

NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
GENERAL COURT-MARTIAL

UNITED STATES)	
)	GOVERNMENT MOTION IN LIMINE TO
v.)	PRE-ADMIT EVIDENCE
)	
JAMES M. ROWE)	10 NOVEMBER 2011
CAPTAIN)	
U.S. MARINE CORPS)	

1. **Nature of Motion.** The United States, by and through its trial counsel, moves this honorable Court to pre-admit the following exhibit for trial: the recorded telephone conversation between Ms. Ariana Klay, the alleged victim in this case, and the accused. This recorded telephone conversation is not hearsay under M.R.E. 801(d)(2).

Both Mrs. Ariana Klay and Special Agent Janice Buckmon, NCIS will be present at the Article 39a session of this court on 18 November to authenticate the recording. The recorded telephone conversation is solely between Mrs. Ariana Klay and the accused, and no other persons participated in the conversation. The statements of the accused made during that conversation amount to admissions of sexual intercourse and sexual behavior with Mrs. Klay, and are therefore admissions by a party opponent under M.R.E. 801(d)(2). Any statements made by Mrs. Klay during that conversation are solely offered for their effect on the listener (the accused) as they provide the context and impetus for his statements and admissions.

2. Statement of Facts.

1. On 25 January Special Agent Janice Buckmon, NCIS was present during a telephone conversation between Mrs. Ariana Klay and the accused.

2. Special Agent Buckmon had previously been trained at the Federal Law Enforcement Training Center in the use of electronic recording devices to record telephone conversations.

3. Additionally, Special Agent Buckmon received on the job training (OJT) with respect to the use of electronic recording devices to record telephone conversations.

4. During the January 25 telephone conversation between Mrs. Klay and the accused, SA Buckmon recorded the telephone conversation using an electronic recording device.

5. Prior to beginning that recording, SA Buckmon tested the recording equipment to ensure that it was in good working order.

6. SA Buckmon used the electronic recording device to store a digital copy of the telephone conversation on a compact disc (CD).

7. This CD has been stored in the secure NCIS evidence custody locker since its creation on 25 January.

8. SA Buckmon has also created a "working copy" of that conversation on a CD.

9. SA Buckmon has listened to that CD, and is assured that the recording thereon is a true and accurate representation of the telephone call between Mrs. Klay and the accused on 25 January.

10. The telephone number that Mrs. Klay called was (540) 735-5627.

11. This telephone number is known by Mrs. Klay to belong to the accused.

12. Mrs. Klay knows that this telephone number belongs to the accused because she exchanged telephone numbers with the accused previously, and had contacted the accused at this telephone number on numerous occasions.

13. This telephone number is also reflected as belonging to the accused in his Marine Corps Total Force System personnel record.

14. During the telephone conversation on 25 January, Mrs. Klay was able to identify the other person on the line as the accused because she recognized his voice.

15. Additionally, Mrs. Klay was able to identify the person on the line as the accused based on the nature of their conversation, which was personal in nature and focused on the events alleged to have occurred on 28 August 2010.

16. During this recorded conversation the accused admitted to engaging in sexual intercourse and other sexual activity with Mrs. Klay, including but not limited to:

a. Admissions to having made comments about a "Marve" from Inianapolis. (Transcript P.16, 51)

b. An admission that the accused was put in a position to "give a disease" to his wife. (Transcript P.20, 56)

c. That there was a "sexual experience" on 28 August 2010.
(Transcript P. 40).

d. Admissions to details of sexual contact and sexual acts in the presence of or involving Mr. Jeremy Owens. (Transcript P. 52, 72, 78)

e. An admission of regret to the sexual acts. (Transcript P.86)

3. Discussion.

The Government seeks to admit as Prosecution Exhibit 1 For Identification (PE-1 FID), the recorded telephone conversation between Mrs. Ariana Klay and the accused from 25 January 2011.

PE 1 FID, is relevant because the topic of the conversation is almost exclusively with regard to the charged events of 28 August. Any conversation on matters other than 28 August is relevant to show the state of mind of the accused and the nature of the relationship between the accused and Mrs. Klay. Finally, during the course of that recorded telephone conversation the accused makes several incriminating statements and admissions to engaging in sexual activity with Mrs. Klay, and doing so in the presence of Mr. Jeremy Owens.

There are three potential objections to the exhibits being pre-admitted: Authenticity, Hearsay, and Confrontation Clause. None of the objections are legally valid.

Authenticity

The government will produce a witness at the next Article 39(a) session to authenticate the recording.

Hearsay

The recorded telephone conversation between the accused is not hearsay. Any statements made by Mrs. Klay are simply offered for the context of the answers given by the accused and to provide the members the necessary prompt to the accused's statements. Mrs. Klay's statements are offered for their effect on the listener (the accused) as they are the impetus for the incriminating statements made by the accused during the recorded telephone conversation.

Confrontation Clause

The government will produce both Mrs. Klay, who participated in the conversation with the accused, and SA Buckmon, who recorded the conversation, at both the Article 39a session and at trial. Therefore, the defense will have the opportunity to cross examine both witnesses necessary to admit PE-1 FID either at the Article 39a session, at trial, or both.

4. Conclusion

For these reasons, the government respectfully requests that this Court pre-admit the recorded telephone conversation between Mrs. Ariana Klay and the accused from 25 January 2011.

5. Evidence and Burden of Proof.

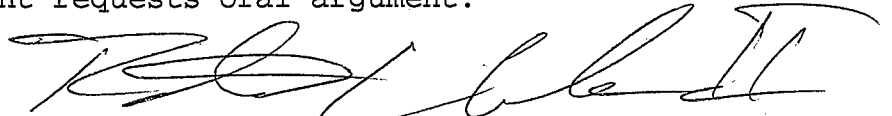
The Government has provided the Court and Defense as evidence:

- 1) Marine Corps Total Force System printout of the personal information of the accused, reflecting the telephone number (540) 735-5627;
- 2) A transcript of the recorded telephone conversation between Mrs. Klay and the accused;
- 3) Additionally, the government will present the following testimony at the Article 39a session:
 - a. The testimony of Mrs. Ariana Klay;
 - b. The testimony of SA Janice Buckmon, NCIS.

The Government bears the burden of proof on any factual issue necessary to decide this motion by a preponderance of the evidence.

6. **Relief Requested.** The Government respectfully requests that PE 1 FID be admitted into evidence and that the letters FID be stricken.

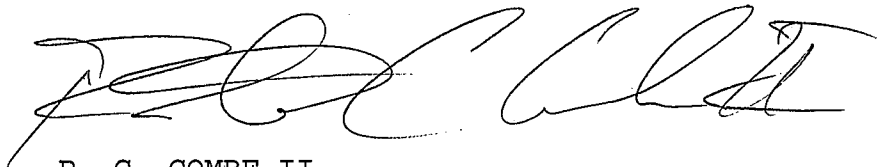
6. **Argument.** The Government requests oral argument.



P. C. COMBE II
Captain, U.S. Marine Corps
Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion was filed with the Court and served on defense counsel via electronic mail on 10 November 2011.



P. C. COMBE II
Captain, U.S. Marine Corps
Trial Counsel

Capital Reporting Company
Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

1

ORIGINAL

Naval Criminal Investigative Service, DC Field Office

Case No. DCWA-0342-8FMA

ORAL WIRE: FIRST LIEUTENANT ARIANNA KLAY AND CAPTAIN ROWE

ENCLOSURE (A)

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2011

S/ROWE, JAMES MATTHEW/CAPT
USMC
CCN: 25JAN11-DCWA-0055-8FMA
0200019

About Your Transcription Project

Please keep these points in mind as they can affect the quality of your transcript.

- 1. Room Acoustics:** Make sure your room is acoustically intact. External noise, such as air conditioners and heaters, can wreak havoc on getting a clear audio recording. Also try to provide microphones for all participants. The closer the microphone is to the person speaking, the less background noise the audio will have. This will greatly help to avoid "inaudible" portions.
- 2. Digital Recorders:** We strongly recommend that all recordings, if possible, are recorded on a digital recording device. Cassette tapes and micro cassettes lose quality and usually have to be shipped to the transcribers. Digital recordings will allow us to upload the audio to the transcribers over the internet, saving you added cost on shipping charges.
- 3. Identify Speakers:** Ask the speakers to identify themselves on the record before they begin speaking. In events of greater than 4 people, speakers should identify themselves before speaking (i.e., "This is Jane Doe. My point is that ..."). In the event that speakers do not identify themselves, we will not be able to determine who is speaking and will label them as "UNIDENTIFIED SPEAKER!"
- 4. Supporting Documentation:** Submitting paperwork such as seating charts, name lists, agendas, PowerPoint presentations, keyword indexes, etc. will greatly help us in producing an accurate record.
- 5. Reporter Attendance:** The best way to ensure an accurate transcript is to have one of our reporters attend and record the proceeding. Oftentimes this is less expensive than transcription and will offer a much more accurate transcript. We will use our state-of-the-art digital recording equipment to ensure the best audio quality available. A copy of the audio can also be provided with the transcript for a nominal fee.

1 PROCEEDINGS

2 AGENT BUCKMON: Today's date is the 25th of January,
3 2011. Victim Klay, which is First Lieutenant Klay, Arianna,
4 myself, Special Agent Buckmon with NCIS, are at the Washington
5 Field Office, DC, and we're making a phone call to Captain
6 Lieutenant Klay is the consenting party, and the phone number
7 we're calling is (540) 735-5627, and the time is 17:21.

8 CAPTAIN ROWE: Hello?

9 LIEUTENANT KLAY: Hello?

10 CAPTAIN ROWE: What's up?

11 LIEUTENANT KLAY: Not too much. How was Indiana?

12 CAPTAIN ROWE: I'm not in Indiana. I'm in Oklahoma.

13 LIEUTENANT KLAY: Oh, I'm sorry. How is Oklahoma?

14 CAPTAIN ROWE: Good. What's wrong?

15 LIEUTENANT KLAY: I'm just stressed out.

16 CAPTAIN ROWE: What's wrong?

17 LIEUTENANT KLAY: Just -- I don't know. I'm still
18 going to therapy every week and everything. I haven't drank
19 still, so that's good. It's 152 days today. And everything's
20 good with Ben, and like I love my dog, so that's good. But I
21 don't know, I'm just so sick of talking to people and
22 investigators. I like think about sometimes like going UA or

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

3

1 something.

2 CAPTAIN ROWE: Don't go UA. Are you in trouble?

3 LIEUTENANT KLAY: I'm just so sick of it. You know,
4 it's like --

5 CAPTAIN ROWE: Yeah, but you're not -- I mean,
6 not in trouble at all, are you?

7 LIEUTENANT KLAY: I don't think so. I just know
8 they're still looking into Suzanne and stuff. I don't even
9 know. I don't really even talk to anybody there anymore, but I
10 guess I wanted to kind of ask you about like when you go to
11 therapy people -- I guess I worry because I told her kind of
12 about like the suicide attempt thing. Is that like going to
13 like hurt me in the military?

14 CAPTAIN ROWE: Yeah. Well, I mean, now I go off
15 Part of the reason I do that is because in my opinion, you
16 as an officer, as an adult, I'm not going walk into the mental
17 health clinic on base. You know, I'm just not going to go
18 that part of the -- I mean, just rumors and everything. I go
19 off base. All my appointments are off base.

20 LIEUTENANT KLAY: Because I go over to Andrews, and
21 I'm seeing a lady that's really good, but I just feel like I'm
22 on all these medications. I'm on my Prozac, Prazosin,

Capital Reporting Company
Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

4

1 Hydroxyzine. They're going to put me on Ambien next because I
2 still can't sleep, and I'm just -- I don't know. Like Ben is
3 like, why are you still having issues? Like why aren't you
4 still going through withdrawal, or he's like I thought
5 withdrawal was only this amount of time, because he read some
6 book and like --

7 CAPTAIN ROWE: Well, I don't think it's withdrawal
8 much as it's --

9 LIEUTENANT KLAY: What's that?

10 CAPTAIN ROWE: I mean, until you get that -- you
11 they say you don't want to totally move until they change the
12 scenery because that's running away from the problem, but
13 through the military was -- is a huge indicator. You know,
14 that's -- all your memories from drinking and everything are
15 linked to the Marine Corps, and so every day you put on that
16 uniform --

17 LIEUTENANT KLAY: Yeah.

18 CAPTAIN ROWE: -- it's a reminder of a previous

19 LIEUTENANT KLAY: Yeah. When I go to my therapist
20 because I feel like I'm trusting her more and more, and I've
21 kind of told her like, you know, last time I talked to you I
22 think I told you that I told her 95 percent, and I kind of

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

5

1 her pretty much everything. I'm sure she thinks I'm like
2 extremely messed up, I guess, because when I told her about
3 suicide attempt, I told her like that last like kind of event
4 that happened, and she was like --

5 I asked her before, too, if everything I was saying
6 her, if I could say it, and it never goes to anybody. I trust
7 her. She would never say it to anybody, you know what I mean?
8 She's a civilian, too, by the way, so she's not obligated to.
9 The whole reason I went to her is because they said she
10 say anything.

11 I guess I like -- I told her just about that last
12 on the suicide attempt day, and I guess I had told her about
13 much I trusted you as a friend and like how much I looked up
14 you and stuff and how you had helped me with drinking and
15 everything, and she was like -- hello? Hello? Hello? I
16 he knows, shit.

17 (Audio ends.)

18 (Pause in proceedings.)

19 LIEUTENANT KLAY: Hello?

20 CAPTAIN ROWE: Hey.

21 LIEUTENANT KLAY: Did the phone go out or something?

22

1 CAPTAIN ROWE: Yeah. I was just pulling into my
2 house. My phone is real sketchy out here.

3 LIEUTENANT KLAY: Okay. So are you doing better out
4 there like with your drinking and everything?

5 CAPTAIN ROWE: Yeah. I don't -- I mean, I just
6 drink anymore. Megan's coming out next week. The packers are
7 coming tomorrow.

8 LIEUTENANT KLAY: Oh, she's not out there yet?

9 CAPTAIN ROWE: No, she's -- she had to finish the
10 work. I think she's going work from here. She's keeping her
11 job, but she needs to ship all her files out here and
12 everything.

13 LIEUTENANT KLAY: Do you have to go back to DC --
14 you going to be back at DC at all?

15 CAPTAIN ROWE: No.

16 LIEUTENANT KLAY: Because that's the thing I was
17 to talk to you about, I was either going to talk to you about
18 I guess I just want good clarification either -- I was going
19 do either in person when you came out to DC or just ask you
20 something really fast, like vaguely.

21 CAPTAIN ROWE: Okay.

22 LIEUTENANT KLAY: I guess for my just peace of mind,

1 because -- and you might think this is stupid that I have to
2 like get this, but I felt like I trusted you and looked up to
3 you, and I guess like that last day was so humiliating to me,
4 when I do think about I want to die again, that's what I think
5 about.

6 The good thing is I'm getting my master's in social
7 work, which is awesome, and like everything's better with
8 but like I'll just write a paper and just start like crying
9 I'm writing the paper and stuff. I guess I just feel like I
10 lost every like smidgen of dignity that I had, and I just --
11 thinks it's weird. He's happy I'm not drinking, but like I
12 the big thing I'd just really like to hear from you as like my
13 friend and somebody that I trust and that's helped me recover,
14 is that --

15 CAPTAIN ROWE: I'll just -- I'll just -- can I stop
16 you right there?

17 LIEUTENANT KLAY: Yeah.

18 CAPTAIN ROWE: There's nothing -- I mean, you and I
19 have talked about a lot of stuff. Like, for one I'm really
20 proud of you, but there's -- there's no amount -- there's
21 I've ever seen in my life make a recovery and have the
22 that you do. You're extremely determined.

1 Now the loss of dignity point, I'm going to be --
2 this is going to be brutally honest because I because I've
3 low, too. There is no one day or one time where you lost your
4 dignity. You slowly lost it over the course of time.

5 LIEUTENANT KLAY: Okay. I mean I just --

6 CAPTAIN ROWE: But everybody has a rock bottom

7 LIEUTENANT KLAY: I understand that, but like I
8 the one thing just as a friend, is like that rock -- even if
9 that rock bottom moment -- I mean, yeah, I had lots of
10 but ...

11 CAPTAIN ROWE: I don't think -- at that point I
12 think we were friends. I think we became friends after that.

13 LIEUTENANT KLAY: True, but I guess like even if I
14 just knew that you felt sorry for that oral sex thing with
15 Jeremy.

16 CAPTAIN ROWE: Oh, I do. I mean, I wouldn't -- I
17 mean, I was really disappointed in what I saw, what I found, I
18 guess.

19 LIEUTENANT KLAY: I guess like -- I guess one thing
20 like I know that Jeremy is your very good friend, and you told
21 me that me and him are the people you trusted most. So I
22 to ask you this in like person, I guess, but did you make me

1 like do that stuff because you wanted to humiliate me or you
2 were having revenge of me?

3 CAPTAIN ROWE: Hey, hold on. For one, I don't know
4 what you're talking. I didn't make you do anything.

5 LIEUTENANT KLAY: Okay, let me rephrase it vaguely.
6 Like I just felt like --

7 CAPTAIN ROWE: I don't.

8 LIEUTENANT KLAY: Okay. Let me rephrase it before
9 go jumping to some conclusion. This is just as a friend
10 conversation.

11 I just want to know that you are sorry for that day,
12 you know, the things you said, the things you said to me, and
13 all that crap. I know you're mad.

14 CAPTAIN ROWE: I am, because if I wasn't just like
15 sorry for the whole situation with you and the drinking and,
16 know, me and drinking, I mean, I wouldn't have talked to you.
17 You know I wouldn't have tried to, you know, be your friend
18 help you through it.

19 LIEUTENANT KLAY: But don't you think it could have
20 gone like a little bit differently, or, I mean, I know --

21 CAPTAIN ROWE: Oh, it definitely can. To be honest
22 with you, I've never been more humiliated in my life than I

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

10

1 that night and that next morning.

2 LIEUTENANT KLAY: I guess in a way I just felt like
3 you were trying to get like revenge on me. You're right, I
4 my dignity many times before that because I was an idiot.

5 CAPTAIN ROWE: It wasn't -- it wasn't -- it wasn't
6 revenge at all. It was -- there's nothing, I just --

7 LIEUTENANT KLAY: I guess I just want to know what
8 was then because -- I mean, I don't want to bring it up, and
9 like once I talk about, I never want to talk about it. I want
10 to forget it happened, but I think about it all the time in my
11 head because you are my friend. You're my person helping me,
12 and I trust you, and I did trust you. You're the only -- one
13 the only people that was loyal at the barracks, but I just
14 -- I guess I just need to come to terms in my mind with like I
15 felt like you wanted to like humiliate me that day. I was
16 scared out of my mind. I wanted to die.

17 I thought -- you know, when you said you were going
18 tell Ben and the command, like I was so embarrassed, and I
19 wanted to --

20 CAPTAIN ROWE: No. I don't think you remember it.
21 mean, obviously looking at it I remember it differently. I
22 remember you saying about Suzanne knows, and, you know, if I

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

11

1 tell her, blah, blah, blah. It was -- you -- you -- I don't
2 want to say you have it distorted, but, I mean, I'm going to
3 it from my viewpoint, and you're going to see it from your
4 viewpoint. You know what I'm saying?

5 LIEUTENANT KLAY: Yeah.

6 CAPTAIN ROWE: Because like I would venture to say
7 same thing to you like because I don't even -- I mean, you
8 --

9 LIEUTENANT KLAY: But I was like really drunk. I
10 didn't

11 --

12 CAPTAIN ROWE: Do you understand the situation that
13 you put me in for my last two months at the barracks, you
14 having to see, sit (inaudible) on a daily basis?

15 LIEUTENANT KLAY: I mean, no, I don't.

16 CAPTAIN ROWE: Like, I mean, I at that point I had
17 leave as fast as I could because, I mean, I was done. I
18 have any more -- my ability to lead was gone at that point.

19 LIEUTENANT KLAY: Do you ever still talk to Gunney
20 (ph), or have you talked to Jeremy like since then or

21 CAPTAIN ROWE: I talk to Jeremy all the time, but
22 we've never spoken of that day.

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

12

1 LIEUTENANT KLAY: He never brings it up or anything?

2 CAPTAIN ROWE: I mean, I just -- I don't -- that --
3 like I don't think you really realize how like drunk and crazy
4 that you were that night. It was like -- I was hammered, and
5 got more drunk as the night went on, but like running up and
6 down the street, and you were just like --

7 LIEUTENANT KLAY: You seemed like you were still
8 when you like came into the house and you were like yelling
9 stuff. It seemed like you were still drunk anyways.

10 CAPTAIN ROWE: Everybody -- I mean, it was just a
11 drunken mess that was humiliating on everybody's part. I
12 honestly, that was my rock bottom, too. It was just -- I
13 the only thing I'll say is I thought things were true that
14 weren't true, and I felt really, really like, you know, pretty
15 much lied to, and I felt like --

16 LIEUTENANT KLAY: I guess the thing -- like, I mean,
17 like I understand that you felt that I humiliated you in front
18 of your wife (inaudible) and, yes, I was drunk and stuff, but
19 like I guess

20 --

21 CAPTAIN ROWE: No, it's not just that, but the fact
22 that you were, you know, out doing other stuff when you always

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

13

1 acted like you weren't.

2 LIEUTENANT KLAY: I guess the thing that bothers me
3 besides -- because I already told you, I don't remember
4 from that night, period.

5 CAPTAIN ROWE: No, but I'm talking about just over
6 course of time, not just that one night, but over the course
7 time that you were out, you know --

8 LIEUTENANT KLAY: Okay. I understand, and I know --

9 CAPTAIN ROWE: And I just -- it just put me in a
10 position that it was like I thought something was true that
11 wasn't true.

12 LIEUTENANT KLAY: Okay. Well, I can tell you this,
13 just for head's up --

14 CAPTAIN ROWE: I mean, I felt like -- well, not only
15 that, I felt like, you know -- I just felt like -- well, I
16 I've been put in jeopardy in a lot of different ways here, a
17 of different ways, I mean, emotionally, physically. You know,
18 not only that, you know, other people are put in jeopardy.

19 LIEUTENANT KLAY: Yeah. I guess I understand
20 I feel -- I think you can imagine, especially with me sobering
21 up, and you said you were proud of me like sobering up, so,
22 know, I guess I just really -- I want to know that whatever

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

14

1 made me do that day, and whatever Jeremy did that he probably
2 didn't want to, that you just didn't mean it and didn't mean
3 say all that stuff you said, I guess.

4 CAPTAIN ROWE: I mean, like I said, everybody's got
5 different view of it, but, no, there is no part of me that
6 wants you hurt, and it actually hurts me now to hear you say
7 that, you know, that you're still thinking about that.

8 LIEUTENANT KLAY: I think about it every day.

9 CAPTAIN ROWE: I mean, well, I'm not going to lie.
10 mean, there's -- there's, you know, several things that I
11 about, too, but, I mean, there's nothing -- if I didn't truly
12 want that to be -- like that whole thing, to turn it into
13 something good, I would have never talked to you again. You
14 know, I just -- we both needed to turn it into something good.
15 I think luckily we did. I mean, I think, you know -- I don't
16 know. I mean, you're going to see and I'm going to see it two
17 different ways.

18 LIEUTENANT KLAY: I mean, don't you feel like that
19 could tell I didn't want to have that disgusting kind of like
20 sex stuff? I mean, you couldn't gauge that at all?

21 CAPTAIN ROWE: Hold on. Hold on. I'm not going to
22 have this conversation with you.

1 LIEUTENANT KLAY: Okay, fine. I guess all I -- you
2 don't have to say -- I just want --

3 CAPTAIN ROWE: I think you -- I don't think you
4 remember it right. I'm not, I mean --

5 LIEUTENANT KLAY: Okay. Well, since I guess my only
6 other thing that I'm like quasi paranoid about is I don't know
7 if you remember saying this, but I guess it's something that I
8 am just like kind of paranoid about because I know you had
9 around about this, but were you like in any way serious when
10 said like Marv would do something to me or anything, because I
11 think I like have weird dreams about that.

12 CAPTAIN ROWE: No. No.

13 LIEUTENANT KLAY: That you had -- because I don't
14 if you remember. You were like, you know, (inaudible) blah,
15 blah, blah, and you said that Marv would come put me in a
16 if I blahed, blahed, blahed.

17 CAPTAIN ROWE: No

18 LIEUTENANT KLAY: I don't know if you remember
19 that, but ...

20 CAPTAIN ROWE: And I don't even know -- like no. I
21 don't even think -- like I'm not going to say that you make up
22 stuff in your head, but I think sometimes you don't know when

1 take me seriously or when I'm joking.

2 LIEUTENANT KLAY: Well, in the context you said it,
3 mean, you said it at a time when you were like angry and
4 yelling, so I didn't think you were joking around, or maybe
5 switched abruptly, but it just didn't seem like --

6 CAPTAIN ROWE: No, no. I mean I don't, I don't --
7 be honest with you, I don't --

8 LIEUTENANT KLAY: I mean, is there really even a
9 person named Marv because I know sometimes you make up stuff
10 when you're drunk, or is there not even like -- does he not
11 exist?

12 CAPTAIN ROWE: No, there's nobody like that.

13 LIEUTENANT KLAY: Then why did you say that?

14 CAPTAIN ROWE: Because I was telling you not to talk
15 to me, stay away from me, ever again. I don't know if you
16 remember, but I tried for like a half an hour to leave your
17 house, and you begged and pled, and you wouldn't let me leave
18 the door. I came in, you know, I saw what I saw, and then I
19 tried to leave. And literally the only reason I --

20 LIEUTENANT KLAY: Well, see, now this is really
21 bothering me because now you're trying to act like I
22 made up the entire day of why I tried to kill myself in my

1 CAPTAIN ROWE: No, no, you didn't, and I know why
2 did.

3 LIEUTENANT KLAY: What?

4 CAPTAIN ROWE: No, I'm not saying you made it up.
5 just saying that -- I mean, yeah, you're right, we probably
6 should have this conversation in person because I don't know
7 what you're getting at right now.

8 LIEUTENANT KLAY: I know, and I wanted to talk to
9 in person, but are coming out to DC anytime because I --

10 CAPTAIN ROWE: Yeah. I mean, I will be eventually
11 because I still have the house, but I don't want you to hang
12 to this for like six months. I mean, what do you want from

13 LIEUTENANT KLAY: I guess I just want you to say
14 you feel sorry or --

15 CAPTAIN ROWE: I already told you. You don't know
16 --

17 LIEUTENANT KLAY: You never said you're sorry. You
18 just always go, oh, I didn't realize you had gotten to that
19 point. Yes, I got to a really low, horrible point, but I just
20 you were my friend and one of the few people I trust, and I
21 want to know that --

22 CAPTAIN ROWE: There's nothing that happened. I'm

1 sorry about all of -- a lot of that, and, yeah, you can put
2 day right at the top of the list. And like I told you before,
3 if I didn't care, I would have liked never talked to you
4 because then I went through all that stuff with Megan, you
5 trying to define my friendship with you to her, which I still
6 like she's not playing that shit.

7 LIEUTENANT KLAY: Well, I guess --

8 CAPTAIN ROWE: I mean, this is -- like, I don't
9 you realize how close it came to ruining life.

10 LIEUTENANT KLAY: Well, I mean, do you --

11 CAPTAIN ROWE: And not even close. I mean, it
12 much has. I'm not going to lie to you. It pretty much has.
13 And the only thing --

14 LIEUTENANT KLAY: Well, I feel like it's ruined my
15 life.

16 CAPTAIN ROWE: Well, I know, and that's what I'm
17 saying.

18 LIEUTENANT KLAY: I feel like the last thing --
19 because what do you think I think about every time I like --
20 like Sunday night I was researching new ways to kill myself,
21 like my new idea is the razor.

22 CAPTAIN ROWE: See, I don't understand why you're

1 still there. I mean, is this -- is it my fault? Because if
2 it's my fault, do you want me to just kill myself?

3 LIEUTENANT KLAY: No, I don't want you to, but I
4 since you're my friend and you trust me, I just want to -- you
5 act like I make this thing up in my head, and I just want to
6 know like why did you make me and Jeremy do that weird thing
7 upstairs.

8 CAPTAIN ROWE: I didn't make this happen

9 LIEUTENANT KLAY: Jeremy wanted to go. Jeremy
10 to go. We just have to talk about this one time. Jeremy
11 to go, and it was just sick, and it was humiliating.

12 CAPTAIN ROWE: Okay. I'm not going to have this
13 conversation on the phone. I have no idea what you're talking
14 about. I don't know.

15 LIEUTENANT KLAY: Fine. Well, can we have this
16 conversation like in person sometime? I just really want to
17 understand because I obsessively think about it all the time.
18 It really bothers me.

19 CAPTAIN ROWE: Yeah.

20 LIEUTENANT KLAY: You were a person I trusted, and
21 then you just took every -- I didn't have a lot of dignity
22 and I felt like you just tore every last shred, and now I'm

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

20

1 kind of like this vacant thing that I feel like -- and I don't
2 know if it's the drugs or what, because I'm on a lot of
3 antidepressants, but I feel like I -- I asked her, is there
4 anything --

5 CAPTAIN ROWE: Yeah. I don't know. Like this was
6 months ago, and I don't know -- you never said -- I mean, all
7 a sudden like you're talking some weird stuff that happened.

8 LIEUTENANT KLAY: I guess I don't mean to weird you
9 out, but I just like think of it. I don't want to talk about
10 it.

11 CAPTAIN ROWE: You're scaring me, to be honest with
12 you.

13 LIEUTENANT KLAY: I don't mean to scare you. I just
14 want to understand it in my mind because I trusted you, I
15 respected you, I thought really great things about you, and
16 I felt humiliated. I just want to like understand.

17 CAPTAIN ROWE: No, you didn't. You screamed at me,
18 you yelled at me, you hit me. I mean you, you put myself in a
19 position to give a disease to my wife. I mean, if we're going
20 to have this conversation, then screw it, let's have it.
21 Hopefully it's being tape recorded by whoever you're getting
22 investigated now.

1 LIEUTENANT KLAY: Oh, my gosh. I mean, are you
2 to talk to me like a paranoid person, or are you going to talk
3 to me like -- I'm trying to consult with you about I talked it
4 over with my therapist, and she said, you know, maybe I kind
5 -- it's hard to even explain because you're a complex person
6 I'm like a complex person, so it's hard to explain it to her,
7 but she just said that if he's somebody that you trust and
8 your friend, then why -- you know, you should be able to
9 that with him. I would rather have this conversation in
10 How am I going to have this conversation in person?

11 CAPTAIN ROWE: Okay. Can we wait and have it in
12 person? You're right, the way you're approaching this, like I
13 haven't heard from you in months, and it's making me paranoid,
14 and I'm not too sure what you're getting at or what you're
15 talking about here. Like I don't know -- and like I know, I
16 it, you're on the medicines, you know --

17 LIEUTENANT KLAY: I guess I just feel like I
18 everything you advised me to. I followed -- I stopped
19 I went to therapy, I went to rehab, I take the medicines, I'm
20 getting my master's in social work. I do all this volunteer
21 work, all this crap and, you know, things with Ben, and then I
22 still -- in my bedroom I'm all fucked up about the bedroom,

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

22

1 Ben's like -- like I can't have sex with Ben in the bedroom,
2 he's just weirded out by that.

3 CAPTAIN ROWE: Well, what do you want me to do?

4 LIEUTENANT KLAY: I was like, oh, can we move? I
5 him I really hated being by 8th and I. That's why I told him
6 the reason I wanted to move. I was like I hate being by 8th
7 I, can we please move? I just -- I remember you recommended
8 leaving the command, and you're right, when I left the
9 it did, it helped a lot. So, I guess, if you have advice or
10 something

11 --

12 CAPTAIN ROWE: No.

13 LIEUTENANT KLAY: Even to know that you like -- I
14 don't even know what I want to hear from you. I guess I just
15 I don't even know. I wish -- I'd rather -- I'd rather --

16 CAPTAIN ROWE: Do you know how hard it's been for me
17 to put like -- and this is the last time I'm going to say
18 I fell for you really, really hard, and when I came to your
19 house that day and saw that, it might as well have been Megan
20 there with another man. So take that for what it's worth.

21 LIEUTENANT KLAY: Well, I appreciate that you --

22 CAPTAIN ROWE: That's the last thing I'm --

1 LIEUTENANT KLAY: -- tried to help me with
2 but like I feel like I'm so fucked up in the head that I can't
3 even like socialize. I mean, before, over the summer, after
4 Wilson thing, which I think you could've helped out with, but
5 whatever -- I mean, my therapist also thinks that I'm just at
6 point where I'm just like angry at everyone.

7 CAPTAIN ROWE: Well, I mean, so you basically told
8 about --

9 LIEUTENANT KLAY: I told her that -- she doesn't
10 know who. She has no idea what your name is or anything. I
11 just told her that a fucked up thing happened where I got
12 drunk, woke up in the morning, didn't know where I was, or
13 was still drunk. I heard like a voice of like my good friend
14 come in, and he was with -- it was like -- one of the only
15 people I trust, and he was with another one of this friends,
16 he was really angry at me, and it was one of his junior
17 that was in the house. I didn't tell her anything about --
18 other details about what it was. I just said basically that
19 even though I had already made mistakes in my life leading up
20 them and many, many layers of mistakes, which I discussed with
21 her, everything from eating disorders to like blackouts,
22 things, to whatever, but I just -- I said that that last day,

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

24

1 and I know how you feel about these kind of subjects, but I
2 felt like you were somebody I trusted and I felt like you --

3 CAPTAIN ROWE: If after that you didn't trust me,
4 why did you continue talking to me?

5 LIEUTENANT KLAY: Because you were --

6 CAPTAIN ROWE: Like I don't understand where this is
7 coming from.

8 LIEUTENANT KLAY: I do trust you. That's the thing.
9 I'm not saying I don't. I'm just -- I just -- it's confusing
10 my mind trusting you.

11 CAPTAIN ROWE: I mean, who do you think I am? I
12 be honest. Like do you think I'm like a mean person or
13 something?

14 LIEUTENANT KLAY: I don't think you're a mean person
15 at all. I think -- I don't -- I just don't understand. The
16 whole year is hard for me to make sense of, and I just don't
17 understand that last day. I just can't process it in my mind.
18 I'm having a really hard time with it, so, you know, I brought
19 it up as vaguely as possible to the therapist.

20 CAPTAIN ROWE: I'm going to be perfectly honest with
21 you, and don't take this the wrong way. I would never do
22 anything to hurt you, never, ever.

1 LIEUTENANT KLAY: You weren't -- you didn't feel
2 what went on upstairs was going to hurt me mentally or
3 You didn't think that would -- you didn't think that would
4 anything? Remember what you were seeing.

5 CAPTAIN ROWE: No, no. My intention was never,
6 never, ever, ever to hurt you. Now, that being said, maybe
7 intention was to hurt me, and maybe your intention is still to
8 hurt me. I don't know. But if it is, and if it's because of
9 whatever, I'm sorry. Like I can't take it back. I mean, I'm
10 trying to go on with my life.

11 LIEUTENANT KLAY: So I guess it was like in a way I
12 had hurt you, so you kind of just like -- I guess in a way you
13 did want to hurt me then.

14 CAPTAIN ROWE: No, I didn't. I just -- I didn't. I
15 didn't. I didn't hold -- I didn't. I didn't want to hurt
16 I just figured, well, you know, I just want to go, I want to
17 leave, and she won't let me leave. Like, I mean, you were
18 screaming at the top of your lungs, to the point where I'm
19 pretty sure that marine heard all of your business, all my
20 business, and I was like just --

21 LIEUTENANT KLAY: Because you were yelling, too.
22 were yelling also, not just because I was yelling.

1 CAPTAIN ROWE: You know what? I mean, the bottom
2 is I thought you were dead in there. Like I literally -- when
3 your door was wide open, I was like she's dead and your dog
4 coming in and out of the house, I was like, she's dead. Your
5 dog was coming in and out of the house. I was like, she's
6 in there. She finally like went -- you know, somebody followed
7 her home and she passed out, and she's dead in there. And to
8 honest with you, I mean, I'm -- I don't know. I mean, like
9 me --

10 LIEUTENANT KLAY: But don't you think maybe if I was
11 just gone anyways, then it would be better for everybody,
12 because that's how I feel.

13 CAPTAIN ROWE: No, and I don't understand why you
14 that because --

15 LIEUTENANT KLAY: You know what I mean? Like if I
16 ruined your life, then maybe I feel like I ruined Ben's life,
17 ruined my own life. I just like --

18 CAPTAIN ROWE: No, you didn't ruin Ben's life. You
19 know how you can ruin Ben's life?

20 LIEUTENANT KLAY: How's that?

21 CAPTAIN ROWE: By killing yourself.

22 LIEUTENANT KLAY: So I don't know.

1 CAPTAIN ROWE: Because you know what, he would feel
2 like it was his fault.

3 LIEUTENANT KLAY: No. I mean, ultimately maybe it
4 would be better because he just knows. I feel like now he has
5 just this disturbed wife that's like can't sleep and stays up
6 until like 3 a.m., like you know?

7 CAPTAIN ROWE: No. You've been -- I mean, if we're
8 honest with each other, if you're story that you told me was
9 true, like about your life before you came into the Marine
10 and everything, like you've got a lot of stuff to work
11 you know, and it's going to take time, but I think once you
12 out of the Marine Corps and get out of the uniform, it's going
13 to get easier. It is.

14 LIEUTENANT KLAY: I mean, if it's going to be
15 why -- I don't feel like it's gotten easier. I feel like now
16 I'm just like --

17 CAPTAIN ROWE: I feel like you were like so much
18 better like before Christmas and like right when I was leaving
19 and when I left, when we had lunch and everything, and now
20 like since this Suzanne thing, since you called me about this
21 Suzanne thing, like you've just been spiraling down again.

22 LIEUTENANT KLAY: Yeah. I don't know. Maybe I need

1 different medication or something.

2 CAPTAIN ROWE: Do you -- does it have something to
3 with Suzanne?

4 LIEUTENANT KLAY: No. I probably need to get on
5 Ambien or something, I don't know. But anyways, I don't
6 feel like -- I hope I can talk to you in person. I don't
7 feel like I got the apology I was looking for.

8 CAPTAIN ROWE: No. Don't give me -- I think -- like
9 I'm so sorry that you're hung up on this, and I'm sorry if I
10 ever, ever -- I mean --

11 LIEUTENANT KLAY: So you don't feel like that was in
12 any way, shape, or form like humiliating to me at all?

13 CAPTAIN ROWE: Okay. Do you think it was at all
14 humiliating to me? Did you ever apologize to me?

15 LIEUTENANT KLAY: Yup. I'm very sorry that I
16 embarrassed you in front of Megan and made you look like a
17 jackass in front of Megan and embarrassed you in front of your
18 marine. I really feel bad because you were my friend that I
19 trusted and looked up to. I didn't want to put you in a bad
20 circumstance. I do feel bad about that. I guess I don't
21 that last thing was necessary to humiliate me. It was
22 humiliating.

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

29

1 CAPTAIN ROWE: I don't think -- and I don't think
2 put me in that position with my marine either. I know you
3 didn't do it to humiliate me any more than I -- you know,
4 whatever you're assuming I did and said to humiliate you.

5 LIEUTENANT KLAY: I'm not assuming it. So you can't
6 say that I just imagined that, because that's what I feel like
7 you're trying to tell me, that I just made it up in my mind.

8 CAPTAIN ROWE: No. I'm sure I said some mean things
9 to you.

10 LIEUTENANT KLAY: Yes.

11 CAPTAIN ROWE: And you said some mean things to me,
12 too, I think no matter what you do, like you can try to say,
13 know, we're just friends or we're just buddies, or whatever,
14 when a guy and a girl get to that point and they talk that
15 -- you know what I'm saying?

16 LIEUTENANT KLAY: Yeah.

17 CAPTAIN ROWE: As much as we talked, as much as we
18 bitched about the barracks, as much as we had that in common,
19 you were like my work wife.

20 LIEUTENANT KLAY: No. I understand.

21 CAPTAIN ROWE: You know what I'm saying? There's
22 a connection there.

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

30

1 LIEUTENANT KLAY: I understand. We're both
2 alcoholics, and we both like had issues.

3 CAPTAIN ROWE: Yeah, but with that connection -- but
4 with that connection, no matter what you do, even though you
5 tried your ass off and I tried my ass off, feelings come with
6 that connection, that friendship.

7 LIEUTENANT KLAY: Okay.

8 CAPTAIN ROWE: And it's going to happen, but then --

9 LIEUTENANT KLAY: I understand that, but I just
10 didn't.--

11 CAPTAIN ROWE: Hold on. Let me finish. But then
12 you do or say something, then the other person thinks it's
13 intentional to hurt them because there are those feelings
14 involved, even though it's not.

15 LIEUTENANT KLAY: Well, just so you know, since it
16 wasn't clear, do you remember -- okay, I won't say do you
17 remember because I know you're paranoid, but like do you
18 remember saying there was like things that you were going to
19 if we didn't do that?

20 CAPTAIN ROWE: No. I never said any, no.

21 LIEUTENANT KLAY: Yes, you did. You were like, I'm
22 going to tell Ben, and I'm going to tell the command.

1 CAPTAIN ROWE: No, because you remember when I tried
2 to leave -- and I may have said, and I didn't put it in a
3 context, if you don't do this -- I'd never do -- I tried to
4 leave, and I said -- because I was like, that's it, you need
5 help. I'm going to friggin' tell, you know, trying to get you
6 to say I'll get help.

7 You were like no, I'm going to tell -- saying this
8 person knows and that person knows, and this person thinks
9 and this person thinks this, and I sat in your kitchen, and I
10 tried to leave and Jeremy came out and tried to leave, and it
11 just --

12 LIEUTENANT KLAY: Jeremy did want to go. I do
13 remember that. I remember you were angry, and you -- I don't
14 remember initially because I was still drunk, but ...

15 CAPTAIN ROWE: You were hitting me because I was
16 trying to leave, and you were like no, sit down, because I
17 you I was going to go tell the duty. I was going to go tell

18 XO

19 LIEUTENANT KLAY: Yeah, but then what did you say
20 after that? You don't even --

21 CAPTAIN ROWE: I said I'm leaving, I'm leaving, and
22 then Jeremy -- because I didn't want to see that Marine --

1 Jeremy went upstairs to figured out who it was.

2 LIEUTENANT KLAY: But remember -- okay. Let me just
3 put it this way. When I was on --

4 CAPTAIN ROWE: All right. We're going to have this
5 person because, one, we're not going to agree on the details
6 because the only person that was more drunk than you -- the
7 person that was probably more drunk than you and me was
8 and he was outside. I mean, it --

9 LIEUTENANT KLAY: Jeremy was inside. I remember
10 things that happened inside. We can talk about it in person,
11 but you know what happened inside. You know Jeremy didn't
12 to participate. I mean, we can talk about it in person. It's
13 fine, whatever. But I just -- I'm just irritated. You know,
14 went through six months in my mind pretending like trying to
15 like -- I even -- the same advice I gave you. I was trying to
16 compartmentalize.

17 CAPTAIN ROWE: Let me ask you this before you go,
18 we friends?

19 LIEUTENANT KLAY: Yeah

20 CAPTAIN ROWE: I mean, do you ever have any feelings
21 for me beyond friendship? I mean, my wife sat in your house.

22 LIEUTENANT KLAY: I think, you know, we can -- I

1 if we talk in person, whatever.

2 CAPTAIN ROWE: Are you trying to like hurt my
3 feelings?

4 LIEUTENANT KLAY: No, I'm not. I'm not.

5 CAPTAIN ROWE: Because right now I'm more hurt than
6 have ever been in my life.

7 LIEUTENANT KLAY: Why?

8 CAPTAIN ROWE: You're somebody -- I've never been
9 accused of being spiteful to somebody.

10 LIEUTENANT KLAY: But I felt like -- I think you --
11 mean, why can't -- I don't know why it's so hard for you just
12 like be sorry for the thing that happened; like I don't know
13 you can't.

14 CAPTAIN ROWE: There's no a day that goes by that I
15 don't try to forget that.

16 LIEUTENANT KLAY: So why -- so -- okay.

17 CAPTAIN ROWE: But, like you, I've had a lot of
18 up days in my life, and I feel like that was --

19 LIEUTENANT KLAY: Do you consider that to be one of
20 your

21 --

22 CAPTAIN ROWE: That's one of my top five fucked up

1 days.

2 LIEUTENANT KLAY: Yeah, that was. But I would
3 appreciate it if you would try to make it seem like it wasn't
4 something it was, like saying that Jeremy was like outside the
5 whole time, because even though I was drunk, I kind of
6 --

7 CAPTAIN ROWE: No, no.

8 LIEUTENANT KLAY: -- quite a bit

9 CAPTAIN ROWE: No.

10 LIEUTENANT KLAY: And you know Jeremy didn't want to
11 participate in that. You know, he just wanted to go. He's
12 friend. Why didn't you listen to him? I mean, I think you
13 could have come over --

14 (Audio ends.)

15 LIEUTENANT KLAY: Hello?

16 CAPTAIN ROWE: Did you hang up on me?

17 LIEUTENANT KLAY: Sorry about that. No. I'm like
18 driving through a weird area. It was an accident.

19 CAPTAIN ROWE: All right. I'm sorry. I am so sorry
20 that six months later that, you know, this is -- you're
21 this way and this has come up all of a sudden, but I --

22 LIEUTENANT KLAY: I guess I just --

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

35

1 CAPTAIN ROWE: What do you -- can I ask you

2 LIEUTENANT KLAY: What?

3 CAPTAIN ROWE: What do you want? What do you want
4 from me? What is -- I mean, do you want a --

5 LIEUTENANT KLAY: I just want to know like did you
6 make me have sex with you and Jeremy because you wanted to
7 humiliate me or because you were mad or because you were
8 or was it just because you hated me for like a second? I
9 I still forgive you and like you as a friend, but I feel like
10 this fucked up thing is in my head, and it's in my house. You
11 know what I mean?

12 CAPTAIN ROWE: I don't -- none of the above. It
13 didn't have anything to do with anything. It didn't have
14 anything to do with anything.

15 LIEUTENANT KLAY: How could it not have anything to
16 with anything? I mean, I feel like you're -- I guess what I
17 just want to have is like some acknowledgement.

18 CAPTAIN ROWE: Like what I feel like you're trying
19 do is --

20 LIEUTENANT KLAY: What I feel like you're trying to
21 is like act like something never -- like I'm just imagining
22 things in my mind, and that's like fucking up my mind even

1 worse.

2 CAPTAIN ROWE: No, no, but I don't -- you know, I
3 a text from you like the night of the (inaudible) parade that
4 said I want to have a threesome, blah, blah, blah.

5 LIEUTENANT KLAY: I did not.

6 CAPTAIN ROWE: I can tell you -- yeah. And,
7 unfortunately, it was on my government cell phone.

8 LIEUTENANT KLAY: Whatever.

9 CAPTAIN ROWE: Yeah. And I -- yeah. And it said --

10 LIEUTENANT KLAY: So you're saying because -- I mean

11 -

12 CAPTAIN ROWE: Hold on. Let me -- it's not what you
13 think, the story I think, but again, that night, I was like
14 the fuck? She's all jacked up, because you were with that
15 that you just met. I came and I picked you up in the cab
16 because you were wandering the street out there.

17 LIEUTENANT KLAY: Yeah. Captain Shields was like
18 prowling around like being all weird.

19 CAPTAIN ROWE: I know. My wife was at home, and
20 was pissed to the point where she almost left me.

21 LIEUTENANT KLAY: Yeah.

22 CAPTAIN ROWE: I came and got you.

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

37

1 LIEUTENANT KLAY: See, now you're going back and
2 you're talking about you helped. Like, I guess, if you're
3 going to --

4
5 CAPTAIN ROWE: Hold on. Hold on. Hold on. You
6 because I -- you know, basically I wanted to do the right
7 for you, and I felt like I went out of my way.

8 LIEUTENANT KLAY: In Megan's email she sent you, she
9 said that you came back drunk, and when you saw that she was
10 pissed, then you left. So, I mean --

11 CAPTAIN ROWE: But ...

12 LIEUTENANT KLAY: -- that's not the picture Megan
13 painted like in the email that she sent you that you sent me
14 back way back in the day.

15 CAPTAIN ROWE: Anyway, but what I'm saying is I just
16 wanted you to know that you didn't hurt me by, you know, how
17 did me.

18 LIEUTENANT KLAY: What?

19 CAPTAIN ROWE: That's all.

20 LIEUTENANT KLAY: That I did or didn't?

21 CAPTAIN ROWE: That you didn't hurt me, that I
22 care if you slept with other guys. Go ahead, right there in

1 front of me, when it did hurt me.

2 LIEUTENANT KLAY: Okay. So you don't feel like in
3 way the last day was humiliating or like even mildly something
4 didn't want?

5 CAPTAIN ROWE: No. I mean, I don't think it's
6 anything that anybody wanted.

7 LIEUTENANT KLAY: But it doesn't -- then why did --
8 but so you did it, but you didn't want it? I guess I just
9 understand it.

10 CAPTAIN ROWE: No. I wanted -- I wanted you to know
11 that even though that you, you know, had been having sex with
12 marine behind my back --

13 LIEUTENANT KLAY: Which I didn't.

14 CAPTAIN ROWE: I wanted you to know that it didn't
15 hurt me, and you can have sex with whoever you wanted because

16 LIEUTENANT KLAY: Oh, my gosh.

17 CAPTAIN ROWE: -- it didn't matter to me.

18 LIEUTENANT KLAY: That is ridiculous.

19 CAPTAIN ROWE: And that was the furthest thing from
20 the truth. It was the furthest thing from the truth, but I
21 wanted to give you that impression that I was above all that
22 I didn't care.

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

39

1 LIEUTENANT KLAY: So you felt like I was like
2 to participate in that?

3 CAPTAIN ROWE: Yeah.

4 LIEUTENANT KLAY: Are you kidding me? How could you
5 possibly think that? Do you even remember what you were like
6 saying to me before it?

7 CAPTAIN ROWE: I mean, the only thing I can say is
8 you're trying to get me to say that, you know --

9 LIEUTENANT KLAY: I'm not trying to get you to say
10 anything. I just want to --

11 CAPTAIN ROWE: -- I purposely hurt you --

12 LIEUTENANT KLAY: Yeah, that's what I pretty much --
13 just want to have it acknowledged.. It's like every time you
14 sorry, but then you like twist it back on me, and I just want
15 have it acknowledge that -- I admitted that I tried to hurt
16 --

17 CAPTAIN ROWE: No.

18 LIEUTENANT KLAY: -- because I was mad at you
19 I didn't respect you anymore because I thought you were doing
20 something with Suzanne, but I felt like I don't know why you
21 can't acknowledge to me that you did something to humiliate
22 That's all. And I --

1 CAPTAIN ROWE: Did I humiliate you?

2 LIEUTENANT KLAY: Yeah, I think that sex was
3 humiliating, and I think it was disgusting, and I can't get it
4 out of my mind, and it's fucking up my mind, and that's why I
5 want to like die, pretty much. Like I feel like my dignity is
6 gone. What am I going to do for society? Oh, I have a
7 in social work and help people, but ...

8 CAPTAIN ROWE: Well, hold on. Hold on. Let me ask
9 you this. So that's the only sexual experience of your life
10 that you find humiliating?

11 LIEUTENANT KLAY: No, it's not the only one I find
12 humiliating, but it's the most humiliating.

13 CAPTAIN ROWE: So even when you were a fake
14 prostitute, you didn't find that humiliating?

15 LIEUTENANT KLAY: Even when I was what?

16 CAPTAIN ROWE: A fake prostitute.

17 LIEUTENANT KLAY: I was never a fake prostitute.

18 CAPTAIN ROWE: You told me that when you told your
19 story at AA, that you used to do fake prostitute and then
20 people's money from the house, and then you got beat up real
21 and ended up in the hospital.

22 LIEUTENANT KLAY: Okay, fine. Whatever. So you

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

41

1 like --

2 CAPTAIN ROWE: Well, I mean, is that true or not?

3 LIEUTENANT KLAY: I don't even want to -- I don't

4 to talk about that stuff with you because it's really

5 I feel like -- once again, I just want to hear

6 You hurt me very badly, and once again you're not

7 it, and that's all I wanted.

8 CAPTAIN ROWE: Have I -- are you trying to -- I

9 I don't want you to get -- look, I'm sorry. Whatever -- I

10 didn't do it, and I would never do anything to you on purpose.

11 LIEUTENANT KLAY: Then why, like I don't understand

12 why you did it.

13 CAPTAIN ROWE: But let me tell you this right now.

14 LIEUTENANT KLAY: What was the real reason?

15 CAPTAIN ROWE: To show you that I didn't care, you

16 know, to try and prove it to myself and to you that, okay,

17 you know, even though no matter what -- I mean, there's no

18 loyalty in that crap anyway, but I was always extremely loyal

19 you, and I thought I was getting the same thing in return.

20 LIEUTENANT KLAY: I guess like regardless of, you

21 know, whatever fucked up things I've had happen in my life,

22 I trusted you and --

1 CAPTAIN ROWE: And now you don't six months later?

2 LIEUTENANT KLAY: I do. I trust you, but it just
3 pisses me off because my mind, I'm like -- I just want it to
4 acknowledged that a bad thing happened to me and that you're
5 if you're my friend, I feel like you'll at least -- I do think
6 you're my friend. I feel that you can at least -- I know that
7 you and Jeremy don't talk about it, but at least say that it
8 a bad thing to do that to me.

9 CAPTAIN ROWE: It wasn't to you. It was a two-
10 effort.

11 LIEUTENANT KLAY: It was not a two-person effort.

12 CAPTAIN ROWE: And you were the other person.

13 LIEUTENANT KLAY: Then why did you say I'm going to
14 tell Ben and the command, and blah, blah, blah?

15 CAPTAIN ROWE: No, I never said that, and I'm being
16 dead serious. I don't care. That's not paranoia. I never,
17 ever said that.

18 LIEUTENANT KLAY: I know I didn't make that up in my
19 mind.

20 CAPTAIN ROWE: I never, ever.

21 LIEUTENANT KLAY: Well, anyways, hopefully someday
22 when we have a face-to-face conversation, you can tell me that

1 you were sorry, that you, you know --

2 CAPTAIN ROWE: I am sorry. Don't --

3 LIEUTENANT KLAY: -- made me participate in a
4 humiliating situation and like --

5 CAPTAIN ROWE: Don't twist --

6 LIEUTENANT KLAY: -- instead of telling me like, oh,
7 wanted to participate, and then I participated because I've
8 other things in my life. I mean, I was like crying and hung
9 over.

10 CAPTAIN ROWE: No. And, see, you're twisting it all
11 - you're twisting it all up. You remember when you called me
12 back later that afternoon and it was like you begged me to
13 back over?

14 LIEUTENANT KLAY: I don't. I remember talking to
15 and saying that I was going to get help and that I wanted to
16 die, and you were like don't do it, blah, blah, blah.

17 CAPTAIN ROWE: No. Later on that day you like
18 insisted that I come back over, and that's when we --I mean,
19 talked about being at rock bottom. You know, we were both
20 there, and that's when I left, and I fully intended when I
21 that afternoon to never talk to you again, but then I thought,
22 okay, well what good is going to come out of this for anybody,

Capital Reporting Company

Oral Wire: First Lieutenant Arianna Klay & Captain Rowe 01-25-2011

44

1 and when you called me the next day, I talked to you for like
2 four hours.

3 LIEUTENANT KLAY: So if I still have that in my head
4 and if you feel like I willing participated in that, why would
5 want to keep living if I, you know, did that?

6 CAPTAIN ROWE: Why do you want to kill yourself?

7 LIEUTENANT KLAY: Because of the way I feel like I
8 treated by somebody that I trusted, the last person I trusted.

9 CAPTAIN ROWE: I can't help you from here. Now I'm
10 all fucked up. Thanks a lot. So now I'm in the same spot as
11 you. I can't help you from here. I can't stop you. I can't
12 reach out and stop you from killing yourself.

13 LIEUTENANT KLAY: I know you can't do that, but why
14 can't you acknowledge -- I just -- I mean, it wouldn't fixed
15 everything. I don't think it will make me stop obsessing about
16 it, but at least I think it's insulting and horrible that you
17 try to say like I was like a willing participant and that
18 blah, blah.

19 CAPTAIN ROWE: Hold on. To say anything else but
20 would be a lie.

21 LIEUTENANT KLAY: How so?

22 CAPTAIN ROWE: Because I don't even remember it in

1 way or shape or form the same way you do, and that's pretty
2 typical of a lot of, you know, our conversations. Like I
3 -- there's three sides to every story. Your side, my side,
4 the truth, and the truth is probably somewhere in between, all
5 right? I probably have my view on it, you have yours, and
6 somewhere in between lies the truth. You know what I'm

7 LIEUTENANT KLAY: Yeah.

8 CAPTAIN ROWE: But don't get it twisted. I am
9 and I do care about you if you're feeling -- I mean, to be
10 honest with you, I feel like you're -- and I'm going to say
11 word. I feel like you're trying to say I raped you, and
12 real, real scary. That's real, real scary to me, and if that's
13 the case, then I can't talk to you anymore because now I have
14 problem.

15 LIEUTENANT KLAY: I mean, okay. We're not even
16 to use that word because that's associated with like a bunch
17 ridiculousness and false allegations, all this crap. I guess

18 CAPTAIN ROWE: Yeah. That's like beyond -- like
19 that's the kind of stuff that -- I mean, you talk about
20 yourself. Like if anybody ever uttered that word about me, you
21 don't come back from that word, whether you did it or not.
22 that allegation is thrown out there, it doesn't matter if it's