

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT****AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Thayer Hall 136, West Point NY 10996	2. DATE (YYYYMMDD) 20151118	3. TIME 1450	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Heffington, Robert Michael	6. SSN	7. GRADE/STATUS O5/Active	
8. ORGANIZATION OR ADDRESS Department of History, United States Military Academy, West Point NY 10996			
9. I, <u>LTC Robert M. Heffington</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  I came to my office at approximately 2015 hrs on the evening of 17 November 2015 with the intention of grading research papers for approximately two hours. As I walked past Professor Hosein's office, I noticed that several cadets were in the office with Prof. Hosein. I proceeded to my own office and commenced grading papers. Within five minutes, I could tell that an argument was beginning to take place in Prof. Hosein's office. As the argument got louder and more heated, I could start to hear individual voices and it began intruding upon my concentration. The participants in this argument were apparently debating about "what to do" about a certain Colonel (I have no idea what they were referring to), and the conversation was permeated with obscene, loud, and vulgar language. I tried to ignore it as best I could and continue grading, but after approximately forty minutes I realized that the intervention of an officer was going to be necessary to put a stop to it. I could not concentrate or grade papers, and regardless the conversation was obviously becoming very unprofessional and counterproductive. I went next door to Prof. Hosein's office, knocked on the door, opened it, and asked "Who is doing all the yelling"? My intent was to first identify who was yelling and then tell those individuals to either keep the volume down or take the conversation someplace else. However, what should have been a five second conversation quickly escalated into something I did not anticipate. There were four cadets in the office, three of whom were in uniform and one in civilian clothes. One first class cadet in uniform stood up, admitted to taking part in the argument, and apologized for being so loud. I replied "Okay, that's one person. Who else is yelling?" I got no response to my question. I proceeded to say "I just asked a question and I want an answer--who else is yelling in here?" At that point CDT Spenser Rapone (the only cadet wearing civilian clothes), who was seated in the corner of the office, replied (while still seated) by saying, "We're in a private conversation here." I said, "Stand up when you speak to me." CDT Rapone stood up and, before I could say anything else, said, "Sir you don't have the right to use my honor against me!" in a loud and extremely disrespectful tone of voice. I then instructed CDT Rapone to accompany me out into the hallway, which he did. The time was now approximately 2100 hrs. I asked CDT Rapone what made him think it was okay to reply to a direct question from an officer with a response like that, and he replied, "Well you don't have the right to barge into an office and interrupt a conversation you don't have anything to do with!" I reminded him that I had not asked what the conversation was about; I had simply asked who was doing all the yelling. At this point CDT Rapone replied again with, "You don't have the right to use my honor against me!" I told CDT Rapone that he obviously does not understand the Cadet Honor System, and that asking him a simple and direct question is not using his honor against him. I also asked, "What do you think would happen if you replied to a direct question from your battalion commander by saying, 'Sir, you can't use my honor against me'?" CDT Rapone replied with "Sir this isn't fair! You're just putting me on blast!" When I replied that I did not know what that meant, CDT Rapone clarified by stating that I was "singling him out." I told CDT Rapone I was singling him out because he was the one refusing to answer direct questions, and he was the only one being disrespectful to a senior officer. During the entire conversation, it should be noted that CDT Rapone was speaking to me in an extraordinarily disrespectful tone, and the volume of his			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>RMH</i>	PAGE 1 OF <u>3</u> PAGES	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



STATEMENT OF LTC Robert M. Heffington TAKEN AT West Point, NY DATED 20151118

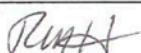
## 9. STATEMENT (Continued)

voice was elevated--almost yelling, but not quite. He seemed to look at me with nothing but contempt and hatred, no matter what I said or how I tried to reason with him to show him how wrong he was. He kept insisting that I did not have the right to come to Prof. Hosein's office at all. I tried to show him that the volume and nature of the argument that had been taking place DID give me the right to enter Prof. Hosein's office because it was so loud that I could not work. That made it my business, not to mention the fact that the argument was reaching the point of being out of control, and I felt the need to step in and stop it. CDT Rapone simply would not accept this line of reasoning, and he kept arguing with every point I made. The conversation continued for approximately five minutes, and every single statement or question I had for CDT Rapone was met with a ready and very disrespectful retort. In all honesty, I was waiting for him to simply say, "Yes, Sir. I apologize." That is all it would have taken to defuse the situation and end the conversation, but CDT Rapone simply refused to do this. He just continued arguing with me. Finally I ended the discussion by saying, "That's enough--I am not going to stand here and debate you. You are wrong, and you have no right to argue with me like this." I returned to Prof. Hosein's office and made sure the other three cadets who were still there realized that their inability to have an adult discussion gave me the right to enter the office and stop an argument that was almost out of control. All three of them acknowledged this and apologized. I then returned to my office to continue grading. Approximately fifteen minutes later, I left my office to go to the latrine. On my way, I encountered Prof. Hosein and CDT Rapone talking in the hallway. It occurred to me that CDT Rapone was again wearing civilian clothes, which he is not allowed to do in an academic building. I apologized to Prof. Hosein for interrupting the conversation, and then addressed CDT Rapone with the following statement: "The next time I see you in this building, you'd better be wearing a uniform. You are not allowed to be in an academic building in civilian clothes." As I was saying this, I noticed that CDT Rapone was not looking me in the eye. Instead, he was sneering at something on my uniform. I followed his eyes and then looked down to see what he was looking at; I then realized that he was staring at the name tag on my ACU top, as if memorizing my name. I interpreted this to be a thinly veiled threat, as if he was planning to take some sort of action against me. I admit this made me quite angry, and I said, "Make sure you spell my name right!" I proceeded to the latrine, and then returned to my office.

I graduated from West Point in 1997 and have been a commissioned officer for over 18 years. I've served in various leadership positions all over the world, including a combat zone in Iraq. Never in over 18 years has any Soldier spoken to me or treated me with such extreme disrespect as CDT Rapone did on the night of 17 November. His utter contempt for my rank and position as an Army officer was blatantly obvious and, to me, it indicates that CDT Rapone has a serious problem with military authority figures. Indeed, this is not the first time I have corrected CDT Rapone for ridiculously unprofessional behavior. He perpetually needs a haircut, and he never seems to get one even after being corrected for it. I have told him to get haircuts in the past, and I know other officers have, as well. Also, approximately one month ago, I walked out of my office during Dean's Hour to find CDT Rapone lying down perpendicular to the wall in Thayer Hall, with his legs stretching out across the hallway. Civilians were detouring around his legs as they tried to make it down the hallway. I ordered him to sit up and get his legs out of the hallway, to which he replied, "Well, we have to wait here for Professor Hosein." He said this while still seated. I told him that he may have to wait, but he certainly did not need to lie down across the hallway so his legs block the way for everyone else. Again, his demeanor was one of utter contempt for me, and apparently for the expectation that he would conduct himself in a professional manner.

The next morning (18 November 2015), I confided in three close friends/colleagues about what had occurred on the night of 17 November. One officer told me that he had had serious misgivings about CDT Rapone for a long time, and he proceeded to show me CDT Rapone's Facebook page. What I saw completely stunned me. From his various online rantings and posts, it appears that CDT Rapone is an avowed Marxist, which is completely out of line with the values of this nation and its Army. Moreover, CDT Rapone's posts indicate that he hates West Point, the U.S. Army, and indeed this country. One post dated 16 November 2015 states, "...Fuck this country and its false freedom." He also labels a guest lecturer for MX400 a "fascist," and he even implicitly justifies the actions of ISIS and blames the United States for terrorist attacks. He accuses West Point of being part of an "imperialist narrative," and he is very accusatory of the United States in general. On the other hand, he has many posts praising Communism, Marxism, and Marx himself. Personally, I find this extremely disturbing. I cannot reconcile the image of a first class cadet at West Point with the things he has posted online for the world to see. To me, these are red flags that cannot be ignored, and I fail to see how this individual can possibly graduate and become a commissioned officer in six months. It is very personal to me, given that my son wants to enlist and I would NOT want CDT Rapone to become his platoon leader. I firmly believe that CDT Rapone depends on his prior enlisted service in a Ranger battalion to "get him by" here at West Point. In fact, that may be exactly what has happened for three years. People see the Ranger scroll on his right shoulder and they probably automatically assume that he is a good cadet and even a role model for other cadets. Unfortunately, nothing could be further from the truth.

INITIALS OF PERSON MAKING STATEMENT

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## 9. STATEMENT (Continued)

At best, Cadet Rapone's online ideological screeds reveal the philosophical infatuations of a precocious adolescent, rather like a high school boy who cannot stop spouting off about Nietzsche. The "misunderstood" and "persecuted" young genius shouts truth to power by cobbling together ideas and quotations popping up in chat rooms or on Facebook walls, certain that his provocative and shocking proclamations will, based solely upon their vehemence and sarcasm, demonstrate both the profound sincerity and the unassailable correctness of his viewpoints. This phase tends to be ephemeral, the erstwhile youthful firebrand eventually emerging from the self-adulatory fog after eye-opening encounters with equally brilliant people articulating cogent, well-supported, and entirely contrary arguments, or having gained sufficient life experience to illustrate the fundamental interpretive emptiness that renders any strictly Manichaeian worldview emotionally unfulfilling and analytically bankrupt. At worst, however, Cadet Rapone's statements bespeak either a severe mental or psychological disorder, or a genuine commitment to values and ideals wholly at odds with those of West Point and the Army. If the former is true, he is dangerously unbalanced, and therefore not suited to military service. If the latter is true, he is a coward and a hypocrite who refuses to discontinue his association with an institution that, as he sees it, is a tool of an inherently unjust, immoral, and imperialist state. He may at some point grow out of this phase, but the Army does not have the luxury of allowing him the opportunity to sort out his beliefs while charged with the sacred duty of leading American Soldiers.

Nothing Follows

Nothing Follows

## AFFIDAVIT

I, LTC Robert M. Heffington, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Robert M. Heffington

(Signature of Person Making Statement)

WITNESSES/

[Redacted]

ORGANIZATION OR ADDRESS

[Redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of November, 2015

at Room 136 Thayer Hall West Point NY 10996

[Redacted]

(Signature of Person Administering Oath)

[Redacted]

(Typed Name of Person Administering Oath)

[Redacted]

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

RMH

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