

Opening Statement of Ranking Member Ron Johnson
Permanent Subcommittee on Investigations
“Coast Guard Oversight: Sexual Assault and Harassment”
June 11, 2024

As submitted to the record:

Over the last eight months, the Coast Guard has stonewalled and stymied the Permanent Subcommittee on Investigations’ (“PSI” or “the Subcommittee”) bipartisan investigation of sexual assaults and harassment at the Coast Guard Academy (“the Academy”).

The Subcommittee continues to seek records and communications relating to the Coast Guard’s own investigation into sexual misconduct at the Academy. That investigation, called Operation Fouled Anchor, uncovered more than 100 potential assaults occurring between 1990 and 2006. However, after the investigation ended in 2020, the Coast Guard kept all information about Operation Fouled Anchor, including the final report, hidden from Congress and the public for three years. The decision to cover-up Operation Fouled Anchor was not only a disservice to the victims, but it also undermined the public’s trust in the Coast Guard and hindered Congress’s ability to hold individuals accountable in a timely manner.

Today, we face a similar unfortunate reality where the Coast Guard has been unwilling to provide this Subcommittee with complete transparency regarding Operation Fouled Anchor. In September 2023, PSI requested all records relating to Operation Fouled Anchor. To date, the Coast Guard has only produced approximately 17,000 pages, even though it previously told the Subcommittee it had identified approximately 25,000 to 30,000 pages of responsive records. The documents produced so far include a significant number of duplicated and heavily redacted records. Only a small subset of those records consists of emails, many of which contain missing attachments or redactions.

For months, the Subcommittee has told the Coast Guard numerous times to hasten its production of responsive records, remove redactions, and provide missing email attachments. The Coast Guard continues to fail to meet the Subcommittee’s expectations. As the Chairman and I wrote in an April 2024 letter to Admiral Fagan, “it appears the Coast Guard’s actions can only be explained by either its indifference or another shameful attempt to cover-up the embarrassing truths of its mishandling of cases involving sexual assault and sexual harassment.”¹

Indeed, the limited amount of records produced to date provide a glimpse of the Coast Guard’s apparent apprehensiveness about disclosing Operation Fouled Anchor to the public. One document from October 2018 specifically noted that being “Proactive with Congress” is “Not Recommended” because it could “risk the initiation of comprehensive Congressional

¹ Letter from Chairman Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Apr. 25, 2024), <https://www.hsgac.senate.gov/wp-content/uploads/2024.04.25-Letter-from-PSI-to-USCG-and-Invitation-for-Admiral-Fagan.pdf>.

investigations, hearings, and media interest.”² However, because the Coast Guard continues to withhold thousands of pages of relevant documents from the Subcommittee, the full extent of the Coast Guard’s decision to cover-up Operation Fouled Anchor has yet to be realized.

Similarly, as a result of the Coast Guard’s obstruction, the Subcommittee’s understanding of the development of Operation Fouled Anchor has also been limited. The Subcommittee has found multiple records dating from June 2018 to January 2020 that appear to contain attachments with draft reports on Operation Fouled Anchor. However, in the productions the Subcommittee received, the Coast Guard removed the attached documents. The limited communications the Coast Guard did produce appear to indicate that at one point the draft report on Operation Fouled Anchor was 11 pages long, but by October 2019, it was reduced to five pages. The final 2020 report is six pages long. Having complete access to these draft reports is crucial to the Subcommittee’s understanding of Operation Fouled Anchor.

I told Admiral Fagan as much when I met with her in January of this year. During the meeting, I showed her a copy of a March 27, 2019 email that should have included a draft report on Operation Fouled Anchor as an attachment, but the Coast Guard had not provided it. Admiral Fagan committed to providing that attachment and assured me that the Coast Guard would produce the other missing attachments as well.

Nearly five months passed and the Coast Guard still refused to make good on Admiral Fagan’s commitment. In fact, in an email to Subcommittee staff three weeks ago, the Coast Guard began asserting executive privilege to justify its withholding of the requested draft documents. The Coast Guard refused to provide any information in support of its assertion, such as a privilege log or an explanation of how these documents are covered by a privilege claim.

Just a few days ago, perhaps in an effort to avoid embarrassment at this hearing, the Coast Guard offered to make 929 pages of draft reports available for the Subcommittee to review in camera with potential redactions. By no means should this offer be viewed as a genuine attempt on the Coast Guard’s part to accommodate the Subcommittee.

Recently, when the Subcommittee agreed to review a small set of Coast Guard emails in camera, the Subcommittee subsequently discovered that the Coast Guard had applied an *additional* redaction to a document reviewed in camera compared to the same document the Coast Guard simultaneously produced to PSI. It has also become evident that the Coast Guard uses in camera reviews as a way to delay or deny producing certain records to the Subcommittee. It is clear that the Coast Guard has become a major impediment to the Subcommittee’s efforts to inform the public, including former and current servicemembers, about Operation Fouled Anchor and the Coast Guard’s cover-up of sexual assaults.

² Letter from Chairman Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Feb. 14, 2024), <https://www.ronjohnson.senate.gov/services/files/DF42BCC0-8B49-4EC2-8278-8B232B3893CE> at Enclosure 12-13.

Based on revelations from the Coast Guard itself, it appears that the Department of Homeland Security (“DHS”), which oversees the Coast Guard, is also responsible for obstructing the Subcommittee’s efforts. The Coast Guard has disclosed that it coordinates with DHS on how to respond to the Subcommittee and that DHS reviews and has final approval of which records are released to the Subcommittee. PSI understands DHS’s Office of the General Counsel has been slow-walking its review of potential responsive records, further delaying the Coast Guard’s productions to the Subcommittee.

Public reports have revealed that the DHS Office of Inspector General is also investigating Operation Fouled Anchor.³ It is my understanding that the Inspector General’s office has faced similar obstruction from DHS in its effort to hold people accountable for sexual misconduct. The Subcommittee takes seriously any attempts by DHS or the Coast Guard to hinder the Inspector General’s work, as well as PSI’s ongoing investigation.

Therefore, I believe it is well past time for the Subcommittee to issue a subpoena to the Coast Guard for all responsive records on Operation Fouled Anchor. I thank all the whistleblowers who have contacted the Subcommittee regarding the Coast Guard’s mishandling of sexual assaults.

³ AJ Pulkkinen, *Strengthening Coast Guard culture*, U.S. Coast Guard (Feb. 6, 2024), <https://www.mycg.uscg.mil/News/Article/3667756/strengthening-coast-guard-culture/>.