

Marine's lawyer says brass interfered at recruit-abuse hearing

by David Hasemyer and Rick Rogers

SAN DIEGO - Military lawyers rarely accuse senior commanders of laying a thumb on the scales of justice. They usually don't have to.

Meddling by commanders in military courts is widely regarded as a no-no. Exercising undue influence can end an officer's career and is punishable by a five-year prison sentence.

But in recent weeks, lawyers for drill instructors accused of abusing recruits have alleged bias by leaders at the Marine Corps Recruit Depot in San Diego. The assertions were repeated Wednesday during a hearing for one of the defendants, Sgt. Robert Hankins.

Capt. Bow Bottomly, an attorney for Hankins, outlined allegations of serious misconduct by Lt. Col. Robert Scott, a former senior legal adviser, and Maj. Eric Peterson, commander of a recruit battalion.

In a 17-page legal brief, Bottomly accused Scott of manipulating a criminal investigation and Peterson of brow-beating one or more jurors.

Taken together, Bottomly said, the conduct amounts to undue command influence that should result in all charges against Hankins being dropped. The judge overseeing the hearing, Lt. Col. Eugene Robinson, said he would likely rule on the dismissal request next week.

In recent days, two captains have testified that Scott tried to cajole and threaten them into producing a report that would support criminal charges against Hankins and two other drill instructors who helped him oversee a platoon of recruits. Those defendants are Sgts. Brian Wendel and Jerrod Glass.

Last month, a jury sentenced Glass to six months in the brig for mistreating recruits. Hankins and Wendel are awaiting courts-martial in the case, which some analysts have described as the worst recruit-abuse scandal in modern Marine Corps history.

One of Glass' lawyers testified Wednesday that after Glass was sentenced, Peterson railed about what he perceived as a light punishment. The attorney, Capt. Gregory Jensen, said he overheard Peterson yelling and cursing during a conversation with a juror.

"I don't see how six months will dissuade other drill instructors from doing what they want," Jensen quoted Peterson as shouting.

Meanwhile, the allegations of misconduct by Scott were supported Wednesday by Capt. Taylor Buff.

Scott appointed Buff in February to conduct an investigation into the accusations of recruit abuse lodged against Glass, Wendel, Hankins and others. He kept Buff in that position even after being told that Buff belonged to the same unit as the targeted drill instructors, the legal brief said.

During his investigation, Buff learned that he was on duty during some of the alleged incidents of abuse. He told Scott that this fact would compromise his efforts to remain impartial during the investigation. Scott told him to press forward because he did not wish to "telegraph to (superiors) that he did not trust his officers," the brief said.

Buff spent two weeks interviewing recruits from Platoon 2167. He wrote a report for Scott that included his recommended punishments for the drill instructors under scrutiny.

On Wednesday, Buff testified that Scott didn't read the whole report before telling him to make the suggested penalties harsher so they would underscore how the Marine Corps is tough on recruit abuse.

Buff and a colleague, Capt. Jason Mansel, have contended that Scott seemed more interested in dispensing punishment than judging the report's merits.

"Sometimes you have to shoot a good Marine between the running lights to save the others," Buff recalled Scott telling him.

That wasn't the way Scott remembered it. On Wednesday, he testified that he only told Buff to dig deeper into the allegations of recruit abuse. Scott said he thought Buff tried to soft-pedal the matter because of his friendship with two of the drill instructors.

Bottomly's brief presents a different theory.

"It is a possibility that (Scott) feels to save his job, he needs to make sure that those who were involved in the abuse or may even appear to have been involved in the abuse and their chain of command get punished severely," the brief said. "Because if they are punished, then the whole situation will be dealt with and no one will blame him."

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