

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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### MEMORANDUM

**TO:** Committee on Oversight and Accountability Majority Members

**FROM:** Committee on Oversight and Accountability Majority Staff

**DATE:** December 12, 2024

**RE:** Interim Update—U.S. Coast Guard’s Mishandling of Misconduct & Suppressed Reports

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This interim staff update on the Committee’s investigation outlines: how the U.S. Coast Guard (USCG) hid “Operation Fouled Anchor” from Congress; how it failed to address both historic and persistent sexual misconduct at the USCG Academy; and how USCG failed to help victims and hold perpetrators accountable.

### **Background**

In June 2023, USCG contacted the House Committee on Oversight and Accountability (Committee) with a request to provide a staff-level briefing, as soon as possible. This request was uncharacteristic in the urgency it conveyed. During the briefing, high-ranking U.S. Coast Guard officials disclosed the existence of an investigation conducted by the U.S. Coast Guard Investigative Service (CGIS) dubbed, “Operation Fouled Anchor” (OFA), and revealed an imminent release of details of the investigate report by a national media outlet. This report and the investigation that led to it, though in the works for years, had been withheld from both Congress and the public by USCG.

USCG claimed that OFA was a historical examination of sexual assault cases that took place at the Coast Guard Academy from late 1980s to 2006.<sup>1</sup> Officials claimed this investigation was an effort to identify systemic failures of addressing sexual assault allegations and misconduct. However, the origins of OFA painted a different picture—one started when an academy graduate alleged that a rape committed against her years earlier had never been investigated.<sup>2</sup> USCG’s decision to keep this investigation hidden sparked immediate concerns from the Committee regarding USCG’s commitment to transparency with Congress and the

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<sup>1</sup> Blake Ellis, Melanie Hicken, & Audrey Ash, *Criminal investigation into Coast Guard Academy revealed years of sexual assault cover-ups, but findings were kept secret*, CNN (June 30, 2023).

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

public. CNN published a report on the existence of OFA on June 30, 2023, shining a harsh spotlight on these failures.<sup>3</sup>

Again, in November 2023, USCG contacted the Committee requesting another urgent meeting. This time, USCG informed the Committee that they had, yet again, withheld a 2015 “Culture of Respect” study from Congress and the public, and that CNN was about to publish another investigative piece on this matter. USCG informed the Committee that the report discussed racism, hazing, discrimination, and sexual assault issues across the agency. The Committee then launched an investigation into USCG’s mishandling of serious misconduct and withholding of internal investigations from Congress and the public.

On December 8, 2023, Chairman James Comer and Subcommittee Chairman Glenn Grothman, of the Subcommittee on National Security, the Border, and Foreign Affairs, sent a letter to Admiral Linda Fagan, Commandant of USCG, requesting documents and information relating to “Operation Fouled Anchor,” the “Culture of Respect” study, and communications relating to the withholding of this information from Congress.<sup>4</sup>

The Department of Homeland Security (DHS) and USCG consistently demonstrated recalcitrance in providing all the requested documents to the Committee. DHS claimed sensitivity concerns to justify withholding thousands of pages, offering limited *in camera* reviews for certain materials relating to the decision to withhold OFA from Congress. DHS failed to provide a legally sufficient reason for withholding this information despite repeated requests by the Committee to identify an adequate justification for withholding those documents. USCG produced only approximately 12,000 pages of documents, despite the claim that they had identified initially 1.8 million pages of responsive material.<sup>5</sup> DHS and USCG also refused to establish a clear production schedule or commit to timelines for delivering additional materials.

The delays, limited disclosures, and begrudging cooperation on the part of DHS and USCG, in addition to the initial lack of transparency being investigated by the Committee, have likely limited the ability of Congress to conduct oversight and impose meaningful legislative reforms on issues like prevention of sexual assault and misconduct. Withholding critical information has not only hindered the investigation, but also suggests a broader and continued effort to avoid accountability, putting service members at risk. This lack of compliance led the Committee to seek information from additional sources, including a score of whistleblowers and several former USCG senior leaders, while continuing to negotiate a document production schedule with DHS and USCG.

In the course of the investigation, the Committee conducted transcribed interviews with several former senior leaders of the USCG, including:

- **Ms. Sandra Stosz (Ret.)**, Former Superintendent of the USCG Academy (2011 to 2015)

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<sup>3</sup> *Id.*

<sup>4</sup> Letter from James Comer, Chairman, *et. al.* to Linda Fagan, Commandant, U.S. Coast Guard (Dec. 8, 2024).

<sup>5</sup> Letter from J.P. Nadolny, U.S. Coast Guard, to James Comer, Chairman, H.Comm. on Oversight & Accountability, and Ranking Member Jamie Raskin, Ranking Member on Oversight and Accountability (Mar. 25, 2024).

- **Admiral Thad Allen (Ret.)**, Former Commandant of the USCG (2006 to 2010)
- **Admiral Karl Schultz (Ret.)**, Former Commandant of the USCG (2018 to 2022)
- **Mr. Michael Berkow (Ret.)**, Former Director of the USCG Investigative Service (CGIS) (2012 to 2022)

Additionally, the Committee gathered information from over twenty whistleblowers, many of whom are survivors of sexual assault during their service in USCG. These individuals—some of whom are still serving—demonstrated extraordinary bravery by coming forward to recount deeply traumatic experiences. Their courage not only shed light on the systemic culture that once enabled the misconduct, including sexual assault, racism, and discrimination, but also exposed the lack of accountability within USCG that persists today. Many whistleblowers revealed how investigations into these incidents were cursory at best, with perpetrators often evading meaningful consequences, and in many instances, being allowed to continue to serve and be promoted.

Despite the strength of these testimonies and the clarity they provide about the institutional failures at play, USCG has yet to be held fully accountable. Instead, the agency's reluctance to cooperate with the Committee's investigation continues to deny survivors the justice and accountability they deserve. The whistleblowers' willingness to relive their painful experiences has been instrumental in the Committee's efforts, including identifying the existence of critical documents, formulating key questions for other witnesses, and pinpointing responsible individuals.

## Preliminary Findings

### **1. USCG leadership made a cognizant decision to withhold Operation Fouled Anchor and other related misconduct reviews from Congress and the public:**

- Former Commandant Karl Schultz admitted in a transcribed interview that he personally made the decision to withhold Operation Fouled Anchor from Congress. Schultz stated: *“That was a decision by me to not make a notification. I own that exclusively, not Admiral Ray, not others. That is my decision.”*<sup>6</sup>
- Schultz reflected that he missed an opportunity for transparency. Schultz stated: *“You know, if you say, hey, if -- you know, there's a term in golf. If you have a mulligan, you know, you get to take a shot over. I sort of wish it had broke on my watch because I would've got up and articulated my position ...”*<sup>7</sup>
- USCG prioritized institutional preservation over accountability and continues to do so. As Schultz claimed: *“And I would say if there was an organizational failing, I think every commandant that served from that period of time, through and including me, has some, some stink on them on this issue, you know.”*<sup>8</sup>

### **2. Former USCG Academy leadership did not notify the proper authorities and refused to follow USCG policy when dealing with instances of sexual assault and misconduct:**

- Former CGIS Director, Michael Berkow, testified that most cases investigated under Operation Fouled Anchor were not properly handled when they initially came to light. Berkow stated: *“But CGIS quickly recognized that underlying the individual assaults, while each had unique elements, there was a critical commonality. And that was when, in the vast majority of cases, the victim reported it to the authorities at the time it occurred. The case was not properly investigated. Law enforcement was not notified, and a criminal investigation was not conducted in a timely and professional manner.”*<sup>9</sup>
- Former CGIS Director, Michael Berkow, indicated that documents and records related to misconduct were not properly stored by the USCG Academy. *“There was a constant struggle to locate records indicating what cadets were in which class, whether they graduated or leave pre-graduation and if they did leave why... It is not clear why records of cadet misconduct were sparse. While it is possible that these records were destroyed in accordance with existing Coast Guard records retention policies, there is nothing to indicate that is in fact why there were limited records of cadet misconduct or*

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<sup>6</sup> Transcribed Interview of Karl Schultz, Fmr. Commandant, U.S. Coast Guard to H. Comm. on Oversight & Accountability, at 140, (Oct. 8, 2024).

<sup>7</sup> Transcribed Interview of Karl Schultz, Fmr. Commandant, U.S. Coast Guard to H. Comm. on Oversight & Accountability, at 233-234 (Oct. 8, 2024).

<sup>8</sup> Transcribed Interview of Karl Schultz, Fmr. Commandant, U.S. Coast Guard to H. Comm. on Oversight & Accountability, at 126, (Oct. 8, 2024).

<sup>9</sup> Transcribed Interview of Michael Berkow, Fmr. Director, U.S. Coast Guard Investigative Service to H. Comm. on Oversight & Accountability, at 15-16, (Oct. 30, 2024).

*the disposition of allegations of cadet misconduct. What is clear is that in a number of instances records were found in locations where no Coast Guard records policies would have permitted them to be... Misconduct records were intermixed with lesson plans, examinations, and research for academic articles.*"<sup>10</sup>

- The USCG Academy frequently declined to notify CGIS, as required, and instead improperly handled instances of misconduct internally. *"So sexual assaults were occurring. They were being reported to the Academy leadership. The Academy leadership was not notifying CGIS, and not notifying law enforcement, and not taking appropriate investigative action... We [CGIS] investigated a lot of things. And it never made the Academy happy. And I would also say, if you go back to the command accountability investigation that we did as part of OFA, it's loaded with comments. We didn't notify CGIS, because we lost control of the case. That's exactly right. Once they told us, we were investigating."*<sup>11</sup>—Former Director of CGIS, Michael Berkow
- When CGIS was notified of misconduct, USCG Academy leadership ignored USCG policies and took actions during ongoing investigations, limiting accountability. *"So, sex assault occurred in the timeframe, had been reported to the Academy, CGIS got notified. Of those five cases, four of those cases got investigated appropriately and all. The fifth case got reported to us, we were investigating it. The policy at the time ordered the command, said in black and white, you're not allowed to do anything while CGIS is investigating. Well, the Coast Guard Academy leadership on that case ignored the order, and I believe they disenrolled the cadet."*<sup>12</sup>—Former Director of CGIS, Michael Berkow

### **3. U.S. Coast Guard Investigative Services (CGIS) was not a fully functioning law enforcement agency at the time of the assaults investigated in Operation Fouled Anchor.**

- CGIS was not a properly functioning law enforcement agency and lacked sufficient resources to conduct thorough investigations during the period investigated by Operation Fouled Anchor. *"So, one of the challenges I found when I took over CGIS was that it was very difficult to know what was happening out in the regional offices or take it a step down to the smaller offices... I was concerned about not knowing what was happening in CGIS, and also nobody in CGIS knew so the guys working in the L.A. office had no idea what kind of cases the people in Seattle were doing... When I took over CGIS, CGIS did not have a records management system. I think that's completely unacceptable for a law enforcement agency in 2012."*<sup>13</sup>—Former Director of CGIS, Michael Berkow

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<sup>10</sup> Transcribed Interview of Michael Berkow, Fmr. Director, U.S. Coast Guard Investigative Service to H. Comm. on Oversight & Accountability, at 93, (Oct. 30, 2024).

<sup>11</sup> Transcribed Interview of Michael Berkow, Fmr. Director, U.S. Coast Guard Investigative Service to H. Comm. on Oversight & Accountability, at 94-95, (Oct. 30, 2024).

<sup>12</sup> Transcribed Interview of Michael Berkow, Fmr. Director, U.S. Coast Guard Investigative Service to H. Comm. on Oversight & Accountability, at 126-127, (Oct. 30, 2024).

<sup>13</sup> Transcribed Interview of Michael Berkow, Fmr. Director, U.S. Coast Guard Investigative Service to H. Comm. on Oversight & Accountability, at 44, (Oct. 30, 2024).

- CGIS did not take a proactive role in investigating instances of sexual assault and misconduct during the period investigated by Operation Fouled Anchor. *“I was a Coast Guardsman 25 years ago when the cases weren't referred to Coast Guard Investigative Services, and you saw multiple Academy senior leaders didn't even know Coast Guard Investigative Services were on the institutional grounds.”*<sup>14</sup>—Former Commandant, Karl Schultz

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<sup>14</sup> Transcribed Interview of Karl Schultz, Fmr. Commandant, U.S. Coast Guard to H. Comm. on Oversight & Accountability, at 182, (Oct. 8, 2024).

**Appendix**

Following the two initial briefings and one follow-up brief from USCG, on December 8, 2023, Chairmen Comer and Grothman sent a letter to Commandant Linda Fagan requesting an initial overall document production relating to Operation Fouled Anchor and the Culture of Respect Report.

<b>Documents Requested</b>	<b>Produced - ✓ (yes) or X (no)</b>
All documents and communications relating to Operation Fouled Anchor, including but not limited to, its findings, any actions taken in response, and any decision to withhold the investigation from Congress or take action to notify Congress	<b>X</b>
A list of former and current senior USCG officials involved in the handling of misconduct cases starting with those identified during Operation Fouled Anchor to present	<b>✓</b>
All documents relating to the implementation of policies in response to the findings of Operation Fouled Anchor	<b>X</b>
All communications relating to senior USCG officials’ decision to withhold the April 2015 Culture of Respect (COR) report to Congress and subsequent decision to release the report to Congress, including any part media attention played in the decision	<b>Partially fulfilled</b>
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; and	<b>X</b>
Any other report, internal or congressionally mandated, in the possession of the USCG, relating to serious misconduct within the agency including but not limited to allegations of racism, hazing, discrimination, sexual harassment, sexual assault, or rape.	<b>USCG Claims No Other Reports Exist</b>

Following the December 8<sup>th</sup> letter, Chairmen Comer, Grothman, and Ranking Members Raskin and Garcia, sent a follow-up letter on June 11, 2024, requesting additional documents relating to Operation Fouled Anchor, the Culture of Respect Report, and the Accountability Transparency Review. Additionally, the letter requested communications relating to these reports

as well as communications relating to Congressional interests reports internal to the U.S. Coast Guard.

Documents Requested	Produced - ✓ (yes) or X (no)
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	<b>USCG Claims No Routing Document Exists</b>
All draft versions of the Operation Fouled Anchor report, and the Accountability Transparency Review (ATR)	<b>X</b>
Any document containing a list of attendees to the 2019 Culture of Respect Summit in Norfolk, Virginia	<b>✓</b>
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. (11 listed individuals)	<b>Partially fulfilled</b>
All documents and communications relating to how and why the investigative date range for Operation Fouled Anchor was selected	<b>X</b>
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?”	<b>X</b>
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	<b>X</b>
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”	<b>X</b>
A revision of the Committee’s December 8, 2023, Request 5 regarding “Data, excluding personally identifiable information (PII), of the number of	



<p>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.</p>	<p style="text-align: center;"><b>X</b></p>
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The June 11<sup>th</sup> letter to Commandant Fagan had requested “*All draft versions of the Operation Fouled Anchor report, and the Accountability Transparency Review (ATR).*” Following the letter, DHS Office of General Counsel (DHSOIG) informed the Committee that the draft versions of these reports were deemed sensitive and that the Department had discretion to deem any document that it wishes, “sensitive.” Following that discussion, the U.S. Coast Guard provided the draft documents to Committee investigators, in-camera, on June 25, 2024, but continued to refuse to meet the request outlined in the letter.

On September 17, 2024, an additional letter was sent by Chairmen Comer and Grothman to Secretary of Homeland Security, Alejandro Mayorkas, threatening the compulsory process should DHS continue to refuse to provide withheld materials. Committee investigators are continuing to work with DHS to reach an accommodation to deliver these outstanding documents to the Committee.