
UNITED STATES

v.

James M. Rowe
Captain, USMC

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Article 32 Hearing

The testimony of First Lieutenant Ariana B. Klay, U.S. Marine Corps, from the Article 32 hearing conducted at Marine Corps Base, Quantico, Virginia, at 1746 on 6 June 2011.

PARTIES PRESENT

INVESTIGATING OFFICER:	LIEUTENANT COLONEL R. G. BRACKNELL
GOVERNMENT COUNSEL:	CAPTAIN C. M. HOOVER
CIVILIAN COUNSEL:	MR. H. FARAJ
DEFENSE COUNSEL:	MAJOR M. N. MCCONNELL
ACCUSED:	CAPTAIN J. M. ROWE
WITNESS:	FIRST LIEUTENANT A. B. KLAY

Transcription began at 1746, 6 June 2011.

First Lieutenant Ariana B. Klay, U.S. Marine Corps, was called as a witness by the government, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the government counsel:

IO: Lieutenant Klay, I'm Lieutenant Colonel Bracknell, the investigating officer in this case, and the trial counsel is going to ask you a couple of questions. The defense counsel is going to ask a lot more.

Q. Lieutenant Klay, can you please state your full name and spell your last name.

A. Ariana Klay; K-L-A-Y.

Q. Where do you currently work?

A. At Headquarters Marine Corps, Henderson Hall.

Q. How long have you been in the Marine Corps?

A. About five years.

Q. Okay. Where have you been stationed in the Marine Corps in those five years?

A. Quantico for training, Camp Pendleton for logistics school, Camp Pendleton, Marine Barracks Washington 8th & I, and where I currently work.

Q. Okay. That is --

A. Headquarters Marine Corps, Henderson Hall.

Q. Okay. Where are you originally from?

A. Seattle.

Q. I'm going to ask you a few questions; but first, what I'm going to do is: I know that you provided a statement to NCIS regarding this incident that we are here for today. Do you recognize that statement?

A. Do you want me to read through it or do you --

Q. No. I just want you -- do you recognize the statement.

A. Yes, sir.

GC: It's nine pages. Can you just flip through it real quick just to make sure that there aren't anything in there that shouldn't be in there; or you know, everything is in there that you remember should belong in that statement?

The witness did as directed.

WIT: From what I can glance at, it looks okay.

Questions continued by the government counsel:

Q. Okay. Do you remember providing this statement to NCIS?
A. Yes.

Q. Okay. I see a bunch of little squiggly marks on the sides of the paragraphs.

A. Those are my initials.

Q. Those are your initials, and this is basically you going through your statement, making sure each sentence and each paragraph is correct. At the time you provided the statement, which I believe on top of here, it says the 1st of February?

A. Yes, sir.

Q. Okay. At the time that you provided the statement, was this accurate?

A. Yes.

Q. Okay. Have you had the chance, anytime recently, to review the statement?

A. No, sir.

Q. When was the last time that you took a look at this statement?

A. Not since the day that I wrote it.

Q. Okay. The 1st of February?

A. Yes, sir.

Q. Okay. The content that is in this statement, did you provide everything in there -- is everything that's provided in this statement truthful at the time you made it?

A. Yes.

Q. Okay. Is there anything in there that you remember now because, obviously, this is February 1st -- is there anything now that is inaccurate from this statement?

A. I don't think so without reading [inaudible]. I can't recall it exactly; but I mean, there is always additional things that have happened since then.

Q. Sure. As far as what is provided in here -- I know there are some other things, and we will talk about few of those other things --

A. Yes, sir.

Q. Whatever is in here that you provided on the 1st of February, you're stating that it is truthful?

A. Yes, sir.

Q. Okay. Do you adopt this statement as your true, basically, testimony at this point?

A. Yes.

GC: I'm going to provide this to the investigating officer. I know the defense already has a copy. I know you have this also, sir.

IO: I do. Where are we here in terms of investigating proceedings? We never did admit anything else; right?

GC: No, sir, not that I'm aware of. This should be three.

IO: So the three that we were looking at earlier was those notes, but I said that I didn't want to take it. There has been nothing else; right?

GC: Correct, sir.

IO: All right. I'll take this as three.

Gentlemen, before we leave, I need a clean one to without [inaudible] and everything before we leave.

GC: Yes, sir.

Questions continued by the government counsel:

Q. Now, that statement the IO will be able to consider. I see what you have in your hand there, but can you tell me what it is that you have in your hand?

A. This is a drawing of my house.

Q. Okay.

A. Like what the layout of the inside -- the kitchen relative to the living room, bedroom, et cetera.

Q. I see that you've written "downstairs" and "upstairs," so it's a two-story home that you have?

A. It's a rental house in D.C.

GC: Okay. I'm going to leave that as is. If the defense counsel wants to have any marks put on that, I just like to ask that we stop and make a photocopy just because we do have one. I don't want to mark it up, so we have a clean version.

IO: Is that going to be an investigative exhibit?

GC: Not from my perspective; no, sir. If the defense wants to use it as something they want to introduce --

IO: Okay. You are just using it as a demonstrative aid?

GC: Yes, sir, in the absence of a big whiteboard.

IO: Okay.

GC: At this point, I don't have anything further for this witness, and I will let the defense counsel go ahead and ask questions.

CROSS-EXAMINATION

Questions by the civilian counsel:

Q. Lieutenant Klay, good afternoon.

A. Good afternoon, sir.

Q. My name is Haytham Faraj. I am a defense attorney, and I have some questions for you.

A. Good to go.

Q. Do you recognize some of the people in the gallery here today? Do you recognize any people here?

A. Lisa Thomas. She is the SARC.

Q. Okay.

A. There is a gentleman --

Q. All right. This is your SARC?

A. She is the Headquarters Marine Corps one.

Q. Okay. You said you came into the Marine Corps five years ago?

A. Yes, sir.

Q. Which program did you come through?

A. Naval Academy program.

Q. When did you graduate from the Naval Academy?

A. 2006.

Q. Did you go to TBS as soon as you were done?

A. Uh-hum, July.

Q. What Company would that be?

A. Echo.

Q. Echo?

A. Yes, sir.

Q. You know, if you would like, you can put that aside because I don't think we are going to refer to it. Don't worry about the diagram.

A. Okay.

Q. What was your major at the Naval Academy?

A. History.

Q. Anything in particular?

A. Bachelor's in Science. I mean, it was, like, focused on U.S. and military history, but a Bachelor's in Science because everyone gets a science-based degree.

Q. Did you have any other majors or minors?

A. At the Naval Academy?

Q. Yes.

A. No, I didn't.

Q. Did you undergo any other college-level schooling besides the Naval Academy?

A. Yes. I went to UC Irvine for two years prior to that. I played soccer there and had an academic scholarship there as well.

Q. Did you have a major at UC Irvine?

A. Yes. It was Civil Engineering in the Honors Program.

Q. When you started at the Naval Academy, did you have to go through all four years, or did they credit you a couple of years?

A. Yes, sir. You have to do all four years no matter what. You can credit like a class or two, but it is very difficult and not recommended.

Q. You basically went through school all over again?

A. Yes, sir.

Q. What caused you to join the Naval Academy?

A. Well, when I finished my time at UC Irvine, I had broken my foot and had to redshirt a year for soccer. I was really unhappy there, just with the school, the environment, and Orange County. I just didn't like it. I also struggled with an eating disorder that was -- I felt like I was obsessed with two things: School and eating.

I had very good grades. It was, like, 3.95 with 18 units and doing soccer my first semester, but my coach had said that I would be better if I lost weight. I became very obsessed with it, and it kind of started taking a toll on me.

Q. When you say "obsessed with it," were you diagnosed with an eating disorder, or [inaudible] something you were going through?

A. No. I mean, I would just eat food and throw it up because I wanted to lose weight and just counted calories every day.

- Q. Do you believe that was a disorder, or is that just a fanatical dietary regiment that you were on?
- A. I don't know since I'm not, you know, a competent medical authority able to really diagnose myself. I don't know. I just know that it was difficult, and I kind of burnt out while I was there. I just kind of didn't feel like it was fulfilling or that I was in the right environment to become my potential.

Then, I met this Lieutenant Colonel that was running around after one of my soccer practices, and I always ran after practice -- just recommended to me that I look into the Marine Corps.

- Q. What's his name?
- A. I think his name was Lieutenant Colonel Frank Ricrapito [ph]. I don't remember from there all the details. I just know I contacted Carin Babarra. She is an Olympic Gold Medalist and a soccer coach at the Naval Academy. I just sent an e-mail, and they flew me out to do a recruiting visit because I had good grades from UC Irvine, and I was willing to do all four years because I was --

Once I started researching the Marine Corps, I thought it was this very disciplined, prestigious, hard working, blue collared, your kind of down there where the rubber hits the road, and helping people thing. I felt it could be a better fit, and you can work out during the day and it's encouraged. It just seemed like a good fit.

- Q. Did you enter the Naval Academy on a soccer-type -- I guess, it's not a scholarship, but they recruited you based on your soccer qualifications?
- A. They did recruit me, but they also -- because I was, like, a National Merit Scholar and everything else, they said it would be no problem to get me in. I was my high school valid victorian and everything, so it was not like they had to push me in because -- you know, like a special admin, I guess, you could describe it.

- Q. Right.
- A. Yeah, they did fly me out there and recruit me; but obviously, they don't give athletic scholarships. They did give me a Superintendent's Nomination vice a Senatorial Nomination.
- Q. Are you from California?
- A. No.
- Q. Where are you from?
- A. I am from Seattle.
- Q. Okay. Is there a particular reason why you picked UC Irvine?
- A. Because my number one choice, Dartmouth, was top 10 of the country at the time. They recruited me, accepted me, and I got in. When I found out the Need-Based Financial Aid, neither of my parents went to college and they had five kids. There was no way they could afford it; so by the time I found that out, there were only a couple of other schools that I had visited that were offering me money, and UC Irvine was kind of like my B-choice that I was very unhappy to be going into.
- Q. Got it. I understand. Thank you for clarifying that. You are married?
- A. Yes.
- Q. When did you get married?
- A. We did Justice of the Peace, I think, on April 27th, 2008, but we actually had our family wedding in Seattle on the Fourth of July of 2009.
- Q. Okay. Where and how did you meet your husband?
- A. I met him while I was at Logistics Officer's Course in North Carolina through a mutual friend of mine that went to the Naval Academy and was in his unit.
- Q. Was he a logistician?
- A. No. He was a combat engineer officer [inaudible] when I met him, but he is up doing the LAV Leader's Course. He Lat Moved to do his reservist thing, so he is in 4th LAR right now.

Q. Lat Moved to the 03 field?

A. Yes, sir.

Q. Did he [inaudible]?

A. No. From a selection pool, they chose him over, like, eight other actual 03s because the Company Commander just liked him.

Q. Okay. When did you meet your husband?

A. I would say I met him as I was going through Logistics School, so that would be July -- yeah, because I was at Camp Pendleton for three months after TBS, and then I met him on the second day that I arrived at Logistics School. I would say May of 2007.

Q. Okay. How did you come to be at 8th & I?

A. While I was deployed, I volunteered to be the ADJ for our unit [inaudible]. My husband was going to Harvard Kennedy School of Government at the time, and he got his --

Q. I'm sorry; I didn't hear that.

A. My husband was going to Harvard Kennedy School of Government at the time, and he got his job in D.C. I was a 2009 Mover, and I requested anything in the National Capital Region. The monitors responded back, "How tall are you?" I said, "Five-nine," and then he had me submit a package.

My CO said -- as a reward for doing a good job as an ADJ for him because I worked very hard -- like, I'll put in this recommendation [inaudible] because I think you did a good job. I was PCS'd after I came back from deployment.

Q. How did you feel about your orders to 8th & I?

A. My number one priority was going to be where my husband was, so that was really good. I didn't really like D.C. that much from my previous experiences, so I had kind of mixed feelings about that. 8th & I was not something I would have ever thought I would choose because I didn't -- a lot of focus is on uniform appearance. I don't really like perception-based things. I like things where the rubber hits the road, but it seemed kind of interesting to be kind of the tip of the spear as they told me and where all the Generals make the decisions.

You know, everybody had said that it was like a "dog and pony show" there, so I was a little bit concerned that it was just a lot of standing around and saluting, I guess. That's it.

Q. When did you arrive at 8th & I?

A. I checked in right after the Fourth of July weekend, so like July 7th, 2009.

Q. Which unit within 8th & I did you get assigned to?

A. They initially sent me down to MCI Company for two weeks. I had also been told that I was going to be filling a "hot field billet" of the Protocol Officer before I arrived; but when I showed up, they sent me down to MCI Company for two weeks. Lieutenant Colonel Hanger [ph] told me it was so he could see if me and Suzanne, the current Protocol lady that was there, were going to be a good fit. I worked down at MCI Company for two weeks, and then they moved me up to Protocol.

Q. How was he going to see if you were a good fit with Suzanne if you were at MCI Company?

A. I'm not sure, sir.

Q. You didn't work for Suzanne at MCI Company. This Suzanne is Suzanne Brick?

A. [Nonverbal response]

Q. You shook your head meaning "Yes"?

A. Yes, sir.

Q. Okay. Who is she again?

A. She was the Director of Protocol that had been recently hired at 8th & I.

Q. She is a civilian?

A. Civilian, GS 13.

Q. What's her background; do you know?

A. Her background is that she did eight years enlisted in the Marine Corps. She was in charge of a Lockheed Martin booth for nine years, and then she worked as the Deputy on the Commandant's Birthday Ball because Hawk knew her. Now --

- Q. Hawk?
- A. John Hawktol [ph]. I guess, he is the one that Suzanne knew, and he hired her to be the Deputy of the Commandant and the Marine Corps Birthday Ball. She was the Deputy for just the Birthday Ball. Then, the Protocol Director's position opened up, and Major Jones, who she was having an affair with, recommended her for the job, and she was hired.
- Q. She was having an affair with a Major Jones? Who is Major Jones? You shook your head -- sorry. I don't want to be a stickler; but because we are on the record, you have to speak.
- A. Okay. Yes. She did work for Major Jones, who is the Operations Officer at Marine Barracks Washington.
- Q. He was the Ops O for the entire Barracks?
- A. Yes, sir.
- Q. You believe or you know that Suzanne was having an affair?
- A. I know because she has personally relayed details throughout my time there about her affair with him.
- Q. When you say "affair," that to me suggests that one of them was married.
- A. Major Jones was married, and Suzanne was not.
- Q. He was having an affair with her?
- A. Yes, sir.
- Q. Do you know if he was separated at the time?
- A. No, he was married.
- Q. When she told you this, was it sort of just confided in you or ragadishio [ph] that you could maybe trust or reject?
- A. I think she was initially -- when I initially went to the shop, she was extremely angry that they were putting me in her shop, you know, in front of Lieutenant Colonel Hanger. He sat us both down and said that I was going to be working with her. She said, "I don't need a Lieutenant. I need a Sergeant. I need Sergeant leadership. I have nothing to do. I have no jobs for a Lieutenant or room for her in my office."

Q. How did that make you feel?

A. Really didn't like it, I guess. I felt it was going to be a pretty hard challenge right off the bat because my philosophy was to win her over with kindness. That seemed to work. She told me that she had no female friends and began confiding in me. She also drank heavily almost every day in her office. When she would drink, that's when she would do the most confiding. She also confided with some other people in the Barracks. I don't know what she confided with them; but there were also people in her office with the door closed, and she would, like, have a drink or something with them socially. I don't know what was going on, but I'm just saying it.

Q. Did she admit to any other secret liaisons?

A. Yes. She talked about one with Chief Warrant Officer Childress [ph], who used to be at the Barracks. I never met him. She talked about one with -- well, he wasn't married -- Gunnery Sergeant Deboy. She talked about one with Captain Wilson who was not married. She talked about how she left a note on Captain Gallagher's car. She would send him sex text messages or whatever you call it.

Q. Who were the text messages to?

A. Captain Monahan. Later in the year, in like January, she told me about her and Captain Deal, who is single. A Major Bedell, who is Lieutenant General Trautman's aide. She told me that she was sleeping with --

Q. Is he married?

A. Yes, sir.

Q. Major Bedell, how do you --

A. Bedell; B-E-D-E-L-L.

Q. How did she come across with so many people?

A. The Protocol job is very centric. You have to work with all the other staff offices of the Generals. The majority of the officers and Staff NCOs that I said worked at the Marine Barracks [inaudible]; but some of them, like Major Bedell and a few others that she said, she had relationships a long time ago. She said, you know, for years while she lived in D.C., she had kind of

been having relations with Marines from the Barracks. Major Jones had recommended her hire over far more qualified candidates. She didn't tell me the Protocol candidates but --

Q. She said that Major Jones recommended her being --

A. She said that Major Jones recommended her hire.

IO: So far, you named Jones, Deal, Monahan, Bedell, and Wilson?

WIT: I [inaudible] --

CC: Deboy and Childress.

WIT: She also told me about other ones that were, like, Major Shields. He was a new officer that got there, but it wasn't confirmed in Lieutenant Colonel Hudspeth's investigation.

IO: You said Gunnery Sergeant Deboy?

WIT: Gunnery Sergeant Deboy; he is in Japan now.

Questions continued by the civilian counsel:

Q. Chief Warrant Officer --

A. Chief Warrant Officer Childress.

Q. She also mentioned Major Tom Shields?

A. Oh, Major Shields, and then another guy that --

Q. Major Shields from the Barracks?

A. Yeah. There is another guy, but I can't remember his name. He used to be the Barracks ADJ, and he was married. He is a black guy. I can't remember his name; but right now, I can't remember it.

Q. I want to ask you to sort of think about Suzanne Brick and her personality and tell me whether any of this should be believed.

A. It's already been proven. In Lieutenant Colonel Hudspeth's investigation, it confirmed that at least six officers, senior to me, were having sexual relations with Suzanne and at least one of them was married; although,

they wouldn't give the identity because it came through Lieutenant Commander Rice, the psychologist.

Q. I apologize that I only got that very big investigation last Friday, and I haven't had the chance to review it. I'm going to ask you questions that may be in the investigation [inaudible] some answers because I don't know what's in it.

A. Yes, sir.

Q. Well, that answers my question, that you believed they may have been corroborated.

A. They have been corroborated, and some of them are already going to trials. Suzanne has been fired. She was also accepting alcohol for tickets, which those were supposed to be free tickets. There are a whole slew of problems in that a Marine said a sexual comment to her -- she was sleeping with two of the Marines in my shop. Oh, she was also allowing Lance Corporal Tinsley to have sex with Captain Gallagher at her house. That's all in that report, and she got pregnant.

Q. Has that case already been disposed of or taken care of?

A. Yes, sir.

Q. Okay.

A. That was part of the 1,000 Page 1 that you got.

Q. You had some problems with that investigation?

A. Absolutely. I sent in an appeal that was about 30 pages. I mean, it was distorted, illogical, retaliatory, and mistakes the Navy policy on sexual harassment; but it does support my claim that there was a very hostile sexual environment at 8th & I.

IO: This is Hudspeth's investigation?

WIT: Yes, sir.

IO: You sent an appeal?

WIT: I already did submit an appeal, sir.

IO: In appeal of what?

WIT: I'm sorry to be laughing. I'm laughing because of the humor as I went through it. She mistakes the Navy policy on sexual harassment. It was corroborative in that there were all these sexual slander that were being said directly to me. From the time that I get there, Master Sergeant Dixon said, you know, sexual comments were being made about me. She went on to later say that it wasn't unwelcome because I wore short running PT shorts and makeup, and that was prejudicial to good order and discipline.

She didn't acknowledge because my original EO complaint happened because General Flynn directed that I make it. When I went to NJP and accepted NJP for slapping a Marine that had sexually harassed me, Corporal Gillespie, he said, "What would make you do this?" I said, "Sir, I had no faith in anybody in my chain of command with the ability to do something about this would have done it. So, I stupidly administered the drunken punishment myself in the form of a slap, which was a mistake." He said, "If there is that environment, you need to do the formal process."

I made the formal process, made an 8-page statement about how in April of 2009, Captain Wilson -- I had done Duty Turnover with him. Captain Wilson deployed with my husband with 3/8. Four days after I had done Duty Turnover with him, I had seen my bosses later that day -- oh, Captain Bowman; that's another guy she was having sex with that was proved in this investigation. She had told me that her and Captain Bowman had been having sex in Center House, and she drove back on Post because she said that she left her tampon somewhere, and she was going back to get it.

That following Tuesday, Captain Wilson called me up at 4 p.m. and said, "I need to see you tomorrow morning at 0400 in my office with Captain Bowman, don't ask any questions, blah, blah, blah." I show up -- I'm sorry. He couldn't go in the morning because Captain Bowman had [inaudible], so it went that very afternoon, around 4:30 or 5:30. It was in Alpha Company office with Marines walking by, and there was a Guard Marine posted by it. He proceeded to interview me and Bowman, also telling me when he was in the room that he knows I'm a slut and that

my husband only married me because I was the first person that he ever had sex with but in more derogatory terms.

I was crying. He said, "I just want you to tell me the truth. Did anything happen with Captain Bowman?"
I said --

Questions continued by the civilian counsel:

Q. I'm going to stop you there for a minute because I heard some things that I want to make sure I understand. Wilson was telling you that the only reason your husband married you was because you were the first person he had sex with?

A. Yeah. He was just saying weird --

Q. Do you remember his specific words?

A. I don't remember then specific words. He was just saying rude comments about -- he said, "Your husband is too smart for the Marine Corps anyways." He said something about [inaudible], but he was like, "What else did he say?"

I had told him on Saturday morning, which was earlier -- when we did Duty Turnover -- he said something about, "So, Suzanne and Bowman looked like they had fun last night because everybody saw her." She left her dog and went upstairs with Captain Bowman to have sex in the house with him after an officer-drinking event that we had, a pre-parade barbeque.

He knew that it was her. That morning, when I was doing changeover with him, I said to him -- he acted like that was gross. I said, "Everybody knows that you used to have sex with Suzanne too, so I don't know why you would say that." He just kind of didn't really say much and left.

That brings us back to Tuesday when he made these comments. He brought out and said that my statement and Bowman's statement conflicted with each other because apparently Bowman said -- when he walked in -- nobody was there. Suzanne came over, interrupted what Captain Wilson was doing, and said, "It was me in bed with him.

What are you doing?" Bowman said, "I was in bed with her, but she had left by this time."

There is readily available evidence to [inaudible] contrary. I was crying. He told me if I kept interrupting him, he was going to have the Marine, the Lance Corporal in the corner, arrest me for interrupting him. It was out of the scope of his duties for him to be reading me my Article 31(b) rights anyways. It was just, like, extremely bizarre.

I called my husband, and I was crying hysterically. He came and picked me up, and he didn't find Wilson to be a very impressive individual to begin with. He pretty much decided to himself that Wilson would do that because I always tell my husband abreast of Suzanne's goings-on for the most part.

Q. When you say "Suzanne," you put up your finger to make air-quotation marks.

A. Uh-hum.

Q. Why do you do that?

A. I guess it's just really Suzanne's sexual activities. It's what I'm referring to.

Q. Okay. You took me to a direction where I wasn't going; but since we are already there, did you spend that night in Center House? The night I'm speaking of is the night when Bowman and --

A. Suzanne.

Q. -- Suzanne were having sex?

A. I didn't spend the night there, but I showed up there at, like, 5:30 in the morning before doing Duty Changeover.

Q. To do?

A. I just had gotten into a little fight with my husband. I had been drinking the night before, and I was mad at him, so I just wanted to go do Duty Changeover.

Q. What did you do at Center House when you got there?

A. I came in, and then Captain Shields was visiting. I talked to him the entire time that I was there until about 6:30 and then left and went and changed over.

Q. Captain Shields was up at 5:30?

A. Yeah. He had to catch some flight because he was visiting from California, so he was -- I was in there drinking Gatorade because I wanted to hydrate myself before taking Post.

Q. From 5:30 to 6:30, where are you sitting in Center House with Captain Shields?

A. We are sitting -- there are, like, three or four levels. I think on, like, the second level, there is kind of an open room. I remember him asking something about, like, how to catch flights. He was also an ADJ and was going to be our new ADJ, so I was talking about how I wanted to Lat Move to be an Adjutant.

IO: It's very interesting, but can you sort of re-center me on how this development had --

CC: I'll try and [inaudible].

IO: Okay.

Questions continued by the civilian counsel:

Q. You said he was preparing to take off on --

A. On a flight.

Q. -- a flight to California?

A. Uh-hum.

Q. From 5:30 to 6:30, you were engaging in a conversation, and then you went to change to get ready for Duty?

A. Yes. I did walk past Captain Wilson then.

Q. What time do you normally assume Duty?

A. Between 6:30 and 7:30. I don't remember. I think it's like 7:15 is when you have to do Colors.

Q. Where would you normally change?

A. I change in the -- it's on the upper deck by the arcade. It's like you have to walk out of Center House, walk across the [Inaudible] Field, and go upstairs and change.

Q. Colors go at 0800; did it not?
A. Yeah, I guess it is. I don't know; I haven't done Duty for awhile.

Q. Colors go at 0800 everywhere.
A. Good to go, sir.

Q. Well, unless it has changed.
A. I feel confident that it hasn't. I think you're correct.

Q. The Barracks does it at the same time, or do they do something different?
A. No. You have to be out there at 7:45. It always takes forever to put on -- because you have to do this whole drill sequence before with your sword, so it always takes me awhile to get my uniform and everything ready.

Q. Okay.
A. Then you go out; you march out with the Sergeant of the Guard; and do this whole ritual. I was not very good at drill, so I usually went out there early to practice.

Q. At some point in 2009, you made some allegations of rape or sexual assault against Captain Rowe? 2011, I meant to say.
A. Uh-hum.

Q. Do you recall that?
A. Yes.

Q. How did you make those allegations?
A. You mean, what form?

Q. Who did you contact first?
A. Well, I originally spoke about it to -- while I went on leave right after it happened, I told my husband that I needed to go check myself into a hospital or something for alcohol rehab program because I couldn't spend another day at 8th & I. I called the alcohol substance guy, and I said that I needed to get into something immediately.

Q. When was this?
A. That was, like, August. It was, like, Monday or Tuesday after August 27th.

- Q. Monday or Tuesday after August 27th, you reached out to some sort of substance abuse counselor?
- A. Uh-hum, like a military one. When they had me fill out the form, I wrote that while at 8th & I, there were two sexual assaults incidents, and I also have an alcohol problem besides that, and it was getting progressively worse.

After the incident with Wilson happened, they investigated it. Captain Bowman and Suzanne said, "Yes. That was us having sex." Lieutenant Colonel Hanger's was to tell all the officers not to have sex in Center House. It didn't really do any good. There became, like, massive rumors going around that I had a gangbang with African American officers in the command. It was rampant down to the Lance Corporal level up to the Staff NCOs and my peers.

It was very depressing, I guess. It really bothered me. I went over to talk to Suzanne about it. She told me to just ignore it and let it die. I spoke to Lieutenant Colonel Hanger on several occasions about it.

- Q. Okay. My question earlier was about the first time you reported it, and I think I heard you say that it was --
- A. The first time I discussed in detail was to my alcohol rehabilitation group in September of 2010.
- Q. Well, let me just take it step at time. Let me focus you back on the Monday after August 27th, 2010.
- A. Okay.
- Q. You said you completed some sort of form? That would have been --
- A. Yeah. It's a *Why Do You Think You Need to go to Alcohol Rehab* form.
- Q. Okay. On or about Monday, August 30, you created some sort of form?
- A. It was either Monday, Tuesday, or Wednesday. I don't remember which day.
- Q. Okay.
- A. I didn't create the form. It was a standard form that -- when I went to Jim Bogg [ph].

- Q. You memorialized the assault the week after August 27th, 2010; is that right?
- A. I don't know what you mean by "memorialized."
- Q. You put into writing.
- A. Yes.
- Q. You put into writing something about it?
- A. Yeah. They said that I had the option not to talk about it, and I [inaudible]. I didn't want to talk about it and had no plan to ever talk about it. It was something that really disturbed me, and it was a reason why I wanted to go to the intensive outpatient rehab.
- Q. Okay. Is it fair for me to say that as early as the week after August 27th, which is the day -- August 27 or 28 of 2010 is the day why we are here for, where you were saying that there was a sexual assault or rape; right?
- A. Yes.
- Q. As early as that first week, you believed there to have been a rape?
- A. As early as, I'm sorry, what day?
- Q. As early as the first week after it happened --
- A. Yes.
- Q. -- because you put it into some sort of writing?
- A. Yes.
- Q. You didn't maybe share details, but you said there was a sexual assault that occurred; correct?
- A. Yes.
- Q. The sexual assault you are referring to is a sexual assault that was committed by this man, Captain Rowe?
- A. Yes.
- Q. Is this the man we are talking about? Do you recognize Captain Rowe in the courtroom today?
- A. Yes, I do.

Q. Okay. When I asked you that question, you continued to look forward and I sensed a discomfort in you even looking at him; is that correct?

A. That is correct.

Q. Does that discomfort come from the fact that he sexually assaulted you or raped you?

A. It's because for many reasons. Do you want me to elaborate?

Q. Please.

A. It's because he was somebody that was my friend. I used to have feelings for him. I know he hates women. I know that -- women Marines specifically. I just know the psychological toll his friendship [inaudible] with me and the things that he was saying. I feel bad for him because I think he is just an alcoholic that did something psycho when he was drunk. I feel bad for him because I think he has unresolved issues.

Q. Do you believe that he was in some sort of state of psychosis at the time this assault happened?

A. Yeah. I think he was like psychotically angry and still drunk.

Q. Okay. I want to take you back to the issue of the reporting. On that first week after this assault, you didn't develop the belief later that you were raped; you knew then that you were raped?

A. Whatever you want to call it, I feel like -- I don't feel -- I did not want to have sex with Jeremy or do whatever he did and didn't want Rowe to say all those mean things to me while he did that.

Q. I'm just asking about how you feel. Sometimes, people, as they contemplate something, realize that they were taken advantage of and raped; okay, or had sex against their will? What I'm trying to nail down is that you knew that at the time; and today, I sense that discomfort, and I see your discomfort now when we are talking about this issue. This wasn't something that developed over time. You knew or you sensed or you felt that you were raped at that time?

A. Yes.

Q. Okay. As you just testified, that would have been a betrayal to your friendship that you had with him?

A. Yes.

Q. Okay. Can you tell me why you continued to contact Captain Rowe after he did what he did to you for so many months?

A. Because Rowe was one of my only friends when I had gotten in trouble for slapping a Marine. He was one of the only people that still would talk to me, and I did feel like -- I really looked up to him. I felt like in the past, he had given me sound advice about many things. He was one of the few people that kind of knew what was going on with Suzanne.

Based on the advice he gave me, I actually started performing better in my billet because he would be, you know, he was like, "You have to ask Suzanne if you could start doing staff meetings. If you are doing all the work, you got to brief it. More people are going to know that you are doing well and doing all this stuff if you do this." I followed his advice, and it helped me a lot.

Q. Okay. He was giving you good advice, and he cared about you as a friend?

A. Yeah. I also knew he had similar problems that I did. He was a total alcoholic, and I, granted, was too.

Q. Okay. You relied on -- you trusted that friendship?

A. Yeah. I definitely would say I did.

Q. At least before August 27th, 2010; right?

A. *[Nonverbal answer]*

Q. You shook your head, "Yes." Does that mean, "Yes"?

A. Yes.

Q. When we have friends that we trust, we also trust that they don't betray that trust; right?

A. Yes.

Q. We might be betrayed by people we don't know, but the worst kind of betrayal is the betrayal by people that we care about and love and trust; right? Would you agree with that?

A. Yes.

Q. He betrays your trust on August 27th or 28th. You just agreed that it's the worst kind of betrayal. Why would you continue to contact him?

A. Because he had been there for what happened. He seemed to bury -- I mean, he actually gave me good advice up to that. He was like, "You need to go to alcohol rehab." That was good advice.

Q. No. I'm talking about -- you continued your friendship with him; would you not agree?

A. Yeah.

Q. This is the man that raped you. He betrayed your trust. He took advantage of you. Why did you continue to contact him?

A. Because I was already very low in my life. I considered it to be some kind of freak incident. You know, I messed up in life too. He seemed like he had remorse about it. He really just changed after that day too. After that day he, you know, our relationship, like, really changed after that too and the fact that he became much nicer and calmer. He stopped drinking. I think him and Megan's relationship -- he would talk to me about how I could make things better with Ben.

I was also, like, going through a horrible process, and nobody was talking to me about it. Rowe was the only person I knew and respected at the time, and he had been through, like, alcohol rehab stuff. He already knew about, like, my other personal issues and stuff. You know, I didn't think he was going to do it again.

Q. Did you ever sit down and talk to him about what happened?

A. Yes.

Q. You did?

A. Uh-hum.

Q. You said that he showed remorse?

A. We were very generic when we spoke about it, but he just said, you know, "That was one of the lowest days of my life. I am sorry." Then, he quickly switched the subject; and sometimes, he would also still do the thing where he would say something like, "Yeah. You had to get to that low point in your life where you never would have quit drinking." Actually, I thought that was [inaudible] too, like maybe something fucked up had to happen to get me to stop drinking. Maybe, it was a good thing.

Q. A rape had to happen to make you stop drinking? Does that even make sense to you, Lieutenant Klay?

A. A lot of bad things happen to a lot of people.

Q. All right. Well, I apologize that this is painful, and I don't want you to suffer; but I'm just trying to understand something that is inconsistent with what I've learned about you so far and that is: You are very bright, Naval Academy, UC Irvine, which is another fantastic school. You are telling me that the reason you continued to contact your rapist is because he was your friend, and he gave you good advice. Did I understand that correctly?

A. Yes.

Q. You also had a husband?

A. Uh-hum.

Q. You could have confined in your husband?

A. There was no way that I was going to tell my -- our marriage was on the rocks anyways. You know, at the time, I did like -- even though he did that, I did like Rowe, like more at the time.

Q. How do you mean when you say you liked him? How do you mean you liked him?

A. I would rather talk to Rowe than I would like to talk to my husband at the time; because at the time, my husband just really disapproved my drinking. He hated the fact that I would, like, do things with Suzanne. He didn't understand why I wouldn't go report Suzanne to Colonel Smith.

Q. Who are we talking about?

A. Ben, my husband.

Q. Your husband?

A. He thought -- you know, he was right, that I was making bad decisions with drinking, and I was depressed. He just -- I don't know. I just lost having the bond with him.

Q. Wait a minute. I mean, you just told me that the reason why you liked Captain Rowe is because he was giving you good advice?

A. Uh-hum. That's one of the reasons.

Q. Your husband is a bright man, Harvard [inaudible]; right?

A. Uh-hum.

Q. Okay. He is telling you the same advice: Go report her, stop drinking. Why is your husband's advice no good, and Captain Rowe's is better?

A. Because Captain Rowe -- within the little confined 8th & I space, he really was kind of like the favorite Marine. Colonel Smith loved him. For most part minus couple of officers that would talk about his drinking, everyone really respected him. The fact that all these other people hated me and would say all these mean things about me and, like, the best Marine there, you know, seemed to like me and wanted to help me was very flattering. My husband worked at OMP which is, like, insane hours. He was never home anyways. When he was home, he would say how much he hated that I drank, and that was just my life for awhile.

Q. You had girlfriends; right?

A. No, not really.

Q. Well, you were hanging out with a girl on the night of August 27th before you went home that night.

A. Oh, she is definitely not one of my girlfriends.

Q. Who is she?

A. She is just like a casual -- I saw April Preach [ph]. She is engaged to Gunnery Sergeant Deboy. I don't really know her at all.

Q. You didn't have any friends at the time?

A. I mean, I had friends. Annie Dulson [ph] was one of my good friends. She is a pilot in the Navy in the area. I guess, I had a lot of acquaintances but nobody that was close to me in the area. My life best friend, my Made of Honor, she was in Japan. I think I was also really depressed, and I didn't want to talk to anybody.

Q. Forgive me because I'm sort of having a difficult time understanding, and this is not trickery. I want you to reverse rolls with me for a minute --

A. Uh-hum.

Q. -- be in my position asking this Lieutenant who is bright. I'm trying to find out why she would contact the person that raped her because it's just inconsistent with what reasonable people would do, even drunk people --

A. That's actually on trail. It's actually very common for rape victims who are friends with the perpetrator to continue contacting them because they are the only persons that went through that experience with them, that knows about it.

Q. Okay. Where did you get that information?

A. My Master's in Social Work program. I just done studies on it because, I guess, that was one way of me trying to make everything better, which was to go to a profession that's like 90 percent or more women, where I can cry since I cry all the time now. I just thought that would be a good outlet and would have to do a project, a research paper. I did my research paper on psychological consequences of rape and the different types of aggressors and why they do it.

Q. I want to illuminate a couple of things before we continue talking about this. Is it fair to say that because you had no previous sexual relationship with Captain Rowe, he could not have believed that you were consenting the way you were consenting on previous occasions; correct?

A. No. I don't think that's true. I was --

Q. My question, just to make sure that we understand each other, was sort of a roundabout way to ask you if you had a sexual relationship with Captain Rowe before.

A. I would say that there was sexual tension, that he was impotent because of alcoholism. He said that he struggled without his wife. I would say I was definitely attracted to him.

Q. My question was: Was there a sexual relationship between you and Captain Rowe?

A. I would say, "No; there wasn't actual sexual intercourse, but there was ample opportunity for it."

Q. You see, I don't know what "ample opportunity" means [inaudible] the door wide open. Let's talk about sexual intercourse.

A. Uh-hum.

Q. Did you have sexual intercourse between you and Captain Rowe?

A. No, but there was --

Q. Let's take it one step at a time.

A. Uh-hum.

Q. Sexual intercourse is when the penis enters the vagina.

A. Yes. That's what I'm referring to.

Q. Was there ever any sexual intercourse?

A. [Nonverbal response]

Q. Okay. You shook your head "No"?

A. Yes. I shook my head "No."

Q. You shook your head, and I understood "No." Was there ever sexual intercourse between you and Captain Rowe?

A. Per your definition, no.

Q. Okay. Was there any kind of a sexual relationship between you and Captain Rowe?

A. I would say -- could you define your definition of "sexual relationship"?

- Q. Fellatio, cunnilingus on you, engaging in sexual touching, touching of the female breast, the genital area of the male or female.
- A. Yeah, there was some of that.
- Q. Okay. How frequent was that?
- A. Not very frequent. It only went when, like, both of us were, like, extremely intoxicated, and it was usually like mean, weird thing. It wasn't, like, something of pleasurable thing.
- Q. I would like to find out exactly what happened during those cases?
- A. Okay. I don't remember because of the heavy drinking. I just have vague memories that something happened, but I don't really remember why. I could tell you where it was and the circumstances.
- Q. How do you know what happened if you have no memory of it?
- A. I said I had a vague memory, like vague recollections.
- Q. Okay. What is your vague recollection?
- A. I remember seeing him, like, laying on the bed and trying to get himself up.
- Q. You used your hand; was he masturbating himself?
- A. He was masturbating himself.
- Q. Okay. What were you doing?
- A. Drunk and passed out and wearing just underwear.
- Q. Where was this?
- A. In a hotel.
- Q. Where?
- A. In West Virginia.
- Q. You testified earlier that he was impotent. Is that why you didn't have sex?
- A. I don't think either of us -- I don't think he wanted to cheat on his spouse. I think both of us, like, wanted our marriages to get better. A lot of his issues were the similar ones that I had, so I guess, I would try to quit drinking and he was --

Q. My questions was: The reason you didn't have sex -- you said he was impotent?

A. Yeah.

Q. Did you attempt to have sex and he could not perform?

A. No. I would say "No" to that. He didn't try to have sex with me.

Q. How do you know he was impotent?

A. Because he told me about it. I was telling him about having a sex problem in my marriage. He discussed that he was not able -- he implied that because of his alcoholism, he was unable to get it up with his wife.

Q. When did this -- first of all, when do you recall this conversation taking place?

A. I don't know. It didn't really start -- I started talking to him in January of 2010, I think. Yeah, January 2010 a little bit. My first encounter with him was that he was drunk at one of the Center House event's and said, "I hate female Marines." He was like, "When I see you in cammies, it makes me want --"

Q. Let's kind of focus -- it goes a lot faster if you focus on my question here. I mean --

A. I got it. That's fine.

Q. You think it happened in January after you met him?

A. Oh, no. I would say probably late Spring or something. I don't remember.

Q. Of 2010?

A. Yeah or Parade Session, I don't quite remember.

Q. How did you come to being in a hotel room in West Virginia with Captain Rowe?

A. We were going to go out there for one day because he gambles, and I don't gamble or know how to. I was very into dog adopting and thinking about getting one of the little whippets or greyhounds. He was one of my only friends, and he asked me if I wanted to go out there with him, and I said, "Yes."

Q. You got a hotel room together?

A. He just got one hotel room, but it had two beds. He stayed up most of the night gambling anyways and into the next day. For him, it was very serious focus on the gambling thing. I just drank there and went to the greyhound races and hung out with him a little bit and got food.

Q. Okay. How did you get to be in bed with only your underwear?

A. I honestly don't remember, drinking heavily [inaudible].

Q. When you decided to take the trip to West Virginia, did you tell Ben that you were going to West Virginia with Captain Rowe?

A. I didn't tell him then; I told him afterwards.

Q. What did you tell him?

A. I told him that I went to West Virginia with Rowe and that he was a nice guy and made good advice about Suzanne.

Q. Did you tell him that you stayed in the same hotel room, and you were naked to your underwear?

A. No. I didn't tell him that.

Q. Why not?

A. I didn't tell him that exact detail. I told him in the recent months, I just told him --

Q. No, no, at the time, not recently?

A. At the time, I didn't tell him. I told him recently. I just didn't tell him because I didn't want him to -- I was trying to make my marriage work. I felt like if I told him that, he would definitely, like, hate me worse or cause more turmoil.

Q. Is it fair to say that you felt a certain amount of guilt about doing that that weekend?

A. Yeah, I did. I think Rowe did too.

Q. You did it again? You went on another trip with him?

A. Besides driving out to the country, we didn't go out to any other places.

Q. You never stayed in a hotel again?

A. When we went into the country down in, like, very southern Virginia, Shenandoah, we had both been drinking at some bar, and we were driving, and he got pulled over. He was like, "I'm not getting a DUI." I was drunk, and he told me that I should drive. We just stayed there and nothing happened that I could remember.

Q. My question to you is: Did you stay in another hotel room?

A. Yes, but we didn't have sex there.

Q. Okay. To the best of your recollection, that is the only sexual contact you ever had with Captain Rowe?

A. No. There was one other time when I had first met him, and this was in January. My husband had told me that he wanted to divorce me at the time. It was at one of those mandatory Center House events. I walked upstairs to the top floor; and when Rowe got up there, he was like, "Why aren't you naked?"

He told me to go up to the top floor, and I went up to the top floor. He came up there, and he was like, "Why aren't you naked?" Then, he just started to throw up and passed out on the top floor. I guess that was, like, our first time we ever talked.

Q. It didn't sound like he said anything. He said, "Why aren't you naked," and passed out?

A. Yeah, we really didn't talk. There might have been a little bit of talking downstairs about -- that's when he was saying that he hated female Marines.

Q. How did you both come to be in the same room upstairs?

A. Well, he told me to go upstairs. Here is this guy that hated female Marines, and I thought he was, like, very good looking. He told me to go upstairs to the top floor, and I did.

Q. Your husband was there?

A. No. He was, like, working or on business. I don't know where he was. He works very late hours, and he knows about that too.

- Q. When did he find out about that one?
A. After I went to rehab and everything, I just told Ben.
- Q. I don't know when rehab is. Please give me dates.
A. It was September to November of 2010. You know, I told Ben; I was like, you know, I did something wrong, and I don't think that the way I was treated while I was at 8th & I, despite my poor judgment and poor decisions, was fair. I think it could have been prevented had there not been the weird web of weird sex crushings [ph] going on by my higher ups. I mean, my own boss would like encourage me to have an affair with Rowe. She was like, "Your marriage is dead."
- Q. Let me stay focus. The day of when you told your husband would have been September or October of 2010, after you began rehad?
A. I would say, "No." It was actually not until March of 2011.
- Q. Okay. After you made the allegations?
A. No. Yeah, after I reported it but I had not told Ben exactly.
- Q. After you made the allegations?
A. Yes.
- Q. Okay. Did you tell your husband that you had been raped before you made the allegations?
A. No.
- Q. Have you ever told him that you had been raped?
A. Yeah. I told him on March 11th.
- Q. After you made the allegations against Captain Rowe?
A. I made the allegation, I think, in late January or February. I told my husband on March 11th. I told him everything with Rowe.
- Q. When you say "everything," what do you mean?
A. I told him that like, "I'm sorry." I guess, I felt like he could see my commitment into changing my life, getting away from that environment, and stop doing the self-destructive behaviors. Once I felt like he would take

the news better -- I have been going through therapy too, and my therapist had recommended to me that I tell him.

I didn't want to, and then finally on March 11th, I told him and was hospitalized that day because I was very upset. I just kind of gradually -- you know -- I just kind of told him everything, "I wasn't right in the head. I am so sorry. I like Rowe more than I should have liked somebody, especially being married. It was inappropriate and wrong." He obviously had a long time of resenting it and still asked me questions about it. I reported it well before I told him.

Q. Okay. I just want to make sure I got all this down.

A. Uh-hum

Q. As you sit here today, the only sex, not in any legal term of sex, but the only sex you had with Captain Rowe was when you were in a hotel room in West Virginia -- the only sexual contact?

A. Okay. As defined by some kind of nudity or something; right?

Q. I don't know. I mean, you said he masturbated himself. Was there any touching?

A. Only by himself.

Q. Okay. There was no contact between you and him?

A. No. I just remembered there being porn up on the screen and sometimes I would find Rowe -- I remember one time he said he needed help, and it was after an event, and I went upstairs, and he was like peeing in this trash can in front of, like, the Duty. I was like, "Oh my gosh." You know what I mean? I felt bad for him. He had seen me in --

Q. Please focus on my questions. I apologize.

A. Okay.

Q. I'm just trying to get down to --

A. No, I understand. I'm sorry.

Q. -- if there was any sexual contact. So far, you said nothing. You just said that he masturbated once in a hotel room. Was there anything else in that hotel room?

A. Was there anything else?

CC: Did anything sexual happen?

IO: Any other sexual contact?

WIT: No. There was just the porn screen on and Rowe masturbating.

Questions continued by the civilian counsel:

Q. The next time you were in a hotel room, nothing happened?

A. I was so drunk I don't even -- you know, his company name was "Black out, Bravo" because they were always black-out drunk.

Q. Please focus on my question.

A. Yes.

Q. Do you recall any --

A. No. I do not recall anything.

Q. Okay. Even when you recall the event of going upstairs, I guess, in Center House --

A. Uh-hum.

Q. -- when he said, "Let's go upstairs. Why aren't you naked"; he passed out drunk?

A. He barely made it up the stairs.

Q. Okay. Nothing happened then either?

A. No. His friend, Captain Monahan, came and, like, made sure he was okay and everything.

Q. Did you have any kind of relationship with Captain Rowe besides what you talked about?

A. I think I was very --

Q. Romantic or sexual relation is what I'm referring to. Obviously, you had relations at work.

A. Yeah. Not really because he didn't ever want to talk to me in public. He said that made him look bad to talk to

a female Marine in public, and he said that seeing in my cammies made him want to throw up.

Q. When did he say that to you?

A. When did he say it? On several occasions. Why did he say that to me?

Q. When? Were you together?

A. No. He just said that to me when I just talked to him on the phone. He would just -- or like the first time I met him, he said something about seeing women in cammies makes him want to throw up. At one time to me on the phone, he said, "When I see you in cammies, it kind of makes me want to throw up." I think that was really mean.

Q. When he had a conversation with you about him being impotent, how did this senior officer you opened up to tell you that he was impotent? That's not conversations officers have together.

A. It isn't? Because we talk about all kinds of things.

Q. When you said "It isn't," were you being facetious or were you sarcastic or did you really mean to say that?

A. I guess I was being sarcastic. Sorry, I was mean.

Q. That's okay. I need to know why you thought your comment was sarcastic. Is that something --

A. It was just strange because I talked to Rowe about pretty much everything. I confided in him about my problems and my marriage, and it was just talking. A lot of time, I think Rowe hated me too. Most of the time, he acted like he was doing a favor by helping me out, and I was kind of like this project that clearly -- I felt like he felt sorry for me. I was, like, very flattered by this very, you know, prestige guy who is very heralded by all these people at the Barracks, and I was kind of like this little joke. Even my junior Marines told me that I was known as the "Stupid Sorority Slut."

Q. Let me [inaudible]. A junior Marine comes up to you and says that? Why aren't you putting shackles on him or her and throwing him into jail for disrespect?

A. Because my supervisor, Suzanne, is having sex with some junior Marines in our office.

Q. That's not what I'm talking about. You are an officer. There is a junior Marine, you are at 8th & I, one of the most prestigious Posts in the Corps, it's all about custom and courtesies; right?

A. Uh-hum.

Q. If a Marine comes up to you and says that, why don't you just write him a charge sheet and have him thrown into the brig?

A. Because I had no confidence in anybody in my chain of command to do anything about it. I had made complaints before, and my supervisor was basically like, "Oh, you got to pick and choose your battles." At the same time when Curr [ph] made a sexual comment to her, even though she was having sex with, like, 10 other people at a minimum, he was sent to the brig and court-martialed for saying a sexual comment to her. To me, it was just so distorted and illogical.

I had no confidence that they would have any reasonable or affective -- a lot of them were participating in it, let alone wanting to support me to do a Page 11. The Marine that I was specifically referring to -- I overheard a Marine say some comment about the "gangbang thing." It was one which I always hear. I came back to my office and cried, unprofessional for an officer -- I know. It was after Parade started, and he was like, "Are you okay, ma'am?" I was like, "Yeah. I just really don't understand why people here can be, like, so mean." He was like, "Yeah. We all think you are really smart with computers." He was like, "They kind of refer to you as the blah, blah, blah." I just didn't really say anything, and I just said, "That really sucks."

Q. When you are talking about this, I sense that this was an environment that is sexually hostile or hostile to you at least?

A. Yes, very much so.

Q. Despite your relationship with Captain Rowe, what I have understood from you speaking so far is that if there were any sexual attempts, it was all Captain Rowe and nothing initiated by you; did I understand that correctly?

A. Rowe didn't really initiate much. He was [inaudible] really drunk and trying to masturbate; with him being so

drunk, he couldn't that. It was more like that. It wasn't like this romantic thing.

Q. Okay. Did you ever engage in any attempts to have a sexual relationship in any sort with Captain Rowe?

A. I would say "No," but I wanted -- when I saw him one day -- because we would have conversations about Suzanne having sex with all these guys -- really drunk and he was giving Suzanne a massage, I was so disappointed and disgusted. I guess, I did like that he seemed to like me even if it was just as a friend or whatever. I was very angry that he would -- I felt jealous that he would touch my boss who we both had agreed was kind of disgusting.

Q. Is it fair to say then that when you reached out to him for support in some allegations you made against Suzanne, he refused to support you which would have made you even more disgusted with his conduct?

A. Not really, I didn't really care about that. There was so much evidence with Suzanne that they had anyways. I mean, they tracked her e-mails that had been sent, like sexually explicit e-mails to, like, Major Bedell. I don't think that was a problem. I didn't really care. He was neutral about -- when I told him how upset I was about Captain Wilson, he didn't do anything about it either. I kind of thought it was cowardly, but it didn't egregiously upset me.

Q. Having giving Suzanne a -- I think I saw you put your hands on your shoulders. What type of massage were you talking about?

A. Oh, he was just like giving --

Q. Not on your shoulders, but like --

A. He was giving her some kind of neck massage. It was just weird.

Q. Okay. That made you disappointed and disgusted, and you felt a little bit of jealousy?

A. I was just like -- I wanted Rowe's marriage to succeed. I guess just seeing him -- when he wasn't drunk and belligerent, I really looked up to him. When he would do something bad, it would really disappoint me.

- Q. In answer to my question: If you made any sexual advances towards him, your answer would be --
- A. It's possible when I have been drunk; I wouldn't be surprised because I think he is attractive and everything, but it doesn't mean that he didn't do a [inaudible] jealously act of --
- Q. I'm asking you if you recollect making any sexual advances at Captain Rowe?
- A. I can remember drunkenly, like kissing him at one point, and I think I initiated it.
- Q. All right. Do you recall any other sexual advances by you towards Captain Rowe?
- A. I think I would say things to him that I thought would make him, like, think I was desirable.
- Q. What did [inaudible] to be desirable?
- A. I wanted to be desirable to him.
- Q. Sexually desirable?
- A. [Nonverbal answer]
- Q. You shook your head in "Yes"?
- A. Yes.
- Q. When you did that, your intent was what?
- A. I guess, I just really wanted his approval in every aspect. I wanted him to approve in my work performance. He seemed to think, you know, women Marines were these horrible people, and I really wanted him to think otherwise, so I was trying to -- like, he was the one person I felt that was there that I trusted. I don't know. I just wanted his approval.
- Q. You wanted his approval as a female Marine; therefore, you made sexual advances at him to --
- A. No.
- Q. -- corroborate why women Marines are so great?
- A. No. That is a distortion of what I just said.

- Q. It is a distortion, but you just told me you wanted him to approve of you, and my question was: Sexual advances. You said, Yeah. I did that because I wanted --
- A. No. They are separate things. I wanted Rowe to see me in the best possible -- I wanted him to be proud of the changes he had made. He did make aesthetic advice to me. He was like, "Oh, you dress very classy. That's really good." He would say, "You fake tank too much. You got to stop doing that." He would tell me things that I wanted him to approve of.
- Q. It sounds like it was working?
- A. Not really.
- Q. That you were winning his approval?
- A. Not that much.
- Q. Okay. Let's clarify something before we go forward.
- A. Uh-hum.
- Q. He had no cognize authority over you? He was the Bravo Company Commander and you were in the Protocol Shop.
- A. He was senior to me, and he was in one of the most prestigious positions.
- Q. We understand seniority in the Marine Corps, and every officer is senior to every other officer that's junior to him or her. My point is: At 8th & I, he was not in your chain of command?
- A. I found him to be the first person senior to me that I could interact with, that I did not think was -- even though he is an alcoholic -- corrupt, and I thought he was, like, good despite having some problems, not having a father and stuff like that.
- Q. My question to you is: He was not in your chain of command?
- A. He was not my Reporting Senior or --
- Q. Reviewing Officer?
- A. That's correct.
- Q. The Commanding Officer of your Company?
- A. No. He was the Commanding Officer's little pet. He had a lot of power and persuasion there as he would often

tell me. Whatever he would say or recommend, they would listen to Rowe.

Q. We'll talk about the pet thing later, but the answer to my question is: No. He is not your Commanding Officer; is that correct?

A. He is not my Commanding Officer. He has a great deal of persuasion and power within the Barracks.

Q. Okay. Great. Because he has all those persuasion and power and because he is the Commander's pet, you, therefore, decided to make a good impression on him by making sexual advances?

A. No. That's a completely separate thing. It's like saying me wanting to be -- you know -- I like playing soccer. It's one the things I'm best at. If Rowe knew I was good at soccer, I would like that. It has nothing to do with me as a female Marine officer. Him being impressed at me as a female Marine officer was one of, like, ten echelons that I tend little wickets that I hoped that -- I do not equate him being sexually attractive to me with anything having to do with him thinking I was a good Marine officer. I wanted him --

Q. Is there a difference between being a good Marine officer when you are in the Marine Corps and being anything else?

A. I think so. I think --

Q. When you take off this uniform tonight, are you still Lieutenant Klay, Marine Corps officer?

A. I could give you the required answer and say, "Yes."

Q. Well, I like to hear your opinion. I don't want the required answer. I can get that from the book.

A. Yeah. I just think that there is too much black and white thinking in the Marine Corps period. I think Rowe is one of the people that understood that and knew that. He was very intelligent. *Catch-22* is the book he gave me when he left 8th & I, and that kind of speaks volume about his angle. I think that --

Q. My question to you is: Are you a Marine Corps officer all the time or only when you have your uniform on?
A. To be honest with you, I am so disgusted by what happened with my command that I have already put a resignation, that I do not want to be a Marine officer anymore.

Q. That's fine. That's not what I'm asking you, Lieutenant Klay. I'm asking, at the time, while you were at 8th & I, did you view yourself as a Marine Corps officer all the time?

A. No. I didn't feel like I was treated like a Marine officer, and I felt like the people above of me were so disgusting and corrupt that there was no chance of being a good Marine officer.

Q. Okay. I think what I'm hearing you say is: You could not have been a Marine Corps officer 24/7 because the people in your chain of command would not allow you to be one; did I hear you correctly?

A. No. You didn't hear it correctly.

Q. Okay. Please clarify.

A. I would say that I definitely lacked judgment and drank too much while I was there. I would also say that my supervisor offered me drinks in the middle of the day, and her and her supervisor, Major Jones, saying that I'm hurting Suzanne's feelings by not going out drinking with her was --

I'm a people pleasure kind of person. I do want my supervisors to think I'm doing a good job even if I disagree with their moral values or I made that mistake then. Is that a personality flop that I have? Yes. I'm trying to amend that, but I thought that I could just work really hard; use my talents to make the best seating policies possible; and implement basic computer skills into our office, which was very much lagging.

Q. Performing as a Marine Corps officer when you were on duty or at work; but when you are not on duty, you are just --

A. No. I didn't agree with that. I guess, when I went there and saw everything that was going on, I didn't know what to think about the Marine Corps anymore. I think anybody in my shoes would have felt like they had put all

of this work into this institution -- I mean, I did college completely over again so I could become a Marine officer, so I could come work for a lady who gets paid GS 13 and slept into her position, so the program analyst at OMB's wife can cover up for her fraud [inaudible] and abuse -- I took it as just disgusting.

Q. All right. I get everything you're saying. You were in a hostile environment. It sounds like --

A. I made poor choices; I made poor choices.

Q. Well, Suzanne Brick sounds like a horrible person. I get that.

A. I think she just needs therapy.

Q. Well, however you want to classify her, I get all of that. It seems to me that it is the one example that you would not want to follow, so why are you making certain sexual advances towards Captain Rowe when you know that's not the way you should be behaving because you got the bad example of --

A. Suzanne.

Q. -- Suzanne?

A. No. You are right. As I was drinking more, I saw myself in some ways -- you know -- when you hang around a person often enough, you kind of take on a little bit of their mentality. I do feel like -- that's why I requested to deploy to Afghanistan on four different occasions while I was there by [inaudible] request because I knew that the environment was bad. It was bad for me; it was bad for my marriage; and even Rowe told me that it was bad for me. He was like, "You care too much about what others think. You should get out of here." It's pretty much the universal thought that all females at 8th & I are kind of sluts, and that was just the way it is. He was right.

Q. When you get off work every day, nothing stops you from going home to [inaudible] and minding your own business and being Lieutenant Klay, away from work, developing your own social --

A. Suzanne told me that we do our best work at these mandatory drinking events because that's when we make deals with Lieutenant Colonel Filson and whoever else is

there. It was way more of a party shit-show than it was work, and I knew that. Suzanne was so much happier with me if I just went there. My husband was still working. It was required that we attend anyways, and I am an alcoholic. Once I start drinking, I can't really stop. It was just a bad combination for many reasons.

Q. All right. Do you feel like your alcoholism contributed to the way you behaved with Captain Rowe, and I'm specifically referring to any sexual advances or innuendos that you were making?

A. Absolutely.

Q. All right. Do you believe that we were responsible, even though we might be drinking, that we still knew what we were doing but we just had a distorted view of things sometimes?

A. Yes. I accepted my NJP, and I went to alcohol rehab, voluntarily. I can't say the same for all the other alcoholics that are still there.

Q. Okay. I want to use a personal example. When I drink and I get drunk, I might make a sexual advance to somebody I'm familiar with sexually, but I would never make it to somebody that I'm not, no matter how drunk I get.

A. I guess we probably differ in that. I think --

Q. That's the reason I gave you an example, just sort of tell me if you agree with that --

A. There have been many incidents that would be inappropriate because I felt like I was friends with Rowe in this deeper level. He knew me very well, and I wanted him to see me -- he really would give me these motivational speeches about how I could go from being really fucked up to, like, being this good person again. I just wanted him to think that I was good [inaudible], and plus more personal commission. My husband did tell me that he wasn't attracted to me anymore, so I wanted validation from somebody.

Q. Is it fair to say that in order to get that validation, you suggested to Captain Rowe that you were available for a sexual relationship?

A. But because --

Q. My question to you is --

A. Yeah.

Q. -- because you wanted that validation, is it fair then to say that you communicated to Captain Rowe your availability for a sexual relationship?

A. No, because when we would actually talk, there was never -- sober talk was never relationship-esque [ph].

Q. Why did you just bring up that issue of "I need validation"? What does that mean? Why is that relevant here?

A. I mean --

Q. Why do we need to know what your husband told you unless -- because I'm asking you about what you told Captain Rowe.

A. Yeah. I'm trying to explain the dynamic of my interest in being Rowe's friend.

Q. Okay. Well, I'm Captain Rowe's friend. He is really my friend. I talked to him a few times, but I never told him I wanted to have it sexually. I am sure many women Marines have never told him that they want to have sex with him. Would you agree with that?

A. Uh --

Q. Do you have male Marines that have never told you that they want to have sex with you?

A. I mean, that's kind of a broad jump.

Q. It is a broad jump because you are sitting here telling me that you want validation from this guy, wanted to see you as a professional female Marine; you want to change because you --

A. When I say "sexual validation," I didn't want him to be like, "Oh, I want you. Blah, blah, blah." If he said, "You look nice," that to me would have been validation.

Q. Okay. That's not sexual?

A. Yeah, it isn't.

- Q. You might show up in uniform today and he might say, "You look good in uniform today."
- A. Yeah. That would make me much happier than a sexual thing.
- Q. Okay. We agree then that you are seeking professional validation, that he had a different view of you than he held other --
- A. Professional, athletic, everything. I wanted him to think highly of me.
- Q. Also, that you are sexually desirable?
- A. "Attractive" is a better term.
- Q. Okay. Attractive is different than sexually desirable?
- A. I would have liked if Rowe thought I was attractive. That would have been flattering to me.
- Q. Okay. Would it be fair to say that in order to get that, you sent him a message that you wanted to have a threesome with him?
- A. Rowe always said that's the one thing that he wished I did after I --
- Q. I'm sure he did. I'm not denying that he said it, but did you come back with a message that you wanted to have a threesome with him?
- A. I don't think I said exactly that, but --
- Q. What did you say?
- A. I don't remember what I said, but I was drinking and that was the night that he was giving Suzanne a massage, and I was so, like, angry that I just said something -- I had been drinking, so I said something like, "Whatever." I guess I wanted to divert his attention away from her too.
- Q. "Whatever" is not going to do it.
- A. What's that?
- Q. I'm sorry. I am trying to be a nice guy, but "whatever" is not going to do it.
- A. I'm sorry?

- Q. "Whatever" is not going to do it. I need to know exactly what you said to him.
- A. I really don't know.
- Q. You don't remember or recall sending a message telling him that you wanted to have a threesome with him?
- A. No, I don't.
- Q. Okay. If you had, what would you say about that?
- A. I would say that's kind of all talk, no show because I'm definitely non-bisexual.
- Q. Okay. When I asked you that question earlier, you brought up the issue of Suzanne. What did that trigger in your mind that you had to share that again?
- A. You are referring to why I brought up Suzanne again?
- Q. I asked you about a text message regarding a threesome, and you said well, probably because -- the words to the effect of "I saw him with Suzanne. I wanted him to get away from her." Do you remember saying that?
- A. Yeah. I said that I was jealous that he would give --
- Q. -- Suzanne a neck massage?
- A. It's just weird especially based off the conversations that we had about Suzanne. I mean, like, a lot of the slang [*inaudible*] would do stuff like that, and I just didn't understand why somebody like Rowe would do something like that.
- Q. Okay. You just told me that you don't remember sending a text message about a threesome. What was your text message to him about when he was massaging Suzanne?
- A. I don't know. I really don't remember.
- Q. Well, you remembered something because I didn't bring it up. You brought up Suzanne.
- A. I am just speculating. I don't even know for sure if that's the thing. I just know Rowe said that I sent him some explicit sexual messages, and he would always use that and bring that up, and I would just laugh about it because in our day-to-day talks, we did not have any romantic relationship or anything. He used it more to make fun of me.

- Q. All right. If I were to show you that, what would you say?
- A. I would say that still doesn't mean that he didn't come into my house in a psychotic rage and make me do something.
- Q. All right. Well, we'll talk about that here shortly. Let's begin with the psychotic rage scenario. Let's start on the night before.
- A. Okay.
- Q. Where did you go out the night before?
- A. We were at Center House where we have to be every week, and --
- Q. You keep saying -- I'm going to stop you. I'm going to interrupt you because you keep saying "where we have to be every week." Did anyone ever force you to drink?
- A. No. I accepted responsibility for my alcoholism.
- Q. Right. When you throw out those comments about having to be at Center House, the Barracks is a place that hosts a lot of dignitaries and one of the duties that officers have is to host those dignitaries; correct?
- A. I understand that.
- Q. No, no. I need to know if you agree with me or not. Is that correct?
- A. I think that socializing has an important --
- Q. I'm speaking specifically about the Marine Barracks officers, as part of their duties, hosting dignitaries at their Officer's Club. That's part of your duty at the 8th & I Barracks; correct?
- A. That is correct, but that's not what we are doing until midnight.
- Q. Let me continue. That is one of your duties; correct?
- A. It is, but that's not what goes on during the drinking events.
- Q. I'm just asking you if that is one of your duties?
- A. Yes, sir, it is.

- Q. Okay. Just because you're in Center House, no one forces you to drink; right?
- A. That's correct. There is a lot of peer pressure, but there is no forcing.
- Q. I'm certain there is a lot of peer pressure, but there is no one forcing you or knocking you or [inaudible] to do anything?
- A. Exactly.
- Q. All right. Let's continue. You begin at Center House on August 27th. Where do you go from there?
- A. Center House, we are required to be there until midnight; and then after midnight, I get changed over and Shilin [ph] came with me.
- Q. Who?
- A. Shilin Barlett; she is a girl I barely know. She was there visiting another girl that I met that I thought [inaudible] brother, so she came over and changed over with me.
- Q. Where did you change over?
- A. Where? Same place that I described with Captain Wilson's thing. It's like the --
- Q. You stayed on the Barracks to change over; you didn't go home?
- A. Yeah.
- Q. Okay.
- A. Everybody has civilian clothes at the Barracks.
- Q. Got it. Then?
- A. Well, I started the evening drinking with Suzanne, my boss. By the way, if I didn't drink with Suzanne, she did not like that either. I started drinking with her, had a couple of drinks, went over to Center House, had more drinks, went back with Shilin, me and Shilin drank another bottle of wine, went back to Center House, had rum and diets -- they were really strong because the officers make the drinks and give it to everyone. I remember meeting Jeremy briefly and talking to his wife, Megan, and that's about it.

Q. You don't remember anything else that night?
A. I have, like, a vague memory of Rowe yelling at me -- me saying, "I'm going to get Gillespie because he got away with this."

Q. Who is Gillespie?
A. Corporal Gillespie is the kid who came up to me a month prior in the beginning of August and said that I was a slut and a whore in the bar. This was the fifth time something like that happened from a junior Marine.

Q. He called you a slut and a whore at the bar?
A. Yeah.

Q. Okay.
A. There was a Master Sergeant and a Major that were there, and nobody did anything. I just slapped him, and I didn't want to go --

Q. Well, you didn't slap him in the bar; you slapped him outside?
A. Yeah.

Q. Okay. How did he get outside?
A. I don't remember. I just remember we were arguing inside, and I continued crying outside and talking to him.

Q. All right. Did you ever see the video of that?
A. Yes, I did.

Q. You were just kind of standing there?
A. I never put a Marine at parade rest in my life. He is just doing that out of mocking.

Q. That's fine, but he is standing at parade rest and you punched him?
A. I didn't punch him; I slapped him. A girl slaps a drunk Marine every night in D.C.

Q. You're not just a girl; you are an officer of Marines.
A. Exactly. That's where I failed, and that's why I accepted NJP.

Q. Okay. Why did you accept NJP?

A. Because I did know that something was wrong.

Q. There was nothing wrong. Somebody calls me a slut and a whore, I'm knocking them out, and I have a defense. Why would you accept NJP?

A. Because I was just at a very low place in my life, and I really just wanted to be done with the Marine Corps.

Q. This was the time to take a stand. You are in front of the General, and you could have said, "I had every right to respond to this Marine's disrespect, disobedience in calling me a slut and a whore." How could you accept that? You could have said that to the General, and said I'm not going to plead guilty.

A. Well, the lawyer I consulted with at the time --

GC: I think we've been going on for about an hour-and-a-half. Can we just take a 10-minute break while the witness --

IO: We will do that, and let's bring this back again to the charge sheet. I know where you are going, and I know what you are setting up. Let's go ahead and setup -- let's take, like, 10 minutes.

GC: Thank you, sir.

Transcription stopped at 1922, 6 June 2011.

Transcription began at 1930, 6 June 2011.

GC: Back on the record; time is 1930.

Questions continued by the civilian counsel:

Q. We left off with Gillespie and [inaudible]. You went to Gillespie, but I was asking about what happened the night of August 27th, and I think we got to the point where you went back to change clothes with your friend [inaudible], and what did you do after that?

A. I went back to Center House, and then I don't remember much. I just have vague memories of me saying that I was going to go find Gillespie because I was still mad. I didn't feel like the command was taking it seriously of

what he did at all because he got NJP'd with no punishment or everything suspended.

I was just really depressed period. I knew things were not going to be good. Things weren't good with my husband. I hated --

Q. After you wanted to go find Gillespie, what did you do?

A. I don't remember.

Q. You have no memory of anything else?

A. I remember going out to 8th Street, vaguely. I remember Rowe yelling at me and telling me to get out of places because he knew -- I think he knew --

Q. When was this? Still on August 27th?

A. It was past midnight.

Q. Okay. Early morning of August 28th?

A. Uh-hum.

Q. Rowe is still there?

A. Yeah. He was out on the street.

Q. Okay. What was he yelling at you?

A. He was telling me to go home, saying that I was going to hurt myself; and basically, he was mad because he felt like I was making a scene. He didn't like to ever talk to me in public because I think he thought his Marines wouldn't respect him if they ever saw him talking to a female Marine, so he was very angry. I think he was trying to help me because he knew I said something earlier like, "I feel like I just want to walk in the road and get hit by a car."

Q. Where did you say that to him?

A. Where?

Q. Yeah.

A. I don't remember.

Q. Do you remember texting him anything about a threesome that night?

A. I don't -- not with [inaudible].

Q. You have no memory of anything after Rowe yelling at you?

A. I remember running at [inaudible], one of the Marines, Quinn and some other kid. I remember talking to them, and they had a pizza in their hand, I think. Rowe was, like, yelling at me. I don't know. That is all I remember. I remember nothing else until I woke up the next morning.

Q. You remember interacting with Quinn?

A. I don't even remember what the exchange of words was. I just remember with vague memory of, like, seeing him having a pizza with some other kid with him.

Q. Rowe yelled at you at that time?

A. I don't know if he yelled at me that time. I don't remember.

Q. Okay. Then you have no memory?

A. Until 7 the next morning.

Q. Do you have any memory of asking Corporal Quinn to take you home?

A. No.

Q. As you sit here today, do you know why you would do that, if you had?

A. I don't know. I have no idea.

Q. Have you now come to learn that you did do that?

A. No, I haven't learned that.

Q. Okay. Do you know who Janice Buckmon is?

A. Uh-hum.

Q. Is that "Yes"?

A. Yes.

Q. Did she share with you her findings in the investigation?

A. No.

Q. Okay. She didn't tell you anything about what's going on?

A. Uh-uh.

Q. She did tell you not to talk to anybody about it?
A. I don't remember if she did or not. There had been so many investigations. I have no idea.

Q. I'm specifically referring to her investigation.
A. I guess so. I don't really remember.

Q. Okay. You said you had no memory of anything that night after the possible interaction with Quinn?
A. I don't even know if there was an interaction.

Q. That's why I said "possible."
A. I guess, yeah.

Q. Okay. Do you know how you got home?
A. No, I don't.

Q. You have no memory whatsoever? You have exhausted your memory at this --
A. I have no memory at all.

Q. Okay.
A. I didn't really eat anything that day.

Q. What is the next memory that you have?
A. Hearing Rowe's voice at, like, 7 o'clock in the morning.

Q. Okay.
A. Actually, hearing him yelling and screaming.

Q. What was he yelling and screaming [inaudible]?
A. He was saying expletives.

Q. Just say what he was yelling and screaming.
A. I don't remember exactly, but it was like, "You fucking lied to me. You are sleeping with all these enlisted Marines. Everything they said about you is true. You are a fucking whore." You are this, this, and this.

Q. Well, let's take it step by step.
A. Yeah.

Q. He was yelling at the bottom of the stairs before he came up?
A. No. This was downstairs.

Q. Okay. What is the first memory you have on August 28th?
A. My first memory is hearing his voice and standing up, and he was on --

Q. Where were you?
A. In the living room.

Q. You woke up in the living room?
A. [Inaudible] living room with just my underwear only on.

Q. You woke up in the living room? You were sleeping in the living room and you woke up?
A. Yes.

Q. Okay. He walked into the living room, and he was yelling and screaming?
A. He opened up the screen door and was yelling and screaming. I think Jeremy was still outside, and then he was just talking about how I humiliated him, that he lost his ability to lead his Marines. He was on the phone with Gunnery Sergeant Deboy.

Q. Did you say, "What the hell are you talking about"?
A. Yeah. I was saying, "What are you talking about?" I was crying, and I was scared because I didn't have any memory of what happened last night, so I had no [inaudible] what I had done and I didn't know why I was like in the state -- he said, "I thought you were dead. You're keys are in the drawer. Your door is wide open." He was like, "I'm talking to Gunnery Sergeant Deboy right now, and he is saying that somebody spotted you walking with Quinn back to your house." I was crying because I didn't know what he was talking about because I didn't remember.

Q. Let me give the investigating officer some [inaudible]. You live on 10th Street?

A. Uh-hum.

Q. Right?
A. Uh-hum.

Q. Yes?
A. Yes.

Q. In order for Marines to get to the parking lot, they normally drive on 10th Street if they are coming from 395?

A. Yes.

Q. His route to the Barracks to the parking took him to the same street that you lived on?

A. True, but my impression was that he talked to Gunnery Sergeant Deboy and came to my house. I don't know.

Q. I'm asking you: Normally, when Marines are coming from 395 and going to the Barracks to the parking, they have to drive on 10th Street because 9th goes the opposite direction?

A. Depending on where they are parking, yes.

Q. Okay. If they are parking in the South Lot, they have to go on --

A. Yeah. Rowe would have to go --

Q. Okay. Do you know if that was his normal route home?

A. No. I don't know what his --

Q. That is a route that Marines would take to get to that parking lot; yes?

A. Yes.

Q. He knows where you live?

A. Uh-hum.

Q. Yes?

A. Yes.

Q. Do you have a dog?

A. Yes.

Q. Was your dog outside that day?

A. I don't know. I don't remember.

Q. Was your door open when you woke up?

A. He said it was. I don't even remember.

Q. Does he have a key to your house?

A. No.

Q. How would he have entered the house if your door wasn't open?

A. He probably opened the screen-door thing. There is, like, this outer door.

Q. Okay. I've been in that neighborhood. It's fairly a nice neighborhood, but it's not devoid from crime.

A. It's getting there.

Q. Okay. Do you normally sleep with just the screen door without a lock?

A. Never.

Q. That was August?

A. Uh-hum.

Q. It's warm in D.C.?

A. True, although the screen door was closed because it automatically closes.

Q. Okay. It's just a screen door?

A. Yeah, with, like, the little wrought iron bars on it.

Q. Does it lock from the inside?

A. Uh-hum.

Q. We can agree that he doesn't have a key, so it was either open or someone let him in?

A. Yes, or he let himself in probably.

Q. Because it was unlocked?

A. It was: My keys were still in the door.

Q. Got it. Does he have a habit of coming to your house in the mornings?

A. No.

Q. Do you know why he came to your house that day?

A. Because Gunnery Sergeant Deboy gave him some report that I walked home with one of his Marines.

Q. How do you know that?

A. Because he told me.

Q. Who told you?

A. Rowe.

Q. What did he tell you?

A. He said that he was on the phone with Gunnery Sergeant Deboy for couple of minutes while he was yelling -- not a couple of minutes. He was yelling very briefly, and he said that he got a report from Gunnery Sergeant Deboy in that somebody had seen me walking with Quinn or Quinn walked me home or something.

Q. You believe Rowe came to your house because Deboy called him and he had to go over there?

A. Yeah. I don't think there was any reason for him to go into my house. I think he went into the house because of the same things he was yelling at me about, because he was pissed and I embarrassed him in front of his wife and his Marines.

Q. His wife wasn't there that morning?

A. No. He said that I embarrassed him in front of his wife the night prior.

Q. Okay. Why?

A. Because he said that it was obvious to Megan because Megan knows that he doesn't talk to female Marines; and all of a sudden, he was, like, following me down the street, trying to, like, prevent me from, like, jumping in front of some car, doing something stupid.

Q. Why would that embarrass him? Marines take care of other Marines all the time.

A. Rowe doesn't take care of female Marines, so that was unusual.

Q. He had been taking care of you for awhile.

A. Secretly. He never did it in public. He even told me about it; it would not be good for his image.

Q. Got it. Okay. What's the next thing that happens in your house that morning?

A. He told me -- I was just crying and told him that I didn't know what happened. He was yelling back at me. He told me to go into the kitchen. We went to the kitchen, and he shut the doors. He just started

screaming and, like, throwing little random things around and yelling out all kinds of things like, I didn't deserve to have a dog, that I was nothing without my fake tan, that I was really pathetic and I needed help, and all these other things. He was just screaming all kinds of expletives and calling me names. Then he said that Jeremy was going to go upstairs, and he said that he believed that his Marine, one of the Body Bearers, Quinn, was up there. He said that his friend, Jeremy, was going to get Quinn out of there.

Q. Is it your testimony today that you did not wake up in bed naked with Corporal Quinn on the same bed next to you in your bedroom?

A. No. I don't remember -- I never even saw Quinn on Saturday or whatever day it was.

Q. My question to you is: Is it your testimony today --
A. That's correct. My first memory is of Rowe yelling and me waking up and seeing Rowe in the living room downstairs.

Q. You believe you slept in the living room?

A. Yeah. I don't know. It's typical for me -- during my drinking stage, I would typically pass out on my couch, not only in my underwear. I thought that was weird.

Q. How did your clothes come off?

A. I don't know. I have no memory of the night, so I have no idea.

Q. All right. Just to be clear, when you woke up, you were already in the living room?

A. Uh-hum.

Q. You have no memory of waking up in the bedroom, fully naked, with Corporal Quinn on the same bed?

A. No, I don't.

Q. All right. After the yelling and screaming -- how long did this take, the yelling and screaming?

A. Like four or five minutes of yelling and screaming.

Q. You are in the living room at this time?
A. No. We are in the kitchen now, and the doors are shut because he said that he doesn't want his Marine to see him there, but he is yelling really loudly, so I'm sure --

Q. Let me take you back to the living room. Is this a one-way conversation of him yelling at you?
A. No. I'm yelling back at him.

Q. What are you saying back to him?
A. I was asking him to please stop, and I was crying. I was saying, "I didn't know what happened." I said that I was still feeling drunk, and I have no memory of what happened. He knew I was really depressed and in a bad state.

Q. When you say "he knew," how do you know what he knew?
A. Because we had conversations about it. He knew that I was very depressed, borderline suicidal.

Q. You talked about depression that morning?
A. I don't know. I don't remember. I don't think so. It's more of like a yelling conversation. It wasn't really deep.

Q. All right. What else do you think [inaudible]?
A. What else was he thinking?

Q. Yeah.
A. He thought in his head that -- I don't know. He thought I embarrassed him in front of his Marines and his wife.

Q. Because he said that to you?
A. Yeah.

Q. Because he told me that you were depressed. Is there anything else that he knew about you that morning?
A. He said that I had father issues and --

Q. This is a conversation that was on for awhile?
A. Not really. I would say four or five minutes, a lot of yelling. It's was in spurts.

To me to endure further humiliation was -- I saw it basically as Rowe's use of the command environment to make a threat. He knew it would really bother me.

Q. Which threat was that?

A. That if I didn't do stuff with him, he was going to tell Ben and the command.

Q. Tell me exactly what he said.

A. He said, "If you don't suck my dick, I'm going to tell Ben and the command."

Q. All right.

A. "I'll discredit you so bad."

Q. Where did he say that?

A. Living room.

Q. Who else was there?

A. If there was anybody else there -- No. Jeremy was standing outside, so nobody else was there.

Q. There is no possible way that anyone else could have heard this?

A. Potentially, Jeremy.

Q. Okay. When he said, "I'm going to tell the command," that scared you?

A. He said it more than once. He also said it in the kitchen.

Q. Okay.

A. Yeah. It definitely scared the shit out of me.

Q. Okay. What was so scary?

A. Well, I think to me the worst thing that could be done was to not have the ability to lead Marines because everybody thinks I'm just, you know, whatever.

Q. Well, you already weren't leading Marines, and you were in a very bad situation. I don't think that changed anything. My question to you is: What was so scary?

A. I just didn't want to be humiliated anymore.

Q. You're yelling back at the same time?

A. I'm crying, a lot of crying.

Q. Okay. Why didn't you say, "Get out of my house; you have no business being here"?

A. I don't know.

Q. He doesn't; does he?

A. What's that?

Q. He has no business being in your house?

A. I didn't want him to be in there. I don't -- then he said --

Q. Why didn't you just say, "Get out of my house"?

A. I don't know, scared.

Q. You are scared of him?

A. Four months prior, Captain Wilson had made a false adultery allegation, and here I was in a situation where I thought I might have actually done something, and I didn't remember. I knew how depressing those four months were and all those rumors and how that affected my ability to be at work. I felt humiliated just walking to work every day.

Here was this verifiable incident of debauchery that compared to Captain Wilson, the sexually frustrated officer, who had actually been having sex with my boss by the way, saying the false allegation about the other guy that she was having sex with -- that was proven that she was having sex with.

After that experience -- that's why my drinking massively increased over the summer because I told Ben, "I feel too humiliated to even walk to work. I feel like I'm known as the girl that had a big gangbang with all black officers at Center House and everyone treats me like a joke." I'm still just trying to, like, lay low and work hard; but I'm, like, in the center of these parades, seating people, so everybody knew who I was. Marines were saying comments to me all the time as expressed by Corporal Gillespie. He was not the only one who came up and said something like that.

Q. With what?

A. With more -- telling Ben that I had woken up naked on a couch with an enlisted Marine in my house, you know.

Q. Let me get this straight. That caused you to perform oral sex on him because he was going to make that threat?

A. Yeah.

Q. Because he made that threat?

A. Yes. Pretty weak fucking individual aren't I? The last time I used any kind of resilience was against Corporal Gillespie, and I was NJP'd for it. Who was I? I was a Marine who was already getting in trouble for slapping a Marine; and now, I done something else wrong.

Q. That must have been pretty humiliating?

A. It really was.

Q. Especially from a man who you trusted; right?

A. Yes.

Q. Someone who you cared to impress; correct?

A. Yes, I was.

Q. Yet, you decided to have a get together with his wife the next week at your house?

A. There is a lot details leading up to that. [Inaudible] a get together.

Q. Oh, let's talk about it.

A. Okay.

Q. My important detail is that you had his wife over at your house the very next week.

A. Rowe knew I had tried to kill myself, and he had --

Q. You had his wife over at your house the very next week in the same place where he supposedly sexually assaulted you?

A. Rowe sent his wife to go look after me because he knew I had no friends, and I was threatening to kill myself again.

Q. You invited his wife to your house that week.
A. No. I was willing to do whatever Rowe said at that point.

Q. You invited his wife [inaudible] that week.
A. Rowe invited his wife to come to my house that week, and I was compliant with whatever he wanted to do because he was walking me through my eight steps, and he [inaudible] just to forget everyone and move on, and that was how I was going to recover from alcoholism.

IO: Hold on a second. Government?

GC: I just want to make sure we are treating everybody with dignity and respect, and we can obviously turn the volume down here.

IO: I get it. I understand that; but cross-examination is sometimes ugly, and that's where this is going. I'll keep a lid on it.

Questions continued by the civilian counsel:

Q. You invited his wife to your house the very next week; is that true?

A. It is not true. Rowe invited -- he said that he was going to have Megan come stay at my house because he didn't want me to do anything to myself.

Q. He called you and told you that?

A. Yes. We had a phone conversation about it.

Q. What did you tell him when he called you and told you that?

A. I said, "Okay."

Q. Why would you even talk to your rapist?

A. Because many rape victims of [inaudible] are --

Q. I'm talking about you. I don't care what you learned in your class. I'm talking about you.

A. Because Rowe had been somebody that I always respected and really looked up to, and he knew I was little [inaudible] and he knew I lived home [inaudible]. I guess I just thought it was an isolated incident of

something that he needed to do, so I would quit drinking and it worked.

Q. Did he tell you that, or are you just making this up as you go right now?

A. Oh, my God. Did he tell me what specifically?

Q. That he did that to get you to stop drinking?

A. No. He said, "Sometimes you have to reach a low point," and this is common and I've learned that --

Q. That was way later in February of 2011 when you tried to trick him and [inaudible] admitting to something he didn't do, and he still fought you for over an hour on the phone; remember that?

A. I do remember that, but you're kind of jumping from something we were just talking about.

Q. Well, I jumped because I'm asking you about the immediate aftermath of this alleged sexual assault on whether he ever told you that "I had to do that" as you were saying --

A. No. I wasn't just saying -- Rowe, who never talked to me before, suddenly would talk to me in public, and he did call me every single day to see how I was doing, to see who I was talking to, to see what was going on with the investigations, to --

Q. This is after the alleged assault?

A. Yes.

Q. Okay. Did you call him back?

A. Yeah, I did. I still considered Rowe to be my only friend at the time.

Q. Well, how can you consider somebody who had sexually assaulted you and raped you to be your friend?

A. I don't know. Maybe, I'm just that pathetic.

Q. Could you have, based on this demeanor of yours, acquiesced to this sexual liaison?

A. No. His friend was like fat and disgusting. He told me to come in and join. Jeremy didn't even want to. He said, "Come on, Jeremy. Ariana is going to show you what a slut she is."

Q. It doesn't matter if he is fat and disgusting, who cares. [Inaudible] know want to. It doesn't matter if he is the best looking man in the world. Is that what's bothering you, that you had a fat and disgusting guy?

A. No. It bothered me that somebody, who is my friend, would do that and say those things. It also bothers me that the year I had at the command [inaudible] to that, Rowe was just another little chess player in the command; where clearly, my dignity was never of any importance. It was the norm to build up your relationships of power by having sex with people, as my boss did and as she encouraged the female Lance Corporal, who got pregnant for having sex with a Captain at our house.

Q. You followed that example by making sexually suggested comments to Captain Rowe?

A. Yeah, I did. That's pretty fucked up. On top of that, I was in a very fucked up state of mind then. Yep.

Q. All right.

A. Feel free to diagnosis me from the DSM. That seems to be a popular trip to the inside of a personality disorder.

IO: What's a DSM?

CC: *Diagnostics and Statistic Manual*, it's the manual mental health professionals use to diagnosis people.

IO: Okay.

Questions continued by the civilian counsel:

Q. Was there any other sexual contact on August 28, 2010?

A. No, there wasn't.

Q. Just the one thing in the living room -- in the kitchen?

A. There is only the kitchen, and then he told me to go upstairs. That's where he involved Jeremy.

Q. When Rowe said to you "If you don't suck my dick, I'll tell the command," what did you say to him?

A. I said, "No."

Q. You were in the kitchen when he said that?

A. I was in the living room.

Q. Okay. What led up to it?

A. I don't know. I didn't feel well because I was really hung over. Somehow after Jeremy, I guess, had gotten Quinn allegedly out of the house or whatever he did, I was crying so hard that I was on the couch just sitting on the couch. Then he walked over and he said that. Then I said, "No." I was crying, and he just insisted and I did.

Q. Then you said what?

A. He insisted and then I did.

Q. Did you say anything back to him?

A. I said, "No," one time, and I was crying.

Q. Did you say, "What are you talking about; you are my friend," after he said that to you?

A. I usually did not stand up to myself with anything with Rowe.

Q. Well, you stood up the night before when he told you to go home and you didn't go home?

A. Yeah. I was fueled by a lot of alcohol.

Q. So you stand up to him when you wanted to here, and you don't stand up when it suits your interest kind of thing?

A. I don't really even want to be here to tell you the truth.

Q. No. I'm not talking about here; I'm saying that you testified. You have no power because Rowe has a thing that he does to you; but then, when he tells you to go home and stop drinking, you continue with what you want to do?

A. Like I said, when I'm fueled with alcohol, I am definitely a different person.

Q. Well, you are still drunk, you said, the next day?

A. I did still feel drunk when I woke up the next morning.

Q. Were you drunk or not?

A. I was like buzzed and felt sick. I don't know; whatever you want to classify that is.

Q. Again, my question that I still haven't sort of gotten an answer to is: He is standing there; he is screaming at you; you are screaming back and yelling; at which point, did he just say, "If you don't suck my dick, I'll tell the command"? I mean how does it come to that?

A. If he told me to snort cocaine and do naked cartwheels down 8th Street, I would have done whatever he said so he would not go to the command.

Q. Okay. Go to the command. I think you already said that Quinn was [inaudible] house?

A. What's that? I didn't know that Quinn was [inaudible] bed. I believed Rowe when Rowe told me that he was.

Q. Well, you say, "I don't care if Quinn was in my house, so what? You can go tell them what you want."

A. My experiences in the past, when another senior officer outside my chain of command [inaudible] me and tried to have me apprehended by a junior Lance Corporal and went to --

Q. I'm talking about Rowe. We are talking about Rowe right now on August 28, 2010. He is the one here for rape.

A. My experience with Wilson is --

Q. Is he Wilson? Does he look like Wilson to you?

A. It's relevant to the mentality of why I would choose to do something so disgusting.

IO: She is answering the question you asked. You asked, "Why might she do that," and she is telling you about other experiences she had with which fuels her impression --

CC: Very well.

Questions continued by the civilian counsel:

Q. Tell me about Wilson.

A. Same thing I said earlier. He said he was going to the - - in that instance, there was absolutely nothing. It was my boss that was having sex with the guy that was alleging, but he brought me to his Company area, [inaudible] Company area -- stuff I said earlier. He had a junior Marine -- guard Marine -- outside of his chain of command, stand there and told him that if I

interrupted him, he would have that Marine apprehend me. If that were to happen to anybody else's workplace, that person would be fired. In Wilson's case, he was promoted to the most prestigious company-grade position in the Marine Corps and extended for a year so he could avoid going to Afghanistan as a Company Commander.

That's my experience with how those matters were handled. What would happen if I did make a complaint or not want Rowe to do anything or if Rowe made his threat come true, that he went to the command? It would have just been way more humiliation; and all those rumors that people had heard would be confirmed to them. I just wanted it all to go away.

Q. This is the same Rowe that you said is always falling down and drunk; right? He drinks a lot and he passed out a couple of times in front of you; right?

A. Uh-hum.

Q. This is the Colonel's, what did you call him, pet?

A. Yes. Colonel Smith loved him.

Q. You had some dirt on him. He was in that hotel room with you in West Virginia, masturbating --

A. So?

Q. -- and he is married.

A. He was doing much less misconduct than most of the other officers in our command.

Q. Well, it doesn't matter. Are you accusing Colonel Smith of covering up misconduct?

A. I don't know what role he played in any of this. I have no knowledge. I had a direct conversation with Lieutenant Colonel Hanger; and when I told him that Suzanne was having an affair with Major Jones, and he told me to stay in my lane and be careful of making accusations. So yes; I do think he knew. As far as Colonel Smith, I do not know what he was aware of.

- Q. If he was going to make an allegation against you, you could easily say, "This is the same guy [inaudible]. He is a drunk even though he is your pet. He was in a hotel room with me in West Virginia, masturbating in the bedroom, and we just went to hang out."
- A. No. The [inaudible] Rowe was my only -- I considered him to be my only real friend that was there, and --
- Q. I'm talking about him using, essentially, blackmail to get you to have sex.
- A. Yes.
- Q. Okay.
- A. I guess, I didn't --
- Q. You have a lot on him.
- A. I didn't want anybody to know any of the personal business. I just wanted to get out of the command.
- Q. Because you didn't want anybody to know your personal business, that day you contacted just about every Body Bearer to see where Quinn was?
- A. I didn't contact every Body Bearer. I wanted to know if Quinn had heard what happened, to know if there was somebody that could be a witness to it. Guess what? He was nowhere to be found.
- Q. Wait, wait, wait. I am asking you -- so the threat that scared you was that he was going to tell somebody that Quinn was in your house, not that you had sex, just that he was -- an enlisted Marine was in your house; right? That was the threat that scared you?
- A. Yeah.
- Q. Right. Before anybody else says it, you're on the phone with the Body Bearers saying, "Where is Quinn? He was in my house last night. I need to talk to him"?
- A. Later in the day, I actually had a small hope that Quinn had been there and heard what was going on and knew how psychotic it was. Just like I talked to Rowe because he was the only one --

Q. My question to you is: Did you not call the Body Bearers; and in certain language, communicate to them or some of them that Quinn was in your house that night before?

A. To clarify, I contacted one of them that I had done a fitness program through, and he gave me Quinn's number. I think it was through Facebook, whatever. I called Quinn, talked to him briefly, and said, "That was really disturbing, blah, blah, blah." He just -- I can't remember what he said, but he just hung up and never spoke to me again.

Q. What did you say to Quinn?

A. I said, "That was really fucked up. I can't believe that just happened. Did you hear anything that Rowe was saying?"

Q. Lieutenant Klay --

A. Uh-hum.

Q. -- is it your testimony today that you never spoke to Lance Corporal Hill and expressed to him or communicated to him that Quinn had been in your house the night before?

A. I guess, I might have said that. I probably did say that to him when I was trying to explain why he would talk to Quinn.

Q. Yes. That is the very same information that you are here today alleging, which caused you to fear for your career and led you to have nonconsensual sex and sodomy with Captain Rowe.

A. No. I think they are very two separate things but [inaudible] very binary simple way of thought. I did think it was fucked up. The [inaudible] are generally older. If Quinn had been there, he could have been the one of the person that I could have talked to about it that could [inaudible]. He is, like, much older. He is like 32 or something.

Q. You just told me -- you keep trying to change the subject. You just told me that --

A. I've been trying to explain what I was talking about. Yes. I participated in that because I did not want to go

through the same shit that I've been going through during those four months.

Q. You spread it around yourself.

A. No, I didn't. I talked to Hill about it.

Q. So Hill is not going to spread it? You ever heard of the "Lance Corporal Network"?

A. No, I haven't. I am really just retarded.

Q. All right. You go and tell Lance Corporal that one of the Marines in his unit was in your house --

A. You know, I didn't even know what to think. If two guys came to your house and one of them was your best friend, fucked you and then says [inaudible] they were going to make some allegations in your command, and you're so drunk, and you don't know what happened the night before, what would you do?

Q. I wouldn't go tell somebody else [inaudible] that guy was in my house the night before.

A. Well, you know, I didn't have the most moral or ethical command or a natural chain of people to go through to resolve the matters in the Marine Corps-way that they should have been resolved.

Q. Do you believe that by telling Lance Corporal Hill that Quinn was in your house, you were avoiding further humiliation in the command?

A. Quinn would have told Hill anyways. The Body Bearers all share little information with each other just like --

Q. How do you know?

A. Because it's the Lance Corporal connection; it's the common knowledge that you just referred to me about.

Q. Okay.

A. Yeah.

Q. Why do we care what he says?

A. Because --

Q. He being Rowe?

A. Because there are two different angles. If Rowe went to the command about it, then obviously it would probably be

similar to the Molson-thing [ph] except for there would be some truth to it.

Q. Uh-hum.

A. In Wilson's case, where it didn't have truth to it, it still became the common belief that I had sex with bunch of the black officers in Center House, and it wasn't true. I did find that to be humiliating.

IO: I don't want to interrupt your flow, but I do want to ask one quick question here. What exactly did you tell Hill when you --

WIT: I said, Rowe went psycho last night. I think Quinn might have been at my house, and Rowe came in and was throwing things around, and I want to talk to Quinn, was, like, the gist of it.

IO: How did you know Quinn was there?

WIT: What's that?

IO: How did you know Quinn was there?

WIT: I don't know. I only believed Rowe when Rowe told me that he was there.

IO: The only source of information you had that Quinn was in your house was that Rowe said it?

WIT: I had a vague memory of, like, meeting him out on the street.

IO: Quinn?

WIT: Uh-hum.

IO: I'm done.

Questions continued by the civilian counsel:

Q. You called Captain Rowe several times that day?

A. Yes.

Q. You continued to call him for months after that on a regular basis?

A. That's true. We [inaudible] at several times a day, I think.

Q. I see that. Why did you wait so long?

A. Because I kind of thought everything would get better once I went through the rehab program and everything, but I don't know. I still cry about it all the time. I also didn't want to actually feel bad for Rowe because I thought of him as a friend at the time; but definitely, I wasn't able to sleep. I had all these sleeping problems. I didn't even actually intend to report it. I kind of just like [inaudible] all of the night [inaudible] gave me, but I just filtered. I think Prozac makes you not have as much of a filter, but I just started feeling, like, so angry about all the sick things that had happened to me, not just Rowe, other things.

One day, Janice Buckmon called me because she checked in every month to see if I had anything to report. She asked me who the second one was, and I just randomly told her that day. I told her that I didn't want to pursue any investigation. She was like, "When was the last time you talked to him?" I was like, "Couple of weeks ago." She was like, "Okay. Will you do this phone thing?"

Q. On that phone thing, you talked for a long time; correct?

A. Yeah.

Q. I don't think you ever once said that, you know, "I felt like you raped me or you took advantage of me." Do you recall that?

A. If you say the word "rape" to Rowe, he, like, flips out, so I tried to use the term "forced sex."

Q. He never agreed with you even when he knew he wasn't being recorded?

A. He was clearly paranoid that he was being recorded.

Q. You thought when you were talking to him that he was [inaudible]?

A. He actually even said, one time during the dialogue, "Is somebody recording this or something?" He was always paranoid. Even when he would, like, send me texts, he

only sent me blank texts because he didn't want there to be a record that I, like, had contact with him.

Q. Wait a minute. You said that there wasn't much that going on before?

A. There wasn't. It was very sporadic over the course of five months. Sometimes, he would even make a rule that, like, we wouldn't talk for a month. Then if we did talk for a month, then he would give, like, new advice and he would actually talk to me on the phone.

Q. Going back to the recorded telephone call. You believed that he knew he was being recorded?

A. I think that he was paranoid about it occurring, yes.

Q. Yet, he apologized to you, and [inaudible] how you felt.

A. When he did that, I think -- he probably wavered back and forth. It probably just occurred to him that it was unusual that I wanted to talk so in depth. Before, we only talked about it in extremely broad terms.

Q. Uh-hum. I got the sense that there had been a sexual relationship beforehand when I listened to the audio.

A. Yeah. Row was much nicer to me after the incident. He was --

Q. Not after the incident, I'm talking about the audio recording. I got the sense that there had been a sexual relationship between you two because he refers other times that you engaged in things.

A. The stuff that he refers to is, I think, he was intentionally saying things that would, like, sound horrible if it was being recorded. It was what I thought.

Q. Got it. You sensed that he knew he was being recorded, and he wanted to put things in that recording to make sure that he gets himself caught?

A. Correct.

Q. At no time, did he say, "You know what? You are freaking crazy. We hadn't done anything wrong"?

A. He actually did say that.

- Q. Yeah. Let me get to it. "You're crazy. We hadn't done anything wrong. Everything is consensual," and he hung up on you?
- A. He did say that.
- Q. I know, but you know, to just cut it short; why would he stay on? How long was the conversation, over an hour; right?
- A. A long time. Well, I think he also -- Rowe knows that I have -- you know -- obviously, I have some issues. It's clear to everyone. I think he does, like, feel bad and have some kind of sense of responsibility for it.
- Q. I want to get back to your views of what he knew. You believe he knew and he was just planting seeds on that recording to get himself --
- A. I think that he -- it occurred to him and he was being very cautious of what he said, but he was also genuinely concerned.
- Q. About what?
- A. I think he was genuinely concerned that, you know, I was just not doing very well.
- Q. If you were concerned about someone's wellbeing and you sensed that you were being recorded to get caught in a rape accusation, would you continue to talk and go on and be nice or would you just hang up on that person because you would feel like you're being tricked?
- A. I don't know. Janice Buckmon after [inaudible], was like, "He is probably just paranoid that you are going to put his name in your suicide note." Who knows; I don't really know.
- Q. You have been seeing therapists?
- A. Yes.
- Q. Has this story developed over time as you began to see your therapists?
- A. Nope. I actually told the entire story in September to my alcohol group and then --
- Q. To whom?
- A. My intensive outpatient alcohol recovery group in September and then --

Q. Is there a record of that telling?

A. There were witnesses in the room.

Q. Give me a name of one witness that would corroborate --

A. Uh --

Q. Let me finish.

A. Uh-hum.

Q. -- that you mentioned that you were raped by him or that you were raped on August 28, 2010?

A. Yep, I said both of those things.

Q. Name?

A. Renetta Cowan.

Q. Do you have a number for her please?

A. I could get one. I don't have one with me.

Q. Do you have it in your phone?

A. I could check.

The witness checked her cell phone.

WIT: No. I don't have -- I have the general number that would get you to her number.

Questions continued by the civilian counsel:

Q. Who is Renetta Cowan?

A. She was my first, like, intake counselor. She is a messabia [ph].

Q. Where?

A. At Andrews Air Force Base.

Q. When did you see her?

A. I saw her on September 5th or whatever day I was first admitted there.

Q. What did you tell her when you were admitted about this incident?

A. I told the entire group.

Q. What did you tell her, Renetta -- what would Renetta Cowan tell us when we ask her what you told her about the sexual assault?

A. I talked about the harassment while I was at 8th & I, and then I said that I had a friend -- it was a person that I relied on. I talked about my boss and what was going on there. I expressed concerns that it was never going to be investigated, which thanks to Major Barclay, it actually did get investigated. Then I described the morning of August 28th. I described that in detail to them, including upstairs, downstairs, kitchen, Quinn, all of that.

Q. I thought you told me earlier that you didn't even know if Quinn was there and that's why you wanted to call him to find out?

A. I did say that, and that's still true. I said, "Rowe told me that there was an enlisted Marine that was up there." That's always the way it has been. Do I think he probably was there? Yes. Did I see him? No.

Q. You know he is there now?

A. I guess.

Q. You talked to Quinn?

A. Quinn has never said that he was there. He just said that he thinks I am a stupid slut, and he resents me for being involved in this. He doesn't want to be involved in anything. That's all that Quinn said.

IO: Quinn used the words "stupid slut" with you?

WIT: Yes.

IO: Quote?

WIT: His exact word was -- because Hill heard him say that too -- "whore."

CC: What? A "whore"?

IO: Not "slut"? Okay.

WIT: I mean they both tossed around about names so frequently.

Questions continued by the civilian counsel:

- Q. No, no, no. I want to know exactly what Corporal Quinn said to you because you said "stupid slut."
- A. Something along those lines.
- Q. You said "stupid slut." There is a record of it. We all heard it. Did Corporal Quinn say that or are you making that up about Corporal Quinn?
- A. Corporal Quinn definitely said that.
- Q. Okay. "Stupid slut"?
- A. He also told other people that I was bad news and to stay away from me because there was --
- Q. Any other expletives or derogatory comments about you by Corporal Quinn directed at you?
- A. Not directly to me, through a girl I know that used to date him said that, Oh, yeah. He said that you're really bad news and to stay away from you and blah, blah, blah.
- Q. I think the question from the IO was that you said he also called you a "whore"?
- A. Yes. I don't know which -- he said some derogatory comment. I don't know exactly. As you can see, there have been many other denunciatory terms thrown in my way.
- Q. Okay. If he would have said that you're an unprofessional officer, I would consider that derogatory [inaudible] in your shoes; would you agree?
- A. Body Bearers do not have that advanced vocabulary.
- Q. You don't think Corporal Quinn would say, "You're unprofessional"?
- A. I think he could say that.
- Q. You just said Body Bearers don't have an advanced vocabulary. Do you think they are stupid?
- A. When I did Duty and looked in my Logbook, "Go" was spelled G-O-E throughout the entire Logbook, so maybe that was a joke, but that was a pretty common word. I thought they were professional while I was there. That's one of the reasons why I talked to Hill afterwards. I thought that they were more mature and less [inaudible] show than the other Marines.

Q. You come to realize that they are not?

A. What is not?

Q. That the Body Bearers are not what you thought they --

A. Yeah, that's pretty accurate.

Q. When Corporal Quinn called you a "stupid slut" and perhaps a "whore," where did he do that? Where were you and where was he?

A. On the phone.

Q. When?

A. It was right after he got -- this Marine, Hill, contacted me and he said, "Why is Corporal Quinn being talked to by NCIS?" I responded back, "I don't know. He didn't do anything wrong. He is fine."

Q. You are saying Corporal Quinn called you or you called him on the phone in 2011?

A. Uh-hum.

Q. You spoke to him?

A. Uh-hum.

Q. "Uh-hum" means "Yes"?

A. Yes.

Q. Did you call from your own cell phone?

A. Probably.

Q. Well, we know you would have called him on his cell phone because he doesn't have a land line.

A. Okay. I don't have a land line.

Q. Well, what other method of communication by telephone would you have used?

A. I called people on Skype.

Q. You Skype'd him?

A. No. I said I probably did it out of my cell phone.

Q. Okay. What did you use to get a hold of him?

A. I called him on my cell phone.

Q. You called his cell phone?

A. Yeah.

Q. He spoke to you?

A. Yeah. We had a very -- it was a very rude conversation.

CC: Well, how did the conversation begin?

IO: As best as you can, can you narrow that date and time of the phone call as best as you can? Did that [inaudible] on August 27th, August 28th, September 5th? Which was the first day in --

WIT: This was like in the last couple of months. Our conversation was -- when I found out that he was telling people to stay away from me and that I was bad news, I told him that he didn't know everything that was going on. That was rude, and that's when he said the thing and hung up.

Questions continued by the civilian counsel:

Q. This was in the last two months?

A. Last couple months. Last couple months.

Q. Why would you, as an officer, need to contact an enlisted Marine in your command for anything?

A. You know, like, I've lost so much faith in my chain of command to do things that I don't believe that -- you know Lieutenant Colonel Hudspeth distorted a logical investigation, where she misquotes the relationship --

Q. Lets just, before you go on, this is the same Nicole Hudspeth who has been a prosecutor for most of her Marine Corps career?

A. Experience does not equal competence.

Q. I'm not talking about experience. I'm talking about she goes after people that --

A. She said that the sexual harassment that occurred to me, occurred and was welcomed because I wore running shorts and makeup.

Q. Okay. My question is: You know this is -- do you know anything about Nicole Hudspeth?

A. I know her husband. She's not impartial because her husband works for Colonel Smith at 2d Marine Division.

Q. Okay. Do you believe that she was partial to --

A. No. I don't think so. I think that she was just, like -- it was like reading a third-grade book report where somebody tried real hard. She came to -- she arrived at quite a few facts that supported the harassment, such that, there were four verifiable instances of Marines coming up aggressively, saying denunciatory terms about me; junior Marines, and Staff NCO's, and officers being aware of it and doing nothing about it.

Additionally, there were six confirmed officers, senior to me, that Suzanne was sleeping with and that, like, she was allowing Lance Corporal Tinsley to have sex with Captain Gallagher at her house; that Suzanne was an alcoholic; that she was accepting alcohol for parade tickets; that she did sleep with one of the Marines in my -- junior Marines in my shop before he left; and that leadership did recommend her higher, but they did not confirm that adulterous relationship, just that another Marine officer had gone to Lieutenant Commander Race and said that he was having mental issues because he was having an affair with Suzanne.

Q. All right. My question to you is: Why would an officer, before we went on that tangent, ever contact junior Marines about a personal issue?

A. Because people very senior to me were so corrupt and disgusting that I really felt, like, to actually get at the facts, it could not be done through higher ups. It would just be more cover ups and Wilson-instances where -

Q. You're saying they're disgusting, but Suzanne Brick is gone; is she not?

A. She is gone.

Q. She's fired.

A. Working at some other DOD --

Q. The only question is: Is she fired out of 8th & I?

A. Yeah. It took seven months.

Q. Okay. But she's fired. When the allegations were made, they investigated her. They fired her; right?

A. Because what I said was true.

Q. Okay. So when you tell me that the command doesn't take things seriously, that's not really true; is it? If there is a big conspiracy here to cover up for Suzanne, she'd still be there.

A. There were lots of times where she was very well covered up for.

Q. Who are you accusing of covering up for Suzanne now in the command?

A. Now in the command?

Q. Or then? Is it Colonel Smith, because he was the commander?

A. Like I said earlier, I don't know that Colonel Smith knew of it. He said in the investigation --

Q. Were you a member of the Officer's mess? Were you a member of the officer --

A. Yes, I was.

Q. -- or at the 8th & I Barracks? Did you ever meet Colonel Smith?

A. Yes.

Q. Are you aware of something called, "request mast"?

A. I --

Q. Are you aware of it?

A. I actually did -- I didn't formally request mast, but I went directly to --

Q. My question is: Are you aware of request mast?

A. I went directly to Colonel Smith to request to deploy to Afghanistan --

Q. My question is --

A. -- because Vice Admiral Harbor [ph] [inaudible] requested me to be his aide. I talked to Colonel Smith; I told him

that I had a bad relationship with Suzanne; and he said -- and I cried about it and he said that, you know, "I'm sorry that I couldn't give you the opportunity." Then, that same summer, he let Major Jones, the Operations Officer, leave to go be the CNO's aide.

IO. Lieutenant Klay, that answer is nonresponsive. That's not the question that he asked you.

WIT: I am familiar with request mast. I think, like, the EO's policy is just a joke. I told three people in my chain of command. I told Lieutenant Colonel Hanger that my boss was having an affair with my next boss.

Questions continued by the civilian counsel:

Q. Excuse me for a second.

A. Yes, sir.

Q. Can I stop you there for a minute?

A. Sure.

Q. It's easy to make accusations. There's a process that we go through in the Marine Corps; do you agree with that?

A. I do.

Q. The process you are at today; right?

A. Yup. It doesn't mean free --

Q. Did she get fired in the end?

A. She did. I don't know --

Q. Are you aware how difficult it is to get somebody fired from the civilian service?

A. It takes an act of God.

Q. They still got her fired; right?

A. True.

Q. So someone, somewhere, took those accusations seriously; right?

A. Major Barclay and Colonel Montanus.

- Q. Yes. This is the same 8th & I where the Commandant lives on what end of the Barracks?
- A. He lives on the east side, I think
- Q. The north side of the Barracks.
- A. The north side.
- Q. My point is: The Commandant lives there.
- A. Yeah.
- Q. The eyes are on this command.
- A. That's right; there are a lot of incentives not to have acknowledged this misconduct.
- Q. Okay; great. And so you're telling me, that had you complained to Colonel Smith about your worries, your problems, they would have buried the issue?
- A. They did burry the issue. I did --
- Q. Did you ever request mast to Colonel Smith about your concerns?
- A. No. But I did to Lieutenant -- I didn't request mast, but I went to Lieutenant Colonel Hanger's office on four different occasions.
- Q. After Lieutenant Colonel Hanger didn't listen to you or didn't take you seriously, did you take it up like an officer should?
- A. I failed to do that.
- Q. Okay. Did you contact the IG on the IG's hotline and make a complaint?
- A. Well, Lieutenant Colonel Hanger told me that the senior would always be believed by the junior, and I needed to stay in my lane and learn how to like bosses that were difficult to work with, just like anybody else in another job would.
- Q. In 2010, how old were you, Lieutenant Klay?
- A. In 2010, I was 29.
- Q. Is it fare to say that you aren't the typical Lieutenant fresh out of college with two years in the Marine Corps?
- A. I am old, haggardly, and full of issues.

- Q. My question sought to find out if you have more experience than the typical First Lieutenant in the Marine Corps, and how you deal with things.
- A. I would say that I've had more life experiences, but I did way too much adhere to authority, and that was my big mistake.
- Q. You weren't adhering to authority when you were out drinking in the bars and mingling with the Marines.
- A. Was I? Because -- how was I not adhering to authority then? My boss was out there with --
- Q. Marines don't hang out with -- look, your boss is not a Marine. Suzanne Brick is not a Marine.
- A. She was my Reporting Senior. She wrote my fitness reports.
- Q. Suzanne Brick is not a Marine; correct?
- A. She was my direct [inaudible] --
- Q. Is she a Marine?
- A. No, she's not a Marine.
- Q. Okay.
- A. Actually, she used to be a Marine; so once a Marine, always a Marine.
- Q. Yes, of course. We're going to throw that out right now. You wear a uniform; right?
- A. That's correct.
- Q. Okay. You're not allowed to drink with enlisted Marines; correct?
- A. Yeah.
- Q. You're not even allowed -- you should not be seen drunk by enlisted Marines?
- A. Almost every officer I know has been seen drunk by enlisted Marines.
- Q. You should not be seen drunk by enlisted Marines; correct?
- A. That is correct. It's just comical, if you knew how much drunken debauchery was done by the officers at 8th & I.

- Q. I'm just asking whether you knew it or not. There is even a charge called drunk and disorderly; right?
- A. Exactly. You know what? I guess I was the only officer at 8th & I that was guilty of drunk and disorderly conduct to include, you know, people pissing their pants at events, and Marines passing out on the Commandant's lawn.
- CC: Well, they may be passing out on the Commandant's lawn, but you're pissing in the alleyway on your way home. So what's the difference?
- IO. You're getting argumentative, Mr. Faraj. Let's get the facts and stay relevant.

Questions continued by the civilian counsel:

- Q. Do you recall urinating in an alleyway on your way home that night?
- A. No, I don't.
- Q. Is that something you would normally do?
- A. If I was desperate to go to the bathroom, I would probably try to find somewhere.
- Q. Your house is a block away from where you were partying. Two blocks away.
- A. I have heard of much worse offenses.
- Q. I am not accusing you of anything, but you pointed out something about urinating; and I'm saying you're kind of doing the same thing.
- A. Exactly. I am the only one there at 8th & I doing it. I was the only one doing shots at 4 and 5 in the morning. There were no other officers, senior to me, doing that; nor were there no other officers, senior to me, having sex with my boss in the Commandant's backyard. I was clearly the problem at 8th & I. It was definitely nobody else. It was me, me and Suzanne. That's the way Lieutenant Colonel Hudspeth put it.
- Q. Is she right?
- A. She's absolutely wrong.

Q. You just said -- I don't understand, were you --
A. I was being sarcastic.

Q. Well, this is a courtroom.
A. I'm sorry.

Q. This is a formal hearing. You just put on the record something very important; and not only can I use it against you, but you just made an admission that you were the only one that's wrong. So do you understand the decorum and the necessity for telling the truth?
A. I understand the sickness of trying to berate and take away my credibility because something really fucked up happened to me.

Q. Well, credibility is an issue when you are talking about a Marine Corps officer who is partying with enlisted personnel. Do you agree?
A. I didn't party with enlisted personnel anymore than an average officer at 8th & I.

Q. Okay.
A. The bars are right across the street. I live in the neighborhood. If they are at the same bars, on occasion, the same "White Capitol Hill Stoppers" are going to be at the bars. Will they be more likely to notice me? Yes. Have I seen many of my senior officers buying and doing shots with their junior Marines? Yes. Is that ever discussed or a problem? No.

Q. There is a difference between buying drinks for one's Marines and getting drunk.
A. I have seen lots of drunk and disorderly misconduct by senior officers in front of enlisted Marines. Interview any of the Gate Guards about how the officers act when they come out of Center House. Ask Captain Rowe about how it affected his alcoholism when he was told by Colonel Smith that he wasn't spending enough time in Center House; and that if he was going to become a Commander, he needed to spend more time there. He's a recovering alcoholic, told to go to these mandatory drinking functions.

Q. Well, do you feel that you had no other option but to contact these junior Marines because the senior people in the command were unresponsive to your complaints?

A. Extremely unresponsive, and incompetent, and participating in the misconduct themselves.

Q. Okay. And of course, this began with questions about conversations you had with Corporal Quinn, and I think you testified based on questions from the IO, that the conversation would have taken place sometime earlier this year, in 2011.

A. Correct.

Q. Okay. Do you recall running into Corporal Quinn at the gym that you both work out at?

A. Yes, I do.

Q. You attempted to go talk to him, and he said, "Just leave me alone. Don't talk to me."

A. No. He definitely never said that at all.

Q. What happened there?

A. I went up to him and was like, hey --

Q. Who approached whom?

A. I approached him.

Q. Okay. To talk about what?

A. To talk about -- I said about him having to go talk to NCIS because Hill told me. I was like --

Q. Why did you feel --

A. Because I didn't want him to think that I was making some weird allegation against him.

Q. I didn't ask a question. Why did you feel that you needed to talk to Corporal Quinn about anything since NCIS was already investigating it?

A. Because Quinn didn't do anything wrong; and at the time, he didn't.

Q. What did he do wrong afterwards?

A. I don't know, slandering my name all over the place. That seems pretty wrong. [Inaudible] since you don't view me as an alcoholic.

- Q. Did he say anything wrong about you?
A. Yeah, he did.
- Q. What did he say?
A. Slut, stupid, trouble, stay away from her.
- Q. Did he say that to you?
A. Two of those things, on the phone, he said.
- Q. Okay. You said that he slandered your name at the command, so how did you know that he slandered your name?
A. Because I was told by two separate people that --
- Q. Who are the two people?
A. Summerton [ph], I think is one of them, I think Lance Corporal Summerton -- actually he is out of the Marine Corp now, so he is a civilian.
- Q. What is this person's first name?
A. I do not know.
- Q. So Summerton just came up to you, as a Lance Corporal, and began to tell you that Quinn is saying bad things about you?
A. No. During Lieutenant Colonel Hudspeth's investigation, when she told me that she couldn't find that there were any negative rumors about me, I knew because Summerton was kind of a Barracks gossip. I asked him, "Who are the Marines that were saying things?" He pointed out the individuals, and I was counseled for interfering with the investigation.
- Q. Yeah. It's a pretty serious thing to go talk to witnesses after an investigation begins.
A. The definition of interfering with an investigation includes intimidation or threats. All I did was ask him a simple question. I said, "Who are the Marines that were slandering me?"
- Q. Can I just stress something with you, to help you put it in perspective? Had he contacted Corporal Quinn, he would be here facing obstruction of justice charges. So my question to you is: Why --
A. I didn't tell him -- I didn't tell him to say anything.

- Q. I know. But just contact by him to Quinn regarding the investigation, just like you did, would have resulted in obstruction of justice. I want to know why you felt it necessary to contact someone in an investigation. What was your purpose?
- A. Because Lieutenant Colonel Hudspeth was failing to produce very readily available and obvious pieces of evidence; and since she couldn't seem to do it, I found some people for her. I didn't even mention the word "investigation." I asked him, "Who were those Marines who used to say blah, blah, blah?" He provided those names.
- Q. That's Summerton?
- A. Uh-hum.
- Q. Okay. Now, we're talking about Quinn.
- A. Okay. Quinn.
- Q. You approached Quinn in the gym to talk about this matter?
- A. Yes. I remember the exact conversation.
- Q. What did you say to him?
- A. I said, "Hi. Yeah, Hill told me that you're pissed that you have to go to NCIS." I was like, "Sorry. You didn't do anything wrong." He said, "Okay." That was the end of the conversation.
- Q. You mean, he didn't tell you, "Just stay away from me, slut," or -- what else did you say he called you? You said he called you a stupid slut. Did he say that to you?
- A. He said that stuff later on the phone. There was the gym incident where I talked to him briefly there, and then there was the phone incident a month or so after.
- Q. This would have been in April?
- A. I don't know the exact month.
- Q. You just said March is when you talked to him at the gym.
- A. I don't know when I talked to him at the gym.
- Q. Was that after his interview?
- A. I don't know if it was before or after his interview.

Q. Well, you just said that he was pissed that he was interviewed by NCIS.

A. Yeah, because Hill -- the Marine, Hill, contacted me and said, "Why does Quinn have to go talk to NCIS? He's pretty pissed off." I said, "He didn't do anything wrong; don't worry about it." He said, "Are you sure?" I said, "Yes." That was the end of the conversation. It's on Facebook. It can be reprinted. Then after that --

Q. Let me get this straight. You, an officer in the Marine Corps, have friends that are Lance Corporals on your Facebook page, and they contact you and say what: Ma'am?

A. Yeah.

Q. Did he write "Ma'am"?

A. I think so, yeah.

Q. Can we have that e-mail?

A. I can get it.

Q. He said, Ma'am, what is what?

A. He said, "Ma'am, what's going on with Quinn going to NCIS? Do you know anything about it?" I said --

Q. Why didn't he contact you on global, on the e-mail accounts?

A. I don't even think they have e-mails. I don't think Body Bearers have e-mail accounts.

Q. You're probably right.

A. It's clear --

Q. Why did you need to go talk to Quinn since you already communicated to Hill that he didn't need to worry?

A. I don't know. He was in the gym, and I was the only other person in there; and I just didn't want another enemy, but apparently --

Q. This is also in relation to you trying to assist Hudspeth in finding information? Did I understand that right?

A. No. Summerton was -- I talked to him prior, but he mentioned back then -- this was a while -- I think maybe in January or so -- that Quinn was one of the people

saying stuff about me; saying that I was, like, trouble and to stay away from me.

CC: Okay. Again, I want to understand something. You get a big investigation started -- is this the investigation? How many pages is this?

DC: That is Hudspeth's investigation.

WIT: Like, 1,000 pages.

Questions continued by the civilian counsel:

Q. One-thousand pages. This Lieutenant Colonel interviews just about everybody at the Barracks, and she concludes, "I can't find any rumors on you." And then, you go to the gossip, to the rumor mill, and say, "Tell them a rumor."

A. That's not true. I think you should read it before making those assertions because there are many verifiable instances of harassment in a lot of her interviews.

Q. Look, you haven't read this yet; right?

A. She told me verbally on the phone that she was unable to produce anyone who was slandering me.

Q. Great. Your state of mind at the time is: There are no -- she tells you, "I can't verify the rumors that you are talking about"?

A. I just found that to be, just, ridiculous.

Q. Well, listen to my question, please. At the time that she communicates to you, you hadn't read this investigation; right?

A. That's correct. It wasn't complete.

Q. It wasn't complete. She calls you and says, words to the effect of, "I can't find corroboration for what you are telling me about rumors," or words to that effect? The fact that she may have had something in there is irrelevant. At this point, she told you --

A. Exactly. I had not seen those.

Q. Okay.

A. She just verbally told me, on the phone, that she was unable to substantiate that there were hostile rumors [inaudible].

Q. Great. You go to the person that you know as sort of the hub of the rumors?

A. I just knew he would be able to name some names; and not only that, he is not very -- he has no filter, so he will just tell you.

Q. Is it possible that your kind of contact was causing this Marine to create rumors to satisfy you?

A. No. Because Summerton was one of the Marines that came up to me at a bar and told me about all the -- drunkenly told me all the mean things that were being said about me by Staff NCOs in front of their junior Marines.

Q. Okay. Did you tell her to go talk to Summerton because he --

A. Yes, I did. I did with her, and she didn't talk to Summerton until after I provided those names that I got from Summerton; and I told her, "I talked to Lance Corporal Summerton, and these are the names that I was able to get."

Q. How many other females are at the Barracks at 8th & I?

A. I don't know.

Q. Are there many? Are there many?

A. Not many.

Q. Ten? Twenty? Thirty?

A. There's a lot in DMB and band. Not a lot but I would say -- they're kind of in their own little world away from base, so I don't see them very often.

Q. At the base?

A. At the main post there's, like, ten. They're none in the Line Companies.

Q. Were all these females facing the same challenges you were?

A. Many of them.

IO: Have we nailed down the names that Summerton gave?

WIT: It's in the investigation, sir.

Questions continued by the civilian counsel:

Q. Can you tell us?

A. Bushon [ph] and I can't remember. It's some other kid. I don't remember their names.

Q. When you say that you were hearing rumors, how were you hearing the rumors, besides Summerton telling you that people were saying things about you?

A. Master Sergeant Rios [ph], on a regular basis, would come up and tell me about what all the Staff NCOs were saying in front of their junior Marines. When I went to Master Sergeant Rios's OIC, Chief Warrant Officer Murdock [ph], he was like, "Yeah. She's kind of crazy; sorry about that, blah, blah, blah." She still continued to come up to me and tell me --

Q. He told you that the Master Sergeant is crazy?

A. Chief Warrant Officer Murdock told me that the Master Sergeant is crazy. The female Master Sergeant coming up to me and telling me these weekly reports about what the Marines are saying to me was her coming up to me, not me going up to her and --

Q. You went to the Officer in Charge of that Master Sergeant and you found out from the officer that the Master Sergeant that is telling you this is crazy?

A. That is what he basically said.

Q. Okay. You tell the Warrant Officer, Look you need to get a handle on her, otherwise she is going to be charged with --

A. He said that he was unsure about what to do because she had done an EO complaint against him.

Q. Why couldn't you take that to Suzanne?

A. Anything I took to Suzanne, Suzanne told me to let it go. That was her --

Q. Did you ever write this in an e-mail and send it to Suzanne?

A. No.

Q. Did you ever write any of these --

A. Suzanne told me that e-mailing her was cowardly. She was very upset when I went above her to try to deploy to Afghanistan. She wouldn't talk to me for, like, three days, and Major Jones said that I hurt her because she wanted me to see her as a big sister, the same way I looked up to Vice Admiral Harbor, who is a decorated, active duty, Navy Seal. She wanted to be that for me.

IO: Wait. She wanted to be that for you in the same way that who looked up to Harbor?

WIT: Because I -- Vice Admiral Harbor is my Navy sponsor, and I was just saying that he's the most active duty, decorated, Navy Seal; and he, by name, requested me to be his aide in Afghanistan because you'll see in the report, I spoke to him in September of 2009 about issues with my boss and her incompetence, her inability to manage, and how I didn't feel like I was treated like a Marine officer there and wanted to get out.

IO: Okay.

WIT: That's in the investigation as well. Suzanne also -- her and Major Jones counseled me for not going through her when I tried to request to deploy. I'm was also told in multiple incidences to stop going above her and go through her, but every time I go through her --

Questions continued by the civilian counsel:

Q. Can you tell the difference between the normal administrative tasks that Marines undertake on a daily basis and how a chain of command must be used, and when you have an issue with your boss, being unfair, being evil, being manipulative, being the drunk that is interfering with your right, and to take that elsewhere? Do you understand that difference?

A. I do. I do understand that many of the people that I could have otherwise been able to go to had either thought Suzanne was great, as they told me, as in Captain

Barner's [ph] case, or were participating in the misconduct themselves, or didn't want to have to deal with it.

Q. I think we've gone a little far from this case. You, at some point, did reach out to Captain Rowe to have him corroborate allegations that you made against Suzanne Brick; correct?

A. When I had spoken to Captain [inaudible], he said that when Rowe was really drunk, he said that he --

Q. My question to you is: You did reach out -- did you not reach out to Captain Rowe to get him to corroborate allegations that you made against Suzanne Brick?

A. I think you're making it sound like I was trying to get him to say something that would --

Q. My question to you is: Did you reach out to Captain Rowe to have him corroborate an allegation you were making about Suzanne Brick?

A. Yes. Since three other people had heard him get drunk and mention that Lieutenant Colonel Filson, the current Battalion XO, was having sex with Suzanne. Yes, I did.

Q. Now, you're going to talk about Lieutenant Colonel Filson. Lieutenant Colonel Filson was also having sex with Suzanne?

A. I don't know. I never saw it myself. That was just another -- when Major -- when they did the investigation, he asked me to confirm or make a list of anybody I had ever heard that she had sex with. I was very specific to say which ones I had observed, which ones I had just heard, and which ones she had told me directly about, or I had observed her publically making out with them.

Q. All right. That was -- I don't know what that answer was to, but that's not what I asked you. You asked him to corroborate an allegation you made against Suzanne Brick. You admitted "Yes" to that; correct?

A. Yes.

Q. He told you that he only knows what you told him? That he had no personal information about anything except for what you told him?

A. That's what he said, but --

- Q. That's my question. He told you that the only thing he knew -- whether it's true or not is irrelevant. He told you that he could only say what you told him.
- A. Actually, that conflicted other information he had given to myself and Captain Agoulnik.
- Q. Right.
- A. That he had firsthand observed them go into a room together.
- Q. You had information that was in direct contradiction to what he was actually representing to you? When he told you that he doesn't know anything, you knew that to be false?
- A. Like many things he said, yeah.
- Q. What do you mean, "like many things he said"?
- A. I mean certain things he said to protect himself, obviously.
- Q. Okay. My question to you is: You wanted him to corroborate an allegation? You believe that he had information, and he said, "I only know what you told me"; correct?
- A. At one point, he said something along those lines, yes.
- Q. Yeah. You still believe that he knows differently, that he has personal knowledge of other matters?
- A. I don't know. I have no idea.
- Q. Well, you just said that.
- A. I don't know if Rowe just drunkenly made it up or if he really did see it. I don't know.
- Q. I'm saying you believed that he did, that he had information.
- A. I wouldn't be surprised. It seems likely since she was having sex --
- Q. Did you believe that he had information? That my question.
- A. Yes.

- Q. All right. You are now going to your rapist to substantiate allegations against this woman who you work for; right?
- A. I'm also talking to him on an almost daily basis during that period of time.
- Q. You are talking to him on a daily basis, and the conversation is known?
- A. Here, we don't really discuss what happened. We've mostly discussed alcohol recovery and how I'm doing.
- Q. Right. It's your testimony that based on your research for your Master's of Social Work, that victims --
- A. It's actually like --
- Q. Let me finish my question, please because we're recording.
- A. Okay.
- Q. -- victims of rape continue to have contact with their rapist?
- A. That's actually very common and anyone could find that information.
- Q. I'm going to look it up.
- A. Okay.
- Q. Okay. You discovered that later in this sort of -- give some credence to what you were doing.
- A. I don't know why I did. I even brought that up to my therapist. They told me -- when I told the group in September, they were like, "You need to stop talking to him today." I didn't because I still saw him as my only friend. He actually had very direct knowledge of what I was going through, going through alcohol rehabilitation.
- Q. Let's -- we've gone through this, but I want to move along because the hour is getting late. When you reached out to him to substantiate the allegation against Suzanne Brick and he said, "I don't know anything," how did that make you feel?
- A. Like he was just selfishly not being involved.
- Q. Did that upset you?
- A. Not that much. I didn't really care. There were a lot

of other people -- tons of people, who I knew, knew information that weren't giving it up.

Q. All those people, though, were having sex with her; so obviously, they weren't going to say anything. You needed him?

A. Some people -- no, actually, like I said earlier, enough people -- they had enough information from retracting her e-mails that they didn't really need anything.

Q. You can't have it both ways. You've testified to me today many times that the reason you didn't take action against Suzanne Brick was because everybody was involved, and now you're saying even Lieutenant Colonel Filson.

A. I don't know if he was or not.

Q. Where did you get that from?

A. When Rowe was drunk, he said that he saw Suzanne and Lieutenant Colonel Filson having sex. He said that to me and Captain Agoulnik on two separate occasions.

Q. Okay. Did you read that in the investigation because it's not in there?

A. I feel like I wrote a statement for Captain [inaudible] saying that he --

IO: Did the Captain say that he saw the XO and Suzanne having sex?

WIT: Yes, sir.

IO: In public?

WIT: Walking -- like leaving -- I don't know where it was. He was really drunk when he said it, and he said the same thing to Captain Agoulnik. Captain Agoulnik said that one day; him and his wife were over for dinner in some month and he told me that, and I was like, "He said that to me too." That's how I knew, and I told Major Barclay about it. I hope -- is the appeal included with that investigation, sir? Is the appeal included with that investigation that you have?

IO: In your rebuttal statement?

WIT: It's like a legal analysis and my personal statement. I just went off of her facts and when she did completely misstate the Navy policy on sexual harassment, saying that's important for anybody signing off or using information from the investigation to be aware of.

IO: I'm not here to review Lieutenant Colonel Hudspeth's work. There is an ability to do that there and -- if you were the original complainant.

WIT: Yes, sir. My appeal just straightens -- like, proves some additional things and brings in the correct Navy policies [inaudible]. I think that it's just very important and relevant to this case.

IO: Okay.

Questions continued by the civilian counsel:

Q. Okay. I just read an e-mail from you. It basically says -- this is directed at Major Barclay, and it talks about how you heard from Agoulnik that Filson told him. This is, like, a triple hearsay. He never told you; you never said that Rowe told --

A. Rowe, all the time, told me. He would always say, You know Lieutenant Colonel Filson -- you know Suzanne and Lieutenant Colonel Filson --

Q. This is your opportunity. You're talking about Rowe; you're talking Agoulnik; and you're talking about you. This is your e-mail; and instead of saying, "Rowe told me" -- instead of you saying, "Rowe told me," you say, "Agoulnik told me that Rowe told him."

A. Yeah. I have no idea why I did that because Rowe said many times to me that he thought something was going on with him and Suzanne -- or with Lieutenant Colonel Filson and Suzanne.

Q. Now, the XO is potentially engaged in a relationship with Brick? He told you that; but when you wrote the e-mail, you didn't put anything down. That's a "No"?

A. No.

Q. When did you get moved to Henderson Hall?

A. Late October, after I completed the alcohol intensive treatment.

Q. I've been to the gym at Henderson Hall; it's a brand new facility. It's pretty nice; right?

A. Yep.

Q. Yes?

A. Yes. I work out there three days a week.

Q. Why were you at 8th and I then working out?

A. I live half a block away. I work out there probably two to three times a week as well.

Q. This is the same place that you are so sick of; you want to get away from; the Marines hate you; they're spreading rumors; you have got a beautiful facility at Henderson Hall; yet you go to the gym at 8th and I?

A. It is a half a block from my house. It's right --

Q. My question is: This is the same place that you were just talking about?

A. I'm barley at Henderson Hall because I'm always at -- all my little stuff that I have to do anyways. When I am at Henderson Hall, I do like working out there. I work out everywhere.

Q. I'm saying that you're just -- we've gone on for about three or four hours talking about how 8th and I is a horrible place; how the Marines discriminated you --

A. Well, you can consult with my therapist, Ms. Piaptouadio, because she recommended that I still walk my dogs and stay in the area because she thinks that will help alleviate my obsessive symptoms.

Q. I'm not telling you to stay at home. I'm not saying that you imprison yourself. I'm just wondering why you're going to 8th and I where all these Marines hate you and they spread rumors about you?

A. Because I get --

Q. You're not even there anymore.

A. I live half a block away. I do feel like that it is therapeutic to me to do that. I take my workouts very

seriously. My best workouts that helped me win a triathlon that I did last October was from training at that gym. When I work out there now, I usually work out there after 10:30 when no one is there. I don't see how me doing workouts at a gym is --

Q. I'm not questioning --

A. I mean, you're not --

Q. I'm just questioning why you're working out at that particular gym where all the Marines don't like you and they spread evil, nasty, rumors about you. I think working out is great, but why are you doing it at that gym?

A. It's a half a block from my house.

Q. I know, but this is the den of evil. This is a place you've been wanting to get away from.

A. You're right. Actually, Rowe did warn me from working out at that gym. He didn't like me being there, and I never listened to -- that's one of the few things that he ever told me to do that I didn't listen to him.

Q. You're not answering my question. We'll come back to Rowe. Is there any other reason? Do you actually like the attention?

A. I hated the attention at 8th and I, actually. Rowe knew that. That's why he recommended that I leave.

Q. I didn't know this, but apparently there is another gym at the ANEX, two blocks away.

A. There are no mirrors. It doesn't have the same equipment that I use, and --

Q. They do have a treadmill?

A. It has a treadmill, but it doesn't have -- my workout that I do is: I use the spin bike, treadmill, and ab-thing. I really hate that gym anyways. Actually, most of the Marines work out at that gym anyways. If he's trying to say that it's weird, that there's a Post 5 gym, most of those enlisted Marines go to that big one at the ANEX.

Q. Quinn goes to the one that you go to and the Body Bearers.

A. I hate Quinn. I do not want to run into Quinn.

Q. Why do you hate him? He seems like a nice enough guy?

A. Wonderful. I guess, if you think a guy who calls an officer a stupid slut is a nice enough guy --

Q. He never said that to you; did he?

A. Yes, he did.

Q. We've gone back and forth, and you couldn't quite remember it, but then you came back when I pressed you on it. Did he really say that to you?

A. Yes, he did.

Q. Corporal Quinn?

A. Yeah. Ask his buddy, Hill, what kind of nice things that Quinn has --

Q. Now, what he says to Hill about you in their own private conversations is way different then saying it to -- I'm sure you said a lot of nasty things about officers but not in their faces; right?

A. I don't know. Have you?

Q. All the time.

A. Probably, me a lot lately.

Q. Yeah. I mean, that's private conversation; it's protected in our country. You can have conversations with people; right?

A. I guess so.

Q. All right. Is that why you hate Quinn?

A. I hate him for not realizing -- seeing what happened with Rowe as my fault, further slandering me, and for not treating me like a Marine.

Q. Well, you weren't acting like a Marine.

A. No. You're right.

Q. Now, what did he know about what happened with Rowe? He left before anything happened; did he not?

A. I don't know when he left, and he was there when Rowe was

yelling and throwing things around in the kitchen and saying all kinds of, like, crazy things.

Q. He was yelling at you for not behaving like an officer.
A. Rowe was?

Q. Yeah.

A. Well, I don't think the things he was saying were very officer-like.

Q. I understand, but he was admonishing you for not behaving in a way he expected you to behave.

A. True. That's why he needed to force me to suck him and his friend's dick to punish me. That was great. I've definitely -- there were a lot of the Marine Corps values in [inaudible] me when that happened. Thanks.

Q. Why do you blame Quinn for it?

A. Just because he's another participant that -- just one of many that said all of those horrible things. Everything I do now is just further away -- far away from the Marine Corps as possible. You alleged earlier about me hanging out at the gym. I'm getting a degree in social work, 90 percent female. I'm going to be working with old ladies at my next job, and I have done over 100 hours of volunteer service, and nothing having anything to do with the military. If you think I love the military so much and just want this attention --

Q. I never said you were [inaudible]. I said --

A. You said that I love attention, and that's why I go to the gym.

Q. I didn't say you love attention. I said, "Is it maybe to give you attention?" You said, "No." I didn't say you love the attention.

A. Yes. It's just awesome to get those memories stirred up and get discussed further. I think because it happened, I do want to go there, because my workouts are the most important thing to me besides my husband. I guess few people would understand that. I just don't want all this shit to ruin that too.

CC: Sir, I need a brief break, and we'll wrap it up when we're done.

IO: Okay. Skipper, if you could, turn this off? Afterwards, after you excuse the witness, we'll probably need to run through a handful of things before you two make your closing statements.

GC: Sure.

CC: I have a couple of witnesses that I intend to call.

IO: Are they here?

CC: No. They are by telephone.

IO: Tonight?

CC: Yes.

IO: Okay.

CC: They will be brief.

IO: No problem. Thanks.

GC: We are off the record. The time is 2102.

Transcription stopped at 2102, 6 June 2011.

Transcription began at 2113, 6 June 2011.

Questions continued by the civilian counsel:

Q. When we left off, I was asking you about the trips you have taken to West Virginia. I don't know if I have asked you that or not, but that's where I want to go. We have covered some of it. In total, how many trips to West Virginia did you take with Captain Rowe?

A. I think, one.

Q. Could you have taken two?

A. I don't know. We went on several -- like, country-day drives.

Q. Dates?

A. Day drives.

Q. You did not go on dates?

A. Definitely were not dates.

Q. Why would you go on day drives with him?

A. Because that's when he said he was much nicer when he was in the country, he said he hated D.C. When we were out in the country, he was much nicer to me and he -- that's when he gave me a lot of the, like, good advice. He's like, you know, Suzanne has a horrible reputation and when you hangout out with her, you just make things worse --

Q. Let's try to stay focused here.

A. Okay.

Q. How many day drives would you say you have taken together?

A. Like, four or five.

Q. Are these on the weekends?

A. I don't think they were all on the weekends, whenever there was, like, time off.

Q. These are not dates?

A. Not at all.

Q. All right. What about -- you participated in the Miss D.C. Pageant?

A. Uh-hum.

Q. Do you remember staying in a hotel in D.C. with Captain Rowe the night of the Miss D.C. Pageant or perhaps the night after?

A. No, I did forget about that, but yes.

Q. I know. You stayed together; right?

A. There was no sex, he --

Q. I asked you about that before -- how many times did you stay together, and you said, you know, only those two times.

A. I didn't remember.

- Q. All right. And you did stay in West Virginia more than one time?
- A. I only remember once, but it is possible there were two times. I don't remember the --
- Q. Well, one time, you paid for it.
- A. That sounds like me because Rowe never paid for anything, which --
- Q. Well, one time, he paid for it in West Virginia; and the second time you stayed in a hotel, you paid for it in West Virginia?
- A. So same thing. And --
- Q. Right?
- A. -- in a bedroom, there --
- Q. Is that right or not?
- A. -- are two beds. Both times, there were two beds. Yes.
- Q. Is that right or not?
- A. Yes.
- Q. Your testimony here today is that your relationship continued to be plutonic?
- A. I think it could have gone that way very easily.
- Q. Gone which way?
- A. In like the sexual way. It just --
- Q. What was it? I don't want to know where it went. I'm asking you whether it remained plutonic besides the one incident where he was drunk and masturbated, and you didn't participate. These were just drives in the country --
- A. I mean, there was a couple other minor incidents of making out type stuff, but it was never sex. My husband is aware.
- Q. I didn't ask you about that. But you don't consider making out a romantic relationship?
- A. It wasn't because we were both very hammered and it wasn't -- and he would actually say mean things sometimes that would --

- Q. I'm asking you if you don't think that kissing another man is a romantic relationship --
- A. Not when your --
- Q. -- when you're out in the country with him and you're staying in hotels --
- A. It only happened if we were hammered. It would never happen if we were sober, so I don't think there was any kind of --
- Q. What does it matter if you are hammered or not, you were still doing it?
- A. Yes, it is more impulsive if you're going to go that way. It is not, like, romantic -- like, oh, I love you. It is more --
- Q. Okay. Well, when is the first time that you started making out and kissing?
- A. I have no idea.
- Q. You made out and kissed him when you stayed in a hotel in D.C. after the pageant.
- A. That's possible, but I know that we didn't have sex that night.
- Q. How do you know?
- A. Because I remember getting, like, all emotional and him getting pissed, and we got in this, like, big fight.
- Q. Why would you get emotional with somebody that you don't have a romantic relationship with?
- A. Because he said a bunch of mean -- he was very drunk; and when he drinks, he would say really mean things about me. He was talking about --
- Q. Why didn't you just -- you're in D.C., why didn't you just get up, grab a cab, and go home?
- A. Because I had also gotten into a fight with my husband then, and I didn't want to go home.

Q. You just -- there's no romantic relationship with this guy, he is being a jerk to you. You live in a two-story house with a bedroom and you could have slept in the living room, but you decided to stay with this man, who was also married, and you're married, and not go back home to your husband; is that correct?

A. It sounds correct.

Q. You could've; right?

A. Could've done what?

Q. You could've left.

A. That's true. I should have --

Q. Center House has seven bedrooms in it; correct?

A. Center House is the worst place to stay.

Q. Center House has seven bedrooms in it; correct?

A. Uh-hum.

Q. What stops officers from crashing over there?

A. - Actually, I think they -- it's no longer allowed or -- I think they told someone that --

Q. At the time, you could have slept there if you needed to -- if you needed a place to stay?

A. I didn't like to sleep at Center House because of exactly how to --

Q. If you wanted to, you could have slept there that night.

A. And absorbed a bunch of negative --

Q. If you wanted to, you could have slept there that night.

A. There would have been all kinds of rumors if I had gone there.

Q. If you wanted to, you could have chosen to sleep at Center House that night; correct?

A. And underwent a lot of rumors and aftermath of walking on post in front of the Gate Guard Marines sleeping at Center House, and then walking out -- by me just walking out is the same thing that led to Captain Wilson's false accusations --

Q. It's 9:30. I can be up here -- I can be here until tomorrow morning going like this. I mean, he is going to let me continue to go so long as you don't answer, so it goes a lot faster if you just answer and we can just get out of here. You could have slept there if you had wanted to, and "there" being Center House the night you were in D.C. with him after the pageant when you got into a fight and he was mean to you.

A. I was also really hammered and probably just wanted to sleep.

Q. You could have --

A. Well, there wasn't a lot of deep intellectual thoughts and debates going on.

Q. You could have gone to Center House to sleep that night; correct?

A. That would have been a very poor move.

Q. A more poor move than staying with an officer who was senior to you and who was married, and you're married, at a hotel in D.C. after the pageant?

A. I thought it was a lot of stupidity or what people would think.

Q. Is it a more poor move or not?

A. Well, since I agree -- both of them are. It is comparing apples to oranges. I think they -- one would probably have resulted in more poor negative perceptions, the other one is more immoral.

Q. You told me you couldn't go home, and I'm asking if you could have gone to Center House to put you up, so it's easy --

A. There was just -- that was the last thing I would do.

Q. Could you have done it or not?

A. Yes, there is a possibility that I could --

Q. Thank you for answering that question. Did you stay in D.C. with him on another night?

A. I don't remember staying in D.C. with him any other night.

Q. You only remember that one time?

A. Yes.

Q. The last Friday in July after the Staff NCO function, the last Friday in July of 2010?

A. I vaguely remember something like that --

Q. Yes, you remember. Come on. It's okay. You can admit it. We are going down the road to truth now.

A. No, not really. You're not going down the road of truth. You are going down the road of manipulation and sexism.

Q. I am not manipulating you. If you stayed with him in a hotel in D.C., and I'm giving you some markers to remember, Staff NCO function --

A. No, and it did make me remember. When you said the Staff NCO parade, I do remember Captain -- some Captain following me down the thing and calling Rowe, and Rowe coming and picking me up. And --

Q. This was also two beds that night?

A. I think so, because anytime we ever did, Rowe would always make sure that we did two beds.

Q. Were you in a fight with your husband that day too?

A. No, I think he was not in town.

Q. All right. So you could have gone home that night, but you chose to stay in a hotel room with Captain Rowe?

A. I mean, we could have gone to my house, if you want to talk about it that way.

Q. Yes, you could have, but hotel rooms are more fun.

A. Is it?

Q. I don't know, I'm asking you.

A. No.

Q. All right. And that's the same night when you texted him about a threesome also?

A. So that was the night that he was massaging Suzanne?

Q. Do you remember the threesome text now?

A. I don't remember it. I remember him making fun of me about it.

Q. And you actually called Suzanne to come have a threesome with you guys?

A. No, I didn't. That's disgusting. I knew that Suzanne had herpes on, there's no chance in hell that that would happen.

Q. You didn't call Suzanne? That's not what I asked you, if she had herpes.

A. I talked to Suzanne. There's no fucking way that I would ever invite Suzanne to have a threesome with me.

Q. You care about that --

A. Read the investigation, it says --

Q. I don't care about the investigation. I'm asking you if you ever called Suzanne to come have a threesome. What --

A. No, I didn't.

Q. What is the --

A. No, I did not. Suzanne was fired because of -- I was one of the primary people that got the lead to Major Barclay that was able to get Suzanne fired. Suzanne has every reason in the world. She would say whatever you guys wanted her to say, so if you guys are looking for somebody to make up lies about, go to Suzanne, and then we will establish her credibility. But there is no way in hell that I would call Suzanne and ask her to have a threesome. Anybody who read that report would --

Q. Would you have called Suzanne that night though?

A. I did call Suzanne that morning.

Q. That night.

A. I think I called her in the morning.

Q. I'm talking about in the evening, did you call Suzanne?

A. I talked to Suzanne, and I talked fairly frequently.

Q. When you called her in the morning, what time was it?

A. I think it was like, 9.

Q. Could it have been 4 a.m.?

A. I have no idea what time it was.

Q. When you were in your hotel room with Captain Rowe?

A. Suzanne was, like, with Bowman.

Q. I apologize.

A. What?

Q. I'm asking you if you had called her in the a.m., at about 4 a.m., to ask her to come have a threesome with you and Captain Rowe.

A. No, I am 100 percent sure that I did not do that.

Q. So if I pull your phone records from that night, there won't be a phone call at 4 a.m.?

A. There might be a phone call, but there was no solicitation for her to come have sex.

Q. Why would you call her at 4 a.m.?

A. Because Suzanne had called me, like, 20 times and she didn't know where I was, and Suzanne is kind of like a psychopath if she doesn't like --

Q. What does it matter where you are at 4 a.m. in the morning, you're married?

A. Suzanne had a very -- like, Suzanne didn't care if I was married. Suzanne was constantly encouraging me to do adultery. She said that every marriage is dead and that's what I should be doing, and that being married to Ben was preventing me from being the fun person I could be was the kind of advice that Suzanne would give.

Q. Why would she call you at --

A. She didn't --

Q. You said if there was a call, it wouldn't be about a threesome.

A. No, there wouldn't.

Q. If there is a call, what in the world would someone call someone else at 4 a.m. for?

A. Um, I don't know. I call people -- during my drinking stage, if I had 20 missed calls from Suzanne, which I

think she had called me throughout the night, I probably called to make sure that my boss wasn't pissed at me.

Q. All right. Do you know who Captain Kuni is?

A. Yes, he's an idiot.

Q. Is he? Why is that?

A. Because he -- um, when I called him at like 9:30 on a Friday, and I was just -- I had -- I had written a number down for RCP; because I thought it was Captain Monahan, I called it thinking it was Monahan, and he -- the next day he was like, "you called me when I was in" -- and he even said --

Q. You drunk dialed him at the late hours of the morning trying to get him --

A. It was 9:30 --

Q. Let me finish.

A. It was 9:30 p.m.

Q. Let me finish. He lives in Woodbridge. He's a married man; he has nothing to do --

A. I don't even know him.

Q. -- with you. You called him up to try to have him come get you from the bars on 8th & I --

A. No.

Q. -- and you only live two blocks away.

A. That is such bullshit. That is so untrue. When he called, he even said I could tell you he didn't even know who I was. I could tell you that I called the wrong number. I never had Captain Kuni's number. Everybody that knew me, knew I thought that he was --

Q. How did you get the wrong number for a guy who was --

A. Because I had written down Monahan's number and another -- and his number for --

Q. Why did you call Monahan?

A. Because Monahan is one of my good friends.

- Q. Why were you calling him?
A. Because me, Suzanne, Major Jones, and Mike Branch were all meeting up on 8th Street, and I told Monahan that I would give him a call later.
- Q. Monahan is a good friend of yours?
A. He used to be until I told on him for making out with Suzanne.
- Q. Well, he's not even married; is he?
A. He's engaged.
- Q. So what is wrong with making out with somebody?
A. It's embarrassing.
- Q. There is nothing illegal about making out with somebody. So you threatened this officer by ruining his reputation when he wasn't doing anything wrong?
A. Who are you talking about, Captain --
- Q. Captain Monahan. You destroyed a friendship because you said you were going to tell on him for --
A. Major Barclay asked me of --
- Q. Suzanne Brick is --
A. She got --
- Q. Suzanne Brick is single; right?
A. Yes.
- Q. And so is Captain Monahan--
A. I don't think that having sex in the workplace or making out in the Commandant's Backyard is ever a good idea. Major Barclay asked me to report which ones -- just like anybody else that was doing this --
- Q. Let me get this right. You decided to tell on your good friend, Captain Monahan, that he was making out with Suzanne Brick?
A. It's like you said, it's not illegal, so he wasn't really going to get in much trouble. I was just going to do what Major Barclay wanted me to do and establish the pattern of --

Q. You were spreading rumors about him.

A. It was to Major Barclay, the IO.

Q. All right. Why did that matter? I mean, where is the misconduct in that?

A. Major Barclay wanted to establish a pattern of misconduct because they knew that Suzanne was having sex --

Q. What is the misconduct between -- where there is a single woman and a single man making out --

A. Because initially, their approach was -- okay. All these married guys are not going to admit they had sex with her, but let's see if we can get the single guys to admit it. And --

Q. So Major Barclay, if I ask him, he's going to say that he tasked you of going around finding if single guys --

A. No.

Q. -- were having sex with Suzanne Brick?

A. No, he did that himself, and he asked me for names. Yes, he did do that.

Q. So you -- you spread a rumor about --

A. And Colonel Montanus was in the conversation when we were discussing that approach.

Q. You spread a rumor about Captain Monohand that he was having sex with Suzanne Brick?

A. I didn't spread a rumor.

Q. Did you know for a fact that he had sex with Suzanne Brick?

A. I just know that she was having sex with an officer in her room, and I thought it was Monahan.

Q. Did you have some evidence that he had sex with Suzanne Brick?

A. Um, I thought I saw him, yes. And I know that they had been kind of --

Q. The way you got seen by Captain Whinston [ph]?

A. Yes, exactly. I didn't pull him into a room and threaten to apprehend him and read him his rights, and then go to the command deck. I didn't say --

- Q. Lieutenant Klay, you're the source of all these rumors and the reason for this investigation; isn't that true?
- A. Yup, I've just been spreading rumors and saying all kinds of bad things about myself.
- Q. Well, we've established that you've spread a rumor about Monahan when you have no evidence that he was having sex with anybody.
- A. He admitted to having had sexual contact with Suzanne.
- Q. What is sexual contact?
- A. Um --
- Q. Kissing?
- A. Who knows, I don't know. Whatever definition -- whoever own the definition owns the power, and that's what you're about to do to me is --
- Q. You're right because you said you didn't have any sexual contact with Captain Rowe --
- A. Like I said, it always depends on the definition. What do you define as sexual contact? Major Barclay --
- Q. What do you define as sexual contact?
- A. It depends. I really think it is kind of sick how much pleasure you get out of --
- Q. I'm not getting any pleasure. I just don't know why you called Captain Kuni in the middle of the night --
- A. It wasn't in the middle of the night.
- Q. You're telling me --
- A. It was 9:30 p.m.
- Q. It's the middle of the night for some people that like to get up early.
- A. I think you should display all the facts instead of --
- Q. Well, why did you call Captain Kuni? I mean, where did you get his number from? How did you mix it up with your good friend Monahan?
- A. I just said that. I just said that I have a list of RCPs written down and instead of grabbing Captain Monahan's because I had gotten a new phone and hadn't saved it, I called the number. The number was Captain Kuni, I hated

Captain Kuni. Once he was on the phone, I was like, oh, sorry. See you later. He knew when he was bringing me down to MCI --

Q. Why were you calling him?

A. Because I thought it was Monahan, and I was inviting him to come out.

Q. Well, why were you calling Monahan?

A. Because he was one of our drinking buddies. I was hanging out with Suzanne, Major Jones, my boss's boss, Mike Branch, I think Captain Gallagher was out -- a bunch of us were out.

Q. If I called him, he's going to tell me that this was a wrong call, it was only 9:30 at night, and you weren't asking him to come pick you up?

A. No, if you talk to Captain Kuni, he will say, she called me at 9:30 when I was in bed with my wife, and I freaked out because we've had trust issues in our marriage, and you could clearly tell that you had been drinking, and you could tell that you had no idea who you were talking to and tried to play it off; that's what he would say.

Q. Right. Exactly. You tried to play it off.

A. Yes, because I was weirded out. I didn't know who I was talking to.

Q. All right.

A. What would another normal person say?

Q. You have no relationship with Captain Kuni?

A. No, none whatsoever.

Q. But you still called him?

A. One time, and tried to never speak to him again. He was kind of the joke for the night because he was trying to block me out of a combat MOS and move into adjutant and he couldn't PT at all, and he was rumored to have whatever.

- Q. When I ask you a question and you start to say mean things about people like "he couldn't PT and he's a joke," I mean; is that --
- A. That was the perception of him. That doesn't mean it actually matters.
- Q. It's kind of a rumor?
- A. Yeah, that would really hurt me.
- Q. But you might hurt him though. You don't even know him.
- A. You brought him up and wanted to know information about the incident. I was giving you the perception of him in the command, and the probability that I would actually had a desire to talk to him.
- Q. I think we have established that Monahan used to be your friend, and then stopped being your friend; right?
- A. He stopped being my friend once he -- um --
- Q. Once you spread a rumor about him?
- A. No, once I told Major Barclay what had happened. Major Barclay was the investigating officer, and he asked me a question.
- Q. What did happen?
- A. He, I guess, made out with Suzanne, and Suzanne --
- Q. Did you see him?
- A. Suzanne told me about it.
- Q. Did you see him?
- A. No, I heard it first-hand through Suzanne.
- Q. All right. Did you see him have sex with Suzanne?
- A. I didn't tell anybody but Major Barkly about that, but I did --
- Q. Did you see him have sex with Suzanne?
- A. I don't know for sure that it was him.
- Q. Yet you still led Major Barclay to believe that he was having sex -- that "he" being Captain Monahan was having sex with Suzanne?
- A. It was in the same three-day period that she was doing stuff with Monahan, and it was a white officer in her --

- Q. My question to you is: You led Major Barclay --
- A. Well, I've also seen Monahan walk across the Center Walk with Suzanne to her office building, or who I thought was Monahan.
- Q. Let me you ask you the question. You led Major Barclay to believe that Captain Monahan had had sex with Suzanne Brick, and you have no evidence whatsoever to corroborate the veracity of that statement.
- A. He -- I saw him walking down the --
- Q. You had no evidence whatsoever to corroborate the veracity of that statement?
- A. I gave him clearly --
- Q. Did you have any evidence to corroborate the veracity of that statement?
- A. Yes, I had Suzanne telling me that she did do stuff with Monahan.
- Q. Did you tell him to go talk to Suzanne?
- A. Who, Major Barclay?
- Q. Yes.
- A. Major Barclay was the IO, he didn't even want Suzanne to know that she was being investigated. He was the IO, and as a Major, he was asking me questions --
- Q. So what you were telling Major Barclay was based on what Suzanne told you?
- A. It's also based off of me walking into her office and seeing a white male -- her performing oral sex on a white male that looked like it was Monahan, and I thought I had saw Monahan and her walking back to her office, and it's also based on Suzanne saying that her -- she -- her version of the story was that she had to stop Monahan and tell him that they needed to do it when they were sober.
- Q. Let me get this right. This sounds very much like the accusation that you had to face where somebody thought they saw you in bed with Bowman.
- A. That's very untrue. How is it like it today? Bring Monahan into a room, berate him, interview him, insult --

- Q. No, I'm not talking about what happens after. I'm talking about the facts that led up to the allegation. Don't you agree that that's very similar?
- A. They are very entirely differences.
- Q. Wilson made an allegation that he walked in and believed he saw you and Bowman in bed. Now, he never saw your face, but you are a white woman in bed with Bowman. Later, he says I know it was her because I saw her walking in the vicinity of Center House; right?
- A. I was answering a question to an IO. I've never gossiped about that to anybody else.
- Q. Isn't that true, what I just asked you? That was the basis of Wilson's allegation?
- A. I never spoke about it to anybody but Major --
- Q. Was that the basis of Wilson's allegation against you?
- A. Major Barclay asked me who I thought it was that she was performing oral sex on that night, and I said that I thought it was Monahan.
- Q. Was that the basis of Wilson's allegation against you?
- A. No, not at all.
- Q. He didn't believe that he saw --
- A. No.
- Q. -- you in bed with Bowman?
- A. No, it was very different because Suzanne -- Wilson used to sleep with Suzanne, and then when the new Block Officer came in and Suzanne starting having sex with the other guy, Wilson was jealous that Suzanne stopped having sex with him.
- Q. My question to you is: When Wilson made the allegation against you, did he not allege that he saw you and Bowman in bed in Center House?
- A. That's such a big -- like, it's such an illogical stretch.
- Q. Isn't that the allegation that was made against you, that's the question?
- A. Yes, that was -- the allegation was a false adultery accusation.

Q. Now, you took about 15 seconds, and it took me about five or six questions to get you to just say that. That was the basis of the allegation against you.

A. Because your questions are very loaded, they are very circular arguments.

Q. I'm not asking if it was true or not, I'm saying that was the allegation that was made against you.

A. That -- well, no because it was adultery, Monahan is not married so it wasn't adultery, so no, it's not the same. I didn't launch my own investigation about it or threaten to apprehend anybody or read anybody their rights or take anybody into a room and tell them to meet me at 4:30 in the morning and then continue to spread it throughout the command. I talked to the investigating officer, and I told him what I thought I saw my boss performing oral sex in her office, and in support of multiple other instances of her web of sex power that she had built up.

Q. You are very much --

A. Talked about.

Q. -- enwrapped in the Suzanne Brick thing.

A. It's shocking. I never would've even imagined it.

Q. That's all you think about; isn't it?

A. No, I think about a lot of other messed up things, actually.

Q. It takes up a lot of your time?

A. It does. It's exhausting.

Q. So you're saying the difference between the allegation made against you and the one made you about Captain Monahan is you were married and he wasn't?

A. It's one of many differences.

Q. And the allegation made against you and the difference between the one you made against Monahan is: Monahan is not married and she's not married, so whatever they do is their business.

A. Also, the source and the audience are entirely --

- Q. Whatever they do is their business?
- A. The source and the audience are completely different. We have an investigating officer assigned to a case asking me a question. I didn't bring the information to him, he asked me about it. I answered his questions, I didn't gossip to anybody else about Monahan because I had thought that was pretty embarrassing for him.
- Q. You went to the investigating officer and told him that it was Monahan even though you weren't sure if it was Monahan.
- A. It was a white male. They had left together; I tried to tell him as much as possible --
- Q. White male -- white male -- white male --
- A. Three days before that, she had also told me verbally that she had done sexual stuff with Monahan in her office. She said that --
- Q. What was the sexual stuff she told you she did?
- A. She said that they started heavily making out -- you could tell Suzanne was obviously lying -- and she said, then I had to stop him and tell him that we needed to do it when we were sober because it wasn't right, which there's no way in hell Suzanne would have actually said that.
- Q. Okay. But that's what she told you; right?
- A. But she said --
- Q. Well, that's what she told you?
- A. But that's the same night that I walked in and saw her performing oral sex, so did somebody switch around? Was it a different person?
- Q. Well, you're saying she's banging everybody at the Barracks, so maybe she did get somebody else in there.
- A. There is that possibility.
- Q. All right. Yet you decided to allege on a friend of yours without having any basis?
- A. No, I told him exactly what I saw.

- Q. All right. So it is your testimony today that the two trips to West Virginia and the two hotel stays in D.C., at no point, did you engage in a sexual relationship with Captain Rowe?
- A. Rowe is impotent. Why don't you ask Rowe's wife? He was impotent because of his alcoholism.
- Q. My question is: Did you engage in a sexual relationship with Captain Rowe according to you?
- A. What do you define as a sexual relationship?
- Q. I don't know. What do you define as a sexual relationship?
- A. I don't know. I think there's a whole spectrum of things you could call it. I was already very explicit in that, yes, there was -- I've seen him pretty much naked even outside of the assault. He's seen me pretty much naked. I've kissed him before. I've seen him whatever -- masturbate with himself, but still not able to get himself up -- um --
- Q. So you're naked, he's naked, but nothing is going on? Why did you get naked?
- A. I don't think you understand how heavy of a drinker that Rowe is.
- Q. I still don't understand why you are both naked though.
- A. But that wasn't common, it was just like, you said, asked me if there were any instances, and I say I can recollect, but there are.
- Q. Were there any other stays together besides the two D.C. hotel stays and the two trips to West Virginia?
- A. No, not that I can think of.
- Q. Are you sure about that?
- A. What do you mean "stays," like, going to the country and --
- Q. No, stays together, where you went to a hotel or --
- A. No, those are the only things I can think of or what we've already discussed.

- Q. Well, you told me you couldn't think of anything earlier when I reminded you about D.C., and then I reminded you about the second time and you admitted it. I am asking you -- I'm giving you a chance to search your memory -- exhaust your memory and tell me if you have any more memories of staying with Captain Rowe or being together with Captain Rowe in a room.
- A. No. Actually, the predominant memory is Rowe telling me to show Jeremy what a slut I was and him telling me to suck his dick or he would tell the command or Ben, that's my predominant memory. I really don't spend a lot of time thinking about the times that I actually enjoyed with Rowe because there were some of those.
- Q. All right. We will go back to that since you opened it up --
- A. Thanks.
- Q. -- but you stayed at his house for three days one weekend?
- A. That's not true, I have two dogs and I have to feed them. There's no way that I could. --
- Q. You never stayed at his house --
- A. No.
- Q. -- for a weekend when Megan was gone?
- A. I couldn't even leave my house because my dog is very high maintenance -- he's like a Jack Russell Terrier mix.
- Q. That's not what I asked you.
- A. There's just no way I would leave for a weekend. That was --
- Q. I asked you if you stayed at his house. When did you get your dog?
- A. I don't remember, I believe he is two years --
- Q. When did you get your dog, not how old is it?
- A. I don't remember. I'm trying to think of when I got it.
- Q. It was after August of 2010?
- A. No, I had my dog during the summer.

Q. When did you get your dog?
A. Because Rowe came over on the --

Q. When did you get your dog?
A. I don't remember right now. I don't remember when I --

Q. You didn't have the dog when you stayed over at his house?
A. That does not sound -- I had my dog almost the entire time I've known Rowe.

Q. I've had two dogs, and I remember to the day -- the day I got them and the day I lost them. They are almost like kids. When did you get your dog?
A. I'm trying to think of when I got it. Give me a second so I can think about it.

Q. Can we establish that when you began your relationship with Rowe, you didn't have the dog and that you got the dog later in the summer of 2010?
A. I think that's accurate because I remember --

Q. Of course it's accurate, I know everything.
A. Actually, I don't think you do.

Q. I asked you if you had a sexual relationship with Captain Rowe, and you said he was impotent, he can't do anything; right?
A. Yup.

Q. You shook your head "Yes," I think?
A. Yes.

Q. All right. So if he is impotent, how did he rape you?
A. I guess the power dynamic just turned him on that much. You should read more about the mind of a rapist because I don't feel like you understand it that well. You're very good at making me feel like shit, so thank you.

Q. Well, if you've done research on the minds of rapists, you know that they can -- all types of --
A. Yes, they do.

Q. There is no specific category; right?
A. There are ones that they tend to fall into.

Q. You can classify all rapists into one category?
A. No. I said there are several kinds -- I mean, I just read the basic research on it and there are several categories. I don't know which -- I don't know what Rowe was thinking. I don't know how his mind works. I don't think he would do something like that again. I think he was just angry and he felt humiliated by me, and wanted to humiliate me back. He knew that I was in a low place and that since I had already got in trouble nobody would probably believe me anyways, so he did his little thing. I think that he felt kind of bad about it, and then meant to help me.

Q. All right. Well, you gave us a lot of information just now. It sounds to me like you have decided that you were raped, that he didn't mean it, that he tried to make up for it and help you; right?

A. I think he did it and then felt remorseful about it.

Q. And you accepted that?

A. I have no idea what to think to be honest with you.

Q. Well, you were talking to him for months after that?

A. Yes, until it was weird.

CC: According to you, that's what victims do; right? Right?

IO: The question you are asking is probably in the providence of an expert.

CC: All right.

IO: We don't have an expert here.

CC: Well, she's represented herself as someone who is done work on this. But I'm going to move on --

WIT: I said that I'm not an expert.

CC: All right.

WIT: I just said that I've done some basic reading on it.

Questions continued by the civilian counsel:

Q. In the conversations that you had with him that following week, you received an e-mail from him; it was a photo of Megan. Do you recall that?

A. Uh-hum.

Q. Do you recall that?

A. Yes, I do.

Q. And the substance of that e-mail is, "I think Megan knows that we are having a relationship and sleeping together."

A. That's not what the subject was. It was -- there was nothing written by him, it was written entirely by Megan. It was forwarded with no text to me. I already printed it out and sent it to [inaudible], and he called me while I was up -- this is, like, two days after the incident and still while I was doing whatever Rowe told me to do. He said you need to call Megan and tell her this, and he told me things to tell her. Whatever he told me to tell her, I told her.

Q. You actually invited Megan to your house after that e-mail to make sure that she doesn't think anything is going on?

A. Rowe asked me -- I didn't want Megan to come over --

Q. It doesn't matter if he asked you or not. Did you call Megan and invite her over to your house so you could make sure that she doesn't believe that there was a sexual relationship going on between you and Rowe?

A. No, that was Rowe's thing probably, and Rowe didn't even say it that way, but I had a feeling he was doing something weird like that because he said that Megan -- when he was gone on Saturday morning that Megan was -- like, really weirded out.

Q. It wasn't just about Saturday. It was about a time period.

A. Um --

Q. Well, let's go. Let's take some specifics.

A. Yes, her e-mail said --

Q. What did the e-mail say?

A. It said, "I see the way you look at [inaudible], and she always seems like she's talking up to me -- talking to me

more friendlier than she does to the girls, and I see the way you guys look at each other, and it seems like it's more than a friendship. What is it? You are really hurting me and your alcohol is another issue." And she told him that he needs to get help with his alcohol, and that was the e-mail.

Q. As you're testifying now, you've got your eyes closed, you're not looking at anyone, and you're kind of looking on -- your head is down slightly.

A. I'm really tired.

Q. He calls you and says that you need to invite Megan over?

A. Yes. He said Megan is going to come help you, just let her come over and she will help -- blah, blah.

Q. So your testimony is that you never talked to Megan to invite her over?

A. I did make contact with Megan after Rowe sent me her number or something.

Q. That's my question. Did you contact Megan and invite her over?

A. I don't remember. All I know is that Rowe set it up so Megan was going to come over.

Q. And how did she know to come over?

A. Because she asked me where I lived and I told her.

Q. You contacted her?

A. Potentially, I don't remember what --

Q. Potentially?

A. It was Rowe's idea for her to come over.

Q. You are accusing the Marines, the Body Bearers, that they don't speak English very well, and you are telling us how you are more intelligent, but potentially you contacted her?

A. I'm not more intelligent, remember? You told me earlier that I'm a drunk slut, remember?

Q. Did you contact Megan and tell her to come over?

A. Probably. I don't remember for sure.

Q. Did you provide that e-mail to the trial counsel?
A. Yes, I did.

Q. This is the trial counsel. Did you provide an e-mail to the trial counsel?
A. I gave it to NCIS.

Q. Who is the other person you told me you gave it to?
A. Um --

Q. You said you gave it to some woman. I forget her name. You said her name.
A. Mrs. Piaptouadio, my therapist.

Q. Who?
A. Mrs. Piaptouadio, my therapist.

Q. Can you spell that name, please?
A. P-I-A-P-T-O-U-A-D-I-O; Michelle Piaptouadio, she's at Andrews Air Force Base.

Q. What was the purpose of you providing her that e-mail?
A. I talk to her about everything. I talk to her all about Rowe and --

Q. What was the purpose of the e-mail? What benefit did you find out of providing the e-mail?
A. I don't know. I think, like, I like to share everything with her.

Q. Did you share with her that you went on several trips to the country and to West Virginia?
A. I didn't talk about the trips specifically, but I talked about --

Q. Did you share with her that the person you're saying raped you -- that you and he went on trips and stayed in hotels together before this alleged rape? Did you share that with her?
A. I definitely told her that we hung out together more --

Q. Did you share with her that you stayed in the same hotel room, that's my question? You said that you share everything with her. You tell her everything. Did you share with her that you stayed in the same hotel room with Captain Rowe?

A. No, I don't think I told her that, but I told her --

Q. Why not? You share everything with her.

A. I told her that I had done, like, stuff with him.

Q. Why didn't you tell her you stayed together -- you went to West Virginia --

A. Because, you know what, we spent the majority of our conversations talking about my progress and the assault itself.

Q. Yes, but you went so far to share an innocuous e-mail with --

A. Yes, it takes one second to send an e-mail.

Q. All right. But you shared that e-mail with her, and here you are talking about the person that raped you, and you told me you share everything with her yet you don't tell her about trips that you took together to the country, to West Virginia, and stays in hotels in D.C.; why not?

A. I don't know. There's a lot going on in my life, so I have a one-hour session with her once a week.

IO: Hold on a second. Trial counsel, do you have a position on what we are talking about here is covered by M.R.E. 513?

GC: Privilege, sir?

IO: Yes.

GC: Not right now; no, sir.

CC: Sir, I know the case on this, and it's not. We can go into the facts related to this issue. There is a 513 privilege. I think we will be able to discover these, and this is how I will be able to discover them based on this information or lack of information. I've done quite a bit of work on --

IO: Okay.

CC: -- and I'm representing to you --

IO: Illuminate me. You're asking her to disclose statements that she made to her therapist for the purpose of seeking mental help, counsel.

CC: But it includes factual data to the alleged crime or the relationship with the alleged suspect, and those are discoverable. That's what the case law -- I'll -- *Pierce* is the privilege when there is that kind of information. I present that to the court as an officer of the court.

IO: Okay. I got it. I trust that. What I want you to do is to just make sure you stay within the left and right lateral limits of what's under -- what is that case you just gave to me right now? But --

CC: It's probably in the -- I think I know what you are referring to; it's in the analysis section under 513 in the back.

IO: Yes, that's the Supreme Court case. I was looking for the CAAF case, but NMCCA case applies.

CC: I think the [inaudible] case is the big controlling case on this.

IO: Okay. It's been forever since I've read the [inaudible] so. Let's go there.

CC: I'm actually done with that line --

IO: Okay.

CC: -- of questioning, but I've got one more than I will wrap it up.

IO: Okay.

Questions continued by the civilian counsel:

Q. What are you referring to there?

A. I was just --

Q. Okay. When did you go to NJP?

A. September 15th.

Q. Of 2010?

A. Uh-hum.

Q. Yes?

A. Yes.

Q. You made a lot of allegations when you went to the NJP?

A. There was a lot going on in the command.

Q. I know. It's not whether it didn't happen or not -- allegations doesn't mean that they are not out there. You made a lot of allegations about people in the command; right? You have to answer.

A. Yes.

Q. You had an opportunity to say anything you wanted to about Captain Rowe and you chose not to; right?

A. Yes.

Q. That was your opportunity at that time, you were in front of the General; right?

A. I knew that if I had said something about it then, then they would be like -- oh, she is just making this up because she doesn't want to get in as much trouble or something.

Q. Well, if that's the position you're taking, then why did you make all these other allegations that weren't as serious as a rape?

A. I wanted the General to know what kind of environment that I was in.

Q. You wanted what?

A. I wanted General Flynn to know what kind of environment that I was in.

Q. Okay. And the environment included a rapist, and you're telling me that you made -- you admitted to making all kinds of allegations, but then when I asked why you don't bring up Captain Rowe, you say well, I didn't want them not to take me seriously. Do you have an explanation for that?

A. I'm sorry. What was that question again?

Q. My question is: You told -- you made a lot of allegations about a lot of people in front of the General when you went to NJP?

A. Most of which have been proven.

Q. Very good. So the General took your allegations seriously and began investigating?

A. Yup.

Q. According to you, they have been proven, but the investigation says otherwise -- in any event --

A. Does it?

Q. Why didn't you make the allegations about Captain Rowe --

A. Did you read the investigation?

Q. I have not, but I will. Why didn't you make the allegations about Captain Rowe? I mean, he was taking you seriously, this is the General.

A. I didn't know what to think about it. I knew Rowe was my -- still thought of him as my friend. I didn't really know what to think about it.

Q. He stopped being your friend after you asked him to corroborate rumors that you were fabricating, and he said, I don't know anything about that.

A. Rumors that I was fabricating?

Q. Yes, that's my question. He stopped being your friend when you asked him to corroborate rumors that you were fabricating about people in the command --

A. I didn't fabricate any of the rumors --

Q. -- and he said, I don't know anything about it. The rumor about Sean Filson came from you, did it not?

A. No, it came from -- it came from Rick Orlick [ph] and --

Q. Do you have a relationship with Orlick?

A. No, in fact, I rarely ever talk to him.

Q. None at all?

A. No. None whatsoever.

Q. The allegation from Orlick about Filson came solely from Orlick?

A. I mean, Rowe had drunkenly mentioned to me that he thought something -- I had never seen anything myself, and I was very explicit when I described it that I had not seen it myself nor did I say that Suzanne discussed it because Suzanne did not discuss Lieutenant Colonel Filson with me, so I relayed the facts as I knew them.

Q. How often do you speak to Orlick?

A. I haven't spoken to him since -- barely -- like, I would say -- I think he talked to me a couple of times -- maybe three times after I left 8th & I. And once was when his wife -- his wife and him live very close to us, so they came over and had dinner one night. And then, I cried during most of dinner and then we never had an awkward thing again because he said that Rowe was a drunken nightmare and that he thought that Rowe was sleeping with Suzanne. I said that I didn't know that, and I didn't tell him anything. I didn't spread --

Q. When he told you that, that hurt feelings; didn't it? That Captain Rowe was maybe sleeping with Suzanne?

A. It grossed me out.

Q. You started crying?

A. I wasn't crying because of that. I was crying because of everything that happened in the command, and now --

Q. Why would it gross you out? What do you care?

A. Because it's gross.

Q. Why?

A. It's a venereal disease.

Q. What?

A. It's a disgusting disease that, you know, effects your sexual --

Q. So you think that Suzanne is a disgusting disease?

A. Yes, you could say that.

Q. I mean, I didn't understand what you are saying. You said that it's a disease. I'm trying to understand what you mean.

A. I'm sorry. I'm very tired.

Q. Why is --

IO: Hold on a second.

Are you on medication?

WIT: Yes.

IO: Does it make you sleepy?

WIT: I think so.

Questions continued by the civilian counsel:

Q. What kind of medication are you on?

A. Prozac, Aderex [ph], Prezizone [ph], and Hydroxyzine [ph].

Q. Are you on them now? Did you take your medicine today?

A. Uh-hum.

Q. What do you take those medicines for?

A. Insomnia and -- just everything.

Q. So why were you grossed out by the notion that Rowe was - or maybe sleeping with Suzanne Brick?

A. Um -- I don't know.

IO: Was that an answer?

CC: Can we take a quick break to -- so the witness can wake up and answer the question?

IO: Sure. That would be fine.

Lieutenant Klay, listen to me. You said a little while ago you weren't staying in the Marine Corps, and I believe that. While you're still wearing the same uniform I am, sit up, act like a witness, and act like an officer, and answer counsel's questions. Is that clear?

WIT: Yes, sir.

IO: Take a break, please.

Transcription stopped at 2201, 6 June 2011.

Transcription began at 2207, 6 June 2011.

IO: Thanks. Listen, I know this is hard and it's exhausting for everybody, particularly for you. I got it. Let's just buck up and get through it, then we will be done for the day.

Questions continued by the civilian counsel:

Q. Where we left off, I had a question that I was hoping you would give me an answer to, and that is: Why were you grossed out by the notion that Captain Rowe may have been having sex with Suzanne Brick?

A. Because I thought Suzanne was really unattractive and older, and it would -- older in the sense of being -- I think she is -- like, 45 and he was like -- I just thought -- I think it's -- like, gross. It always shocked me that in Metropolitan D.C. where the women outnumber the men, all these guys senior to me were having sex with her. It just never made any sense. I looked up to Rowe, and I didn't want -- even though he had his alcohol problem, I didn't think that he would do that.

Q. You looked up to him after he raped you?

A. Prior to --

Q. You know we're talking -- this was in September or later.

A. I don't remember when I learned that -- I thought that it was before that I heard about him and Suzanne.

Q. Earlier you told me that dinner with Orlick later after it happened, do you remember that?

A. Oh, I thought -- I was grossed out just because it's gross.

Q. So you were looking up to the man that raped you?

A. To one of them.

Q. To what?

A. To one of them.

Q. So you are still looking up to Rowe after he raped you?

A. I don't know. I had very confused thoughts about Rowe after that.

Q. All right. During the course of the phone conversation that was recorded by NCIS, you go through a conversation -- or back and forth -- where you begin to doubt that your memory of this sexual assault is even genuine. Do you recall that?

A. No.

Q. You don't recall saying "it's just my memory" or words to that effect?

A. I don't know what you are referring to.

Q. Have you ever doubted whether you consented or did not consent?

A. There is no possible way in hell that I would have wanted to do what happened, drunk or sober.

IO: Counsel, do you have a good faith basis for asking that question?

CC: I thought I read it in here, yes. Perhaps I'm --

Questions continued by the civilian counsel:

Q. You don't recall having a conversation where -- with -- during this conversation where you began to doubt that the memory was real?

A. I said the experience was surreal or something along those lines maybe.

CC: I maybe just reading into things.

IO: Mr. Faraj, you are believing that you expected that fact as you believe it as a formulation for asking the question from the NCIS investigation?

CC: No, from the transcript, which I know you have also. I'm not trying to misrepresent anything here. Perhaps I'm wrong. I'll move on.

IO: Well, if counsel can help find it. Maybe he can drill down on whatever it is while you're moving on.

Questions continued by the civilian counsel:

Q. Do you recall saying something about Marve [ph]?

A. Yes. Rowe said that if I told anybody about what had happened that Marve -- he was going to have Marve take care of things how they did back in Indiana, and that he would throw me in a ditch.

Q. About what happened about what?

A. He said that if I told anybody what happened that -- and this is the morning of the assault -- he said that he was going to have Marve take care of things like they did in Indiana and throw me in a ditch.

Q. Do you know who Marve is?

A. No.

Q. When he said that to you, what did you believe?

A. I thought he was probably putting on -- like, very -- put on a front sometimes about his -- maybe he was putting on a front or something like that. I don't know.

Q. So you didn't believe him?

A. I -- to this day, I'm afraid he'll do something to me, but I -- I don't know, Marve sounded like an idea -- figment of his imagination. I took his threat as real. I don't know about Marve.

Q. Why did you feel like you needed to try and hurt Captain Rowe after you found out that he was having sex with Suzanne Brick?

A. Okay. What? I'm sorry. What?

Q. Why did you feel like you had to hurt Captain Rowe after you believed that he was having sex with Suzanne Brick?

A. I didn't feel like I had to hurt him after that? The timing of that wasn't even -- the thing that Olrick told me about Suzanne was after I had reported it anyways.

Q. You remember saying that in this conversation; don't you?
In the telephone conversation?

A. No, I don't remember. I think I always had suspicions
that he was.

Q. Now, you did say to him that you trusted him after the
alleged assault?

A. When was it?

Q. I read in here when you are telling him "I do trust you,
that's the thing I'm not saying I don't. I just -- I am
just confusing my mind trusting you."

A. I mean, I'm talking -- I'm trying to get him to say the
things that the NCIS people want me to say, so they're --

Q. Okay. So the things in here may not be true? Your
representations in here may not be true?

A. Um, what was the thing, that I said again? I don't know.

Q. "I trust you" or "I did trust you."

A. I did -- I did trust him, but that's past --

Q. After the assault -- after the assault, he asked you "if
you thought I did something, why did you continue to
trust me?" And you said, "I do trust you."

A. Um. I do think that after Rowe did that -- I think
that --

CC: Let me specifically refer you to what you were saying. I
wish I had a copy for you, but I'm just going to read it.
On page 24 of the transcript near the top.

The civilian counsel read from Page 24 of the transcript.

WIT: I don't know what I was saying. It doesn't really make
any sense.

Questions continued by the civilian counsel:

Q. You don't remember saying words to the effect of you
wanted to hurt him because he slept -- or you thought he
slept with Suzanne Brick?

A. Well, I didn't ever say that I wanted to hurt him.

- Q. I'm not asking you whether this was said or not, but did I read it correctly from this transcript?
- A. Yup.
- Q. Okay. Does this refresh your recollection of the conversation at all?
- A. Yes.
- Q. When I asked you questions about whether you had some doubts as to whether this was made up in your mind, you said that you don't recollect that conversation. Does that --
- A. Yes, I do. I do remember --
- Q. Okay. What were you going --
- A. Because Rowe kept on asking why I would bring it up now all of a sudden, and I said I guess I hated that I know of our friendship or whatever that anytime I referred to it, he acted -- he made me feel invalidated -- like, I had just made up something in my mind, and that's what I didn't want.
- Q. Did he say, why did you bring it up? I don't ever remember him saying that.
- A. My main point that I was trying to express is that my discussions with him were invalidating as to what actually happened.
- Q. Okay. So at some point, you did have some doubt as to whether you were imagining this or it was true?
- A. I don't ever feel like I just made it up.
- Q. You just told me that you wanted him to validate something that you were thinking of?
- A. Yes.
- Q. Which means that you had some doubt as to its truthfulness -- or not truthfulness, but as to its existence?
- A. No, it definitely happened.
- Q. I understand. At the time you had this conversation and before, were you having some doubts as to whether what you believe you experienced actually happened?
- A. Unfortunately, I know that that happened.

Q. Okay. So when you were --
A. My conversations with Rowe -- talking to him made me feel like I had made it up in my head and it was right and validated.

Q. It made you feel that way?

A. Um hm.

Q. All right. And you needed him to say that the feeling wasn't true?

A. No, I just wanted him to have remorse for it, which he did express.

CC: I don't have any more questions.

IO: Government?

GC: No, sir.

IO: I've asked mine along the way. All right. Listen, you're done for the night, we are not, but you are.

I want to remind you of your obligation not to discuss this testimony with anybody else outside of this room, not with the NCIS agent, not with anybody who wasn't in here today, nobody.

I also know you are feeling pretty low right about now, and you've struggled with some issues before. You got these guys here -- back here in the back, SARP. What is your role on the left, RP?

RP: Uniform Victim Advocate Branch.

IO: You are an RP though; right?

RP: I am an RP, sir.

IO: Okay. So you are the UVA and you are the SARP. Okay.

So you've got two advocates there to lean on. I can see from the fact that they stay here until 1030 that they are committed to you and your case. Make sure you rely on them. What I mean by that is: You've had some instances where you went low before. Don't let this

thing -- however it turns out and however you feel right now -- don't let it send you downward.

Even though I chewed your ass for something a little while ago, I care about you as a Marine and as a person, and I don't want you to descend into this downward spiral of, you know, this cavern of hopelessness or something like that that would cause you to do something regretful and irresponsible.

Do you understand what I am telling you?

WIT: Yes, sir.

IO: Those guys back there get paid for this. They will get their credit -- she'll get her credit hours and she'll get some special liberty or something like that. Don't feel like you are putting them out, that's their job and that's their responsibility. All right? So don't not rely on the people that are here. This doesn't exist hardly anywhere in civil society that you have two people committed just to you. Usually, it is reversed. It's one person and they have a 30 person caseload to take care of. You've got an institution here that really does care about you because you past the mustard at some point to be a Marine, so don't throw that away.

Are you feeling me?

WIT: Yes, sir.

IO: Okay. Thanks. You're dismissed.

The witness departed the courtroom.

Transcription stopped at 2226, 6 June 2011.

[END OF PAGE]

ATTESTING CERTIFICATE

I am a qualified court reporter in the U.S. Marine Corps, sworn in accordance with Article 42(a) of the UCMJ, and assigned to the Office of the Staff Judge Advocate, Marine Corps Base, Quantico, Virginia.

I declare under penalty of perjury that this transcript is a true and accurate verbatim account of the testimony of First Lieutenant Ariana B. Klay, U.S. Marine Corps, during the Article 32 Hearing on 6 June 2011 in the case of *United States v. Captain James M. Rowe*, U.S. Marine Corps. Such transcript was produced from a digital audio recording of the courtroom proceedings of 6 June 2011.

Executed this 20th day of June 2011 at the Office of the Staff Judge Advocate, Marine Corps Base, Quantico, Virginia.



D. R. Miller
Sergeant
U.S. Marine Corps