

Tailhook

What Happened, Why & What's to be Learned

By Colonel W. Hays Parks, U.S. Marine Corps Reserve (Retired)



TAILHOOK (SEE AIRCRAFT ARRESTING HOOK). A DEVICE FITTED TO AN AIRCRAFT TO ENGAGE ARRESTING GEAR.
— *Joint Pub 1-02, Department of Defense Dictionary of Military and Associated Terms*

TAILHOOK. NAME ASSOCIATED WITH A 1991 NAVY-MARINE CORPS AVIATION CONVENTION INCIDENT THAT WAS A WATERSHED EVENT IN INTEGRATION OF WOMEN INTO THE MILITARY.
— *Possible future definition*

"TAILHOOK IS BEHIND US."
— *Frequent wishful thinking by senior Navy civilian and uniformed leaders*

"WE HAVE MET THE ENEMY, AND HE IS US."
— *Pogo, ca. 1961*

UNTIL THREE YEARS AGO, THE TERM TAILHOOK GENERALLY WAS UNKNOWN TO MOST AND KNOWN IN TERMS solely of its official definition to those familiar with naval aviation. A failure of leadership three years ago changed that, and the term now carries an unfortunate, pejorative connotation. If that connotation is to disappear, and if the naval services are to "get Tailhook behind us," the events surrounding Tailhook '91 require better public examination and discussion than they have received.¹

Background

The Tailhook Association is a private, nonprofit organization whose mission is to "foster, encourage, study, develop, and support the aircraft carrier, sea-based aircraft, both fixed and rotary wing, and aircrew." Association support includes educating the public about carrier aviation, a mission of critical importance to a maritime power. The Tailhook Association's 15,000-plus members include active-duty, reserve, and retired naval aviators and aircrew, their support personnel, contractors in carrier aviation-related industries, and others interested in naval aviation. In addition to hosting its annual symposium, it publishes *The Hook*—a magazine covering contemporary and historical carrier aviation, which enjoys an excellent reputation—and awards educational scholarships.

The first Tailhook Reunion was at Rosarito Beach, Baja California, in 1956. It moved to San Diego in 1958 and to Las Vegas in 1963. From its earliest days, the Tailhook Reunion enjoyed a reputation for having a "wild streak"; it was asked not to return to one Las Vegas hotel because of rowdiness, and it moved to the Las Vegas Hilton around 1975. The larger size of Las Vegas casino hotels was a consideration, but the Las Vegas party atmosphere was—and was intended to be—a major draw, particularly for junior officers. That Tailhook was quite distant from any Navy or Marine Corps flagpole lent toleration—if not encouragement—to a certain level of misbehavior, particularly on the final night of the symposium.

Originally, defense contractors provided hospitality suites for attendees to meet and socialize. This changed in the late 1970s with the promulgation of standards-of-conduct legislation and directives governing the relationship between the defense industry and Department of Defense (DoD) personnel, uniformed and civilian. Thereafter, individual squadrons or commands sponsored hospitality suites.

The Tailhook Association played an important role in arranging squadron or command hospitality suites. As the association arranged its meeting, it "brokered" hospitality suites with interested commands. Conduct—or misconduct, including damage—in the suites was the responsibility of each suite sponsor. The association accepted (but did not necessarily assume) responsibility for damage to common areas. Control of individual behavior was the responsibility of the Hilton and active-duty and reserve Navy and Marine Corps senior officers. As a private organization, the Tailhook Association lacked authority to control the behavior of attendees. By the widest margin, the primary responsibility for ensuring good order and discipline lay with the naval services and their leadership.

On the other hand, the Tailhook Association (membership and board of directors) is made up of active-duty, reserve, and retired military personnel, and it possessed the knowledge and ability to bring individual misconduct requiring correction to the attention of proper authorities. This is an organization of individuals accustomed to order and discipline, including an obligation to correct misconduct when observed. Other private organizations with ties to naval aviation—the Association of Naval Aviation, the Naval Aviation Museum Foundation, and the Naval Institute—host symposia that do not degenerate into rowdy fraternity parties.

The Tailhook Association was regarded by the senior Navy leadership as an integral part of naval aviation. Until Secretary of the Navy H. Lawrence Garrett III severed Department of the Navy support for the association after revelations of Tailhook '91, its offices were at the Miramar Naval Air Station in southern California. Each year's symposium was planned in close coordination with the Deputy Chief of Naval Operations for Air Warfare (DCNO [Air]). The Tailhook Association was as much—and perhaps more—a Navy-run booster group for car-

rier aviation as a private organization depending upon the Navy for support.

Over the years, the symposium's daytime program became increasingly professional. But Friday and Saturday night misbehavior also increased. It appeared to reach a peak in 1986, undoubtedly as a result of the living-on-the-edge image of naval aviators projected in the highly popular movie *Top Gun*. In 1986, and in other symposia prior to 1991, however, the leading problems were excessive alcohol consumption, fistfights, and property damage, rather than sexual misconduct.

After Tailhook '86, naval aviation's leaders weighed in, expressing their concern that support for the annual symposium—including use of naval aircraft to transport attendees—would have to be curtailed unless conduct improved. Identifying lack of command attention as a primary cause, the association took what it regarded to be appropriate steps, limiting the number of hospitality suites, blacklisting "bad" commands, and issuing warnings to commanding officers of squadrons that had caused problems. The association president, in close coordination with the DCNO (Air), issued a letter to every hospitality suite squadron commander and hospitality suite coordinator, reminding them of their responsibility for maintaining order within their suites. The letter preceding Tailhook '91, mailed 15 August 1991, included the following language:

[I]n 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.

There was a clear recognition of responsibility for control over conduct by the Tailhook Association and the senior naval leadership.

Nearly all took this admonition to heart. For example, in addition to ensuring the presence of a duty officer at all times, one commander required that his officers forgo shorts, t-shirts, and shower shoes for slacks and squadron shirts after 1700, to establish a more professional atmosphere. An indication of this attention to order and discipline is that of the 22 hospitality suites at Tailhook '91, only four were identified by investigators as scenes of misconduct, major or minor.

Nevertheless, Friday night remained a big party, and Saturday night an even bigger one, drawing aviators and other personnel from all services (many were unregistered attendees of only the third-floor parties, which were open to the public) and carrier aviation wannabees and groupies, as well as any number of Las Vegas residents and other visitors who simply recognized a good party when they saw or learned of it.

Tailhook '91

The 35th Annual Symposium, held at the Las Vegas Hilton 5-8 September 1991, was a celebration of Operations Desert Shield and Desert Storm and an open report on the future of carrier aviation. Its program included panels on Desert Storm naval operations; munitions effectiveness; and reconnaissance, surveillance, and intelligence; and individual presentations on aviation safety, prisoner-of-war experiences, advance aircraft technologies, strike rescue, and the F/A-18E/F and AX. Senior speakers included Deputy Chief of Naval Operations (Air) Vice Admiral R. M. Dunleavy, Chief of Naval Operations Admiral Frank B. Kelso II, and Secretary of the Navy H. Lawrence Garrett III. Subsequent investigations by the Inspector General of the Department of Defense (DoD IG) and the Military Personnel and Compensation Subcommittee and Defense Policy Panel

Tailhook

of the Committee on Armed Services, House of Representatives, confirmed that the association's 1991 program was professionally presented and educational and that attendees conducted themselves in a manner beyond reproach.

Tailhook '91 was one of the largest association symposia. In addition to 2,000 registered attendees, an estimated 2,500 civilians and Navy, Marine Corps, Air Force, and Army personnel visited the association exhibit hall or joined in the third-floor social activities. Exhibit hall booths numbered a record 172, representing Defense contractors and Navy commands. Defense contractors also sponsored hospitality suites on the upper

responsible for the assaults, with another 20 [male and female commissioned officers] guilty of indecent exposure), when compared with the total number of individuals present (more than 4,000). One retired naval aviator found the overall conduct substantially better than in previous years, reflecting a more serious, professional attitude.²

Saturday night, after the symposium's banquet, turned into a party—a big party. Between 3,000 and 4,000 people milled around the hotel's third-floor hospitality suites and patio. Some crossed the line between party behavior and criminal behavior—a line that should have been obvious to all. Com-



DONAHOO PHOTOS

floors of the Hilton for planning official activities and meetings with other attendees. No impropriety was reported with regard to these suites.

A feature of each annual symposium was the Flag Panel, which allowed a dialogue between the most junior naval aviators and the senior leaders of naval aviation. Symposium registration was not required, and this was the 1991 event with the largest attendance. Contrary to media accounts, the DoD IG investigation concluded that "the Flag Panel was conducted in a responsible and professional manner."

However, tension at the Flag Panel increased when a female aviator asked the panel when women would be allowed to fly aircraft in combat. Vice Admiral Dunleavy initially responded with a "Hoo-boy!" in acknowledgement of the sensitivity of the question. He quickly continued, saying, "If Congress directs [the Secretary of the Navy] to allow women to fly combat aircraft, we will comply." In the investigations that followed, some expressed the belief that Vice Admiral Dunleavy's reply satisfied neither side in the argument. In all probability this is true; junior officers often seek unambiguous answers to problems that, because of their complexity, do not lend themselves to simple solutions. The issue of the role of women in combat is one the Congress has been wrestling with for decades—one indication of its complexity. At the same time, the question generated audience comments described by one officer as "downright ugly." Leaders cannot be ambiguous in their response to blatantly unprofessional conduct.

Others felt that the collective mood of attendees took a turn downward at this point, serving as a catalyst for acts against women later that night. The DoD IG found insufficient evidence to support this view, a conclusion borne out by the actual number of individuals believed to have engaged in criminal assaults and/or other illegal conduct (somewhere between 8 and 12 were



Generally lost in the coverage of Tailhook '91 were the significant professional-development aspects—an exhibit hall filled with the latest in high-tech hardware and an impressive symposium. Unfortunately, a single question (and the response to it) at the Flag Panel—chaired by Vice Admiral Dunleavy, whose target shirt proved to be an unfortunate omen—may have contributed to an atmosphere that led to acts against women.

manders who expressed an unequivocal intolerance for misconduct hosted suites that were free of misconduct.

Many party activities were reported in subsequent investigations, including indecent exposure (by male and female officers), indecent assaults (to include nonconsensual touching or biting), "equipment checks" (in which a woman grasps the groin area of a man through his clothing), leg shaving (in which a woman consents to have her legs shaved publicly), navel shots (in which a man drinks from a consenting woman's navel), display of pinups and showing of stag movies in some suites, female striptease shows, female officers sneaking up on unsuspecting male officers to pull down the male officer's shorts in public, "chicken fights" (in which couples team up in the swimming pool, with women on the shoulders of men, trying to unhorse their opponents), and "zapping" (placing squadron stickers on the anatomy of a woman).

Although the DoD IG and the media mischaracterized each type of behavior as illegal, most of these acts do not constitute criminal activity. Most involved either consensual touching—some women were circulating among suites "collecting" squadron stickers, for example—or touching that was not regarded as offensive by those involved, male or female. Given the consensual nature of most of the activities (other than the

actual assaults), few of these activities constituted *sexual harassment* as that term is defined in law and regulation.

Legality is a very small part of the issue, however. The emphasis on sexually related activities set a tone, or manifested an attitude toward women, that is incompatible with the increasing role of women in the military and inconsistent with the Navy's policy of not tolerating sexual harassment. The emphasis on women as sex objects by some was clearly unprofessional and should have raised questions within the DoD and naval leadership as to whether it represented the tip of the iceberg—a widespread, unwholesome attitude toward women that would need correction. Prior to Tailhook '91, no questions had been raised, and a military judge subsequently concluded that a "head in the sand" attitude by the naval leadership conveyed a "signal of condonation which contributed to the sexually offensive conduct which later escalated to the actual sexual assaults on female attendees."

The principal area of misconduct and the catalyst for the reaction to Tailhook '91 was the hallway outside the third-floor hospitality suites. In years past, this passageway served as an overflow area from the suites. As it filled and people endeavored to pass, there was an inevitable amount of jostling—both unintended and intentional—and spilling of drinks; the carpet routinely is replaced following major conventions. In recent years, the jostling at Tailhook had become somewhat more organized, and by Tailhook '91 it had taken on a life of its own as a gauntlet for hassling men and women who attempted to negotiate it—some voluntarily. Some women "ran the gauntlet," turned around, and ran back through it; some ran the gauntlet more than a dozen times. As the evening wore on and alcohol consumption increased, the gauntlet turned ugly, changing from consensual touching to physical assaults. The degree of assault at Tailhook '91 varied from groping (through clothing) or "butt biting" to actual insertion of hands beneath clothing and, in the most extreme case, undressing from the waist down of an intoxicated, underage female who was passed overhead down the gauntlet.

The number of assault victims remains unclear, ranging from 26 (more than half of them commissioned officers in the Navy and Air Force) to the high of 65 alleged by DoD IG. Other non-consensual touching occurred in the hospitality suites or the third-floor pool and patio area. The actual number of assaults remains in dispute because a number of the victims refused to categorize themselves as victims—some because they felt this was a routine part of any party atmosphere, and others because they felt they had handled the situation at the time.

Reconciliation of the number, however, is unnecessary. The real problem is that not only did commissioned officers organize the gauntlet, but also that no one ever challenged what they were doing. This includes some relatively senior officers who passed through the gauntlet with their spouses and others who warned female friends away from the third-floor passageway because of its notoriety. Aides to the Secretary of the Navy and the Chief of Naval Operations moved in advance of their bosses to stop questionable conduct before each of them arrived, and they purposely routed their bosses away from the third-floor passageway because of its reputation. Vice Admiral Dunleavy subsequently acknowledged that he knew the gauntlet was in operation on Saturday night.

It is necessary to distinguish clearly between criminal activity and activities that were, at worst, boorish and immature, such as displaying pinups, shaving legs, and showing stag films. The military services are accepting more women, and into more roles, but no one should expect that a unisex military can become the order of the day. If conduct that otherwise is lawful is going on in a hospitality suite, an individual has the option of entering that suite or not, just as one may turn off an offen-

sive television program. Subsequent categorization of lawful activities as improper or politically incorrect to the extent that an officer's career is ruined is wholly inappropriate. For example, chicken fighting is a consensual competitive activity that is neither unique to Tailhook nor any more improper than mixed volleyball. The criminalization of all gender-mixed social events not only is an overreaction, but it also diminishes the seriousness of those acts that were criminal.

Further minimization should be rejected, however. This was not an isolated act of a single sailor or Marine purchasing a copy of *Playboy* or *Playgirl*. Rather, some were activities organized by commissioned officers at a quasi-official event, or were acts carried out by individual commissioned officers that would—and should—be regarded as unprofessional and criminal under any circumstances. Some acts that were not criminal nevertheless created or contributed to an atmosphere degrading to women that was brazenly inconsistent with stated Navy and Marine Corps policy.

Some have argued that the raucousness at Tailhook '91 was no worse than that of other, private groups. Indeed, some Las Vegas Hilton employees made such comments, stating that Tailhook '91 could not begin to compete with U.S. Postal Service employee gatherings, the Shriners, or most business conventions. Certainly, figures cited for alcohol consumed and damage done are useless unless compared with other groups, and their emphasis in subsequent investigation reports at best can only be categorized as incomplete, without data from other conventions for comparison.

Commissioned officers in the armed services, however, are held and must continue to be held to a higher standard; they are expected to set the example, and that example is expected to be positive. Characterizing the misbehavior of some at Tailhook '91 as "not as bad" as that of other groups doesn't wash—and shouldn't. More than 95% of those present chose to conduct themselves within the law. That is the real point.

Some have reacted to disclosure of misconduct at Tailhook '91 with the explanation that naval aviators engage in a level of professional activity—long deployments, day-and-night, all-weather carrier launches and recoveries in high-performance aircraft—that permits a little letting off of steam, as if a certain level of high-risk work allows a concomitant level of unprofessional and criminal behavior. This argument is seriously flawed. With all due credit to their skills, tailhook aviators do not hold exclusive domain over high-risk, high-skill activities; others perform missions with equal and/or higher demands, often under more difficult circumstances, without assuming a "right" to engage in a compensatory level of misconduct. Being a risk-taker is neither an excuse nor a license for criminal or unprofessional behavior.

Naval aviation officers reach that level because of their skills, intelligence, and good judgment. In this era of shrinking assets, where more will have to be accomplished with less, there will be no room for the boisterous whose moral and professional standards do not measure up.

Using the worst-case number, that is, the number of offenders alleged by the DoD IG, a very small percentage of those present at Tailhook '91 engaged in criminal conduct. This suggests that the overwhelming majority of tailhook aviators knew such conduct was inappropriate, unprofessional, and illegal, and do not regard it as a prerequisite of the profession. The gauntlet and similar criminal acts were not harmless fraternity-party fun—but bullying, mob violence, and conduct unbecoming commissioned officers.

Given the Navy's avowed policy of zero tolerance of sexual harassment—a policy in place, if perhaps not fully in effect, since 1989—the number of cases of clearly illegal acts by commissioned officers and others at Tailhook '91 cannot be

minimized. A similar percentage of carrier-landing accidents in all likelihood would be viewed as serious, if not catastrophic. After the failure to heed the warning of the 1986 bolter, the seriousness of organized and open misconduct at Tailhook '91 proved to be a ramp strike for carrier aviation, the Tailhook Association, and the naval services.

Any lessons learned from Tailhook '91 would be misplaced if applied only to the naval aviation community or the Navy and Marine Corps alone. Officers in other branches and other services have been heard to say, "There but for the grace of God . . ." The report on Tailhook '91 by the Armed Services Committee of the House of Representatives puts the issue in perspective:

The scale of sexual harassment and assaultive behavior seen at the Tailhook convention was so large that it probably constituted a one-of-a-kind event, but the attitudes that permitted it to occur are not isolated. Rather, they are so widespread in the services that basic, cultural change will be necessary to remedy harassment.

The Navy has faced similar major challenges before. In the 1970s, serious racial confrontations on board the *Kitty Hawk* (CVA-63) and *Constellation* (CVA-64) were catalysts for sweeping changes in attitudes about race relations. The 1981 crash of an EA-6B Prowler on board the *Nimitz* (CVAN-68), killing 14, revealed illegal drug use by flight-deck crew and over-the-counter drug abuse by the aircrew. Then-Chief of Naval Operations Thomas B. Hayward issued his famous "Not on my watch, not on my ship, not in my Navy" statement as the Navy led the armed services in developing a zero-tolerance policy against drug use. As the House Armed Services Committee investigation of Tailhook '91 acknowledged, "Today, the American military is given better marks for eradicating drug use and alleviating racial intolerance than any other segment of American society."

Public disclosure of misconduct at Tailhook '91 should serve as a catalyst for intolerance of sexual harassment. In its wake, an internal Navy Department assessment acknowledged that the misconduct was not so much an indictment of the Tailhook Association, where an overwhelming majority conducted themselves professionally and knew where to draw the line, as it was a "wake-up call" for naval leaders who, up to this point, had paid only lip service to the problem of sexual harassment. As one journalistic analysis observed, Tailhook '91 "might be considered just another Pentagon contretemps were it not for the light it shines on a culture and an uninformed leadership singularly unable to come to terms with the new rules of a more inclusive society." More than a failure of culture, it was a major failure of the naval leadership—uniformed and civilian.

The Navy Investigations

Any examination of officer misconduct at Tailhook '91 must consider the actions of the naval leadership in responding to its revelation. The picture presented is neither clear nor pretty, and the failure of the Department of the Navy and Department of

Defense leaders to meet the challenge facing them is as damnable as the original wrong.

Disclosure of misconduct had occurred even before the conclusion of Tailhook '91. An admiral's aide and naval aviator, Lieutenant Paula Coughlin, immediately reported that she was assaulted in the gauntlet to Lieutenant Michael Steed, an aide to the Secretary of the Navy, and subsequently to her boss, Rear Admiral John W. Snyder, Jr., commanding the Naval Air Test Center at Maryland's Patuxent River Naval Air Station. Lieutenant Steed subsequently told Secretary Garrett of Lieutenant Coughlin's complaint, and Secretary Garrett asked to be kept informed. That he took no other steps is not improper; it is not the business of the Secretary of the Navy to step into the middle of the first report of an assault upon a single individual—particularly because the Secretary subsequently may have to act in an official capacity during the review of any court-martial conviction.

Rear Admiral Snyder did not initiate a request for a formal investigation immediately; he called Captain Frederic G. Ludwig, Jr., president of the Tailhook Association, who at that moment was preparing a letter to squadron commanders deploring the level of misconduct that occurred on Saturday night. Rear Admiral Snyder informed Captain Ludwig of the assault upon Lieutenant Coughlin, and Captain Ludwig incorporated her allegation into the language of his letter.

Almost simultaneously, Lieutenant Coughlin forwarded a copy of her complaint to Vice Admiral Dunleavy. In coordinating the Tailhook Association's draft letter with Vice Admiral Dunleavy, Captain Ludwig raised questions about the gauntlet and Lieutenant Coughlin's assault. Vice Admiral Dunleavy declared, "This is a Navy problem. We will take care of it." Admiral Dunleavy met with Lieutenant Coughlin on 10 October. Following that meeting, the Naval Investigative Service (NIS) was directed by the Vice Chief of Naval Operations, Admiral Jerome Johnson, to investigate Lieutenant Coughlin's allegation. NIS established a Tailhook task force to deal with the substantial number of anticipated interviews of Tailhook '91 attendees. More than a month had elapsed between the alleged assault and the start of this investigation.

Captain Ludwig's letter to aviation commanders was signed and mailed on 11 October 1991. On 28 October, San Diego *Union-Tribune* reporter Greg Vistaca telefaxed the letter to Secretary Garrett. The Ludwig letter was highly critical, stating in part:

Tailhook '91 was the "Mother of all Hooks" in one other way. . . . The major "other" of the 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.

. . . We narrowly avoided a disaster when a "pressed ham" 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 sexually molested. Most



SABA (A. STATES)

She was not the only person to report being assaulted at Tailhook '91, but Lieutenant Paula Coughlin quickly became a central figure in this story. She has since left active duty and is suing the Tailhook Association and the Las Vegas Hilton.

distressing was the fact that an underage young lady who was severely intoxicated had her clothing removed by members of the Gauntlet.

I don't have to tell you that this type of behavior has put a very serious blemish on what was otherwise a highly 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 to 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!

But the letter also sought corrective measures:

I need you, as leaders of our hardcharging J[unior] O[fficer]s, to make them realize that if future Tailhooks are to take place, attitudes and behavior must change. . . . I look forward to hearing from you on any ideas you might have to help eliminate unprofessional behavior during Tailhook '92. . . .

Secretary of the Navy Garrett read the letter as a self-indictment of the Tailhook Association and an admission of activities that were totally inconsistent with the Navy's zero tolerance sexual harassment policy. In a highly publicized letter the following day, Secretary of the Navy Garrett, expressing his "absolute outrage over the conduct reported to have taken place" (as described in the Tailhook Association letter), announced he was "terminating, effective immediately, all Navy support in any manner whatsoever, direct or indirect, for the Tailhook Association." Simultaneously, Rear Admiral Snyder was removed from his command for his failure to forward Lieutenant Coughlin's complaint on a timely basis.

Secretary Garrett subsequently stated that his intent was to suspend rather than sever the Navy's ties with and support for the Tailhook Association. His view was that a strong message had to be sent to all concerned, including all parts of the Navy and Marine Corps. If the Tailhook Association responded with a program that would ensure that the Tailhook '91 scenario would not be repeated, consideration could be given to the restoration of Navy ties.

Secretary Garrett's reaction must be placed in the context of the times. Public disclosure of Captain Ludwig's letter followed by less than two weeks the conclusion of the nationally televised Senate Judiciary Committee confirmation hearings for Clarence Thomas as a U.S. Supreme Court Justice, and the sexual harassment allegations by Anita Hill that were the focus of those hearings. Public focus on the sexual harassment issue was evident. Secretary Garrett's reaction was to send the strongest message possible that sexual harassment would not be tolerated in the Navy and Marine Corps.

Some have viewed his action as a rush to judgment—before ordering an investigation and, more important, before having a clear picture of the facts. In some measure, it set a dam-

aging tone for all subsequent investigatory actions and media reporting. Worse, Secretary Garrett's action was seen by many as an insider's attempt to shift responsibility and media focus away from the naval leadership and onto the Tailhook Association. This view is reflected in columnist Ellen Goodman's observation that "from the very beginning, the Navy has worried more about getting over Tailhook than getting to the bottom of it."

His action would have long-term effects. The accusation not only cast aspersions on the Tailhook Association, but also on every male member of the naval aviation community, whether he attended Tailhook '91 or not and—if he had—regardless of how well he may have behaved. This inference of collective guilt had a direct, negative impact on subsequent investigations.

Secretary Garrett subsequently stated that Lieutenant Coughlin's complaint was treated as a criminal investigation of an assault, thereby reflecting the naval leadership's view that the overall conduct at Tailhook '91 was not improper. Garrett's severance of Navy ties with the Tailhook Association, however, reveals a dichotomy: on the one hand, naval investigators were being tasked to look into an alleged assault on a single officer; on the other, his public rebuke of the Tailhook Association appeared to many to broadcast an awareness of a larger Department of the Navy problem that still needed to be addressed.

In retrospect, ordering an investigation of Lieutenant Coughlin's complaint treated an injury, but failed to question whether that injury was really a symptom of a more serious problem. Had a quasi-official conference been held during which a group had been singled out by race or religion for similar harassment, it is likely that the naval leadership would have taken a larger view to determine if racism or religious intolerance existed within its ranks. Had there been revelations of an equivalent level of drug use at Tailhook '91, it is likely the naval leadership would have taken an equally hard look at whether drug abuse had returned to the Navy and Marine Corps or, perhaps, to the armed services.

Events at Tailhook '91 revealed a hostile view by some toward the growing role of women in the armed services and some degree of tolerance of

attitudes inconsistent with the stated Navy policy against sexual harassment. Coupled with the immediate and long-term shrinking of the armed forces, there existed inevitable friction. Tailhook '91 involved some very basic misconduct that occurred because of the environment in which Tailhook symposia were held. The level of misconduct changed in reaction by some to the increasing role of women in naval aviation, and in the armed services in general. The leaders of the Department of Defense and the Department of the Navy failed to identify and address potential friction in the years preceding Tailhook '91, then averted their eyes from it following disclosure of misbehavior at that meeting because of its political sensitivity.

On learning of misconduct at Tailhook '91, Senator John S. McCain III (R-Ariz.), a former naval aviator, wrote letters to the Secretary of Defense and the Chairman of the Joint Chiefs



DONAHOO PHOTO

Ironically, Secretary Garrett, who spoke at Tailhook '91, became a casualty of the Battle of Tailhook almost a year into his campaign to investigate the incident. Still, his early decision to terminate Navy support for the Tailhook Association before ordering an investigation appeared to some as an attempt to shift responsibility and media focus away from the naval leadership.

of Staff, recommending the convening of an independent investigation and suspension of sanctions against the Tailhook Association until completion of that investigation. Senator McCain's suggestions were rejected.

In retrospect, the Departments of Defense and the Navy should have given more consideration to this recommendation than it apparently received. There are precedents. A special commission headed by former Chief of Naval Operations James L. Holloway III was created by the Secretary of Defense to review the failed April 1980 rescue mission into Iran, and Admiral Robert L. J. Long presided over a similar investigation following the destruction of the Marine headquarters in Beirut in October 1983. Such a blue-ribbon panel could have been appointed by the Secretary of the Navy or the Secretary of Defense to examine whether problems Tailhook '91 might have manifested existed throughout the armed services and to offer recommendations for their correction. Such a panel could have operated concurrently with the criminal investigation being conducted by NIS and could have benefited from its findings.

Secretary Garrett's action triggered the politicization of Tailhook '91. It played into the hands of the more radical elements of the feminist movement, who were pressing for a complete opening of all military billets to women in the armed services. They stepped into the vacuum created by the Navy's silence or less-than-complete reaction and thereafter were able to set and control the terms of the debate. The initial action of the naval leadership also criminalized noncriminal activities *if committed by men* and hindered future criminal investigations. As former Secretary of the Navy James Webb observed, "Any accusation with political overtones will be treated as a conviction." Each accusation was.

The media pounced on the bait, reducing the matter to a sound bite: "Tailhook." Much-criticized "gotcha journalism" perpetuated a popular but factually incorrect version of events, rather than performing an independent, impartial inquiry into what really occurred, the actual level of misconduct, who engaged in misconduct (male and female), who within the naval leadership knew of the level of conduct at Tailhook symposia, how long they had known of it, and why the naval leadership allowed that conduct to persist, in light of its zero-tolerance policy.³

Even when one assumes good faith on his part, Garrett's action nonetheless poisoned the legal well, virtually assuring the failure of any investigation or prosecution. Every male aviator, reduced to a uniformed equivalent of murderer Ted Bundy, perceived the Secretary of the Navy's action as one of declaring guilt by association and as a distancing of the naval leaders from the men with whom they had associated during Tailhook '91—regardless of guilt or innocence.

Secretary Garrett's action was compounded by a 7 November 1991 letter from Vice Admiral Dunleavy to all naval aviation flag officers, stating in part that "It must be clearly understood by all hands that any action which demeans the dignity of another will not be tolerated and punishment . . . will be swift and harsh"—a statement that crosses the line into command influence, which is prohibited by military criminal law. Within days, senior naval leaders had taken actions that made every junior male naval aviator attending Tailhook '91 a suspect, exercised improper command influence over their subordinates, and severed ties with an organization that had provided inestimable support for the Navy.

It sent another message as well: because Garrett, Kelso, and Dunleavy had been seen in the hospitality suites, the naval leadership was seen by junior officers not only as sending a "Do as I say, not as I do" signal, but also as manifesting a clear intent to "cover its six o'clock" by sacrificing subordinates, regardless of the latter's guilt or innocence. Junior officers perceived they were being condemned for a level of behavior initiated or

condoned by their seniors at previous Tailhook symposia, an ex post facto determination of illegality. There was some truth to this. Even while criminal investigators were characterizing leg shaving as conduct unbecoming an officer, Secretary Garrett acknowledged that he had witnessed leg shaving (without complaint) at Tailhook '90.

Clearly, the principal misconduct (in terms of gravity and number of participants) was by junior male naval aviators. But by focusing exclusively upon that group, the investigation seemed to establish a triple standard: one for junior male aviators, a more lenient one for female naval aviators who were willing—some said enthusiastic—participants, and a third for seniors, military and civilian, who had witnessed, condoned, and in some cases given a "thumb's up" to the actions they now were publicly condemning. Subordinates innocent of wrongdoing, seeing themselves lumped in with the not-so-innocent, were forced by peer pressure and poor initial naval leadership actions into a "hang together or hang separately" attitude that hampered efforts at establishing culpability and accountability. As one individual observed in the *Navy Times*, "The perception in the fleet was that of overreaction inside the [Washington, D.C.] beltway. The inquisition and witch hunt were on, and careers were going to be sacrificed on the altar of political correctness." In the first skirmish of the Battle of Tailhook, its commanders divided their forces and otherwise faltered, fatally.

Simultaneously, however, steps were being taken quietly by the Chief of Naval Operations that proved to be of long-term benefit. In a letter of 29 October, Admiral Kelso wrote to commanding officers throughout the fleet:

Ladies and gentlemen, it is not part of my leadership style to send harsh messages to the Navy as a whole or even to individuals if it can be avoided. We will not tolerate unprofessional behavior, we will not tolerate sexual harassment and we will not tolerate any action that demeans the dignity of another.

He tasked Vice Admiral Ronald J. Zlatoper, Deputy Chief of Naval Operations for Manpower and Personnel, to develop measures to reinforce the Navy's zero-tolerance policy toward sexual harassment. The Navy investigations were intended to correct errors of the past; Admiral Kelso's view was to the future.

The Navy's public approach also raised another dichotomy. Concern over future legal proceedings resulted in a hands-off attitude about Tailhook. On advice of counsel, with the exception of a brief statement in reaction to Secretary Garrett's letter of 29 October, Tailhook Association officials remained silent for almost nine months following Garrett's severing of ties between the Navy and the association. Department of the Navy officials were advised to keep their distance from the Tailhook matter, to avoid subsequent challenges that the investigations and any prosecutions were being tainted by command influence. The silence of the Tailhook Association was a serious mistake, solidifying in the public's mind the erroneous impression that responsibility for the misconduct was primarily (if not exclusively) that of the association, and eliminating any possibility of rapprochement with the Department of the Navy.

As often is true in any serious incident, those responsible for taking steps to prevent its recurrence are faced with a difficult balancing of priorities. Too much emphasis on corrective measures may sacrifice the chance of prosecution of criminal wrongdoing. Giving priority to criminal prosecution, however, does not preclude taking corrective steps, but it may postpone such action.

The Tailhook investigation was begun because of Lieutenant Coughlin's complaint of assault. But the gauntlet and the al-

leged assault on Lieutenant Coughlin and others were merely the manifestations of the need within the armed services for an "attitude check" that had yet to be fully implemented. Instead, the naval leadership went to general quarters. Although any number of positive steps eventually were taken to correct systemic gender-related friction, naval leadership commenced a long period of silent running. No war has been won by defensive actions alone, and the reputation of the Navy and the resolution of Tailhook were seriously hampered by the naval leadership's insistence on silence.

There were at least seven investigations of Tailhook '91:

- ▶ The Naval Investigative Service (NIS) Command's investigation of criminal acts
- ▶ A criminal investigation by the Las Vegas Police Department
- ▶ Separate inquiries by the Air Force's Office of Special Investigations and the Army's Criminal Investigation Command to ascertain the level of participation by Air Force and Army personnel, respectively⁴
- ▶ An investigation by the Navy Inspector General into the organization and support of the Tailhook Association and the conduct of the symposium; the propriety of using naval resources (primarily aircraft); and the relationship between the Navy and the association
- ▶ An inquiry, including formal hearings, by the Military Personnel and Compensation Subcommittees and the Defense Policy Panel of the Committee on Armed Services, House of Representatives
- ▶ A two-part investigation by the Department of Defense Inspector General, reviewing the two Navy investigations and misconduct at Tailhook '91

The NIS investigation began on 11 October 1991, at the direction of the Vice Chief of Naval Operations, following receipt of the complaint from Lieutenant Coughlin. That investigation was expanded on 28 October in response to disclosure of the Tailhook Association letter. Over the next six months, NIS agents interviewed 2,193 persons and reinterviewed or reinterrogated 92, at a cost of \$1.2 million. This investigation was hampered by several factors: a "cold trail," a result in part of the Navy's lack of diligence in responding to initial complaints; witnesses and interviewees scattered around the world, many on operational deployments; the fog of alcohol consumption on the evening in question, which clouded recollections; a lack of cooperation by male officers as a result of their feeling that they were the victims of collective blaming; and an equal lack of cooperation by many women who did not regard themselves as victims of criminal activity. Of the 26 women NIS initially identified as possible assault victims, nine declined to assist in the investigation. Of those cooperating, only three were able to make a possible identification of individuals they thought might have been involved. Several identifications, including one by Lieutenant Coughlin, subsequently proved incorrect.

Yet another dichotomy of Tailhook '91 was the contradiction between presumption, fact, and application of the presumption. A presumption existed that every naval aviator present should have witnessed every act of misconduct, and that men who must survive day-to-day on their *situational awareness* suspiciously suffered a major system shutdown on that one Saturday night. Subsequent estimates that (at most) 117 out of 4,000 attendees were involved in criminal activity suggest that the problem was less one of junior officers "closing ranks" than many actually seeing nothing.

Indeed, in subsequent testimony on behalf of Admiral Kelso, then-former Assistant Secretary of the Navy for Manpower and Reserve Affairs Barbara Pope claimed that it would have been impossible for Kelso to have witnessed any misconduct because the crowd was so large that "you couldn't see more than five feet." Thus, the senior naval leadership (including Ms. Pope)

established a presumption of knowledge of events by all officers in the grade of captain or below (particularly junior officers), while claiming ignorance of the same events.

The NIS experienced several false steps that unduly but significantly affected official and public confidence in its efforts. An NIS agent working with Lieutenant Coughlin was relieved for taking improper actions toward her. Another agent deleted 55 pages from the lengthy NIS report, a portion of which placed the Secretary of the Navy inside a hospitality suite where some of the more serious misconduct was alleged to have occurred. The decision to delete this particular block of information apparently was entirely discretionary and made in good faith, but its subsequent disclosure raised serious questions about NIS's impartiality and reconfirmed junior officer suspicions that accountability of senior officers and officials was being ignored.

In fact, by regulation, NIS has authority to investigate only major offenses—that is, criminal acts punishable under the Uniform Code of Military Justice by confinement for more than one year.⁵ Misfeasance by senior officers did not meet this criteria, so the NIS focus was on the assaults and acts of indecent exposure. Viewed from the perspective of the junior officers and at least one senior Navy official, however, it seemed peculiar that the junior officers were being interviewed by NIS but senior officials—who also may have been witnesses—were not.

The third NIS misstep was the worst—and it overshadowed all other efforts. Lieutenant Coughlin had described her initial assailant as a tall, black Marine pilot, and NIS aggressiveness in finding her assailant within the community of Afro-American naval aviators—to the exclusion of Army and Air Force personnel who were present, as well as the number of Caucasian gauntlet members who assaulted her—reflected to many the "ready, fire, aim" and guilt-by-association approach of senior officials and NIS investigators. After several misidentifications, Lieutenant Coughlin fingered Marine Captain Gregory Bonam as her assailant—but only after considerable prompting by NIS investigators, an improper technique that eventually led to dismissal of all charges against Bonam.

At the conclusion of its investigation, NIS reported that it had identified ten officers suspected of criminal misconduct and 14 female victims (eight military, six civilian). The suspects, ranging in rank from ensign to commander (or lieutenant colonel), included an Australian officer.

The Navy Inspector General, Rear Admiral George W. Davis VI, was tasked on 29 October 1991 by Under Secretary of the Navy J. Daniel Howard to conduct an investigation into noncriminal abuses or violations associated with Tailhook '91. The Navy IG investigation was to be small and to complement the NIS criminal investigation.

From the outset the Navy IG sought authority for a broader investigation. On 29 October, Rear Admiral Davis recommended that he be authorized to look into Standards of Conduct violations and responses of the chain of command to victims' complaints. On 1 November, he recommended an "all-up" investigation of the noncriminal aspects. Each request was denied by Mr. Howard, who had been assigned responsibility for coordinating and overseeing the investigations. A similar recommendation to consider flag officer accountability and to interview flag officers and senior Navy civilian officials by the special counsel heading the NIS Tailhook task force also was rejected.

Over the five months of the NIS and Navy IG investigations, 19 weekly meetings were held to monitor their progress. Attendees were Mr. Howard; Ms. Pope, the Assistant Secretary of the Navy for Manpower and Reserve Affairs; Rear Admiral John W. Gordon, the Judge Advocate General of the Navy; Rear Admiral Davis, the Navy Inspector General; and Rear Admiral

Tailhook

Duvall M. Williams, Commander of NIS. (Neither the Chief of Naval Operations nor the Commandant of the Marine Corps participated in this process.) Although Mr. Howard and Ms. Pope were impatient with the due process requirements of the Uniform Code of Military Justice, meetings generally were businesslike without any expression of concern about the progress of the investigations—with one exception.

As the investigations progressed, Ms. Pope began to express her impatience with the picture being drawn. It failed to speak about the responsibility for what occurred at Tailhook other than endeavoring to identify the alleged assailants of Lieutenant Coughlin or perpetrators of other criminal acts. Her complaints led to friction within the group but did not change the Navy's approach to Tailhook; Under Secretary Howard elected not to broaden the investigation.

The NIS and Navy IG investigations, forwarded in late April 1992, concluded that "There is still little understanding of the nature, severity, and numbers of assaults that occurred involv-

to pay. She felt that squadron commanders should be held accountable for what had occurred. She also expressed her annoyance over her belief that military officers were lying to investigators. Garrett, former DoD General Counsel, reminded Ms. Pope of the constitutional right of any individual to avoid self-incrimination, an explanation in which she found little satisfaction.

Secretary Garrett sought to conclude the meeting by asking Admirals Williams and Davis if their work was completed. Each had several more days of work to do. Their need for time coincided with Secretary Garrett's schedule, for he was about to depart on a 12-day trip to Australia. Having struggled through the painful experience of the premature leak of the *Iowa* (BB-61) investigation and its aftermath, Garrett sought to exercise extra care with the Tailhook investigation. He ordered Under Secretary Howard to withhold publication of the report until it had been reviewed by Admirals Davis and Williams and by the Chief of Naval Operations and Commandant of the



NAVY TIMES (D. PENSINGER)



NAVY TIMES



U.S. NAVY



U.S. NAVY



U.S. NAVY

ing both civilians and officers." But the Navy IG concluded that "The reputation of the third floor was well-known. . . . [T]he tasteless sexism of the suites and the gauntlet, if not tacitly approved, were allowed to continue by the leadership of the aviation community and the Tailhook Association." The NIS investigation was reviewed by DoD IG, which concluded that "the Naval Investigative Service investigation and resulting report were timely, thorough, and professionally accomplished."

This conclusion reflects yet another dichotomy of Tailhook. The public image was (and remains) one of 4,000 drunken Navy and Marine aviators assaulting their way through the corridors of the Las Vegas Hilton. But it was necessary for criminal investigators and prosecutors to take a cold, hard look at probative facts that would establish probable cause that individuals had committed an act that constituted a violation of the Uniform Code of Military Justice. After five months of intensive investigation, the public image did not square with the facts. This "reality check" divided the naval leadership, elevated political interest to higher levels, and led to a new investigation that prolonged the focus on Tailhook.

NIS completed its investigation on 15 April 1992. Admiral Kelso, Under Secretary Howard, Assistant Secretary Pope, and Rear Admirals Davis, Gordon, and Williams met with Secretary Garrett on the morning of 28 April 1992. Admiral Williams identified the number of known victims (26) and the number of suspects (10). He was followed by Admiral Davis, who was critical of the aviation community for allowing this misconduct to occur and the lack of cooperation of witnesses.

Secretary Garrett was "deeply disturbed" by the report. But Assistant Secretary Pope was more distressed, particularly with the fact that only the junior-officer assailants were being made

Under Secretary Howard, Assistant Secretary Pope, and Rear Admirals Gordon, Davis, and Williams—left to right—monitored the NIS and Navy IG investigations, meeting 19 times over five months. There were clashes of opinion among these principals over broadening the scope of both investigations.

Marine Corps. The latter two were expected to come up with recommended solutions to the problems identified in the report. Howard was to wait at least 30 days, which would give Garrett time to return from his trip and, presumably, review the completed document.

The following day, Admiral Kelso continued his quieter effort to develop an effective program against sexual harassment. In a letter to flag officers, he invited them to discuss the draft report with their officers and senior enlisted personnel and to send suggestions for correcting problems to him. The admirals responded with a number of positive suggestions, one of which highlighted the atmosphere existing within the Navy that undoubtedly gave a green light to misconduct by some at Tailhook '91: In 1992, almost a year after Tailhook '91 and three years after institution of the Navy's zero-tolerance sexual harassment policy, there was a recommendation that female striptease acts in Navy clubs (officer and enlisted) be discontinued. The fact that striptease acts still were appearing in some clubs—at lunch and dinner—says much about the inconsistency between stated Navy policy and the seemingly sanctioned atmosphere that existed at the time of Tailhook '91.⁶

Two days later, as Garrett was flying across the Pacific, the

report was released—contrary to his explicit instructions. The media feeding frenzy worsened as the misconduct at Tailhook '91 was revealed in graphic detail. From that point, any semblance of due process was lost in a headlong rush to satisfy political and public-relations objectives.

Assistant Secretary Pope met Secretary Garrett when he returned from his trip, advising him that she was prepared to resign unless he took action to relieve the squadron commanders in charge of the suites where misbehavior occurred. Garrett had been given an ultimatum. He knew that if he let Ms. Pope resign he would not be far behind, but he could not see how he could legally discipline suite sponsors on a strict liability basis. He persuaded Ms. Pope to stay on while a plan was developed for questioning the squadron commanders and others who hosted suites.

By 1 June, the Navy Inspector General had forwarded for appropriate action the names of 17 squadron commanders responsible for hospitality suites where questionable conduct occurred, along with the names of 16 junior officers who had engaged in lewd acts with strippers or exposed themselves and senior officers who had failed to stop misconduct they had observed. NIS forwarded the names of 57 officers who allegedly witnessed misconduct.

The situation turned even worse the following day. On 2 June, Secretary of Defense Dick Cheney received a letter from Senators Sam Nunn (D-Ga.) and John Warner (R-Va.) advising him that Senate confirmation of Navy and Marine Corps promotions would be delayed until the senators knew:

- ▶ Each nominee had been questioned concerning involvement in the Tailhook incident or in any cover-up, failure to cooperate, or interference with the Tailhook investigation
- ▶ The results of such inquiries or, if not questioned, the reason for not making the inquiries
- ▶ Whether the nominee was, or was likely to be, the subject of any further inquiry concerning the Tailhook incident or investigation
- ▶ Whether there was any adverse information pertaining to the nominee with respect to the Tailhook incident or investigation and, if so, the nature of the information

The senators also strongly recommended the convening of a court of inquiry to examine the broader attitudinal issues identified by the Navy Inspector General.

The signal could not have been clearer. The Chairman of the Senate Armed Services Committee and a ranking minority member of that committee, both staunch supporters of the armed services, were expressing their displeasure with the progress and scope of the investigations. Promotions to the rank of lieutenant commander (Marine Corps major) and above stretched out over the ensuing months, as lists were reviewed. The recommendation to appoint a court of inquiry was rejected, however.

A second letter called for review of the actions of squadron commanders with regard to hospitality suites where misconduct occurred. In hearings before the Senate Armed Services Com-

mittee on 2 June, Senators John Glenn (D-Ohio) and John McCain, the ranking members of the subcommittee on military personnel issues, saw the situation as analogous to those that followed sexual harassment incidents at the U.S. Naval Academy and the Orlando, Florida, Naval Training Center. In each case, there was "strained credulity" that no flag officer had been held responsible.

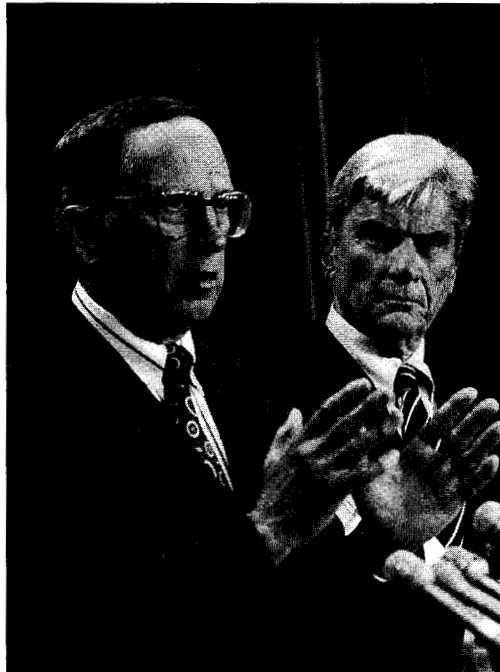
On occasion, it is tempting to criticize Congress for its "interference" with the military. But there is another point of view, and it seems particularly important in this case. Like members of the military, our elected senators and representatives serve the people of the United States. As elected officials, however, senators and congressmen must keep their fingers on the pulse of their constituencies; they are keenly aware when something is amiss and needs correction. The perception that the Department of the Navy was punishing a few junior officers while letting their superiors avoid responsibility for their dereliction obviously was troubling to many politicians—a clear danger signal.

Tailhook spiraled further out of control one week later. The Vice Chief of Naval Operations asked Admiral Williams to review NIS files for any report that Secretary Garrett had been in the "rhino suite"—the site of some of the more egregious acts of misconduct. (The name derived from the squadron nickname associated with the recently deactivated Marine Corps Tactical Reconnaissance Squadron Three.) Rear Admiral Williams's review revealed a statement by a Marine officer alleging that Garrett visited the suite. The statement was deleted by NIS Special Agent Beth Iorio because she did not view the officer's account as significant. In Washington, however, the view was taken by some that the pages had been deleted to protect the Secretary of the Navy.

Secretary Garrett enjoyed a reputation for insisting on the highest ethics in government. He was aware that standards of conduct turn as much on appearances as on fact. He met with Secretary of Defense Cheney and offered to resign. He was assured that was unnecessary.

On 18 June, Secretary Garrett requested that the DoD IG conduct a further review of the Navy investigations, in light of the additional information that had been uncovered. DoD IG responded on 24 June by requesting that disciplinary actions or inquiries regarding Tailhook be held in abeyance. The following day Garrett sent a memorandum to the Chief of Naval Operations and the Commandant of the Marine Corps directing deferral of any further action on Tailhook in response to the DoD IG request. On that same day, Lieutenant Coughlin appeared on ABC-TV to describe her assault in the gauntlet. As a result of the publicity generated by the interview, the Secretary of Defense accepted Garrett's resignation the following day, appointing Dan Howard Acting Secretary of the Navy.

Mr. Howard moved quickly—though perhaps in the wrong direction. In a closed meeting with senior Navy and Marine



AP / WIDE WORLD PHOTO

Displeasure with the progress and scope of the investigations, already widespread, escalated in June 1992 when Senators Nunn (left) and Warner announced that Navy and Marine Corps promotions would be held up until the services answered a series of Tailhook-related questions about each selectee.

Corps officers on 2 July, he declared, "The Tailhook Association is no longer useful to Navy aviation and should be abolished," a policy statement beyond his legal authority. Responding to a letter from the Tailhook Association, Howard stated, "[I]n the aftermath of the 1991 symposium, not a single Tailhook Association officer or board member expressed regret or officially communicated with the Secretary of the Navy or the Chief of Naval Operations over the conduct at the symposium."

Mr. Howard's allegation was incorrect. On disclosure of the original letter from then-Secretary of the Navy Garrett the previous October, Tailhook Association spokesman and editor of *The Hook* Steve Milliken had declared:

Tailhook Association regrets and abhors the actions of a few attendees at its 1991 Symposium. . . . Through the unfortunate and reprehensible alleged actions of unknown individuals, the positive and productive objectives of the symposium have been overshadowed and the reputation of the Tailhook Association as a professionally competent organization has been severely damaged. . . . The association fully supports actions which seek to identify the individuals responsible for any misconduct.

Moreover, Garrett's original action was taken in response to disclosure of the Tailhook Association letter that was initiating steps to correct the errors of Tailhook '91. The association also had cooperated fully with NIS and Navy IG investigators and a representative from the association had met with Secretary Garrett. Internally, the Tailhook membership had expressed itself on the pages of *The Hook*, addressing the problem and how best it could be resolved.⁷ But the association kept its views to itself.

That was a mistake. In addition to its statement, the association should have opened a dialogue with Secretary Garrett, immediately initiated the public diplomacy program it belatedly began eight months later, and taken steps to contribute to resolution of the problem rather than permitting the image of the association as its sole cause to continue.

A Tailhook Association letter dated 3 July 1992, in response to Howard's statement to Navy and Marine Corps flag officers, was unsuccessful in clearing the air between the association and the Department of the Navy. Congressman Randall Cunningham (R-Calif.), a former naval aviator and Vietnam ace, also challenged the approach taken by Howard, without success. For the first time, a Tailhook Association information paper, provided to the media on 1 August, set out the association's side of the story. It was followed by a letter to Sean O'Keefe on 7 August, following his designation as Acting Secretary of the Navy; it fell on deaf ears. The die had been cast; it was three months before the 1992 presidential election, and Howard and O'Keefe were determined to distance the Bush administration from the politics of Tail-

hook. It was not until this time that the Tailhook Association began to go public with an explanation of its actions. The delay had caused the association considerable harm.

On 18 August, President George Bush discussed Tailhook publicly, declaring:

My view is this: If some officer or enlisted person has done something wrong, okay—let that man or woman . . . bear the price. But do not condemn an outstanding service. . . . There are a lot of young aviators who are getting pilloried by excessive condemnation of Tailhook. I condemn it. I condemn what I know happened. I talked with that young helicopter pilot [Lieutenant Coughlin] . . . who was brutalized. . . . But I don't think either she nor me . . . want to see . . . naval aviation destroyed by unfair criticism of a lot of innocent people.

It was sound advice, which investigators and the naval leadership elected to disregard.

The DoD IG Investigation

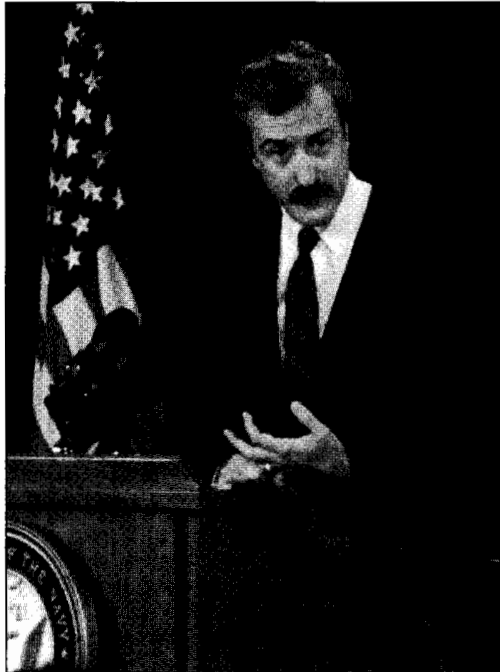
The DoD IG investigation began immediately and was hampered from the outset. With one exception, its investigators were not experienced in criminal cases. Most were auditors, trained in the investigation of white-collar crime. This lack of knowledge of criminal investigation techniques and preparation of evidence for presentation in courts-martial virtually eliminated any chance for a successful conclusion of the Battle of Tailhook. Moreover, Sean O'Keefe, Acting Secretary of the Navy during the major portions of the DoD IG investigation, subsequently acknowledged that it was apparent to him that DoD IG went into the investigation "with a mission" to find wrongdoing by male aviators—and male aviators only.

Like its predecessor, the DoD IG investigation was divided. Its first phase reviewed the Department of the Navy investigations; the second examined the actual events at Tailhook '91, including alleged criminal acts.

The DoD IG report on the Navy investigations was forwarded to Acting Secretary O'Keefe on 21 September 1992 and released publicly

three days later. Its primary conclusions were that the Navy investigations:

should have been expanded beyond the assaults to encompass other violations of the law and regulation as they became apparent and should have addressed individual accountability for the leadership failure that created the 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 [of the Navy], the Navy IG, the Navy J[udge] A[dvocate] G[eneral], and the Commander of the NIS. In our view, the



DEPARTMENT OF DEFENSE (R. D. WARD)

Acting Secretary O'Keefe held a press conference the day after receiving the DoD Inspector General's report. He focused on efforts to change the services' culture and organizational changes—including Rear Admiral Davis's reassignment—then announced the retirements of Rear Admirals Gordon and Williams and his rejection of the recommendation that Mr. Howard resign.

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.

The following day, Acting Secretary O'Keefe held a press conference to respond to the report. He sought to keep the focus on organizational changes and on efforts to deal with the cultural climate that had allowed demeaning behavior and attitudes toward women to persist within the Department of the Navy. He announced measures to upgrade the Navy IG to a vice admiral position and changed the status of the Commander, Naval Investigative Service Command, from that of a one-star admiral to a Senior Executive Service civilian position. He criticized media accounts that suggested that Rear Admiral Davis's reassignment was something other than the result of an organizational change to make the Navy IG a more senior officer. He also announced the retirements of Rear Admiral Gordon, which Admiral Gordon had requested on 9 September, and of Rear Admiral Williams. He rejected the DoD IG recommendation that Under Secretary Howard resign.

In continuing his review of the DoD IG report, Acting Secretary O'Keefe directed that Rear Admirals Gordon and Williams be given an opportunity to comment upon the report prior to his reaching any decision on the DoD IG recommendation that each be disciplined for an alleged failure to fulfill his professional responsibilities. Each was so informed on 25 September 1992. Former Secretary Garrett and others mentioned in the report were provided the same opportunity, and the Chief of Naval Operations and Commandant of the Marine Corps were invited to comment on the report's contents.

In order to comment, former Secretary Garrett and Admirals Gordon and Williams requested the documentation from DoD IG that supported its findings and conclusions. Each was informed that his request would be treated as a request from a private citizen under the Freedom of Information Act (FOIA).⁸ That law requires a determination within ten working days by the requested office as to whether it intends to comply with the request. The DoD Freedom of Information Act Program⁹ states that:

DoD personnel are expected to comply with the FOIA and this Regulation in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust.

Rear Admiral Williams received the documents requested from DoD IG on 1 April 1994, 18 months after they were requested—but only after bringing DoD IG's failure of compliance to the attention of a commission formed under the fiscal year 1994 Defense Authorization Act to consider consolidation of DoD investigative agencies. The FOIA requests of Rear Ad-

miral Gordon and former Secretary Garrett remain unanswered.

Notwithstanding DoD IG's refusal to comply with statutory and DoD FOIA requirements, Under Secretary Howard, former Secretary Garrett, and Rear Admirals Davis, Gordon, and Williams submitted detailed comments that raised considerable doubt within Secretary O'Keefe's mind regarding the findings and conclusions of the DoD IG report. Secretary O'Keefe determined that the conduct of Rear Admirals Gordon and Williams in the Navy's investigation had been appropriate and rejected the DoD IG recommendation that they be punished.

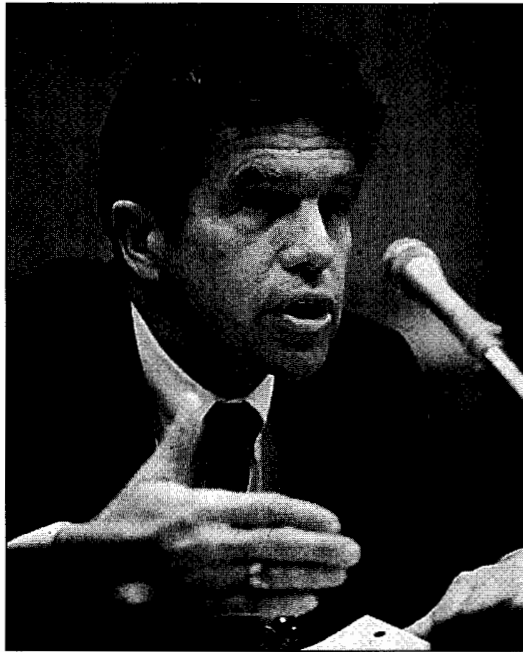
In a letter dated 22 October 1992, Secretary O'Keefe noted his distress that individuals criticized in the report were not provided a meaningful opportunity to review the allegations against them prior to release of the report. He accepted the DoD IG finding regarding the collective management failure involved in the Department of the Navy's conduct of the Tailhook '91 investigations, but he castigated Acting DoD IG Derek J. Vander Schaaf for his failure to adhere to fundamental due process standards with regard to the rights of those his report criticized. In particular, he questioned "the practice of public release without prior review, as well as evidentiary standards underlying information included in the Report and the standards of proof required to support conclusions."

The DoD IG report also published a letter from former Secretary Garrett declining a DoD IG request that he submit to a polygraph examination. As Acting Secretary O'Keefe noted, this disclosure was unwarranted and a direct violation of Department of Defense policy, which prohibits disclosure of a refusal to consent to polygraph examination.¹⁰

Review of Acting Secretary O'Keefe's letter and its accompanying documentation supports the

conclusion that the office of DoD IG had abandoned its role as an investigative or oversight organization and assumed the role of a prosecutor. This conclusion was given further support by DoD IG's second report, which was released on 12 April 1993.

That report informed the Secretary of Defense that DoD IG had identified 90 victims of indecent assault, and "referred" investigative files on at least 140 officers to the Acting Secretary of the Navy for consideration of appropriate action. Twenty-three officers were accused of having participated in indecent assaults, 117 officers were "implicated" in one or more incidents of indecent assault, indecent exposure, conduct unbecoming an officer, or failure to act in a proper leadership capacity while at Tailhook '91. Fifty-one individuals were alleged to have made false statements to DoD IG in the course of its investigation. In addition, investigative files regarding the 30 Navy flag officers, two Marine Corps general officers, and three Naval Reserve flag officers who attended Tailhook '91 were forwarded to the Acting Secretary of the Navy after their review by the Secretary of Defense. The report contained a detailed account regarding the Tailhook Association, Tailhook '91, the squadron hospitality suites, alleged indecent assaults, al-



THE TIMES PAPERS

Acting DoD IG Vander Schaaf came under fire from Secretary O'Keefe for not safeguarding the rights of the individuals whom Vander Schaaf's report criticized. Many more allegations have been made with regard to DoD IG misconduct in its investigation.

leged indecent exposure, other alleged improper activities, security, officer attitudes, and leadership failures. There were several appendices, including individual squadron suite summaries and victim/assault summaries.

There were serious flaws in the DoD IG report, including:

► *Improper investigative techniques.* Investigators would interview witnesses or suspects all day, then write summaries of statements at the end of the day or even days later. Most witnesses were not allowed to review their interview summary. Both procedures are inconsistent with federal law enforcement practice. A number of witnesses subsequently repudiated statements incorrectly attributed to them.

A Navy judge subsequently wrote that the DoD IG agents' "novice approach to criminal investigation resulted in the wholesale repudiation of reports by many of the witnesses. . . . These [DoD IG] Reports of Interviews [ROIs] proved to be problematic throughout this hearing. . . . This court has given minimal weight to the ROIs. . . ."

One highly experienced Tailhook prosecutor concluded that improper DoD IG investigative techniques virtually assured that no individual would be convicted of misconduct or, if convicted, that his conviction would not survive the appellate process.

► *Scope.* The DoD IG received information that Air Force and Army officers were present on Saturday night, and one female Air Force officer assault victim stated that she had not filed a complaint about her assault in the gauntlet "because of repercussions she experienced in filing a previous complaint against fellow Air Force officers." The DoD IG report makes no mention of investigating the possibility that assailants could have been other than Navy or Marine Corps officers.

► *Number of assault victims.* The number of female assault victims was subject to challenge, inasmuch as many of the women in the DoD IG report declared they did not regard themselves as victims of assault.

► *Gender bias.* DoD IG policy established for the Tailhook investigation was that it would not include misconduct by female officers. The DoD IG report revealed gender bias in two ways. First, the cases of seven males who reported that they were assaulted were given cursory summary compared to the detailed report of each female victim. Second, female misconduct was not reported, including four very prominent cases of which DoD IG was aware and for which eyewitness accounts were readily available and or were documented by other testimony:

(1) A female naval officer went topless throughout Saturday night in one hospitality suite. This act of indecent exposure is not mentioned, and the officer was not punished.

(2) Several female officers had their legs shaved in the VAW-110 suite, some in uniform (including Lieutenant Paula Coughlin). While leg shaving was characterized as conduct unbecoming an officer, that categorization was applied only to the male officer shaving legs.¹¹

(3) A female officer told DoD IG investigators that three officers attempted to gang rape her. Subsequently she recanted, stating that she had consensual sex with one of the officers in question. Although a number of male officers were charged with and punished for making false statements, DoD IG investigators did not include her name or report her misconduct.

(4) A male Marine officer was charged with adultery. A DoD IG investigator confirmed under oath that DoD IG had a policy that it would not investigate or make any record of cases of adultery by female officers.

The misconduct of some female officers does not, of course, minimize the seriousness of the assaults and other misconduct committed by some male officers at Tailhook '91, nor does it offer any comment regarding the relative gravity of offenses. But as one naval officer recently noted,

[W]e also have to be willing and able to treat women equally. This includes holding us responsible and accountable. This also includes the ability to fire or court-martial women. We are not there yet.¹²

The Tailhook investigations were seriously impaired by the gender double standard established by the DoD IG and the naval leadership with regard to misconduct at Tailhook '91.

To address the contents of the report, the Navy and Marine Corps each established a Consolidated Disposition Authority. Vice Admiral J. Paul Reason, Commander, Naval Surface Forces Atlantic, was the Navy designee. Lieutenant General Charles C. Krulak, Commanding General, Marine Corps Combat Development Command, was assigned that role for the Marine Corps.

The DoD IG accusations began to unravel from the first moment of close scrutiny. Contrary to its report, DoD IG had not *referred* (a technical term indicating establishment of probable cause that a criminal offense has occurred, that the person charged committed it, and the convening of a court-martial to try the accused) 140 cases for prosecution, but merely forwarded information on that number of officers for consideration and further investigation. More than half the cases were dismissed immediately, for an obvious lack of evidence or the lack of commission of a criminal offense.

The Tailhook prosecutions drew to a close on 3 June 1994, when Lieutenant General Krulak dismissed charges because of insufficient evidence against a Marine

officer charged with indecent exposure.

In the 14 months between the second DoD IG report and dismissal of the final case, 39 Navy officers received nonjudicial punishment for indecent exposure, conduct unbecoming an officer, or making false statements; another dozen received less severe administrative rebukes; all other cases were dismissed. No one was convicted by court-martial for criminal conduct at Tailhook '91.



THE TIMES PAPERS (L. JACKSON)



THE TIMES PAPERS (T. HORAN)

The Navy and Marine Corps each established a Consolidated Disposition Authority—Vice Admiral Reason for the Navy and Lieutenant General Krulak for the Corps—to deal with the DoD IG's accusations. Some officers received nonjudicial punishments and less severe administrative rebukes, but no one was convicted by court-martial for criminal conduct at Tailhook '91.



AP / WIDE WORLD PHOTO (S. BRENNAN)

On 15 February 1994, Admiral Kelso announced in his office that he had requested early retirement so the Navy "can finally close this difficult chapter"—i.e., Tailhook. Unfortunately, this sparked another battle—over Senate confirmation of his retirement at four-star rank—which he won. Admiral Kelso retired on 23 April 1994.

On 15 October 1993, Admiral Kelso was issued a nonpunitive Letter of Caution by Secretary of the Navy John H. Dalton, citing his failure of leadership during his visit to Tailhook '91. Administrative action was taken against 29 other Navy flag officers. Vice Admiral Dunleavy was retired as a rear admiral. Ironically, the alleged "master of ceremonies" for the gauntlet, Lieutenant Gregory J. Geiss, escaped punishment. Lieutenant Geiss, who subsequently acknowledged his master-of-ceremonies role in the gauntlet, was one of 51 officers granted immunity on the recommendation of Navy prosecutors in the unsuccessful effort to gain convictions of their superiors for lesser offenses than those committed by many of those granted immunity. Of the 22 Marine Corps cases, nine officers received nonjudicial punishment and nine received lesser administrative actions.

Two Navy judge advocates were relieved following a finding by a military judge of a conflict of interest in their roles and/or for lying. One Navy prosecutor was disqualified for inappropriate conduct; another was relieved when he expressed doubts as to the ethics of proceeding against a squadron commander against whom no evidence existed. The Navy's "assembly-line technique" was criticized by the U.S. Court of Military Appeals for its merging and blurring of investigative and justice procedures, and the trial court dismissed the Navy's last cases based upon a finding of improper command influence. In doing so, it raised serious questions with regard to Admiral Kelso's actions at Tailhook '91, leading to his early retirement and a painful battle for Senate confirmation for his retirement at four-star rank.

In this process, many allegations were made with regard to DoD IG misconduct in its investigation, including:

► In a written opinion, a Navy judge declared that "there is evidence that the [DoD] IG investigators were heavy-handed and possibly abusive in their treatment of junior officers whom they questioned."

► This statement is supported by officers who allege they were forced to take polygraphs by DoD IG investigators, in violation of DoD Directive 5210.48.

► Some officers to whom polygraphs were administered (voluntarily or involuntarily) allege that they were required to answer embarrassing, degrading, and unnecessarily intrusive questions not related to the investigation, in violation of DoD Directive 5210.48.

► The U.S. Court of Military Appeals criticized DoD IG investigators (and

Navy prosecutors), stating that efforts of those individuals to implicate others "reflects a most curiously careless and amateurish approach to a very high-profile case by experienced military lawyers and investigators. At worst, it raises the possibility of shadiness in respecting the rights of military members."

► One naval officer alleged he was informed by a DoD IG investigator that the investigator's wife worked for the Internal Revenue Service, and that the officer's income tax returns would be audited "until eternity" if he did not provide the statement the investigator desired. The officer refused, and he was called in for an IRS audit shortly thereafter.

► In one trial, DoD IG intentionally withheld exculpatory evidence from the court, despite five separate orders by the military judge to deliver that evidence to the court, as required by the Manual for Courts-Martial.

The various allegations of DoD IG misconduct cited herein merit investigation. While any inspector general must be as ornery as the proverbial junkyard dog, the IG must operate within the law, and the allegations suggest DoD IG did not. Given that DoD IG functions in an oversight position, who oversees the overseer? The Secretary of Defense should ask the President's Council on Integrity and Efficiency to review DoD IG conduct in the investigation of Tailhook '91. The allegations and lack of effective oversight confirm the adage, "Power corrupts, and absolute power corrupts absolutely."

Conclusion

In Tailhook's aftermath, the naval services instituted a number of changes to facilitate the integration of women in the forces and to protect them from sexual harassment. The test will be to

see if the naval leadership is committed to making all necessary changes and ensuring their full and continuous implementation and enforcement. Racism and drug abuse were defeated by the "four Ts": time, training, tenacity, and teeth. The same will be required for ensuring an environment free of sexual harassment. It will occur only through education, training, and strong leadership throughout the chain of command. In its 14 September 1992 report, the House Armed Services Committee set forth three standards for addressing the problem:

- ▶ Military leaders must be totally committed to confronting the problem.
- ▶ There must be career-long training and indoctrination.
- ▶ Leaders must clearly demonstrate through punishment, disciplinary action, and career impact, that sexual harassment will not be tolerated.

These are reasonable standards. The Navy, Marine Corps, and the other armed services have taken steps toward their implementation. Ultimate success will depend upon the degree of commitment shown by the naval leadership and the application of the standards on an even-handed basis.

There are other lessons:

- ▶ An institution that fails to study its experience will not benefit fully from it. The Battle of Tailhook should be made a case study at the war colleges, staff colleges, service academies, and other military schools. The temptation to shy away from it because of its political sensitivity or the hard lessons it offers should be resisted. Its discussion should be encouraged to contribute to a better understanding of leadership responsibilities in the face of social change.
- ▶ The Battle of Tailhook has identified a need for a better understanding of the military justice system, particularly by civilian political appointees. The military justice system is the product of military, executive branch, and congressional efforts to balance the missions of the armed services and the concomitant need for good order and discipline against the requirement to protect individual rights. As a Navy judge advocate recently wrote in *Proceedings*, the backbone of military justice is due process of law.¹³ The balance is delicate. Political expediency shifted that balance in the course of investigation of misconduct at Tailhook '91, virtually ensuring that any wrongdoing ultimately would go unpunished while denying fundamental rights to innocent men who were risking their lives daily to protect those rights. The words of Justice Hugo Black serve as a reminder of the importance the United States places on due process:

Under our constitutional system, courts stand—against any winds that blow—as havens for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement.

- ▶ The reaction to Tailhook '91 may be viewed by some as a swing of a pendulum that, inevitably, will begin to swing in the other direction. The countercurrent should not be toward a return to the unprofessional conduct exhibited and tolerated at Tailhook '91, but it must rebalance the gender bias exhibited in the investigation and prosecution of criminal offenses that occurred at Tailhook '91. Justice must not only be blind; it also must be gender neutral in its application.
- ▶ In a recent *All Hands*, the first "Rudder Order" declared that "People are the Navy's most valuable asset."¹⁴ The naval leadership clearly forgot that for the past three years. As naval aviators returned to their duties after Tailhook '91—to include deployments in support of operations Southern Watch (Iraq), Deny Flight (Bosnia), and Restore Hope (Somalia)—many were unjustly pilloried for the criminal misconduct of a few. The ca-

reers of innocent men were seriously damaged, and in some cases destroyed. The damage is significant, but not irreparable. The naval leadership, uniformed and civilian, has much to do to restore the confidence of its subordinates in them and the Navy and Marine Corps, and it will require more effort than has been expended to date. Should a similar unfortunate incident occur, naval leadership should heed its stated foundations rather than sacrifice them for political expediency. "Loyalty up, loyalty down," abandoned by the naval leadership during the Battle of Tailhook, must be revitalized and emphasized.

- ▶ If "Tailhook" continues to have a pejorative connotation, it is in part the result of initial decisions to focus solely on the criminal activity—and to remain so focused even when it should have been apparent that the problem was organizational as well as individual. The incremental process of trying to affix responsibility for misconduct at Tailhook '91 on the Tailhook Association, then on junior officers, then squadron commanders, was an avoidance of responsibility by the uniformed and civilian leadership of the Department of the Navy. As columnist Charles Krauthammer has noted, "The law of Washington [is that] it's not the offense that gets you; it's the cover-up." The image remaining after Tailhook is one of a breach of trust, a cover-up to protect the Department of the Navy's uniformed and civilian leadership, and a sacrifice of innocent subordinates to protect their seniors. If a future incident should occur, the naval leadership should ask itself first if the incident reflects an institutional failure or deficiency rather than merely an isolated act of a single individual. A Marine Corps recruiting slogan of two decades ago comes to mind: "Some accept responsibility; others seek it."

Until and unless all concerned learn these and other lessons, Tailhook will not be behind us.

¹Public examination may occur through the courts. Lieutenant Paula Coughlin and 12 other women filed civil suits against Hilton Hotels and the Tailhook Association; Lieutenant Coughlin's action is scheduled for trial in Las Vegas commencing 12 September. A civil suit against the Department of Defense and individuals in DoD IG for alleged transgressions by those individuals is still under active consideration.

²Capt. Richard B. Linnekin, USN (Ret.), "Tailhook 1991 and Other Perplexities," U.S. Naval Institute *Proceedings*, September 1992, p. 37.

³Notable exceptions were *Navy Times* and articles by Gregory Vistica in the San Diego *Union-Tribune*.

⁴Army and Air Force investigators were hampered by the fact that individuals from their services were not registered attendees of the Tailhook Association meeting. This also was true of some Navy and Marine Corps attendees, and has been overlooked by many critical of the NIS investigation.

⁵Secretary of the Navy Instruction 5520.3A.

⁶The uniformed leadership endeavored to terminate all striptease acts and go-go dancers at Navy clubs in the early 1980s. However, the order of Chief of Naval Operations James D. Watkins was countermanded the day following its issuance by Secretary of the Navy John F. Lehman. This clearly sent a mixed signal to the uniformed leadership.

⁷See, for example, Cdr. Rosemary B. Mariner, USN, and Cdr. G. Thomas Mariner, USN, "Mariners' Perspective: A Naval Aviator Team Speaks Out," *The Hook*, Fall 1992, pp. 6-7.

⁸5 U.S. Code, Section 522.

⁹DoD Directive 5400.7-R (October 1990).

¹⁰DoD Directive 5210.48 (24 December 1984), para. D11.

¹¹Lt. Coughlin denied having her legs shaved, but could not explain why she had signed the squadron banner, "You made me see God. The Paulster." Paulster was Lt. Coughlin's call sign.

¹²Capt. Kathleen M. Dugan, USN, "Tailhook Part III: The Present Aftermath," Naval War College unpublished paper (9 May 1994).

¹³LCdr. Thomas M. Gallagher, USN, "A Crisis of Confidence," U.S. Naval Institute *Proceedings*, April 1993, p. 33.

¹⁴*All Hands*, January 1994, p. 7.

Colonel Parks retired in 1992, after 31 years of duty in reconnaissance and infantry units, and as a judge advocate—including combat service in Vietnam. He was the U.S. Naval Institute *Proceedings* Author of the Year in 1990.