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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

September 12, 2023

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

Dear Admiral Fagan,

In 2014, the United States Coast Guard (USCG) initiated an investigation into allegations that the USCG Academy (the Academy) mishandled dozens of reports of rape and sexual assault at the Academy from the late 1980s until 2006.[1] This investigation, named "Operation Fouled Anchor," concluded in January 2020 but was not disclosed to Congress or otherwise made public until June 2023.[2] Operation Fouled Anchor ultimately determined that during the years reviewed, dozens of allegations of sexual assault at the Academy—implicating 43 individuals— were not properly handled.[3]

A January 31, 2020 memorandum summarizing the investigation from Vice Admiral Michael McCallister titled "Fouled Anchor Investigation – Final Report," stated: "This investigation revealed that organizational and [Academy] reputation during this period often weighed against initiation of a criminal investigation and took precedence over concern for the victim."[4] According to this memo, the Academy was aware of allegations against 30 of the 43 individuals implicated at the time of the alleged assaults, however, only five were contemporaneously reported to USCG investigative services and/or local law enforcement.[5] The memorandum concluded that, during the years reviewed, Academy leadership:

> [O]ften 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

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[1] *Coast Guard Apologizes for Covering up Long History of Sexual Assault*, New York Times, June 30, 2023 (https://www.nytimes.com/2023/06/30/us/politics/coast-guard-sexual-assault.html).

[2] *Id*; *see also Criminal Investigation into Coast Guard Academy Revealed Years of Sexual Assault Cover-Ups, but Findings Were Kept Secret*, CNN, June 30, 2023 (https://www.cnn.com/2023/06/30/politics/coast-guard-academy-secret-sexual-assault-investigation-invs/index.html).

[3] Memorandum, "Fouled Anchor Investigation – Final Report," Jan. 31, 2020 (https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report).

[4] *Id.*

[5] *Id.* at 2.

importantly, the Academy too often failed to provide the support, trust, and care that is so vital for victims of sexual assault."[6]

According to reporting, under the leadership of your predecessor, Commandant Karl L. Schultz, the USCG made plans to brief Congress on Operation Fouled Anchor's findings around October 2018.[7] However, this briefing does not appear to have taken place, and you acknowledged that the January 31, 2020 Final Report from Operation Fouled Anchor was not disclosed to Congress or otherwise made public until June of this year.[8] This delay in disclosure raises serious questions about why information about the conduct of USCG personnel and safety of cadets was withheld for so long.

While Operation Fouled Anchor was concluded in 2020, the leaders who oversaw or perhaps created the environment where misconduct occurred and did nothing must be held accountable.[9] It is unclear whether those responsible have continued their careers in the Coast Guard, received higher positions of authority, or left service and escaped accountability all together.[10] The public deserves to know why so many reported cases of sexual assault and harassment were allowed to go uninvestigated for so many years.

You have acknowledged the Coast Guard's failures and expressed a commitment to fix them going forward, including by announcing a 90-Day Accountability and Transparency Review.[11] This is a positive step toward ensuring that all Coast Guard personnel can safely fulfil their commitments to serve our nation in the future. [12]

Pursuant to its authority under Senate Resolution 59 (118th Cong.) and rule XXVI of the Standing Rules of the Senate, the Permanent Subcommittee on Investigations is reviewing reports that the Academy mishandled dozens of sexual assault cases from the late 1990s until 2006, and that it subsequently withheld findings from its investigation into those cases from

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[6] Memorandum, "Fouled Anchor Investigation – Final Report," Jan. 31, 2020 (https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report).

[7] *Former Coast Guard Head Covered up Secret Investigation into Sexual Assaults at the Coast Guard Academy*, CNN, Aug. 8 2023 (https://www.cnn.com/2023/08/08/politics/coast-guard-sexual-assault-coverup-invs/index.html).

[8] *Id*; *see also* Memorandum, "Fouled Anchor Investigation – Final Report," Jan. 31, 2020 (https://www.documentcloud.org/documents/23873916-operation-fouled-anchor-report); U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

[9] U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

[10] *Id.*

[11] Admiral Linda Fagan and Master Chief Heath Jones, Workforce Message: Accountability and Transparency, July 17, 2023 (https://www.mycg.uscg.mil/News/Article/3461192/workforce-message-accountability-and-transparency); U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, Hearing on Budget Oversight of the United States Coast Guard (July 13, 2023).

[12] Admiral Linda Fagan and Master Chief Heath Jones, Workforce Message: Accountability and Transparency, July 17, 2023 (https://www.mycg.uscg.mil/News/Article/3461192/workforce-message-accountability-and-transparency/).

Congress. To assist the Subcommittee in better understanding these matters, please provide the documents requested below by October 3, 2023.

1. All records[13] relating to Operation Fouled Anchor, including but not limited to:
   a. All reports, updates, memoranda, and other materials, whether interim or final;
   b. All service record entries associated with all subjects investigated as part of Operation Fouled Anchor, including records reflecting the rank, duty station, and/or retirement or discharge status of all subjects from the time of the alleged incident to the present;
   c. All briefing materials relating to Operation Fouled Anchor prepared for Members of Congress, the Government Accountability Office, the Department of Homeland Security, the DHS Office of Inspector General, or other entities with oversight authority over the Coast Guard or the Coast Guard Academy; and
   d. All communications related to whether and when to inform any of the entities listed in subpart (c) or their associated personnel regarding Operation Fouled Anchor, or any of its findings or conclusions.

2. All Coast Guard Academy policies, both current and past, related to sexual assault and harassment, including policies related to the reporting, investigation, and possible disciplinary measures for instances of sexual assault and harassment as well as any policies related to the treatment of victims, whistleblowers, or witnesses to incidences of sexual assault and harassment.

3. All records related to each initiated, ongoing, or completed investigation of sexual assault at the Coast Guard Academy from 2006 to the present, regardless of whether those records are associated with Operation Fouled Anchor.

4. All records related to the Coast Guard's 90-Day Accountability and Transparency Review, including but not limited to the Plan of Action and Milestones expected within 15 days of the 90-Day Review and the final outcome, including any resulting policy recommendations and report.

To expedite the Subcommittee's review, we ask that you submit the material responsive to this request on an ongoing basis as it becomes available. To avoid any unnecessary delays in connection with this production, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations.* Please contact Jennifer Gaspar with Chairman Blumenthal at Jennifer_Gaspar@hsgac.senate.gov or Brian

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[13] "Records" include written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, Signal, WhatsApp, or other encrypted messages, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Downey with Ranking Member Johnson at Brian_Downey@hsgac.senate.gov with any questions. Thank you for your attention to this matter.

Sincerely,

Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

PROCEDURES FOR TRANSMITTING
DOCUMENTS TO THE
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Due to security procedures at the U.S. Senate, the following are guidelines for transmitting documents to the   Permanent Subcommittee on Investigations.

VIA PERSONAL DELIVERY AND/OR COURIER SERVICE:

Deliveries during normal business hours (9:00 am to 5:00 pm) should be brought in an unsealed envelope directly to the Russell Senate Office Building Room 199 and dropped off with Subcommittee Clerk Kate Kielceski.

VIA FILE-SHARING SITE:

Before providing any production electronically through a file-sharing site or similar online platform, please discuss these arrangements with Subcommittee staff to ensure the production meets Subcommittee standards and appropriate staff have access.

VIA FEDERAL EXPRESS OR OTHER COMMERCIAL CARRIERS:

Before shipping any production through FedEx or other commercial carriers, please first discuss with Subcommittee Staff. Subcommittee staff can provide an address for a secure delivery of the production, which may be located offsite.

*DO NOT SEND PACKAGES VIA U.S. POSTAL SERVICE***:**

Packages sent via the U.S. Postal Service are irradiated. Irradiation causes disintegration of the documents being shipped, often rendering them unusable. Discs have been known to arrive melted due to the irradiation process.

Any questions regarding the transmittal of documents to the Subcommittee can be directed to Subcommittee Clerk Kate Kielceski at 202-224-9868 or Kate_Kielceski@hsgac.senate.gov.

Updated September 2021

<div align="center">**Data Delivery Standards**
Permanent Subcommittee on Investigations
United States Senate</div>

The following document describes the technical requirements for electronic productions produced to the Senate Permanent Subcommittee on Investigations ("PSI"). **Any proposed formats other than what is listed below (including databases) should not be produced without prior discussion with PSI staff.** PSI uses Concordance 10 and Concordance Image 5.

General Instructions:
1. Provide a cover letter with each production which includes the Bates range and a general description of the documents. The cover letter should also summarize the number of records, images, emails and attachments in the production.
2. Produce documents in the same form that they were created or maintained. Documents created or stored electronically should not be produced in hard copy.
3. Deliver data on CD, DVD, or hard drive. Hard drives with external power supplies are preferred. The smallest number of media is requested.
4. Label all media submitted. Include on the label at least the following information: producing party, production date, Bates range, and disk number, if applicable.
5. Provide all passwords for documents, files, or compressed archives provided in the production.
6. To the extent practicable, de-duplication of email and native file productions is preferred.
7. Overview of preferred formats for production:
   a. Paper Documents – Scanned paper converted/processed to TIFF files, Bates numbered, and includes OCR text.
   b. Email Collections – Electronic mail converted/processed to TIFF files for the email and attachment(s), Bates numbered, includes a link to the email or native file, and includes full text.
   c. Native Files – Electronic documents converted/processed to TIFF files, Bates numbered, includes a link to the native file, and includes full text.

A. Paper Documents:

1) **Image files.** Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of files per folder should be limited to 1,000 files.

2) **Delimited Text file.** At a minimum, this file must contain an IMAGEID field (image key used to reference images in Concordance Image). The image key must be unique, fixed length, and CANNOT be the Bates number of the document. Bates numbers (endorsed on the documents and included in the delimited text file) MUST be delivered in a consistent manner for sorting purposes. For example, if the first production delivered is Bates stamped ABC-0000001-ABC-0005267, subsequent productions with the same prefix should have the same format (spaces, dashes, etc.) and the same number of digits, not ABC 0005268, ABC0005268 or ABC-00005268. The delimited text file must also include a header record. The delimiters for the file should be as follows:

   Comma – ASCII character 20
   Quote – ASCII character 254
   Newline – ASCII character 174

3) **OCR Text.** The OCR text provided to the PSI can be delivered two ways. (1) The OCR text can be delivered as multi-page ASCII files. The name of the file must match the IMAGEID field. (2) The OCR text can be included in the Delimited Text file (OCRTEXT field). Option 1 is preferred.

If possible (regardless of delivery method), please place page markers at the beginning or end of each OCR text page as shown:

    *** LA000001 ***

The data surrounded by *** is the Concordance Image ImageID.

4) **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database. The format for the file is as follows:

ImageID,VolumeLabel,ImageFilePath,DocumentBreak,FolderBreak,BoxBreak,PageCount

- *ImageID*: The unique designation that Concordance and Concordance Image use to identify an image.
- *VolumeLabel*: Optional.
- *ImageFilePath:* The full path to the image file.
- *DocumentBreak:* If this field contains the letter "Y," then this is the first page of a document. If this field is blank, then this page is not the first page of a document.
- *FolderBreak:* Leave empty.
- *BoxBreak:* Leave empty.
- *PageCount:* Optional.

B. <u>Email Collections:</u>

Preferred Format: Delimited Text with Images and Native Attachments

1) **Image files.** The producing party will provide a TIFF image for each page of the email and attachment(s). Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of TIFF files per folder should be limited to 1,000 files. Refer to the Paper Documents section for Bates and image key numbering rules.

2) **Native files.** The producing party will provide a copy of the email and native attachment files. The number of native files per folder should be limited to 1,000 files.

3) **Delimited Text file.** The text and metadata of the email and the attachment(s) is extracted and entered in the appropriate fields and provided as an ASCII delimited text file. The email will be the "*parent"* and the attachment(s) will be the "*child."* An email may have more than one *child*. The *child* attachment's Bates number will be listed in the *parent* email's coded fields under *CHILD_BATES*. If there is more than one attachment, list the first Bates number of each attachment and separate them by semi-colons (;). The *parent* email's Bates number will be listed in the *child(s)* attachment(s) under *PARENT_BATES.* The *child/children* will immediately follow the parent record. The following is a field definition table of the data requested.

Field Definitions - Email

Field	Comment
BEGBATES	First Bates number of email
ENDBATES	Last Bates number of email
BEGATTACH	First Bates number of attachment range
ENDATTACH	Last Bates number of attachment range
PARENT_BATES	First Bates number of parent email
CHILD_BATES	First Bates number of "child" attachment(s); can be more than one Bates number listed; depends on number of attachments
CUSTODIAN	Mailbox where the email resided
FROM	Sender
TO	Recipient(s)
CC	Carbon copy recipient(s)
BCC	Blind carbon copy recipient(s)
SUBJECT	Subject of the email
DATE_SENT	Date the email was sent
TIME_SENT	Time the email was sent; must be a separate field and cannot be combined with the DATE_SENT field
HYPERLINK	Hyperlink to the email
FILE_EXTEN	The file extension of the email; will vary depending on the email format
AUTHOR	Empty for email
DATE_CREATED	Empty for email
TIME_CREATED	Empty for email
DATE_MOD	Empty for email
TIME_MOD	Empty for email
DATE_ACCESSD	Empty for email
TIME_ACCESSD	Empty for email
PRINTED_DATE	Empty for email
FILE_SIZE	Size of email in KB
INTFILEPATH	Location of email
MESSAGE ID	Unique Identifier from the email system used to duplicate emails
CONVERSION ID	Identifier from the email system used to group and manage related emails
CONVERSATION INDEX	Identifier from the email system used to group and manage related emails
HASHVALUE	Value generated for deduplication
TEXT	Text of the email

Field Definitions - Attachment

Field	Comment
BEGBATES	First Bates number of attachment
ENDBATES	Last Bates number of attachment
BEGATTACH	First Bates number of the attachment range
ENDATTACH	Last Bates number of the attachment range
PARENT_BATES	First Bates number of parent email
CHILD_BATES	First Bates number of "child" attachment(s); can be more than one Bates number listed; depends on number of attachments
CUSTODIAN	Mailbox where the email resided

FROM	Empty for attachment
TO	Empty for attachment
CC	Empty for attachment
BCC	Empty for attachment
SUBJECT	Empty for attachment
DATE_SENT	Empty for attachment
TIME_SENT	Empty for attachment
HYPERLINK	Hyperlink to the native attachment
FILE_EXTEN	The file extension will vary depending on the document type
AUTHOR	Attachment/native file metadata
DATE_CREATED	Attachment metadata
TIME_CREATED	Time the attachment was created; must be a separate field and cannot be combined with the DATE_CREATED field
DATE_MOD	Attachment metadata
TIME_MOD	Time the attachment was modified; must be a separate field and cannot be combined with the DATE_MOD field
DATE_ACCESSD	Attachment metadata
TIME_ACCESSD	Time the attachment was accessed; must be a separate field and cannot be combined with the DATE_ACCESSD field
PRINTED_DATE	Attachment metadata
FILE_SIZE	Size of file in KB
INTFILEPATH	Path where attachment file was stored
HASHVALUE	Value generated for deduplication
TEXT	Text of the attachment

The delimited text file must include a header record. Please refer to the Paper Documents section for ASCII character assignments.

4) **Full Text.** When the full text is not provided in the ASCII delimited text file or if text exceeds 12MB in the TEXT field, the full text provided to the PSI can be delivered as multi-page ASCII files. The name of the file must match the image key field. Any document in which text cannot be extracted should be OCR'd, particularly in the case of PDFs without embedded text.

5) **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database. Refer to the Paper Documents section for file format.

C. **Native Files:**

Preferred Format: Delimited Text with Images and Links to Native Files:

1. **Image files.** The producing party will provide a TIFF image of the native files. Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of TIFF files per folder should be limited to 1,000 files. Refer to the Paper Documents section for Bates and image key numbering rules.

2. **Native files.** The producing party will provide a copy of the native files. The number of native files per folder should be limited to 1,000 files.

3. **Delimited Text file.** An ASCII delimited file containing the metadata associated with the file, text extracted from the native file, and a directory path to the native file. The fields to be included in the production are as follows:

FIELD	COMMENT
BEGBATES	First Bates number of native file
ENDBATES	Last Bates number of native file
CUSTODIAN	Individual from whom the documents originated
HYPERLINK	Hyperlink to native file
AUTHOR	
DATE_CREATED	
TIME_CREATED	Time the document was created; must be a separate field and cannot be combined with the DATE_CREATED field
DATE_MOD	
TIME_MOD	Time the document was modified; must be a separate field and cannot be combined with the DATE_MOD field
DATE_ACCESSD	
TIME_ACCESSD	Time the attachment was accessed; must be a separate field and cannot be combined with the DATE_ACCESSD field
PRINTED_DATE	
FILE_SIZE	Size of file in KB
PATH	Path where native file was stored
HASHVALUE	Value generated for deduplication
TEXT	Text extracted from native file.

The delimited text file must include a header record. Please refer to the Paper Documents section for ASCII character assignments.

4. **Full Text.** When the full text is not provided in the ASCII delimited text file or if text exceeds 12MB in the TEXT field, the full text provided to the PSI can be delivered as multi-page ASCII files. The name of the file must match the image key field. Any document in which text cannot be extracted should be OCR'd, particularly in the case of PDFs without embedded text.

5. **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database. Refer to the Paper Documents section for file format.

If Unable to Comply with Format Described Above:

Any proposed formats other than what is listed above should not be produced without prior discussion with PSI staff.

All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable, may be produced in text searchable PDF format. Spreadsheets shall also be provided in their native form. Audio and video files shall be produced in their native format, although picture files associated with email or word processing programs shall be produced in PDF format along with the document it is contained in or to which it is attached.

Native files may be delivered in Custodian named folders.

If PDFs are delivered, all PDF files must meet the following requirements:
1. All PDFs must be unitized i.e. each PDF represents a discrete document; a single PDF cannot contain multiple documents
2. All PDFs must contain embedded text to include all discernable words within the document, not selected text.
3. The PDF file will be named as the Bates range, with all document text contained within.

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