

**Committee on Homeland Security and Governmental Affairs**  
**Permanent Subcommittee on Investigations**  
**Hearing: US Coast Guard Academy and Sexual Assault**  
**Testimony of Service Women’s Action Network**  
**12 December 2023**

Good morning, Chairman Blumenthal, Ranking Member Johnson, and members of this very important subcommittee. Your continual and tenacious oversight will be key on this issue and so many others.

I wanted to make sure we mention that because we didn’t have the benefit of fully processing the Coast Guard materials from last Wednesday afternoon, including the ATR,<sup>1</sup> before submitting this written testimony, you will find that many of our recommendations mirror what the Coast Guard proposes. Of course, the keys will be appropriate resourcing, sustained follow through, and vigorous oversight by Service leadership at all levels and DHS.

On behalf of the Service Women’s Action Network (SWAN), a non-profit non-partisan 501(c)(3) with over 10,000 members that has advocated for close to 20 years to eliminate sexual assault and sexual harassment in the uniformed services and to change a culture that allows or encourages problematic and even criminal behavior that damages people, readiness and national security,<sup>2</sup> thank you for the opportunity to give you one more perspective on the sexual assault at the US Coast Guard Academy and the larger issues surrounding that. I also honor the courage of the women sitting beside me for coming forward to tell their stories. I’m here to give you a policy perspective and some comparisons with the Military Service

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<sup>1</sup> “Coast Guard Publishes Accountability and Transparency Review Report and Commandant’s Directed Actions,” US Coast Guard Headquarters Press Release, 6 December 2023.

<sup>2</sup> *Women in the Military: Where They Stand*, Service Women’s Action Network, [www.servicewomen.org](http://www.servicewomen.org), 2019

Academies and DOD which are under different authorities most of the time. You have my short resume, I served in the Air Force for 26 years mostly in technical intelligence, but I also taught at our Academy twice and during my MA and PhD studies in military history one focus was on women in the Services.

Returning to these brave women, and others here, inviting them validates and honors their suffering and survival. More importantly, their being here shows that you are not just talking about esoteric policy and legislation. We are talking about real people who could very well be our sisters, daughters, grandchildren, or others close to you.

First, thank you again for shining a light on these problems at this Academy and in the Coast Guard. I hope the Homeland Security, Armed Services, and Veterans Affairs Committees will all help create more cooperation between the Armed Services and the other Uniformed Services since many of our challenges are the same or related, and we often work together operationally. We thank DOD for its not perfect but renewed emphasis on improving the military culture and climate. And, we believe the Coast Guard may now be serious and sincere about implementing a sustained and continuous emphasis to solve its admitted problems. We believe Congress, DOD, DHS, DOJ, the VA, and the Coast Guard together can improve national and homeland security by attacking this complex problem.<sup>3</sup> Many Veterans and Military Service Organizations (VSOs/MSOs) and other organizations stand by to assist you.

Unfortunately, we old ones, see “ground hog day” over and over again. There is a problem, it goes public, energy is put into policies and training, then we “fire and forget” thinking we’ve solved it. But really these are persistent cultural problems

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<sup>3</sup> Interagency Agreements and Memoranda of Agreement and Understanding already exist in many areas

that continue and they will reemerge into the public eye.<sup>4</sup> Just because it's not in the news every day, doesn't mean it's not a problem every day and doing the same thing over and over again, is not going to yield long term success. Some will continue to commit crimes with impunity, people will suffer, readiness and effectiveness will be reduced, people will continue to move relatively quickly, we will forget why we did some things, and some leaders will continue to fail in their responsibilities with many not being held to account.

### **What's missing?**

1. **Oversight:** I've already mentioned sustained oversight and effort by Congress, the Departments and the Services are the first most important thing. A central challenge for the Coast Guard is that oversight has been mixed and scattered. They need this sustained oversight up and down the chain from the most senior to the most junior leaders, officer and enlisted, and among uniformed and civilian personnel.<sup>5</sup> We trust that current Coast Guard leadership is sincere and they are very aware of issues they have grown up with. They should be regularly reporting, obviously more than they had been, to DHS and Congress to enable oversight and focus and to reestablish some trust.
2. **Combine Efforts:** Relationships should be even tighter than they are between DHS, DOD, the Coast Guard, and the Service Academies to share best practices and combine research efforts more than they do. We believe

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<sup>4</sup> "The Dangerous Cycle of Pentagon Sexual Assault and Harassment 'Lowest Level' Policy", Ashley Merryman, *Lawfare*, 12 April, 2023. Although Merryman is writing about the problems with the 'reporting at the lowest level' policy, she describes the repeating cycle of scandals making the news, often inept fixes, and then reoccurrence in another Service in another form, and so it goes. Other recent opinion pieces describe the same. See also, US Coast Guard Force Readiness Command, Culture of Respect (COR) Integrated Process Team (IPT) Phase I Report April 2015.

<sup>5</sup> There is no Service Secretary between DHS Secretary and USCG Commandant. They do have the Secretary of the Navy when assigned to the Navy, which is rarely.

the new “Accountability and Transparency Review Report” that was released on 5 December 2023 outlines some new efforts and we are still processing that. Programs between DOD and the Coast Guard that could maximize efforts would include the Sexual Assault Prevention and Response programs,<sup>6</sup> DOD SAPRO’s reports and On-Site Inspections and Evaluations and the Defense Advisory Committee on Women in the Services,<sup>7</sup> and research and surveys on the Military Service Academies should include USCGA (and the Merchant Marine Academy), and implementing any recommendations from the DOD Independent Review Commission not already included in Coast Guard plans. The Coast Guard has also established an independent Office of Special Trial Counsel but we’re not sure if that is completely outside the chain of command and reports to DHS and DOJ. Lowest level commanders still have a lot of control of reporting and turning cases over with the option to go the administrative punishment route rather than turning cases over to law enforcement. They still may not ever see the light of the OSTC. To the extent they haven’t been yet, the Coast Guard should incorporate the military justice reforms from NDAA 2022 and 2023 as well as this year’s Executive Order. The Uniformed Code of Military Justice (UCMJ) and Manual for Court Martial (MCM)<sup>8</sup> should be reviewed again to inform how closely the Coast Guard is bound to them and where

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<sup>6</sup> Better yet is the example of the programs that combine anti-sexual harassment and bullying and sexual assault under SHARP to recognize a “continuum of harm” that should not be separated into HR and EEO.

<sup>7</sup> DACOWITS was established in 1951. It includes USGC liaisons and, in the past, included retired USCG members. USCG submits reports and briefings. But sometimes, USCG demurs from collecting data or offering briefings/reports as “not part of DOD” and DACOWITS does not do USCG site visits “because the USCG is not part of DOD.” An IAA or MOU is needed. RADM Coast Guard (Retired) and former DACOWITS member Cari Batson Thomas, wrote a letter 27 November presented as public comment for the 5 December 2023 meeting recommending that DACOWITS include both the USCGA and MMA in their own review of SAPROs MSA report of 2023, and in future years that the USCG be included in SAPRO’s review of the Services every two years.

<sup>8</sup> Approval of Supplemental Materials for the Manual for Courts-Martial (2024 edition), 28 October 2023, General Counsel of the Department of Defense.

additional IAAs and MOUs between DOD, DHS, and DOJ should be instituted. If not already, the Coast Guard should also be a subject of the Defense Advisory Committee on Investigation, Prosecution, and Defense (DAC-IPAD) and the Military Justice Reform Panel (MJRP)

3. **Independent Investigations:** Institutions should conduct their own investigations. As recent cases show, But they must have outside reviews too. In the first instance, the DHS IG has investigated what happened in some cases including LCDR Young-McLear’s case.<sup>9</sup> But it is also unforgiveable that the entire Coast Guard chain of command could not resolve that case with corrective individual and institutional action of its own. And, that goes with the genesis of this hearing I believe, “hiding the ball” on the part of previous leaders at many levels, engenders a growing lack of trust between Congress, the Services, and USCG members as well as the public. A revived and energetic Board of Visitors, as the Coast Guard recommends would be another key. And again, the USCG and USCGA should be covered with DOD SAPRO and DACOWITS efforts. If Congress wants an even more independent look it could, between committees, direct more reports by GAO, OPA, RAND or other FFRDCs, or universities with special expertise in gender, racial, ethnic, and religious relations in the Uniformed Services.
4. **Reporting and Accountability:** Holding perpetrators and failed leaders accountable is a circular problem with reporting. The USCG “Fouled Anchor” report and others show that reports will be ignored, those who report are stigmatized or ostracized, and many have been retaliated against

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<sup>9</sup> DHS IG Report, OIG-20-36, 3 June 2020, substantiating the complaint and enforcing corrective action in a letter from the then Secretary of DHS to the then Commandant of the USCG, news reports, and testimony of LCDR Young-McLear, former USCGA instructor, to the U.S. House of Representatives on 11 December 2019 on bullying, harassment, and retaliation from 2014-2018.

affecting their evaluations, assignments, and promotions as well as retention. In order for changes to take hold, cases of sexual assault must be made public (respecting confidentiality) as others may be inspired to come forward with further evidence and so that when victims and other members of units move, they can still follow progress and outcomes including accusations, arrests, investigations, prosecutions, convictions or exonerations. This creates transparency and transparency equals trust. Evidence shows that even if a case results in acquittal, alleged victims can respect the integrity of the process. For those found guilty or who are administratively punished, even junior men reported in surveys that only consistent and severe enough punishment to “screw up somebodies life” will send the message of not tolerating this behavior. Those subjected to harassment and assault must also be able to trust that bystanders will report. I know there is new training; its effectiveness must be continually assessed

5. **Anticipatory Leadership:** Everyone must count on all leaders to handle reports properly instead of, as reported, protecting their own reputation or their institutions.<sup>10</sup> Leaders must anticipate challenges in all areas of their units of whatever size. This is one they seem to avoid in every regard until it hits them in the face. As reported, we must have a standard of “what leaders knew, or should have known.” Our leaders, from mid-range to senior NCOs and from junior officers to 4-stars must not just mouth the words of “zero-tolerance,” not just provide one more power-point lecture or virtual course, not just support briefings by “expert” civilians perceived as not being in touch with military reality, and not just brief and train only the

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<sup>10</sup> “Fouled Anchor” Investigation – Final Report, US Coast Guard, 31 January 2020. Fouled Anchor Command Accountability Disposition Decision and Completion of Consolidated Disposition Authority Duties, US Coast Guard, 9 July 2019.

women, and, by all means, not on a voluntary basis; volunteering can be stigmatizing for men and women. Our leaders have to constantly ask themselves, what are we modeling for cadets about how to be the leaders we expect them to be when they graduate? The problem only grows when they go into active service whether as survivors or criminals.

6. **VA Outreach:** Finally, please work with the Veterans Affairs Committee to require the VA to conduct specific outreach to Coast Guard Academy graduates enrolled back to 1970s-80s. The VA does a lot of excellent outreach for a lot of reasons and they are getting better at it. The Coast Guard tried at the end of the “Fouled Anchor” investigation to ask the victims if they wanted help. But things have changed, such as the burden of evidence to substantiate MST claims and the VA has been working on better ways to conduct the claims process to work (that needs to improve further). With “Fouled Anchor,” while it looks like we can’t go back in the legal or administrative system to hold not only perpetrators but failed leaders accountable, we could try again to let Veteran survivors know they have earned benefits and help that the nation should provide them.