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**FORT HOOD 2020: THE FINDINGS AND
RECOMMENDATIONS OF THE
FORT HOOD INDEPENDENT
REVIEW COMMITTEE**

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

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[There were no Questions submitted post hearing.]	

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Wednesday, December 9, 2020.

The subcommittee met, pursuant to call, at 1:01 p.m., in room 2118, Rayburn House Office Building, Hon. Jackie Speier (chairwoman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, CHAIRWOMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Ms. SPEIER. The Military Personnel Subcommittee of the Armed Services Committee will come to order.

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Finally, I have designated a committee staff member to, if necessary, mute unrecognized members' microphones to cancel any inadvertent background noise that may disrupt the proceedings.

All right. This hearing will now discuss on a hybrid level the report submitted by the committee entitled “The Findings and Recommendations of the Fort Hood Independent Review Committee.”

At the outset, I want to say to the five members of this committee how grateful we are for your service. You have done an exhaustive study. It has been independent and fair. You have tackled problems head-on, and you have completed this project in 3 months. Your resumés reflect your intellect, your years of experience, and your commitment to public service.

I also want to commend Secretary McCarthy for recognizing that there was a serious problem at Fort Hood and for putting in place this independent review commission—or committee, I should say—to look at what is indeed a national tragedy.

Our focus today are the 9 findings and the 70—I will repeat that—70 review committee recommendations after this extensive investigation into whether the command climate and culture at Fort Hood reflects the Army’s values, including respect, inclusiveness, a workplace free from sexual harassment, and a commitment to diversity.

Despite red flags popping up for years, leaders ignored them, carried on, and—I quote from the report—“business as usual, causing female soldiers, particularly in the combat brigades, to slip into survival mode, vulnerable and preyed upon, but fearful to report and be ostracized and revictimized,” unquote—that, a statement from the committee’s report.

It has been a difficult year for everyone, with the raging pandemic, deep divisions, and racial reckoning facing our Nation. But it has been even more difficult as a year for the soldiers and families of Fort Hood. Like the rest of us, they face a deadly pandemic, civil unrest, and extreme inequality, but, unlike us, they also must live and work on the most dangerous military installation in the United States. Let me repeat that: the most dangerous military installation in the United States.

Twenty-eight service members have died at Fort Hood this year. At least five of them—Specialist Vanessa Guillen, Private First Class Gregory Wedel Morales, Private First Class Brandon Scott Rosencrans, Sergeant Elder Fernandes, and Specialist Freddy Beningo Delacruz—have died under suspicious circumstances.

I might also add that we just got word that there was a suicide at Fort Hood just over the weekend.

And it is not just violent crime that is plaguing Fort Hood but unlivable housing conditions, rising instances of sexual harassment, a failing SHARP [Sexual Harassment/Assault Response and Prevention] program, increased rates of depression, and a bottoming-out of morale.

The report of the Fort Hood Independent Review Committee confirms what I saw with my own eyes: The base, once nicknamed, quote, “great place,” unquote, because of the quality of life it offered to its soldiers, has been transformed into, quote, “the place where careers go to die,” unquote.

In September, I led a congressional delegation to Fort Hood. We met with soldiers and their families. We saw their barracks with cracked foundations, moldy walls, dingy furniture, and poorly lit hallways. Soldiers were living in rat-infested tenements. Families

were living in black-mold-infected homes with asbestos tiling and cracking foundations.

In my 8 years on this committee visiting military installations, I have never seen barracks and family housing in such deplorable conditions.

We heard from teary-eyed mothers who begged for assistance because their children—in fact, their infants—were sleeping on moldy mattresses and developing asthma.

We heard from military spouses who were afraid for their husbands and wives for their overwork, their exhaustion, their misery, and depression, afraid they would come home to find their loved one hanging in the shower or dead on the floor.

We met with junior enlisted women who described a culture of sexual harassment, a culture of leaders watching as women and men were harassed before their eyes but kept silent, squad leaders and platoon leaders who seemed either unwilling or unsure how to help them. So their harassment became just another hazard of being a soldier, and no one was held accountable, and not one leader stepped forward.

We visited the SHARP 360 facility that a few enterprising NCOs [noncommissioned officers] and soldiers designed. Taking furniture from their homes and spending their weekends painting, the NCOs created an interactive training space for soldiers to train in real-world scenarios.

We know that “death by PowerPoint” is not an effective strategy for reshaping military culture to prevent sexual harassment and assault, yet programs like these are underfunded, understaffed, and underadvertised. We cannot rely on a few soldiers at disparate installations to come up with their own training methods without proper support.

But it turns out Fort Hood wasn’t even training by PowerPoint. In fact, they weren’t training their soldiers at all.

The report also provides an inside look at a military installation where soldiers are suffering under leaders who have lost their way, crushed by unsustainable training calendars, deployment schedules, and careless leaders chasing the next rank instead of caring for their soldiers.

This report is a damning indictment of Fort Hood and its leadership—leaders who, for years, even as they paid lip service to Congress and said all the right things, allowed a culture of sexual harassment, sexual assault, and toxic behaviors to fester.

The committee’s survey of Fort Hood soldiers found that 1,339 soldiers observed a sexual assault in the last year—this is the Fort Hood Independent Review Committee—and 2,625 observed sexual harassments, but very few actually made a report. I am appalled, and I think the Army should be appalled as well.

I am grateful for the time and effort the Independent Review Committee put into this. The curtain has been pulled back, and I hope the Army sees the same traumatic environment and toxic culture that I do.

This report is the culmination of a long, difficult year—really, a difficult 5 or 10 years for soldiers and families at Fort Hood. But I am saddened that it took the deaths of five soldiers before anyone really listened to the pleas from southeastern Texas. I am con-

cerned that their commanders, their leaders, and the Army ignored them for so long.

But I promise that I am listening and I will keep listening until every one of these recommendations is implemented. Our soldiers and their families are too important to this Nation to brush off.

My promise to the soldiers, families, and all those who serve our country: I will keep listening. I believe this committee will keep listening. We will hold the Army and its leadership accountable. We won't stop asking questions until Fort Hood once again is, quote, "the great place," unquote, it claims to be.

Before I introduce our panel, I would like to acknowledge the incredible work of our committee members during this Congress, especially those participating in their last Military Personnel Subcommittee hearing today.

We are joined, to my right, by Congresswoman Susan Davis, the former chair of this committee, who has served 20 years on the Armed Services Committee and who will be retiring at the end of this year.

Also, to Gil Cisneros, Ralph Abraham, and Paul Mitchell, all of you have been great participants in this committee's work.

Before I offer Ranking Member Kelly an opportunity to make opening remarks, I would like to congratulate him on his promotion to Major General in the National Guard Reserves.

Congratulations to you.

Ranking Member Kelly.

[The prepared statement of Ms. Speier can be found in the Appendix on page 47.]

STATEMENT OF HON. TRENT KELLY, A REPRESENTATIVE FROM MISSISSIPPI, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. KELLY. You made me blush, Chairwoman.

Thank you, Chairwoman Speier, for having this important hearing today.

And thank each of you panelists. As we spoke briefly before, thank you for seeking truth and justice and taking your time and doing your duty to your Nation to dig deep to find the truth. I am an old prosecutor, and truth and facts matter, but it takes men and women of courage sometimes to dig out those truths. So thank you for what you have done as our panelists, and thank you for sharing your findings and recommendations with us.

I look forward to a productive discussion today, because the tragedies at Fort Hood over the past year and some of the other issues raised in the press and from when I traveled to Fort Hood, like crime rates in general, housing issues, crushing OPTEMPO [operational tempo], the poor quality of life, especially for the families, are very personal problems to me.

I will take a point of privilege now to say that Chairwoman Speier and I, I believe, in the last 2 years' Congress, through this subcommittee, have achieved more for military families than any Congress I am aware of in a long, long time, and that is a testament to how much we care about our military families.

These are very personal problems for me. I have been in the Army for almost 34 years, and while I know that when we throw

up our hands and volunteer to serve, mission accomplishment is and has to be the number one goal of every commander and soldier, but we get there by making people—service members and their families—our number one priority.

Retired Sergeant Major Gene Maske of the Mississippi National Guard used to have huge billboards up in Mississippi that said “Mission First, People Always.” There is no statement more true. And it applied in the 1980s or 1990s, and it applies today. Not the motor pool, not the training calendar, not the training center rotations. When people are prioritized and the right balance is put in place, those other requirements become much easier to complete and they are completed more effectively.

I think there have been some obvious breakdowns not only at Fort Hood but likely across the services as requirements compound and OPTEMPO becomes all-consuming. And it only takes a little loss of focus by leaders for their problems to spiral out of control for units, soldiers, and their families.

There will be some accountability resulting from the various investigations and reviews completed at Fort Hood, and accountability and responsibility is important. But what I am most interested in is looking forward, making sure change is institutionalized where change is needed, and using what we have learned at Fort Hood as a case study for all leaders, starting with the Secretary of Defense down to the squad and team leader level, so that systems are in place for ensuring service members and their families are given the priority they earned and deserve.

Trust is paramount for any military unit or organization. If soldiers and families feel like leaders don’t care about their well-being, keeping them safe from sexual assault and harassment or crime in general, or making sure that all are treated with dignity and respect, then trust is gone and combat effectiveness is depleted. We simply cannot tolerate a culture that does not recognize people as its number one priority.

Your testimony today is very much appreciated. Thank you again to our panelists and again to Chairwoman Speier for calling this hearing.

And, with that, Madam Chair, I yield back.

Ms. SPEIER. All right.

I would like to ask unanimous consent that Congressmembers Sylvia Garcia and Steve Lynch be allowed to join us at this committee hearing.

Mr. KELLY. Without opposition.

Ms. SPEIER. So be it.

All right. Each witness will provide a brief introduction and their focus on the committee. Then Mr. Swecker will present a joint statement on behalf of the Fort Hood Independent Review Committee. And each member will have an opportunity to question the witnesses for 5 minutes.

We respectfully ask the witnesses to summarize their testimony in 5 minutes. Your written comments and statements will be made part of the hearing record.

Let us begin now with Mr. Chris Swecker, chair of the Fort Hood Independent Review Committee.

STATEMENT OF CHRIS SWECKER, CHAIR, FORT HOOD INDEPENDENT REVIEW COMMITTEE; JONATHAN HARMON, CARRIE RICCI, QUETA RODRIGUEZ, AND JACK WHITE, MEMBERS, FORT HOOD INDEPENDENT REVIEW COMMITTEE

Mr. SWECKER. Chairwoman Speier, Ranking Member Kelly, and distinguished members of the subcommittee, we want to thank you for the opportunity to appear before you to discuss the findings and recommendations of the Fort Hood Independent Review Committee.

The Secretary of the Army—

Ms. SPEIER. Sir, your microphone may not be on.

Mr. SWECKER. The Secretary of the Army appointed five members, who join me today—Jonathan Harmon, Carrie Ricci, Queta Rodriguez, Jack White, and myself as chairman of the committee—in July of this year.

Jonathan Harmon is the chairman of McGuireWoods, LLP. He is a nationally recognized lawyer who previously served in the Army at Fort Hood in the 1st Cavalry Division after graduating from West Point.

Carrie Ricci is a retired JAG [Judge Advocate General] officer who served 3 years at Fort Hood, including as a trial counsel, and now serves as associate general counsel for the U.S. Department of Agriculture.

Queta Rodriguez is a retired Marine Corps officer who served 20 years on Active Duty. She currently serves as regional director for FourBlock, a veteran-serving nonprofit.

Jack White is a partner at FH+H, LLC, where his practice focuses on government investigations and civil rights claims. He served as a law clerk at the U.S. Supreme Court after graduating from West Point and serving as an armor officer in the Active Army and the U.S. Army Reserve.

The committee has broad expertise with organizational dynamics, law and government investigations, and a combined 75 years of experience as Active Duty military and law enforcement personnel.

The committee was directed by the Secretary of the Army to conduct a comprehensive assessment of the Fort Hood command climate and culture and its impact, if any, on the safety, welfare, and readiness of our soldiers and units.

In addressing this mandate, the committee determined that, during the time period covered by the review, the command climate relative to sexual harassment/assault response and prevention at Fort Hood was ineffective, to the extent that there was a permissive environment for sexual assault and sexual harassment.

The committee's report set forth specific findings which demonstrate that the implementation of the SHARP program was ineffective. During the review period, no commanding general or subordinate echelon commander chose to intervene proactively and mitigate known risks of high crime, sexual assault, and sexual harassment. The result was a pervasive lack of confidence in the SHARP program and an unacceptable lack of knowledge of core SHARP components regarding reporting and certain victim services.

Under the III Corps SHARP program, the Sexual Assault Review Board process was primarily utilized to address administrative and

not the actual substance of the program. While a powerful tool by design, the Sexual Assault Review Board process became a missed opportunity to develop and implement proactive strategies to create a respectful culture and prevent and reduce incidents of sexual assault and sexual harassment.

From the III Corps level and below, the SHARP program was chronically underresourced due to understaffing, lack of training, lack of credentialed SHARP professionals, and a lack of funding. Most of all, it lacked command emphasis where it was needed the most: in the junior enlisted ranks.

A resonant symptom of the SHARP program's ineffective implementation was significant underreporting of sexual harassment and sexual assault. Without intervention from the noncommissioned officers and officers entrusted with their health and safety, victims feared the inevitable consequences of reporting: ostracism, shunning and shaming, harsh treatment, and damage to their career. Many have left the Army or plan to do so at the earliest opportunity.

As part of the command climate, the issues of crime and the Criminal Investigative Division [CID] operations were examined. The committee determined that serious issues on and off Fort Hood were neither identified nor addressed.

There was an absence of an effective risk management approach to crime incident reduction and soldier victimization. Despite having the capability, very few tools were employed at Fort Hood to do so. Both the Directorate of Emergency Services and the CID have a mandate and a role to play in crime reduction. Each contributed very little analysis, feedback, and general situational awareness to the command toward facilitating and enabling such action. This was another missed opportunity.

The deficient climate also extended into missing-soldier scenarios where no one recognized the slippage in accountability procedures and unwillingness or lack of ability of the noncommissioned officers to keep track of their subordinates. The absence of any protocols for soldiers who failed to report resulted in an ad hoc approach by units and the MPs to effectively address instances of missing soldiers during the critical first 24 hours.

Consistent with the chart, the report sets forth 9 findings and 70 recommendations. These findings include the ineffective implementation of the SHARP program; evidence that incidents of sexual assault and sexual harassment are underreported; structural flaws in the program; inefficiencies of the CID that adversely impacted their mission; the mechanics of the Army's adjudication process involving sexual assault and sexual harassment; deficiencies of the Fort Hood public relations and incident management; the lack of established protocols for missing soldiers; the fact that the criminal environment within surrounding areas and counties is pretty much the same or lower than similar-size areas; however, there are unaddressed crime problems at Fort Hood which put them in a reactive posture.

There are other parts to our opening statement, but, in the interest of time, I want to point out one last thing to the subcommittee here as far as methodology. We conducted 647 individual interviews, of which 500 were female soldiers. We did 80 group inter-

views that encompassed close to over 1,800 soldiers. We had 31,000 responses to a survey, which was basically a 100 percent response, which is unheard of. We commissioned 49 formal research projects, which informed us and helped us use the Army's own data to help us form our conclusions. We did over 140 specialized interviews inside and outside Fort Hood. And we looked at thousands of documents.

Soldiers assaulting and harassing other soldiers is both corrosive to esprit de corps and contrary to good order and discipline; worse, it is contrary to Army values. The findings and recommendations contained in the report are offered in the spirit of constructive improvements, not to provide a basis for punitive actions.

That concludes my statement—our statement. And as the chair of the Fort Hood Independent Review Committee, we welcome the opportunity to field any questions. And with your permission, I will direct them to the appropriate committee members as necessary, since we each focused on different parts of the report, with your permission.

[The prepared statement of the Fort Hood Independent Review Committee can be found in the Appendix on page 50.]

Ms. SPEIER. Thank you very much, Mr. Swecker.

Do any of the other committee members want to make some opening comments?

All right. Very good.

Ms. GARCIA. Madam Chair, can I ask a point of clarification?

Ms. SPEIER. Yes.

Ms. GARCIA. I see three witnesses at the table. Are the other two people behind them the other two witnesses?

Ms. SPEIER. Yes, because of the need to—

Ms. GARCIA. Could we just at least introduce them? Because they don't have nameplates.

Ms. SPEIER. All right.

Mr. Swecker, would you like to introduce them—

Mr. SWECKER. Yes.

Ms. SPEIER [continuing]. And have them stand?

Ms. GARCIA. And, if you would, sir, could you tell us what area of expertise or which part of the puzzle they worked so that it will be easier for us when we address questions?

Mr. SWECKER. To my left—

Ms. GARCIA. Thank you, Madam Chair.

Mr. SWECKER. Sorry.

To my left is Queta Rodriguez. She worked on several aspects of the report and—I mean, we are all very conversant with the report. But she worked on the underreporting finding and, I believe, the public relations finding; also the lack-of-confidence-in-the-SHARP-program finding.

To my back right is Jonathan Harmon. Jonathan worked very hard on the methodology and finding number 9, which was the overall conclusion that relied on the first eight findings, which was—the overall conclusion was it was a permissive environment.

Carrie Ricci, as a former JAG officer, worked on the finding that deals with the JAG process or the military justice process, as well as the public relations finding, I believe.

Jack White took on various aspects of the report, especially finding number 3, which deals with the structural aspects of the SHARP program; also on the executive summary as well as other parts of it.

But, as I said, we are all very conversant in all aspects of the program, and we welcome your questions.

Ms. SPEIER. Thank you again.

Mr. Swecker, let me begin by asking you a question. You were in the FBI [Federal Bureau of Investigation] for 24 years and completed your career as the assistant director for the [FBI] Criminal Investigative Division.

In the report, the committee found that the [Army] Criminal Investigative Division detachment workforce was unstable, underexperienced, overassigned and underresourced, leading to inefficiencies that had an adverse impact on investigations, especially cases involving sex crimes and soldier deaths.

During the Guillen investigation, the CID detachment received almost no support from their battalion leadership, resulting in an undermanned, inexperienced team investigating a high-profile disappearance. The lack of experience of those agents resulted in brief, choppy interviews of key individuals in the Guillen case. The interviews appeared to be rote and, indeed, checklist-driven. That is a very powerful, depressing statement about the Army's CID.

Could you expand on that?

One of my concerns has been that the CID, when they came and testified here, when we met with them at Fort Hood, had really a very happy-face presentation, and yet what you have disclosed here would suggest deeply troubling problems.

And, if I am not mistaken, the chief investigator in the middle of the investigation of Vanessa Guillen's disappearance was transferred. Is that correct?

Mr. SWECKER. That is correct.

Ms. SPEIER. So please enlighten us.

Mr. SWECKER. Madam Chairwoman, with the experience that we have, we also had four other retired FBI special agents working with us to assist.

In our estimation, the Fort Hood CID was basically being used as a training ground. They had 45 special agents assigned; I think maybe 35 or so were actually working cases, or the spaces just weren't filled. Of those 35, there might have been 3 or 4 with more than 3 years of work experience.

About 93 percent of the enlisted special agents were apprentice agents during the relevant time period. That would be like staffing the New York Field Office of the FBI with new agents right out of Quantico. This is one of the busiest military installations in the country, maybe around the globe, and yet there were very few experienced agents.

There was fairly chronic understaffing. I think, during most of the review period that we looked at, they were right at about 65 percent. They hadn't reallocated their agent complement for 5 years, so they were static over 5 years in terms of how many agents they were actually allowed. That doesn't mean they had the people in the seats.

So what we saw was chronic inexperience that translated, we felt like, into they had a difficult time. And it is not their fault. These are brand-new agents, right out of Fort Leonard Wood, with very few mentors. I mean, the supervisors and the head of the office, the special agent in charge, very competent and very experienced, but just not enough journeyman-level special agents to mentor the younger agents. There was not enough continuity.

We found that they didn't have some of the specialized tools readily available, like cell-phone tracking, like extraction of data from cell phones and mobile devices, the ability to go to a magistrate, draft and develop probable cause to get a warrant, and that sort of thing.

So we saw that carry over into death investigations, which are complex. We saw that carry over into sexual assault investigations, which were complex. We wanted to know more about the suicides—why, the cause, the lifestyle factors, anything that might be relevant. We didn't see deep-enough investigation into the 50 suicide files that I reviewed, nor the death investigations.

And, again, it is not the fault of the CID agents on the ground. It just was being used as a training ground.

Ms. SPEIER. So one of the shocking things to me was the fact that it wasn't until after Vanessa Guillen's body was located that CID actually went back to the arms room and did a thorough investigation. Does that surprise you?

Mr. SWECKER. It did, as an experienced investigator.

The first 24 hours—the first hours in any investigation of a missing person are absolutely critical. And what played into this somewhat was the lack of missing-soldier protocols, the critical first 24 hours. The noncommissioned officers, who would be the first to notice someone missing, really didn't have any guidelines to go by in terms of how to determine what was suspicious, what are the criteria.

The CID investigators, despite the fact that they had all of Vanessa Guillen's personal belongings left behind at a place where she was supposed to come back to within 10 minutes or so, got themselves diverted because of two other witnesses that threw their timeline off. We believe that experienced investigators would not have been thrown off by, you know, sort of, the red-herring aspect of those other witnesses.

Ms. SPEIER. Let me just ask you one more question. You found that the command climate surveys were being collected, that the data was very negative, and no one appeared to be reviewing them. How do we make commanders at Fort Hood and other installations take these command climate surveys seriously?

Mr. SWECKER. We felt like that was a very, very valuable source of information for us, was the command climate surveys. And they did indeed show some pretty dismal results, particularly with the larger units on the base—the 1st Cavalry Division and 3d Cavalry Regiment.

And what we determined was that these climate surveys were not being used the way they should have been used. They are not to be used for punitive action, but they should be used for corrective action. And they should have been taken to heart, and it should have stimulated something like going out and talking to

your troops, like the CODEL [congressional delegation] did and like we did and like the Secretary of the Army did. Because, as soon as you got face-to-face with the troops, they had no trouble speaking out about some of the problems.

So we felt like the climate surveys—the Army takes the time and expense to do them; they ought to be taken to heart, and they ought to be used effectively. And we address that in our recommendations.

Ms. SPEIER. Thank you.

Ranking Member Kelly.

Mr. KELLY. I first want to commend and thank Secretary McCarthy, General McConville, and Sergeant Major of the Army Grinston for having the courage to step outside what may be the norm and to get you guys to look at this. And I just want to say, I think that is an outstanding step. And that means that at the highest levels of leadership they want to effect change.

With that being said, I want to ask you, what specific recommendations of the 70 findings have you—since your study, your findings, what have you discussed with the Sergeant Major of the Army, what have you discussed with the Chief of Staff of the Army, and what have you discussed with Secretary McCarthy or other folks about what are they planning to do to implement these recommendations?

Mr. SWECKER. So I would like to take part of that question, and, if you don't mind, I am going to pass another part of it off to Jack White.

We have had extensive discussions with the Secretary. We believe that his and his staff's desire—the Under Secretary, the Chief of Staff—are very sincere in getting out ahead of this. And they have spent the last 3 weeks, between the time we gave them the report and yesterday, setting up the People First Task Force, getting their troops in touch with their soldiers, which is one of the most important aspects of this, is getting the NCOs in touch with the soldiers that they have under their command.

So we believe that they are well out ahead of this right now, but I also want to give Jack White a chance to respond to that question as well, since he worked on that part of the recommendations.

Mr. WHITE. Ranking Member Kelly, we spoke directly with the Chief of Staff—

Ms. SPEIER. Could turn your microphone on?

Mr. SWECKER. It is on.

Ms. SPEIER. It is on?

Mr. WHITE. It is on.

Ms. SPEIER. Okay. Maybe if you could move your—

Mr. WHITE. Sure.

Ms. SPEIER [continuing]. Microphone a little bit closer, that would be helpful.

Mr. WHITE. We spoke directly with the Secretary, the Under Secretary, the Chief of Staff, the Vice Chief, and the Sergeant Major. We were very heartened by how seriously they took our recommendations. Immediately after performing a thorough review, rather than dismiss any of our findings, they adopted all of our findings.

Now, as to the recommendations, they have had us speak with them at length about the substance. And our recommendations

break out into categories regarding SHARP structure, implementation of the program, legal components of the program, adjudication, USACIDC [United States Army Criminal Investigation Command] issues, missing-soldier protocols, command climate issues. In each of these areas, the Army has humbly demonstrated an openness to accepting what we have seen and implementing specific protocols.

Moreover, before we even finished, the Army put together an organization called the People First Task Force. That is led by a three-star and other senior Army leaders whose sole purpose is to look at the problems that we have identified and figure out—

Mr. KELLY. I am going to cut you off now. Thank you. And I hope these discussions will continue, because I—we are limited on time, and I have other questions.

One of the things I want to make sure—and I read, and I can't remember. I want to make sure that we are using these SHARP positions or the SHARP coordinators or all these things—I want to make sure that we are getting the best the Army has to offer in these positions, not someone who is about to retire or not a secondary duty.

It should be one of those things like the IG [inspector general]; it should be considered a key position. And when you leave there, the expectation for doing that job should be to be promoted, not to retire, to be promoted to battalion command or brigade command or first sergeant, whatever that is.

So I hope that, if you haven't—

And then, finally, the final question that I will have time for: Why Fort Hood-specific? It is hard for me to imagine, with the dynamic leaders that I know in the Army and with the transitional nature of our forces, so leaders come in from other places to be brigade/division sergeant majors, commanding officers—so why Fort Hood? And why didn't these leaders coming from other bases—why did they not send up red flags? That is the difference between being a leader and a boss, is they should have recognized that.

Did your findings address or have any reason to say, why didn't the guy coming from NTC [National Training Center] or 1st Infantry Division—why did they not notice that this was so out of whack at Fort Hood?

Mr. SWECKER. Well, to your point, we said in the report, this was a known risk. And if you talk about basic risk management concepts, it was more than a known risk. I mean, they had the highest rate in the Army of sexual assault at Fort Hood. There were studies after studies after studies that ranked Fort Hood the highest risk.

We also know that, you know, if you take 4,000 in a combat brigade—and I use that loosely because there are different MOSes [military occupational specialties] inside the combat brigade. But if you take 4,000 alpha males and salt them in with 300 or 400 female soldiers, common sense alone would tell you you should keep an eye on it. So, known risk in so many different ways.

We looked at other installations, but we really—for purposes of comparison, and we found that other installations were doing better in some cases, at least anecdotally.

But, you know, we found that Fort Hood was an outlier in so many areas: suicides, AWOL [absent without leave], sexual as-

saults, on and on and on. That is what our research projects told us. And we were told that they had very seldom seen one place be such an outlier in this type of study. But we just simply didn't have the resources and the mandate to go outside of Fort Hood and do a deep dive.

Mr. KELLY. Thank you, Chairwoman Speier. And I yield back, but thank you for yielding me a little extra time.

Ms. SPEIER. Of course.

Mr. Swecker, in my fantasy world, you are all going to be hired to go to each installation and base to do this, because I am not convinced that this is just a Fort Hood problem.

All right. Congresswoman Susan Davis, you are recognized for 5 minutes.

Mrs. DAVIS. Thank you, Madam Chair.

And thank you very much for your being here, for the exceptional job that you did. And I think we always hate for tragedies to trigger, you know, something that we study but we don't do anything about, and that is my concern as well. So I greatly appreciate the fact that this is something that we need to continue to work on very hard.

I was also interested in—I think the chairwoman just mentioned as well—how you feel that we can take this as a prototype, perhaps, in your explanations, the way you went about it, and be able to apply it as we look at other bases and other programs that are out there.

Because we have done a lot of work in that regard. I know we have had charts demonstrating where more problems are than others. But I am just hoping that out of this and your recommendations—and I haven't had a chance to study them specifically—but how do we use that information to apply—how is it different than what we have done before? Because a lot of things have been tried.

I wanted to go quickly to this issue of the command survey and the fact that they weren't really using it.

One of the issues that we have talked about in the past is being certain that a command survey plays a role in advancement of men and women who will continue to serve at a higher level. I get the feeling from your comments that you didn't see that that was even in the realm of what people were looking at.

I would like to ask Ms. Ricci, could you respond? And you had, I think, wanted to respond a moment ago as well.

Ms. RICCI. Yeah. I just wanted to say that SHARP was a check-the-block program. So, to Ranking Member Kelly's question, when you are being judged on how ready your unit is—and these units are training, deploying, training, deploying—being able to check the block on SHARP, you almost can't blame commanders when they are being actually rated on all the other things.

So the doctrine was there, and it was correct, but the implementation resulted in just checking the block. And that is where the problems came forward.

So I think that is really the main reason why—why Fort Hood? The constant OPTEMPO. It could be happening at other bases; we did not look directly at them. But the check-the-block nature of the program.

Mrs. DAVIS. So how would you change that?

Ms. RICCI. And for that, I definitely want to have Mr. White speak to the structure of SHARP, because that was a major problem as well.

Mrs. DAVIS. Okay.

Mr. White.

Mr. WHITE. A number of the challenges are cultural.

To make it not a check-the-box, one of the recommendations that we have creates a sort of pool of SHARP professionals who do not report—now, let me be careful how I say this. The command has an extraordinarily important role in the implementation of the SHARP program. However, what one of our recommendations is is that these SHARP professionals report to a SHARP program manager on the installation, not to their direct unit commanders.

Now, those SHARP professionals also speak directly to the commander about SHARP training, and they assess the training status of the units.

Mrs. DAVIS. Uh-huh.

Mr. WHITE. And what all of these recommendations are getting at is changing the culture. The words that resonate throughout our report are “culture.” There is a certain culture in which, you know, no female soldier is more afraid of what happens to her inside the wire than she is outside the wire. So there is an entire section of our report that is dedicated to that.

Mrs. DAVIS. Thank you. I appreciate that, Mr. White.

Is there a way, then—because we have had this discussion about commanding officers and the chain of command and morale and discipline and all those issues. So can you put that in a context of what you have just shared, that there is something important, I think I was hearing, about the role of the commander, but that it is not necessarily a JAG officer or a prosecutor that you need; it sounded like you need somebody else in there. And that is, maybe, confusing to people.

Mr. WHITE. Well—

Mrs. DAVIS. And I think my time is up, Madam Chair.

Ms. SPEIER. No, that is all right. I think it is an important question.

And I do believe you asked that they take these positions out of the chain of command. Is that not correct?

Mr. WHITE. That they are not rated by their commanders, that the SHARP professionals are not rated by the commanders. So that is true.

Ms. SPEIER. Yeah.

Mr. SWECKER. If I might add—

Ms. SPEIER. Yeah.

Mr. SWECKER [continuing]. The SARCs [Sexual Assault Response Coordinators] are sort of the intake people. And they are full-time at the brigade level, and they are collateral at the battalion level. We recommended that the SARCs—they do away with collateral, because they are not trusted inside the units at that level, and make the SARCs full-time at the brigade level, which they already are, but civilianize the SARCs. Because they are the traffic people. They intake the complaint, and they funnel it where it needs to go. They are theoretically the first person that a victim will go to. Victims’ advocates are the ones that service the victim.

We talk about taking all of the collateral positions and consolidating enough of them at the corps level so that you don't have to necessarily go to the brigade. You can go up to corps at a very—what we call a very strong program office, civilianized program office. When I say “civilianized,” I mean it could be led by a civilian or someone at a high military level, someone who can go toe-to-toe with the corps commander if need be.

And that gives a victim an option. You can go to the brigade; it is civilian. Or you can go all the way up to corps if you want to see somebody in a green suit or you want to get completely out of your brigade and get somewhere where you feel comfortable reporting.

We also talk about keeping longer hours so they don't have to excuse themselves from their units and ask their boss to go somewhere to do a complaint at brigade level because everybody knows what they are doing.

Ms. SPEIER. Thank you.

Mr. BERGMAN, you are recognized for 5 minutes.

Mr. BERGMAN. Thank you, Madam Chair.

Two quick but kind of complicated questions.

When you do the command climate surveys, do you, as an entity, do any comparing/contrasting of the command climate surveys as it relates to different commands to look for trends?

Mr. SWECKER. We looked at all the different commands on Fort Hood—

Mr. BERGMAN. I am talking about exter—you take what you have at Fort Hood. You have the geographical confines of a base. What you see there, are there any—is there any analysis done that could compare and contrast what you are finding at Fort Hood as a whole as it might compare and contrast to other major installations—Fort Bragg, Fort Carson, Fort Drum, whatever?

Mr. SWECKER. The short answer is, it can be done; we didn't do that.

Mr. BERGMAN. Okay. Next question. Is there any data that suggests that the type of warfighting unit that is based at Fort Hood, whether it is infantry, artillery, aviation, whatever it happens to be—is there any data that suggests trends within a type of warfighting unit? Again, in the simplest terms, you know, infantry battalion versus aviation squadron, something like that.

Mr. WHITE. There is not data, but there are ways to look at the various units and extrapolate that—

Mr. BERGMAN. Okay. So the point is, to date, you haven't done a compare and contrast. That is okay. It is not good or bad. It is just, I wanted to know if you had, you know, done that. You were a little busy here trying to get the data and relative perspective at Fort Hood.

Mr. SWECKER. We compared to other installations—for instance, Fort Bragg, Fort Campbell, where there are heavy Special Forces. There were some differences.

Mr. BERGMAN. Okay.

Mr. SWECKER. We did 49 research projects. I couldn't—you know, there is no time to go into all of them, but we saw differences between the Special Forces bases and—

Mr. BERGMAN. Yeah. I would be interested, you know, at some future point, if there is data available. It doesn't have to be in a hearing form, but, you know, written, what you have, we will digest that.

And, with that, Madam Chair, I would like to yield the rest of my time to Mr. Kelly.

Mr. KELLY. Thank you, Mr. Bergman—General Bergman.

I want to go back just a little bit about the lip service. And having served for almost 35 years this month, that is exactly what is happening. You hit the nail on the head. And so we have got to address that so that we are not checking a box but we are actually putting command emphasis and we are actually accomplishing things. Because the OPTEMPO is part of the issue. Because all you are worried about is taking soldiers downrange and bringing them back alive, not understanding that sometimes checking the block prevents you from doing exactly that.

I want to talk just a little bit about the SARCs coming in and being civilians. And I don't care if they are civilians. I think you can also make a separate branch—i.e., the IG branch or the adjutant general's branch—where people are in that and they are not necessarily answerable to the chain of command, like an IG is not. When an IG comes in, that commander cannot tell him or her what to look at and what not to. They have their own IG chain of command which takes care of that.

So these SARCs, whether it is a branch or whether—I think there is a lot of water that can be carried in that pail. So if you can articulate whether it is okay to be civilians or whether it would be good to have a branch where people—it is a branch to be a sexual assault or sexual—would that be helpful?

Mr. WHITE. Representative Kelly, a good analogy is SQIs [special qualification identifiers]. Drill sergeants have a special quali—not only drill sergeants; EO [equal opportunity] representatives, IGs. The Army knows how to treat a program as important and grow people up through the ranks through that. So, if you look at an NCO and he has a recruiting patch, you know that he is DA [Department of the Army] selected and he has a special qualifications identifier.

In addition to that, the Trial Defense Service and the U.S. Army Combat Readiness Center, or the safety program, they are good analogs, because they are paths that are parallel to the command that support the command. Not necessarily a separate branch, but they are a department within the Army that supports the chain of command.

Ms. SPEIER. Mr. Swecker, did you have a following comment to make?

Mr. SWECKER. Yeah. Our recommendations center on creating a very strong SHARP program office at the corps level, a program office that has some actual teeth to it.

And if we were to say that—we looked very hard at the SARC position, because it is a very critical position. And we would have gone against our own findings if we had said, let's keep this green-suit. The reason for that was, we had enough information about fear of retaliation, lack of confidence, lack of confidentiality, and reprisals and that sort of thing—and this had been going on, you

know, since 2014—that we felt like we had to civilianize the SARC position but also offer at the corps level a green-suit alternative for victims that wanted to go that route.

So we were looking for something that was practical and doable, not something that was sort of theoretical and esoteric.

Ms. SPEIER. All right. Thank you.

Ms. ESCOBAR, you are recognized for 5 minutes.

Ms. ESCOBAR. Thank you, Madam Chair, for this very important hearing.

And, Mr. Swecker and to the entire team, thank you for the incredible work that you have done and for the report that you have provided us. These events at Fort Hood have been incredibly tragic, and there are many families who are still grieving and, obviously, whose lives have been devastated as a result of the absolute breakdown of what needed to happen at Fort Hood. So thank you for the roadmap that you have given us.

Mr. Swecker, I want to talk a little bit about missing persons. You mentioned that those first 24 hours after someone goes missing are critical, and if there is not a recognition of the critical nature of it, then, you know, you lose precious time, and, obviously, the consequences can be—the tragedy can be compounded.

In my district, El Paso, Fort Bliss, we are still searching for Private Richard Halliday. And he was initially listed as AWOL. His family wasn't even informed for 36 days that he had gone missing. He has still yet to be found.

There have been changes made. Obviously, I am wondering, is that enough? Are there more things that Congress needs to do, more things that the Army needs to do, when it comes to addressing the issue of missing persons?

Mr. SWECKER. We actually think that the protocols that the Army has rolled out are good ones. They start in hour one. That was missing when we went through our review. That was something that we were surprised at, because the Army has protocols and procedures for everything. What they didn't have was, what do you do when someone fails to report? How does the first-line NCO identify whether that is suspicious? Do they have the judgment and the skill and the training to understand that there is something different about this failure to report?

So there were no protocols. And, again, I don't think this is something you can legislate. I think the Army can take care of this, and they have.

The other part of it is getting the NCOs to know their soldiers. And that was a piece that we felt like is an intangible that is hard to measure, but we saw it—we felt it, we saw it, we heard it anecdotally. The NCOs need to know where to go. What is going on in their lives? Where do they live off-barracks? Who are their family members? Who are their friends? And we did not see enough of that, the NCOs being in close touch and knowing their charges well enough to understand where to find them when they went missing.

Ms. ESCOBAR. I appreciate that. Thank you.

I want to talk also about the fear of reporting sexual offenses. On this committee, we have heard that over and over again. In my district, I have heard that over and over again. In conversations

with other military members, have heard that over and over again. And so you are absolutely right; this idea that there needs to be a culture change is so critical. And that is why I was so glad to see that the extensive interviews were a part of your methodology.

Now, if Congress were to focus—and, you know, I know, as you mentioned, a lot of this can't be legislated; it has to come from within the organization. But if Congress were to focus on one key reform to begin changing the culture, in terms of reporting sexual offenses, sexual assault, sexual harassment, et cetera, what would that be?

Mr. SWECKER. So, with your permission, can I pass that question off to Ms. Queta Rodriguez?

Ms. ESCOBAR. Ms. Rodriguez.

Ms. RODRIGUEZ. Thank you, Congresswoman Escobar.

As Mr. Swecker mentioned, we really believe that this cultural change has to start from the top. As you see in the report, we have mentioned that, while people at the corps level may have the best intentions, the culture of ensuring that every single soldier exhibits the Army's core values is completed down to the most junior levels, where it is needed the most and where most of the victims of sexual assault and sexual harassment take place, it is not happening.

I don't know that there is something that Congress can do legislatively to change that, but I think that the Army leadership has received that message and has really shown a commitment to ensuring that they are doing that.

During the time that we were there, there was a stand-down on Fort Hood, where they were going to set aside time—as you know, the operations tempo has been a very, very significant piece of why we believe that soldiers aren't getting to know—or NCOs aren't getting to know their soldiers as we would expect and as maybe we have seen in the past. So time set aside for them to do that is critical, despite operation tempo. Because, at the end of the day, you know, you are not ready, the force is not ready, if your people are not taken care of.

And I think that the Army has gotten that message, and I believe that they are taking necessary actions to address that.

Mr. SWECKER. And might I add, Congresswoman Davis brought up, I think, a really good point a minute ago about the climate surveys. They are a great indicator of what is going on at the troop level, at the company level, at the squad level. And if they were actually used, they could be valuable tools to make changes, because they are a great way to test the temperature.

Ms. ESCOBAR. Thank you so much.

Madam Chair, I yield back.

Ms. SPEIER. Thank you.

Could we just drill down on that for 1 minute? These climate surveys, what did you—what were you able to pull out of these climate surveys that alarmed you? Can you just give us one example or two?

Mr. SWECKER. Well, I think probably one of the most stark examples was the situation involving SHARP knowledge of reporting and fear of retaliation and that sort of thing.

There was a section devoted exclusively to SHARP indicators, and one of them was knowledge. And it wasn't just a question, do

you have knowledge of the SHARP program; it was a five-question quiz on the difference between restricted and unrestricted reports, about victim counsel. Five very easy questions were asked and answered.

And in some of the units, the passing rate was about 45 percent. It was red. It was flashing red. In most cases, it was yellow. We recommended they actually raise the bar. Passing ought to be, you know, right around 65 percent, not 50 percent. So, in the most important units, the largest units on the base, the passing rates on the little mini quiz were depressing. I mean, they were somewhere, anywhere between 45 and 60 percent passing.

Now, the number that answered the question—in one particular large unit, the number that answered all five questions correctly was 20 percent.

The other one was fear of retaliation. We saw pretty stark red and yellow blocks, for the 1st Cavalry Division and the 3d Cavalry Regiment, that were, again, red and yellow, especially in the enlisted ranks and especially among women. Because you can break it down, and it does break it down in a lot of different ways. It is incredibly rich information that just wasn't used.

Ms. SPEIER. Thank you.

Mr. Gaetz, you are recognized for 5 minutes.

Mr. GAETZ. Thank you, Madam Chair.

And I just wanted to start by offering some gratitude and appreciation for your efforts. The last thing I did before joining the subcommittee hearing was review the list of northwest Floridians that I will be nominating to service academies, and I was heartened to see how many women are on that list. And I know that, should they go on to military service, their time will be better thanks to your efforts and your diligent focus on this.

And I would want to ask a question to Ms. Ricci, from the JAG perspective, on the recommendations that directly reflect on the code and how the code might change and how the Congress might have to be involved in the NDAA [National Defense Authorization Act] in those changes. I wanted to give you the opportunity to speak to that.

Ms. RICCI. There is one thing that concerns me. I know in the 2019 NDAA there was a provision—I don't remember the exact language, but it basically requires disclosure to the victim of a sexual assault so that that victim will know the final resolution. The issue that I found in reviewing this is that, when the final resolution is an administrative action, that is considered a personnel action. So that is not public record, and the assailant has privacy rights in his or her personnel record.

So, when the determination is made of what can be relayed to the victim, ALD [Administrative Law Division] legal offices are not seeing that as taking precedent over the FOIA [Freedom of Information Act]. And, under FOIA, the privacy rights of the assailant may take priority, depending on how you conduct your legal analysis.

So my concern there is that, although there is that provision, if FOIA is a higher precedent, then perhaps victims won't always—they still will not always know. They may be informed that there was some consideration of administrative action, but they may not

get the final decision. And it is very difficult for a victim to go through the process and to have hope, only to be told, "We can't tell you what happened in the end."

That is one area that I would want to make the Congress aware of.

Mr. GAETZ. Thank you.

And, Mr. Swecker, when we debate these issues during the NDAA, we are always having to balance the need for buy-in from the chain of command against a lot of the information you have been providing us today regarding concerns about retaliation and utilization of the chain of command for reporting. And, you know, I tend to lean on the experience of folks like the ranking member and General Bergman, who are very familiar with the positives that come with reinforcing that chain of command to solve problems.

And so I wanted to ask you, you know, is the essence of your testimony today that, in the absence of breaking the chain of command, we haven't seen the cultural buy-in to solve these problems, based on your survey results? Is that a fair read on your testimony?

Mr. SWECKER. Yeah. We know that the command jealously guards its responsibility for the well-being of its troops and adjudication especially. So we drew a distinction between reporting and adjudication. Reporting, we think, can go heavily civilian. But adjudication, we think, still needs to reside with the command.

We recommend in sexual harassment cases that the investigation go to another brigade outside the brigade, but we tend to leave the adjudication piece with the command itself, because that is their responsibility.

But we think that the reporting part—we want to get the reports in. We want to have uninhibited reporting without fear of reprisal. And that is why we took it up to the corps level and brigade level and we basically recommend taking it out of the battalion, company, et cetera.

But we also need to have someone monitoring the adjudications and the timing of the adjudications, because they are slow. The investigation is slow. There are a lot of delays in the process. The opine of probable cause, from when the handoff goes from CID to the military justice advisor sometimes lasts—well, there is a gap of 120 days. There is a 14-day MOU [memorandum of understanding] that ought to probably be legislated within the UCMJ [Uniform Code of Military Justice] to make sure that that opinion is rendered—of probable cause is rendered within 14 days and there is no delay. You know, 120 days is a long time to wait for the case to move forward.

But nobody is tracking, start to finish, how long it takes and where the off-ramps are taken to go administrative instead of court martial and that sort of thing. So somebody needs to be watching over that, and nobody is.

Mr. GAETZ. Yeah. I would just suggest that hard and fast times in the adjudication process always have to be balanced against due process. You know, in the recommendations I have seen, it seems you hold due process up as a very high standard, and as we legislate around these very complex issues, it is my hope that the Con-

gress will, in fact, recognize that we have to give the accused rights as well so that we don't have the system overburdened by claims that are retaliatory claims at their outset rather than true instances that we need to be able to address.

I thank the chair's indulgence, and I yield back.

Ms. SPEIER. I thank you.

Mrs. Trahan, you are recognized for 5 minutes.

Mrs. TRAHAN. Madam Chair, thank you for holding this hearing and for your longstanding commitment to combating sexual assault. [Inaudible] that nearly 30 years after [inaudible] we still don't have sufficient safeguards and cultural norms to prevent these abhorrent acts. And, you know, it is unconscionable that a young man or a young woman with the courage to serve our Nation in uniform could be subject to such dehumanizing behavior.

First, to our witnesses, I want to thank you all at the outset for your commitment to this thorough review. I know you all had to put aside your personal lives and day jobs for months to undertake this critical task. I believe it is a push in the right direction for real change within the U.S. Army and the rest of the force at large.

You know, year after year, Congress receives a budget request from the Pentagon for hundreds of billions of dollars to secure our Nation. But they fail to make the connection between the health and safety of our troops and the National Defense Strategy. And if we are going to continue making this investment, there must be an understanding that our military leaders will take care of our heroes under their command.

You know, just yesterday, the House voted overwhelmingly to pass the NDAA for fiscal 2021. With it comes a mandate to implement additional protections for our brave service members because of this subcommittee's persistent efforts. That includes a "safe to report" policy across the services, enabling victims to report sexual assault without fear of punishment, and confidential reporting of sexual harassment outside of the chain of command. But what your report makes clear is that we have so much more work to do.

So, Mr. Swecker, you know, I guess I will start with, you know, the deaths of Specialist Vanessa Guillen, Sergeant Elder Fernandes most recently, and so many others, we know that they were preventable. No service member should have to choose between protecting their life or their career and reporting the person who assaulted them because they believe the system will fail them.

I am curious, Mr. Swecker or the entire panel, to what extent you extended your investigation to examine the case of Sergeant Elder Fernandes. And he was a soldier from Massachusetts who was found dead near Fort Hood after seeking in-patient psychiatric treatment and reporting to his superiors that he was a victim of sexual harassment.

Mr. SWECKER. I personally reviewed his investigative file, of Elder Fernandes, and we were briefed by CID on the case itself.

You know, we had some deep concerns, and I go back to the inexperience, in some cases, of CID. In this case, his alleged harasser was exonerated basically on a polygraph. And that wasn't—I just don't have a whole—I personally don't have a lot of faith in the polygraph. We felt like that should not be the sole criteria in exonerating somebody on sexual harassment.

But, again, we sort of go back to the conundrum of CID in terms of rapid investigation, experienced investigators, and that sort of thing. We want to see every suicide investigated to the nth degree so we can understand what happened.

And that happened off-base, so they relied on the Killeen Police Department to do the investigation, and they monitored the investigation. We think that they ought to be doing more joint investigations, true joint investigations. But you can't do that if you don't have experienced agents. You don't put a brand-new agent alongside a 20-year detective because they just—I was told that they just don't feel confident enough to do that.

Mrs. TRAHAN. And I didn't mean to put you on the spot with one particular case, but, you know, one thing we learned after the horrendous disappearance and death of Sergeant Elder Fernandes was that Fort Hood lacked consistent and speedy processes to report missing individuals and to share critical information in real time with family members. You know, many of the questions remain unanswered to this day.

And so I am wondering if you have recommendations that increase transparency and information-sharing with families of those who are literally fighting to get information on the whereabouts of their loved ones or other information on a case like this.

Mr. SWECKER. You know, I think Queta handled—I view that as a public relations situation, and let me pass that one off to Queta.

Or, actually, was it Carrie?

Ms. RICCI. We did not make recommendations specific to that, specific to—but what we did talk about was the absence of a human touch.

With dealing with that type of situation, we used the Guillen family as sort of our model to look at what happened there and to say that there needs to be that human touch in dealing with families. And that was not evident at Fort Hood. It was very clinical, and the manner in which families are—the communication flow was not done very well.

Ms. SPEIER. All right.

Mrs. TRAHAN. One—

Ms. SPEIER. Do you have a quick additional question?

Mrs. TRAHAN. You know, I just had a quick question, because the issues around this case are a little different. And I was just wondering if, as a part of your investigation into the SHARP program, if you discovered deficiencies in the mental health resources that were offered on- and off-base to soldiers and their families.

I mean, I am just hoping that you could talk a little bit about your findings, if your findings revealed proactive mental health exams throughout the Army. This was clearly the case with Sergeant Fernandes.

Mr. SWECKER. It was definitely a factor in Sergeant Fernandes and many other cases, including Specialist Robinson.

So let me pass this to Carrie Ricci for just a quick response.

Ms. RICCI. I did look into behavioral health. And the good news is that there are a myriad of avenues where soldiers can get quality mental health. The bad news is that soldiers don't always have confidence that they can go to seek mental health. And so there is an educational piece that needs to be had there.

We also noted that, with the embedded behavioral health specialist, there is such a connection to the command that the language that was actually used when talking to us was, "Our command, our first priority is to return the soldier to duty," which seemed to be—really, the first priority should be to make the soldier whole. I think that is really what they intended, but it came out as "to return the soldier to duty."

So there are at least four different avenues that soldiers at Fort Hood can take to get quality mental health. It is available. But whether they are taking it because they don't have the confidence that it is going to be—that it might hurt their career—some even thought it might hurt them later in civilian life, which is not accurate. But there were inaccuracies there. Or whether they were not able to get to appointments because they were told, "You have to deploy." So, you know, although it is there, it is not fully implemented.

And the last thing that I think is very important, when we talked about the suicide, there wasn't always a crosswalk between behavioral health specialist and the suicide files. And there is so much to be learned there. And in reading Chris's write-up on that, there is so much to be learned in reviewing those files. And that also needs to be done.

Mr. SWECKER. Of the 50 suicide files that I reviewed, there were obvious mental health issues in many of them, and I think there were only a handful that actually had seen or been to a mental health professional.

Ms. SPEIER. We are going to ask you to explore that further.

Mrs. Trahan, let me just point out to you that Secretary of the Army McCarthy has stated, unless there is a preponderance of evidence that a soldier's absence is voluntary, they will not be classifying them as AWOL. Instead, they will be the classified as "duty status—whereabouts unknown." And the soldier's family will be assigned a liaison officer immediately.

All right. Let's move forward.

Mr. Cisneros, you are recognized for 5 minutes.

Mr. CISNEROS. Thank you, Madam Chairwoman.

And thanks to the review committee for all your hard work, going out there to Fort Hood in order to, you know, do this service that is so important not only for the Army but our entire country and our service members.

Mr. Swecker, I want to start with a question. When we went to a CODEL to go down to Fort Hood and visit and we talked to some junior sailors, you know, I asked them about fraternization. And a lot of them, these E-1s to E-3s, were talking about there was a lot of it going on, where there were, you know, E-5s to E-7s that were hanging out with the E-1s, the E-3s, you know, kind of making inappropriate comments at the time and kind of using the excuse as, well, we are just kind of hanging out.

Did you find fraternization as a factor in a lot of the sexual assaults or sexual harassment? And what recommendations do you have that can be put in place in order to stop this?

Mr. SWECKER. Let me pass that question to Jon Harmon, who is a former military officer and can address that effectively, I think.

Mr. HARMON. Representative Cisneros, we did—oh, let me turn this on. Thank you.

Representative Cisneros, we did, both in the group interviews that we did, about 1,800 people, and in many of the individual interviews, come across many, many of our soldiers who had been either sexually assaulted or sexually harassed by NCOs within their chain of command or people who were under their supervision.

Primarily from what our data shows is that most of the sexual assaults occurred between people who were close to the same rank, and it was within the lower ranks. That is where most of them were occurring. But we did come across many different incidents where the chain of command was being used; they were being predators, in other words, of the more junior soldiers.

And so you will see in the report that, you know—and this came up, I think, from Ranking Member Kelly—one of the big issues that was cultural that is a huge issue that is—it can't happen in the Army—is that the leaders not only didn't know their soldiers, some of the NCOs, but because of the operation tempo, because of all the other things that were going on, there was a general sense across the board—we looked at, you know, over 1,000 of the enlisted folks, and they would say their leadership didn't care.

And so part of, you know, addressing this issue of fraternization, in my view and in the view of the committee, is changing the culture so that the frontline leaders know and care about all of the soldiers under their command.

I will just tell a quick story that I think illustrates what we want to have happen. This was an outlier, but there was a young soldier in one of the brigades, and she was so positive about her chain of command, because when she came in her leader told her, "All the people around, this is your squad-mate. Nothing under my command will happen to her, no matter where we go." And she told stories about being in the field and being concerned that the other—you know, she was in a support unit; she came with others. And the people in that squad, because of leadership, they would literally at night sleep around her because of that particular leader.

Those stories were far and few between, but you will see in the findings that one of the things that has to change in order to make that not happen is a cultural change with many of the things that are in findings 1 and 2.

Mr. CISNEROS. All right. I agree. And, you know, we need to make sure that the senior leaders, whether they be enlisted or officers, they need to know who the—you know, whether or not they are soldiers or sailors or Marines; it doesn't matter what service it is—whether they had children, their spouses' names, about them. That is more important than, kind of, hanging out and having a drink with them.

Mr. Swecker, one other question. You know, you already highlighted the problems with CID on the base, how there is a lot of junior people there, it is being used as a training ground.

But I am curious, in your investigative experience and that of the committee—you know, the CID is—they are uniformed personnel. They are part of the chain of command. You know, they are all in the Army. Do you think they would be better served if it was an

independent Federal law agency that was overseeing these investigations for the Army rather than military personnel?

Mr. SWECKER. So they are not uniformed. They are plainclothes special agents. But they are—

Mr. CISNEROS. Right. But they are—

Mr. SWECKER. They are enlisted, and they are warrant officers.

Mr. CISNEROS. Right. They are enlisted, and they are members of the—

Mr. SWECKER. And therein lies the conundrum, because they are subject to transfer, they are subject to deployment, they are subject to being pulled away for training, for field training, and that sort of thing.

So, yeah, you are hitting on a very strong point here. From an investigative standpoint, there needs to be continuity, and there needs to be a stable force of experienced agents. And in my—I think all of us discussed this. We think there need to be more 1811 civilian investigators within CID so that you can balance out. In fact, a preponderance of investigators should be 1811s.

They don't move around. They have experience. They pretty much stay on that post. And they can mentor. If you want to have younger agents moving through and less experienced agents moving through, they can be the stable force that mentors them and creates institutional experience and skill.

So I hate to make comparisons to other military branches, but NCS [Naval Criminal Investigative Service] is almost all 1811s. And, you know, I don't want to go much further than that. We are not saying that is what needs to be done. But you need a stable, very experienced workforce and not a preponderance of brand-spanking-new agents moving through.

Mr. CISNEROS. Thank you very much. And thank you all for your hard work.

I yield back.

Ms. SPEIER. Thank you, Mr. Cisneros.

We will now have Ms. Garcia for 5 minutes. You are recognized.

Ms. GARCIA. Thank you, Madam Chair.

And, first, I want to thank you for the opportunity to participate today and your unwavering commitment in helping me and the Guillen family to get justice for my constituent, Vanessa Guillen. I am committed to working together with you and all the stakeholders to make sure we can make real, permanent change to keep all our service members safe.

First, I want to thank the review panel. I truly appreciate the work here. That was a lot of pages to try to read. I got the report yesterday. I didn't quite finish, but I will eventually. But from what I have read, I think this is a really great first step. I think the proof will be in the pudding. We have to make sure that we keep our eye on the ball and we keep our oversight function here in this committee and in the Congress to ensure that all those recommendations are fully implemented.

Frankly, I think this report validates a lot of the things that the Guillen family said and many of us here in Congress have been talking about. So there were no real big surprises.

But I do want to start with just a simple question about—and I want to build on what Representative Trahan was talking about,

in terms of working with the families. That is how I got involved. The family came to me as their Member of Congress.

First of all, no member should have to go to a Member of Congress to try to get answers. That should happen from day one. I am heartened that there is the new policy now on missing persons and that there is the suggestion that the status be changed and that the next of kin will be notified within 8 hours.

I think that what is missing, though—and I was hopeful that you all would have a recommendation, and I wondered why there wasn't. Just as you noted about the missing-person situation, that unless there was a guide and a protocol, that it might be haphazard and that things would not happen, I feel the same way about notification. Because just saying, you know, let the next of kin know—and then the checklist says: Have next of kin been contacted? Which commander is designated? What is the engagement? Again, we are going to a checklist.

We need more than human contact. We need real transparency. We need to make sure that the families know almost immediately. Eight hours is probably soon enough. I would love it to be better. But what type of communication?

In the Vanessa Guillen case, the Army has said, "Yes, we talked to them. We sent a text." Never should a text be a way of communicating—never, ever.

So why did you all not include a recommendation to have a policy that actually tells them what they should be doing, similar to what you did in the missing-person policy?

Mr. WHITE. May I?

Mr. SWECKER. Go ahead. Yes.

Mr. WHITE. Representative Garcia, I, too, spent hours with the Guillen family. Along with Ms. Ricci, we—

Ms. GARCIA. I am sure probably not as much as I have.

Mr. WHITE. Oh, no, no. But the purpose was, you know, you, as their—as one of your constituents, your focus was surely different from ours. Ours was to look through the lens of the command climate and how the interaction between the Army and the Guillen family was reflective of the command climate.

Our conclusion was—and we have said this in very clear terms to the Army—that there needs to be a greater human touch.

Ms. GARCIA. But what does that mean?

Mr. WHITE. Because—well—

Ms. GARCIA. Unless you tell them, then they will go back to checking the box.

Mr. WHITE. No.

Mr. GARCIA. Yes, sir, they will.

Mr. WHITE. Oh. What it means is—

Ms. GARCIA. That is my concern. That is my observation after getting calls from 40 different families around the country after they saw the "20/20" report. You know, we have gotten calls from all over the country. You know, you have got women who have posted on Facebook, women who have posted on Twitter.

This is a serious, serious issue. And I just feel like there should be a policy that specifically addresses it, because, if not, then it will continue to be haphazard.

Mr. WHITE. What I mean is and what the report indicates is that there were instances where what was really going on was not what the family's perception was. And it was a little bit difficult, interacting with the family, to hear what their perception was and to know what was actually going on in the investigation at the same time. And it was not our role to bridge that gap. But the lack of human touch impeded the ability to communicate exactly what the Army was doing and the level of concern that actually existed.

Now, I am not defending the Army, but we have spoken with the Army. And the last 5 of the recommendations, out of the 70, speak to that. They speak to—

Ms. GARCIA. But can I just ask a quick followup, Madam Chair?

Because I think, with the Guillen family—and I had the question from Ms. Rodriguez, but they are now in—it says up there you are Ms. Rodriguez.

Do you think the Army is really not only prepared to talk to families but also to be able to talk with families in a culturally and linguistic appropriate manner? Because I think that was a huge problem in this case too, and, quite frankly, with some of the other cases, because, regrettably, a lot of the cases, particularly the deaths, do have Spanish surnames and they are Spanish-speaking people. But when they saw us again on “20/20,” that is why they called us, because they knew we spoke Spanish.

Mr. WHITE. That was part of the problem. Part of the problem was cultural. There were specific events that transpired where the Army thought that it was doing something charitable.

For example, the Army—the unit, Specialist Guillen's unit, tried to give to the family a care package that was put together by the unit's family-readiness organization. Now, that was not well-received, because it felt to the family a lot like charity.

Ms. GARCIA. Sure.

Mr. WHITE. And why did they want charity when their daughter was missing? Mrs. Guillen said to me, “I didn't want charity. I wanted my daughter.” That was indelicate.

When they were funeralizing their daughter, Mrs. Guillen wanted to visit the arms room and pray where her daughter had been killed. And the unit didn't get how important that was to that mommy, to say goodbye to her daughter and to pray in the spot where her daughter was killed. That was worse than indelicate.

Ms. GARCIA. Oh, I am well aware of that, and that is why I am asking the questions. The Army must build back better.

Mr. WHITE. Must do it better.

Ms. GARCIA. Thank you.

Ms. SPEIER. All right. Your time has expired.

Mr. LYNCH, you are recognized for 5 minutes.

Mr. LYNCH. Thank you, Madam Chair, and to the ranking member.

Madam Chair, I want to especially thank you for the relentless loyalty that you have shown to our sons and daughters in uniform and the work that you have done over many years. And I appreciate you allowing me to participate in your CODEL down to Fort Hood. I have been down there a few times, but with you was an honor, and I think it was very productive.

I want to thank the Independent Review Committee for your work. I chair the Subcommittee on National Security over in Oversight, so I have done a lot of investigations myself, mostly Iraq and Afghanistan. But I know how difficult it is to do 647 interviews. Over 500 women interviewed. The surveys, 31,000 surveys—that data will be extremely valuable in moving forward, because the work continues.

Now, I happen to represent the city of Brockton, Massachusetts, and it is the proud home of Sergeant Elder Fernandes and his family. His loss to that family and to that community was devastating, and it continues to be.

And I hope in some way that your work and our work, the chairman's work, in some way is keeping faith with these young men and women who decided to put on the uniform of our country, right? When you think about the spirit in which they put on that uniform to serve this country, we owe them. We owe them. We owe them the truth and the honesty. We owe them the responsibility to take corrective action, to make sure that when a family supports their son's or daughter's decision to serve, that they are not going into a bad place. And for some time, Fort Hood was a bad place. And I think we are making progress here, but the work continues.

One thing that my colleague, Mrs. Trahan, also of Massachusetts, brought up, and it was brought up during our CODEL in Texas by Katherine Clark and myself, is the use of polygraphs. And, you know, I have been around long enough to know that George H.W. Bush banned those in military trials back in, I think, 1998 or something like that. And yet, when we met with CID down in Texas, they said that they—and I notice you have called them out, because there were a number of inexperienced special agents who, as you put it, failed to pursue all logical investigative leads. So they told us that they had been using these polygraphs hundreds of times in their own instance and probably thousands of times across the service.

So, you know, I know that under the Army regulations, 196-6, it does allow polygraphs, but findings may not be based solely on polygraph results. I think it is especially poignant that Rule 707 of the courts-martial manual reads that "the results of a polygraph examination, the polygraph examiner's opinion, or any reference to an offer to take, failure to take, or taking of a polygraph examination is not admissible" in those proceedings.

In this case—in this case—they came back very quickly. So Sergeant Fernandes had made a claim of sexual harassment, and CID came back very quickly. I originally was on the way down to help in the search. By the time I got there, they had already made a decision that the claim was not valid, the claim of harassment was not valid, based in large part on this polygraph. They did it so quickly.

So I just think that I would have liked to see a finding or a recommendation regarding the use of polygraphs by the military, especially in cases where the results of that polygraph is having such a heavy influence on a sexual harassment claim or a sexual assault claim.

And I just would like to get your thoughts on that.

Mr. SWECKER. Well, Congressman, we could have had 200 recommendations if we wanted to get so deep into the weeds on things like that.

What we were trying to get at with CID was—and I agree with you; no disposition of any case should be based on a polygraph. It is an investigative tool. It is not a way to dispose of a case in any fashion, and it is imperfect in so many different ways. That is why it is not admissible in a court of law.

So what we were trying to say was, any experienced agent, 5-, 10-year agent, would know that you don't dispose of a case strictly on a polygraph. You get a lot of he-said/she-said cases, and I think there is a tendency to get a little bit—to think that, “well, we will just use a polygraph and that will decide it for us.” It is just not—that is not the way it is supposed to be used.

So I agree with you, it is a problem. It shouldn't be used that way. We know that it was used that way in the Fernandes case, and it shouldn't have. We just didn't get that deep in the weeds on it, to be honest with you, with our recommendations. We felt like experienced agents would just know that, and the point being: We need more experienced agents within CID.

Mr. LYNCH. Thank you.

Thank you, Madam Chair. I yield back.

Ms. SPEIER. I thank the gentleman.

Ms. Haaland, you are now recognized for 5 minutes.

Ms. HAALAND. Thank you very much, Madam Chair. Thank you for convening this panel today.

This issue affects not only Fort Hood but, overall, our national security. We are weaker as a Nation if we cannot protect the women who serve our country. The service members who participated in a culture of sexual harassment at Fort Hood will not just stay at Fort Hood but they will continue to be stationed at bases across our country and around the world and take that culture with them.

While I am glad that Secretary McCarthy appointed you all to the Independent Review Commission, I am disappointed it took Vanessa Guillen's death to move this action.

So my first question. I heard the news that 14 officers and enlisted service members who contributed to the problems at Fort Hood were fired, and I believe that action was appropriate.

But, in your opinion, are these firings sufficient to fix the issues at the base that have long preceded this summer? Are we to believe that these 14 individuals alone created and maintained such a dangerous atmosphere at the base and now that it is safe to say that people are safe after this action?

Mr. HARMON. Representative Haaland, I will take that question.

The answer is, no, that the Army's decision in the wake of our report to fire or suspend the 14 people is going to change the culture and to solve the problem at Fort Hood. It is going to take a lot more work, a lot more oversight. I think as everybody recognizes, changing culture is hard, and it doesn't come from just firing 14 people.

And our report, I think, was very clear that the problems at Fort Hood were not the result of one commander, they were not the result of one administration, but it was really the result of years of

benign neglect in the area of sexual harassment and sexual assault and a lack of focus, a lack of accountability, a lack of commitment and engagement that caused these issues.

In part, you know, I think, as has been mentioned, they divorced the SHARP program from caring about soldiers. So, as you have heard from Ms. Ricci and Ms. Rodriguez, it became check the box. And so, rather than view protecting soldiers, making sure there wasn't sexual harassment and sexual assault as part of esprit de corps, as part of unit readiness, it became something else to do.

And so that is going to take time to change, because it has been baked into the culture—

Ms. HAALAND. Thank you.

Mr. HARMON [continuing]. But I think I speak for the committee that we are encouraged of the actions the Army has taken, and we believe they are committed to change.

Ms. HAALAND. Thank you.

Mr. SWECKER. May I make one quick important point, Congresswoman?

Ms. HAALAND. Yes.

Mr. SWECKER. This morning, we were asked by the Secretary of the Army to present to all the four-stars and three-stars in the Army, all 300, on this very issue, and I can tell you that the action on the 14 got their attention. It actually surprised us. We didn't expect to see that. We specifically put in our report that this was across a series of commands and it would be very hard to fix responsibility on one commander.

However, I thought the action was—we thought the action was decisive, and it certainly got people's attention. And the fact that, you know, we presented every aspect of our report this morning to the three-stars and the four-stars, and we feel like they are listening.

Ms. HAALAND. Thank you. Thank you.

I want to ask just a quick yes-or-no question, or just a number. How many of the women who shared their stories of sexual harassment at Fort Hood on Twitter or Facebook or any social media site were interviewed? If anyone could answer that.

Mr. SWECKER. Just very quickly, we interviewed every female soldier in the 3d Cavalry Regiment. So we felt like we were very comprehensive. We interviewed about 100 within the 1st Cavalry Division. And then we caught, we think, most of the females in the survey and in the hotline, as well as the group interviews.

So, if we had gone out on social media, we would still be there talking to people. We wanted to get the people who had firsthand facts.

Ms. HAALAND. Thank you.

Madam Chair, the clock is very small, so I can't read it. I am not sure how much time I have left.

Ms. SPEIER. You have 5 more seconds.

Ms. HAALAND. Okay. I yield back. Thank you very much.

Ms. SPEIER. We are going to do a second round of questions, so you can stay if you would like.

I want to ask some specific questions.

You referenced, Mr. Swecker, that Specialist Robinson had mental health issues. Could you expound on that, please?

Mr. SWECKER. I can to a limited degree. There is an ongoing investigation. I hate to use the old “ongoing investigation” response to you. But we did—as I reviewed the Guillen file and in briefings from CID, we did get information that he had some mental health issues, pretty serious ones, some ideations that dealt with suicide and homicide.

And that is the extent of my knowledge of that, but I do know that there were some issues. It may have come up in his background investigation to be an armorer, because you have to have a background investigation to be an armorer in the Army. But we really didn’t get to the core of that, because some of that information just wasn’t in the file.

Ms. SPEIER. So wouldn’t that disqualify him as an armorer, if he had suicidal ideations?

Mr. SWECKER. That may be—it would. It would, or it should. Again, because of the ongoing 15–6 investigation—

Ms. SPEIER. I understand.

Mr. SWECKER [continuing]. We didn’t want to step on that.

Ms. SPEIER. Okay. Thank you.

Do you think it would be appropriate to create an article in the UCMJ on sexual harassment?

Mr. SWECKER. That is a question maybe we should put to all five panel members. But I think it was in the report itself that we recommended that sexual harassment be an actual violation.

Ms. SPEIER. Thank you.

Mr. Harmon.

Mr. HARMON. I do.

Ms. SPEIER. Ms. Ricci.

Ms. RICCI. I do.

Ms. RODRIGUEZ. I do.

Mr. WHITE. Yes.

Ms. SPEIER. Okay.

In the Morales case, my conversation with the mother suggested to me that there was basically a sense that he was a bad actor, so therefore he was AWOL, and they really didn’t pursue the investigation.

And, at one point—this happened in the summer. At one point late in the fall, she was basically told by CID, “Don’t call us anymore.”

Now, I don’t know what you gleaned from your review of the Morales case, but if you have anything in particular, I would be interested in hearing it.

Mr. SWECKER. Well, that was another file that was reviewed by one of the retired agents that we brought on, a very experienced one. I got a summary of it, and I have some personal—you know, I have some knowledge of that case.

There were some complexities to the Morales case. We felt like there were some leads that were not followed up on that should have been followed up on, that experienced investigators would have followed up on.

But, again, this was one of those, what they call a collateral that was being investigated outside by a civilian law enforcement agency. And we felt like that was a particular weakness with CID’s experience level, because they could not embed with the local police

detectives and the State and local law enforcement because they weren't experienced—the SAC, the special agent in charge, did not feel like she had experienced-enough agents to do that.

But, in that file, there were some very, very, we thought, important leads that should have been followed up on that were not.

Ms. SPEIER. Could you specify?

Mr. SWECKER. I would rather not, because it gets into something that is still going on.

Ms. SPEIER. I understand. Okay.

We actually visited the location of where Mr. Morales's body was found, and it was a very short distance from where the vehicle was left abandoned. And it was never clear to me whether they even tested the vehicle for fingerprints or anything, dusted it.

I don't know if you know anything about that.

Mr. SWECKER. Yeah, the crime scene was imperfect. It was not done soon enough. There were some other things that concerned us about that.

Ms. SPEIER. All right.

So the FORSCOM [United States Army Forces Command] inspector general actually produced a report in August. And he told us that the SHARP program was being followed, soldiers and leaders knew what to do, soldiers felt they could report and did report sexual harassment and sexual assault. Yet your report is a stunning indictment of the leadership of Fort Hood.

I know you have had a chance to review the FORSCOM IG report. Why did you come up to such a different and startling set of conclusions?

Mr. SWECKER. So I will address that, and then I will pass it to Jack White.

We strongly disagree with their opinion and their conclusion on that. But I will say that they only talked—their survey only covered 300 people. They didn't talk to anybody individually. Out of the survey, there were only 60 women that responded to the survey.

We felt like it was a—it was not an abnormal look from an IG perspective standpoint. That is what they do. They do very limited—they don't do a deep dive.

We were particularly disturbed by, sort of, the passing grade that they gave whenever any response to their survey was over, you know, 50 percent. In particular, fear of retaliation was around 65—you know, 65 percent said they did not fear retaliation. We felt like that was a failing grade, not a passing grade.

So we recommended that the IG up the standards to a much higher level instead, of anything over 50 percent. You saw in that report they used things like “most respondents,” “the majority of respondents.” We feel like there ought to be a passing level of, you know, somewhere around 65 percent or higher, as opposed to the low bar that they set.

So, Jack, do you have anything?

Mr. WHITE. So we do take issue with that IG report. But the issue that we take is substantive. The nature of our report was comprehensive. As Mr. Swecker said at the outset, thousands of people we talked to and looked in the eye. The FORSCOM IG didn't have the time or the resources to do that.

Ms. SPEIER. All right. My time has expired. Thank you.
Ranking Member Kelly, for 5 minutes.

Mr. KELLY. Thank you, Madam Chair.

And I just—this is more of a comment, but I hope that you will modify your recommendations. You say, do it at corps level. Well, that is great at Fort Hood, where there is a corps. But if you go to Fort Campbell or Fort Belvoir or other places where there is not a corps-level headquarters, or Fort Campbell, Kentucky, where the 101st is there but their corps headquarters is somewhere else, I would say maybe installation or the highest-level unit, not necessarily corps, but whether that be division or some other level, that there is one of those at each base, not only at corps level, a green-suiter.

And I will let you all do it. I just wanted to say that because I think that is important.

Here is one of the things I want to know. Throughout my military career, I have seen the difference between Guard and Reserve units and the ownership of units and individuals within that unit because of the long standing. A guy can go to a National Guard brigade and stay there his entire career or her whole career.

Many years ago, the Army went away from a regimental-type system where folks went to Fort Hood and they had the opportunity to go from E-1 to E-8 in that same regiment and never leave, which meant ownership of the people in that regiment, ownership of that regiment, ownership of the community, and maybe that was close to home.

Do you think that is—now, I understand you still want to have broadening positions, other places, and maybe—but do you think maybe we need to relook whether or not it is always up and out and a current rotation of our service members over a 20-year career to be at 10 bases?

Mr. HARMON. Ranking Member Kelly, that is a very interesting question. I can't say that we really thought about that in terms of—if I understand you, you are saying to stay at Fort Hood from your E-1 all the way to your E-8.

Mr. KELLY. If you want to. I think you should have opportunities to go other places—

Mr. HARMON. Yeah.

Mr. KELLY [continuing]. But what we have is very transient units, so there is never any ownership of the people in that unit. Because my squad leader today, after I deploy, I come back, I have a new squad leader who doesn't know me.

Mr. HARMON. Yeah.

Mr. KELLY. When a soldier rotates in, they rotate out to another unit, and they go somewhere where no one knows them.

That soldier that—you talk about the female soldier. That comes straight from General McConville and straight from Sergeant Major Grinston. And I heard that a year ago at the ASEP-B [Army Strategic Education Program-Basic] course, where they said, "Not in my squad."

Mr. HARMON. Uh-huh.

Mr. KELLY. "We will protect that person." And that is what the senior-level leadership—but that has not filtered all the way down

to each soldier. But when they do buy that, "Not in my squad," that is when we protect our own.

And I just wonder if maybe we rotate people so much that they don't have ownership of the people who are in their squad.

Mr. HARMON. Yeah. I think that could be so. But I don't think it addresses the problem that we saw at Fort Hood.

Mr. KELLY. Okay.

Mr. HARMON. In other words, to have an Army where sexual harassment and sexual assault is not tolerated, I think it has to be cultural and it has to be across the whole Army.

So I don't think making it where you would stay at one post would solve that problem. And I will be the first to say it is not something we really looked at, but I don't think that would solve the problem that we address.

Mr. KELLY. Yes, ma'am, Ms. Ricci?

Ms. RICCI. Yeah, if I may—

Mr. KELLY. Come up.

Ms. RICCI. If I may, I also had soldiers tell me exactly the opposite problem happens at Fort Hood at times, where you have individuals who have been there for 10 years, and this pocket of indiscipline has developed because they all have allowed it within the same organization.

So there is also that opposite problem that can take place. So certainly not rotating every year, but we also don't want to have the same individuals stay at the same location for that long and have this complacency develop.

Mr. KELLY. Okay.

And real quickly, because I am running out of time, but I do want to say this. When we start disclosing behavioral health issues and firing soldiers, when we advocate that when the person is found guilty of doing something and say that should have been cause to relieve, but on the same token say that we should be able to go to behavioral health and it not impact our career, you can't have both of those. You can have one or you can have the other.

That is why due process and equal application of the law is so important. But we can't disclose medical information about one person and say, let's fire them from their job because now we know they did bad, and hold people accountable for not firing them, and then say, oh, but you can trust us, it will not have an adverse impact on your career.

And I just hope that we don't take that out of that. I still think that our personal medical information and the need to be able to go get help for behavioral issues should never be outweighed by the fear of losing your job when someone discloses that, that it is a career- and life-ending episode.

And so, with that—

Ms. RICCI. I couldn't agree more.

Mr. KELLY [continuing]. I have to yield back.

Ms. Ricci, if you can—

Ms. RICCI. Yeah, I couldn't agree more.

The difficulty is that there are MOSes and jobs where, if you do have a significant mental health issue, you cannot be kept in that position. So how that is handled has to be very delicate, and there is a balance that can be struck.

So I couldn't agree with you more, Ranking Member Kelly.

Ms. SPEIER. Mrs. Davis, you are recognized for 5 minutes.

Mrs. DAVIS. Thank you.

Again, I really appreciate all the hard work that went into this. You talked—and I am trying to remember who said this, but that, in a way, what they did, when it came to having those discussions about sexual harassment on bases, that it was divorced from other efforts. So how do we change that?

Because, to be honest, I attended some trainings; I believe it was at Fort Myer here. And we visited Lackland Air Force Base and really tried to look in depth at some issues that were happening there. And, you know, I feel like we have seen this. We just keep repeating this movie. And how do we—I am not certain how we get to that. Because it is critically important.

In looking at these issues that you wanted to, you know, really see some resolution, are there other services that you think were doing this so differently that it provides the best example of what we all should be doing?

Because I think, to an outside observer, you know, people think of our troops, they think of people serving in the military; they obviously have a very great allegiance to one service or the other. But, on the other hand, they don't expect people to, at their core, come with different cultural issues that makes it so difficult to address these concerns, these issues, these tragedies.

Where is the example?

Mr. SWECKER. I am not sure that—we subjected Fort Hood to such intense scrutiny. We really, really looked under the hood, no pun intended. But I am not sure that any other—you know, if we did this elsewhere, we just don't know what we would see.

But what we did see here was the command emphasis. Soldiers will go where they are led. NCOs will go where they are led. And it really has to come from the top. And I think the former military officers here would agree with that. Everything comes from the top.

We tend to blame the NCOs. It is not necessarily their fault that they are not doing—they are the first-line supervisors. It is not necessarily their fault that they are not doing what they need to be doing, because whatever is important to their commander will be important to them.

Mrs. DAVIS. Uh-huh.

Mr. WHITE. Representative Davis, your questions are searching for systemic, large-scale solutions. And I respect that, because we did that too.

One of the things that we did was we looked across the services—Army, Navy, Air Force—to find what each is doing well. And what we found is that each have components that they are doing well.

For example, one thing that the Army does well is it has a schoolhouse where it sends people for SHARP training. That is a good thing. Now, the efficacy of that training, the jury is still out.

One thing that another service does very well is they look at soldiers and what are the tendencies toward violence or disrespect of other people. Because that manifests in SHARP, but it manifests elsewhere as well.

Another service, one thing that they do well is they look at the whole soldier from the beginning and through the life cycle; what training and development do they need at different life cycles?

What I think is a good suggestion is: Look at it all together. Let DOD look at this and integrate all of these strengths from the other services so we can make the cultural change that the armed services need.

Mrs. DAVIS. Uh-huh.

Ms. RICCI. I just want to add real quickly that one thing that became clear—and it may not be intuitive from the report—is that, at the brigade level, the program can be made or broken. So, if there was one place to focus emphasis, it would be at that brigade-leadership level.

Mrs. DAVIS. Uh-huh. Okay.

Again, there are so many areas that we have looked at over the years, and, certainly, that one of the special advocate, victims' advocate, was a change that was made. And yet the assurances that people in that position were especially well-trained haven't necessarily panned out in the way that we would like.

Is it realistic to expect that the special victims' advocate can come and be developed with the training that is required? Can we do it right? I mean, what does right look like?

Ms. RICCI. I sure hope so, because I place a lot of hope in the use of the special victims' advocate.

And, right now, one of the problems we have is the awareness of soldiers. They don't understand the position. And there are soldiers who turn down the assistance of the SVC [Special Victims' Counsel] because they see them as part of the command. And in the same way a soldier is not afraid to turn to a Trial Defense Service attorney, they should not be afraid to turn to an SVC.

Mrs. DAVIS. Uh-huh.

Ms. RICCI. So that education piece has to take place. That has to be a very critical part of the whole SHARP program.

And as far as training, every SVC has to be fully certified, and that certification has to mean something. I did not look at the training that they are receiving. I was told that every person who serves as an SVC does become certified.

Mrs. DAVIS. Uh-huh. All right.

Ms. SPEIER. The gentlewoman's time—

Mr. SWECKER. May I add just briefly, we don't think there were enough of them at Fort Hood. There is a very limited number of SVCs.

Ms. SPEIER. How many are there?

Ms. RICCI. Currently, there are four certified SVCs at Fort Hood. I have been told that there are others who also are certified but only do it part-time to help during, you know, surge periods. But I know there are only four and that it really is not enough for Fort Hood. It is not enough.

Mr. SWECKER. It could take as long as 2 weeks to get an SVC in front of—with their victim, in front of CID to get the original statement, the first statement out of them, sometimes longer because of the overassignment.

Ms. SPEIER. And some of the SVCs only communicate with the victim by phone.

Mr. SWECKER. Right.

Ms. SPEIER. So there is—

Mr. SWECKER. That is correct.

Ms. SPEIER. Mrs. Davis had another question.

Mrs. DAVIS. Just a quick question. Have we ever questioned whether or not that is the best label for this individual?

Because what I found was a number of women, particularly, and even, I think, a gentleman or two didn't like being called a victim, even though they understood the position that they were in.

And I would just throw that out there. Maybe somebody has some other thoughts about it.

Mr. KELLY. Chairwoman, if I might, my wife is a victim assistance coordinator in a district attorney's office, and I 100 percent agree. These guys need to be civilians. And when I say "guys," I use that in the guys and girls, both sexes nature. They need to be civilians.

And 4 is not adequate to do almost 40,000 troops at Fort Hood. But they need to be civilians, and they do not need to transfer, they do not need to move between units, and they do not need to be temporary in nature. They should be professional, qualified people who know this job well.

And, with that, I am sorry, Chairwoman, but I yield back.

Ms. SPEIER. All right.

Ms. Garcia, you are recognized for 5 minutes.

Ms. GARCIA. Thank you, Madam Chair.

And I wanted to continue my discussion about Spanish-surname Latinos, people of color. I notice, on page 121 of your report, you do note that 44 percent believed the Army had not come far enough in the promotion of women and minorities, and 54 percent of the respondents had concerns about how women and minorities were treated in the Army.

And keeping in the question I asked about bilingual/bicultural workings with the families, I think the same could be true about soldiers. And your report does say that you think that the survey results provide further support for the belief that equal opportunity for people of color and women merits further attention.

Mr. Chairman, how do you see that? I mean, what should the Army do? What should Congress do? Or who should do it? I mean, how did we give this topic further attention?

Mr. SWECKER. So we had a very difficult time with this issue, because it was so broad and so deep. And we were so focused on the SHARP program itself that the EO-type issues and the issues of equal opportunities, we just didn't go—we could not go real deep.

But there were enough indicators there from our surveys and our interviews and our group interviews to tell us that there could be issues that needed to be explored deeper. And that is why we included a separate section in the report about that.

But, with that, I also want to open it up to everyone else.

Ms. GARCIA. Just very quickly, because I do have another—

Mr. SWECKER. Sure.

Ms. GARCIA [continuing]. Question, and I only have 5 minutes.

Mr. HARMON. I won't repeat anything that Mr. Swecker said, but I think the Army needs more training and more meaningful training in the area of racial sensitivity and including unconscious bias.

And there is a lot I could say about this particular section, but I want to respect you, Representative Garcia, so I will—

Ms. GARCIA. Right. Well, thank you. Because we did talk to some young soldiers when we were there in the CODEL, and they are, you know, young people. It is generational. They think about a lot of these issues much differently than our generation does.

But I want to go back also to some of the comments, Mr. Chairman, you made about those critical first 24 and 48 hours. The policy that is changed says that they must wait 48 hours before they reach out to FBI and local authorities. What is the reason for that?

Mr. SWECKER. Are you talking about the new protocol that is—

Ms. GARCIA. Yes, sir.

Mr. SWECKER [continuing]. Being promulgated? I didn't notice that part. But, generally, the missing—you know, the local law enforcement is the closest and probably the most—

Ms. GARCIA. Please know that I am a former judge. I mean—

Mr. SWECKER. Sure.

Ms. GARCIA [continuing]. I am asking the question very specifically. Because it seems to me that the Vanessa Guillen case, they just waited, like, for over a month.

Mr. SWECKER. I will give you the short answer. And I talked to the FBI office there that is out of San Antonio but they have a resident agency nearby. They don't have the resources to go after every missing-soldier case within 48 hours. They just don't have the people. That is why I referred it to local law enforcement and I said that is probably the quickest, fastest way to get things rolling with a missing soldier.

But, also, I think the MPs [military police] have a significant role to play. They can ping that cell phone within hours if they want to. And they have to get quick authorization to do that, and you have to go to the phone company to do it, but that is the fastest way to locate somebody.

Also, putting out a BOLO, a be-on-the-lookout. Neither of that is done now within the first 24 hours just as a matter of some sort of practice. I don't think it is built into policy, but that is the practice of the MPs at Fort Hood.

And all that ought to be circumstantial. You know, if this is a soldier that chronically fails to report or there have been issues with this soldier—

Ms. GARCIA. Sure.

Mr. SWECKER [continuing]. That is one thing. But if it is someone who doesn't have a history of failing to report, the first hour or 2 hours you might want to ping the cell phone or put a BOLO out.

Ms. GARCIA. Right. Because you remember, in this case, it was 2 months before they acknowledged there was foul play.

Mr. SWECKER. It was a long time before they even entered her name into NCIC [National Crime Information Center], which is a pretty—

Ms. GARCIA. Right.

Mr. SWECKER [continuing]. Something that should have happened fairly quickly.

Ms. GARCIA. Right.

And then that leads me to my final question. Was there anything that you all saw that warranted referral to either the local DA [dis-

strict attorney], the U.S. attorney, the FBI, or anyone, in terms of any criminal conduct?

Mr. SWECKER. I think that that is being addressed in the 15-6 that is looking very, very carefully at all of the circumstances surrounding Vanessa Guillen's case—

Ms. GARCIA. I am sorry. What is a 15-6?

Mr. SWECKER. It is an internal investigation, basically.

Ms. GARCIA. But I thought they finished the internal investigation.

Mr. SWECKER. I don't think they have announced their results. I think they are still—

Ms. GARCIA. So you are talking about the one the four-stars—

Mr. SWECKER. The four-star—

Ms. GARCIA [continuing]. Are doing?

Mr. SWECKER. Yes.

Ms. GARCIA. Okay. So did you all get a copy of the investigation that Overland did of Vanessa's unit itself?

Mr. SWECKER. I have seen it. Yes, we got a look at it. I think it was broad enough in scope, but it also was taken over—it was overtaken by the four-star. So that was halted in its tracks.

Ms. GARCIA. Well, I have been after it, because it has been promised to—I have been promised to get a copy of that now for—

Mr. SWECKER. Yeah, I think that that has been subsumed—

Ms. GARCIA [continuing]. Months.

Mr. SWECKER [continuing]. That has been overtaken by the broader investigation that's being conducted by the four-star, to my knowledge.

Ms. GARCIA. All right. Well, thank you all so much.

I yield back.

Ms. SPEIER. All right.

We are coming to the close of our hearing, but I do have a couple of final questions.

You just referenced something about Vanessa Guillen's case, in which it wasn't put into the NCIC until 2 months in. Could you just kind of run through a list of things that you think were not done well in that investigation?

Mr. SWECKER. Well, I think it went into NCIC somewhere about 48 hours in, which we felt like was a little bit late.

I hesitate—I think we all hesitate to go deep into the Guillen case and the things that went wrong, because the investigation, the four-star investigation, is looking at that very hard. And I am very reluctant and I think we are all very reluctant to step on that investigation, for very good reasons.

But I do think that there is—they are looking at the right things, because we have been in liaison with the four-star on that and we have given them some material from our review.

Ms. SPEIER. Okay. Just as long as it doesn't become a FORSCOM IG report that is counter to everything that you came to conclusions on.

On page 114, you state, "It was a culture that was developed over time out of neglect and persisted over a series of commands that predated 2018. A toxic culture was allowed to harden and set."

So, while the Army is taking steps to address those who are presently—were in command at Fort Hood, your comments suggest that

this has gone on since 2014 or maybe before. So how do we address those leaders who then went on to other installations and bases and commands but were part of the problem?

Mr. HARMON. Madam Chairwoman, I am not a—you know, I think as Mr. Swecker said, we have identified for the Army both all the problems that we could ascertain in our deep dive and some of the recommendations. I really think it is up to the Army to determine how far they want to go back with any type of other actions.

It certainly was beyond the purview of what we did, to go back and to figure out every person in the chain of command. I think it would have hindered us from coming to the good report that we did.

So I am not trying to dodge your question. I think it is really up to the Army to determine the answer to your question.

Ms. SPEIER. Or maybe——

Mr. SWECKER. May I put some perspective around that——

Ms. SPEIER. Sure.

Mr. SWECKER [continuing]. If I can?

I mean, we had a hard time fixing accountability on one person, and we didn't feel like that was our role.

What we did see, though, is that there has been a lot of conflicts, a lot of warfighting going on over the last 20 years, and we think that the commands', the various commands', 100 percent focus was on readiness, and in their peripheral vision they didn't see this, and it was an act of omission versus an act of commission.

So you can almost understand how it happened. It shouldn't have happened. But, given the context over the last 10, 15 years, we felt like they took their eye off the ball on something that was very important and never made the connection between readiness and recruitment and the health and safety of their soldiers because of what was directly in front of them.

Ms. SPEIER. Well, Mr. Swecker, I appreciate your comments, but we have spent almost a billion dollars over the last 10 years on this issue, and nothing changes.

And your report underscores the fact that, you know, this culture continues, that climate surveys are not seriously reviewed and action taken on them; SVCs, although we have put money there, are inadequate, and people don't even know they exist. As much as they have these ostensible trainings, it appears that at Fort Hood they were checking boxes and it wasn't even going on.

So, at some point, we have to say that we have to turn this—we have to do something differently. Because this is not working, and your report underscores it. And there are lives lost because of it.

And, you know, now we have Airman Aposhian who was murdered in her dormitory just a few months ago. I mean, it is becoming frightful. And when you have family members who are asking the question, "I don't know if it makes sense for my son or daughter to go into the military because I fear for their lives, not overseas, but here at home," we have a huge problem.

So I know we should bring this to an end. I think what I will do is reserve my question on suicide, since you looked at 50 of them, and have a conversation with you offline. Because it is an-

other area that this committee is very concerned about and one that we have to get a better handle on.

Any final comments you would like to make, Ranking Member?

All right. On behalf of all the committee members, your work has been just so helpful and informative. And it helps us recognize that we could do a whole lot better if we just hire all of you for the next few years and have you go base to base so we can clean things up. But we will have to evaluate that.

Thank you again for being here. Thank you for your service to our country and to our military.

And, at this point, we stand adjourned.

[Whereupon, at 3:15 p.m., the subcommittee was adjourned.]

A P P E N D I X

DECEMBER 9, 2020

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

DECEMBER 9, 2020

**Statement of
Representative Jackie Speier
Military Personnel Subcommittee
Fort Hood 2020: The Findings and Recommendations of the Fort Hood
Independent Review Committee**

The hearing will now come to order. I want to welcome everyone to this hybrid hearing of Fort Hood 2020: The Findings and Recommendations of the Fort Hood Independent Review Committee.

Our focus today are the nine findings and seventy recommendations made by the Independent Review Committee after their extensive investigation into whether the command climate and culture at Fort Hood reflects the Army's values, including respect, inclusiveness, and workplaces free from sexual harassment, and a commitment to diversity.

It has been a difficult year for everyone with the raging pandemic, deep divisions, and racial reckoning facing our nation. But it has been an even more difficult year for the Soldiers and Families at Fort Hood. Like the rest of us, they face a deadly pandemic, civil unrest, and extreme inequality, but unlike us, they also must live and work on the most dangerous military installation in the United States.

Twenty-Eight Servicemembers have died at Fort Hood this year. At least five of them—Specialist Vanessa Guillen, Private First Class Brendan Wedel-Morales, Private First Class Scott Rosencrans, Sergeant Elder Fernandes, and Specialist Freddy Beningo Delacruz Jr. have died under suspicious circumstances.

And it is not just violent crime that is plaguing Fort Hood, but unlivable housing conditions, rising instances of sexual harassment, a failing SHARP program, increased rates of depression, and a bottoming out of morale.

The Report of the Fort Hood Independent Review Committee confirms what I saw with my own eyes: The once "Great Place" transformed into the "Place where careers go to die."

In September, I led a Congressional Delegation to Fort Hood. I met with Soldiers and their families. I saw their barracks with cracked foundations, moldy walls, dingey furniture, and poorly lit hallways. Soldiers were living in rat-infested tenements. Families were living in black mold infected homes with asbestos tiling and cracking foundations. In my 8 years on this committee, visiting military installations, I have never seen barracks and family housing in such deplorable conditions.

We heard from teary-eyed mothers who begged for assistance because their children were sleeping on moldy mattresses and developing asthma. We heard from military spouses who were afraid for their husbands and wives—for their overwork, their exhaustion, their misery, and depression. Afraid they would come home to find their loved one hanging in the shower or dead on the floor.

I met with junior enlisted women who described a culture of sexual harassment. A culture of leaders watching as women (and men) were harassed

before their eyes, but kept silent. Of Squad Leaders and Platoon Leaders who seemed either unwilling or unsure how to help them. So their harassment became just another hazard of being a Soldier. And no one was held accountable. And not one leader stepped forward.

We visited the SHARP 360 facility that a few enterprising NCOs and Soldiers designed. Taking furniture from their homes and spending their weekends painting, the NCOs created an interactive training space for Soldiers to train in real world scenarios.

We know that “death by power-point” is not an effective strategy for reshaping military culture to prevent sexual harassment and assault. Yet programs like these are underfunded, understaffed, and under advertised. We cannot rely on a few Soldiers at disparate installations to come up with their own training methods without proper support.

But it turns out, Fort Hood wasn't even training via PowerPoint; in fact, they weren't training their Soldiers at all!

The report also provides an inside look at a military installation where Soldiers are suffering under leaders who have lost their way. Crushed by unsustainable training calendars, deployment schedules, and careless leaders chasing the next rank instead of caring for their Soldiers.

This report is a damning indictment of Fort Hood and its leadership. Despite red flags popping up for years, Leaders ignored them, carried on “business as usual...causing female Soldiers, particularly in the combat brigades, to slip into survival mode, vulnerable and preyed upon, but fearful to report and be ostracized and re-victimized.” Leaders who for years—even as they paid lip service to Congress and said all the right things--allowed a culture of sexual harassment, sexual assault, and toxic behaviors to fester.

A reporting rate of only 16 percent of observed sexual assaults? 25 percent for observed sexual harassment? 35 sexual harassment complaints in a year on Fort Hood? I am appalled. The Army should be too.

I am grateful for the time and effort the Independent Review Committee put into it. The wool has been pulled off my eyes.

And I hope the Army can see itself clearly now too.

This report is the culmination of a long, difficult year—really a difficult 5 or 10 years--for the Soldiers and Families at Fort Hood.

But I am saddened that it took the deaths of five Soldiers before anyone really listened to the pleas from southeastern Texas. I am concerned that their commanders, their leaders, and the Army ignored them for so long.

But I promise that I am listening and I will keep listening until every one of these recommendations is implemented. Our Soldiers and their families are too important to this nation to brush off.

My promise to the Soldiers, families, and all of those who serve our country: I will keep listening; I will hold the Army and its leadership accountable; I won't stop asking questions until Fort Hood is once again “The Great Place” it claims to be.

I would like to hear from Independent Review committee what problems have you identified? And most importantly, how do we fix them?

Before I introduce our panel, I would like to acknowledge the incredible work of our committee members during this congress especially those participating in their last Military Personnel Subcommittee hearing today: Susan Davis, Gil Cisneros, Ralph Abraham and Paul Mitchell. You will all be missed.

Before I offer Ranking Member Kelly an opportunity to make any opening remarks, I would like to congratulate him on his promotion to Major General—well deserved.

Hearing Title: Fort Hood 2020: The Findings and Recommendations of the Fort Hood Independent Review Committee

Date: Wednesday, December 9, 2020 1:00PM

Location: Room 2118 Rayburn House Office Building

Chairwoman Speier, Ranking Member Kelly, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you to discuss the findings and recommendations of the Fort Hood Independent Review Committee.

The Secretary of the Army appointed five members who join me today, Jonathan Harmon, Carrie Ricci, Queta Rodriguez, Jack White, and myself as Chairman, to the Committee in July of this year. The Committee Members have broad expertise with organizational dynamics, the law, and government investigations, and a combined 75 years of experience as active-duty military and law-enforcement personnel.

The Committee was directed by the Secretary of the Army to “conduct a comprehensive assessment of the Fort Hood command climate and culture [], and its impact, if any, on the safety, welfare and readiness of our Soldiers and units.” In addressing this mandate, the FHIRC determined that during the time period covered by the Review, the command climate relative to the Sexual Harassment/Assault Response and Prevention (SHARP) Program at Fort Hood was ineffective, to the extent that there was a permissive environment for sexual assault and sexual harassment.

The Committee’s Report sets forth specific Findings which demonstrate that the implementation of the SHARP Program was ineffective. During the review period, no Commanding General or subordinate echelon commander chose to intervene proactively and mitigate known risks of high crime, sexual assault and sexual harassment. The result was a pervasive lack of confidence in the SHARP Program and an unacceptable lack of knowledge of core SHARP components regarding reporting and certain victim services. Under the III Corps SHARP Program, the Sexual Assault Review Board (SARB) process was primarily utilized to address administrative and not the actual substantive aspects of the Program. While a powerful tool by design, the SARB process became a missed opportunity to develop and implement proactive strategies to create a respectful culture and prevent and reduce incidents of sexual assault and sexual harassment. From the III Corps level and below, the SHARP Program was chronically under-resourced, due to understaffing, lack of training, lack of credentialed SHARP professionals, and lack of funding. Most of all, it lacked command emphasis where it was needed the most: the junior enlisted ranks.

A resonant symptom of the SHARP Program’s ineffective implementation was significant underreporting of sexual harassment and sexual assault. Without intervention from the NCOs and officers entrusted with their health and safety, victims feared the inevitable consequences of reporting: ostracism, shunning and shaming, harsh treatment, and indelible damage to their career. Many have left the Army or plan to do so at the earliest opportunity.

As part of the command climate, the issues of crime and Criminal Investigation Division (CID) operations were examined. The Committee determined that serious crime issues on and off Fort Hood were neither identified nor addressed. There was a conspicuous absence of an effective risk management approach to crime incident reduction and Soldier victimization. Despite having the capability, very few tools were employed at Fort Hood to do so. Both the Directorate of Emergency Services (DES) and the CID have a mandate and a role to play in crime reduction. Each contributed very little analysis, feedback and general situational awareness to the command toward facilitating and enabling such actions. This was another missed opportunity.

The deficient climate also extended into missing Soldier scenarios, where no one recognized the slippage in accountability procedures and unwillingness or lack of ability of NCOs to keep track of their subordinates. The absence of any protocols for Soldiers who fail to report resulted in an *ad hoc* approach by

units and Military Police (MP) to effectively address instances of missing Soldiers during the critical first 24 hours, again with adverse consequences.

Consistent with the FHIRC Charter, the Report sets forth nine Findings and offers seventy Recommendations. The Findings of the Committee discuss: (i) the ineffective implementation of the SHARP Program at Fort Hood, due to a command climate that failed to instill SHARP Program core values below the Brigade level; (ii) evidence that incidents of sexual assault and sexual harassment at Fort Hood are significantly underreported; (iii) the structural flaws of the Army SHARP Program; (iv) the inefficiencies of the CID that adversely impacted accomplishment of the CID mission at Fort Hood; (v) the mechanics of the Army's adjudication process involving sexual assault and sexual harassment which degraded confidence in the SHARP Program; (vi) the deficiencies of the Fort Hood Public Relations & Incident Management; (vii) the lack of established protocols and procedures for first line supervisors regarding identification of "failure to report" situations that might involve missing Soldiers and defining appropriate actions in the critical first 24 hours; (viii) the fact that the criminal environment within surrounding cities and counties is commensurate with or lower than similar sized areas, however, there are unaddressed crime problems on Fort Hood because the installation is in a fully reactive posture; and, finally (ix) the permissive nature of the command climate at Fort Hood related to sexual harassment and sexual assault.

Based on these Findings, set forth in greater detail within the Report, the FHIRC provided Recommendations regarding: (i) the structure of the SHARP Program; (ii) implementation of the SHARP Program; (iii) legal components of the SHARP Program; (iv) reporting after SHARP allegation adjudication; (v) Fort Hood and U.S. Army Criminal Investigation Command (USACIDC) command issues; (vi) missing Soldier protocols; (vii) crime prevention and response; (viii) command climate issues, and, (ix) installation public relations and incident management. The seventy Recommendations are set forth in full at the end of the Report for further consideration.

The FHIRC acknowledges the military's time-honored role in protecting the security of our Nation. The sacrifices made every day by Soldiers and their families deserve unwavering respect and gratitude. Each member of the FHIRC accepted this appointment with the intention and hope of supporting the mission and well-being of our brave Soldiers. Soldiers assaulting and harassing other Soldiers is both corrosive to esprit de corps and contrary to good order and discipline. Worse, it is contrary to Army Values. The Findings and Recommendations contained in the Committee's report are offered in the spirit of constructive improvements, not to provide a basis for punitive actions.

That concludes my statement and as the Chair of the FHIRC, I welcome the opportunity to field any questions, and will direct them to the appropriate Committee Member as necessary, to ensure the Subcommittee receives fulsome responses.

Chris Swecker**Chairman, Fort Hood Independent Review Committee**

Chris Swecker has over 39 years of experience in criminal prosecutions, law enforcement, national security, legal, and corporate security/risk management positions. He currently manages a solo law practice and is CEO of a respected corporate security/risk management consulting company, Chris Swecker Enterprises. He has led independent reviews of Fortune 500 companies, Universities and law enforcement organizations.

Swecker served 24 years with the Federal Bureau of Investigation (FBI) before retiring as Assistant Director of the FBI's Criminal Investigative Division (CID) where he led all FBI criminal investigations including public corruption, corporate fraud, electronic crimes, money laundering, organized crime/drug trafficking and financial crime matters. He also led national task forces on corporate fraud, cyber crimes, violent gangs, mortgage fraud, crimes against children, public corruption and organized crime. In 2006 he was promoted to Acting Executive Assistant Director where he was responsible for eight FBI divisions including Cyber and Criminal Investigations, International Operations, The FBI Academy, Crisis Management/Hostage Rescue Team and Crisis Operations, Operational Technology, The FBI Forensic Lab and Criminal Justice Information Systems. This leadership scope was more than half of the FBI's total resources. In 2003 Swecker served as the FBI's On Scene Commander in Iraq. He led a team of FBI Agents conducting counter-intelligence, terror financing/international terrorism investigations including dozens of suicide bombing attacks on the UN headquarters and other targets occupied by US civilians. Swecker's team also created a task force that studied IEDs, assisted military components in tactical counter insurgency/terrorist operations. He acted as an advisor to the Coalition Provisional Authority (CPA), civilian and military leaders on terrorism, terror financing, security, intelligence and forensic explosives investigations. He was Corporate Security Director for Bank of America from 2006 to 2009.

Jonathan Harmon

Member, Fort Hood Independent Review Committee

Mr. Jonathan Harmon, Chairman of McGuireWoods LLP., is a prominent trial lawyer who has represented Fortune 500 companies across the country. Mr. Harmon formerly led McGuireWoods' Business & Securities Litigation Department. His business litigation practice spans complex commercial, fraud, class action, insurance fraud, complex business/civil tort, environmental, product liability, employment, construction, toxic tort, and federal or state protected whistle-blower cases.

Mr. Harmon is a 1987 graduate of United States Military Academy at West Point, and he received a Juris Doctor from the University of Texas School of Law in 1995.

Carrie F. Ricci, Associate General Counsel, Marketing, Regulatory and Food Safety Programs Division (MRFSPD), Office of the General Counsel (OGC), U.S. Department of Agriculture (USDA), Senior Executive Service. Ms. Ricci leads a team of 30 attorneys and professional support staff that provide legal services to both the Marketing and Regulatory Programs and the Food Safety mission areas of USDA. Prior to joining USDA, Ms. Ricci served as an Assistant General Counsel with the Department of Defense Education Activity, a field activity consisting of fourteen school districts servicing children in grades K-12 in locations spanning the globe. Prior to joining DoDEA, Ms. Ricci served on active duty in the U.S. Army for 22 years.

Ms. Ricci is a 1988 graduate of Georgetown University where she was commissioned in the Adjutant General's Corps through the ROTC program. As a lieutenant, Ms. Ricci operated five military post offices in Germany and later deployed to Operation DESERT STORM/DESERT SHEILD, serving as a platoon leader for the 115th Postal Company (FWD). She subsequently served as an Adjutant with the 902d Military Intelligence Group, Fort Meade, Maryland, before being selected to participate in the Army's Funded Legal Education Program. She graduated from the University of Maryland School of Law and became a U.S. Army Judge Advocate in 1996. She then served with the 4th Infantry Division, Fort Hood, Texas, as an Administrative and Operational Law Attorney, and a Trial Counsel. Other assignments include Chief of International Law for United States Central Command, Deployment to Qatar in support of Operations IRAQI FREEDOM and ENDURING FREEDOM, Deputy Staff Judge Advocate for the U.S. Army Intelligence and Security Command, and Assistant to the Army General Counsel on Personnel Law matters.

Ms. Ricci holds an LL.M. in Intellectual Property Law from George Washington University School of Law, and an LL.M. in Military Law from the Judge Advocate General's Legal Center and School. She is a graduate of the Judge Advocate Basic and Graduate Courses, and the U.S. Army Command and General Staff College.

Queta L. Rodriguez
Captain, U.S. Marine Corps (Retired)

Queta Rodriguez is a native of San Antonio, TX. She enlisted in the Marine Corps in December 1991 and spent ten years as an Intelligence Analyst. During this time, she deployed to Mogadishu, Somalia in support of Operation Restore Hope and went on to serve in numerous locations in the Pacific and Southwest Asia.

In July 1998, Ms. Rodriguez was selected to the Marine Enlisted Commissioning Education Program (MECEP) and was assigned to the Naval ROTC at George Washington University in Washington, D.C. while she attended the University of Maryland, College Park. She graduated with a Bachelor of Arts in Government & Politics and was commissioned a Second Lieutenant on June 2, 2001. She spent the next ten years as an Adjutant and Manpower Operations Officer in support of deployed forces around the world.

Her final assignment was as the Manpower Operations Officer at U.S. Marine Corps Forces Central Command (USMARCENT) where she deployed extensively in support of Marine Forces in Afghanistan and throughout the Middle East.

Captain Rodriguez retired on January 1, 2012 after 20 years of faithful service. Following her retirement, she continued her service as Director, Bexar County Veterans Services, until November 2018. In this capacity, Mr. Rodriguez oversaw the Veterans Service programs for the second largest veteran population in Texas, working closely with local, state and federal government agencies, and veteran and community based non-profit organizations. She is a strong advocate for veterans and their families, as well as her community, where she returned to following her retirement.

Ms. Rodriguez currently serves as a Regional Director for FourBlock, a national non-profit that prepares veterans for meaningful careers in the nation's top companies.

Ms. Rodriguez also serves as Co-Chair of the San Antonio Regional Community Veterans Engagement Board (CVEB) and is a member of the League of United Latin American Citizens, having served on the National Women's Commission and National Veterans Committee. Captain Rodriguez continues to volunteer with numerous military, veteran, and community-based organizations. She is the proud mother of four beautiful children – Derrian, Marisa, Amaya, and Miguel.

Jack White

Partner

Jack White represents, advises, and counsels companies, boards of directors, municipalities, academic institutions, and a variety of individual and corporate clients on an array of matters, including corporate structuring, governance, and business transactions, litigation for Indian Tribes, employment matters, civil litigation, white collar criminal defense, compliance with federal, state, and local regulations, and individual rights under both state and federal law, including 42 U. S. C. § 1983. Having testified himself before the United States Senate Judiciary Committee, Mr. White has extensive experience representing clients and preparing them for congressional testimony. As a member of the International Association of Defense Counsel, Mr. White represents public and privately held entities; and, his representations span both the nonprofit and for-profit sectors.

PRIOR EXPERIENCE

- + Law Clerk to Associate Justice Samuel A. Alito, Jr., U.S. Supreme Court
- + Attorney, Lanier Law Firm
- + Litigation Associate, Akin Gump Strauss Hauer & Feld
- + Litigation Associate, Kirkland & Ellis
- + Officer, U.S. Army and U.S. Army Reserve

EDUCATION

- + J.D., Pepperdine School of Law, *magna cum laude*; Order of the Coif, Editor-in-Chief of the Pepperdine Law Review
- + B.S./B.S.C.E., United States Military Academy; Dean's List

CERTIFICATIONS + LICENSES

- + Virginia Bar
- + District of Columbia Bar
- + Texas Bar
- + U.S. Supreme Court
- + U.S. Court of Federal Claims
- + U.S. Court of Appeals, D.C., Fourth, and Fifth Circuits
- + U.S. District Court, D.C., W.D. Texas, S.D. Texas

Separate from his active law practice, Mr. White has advised state and local law enforcement, social services, and education chief executives on public school safety issues. He has also argued before federal appellate courts and briefed the United States Supreme Court on issues related to First Amendment Rights.

Mr. White graduated from the U.S. Military Academy at West Point after earning numerous honors, including being named West Point Cadet of the Year. He served for five years on active duty and continued his military service in the Army Reserve while attending Pepperdine University School of Law. Mr. White graduated *magna cum laude* and served as editor-in-chief of the Pepperdine Law Review. He now sits on the Board of his alma mater.

Following law school, Mr. White served as a law clerk at the United States Court of Appeals for the 3rd Circuit on behalf of the Honorable Samuel A. Alito, Jr. Shortly after being elevated to the U.S. Supreme Court, Justice Alito invited Mr. White to join him for a second clerkship during the Supreme Court's 2008-2009 term.

An ordained minister, Mr. White has pastored congregations in Savannah, Georgia and San Francisco, California. His commitment to community is further exemplified in his service as Chairman of the Board of the Fairfax County Public Schools Education Foundation and on the Boards of the National Military Family Association, the Northern Virginia Chamber of Commerce, and Mother Assisted Nutritive Aid (MANA), as well as the Chairman's Advisory Council of the American Red Cross.

