

S. Hrg. 108-652

ALLEGATIONS OF SEXUAL ASSAULT AT THE U.S. AIR FORCE ACADEMY

=====

HEARINGS

before the

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

MARCH 31; SEPTEMBER 24, 30, 2003

Printed for the use of the Committee on Armed Services

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(ii)

C O N T E N T S

CHRONOLOGICAL LIST OF WITNESSES

The U.S. Air Force Investigation into Allegations of Sexual Assault at
the U.S. Air Force Academy

march 31, 2003

Page

Roche, Hon. James G., Secretary of the Air Force; Accompanied by Hon. Mary Walker, General Counsel, United States Air Force.....	12
Jumper, Gen. John P., Chief of Staff, United States Air Force....	16

Report of the Panel to Review Sexual Misconduct Allegations at the
United States Air Force Academy

september 24, 2003

Fowler, Hon. Tillie K., Chairman, The Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy; Accompanied by Panel Members: Lt. Gen. Josiah Bunting III, USA [Ret.], Anita M. Carpenter; Laura L. Miller, Ph.D.; Maj. Gen. Michael J. Nardotti, Jr., USA [Ret.]; Col. John W. Ripley, USMC [Ret.]; and Sally L. Satel, M.D.....	65
---	----

Investigations into Allegations of Sexual Assault at the United States Air Force Academy

september 30, 2003

Roche, Hon. James G., Secretary of the Air Force.....	265
Jumper, Gen. John P., USAF, Chief of Staff, United States Air Force.....	274
Walker, Hon. Mary L., General Counsel, Department of the Air Force.....	276

(iii)

THE U.S. AIR FORCE INVESTIGATION INTO ALLEGATIONS OF SEXUAL ASSAULT AT THE U.S. AIR FORCE ACADEMY AND RELATED RECOMMENDATIONS

MONDAY, MARCH 31, 2003

U.S. Senate,
Committee on Armed Services,
Washington, DC.

The committee met, pursuant to notice, at 4:05 p.m., in room SH-216, Hart Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Allard, Collins, Chambliss, Levin, Reed, Dayton, Clinton, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Cindy Pearson, assistant chief clerk and security manager.

Majority staff members present: Charles W. Alsup, professional staff member; Gregory T. Kiley, professional staff member; Patricia L. Lewis, professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistants present: Michael N. Berger; Jennifer Key; and Nicholas W. West.

Committee members' assistants present: Christopher J. Paul, assistant to Senator McCain; Douglas Flanders and Jayson Roehl, assistants to Senator Allard; James P. Dohoney, Jr., assistant to Senator Collins; Clyde A. Taylor IV, assistant to Senator Chambliss; Elizabeth King, assistant to Senator Reed; William Todd Houchins, assistant to Senator Dayton; Andrew Shapiro, assistant to Senator Clinton; and Andy York, assistant to Senator Pryor.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman Warner. Good afternoon, gentlemen. We welcome our

witnesses today.

Given the importance of this hearing, the Chair offers to all Senators present an opportunity to make an opening statement. I will proceed with mine to be followed by Senator Levin, and then other colleagues.

We meet today to receive testimony on the U.S. Air Force investigation into allegations of sexual assault at the Air Force Academy and related recommendations, which I understand the Secretary and the Chief of Staff are prepared to share with the committee in open session today.

I want to start by recognizing the contribution by our colleague, Senator Allard. He has done noble effort in this case, bringing to the attention of the Senate and, indeed, the Department of Defense, the serious and disturbing allegations at the United States Air Force Academy. Since January of this year, Senator Allard and his staff have provided an open line of communication for young women, present and former cadets at the Academy, and their families, to bring information forward on this incident, series of incidents. He has also ensured that the investigative efforts underway, both Air Force and Department of Defense Inspector General (DODIG), will be fully responsive to these concerns.

Throughout the proceedings, I have joined with Senator Allard in sending a number of letters to the Department of Defense and in meeting with Pentagon officials, indeed the Secretary and the Chief of Staff on a number of occasions.

So I compliment you, Senator, for your work in this matter thus far and your continued interest.

On being informed by Senator Allard some 8 weeks ago of the allegations of sexual assault at the Air Force Academy, Secretary Roche then assembled a team of investigators, led by the Air Force General Counsel, to review the Air Force Academy's command climate and pertinent policies and procedures regarding the handling of sexual assault cases. The Air Force IG and also the DODIG were asked to review individual cases and conduct interviews and fact finding.

I believe that Secretary Roche and General Jumper reacted very quickly to the expressions of congressional concern they received and they have made, and are making determined efforts to obtain all relevant information and to provide this committee and Congress as a whole with their current recommendations as to how to prevent a reoccurrence of these allegations in the future.

We were, as a committee, promised a complete report on the Air Force General Counsel's investigation by today, 31 March. We are now informed it will be forthcoming shortly.

In early February, I contacted Charlie Abell, the Deputy Under Secretary of Defense for Personnel and Readiness, and asked that he monitor the progress of the Air Force investigation and ensure the U.S. Military Academy and U.S. Naval Academy policies and historical data were also evaluated; in other words, all three academies. That is predicated on my own experience when in the Department of Defense. If we had a problem at one academy, we shared it with the Secretaries of the other military departments and the Chiefs of Staff. Then that way we worked to ensure that there was no spreading of the problem elsewhere, the sharing of the benefit, if there are any to be derived, from these incidents to preclude it in the future at all three academies.

Additionally, Senator Allard and I, along with Senator Collins, in her capacity as Chair of the Governmental Affairs

Committee, contacted Joseph Schmitz, the Department of Defense Inspector General, requesting that he participate in the investigation and ensure an independent review of the Air Force efforts.

I have been pleased, Secretary Roche, with your response to these initiatives, and your cooperation with OSD and the DODIG in ensuring a complete and thorough investigation.

Based on the facts received to date by the members of this committee, there appears to be an attitude towards women cadets by successive commanders at the Air Force Academy, which attitude fails to recognize fairly and properly allegations and concerns which in good faith were repeatedly brought to the attention of the various officers in charge by female cadets.

Some facts give rise to the conclusion that a climate existed that was actually hostile to female cadets. Some facts provide a basis to support a conclusion that the promise of a safe and secure living and working environment for female cadets and, in some instances, female visitors to the Academy, was undermined.

The seriousness of this case is a direct result of how long this climate of inaction has persisted. Following the abuses of the Navy Tailhook Association Symposium in 1991, following the sexual abuse of female recruits at the Army's base at Aberdeen in 1996, following determined efforts by DOD and all Services to correct these problems, there is a legitimate question as to why the leadership of the Air Force Academy allowed these situations to persist, given that background.

Approximately 8 years ago, in 1995, Department of the Air Force leadership did recognize the potential for problems with regard to sexual harassment and sent the following message to all Air Force commands--this was by the Secretary--``Any conduct, in any unit, which creates a disadvantage based on race, ethnicity, or gender will not be tolerated. Malicious or inappropriate behavior as well as different training standards cannot be permitted. Any indications that such behavior is occurring within a unit will prompt an immediate investigation. Those responsible for such action as well as commanders who fail to correct these problems will be held accountable.''

The question before this committee, the question before the American public, is why this message was not heeded by subsequent leaders at the Air Force Academy? Every Member of Congress, all 535, are proud to work diligently in encouraging young women to seek nominations to the Air Force Academy. The concerns in Congress are not just before the oversight committees, such as this one, but in the minds and the hearts of every single member of the United States Congress.

While we await the outcome of investigations into these allegations of alleged criminal behavior, we also await the Department of the Air Force actions with respect to accountability for those who have failed in command and allowed an environment in which such behavior was tolerated.

I repeat the last sentence of the 1995 message from the former Secretary of the Air Force and former Chief of Staff of the Air Force in their message, ``Those responsible for such action as well as commanders who fail to correct these problems will be held accountable.''

I draw the attention of our witnesses, Secretary Roche, the Chief, to the quote in your press release of just a few days ago, March 26, and I quote it, ``As the problems regarding sexual assault allegations predate the current leadership, we do not hold Generals Dallager or Gilbert responsible.''

I pose two questions: Is this quote consistent with the Air Force message of 1995? How could Department of the Air Force leadership have reached this conclusion here on March 26th prior to the completion of any of the three ongoing investigations?

In a press conference last week, Secretary Roche, you likened your actions in removing four senior officers at the Academy to a corporation merely bringing in its own leadership team. With all due respect, sir, the Air Force is not a corporation, and what is at issue here are time-honored principles of military leadership and accountability, and whether or not they were applied.

These principles demand a deliberate, critical examination, and an appropriate measure of accountability, when a command fails in some key aspect of its mission, particularly when personnel charged to a commander's care have been harmed. This committee and the men and women of the Air Force expect these principles to be applied in this case, and for commanders to be held accountable for any failures of command.

Reserving judgment in these matters until the Air Force IG and DODIG complete their investigations would have been, in my own experience, the more prudent and appropriate course of action for the leadership of this department.

With respect to the response of this committee, more fact finding and analysis is necessary in order to determine whether the actions taken, or not taken by the Superintendent, Commandant, and their subordinates, were in keeping with the high, time-honored standards of command.

In the meantime, our focus today and in the future must properly be on changing the culture at the Air Force Academy so that the young women currently in the Cadet Wing, and those entering the Academy this summer, can be assured that all cadets, men and women, will have a safe environment in which to pursue their hopes and dreams of becoming Air Force officers.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator Levin. Thank you, Mr. Chairman. First, let me thank and commend you and Senator Allard for your continued leadership and your strong involvement in the critical issue that is before us today.

Sexual misconduct at the Air Force Academy is tragically not a new issue, as our Chairman has pointed out. Following a series of reported rapes in 1993, Lieutenant General Brad Hosmer, who was then the Superintendent, said, ``We have a problem at the Air Force Academy. This problem has existed for some time.''

His comments are very similar to Secretary Roche's public comments about the allegations now under investigation. General Hosmer attempted to deal with the problem by instituting programs to educate cadets on the conduct expected of military officers and by changing reporting requirements to encourage cadets to report sexual assaults. Despite these measures, the Academy received 13 more reports of sexual assault during the next 8 months.

The General Accounting Office issued reports in January 1994 and March 1995 on sexual harassment at the three Service academies. While, of course, sexual harassment includes a lot more than sexual assault and rape, the GAO findings are still relevant in our consideration of how the Air Force Academy

deals with allegations of sexual misconduct.

In the 1994 report, the GAO found ``between half and three quarters of Academy women experienced various forms of harassment at least twice a month.''

In the 1995 report, the GAO reported that ``the majority of Academy women reported experiencing at least one form of sexual harassment on a recurring basis in the academic year 1993 to 1994.''

Data contained in the 1994 report shows that between 1988 and 1993, cadets at the Air Force Academy reported 41 incidents of sexual misconduct. During the same timeframe, midshipmen at the Naval Academy reported 26 incidents, and cadets at the Military Academy reported 40 incidents. Now, a decade after General Hosmer acknowledged a sexual misconduct problem at the Air Force Academy, we learn that there were at least 54 reports of sexual assault or rape at the Air Force Academy during the last 10 years. We have also learned that during the last 5 years, the United States Military Academies received 5 reports of rape and 13 reports of other sexual assault; and during the last 3 years, the Naval Academy has received 12 reports of sexual assault and/or rape.

It is incredible that the pattern persists of victims of assaults being discouraged from reporting the incidents, that their complaints were not fully investigated, they were ostracized by other cadets, and that they, the victims, were punished by the Academy for infractions brought to light only because they reported that they had been assaulted.

I join in the Chairman's questions about a commander's accountability. I think these are extremely significant questions and go to the heart of the matter.

I will have a number of questions that I will raise with the witnesses regarding that issue of commanders' accountability.

Thank you, Mr. Chairman.

Chairman Warner. Thank you, Senator Levin.

Senator McCain.

Senator McCain. Thank you, Mr. Chairman. I think it is pretty obvious that your statement and that of Senator Levin are very important here, because people are held accountable in the military and other aspects of life. When they are not held accountable, then obviously those who are supposed to be holding them accountable are not doing their job.

Secretary Roche gave a press conference recently that had some of the most incredible evasions of responsibility that I have seen in more than 40 years of being involved in the military and in oversight of the military as a member of this committee:

Mickey Anderson with the L.A. Times: ``Have you in any way reprimanded or disciplined at all the leaders who were not honorable? What do you say to the critics who say you are going too easy on these people? You just said a second ago that these people may have been responsible.''

Secretary Roche: ``The current group cannot be responsible for everything that occurred in a 10-year period and certainly over a period longer than 10 years. To hold someone accountable means that there are two sides to a story, and they have a side as well. We have looked at it. We know that under the circumstances, they might not have been more--they

might have been more clairvoyant. They may have been sharper. There may have been a survey they should have acted on. But to hold them accountable per se with what we now know, no.'

Question: ``And you are continuing to leave some of these people in leadership capacities, their new jobs involve leadership, so I presume you trust them.'

Secretary Roche: ``First of all, there is no reason not to trust them. One is retiring. One is coming to be a special assistant here. I am not sure of where the other two--but one of the four nobody has accused of anything. As a matter of fact, he is well liked. But, you are trying to get back to a couple of people saying they are the whole problem. They are not the problem. Let us remember cadets commit assaults against cadets.'

One of the more remarkable statements I have ever heard, Mr. Chairman, in my more than 40 years of involvement with the military. It is abundantly clear that the Secretary of the Air Force has been--he has proved himself totally incapable of handling this issue.

In 1993, Mr. Chairman, there was a problem at the Naval Academy. We appointed an outside committee. That was appointed with nine outside civilians that were appointed by the Board of Visitors, and the Secretary of the Navy and examined the honor concept.

According to former superintendents, this critical report has had an everlasting and positive effect. It is clear now that since there has been no assignment of responsibility except for ``cadets commit assaults against cadets' that we need an outside board to investigate and to recommend whatever remedial action needs to be taken. The Secretary of the Air Force is either unable or unwilling to address this issue, and that is abundantly clear.

I thank you, Mr. Chairman.

Chairman Warner. Senator McCain, was that board appointed by the then Secretary of the Navy?

Senator McCain. The Board of Visitors and the Secretary of the Navy.

Chairman Warner. All right.

Senator McCain. This would have to be done by the Secretary of Defense clearly, since the Secretary of the Air Force has, as I say, rendered himself incapable.

Chairman Warner. Then that board reported back--my recollection is we brought in Admiral Larson.

Senator McCain. Yes, sir, we did.

Chairman Warner. He did a wonderful job of straightening that problem out.

Senator Reed.

Senator Reed. Thank you, Mr. Chairman. This is a very serious issue, and I think everyone is treating it with the seriousness and the severity it deserves because it is not just about the conduct of cadets, but it is the lessons that they take into the Air Force, or the Army, or the Navy.

We were briefed by the Secretary and the Chief of Staff about steps that they are taking. I suspect they will allude to those steps today, but I just want to underscore the seriousness of this issue that goes way beyond the boundaries of just Colorado Springs. It goes to the nature of the leaders of the Air Force, and I would say also the other Services,

because as Senator Levin pointed out, there are situations that arise on other campuses.

Thank you, Mr. Chairman.

Chairman Warner. We thank you for your comments because we view you, as one of the members of our committee, again, as Senator McCain, a graduate of the Naval Academy, you are a graduate of West Point, so your views hold a lot of merit, as do those of Senator McCain.

Senator Allard, we commend you as a committee on the steps you have taken in this matter thus far.

Senator Allard. Thank you, Mr. Chairman. I just would say, your leadership from the beginning of this crisis has been exemplary. Over the last 3 months, you have worked closely with me and Senator Collins and others to address the very serious problems at the Academy. Your interest and attention to this matter have made a difference.

I appreciate the willingness of Secretary Roche and General Jumper to appear before us today, particularly during this difficult time. The U.S. Air Force has performed brilliantly over the skies of Iraq. Thanks to the outstanding work of our airmen, we now have near total air supremacy. I also want to commend our personnel at Air Force Space Command. They play a major role in our current military operations.

Our forces on the ground know that they can count on their colleagues in the air and space to provide them with the support they need when they need it. This remarkable achievement is a testament to the Air Force's rigorous training and superb leadership. Our Air Force personnel are top-notch, the best in the world, and have proven time and time again that they are capable of conducting tough missions over unfriendly skies.

The U.S. Air Force Academy plays a critical role in sustaining and building upon this excellent cadre of personnel. The Academy's core values of ``Integrity First, Service Before Self, and Excellence in All We Do'' have built character and a respect for human dignity in each cadet. The school's honor code has helped transform incoming students into highly skilled, professional officers capable of leading dozens of enlisted servicemen and non-commissioned officers.

Since its first graduating class in 1959, the Academy has produced thousands of Air Force officers, including over 200 that have become general officers, who have served our country with honor and distinction. The school's contribution to our country's security is impossible to measure.

I believe so strongly in the mission of the Air Force Academy that at every opportunity, I recommend it to high school students around the State of Colorado, as do my colleagues on this committee who are equally supportive of the Academy.

The Academy is built on honor and character, and is seen as a critical national asset. The allegations of sexual assault and rape at the Academy tarnish the school's reputation and reflect poorly on the officers it produces. This crisis goes straight to the core values of the institution.

Let us be honest: This has been a catastrophic failure of leadership and process. We must learn from these mistakes and strive never to repeat them. We must work together to address the current climate of fear at the Academy in a manner that is deliberate and unambiguous.

Since last December, over 40 current and former cadets who were allegedly sexually assaulted or raped have approached me

and my staff. Some of these cadets say they were punished for drinking or for having sex in the dormitories after reporting sexual assault or rape to Academy officials. Others report that key evidence, such as rape kits and investigative reports, was lost by the Academy's investigative unit. Most troubling of all has been the Air Force's refusal to provide confidentiality to those who wish to come forward.

I am saddened to report that only 2 of the over 40 cadets that have approached my office have expressed a willingness to discuss their case with the Air Force. Many believe that the Air Force will punish or blackball them should they come forward. Clearly, a climate of distrust is making the process of addressing the problems at the Academy more difficult. A credibility gap now exists that may take months, even years, to bridge.

The lack of trust between the Air Force and its cadet corps highlights the importance of the investigation by the Department of Defense Inspector General (DODIG). The DODIG is seen as an impartial investigator that is willing to listen to the concerns of cadets that were allegedly sexually assaulted or raped. Many of the cadets that have approached my office seem to be willing to discuss their case with the DODIG. It is my hope and expectation that the DODIG will quickly seize upon this opportunity. It is also imperative that the Air Force cooperate with the DODIG as well.

I appreciate the way Secretary Roche and General Jumper have approached these allegations. They were quick to recognize the severity of the problems at the Academy and immediately ordered a high-profile investigation. I and many of my colleagues will be very interested in reviewing the results of this investigation once it is completed.

Secretary Roche and General Jumper also recently announced several actions that will hopefully bring the process of addressing the cultural problems at the Academy. Replacing the Academy's current leadership will be key to ensuring that these new measures would be implemented without distraction.

The lack of attention paid by the Academy's leadership to the annual cadet climate surveys, which were recently provided to my office, was particularly inexcusable. Each of these annual surveys, going back to 1998, clearly indicates a pervasive problem with sexual assaults at the Academy.

Mr. Chairman, I want to let you know that I plan to offer legislative language that will require the Secretary of the Air Force to report to this committee for the next 5 years on the number of reported sexual assaults and rapes, the number of prosecuted cases, and actions taken by the Air Force to address these sexual assaults and rapes. I believe it is imperative that we closely monitor this situation over the next several years.

Again, I thank our witnesses, and I look forward to their testimony and to the question and answer period.

Thank you, Mr. Chairman.

Chairman Warner. Thank you, Senator. That language would be considered in the course of the annual authorization.

Senator Allard. I hope to bring it forward at that time. Thank you.

Chairman Warner. All right. Thank you very much.

Senator Dayton.

Senator Dayton. Thank you, Mr. Chairman. I want to thank you, Mr. Chairman, for bringing this hearing to the public arena so rapidly and also for your leadership in getting us

right through this regardless of where it leads. Thank you very much.

Senator Allard, also, who is the spirit of this, along with you, I commend you also for your leadership.

I think, Mr. Chairman, you and the ranking member, Senator Levin, and Senator McCain, and others who have spoken here have covered many of these areas very well. I would just say briefly, I think Senator Allard said it is a tragic juxtaposition that we have right now a war in which we are seeing the best of the Air Force and its courageous pilots and others involved in that effort, and now we are dealing with this matter which really, I think, is the worst of the Academy.

I have been also involved in nominating two women who have been admitted to the Academy, and I feel very personally responsible and alarmed even though--and I do not know their outcomes--but to think that we are nominating or sending young women to the Academy to go through these kinds of experiences and humiliations and then have their lives, if not their careers, seriously impaired is, just to me, abhorrent. The fact that it has gone on so long without any attention at the very top--and I recognize that this preceded your arrival there--but is just to me just shocking, and the Armed Forces have set in the past very high standards for America's young men and women.

Its acceptance of all Americans into the Academy, into its ranks, they have played a very crucial role in integrating these men and women into American society and in the past in its acceptance and integration of racial minorities and others. It has set the lead for our society in these important respects. In this case, it is clearly not only lagging the country, but it is proceeding in exactly the wrong direction.

The number of incidents that have occurred in the last 8 or 10 years, the fact that none were reported for the previous 20 years since women were admitted to the Academy, indicates to me that this is probably the tip of the iceberg in terms of what has transpired there over these years.

The victims have been punished, and the perpetrators in many cases have been promoted, which is sending exactly the wrong message and creating an ethic which is antithetical to the values of this society, which the Air Force is tasked to defend and which it has done so courageously in the past, and is doing so today.

I would say that the change in leadership is a necessary beginning, but this will not be completed until there have been fundamental changes made in the structure of the Academy and the content of its activities and its life and until the victims, to the extent possible, every one of them, have had their situations, their careers, if they are still in the Air Force, remedied and that they have not been sanctioned in ways that have lasting effects on their careers; and if they have left the Service, an effort has been made to remediate their situations, and ensure the violators have been punished.

I would--reflective of what I have also read in some of the views that are under--still current even as regards this inquiry and these actions that have been taken, I would support what Senator McCain said about the need for an outside investigation. I do not believe that it is possible that this will be completed to my satisfaction, if it is just an inside inquisition.

Thank you, Mr. Chairman.

Chairman Warner. Thank you, Senator. I, likewise, am going to take to heart Senator McCain's recollection of what

transpired when both of us were serving on this committee, all of us or many of us, several years ago.

Actually, it was Deputy Secretary of State Armitage who headed up that panel.

Secretary Roche. Headed it up, yes, sir.

Chairman Warner. But I think we should take a look and see what the IG of the Department of the Air Force, and the IG of the Department of Defense conclude. I know that the Deputy Under Secretary of Defense, Charlie Abell, is gravely concerned about this matter.

Senator Collins, we thank you for your work on this in your capacity as Chairman of the Governmental Affairs Committee. You have a special interest in the IG investigations. I commend you for your work.

Senator Collins. Thank you very much, Mr. Chairman. Let me thank you and Senator Allard for your leadership in examining very closely the response of the Air Force to the many reports of sexual assault at the Air Force Academy.

It has always been one of my proudest honors to nominate young men and women to attend our Service academies. I have always thought in doing so that I was affording these young men and women an extraordinary opportunity to receive an excellent education while serving their country. I never dreamed that in doing so, I was putting young women at risk for sexual assault. That troubles me deeply, and it angers me.

When I hear Senator Allard talk about year after year the cadet climate survey revealing that women had been assaulted, I do not understand how that information was ignored. Indeed, in 1 year, some 167 cadets reported sexual assaults, and the response seems to be that in the next year they deleted the question. That is very troubling to me.

It angers me that it has taken a press report to finally prompt the Air Force to take action to deal with these allegations, after these allegations had surfaced year after year in these surveys, as well as in the reports of the young cadets themselves.

Even now, there appears to be a reluctance to hold Academy leaders accountable absent congressional pressure to do so. It should not take a press expose and congressional hearings to force the Air Force to deal with this serious problem. I am shocked and appalled that that is apparently what it took to focus the attention of the leaders of the Academy and the leaders of the Air Force on this problem.

I do not doubt the sincerity of the Secretary and the General when you tell us that you are committed to solving this problem, but I do not understand why it has taken years for these allegations to be taken seriously and for the climate to be changed, and for people to be held accountable. That is why I have reached the conclusion that the Air Force no longer has the credibility to deal with this issue. I have pressed from the beginning for at least an investigation by the Inspector General of the Department of Defense as well as congressional hearings to delve into this because, based on the evidence I have seen, I have lost confidence in the Air Force's ability to investigate itself because it should have done so years ago.

Mr. Chairman, I thank you for holding this hearing and for your leadership and the leadership of Senator Allard and many others on this committee.

Chairman Warner. Senator, I know in your own committee you will be looking at aspects of this case.

Senator Pryor.

Senator Pryor. Thank you, Mr. Chairman. I do not have anything to say other than to echo everything that has been said. I agree completely and I look forward to hearing from the witnesses today.

Chairman Warner. Senator Chambliss, you have an equal responsibility to us as chairman of the Personnel Subcommittee. Ordinarily, these matters originate in your subcommittee and, if necessary, come before the full committee. But in this instance, we felt it imperative to do it with your concurrence.

Senator Chambliss. Mr. Chairman, I appreciate that too, because it does show the level that this issue has risen to from the standpoint of how you and our colleagues are treating this issue. You are treating it with all the due seriousness with which it needs to be treated.

I went home this weekend thinking that I would spend 30, 45 minutes in preparation for this hearing. I took all of the news accounts, all the correspondence home with me, and I wound up spending several hours reading, re-reading some of it.

Mr. Secretary and General Jumper, I will have to tell you I am just totally--not just appalled at what has been going on for apparently about a decade at the Air Force Academy, it is a lot more than that. There appears to be an attitude at the Air Force Academy that not just condones what has been happening, but it just seems like it is part of the accepted life, if you believe the accounts. I do not believe everything I read in the press. But I know you two gentlemen very well, both of you. I know that you would never condone the type of activity that is obviously going on out there.

I am not sure where we need to go with this. You gentlemen have jumped on this early, and I know you have some recommendations, some things you have already done, some other recommendations you are going to make, but I tend to agree with Senator McCain that we have to bring in somebody from the outside to tell us where we need to go.

The one other thing, Mr. Chairman, that concerns me is the fact that the leaders in the United States Air Force usually come from the Academy. If this type of activity has gone on at the Academy, and every cadet must know it has been going on, and they just have to, then what has been going on in the Air Force?

That really concerns me about where we are. I think that this issue may need to be broadened beyond just the Air Force Academy, West Point, and Annapolis into some other areas, which I will look forward to discussing with you and other members of the committee. I thank you.

Chairman Warner. Thank you very much. We will now hear from our witnesses.

Mr. Secretary.

STATEMENT OF HON. JAMES G. ROCHE, SECRETARY OF THE AIR FORCE;
ACCOMPANIED BY HON. MARY WALKER, GENERAL COUNSEL, UNITED STATES
AIR FORCE

Secretary Roche. Thank you, Mr. Chairman, Senator Levin, members of the committee. We appear before you today to report on our agenda for change in the United States Air Force Academy as a result of complaints regarding incidents of sexual assault there and our response to those complaints.

Mr. Chairman, shortly after I became the Secretary and General Jumper became the Chief, we started to spend more and more of our time looking at the Air Force Academy, including

issues of recruited athletes, curriculum--we changed the curriculum--altered how to recruit athletes, spent a year looking at the honor system and had it revised so as to make it a more effective system.

We are appalled at what we have found, and I do not think anyone should think that we have not been. We are both appalled and embarrassed on behalf of our country for what we have found.

Since January of this year, we have engaged in a comprehensive review of the investigative procedures, disciplinary processes, and overall climate at the Academy. Our focus throughout has been on fulfilling our goals of educating, training, and inspiring Air Force leaders of the highest character and integrity, ensuring the safety and security of every cadet, and enhancing the trust and confidence of the American people in the Academy. We also want to make sure we do not graduate and commission any criminals who have committed crimes while at the Academy. We have said that over and over.

It is still a superlative institution and has graduated many fine officers. We believe that the proportion of the Academy in any given class who has been a problem for the other cadets is small.

We also share in the sense of why the larger group of cadets did not know more about this and why, in many cases, they did not act themselves. We have tried to think through and understand why leaders at the Academy, for at least the last 10 years, but certainly--I agree with Senator Dayton--since this goes back many decades, why they came to the views that they did.

We have both read the summaries of each of the cases that have come forward and have tried to base our recommendations on those. This issue came to us in January as a result of an anonymous e-mail.

Chairman Warner. What total number of cases is that? That is an important statement you just made.

Secretary Roche. We went back only to 1993, sir. That is 54, 56 if you add two new ones. Senator Dayton is quite correct. Up until about 1992, there were none reported, which we found to be extraordinary that there would not be a report. The issue then blossoms in 1993, and measures at----

Chairman Warner. ``Blossom'' is not a good word.

Secretary Roche. Excuse me.

Chairman Warner. Try again.

Secretary Roche. The issue comes to light and is more explosive when a number of cadets complain, and General Hosmer, who was the Superintendent at the time in the Air Force, then instituted a number of actions which they believed would address this problem.

We, then, in our investigation pick up from 1993 so as to not have any intervening years. In other words, it is not just this year or the last year or 2, but we wanted to go back in more depth. We were able to contact the author of an e-mail that came to us in January that was sent to us, as well as to some Members of Congress, including Senator Allard. We asked her if she would be willing to come and speak to us. She did, and also brought another former cadet as well. What they had to tell us raised serious concerns.

Based on these reports, we chartered a working group in January under the leadership of the Air Force General Counsel, the Honorable Mary Walker, who is with me today. While the preliminary report is available and we can give it to you, Mr.

Chairman, the completed report should take another 2 weeks, while they collate a number of documents they have just received and sharpen each of the points.

In our charter of the team, we asked them to undertake a comprehensive review of the Air Force Academy program and practices to deter and respond to sexual assault incidents and to report their findings with respect to responsiveness, effectiveness, and fairness of our current programs.

Based on the preliminary report, our own personal involvement, interaction with people at the Academy and elsewhere and former officers, and the need to prepare to accept a new class in less than 90 days, we decided to act and issue the changes we issued last week. If needed, we have said we would issue additional changes.

Separately, we asked the Air Force Inspector General to review any case about which an alleged victim complained or about which the first investigative group found something that deserved a more in-depth look.

When the DODIG was asked to join, we had hoped they would have taken over all of the cases so as to ensure that there was no sense of the Air Force covering anything up. We tried to do a climate look very quickly and to get into a much broader look, including how faculty deal with students across the board, as well as these particular measures. With regard to individual cases--since so often these are cases of--that cannot go all the way to court-martial, there is insufficient evidence; and because there are two sides to the case, we wanted to have a very objective look. The DODIG is working with the Air Force IG to do a dispassionate, independent look.

We have benefitted greatly from congressional input, especially members of the Air Force Academy Board of Visitors, including Senator Allard, and you, Mr. Chairman, have been especially helpful in pointing me in various directions as we have tried to do this. There have also been members of the House who have done it.

Both General Jumper and I went out to the Air Force Academy to make it clear from both of us that we will not tolerate in our Air Force, nor in our Academy, those who sexually assault others; those who would fail to act to prevent assaults; those who fail to report assaults; or those who would shun or harass any cadet who has the courage to report incidents of criminal behavior.

The preliminary findings, sir, in the report, which we can give you, they include such things as: there are significant indications that the primary value among many cadets is loyalty to each other, rather than loyalty to values of our Air Force and values of our country in many respects. In other words, they will protect each other even when they know of instances where they should report them.

There have been repeated indications through cadets, faculty, and staff interviews indicating cadet unwillingness to report fellow cadets even for criminal behavior including sexual assault. Interviews suggest that this loyalty manifests itself in a fear of ostracism if they appear to be disloyal to the group, and they appear to believe that reporting is inconsistent with the culture that says cadets are supposed to support one another.

But we also noted that the processes we use to encourage sexual assault reporting, processes implemented in 1993, some of them have had the unintended effect of impeding or preventing altogether the investigation of reported assaults,

and remove the process from the chain of command.

We have verified that prior to the completion of some OSI investigations, at least some cadet victims have received notice of discipline action for violating cadet regulations, where the behavior arose from prohibited activity related to assault complaints.

Now, we do this almost exactly the way the Naval Academy has done it. However, it appears to be a much greater problem at the Air Force Academy. We believe part of this problem has been a poor feedback loop to the victim so that the victim knew what was going on. That has come from a misunderstanding of a legal position having to do with the protection of privacy of the accused that can be easily fixed.

Our overall sense, and this we are not proud to say, is that a female airman first class on an Air Force base has a far better support structure if a problem arises, a far better process in the chain of command to deal with the problem than a female cadet at the Air Force Academy. That needs to be changed.

We have noted that there have been definitional problems. The Academy has used a different definition of ``assault'' than has been used at our Air Force bases. For instance, there is confusion as to the role of alcohol in giving consent, whether consent can or cannot be given if someone feels they are alcohol impaired. The problem is, under the law, alcohol impairment is a range of things, not a blanket zero one. There may have been misunderstandings on the part of a number of the cadets.

At the same time, over the course of the last 2 1/2 months, one of the things that has struck General Jumper and me is the number of women officers who we know professionally, who would stop one or the other of us and say, ``I have never told anyone before, but this is what happened to me.''

It has driven us more than these particular cases, and in fact, these go clearly over a very long period of time since a number of these officers are now quite senior. We agree that no person, no woman should have to undergo some of the things that they have had to bear with in order to become an officer in our Air Force. That is wrong.

We have become aware of other aspects of the Academy which we believe contribute to the overall climate at the Academy that need to be changed. The cadets are learning the wrong things about the role of athletics, about the role of sexual humor, about the role of what we are teaching male cadets that is inimical to their relationships with the female cadets.

If I may, Mr. Chairman, before turning it over to General Jumper, at least make our position clear on the issue of replacing the leaders. I believe I have read every or at least a summary of every case. I have worked with these officers. One has only been there 18, 19 months, and the other has been there----

Chairman Warner. Let us identify them and give them periods of time here.

Secretary Roche. Yes. General Gilbert is in his 19th month right now. General Dallager has been there 3 years. General Gilbert is the commandant and the officer responsible for administering discipline.

I have spoken with the former Chief of Staff of the Air Force. General Gilbert was charged specifically when he went out there to deal with disciplinary issues having to do with a rather extensive set of complaints and allegations in cases

involving drugs, and so he has been a tough disciplinarian.

When I have looked over the cases and looked at both sides of the cases--and before asking the Inspector General to look to see if there is more that we do not see--and in discussions with the General Counsel in the preliminary review and people on her team, the sense was that while these officers should be replaced, that due process suggests that there is nothing about which you can accuse them of the last 18 months, especially the last 18 months, that has not been in place for a long time, and the fact that they were trying to change.

Now, they were not putting enough rudder into it, not doing enough. We felt that we had to give them very explicit sets of directions in order to do more. But it is not that these men were callous, Mr. Chairman. It was not that they were not trying. In fact, in the cases that came up in the course of General Gilbert's tenure of cadet-on-cadet sexual assault, there were four. Of those four, three are still open and one case was disposed of.

In many cases, he tried to do things. He tried to take cases to court-martial, only to be told by the judge advocates that there was insufficient evidence to go to court-martial. Whenever he could, if there were administrative reasons to discipline a cadet, he did, including having cadets disenrolled.

He also took action against a cadet who had committed an off-base crime where the local district attorney would not take action. Under the Uniform Code of Military Justice, General Gilbert and General Dallager did take the individual to court-martial. The individual is currently serving time in jail for the assault against a civilian female.

So our sense was that while something may come up, and we made it clear later on in that same press conference, that if something came up in the Inspector General's look that we could not see, we would go back and hold any officer accountable. With what we saw, and based on what the General Counsel was able to tell us about the investigation to date, there was plenty of reason to remove these officers so as to have a fresh team of leaders--and it may be that the business analogy was an inappropriate one. It was just one that is familiar to me, while we need to bring in a new group of officers, due process would suggest that we could not hold these officers accountable for having failed, given their legal advice and what had occurred over a very long period of time. I will be able to talk about any of that in detail.

Chairman Warner. I will return to this during the course of the questioning period.

Secretary Roche. Yes, sir.

Chairman Warner. Have you completed your statement, Mr. Secretary?

Secretary Roche. Yes, sir.

Chairman Warner. Chief of Staff.

STATEMENT OF GEN. JOHN P. JUMPER, CHIEF OF STAFF, UNITED STATES AIR FORCE

General Jumper. Mr. Chairman, Senator Levin, I want to reiterate to both of you, as I have to you and many of the distinguished members of the committee here over time, my total commitment to ensure to you and to members of the committee and to the American people that we will graduate from the United States Air Force Academy cadets of character, honor, and

integrity. We will take whatever actions are necessary to correct the climate that has caused any deviation from that course.

As has been said today, the standards of the United States Air Force are being demonstrated daily in the skies over Iraq. I think that our job is to make sure that those standards exist at our United States Air Force Academy.

Indeed, as the Secretary said, we do have a climate problem. We have obviously allowed a climate to evolve at the Air Force Academy that prevents alleged victims from coming forward and from having their allegations taken seriously. That is what we have heard from several alleged victims.

We are standing by and we are encouraging everyone to come forward to give us any information they can possibly give us to allow us to get to the bottom of these allegations. We have gone to Senator Allard, as he well knows, and he has been very helpful on this, to ask him to approach those who have come to him and let them come forward.

Many of these, I think, are no longer on active duty, and even the ones that are, there is now a new team in place that will receive these allegations in the right spirit and be able to deal with them as they are presented with the rights of the victims in mind.

The Secretary and I, as the Secretary said, went out and we specifically addressed the cadet wing, the entire cadet wing, each of us separately and individually. We talked to the cadet wing about their responsibility, to understand their responsibility with regard to making sure that no criminals graduate from the Air Force Academy and to help us implement the new changes that will make sure of that and give them the opportunity to help us weed out the criminals among them.

We have in our recommended changes a group of steps that will help us change the conditions that have sometimes contributed to an environment where predators might be able to take advantage of the opportunities; situations in the dormitories in which rules over time did lapse and erode the basic dignity that should exist between males and females in any situation. How you leave your door open in your room. How you room together or separately in the dormitory areas. Things like that we can easily correct and it will give each of the cadets an opportunity to provide themselves mutual support in an environment where some predator might otherwise emerge.

The changes that we make will allow victims to come forward and enter the process at any point, and at any point make sure that there are advocates for that victim who will take that case seriously. They will ensure that the right sort of trained people are present to deal with these, not only the facts of the case, but the emotions of the case, which, Mr. Chairman, often overwhelm the details and the facts.

Finally, let me talk to accountability as well. As the Secretary said, what we have said publicly, what I have said repeatedly in public is that when the accounts are in, when the reports are all in, and we assess the details of those reports, if there are situations where legitimate victims have come forward and they have not been properly heard or they have or their allegations have been somehow set aside, or that known criminals have been protected in some way, then I can guarantee you, Mr. Chairman, that accountability and responsibility would be found at the same level.

I have said this repeatedly, sir, and I repeat it to you again today: The Superintendent of the United States Air Force

Academy reports to the Chief of Staff. No one takes this situation more seriously than I do. No one has more at stake as far as the reputation of this institution than the Secretary of the Air Force and I do.

Sir, I can guarantee you that I have spared no energy--even in the face of this war--nor will I spare any energy to get to the bottom of this and to make sure that corrections are put into place that you have confidence in and this committee has confidence in, and the American people have confidence in.

I thank you, Mr. Chairman.

Chairman Warner. Thank you, General Jumper.

[The prepared joint statement of Secretary Roche and General Jumper follows:]

Prepared Joint Statement by Hon. James G. Roche and Gen. John P. Jumper, United States Air Force

Thank you, Mr. Chairman, members of the committee. We appear before you to report on our efforts to make the necessary reforms at the United States Air Force Academy as a result of complaints regarding incidents of sexual assault there and the institutional response to these complaints.

The United States Air Force Academy exists to educate, train, and inspire so that each graduate is a commissioned leader of character committed to our core values of integrity, service, and excellence. Above all else, the Air Force Academy is a military organization designed to serve the Air Force and our Nation. In pursuit of its goal to produce leaders of character, the Academy must establish and nurture policies that emphasize the character expected from commissioned Air Force officers. To remain relevant to the larger Air Force, the Academy will not be managed as a separate entity; rather, it must reflect the values and norms of the broader Air Force while maintaining the high academic standards of a world-class university.

We've been engaged in a comprehensive review of the investigative procedures, disciplinary processes, and overall climate at the United States Air Force Academy. Our focus throughout this process has been on fulfilling our goals of educating, training, and inspiring Air Force leaders of the highest character and integrity, ensuring the safety and security of every cadet, and enhancing the trust and confidence of the American people in the Academy. As a result of this review, we issued the Superintendent of the Air Force Academy the enclosed policy directive that comprises the initial collective judgment of the leadership of the United States Air Force on how to fulfill these objectives. Enclosed is a copy of that directive. Our objective is to ensure these measures are substantially in place prior to the arrival of the incoming class of 2007. We look forward to discussing our Agenda for Change with the committee.

MEMORANDUM FOR SUPERINTENDENT, UNITED STATES AIR FORCE ACADEMY

subject: united states air force academy--agenda for change

1. The United States Air Force Academy (USAFA) exists to educate, train, and inspire our future leaders. In concert with a review of investigative procedures, disciplinary processes, and the overall climate at USAFA, we have compiled the attached directives designed to ensure the safety and security of every cadet and to enhance the trust and confidence of the American people in the Academy.

2. The introduction of this directive document reinforces those characteristics we expect to underscore the mission and values of the United States Air Force Academy. Character, leadership, integrity, and honor are the values we must instill in every cadet and future officer

of the United States Air Force. These principles have guided our development of the attached directives. Specific measures are outlined under four principal headings: Leadership, Cadet Life, Officer/NCO Selection, and Broader Academy Climate. We expect these changes to be implemented immediately and to be substantially in place by the arrival date of the incoming cadet class of 2007. An implementation team will assist your efforts to fully implement the enclosed policies and procedures.

3. These measures comprise the initial collective judgment of the leadership of the United States Air Force, and further initiatives may be considered as appropriate. We look forward to working with all the stakeholders of the United States Air Force Academy to rebuild the climate and culture at the institution and to strengthen its ability to develop outstanding scholars and warriors to serve as officers in the United States Air Force.

John P. Jumper,
General, USAF Chief of Staff.

James G. Roche,
Secretary of the Air Force.

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Chairman Warner. You and I have a very strong and mutual friendship based on common roots going years back in our early life.

General Jumper. Yes, sir.

Chairman Warner. I have the highest personal regard for you, and I detect in your testimony deep feeling.

General Jumper. Yes, sir.

Chairman Warner. This case is unfortunate, particularly at this critical time in your career where otherwise you and your colleagues are brilliantly directing the progress of the air

elements of this war.

General Jumper. Thank you, sir.

Chairman Warner. I commend you for that, personally.

General Jumper. Thank you, Mr. Chairman.

Chairman Warner. I guess what I want to do is to go back and try and clarify what is in writing here with regard to this issue of accountability.

I have before me what purports to be a news release from the United States Department of the Air Force. I read the following, ``The new leadership team has been briefed on the Air Force directive announced today and will be empowered to take full ownership with the changes in dealing with recent sexual misconduct allegations, as well as the broader environment at the Academy. Roche said that while the cadet behavior is at the core of this issue, the leadership must be responsible and accountable for the larger environment at this institution. `As the problems regarding sexual assault allegations predate the current leadership, we do not hold Generals Dallager or Gilbert responsible,' he said. `Still, change must occur, and a new leadership team to implement these changes is in the best interest of the Academy and the Air Force.' ''

My first question is: Why did you not await the conclusion of at least your own investigation, I think prudence would have dictated awaiting the Defense Department's investigation--prior to making the statement, ``We do not hold Generals Dallager or Gilbert responsible''?

Secretary Roche. Sir, I took the position that for the 10-year period where we were making the report with all the data, they could not have been responsible for that period.

Chairman Warner. Do you mean any part of the period?

Secretary Roche. I looked at the period that they were there, sir.

Chairman Warner. Yes, and you gave the times.

Secretary Roche. In particular, General Gilbert. I looked at the cases that were involved. As I said, there were four cases of cadet versus cadet. Under those circumstances, three are still open, and one was disposed of. On that basis and the basis that he had made an insensitive comment about how a young woman should be protecting herself----

Chairman Warner. Which officer are we speaking of?

Secretary Roche. General Gilbert.

Chairman Warner. Right.

Secretary Roche. My sense was that he needed to be replaced, that he could not carry on anew with a new set of directions, given the climate that was there. That in order to have a new climate, we needed to have new people in place. I could not find something to base a letter of reprimand or anything else on that I would not have to go back and find every other commandant who had been there, because the proportion that he is responsible for was less than many others. The survey data that Senator Allard refers to, some of the early surveys are considered not valid because the sample size was too small, et cetera.

But in the last two, the trend since General Gilbert got to the Academy having to do with reprisals or sexual harassment, improves. So it became a very mixed case. It became an issue of, in my belief, these officers should leave because we needed to give very strong rudder orders to the Academy, but there was no reason based on what we knew to hold them accountable at this time. However, we did say at the same press conference,

and it is not in the announcement, that if something were to come up in the Inspector General's reviews that we would, of course, hold any officer accountable.

Chairman Warner. Facts speak for themselves, but you say three of the cases were still open on General Gilbert's watch, is that correct?

Secretary Roche. Yes, of cadet-on-cadet, yes.

Chairman Warner. Is that not reason alone to not come out publicly and say you are not going to hold them accountable?

Here, let me just make this observation. I draw on some modest experience, having been an Assistant U.S. Attorney, conducted investigations, having had jobs commensurate with yours for 5 years-plus. Once people read this and the investigation is ongoing, then the investigator goes to a subordinate of General Dallager, and suddenly the subordinate says, ``He is not going to be held accountable. Why in the world should I give the investigators facts?''

Do you not think this could have negatively impeded the ability of the IG of the Department of Defense, the IG of the Air Force, with the ongoing investigation to have this statement made at this time?

Secretary Roche. Sir, at the time, I did not think that, no.

Chairman Warner. You did what?

Secretary Roche. At the time, I did not think it would impair either the Air Force IG or the Office of the Secretary of Defense IG, in looking at the cases and looking at whether there was any violation of procedures or processes which they will look at.

Chairman Warner. But it could well have affected the witnesses that they were, on an ongoing basis, going to talk to. I will just make this observation.

Secretary Roche. Yes, sir. I take your observation.

Chairman Warner. I just can't believe it. You went on, this is a transcript of the press conference, let us see. You say here, ``To suggest that it is their fault would really miss the point. The climate did not start 3 years ago, ma'am. Their officers, their predecessors, us, our predecessors at the Air Force have let the place down by shortchanging in money and in manning in terms of the Air Officers Commandry. There is a lot of responsibility, bad legal advice.''

I understood you to say you felt you could not issue a letter of reprimand to the current superintendent because you would have to issue them to the previous superintendents. I can't follow that line of reasoning.

Secretary Roche. Mr. Chairman, my views were that the situation had occurred over a very long period of time. These last officers did nothing that I could find that suggested that they failed in their responsibility to adhere to the processes that were in place. A number of those processes, I believe, were mistaken. I believe based on some bad legal advice, they were mistaken.

I also believe that the Air Force, by not fulfilling its obligation to ensure that these Air Officers Commanding, which are like the major level officers who work with the cadet squadrons, that they were not given the proper education and the proper training, that the enlisted or senior enlisted people were removed from the chain of command over time. All of this contributed to the climate.

Chairman Warner. I am running over my time, but believe me, I do not know how much training you have to do to deal with

these cases. This is plain old common sense; standards that were largely taught to us by our parents and at every step of our life as we progressed, whether we were in the Air Force or anything else, sir. When it is wrong, we know it is wrong.

Secretary Roche. When issues came to the commandant, each one that I had read, he sought to do the right thing.

Chairman Warner. All right. General Jumper, can you answer my question, or do you wish to----

General Jumper. Sir, I will tell you that we looked at each and every case. We have not been through the detailed analysis yet that the IG still has to do, and that will come to us over the next 2 weeks. If something comes to us that has not come to us yet, that tells us that the leadership of the Academy did not approach any single case with the full intention of dealing with the facts that were put before them, or they hid information, or they harbored or protected anyone.

Chairman Warner. Okay. Well, then, why did you not wait until those reports were in your hand before publicly making this statement?

General Jumper. Sir, along with that statement, not reported was a statement that said if this evidence comes to us as a result of this report, we will take action and the people will be held accountable. That was not reported.

Chairman Warner. Well, I have made my case.

Senator Levin.

Senator Levin. The problem is both of you are talking about the cases that were reported to the commandant. It is the cases that were not reported because of the climate that you are not addressing and which is a major issue.

The fact that these particular commanders inherited a climate is irrelevant. It is like saying that something was done improperly before they got there, and they continued to do things improperly; therefore, they are off the hook. No, they are not. No way.

If the climate is improper, which you both acknowledge it is and was, the fact that it was improper before they got there is not relevant to their accountability. You, instead, talk about, ``Well, there were four cases.' ' Maybe he handled four cases, or they handled four cases properly. What about the 14 or 40 or 400 that were discouraged from reporting anything because of the climate? What about them?

Secretary Roche. Senator, I absolutely agree with you that the climate was bad, but also----

Senator Levin. No, you do not agree. You do not agree with me, because you are saying that you are not going to hold anybody accountable for continuing a climate that they inherited. You do not agree with me.

Secretary Roche. In particular, General Gilbert and General Dallager used the survey that they were told was the one that was valid, the one that was done at the end of 2002. They briefed the corps of cadets. They went through the processes that had been there in place, like the reporting process, the education process, et cetera, and instituted a number of things to try to address the climate survey that came out that they believed was the one that was valid to use.

If they had done nothing, then I would feel that they were derelict, but they did try to do things as best they understood they could do. Certainly, on any particular case that came forward which was actionable, they appeared to take as much action as they could take.

Senator Levin. Are you saying that there is no evidence

that they continued, permitted, or tolerated a climate where cadets were discouraged from reporting sexual assaults?

Secretary Roche. Sir, I believe they took actions to try to ensure that this situation did not arise and, if it arose, to prosecute any charges of criminality against someone----

Senator Levin. You keep wanting to go back to that. I want to talk about the climate that discouraged cadets from coming forward because people would be ostracized or that people would be punished for having too much alcohol or other minor things. Are you saying that the people who were in charge of this process tried to correct the climate where people, cadets, females were ostracized, would be ostracized, thought they would be ostracized, or in some way their career would be hampered by reporting something where there was too much alcohol involved? Are you saying that, that there is no evidence of that?

Secretary Roche. They had an amnesty program, which they put in place. It was not a blanket amnesty. They did what is done at the other academies, which is to deal with the criminal issue first, except in one case where they did not that I am aware of, and then went back and tried to hold each of the cadets who were also involved accountable for violation of Academy regulations.

Senator Levin. Including the women, the victims?

Secretary Roche. Including the victim, in one case.

Senator Levin. That violated their own amnesty doctrine, because according to the reports that we have, the procedures were to encourage cadets to report sexual assaults to ensure they receive available medical and counseling services, and that they would generally not be disciplined for self-identified violations of cadet instructions, such as pass violations, unauthorized alcohol consumption, or unauthorized dating which may have occurred in connection with the assault.

So when you say that after the perpetrator was in some way dealt with, they went back and went after the victim, that is the problem. That is exactly the problem that they perpetuated here. It is no excuse to say that they inherited it.

Secretary Roche. Sir, I am not trying to say they inherited----

Senator Levin. But they perpetuated it if they went back at the victim and they said, ``Okay. Now, we have dealt with the alleged perpetrator here, and now we are going to talk to you. You had too much alcohol.''

Secretary Roche. Sir, they would not say they had too much alcohol. They would say----

Senator Levin. Whatever the violation was. It is not supposed to have happened under the existing amnesty program. So you have announced a new amnesty program which just repeats what was previous.

Secretary Roche. No. The one before was one that could or could not be put in place. It also, in the cases before--and I am trying to do this from my recollection--where they went back, there was no criminal activity proven. It was an, oftentimes, he-said/she-said situation. There was insufficient evidence to take any action. At that point, they then did issue demerits for Academy disciplinary violations.

Senator Levin. For reporting an incident. You are saying people who reported the assault on them were disciplined, given a demerit.

Secretary Roche. Yes, sir.

Senator Levin. Their careers were negatively affected. That

is the climate that is so horrible, is that the victim----

Secretary Roche. The climate has two parts, sir, if I can finish the one part?

Senator Levin. No. I want to go right at that.

Secretary Roche. Yes. At this one----

Senator Levin. That should not have happened, should it?

Secretary Roche. There are two sides to this, Senator. I can tell you that there are sensible people who say that you should hold every cadet accountable for the actions of that cadet.

Senator Levin. Do you say that people who report an assault upon them should be given a demerit for something like they were dating improperly or there was too much drinking?

Secretary Roche. As you can tell from the actions we have issued, I do not believe that.

Senator Levin. Fine. I want to know what you believe.

Secretary Roche. I believe you give the amnesty, and it is blanket amnesty.

Senator Levin. Now, one final question----

Secretary Roche. The second point on ostracization, which you also raised, Senator, in fact, this leadership did try to work with the cadet leaders to not have that happen.

Senator Levin. One final thing: The message in 1995, which Senator McCain has referred to, is that commanders will be held accountable if they fail to correct the problem. There was a problem here. They did not correct it. Not only has no one been held accountable--and I agree with the Chairman, if you had waited for an Inspector General's report perhaps before you did that--but you have exonerated people. You are saying they will not be held accountable because they inherited a problem that they did nothing about?

I have to tell you the 1995 message was ignored, it seems to me, by these commanders and maybe their predecessors. Not only has nobody been held accountable, but nobody is going to be held accountable because you have exonerated them in advance of an Inspector General's report.

Secretary Roche. Sir, based on the General Counsel's report, preliminary report, and based on what we looked at, based on reading the cases, they were removed from their position. That is one level of accountability.

Senator Levin. But for different reasons.

Secretary Roche. They were removed because I did not have confidence in them going forward to be able to do what needed to be done.

Senator Levin. Not for any failure.

Secretary Roche. The failure was consistent with a series of failures, bad legal advice, bad procedures and processes at the Academy.

Senator Levin. My time is up. Thank you.

Chairman Warner. Senator McCain.

Senator McCain. Remarkable. General Jumper, you just stated we do have a climate problem, and then you went on to talk about some of the situations and issues that exist.

In yours and Secretary Roche's comments at that press conference, you said, ``There was an issue. A lot of cadets feared coming forward because of peer pressure.''

You go on to say, ``We will take care of any barrier to a person coming forward, and particularly in order to ensure that we can get at a crime and make sure we do not commission a criminal. If a cadet provides or sells alcohol to someone who is under age, you will be disenrolled and disenrolled

immediately. We will change how we select the officers who will be air officers commanding. We will return to the time where we sent these officers for a year of education. We have allowed ourselves to not make use of one of our greatest assets, our non-commissioned officers. We will restore the chain of command.''

There is a series of other things that have to do with what I have touched on, cluster around women's washrooms and to help understand, think of building with four corners, et cetera. You just said that arrangement with rooms should not have existed.

``Our old rules about doors being open when people not from your room are in your room are going to be restored. We will crack down on these.''

All those things were going on until when? When did you institute these changes?

General Jumper. We are in the process of instituting those changes now.

Senator McCain. You are in the process of instituting those changes now?

General Jumper. Yes, sir.

Senator McCain. They were ``a climate problem for a number of years.''

Right?

General Jumper. Sir, there were a variety of problems for a number of years. You are exactly right that we are in the process of correcting.

Senator McCain. Okay. ``No one is going to be disciplined,''

in your words, ``because we are going to look at each and every case.''

I do not get it, General Jumper. When you went to school and you were a young officer, were you not told that things that happened under your command you were responsible for?

General Jumper. Yes, sir, I certainly was.

Senator McCain. If there is a climate under your command that requires that all these changes have to be made that you and the Secretary said needed to be made, that therefore no one is responsible?

General Jumper. Sir, if the climate has eroded over time due to a variety of things that have happened over years, I am not sure that it is completely evident at any one moment that the climate has deteriorated to that point.

Senator McCain. But you just stated we have a climate problem.

General Jumper. Yes, sir.

Senator McCain. You describe some of those problems.

General Jumper. Yes, sir.

Senator McCain. They are all being changed now?

General Jumper. It did evolve over time.

Senator McCain. Oh, it was an act of God? For instance, the----

General Jumper. I mean, the room arrangement, Senator, as a matter of fact, is a room arrangement they use at the other two academies. They use it successfully. In this case, we believe that it contributes to the problems that we have, that have been reported at the Academy. We are trying to create the environment where people who have not come forward before now feel free to come forward and to take those obstacles that they state were limitations and allow them to go away. Many of these obstacles are not obstacles in other places, but we are trying to correct what we find at the Air Force Academy to be obstacles to the population there.

Senator McCain. Obviously you and I and the Secretary have a fundamental disagreement here. You said you have a climate

problem that has been going on for a long time. Now, you are making a huge series, a very significant series of changes that need to be made in your view in order to change this climate; yet no one is being held responsible for that climate, whether it be present or past people in positions of authority. With all due respect, that flies in the face of everything I learned about accountability and responsibility.

Mr. Chairman, the testimony we have heard today just reinforces my view that we really do need to act. I do not know exactly who does it, or how we arrange it to have an outside board look at this situation. When people are not even being held accountable for situations that they say they are fixing, there is something Orwellian about that. I thank you, Mr. Chairman.

Secretary Roche. Senator, may I----

Chairman Warner. Thank you, Senator McCain.

Secretary Roche.--may I? Senator, may I?

Chairman Warner. Sure.

Secretary Roche. I went over everything we have done with the Board of Visitors and made it clear, Senator, I do not object to outsiders coming and taking a look at this stage. We wanted to do something quickly to ensure that when these new cadets come enlist in 90 days, the change was made.

We told the Board of Visitors that at the next meeting that they hold, we will have the finished report. We will go through everything. At that point, if we need to bring in some outsiders--the Board of Visitors, it will be an issue that we will address at that time, as Senator Allard well knows as he was on the telephone conference, and we can do that.

We believe we have acted quickly and firmly with the situation that we found has occurred over many years, and we have tried to delineate where responsibility went. Senator, I well may be wrong, but I believe that the accountability goes over so many administrations there that I do not know where to begin, except at 1993 and forward.

Senator McCain. I thank you, Mr. Chairman.

Chairman Warner. Thank you, Senator. I share your views about an outside independent look at this.

We have a problem on our side, Senator Levin, that three of us are required to be in the meeting of the chairmen of the committees now: myself, Senator McCain, and Senator Collins. I am going to ask our colleague who is the Chairman of the Subcommittee on Personnel, the Senator from Georgia, if he would take over now.

Would you, Senator Dayton, indulge our colleague from Maine to ask a question or two because she must join me, and we have to depart?

Senator Dayton. I would be pleased to defer.

Chairman Warner. Fine. Thank you very much for your courtesy.

Senator Collins. Thank you very much, Mr. Chairman, and I want to thank my colleagues for their courtesy.

Mr. Secretary, I, like my colleagues, am having difficulty in understanding your response to this very serious problem. I do not have the benefit that many of my colleagues on this panel have of a military background, but I do have the benefit of common sense. I am trying to understand how you can say in the Air Force press release issued March 26, which quotes you as saying that ``As the problems regarding sexual assault allegations predate the current leadership, we do not hold General Dallager or Gilbert responsible.''

Similarly, General Jumper, you have been quoted as saying you do not believe that the problem starts with the current generation of leadership, but then you go on, both of you, to say that the responsible people will be held accountable.

Are you saying then that unless this problem originated on the watch of the leadership that they are not accountable?

Secretary Roche. No, Senator. What we are saying in the second part had to do with the Inspector General's report, if something comes up where one or the other of these officers have done something for which they should be held accountable, they would be.

In terms of the larger question, when you have a succession of changes over time, you can hold the last group accountable, but they did not create the climate. The climate was created long before they got there, and they believe, Senator--and this is I am sure very difficult for others to recognize. They believe they were working at it. They did a number of things. It is not that they did nothing. They made a number of changes.

Senator Collins. Since when is it the standard that you have to have been there when the problem originated in order to be held responsible or accountable? I just do not understand that line of reasoning.

Who are you going to hold accountable if you have already exonerated the current leadership absent some new findings by the Inspectors General? Who are you going to hold accountable?

Secretary Roche. Senator, I would take it as follows: Starting in 1993, measures were taken which they thought would correct things. They did not. I would, in this case, hold that administration accountable. Then as each turned over, every 2 to 3 years, each one of them had a chance to go back and fix this, and they did not. But they thought they were doing the right thing. They thought by having this system that was outside of the chain of command that that was taking care of the problem.

These cases that came up--and there were many more cases prior to the arrival of either General Dallager or General Gilbert. The larger proportion of cases occur well before them. So that it appears, even from the survey data, that things are getting better to them. But they, in the most recent survey, when they saw that the first class female cadets had little or no confidence in the system--although a number of the other cadets, the sophomores, juniors, and the freshmen seem to have reasonable numbers associated with them, but the seniors did not, they began to take additional actions to have additional training, to reinforce a number of other measures, measures to try to ensure that both the problem of assault and the problem of reporting assault were dealt with.

Senator Collins. Let me tell you what is so troubling, because what I am hearing you say is this problem has gone on for about a decade at least probably, and people have made good faith efforts to try to make some marginal improvements. All these assaults continued and, as a result, either everybody is responsible or nobody is responsible. That does not sound like a system of accountability to me.

When I read news stories such as one in the March 16 New York Times that recounts a story of a female former cadet who was raped and then the result is that she receives seven class D hits and was sentenced to 265 hours of marching in circles because she was drinking, this just reminds me of the whole approach of blaming the victim.

General Jumper, with all due respect, today you used the

phrase ``legitimate victims.' ' Is that as opposed to those who you apparently think have contributed to their assaults? I just think we have so far to go, and until we start holding people truly responsible--I do not care whether it is that someone inherited a problem. Presumably being part of the leadership of the Academy makes it your responsibility to correct these problems.

Secretary Roche. May I?

Senator Collins. Yes.

Secretary Roche. Senator, in the case that you report, I do not remember any particular news account, but that is a news account of one victim's position. Most of the time, there is another side to the story. If a cadet came forward and made an allegation, and there was not evidence to go forward in any Uniform Code of Military Justice process, then the Academy, as does the Naval Academy, goes back to the individuals who were involved and awards demerits.

At the same time, ma'am, sometimes there is not sufficient evidence to go to a court-martial to be able to prosecute an accused cadet, but there is enough administratively that comes out such that the cadet is disenrolled. In most of these cases, when they could, they did disenroll the cadets. They went the extra mile of ensuring that if something happened off the base, off the campus, if they could take the court-martial route, they did take the court-martial route.

Senator Collins. Mr. Secretary, my final comments to you today are this: When I hear you say that--I understand that there are cases where the evidence may not be strong enough to support a criminal conviction, but what I have seen and the cases that I have looked at is a very clear pattern of blaming the victim and of not correcting the overall culture or climate that causes the victim to be blamed. This is not just one or two cases. This is not just five or six cases. This is not even a dozen cases.

We have a clear pattern of reports of sexual assault where the reaction of the Air Force Academy seems to blame the victim, and that is unacceptable. We also have a clear pattern where it seems to me that no one is going to be held accountable for the climate that has made young women cadets fearful of reporting or leads to reprisal if they do, and that is unacceptable.

Secretary Roche. It is unacceptable, Senator. What I am trying to say is that in a number of these cases, there was another side to the case. I do not believe that there is a pattern of holding the victim and making the victim be the criminal in this case.

I know of one case where the Academy acted in ways that would be offensive to both you and me, where the victim reports something, she wishes to be separated from her accused, and they remove her from her squadron and move her to another unit when, in fact, they should have removed the accused. But they did not because, in prior instances, they had been told by counsel that they could not do that. So they were trying to do the next best thing which, in fact, had a very bad unintended consequence, which was to highlight the victim, as if the victim had done something wrong.

A lot of this is a function of the processes in place. We are going beyond the other academies; beyond the other academies in saying in order to make sure we cannot have any obstruction to finding out about criminal activity, we will grant the blanket amnesty to everyone, not just the cadet. Even

if it comes out to be a ``We cannot go forward with prosecution,' ' we will still keep the amnesty in place. We will grant amnesty to other cadets who happen to be there except for the senior cadet or any cadet who blocks the investigation. We will go the extra mile.

Senator Collins. I want to thank my colleagues for their courtesies in allowing me to proceed. Thank you.

Senator Chambliss [presiding]. Thank you.

Senator Dayton.

Senator Dayton. Thank you, Mr. Chairman.

In a published news account, General Gilbert publicly acknowledged suggesting to one cadet who alleged she was raped that she had exercised poor judgment. According to the report, that case involved Lisa Ballas, currently a senior cadet, who said she was assaulted in October 2001. Then she had a meeting with General Gilbert, reportedly that took place on April 8, 2002, about 6 months after she said she was raped.

According to Ms. Ballas, ``It was somehow my fault this happened to me, full or partial blame,' ' Ballas wrote in her e-mail, recounting her meeting with Gilbert. She quoted Gilbert as telling her, ``You did not have to go to that party. You did not have to drink that night. You did not have to play the card game. You did not have to follow him back to the bathroom.' ' Gilbert, in his written comments, confirmed that he made these remarks to Ms. Ballas. Ballas said that Gilbert scolded her for her behavior leading up to the assault, adding that ``If I had my way, you would be marching tours,' ' a form of punishment at the Academy, right next to her assailant. He did not deny making that remark. General Gilbert did not support a court-martial for Ballas' alleged assailant because of a lack of evidence, as was reported. The male cadet received minor punishment. She went on to say, ``We have been made to feel that we are to blame for these incidents, and we have to fight against our own United States military.' '

In another report, ``Once not very long ago, Kira Mountjoy-Pepka's eyes shone bright when she spoke of piloting airplanes. Few her age seemed to have so promising a future in aviation. But now when the conversation turns to flying, the former U.S. Air Force Academy cadet dips her head and stares at the floor. Ever since she says a fellow cadet raped her a year ago in her freshmen year at the Academy, her dreams of flying F16s and her love for the Air Force have crumbled. She was the first--in November 2001 she was chosen as the year's first freshman to fly an Air Force plane, roaring above the Academy's football stadium before a game. But her downward spiral began a year ago when a senior cadet whom she knew slightly from the Academy's Aero Club raped her in her dormitory room.' '

It goes on to say, ``She struggled academically, athletically, she was emotionally devastated. She was harassed and hounded by the Academy's leadership for minor disciplinary infractions until she finally quit last Christmas. While Mountjoy-Pepka remains upset about these sexual assaults, she is angriest about her treatment by the Academy's majors, colonels, and generals, who she says turned the tables on her after she reported the assault. She said some officers criticized her for acting affectionately with her cadet boyfriend, another cadet. They said she was `no lady' and suggested that her behavior was generally promiscuous.' '

Sir, I am astonished that you can say that the climate under those individuals in the last 18 months or 2 years has been substantially different if these kinds of incidents and

these kinds of statements, publicly acknowledged by General Gilbert to have been made by him, are going on there. I think it is a perfect example of how this climate there has caused, in this case, two young women, their lives to be almost destroyed, certainly seriously damaged. She is out of the Air Force Academy. She is out, and she does not have that opportunity, and her male perpetrator goes on.

It is just shameful. To me, it is just shameful that it happens and it is even more shameful that the Academy and the people in charge there let it happen and just now, even now, say give lip service that that general cared about things, but do not do a damn thing about it. Shameful.

Secretary Roche. Senator, the comment made by General Gilbert was most certainly insensitive.

Senator Dayton. Insensitive?

Secretary Roche. He apologized for it, sir. The circumstances surrounding the cases, there are other sides to this. These are press reports of one side of a story, Senator. If, in fact, things----

Senator Dayton. She is out of the Air Force, the young woman to whom that occurred.

Secretary Roche. She may well have left the Air Force Academy, sir. I do not want to get into any particular case, because of privacy rules.

Senator Dayton. She brought her case to the public.

Secretary Roche. She brought it public. She is out.

Senator Dayton. She brought the matter public. The both of them did.

Secretary Roche. But I can't--it would be wrong for us to give the other side of the story.

Senator Dayton. All right. You had mentioned in 1993 that the new changes were put into place that were supposed to deal with this problem. According to another news account, in 1997 an annual survey of cadets showed that 10 percent of women responding said they had been the victim of a sexual assault in the Academy in the previous 12 months. Ten percent of the women responding said they had been the victim of a sexual assault at the Academy in the previous 12 months. Some 75 percent said that if they were raped, they would not report it, out of fear of retribution.

Now, I realize, sir, that you were not there during this time, but in terms of the culpability of former administrations, I would urge that the Inspector General's investigation or this independent investigation, which I am persuaded is absolutely necessary, to go back into this. If they instituted changes in 1993 and were told in an annual survey in 1997 that 10 percent of those responding, even if it is not a random sample, said they had been a victim of a sexual assault at the Academy in the previous 12 months, and they continued to believe that they had dealt with the problem, it just blows the mind, sir.

Secretary Roche. Yes, sir. I understand. One of the reasons we went back 10 years, Senator, is to be able to have as big a vacuum cleaner of these cases as we could, to look over the period of time.

Senator Dayton. How about a vacuum cleaner for those who were responsible while this was going on?

Secretary Roche. It turns out with any given administration, you find a similar set of circumstances. But you do find them all trying to make use of what was done in 1993 and in 1996 in character development courses, in hotlines,

in using the cadet sexual assistance program. You find them in each case trying to make these things work. We believe that by coming out of the chain of command they, in fact, in some cases had the unintended consequences of making them less effective.

Senator Dayton. What changes were made subsequent to 1997 to this survey, to changes in the 1993 changes that were--clearly at that point not having the desired result?

Secretary Roche. I am not aware of anything that occurs between 1997 and last year.

Senator Dayton. I would appreciate it if somebody could give me that, sir. I would like to know.

Secretary Roche. I do not think there were any major ones. They just kept trying to reinforce what they had, which they believed and had been told was the way to go. In terms of the particulars of a case, as I say, Senator, there are complications on both sides. But if, in fact, the events were as reported, which we can't back up in some cases--I do not want to say this particular case--then it is shameful. We agree with you.

Senator Dayton. I am not trying the cases. I am trying, but I--individually, but the sheer number of them and this kind of a response, 10 percent of the women responding, and then as I say I would like to see what decisions----

Secretary Roche. We have looked at all the surveys, even those they considered not valid. We have looked at some of the comments of the cadets. You get them on both sides. Our sense is that there was a major climate problem, and that is why we have taken the forcible actions we have taken.

Senator Dayton. I appreciate that you have done so. I am just saying that there is a lot more to be done.

Secretary Roche. But I agree with you on accountability. You would have to go back and look at that administration in 1997 and find the superintendent and the commandant, and whatever is done to the current two, you have to do it for those two as well.

Senator Dayton. And that will be done?

Secretary Roche. We have asked the Inspector General to at any given case at any given period if there is something that we should go back and do, we will do it.

Senator Dayton. One last set of questions, you have mentioned a couple of times, Mr. Secretary, the athletic department. Is there a set of circumstances that differs from the Academy as a whole or are there attitudes or actions there that go beyond what has occurred elsewhere in the Academy?

Secretary Roche. We have a sense, Senator, that there have been incidents associated with athletes that we are not proud of.

Senator Dayton. What does it mean that you are not proud of?

Secretary Roche. There are reports that are being looked at right now of some of the behavior of some of the athletes. We know the athletes have a life that is very different than the average cadet, the intercollegiate athletes.

They do not play intramural sports. We do have training tables. In some cases, the information flow between the athletic department and the commandant's group running the rest of the Academy is such that someone dropped from a team can stay at the training table for a year and not be discovered, that the professional military education for the intercollegiate athletes was not being administered to the same degree it is for the others.

Yet in one of the climate surveys you have 43 percent of the intercollegiate athletes who responded say they felt prejudiced because they were intercollegiate athletes. Our sense was that athletics is a means to an end, not an end in itself, and therefore we wanted to bring it under the chain of command of the Academy more closely than it has been.

Senator Dayton. Thank you.

Thank you, Mr. Chairman.

Senator Chambliss. Senator Allard.

Senator Allard. Thank you, Mr. Chairman.

I realize there is difficulty sometimes in assessing the degree of guilt as you suggest. So I wonder just what your attitude might be about relying on an outside source. For example, El Paso County is where the Air Force Academy is located. The district attorney in El Paso County has, or apparently is, reviewing a number of cases as to whether to move forward with some allegations of rape at the Academy or not.

What will be your attitude, Mr. Secretary, and that of the Air Force, towards those investigations? Should she decide to move forward, would you be helpful in trying to provide her with the facts that she would need to move forward with her case?

Secretary Roche. Yes, sir, absolutely. Our sense is, as we discussed at the Board of Visitors telephone conference, that we would re-look at the memorandum of understanding between the local jurisdiction and the Academy to see who should have a first chance to do something and who should investigate.

In the past, it has typically been deferred to the military because there was a higher probability of getting convictions with the military. But we would certainly cooperate with local authorities and provide the information that we had--or could have--to help her in her look, absolutely.

Senator Allard. Now, there are a couple of things that you have given comments on this afternoon that I have to disagree with you based on the information as I know it. I would like to go over it with you.

One of them has to do with whether General Gilbert, on wanting to move forward with prosecution, was overridden by the JAG. To me that does not make sense. My information tells me, it is my understanding the JAGs cannot override the commandant; only the superintendent of the Academy can do that.

From my understanding, it is that the JAG, when these cases came forward, asked the commandant if they could not move forward with prosecution, and his response was, ``Oh, no. Do not worry about it. I can handle it.''

Secretary Roche. Sir, I do not know anything about the latter, and I may have misspoken. The commandant in the one particular case did wish to go forward. An investigating officer, under Article 32 proceedings, did take a look at the evidence and told the commandant there was insufficient evidence to be able to go forward and get a conviction at court-martial and, therefore, they did not proceed with court-martial. Now, I would want to go back and look at the particular case to see if administrative actions were taken.

Whenever General Gilbert could go to the Uniform Code of Military Justice on a crime like this, he did. In this case, he felt that he would like to go forward; I know that. The judge advocate who did the initial investigation said there was insufficient evidence to get a conviction.

Senator Allard. Some of the sources that have at least been

talking to some of my staff, indicate that it was just the opposite; that he was, seemed to be willing to assume those responsibilities, and to disregard the recommendation of the JAG, but that is water under the bridge. I think we need to move forward.

The other area that I want to bring up is, it seems to me that when you look at the facts that there was an emerging problem as we got closer to 2003--and I know that the climate surveys have been disregarded by the Academy to a certain degree, but they are the only information that we have.

When we look at 1998, we have 22 cadets that were classified as having been sexually assaulted since having arrived at the Academy. In 1991, there is no climate survey; 2000, there are 17 cadets; 2001, the number is 167 cadets; and 2002, there are 56 female cadets who said they had been sexually assaulted since arriving at the U.S. Air Force Academy. Then in 2003, the Academy decided not to have a survey or not to ask the question on the survey as to whether they have been sexually assaulted or not.

It seems to me that if you look at 2001 and 2002, those numbers are so much larger than the rest of the trend, they should have raised a flag.

Secretary Roche. They obviously did, Senator. In fact, looking at both of those, you recall they had had very poor participation in surveys up to that point. At that point they started to try to pressure cadets into, in fact, filling out the surveys. It was the sense of the statisticians who looked at them that they were invalid because of contradictory answers. A number of the answers in the sexual area were contradictory.

The 2003 one that was released in January was considered to be a valid one. General Gilbert, in fact, briefed all the cadets. He then instituted yet additional actions, including things like--I do not know if he did in 2002 or--in 2002, he was already putting more supervision into the dorms, et cetera. So they were using those.

What more they could have done when they looked at a particular survey where they were told that it was invalid, I am not sure. I found by comparing the surveys, the trends in the surveys, you have the oddity that the women cadets report that the fear of reprisal decreased between 2001 and 2002, whether it was for reprisals from the faculty or from other students, et cetera. So it is a small trend, but it was--I was seeing mixed things. I saw these less than 24 hours before you saw them.

Senator Allard. Mr. Chairman, my time is running short here. If you would just bear with me, I would like to ask another question.

Senator Chambliss. Sure.

Senator Allard. A number of cadets reported sexual assaults and rapes to my office, and we are at 40, it has been reported. About half of those occurred in 2001, 2002 from the information we have in our office. This is not the surveys or anything else.

We have looked at when those alleged rapes occurred. A number of them occurred during a summer camp at Jacks Valley Training Center, which I understand is the basic training for incoming cadets. You made recommendations of dealing with the dorms and everything. I did not see any recommendations dealing with what action you may take during this training period.

I wondered if, for the record, you would not elaborate on--

maybe General Jumper would be the one to do this--what it is that you are going to do to assure safety of the new cadets in the Academy during their basic training.

Secretary Roche. We are taking action, Senator.

General Jumper. Senator, first of all, the Secretary and I have written a letter to the parents of each of the new incoming cadets talking to them about our commitment to dealing with this situation. The new incoming cadets will be separated initially, male and female, and will be put through a training period where they will be indoctrinated into the situation that they are finding themselves in, which is much different than the situation they have just left, if they have come from any civilian walk of life, about the power structure of the Academy, the relationship between the upper class and the lower class, the limits on that, and their rights to object to bullies.

We are putting the responsibility for this training of the new cadets into the hands of the senior class. The senior class will be responsible for administering the discipline. The discipline will be aligned with the development of character, of honor, and of the sorts of traits and virtues and integrity that we expect cadets to have.

This will happen for a certain period of time over the summer. We are waiting for the new commandant to get in place, and we will determine exactly how long this should be.

Before the rest of the cadet wing arrives back for the academic year, they will then be integrated into their squadrons. Then once into the squadrons, the females will be grouped down near the latrine area in the squadron with squadron integrity to be able to provide each other mutual support.

Senator Allard. Now, it has been my understanding, General, that it has been upperclassmen who have raped female cadets in these training camps, so I do not understand exactly how this is going to protect the female cadets.

Secretary Roche. The senior class is going to be made responsible for observing the actions of the other two classes towards the freshman.

Senator Allard. I see.

Secretary Roche. Not just for the summertime, because it is mostly the senior two classes who are back for the summer program, but for the whole cadet wing when they come back. They have to be made responsible for the character, and the honor, and the integrity of the entire corps. That is their position as senior cadets; not only as the senior class, but as class cadet officers in charge of squadrons and in leadership positions. That will be the test of their leadership.

How they help us get through this change in the climate that needs to be instilled in these young cadets, and it will be taught to the young cadets from the time that they get there, this is a major effort that I, along with the Secretary, will see that it is installed personally by my personal involvement with the classes.

Senator Allard. How does that differ from what is happening now or has happened last year, for example?

Secretary Roche. They come in and they generally have a couple of days where they get some indoctrination, but as a new freshman in that disciplined environment that you are not used to, most of the things that are said to you the first couple of days, as you can understand, Senator, go right over your head. The retention level is not good, because they are in a fairly

disciplined and new and harsh environment. This will then continue for a much longer period of time than has been done in the past.

General Jumper. Also, Senator, you notice in our paper we talk about getting the Air Officer Commanding much more involved, and in terms of supervision of the dorms, et cetera, they will also be much more involved in the summer activity to make sure that things are handled correctly.

Senator Allard. Thank you, Mr. Chairman. I thank the members of the committee.

Senator Chambliss. Senator Pryor.

Senator Pryor. Thank you, Mr. Chairman.

As the two witnesses can tell today, this is a very personal matter for members of the United States Senate. I know Senator Clinton and also Senator Collins and others have said that it is because--one of the greatest things about being a Senator is being able to have a hand in the selection process of sending our best and brightest young men and women to the military academies. So you can tell from the questioning, the deep disappointment and dissatisfaction with what we have heard about what is going on at the U.S. Air Force Academy.

I have three points of clarification. First, with regard to the surveys, are these mandatory or are they voluntary? I am just confused about this. I have gotten the impression different times, different ways.

Secretary Roche. They were in the past voluntary. The participation was so low that there was some positive incentives offered 1 year to get them to do more. Then in the 2002 survey, the sense is the cadets were told they could not sign out on vacation until they completed the survey. Consequently, a number of them played games with the survey.

Senator Pryor. Okay. Are these surveys given to every cadet at the Academy?

Secretary Roche. They are Internet surveys available to every cadet, and every cadet is encouraged to take the survey.

Senator Pryor. Okay. Is the survey designed by the Air Force or by a third party?

Secretary Roche. The survey is designed not by the Air Force, but by a department at the Academy, so it does not have the professional development that you would have with either a survey organization or the one that is used for a climate survey for the Air Force at large. That is why each year you notice, they have a self criticism of how they can improve it. It is the behavioral science department that was doing this and trying to get a sense of the human relations climate.

Senator Pryor. Okay. My second point of clarification: I just want to make sure I understand this. Are you coming here today and testifying before this committee that the problem is fixed?

Secretary Roche. Not in any way, shape, or form, Senator. We are saying that we have made the first step. That point that was raised by some members on our prior visit in closed session, we absolutely agree with. If we thought this was fixed, no, it is not. It is one of the reasons we want to talk this over with the Board of Visitors, how to monitor it. We have put in place that every 3 years there will be a full and complete audit, so we have no problem reporting anything to the committee, et cetera.

It is the beginning. You are trying to change your cultural climate. It has had us look at the entire Academy from signs saying ``Bring Me Men,' ' to how professors are dealt with, to

where cadets go after they graduate, to how they are treated relative to our other accessions. We have looked at the whole thing. But this is merely a beginning.

Senator Pryor. Do you have at this point a written action plan about the steps you intend to take to get it fixed?

Secretary Roche. Yes, sir. We issued that in a directive memorandum to the superintendent of the Air Force Academy last Wednesday.

Senator Pryor. Have you provided it to the committee?

Secretary Roche. Yes, sir, we have.

[The information referred to follows:]

[See previous insert, ``United States Air Force Academy: Agenda for Change.'']

Senator Pryor. Okay. I will be sure and get a copy of that.

The third point of clarification I just want to seek is:

Are you opposed to a third-party investigation of what has gone on at the Air Force Academy?

Secretary Roche. No, sir. What I wanted to do was to start ourselves so we could move quickly, because we have new cadets coming in 90 days. If we had tried to put together something from the outside, we would still be working on a charter and working on the personnel. We moved very quickly.

Having gotten these first steps in place, which I believe communicates to the parents of any new cadet that that cadet is safe when he or she arrives come June, we have no problem with outsiders looking at it, and I would hope that in the Board of Visitors meeting this would be discussed, and I would be delighted to cause one to occur.

Senator Pryor. When is that Board of Visitors meeting?

Secretary Roche. I am not sure. It is within the next 30 or 35 days.

Senator Pryor. Okay. If there is a third party, would you rather it be someone like a local prosecutor there in Colorado, or would you rather it be more of a, for lack of a better term, blue-ribbon panel that might look at it?

Secretary Roche. My sense is we have a wonderful Board of Visitors, which have some wonderful members on it, like Senator Allard and a few others, including former governors. I would like to talk over with them what they think would be best, since they have invested so much of their time in the Academy.

Our sense was to move quickly. It had to be people who understood the Air Force, understood Air Force rules, and that we could move fast in going forward. It could be characterized any number of ways, but it would have to be one that would be effective. I think the Board of Visitors would be the appropriate group to talk about who ought to be on, including some of them.

Senator Pryor. It is obviously unfortunate what has happened to some of these men and women during this time period who have gone through the Academy. I think perhaps the most unfortunate thing of all is that the Academy produces the future leadership of this organization.

It is a very fine organization. I can speak for this committee to say we want to support our men and women in uniform. We want to support the Air Force and all the branches of the Service, but when we hear something like we have heard today, when we hear about the climate and the culture at the U.S. Air Force Academy, I know that we all have a grave concern that it is going to corrupt the entire organization.

I just want to encourage you to work on the solution with all deliberate speed. This committee stands ready to help you in whatever way we can to do it. I think having a third-party investigation is essential to getting to the bottom of this. I want to encourage you to consider doing that.

Secretary Roche. Yes, sir. You understand that the Office of Secretary Defense's Inspector General is a third party, and we not only welcomed, we had hoped at one point they could take a look at all of the cases, so that there was no sense of the Air Force covering anything up.

In terms of specifics, whether it is how to do a mentoring program, et cetera, we welcome outsiders, and we recognize fully this reflects on the entire Air Force. This is not our only source of our future leaders, but it is one of the two major sources of our future leaders.

Senator Pryor. Right. I agree.

That is all I have, Mr. Chairman. Thank you.

Senator Chambliss. Thank you.

Senator Clinton.

Senator Clinton. Thank you, Mr. Chairman.

I am struck by the fact that this is at least the third time that we have discussed this; I think twice in open session, once in a closed session. As became apparent today from the reports I received, I think it is clear, Mr. Secretary and General Jumper, at least in the minds of many of us on this committee, that it has still not been put to rest with respect to looking backward at the individual cases that have been brought forward for public attention; nor with respect to looking forward to the changes that are necessary in the culture, atmosphere, and training.

I think a third-party investigation and a third-party consultative relationship with the Academy is absolutely essential. There are people who are experts in this field who advise major corporations. There are people who have advised other academies with respect to some of these issues, and I would certainly hope that if you take away from this hearing anything, it is what I believe to be an overwhelming sense of the committee that there must be independent third-party involvement.

I do not think from my own perspective that the Inspector General is adequate. I do not think the Board of Visitors is adequate. I think setting up some kind of mechanism where people can be brought in to deal with the deep-rooted cultural issues and to go through some of the training programs that have proved successful in other parts of society has to be a part of whatever solution you decide to pursue.

So from my perspective, I join the call of the chairman and the ranking member and others on this committee in urging you to quickly move to an independent third-party consultative investigative response mechanism.

We are in the middle of a war. This should not be taking up your time. This is not what you should be coming up to testify before this committee about.

From the recent articles I have read, it appears that the Air Force actually has a higher percentage of women than the other branches. We are very proud to see the young women who are flying combat missions over Iraq. This is not what the Secretary of the Air Force and, frankly, the general should be spending anymore time on. The only way you will be able to put this to one side is to go ahead and to make the decision to have a totally independent look at this.

Let the chips fall where they may. Let us figure out what else needs to be done. The directive is filled with very good goals and important language about the values of the Air Force and the Academy, but in order to get from where we are to where we need to be, there is some good work that has been done over the last 30 years in this field that I think would be very beneficial.

I would urge you to look to that. There are some of us who might be able to make some suggestions. I know that in some of the major challenges I think the Naval Academy faced in 1993, and some of our major corporations have faced in similar workplace environmental challenges, there are a group of very distinguished, responsible advisors who could immediately come in and lend credibility and provide that independence that I think we desperately need.

Secretary Roche. Senator, I have absolutely no problems with that at all. Those two parts, I liked how you separated into the consultative and the independent look. In the consultative area, we have received letters from people who have volunteered, some of whom have done this before. I know in corporate life it has been done.

By creating the additional duties of ombudsman for the vice commandant and then sitting down with her and speaking to her, one of the things we want her to do is, in fact, to reach out and to bring someone in. Now, they have done some of that, but I do not think with the sense of urgency that we would now want there to be.

In terms of having a group take a new, fresh look at the whole Academy, once we have these initial steps in place so that we did not have to wait for 6 months, then I am quite content to do that, and I would hope to raise that with the Board of Visitors as to what the composition of that should be to take a look at the longer term.

We felt we had to do something quickly to assure the families of the cadets who were coming, roughly 218 young women coming in in June, for a total of about 714 in the cadet wing. We wanted to put things in place so that we felt comfortable in June.

But certainly as you and I discussed before, this is the first step, and we have no problem bringing in outsiders.

Senator Chambliss. Secretary Roche, you have been on the job for about 2 years, and General Jumper, longer than that. While this was not initiated on your watch, it is in your lap. I think you can see the sentiment of virtually everybody who has anything to say, that somebody from the outside needs to look at it.

Now, very honestly, what you have done to this point in time, I think is commendable. I think you approached it exactly right. If you had gone ahead and gotten a third-party group outside, you are right, Mr. Secretary, antics would be ongoing as you tried to put an organization together.

You have approached it right. You have done what you should have done. But I think it is probably time that you come back to the committee with some sort of recommendation as to where you think you need to go, because otherwise it is pretty obvious, I think, the committee is going to act, and with your recommendations, it would make it a lot easier.

There is one other group we had not talked about that I hope is very much in your minds as you are going through this. That is the alumni. They have helped create the climate that exists at the Air Force Academy. I have read some reports on

some particular situations where alumni have made it well known that when they were at the Air Force Academy. They did not have any females there, and they take great pride in that. The male ego tends to do that sometimes.

The fact of the matter is we have some outstanding young women who are not only cadets but are serving in the Air Force. We all know that. To try to further any kind of attitude that this should be a male-only club just certainly exacerbates the problems. So I know you are thinking through that, but we had not mentioned that today. I think obviously it needs to be given very serious thought as we move forward.

Secretary Roche. We have had a meeting with the local alumni that was not always congenial in the course of 3 hours, where we stood up and took our shots and received them. We are appalled by that baseball cap with letters from the Class of 1979. We have made it very clear that we will not tolerate that, and we just do not think that any of the alumni should.

The alumni, many of them, very much agree with us that things have gone on over a long period of time, and it was time to shed a fresh light and look at this. We are going to be communicating with them by letter.

We will also be doing an article in the alumni magazine on this issue, and trying to make them part of the solution instead of any part of the problem, if they are part of the problem.

General Jumper. Sir, if I might add, the Secretary and I also plan a trip to the Air Force Academy where we will stand before the second class, which will be the seniors next year. On the stage with us will be one member of each of the graduating classes of the United States Air Force Academy. Included among them will be astronauts, former Chiefs of Staff of the Air Force, pro football players, and others from all walks of life who have gone out and been immensely successful. The power of the alumni has been offered to us to back us up in our endeavors here.

Senator Chambliss. One other thing that has been mentioned over and over again, but it is not the primary focus of what we are talking about, is the situation that in a number of particular instances I noted it is repeated that alcohol played a significant role. I do not know what we are doing with respect to concentrating on eliminating that problem in the future.

I know you have talked about it a little bit, and I have seen your regulations. I know, General Jumper, you talk particularly about putting the senior person, whoever the senior person is at a party or a gathering or whatever, as the person in charge. But there obviously has to be a concentrated effort made to eliminate alcohol use particularly when we are throwing female and male cadets together.

Secretary Roche. Sir, we have rules that we want to re-emphasize about alcohol in the dorms on campus, underage drinking. We will differ from the other academies. We have met with the superintendents, the secretaries of the other Services, the chiefs of the other Services to go over all of our preliminary findings of what we are going to do, and we will take tougher measures on the provision of alcohol to anyone who is under age in that we will disenroll a cadet who does so immediately. That is not the case at the other academies. They usually give them one chance.

We feel that we have to make the alcohol issue a very pointed one, because so many of the problems seem to have

alcohol associated with them.

Senator Chambliss. Senator Levin.

Senator Levin. Thank you, Mr. Chairman.

I think there is one statement which you have made repeatedly and before today, which really creates problems with maybe all of us on this committee, and that is the statement that you made publicly that you cannot hold commanders accountable for failure when the climate has been in place for a long time. I think everyone on this committee that has commented on this has just simply found that totally incredible and unacceptable.

You cannot simply say to people that because something has happened that way when you got to the job, that it is acceptable for you to do nothing about it if it is wrong and when it clearly was wrong, as this climate has been.

I urge you to review that statement that you have made publicly and that you have tried to defend here today unsuccessfully, because I think everybody here has a real problem with that premise. People are accountable for what happens on their watch. If they have tolerated a climate where women are discouraged from coming forward to complain about sexual assault because they think they will be victimized when they do so, that is so totally intolerable, so totally out of keeping with what the existing current procedure is supposed to be at the Academy, much less what you have put in place. It just has to be reviewed by you, and I think corrected, because that is the one statement here that I think, as much as anything that you have said, is just causing some massive concern and reaction on the part of members of this committee.

Do you know what the procedure is in the Army and the Navy relative to that issue in terms of your new amnesty provision?

Secretary Roche. Yes, sir. If I can go to the first point, I will certainly take a look at it again, Senator. As I understand my responsibilities, it will mean going back through a series of superintendents and commandants.

Senator Levin. I do not know why you keep saying that. Whatever it means, it means. If people have not carried out their responsibilities properly, if that leads to other people who have not carried out their responsibilities, so be it. You can't just say that it is tolerable for people or acceptable or that somehow or other you are not going to act against folks who have not carried out their responsibility because their predecessors did not carry out their responsibility. If you hold people accountable now and that will require you to hold others accountable, so be it.

Secretary Roche. Yes, I understand, sir.

Senator Levin. Whatever it leads to, it leads to. It is sort of a mantra here, and I do not get it. I do not understand. The fact that something is inherited and will lead to other folks who also did not carry out their responsibility, that is just absolutely no excuse for not holding folks accountable for not carrying out their responsibility. You have repeated that half a dozen times. I do not think it will work if you repeat it another half a dozen times.

Secretary Roche. I will review it, sir. I will review all the past people as well. If, in fact, the same thing applies for a consistent application of standards, I will apply it consistently to all.

Senator Levin. Do what is appropriate, sir.

Secretary Roche. I understand.

Senator Levin. But do not exonerate the current folks who

are in command because that will lead you to other folks who have been in command. If it does, it does. Wherever it leads you, take it. You cannot say, ``We are not holding this person accountable because that means we have to hold someone else accountable.'' I mean, that does not wash.

Secretary Roche. Sir, it was not that. I did not mean to say that at all. It is more a matter of where do you start with holding people accountable for climate, and where do you end? I take the point, and I will look at it all and do it appropriately.

To your question of the other academies, the process of holding cadets accountable for infractions of Academy standards or regulations associated with an incident is the practice of the Naval Academy, as well. So if someone reports a crime at some point, the midshipmen who were involved, whether it be friends or, in fact, potentially the victim, especially if it leads to a situation of no prosecution, will be awarded the appropriate demerits, et cetera. As I have reviewed it with the Superintendent of the Naval Academy, it is almost the identical process.

However, I believe where we have failed is the fact that we, in some cases, did not wait for everything to be complete but more importantly, Senator, we did not give feedback to the cadet who came forward with the charges to explain what had happened. We did that because the officers involved were told that they would be violating privacy rights. It turns out they were wrong, but that was the advice that they had been given.

Senator Levin. Mr. Chairman, I think it would be very important for this committee to send out to the other secretaries the amnesty provision which is now in place in the Air Force.

Secretary Roche. I have given it to them, sir.

Senator Levin. I see.

Secretary Roche. I have given it to them. They have it.

Senator Levin. All right. Then it is important, I would hope, for us to ask the other secretaries whether or not they are going to adopt the same provision because, unless you assure people who come forward with a complaint of sexual assault that if that is not proven in a criminal case, that action will not be taken against them because there was excessive drinking. I mean, that is an absurd result. It means again, as Senator Collins said, you are punishing the victim. The test that you cannot proceed in a criminal case is a totally different standard. It has just nothing to do with this issue.

Secretary Roche. Sir, I completely agree with you.

Senator Levin. All right.

Secretary Roche. Absolutely, yes.

Senator Levin. Then I think it would be up to our Chairman as to whether we ask the other Service secretaries to give us their reaction to the new language, which has been adopted in the Air Force. It seems to me that language, by the way, I think has been in effect in the Air Force for all intents and purposes when I read what the current standard is--but whether or not it has been in effect or not is not the point here. It is now in effect, and I think it is important that they be the same standard in the other Services, so we make sure we end this absurdity of discouraging people from complaining about sexual assaults against them.

My time is up. Thank you, Mr. Chairman.

Senator Chambliss. Senator Levin, I do know that Senator

Warner in coordination with you is planning on getting all branches back up here to make sure that we have some common standard out there that everybody is adhering to.

Senator Allard.

Senator Allard. I thank you, Mr. Chairman.

I want to get back onto this issue of prosecution. What is the penalty for rape on Federal property according to military justice?

Secretary Roche. I am not sure. I am sorry. Can I ask General Counsel, if I may?

Senator Allard. Yes. [Pause.]

Secretary Roche. I think it depends on whether it is----

Senator Allard. There was an article written in the paper that rape on Federal property could result in the death penalty, and they cited a case in 1963 where there was an Austrian woman that was raped and then the perpetrator in the case, a military man, was actually given the death penalty. Is that true?

Ms. Walker. I do not know about that specific case, sir, but there could be instances in which under certain aggravation, the penalty could rise to that level.

Senator Allard. Just for the record, the Counsel has said that there are certain situations with aggravating circumstances that could result in the death penalty.

Is that what you are saying?

Ms. Walker. That is my understanding, sir.

Senator Allard. That is your understanding.

Ms. Walker. We can provide that information for you.

Senator Allard. I would appreciate it if you could provide that to the committee.

[The information referred to follows:]

Aside from Article 120 of the Uniform Code of Military Justice (title 10, U.S. Code, section 120), there is no Federal crime of rape. There is a provision (title 18, U.S. Code, section 2241) that criminalizes ``aggravated sexual assault'' (which encompasses rape) that occurs ``in the special maritime and territorial jurisdiction of the United States or in a Federal prison.'' The penalty under this section can extend to life in prison. The ``special maritime and territorial jurisdiction'' includes Federal property over which the Federal Government exercises exclusive or concurrent jurisdiction (title 18, U.S. Code, section 7). The Air Force Academy is a concurrent jurisdiction enclave.

In addition, State criminal laws (including those related to rape and sexual assault) apply on Federal property within the United States, either directly or as assimilated into Federal law by the Assimilative Crimes Act (title 18, U.S. Code, section 13). The penalty for rape on Federal property in the United States under the Assimilative Crimes Act is the penalty applicable in the State where the Federal property is located

For military personnel, the Uniform Code of Military Justice (UCMJ) provides a uniform criminal code applicable worldwide. Article 120 of the UCMJ (title 10, U.S. Code, section 920) provides that ``Any person subject to [the UCMJ] who commits an act of sexual intercourse by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.'' The last executed death sentence in an Air Force rape case was carried out in 1954 following a conviction in 1948 under the Articles of War (a predecessor of the UCMJ). The last time the death sentence was carried out for rape under the UCMJ was in 1961 in an Army case. However, it is important to note that in addition to rape, these cases involved

convictions of murder and attempted murder, respectively.

In 1977 the Supreme Court, in Coker v. Georgia, 433 U.S. 584, held death to be a ``grossly disproportionate and excessive punishment for the rape of an adult woman,' ' and hence ``forbidden by the Eighth Amendment as cruel and unusual punishment.' ' Whether the death penalty continues to be available for the rape of a minor remains unresolved. Other punishments that a court-martial can adjudge in a rape case include punitive discharge from the Service (dismissal, dishonorable or bad conduct), imprisonment, reduction in grade, and forfeiture of pay.

Senator Allard. Now, to follow up on that, what steps is the Air Force taking to better prosecute these cases?

Secretary Roche. The first step is to ensure the victim can come forward, and the second step is to ensure that when the victim comes forward that there is a lawyer and a member of the Office of Special Investigations, who work for the vice commandant, who can sit down with that victim so that the individual understands the elements of a crime and that which needs to be proven, so as to be able to collect the correct amount of evidence as soon as possible and not have the situation go off out of the chain of command for many months, which has happened in the past, and then to come back when, in many cases, it is much too late.

So the issue is to be able to start immediately to put together evidence which would lead to a successful prosecution if, in fact, a prosecution could be obtained.

Senator Allard. I would hope that they would use some good common sense processes. For example, the loss of a rape kit, that is just that people are not properly keeping track of the evidence. I would hope that there is an effort in there to make sure that the chain of evidence is protected in some way or another.

Secretary Roche. Excuse me, Senator. I do not know if the General Counsel came upon anything, but I have not heard of us, other than that press account, losing rape kits. I know they are thrown away when there is no prosecution.

Senator Allard. There was one individual that reported her case to us, and we tried to get evidence about her complaint, and the response back from the Air Force Academy is that they had lost her rape kit.

Ms. Walker. I remember that. My team looked at it, and to date they have found no rape kits that were lost. It could have been a miscommunication, but the investigation thus far has found none that were lost.

Secretary Roche. I agree none should be. There should be a chain of custody of these, and usually there is a chain of custody.

Senator Allard. We have a letter from the Air Force concerning the loss of a rape kit from OSI. We have some information we need to share on this. I hope that we can set up some procedures where that does not happen. OSI seems to think it has happened, and we have a letter that says it happened.

Secretary Roche. If things are done within the chain of command, Senator, you have a heck of a lot better chance for that not occurring, for things not being lost.

Senator Allard. Okay.

General Jumper. One of the steps, Senator, if I might add, is to get these consulting mechanisms that are outside the chain of command to first encourage the victim to come into the chain of command and, as I said, to be able to deal with the emotional side of this so that there can be confidence that

when they come to the chain of command it will be dealt with in the right way.

Senator Allard. I agree with you. We have to create the environment where the victim feels comfortable in reporting the rape or the sexual assault case that occurs. But the next step is to be able to protect that chain of evidence.

Secretary Roche. Absolutely.

Senator Allard. I would hope that the Academy looks at working with the local district attorney or having somebody on the staff who understands how you can protect the evidence so that when you have to go to court or what not, you have the information you need to make these set of cases hold up. One of the comments that you have made rather consistently is the cases seem weak or not. It could be because there was inadequate collection of evidence. That seems to me like that is an important thing that needs to be looked at.

Secretary Roche. It's certainly the case when there is a 4-, 5-, 6-month delay between the incident and when it is reported. Remember, we have some that are 2 years old.

Senator Allard. The other question I want to bring up and talk with you a little bit, and you have alluded from time to time that the cadets have a certain responsibility with this problem. Have you consulted with the cadets to see if they have any suggestions? If so, can you share some of their thoughts with us?

Secretary Roche. The investigative team has. I have talked to some cadets. General Jumper has. In many cases, the ones with whom I spoke, a number of them believe that they have an obligation to do a better job of identifying people who they know have done something wrong. The issue that I think they are quite ashamed of is some of the ostracization that occurs, the shunning, when a victim comes forward, that the little comments that are made to that end--that is why in our agenda for change, we require that the cadet leaders of squadrons be held responsible for ensuring that does not occur.

General, some points?

General Jumper. I have met also with several focus groups at random and carefully selected among the cadet leadership. I have found that the majority of them are responsible. I have found outrage on the part of most cadets that this is caused by a very few, and the many are getting punished. I have not much sympathy with that observation in that it is the cadets who are there who have a chance to be a responsible part of the changes that we have underway.

I found quite frankly some cases where ``If you fire this person and this person, and leave the rest of us alone, we will be just fine,' which, again, is--I find disturbing, in that this lack of ability to accept a certain amount of responsibility among a certain minority of cadets.

Now, these are the things we are working on, Senator, to make sure that the burden is felt and understood by the cadets that are there.

Senator Allard. I think every member of this committee, including myself, has raised the question: Why is it that we have a problem like this at the Air Force Academy and we do not appear to have this kind of a problem at the other academies? I wonder if you have asked yourselves that and if you have come up with any solutions or any observations that you can share with this committee.

Secretary Roche. The benchmarking I did principally was with the Naval Academy, because it had a process that was very

similar, with the following exception: At the Naval Academy as on any of our Air Force bases, if someone comes forward with an allegation of sexual assault--and recognizing that the Academy's definition is very broad, in fact, too broad, it would include an unwanted kiss, for instance, it could be construed as sexual assault as compared to the more legal definitions of indecent assault, sodomy or rape, at the Naval Academy you can't make a report that does not go into the chain of command system. Now, you can make the report to a chaplain, to a set of counselors, to the company officer who is comparable to an Air Officer Commanding, at any one of about five or six positions. We have paralleled that. That is one major difference, that you do not have something go off into a consulting group or a counseling group that is associated with a particular department in the institution.

Senator Allard. That is what was happening in the Air Force Academy, as opposed to the chain of command?

Secretary Roche. There were a number of cases where things did not get into the chain of command. For instance, at the Air Force Academy, depending on how the cadet and the counselor felt, the commandant could be told there was an incident, but not be told who was the victim and who was the alleged perpetrator, unless the commandant then forced, or the superintendent, to have that information divulged. This is the whole issue of privacy as compared with confidentiality. Whereas, at the Naval Academy, once it is reported, you surround the victim, as does any one of our airmen at one of our bases, and the process goes forward.

The second thing is the Naval Academy did not have the problem of feedback to the accuser, where at the Air Force Academy there was a false sense of violation of privacy rights, and which had limited how much information was provided to the accuser, the victim, so that she might know what had gone forward, why there was no Uniform Code of Military Justice process.

In a number of cases, the individuals who were accused were investigated, given polygraphs, and passed the polygraphs. It is not clear that any of the victims were ever told that, so that they would understand that there are two sides to this, and that the other side has or at least the individual thought there was consent. That is another difference.

The issuing of demerits for Academy violations, as I say, existed at the Naval Academy, and we have decided to do away with that, so as to be able to ensure we receive information.

In terms of any kinds of shunning, they put the responsibility on the senior midshipmen to ensure that does not occur, and we are putting responsibility on the senior cadets to make sure it does not occur. So we have tried to go through what their processes are.

Senator Allard. Mr. Chairman, I have been informed we have a vote going.

Senator Chambliss. We have just a couple of minutes left.

Senator Allard. So I know--you want to stop this. So I just--again, I reiterate that this is--we cannot tolerate this.

Secretary Roche. I agree.

Senator Allard. I think you agree with that.

Secretary Roche. Yes.

Senator Allard. We need to take some very meaningful steps. I think that you have taken a first step. I think we need to continue to evaluate and look at it. I think that those of us that are on this committee in future years have a

responsibility to keep our fingers on this pulse. I think that probably each one of you recognize that this is not going to go away in 1 year. We have to keep after it. So I just ask that you work with the committee, because this is a serious problem we need to get eliminated as quickly as possible.

Secretary Roche. We absolutely agree, Senator, and thank you for the help you have given us.

Senator Chambliss. Gentlemen, thank you all very much for being here and helping us deal with this very sensitive problem. I thank you for your leadership. Thank you also for what you have done for our men and women in Iraq today.

We will continue to work with you as we move down the road to make sure that we all have great confidence in every single nominee to the Air Force Academy and every other academy. Thank you.

Secretary Roche. Thank you, Senator.

General Jumper. Thank you, Senator.

Senator Chambliss. Thank you. We are adjourned.

[Questions for the record with answers supplied follow:]

Questions Submitted by Senator John McCain

AIR FORCE ACADEMY SURVEYS

1. Senator McCain. Secretary Roche, what can you tell me about surveys that were conducted at the U.S. Air Force Academy in 1997, 1998, 1999, 2000, 2001, and 2002?

Secretary Roche. The Academy has included various questions about sexual assault, gender climate, and sexual harassment in its annual climate surveys since 1996. The results of these surveys are being considered by the Working Group that I chartered to examine sexual assault issues at the Academy and will be discussed in the Working Group's report.

2. Senator McCain. Secretary Roche, what conclusions could be reached from these surveys about reports of sexual harassment, sexual assault, and rape?

Secretary Roche. These surveys are still being analyzed by the Working Group, and I'm reluctant to draw any firm conclusions without the benefit of their analysis. It does appear, though, that these surveys, if properly interpreted, could have served as a warning that a significant number of cadets were concerned about the gender climate and sexual assault.

3. Senator McCain. Secretary Roche, when are you going to make these critical surveys available to this committee?

Secretary Roche. This survey data will be included in the report of the Working Group, which will be available to the committee as soon as it is completed.

4. Senator McCain. Secretary Roche, a survey reports that 10 percent of the women said they were sexually assaulted, 75 percent of the women in that command said to you that they were afraid to come forward in cases of rape because of the reprisals that they would endure, and 16 women were brave enough to actually come forward and report cases of sexual assault and rape. Why did you decide to dismiss these surveys outright or to dismiss them as statistically not valid?

Secretary Roche. We have not dismissed these surveys. As I said previously, they are being considered and analyzed by the Working Group that I chartered to consider sexual assault issues at the Academy. We have some concern about the statistical validity of these surveys

because of survey methodology, sample size, and a number of anomalous responses (some cadets appear not to have taken the surveys seriously). We are concerned in particular about our ability to infer trend data from them, because the survey questions and other methodology changed from year to year. That doesn't mean, though, that no useful information can be derived from them. We will be able to provide more information about the utility of these surveys when the Working Group completes its report.

BEHAVIOR OF THE OFFICER CORPS

5. Senator McCain. Secretary Roche, if this type of behavior has been going on for at least 10 years and there is a climate at the Air Force Academy that suggests that cadets are afraid to come forward to report cases of sexual misconduct and rape, in what manner have you also begun to examine the behavior of the officer corps?

Secretary Roche. The data we have gathered so far suggests that, to the extent the climate at the Academy has discouraged some cadets from reporting instances of sexual assault, it has largely been due to factors that the Academy environment has exacerbated, including peer pressure and victims' apprehension (whether or not well-founded) that they may be disciplined for infractions of Academy rules associated with the incident. There are no indications that similar conditions are prevalent in the officer corps at large. We will remain vigilant, however, for evidence that any aspect of this problem may have ``bled over'' into the larger Air Force.

DISCIPLINARY ACTION AGAINST LEADERSHIP AT THE AIR FORCE ACADEMY

6. Senator McCain. Secretary Roche, have you reprimanded or disciplined the leadership at the U.S. Air Force Academy?

Secretary Roche. As you are aware, I have replaced the leadership team at the Academy. I did so because I believe new leadership can most effectively implement the changes General Jumper and I have directed at the Academy in our Agenda for Change, announced on March 26, 2003, and any future changes we may find appropriate after receiving the reports of the Working Group, the Air Force and DOD Inspectors General, and the review group recently mandated by Congress. I have not reprimanded or disciplined anyone and at this point, with several reviews and investigations of the Academy situation incomplete, I do not think it would be appropriate to do so. I intend to take another look at this issue when all the relevant information is in.

OUTSIDE PANEL INVESTIGATION

7. Senator McCain. Secretary Roche, please discuss your views on the establishment of an outside panel similar to that set up at the Naval Academy to look into the serious circumstances facing the Air Force Academy. Please include a discussion of why you have rejected the creation of such a panel up to this point, and explain more fully your recent comment to the press regarding how your Harvard Business School training has led you to believe only an internal review is needed.

Secretary Roche. I have no objection to an outside review of the circumstances at the Air Force Academy and welcome the fresh perspective that the review group recently mandated by Congress will bring to bear on the situation. At the outset, though, we needed answers quickly, and the best way to accomplish that was through an internal review. Accordingly I chartered a high-level working group, under the leadership of the Air Force General Counsel, to review circumstances at the Academy relating to sexual assault. The Working Group has largely completed its review, which has been both thorough

and impartial, and is preparing its report, which will be made available to committee when it is completed.

[Whereupon, at 6:25 p.m., the committee adjourned.]

REPORT OF THE PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT THE
UNITED STATES AIR FORCE ACADEMY

WEDNESDAY, SEPTEMBER 24, 2003

U.S. Senate,
Committee on Armed Services,
Washington, DC.

The committee met, pursuant to notice, at 9:48 a.m. in room SR-325, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Allard, Collins, Chambliss, Dole, Levin, Reed, Akaka, E. Benjamin Nelson, Dayton, Clinton, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Pendred K. Wilson, receptionist.

Majority staff members present: Gregory T. Kiley, professional staff member; Patricia L. Lewis, professional staff member; Ann M. Mittermeyer, counsel; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff member present: Gerald J. Leeling, minority counsel.

Staff assistants present: Michael N. Berger, Andrew Kent, and Nicholas W. West.

Committee members' assistants present: Christopher J. Paul, assistant to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; Jayson Roehl, assistant to Senator Allard; Lindsey R. Neas, assistant to Senator Talent; Clyde A. Taylor IV, assistant to Senator Chambliss; Christine O. Hill, assistant to Senator Dole; Mieke Y. Eoyang, assistant to Senator Kennedy; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; William Todd Houchins, assistant to Senator Dayton; Andrew Shapiro, assistant to Senator Clinton; and Terri Glaze, assistant to Senator Pryor.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman Warner. Good morning, all. I welcome this very distinguished panel. Congresswoman Fowler and members of your panel, thank you for your public service. Well done. As we say in the Navy-Marine Corps: well done, ma'am.

I have been fortunate, as have other members of the committee, to have worked with Congresswoman Fowler for many years. She was on the counterpart of this committee in the House of Representatives and a real leader in military affairs. It is fortunate, not only for the Air Force, but for the country, that you and your colleagues took on this very challenging task.

I have known several members of the panel very well. Colonel Ripley is a distinguished Marine Corps officer. I was not a distinguished Marine Corps officer, but a marine anyway,

but never in any way that could match his career. General Bunting was, of course, head of VMI in our State; and others on the panel that I have come to know through your distinguished reputations and your wonderful job on this report.

We meet today to receive testimony on this report of ``The Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.'' That is a frightening title, but this panel was created by the Congress of the United States. These fine Senators on my right and on my left determined at one point in time that an unbiased, unaffiliated group of our citizens had to be brought together under the strong leadership of you, Congresswoman Fowler, to make this assessment for Congress. You have done just that.

So we thank you very much, particularly for the forthright and fair manner in which you identified failures of leadership. Failures of leadership is a tough thing to say to any member of the United States military, but you had the courage to gather the facts and to reach those conclusions.

Hopefully, your work will prevent any such behavior being repeated, not only at the Air Force Academy, but at West Point and at Annapolis. Those three institutions are the crown jewels of their respective branches of service. There is a very close identification between those educational institutions and the Congress of the United States. Every member on this panel takes a lot of time to select from literally hundreds of individuals who come to each of us seeking nominations to those academies. We work very industriously to nominate only the best and the finest. This is not an institution, the academy structure, that is just out there. This is a part of the daily activities of every Member of the United States Congress.

As I say, we owe you a debt of gratitude. We were all shocked, not only Congress but America, and distressed by the allegations of alleged sexual assaults at the Air Force Academy, which first came to the attention indeed of Congress--and this is a unique function of Congress. When the executive branch has failures, people in this country turn to their Members of Congress to ask them to examine the situation. That was precisely what was done here.

Before you testify, I would like to set forth for the record the sequence of events as I understand them--and other members will have their views, but I think we are unanimous on this--that led to the establishment of this panel. In January 2003, Senator Allard, whom I want to commend, came to us and brought certain correspondence and statements to the attention of myself and other members of the committee.

He particularly informed me about a female cadet who asserted that she had been raped at the United States Air Force Academy and who alleged that officials at the Academy had attempted to prevent an investigation of this incident. Senator Allard and I, at that time, wrote letters both to the Department of Defense and to the Department of Defense Inspector General (DODIG). We will have more to say about that, asking that they look into this allegation.

We purposely went to the DODIG because we felt there had to be a measure of independence within the Department, even though the Department of the Air Force had begun its own investigation.

In response to these allegations, Secretary Roche formed a working group headed by the General Counsel of the Air Force, Mary Walker. Her nomination came before this committee for advice and consent and from all we know she is a very capable,

able professional. The task of the working group was, ``to review cadet complaints and the policies, programs, and practices of the Academy.''

Secretary Roche and General Jumper testified at a hearing on March 6, 2003, about the progress of the General Counsel's investigation. Secretary Roche promised the report and recommendations for change would be submitted to Congress by the end of March 2003.

While the Air Force working group was conducting its investigation of over 50 female cadets who had come forward with allegations of sexual misconduct, members of this committee learned of additional allegations of reprisals against victims of sexual assaults at the Air Force Academy, who had reported attacks against them. These reports included ``shunning or ostracizing of victims by fellow male and female cadets.''

The committee learned of a profound lack of trust and confidence by female cadets in the former superintendent and the commandant of the Air Force Academy to respond appropriately to allegations. Perhaps most surprising in view of the fact that women have attended the Air Force Academy for over 25 years, and taking into account the strides made to eliminate sexual harassment overall in the Armed Forces over the past decade, this committee learned of allegations of a climate of hostility towards women at the Academy and acceptance of that climate--I repeat, acceptance of that climate--by cadets, faculty, and Air Force leadership.

On March 26, Secretary Roche and Air Force Chief of Staff Jumper publicly announced their ``Agenda for Change'' at the Academy. They directed changes at the Academy designed to correct conditions that contributed to abuses. A surprising aspect of their announcement, however, was Secretary Roche's determination that ``as the problems regarding sexual assault allegations predate the current leadership, we do not hold Generals Dallager or Gilbert responsible,' ' and a press release to that effect was issued by the Department of the Air Force.

On March 31, at a full committee hearing of this committee on the problems of the Air Force Academy, Secretary Roche repeated his assertion that the Air Force Academy leadership would not be held accountable for the very serious problems at the Academy and would not be replaced. Members of this committee at that hearing expressed our deep concerns about the direction in which Air Force leadership was going at that time and the lack of accountability.

Secretary Roche subsequently changed course 180 degrees and transferred the superintendent, the commandant, and other Academy officials. In addition, in July of this year he recommended the former superintendent be retired at a lower grade. But the Secretary's initial assessment and conclusions clearly indicated that an independent panel such as yours, Congresswoman Fowler, was needed and Congress acted swiftly to make that happen.

The legislation establishing this panel was drafted by Senate Armed Services committee members and included in the Emergency Wartime Supplemental Appropriations Act for Fiscal Year 2003. Recognizing the urgency of the situation, the panel was given only 90 days to do its task as best it could, and we recognize the shortness of time. But, having read this report, I think you met the challenge.

On June 17, a few days before the first meeting of this panel, the Air Force released the General Counsel's working

group report. The conclusion of that working group that there was ``no systematic acceptance of sexual assault at the Academy,' ' ``no institutional avoidance of responsibility,' ' and ``no systematic maltreatment of cadets who reported sexual assault' ' has justifiably been challenged by Congresswoman Fowler and her colleagues on this panel.

The Air Force General Counsel's conclusion in her report that ``a less than optimal environment to deter and respond to sexual assault or bringing assailants to justice' ' existed at the Academy demonstrates the protective mentality that undermined the efforts within the Air Force and the working group to deal with the problem.

Therefore, before this committee right now is the question, does the working group's decision, which was not to specifically address the accountability of various Air Force leaders, both military and civilian, regrettably, undermine the usefulness of their report? Who made that decision? We will find out.

At this point, I would like to address the pending nomination of Secretary Roche. It is submitted by the President and the Secretary of Defense and is before this committee. The committee will work together on this. I will ask for the opinions of each member of the committee as to how this rather unique nomination is to be handled. But the point being, it is before the committee and certain aspects of his accountability or nonaccountability are before this committee as part of our advise and consent proceedings.

I will address several specifics now that were raised by your report. While issues relating to accountability of Air Force leadership are still being reviewed by the DODIG, I have expressed my concerns about proceeding with the Senate consideration of the Roche nomination. I did so to the White House. I have released the letters. I wrote the President's Counsel and asked him if Congress is on notice that the executive branch is examining the accountability of a nominee that has been submitted by the President, can we in good faith proceed with the nomination until such time as all actions by the executive branch are completed? That letter has not yet been answered by the Counsel to the President.

So we will have to review that situation. But I point out that I am in no way indicating any bias one way or another on the Roche nomination. I simply have a duty as chairman to consult with my members and to reach our own conclusions. But I point out in your report, you task the Inspector General (IG) to specifically examine the question of accountability regarding the top leadership of the Department of the Air Force. Am I not correct?

Ms. Fowler. Yes, sir.

Chairman Warner. So we have to determine the IG's actions on that. Now, the IG did write to the committee and indicated at this time he had no evidence before him to raise questions about Secretary Roche. But as you say, he has not yet completed his work. You indicate that in your report.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator Levin. Mr. Chairman, thank you. Let me first join you in thanking, congratulating, and commending Congresswoman Fowler and her colleagues on the panel for their thorough and comprehensive review of the longstanding problems with sexual

misconduct at the Air Force Academy. It is an impressive report, particularly because this panel had only 90 days to conduct an investigation and to prepare the report.

All Senators nominate young men and women from our States to the Service Academies. Each of us does so with the belief that we are placing these young adults in a safe and secure environment where they will receive a first class education and where they will be groomed for officership in our Armed Forces.

Earlier this year, we heard of a pattern at the Air Force Academy of victims of sexual assaults being discouraged from reporting the incidents, that their complaints were not fully investigated, that they were ostracized by other cadets, and that they, the victims, were punished by the Academy for infractions brought to light only because they reported that they had been assaulted.

In the words of the panel, the leadership at the Academy and the Air Force headquarters ``failed to respond aggressively and in a timely and committed way to eliminate causes of serious problems, and that was a failure of leadership.'' As a result, the panel went on, ``female cadets entrusted to the Academy have suffered, sexual offenders may have been commissioned as Air Force officers, and the reputation of a fine institution has been tarnished.''

Our first order of business has to be to ensure that appropriate changes are made at the Air Force Academy to provide a safe and secure environment for cadets. This involves specific policy changes to improve the Academy environment, as well as efforts to hold leaders accountable where the facts reflect a failure of leadership. This report provides the basis for the Air Force to urgently and strongly address this longstanding problem and it will assist us as we oversee these actions. Accountability is the key to change. Without it, change will be less certain and will be slower.

The report's conclusion is compelling. ``In addition to holding accountable those leaders who fail the Academy and its cadets,' ' the report says, ``the Air Force must permanently change the Academy's institutional culture and implement command and oversight improvements that will identify and correct problems before they become ingrained in the fabric of the institution.' '

Again, I want to thank you, Congresswoman Fowler and each of her colleagues, for this is extraordinarily well done.

Chairman Warner. Before we begin, I would like to submit the opening statement of my colleague, Senator Cornyn.

[The prepared statement of Senator Cornyn follows:]

Prepared Statement by Senator John Cornyn

I would like to commend Congresswoman Tillie Fowler and the other members of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy for their thorough and outstanding work in preparing the report before the committee today. This report provides us many vital recommendations to overhaul the manner in which the Air Force Academy handles sexual assault reporting and to create an environment free from all forms of sexual harassment. I look forward to working with Chairman Warner and other members of the Armed Services Committee to study these recommendations for implementation and to provide the necessary oversight to ensure that we resolve the problems at the Air Force Academy.

As noted in the report, ``during the 10-year period from January 1, 1993 through December 31, 2002, there were 142 allegations of sexual

assault at the Academy, for an average of more than 14 allegations per year.' ' Furthermore, the Department of Defense Inspector General disclosed that a May 2003 survey of Academy cadets showed that 80.8 percent of females who said they have been victims of sexual assault at the Academy did not report the incident. That is simply unacceptable.

I am deeply saddened and troubled by these findings, and I believe we must make every effort to ensure that the Air Force Academy environment is free from the fear of sexual harassment. In those unfortunate cases when sexual harassment does occur, the victims must have the appropriate avenues to report these crimes and receive the necessary counseling. Finally, the perpetrators of these crimes must be held accountable and punished to the fullest extent of the law. These despicable acts and the environment of fear they incite have no place in our Nation's military, at any level. We cannot and must not tolerate an atmosphere that does not promote the well-being of our cadets.

I am also deeply concerned by the panel's finding that ``the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action.' ' The young men and women who serve in our Armed Forces rely on the judgment of their leadership for guidance and training. Leadership that does not respond to serious problems under its command is guilty of a crime of equal measure. This leadership, whether present or former, must be held accountable for the failures of command at the Air Force Academy.

As noted by Congresswoman Fowler in her testimony, ``change will not happen overnight, nor will it be truly effective without a sustained, dedicated focus by Academy officials and senior Air Force leadership.' ' Although the panel noted that they were impressed with the leadership of Secretary Roche and General Jumper, it is absolutely crucial that the Air Force continues to pay necessary attention to this problem. We cannot allow for another failure of leadership to occur when the public spotlight fades.

I concur with the panel's conclusion that ``the reputation of the Air Force Academy, and by extension the Air Force it serves, depends on finding a lasting solution to this problem.' ' I will work with Chairman Warner and the Air Force leadership to ensure that the Air Force Academy will have a safe and secure learning environment for all cadets. We cannot afford to allow the problems of the past to continue.

Chairman Warner. We will have a 7-minute round for each Senator so that time would be available to incorporate such opening comments as you would like to make. So we will now proceed, Congresswoman Fowler, to receive your report on behalf of the committee.

STATEMENT OF HON. TILLIE K. FOWLER, CHAIRMAN, THE PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT THE UNITED STATES AIR FORCE ACADEMY; ACCOMPANIED BY PANEL MEMBERS: LT. GEN. JOSIAH BUNTING III, USA [RET.], ANITA M. CARPENTER; LAURA L. MILLER, PH.D.; MAJ. GEN. MICHAEL J. NARDOTTI, JR., USA [RET.]; COL. JOHN W. RIPLEY, USMC [RET.]; AND SALLY L. SATEL, M.D.

Ms. Fowler. Thank you, Mr. Chairman. I appreciate your having this hearing today. Before I start into my statement, I wanted to tell you what I thought of today when I walked into this room. It is a very historic room. I am from the State of Georgia originally and Senator Russell was a good friend of my family's and I knew him well at one point in my life. So it is an honor to be in this room and in this building.

Thank you again for having this hearing today. I want to first introduce officially the members of this outstanding panel, because this has been a panel that has really worked

diligently. We would not have made it within the 90-day timeframe if everyone had not been involved in this really almost full time to get this report done.

To my left is Dr. Sally Satel, Colonel John Ripley, General Mike Nardotti, and to my right, Ms. Anita Carpenter, General Si Bunting, and Dr. Laura Miller. They have each really worked hard, and their only agenda was to ensure that every cadet at the Air Force Academy had a safe and secure learning environment. That is what we have tried to do through our recommendations.

I would also like to recognize the absolutely wonderful staff that we have. If they could just stand briefly. They are on the front row here. They really were the backbone of this, and they have worked many long nights and hours to get this done within the timeframe. They did an outstanding job putting this together and doing the investigatory work and the interviews that needed to be done. So I want to thank them, too.

Chairman Warner. Congresswoman Fowler, I would ask that you put into your record this morning the names and the positions of each of these staff members, because the hearing record will be printed up and I think that many people across the Nation would like to express their appreciation to your staff.

[The information referred to follows:]

Ms. Fowler. We will do that, Senator, thank you. I do have, in the back of the report in the appendix is a list of all of them, too, and their titles. But we will add that for the record also today.

I want to thank you for holding this important hearing and giving me the opportunity to report to you in person on the findings of our panel, as required by section 501 of Public Law 108-11. I know of your leadership and the leadership of this committee in instituting this panel. So I really appreciate it. I think there was definitely a need for this panel. The Senate Armed Services Committee and the House Armed Services Committee really worked together to have this established, and I think we will see today there was a reason for it.

Mr. Chairman, there is a quotation I found when I was doing some of the work on this, that Socrates likened one's reputation to fire when he said, ``When once you have kindled it, you may easily preserve it. But if you once extinguish it, you will find it an arduous task to rekindle it again.''

Since the first cadets arrived at the U.S. Air Force Academy in 1955, nearly all have lived by the core values of the United States Air Force: integrity first, service before self, excellence in all we do. By doing so, they kindle the kind of reputation for the Academy that we would expect of such an institution.

While not extinguishing it, the sexual assault scandal that has plagued the United States Air Force Academy recently has certainly tarnished the reputation of this great institution. We appear before you today to continue the arduous task of restoring both confidence in the Academy and safety for its cadets.

Mr. Chairman, women have served our Nation admirably in times of war and in times of peace. They have graduated from the Air Force Academy since 1980 and served their country with

distinction, even paying the ultimate price. I would like to call your attention to Section 6, Row F, Number 13. No, it is not a reference to a particular section of our panel's final report. It is not a seat in Falcon Stadium at Colorado Springs. Section 6, Row F, Number 13 is located at the U.S. Air Force Academy Cemetery. It is the final resting place of Academy graduate First Lieutenant Laura Piper. Lieutenant Piper was killed in the line of duty when her Blackhawk helicopter was shot down over northern Iraq on April 14, 1994, just 2 years after graduating from the Air Force Academy.

What our panel has learned about the treatment of some women at the Air Force Academy is an injustice to all who have gone there, women and men. It is not befitting of the sterling reputation kindled for so long by more than 35,000 cadets from 44 classes who have graduated from this institution. Quite frankly, Mr. Chairman, it is simply an insult to the career and the memory of First Lieutenant Laura Piper.

When a new round of sexual assault allegations at the Academy surfaced earlier this year, this committee wisely decided to take a new approach to a problem that has plagued the Academy for at least a decade and quite possibly for as long as women have attended the institution. You, along with your colleagues in the other body, insisted on the creation of an independent panel of seven private citizens to, according to the public law, ``carry out a study of the policies, management, and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct, including sexual assaults and rape, at the United States Air Force Academy.''

On May 27, 2003, using the criteria established in the law, Secretary Rumsfeld appointed the seven members of our panel, and I am pleased that they are all with me today, as I have introduced them earlier. I think it is important for the members of this committee to know that this all-volunteer force could not have been more serious, more dedicated, and more determined to solve this problem. I think the best way to describe their dedication is to say that each approached this effort as if their own daughter was a cadet at the Academy today.

As a result, the panel's final report offers substantive and constructive recommendations to rebuild the Academy's commitment to its cadets and to the American people. Our priority was to help ensure a safe and secure learning environment for all the Academy's cadets.

Unfortunately, the environment at the Academy has been anything but. The statistics are appalling. During the 10-year period from January 1, 1993, through December 31, 2002, there were 142 allegations of sexual assault at the Academy--these are known allegations--for an average of more than 14 allegations a year. That is unacceptable for an institution training our Nation's future military leaders. Let me be clear: one incident is unacceptable.

The roots of this crisis go as deep as the institution's culture. We found the most striking indicator of the existence of a hostile environment for female cadets in the Academy's own survey data, data that was simply dismissed by leadership because it was ``unscientific.''

Just last year, more than one-fourth of the responding male cadets stated that they did not believe that women belonged at the Academy. One cadet fourth class wrote, ``Even with women in the Armed Forces, they should not be at the Military Academies.''

Another, ``Women are

worthless and should be taken away from the United States Air Force Academy.''

These comments are even more unsettling when you consider that women have been at the U.S. Air Force Academy since before these young men were even born. Representative Heather Wilson had already graduated from the Academy and earned a Rhodes Scholarship before they celebrated their first birthday. Eight years before they would arrive at the Academy, graduate Laura Piper was returning for the last time. These young men have no memory of an Air Force Academy without women, yet somehow they believe it should be that way.

When such beliefs cannot be attributed to experience, they must then be attributed to character and values. These are learned traits and when an institution of higher learning finds warning signs like these in its surveys, scientific or not, that institution has a problem and an obligation to correct it. This report outlines the steps the Academy must take to strengthen its character development programs.

Panel members experienced the gravity of this crisis first-hand during our visit to Colorado Springs. We were stunned to hear stories from victims, many still too afraid to go public with their stories and, more disturbing, too afraid to make an official report of the crime. They shared with us how their lives had been torn apart by violent assault and an aftermath that most of them suffered alone and in silence because of an atmosphere of fear and retribution by peers aided by either indifference, incompetence, or a combination of both by an Academy leadership that they believe failed them.

Our closed-door experience with these victims is what drives our concern with the Agenda for Change policy that eliminates any form of confidential reporting of sexual assaults. The panel is very concerned that stripping away all confidentiality takes the Academy backwards to 1995, when the lack of confidentiality resulted in underground support groups and unreported crimes. The panel believes that a balance must be maintained between the support and treatment of victims and the prosecution of assailants. Confidentiality is the fulcrum on which that balance can exist and it must remain an option for all victims of sexual assault at the Academy.

The Agenda for Change overlooks an established form of privileged communication that is currently available throughout the Armed Forces and could benefit cadet victims: the psychotherapist-patient privilege. This method of confidentiality has been available to the Academy since the psychotherapist-patient relationship was recognized in 1999 by Presidential Executive Order and implemented in Military Rule of Evidence 513. It is in use by both West Point and Annapolis.

Accordingly, we recommend the creation of a program that combines the existing CASIE program, which stands for ``Cadets Advocating Sexual Integrity and Education'' with a trained victim advocate psychotherapist managing the program. This would ensure that the Academy has available to all sexual assault victims an established form of privileged communication within which to report their assault.

Giving victims choices helps them regain a sense of control over their lives and promotes the healing process. Having a trained psychotherapist explain the consequences of their choices also increases opportunities for making the right choices, thereby further helping to encourage the reporting of these crimes. The Academy should not be the only Service Academy not to offer this form of confidential reporting.

The sexual assault problems at the Academy are real and continue to this day. But the panel is encouraged by a renewed emphasis in Washington to immediately address and solve this problem. We are impressed with the leadership of Secretary Roche and General Jumper, a much-needed addition after a decade of inaction and failures.

Secretary Roche made a step towards serious reform this year by rolling out his Agenda for Change and replacing the Academy's leadership team with one that has been quick to take action. Though the members of this panel want to be clear, the Agenda for Change should be seen as a blueprint, an initial step in reversing years of institutional ineffectiveness.

Each of our panel members agrees that change will not happen overnight, nor will it be truly effective without a sustained, dedicated focus by Academy officials and senior Air Force leadership. The very culture of the Academy must be altered before real change can be maintained for future generations.

The panel found that a consistent flaw in previous attempts to address this problem, and a flaw that allowed it to happen in the first place, was the lack of external oversight. The panel recommends the Board of Visitors operates more like a corporate board of directors. We recommend the formation of committees with specific oversight responsibilities, such as academic affairs, student life, and athletics. We recommend a minimum of four meetings a year, two of those to occur at the Academy. We also recommend that all board members have unfettered access to the Academy grounds and the cadets.

This committee should also more aggressively exercise its oversight authority by reviewing reports on the Academy called for in our recommendations and the reports that you are calling for in the 2004 defense authorization bill.

I would like to draw the committee's attention to panel recommendation number 4, in which we recommend revising the law to expand the available pool of potential candidates for the position of the dean of faculty beyond the Academy's permanent professors. There is a time sensitivity issue here. In order to benefit from this reform in the selection of the next dean of faculty, which will occur as early as next spring, I would urge this committee, should you concur with our recommendation, to revise the law in the 2004 authorization bill presently in conference. Otherwise, under normal rotation schedules this reform could not be effective until some time around 2007.

Now, I want to draw your attention here to this timeline. You also have it. It is the very last exhibit in your report, that is a foldout. If you might not be able to read it from where you are we have it in there, too. We spent a lot of time going through chronicling this crisis, because the question was who knew what, when, and what were they trying to do about it. So this timeline really lays it out. It lays out the crises and the failures of leaders to effectively and aggressively respond.

The warning signs were there, as you will see, year after year, but they went unnoticed or they were ignored. We are here to report that this panel found a deep chasm in leadership during this most critical time in the Academy's history, a chasm that extended far beyond its campus in Colorado Springs. Sadly, we believe this helped create an environment in which sexual assault became a part of life at the Air Force Academy.

Any credible assessment of sexual misconduct problems over the last 10 years must include an examination of the

responsibility of both Academy and Air Force headquarters leadership. Unfortunately, the Air Force General Counsel's working group report failed to do that.

That is why this panel recommends that the DODIG conduct a thorough review of the accountability of the previous leaders at the Academy and Air Force headquarters. This should include an assessment of General Gilbert, General Wagie, and Colonel Slavec, as well as former leaders of the Air Force itself. We recommend that the results of this review should be provided in a timely manner to both the members of the Senate and House Armed Services Committee and to the Secretary of Defense.

Now, I want to point out that the panel has recommended that the DODIG investigate the previous leadership. While we offer what we believe is some constructive criticism of the changes instituted by the present Academy and Air Force leadership, we have found neither team lacking in their understanding of the seriousness of the crisis or in their commitment to find a lasting solution.

It would not serve the interests of the Academy or its cadets to distract the present leadership with a backward-looking investigation. Rightly so, the Secretary, the chief of staff, the superintendent, and his team are focused on the future of this great institution, and the effective resolution of this matter requires that their focus remain there.

We recognize the difficulty in holding accountable those who have left their positions of leadership, and particularly those who have left the military service altogether. However, given the magnitude of this situation and to set a clear example of the level of performance expected of future leaders, this panel has concluded that every effort should be made to formally document the failure of former leaders and to ensure that documentation becomes a part of their official military records.

In total, this report contains 21 specific recommendations that this panel believes can put the Academy back on track and allow it to live up to its potential as a unique institution of higher education that also trains future leaders of our Air Force. Some are already in various stages of implementation. Others can be implemented administratively at the Academy or at Air Force headquarters, while some, such as number 4 mentioned earlier, will require legislative action.

While Congress will not necessarily play an implementation role in all 21 of our recommendations, we would urge you to play an oversight and evaluation role in our recommendations as well as those found in the Agenda for Change and the working group report.

Now, I have to say, of course, always a source of envy to those of us who are former House members, but well-suited for the oversight task, your 6-year terms of office give you a unique ability in our Government to track the long-term progress of all these efforts aimed at solving this different problem.

So as this panel concludes its work, it is our sincere hope that while their leaders make every effort to solve this difficult problem, the vast majority of cadets will continue to strive to live by the core values of integrity, service, and excellence. It is and should always be an honor to call oneself a cadet at the United States Air Force Academy.

That concludes my remarks, Mr. Chairman. The other panel members do not have any opening remarks. We are available to answer any questions that you or the committee might have.

[The Report of the Panel to Review Sexual Misconduct
Allegations at the U.S. Air Force Academy follows:]

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Chairman Warner. I thank you for an excellent report, and I ask that in the course of the questioning--the questions can be directed to any member of the panel--where it is directed to Chairman Fowler, if there are other members who want to respond to that Senator's question, please raise your hand. Hopefully, the Senator will permit you to respond.

Now, I am listening intently. You said that you were asking the Inspector General to go back and review the issue of accountability. I heard the word ``former leadership,' ' which I am trying to find the use of that word ``former.' ' Is it in your report at all?

Ms. Fowler. The recommendation itself is on page 101.

Chairman Warner. I am looking at that.

Ms. Fowler. Then the section that establishes that starts on page 37.

Chairman Warner. The panel recommends that the DODIG conduct a thorough review--go ahead.

Senator Levin. What page were you on, Ms. Fowler? I am sorry.

Ms. Fowler. The accountability section starts on page 36 of the report and goes through page 42. The actual recommendation is on page 42 and it is also in the recommendations section on page 101. We put all the recommendations in one section for you also, so they are throughout the report and there.

Chairman Warner. Now wait a minute. Is it in here, the word ``former'? ' I am trying to go through a lot. I have read it through once.

Ms. Fowler. I do not think it is.

Chairman Warner. I do not think it is, either, and that is why I find it very significant that this morning you include it in your opening statement, whereas it is not in the report.

Ms. Fowler. The reason I did, Mr. Chairman, is because of some of the press interpretations over the past day or so of what is in our report, that we as a panel wanted to make it clear that our primary concerns, if it was not clear enough in this report, were with prior leadership. We have uncovered nothing to lead us to believe that either Secretary Roche or General Jumper were doing anything to not respond to these concerns. As soon as they had the information, as far as this panel is concerned in our interactions with those individuals, they moved in a timely manner. The Agenda for Change, while not perfect, was certainly a great beginning. It was needed at that time because they could not wait until after school began. They made it very clear that it was a blueprint, that it was an evolving process. They have made changes to it themselves since

it was issued.

So as far as our relationship with both of those leaders, it has been a very open, positive relationship. They have been very forthcoming with us whenever we asked for information. We have met with both individuals and we have not had any questions as far as this panel is concerned about their performance.

Chairman Warner. But it is for those reasons that you now explicitly exempt them from your recommendations----

Ms. Fowler. It is up to the DODIG to decide who he is going to investigate, not up to this panel. But we wanted, since there had been some expressions otherwise in the press----

Chairman Warner. This is an important point. This committee is faced with a very unique issue right now. I have been privileged to be on this committee for 25 years, served with many chairmen. My distinguished ranking member and I have to determine when we are on notice. For example, the Air Force this morning issued a clarification. All kinds of clarifications are coming out. But they say that: ``The DOD Inspector General, the Air Force Inspector General, and the recently formed Executive Steering Group are examining other aspects of the sexual assault situation at the Academy and related Air Force headquarters oversight.''

As I read that, that does not exempt the current occupants.

Ms. Fowler. As I said, I cannot speak for the Inspector General or for the Executive Steering Group.

Chairman Warner. I am not suggesting that you are.

Ms. Fowler. All I can speak for is this panel, is all that we can speak for, is for these seven members of this panel. It is certainly up to the Inspector General and to the Executive Steering Group. When General Jumper appeared before us in late July, he made it clear that there was still an open investigation ongoing as to the immediate past leadership at the Academy, General Gilbert and Colonel Slavec. So we certainly refer to that in our report, because he made it clear that was still not complete.

Chairman Warner. At this time might I solicit any other views on the panel. Do you concur in the chairwoman's statement regarding what I perceive as an addition to the direction to the Inspector General, that only the former leadership is to be examined, not the current? I observe that the current leadership had been in office for well over a year plus while these situations and allegations were continuing to accumulate.

This is of great concern to this Senator. I have to express that to you. When I read your report, it seemed clear to me that you asked for the IG to look across the board at the subject of the accountability at the headquarters. Specifically, you took issue with the working group under the General Counsel, in which you said: ``The panel is concerned about the seeming inability of the Air Force to adequately investigate itself. While the Air Force General Counsel's working group conducted a thorough investigation of the Academy, it completely failed to address one of the most significant contributors to the current controversy, ineffective Air Force oversight at the leadership.''

I find this in conflict. I am trying to move around very quickly because I thought I had it well organized in my mind until you inserted the word ``former.''

Ms. Fowler. Again, we cannot direct the Inspector General as to whom he chooses to investigate. But what we wanted to make clear this morning--and I will let some of the other

members speak to this also--was that as far as our investigation was concerned and our dealings with the current leadership, both at the Academy and at the Air Force headquarters, they have been very receptive, they have furnished us any information we needed, they have moved forward on trying to make change. But again, it is up to the Inspector General.

Now, as far as the working group report goes, it was a very well done report as to what was in it. Our concerns were what was omitted, that there were omissions in that report that raised questions in our mind about its complete coverage.

Now, I saw that same release this morning. Our question is, if you are going to do a complete review and as you uncover these facts, you would think it would have been the responsibility of the working group to review them.

Chairman Warner. I would like to ask if other panelists were aware that we were now going to be advised this morning of a rather significant departure from what is written in the report with regard to the oversight of the Air Force headquarters? Does anyone else wish to address this? Colonel Ripley, do you? You understand the word ``accountability'' in the military.

You come from the school that Senator McCain and I came from. Even though the captain of the ship is deservedly getting a night's rest in the bunk, if the ship runs aground, he is accountable. Am I not correct in that?

Colonel Ripley. Correct, sir.

Sir, I would respond by saying--and of course I am one panel member. I am one American citizen. But I think I saw and I can represent what a lot of us feel. I have served as a marine for 35 years active duty. I have commanded over 10,000 marines in every situation imaginable.

I have heard this characterized as a failure of leadership. Indeed it is, but I would emphasize or approach it differently. I think this was a cataclysmic collapse, an absence of leaders taking responsibility when the signs were everywhere. The emphasis seems to be on current leadership, but the fact is this happened over a period of time without question, going back 10 years and more.

Using my past, which you are familiar with, the enemy was in the wire, the ship was heading for a reef in broad daylight, and nobody read the signals. It is too late to have abandon ship drills when you are on the reef, or to try to close the gap, the breach in the outpost. The signals as we came to see it in our hearings and our individual questions that we asked virtually everywhere, but especially in Colorado Springs, it just washed over you like a wave. People simply ignored it.

They claimed that there are no systemic problems here. I disagree with that 100 percent. I think the system sustained it.

Chairman Warner. I thank you, Colonel. General Bunting, do you have a comment? You have given a lifetime of service in the military.

General Bunting. I would concur in what Colonel Ripley has said, sir. We did find in fact a systemic breakdown in supervision, in accountability, in responsibility. But I would not confine what we found to the leadership that Colonel Ripley was discussing. We found it at every conceivable level.

Let me give a couple of examples if I may. We heard repeatedly that assignments at the grade of lieutenant and captain and major to the positions of air officer commanding,

the tactical officers, the young officers who were assigned to work with the cadets, that those assignments were not routinely given to the ablest young role models that the Air Force could furnish, but rather they were not taken particularly seriously and many officers who were assigned to those positions were not regularly on duty discharging their responsibilities in a way that I think a tactical officer should.

At the other end of the spectrum, we found the Board of Visitors was singularly negligent in the discharge of their responsibilities. We found over the last 10 years that the average attendance at the single board meeting that was held every year was less than 50 percent.

So when we use the word ``systemic,'' we are using it very carefully. There was a breakdown in leadership at every conceivable level.

Chairman Warner. General Nardotti, you have also had significant military experience.

General Nardotti. Let me answer your question directly. I concur with the chairman's view.

Chairman Warner. The question before that I propounded to the chairman is the insertion now in the opening statement of the word ``former,'' which modifies the recommendation that you put in the written report. Is it the consensus of the panel that the existing leadership should not be reviewed by the IG? I guess that is the question before me.

General Nardotti. I will speak for myself. I concur with Ms. Fowler on this point. That was the understanding of the panel, that what we focused on was the leadership over time. We understand certainly that a year can be considered a long time, but in relative terms and in terms of the opportunities that leadership prior to that of the current top Air Force leadership, they had more time, an ample amount of time in their tenures, with systems in place that should have given them a better indication that there was a problem that needed to be addressed.

Certainly the timeframes--we recognize that perhaps the timeframes for the people at the Academy that might be held accountable would be shorter timeframes, but that is logical because they are more directly involved with the problem and the need for solutions.

Chairman Warner. I thank you.

General Nardotti. I would also point out that at the press conference the other day when Congresswoman Fowler explained what we meant by the accountability she did make the point that we are referring to the past leadership.

Chairman Warner. Thank you. My time has expired.

Senator Levin.

Senator Levin. Thank you, Mr. Chairman.

I want to just clarify this recommendation in my own mind. It is the same one that Chairman Warner referred to. On page 42 where you recommend that the DODIG conduct a thorough review of the accountability of Academy and Air Force headquarters leadership, that review by the DODIG was taking place or was initiated before you came into existence, is that not correct? Was it not this committee which requested the DODIG to do a thorough review?

Ms. Fowler. Senator, my understanding was that initial DODIG review was of the individual cases at the Academy and to make determinations as to whether each of those was handled in an appropriate manner, whether the results of those were appropriate, the procedures appropriate, and any that were not,

then they would make recommendations on them. Since that time, the DODIG has expanded that investigation, just in the past couple of weeks. But it initially started out really as a review of individual cases, which we were not to do. That was not our role. It was the Inspector General's role.

Senator Levin. Basically, the DODIG will conduct a thorough review of headquarters leadership as requested, and if this panel requests or anybody else appropriately requests the DODIG to look at current as well as past leadership then that is what the DODIG will do.

Ms. Fowler. Yes, sir.

Senator Levin. It seems to me that we should make it clear, Mr. Chairman, that we are not excluding from the DODIG the review of current leadership in their process. That is not your decision; that is our decision.

Ms. Fowler. I agree with that, and that is why I made clear, we are not officially excluding anyone. We are just giving our opinion based on our examination to date, but it is not our role to officially exclude or include anyone. That is really, as you said, the role of Congress and the role of the Inspector General.

Senator Levin. Right. So that even though you did not in your review see anything which you found to represent a deficiency or a failure on the part of current leadership, that review is taking place now by the IG. It seems to me, Mr. Chairman, we should make it clear most importantly to the DODIG that we expect them to include current leadership just so that it is thorough and complete.

Chairman Warner. I share those views.

Senator Levin. That it is not based on your report, but just based on a desire that we not exclude anybody from the DODIG. It is going to be given to us hopefully by December, as I understand it. Where did I get that date from? We do not know when it is?

Chairman Warner. We have heard several dates.

Senator Levin. All right. But we ought to urge the DODIG, obviously, to expedite this review because of the pendency of that nomination. All right, so that is something we can clarify.

General Nardotti. Senator, may I add to that, to this point. The reason we have placed so much emphasis on the accountability of the past leadership is we believe that there was an assumption early on that, because prior administrations, military and civilian, are gone, they are either retired or they have left their positions, that there was simply nothing that could be done.

We were unwilling to accept that. We understand, and we have said this in the report, that there are certainly great limits on what you could do to those who are long gone from the positions. But we believed it was extremely important to have a comprehensive look at the past leadership, determine whether there were failures, for two reasons.

Number one, if there were some things done wrong, even at the highest levels, even if you cannot do anything of great substance to an individual in the way of holding them accountable, at least completing the record as to whether or not they met the extraordinarily high standard of performance that is expected of people in those leadership positions, we think that is important for the record. We think it is important for the future leadership to understand that merely because you leave the position does not mean that all is gone

and forgotten, that there is a history here and there will be accounting at least through history.

We also thought it was important for the immediate past leadership that was removed from the Academy to place this in the proper context. They were not the only leaders who failed in this instance, in the judgment of this panel. Even if it is simply a matter of making a matter of record that other leaders had similar evidence before them and failed to act, that they should have taken those kinds of actions.

It may be more of an historical accounting, but we think that is important to put the problem in proper context and to draw the correct lessons for leadership in the future.

Senator Levin. Thank you.

One of the points in your report is as follows: that the Air Force General Counsel attempted to shield Air Force headquarters from public criticism by focusing exclusively on events at the Academy. You disagreed with the General Counsel's conclusion that there was no systemic acceptance of sexual assault at the Academy or institutional avoidance of responsibility, to use your words.

Now, is there any responsibility on the part of Secretary Roche, as the individual who directed, reviewed, and approved the General Counsel's working group report, for its failure to address leadership failures at Air Force headquarters?

Ms. Fowler. We could not find any, Senator. The Air Force General Counsel review was done independently and, while the Air Force General Counsel does work for the Secretary of the Air Force, it is my understanding the Secretary of the Air Force did not intervene in that report, did not try to direct it, that this was a staff report that was delivered to him by the Air Force General Counsel.

As I said earlier, while we think the contents of that report are well done, as we did our investigation we kept uncovering time and again a lack of information in there about Air Force leadership accountability. We are talking about over the past 10 years. There were members of that working group, Mr. Kip Atlee, who chaired a task force on this issue within the Pentagon in 2002 and 2001, and none of the information from that task force was included in their report. The Air Force IG was part of one of those task forces. That was not included in the report.

So what we have just denoted is our concern over omissions from that report. We found no evidence that the Secretary had any involvement in the creation of that report or what was in it. It was presented to him as a staff report from the Air Force General Counsel.

Senator Levin. Just to finish that one line of questioning, when you say that the Air Force General Counsel attempted to shield, that is critical of the Counsel doing so?

Ms. Fowler. It is.

Senator Levin. But what you are saying is that that does not imply, is not intended to imply or suggest any direction to do that by headquarters?

Ms. Fowler. We would have said that if we had thought so. But all we knew was that the Air Force General Counsel did not include what we considered critical information in her report.

Senator Levin. But that was not at the direction, implied or otherwise, of headquarters?

Ms. Fowler. We found no evidence of that.

Senator Levin. Thank you.

Thank you, Mr. Chairman.

Chairman Warner. Did you find any reason why she did on her own initiative?

Ms. Fowler. No, we did not, other than, you know how you talk behind the scenes with people, whether she wanted to please people or whether--now they are saying it was not in her purview. But to me if you are doing a thorough report--and part of the problem you will see from this timeline is time and again studies were conducted, but they became only partial studies. If you are looking at the problems at the Air Force Academy, which she was doing, you should be looking at the whole picture, and part of the picture which people on that working group were aware of were problems with the leadership at the Air Force over those 10 years. I mean, there were members of that working group who had chaired studies of that very issue and yet they did not bring that information to the working group nor reveal it in their report, and that did cause us to raise some questions.

Ms. Walker herself, it is my understanding, did not know about Mr. Atlee's involvement in the earlier study until about 6 weeks or so before her report was released. So I am not blaming Ms. Walker on all of this. I think she had a lack of information on some of the things she needed to know.

Chairman Warner. Senator McCain.

Senator McCain. Thank you, Mr. Chairman.

I want to thank the members of the panel for a really thorough and outstanding job, and I thank all of you for your great work as well as your previous service to the country.

Ms. Fowler, on March 12, 2003, according to a Los Angeles Times story, ``Air Force Secretary James Roche on Tuesday rejected calls to open his probe of sexual misconduct at the Air Force Academy to outside investigators, saying the problem was best handled internally. `My Harvard Business School training is you do not turn to outsiders; you study something yourself, you master it yourself, so that you know what you are talking about and you can lead,' he said in an interview with the Los Angeles Times.''

If Secretary Roche's view had prevailed at that time, we would not have had your outstanding work.

Over a long period of time, this issue was discussed. In 26 March 2003 there was a press conference held by Secretary Roche and General Jumper: Question: ``Have you in any way reprimanded or disciplined at all the leaders who are [inaudible]? What do you say to critics who say you are going too easy on these people? You just said a second ago these people may have been responsible.''

Secretary Roche: ``The current group cannot be held responsible for everything that occurred in a 10-year period, certainly over a period longer than 10 years. To hold someone accountable means that there are two sides to a story, and they have a side as well. We have looked at it. We now look at it under the circumstances, and they might have been more clairvoyant, they may have been sharper, there may have been a survey they should have acted upon, but to hold them accountable per se with what we now know, no.''

Is that pretty much in keeping with your conclusions?

Ms. Fowler. No, it is not, Senator. While I cannot speak for the Secretary, all we can say is that once this panel was established the Secretary was very forthcoming----

Senator McCain. Of course, you know why the panel was established?

Ms. Fowler. Yes, I do.

Senator McCain. Because of the actions of Congress----

Ms. Fowler. Exactly.

Senator McCain.--after the Secretary of the Air Force had said, as I quoted to you, that that was not necessary.

Ms. Fowler. All I can assume, and, again, I did not even meet Secretary Roche until he testified before our panel on June 23. I had never met him or talked with him until then. But I would think that after he became more aware of the seriousness and depth of this problem he began to change his views.

Certainly once you established this panel, we never found the Secretary to be any less forthcoming. I mean, he came forward. In fact, I think some staff of his did not want him to come testify before us. He came and testified. Any time we needed information, he instructed his staff time and again to give us whatever we wanted. So we found the Secretary to be very open with us.

Senator McCain. The fact remains that you would not be in existence if it had been his view had prevailed over that of the panel.

Ms. Fowler. Right, the wisdom of this committee established this panel.

Senator McCain. I am pleased that he had cooperated with the panel.

Of course, the working group report has been somewhat discredited by your recommendations; is that correct? You are in disagreement?

Ms. Fowler. We cannot agree with the statement--and I will paraphrase it now--when they said there was no systemic acceptance of this. When you have roughly 142 known allegations of sexual assault happening a year over a 10-year period, if that is not a systemic problem, I do not know what is.

Senator McCain. Let me be specific. In your report you say: ``In June 2003, after completing her investigation of sexual assault at the Academy, Air Force General Counsel Mary L. Walker released The Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy ('`Working Group Report')'. The Working Group Report covers many aspects of cadet life, Academy policies and sexual assault reporting procedures in place at the Academy during the last 10 years. However, it avoids any reference to the responsibility of Air Force headquarters for the failure of leadership which occurred at the Academy.''

It seems to me that that is a fairly large omission.

Ms. Fowler. It was. That is why we pointed it out.

Senator McCain. Thank you. ``The panel believes that the Air Force General Counsel attempted to shield Air Force headquarters from the public criticism by focusing exclusively on events at the Academy.''

I would say that is a little larger than a minor disagreement if the report, in your words, ``attempted to shield Air Force headquarters from public criticism by focusing exclusively on events at the Academy.''

I would say that is a comment of the utmost seriousness.

Ms. Fowler. As you will see in our report, we documented several known facts that were not included in the working group report and we questioned why they were not. We had a much smaller staff and a lot less time to investigate than did the General Counsel working group. Our question was, why were these things that we uncovered that we felt were important to culture and climate, what was occurring over those 10 years--a lot of it is leadership. It is failure of leadership and it is failure of command when these types of things are occurring. It is all

about leadership.

Senator McCain. General Bunting, is it not a fairly serious charge to say that the panel believes that the Air Force General Counsel attempted to shield Air Force headquarters from public criticism?

General Bunting. It is a very serious charge and it is very seriously meant.

Senator McCain. Do you think it deserves further scrutiny?

General Bunting. Sir, it does indeed.

Senator McCain. General Nardotti, would you agree with that?

General Nardotti. I would agree with that, and the General Counsel works for the Secretary of the Air Force, so we would consider it his responsibility to take the information that this panel has now made available to him with regard to the working group report and take appropriate action.

Senator McCain. Again, I will try not to repeat the questions asked by my colleagues. It is an outstanding report and one that I think for its candor is really a signal achievement, which I think is a remarkable performance on the part of the panel. But I think to stop accountability at previous leaders is something that I do not quite understand, particularly when before this committee the Secretary of the Air Force stated--and I would be glad to quote you and send you the transcript--that there was no need for discipline to be taken against current leaders at the Air Force Academy and that he did not intend to do so, and also that there was no need for an independent investigation.

Those are facts, the testimony before this committee and public statements by the Secretary of the Air Force. So I am curious why we would stop.

My time has expired. I thank you, Mr. Chairman.

Chairman Warner. Senator, I thank you for those very probing questions. It is the intention of the chairman, in consultation with the ranking member and other members of the committee, to consider bringing before this committee in open session the Air Force General Counsel. I happen to have made an acquaintance with her in the course of the advise and consent proceedings.

The Senate confirmed her because of her very considerable professional accomplishments, and I think she should be given a chance to explain this. I do not wish to have this counsel or someone else be a fall guy, to use a word, without the opportunity for them explaining this.

I think your panel made some very important, critical determinations, and this committee is going to probe into this very carefully. Thank you.

Senator Reed.

Senator Reed. Thank you very much, Mr. Chairman.

Let me commend the panel for excellent work. I had the privilege of serving with Congresswoman Fowler in the House, and she has done her typical fine job. General Bunting was my instructor at West Point and General Nardotti was 2 years ahead and represents a distinguished graduate of West Point. I think what you have done is a great service, not only to the Air Force Academy and the Air Force, but for all the military, because the effectiveness of any military organization rests on confidence in your comrades. That is based on an ethic of selfless dedication one to another, not selfish exploitation. I cannot think of more gripping examples of exploitation than what you have catalogued in your report. No amount of

technology or talent will make up for that ethical lapse.

So what we have to do is really make this a serious priority, not just at the Air Force Academy but throughout the military. I can assure you that your efforts will be translated to West Point. I have already sent your report there. At this weekend's meeting of the Board of Visitors we will discuss it in detail, and thank you for your service.

One recommendation you have made in your report is to expand the search for the dean outside the faculty of the Air Force Academy. But I would note, too, that one of his functions is to operate the cadet counseling center. That is, I think, the place where most of the information became available, which apparently he, or at least allegedly, ignored.

Is it also a recommendation or could you expand on the notion of taking that function away from the dean?

Ms. Fowler. No, Senator, we did not do that. But we do have recommendations in here as to a restructuring of that counseling center; we do think it needs to be restructured. It needs to have licensed clinical psychologists that are running it, it needs to increase its staffing, and it needs to also have better trained people as part of that staff.

So we do have some specific recommendations as to the center itself. The center really is run by someone there at the center, but it reports to the dean of the faculty. He had the information that the center had and that caused us concern, that he had that information, he had the results of the surveys every year, but never suggested any actions.

Senator Reed. Thank you.

There is another major issue that you have raised. Everyone has spoken about it, and that is the culture. In fact, I think the essence of your recommendations is the culture has to change. One of the most glaring statistics is the fact that 25 percent of men there still deny the appropriate role of women at the Academy and in the Service.

I wonder if you are recommending or are prepared to recommend that those surveys be done in a systematic way to determine, not just at a snapshot, but as cadets enter and progress, because again I think there is a real question in my mind whether they bring those attitudes to the Academy or the culture of the Academy develops those attitudes. I wonder if you might comment, and I would open it up to the rest of the panel, too.

Ms. Fowler. I would like a couple of them to comment.

The Air Force has its own survey center, which is responsible for developing professionally-done surveys. We do not understand why the Academy, if they thought these were unscientific, never turned to their own survey center to develop ones that they considered scientific. But we have suggested that these be done in a different, better manner than they have been in the past.

I would like to ask Dr. Laura Miller, who really went through the surveys since 1998 at the Academy and compiled them and had some interesting information on those.

Dr. Miller. The Academy could have done a comparison like that, because they offered some of the same questions on the survey year after year after year after year. So they could look at a particular class and see what were the responses that they gave as freshmen and what were the responses that they gave as seniors.

They did very cursory analysis of their findings, dismissed them as invalid, and never corrected the problems with the

survey in administering them again. I should point out that these climate surveys address sexual assault, alcohol abuse, gender, the gender climate in general, race relations, religious discrimination, and differential treatment perhaps between athletes. So these are surveys that could provide a wide range of very important information to the commanders.

Senator Reed. Anyone else?

General Bunting. I would like to respond.

Senator Reed. General Bunting, please.

General Bunting. A couple of days ago the question was asked, is there some point in the admissions process in which young male applicants to the Academy can be asked questions about their views of women in the Services, whether women should be commissioned, whether women should be at the Air Force Academy. I think that is probably an idle and a useless question. My own view is that the culture there, as it were, infects them once they get there.

One of the great things about the American Armed Forces and the Academies is that the kids that go there are us. They are not kids who have spent their life dreaming of being military commanders and fighters. They are a wonderful representation of this country. I have no doubt that overwhelmingly the young men that go to the Academy go with the same attitude towards young women that most of us have.

This is plainly a cultural problem that happens there. I might also observe that we have a tendency to dwell on diagnosis more than on prescription here, and we keep talking about the general and the colonel. But this is a community of 6,000 or 7,000 people, including a faculty of 560, and to change that culture is going to take much more than the actions of the most brilliant and dedicated general officer. You have to have a huge systemic change, again particularly, it seems to me, among the young officers who are assigned there. Those are the ones that the cadets see every day. I also think the faculty of the institution should be much more heavily involved in the cure than it is right now.

Senator Reed. Thank you, General.

General Nardotti.

General Nardotti. I would like to comment on the culture issue. I think for incoming cadets a lot of attitudes have to be changed. There are standards there that they will find nowhere else. They have an honor code. They have to unlearn some prior bad habits and adjust their standards. Their attitude toward the role of women in the Armed Forces is something that, regardless of how they felt about that before coming in, is something that they have to learn through training and leadership development why it is that women are there, in the numbers that they are there.

I view this as an issue, for those 25 percent of the cadets who feel that women do not belong there. They fail to understand, and the Academy has failed to teach them, how it is that women are at the Academy and in the Services in the numbers that they are. It was not based on some abstract notion of diversity to achieve certain goals. It was a very well thought through and deliberate decision to use women in a way that they had not been used before, in order to make the volunteer force a success.

I think it is a mistake to focus too much on the fighter pilot example and say, well, we have women fighter pilots, therefore they are the same as the men. One percent of fighter pilots in the Air Force are women. That is not the point.

Women do many important things in the Air Force other than being fighter pilots, and they do many important missions in other Services. They add value and they have contributed significantly to the success of the volunteer force over time. The force we have today is the best we have ever had. They need to learn that lesson and they need to understand that these are people that together, the men and women who are there, are going to serve together shoulder to shoulder on extraordinarily important missions. The attitude that some of these cadets have apparently maintained is, again, it is a sensitive and difficult leadership development challenge, but they have to address it.

Senator Reed. Thank you very much.

My time has expired. Again, thank you for your wonderful work.

Ms. Fowler. Thank you, Senator.

Chairman Warner. Senator Allard.

Senator Allard. Thank you, Mr. Chairman. First, I would like to insert my opening statement into the record.

[The prepared statement of Senator Allard follows:]

Prepared Statement by Senator Wayne Allard

Thank you, Mr. Chairman. I would like to commend you for your leadership on this issue. I have had the privilege of working with you on this issue from the beginning, and because of your interest, I believe our hard work is starting to pay off.

Approximately 5 months ago, Congress created the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy. The driving force behind this panel was the Air Force's perceived inability to hold senior officials accountable for their failure to effectively address the growing number of sexual assaults at the Academy. As it turns out, our concerns have proven to be justified. Unfortunately, as the panel has indicated in its report, it appears that we have only begun to scratch the surface.

I believe the panel did an outstanding job given its 3-month deadline and its limited access to information from the Air Force. Chairman Fowler, you and the other panel members are to be commended for the fine work you have done.

The panel accomplished what many of us on this committee were hoping the Air Force would do on its own: to identify those responsible and hold them accountable. Because of the panel, we have discovered that the Air Force officials and high-ranking Academy officials have known about the sexual assault allegations since 1993. Because of the panel, we found out that four Academy officials failed in their duties, including one that is still at the Academy. Sadly, as the panel's report has noted, ``the Air Force General Counsel attempted to shield Air Force Headquarters from public criticism'' in the Air Force's Working Group report presented to Congress earlier this year.

I have been told that the Department of Defense Inspector General intends to take a closer look at this issue. It is disappointing that it has come to this but an expanded DODIG investigation appears to be the only way to assure that those responsible will be held accountable.

As a member of the Academy's Board of Visitors, I was also pleased that the panel looked at the oversight role provided by the Board. I can honestly say that we have not done our job. Too many times, the Air Force only presented the good news and glowing reports; and too many times, the Board of Visitors was content to be led along by the Air Force.

Mr. Chairman, I have sent a letter to you suggesting that we include in this year's Defense Authorization bill the panel's legislative proposals pertaining to the Board of Visitors. I believe these proposals will be helpful as the Board of Visitors seeks to

enhance its oversight role. You should also be aware that the Board of Visitors is scheduled to meet at the Academy during the October recess. This will be the Board's first meeting at the Academy since this crisis began last spring. We will be carefully reviewing the recommendations of the Air Force's Working Group, the Fowler panel, and examining the Air Force's implementation plans for improving the Academy's sexual assault and prevention programs.

Mr. Chairman, I again thank you for all of your assistance. The members of this committee, indeed all the Members of Congress, have a vested interest in ensuring that the Academy is safe for cadets. We all nominate cadets to Service Academies, which makes us all responsible.

Thank you again. I look forward to our question and answer time.

I would like to join my other colleagues in complimenting you on a job well done. I think that you have opened the eyes of many people and I think you have brought new information to the table that has not been discussed and considered in the past, and that is the reason the panel was formed. I want to compliment you on all that effort.

I also would like to just go back to your testimony, if I might, Ms. Fowler. In your testimony, and this is on page 3 of 4 on the fourth and fifth paragraph, you say: ``But the panel is encouraged by renewed emphasis in Washington to immediately address and solve this problem. We are impressed with the leadership of Secretary Roche and General Jumper after a decade of inaction and failure. Secretary Roche made a step towards serious reform this year by rolling out his Agenda for Change and replacing the Academy's leadership team with one that has been quick to take action.''

My question is, this was in your testimony typed. I did not see a change here, and I am not one to quibble over one word or anything like that. But that is your statement and you did not change that at the last minute, is that correct, Ms. Fowler?

Ms. Fowler. No, that is my statement, and that was my statement at the press conference the other day. We are very impressed with the new leadership team at the Academy. General Rosa, General Weida, and Colonel Gray are doing an outstanding job. They have moved at a very quick pace really to implement some long-needed changes. So we are very impressed with what they are doing. I think they were great additions to the Academy.

Senator Allard. Let me ask each one of the panel and see if you agree with that. I will start with you, Dr. Miller. Do you agree with that statement?

Dr. Miller. Yes.

Senator Allard. Mr. Bunting, do you agree with that statement?

General Bunting. Yes, sir, I do.

Senator Allard. Ms. Carpenter, do you agree with that statement?

Ms. Carpenter. Yes.

Senator Allard. Mr. Nardotti, do you agree with that statement?

General Nardotti. Yes, we do. I would just say that we do disagree with the current command on the issue of confidentiality. We have addressed that in the report.

Senator Allard. Yes, and I might get to that on my questioning.

Then Mr. Ripley, do you agree with that statement?

Mr. Ripley. I do.

Senator Allard. Dr. Satel, do you agree with that

statement?

Dr. Satel. Yes, Senator, I do.

Senator Allard. Thank you.

You did bring up, Mr. Nardotti, that there is a disagreement on confidentiality. For the benefit of this committee, would you please, Ms. Fowler, explain what the thoughts are about how to deal with confidentiality? I understand that this is an option that is going to be given to the cadets, as to whether they want to have disclosure or whether they want to keep it quiet. If you could help explain that process and when that cadet is going to make that decision. I think that is critical as to when that cadet would make that decision.

Ms. Fowler. Yes. Senator Allard, first I want to thank you for your leadership on this. Your staff was invaluable to us when we were in Colorado Springs as to enabling us to meet with victims and setting up meeting places. I want to thank you for your leadership and your assistance in our panel's investigation.

While we commend the new leadership, it does not mean we walk in lockstep with everything. One of our main concerns, particularly after we were in Colorado Springs and met with several victims, was that the Agenda for Change did away with any form of confidential reporting. What we heard from every single victim we met with, without exception, was that you have to have some avenue for confidential reporting. The rape crisis center in Colorado Springs said you have to have some avenue for confidential reporting, and in fact, in a minute, I want to ask our expert here to talk about this.

So we really struggled. This is one of the areas we struggled with trying to find a way to establish an avenue for confidential reporting for these cadets without going back to the old system that did not work. One of our attorneys--I really commend him--came up with the fact that in 1999 a Presidential Executive Order was issued which established for the Armed Forces the psychotherapist-patient privilege, and then it was reinforced by military law.

This is available to all the Armed Forces. It is available now to both of the other Service Academies, and the Air Force Academy seemed not to have been aware of that as a route that could be taken. So we have recommended that there be a two-pronged route there, that those young women who want to just immediately report this officially, that route is available. But if a young woman, because this is a very traumatic experience for a young woman to go through, and if she is not ready yet to go through the official channels, then there needs to be a route by which she can talk to someone who is trained in how to handle this.

We have recommended that they bring on board, whether it be a psychotherapist or a licensed clinical counselor or a psychologist--there are definitions under the rule that can meet those qualifications. But these sort of people need to be at the Academy. There needs to be someone with those qualifications running the hotline, running the cadet counseling center, so that a young woman can go to someone that is well-trained, that her conversation with that person will be privileged, and that person will be trained also to help encourage that young woman to go the official route and explain to her that if she does not eventually take that route her assailant will never be brought to justice. You have had some well-meaning people dealing with these young women, but they

have not had the proper training, they have not had the proper information to help bring them along.

We found many of these young women were not encouraged to officially report. In fact, they were told not to because they would be ostracized, it would ruin their career, the Air Force Office of Special Investigations would not handle it properly, and for all manner of reasons.

So we were pleased to find this privilege existed. We strongly recommend that this confidentiality privilege also be adopted at the Academy.

I would like to ask Anita Carpenter, who has been a rape crisis counselor for 13 years and brought so much experience to this panel, if she wanted to comment.

Senator Allard. I would like to hear from her, but in effect what you have done is you have taken an Air Force rule and you are making sure that it applies in the Academy.

Ms. Fowler. Right.

Senator Allard. That has been one of the recommendations we have had all along, to make Air Force rules uniform throughout the Service, including the Academy.

Ms. Fowler. This way they would not have anything unique at the Academy. This is available to everybody in the whole Air Force.

Senator Allard. Ms. Carpenter.

Ms. Carpenter. Thank you. I will add, Senator, that we did take something that is existing in the structure and say, they have a mental health counseling center available to them and it needs to be better utilized. They also have a chaplains' system of privacy available to them that they can look at to implement victim confidentiality measures. I cannot stress enough as a victim advocate who has worked with countless numbers of rape victims the need for confidentiality.

My greatest concern without confidentiality is that a year from now we will see the Air Force Academy coming forward and saying, lo and behold, we have solved this problem, when in fact they have driven it back underground, as they did back in 1995 when they did not have a system of confidentiality.

Senator Allard. My time has expired, but this is going to be an issue of discussion, I think, part of the Board of Visitors meeting, Mr. Chairman, that is scheduled in October. I am sure this is something we will have to talk about at that Board of Visitors meeting.

Thank you. I have more questions, Mr. Chairman. I will catch you on my second round.

Chairman Warner. Let the record show that you are a member of the Board of Visitors.

Senator Allard. Yes.

Chairman Warner. Senator Allard, will you take that initiative at the Board of Visitors meeting?

Senator Allard. I do plan on that, Mr. Chairman, yes.

Chairman Warner. Senator Pryor.

Senator Pryor. Thank you, Mr. Chairman.

Chairman Fowler, I would like to ask about a connection, what the connection is, if you could explain to the committee the relationship between the athletic programs and the sexual misconduct. I understand there is a connection there and I would like to hear your thoughts on that.

Ms. Fowler. If I could call on Colonel Ripley who has really been looking into that and has some views on it I think you would like to hear. Colonel Ripley.

Colonel Ripley. Senator, one of the things that became

apparent during our very first hearings there--and this was from the old leadership, meaning the commandant, the assistant commandant--was an inference that whoever happened to represent athletics at the time--and that included coaches, that included the athletic director, whomever--they sat on their superior committee there that made all determinations, all the important determinations at the Academy, and they had a significant amount of influence.

So that if an athlete were deficient in academics or whatever the problem might have been, the athletic representative there could essentially veto or override the decisions of even the commandant. We found that very unusual. We also heard inferences from victims that athletes were excused from certain things and that the climate or the aura was such that the term ``privilege'' comes to mind. They could operate somewhat more independently, more freedom of action. There was one charge I heard, which was stunning for me, was that the athletes, in this case I remember it was football athletes, took very much pride in the fact that they never wore their dress uniform until graduation.

All of this was an inference that an athlete has a better run of things and has more control, and therefore less supervision perhaps, and ability to do whatever the athlete wanted to do.

Senator Pryor. Is it your observation that those are not isolated incidents, but that it is really systemic?

Colonel Ripley. It is considered a general application.

Senator Pryor. Do you know how many instances there were of an override or where an athlete was maybe let off the hook, so to speak?

Colonel Ripley. The most egregious example we heard was one that as I recall when we began had not yet been adjudicated, but it involved one athlete, I believe it was a boxer, who had been charged and eventually convicted of rape, while we were there.

Senator Pryor. Yes, ma'am?

Dr. Miller. The General Counsel working group had just a couple paragraphs about the accused and, because of Privacy Act information and because the IG reports are going case-by-case and looking through at all the accused, we were not able to do an in-depth analysis of that case. They mentioned that they saw among the accused no disproportionate representation among athletes. But I think it is important to break out the different athletic groups and to also look at those who were admitted to the Academy with waivers, who entered below Academy minimum standards, in order to participate in athletics. Information from the Air Force personnel center shows that increasingly year after year more cadets are admitted below standard with academic waivers to participate in athletics. So in the future research we might want to consider looking at those who are admitted with waivers versus those who are not.

Senator Pryor. Good, thank you. Chairman Fowler, that goes to the next question I was about to ask, and that is, I know that under the mandate you had a very limited time to do this and a very tight timetable. I know you all put as many hours as you possibly could into this, and I understood you had, what, maybe two, three hearings, and then you did a number of less formal interviews with various witnesses.

I am curious about the numbers of witnesses that you actually talked to and the panel actually talked to. But I am also curious about if you had more time what in addition would

you have done?

Ms. Fowler. I think, Senator, the timeframe worked out all right. It was a short timeframe, but it made sure that we just worked really hard. As I said, these members took a lot of time off from their professions to devote the time. Many of our staff members took leaves of absence from their regular jobs to come devote their time to this. So we knew we had the 90 days that started when we had our first hearing on June 23. That clock was ticking, and we just said we are going to get this done. I think, as you can see, it is a very thoroughly done report.

I cannot really say there is anything we would have done more than what we did. What we have done is call for some further review that was not appropriate anyway. We are not the IG. The IG needs to do the type of investigation we have called for. There might be some more boxes of information somewhere, but we received box after box of records and information that our staff went through. We interviewed most of the people with whom we needed to talk. There still might have been a few prior leadership people in the Air Force we would have liked to talk to, but we just ran out of time. But we interviewed the main people we needed for our purposes.

Senator Pryor. My last question is that I notice in your report you talk about a chasm in leadership and how that led to the problems there. In your opinion, and I would like to hear from the panel generally, do you think that the chasm in leadership has been corrected? In other words, is it fixed today or is it being fixed today?

Ms. Fowler. We think it is fixed today. As for the new leadership at the Academy--the superintendent, the commandant, the vice commandant--we are very impressed with them. We met with them both unofficially and officially. I have had several conversations with the superintendent since that time, and we are impressed with their leadership, with their commitment, with their moving forward.

We have also been impressed with the actions that Secretary Roche and General Jumper have been taking and their personal involvement over the past several months in this issue and in their implementation of change. So I think we are very well-satisfied with the current leadership.

General Bunting.

General Bunting. I am impressed by the current leadership as well. But the American military seems to treat the higher grades of officers as though they are interchangeable parts. They are Renaissance people, and they can do anything they are assigned to do. In my view the academies would be better served to find people as superintendents and deans who have a real vocation for that kind of work and leave them alone and let them stay there a long time.

In the past, we have had examples such as General Goodpaster who went to West Point. He was brought out of retirement, I think stayed there for 5 or 6 years. I think one of the things all of us were troubled by was the Academy and Air Force practice of turning over officers very quickly, so there is not much continuity of leadership.

Senator Pryor. Mr. Chairman, that is all the time I have. Thank you.

Chairman Warner. Thank you very much, Senator Pryor. That is an important topic observation and it is one that this committee has dealt with in the past, establishing the terms of the occupancy of the position of the Academy head.

Will you indulge me, Senator Dole, for 1 minute? Senator Allard thought it was important that we know this. Last night, he met with the Inspector General, and he reports to me this morning that in that conversation he explicitly brought up the question of the scope of his ongoing review of this situation and specifically how he intends to treat the current leadership, civilian and uniformed, in the Air Force.

Senator Allard. The purpose of the meeting that I had with the DODIG yesterday afternoon is twofold. Number one, I wanted to verify with him that he would move forward with the recommendations that were put in the report from the panel here that is before us. He assured me that he would move forward and continue to address those issues, particularly as far as the personnel were concerned over this since 1993. He was going to go ahead and do that.

Then the second matter that I brought up to him was--as you and I had talked to him in the past--if we run across any individual case where new information comes forward. I shared that with him, and I am not at liberty to share that discussion. But I just wanted to assure that he was going to be prepared and he assured me that he was at this present time. He had already seen the report and had followed the discussion with the panel and was in the process of reviewing the leadership issues from 1993 up to the current time.

Chairman Warner. To the current, that would include Roche and Jumper?

Senator Allard. We did not clarify that in that discussion.

Chairman Warner. Well, that will be clarified.

Senator Allard. Yes.

Chairman Warner. Thank you very much.

Senator Dole.

Senator Dole. Thank you, Mr. Chairman. I certainly want to express my appreciation to you and to ranking member Senator Levin for the focus that you have put on this vitally important matter--good discipline, fairness within our Military Academies--and giving us an opportunity to discuss the findings of the independent review panel today. I certainly want to underscore all the kudos that have been expressed today. Congresswoman Tillie Fowler is a close friend of mine. I appreciate your outstanding work and that of the panel members. This is a job extremely well done in a very timely manner.

It is my hope that by following the recommendations of the panel all of the Services, not just the Air Force, can entrust their future officers to these institutions confident that only the highest standards of conduct and character will be required and upheld. The Service Academies must focus on the deliberate development of military officers, providing the required mentoring, guidance, and discipline to ensure excellence in future leaders. Now daily, of course, we see in the news just how critical those leaders are to our Nation and specifically to our sons and daughters whose lives are dependent on their leadership.

Now, as part of his Agenda for Change, the Secretary of the Air Force briefed this committee on the new blanket amnesty plan. In your report, it is mentioned that an amnesty program was also established under the watch of General Hosmer in 1993. What are your views on this most recent policy and how is it different from the program initiated 10 years ago under General Hosmer? How do you think this amnesty will be managed?

Also, as you answer that question, let me ask you to put it in context of the honor code as well, because the intent of the

honor code as I understand it is to hold future officers to an explicit standard of conduct, part of which is to not tolerate any abhorrent behavior among fellow cadets. How can this amnesty program be resolved within the spirit and intent of the honor code?

Ms. Fowler. Thank you, Senator Dole. As I am sure you all know, she has been an outstanding addition to the United States Senate. We have known each other a long time.

We have some concerns about the amnesty provisions, and we have raised the question in our report. In fact, we encourage the Air Force Academy to look at the procedures that the other two Service Academies use in encouraging reporting. The amnesty was put in back in 1993 and then redone again this year to encourage reporting. If a cadet has committed an offense such as underage drinking for which they could be in trouble, and then at the same time they were doing the drinking a sexual assault occurred, they wanted to make sure that cadet was not hindered from coming forward to report the sexual assault by worrying that they would get in trouble that they were drinking underage. So that was the intent of putting in the amnesty.

There have been some concerns about misuse of amnesty and might there be other ways to encourage reporting. The way it is used at the other academies is that they say they will provide amnesty, but only after they have done an investigation of the facts of the case and then determine if amnesty is appropriate, rather than giving blanket amnesty from the very beginning.

So there are some differences there that are important and that we think that the Academy needs to relook at that. The intent is well done because it is to encourage reporting, but we are not sure that this blanket amnesty is maybe the best way to go.

General Nardotti is a former judge advocate, and I want to see if he might want to add to that, too.

General Nardotti. Basically, I agree with the way Congresswoman Fowler has described it. Basically, under the Agenda for Change, essentially a blanket amnesty, with a few exceptions, was going to be the policy going forward. The other academies that have applied this successfully do not use blanket amnesty. They do it on a case-by-case basis. We think there is a lot of merit to that. We think there are complications should a case go to trial ultimately if you have blanket amnesty or effectively immunity in place.

So for a variety of reasons, it makes sense to do it on a case-by-case basis, not the least of which is that it is important in the leadership development of the people that are at the Academy. The mere fact that someone had been subject to an assault but may be subject to be accountable for their own other misbehavior is something that we think should be included in the equation and should not automatically be eliminated. We certainly think it enhances the credibility of someone who comes forward with a complaint if they are doing that understanding that they have something at risk as well in that process.

Ms. Fowler. Dr. Satel.

Dr. Satel. Just one final element to this is the concern about a moral hazard that this kind of thing creates, where people might actually allege sexual assault when it did not occur in order to protect themselves from redress for another kind of infraction. So that was yet another consideration for making it a case-by-case basis.

Ms. Fowler. You referred to the honor code. The honor code

says you shall not lie, cheat, or steal. What we have found is cadets know they need to abide by the honor code, but they do not necessarily consider that sexual assaults come under the honor code because it does not come under lie, cheat, or steal. This then goes back to character development and values and ethics to understand that honor encompasses more than not lying, cheating, or stealing.

Senator Dole. Thank you.

Did you examine what role the women officers assigned to the Air Force Academy may have played on the existing culture, and were an adequate number of women officers assigned on the commandant's staff, on the academic faculties, on the athletic faculties?

Ms. Fowler. There were not enough, and they are working to increase that, because we found an absence of female role models in the officer corps at the Academy. I know this year they have increased that number somewhat and they are working to increase it more, because it is very important that these young men and women have these role models there on the campus, what they call air officers commanding. They now have increased the number of women that are part of that program. So I think the Academy is making every effort to bring in more women in those roles at the Academy.

Senator Dole. Were the women who were involved who were there in your view empowered in any way to break the chain of abuse, and did you discover any instances where these women who should have acted as mentors and leaders either were negligent or were silenced?

Ms. Fowler. We were very disappointed in that the immediate past training group commander, Colonel Laurie Slavec, who had the safety and security of these cadets in her command, in her responsibility, did not take action several times when it was needed. In fact, her view as given in her testimony to the working group, was that it was not a true rape unless it was a violent assault. She had some unique views in this area. What happened then was young women really were afraid to go to her, were concerned that there would be retribution, that she would give them what they call Form 10s, which are forms of a reprimand at the Academy.

She really appeared to be creating an atmosphere of a lack of encouragement of reporting, which was unfortunate, to have a woman in that position, and yet that was the message she was sending.

Senator Dole. Thank you. My time has expired.

Chairman Warner. Senator Dayton.

Senator Dayton. Thank you, Mr. Chairman.

Just to make sure I have this right, the General Counsel's report, which basically says lots of terrible incidents have occurred, but no one is responsible for this whole period of 10 years, was led by the Deputy General Counsel, who was prior to that part of a working group that during 2000-2001 was supposedly dealing with these matters?

Ms. Fowler. The working group was led by Mary Walker, who is the Air Force General Counsel.

Senator Dayton. Right.

Ms. Fowler. But the Deputy General Counsel, one of the deputies because there are several, who was involved in this working group had, we discovered as we went through the records, led a working group in 2000-2001 on this very issue of sexual assault, sexual harassment problems at the Academy.

Senator Dayton. This was not mentioned in the General

Counsel's report?

Ms. Fowler. It was not mentioned in the report.

Senator Dayton. The deputy, who was part of this group, even though the General Counsel was ultimately responsible, was investigating matters that he had been previously involved on and that was excluded?

Ms. Fowler. It is our understanding that Ms. Walker did not know of his involvement until just several weeks before her report was issued.

Senator Dayton. Was the Inspector General also a part of this working group?

Ms. Fowler. No, the DODIG was not a part.

Senator Dayton. The Air Force Inspector General?

Ms. Fowler. It is my understanding the Air Force Inspector General was a part of this group. Again, we had some questions, because the Air Force Inspector General had been involved also in the study back several years before.

Senator Dayton. The Air Force Inspector General is now conducting this other review of whether the prior reviews have been conducted properly and prior actions have been taken or not taken?

Ms. Fowler. My understanding is that the Air Force Inspector General is conducting a narrow review of individual cases. They are looking at individual cases as to how each individual case was handled by the Office of Special Investigations and by the process.

Senator Dayton. Mr. Chairman, I think it is a waste of taxpayers' money for these investigations to take place by people who are clearly compromised and whose results are not credible, and they take a lot of time to come up with things that are meaningless, that disguise more and hide more than they actually reveal. In 90 days, you have done a vastly superior job to anything that has been done institutionally for the last decade. So I thank you for that, but I just think it underscores something bigger.

The big question I have is, is the Air Force Academy, is the Air Force itself, capable of really going to the bottom of this and really making the systemic changes, or, as you said, is the culture so infected that everybody who is part of the institution is infected with these attitudes and this tolerance and everything else? I think this shockingly suggests to me that there is not within the institution or the organization the capability to either come forward with what has actually occurred or to make those necessary changes.

On that point, your report at page 43 says the officer with the greatest experience and responsibility for the sexual assault program is the dean of faculty, General Wagie, he's directly responsible for the cadet counseling center for the Center for Character Development for conducting the student surveys, all of which proved to be totally inadequate in dealing with any of these problems over a decade and he's still there in his position as dean of faculty?

Ms. Fowler. Yes, he is. It is my understanding that he is retiring early next year and that is the reason for our recommendation, because they will be picking a new dean of faculty who will serve a period of 3 to 5 years.

Senator Dayton. He just stays on until he retires. There was--Senator Allard brought it to their attention--a sexually explicit skit that was performed at an official English Department dinner by cadets, and presumably would the dean know about something like that or have they reported to him

something like that occurring?

Ms. Fowler. Yes, and it's my understanding that after Senator Allard brought this to the attention of some of the authorities that finally that professor was removed.

Senator Allard. That's my understanding.

Ms. Fowler. The professor that was responsible for that is no longer at the Academy.

Senator Dayton. Okay, but the dean is still there and the department goes on. The member of the leadership team that was replaced received a medal in recognition of her performance at the Academy?

Ms. Fowler. That was most disturbing to us and interesting. We just found this out a few weeks ago that it was Colonel Slavec that received the medal.

Senator Dayton. Was that a medal for her unique views on--

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Ms. Fowler. It says for her meritorious performance at the Academy. We were concerned, since General Jumper had made it clear to us that there was an ongoing investigation of the former leadership at the Academy and that had not been completed. So for her to be awarded a medal, and I think it was April or May, for her service there called into question why that was done, and that was done by General Gilbert. We found out, as we wanted to know who gave her the medal. It was General Gilbert, who had been the former commandant, who in private session with us raised questions about her performance yet then turns around and gives her a medal for it.

Senator Dayton. That's as far as you can determine the highest level in the chain of command where that decision was made to confer a medal? Was it not? The Chief of Staff of the Air Force or the Secretary of the Air Force?

Ms. Fowler. My understanding is this was the commandant that could do this.

Senator Dayton. It sends quite a message to everyone involved exactly what their priorities are.

The honor code, you pointed out, prohibits lying, cheating, stealing, and tolerating, and it also says to do the right thing at all times, but that does not evidently in the culture include committing acts of sexual assault or rape. Do they just believe the honor code doesn't apply?

Ms. Fowler. There's no one said that explicitly, but that appears to be some of the part of the culture problem there. We call for some major changes in the Center for Character Development. That was instituted by General Hosmer, who was an outstanding superintendent and who has worked with us on this. He started some very good programs in 1993 and 1994, but unfortunately after he left some of them were not implemented in the way they should have been. What we say is that the Center for Character Development needs to have a mandatory class every year. It needs to be a class in which this becomes part of their life. They use case studies, they use examples so that they begin to inculcate those values and ethics that are so important to have in a commanding officer in the United States Air Force. They need to be acquiring those throughout their 4 years at the Academy through that center, not just going and sitting and listening to some speeches, which is what it is now, that goes right over their heads and causes them to just check the box and leave.

Senator Dayton. So this commander was responsible in 1993 and 1994, when some of these matters were brought to him almost, in some cases, the testimony or statements of women

then were verbatim. Let's continue to what you heard in your review. Over the last decade we've had various commands come and go and the culture's deteriorated, but no one's responsible because everybody inherited the culture that preceded them. My two-part question I'd like to ask each of you to respond to if you would please, one is, is this institution able to correct itself from within given how, as you've said in your own comments, General, the culture's been infected? Is it so pervasive that we should close the institution down for a year and just go through a revamping? Should we dismiss everybody on the faculty who has to have some involvement in this and just clean the whole shop? I respect your views on the new command, and I hope they're as outstanding as you believe they are, but no one who has preceded them has been able to make any difference in this. I don't have any confidence that fundamentally this is going to change just because two or three people at the top have changed.

Ms. Fowler. Senator, I do want to make clear, and we have it in our report several times, that the vast majority of cadets at the United States Air Force Academy are honorable young people. This is only a small minority.

Senator Dayton. I'm not talking about the cadets, though. I'm talking about those who are faculty and the leadership, up above, including the dean who's still around and, et cetera.

Ms. Fowler. The majority are honorable. Many of the leadership were good, but as you will see in this time line, and I don't think I referred to it, but the very last chart in your book is the time line. There were well-meaning people along the way who put things in place, but then because of the military turnover, they left. The next person coming in either didn't know about it, or was not as concerned about it, so it would rise and fall with concerns or with what would happen. No continuity.

Senator Dayton. While all these well-meaning people came and went, 80 percent of the present women have experienced a sexual assault at some time in their 4 years. I guess I'd go back to my question; is it going to be possible to change it by replacing the top leadership and putting in a few changes, some of which you've already determined are counterproductive? Or is it so badly infected that it's unrealistic to think that the present organization itself can be self-corrected?

Ms. Fowler. Let me have each of the panel members speak quickly to that.

Dr. Miller. Our recommendations are for a comprehensive program to change it, so it's important that all the recommendations are taken together, including an outside board of visitors that's more active, more access to the public from the cadet level up to the top, so we don't think that you can just change the problem by changing the leaders. We do think you need outside monitoring and help.

General Bunting. I'd make a quick but general comment about American universities and the way faculty members are now selected and the way they see their duties. When many of us were in college, 30 or 40 or 50 years ago, the most important person in our lives at the college was some assistant professor who took a personal interest in us, perhaps we visited in his house, we got to know his family, he represented, by the way he lived his life, something that we could aspire to be. What's happened generally in the universities, and I think the Air Force Academy is not to be excluded from this, is that professors nowadays see their role as people involved in the

lives of young students as much less important than they used to. They are very anxious to retain their authority and stature in their field, to publish frequently, to do a lot of research; but as active agents in the education of these kids, they are much less involved than they were at one time.

I've made this point several times during these discussions. You have a faculty of very able people at the Air Force Academy, about half of whom I believe are civilians. Many of them have the equivalent of tenure. They should be involved as active agents in fixing this situation, but nobody talks much about them. They need a strong dean and some assistant deans to convince them of their importance in executing this imperative.

Ms. Carpenter. I, too, believe that there is hope for change within the existing structure with accountable leadership, involved leadership, external oversight, monitoring. I think that positive changes can be made and I think that we can cite examples out in the civilian world of that teacher who is teaching in the ghetto system where it's crime-ridden and drug-populated, and she holds those students accountable and forces them to be responsible for themselves and makes that difference. Therein lies that accountability and ability to change.

General Nardotti. Senator, I would echo the comments of the other panel members and say that, first of all, the leadership that is in place is impressive, and I think that we should expect that they will fix the problem. They must fix the problem. Just as anywhere else in the military, if there were a serious problem you wouldn't call a time-out and take 6 months or a year to fix it. The organization needs to keep operating. It continues to have a mission. The Air Force Academy has a very important mission. It is succeeding in many ways with the vast majority of the cadets, but we have responsible leaders that we believe are fully capable of dealing with the problem. The challenge is going to be continuing that commitment over time, and that has been the problem over the past 10 years.

There have been some efforts, previously described as spasmodic, to deal with the problem, some of them very well-intentioned, some of them very well-thought through. But it's very clear that the follow-through simply was not there. Going back to what we mentioned before there was General Hosmer, who was very focused on the problem, and took some very extraordinary measures, proper measures, given all the circumstances. However, he left after about a year and a half. But the leadership that is there now we believe is focused in the right way.

Dr. Satel. I think there are four good reasons for optimism, and two have been emphasized; the first being the new leadership--the new superintendent, commandant, vice commandant--that's been mentioned as well as our recommendations, especially the enhanced oversight and the longer tenure. But number 3 would be the incredibly intense spotlight that has been trained on this issue, and number 4, the fact that we named names. Obviously, we're not the ones to decide the fate of these individuals, but that was a very specific response--we had a very high threshold certainly for doing that, because it's a serious thing to do, but I would think that would really get people's attention that people will be held accountable, and that's yet another dimension to why I think this will be taken very seriously.

Senator Dayton. Thank you. Again I'd just like to commend

you for your outstanding service. Thank you, Mr. Chairman. My time has expired. I just would like to support your observation about asking the General Counsel to appear here for her remarks. I also think we should look very seriously at whether anybody within that establishment is capable of conducting a further report because I hate to waste taxpayers' dollars and time to come out with something that's going to be compromised before it even arrives. Thank you.

Chairman Warner. Thank you very much, Senator. Senator Clinton, and I note Senator Collins will follow, very graciously you wanted your colleague to go ahead.

Senator Clinton. I thank the chairman and my colleague, Senator Collins. I thank the panel for an extraordinary public service. This is a very impressive report. The thoughtfulness of your analysis and recommendations, if followed, should put us on the right path, and I would hope that in addition to following the recommendations of the chairwoman with respect to the dean of faculty, we would consider looking at all of these recommendations and putting them into the DOD authorization, because I think that we need to set a benchmark against which we can hold accountable and measure the progress that is being made.

Chairman Warner. On that point, Senator, I'm glad you raised that. In consultation with the ranking member, we're going to see what we can incorporate in the pending conference report such that this matter is addressed immediately. General Bunting, who was former commandant at Virginia Military Institute (VMI), points out the need to have a dean, or freedom of selection of the dean, and not be limited by the membership on the faculty. That's an important observation that you've drawn from your experience at VMI. Thank you.

Senator Clinton. I want to ask each of the panelists to respond to a question because I am still somewhat confused about the difference in emphasis between the first recommendation concerning awareness and accountability about the DODIG's conduct of a thorough review of the accountability of Academy and Air Force headquarters leadership, and the chairwoman's testimony this morning with respect to a thorough review of the accountability of the previous leaders at the Academy and Air Force headquarters.

My question is this: Did anyone in the present or prior leadership of the Air Force or the Department of Defense explicitly or implicitly suggest to or ask you to, limit the panel's recommendation about the DODIG's investigation to former Air Force and Academy leaders?

Dr. Miller. No. What I understood Ms. Fowler to be saying this morning is not a departure from what we said, but a clarification that in the course of our research there were questions raised about previous leaders. In the course of our research, none of the problematic questions raised dealt with the current leadership so that we're not arguing that the current leadership should be excluded, but just that, of the evidence we have, we only have questions about the performance of prior leaders. No one asked us to exclude the current leadership. I don't believe that's what Ms. Fowler said, and I personally agree that we have no evidence to exclude them. We only have evidence raising questions about the previous leadership.

Senator Clinton. General?

General Bunting. Yes, Senator. I would agree with and endorse that answer. Our interest once we got underway,

basically, was at the Academy. We focused very intensely on what was happening there and did not spend a great deal of time addressing that issue.

Ms. Carpenter. I would concur with Dr. Miller and General Bunting that we were looking at the process over a decade and we were dealing with a new leadership that had just started action, so our main focus was on the previous leadership.

Chairman Warner. Could I just make a statement of fact for the record? Secretary Roche was confirmed by the Senate on May 24, 2001. According to my calculation, he was in office for 20 months before the letters that Senator Allard and I forwarded to the various people to begin to look at this. General Jumper was confirmed by the Senate on August 3, 2001, giving him somewhere around a little less than 18 months, so I just point out that they had been in office for, I think, significant periods of time. You draw on Colonel Ripley's, I think, rather dramatic metaphor, this was a ship in broad daylight sailing into a reef, and according to General Bunting, systemic problems were manifest to everybody who wished to see them.

Ms. Fowler. In answer to your question, Senator Clinton, number 1, this has been an independent panel. No one has given us any directions as who to include or exclude in our recommendations and our review. We have operated totally independent of anyone in any place of leadership at the Pentagon or here on the Hill. That's been the good news and we've operated in a very fair and transparent manner.

It has been our opinion, as stated earlier, we can't make an official recommendation. I stated in the press conference in answer to a question on Monday, and again stated in my release this morning, that the information that we uncovered in our investigation, we could not find a reason to call for an investigation of the current leadership, but we could certainly find reasons to call for investigations of prior leadership when we saw time and again lack of action on their part. From what we investigated and learned, this current leadership, once it was brought to their attention, which was earlier this year, then they did take immediate action.

The Agenda for Change was issued before the working group report was finalized. They got the interim report, and they moved forward and put out the Agenda for Change, which needed to be done. You had young women cadets arriving at the Academy in June. They could not let those current procedures, the ones that were in place before them, stay in place. So we commended them for their action, even though we didn't agree with everything in it. It was better to move forward and get some changes started than to sit around waiting on all these reports to be finalized.

General Nardotti. Senator, I would just say that there was a lot of emphasis on the past leadership because of something that I said earlier, the assumption that nothing could be done about the past leadership, and it was our very strong opinion that something needed to be said about what we concluded about past leaders. Not much really needs to be said about the current leadership because they're still in place and action can be taken, so there was nothing that the report has said as far as saying that no action should be taken; we didn't find any. Certainly the leadership of the Department of Defense and certainly Congress has options that can be applied against the current leadership that are simply not available with respect to the prior leadership, and they should not be omitted merely because of the passage of time.

Colonel Ripley. Senator, my colleagues--I agree with all of them in that the focus, of course, when we began was certainly on the problem itself and how it developed, and we were trying to get at that issue of how in the world could this come about, so our focus was somewhat on the past. Be that as it may, as we began to continue our hearings and individual comments, it was obvious that this was the overused term, a systemic problem, and yes, at no point did we consider anyone exempt, current, former, future, anyone exempt from any of our recommendations such as they were at the time or would become. Let the chips fall where they may. If there are current problems and, as the report suggests, we think the DODIG should have a closer look at this, then that should be done, meaning current leadership should be held accountable.

Dr. Satel. I say the same thing. No one told us that we should limit our investigation in any way. We did find Secretary Roche responsive, but the DODIG and this committee, as well, will have an opportunity to pursue with him whether or not in fact you feel he did live up to his responsibility.

Senator Clinton. I thank the panel, and I thank the chairman for helping to clarify that prior doesn't mean a long time ago, that there has been a continuing set of issues that I think we need to leave open with respect to prior and present leadership. As the Colonel, I think, rightly said, let the chips fall where they may, based on whatever this committee continues to investigate and with a very strong admonition to the DODIG that by no means is there any agreement on this committee that any current leadership is exempt from a thorough investigation, that the plain words of the recommendation should be taken exactly as they are presented. Thank you, Mr. Chairman.

Chairman Warner. I thank the Senator very much.

Senator Collins.

Senator Collins. Thank you, Mr. Chairman. First let me apologize to the chairman and to the committee for my late arrival. As, I know Congresswoman Fowler can appreciate this, I was chairing the Governmental Affairs Committee and was unable to be in two places at once, but I am pleased to join you now.

I realize that some of my questions may be somewhat duplicative of what has already gone forward, but I feel so strongly about this issue that I'm going to proceed anyway. The chairman arranged a briefing in early August, I believe it was, with the IG, who shared with us the results of the survey of the female cadets at the Academy.

Chairman Warner. Excuse me, Senator. That would be the DODIG.

Senator Collins. Yes, the DODIG. I had early on requested the DODIG to investigate this matter in my capacity as Chairman of the Governmental Affairs Committee. I was stunned and appalled at the results of that survey, as I'm sure was every person in this room. It showed, for example, that 11.7 percent of the female cadets surveyed from the class of 2003--this is recent, 2003--had indicated that they were the victims of either an attempted rape or an actual rape. It showed that overall in that class, and the first figures I gave you were a subset of the ones I'm about to give you, that 24.2 percent said that they were the victims of a sexual assault or an attempted sexual assault.

Another troubling fact to me was that the longer these women remained at the Academy, the more likely it was that they would be victims of sexual assault or attempted rape, and that

the percentage of cadets who had experienced these crimes, and that's what they are, increased the longer that they were there. It's so troubling to me as someone who has encouraged young women to go to these academies and has had the honor of appointing them that I may be putting them in danger of a sexual assault. I just can't get past that fact.

I'm further alarmed that the IG reported that most of the cadets did not feel that they could come forward and report this, and indeed, 88.4 percent, an astounding number, strongly disagreed or disagreed with the statement that most cadets were willing to come forward and report a sexual assault incident regardless of loyalty to the offender. That is just extraordinary about what it says about the climate of intimidation at the Academy.

So let me begin by first thanking you for your thorough work, for your extraordinarily important work, and I believe we should quickly adopt all of your recommendations. But I remain troubled, as I think many of the members do, with the response of the very highest of levels of the Air Force to this scandal. I remember very well Secretary Roche and General Jumper coming before this committee, being questioned by this committee, and assuring us that everything was under control, that the working group, which you've been very critical of, was doing a good job, and most extraordinary, making conclusions before investigations were even complete.

So the one recommendation or the one finding in your report that I question is your statement that Secretary Roche acted appropriately. I don't know whether you had the benefit of reviewing the testimony of our hearing when all of us were pressing him and encouraging him to withhold judgment until he had all the facts and telling them that we believed that this was the tip of the iceberg. So I'm having trouble with accepting the finding that he acted appropriately, and, Chairwoman Fowler, we'll start with you.

Ms. Fowler. Our opinion is based on our interaction with the Secretary. Senator McCain read some of the Secretary's comments. We had reviewed some of those also from earlier this year. I don't know any of us who as we've learned more facts haven't changed our opinions along the way, because knowledge always helps. My assumption would be, and I do not know because I have not talked to the Secretary about this, would be that he didn't have enough knowledge when he was making those statements back in February and March as he acquired later. As far as our concerns were, we saw that the Secretary moved forward in a very expeditious manner in promulgating the Agenda for Change, that there was a need before the new cadets came in June to immediately get some of these processes and procedures changed.

He and General Jumper, as soon as they had the interim report from the working group, moved forward with that Agenda for Change. It is not perfect, and they made clear that it was a work in progress, and would be an evolving document, but there was a need to move forward as quickly as possible, and so we commended him for that. He came before our committee June 23 to testify and answer questions, spent a long time with us answering a lot of questions. We had never met with him before then, but we were very impressed then with his candor, his forthrightness, his personal commitment to moving forward on this. During the time of our investigation, we have never had any problem with his being available to answer questions, with his making sure that the Air Force gave us what we wanted. Any

time we had some lower level person seeming to slow it down, all we had to do was make a phone call, we got what we wanted in a timely manner.

So as far as this panel's interaction with the Secretary, it's been a positive experience as far as during the course of our investigation. We can't speak to his interaction with this committee or any other, but as far as our interactions with him, we have found him to be very forthcoming and to be very receptive to making changes. As you have seen over the past few months, and part of that is due to some of the things that we have brought out in our hearings, he has been making modifications to the Agenda for Change. We have appreciated that they have had an understanding that, again, you make changes as you learn more information. We consider that still a work in progress, and these changes are not going to happen all overnight. It's going to take a while. You don't change a culture overnight. It takes a while to do this and we're hoping that next year there's going to be somebody in place, hopefully this executive steering group as well as this committee, to look back and say, okay, what's working and what is not.

We hope our recommendations get implemented and we hope they work, but there's no guarantee until you put them in place and then someone has to review those. There is a great need for external oversight as well as internal.

Chairman Warner. Senator, you have another 2 minutes, go ahead.

Senator Collins. Thank you. I appreciate that, Mr. Chairman. Do any of the other members want to comment on this issue?

General Bunting. I'd like to make a quick comment about an agency of this whole enterprise, which thus far has escaped the rigorous discussion of this entire group, namely the Board of Visitors. When a university goes bad for a year or 2, look at the administration, fire the president, but when there is a long record of abuses of this kind, you should then, it seems to me, look at the Board of Visitors of the institution, which is ultimately responsible for that.

We studied the Board of Visitors carefully. As somebody who has run a couple of colleges, my main problem was keeping enough time to deal with boards of visitors who were on me like a cheap sweater all the time. They were good people and they were very much involved. Here we have an institution whose governing board was negligent, it seems to me, in their discharge of their responsibilities. They met once a year in Colorado Springs for a kind of dog and pony show. The average attendance was less than 50 percent. Some members never went to meetings at all. I went through all of the minutes of about 15 years' worth of Board of Visitors' meetings. For 2000, I couldn't find the minutes. The reason was there was never a meeting. That's the kind of thing which it seems to me ought to be looked at very severely.

Senator Collins. Mr. Nardotti, did you have a comment, too?

General Nardotti. Yes, Senator, just a couple of points for emphasis. First, it doesn't surprise me that Secretary Roche and the Chief of Staff of the Air Force wanted to take hold of this problem and deal with it as best they could within their discretion, including--and I wish Senator McCain were here--it doesn't surprise me that Secretary Roche wanted to investigate this internally. You would expect that of a military leader. This is an organization that he or she would be responsible for, and they're going to take that responsibility and deal

with it, and specifically with the problem that they had to deal with, it was an ongoing issue. They have climate issues, they have issues in terms of how do you deal with the reporting. That's not something that can wait for a number of investigations to be done.

I certainly understand your point that, yes, there is wisdom in incorporating the evaluations of others, but I think as the leader of the Air Force, the senior civilian, as the chief of staff, the senior uniformed person, they believed, rightfully, in my opinion, that they needed to take some action. They have superiors. The Secretary of Defense, if he wanted to stop them from doing that and do something else, he could have directed that. Of course they answer to Congress in ways as well, so certainly their prerogatives could have been curtailed, but I think I would have been more troubled if they basically went into a non-action mode and didn't try to deal with the problem.

This is not a problem, as everybody understands, that is susceptible to any easy solution, and it also is something that they are dealing with, and if you go back over the timeframe, consider what's happened over the tenure of the Chief of Staff of the Air Force and the Secretary since September 11. I think that has to be thrown into the equation that all secretaries, all chiefs, are challenged, but there have been extraordinary challenges for the Services, and they had that extraordinary challenge to deal with and another very complex issue to deal with here and assessing all of that and seeing where the Secretary wound up. Yes, he resisted, certainly, in some of the issues, but he did come around at some critical points and make some decisions with respect to personal actions and to the decisions that had to be made. We tried to take all that into account as we, in our limited view, assessed what we should say about the Secretary and the Chief.

Senator Collins. Thank you. Mr. Chairman, just one final quick comment. I don't think that we should expect the Secretary to just ``come around.'' I think we should expect him to lead, and I have real questions about whether there was effective leadership here.

Chairman Warner. Thank you, and actually, Senator, I'm going to pick up on one of your points here, and that is-- Senator Allard read this--what you say here, ``we are impressed with the leadership of Secretary Roche and General Jumper.'' Now, I'm referring to this famous press release by the Department of the Air Force at 3:00 p.m., 26 March 2003, in which they say, ``As the problems regarding sexual assault allegations predate the current leadership, we do not hold Generals Dallager and Gilbert responsible.''

Now they made that finding at a time when they just started to investigate it. The IG of the Air Force was investigating it. We later got the IG of DOD involved. Reaching conclusions as dramatic as that at a time when this situation is just bursting on the public scene, and mind you, the Secretary had been in office for 20 months, I'm puzzled by how you can make such a statement of clarity here that you're impressed. Did you question him about this release?

Ms. Fowler. This panel did not come into existence until mid-June. We were not in existence back in March, February, when all this was occurring.

Chairman Warner. But the committee sent you copies of this. I know that for a fact.

Ms. Fowler. When we questioned the Secretary, he was not as

emphatic on that area. I think by then, by mid-June, he had received the report from the General Counsel that he had just gotten it. We just got it like a day or 2 before our hearing. As I stated earlier, as we all receive new information, then we re-look. As you have seen, the Secretary then chose to demote General Dallager, he lost a star in his retirement. The verdict is still out, I believe with respect to General Gilbert and Colonel Slavec as to what responsibility will be held or not. According to General Jumper, that is still under review.

So, again, this has been an evolving process and we didn't--when we talked to the Secretary----

Chairman Warner. My question was simply, did you ask him specifically about this press release?

Ms. Fowler. I couldn't say whether we did or not, but as far as his responses to us that day, it was clear that this was still all under review.

Chairman Warner. Still what?

Ms. Fowler. That there was still a review going on as far as leadership responsibility.

Chairman Warner. Then do you think it's a question of judgment to have made a decision as finite as this at the time he knew investigations were ongoing?

Ms. Fowler. Well, obviously it wasn't a finite decision since he changed it later.

Chairman Warner. Okay. We'll stop there on that one. Then I would say that, look, I'm not head hunting. I'm a former military Secretary myself, I say with humility. I'm no stranger, having spent 5 years, 4 months, and 3 days, during the height of the Vietnam War in the Department of the Navy, and I value tremendously what I learned from the uniformed and other colleagues in the department at that time. I've been able to spend my 25 years in the Senate here on this committee drawing on that experience, tremendously valuable. So I have the highest regard for the Service Secretaries. But I have a responsibility on this committee that's eminent. The Secretary of Defense asked that we start within days the hearing on General Jumper. This testimony and this record are very valuable as a contribution. We have to take it into consideration so I'm trying to clarify this.

I go back to your statement this morning that the current leadership should not be included in the IG's investigation, just former. How do you----

Senator Levin. Excuse me, I don't think that's----

Ms. Fowler. No, I was going to say that. I've said it I think three different times, we'll have to go back to the record, that this is not an official statement. It's just our opinion as based on the information we have, that we haven't uncovered any reason for that, but it is only our opinion, it's not an official recommendation, and it's going to be up to the IG----

Chairman Warner. We understand that.

Ms. Fowler.--and this committee to make that decision.

Senator Levin. Would the chairman yield just for that to clarify?

Chairman Warner. Sure.

Senator Levin. I don't think that this panel is even saying that the current leadership should not be included. What they are saying is they want the prior leadership to be looked at, and they don't have any evidence relative to the inclusion of the current leadership. But they're not finding that the current leadership should not be included, they're saying that

that would be up to us if we believe they should be or if the IG believes they should be.

Ms. Fowler. Thank you, Senator Levin. You said it much better than I could.

Chairman Warner. All right. Anyway, you elected to use the word ``former'' here this morning. Do you have evidence that sexual allegations continued to occur for the 20 months that Secretary Roche was in office?

Ms. Fowler. As you've seen by our time line and by the chronology, they've been occurring every year, but we do not have evidence that either the Secretary or the Chief were informed of what was occurring. That's been part of the problem, a lack of communication sometimes, between Academy leadership and headquarters leadership. That's why we support the institution of this executive steering group, that it be a permanent group so that there is an entity that does continuous oversight of these issues at the Academy.

As General Nardotti stated, September 11 came, you have a Secretary and a Chief of Staff who are involved in some really critical national security issues, and in the meantime, no one's telling them what's going on at the Academy. There has to be a body that's going to be always looking at that, and that's why we say this executive steering group that the Secretary has instituted should be made permanent so you won't have these lapses occur again in knowledge at Air Force headquarters.

Chairman Warner. I'll just ask one further question in this area. When I was Secretary, I very strongly relied on the General Counsel. I frequently met with him. I did not ever say, you take this task, go off and do it by yourself without my monitoring it, but that's my management style. I felt that the General Counsel of the Department of the Navy was very much a part of the leadership, but by this morning's testimony, I think it's confused. This only looking at the past would exempt the General Counsel from review by the IG at the very time your report brings some very strong denunciations on the performance of the General Counsel and that working group.

Ms. Fowler. We are not questioning the integrity of Mary Walker. I think she is a very good General Counsel.

Chairman Warner. No, I'm not suggesting you are.

Ms. Fowler. We are not making any recommendations as to whom the IG should investigate. Her report was well done, but what we have pointed out is that in the course of our investigation there were certain omissions from that report that caused us concern, that we thought should have been included in a comprehensive review of the past 10 years.

Chairman Warner. Well, that's well done, but you didn't do A, B, C, and D, so I think that's somewhat contradictory. Let me just move on to another subject. Let's go back to 1995, the past which you looked at. Following completion of the DOD task force on discrimination and sexual harassment in 1995, this committee conducted a hearing on Air Force programs. Then-Secretary of the Air Force Sheila Widnall, who co-chaired the DOD task force with Dr. Edwin Dorn, testified that the Air Force had implemented all of the panel's recommendations and assured this committee that the Air Force had taken necessary steps to ensure an effective program was in place.

Did you have Secretary Widnall before you? Were you able to determine if serious consideration was given by the Air Force to implementing the DOD task force recommendations at the Air Force Academy? Can you explain why the proven systems for responding to those reports of sexual harassment, including

physical violence, were not implemented in the Department of the Air Force?

Ms. Fowler. As I stated earlier, Senator, when I was asked the question about what we would like to have done if we had had a little more time, one of my statements was that there was some of the prior leadership we did not have the opportunity to interview. Dr. Widnall was certainly one we would like to. Of course, she's been very involved in the NASA investigation because she's on that board and hasn't been as available. We think that the IG needs to look back over the tenure of each of the Secretaries for the past 10 years, because, as you said, Dr. Widnall did chair a task force on that, part of it dealt with the Academy, and what was the follow-through on it.

Again, if you look at the time line, sometimes there were studies done, reports made, but then no follow-through on implementation. They would tell the Academy to do it, but then no one was looking to see did the Academy really do what they said they were going to do. So there was a disconnect between Washington and Colorado Springs.

Chairman Warner. Senator Levin.

Senator Levin. Thank you, Mr. Chairman. The chairman has made reference to a press release of the Air Force, and I think very properly so. As a matter of fact, I think I actually led the way at that hearing back in March in criticizing the Secretary of the Air Force for that release. I think he was way off in suggesting that they should not look at leadership issues, and again, the record will speak for itself, but I think I actually was the one who said, are you kidding, you're not looking at leadership omissions? They changed their position.

I think every member of this committee took the same position that, of course, you have to look at leadership omissions. You can't just look at the people who committed crimes here, you have to look at the failure of leadership to change the environment. So I happen to agree with the chairman in terms of his criticism of the Secretary of the Air Force for this press release, and again I emphasize I joined very strongly in it. Indeed I did more than join.

But I think it's important that we understand precisely what you're saying here, and I think I understand it, but I want to just summarize my understanding of it. You are critical of the working group report for failing to go after, excuse me, to review or to inquire or investigate headquarters in terms of any omissions on their part. Is that correct?

Ms. Fowler. Yes, or to reveal information that we know they knew, that members of the working group were aware of, that did not make it into their report, such as the 2000/2001 investigation that a member of the working group chaired, and yet it doesn't appear in their report.

Senator Levin. So there is information that they, or at least members of the working----

Ms. Fowler. Some of the members. As I said, I'm not sure Ms. Walker had all that information, but some of the members of that group did.

Senator Levin. Well, that's important, and I think the significance of your making that distinction should not be lost, and I don't think I understood it even, frankly, until this moment. You are not then criticizing the working group necessarily for failing to include information which it had as a working group. You don't know that they had it.

Ms. Fowler. We don't know what every member had.

Senator Levin. You know that a member of that working group had information which presumably should have been shared with the working group?

Ms. Fowler. We do know that--I believe it was in April--the member of the working group who had chaired that 2000/2001 review, shared with the other members of the working group his role in that. Now, what more he shared with them I do not know.

Senator Levin. Okay. So that they may or may not be subject to criticism for leaving out information which they knew?

Ms. Fowler. I would hope that--if I had been working on that working group and a critical member had said, oh, I forgot to tell you all in the beginning, but I chaired a review of this very issue in 2000 and 2001, I think I would have gone and looked to see what that report said and did, because here I am in the middle of a review. But we don't know.

Senator Levin. Have you reached any conclusion on that narrow issue as to whether the working group failed in that regard?

Ms. Fowler. We have a page or so in our report that lists some of the omissions that we are aware of that were not in that report.

Senator Levin. Let me read you from page 4 of your report, because I want to see if there's some other place that you've gone further than this. You've indicated that, ``any credible assessment of sexual misconduct problems over the last 10 years must include an examination of the responsibility of both Academy and Air Force headquarters leadership. The working group report failed to do that even though the Air Force General Counsel had access to considerably more information, resources, and time for study than did the panel.'' Are you concluding then that the working group failed based on what they knew to make an assessment, which the information in their possession should have led them to make? Is that where you're at?

Ms. Fowler. Senator, if you will look at the next page, page 5, it details there matters that we uncovered, and that as far as we could uncover, that were known to members and staff of the working group, but were not included or only obliquely referenced to in their report. We detail those on page 5, and those were sufficient to cause us to raise the question as to why were they not included.

Dr. Miller. That continues on to page 6 as well.

Ms. Fowler. It goes on.

Senator Levin. That continues on page 6. The criticism of the working group, which then is laid out here, for failing to take adequate note of, and to inquire into, then the question raises: Does that criticism apply also to the Secretary?

Ms. Fowler. As far as we know, and again, this is just our knowledge, the Secretary was not involved in the development of the working group report, that that report was developed by the General Counsel and her working group. So the information we had was that this was a staff-directed and a staff-done report that was presented to the Secretary of the Air Force as well as to others. General Nardotti would like to make a a comment, if he could, on that.

General Nardotti. If you were to look, Senator, at the charge that the working group, the General Counsel's working group, had, the focus clearly is on the activities at the Academy, so technically when they focus on what is happening at the Academy, they covered all of the bases. Our position is, in looking at the information that we came across, which we

believe the General Counsel working group should have come across much more easily than we could have, was that you could not tell the entire and complete story without explaining the involvement of headquarters, because at various times over those years, you had involvement of the Air Force Office of Special Investigations, the IG, and the Judge Advocate General was involved in looking at the problem at one point.

There was clearly attention by the headquarters to this problem at the Air Force Academy, and General Hosmer told our panel that although he did not run his courses of action before the Secretary before he took them, he had many discussions with Secretary Widnall about what was going on, what he was doing. We believe that there was knowledge of things in place, and what we have been critical of, with respect to the General Counsel's report, to fairly assess what went wrong, you can't tell that story just from looking at the Academy side.

I think, again, our point also was a matter of fairness. How do you put this entirely on the backs of the leadership of the Academy? Certainly they have primary responsibility because they run that institution, but some of these issues that were raised, the issue of confidentiality, how they were dealing with confidentiality was something that was wrestled with at headquarters' level, and Mr. Atlee's involvement later on had to do with that, but the point is, the larger issue is, that the headquarters had visibility and involvement in this and that appears nowhere in the General Counsel's report.

Senator Levin. I'm just going to conclude with two points. Number one is we are making it clear to the Inspector General that we want the Inspector General to review the actions or inactions of leadership, including the present, that is going to be made, as I understand it from the chairman.

Chairman Warner. Correct, a letter that you and I will jointly prepare.

Senator Levin. That is going to be made clear to the Inspector General. So we're going to clear that issue up, even though you didn't find any evidence of something that troubled you relative to the current leadership.

Ms. Fowler. All we could report on is what we uncovered.

Senator Levin. By the way, your independence is very clearly reflected here today, and we're very proud of that independence, including independence of the Pentagon, independence of the Academy, and independence from us. You've stood your ground here.

Ms. Fowler. We tried to follow through in your intent in establishing the panel.

Senator Levin. That was the intent. But we have a responsibility, which the chairman surely symbolizes here, that we're going to make sure that that Inspector General's report covers the current leadership. That's our responsibility, okay, regardless of whether you found evidence or not, we have a responsibility. That's point one.

You apparently did not ask the Secretary of the Air Force--you don't remember asking specifically whether or not these matters were brought to his attention.

Ms. Fowler. I haven't reviewed the transcript from June.

Senator Levin. All right. I think, Mr. Chairman, it would be incumbent on us in making clear to the IG that we expect them to include current leadership in their review, to ask the IG to specifically inquire of the Secretary of the Air Force whether or not the Secretary of the Air Force was aware of these facts that are laid out on page 5 and 6. That's number

one.

Number two, after our hearing that the chairman has referred to, which I think was that date of March 30, we all were just aghast that the Secretary of the Air Force was not looking at the leadership issue. I think all of us concluded, how do you omit the leadership? Now, my question of the Secretary of the Air Force would be, if he were standing here, after that hearing and after he took steps to change the current leadership at the Academy, why did he not then inform the General Counsel that he wanted the General Counsel to look at the leadership issue as well as the specific events? Once we had been so critical of the Secretary of the Air Force for failing to look at leadership--when he said he can't go backwards, we said, sure you can, you have to hold folks accountable--he still apparently did not broaden his charge to the General Counsel for that report.

Now, the working group--what was the date of their report?

Ms. Fowler. They reported in June. I don't know the exact date but it was mid-June.

Senator Levin. There were a couple of months there that the working group, it seems to me, I don't know if they could have, but should have been looking at the leadership issue once the Secretary of the Air Force knew that this committee wanted the leadership issue to be looked at. That is something that I think we should inquire of the Secretary of the Air Force and also make sure the Inspector General asks the Secretary of the Air Force, because that to me is something which was so dramatic that we were interested in that issue.

Chairman Warner. I think that is an important point, and I think we should give this panel the opportunity to tell us. Did you inquire of the General Counsel what instructions did you get to include or not include this very valuable section? Like you say, any credible information over the past 10 years must have an examination? Did you inquire of her?

Ms. Fowler. No, Mr. Chairman, she testified just a couple of days after we had received her report, so we had only--we had seen her interim report that she had issued a couple of months before--we'd only had her report in hand a few days. It was not until we were well into our investigation----

Chairman Warner. I see.

Ms. Fowler.--and we began to uncover information that we would go back and see was not in that report that we began to raise these questions.

Chairman Warner. Did you consider perhaps recalling her to bring that very serious point up?

Ms. Fowler. At that point in time her report was complete. So all we could do was raise it and let you know and let the offices that at the Pentagon know that these were omissions. The report was closed, the working group was through, and so there was no way we could get that reopened by this panel.

Chairman Warner. Did you explore with the General Counsel how the charter for her working group was established, and did the Secretary at any point in time after issuance of the charter, did he return and suggest amendments or expansions?

Ms. Fowler. As I said, Senator, when she came before us, we had just had her report a few days in hand, and as far as we knew, it covered everything, so it was not until several months later as we began to find these omissions that we started to see these questions and then her report was over.

Chairman Warner. So we do not have before us today any facts relating to an ongoing collaboration between the General

Counsel and the Secretary or the Under Secretary or other supervisors of the General Counsel as to how the parameters of her working group should be expanded or restricted?

Ms. Fowler. We did not have that.

Senator Levin. But what we do apparently know is that the Air Force yesterday indicated that the General Counsel was carrying out the instruction that they were to look at procedures at the Academy and not the actions up in the chain of command.

Ms. Fowler. We've seen that press release.

Senator Levin. Now, if that's true, then the question has to go to Secretary Roche, if that's accurate. Why, after being grilled by this committee and being told by this committee--we were interested in March in leadership failures--did you not amend the instruction to the General Counsel to tell the General Counsel, hey, don't just look at the Academy procedures or activities, look at the leadership failures as well? That's a question, it seems to me, that Secretary Roche has to answer.

Chairman Warner. We're going to listen to further comments from the panel, but at this time our colleague has sought recognition.

Senator Allard.

Senator Allard. Mr. Chairman, I want to assume--are we under the 6-minute rule or whatever, and I want to still have my opportunity to have a second round to make comments or questions.

Chairman Warner. You have the full opportunity right now. Why don't you start?

Senator Allard. Thank you, Mr. Chairman. I wrote a letter to you dated September 24 asking that we review the recommendations from the panel and see if we can't possibly get those in some form of legislation from this panel here.

Chairman Warner. That is correct.

Senator Allard. So I want to make that a part of the record, Mr. Chairman.

Chairman Warner. Correct, and you'll be working with Senator Levin, myself, and other members of the committee to incorporate in the conference report certain provisions that would become the law, assuming we can get a conference report accepted.

[The information referred to follows:]

United States Senate,
Washington, DC, September 24, 2003.

The Hon. John Warner, Chairman,
U.S. Senate Armed Services Committee,
228 Russell Senate Office Building,
Washington, DC.

Dear Chairman Warner: The Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy included a number of legislative proposals in its report released on September 22, 2003. These proposals were designed to correct problems in law that would strengthen the United States Air Force Academy's Board of Visitors oversight role and grant the Air Force greater flexibility with regard to the placement of personnel in key leadership positions.

Specifically, the panel recommended the following:

The revision of Section 9355 of Title 10 of the United States Code for the purpose of reducing the number of congressional members on the Board of Visitors; requiring each Board member to pledge full commitment to attend each meeting

and to carry out all the duties of a Board member; terminating any Board member's appointment who fails to attend in two successive meetings; providing clear oversight authority of the Board over the Academy; and eliminating the current requirement for Secretarial approval for the Board to visit the Academy for other than annual visits.

The revision of Section 9335(a) of Title 10 of the United States Code which limits the available pool of potential candidates for the position of the Dean of Faculty.

I believe these proposals have merit and would be helpful in improving the Air Force's response to sexual misconduct at the Air Force Academy. I would appreciate your consideration of these proposals as a possible addition to the Fiscal Year 2004 Defense Authorization bill. Thank you for your time and consideration.

Sincerely,

Wayne Allard,
United States Senator.

Senator Allard. I appreciate your allowing me to work with you on that, Mr. Chairman. Then there are a few things that I just want to address, Mr. Chairman, that were brought up by members of the committee, and I had an opportunity to visit with the superintendent of the Air Force Academy, Superintendent Rosa, in August.

Senator Pryor had brought up the issue about how the athletic department had a separate sort of area over here, and it wasn't necessarily under the control of the superintendent. He's corrected, that according to that meeting, and also he does recognize that there is a deep cultural problem. He has spoken not only to the cadets themselves, but he's spoken to the alumni from the Air Force Academy, which I think is very key, as well as to the parents of the cadets, and said, look, we're all part of this problem, we all need to resolve it. Also, he understands the problems of working with the cadets and what-not. As I began to survey them, I think there was a recommendation that came out of Senator Dayton when he said that we need to begin to survey them when they first come into the Academy. I'm going to suggest this to the Board of Visitors on their survey, where we do it every year and progress and see how their attitudes change, as Mr. Bunting suggested, as they move through the Academy and see if we can't begin to have an impact on some of the cultural thinking at the very start.

The reason I want to bring this up is because I think the leadership that we have at the Academy right now knows and recognizes a problem, which is the big difference from what we had in previous years, and I think that they're trying to address that. I just think it's proper that we recognize it at this time.

I also have a question that I want to bring up. Now, the panel report described in general terms the efforts of various Academy and Air Force leaders going back to 1993. The panel did not specifically assess the efforts of these leaders, with the exception of the four Academy officers, which was described in your report. That was Major General John Dallager, Brigadier General David Wagie, Brigadier General Gilbert, and then Colonel Laurie Slavec. My question is, why didn't the panel assess the efforts of previous Academy officials and Air Force leaders who could have addressed the Academy's climate that permitted sexual assaults?

Ms. Fowler. Again, in our 90 days we couldn't go to in-

depth detail on every former Academy official, but if you will look at our chronology section, we do go through--we take each year starting in 1993 to 2003 and we do a fairly good chronology on who was in the leadership then and what was occurring, and what was supposed to be happening in relationship to that. If you go through this chronology, and you go through the time line that is in the back, I think our panel did a good job in 90 days of documenting that.

Senator Allard. I saw those charts back there, yes.

Ms. Fowler. It gives you a good overview. As far as in-depth, getting into why something wasn't followed through on, we don't know that. But we do know if a report was made, we document that it was made, or if something was started, we documented it was started. The problem is sometimes that it didn't get continued on the next year.

Senator Allard. Now, here's the other question. I want to address one of the specific individuals that was mentioned in your report, that was Brigadier General David Wagie, who has served in the Academy for 16 years. During much of this time, General Wagie was responsible for the Academy's sexual assault response program, the administration of social climate surveys, which were not scientific, yet as the panel says in its report, he failed to recognize the problems and take appropriate action. Despite his failures, he continued to remain as dean of the faculty. Why do you believe the Air Force has not held General Wagie accountable?

Ms. Fowler. That is a good question and that's one we are raising, because General Wagie was the officer who had the most responsibility for the sexual assault program and for the administration of these social climate surveys. He had the information every year. For the 5 years that he's been dean he was receiving that information. There's a question on some of the others sometimes as to whether they had it or whether they did not, but General Wagie did, and yet he, as far as we could determine, took no actions to make the surveys more scientific, he took no actions in relationship to the startling information that was coming out of those surveys as to the numbers of sexual assaults, as to the climate, as to the fears, the retribution, why these young women weren't reporting. He didn't move forward.

The cadet counseling center came under him. They reported to him, and yet time and again we can find no evidence that General Wagie came forward with the information he was receiving. We don't even see that he communicated that to the commandant or to the superintendent. We can't find the evidence of it. But he certainly had the information and was in a position of responsibility to begin some implementations of some changes, and that we can find no evidence that he did.

Senator Allard. Do you think that it's possible?

Chairman Warner. Is he not part of current leadership?

Ms. Fowler. He is.

Chairman Warner. Should he not be therefore included in the IG's review?

Ms. Fowler. We recommend that he be included in it. He's in the list of names. We have his name in the list of who should be looked at.

Senator Allard. Now, the thought is occurring to me, did you look at the reporting of these instances? I mean, this current superintendent expressed to me a concern about these instances being reported to him, so he knows, as the administrative officer, what's going on. Did you find a

definite break-up in information getting up to the higher officers? When something happened in the Academy, was it getting reported to those in charge? Was that happening?

Ms. Fowler. It's a gray area.

Senator Allard. Then when we had a problem at the Academy, was it getting reported to the people in charge in the Pentagon, and was it going up from there? Would you talk a little bit about this communication, which I think was a part of the problem?

Ms. Fowler. It was definitely part of the problem, and this is definitely a gray area, and in our chronology you will see some years we were able to document that reports were made to Air Force headquarters in Washington. Other years we were not able to document that. Some years we were able to document that there was information that the superintendent had. Other years we didn't have that documentation. What is being said is that, oh, we didn't know, or often times prior leadership was saying, we didn't have that information, we didn't have that knowledge. We know sometimes they did, but sometimes they did not.

There was poor communications set up, a real lack of keeping good records. When we went to get this information, we found a lot of times they just didn't keep the records. We have recommended they do a better job of retaining records. Because of the turnover, we do recommend that the superintendent should be there 4 years, the commandant should be there 3 years. Commandants have been staying there an average of 18 to 24 months. 18 months? You're barely there before you are gone. You have to have more continuity in the top Academy leadership so that someone is overseeing what is happening there and has that information to act on.

General Nardotti. Senator, just a comment on the information flow. I think that we concluded there was certainly a breakdown of information that was a product of how they were handling their reporting system, the confidentiality system that had been in place. We didn't find evidence that the command had evidence of incidents upon which they could act and that they failed to act on that. The problem in the reporting system and the problem with dealing with these kinds of very difficult cases, if you don't get certain information right away in terms of evidence, and if you don't do certain things investigatively right away, it becomes very difficult to prosecute, and that was the problem with the way the confidentiality was being handled in two respects. Number one, they basically had the confidential reporting. They weren't collecting that information. The victims were not being advised of what the consequences of that failure to go into official channels would be, and some of them were left with the impression that action could be taken later when it could not.

Trying to strike that right balance, and General Hosmer's thought, even though he was the one that initiated the confidentiality, his belief, and we agree with this, that number one, you need to get the reports in. If you don't have confidentiality, you're not going to get the reports. If you get the reports in and you put the victim in the proper hands of somebody who is qualified to deal with a person with that kind of emotional experience and mental experience that you're far more likely to get them directed into the right path to both take care of them physically, emotionally, mentally, and also to give them confidence in the system that if they get the information into the right channels, it can be dealt with.

That fell completely apart and the struggle over those--you

look at this 10-year period--that continued to be a problem, and that definitely affected the information flow of when the leadership got information. They were getting it that these things were happening. They weren't getting it in time to take concerted action against the perpetrators. We don't fault them for that, that they didn't prosecute enough people. What we do fault them for is there were the indicators there that the problem was persisting and they were not taking enough concerted, consistent action to deal with them.

Senator Allard. Thank you. Thank you, Mr. Chairman.

Chairman Warner. Yes, Dr. Miller, you've been very patient.

Dr. Miller. The comment I had was directly to the issue that Mr. Levin was raising about the parameters or the limits of the charter that the working group had, and I'd just like to point out that they did cover the area of the Board of Visitors, which could perhaps be analogous to headquarters in terms of oversight that has some interaction with the Academy grounds.

Chairman Warner. Why don't we just proceed right down the panel if that's agreeable to you. General Bunting, do you have some further observations you would like to offer to the committee?

General Bunting. Less than a minute's worth, sir, because I know your time is limited.

Chairman Warner. We're not in a rush. This is one of the most important issues pressing our military.

General Bunting. What we have here is a very sick man. What we have here is a very sick man, and we have made a very thorough and lengthy diagnosis, the panel has, you have, these other working groups have, and it seems to me that a prescription has to be implemented and implemented quickly. It's not only a matter of a talented lieutenant general and his new leadership team going in to do the things that are necessary, but it's a matter really of transforming an entire culture, which, as somebody said, is the soil within which these sexual assaults and this kind of misbehavior has grown up.

It seems to me that everybody involved has to make a positive contribution towards doing this, and I have made this point two or three times this morning, but I would like to make it one last time. If the dean has been there 16 years, and there has been accumulating evidence of this kind of behavior, and the president of the university, the superintendent has done nothing about it, what about the Board of Visitors? What about this oversight committee of eminent elected officials from the Senate and those appointed by the President? It seems to me in the future that has to be looked on as a very important resource in evaluating the work of the Academy as it goes along.

I would make one last point. I stress again the importance of junior grade leadership: lieutenants, captains, and majors. These are the young officers who are around these cadets all the time. They are members of their generation. They were born in 1980 or 1985. Those are the people that these young cadets are going to look at as models of integrity, and as General Nardotti has said several times, particularly with regard to their understanding of the importance of the contribution of women to the Academy and to the Air Force.

Chairman Warner. Thank you, General Bunting, and indeed you draw on being superintendent of a prestigious military center, VMI, which in many ways is parallel to the Air Force Academy,

West Point, and Annapolis. Ms. Carpenter?

Ms. Carpenter. I think as a general comment I commend everything that's happened here to raise attention to the issue of sexual violence, that it's a pervasive problem in society in general. The advantage that we have at the Academy is that it is a controlled environment, and it is an environment which we hold to a higher standard, so we have an opportunity to make an impact. I think that, positively implemented and monitored, it has the opportunity to permeate throughout society and affect the 700,000 women who are sexually assaulted in the United States, so I appreciate the attention that this has been given.

Chairman Warner. I think that's an important observation. I'm certain that the superintendents of West Point and Annapolis, who have followed this proceeding and your report very carefully, take note of that, and indeed perhaps other colleges and institutions across the Nation, although not military, can learn from this tragic experience. Yes, I was going to pass right down. General?

General Nardotti. If I could just make three points for the record. Going back to a point that Senator Levin raised earlier about why we didn't look more closely or pursue this issue with the General Counsel's report, we were trying very hard, given the timeframe that we had, not to get diverted on that issue. That could have really absorbed a lot of time and effort, and quite frankly we didn't really need an explanation. We were satisfied that, based on the information that we found with respect to headquarters' involvement, though it wasn't in the General Counsel's report, we believe it should have been in the General Counsel's report, we were going to say that, and we think the point will be made and it could be dealt with appropriately later.

Again, with respect to the current leadership, obviously they're vulnerable in the sense that they still can be held accountable. That's why our focus was on those that, the presumption was, could not be held accountable, the past leadership.

This was a point on confidentiality, going back to something that Senator Allard had raised, it is important to note that the solution we've come up with with respect to the Military Rule of Evidence 513, the General Counsel does address that in their report, but they effectively dismiss it or interpret it in a way that it doesn't create any solution, and notwithstanding the fact that they mention it in the General Counsel's report, when you look at the Agenda for Change, you don't see a word that supports a confidential approach. If you look at the statements of the leadership of the Air Force Academy, confidentiality, confidential reporting, doesn't appear anywhere in the list of priorities. So we would just point that out to you that, in fairness to the General Counsel's report, that point is there, but we disagree strongly with the way they have interpreted that and the way they think it can be applied.

To the extent that Air Force instructions are a problem, they can solve that. The Secretary of the Air Force can solve those problems, we believe, pretty quickly and make this a workable solution.

The last thing I would say, and this went back to a point that Senator Pryor raised about the issue of athletics, I just would make a comment in fairness to the new leadership, specifically to General Weida, when we were out at the Air Force Academy we did talk about that. He is very sensitive to

that issue, and he had taken definite steps to make sure that the previously removed athletes--athletes who were less involved in the wing--were going to become much more involved in things. He was making some significant changes in that regard, and we believe that was another indicator that the leadership out there is going in the right direction. Thank you.

Colonel Ripley. Senator, I believe General Bunting stated it correctly. This is a very major problem. This is not a small issue. I'm sure that's obvious to anyone and it wasn't really obvious to me, I would say, until I saw the length, the breadth, the depth of this overall issue, much greater than I had presumed. It will not be fixed with a quick fix. That should be obvious as well. It's systemic, it spreads itself right across the Academy, virtually everywhere, faculty, cadet wing, leadership, athletics, you name it, they were all involved and they all need some sort of a redirection and perhaps an understanding of the whole issue of what women do, not just for the Air Force, but for our great Services in this country. That has to be looked at predominantly before anything gets fixed, and it extends back to the headquarters here.

I believe unless those involved look at this as serious as this committee has and this panel has, it will take a long time to convince anyone that the certain parameters and the obvious ways we operate are going to be that successful. What I'm saying is, we have to step outside the box and make sure that the changes, not just that this panel recommends, but our entire approach to fixing this problem is creative and unlimited.

Chairman Warner. I thank you very much, Colonel, and I agree that we have to do some out-of-the-box thinking on this problem, but I believe that this panel has laid that foundation and sent a very strong signal that will be heeded by the Department of the Air Force.

Dr. Satel. I certainly agree with the sentiments my colleagues have expressed. Hopefully the changes in the climate and the culture that we talk about will make future incidents rare, but I'm sure, unfortunately, things will still occur. As Anita mentioned earlier, though, one of the biggest worries is if there is no confidentiality, then the problem may become subterranean, so that is a very important thing for us, you, and the Academy to reconsider. But also importantly in terms of women coming forward, if they see in the future that they are treated with sensitivity and respect and that there's a determination to pursue wrongdoing and that people who require redress are in fact punished, then I think that will have very much of a facilitating effect on women coming forward. So the system has to work in an integrated fashion, you can't just change one part of it at a time. Thank you.

Chairman Warner. We thank you.

Ms. Fowler. Senator, can I wind it up for the panel? I skipped myself since I was chairman to be last. I just first want to thank the committee for recognizing the need for an independent panel. I think from our report it's obvious that there was a need for such a review and we are hopeful that these 21 recommendations will be implemented. There are a variety of means by which they need to be, some by legislation, some the Board of Visitors can do, and some the Air Force needs to do, but we hope they will be implemented. We think they are important. We particularly are concerned, as was mentioned earlier, we struggled a long time with the confidentiality

issue. It goes to the very heart of reporting and we think it is extremely important that this be adopted, our recommendation in that area. It's going to take the Air Force some discussion too on that, but we hope the committee can work with them and get them to work their way through on it.

As we said earlier, this change is not going to happen overnight and it's going to take a dedicated, sustained effort by the Academy leadership and the Air Force leadership to alter the very culture of this institution. In our opinion, the reputation of this institution is at stake and it needs to take a dedicated, sustained oversight to see that this occurs, because today it is an honor to be a cadet at the United States Air Force Academy, and it should always be an honor to be a cadet there. That's what this is all about, making sure that every cadet at that institution is in a safe and secure learning environment.

That was the goal of this panel. As you have seen, every one of them has been very involved in this review and these recommendations reflect the opinion of the whole panel. Thank you again for having us and for instituting this panel.

Chairman Warner. Let me just draw on one concept: It will not change overnight. I don't want this hearing to send a message to a female cadet at the Air Force Academy that tonight she could be subjected to something like that, that's not what you meant.

Ms. Fowler. No, we're talking about culture.

Chairman Warner. I think there's a check and balance in place now.

Ms. Fowler. There are processes and procedures in place now that are much better, but cultural change, which is what the end of my sentence refers to, does not happen overnight, and that is equally as important to make sure this is lasting is that the culture there is changed.

Chairman Warner. Let me just make this observation and then conclude. We talked a lot about accountability today. Now I want to talk about a chapter in the history of this committee with regard to this subject, and we have to be accountable for our actions as a committee. Roughly July 2000, we had before us the nomination of Major General Hopper to become three stars. He had been a former commandant at the Air Force Academy. We received from--just coming into the committee--a letter from a former surgeon general of the Air Force bringing to our attention that during the course of General Hopper's tenure at the Academy there were allegations of sexual assault.

The committee took action as follows. We then referred that to the Office of the Secretary of Defense. I must say that a colleague, Senator Landrieu, likewise intervened on this case; she was a member of this committee I believe at that time. We asked the Department of the Air Force to investigate this and the Office of the Secretary of Defense. You make reference to that in your report.

Ms. Fowler. On page 27, we refer to it.

Chairman Warner. Page 27. Those investigations were completed. The Air Force and OSD came back to this committee indicating that General Hopper had no degree of accountability for those allegations which should affect the advise and consent proceeding and his being promoted. Well, the rest is history. The rest is history now today. So I just want to thank people who are not in this hearing room and may not even be following this hearing, but who had the courage to forward to this committee information that they possessed either first-

hand or second-hand about these allegations. If it were not for the general public to come forward and help Congress in matters like this, I think in my opening statement I referred to, there are times when there's problems in the executive branch, for which we have oversight responsibility, and it's the general public, citizens just whose sense of integrity and honesty and fairness, in all probability, violation of clear law offends them. They have the courage to take the time to contact the Members of Congress. I wish to thank them in this case.

I believe that your report will engender further communications from individuals who perhaps have knowledge that somehow has not surfaced and come to the attention of anyone in a position of responsibility to date. So that's another great service that this panel has done.

Senator Levin and I have enjoyed a strong working relationship and friendship for some 25 years on this committee and we've been through a lot of hearings. This has been a tough hearing because it's a tough subject. We've asked tough questions and you've responded with absolute fairness, fortitude, and courage. I think we've clarified one or two things that may have caused a little confusion in the course of better than 3 hours that we've gone into this. I feel that our committee has responded and that we've shown you the enormous interest. The number of members here was significant today who attended and participated in this hearing.

Again, on behalf of the American public and particularly the military, be it the Air Force, the Army, the Navy, the Marine Corps, the Merchant Marine, or any others, thank you.

Ms. Fowler. Thank you, Senator. Thank you, Mr. Chairman.

Chairman Warner. The hearing is concluded.

[Below are questions for the record submitted by committee members for this hearing. Due to the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy disbanding shortly before this hearing, some answers have not been supplied for the record (#5 and #9).]

Questions Submitted by Senator John McCain

AIR FORCE LEADERSHIP

1. Senator McCain. Ms. Fowler, the report repeatedly refers to a lack of accountability and failure of leadership on the part of both the Academy and Air Force headquarters here in Washington, DC, in dealing with this situation. You further identify that the chain of command for the Superintendent of the Academy is a direct line to the Chief of Staff of the Air Force and the Secretary of the Air Force. Based on my military experience, this means that responsibility for the lack of accountability and failure of leadership by the Air Force headquarters ultimately resides with the Secretary and Chief of Staff. Do you agree with that assessment? Why is that not specifically stated in the report?

Ms. Fowler. The report carefully delineates the chain of command that exists between the Academy and Air Force headquarters, and identifies as part of the solution to the problem ``an actively engaged chain of command with external oversight.'' Our report also spans a 10-year period that includes six acting or confirmed Air Force Secretaries and four Chiefs of Staff and six Superintendents. Throughout the 10-year period, various leaders had various levels of information about the sexual assault problem at the Academy and took various degrees of action to deal with the problem. The panel did not find that the current Secretary or Chief of Staff failed to take timely or

appropriate action.

2. Senator McCain. Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel, the report mentions, and General Nardotti commented specifically in the hearing, that the September 11, 2001, terrorist attacks and subsequent wars in Afghanistan and Iraq commanded much of Secretary Roche's and General Jumper's attention. Are you suggesting that military leaders should not be held fully accountable for failing to take appropriate action to protect the safety of their subordinates from a situation that they had responsibility for because they are busy?

Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel. The point of reference to the events of the post-September 11, 2001, world was to provide context to the committee concerning the press of official duties and responsibilities for the Secretary and Chief of Staff. The safety and security of Air Force personnel and the anti-terrorism/force protections measures would be at the forefront of their concerns. The panel did not make a finding that Secretary Roche and/or General Jumper failed ``to take appropriate action to protect the safety of their subordinates from a situation [for which] they had responsibility.''

3. Senator McCain. Ms. Fowler, one of the most disturbing elements of the stories conveyed to me by the victims is that not only did the Academy and Air Force do nothing effective to deal with their sexual assault, it is alleged that Academy leadership in fact persecuted these women, denied them their constitutional rights, systematically undermined the victim's credibility, and chased them out of the Academy. I know that these allegations were made known to the panel. Why is this not even addressed in your report?

Ms. Fowler. The DOD Inspector General and Air Force Inspector General are separately investigating the handling of all sexual assault cases from the last 10 years. In a letter dated September 19, 2003, the DOD Inspector General informed the panel that his office had, ``reviewed all completed AFOSI criminal cases over the past 10 years for thoroughness and sufficiency, with a special focus on allegations of reprisal.''

Because his final report will not be issued until December 2003, and our panel's congressional mandate expired on September 23, 2003, we did not have the benefit of those findings for inclusion in our report.

MEDIA INFLUENCE

4. Senator McCain. Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel, the report comments that as a result of the media attention generated when the current scandal surfaced, the Air Force moved swiftly to address the problem of sexual assault at the Academy. The report also states that the evidence before the panel shows that the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action. Do you believe the Air Force would have continued to ignore, as it has for over 10 years, the sexual assault problems at the Academy if media attention had not forced senior leaders to finally take action? Why?

Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel. Congressional involvement was key to the positive action the Air Force is taking, specifically the personal involvement of Senator Allard and Congressman Hefley. Congress' recognition that the severity of the problem warranted an independent panel comprised of citizens with specific expertise relating to the proper treatment of sexual assault victims, as well as

knowledge of the Service Academies, was also vital to ensuring appropriate actions were identified and taken.

LEGAL ACTION

5. Senator McCain. Ms. Carpenter, as an advocate for victims of sexual assault, would you please comment on the importance of victims being permitted to know the outcome of legal or administrative action taken against their alleged attacker?

6. Senator McCain. Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel, I have been contacted by several of the alleged victims from the Air Force Academy, some of whom you have also met with. I found the accounts of their treatment by Academy leadership to be appalling and disturbing. Based on your investigation, do you believe that legal as well as administrative action is warranted against some former Academy leaders? Why?

Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel. The victims who met with our panel and spoke about their ordeals were simply heart-breaking. Our panel was shocked, appalled and troubled by what we heard. The victims' testimony helped us craft a report that put the victim first. Again, the DOD and Air Force Inspector Generals are investigating and reviewing all actions in alleged sexual assault cases. We understand they are reviewing specifics details and actions of the victims, alleged perpetrators, Academy leadership, and the Air Force headquarters leadership. We understand their report will be completed in December 2003, and we expect Air Force leadership to take appropriate legal or administrative action.

INVESTIGATION PROCEDURE

7. Senator McCain. Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel, the bias in the Air Force working group report that shields Air Force leadership brings in to question the credibility of any future reports on this matter by any Air Force organization. Considering the gravity of the accusations that have been levied against the Academy and Air Force leadership, should this investigation have been turned over to the Department of Defense Inspector General earlier?

Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel. Our 90-day review uncovered information that is clearly disturbing, and the Air Force with considerably more time and resources did not include the same information. We believe the DOD Inspector General involvement is essential.

8. Senator McCain. Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel, a number of the victims have contacted me to convey their skepticism of any further reviews on this matter by anyone associated with DOD. In your opinion, should an outside agency like the Department of Justice be asked to investigate the case?

Ms. Fowler, General Bunting, General Nardotti, Ms. Carpenter, Colonel Ripley, Dr. Miller, and Dr. Satel. We believe the DOD Inspector General will provide a full and fair investigation.

COLONEL LAURIE SUE SLAVEC

9. Senator McCain. Ms. Carpenter, what impact do you think the Air

Force's decision to award Colonel Slavec a medal for her tour at the Academy will have on the victims of sexual assault who feel they were further persecuted by this colonel, or who were afraid to come forward for fear of persecution by her?

Questions Submitted by Senator Daniel K. Akaka

SERVICE ACADEMIES

10. Senator Akaka. Ms. Fowler, I was appalled to find out about the sexual misconduct targeted at women at the Air Force Academy. This type of behavior is not acceptable. In reading through your report, it seems that there is a deep cultural aspect to this problem, which you mention is not unique to the Air Force Academy, and is also a problem at the other Service Academies. Would your recommendations be relevant to the other Service Academies? If so, which recommendations should be implemented by the other Service Academies?

Ms. Fowler. Yes, our panel's recommendations may be relevant to the other Service Academies and should be carefully considered for implementation. We understand that the DOD intends to pursue this evaluation with the Service Academies.

FEAR OF REPRISAL

11. Senator Akaka. Ms. Fowler, the report found that cadets were afraid to report sexual misconduct because of the fear of reprisal, discrimination, or harassment. The Air Force has taken a number of steps to address this problem. Do you believe fear of reprisal is still a problem at the Academy?

Ms. Fowler. Our panel was surprised by the deep cultural issues that the Academy must recognize, understand, and take action to change the mindset of individual cadets and the culture of the cadet wing and the Academy. The cultural changes necessary will not happen overnight, and despite steps to address the problem, fear of reprisal remains a concern among cadets as evidenced by the latest Air Force Climate Assessment Survey in September 2003.

[Whereupon, at 1:08 p.m., the committee adjourned.]

INVESTIGATIONS INTO ALLEGATIONS OF SEXUAL ASSAULT AT THE UNITED STATES
AIR FORCE ACADEMY

TUESDAY, SEPTEMBER 30, 2003

U.S. Senate,
Committee on Armed Services,
Washington, DC.

The committee met, pursuant to notice, at 2:55 p.m. in room SH-216, Hart Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Allard, Collins, Ensign, Chambliss, Levin, Reed, Akaka, Bill Nelson, and Clinton.

Committee staff members present: Judith A. Ansley, staff director; Gabriella Eisen, nominations clerk; and Pendred K. Wilson, receptionist.

Majority staff members present: Charles W. Alsup, professional staff member; William C. Greenwalt, professional staff member; Patricia L. Lewis, professional staff member; Ann M. Mittermeyer, counsel; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistants present: Michael N. Berger, Andrew W. Florell, and Andrew Kent.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Christopher J. Paul, assistant to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; Lance Landry and Jayson Roehl, assistants to Senator Allard; D. Armand DeKeyser, assistant to Senator Sessions; James P. Dohoney, Jr., assistant to Senator Collins; James W. Irwin and Clyde A. Taylor IV, assistants to Senator Chambliss; Meredith Moseley, assistant to Senator Graham; Christine O. Hill, assistant to Senator Dole; Russell J. Thomasson, assistant to Senator Cornyn; Davelyn Noelani Kalipi and Richard Kessler, assistants to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Andrew Shapiro, assistant to Senator Clinton; and Terri Glaze, assistant to Senator Pryor.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman Warner. Good afternoon, ladies and gentlemen, colleagues. The committee meets today to receive additional testimony regarding the allegations of sexual assault at the United States Air Force Academy.

We welcome Secretary Roche, General Jumper, and the General Counsel of the Air Force, Mary Walker.

I felt very strongly at the conclusion of the testimony given by the panel appointed by Congress, presided over by a very distinguished former Member of Congress, Tillie Fowler, that those allegations raised in that hearing should be readdressed in the context of giving each of you the opportunity to respond. My colleague, Senator Levin, and other members of the committee concurred, so that's the reason we are here today. Plus the fact, I have to tell you, in my experience of some many years in association with the United States military, and particularly the academies, this issue is at the very forefront of almost every Member of Congress, because we are the ones, together with the Secretary and the Chief and others, who make the nominations to the Academy. These are young people that come from the big cities and the small towns all across America, and they expect a lifestyle and an environment that is second to none in terms of quality, integrity, and honesty to fulfill their own individual goals.

This committee's going to take such time as it deems necessary to work our way through this very tragic situation.

Last Monday, September 26, the congressionally-mandated ``Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy''--that is the title used in the law--issued its report, which contained a number of findings and recommendations. On Wednesday of last week, Congresswoman Fowler and the other six members of the panel testified before this committee. During the course of that hearing, other members of this committee and I indicated our intention to have the Air Force General Counsel appear before the committee to respond to the panel's conclusion. We then decided to include

the Secretary and the Chief.

The hearing today will enable these witnesses to address a number of issues identified by the Fowler Panel, including the omissions in the Air Force investigation to date of the problems at the Air Force Academy. It will also give, particularly, Ms. Walker and Secretary Roche an appropriate opportunity to respond to the panel's express belief that the Air Force General Counsel attempted, ``to shield Air Force headquarters from public criticism by focusing exclusively on the events at the Academy.''

I view today's hearing as an important next step in the difficult process of ensuring that the problems of sexual harassment, sexual assault, and hostile attitudes toward women at the Air Force Academy, which hopefully are in the past tense--indeed, the entire Air Force itself, General Jumper--are eliminated finally once and for all. That's the ultimate goal of all of us.

Achieving that goal, however, depends upon a clear understanding of how our Air Force and Air Force Academy leadership failed, or did not fail, as the case may be; we are here objectively to listen to the past history and to such information as they may have had.

As noted in Congresswoman Fowler's report, ``The Air Force and the Academy cannot fully put this unfortunate chapter behind them until they understand and acknowledge the causes.''

The report goes on to state, ``In order to make clear the exceptional level of leadership performance expected of future leaders and to put the failures of recently removed Academy leadership in perspective, there must be further accounting. To the extent possible, the failures of the Academy and the Air Force headquarters leaders over the past 10 years should be made a matter of official record.''

I'm quoting that report, all of which you have well in mind. But those who have joined here in this room today, and those who are following this hearing, I have to recite exactly what is in that report.

I would be remiss if, at this point, I did not address the pending nomination of Secretary Roche to be the next Secretary of the Army. I have stated my concerns about proceeding with Senate consideration of Secretary Roche's nomination while issues relating to the accountability of Air Force leadership, including Secretary Roche, are still being reviewed by the executive branch, that being the Department of Defense Inspector General (DODIG). In a press release by the Air Force on the Fowler hearing, which was given to us today, there were references to other inquiries going on in the Pentagon.

Now, at that point, if I may stop, my colleagues here full know the constitutional responsibility of the United States Senate to give advice-and-consent to Presidential nominations, and that we do regularly. I've been privileged to be on this committee many years. I have felt that throughout the years, no matter who is chairman, we try to render an impartial and, in many respects, totally nonpolitical judgment in accordance with our constitutional mandate. But when we're on notice--I mean, actual notice--that the executive branch, a separate but co-equal branch of the government, is continuing to investigate allegations or facts relating to the nominee pending before the United States Senate, the question arises, can we go forward until such investigations are completed?

One of the reasons I'm a bit late, the President's counsel just called me on the phone, because he has several letters from me in front of him raising this juxtaposition between the

activities of the executive and legislative branches on this nomination. His counsel to me has been very helpful on this, and he understands and respects entirely the constitutional obligations of this body.

I always proceed with these nominations in a totally unbiased manner and with total neutrality, and wait until all the facts are before me before I cast my vote, together with other Members.

So, at this time, I cannot give you a definitive answer, Mr. Secretary, but I'm continuing to work through that situation, in consultation with the ranking member and other members of this committee.

Bear in mind that this problem at the Air Force Academy was, once before, referred to this committee. Several years back--I'll put in the record the explicit details--it was brought to our attention, by an individual who was in a position to have knowledge, that there were problems at the Academy. As is the routine of chairman of the committee, I was chairman at that time, we referred it to the Department of Defense (DOD) for an investigation. The Assistant Secretary of Defense for Force Management and Policy, after the Air Force Inspector General had investigated, came back and assured this committee that the allegations raised in that communication to the committee had been fully investigated and there was no basis on which the committee, at that time, should hold up the nomination by the President of an officer in the Air Force for higher promotion. Absolutely no basis.

[The information referred to follows:]

The reference by Chairman Warner concerned the Air Force and the Office of the Secretary of Defense response to a letter from the chairman and ranking member about a nomination then pending action by the Committee on Armed Services of an Air Force officer who previously had served as commandant of the U.S. Air Force Academy.

The committee forwarded the attached memorandum on July 27, 2000, to the Assistant Secretary of Defense for Force Management and Policy requesting comment. The attached memorandum is titled ``Sexual and Physical Assault at the U.S. Air Force Academy'' and identifies many of the problems that were identified in 2003 that resulted in Secretary Roche's order to establish a Working Group.

The Assistant Secretary of Defense responded to the committee on September 5, 2000 (letter attached), that the Air Force Inspector General had investigated and thoroughly reviewed the allegations and they were found to be unsubstantiated.

Assistant Secretary of Defense,

4000 Defense Pentagon

Washington, DC, September 5, 2000.

Hon. John W. Warner,
Chairman, Committee on Armed Services,
United States Senate,
Washington, DC.

Dear Mr. Chairman: Thank you for your letter of July 27, 2000, concerning the nomination of [deleted] United States Air Force, for assignment as [deleted] and for appointment to the grade of lieutenant general. His nomination is pending action by your committee.

The Air Force Inspector General thoroughly reviewed [deleted] allegations. The allegations have been investigated and found to be unsubstantiated.

The Secretary of the Air Force fully supports [deleted] nomination. Accordingly, I request his nomination for appointment to the grade of

lieutenant general proceed forward for confirmation.

Sincerely,

Alphonso Maldon, Jr.

cc:

Senator Levin

Now, this committee relied on the executive branch once, and as history tells us, for some reason that investigation at that time, in my judgment, was flawed and should have somehow turned the page and seen the problems that existed at that time, because these problems go back a decade.

I think I'll put the balance of my statement in the record. I think I've addressed most of the issues that are before us.

[The prepared statement of Senator Warner follows:]

Prepared Statement by Senator John Warner

The committee meets today to receive additional testimony regarding the allegations of sexual assault at the United States Air Force Academy. We welcome Secretary Roche, General Jumper, and the General Counsel of the Air Force, Ms. Mary Walker.

Last Monday, September 22, the congressionally-mandated ``Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy'' issued its report, which contained a number of findings and recommendations. On Wednesday of last week, Congresswoman Fowler and the other six members of the panel testified before this committee. During the course of that hearing, I indicated my intention to have the Air Force General Counsel appear before the committee to respond to the panel's conclusion regarding the efforts of the Working Group, which the Air Force formed to investigate the problems at the Air Force Academy, and which was chaired by Ms. Walker.

On Friday, Secretary Roche and General Jumper requested an opportunity to testify before the full committee, as well. I consulted with Senator Levin and promptly scheduled this hearing to ensure that they had that opportunity.

The hearing today will enable the witnesses to address a number of issues identified by Congresswoman Fowler's panel, including the omissions in the Air Force's investigations to date of the problems at the Air Force Academy. It will also give Ms. Walker and Secretary Roche an appropriate opportunity to respond to the panel's express belief that the Air Force General Counsel attempted to ``shield Air Force Headquarters from public criticism by focusing exclusively on events at the Academy.''

I view today's hearing as an important ``next step'' in the difficult process of ensuring that the problems of sexual harassment, sexual assault, and hostile attitudes toward women at the Air Force Academy--indeed, in the Air Force itself--are eliminated. That is the ultimate goal.

Achieving that goal, however, depends upon a clear understanding of how Air Force and Air Force Academy leadership failed to effectively address these problems over the years. As noted in Congresswoman

Fowler's report, ``The Air Force and the Academy cannot fully put this unfortunate chapter behind them until they understand and acknowledge the cause.'' The report goes on to state, ``in order to make clear the exceptional level of leadership performance expected of future leaders and to put the failures of recently removed Academy leadership in perspective, there must be further accounting. To the extent possible, the failures of the Academy and Air Force Headquarters leaders over the past 10 years should be made a matter of official record.''

I would be remiss if, at this point, I did not address the pending nomination of Air Force Secretary Roche to be the next Secretary of the Army. I have stated my concerns about proceeding with Senate consideration of Secretary Roche's nomination, while issues relating to the accountability of Air Force leadership--including Secretary Roche--are still being reviewed by the Department of Defense Inspector General.

The problems at the Air Force Academy date back at least a decade, but they did not end when Secretary Roche and General Jumper assumed their posts in the spring and summer of 2001. Indeed, some would conclude that these problems have gotten worse over the past 2 years.

Last Thursday, 23 members of this committee forwarded a letter to the DOD Inspector General requesting that he ensure a thorough review of the accountability of current Air Force leadership--including Secretary Roche and General Jumper. I ask unanimous consent that a copy of that letter be inserted in the record at this time.

Although Congresswoman Fowler testified that her panel found no evidence indicating problems with the performance of Secretary Roche or General Jumper in this matter, a complete assessment of accountability demands a comprehensive review, which extends through the current leadership of the Air Force.

In conclusion, I would like to recognize the fine work of Congresswoman Fowler's panel. Because of that panel's work, we now have a better understanding of the full extent of the problems at the Air Force Academy, the root causes of the problems, and what remains to be done so that we can guarantee a safe and secure environment for all cadets at the Air Force Academy. Congresswoman Fowler and the distinguished members of her panel significantly advanced the goal of restoring the Air Force Academy to the level of respect and trust that it must regain.

Chairman Warner. Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator Levin. Thank you, Mr. Chairman. Let me welcome our three witnesses here today as you have, Mr. Chairman.

We have received two reports on the matter which has been described by our chairman. The two reports, as he referenced, are a Working Group Report and a report by the Fowler Panel. The Working Group Report was the result of a group coming into existence that was directed by Secretary Roche, and Ms. Walker, as the Air Force General Counsel, headed that Working Group. The Fowler Panel Report was the result of a panel consideration as directed by Congress, and the members of the panel were appointed by the Secretary of Defense. The panel's report was released to us just last week and was the subject of the hearing that the chairman has referred to on September 24.

Now, the findings of the two reports are inconsistent in a number of significant ways. One of the most significant inconsistencies is that the Working Group Report found that there was, ``no systemic acceptance of sexual assault at the Academy, no institutional avoidance of responsibility or

systemic maltreatment of cadets who report sexual assault.''
The Fowler Panel took issue with that finding, stating the following, ``The panel cannot agree with that conclusion, given the substantial amount of information about sexual assaults and the Academy's institutional culture that was available to leaders at the Academy, Air Force headquarters, and to the Office the Air Force General Counsel.''

Now, the Working Group Report did not find leaders accountable for failing to change the culture at the Academy, while the Fowler Panel recommended that the DODIG conduct a thorough review of the accountability of Academy and Air Force headquarters' leadership for the sexual assault problems at the Academy over the last decade.

During our hearing, Ms. Fowler recommended that the DODIG review the accountability of ``previous leaders,' ' at the Academy and Air Force headquarters, leaving open the issue of whether the DODIG review should include an assessment of the accountability of current Air Force leadership. She did not modify the panel's formal recommendation that, by its own terms, did not limit review of accountability to past leadership. She indicated that a request for a review of the actions of current leadership was entirely up to us, but that they had found no reason to recommend such a review.

In order to ensure that there's no confusion about what we decided to do, we wrote the DODIG, under the chairman's leadership, and asked that the DODIG review include both past and present leadership. In our review, Mr. Chairman, I think you would agree, it is important that the actions of all the leaders, past and present, be documented and be assessed.

I think it is important to point out that we have not made a determination that any specific individual should be held accountable for failure of leadership. What we are saying is that the actions of all leaders involved need to be simply documented and assessed, because only after the facts are known can issues of accountability be appropriately determined.

So our minds are open concerning accountability, but we are determined that there be a thorough inquiry into the actions of all who were aware of the continuing reports of sexual assaults at the Air Force Academy to determine whether leaders took appropriate actions, based on the information available to them, to ensure the safety of the young women addressed to their care as cadets at the Air Force Academy.

Again, assessment of leadership actions can only lead to the documentation of facts, whichever way that falls. The letter that we wrote to the DODIG is consistent with the DODIG review that was called for by the Fowler Panel Report. This is the opportunity, which we look forward to, for our witnesses today to give us their assessment of the reports, which have been made available to us, as well as to any other comments which they might want to make. It is highly appropriate that they be given this opportunity.

Thank you, Mr. Chairman.

Chairman Warner. Thank you, Senator Levin. We'll include the letter to which you referred. We have over 20 signatures thus far. The committee issued that letter, following the Fowler Panel's testimony, calling on the DODIG to make certain that their examination covered those areas.

I would also like to have the statements of Senators Allard and Cornyn inserted in the record.

[The information referred to follows:]

[The prepared statements of Senators Allard and Cornyn follow:]

Prepared Statement by Senator Wayne Allard

Thank you, Mr. Chairman. I want to say how much I appreciate your involvement on this issue. Your interest has helped build momentum toward ensuring the safety of not only cadets at the Air Force Academy, but also those at West Point and the Naval Academy. Your previous experience as the Secretary of the Navy has been invaluable as we sought to better understand the role of the Air Force headquarters in these matters. Again, I thank you for your leadership, Mr. Chairman.

I also wish to thank Secretary Roche and General Jumper for their commitment to the cadets at the Air Force Academy. In January, the chairman and I notified the Air Force of the allegations of sexual assault and Secretary Roche and General Jumper responded immediately.

They instructed the General Counsel to begin a comprehensive investigation and personally traveled to the Air Force Academy to speak to the cadets about these allegations. Last week, members of the Fowler Commission stated before this committee that they were impressed by Secretary Roche and General Jumper's response to these allegations. I also know that many of the victims, particularly of those who approached my office, greatly appreciated the personal involvement of the Air Force's senior leadership. It has made a difference to those affected the most by these assaults.

While I believe the Fowler Report was a good examination of the Air Force's investigation, as with most panel reports, it left us with several questions that need answers. I appreciate your willingness, Secretary Roche, General Jumper, to try and answer some of these questions for the committee. Though a thorough discussion on the Air Force's investigation is necessary, let me say that we must keep our eye on the ball and not forget to continue to make sure the Air Force reforms are working.

We must remember that cadets are still at the Academy and a climate of fear continues to persist. The results of the superintendent's most recent Social Climate Survey further indicate that much work remains to be done. Sadly, as many as 25 percent of male cadets still do not believe women should be at the Academy and a large percentage of women still fear the reprisals for reporting a sexual assault.

So as we discuss this matter, we need to focus on the Academy and the cadets who will some day be the leaders of our Air Force. Since we all have nominated cadets, we all have an obligation to ensure that the measures implemented by the Air Force improve the safety of all cadets. We cannot afford to overlook this important responsibility.

Thank you, Mr. Chairman. I look forward to the question and answer period.

Prepared Statement by Senator John Cornyn

I would like to thank Senator Warner for holding this important hearing. Last week, the committee received critical testimony from members of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy, headed by Congresswoman Tillie Fowler.

The panel provided several recommendations on how to correct the unacceptable problems at the Air Force Academy. The panel's first recommendation was for the Inspector General of the Department of Defense (DODIG) to conduct ``a thorough review of the accountability of Academy and Air Force leadership for the sexual assault problems at the Academy over the last decade.''

I joined Senator Warner, Senator Levin, and other members of the Armed Services Committee in sending a letter to the DODIG requesting that the Inspector General conduct a thorough review of the Academy and Air Force headquarters leadership as recommended by the Fowler Panel. We also asked that the DODIG include an assessment of the accountability of the current leadership as well as the previous leadership.

As a United States Senator, I am honored to nominate young men and women to attend our Nation's service academies. We have a solemn obligation to ensure the Air Force Academy, as well as the other service academies, are free from the fear of sexual harassment. We will not tolerate anything less than an environment that fosters the lofty ideals on which this country was founded. Sexual harassment, in any form, is simply not acceptable.

As we all know, the nomination of Secretary Roche to be Secretary of the Army is currently before the committee. I believe we should wait for the conclusion of any ongoing executive branch investigations before we proceed with the nomination. In order to make an informed decision on the nominee, it is important that we have all the facts. I am encouraged by the fact that the Fowler Panel noted they were impressed with the leadership of Secretary Roche and General Jumper, but the seriousness of the problem at the Air Force Academy demands that we have a complete understanding of the role of the Air Force leadership--past and present. This is even more critical with the allegation in the Fowler Panel report that ``the Air Force General Counsel attempted to shield Air Force Headquarters from public criticism by focusing exclusively on events at the Academy.''

As I noted in my testimony in last week's hearing, we cannot afford to allow the problems of the past at the Academy to continue. I look forward to working with Chairman Warner and the Air Force to ensure that the young women who attend the Air Force Academy are treated with the dignity and respect that they deserve.

Chairman Warner. Several members have indicated they would like to make a quick comment.

Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

I have to get back to the committee that I chair. I want to make just a very brief comment, because I will not be here for the round of questioning.

First of all, I'd like to go back to the Tillie Fowler Panel, and they point out one problem that I think needs to be called to our attention. ``The panel is well aware of the difficulty of holding accountable those who long ago left their positions of responsibility and now are beyond the reach of meaningful action by the Department of Defense.''

I think that speaks for itself.

They went on to give a history of this. I only will mention that, ``Since at least 1993, the highest levels of Air Force leadership have known of serious sexual misconduct problems at the Academy.''

The report goes on to talk about how not much was done, in spite of that, until these two witnesses before us arrived on the scene. Reading further, ``Recent widespread media attention caused the Air Force to address the problem of sexual assault at the Academy. In March of 2003, Air Force

Secretary James Roche and Air Force Chief of Staff John P. Jumper announced a series of directives in policy improvements at the Academy known as the Agenda for Change.' ' It goes on to describe that, but the summary is, ``The Agenda for Change is evidence that Air Force, under Secretary Roche's leadership, is serious about taking long overdue steps to correct the problem in the Academy.' ' Finally, ``The panel is encouraged by a renewed emphasis in Washington to immediately address and solve this problem. We are impressed with the leadership of Secretary Roche and General Jumper. After a decade of inaction and failures, Secretary Roche made a step towards serious reform this year by rolling out his Agenda for Change and replacing the Academy's leadership team with one that has been quick to take action.' ' In other words, she's applauding what they've been doing.

Now, I served in the House of Representatives with Tillie Fowler. She's a very thorough person. One of the problems that I have, Mr. Chairman, with hearings like this, is we'll come in here and listen for maybe 3 hours while this group of experts, seven people who have never been challenged, in terms of their credentials, spent 90 days, perhaps 500 hours working. I talked to Tillie Fowler, and I am very satisfied they did their due diligence, and feel that we should really commend these two gentlemen for taking action when nobody else would.

Thank you, Mr. Chairman.

Chairman Warner. Thank you.

In my opening statement, I abbreviated it to save time, but I specifically commended Tillie Fowler and her panel for the work that they did.

Are there other colleagues who want to make a quick observation, and then we'd proceed with testimony?

Senator Allard. I just want to commend you for stepping forward, your leadership when I brought this to your attention, and joining me in dealing with this very serious problem at the Academy. Of course, we're all worried about the long-term security of all the cadets at the Academy.

Thank you, Mr. Chairman.

Chairman Warner. Thank you.

Again, these matters were brought to the attention of this committee by whistleblowers and not the Department of the Air Force uncovering it on its own initiative. This committee has a fiduciary responsibility, Mr. Secretary, to the entire Senate. When we pass on a nomination or an issue and make recommendations to the United States Senate, we do so hoping that they will attach credibility to our actions and our judgment, and that's why we're proceeding with great care on this very sensitive and important matter.

Now, Mr. Secretary, if you would lead off.

STATEMENT OF HON. JAMES G. ROCHE, SECRETARY OF THE AIR FORCE

Secretary Roche. Thank you very much, Mr. Chairman, Senator Levin, members of the committee.

First of all, Mr. Chairman, I completely agree with the role of this committee in nominations. I was a staff director for the minority here. I have always observed that it approached these matters with great diligence, and I fully respect that, sir.

Chairman Warner. Thank you for that reference. You have a very good record before this committee, not only as staff director, but, indeed, in most actions. I think there are one

or two with which several of our colleagues disagree. We're not going to get into the leasing arrangement now, but----
[Laughter.]

Secretary Roche. Please, Senator.

Chairman Warner.--other than that, you've tried hard.

Secretary Roche. Thank you, sir.

Let me begin today by thanking the committee for inviting General Jumper, Ms. Walker, and myself to update you on our actions regarding the Air Force Academy, as well as to provide you with some context for evaluating our approach to these problems and decisions we have made.

Mr. Chairman, I have a longer statement. I ask that it be put in the record. I'll try and summarize it.

Chairman Warner. Your statement and those of all witnesses will be included in today's record in their entirety.

Secretary Roche. We also would like to commend the work of Congresswoman Fowler and her distinguished team of experts. We learned a lot from her and her colleagues, and we agree wholeheartedly with the recommendations contained in her report. However, we want you to know, to the best of my knowledge and to the best of General Jumper's and Ms. Walker's knowledge--I'll let General Jumper and Ms. Walker speak for themselves--there was no shielding and no hiding in the Working Group Report. We were looking for history. We were looking for facts. We were looking for just the facts, so they could speak for themselves, sir.

The first point I would like to make to you, Senator, is that General Jumper and I believe that the cadets at the Air Force Academy this moment are safe, that we have put in the procedures, the patrols, lots of things to ensure that the parents of our cadets can sleep tonight at ease, knowing their daughters are safe, and that their sons are safe, as well.

Our singular purpose at the U.S. Air Force Academy is to produce officers of character, who are prepared to lead airmen in the profession of arms, potentially into harm's way.

Now, General Jumper and I, to the best of our knowledge, have been more engaged and more probing than any other secretaries and chiefs in the history of the Air Force. In my 19 months, up to January, and General Jumper's 16 months, as of January 3, we engaged in a review of the honor code, working with Retired General Mike Carns, who, by the way, had a daughter in attendance at the Air Force Academy.

We were tipped off by a reporter that there were issues about recruited athletes, and we dug into that. To make the point, we, after reviewing what was happening, put a restriction on the number of recruited athletes. We spent a great deal of time in the technical curriculum, because it was starting to slip, and it was starting to shift over to too many cadets going to liberal arts majors because of the workload. We fixed that, made the core curriculum much more technical, and also introduced multiple language studies. We reinstituted the basic flying program, so that could fit in. We invigorated our sense of military professionalism by creating the four-star lecture series, where we ask each of our four-star generals to come to the Academy at least once a year and to lecture and be with the cadets involved.

We took actions with failures, as well. There was a case of a 13-year-old young woman who was assaulted at a summer camp. That cadet was tried and placed in jail. There are eight court-martial convictions for drugs. There was a rape perpetrated in Los Angeles by one of our cadets. That cadet is in jail. We

worried about credit- card theft, embezzlement, pornography, a stolen textbook ring, and we took firm action against each of the cadets involved.

You may recall, Mr. Chairman, that there was a skit put on by the English Department, which, in our estimation, was inappropriate. It was an issue that came to the attention of Senator Allard. By the time I got back to my office, I had a copy of the same letter, and we found it to be something we did not want to see in our Academy. We removed the chairman of the department and also the number two, and later had that particular professor convinced that he should no longer be a permanent professor in our Air Force.

We visited the Academy repeatedly. But at no point during this entire period were we informed about a major problem with gender relations or sexual assault. We spent time with alumni, alumnae, board of visitor members, cadets, parents, many of whom are active-duty officers with daughters and sons at the Academy, faculty, and ex-faculty. Two members of our staff are women with extensive experience at the Academy. I even maintained a dialogue with the superintendent of the Naval Academy in an attempt to gain insight into potential problems on the basis that the competing academies would probably know more about the other academies than people in their own service, and I was helped greatly by the superintendent of the Naval Academy. Yet there were no suggestions of a widespread gender problem. The subject was not addressed openly by either officers or cadets. But had we received such information, I assure you our actions would have been as firm and swift and decisive as our approach to the other issues we have faced.

Now, it was January 2, at the end of the winter holiday that I received, among others, a copy of an e-mail from a cadet, and it was an extraordinarily long and pained e-mail, and I was very disturbed by its content. Within 24 hours, I asked the General Counsel to try and work to arrange to find that cadet. It was written with a pseudonym. We put feelers out and offers. The cadet did come forward to speak with us over at the General Counsel's office. In fact, two cadets came. They also had a chance to speak with Senator Allard and his staff. Senator Allard and I talked about this early on and decided we had a major problem that was much deeper.

Within days, I chartered a Working Group to focus on the problems at the Academy to tell John and me what, in fact, we had on our hands, how did it get this way, and what can we do about it? We wanted a factual history of the last 10 years at the Academy, the 10 years being the period from 1993, when General Hosmer had put in many changes to address a problem which had occurred in the prior 10 years. Days later, recognizing that we were, in one case, looking at the procedures and what had occurred at the Academy, I directed the Air Force Inspector General to start a parallel investigation to look at the complaints against commanders and assess the potential command accountability on a case-by-case basis so that we had a parallel path, looking at each case. In the cases, a number of the victims were concerned about how they were treated, concerned about issues of how the command responded, and we wanted to have that documented in a due-diligence manner. At the same time, the Working Group was looking at procedures, why did this happen, and why didn't we know about it?

Later, based on your request, our Air Force IG was joined by the DODIG, who we believe provided welcome oversight, and I

met with them as soon as they received your letter, welcomed them, and said, ``This is good, because it'll mean that our own IG will have some sense of oversight and will, therefore, be more credible,' ' and that they were going to both oversee what our folks were doing, as well as to look at broader issues of accountability.

We took, as our first responsibility, the safety of the cadets and measures to encourage reporting of any assaults, and to begin to alter the culture at the Academy that allowed this to develop. Headquarters accountability was an issue that came up much later, because we recognized that this three-star command was like any other three-star command, and there was not a lot of infrastructure overseeing what happened at the command because we don't normally do that in any of our other three-star commands. Yet it meant that we were not being informed of things. We did not know what was going on in the sorts of detail that we now feel is necessary.

I believed, as the Working Group progressed, that they should focus on the issues at hand, because we knew that the parents of the class of 2007 were going to make their decisions, or work with their sons and daughters to make their decisions, probably in April and May as to whether or not to show up in June, and our great concern is that we might have lost the confidence of the American people. Therefore, we wanted to work quickly to put things in place so as to regain that confidence and to give us a chance, and we did that.

As we went further, it was quite clear that we did not have the leadership and management infrastructure at headquarters, so we built an entire infrastructure arrangement that gives us executive steering group insight--the vice chief of staff, the assistant secretary for manpower--on a continuing basis so that we won't have to dig for things or wait for someone to bring it to our attention, but, in fact, can have insight on a continuing basis.

In August, I was shocked to see the four pages you referenced earlier, Mr. Chairman. I had never seen those. I had no knowledge of them. General Jumper had no knowledge of them. I asked Ms. Walker; she had no knowledge of them. It first came to our attention with an article in the newspaper. It then took us at least a week to find them, and they were buried in an IG report. It was shocking that the Air Force, both in 1996, when that came forward, and also in 2000, when you asked the issue be readdressed, that people in responsible positions ignored the underlying situation and viewed it so narrowly.

Senator Levin. Could I interrupt you? Because I don't know what four pages you're referring to.

Secretary Roche. In the material that the chairman sent over to the Assistant Secretary of Defense for Personnel and Readiness, in July 2000, there was a four-page attachment, which listed an assessment of what was happening at the Academy written in 1996. It's in outline form, but it was attached to that. In fact, it was the basis that was used to evaluate that the officer in question and his nomination, how did he do with that.

Chairman Warner. I was chairman at the time, Senator Levin, and it's that chapter to which I alluded in my opening statement that this committee, frankly, got burned one time, and we're not going to get burned again.

Secretary Roche. Yes, sir. I fully understand.

What fascinated me was two parts, Mr. Chairman. One, that people in responsible positions could read that and not

recognize that it wasn't a narrow issue of a particular officer, should he be promoted or not, but there was a backdrop to that. One should have asked the question, ``Well, is it okay now?' or, ``What was it?' In fact, nothing was done. It's hard for me to imagine that anybody in a responsible position could look at that and not ask a whole lot more questions. It started to answer the question, ``Why didn't the headquarters of the Air Force know what was going on?' In fact, those four pages made the point, they did.

This came, as I say, in August. The Working Group's report was finished in June. I have no doubt that had the Working Group had those four pages, that they would have taken the section on future studies, where they said that the headquarter's relationship should be examined, they would have built a much richer terms-of-reference. They would have used this. Then I would have argued with my boss that this is something that the DODIG should look at or DODIG, not the Air Force, because I'd be looking at my predecessors, who were in a different administration, and no matter what conclusion we came to, it would be somehow doubted. But it was absolutely appropriate that the DODIG look at that. So I support Ms. Fowler's position in that position especially.

Chairman Warner. Let me interrupt. The term ``headquarters' is used in a number of documents. I want to make it clear that is the Department of the Air Force over which you are the senior responsible presiding civilian.

Secretary Roche. Yes, I am.

Chairman Warner. The Department is, where you, as Chief of Staff, and your deputies----

General Jumper.--and the Superintendent of the Air Force Academy, Mr. Chairman, reports directly to me.

Chairman Warner. Right.

Senator McCain. So it's all one big oversight of information that was sent to you but somehow got lost.

Secretary Roche. Senator, I don't know why it didn't get to me or why it didn't get to General Jumper. The irony, Senator, is that it remarkably agreed with what we had found. If it had disagreed, one could imagine not wanting to see one's thoughts disturbed. It absolutely agreed, and that was the shock. If, in fact, the situation looked like that in 1996, and it's the same situation that we formulate in 2003; it's unlikely that it was bad, got better, and got bad again. It meant that over a period of time, it was that way. This completely agreed. Even some of the words were identical. For instance, the difficulty of how confidentiality was treated was pointed out in 1996 as a problem; it's the same situation we discovered in 2003. So I only regret that it was not brought to my attention, from anyplace it might have been.

Senator McCain. Communications from the Chairman of the Armed Services Committee are not brought to your attention.

Secretary Roche. I'm sorry?

Senator McCain. Communications from the Chairman of the Armed Services Committee are not brought to----

Secretary Roche. Oh, Senator, in this administration, absolutely, something from the chairman would be brought to my attention. This was in the prior administration----

Senator McCain. Oh, I'm sorry.

Secretary Roche.--and it's probably in a file cabinet someplace. It was not picked up and dealt with by the Office of Secretary of Defense then. I agree, the Air Force looked at this very narrowly instead of recognizing that it was a broader

problem and should have gone immediately to see if the situation in 2000 was the same as described in 1996.

In conclusion, Mr. Chairman, there have been failures at the Air Force Academy. Of that, there is no doubt. General Jumper and I have been and remain intensely focused on correcting these problems and restoring the confidence of the American people in their Air Force Academy. Our focus throughout has been of fulfilling our goals of educating, training, and inspiring Air Force leaders of the highest character and integrity, ensuring the safety and security of every cadet, and enhancing the trust and confidence of the American people in the Academy.

I'm proud to point out, Senator, in the midst of all of this, the work that we did on the rushed basis that we did it is measured by the fact that in June we had the fourth largest class of women to begin the Air Force Academy in the history of the Academy. The parents are giving us a chance. We have to make sure we live up to it. We will stay this course, Mr. Chairman.

Recent climate surveys show that the attitudes there are going to take a long time to change. In fact, General Jumper and I spent Friday in Colorado Springs with the leaders of the Air Force Academy, and one of our concerns is that they might become discouraged because things cannot happen fast.

The good news is that the confidence of the women cadets in the new leadership team and its desire to address these issues has become quite high. With what we have learned in our interactions, the efforts of the Working Group and the Fowler Commission, and what we will learn from the IG investigations, which are ongoing--they will not be complete until December--we are prepared to deal with issues of accountability expeditiously once they're finished.

We appreciate the support you and the Members of Congress have given us, and we sincerely appreciate the suggestions you have provided throughout our response to this crisis. I am especially grateful to Senator Allard for the time he has spent working with me on this, and working with General Jumper.

Again, we appreciate and applaud the work of the Fowler Commission. Thank you, sir. I'd be glad to answer your questions.

[The prepared statement of Secretary Roche follows:]

Prepared Statement by Hon. James G. Roche

Mr. Chairman, Senator Levin, members of the committee. Let me begin today by thanking the committee for inviting General Jumper, Ms. Walker, and myself to update you on our actions regarding the Air Force Academy, as well as to provide you with some context for evaluating our approach to these problems and the decisions we have made.

Mr. Chairman, you and members of this committee have been actively involved in highlighting the scope and nature of the sexual assault problem at our Academy. You've offered us your thoughtful suggestions since this issue was first brought to our attention, and you were responsible for the appointment of an independent panel of American citizens to review this matter.

We commend the work of Congresswoman Fowler and her distinguished team of experts. Throughout their review, we required that our staff cooperate fully with the panel because our goal is the same as yours--to provide for the safety and security of our cadets, and to ensure that we produce officers worthy of the special trust and confidence of our Nation. We are grateful for Ms. Fowler's diligence, as well as her

valuable recommendations. The commission has done a great service to the institution and to our Air Force. We have learned a lot and we wholeheartedly agree with her recommendations. However, I would want you to know that, in the report of the Working Group, there were no shields or any attempts to do anything other than to portray the facts so they might speak for themselves. We look forward to working with the Secretary of Defense and you as we move forward to study and act on the panel's findings.

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Mr. Chairman, from the very beginning of my tenure as Secretary, I have been intensely focused on sustaining our position as the world's finest air and space force. We do this, not merely by investing in platforms and systems, but principally by investing in people. Nowhere is this more important than one of our premier sources of training future leaders, the Air Force Academy. This is America's Academy. Because of the unique position of responsibility these officers will assume upon graduation, we owe it to you--and the citizens you represent--to get it right.

At the Academy, a singular purpose drives us: producing officers of character who are prepared to lead airmen in the profession of arms, potentially into harm's way.

Thus, we have been shocked and appalled to learn of the character failures of some of our cadets, and possibly, even some of our graduates. We do not condone these criminal acts, nor do we tolerate a culture that discourages the reporting of those who would perpetrate such acts. We must create an environment of trust and allegiance, not to misplaced notions of loyalty, but to standards of officership that will not tolerate criminal behavior or the attitudes that allow sexual harassment and assault to occur.

Shortly after I assumed my post on June 1, 2001, General Mike Ryan--our Chief of Staff at the time--and I talked about the Air Force Academy and about the fundamental obligation we have as custodians of this great institution. From the beginning of my tenure, one of my principal goals has been to strengthen this institution--to reinforce the foundations that have produced our success, and to make changes that would advance our mission there. Working closely with Generals Ryan and Jumper, and long before the sexual assault issue was brought to our attention in January of this year, we have been actively engaged on Academy issues.

We sought to reinvigorate a sense of military professionalism. In the last months of 2001 and the first half of 2002, we had court-martialed more cadets than we had in the previous 10 years at the Academy--eight for drugs alone. We had cadets involved in credit card theft, embezzlement, pornography, sodomizing a minor, and a stolen textbook ring. We took firm action against each of them. This level of misconduct convinced me that we needed to invest yet more of our personal time and effort to make positive changes at the Academy, and that we have.

During my term to date, I've visited the Air Force Academy more than any other Air Force installation or operating location outside of Washington--nine times. General Jumper has been there repeatedly as well. I believe that no previous Secretary of the Air Force or Chief of Staff has devoted more time and effort to the Air Force Academy than General Jumper and myself. In all these endeavors, our first concern was the welfare of the cadets at the Academy. I would like to review some highlights:

In October 2001, we went to Colorado to consider and make changes to the Academy's Honor Code system. Working with

retired General Mike Cairns, who chaired an independent report on the honor system, we made it more responsive, added due process steps, and reaffirmed our commitment to the values that underlie the code.

Immediately following this review, we took on the issue of recruited athletes. We were accepting an increasing percentage of recruited athletes. In March 2002, we issued our guidance, limiting the number of recruited athletes to no more than 25 percent of the incoming class. Again, we took this step to get the institution refocused on training, education, and character development of future Air Force officers.

In May 2002, I went to the Academy to focus on cadet military professionalism. During this meeting, I directed the establishment of a Senior Officer lecture series, wherein superb Air Force leaders--officers like General Buzz Moseley and Chuck Wald--would take a greater hand in the training and development of our future officers. General Jumper also encouraged every 4-star officer to visit the Academy annually. I concluded this visit by doing what I want all of our leaders doing there--teaching cadets personally. I chose to teach a case on acquisition ethics. General Jumper also taught a class.

Over the summer of 2002, we took on the curriculum issue. We conducted a complete review of the curriculum and made significant changes to enhance the science and technology requirements for cadets. We established a new Systems Engineering major, expanded language requirements for liberal arts majors, and reinstituted basic airmanship training for the cadets.

While we were working on these items, we cracked down on those who fell below standards: we clamped down on those involved with illicit drugs. We imprisoned the cadet who assaulted the young lady at summer camp and implemented new screening rules for camp volunteers. Further, in this case, we took charge of the relations between the Academy and the young lady's family due to the poor performance of some of the Academy personnel involved. We removed a permanent professor--a department head--who was responsible for an inappropriate and sexually explicit skit performed by some cadets.

We have tackled all these issues--the Honor Code, recruited athletes, the curriculum, issues of character and leadership development, enforcement of standards, additional training for staff, and much more--in my first 19 months on the job and General Jumper's first 16 months at the helm. At no point during this entire period were we informed about a major problem with gender relations or sexual assault. We spent time with alumni, alumnae, cadets, parents--many of whom are active duty officers--with daughters as well as sons attending the Academy, faculty, and ex-faculty. Two members of our staff were women with extensive experience at the Academy. I even maintained a dialogue with the Superintendent of the Naval Academy in an attempt to gain insight into potential problems. Yet, there were no suggestions of a widespread gender problem. This subject was not addressed openly by either officers or cadets. Had we received such information, I assure you our actions would have been as firm and swift and decisive as our approach to the other issues we faced.

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When we received a single e-mail from a cadet in January of this year, we were disturbed by its content, and the pain that was in the message. We contacted the author of the e-mail and we asked her if she

would be willing to come in to talk to our representatives. She did so, and brought a former cadet as well. What they had to tell raised serious concerns.

Based on these reports--as well as reports to Members of Congress, especially Senator Allard--we took immediate action. We chartered a Working Group in January, under the leadership of the Air Force General Counsel, the Honorable Mary Walker. In our charter to the team, we specifically and intentionally focused on determining the scope of the problem at the Academy, and what did we need to do to begin to fix it. What went wrong? How could it happen? How long has it been going on? We asked them to undertake a comprehensive review of the Academy programs and practices that were designed to deter and respond to sexual assault incidents, and to report their findings with respect to the responsiveness, effectiveness, and fairness of our current programs. We wanted facts. We needed to change the Academy and earn again the confidence of the parents of our cadets--especially those cadets considering entering the class of 2007. Our charter was very specific:

- Review the current programs, policies, and practices at the Academy as compared to the rest of the Air Force;

- Review the cadet complaints and provide an opportunity for cadets, former cadets, and other members of the Academy community to make constructive comments;

- Evaluate how well the Academy's process to assist victims and punish offenders has worked in the last 10 years; and

- To offer recommendations to us as a basis for us to make changes at the Academy.

Time was of the essence. We did not ask them to investigate, report on, or draw conclusions on the activities of the headquarters. We wanted facts and factual history, not speculation. Our immediate and compelling focus was to provide an environment for our cadets free from sexual assault and sexual harassment while ensuring that if a sexual assault did occur, the crime would be reported, the victim would be supported, and justice would be done. Within a week or so, I also directed the Air Force Inspector General to undertake a parallel investigation into every case where a victim felt that justice had not been done so as to assess command accountability. Furthermore, I directed Ms. Walker to develop a factual history in the report of the last 10 years at the Academy to provide General Jumper and me with the basis for evaluating how our officers dealt with what they found there.

While the Working Group and the IG team were doing their work, General Jumper and I repeatedly went to the Academy to personally engage with the cadets and the leadership. I addressed the entire student body and the assembled faculty in February during a conference on Character and Leadership Development. The following week, General Jumper did the same. We made it absolutely clear that we were going to fix this problem, and that the cadets could expect significant change, not just in matters related to sexual assault, but in the entire Academy climate.

To learn, we reviewed the work of the Working Group as they developed history and diagnosis. When we received Ms. Walker's interim report in March, we personally assembled a group of officers and leaders with experience at the Academy, other academies, and Air Force ROTC to help us review an agenda that would allow us to make swift and decisive changes at our Academy.

Mr. Chairman, we want to be very clear how we viewed our responsibility: first and foremost, protect our cadets, reestablish the confidence of the parents of our cadets, attack any barriers to reporting, and begin to change the culture which had developed over the

past two and a half decades that tolerated sexual harassment.

First, we expeditiously pursued our review at the Academy and issued our Agenda for Change because of our overarching responsibility to protect the cadets who were at the Academy and the incoming class. We were compelled to immediately address these issues so we could reassure the parents of our current and future cadets that their children would be safe. I'm proud to report that the class of 2007 has the fourth largest number of women in the Academy's history.

Beyond all other matters, we were committed to eliminating the climate at the Academy that discouraged reporting of sexual assaults and encouraged a misplaced loyalty to protecting those who committed criminal acts. Our focus was on the Academy, its current cadets, and the incoming class. Our concern was to act to make swift and decisive change.

We viewed that as our responsibility as the Air Force's senior leaders. It is why we issued an Agenda for Change that was a beginning of an overall, intensive effort to fix the problems at the Academy. We needed to make leadership changes to get the process started, and attack the entire climate, from basic cadet life and staff training to the specific processes by which we deter and respond to sexual assault. The preliminary Working Group Report was very helpful in giving us diagnoses and raising issues needing to be addressed.

The new Academy leadership team--a team General Jumper and I assembled after interviewing many candidates--and our Executive Steering Group at the Headquarters have taken the Agenda for Change and the General Counsel's final report and translated them into 63 action items. We've established a headquarters oversight mechanism that is tracking implementation as well as providing support to Academy leadership. Our team just returned from 2 weeks at the Academy where they reviewed our progress to date. This construct will be made permanent and will ensure that our successors maintain the needed attention on the institution.

As of today, we can report that we have made progress in implementing these changes, although we have a great deal of work yet to do, as Ms. Fowler correctly notes in her report. Generals Rosa and Weida, and Colonels Gray and Monteith are officers of action and are the right leaders at the right time for the Academy. We have opened up the Academy to public scrutiny, and have invited all concerned with resolving these problems to offer their criticism and inputs. We have invited the cadets to be part of this process. We have worked with the other services and the leadership of the U.S. Military Academy and the Naval Academy to capture their best practices. We have been open and direct with the Fowler Panel, the DOD Inspector General, the Board of Visitors, and this committee, as well as your counterparts in the House.

We recognize that our initial blueprint for action may need modifications, as in the case of our approach to a ``confidentiality track'' for victims. As we have already done, we will continue to modify our actions, to incorporate best practices, to ask help from outside experts, to bring the Academy in line with the processes used throughout the Air Force, and to ensure that we continue the process of changing the culture at the Academy.

As recent surveys have shown, changing attitudes will be something we can't solve in a matter of months, and significant problems still exist. While I feel confident that we have assured the safety of our cadets, it is disturbing to read in our latest cadet climate survey that more than 20 percent of our male cadets believe that women do not belong at the Academy. This calls into question our admissions procedures. More disturbing, these attitudes seem to have spread as cadets become more senior over time. In that same survey, however--which General Weida and Colonel Gray briefed to us just last Friday--

our Freshman cadets reported they are confident in their new leadership, less tolerant of honor code violations, and are more likely to confront their peers. Further, our women cadets overwhelmingly expressed confidence that our new leadership team is serious about addressing issues of sexual harassment and assault. We need to nurture those attitudes, and I'm confident that our new leadership at the Academy is moving in the right direction. We need to ensure that they do not become discouraged with the slow pace of progress.

It will take strong leadership and a consistency of purpose to sustain this movement. Even though we've been at war as we've responded to this crisis, it's received no less attention than it would have during peacetime. We remain engaged, and will continue to take decisive action on matters of leadership, training, and the enforcement of standards at the Academy, and throughout the Air Force. This is our commitment to you and all those we serve. It is what the American people expect of those entrusted with their sons and daughters and the security of this Nation.

* * * * *

Mr. Chairman, there have been failures at the Air Force Academy; of that there is no doubt. General Jumper and I have been and remain intensely focused on correcting these problems and restoring the confidence of the American people in their Air Force Academy. Our focus throughout has been on fulfilling our goals of educating, training, and inspiring Air Force leaders of the highest character and integrity, ensuring the safety and security of every cadet, and enhancing the trust and confidence of the American people in the Academy. We will stay this course. With what we have learned from our interactions, the efforts of the Working Group and the Fowler Commission, and what we will learn from the IG investigations, we are prepared to deal with issues of accountability expeditiously.

We appreciate the support you and the Members of Congress have given us, and we sincerely appreciate the suggestions you have provided throughout our response to this crisis. Again, we appreciate and applaud the work of the Fowler Commission.

Thank you, I will be happy to answer your questions.

Chairman Warner. Thank you very much, Mr. Secretary.

I think the record, at this point, should reflect, when you made reference to the letter that I sent, the Secretary of the Air Force at that time was Whit Peters; Chief of Staff, General Ryan. Perhaps in the Q&A--I don't want to take up time now--you could tell us whether or not you went back and asked them what happened; why that wasn't addressed.

Senator Levin? Any further comment on the record? Because otherwise we'll go now to the General Counsel.

Senator Levin. Perhaps just one question, if you could clarify. The Air Force IG was a member of the Working Group?

Secretary Roche. There were members of the IG staff on the Working Group.

Senator Levin. Not the IG.

Secretary Roche. No, sir.

Senator Levin. Okay.

Secretary Roche. No, sir.

Senator Levin. The staff members--according to Tillie Fowler----

Secretary Roche. Oh, I'm sorry. The General Counsel, correct. He was on the overall panel.

Senator Levin. That's what it says in the Fowler Report.

Secretary Roche. Yes, sir. General Hewitt.

Senator Levin. And was it he who did the review in 1996?

Secretary Roche. No, sir. He arrived in 2000. He arrived 2 weeks before the answer was given back to the committee. It happened within the first 2 weeks of his tenure. In 1996, he was off flying airplanes.

Chairman Warner. General Jumper.

STATEMENT OF GEN. JOHN P. JUMPER, USAF, CHIEF OF STAFF, UNITED STATES AIR FORCE

General Jumper. Mr. Chairman, Senator Levin, members of the committee, thank you for the opportunity to address you all today. I also want to thank you for your continued support of our Air Force men and women, and for your concern about the cadets at our Air Force Academy.

I'd like to also add my appreciation to that expressed by Secretary Roche to Ms. Fowler and the members of her committee for the report and its recommendations, and I add my full support to those recommendations.

Mr. Chairman, I assumed my present position on the 6th of September 2001. In addition to the events of September 11, one of the initial topics of discussions between Secretary Roche and myself was about the Air Force Academy. He had been directly involved with my predecessor, General Mike Ryan, on a number of issues that he's outlined to the committee this morning, in doing due diligence on issues that were already underway, to include, I might say, a formal review of the honor code with General Mike Carns that what was reported out to us shortly after I arrived in my new position.

He could have, at any time, turned to me and said, ``Jumper, the superintendent reports to you, you take all these things and go off and report back to me,'' but he knew the urgency of the day that was dictated by the events of September 11, and we worked on these things together from the very beginning. As I said, Mr. Chairman, as the Air Force Chief of Staff, the Superintendent of the Air Force Academy does report directly to me. We worked these issues as a team, and I do feel the responsibility for what does happen at the United States Air Force Academy.

Indeed, we're both engaged at many levels of the Academy issues. During my many trips to the Academy, I had occasion to talk to children of general officers who go to the Academy. My own daughter went out and participated in an ROTC program in the summer of 1996 at the Air Force Academy, spent the summer there. I attended many athletic events. I had the opportunity to be with many cadets on many levels, both formal and informal, with the alumni and with their parents. On no occasion during any of those times, during my initial tenure as the Chief of Staff of the Air Force, was any problem with regard to the abiding sexual climate there ever brought to my attention, although other problems were, of the type that Secretary Roche mentioned, and were acted upon.

Then with the arrival of this e-mail on January 2, 2003, I can tell you--I was there--Dr. Roche reacted immediately to that e-mail with an immediate answer to the General Counsel to get underway with the appropriate committees and boards that conducted the subsequent investigations.

Very quickly thereafter, I want to emphasize, there was a parallel effort to get the Air Force Inspector General underway on looking thoroughly at all of the techniques and the processes that went into the investigations that took place, to

make sure that the leadership at the Academy reacted to those properly and that the processes and procedures were as they should have been, and we stepped out on that quickly.

Our focus at the immediate time was to focus on, as the Secretary said, when the new cadets would arrive at the end of June and to get a letter out to their parents to outline quickly to them the steps that we thought were necessary to assure the safety of their people. Many of those steps had to do with the culture and the character of the Academy that we knew had to change, but we also knew that nothing was going to change unless the cadets themselves were a part of that change. Those are points that were pointed out in the report by Ms. Fowler.

The subsequent Agenda for Change that was published by the Working Group focuses on a great deal of--pardon me?

Secretary Roche. Published by us.

General Jumper. That was published by us, exactly right, released by us.

The words that have to do with character, integrity in the preamble of that document are largely words that came from my own pen and show the conviction that I personally have to the long-term culture and integrity of the organization.

We also undertook, with the help of the Alumni Association, to begin work on a new Center for Character and Leadership Development that we will join with the Alumni Association to open as a place where formal research on this thing can be done and made available to all.

We learn more about this situation every day, Mr. Chairman, as we continue to probe and reports continue to come in. So the Agenda for Change is, indeed, a living document that will continue to be updated as changes dictate. As we tend to find what elements of the agenda work and don't work the best, adjustments will be made.

Mr. Chairman, I think that the Secretary and I have, indeed, been engaged, and engaged actively, in this problem, and we will continue to be engaged, understanding that this is a long-term problem. This is not one that we will address, as tended to have been done in the past, with a quick solution. We understand that the problem took years to develop, and the solution will take a long time for us to implement. But we are engaged in the long term. We intended, with the Agenda for Change, to institute changes that were, indeed, for the long term.

But I reiterate that I am the one responsible. I am the one the superintendent reports to. I'm responsible not only for the Air Force Academy, but for the conduct of the entire Air Force, along with Secretary Roche, in their conduct in war, and, as we have seen, our Air Force operates throughout the world over an extended period of time.

Mr. Chairman, I appreciate the opportunity to be here today, sir, and look forward to your questions.

Chairman Warner. Thank you, General, and we expected no less from you to accept full accountability. Thank you.

General Counsel.

STATEMENT OF HON. MARY L. WALKER, GENERAL COUNSEL, DEPARTMENT
OF THE AIR FORCE

Ms. Walker. Thank you, Mr. Chairman, Senator Levin, members of the committee. Thank you for giving me this opportunity to discuss my role and that of the Working Group convened by the

Secretary of the Air Force to review the policies, programs, and practices to deter and respond to sexual assaults at the Air Force Academy. I should note, for the time-frame reference, that I assumed my duties November 12, 2001.

My office and the Working Group that I chaired have worked diligently with Secretary Roche and General Jumper to review the Academy's policies and programs over the last 10 years and to capture the facts surrounding the sexual assaults at the Academy in response to cadet complaints Secretary Roche received in January of this year.

My office interviewed the cadet who wrote the e-mail, and I personally met with her and another assault victim very early on. We were very concerned about the issues they raised. The Secretary was concerned as well, and thus, he demanded a focused, aggressive effort to determine the facts and to implement changes at the Academy.

The Working Group's report was not a staff report that was handed to the Secretary and the Chief. I worked very closely with the Secretary and General Jumper throughout the Working Group's process, as did other members of the Working Group. I met regularly with Secretary Roche, and had an ongoing informal dialogue with him about the issues being raised. As soon as the first staff team was dispatched to the Academy, he was provided feedback as I received it, and he and the Chief received a draft of the preliminary findings before they were made formally available to them, on March 19, as well as other various drafts of the final report of the Working Group, for their comments.

The Secretary and the Chief provided comments to us on the draft reports. The Working Group members also individually reviewed the draft report and made comments as well, and those comments were addressed in the final report.

During the course of the Working Group's review, the Secretary raised questions and provided comments. He was very concerned we report the facts, let the facts speak for themselves, and that we not speculate. We were very careful to document with original source documents each fact in the report.

During the course of the Working Group's report preparation, I asked that a historical section be included so that we could see how the policies and programs developed over time. This necessarily involved the Academy leadership and what they had done to address the issues over time. As this developed and we received more information, the staff team and I became concerned that if accountability of leadership was to be considered in this process, an inspector general was better suited than the Working Group to look at these matters. I was aware of the parallel efforts underway by the Air Force Inspector General and the Department of Defense Inspector General, looking at many of these issues.

I took this issue to the Secretary, and he agreed, reminding me of our charter to look at policies and programs in light of the cadet complaints, not at leadership accountability. He stated that he and General Jumper would be looking at leadership's role after all the reviews and reports had been completed.

It was the direct involvement by the Secretary and the Chief of Staff that enabled them to understand the depths of the challenge we faced, and also contributed to their ability to author the Agenda for Change. Our charter from Secretary Roche was to find the facts, no matter what the facts revealed.

The Working Group did not engage in a protective mentality to shield Air Force leaders, past or present. That would have completely undermined our efforts to protect victims and to pursue the changes that were needed at the Academy.

Much has been made of facts the Working Group did not have. I was not aware of the facts developed by the Fowler Panel regarding the prior headquarters' involvement in Academy sexual assault issues in the 1996/1997 time frame referred to at page 5 of the Fowler Panel report. However, the Working Group was aware early on of the Office of Special Investigations (OSI) concern raised in late 1999 or early 2000, with the confidential reporting process at the Academy, and they were aware that the OSI commander viewed this as preventing OSI's receiving information on reports of assault sufficient for them to be investigated. I raised the same issue that had been raised in 2000, and that is when I learned of the prior question raised by OSI.

As I understand it, this concern was raised, and various functions at headquarters discussed the issue. These were some of the same offices that were participating in the Working Group this year.

The 2000 issue raised by OSI, was not that consideration was not being given to review of sexual assault issues and sexual harassment at the Academy, but, rather, it was an OSI complaint about the confidentiality reporting process. I am told the effort consisted of one, possibly two, meetings, acquisition of information, exchanges of views on the issue, and an exchange of e-mails, with long periods of inactivity; months where nothing happened.

When it became apparent these discussions could not resolve the issue, Mr. Atlee, who is currently my deputy, recommended that the OSI commander and the Academy superintendent meet and attempt to resolve the issue directly. The OSI commander subsequently did meet with the superintendent and the commandant, and afterwards reported they had reached an agreement that resolved his concerns, and the confidential process of reporting remained in effect.

The Working Group was aware of the issue raised by OSI in 2000. That is, they were aware, in 2003, that it had been raised in 2000. This issue is documented in the Working Group's report at pages 17, 20, 141, and all of the footnotes cited in those paragraphs dealing with that issue.

Had we been aware, however, of facts concerning the prior involvement of Air Force leadership in the sexual assault issues at the Academy in the 1996/1997 time frame, we would have included them in the report, as well. Based on what I now know about those issues, they only serve to underscore the Working Group's 43 findings; among them, findings that the Academy's programs, though well-intentioned, were not working, that there was a culture problem at the Academy, and that the confidential reporting process, though well-intentioned, had failed.

The facts are the facts, and I would have included any relevant facts essential to our review. It is inconsistent with my intent to paint a complete picture to suggest I would have withheld relevant facts. Those were relevant facts. Had I been asked, I would have made this clear to the Fowler Panel.

The Working Group provided Secretary Roche exactly what he asked for, a detailed report that delineated the nature and the scope of the problem at the Air Force Academy that the cadet victims complained of, with recommendations for change.

In addition to the 43 findings, we made 36 recommendations for change and identified 12 areas for further study. One of the areas for further study was the need to examine the extent to which Air Force headquarters had been and should be involved in the oversight of sexual assault and sexual harassment issues at the Academy.

I believe the report of the Working Group met its charter and provided invaluable information, which served as a foundation for the important changes that have been made for the good of the Academy and the cadets it prepares to become officers.

The military and civilian members of the Air Force who gave up nights and weekends with their families for months to complete the Working Group's effort are dedicated people, military and civilian, who care deeply about these issues. To their credit, Lieutenant General Rosa, Brigadier General Weida, are now implementing and executing the changes they recommended. These changes, brought about by the Secretary and the Chief in response to the information they received, work toward a safe environment for our cadets and one in which future officers, both men and women, can thrive.

I thank you for this opportunity to help clear up these facts, and I await your questions.

Thank you.

[The prepared statement of Ms. Walker and the Report of the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy follow:]

Prepared Statement by Hon. Mary L. Walker

Mr. Chairman, Senator Levin, members of the committee. Thank you for giving me this opportunity to discuss my role and that of the Working Group convened by the Secretary of the Air Force to review the policies, programs, and practices to deter and respond to sexual assaults at the Air Force Academy.

I assumed my duties as Air Force General Counsel on November 12, 2001.

My office, and the Working Group I chaired, have worked diligently with Secretary Roche and General Jumper to review the Academy's policies and programs over the last 10 years and to capture the facts surrounding the sexual assaults at the Academy in response to the cadet complaints Secretary Roche received in January 2003.

My office interviewed the cadet who wrote the e-mail and I personally met with her and another assault victim. We were very concerned about the issues raised. The Secretary was as well and thus he demanded a focused, aggressive effort to determine the facts and to implement changes.

The Working Group's report was not a ``staff report'' that was ``handed to'' the Secretary and the Chief. I worked very closely with Secretary Roche and General Jumper throughout the Working Group's process as did other members of the Working Group.

I met regularly with Secretary Roche and had an ongoing informal dialog with him. As soon as the first staff team was dispatched to the Academy, he was provided feedback as I received it, and he and the Chief received a draft of the preliminary findings before they were formally provided to them on March 19, as well as various drafts of the final report of the Working Group for their comments.

The Secretary and the Chief provided comments to us on the draft reports. The Working Group members also individually reviewed the draft report and made comments.

During the course of the Working Group's review, the Secretary raised questions and provided comments. He was very concerned we report facts and let them speak for themselves and that we not speculate. We were careful to document with original source documents each fact in the report.

During the course of the Working Group's report preparation, I asked that a historical section be included so that we could see how the policies and programs developed over time. This necessarily involved the Academy leadership and what they had done to address the issues over time.

As this developed, and we received information, the staff team and I became concerned that if accountability of leadership was to be considered, an Inspector General was better suited than the Working Group to look into these matters. I was aware of the parallel efforts underway by the Air Force and DOD Inspectors General.

I took this issue to the Secretary and he agreed, reminding me of our charter to look at policies and programs in light of the cadet complaints not leadership accountability. He stated that he and General Jumper would be looking at leadership's role after all the reviews were completed.

It was the direct involvement by the Secretary and the Chief that enabled them to understand the depths of the challenge we faced and also contributed to their ability to author the Agenda for Change.

Our charter from Secretary Roche was to find the facts--no matter what the facts revealed. The Working Group did not engage in a ``protective mentality'' to shield Air Force leaders (past or present). That would have completely undermined our efforts to protect victims and pursue the changes that were needed at the Academy.

Much has been made of facts the Working Group did not have. I was not aware of the facts developed by the Fowler panel regarding the Headquarters' involvement in the Academy sexual assault issues in the 1996-1997 timeframe, referred to at page 5 of the Fowler panel report.

However, the Working Group was aware early on of the OSI concern raised in late 1999, early 2000 with the confidential reporting process at the Academy that the OSI commander viewed as preventing OSI's receiving information on reports of assaults sufficient for investigation. I raised the same issue and that is when I learned of the prior review.

As I understand it, this concern was raised and various functions at Headquarters discussed the issue. These were some of the same offices that were on the Working Group in 2003.

The 2000 issue consideration was not a review of sexual assault issues and sexual harassment at the Academy, but rather an OSI complaint about the confidentiality reporting process. I am told the effort consisted of one (possibly two) meetings, acquisition of information, exchanges of views on the issue, and an exchange of e-mails with long periods of inactivity. When it became apparent these discussions would not resolve the issue, Mr. Atlee recommended that the OSI commander and the Academy Superintendent meet and attempt to resolve the issue directly. The OSI commander subsequently met with the Superintendent and Commandant and afterwards reported they had reached an agreement that resolved his concerns.

The Working Group was aware of the issue raised by OSI in 2000, and the issue is documented in the Working Group's report (at pages 17, 20, and 141, and footnotes at each page).

Had we been aware of the facts concerning the prior involvement of Air Force leadership in the sexual assault issues at the Academy in the 1996-1997 timeframe, we would have included them in the report.

Based on what I now know about those issues, they only serve to underscore the Working Group's 43 findings--among them findings that the Academy's programs, though well intentioned, were not working, that

there was a culture problem, and that the confidential reporting process had failed. The facts are the facts and I would have included any relevant facts essential to our review.

It is inconsistent with my intent to paint a complete picture to suggest I would withhold relevant facts--and those would have been relevant facts. Had I been asked I would have made this clear to the Fowler panel.

The Working Group provided Secretary Roche exactly what he asked us for--a detailed report that delineated the nature and scope of the problem at the Air Force Academy the cadet victims complained of with recommendations for change. In addition to the 43 findings, we made 36 recommendations for change, and identified 12 areas for further study. One of the areas for further study identified was the need to examine the extent to which Air Force headquarters has been and should be involved in the oversight of sexual assault and sexual harassment issues.

I believe the report of the Working Group met its charter and provided invaluable information that served as a foundation for the important changes that have been made for the good of the Academy and the cadets it prepares to become officers.

The military and civilian members of the Air Force who gave up nights and weekends with their families for months to complete the Working Group report are dedicated people who cared deeply about the issues.

To their credit, Lieutenant General Rosa and Brigadier General Weida are now implementing and executing the changes recommended. These changes work toward a safe environment for our cadets and one in which future officers--both men and women--can thrive.

I thank you for this opportunity to address the committee and look forward to answering your questions.

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Chairman Warner. Thank you very much.

We'll now proceed to a round of 6 minutes initially, and may go to a second round.

To the distinguished General Counsel, the question of what directions did you receive from the Secretary as to the scope of your investigation initially, and did you, in the process of your work, confer with him and receive additions, revisions to the initial guidance? Are there documents? Would you provide those documents to this committee?

Ms. Walker. Yes, sir. There is a written charter. Initially, the Secretary asked me to form a group to address these issues and fix the problem. I believe the initial guidance was verbal. It was very consistent with the written guidance that followed it, a month or so later. We do have that, and we can provide it.

It is also reflected in the report, and it has been consistent, that we were to look at the policies, programs, and practices at the Academy concerning its program to deter and respond to sexual assaults, in light of the cadet complaints, and we were to make findings and recommendations for change.

The cadet complaints, the interviews that we had and the e-mail that came in, specifically dealt with the way they had been treated once they reported an assault.

Chairman Warner. In my short period for questions, I'm trying to get this procedure. You got verbal, then written guidance. In the course of your work, did questions arise, in your mind, which you addressed either to the Secretary or Under Secretary, or anyone else in the Air Force secretariat, for further guidance?

Ms. Walker. Whenever questions came up, I went directly to

the Secretary. That would have been probably on a weekly basis. The one I described in my testimony was fairly significant, because it would determine the nature of the report. In other words, there were issues concerning Academy leadership's role over the 10-year period, and I told him that we were uncomfortable dealing with accountability in that group. We felt it was an IG's role.

Chairman Warner. Let me go back to the procedures. So throughout the process, you were in a consultative process with the Secretary. Under Secretary?

Ms. Walker. No. The Secretary----

Chairman Warner. Just the Secretary?

Ms. Walker.--and the Chief. It was never the Under Secretary.

Chairman Warner. When you finished your initial work, did you prepare a draft report and submit it to the Secretary and the Chief? Did they make changes to your final report?

Ms. Walker. There were two stages, sir. There was the interim report, March 19, that was essentially a memorandum. They received a draft, which they gave me comments on. There was also a final. Basically it was the same as the draft, but with some questions possibly answered.

Then, for the final report, in June, there were several drafts--at least two, maybe three--provided to them. We received comments and questions. But during the entire process, before the report was reduced to writing, there were also consultations and information being provided to them.

Chairman Warner. Did you, at any time, consider that while it may not have been part of the original instruction from the Secretary, that your responsibility would embrace, frankly, reviewing the Secretary's actions during the period that he was in office prior to his knowledge of this situation?

Ms. Walker. This Secretary?

Chairman Warner. This Secretary was in office some 20 months before these matters came to light. I presume that we can work on an assumption that the problems at the Academy persisted in that period of time. Now, if the facts are different, then I think the committee should know about it. I don't believe there's a clear demarcation in this culture and its problems with the appointments of Secretary Roche and General Jumper. In all probability, these problems continued, because both Secretary Roche and General Jumper repeatedly have said they had so much contact with other problems and people at the Academy and the problems never came to their attention. So I assume, from that, that it was ongoing and that your investigation now indicates it was ongoing.

So my question is, did you ever feel, as the General Counsel, that you should take it upon yourself to examine their actions or inactions as being consistent with addressing this problem?

Ms. Walker. First of all, our charter was directly to look at the Academy and not look at issues of leadership accountability. I have stated that. But even when I brought leadership accountability to the Secretary, it didn't occur to me, no, to investigate the very leaders who were dealing with the problem.

Chairman Warner. I don't understand your language here, ``It didn't occur to me, no.' ' Please rephrase that. Maybe I missed it.

Ms. Walker. You asked me if it occurred to me to look at the current leadership, Secretary Roche and General Jumper. The

answer is no, because they were dealing with the problem that had been brought to them.

Chairman Warner. So you did not, on your own initiative, say, ``I think I'd better look into everybody's actions.''

Ms. Walker. The only thing I will tell you, sir, is that, at the end of the report, we recognized that we had not dealt with the issue of leadership, in terms of what their role has been in the past and what it should be. That is why the area recommended for further study is that issue. We simply did not have time, nor was it in our charter, to get to that issue.

So we brought the issue up, but, no, we did not attempt to include current leadership, and we had been directed specifically not to include accountability issues in the review of the Academy.

Chairman Warner. Mr. Secretary, both you and the Chief have testified to being physically present at the Academy, and dealing with a number of the individuals. You dealt with a series of problems, understandably swiftly and firmly, but this one never came to your attention. In any way are you suggesting that this problem didn't persist into the period in which each of you have been in office?

Secretary Roche. Mr. Chairman, I'm not sure, but my sense is there was no point, when I was confirmed, that all of a sudden things stopped. There were both new events, but there was also the adjudication of prior events, and I think they continued along the way. There were some cases, like the Los Angeles case and the case of the assault on the 13-year-old young woman, which we observed were handled by the Academy, and there were court-martials. That there was a major problem associated with female cadets and sexual assault did not come to our attention, and it is one of the things that bothered me.

Chairman Warner. Does that indicate to you, based on your extensive experience--and you, Chief--that this culture was very skillful in its covering up of these incidents? I mean, the fact that you all had so much contact with the Academy and the people there, and no one ever came to you. I accept your good faith representations. But it was ongoing, and it had been there, and it was there, and yet you state this morning, ``It will not happen tonight.''

Secretary Roche. No.

Chairman Warner. Then that culture has been stopped somehow.

Secretary Roche. Yes, sir. There's two points I would make, Senator. One is that a lot of this was kept very much in a small group of people's hands, so that when, in fact, we did act, we----

Chairman Warner. Is that cadets, and cadets and staff, and supervisors and the like?

Secretary Roche. All of the above, sir. Because a number of the women cadets were very upset when we, in fact, started to take action. They felt that they didn't realize that it was that big a problem, that we were overreacting. In fact, I spent 2 hours, well after midnight, with some cadets who were really quite upset that this all was coming out. It became clear that there was not a widespread understanding that this was a widespread problem.

So the culture of holding it close had to do with, among other things, the privacy rules and the Academy officials trying to adhere to those. It had to do with what they sent up the chain of command and what they did not send up the chain of command.

Chairman Warner. My time is running out. But you've pierced that now, and you're able to assure this committee and, indeed, Congress, this is over.

Secretary Roche. Oh, yes, sir. I can do that, because we now have climate surveys and everything else, and they are made very transparent.

Chairman Warner. General, you said that you hold yourself accountable. Yet on March 26, 2003, it's my understanding that you were working on this problem, and the General Counsel and others were looking at it, and yet you joined the Secretary, as I understand it, in a press release, which, in effect, said, ``As the problems regarding the sexual assault allegations predate the current leadership, we do not hold Generals Dallager and Gilbert responsible.'' I find that difficult to comprehend. It was an ongoing investigation, yet the two of you decided that these two seniors were not responsible.

General Jumper. Sir, I think that if that sentence had continued, it would have been ``for the whole 10 years worth of issues that we discovered.'' I went on to say that the IG investigation that the Secretary had put in place was put into place over a long term so that each of the cases could be thoroughly studied to make sure that the leadership did react properly to each of those cases.

Chairman Warner. Then you bring to the committee's attention such other documentation as what we have before us, which is this press release----

General Jumper. Yes, sir.

Chairman Warner.--because that's not in here. I find this a very difficult thing to understand in a very clear and precise rendering of a decision at the time this thing is just in its formative stages and investigations are going on.

Mr. Secretary, do you wish to address this?

Secretary Roche. Yes, sir. I tried, and I didn't do it very articulately, in March. Let me subscribe to Congresswoman Fowler's point, which summarizes it, ``We believe you cannot hold someone accountable for that which they inherit, but you can certainly hold them accountable for how they've dealt with that which they inherited.'' That was the point I was trying to make at the press conference when I said that we could not hold the officers accountable for the climate. General Jumper--let me finish his other sentence--has said, ``But if, as we go forward, there are things for which people should be held accountable, we will,'' and we have, and we're prepared to go forward.

The Working Group's report, by being a history and putting all the facts down, gives a lot of illumination as to problems of leadership at the Academy. It was the basis for our deciding to change out all four of the leaders, the preliminary report was. It was the basis for much of the Agenda for Change, which was written either by General Jumper or myself. It was also a good, solid basis for me to recommend to the Secretary of Defense that we not retire the existing superintendent at a three-star level, but, rather, at a two-star level.

General Jumper. There's more to come. As the IG report comes in, we believe, in December, there will be more information for us that will talk to us about accountability and then allow us to initiate due process on those that we find wanting in their responsibilities.

Chairman Warner. Senator Levin.

Senator Levin. Thank you, Mr. Chairman.

In April, General Barnidge, the Air Force Chief of

Legislative Liaison, informed my staff that you, Secretary Roche, had directed the Air Force General Counsel to go back and determine what information was available to the Commandant or Superintendent at the Academy that should have raised their awareness of climate problems and whether they reacted appropriately to that information, and, second, whether any member of the Academy leadership established any barriers that prevented victims from reporting misconduct. Now, that was to apply to both the current and past individuals who held those positions at the Academy. That's what General Barnidge told us.

So, Secretary Roche, first, did you, in fact, give that guidance to Ms. Walker?

Secretary Roche. Senator, the night of our hearing, where it was very clear that we were not communicating as we would have liked to, both you and the Chairman tried to help us. We listened. We went back to my office that night, and we said we wanted to formulate two questions that we would be using to judge people on how they dealt with that which they inherited. The first question was, ``Did any officer put an additional barrier in the way of any woman making a report?'' The second question we would ask would be, ``Was there evidence to suggest that a commander had enough information so as to recognize that he or she had to dig a lot more, do a lot more, because while it may not have been crystal clear that there was a problem, there were enough indicators that we would expect a commander to, in fact, investigate more deeply?''

We did not give that direction to Ms. Walker. What we asked Ms. Walker to do was to continue to provide facts--facts on both sides, facts about what happened, who did what, when did they do it--but that we would use those questions to pass judgment on the officers with respect to their satisfying their command responsibilities.

Senator Levin. Who were you asking the questions to?

Secretary Roche. We would ask the questions of each of the officers involved there.

Senator Levin. You asked Ms. Walker to ask those two questions of all the officers?

Secretary Roche. No, sir.

Senator Levin. Who did you ask?

Secretary Roche. They are questions we would ask of a situation.

Senator Levin. You don't ask questions of a situation. You ask questions of a----

Secretary Roche. Ask of ourselves. In fact, we applied it to the Superintendent. We would ask ourselves, with the information we had available to us, could we form a judgment that the officer involved, in one case, had enough indications that there was a significant problem, that that officer should have acted or should have called for help or should have done something else, as we would any commander in any one of our command positions.

Senator Levin. So that the statement, then, of the Air Force Legislative Liaison Chief to my staff that you directed Ms. Walker to ask those questions was wrong.

Secretary Roche. Yes, sir.

Senator Levin. Okay. Since that was obviously the point of our colloquy with you, why not ask Ms. Walker, as part of her Working Group, to make an inquiry on those issues? Why are you just asking yourself, instead of asking your General Counsel to reach her own conclusion and ask those questions?

Secretary Roche. The General Counsel knew we would be

asking those questions.

Senator Levin. How would she know?

Secretary Roche. Because I told her. We were very open, these are the questions that we would use to judge, and that if there was any information that could illuminate those questions for any of the officers there, that they should be included in the Working Group report.

Senator Levin. But that she should not make an inquiry into the responsibility of the leadership herself. That should not be included in her Working Group's investigation.

Secretary Roche. What we wanted was a dispassionate, not argumentative, report that we could then follow up with.

Senator Levin. I know that, but my question----

Secretary Roche. Because we had a parallel----

Senator Levin.--my question is----

Secretary Roche.--we had a parallel process, Senator, that was going on----

Senator Levin. You told your General Counsel, then, to ask officers you talked to questions which could allow you to reach a conclusion about those questions, but you did not ask her and her Working Group to give you a report on those questions relative to the leadership at the Academy.

Secretary Roche. We did not ask her to ask those questions of anyone. We said those are the questions that we would be asking of the facts as they were assembled, and we would also be including results----

Senator Levin. Then they weren't asked----

Secretary Roche.--from the----

Senator Levin.--to assemble facts which could help you answer those questions. In other words, since we had this colloquy going back and forth, why not ask the Working Group, ``Hey, leadership has a responsibility here, and if they inherited something, they've got a responsibility to change the climate, not just accept it.''

Secretary Roche. Yes, sir.

Senator Levin. ``We want you to include how did they deal with what they inherited in your investigation.' ' Instead of doing that, you did what you just described, assuming I can understand it. Why didn't you ask that?

Secretary Roche. Effectively, the General Counsel and the Working Group were describing events that occurred, and they were illuminating those questions across the board.

Senator Levin. Ms. Walker, yesterday's edition of the Colorado Springs Gazette reported that a staff member who worked closely with you said that you removed proposed findings from your Working Group report that addressed senior official involvement in a 2000/2001 review by Air Force headquarters sexual assault Working Group into procedures for responding into allegations of sexual assault of the Air Force. Do you know what I'm referring to?

Ms. Walker. I know what you're referring to, sir, yes.

Senator Levin. Are you aware of any draft comments prepared for your Working Group report that addressed the efforts of this earlier sexual assault Working Group?

Ms. Walker. I'm sorry, I may not have understood your question----

Senator Levin. Let me repeat it.

Ms. Walker. Thank you.

Senator Levin. Even though I'm out of time. I think I've probably----

Chairman Warner. You're allowed to repeat it. Go ahead.

Senator Levin. Are you aware of any draft comments prepared for your Working Group report that addressed the efforts of that earlier sexual assault Working Group?

Ms. Walker. Which earlier sexual assault Working Group?

Senator Levin. The one that was involved in a review in 2000 and 2001 by the Air Force headquarters sexual assault Working Group? Are you aware of that?

Ms. Walker. Yes, let me speak to the issue. In my opening statement I mentioned that the 2000 inquiry, based on the OSI concern about the confidential reporting process that precluded them from getting information sufficient to investigate assaults, was known to the Working Group and it was documented in the report in three different places and footnotes. So I am very well aware of that. It was in the report. Now, whether there were portions that could have been, at one time, in and were out, I don't know.

This report went through incredible edits. At one point, the Secretary said it was too long and we should be more succinct. He wanted us to be clear. So we attempted to make it shorter. Of course, we got more information, which made it longer. So ultimately, I don't think I was able to reduce it much.

But I'm not aware of any findings, to speak to that article, that were omitted; I just don't remember any findings being omitted. Lots of text was in and out from time to time because it was verbose. Being written by a committee, it looked like a camel at one point.

Senator Levin. Things written by this committee are an exception to the camel rule, by the way. [Laughter.]

Chairman Warner. Thank you.

Senator McCain.

Senator McCain. I'd just follow up on Senator Levin's statement. Here's the news report that he just referred to: ``Speaking on condition of anonymity, a staff member who worked closely with Walker said investigators were told to look into the 2000 inquiry and high-level officials' involvement in it. They then wrote their findings, only to have Walker remove them from the June report.' ' Did you or did you not remove those findings of the people that were directed to look into the 2000 inquiry and high-level officers' involvement in it from the report? Yes or no?

Ms. Walker. Senator, to my knowledge the answer would be no. We have that in the report itself. Now, it could have been edited down. Lots of things were edited down.

Senator McCain. No, I'm asking whether you had them removed. That's the allegation.

Ms. Walker. I don't remember.

Senator McCain. You don't remember.

Ms. Walker. I had lots of things edited down.

Senator McCain. There's a lot of ``don't remembers' ' around here. Do you still stand by your statement that the finding that there was no systemic--I'm trying to find the language--do you still stand by that in your report, that there's no systemic----

Ms. Walker. The conclusion again: there were 43 findings. What you're speaking to is the conclusion----

Senator McCain.--there was no systemic acceptance or ``institutional avoidance of responsibility.' ' Do you stand by those words?

Ms. Walker. Based on the information on the Academy that the Working Group had, this was the conclusion derived by the

staff team based on the evidence they had. If we had the evidence today that is additional to that which we had----

Senator McCain. Do you stand by those----

Ms. Walker.--we might have changed the conclusion.

Senator McCain. It might have changed your conclusion?

Ms. Walker. Yes, it might have changed the conclusion.

Because we did not have----

Senator McCain. Might have changed your conclusions-----

Ms. Walker. Might have changed the conclusions----

Senator McCain.--that there was no systemic----

Ms. Walker.--not the findings.

Senator McCain.--acceptance or institutional avoidance of responsibility.

Ms. Walker. Yes.

Senator McCain. Wow.

Mr. Chairman, because we're in the ``the dog ate my homework'' and ``it didn't happen on my watch'' defense here, I'd like for all members to be able to see the statement of Ms. Kira Mountjoy-Pepka, who was raped in March 2002, describing not only the rape, but the subsequent treatment that she received at the Air Force Academy. It's a remarkable statement. I had a meeting with her, at her request, in my office. It's really a very sad story happening on Secretary Roche's and General Jumper's watch.

Chairman Warner. It will be included in the record.

[The information referred to follows:]

Senator McCain. Just so we can make sure that the record is clear, I'd like to completely read, just for a minute, the press conference that Secretary Roche and General Jumper held on March 26, 2003. Mickey Anderson with the L.A. Times said, ``Have you in any way reprimanded or disciplined all leaders who are responsible; what do you say to the critics who say you're going too easy on these people? You just said a second ago that these people may have been responsible for.''
Secretary Roche replied, ``The current group cannot be held responsible for everything that occurred in that 10-year period and certainly over a period longer than 10 years. If you're going to hold someone accountable for something, they had to have full authority to deal with it. To hold these two or three people accountable is an easy thing, instead of getting at the larger problem. They're leaving their jobs. They are professionals who were hurt badly because they clearly feel themselves that they should have been clairvoyant in seeing things that they have not been able to see.''
Clairvoyant. ``To hold someone accountable means there are two sides to a story,

and they have a side, as well. We've looked at it. We know-- look, under the circumstances, they might have been more clairvoyant, they may have been sharper, there may have been a survey they should have acted on. But to hold them accountable, per se, with what we know now, no. But if the IG finds specific evidence that an officer should have done something, not to do it, yes.' Then Mickey Anderson said, ``You're continuing to leave some of these people in leadership capacities. Their new jobs involve leadership. So I presume you trust them.' Secretary Roche replied, ``First of all, there's no reason not to trust them. One is retiring, one is coming to be a special assistant here, I'm not sure. I believe one got a meritorious service medal. But one of the four, nobody's accused him of anything. As a matter of fact, he's well liked. But, again, you're trying to get back to a couple of people, saying they're the whole problem. They're not the problem. Let's remember, cadets commit assaults against cadets.' That's the statement made by Secretary Roche at that remarkable press conference.

Secretary Roche, it's been reported, on March 31, the very afternoon you were cautioned by this committee for failing to pursue accountability for sex abuse at the Academy, you granted a discharge in lieu of a court martial for a first lieutenant Air Force Academy graduate for sexual assault on an airman first class. You reportedly chose to do this despite the recommendation of several general officers in the chain of command for court martials. Do you have anything to say about that?

Secretary Roche. Yes, Senator, I do. That was a case that-- there were people on both sides of the issue--there were many of them--there were also general officers on the other side of the issue, as well. There is a group called the Air Force Personnel Council, which is a dispassionate group of officers and civilians, who look at each of these cases and try to make sure that we're consistent over a period of time. That group has proven to be very useful in case after case, and they made a recommendation, with which I agreed. By the way, it was the same recommendation that General Jumper agreed to. There were general officers on both sides of the issue, Senator.

Senator McCain. Ms. Walker, in the Fowler Commission Report, I want to repeat, ``In June 2003, after completing her investigation of sexual assaults at the Academy, Air Force General Counsel Mary L. Walker released the report of the reporting group. The reporting group covers many aspects of cadet life, `it avoids any reference to the responsibility of Air Force headquarters for the failure of leadership which occurred at the Academy.' Then they go on to say, ``The panel believes that the Air Force General Counsel attempted to shield Air Force headquarters from public criticism by focusing exclusively on events at the Academy.' That's a pretty serious charge from a very credible panel. I think you ought to have the opportunity to respond to it.

Ms. Walker. It's absolutely false, and it's based on no evidence whatsoever that I'm aware of, and I was shocked when I heard it.

Senator McCain. I was shocked, too.

Mr. Chairman, could I just mention one thing? At another hearing, I asked, ``Why do we need an FAA-certified airplane?' Secretary Roche, ``A tanker has to be an FAA-certified airplane, sir, because it goes to lots of places in the world.' I have a letter from the FAA, that said they don't need to be FAA certified.

Secretary Roche. Senator, I was wrong. I mean Global Air Traffic Management (GATM) and not FAA certification.

Senator McCain. I'm sorry that you don't know those simple facts, as Secretary of the Air Force, as to whether a tanker needs an FAA certification, particularly when you're using it as a justification for the increased outrageous cost of the tanker.

Secretary Roche. Senator, you recall, at your hearing, I said that I would get back to you for the record, that I did question myself on that. And, in fact sir, the history----

Senator McCain. Again, I have to read from the record: Chairman, ``Why do we need an FAA-certified airplane?'' Secretary Roche, ``A tanker has to be certified--FAA-certified airplane, sir, because it goes to lots of airfields around the world in many countries, it flies around the United States, the same way we can't fly certain drones over parts of the United States, because they're not appropriate.''

Secretary Roche. I was wrong, sir.

Senator McCain. End of statement.

Secretary Roche. I was wrong.

Senator McCain. You didn't say you would get back to me.

Secretary Roche. Senator, you recall at the time, you said, ``Hey, I've flown planes that were not FAA certified lots of places.''' I then said, ``I'd like to get back to you.''' In fact, I had in mind--what occurs is that we use FAA updates for the airplanes. That's why we get them certified by the FAA, because they become the research group that tells us when there's safety-of-flight issues that have to be updated.

Senator McCain. This is a small thing, but that's not true either. We do not regulate the operation of those aircraft, except for airspace limits, and we have not issued a certificate to the existing fleet of KC-135 tankers. That's not correct, either.

Mr. Chairman, I have no more questions.

Chairman Warner. Did you, General Jumper, desire to respond to any of the comments made by our distinguished colleague?

General Jumper. No, Senator. Thank you, sir.

Chairman Warner. Secretary Roche, anything further?

Secretary Roche. No, sir, other than to say I was wrong about the FAA certification.

Chairman Warner. Then let's close out on that issue.

Senator Reed.

Senator Reed. Thank you, Mr. Chairman, and thank you to the witnesses here today. This subject is not only important to the Air Force, it's important to all the Services, and I think that should be put on the record.

General Jumper, you, I presume, personally selected General Gilbert to be the commandant.

General Jumper. No, sir, I didn't. That was my predecessor.

Senator Reed. So you had no involvement in his selection?

General Jumper. No, sir, I did not.

Senator Reed. Now, you became Chief of Staff in September of 2001?

General Jumper. Yes, sir.

Senator Reed. He became the commandant in 2002, but he had been pre-selected by----

General Jumper. No, sir, he was the commandant during 2001. General Ryan selected him. I met him after he became commandant. He was commandant certainly by October or November of 2001, because I met him in Washington for the first time.

Senator Reed. I have the report here and it might be a

mistake in the report, but it has a list of the Academy commandants, and General Gilbert is August 2002, it says is his date, to 2003. General Jumper is September 2001 to the present.

General Jumper. 2001.

Senator Reed. That is a mistake, then?

General Jumper. Yes, sir, I believe that's a mistake.

Senator Reed. Then that report should be corrected.

In your contact with General Gilbert, I presume he must have come in for some type of briefing or interview shortly after you took over. Is that correct?

General Jumper. Sir, actually, I think my first contact with him was when I visited out there shortly after, but, yes, we did have a discussion.

Senator Reed. He raised none of these issues about climate, about anything?

General Jumper. Actually, sir, early on, when I first met him, he had been involved in some of the general-officer preparation courses that we have, and he had been also, I believe, operated on for a knee problem. In our first engagement, he really had not had a chance to become thoroughly involved in the situation.

I did have a conversation early on with General Ryan, my predecessor, who told me that when he selected General Gilbert, it was to go out there and to deal with an emerging drug problem and discipline problems with regard to the neatness in the dormitories and the like. That was the charter to Gilbert early on.

Senator Reed. So based on your comments today and your response to my question, is that no one----

General Jumper. No one knew.

Senator Reed. No one alerted you to the issue of this pervasive sexual misconduct.

General Jumper. That's correct, sir.

Senator Reed. Secretary Roche, your position is the same, that no one----

Secretary Roche. Senator, for my track record, for better or for worse, I act very quickly. General Jumper is the same. If someone had told us that there was a pervasive problem--I can assure you if we jumped on recruited athletes and we jumped on curriculum changes and we worried about drugs and--in fact, the one case of the 13-year-old, we found the Academy was handling it so badly, we took the case away from them, the relationship with the parents, and had it done by our General Counsel, immediately, as soon as we found out about it. In fact, as soon as Senator Allard let me know about it and I did my homework, we sent a group out there to deal with it. We would have jumped on that, for a number of reasons. One, I live in Annapolis. I have watched what has happened to the Naval Academy. I would be very hypersensitive to this issue had it come up. When asked, we were told this is a model program, it's being used as a benchmark by the other academies.

Senator Reed. Are you gentlemen familiar with General Wagie, who was the dean. Are you familiar with him, General Jumper?

General Jumper. Yes, sir.

Senator Reed. Over an extended period of time?

General Jumper. Yes, sir.

Senator Reed. It appears, in the Fowler Report, that he was the key staff person who ran these programs, who collected the data. Apparently, in your contact with him, he never made any revelation of this situation, although for, I think, upwards of

16 years, he was seeing mounting evidence of this?

General Jumper. Over a period of time, sir, he was in charge of gathering the surveys, the surveys that, I might add, never got to the attention of the leadership of the Air Force. For various reasons, the surveys were discounted, and those are a matter of record. We are in the process right now of replacing him and looking for his replacement. There was some concern that the way that his replacement had to be selected was from the existing tenured professors at the Air Force Academy. The Secretary was not happy with that, and neither was I, and we didn't want to undertake a search under those constraints. So that was the reason for the delay in taking any action with regard to the dean.

Secretary Roche. May I, Senator?

Senator Reed. Mr. Secretary, please.

Secretary Roche. General Wagie is the academic dean. As the academic dean, he did not have any disciplinary authority, but he certainly had all of these people reporting to him, and he was a repository of knowledge. It is clear the superintendent let down his colleagues. We are now forming the search committee. We're going to ask that one of the other academies, if possible, provide someone to that search committee. We have to work only with permanent professors until the law is changed. The committee has been very good in trying to see if they can move that law.

One of the concerns about just pulling him out would be not having an academic dean and concerns as to how the issue of accreditation would be handled by the Western States, who do the accreditation of the university.

Senator Reed. Mr. Secretary and General Jumper, none of these issues are easy, obviously, but it seems to me that this is contrary to your previous assertion, Mr. Secretary, that you haven't taken dramatic action, that, as I read the Fowler Report, the one person at the Academy that for 16 years discounted these issues, these surveys--I can't think of anyone at that level who would claim that they're just invalid surveys and not go out and fix the surveys.

Secretary Roche. I agree.

Senator Reed. Yet he remains on post, on duty, because you're worried about accreditation. Again, I think part of--this is not the key point--but part of the difficulty we have is that the urgency comes, but it comes after--too many days have passed.

But I don't think we'll get to the bottom of this here, because this is not exactly a forum that's going to discover precisely what was done and when it was done. This is also an opportunity to raise questions, but I don't think it'll provide any definitive answers.

I will conclude where I began. The esteem of the Academy, the Air Force Academy, is something that's critical to all Americans and to every service member, and it's been severely challenged by these incidents.

Thank you, gentlemen and Ms. Walker.

Chairman Warner. Senator Allard, you're next, but if you'd allow me just to make an observation.

Yesterday, I was visited, General Jumper, by some venerable Virginia Military Institute (VMI) graduates, of many years past, and I was reminded of the enormous pride of the State of Virginia, in having VMI in our State. I know, Senator Allard, how the people of Colorado have an enormous pride in the Air Force Academy, being a part of your State. I hope they

appreciate the efforts that you have made from the very beginning in this case to try and ascertain what the problem was and how best you and others can rectify it. The people of Colorado would want you to do that, and I thank you for the service that you've rendered thus far.

Senator Allard. Thank you, Mr. Chairman. You're right, the people of Colorado take tremendous pride in the Air Force Academy. If you visit Colorado, one of the things that you visit is the Air Force Academy, in addition to the mountains and everything else. So we do take good pride, and we're obviously interested in making sure that this is an institution of high quality. Like a lot of Members in this institution, the U.S. Senate, I help select individuals who attend that Academy. Like all of you, we want to make sure that once we've made those recommendations, that they get a good-quality education and a type of education that will allow them to serve the country with distinction.

Chairman Warner. I wish I could take credit for selecting General Jumper to go to VMI, but I didn't. [Laughter.]

You're a distinguished graduate of that institution.

General Jumper. Thank you, sir.

Chairman Warner. You hold it dear to your heart.

General Jumper. Thank you, Mr. Chairman.

Senator Allard. I just have a couple of brief questions about the current leadership, and then I'll get into some other questions in more detail. I was glad to hear, Mr. Secretary, that you'd just been out to the Air Force Academy. General Rosa's been at the Academy now for 3 short months. How would you assess his performance so far? Quickly, if you would, please.

Secretary Roche. He was spectacular. We spent a long time interviewing candidates. I think you know each of the candidates has been hand-selected by General Jumper and myself. Both he and General Weida had prior experience in an academic institution. They are both doing spectacularly well. Our concern is that they not flag.

Senator Allard. Thank you. Okay, now, General Weida, you think his performance has been as admirable?

Secretary Roche. Absolutely.

Senator Allard. Okay.

Ms. Walker, you testified before the Fowler Commission, on June 23, 2003, on Air Force's Working Group's report. During that opening hearing, you stated that, ``I felt like the issue''--and you were referring to sexual assaults-- ``personally was overblown and inaccurately portrayed.'' Is this still your belief?

Ms. Walker. That was a specific question directed to me regarding the press articles on the issues. They asked me if I believed the issues had been fairly portrayed in the press. Remember, this was in June, before the press had--basically, just received our report, and the early press reports were really ones that involved a lot of speculation. I said, at the time, I did not believe those articles had fairly portrayed the issues. I was hoping that, in light of the report and the full analysis, they would now have the full----

Senator Allard. Let me ask you this question, then.

Ms. Walker. Yes.

Senator Allard. Do you feel, now, that the issue of sexual assaults has been overblown and inaccurately portrayed?

Ms. Walker. The way you phrase it, sir, the answer would be no. I don't believe the issue of sexual assault at the Academy

has been overblown.

Senator Allard. I'm just trying----

Ms. Walker. I believe some of the articles have not fairly set forth all of the parameters of the issues.

Senator Allard. But, I mean, we've had two surveys. You have the one that was done by the Department of Defense Inspector General, and said that there was definitely a problem there----indicates there's a problem.

Ms. Walker. Oh, absolutely. Right. We had one.

Senator Allard. You just now have another report coming out that was just put out by the Air Force, says there's a problem.

Ms. Walker. There's no question----

Senator Allard. My question, again, is, do you feel like the issue of sexual assaults has been overblown or inaccurately portrayed?

Ms. Walker. Okay. The answer to that would be no, it has not been overblown. But you were asking me about a question to which I directed my answer----

Senator Allard. Initially, I asked you a direct quote. You qualified it.

Ms. Walker. Right.

Senator Allard. I came back with a direct question.

Ms. Walker. Yes.

Senator Allard. So I really wanted to know what your attitude was today.

Ms. Walker. No, absolutely not.

Senator Allard. That was the purpose of my question.

Ms. Walker. We have a very big problem, and it isn't one that's solved with just one report or one study. It will take time and energy of all the leaders to make a real change in the institution that is necessary.

Senator Allard. According to the Air Force's Working Group report, a number of cadets--and this is for you, Ms. Walker--who were suspected of committing a sexual assault graduated from the Academy over the last 10 years. Do you have any idea how many of those cadets went on to serve in the Air Force?

Ms. Walker. These are just suspects. They are not those who were convicted or found to be----

Senator Allard. Suspected of committing a sexual assault, that's correct.

Ms. Walker. Right. I don't have that percentage, sir, but we could do that.

Senator Allard. Actually, I'm not looking for percentages. I'm just looking for an actual number.

Ms. Walker. Right. I don't have that at my command, but we could provide that to you, because we would know all of the disposition on the cases where there was a subject and there was an investigation. Absolutely.

Senator Allard. Sure. I think that would help us. We'd like to have that as part of the committee record.

Ms. Walker. Okay, we'll be happy to provide that.

[The information referred to follows:]

Eighteen cadets who were alleged to have committed sexual assaults between January 1, 1993 and December 31, 2002, (the period considered by the Working Group) have graduated from the Academy and were commissioned. (The report of the Working Group, based on information from an Academy database, indicated that 19 suspects had graduated. Review of that information after the report was published revealed that one of those suspect's records had been coded erroneously and the suspect had in fact been disenrolled.) Of the 18, one was cross-

commissioned into the Army and remains on active duty in the Army. One, who had already been commissioned at the time the allegation was made, received a letter of reprimand and has now separated from the Air Force. Another is now deceased. Of the 15 currently on active duty in the Air Force, one is still under investigation for the alleged assault, in one case the allegation against the suspect was recanted, and one was acquitted at court-martial. There are ongoing DOD and Air Force Inspector General investigations. In addition, Secretary Roche has asked the Air Force IG to examine the commissioning suitability process in these cases. After completion of these investigations, Secretary Roche will examine the findings to determine what follow-on steps may be appropriate.

Senator Allard. Then, of those that went on to serve in the Air Force, also, how many are still serving in the Air Force would be helpful.

Ms. Walker. Realizing some were found innocent, if they were, and then----

Senator Allard. Then you can put a qualifying note on them.

Ms. Walker. Exactly.

Senator Allard. Yes, that would be fine.

You mentioned, in your opening comment, about the 13-year-old who had been raped at a summer camp.

Secretary Roche. Assaulted, sir. Assaulted, not raped.

Senator Allard. Assaulted, you're right. Yes, and eventually there was a guilty plea of consensual sodomy, to be more specific.

Secretary Roche. Yes, sir.

Senator Allard. Okay. That was an Article 32 hearing. The cadet in that case had 60 days in jail, dishonorable discharge, then had to pay \$120,000. Now, the girl, the 13-year-old victim, was never allowed to testify at the hearing. Why was that?

Secretary Roche. Senator, I don't know. It's the issue that I brought up earlier, of a case that we thought was not handled well by the judge advocates, that the parents were ignored, when they should not have been ignored, that a deal--whatever the proper word is--between the prosecution and defense was made, without the prosecution dealing with the parents to see how they would react. I found it very disturbing. I also found it very disturbing that the parents were just surprised by this and that there were some other senses that they had in terms of how people in their neighborhood and the girl's school had been dealt with. So I directed the General Counsel to dispatch lawyers out there and to take over the handling of the matter, but it was after the court martial had concluded.

Senator Allard. It's my understanding now that the Air Force lawyers have not resolved the issues of that rape with the family. Are you aware of that?

Secretary Roche. There are claims that the family is making, and they're being discussed and debated. Yes, sir.

Senator Allard. Yes. I'm concerned about how these discussions are going, but I'm glad to hear that it's on your radar and that you're watching it very closely.

Secretary Roche. Oh, yes, sir.

Senator Allard. The Fowler Report mentioned four specific Academy officers, three of which have been relieved of their command at the Academy, and the only remaining officer is General Wagie. It's already been brought out about how involved he was in being a filter through all these reports. I'm not sure that I got a clear response from you, and my question is,

why is he still at the Academy?

Secretary Roche. Senator, it is my judgment that because he's the academic dean, and the Academy is also a university, and there are accreditation issues, that to pull him and have an absence of an academic dean for a long period of time was, in the midst of all the other turmoil, not the right thing to do, that although he was the individual to whom the center reported and who was responsible for the surveys, he was not in the disciplinary chain. He did nothing to or had any interaction with the young women who filed complaints, that we had to replace him as soon as possible, and we are doing that. He will retire as soon as we can get a replacement. We have tried hard to see if we can change the law so we could have a broader look, including a possibility of a civilian dean. The law now states we must take a permanent professor. Sir, you recall we have relieved one permanent professor of his job, so we're trying to be careful who we bring in behind General Wagie, but he'll be retired by the early spring.

Senator Allard. Will there be any further discipline, other than just a retirement?

Secretary Roche. When he retires, Senator, then we have to make a judgment as to whether he served properly in grade, and we'll make that judgment at that time.

Senator Allard. You mentioned the difficulty in dismissing permanent professors at the Academy and ran across that with the English professor. You talked about the Monty Python skits that were going on there. Can you share some of your views about permanent professors at the Academy?

Secretary Roche. Yes, sir. In the Agenda for Change, we have taken steps within our bounds of what we can do, in terms of how long they would be expected to serve. If they serve beyond that, it has to be with a waiver given by the headquarters of the Air Force. We want the Secretary, the Chief of Staff, to be very much involved in the choice of permanent professors so that we know what kind of people we have there. We have also said that department heads who are head of a department for these extended periods of time is not healthy, that we want turnover there. So we've also made a number of changes within the law on how these people rotate and what they do.

General Jumper. Also, sir, if I might add, the lower-ranking professors come from the active-duty Air Force, they come in and out, and they bring the perspective of the current Air Force, contemporary Air Force, to the Academy.

Senator Allard. Do you feel that we need to change the law in regard to who we put in as the dean of the university?

Secretary Roche. Oh, Senator, absolutely.

Senator Allard. We need to have a bigger pool, it seems to me.

Secretary Roche. Yes, sir. For instance, we don't know why we can't choose a civilian.

Senator Allard. Yes.

Secretary Roche. To the best of my knowledge, the academic dean at the Naval Academy is a civilian. I don't see why we can't do that if there's a particular civilian who meets the qualifications as of the quality. But there may be another officer, another general officer, at Maxwell or somewhere else, who, while not a permanent professor, would be a spectacular academic dean and would, in fact, be someone that the accreditation group would say is fine.

Senator Allard. If we would get the law changed in this

session of Congress, does that give you time enough to look beyond just permanent professors?

Secretary Roche. Yes, sir. What I've directed to happen is, we are going to start screening candidates among the permanent professors. We believe that between now and the next month or two, if you're going to be able to make a change in the law, it'll happen, and then, at that time, we will bring in other candidates, as well. If we can't get it changed this year, then I'm afraid we're going to go one more round with one of the permanent professors.

Senator Allard. Mr. Chairman, I see my time's expired.

Chairman Warner. Senator, in the discussions you've had with me and our distinguished ranking member, I think we're looking at trying to get it in as part of the legislative package with the \$87 billion supplemental appropriation, aren't we? Or in the Defense Authorization bill.

Senator Allard. Or the conference report. It would be on the conference report.

Chairman Warner. And/or both. Because we regard it of tremendous important, this position.

Secretary Roche. Mr. Chairman, there's two things you're doing for us that we really appreciate. One is permanent professors, and the other is to change the rules on the board of visitors to make the board of visitors a much more energetic and much more focused group, and we appreciate both of those.

Senator Allard. Mr. Chairman, I'm on the board.

Chairman Warner. Are you familiar with that provision?

Senator Allard. I agree wholeheartedly with that provision, as far as the board of visitors----

Chairman Warner. Do we need Congress to energize a board?

Senator Allard. Yes.

Chairman Warner. Wait a minute. You're on some interesting grounds there. I really want to do everything we can to help you on that issue. I don't mean to treat it lightly. Because, the Fowler Panel exhibited some real courage to stand up here before the Congress of the United States in the face of one our colleagues, who, in the course of the hearing, was a member of that board.

Senator Allard. Right. Part of the recommendations is to reduce the number of members on that board, for that very reason, who are in Congress.

Chairman Warner. I think the board is a very important institution. I know that when I was privileged to have your position, Mr. Secretary, I labored long and hard over the recommendations for membership on that board.

Anyway, occasionally I've had the opportunity to go on the Naval Academy board, based on my modest association with the Navy and the Marines over the years. I just felt I didn't have the time to devote to it here in Congress.

Secretary Roche. It's an issue of time.

Chairman Warner. So we'll work on both provisions.

Senator Allard. Thank you, Mr. Chairman.

Chairman Warner. Do you have suggested language with regard to the board?

Secretary Roche. I think we've already worked with your committee on that, sir, this year.

Chairman Warner. But you're comfortable with the language we're looking at with regard to the----

Secretary Roche. Yes, sir.

Chairman Warner. I thank our colleague from Maine for the time that I took for those questions.

Senator Collins. Thank you, Mr. Chairman.

Chairman Warner. Thank you for the many hours that you've spent on this case, too.

Senator Collins. Thank you, Mr. Chairman.

Chairman Warner. This is another one of your agenda items. You've spent a lot of time on it. You've been to all the meetings, just about, in my office on this question.

Senator Collins. I appreciate your leadership, and that of Senator Allard, on this very important matter.

Mr. Secretary, you have repeatedly said that if someone had told you there was a pervasive problem, you would have acted. You've said that you would have had to have been clairvoyant to know that these problems existed. You've also testified, at the March hearing, that shortly after you became Secretary, you and General Jumper started to spend, ``more and more of our time looking at the Air Force Academy. We spent a year looking at the honor system.'' I'm wondering, with that kind of in-depth review, how you missed the many indications and reports of problems with sexual assault at the Academy.

There is ample evidence that reveals that sexual misconduct problems at the Academy have existed, at a minimum, since 1993. For example, there are three different GAO reports--one issued in 1993, one in 1994, and one in 1995--which identify issues of sexual harassment at the Academy. In 1996, the Air Force Surgeon General notified the Air Force Chief of Staff of serious sexual misconduct at the Academy. In 1997, a team of lawyers at Air Force headquarters recommended changes in the Academy's sexual assault reporting procedures. In 1998, the Chief of Sexual Assault Services provided a briefing to senior Academy leadership, which began with a slide titled ``We have a problem,'' which referred to Academy statistics on sexual assaults.

There were numerous cadet climate surveys in which cadets identified problems with sexual assault. In 1998, 22 cadets said that they had been sexually assaulted. In 2000, 17 reported that they had been sexually assaulted. In 2001, 167 cadets indicated that they were sexually assaulted. In 2002, 80 cadets said that they had been sexually assaulted. In 2003, interestingly, they were not asked the question.

You were sworn in as Secretary, I believe, on June 1, 2001. If you did an in-depth review of the Academy with General Jumper, how did all of these reports, year after year, going back to 1993, from credible sources--such as the General Accounting Office, such as the Surgeon General, such as the Chief of Sexual Assault Services, such as the cadet surveys, which, even if you argue with some of the statistics, they clearly show a problem--how could you miss this?

Secretary Roche. Senator, I understand your question. There was no process in the Air Force for any of that material to come to headquarters. When we would go out to the Academy to go after an issue like the honor code or something else, we were triggered by something, either a press article or, in the case of the honor code, by the study that General Ryan and Whit Peters had asked General Carns to perform. None of these things came to our attention.

The 1996 material from the Surgeon General, for instance, I saw for the very first time in mid August of this year. We were not aware of it. The GAO reports from the early 1990s, I didn't go back to ask if there were GAO reports, nor did General Jumper. You'll recall, ma'am, not as an excuse, but there was also September 11 and a war in Afghanistan, other things.

When something was brought to our attention, we went and addressed it. When the question was asked of people, because of my familiarity with the Naval Academy, ``What is the gender climate like,' ' we got the answer that this was a model program that had been put in in 1993, it was addressing issues, and there was no sense that there was anything different than that, when, in fact, it certainly was. We were never told about surveys, et cetera.

What I can say, Senator, is, the Air Force should have put in place mechanisms of transparency to the headquarters of what was going on in the Academy. Right now, they exist. This can never happen again.

Senator Collins. Ms. Walker, my question to you is very similar. In your report--and Senator McCain has quoted this--you concluded that the Working Group did not find, ``systemic acceptance of sexual assault at the Academy, institutional avoidance of responsibility, or systemic maltreatment of cadets who report sexual assault.' '

I don't know how you could have reached that conclusion if you did even a cursory review of the cadet surveys and of the many, many reports and other evidence from credible sources that I outlined in my question for Secretary Roche.

Ms. Walker. When the staff brought me that conclusion, toward the middle of the report-writing, I asked the question, ``Given what we found, how can we support this?' ' Basically what I was told in the presentation of the evidence was--and I actually think Ms. Fowler's comments in her testimony, as opposed to the report, support this--that this was a case of good people, well-intentioned, realizing there were issues, addressing them, putting programs in place, putting training in place, meeting with the female cadets, and believing they were addressing the issue. But still, over time, there have been issues of sexual harassment that haven't gone away, and there have been sexual assaults that continue to happen. So we believed that there were issues that had to be addressed that were not working, despite the well-intentioned programs. But they did not, as a matter of course, accept sexual assault. There was not an avoidance of the issue. Every single time we found there was an issue, they addressed it, they thought they had it fixed.

I think that that's part of the problem. They really did think they had it fixed, but they didn't. As we looked at the 10-year period, it continued, such that they hadn't had it fixed. But I will tell you today, based on the information that we've received, we might not have had those conclusions in place. As I said to Senator McCain, I believe the conclusions would have been different. But based on the information we had, and if you look at the leadership section in the back of the report, you will see a continued parade of leaders who recognized there were issues and attempted to deal with them. That's what we meant by there was no avoidance of the issue. They stepped up to the plate. They just weren't able to effectively fix it.

Secretary Roche. May I, Senator? May I answer that?

Senator Collins. Certainly.

Secretary Roche. The part that shocked me most when I read the 1996 material, now last month, was that I could no longer, in any way, agree with two parts of the general assessment, that there was no systematic acceptance of sexual assault because the top leadership of the Air Force knew something and didn't do anything about it. I don't know all the details. All

I know is that there was something that was here in Washington, and I don't understand why they didn't jump on it.

No institutional avoidance of responsibility--again, I would have to agree with you, once you see that, you are compelled to go out and start to dig. I wish someone had provided that to me in June 2001, or at any other time, or to General Jumper. We are of the same personality. We would have attacked it.

Senator Collins. I can't think of a clearer pattern of avoidance of institutional responsibility than to ignore this many reports going back a decade. Because these aren't isolated. They're year after year, from highly credible sources.

Secretary Roche. In the surveys, we wish the surveys had been sent to the headquarters. We wish there was something at the headquarters that gathered them. All I can tell you is that, now and in the future, that sort of a situation where things are kept close at the Academy, can't happen.

Senator Collins. General Jumper, in the executive summary of the Fowler Report, there is a conclusion that reads as follows, ``Since at least 1993, the highest levels of Air Force leadership have known of serious sexual misconduct problems at the Academy.'' Do you agree with that conclusion?

General Jumper. I do.

Senator Collins. Then why didn't anyone do anything about it?

General Jumper. Senator, I think people thought they were doing something. That's when the CASIE system was started, in 1993, by General Hosmer. That was set up and was touted as a model program. Up until last year, we had other people coming to us to use that as an example. As a matter fact, that answered the 1993 GAO survey. Then, for a period of time, we thought we had, the Air Force Academy thought it had, and the leadership thought it had, a model program that was in place out there. The fact that these surveys that should have come forward didn't come forward, there's no excuse for that, Senator. There's no excuse. We are jumping on that problem, and it's not going to happen again. The fact that the superintendent of the Air Force Academy didn't properly communicate with the Secretary and the Chief of Staff of the Air Force on these issues is, there is no excuse for that.

So our Agenda for Change is one that we hope will put in the changes that will effect lasting and enduring change so that these sets of conditions cannot be repeated, and that the oversight for the Air Force Academy is in place and will remain in place.

Secretary Roche. Senator, if I, again, may?

Senator Collins. Would you indulge me with one final question?

Secretary Roche. May I make a comment, ma'am?

Senator Collins. Certainly.

Secretary Roche. Very quickly. It is that the standards----

Chairman Warner. Let's have the witness--this a very important inquiry--give adequate time for their responses.

Senator Collins. Right.

Chairman Warner. Had you finished, General Jumper?

General Jumper. Yes, sir, I had.

Chairman Warner. Mr. Secretary?

Secretary Roche. The standard that I raised earlier of, did someone put a barrier or was there information that would lead a commander to make a different decision, is the standard that

General Jumper and I will use to judge each of these officers. The basis for that will be the work done by the Working Group plus the work done by the IG staff, because quite often, Senator, these are issues of, ``How do you feel about a commander's performance? Did the commander live up to the standards we expect of our other commanders?'' In the case of the superintendent, for instance, a three-star general is exactly the rank of the officer that was running the war in Iraq. We demand enormous things of these people. Given the evidence, we would have expected them to have acted and him to have acted.

Senator Collins. Mr. Chairman, I know my time has expired. Could I ask just one more question?

Chairman Warner. Go ahead.

Senator Collins. Thank you.

Ms. Walker, are you aware of the survey of the female cadets of the class of 2003 that was conducted by the Inspector General?

Ms. Walker. Yes, I'm aware of that.

Senator Collins. What was your reaction to the statistics that showed that nearly 12 percent of the women in the class of 2003 reported that they were victims of either rape or attempted rape, and I believe it was 24 percent reported that they were victims of sexual assault or attempted sexual assault? Did that cause you to rethink your conclusion that there was not a systemic problem?

Ms. Walker. Let me just try to take this in pieces. First of all, any numbers like that would be of concern. The numbers that the IG found in his survey were higher than the numbers that we had had, but not terribly inconsistent with them. I think the percentages that were showing up in the surveys were 15 percent, 16 percent, something like that. So they were not totally dissimilar than the survey numbers we had.

But we had a couple of factors here that caused us to not fully understand or trust the data. First of all, the definition of sexual assault in use at the Academy included those things which were not sexual assault.

Senator Collins. Then limit your response to the definition of rape and attempted rape, which is the legal definition. It's still almost 12 percent.

Ms. Walker. I'm not minimizing the fact that there is a problem at the Academy dealing with sexual assault, and I've said that. There is a problem, and leadership is dealing with it. We recognized that in the report, that there is problem, and that has to be dealt with.

So, yes, we were concerned. We were concerned the whole time we were doing this report. But, again, the fact that the Academy recognized they had an issue and were trying to deal with it is what we were trying to say, that they weren't avoiding it. They were putting things in place to deal with it. When they thought they had dealt with it, what we saw, over time, was that the problem wasn't going away. There were still issues of harassment. At the end, they weren't functionally working well together, so the victims were not being treated as they should be, and that's why we made the recommendations that we did, based on the findings that we were able to make.

Senator Collins. Thank you, Mr. Chairman.

Chairman Warner. Have you had enough time?

Senator Collins. I have. Thank you.

Chairman Warner. I try, as a chairman, to listen very carefully. If I heard you, in response to this important

question, you said, ``I'm not in any way trying to deny there is''--that's present tense--``a problem at the Air Force Academy.' ' Now, I think the Secretary started with a very dramatic opening sentence, ``Tonight, there is no problem.' ' Wait a minute. Am I correct? I want to get this right.

This hearing is being followed, and let's get--between the two of you, sort out your----

Secretary Roche. If I may, sir?

Chairman Warner. Yes.

Secretary Roche. What I said was, the young woman cadet is safe tonight at the Air Force Academy.

Chairman Warner. That connotes to me there isn't a problem, and she can freely move around the halls and enjoy the Academy's benefits.

Secretary Roche. She can, but she may wind up at a party somewhere and still have a problem. She could be in a parking lot and we not be able to cover it. It doesn't mean that it's a 100-percent guarantee; it means all of the things we can think of to accord her protections that she should have are now in place, including having officers and enlisted and other cadets doing roving patrols of the dormitory 24 hours a day, 7 days a week, which is putting enough of a strain on the Academy that we are going to have to assign more billets out there. All of the things to protect them. Any barriers to reporting have been removed. So, on that basis, a woman is safe.

However, the attitudes of our cadets are something of which we are not proud. We are not proud that 20 percent of the males believe that women should not be at the Air Force Academy. We are not proud that only 10 percent of the women in one class believe that they would report an assault, because they might be ostracized. We're not proud of that at all, nor is the new team, but we are working at it, and working at it, and working at it, and we'll continue to do so, Senator.

Chairman Warner. That's important. Then that clarifies, I believe, your comment.

Ms. Walker. That's really what I was speaking to, sir. I believe that what needs to be done is being done, but I also don't believe that we can claim victory yet, because it's going to take some time to see this play out.

Chairman Warner. I want to be careful with this ``claim victory.' ' So let's work on it.

I think I get the message. I hope that you're doing everything you can. I don't want to interrupt the next Senator, but I guess I leave with a heaviness of heart that this institution has had to employ such measures as guards, and patrols and frequent checks. I hope there's joy left.

We'll return to that at some point in time.

Senator Clinton has spent a lot of time on this issue and attended all of our hearings. Senator, it is your turn.

Senator Clinton. Thank you, Mr. Chairman. I apologize that other commitments required me to leave this very important hearing. I have tried to follow, from a distance, the questions that have been asked, and obviously I know that our panel appreciates the extraordinary and profound concern and sadness that I think all of us feel about this situation.

I don't want to go over already plowed ground, but I wanted to ask a few specific questions, which I don't believe have been addressed. It is more in the terms of going forward.

We heard, last week, from the panel that reported to this committee, that, in their report, they are critical of the effective elimination of confidential reporting, as called for

in the Agenda for Change. The panel found that the Agenda for Change's elimination of confidential reporting, ``creates a significant risk that victims will not come forward at all, and, thus, lose the benefits afforded by professional counseling,' ' to say nothing of the issues about reporting assaults and improper conduct. In light of the panel report, Mr. Secretary and General, will you reconsider the value of confidential reporting?

Secretary Roche. Yes, ma'am. One of the wonderful things about that panel is we were able to have a dialogue, and they were as torn as we between privacy and confidentiality, between the fact that we were developing aspiring officers, who have an obligation to tell us when there's a felon in their midst. The work that they came up with, the notion of the psychotherapist who can provide counseling and not be part of the chain of command, so that we can worry about a particular cadet who has gone through trauma and deal with the trauma of that cadet and then try to bring her to the chain of command, where we can then avoid the problems of the past, where nothing happened, or even if we can do such things. One of their witnesses testified that there's not an inherent conflict if you think of it on a temporal basis. If, right away, you do what you have to do, in terms of rape kits, et cetera, but you tell the young woman, ``Look, we're not going to go forward until you're okay and you're ready, but should you choose to go forward, we don't want to be precluded in prosecution because we don't have evidence.' ' Ms. Fowler and I have spent hours trying to think that through.

One of the things that General Jumper and I are doing is we're going to look at the suggestions there, not just for the Air Force Academy, because if it's good enough for one of those young women, it's good enough for one of our young women at Kunsan Air Base. Do it for both.

Senator Allard. Would the Senator yield on that?

Senator Clinton. Yes.

Senator Allard. That's really an important issue, and visiting with the chairman on the Fowler Commission, she had indicated that this is something that the commission really struggled with. Finally they went to the Naval Academy, and my understanding is that this is the process that's currently followed in the Naval Academy, or something very close to it, where they actually have a turn in the road here. You can either go with a public disclosure or go with the publicity of going to the psychotherapist and the patient-doctor relationship there, keep it private if they decide to do that. So your response to her question is that, yes, you think there is a possible credible solution.

Secretary Roche. We want to work at that, Senator, and we think there is a way to do it, but we don't want to do it just for the Air Force Academy. We want to do it for the whole Air Force.

Senator Allard. Senator, that's a very important question that Senator Clinton brought up, and thank you for letting me interrupt you on that.

Chairman Warner. Your time will not be docked for the colloquy, without objection.

Senator Clinton. Thank you, Mr. Chairman. I appreciate my colleague, Senator Allard's, intervention there, because no one has worked harder on this issue. I think, in addition to Annapolis, I believe West Point has a similar approach. So I think that it is important that the Agenda for Change be

changed in light of the panel's findings and further consultation with experts.

I think it's also important to look at the Agenda for Change with respect to the panel's conclusion that it did not address the need for permanent, consistent oversight by Air Force headquarter leadership, as well as external oversight by the Academy's board of visitors. In fact, I think Chairman Fowler made a very telling point when she said that oftentimes the members of the board of visitors didn't attend meetings and they weren't involved. It did not have either the prestige or the participation that one would expect.

So have you done any self-examination about what better oversight and leadership can be provided by both headquarters and the board of visitors?

Secretary Roche. Yes, ma'am. Already, we have in place a mechanism to provide the oversight of the Academy that has a senior-level group, which consists of the Vice Chief of Staff of the Air Force, on the uniformed side, the Assistant Secretary of the Air Force for Manpower, to represent me, the General Counsel, and the superintendent. There is a working group below that. We put a 1-year sunset clause on it in order to get everybody to get everything done from these panels in 1 year. But it's our intention, and the Fowler Report commends us for this and recommends that we institutionalize and make it permanent. We will do so, so that we don't have a situation like the one that Senator Collins raised earlier, of things never coming up to senior-level attention.

Senator Clinton. Finally, Secretary Roche, I have been discussing with you the importance of mentors and role models in setting acceptable standards of conduct for cadets. In their report, the panel includes several recommendations for better training of cadets. It recommends that the staff and faculty place a renewed emphasis on education, on character education, on the encouragement of responsible consumption of alcohol by cadets, and that, overall, the panel found that the Agenda for Change did not go far enough to institute enduring permanent changes in culture and gender climate at the Academy. Now, I assume you also agree that the Agenda for Change has not gone far enough in that direction.

Secretary Roche. It was the best that Jumper and Roche could do in 90 days. We were very willing to have it expanded, to be challenged. In fact, the cadets have given us some good ideas, and we will follow up with each of those items, because we think there is more to do.

We have some good news, finally. The selection board for Air Officers Commanding Program this time at the Academy picked the best, and the system provided them, instead of giving them 50 reasons why it can't happen. We are sending people off to school. One cadet suggested we were not teaching the Uniform Code of Military Justice early enough to cadets. We now have changed that, and early on when they get there in this fall semester we'll be doing a lot of education about the Uniform Code of Military Justice.

Through all this, Senator, an interesting point to the chairman about joy, is that the cadets are now feeling a heck of a lot better about themselves and the place, and they're actually starting to have some fun, because they know what the boundaries are, they know how serious we are, and they're making the point that the morale has improved dramatically this year, as compared to this point last year.

General Jumper. Senator, if I might pile on, let me just

say, once again, that there's no belief on the part of this set of leaders that this is a short-term problem with a short-term solution. So that the character and the integrity issues, the honor code issues have to be dealt with over a period of time. This is going to be a subject of intense education through engagement by our own four-star-level officers with the cadets, personally. We've already begun that, and it's going to take awhile.

Senator Clinton. Mr. Chairman, I know my time is expired.

Chairman Warner. Senator, if you want to take another minute or two, please.

Senator Clinton. I think this might also be useful. I've spoken to the Secretary about this and will certainly try to provide some names of people who could be helpful. But I think it would be useful to invite some outsiders, perhaps, to address the cadets on some of these issues, and I would particularly recommend some women leaders. I think of my colleagues, Senator Collins, Senator Dole, Senator Hutchison, Senator Landrieu, others, people who have served on this committee, people who have insight into the code and the standards of the military. I really, having now immersed myself in the information, and particularly the impressive work of the panel that we heard, there's a real disconnect on the part of many of these young men between the profession and the Service that they are pledging their lives to and the expectations that the leadership of that Service has, but, even more, the expectations of the leadership of their country and the broader citizenry has.

I think it might be useful to have some real airing sessions, perhaps, if she hasn't, with Chairwoman Fowler and others. I really do think that these young men, to be very blunt about this, need to see some women in leadership positions and need to have give and take, and need to hear----

Secretary Roche. Right.

Senator Clinton.--from women of stature and position, that times have changed, and that to be a leader today means more perhaps than it did in the past, in terms of sensitivity. It is troubling to me to think that among the many efforts that young men and women in the Air Force have undertaken in the last 2 years to free women in Afghanistan and free women in Iraq, and then to hear about attitudes of young men at the Air Force Academy that are very reminiscent, frankly, of those attitudes that were part of the Taliban's approach, part of the reaction toward women going to school, being part of leadership.

So I think that perhaps some kind of a speaker session, some kind of an effort to really present the cadets with leadership examples and to challenge them and to challenge the ideas that they may have either brought with them or acquired, would be a start to this process.

Secretary Roche. Senator, we agree. In fact, we are organizing some things.

There's a little bit of good news. About 3 weeks ago, for the first time in the history of the Air Force, we awarded four distinguished flying crosses for heroism in battle to women aviators. First time. Now, when they go to the Academy, no male--no male--can look down on them.

Second, we began training pilots, women pilots, in 1978. The first class of graduates was 1980. That class and the two following--the 1978, 1979, 1980 classes--are just now coming up to general officer ranks. They're not going to be specialists. They're going to be honest-to-goodness pilots, navigators, et

cetera, who will be the right role models. I think we are only one generation away from a commandant who's a woman, general, pilot, line officer, and, not long thereafter, a point we will have a woman superintendent.

But there are increasing role models, and we've found that the Academy brings in the wrong kinds of people. In a management course, for instance, Senator, instead of bringing in successful Air Force officers who were graduates, they bring in successful businessmen who left after 5 years and went out and made a lot of money. When we found that out, we said, ``well, that's silly. There are a whole bunch of terrific officers who are serving in active duty. Why don't you bring them in? Or bring some retired officers in, not bring businesspeople who left right away.' ' So we are working on that.

Senator Clinton. Bring some women in.

Secretary Roche. Absolutely, ma'am.

Chairman Warner. That's a very encouraging chapter in this hearing today, that testimony you've just given, and joined in by General Jumper, and I thank you, Senator. I find it very encouraging.

I don't say what I'm about to say with any facetiousness. My good friend, Senator Levin, and I came here 25 years ago, and we have seen a change in this institution, and that change was, I think, very thoughtfully, carefully, and accurately put in that book, ``Nineams Counting, The Women of the Senate.' ' Maybe a few copies ought to be sent to the Academy for required reading.

Now we have to return to some of the hard parts about this case, which we still have to explore. I guess everybody draws on their own experience in the educational institutions, but I had, in my own modest career, some tough times in coming right out of the Navy in World War II and going to college. Then in law school, I got into a couple of ruts, but survived. Faculty members were just enormously important in not only working with me, but working with a whole range of students. They knew when a student was in need of a little help. I have some of the fondest memories of faculty members who worked with us and invited us to their homes in the evening for a little libation and discussion and private seminars. How is it that they were oblivious to this thing? Were there not a number of female members of the faculty to whom maybe cadets could turn to and say, ``Can I reach out to you, as a civilian, and share my thoughts?' ' Can anybody address this?

General Jumper. Sir, that's a very good question, and we have talked to members of the faculty as part of the people that we addressed. We've talked to the Air Officers Commanding, who are with the squadrons all day, every day. The answer is, no, they did not come forward with any evidence the cadets had come to them with any specific problem. Again, it's difficult to explain. In the report, I don't think that there's any specific reference to this. But in my personal experience, in my personal conversation with this cross-section, I've cut it many ways, Senator. I went out there, I visited with the cadets that were going to be the seniors and the juniors this year, and I challenged them on their leadership responsibilities and told them that unless their attitudes changed, that there would be no change at the Academy. I met with Air Officers Commanding, with the enlisted people that are also, again, with the cadets every single day, with members of the faculty, with alumni, et cetera. I can tell you, sir--and you know me, sir;

we've known each other a long time----

Chairman Warner. Oh, yes.

General Jumper. If any of this had been brought to my attention, I would have jumped on this with both feet, just like the Secretary would have, I can tell you. I can't explain it, but it was not a thing that was so high on the screen of the people that I talked to about this. As a matter of fact, other things were brought to my attention, so there was no fear about talking to me.

Chairman Warner. That leads me to another question relating to some personal experience. I'm often asked, ``What was your best job in life,' ' and I have to tell you that my period in the Navy secretariat was just superb. I remember when the late John Chafee, our highly esteemed, beloved colleague, and I walked into the Pentagon, the Republicans had taken over, there were Democrats there, holdovers, and they sat down with us, and we spent some time with the Secretary of the Navy, who graciously stepped down, and the Under Secretary, and then the various uniformed people came up and shared. So there was a feeling of continuity. Now, it was a period in which the Vietnam War was at one of its very significant high pitches, and so there was a pressure on us that was quite serious. The country's at war today, and so I assume similar pressures are on. But there was a transition.

Then, through the years that I was there, they'd all come back and visit with us, ``How're you doing?' ' I can't understand how some of these uniformed or prior-service Secretaries didn't come in and say, ``How are you dealing with this problem. I tried my best,' ' because let me draw your attention to this. It's rather interesting.

General Ronald Fogelman, a former Air Force Chief of Staff, was quoted in a media story last week as saying that the problem of sexual assaults at the Academy was ``an issue that was known and being worked on at the Air Force and at the Academy. If we didn't take the right remedial action, that was our fault, but it wasn't for lack of trying or being engaged on the subject.' '

Somehow that filter that you feel was present during your administrations wasn't there. He had the facts. He worked on it.

Did any of the old-timers come in, such as General Ryan? I just have the highest regard for him. His father was chief of staff of the Air Force when I was Secretary of the Navy, and I've known the Ryan family for years. Didn't he come in and chat with you a little bit?

General Jumper. Sir, yes, sir. We talked about it. Matter of fact, he gave me a list of things, in my turnover with him that had to do with the drug problem that was emerging. It had to do with the academic curriculum that the boss was working on, with the honor code. But on that list of things was not a concern about sexual assault.

Chairman Warner. All right. What about you, Secretary?

Secretary Roche. I had a couple of months with Mike. Mike, in particular, wanted me to concentrate----

Chairman Warner. This is Secretary Whit Peters?

Secretary Roche. I'm sorry. This was General Ryan.

Chairman Warner. Oh, Ryan.

Secretary Roche. General Ryan.

Chairman Warner. General Ryan. Then you might address----

Secretary Roche. Whit Peters, to do both.

Chairman Warner. --Secretary Whit Peters.

Secretary Roche. General Ryan was very concerned about the honor system at the Academy, and one of the things he did with both of us, like an older brother, is say, ``Okay, here are the things you have to continue to do when I'm gone.''

Whit Peters and I have become friends, and Whit and I speak. He had no sense of this, because he would have passed it on if he had had it. This is not a Republican/Democratic issue. Any one of us who knew this would have gone on and done something. Whit, in fact, had to deal with a different problem at the Academy having to do with an allegation of the misuse of funds for an elaborate kitchen in the superintendent's home.

Chairman Warner. We remember that one well here. He was a good secretary.

Secretary Roche. But this particular issue never came up, even though we still deal with each other.

Chairman Warner. I certainly speak for myself, but we thought Whit Peters did a good job, and he was before the committee many times. So that filter was apparently in place under his administration.

Secretary Roche. I have had lunch separately with General Fogelman talking about issues. He had a two-fold issue of one of character development at the Academy where we were not sending good role models, in terms of pilots and others, out there, because they were so needed. We've corrected that. The second issue he had was with the intern program in the Pentagon, where we were bringing young officers in, but not for enough time for them to really gain something. In both cases, General Jumper and I made the changes that Ron recommended.

Chairman Warner. My time is up. This is the second round, but we're joined by our distinguished colleague, Mr. Nelson, for your first round.

Senator Bill Nelson. Mr. Chairman, I'll just make a couple of comments and be very brief.

Isn't it ironic, Mr. Chairman?

Chairman Warner. Excuse me. Yes?

Senator Bill Nelson. Isn't it ironic that we are having these questions of communication in the Department of Defense at the very time that the military has performed so splendidly, not only in Iraq, but in Afghanistan, before. Yet we're talking about matters of human communication, from one to another.

I saw it last week in trying to get into this problem of the National Guard and the equitable policy of serving with this new policy of 12 months boots-on-the-ground after being mobilized. Just in trying to get information from the Department of the Army, with three different generals, I received four different answers over the course of 18 hours. So it's the old human difficulty of communication, and we're seeing testimony having to do with the same thing here.

Thank you, Mr. Chairman.

Chairman Warner. Thank you very much.

Senator Levin. Senator Nelson is here. He brought to our attention--first, an article that occurred in the St. Petersburg Times yesterday or the day before yesterday, about an allegation that the Pentagon had asked MacDill's Special Operations people to put into their budget \$20 million padding so that the money could be used later by the Pentagon for some other purpose, to quote the St. Petersburg Times. Then this morning, that article appeared, or that allegation appeared, in The Washington Post. It is a very troubling allegation. As always, we're appreciative to Senator Nelson of Florida for being on top of so many issues. We have talked about this as he

brought it to both our attention, I believe, Mr. Chairman. While he is here, perhaps we could just spend 1 minute on this, so that we have agreed that we would, on behalf of the committee--you as chairman, and I as ranking member--at the suggestion of Senator Nelson--raise this issue directly with the Pentagon and ask them to respond and to comment on this because it's a very serious allegation.

Chairman Warner. First, the Senator and I talked about it. He is very careful to consult with both of us when he has issues. We think it must be brought to the attention of the Pentagon and give them an opportunity to respond to this very serious allegation.

Senator Bill Nelson. Mr. Chairman, if this allegation were true, it is of the most serious consequence and breach of law, for we appropriate monies for specific purposes, and that money cannot be reprogrammed unless it has the direct authority of the legislative branch of government. The question is begged, if these allegations are true in what was requested, a \$20 million padding, which money would be siphoned off and used for other purposes outside of Special Operations Command, and it was ultimately, according to the allegations, \$20 million, if that's correct, how widespread is this practice elsewhere in the Pentagon? I think this deserves attention.

Chairman Warner. I think, for the moment, we really shouldn't participate in any speculation. I find the current leaders in the Pentagon, civilian and uniform, have a full plate and are struggling with major issues.

Senator Bill Nelson. Absolutely.

Chairman Warner. So let's just go about this as any responsible chair and ranking member would in response to a very fortunate suggestion by yourself, and let's not speculate for the moment.

Senator Bill Nelson. Thank you, Mr. Chairman.

Senator Levin. Let me also add my thanks to Senator Nelson for the suggestion, because it is really important that we get a prompt answer from the Pentagon on this allegation because of its seriousness.

I want to get to this question about what rises to the top. Senator Collins went through a long list of items, which apparently were unknown to folks who were writing these reports. The Working Group was apparently unaware of a decade of--you're shaking your head. You were aware of it?

Ms. Walker. It's all documented in the report, most of what she was talking about.

Secretary Roche. But not the 1996----

Ms. Walker. Right, not that.

Senator Levin. But not the 1996--and that's the one I want to talk about, because the Fowler Panel said the following, that, ``In 2000, the Senate Armed Services Committee requested an investigation of allegations by the former Air Force surgeon general that sexual misconduct at the Academy in 1996 had not been investigated or had been covered up. The Air Force inspector general conducted a limited 30-day review, but did not investigate serious institutional problems after 1996. The Working Group report does not mention that 2000-to-2001 review, even though the Air Force IG was a member of the Working Group.''

Now, is that correct?

Ms. Walker. No. The Working Group report mentioned it--I believe I mentioned the page numbers that it does--at three different places and footnotes.

Senator Levin. I thought that you were referring to AF-OSI investigation.

Ms. Walker. The 2000 inquiry was based only on the OSI complaint, to my knowledge, sir. That's what it dealt with.

Senator Levin. But the investigation of institutional problems in 1996 was not brought to your attention.

Ms. Walker. Oh, no.

Senator Levin. It was brought to your attention.

Ms. Walker. It was not.

Senator Levin. Okay, now, that's what I want to focus on.

Ms. Walker. Okay.

Senator Levin. You have the Inspector General of the Air Force on your Working Group. The Inspector General's office looked at that 1996 period, but did not bring it to the Working Group's attention. Is that correct? Are we together?

Ms. Walker. That's correct.

Senator Levin. Now, have you asked the Inspector General of the Air Force why did he not bring that to the Working Group's attention?

Ms. Walker. I have not asked the Inspector General that. He only just returned, and he was out of town when this initially came up.

Secretary Roche. I asked him, Senator.

Senator Levin. What was his answer?

Secretary Roche. He said that he was on the job for something like 2 weeks when he----

Senator Levin. On which job?

Secretary Roche. Excuse me, the job of Inspector General--2 weeks, when he approved the answer back to the committee, wherein the Air Force and OSD, in 2000, the prior administration, viewed the letter in the most narrow of terms, with respect to the officer under consideration, as to whether there were any allegations that were substantiated on his behavior. But the backdrop of the entire 1996 matter was not looked into, and it was a shock to all of us.

Senator Levin. The backdrop of the matter wasn't investigated, but the fact that there were allegations of sexual misconduct at the Academy in 1996, which had not been allegedly properly reviewed by the then--an officer then who was in charge, was brought to his attention.

Secretary Roche. Yes. But it was narrowly done, that the allegations against this officer, whether they were substantiated or unsubstantiated--I have now gone back and read the whole----

Senator Levin. Wasn't one of the allegations, that he took no action?

Secretary Roche. Yes, sir. The IG, at the time, said that this allegation was unsubstantiated. But they narrowed it down so much----

Senator Levin. Therefore, he knew about the allegations that he took no action about a sexual misconduct climate at the Academy.

Secretary Roche. I don't remember if it's exactly sexual climate, sir. All I know is that the allegations, as stated, were found to be unsubstantiated, but it was such a narrow look at the one particular officer that what surprised me was that someone didn't say, ``Well, wait a minute. This is in the context, and then the context is the problem.'' The current Inspector General, who was then the Inspector General, who signed the memo back to you, had been on the job for 2 weeks, and he had no memory of this 3 years later.

Senator Levin [presiding]. Ms. Walker, since the chairman is not here, let me just ask a few more questions, although my time is up. Did your Working Group ever discuss the history of Air Force leadership responses to allegations of sexual assault against cadets at the Air Force Academy?

Ms. Walker. The history of their responses to the allegations?

Senator Levin. Right.

Ms. Walker. In the report, we document each leader, the superintendent, and the commandant's dealing with the issues of sexual assault during their term at the Academy, and then there's a follow-on section in the report that deals more pointedly with leadership and that issue of what leadership did and what they knew and dealt with at the time. So, yes, I believe we do in the report. But, again, we do not attempt to make judgments on accountability. We let the facts speak for themselves. But it's pretty clearly laid out there, sir, I believe.

Senator Levin. In January 2003, Secretary Roche, you directed your General Counsel to lead this high-level Working Group to ``review cadet complaints and the policies, programs, and practices of the Academy to deter and respond to incidents of sexual assault.'' That's the quote from the directive. Did you ever direct your General Counsel to limit the Working Group's review so that it would not assess the leadership of former Air Force headquarters personnel?

Secretary Roche. The subject of former Air Force headquarters personnel, I don't recall that coming up. I did tell them to stick to their charter as they went along, because the parallel path that the Air Force Inspector General's work that we chartered them to do, was, in fact, to take a look at allegations against our officers at the Academy, over time. The subject of headquarters only comes up very late, and then there is the issue of, do you try to do that now or do you go and do it afterwards, after you have the IG report? Mainly, Senator, because even now the Air Force IG is looking at cases back from 1994, 1995, 1993, in that earlier period, and you'd like to have that in order to be able to ask the questions of the leadership at that time.

Senator Levin. What is the answer to my question, then?

Secretary Roche. The answer to your question is, I don't recall ever having a discussion about limiting the headquarters. I did ask her to stick to her charter.

Senator Levin. I understand that, but you never remember a discussion relative to not getting into or assessing the leadership of former Air Force headquarters personnel.

Secretary Roche. No, sir, although it comes up as a future study, and I thought that was the appropriate place for it to be.

Senator Levin. Thank you.

Thank you, Mr. Chairman.

Chairman Warner [presiding]. Secretary Roche, this is a hearing particularly on this issue, but, as I said, the committee has before it the President's nomination for you to become Secretary of the Army, and we are working with a number of people, including the White House Counsel, to sort our way through precedents of the respective branches of government pertaining to nominations. But, for the record, are you aware, at this time, that the Inspector General is continuing its investigation of the Air Force Academy problems with regard to the sexual assault allegations?

Secretary Roche. Let me see if I understand you, Mr. Chairman.

Chairman Warner. I just asked if you are aware that the Inspector General of the Department of Defense is continuing its investigation of the Department of the Air Force with regard to these problems?

Secretary Roche. Yes, sir. We have the Air Force Inspector General and the DOD Inspector General doing that, to end in December. There is a new letter from the committee asking that the Inspector General look at numbers of individuals, including General Jumper and myself.

Chairman Warner. Yes.

Secretary Roche. I am aware of that.

Chairman Warner. You are aware of that. Therefore, you understand the problem that's before the Senate and, indeed, this committee that has jurisdiction with regard to that nomination at this time.

Secretary Roche. Senator, I respect this committee's deliberations. I think you know that this position as Secretary of the Army is not something I asked for, but that the Secretary of Defense asked me to do. My preferences were stated. However, at this stage in history, when someone like Secretary Rumsfeld needs help, my sense is I have an obligation to help him, and I think all of us have an obligation to do whatever we can to help our American Army right now.

Chairman Warner. I respect that view. The Inspector General has indicated to this committee, in prior correspondence, that he has no information of a negative sense before him now as it relates to you. So we're trying to work our way through that.

But I'd draw your attention to this release by the Department of the Air Force on September 23, 2003, and I just think I'll ask that the release be given to you so you can read it. It relates to what's going on in the way of investigations in the Pentagon now. See if it comports with your understanding, and maybe you can explain something that's not clear in this.

[The information referred to follows:]

This is the response to question we provided to media who asked yesterday (Denver Post, Rocky Mountain News, and Colorado Springs Gazette). We did not make a release.

Question. What is the Air Force reaction to the Fowler Commission's criticism of the General Counsel's Working Group report?

Answer. The Working Group was originally chartered by Dr. Roche to evaluate ``the effectiveness and appropriateness of the Academy's processes to deter or respond to sexual assault.'' The group accordingly examined the policies, programs, and practices at the Air Force Academy designed to deter and respond to incidents of sexual assault. The Working Group's charter was to focus specifically on the Academy rather than study past Air Force Headquarters involvement in or accountability for Academy sexual assault issues.

The Working Group fulfilled the Secretary's charter in a comprehensive, transparent manner. Preliminary feedback from the team and their final report formed the basis of the Secretary's and Chief of Staff's actions in implementing the Agenda for Change, installing a new leadership team imbued with a new sense of purpose at the Academy, and ongoing efforts to bring Academy culture in line with the core values

of the Air Force. Additionally, as the Fowler Commission Report highlights, the Working Group at the conclusion of their report recommended further studies, to include an examination of Air Force Headquarters oversight of the Academy and specifically its responses to sexual assault. The DOD Inspector General, Air Force Inspector General, and the recently formed Executive Steering Group are examining other aspects of the sexual assault situation at the Academy and related Air Force Headquarters oversight.

Secretary Roche. I don't think I've seen this, sir.

Chairman Warner. Just take your time.

Secretary Roche. Okay.

Chairman Warner. It's the last sentence, and I'll just read it for those who do not know this.

Secretary Roche. Yes.

Chairman Warner. ``The DOD Inspector General, the Air Force Inspector General, and the recently formed Executive Steering Committee are examining other aspects of the sexual assault situation at the Academy and related Air Force headquarters oversight.'' That Air Force headquarters would again refer to the entire secretariat, would that not be correct?

Secretary Roche. Yes, sir. What this sentence is doing is saying that, while the Fowler Report is finished, the DOD Inspector General's work is not done, the Air Force Inspector General's work is not done. The executive steering group is----

Chairman Warner. I don't know about that group, and that's the one which I would----

Secretary Roche. The executive steering group, Mr. Chairman, is that mechanism we have put in place in order to have constant oversight of the Air Force Academy. It's the one that Ms. Fowler points to, commends us for doing, but then asks that we make it permanent and not just have it stand for a year.

The remainder of the sentence having to do with related Air Force headquarters oversight, is the work of that executive steering group to ensure that there is oversight into the future as to what's happening at the Academy.

Chairman Warner. But this release confirms what you've just likewise confirmed, with the exception of the executive steering group. That's a new entity, at least to this Senator.

Secretary Roche. Yes, sir. That's mentioned in the Fowler Report as something they want to see permanent.

Chairman Warner. Therefore, there are three entities in the executive branch--namely, the Department of the Air Force, and one in DOD--that are examining, quite frankly, all aspects of this case, including your actions and that of General Jumper.

Secretary Roche. I think narrowly, sir, the DODIG and the Air Force IG have a charter in place. The executive steering group is looking at mechanisms, management mechanisms. They're not looking at particular people for responsibility. They're looking at management mechanisms so as to preclude information being available at the Academy that ought to be available to the Chief of Staff and the Secretary.

Chairman Warner. I understand.

Secretary Roche. They're not investigating anyone.

Chairman Warner. Okay, it's mixed up in that sentence the way it's been drawn.

Secretary Roche. Yes, it is.

Chairman Warner. So there's only the two entities that are examining this matter in a continuing examination.

Secretary Roche. Yes, Mr. Chairman.

Chairman Warner. I thank you.

This hearing has been a tough one for all of us, but I think it's important, the material we've covered. I think you've brought a good deal of clarity to some situations that many members of this committee, I think 23, are concerned about in the letter we expressed to the DODIG and others.

I thank you very much for your public service and for coming and, in my judgment, trying the best you could to forthrightly and honestly respond to the questions of this committee.

The record will remain open through close of business Thursday--I'm not sure when business closes Thursday night, but thereabouts--for purposes of submitting other questions by both the members in attendance and those who were not able to attend. We had very good attendance today, I might add, given the tremendous conflicting pressures on this body right now for many reasons.

Secretary Roche. Mr. Chairman, if I may?

Chairman Warner. Yes. Take your time.

Secretary Roche. We are much appreciative of the fact that you, personally, a number of other members of this committee, have taken the time to help us through this. This is not something either of us prepared for in life. We recognize we don't start out with instantaneous great knowledge. Your staff directors have been very helpful to us, and you, in particular, have tried to guide both John and me in a couple of cases, and we want to tell you, we go back and we review what you told us, and we're doing our best to deal with this.

We can assure you that as long as either of us are in positions of responsibility in the Air Force, we will continue to make this a major personal issue. I know that Ms. Walker has put in an enormous amount of time to try to provide us with a backdrop of information that we can use to judge commanders as you would have judged commanders when you were Secretary of the Navy.

I'm an ex-ship captain. My partner here travels at a lot faster speed than I ever did, but we both know what it is a commander should do, and we will hold them accountable to that.

Chairman Warner. I thank you for that, because, that Navy that both you and I love a great deal, if the captain's in the bunk getting needed rest and the ship goes aground, he accepts the accountability and the responsibility.

Secretary Roche. Yes, sir.

Chairman Warner. I think you're stepping up to that.

Secretary Roche. We had a great fight today, my partner and I, as to who was the captain of this ship. I am the captain of the ship, and he claims he's the captain of the ship. Senator, we will both be willing to accept responsibilities as captain of this ship.

Chairman Warner. I think that's a good note on which to conclude.

Counselor, I admire you for your professionalism. We have some honest differences of views between members in the panel by the distinguished former congressperson, whom you respect the work that she did in that panel, and somehow we're going to sort through this in what's in the best interest of the Nation and this wonderful institution in which we all have such great pride, and the generations that are going through today.

I, just today, was with a group of Senators, and we're just marveling at the quality of the men and women in the Armed Forces today and the responsibilities that they're accepting,

and the courage and the hardships that they and their families are experiencing.

So we have to do our best, in our respective positions of responsibility, to give them the support that they deserve.

Secretary Roche. Mr. Chairman, you would be very pleased to know Ms. Fowler and a number of members of her commission haven't decided that the subject is over. They are open to us. They have offered to be able to help us, consult with us, and we'll take them up on that. There are a couple of members there that are really spectacular.

Thank you very much.

Chairman Warner. Thank you very much. We are adjourned.

[Additional information submitted for the record follows:]

[Questions for the record with answers supplied follow:]

Questions Submitted by Senator John McCain

KNOWLEDGE OF ALLEGATIONS

1. Senator McCain. Secretary Roche and General Jumper, when did you become aware of the problems at the Air Force Academy? Be as specific as possible as to the date that you were made aware of incidents in any way related to sexual abuse and misconduct at the Academy, beginning chronologically from your confirmations as Secretary and Chief of Staff. Also include the actions taken as a result of each incident.

Secretary Roche. Since early in my tenure as Secretary, which began in June 2001, I have been aware of cultural aspects of the Air Force Academy that have caused me concern and which I have addressed. Most notably, I have been concerned that the Academy appeared to be relatively isolated from the rest of the Air Force, and staffed by too many individuals who lacked currency in Air Force operational matters. I have addressed a series of separate issues, and with General Jumper have actively worked to bring the Academy back into the Air Force.

Regarding sexual assault and gender climate issues, although my office would be informed of individual Air Force Office of Special Investigations cases by means of brief summaries, the first indication I had of a significant issue regarding sexual assault at the Academy was a copy of a letter received in the Headquarters on 3 June 2002 from the attorney of a family whose 13-year-old daughter was the victim of sodomy by a cadet and who complained that the Academy had not handled the case well. The General Counsel conducted a review of the matter and, as a result, a number of corrective measures were initiated at the

Academy and actions taken Air Force-wide to address concerns associated with the case. Also, in June 2002, I learned of an Academy English Department dinner that had occurred in April 2002 involving a skit containing wholly inappropriate sexual content. I was disturbed both by the incident itself, and the lack of an appropriate response by the leadership of that Department. General Jumper and I immediately became involved to correct the situation. Although there were isolated congressional inquiries primarily related to specific cases, including one requesting information about sexual assault statistics, these were answered routinely at the staff level and did not come to my attention. On January 2, 2003, I received what has become known as the Renee Trindle email, alleging extensive sexual assault problems at the Academy. We were able to reach out to the author and ask that she speak with us. She and another former cadet did so. I directed my General Counsel to establish a Working Group to examine the Academy's policies, programs, and practices and to make recommendations to me. Throughout that examination, General Jumper and I received information updates, concluded that immediate changes were warranted, personally developed an Agenda for Change, and initiated that Agenda on 26 March 2003. I have continued my detailed personal involvement.

General Jumper. I became Chief of Staff of the Air Force in September 2001. A part of my duties includes being the direct supervisor of the Academy Superintendent, a lieutenant general. In that capacity, I had many discussions with the Superintendent and necessarily relied upon him to keep me informed. My other sources of information included the Air Staff and Secretariat. I shared concern with the Academy's apparent isolation from the rest of the Air Force and joined with him in a variety of actions to address those concerns. My office was informed of individual cases investigated by the Air Force Office of Special Investigations by means of summaries. I was generally aware of the concerns regarding Academy handling of the case involving the 13-year-old who was sodomized by a cadet, and of the corrective actions taken.

In June 2002, along with the Secretary, I learned of an Academy English Department dinner that had occurred in April 2002 involving a skit containing inappropriate sexual content. I shared the Secretary's concern about the incident and the lack of an appropriate response by the leadership of that Department. We immediately became involved to correct the situation.

On 28 June 2002, my office received an anonymous complaint alleging problems at the Academy, including sexual assault. (The letter indicates the Senate Armed Services Committee also received a copy along with others.) The anonymous complaint was referred to the Air Force Inspector General and the IG conducted a complaint analysis that determined at the time that there was not sufficient information to initiate a full investigation. Although there were isolated congressional inquiries primarily related to specific cases, including one requesting information about sexual assault statistics, these were answered at the staff level and did not come to my attention.

On January 2, 2003, the Secretary and I received what has become known as the Renee Trindle email, alleging extensive sexual assault problems at the Academy. I agreed with the Secretary's decision to direct the General Counsel to establish a Working Group to examine the Academy's policies, programs, and practices and to make recommendations. Throughout that examination, we received information updates and agreed that immediate changes were warranted. We personally developed our Agenda for Change and initiated that Agenda on 26 March 2003. The Secretary and I have continued our extensive personal involvement.

2. Senator McCain. Secretary Roche, the Fowler Report comments that, ``As a result of the media attention generated when the current scandal surfaced, the Air Force moved swiftly to address the problem of sexual assault at the Academy.'' The report also states that, ``the evidence before the panel shows that the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action.'' Why did it take media attention before you decided to do anything about the situation at the Academy? Do you believe that you reacted with expediency? Please explain your answer clearly.

Secretary Roche. It did not require media attention for me to initiate action. I have acted decisively whenever a matter appearing to require my action has come to my attention. With regard to sexual assault issues at the Academy, as soon as I discerned institutional problems, I took expeditious action--and well before it was a matter of media attention. As soon as I became aware of issues regarding the handling of a case of sodomy by a cadet with a 13-year-old, I directed an inquiry and corrective actions. When I had indications of inappropriate program content of a sexual nature within the English Department, I took action to correct the problem and to replace the responsible leadership. As soon as I received an email detailing institutional problems at the Academy, well before media interest, I tasked the General Counsel to lead a multi-disciplinary group to address the issue and make recommendations. When initial information from that process--a process with which I stayed in regular contact--indicated that swift corrective action was required, General Jumper and I took action, and we have continued our personal involvement to this day.

CULTURE AT THE AIR FORCE ACADEMY

3. Senator McCain. Secretary Roche and General Jumper, has the culture that has existed for over 10 years at the Air Force Academy resulting in a permissive environment and accepting of criminal sexual behavior ``graduated'' in to the officer corps?

Secretary Roche. First, I must take issue with the broad generalization embodied in the question. It implies that the cadets of the last 10 years, men and women, are generally accepting of criminal sexual behavior. That is not the case. While we have identified significant concerns, all that we know indicates those concerns apply to a small minority of the men and women who have attended the Academy--and that the vast majority internalize and exemplify the core values and high standards of the Air Force for integrity, excellence, and service. As for the minority who may not have ``gotten the Air Force message'' at the Academy in the past, I have every reason to believe that it must have been brought home to them when they entered the Air Force at large. Our commanders simply will not tolerate less than equality of treatment and respect for each other. For those who will not conform to Air Force standards, corrective action is taken.

General Jumper. I do not accept the implication that the cadets of the last 10 years, men or women, are generally accepting of criminal sexual behavior. I agree with that, while we have identified significant concerns, those concerns apply to a minority of the men and women who have attended the Academy--and the vast majority internalize and exemplify the core values of the Air Force of integrity, excellence, and service. To the extent there have been cadets who graduated without internalizing the values of the Air Force, I am confident they have discovered that there is no place in the Air Force for such attitudes. The very small minority who may not practice our values will continue to be weeded out.

4. Senator McCain. Secretary Roche and General Jumper, what have you done to verify that it has not?

Secretary Roche. I have discussed these issues extensively with the appropriate senior leadership of the Air Force, including the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) (SAF/MR), the major command commanders, the Inspector General, the Judge Advocate General, and others. I have tasked SAF/MR to examine the Air Force processes relevant to sexual assault and that examination is underway. I have tasked the Inspector General to include sexual assault and harassment as a special interest item in all Inspector General evaluations and to report back to me.

General Jumper. I have participated with the Secretary in the discussions with the senior leadership of the Air Force, and concurred with the taskings to SAF/MR and the Inspector General that he related to you in his written response. In addition, we have directed an examination of the oversight role of the Air Force headquarters as it relates to sexual assault and harassment issues throughout the Air Force. This falls under the guidance of the SAF/MR.

5. Senator McCain. Secretary Roche and General Jumper, what have you done about cases where an alleged criminal has been commissioned? Please explain fully.

Secretary Roche. I know of no specific cases in which a convicted criminal has been commissioned. I am aware of several cases where accusations have been made, and for a variety of reasons ranging from recantation by a witness, to acquittal, or the evidence otherwise being determined by the command authorities to be insufficient to prevent commissioning, those cadets have been subsequently commissioned. I have asked the Inspector General to examine each of those cases in which a cadet accused of sexual assault has subsequently graduated and been commissioned. I will consider the results of those reviews when they are completed. In the meantime, I believe it is appropriate to recognize that the protections of due process apply to members on active duty with the Air Force as well.

General Jumper. I share the views of Secretary Roche and support his actions.

``WORKING GROUPS''

6. Senator McCain. Ms. Walker, you released in a statement after the Fowler Report was released that you were following orders from Secretary Roche when you focused the Working Group's investigation on procedures followed at the Academy, and not actions taken up the chain of command within the Air Force. Were you specifically told not to review actions by Secretary Roche and General Jumper, even though their actions or inactions clearly have a bearing on this serious matter?

Ms. Walker. I was not told to avoid review of the actions of Secretary Roche and General Jumper. However, I did not have a reason to believe such a review was necessary. I was given a specific charter to examine the policies, programs, and practices of the Academy, and I was told not to address Academy leadership accountability issues. That was being addressed by other reviews that would be provided to the Secretary and the Chief. I was aware throughout most of the course of the Working Group's activities that the Air Force Inspector General was examining individual cases (indeed I recommended it), the Fowler Commission was also charged with accountability issues, and that the Department of Defense Inspector General was conducting oversight of the Air Force activities, and had itself undertaken responsibility for an examination of accountability issues.

7. Senator McCain. Ms. Walker, it is further reported that subordinates in your Working Group included information related to the 2000 inquiry and high-level officials' involvement only to have it removed by you. Why would you remove any information that is relevant to your investigation? Please explain fully.

Ms. Walker. There were many drafts of the report and each was edited by several people, including me. I did not remove information from drafts of the report that I considered relevant to the Working Group's tasking and which was adequately substantiated. My objective, and the Secretary's instructions to me, was to keep to the Working Group's charter, avoid unsubstantiated statements or unsupported conclusions, and to keep the report to a reasonable length. Where the Working Group, the staff team, or the other editors, including me, suggested changes or omitted information for one or more of the reasons noted, and after consultation with the Secretary, we attempted to document areas we did not address that were deserving of additional study (including the Air Force Headquarters' past and future role in sexual assault issues). The 2000 discussions on the confidential reporting system were specifically described in the report.

8. Senator McCain. Secretary Roche, why did you put limitations on the scope of the Working Group's review? Please explain fully.

Secretary Roche. The Working Group was chartered to perform a specific function, to assist General Jumper and me in examining the policies, programs, and practices in effect at the Academy in the context of the cadet complaints and, where appropriate, to make recommendations for change. It was, consciously and deliberately, an Air Force staff function to address the present problems, not an accountability review. Early on in that process, I tasked the Air Force Inspector General, under Department of Defense Inspector General oversight, to examine specific allegations by victims and others, intending them to follow those leads wherever it took them. In addition, I note that by April 2003 I was aware of and welcomed the proposal for an independent panel to review the Air Force work and to address accountability issues. Further, I was in communication with the Department of Defense Inspector General and knew, as stated in his 2 May 2003 memorandum, that he was undertaking an examination of accountability issues. I needed information and recommendations quickly to work the issues. I also believed it would not be appropriate for the Working Group to address accountability issues that would have included the headquarters' past involvement.

INFORMATION FOR VICTIMS

9. Senator McCain. Secretary Roche, do you feel it is appropriate for an alleged victim of a crime to be informed of the results of disciplinary action taken against the accused? Explain your answer fully.

Secretary Roche. I believe it is appropriate for an alleged victim of a crime to be informed of the result of the disciplinary action taken against the accused to the extent permitted by law. I directed the General Counsel to revise Air Force instructions to allow the fullest disclosure of information under current law to victims, and that effort is underway. In this regard, I note that the Privacy Act, as interpreted by the courts, significantly restricts the information that may be provided. I also note that in passage of the Victim and Witness Protection Act of 1980 and the Victims Rights and Restoration Act of 1990, Congress did not provide exceptions to the Privacy Act to ameliorate this result. I believe this issue would be worthy of congressional attention.

10. Senator McCain. General Jumper, if there was a disciplinary or professional breakdown in a military organization, how far up the chain of command do you feel is accountable for that breakdown? Explain your answer fully.

General Jumper. I believe that any determination of this nature must be made on a case-by-case basis. Considerations that would be relevant at any level of supervision include: the individual's involvement in the problem; the individual's awareness of the issue; whether the individual impeded reporting or contributed to a lack of awareness; and, the extent to which it was or was not reasonable for a superior to have relied upon a subordinate (including the relative seniority and experience of the subordinate).

11. Senator McCain. Secretary Roche and General Jumper, what, if anything, have either of you done with respect to the decision to award Colonel Slavec a Meritorious Service Medal for service that appears to be anything but meritorious while she was assigned to the Academy? Please explain your answer fully.

Secretary Roche. I have asked, through the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), for the Air Force Decorations Board to review this matter and make a recommendation regarding it.

General Jumper. I am aware of, and agree with, Secretary Roche's actions.

12. Senator McCain. Secretary Roche and General Jumper, should military leaders be excused for failing to take appropriate action to protect the safety of their subordinates from a threatening situation for which the leader has responsibility? Does being busy excuse that leader from being held accountable?

Secretary Roche. Such determinations must be made on a case-by-case basis. As a general matter, a principal responsibility of military leaders is the safety of their subordinates. Evaluation of an individual's discharge of this responsibility turns on whether the acts or omissions of the leader were appropriate under all of the circumstances (including what actions the leader did take to avoid such threatening situations).

General Jumper. I agree with Secretary Roche. Such determinations must be made on a case-by-case basis. As a general matter, a principal responsibility of military leaders is the safety of their subordinates. Evaluation of an individual's discharge of this responsibility turns on whether the acts or omissions of the leader were appropriate under all of the circumstances.

13. Senator McCain. Secretary Roche and General Jumper, how do your own actions with respect to the Academy comply with your answer to my last question? Please explain fully.

Secretary Roche. I am satisfied that I have acted appropriately regarding these matters. Please see my responses to earlier questions. I serve at the pleasure of the Secretary of Defense and the President.

General Jumper. I believe that I have acted appropriately in these matters. Please see my responses to earlier questions. I serve at the pleasure of the Secretary of the Air Force, the Secretary of Defense, and the President and will respect their determinations.

SUMMER CAMP ASSAULT CASE

14. Senator McCain. Secretary Roche, in your statement you discuss the case of a 13-year-old female who was sexually victimized by a 22-

year-old cadet as though it is a success story. When questioned about it in the hearing, you cast the entire event in a far more negative light. Please review your testimony. Which is it? Please explain your answer fully.

Secretary Roche. There is no success story when a child is tragically victimized by an adult. In terms of the Academy's response to the incident, there were good and regrettable elements. Of particular note, on the positive side, was the initiative and professionalism of Air Force Office of Special Investigations personnel who became aware of a potential crime and, despite the absence of a complaint, pursued the matter to conviction of the culprit. On the regrettable side were shortfalls in the prosecution, including communication and involvement with the family. I believe that when the concerns of the family became known at the Headquarters Air Force level they received careful attention, and corrective actions were implemented to reduce the chances of recurrence of similar problems at the Academy and elsewhere in the Air Force.

Questions Submitted by Senator Daniel K. Akaka

AIR FORCE RESPONSE TO ALLEGATIONS

15. Senator Akaka. Secretary Roche, I have read the ``Report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy'' that was published by the independent panel chaired by Congresswoman Fowler and also attended the hearing held by the Senate Armed Services Committee on September 24, 2003 in which Congresswoman Fowler discussed the panel findings on the review of sexual assault allegations at the United States Air Force Academy. I was appalled to find out about the sexual assaults targeted at women at the Air Force Academy and to learn of the attitude, particularly by Academy officers, that resulted in a culture which encouraged and perpetuated such behavior. What steps are you taking now to ensure this type of behavior and institutional culture of intolerance is no longer tolerated at the Air Force Academy?

Secretary Roche. We have been engaged on a concerted course to solve these problems, beginning with General Jumper's and my ``Agenda for Change'' issued on 26 March 2003. The Report of the Air Force Working Group made 36 recommendations for change, and identified 12 areas for additional study. Each of these areas is receiving close attention. In addition, we have had the benefit of the Fowler Commission report, studied it carefully, and are using it to refine our way ahead. We replaced most of the top leadership slate of the Air Force Academy and have an exceptional team of officers in place leading the changes there. They have identified additional areas that they are working, and have established an Academy team to ensure that corrective actions are carried through to completion. We are closely monitoring our progress. We're totally focused on changing the adverse aspects of the Academy culture and building on the best of the institution. We've drastically changed our processes to support victims of sexual assault and are giving close attention to investigation of and responses to allegations of sexual assault. The entire Academy program is undergoing changes, from improvements to the living environment to enhanced leadership courses, with constant emphasis on respect for and loyalty to values. The new Superintendent has accomplished a survey of cadets that was coordinated with Air Force experts in these matters, and the results have shown us where we're making progress, and confirmed areas that still need work. We have had the benefit of similar assistance from the Department of Defense Inspector General. At the Headquarters, I've put the Assistant Secretary of the Air Force (Manpower and Reserve

Affairs) in charge of an executive oversight process, to ensure ongoing awareness, assessment, and guidance by the Headquarters. He is implementing a structure to provide this oversight into the future, and through changes in leadership and administrations. We are working with the Board of Visitors to strengthen that process, and we have proposed legislation to assist in that regard and to improve the way we select academic leaders for the Academy. We are totally committed to making the fine institution that is the Air Force Academy a place that all Americans can view with unmitigated pride.

16. Senator Akaka. Secretary Roche, do you believe the processes you have put in place for the Air Force Academy would be relevant to the other Service Academies?

Secretary Roche. I must defer to the respective Services' leadership and the Department of Defense. However, we have shared our lessons learned with the other Services and we are all actively exchanging information so that we can benefit from each other's experiences.

REPRISAL AGAINST VICTIMS

17. Senator Akaka. Secretary Roche and General Jumper, I was disturbed to read in the independent panel report that cadets were afraid to report sexual misconduct because of the fear of reprisal, discrimination, or harassment. The report states that the Air Force has taken a number of steps to address this problem. Can you outline the steps the Air Force took to address this problem?

Secretary Roche. Please see my reply to question number 15. Particularly relevant to this aspect are the creation of the Academy Response Team and the institution of policies designed to provide cadets confidence that they will be treated fairly when they report sexual assault. The Academy Response Team is a multi-disciplinary group led by the Vice Commandant, a colonel well-trained and experienced in these issues. The primary focus is taking care of victims and encouraging reporting. Part of this is strenuous measures to ensure the victim's privacy, and an amnesty program designed to alleviate concern by victims that either they, or the cadets who are witnesses, will be the subjects of discipline for violations of Academy rules that are revealed in the course of reporting sexual assault. The leadership team at the Academy has also focused on a variety of measures designed to change an unhealthy emphasis in Academy culture on loyalty to peers, rather than loyalty to institutional values, an aberration that has led to harassment of those who report sexual assault. We are sending a strong message that reprisal, discrimination, and harassment have no place in the Academy or in the rest of the Air Force.

General Jumper. I concur in Secretary Roche's response. The Secretary and I have repeatedly traveled to the Air Force Academy to forcefully emphasize our personal messages to the cadets that such conduct will not be tolerated.

18. Senator Akaka. Secretary Roche and General Jumper, do you believe fear of reprisal is still a problem at the Academy?

Secretary Roche. Leadership is making inroads but it requires constant vigilance. I believe that fear of reprisal has been significantly reduced at the Academy as a result of the corrective measures we have taken. However, I do not believe that it has been eliminated by any means. This is a process that has only begun and will require concerted and constant attention. We are committed to this course over the long term.

General Jumper. I agree with the views expressed by Secretary Roche.

[Whereupon, at 5:30 p.m., the committee adjourned.]