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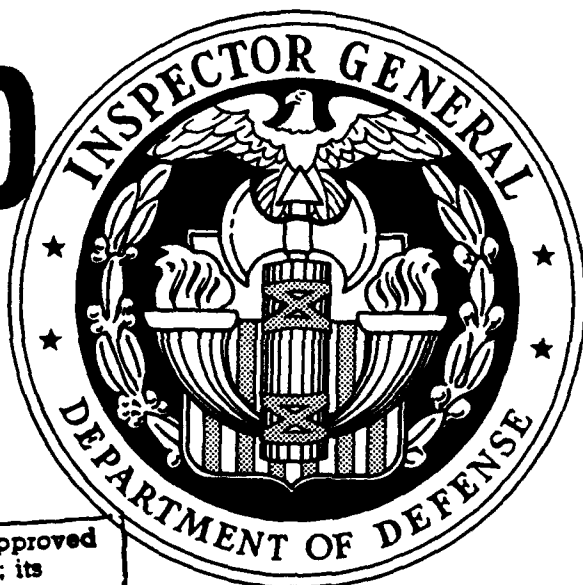


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SEPTEMBER 1992

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

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TAILHOOK 91

PART 1 - REVIEW OF THE NAVY INVESTIGATIONS

ASSISTANT INSPECTOR GENERAL FOR DEPARTMENTAL INQUIRIES
ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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SEP 21 1992

MEMORANDUM FOR ACTING SECRETARY OF THE NAVY

SUBJECT: Report of Investigation: Tailhook 91 -
Part 1, Review of the Navy Investigations

We have completed the first of two reports regarding Tailhook 91. The enclosed report, "Tailhook 91 - Part 1, Review of the Navy Investigations," addresses the actions of senior Navy officials, the Naval Investigative Service (NIS) and the Naval Inspector General (Naval IG) in conducting earlier probes into Tailhook 91.

In part, we concluded that the scope of the investigations should have been expanded beyond the assaults to encompass other violations of law and regulation as they became apparent and should have addressed individual accountability for the leadership failure that created an atmosphere in which the assaults and other misconduct took place. We also concluded that the inadequacies in the investigations were due to the collective management failures and personal failures on the part of the Under Secretary, the Navy IG, the Navy JAG and the Commander of the NIS. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91.

For reasons apart from our findings, I believe that changes may be warranted in the naval investigative structure. Since we cannot demonstrate that any particular change would have prevented the problems detailed in the enclosed report or that such changes would preclude similar errors in the future, I plan to discuss this aspect with you after you have had an opportunity to review the report.

We are continuing our investigation into the events that occurred at Tailhook 91 and will provide you the results at its conclusion.

Your response within 30 days will be appreciated. Should you have any questions, please contact me or Mr. Michael B. Suessmann, Assistant Inspector General for Departmental Inquiries, at (703) 697-6582.

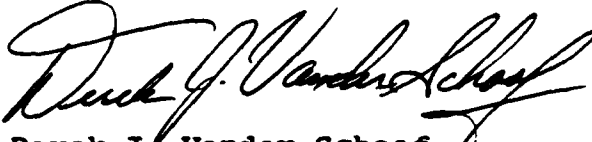

Derek J. Vander Schaaf
Deputy Inspector General

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I. INTRODUCTION

This is the first of two reports regarding our inquiry into events relating to the 35th Annual Symposium of the Tailhook Association (Tailhook 91) held at the Las Vegas Hilton Hotel from September 5 to September 7, 1991. The inquiry was initiated in response to a request from the Secretary of the Navy on June 18, 1992.

This report presents the results of our review of the earlier Navy investigations into Tailhook 91. The report is issued separately because the management issues contained herein are distinct from those pertaining to conduct at Tailhook 91, which we are continuing to investigate. We believe consideration of this important aspect of the Tailhook matter should not be delayed. A second report will contain the results of our continuing investigation into the events that took place at Tailhook 91, including assaults committed by participants in the "gauntlet," improper conduct (especially as it related to hospitality suites hosted by Navy and Marine Corps units), and the actions and inactions of the senior Navy officials who were in attendance.

In conducting this inquiry, we interviewed the former Secretary of the Navy, Mr. H. Lawrence Garrett, III; the Under Secretary of the Navy; the Chief of Naval Operations (CNO); the Commandant of the Marine Corps; the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)); the Judge Advocate General (JAG); the Naval Inspector General (Naval IG); the Commander of the Naval Investigative Service (NIS); additional Navy and Marine Corps personnel and others who participated in the Navy investigative process or who otherwise had relevant information. We also reviewed the case files maintained by the NIS and the Naval IG, as well as a substantial number of other Navy documents related to the inquiry.

A chronology of events discussed in this report is at Enclosure 1.

II. BACKGROUND

To provide the context in which the Navy investigations were conducted, the following is a brief discussion of the history of the Tailhook annual conventions and a cursory description of Tailhook 91. Much of this information was contained in media accounts of Tailhook 91 which appeared throughout the fall of 1991 and spring of 1992.

The Tailhook Association is a private organization composed of active duty, Reserve and retired Navy and Marine Corps aviators, Defense contractors, and others. The annual Tailhook Symposium began as a reunion of naval aviators in Tijuana, Mexico, in 1956. It was moved to San Diego in 1958

and then to Las Vegas, Nevada, in 1963 where it was expanded to include a number of professional development activities, such as the Flag Panel at which junior officers are given an opportunity to have a candid exchange of questions and answers with flag officers.¹ Official Navy support for the Tailhook Association, especially for the annual convention, also grew. The majority of the planning for the convention's official functions was generally conducted by the office of the Assistant Chief of Naval Operations (Air Warfare). In addition, the Navy provided free office space for the Tailhook Association at Naval Air Station, Miramar, California, and used the Navy's extensive fleet of passenger aircraft to transport attendees to Las Vegas. In 1974, Senator William Proxmire presented his "Golden Fleece Award" to the Navy for using its aircraft to transport attendees to the Tailhook convention in Las Vegas. In 1991, the Navy used some 27 C-9 flights to transport approximately 1,600 people to the convention.

It was also well known throughout the naval aviation community that the annual Tailhook convention was the scene of much drinking, general rowdiness and wild parties. The 1985 convention caused Vice Admiral Edward H. Martin, then Deputy Chief of Naval Operations (Air Warfare), to write to the Commander, Naval Air Force, Pacific Fleet, asking that he alert his subordinates to a number of concerns:

The general decorum and conduct last year was far less than that expected of mature naval officers. Certain observers even described some of the activity in the hotel halls and suites as grossly appalling, "a rambunctious drunken melee." There was virtually no responsibility displayed by anyone in an attempt to restrain those who were getting out of hand. Heavy drinking and other excesses were not only condoned, they were encouraged by some organizations. We can ill afford this type of behavior and indeed must not tolerate it. The Navy, not the individual, his organization or the Tailhook Association, is charged with the events and certainly will be cast in disreputable light. Let's get the word out that each individual will be held accountable for his or her actions and also is responsible to exercise common sense and leadership to ensure that his squadron mates and associates conduct themselves in accordance with norms

¹ The term as used in this report applies to Navy admirals and Marine Corps general officers.

expected of naval officers. We will not condone institutionalized indiscretions.

In addition, a squadron commander then serving on the Tailhook Board of Directors brought his concerns over Tailhook 85 to the other Directors. In part, he wrote:

3...I viewed with disdain the conduct or better put the misconduct of several officers and a lack of command attention which resulted in damage and imprudent action.

A. The encouragement of drinking contests, the concept of having to drink 15 drinks to win a headband and other related activities produced walking zombies that were viewed by the general public and detracted from the Association/USN integrity.

* * * * *

C. Dancing girls performing lurid sexual acts on naval aviators in public would make prime conversation for the media.

Despite the import of Admiral Martin's and the Board member's observations regarding the events at Tailhook 85, the activities that were of concern six years earlier continued to occur. After 1985, it became routine practice for the President of the Tailhook Association to write to squadron commanders prior to each convention exhorting them to ensure that conduct in the hospitality suites comported with standards of decency. Captain (CAPT) Frederic G. Ludwig, Jr., President of the Tailhook Association at the time of Tailhook 91, sent such a letter on August 15, 1991 (Enclosure 2). Especially significant is the paragraph warning against "late night gang mentality."

Estimates of total attendance at the 1991 convention range around 5,000 although official registration was approximately 2,000. The large difference in those numbers results from the fact that a substantial portion of the military personnel in attendance, plus civilians, came for the parties alone and did not register for the official functions that were part of the convention.

The parties centered around 26 hospitality suites on the third floor of the hotel. The suites were sponsored by individual Navy and Marine Corps aviation squadrons, combinations of squadrons and other Navy and Marine Corps organizations.

It is difficult to describe the atmosphere in and around the third floor hospitality suites without a full and complete description of the activities that took place there, which will be provided in our second report. However, investigative activity to date has confirmed more than isolated instances of men exposing themselves, women baring their breasts, shaving of women's legs and pubic areas, and women drinking from dildos that dispensed alcoholic beverages.

In addition, the Navy investigations confirmed the existence of a "gauntlet." The gauntlet was a loosely formed group of men who lined the corridor outside the hospitality suites, generally in the later hours of each of the three nights of the convention, and "touched" women who passed down the corridor. The "touching" ranged from consensual pats on the breasts and buttocks to violent grabbing, groping and other clearly assaultive behavior.

During the gauntlet on Saturday night, September 7, 1991, at approximately 11:30 p.m., a Navy helicopter pilot, Lieutenant (LT) Paula Coughlin, was assaulted. Then assigned as aide to Rear Admiral (RADM) John Snyder, the Commander, Naval Air Test Center (who had been president of the Tailhook Association from 1985 to 1987), she first complained to him of the assault during a telephone conversation on the following Sunday morning.

Some weeks later, dismayed by RADM Snyder's lack of action,² LT Coughlin wrote to Vice Admiral Richard M. Dunleavy, the Assistant Chief of Naval Operations (Air Warfare), and reported the matter to him. Admiral Dunleavy immediately notified his superior, Admiral (ADM) Jerome Johnson, the Vice Chief of Naval Operations (VCNO). On reading LT Coughlin's letter, ADM Johnson recognized that the reported assault required immediate investigation. Accordingly, he summoned the Commander, Naval Investigative Service, and instructed him to open an investigation.³

A final predicate to the discussion of the Navy investigations into Tailhook is an understanding that the senior officials who managed the investigations were well aware that the Secretary of the Navy, the Chief of Naval Operations, plus a large number of active duty and Reserve flag officers were in

² In November 1991, the Chief of Naval Operations (CNO) relieved RADM Snyder from his position. The CNO told us that he took the action because he had lost confidence in RADM Snyder for his failure to respond timely to LT Coughlin's complaints.

³ The NIS is the Navy criminal investigative and counter-intelligence agency. The NIS is composed of approximately 1,100 civilian investigators and its commander reports to the VCNO. The Commander, NIS, is a flag officer in the Navy Judge Advocate General's Corps. The current JAG and Deputy JAG in turn preceded him as the Commander, NIS.

attendance at Tailhook 91 and that many of those individuals had attended previous Tailhook conventions.

III. THE COMMANDER OF THE NIS AND THE NAVAL IG INITIATE INVESTIGATIONS

The NIS opened a criminal investigation at the direction of the VCNO on October 11, 1991. On the same date, CAPT Ludwig wrote a letter (Enclosure 3) to the members of the Tailhook Association, commenting on the 1991 convention. In part, CAPT Ludwig chastised the members:

Let me relate just a few specifics to show how far across the line of responsible behavior we went.

This year our total damage bill was to the tune of \$23,000...We narrowly avoided a disaster when a "pressed ham"⁴ pushed out an eighth floor window... Finally, and definitely the most serious, was "the Gauntlet" on the third floor. I have five separate reports of young ladies, several of whom had nothing to do with Tailhook, who were verbally abused, had drinks thrown on them, were physically abused and were sexually molested. Most distressing was the fact an underage young lady was severely intoxicated and had her clothing removed by members of the Gauntlet.

On seeing a copy of the letter, the Secretary of the Navy wrote to CAPT Ludwig on October 29, 1991, stating that he viewed Tailhook 91 as "a gross example of exactly what cannot be permitted by the civilian or uniformed leadership in the Navy, at any level." Accordingly, he notified CAPT Ludwig that he was immediately terminating all Navy support to the Association (Enclosure 4).

At the same time, by memorandum dated October 29, 1991 (Enclosure 5), the Secretary instructed his immediate subordinate, the Under Secretary of the Navy, Mr. Dan Howard, to direct that the Naval IG, Rear Admiral George W. Davis, VI, initiate an inquiry into any noncriminal abuses or violations of law or regulation associated with the Tailhook Association or Tailhook 91. The Under Secretary, in turn, issued a memorandum to the Naval IG directing him to inquire into the organization and support of the Tailhook Association, as well as the conduct of Tailhook 91, specifically, the use of naval resources; the nature, extent and propriety of the relationship between the

⁴ A "pressed ham" is naked buttocks pressed against a window pane.

Tailhook Association and the Navy; the professional climate of the symposium, including adherence to policies concerning alcohol consumption and sexual abuse; and other administrative or regulatory abuses or violations (Enclosure 6).

The Under Secretary modified his written tasking with oral direction to the IG to limit his inquiry to the details of the Navy "business relationship" with the Tailhook Association. Based on that direction, the Naval IG focused his initial efforts on determining the nature and extent of the Navy use of military aircraft to fly its personnel to Las Vegas, identifying the facts and circumstances surrounding the Association's occupancy of a building on the Miramar Naval Air Station in California, and obtaining information regarding prior Tailhook conventions.

The Naval IG told us that, about three weeks after that discussion with the Under Secretary, he recognized the Navy needed to do an "all-up investigation" of the Tailhook matter. He stated that he recommended to the Under Secretary that he (the Naval IG) form a large team to examine comprehensively three areas of concern to him: first, whether the Navy had a cultural problem that contributed to the assaults at Tailhook; second, whether the chain of command took appropriate action when notified of assaults by Navy victims; and third, whether there were noncriminal violations arising from Tailhook 91 that should be referred to the chain of command.

The Naval IG told us that in response to his recommendation for a comprehensive investigation, the Under Secretary told him that the Naval IG did not have the resources to conduct an investigation of that nature.⁵ The Under Secretary advised the Naval IG to let the NIS take the lead and conduct all interviews, which the Naval IG could then review, performing whatever follow-up was necessary. According to the Naval IG, he told the Under Secretary that if that was to be the procedure, the Under Secretary should task the NIS specifically with investigating the misconduct issues, because that was not an area NIS normally investigated. The tasking was never given. The Under Secretary told us he does not remember such a conversation with the Naval IG.

The Secretary of the Navy delegated to the Under Secretary the responsibility to oversee the conduct of the investigations. The Secretary of the Navy was briefed on the investigations' status in December 1991 but took no active role in the investigations until April 28, 1992.

At the outset of the investigations, the Under Secretary received separate briefings on the progress of the investigations from the Commander, NIS, and the Naval IG during the routine weekly meetings he held with each of them. However, within a few

⁵ The Naval IG has a staff of about 60 (approximately half of whom are administrative and support staff).

weeks the Under Secretary elected to combine the separate NIS and Naval IG briefings into a single weekly meeting to discuss the progress of the investigations.

In addition to the Under Secretary, the Naval IG, and the Commander, NIS, the weekly meeting was generally attended by the Judge Advocate General, Rear Admiral John E. Gordon, and the Assistant Secretary of the Navy (Manpower and Reserve Affairs), Ms. Barbara S. Pope.

Members of those senior officials' staffs also attended the weekly meetings from time to time as did Commander (CDR) Peter Fagan, Special Assistant to the Secretary of the Navy for Legal and Legislative Affairs. The significance of CDR Fagan's attendance will be discussed later in the report. The meetings continued more or less weekly from November 1991 until the reports were released at the end of April 1992.⁶

IV. THE NIS INVESTIGATION

The NIS investigation was assigned to the Assistant Special Agent in Charge of the NIS Office at LT Coughlin's duty station, Patuxent River, Maryland. As the number of identified victims increased, a second agent was assigned to the case and the two agents relocated their activities to the NIS Regional Office in Arlington, Virginia.

The NIS interviewed some 2,100 witnesses during its investigation. The vast majority of the witnesses were interviewed by NIS agents worldwide responding to lead sheets the case agents had sent to their offices. The lead sheets provided a summary of the investigation and identified specific topics to be explored.

Despite the fact that the lead sheets were written to elicit only assault-related information, some NIS agents reported unsolicited information regarding other improprieties and possible crimes at Tailhook 91. The NIS managers failed to respond to that information, including indications of other violations of the Uniform Code of Military Justice such as Indecent Exposure (Article 134) and Conduct Unbecoming an Officer (Article 133). The managers neither expanded their investigation to encompass those reports nor did they ensure that the NIS forwarded the information to the Naval IG in a timely manner.

We found that with respect to the allegations of criminal assault, the NIS investigation was generally satisfactory.

⁶ Neither the CNO nor the Commandant of the Marine Corps, or their deputies, were invited to participate in the weekly meetings and played no role in the management of the investigations. However, they received information from the Naval IG and the Commander, NIS, on the progress of the investigations at regular intervals.

However, given the significance of the investigation and its potential impact on the Navy, the Commander, NIS, should have designated a larger full-time team of agents to the case to ensure that all aspects of Tailhook 91 were thoroughly and aggressively pursued.

With respect to reports that some officers refused to be interviewed or to have their photographs taken, we found that those instances were remedied fairly early. With respect to the "conspiracy of silence" engaged in by some of the officers NIS interviewed, we note that that problem is difficult to remedy without violating the prohibition against unlawful command influence. One effective remedy that the Commander, NIS, failed to consider in even a single instance is the grant of immunity in exchange for full and truthful testimony.

From the outset, the Tailhook investigation commanded the personal attention and involvement of the Commander, NIS, and his senior staff. The Commander's personal involvement in the matter included participation in basic investigative decisions such as the selection of photographs to be used for identification purposes. In addition, he closely monitored the progress of the case, going so far as to telephone the case agent several times while she was interviewing LT Coughlin and to have the agents bring the report to him on a Friday night so that he could read it immediately. Subordinate NIS managers were also unusually involved in the investigation and two members of the NIS headquarters staff were assigned to monitor the case agent's work.

We found two weaknesses in the investigation. First, as in the Naval IG investigation discussed later, senior officers who were present at Tailhook 91 were not interviewed. From an investigative standpoint, we believe that those officers should have been interviewed to determine what criminal activity or misconduct, if any, they witnessed or engaged in during Tailhook 91, or learned about subsequent to Tailhook 91. The NIS began its investigation with the group of people reportedly closest to the scene of the assault, i.e., the junior officers. Although NIS agents did not develop any leads suggesting that senior officers were involved in or had knowledge of the assaults, it does not appear from the interview sheets that that was information they were attempting to develop and, thus, the absence of such information is rather predictable. We believe thoroughness demanded the senior officers present be interviewed.

The other weakness is that, as evidence of nonassaultive criminal activity (such as indecent exposure or conduct unbecoming an officer) developed, the NIS investigative scope was not expanded to encompass it. The failure to expand the scope of the investigation or to ensure that the information was quickly passed to others (such as the Naval IG) meant that important information was not pursued.

The investigative findings were presented in the established NIS reporting format. That format provided for the use of "interim reports" that were composed of brief summary information accompanied by Investigative Actions (IA). The IAs covered completed investigative leads to include such things as witness interviews and record reviews. In addition to the interim reports, the case agents composed Prosecutive Summaries that outlined evidence in support of charges recommended against individual suspects. In this case, prosecutive recommendations were made with respect to four individuals. Information that was not contained in the Prosecutive Summaries or was received after its issuance was collected and eventually issued in a Supplemental Report.

Our review determined that, although NIS followed its standard format, the sheer volume of documents generated in this investigation--well over 2,000 pages--did not lend itself to that format. The format does not provide the reader with a comprehensive summary or a method of reviewing the data in a reasonable fashion. It is virtually impossible to determine whether specific interview information is contained in the report without a detailed and time-consuming review. Those deficiencies contributed to the omission from the NIS report of a critical report of interview involving the presence of the Secretary of the Navy in one of the suites. The omission is discussed later in this report.

V. THE NAVAL IG INVESTIGATION

The Naval IG established a team of six staff members to conduct his investigation of Tailhook 91. The Naval IG viewed the Tailhook investigation as a collateral duty for the team members. For example, two team members were diverted to four routine inspections, each consuming about two weeks to conduct and report. Other team members similarly were sidetracked to other tasks during the Tailhook inquiry. We believe the Naval IG team was inadequately staffed to conduct an investigation of the magnitude required by the scope of events at Tailhook 91.

The Naval IG team produced two reports, one dealing with the Navy relationship with the Tailhook Association, the other dealing with the personal conduct that occurred at Tailhook 91.

In his report on the Navy relationship with the Tailhook Association, the Naval IG provided summary information on the history of the relationship, the recurring misuse of Navy aircraft to transport attendees to Las Vegas for convention activities, and the atmosphere in the hospitality suites. The Naval IG made several sound observations. In particular, we believe the Naval IG was correct in stating:

A common thread running through the overwhelming majority of [NIS] interviews concerning Tailhook 91, was - "what's the big deal?"

Those interviewed [by the NIS] had no understanding that the activities in the suites fostered an atmosphere of sexual harassment, and that actions which occurred in the corridor constituted at minimum sexual assault and in many cases criminal sexual assault. That atmosphere condoned, if not encouraged, the gang mentality which eventually led to the sexual assaults.

Similarly, we believe the Naval IG report regarding personal conduct at Tailhook 91 contains a good description of the general activities that occurred there and the environment in which they took place. Again, we found that the Naval IG identified a major problem when he stated:

The activities which took place in the corridor and the suites, if not tacitly approved, were allowed to continue by the leadership of the aviation community and the Tailhook Association. Further, the conduct in the corridor was merely reflective of the atmosphere that was created by the activities in a number of the suites.

The major flaw in the Naval IG investigation is that, with very few exceptions, he failed to interview senior officials who attended Tailhook 91 and failed to assign any individual responsibility for the misconduct that occurred there. The Naval IG told us that he believed to do so would be perceived as a "witch hunt" that would detract from fixing the cultural problem identified in the reports. He stated he believed that would hurt the Navy rather than help it.

In a very telling comment, the Naval IG told us:

...once we determined we had a cultural problem, then it was our contention in that group around the table, the Under and all these people, that the corporate "we" had allowed this to take place. And to interview squadron [commanding officers], to ask them why they allowed that to happen didn't make any difference because the whole system

allowed it to happen. And frankly, I think a Navy captain who had seen that over four or five years, had seen the Rhino room with a dildo hanging on the wall, is not going to walk in there in 1991 and change anything.

While it is easy to be sympathetic to the attitude--that the Navy had allowed that kind of activity to go on for so many years the attendees had become enculturated to it, could not be expected to change it, and therefore should not be held responsible for it--it must ultimately be rejected. For what the Naval IG failed to understand is that the time for attributing misconduct of that nature to a "cultural problem" had long since passed. At least a year prior to Tailhook 91, the Navy established a "zero tolerance" policy with respect to sexual harassment and sexual misconduct. For a cogent explanation of why it was critical to consider the responsibility of senior leaders for the misconduct that occurred at Tailhook 91, one need only read the memorandum written by the Secretary of the Navy to the CNO and the Commandant of the Marine Corps on June 2, 1992 (Enclosure 7). Unfortunately, the Secretary's initiative to consider personal accountability came too late and should have been addressed by the management team at the outset of the Navy investigations.

VI MANAGEMENT ERRORS RESULTED IN INADEQUATE INVESTIGATIONS

The overall management of the Navy investigations was flawed in at least three ways.

First, the Under Secretary and Navy JAG were uncertain as to their respective roles and responsibilities. Most significantly, the Under Secretary told us that he believed his role was to be an information gatherer only and that he was not supposed to direct, control or coordinate the investigations. The Under Secretary stated the following:

I felt hamstrung, trapped, blocked in, every place that I tried to exert any influence at all. I was very dissatisfied, very frustrated. And there's a "civilian control of the military" issue here. I let--when a nonlawyer, a non-legal-trained person tries to interfere in this process, you face roadblocks all over the place. People tell you, no, you can't do that; no, you can't do this. And they can cite you line and verse.

He also stated that:

...I suppose, if I was trying to figure out who the real master in this situation was, I knew it wasn't me.

Others, including the Secretary of the Navy, believed that the Under Secretary was, in fact, supposed to be controlling and coordinating the efforts of the Naval IG and the Commander, NIS.

Additionally, the role of the Navy JAG, was unclear. When asked why the Navy JAG was present during the meetings, the Under Secretary told us, "The purpose of having ADM Gordon present--God, I don't know. He may have even volunteered himself. I don't recall that I directed that he be at the meetings." When we asked the Navy JAG who was providing legal advice to the Under Secretary, he responded, "I guess I was."

The second error was the failure to develop a comprehensive investigative plan as the scope of the issues raised by Tailhook increased. The initial investigation begun by the NIS was in response to, and focused solely on, LT Coughlin's assault complaint. When the Under Secretary tasked the Naval IG to look at the emerging noncriminal aspects of the matter, he should have ensured that the two investigative activities developed a joint investigative plan. That would have helped to ensure a thorough investigation into all the relevant issues related to Tailhook in an effective and efficient manner.

The Commander, NIS, agreed that a joint investigative plan would have been beneficial and stated, "We should probably have done what your questioning suggested, and that is George [Davis] and I sit down, possibly with the Under, or just together, and lay out exactly who is going to take care of what, and if he wanted to, you know, provide a long list of questions, we could have given him a much better quality product by doing that."

We believe an investigative plan would have helped overcome a poor working relationship between the two agencies. The absence of such a plan contributed to the third error, a lack of cooperation and coordination between the two organizations.

From the outset, there was a gross lack of cooperation between the Commander of the NIS and the Naval IG. The NIS established a cumbersome procedure mandating that all information to be transmitted to the Naval IG had to go from the NIS field agents to regional headquarters, to NIS headquarters, then to the NIS Liaison Officer assigned to the Naval IG and then to the Naval IG team. The NIS did not afford the Naval IG team access to complete information. The NIS wanted to forward only agents' summaries of interviews rather than the interview sheets themselves. There was minimal coordination between the NIS case

agents and the Naval IG team. In fact, the Naval IG team could not interview anybody or look at any documentation until they were granted permission from the NIS according to the Naval IG team leader. Further, the Naval IG told us that the Commander, NIS, rejected his request to have NIS agents ask questions during their interviews that would address the Naval IG's need for information on Standards of Conduct and other improprieties.

The Naval IG and the team leader testified that the flow of information from the NIS was slow and actually stopped several times. That caused the Naval IG to contact the Commander, NIS, on several occasions to ask for an improved flow of communication. The Naval IG said that on each occasion, the Commander assured him that the problems would be corrected. For a while, interviews would be transmitted, but would soon slack off again.

In April, a meeting was scheduled due to the efforts by the JAG trial counsel assigned to the NIS and a JAG attorney working on the Naval IG team. This was the first and only time significant personal contact took place at the working level. According to the Naval IG team leader, the NIS provided valuable information at that meeting and it was the first time the team fully grasped the scope of the events that occurred at Tailhook 91. However, the Naval IG team leader told us that within days of the meeting, he was informed that his team could not return to the NIS offices, could not have access to photographs, and they could not have direct access to the NIS case agents. In any event the Commander, NIS, ordered the investigation closed shortly thereafter. At the time the NIS final report was issued on April 30, 1992, the Naval IG had still not received NIS interviews that contained information of significance to his work.

The Naval IG team leader summarized the situation in this way:

I think that the Under believed--did not understand the organizational separation between ourselves and NIS. And I think going in we didn't understand that we would, in fact, get as bad cooperation as we did. And we didn't understand until we were significantly into it that we were not, in fact, getting all the information.

The lack of cooperation was due, in part, to a history of interorganizational bickering most recently fueled by a Naval IG inspection of the NIS completed in August 1991. As a result of the inspection, the Naval IG strongly criticized the NIS for its failure to integrate itself into the Department of the Navy, the large size and excessive layering of its headquarters, the NIS use of overtime pay, and on several other aspects of the NIS organization and management.

We have no indication that the Naval IG raised the lack of cooperation with anyone outside the NIS.

VII. PERSONAL FAILURES AND RESPONSIBILITIES

We believe that personal failures on the part of four of the five management officials were largely responsible for the inadequacy of the Navy investigative response to the Tailhook matter.

A. The Under Secretary of the Navy

The Under Secretary failed to ensure that the Navy conducted a comprehensive investigation.

The Under Secretary of the Navy failed to ensure that all important aspects of Tailhook 91 were adequately addressed. If, as stated by the Naval IG, the Under Secretary turned down the Naval IG request to do an "all-up investigation" concerning the issue of misconduct, he then failed to task the NIS with the responsibility to include that within the scope of its investigation.

The Under Secretary told us he was surprised when the reports were released to discover that squadron commanders had not been interviewed. The Under Secretary also stated he had not realized that accountability issues had not been examined because the detailed nature of the NIS briefing and the massive amount of data led him to believe that all aspects of the matter were being examined. We find his statement remarkable given that the ASN(M&RA) frequently raised concerns at the weekly meetings from November 1991 until April 1992 about the limited scope of the investigations, the failure to pursue aggressively investigative leads, and the failure to interview senior officials.

As an experienced civilian official, the Under Secretary should have been sensitive to the problems inherent in cases where senior military officers are called on to examine the actions of their peers. Even if he did not on his own recognize the need for that critical attitude, we find no excuse for his unwillingness or inability to address significant issues when they were presented to him by the ASN(M&RA) and by the Naval IG.

The Under Secretary's assertion that he was merely an information gatherer is not acceptable. As the second highest civilian official in the Department of the Navy, we view his failure to provide effective leadership and direction to the Naval IG and the Commander, NIS, as an abrogation of responsibility. If he had any doubts about his role or authority, he should have requested clarification from the Secretary of the Navy. Simply put, the most senior official involved must ensure that the "big picture" is addressed; there is no reason to expect that subordinates, with more parochial interests, will do so.

The Under Secretary's failure to exercise leadership to ensure the overall adequacy of the Navy investigations into Tailhook was a key failure in the matter.

B. The Commander, NIS

The Commander, NIS, demonstrated an attitude that should have caused an examination of his suitability to conduct the investigation.

Throughout the course of the NIS investigation, the Commander expressed personal views and took positions on issues which, at least collectively, should have caused his suitability to conduct the investigation to be questioned. The issues fall into three areas: his attitude toward women in the military, his reluctance to interview admirals who had attended Tailhook 91, and his repeatedly expressed desire to terminate the investigation.

Attitude Toward Women in Military Service

First, according to the Under Secretary, the ASN(M&RA), the Naval IG, plus additional witnesses, the Commander displayed an attitude toward women in the military that raised their concern.

The Commander, NIS, stated to the Under Secretary, the ASN(M&RA), and the Special Assistant to the Secretary of the Navy, Ms. Marybel Batjer, that, in his opinion, men simply do not want women in the military. Those to whom he expressed that opinion believed that the Commander, NIS, shared that view. The Commander, NIS, told us that he expressed a strong personal preference for working with men rather than women. While that attitude alone would not necessarily demonstrate the loss of objectivity regarding an investigation dealing with sexual assault or sexual misconduct, further incidents involving the NIS Commander greatly added to our concern.

In a weekly meeting in the Under Secretary's office in early 1992, the Commander, NIS, commented on his understanding of the prevalent attitude against women in the service. After the meeting, the ASN(M&RA) and the Commander, NIS, engaged in a heated argument in a Pentagon corridor regarding women in the Navy and, in particular, women in naval aviation. During this argument, described by the ASN(M&RA) as a "screaming match," the Commander, NIS, made comments to the effect that a lot of female Navy pilots are go-go dancers, topless dancers or hookers.

The ASN(M&RA) was outraged by the Commander's comment and believed it raised an issue about his suitability to conduct the investigation. Although she discussed the matter with the Navy JAG, she did not mention it to the Under Secretary or the Secretary.

In another incident, the Commander met with a female NIS agent to review the statement of one of the assault victims. The Commander, NIS, commented on the victim's use of profanity in her statement. (According to the victim's statement, she described that she turned to two of her assailants as they were grabbing her and demanded of each of them, "What the fuck do you think you're doing?" In her statement, the victim also stated that she told her commanding officer that she was "practically gang-banged by a group of fucking F-18 pilots.") The NIS agent related to us the Commander's reaction:

We're talking about using profanity. He made the comment that his lieutenant would never speak that way to him or make those kind of comments. Then Adm Williams --and I'll remember this quote forever. Then Adm Williams made the quote to me, "Any woman that would use the F word on a regular basis would welcome this type of activity...."

I remember this so vividly because I am a woman and I have been known to use the "F" word on more than an occasional basis. So I personally found it offensive because personally I would never welcome that type of activity that [the victim] received up on the third floor being indecently assaulted....

Other NIS staff at the meeting also believed the Commander's comments were inappropriate. As a result, on the next working day, the Commander and the Director of Criminal Investigations and Counterintelligence, NIS, each called the NIS case agent. According to the case agent, first the Director of Criminal Investigations and Counterintelligence apologized on behalf of the admiral and opined the agent may have misunderstood his remarks. Then RADM Williams tried to assure her that all he intended to convey was that the victim's language could be used by the defense to reflect negatively on her creditability. The agent told us that the Commander's explanation moved from being apologetic in nature to seeking to convince her that she had misunderstood his remarks.

Finally, at the last meeting of the five principals prior to release of the reports in April 1992, according to the Special Assistant to the Secretary of the Navy, Ms. Marybel Batjer, the Commander again made comments regarding his understanding of the pervasive Navy attitude toward women in the service. Again, there was an argument after the meeting in which, Ms. Batjer told us, the Commander informed her that it was his own view that women do not belong in military service.

The Commander acknowledged to us that he had arguments with the ASN(M&RA) and the Special Assistant, but combined both into a single incident. He did not discuss his specific comments but told us that he knew his choice of language had been "stupid." Similarly, he recalled the meeting with the female investigator and, while not recalling his precise comments, generally corroborated the investigator's recollection of events.

Reluctance to Question Admirals

Second, the ASN(M&RA) and the Naval IG perceived that the Commander was reluctant to interview admirals who had attended Tailhook 91. The ASN(M&RA) told us that when she began to suspect one particular admiral of having more than a passing knowledge of the gauntlet, she asked the Commander, NIS, to pursue the matter. She reported that after the Commander declined to interview the admiral on the grounds that such an interview was outside the scope of the NIS assault investigation, she sought advice from the Navy JAG. According to the ASN(M&RA), when she told the Navy JAG that she believed the Commander to be "gun-shy" with respect to the admirals, the Navy JAG did not dispute her characterization. According to the ASN(M&RA), the Navy JAG based the Commander's reluctance to interview admirals on his not wanting "to be left out to hang."

The Naval IG also told us that he had developed concern over the Commander's reluctance to confront other admirals. When the Naval IG asked the Commander if the Naval IG team could interview the admiral identified by the ASN(M&RA) as possibly having information about the gauntlet, the Commander told the Naval IG that the NIS would conduct the interview. Despite repeated urging by the Naval IG, the NIS failed to proceed and the Naval IG informed the Commander that he would arrange the interview if the NIS did not conduct it within a week. Even then, the NIS took no action and the Naval IG eventually conducted the interview. (In our second report, we will describe the results of our interview of the admiral identified by the ASN(M&RA) which confirmed that he did indeed have relevant first-hand knowledge of the gauntlet at Tailhook 91).

The Commander told us that he would have interviewed any of the admirals who attended Tailhook 91, or the Secretary of the Navy, if he had any reason to believe they had information relevant to the assault investigation the NIS was conducting. That position, however, begs the question because the NIS took no steps to inquire systematically of the 2,100 witnesses the NIS interviewed as to whether they observed any admirals (or the Secretary) in the vicinity of the gauntlet. Indeed, the 2,100 interviews were almost exclusively of officers serving in the grade of lieutenant commander or below, a group far less likely to recognize senior officials, since all were wearing civilian

clothes, than would the squadron commanders and their superiors. Further, we were told by several witnesses that the Commander of the NIS commented on his concern that conducting the investigation could ruin the NIS relationship with the naval aviation community. In our opinion, that provides a more believable explanation for the Commander's failure to interview senior officers.

Desire to Terminate the Investigation

Third, the Commander expressed an intention at weekly meetings beginning in December 1991 and repeated at intervals thereafter to terminate the NIS investigation. The Under Secretary and others believed that termination would have been premature since outstanding leads remained with respect to the assault allegations. Additionally, the Commander's views regarding the likely futility of the NIS investigation, expressed to his staff as early as November 1991, caused dismay to subordinates involved in the investigation. They interpreted his remarks to mean that he did not want the matter aggressively investigated. For example, the case agent told us she specifically recalled a particular comment by the Commander, NIS:

ADM Williams said that NIS did not have "a fart's chance in a whirlwind" of solving this investigation. Now, the [Director of Criminal Investigations and CounterIntelligence] did hear this remark because he took exception to the remark and said that he believed that we did have a good chance of solving this thing.

The Regional Director for the National Capital Region of the NIS stated that he was under constant pressure from the NIS headquarters, specifically RADM Williams, to close the investigation. He said he negotiated as long as he could to keep the case open because a number of investigative leads had not been completed. As a result, the final NIS report of investigation was distributed before the case agent received responses to leads she had sent to the field.

The Commander's lack of confidence in the ultimate success of the investigation was coupled with an unusually high level of personal involvement in the details of the investigation. The Regional Director said he had never seen a case under such scrutiny and micromanagement by the NIS headquarters. RADM Williams required briefing on minute details and actually became involved in preparation of a photographic line-up. Together, his attitude toward the investigation and his active oversight of it was disheartening to the investigators and detracted from the investigative process.

We believe the Commander's overriding goal, and the motivation for his actions, was to keep the investigation within narrow limits and to dissuade the investigators from pursuing issues that might lead them to question the conduct of senior officials at Tailhook 91. To their credit, the investigators persisted in pursuing the investigation within the limits established for them.

The Commander's role in failing to remedy a significant conflict of interest on the part of a JAG attorney is discussed under the next heading, because he shares responsibility for that failure with the Navy JAG.

C. The Navy JAG

The Navy JAG failed to ensure that the Navy investigations fully addressed the issues, and he failed to remedy properly a significant conflict of interest on the part of the Special Assistant to the Secretary of the Navy for Legal and Legislative Affairs.

The Under Secretary, the ASN(M&RA), and the Naval IG told us that they looked to the JAG and the Commander, NIS, both lawyers, for guidance during the course of the weekly meetings. The Naval IG told us that the Navy JAG gave useful legal advice during the course of the investigations by cautioning against certain approaches because of legal impediments. However, the Navy JAG played no role in ensuring that the Navy investigations were adequate in addressing all relevant issues including individual accountability for misconduct.

During our interview, the JAG defended the investigations and his role in the weekly meetings. He told us that he recognized the need to address issues of accountability and that he expected the Fleet Commanders to do so when they received the NIS and the Naval IG reports. We question that expectation, however, since the Fleet Commanders could not reasonably be expected to develop the factual information involving officers and witnesses stationed worldwide when the Navy leadership had not done so using the specialized investigative resources at their disposal.

With respect to his own actions, the JAG stated that he felt constrained by his military justice responsibilities under the Uniform Code of Military Justice (UCMJ) from becoming too involved in the investigations. On the other hand, in response to a different question, the Navy JAG stated:

...the kinds of questions that I answered was, do we have sufficient

evidence to take [a particular suspect] to a court-martial? Answer: There is enough evidence, not enough for a conviction, in my opinion. After ADM Williams would come in and explain what he had.

We believe his response certainly indicated that he was aware of and involved in the details of the individual investigations, and, therefore, we found his explanations to be inconsistent.

Despite the unique circumstances of the Tailhook investigations, the Navy JAG did not review the NIS and the Naval IG investigative reports for legal sufficiency to provide the Under Secretary with an assessment of their overall adequacy prior to their release on April 29, 1992. The failure left the Navy with a series of interim investigative reports that were forwarded to Fleet Commanders, plus a prosecutorial summary, but without a comprehensive report that the Navy could effectively use to correct its problems.

We believe the JAG should have elected one of two courses of action. Either he should have fully advised the Under Secretary and later recused himself, if necessary, with respect to military justice actions; or, alternatively, he should have provided another lawyer to fully advise the Under Secretary, thereby remaining untainted for his potential UCMJ responsibilities. By trying to perform both duties, the JAG failed to fulfill either responsibility.

In addition, the JAG demonstrated poor professional judgment in his failure to eliminate a significant conflict of interest on the part of the Special Assistant to the Secretary of the Navy for Legal and Legislative Affairs, CDR Peter Fagan. As mentioned earlier in the report, CDR Fagan was a frequent attendee at the weekly briefing. CDR Fagan enjoyed a close relationship with the Commander, NIS, and the JAG. As Special Assistant to the Secretary of the Navy for Legal and Legislative Affairs, he occupies a position of prestige and sensitivity within the Navy JAG Corps. The Commander, NIS, had preceded CDR Fagan in serving as the Special Assistant for Legal and Legislative Affairs to Mr. Garrett at the time he was the Under Secretary of the Navy.

In January 1992, the NIS suspected that CDR Fagan's [REDACTED], might have intentionally misled investigators in their search to identify

LT Coughlin's assailants.⁷ When the Commander, NIS, became aware that [REDACTED] was a suspect and that [REDACTED] the Commander briefed the Under Secretary. The Commander also discussed the situation with the Navy JAG. The resolution [REDACTED] in the future, they would not refer to [REDACTED] in the presence of CDR Fagan. The Under Secretary, relying on the Navy JAG as the chief uniformed legal officer in the Navy, and also on the legal expertise of the Commander, NIS, assumed that those arrangements would be proper.

When CDR Fagan became aware that [REDACTED] [REDACTED] he approached the Under Secretary and offered to refrain from attending future meetings concerning the investigations. The Under Secretary, relying on the Commander, NIS, and the Navy JAG, told CDR Fagan that would not be necessary. According to the Commander, NIS, he did not inform the Naval IG or the ASN(M&RA) about the relationship between the suspect and CDR Fagan when the issue first arose. Both principals became aware of the problem some time later.

We spoke to Navy JAG lawyers who had raised the matter to the Commander, NIS, and the Navy JAG. The lawyers told us the Commander and the Navy JAG dismissed their concerns. The testimony of a senior Navy JAG attorney is especially revealing:

A: Well, at first [another JAG attorney] and I talked about it--

Q: Okay.

A: --because we were doing a check on each other, "Do we both think that that was a conflict?" "Yes," we both agreed.

Q: Okay. And after that, who did you--

A: ADM Williams, himself.

Q: Okay. What did ADM Williams tell you?

A: Just that he was aware of it and didn't seem to be a problem.

⁷ Our investigation has raised questions as to whether the individual intentionally misled the NIS investigators. The issue will be addressed in Part 2 of our report.

Q: Okay. Did you talk to anybody else?

A: ADM Gordon.

Q: And how long after you talked to Williams was that, do you recall?

A: All these things, I would say, happened within a week to ten days because we were...convinced that if we told enough people that...somebody would either take action or enough people would know so that somebody would get upset and say, "Yeah, you're right. This is ridiculous. Get this guy off the case."

Q: Okay. So you talked to ADM Gordon within this week or ten days, also?

A: Yeah.

Q: What was his response?

A: As I recall, he just wasn't impressed with the fact that there existed a relationship, said it wasn't a problem that--I believe both of them, but particularly ADM Gordon, indicated that CDR Fagan had disclosed that, that everybody knew it, so it couldn't be a conflict. Everyone knew that CDR Fagan's [REDACTED] so how can it be a conflict.

Q: What was your reaction to that?

A: Well, I started--then I started arguing the appearance regarding, you know, the Secretary of the Navy.

Q: I take it what you're getting to is you were of the view that aside from the issues of CDR Fagan's personal integrity--

A: Right.

Q: --keeping him a party to the progress of the investigation, when [REDACTED] was a subject, would raise issues as to the integrity of the investigation?

A: Right. That we didn't need--I mean, we didn't need that. We can handle this investigation without [CDR Fagan] being involved. The Secretary had plenty of other people to advise him if he needed advice on legal matters. And we just didn't need that.

* * * * *

Q: What was your reaction to the responses you got from Williams and Gordon?

A: Well, I think two things. One, I was surprised. And two, frustrated.

Q: And why were you frustrated?

A: Because it seemed so obvious to me, and it didn't seem obvious to the people [we] were raising it to--that it was a problem.

While we found no evidence that CDR Fagan's continued attendance at the weekly meetings caused actual damage to the investigation, the need to separate him from the investigation--to protect the integrity of the investigation and to protect CDR Fagan from later allegations of impropriety--should have compelled his removal from the weekly meetings and from access to other investigative information at the moment [REDACTED] became an issue. The need to take that step is so basic, so fundamental, in law enforcement and legal practice that we believe the Commander's and, especially, the Navy JAG's failure to so advise the Under Secretary raises serious questions about their professional judgment. Although the Commander, NIS, a lawyer, played a critical role in the matter, we believe that as the chief military legal officer, the Navy JAG must bear the primary responsibility for failing to remedy the obvious and serious conflict of interest.

D. The Naval IG

The Naval IG did not ensure that his reports would have an adequate factual basis and made questionable referrals of individuals to the chain of command for consideration of disciplinary action.

To his credit, the Naval IG realized early in the investigation the need for a comprehensive inquiry into Tailhook 91. The Under Secretary told him to rely on the NIS

to conduct initial interviews; the Naval IG would then conduct follow-up interviews only as necessary. Cooperation by NIS in obtaining and sharing information was critical under this procedural framework.

As it became apparent that the NIS was focusing exclusively on criminal assaults and was not developing evidence that would support a report on the other aspects of Tailhook, the Naval IG should have taken some action to ensure that the necessary information was obtained. When the Naval IG's discussions with the Commander, NIS, failed to secure greater cooperation by the NIS, the Naval IG should have reported the problem to the Under Secretary for resolution.

In the absence of any satisfactory resolution, the Naval IG could have gathered the necessary information without relying on the NIS by assigning a greater number of his own staff to this case on a full-time basis or by requesting assistance from Inspectors General elsewhere in the Navy or from the Office of the Inspector General, DoD. Rather, by assigning only six of his staff members on a part-time basis, the Naval IG limited his ability to obtain required information and performed only superficial work on issues that required depth and breadth.

The Naval IG did not identify individuals for whom some sort of disciplinary action should be considered until after the April 28, 1992, briefing of the Secretary of the Navy. After reviewing the case files, the Naval IG and his staff referred 16 individuals to the chain of command for possible disciplinary action. In addition, the Naval IG identified 17 hospitality suites in which inappropriate activities occurred and recommended that those instances be further reviewed to determine if disciplinary action was warranted against any individuals.

The cases referred by the Naval IG were neither the only cases of misconduct nor were they the most egregious. Further, in some cases the referrals were made without adequate investigation. For instance, the Naval IG referred four officers, including one rear admiral, because they were reported to have visited a contractor's hospitality suite during Tailhook 91. The referrals were based on the interviews of three civilian employees who said they observed the officers in the suite. The Naval IG failed to interview any of the officers and did not determine how their actions violated applicable laws or regulations. We believe such basic investigative work was required before the referrals were made.

Finally, the Naval IG referred to the chain of command for possible disciplinary action four officers who were members of the Tailhook Association Board of Directors. The Naval IG referred those officers for failure to act when they learned of improprieties during the course of Tailhook 91. To refer those individuals, serving in the grade of captain and below, while

ignoring the need to determine the accountability of more senior officers who attended Tailhook 91, is unfair and inconsistent.

VIII. RELEASE OF NAVY REPORTS

On April 28, 1992, the Secretary of the Navy was briefed on the status of the investigations and presented with draft reports. At that briefing, the Commander, NIS, said his report would be finalized in a few days and the Naval IG said his report would be finalized in a couple of weeks because he needed to review all the NIS material for Standards of Conduct violations. During the briefing, the ASN(M&RA) expressed to the Secretary her concerns over the inadequacies in the two investigations. At the end of the briefing, the Secretary of the Navy instructed that the reports were not to be released until he was satisfied the investigations were thorough and complete. He reiterated the instructions to the Under Secretary in a telephone conversation on April 29, as the Secretary was en route to the airport for a two-week trip to Australia. Notwithstanding those instructions, the Under Secretary became concerned about a leak to the press and authorized the release of the reports, which were provided to the media on April 30.

We met with the five principals on May 11 and expressed our concern that senior officers who were present at Tailhook 91 had not been interviewed about either the criminal assaults or misconduct, nor had adequate information been developed about what occurred in the hospitality suites.

The Secretary of the Navy told us that after he returned from Australia, the ASN(M&RA) came to him and threatened to resign if some action was not taken with respect to commanding officers of units whose suites had been the site of improper activities. On May 14, 1992, the Secretary tasked the Navy JAG to review the investigation reports and inform him what options were available regarding those individuals who had not been identified as committing criminal offenses but who may have failed to provide appropriate leadership. The team of JAG attorneys assigned to perform the review forwarded to the Navy JAG a recommendation that senior officials be interviewed concerning the misconduct and leadership issues. The Navy JAG's response to the Secretary of the Navy on May 22, 1992 (Enclosure 8), did not include this recommendation. According to the JAG trial attorney assigned to the NIS, the Navy JAG explained that he did not include the recommendation because his job was to address what disciplinary action was available with regard to commanding officers--not to reopen any investigation.

On June 2, 1992, the Secretary issued a memorandum to the CNO and the Commandant of the Marine Corps to work through the Commander in Chief, Atlantic Fleet, and the Commander in Chief, Pacific Fleet, with the advice of the Navy General Counsel, to interview all squadron commanders and assess their performance regarding Tailhook 91 (Enclosure 7).

On the initiation of our review, we requested that the Navy suspend disciplinary actions relating to Tailhook 91 (Enclosure 9). We made the request to ensure that all relevant information was known regarding Tailhook 91 and that Navy officials making disciplinary decisions were not themselves subject to censure for their own actions at Tailhook 91.

IX. THE MISSING REPORT OF INTERVIEW

On the weekend of June 13-14, media attention focused on a previously unreleased report of interview.⁸ We examined how the report of interview came to be omitted from the NIS report released in April.

In February 1992, NIS agents interviewed a Marine Corps officer who provided information concerning one officer suspected of assault and one officer suspected of obstruction of justice. In addition to the information concerning the suspects, the report of interview stated: "[The witness] noted that certain senior officers made a point of stopping in the [Rhino] suite. He recalled that Secretary of the Navy Garrett came by the suite, but could not recall the date or time." Witnesses subsequently interviewed by the NIS provided similar or corroborating information concerning the two suspects.

The report of interview was received at the NIS task force by telefax on February 20, 1992. However, the report of interview was not included in the "final NIS report" released in April, which was merely a compilation of the interim reports and prosecutive summaries. Instead, it was included in a 55-page supplemental report that was dated May 13, 1992. The supplemental report was received at NIS headquarters on May 20, 1992. Agents at the headquarters performed routine administrative functions to prepare the supplement for distribution to the chain of command, but it remained in NIS headquarters until early June 1992, when the VCNO learned of the existence of the report of interview.

The VCNO was concerned that the failure to include the report of interview in the final NIS report fueled speculation that it had been concealed to protect the Secretary of the Navy. He questioned the Commander, NIS, as to why the report of interview had not been included in the final NIS report. The Commander offered no explanation, but immediately caused the supplemental report to be released to concerned Navy commands. On June 12, 1992, the Secretary of the Navy asked this office to investigate the circumstances surrounding the Navy's failure to include the report of interview in the final NIS report.

⁸ A report of interview is a document written by an investigating agent summarizing a witness' statements during an interview.

According to the case agent, the omission of the report of interview from earlier interim reports was an "administrative glitch." When she discovered the omission, the case agent placed the report of interview with other documents for later use in preparing the Prosecutive Summaries. Subsequently, when the Prosecutive Summaries were being prepared, the case agent determined that the report of interview did not provide the best evidence concerning the two assault and obstruction suspects. In her judgment, the Secretary's presence in the Rhino suite was not germane to the assault and obstruction of justice case under investigation. Therefore, the case agent decided not to include the statement in the Prosecutive Summaries. Because the report of interview had been omitted from previous interim reports and was not included in the Prosecutive Summaries, it was not part of the "final NIS report" that was publicly released on April 30, 1992.

The NIS agents continued to follow up on some leads that were still outstanding after the final report was released. Several reports of interview, including that of the Marine Corps officer, were assembled into the 55-page supplement. We found no evidence that there was any pressure exerted on the case agent to omit the report of interview from interim reports or the Prosecutive Summaries. The explanation given by NIS officials for why the supplemental report remained in NIS headquarters for over three weeks was that the priority given to its administrative processing was less than that afforded the earlier reports when the case was still in an open status.

There is conflicting information concerning when the Commander, NIS, and the Navy JAG first became aware of the existence of the report of interview. The Commander, NIS, and the JAG told us they initially learned of the report of interview in mid-June 1992. They also denied to the CNO and VCNO any prior knowledge of the report of interview.

The trial counsel assigned to the NIS investigation told us that he briefed the Commander, NIS, about the report of interview at a February 21, 1992, meeting attended by several NIS managers. None of the other attendees we interviewed had a good recollection of whether the matter was briefed at the meeting. The Commander, NIS, does not recall being briefed, in fact, he was unsure whether he even attended the briefing or whether he was out of town. His calendar indicated that he returned the previous evening, and the briefing appeared on his schedule for February 21.

The trial counsel also told us that at one point he contemplated interviewing the Secretary of the Navy because, if the Secretary had been in the Rhino suite as the Marine Corps officer stated, he might have first-hand knowledge concerning whether the assault and obstruction suspects were in the suite simultaneously. The trial counsel briefed the Deputy Director, NIS, showing him a copy of the report of interview. The Deputy

Director told us he did not brief the Commander on this matter because, although an interview of the Secretary of the Navy was contemplated, it was never formally requested.

However, in our interview of the Under Secretary, he told us:

I recall, at one point, that...ADM Williams, head of NIS, said that the Secretary was out there on the third deck, that a couple of his agents felt that they might need to ask him questions to identify whether two individuals were in a particular suite or not at a given time, and that he would come back if they needed to do that.

A few weeks later, as I recall--that's all the detail I had at the time. A few weeks later, as I recall, he came back and he said that they had two other witnesses who had identified these two individuals in that suite, and said the agents felt they didn't need to question the Secretary.

Finally, the trial counsel told us that he had a private conversation with the Commander in mid-May in which he (the trial counsel) expressed some indignation that the Secretary was intending to hold accountable those who witnessed misconduct but took no action to stop it since the Secretary himself had been in the hospitality suites.

Another JAG officer told us that the Navy JAG was present during a mid-May briefing by the JAG attorneys assigned to review the NIS report and to develop options concerning ways to deal with misconduct and failure of the Navy leadership. Two of the JAG attorneys present told us that someone there raised the issue of the Secretary being in the hospitality suites. They believed that from the Navy JAG's reaction--or, rather, the lack of any reaction--that that information was not news to him. However, we have no indication that specific reference was made to the existence of the Marine Corps officer's report of interview.

The statements by the Commander, NIS, and the Navy JAG that they had no knowledge of the report of interview prior to June 1992 are open to question based on the testimony discussed above. Wholly apart from the testimony, we find it remarkable that the Commander would not be aware of sensitive information in a case he personally became deeply involved with when the information was widely known among his subordinate managers and field personnel. Further, given the close relationship between the Commander and the JAG, we believe that the Commander would have informed the JAG immediately on learning that a Marine Corps officer had placed the Secretary of the Navy in the Rhino suite.

Whether the Commander was aware of the report of interview or not, several senior NIS managers were aware of its existence, and their failure to deal with it, even though it pointed to no criminality on the part of the Secretary, gave the appearance of a "cover up" to protect the Secretary and certainly showed a lack of sensitivity on the part of senior NIS managers. That failure damaged the credibility of the entire investigative effort by the Navy into the Tailhook matter.

X. SECRETARY OF THE NAVY ATTENDANCE AT TAILHOOK 91

An examination of the activities of the highest ranking official in the Department of the Navy at Tailhook 91 is relevant to any discussion of the actions of his senior subordinates who managed the subsequent investigations into what happened at Tailhook 91. This is a topic that has already received some public attention and needs to be aired as fully as possible.

The Secretary attended the Tailhook conventions in both 1990 and 1991. One of his immediate staff members, who had never attended a Tailhook convention, advised him not to attend either convention based on stories and rumors about indecent conduct at the conventions and the alleged misconduct of other Navy officials who had attended previous Tailhook conventions. Clearly, some of the activities that took place at Tailhook conventions were known within the Navy to be incompatible with Navy policies dealing with sexual harassment and abuse of alcohol. To some, the presence of the Secretary and flag officers gave tacit approval to the event, including those aspects of the convention that were contrary to established Navy policies. On the other hand, some senior aviators encouraged the Secretary to attend since his presence would help assure naval aviators that their needs and concerns were being addressed at the highest levels in the Navy. The Secretary told us he wanted to attend the convention as a featured speaker because he believed he could impart to the naval aviators a sense that the Navy leadership was working to address some of their major concerns such as a replacement for the A-6 and the decision to proceed with procurement of the F-18 rather than the F-14.

The Secretary, having arrived in Las Vegas on Saturday afternoon, September 7, 1991, delivered his speech on those issues at the Saturday night banquet from approximately 7:30 p.m. to approximately 9:30 p.m. After the banquet, the Secretary went to his hotel room, changed into casual clothes, and went to the third floor. The third floor was the location of the squadron hospitality suites and a large poolside patio. It is not disputed that the Secretary spent approximately 30 to 45 minutes on the pool patio. What is in question is whether the Secretary entered any of the hospitality suites.

The Secretary executed an affidavit on June 11, 1992 (Enclosure 10). In it, he stated that he did not enter any of the hospitality suites except to reach around the patio door of

one to obtain a beer. During our interviews, the three aides who accompanied the Secretary to Las Vegas generally corroborated the statements in his affidavit with respect to the time they were with him, but the aides neither individually nor collectively could account for the Secretary's actions the entire time he was on the third floor.

In addition to the Marine Corps officer's report of interview placing the Secretary in the Rhino suite discussed earlier in this report, we obtained statements from others that were in direct contradiction to the Secretary's affidavit. The most significant of those are summarized as follows:

--A retired Navy Captain who has known Secretary Garrett for about 20 years told us he accompanied the Secretary to the hospitality suites in both 1990 and 1991. In 1990, after the dinner speech, the witness and the Secretary went to several hospitality suites, in particular the Reserve suites and the Rhino suite. He told us they observed leg shaving in 1990, but saw no strippers or prostitutes. In 1991, the witness met the Secretary as he came off the elevators. He and the Secretary visited the Strike U, VA-128, Top Gun, and VX-4 suites. He said they spent 15-20 minutes in the VA-128 suite where they had a beer and talked to the squadron commander. He said they saw no leg shaving, strippers or prostitutes. They did not go into the Rhino suite. The witness told us he knew that his statements contradicted the Secretary's public statements and insisted that he was telling us the truth. The witness was administered a polygraph examination and was found to be nondeceptive.⁹

--The VA-128 Commander told us that the Secretary came into his squadron suite at approximately 10:45 p.m. escorted by the witness discussed above, whom the squadron commander has known for about 5 or 6 years. He said the Secretary was given a beer, and after about 5 or 10 minutes exited out the back door to the patio. The squadron commander did not attend the Tailhook convention in 1990.

--A lieutenant commander present in the VF-124 suite told us the Secretary, accompanied by two admirals, was making the rounds of the hospitality suites. He said the Secretary came into the VF-124 suite and asked for a souvenir mug.

⁹ In our interview of Secretary Garrett, he told us he had visited with the witness at both Tailhook 90 and Tailhook 91. When we told Secretary Garrett that the witness claimed he accompanied the Secretary to the suites in 1991, the Secretary told us he believed the witness was confusing 1990 and 1991, acknowledging that he accompanied the witness into some suites in 1990, but reiterating that he did not enter any suites in 1991 (see Enclosure 11).

--In addition, several other witnesses told us they saw the Secretary in various hospitality suites.

We believe the statements contradicting the Secretary's affidavit cast doubt on the Secretary's credibility regarding his activities on the third floor. We found no evidence that the issue caused the Secretary to take or refrain from taking any particular action with respect to the Navy investigations.

XI. CONCLUSIONS

1. Although the Navy investigations into Tailhook 91 were generally satisfactory regarding the criminal assaults, the scope of the investigations was not broadened to encompass other violations of law and regulation as they became apparent. Further, the investigations did not pursue issues of individual accountability for the leadership failure that created an atmosphere in which the assaults and other misconduct took place. The inadequacies in the investigations were due to the collective management failures and personal failures on the part of the Under Secretary, the Naval IG, the Navy JAG and the Commander of the NIS.

2. Because the Secretary of the Navy, the CNO, and more than 30 active duty flag officers were present at Tailhook 91, those managing the Navy investigations believed that the Navy as an institution could be vulnerable to considerable criticism. The principals in the Navy investigations erred when they allowed their concern for the Navy as an institution to obscure the need to determine accountability for the misconduct and the failure of leadership that had occurred. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91.

3. It is inherently difficult for any organization to investigate allegations against the senior leaders of that organization. To address this difficulty, an existing Department of Defense directive requires that Military Departments and other Defense components notify the Inspector General, Department of Defense, on receipt of allegations against senior officials. In this case, the Naval Inspector General did not notify this office that senior Navy officials were involved or implicated in Tailhook 91.

4. The release of the Navy reports, contrary to the Secretary's instruction, set off a chain of events that made it impossible for the Navy to correct the weaknesses in their reports in terms of identifying individuals who may have engaged in misconduct or failed to provide appropriate leadership. Those shortcomings were recognized by the Secretary of the Navy and the ASN(M&RA) at the briefing on April 28, 1992.

5. The omission from the "final" NIS report of a report of interview stating that the Secretary of the Navy came by the Rhino suite resulted from a decision by a NIS agent that the report of interview was irrelevant or redundant with respect to its prosecutive value relating to the assaults. Senior NIS officials showed poor judgment, if not professional incompetence, in viewing the witness statement as relevant only to the criminal case.

6. We considered whether organizational problems affected the Navy's handling of the Tailhook investigations. We considered a number of unique aspects of the Navy investigative structures, as well as whether the Navy's performance in the matter might be symptomatic of dysfunctional arrangements in other elements of the Department of Defense. We concluded that no particular organizational changes would have prevented the outcome in this instance or would preclude similar results in the future. Nevertheless, certain aspects of the Navy's investigative process--such as the lack of cooperation between the NIS and the Naval IG--could benefit from organizational changes or procedural modifications.

XII. RECOMMENDATIONS

1. Consider whether the Under Secretary, the Judge Advocate General, the Naval Inspector General, and the Commander of the Naval Investigative Service should continue in their current leadership roles within the Department of the Navy.

2. Consider appropriate disciplinary action with respect to the Judge Advocate General and the Commander of the Naval Investigative Service for their failure to fulfill their professional responsibilities in the Navy's Tailhook investigation.

3. Consider whether any organizational changes or procedural modifications would improve the investigative process within the Department of the Navy and coordinate any changes with the Office of Inspector General, Department of Defense.

Enclosures

NAVY'S INVESTIGATIONS OF TAILHOOK 91: KEY DATES

1991

September 5 - 7 Tailhook 91 at Las Vegas Hilton Hotel.

October 11 Vice CNO receives letter from LT Paula Coughlin and initiates investigation by NIS.

October 11 Tailhook Association president writes to association members regarding Tailhook 91.

October 29 Secretary of the Navy ends Navy support to Tailhook Association.

October 29 Based on memorandum from the Secretary of the Navy, Under Secretary tasks the Naval IG to begin an investigation regarding Tailhook 91.

November 5 RADM Snyder removed from command.

November Under Secretary commences weekly meetings with ASN (M&RA), Naval IG, Navy JAG and Commander, NIS, regarding Tailhook 91 investigations.

1992

April 28 Briefing to Secretary of the Navy.

April 30 Navy releases NIS and Naval IG reports.

May 14 Secretary of the Navy tasks JAG to provide him with options regarding disciplinary actions.

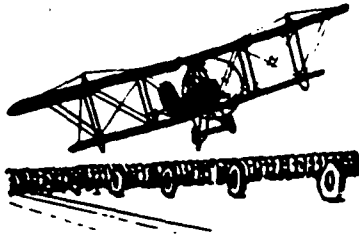
June 2 Secretary of the Navy writes CNO and Commandant.

June 18 Secretary of the Navy requests DoDIG examine entire matter.

June 24 DoDIG asks Secretary of the Navy to suspend Navy investigative and disciplinary actions regarding Tailhook 91.

June 24 LT Coughlin appears on television.

June 26 Secretary of the Navy resigns.



The TAILHOOK ASSOCIATION

P.O. Box 40
Bonita, CA 91908-0040



Phone: (619) 689-9223

15 August 1991

Commanding Officer
NFWS
NAS MIRAMAR
SAN DIEGO, CA 92145

Dear Skipper:

As President of the Tailhook Association I would like to thank you for your continued support of both the Association and carrier aviation. I also appreciate your show of support by hosting an Admin Suite at HOOK '91.

We have sent your Tailhook representative a package containing several forms. The first being a "Suite Duty Officer Form" to be filled-out and returned to the Association at the Las Vegas Hilton on 5 September 1991. Please ask your representative to post, a copy of this form in your suite.

The second being a letter of "hints" to help make your stay in Vegas more pleasant. Two items specifically addressed in the letter (copy enclosed) are under age attendees and "gang mentality". Please brief your duty officers to be aware of both problems and to help curtail the problems associated with those under age and those who have had "too much" to drink.

The Association has come a long way in terms of having a professional, and enjoyable convention each year. In the process we have won the support of the entire Navy chain of Command. Their continued support is vital to our future. Please take a personal interest in your suite to ensure that things go smoothly and that behavior is within acceptable bounds.

I know you and your troops will have a great time. If you have any questions regarding Tailhook '91 or your suite, please contact Tailhook directly at the number above, or 1-800-322-4665.

Again, our thanks for your participation in HOOK '91. We look forward to seeing you in September.

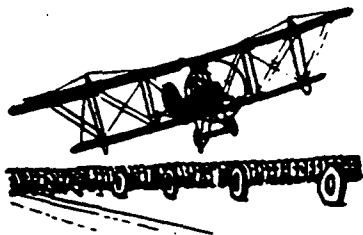
Sincerely,

Frederic G. Ludwig, Jr.
Captain, U.S. Navy
President

... to foster, encourage, study, develop and support the aircraft
carrier, sea-based aircraft, both fixed and rotary wing, and aircrew ...

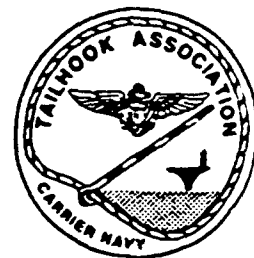
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Enclosure 2



THE TAILHOOK ASSOCIATION

P.O. Box 40
Bonita, CA 91908-0040



Phone: (619) 689-9223

15 August 1991

NFWS

NAS MIRAMAR

SAN DIEGO, CA 92145

Dear Tailhook Representative:

Enclosed you will find a copy of the floor plan and the location of your suite. If you have any questions, please feel free to contact Tailhook at our toll free number 1-800-322-HOOK. Please be patient, our lines are crazy this time of year.

This year we want to make sure everyone is aware of certain problems we've had in past year's.

As last year, you will only be charged for damage inside your suite. The Association will pay for common area damage. In order to keep damage charges to a minimum inside your suite, please make sure you check-in with someone from the Association. You may do this by calling the Tailhook Suite prior to moving into your suite. Our representative, a Hilton representative from housekeeping, and you will go over your suite prior to move-in. Please make sure you sign the form our representative will have and retain a copy. On Sunday, 9 September we will again inspect the suites in the same manner. Damage not listed on the check-in form will be the squadron's responsibility. If you do not check-in with the Association we will not be able to dispute any damage charges made by the Hilton Hotel.

In past years we have had a problem with under age participants. If you see someone who does not look like they belong in our group, or look under age please ask for a ID. If they are under age, or do not have ID, please ask them to leave or contact Security. It is important that we try to eliminate those under the age of 21. If they were to leave the hotel and cause an accident, hurting themselves or anyone else, the Association, along with the squadron, the Navy, and the Hilton could be sued and Tailhook would come to an end. Please assist us in this matter.

Also, in the past we have had a problem with late night "gang mentality." If you see this type of behavior going on, please make an effort to curtail it either by saying something, calling security or contacting someone from the Association. We will have people on the floor in blue committee shirts should you need them for any reason.

Tailhook will also have a flight surgeon aboard this year. Should you, or anyone you know need a "DOC", please call the Tailhook Suite or make contact with a committee member. Security will also have his beeper number.

Remember, when bringing in your suite supplies do so with discretion. We are not allowed to bring certain articles into the Hilton. Please cover your supplies by putting them in parachute bags or boxes. DO NOT BORROW LAUNDRY BASKETS FROM THE

... to foster, encourage, study, develop and support the aircraft carrier, sea-based aircraft, both fixed and rotary wing, and aircrew ...

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HILTON. THEIR SENSE OF HUMOR DOES NOT GO THAT FAR!!!

Supplies may be purchased in town from "WOW". They have a number of items that may be purchased or rented for your suite. The lanai suites do not have wet bars. You will need to set-up your own bar. The Hilton does not supply such items.

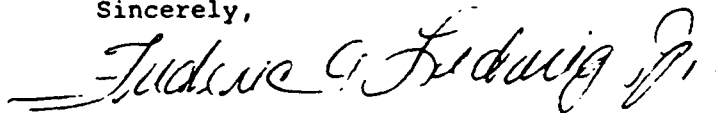
We suggest you remove your telephones from your suite so you are not paying for someone else's long distance calls. This has happened in the past. Also, make sure the phones are returned to the room. This is an item we have all forgotten to check on our check-in/check-out inspection. Please look for outlets in your suite by the beds and in the bathroom. Almost all suites have a phone outlet in the bathroom. It IS VERY IMPORTANT THAT YOU CHECK THE BATHROOM FOR A PHONE OR AN OUTLET and note it!

Please make sure your duty officers are SOBER and prepared to handle any problems that may arise in your suite. It is necessary for them to be willing to work with the Association staff. We will make every effort to handle all problems.

REMEMBER....THERE ARE TO BE NO "QUICK HIT" DRINKS served. LEWD AND LASCIVIOUS behavior is unacceptable. The behavior in your suite reflects on both your squadron and your commanding officer.

Have a great time. Thank you for your continued support of the Tailhook Association. We look forward to seeing you in Las Vegas.

Sincerely,



Frederic G. Ludwig, Jr.
Captain, U. S. Navy
President

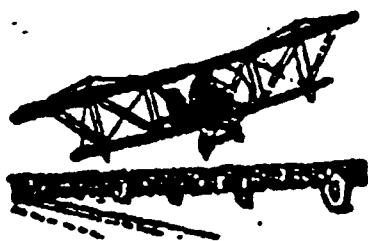
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TAILHOOK CHECK-IN/OUT SUGGESTION LIST:

- 1) TELEPHONES: number of phones and location. Is there a jack with no phone? Be sure to check the bathrooms and in the larger suites, the bedroom.
- 2) DOORS: Check all doors, jams, frames, knobs and locks for damage.
- 3) WALLPAPER: Top to bottom, all corners, under things, behind drapes. Remember to check in closets.
- 4) BATHROOMS: Tubs, sinks, faucets, toilets, etc.
- 5) BAR & BAR AREA: Sinks, marble tops, etc.
- 6) BEDS: Check frame, headboard, mattress, pillows and spread.
- 7) CARPET: List all stains and burns.
- 8) DRAPES: Check black-out curtains and drapes at all windows, sliding doors and by bed in the lanai suites. Check for holes, make sure pull cords function, rods are straight and attached to wall. Check for stains and that they are hanging properly. Also check the hems.
- 9) WINDOWS: Check to make sure they open properly, check screens to see that they function properly, and hung correctly. Check for holes.
- 10) PORCH/PATIO AREA: Check for missing, chipped or loose tiles. Check stair rails.
- 11) LAMPS: Check the number in the area. Check base for damage, as well as shade for stability, stains and holes.
- 12) MIRROR: Check for damage (cracks, broken corners, proper hanging).
- 13) PICTURES: Check for damage, the number in the room.
- 14) UPHOLSTERED FURNITURE: Check for stains, holes, scratches on legs, etc.
- 15) BAR STOOLS: Check for stability, stains, scratches, etc.
- 16) TV/STAND: Check for stability, scratches, stains, knobs missing.
- 17) WOOD FURNITURE: Check for stability, stains, holes, scratches, broken corners, etc.
- 18) CHAIRS: Number, stains, scratches, etc.
- 19) CEILINGS: Check for stains, holes, cracks, etc.
- 20) VANITY AREAS: Check marble for stains, water marks, chips and scratches.
- 21) AIR CONDITIONING VENTS: Check for damage.
- 22) WALL LAMPS: Check to see that they are secured to the wall. Check for broken or missing glass covers.
- 23) TILE FLOORS: Check for damage and stains.
- 24) STAIR RAILINGS: Check for stability, scratches, missing parts (screws and bolts).

****These are only a few suggestions for inspection. Please go over the suite with a fine tooth comb. This will help to keep the squadron damage costs to a minimum.**

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THE TAILHOOK ASSOCIATION

P.O. Box 40
 Sonoma, CA 91908-0040



Phone: (818) 889-9223

11 October 1991

Dear Skipper,

As President of the Tailhook Association, I wanted to take this opportunity to give you a debrief of the "goods" and "others" of this year's annual symposium at the Las Vegas Hilton while it is still fresh in your mind. Without a doubt, this was the biggest and most successful Tailhook we have ever had. We said it would be the "Mother of all Hooks", and it was. We had close to 5,000 people in attendance, over 1,500 rooms filled and 172 exhibits. The professional symposium proceeded flawlessly and it appeared the information exchange was excellent. The flag panel was a resounding success with an estimated 2,500 in attendance. The questions were frank, on the mark and often quite animated. Our banquet and luncheon also boasted of incredible attendance and were enjoyed by all. Our very senior naval leadership, including the Secretary and the CNO, were thoroughly impressed and immensely enjoyed their time at Tailhook '91. Additionally, all of our naval aviation leaders and many industry leaders had nothing but praise for the event. We can be proud of a tremendous Tailhook '91 and a great deal of thanks goes to all the young JOs in the various committees that made Hook fly.

But Tailhook '91 was the "Mother of all Hooks" in one other way, and that brings me to the "others." The major "other" of this year's symposium comes under the title of "unprofessionalism," and I mean unprofessionalism underlined! Let me relate just a few specifics to show how far across the line of responsible behavior we went.

This year our total damage bill was to the tune of \$23,000.00. Of that figure, \$18,000 was to install new carpeting as a result of cigarette burns and drink stains. We narrowly avoided a disaster when a "pressed barn" pushed out an eighth-floor window which subsequently fell on the crowd below. Finally, and definitely the most serious, was "the Gauntlet" on the third floor. I have five separate reports of young ladies, several of whom had nothing to do with Tailhook, who were verbally abused, had drinks thrown on them, were physically abused and were sexually molested. Most distressing was the fact an underage young lady was severely intoxicated and had her clothing removed by members of the Gauntlet.

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Enclosure 3

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I don't have to tell you that this type of behavior has put a very serious blemish on what was otherwise a successful symposium. It has further given a black eye to the Tailhook Association and all of Naval Aviation. Our ability to conduct future Tailhooks has been put at great risk due to the rampant unprofessionalism of a few. Tailhook cannot and will not condone the blatant and total disregard of individual rights and public/private property!

I, as your president, will do damage control work at regaining our rapport with the Las Vegas Hilton and attempt to lock-in Tailhook '92. I need you to get these "goods" and "others" briefed to all those who were in attendance under your purview. Further, I need you, as the leaders of our hardcharging JOs, to make them realize that if future Tailhooks are to take place, attitudes and behavior must change. We in Naval Aviation and the Tailhook Association are bigger and better than this.

As we plan for next year's Hook, I look forward to hearing from you on any ideas you might have to help eliminate unprofessional behavior during Tailhook '92. The intent is not in any way to keep from having fun. Rather, we have to figure out a way to have a great time responsibly, or we will jeopardize the very future of Tailhook altogether.

Warm Regards,



F. G. LUDWIG, JR.
 Captain USN
 President, Tailhook Association

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THE SECRETARY OF THE NAVY
WASHINGTON, D. C. 20350-1000

29 October 1991

Captain F. G. Ludwig, Jr.
President
Tailhook Association
Post Office Box 40
Bonita, California 91906-0040

Dear Captain Ludwig,

I am writing to you, and through you to your organization, to express my absolute outrage over the conduct reported to have taken place at the Tailhook Association symposium in September as expressed in your letter of 11 October, a copy of which was provided me yesterday.

Besides my anger, I am more than personally disappointed. The Tailhook Association has been, in the past, a source of great professionalism and esprit, an organization where productive dialogues and seminars have had a home. In particular, Tailhook '91 provided me with a superb forum to air some of the most serious issues that Naval Aviation has ever faced. But none of those attributes can make up for the personal abuses, behavioral excesses, and quite possibly criminal conduct that took place at Tailhook '91 and have now been reported to me.

There are certain categories of behavior and attitudes that I unequivocally will not tolerate. You know the phrase: "Not in my Navy, not on my watch." Tailhook '91 is a gross example of exactly what cannot be permitted by the civilian or uniformed leadership of the Navy, at any level. No man who holds a commission in this Navy will ever subject a woman to the kind of abuse in evidence at Tailhook '91 with impunity. And no organization which makes possible this behavior is in any way worthy of a naval leadership or advisory role.

Admiral Frank Kelso, our Chief of Naval Operations, and I have discussed this matter and, based upon his recommendation and with his full support, I am terminating, effective immediately, all Navy support in any manner whatsoever, direct or indirect, for the Tailhook Association.

Last April I sent a message to every command in the Navy about the progress of our women officers and sailors. I said then that I would reinforce a position of zero tolerance of sexual harassment, and I meant it. That policy was not new in April, nor when I became Secretary--but obviously it was as necessary then as it is now to reiterate just how strongly I feel about this matter. Also in April, with my strong concurrence,

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Enclosure 4

Admiral Kelso made specifically clear in a parallel message that a Navy free from sexual harassment or intimidation is a leadership issue. Together we made certain that the whole Navy knew: "Each of you, from the most junior sailor to the most senior officer, has a responsibility to build working and living spaces free from unprofessional conduct, fear, and prejudice." The Tailhook Association most certainly did not live up to that responsibility.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III". The signature is written in a cursive style with a prominent horizontal line across the top.

H. Lawrence Garrett, III
Secretary of the Navy



THE SECRETARY OF THE NAVY
WASHINGTON, D. C. 20350

29 OCT 91

MEMORANDUM FOR THE UNDER SECRETARY OF THE NAVY

Subj: Circumstances Surrounding the 35th Annual Tailhook
Symposium

Please task the Inspector General of the Navy immediately to conduct a thorough investigation of any non-criminal abuses or violations of law or regulation that may be associated with the Tailhook Association, or subject Symposium.

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III".

H. Lawrence Garrett, III
Secretary of the Navy

Enclosure 5



THE UNDER SECRETARY OF THE NAVY
WASHINGTON, DC. 20350-1000

29 OCT 91

MEMORANDUM FOR THE NAVAL INSPECTOR GENERAL

Subj: 35th ANNUAL TAILHOOK SYMPOSIUM

1. You are directed to conduct an investigation into organization and support of the Tailhook Association, as well as the conduct of subject symposium, including, but not limited to, the following issues:

- the propriety of utilization of naval resources, including military aircraft, vehicles and official travel funds in support of subject symposium,
- the nature, extent, and propriety of the relationship of the Tailhook Association and the Navy,
- the professional climate associated with subject symposium, to include adherence to Department of the Navy policy concerning consumption of alcohol and sexual abuse,
- any other administrative or regulatory abuses or violations that may have occurred.

2. Any evidence of criminal misconduct shall be referred to Commander, Naval Investigative Service, for appropriate action.

3. I request your completion of this investigation not later than 30 days from receipt of this memorandum. Please provide me interim reports on a weekly basis.

A handwritten signature in cursive script, appearing to read "Dan Howard", is written over the typed name.

Dan Howard
Under Secretary of the Navy

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Enclosure 6



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D C 20350-1000

2 June 1992

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS
COMMANDANT OF THE MARINE CORPS

Subj: BEHAVIOR AND ATTITUDES TOWARDS WOMEN

The conduct of certain of our naval aviators during the Tailhook convention last September, and during the ensuing investigation, has stained the fabric of this institution. We know from the reports of victims that a significant number of naval aviators participated in or witnessed assaults on at least 25 women, 14 of whom were female naval officers. However, relatively few naval officers provided information to the investigators, and those who did generally minimized their own involvement and/or failed to identify others who were present.

Military officers -- entrusted with life-and-death responsibilities -- must embody a strict sense of what is right and wrong. Duty and honor bind them to behave in an appropriate manner, to be responsible for their behavior. The inexcusable conduct of some naval aviators in Las Vegas, compounded by their subsequent refusal to assume responsibility for their conduct, has brought shame upon them personally and upon the Navy and Marine Corps as a whole.

This is totally unsatisfactory. We cannot -- and will not -- tolerate the demeaning and insensitive behavior and attitudes of the past. Our goal in the Department of the Navy must be to cultivate through education an environment where actions demeaning to women are as a matter of course considered unacceptable -- and, even more, where behavior and attitudes reflect respect for women and the valuable contribution they make as an integral part of the Navy/Marine Corps team. How do we get there?

Referrals For Appropriate Action

First, all individuals within the Department of the Navy must understand that we indeed take very seriously our "zero-tolerance" policy: appropriate action will be taken on any incident of sexual harassment by anyone in the Department of the Navy. Within the constraints of law and due process, individuals must -- and will -- be held responsible for their actions.

In that regard, upon completion of the Tailhook investigations by the Naval Investigative Service (NIS) and the Naval Inspector General (IG), I tasked the Judge Advocate

General to review the investigation reports and the conduct of individuals in response to the inquiries themselves, and present me with available options to hold individuals accountable for their actions. Attached is the report of the Judge Advocate General.

As recommended by the Judge Advocate General, and consistent with procedures set forth in law and regulation, the following have been, or will be, referred to the chain of command for appropriate action:

- Six assault suspects.
- Fifty-seven individuals identifiable as having been at the "gauntlet" or other areas where inappropriate conduct occurred.
- Five additional individuals suspected of violating standards of conduct.
- Two individuals suspected of hindering or impeding the investigations.

Leadership Responsibility

While each individual must be accountable for his or her own actions, commanding officers have a unique responsibility for leadership in ensuring appropriate behavior and attitudes of those under their command. In announcing the Department's "zero tolerance" policy in 1989, I stated:

"Prevention of sexual harassment is the responsibility of all personnel. Managers and supervisors, however, are in an especially important position to prevent sexual harassment. They must take an active role in educating their employees on the seriousness of such behavior, and the employees' rights in the event that they are sexually harassed.

The chain of command will be fully utilized, and instances of sexual harassment will be resolved at the lowest possible level within the organization. It is the responsibility of every supervisor - military and civilian - to ensure that any instance of sexual harassment is dealt with swiftly, fairly and effectively."

There should be no misunderstanding of our policy: commanding officers will be held accountable for ensuring that (i) individuals under their command understand that demeaning behavior toward women is unacceptable and will not be

JUN- 3-92 WED 5:19

NAVY NEWS SERVICE

tolerated, and (ii) any instances of sexual harassment by such individuals are dealt with swiftly, fairly and effectively.

In the context of the Tailhook situation, commanding officers have a unique leadership responsibility: as sponsors of the hospitality suites, the commanding officers bear responsibility for activities which occurred in and around those suites. Inquiry must be made as to commanding officers' knowledge about inappropriate behavior in and around those suites, and what they did about it.

The NIS and IG investigations focused on allegations of misconduct involving individuals, and thus did not develop adequate information to address accountability of squadron commanding officers in meeting their unique leadership responsibilities. The IG has referred to the chain of command for review and appropriate action available information regarding activity in and around the hospitality suites. In addition, at my request, both of you have reviewed the NIS and IG reports and have advised me of actions you are taking within your areas of responsibility to address both the Tailhook incident and the broader cultural problem.

I have determined that we need to ensure that leadership responsibility of squadron commanding officers is given particular attention. Accordingly, I am hereby requesting the Chief of Naval Operations in coordination with the Commandant to task the Commander in Chief, U.S. Atlantic Fleet (CINCLANTFLT), the Commander in Chief, U.S. Pacific Fleet (CINCPACFLT), the Chief of Naval Education and Training (CNET), and the Director of the Naval Reserve (DNR), with the assistance of the General Counsel of the Department of the Navy, to conduct interviews with squadron commanding officers under their cognizance and to take such additional steps as may be necessary to assess the performance of these commanding officers. Specifically, sufficient inquiry shall be made to ascertain:

- the responsibility of squadron commanding officers for activities in and around the hospitality suites;
- what these commanding officers knew or learned about inappropriate behavior in or around the hospitality suites;
- measures taken by these commanding officers to ensure that instances of sexual harassment at the Tailhook convention were identified and dealt with swiftly, fairly and effectively--including measures taken to convey to their officers the importance of cooperating with the NIS and IG investigations; and

JUN- 3-92 WED 5:20

- measures taken by these commanding officers subsequent to the 1989 announcement of our "zero tolerance" policy to ensure that those under their responsibility understood what behavior toward women was appropriate.

I am directing the General Counsel of the Department of the Navy personally to assist CINCLANTFLT, CINCPACFLT, CNET and DNR in conducting the interviews and to provide them his advice and recommendations regarding options available for action.

Based upon the facts developed, CINCLANTFLT, CINCPACFLT, CNET and DNR should take appropriate action, and report to the CNO and Commandant factual findings and any actions taken. The CNO and Commandant will forward these reports to me along with any additional information and recommendations they deem appropriate.

Efforts to Address Broader Cultural Concerns

Beyond the Tailhook incident, it is vital that we address the broader cultural problem. Changes will come about only with an unequivocal commitment by all naval leaders, and a comprehensive effort directed at all levels of the Department of the Navy.

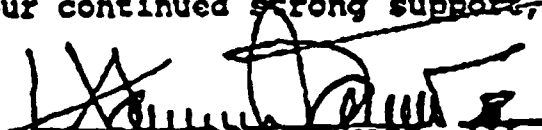
We have undertaken efforts to change attitudes and culture:

- As part of our "zero tolerance" policy, we distributed materials informing personnel of inappropriate behavior and charging leaders with educating individuals under their responsibility.
- We have developed and are instituting a comprehensive, fleet-wide training program in core values: e.g., integrity, moral conduct, equal opportunity, mutual respect, etc. The intent is for this training to be provided to all officers and enlisted personnel, with a curriculum that is adaptable to the various career tracks. Similarly, a core values curriculum is being introduced in boot camps and officer accession schools.
- We are proceeding with implementation of the recommendations of the Navy Women's Study Group -- which issued a report last year after an extensive examination of measures that could be taken to improve the situation of women in the Navy.

But we must continue to improve. Accordingly, I am establishing a standing body of senior Department of the Navy leaders, the Standing Committee on Women in the Navy and Marine Corps. Chaired by the ASN (M&RA), this group will have ongoing responsibility for:

- assessing the adequacy of present policies, procedures, education programs and other initiatives to (i) enhance opportunities for women in mainstream Navy and Marine Corps activities, (ii) eliminate demeaning behavior and attitudes towards women and (iii) ensure that all Department of the Navy personnel are sensitive to and respect the rights, concerns and contributions of women;
- developing and presenting for my review and approval initiatives to accomplish these objectives;
- overseeing implementation of approved initiatives; and
- providing me periodic updates regarding progress.

The Department of the Navy has a proud and enviable record of confronting and resolving the social problems that face it -- which, indeed, are the same social problems that confront the nation as a whole. Over the past decades, we have fought the battle against racial discrimination -- and have made the Navy and Marine Corps institutions of great opportunity for minorities. Since 1981, we have fought the battle against drug abuse -- and have dramatically reduced the use of drugs among our people. In the 1990s, the battle is for opportunities and respect for women. I am confident that our people once again will rise to meet the challenge. With your continued strong support, we will be successful.


H. Lawrence Garrett, III



DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

200 STOVALL STREET

ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

22 May 1992

~~FOR OFFICIAL USE ONLY~~

MEMORANDUM FOR THE SECRETARY OF THE NAVY

Subj: ACTION FOR ACCOUNTABILITY FOLLOWING THE TAILHOOK ASSOCIATION INVESTIGATIONS

Ref: (a) Your memo of 14 May 92

1. As requested by reference (a), I have reviewed the Naval Investigative Service investigation dated 15 April 1992 and the report of investigation of the Naval Inspector General dated 29 April 1992 concerning the 1991 Tailhook Association Symposium. You asked for options that would permit individuals to be held accountable for actions within those investigations.

2. The investigative reports reflect thorough and detailed inquiry, with the Naval Investigative Service focusing primarily on assaults and other incidents occurring at the Symposium and the Inspector General examining certain individual misconduct and systemic issues. It is important to note that, with one exception, neither investigation focused on specific incidents of obstructing or hindering the investigations. Information on such conduct has to be gleaned from witness statements and the results of interviews.

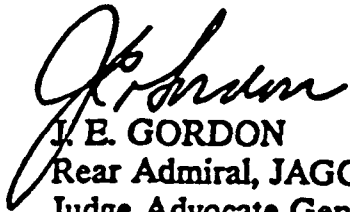
3. You indicated in reference (a) that you are concerned with holding accountable those officers who may have impeded these investigations. In this regard, my review focused on two groups of individuals. The first consisted of several commanding officers who reportedly had failed to cooperate with investigators wishing to interview or photograph members of their commands. Initially, some commanding officers questioned whether, under Article 31, UCMJ, members of their commands had the right to refuse to be photographed or interviewed. Upon receiving legal advice, however, all of the commanding officers complied fully with the investigators' requests, and there is no evidence in either investigation of commanding officers unlawfully frustrating the investigation, with the possible exception mentioned above that has been referred to that officer's chain of command for further action. The other group involved the nearly 1,500 officers who were interviewed and said they saw no untoward conduct at the symposium, including the so called "gauntlet" area. In that group were a few officers who stated they patted women on various parts of their bodies, but only when the women indicated a willingness to participate in such conduct.

4. While many of the officers interviewed may be telling the truth, it is reasonable and logical to conclude that some have not told the truth, especially since the investigation specifically identified 25 victims. Your options with regard to this group of officers are limited by the lack of focus of the investigations in this area, as well as by the fundamental right against self-incrimination. The investigators were completely unable to identify any members of this group who lied regarding their involvement or recollection of events. It is my opinion that any further interviews or investigation of these individuals would be unproductive and lead to the same result.
5. Evidence with regard to misconduct by all individuals identified during the investigation is being provided to cognizant commanders for disciplinary or administrative action as they deem appropriate. The Naval Investigative Service has referred prosecutorial summaries on 11 individuals involving alleged misconduct to the appropriate chain of command. The Naval Inspector General has, or is in the process of, referring all other cases to the appropriate chain of command for review and disciplinary or administrative action as appropriate. Substantial effort is ongoing in both LANT and PAC Fleets to review those cases for appropriate action. TAB A categorizes alleged acts of individual misconduct and identifies options reasonably available to the military chain of command for dealing with them.
6. One category listed in TAB A requires special mention. The reports identified inappropriate behavior, such as pornographic videos and strippers, in 13 of the squadron suites. No mention was made of the other squadron suites. Those 13 suites were cited in the report because they were the only suites identified for inquiry by the Naval Inspector General. Since similar misconduct may have taken place in some of the other suites, and because suites, though contracted for by one squadron, were not necessarily under the control of the contracting squadron, the report of the investigation should be referred to the appropriate chain of command for further review and appropriate action.
7. Although we all need to be sensitive to the issue of improper command influence with regard to actions that may be taken within the chain of command, a full range of administrative and disciplinary options are available to you should you determine any of them to be appropriate in a given case. See TAB B.
8. In summary, it is important to note that the Naval Investigative Service expended over 22,000 manhours of effort and while the Inspector General spent a lesser amount, he also utilized a large portion of his assets to conduct what amounts to a very thorough, well-disciplined investigation. There was probably an element of reluctance on the part of some individuals to come forward with information relevant to the investigations for various reasons, including an effort to avoid self-incrimination. Because of this, further investigation by NIS and the IG is unlikely to be productive. There is enough information in the reports on a significant number of cases that have been sent to the

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chain of command for appropriate disciplinary or administrative action. Inquiries by the chain of command into these cases may well result in further leads for investigation at that level.

9. I recommend that you avoid comment on individual cases and defer initiation of any disciplinary or administrative action directed toward individuals named in the investigations to commanders in their chain of command. I further recommend that you continue to use your office to direct and support Navy and Marine Corps efforts to eliminate the prevalent attitudes and abuses that created the environment for, and condoned the events that occurred at, Tailhook.



J. E. GORDON
Rear Admiral, JAGC, U.S. Navy
Judge Advocate General

Categories

Options

Comments

a. Assaulters

Disciplinary actions (from nonjudicial punishment to general court-martial) and administrative actions (including counseling, nonpunitive censure, comments in fitness reports, and administrative processing).

6 suspects identified and cases referred to chain of command.

b. Other gauntlet participants and spectators

While cognizant commanders may consider, based on the circumstances, disciplinary options, it is more likely that administrative options would be pursued, including counseling, nonpunitive censure, and comments in fitness reports. Egregious cases could result in removal from command.

5 persons O-4 and above, as well as 52 others, are identifiable from the reports as having been in the area of the "gauntlet" or other areas where inappropriate conduct occurred.

d. Standards of conduct violators (e.g. acceptance of gratuities from DOD contractors)

Disciplinary action (most likely nonjudicial punishment) and administrative action (including counseling, nonpunitive censure, and comments in fitness reports).

5 suspects identified, pending IG determination by IG for possible referral to chain of command.

e. Persons who hindered or impeded the investigations

Same as a. above, depending on the seriousness of the conduct.

See discussion in paragraph 3 of memo; 2 suspects identified and referred to chain of command.

f. Commanding officers responsible for hospitality suites

While cognizant commanders may consider, based on the circumstances, disciplinary options, it is more likely that administrative options would be pursued, including counseling, nonpunitive censure, and comments in fitness reports. Egregious cases could result in removal from command.

g. All attendees

You should consider requiring CNO and CMC to ensure that all attendees are counselled concerning alcohol abuse, sexual harassment, and appropriate personal conduct.

13 squadron suites identified. It is not clear that the investigations considered in all squadron hospitality suites. All this information will be referred to the chain of command for action and possible further inquiry.



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-2884

24 JUN 1992

MEMORANDUM FOR SECRETARY OF THE NAVY

SUBJECT: Review of the Navy Investigations Regarding
Tailhook '91

In response to your request, we have begun our review of the Navy investigations of Tailhook '91 and related matters.

We understand that a number of individual cases have been forwarded to commanders for their consideration of possible disciplinary action. We request that further consideration of those matters, and any other disciplinary actions or inquiries related to Tailhook '91, be held in abeyance until further notice in order to ensure that all relevant factual matters are available to the officers making disciplinary decisions and to ensure that decisions regarding disciplinary action are not made by officers who may themselves be subject to disciplinary action based on our review.

Should you have any questions, please contact me at (703) 695-4250.


Derek J. Vander Schaaf
Deputy Inspector General

STATEMENT

Having been duly sworn, I, H. Lawrence Garrett, III, the Secretary of the Navy, do hereby state:

1. Yesterday, June 10, 1992, I was informed for the first time that included in the information developed by the Naval Investigative Service in its investigation of Tailhook 91 is a summary of an interview of a Marine Corps Captain which contains the following sentence: "He recalled that Secretary of the Navy Garrett came by the suite, but could not recall the date or time." I am informed that the particular suite referred to is one in which untoward activities occurred during Tailhook 91. My purpose in providing this sworn statement is to make a matter of record my activities on the evening of September 7, 1991.

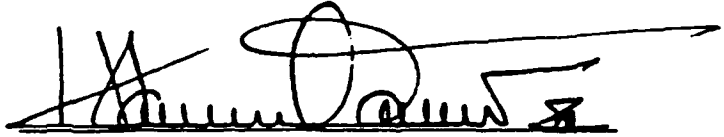
2. I was invited to attend Tailhook 91 to deliver the keynote address at the banquet held on September 7, 1991. I arrived at the hotel at approximately 4:00 p.m. on the afternoon of the 7th, and after checking in to my room proceeded immediately to a Symposium discussion which was in progress. The Symposium discussion ended about 5:30, whereupon I spent a brief period talking to a number of officers who had attended. Thereafter, I proceeded to my room to change for the evening banquet which commenced at 7:00.

3. At the conclusion of the banquet, at approximately 9:30, I went to my room, changed clothes, and proceeded to the large outside patio area adjacent to the pool at the hotel. I wanted to talk with officers -- junior officers in particular -- to hear their reaction to the issues I had addressed in my speech. In my speech, I had attempted to address in a straightforward, no-nonsense way the key issues affecting the naval aviation community, and I was interested in feedback from them.

4. When I arrived, there were hundreds of Tailhook attendees in the patio area. I stayed for approximately 45 minutes, talking to many senior and junior naval aviators attending the convention. I left the patio about 10:30, and retired to my room for the night. The next morning I returned to Washington.

5. At no time while I was at Tailhook 91 did I visit or spend any time in any of the various suites on the third floor of the hotel. The closest I came to any of the suites, to the best of my recollection, was on one occasion, shortly after I had arrived in the patio area, when I walked over to the poolside entrance to one of the suites which bordered on the patio area to get something to drink. At the poolside entrance to this suite was a large container of beverages. I took a can of beer from the container and immediately returned to the area on the patio where I had been. I do not recall speaking to anyone while I was in the area of the entrance to the suite, although I may have.

6. Neither during those few moments when I approached that one suite to obtain a drink, nor at any other time that evening, did I observe any inappropriate or offensive conduct.

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III", with a long horizontal line extending to the right from the end of the signature.

H. Lawrence Garrett, III

Subscribed and sworn to before me
this 11th day of June, 1992.

A handwritten signature in black ink, appearing to read "Colleen A. Ercole", written in a cursive style.

Notary Public

MY COMMISSION
EXPIRES FEB. 28, 1995

H. Lawrence Garrett, III
[REDACTED]

August 25, 1992

Michael B. Suessman, Esq.
Assitant Inspector General
Department of Defense
400 Army Navy Drive
Arlington, Va 22202-2884

Dear Michael:

This is in response to our telephone conversation last Thursday, August 20, 1992.

During our conversation, you advised that "an issue" exists concerning my activities on the evening of September 7th, 1991, after my formal remarks at the Hilton Hotel in Las Vegas, Nevada. As I understood our conversation, there appears to be an "irreconcilable" difference between my sworn statements and the testimony of others as to whether I visited "a number of suites" on the third floor of the hotel. To resolve this apparent conflict, you extended to me an invitation to submit to a polygraph examination.

I have given your invitation a great deal of thought and have concluded that to accept would serve no greater purpose than to leave you, in the end, where you are now--with irreconcilable testimony. That people have different recollections of events does not surprise me, nor, I am sure given your experience in such matters, does it surprise you. What does surprise me is that the IG's office would consider such extraordinary measures under the circumstances. Accordingly, I respectfully decline your invitation.

As I told you, I don't for a minute question but that those who have advised you to the contrary honestly believe what they have said. I believe they are simply mistaken. We are both aware, I believe, of one statement of a navy flag officer given to the Navy Inspector General, I assume in good faith, that asserted that I visited a number of suites on the night of September 6th, 1991-- a time when I was at home in [REDACTED]

I fully understand and appreciate your practical problem; however, as you know, I have provided you sworn statements as to my

Enclosure 11

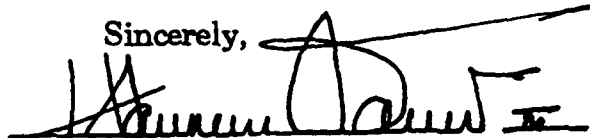
recall of events as I know them to be. I am perfectly comfortable with what I have said and stand by those statements. I am confident, too, that my recollection is consistent in all material respects with those who were in a position to observe my conduct and movements that evening. Those who read your report concerning conflicting testimony must, and will, draw their own conclusions.

Before I close, I want to make sure you understand why I have concluded as I have. As I told you, I have served my country, honestly and faithfully for over thirty years, both in and out of uniform. I have never, during that period of service knowingly violated my oath of office. You have raised an issue that to me is one of honor and principal, and it is on those grounds that I decline your invitation, not on the practical grounds which I believe motivated you to extended it. My word is my bond, always has been and always will be, and I am deeply offended by the suggestion that a polygraph examination is required to somehow corroborate that I have told the truth as I know it.

If some wish to draw an adverse inference on the basis of this decision, then so be it. The issues in question are not so remarkable as to employ such investigative techniques and are no more difficult than those faced by any arbiter of fact on a routine basis. I am prepared to have my conduct and statements judged in the context of my entire career of public service and my efforts in this particular instance to get at the truth.

In the interest of full disclosure, should you refer to my decision in your report, I would ask that you append this letter to your final report so that those who read it will have a greater understanding of my actions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III". The signature is written in a cursive style with a prominent initial "H" and a long horizontal stroke extending to the right.

H. Lawrence Garrett, III