



**TESTIMONY OF
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**ON
“THE COAST GUARD’S HANDLING OF OPERATION FOULED ANCHOR
AND ITS RESPONSES TO THE SUBCOMMITTEE’S INQUIRY”**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS -
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

June 11, 2024

Introduction

Good afternoon, Chairman Blumenthal, Ranking Member Johnson, and distinguished members of the Subcommittee. Thank you for the opportunity to testify today and for your enduring support of the Coast Guard.

Under my leadership, the Service has focused on the prevention of sexual harassment and sexual assault, matured policies to hold members and leaders accountable, and listened to and supported victims and survivors. From senior leaders to the most junior recruits, everyone in our Service must be committed to fostering a culture where each member of our workforce is valued, empowered, trusted, and supported. That commitment starts and ends with me.

Over the last several months, the Coast Guard has responded to inquiries from your Subcommittee, other Congressional Committees, the Department of Homeland Security (DHS) Office of Inspector General (OIG), the Office of Special Counsel, and members of the media and public about the handling of investigations of prior sexual misconduct at the Coast Guard Academy. I am committed to responsiveness to oversight, transparency in responding to all inquiries related to this issue, within the limits of the law, and to accountability for those who are found to have engaged in harmful or criminal behaviors, including sexual assault and sexual harassment.

Operation Fouled Anchor

In 2014, a former Coast Guard Academy cadet reported to the Coast Guard Investigative Service (CGIS) that she was sexually assaulted by a fellow cadet in the 1990s. During the investigation into that case, the Service learned of other potential victims of sexual misconduct at the Coast Guard Academy from 1988 to 2006¹ whose cases were either mishandled, not reported at the time, or not investigated. Accordingly, CGIS began reaching out to potential victims and opened

¹ Based on information from the initial allegation in 2014, CGIS identified and investigated cases from 1988 -- the earliest time frame of when allegations were made -- to 2006, when the Coast Guard Academy held its first ever court martial of a cadet for an allegation of sexual assault.

numerous criminal investigations. This effort resulted in hundreds of leads and almost 20,000 investigative hours from 2014-2020. This effort was referred to as Operation Fouled Anchor.

Although the investigation sought to cover as many cases as possible during that time period, not every allegation that the investigators identified as occurring between 1988 and 2006 was investigated as part of Operation Fouled Anchor. Given the passage of time between the alleged offenses and the investigations, jurisdictional limitations, and evidentiary issues, Coast Guard criminal prosecutions were not possible in certain cases. However, the Coast Guard took action to hold offenders accountable through administrative means where the evidence was sufficient to support the allegations and the individual remained within the Coast Guard's jurisdiction.

Although the Coast Guard conducted extensive outreach to victims to inform them of the disposition of individual investigations, the Service failed to notify Congress and DHS leadership while this work was ongoing and upon its completion. In no uncertain terms, this was a mistake. I understand the Coast Guard's failure to disclose the investigations and its findings deprived Congress of the opportunity to conduct proper oversight then, and the Coast Guard is committed to cooperating with Congress's inquiries as it conducts its oversight now.

Transparency

The Coast Guard is committed to transparency, cooperating with Congressional oversight, and to aggressively searching for and providing responsive documents. The Subcommittee asked for records relating to sexual assault and sexual harassment investigations not only from Operation Fouled Anchor but also from 2006 to present related to allegations involving the Coast Guard Academy. The Coast Guard has provided the Subcommittee with over 16,000 pages of documents to date. We have offered to make witnesses under the Service's employment available to the Subcommittee upon request, and I reiterate that commitment here.

We recognize and appreciate the Subcommittee's need for materials to inform its investigation. The Coast Guard has provided a broad scope of responsive material, minimized redactions, and offered an accommodation of *in camera* reviews of certain redacted materials to facilitate full access to relevant information while still protecting the privacy interests of individuals. The Service is fully committed to continuing to work with the Subcommittee to provide further accommodations where additional material is needed in furtherance of the Subcommittee's legislative interests.

The Coast Guard searched senior leader email communications within the relevant period in response to your request for emails related to the decision on whether to disclose Operation Fouled Anchor to Congress. Using broad keywords to ensure that no responsive documentation was missed, the initial search produced 1.8 million potentially responsive materials. Ultimately, hundreds of thousands of pages of emails captured as part of the search had no relevance to the matter at hand. After a thorough review of all potentially responsive pages, the Coast Guard has identified and provided over 2,000 pages to the Subcommittee and is continuing to review emails for responsive material. If additional responsive materials are identified, I commit that the Service will continue to provide materials to the Subcommittee, in response to this and other requests, on a rolling basis.

The Coast Guard must balance its commitment to transparency with the privacy interests of individuals involved in sensitive criminal investigations and the interest of protecting privileged communications among agency officials. Many of the records produced are reports from the criminal investigation into sexual assault allegations and expose the most intimate details regarding the lives of those involved. For that reason, the materials have been redacted to protect the privacy interests of those individuals whose names appear in the documents – which include victims and survivors of sexual assault who participated in the criminal investigations conducted by CGIS, many of whom only agreed to participate after receiving assurances that their privacy would be respected. Other individuals whose names are redacted include agents, witnesses, persons with knowledge, and subjects, including subjects against whom allegations were not substantiated. These redactions, as well as limited withholding of pre-decisional materials, attorney-client privileged communications, and attorney work product, are wholly consistent with longstanding Executive Branch practice, opinions from the Department of Justice’s Office of Legal Counsel, as well as the accommodations process.

While the Coast Guard is committed to transparency to all audiences, the Service cannot, as a matter of law, provide the same information to the workforce and the general public as it does to Congress. For example, there are laws protecting the privacy of individuals, including the Privacy Act, which prevent the Coast Guard from publicly disclosing certain administrative actions it has taken against individuals. I recognize that can be frustrating to some members of the workforce and the public. Nevertheless, the Coast Guard is obligated to follow the law and protect the privacy interests of those involved in allegations. The Service is constantly seeking ways to provide the greatest transparency while still complying with the law and DHS and Executive Branch policies, and will continue to identify areas in our own policy where we can provide a greater amount of information to the workforce, and work with Congress to identify areas where legislation may be necessary.

The Coast Guard is fully cooperating with the investigation by the DHS OIG, initiated at the request of Congress, and is providing access to all relevant and necessary information for a thorough review of Coast Guard actions related to Operation Fouled Anchor.

Accountability

After the Operation Fouled Anchor investigation was complete, allegations raised in various cases were directed to a Consolidated Disposition Authority (CDA), who assessed the feasibility of pursuing criminal prosecution and the likelihood of securing and sustaining a conviction on potential charges. Subjects who had been accused of assaulting or harassing alleged victims were held accountable to the extent permitted under jurisdictional and evidentiary limitations that applied at the time.

Although no allegations of sexual misconduct were reported against senior leaders at the Coast Guard Academy between 1992 to 2006, investigators scrutinized the responsibility of these officers to determine whether any failed to take appropriate action. The CDA determined no action was warranted or possible against former senior leadership of the Coast Guard Academy — the vast majority of whom were retired or had passed away by the time of Operation Fouled Anchor.

The Coast Guard has been reviewing consequences that might be imposed on subjects who have left the service and will take action when we have permission of the OIG to move forward.

Policy and Cultural Change Actions / Progress

It is essential that members of the Coast Guard adhere to our core values of Honor, Respect, and Devotion to Duty, and it is my priority to strengthen the culture that deters harmful behaviors and gives everyone the positive Coast Guard experience they expect and deserve. In July 2023, I directed a Service-wide review of current law, policy, processes, resources, and Service culture relevant to eradicating sexual assault and harassment in our ranks with a focus on identifying gaps and opportunities for improvement. The review team identified two significant themes following their interactions with Coast Guard members and employees.

First, many Coast Guard members are not currently experiencing the safe and empowering work environment that they rightfully expect and deserve. Second, there is a noticeable erosion of trust in Coast Guard leadership. As the Commandant of the Coast Guard, I am fully committed to ensuring that all Coast Guard members experience a safe and empowering work environment and to restoring that trust within our workforce.

In response to findings from the review, I directed 33 initial actions to further cultural norms around respect, transparency, and accountability across six areas: workforce training, culture, and professional development; Integrated Primary Prevention; core values; accountability; the Coast Guard Academy; and information, data, and transparency. The Service is making tremendous progress in implementing the directed actions, with nearly half of the initiatives already completed. These include specific initiatives with the following titles: Strengthening Service Culture Summit; Senior Leader Engagement through the 2024 Commanding Officer Conference Cycle; Online Mandated Sexual Assault Prevention, Response and Recovery Training; Coast Guard Academy Reporting Structure; Highest Grade Satisfactorily Held Determination; Characterization of Service; Safe to Report Policy; Command Transparency Toolkit; Resource Hub; Cadet Swab Summer; Cadet Oversight; Cadet Conduct System; and the Coast Guard-wide Climate Survey.

In addition to the directed actions, the Service has identified further opportunities to support our workforce and enhance our culture. These include working with Congress to identify gaps in Coast Guard authorities related to accountability and establishing a new Enterprise Victim Advocate position, a first of its kind in the armed forces. The Enterprise Victim Advocate began working in January 2024 and is advising senior leaders and engaging victims, advocating for enterprise actions in response to issues affecting the workforce. Furthermore, the Coast Guard has recently established the Office of the Chief Prosecutor to ensure experienced military prosecutors handle the disposition of the most serious crimes, reinforcing the Service's commitment to accountability. Additional actions we have taken are summarized in a MyCG article submitted for the record.

The Fiscal Year 2024 Further Consolidated Appropriations Act allocated \$1.5 million for an independent review of the Coast Guard's efforts to address the issue of sexual assault and harassment at the Coast Guard Academy and within the Service. The review will provide an unbiased assessment of the Coast Guard's proposed organizational climate and culture improvements, victim and survivor support, and measures for preventing harmful behaviors. I look forward to the recommendations that will contribute to enhancing our workforce culture and fortifying our support for victims and survivors.

We have begun a Strengthening Service Culture initiative to better align our lived experiences with the Coast Guard's Core Values of: Honor, Respect, and Devotion to Duty. This initiative and my initial 33 directed actions are just the beginning of what the Service will do to create the culture that our members deserve. I am confident that these measures, and others that we will take in the future, will enhance organizational culture and contribute to our goal of fostering an environment free from sexual assault, harassment, bullying, hazing, retaliation, and reprisal. The Coast Guard is committed to continuous improvement to ensure the safety and well-being of our people.

Conclusion

The Coast Guard is committed to transparency as we work to improve Service climate and culture, prevent sexual assault and harassment, and enhance care and recovery resources for victims. Rebuilding trust within our workforce is our top priority, and it starts with removing barriers to reporting, ensuring accountability, and promoting transparency from senior leadership.

Thank you for the opportunity to testify today and thank you for your continued support of the United States Coast Guard. I look forward to your questions.