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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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September 12, 2023

The Honorable Admiral Linda Fagan
Commandant
U.S. Coast Guard
2703 Martin Luther King Junior Avenue, SE
Washington, D.C. 20593

Dear Admiral Fagan,

In 2014, the United States Coast Guard (USCG) initiated an investigation into allegations that the USCG Academy (the Academy) mishandled dozens of reports of rape and sexual assault at the Academy from the late 1980s until 2006.¹ This investigation, named “Operation Fouled Anchor,” concluded in January 2020 but was not disclosed to Congress or otherwise made public until June 2023.² Operation Fouled Anchor ultimately determined that during the years reviewed, dozens of allegations of sexual assault at the Academy—implicating 43 individuals—were not properly handled.³

A January 31, 2020 memorandum summarizing the investigation from Vice Admiral Michael McCallister titled “Fouled Anchor Investigation – Final Report,” stated: “This investigation revealed that organizational and [Academy] reputation during this period often weighed against initiation of a criminal investigation and took precedence over concern for the victim.”⁴ According to this memo, the Academy was aware of allegations against 30 of the 43 individuals implicated at the time of the alleged assaults, however, only five were contemporaneously reported to USCG investigative services and/or local law enforcement.⁵ The memorandum concluded that, during the years reviewed, Academy leadership:

[O]ften failed to undertake sufficient action to ensure a safe environment - particularly for female cadets - and instill a culture intolerant of any form of sexual misconduct; they did not promote and maintain a climate conducive to reporting incidents of sexual assault; and they did not adequately investigate alleged offenses as serious criminal matters and hold perpetrators appropriately accountable. Most

¹ *Coast Guard Apologizes for Covering up Long History of Sexual Assault*, New York Times, June 30, 2023 (<https://www.nytimes.com/2023/06/30/us/politics/coast-guard-sexual-assault.html>).

² *Id.*; see also *Criminal Investigation into Coast Guard Academy Revealed Years of Sexual Assault Cover-Ups, but Findings Were Kept Secret*, CNN, June 30, 2023 (<https://www.cnn.com/2023/06/30/politics/coast-guard-academy-secret-sexual-assault-investigation-invs/index.html>).

³ Memorandum, “Fouled Anchor Investigation – Final Report,” Jan. 31, 2020 (<https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report>).

⁴ *Id.*

⁵ *Id.* at 2.

importantly, the Academy too often failed to provide the support, trust, and care that is so vital for victims of sexual assault.”⁶

According to reporting, under the leadership of your predecessor, Commandant Karl L. Schultz, the USCG made plans to brief Congress on Operation Fouled Anchor’s findings around October 2018.⁷ However, this briefing does not appear to have taken place, and you acknowledged that the January 31, 2020 Final Report from Operation Fouled Anchor was not disclosed to Congress or otherwise made public until June of this year.⁸ This delay in disclosure raises serious questions about why information about the conduct of USCG personnel and safety of cadets was withheld for so long.

While Operation Fouled Anchor was concluded in 2020, the leaders who oversaw or perhaps created the environment where misconduct occurred and did nothing must be held accountable.⁹ It is unclear whether those responsible have continued their careers in the Coast Guard, received higher positions of authority, or left service and escaped accountability all together.¹⁰ The public deserves to know why so many reported cases of sexual assault and harassment were allowed to go uninvestigated for so many years.

You have acknowledged the Coast Guard’s failures and expressed a commitment to fix them going forward, including by announcing a 90-Day Accountability and Transparency Review.¹¹ This is a positive step toward ensuring that all Coast Guard personnel can safely fulfill their commitments to serve our nation in the future.¹²

Pursuant to its authority under Senate Resolution 59 (118th Cong.) and rule XXVI of the Standing Rules of the Senate, the Permanent Subcommittee on Investigations is reviewing reports that the Academy mishandled dozens of sexual assault cases from the late 1990s until 2006, and that it subsequently withheld findings from its investigation into those cases from

⁶ Memorandum, “Fouled Anchor Investigation – Final Report,” Jan. 31, 2020 (<https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report>).

⁷ *Former Coast Guard Head Covered up Secret Investigation into Sexual Assaults at the Coast Guard Academy*, CNN, Aug. 8 2023 (<https://www.cnn.com/2023/08/08/politics/coast-guard-sexual-assault-coverup-invs/index.html>).

⁸ *Id.*; see also Memorandum, “Fouled Anchor Investigation – Final Report,” Jan. 31, 2020 (<https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report>); U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

⁹ U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

¹⁰ *Id.*

¹¹ Admiral Linda Fagan and Master Chief Heath Jones, Workforce Message: Accountability and Transparency, July 17, 2023 (<https://www.mycg.uscg.mil/News/Article/3461192/workforce-message-accountability-and-transparency/>); U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

¹² Admiral Linda Fagan and Master Chief Heath Jones, Workforce Message: Accountability and Transparency, July 17, 2023 (<https://www.mycg.uscg.mil/News/Article/3461192/workforce-message-accountability-and-transparency/>).

Congress. To assist the Subcommittee in better understanding these matters, please provide the documents requested below by October 3, 2023.

1. All records¹³ relating to Operation Fouled Anchor, including but not limited to:
 - a. All reports, updates, memoranda, and other materials, whether interim or final;
 - b. All service record entries associated with all subjects investigated as part of Operation Fouled Anchor, including records reflecting the rank, duty station, and/or retirement or discharge status of all subjects from the time of the alleged incident to the present;
 - c. All briefing materials relating to Operation Fouled Anchor prepared for Members of Congress, the Government Accountability Office, the Department of Homeland Security, the DHS Office of Inspector General, or other entities with oversight authority over the Coast Guard or the Coast Guard Academy; and
 - d. All communications related to whether and when to inform any of the entities listed in subpart (c) or their associated personnel regarding Operation Fouled Anchor, or any of its findings or conclusions.
2. All Coast Guard Academy policies, both current and past, related to sexual assault and harassment, including policies related to the reporting, investigation, and possible disciplinary measures for instances of sexual assault and harassment as well as any policies related to the treatment of victims, whistleblowers, or witnesses to incidences of sexual assault and harassment.
3. All records related to each initiated, ongoing, or completed investigation of sexual assault at the Coast Guard Academy from 2006 to the present, regardless of whether those records are associated with Operation Fouled Anchor.
4. All records related to the Coast Guard's 90-Day Accountability and Transparency Review, including but not limited to the Plan of Action and Milestones expected within 15 days of the 90-Day Review and the final outcome, including any resulting policy recommendations and report.

To expedite the Subcommittee's review, we ask that you submit the material responsive to this request on an ongoing basis as it becomes available. To avoid any unnecessary delays in connection with this production, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*. Please contact [REDACTED] with Chairman Blumenthal at [REDACTED].gov or [REDACTED]

¹³ "Records" include written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, Signal, WhatsApp, or other encrypted messages, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

