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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

June 30, 2023

Admiral Linda L. Fagan
Commandant, United States Coast Guard
2703 Martin Luther King Jr. Avenue SE
Washington, DC 20593

Dear Admiral Fagan:

Within the last week, the Coast Guard provided an informal oral briefing to the Committee on Commerce, Science, and Transportation (“the Committee”) staff regarding a previously undisclosed, years-long investigation into allegations of sexual assault and sexual violence that the Coast Guard referred to as “Operation Fouled Anchor.” This information is disturbing. We write to express our grave concern regarding the reports of rape, sexual assault, and sexual harassment at the United States Coast Guard Academy (“the Academy”) between 1988 and 2006 and the Coast Guard’s lack of action to properly and timely investigate, prosecute, and report these criminal acts. We are also concerned about the Coast Guard’s failure to disclose its investigation that began in 2014 and ended in 2020, the withholding of which some have described as intentional. The Committee, through its oversight role, is routinely briefed on Coast Guard operations and personnel matters. It is disturbing that, despite requirements in 14 U.S.C. § 1902, the Academy implemented a sexual harassment and sexual violence policy and reported on its implementation to the Commandant, and yet the Coast Guard did not disclose this information to the Committee in the prior decade.

The Coast Guard briefing raised several issues and, in furtherance of the Committee’s oversight responsibilities, the Committee is seeking additional information to determine if the Coast Guard complied with the law and to inform potential legislative actions.

First, according to the Coast Guard briefing, the Coast Guard established “Operation Fouled Anchor” in 2014 to investigate certain reports of sexual assault and sexual violence. The Committee is concerned about the use of the term “operation” to describe an investigation or investigations into these reports, which should have been promptly investigated on an individual basis when initially reported. The Coast Guard briefing indicated that the “operation” ultimately identified 62 substantiated incidents of rape, sexual assault, and sexual harassment that occurred at the Academy, or by Academy cadets. The Committee is requesting additional documentation

about the scope and scale of the “operation”, who led and initiated the “operation”, the outcome of the “operation”, and what corrective actions were taken in response.

Second, according to the Coast Guard, the investigation into the reports identified 42 individuals against whom there may have been substantiated claims of rape, sexual assault, and sexual harassment, yet it does not appear that the Coast Guard appropriately investigated when the incidents were reported. The Committee is most concerned that, per the briefing, the Coast Guard neglected to pursue disciplinary measures, whether punitive or administrative, against most individuals for whom the investigations substantiated claims of rape, sexual assault, and sexual harassment, which is unacceptable. Also disturbing, according to the Coast Guard, as a result of the investigations, two officers were given the opportunity to retire as commanders (O-5) and are still enjoying their full pensions and veteran's benefits. Those two officers were confirmed by the Senate at least once (likely more than once) during the course of the investigation. The Coast Guard Investigative Service is charged with reviewing promotion lists before they are sent to the Senate for confirmation. The Committee was not notified that the officers were under investigation when the Coast Guard provided the promotion lists to the Senate resulting in their confirmation. It is unclear how many other officers had substantiated claims against them, were not disciplined, and remained in positions of leadership or management.

The Committee is also concerned that, to the extent that the Coast Guard maintained administrative oversight of individuals subject to these investigations for years after the survivors' claims were substantiated, the Coast Guard did not include information regarding the investigation in the individual's personnel record, which should be available to managers and supervisors when making decisions about assignments, awards, and promotions. The Committee is requesting additional documentation regarding the Coast Guard's policy and procedures for including investigation information in an individual's personnel record, and specific documentation about the 42 individuals against whom there may have been substantiated claims of rape, sexual assault, and sexual harassment.

Third, the Committee is concerned about the potential for the individuals against whom there may have been substantiated claims of rape, sexual assault, and sexual harassment to currently hold security clearances. The Coast Guard admitted to failing to modify the records of the substantiated individuals. It is possible that the individuals retained their security clearances and continued to receive favorable background investigations due to the lack of documentation of these substantiated incidents of rape, sexual assault, and sexual harassment. The Committee is requesting additional documentation about the security clearance status of these 42 individuals.

Fourth, according to the Coast Guard, the “operation” also uncovered Coast Guard personnel who failed to respond to reports of rape, sexual assault, and harassment at the Academy between 1988 and 2006, and were not investigated or disciplined for their lack of action. We understand from the Coast Guard that the “operation” revealed Coast Guard leaders had knowledge of, and in some cases received formal or informal complaints or other disclosures of rape, sexual assault,

and sexual harassment, yet did nothing. According to the Coast Guard, these individuals were not investigated for failing to take action against subjects of those crimes, and, at best, were each only interviewed once during the “operation.” More disturbingly, some of these leaders discouraged survivors from filing formal complaints or otherwise disclosing their assaults. The Committee believes that the Coast Guard should have launched subsequent investigations to evaluate and correct systematic oversight and investigation failures that resulted in decades of unresolved sex crimes. The Committee is requesting documentation about the investigations into Coast Guard personnel who were responsible for responding to reports of sexual harassment or sexual violence during this time period.

Lastly, the Committee is concerned that the Uniform Code of Military Justice and Coast Guard policy is outdated and ill equipped to adequately protect survivors of sexual harassment and sexual violence. Despite the Coast Guard having the administrative authority when the “operation” ended to specifically recognize a “loss of confidence” in personnel related to cases of rape and other sexual assault crimes there was a failure to add administrative information to their records to reflect their status, and a failure to take any action. The Committee is concerned, based on the Coast Guard’s briefing, that this authority is not being used to appropriately discipline individuals who were investigated and remain (or remained) in the Coast Guard. The Committee is asking for documentation about the Coast Guard’s use of this authority with respect to individuals who either had cases substantiated against them or who failed to properly investigate reports and those who remain in the Coast Guard.

Due to the concerns expressed above, the Committee requests that the Coast Guard provide all documentation related to these investigations as outlined in this letter, what the Coast Guard has referred to as “Operation Fouled Anchor”, and the additional questions further detailed in the appendix to this letter. The Committee will use this information to determine if there are legal, structural, or policy barriers to pursuing full accountability for past, present, and future substantiated perpetrators.

We must resolve the past to build a better future for the Coast Guard, and in this case, that means pursuing full accountability for perpetrators and investing in meaningful support for survivors. We request responses to these questions no later than July 14th, 2023. For any questions, you may contact Nicole Teutschel and George Greenwell at 202-224-3757.

Sincerely,



MARIA CANTWELL
Chair



TAMMY BALDWIN
Subcommittee Chair

CC:

Appendix 1:

Please provide all documents and records, including memoranda, emails, reports, surveys, investigative notes, complaints, and other responsive information to the following:

1. All documentation related to “Operation Fouled Anchor”, including;
 - a. all final action memoranda,
 - b. reports,
 - c. associated service record entries,
 - d. complaints filed at the Academy, or associated with the Academy, from 1988 to 2006,
 - e. complaints filed during “Operation Fouled Anchor,”
 - f. investigation timelines for the whole of “Operation Fouled Anchor” and each individual investigation,
 - g. policy changes made during, after, or in response to “Operation Fouled Anchor”,
 - h. briefings provided to Coast Guard leadership throughout and after the completion of “Operation Fouled Anchor” or any associated investigations, specific Commandant Instructions, Superintendent Instructions, policy, or regulations with respect to “operations” in the Coast Guard,
 - i. documents including all approval correspondence regarding the closure of “Operation Fouled Anchor” as well as any documents regarding the deliberation of that closure and the determination not to notify Congress.
2. During the course of Operation Fouled Anchor and since the completion of Operation Fouled Anchor, has the Coast Guard:
 - a. pursued any punitive or administrative actions against any subjects identified in the operation?
 - b. referred any cases to the Department of Justice? If so, please include the date and nature of that referral(s).
 - c. referred any cases to any state, Tribal, Armed Service, or other law enforcement personnel? If so, please include the date and nature of that referral(s).
 - d. disclosed its findings to the Coast Guard Academy Board of Visitors? If so, provide the date, forum, and information provided.
 - e. disclosed its findings to the Coast Guard Academy Board of Trustees? If so, provide the date, forum, and information provided.
 - f. disclosed its findings to Congress? If so, provide the date, forum (hearing, reports, etc.), and information provided as appropriate.
3. What behavioral health or other support services were provided to survivors identified throughout “Operation Fouled Anchor”?
4. Did all Coast Guard cadet survivors successfully graduate from the Academy? If not, did

the Coast Guard review their records to examine whether the survivors received adequate support during their time at the Academy? Did the survivors experience any additional avoidable hardships, financial or otherwise, that the Coast Guard has identified? Were those hardships mitigated by the Coast Guard at the time or as a result of “Operation Fouled Anchor”?

5. As part of “Operation Fouled Anchor” or subsequent investigative action, did the Coast Guard investigate individuals with substantiated claims to determine whether the individual may have committed other offenses during their full service in the Coast Guard?
6. Provide the names and ranks of all subjects with substantiated claims for oversight purposes. For each subject, provide all command climate surveys as applicable, all officer evaluation reports, as well as any other complaints made against each subject officer during their entire Coast Guard service (active duty, reservist, and civilian). Provide the dates of service (active duty, reservist, and civilian) for each subject as well as their DD214 discharge paperwork detailing the individual’s discharge and separation code.
7. For each of the 62 substantiated incidents, please provide the date in which the incident was first reported to the Coast Guard, including the names (subject, and any individuals who received formal or informal reports of complaints of the incident(s)), ranks, and outcome of each report.
8. Provide a list of Academy superintendents, vice superintendents, commandant of cadets, and assistant commandant of cadets during the “Operation Fouled Anchor” investigation period.
9. As part of “Operation Fouled Anchor” or subsequent investigative action, did the Coast Guard investigate individuals, including Academy leaders, who failed to investigate claims of rape, sexual assault, or sexual harassment cases during the period covered by the “operation”? Please describe.
10. Please provide the name any individuals for which the Coast Guard revoked security clearances at any time during “Operation Fouled Anchor”. Do any subjects with substantiated claims currently hold security clearances as an employee or individual sponsored by the Coast Guard? Please describe.
11. Are any of the individuals with substantiated claims currently employed by the Department of Homeland Security, including the Coast Guard, as an active-duty member, reservist, or civilian?
12. Did the Coast Guard disclose cases or other information gathered as part of “Operation Fouled Anchor” to the Department of Homeland Security Office of Inspector General,

the Department of Defense Inspector General, the Government Accountability Office, or other federal entity? If so, provide the dates and nature of information provided.

13. Did the Coast Guard receive requests for information from the Department of Homeland Security Office of Inspector General, the Department of Defense Inspector General, the Government Accountability Office, or other federal entity during or after Operation Fouled Anchor yet failed to provide that information? If so, include the date, entity, and nature of the information request.
14. During the Committee's preliminary staff briefing regarding "Operation Fouled Anchor", the Coast Guard disclosed that over the course of the investigation, there were 58 survivors and 103 leads, meaning individuals with information related to potential sexual assaults or sexual violence, identified. Did any of those individuals meet the definition of a whistleblower under Title 10 U.S.C. § 1034 or Title 5 U.S.C. § 2302? If so, did the Coast Guard investigate any instances where whistleblower rights may not have been protected? If so, please describe.
15. If any survivors or leads met the definition of a whistleblower, what resources did the Coast Guard provide those individuals regarding their rights? Provide documentation of all materials provided and the nature of how those materials were provided.
16. Describe how "Operation Fouled Anchor" was carried out, including the number of personnel, resources, as well as policy and regulations governing the "operation". What individual(s) led the investigation? What individuals identified and established the scope of the investigation? Which Coast Guard leaders were kept apprised of the investigation, and on what dates? Which offices and individuals provided legal support, advice, and recommendations to the "operation"? How did the Coast Guard manage the information pertaining to subjects identified in the "operation" and how was that information shared with the appropriate entities in the Coast Guard Office of Personnel Management, as well as Coast Guard personnel charged with briefing Congress drafting testimony, and drafting annual reports to Congress?