

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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June 11, 2024

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

Commandant Fagan:

The Committee on Oversight and Accountability continues to investigate the U.S. Coast Guard's (USCG) mishandling of serious misconduct, including racism, hazing, discrimination, sexual harassment, sexual assault, and the failure to disclose internal investigations into those issues from the wider Coast Guard community, Congress, and the public. The Committee requested documents and information related to this matter on July 13, 2023, and December 8, 2023.<sup>1</sup> The Committee is concerned about USCG's failure to produce sufficient documents responsive to both letters.<sup>2</sup>

On June 30, 2023, CNN published an investigative report exposing USCG's multi-year probe into sexual abuse at the U.S. Coast Guard Academy (CGA), called Operation Fouled Anchor. CNN reported that Operation Fouled Anchor was launched in 2014 and involved the review of the USCG's handling of sexual assault at CGA from the late 1980s until 2006. The investigation was closed approximately five years later. Operation Fouled Anchor "found that school leaders routinely failed to report serious allegations to law enforcement, intentionally avoiding the criminal justice system."<sup>3</sup> We remain concerned about USCG's failure to inform Congress—and the public—about Operation Fouled Anchor, including during the Committee on Oversight and Reform and the Committee on Homeland Security's 2018-2019 investigation into cultural issues at CGA.

As of today, USCG has provided five document productions containing a total of 8,338 pages of documents to the Committee. In a March 25, 2024, letter to Chairman Comer, USCG

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<sup>1</sup> Letter from Jamie Raskin, Ranking Member, H.Comm. on Oversight and Accountability, to Linda Fagan, Commandant, U.S. Coast Guard (July 13, 2023); Letter from James Comer, *et al.*, Chairman, H.Comm. on Oversight and Accountability, to Linda Fagan, Commandant, U.S. Coast Guard (Dec. 8, 2023).

<sup>2</sup> *Id.*

<sup>3</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)).

indicated it has in its possession “1.8 million pages of potentially responsive material.”<sup>4</sup> We are concerned about USCG’s decision to produce only 8,338 pages of the 1.8 million potentially responsive pages it has identified since the investigation began nearly one year ago. Of further concern, on May 8, 2024, USCG informed the Committee that it could not provide a briefing regarding its upcoming production schedule or any specific information about its plans to produce additional documents in response to the Committee’s outstanding requests.<sup>5</sup>

USCG has also failed to provide this Committee with appropriate access to certain documents responsive to this Committee’s requests. On April 12, 2024, USCG provided an *in camera* review of two responsive emails in lieu of producing these documents to the Committee. USCG justified withholding these documents stating that the “three pages withheld for in-camera review contain matters considered sensitive.”<sup>6</sup> In response to further request for clarification on the specific legal justification for withholding these documents, the USCG noted that “certain sensitive material was provided for *in camera* review to protect it from public release.”<sup>7</sup> The Committee considers this justification insufficient and renews its request for the USCG to produce these documents in the same format as previous USCG productions.

USCG has produced some documents responsive to some of the requests in Chairman Comer’s December 8, 2023, letter, and Ranking Members Raskin and Thompson’s July 13, 2023, letters. However, we believe the productions to date constitute insufficient compliance with those requests and the USCG’s refusal to provide this Committee with a clear timetable regarding future production plans is troubling. To further the Committee’s inquiry, we write to reiterate our request for a timely and fulsome response to our July 13, 2023 and December 8, 2023 requests and for specific information regarding USCG’s plans for future productions.

Since sending these requests, the Committee has heard from whistleblowers, who have bravely come forward to recount traumatizing experiences and who have revealed additional cultural deficiencies and alleged incompetence and misconduct by current and former leaders within USCG. Specifically, whistleblowers allege that USCG personnel, including some current and former senior leaders within USCG, may have willfully concealed evidence relevant to criminal investigations. Whistleblowers also allege that individuals engaged in this behavior may have willfully lied and misrepresented material facts to Coast Guard Investigative Service (CGIS) investigators to conceal the depth of the culture of misconduct and the identities of other potential suspects.

The Committee respectfully renews Requests 1, 4, 5, and 6 from its December 8, 2023, letter and Requests 1 to 3 from its July 13, 2023, letter. Please produce all responsive information by June 25, 2024.

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<sup>4</sup> Letter from J.P. Nadolny, U.S. Coast Guard, to James Comer, Chairman, H.Comm. on Oversight and Accountability, and Ranking Member Jamie Raskin, Ranking Member on Oversight and Accountability (Mar. 25, 2024).

<sup>5</sup> Email from U.S. Coast Guard, to Committee Staff (May 5, 2024).

<sup>6</sup> Email from U.S. Coast Guard, to Committee Staff (Apr. 23, 2024).

<sup>7</sup> Email from U.S. Coast Guard, to Committee Staff (May 5, 2024).

Additionally, to assist in the Committee’s investigation, we respectfully request the following additional documents be provided by June 25, 2024:

1. Any routing document accompanying Operation Fouled Anchor and the 2015 Culture of Respect (COR) report or any draft thereof internal to USCG or Department of Homeland Security;
2. All draft versions of the Operation Fouled Anchor report, and the Accountability Transparency Review (ATR);
3. Any document containing a list of attendees to the 2019 Culture of Respect Summit in Norfolk, Virginia;
4. All communications relating to Operation Fouled Anchor and/or COR report from, to, or regarding any senior leader at the USCG or USCGA, from 2014 to present.<sup>8</sup>:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]
- h. [REDACTED]
- i. [REDACTED]
- j. [REDACTED]
- k. [REDACTED]

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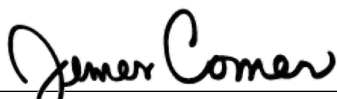
<sup>8</sup> Committee staff reserves the right to supplement this list with additional names as the investigation progresses.

5. All documents and communications relating to how and why the investigative date range for Operation Fouled Anchor was selected;
6. Any “Potential Hate Incident – 48 Hour Report” that includes an affirmative response to question number 5 outlined in Appendix D to Commandant Instruction 5350.6: “Is there media or Congressional interest? Is there media attention at the national or local level? Has the unit been contacted by any reporters or congressional staff?”
7. All communications between the Director of CGIS and the Assistant Commandant for Intelligence and Criminal Investigations (CG-2) or the Deputy Commandant for Operations (CG-DCO) relating to previous Commandant Instruction 5520.5F or Commandant Instruction 5520.5G regarding notifications due to “Any CGIS activity that is likely to be the subject of congressional inquiries or investigations” from November 4, 2011, to the present;
8. All Commander’s Critical Information Reports (CCIR) outlined in Commandant Instruction 1754.10F that were generated where “The case is likely to trigger, or has already triggered, Congressional interest”; and
9. A revision of the Committee’s December 8, 2023, Request 5 regarding “Data, excluding personally identifiable information (PII), of the number of reported allegations of misconduct—including but not limited to allegations of racism, hazing, discrimination, sexual harassment, sexual assault, or rape—between January 1990 and the present” to include relevant information from January 1980 to the present related to any allegation raised by any Service member, employee, or CGA cadet.

To arrange for delivery of responsive documents or to ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074 and Minority staff at (202) 225-5051. The Committee on Oversight and Accountability is the principal oversight committee in the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer

Chairman

Committee on Oversight and Accountability



Jamie Raskin

Ranking Member

Committee on Oversight and Accountability

The Honorable Linda L. Fagan

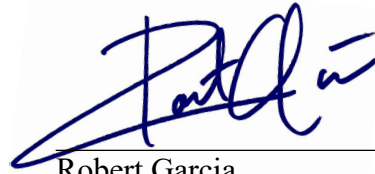
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Glenn Grothman  
Chairman  
Subcommittee on National Security,  
the Border, and Foreign Affairs



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Robert Garcia  
Ranking Member  
Subcommittee on National Security,  
the Border, and Foreign Affairs