

**Congress of the United States**  
Washington, DC 20515

July 13, 2023

Admiral Linda L. Fagan  
Commandant  
U.S. Coast Guard  
2703 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20593

Dear Admiral Fagan:

We write today with deep concern regarding the Coast Guard’s mishandling over a nearly two-decade period of dozens of allegations of sexual assault at the Coast Guard Academy (CGA). We are also profoundly troubled by the Coast Guard’s choice to withhold from Congress and the public—as well as the CGA and broader Coast Guard—the Coast Guard’s own findings of the multi-year investigation that uncovered the mishandling of the sexual assault allegations.

***“Fouled Anchor” Investigation***

In June 2023, in advance of the anticipated publication of a news article detailing the Coast Guard’s multi-year investigation of the improper handling of sexual assault allegations at the CGA over an approximately two-decade period, the Coast Guard briefed our staffs on the investigation and its conclusions.<sup>1</sup> In summary, Coast Guard representatives explained that in 2014, an individual disclosed an assault they had allegedly suffered years earlier while enrolled at the CGA. As a result of investigating that allegation, the Coast Guard Investigative Service (CGIS) eventually identified dozens of individuals who may have endured some form of sexual assault at the CGA between the mid-1980s and the mid-2000s and whose allegations were potentially mishandled. The Coast Guard titled the effort to investigate these cases “Fouled Anchor” and closed the investigative effort in early 2020.

Each case examined under Fouled Anchor must be seen individually on the basis of its own unique facts, and we note that the criminal statutes pertaining to rape in effect at the time were deeply flawed. We also note, however, that the failure of the Coast Guard to investigate the allegations of sexual assault at the time they were raised severely limited the ability of survivors to seek and obtain justice, and no actions the Coast Guard could take as a result of Fouled

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<sup>1</sup> *Criminal Investigation into Coast Guard Academy Revealed Years of Sexual Assault Cover-Ups, but Findings Were Kept Secret*, CNN (June 30, 2023) (online at [www.cnn.com/2023/06/30/politics/coast-guard-academy-secret-sexual-assault-investigation-invs/index.html](http://www.cnn.com/2023/06/30/politics/coast-guard-academy-secret-sexual-assault-investigation-invs/index.html)).

Anchor could make up for the pain caused by years of inaction. Ultimately, the Coast Guard took administrative action against only two alleged perpetrators, and the senior leaders who failed to handle the assault allegations had apparently left the Coast Guard by the time the Fouled Anchor investigations concluded.<sup>2</sup>

The Coast Guard subsequently provided additional information about Fouled Anchor to our staffs, including (1) a memo dated July 9, 2019, from Rear Admiral K. M. Smith, who was the Consolidated Disposition Authority for the Fouled Anchor investigation, to Vice Admiral M. F. McAllister, who was then the Deputy Commandant for Mission Support (DCMS), and (2) a memo dated January 31, 2020, from Vice Admiral McAllister (but signed on February 3, 2020) with the subject “‘Fouled Anchor’ Investigation—Final Report.”

Regarding the Fouled Anchor investigation, Rear Admiral Smith’s memo states, in part:

... [I]t is evident to me that Academy leadership often 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 importantly, the Academy too often failed to provide the support, trust, and care that is so vital for victims of sexual assault.<sup>3</sup>

Rear Admiral Smith’s memo also states: “[...] I am left with the belief that Academy officials too often did not fulfill their responsibility to ensure the physical protection, emotional support, and medical and psychological care for those alleging rape or sexual assault.”<sup>4</sup>

This memo offered two actionable recommendations:

I recommend that a copy of this memorandum and Enclosure (1) be required reading for current and future Academy leadership teams. One way to drive success in our continued effort to eliminate sexual assault from our Service and to shape our future efforts is to be reminded of and have a clear and sophisticated understanding of past mistakes.

I also recommend consideration of this memorandum and reference (c) when evaluating whether to invite or retain any former member of Academy leadership from the Fouled Anchor period to participate in leadership, advisory, governance or oversight roles at the Academy or in the Service generally.<sup>5</sup>

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<sup>2</sup> Briefing by Coast Guard Officials to Staff, Committee on Oversight and Accountability (June 28, 2023); Briefing by Coast Guard Officials to Staff, Committee on Homeland Security (June 23, 2023).

<sup>3</sup> Memorandum from Rear Admiral K. M. Smith, Consolidated Disposition Authority, to Vice Admiral M. F. McAllister, Deputy Commandant for Mission Support, *Fouled Anchor Command Accountability Disposition Decision and Completion of Consolidated Disposition Authority Duties* (July 9, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Vice Admiral McAllister's memo accompanying the final report on Fouled Anchor echoed Rear Admiral Smith's memo, stating in part:

Our Service adopted its core values in 1994, including the value of respect. The victims identified in this investigation did not receive that respect on several levels. This investigation revealed that organizational and CGA reputation during this period often weighed against initiation of a criminal investigation and took precedence over concern for the victim. Although we have made significant improvements in the laws and regulations, and in how we respond to sexual assault, we must continue to proactively look for ways to improve our Service's SAPRR [Sexual Assault Prevention, Response, and Recovery] efforts.<sup>6</sup>

Vice Admiral McAllister's memo set forth the following as "Next Steps" for the Coast Guard:

This report and the considerable investigative effort behind it will remind leaders of the need for consistent, uniform application of law and policy, the need to protect all of our service members all the time. I will ensure that we apply the lessons learned from this investigation in weighing future actions to improve our SAPRR program through our Workforce Wellness and Resiliency Council and the SAPRR Subcommittee. Further, I will direct CGA leadership to consider this report, and the history behind it, as it continues to lead with SAPRR initiatives. The outcome we must continuously strive for is a culture, at CGA and throughout our Service, where everyone is treated with dignity and respect, and an intolerance for those who do not show that respect.<sup>7</sup>

### ***Committees' Investigation of Harassment and Bullying Allegations at CGA***

In December 2019, the Majority staffs of the Committee on Oversight and Reform and the Committee on Homeland Security issued a staff report entitled "Righting the Ship: The Coast Guard Must Improve its Processes for Addressing Harassment, Bullying, and Retaliation." The Committees' Democratic staff report examined how the Service had mishandled allegations of harassment and bullying at CGA investigated under the Coast Guard's Anti-Harassment and Hate Incident Policy. To be clear, these allegations (raised by a uniformed faculty member and a staff member at CGA) involved bullying and harassing behavior based in part on race, gender, and sexual orientation; they did *not* involve any alleged sexual assault of any kind. A common and troubling through line appears, however, between the Coast Guard's mishandling of the allegations of bullying and harassment and the Fouled Anchor investigation's conclusions: in both these instances, when confronted with allegations of mistreatment raised by those in subordinate positions (the majority were women), the Service failed to prioritize the appropriate investigation of the allegations, and then it resisted addressing forthrightly the institutional failures that enabled the mishandling of such allegations.

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<sup>6</sup> Memorandum from Vice Admiral M. F. McAllister, to VCG, "Fouled Anchor" Investigation—Final Report (Jan. 31, 2020).

<sup>7</sup> *Id.*

For example, the Committees' efforts to investigate the allegations of harassment and bullying took a year and a half largely because the Coast Guard repeatedly withheld responsive documents and improperly and inconsistently redacted documents initially requested on June 13, 2018.<sup>8</sup> Notably, on August 14, 2019—more than a year after the initial document request—our Committee staffs met with Coast Guard officials to ask questions about the allegations of harassment, bullying, and retaliation under investigation. This meeting occurred eight months *after* the Department of Homeland Security's Office of Inspector General issued a report finding that the uniformed officer stationed at CGA "was retaliated against on the basis of her complaints, in violation of the Military Whistleblower Protection Act" and finding that "potential disparities" and inconsistencies occurred in the handling of harassment complaints at the Academy.<sup>9</sup> The meeting also occurred *after* Rear Admiral Smith already had submitted his memo to Vice Admiral McAllister detailing the Coast Guard's many failures to prioritize the protection of sexual assault survivors at CGA and to address sexual assault allegations properly. Nonetheless, when Committee staff asked the Coast Guard officials present at the August 2019 meeting if they were prepared to answer questions about the Coast Guard's past actions regarding the allegations of harassment and bullying at CGA, a Coast Guard official stated, "We are not." Another official stated, "We're happy to talk about the process as it exists today. We're not willing to go backwards."<sup>10</sup>

After extensive investigation, including the review of thousands of pages of documents and two transcribed interviews, the Committees' staff report on the harassment and bullying allegations concluded that:

Coast Guard military leadership has failed to:

1. Conduct prompt, thorough, and impartial investigations of allegations of harassment and bullying;
2. Hold officials accountable for deficient and incomplete investigations; and
3. Take corrective action to address retaliation against individuals who report harassment and bullying.<sup>11</sup>

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<sup>8</sup> Majority Staff, Committee on Oversight and Reform and Committee on Homeland Security, *Righting the Ship: The Coast Guard Must Improve its Processes for Addressing Harassment, Bullying, and Retaliation* (Dec. 11, 2019) (online at <https://democrats-homeland.house.gov/imo/media/doc/RTS%20Final%20Report.pdf>).

<sup>9</sup> Department of Homeland Security, Office of Inspector General, *Whistleblower Retaliation Report of Investigation* (W17-USCG-WPU-16018) (Dec. 4, 2018).

<sup>10</sup> Briefing by Coast Guard Officials to Staff, Committee on Oversight and Reform et. al. (Aug. 14, 2019); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Admiral Karl L. Schultz, Commandant, U.S. Coast Guard (Aug. 19, 2019) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2019-08-19.EEC%20Thompson%20to%20Admiral%20Karl%20Schultz%20re%20TI%20Request.pdf>).

<sup>11</sup> Majority Staff, Committee on Oversight and Reform and Committee on Homeland Security, *Righting the Ship: The Coast Guard Must Improve its Processes for Addressing Harassment, Bullying, and Retaliation* (Dec. 11, 2019) (online at <https://democrats-homeland.house.gov/imo/media/doc/RTS%20Final%20Report.pdf>).

On December 11, 2019, our Committees held a joint hearing in the Oversight Committee's Subcommittee on Civil Rights and Civil Liberties and the Homeland Security Committee's Subcommittee on Transportation and Maritime Security on the investigation of the allegations of harassment and bullying at which Vice Admiral McAllister testified (following the refusal of the then-Commandant to testify). During that hearing, Vice Admiral McAllister testified in his opening statement: "The entire Coast Guard leadership team is committed to championing and maintaining an organizational climate where everyone feels safe, valued, respected, and included. Simply put, it is a mission imperative."<sup>12</sup>

On February 3, 2020, Vice Admiral McAllister signed the memo closing the Fouled Anchor investigation.<sup>13</sup>

### ***Document and Information Requests***

Never during the Committees' investigation of the CGA did the Coast Guard inform the Committees about their internal investigation of the mishandling of sexual assaults at the Academy. Vice Admiral McAllister did not disclose any information about Fouled Anchor during his testimony in December 2019.<sup>14</sup> Admiral Karl Schultz, who was Commandant at the time, testified before the Committee on Homeland Security's Subcommittee on Transportation and Maritime Security in March 2020—following the issuance of Vice Admiral McAllister's memo closing the Fouled Anchor investigation—but he did not mention the investigation.<sup>15</sup>

In July 2020, Admiral Schultz refused for a second time to testify before the Homeland Security Committee and the Oversight Committee at a hearing about the joint investigation covered in the "Righting the Ship" report and related issues.<sup>16</sup> In June 2021, however, Admiral Schultz agreed to testify before the Committee on Homeland Security at a hearing explicitly focused on achieving diversity, equity, and accountability within the Coast Guard.<sup>17</sup> At this hearing and in questions for the record, Admiral Schultz was asked about Coast Guard processes

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<sup>12</sup> Committee on Oversight and Reform Subcommittee on Civil Rights and Civil Liberties, and Committee on Homeland Security Subcommittee on Transportation and Maritime Security, *Hearing on Righting the Ship: The Coast Guard Must Improve Its Processes for Addressing Harassing, Bullying, and Retaliation*, 116th Cong. (Dec. 11, 2019) (online at [www.govinfo.gov/content/pkg/CHRG-116hhrg43243/pdf/CHRG-116hhrg43243.pdf](http://www.govinfo.gov/content/pkg/CHRG-116hhrg43243/pdf/CHRG-116hhrg43243.pdf)).

<sup>13</sup> Memorandum from Vice Admiral M. F. McAllister, to VCG, "Fouled Anchor" Investigation—Final Report (Jan. 31, 2020).

<sup>14</sup> *Id.*

<sup>15</sup> Committee on Homeland Security Subcommittee on Transportation and Maritime Security, *Hearing on Securing America's Transportation and Maritime Systems: A Review of the Fiscal Year 2021 Budget Requests for the Transportation Security Administration and the U.S. Coast Guard*, 116th Cong. (Mar. 11, 2020) (online at [www.govinfo.gov/content/pkg/CHRG-116hhrg42344/pdf/CHRG-116hhrg42344.pdf](http://www.govinfo.gov/content/pkg/CHRG-116hhrg42344/pdf/CHRG-116hhrg42344.pdf)).

<sup>16</sup> Committee on Homeland Security and Committee on Oversight and Reform, *Press Release: Homeland and Oversight Chairs Issue Statement on Coast Guard's Refusal to Appear for Public Hearing*, (July 10, 2020) (online at <https://democrats-homeland.house.gov/news/press-releases/homeland-and-oversight-chairs-issue-statement-on-coast-guards-refusal-to-appear-for-public-hearing>).

<sup>17</sup> Committee on Homeland Security, *Hearing on Building the Coast Guard America Needs: Achieving Diversity, Equity, and Accountability within the Service*, 117th Cong. (June 23, 2021) (online at [www.govinfo.gov/content/pkg/CHRG-117hhrg45466/pdf/CHRG-117hhrg45466.pdf](http://www.govinfo.gov/content/pkg/CHRG-117hhrg45466/pdf/CHRG-117hhrg45466.pdf)).

for investigating sexual assaults, trends in data regarding reports of sexual assaults, efforts to reduce sexual assaults, and the prevalence of sexual assaults at the CGA, among other issues related to misconduct and accountability. Admiral Schultz, however, did not mention the recently completed Fouled Anchor investigation and its devastating findings.<sup>18</sup>

Finally, we must note that you also did not make any mention of the Fouled Anchor investigation when you testified before the Subcommittee on Transportation and Maritime Security in July 2022 at a hearing on your vision for the Coast Guard. Nor did you discuss it in response to a question for the record asking about changes needed to eradicate sexual assault from the Coast Guard. You did not reference Fouled Anchor even though you discussed new Coast Guard policies intended to help combat sexual assault, including the expansion of access to SAPRR services “to include Coast Guard civilians and all former members of the Coast Guard.”<sup>19</sup>

We appreciate steps taken to address the Fouled Anchor investigation, including your recent email to the entire Coast Guard workforce in which you said, “As your Commandant, I am personally committed to a culture of transparency and accountability regarding our efforts to prevent and address the scourge of sexual assault” and, “We own this failure, and on behalf of the United States Coast Guard, MCPOCG [Master Chief Petty Officer of the Coast Guard] and I apologize to each victim and your loved ones.”<sup>20</sup>

We also note that you acknowledged that, “The CGIS investigation was not widely disclosed at the time.”<sup>21</sup> In fact, it seems likely that absent a media inquiry or some other spurring event, the existence of the Fouled Anchor investigation would never have become known to Congress or the public, much less to the CGA community. The failure of the Coast Guard—which is itself a law enforcement entity—to properly handle allegations of sexual assault among students at its own Academy is stunning and inexcusable. The Coast Guard’s subsequent choice to withhold information about what it had uncovered regarding its institutional failures is also deeply disappointing and frankly calls into question its commitment as a whole to address the institutional failures that are revealed in the harrowing findings of the Fouled Anchor investigation.

Consistent with your commitment to expanding transparency, we write today to request information and documents pertaining to the handling of the conclusions from the Fouled Anchor investigation as well as any other investigations about which the Coast Guard may have failed to notify Congress appropriately. Specifically, we would like to receive by July 27, 2023, the following:

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<sup>18</sup> *Id.*

<sup>19</sup> Committee on Homeland Security Subcommittee on Transportation and Maritime Security, *Hearing on Taking the Helm: The Commandant’s Vision for the U.S. Coast Guard*, 117th Cong. (July 14, 2022) (online at [www.govinfo.gov/content/pkg/CHRG-117hhr49364/pdf/CHRG-117hhr49364.pdf](http://www.govinfo.gov/content/pkg/CHRG-117hhr49364/pdf/CHRG-117hhr49364.pdf)).

<sup>20</sup> Email from Admiral Linda L. Fagan, Commandant, U.S. Coast Guard, to Coast Guard workforce (June 30, 2023).

<sup>21</sup> *Id.*

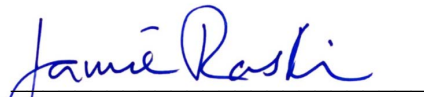
1. All documents from July 9, 2019 to the present referring or relating to (1) the memorandum issued in July 2019 by Rear Admiral Smith and/or (2) the memorandum issued in January 2020 by Vice Admiral McAllister, or otherwise referring or relating to the Fouled Anchor investigation, including but not limited to all documents referring or relating to any Coast Guard actions at any level following the issuance of either memorandum in response to any findings in the memorandum and all documents referring or relating to the notification (or potential notification, or decision or instruction not to provide notification) of any entity within or outside of the Coast Guard of the findings contained in either memorandum or of any aspect of the Fouled Anchor investigation;
2. All documents referring or relating to the dissemination or withholding of either memorandum to any Coast Guard entity, including but not limited to documents sufficient to show whether either memorandum was provided to any senior leader at the CGA subsequent to its issuance or made required reading for any CGA leader or Coast Guard leader;
3. All documents referring or relating to the participation of any former member of CGA leadership during the Fouled Anchor period in any leadership, advisory, governance, or oversight role at the CGA or in the Coast Guard subsequent to July 9, 2019, including but not limited to all documents referring or relating to the use of either Rear Admiral Smith's memorandum or Vice Admiral McAllister's memorandum to evaluate the proposed participation of a former CGA leader in a leadership, advisory, governance or oversight role; and
4. A list of any and all Coast Guard investigations of sexual assault of any kind, harassment, bullying, or any form of mistreatment raised by any Service member, employee, or CGA cadet involving more than one survivor concluded within the past five years, or convened within the past five years but not yet concluded, including an anonymized description of each case's allegations, findings, and resulting actions.

Finally, we would like to receive a written description and explanation of the steps the Coast Guard will take from this point forward to ensure that the many lessons learned from the Fouled Anchor investigation are made known to each new CGA leader and incorporated into Coast Guard policies and procedures, including a specific discussion of what you believe the lessons from this investigation are.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Oversight Committee Democratic staff at (202) 225-5051 or Committee on Homeland Security Democratic staff at (202) 226-2616.

Thank you for your attention to this urgent issue.

Sincerely,



Jamie Raskin  
Ranking Member  
Committee on Oversight  
and Accountability



Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security

cc: The Honorable James Comer, Chairman  
Committee on Oversight and Accountability

The Honorable Mark Green, Chairman  
Committee on Homeland Security