



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5830
Ser N00/128
16 May 14

FINAL ENDORSEMENT on RDML Randy Crites, USN, ltr of 6 May 14

From: Commander, U.S. Pacific Fleet
To: File

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING POSSIBLE VIOLATIONS OF THE DEPARTMENT OF THE NAVY
POLICIES ON EQUAL OPPORTUNITY AND SEXUAL HARASSMENT BY THE
FORMER COMMANDING OFFICER OF THE U.S. NAVY FLIGHT DEMONSTRATION
SQUADRON BETWEEN JULY 2010 AND NOVEMBER 2012

Encl: (73) Under Secretary of Defense Memorandum of 25 Jul 13

1. I have reviewed the subject investigation and, except as modified below, I approve the investigating officer's findings of fact, opinions, and recommendations.

a. The U.S. Navy Flight Demonstration Squadron (Blue Angels) plays an important and integral role in the Navy's recruiting and public outreach efforts. However, the inappropriate behaviors and criminal conduct documented in this report reflect poorly on the Navy in general and Naval Aviation in particular. This report is not an indictment of the current Blue Angels or of the Blue Angels as a whole. In fact, immediately upon assuming command in November of 2012, the present Blue Angels' Commanding Officer, Commander Thomas Frosch, began implementing measures to reestablish good order and discipline in the squadron and the role the Navy expects of all our Commanding Officers. His prompt and decisive efforts in this regard are a significant step in the right direction. I commend him for exercising strong and positive leadership. I am confident the Blue Angels have corrected their deficiencies and will serve our Nation in a manner consistent with the highest standards of the Naval service.

b. Leadership matters. We strive to inculcate in our Commanding Officers -- whether in squadrons, ships, submarines or any other platform -- the concept that "the Commanding Officer is the ship and

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the ship is the Commanding Officer." In this case, a very strong, even charismatic, Commanding Officer did lead; unfortunately, Captain Gregory McWherter led his Ready Room far astray of acceptable norms of behavior and conduct. The Blue Angels Ready Room did, in fact, follow the Commanding Officer's example, and made the standard he established, theirs. This Commanding Officer witnessed, accepted, and encouraged behavior that, while juvenile and sophomoric in the beginning, ultimately and in the aggregate, became destructive, toxic, and hostile. The Blue Angels Ready Room environment under his command ran counter to established Navy standards and the Uniform Code of Military Justice, and dramatically weakened good order and discipline in the squadron.

2. Executive Summary.

a. (b) (6)

(b) (6)
On 24 March 2014, (b) (6) filed a written complaint with the Naval Inspector General alleging that the former Blue Angels' Commanding Officer, Captain Gregory McWherter, and other members of the Blue Angels created a hostile work environment through pervasive sexual harassment. Because the Blue Angels is an Echelon 5 Command under Commander, U.S. Pacific Fleet, I was asked to investigate her complaint. I convened a command investigation into this matter, appointing Rear Admiral (Lower Half) Randy Crites as the Investigating Officer. Rear Admiral Crites' investigation clearly substantiates (b) (6) allegations. Corrective actions have already begun, including relieving Captain McWherter of his duties as Executive Officer, Naval Station Coronado for loss of confidence. This Executive Officer position is a "fleet-up" position, which means that Captain McWherter would have become the Naval Station Commanding Officer in April 2015.

b. Captain McWherter had a successful and unmarred tour as the Commanding Officer of the Blue Angels from 2008 to 2010. He was popular and well-liked by his Ready Room. In November 2010, at the scheduled conclusion of this two-year tour, Commander David Koss became the next Commanding Officer of the Blue Angels. On 21 May 2011, Commander Koss committed a safety of flight violation during an airshow in Lynchburg, Virginia. Subsequently, an airshow was

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cancelled and the team conducted a safety stand down. Through deliberation and consultation with the Chief of Naval Air Training, Commander Koss asked to be relieved of command of the Blue Angels. Captain McWherter returned to the Blue Angels and re-assumed command in May 2011, and remained in command until November 2012. Upon his return, Captain McWherter received a "hero's welcome" from his Ready Room. I believe he subsequently became susceptible to hubris and arrogance, blinding him to the common sense judgments expected of all service members, but especially those entrusted with command.

c. In sharp contrast to his first tour, throughout his second tour as the Blue Angels' Commanding Officer, Captain McWherter and many in his command openly engaged in sexual harassment and other inappropriate behaviors, which he failed to correct. Examples include proliferation of explicit pornography and sexually suggestive images in the cockpits and in the "GroupMe" intra-squadron electronic communications tool, the painting of male genitalia on the roof of the center point trailer at the Blue Angels' winter training facilities in El Centro, California, and hazing during the enlisted "Cresting Process." Not only does Rear Admiral Crites' investigation demonstrate that Captain McWherter failed to take immediate and decisive action to guard against and suppress violations of Navy policy, it established that by condoning and encouraging unlawful behaviors over a sustained period, he created a hostile work environment.

3. Administrative Changes. I note the following administrative errors.

a. FoF 63: FoF 63 should reference enclosure (37) to the command investigation rather than enclosure (31).

b. FoF 91: FoF 91 should reference enclosure (39) to the command investigation rather than enclosure (34).

c. FoF 113: FoF 113 should reference enclosure (35) to the command investigation rather than enclosure (45).

d. FoF 126: FoF 126 should reference enclosure (27) to the command investigation rather than enclosure (37).

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e. FoF 130: FoF 130 should reference enclosures (6), (11), and (54) to the command investigation rather than enclosures (4), (5), and (41).

f. FoF 131: FoF 131 should reference enclosures (28) and (37) to the command investigation rather than enclosures (6) and (54).

g. FoF 134: FoF 134 should reference enclosure (50) to the command investigation in addition to enclosure (37).

h. FoF 173: FoF 173 uses the word "rest" in the last sentence; I replaced the word "rest" with the word "crest."

i. FoFs 189 and 191: FoFs 189 and 191 use the acronym "CMC" to refer to Command Master Chief (b) (6). I replaced the acronym "CMC" with the acronym "CMDCM."

j. Recommendation 4(a): Recommendation 4(a) references the Command Leadership School in Newport, Rhode Island. I note that the name of this school has been changed to Naval Leadership and Ethics Center.

k. I note that the correct spelling of Lieutenant Commander (b) (6) name is (b) (6)

4. Findings of Fact. I concur with all findings of fact (FoF), except as modified below.

a. FoF 36: Modify FoF 36 to read: "Some Blue Angels team members opined that it was more than just unsatisfactory flying that led to the pilots' position on whether Commander Koss should leave. They also pointed to the pilots' disfavor of the way Commander Koss ran the Ready Room. [Enclosures (11), (14), (34), and (35)]"

b. FoF 211: Modify FoF 211 to read: "The Blue Angels does not have a traditional Executive Officer (XO) or Department Heads as is standard in all other Naval Aviation squadrons, or any other senior day-to-day manager of the command other than the Commanding Officer. The #5 pilot, typically a junior Lieutenant Commander, serves as an

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"operational XO", but the Administrative Officer, typically a Limited Duty Officer or Chief Warrant Officer, is billeted as the XO for the Enlisted Sailors. During the 2011-2012 season, the #5 position was held by (b) (6) (November 2010-November 2011) and (b) (6) (November 2011-December 2012). [Enclosures (3), (8), (10), (15), (38), (50), and (55)]"

5. Opinions. I concur with all opinions, except as modified below.

a. Opinion 4: Modify Opinion 4 to read: "When Captain McWherter was brought back to relieve Commander Koss in May 2011, he attempted to reestablish the trust of the pilots through a similar approach as in 2008. This was in marked contrast to how CDR Koss led the team, which was a more traditional "fleet-style" Ready Room approach. Due to concerns related primarily to flight safety, this time Captain McWherter inherited a Ready Room with trust issues and a lack of cohesiveness. The poor demonstration performances resulted in increased tension, as well as a rise in personality conflicts within the Ready Room. In his efforts to reestablish trust amongst the team, Captain McWherter allowed his Ready Room to follow the will of the majority -- often determined by Ready Room voting by the 8 Blue Angel pilots (including the #8 Events Coordinator who was a Naval Flight Officer) -- even when the path chosen was the wrong one. Minority views were often ignored or disregarded -- even when these views comported with Navy standards and policies. In doing so, Captain McWherter abdicated the scope of his duties and the full range of responsibilities inherent to command. Captain McWherter's leadership style limited his ability to effectively handle all issues that arose. [Findings of Fact: 1, 4-11, 27-41, 153-156]"

b. Opinion 10: Modify Opinion 10 to read: "The inappropriate behavior that became so pervasive in Captain McWherter's second tour as Blue Angels Commanding Officer was not tolerated during his first. Both support officers and aviators from Captain McWherter's first tour as Commanding Officer recounted several instances where he corrected inappropriate behavior and toned down possibly offensive pictures and jokes contained on team maps and itineraries. Both sets of these officers felt comfortable voicing opinions, concerns, and objections in the Ready Room. These officers were genuinely shocked when the investigation team showed them examples of the GroupMe pornography and

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the sexually charged, raunchy, and homophobic humor on the maps and itineraries of 2011-2012. These officers unanimously indicated that such material would not have been tolerated during their time under Captain McWherter at the Blue Angels. In essence, Captain McWherter lost his sense of rectitude and decent behavior when he re-assumed command in 2011. Unlike other and successful Blue Angels' Commanding Officers who focused on both performing the demonstration and other normal challenges unique to command, Captain McWherter focused on building camaraderie and felt more comfortable giving his junior officers wide latitude in behavior, but he failed to set limits. The unduly familiar leadership style he developed with his aviators catalyzed the downward spiral in the Blue Angels' command climate that is at the heart of the complaint. [Findings of Fact: 7-11, 18-19]"

c. Opinion 25: Modify Opinion 25 to read: "Although the Flight Surgeon found it necessary to present a brief that females were capable of flying the Blue Angels' aircraft, the overwhelming majority of witnesses refuted the complainant's allegation that gender discrimination existed in selection of Blue Angels demonstration pilots. Most witnesses demonstrated an informed knowledge of historic quantitative pilot skill metrics and how they are used to select new Blue Angels pilots. In interviews, pilots cited those metrics as the basis for pilot selection rather than gender discrimination, and several went so far as to publicly hope they are on the team when the first female is selected. Yet, because quantitative pilot skill is not the exclusive basis for selecting Blue Angels pilots (disposition and personality "fit" are also considered), the selection process is still vulnerable to gender discrimination. That said, there is no substantial evidence supporting the complainant's claim that actual gender discrimination existed in selection of Blue Angels demonstration pilots. [Findings of Fact: 42-49]"

d. Opinion 32: Modify Opinion 32 to read: "The Blue Angels' command structure has a significant gap in seniority and experience between the Commanding Officer and his next senior officer. The Commanding Officer is not only alone at the top, but he has no peer or near-peer advisor to provide private command level feedback. In the Fleet, this role is filled by the Executive Officer, who may or may not "fleet up" to Commanding Officer, depending on the command. There is no Executive Officer billet assigned to the Blue Angels. In the

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Blue Angels, this role is typically filled by the #5 pilot, who is a junior pre-Department Head Lieutenant Commander. The Commanding Officer's isolation at the top is further exacerbated by the time and focus required to learn the demonstration (even though, in this case when Captain McWherter returned for his second command tour with the Blue Angels, he knew how to fly the demonstration well). The OPTEMPO and nature of the command's detachment *modus operandi* make this leadership structure all the more problematic. It creates an environment with limited programmatic, administrative, and personnel oversight. The Commanding Officer must delegate a great deal of his authority to inexperienced subordinates in order to ensure that the business of the squadron is conducted. This can easily lead to single point failures and excursions from policy. In my opinion, creating a true Executive Officer billet will fill this void and align the Blue Angels' leadership (Commanding Officer, Executive Officer, and Command Master Chief) with the traditional, highly effective, and proven Fleet "Command Triad" structure. [Findings of Fact: 27, 36-39, 211, 216]"

e. Opinion 36: Modify Opinion 36 to read: "Captain McWherter was advised of his Uniform Code of Military Justice Article 31 rights regarding prohibition of compulsory self-incrimination and signed a Military Suspect's Acknowledgement and Waiver of Rights form on 14 April 2014 before consenting to an interview by Rear Admiral Crites and the investigation team's legal counsel. Captain McWherter discussed his actions as Commanding Officer with Rear Admiral Crites and the investigation team's legal counsel and admitted to knowledge of naked photos of women in the aircraft cockpits, persistent homophobic humor, texts containing inappropriate language and pornographic images, and event schedules containing inappropriate language and improper images. He also admitted being detached from concerns about the command's gift acceptance process and the enlisted indoctrination program and expressed regret that he did not act sooner to stop the inappropriate Ready Room behavior. The Investigating Officer concluded that Captain McWherter's actions violated the Uniform Code of Military Justice (UCMJ) by fostering a hostile command climate, failing to stop obvious and repeated instances of sexual harassment, and engaging in inappropriate sexually-charged discussions with his junior officers. [Findings of Fact: 50-161]"

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f. Opinion 39: Modify Opinion 39 to read: "Commander Frosch recognized the unsatisfactory command climate upon arrival to the Blue Angels in 2012. Upon assuming command, he leveraged Navy initiatives that had been recently developed and promulgated to all commands, including the 21st Century Sailor Office, Fleet-wide Sexual Assault Prevention and Response programs, revised Command Leadership School/Senior Enlisted Academy training curricula, and the requirement for senior review of Defense Equal Opportunity Management Institute Organizational surveys (see Opinion 40 below). Commander Frosch took immediate action, making consistent and incremental efforts to improve the command climate and eliminate the sexual and homophobic undertones which were present under Captain McWherter. [Findings of Fact: 91-92, 104, 119, 128, 161, 168, 170-171]"

g. Add Opinion 40: "Pursuant to enclosure (73), after 24 August 2013, the results and analysis of annual climate surveys are required to be forwarded to both the Commanding Officer and to his or her immediate superior in the chain of command. Had that policy been in place in 2011, the results of the Blue Angels' 2011 Defense Equal Opportunity Organizational Climate Survey, which contained myriad indicators of a poor command climate within the squadron, would have informed Chief of Naval Air Training of the need for immediate scrutiny into the Blue Angels' command climate."

h. Add Opinion 41: "This investigation highlights the challenges that geographic distance may present to Chief of Naval Air Training as the Blue Angels' immediate superior in command. To effectively manage this issue, Chief of Naval Air Training must vigilantly execute its oversight and command and control responsibilities regarding the Blue Angels. [Findings of Fact: 35, and 218]"

i. Add Opinion 42: "The 2003 ethics opinion stating that the Blue Angels team members could purchase custom Breitling watches at a significant discount was drafted over eleven years ago by a very junior Ethics Counselor at Chief of Naval Air Training. The information upon which that Ethics Counselor derived his opinion is no longer known. This opinion is outdated and I find it imprudent for Blue Angels team members, especially the Commanding Officer, to conveniently rely on this sole opinion as enough authority to purchase

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these watches at discounts of at least \$2,000. Captain McWerter should have known better, or at least known enough to have inquired if it remained valid. [Findings of Fact: 205, and 206]"

6. Recommendations. I have considered the Investigating Officer's recommendations, and I will take, direct, and/or request action as noted in paragraph 7 below.

7. Necessary Action.

a. I will forward this investigation to the Naval Leadership and Ethics Center with a recommendation to include its lessons in the leadership curriculum.

b. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to conduct a formal review of the Blue Angels' "Cresting Process" and provide me with recommendations regarding its efficacy and what steps will be taken to guard against hazing within 30 days of the date of this letter.

c. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to conduct an assist visit and review of the Blue Angels' next Cresting Process following the 2014 air-show season in preparation for the 2015 air-show season.

d. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to conduct a comprehensive review of the Blue Angels' ethics and gift acceptance programs, to include the purchase of custom Breitling watches bearing the Blue Angels' crest and other high-value items at significant discount, and provide me an analysis of this review within 60 days. Further, I direct Commander, Naval Air Forces Pacific to assume gift review and approval responsibilities for the Blue Angels from this date forward.

e. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific, to examine the efficacy of creating a formal Executive Officer billet for the Blue Angels and provide me with recommendations and modalities within 90 days of the date of this letter.

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f. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to review the Blue Angels' officer application and selection process to determine how to improve the process, and provide me with findings and recommendations within 90 days of the date of this letter.

g. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to review the "Khaki Newbie" process. Within 90 days of the date of this letter, provide me with recommendations that include, at a minimum, standardization of the turnover process and implementation of a way to integrate off-cycle additions to the squadron in a reasonable timeframe, paying attention to position and special skills.

h. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to review the oversight that the Chief of Naval Air Training provides the Blue Angels, especially in the areas of administrative processes and non-tactical training, including general-military training and required annual training. I further direct Commander, Naval Air Forces Pacific to ensure Chief of Naval Air Training conducts a standardized inspection cycle for the Blue Angels, including positive oversight of the team while they are on travel to El Centro and during the show season. Report completion within 120 days of the date of this letter.

i. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to require Chief of Naval Air Training to implement an alcohol deglamorization plan for the Blue Angels. Report completion of the plan within 120 days of the date of this letter.

j. (b) (7)(A)



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8. Accountability.

a. Captain McWherter allowed members of the Ready Room and senior enlisted personnel to engage in, instigate, and encourage raunchy and sexually harassing behavior that significantly contributed to the hostile command climate that existed during his second tour as the Blue Angels Commanding Officer. Coupled with his implicit and explicit approval of this behavior, Captain McWherter set a moral standard far below Navy expectations and is therefore primarily responsible for what happened in the Blue Angels from 2010-2012.

b. Paragraph 8.a. above notwithstanding, appropriate focused counseling should be provided to the following servicemembers who contributed to the hostile command climate and sexual harassment present at the Blue Angels from 2011 to 2012: (b) (6)

(b) (6), (b) (6), (b) (6),
(b) (6), (b) (6),
and (b) (6). Appropriate
focused counseling should include, but is not limited to, instruction
on the following topics: Sexual Harassment, Navy Rights and
Responsibilities, Equal Opportunity, Hazing, Fraternalization, Ethics,
and Navy policy regarding responsible alcohol consumption.

c. I will take appropriate administrative measures and/or disciplinary action regarding Captain Gregory McWherter.

d. By copy of this endorsement, I direct Commander, Naval Air Forces Pacific to provide focused formal counseling (as noted in paragraph 8.b.) to the following servicemembers: (b) (6)

(b) (6), (b) (6), (b) (6),
, and (b) (6).
. Nothing in this paragraph limits Commander, Naval Air Forces Pacific from taking additional administrative actions as he deems appropriate.

e. By copy of this endorsement, I request Commander, U.S. Fleet Forces Command counsel (as noted in paragraph 8.b.) (b) (6)

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f. By copy of this endorsement, I request that Commander, U.S.
Marine Corps Forces, Pacific counsel (as noted in paragraph 8.b.)

(b) (6)

9. Conclusion.

Distinguishing features of a Commanding Officer -- in contrast with other organizational leaders -- include the scope of duties charged to those in command, the range of responsibilities enumerated via Navy Regulations, the unique authorities attached to the position to execute those responsibilities, and the ensuing accountability to discharge those duties faithfully. These features, in total, define "command" -- they cannot be severed from the position, ignored, or relegated to minor roles. They remain enduring. No unit Commanding Officer, regardless of the intensity of his or her mission and premium on specific individual skills to accomplish it, can abrogate the full range of responsibilities associated with the office. Unit good order and discipline are prominent among these responsibilities and Commanding Officers are empowered with law, regulation, and policy to maintain the same. Navy Regulations (Article 0802, para 4) specifically states, "the commanding officer and his or her subordinates shall exercise leadership through personal example, moral responsibility and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy."

Moreover, Navy leaders must treat all personnel fairly, with dignity, and with respect. Everyone is entitled to work in an environment free of unlawful behavior and offensive material. Commanding Officers have an enduring obligation to maintain a proper work environment at all times and in all places and spaces; and they will be held accountable as appropriate when they fail. Sexual harassment destroys the chain of command, is antithetical to Navy Core Values, and represents an existential threat to the Navy's mission in defense of our Nation.

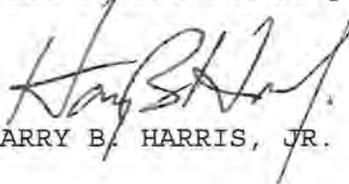
Captain McWherter had the absolute responsibility to exemplify honor and virtue; to vigilantly inspect the conduct of all persons placed under his command; to guard against and suppress all dissolute

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and immoral practices that contravene applicable law, Navy Regulations, and Navy policy; and to lead his entire squadron with honor, courage, and commitment. Instead, he lowered the bar for red-line behaviors and weakened his ability to maintain a functional command structure. He condoned sexual harassment, fraternization, hazing, excessive use and glamorization of alcohol, proliferation of pornography, and homophobic behavior. Importantly, he did not mentor, instruct, and hold accountable those in his command who engaged in this unlawful behavior. As a result, Captain McWherter created a hostile work environment.

Captain McWherter failed to maintain appropriate good order and discipline in his unit; it was grossly out of balance. The breadth and scope of the inappropriate behavior in the Blue Angels from 2010 to 2012 sullied the reputations of the Blue Angels, Naval Aviation, and the Navy itself, and tarnished more than two decades of significant progress that the Navy has made toward Equal Opportunity and inclusion.

It bears emphasizing that the Blue Angels' mission is to publicly represent the best of Naval Aviation, to inspire the public, to foster pride in the military institution, and to motivate young men and women to join the Navy to serve our Nation. The actions of Captain McWherter jeopardized that mission. He failed himself, failed those that he led, failed the Blue Angels, and failed the Navy.


HARRY B. HARRIS, JR.

Copy to:
CNO (DNS, N1, N17)
VCNO
USFF (N00)
BUMED (N00)
MARFORPAC (G00)
CNIC (N00)
NAVIG (N00)
OJAG (N00)
COMNAVAIRPAC (N00)

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DONOGC

CHINFO

CNATRA (N00)

RDML Randy Crites

06 May 14

From: RDML Randy Crites, USN
To: Commander, U.S. Pacific Fleet

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Ref: (a) JAGINST 5800.7F
(b) SECNAVINST 5300.26D
(c) U.S. Navy Regulations
(d) OPNAVINST 3120.32D
(e) OPNAVINST 5354.1F
(f) SECNAVINST 1610.2

Encl: (1) Appointing order to RDML Randy B. Crites, USN ltr
5800 N01/048 of 8 Apr 14, modification ltr 5800 N01/055
of 11 Apr 14, and modification ltr 5800 N01/097 of 28 Apr
14.

(2) Table list of all enclosures (1-72).

Executive Summary

The Blue Angels are a key element of U.S. Navy and Marine Corps recruiting and public outreach efforts. While reading this report, it is important to note that the inappropriate and unacceptable behavior described below occurred prior to the arrival of the current Commanding Officer.

CAPT Greg McWherter served as Commanding Officer of the U.S. Navy Flight Demonstration Squadron (hereinafter known as the Blue Angels) for two tours. His first tour, from fall 2008 until fall 2010, encompassed the 2009 and 2010 Blue Angels' airshow seasons. His second tour, from May 2011 until the fall of 2012, encompassed approximately half of the 2011 airshow season and all of the 2012 airshow season. His return in 2011 was a result of the existing Commanding Officer unexpectedly stepping down.

While serving as the Commanding Officer of the Blue Angels during the 2011 and 2012 airshow seasons, CAPT McWherter fostered and condoned an environment within the Ready Room that was rife with sexual harassment in the form of sexually explicit

and offensive jokes, pornographic pictures, comments, and other behaviors, that in their aggregate created an intimidating, hostile, and offensive workplace. The allegations at issue in this investigation center on sexual harassment, not allegations of sexual assault or sexual misconduct. No allegations of sexual assault or sexual misconduct were uncovered in the course of this investigation.

While many of the junior officers assigned may not have perceived this environment as inappropriate at the time and may still profess CAPT McWherter to be a sound leader, his behavior fell far short of the standards of excellence required of our Commanding Officers. Other officers within the Ready Room share responsibility for the hostile environment; however, their behavior would have never persisted had CAPT McWherter exercised the judgment and responsibility required of his position.

The close-knit nature of the Blue Angels' Ready Room and desire to "fit in" led to blurred lines of acceptability because the Commanding Officer endorsed negative behavior. Unfortunately, the command and control structure and governance system of the Blue Angels organization as a whole may have contributed to an environment that was susceptible to sophomoric and sexually harassing behavior. CAPT McWherter's extended time in command at the Blue Angels appears to have resulted in complacency leading to a decline in the military discipline of his Ready Room and the unprofessional relationships he had with his junior officers. The fast-paced operations and total focus on flying the demonstration made it more difficult for him to see the bigger picture or make corrections when required. Additionally, other misconduct, including some level of hazing within the enlisted ranks that went unnoticed by the Commanding Officer, as well as an overall lack of rigor in the Blue Angels gift acceptance program were uncovered during the course of this investigation. Elements of a standard Command Triad were missing which, had one existed, may have served to prevent this misbehavior.

Preliminary Statement

1. In accordance with reference (a), this reports the command investigation convened pursuant to enclosure (1) to inquire into the facts and circumstances concerning possible orders violations of the Uniform Code of Military Justice, as well as Department of the Navy (DON) policies on equal opportunity and sexual harassment by CAPT Greg McWherter, Commanding Officer of the Blue Angels and/or others, between July 2010 and November

2012. Specifically, this report also notes whether CAPT Greg McWherter and/or others condoned, ignored, or promoted a hostile work environment while he was Commanding Officer.

2. Over the course of the investigation, several additional allegations were uncovered that required further investigation. This report includes discussion of those issues as well. Specifically, in addition to the issues described in enclosure (1), the investigation team addressed allegations of hazing, improper gift receipt, and general command climate issues apart from sexual harassment and Equal Opportunity. Additionally, the temporal scope of the investigation was expanded to include periods just before and immediately following the first and second command tours of CAPT McWherter.

3. My investigation team included CDR (b) (6), 1310, USN; LCDR (b) (6), 1320, USN; LCDR (b) (6), JAGC, 2500, USN; LT (b) (6), JAGC, 2500, USN; CMDCM(AW/SW) (b) (6), USN; YN1(AW/SW) (b) (6), USN; LN1 (b) (6), USN; LN1(AW/SW) (b) (6), USN; and LN2(SW) (b) (6), USN.

4. In our effort to best capture the facts in this case, the investigation team prioritized in-person interviews with all officers who served under CAPT McWherter during, at a minimum, his second tour as CO of the Blue Angels. My team traveled to San Diego, CA; Pensacola, FL; and Norfolk, VA to conduct our investigation. When necessary, telephone or VTC interviews replaced in-person interviews due to logistical challenges. Beyond the Blue Angels' Ready Room during the 2011 and 2012 airshow seasons, the investigative team's focus expanded to consider the perspective of officers who served under CAPT McWherter during his first CO tour at the Blue Angels (the 2009 and 2010 airshow seasons). Finally, the investigation team endeavored to capture a reasonable sampling of enlisted perspectives during the entire timeframe of CAPT McWherter's tenure at the Blue Angels and beyond. Overall, 68 witnesses were interviewed during the course of this investigation, including 15 in a focus group setting. Except for CAPT McWherter's statement and a select few interviews where my investigation team sought additional clarification, all Results of Interviews were compiled from the interviewers' notes and were not submitted to the interviewees for review or signature.

5. When reviewing material or circumstances discovered in the course of this investigation, the team considered "offensive" or "inappropriate" any material that breached the standards

provided in reference (b) discussed further below. Specifically, any behavior that was sexual in nature, including sexually explicit jokes, sexually suggestive pictures, pornography including graphic depiction of genitalia and graphic depiction of sexual acts, talk about sex, innuendo about sex, sexually offensive language, anti-gay slurs, lewd or suggestive comments, "off color" jokes, sexually suggestive gesturing, or sexually-related foul language, met this standard and was referred to as "offensive" or "inappropriate." In some cases - particularly when weighing culpability - this report makes additional value judgments regarding the "severity" of certain behavior; this gradation is offered in an effort to most accurately depict the gravity of a particular incident and is not offered as an attempt to justify any sexually-offensive behavior in the workplace. As described in reference (b), no type of sexual harassment is permissible in the workplace, no matter how "severe" it may be construed.

6. In evaluating the witness statements and physical evidence and in light of sometimes conflicting information, I made certain value judgments to determine the quality and veracity of that information when formulating findings of fact, opinions, and recommendations. I considered the reliability and potential biases of witnesses, whether a certain fact or facts had been corroborated, the degree of the corroboration, and the amount of time since the given event passed, among other factors. Where sufficient indications of truthfulness were not present or accuracy was in question but the matter was of sufficient import to include in the report, I call attention to that matter in my report.

7. CAPT Greg McWherter appeared before the interview team for a live interview. He provided a signed statement detailing his perspective on the matters alleged within the complaint. The investigation team read Capt McWherter his Article 31(b) rights, which he properly waived, prior to giving his statement. A copy of that waiver is included in this report and maintained at the U.S. Pacific Fleet legal office.

8. In addition to CAPT McWherter, five additional witnesses were read their rights in accordance with Article 31(b), UCMJ. Of those witnesses, two invoked their right to remain silent and three waived their rights and agreed to provide statements. For the witnesses who waived their rights and agreed to make a statement, a copy of that waiver, if received, is included as an attachment within the enclosed results of interview (ROI); when

a witness invoked those rights, that decision is reflected in his ROI and nothing additional is provided.

9. During the course of this investigation, CAPT McWherter was relieved of his duties as Executive Officer, Naval Base Coronado by Commander, Naval Installations Command, due to loss of confidence. The Executive Officer position is a "fleet-up" position to Commanding Officer; CAPT McWherter was scheduled to take command in June of 2015. He was temporarily assigned to Commander, Naval Air Forces Pacific.

10. (b) (7)(A) [REDACTED]

11. The complaint that gave rise to this investigation was originally submitted to the Navy Inspector General's office. After the complainant waived confidentiality, the complaint was turned over to Commander, U.S. Pacific Fleet, who in turn convened this investigation in accordance with reference (a).

12. All Navy and Marine Corps personnel referenced in this report's findings of fact and opinions are identified by the highest rank held during the 2010-2012 timeframe. This was done to assist the reader with understanding the context of the events as they occurred. The final section containing my recommendations uses the current rank of the specified individuals.

13. Enclosure (2) provides a table of all enclosures for ease of reference. Enclosure (3) is a breakdown of the Blue Angels officers' jobs and responsibilities. Enclosure (4) is a visual aid depicting team make-up and position.

Standards of Review

U.S. Navy Standards of Command and Conduct

1. Title 10 Section 5947 of the U.S. Code specifically charges Commanding Officers with the requirement to be "a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and

regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge."

2. Article 0702 of reference (c) states that commanders "shall be responsible for the satisfactory accomplishment of mission and duties assigned to their commands" and "shall exercise positive leadership and actively develop the highest qualities of leadership in persons with positions of authority and responsibility throughout their commands."

3. Article 0802 of reference (c) states that the responsibility of the Commanding Officer for his command is "absolute," except when, and to the extent to which, he has been relieved by competent authority, or as provided otherwise in U.S. Navy Regulations. Article 0802 further states that the Commanding Officer and his subordinates "shall exercise leadership through personal example, moral responsibility and judicious attention to the welfare of person under their control or supervision...in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy."

4. Article 1131 of reference (c) is entitled the "Requirement of Exemplary Conduct" and states:

"All Commanding Officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Naval service, to promote and safeguard the morale, the physical well-being and the general welfare of the officers and enlisted persons under their command or charge"
(my emphasis).

5. Reference (d), Standard Organization and Regulations of the U.S. Navy, dated 16 June 2012 (NAVY SORM), Chapter 3, paragraph 3.1.1, reiterates the "absolute responsibility" of the Commanding Officer under Article 0802 of reference (c), and also states that "[t]he duties and responsibilities of the Commanding

Officer are established by U.S. Navy Regulations, general orders, customs, and tradition.”

6. Incorporating these concepts, The Charge of Command from the Chief of Naval Operations dated 9 June 2011 sets forth the responsibilities and governing principles of a Commanding Officer. Commanding Officers will “be held accountable to the highest standards of personal and professional conduct.” Commanding Officers are expected to demonstrate the same level of personal responsibility to which they hold their Sailors. These standards are to be met at all times. The Charge of Command also highlights the importance of inspiring the trust of subordinates. It states, “You build trust through your character and in your actions which demonstrate professional competence, judgment, good sense, and respect for those you lead.” The success of a command is dependent upon the Commanding Officer’s ability to carry out these responsibilities and uphold these principles.

7. Reference (d) Chapter 1, paragraph 141.6 states that “the principles of accountability include,” in part, that “each individual, regardless of rank or position, is fully accountable for his or her own actions, or failure to act when required.” Moreover, “leaders have a duty to hold their subordinates accountable, and to initiate appropriate corrective administrative, disciplinary, or judicial action when individuals fail to meet their responsibilities.”

8. Failure to comply with references (c) or (d) may be punished under Article 92 of the Uniform Code of Military Justice.

9. Conduct unbecoming an Officer and a Gentleman is punishable under Article 133 of the Uniform Code of Military Justice.

Equal Opportunity Standards

10. Reference (e) governs standards relating to Equal Opportunity in the Navy and indicates the following:

a. All service members are entitled to an environment free from personal, social, or institutional barriers that prevent such service members from rising to the highest level of responsibility possible. Unlawful discrimination is prohibited.

b. Commanding Officers have the responsibility to promote positive command climate through personal example, provide equal

opportunity training and grievance procedure instruction and assess command climate.

c. Individual service members must treat each other with dignity and respect, promote positive command climate through personal example, be responsible and accountable for reporting acts of unlawful discrimination, and use Navy redress procedures to resolve potential violations.

11. Pursuant to reference (e), the investigation team considered the following factors when evaluating evidence and statements received, and when formulating opinions and recommendations:

a. Unlawful discrimination covers a wide range of behaviors from verbal comments to physical acts;

b. Unlawful discrimination can be subtle or overt;

c. Command leaders must create, shape, and maintain a positive EO environment through policy, communication, training, education, enforcement, and assessment;

d. No leader shall condone or ignore unlawful discrimination to which they have knowledge or should have knowledge.

Sexual Harassment Standards

12. References (b) and (e) together govern sexual harassment and the creation of a hostile working environment based on sexual harassment and indicate the following:

a. Hostile working environment (as it pertains in this investigation) is one that involves sexual discrimination created by verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating or hostile or offensive work environment.

b. Per reference (b), this type of harassment need only be so severe or pervasive that a reasonable person would perceive, and the victim in fact does perceive, the work environment as hostile or offensive.

c. Per reference (b), if a reasonable person, with the same facts and circumstances, would find the behavior offensive, then the behavior is offensive.

d. Per reference (b), the reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

13. Pursuant to references (b) and (e), the investigation team used the following factors when evaluating the evidence and statements I received, and when formulating opinions and recommendations:

a. Sexual harassment constitutes a wide range of behaviors within someone's work environment;

b. "Workplace" is an expansive term for military members, includes the entire squadron environment in this case, and may include conduct on or off duty, 24 hours a day;

c. The "workplace" is any place that is work-connected, as well as the conditions or atmosphere under which people are required to work;

d. Behavior which is sexual in nature includes, but is not limited to, telling sexually explicit jokes, displaying pornography or sexually suggestive pictures, or talking about sex;

e. Examples of a hostile workplace environment include routinely using sexually explicit or sexually offensive language or displaying pornography or sexually oriented pictures in the workplace.

Hazing Standards

14. Per reference (f), hazing is conduct exhibited by a military member or members causing others to suffer or be exposed to an activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to haze is also hazing. Hazing can be verbal or psychological in nature. Consent, whether actual or implied, does not remove culpability from the perpetrator.

15. Hazing includes, but is not limited to: abusive or ridiculous tricks, threatening or offering violence or bodily

harm to another, striking, branding, taping, tattooing, shaving, greasing, painting, requiring excessive physical exercise beyond what is required to meet standards, pinning, tacking on, blood wings, or requiring the consumption of food, alcohol, drugs, or any other substance.

Findings of Fact

CAPT McWherter's First Tour as Commanding Officer of the Blue Angels

1. CAPT Greg McWherter reported aboard the Blue Angels in September 2008, after a command tour with VFA-192, The Golden Dragons. He took command two months later in November 2008, after serving the customary period as a "Khaki Newbie" (explained in Finding of Fact 3 below). He relieved CAPT Kevin Mannix. [Encls: (5), (6), (7)]

2. Through a standardized process, Blue Angels officer applicants submit a command-endorsed package with specific requirements, including rank, flight hours, and tactical qualifications. Applicants are highly encouraged to "rush" the team, which usually entails attending at least two airshows prior to 01 June and attending social events designed for them to meet the current Blue Angels team members, and vice versa. The pool of candidates is reduced through a democratic Ready Room vote to a pool of finalists, who are brought to Pensacola for a week with the current team. All finalists are considered qualified to fill a Blue Angels position. Final selections are made by vote of the Blue Angels' Ready Room. The Blue Angels notify the Naval Bureau of Personnel and Chief of Naval Air Training to effect detailing. The Blue Angels do this for officers except the Commanding Officer who is selected via a panel of former senior Blue Angels (Flag and former COs). [Encls: (8), (9), (10)]

3. Once selected, an officer serves approximately two months (September - November) as a "Khaki Newbie." During this period, newly reporting officers are expected to observe and learn. Their involvement with Blue Angels affairs is limited in that they are not considered to be an integrated part of the team during this period. Once the previous airshow season ends (early November), the new Blue Angels begin wearing the traditional Blue Angels' flight suit and are no longer considered "Khaki Newbies." [Encls: (5), (8), (11), (12), (13)]

4. CAPT McWherter inherited a fractured Blue Angels' Ready Room upon taking command for his first tour, after the Administrative Officer and a Marine officer on the team had been relieved for fraternization under CAPT Mannix's command. The command also had a Class A MISHAP the previous year. [Encls. (5), (9), (14), (15), (16), (17)]

5. CAPT McWherter noted the Ready Room was tense at the beginning of his first tour and cited personality conflicts between many of the officers, as well as his Maintenance Officer and Command Master Chief (CMC). CAPT McWherter set out to repair this situation. [Encl: (5)]

6. In particular, CAPT McWherter created a "Newbie Manifesto" after going through the "Khaki Newbie" process in late 2008 that sought to address some of the challenges and expectations of becoming a new Blue Angel. The 2008 "Newbie Manifesto" is included at Enclosure (18). The "Newbie Manifesto" was an informal document meant to provide guidance to the team. [Encls: (5), (12), (15), (18), (19)]

7. Upon assuming command in 2008, CAPT McWherter took a public stance targeting the prohibition of adultery and established other measures to "rehabilitate" the Ready Room. [Encls: (5), (7), (15), (16)]

8. CAPT McWherter stated that he consciously returned the Ready Room toward a more democratic style of leadership, intending to foster familial relationships unlike that of a normal squadron. Officers present in the Ready Room at the time confirmed that the Ready Room indeed returned to a democratic and familial setting. [Encls: (5), (16)]

9. As a result of these changes, CAPT McWherter stated that the Ready Room was more cohesive and friendly. Other members of the team during the 2009 and 2010 airshow seasons confirmed a positive, motivating, and professional command climate. [Encls: (5), (9), (16), (17)]

10. On at least one occasion, CAPT McWherter directed that the #7 pilot correct a map containing an inappropriate joke. [Encl: (19)]

11. In January 2010, CAPT McWherter signed NAVFLIGHTDEMROININST 1610.1M, which included a statement that "hazing, humiliation,

and personal verbal or physical abuse have no place in Newbie training and are expressly prohibited" [Encl: (20)]

12. Prior to YNCS (b) (6) arrival in November 2009, the Blue Angels did not have a Command Managed Equal Opportunity representative (hereinafter CMEO). [Encl: (14)]

13. At the time of her check-in, a Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) had just been completed. A copy of this survey is unavailable, as institutional records are only kept three years. DEOCS surveys for 2011 and 2013 are available at Enclosures (21) and (22). YNCS (b) (6) detached from the Blue Angels in October 2013. [Encls: (14), (21), (22)]

14. YNCS (b) (6) conducted female mentorship meetings with the enlisted females on the team. [Encls: (14), (23), (24)]

15. As CMEO, YNCS (b) (6) briefed all incoming Blue Angels Sailors individually and offered them respite from the Cresting Process if needed. (The Cresting Process is described in Findings of Fact 172 and 173 below.) [Encl: (14)]

16. As CMEO, YNCS (b) (6) did not believe she had a close relationship with CAPT McWherter. [Encl: (14)]

17. Notwithstanding team cohesiveness, junior officers during CAPT McWherter's first tour were known to make off-color jokes. Occasionally, CAPT McWherter would respond with his own off-color jokes. Similar to the descriptions from officers who came to work for CAPT McWherter later, officers present during CAPT McWherter's first tour maintain that command climate conditions were no different than other Ready Rooms in the fleet. [Encls: (15), (16), (17)]

18. The two female officers in the Blue Angels during CAPT McWherter's first tour as CO reported no sexual harassment. They reported a positive command climate and likened the Ready Room to a family. [Encls: (16), (17)]

19. In (b) (6), CAPT McWherter relieved his (b) (6). This incident is different than the one described in Finding of Fact #4. [Encls: (5), (15)]

20. During the period where the (b) (6) position was gapped, CAPT McWherter assigned (b) (6) duties to CWO4 (b) (6) (the

Administrative Officer) and the senior Marine team member at the time. (b) (6)

[Encls: (11), (15)]

21. (b) (6)

22. CWO4 (b) (6) approached CAPT McWherter and asked him to remove the senior Marine and him from (b) (6) reporting chain, but this request was denied. [Encl: (15)]

23. (b) (6) was not permitted to attend All Officer Meetings from (b) (6) report date in (b) (6), nor was (b) (6) permitted to wear the blue flight suit until the "Khaki Newbie" process concluded in (b) (6). (b) (6) also had limited interaction with the other officers. These factors caused (b) (6) to feel excluded. [Encls: (11), (15)]

24. Despite the absence of a dedicated (b) (6), CAPT McWherter excluded (b) (6) from the Ready Room and prohibited (b) (6) from serving as the Blue Angels' (b) (6) for approximately 5 months after (b) (6) reported aboard. [Encls: (11), (15)]

Blue Angels: November 2010 to May 2011

25. In November 2010, at the normal conclusion of his two year tour, CAPT McWherter was normally relieved by CDR David Koss as CO of the Blue Angels. [Encls: (5), (16), (25)]

26. On a "personal" level, most officers and enlisted reported liking CDR Koss and enjoyed working for him. [Encls: (7), (8), (11), (14), (19) (26), (27), (28), (29),]

27. CDR Koss struggled to learn to be a demonstration pilot. Many of the pilots felt that he was unable to take criticism about his flying, that he spent too much time tending to command business, and that he was overly concerned with less important items like scheduling. Overall, they appeared to believe that he spent too little time focusing on the demonstration. [Encls: (7), (8), (11), (12), (19)]

28. CDR Koss did not drink alcohol. [Encl: (14)]

29. CDR Koss directed the Ready Room to stop the use of homophobic humor and often spot-corrected his officers. [Encls: (11), (25)]

30. The Blue Angels operate on a system driven by numbered pilots and officers that fill certain roles at the command and in the demonstration. Detailed information on the roles and functions of each position are contained in enclosure (3). [Encls: (3), (8), (12), (16), (19)]

31. The Blue Angels' training system requires that the #2 pilot train the new Commanding Officer (the #1 pilot) on flight demonstration flying. During the debrief, direct constructive criticism during flight debriefs is given to the Commanding Officer by the #2 pilot. [Encls: (8), (12), (19), (20), (28)]

32. It is common in Naval Aviation for junior aviators to give constructive criticism to more senior officers in the course of providing instruction. [Encls: (12), (19)]

33. Acceptance of criticism and accountability for one's mistakes while flying are cited as the primary builders of trust among the pilots. Many pilots noted that CDR Koss struggled with the demonstration. This, coupled with his perceived inability to take criticism, eroded the trust they had in him as the #1 pilot. This erosion in trust also reduced the level of camaraderie and cohesiveness in the Ready Room during CDR Koss' time as CO. [Encls: (7), (8), (13), (19), (26), (30), (31)]

34. On May 21, 2011, during an airshow in Lynchburg, VA, CDR Koss committed a safety of flight violation. One airshow was subsequently cancelled, and the team was concerned about the future of the airshow season. [Encls: (7), (8), (19), (25), (32)]

35. After the safety of flight incident, the team conducted a safety standdown. Pilots #2-#6 had lost confidence in CDR Koss' ability to fly the demonstration safely and were not willing to fly with him anymore. Through deliberation and consultation with Chief of Naval Air Training (CNATRA), the existing pilots had some level of influence in CDR Koss' ability to stay with the Blue Angels. CNATRA considered the pilots' lack of confidence in CDR Koss' flying abilities. CDR Koss subsequently voluntarily stepped down as CO of the Blue Angels. [Encls: (7), (8), (13), (19), (25), (31), (33)]

36. Some Blue Angels team members opined that it was more than just unsatisfactory flying that led to the pilots' position on whether CDR Koss should leave. [Encls: (11), (14), (34), (35)]

37. CAPT McWherter returned to the Blue Angels and re-assumed command on May 26, 2011. He completed the rest of the 2011 airshow season with the team. [Encl: (5)]

38. CAPT McWherter's return marked a moment of deep relief for many pilots. They felt like they had "cheated death many times" and now had a safety blanket. They noted that they had a newfound confidence in the team. CAPT McWherter did not need to be re-trained on the flight demonstration. He was able to focus on other command business. [Encls: (7), (8), (13), (19), (26), (29), (31), (32), (36)]

39. Unlike the Ready Room under CDR Koss, the environment once CAPT McWherter returned was free of a constant and overwhelming concern regarding the #1's flying skills. The pilots felt the environment was more relaxed. [Encls: (7), (13), (19)]

40. CAPT McWherter again placed an emphasis on the Ready Room's cohesion after seeing the disunion that had existed upon retaking command. [Encls: (5), (8), (36)]

41. The close-knit and familiar relationship between the pilots in the Ready Room from 2011 reemerged upon CAPT McWherter's return. [Encls: (7), (8), (13), (19), (31)]

Gender Discrimination

42. The complainant alleged gender discrimination within the Blue Angels. Specifically, the complainant alleged hearing comments that "there would never be a female Blue Angels pilot," or that there are no female Blue Angels pilots because "women only want to have babies." (b) (6) complaint further alleged that the officers would joke and laugh about not having a female Blue Angels pilot. [Encls: (11), (37)]

43. According to the complaint, some of the comments in question occurred prior to a segment on a local Pensacola morning television program. While waiting for a segment, a reporter asked LCDR (b) (6) why there were no female Blue Angels pilots. LCDR (b) (6) allegedly responded that there were no female pilots because "women want to have babies" and that he and the other pilots later laughed about the response back in the Ready Room. CAPT McWherter himself "vaguely

remember[s] the conversation about there being no female pilots due to them wanting to get pregnant." [Encl: (5), (37)]

44. LCDR (b) (6) denied the above allegation. In his interview, LCDR (b) (6) cited statistics and percentages of female F/A-18 pilots and explained the career progression of F/A-18 pilots and where a Blue Angels tour falls into that progression. He stated that there are so few female F/A-18 pilots and explained that many pilots may not want to spend their shore tour travelling 300 days a year. He further stated that family planning concerns may be a factor in that decision. [Encls: (5), (7)]

45. Overall, the possibility of having a female pilot was discussed and welcomed by the many of the Blue Angels pilots. Many pilots stated that they wished they had a female pilot, and some expressed opinions that they wished they would be on the team when the first female pilot joined. Members of the Blue Angels felt that the first female pilot had to be the "right one," because of the intense scrutiny she would receive from the public. [Encls: (7), (28), (30), (38), (39)]

46. In the Spring of 2010, LCDR (b) (6) prepared a PowerPoint brief to explain the physiology of the maneuvers and stresses on the body caused by the demonstration and flying a Blue Angels jet. His purpose for preparing this brief was to respond to questions about whether women possessed the requisite strength to fly the jet. [Encls: (11), (28), (34)]

47. A Blue Angels jet requires constant tension on a stick with 40 lbs of resistance. The tension must be held for approximately 35-45 minutes at a time - the duration of a Blue Angels flight demonstration. [Encls: (8), (12), (28), (40)]

48. The PowerPoint brief demonstrated that women were physiologically capable of handling the jet and performing the maneuvers safely. [Encls: (34), (37)]

49. Consensus by the overwhelming majority of interviewed Blue Angels is that pilot skill, disposition, and personality fit are the key determining factors when selecting Blue Angels, and that gender has no role. The key determining factor - pilot skill - rests on empirical quantitative data regarding a pilot's flying skills. [Encls: (5), (7), (8), (12), (16), (26), (28), (31), (40), (41)]

Pornography in the Cockpit

50. Pornography existed in the squadron spaces and cockpits of the Blue Angels jets as recently as the 2010 airshow season. [Encls: (5), (8), (9), (12), (24), (35), (42), (43), (44)]

51. Sexually suggestive images (Swimsuit or "Maxim"-type photos) existed in Blue Angels cockpits as recently as November 2011. [Encls: (5), (25), (28)]

52. Early in CAPT McWherter's first tour, pornographic pictures were often placed in the cockpit of the Blue Angels jets by the respective crew chiefs. Witnesses interviewed indicated a belief that this practice predated CAPT McWherter's arrival as CO in 2008. [Encls: (5), (7), (11), (14), (24), (28), (31), (35), (37), (45), (46), (47)]

53. The pornographic pictures were usually of nude women. [Encls: (5), (7), (8), (11), (24)]

54. Pornography in the jets was cited as an example of the "trust" and "bond" between pilot and crew chief and was described as "motivational." [Encls: (5), (15), (19), (24), (35), (42), (46)]

55. Both male and female crew chiefs cut out and placed the pornography in the cockpits. [Encls: (8), (9), (15), (24)]

56. The wishes of pilots who asked their crew chiefs to not put pornographic pictures in the cockpit were respected. Among pilots who reported seeing pornography, at least one requested it no longer be placed in his cockpit. [Encls: (8), (24)]

57. (b) (6) reported never seeing any pornography in the cockpit during (b) (6) 2009 and 2010 airshow seasons. [Encl: (16)]

58. CAPT McWherter reported that the issue of pornography in the cockpit came up once in the Ready Room. CAPT McWherter indicated that he discussed this complaint with the Ready Room, and the pilots indicated they liked the pictures. Based on the conversation, CAPT McWherter toned down the pictures, stating they could not contain any nudity. Swimsuit or "Maxim"-type photos were permitted. It is unclear how this policy change was effectuated or with what level of success. [Encls: (5)]

59. When discussing this issue with (b) (6), CAPT McWherter explained that he thought the pornography was appropriate

because it reflected a special trust shared between the pilot and crew chief. [Encl: (42)]

60. At some point, two female crew chiefs were approached by enlisted leadership to determine whether they had any objection to the pornography in the cockpit. They reportedly indicated that they were "okay with women in bikinis rather than nudity." [Encls: (42), (35)]

61. In November of 2011, CAPT McWherter unilaterally stopped the use of inappropriate pictures in the cockpit after receiving an anonymous letter sent to the Commanding Officer of Naval Air Station Pensacola complaining about pornography in the cockpits and a sexually-charged atmosphere in general. [Encls: (5), (8), (24), (28), (32), (40), (48), (49)]

62. When the policy change was instituted, CAPT McWherter credited the anonymous letter as the reason for the change. In addressing the Ready Room, the letter and his decision were touted as examples of what happens when someone "goes outside of the chain of command." [Encls: (8), (37)]

63. At least two witnesses indicated that CAPT McWherter was angry after receiving the anonymous letter. Other witnesses do not recall any particular aggravated response by CAPT McWherter. [Encls: (8), (31), (50)]

64. Because the Blue Angels were tenants on board Naval Air Station Pensacola but were not in the installation Commanding Officer's chain of command, the Commanding Officer of Naval Air Station Pensacola forwarded this letter to CAPT McWherter without taking further action. [Encls: (5), (48)]

65. Inappropriate sexually-charged images no longer exist in Blue Angels' cockpits. No images of any kind are placed inside the jets. [Encls: (41), (51)]

GroupMe Messages

66. On May 25, 2012, (b) (6) established a GroupMe account for the Blue Angels' Ready Room, labeled "Blue Angels Ready Room." The purpose of the GroupMe account was to allow the officers to stay up-to-date on last minute schedule changes and social engagements. The officers had various smart-phone platforms, and GroupMe allowed each officer to participate in one, singular conversation regardless of the type of smart-phone. [Encls: (8), (12), (28), (34), (39), (52)]

67. All 16 officers were members of the GroupMe conversation, and all the officers at the time except CAPT McWherter reported knowing it. [Encls: (6), (7), (11), (12), (13), (28), (30), (32), (34), (40), (50), (52), (53), (54)]

68. The only 2012 airshow season officer who claims he was not fully aware of which personnel were receiving the GroupMe messages is CAPT McWherter. [Encl: (5)]

69. However, CAPT McWherter saw and made posts within GroupMe. His initial post after joining the forum was "fuck you." [Encl. (52)]

70. CAPT McWherter used GroupMe as a forum to pass information relevant to Ready Room-related functions with the expectation that all Ready Room members would receive it. [Encls: (5), (52)]

71. While participation in the GroupMe was never specifically mandated by CAPT McWherter, members of the team felt that joining the GroupMe conversation was required or that not being a part of the conversation would result in being uninformed regarding important information. [Encls: (8), (28), (30), (34), (40)]

72. The GroupMe conversations contained pornographic pictures, often of male genitalia. [Encls: (40), (52)]

73. Information on the frequency and details of GroupMe posts is described in enclosure (52). [Encl: (52)]

74. The GroupMe conversations often contained vulgar, homophobic, and sexually suggestive statements from members of the Blue Angels, both associated with, and independent of, the aforementioned pornographic pictures. [Encl: (52)]

75. During the 2012 airshow season, there were of a total of 761 postings made before (b) (6) objection to the content. Of those 761, 38 were inappropriate or offensive (4.99%) as determined by reference (b). [Encl: (52)]

76. CAPT McWherter did not post any pornographic or inappropriate pictures to the GroupMe conversation, but participated in a sexually-charged GroupMe conversation on one occasion. [Encl: (52)]

77. CAPT McWherter did not make any GroupMe posts that would have served to stop pornographic pictures or sexually-charged conversations from being posted on that venue, nor did he mandate their termination at Ready Room meetings. [Encls: (6), (30), (32), (52)]

78. CAPT McWherter acknowledges that inappropriate pictures were exchanged on GroupMe. [Encl: (5)]

79. In interviews, most of the "Khaki Newbie" class for the 2013 airshow season (Sep - Nov 2012) indicated seeing only one pornographic picture in the GroupMe conversations. Those posts came from persons other than the "Newbies". [Encls: (26), (55), (56)]

80. Actual review of the GroupMe history revealed two pornographic pictures posted after the "Khaki Newbies" joined the conversation. These pictures were posted in succession at the end of the day on the anniversary of the repeal of Don't Ask, Don't Tell. They were posted by pre-existing Blue Angels team members, not "Khaki Newbies." [Encl: (52)]

81. After these pictures were posted at the end of the day, the next post came approximately five hours later at 5:31 am from (b) (6). (b) (6) posted a message stating, "I am not comfortable receiving these types of pictures on our work mass text group. Please utilize a specialized GroupMe list that doesn't include me or anyone else who doesn't want to see these types of pictures." [Encl: (52)]

82. (b) (6) objection on GroupMe was the first time (b) (6) alerted the Ready Room that (b) (6) had a problem with their behavior. [Encls: (5), (6), (8), (11), (12), (28), (30), (32), (37)]

83. (b) (6) objected to that GroupMe post at that point because CDR Frosch's arrival as prospective Commanding Officer made (b) (6) feel safe enough to address the harassment. Having him there gave (b) (6) the confidence to think a complaint might make a difference. [Encls: (11), (34), (37), (55)]

84. While in the Ready Room, CAPT McWherter called (b) (6) to the side to privately discuss (b) (6) post. CDR Frosch was not present at the time, but other officers were. CAPT McWherter told (b) (6) that she should have addressed (b) (6) objection with him rather than making the post on GroupMe. He also indicated that he would direct the persons who made the posts to apologize to

(b) (6). (b) (6) began to cry during this conversation. [Encls: (5), (11), (37)]

85. After (b) (6) discussion with CAPT McWherter, CDR Frosch saw (b) (6) crying. He pulled (b) (6) to the side and told (b) (6) not to worry, this was not how he was going to do business, and for (b) (6) to "hang in there a couple of more weeks." [Encls: (34), (55)]

86. (b) (6) felt that CDR Frosch knew the pictures were wrong but that he couldn't speak up because he was a "Khaki Newbie." [Encls: (11), (37),]

87. (b) (6) indicated that she never received any apologies. (b) (6) e and (b) (6) indicated that they did apologize. [Encls: (6), (8), (37)]

88. After (b) (6) post, some other GroupMe members posted messages about censorship. (b) (6) would reply with "nicht nicht," German for "no-no," on GroupMe when he thought the conversation was approaching lines of impropriety. [Encls: (8), (11), (28), (52)]

89. (b) (6) reported being made to feel wrong for having spoken up. [Encls: (11), (50)]

90. At no time after (b) (6) objection to the material on GroupMe did CAPT McWherter address the posts to the Ready Room. The posts stopped, but not as a result of any specific direction from CAPT McWherter. [Encls: (11), (37), (55)]

91. After he saw the inappropriate post, CDR Frosch, then a "Khaki Newbie," discussed the issue amongst some of his fellow "Khaki Newbies" and they agreed that that type of behavior was unacceptable. CDR Frosch made it clear that type of behavior would not happen while he was in charge. [Encls: (34), (41), (55), (56)]

92. GroupMe use continues to this day, with a different conversation group started for each airshow season. The system continues to be used to pass helpful show information and is utilized by all officers. Inappropriate jokes and pictures reportedly no longer exist. [Encls: (8), (28), (30), (41)]

Videography

93. Beginning in 2011, enlisted videographers filming airshows for post-event analysis would frequently scan the crowd and

allow the video to linger on beachgoers and other members of the audience, often based on the attractiveness of the person. The practice was not overtly required, but doing so was a passdown item from videographer to videographer. [Encls: (6), (8), (15), (34), (35), (41), (42), (57), (72)]

94. This practice did not occur between 2008 and 2010, during CAPT McWherter's first tour as Commanding Officer of the Blue Angels. [Encls: (9), (16), (17), (47)]

95. The enlisted filming crew understood that the Ready Room reviewed each tape, and their understanding was that members of the Ready Room enjoyed the practice. [Encls: (34), (57)]

96. Commentary from members of the Ready Room on the individuals shown in the videos ranged from laughter to praise. Members of the Ready Room, to include CAPT McWherter, reacted to the images of the individuals and would comment on their physical attributes. [Encls: (8), (11), (37)]

97. Oversight for filming is the responsibility of the Flight Surgeon. [Encls: (3), (34), (35), (56)]

98. Videographers that were interviewed for the investigation have no recollection of CAPT McWherter saying anything specific regarding the practice of filming audience members, although one specifically remembers the Maintenance Officer and the Flight Surgeon conveying that the Ready Room enjoyed the videos. [Encls: (34), (57)]

99. A review of one video taken of the 2012 Jacksonville Beach Airshow revealed frequent and unnecessary footage of female beachgoers in bikinis. When the jets were out of sight, the camera was pointed on the beach, and close-up footage was consistently of female beachgoers. [Encl: (58)]

100. The Blue Angels do not generally save airshow videos and do not have a standing library of previous airshow videos. The Blue Angels' airshow videos were taped over unless there was a safety of flight incident at a specific airshow. Consequently, there were not a large number of videos available to the investigation team. [Encl: (28)]

101. The enlisted videographers understood the sensitivity of filming people on the beach. They knew that the videos were to stay within the Ready Room, and if outsiders or applicants "rushing" the team were going to be a part of the audience, they

would be more careful with the things they filmed. [Encls: (34), (57)]

102. CDR Koss remembers an audience member being filmed on one occasion during his tour. In that instance, a videographer filmed the wife of a guest rider in the audience. This was embarrassing to the Ready Room and recognized as unprofessional. The filming in that case was addressed by CDR Koss. [Encls: (19), (25)]

103. CAPT McWherter saw the videos that included these scenes and never directed such filming to stop. [Encl: (5)]

104. Videographers do not currently film persons in the crowd. [Encls: (28), (38), (41), (56)]

Maps and Itineraries

105. Prior to each airshow, maps and itineraries were distributed to inform the team of the logistical requirements of the upcoming airshow. The #7 pilot was responsible for drawing a map of the airshow location. The Blue Angels' Events Coordinator, the #8 officer (who is typically a Naval Flight Officer and not a pilot), was responsible for drafting the itinerary associated with each airshow. [Encls: (3), (11), (16), (37)]

106. On numerous occasions during the 2011 and 2012 airshow seasons, these itineraries and maps contained inappropriate jokes and cartoons that included sexual innuendo and homophobic commentary. [Encls: (29), (32), (59)]

107. Prior to the 2011 airshow season, the jokes on the maps and itineraries were described as not containing sexual innuendo and homophobic commentary. When shown examples of jokes and itineraries from the 2012 airshow season, witnesses indicated that that type of inappropriate material would not have been tolerated during their tenure at the Blue Angels. [Encls: (9), (16), (17), (19), (43), (47), (60)]

108. Enclosure (59) to this investigation provides an analysis of the inappropriate and offensive maps and itineraries obtained by the investigation team that were created between September 2011 and October 2012. [Encl: (59)]

109. During the 2011 airshow season, (b) (6) was the (b) (6) pilot and was responsible for creation of maps, including all

jokes and images on them. (b) (6) was the (b) (6) officer during this time and was responsible for creation of itineraries including all jokes and images on them. [Encls: (4), (8), (16), (59)]

110. During the 2012 airshow season, (b) (6) was the (b) (6) pilot and was responsible for creation of maps, including all jokes and images on them. (b) (6) maintained his position as the (b) (6) officer and was responsible for creation of itineraries, including all jokes and images on them. [Encls: (4), (16), (32), (59)]

111. Some witnesses indicated that "sanitized" versions of the itineraries and maps were made for and distributed to enlisted Blue Angels and civilian liaisons. The versions allegedly omitted the jokes and images considered inappropriate. [Encls: (8), (16)]

112. Air traffic controllers were seen with "un-sanitized" Blue Angels itineraries and maps, albeit the particular documents seen did not include inappropriate jokes or images. [Encl: (11)]

113. Enlisted team members reported seeing several inappropriate maps and schedules, despite reports that "sanitized" versions were created. [Encls: (45), (61)]

114. Itineraries and maps were susceptible to being left behind in rental cars and hotel rooms. No member of the public is known to have lodged a complaint about the nature of the jokes or cartoons on the itineraries or maps, but it was a concern. [Encls: (11), (15), (16), (35), (61)]

115. Maps and itineraries did not require approval from the chain of command prior to publication. All members of the Blue Angels, including CAPT McWherter, saw the maps and itineraries in the course of preparing for an airshow. [Encls: (5), (32)]

116. During his second tour as CO, CAPT McWherter never counseled the #7 and #8 officers for the inappropriate jokes or attempted to stop them in any way. [Encls: (5), (32)]

117. The (b) (6), specifically remembers advising the enlisted not to let the maps and itineraries out of their pockets for fear of having the offensive material being exposed to the public. [Encl: (15)]

118. (b) (6) warned CAPT McWherter, the Operations Officer (#5), and the itinerary creator (#8) that if the maps and itineraries were to be seen by the public, someone would get in trouble. [Encls: (4), (15)]

119. The sexually-charged and homophobic jokes and cartoons on the itineraries and maps stopped before the beginning of the 2013 airshow season. They have not reoccurred. [Encls: (38), (40), (51), (55), (56)]

Homophobic Humor

120. There were frequent jokes and banter between the diamond pilots (#s 1 through 4) and the solo pilots (#s 5 and 6). The banter included overt homophobic references and derogatory tones toward homosexuals. [Encls: (5), (8), (11), (12), (15), (28), (32), (37), (39), (59)]

121. The homophobic banter was motivated largely by competition between the two groups (diamond pilots vs. solo pilots) and has reportedly been a fixture in the diamond-solo relationship dating back many years. [Encls: (5), (6), (9), (19), (41), (47)]

122. The diamond pilots, including CAPT McWherter, frequently called the solo pilots "gay" and vice-versa. [Encls: (5), (28), (39)]

123. The banter was not confined between the solo and diamond pilots; other members in the Ready Room also participated. The banter existed in person, in GroupMe texts, in homophobic decorations and pictures on the walls, and in maps and itineraries. [Encls: (8), (35), (47), (52), (59)]

124. CAPT McWherter acknowledges the prevalence of gay jokes in the Ready Room. [Encl: (5)]

125. Training addressing homosexual discrimination and harassment took place concurrent with the repeal of Don't Ask, Don't Tell. [Encls: (8), (13), (28), (29), (53)]

126. A large blue and gold penis was painted on the roof of the center point trailer at the Blue Angels' winter training facilities in El Centro. [Encls: (35), (37), (62), (63)]

127. The blue and gold penis was visible from satellite imagery (e.g. Google Maps). (b) (6) bought paint with his own money and painted over the penis. This blue and gold penis existed

through the end of the 2012 airshow season. The penis is no longer visible on Google Maps. [Encls: (27), (35)]

128. Witnesses indicate that homosexual banter has greatly diminished since CDR Frosch's arrival. [Encls: (28), (39)]

Sexual Conversations in the Ready Room

129. (b) (6) would frequently use his phone to show pictures of his girlfriends to other officers in the Ready Room. CAPT McWherter would actively participate in these conversations, would view the pictures, and when (b) (6) would go for a period without offering up the pictures, CAPT McWherter would request them out loud in front of everyone. [Encls: (5), (6), (8), (11), (12), (28), (32), (37)]

130. Some witnesses indicated that the photos shown by (b) (6) included nudity. [Encls: (4), (5), (41)]

131. Joking or banter about the women in the pictures would occur after the photo was shown. [Encls: (6), (11), (54)]

132. A Facebook picture of a female enlisted member of the Blue Angels, was shown within the Ready Room during the 2012 airshow season. In the photograph, the Sailor was wearing a red, white, and blue bikini. CAPT McWherter was present, saw this photograph, and did not object. [Encls: (8), (11), (28), (32), (34), (37), (50)]

133. The showing of the Sailor's picture also included inappropriate commentary from the Ready Room and CAPT McWherter. [Encls: (8), (11), (28), (37), (50)]

134. The complaint alleges that (b) (6) ceremonially "fired it up for the red, white and blue," and this was in reference to the enlisted Sailor in her patriotic bikini. Although several witnesses state they believed the reference to simply be one of a generic patriotic nature, (b) (6) corroborates this allegation, stating it was done on the same day, after the bikini was discussed. [Encl: (37)]

135. Other confirmed conversations either in the Ready Room or at the flight line included comments on the "attractiveness" of females, sometimes phrased in crass or offensive terms (e.g., "she can sit on my face"). CAPT McWherter was involved with or witness to these discussions. [Encls: (6), (7), (8), (15), (31), (50), (63)]

136. CAPT McWherter made sexist jokes about women. [Encls: (11), (15), (37)]

137. The practicing of "flicking the tie-down" involves one officer "flicking" the aircraft tie-down during the middle of public "8-man" greeting sessions when members of the public are called up to take photographs with Blue Angels. The act makes a noise that is recognized by the other Blue Angels, but the public does not know what it means. [Encls: (8), (37), (41), (50)]

138. Flicking the tie-down was a method to call attention to the fact that the individual in the "8-man" photograph was attractive. Flicking the tie-down is a method also used to call attention to relatives and other guests of the Blue Angels. [Encls: (5), (8), (12), (34), (37), (41), (50)]

139. Although not readily apparent to those not in the vehicle, binoculars were provided to pilots for the purpose of scanning the crowd during their ride from the hangar to the jets during shows; circumstantially and based on the comments heard, most of the scanning involved the pilots searching for attractive women. [Encls: (34), (63)]

140. Before Halloween of 2011, (b) (6) invited his girlfriend, as well as (b) (6) and (b) (6) boyfriend (b) (6), to his house to carve pumpkins. [Encls: (11), (34)]

141. Prior to arrival of (b) (6) and her boyfriend, (b) (6) downloaded pornographic pumpkin carving stencils, also known as 'pornkins.' The couples carved two pumpkins that night, each containing a separate pornographic image. [Encls: (11), (34)]

142. On a subsequent workday, (b) (6) brought the pumpkins into work and placed them in the Ready Room next to Blue Angels memorabilia. [Encls: (11), (12), (15), (31), (34)]

143. (b) (6) did not know that (b) (6) decided or intended to bring the pumpkins to work. [Encls: (11), (34)]

144. Witness interviews differed on the reactions the pumpkins received from the Ready Room. Some witnesses indicated that CAPT McWherter remarked on their placement in the Ready Room and directed their removal. Others witnesses indicated that the officers enjoyed the pumpkins and reacted positively, laughing and taking pictures. The complainant indicates that CAPT

McWherter laughed, took a picture of the pumpkins, and sent the picture to his wife. [Encls: (11), (12), (15), (31), (34)]

145. (b) (6) first became aware that they were brought into work sometime during that day. (b) (6) turned the pumpkins around so the carved portion faced the wall. [Encls: (11), (15)]

146. (b) (6) indicated that she removed the pumpkins the next day or so without being asked to do so by CAPT McWherter or anyone else. She did so because she was embarrassed. She specifically remembers removing the pumpkins to the dumpster by walking through the squadron spaces of an adjoining squadron rather than that of the Blue Angels. (b) (6) said she smashed the pumpkins before placing them in the dumpster so they couldn't be visible. [Encl: (11)]

147. (b) (6) and (b) (6) took a fine for inappropriate pumpkin carving at the next All Officer Meeting, creating an impression of accountability before the Ready Room members. [Encls: (11), (12), (15), (28), (34)]

148. During CAPT McWherter's second tour as CO, there were inappropriate, sexually-charged humor and conversations in the Ready Room. [Encls: (11), (31), (32), (34), (37), (50), (53), (54)]

Sexual Harassment Summary

149. Most of the Blue Angels' Ready Room who served under CAPT McWherter during the 2011 or 2012 airshow season felt that sexual harassment did not exist because there were never any objections to the ongoing behavior. [Encls: (7), (8), (13), (15)]

150. As interviews progressed, some of the Blue Angels officers who served under CAPT McWherter during the 2011 or 2012 airshow season felt that inappropriate or red-line behavior occurred within the Ready Room. [Encls: (8), (15), (26), (30)]

151. Some witnesses were surprised CAPT McWherter did not react more strongly to the things that went on in the Ready Room and attributed it in part to his desire to "fit in" with everyone. [Encls: (28), (30), (34)]

152. CAPT McWherter acknowledged that the Ready Room got to be so comfortable with each other that the threshold of propriety was blurred. [Encl: (5)]

Command Climate 2011-2012

153. CAPT McWherter observed a Ready Room with many personality conflicts during his second tour. He observed personality traits that created tension in the Ready Room. [Encl: (5)]

154. A deep rift existed between the performers, officers #1-8, and the eight other, non-numbered support officers in the Ready Room during 2012. [Encls: (4), (5), (11), (14), (37), (41), (54)]

155. Enclosure (64) depicts the seating arrangement within the Ready Room during All Officer Meetings and flight debriefs. [Encl: (64)]

156. CAPT McWherter observed that the Ready Room command climate declined during the 2012 airshow season. [Encl: (5)]

157. During this time, some enlisted members felt comfortable reporting issues to the chain of command without fear of reprisal, but others did not. At least one canvassed female enlisted Sailor reported a lack of trust with CAPT McWherter, specifically that if she went to him with a confidential issue, she would not trust him to keep it confidential. [Encls: (29), (35), (61), (65)]

158. In the Ready Room, some officers felt comfortable bringing up concerns to the group; others did not. [Encls: (6), (8), (11), (12), (28), (30), (31), (37), (43), (53)]

159. A copy of the Defense Equal Opportunity Organizational Climate Survey (DEOCS) conducted at the Blue Angels in 2011 is attached at enclosure (21). A summary of the most glaring comments in that survey are noted at the beginning of the enclosure. Topics noted include: peer pressure regarding alcohol consumption, gay jokes, officer entitlement, and an inability to raise issues with the chain of command. [Encl: (21)]

160. Due to the democratic manner of governance in the Ready Room, officers felt the need to build alliances in order to be taken seriously when addressing issues that needed resolving. [Encls: (30), (53)]

161. CAPT McWherter was noted as being more difficult to approach at the end of his second tour than CDR Frosch. [Encls: (8), (11), (37), (39), (47)]

Command Climate 2013-Present

162. Sequestration resulted in the cancellation of most of the Blue Angels 2013 airshow season. [Encls: (12), (55)]

163. Overall, the interviewed enlisted Sailors report improved command climate under CDR Frosch and (b) (6). Both were described as "approachable" and "involved." [Encls: (44), (61), (62), (65)]

164. There continued to be a division between support officers and the "8-man" in the Ready Room during 2013. [Encls: (8), (41), (50), (54), (66)]

165. During 2013 and before, several officers in the Ready Room believed others had "an axe to grind;" witnesses commonly identified (b) (6), (b) (6), and (b) (6), as those with such problems. These three individuals were support officers and not part of the "8-man." These persons were also cited as examples of persons who were perceived to put their problems above loyalty to the team. [Encls: (8), (12), (26), (28), (39), (41), (56), (62)]

166. In the ready room, there existed significant tension between the support officers and the "8-man,". [Encls: (11), (41), (50), (54), (55)]

167. A copy of the DEOCS survey conducted at the Blue Angels in 2013 is attached at enclosure (22). A summary of the most glaring comments in that survey are noted at the beginning of the enclosure. Topics noted include hazing and a hostile work environment. [Encl: (22)]

168. CDR Frosch made efforts to address some of the problems from the 2012 airshow season. He implemented effective programs to improve communication and policed GroupMe. [Encls: (27), (41), (55), (62), (65)]

169. In 2012, officers #1-8 sat at the table and support officers sat around the wall at All Officer Meetings (AOMs). In 2013, everyone began sitting in a larger circle, with no more

inner and outer circles. This practice remains in effect.
[Encl: (11), (40), (41)]

170. As the Operations Officer, (b) (6) addressed communications issues and redeveloped the Blue Angels mission and strategy. His efforts helped to unite the Ready Room. [Encls: (41), (56)]

171. The current Blue Angels (b) (6), reports a good relationship with the current CO, CDR Frosch. [Encls: (27)]

Hazing

172. "Cresting" is the process of integration and indoctrination into the Blue Angels and their unique mission. New enlisted (E-6 and below) additions or "Newbies" arrive mostly in the fall of any given year and have 90 days to "earn their crest." [Encls: (8), (57)]

173. The Cresting Process is run by the existing Blue Angels enlisted team members who are referred to as "Oldbies." The process involves learning the traditions and customs of the Blue Angels, operations in and around the aircraft, and other mission-related requirements. It occurs mostly during winter training in El Centro. The process culminates with the enlisted team members being "Crested," or being allowed to don the Blue Angels rest on their uniform. [Encls: (8), (57)]

174. Officers are not involved and have no oversight of the enlisted Cresting Process. [Encls: (8), (12), (14), (28), (38), (39), (40), (55), (62)]

175. CAPT McWherter, during his first tour as CO, made it clear that hazing would not be tolerated and attempted to revamp the Cresting Processes. [Encls: (6), (9), (16), (47)]

176. (b) (6), the lead for support officer training, is currently making strides among the Ready Room to raise awareness of DoD hazing standards. [Encls: (28), (30)]

177. The "Nettie Brown" is one of the culminating events in the Cresting Process during which the "Newbies" are required to recite a speech while "Oldbies" seek to distract them through various means. [Encls: (8), (50), (57)]

178. The purpose of the Nettie Brown is to expose "Newbies" to circumstances simulating conditions that might exist in some

Blue Angels public affairs commitments and to teach "Newbies" the importance of maintaining discipline and propriety despite external distraction. [Encls: (46), (50), (57)]

179. The Nettie Brown has in the past included some practices that reach beyond what might be required to achieve legitimate goals of the event. For example, prior to 2011, foam penis hats and mechanical "dog humping" hats were used to create distractions for the person reciting the speeches. Ice water was also thrown on the speaker. [Encls: (44), (46), (50), (57), (62), (65)]

180. Upon (b) (6) arrival in 2012, he removed props and ice water during the Nettie Brown. [Encls: (42), (44), (51)]

181. Excessive running and long work hours were identified as other possible requirements within the Cresting Process in previous years. "Newbies" would be required to frequently run "unless they had tools in their hands or were sick." Evidence suggests that these practices also no longer exist. [Encls. (35), (62), (65)]

182. "Newbies" were previously required to perform other petty tasks, including "dancing" in front of the camera of a shop door prior to being granted admission into the shop. [Encl: (65)]

183. Instances where "Newbies" may have in the past been required to shout the Blue Angels Creed have been replaced by the requirement to only speak the creed at room tone. [Encl: (65)]

184. The Cresting Process in 2013 is more closely policed and contains less marginal-hazing behavior than it has in any previous years. [Encls: (24), (27), (28), (55), (61), (62)]

185. Every Saturday night in El Centro, the enlisted hold parties in their barracks. The Chiefs and officers were invited to these parties. Large quantities of alcohol are served and consumed at these parties. [Encls: (14), (23), (28), (35), (44), (62)]

186. The "Carne Asada" party is the culminating command party in El Centro at the end of winter training and cresting crucible. This is the last party before the team returns to Pensacola. Large quantities of alcohol are served and consumed at the "Carne Asada" party. Officers and enlisted both attend this party. [Encls: (23), (35), (44), (45)]

187. During an El Centro "Carne Asada" party in early 2012, some "Newbies" attempted to tape (b) (6) to a chair. She objected and the behavior ended. In multiple interviews, this was the only specific instance that taping was alleged to occur. It is undetermined whether CAPT McWherter attended this party. [Encls: (23), (45), (61)]

188. Alcohol is frequently served at command functions and continues to be to this day. Several enlisted members expressed concerns about the amount and frequency of alcohol use at the Blue Angels. [Encls: (14), (23), (44), (62)]

189. (b) (6) is actively searching for options to limit or control alcohol use for enlisted personnel at command functions. Limited drink tickets and other methods are being considered. [Encl: (27)]

190. Policing the Cresting Process has been a work in progress. (b) (6) reported addressing the excessive use of alcohol, working hours, and the Nettie Brown during the 2012 airshow season. He reported receiving significant pushback regarding changes. [Encl: (35)]

191. (b) (6), who reported to the Blue Angels in October 2012, requires a Chief to be present during all events during the "Newbie" process. (b) (6) also performs random spot checks during the Cresting Process to ensure behavior conforms to Navy standards. [Encls: (27), (51), (55), (62)]

192. The Blue Angels Personal Qualification (Cresting) Instruction, 1500.1K dated 25 Sep 13, (attached with an executive summary at enclosure (67)), specifically prohibits hazing or harassment, noting that if such conduct is seen, the witness is required to report via the chain of command. [Encl: (67)]

193. Current participants in the Nettie Brown - "Oldbies" or "Newbies" - are not allowed to have alcohol, cigarettes, cell phones, or cameras during the speech. [Encl: (65)]

194. "Newbies" are now advised that if they want to opt-out of the Nettie Brown, they may. While several members indicating feeling comfortable objecting to and not participating in activities during the Cresting Process, witnesses also indicated that opting out would still be frowned upon and could cause such

persons to be viewed as outsiders. The Nettie Brown also remains part of the PQS. [Encls: (44), (57), (65)]

195. Water traps - traps that dump water on persons as they open a door - have existed in the past and may continue to exist currently, but with less frequency. [Encl: (65)]

196. Outside the Cresting Process, pouring water on Sailors is used as a method to congratulate colleagues on a job well done - it exists with some frequency in response to awards, re-enlistments, and other events. It is likened to the traditional process of "hosing down" members of the aviation community following celebratory flights. [Encls: (12), (19), (28)]

197. At least one enlisted team member indicated that a majority of enlisted Sailors are resistant to these positive changes and would prefer a return to a more onerous Cresting Process. [Encl: (57)]

198. Overall, enlisted members take pride in the Cresting Process and many feel that it prepares them well for their Blue Angels duties. [Encls: (29), (57)]

Gifts

199. Some witnesses indicated that officers within the Blue Angels' Ready Room received gifts such as expensive leather boots and expensive watches in violation of current ethics regulations or that individual perks may have fallen through the cracks. [Encls: (15), (31), (50), (54)]

200. A gift log did not exist when CAPT McWherter took command in late 2008. CAPT McWherter ordered the Administrative Officer to work with the CNATRA General Counsel to ensure proper processing and logging of gifts. [Encls: (5), (36)]

201. The current Supply Officer serves as Legal Officer and maintains a gift log. He has been to legal school and actively consults with CNATRA General Counsel to ensure gifts received during airshows are ethically permissible. A process is now in place to report and review gifts received. [Encls: (5), (12), (16), (19), (28), (36), (39), (40), (41), (68)]

202. Logs detailing gifts received at the Blue Angels dating back to 2011 were obtained by the investigation team. [Encl: (68)]

203. From the time he took command in his first tour, CAPT McWherter indicates that all gifts to the squadron were logged. [Encls: (5), (15)]

204. CAPT McWherter put policies in place governing gift acceptance, and team members gave examples of occasions where CAPT McWherter directed the return of gifts. [Encls: (7), (10), (15), (19), (31)]

205. At a significantly reduced price, custom Breitling watches bearing the Blue Angels crest are available to purchase by Blue Angels team members. The ethical acceptability of this discount is premised on a legal opinion written in 2003 by a relatively junior Ethics Counselor. [Encls: (5), (8), (11), (12), (16), (37), (69)]

206. Blue Angels team members paid \$500.00 for their Breitling watches. A cursory scan of Breitling watches for sale on Amazon.com indicates that the least expensive watch for sale is approximately \$2,700. [Encls: (5), (8), (12), (50), (70)]

207. Trainings and inspections were routinely held and included instruction on how to politely decline a gift. That said, at least one pilot found the training to be inadequate. [Encls: (7), (12), (28), (36), (41)]

Command structure and control

208. The Blue Angels are directed to adhere to strong standards of public behavior reflected in NFDSINST 1610.1. [Encls: (8), (15), (20), (71)]

209. The Blue Angels traditionally conduct all their General Military Training over the course of a one day safety standdown at the beginning of November. [Encls: (12), (38), (39)]

210. (b) (6), on at least one occasion, logged training that had not been conducted. [Encl: (50)]

211. The Blue Angels do not have a traditional Executive Officer (XO) or senior day-to-day manager of the command other than the CO. The #5 pilot, typically a junior LCDR, serves as an "operational XO," but the Administrative Officer, LDO LT or CWO3, is billeted as the XO for the enlisted Sailors. [Encls: (3), (8), (10), (15), (38), (50), (55)]

212. Blue Angels officers address enlisted team members by their first names. [Encls: (8), (9), (15), (16), (28)]

213. Using first names instead of military titles is said to highlight the unique nature of the Blue Angels as compared with a regular Navy squadron. It is described as making it easier to communicate with the public who are unfamiliar with the military rank or rate structure and that it humanizes the team with the audience. [Encls: (8), (9), (16)]

214. The "team" atmosphere in the Blue Angels' Ready Room carries over to command decisions. The Ready Room officers vote on command decisions, and junior officer votes count just as much as the CO's. [Encls: (5), (19), (35), (53), (54), (55)]

215. The democratic nature of decision-making at the Blue Angels has not always resulted in the dysfunction that existed in the 2011, 2012, and 2013 airshow seasons. Team members from previous years report an effective system of governance based on positional (versus rank) authority. [Encls: (5), (19), (47)]

216. Experience on the Blue Angels supersedes rank in the command and control structure. [Encls: (8), (12), (19), (47), (50)]

217. Because of the democratic nature of the Blue Angels' Ready Room, issues are sometimes not raised unless the person raising the issue feels he or she has enough "support" from other officers to accomplish their proposed action. [Encls: (11), (30), (50), (53)]

218. The Blue Angels have no immediate geographic oversight from an immediate superior in command. Chief of Naval Air Training (CNATRA), located in Corpus Christi, TX, is their direct reporting senior. [Encls: (55)]

219. Since 2008, five officers have been "fired" from, or asked to leave, the Blue Angels. [Encls: (5), (8), (15), (16), (19), (25), (50), (54), (55), (60)]

Opinions

1. This report is not an indictment of the current Blue Angels or of the Blue Angels as a whole. CDR Frosch has made strides to correct the hostile command climate while leading the Blue Angels through uncertainty during the sequestration in 2013 and a new airshow season this year. The Blue Angels play an

integral role in the Navy's recruiting and public outreach efforts and are a model of the technical and professional precision in Naval Aviation. The Blue Angels are an important part of our Navy, but the behavior at issue in this report is unacceptable. [Findings of Fact: 208-219]

Overall Command Climate of the Blue Angels and the Culpability of CAPT Greg McWherter

2. Over the course of CAPT McWherter's second tour as Blue Angels' Commanding Officer, the command climate degraded to the point that it constituted a hostile work environment as defined by, and contrary to, Navy policy. The command was rife with inappropriate humor and sexual commentary, chauvinistic behavior, homosexual slurs, and demonstrated a complete lack of professionalism internal to the Ready Room. CAPT McWherter bears complete responsibility for the state of his command climate. Through an exclusive and elitist "boys club" mentality, many of the demonstration pilots established, fostered, and perpetuated this hostile climate, marginalizing the support officers, the Chief Petty Officers, and the junior enlisted. This behavior was condoned and encouraged by CAPT McWherter. A variety of contributing factors, including the lack of a Command Triad, enabled the poor command climate and will be explained in the following opinions. [Findings of Fact: 61-63, 66-161]

3. When CAPT McWherter first assumed command of the Blue Angels in November 2008, he inherited a Ready Room that was recovering from a previous MISHAP and a very recent infidelity issue that led to the removal of two officers by the previous Commanding Officer. In his efforts to reestablish trust amongst the team, he took on a more democratic style of leadership than the outgoing Commanding Officer. By all accounts, this was effective in bringing his team together and allowed the squadron to improve in both climate and mission execution. [Findings of Fact: 1, 4-11]

4. When CAPT McWherter was brought back to relieve CDR Koss in May 2011, he attempted to reestablish the trust of the pilots through a similar democratic leadership style. This stood in contrast to how CDR Koss led the team, which was a more traditional fleet-style Ready Room approach. Due to concerns related primarily to flight safety, CAPT McWherter inherited a Ready Room with trust issues and a lack of cohesiveness. The poor demonstration performances resulted in increased tension as well as a rise in personality conflicts within the Ready Room.

CAPT McWherter's plan included returning to a more democratic and familiar environment where his junior officers would help solve the internal problems of the Ready Room. This approach was inherently flawed and contrary to the foundations of authority, responsibility, and accountability on which command rests. A command and control structure premised upon an unduly familiar "democratic" method of leadership erodes the traditional oversight a Commanding Officer is required to provide and sets up the environment for a loss of good order and discipline. [Findings of Fact: 27-41, 153-160]

5. The support officers did not have the same objections to CDR Koss that the pilots did; perhaps because their lives were not put at risk during the flight demonstration. Several team members believed the pilots' disfavor for the way CDR Koss ran the Ready Room influenced the pilots' support of him in the cockpit and put CDR Koss at a disadvantage early on. This difference likely laid the groundwork for an initial division between the pilots and support officers in the 2011 Ready Room. [Findings of Fact: 26-41, 153-156]

6. Upon returning to command of the Blue Angels in 2011, CAPT McWherter gradually abdicated his role as the Commanding Officer and his rank as a Captain in the United States Navy. He routinely failed to set the example. Not only did he fail to guard against and suppress all dissolute and immoral practices, he quite often stooped to the level of his unbounded junior officers. He engaged in sexually charged conversations; instigated and encouraged sophomoric, juvenile and homophobic humor; and condoned the propagation of graphic pornography in his Ready Room. [Findings of Fact: 61-63, 66-161]

7. CAPT McWherter bears accountability and responsibility for the command climate at the Blue Angels from 2011 to 2012. While several of the junior officers in the Blue Angels' Ready Room significantly contributed to the sexually-charged and hostile command climate, their behavior was always entirely apparent to him, and the overall problems were never corrected. [Findings of Fact: 61-63, 66-161]

8. The primary focus of the officers assigned to the Blue Angels was safely flying the demonstration. Unfortunately, in dedicating themselves wholly to this singular and important concern, they lost sight of the core values that are crucial to the health and well-being of any Navy unit. A lack of effective leadership allowed the focus on flying to become myopic, exacerbating divisions in the Ready Room and degrading the

ethical standards of conduct among the officers. The quest to build the extreme level of trust and teamwork required for the safe execution of the incredibly demanding demonstration superseded the day-to-day requirements of the command. The overly familiar environment resulted in a "trust" that granted the ability to engage in inappropriate behavior in the Ready Room without fear of reprisal or reprimand. Predictably, the same witnesses who defend the command climate during the 2011 and 2012 airshow seasons also see the complaint as a betrayal of the organization. These individuals view the complaint as a deplorable decision to put the complainant's own selfish needs above the "needs of the team." [Findings of Fact: 27, 31-35, 38-41, 158]

9. The malignant command climate eroded the ability and confidence of some of the support officers to optimally perform their duties. They became marginalized and perceived that voicing their concerns would only serve to further ostracize them with little to no change in the squadron policy or behavior. The Ready Room was viewed as hierarchical, with the demonstration pilots taking precedence over all others, even though everyone had a vote. CAPT McWherter's lack of action on things that appeared blatantly inappropriate as well as his reliance on a majority vote for most issues further instilled the mindset that voicing concerns was futile if you were not part of the "8 man." Although not all aviators from the 2011-2012 airshow seasons share culpability, there was a distinct difference in the way the aviators perceived the Ready Room vice the perception of the support officers. The demonstration pilots largely felt comfortable addressing personal and command concerns in the Ready Room and assumed that sense of comfort was shared among the other officers. However, the support officers did not feel comfortable addressing concerns without amassing a certain number of allies to help them persuade the group. The Ready Room seating arrangement widened this gap and contributed to the marginalization of support officers. [Findings of Fact: 22-24, 149-161]

10. The inappropriate behavior that became so pervasive in CAPT McWherter's second tour as CO was not tolerated during his first. Both support officers and aviators from CAPT McWherter's first tour as CO recounted several instances where he corrected inappropriate behavior and toned down possibly offensive pictures and jokes contained on team maps and itineraries. Both sets of these officers felt comfortable voicing opinions, concerns, and objections in the Ready Room. These officers were genuinely shocked when my interview team showed them examples of

the GroupMe pornography and the sexually charged humor on the maps and itineraries of 2011-2012. These officers unanimously indicated that such material would not have been tolerated during their time under CAPT McWherter at the Blue Angels. In essence, CAPT McWherter became complacent when he reassumed command in 2011. Unlike other Blue Angels Commanding Officers who focused on performing the demonstration and other unique challenges, CAPT McWherter focused on building camaraderie and felt more comfortable giving his junior officers freedom, but he failed to set limits. The democratic and unduly familiar leadership style he developed with his aviators catalyzed the downward spiral in the Blue Angels command climate that is at the heart of this investigation. [Findings of Fact: 7-11, 18-19]

11. There was a distinct lack of understanding as to what constituted a work environment and how that applies to the standards of conduct. Similarly, there was a lack of understanding of the role, responsibility, and appropriateness of social media as it pertains to personal, private, public, and work-related activities in the Navy. These misunderstandings contributed to the hostile work environment at the Blue Angels from 2011 to 2012. [Findings of Fact: 66-78, 81-84, 88-90, 132-133]

Sexual Harassment

12. There is no doubt that the sexually-charged jokes, inappropriate pictures, homosexual banter, and graphic pornography present at the Blue Angels in 2011 and 2012 constitutes sexual harassment and fostered a hostile work environment. Any reasonable person, being exposed to the same facts and circumstances, would find an intimidating, hostile, and offensive workplace. [Findings of Fact: 50-161]

13. Of great concern is the lax environment that permitted this dehumanizing behavior to occur without even a second thought from any of its participants. The breadth and scope of the inappropriate material taken in aggregate undermines good order and discipline and erodes the core values of the United States Navy. This behavior unduly stereotypes the Navy and Naval Aviation in the eyes of the public, tarnishing the significant strides the Navy has made toward Equal Opportunity and inclusion over the past two decades. The United States Navy cannot and will not tolerate sexual harassment. Everyone in our Navy is entitled to be treated fairly with dignity and respect and must be allowed to work in an environment free of unlawful and offensive behavior. It is the Commander's responsibility to

ensure this is the case. The Commander must not ignore or condone sexual harassment in any form. [Findings of Fact: 50-161]

14. CAPT McWherter allowed his junior officers to engage in, instigate, and encourage sexually harassing behavior that significantly contributed to the caustic command climate during his second tour as the Blue Angels Commanding Officer. His failure to take action against these blatant violations of Navy policy coupled with his apparent approval and enjoyment of such base behavior set the moral standard far below Navy expectations. [Findings of Fact: 50-161]

15. The GroupMe forum used by the Blue Angels Ready Room in 2012 was an extension of the regular Blue Angels workplace. Although participation was not mandatory, all 16 officers in the Ready Room were members of the conversation and command business was routinely passed utilizing this medium. The Ready Room relied upon GroupMe to stay informed, so much so that many officers remarked that they felt out of the loop if they missed messages or turned their phone off. The material posted there absolutely contributed to the hostile workplace environment at the time, and any impression to the contrary is patently false. [Findings of Fact: 66-90]

16. While CAPT McWherter did not post any pornographic pictures in the GroupMe conversation, he made no effort to stop the behavior. When (b) (6) finally objected to it on a GroupMe post toward the end of the 2012 season, the behavior stopped, but not as a direct result of affirmative prohibition by CAPT McWherter. He saw the numerous comments and images and used inappropriate language himself, abdicating his role as a CO by allowing it to continue. [Findings of Fact: 66-90]

17. The vulgarities posted in this forum were of such an extreme nature that CAPT McWherter's failure to act lowered the bar for future red-line behaviors. Moreover, his failure to act increased barriers to communication, leading to the perception that anything goes and concerns would not be addressed. [Findings of Fact: 66-90]

18. The objection (b) (6) posted to GroupMe asking the group to stop sending pornographic pictures was (b) (6) attempt to resolve a pervasive problem. It is entirely appropriate to object to offensive behavior using the same medium by which you receive it. [Findings of Fact: 74-77, 81-84]

19. CAPT McWherter's reaction to (b) (6) GroupMe objection further reinforced misaligned priorities by focusing on the process by which (b) (6) voiced (b) (6) concern instead of the content and validity of (b) (6) concern. He was either blind or indifferent to the problem at hand, apparently more concerned with the dynamic of trust inside the Ready Room than the inappropriate and demeaning effect of the posts. Chastising someone who objects to offensive behavior when that individual attempts to address the problem can have a chilling effect on individuals who wish to object to offensive behavior in the future. When members of the Ready Room ventured close to the line on later GroupMe posts, even their own policing efforts implied ridicule in the eyes (b) (6). CAPT McWherter's reaction further underscored the support officers' discomfort with voicing their opinions within the Blue Angels' Ready Room. [Findings of Fact: 81-85]

20. Sex, or topics related to sex, were frequently the subject of conversation at the performers' table in the Ready Room during the 2011 - and particularly 2012 - Blue Angels airshow season. CAPT McWherter participated in these conversations actively and inactively (listening, laughing, nodding, etc.) in almost every case. Sharing pictures of various women, sexual humor, and engaging in conversations about women and their appearance served as a common ground between CAPT McWherter and his performers at the table. Rather than focus on professional matters or lead his team through productive, officer-worthy conversation pieces, he elected to find common ground in objectifying and demeaning behavior. [Findings of Fact: 120-124, 129-159]

21. The airshow videos that stopped and zoomed in on "attractive" females in the crowd contributed to the hostile work environment, fostering an atmosphere that permitted the objectification of women and exposed the Blue Angels enlisted ranks to the sexually-charged attitudes of the Ready Room. The other airshow videos targeting overweight individuals do not qualify as sexual harassment but highlight the overall inappropriate tone that promoted and perpetuated juvenile and sophomoric humor. [Findings of Fact: 93-103]

22. The maps and itineraries containing sexually charged humor and homophobic references were especially disturbing. The offensive nature of this material is compounded by the likelihood that some of these documents were viewed and obtained by members of the public. Public view of the insensitivity and ignorance demonstrated by the offensive maps and itineraries

would have severely undermined the mission of the Blue Angels and would have brought significant discredit to the U.S. Navy. The #7 and #8 officers demonstrated poor judgment when drafting these documents. CAPT McWherter demonstrated exceedingly poor leadership by allowing these documents to be distributed to the Ready Room and assumed an unacceptable level of risk that they could be viewed by the public. [Findings of Fact: 105-118]

23. When CAPT McWherter finally directed the removal of pornography from the cockpits in 2010 and all risqué photographs in 2011, the conversations were at least in part centered upon the result of someone complaining about it. Rather than addressing the behavior as wrong, the conversations centered on someone going "outside the chain of command" and a "breach of the trust between crew chief and pilot," implying that it was an act of betrayal. This approach further implies that the removal of pornography from the cockpit was a consequence of that betrayal rather than a problem in and of itself. Efforts were made to find the person or persons who issued the anonymous complaint in 2011, which undoubtedly had the result of stifling anyone else who may have wanted to come forward or complain - officer or enlisted. [Findings of Fact: 52, 58-59, 61-63]

24. Officers of the Blue Angels during the 2011 and 2012 airshow seasons who hold the opinion that "there was nothing inappropriate or sexually offensive in the Ready Room" (or words to that effect) were either blind to the standard of what constitutes sexual harassment, oblivious to the things around them at the time, or otherwise biased towards support of CAPT McWherter at all costs. Their inability to understand and act according to the appropriate standard does not diminish or refute the reality that such conditions did in fact exist. [Findings of Fact: 50-161]

25. Although the flight surgeon found it necessary to present a brief that females were capable of flying the Blue Angels' aircraft, the overwhelming majority of witnesses refuted the complainant's allegation that gender discrimination existed at the Blue Angels. Most witnesses demonstrated an informed knowledge of historic quantitative pilot skill metrics and how they are used to select new Blue Angels pilots. At least in interviews, pilots cited those metrics as the basis for pilot selection rather than gender discrimination, and several went so far as to publicly hope they are on the team when the first female is selected. Yet, because quantitative pilot skill is not the exclusive basis for selecting Blue Angels pilots (disposition and personality "fit" are also considered), the

selection process is still vulnerable to creeping gender discrimination, should it exist. At best, evidence supporting the complainant's claim that gender discrimination existed is inconclusive. [Findings of Fact: 42-49]

Hazing

26. While hazing may not currently exist at the Blue Angels, there are indications that it may have occurred in the recent past, and without intervention and training, the possibility exists that hazing could reemerge. The unique nature of the Blue Angels mission and the heavy reliance on teamwork to achieve success necessitates training requirements outside the scope of a typical fleet squadron. In the past, many of the practices associated with becoming a crest-wearing Blue Angel, while value added, lacked supervision and transparency. These shortcomings have undoubtedly allowed some deviations from the Navy's hazing policy. This issue is currently a focal point of Blue Angels command leadership. No evidence of current violations were discovered. [Findings of Fact: 172-198]

27. Ensuring that the enlisted personnel are able to properly address the public in a variety of settings and that they are familiar with the jets and pilots contributes to the success of the Blue Angels. The cresting personnel qualification standard (PQS) has a legitimate purpose that enhances the unique Blue Angels mission. However, the process by which this is accomplished is fertile ground for hazing. The risk for hazing is great any time a person or a group must undertake challenges or obstacles to gain or earn full standing with others within the group. Close scrutiny by command leadership at all levels is required to safeguard the process and prevent abuses. [Findings of Fact: 172-184, 191-198]

28. Equally concerning is the fraternization and the excessive use and glamorization of alcohol that accompanies the Cresting Process in El Centro. The Saturday night parties that anchor the El Centro pre-season social calendar include officer and enlisted personnel. This type of behavior is entirely unacceptable in any setting, regardless of how important the Blue Angels believe it aids camaraderie and esprit de corps. Such behavior blurs lines of authority and command. [Findings of Fact: 185-190]

Gifts

29. The Blue Angels receive a wide variety of institutional and individual gifts in a variety of contexts. Anecdotally, the Blue Angels' gift acceptance procedures comply with applicable regulations. While the evidence does not support specific findings of inappropriate gift receipt, the lack of general gift oversight or effective training creates an environment where gifts may be improperly received in the future. [Findings of Fact: 199-207]

30. Although CAPT McWherter and many Blue Angels since 2003 have purchased expensive Breitling Watches at deep discounts, they made these purchases relying upon a 2003 legal opinion that determined such purchases did not violate applicable gift regulations. I have concerns that the legal opinion on which these purchases rest may be stale or not inclusive of all the facts as they currently exist. [Findings of Fact: 195, 206-206]

31. CAPT McWherter endeavored to standardize the gifting process and mandated the establishment of a gift log. On occasion, he made Ready Room members return gifts and policed the acceptance of individual benefits. CDR Frosch continues to police gift acceptances. [Findings of Fact: 199-207]

Command and Control

32. The Blue Angels' command structure has a significant gap in seniority and experience between the CO and his next senior officer. The CO is not only alone at the top, but he has no peer or near-peer advisor to provide private command level feedback. This role is typically filled by the #5 pilot, who is a very junior pre-Department Head Lieutenant Commander. The CO's isolation at the top is further exacerbated by the immense time and focus required to learn the demonstration. The OPTEMPO and disparate nature of the command's detachment employment makes this leadership structure all the more difficult. It creates an environment with limited programmatic, administrative, and personnel oversight. The Commanding Officer must relegate a great deal of his authority to subordinates in order to conduct the business of the squadron. This can easily lead to single point failures and excursions from policy. Creating a true Executive Officer billet would go a long way towards filling this void. A non-screened Commander Naval Flight Officer placed in this role could provide the needed leadership to strengthen the Command Triad. [Findings of Fact: 27, 36-39, 211, 216]

33. "Newbies" are discouraged from "rocking the boat" and speaking their minds when arriving at the Blue Angels, potentially chilling those Sailors who wish to voice concerns. Rank structure and fleet experience are secondary to the amount of time spent on the team. The opinions of entrenched and established Blue Angels weigh more heavily than the opinions of newly reported personnel. In reality, enlisted members do not enjoy equal footing with their peers until after their first airshow season. Officers do not enjoy equal footing until they wear the blue flight suit, normally about two months after reporting. This is contrary to the chain of command's belief that the Blue Angels organization is so close and family-oriented that any member would feel comfortable bringing up a concern. The "Newbie" experience has induced the opposite effect. [Findings of Fact: 2-3, 156-161, 172-184, 192-198, 209-210]

34. The OPTEMPO and schedule of the Blue Angels are contributing factors to the lack of oversight. Blue Angels Sailors, officers and enlisted alike, are relied on for their versatility and teamwork. Many individuals are dual-hatted and "one deep," limiting their ability to focus beyond their own tasks at hand. The pace of the schedule and limited number of personnel severely reduces training opportunities, internal oversight, and bystander intervention. Additionally, they do not fall under Type Wing cognizance and their Immediate Superior In Command (ISIC) is not co-located, limiting external support and oversight. [Findings of Fact: 21, 209-211, 218]

35. The Blue Angels officer application process lacks transparency. Traditional Navy detailing has no resemblance to this process, including the "rush" and finalist phases. Finding the highly skilled and socially adept personnel the Blue Angels require could be better accomplished by incorporating basic detailing principles and increased oversight without eliminating or devaluing the team's input. [Findings of Fact: 2-3, 213]

Accountability

36. CAPT Greg McWherter violated Articles 92 and 133 of the Uniform Code of Military Justice by fostering a hostile command climate, failing to stop obvious and repeated instances of sexual harassment and engaging in inappropriate sexually-charged discussions with his junior officers. [Findings of Fact: 50-161]

37. The following officers demonstrably contributed to the hostile command climate based on sexual harassment at the Blue

Angels between 2011 and 2012 by posting and sharing pornographic pictures, making overt sexual comments within the workplace, or creating maps and itineraries containing sexually-charged and homophobic humor: (b) (6), (b) (6), (b) (6), and (b) (6). [Findings of Fact: 50-161]

38. The following officers contributed, but less significantly, to the hostile command climate based on sexual harassment at the Blue Angels between 2011 and 2012 by posting and sharing pornographic pictures, making overtly sexual comments within the workplace, or creating maps and itineraries containing sexually-charged and homophobic humor: (b) (6), (b) (6), and (b) (6). [Findings of Fact: 50-161]

39. CDR Frosch recognized the unsatisfactory command climate upon arrival to the Blue Angels in 2012. Upon assuming command, he took immediate action, making consistent and incremental efforts to improve the climate and eliminate the sexual and homophobic undertones which were present under CAPT McWherter. [Findings of Fact: 91-92, 104, 119, 128, 161, 168, 170-171]

Recommendations

1. I recommend that Commander, U.S. Pacific Fleet, take the following actions in relation to the individuals most culpable for contributing to the hostile command climate and sexual harassment at the Blue Angels in 2011 and 2012.

- a. Appropriate disciplinary and administrative action should be taken in the case of CAPT McWherter.
- b. Appropriate administrative action should be taken in the case of the following officers who demonstrably contributed to the hostile command climate and sexual harassment present at the Blue Angels from 2011 to 2012¹: (b) (6), (b) (6), (b) (6), and (b) (6)*.
- c. Appropriate administrative action should be taken in the case of the following officers who less significantly contributed to the hostile command climate and sexual harassment present at the Blue Angels from 2011 to 2012: (b) (6)*, (b) (6), and (b) (6)*.

¹ Officers denoted with an asterisk are currently assigned to the Blue Angels.

2. I recommend that the following actions be taken within 30 days of the first endorsement of this investigation:

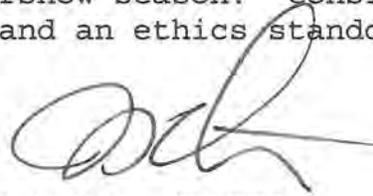
- a. The Commanding Officer, Blue Angels, suspend the Cresting Process until Commander, Naval Air Forces Pacific, conducts a full formal review of the Cresting Process to include Naval Flight Demonstration Squadron Instructions 1500.1K and 1610.1Q.
- b. Chief of Naval Air Training direct and oversee an alcohol deglamorization plan at the Blue Angels.
- c. Commander, Naval Air Forces Pacific, conduct a comprehensive review of the Blue Angels gift acceptance program, including oversight and training provided by Chief of Naval Air Training as part of the review. Due to the high visibility of the Blue Angels, the frequency and volume of expensive gifts they are offered, and the predilection they have shown for relying on stale guidance, I recommend more frequent and more senior Ethics Counselor reviews of their gift acceptance program.

3. I recommend that the following actions be executed within three months of the first endorsement of this investigation:

- a. Commander, Naval Air Forces Pacific, review the command and control structure of the Blue Angels. Specifically, examine the viability of creating a full Executive Officer billet to be filled by a post-Department Head Naval Flight Officer.
- b. Chief of Naval Air Training review the Blue Angels' training program for effectiveness. Conducting all General Military Training requirements in one safety standdown day does not allow the recipients to absorb the pertinent topics, such as CMEO, sexual harassment, and hazing.
- c. Chief of Naval Air Training review the officer application and selection process. A more formalized detailing process, coupled with input from the team, will deepen the pool from which technically competent and socially adept officers are drawn.
- d. Chief of Naval Air Training review the "Khaki Newbie" process and standardize turnover procedures. Implement

a process for quickly integrating off-cycle additions to the team.

4. The following action should be taken within six months of the first endorsement of this investigation.
 - a. Commander, U.S. Pacific Fleet, forward this investigation to Command Leadership School, Newport, RI, for inclusion in its curriculum.
 - b. Commander, Naval Air Forces Pacific, conduct an assist visit for formal review of the Blue Angels Cresting Process.
 - c. Chief of Naval Air Training, review and implement, as necessary, a standardized inspection cycle to include administrative, maintenance, and training programs at the Blue Angels. Additionally, review the oversight plan to cover the team while they are on travel to El Centro and during the airshow season. Consider unannounced spot checks and an ethics standdown in the plan.



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