast between the case for  
14 the federal rules and the military rules on  
15 essentially the same issue. So, there's a  
16 perception issue here that -

17 MR. STONE: And the fact that it came  
18 out of 513 and not here implies they must mean  
19 something here because they took it out of 513,  
20 but the Constitution still applies there.

21 CHAIR HOLTZMAN: Right. So, I mean, I'm  
22 just trying to lay out the pros and cons, or some



1 of them. We could postpone a decision on this, or  
2 we could say we want to have more information.  
3 We'll monitor it, welcome additional views.

4 LT COL McGOVERN: Would you like to  
5 revisit it once we brought the actual records,  
6 ma'am?

7 CHAIR HOLTZMAN: That's what I think  
8 would be the best solution here personally.

9 MR. TAYLOR: I agree.

10 CHAIR HOLTZMAN: Just by my own  
11 personal privilege. I think the more prudent  
12 thing would be to do that.

13 MR. TAYLOR: I agree.

14 CHAIR HOLTZMAN: Kelly's just grinning  
15 away over there.

16 LT COL McGOVERN: I like moving on,  
17 ma'am.

18 CHAIR HOLTZMAN: All right. Now we're  
19 up to, I think, 24. Right. Do we have any further  
20 comments or recommendations? Anybody? 513.

21 LT COL GREEN: Ma'am, do you want to -  
22

1 CHAIR HOLTZMAN: You want to take a  
2 five-minute break?

3 LT COL GREEN: We have this 513, so if  
4 you want to take a break, we could take a break  
5 now.

6 MR. TAYLOR: I agree.

7 CHAIR HOLTZMAN: Okay. Let's take a 10-  
8 minute break.

9 (Whereupon, the above-entitled matter  
10 went off the record at 2:29 p.m., and resumed at  
11 2:49 p.m.)

12 CHAIR HOLTZMAN: So, we are now on  
13 Section D, JPP's Analysis and Recommendations on  
14 MRE 513 issues. Issue 25, "Does the panel have  
15 comments or observations about the pending  
16 changes to MRE 513 that were mandated by FY 15  
17 NDAA?" Kyle?

18 LT COL GREEN: Ma'am, Section 537 of  
19 the FY 15 NDAA made a number of changes to MRE  
20 513. These changes required the President to  
21 institute changes to the rule within 180 days  
22 which means the guidance should be effective on

1 the 17th of June, 2015.

2 Just to summarize what those changes  
3 are, the changes required are to eliminate the  
4 rule's constitutionally required exception, to  
5 incorporate within the privilege communications  
6 with other licensed mental health professionals  
7 in addition to the psychotherapist privilege  
8 that's already within the rule, to clarify or  
9 elevate the burden on the party who seeks  
10 production or admission of protected  
11 communications or records, and to revise the  
12 standard for a military judge to conduct an in  
13 camera review of communications or records, and  
14 the requirement that any production or disclosure  
15 permitted by the military judge be narrowly  
16 tailored.

17 I would just note these four changes  
18 speak directly to a number of the issues raised  
19 by presenters to the panel, so I think these  
20 changes are going to substantially change the  
21 rule and have a significant effect on maybe what  
22 the panel might consider or be able to recommend.

1 CHAIR HOLTZMAN: When you say "narrowly  
2 tailored," I thought that the main objection that  
3 we heard to 513 was that there was an automatic  
4 production of the records from the health  
5 professionals to the chambers, which made it very  
6 easy for a judge to say - or investigating  
7 officer to say just, you know, "I'll examine"  
8 them. Does the FY 15 NDAA deal with that issue?

9 LT COL GREEN: Not directly, unless the  
10 limitations on the rule and the elimination of  
11 the constitutionally required exception, or some  
12 of the other implications of the rule might  
13 further limit the willingness of the judge to say  
14 bring them in just in case we need them.

15 CHAIR HOLTZMAN: So, that hasn't been  
16 addressed specifically.

17 MR. STONE: That's 27 down here.

18 CHAIR HOLTZMAN: Okay.

19 MR. STONE: That's 27.

20 CHAIR HOLTZMAN: I just wanted to make  
21 sure that it wasn't covered under 25. Sometimes  
22 there is a method to my madness, not often, but

1 sometimes.

2 Okay. Does anybody have any  
3 recommendations they want to make under Issue 25?

4 MR. TAYLOR: I would just comment that  
5 I think this is definitely moving in the right  
6 direction in terms of the direction that we as a  
7 panel, so far, seem to be thinking needs to move.

8 CHAIR HOLTZMAN: Well, I certainly  
9 agree with eliminating the constitutionally  
10 required exception, and also to expand the range  
11 of the privilege. But I'm not sure about  
12 increasing the burden, I just - I want to see  
13 how that works out in practice. I don't know  
14 whether that's something that we - did we hear  
15 that that was an issue for people, that it was  
16 too easy to get these records?

17 LT COL GREEN: I think we heard  
18 anecdotal information that - exactly like you  
19 expressed, ma'am. I think we heard two versions,  
20 that the records are produced through the process  
21 to be available to the military judge for review,  
22 at which time - so that they're available when

1 the military judge determines it's appropriate to  
2 do so. And then the second question about whether  
3 the military judge, in fact, conducts that in  
4 camera review, so two different stages.

5 CHAIR HOLTZMAN: Well, okay. I don't  
6 have any comments I want to make, but you want to  
7 make that comment? Anybody approve, disapprove,  
8 disagree with that comment?

9 VADM(R) TRACEY: I would agree with  
10 that comment.

11 MR. STONE: I guess I'm going to wait  
12 until we get to 26 and 27 for my comments. I  
13 think that's where they -

14 CHAIR HOLTZMAN: Okay. But do we have  
15 any - so - but Mr. Taylor recommends making a  
16 comment saying that the panel supports the  
17 direction of these rules.

18 MR. STONE: Yes, that's fine. Yes.

19 CHAIR HOLTZMAN: Okay. I'm not sure how  
20 I feel about that, so. Okay. I substantially  
21 support it, but I don't know if I 100 percent  
22 support it.

1                   Okay, Issue 26. "Should there be  
2                   standardized service regulations or guidance  
3                   regarding the release of mental health records  
4                   for law enforcement purposes, or should any  
5                   current guidance or practices be revised?"

6                   I'm not sure I understand what this  
7                   means. Is this referring exactly to the issue  
8                   that I raised before about the release of the  
9                   records?

10                   LT COL GREEN: Even prior to that,  
11                   ma'am. It's part of investigations, and this is  
12                   really outside the scope of 513 itself. In the  
13                   course of a criminal investigation, the rules  
14                   allow -there's guidance for when investigators  
15                   can get rules, or get records or communications  
16                   as part of their investigation.

17                   MR. STONE: Is whether the prosecutors  
18                   can get them, not whether the judge looks at  
19                   them? In other words, the investigator is an arm  
20                   of the prosecutor.

21                   CHAIR HOLTZMAN: No, no, no, not  
22                   really.

1                   LT COL McGOVERN: Not an arm of the  
2 prosecutor.

3                   CHAIR HOLTZMAN: Not in the military  
4 system.

5                   LT COL GREEN: They're independent. So  
6 you have two forums, either the investigators can  
7 get them independently, or the trial counsel  
8 could get them in the course of his case  
9 assessment review.

10                  MR. STONE: Okay. And in either case,  
11 if they find something they think is exculpatory  
12 under Brady, certainly, if the trial counsel gets  
13 them in terms of his pre - early review, and  
14 then goes forward, he'd have to turn them over.  
15 What I want to know is if the criminal  
16 investigator gets it, does it have to be turned  
17 over to the defense counsel, because it would be  
18 in the civilian case. If FBI sees it, at that  
19 point if it's exculpatory, later there's no  
20 question the prosecutor is going to have to turn  
21 it over.

22                  LT COL McGOVERN: I think the research



1 done by the staff takes it back a step further  
2 and is the law enforcement exception to the -  
3 this privilege, and HIPAA, and the Privacy Act,  
4 is that being followed, to have investigators,  
5 you even have people to have access to this  
6 information.

7 MR. STONE: I know that's the question  
8 you're asking, but what I'm saying is the  
9 consequence of that is a Brady obligation and  
10 giving it over to the defense if - which is the  
11 whole point of fighting about - just because the  
12 judge sees it in camera, if the judge decides  
13 it's not relevant, or it's not something he's  
14 going to turn over under 513, it doesn't go to  
15 the defense.

16 LT COL GREEN: Right.

17 MR. STONE: But in the other  
18 circumstance even though that's a much earlier  
19 stage, it would go to the defense, and so that's  
20 why I'm asking that question, if when the  
21 criminal investigative service sees it, that  
22 triggers a discovery obligation if it's

1 exculpatory.

2 LT COL GREEN: Mr. Stone, we didn't get  
3 -we didn't take either testimony or ask specific  
4 questions of investigators about that specific  
5 point -

6 MR. STONE: Okay.

7 LT COL GREEN: - about their  
8 obligation once they obtain those records.

9 MR. STONE: Right.

10 LT COL GREEN: The analysis and what  
11 you heard had more to do with just the exposure  
12 of victim's - of private information about  
13 victims and the ability of law enforcement to  
14 access that in the first place.

15 And there are rules established under  
16 DoD, there's additional guidance under some of  
17 the services for the implementation of that DoD  
18 guidance, but some of the other services simply  
19 say we follow the DoD guidance. And so, I think  
20 our review indicates that there's a lack of  
21 uniformity at least in terms of the rules for  
22 access to this information.

1                   VADM(R) TRACEY: Did we hear testimony  
2 about this?

3                   MR. STONE: I know I asked questions  
4 about this, because what I wanted to know, and  
5 maybe this is what you're getting at, is whether  
6 the military's rules on access to informations  
7 from the hospitals by investigators trumps HIPAA.  
8 Again, is this a military rule that's different  
9 than a civilian rule, because in a civilian  
10 context it better be a HIPAA release. And we're  
11 hearing that in Army hospitals there is no HIPAA  
12 release.

13                   LT COL GREEN: Yes, ma'am, there are.

14                   LT COL McGOVERN: Sixty-seven and 68  
15 explain that a commander may have access to the  
16 information. What the victim has the right to do  
17 is find out if their information has been  
18 accessed.

19                   LT COL GREEN: There are two exceptions  
20 to the protection that are applicable. One is  
21 more unique to the military, and that is the  
22 military necessity rule, that commanders can

1 access mental health records for military  
2 necessity -

3 MR. STONE: That's not prosecution,  
4 though, military necessity. That's an emergency.

5 LT COL GREEN: No, sir, that's military  
6 fitness for duty, so it - anything in terms of -  
7 - I think that is a more encompassing exception  
8 that's used that allows commanders to access  
9 mental health records generally for service  
10 members, although that has been narrowly  
11 tailored, or narrowed.

12 MR. STONE: Okay. That would not be in  
13 the context of a prosecution, though.

14 LT COL GREEN: Not necessarily.

15 MR. STONE: Okay.

16 LT COL GREEN: I mean, I don't know  
17 that it would be exclusive of prosecutions, and  
18 it may provide a vehicle to obtain records in a  
19 particular case, but it's broader than just  
20 prosecutions.

21 MR. STONE: And the second reason you  
22 said?

1           LT COL GREEN: The second is the law  
2 enforcement exception, which - and that just  
3 allows for the purposes of law enforcement those  
4 records to be accessed. And, again, I think  
5 that's provided for under the HIPAA rules, and  
6 then specifically the policy and provisions for  
7 that are spelled out under DoD rules.

8           MS. TOKASH: Is the issue, Mr. Stone,  
9 that you're framing then this, if there is a law  
10 - if law enforcement wants to go and get those  
11 records, how does that then impact the trial  
12 counsel and the defense counsel?

13           CHAIR HOLTZMAN: That's really a  
14 separate point. I think the first point we want  
15 to deal with is the point that's raised right  
16 here, because that's an implication or a  
17 consequence of Point One, I mean, the point,  
18 basic point. But the basic point is, is there a  
19 problem with the present system? Isn't that  
20 really your question here in 26?

21           VADM(R) TRACEY: Actually, I think it's  
22 that the services have different standards.

1 CHAIR HOLTZMAN: Standardized, or  
2 should any of the current guidance be revised?  
3 So, it's both points, uniformity and revision of  
4 existing guidelines. What - can you just  
5 summarize what the problems were for us?

6 LT COL McGOVERN: On page 68, ma'am, it  
7 gives two examples of, again, the differences  
8 that the Army says that then they have to make  
9 sure that the information is kept private and  
10 confidential, whereas in the Air Force it has to  
11 be whether someone is still at risk of harming  
12 themselves.

13 So, again, it's an area that in light  
14 of the developing of MRE 513 and the importance  
15 that once this information is out, it's available  
16 and can be possibly coming into the courtroom,  
17 need to make sure that everything is being  
18 handled narrowly to begin with and uniformly.

19 LT COL GREEN: These are, obviously,  
20 outside the scope of 513 questions.

21 CHAIR HOLTZMAN: Right.

22 LT COL GREEN: But the practical

1 application - the practical implications is that  
2 there are procedures for - within the military  
3 and specific towards criminal investigations that  
4 allow access to mental health records that do not  
5 have the same consideration as 513 for judicial  
6 proceedings. And, again, that's not a  
7 commentary, it's just an observation of what was  
8 determined.

9 But there was some discussion, and I  
10 think in terms of the discussion about broader  
11 access to military mental health records than in  
12 the civilian system, this may explain the reason  
13 why, and whether the panel feels that's something  
14 worth commenting on, or if it's something -

15 CHAIR HOLTZMAN: Where do I - I see  
16 only on commanders on page 68, 67 and 68.

17 VADM(R) TRACEY: Law enforcement is  
18 below that.

19 LT COL GREEN: Following.

20 CHAIR HOLTZMAN: Okay, sorry. Could you  
21 just - with regard to commanders, could you -  
22 the question I had here was what level of

1 commanders are we talking about getting access to  
2 these records? Do we know?

3 LT COL McGOVERN: Company-level  
4 commanders, out of the 100 so people.

5 CHAIR HOLTZMAN: Okay.

6 LT COL McGOVERN: We want to make sure  
7 that if he thinks someone is a suicidal risk, are  
8 they fit to be driving that truck?

9 CHAIR HOLTZMAN: I have no quarrel with  
10 it. I'm just curious -

11 LT COL GREEN: Any service member's  
12 commander, so the immediate commander on up to  
13 senior levels of commander, as well.

14 VADM(R) TRACEY: But it is someone in  
15 a command position?

16 LT COL GREEN: Yes, ma'am, and within  
17 the chain of command.

18 VADM(R) TRACEY: And not a supervisor.

19 LT COL GREEN: Yes, ma'am.

20 VADM(R) TRACEY: All right.

21 LT COL GREEN: And within the chain of  
22 command so, obviously, it's for some



1 servicemembers within my command. Yes, ma'am.

2 LT COL McGOVERN: It's just an  
3 observation that the military treatment  
4 facilities, they screen them first, do some sort  
5 of relevancy type of screen of the records before  
6 they turn it over to the law enforcement folks.  
7 So, again, it's how much information is being  
8 released? Is that something you would like to  
9 recommend be more standardized or receive more  
10 information on?

11 MR. STONE: We didn't hear whether this  
12 actually overlaps into the problem in the next  
13 one, the next issue, which is that the records  
14 are gotten wholesale and brought and thrown on  
15 the Article 32 investigating officer's desk  
16 before he's even figured out whether he needs to  
17 go into them.

18 And I guess the question I have is do  
19 we need to hear information whether that does  
20 overlap or not? Maybe it never overlaps it,  
21 because they - I mean, like you say in a quote  
22 here they insure the information is kept private

1 and confidential. So maybe the answer is they  
2 look at it and return it, or they never - they  
3 look at it at the hospital. I don't know.

4 LT COL McGOVERN: It does include  
5 Report of Investigation that then becomes  
6 available. It has potential to be an issue which  
7 we can provide more information on at subsequent  
8 meetings.

9 CHAIR HOLTZMAN: I want to go back to  
10 my other question. Do we have any complaints  
11 about this practice from any presenters?

12 LT COL GREEN: Nobody specifically  
13 raised these issues. They talked more broadly  
14 about the general availability of mental health  
15 records.

16 CHAIR HOLTZMAN: So, that really issue  
17 - the one we heard about was Issue 27, so we  
18 haven't really had presenters on 26. May I make  
19 a suggestion that we postpone this issue until we  
20 get further information, including the point that  
21 Mr. Stone raised, which is what happens once they  
22 get this and it turns out to have Brady

1 information? What do they do with it? Do they  
2 turn it over to prosecutors? I mean, once they  
3 get the stuff, do they keep it, do they destroy  
4 it, do they turn it over to prosecutors? I mean,  
5 so that I think that issue is implicit here.

6 LT COL McGOVERN: Would you like to  
7 eliminate that part of the report to save for  
8 later or do you just want to note that we will  
9 look at this issue in the future?

10 MR. STONE: I don't think you need to  
11 comment on it at this point. We just will or we  
12 won't. If it's a problem, we will.

13 LT COL GREEN: But I think documenting  
14 what the procedure is for those is helpful  
15 background, would be my recommendation to you.

16 VADM(R) TRACEY: And because we are  
17 saying in response to Issue 25 that we think the  
18 change in the NDAA is in the right direction, I  
19 think it would be good to suggest that there are  
20 parts of this that we are going to continue to  
21 look at, and not just document the procedure or  
22 not.

1 CHAIR HOLTZMAN: I agree with that.

2 Okay, so we're finished with 26.

3 Issue 27, "Should the panel comment on  
4 obtaining and handling of mental health records  
5 prior to trial including whether records should  
6 be obtained for Article 32 hearings, or in  
7 anticipation of possible request at trial?"

8 Anybody want to comment on this?

9 MR. STONE: You know, I think that  
10 that's a - that we should comment because,  
11 frankly, I think that's terrible precedent and  
12 way of handling things, because I think if a  
13 person has those records, the last thing they  
14 want to do is go to the hearing and see them up  
15 there on the desk even though they're wrapped up.  
16 I mean, they thought they spoke to somebody in  
17 confidence and those records are sitting right  
18 there. Right there.

19 They don't know who looked at them and  
20 wrapped them up, and it also makes it much more  
21 likely that the decision maker says well, before  
22 I send them back, I'll take a look at them. So,

1       it's - it takes it very far off the neutral  
2       decision making platform when you get them ahead  
3       of time. You don't know who got them, and they're  
4       sitting there wrapped up.

5                It just - it even makes the person  
6       whose records they are start to wonder well, who  
7       made the copies of my records, and how many  
8       copies were made? Because, obviously, usually  
9       it's not the original records, hospital gives you  
10      a copy. I mean, just - and that's what chills  
11      people from going.

12               And I heard, I don't know if it was  
13      during the hearings or elsewhere, to be honest,  
14      that there are people who are now instead of  
15      going to mental health counselors in the  
16      hospitals, they're going to the clergy because  
17      they know the clergy isn't keeping records on  
18      them, and they need to talk to somebody about  
19      something that's that mentally health-troubling.  
20      And I don't think we want a clergy in the  
21      military to take on the role that the mental  
22      health counselor is trained to do, and trained to

1 help the person with.

2 So, I think that it's not necessary to  
3 do that, and it's got so many downside risks, it  
4 just raises too many questions to, it seems to  
5 me, justify doing it.

6 CHAIR HOLTZMAN: Any other comment? Any  
7 disagreement with the comment?

8 LT COL McGOVERN: If you look on page  
9 69 and 70 of the report it details the  
10 differences in approach to safeguarding  
11 information at 32s.

12 VADM(R) TRACEY: And the last  
13 paragraphs suggests - reminds us that we did  
14 hear from people that while those are the rules  
15 that weren't consistently applied.

16 CHAIR HOLTZMAN: Kelly, I know what the  
17 significance of your comment is. Do you have any  
18 objection, or do you have some problem with our -  
19 - with Mr. Stone's comments?

20 LT COL McGOVERN: No, I just wanted to  
21 make sure that everyone was aware that there are  
22 procedures in place, they're just not uniform

1 procedures.

2 CHAIR HOLTZMAN: Well, I thought the  
3 procedure was - I didn't think there was any  
4 procedure that allowed the records to be asked  
5 for before the judge made some - before there  
6 was a showing. Are there procedures that allow  
7 for that? So, there might be different -

8 LT COL MCGOVERN: This is according to  
9 the Marine Corps MRE 513, information should not  
10 be released to the 32 officer, but if it is  
11 inadvertently obtained, it will be sealed.

12 The Navy tries to take protections by  
13 issuing guidance when they're appointing the  
14 investigating officer to be aware of those  
15 protections in the MRE 500 series. So, it just -  
16 the information that's presented in the report  
17 sounds like there are - it has a potential to  
18 have - to slip into Article 32 hearings.

19 CHAIR HOLTZMAN: But the testimony, we  
20 heard some people say it's never a problem, but  
21 we did hear people say that it was a problem. But  
22 beyond that, I'm unaware of any rule that allows

1 for the production of mental health records in  
2 the court before the hearing officer -- prior to  
3 a determination by the hearing officer that those  
4 records should be produced.

5 LT COL GREEN: And the panel heard  
6 testimony that many times just - I think what  
7 Mr. Stone is saying, those records are obtained  
8 for expediency's sake, so that when that request  
9 is made, the court is not delayed.

10 CHAIR HOLTZMAN: So, there is no  
11 discrepancy in the rules, there may be  
12 discrepancy in -

13 MR. STONE: Practice.

14 CHAIR HOLTZMAN: In the practice. In  
15 fact it's not just discrepancy, the rules are  
16 being - you know, in some cases the rules are  
17 being ignored in practice. That's how I would  
18 phrase it.

19 MR. STONE: In a civil case, the court  
20 in which I was in this week where exactly that  
21 happened, the documents were inadvertently  
22 obtained by investigators and wrapped up in



1 packages ahead of time. The judge was so upset  
2 the judge required all those people to be recused  
3 from the case. Start over with new people, put  
4 those records back there, and if I make a  
5 determination you'll go get them again. I mean,  
6 it just - it gave such a bad aura to it, that  
7 the system doesn't look like it's protecting  
8 those records. That's the problem, and that  
9 chills people from going where you want them to  
10 go.

11 CHAIR HOLTZMAN: So, it may be that if  
12 there's a comment about this we should say that,  
13 as Mr. Stone said, there should be no production  
14 prior to the - prior to a determination by the  
15 hearing officer or a judge, and there should be  
16 training of -

17 MR. STONE: Investigators because  
18 they're the ones getting them.

19 CHAIR HOLTZMAN: - investigators, and  
20 also of hospital personnel if we're talking about  
21 it so that they don't turn this over without a  
22 court order.

1 MR. STONE: Right.

2 MR. TAYLOR: I think that's where the  
3 connection between Issue 26 and 27 becomes really  
4 important, because a lot of the time the only  
5 reason the trial counsel or the Article 32  
6 officer will know about it is because some  
7 investigator has already gone and gotten them.

8 CHAIR HOLTZMAN: Right.

9 MR. TAYLOR: That would be my guess, at  
10 least.

11 LT COL McGOVERN: Or if a commander  
12 happens to know about issues that they have to  
13 know about due to fitness of duty, you know, the  
14 information they have obtained in another legal  
15 way that influences the pretrial proceedings.

16 CHAIR HOLTZMAN: But should there be  
17 rules about how commanders then once they get  
18 information for fitness purposes, not for  
19 prosecution purposes, what do they do with the  
20 records then? I mean, should there be anything  
21 that we - do we know that there's an issue with  
22 regard to the records?

1 MR. STONE: Are they sealing them in  
2 the personnel file? I mean, that's the question.

3 LT COL GREEN: No, I don't believe it  
4 allows them to access and keep those records. I  
5 believe it allows them to access and review them.

6 MR. STONE: And return them?

7 CHAIR HOLTZMAN: And then what happens?

8 LT COL GREEN: And then they're  
9 returned. I don't believe that commanders -- and  
10 there's nothing in the policy that allows them to  
11 maintain their own copy of medical or mental  
12 health records.

13 Now, I mean, I think if a mental  
14 health record were to contain something that  
15 would create a concern about fitness for duty,  
16 and that were to become part of an administrative  
17 action or something like that, obviously, that  
18 might be - but, I mean, other than those  
19 circumstances but I think the issue is the  
20 commander that knows, and then is subsequently  
21 interviewed by the trial counsel, defense  
22 counsel, military investigators, and that's where

1 the access to the information is obtained.

2 And I don't - and the commander  
3 certainly - I don't know of any privilege that  
4 the commander would be able to say well, I know  
5 something about this person from their mental  
6 health records, but I'm not allowed to disclose  
7 that to you as part of this case development. I  
8 mean, I think they would probably provide that  
9 information to the trial counsel, defense  
10 counsel, or investigators, at least that some  
11 information exists. That's probably how it -

12 CHAIR HOLTZMAN: And why would this -  
13 and why would that happen at all? Is someone  
14 interviewing the commander to find out what  
15 information he or she has?

16 LT COL GREEN: Yes, ma'am, that's  
17 fairly routine in the course of an investigation,  
18 if you have an investigation involving military  
19 personnel, that you may also investigate the  
20 commander just to know leads and other  
21 information that you might want to develop as  
22 part of the investigation.

1 MR. STONE: Well, that then makes me  
2 wonder about the question we passed over, the one  
3 about -

4 LT COL McGOVERN: I don't think we've  
5 received information or testimony about it.

6 MR. STONE: Okay.

7 LT COL McGOVERN: This isn't really  
8 appropriate background information at this point.  
9 And -

10 MR. STONE: So, maybe that's one of  
11 your topics for a future -

12 LT COL McGOVERN: Right. And there are  
13 so many changes with the FY 15 to 513 that many  
14 of these issues which people may have raised at  
15 your proceedings may become moot now that there's  
16 been changes to Article 32 proceedings.

17 CHAIR HOLTZMAN: Okay. So, on the  
18 suggestion that I made about knowing that this  
19 shouldn't happen, the routine release - the  
20 release of any records without a court order. And  
21 that there should be training of investigators  
22 and hospital staff, and other appropriate

1 personnel to make sure this doesn't happen. Is  
2 there any objection to that? I mean, is that a -

3 MR. STONE: It makes a lot of sense.

4 CHAIR HOLTZMAN: All right. So, now  
5 where are we?

6 MR. STONE: Twenty-eight.

7 CHAIR HOLTZMAN: Issue 28, "Should the  
8 panel comment on the handling of mental health  
9 records during Article 32 hearings, and/or what  
10 impact changes in EO 13669 and the October '14  
11 draft EO will have on consideration of mental  
12 health records in preliminary hearings?" Haven't  
13 we dealt with this issue already?

14 LT COL GREEN: I think, again, this was  
15 raised from the testimony you received that these  
16 are significant changes to the procedure, but I  
17 think these have largely been subsumed or  
18 modified substantially by the FY 15 NDAA, so we  
19 just noted it that it's something that was raised  
20 by presenters, but I'm not sure what you heard  
21 necessarily is going to apply under the new  
22 procedures as of June of this year.

1 MR. TAYLOR: It seems to me that we  
2 would want to take the same approach to Issue 28  
3 as to Issue 25, and that is that as this panel  
4 goes forward, in the future, to keep an eye on  
5 this and see how it's working out.

6 CHAIR HOLTZMAN: That sounds fine with  
7 me. Any objection?

8 Issue 29, "In light of pending FY 15  
9 NDAA changes, is additional guidance needed to  
10 clarify the standards for in camera reviews under  
11 MRE 513 and to ensure military judges are  
12 correctly applying the procedures for determining  
13 when in camera reviews are warranted?" Okay.

14 LT COL McGOVERN: This has to do with  
15 some of the testimony stated that the judge  
16 jumping to first do a in camera review in itself  
17 was piercing the privilege.

18 CHAIR HOLTZMAN: Okay, right.

19 LT COL McGOVERN: And so the rule is  
20 very clear in that at first they must conduct a  
21 hearing, then whether or not there needs to be an  
22 in camera review, then do an in camera review.

1 CHAIR HOLTZMAN: Do you think the FY15  
2 NDAA changes will affect that, or is it still  
3 necessary for us to make a comment about this?

4 LT COL McGOVERN: It says that the FY  
5 15 NDAA revision of the standard for a military  
6 judge to conduct an in camera review and  
7 requirement for any production or disclosure  
8 permitted being narrowly tailored. So, it does  
9 appear that the FY NDAA is addressing it, so  
10 again it goes back to Mr. Taylor's monitoring  
11 approach possibly to see if that is happening.

12 MR. STONE: They have to figure out the  
13 need for it before they review it.

14 CHAIR HOLTZMAN: Okay. So, maybe a  
15 solution would be that we hope under the FY 15  
16 NDAA changes that judges will first determine  
17 that production is required, and require the, you  
18 know, the hearing, and we will be monitoring to  
19 make sure that that happens. Any objection to  
20 that?

21 MR. STONE: Sounds good.

22 CHAIR HOLTZMAN: All right.



1           LT COL GREEN: The other practical  
2 aspect, ma'am, is that the elimination of the  
3 constitutionally required exception, I mean, the  
4 others are all so factually based that the scope  
5 of 513 issues should be substantially narrowed in  
6 general. So, in addition to the changes to the -  
7 even generating the in camera review, the number  
8 of issues that may be raised, judges I think may  
9 see a reduced volume of this.

10           CHAIR HOLTZMAN: Do we have to comment  
11 on that?

12           LT COL GREEN: No, ma'am.

13           CHAIR HOLTZMAN: Issue number 30,  
14 "Should MRE 513 be revised to include a legal  
15 standard for military judges to apply in  
16 determining if records should be produced similar  
17 to MRE 412, or will changes in the FY 15 NDAA  
18 cure any concerns about the lack of a standard?"  
19 What's the story, Kyle?

20           MR. STONE: I think you just told us  
21 they did.

22           LT COL GREEN: Yes, sir. These are

1 simply the staff providing the questions that are  
2 raised by the report and, obviously, wanting to  
3 make sure that the panel is comfortable, or what  
4 the panel -

5 CHAIR HOLTZMAN: Okay, so this is - we  
6 don't need to answer this question. Okay, fine.

7 Issue 31, "Should the panel comment on  
8 the requirement in the FY 15 NDAA to remove the  
9 constitutionally required exception to the MRE  
10 513?" Well, I always think it's a good idea to  
11 tell Congress that what they did was right, but I  
12 don't know if it's - how far it gets us.

13 MR. STONE: Isn't this the same as 25?  
14 Yes, we thought it moved in the right direction.

15 MR. TAYLOR: I think so.

16 MR. STONE: I think it's the same  
17 question again as 25.

18 CHAIR HOLTZMAN: Okay. I was joking.  
19 So, we don't need - this is - again, we don't  
20 need to answer this. We've already answered it.

21 Okay. Issue 32, "Should the privilege  
22 under MRE 513 be strengthened so that exception

1 to the privilege should be made only if, one, the  
2 defense has made a substantial showing that the  
3 victim is incapacitated, unable to recollect or  
4 testify truthfully; or, two, the reported sexual  
5 assault occurred during the course of the  
6 victim's mental health treatment."

7 LT COL GREEN: This was a proposal  
8 received, if I can -

9 MR. NELSON: I think it was in Ryan  
10 Guilds.

11 LT COL GREEN: What page are we on?

12 MR. NELSON: 77.

13 UNIDENTIFIED: Paragraph G. Footnote  
14 511.

15 LT COL GREEN: And, again, this is in  
16 the context prior to the FY 15 NDAA changes, so  
17 it may not be that this is something that the  
18 panel feels is appropriate to comment, or  
19 necessary to comment on now in light of those  
20 changes until you see more information.

21 CHAIR HOLTZMAN: Well, should we say  
22 that in light - that these issues were raised

1 but we will defer action until we see how the  
2 changes made by the FY 15 NDAA are carried out?

3 MR. TAYLOR: I agree with that.

4 CHAIR HOLTZMAN: Okay. Issue 33, "Does  
5 the panel have any further comments or  
6 recommendations regarding MRE 513?" Do I hear  
7 any?

8 MR. STONE: I would say - and, I mean,  
9 I think it's obvious, but I mean maybe we have to  
10 say it because it's obvious. Not bringing the  
11 records ahead of time to the hearing does mean  
12 it's probably a two-step hearing, two hearings  
13 actually, that there's day one when there's an  
14 argument made I need to see the hearings, and  
15 then if the - the records. And then if the judge  
16 needs to see them, somebody is going to have to  
17 get them, and go back to that - I mean, go back  
18 to him with the hearings again.

19 So, that's a little bit - I think  
20 they were trying to avoid that inconvenience,  
21 getting everybody together, him getting a chance  
22 to go through them, and then he might say okay,

1 there's three documents in here that I think  
2 going to turn over. And then maybe the victim's  
3 counsel says I'd just like to see those first to  
4 see if we have any further objections that we'd  
5 like to make to you, ex parte or at the next  
6 level to the commanding officer, whatever.

7 So, it turns it into a two-appearance  
8 hearing instead of he could have said before oh,  
9 it's easy. They're right here. I'm going to  
10 decide. Then I'm going to look at them, and then  
11 I'll show you what they are, and then we'll all  
12 go home.

13 So, I mean, I recognize that it's more  
14 of an inconvenience to the services to have that,  
15 but at least, you know, I think it wouldn't hurt  
16 for us to say we recognize it's an inconvenience,  
17 and maybe more than an inconvenience. It can be a  
18 problem if people are in different locations, but  
19 we think under the circumstances, hopefully, it  
20 won't come up that often, and because of the  
21 downside effects when it looks like the 513  
22 materials are being treated too casually, we

1 think that's a consequence of maybe why it  
2 happened. It wasn't always inadvertent, there was  
3 a practical reason for it, but it doesn't  
4 outweigh what we think needs to be done. So, we  
5 give it some - it shows we considered that  
6 point. I think we should show that we considered  
7 it. We're not doing it lightly. I hate that, you  
8 know, it's not like a civil case that the judge  
9 is there every day and you can come back to him  
10 tomorrow.

11 CHAIR HOLTZMAN: Well, maybe down the  
12 road there will be electronic records and it  
13 won't require two - we can always hope.

14 MR. STONE: I don't think I will ever  
15 see that day, but all right.

16 CHAIR HOLTZMAN: Without any objection  
17 you can add that to our discussion about this  
18 recommendation. Okay. Are there any further  
19 comments or recommendations on 513 under Issue  
20 33?

21 Okay. Issue 34, "Does the panel wish  
22 to provide overall recommendations, impressions,

1 or comments about victim's privacy issues in  
2 military judicial proceedings?"

3 LT COL GREEN: We included this, ma'am,  
4 simply because we focused down stride 412 and 513  
5 and, obviously, those encompass aspects of victim  
6 privacy, but if the panel has any overall  
7 impressions regarding victim privacy in military  
8 judicial proceedings at this point, or wants to  
9 make any general observations broader than those  
10 rules -

11 VADM TRACEY: Are we of the mind that  
12 exceptions to the privacy provisions allotted to  
13 people in other federal courts should be limited  
14 for military members?

15 CHAIR HOLTZMAN: I don't think we took  
16 a position on that.

17 VADM TRACEY: I'm sorry?

18 CHAIR HOLTZMAN: I don't think we took  
19 a position on that.

20 VADM TRACEY: I thought that was Mr.  
21 Stone's position.

22 MR. STONE: That they shouldn't be any

1 narrower.

2 CHAIR HOLTZMAN: Right. But I thought  
3 that we didn't actually -

4 MR. STONE: Yes, that we sort of  
5 postponed it.

6 CHAIR HOLTZMAN: Yes, I think we did  
7 postpone it.

8 MR. STONE: I think the - right. I  
9 thought you were going to ask a slightly  
10 different issue, which is one that I sort of  
11 alluded to a minute ago, which was when at the  
12 Article 32 hearing which you're not yet at trial,  
13 is the decision to turn over some of these very  
14 let's just say embarrassing records? And victim's  
15 counsel, and maybe or maybe not the prosecutor -  
16 certainly, the victim's counsel doesn't think  
17 they're relevant. The prosecutor may say so what,  
18 let's get this trial over with, but the victim's  
19 counsel may say this victim is not going to stay  
20 in the military if everybody gets to see these  
21 records. Career is over, it's just so  
22 embarrassing. You don't know who they - so and



1 so had, you know, what happened.

2 Are we going to specify at that point  
3 from the Article 32 hearing any kind of a review?

4 In other words, can they go - this is not a  
5 military judge, is it going to be able to go to  
6 somebody who's a legal officer? Is there some  
7 chief military judge, or are we going to go -

8 allow some specific procedure at the Article 32.  
9 It's not delaying the trial, the trial hasn't  
10 started yet.

11 CHAIR HOLTZMAN: You mean an  
12 interlocutory appeal?

13 MR. STONE: Yes, at that stage before  
14 - in other words, it's not disrupting the trial.  
15 It hasn't begun yet.

16 LT COL McGOVERN: The judge hasn't been  
17 assigned the case because it hasn't been referred  
18 yet.

19 MR. STONE: Right. Hasn't been referred  
20 yet, there's no judge assigned. Are we going to  
21 allow that decision to be reviewed in some  
22 expedited fashion?

1 CHAIR HOLTZMAN: We haven't heard any  
2 testimony about that. We couldn't make a - I'm  
3 not in favor of decision on that because we just  
4 don't know enough, but we could put that on -

5 MR. STONE: Okay, we can delay that.  
6 That's a little bit like that last recommendation  
7 that we got here that we talked about before for  
8 the change in the rule, 908 appearing by the name  
9 victim; although, this is not - it's not a trial  
10 judge's ruling that's being appealed. It's the  
11 investigating officer's determination to release  
12 those records.

13 LT COL McGOVERN: Well, Mr. Stone, we  
14 can send you the RSP recommendations -

15 MR. STONE: Okay.

16 LT COL McGOVERN: - that DoD, they  
17 incorporated or not because there was discussion  
18 there of whether or not a judge should be  
19 involved earlier in the process to address these  
20 victims issues.

21 MR. STONE: Okay. I'm just referring to  
22 that, then.

1 CHAIR HOLTZMAN: Some of these issues  
2 could be addressed -

3 MR. STONE: I guess one way of looking  
4 at it is to say perhaps that decision and those  
5 records have to be sealed at that time until a  
6 judge is assigned to the case, because what if  
7 it's never referred, then those records didn't  
8 ever need to get out to anybody other than the  
9 people in the proceedings.

10 LT COL McGOVERN: Well, that is one of  
11 the recent changes, that they do seal as a  
12 military judge would.

13 MR. STONE: Okay. They can seal.

14 LT COL McGOVERN: Yes.

15 MR. STONE: They don't have to. I'm  
16 saying maybe we would make a suggestion that  
17 until such time as a military judge is assigned  
18 to the case, that it gets referred and there is a  
19 military judge, it doesn't do any harm to seal  
20 them. The defense counsel could still see them.  
21 He would just be under a protective order, and  
22 then if nothing came of it, it wouldn't have to

1 get out there. I mean, the whole point of these  
2 records are they're probably terminating  
3 somebody's career in the military, and it would  
4 be - if you need to, great, but if you don't  
5 need to because the case doesn't go forward that  
6 way, (a) can you postpone it by sealing it until  
7 there's a military judge, and then maybe the  
8 appeal is simply to the military judge who gets  
9 assigned to the case to please look at this  
10 before, you know, they get unsealed.

11 CHAIR HOLTZMAN: That sounds like a  
12 very good idea, but my own preference is we need  
13 to have some presentation -

14 MR. STONE: I agree, I totally agree.

15 CHAIR HOLTZMAN: - to DoD, to  
16 Congress.

17 LT COL GREEN: And one note I would  
18 make is the Military Justice Review group, I  
19 think that issue of getting the military - or  
20 increasing the military judge's authorities prior  
21 to referral is an issue that the Military Justice  
22 Review group has been looking at. Their report is

1 due in March, and so it may be appropriate for  
2 the panel to review the results of the MJRG's  
3 analysis.

4 MR. STONE: I'm really suggesting right  
5 after referral. It's a little easier. You have  
6 referred it, and you have identified somebody,  
7 and that's the very first thing he does in the  
8 case.

9 CHAIR HOLTZMAN: I still think we  
10 should postpone - I mean, that's my  
11 recommendation.

12 MR. STONE: Okay.

13 CHAIR HOLTZMAN: I think the other  
14 panel can - I just don't think that without  
15 having a presentation on it we should make a  
16 recommendation. That's all, my only view.

17 MR. TAYLOR: I agree with that. Just in  
18 terms of overall recommendations, impressions, or  
19 comments, this falls in the impression - this  
20 falls under the definition, I guess, of an  
21 impression, and I'll comment on it. And that is  
22 that I think that our review has indicated over

1 the last six months that the process is moving in  
2 the right direction, not only by the changes to  
3 Article 32, and removing the constitutionally  
4 required exception for 412, but also certainly  
5 the changes in the NDAA that have to do with 513.  
6 So, I think this is a good thing and it's moving  
7 in the right direction.

8 VADM TRACEY: Which of these have  
9 implementing action required before they become  
10 applicable?

11 LT COL GREEN: Ma'am, which of the  
12 changes in the NDAA?

13 VADM TRACEY: NDAA has to be  
14 implemented, any of these other - are all of  
15 these supplanted by the NDAA changes, Executive  
16 Order change, and the December 26 change while  
17 replaced by the NDAA?

18 LT COL McGOVERN: This table refers to  
19 the things are being implemented -

20 VADM TRACEY: So, is there additional  
21 comment on getting the implementation guidance  
22 out there in a timely fashion would be applicable

1 to whether these are having the effects that the  
2 panel thinks they will have.

3 CHAIR HOLTZMAN: Assuming that there is  
4 this implementation issue.

5 VADM TRACEY: Correct.

6 CHAIR HOLTZMAN: I think that's a very  
7 good suggestion.

8 MR. STONE: Yes, I thought as a - at  
9 our last panel meeting we encouraged the judges  
10 at their meeting to see if they could reach some  
11 consensus maybe in the Bench Book on things like  
12 where do you stand, where do you sit, some of  
13 those housekeeping details that wouldn't rise to  
14 what goes into an NDAA or an Executive Order. And  
15 I don't know if that's a general thing that we'd  
16 want to continue to do, which is encourage groups  
17 like the Judicial Conference that meets on the  
18 Bench Book to not overlook these housekeeping  
19 details that will make the system run better.

20 CHAIR HOLTZMAN: I think that's a good  
21 suggestion. Any objection to that suggestion? I  
22 guess one final point I want to make is with

1 regard to carrying out, as you noted, Kelly,  
2 we've been charged with understanding how 412 has  
3 been operating in practice. And we are somewhat  
4 stymied by the fact that many of the records are  
5 sealed. So, I don't know whether we want to  
6 address that in this report, probably we don't  
7 need to address it in this report, but at some  
8 point I think we should hear from you, maybe for  
9 our February meeting, as to how we're going to  
10 access these records. Because if we can't - if  
11 there's no way to access these records by court  
12 action, and I don't think there would be, but  
13 then we need to ask Congress - we need to advise  
14 Congress of this. And if they want us to look at  
15 these records, they've got to pass some  
16 legislation that will allow us to under court  
17 supervision or otherwise to look at these  
18 records. I mean, it's a mandate for us, and we  
19 just tell them we can't do it if we can't get  
20 access.

21 On the other hand, there are 412  
22 decisions presumably that have been made that



1 allow evidence in, and we need to be looking at  
2 those records if we can - those aren't sealed,  
3 and so we should be able to access that and see  
4 what kinds of decisions have been made, and how  
5 that's - and give some interpretation of that to  
6 Congress and DoD.

7 LT COL McGOVERN: When we started, the  
8 JPP met with individuals on the Hill, they did  
9 mention that the timing of this report can be  
10 evolved within their legislative cycle.

11 CHAIR HOLTZMAN: Oh, yes, I'm sure.

12 LT COL McGOVERN: So, if you have  
13 actual recommendations this would be a prime  
14 opportunity to -

15 CHAIR HOLTZMAN: So, maybe we should  
16 put that recommendation here, that we can't -  
17 you know, that in order to -

18 (Simultaneous speaking)

19 CHAIR HOLTZMAN: But I think that you  
20 should - I mean, we should be - we'll be on  
21 firmer ground if you can tell Congress that we've  
22 explored the judicial avenue, and that's not

1 going to work, so there is no way for us to look  
2 at these records otherwise.

3 LT COL GREEN: And, Ms. Holtzman, I  
4 think as we discussed, the question is whether to  
5 include that in the report. There was a separate  
6 letter to the Chair -

7 CHAIR HOLTZMAN: Right. I have no  
8 strong feelings - if we can't get that  
9 information - I mean, if getting that  
10 information will instruct the completion of this  
11 report, then we can do it after this report is  
12 done, but I think we need to alert the Congress  
13 to this.

14 MR. STONE: Related to that suggestion  
15 and a few others that we made before, I would  
16 like there to be a paragraph at the end, or the  
17 middle, a footnote, something that says future  
18 issues the panel will consider will include but  
19 are not limited to, and then list some of the  
20 ones we deferred so that someone who gets it on  
21 the Hill or wherever doesn't say oh, they forgot  
22 about this, or they forgot about that. They'll at

1 least know there's a bunch of things we talked  
2 about that we haven't heard enough information on  
3 yet, but that we haven't ignored them. We  
4 recognize we're trying to get to them. It doesn't  
5 say we have to get to them, it doesn't say  
6 they're the only ones, but like that one, one  
7 will be whether we need additional statutory  
8 authority to get to sealed records, whether -  
9 and you wrote down some of the ones for future  
10 presentation, because I think we should at least  
11 show that we're aware of them. It makes it  
12 clearer that the panel is doing its job. It just  
13 can't get to everything.

14 LT COL MCGOVERN: Well, in the  
15 Executive Summary and introduction section we may  
16 be able to address the fact that the panel was  
17 tasked with over 10 different areas to explore  
18 and here we've touched on three or four, but  
19 that's all you could do in six months, so I don't  
20 - we'll try to work something up and see if you  
21 want to -

22 CHAIR HOLTZMAN: My only concern about

1 that, I mean, that sounds very reasonable and  
2 sensible, but that could actually trigger - I  
3 mean, it might be better at the beginning to say  
4 we were tasked with a number of items. These are  
5 the ones we're looking at first. We have many  
6 other items we intend to address. If we give a  
7 list and we haven't included what they think is  
8 important, are we ahead of the game, or not?  
9 That's what worries me. I mean, how inclusive is  
10 the list going to be, and -

11 MR. STONE: Well, didn't the NDAA  
12 Fiscal Year 15 add a new task for us?

13 LT COL GREEN: It did.

14 MR. STONE: So, we're not getting out  
15 of that anyway.

16 CHAIR HOLTZMAN: Of course not, no. But  
17 all I'm saying is I don't want to make a list  
18 that's going to be an incomplete list because  
19 that could get them irritated. This way we can  
20 just indicate this is our beginning of the task  
21 and, obviously, we know we have many other issues  
22 to address, make it more general is all I'm

1 saying. Are we in agreement about that?

2 MR. TAYLOR: I agree.

3 CHAIR HOLTZMAN: Okay.

4 LT COL McGOVERN: Are there any other  
5 issues or overriding concerns you have that you  
6 would like addressed in the Executive Summary?

7 The testimony you heard from some people is that  
8 - something along the lines that the pendulum is  
9 swinging more from defense rights to victim's  
10 rights. We want to maintain that balance. Are  
11 there any overall themes like that, or anything  
12 else that you would like in the report that we  
13 haven't captured already?

14 MR. STONE: The only other issue that  
15 even occurs to me - and maybe it's again  
16 something we haven't addressed, so it doesn't go  
17 in here yet, but as a safety valve, the  
18 Department of Justice has a victim rights  
19 ombudsman, and it's purely administrative, but  
20 what it does is it gives people a place, an 800  
21 number to call, make a complaint, that a separate  
22 group, the ombudsman can investigate and refer to

1 see that those rights, if they were overlooked,  
2 get addressed. I don't know that we've ever  
3 talked about whether the services separately or  
4 collectively have a safety valve somewhere.

5 LT COL McGOVERN: That's in the  
6 evidence in the victim's counsel.

7 (Simultaneous speaking)

8 MR. STONE: This is victims direct -  
9 this is victims, not victim's counsel calling  
10 the ombudsman.

11 LT COL McGOVERN: It just said victim  
12 services.

13 CHAIR HOLTZMAN: We did in the Response  
14 Panel require that the prosecutors make some  
15 statement as is required in the civilian system,  
16 in the federal system, make a statement that  
17 victim's rights have been protected. I don't know  
18 that it went to the ombudsman. It may have. I  
19 mean, we have to take a look at that, but I - we  
20 haven't heard enough about that, but that might  
21 be an issue to address -

22 MR. STONE: Yes.

1 CHAIR HOLTZMAN: - in the future. I  
2 think that's a -

3 MR. STONE: It really satisfies a lot  
4 of people who are upset out there because you say  
5 did they call the ombudsman?

6 CHAIR HOLTZMAN: Right. Well, I think  
7 that anything we can do that mirrors past  
8 effective practice in the federal system, mirror  
9 it in the military is a good idea, but I think  
10 that's beyond for right now.

11 MR. STONE: Yes.

12 VADM TRACEY: But in an opening do we  
13 want to indicate that we've been mindful of the  
14 recommendations that were made in the previous  
15 panel, and we're tracking how those are being  
16 acted on by the Department as they may affect  
17 issues that we were charged to look at, that we  
18 are mindful of the necessity that the system be  
19 fair. It has to be an inherently fair system, and  
20 not favor victims, or perpetrators, or accused,  
21 rather. You know, that there are a number of  
22 major changes that are still in the process of

1 implementation, and that has muddied the water,  
2 better words, muddied the water a bit on how  
3 effective - how to measure the effectiveness of  
4 the changes that have already been made. And  
5 maybe a fourth, that we are very mindful of the  
6 input that we received from the witnesses about  
7 the quantity of change that has gone on and the  
8 very confusing atmosphere that exists at some  
9 levels right now.

10 LT COL McGOVERN: Great. Thank you,  
11 ma'am.

12 MR. STONE: I don't play down the  
13 confusing part.

14 VADM TRACEY: I would not.

15 MR. STONE: Okay, you want to -

16 VADM TRACEY: I would not.

17 MR. STONE: You think that's a real  
18 issue for them?

19 VADM TRACEY: Yes, it is. We're  
20 talking about 18-year olds trying to figure out  
21 what's going to get me going here.

22 CHAIR HOLTZMAN: Are we finished?



1 Anybody have anything else? Kyle?

2 LT COL GREEN: I guess just  
3 procedurally, I think the issue you all need to  
4 decide is whether you've - as I see some staff's  
5 responsibility now is to take what you've told us  
6 today and incorporate it into the analysis and  
7 recommendations on each of these points, and  
8 provide you another draft of the report for your  
9 consideration. I guess the question is whether or  
10 not you believe, Maria, if there is additional  
11 deliberations that need to take place, or whether  
12 you've reached sufficient conclusion on those  
13 that we can resolve things.

14 If anyone has the ability  
15 administratively if we've reached consensus on  
16 these issues to administratively finalize a  
17 report, the only reason you would need to meet  
18 again in a public setting would be if there are  
19 additional issues that you need to reach  
20 substantive agreement on that you haven't.

21 CHAIR HOLTZMAN: Well, I think we've  
22 reached substantive agreement. The question is

1       how - if there are corrections that have to be  
2       made in this report, or stylistic changes that we  
3       want to make, or changes of emphasis, how are  
4       those to be addressed? Do we send the comments to  
5       you, you send the comments around to everybody  
6       and everybody reviews them, and if we reach  
7       agreement on all the suggested changes then  
8       there's no further meeting. But if I say there  
9       should be a comma, and the Admiral disagrees with  
10      that comma, we have to have a meeting?

11                LT COL GREEN: No, ma'am. We can if  
12      you'd like to.

13                VADM(R) TRACEY: Well, I disagree -  
14                (Simultaneous speaking)

15                CHAIR HOLTZMAN: But to the question -  
16      I mean, I just - that's a kind of a trivial  
17      example but, you know, someone uses the word  
18      very, or confusing, and someone says it should be  
19      a slightly different word, how do we resolve  
20      this?

21                MR. STONE: I know when - and I'm not  
22      sure this is a proper example, but when the GAO

1 puts out a report and they send it to the agency  
2 for comment, they then put the comment from the  
3 agency at the back of the report. In other words,  
4 could - if we send in a letter asking for a  
5 change and you posted it on the website, would  
6 that do the same purpose? In other words, it  
7 gives everybody -

8 LT COL GREEN: And we - and, Mr.  
9 Stone, we wouldn't even need to necessarily post  
10 - the draft is not posted to the website.

11 MR. STONE: I see.

12 LT COL GREEN: The draft is your  
13 initial - it's the staff's initial  
14 recommendation to you.

15 MR. STONE: Okay.

16 LT COL GREEN: The only document  
17 ultimately that's published on the website is  
18 your final report. However, all of these  
19 documents become part of the public record of the  
20 panel, and are available for review if somebody  
21 wants to see them.

22 CHAIR HOLTZMAN: This is something

1 that's governed by FACA, not by those kinds of  
2 rules, so it's - I don't think we need to have  
3 my statement about comma, and her disagreement  
4 that. I just think we need to have a final  
5 report, and the question is do we have to have a  
6 meeting if there's a disagreement about wording?

7 MS. FRIED: I think it depends on the  
8 nature of the disagreement. If it's substantive  
9 we may have to.

10 CHAIR HOLTZMAN: Okay, so why don't we  
11 just -

12 (Simultaneous speaking)

13 CHAIR HOLTZMAN: Can you do that?

14 MS. FRIED: If it's a matter of  
15 changing very to eliminating it all together, but  
16 I think it depends on the -

17 CHAIR HOLTZMAN: Okay.

18 MS. FRIED: - and sort of the  
19 substance of what's being -

20 MR. STONE: So, let you decide that  
21 whether we need another meeting.

22 CHAIR HOLTZMAN: Yes, I think let's get

1 our feedback. I guess you'll get us a report,  
2 we'll get some - we'll respond to that, and then  
3 we'll see what the comments are. And then you'll  
4 look at them and you'll see whether we need a  
5 meeting to resolve this.

6 MS. FRIED: And I think as long as at  
7 some point we get on the record that these were  
8 the changes, the disagreements and that  
9 ultimately the final product. That could be done  
10 electronically or -

11 CHAIR HOLTZMAN: Or we could have a  
12 conference call to resolve the disagreements,  
13 assuming they're not what you call substantive.  
14 Okay.

15 LT COL GREEN: And we've published a  
16 meeting notice for you on the 30th of January to  
17 allow for - and that would be in our offices  
18 over in Ballston to allow us to have that  
19 meeting, if necessary. But if we don't need to  
20 have that we can cancel it through a cancellation  
21 notice.

22 CHAIR HOLTZMAN: Great.

1           LT COL McGOVERN: It does take a lot of  
2 time to incorporate everyone's changes and take  
3 the bubble comments and trap pages, so when we  
4 send our next report there may be either a short  
5 turn around that we're asking for your feedback.

6           VADM(R) TRACEY: Do you want track  
7 changes or my comments.

8           LT COL GREEN: Whichever is easiest for  
9 you, ma'am. We work with both.

10          MR. STONE: I'm sorry, what was that  
11 last?

12          LT COL GREEN: We can take - if we  
13 want to electronically detract changes on the  
14 documents, or if you'd prefer to just hard copy  
15 mark them up, we've done it both ways.

16          VADM(R) TRACEY: The advantage of the  
17 bubble, the comments is that the initials go with  
18 the comments. You know who made the comments,  
19 it's not color lines.

20          LT COL GREEN: What we've done is -  
21 and I've got a - we've noted if you make hard  
22 copy comments that's fine, we will incorporate

1       them in the other comments, so what we will send  
2       around to you is a track change frozen with  
3       bubble comments from each of you. But we'll  
4       identify who said what so that you can see that.

5                   CHAIR HOLTZMAN: Excellent. Well, thank  
6       you very much, Kyle, Kelly, members of the panel,  
7       everyone who's worked on it, staff, Maria,  
8       everyone. Thank you. Hopefully, we will get this  
9       report finished on time. Thanks.

10                   MS. FRIED: If that's all from members,  
11       the panel is closed.

12                   (Whereupon, the above-entitled matter  
13       went off the record at 3:49 p.m.)

## A

- a.m.** 1:13 4:2 157:8  
**abide** 85:16 165:15  
**ability** 32:21 39:5 100:6  
 138:8 195:22 266:13  
 313:14  
**able** 5:3 18:4 24:1 48:1  
 78:13 101:13 103:16  
 112:9 126:14 128:20  
 141:2 142:2 144:9,10  
 196:3 249:15 259:22  
 284:4 297:5 305:3  
 307:16  
**above-entitled** 258:9  
 319:12  
**above-titled** 157:7  
**absolute** 208:6,8  
 237:10  
**Absolutely** 89:10  
 183:11  
**abstract** 15:14  
**abundant** 184:11  
**abuse** 32:10 34:17  
**Academy** 219:2 228:11  
**accept** 180:11 252:13  
**acceptable** 46:2 74:4  
 107:8,10  
**accepted** 188:8 191:5  
**access** 16:11 90:13  
 148:1 159:17,21  
 160:17,18,21 161:5  
 161:13,20 168:21  
 174:13 177:13 192:5  
 250:7 265:5 266:14  
 266:22 267:6,15  
 268:1,8 271:4,11  
 272:1 283:4,5 284:1  
 304:10,11,20 305:3  
**accessed** 267:18 269:4  
**accommodate** 172:13  
**account** 217:8  
**accurate** 28:8  
**accurately** 173:18  
**accused** 210:13 220:20  
 229:5 238:16 311:20  
**accused's** 31:16 241:2  
**acknowledged** 165:18  
**act** 7:14 31:19 40:3  
 43:13 84:4 99:14  
 104:4 161:17,18  
 162:11,20 163:12  
 165:15 166:9,9 167:5  
 167:22 168:5,8  
 169:15 176:13 187:7  
 187:12,16 188:1  
 265:3  
**acted** 182:17 311:16  
**acting** 169:1
- action** 43:14 127:20,22  
 189:9 190:1 283:17  
 292:1 302:9 304:12  
**active** 83:6 122:16  
**actively** 192:22  
**activities** 196:2  
**activity** 154:10  
**acts** 161:22  
**actual** 17:12 44:4  
 150:17 160:16 196:17  
 257:5 305:13  
**ADC** 154:14  
**ADCON** 70:2  
**ADCs** 153:11,19,20  
**add** 10:10,12 19:3 26:6  
 31:2 33:13 36:21 49:8  
 56:14 57:18 90:6,10  
 92:9 136:17 147:18  
 242:18,21 294:17  
 308:12  
**added** 31:22 33:4 45:13  
 89:16,19 238:11  
 243:6  
**adding** 37:2  
**addition** 8:14 33:10  
 66:18 248:8 259:7  
 289:6  
**additional** 11:12,17  
 18:3 28:10 33:3 35:12  
 38:10 71:10 73:14  
 79:16 98:19 107:19  
 126:6 131:11 132:13  
 139:10 202:12 246:5  
 246:10 248:18 257:3  
 266:16 287:9 302:20  
 307:7 313:10,19  
**Additionally** 6:18  
**address** 18:18 25:20  
 33:5 36:14 79:19 99:9  
 104:2,9 119:19  
 138:15 170:17 180:13  
 198:15 251:10 298:19  
 304:6,7 307:16 308:6  
 308:22 310:21  
**addressed** 18:19 19:6  
 35:7 144:17 146:20  
 260:16 299:2 309:6  
 309:16 310:2 314:4  
**addressing** 5:10 20:16  
 37:6 66:13 78:15  
 139:1 288:9  
**adequacy** 62:6  
**adequate** 57:12 111:1  
 112:3,5 121:19 161:1  
 169:22 171:8 174:3  
**adequately** 59:8 90:13  
**adhere** 115:8  
**Adjourn** 3:8  
**adjudicator** 167:11
- administered** 122:10  
**administration** 105:21  
**administrative** 27:18  
 40:3 44:10 162:6  
 283:16 309:19  
**administratively**  
 313:15,16  
**Admiral** 4:22 19:4 21:13  
 23:14 25:22 28:15  
 37:20 39:16 61:10  
 204:19 217:15 248:13  
 314:9  
**admissible** 210:21  
**admission** 259:10  
**admit** 84:16  
**admits** 58:5  
**ado** 10:17  
**adopt** 66:21 92:6  
 176:11  
**adopted** 177:2 181:1  
 188:12,13,14,21  
 189:1,3 191:2 198:20  
 230:12  
**adoption** 173:10  
**advantage** 318:16  
**advise** 32:16 45:9 98:4  
 102:8 164:7 304:13  
**advising** 92:22  
**Advisor** 2:11,12,13,14  
 2:15,16  
**advocacy** 127:18  
**advocate** 44:10,11 63:9  
 63:16 64:1,3 67:4,14  
 90:22 106:9  
**advocates** 50:12 75:2  
 97:16 105:22  
**advocating** 72:15  
**affect** 46:7 65:3 213:1  
 288:2 311:16  
**affirmative** 23:8  
**afford** 255:12  
**affording** 255:9  
**affords** 32:20  
**agencies** 113:21  
**agency** 315:1,3  
**agenda** 26:6 86:21  
 88:13 90:1 98:6 105:4  
 124:9  
**aggregating** 142:2  
**agnostic** 245:10  
**ago** 56:6 204:15 296:11  
**agree** 26:12 45:6,14  
 48:14 52:15 55:2,3  
 76:3 79:1 87:3 88:6  
 88:11,17 110:2  
 112:22 120:22 121:2  
 121:6,21 137:15  
 168:13 171:21 184:19  
 232:22 251:10 252:7
- 257:9,13 258:6 261:9  
 262:9 276:1 292:3  
 300:14,14 301:17  
 309:2  
**agreed** 31:9 35:20  
 45:12,17,18 61:18  
 142:15 185:14  
**agreement** 142:14  
 309:1 313:20,22  
 314:7  
**agreements** 41:16  
**agrees** 252:4  
**ahead** 29:12 124:19,19  
 196:16 277:2 281:1  
 292:11 308:8  
**Air** 2:1 63:5,19 77:15  
 89:4 97:22 98:2 104:1  
 116:9,13 122:22  
 125:13,18 127:10  
 128:16 129:22 130:9  
 168:17,20 179:12  
 270:10  
**alert** 306:12  
**alerted** 229:13  
**alerts** 227:15  
**Alice** 2:16  
**alleged** 8:9 174:2  
 226:22 229:21  
**allocation** 150:15  
**allotted** 295:12  
**allow** 27:22 85:20 99:21  
 103:6 159:22 216:6  
 263:14 271:4 279:6  
 297:8,21 304:16  
 305:1 317:17,18  
**allowed** 132:5 143:11  
 143:17,18,20 146:15  
 176:16 221:18 279:4  
 284:6  
**allowing** 100:13 220:16  
**allows** 100:15 134:14  
 268:8 269:3 279:22  
 283:4,5,10  
**alluded** 296:11  
**alluding** 204:12  
**alternate** 2:5,7 46:11  
 77:9 196:10,11  
**alternative** 15:3 25:3,4  
 25:8,10 74:20  
**alternatively** 33:15  
**alternatives** 24:18  
**ambiguity** 23:7  
**ambiguous** 18:16 20:9  
**amended** 33:2 231:2  
**Amendment** 56:1,2,2  
 220:21  
**amendments** 4:6,14  
 185:11  
**amount** 42:2 221:18



- amounted** 132:7  
**amuck** 156:5  
**analysis** 13:9,10 14:19  
 23:2 37:12 38:7 49:11  
 51:12 56:20 58:11,13  
 59:5 71:5,7 88:5  
 127:5 136:2 157:12  
 163:20 224:17 232:18  
 250:22 258:13 266:10  
 301:3 313:6  
**Analyst** 2:9  
**analyzing** 161:16  
**and/or** 62:22 84:5 175:2  
 286:9  
**anecdotal** 144:15  
 261:18  
**announced** 166:6  
**answer** 20:3 25:14 40:1  
 61:14,21 75:21 82:22  
 102:18 108:22 109:2  
 136:6,16 137:19  
 139:1 146:5 161:8  
 166:4 182:1,6 184:1  
 184:10 189:20 216:21  
 227:13 243:8 274:1  
 290:6,20  
**answered** 187:14  
 290:20  
**answering** 120:15  
**answers** 61:13 104:17  
 108:12  
**anticipation** 276:7  
**Antitrust** 77:3  
**anybody** 13:21 26:13  
 75:7 124:21 149:21  
 158:20 194:10 230:2  
 235:5 257:20 261:2  
 262:7 276:8 299:8  
 313:1  
**anybody's** 42:13  
**anymore** 149:2  
**anytime** 59:21  
**anyway** 27:22 29:20  
 308:15  
**apart** 68:20  
**apologize** 223:10  
**apparent** 109:3  
**appeal** 187:12,15,18,22  
 255:2 297:12 300:8  
**appealed** 298:10  
**appeals** 42:18 181:21  
 187:7,9  
**appear** 9:10 252:22  
 288:9  
**appearance** 6:13 153:3  
**appearances** 6:16  
**appearing** 250:6 298:8  
**appears** 76:7  
**appendix** 25:18  
**apples** 236:20  
**applicable** 101:19  
 168:4 211:16 241:14  
 267:20 302:10,22  
**applicants** 65:9  
**application** 169:7  
 194:21 201:2,4  
 202:12 236:17 271:1  
**applications** 101:12  
**applied** 166:10,14  
 211:6 222:16 249:12  
 250:9 278:15  
**applies** 138:19 195:3  
 197:12 233:6,16,20  
 235:16,22 237:15,19  
 238:2,4 241:3 243:17  
 256:20  
**apply** 197:17,19 199:8  
 212:18 222:7 223:10  
 233:7 235:12 239:6  
 239:19,22 241:15  
 243:3 244:14 249:4,7  
 254:4 286:21 289:15  
**applying** 220:17 287:12  
**appointed** 4:19 27:15  
 52:9 60:18  
**appointing** 279:13  
**appointments** 27:17  
**appreciate** 186:8  
**approach** 15:3 20:16  
 34:15,16,18 278:10  
 287:2 288:11  
**approaches** 26:22  
**appropriate** 29:7 32:3  
 32:19 38:9 62:22  
 105:7 107:20 115:16  
 120:17 137:21 145:10  
 152:16,20 167:1  
 262:1 285:8,22  
 291:18 301:1  
**appropriately** 57:20  
**approval** 151:15  
**approve** 262:7  
**approved** 96:6  
**area** 62:2 142:12 150:11  
 152:12 187:16 270:13  
**areas** 134:15 307:17  
**argue** 82:13 249:6,10  
**argued** 201:12  
**arguing** 17:20  
**argument** 72:22 204:4  
 204:7 233:13 235:9  
 254:13 255:6 292:14  
**arguments** 101:18  
**arm** 263:19 264:1  
**armed** 82:18 236:13  
 240:5  
**Army** 2:3 7:8 30:5,6  
 51:22 59:13 62:19  
 63:5,12 64:10 65:8  
 66:20 71:2,4 73:17  
 96:20 97:2 102:20  
 120:19 123:2 130:21  
 154:12 160:18 161:10  
 165:4 174:11 204:16  
 267:11 270:8  
**Army's** 63:10 67:3  
**arriving** 61:8  
**Article** 8:4,18 11:4  
 25:21 31:11 32:9,20  
 33:1,4 37:5,17 38:5  
 49:8 133:3 141:9  
 157:17 158:1,7,16  
 159:20 167:16,17  
 171:11 194:22 195:3  
 195:16 196:18,20  
 197:12 199:17,22  
 200:1 201:4 202:18  
 205:5,7,9 209:16,19  
 210:12,20 211:18  
 212:5 213:8,11  
 214:16,19 215:15  
 216:4 218:2,3,16,18  
 219:7 220:15,22  
 221:13,19,21 222:7  
 223:20 240:9 243:11  
 243:12 249:13,16  
 273:15 276:6 279:18  
 282:5 285:16 286:9  
 296:12 297:3,8 302:3  
**articles** 8:1  
**articulate** 94:21  
**articulated** 20:13  
 165:14 242:15  
**articulates** 240:9  
**ashamed** 228:2  
**aside** 31:8 49:16 151:11  
 192:6 214:13  
**asked** 38:14 39:20 48:1  
 71:2 75:17 140:21,22  
 141:3,4 145:2 147:2  
 185:17 233:3,14  
 267:3 279:4  
**asking** 12:7 18:1 19:20  
 19:22 61:11 121:18  
 129:15 141:13,22  
 171:13 200:18 230:8  
 265:8,20 315:4 318:5  
**aspect** 24:17 100:18  
 289:2  
**aspects** 295:5  
**assault** 4:13 8:3,6,15  
 31:18 32:22 82:10,13  
 82:15,18,19,21,22  
 101:9 117:21 131:2  
 175:19 177:20 291:5  
**assaults** 82:16,16  
 120:11  
**assertion** 232:16  
**assess** 121:15  
**assessment** 4:11 62:6  
 113:6 118:19,19  
 137:20 146:2 264:9  
**assign** 85:2  
**assigned** 54:11 55:4  
 57:10,13 59:16 64:9  
 64:10 65:3,16 74:11  
 80:8 103:2,5 297:17  
 297:20 299:6,17  
 300:9  
**assignment** 50:20 61:8  
**assignments** 50:15,17  
 50:18  
**assigns** 66:20  
**assimilated** 165:10  
**assist** 8:15  
**assistance** 54:17 56:12  
 62:20 63:7,11,14,21  
 64:4,11,11 67:1,13  
 71:15 72:2 81:20 87:6  
 87:7,8,17 90:21,21  
 95:2 97:12,18 98:22  
 100:13 131:18  
**Assistant** 77:7  
**assisting** 60:20  
**assume** 181:7 196:22  
 239:18 251:21  
**assuming** 75:10 181:3  
 244:7,13 303:3  
 317:13  
**assumption** 195:22  
**assure** 60:6 62:5 78:7  
 115:8,16  
**atmosphere** 312:8  
**attempt** 234:2  
**attend** 5:3 28:2 59:17  
 133:4  
**attended** 59:13 141:8,9  
**attends** 215:5  
**attention** 9:15 133:15  
 150:19 152:14 158:15  
**attorney** 2:11,12,13,14  
 2:15 92:12 104:6,19  
 173:2 176:15 179:10  
**Attorney's** 172:17  
**attorney-client** 208:6  
**attorneys** 62:20 64:11  
 65:3 77:7 155:21  
 221:2  
**attribute** 131:7  
**attuned** 162:7  
**August** 7:13,20 59:13  
**aura** 281:6  
**authorities** 300:20  
**authority** 32:10 68:11  
 69:18,18 105:20  
 195:5 196:8,15 197:7

217:11,15 307:8  
**authority's** 69:16  
**Authorization** 7:14  
**automatic** 260:3  
**automatically** 167:21  
**availability** 95:2 97:12  
 97:18 98:4,21 149:19  
 274:14  
**available** 5:7 9:13,20  
 15:9 19:15 59:20  
 65:22 78:18 135:14  
 135:14 138:9 168:9  
 177:19 181:2 261:21  
 261:22 270:15 274:6  
 315:20  
**avenue** 1:12 305:22  
**avenues** 211:19  
**avoid** 6:12 292:20  
**avoiding** 131:10  
**aware** 21:9 86:12 166:5  
 278:21 279:14 307:11  
**awful** 213:19  
**awry** 169:8

---

**B**


---

**B** 49:11 50:2  
**back** 17:1,4 18:17 22:13  
 54:1,3 70:8,8,14 71:8  
 81:8 93:21 99:1,10  
 112:9,11 114:2  
 122:15 141:19 147:15  
 154:6,16 157:1  
 167:16 175:4 178:21  
 180:18 204:19 206:4  
 209:11 214:1,3 221:9  
 230:4 232:9 240:8  
 244:10 265:1 274:9  
 276:22 281:4 288:10  
 292:17,17 294:9  
 315:3  
**background** 52:10  
 103:11 157:20 171:8  
 203:5 275:15 285:8  
**backwards** 78:19  
 254:18  
**bad** 137:16 241:9 281:6  
**balance** 15:13 253:1  
 309:10  
**balancing** 220:12  
 224:20 225:18 226:10  
 226:12,14,19 227:3  
 228:15 229:1,6,15  
 238:6 240:12 242:16  
 247:2 253:8,17  
**ball** 45:1 47:14  
**Ballston** 317:18  
**Barbara** 5:2  
**barrier** 48:1 52:18

**Barto** 207:21  
**base** 63:11,22 65:22  
 71:18,22 72:12 73:6,9  
 120:9 152:5 238:3  
 244:2  
**based** 37:11 50:14 51:7  
 58:12 80:10 82:3 87:2  
 101:1 118:16 125:17  
 125:18 128:4 130:15  
 163:21 168:2 215:22  
 243:4,21 247:15  
 289:4  
**baselined** 138:3  
**basic** 33:6 34:12 115:7  
 122:15 269:18,18  
**basically** 77:3 147:9  
 158:6 197:5 215:6  
 220:10  
**basis** 47:10,13 60:7  
 144:4 219:11 244:9  
**battle** 164:12  
**beating** 29:11  
**began** 7:13  
**beginning** 113:18 144:5  
 308:3,20  
**begun** 297:15  
**behalf** 125:4 176:16  
 179:11  
**behavior** 68:19  
**believe** 9:16 16:9,14  
 17:11 20:18 37:5  
 39:17 48:16 50:5 51:1  
 51:13 64:19 92:2,6  
 95:15 96:18 107:1  
 127:6 139:12 160:13  
 163:13 164:3 181:15  
 181:22 185:16 201:13  
 206:15 207:6 253:7  
 283:3,5,9 313:10  
**believes** 13:4 38:8 90:6  
 106:2,10 158:17  
 167:1  
**belongs** 48:16  
**Bench** 303:11,18  
**bend** 254:18  
**bending** 78:18  
**benefit** 23:22 83:15  
 90:15  
**benefits** 6:9  
**best** 15:15 42:20 67:18  
 71:20 72:7 75:13,15  
 78:19 79:5 80:18  
 109:9 114:4 207:10  
 257:8  
**better** 19:6 42:7 65:18  
 76:7 107:22 134:11  
 205:19 246:15,16  
 267:10 303:19 308:3  
 312:2

**beyond** 21:2 82:12  
 163:13 172:6 195:12  
 217:17 279:22 311:10  
**bifurcated** 37:6  
**bifurcation** 37:14  
**big** 40:1 47:16 77:13  
 145:18,20 170:11  
 216:1 249:18  
**bigger** 35:15  
**bill** 72:4  
**binders** 10:20  
**binding** 10:10 210:21  
 210:22  
**bit** 24:9 39:10 55:21  
 56:9 63:2 66:8 85:8  
 88:10 107:11 195:12  
 227:9 246:15 292:19  
 298:6 312:2  
**blah** 241:4,4,4  
**block** 75:16  
**blurb** 189:12  
**board** 70:15 182:11  
**Boards** 193:13  
**bodily** 11:9 21:22 22:1  
 22:4,7,9  
**bono** 228:21  
**Book** 303:11,18  
**boss** 155:1  
**bottom** 93:11  
**Brady** 55:22 241:4  
 243:19 264:12 265:9  
 274:22  
**Branch** 44:20  
**brand** 66:9  
**break** 142:18 156:21  
 200:16 258:2,4,4,8  
**break-in** 131:20  
**breakdown** 72:11,18  
**breaking** 200:7  
**brief** 93:8  
**briefed** 18:10  
**briefings** 62:14  
**brilliance** 222:3,3  
**brilliant** 189:19  
**bring** 66:1 150:18  
 260:14  
**bringing** 158:14 214:20  
 217:4 227:21 292:10  
**broad** 81:22 216:7  
 246:19  
**broaden** 30:18  
**broader** 34:16 71:21  
 72:6 191:6 212:19  
 268:19 271:10 295:9  
**broadly** 91:8 221:22  
 274:13  
**brochure** 92:15  
**broken** 19:9  
**brother** 93:16

**brought** 54:1,3 131:17  
 131:18 133:14 150:13  
 151:7 152:14 225:5  
 257:5 273:14  
**Bruce** 2:5  
**bubble** 318:3,17 319:3  
**buck** 74:1  
**budget** 65:20 77:14  
 151:11,20  
**budgets** 153:3  
**build** 58:12  
**bullet** 194:22 196:5  
 206:12 209:11 222:18  
 224:7  
**bunch** 307:1  
**bundle** 150:7  
**burden** 259:9 261:12  
**bureaucracy** 40:1  
**business** 68:14 94:9  
 113:17

---

**C**


---

**CAAF** 232:13  
**calculate** 128:20  
**California** 14:3,8 21:10  
 23:10  
**call** 14:4 98:10 140:22  
 170:10 192:18 193:5  
 213:7,10,10 309:21  
 311:5 317:12,13  
**called** 145:11 150:7  
 182:19  
**calling** 44:17 119:10  
 310:9  
**calls** 17:15 24:7 40:7  
 52:11  
**calmer** 94:5  
**camera** 259:13 262:4  
 265:12 287:10,13,16  
 287:22,22 288:6  
 289:7  
**cancel** 317:20  
**cancellation** 317:20  
**candid** 67:19  
**capability** 11:8  
**capacities** 199:7  
**capacity** 31:17 99:15  
 228:21  
**capture** 23:11  
**captured** 309:13  
**care** 65:15 93:18 114:1  
 116:3 174:18 193:6  
 206:12 255:17  
**career** 296:21 300:3  
**careful** 42:1  
**carried** 31:20 292:2  
**carrying** 304:1  
**Carson** 2:9 96:20 97:2  
 97:8 102:6 111:16

113:8,12 117:19  
 118:5 140:21 176:22  
 177:8  
**carves** 211:16  
**case** 6:10 13:8,17 20:3  
 29:13,16 30:21 43:1  
 65:13 72:10,15 75:12  
 80:6 81:1 84:19 111:4  
 134:10 143:14 145:8  
 145:22 147:20 159:17  
 160:14 164:10,13,19  
 168:18 179:1,9 193:2  
 193:6 205:18 217:8  
 217:10,11,16 218:11  
 218:16 219:2 220:10  
 220:17 224:4 225:13  
 227:18,22 228:11  
 231:7,8 232:9,16  
 233:5 234:8 235:3  
 237:2,5 239:19  
 241:16,18 242:2,16  
 243:4 244:21 245:4,7  
 245:9 248:8 256:13  
 260:14 264:8,10,18  
 268:19 280:19 281:3  
 284:7 294:8 297:17  
 299:6,18 300:5,9  
 301:8  
**case-wide** 164:4  
**cases** 5:12 6:15,20,22  
 7:2 8:16 14:13 30:19  
 38:18 42:18 48:9 53:7  
 67:5 68:2 73:3,4  
 74:18 82:15 84:16,16  
 87:15 88:20 89:1  
 100:20 128:15 131:2  
 137:6 143:16 154:7  
 193:13 221:17 233:10  
 233:16,17,21 234:2  
 235:17,17,21 236:21  
 236:22 239:7 241:12  
 241:13,22 242:4,4  
 247:7,12 250:21  
 280:16  
**casually** 293:22  
**catchall** 192:9  
**categories** 60:15 82:3  
 85:17 86:3,6 87:12  
 169:15 170:2,8  
 174:17  
**category** 81:22 86:1  
 114:2 169:14 194:10  
**cause** 204:18 210:17  
 217:1  
**Center** 6:7 7:3  
**centralize** 77:10  
**centralized** 76:7,9,11  
 77:3 79:11 106:5,11  
 107:18,20 116:22

**cents** 172:22 184:17  
**certain** 16:15 41:17  
 42:2 43:13 47:11,12  
 47:14 76:1 88:9 164:9  
 233:3,6,11,14  
**certainly** 19:6 28:1  
 42:13 48:21 55:3 73:4  
 93:5 110:12 132:20  
 139:16 142:11 161:3  
 171:6 181:20 186:6  
 252:13 261:8 264:12  
 284:3 296:16 302:4  
**certified** 100:2,4 103:3  
 103:6 156:9,14  
**cetera** 120:9  
**chain** 64:2 68:5,7  
 154:17 272:17,21  
**chair** 1:14 5:14,21 6:1  
 7:4 10:21 11:19 12:12  
 13:19 15:4 17:7,22  
 19:5 20:13 21:13 27:6  
 28:14,19 29:8 30:17  
 31:4 32:5 34:9 36:20  
 37:1,15 40:10,21  
 42:14 45:2,19 46:14  
 46:20 47:15 48:6,20  
 49:3,10,22 51:4,8  
 52:14 53:17 54:5,9,13  
 55:1,7,10,16 56:13  
 57:5,9,15,21 58:14  
 59:6 60:2 61:10,20  
 62:16 64:21 66:11  
 70:20 73:10 74:6 75:7  
 77:22 80:20 81:6  
 86:11 87:3 88:12,18  
 89:7,10,18 90:9,11  
 91:14,18 98:9,12,18  
 99:4 100:8 101:14  
 102:15 103:12 104:4  
 104:10,21 105:2,10  
 105:16 106:13,21  
 107:14 108:21 109:15  
 109:20 110:3,14,17  
 111:21 112:21 113:11  
 113:15 115:1 116:6  
 116:15 117:17,22  
 119:2 121:1,6 122:3  
 122:14 123:3 124:3,6  
 124:18 126:1,4 129:1  
 129:5,12,20 130:3,6  
 132:17 133:10,14,19  
 133:21 134:18,21  
 136:15 138:12 139:2  
 142:4,13,16,20 143:1  
 144:21 146:4,9,12,16  
 146:19 147:1,7 148:2  
 148:7,10,18 149:3,8  
 149:11,21 150:10,20  
 151:5,12,16 156:17

156:22 157:5,10  
 158:19 159:8,11,16  
 161:12 162:9 165:1,8  
 165:12 166:11,15  
 168:11,14 169:9  
 170:15 171:19,22  
 173:3,15 174:21  
 175:6 176:9,18 177:1  
 177:10,17 179:5,18  
 180:6,12,16 181:9,13  
 182:3 183:5,9,12,15  
 184:4,8,18,20 185:3,5  
 185:9,13 186:3,16  
 187:6,20 188:17  
 189:5,16 190:14  
 191:1,4,8,13,15,18,19  
 193:18,21 194:1,4,9  
 194:14,17 195:14  
 196:4 197:5,14,21  
 198:4,12,16 199:11  
 200:3,6,12,17,20  
 201:10,19,22 202:6  
 203:13,20 205:17  
 206:9,21 207:4,8,20  
 208:13,19 209:3,9  
 210:7,19 211:3,8,21  
 212:6,11 213:2 214:2  
 214:7,11,17,20 215:3  
 216:15,19 218:5  
 219:5 220:1 221:15  
 222:15,20,22 223:2,5  
 223:8,15 224:6,13  
 226:1,13,18 227:1,6,8  
 228:17 229:9,19,22  
 230:6,15,22 231:9,19  
 232:2,5 234:4 236:19  
 237:3 238:17,20  
 239:14 240:13,17  
 242:9 244:4,20 245:1  
 245:5,10,13,17  
 246:11 247:8,18  
 248:2,13,17,22 249:3  
 250:1,12 251:1,11  
 252:1,3,8,11 253:3,15  
 255:4,13 256:1,4,21  
 257:7,10,14,18 258:1  
 258:7,12 260:1,15,18  
 260:20 261:8 262:5  
 262:14,19 263:21  
 264:3 269:13 270:1  
 270:21 271:15,20  
 272:5,9 274:9,16  
 276:1 278:6,16 279:2  
 279:19 280:10,14  
 281:11,19 282:8,16  
 283:7 284:12 285:17  
 286:4,7 287:6,18  
 288:1,14,22 289:10  
 289:13 290:5,18

291:21 292:4 294:11  
 294:16 295:15,18  
 296:2,6 297:11 298:1  
 299:1 300:11,15  
 301:9,13 303:3,6,20  
 305:11,15,19 306:6,7  
 307:22 308:16 309:3  
 310:13 311:1,6  
 312:22 313:21 314:15  
 315:22 316:10,13,17  
 316:22 317:11,22  
 319:5  
**Chairwoman** 4:21  
**challenge** 243:14,19,21  
**challenging** 217:7  
 250:3  
**chambers** 260:5  
**chance** 118:1 142:7  
 292:21  
**change** 14:16 15:13,16  
 15:17 17:11 22:10  
 39:1 44:12 66:22  
 85:19 86:5 127:17,19  
 160:16 195:20 197:11  
 197:16,20 199:5  
 205:2 209:2,15  
 247:17 259:20 275:18  
 298:8 302:16,16  
 312:7 315:5 319:2  
**changed** 14:11,12,14  
 64:7 86:8 195:2  
 199:21 202:19 205:22  
 206:5,19 209:5 218:3  
 230:14,15,19  
**changes** 15:13 38:14  
 39:5 41:7 135:20  
 158:5 166:6 185:19  
 194:20 198:6 199:17  
 199:18,20 200:5  
 204:12,15,21 206:6  
 258:16,19,20,21  
 259:2,3,17,20 285:13  
 285:16 286:10,16  
 287:9 288:2,16 289:6  
 289:17 291:16,20  
 292:2 299:11 302:2,5  
 302:12,15 311:22  
 312:4 314:2,3,7 317:8  
 318:2,7,13  
**changing** 316:15  
**characterize** 108:19  
**charge** 32:21 133:1  
 187:3  
**charged** 70:16 304:2  
 311:17  
**charges** 83:2 217:18  
**charging** 32:18  
**Charlottesville** 182:9  
**chart** 135:8

- charter** 5:6 249:21  
**chief** 67:12 297:7  
**chill** 234:11  
**chills** 277:10 281:9  
**choose** 72:6,8 91:5  
 153:15  
**chose** 73:19  
**chosen** 167:18  
**Christensen** 184:22  
**churn** 21:11  
**circuits** 154:18  
**circulated** 45:11  
**circumstance** 180:14  
 198:2 265:18  
**circumstances** 42:20  
 145:9 216:3 283:19  
 293:19  
**cite** 231:22 232:9  
 241:22  
**cited** 245:8  
**City** 170:21  
**civil** 55:13 58:7 231:6  
 235:10,16 237:5  
 239:5,7 280:19 294:8  
**civilian** 53:17 54:7,8,10  
 54:17 87:13 88:15  
 89:5,6 92:10,11 239:5  
 240:2 241:12,22  
 242:4 264:18 267:9,9  
 271:12 310:15  
**civilians** 236:4  
**claim** 194:15  
**clarification** 173:17  
**clarified** 205:9 228:16  
 230:8 245:19  
**clarify** 18:18 23:14 37:1  
 102:3 196:12 209:14  
 231:2 238:11 259:8  
 287:10  
**clarity** 18:5,21 91:2  
 145:4 147:12 159:4  
**clarity's** 157:10  
**classroom** 60:22  
**clause** 243:14  
**clear** 19:12 24:10 180:7  
 216:13 228:5 236:15  
 287:20  
**clearer** 16:1 307:12  
**clearest** 84:17  
**clearly** 90:4  
**clemency** 187:2 193:13  
**clergy** 277:16,17,20  
**clerk** 151:3  
**client** 52:7 57:20 67:21  
 72:7,8,9,21 74:1  
 101:1 113:19 115:22  
 137:19 138:1,20  
 140:11 169:3 176:1,5  
 176:5,17 179:17  
 215:12 227:20  
**clients** 56:11 74:12,18  
 74:21 76:16 78:5  
 101:8 116:1,5 118:16  
 129:17 132:21 143:2  
 153:20 160:1  
**close** 49:6 58:22 170:11  
 203:16 213:17  
**closed** 76:2 170:11  
 198:21 199:1 319:11  
**closing** 23:3 203:21  
 204:1  
**coast** 52:1 76:8,10,10  
 77:16 116:10,12  
**Code** 4:12,15 8:2  
**coercive** 32:10,21  
**COL** 10:19 11:5 12:14  
 16:2 20:5 22:18 24:14  
 25:17 27:13 29:1 30:4  
 31:14 32:12 36:22  
 37:9,19 40:18 46:5,17  
 49:6,18 50:8 51:6,10  
 56:17 57:8,14 58:9,19  
 59:1,10 62:9 63:3  
 66:17 69:21 70:21  
 74:14 77:18 79:15,22  
 80:12,14 81:16 85:13  
 89:13,21 90:3,5,10,18  
 91:17,20 94:20 96:15  
 96:22 97:21 98:11  
 99:2,11,19 100:11  
 101:21 104:1 105:9  
 105:17 106:19 110:4  
 110:15 111:9 113:3  
 116:8 117:9 118:2,12  
 119:4 122:9 123:2  
 125:2 126:2,5 129:3  
 129:10,16,21 130:4,8  
 134:12,20 136:20  
 139:6 140:18 147:6  
 147:21 148:8,13  
 150:2,11 152:15  
 155:18 157:3,21  
 160:13 163:6,15  
 165:6,9,13,21 166:17  
 166:22 167:7 168:16  
 169:4,6 170:1 172:2  
 172:11,15 173:16  
 174:9,10,19 175:4,7  
 176:15,21 178:13  
 179:7,20 181:22  
 182:5 184:2,6,21  
 185:7,10,14 186:11  
 188:22 189:15 192:8  
 193:10 194:13 195:11  
 195:15 196:7 199:15  
 200:4,11,15,19 201:1  
 201:8,11,14,16,20,21  
 202:2,5,7 204:10  
 205:2 206:15,19  
 207:1,6,17,21 208:15  
 208:21 209:4,13  
 210:11 211:1,5,13  
 212:3,7,18 213:22  
 214:4,8 216:20  
 217:22 218:8 219:18  
 220:7,8 222:10  
 223:12,21 224:3,15  
 225:6,13 226:9,19  
 228:13,18 229:1,5,17  
 229:20 230:4,7,16  
 231:6 232:3,6,11  
 236:6,8 237:4,9 238:5  
 238:10,19 240:8,15  
 241:21 242:13 246:2  
 247:15 249:20 250:2  
 250:16 251:12,17  
 253:7 255:21 256:3  
 257:4,16,21 258:3,18  
 260:9 261:17 263:10  
 264:1,5,22 265:16  
 266:2,7,10 267:13,14  
 267:19 268:5,14,16  
 269:1 270:6,19,22  
 271:19 272:3,6,11,16  
 272:19,21 273:2  
 274:4,12 275:6,13  
 278:8,20 279:8 280:5  
 282:11 283:3,8  
 284:16 285:4,7,12  
 286:14 287:14,19  
 288:4 289:1,12,22  
 291:7,11,15 295:3  
 297:16 298:13,16  
 299:10,14 300:17  
 302:11,18 305:7,12  
 306:3 307:14 308:13  
 309:4 310:5,11  
 312:10 313:2 314:11  
 315:8,12,16 317:15  
 318:1,8,12,20  
**cold** 194:8  
**collateral** 86:14 95:8  
 99:7 100:14 102:3  
**collect** 114:1 141:2  
**collected** 116:7 123:9  
 138:2 140:6 141:18  
**collecting** 114:9 137:15  
 142:10  
**collection** 72:4  
**collectively** 310:4  
**Colonel** 2:1,2,10 131:2  
 184:22 250:18  
**color** 318:19  
**Columbia** 1:11  
**combine** 42:10 177:14  
**combining** 107:12  
**come** 17:1 22:13 30:2  
 50:20 55:13 64:12  
 71:3,4 78:14 93:7,21  
 130:17 137:14 146:3  
 157:1 164:13,19  
 167:2 193:14 214:9  
 216:3 222:21 223:18  
 228:6 242:4 247:6  
 293:20 294:9  
**comes** 58:5,21 70:13  
 72:21 74:16 210:9  
 215:8  
**comfortable** 19:1 58:4  
 86:22 96:1 98:16  
 142:8 173:13 176:6  
 244:5 290:3  
**coming** 17:4 30:21  
 43:12 46:11 53:5 61:1  
 117:18 225:4 242:10  
 242:12 270:16  
**comma** 314:9,10 316:3  
**command** 64:2 68:5,8  
 76:9 272:15,17,22  
 273:1  
**commandant** 63:9  
**commander** 71:18  
 72:12 73:6,9,22 74:2  
 267:15 272:12,12,13  
 282:11 283:20 284:2  
 284:4,14,20  
**commander's** 69:1  
**commanders** 267:22  
 268:8 271:16,21  
 272:1,4 282:17 283:9  
**commanding** 293:6  
**commands** 78:16  
**comment** 29:19 37:16  
 38:10 39:3,13 40:4,8  
 42:3,4 46:6 47:6 51:2  
 51:17 52:14 64:20  
 79:2 81:15 105:11  
 119:12 144:10 152:13  
 157:15 158:18 159:10  
 159:12,14 195:1  
 198:18 199:13 200:18  
 204:11 221:4 261:4  
 262:7,8,10,16 275:11  
 276:3,8,10 278:6,7,17  
 281:12 286:8 288:3  
 289:10 290:7 291:18  
 291:19 301:21 302:21  
 315:2,2  
**commentary** 271:7  
**commented** 48:2  
**commenting** 42:7  
 46:18 271:14  
**comments** 5:20 9:8,9  
 44:18 49:15 58:10,15  
 58:17 75:8,8 101:14  
 136:9 158:19 192:4

257:20 258:15 262:6  
 262:12 278:19 292:5  
 294:19 295:1 301:19  
 314:4,5 317:3 318:3,7  
 318:17,18,18,22  
 319:1,3  
**committee** 21:8  
**common** 71:16 144:15  
**communicate** 15:7 27:1  
**communicated** 15:21  
**communication** 75:4  
 135:12  
**communications** 8:9  
 74:22 259:5,11,13  
 263:15  
**communities** 154:1  
**community** 52:20 153:2  
**commutation** 180:3,21  
 181:7,19 182:11  
**Company-level** 272:3  
**comparative** 129:2,4,5  
**compare** 114:5  
**compared** 106:7 120:5  
**comparing** 108:2  
 130:19,20 152:22  
 212:12,12 236:20  
**comparison** 130:7  
 135:8  
**compelling** 12:10 225:8  
**competent** 250:17  
**compilation** 141:12  
**compile** 250:21  
**compiled** 130:15  
**complained** 83:19  
 151:1  
**complaining** 217:3  
**complaint** 150:21  
 217:19 309:21  
**complaints** 274:10  
**complement** 133:22  
**complete** 39:11 104:17  
**completed** 61:7  
**completely** 68:7 202:19  
 231:14 244:9  
**completion** 128:19  
 306:10  
**complicated** 17:17  
 103:21 120:8 131:14  
 132:14 174:15 213:3  
**comply** 207:11  
**components** 119:22  
**comport** 14:9  
**comprehensive** 136:11  
**computerized** 170:19  
 182:15  
**concept** 23:8  
**concern** 24:12,15 25:1  
 38:13 47:19,22 55:20  
 60:3 66:12 75:9 101:8

110:11 121:20 204:18  
 229:11 236:16 244:4  
 254:19 283:15 307:22  
**concerned** 23:18 67:22  
 110:21,22 166:8  
 229:12  
**concerning** 186:22  
 189:2 249:22  
**concerns** 19:7 25:8,16  
 25:22 33:17 36:1  
 43:17 73:12 138:17  
 201:1 289:18 309:5  
**conclude** 118:17  
**concludes** 5:13  
**conclusion** 23:21 24:2  
 37:14 247:4 313:12  
**conclusions** 9:4 12:5  
**concrete** 122:19  
**conduct** 4:10 5:14 8:8  
 13:9 259:12 287:20  
 288:6  
**conducted** 4:12 117:4  
 118:14 202:19 205:7  
 205:10 226:10  
**conducts** 262:3  
**conference** 17:15 75:20  
 75:20 303:17 317:12  
**confidant** 132:2  
**confidence** 175:16  
 276:17  
**confidential** 270:10  
 274:1  
**confirm** 194:15  
**conflict** 3:5 6:13  
**conflicting** 143:9  
**confrontation** 209:21  
 210:2,8,9,13 212:1  
 220:21 234:8 239:18  
 244:16  
**confrontational** 243:14  
**confuse** 254:1  
**confusing** 22:2 202:10  
 207:13 221:7 226:6  
 254:13 312:8,13  
 314:18  
**confusion** 252:12  
**Congress** 4:18 5:17  
 7:15,22 13:16 41:17  
 44:19 57:1 83:19  
 85:14 86:12 115:11  
 162:10 177:2 242:14  
 290:11 300:16 304:13  
 304:14 305:6,21  
 306:12  
**congressionally** 4:10  
**connection** 16:21 87:14  
 174:5 282:3  
**cons** 256:22  
**consensus** 120:19

303:11 313:15  
**consent** 11:8,8 14:1,7  
 14:10,11,16 16:21  
 20:8,9,10,14,16 21:20  
 23:6,8  
**consequence** 120:10  
 265:9 269:17 294:1  
**consequences** 15:17  
**consider** 7:21 15:12  
 32:17 37:13 57:1,2,6  
 75:6 109:6 116:12  
 121:9 122:1 127:4  
 134:15 235:21 237:22  
 238:14 241:17 259:22  
 306:18  
**consideration** 11:12,17  
 28:13 31:16 32:14  
 90:7 189:2 271:5  
 286:11 313:9  
**considerations** 165:14  
 202:18 212:17  
**considered** 10:16 16:20  
 34:1 152:8 211:18  
 294:5,6  
**considering** 15:9 30:19  
 197:17  
**consistency** 84:10  
**consistent** 80:16 81:13  
 83:15 85:12  
**consistently** 37:20  
 278:15  
**constantly** 255:7  
**constitution** 1:12  
 207:12 220:2 222:7  
 243:12 254:3,5  
 255:17 256:20  
**constitutional** 206:16  
 207:2,9,15 208:3,9,9  
 208:12 209:16,22  
 211:15,21 219:14,20  
 220:18 223:13 224:9  
 229:2 232:14,20  
 233:4,7,11 236:15  
 237:20 238:15 239:17  
 241:2 242:11 243:3  
 243:14 251:21 254:12  
 255:9  
**constitutionality**  
 209:20  
**constitutionally** 201:17  
 208:22 219:21 220:5  
 220:11,14 222:4,5,6,8  
 225:2 249:5,9 250:8  
 251:6 253:10 255:3  
 255:15 259:4 260:11  
 261:9 289:3 290:9  
 302:3  
**constructive** 206:3  
**consultation** 100:14

**contact** 29:15,17 30:20  
 33:21 37:7 76:17  
 77:11 78:4 96:13  
 132:1  
**contain** 283:14  
**contains** 96:12  
**CONTENTS** 3:1  
**context** 101:8 105:18  
 151:10 164:19,22  
 167:19 191:6 199:17  
 202:16 212:4,19  
 235:10 237:18,19  
 241:11 251:19 267:10  
 268:13 291:16  
**continuance** 187:18  
**continuation** 178:14  
**continue** 79:14 81:2  
 116:2 140:19 181:3  
 193:14 250:7 275:20  
 303:16  
**continued** 62:10  
**continuing** 157:16  
**contract** 87:8  
**contradict** 240:21  
**contrary** 12:18 251:13  
**contrast** 256:13  
**contributing** 123:18  
**control** 62:6 71:22 86:7  
 106:12 115:5 129:14  
**controversial** 191:10  
 202:7  
**convening** 68:11 69:16  
 69:18 217:11,15  
**conversation** 98:4  
 247:21 248:5  
**conversion** 119:7,16  
 127:9 128:2,4 135:5  
**convert** 127:11  
**convey** 15:1 16:9  
**convicted** 187:1  
**coordinated** 137:7  
**coordination** 137:9  
**copies** 159:19 161:3  
 171:14 256:4 277:7,8  
**copy** 145:7,21 147:19  
 277:10 283:11 318:14  
 318:22  
**Corps** 2:10 63:8,21  
 82:7 106:9 111:17  
 115:18 120:20 122:22  
 225:14 279:9  
**correct** 13:20,21 14:6  
 55:16 91:16 96:18  
 104:21 106:17,19  
 110:19 121:1,16  
 122:3 124:5 165:5  
 166:21 191:3 196:6  
 198:3,8 199:14  
 203:18 219:16 244:12

255:4 303:5  
**corrected** 164:1  
**corrections** 314:1  
**correctly** 35:17 287:12  
**corresponding** 97:20  
**corrosive** 89:9  
**cost** 6:7 76:21 172:20  
**couch** 112:18 139:11  
**couched** 142:7  
**counsel** 5:11 6:17 8:12  
 50:5,13 52:4 53:4  
 54:14 57:10,11 58:5  
 59:8 64:9,13 67:11,16  
 67:17 68:3,14 69:6,10  
 69:19 71:17 72:4,14  
 72:21 74:17 76:11,15  
 77:18 78:3 79:7 80:7  
 80:7,8 91:1 93:1 95:3  
 95:4 96:17 97:4 98:3  
 99:15,21 100:2,3,4,6  
 101:7,11 102:21  
 103:4,6,17,18,19  
 104:3 105:19 108:8  
 120:13 125:5,5 131:9  
 131:21 132:3,6,6  
 143:3,4,19,20 147:17  
 150:3,3,16 151:15,20  
 151:21 152:3,4 153:9  
 153:15 154:4,4,16,21  
 155:9,10 156:7,8,12  
 156:15 168:21 174:1  
 176:20 177:12 186:21  
 190:18,19 201:12,12  
 211:19 215:8 217:3  
 217:14 227:17,20  
 228:7,9,20 234:16,17  
 234:21 243:15,20  
 251:12 264:7,12,17  
 269:12,12 282:5  
 283:21,22 284:9,10  
 293:3 296:15,16,19  
 299:20 310:6,9  
**Counsel's** 209:18  
**counseled** 89:8  
**counseling** 79:17 237:6  
**counselor** 277:22  
**counselors** 234:12  
 277:15  
**counsels** 154:11  
 155:16  
**count** 148:22  
**counter** 101:17  
**counterpoint** 255:5  
**counting** 149:5  
**country** 77:8 95:11  
 114:11 170:4 233:20  
 235:13  
**counts** 146:8 149:17  
**couple** 53:7 69:6

113:21  
**course** 15:10 59:3,13  
 59:17,18,22 62:11  
 87:13 121:12 152:1  
 184:15 191:15 244:11  
 263:13 264:8 284:17  
 291:5 308:16  
**court** 1:11 30:3,5,6 43:7  
 170:9,19 172:9,18  
 199:8 231:4 232:8  
 233:5,10,15,19 234:5  
 236:2 239:11,14,20  
 241:5 242:20 243:17  
 243:18 250:16 280:2  
 280:9,19 281:22  
 285:20 304:11,16  
**court-marital** 68:10  
**court-martial** 104:6  
 178:7 197:20 210:14  
 217:13  
**courtroom** 1:12 53:12  
 53:18 55:18 132:7  
 270:16  
**courts** 42:16 170:21  
 171:9 187:9 235:13  
 240:3,3 295:13  
**courts-martial** 197:11  
 210:3  
**cover** 84:11  
**covered** 33:3 34:20  
 131:19 224:18 260:21  
**crack** 51:19  
**crazy** 216:17 217:21  
**create** 15:6 179:4  
 252:12 283:15  
**created** 27:9 201:7  
**creates** 81:22  
**creative** 81:3  
**credibility** 217:6  
**credit** 53:15 102:20  
**crime** 6:6 7:2 34:3 83:7  
 114:20 176:13 187:22  
 188:1  
**crimes** 8:3,6 82:6,8  
 176:13  
**criminal** 50:6,21 51:21  
 52:5 53:2 55:6,8,10  
 55:21 56:9 57:12 77:6  
 77:6 90:22 91:15  
 92:14 127:20 235:10  
 235:12,15,16 236:22  
 237:2 239:2,5,7,7,16  
 240:3,19 244:21  
 263:13 264:15 265:21  
 271:3  
**criteria** 81:14 122:1  
 126:7  
**critical** 43:19 169:18  
**cross-examination**

210:16 216:7 219:8,9  
**cross-examine** 211:10  
 213:11  
**cross-examining**  
 234:19  
**cross-reference** 189:14  
**crunching** 125:8  
**culprit** 43:11  
**cure** 289:18  
**curious** 272:10  
**current** 20:8,10 31:1  
 32:18 41:5,11 83:12  
 165:10 168:16 263:5  
 270:2  
**currently** 6:11,15,22  
 59:2 109:4 111:12  
 116:8 134:16 193:12  
**curriculum** 60:13  
**cut** 70:8,14 71:8  
**cutback** 70:5,15  
**cutbacks** 115:10  
**cuts** 71:13 140:15  
**cutting** 70:8  
**cycle** 305:10

---

**D**


---

**D** 258:13  
**D.C** 1:13  
**Dallas** 232:8  
**damage** 86:15  
**danger** 226:21  
**Darpino** 163:8  
**data** 50:13 76:14  
 111:20 112:16 123:8  
 123:18 125:5,15,16  
 125:17 126:7,14  
 127:9 128:1,4 130:15  
 137:10,15,16,17  
 139:13,21 140:1,8,22  
 141:2,13 142:1,9  
 144:19,20 148:20  
**database** 182:15,21  
**date** 30:19 114:8  
 137:12 205:6  
**day** 9:20 79:21,21 93:15  
 154:9,9,20,20 204:8  
 292:13 294:9,15  
**days** 7:16 44:12,12,18  
 44:21 61:8 94:5  
 102:11 177:8 187:19  
 258:21  
**DD-2701** 96:9  
**DD-2910** 97:10  
**dead** 29:11  
**deadline** 157:18 158:12  
**deal** 30:20,20 48:4  
 66:15 145:19,20  
 170:11 203:21 260:8  
 269:15  
**dealing** 52:4 69:10  
 88:19 164:22 201:17  
 237:5,9  
**deals** 116:19  
**dealt** 50:7 65:4 286:13  
**decades** 69:7  
**December** 29:13 80:1  
 80:11 117:20 125:7  
 131:3 158:9 200:2  
 202:17 205:10 302:16  
**decentralized** 79:12,12  
**decide** 10:7 19:2 22:8  
 70:7 94:6 149:1 216:9  
 220:4 238:3 239:21  
 293:10 313:4 316:20  
**decided** 24:20 29:13  
 229:10  
**decides** 265:12  
**deciding** 223:19 224:6  
**decision** 13:14 73:5,17  
 86:2 204:5 218:2  
 219:12 224:8 244:19  
 246:17 253:11 257:1  
 276:21 277:2 296:13  
 297:21 298:3 299:4  
**decisions** 30:13 43:5  
 195:6 196:1 203:12  
 203:15,18 242:5  
 304:22 305:4  
**decline** 194:7  
**declined** 92:3 128:13  
**deems** 29:6  
**deeper** 162:16  
**defendant** 84:8,8 95:4  
 213:10 214:13,21  
 215:7 234:15,18  
 244:7 254:18  
**defendant's** 239:17  
 244:15 254:12  
**defendants** 234:20  
**Defenders** 186:2  
**defending** 155:13  
**defense** 1:1 5:18 6:10  
 7:14,16 43:6,9 47:8  
 52:4 53:3 54:2 69:5  
 69:10,19 70:14 72:1  
 74:17 85:1 87:1 99:15  
 100:2,3,4,6,16 102:1  
 102:21 103:3,3,6  
 104:3,4 143:3 150:3  
 150:16 151:14,21  
 152:4,19 153:2,9,15  
 154:3,21 155:8,16,20  
 156:8,14 158:5  
 161:16 163:18 167:18  
 176:11 188:7 190:2  
 201:12 211:19 213:7  
 214:22 217:2,14  
 220:22 221:2 225:8

243:15,20 251:12  
 264:17 265:10,15,19  
 269:12 283:21 284:9  
 291:2 299:20 309:9  
**defenses** 20:10  
**defer** 50:1 193:18 292:1  
**deferred** 46:21 306:20  
**deferring** 194:3  
**define** 114:7 130:18  
**definitely** 89:11 159:13  
 162:15 168:3 206:10  
 261:5  
**definition** 12:17,19 13:4  
 16:21 20:8 23:6 29:15  
 301:20  
**definitions** 11:4,7,7,11  
 11:15,21 12:8 20:6  
 22:20 29:3  
**delay** 43:11 60:18 79:18  
 111:13 149:18 158:22  
 298:5  
**delayed** 80:9 280:9  
**delaying** 297:9  
**delays** 81:4 123:18  
 138:10 149:17 150:5  
 150:7  
**deliberate** 8:20  
**deliberated** 8:18 11:6  
**deliberation** 7:18  
**deliberations** 3:6 5:9  
 5:15,16 9:17,21 11:1  
 19:9 313:11  
**deliver** 206:8  
**delivering** 206:7  
**Delphic** 61:22  
**deny** 84:3  
**department** 1:1 38:21  
 43:6,9 48:3,5,18 57:1  
 66:21 77:2 85:1 87:2  
 113:3 161:16 163:19  
 167:14,14,18 190:2  
 309:18 311:16  
**dependent** 6:9 83:7,9  
**depending** 152:16  
 205:5 242:3  
**depends** 102:19 241:11  
 316:7,16  
**depositions** 55:15  
**depriving** 235:4  
**depth** 123:5 126:21  
**Deputy** 2:3  
**described** 23:9 101:11  
 110:8  
**describing** 148:21  
**description** 28:7  
**designated** 2:4,5,7 4:9  
 203:9  
**designed** 174:1 221:1  
**desire** 234:11

**desk** 273:15 276:15  
**despite** 22:8  
**destroy** 275:3  
**detail** 67:9 78:11  
 166:16  
**detailed** 14:17 53:4,21  
 54:2  
**details** 160:20 173:4  
 278:9 303:13,19  
**determination** 186:5  
 210:19 211:4 219:15  
 228:3 280:3 281:5,14  
 298:11  
**determinations** 11:10  
 195:21  
**determine** 51:16 107:19  
 125:15 126:15 141:16  
 152:17 169:15 246:5  
 288:16  
**determined** 32:2 37:10  
 38:18 49:8 239:4  
 271:8  
**determines** 262:1  
**determining** 117:16  
 224:21 246:18 287:12  
 289:16  
**detract** 318:13  
**develop** 25:18 71:8  
 95:7 117:14 138:18  
 284:21  
**developed** 8:22 109:10  
 109:11 122:5 160:15  
**developing** 112:2 155:8  
 155:9,13 270:14  
**development** 117:10  
 137:3 145:15 147:16  
 157:16 158:14 185:22  
 284:7  
**devoted** 7:18  
**DFO** 196:11,11  
**dialogue** 18:11 19:17  
**difference** 40:12 64:17  
 81:17 82:11 118:12  
 156:13 179:12 187:15  
 198:20 208:17 240:14  
**differences** 64:20 91:12  
 110:5 178:6,11 270:7  
 278:10  
**different** 12:15 26:5  
 40:16 41:21 50:15  
 62:18 63:4 64:6 66:4  
 77:7 82:5 87:10 98:7  
 99:20 101:11 105:7  
 106:6,15,16 108:14  
 110:8 118:11 120:9  
 120:17 123:19 130:9  
 130:15,17 143:10  
 144:13 146:17 150:14  
 152:22 154:18 159:5

161:19,19 163:1  
 167:15 178:15 179:2  
 181:9 184:13,13  
 200:13 202:9 205:5  
 208:4 232:19 236:2  
 236:17 238:18 245:6  
 248:8 256:10 262:4  
 267:8 269:22 279:7  
 293:18 296:10 307:17  
 314:19  
**differently** 237:17  
**differing** 17:5  
**difficult** 24:18 35:17  
 52:6 67:18 203:11  
 215:13 217:9  
**difficulty** 212:8  
**diminishing** 255:11  
**direct** 63:8 65:17 310:8  
**direction** 14:22 15:6  
 44:7 106:5 221:5  
 261:6,6 262:17  
 275:18 290:14 302:2  
 302:7  
**directions** 27:10  
**directives** 109:7  
**directly** 16:16 64:3  
 86:14 164:3 259:18  
 260:9  
**Director** 2:2,3 167:13  
**disagree** 57:17 161:12  
 262:8 314:13  
**disagreeing** 40:10  
**disagreement** 56:14  
 57:16 278:7 316:3,6,8  
**disagreements** 317:8  
 317:12  
**disagrees** 314:9  
**disapprove** 262:7  
**discharged** 193:4  
**discipline** 236:13  
**disclose** 284:6  
**disclosed** 235:7  
**disclosure** 178:16  
 259:14 288:7  
**discourage** 213:15  
**discovery** 174:14 178:8  
 265:22  
**discrepancy** 280:11,12  
 280:15  
**discrete** 19:10,12  
**discretionary** 187:13  
**discuss** 5:16 9:3 49:19  
 51:15 160:2  
**discussed** 30:10 32:2  
 306:4  
**discussing** 6:4 91:10  
**discussion** 18:12 21:17  
 28:3 32:5 62:15 64:19  
 74:14 75:1 89:14,16

91:6 92:5 98:6 106:11  
 178:14 185:16 192:13  
 207:17 212:22 224:16  
 224:18 246:7 271:9  
 271:10 294:17 298:17  
**discussions** 202:12  
**dismiss** 217:18  
**disobedience** 36:4  
**dispense** 47:12  
**disposition** 29:9  
**disrupting** 15:18  
 297:14  
**disruptions** 15:19  
**distinction** 210:4  
**distinguished** 4:19  
 237:7  
**distribute** 76:19  
**distributed** 76:6  
**distribution** 42:3 79:10  
 80:4  
**District** 1:10,11  
**diverge** 228:9  
**diverges** 227:19  
**divide** 174:17  
**division** 77:3 154:19  
**divorce** 72:2  
**docketing** 159:19 161:2  
 170:5,19 172:9  
**document** 23:18 96:5  
 135:19 157:13,14  
 161:1 179:15,15  
 210:10 275:21 315:16  
**documentary** 212:9  
**documenting** 275:13  
**documents** 19:16  
 160:12 170:13 171:10  
 171:15 172:20 195:18  
 212:13 280:21 293:1  
 315:19 318:14  
**DoD** 39:18 41:20 42:8  
 43:15 53:15,15,16  
 61:15,21 91:22 92:2,3  
 92:6 102:2,2,13,16  
 104:12 105:3,16,18  
 106:3,4 107:6 108:16  
 109:4,22 110:21  
 115:15 117:11,13,21  
 122:16 123:22 126:16  
 127:4,5,10 128:21  
 142:9 143:5 144:19  
 144:20 155:4 162:18  
 165:14 166:20 167:3  
 167:5,10,12 170:18  
 172:4 173:5 177:18  
 183:20 188:6 230:9  
 266:16,17,19 269:7  
 298:16 300:15 305:6  
**DoD's** 37:16 105:11  
 111:3 128:2

**doing** 29:20 58:6,8  
77:17 79:10 86:14  
103:8 105:14 109:6  
111:12 114:7,16  
121:4 125:18 127:2  
131:21 135:3 138:13  
189:10 193:12 204:6  
229:6 278:5 294:7  
307:12  
**dollars** 123:12 172:5  
**door** 75:14 225:3  
**doubt** 217:17 254:22  
**Douglas** 2:15  
**downside** 278:3 293:21  
**downsides** 80:18  
**draft** 8:22 9:3 10:4,9,22  
19:8 20:4 21:16,22  
49:16 59:2,3,4 87:11  
113:6 157:14 173:19  
185:5 189:21 199:19  
202:13 209:15 220:22  
286:11 313:8 315:10  
315:12  
**drafted** 87:18  
**drafting** 24:17,17 46:13  
**dragged** 152:3  
**dramatically** 218:4  
**draw** 12:5 23:21 24:2  
**drinking** 101:3 215:19  
**drive** 159:3  
**driving** 272:8  
**drop** 72:10 103:18  
128:19,22 130:10  
**dropout** 128:11,17  
129:7,8,17 130:2,18  
131:4,7  
**dropouts** 141:10,11  
**dropped** 82:15  
**dropping** 130:16  
**drugs** 99:17  
**drunk** 215:6,9,16,20  
218:20  
**due** 4:17 233:14,15  
236:21 247:3 248:4  
250:3 282:13 301:1  
**duration** 6:20  
**duties** 96:3 204:17  
**duty** 74:11 83:6 268:6  
282:13 283:15  
**Dwight** 2:7

---

**E**


---

**e** 81:18 157:11 194:10  
231:18  
**earlier** 102:20 136:18  
159:6 170:16 190:17  
265:18 298:19  
**earliest** 92:1 93:19

**early** 90:14 94:10,12  
132:3 233:2 264:13  
**easier** 17:13 33:19  
49:19 77:15 171:3  
301:5  
**easiest** 10:5 318:8  
**easily** 171:1,22  
**east** 76:9  
**easy** 260:6 261:16  
293:9  
**ecosystem** 68:12  
**edits** 59:3  
**educate** 127:5  
**effect** 62:8 65:17 79:3  
111:22 132:13 199:22  
200:2 201:3 242:3  
259:21  
**effective** 32:19 62:22  
105:8 107:18 108:19  
120:18 173:21 176:3  
209:4 258:22 311:8  
312:3  
**effectively** 138:7  
159:22 175:2  
**effectiveness** 38:14,17  
122:21 124:2 312:3  
**effects** 293:21 303:1  
**effort** 78:7 132:13  
**efforts** 105:6 120:16  
**eight** 20:5 29:3,14 50:5  
56:16 65:12  
**either** 23:3 41:19 43:6,7  
53:3 56:21 77:21 80:9  
83:16 92:20 93:3  
114:18 152:15 175:16  
177:2 233:10 252:16  
264:6,10 266:3 318:4  
**elaborate** 21:8  
**elected** 121:22  
**electronic** 160:18  
171:13,14 173:11  
182:21 183:3 193:7,8  
294:12  
**electronically** 171:12  
317:10 318:13  
**element** 31:18  
**elements** 15:2 31:12  
**elevate** 259:9  
**elicit** 21:2  
**eligibility** 81:12 83:3  
87:4,18 90:20  
**eligible** 81:19 83:6 87:5  
**eliminate** 222:11,12  
249:5,8 259:3 275:7  
**eliminated** 221:8  
**eliminates** 187:2  
**eliminating** 261:9  
316:15  
**elimination** 260:10

289:2  
**Elizabeth** 1:14,17 3:7  
4:21  
**elongated** 44:3  
**embarrassing** 213:19  
296:14,22  
**embrace** 108:17  
**emergency** 47:11 140:9  
268:4  
**emphasis** 314:3  
**emphasize** 16:16  
**emphasizing** 241:1  
**employ** 16:22  
**employed** 6:6  
**employee** 89:6  
**enclosed** 197:4  
**encompass** 177:11  
295:5  
**encompassed** 28:6  
**encompasses** 11:9  
179:21  
**encompassing** 268:7  
**encourage** 303:16  
**encouraged** 303:9  
**endorse** 13:14  
**endorsing** 79:13  
**ends** 36:3  
**enforce** 175:1  
**enforcement** 263:4  
265:2 266:13 269:2,3  
269:10 271:17 273:6  
**engagement** 79:6  
**engineer** 121:14  
**enjoyed** 248:5  
**enlightened** 248:2  
**ensure** 33:2 60:8 111:3  
287:11  
**ensuring** 153:2  
**entered** 6:16  
**entire** 68:12 167:13  
**entirely** 65:6 163:1,21  
200:1 207:3  
**entitled** 181:10 240:6  
**enumerated** 31:19 32:1  
32:15  
**EO** 195:1,12,15 199:19  
200:21 202:14 209:15  
221:1 286:10,11  
**equal** 85:5  
**equally** 17:2  
**equitably** 88:6  
**equivalent** 152:6  
**especially** 99:6 175:17  
195:17  
**essential** 197:20 199:5  
**essentially** 39:22  
256:15  
**establish** 105:19  
157:18 173:22 183:20

209:19 216:22  
**established** 8:12 85:15  
110:11 154:11 166:1  
166:19 179:3,4  
186:13 187:8 202:17  
232:13 266:15  
**establishes** 103:14  
**establishing** 166:19  
**establishment** 5:5  
**et** 120:9  
**evaluate** 107:9 112:2  
116:17 143:5  
**evaluating** 35:10  
106:16 109:16 111:1  
116:19  
**evaluation** 29:5 38:7  
60:8 110:8,16 111:6  
111:11,13 112:6,10  
112:11 115:4,6  
116:13 125:12 126:6  
136:10 139:15  
**evaluations** 107:7  
115:16  
**events** 153:6  
**everybody** 7:5 33:17  
45:14 50:3 55:4 70:8  
76:12 79:4 80:17  
83:21 93:7,11 94:15  
98:16 115:8 142:13  
145:17 170:4 171:3  
177:15 215:6 218:20  
228:5 234:3 243:22  
244:2 251:22 252:4  
292:21 296:20 314:5  
314:6 315:7  
**everybody's** 112:11  
**everyone's** 318:2  
**evidence** 8:8 68:2  
159:21 161:6 174:14  
178:4 195:21 196:22  
197:8 207:11 210:16  
210:20 211:5,17,20  
212:9 214:9 217:5,14  
221:1,12,18 224:21  
225:4,9,22 226:21  
234:12 235:4 237:6  
243:16 249:11 252:16  
253:12 254:11 305:1  
310:6  
**evidentiary** 195:6  
203:11,15,17 256:7  
**evolved** 305:10  
**ex** 293:5  
**ex-wife** 83:11  
**exact** 152:6  
**exactly** 30:14 73:21  
89:7 90:6 98:13  
110:19 112:21 113:2  
134:22 137:8 150:21



162:13 173:15 174:9  
236:10 261:18 263:7  
280:20  
**examine** 21:10 22:5  
27:4 260:7  
**example** 13:20 16:17  
21:5,19,20 70:5,11  
102:20 120:1 139:14  
168:6 169:7 198:22  
239:12 314:17,22  
**examples** 22:14 270:7  
**excellent** 142:17 319:5  
**exception** 114:17  
201:18 206:16 207:2  
207:7,9 208:9,12  
209:1,16 210:1  
211:15,22 219:14,20  
219:21 220:15 223:13  
224:10 225:3 232:14  
249:6,9 251:5,6 259:4  
260:11 261:10 265:2  
268:7 269:2 289:3  
290:9,22 302:4  
**exceptions** 165:19  
267:19 295:12  
**exclude** 196:22 197:8  
214:9 253:20  
**excluded** 87:13 88:1  
**excluding** 197:8 254:11  
255:2  
**exclusion** 201:3  
**exclusions** 165:18  
**exclusive** 268:17  
**exclusively** 171:17  
**exculpatory** 241:5,7,8  
243:19 264:11,19  
266:1  
**excuse** 68:6 133:10  
156:17 201:10  
**execute** 109:14  
**executed** 44:5 123:17  
**executing** 123:19  
**executive** 38:4 43:14  
44:20 196:18 199:13  
208:20 230:17 302:15  
303:14 307:15 309:6  
**exercise** 187:2 192:5  
**exercised** 8:17  
**exercising** 109:4 197:1  
**exist** 137:5 208:17  
234:13 235:4 239:8  
251:7 254:15 255:19  
255:21 256:6  
**existed** 205:8  
**existing** 270:4  
**exists** 83:5 190:21  
210:2 251:7 284:11  
312:8  
**exonerative** 213:14

**expand** 12:3 261:10  
**expansion** 40:19  
**expect** 177:6  
**expected** 218:3 235:6  
**expects** 155:15  
**expediency's** 280:8  
**expedite** 48:19  
**expedited** 41:17 42:21  
48:8 141:6,7 297:22  
**experience** 50:7,10,10  
50:14,21 51:21 52:6  
52:10 53:18,22 54:17  
55:5,11,13,18,22  
57:12,19 64:9 65:3,10  
66:13 76:1 103:3  
117:12 153:11,13  
155:3,4,6,8,12,17,20  
156:2,15 203:8  
213:12  
**experienced** 64:13  
**experiencing** 101:5  
**expert** 196:10  
**expertise** 104:7 132:1  
**explain** 37:18 63:1  
195:10 215:16,19  
220:9 224:14 267:15  
271:12  
**explained** 22:1 169:4  
**explaining** 87:22  
**explanation** 21:3 73:19  
**explicit** 56:22  
**explicitly** 33:4 40:14  
220:16 225:10  
**explore** 173:10 307:17  
**explored** 305:22  
**exposed** 219:8  
**exposure** 266:11  
**express** 41:3  
**expressed** 261:19  
**extend** 84:12 85:19  
236:14  
**extended** 82:7 190:19  
**extending** 82:2 85:22  
**extent** 17:9,10 43:4  
52:17 65:2 80:22 88:9  
96:19 102:18 161:15  
213:2 221:21  
**external** 154:7  
**extremely** 19:5 244:14  
**eye** 287:4

---

**F**


---

**FACA** 316:1  
**face** 22:17 79:6 153:8  
154:1  
**face-to** 79:5  
**face-to-face** 75:3 77:11  
78:4 79:6,16 153:21

**faced** 23:19  
**facilities** 273:4  
**fact** 11:8 20:10 36:8  
39:4,14,21 44:4 47:22  
79:4 80:2 89:5 103:1  
121:22 123:17 135:13  
143:11 182:20 217:7  
224:21 235:7,16  
250:3 256:17 262:3  
280:15 304:4 307:16  
**factor** 131:14 219:20,22  
220:2,2,3  
**facts** 38:18 213:14  
241:11  
**factual** 89:17  
**factually** 244:12 289:4  
**fair** 41:2 88:8 151:19  
311:19,19  
**fairly** 13:9 184:16  
284:17  
**fairness** 226:7  
**Falk** 2:16  
**fall** 63:20,22  
**falls** 63:15 68:21 301:19  
301:20  
**familiar** 172:11  
**fan** 70:4 73:3  
**far** 26:4 76:6 100:19,22  
101:12 113:10 146:14  
173:12 219:1 249:14  
261:7 277:1 290:12  
**fashion** 35:21 112:16  
297:22 302:22  
**fast** 107:15 213:20  
218:5  
**fatigue** 131:11  
**fault** 43:2  
**faulty** 181:16  
**favor** 71:13 136:19  
179:19 233:18 298:3  
311:20  
**FBI** 95:18 113:19  
114:15 264:18  
**feasible** 80:22  
**February** 4:18 6:4 7:17  
26:2,11 304:9  
**federal** 2:4,5,7 4:9 47:7  
47:11 89:6 92:11  
95:10 102:11 113:21  
114:6 171:9 172:8,9  
172:18 182:15,22  
192:20 208:11 224:1  
233:11 245:8 253:18  
254:3 256:2,4,6,14  
295:13 310:16 311:8  
**feedback** 317:1 318:5  
**feel** 10:13 28:14 41:15  
46:3 78:3 86:18,22  
93:20 96:1 101:13

104:11 123:5 137:16  
171:5 173:6,13  
175:17 176:6 206:1  
242:22 247:18 252:4  
262:20  
**feeling** 104:15  
**feelings** 306:8  
**feels** 271:13 291:18  
**felony** 217:13  
**felt** 11:12  
**field** 42:5  
**Fifth** 56:1  
**fight** 164:16  
**fighting** 164:9,11  
265:11  
**figure** 19:13 88:5  
112:15 288:12 312:20  
**figured** 273:16  
**file** 126:10 168:19 283:2  
**filed** 126:17 128:3,10  
145:22 168:7 170:13  
171:11,12 194:14  
**filing** 126:19,22  
**fill** 64:14  
**filled** 233:22  
**final** 142:10 303:22  
315:18 316:4 317:9  
**finalize** 313:16  
**finally** 5:19 128:11  
**financial** 6:8  
**find** 22:6 24:2 70:20  
72:4 98:13 182:13  
189:18 192:19 193:1  
193:5,19 207:8  
218:19 226:2 250:10  
253:9 264:11 267:17  
284:14  
**finding** 132:12 252:20  
**findings** 9:4 11:10  
18:11  
**fine** 46:4 67:8 90:11  
169:20 223:5,8  
229:22 248:14,16  
262:18 287:6 290:6  
318:22  
**finish** 50:1  
**finished** 49:4 121:13  
124:20 149:9 194:11  
276:2 312:22 319:9  
**firm** 116:21  
**firmer** 305:21  
**first** 4:17 7:15,17,19  
8:20 14:12 48:3 49:4  
50:4 51:19 53:12 56:2  
56:5,10 58:6 79:2  
95:6,14,17 112:16  
133:22 141:2,15  
175:7 195:8 196:5  
199:11 202:5 216:9

218:12 219:9 224:7  
 224:18,21 225:1,17  
 226:2,10 228:3 230:1  
 266:14 269:14 273:4  
 287:16,20 288:16  
 293:3 301:7 308:5  
**Fiscal** 157:22 206:13  
 308:12  
**fit** 66:22 162:22 272:8  
**fitness** 268:6 282:13,18  
 283:15  
**fits** 146:10  
**five** 32:13 37:15 40:13  
 40:16,19,22 42:7  
 44:22 181:6 187:19  
 223:17  
**five-minute** 258:2  
**fix** 18:6 48:4  
**flash** 213:20  
**flaw** 144:5  
**fleshing** 29:22  
**flexible** 78:17  
**Floor** 1:13  
**floundering** 145:16,17  
 146:21  
**flow** 110:16  
**flows** 100:5  
**fly** 76:13  
**focus** 247:1 249:14  
**focused** 8:5 20:19  
 46:15 70:7 92:20  
 295:4  
**FOIA** 163:12 167:4,8,11  
 173:18 179:13  
**fold** 110:20  
**folded** 92:16 93:9  
**folder** 126:2  
**folks** 273:6  
**follow** 62:12 67:8 234:2  
 266:19  
**follow-up** 35:22 36:13  
 70:22 182:2  
**followed** 265:4  
**following** 223:4 271:19  
**follows** 4:20 183:1  
**foot** 136:11  
**footnote** 87:20 88:2  
 203:1 232:4 291:13  
 306:17  
**footsteps** 198:1  
**force** 2:2 63:5,19 77:15  
 89:4,4,5 97:22 98:2  
 116:10,14 123:1  
 125:13,18 127:10  
 128:16 129:22 130:10  
 168:17 270:10  
**Force's** 104:2 168:20  
 179:12  
**forces** 94:13 236:13

240:5  
**foreclose** 217:4  
**forefront** 56:1  
**forever** 183:2  
**forget** 180:20  
**forgive** 223:10  
**forgot** 306:21,22  
**form** 87:7 96:9,21 97:2  
 97:9,10,20 150:8  
**format** 140:10  
**format** 17:14 25:6  
**formulate** 174:19  
**forth** 17:15 60:14 107:2  
 138:9,11,21 151:21  
 183:16 184:14  
**forthright** 67:20  
**forum** 24:19 176:4  
**forums** 264:6  
**forward** 49:1 62:7 72:13  
 72:15 213:16,20,20  
 218:6 221:20 227:22  
 228:12 264:14 287:4  
 300:5  
**found** 119:5 127:9  
 250:2 252:21  
**foundationally** 178:19  
**four** 37:4 119:5 223:17  
 259:17 307:18  
**fourth** 312:5  
**fragile** 72:16  
**frame** 28:21 60:21  
 69:14 73:7  
**framed** 29:3 113:2  
 163:15  
**framers** 254:10  
**framework** 112:7  
 161:19  
**frameworks** 208:7  
**framing** 269:9  
**Frankel** 34:15  
**frankly** 83:18 114:14  
 185:21 228:10 276:11  
**FRE** 255:22  
**Freedom** 161:17 162:11  
 162:19 163:21 166:9  
 167:22 168:4,8  
 169:14  
**freely** 14:7  
**frequency** 118:7  
**FRIDAY** 1:7  
**Fried** 2:4 3:4 4:3,8 6:1  
 7:12 9:17 18:8 45:16  
 156:20 188:13,16,18  
 190:15 191:3,5 196:9  
 316:7,14,18 317:6  
 319:10  
**front** 67:10 95:6 98:1  
 217:5  
**frozen** 319:2

**fruitful** 212:21  
**full** 44:21  
**full-blown** 38:19  
**fully** 49:17 90:14  
**function** 35:20 108:5  
**fundamental** 47:22  
 63:3 64:17 197:15  
**funded** 116:3  
**funds** 76:21  
**furnished** 233:8  
**further** 10:17 11:2,20  
 12:8,22 13:2 18:12,18  
 19:16 29:5 31:8,10  
 32:5,8 62:4,13 75:8  
 90:7 102:9 123:4  
 159:12 166:2 168:3  
 169:21 191:20 194:21  
 199:21 214:3 231:1  
 243:7 257:19 260:13  
 265:1 274:20 292:5  
 293:4 294:18 314:8  
**furthermore** 52:16  
**future** 7:1 27:9 61:16  
 86:22 88:13 114:18  
 140:7 275:9 285:11  
 287:4 306:17 307:9  
 311:1  
**fuzzy** 17:2,16  
**FY** 158:8 173:17 174:6  
 208:22 258:16,19  
 260:8 285:13 286:18  
 287:8 288:4,9,15  
 289:17 290:8 291:16  
 292:2  
**FY15** 113:5 205:8 288:1  
**FY2012** 4:6

---

**G**

---

**G** 291:13  
**Gaddis** 220:10,17 224:4  
 226:20 229:17 232:12  
 232:12,18 238:6  
 240:10,22  
**game** 308:8  
**GAO** 314:22  
**gather** 30:3,8  
**gauging** 121:3  
**GCM** 69:16,17  
**GCMCA** 70:1  
**gender** 198:17  
**general** 36:3,16 44:10  
 50:13 68:10 81:17  
 163:8 209:17 211:6  
 217:16 226:4 274:14  
 289:6 295:9 303:15  
 308:22  
**generally** 16:6 50:14  
 54:21 56:18 84:22  
 268:9

**generals** 44:11 64:3  
 105:22 106:9  
**generate** 62:11  
**generated** 10:3  
**generates** 183:4  
**generating** 25:3 38:4  
 289:7  
**geographic** 74:9 80:4  
**geographically** 76:19  
**getting** 38:21 43:12  
 57:22 65:9 85:7  
 121:11 123:11 124:18  
 126:22 131:15 135:2  
 136:10,12 143:15,16  
 144:6 158:22 160:9  
 167:16 213:14 236:5  
 250:19 267:5 272:1  
 281:18 292:21,21  
 300:19 302:21 306:9  
 308:14  
**Giglio** 55:22  
**girlfriend** 244:1  
**give** 13:20 26:18 73:18  
 92:14 95:6 108:15  
 112:16 113:22 124:11  
 157:19 161:2,3,4,5,6  
 168:21 189:12 215:1  
 241:7 250:10 294:5  
 305:5 308:6  
**given** 14:7 16:18 27:10  
 60:1 112:7,11 133:1,2  
 157:17 193:16 203:14  
 203:16  
**gives** 22:3 177:8 270:7  
 277:9 309:20 315:7  
**giving** 26:22 47:16  
 61:13 85:6 112:9  
 203:6 265:10  
**glad** 51:18 177:5  
**Glen** 2:10  
**go** 10:5 18:17 19:22  
 27:16 30:16 33:17  
 35:3 37:4 44:2 46:15  
 48:22 49:11 50:1  
 72:11,13,15 77:20  
 82:12 99:1 100:19,22  
 101:12,13 102:9  
 103:20 117:5 122:15  
 128:15 141:19 144:2  
 168:22 172:6 178:6  
 178:21 188:5 196:16  
 204:10 209:10,11  
 210:18 214:2 220:8  
 221:9,15,20 225:20  
 227:22 230:4 232:9  
 234:11,12 240:8  
 246:21 248:15,18  
 265:14,19 269:10  
 273:17 274:9 276:14

281:5,10 292:17,17  
 292:22 293:12 297:4  
 297:5,7 300:5 309:16  
 318:17  
**God** 58:8  
**goes** 24:16 47:5,6 62:7  
 76:12 82:13 93:2,14  
 99:10 103:9 105:22  
 107:11 110:13 113:16  
 125:3 134:22 136:1  
 137:8 147:14,22  
 169:8 175:4 178:18  
 204:19 217:13 229:7  
 244:10 264:14 287:4  
 288:10 303:14  
**going** 17:5,16 20:18  
 26:13,17 27:19 28:22  
 29:18 35:18 42:16,22  
 44:3,9 45:20,21 48:11  
 55:12 58:3,7 67:7,12  
 72:10,10,14 73:5,7,8  
 73:13 76:19,20,20  
 77:10 83:1 84:4 85:2  
 85:11 86:5 92:9 93:21  
 102:6,7,9,16 108:17  
 109:21 111:6,7,13  
 112:8,15 113:5  
 114:18 116:16 118:8  
 118:8 132:4 139:20  
 145:1 152:4 153:12  
 155:7 157:11 159:13  
 163:5 167:5 171:7  
 173:13 180:18 184:5  
 184:6 189:20,21  
 190:6 192:21 193:21  
 206:7 211:22,22  
 213:5,15 215:15  
 216:6,13 218:6,17,19  
 228:6 234:2 235:2,3,7  
 241:17 242:5,18  
 245:6 250:4 251:4  
 253:6 259:20 262:11  
 264:20 265:14 275:20  
 277:11,15,16 281:9  
 286:21 292:16 293:2  
 293:9,10 296:9,19  
 297:2,5,7,20 304:9  
 306:1 308:10,18  
 312:21,21  
**good** 4:3 7:4 19:5 21:14  
 27:4 28:16,17 59:21  
 60:16 65:15 69:8  
 71:21 72:6,7 73:16  
 84:10 87:15 88:8  
 94:15 109:11 112:3  
 119:1,14,16 121:4  
 124:11 135:5 136:2,4  
 150:1 156:20 180:16  
 187:4 190:12 194:1,4

194:9 214:22 236:13  
 247:10,16 250:12  
 275:19 288:21 290:10  
 300:12 302:6 303:7  
 303:20 311:9  
**gotten** 26:4,16 84:2  
 136:21,22 205:13  
 216:2 273:14 282:7  
**govern** 8:7  
**governed** 316:1  
**governing** 161:22  
**government** 113:22  
 114:6 162:13 172:18  
 216:22 217:10,16  
**governmental** 236:12  
**grand** 210:15  
**granted** 141:8  
**gravamen** 36:10  
**great** 24:5 26:14 49:10  
 62:16 130:14 131:8,8  
 135:6,17 161:15  
 177:16 191:4 193:22  
 194:11 216:15 248:11  
 300:4 312:10 317:22  
**greater** 68:4 166:16  
**Green** 2:1 10:19 11:5  
 12:14 16:2 20:5 22:18  
 24:14 27:13 29:1 30:4  
 31:14 32:12 36:22  
 37:9,19 40:18 46:5,17  
 49:6,18 50:8 51:6,10  
 56:17 57:8,14 58:9,19  
 59:1,10 62:9 63:3  
 66:17 69:21 74:14  
 77:18 79:22 80:14  
 81:16 85:13 89:13,21  
 90:3,5,10,18 91:17,20  
 96:15,22 99:2,11,19  
 100:11 101:21 105:9  
 105:17 106:19 110:4  
 110:15 111:9 116:8  
 117:9 118:2,12 122:9  
 123:2 125:2 126:2,5  
 129:3,10,16 134:12  
 134:20 136:20 139:6  
 140:18 147:6 150:11  
 152:15 157:3,21  
 166:17,22 168:16  
 169:6 170:1 173:16  
 174:9 175:7 178:13  
 179:7,20 185:14  
 192:8 194:13 199:15  
 200:4,11,15,19 201:1  
 201:14,20 202:5,7  
 205:2 206:15,19  
 207:1,6,17,21 208:15  
 208:21 209:4,13  
 211:13 212:3,7,18  
 217:22 218:8 219:18

220:7 224:15 226:9  
 228:18 230:16 232:11  
 236:6,8 246:2 255:21  
 256:3 257:21 258:3  
 258:18 260:9 261:17  
 263:10 264:5 265:16  
 266:2,7,10 267:13,19  
 268:5,14,16 269:1  
 270:19,22 271:19  
 272:11,16,19,21  
 274:12 275:13 280:5  
 283:3,8 284:16  
 286:14 289:1,12,22  
 291:7,11,15 295:3  
 300:17 302:11 306:3  
 308:13 313:2 314:11  
 315:8,12,16 317:15  
 318:8,12,20  
**grinning** 257:14  
**ground** 305:21  
**grounded** 162:5  
**grounding** 161:18  
**group** 24:21 25:6,13  
 95:16 120:19 129:15  
 149:18 190:22 252:17  
 300:18,22 309:22  
**groups** 138:18 303:16  
**guard** 52:1 68:18 76:8  
 77:17 116:10,12  
**guess** 11:19 12:21  
 19:19 23:13,15 26:1  
 29:1 31:1,13 41:22  
 46:22 75:9 84:17  
 114:3 132:15 137:3  
 138:16 139:7 151:8  
 175:6 177:12 178:2,6  
 179:11 182:10 183:19  
 198:12 199:11 213:6  
 229:10,15 238:8  
 242:3 244:4 262:11  
 273:18 282:9 299:3  
 301:20 303:22 313:2  
 313:9 317:1  
**guidance** 11:3,21 25:7  
 28:4 31:2,8,10 32:8  
 38:5,11,22 57:1 90:15  
 98:20 100:12 105:12  
 106:11 107:20 108:18  
 157:19 158:10,12,22  
 162:3 166:20 185:21  
 209:22 258:22 263:2  
 263:5,14 266:16,18  
 266:19 270:2 279:13  
 287:9 302:21  
**guidelines** 270:4  
**guiding** 108:16 116:22  
**Guilts** 228:19 232:7  
 291:10  
**gura** 45:7

**guru** 45:7 198:16  
**guy** 155:5 156:3 215:10  
 218:18  
**guys** 215:18

---

**H**


---

**half** 157:1  
**halfway** 34:5  
**hallmarks** 184:15  
**hamstrung** 88:9  
**hand** 93:12 94:14 95:12  
 95:19 96:7 116:22  
 135:4 239:21 304:21  
**handed** 93:12 95:13  
**handle** 102:21 104:19  
 147:17  
**handled** 6:22 82:17  
 167:15 169:16 184:12  
 270:18  
**handling** 72:3 78:21  
 276:4,12 286:8  
**hands** 39:12 93:11  
**happen** 15:19 21:11  
 27:5 29:17 42:18,19  
 45:13 78:8 86:15  
 187:15 213:6 216:4  
 216:14 254:6 284:13  
 285:19 286:1  
**happened** 39:2 41:7  
 92:21,22 99:18  
 141:10,11 189:22  
 216:10 280:21 294:2  
 297:1  
**happening** 93:4 144:4  
 144:12,12 171:4  
 193:2 288:11  
**happens** 27:16 59:16  
 73:2 183:9 216:18  
 219:3 221:17 274:21  
 282:12 283:7 288:19  
**happy** 65:14 76:16  
 116:1 190:5 198:14  
 218:15  
**hard** 26:18 84:15 86:13  
 131:6 164:7,16 216:6  
 318:14,21  
**harder** 65:9  
**harm** 11:9 21:22 22:1,5  
 22:7,9 299:19  
**harming** 270:11  
**hate** 294:7  
**head** 19:18  
**health** 8:9 237:11 259:6  
 260:4 263:3 268:1,9  
 271:4,11 274:14  
 276:4 277:15,22  
 280:1 283:12,14  
 284:6 286:8,12 291:6

**health-troubling**

277:19

**hear** 40:4 48:22 68:2

105:3 124:9 178:10

216:8 247:11 261:14

267:1 273:11,19

278:14 279:21 292:6

304:8

**heard** 9:1 22:21 24:5

25:15 39:8,14 46:6

51:14,20 58:15,18

60:4 65:1 66:6 74:19

76:6 78:2 83:5 91:3

100:19 111:10 117:12

118:6 120:6 122:4

132:20 133:7 143:8

143:20 145:14 146:13

153:9 159:1 160:14

176:19,19 177:12

178:2 182:7,9 184:11

186:21 195:9 205:3

207:19 208:16 209:17

225:6 249:11 253:8

253:13 254:19 260:3

261:17,19 266:11

274:17 277:12 279:20

280:5 286:20 298:1

307:2 309:7 310:20

**hearing** 174:4 175:22

195:5,16 196:7 197:4

198:22 199:1 201:5

203:17 209:18,21

212:16 213:17 221:13

225:7 230:13 267:11

276:14 280:2,3

281:15 287:21 288:18

292:11,12 293:8

296:12 297:3

**hearings** 132:20 133:2

133:4,5 143:13,13

144:9 194:22 195:4

201:4 209:17 210:12

212:20 222:8 233:3

276:6 277:13 279:18

286:9,12 292:12,14

292:18

**heart** 178:20**height** 215:19**help** 52:12 127:5

139:16 140:5 200:14

254:18 278:1

**helped** 18:7**helpful** 17:6 29:22 30:1

79:3 119:20 251:2

275:14

**helping** 77:21**helps** 30:9 94:4**hereon** 51:11**hey** 199:6**high** 109:12**higher** 137:14**highest** 30:2 72:7**highlight** 16:4**highlighted** 16:15 25:1**Hill** 305:8 306:21**Hines** 2:10 172:15

216:20 250:18

**HIPAA** 265:3 267:7,10

267:11 269:5

**hire** 138:18**history** 88:2 205:13

216:1,1,12 225:21

227:21

**hit** 19:17 73:3**hits** 70:3 227:22**hold** 199:1**Holtzman** 1:14,17 3:7

4:21 6:1 7:4 10:21

11:19 12:12 13:19

15:4 17:7,22 18:8

21:13 27:6 28:14,19

29:8 30:17 31:4 32:5

34:9 36:20 37:1,15

40:10,21 42:14 45:2

45:19 46:14,20 47:15

48:6,20 49:3,10,22

51:4,8 52:14 53:17

54:5,9,13 55:1,7,10

55:16 56:13 57:5,9,15

58:14 59:6 60:2 61:10

61:20 62:16 64:21

66:11 70:20,22 73:10

74:6 75:7 77:22 80:20

81:6 86:11 88:12,18

89:7,10,18 90:9,11

91:14,18 98:9,12,18

99:4 100:8 101:14

102:15 103:12 104:10

104:21 105:2,10,16

106:13,21 107:14

108:21 109:15,20

110:3,14,17 111:21

112:21 113:11,15

115:1 116:6,15

117:17,22 119:2

121:1,6 122:3,14

123:3 124:3,6,18

126:1,4 129:1,5,12,20

130:3,6 132:17

133:10,14,19,21

134:13,18,21 136:15

138:12 139:2 142:4

142:13,16,20 143:1

144:21 146:4,9,12,16

146:19 147:1,7,21

148:2,7,10,18 149:3,8

149:11,21 150:10,20

151:5,12,16 156:17

156:22 157:5,10

158:19 159:8,11,16

162:9 165:1,8,12

166:11,15 168:11,14

169:9 170:15 171:19

171:22 173:3,15

174:21 175:6,11

176:9,18 177:1,10,17

179:5,18 180:6,12,16

181:9,13 182:3 183:5

183:9,12,15 184:4,8

184:18,20 185:3,5,9

185:13 186:3,16

187:6,20 188:17

189:5,16 190:14,15

191:1,4,8,13,15,18,19

193:18,21 194:1,4,9

194:14,17 195:14

196:4 197:5,14,21

198:4,12,16 199:11

200:3,6,12,17,20

201:10,19,22 202:6

203:13,20 205:17

206:9,21 207:4,8,20

208:13,19 209:3,9

210:7,19 211:3,8,21

212:6,11 213:2 214:2

214:7,11,17,20 215:3

216:15,19 218:5

219:5 220:1 221:15

222:15,20,22 223:2,5

223:8,15 224:6,13

226:1,13,18 227:1,6,8

228:17 229:9,19,22

230:6,15,22 231:9,19

232:2,5 234:4 236:19

237:3 238:17,20

239:14 240:13,17

242:9 244:4,20 245:1

245:5,10,13,17

246:11 247:8,18

248:2,13,17,22 249:3

250:1,12 251:1,11

252:1,3,8,11 253:3,15

255:4,13 256:1,4,21

257:7,10,14,18 258:1

258:7,12 260:1,15,18

260:20 261:8 262:5

262:14,19 263:21

264:3 269:13 270:1

270:21 271:15,20

272:5,9 274:9,16

276:1 278:6,16 279:2

279:19 280:10,14

281:11,19 282:8,16

283:7 284:12 285:17

286:4,7 287:6,18

288:1,14,22 289:10

289:13 290:5,18

291:21 292:4 294:11

294:16 295:15,18

296:2,6 297:11 298:1

299:1 300:11,15

301:9,13 303:3,6,20

305:11,15,19 306:3,7

307:22 308:16 309:3

310:13 311:1,6

312:22 313:21 314:15

315:22 316:10,13,17

316:22 317:11,22

319:5

**home** 93:14 293:12**Hon** 1:13,17 3:7**honest** 277:13**honor** 235:8 243:22**Honorable** 4:21 5:2**hope** 17:7,16 21:20

107:6 204:13 288:15

294:13

**hopefully** 293:19 319:8**horse** 29:11**hospital** 274:3 277:9

281:20 285:22

**hospitals** 267:7,11

277:16

**hostile** 73:18**hour** 157:1,3**House** 43:10,13**housekeeping** 303:13

303:18

**huge** 47:17 172:5**huh** 247:14**humble** 169:17**humiliating** 213:18

214:14

**hundreds** 114:21**hurdle** 35:15,15**hurt** 293:15**hurting** 70:9**husband** 84:1 93:16**hypothesizing** 203:5**hypothetical** 15:14

215:2 216:16,18

219:1

**hypotheticals** 217:21**I****idea** 112:14 152:6

227:11 244:6,10

290:10 300:12 311:9

**ideal** 51:20**identification** 182:19

215:14 216:6 225:17

**identified** 51:5 218:20

243:2 301:6

**identify** 120:20 215:10

215:17 216:9 218:18

319:4

**ignore** 233:22  
**ignored** 280:17 307:3  
**illustrated** 225:14  
**imagine** 172:13  
**immediate** 140:9  
 272:12  
**immediately** 42:18,19  
 54:13 111:7 173:21  
**immunity** 104:5  
**impact** 65:7 66:20  
 68:13 80:10 120:13  
 202:13 206:6 211:9  
 269:11 286:10  
**impacting** 65:11  
**impacts** 64:8 123:16  
**impairing** 39:4  
**imparts** 195:20  
**impeach** 243:15  
**impeaching** 241:8  
**implement** 38:5 39:19  
 44:21 45:10 153:15  
 157:17 158:6 167:19  
 177:9  
**implementation** 37:17  
 37:22 38:2,19 40:20  
 42:8 43:6 44:4 46:7  
 144:5 158:16 177:7  
 266:17 302:21 303:4  
 312:1  
**implemented** 39:5  
 167:17 174:8 190:7  
 213:5 302:14,19  
**implementing** 39:1  
 302:9  
**implication** 269:16  
**implications** 14:9,15  
 95:8 260:12 271:1  
**implicit** 68:4 275:5  
**implies** 256:18  
**imply** 172:5  
**importance** 75:3  
 270:14  
**important** 15:11 17:10  
 20:14 85:10 88:15  
 95:9 104:14 115:5,6,9  
 116:16 123:15 135:21  
 140:4 141:17 148:16  
 151:17 163:7 197:10  
 199:16 218:1 245:2  
 251:18 252:6 282:4  
 308:8  
**impossible** 54:18  
**impression** 124:11  
 136:9 188:10 301:19  
 301:21  
**impressions** 49:14 57:3  
 59:12 62:12 192:4,11  
 294:22 295:7 301:18  
**improvement** 142:12

**in-between** 76:12  
**in-depth** 20:14  
**inaccurate** 196:6  
**inadvertent** 294:2  
**inadvertently** 279:11  
 280:21  
**inappropriate** 166:11  
**inappropriately** 166:10  
 166:14  
**incapacitated** 291:3  
**inception** 109:9  
**incidents** 115:2 122:12  
**inclination** 10:13  
**include** 51:12 54:8  
 59:14 82:18 96:16  
 97:11 114:21 117:1  
 135:19 139:9 188:3  
 189:22 208:8 236:10  
 274:4 289:14 306:5  
 306:18  
**included** 135:22 147:15  
 173:19 242:11 295:3  
 308:7  
**includes** 9:7 176:19  
**including** 6:21 8:6 54:6  
 74:10 87:13 116:17  
 159:18 274:20 276:5  
**inclusive** 308:9  
**incompetent** 56:12  
**incomplete** 308:18  
**inconsistencies** 159:3  
**inconsistent** 24:10  
**inconvenience** 292:20  
 293:14,16,17  
**incorporate** 192:12  
 233:11 259:5 313:6  
 318:2,22  
**incorporated** 19:21  
 143:4 148:17 158:1  
 298:17  
**increase** 128:6 135:6  
**increases** 127:15  
**increasing** 261:12  
 300:20  
**incremental** 35:6,7  
**indecent** 31:19  
**independent** 4:11  
 69:22 117:15 264:5  
**independently** 264:7  
**indicate** 128:9,22  
 308:20 311:13  
**indicated** 78:2 82:1  
 125:11 168:7 185:18  
 301:22  
**indicates** 266:20  
**indicating** 111:12  
**indication** 18:2 249:13  
**indicative** 142:9  
**indicator** 127:2 131:9

**indicators** 127:4  
**indirect** 70:2  
**individual** 50:13  
**individuals** 81:19 305:8  
**inflammatory** 226:6  
 253:21 254:1  
**influence** 67:10,15 69:8  
 70:1 73:22 242:1  
**influences** 282:15  
**inform** 98:1  
**information** 5:5 8:16  
 13:13 19:15 24:11  
 50:9 51:1,14 71:1,10  
 73:14 78:10 86:17  
 88:4 91:4 96:12,16  
 111:19,20 122:13  
 125:5 135:2 136:22  
 138:13,14 148:1  
 159:18 160:17 161:17  
 162:11,20 163:21  
 166:9 167:22 168:5,8  
 168:10,18,22,22  
 169:3,14 170:3 171:6  
 171:20 173:14 175:1  
 177:13,19,21,21  
 178:16,22 179:9  
 183:7,17 190:16  
 192:5 193:11,16  
 204:20 214:12 217:2  
 225:16 246:10,14  
 247:22 248:6 250:11  
 250:14,21 257:2  
 261:18 265:6 266:12  
 266:22 267:16,17  
 270:9,15 273:7,10,19  
 273:22 274:7,20  
 275:1 278:11 279:9  
 279:16 282:14,18  
 284:1,9,11,15,21  
 285:5,8 291:20 306:9  
 306:10 307:2  
**informations** 267:6  
**informative** 123:10  
**informed** 90:20 92:4  
 98:21  
**informs** 21:17  
**inherently** 311:19  
**initial** 8:22 9:5 49:14  
 50:20 127:1 131:20  
 136:8 166:7 225:7  
 315:13,13  
**initially** 71:16  
**initials** 318:17  
**initiated** 130:1  
**initiative** 107:1  
**innovation** 107:2  
**input** 9:8 11:3,21 26:15  
 31:10 32:8 44:17  
 246:4 312:6

**inquiry** 21:6 62:4  
**inside** 60:12 154:4  
**insights** 12:9 18:3 44:3  
**installation** 63:13 67:4  
 71:6 80:5 153:19  
 154:22  
**installation's** 64:2  
**installations** 74:19  
**instance** 12:3 104:5  
 123:20 160:19 190:16  
 193:14  
**instances** 24:8 149:5  
**institute** 258:21  
**instruct** 306:10  
**instruction** 102:3  
**instructions** 109:7  
**instructors** 33:7 34:13  
**insure** 174:1 225:15  
 273:22  
**integrated** 89:5  
**intend** 166:15 308:6  
**intended** 23:1 25:12  
 112:20 115:15 188:2  
 188:3  
**intending** 52:12  
**intent** 16:11 34:3,3  
**intentions** 67:19  
**interest** 3:5 6:13 21:6  
 220:13,19 226:11  
 227:19 231:3 232:8  
 232:15,17,18,20,20  
 236:12 237:11 238:12  
 238:13 240:11 241:13  
 242:20 243:10 244:7  
**interested** 14:2 88:19  
 129:12 207:13  
**interesting** 29:16  
 116:18 140:16 205:13  
**interests** 242:17 247:2  
**interim** 47:10,13 59:18  
 205:22  
**interlocutory** 187:9,22  
 297:12  
**internal** 86:2 108:10  
 110:6 166:19  
**internally** 110:9  
**international** 41:16  
**interpolate** 114:3  
**interpret** 91:7  
**interpretation** 168:20  
 305:5  
**interpretations** 82:5  
**interpreted** 247:10  
**interpreting** 221:22  
 246:22  
**interrupting** 156:18  
**interviewed** 283:21  
**interviewing** 284:14  
**intrigued** 29:12

**introduction** 307:15  
**invalidate** 44:22  
**inventive** 78:14  
**invest** 17:3  
**investigate** 284:19  
 309:22  
**investigating** 69:22  
 171:13 195:4 196:19  
 196:20,21 197:6,22  
 203:3 204:6,16 216:5  
 217:5,9,12 218:13  
 260:6 273:15 279:14  
 298:11  
**investigation** 80:9  
 141:10 161:5 168:18  
 170:7 179:14 263:13  
 263:16 274:5 284:17  
 284:18,22  
**investigations** 82:22  
 128:18 159:20 197:13  
 263:11 271:3  
**investigative** 197:16  
 211:9 219:12 265:21  
**investigator** 90:22 97:6  
 263:19 264:16 282:7  
**investigators** 80:13  
 91:7,15 92:6,14 95:5  
 95:11,18 96:6,8 97:15  
 97:19 143:3 263:14  
 264:6 265:4 266:4  
 267:7 280:22 281:17  
 281:19 283:22 284:10  
 285:21  
**invite** 256:13  
**invited** 133:4  
**involve** 36:4 236:22  
**involved** 71:19 100:22  
 241:4 298:19  
**involving** 4:13 284:18  
**IO** 197:2  
**IOs** 198:21,22  
**irrelevant** 244:9  
**irritated** 308:19  
**issue** 10:14,15,22 11:1  
 13:9 14:1 16:3,9  
 21:19,22 22:22 23:3  
 24:22 29:2,9 31:5,6  
 32:6,7 34:11 35:17  
 36:14 37:4,15 40:11  
 40:12,13,14,16,16  
 42:15 45:4 49:11,13  
 50:4,4 51:5 56:15,17  
 57:8 58:11 59:6,15  
 60:17 61:17 62:13,18  
 66:13,14,17 67:7,10  
 71:12 74:7,8,16 75:4  
 79:16,17 81:11 85:5  
 85:11 89:11 90:7,12  
 99:2,4,12 101:2,7

102:16,19 103:16,19  
 104:13 105:5,17  
 106:2 108:22 109:14  
 113:17 117:3 123:4  
 124:14 131:16 133:7  
 133:8 136:16 148:15  
 148:16 149:9 156:19  
 157:14 159:16 165:16  
 177:11,17 179:22  
 180:21 187:6 190:21  
 194:13,14,19 199:12  
 200:6 203:2,14  
 209:6,14 212:1,17  
 224:13 227:10 229:7  
 229:11,13 230:2,3  
 231:3 233:16,18  
 234:14 236:7 240:18  
 246:18 249:3,4,18  
 256:15,16 258:14  
 260:8 261:3,15 263:1  
 263:7 269:8 273:13  
 274:6,16,17,19 275:5  
 275:9,17 276:3 282:3  
 282:21 283:19 286:7  
 286:13 287:2,3,8  
 289:13 290:7,21  
 292:4 294:19,21  
 296:10 300:19,21  
 303:4 309:14 310:21  
 312:18 313:3  
**issued** 43:8 109:7  
**issues** 8:6 10:2,6,9,18  
 10:22 16:14 19:9  
 25:21 28:5 29:2 31:15  
 32:1 36:21 40:20  
 42:15 44:1 45:15 49:4  
 49:7,20 50:2 51:11,13  
 55:22 61:19 62:14  
 65:2 83:14 88:20  
 101:4 104:9 106:3,10  
 106:14 119:4,20  
 124:15 125:19 143:2  
 147:22 153:8 154:1  
 157:14 158:16 160:5  
 164:5 172:6 174:13  
 179:10 197:17 200:8  
 202:9,10 204:13,22  
 205:16 209:20 212:10  
 219:16 221:17 231:10  
 233:14 249:14 258:14  
 259:18 274:13 282:12  
 285:14 289:5,8  
 291:22 295:1 298:20  
 299:1 306:18 308:21  
 309:5 311:17 313:16  
 313:19  
**issuing** 279:13  
**it'll** 193:3  
**item** 3:2 50:1,2 86:21

88:13 124:9 157:11  
**items** 22:14 37:2 90:1  
 98:7 308:4,6

---

**J**


---

**Jaffee** 231:8,14 233:22  
 234:7 235:1 237:4,14  
 244:18  
**JAG** 63:21 154:8 204:16  
**jail** 183:3  
**January** 1:7 317:16  
**job** 47:16 121:4 142:5  
 142:17 307:12  
**join** 9:19 39:15  
**Joint** 47:5  
**joking** 290:18  
**Jones** 5:2 9:18 229:12  
 231:10  
**JPP** 4:7,9,9 5:7,16  
 10:22 19:8 49:11  
 207:19 305:8  
**JPP's** 4:17 7:10 9:13  
 258:13  
**jpp.whs.mil** 5:7 9:14  
**JSC** 185:18 222:19  
 224:8  
**judge** 9:17 44:10,11,14  
 50:12 63:9,16 64:1,3  
 67:4,14 105:22 106:8  
 145:13 195:6,18  
 196:1,15,16 197:7,19  
 198:2 204:9 210:21  
 210:22 214:6,10  
 219:11 220:4 224:17  
 227:15 229:12 231:10  
 237:22 238:13 242:1  
 253:19 259:12,15  
 260:6,13 261:21  
 262:1,3 263:18  
 265:12,12 279:5  
 281:1,2,15 287:15  
 288:6 292:15 294:8  
 297:5,7,16,20 298:18  
 299:6,12,17,19 300:7  
 300:8  
**judge's** 196:22 298:10  
 300:20  
**judge-like** 196:2 204:17  
**judges** 44:22 145:17  
 184:13 203:4 224:19  
 225:15 235:19 241:14  
 246:18 252:20 253:11  
 254:6,9,22 287:11  
 288:16 289:8,15  
 303:9  
**judgment** 247:22  
**judicial** 1:3 4:5,7,11  
 6:21 7:6 8:10 9:6  
 29:22 44:8 128:19

159:18 161:20 162:21  
 162:22 165:19 168:15  
 169:16 175:3 183:22  
 210:6 271:5 295:2,8  
 303:17 305:22  
**Julie** 2:9 102:5 140:19  
**jumping** 287:16  
**June** 199:19 209:5  
 259:1 286:22  
**junior** 64:12 67:17  
**jurisdiction** 250:17  
**jurisdictions** 236:18  
**jury** 210:16 233:12,12  
 253:22 254:2  
**justice** 4:13,15 5:12  
 6:12,15 7:2 8:2 52:18  
 53:2 55:7,8,11,22  
 56:9 57:12 77:2  
 128:13 151:18 153:10  
 153:13 190:22 191:7  
 196:10 239:3,9  
 242:14,22 255:7  
 300:18,21 309:18  
**justify** 73:17,18 278:5

---

**K**


---

**K** 2:9  
**keep** 48:12 120:14  
 275:3 283:4 287:4  
**keeping** 120:13 139:22  
 221:11 277:17  
**Kelly** 2:2 73:16 81:8  
 165:3 195:9 222:2  
 247:13 248:7 278:16  
 304:1 319:6  
**Kelly's** 257:14  
**kept** 24:1 31:1 75:22  
 218:14 270:9 273:22  
**key** 130:18  
**kind** 34:9,17 42:11 48:8  
 65:7 70:17 103:11  
 114:13 115:12,22  
 137:20 144:20 152:7  
 153:4 169:12 189:3  
 200:7 203:6 206:7  
 225:11 243:1 297:3  
 314:16  
**kinds** 15:18 82:16  
 118:22 124:1,1 142:9  
 144:9 173:4 235:5  
 248:10 305:4 316:1  
**know** 12:5,21 15:4 18:4  
 18:17 21:21 22:11  
 29:10 33:9,10 38:22  
 39:8 41:4,6,15 42:2  
 44:17,18 45:7 46:3,12  
 50:14 52:22 53:5  
 55:14 60:9,14 61:14  
 61:14,17 65:13 66:6

67:11 75:12 77:16  
 78:8 79:18 83:1,5  
 85:4 88:1 89:20 94:2  
 94:11,17 101:18  
 104:16,17 106:3  
 107:2,14 114:17  
 115:19 117:8 118:3  
 120:10,12 121:13  
 122:7,12 123:13  
 124:6,7 125:3 127:17  
 129:19 131:15 132:16  
 135:7,16,18 137:13  
 137:21 138:3 139:7  
 140:3,15 143:7 144:3  
 144:11,14 146:4  
 150:18 154:7 160:5,7  
 161:6,10 162:9  
 164:14,14,20 169:10  
 169:11 170:4 171:4,4  
 171:5,11,16 176:4  
 177:3 178:11 181:1  
 181:14,14,18 185:22  
 186:3,5 188:5,6  
 189:17,19 190:9  
 192:21 193:8 198:16  
 200:15 202:21 205:11  
 205:22 215:5,9,20  
 216:10,17 218:12  
 226:3,7 227:22 228:2  
 231:11 232:21 242:8  
 244:15 245:14,17  
 246:12 247:12 248:19  
 252:3,13 253:4  
 254:20 260:7 261:13  
 262:21 264:15 265:7  
 267:3,4 268:16 272:2  
 274:3 276:9,19 277:3  
 277:12,17 278:16  
 280:16 282:6,12,13  
 282:13,21 284:3,4,20  
 288:18 290:12 293:15  
 294:8 296:22 297:1  
 298:4 300:10 303:15  
 304:5 305:17 307:1  
 308:21 310:2,17  
 311:21 314:17,21  
 318:18  
**knowing** 23:22 44:21  
 285:18  
**knowledge** 31:17  
**knowledgeable** 86:19  
**known** 4:7  
**knows** 47:4 193:4 228:5  
 244:1 251:22 283:20  
**knuckles** 42:13  
**Koffsky** 220:15,20  
 223:7  
**Koffsky's** 204:11 222:3  
**Kyle** 2:1 10:2 12:12

13:20 15:8,22 22:16  
 25:17 27:7 28:21  
 32:11 37:18 49:16  
 63:1 74:13 79:15  
 81:15 90:16 99:9  
 100:9 105:4 106:18  
 116:7 133:14 139:4  
 147:2 169:22 195:10  
 204:11,20 224:14  
 237:7 258:17 289:19  
 313:1 319:6

---

**L**


---

**L** 2:2  
**lack** 266:20 289:18  
**lacking** 175:12  
**laissez-faire** 115:20  
**landed** 17:4  
**landmark** 244:19  
**language** 11:18 13:6  
 14:6 17:12 18:5,6  
 24:17 25:3 45:11 62:8  
 139:10 180:20 196:17  
 220:3,11 242:19  
 243:6  
**large** 194:6 211:16  
**largely** 286:17  
**Laughter** 148:5  
**law** 38:1,2 43:1 50:6,21  
 51:21 52:5 56:5 85:19  
 86:6 90:19 162:6  
 184:15 205:4 241:18  
 242:16 243:4 263:4  
 265:2 266:13 269:1,3  
 269:9,10 271:17  
 273:6  
**lawyer** 67:18 75:14  
 103:20 175:15,20,22  
 176:5,7,7  
**lay** 187:14 256:22  
**laying** 202:8  
**laymen's** 33:19  
**lead** 67:8  
**leadership** 154:17  
**leads** 284:20  
**learn** 56:11  
**learned** 9:1  
**leave** 89:16  
**leaves** 23:18 183:12  
**leaving** 42:9  
**leeway** 68:5 103:6  
**left** 146:21 194:8  
 207:16 209:7 231:15  
**legal** 14:19 54:17 62:19  
 63:7,10,13,14,21,22  
 64:4,10,11 67:1,13  
 71:15 72:2 81:20 87:5  
 87:6,8,17 90:20 95:2  
 97:12,18 98:21

100:13,13 101:7  
 106:7 154:13 282:14  
 289:14 297:6  
**legally** 52:13  
**legislation** 199:22  
 206:11 243:10 304:16  
**legislative** 2:9 305:10  
**legitimate** 42:4 231:3  
 232:7,17 236:12  
 237:11 238:12,13  
 242:20  
**length** 30:10 41:6 53:2  
**lens** 165:16 178:17  
**lenses** 166:9  
**let's** 10:21 11:1 14:1,3  
 23:17 24:13 37:4  
 44:15 124:22 157:2,5  
 173:7,8 195:8 239:18  
 258:7 296:14,18  
 316:22  
**letter** 164:2 165:17  
 183:4 306:6 315:4  
**level** 30:3 41:20 46:19  
 50:9,10 64:9,12  
 217:13 271:22 293:6  
**levels** 272:13 312:9  
**liability** 33:8,14,18 34:2  
 34:2,14,17 35:12,16  
 35:19  
**liaison** 96:14  
**licensed** 259:6  
**Lieutenant** 2:1,2,10  
**life** 72:18 228:1,2  
**light** 194:19 205:20  
 233:17 254:5 270:13  
 287:8 291:19,22  
**lightly** 294:7  
**lights** 215:8  
**liked** 140:13  
**likelihood** 68:4 127:15  
**likewise** 155:11  
**limit** 43:9 221:1 260:13  
**limitation** 85:2 100:5  
**limitations** 78:6 84:18  
 86:9 260:10  
**limited** 210:5,16 250:5  
 250:20 295:13 306:19  
**limiting** 220:17  
**limits** 76:4,4 85:15  
 99:21 211:18  
**line** 21:6 34:9 41:14  
 52:20 69:1,4 83:8  
 85:8 120:3 125:16  
 126:21  
**lines** 109:3 309:8  
 318:19  
**link** 7:9  
**list** 10:2,8,9,11,13,18  
 19:11 25:18 36:21

37:1 90:1 141:4  
 160:20,22 161:7  
 163:9 306:19 308:7  
 308:10,17,18  
**listen** 23:20  
**listened** 223:1,3 228:7  
**listens** 227:16  
**listing** 233:9  
**literally** 189:11  
**litigate** 132:5  
**litigated** 133:9 204:14  
**litigation** 50:18 55:5,11  
 55:13  
**little** 26:5 35:1 39:10  
 43:17 47:9 54:22  
 55:21 56:9 63:2 65:19  
 65:20,22 66:8 67:22  
 77:15 85:8 88:10 94:4  
 94:13 132:13 166:20  
 183:3 187:4 189:12  
 219:13 227:9 254:14  
 292:19 298:6 301:5  
**live** 72:17  
**locally** 80:3  
**location** 74:9,11  
**locations** 77:8 79:13  
 153:18 293:18  
**lodged** 171:16  
**logical** 244:9 246:20  
**logically** 244:12  
**logistical** 75:11  
**long** 38:16 40:5 56:6,8  
 60:17 84:4,21 93:9  
 108:7 160:20 180:19  
 181:19 190:20 317:6  
**long-term** 111:18  
**longer** 83:9 84:5,6,7  
 112:7 180:1,5,7  
 211:15  
**look** 14:19 24:22 34:1  
 37:21,22 38:1 41:10  
 47:1,19 48:12,13 77:9  
 78:10 81:3 89:11  
 109:12 114:13 118:1  
 123:4 124:10,22  
 126:14,21 130:14  
 134:3 135:5 136:13  
 140:1,7 141:16 153:5  
 162:17 163:11 165:16  
 166:7 169:20 170:18  
 172:4 173:6 185:1  
 186:10,18 187:5,19  
 202:14,15 205:19  
 206:4 215:22 220:9  
 228:14 230:9 238:1,8  
 241:14,17 251:8  
 274:2,3 275:9,21  
 276:22 278:8 281:7  
 293:10 300:9 304:14

304:17 306:1 310:19  
311:17 317:4  
**looked** 14:5 25:7 30:1  
34:7 48:10,18 87:12  
124:4 128:4 137:22  
163:18 170:3 178:17  
276:19  
**looking** 8:1 12:9 16:6  
16:19 19:11 22:4  
25:10 27:20 29:21  
31:1 40:11 42:11  
47:17 54:19 87:20  
111:17 114:12 115:18  
115:19 120:2 123:22  
125:19 126:13 127:7  
134:17 141:12 150:12  
154:20 162:2 167:21  
205:12 212:4 216:11  
224:20 225:2 231:10  
299:3 300:22 305:1  
308:5  
**looks** 30:7 156:11  
221:4 263:18 293:21  
**loose** 189:3  
**loosely** 211:6  
**lost** 182:16  
**lot** 30:12 35:17 40:2  
43:1 54:20 70:13 85:8  
103:13 106:5 132:3,9  
132:22 136:22 137:2  
137:6 141:18 144:13  
191:16 205:12 248:7  
282:4 286:3 311:3  
318:1  
**low** 215:9  
**LRM** 133:9 144:8  
**LT** 10:19 11:5 12:14  
16:2 20:5 22:18 24:14  
25:17 27:13 29:1 30:4  
31:14 32:12 36:22  
37:9,19 40:18 46:5,17  
49:6,18 50:8 51:6,10  
56:17 57:8,14 58:9,19  
59:1,10 62:9 63:3  
66:17 69:21 70:21  
74:14 77:18 79:15,22  
80:12,14 81:16 85:13  
89:13,21 90:3,5,10,18  
91:17,20 94:20 96:15  
96:22 97:21 98:11  
99:2,11,19 100:11  
101:21 104:1 105:9  
105:17 106:19 110:4  
110:15 111:9 113:3  
116:8 117:9 118:2,12  
119:4 122:9 123:2  
125:2 126:2,5 129:3  
129:10,16,21 130:4,8  
134:12,20 136:20

139:6 140:18 147:6  
147:21 148:8,13  
150:2,11 152:15  
155:18 157:3,21  
160:13 163:6,15  
165:6,9,13,21 166:17  
166:22 167:7 168:16  
169:4,6 170:1 172:2  
172:11,15 173:16  
174:9,10,19 175:4,7  
176:15,21 178:13  
179:7,20 181:22  
182:5 184:2,6,21  
185:7,10,14 186:11  
188:22 189:15 192:8  
193:10 194:13 195:11  
195:15 196:7 199:15  
200:4,11,15,19 201:1  
201:8,11,14,16,20,21  
202:2,5,7 204:10  
205:2 206:15,19  
207:1,6,17,21 208:15  
208:21 209:4,13  
210:11 211:1,5,13  
212:3,7,18 213:22  
214:4,8 216:20  
217:22 218:8 219:18  
220:7,8 222:10  
223:12,21 224:3,15  
225:6,13 226:9,19  
228:13,18 229:1,5,17  
229:20 230:4,7,16  
231:6 232:3,6,11  
236:6,8 237:4,9 238:5  
238:10,19 240:8,15  
241:21 242:13 246:2  
247:15 249:20 250:2  
250:16 251:12,17  
253:7 255:21 256:3  
257:4,16,21 258:3,18  
260:9 261:17 263:10  
264:1,5,22 265:16  
266:2,7,10 267:13,14  
267:19 268:5,14,16  
269:1 270:6,19,22  
271:19 272:3,6,11,16  
272:19,21 273:2  
274:4,12 275:6,13  
278:8,20 279:8 280:5  
282:11 283:3,8  
284:16 285:4,7,12  
286:14 287:14,19  
288:4 289:1,12,22  
291:7,11,15 295:3  
297:16 298:13,16  
299:10,14 300:17  
302:11,18 305:7,12  
306:3 307:14 308:13  
309:4 310:5,11

312:10 313:2 314:11  
315:8,12,16 317:15  
318:1,8,12,20  
**lunch** 157:2,4

---

**M**

---

**M** 2:15  
**ma'am** 10:19 11:5 12:21  
16:2 24:15 50:8 58:19  
59:1 62:9 91:17,21  
97:7 99:3 105:9  
106:20 110:16 122:9  
125:3 126:3 129:3  
134:20 139:6 152:16  
152:21 155:19 157:4  
165:6 170:1 174:20  
179:9 185:7 192:8  
195:13 199:16 201:20  
201:21 202:9 207:18  
208:15,21 209:14  
210:11 211:2,14  
213:22 220:9 222:11  
223:14 230:5 257:6  
257:17,21 258:18  
261:19 263:11 267:13  
270:6 272:16,19  
273:1 284:16 289:2  
289:12 295:3 302:11  
312:11 314:11 318:9  
**Madam** 5:14,21  
**madness** 260:22  
**main** 260:2  
**maintain** 36:15 182:14  
283:11 309:10  
**maintained** 82:9 182:22  
**maintenance** 172:6  
**major** 36:1 311:22  
**majority** 116:1 248:16  
**maker** 276:21  
**making** 68:14 82:4 87:1  
96:2 104:11 107:6  
110:18 115:13 134:22  
136:1 146:16 171:14  
187:7 215:4 217:6,8  
217:10 219:13 224:17  
238:17 262:15 277:2  
**managed** 60:12  
**management** 105:21  
112:18  
**managers** 97:14 127:14  
**mandate** 82:14 304:18  
**mandated** 4:10 258:16  
**manned** 63:10  
**mantra** 194:18  
**Manual** 170:10 178:8  
**map** 184:12  
**March** 27:20 301:1  
**marginally** 253:22

**Maria** 2:4 3:4 4:8 45:7  
191:19 313:10 319:7  
**Marie** 189:19  
**Marine** 2:10 63:7 82:7  
111:17 115:18 120:20  
122:22 225:14 279:9  
**Marines** 85:22  
**mark** 228:3 318:15  
**married** 84:1,5  
**martial** 170:10 187:10  
199:9  
**Maryland** 6:6 7:2  
**massaging** 134:1  
**material** 139:8 186:9  
**materials** 9:11 29:12  
60:10 133:16 173:11  
184:21 293:22  
**Matt** 2:12  
**matter** 38:8 42:17 73:14  
99:16 100:17 101:1  
106:9 107:4 139:8  
157:7 169:20 183:2  
184:16 221:7 258:9  
316:14 319:12  
**matters** 99:8 102:21  
145:3 169:15  
**maximum** 80:22  
**McGovern** 2:2 25:17  
70:21 79:15 80:12  
94:20 97:21 98:11  
104:1 113:3 119:4  
129:21 130:4,8  
147:21 148:8,13  
150:2 155:18 160:13  
163:6,15 165:6,9,13  
165:21 167:7 169:4  
172:2,11 174:10,19  
175:4 176:15,21  
181:22 182:5 184:2,6  
184:21 185:7,10  
186:11 188:22 189:15  
193:10 195:11,15  
196:7 201:8,11,16,21  
202:2 204:10 210:11  
211:1,5 213:22 214:4  
214:8 220:8 222:10  
223:12,21 224:3  
225:6,13 226:19  
228:13 229:1,5,17,20  
230:4,7 231:6 232:3,6  
237:4,9 238:5,10,19  
240:8,15 241:21  
242:13 247:15 249:20  
250:2,16 251:12,17  
253:7 257:4,16 264:1  
264:22 267:14 270:6  
272:3,6 273:2 274:4  
275:6 278:8,20 279:8  
282:11 285:4,7,12



- 287:14,19 288:4  
297:16 298:13,16  
299:10,14 302:18  
305:7,12 307:14  
309:4 310:5,11  
312:10 318:1  
**MCIOs** 69:21  
**MCM** 158:5 178:7  
**mean** 14:5,8 21:16  
22:15 23:6 27:7 30:17  
42:17,19 43:11,18  
47:8,17 49:19 53:17  
53:20 56:3 58:16 60:2  
60:9 62:12 64:8 65:8  
65:13 66:14 73:17  
76:22 77:8 78:2,5  
81:9 86:12 88:14,18  
88:20 89:14 100:1  
106:21 107:1 112:6  
115:7,9,11,12,17  
116:3,18,20 118:6  
121:13,20 123:7  
128:2 134:5 135:4,11  
135:11,19 139:7  
140:15 145:5,8 152:5  
162:10,19 163:4  
165:3 167:9 168:14  
169:12,13 170:20  
172:12 175:10 176:11  
177:12 180:9,17  
187:3 188:7 189:19  
191:21 192:6 196:14  
205:15 208:13 209:10  
210:7 212:4 213:6  
214:16 216:3 219:12  
221:16 229:19 230:16  
244:10 246:11,13  
247:11 249:17 254:16  
255:10 256:5,18,21  
268:16 269:17 273:21  
275:2,4 276:16  
277:10 281:5 282:20  
283:2,13,18 284:8  
286:2 289:3 292:8,9  
292:11,17 293:13  
297:11 300:1 301:10  
304:18 305:20 306:9  
308:1,3,9 310:19  
314:16  
**meaning** 254:17  
**meaningful** 136:13  
**meaningless** 222:9  
**means** 44:13 77:12  
96:4 156:12 237:15  
242:8 258:22 263:7  
**meant** 256:5  
**measure** 34:6 36:19  
38:14,17 123:15  
126:8 128:12 150:8  
312:3  
**measured** 138:2  
**measurement** 119:14  
119:16 121:16 122:17  
122:21 129:22 130:13  
136:3  
**measurements** 119:5  
125:16  
**measures** 110:10 111:1  
124:1 149:15  
**measuring** 117:7 121:5  
121:17 141:20  
**mechanical** 123:16  
**mechanics** 138:10  
**mechanism** 168:9  
187:22 188:4  
**mechanisms** 32:18  
179:2 187:8  
**medical** 237:5 283:11  
**meet** 24:21 313:17  
**meeting** 1:5 4:4,5 5:4  
7:6,7,9,17,18 8:19,19  
8:21 9:3,6,10,12 11:7  
12:14 27:12,14 28:2  
45:15,18,22 58:4 80:1  
90:2 98:8 207:22  
303:9,10 304:9 314:8  
314:10 316:6,21  
317:5,16,19  
**meetings** 9:12 75:19  
274:8  
**meets** 303:17  
**Meghan** 2:13,14 111:9  
**member** 5:3 83:6  
182:10  
**member's** 272:11  
**members** 4:4,19,20 5:8  
5:9 9:11 18:16 25:20  
45:12 46:3 49:8 74:15  
91:19 101:15 119:19  
158:20 160:3 236:3  
240:6 248:22 255:12  
268:10 295:14 319:6  
319:10  
**membership** 5:6  
**memo** 163:19 233:9  
**memory** 150:21 181:15  
**mental** 8:8 72:16  
237:11 259:6 263:3  
268:1,9 271:4,11  
274:14 276:4 277:15  
277:21 280:1 283:11  
283:13 284:5 286:8  
286:11 291:6  
**mentally** 277:19  
**mention** 72:19 305:9  
**mentioned** 7:12 9:17  
41:9 45:17 46:9  
119:13 150:4 175:11  
184:3 189:8  
**mere** 172:6  
**merit** 159:21 160:6  
161:7  
**mesh** 137:17  
**met** 1:10 7:20 305:8  
**method** 173:11 260:22  
**methods** 69:9  
**metric** 115:22 116:13  
148:9 152:9,18,20  
**metrics** 111:18 112:2  
113:9 127:9 138:2,5  
138:18 143:4 146:7  
**microphone** 198:18  
**middle** 186:20 201:16  
201:22 202:2 306:17  
**military** 4:13,15 5:12  
6:12,15,20,22 7:2 8:2  
8:4,10,13 30:3 32:18  
33:20 53:20 54:16  
60:6 81:20 83:7,12  
87:14 88:19 89:1,5  
90:22 95:12 100:1,16  
104:19 114:22 115:10  
120:11 128:13 138:20  
145:12 151:18 153:13  
170:9 171:1,15  
172:14 175:14 178:7  
188:2 190:22 191:7  
195:5,18 196:10,15  
196:16 197:7,19  
201:11 203:4 204:9  
214:6,10 227:15  
233:6,8,13,16,21,22  
235:19 236:1,2,3,4,16  
237:18,19,22 238:2  
239:3,8,20,22 240:1,4  
240:10 241:13,14,16  
241:22 242:5,14,15  
242:22 243:11 247:9  
251:19 255:7 256:14  
259:12,15 261:21  
262:1,3 264:3 267:8  
267:21,22 268:1,4,5  
271:2,11 273:3  
277:21 283:22 284:18  
287:11 288:5 289:15  
295:2,7,14 296:20  
297:5,7 299:12,17,19  
300:3,7,8,18,19,20,21  
311:9  
**military's** 108:5 267:6  
**million** 218:21  
**millions** 172:5  
**mind** 100:10 194:3  
295:11  
**mindful** 311:13,18  
312:5  
**minimal** 173:2  
**minimum** 53:2,6 112:4  
115:8  
**minor** 100:20 103:16  
**minute** 185:1 229:9  
240:22 258:8 296:11  
**minutes** 157:1,6  
**miracle** 170:22  
**Miranda** 95:5 228:19  
**mirror** 311:8  
**mirrors** 208:11 311:7  
**misconduct** 95:8 99:8  
100:14,21 102:4,22  
**missed** 10:14,15 59:17  
60:19,22 105:9 228:4  
**missing** 41:1 119:22  
200:22,22 204:2  
**mission** 63:11,21  
**mistake** 11:8 20:9  
133:11  
**mistaken** 92:8  
**Mister** 5:1  
**misunderstood** 222:22  
**MJ** 191:5  
**MJRG** 189:1  
**MJRG's** 301:2  
**model** 67:1 123:19  
**models** 62:19 64:6  
**modification** 236:14  
249:7  
**modifications** 194:21  
**modified** 230:8 249:5  
286:18  
**modify** 236:9  
**moment** 192:1  
**monetary** 75:11  
**money** 65:20 66:3  
**monitor** 149:2 177:6  
205:1 206:6 221:6  
245:22 246:14 247:16  
257:3  
**monitored** 124:17  
139:13,13 143:4  
146:7 149:16  
**monitoring** 105:5,6  
109:16 110:10 120:16  
190:6 243:7 288:10  
288:18  
**month** 30:14,22,22 77:5  
**monthly** 7:21  
**months** 53:6,6,10 54:1  
54:3 57:22,22 58:1  
60:1 94:5 302:1  
307:19  
**mood** 93:6  
**moot** 285:15  
**morning** 4:3 7:4  
**mother** 93:16  
**motions** 214:6  
**move** 23:17 24:13

62:17 107:15 127:16  
157:13 173:8 221:5  
261:7  
**moved** 39:18 54:16  
120:8 221:12 252:22  
290:14  
**moving** 39:9 40:9 65:21  
252:5 257:16 261:5  
302:1,6  
**MRE** 186:22 194:22  
195:3,21 196:3  
197:11,12 208:10  
230:3 231:1 241:3  
258:14,16,19 270:14  
279:9,15 287:11  
289:14,17 290:9,22  
292:6  
**muddied** 312:1,2  
**Mulligan** 131:2  
**murder** 193:13

---

**N**

---

**N.W** 1:12  
**nail** 19:17  
**name** 4:8 21:21 298:8  
**names** 250:14  
**narrow** 81:3 146:14,20  
164:5 170:7 246:20  
**narrowed** 268:11 289:5  
**narrower** 296:1  
**narrowly** 253:11 259:15  
260:1 268:10 270:18  
288:8  
**national** 7:14 83:20  
**natural** 110:12  
**nature** 50:17 51:3 316:8  
**Naval** 219:2 228:11  
**Navy** 63:5,19 82:1  
111:15 112:12 113:4  
113:4 115:18 116:10  
116:11 122:22 279:12  
**NCIS** 118:20  
**NDAA** 4:16 157:22  
158:8 173:17 174:7  
176:22 177:6 205:8  
206:14 208:17,19,21  
208:22 258:17,19  
260:8 275:18 286:18  
287:9 288:2,5,9,16  
289:17 290:8 291:16  
292:2 302:5,12,13,15  
302:17 303:14 308:11  
**near** 27:9 152:2  
**necessarily** 53:19 69:8  
96:1 100:17 123:21  
127:3 131:6 133:3  
161:11,21 167:9  
190:19 213:13 224:19  
225:4 268:14 286:21

315:9  
**necessary** 17:11 18:22  
278:2 288:3 291:19  
317:19  
**necessity** 267:22 268:2  
268:4 311:18  
**need** 13:5,6 15:13,14  
15:16,22 16:14 18:3  
21:11 23:14,15 27:10  
35:16 37:12 48:2 56:8  
56:19 84:14 88:4 89:1  
90:2 94:2 98:7 109:14  
117:3 122:20 123:5  
123:21 134:15 140:19  
144:2,11 162:1  
164:18 169:9 186:13  
187:19 205:18 215:15  
218:17 226:14 232:9  
246:12 254:16 260:14  
270:17 273:19 275:10  
277:18 288:13 290:6  
290:19,20 292:14  
299:8 300:4,5,12  
304:7,13,13 305:1  
306:12 307:7 313:3  
313:11,17,19 315:9  
316:2,4,21 317:4,19  
**needed** 18:12 26:9,10  
90:4 94:8 140:13  
287:9  
**needs** 18:19 19:2 34:6  
35:15 52:20 79:14  
80:6 112:20 116:21  
122:16 134:10 135:1  
144:1,16 153:16  
168:3 193:6 205:11  
227:18 243:6 261:7  
273:16 287:21 292:16  
294:4  
**nefarious** 68:19  
**negatively** 65:11  
**negotiating** 101:9  
**negotiations** 101:6  
**neither** 160:9  
**Nelson** 2:15 291:9,12  
**nervous** 35:18 72:11,18  
221:3  
**neutral** 151:3 277:1  
**never** 53:12 68:12  
233:15,21 252:15  
273:20 274:2 279:20  
299:7  
**nevertheless** 217:12  
**new** 17:12 30:13 35:2  
35:15 42:21 44:12  
52:16 53:14 66:9  
104:16 134:2 139:7  
154:6 155:5 156:3  
170:21 195:16 199:22

200:1 202:16 203:6  
203:14,16 205:10,15  
210:12 212:5,20,22  
242:7 245:20 281:3  
286:21 308:12  
**newest** 205:20  
**newly** 60:18 160:15  
**newness** 110:7 137:1  
**newspapers** 228:1  
**nice** 120:12  
**nimble** 78:21  
**nine** 57:22 59:6  
**Nineteen** 146:6 149:11  
149:12  
**nobody's** 43:2 252:16  
**non** 95:11 104:18  
241:12  
**non-face** 76:16  
**non-penetrative** 37:7  
**non-victims** 120:5  
**normal** 73:7 96:3  
253:16  
**normally** 151:4  
**note** 59:10 158:18  
165:22 259:17 275:8  
300:17  
**noted** 75:5 168:6 241:3  
286:19 304:1 318:21  
**notice** 40:4 42:3 47:12  
94:16,16 95:19  
102:12 133:2 150:8  
173:20 174:3 197:3  
317:16,21  
**noticed** 87:11,21  
**notices** 163:10  
**notification** 97:11  
182:16 183:16 192:20  
**notifications** 159:19  
161:2  
**notified** 93:18 94:11  
97:3 143:13,14  
**notify** 93:20 95:1 108:7  
182:13,18  
**notifying** 90:13 94:22  
97:17  
**noting** 158:11  
**notion** 41:4 42:11  
**nuance** 110:4 219:18  
**nuanced** 14:17 43:17  
**nuances** 167:15  
**number** 11:1 29:2,9  
31:5,7 32:6,7 40:11  
40:13,13,14,16,17  
49:13,20 56:8,16 61:8  
87:15 109:14 114:2,4  
128:7,12,17 129:9  
135:7,10,16,17 145:2  
147:3 152:2 155:16  
158:4 174:21 175:4

192:2 228:20 258:19  
259:18 289:7,13  
308:4 309:21 311:21  
**numbered** 147:22  
189:11  
**numbers** 93:17 123:11  
128:21 129:16 130:9  
130:14,17 134:1  
135:21 136:2 144:14

---

**O**

---

**Oakley** 102:1  
**object** 30:11 149:21  
**objecting** 230:2  
**objection** 28:20 37:3  
136:17 184:18 224:8  
224:11 260:2 278:18  
286:2 287:7 288:19  
294:16 303:21  
**objectionable** 191:9  
**objections** 293:4  
**objective** 150:3  
**obligated** 218:8,10  
**obligation** 265:9,22  
266:8  
**observation** 80:16  
92:10 271:7 273:3  
**observations** 258:15  
295:9  
**obstructive** 73:8  
**obtain** 178:22 179:14  
266:8 268:18  
**obtained** 276:6 279:11  
280:7,22 282:14  
284:1  
**obtaining** 8:16 126:12  
126:18 276:4  
**obvious** 145:6 179:22  
209:10 292:9,10  
**obviously** 16:8 24:18  
37:22 49:20 64:17  
74:18 75:13 89:14  
99:13 150:13 175:8  
192:12 196:11 205:14  
208:4 212:9 219:19  
232:13 255:16 270:19  
272:22 277:8 283:17  
290:2 295:5 308:21  
**occurred** 83:8 106:14  
291:5  
**occurrence** 88:21  
144:16  
**occurs** 309:15  
**October** 8:19 11:6  
12:14 161:9 164:2  
199:20 201:5 202:13  
205:3 222:19 224:9  
286:10

**odd** 105:1  
**offender** 36:6,10,18  
**offense** 31:18,19 32:1  
 33:8,14,19 36:16  
 99:18 101:9 174:2,6  
 205:6  
**offenses** 4:14,16 31:12  
 37:6,8 86:1  
**offer** 211:20  
**office** 63:14,22 67:1,11  
 71:15 101:7 117:11  
 132:6,9 154:14 167:8  
 172:17 209:18  
**officer** 2:4,6,8 96:14  
 195:5,16,20 196:8,19  
 196:20,21 197:6,16  
 197:22 204:16 211:9  
 216:5 217:5,9,12  
 218:19 219:12 260:7  
 279:10,14 280:2,3  
 281:15 282:6 293:6  
 297:6  
**officer's** 273:15 298:11  
**officers** 171:13 203:4  
 204:6 218:13  
**offices** 63:13 92:12  
 154:19 155:19 317:17  
**official** 4:9 165:19  
 168:19 169:1,2  
 179:15 249:20  
**oh** 40:21 74:7 93:20  
 96:10 105:10 115:17  
 126:1 133:13,17  
 142:20 143:21 146:9  
 146:18 148:2,10  
 152:11 184:4 185:9  
 185:13 188:15 207:4  
 214:2 222:20 223:8  
 223:22 235:11,20  
 241:15 242:7 250:1  
 293:8 305:11 306:21  
**okay** 10:21 21:4 31:4  
 36:22 37:4,15 40:21  
 45:15,19 46:17,19,20  
 49:2,3,10,22 50:3,4  
 55:1,16 56:14 57:14  
 59:6 60:9 61:20,20  
 62:16,18 74:6,7 81:6  
 81:7,11 82:12 88:12  
 89:21 90:9 96:10  
 98:16,18 99:4 105:2  
 107:13 109:15 110:3  
 118:21 124:22 126:4  
 130:3 132:19 133:13  
 133:18,20 142:13,16  
 143:1 146:9,12,18  
 148:10,11,18 149:8  
 156:22 159:11,16  
 165:8,12 173:3,5,6,9

173:15 174:21 177:2  
 177:10,15,17 183:18  
 183:19 184:8,20  
 185:13 187:6 188:15  
 189:15 191:19 192:2  
 193:17,20 194:4  
 195:14 196:4 198:4  
 199:4,10 200:3,6  
 207:20 209:3,10  
 215:3 216:5,19  
 221:16 223:5,8,8  
 224:2,13 225:15  
 226:18 229:10,22  
 230:1,1,3 232:5 237:3  
 238:3,19 240:22  
 243:8 245:10 247:8  
 248:20 249:3 250:1  
 258:7 260:18 261:2  
 262:5,14,19,20 263:1  
 264:10 266:6 268:12  
 268:15 271:20 272:5  
 276:2 285:6,17  
 287:13,18 288:14  
 290:5,6,18,21 292:4  
 292:22 294:18,21  
 298:5,15,21 299:13  
 301:12 309:3 312:15  
 315:15 316:10,17  
 317:14  
**okays** 151:7  
**old** 30:14 84:20 85:3  
 205:15  
**older** 84:16,17  
**olds** 312:20  
**ombudsman** 309:19,22  
 310:10,18 311:5  
**onboard** 81:6  
**once** 5:13 27:15 121:11  
 122:7 131:4 257:5  
 266:8 270:15 274:21  
 275:2 282:17  
**one-time** 118:3 122:7  
**one-year** 158:9  
**ones** 56:11 83:18  
 129:11,13,18 281:18  
 306:20 307:6,9 308:5  
**ongoing** 60:7 79:6  
 118:4,18 144:6,7  
**open** 4:4 54:22 170:12  
 178:10 231:16 252:13  
**open-ended** 13:9,17  
**opened** 234:14  
**opening** 225:3 311:12  
**openly** 170:13  
**operating** 44:6 304:3  
**opining** 205:21  
**opinion** 44:6 112:3  
 168:12 169:17 232:12  
 232:13 238:15 242:1

**opinions** 12:18 17:5  
 29:22  
**opportunities** 48:18  
**opportunity** 8:20 18:20  
 190:17 305:14  
**opposed** 74:2 121:11  
 147:12 205:21 248:10  
 249:12  
**opposite** 164:15 211:14  
**opposition** 159:12  
**oracle** 61:22  
**oral** 5:20  
**oranges** 236:20  
**order** 10:7 38:5 56:10  
 85:19 109:13 114:5  
 145:11,12 153:6,14  
 196:18 199:13 236:13  
 250:14,20 281:22  
 285:20 299:21 302:16  
 303:14 305:17  
**orders** 36:4,8,16  
**org** 108:13  
**organization** 6:5,11 7:1  
 62:21 63:8,15,16,20  
 64:4,7 65:19 69:20  
 70:6 71:9,14 108:10  
**organizational** 62:19  
**organizations** 63:4  
 64:15 69:5,22 83:20  
 83:21  
**Organize** 65:16  
**organized** 63:6,17 67:3  
**original** 277:9  
**Osborn** 2:12 152:21  
 154:12 155:11 156:13  
**ought** 12:11 20:3 30:22  
 33:13 69:12 84:12  
 103:10 138:2 142:9  
 148:22 149:5 189:14  
**outcome** 23:20  
**outlier** 97:21  
**outline** 19:8 90:16  
 195:11 231:20  
**outlined** 11:16  
**output** 26:17  
**outset** 112:1  
**outside** 68:8 82:14  
 85:22 124:10 153:4  
 154:12 178:6 211:6  
 237:18 263:12 270:20  
**outsider** 162:15  
**outweigh** 226:21 294:4  
**overall** 11:22 40:20  
 49:14 63:6 69:16  
 102:2 107:5 114:13  
 122:10 128:7 136:8  
 146:2,5 192:3,10  
 294:22 295:6 301:18  
 309:11

**overarching** 24:15,20  
 167:2  
**overcome** 108:6 236:11  
 243:13,19,21 253:5  
**overlap** 132:15 273:20  
**overlapping** 132:9  
**overlaps** 273:12,20  
**overlook** 303:18  
**overlooked** 310:1  
**overlooking** 47:2  
**overly** 146:14  
**override** 241:2  
**overriding** 309:5  
**overrule** 241:10  
**Overruled** 191:14  
**oversight** 105:12 109:4  
 110:16 154:5,9,21  
 156:5  
**overtones** 85:6  
**overtook** 231:14  
**overview** 135:1

---

**P**


---

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

4:1  
**P&R** 102:1  
**p.m** 157:9 258:10,11  
 319:13  
**PACER** 172:12,13,16  
**packages** 281:1  
**page** 3:2 93:9 113:6  
 149:12 157:13 165:7  
 169:5 173:1 185:4  
 201:8,19 224:4  
 228:14 231:17,20  
 232:4 270:6 271:16  
 278:8 291:11  
**pages** 318:3  
**pains** 170:9  
**pair** 137:12  
**panel** 1:3,10 3:6 4:4,6,7  
 4:20 5:3,6,6,8,9 6:4  
 6:21 7:7,12,20 8:11  
 8:18 9:7,8,11 11:2,10  
 11:14 12:22 13:12,15  
 13:15 16:3,5,10 18:16  
 18:19 23:2 24:4,6,16  
 25:15 28:1,3 29:6  
 31:7,10,15 32:2,7,12  
 32:16 37:5,13,16,21  
 38:6,8 39:4,17 45:18  
 46:6,13,18 47:6,16  
 49:7,13 51:1,12,17  
 56:19 57:10 62:13  
 64:18 74:8 79:3 86:3  
 88:14 90:6 91:18  
 101:15 105:11 106:2  
 106:10 112:8,20  
 117:12 119:19 123:21

125:4 139:8,16  
 144:19 153:12 157:15  
 158:17,20 167:1  
 176:9 180:18,19  
 181:16 185:20 187:21  
 189:9 190:4 192:3,11  
 194:20 195:1 202:11  
 202:14 204:22 205:11  
 208:16 214:10 221:3  
 246:3,3 258:14  
 259:19,22 261:7  
 262:16 271:13 276:3  
 280:5 286:8 287:3  
 290:3,4,7 291:18  
 292:5 294:21 295:6  
 301:2,14 303:2,9  
 306:18 307:12,16  
 310:14 311:15 315:20  
 319:6,11  
**panel's** 7:18 23:12 57:3  
 58:11 62:10 127:5  
 153:6 158:15 181:4  
 201:5  
**panels** 152:17  
**paper** 92:16 93:15  
 94:14 95:12 171:17  
 171:18  
**papers** 170:20  
**paradigm** 161:19  
 162:15 167:21  
**paradigms** 162:6  
**paragraph** 23:5 201:14  
 201:16 202:1,2  
 231:18 291:13 306:16  
**paragraphs** 278:13  
**paralegal** 132:8  
**parallel** 225:12  
**parameters** 108:19  
 113:22 137:11  
**pardon** 180:3 181:7  
 182:11  
**Parole** 193:12  
**part** 7:21 9:5 17:8 25:12  
 27:18 28:12 40:8 46:1  
 46:1,10 53:1 66:12  
 67:2 79:14 85:21 96:2  
 100:21 117:19 122:10  
 122:20 137:1,18  
 146:1 157:21 158:3  
 158:21 176:13 177:13  
 188:14,21 196:11  
 197:9 217:18 219:11  
 263:11,16 275:7  
 283:16 284:7,22  
 312:13 315:19  
**parte** 293:5  
**partial** 21:15 36:19  
**participate** 9:21 128:13  
 143:11 175:2 176:2

193:1  
**participating** 183:22  
**participation** 6:19  
 136:21 175:9 176:3  
**particular** 12:17 20:16  
 20:19 21:6 22:22  
 62:14 78:22 82:7  
 84:15 109:5 155:4  
 162:2 181:8 268:19  
**particularly** 27:3 29:11  
 67:16 88:15 103:15  
 123:10  
**partly** 159:4  
**parts** 275:20  
**party** 162:14 215:5,18  
 218:21 219:3,4 259:9  
**pass** 304:15  
**passed** 14:22 158:8  
 162:10 285:2  
**Patricia** 1:20 4:22  
**pattern** 158:22 159:7  
**pay** 172:16,19  
**pays** 151:8  
**peers** 233:12  
**pending** 258:15 287:8  
**pendulum** 309:8  
**penetrative** 37:7  
**Pennsylvania** 231:15  
 234:1 237:2  
**people** 30:16 35:18  
 38:22 39:21 42:4 44:5  
 53:21 64:10 65:15,21  
 68:19 70:7,16,22  
 71:19 75:18 76:22  
 77:4 78:13,21 83:19  
 84:11 85:6 86:20 87:5  
 88:22 93:19 94:13  
 103:2,5,10 114:22  
 119:9 120:3,13  
 124:10,15 125:6  
 127:11 129:6 135:12  
 138:9 139:22 143:10  
 144:5,7 146:21  
 148:13 159:1,2  
 162:22 171:14 173:6  
 173:7 182:17 184:11  
 193:14 194:7 234:13  
 235:2,11 250:6,14  
 252:4,14 255:9,16  
 256:8 261:15 265:5  
 272:4 277:11,14  
 278:14 279:20,21  
 281:2,3,9 285:14  
 293:18 295:13 299:9  
 309:7,20 311:4  
**people's** 234:11  
**percent** 55:14 70:9  
 126:16,18 128:3,6,6  
 130:11,12 131:4,20

134:7,8 135:6 244:5  
 262:21  
**percentage** 135:10  
 194:7  
**perception** 150:16  
 255:8 256:16  
**perfect** 200:21  
**perfectly** 65:14 67:8  
**performance** 120:21  
 121:5 122:17 124:7  
**performing** 204:17  
**perform** 55:2 131:20  
 181:17 186:7  
**periodic** 118:19  
**periods** 47:13  
**permitted** 259:15 288:8  
**perpetrators** 311:20  
**person** 5:4 9:18 23:17  
 36:6,7,9 52:8 70:6  
 75:22 76:2 83:6,11  
 84:20 95:22 99:15  
 131:22 156:5 163:19  
 179:11 182:18 187:1  
 236:4 241:9 276:13  
 277:5 278:1 284:5  
**person's** 83:7  
**personal** 257:11  
**personally** 54:16 86:22  
 89:18 257:8  
**personnel** 76:3 82:3  
 86:3 90:12 281:20  
 283:2 284:19 286:1  
**perspective** 150:14  
**perspectives** 127:13  
 246:6  
**persuasion** 228:7  
**pertaining** 99:7 195:17  
**Peters** 2:13 97:7,9  
 111:14  
**Petersen** 228:19 232:6  
**petition** 187:13  
**phase** 174:14  
**phone** 9:19 93:17  
**phrase** 230:10 280:18  
**picked** 215:10  
**picture** 180:5,8  
**piece** 78:22 83:2,4,4  
 92:16 93:14 94:13  
 95:12 126:6 160:17  
 228:8  
**pieces** 68:20 187:4  
**piercing** 287:17  
**place** 17:4 38:16,20  
 41:11 60:6,8 80:17  
 134:6 152:4 189:8  
 193:3 266:14 278:22  
 309:20 313:11  
**places** 73:2 154:18  
**plane** 79:21

**planes** 76:22 77:16  
**planning** 139:5  
**plans** 9:19 156:4  
**platform** 277:2  
**play** 83:1 140:10 312:12  
**pleading** 145:7  
**pleadings** 133:5 143:15  
 143:16 145:5,21,22  
 147:20 159:19 161:4  
 163:10  
**please** 13:20,21 17:19  
 29:19 37:18 44:17  
 141:4 157:20 223:10  
 300:9  
**plus** 138:12  
**POD** 185:14 228:19  
 236:9  
**point** 11:11,14 13:1,12  
 18:18 19:5 20:21  
 21:14 25:3,15 26:16  
 36:1 39:7,17 40:14  
 42:12 48:21 49:21  
 61:16 62:15 64:16,22  
 65:6 66:7 67:6 68:1  
 68:10 73:16 89:17  
 96:12 97:22 98:3  
 104:11 106:13 109:21  
 110:12,18,19 115:13  
 118:17 121:8,14  
 122:15 125:2 134:19  
 136:18 142:18 145:1  
 146:17 151:17 155:2  
 156:3 162:4 167:16  
 168:2 169:18 170:16  
 173:16 175:7 180:4  
 180:16 182:4 183:6  
 186:1,8,10 188:3,5  
 194:2,5 195:1 196:5  
 196:12 204:22 206:3  
 207:22 224:14 228:12  
 233:2 238:18 245:11  
 246:8,13 248:21  
 250:12 251:4 264:19  
 265:11 266:5 269:14  
 269:14,15,17,17,18  
 269:18 274:20 275:11  
 285:8 294:6 295:8  
 297:2 300:1 303:22  
 304:8 317:7  
**pointed** 24:2 26:10  
 30:12 71:14 169:18  
**pointing** 202:10  
**points** 23:13,21 31:8  
 51:15 73:21 124:8  
 134:13,22 136:1  
 150:15 166:18 194:10  
 270:3 313:7  
**policies** 104:8 157:16  
 160:15 163:8 166:1

- 173:22 174:22 178:15  
178:21 179:3  
**policy** 61:6 71:20 88:8  
98:1 160:20 163:7  
166:20 167:2,12  
168:17 179:12 269:6  
283:10  
**portion** 211:16  
**portrayed** 16:12  
**posed** 50:22  
**position** 50:21 52:13  
72:5,20 190:8 239:1  
272:15 295:16,19,21  
**positions** 66:21  
**positive** 48:22 79:2  
159:14  
**positively** 218:17  
**possibility** 27:7  
**possible** 15:15 55:18  
79:18 93:19 125:22  
126:5 202:15 276:7  
**possibly** 172:4 213:15  
250:21 254:16 270:16  
288:11  
**post** 28:8 315:9  
**posted** 7:10 160:11  
315:5,10  
**postpone** 65:5 66:14  
88:13 115:1 182:4  
183:5 257:1 274:19  
296:7 300:6 301:10  
**postponed** 296:5  
**potential** 11:17 25:1  
67:10,15 69:7 274:6  
279:17  
**potentially** 46:9,11  
211:17  
**power** 34:17 196:20,22  
197:2,8 203:6,14,16  
203:22  
**powers** 198:1  
**practical** 75:16 76:4  
78:5 91:12 100:18  
115:13 213:4 270:22  
271:1 289:1 294:3  
**practically** 64:8 100:5  
101:5 213:5  
**practice** 98:14 100:3  
211:11 242:22 261:13  
274:11 280:13,14,17  
304:3 311:8  
**practices** 99:20 109:9  
109:11 157:16 263:5  
**practitioners** 39:12  
**pre** 264:13  
**precedent** 231:4,4  
232:9 241:22 242:21  
276:11  
**precursor** 124:1  
**preface** 58:14  
**prefer** 186:7 318:14  
**preference** 300:12  
**preferences** 81:5  
**prejudice** 226:22  
229:21  
**prejudicial** 225:1 226:3  
226:4,5 229:14  
253:19,20,21  
**preliminary** 76:14 211:4  
227:12,14 286:12  
**premise** 242:10  
**preoccupied** 92:20  
**prepare** 8:21 45:4 59:8  
**prepared** 10:2,9 62:17  
**prescribed** 158:6  
**present** 1:16 13:2  
143:18 213:21 218:6  
220:22 269:19  
**presentation** 300:13  
301:15 307:10  
**presentations** 58:18  
78:2  
**presented** 279:16  
**presenter** 241:3  
**presenters** 23:9 249:6  
249:10 259:19 274:11  
274:18 286:20  
**President** 43:13 47:8  
117:20 199:6 209:2  
258:20  
**presiding** 1:14 171:12  
**press** 83:19  
**pressure** 67:15  
**presumably** 304:22  
**presumed** 249:7,10  
251:7  
**presumption** 108:4  
251:8,15,15,18  
252:21 253:2,5  
**pretrial** 133:3 206:22  
207:5 209:18,21  
282:15  
**pretty** 14:18 20:14  
58:22 60:12 69:9  
78:21 86:13 245:3  
**pretzel** 169:13  
**prevails** 6:10  
**prevent** 217:6  
**Prevention** 117:21  
**previous** 9:12 31:20  
130:19 178:14 202:20  
205:8,12 311:14  
**previously** 39:11  
**priest-penitent** 208:5  
**prime** 305:13  
**principle** 235:15  
**principles** 108:16  
161:17 168:5  
**print** 93:10  
**prior** 8:8 50:18 52:5  
53:5,15,16 55:4,11  
65:5 91:9 92:1,5 99:2  
155:20 242:5 263:10  
276:5 280:2 281:14  
281:14 291:16 300:20  
**prison** 245:6  
**prisoner** 183:2  
**privacy** 8:5 161:18  
162:20 163:12,22  
165:15 166:8 167:5  
167:22 169:14 197:19  
199:8 220:13,19  
226:11,22 227:9  
229:20,21 231:3  
232:17,17,20 233:20  
234:9 236:1,5,11  
237:11,17 238:13  
239:2,6,8,16 240:2,11  
241:1,6,13,16 242:7  
243:10 244:6 245:21  
247:3 253:13 265:3  
295:1,6,7,12  
**private** 266:12 270:9  
273:22  
**privilege** 207:7 208:1,4  
208:8 235:2 237:5,10  
248:9 249:1 257:11  
259:5,7 261:11 265:3  
284:3 287:17 290:21  
291:1  
**privileges** 208:5,10  
**pro** 228:21  
**probability** 205:6  
**probable** 210:17 216:22  
**probably** 13:17 19:17  
27:20,22 53:9 72:14  
72:14 73:8 84:12 86:4  
102:7 109:6 173:18  
181:8 223:16 284:8  
284:11 292:12 300:2  
304:6  
**probative** 220:13  
**problem** 34:8 36:11  
39:22 48:5 59:22 78:6  
78:15,22 82:14 96:7  
108:3 113:14 123:8  
161:15 162:2,3 164:6  
236:19 240:16,18  
243:2,9 253:16  
269:19 273:12 275:12  
278:18 279:20,21  
281:8 293:18  
**problems** 22:6,8 25:11  
25:16 30:10,15 53:8  
104:20 108:6 201:6  
249:16 270:5  
**procedural** 91:12 187:8  
197:18 199:7  
**procedurally** 313:3  
**procedure** 18:21 47:2,5  
48:9 198:22 218:1  
275:14,21 279:3,4  
286:16 297:8  
**procedures** 40:3 47:12  
106:16 174:1 177:20  
177:22 178:8 182:20  
183:21 185:19 192:5  
195:17 197:2 198:7  
198:11,21 200:1  
202:16 212:5,20  
225:12 271:2 278:22  
279:1,6 286:22  
287:12  
**proceeding** 161:20  
162:21,22 168:15  
169:16 170:11,14  
174:5 203:21 204:1  
213:8,11,16 219:7  
**proceedings** 1:3 4:6,7  
4:12 6:21 7:7 8:10 9:7  
10:1,3 147:18 150:5  
159:18 165:19,20  
170:10 171:11 173:20  
175:3,14 181:20  
183:22 199:18 271:6  
282:15 285:15,16  
295:2,8 299:9  
**process** 13:7 17:8 18:9  
27:15,17 38:4 40:9  
41:4,5,12,17 42:21  
43:12 45:10 48:19  
50:15 51:3 79:14  
90:14 91:8 94:10  
112:6 122:11 128:14  
128:18,19,20,22  
141:21 147:10 150:4  
181:21 210:6 233:14  
233:15 247:3 261:20  
298:19 302:1 311:22  
**processes** 178:9  
193:15  
**produce** 68:17  
**produced** 261:20 280:4  
289:16  
**producing** 68:16  
**product** 19:1 317:9  
**production** 225:9  
259:10,14 260:4  
280:1 281:13 288:7  
288:17  
**professionals** 259:6  
260:5  
**Professor** 4:22  
**program** 49:15 52:16  
53:21 60:8 66:10 67:3  
69:12 70:9 74:16

97:13 103:2 104:16  
 107:5,21,22 108:20  
 109:5,8 111:10,20,21  
 112:1,19 115:9,14  
 116:13,17,19 117:10  
 119:17 120:21 122:18  
 122:21 123:16 125:6  
 125:12 126:22 127:14  
 128:9 130:1,22 131:5  
 136:3,9 138:19 146:2  
 148:21 154:6  
**programs** 8:12,15  
 49:12 50:16 62:22  
 63:4,5,7,10,19 64:5  
 64:13,18 78:16  
 105:13,19,21 106:1,6  
 106:17 107:7,19  
 110:7,10 111:2  
 124:16 127:14 132:11  
 136:22 137:2 143:6  
 153:1,7,8 154:14  
**progress** 52:18 130:14  
 166:6,7  
**progressing** 138:4  
**project** 20:1 148:4  
**promotes** 236:12  
**prompt** 83:22 174:3  
**promptly** 41:22 145:15  
**proper** 121:13 314:22  
**properly** 89:2 190:7  
 246:22  
**proponent** 167:13  
**proposal** 14:4 21:3 25:4  
 25:8 34:21 104:2  
 147:14 291:7  
**proposals** 34:11 184:22  
**propose** 5:17 135:20  
 171:7 194:21  
**proposed** 13:6 25:18  
 186:19 199:20 202:13  
**pros** 256:22  
**prosecuted** 83:22 85:7  
**prosecution** 6:10 8:3  
 53:22 67:5 71:17  
 96:13 127:20 130:10  
 155:20 156:2 174:5  
 235:10,12,15 268:3  
 268:13 282:19  
**prosecutions** 77:6  
 268:17,20  
**prosecutor** 53:3 95:16  
 130:22 131:1,8 151:2  
 151:7 159:21 160:6  
 161:6 215:14 218:11  
 227:17 228:10 263:20  
 264:2,20 296:15,17  
**prosecutorial** 92:13  
**prosecutors** 32:21 52:4  
 77:6 92:13 131:17

160:9 263:17 275:2,4  
 310:14  
**protect** 73:21 88:22  
 186:2 253:12  
**protected** 259:10  
 310:17  
**protecting** 245:21  
 281:7  
**protection** 85:5 267:20  
**protections** 197:18  
 204:13 279:12,15  
**protective** 145:11,12  
 225:11 250:20 252:6  
 254:11 299:21  
**protects** 94:15  
**prove** 33:20 217:16  
 225:16,17  
**provide** 13:10,13 17:12  
 22:20 25:5,6,13 28:3  
 29:5 38:10 49:14  
 56:20 62:12 71:5  
 85:18 91:4 99:22  
 100:6 106:4 134:14  
 136:8 174:22 178:4  
 182:1 185:14,15  
 192:3 199:6 208:7  
 268:18 274:7 284:8  
 294:22 313:8  
**provided** 18:21 38:7  
 58:10 71:10 81:19  
 89:14 97:14 106:8  
 113:8 118:16 125:14  
 132:9 137:4 163:10  
 174:3,13 177:22  
 184:22 209:19 212:10  
 269:5  
**provides** 25:13 63:15  
 63:17 156:4  
**providing** 7:15 81:21  
 91:9 116:20 120:12  
 131:11,22 137:10  
 139:17 173:11 290:1  
**provision** 33:1,3 173:19  
 174:6 207:15  
**provisions** 39:19 269:6  
 295:12  
**proxies** 138:1  
**prudent** 257:11  
**psychotherapist**  
 208:10 248:9 259:7  
**public** 1:5 4:5 8:19 9:6  
 9:8,10 18:14 19:16  
 28:2 40:4 160:10  
 171:4 175:17 213:18  
 313:18 315:19  
**public's** 162:12  
**publicly** 172:21  
**published** 162:4 315:17  
 317:15

**pull** 250:20  
**pulling** 68:19  
**punishment** 36:7  
**punitive** 8:1  
**purely** 243:13,21  
 309:19  
**purpose** 5:15 94:15  
 213:13 315:6  
**purposes** 112:19  
 238:11 263:4 269:3  
 282:18,19  
**purview** 153:5  
**put** 44:20 56:8 67:14  
 69:3 85:1 89:22 98:7  
 125:8 136:16 190:11  
 234:17 237:16 247:1  
 254:7 255:18 281:3  
 298:4 305:16 315:2  
**puts** 315:1  
**putting** 52:12 76:21  
 85:13 169:12 218:14  
 256:10

---

**Q**


---

**qualified** 99:14  
**qualifier** 57:18  
**qualify** 81:12 82:5  
**quality** 62:5 115:5  
**quantity** 312:7  
**quarrel** 272:9  
**query** 193:9  
**question** 11:20 12:1,6  
 13:17,18 15:2 20:1,18  
 20:20,22 27:5,7 31:21  
 33:11,12 34:7 38:3  
 41:9,18 50:22 53:1  
 54:6,6 60:5,16 61:11  
 64:16 65:12,12 69:11  
 69:14 75:18,21 94:22  
 97:19 102:18 103:9  
 120:16 122:6 124:14  
 132:16,19 134:5,7,9  
 136:7 139:7 140:11  
 141:3,5 144:22 146:3  
 161:8 163:2 176:10  
 185:11 213:4 216:21  
 219:6,10 231:13,16  
 250:13 251:3,8  
 255:19 262:2 264:20  
 265:7,20 269:20  
 271:22 273:18 274:10  
 283:2 285:2 290:6,17  
 306:4 313:9,22  
 314:15 316:5  
**questions** 14:3,18  
 15:11 16:20 19:10,10  
 19:12,21 20:6,7,13,15  
 21:18 22:20 24:3  
 25:19 29:3,15 32:13

39:20 42:10 56:19  
 61:12 65:12 88:15  
 108:12 117:5 118:22  
 121:19 137:8 139:3  
 141:14,17,19,22  
 142:1 144:2 266:4  
 267:3 270:20 278:4  
 290:1  
**quicker** 47:4  
**quickly** 39:18 41:8,21  
**quite** 26:10,16 152:5  
 178:11 179:22 235:17  
**quote** 273:21

---

**R**


---

**R** 11:22 14:21 16:17  
 17:19 18:1 19:19  
 20:12 21:4 23:16  
 26:21 28:16 35:9  
 38:12 43:22 47:21  
 48:14 49:2 52:15  
 53:14 58:21 60:11  
 61:5,18 66:8 68:9  
 79:1 80:15 81:2 88:11  
 88:17 89:3,8 97:5  
 107:11,16 108:11  
 109:13,19 110:1  
 112:17 113:1 121:21  
 122:4 123:7,14 124:5  
 124:13 129:8 137:18  
 138:22 142:6 144:18  
 146:1,6 148:19 149:4  
 149:13 150:6 151:10  
 151:14 152:9,12  
 154:2 155:2 156:1  
**raising** 124:19  
**raise** 16:4 61:15,15  
 73:12 134:4,9 212:10  
 247:4  
**raised** 14:2 21:14,20  
 31:22 37:20 38:3  
 51:14 66:12,18 73:12  
 73:13,16,22 124:16  
 143:2 144:22 150:16  
 200:9 201:2 202:11  
 207:21 219:10 259:18  
 263:8 269:15 274:13  
 274:21 285:14 286:15  
 286:19 289:8 290:2  
 291:22  
**raises** 19:4 40:14 65:1  
 113:17 124:14 134:7  
 135:4 278:4  
**raising** 20:15  
**ramifications** 86:10  
**Rand** 122:11  
**range** 114:8 137:13  
 261:10

**rape** 58:3 72:12 84:19  
88:20,21 103:19  
**raped** 215:7 236:4  
**rapists** 88:22  
**rapport** 95:7 103:14  
**rare** 144:15  
**rasa** 15:15  
**rate** 119:7,8,10,16  
128:2,5,11,17 129:7,9  
130:2,11,12,18 131:4  
131:7 140:4  
**rated** 67:12,13  
**rates** 120:2,5 126:9,15  
127:10 135:5  
**RCM** 195:2,19  
**re-analysis** 162:1  
**reach** 154:5 303:10  
313:19 314:6  
**reach-back** 154:8,13  
**reached** 37:13 313:12  
313:15,22  
**reaching** 154:16  
**reacting** 86:20  
**reaction** 86:16 133:21  
**read** 15:7 21:16 23:18  
33:11 54:19 135:19  
186:4 195:8 204:11  
223:2 241:6 249:4  
**reading** 33:9  
**ready** 5:17,21 9:16 24:6  
27:21 132:16 186:14  
**reaffirm** 190:4  
**real** 58:4 64:22 76:16  
145:18,20 249:15  
312:17  
**realize** 202:9 234:13  
**really** 12:6 14:8,17  
17:10 25:9,15 40:9,19  
48:9 50:22 77:13  
84:21 86:16 87:9  
88:19 93:18 104:14  
106:22 115:4,6,14  
116:16 131:7,8 132:4  
134:10 135:4 148:3  
161:22 169:11,17  
173:12 179:6 183:6  
187:12 210:3 213:18  
213:19,19 216:9  
220:17 221:21 222:2  
229:13 231:9 236:20  
242:6 244:18 251:2  
252:22 254:1,10,17  
254:20 263:12,22  
269:13,20 274:16,18  
282:3 285:7 301:4  
311:3  
**reason** 19:20 37:11  
84:11 132:14 178:5  
241:20 268:21 271:12

282:5 294:3 313:17  
**reasonable** 204:1  
206:10 217:17 308:1  
**reasoning** 23:2  
**reasons** 22:1 24:20  
73:19 75:10 178:10  
248:7  
**recall** 34:18 92:2 93:5  
111:11 163:22 164:5  
203:2 255:6  
**receive** 5:19 9:7,9  
273:9  
**received** 9:11 12:16,19  
36:7 50:9,11 51:15  
52:3 125:7 185:8,20  
186:9 243:4,5 246:3,3  
246:4,7 247:16 285:5  
286:15 291:8 312:6  
**receiving** 159:17 166:4  
**recognition** 103:1  
**recognize** 76:20 92:17  
242:6 293:13,16  
307:4  
**recognizing** 69:6 78:5  
78:19 153:7,22  
**recollect** 291:3  
**recommend** 33:20  
37:14 47:18 48:8 78:6  
108:16 145:20 153:12  
158:5 159:9 173:7  
185:12 259:22 273:9  
**recommendation** 12:11  
13:15 35:2 51:8 56:22  
58:12,16 65:5 66:19  
75:10,13 78:1 80:21  
81:7 87:1 91:21 92:3  
92:7 98:15 104:12  
117:2 142:10 157:12  
163:5 169:19 171:2  
171:20 172:3,7  
174:20 176:10,14  
177:2 181:1 186:1,8  
186:12,14 187:21  
189:12 190:1,3 230:5  
230:10,12,18,21  
236:9 238:11 242:18  
243:5 246:12 248:19  
275:15 294:18 298:6  
301:11,16 305:16  
315:14  
**recommendations** 5:17  
9:4 11:18 13:3,11  
29:5 32:4 49:12 56:21  
86:4 139:17 153:6  
188:12 191:9 192:3  
257:20 258:13 261:3  
292:6 294:19,22  
298:14 301:18 305:13  
311:14 313:7

**recommended** 91:22  
176:12 181:16 187:17  
**recommending** 33:18  
173:10 222:19  
**recommends** 57:10  
217:12 262:15  
**reconcile** 24:4  
**record** 16:6 28:22 87:2  
157:8 237:12 258:10  
283:14 315:19 317:7  
319:13  
**recorded** 7:8  
**recording** 7:10  
**records** 8:9 248:10  
249:21 250:4,8,17  
257:5 259:11,13  
260:4 261:16,20  
263:3,9,15 266:8  
268:1,9,18 269:4,11  
271:4,11 272:2 273:5  
273:13 274:15 276:4  
276:5,13,17 277:6,7,9  
277:17 279:4 280:1,4  
280:7 281:4,8 282:20  
282:22 283:4,12  
284:6 285:20 286:9  
286:12 289:16 292:11  
292:15 294:12 296:14  
296:21 298:12 299:5  
299:7 300:2 304:4,10  
304:11,15,18 305:2  
306:2 307:8  
**recused** 281:2  
**recusing** 6:19  
**redacted** 160:8 250:15  
**Redmond** 231:14 234:1  
234:7 235:1 237:15  
**reduced** 180:4 289:9  
**reduces** 187:3  
**redundancy** 136:19  
**redundant** 179:6,7  
207:10,13 221:6  
252:12  
**reevaluations** 79:10  
**refer** 23:8 32:3 189:10  
199:7 309:22  
**reference** 73:7 87:22  
**referral** 29:4 300:21  
301:5  
**referred** 11:15 12:2  
31:15 32:13 37:10  
165:4 189:1 190:21  
297:17,19 299:7,18  
301:6  
**referring** 46:9 232:3  
263:7 298:21  
**refers** 129:22 197:3  
302:18  
**reflected** 173:18

**reflection** 119:17  
**reflective** 159:4  
**refresh** 150:20  
**refused** 152:20  
**regard** 12:8 34:11 61:6  
234:5 271:21 282:22  
304:1  
**regarding** 4:15 11:3,7  
11:21 12:16 31:11  
32:9 46:7 66:19 74:9  
92:4 99:5 109:8  
178:16,21 183:21  
190:17 195:6,21  
201:2 263:3 292:6  
295:7  
**regardless** 102:22  
192:18  
**regime** 205:8  
**register** 36:9 47:7,11  
102:12 192:21  
**registered** 36:6,18  
**registration** 36:17  
**regular** 60:11,13 79:10  
144:4  
**regulated** 33:15  
**regulating** 147:11  
**regulation** 44:20  
105:12 109:5 194:20  
**regulations** 33:20 35:3  
35:10 40:2 41:11 43:8  
54:20 109:8 158:6  
263:2  
**regulatory** 98:19  
108:18  
**reincorporate** 190:3  
**reinforcing** 79:4  
**reiterate** 38:12 102:8  
**rejected** 188:14,18  
**related** 4:14 20:6 22:20  
33:12 82:21 131:16  
164:4 306:14  
**relates** 29:14 164:3  
**relationship** 36:2 83:12  
162:12  
**relationships** 32:10,22  
33:2,5,6 34:12  
**relative** 226:11,12  
**relatively** 27:9,10 67:17  
**release** 263:3,8 267:10  
267:12 285:19,20  
298:11  
**released** 102:11,13  
273:8 279:10  
**releasing** 253:12  
**relevance** 20:17 208:1  
208:2 226:2 244:13  
**relevancy** 246:18,19,20  
273:5  
**relevant** 224:22 225:16

225:22 244:8 253:18  
253:22 265:13 296:17  
**relieves** 95:20  
**reluctant** 256:8  
**rely** 118:9  
**relying** 250:5  
**remain** 180:19 220:1  
**remains** 61:17 219:20  
219:21 220:2  
**remember** 34:10 43:10  
71:12 75:17 93:4,22  
94:3 150:22  
**reminds** 278:13  
**remove** 209:15,22  
220:14 290:8  
**removed** 206:16 207:6  
208:17,22 210:4  
252:9  
**removing** 189:7 223:13  
302:3  
**render** 7:3  
**renumber** 40:22  
**repeated** 251:4  
**repeating** 139:3  
**replaced** 302:17  
**report** 4:17 6:5 7:15,19  
8:22 9:5 10:4 11:9,16  
19:21 20:7 21:16,16  
21:22 22:19 23:12  
26:2,4,15,20,22 28:6  
29:4 38:11 45:13 46:1  
46:2 48:3,17 49:16  
50:7 51:5,11 59:3,4  
59:11 61:12,13 64:2  
64:19 80:6 87:11 88:3  
89:16,19 90:19 112:9  
112:11 113:7 117:9  
117:19 119:13 125:14  
126:6,10,11,17  
127:12,13,19,21  
128:3 134:3 135:22  
139:10 144:2 165:7  
168:17 170:6,17  
173:19 179:14 185:6  
189:8,10 201:9 220:9  
224:5,16 231:21  
274:5 275:7 278:9  
279:16 290:2 300:22  
304:6,7 305:9 306:5  
306:11,11 309:12  
313:8,17 314:2 315:1  
315:3,18 316:5 317:1  
318:4 319:9  
**reported** 101:10 291:4  
**reporting** 63:8 68:7  
97:17 105:6 109:16  
113:4 114:15 120:16  
134:6  
**reports** 91:5 126:19

127:1 134:4,8 135:10  
135:13 159:20,20  
161:4  
**represent** 16:13 52:9  
57:19 70:16 99:16  
100:17 129:17 159:22  
181:11  
**representation** 6:14  
90:15 91:4 98:22 99:6  
118:18 190:18  
**representative** 34:14  
34:15 70:21 106:4  
169:2 182:9  
**represented** 16:10  
125:20 128:5 129:6  
129:11,13,18  
**representing** 67:21  
74:1 99:7 100:22  
178:18 179:10 180:2  
**represents** 6:11 128:1  
**request** 125:4 152:19  
168:19 177:21 179:13  
180:3 181:6 276:7  
280:8  
**requested** 141:7 185:20  
**requesting** 140:3  
168:17  
**requests** 5:20 9:9 80:7  
164:9 168:8  
**require** 36:9 42:2  
153:10 155:19 225:7  
288:17 294:13 310:14  
**required** 31:17 34:4  
38:22 85:15 153:16  
157:22 168:21 201:17  
205:4 209:1 210:2  
219:21 220:5,11,14  
221:21 222:5,5,6,8  
225:2,10 249:6,9  
250:8 251:6 253:10  
255:3,15 258:20  
259:3,4 260:11  
261:10 281:2 288:17  
289:3 290:9 302:4,9  
310:15  
**requirement** 52:2 81:17  
83:3 85:18 87:19  
92:12 95:1 105:18  
207:15 259:14 288:7  
290:8  
**requirements** 36:18  
59:7 81:12 90:18  
158:4 208:3  
**requires** 81:18 209:1  
**requiring** 191:22  
**research** 20:1,2 191:20  
264:22  
**reserve** 248:21  
**reservists** 82:2

**resident** 196:9  
**resolve** 45:15 103:19  
313:13 314:19 317:5  
317:12  
**resolved** 89:2 103:17  
**resource** 6:7 7:3 70:5  
150:15 152:7  
**resources** 78:17 79:11  
**respect** 81:4 152:13  
222:2 236:21 248:4  
248:11  
**respond** 12:13 317:2  
**response** 17:2 48:22  
56:15 90:12 117:21  
130:12 163:18 176:9  
180:18,18 181:4,16  
185:10 187:20 189:9  
189:11 190:4 275:17  
310:13  
**responses** 182:1  
**responsibilities** 69:17  
**responsibility** 68:15,21  
69:1,2 105:20 111:3  
115:15 313:5  
**responsible** 67:5  
**rest** 14:15 50:2 72:17  
95:11 104:18 114:10  
114:11 144:10 164:19  
205:22 228:1 233:19  
245:18  
**restricted** 119:7 126:11  
126:19 127:12 134:4  
134:8 135:10 141:6  
**restrictive** 127:19  
135:13  
**result** 88:7,8 127:20  
216:21  
**results** 301:2  
**resumed** 157:8 258:10  
**retaliation** 68:3  
**retention** 120:2,5 140:4  
**rethink** 108:9  
**rethinking** 162:1  
**Retired** 4:22  
**return** 274:2 283:6  
**returned** 283:9  
**reversed** 255:1  
**review** 4:11 7:22 8:7 9:3  
13:10,10 34:20 45:5  
58:11 62:10 88:14  
125:17 142:7 163:7,8  
166:2,3,16 168:3  
174:20 185:1 190:22  
191:5,6 208:9 232:19  
249:21 259:13 261:21  
262:4 264:9,13  
266:20 283:5 287:16  
287:22,22 288:6,13  
289:7 297:3 300:18

300:22 301:2,22  
315:20  
**reviewed** 8:11,14 9:2  
117:6 162:18 297:21  
**reviewing** 109:22 117:2  
165:7  
**reviews** 60:13 159:21  
160:6 161:7 287:10  
287:13 314:6  
**revise** 259:11  
**revised** 13:6 263:5  
270:2 289:14  
**revision** 11:17 37:17  
42:16 169:10 270:3  
288:5  
**revisions** 13:5,6 189:2  
**revisit** 104:13 105:4  
257:5  
**rewrite** 159:3  
**RFI** 70:22 98:12 181:22  
**RFIs** 98:11 125:12  
**rhetorical** 139:3  
**rid** 86:9  
**ridiculous** 168:11  
**right** 18:6 28:9 30:4,17  
35:14,20 44:1 45:8  
46:20 48:6,12 51:6  
52:10,11 56:7 58:14  
61:9 62:8 66:5,9,11  
68:15 70:13,18 73:6  
78:20 79:22 80:20  
88:7 91:22 92:5 93:2  
95:3,4,20 98:2,9  
99:17 100:16 103:12  
103:15 105:2 107:16  
109:18,19 112:21  
113:2,15 115:3 116:6  
118:2 121:6 126:9  
136:10 142:21 147:6  
148:7,22 149:3 151:5  
151:13,16 152:11  
154:3,11 155:11  
159:13,15 162:9,15  
162:16,19 163:17  
169:6 171:21 172:12  
172:22 175:6 176:19  
176:19,21 177:1,11  
178:19 179:18 180:8  
180:11,16 183:16  
185:13 186:4,16,17  
186:21 188:19 189:7  
189:11,20 190:10,14  
190:20 191:18 193:22  
194:9 197:14,21  
201:14 202:6,8  
203:19 204:21 206:20  
206:21 208:14 209:20  
210:8,9 212:3,6 214:4  
214:7,11,20 220:7,18



220:21 221:5 222:10  
 224:1,9 225:20  
 226:13,15 227:11  
 229:4,8,22 230:1  
 234:5,8,13,16 235:14  
 237:8,13,18,20 239:2  
 239:4,6,8,9,12  
 240:6,17 244:15  
 246:13 247:14 251:5  
 251:14,21 252:6,10  
 252:16 253:3,19  
 254:21 255:13,21  
 256:1,3,21 257:18,19  
 261:5 265:16 266:9  
 267:16 269:15 270:21  
 272:20 275:18 276:17  
 276:18 282:1,8  
 285:12 286:4 287:18  
 288:22 290:11,14  
 293:9 294:15 296:2,8  
 297:19 301:4 302:2,7  
 306:7 311:6,10 312:9  
**rights** 8:17 57:20 91:10  
 157:12,17 158:1,7  
 162:20 164:8 173:20  
 173:20 175:2,8 187:9  
 188:1 192:6 206:16  
 207:2,9 209:16  
 210:13 211:15,22  
 219:14 223:13 229:3  
 229:14 233:4,7,12  
 236:5 238:15 239:16  
 239:18 240:10 241:3  
 241:6 242:11,15  
 243:3 254:12,12  
 255:10,11 309:9,10  
 309:18 310:1,17  
**rigorous** 60:12  
**rise** 108:15 303:13  
**risk** 270:11 272:7  
**risks** 278:3  
**Ritchie** 231:15 234:1  
 237:2  
**road** 26:7 48:13 65:6  
 77:5 78:11 89:12  
 294:12  
**robbery** 82:18  
**role** 5:11 61:1 104:7  
 122:16 127:18 147:10  
 277:21  
**roles** 64:14  
**rolling** 45:1 47:14  
**room** 76:2 215:11  
**routine** 284:17 285:19  
**RSP** 18:10 91:21 92:7  
 187:20 188:11 298:14  
**rude** 81:9  
**rule** 21:10 83:15 184:15  
 185:19 186:19 195:19

196:3 207:11,22  
 208:1,2,4,11 230:17  
 236:9 242:12 253:17  
 254:3,8,10 258:21  
 259:8,21 260:10,12  
 267:8,9,22 279:22  
 287:19 298:8  
**rule's** 259:4  
**rules** 8:7 23:10 38:5  
 40:2 145:3,3,16,18  
 147:5,7,11,16 161:21  
 179:4 183:20 185:22  
 186:13,15,16 187:17  
 195:2 197:11 199:21  
 205:10,12,15,20  
 206:4 210:2 211:5  
 212:18,19 213:1  
 245:20 253:18 254:5  
 256:2,5,7,7,14,14  
 262:17 263:13,15  
 266:15,21 267:6  
 269:5,7 278:14  
 280:11,15,16 282:17  
 295:10 316:2  
**ruling** 167:5 298:10  
**rulings** 186:22 204:18  
 241:6  
**rumors** 120:9  
**run** 156:5 203:9 303:19  
**Ryan** 102:1 228:19  
 232:7 291:9

## S

**safeguarding** 278:10  
**safeguards** 73:20  
**safety** 309:17 310:4  
**sake** 147:12 157:10  
 280:8  
**Sanskrit** 45:8  
**SAPRO** 117:11 121:16  
**SARC** 90:21  
**SARCs** 80:1,3 91:3  
 97:15,16 131:19  
 132:21 143:3  
**satisfaction** 115:22  
 116:11,18 117:4,6,16  
 118:10,15 119:15  
 120:21 121:4,10,15  
 121:18 122:1,20  
 123:13,15 137:19  
 138:1,20 140:11  
**satisfactory** 122:2  
**satisfied** 62:3 131:10  
 140:12,15  
**satisfies** 22:11 94:2  
 311:3  
**satisfy** 25:22 62:2  
**save** 275:7

**saved** 191:16  
**saw** 160:22 242:17  
**saying** 10:14 13:1 35:5  
 49:15 53:16 75:22  
 85:4 95:21 100:19  
 119:3,15 122:16  
 125:18 136:6 144:8  
 146:19 149:14 153:16  
 174:16 176:6 189:5  
 197:16 198:5 199:6  
 204:19,20 213:8  
 222:4,8 223:7,9  
 235:18,19,22 237:14  
 237:16 238:22 239:1  
 239:4,10 240:11,19  
 241:12,18 242:3,16  
 242:19 244:17,19  
 247:4,21 256:2  
 262:16 265:8 275:17  
 280:7 299:16 308:17  
 309:1  
**says** 44:14,19 72:9 87:5  
 90:19 102:13,21  
 173:21 176:2,6  
 182:20 186:20 198:10  
 209:7 215:7,8 220:6  
 227:20 233:6 236:11  
 238:1,3 239:11  
 243:15 254:2,4  
 255:15 270:8 276:21  
 288:4 293:3 306:17  
 314:18  
**scale** 254:14  
**scene** 95:15  
**schedule** 157:4  
**scheduled** 157:4  
**scheduling** 174:4  
**Schloff** 29:14,19  
**school** 56:5  
**scope** 99:6 216:7  
 242:17 263:12 270:20  
 289:4  
**scratch** 15:15 17:18  
 255:14  
**screen** 273:4,5  
**scrutiny** 255:7  
**sea** 54:21  
**seal** 299:11,13,19  
**sealed** 160:12 250:4  
 279:11 299:5 304:5  
 305:2 307:8  
**sealing** 195:17 196:1  
 283:1 300:6  
**second** 104:4 119:7  
 127:8 149:18 153:5  
 153:14 158:3 195:9  
 206:12 209:11 222:18  
 226:11 227:6,8 262:2  
 268:21 269:1

**secondly** 135:2  
**Secretaries** 173:22  
**Secretary** 4:18 5:18  
 7:16 13:16 47:7 102:1  
 158:4 176:11 188:6  
**section** 4:16 63:12  
 157:18,21 210:5  
 258:13,18 307:15  
**sector** 53:18  
**see** 15:5 21:17 22:16  
 45:19 53:7 55:20  
 59:20 65:6 72:16 73:8  
 76:13 80:5 83:16 85:4  
 93:16 95:5 98:2  
 102:13,15 104:12  
 116:15 120:1 130:15  
 140:1 144:14 146:9  
 147:4 157:5 164:14  
 164:21 170:13 192:16  
 199:2 206:6 212:22  
 225:21 228:14,15  
 243:22 245:13,20  
 250:8 253:15 261:12  
 271:15 276:14 287:5  
 288:11 289:9 291:20  
 292:1,14,16 293:3,4  
 294:15 296:20 299:20  
 303:10 305:3 307:20  
 310:1 313:4 315:11  
 315:21 317:3,4 319:4  
**seek** 73:14 100:16  
 193:10  
**seeking** 71:1 90:21  
 104:3,5  
**seeks** 259:9  
**seen** 58:6 122:6 217:20  
 252:16  
**sees** 264:18 265:12,21  
**selected** 50:5,11  
**self** 113:5  
**send** 47:6 48:15 189:21  
 276:22 298:14 314:4  
 314:5 315:1,4 318:4  
 319:1  
**sends** 47:8 183:3 256:9  
**senior** 154:15 201:11  
 272:13  
**sense** 22:3 60:4 70:19  
 101:16,19 103:8,13  
 129:6 200:8,21 222:1  
 224:20 226:2,4,5  
 246:15,16,19,20  
 286:3  
**sensible** 308:2  
**sent** 30:8 125:21  
**sentence** 180:4,22  
 186:20 187:3  
**sentencing** 144:11  
 187:1

- separate** 37:6 113:21  
138:18 240:1 269:14  
306:5 309:21
- separately** 27:1 310:3
- serial** 88:21
- series** 279:15
- serious** 65:1 71:12  
134:5,9 144:7 245:3,5
- serve** 50:6,11 59:9  
196:19
- served** 6:16 52:8 120:3
- serves** 6:7 94:14
- service** 6:20 53:5,15,22  
54:2,7,10 70:14 71:17  
71:20 72:1,2,6,22  
83:17,20 84:6,7,15,21  
84:22 85:14 96:6 97:9  
107:4 116:9 120:7  
127:21 138:8 141:3  
167:7 173:21 178:3  
184:14 255:12 263:2  
265:21 268:9 272:11
- servicemembers** 273:1
- services** 7:3 8:13 32:19  
41:21 47:5 50:15,16  
50:19 51:22 62:21  
65:21 68:6 69:9 71:2  
71:7 76:15 79:9 81:13  
81:13,18 82:1,2,4,9  
83:10,12,16 84:2,12  
85:15,17,18,20,22  
86:6,7,19 91:13 92:14  
93:17 97:22 98:12  
99:20 100:7,16  
101:10,20 103:4  
104:15 105:7,13  
106:1,1,7,8,17 108:3  
108:6 109:10,11,21  
110:6,8 111:2,6,10,11  
113:8 114:15 116:20  
117:5,13 118:8,15,17  
119:6 120:1,4,17  
121:17,22 125:11  
126:8,9,12,16,18  
128:12,15,21 131:12  
132:10 134:16 137:4  
137:17 141:1,13,19  
143:5 153:10,14  
156:10 166:18 174:22  
177:18 178:15,21  
179:2 180:11 183:13  
183:20 184:13 193:11  
206:7 266:17,18  
269:22 293:14 310:3  
310:12
- servicing** 50:19 74:18  
103:10 125:6
- session** 39:9 182:8
- set** 12:4 16:19 20:14  
65:11 81:10 108:15  
108:15,18 111:20  
118:13 130:17 138:5  
138:6 145:18 149:14  
151:11 152:10 154:19  
197:3
- setting** 18:14 313:18
- seven** 49:13 136:7,14  
146:3,11 147:15  
148:16
- severity** 102:22
- sex** 36:4,5,6,9,18 99:18
- sex-related** 174:2
- sexual** 4:13 8:3,6,8,15  
29:15,17 30:20 31:18  
32:22 33:6 34:12  
82:10,13,14,16,17,19  
82:21,22 101:9  
117:21 120:11 131:2  
175:19 177:20 213:12  
215:22 216:1,12  
291:4
- share** 169:2
- shareable** 179:16
- shared** 28:12 152:3
- sheet** 133:1
- shock** 92:19
- short** 27:10 35:12  
160:22 161:7 166:4  
186:6 318:4
- show** 84:14 142:2 144:9  
210:17 217:14 225:8  
241:15 293:11 294:6  
307:11
- showed** 100:9 133:6
- showing** 26:14 130:13  
227:12,14 279:6  
291:2
- shows** 294:5
- Shrader** 245:7
- side** 44:8,10 90:1 99:12
- sides** 22:21 25:2,11  
93:10
- sign** 26:8 28:8 96:21  
97:3
- signal** 251:18 254:9  
256:10
- significance** 198:10  
278:17
- significant** 259:21  
286:16
- signs** 93:11 97:6,8
- similar** 154:1,14 158:15  
215:18 289:16
- simply** 24:22 52:9 75:11  
84:3 137:5 190:3  
193:8 237:15 266:18  
290:1 295:4 300:8
- Simultaneous** 148:6,12  
155:14,22 188:9  
212:14 305:18 310:7  
314:14 316:12
- single** 88:21 145:7
- sink** 42:17
- sir** 90:3 94:22 96:11  
99:19 140:18 206:15  
224:4 253:14 268:5  
289:22
- sit** 144:11 303:12
- sit** 87:22
- sitting** 276:17 277:4
- situation** 52:7 72:3  
84:22 205:20
- situations** 74:10 175:21
- six** 40:11,13,14,17,18  
53:6,10,22 54:3 57:22  
60:1 131:4 223:17  
302:1 307:19
- sixth** 4:5 33:12 56:2  
220:21
- Sixty-seven** 267:14
- skill** 175:16
- skip** 157:11
- sleepy** 148:14
- slice** 69:15
- slightly** 130:9 159:5  
196:5 237:16 296:9  
314:19
- slip** 279:18
- slow** 44:9
- slowly** 40:9 44:5
- small** 35:15 69:15
- smaller** 70:10
- smile** 22:16
- smiling** 247:13
- social** 132:8
- solely** 87:17
- solution** 21:15 22:12  
25:14 68:18 78:19  
191:22 257:8 288:15
- solutions** 46:11
- solve** 172:4
- solved** 189:6 191:13
- solves** 96:7
- somebody** 30:11 47:4  
54:9 58:3 65:22 66:2  
72:3 103:14 115:19  
118:22 154:22 155:5  
156:3,10,12 164:7  
176:5 181:11 187:16  
215:11 247:6 276:16  
277:18 292:16 297:6  
301:6 315:20
- somebody's** 300:3
- somewhat** 47:4 101:11  
131:15 158:15 167:14  
182:11 304:3
- soon** 66:9 102:12  
131:17 142:3
- SOP** 175:13
- sophisticated** 14:18
- sorry** 81:8 96:22 105:10  
105:11 116:9 139:2  
142:20,21 148:2,7,10  
149:11,12,13 222:2  
222:20 223:9 224:14  
231:9 236:8 256:5  
271:20 295:17 318:10
- sort** 12:3 14:22 16:18  
23:1 25:5 26:7 28:8  
36:3 40:7 44:6 69:8  
76:11 81:22 85:5,12  
88:5 93:9 103:8  
108:15 110:15 118:13  
125:16 136:14 137:22  
141:16 153:4 154:9  
159:6 161:19 168:1  
169:7 231:15 250:19  
273:4 296:4,10  
316:18
- sorts** 138:1 148:20
- sought** 141:13
- sound** 43:18 76:13
- sounds** 150:1 191:11  
204:1 206:9 217:20  
225:15 252:6 279:17  
287:6 288:21 300:11  
308:1
- speak** 80:7,11 143:18  
144:8 175:15,20,21  
176:1,7,8,16 196:12  
247:6 259:18
- speaker** 175:17 178:3
- speakers** 230:13
- speaking** 148:6,12  
155:22 164:6 188:9  
212:14 305:18 310:7  
314:14 316:12
- speaking)R** 155:14
- special** 5:11 8:11 54:14  
57:11 58:4 71:16  
72:20 78:3 95:3 96:16  
97:3 105:19 120:12  
130:22 131:17,21  
147:17 152:2 155:10  
156:6 190:18 227:16  
228:3
- specialized** 131:1
- specific** 11:15 13:18  
14:21 16:3,14,19  
18:18 19:10,20 22:13  
24:1 25:6 31:15 32:13  
33:1 34:3,3 49:20,21  
55:2 56:21 57:2 63:12  
79:12 86:1 96:20  
122:19 125:5 150:12  
163:3,4 164:5 171:2

185:11 192:12 199:18  
236:10 266:3,4 271:3  
297:8  
**specifically** 80:1 117:1  
128:16 147:16,19  
176:12 181:18 233:10  
260:16 269:6 274:12  
**specificity** 27:2  
**specifics** 42:9 119:13  
**specified** 20:7 201:6  
**specifies** 195:4  
**specify** 98:20 195:3,19  
297:2  
**spectrum** 35:6,7  
**Speier's** 34:14  
**spell** 36:13  
**spelled** 90:19 125:14  
269:7  
**spend** 205:11  
**spoke** 80:1 82:2 106:4  
190:16 234:20 276:16  
**Sprance** 2:5  
**stability** 15:18  
**staff** 2:1,2,3 8:22 10:2,6  
10:9,14 16:7 22:12  
44:11,13 45:4,10  
46:12 58:9 63:9,16  
64:1 67:4,13 125:4  
134:1 142:4,17  
165:10 202:8 207:19  
231:18,19,20,20  
250:20 265:1 285:22  
290:1 319:7  
**staff's** 207:17 313:4  
315:13  
**stage** 26:17 128:18  
132:3 249:17 265:19  
297:13  
**stages** 92:1 262:4  
**stakeholders** 132:21  
143:2 150:4,12  
152:14  
**stand** 101:17 145:4  
147:9 157:6 163:22  
211:12 212:2,16  
215:21 218:7,18  
219:6,7 234:17  
303:12  
**standard** 14:8,11,13  
19:7 71:19 120:21  
218:1 219:10 243:17  
243:18 244:14 259:12  
288:5 289:15,18  
**standardization** 99:5  
**standardize** 107:1  
177:18  
**standardized** 44:7  
107:8,18 263:2 270:1  
273:9

**standardizes** 178:8  
**standards** 106:15 107:9  
110:9 125:13 156:10  
269:22 287:10  
**standing** 179:8 183:21  
243:13  
**standpoint** 150:17,17  
**stands** 189:13,13 198:1  
**start** 5:22 11:1 107:17  
112:9 157:14 187:4  
187:11 224:22 234:19  
277:6 281:3  
**started** 7:22 130:21  
247:21 297:10 305:7  
**starting** 15:14 255:14  
**startup** 148:21 149:4  
**state** 72:16 113:20  
114:16 132:22 170:21  
208:7 238:21  
**stated** 24:12 232:7  
287:15  
**statement** 3:5 5:10,14  
5:22 45:4 91:9 159:13  
161:10 165:4 195:12  
218:12 228:14,18  
232:12 236:10 237:14  
310:15,16 316:3  
**statements** 143:9 235:6  
**states** 1:1 114:6 195:15  
239:11,15  
**station** 78:20  
**statistic** 115:2 128:8  
**statistics** 113:19  
114:10,21  
**stats** 141:20  
**statue** 26:3,22 65:19  
165:10 193:1,3  
**statute** 14:15 15:16  
17:13,18 20:11 22:6  
42:22 84:18 86:8 87:4  
87:18 88:9 91:2  
100:12 167:20 177:8  
207:11 220:3,5  
243:12 246:22  
**statutory** 18:5 31:11  
88:2 98:19 169:10  
194:20 307:7  
**stay** 120:7 219:4 296:19  
**step** 53:11 141:16  
225:9 228:5,5 265:1  
**stepchild** 151:22  
**stethoscope** 29:17  
**stints** 103:5  
**stipulated** 79:9  
**Stone** 1:18 3:5 5:1,10  
5:13 6:2,3 20:21  
21:14 26:1 29:10 30:6  
31:3 33:9 34:10,19,22  
35:14 36:14 41:2 44:8

46:4,9,22 48:7 52:22  
53:19 54:8,12,15 55:6  
55:8,12,20 57:7 58:2  
59:15 61:2,9 65:8  
70:3 71:11 75:17  
77:20 79:20 82:12  
86:8 88:6 89:22 90:4  
92:9 95:10 96:10 98:5  
98:17 99:10,17  
101:16 104:18,22  
105:14 107:12,21  
112:4 113:16 115:21  
118:21 119:21 123:11  
129:14 131:13 132:19  
133:10,13,17,20  
136:5 137:7 139:18  
142:15,19,22 143:7,8  
145:1 146:10,13,18  
146:22 148:15 149:10  
150:1 151:1,6 152:1  
152:11,18 156:8  
160:4,22 161:13  
164:2 165:17 170:2  
170:16 172:8,12,15  
172:22 174:16 175:10  
177:16 178:2 179:21  
181:5,12 182:7 183:8  
183:11,14 185:17  
186:17 187:11 188:10  
188:15,20 189:7  
191:11,14,16 192:16  
193:17,20,22 194:3,6  
202:4 203:1 204:3  
206:11,18,20 209:6  
210:15 212:15 215:1  
215:4 216:17 217:20  
218:10 219:17 221:9  
222:13,18,21 223:1,3  
223:16,22 224:11  
225:11,20 226:17  
227:4,7,11 228:22  
229:4,7 230:11  
231:13 233:1 234:7  
236:7 237:1,8,13  
238:7 239:13 240:4  
240:21 242:2 243:8  
244:18,22 245:3,7,12  
245:15 246:1 247:5  
248:11,15,20 249:2  
251:3,14,20 252:2,7  
252:10,19 253:4  
256:17 260:17,19  
262:11,18 263:17  
264:10 265:7,17  
266:2,6,9 267:3 268:3  
268:12,15,21 269:8  
273:11 274:21 275:10  
276:9 280:7,13,19  
281:13,17 282:1

283:1,6 285:1,6,10  
286:3,6 288:12,21  
289:20 290:13,16  
292:8 294:14 295:22  
296:4,8 297:13,19  
298:5,13,15,21 299:3  
299:13,15 300:14  
301:4,12 303:8  
306:14 308:11,14  
309:14 310:8,22  
311:3,11 312:12,15  
312:17 314:21 315:9  
315:11,15 316:20  
318:10  
**Stone's** 5:22 28:6 59:12  
278:19 295:21  
**stop** 234:20 235:3  
**stopping** 86:20  
**stops** 44:9  
**story** 234:18 289:19  
**stovepipe** 70:6,12,18  
71:9,14  
**stovepiped** 62:20 63:20  
64:14 69:5,9,20 73:1  
**straight** 234:18  
**streamline** 41:13 44:15  
**streamlined** 41:5 47:2  
**streamlining** 41:19  
42:12  
**strengthened** 290:22  
**strengths** 151:18  
**strict** 33:8,14,18 34:2,2  
34:13,16 35:12,16,19  
244:14 246:20  
**strictly** 33:15  
**stride** 295:4  
**strike** 40:22  
**strong** 306:8  
**stronger** 39:3,13 57:6  
**strongly** 145:15  
**structure** 71:3 154:5  
**structures** 108:14  
**struggle** 235:20  
**struggling** 83:10 159:2  
**stuck** 168:1  
**study** 11:13 13:2 231:1  
243:7  
**stuff** 30:13 44:15 66:3  
75:20 136:13 140:16  
141:18 170:5,9  
214:21 244:8 275:3  
**stylistic** 314:2  
**stymied** 304:4  
**subcommittee** 11:3,16  
12:2,7 13:2,4,8 14:20  
14:22 15:1,6 16:7,8  
16:13 17:8,9,14,21  
18:2,9,10,13,17,22  
19:22 20:19 21:9,12

22:3 23:4,19 24:11,21  
 25:5,19,20 26:18,18  
 27:2,8,14,21 28:2,4  
 28:11 29:4,6 30:7  
 31:11,16 32:4,9,14,17  
 37:10,12 41:10 46:10  
 46:16 47:1 48:4,11,16  
 49:5 176:14  
**subcommittee's** 17:1  
 26:6 28:13  
**subject** 59:3 147:5  
 151:15 159:6  
**subordinate** 36:3  
**subpoenas** 151:2  
**subscriber** 172:16  
**subscription** 172:19  
**subsection** 23:1  
**subsequent** 274:7  
**subsequently** 283:20  
**substance** 316:19  
**substantial** 219:9  
 221:18 291:2  
**substantially** 259:20  
 262:20 286:18 289:5  
**substantiate** 123:19  
**substantive** 313:20,22  
 316:8 317:13  
**substitute** 60:21  
**subsumed** 286:17  
**subtract** 10:11  
**success** 68:11 110:11  
**sudden** 103:18  
**sufficient** 24:11 35:11  
 50:6 59:7 60:5,7 62:4  
 62:5 121:10 159:17  
 160:17 161:13,14  
 165:3 166:5,7 175:1  
 313:12  
**sufficiently** 218:20  
**suggest** 48:11 109:2  
 162:18 173:5 250:6  
 275:19  
**suggested** 10:6 15:12  
 39:9 45:11 169:22  
 219:3 250:19 314:7  
**suggesting** 21:5 34:22  
 35:10 39:16 48:7  
 142:8 155:15 186:19  
 231:1 301:4  
**suggestion** 30:18 45:3  
 55:3 73:10 78:1  
 122:14,19 189:18  
 221:10 274:19 285:18  
 299:16 303:7,21,21  
 306:14  
**suggestions** 11:20 74:9  
 147:9  
**suggests** 146:14  
 223:18 278:13

**suicidal** 272:7  
**suitable** 15:3 39:6  
**Sullivan** 2:7 196:9,17  
 197:9,15 198:3,8,12  
 198:14,19 199:3,5  
 203:18,19  
**sum** 200:4  
**summarize** 23:12 100:9  
 259:2 270:5  
**summarized** 12:15  
**summarizes** 9:1  
**summary** 22:21 24:5  
 150:7 231:18,20  
 241:1 307:15 309:6  
**sunset** 112:7  
**superior** 36:2  
**supervision** 304:17  
**supervisor** 272:18  
**supplanted** 302:15  
**supplement** 59:2,4  
**support** 58:16 74:21  
 81:22 82:6,8,9 115:11  
 145:15 149:6 223:12  
 262:21,22  
**supported** 52:20 58:17  
**supporting** 16:8 224:8  
 224:11 230:2  
**supports** 262:16  
**suppose** 54:9 69:4  
 248:6  
**supposed** 61:11,12  
 68:17 93:20 149:7  
 254:17  
**Supreme** 231:4 232:8  
 233:5,9,15,19 234:4  
 239:11,14,20 241:5  
 242:20 243:17,18  
**sure** 18:7 23:13 30:7  
 41:13 42:6 49:17  
 54:19 55:1 57:19  
 61:21,22 68:14 89:1  
 96:4 98:13 107:7  
 110:20 115:5,13  
 118:5,7 140:5 141:20  
 190:7 213:9 230:6  
 240:12 245:18 247:2  
 260:21 261:11 262:19  
 263:6 270:9,17 272:6  
 278:21 286:1,20  
 288:19 290:3 305:11  
 314:22  
**surprised** 78:13 139:19  
**surprisingly** 182:12  
**survey** 117:12,15,17  
 118:3,7,14 119:6  
 121:11,14 122:5  
 137:20  
**surveying** 122:11  
**surveys** 116:11 117:4,6

117:15 118:10,15  
 122:20 124:4,10,14  
**survivor** 117:11  
**sustainably** 38:20  
**sustained** 191:12  
**SVC** 8:12,14 49:12,15  
 50:16,19,21 53:21  
 59:7 60:18 62:20,21  
 63:4,10 67:11,16 68:3  
 68:6 69:12 74:15  
 81:13,18,22 82:7 85:3  
 90:15 91:4,10,22 92:5  
 98:22 99:14 104:3,7  
 105:13 106:5,16  
 119:9,17 125:6  
 126:12,18 127:15  
 128:9 130:5,16,20  
 135:14 136:21 141:3  
 141:4 143:6 145:7  
 149:19 151:11 168:19  
 169:1 178:17,22  
 179:8,14,16 180:1,4,7  
 180:8,11,17,19 181:2  
 181:7,10 183:16,21  
 192:4,19,19 194:7  
**SVC's** 99:6  
**SVCs** 50:6,11,17 51:21  
 52:5 59:9 63:17,17  
 71:5 74:10,10,18,20  
 90:13 100:3,19 101:5  
 103:10 128:6 129:6  
 129:11,13,18 132:21  
 134:3 143:2,11 144:2  
 145:2,16,21 146:15  
 147:3 149:6 153:1,13  
 154:10 159:17 164:6  
 174:13  
**SVP** 131:4  
**swept** 60:15  
**swifter** 47:9  
**swinging** 309:9  
**sync** 108:9  
**system** 6:12,15 12:20  
 15:19 43:2,7,19 46:8  
 52:18 53:3 55:6,7,9  
 55:11 56:10 60:13,16  
 68:16,20,22 74:1 76:7  
 92:11,11 100:1 108:5  
 138:6 149:6,15  
 151:19,22 155:15  
 156:4 170:19 171:16  
 172:9,18 182:16,22  
 183:1 191:7 192:17  
 192:20,20 193:9  
 239:3,5,9 240:1,2  
 242:14 264:4 269:19  
 271:12 281:7 303:19  
 310:15,16 311:8,18  
 311:19

**System's** 189:11  
**systems** 74:17 189:9

---

**T**


---

**table** 3:1 136:7 141:11  
 302:18  
**tabled** 108:13 136:14  
**tabs** 221:11  
**tabula** 15:15  
**tailed** 259:16 260:2  
 268:11 288:8  
**tailoring** 253:11  
**take** 13:8 14:1,18 18:13  
 21:21 26:17 27:19  
 31:4 42:16 43:14,20  
 51:19 78:10 91:9  
 94:18 109:12 114:4  
 122:16 124:8,10  
 127:18,22 140:14  
 142:18 170:9 185:1  
 186:9 190:8 195:12  
 199:16 205:19 212:16  
 215:21 218:7,16  
 219:6,7 222:14 230:9  
 242:21 254:9 255:10  
 255:14 256:8 258:1,4  
 258:4,7 266:3 276:22  
 277:21 279:12 287:2  
 310:19 313:5,11  
 318:1,2,12  
**taken** 20:22 38:20 84:4  
 174:18 207:2  
**takes** 93:18 108:7  
 132:15 195:11 265:1  
 277:1  
**talk** 38:4 91:8 95:22  
 100:15 143:21,22  
 206:13 208:18 277:18  
**talked** 15:8 23:6 75:2  
 79:4,17 102:19 110:7  
 117:13 192:10 201:6  
 232:12 252:17,17  
 254:22 274:13 298:7  
 307:1 310:3  
**talking** 46:18 87:12  
 115:3 148:1 153:1  
 162:7,11 188:19  
 209:8 212:11 227:2,4  
 231:5 234:21 237:6  
 272:1 281:20 312:20  
**talks** 87:4 117:9  
**tangent** 243:1  
**target** 52:17  
**targeted** 134:15  
**task** 249:20 308:12,20  
**tasked** 7:13 307:17  
 308:4  
**tasking** 7:22

- taskings** 37:21  
**Taylor** 1:19 5:1 14:2  
 19:3 35:22 39:15  
 51:18 57:17 67:6 69:3  
 74:5 78:12 87:3  
 102:17 103:22 109:1  
 109:18 110:2 113:14  
 120:15 121:2 161:11  
 163:14,17 167:12  
 168:13 169:18 171:10  
 171:21 173:12 184:10  
 185:4 190:10 192:14  
 196:14 206:2 223:6  
 230:14,19 231:8,17  
 231:22 232:21 241:19  
 247:19,20 248:4  
 254:21 255:5 256:12  
 257:9,13 258:6 261:4  
 262:15 282:2,9 287:1  
 290:15 292:3 301:17  
 309:2  
**Taylor's** 110:18 221:10  
 288:10  
**TDS** 104:6  
**tease** 87:21 140:1,16  
**Technical** 2:16  
**teeth** 42:17  
**teleconference** 74:22  
**telephone** 75:20  
**Television** 7:9  
**tell** 18:17 41:11 56:4  
 66:9 76:1 93:3,3  
 120:1 238:21 290:11  
 304:19 305:21  
**telling** 44:12 77:12  
 114:4 234:18  
**ten** 62:18 70:9 74:7  
 85:3  
**tend** 64:11  
**tends** 67:14  
**term** 22:2,7,9 45:9  
 57:11 189:4  
**terminating** 300:2  
**terms** 15:17 19:7 22:4  
 23:5 24:3 26:2 33:19  
 35:1 40:19 42:22  
 56:20 58:10 64:1,18  
 65:4 66:20 85:16,21  
 86:6 87:4 88:7 99:12  
 101:6,12 107:4 111:9  
 112:18,20 120:15  
 121:18 125:19 126:20  
 128:15 138:8,20  
 145:21 150:12 152:22  
 154:15,20,22 161:8  
 162:18 178:14 179:8  
 182:4 183:15 184:12  
 185:21 197:7 202:18  
 208:16 209:14 224:16  
 224:17 233:5 245:20  
 246:2 261:6 264:13  
 266:21 268:6 271:10  
 301:18  
**terrible** 276:11  
**terrific** 142:5  
**test** 220:12 224:20  
 225:19 226:12,14,19  
 227:3 228:15 229:2,6  
 229:15 230:1 238:6  
 240:12 253:9,17  
**testified** 39:21 124:16  
 131:3 143:10 160:19  
 163:9,20 217:3  
 253:10  
**testify** 164:17 291:4  
**testimonies** 243:4  
**testimony** 50:12 51:7  
 51:14,20 52:3 58:18  
 68:2 74:20 91:3 97:14  
 100:9 143:9 159:1  
 160:14 165:22 174:12  
 184:11 205:3 225:6  
 240:15 247:11,16  
 250:5 253:8,13  
 254:20,21 266:3  
 267:1 279:19 280:6  
 285:5 286:15 287:15  
 298:2 309:7  
**tests** 226:10 227:5  
**thank** 6:1,3 9:15 74:5,6  
 81:7 148:18 153:16  
 312:10 319:5,8  
**thanks** 142:16 174:21  
 319:9  
**themes** 309:11  
**theory** 152:7  
**they'd** 168:7  
**thing** 17:17 19:4 29:18  
 40:17 46:22 47:3  
 70:17 75:14,15 84:17  
 94:7 115:12 116:16  
 137:3 139:18 140:7  
 153:4,18 206:3  
 209:14 216:13 234:22  
 241:10 257:12 276:13  
 301:7 302:6 303:15  
**things** 12:1,4 16:16  
 18:15 24:1,16 25:2  
 27:2 36:12 39:8 43:14  
 46:6 47:14 54:20 70:4  
 76:1 77:9 86:12 95:9  
 113:12 123:20,21  
 127:6 148:22 149:14  
 154:19 159:4,5  
 160:20 163:9 170:6  
 174:12 175:11,12  
 199:16 200:13 205:21  
 253:9 276:12 302:19  
 303:11 307:1 313:13  
**think** 10:11 12:10 13:1  
 13:12,16 14:2,6,20  
 15:10,20,21 16:2,5,17  
 16:22 18:12,19 19:4,5  
 19:11,14 20:13,21  
 21:8,13,14,15,22 22:2  
 22:9,18 24:14,20  
 25:12 26:9,10,13,14  
 27:13,19 28:3,5,6  
 33:22 34:6 35:17,19  
 36:1,10,11,20 37:19  
 39:22 40:7,13 41:2,8  
 42:7 43:18,18,22  
 44:13,14 45:3,16,20  
 46:4,8,14 48:6 49:3  
 51:22 54:15,21 56:7  
 56:17,19 57:5,7,9,18  
 58:2,19,21 60:3,17  
 61:2,19 62:1,2,9 64:7  
 64:8 66:5,6,11,15,18  
 67:7 68:3 73:15,15  
 76:4,8 79:2,8,22  
 80:15 82:4,6 83:14  
 84:9,14 85:10,11 86:2  
 87:9,9 88:14 89:19  
 90:5 91:19 92:21 94:7  
 94:20 97:13,18  
 100:11 101:4,21  
 102:2,6,7,9,17,18  
 103:7,20 104:1  
 106:14 107:17 108:4  
 110:4,17,18,19  
 111:14,16 112:10,14  
 113:1 114:9 115:4,12  
 115:15 116:21 119:21  
 123:7,15,20 124:14  
 126:20 127:5,13  
 129:21 130:8 132:12  
 132:17 133:11,17  
 134:12,21 135:22  
 136:15 137:1,4,19  
 139:11,11 140:3,16  
 141:17 142:4 144:1  
 144:21 145:19 146:10  
 147:22 149:18 150:2  
 150:8 151:16,17,19  
 152:13,15 154:3  
 155:2,18 156:20  
 157:11 158:13 161:13  
 161:22 162:7,16  
 163:6 164:16 165:2  
 168:1,3 169:8,17,19  
 169:21 170:2,8,15,20  
 171:8 172:2 173:4  
 176:3 178:13,16,20  
 179:21 182:20 183:22  
 184:10 190:8,10,12  
 193:7 196:14 198:5  
 199:15 202:8,10,14  
 203:19 204:3,10,18  
 205:18 207:1,1,18  
 209:6,7 211:13  
 216:20 217:1,2,18,22  
 218:13,15 220:8  
 221:9,16 222:10,11  
 223:6 225:14 226:1  
 227:13 228:10,13  
 229:12,16 230:7,20  
 230:20 231:8 232:1  
 232:11,15,21 233:8  
 233:18 236:14 237:21  
 238:3,7,9,20,22 242:9  
 245:19 247:5,14,15  
 247:20,22 248:12  
 251:1,4,20 252:14  
 253:13,15 254:19  
 257:7,11,19 259:19  
 261:5,17,19 262:13  
 264:11,22 266:19  
 268:7 269:4,14,21  
 271:10 275:5,10,13  
 275:17,19 276:9,11  
 276:12 277:20 278:2  
 279:3 280:6 282:2  
 283:13,19 284:8  
 285:4 286:14,17  
 288:1 289:8,20  
 290:10,15,16 291:9  
 292:9,19 293:1,15,19  
 294:1,4,6,14 295:15  
 295:18 296:6,8,16  
 300:19 301:9,13,14  
 301:22 302:6 303:6  
 303:20 304:8,12  
 305:19 306:4,12  
 307:10 308:7 311:2,6  
 311:9 312:17 313:3  
 313:21 316:2,4,7,16  
 316:22 317:6  
**thinking** 73:11 87:16  
 98:5 169:13 261:7  
**thinks** 72:13 227:17  
 272:7 303:2  
**third** 135:8 138:5  
 149:20 153:5  
**thirds** 92:16  
**thought** 10:1,5 12:4  
 24:4 26:3,5 29:16,20  
 30:9 33:12 34:20  
 39:10 59:19 69:4  
 78:15,20 92:3 118:22  
 124:19 136:6 139:19  
 139:21 140:8 141:15  
 144:22 147:3,11  
 154:2 181:13,18  
 203:13,15 207:4  
 208:19 222:16 223:9

234:17 251:3,9  
 252:20 260:2 276:16  
 279:2 290:14 295:20  
 296:2,9 303:8  
**thoughtful** 186:5  
**thoughts** 28:10 184:9  
**thousands** 114:22  
**three** 32:7 36:21 53:5  
 56:10 57:22 125:14  
 125:15 138:18 188:11  
 200:9 223:17 293:1  
 307:18  
**three-quarters** 77:5  
**throw** 26:13 156:12  
**throwing** 34:19 203:8  
**thrown** 273:14  
**thumb** 254:14  
**ties** 87:6  
**tightly** 89:4  
**time** 9:7 17:1,3 26:19  
 27:11,19 29:12 34:1  
 38:9 39:7 40:6 41:7  
 41:14 42:16 43:20  
 44:1,3 45:4 52:11  
 53:2,12 55:2 56:3,6,9  
 60:21 62:11 65:9  
 76:22 81:3 83:4 84:21  
 85:2 93:19 94:1,21  
 109:12 118:13 122:8  
 138:10 141:2 156:18  
 156:20 157:2 171:17  
 181:17 182:16 186:7  
 205:4,12 227:16  
 228:4 234:14 235:5  
 245:8,21 261:22  
 277:3 281:1 282:4  
 292:11 299:5,17  
 318:2 319:9  
**timeline** 158:9  
**timely** 112:16 302:22  
**times** 70:13 92:17  
 132:22 153:20 221:11  
 280:6  
**timing** 95:9 305:9  
**TJAG** 68:21 160:18  
 161:10  
**TJAG's** 68:22  
**TJAGs** 160:14 174:11  
 174:11 185:16,17  
**to-face** 76:17  
**today** 8:21 9:19 26:8  
 85:7 108:15 164:12  
 189:13 235:22 313:6  
**today's** 5:4 7:7,17 8:19  
 9:10,12  
**Tokash** 2:14 96:8,11,18  
 269:8  
**told** 94:3,7 102:10  
 116:10 133:6 143:21

156:18 168:2 175:22  
 182:12 184:4 233:4  
 289:20 313:5  
**Tom** 1:19 5:1  
**tomorrow** 294:10  
**tool** 117:16  
**top** 125:16 126:21  
 202:4  
**topic** 11:6 33:16 114:19  
 187:19  
**topics** 7:21 8:21 9:2  
 62:10 285:11  
**total** 129:8,17 134:5  
 135:1 200:4  
**totally** 92:19 137:15  
 181:15 222:11 234:11  
 300:14  
**touched** 307:18  
**tough** 247:3  
**Tracey** 1:20 4:22 11:22  
 14:21 16:17 17:19  
 18:1 19:4,19 20:12  
 21:4 23:14,16 25:22  
 26:21 28:16 35:9  
 37:20 38:12 39:16  
 43:22 47:21 48:14  
 49:2 52:15 53:14  
 58:21 60:11 61:5,18  
 66:8 68:9 79:1 80:15  
 81:2 88:11,17 89:3,8  
 97:5 107:11,16  
 108:11 109:13,19  
 110:1 112:17 113:1  
 121:21 122:4 123:7  
 123:14 124:5,13  
 129:8 137:18 138:22  
 142:6 144:18 146:1,6  
 148:19 149:4,13  
 150:6 151:10,14  
 152:9,12 154:2 155:2  
 155:14 156:1 158:21  
 159:9,15 166:3,13,21  
 167:4,10 173:9 174:8  
 180:10,13 184:19  
 192:15 194:16 198:5  
 198:9 199:2,4,10  
 202:21 204:19 212:21  
 214:15,19 246:9  
 248:14 252:15 262:9  
 267:1 269:21 271:17  
 272:14,18,20 275:16  
 278:12 295:11,17,20  
 302:8,13,20 303:5  
 311:12 312:14,16,19  
 314:13 318:6,16  
**track** 113:9,10,12 126:9  
 127:10 128:14 246:1  
 318:6 319:2  
**tracking** 111:18,19

119:11,18 127:7  
 128:16 311:15  
**tracks** 113:19 127:11  
**trade** 41:16  
**traditional** 162:5  
**trained** 132:8 277:22,22  
**trainees** 33:7 34:13  
**training** 33:6 34:12 59:7  
 59:8,22 60:10,12,15  
 60:19,19,22 62:7  
 66:18,19 71:13 132:1  
 182:8 281:16 285:21  
**transcribed** 7:8  
**transcript** 7:9  
**transcripts** 15:8 16:11  
**transfer** 140:5,8,13,14  
**transfers** 139:20 140:3  
 140:9 141:6,7  
**translates** 123:13  
**transmit** 15:9  
**transportation** 77:13  
**trap** 318:3  
**travel** 66:3 76:21  
 151:11,20 153:3  
**treat** 162:14  
**treated** 33:7,14 151:22  
 160:11 184:16 293:22  
**treatment** 32:9 273:3  
 291:6  
**tremendous** 136:21  
**trial** 68:14 72:12 91:1  
 101:6 143:3 149:17  
 150:3 154:4 155:8  
 156:14 174:4 204:5,8  
 210:18,21,22 214:5  
 216:12,18 219:19,22  
 220:10 221:14 224:1  
 226:7 233:12 237:18  
 237:19 239:2,16  
 244:16 249:8,9,12,18  
 264:7,12 269:11  
 276:5,7 282:5 283:21  
 284:9 296:12,18  
 297:9,9,14 298:9  
**trials** 141:8 250:9  
**tribunal** 227:15  
**tried** 22:19 23:10  
**tries** 279:12  
**trigger** 308:2  
**triggers** 265:22  
**trivial** 314:16  
**troops** 44:16  
**trouble** 99:13 203:7  
**troubled** 114:14 135:9  
**troubles** 30:15  
**troublesome** 207:9  
**truck** 272:8  
**true** 111:5 148:15 156:6  
 234:22

**trump** 220:12,19 232:15  
 238:14 239:10,10,17  
 239:21 242:5  
**trumped** 229:2 244:16  
**trumps** 267:7  
**Trust** 194:16,17  
**truthfully** 291:4  
**try** 13:19 16:9,13 95:7  
 145:10 215:22 218:16  
 218:17 307:20  
**trying** 28:7 40:15 78:17  
 92:21 104:9 107:14  
 125:8 148:3 152:10  
 165:22 167:20 186:18  
 210:17 213:9 238:10  
 238:22 251:9 256:22  
 292:20 307:4 312:20  
**turn** 264:14,20 265:14  
 273:6 275:2,4 281:21  
 293:2 296:13 318:5  
**turned** 92:15 264:16  
**turning** 23:3  
**turns** 237:21 274:22  
 293:7  
**tweaking** 35:21  
**Twenty-eight** 286:6  
**two** 31:7,14 32:6 34:11  
 42:10,14 44:1 46:5  
 50:18 56:10 65:12  
 66:1 83:8 111:8 118:8  
 121:22 124:8 125:17  
 127:8 144:8 161:22  
 170:8 177:14 184:17  
 188:11 205:4 221:16  
 223:17 226:9 234:19  
 235:21 247:2,6  
 261:19 262:4 264:6  
 267:19 270:7 291:4  
 292:12 294:13  
**two-appearance** 293:7  
**two-step** 292:12  
**tying** 87:17  
**type** 24:19 91:5 95:5  
 165:10 178:8 273:5  
**types** 174:12  
**typically** 227:19

---

**U**

---

**U.S** 1:10 2:1,2,10 29:13  
 29:19 77:7 92:12  
 172:17 220:10 224:4  
**UCMJ** 8:17 31:20,22  
 158:2 189:2 250:18  
**Uh-huh** 110:1  
**ultimately** 67:12 71:19  
 112:8 315:17 317:9  
**umbrella** 63:6 81:21  
**unable** 291:3

**unaware** 279:22  
**uncertain** 233:4  
**unclear** 20:9  
**uncomfortable** 23:17  
 53:9 95:21 104:11  
 241:19 252:5  
**underage** 101:2  
**underlying** 38:1 101:1  
 101:9  
**understand** 40:12  
 49:17 54:20 85:12  
 86:13 114:20 145:6  
 164:10,12,21 197:10  
 213:9 238:22 245:5  
 245:12 249:15 256:8  
 263:6  
**understanding** 44:16  
 174:11 186:12 207:14  
 304:2  
**understood** 38:20  
 54:18 134:10 135:15  
**undue** 67:15  
**unfair** 226:21 229:21  
 256:13  
**unfairly** 224:22 226:3  
 229:14  
**unfortunately** 9:18  
 56:12  
**unhappy** 116:1  
**UNIDENTIFIED** 291:13  
**uniform** 4:12,15 8:1  
 113:19 114:20 136:12  
 183:20 186:16 278:22  
**uniformity** 113:16  
 266:21 270:3  
**uniformly** 138:19  
 270:18  
**unique** 72:20 74:15  
 83:16,17 267:21  
**unit** 71:22 74:3 76:12  
 80:5 123:2  
**United** 1:1 239:11,15  
**University** 23:10  
**unrestricted** 119:8  
 126:10,17 127:12,21  
 134:6 141:5  
**unseal** 250:17  
**unsealed** 300:10  
**unsealing** 250:13  
**unusual** 106:7  
**up-front** 91:11  
**upcoming** 6:4 90:2  
**update** 101:22  
**updated** 96:19 97:10  
**updates** 60:14  
**upheld** 235:2  
**upset** 93:22 94:1 281:1  
 311:4  
**USC** 81:18 85:14

101:19  
**use** 8:7 16:12 30:11  
 42:1 43:10 58:10  
 64:13 69:9 91:12  
 117:14,15 148:8  
 168:19 169:1 179:15  
 195:16 197:2 198:6  
 198:21 221:1  
**useful** 12:17 114:10  
 228:5  
**usefulness** 214:12,15  
 216:20 217:1  
**uses** 62:19 172:10  
 314:17  
**usually** 44:19 277:8  
**utilization** 119:10 126:8  
 134:3 139:20

### V

**v** 29:13,19 220:10 224:4  
 231:14,15 234:1,1,7  
 235:1 237:2,14  
**VADM** 11:22 14:21  
 16:17 17:19 18:1  
 19:19 20:12 21:4  
 23:16 26:21 28:16  
 35:9 38:12 43:22  
 47:21 48:14 49:2  
 52:15 53:14 58:21  
 60:11 61:5,18 66:8  
 68:9 79:1 80:15 81:2  
 88:11,17 89:3,8 97:5  
 107:11,16 108:11  
 109:13,19 110:1  
 112:17 113:1 121:21  
 122:4 123:7,14 124:5  
 124:13 129:8 137:18  
 138:22 142:6 144:18  
 146:1,6 148:19 149:4  
 149:13 150:6 151:10  
 151:14 152:9,12  
 154:2 155:2,14 156:1  
 295:11,17,20 302:8  
 302:13,20 303:5  
 311:12 312:14,16,19  
**VADM(R)** 1:20 158:21  
 159:9,15 166:3,13,21  
 167:4,10 173:9 174:8  
 180:10,13 184:19  
 192:15 194:16 198:5  
 198:9 199:2,4,10  
 202:21 212:21 214:15  
 214:19 246:9 248:14  
 252:15 262:9 267:1  
 269:21 271:17 272:14  
 272:18,20 275:16  
 278:12 314:13 318:6  
 318:16  
**vague** 18:15 146:22  
**vain** 21:21  
**valid** 44:2  
**value** 79:16 128:9  
 220:13 226:20  
**values** 123:12  
**valve** 309:17 310:4  
**variations** 107:5  
**variety** 15:5  
**various** 234:11  
**varying** 23:20  
**VAs** 91:3 131:18  
**vast** 116:1  
**vehicle** 268:18  
**verify** 194:15,16,17  
**version** 31:20,21 32:20  
**versions** 205:5 261:19  
**versus** 15:17 118:14,19  
 126:18 130:2 220:13  
 232:19,20  
**vest** 92:1  
**Vice** 4:22  
**vice-versa** 84:13  
**victim** 8:5 52:12 58:3  
 67:21 72:17 75:1  
 76:10,15 79:7 80:2,6  
 81:12 83:20 89:6  
 90:22 91:9 93:13,14  
 95:3 96:13 97:8,16  
 99:13 100:15,21  
 101:2 102:22 103:15  
 103:21 108:7 116:11  
 116:17 117:3,6,16  
 118:10,14 119:6,15  
 120:20 121:3,10,12  
 121:15,18 122:1,19  
 127:16 130:22 131:11  
 131:17,18 132:2,3  
 143:21 144:10 149:19  
 154:15 170:6 174:2  
 175:14,19 176:2,14  
 178:18,19,22 179:8  
 180:2,10,14,20  
 182:15,21 183:12  
 186:21 190:18,20,20  
 192:4,20 193:4  
 212:15 213:7,10,12  
 213:15,20 215:15  
 218:6 219:6 225:1  
 226:4,8,15,16 228:8  
 229:18 234:5 239:17  
 267:16 291:3 295:5,7  
 296:19 298:9 309:18  
 310:11  
**victim's** 5:11 8:12 31:17  
 54:14,16 57:11 58:4  
 71:17 72:4,13,20  
 77:18 78:3 81:4 93:1  
 93:15 94:2 96:16 97:4

105:19 120:12 131:9  
 131:21 147:17 151:20  
 152:2 155:10 156:6  
 156:11 157:12,17  
 158:1 173:19 175:15  
 176:13,18 188:1  
 192:6 197:18 199:8  
 214:21 217:7 220:19  
 226:11,22 227:9,16  
 227:19,20 228:6,20  
 229:14,20,21 231:2  
 232:15,17 233:20  
 234:9 236:11 237:17  
 237:20 238:12 240:2  
 240:9 241:1,16 242:6  
 243:3,10 244:6  
 245:21 253:12 266:12  
 291:6 293:2 295:1  
 296:14,16,18 309:9  
 310:6,9,17  
**victims** 6:6,7,8,12 7:3  
 8:10,15 60:20 66:1  
 75:2 82:5,8,10 83:18  
 87:14 88:16 90:13,14  
 90:20 91:5 92:4,16,18  
 92:18 98:20 99:7  
 100:13 116:20 120:4  
 120:4,6 125:19  
 126:10,17,22 128:2,5  
 128:7,10,12,17  
 130:10 131:10 139:21  
 140:2,6 143:19 175:1  
 177:19 182:13 187:8  
 187:22 192:17,18  
 221:20 228:21 236:1  
 236:3 240:5 241:13  
 242:15 266:13 298:20  
 310:8,9 311:20  
**Victor** 1:18 3:5 5:1,9  
**video** 7:8,10 59:19,21  
 61:4 74:21 75:19  
**videoing** 61:3  
**view** 23:21 28:17 47:15  
 54:11 64:21 68:1  
 106:14 107:18 115:13  
 146:15 167:6 181:4  
 205:19 244:8 252:1,8  
 301:16  
**viewed** 69:12  
**viewpoints** 12:16  
**views** 144:13 246:5  
 248:18,21 257:3  
**violation** 36:8,16  
**visibly** 93:22 94:1  
**vital** 78:4  
**VLCs** 101:5 168:7  
**VNS** 183:1,1 192:17  
**void** 233:21  
**volume** 289:9

**voluntarily** 6:14,18  
**VWAP** 91:1

---

**W**

---

**W** 2:1  
**wait** 102:15 105:3 204:7  
229:9 232:5,5 262:11  
**waiting** 111:7  
**want** 9:5 12:12 14:5  
16:1,16 17:12 21:9  
25:19,20 26:6 28:17  
28:21 30:7 31:6 36:5  
36:12 38:9 40:12 41:6  
41:22 42:1 43:19  
44:15 47:10 48:12,15  
53:10,11 62:2 63:1  
65:16 68:13 70:5,6  
72:18 74:2,3,13 75:22  
81:15 82:20 90:16  
92:19 94:6,17,19  
95:22 99:9 100:8  
106:22 107:2 108:17  
112:10 114:1 115:11  
117:7 120:7 121:9  
123:4 127:4,16,18  
135:18 138:17 139:9  
144:19,20 148:19  
155:9,12 157:19  
159:11 160:3,4 163:2  
164:16,17 165:2  
173:3,5 175:19,20  
176:6 178:3 189:17  
191:21 192:16,22  
199:12 206:8 209:12  
212:15,17 214:2  
215:21 216:7 221:4,5  
221:15 222:12,13  
227:21 230:9 240:21  
242:6 243:15,16,22  
245:17,18 246:9  
255:1 257:2,21 258:1  
258:4 261:3,12 262:6  
262:6 264:15 269:14  
272:6 274:9 275:8  
276:8,14 277:20  
281:9 284:21 287:2  
303:16,22 304:5,14  
307:21 308:17 309:10  
311:13 312:15 314:3  
318:6,13  
**wanted** 28:1 41:14 75:5  
79:18 119:12 143:12  
185:1 260:20 267:4  
278:20  
**wanting** 290:2  
**wants** 16:3 26:13 56:20  
62:13 85:1 86:3  
136:17 175:14 194:10  
248:16 269:10 295:8

315:21  
**warning** 95:6  
**warnings** 96:2  
**warrant** 106:11 166:2  
**warranted** 11:12 51:2  
287:13  
**warrants** 64:19 90:7  
**Washington** 1:13 77:4  
154:18  
**wasn't** 34:16 41:13 42:6  
54:5 139:19 188:16  
188:19 203:14 234:18  
244:20 260:21 294:2  
**water** 312:1,2  
**way** 10:10 15:10 27:17  
33:17 35:18 36:5  
38:16 41:3 43:16  
60:21 65:10,16,20  
69:13,13 73:18 77:1  
81:9 87:18 89:9 93:10  
101:16 103:8 107:22  
108:8,14 116:19  
123:17 134:2 138:6  
143:12 146:5 154:8  
162:1,17 163:16  
165:3 170:12 177:3  
182:22 190:11 191:10  
193:8 200:7 235:21  
241:7 252:16 276:12  
282:15 299:3 300:6  
304:11 306:1 308:19  
**ways** 15:5 74:20 77:9  
78:14 81:3 150:8  
250:10 318:15  
**we'll** 163:11 186:9  
192:12 257:3 293:11  
305:20 307:20 317:2  
317:2,3 319:3  
**we're** 157:11 162:7  
175:22 177:5 179:19  
183:19 188:19 189:10  
190:5,6 191:21  
194:12 202:10 205:14  
209:7,8 227:2,4  
230:22 231:10 235:4  
235:22 236:20 237:6  
237:15 241:12,18  
242:3,22 252:5  
254:17 255:11,13  
257:18 267:10 276:2  
281:20 294:7 304:9  
307:4,11 308:5,14  
311:15 312:19 318:5  
**we've** 192:7,10,13  
205:13 252:15 285:4  
290:20 304:2 305:21  
307:18 310:2 311:13  
313:15,21 317:15  
318:15,20,21

**web** 93:8  
**website** 5:7 7:11 9:13  
315:5,10,17  
**week** 101:22 280:20  
**weeks** 94:5 205:14  
**weigh** 240:11 253:1,6  
**weight** 16:18  
**welcome** 3:3 4:4 257:3  
**welcoming** 7:5  
**went** 71:13 157:8  
181:19,20 182:8  
214:5 215:11 258:10  
310:18 319:13  
**weren't** 43:8 93:5  
215:16,20 278:15  
**west** 76:10  
**wherewithal** 21:7  
**Whichever** 318:8  
**White** 43:10,12  
**wholesale** 273:14  
**wide** 97:10  
**willing** 127:16,17  
**willingness** 73:22  
221:20 260:13  
**wind** 72:15  
**wisely** 206:5  
**wish** 37:16 49:14  
105:11 136:8 192:3  
195:1 294:21  
**wishes** 51:17 192:11  
**withdraw** 172:1  
**withdrawn** 6:14  
**witness** 96:14 151:7  
152:19 210:8 211:11  
**witness/victim** 212:2  
**witnesses** 50:12 164:20  
201:2,5 218:21  
252:19 312:6  
**woman** 215:5 228:11  
244:10  
**wonder** 87:16 88:3 94:9  
277:6 285:2  
**wondering** 119:12  
**word** 43:11 218:14  
226:14 314:17,19  
**wording** 316:6  
**words** 21:1 26:7 33:13  
33:16 34:5 35:16 42:1  
164:4 170:5 178:5  
179:5 181:6 182:17  
196:5 197:22 223:17  
226:15 230:12 263:19  
297:4,14 312:2 315:3  
315:6  
**work** 7:1,13 18:10 19:1  
24:12 27:22 36:17  
43:3 58:7 68:22 69:2  
133:22 158:13 181:9  
191:17 211:10 250:7

250:19 306:1 307:20  
318:9  
**workable** 12:20 13:5  
**worked** 228:20 319:7  
**worker** 132:8  
**working** 25:5,13 80:3  
102:2 107:3,21,22  
115:9,14 127:14  
138:7 149:16 185:18  
245:20 246:16 247:9  
287:5  
**works** 43:21 79:5 80:17  
138:21 261:13  
**world** 15:16 104:19  
114:11  
**world's** 42:21  
**worried** 203:3 254:10  
**worries** 138:16 308:9  
**worry** 52:7 198:17  
**worse** 52:13  
**worth** 39:13 127:7  
164:11 221:11 271:14  
**worthy** 158:17  
**wouldn't** 35:3 75:21  
123:21 133:6 135:20  
145:7 234:12 293:15  
299:22 303:13 315:9  
**wrapped** 276:15,20  
277:4 280:22  
**wrapping** 42:13  
**wrestle** 56:3  
**writ** 187:12  
**write** 17:17 18:4 93:6  
108:18 115:17 248:18  
**writing** 94:12  
**Writs** 187:7,12  
**written** 28:4 228:14  
232:11 246:4  
**wrong** 13:22 14:6 15:22  
26:3 27:11 66:16  
111:8 147:2 149:12  
215:10 216:2 226:8  
226:18 231:22 232:16  
238:21 240:20 249:17  
**wrote** 307:9

---

**X**

---

**X** 61:7  
**XYZ** 237:15

---

**Y**

---

**year** 56:5 97:11 111:8  
111:22 114:16 121:11  
157:22 193:5 204:15  
206:13 286:22 308:12  
**years** 43:1 44:22 69:11  
83:8 84:19 85:3 120:2  
130:19 181:5,6



**yes/no** 20:18  
**yesterday** 125:21  
 133:16  
**yield** 234:9  
**York** 170:21  
**young** 215:5

---

**Z**

---

**0**

---

**1**

**1** 32:17 195:1  
**1:00** 157:9  
**10** 81:18 85:14 101:19  
 172:22 258:7 307:17  
**100** 73:4 244:5 262:21  
 272:4  
**1030.02** 102:7  
**1044** 81:18,21 85:14  
**1044(e)** 100:12 102:8  
**11** 74:8  
**11:40** 157:8  
**12** 81:11 99:10  
**120** 8:4,18 11:4 25:21  
 31:11 32:20 33:1,4  
 37:5,18 38:6 47:17  
 49:4,9 158:16  
**120's** 32:9  
**13** 90:12  
**13669** 195:2,13 200:21  
 201:3 202:11 286:10  
**14** 98:19 157:22 158:8  
 199:19,20 222:19  
 286:10  
**14th** 224:9  
**15** 99:4 139:1 173:17  
 174:7 206:13 208:22  
 258:16,19 260:8  
 285:13 286:18 287:8  
 288:5,15 289:17  
 290:8 291:16 292:2  
 308:12  
**16** 1:7 105:9 108:22  
 124:21 136:16 139:1  
**16th** 29:13  
**17** 105:5 107:11,12  
 109:14,22 110:5,20  
 119:4,20 124:21  
 128:6 135:6 136:16  
 136:16  
**1701** 157:21 158:3  
**1701's** 157:18  
**17th** 259:1  
**18** 110:14,20 124:21  
 133:18,19 136:17  
 137:19 142:19 149:9  
**18-year** 312:20

**180** 7:16 44:12,21 177:8  
 258:21  
**19** 124:14,21 125:1  
 128:3 132:16,19  
 133:11 142:19,22  
 146:5 149:10,13

---

**2**

---

**2** 32:19 224:7 230:3  
**2:29** 258:10  
**2:49** 258:11  
**20** 1:12 84:19 194:13,19  
 209:12 215:18 224:7  
 233:9  
**2009** 130:22  
**2011** 130:1,9  
**2012** 4:16 31:21 32:20  
 37:17 42:15  
**2013** 7:14 8:13 131:3  
 158:9  
**2014** 7:13 122:10  
**2015** 1:7 4:18 7:17  
 176:22 177:5 259:1  
**21** 209:8,11 219:16,19  
 224:13 229:10 230:2  
 230:4  
**22** 229:8 233:18  
**23** 126:18 134:8 249:3,4  
**230** 88:2  
**24** 257:19  
**25** 258:14 260:21 261:3  
 275:17 287:3 290:13  
 290:17  
**26** 262:12 263:1 269:20  
 274:18 276:2 282:3  
 302:16  
**26th** 158:8 205:10  
**27** 260:17,19 262:12  
 274:17 276:3 282:3  
**28** 130:12 286:7 287:2  
**29** 130:11 287:8  
**2nd** 161:9 164:2

---

**3**

---

**3** 32:22 185:11,13  
**3:49** 319:13  
**30** 102:11 289:13  
**30th** 45:22 317:16  
**31** 290:7  
**319** 3:8  
**32** 133:3 159:20 171:11  
 194:22 195:3,16,20  
 196:7,18,20 197:2,12  
 199:3,6,17,22 200:1  
 201:4 202:19 203:9  
 205:5 209:16,19  
 210:12,12,20 211:18  
 212:5 213:8,11

214:16,19 215:16  
 216:4,22 218:2,3,16  
 218:19 219:7 220:16  
 220:19,22 221:2,13  
 221:19,21 222:7  
 249:13,16,19 273:15  
 276:6 279:10,18  
 282:5 285:16 286:9  
 290:21 296:12 297:3  
 297:8 302:3  
**32s** 141:9 205:7,9 210:5  
 220:18 223:13,20  
 278:11  
**33** 292:4 294:20  
**333** 1:11  
**34** 294:21  
**35** 157:14  
**36** 128:6 159:16 175:5  
 177:14  
**37** 174:22 177:11  
**38** 177:17  
**39** 183:19

---

**4**

---

**4** 3:4 4:18 7:17 33:3  
**40** 147:22 187:6 189:17  
**403** 226:12,13 253:17  
**405** 195:2,20  
**407** 203:1  
**41** 147:22 192:2  
**412** 133:7 164:3,9  
 186:22 194:12,22  
 195:3,7,21 196:3  
 197:12,17 199:3  
 201:4 204:4,13,18  
 206:18,19 207:16  
 208:1,10,11 209:5  
 210:3 211:7 212:10  
 212:13 214:5,12  
 219:15 221:1,11  
 225:10 226:10 229:15  
 234:6 237:6 241:3  
 242:19 245:19 249:5  
 249:16,22 255:22  
 289:17 295:4 302:4  
 304:2,21  
**412(c)(3)** 231:2  
**412(e)** 197:3  
**420** 197:1 228:22 232:4  
**45** 113:6 157:1,6

---

**5**

---

**5** 33:5  
**50** 73:4  
**500** 279:15  
**511** 291:14  
**513** 133:8 164:3,9  
 186:22 206:17,21

207:3,15,22 208:18  
 209:1,2 212:12  
 222:16 225:7 228:4  
 249:22 254:8 256:18  
 256:19 257:20 258:3  
 258:14,16,20 260:3  
 263:12 265:14 270:14  
 270:20 271:5 279:9  
 285:13 287:11 289:5  
 289:14 290:10,22  
 292:6 293:21 294:19  
 295:4 302:5  
**514** 164:3 186:22  
**537** 258:18  
**541** 4:16

---

**6**

---

**6** 3:5 231:17,20  
**6(b)** 157:17 158:2,7  
 167:17,17 240:9  
 242:12 243:11,13  
**61** 201:8,19  
**615** 186:22  
**62** 224:4  
**63** 224:5  
**64** 228:14 232:4  
**67** 271:16  
**68** 267:14 270:6 271:16  
 271:16  
**69** 278:9  
**6th** 1:12

---

**7**

---

**7** 3:7  
**70** 278:9  
**72-hour** 187:18  
**73** 126:16 134:7  
**77** 291:12

---

**8**

---

**800** 309:20  
**81** 165:7 169:5  
**83** 165:9

---

**9**

---

**9** 157:13  
**9:00** 1:13  
**9:06** 4:2  
**90** 44:12 131:20  
**905** 186:19  
**908** 298:8  
**92** 36:4,11  
**94** 77:7  
**95** 55:14  
**96** 130:10

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: 01-16-2015

Place: Washington, D.C.

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