

Congress of the United States
Washington, DC 20515

August 19, 2019

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

Dear Admiral Schultz:

We write today to request that the Coast Guard make the following officials available for transcribed interviews to be completed no later than September 18, 2019:

1. Dr. Kurt Colella, Dean of Academics, United States Coast Guard Academy; and
2. Rear Admiral Anthony J. Vogt, Commander of the Thirteenth Coast Guard District.

As you know, the Committee on Oversight and Reform and the Committee on Homeland Security have been investigating the handling of complaints of harassment and retaliation at the Coast Guard Academy as well as the Academy's responses to disparities identified in the Equity Scorecard review. However, our investigation has been repeatedly delayed by the Coast Guard's lack of transparency.

We first wrote on June 13, 2018, to request the following:

[A]ll documents, including convening authority memoranda, investigative reports, panel sheets, final action memoranda, and post-investigation talking points, regarding allegations of harassment or bullying made by any student or faculty member at the Academy during the past three years, the results of any investigations conducted to examine these allegations, and the terms of any settlements reached.¹

¹ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Rep. Joe Courtney to Admiral Karl Schultz, Commandant, U.S. Coast Guard (June 13, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-06-13.EEC%20Thompson%20Courtney%20to%20Schultz-CG%20re%20Equity%20Scorecard%20Briefing%20Request.pdf>).

On July 13, 2018, the Coast Guard produced approximately 70 pages of heavily redacted documents. The Coast Guard stated in its cover letter accompanying the documents that, due to the Freedom of Information Act, it was “obligated to withhold release of predecisional and deliberative records, as well as those records that would constitute invasion of personal privacy if released.”²

On August 17, 2018, the Coast Guard made a “supplemental submission,” which the Coast Guard indicated would “provide ... the most complete picture of the investigations, while still respecting the privacy of the individuals involved.”³ This production included the materials previously produced, as well as new materials. The materials contained fewer redactions than the original production, but there were still extensive redactions, and it appeared that numerous items responsive to our document request still had not been produced.

On November 2, 2018, we wrote to “renew our request for all documents pertaining to all allegations of harassment or bullying at the Academy during the past three years.”⁴ Shortly before Thanksgiving, the Coast Guard delivered a binder containing the items previously produced to the Committee—still in redacted form. The binder was accompanied by an undated letter stating that the Coast Guard had “identified two pages there were previously excluded” and enclosed those pages in the binder.⁵

On December 4, 2018, the Office of Inspector General (OIG) at the Department of Homeland Security (DHS) issued a report finding that a Lieutenant Commander stationed at the Coast Guard Academy “was retaliated against on the basis of her complaints, in violation of the Military Whistleblower Protection Act.” The OIG’s report also identified “potential disparities” and inconsistencies in the handling of harassment complaints at the Academy.⁶

² Letter from Vice Admiral M.F. McAllister, Deputy Commandant for Mission Support, U.S. Coast Guard, to Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Rep. Joe Courtney (July 13, 2018).

³ Letter from Rear Admiral Melissa Bert, Director of Governmental and Public Affairs, U.S. Coast Guard, to Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Rep. Joe Courtney (Aug. 17, 2018).

⁴ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Rep. Joe Courtney, to Admiral Karl Schultz, Commandant, U.S. Coast Guard (Nov. 2, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-06-13.EEC%20Thompson%20Courtney%20to%20Schultz-CG%20re%20Equity%20Scorecard%20Briefing%20Request.pdf>).

⁵ Letter from Rear Admiral Melissa Bert, Director of Governmental and Public Affairs, U.S. Coast Guard, to Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Rep. Joe Courtney (undated).

⁶ Department of Homeland Security, Office of Inspector General, *Whistleblower Retaliation Report of Investigation Regarding Alleged Reprisal Against a U.S. Coast Guard Lieutenant Commander* (Dec. 4, 2018) (online at www.oig.dhs.gov/sites/default/files/assets/2018/WRROI-WI7-USCG-WPU-16018.pdf).

The OIG's report raises numerous and troubling concerns about the Coast Guard Academy's commitment to handling complaints of harassment and retaliation in a fair, thorough, and timely manner.

After becoming the Chairs of our respective committees, we wrote to you requesting that you produce all of the documents we previously requested—in unredacted form—by February 26, 2019.⁷

On March 6, 2019, our staffs met with the Coast Guard's Congressional affairs staff to discuss our request. During that meeting, the Coast Guard's staff indicated that DHS had refused to authorize the Coast Guard to produce the documents we had requested.

On March 27, 2019, we wrote to then-DHS Secretary Kirstjen M. Nielsen to demand that DHS authorize the Coast Guard to produce all documents by April 9, 2019—including all communications—pertaining to all allegations of harassment or bullying at the Academy during the time period from June 13, 2015, to the date of our letter.⁸

On April 9, 2019, we began to receive a rolling production of heavily redacted documents responsive to our requests.

On July 11, 2019, Committee staff requested a briefing with two officials from the Coast Guard Academy, Dr. Kurt Colella, Dean of the Academy's Academics Division, and Rear Admiral Vogt, formerly the Academy's Assistant Superintendent. A briefing with Dean Colella and additional Coast Guard officials was scheduled for August 14. A briefing with Rear Admiral Vogt was scheduled for September 5.

On August 14, 2019, our staffs, together with staff from the Office of Congressman Joe Courtney, met with officials from the Coast Guard Academy, including Dean Colella and Captain Jay Vann, the Assistant Academy Superintendent, as well as numerous individuals from Coast Guard Headquarters and the Coast Guard's liaison office to the House of Representatives, including Captain Joe Raymond, the Chief of the Coast Guard's Congressional and Governmental Affairs Office, and Mr. Gary Rasicot, the Director of Personnel Readiness.

Coast Guard officials indicated that pursuant to your orders, all of the Coast Guard personnel who were present at the meeting were directed to refuse to answer any questions regarding any past events at the Academy involving either faculty or cadets, including any questions pertaining to the OIG's report or to any document produced by the Coast Guard to the Committee. When asked if the officials present were prepared to answer questions about the

⁷ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Bennie G. Thompson, Committee on Homeland Security, et al., to Admiral Karl Schultz, Commandant, U.S. Coast Guard (Feb. 12, 2019).

⁸ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Bennie G. Thompson, Committee on Homeland Security, et al., to Secretary Kirstjen M. Nielsen, Department of Homeland Security (Mar. 27, 2019).

past, 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.”⁹

We are deeply troubled by what appear to be repeated efforts by the Coast Guard to impede our investigation of the handling of allegations of harassment and retaliation at the Coast Guard Academy.

We request that both Dean Colella and Rear Admiral Vogt appear for transcribed interviews no later than September 18, 2019. If either individual fails to appear as requested, we will be forced to consider alternative means to obtain compliance.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on Homeland Security under House Rule X has jurisdiction of overall homeland security policy and the organization, administration, and general management of the Department of Homeland Security.

If you have any questions, please contact the Committee on Oversight and Reform at (202) 225-5051 or the Committee on Homeland Security at (202) 226-2616.

Sincerely,



Elijah E. Cummings
Chairman
Committee on Oversight and Reform



Bennie G. Thompson
Chairman
Committee on Homeland Security

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Mike Rogers, Ranking Member
Committee on Homeland Security

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

⁹ Briefing by Coast Guard Officials to Staff, Committee on Oversight and Reform et al. (Aug. 14, 2019).

Admiral Karl Schultz

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The Honorable J. Luis Correa, Chairman
Subcommittee on Transportation and Maritime Security

The Honorable Debbie Lesko, Ranking Member
Subcommittee on Transportation and Maritime Security

The Honorable Xochitl Torres Small, Chairwoman
Subcommittee on Oversight, Management, and Accountability

The Honorable Dan Crenshaw, Ranking Member
Subcommittee on Oversight, Management, and Accountability

The Honorable Joe Courtney, Member of Congress