

Testimony of Gordon Heddell

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before the

House Armed Services Committee, Subcommittee on Military Personnel

On "Department of Defense Inspector General and the Services Inspectors General:

Roles, Responsibilities, and Opportunities for Improvement."

Chairwoman Speier, Ranking Member Banks, and esteemed members of the subcommittee.

Thank you for inviting me to testify today. My name is Gordon Heddell. I am appearing here today in my individual capacity. I had the honor of serving as the 6th Inspector General of the U.S. Department of Labor and the 7th Inspector General of the U.S. Department of Defense. I am also a former Assistant Director of the United States Secret Service and a veteran of the United States Army. I served as a Chief Warrant Officer and helicopter pilot.

I am testifying today because of significant concerns I have with the military Inspector General system, particularly the performance of component inspectors general. I am disturbed by their independence or lack of it and a command structure that has permitted harassment and assault.

There is no place in the Armed Forces of the United States for bias, discrimination, harassment, assault, or retaliation. Simply stating that we have a zero-tolerance policy will not make it so.

There is no such thing as having order and discipline in some areas but not having it in others.

The magnitude of this problem is only growing. When I was fortunate enough to serve, all of

the military services had one guiding principle - that we take care of our own. Not just some of our own but all of our own. The core strength of our Armed Forces has always been its leadership and the men and women who follow that leadership. Inequities, however, are gnawing away at the very fabric of that strength

The Inspector General Act of 1978, Congress's response to the Watergate scandal, is now forty-three years old. Subsequent amendments to the Act have strengthened IG independence across the Federal government. Were it not for these improvements passed into law through the wisdom of our Congress, our IG Corps today would have become an impotent and ignored government-failure. Instead, the Federal Inspector General Community is stronger and more independent than it has ever been. Inspectors General today are among the most professional and talented executives in our Federal workforce.

I have tremendous respect for the men and women who staff our active-duty military service organizations. In my experience, while working with the TIG's (The Inspectors General) of each of the Services, the Army, Navy, Marine Corps, and the Air Force, I found each of them to be men and women of high character. I would be surprised if that were not still true today.

The results of the Ft. Hood Independent Review Panel are alarming. One has to wonder about the flagrant disregard by leadership for the Sexual/Harassment Assault Response and Prevention Program (SHARP). A fair question would be to ask the command and component Inspectors General at Ft. Hood why they have not made sexual assault and harassment their top priority.

Army Regulation 20-1 (AR-20-1), "Inspector General Activities and Procedures", updated on April 23, 2020, prescribes the responsibility and policy for the selection and duties of inspectors general throughout the Army. It describes inspector general functions. It is, in effect, the Army IG's Bible.

However, as I reviewed AR 20-1, the thing that jumped out was its emphasis on the relationship that is supposed to exist between the Commander and the command and component IG's.

Statements like:

"Army IGs work **only** for their commanders..."

"Army IG's are the **conscience** of their commanders."

The Regulation states that "to be effective, all IGs must understand the commander's expectations, standards, vision, and **personality**."

The policy also states that "The command IG must be **the Commander's confidant** and serve as **confidential advisor to the Commander**."

The policy goes on to say that IG's **must work through and with the chain of command**.

Army Regulation reminds component IG's that they have **an informal role to play**. They are directed to circulate throughout the command and observe and report **informally (often verbally)** to the Commander on matters that concern the Commander.

One has to ask oneself if they were a victim of sexual harassment whether they would be willing to report the harassment after reading such policy statements.

On the one hand, there is nothing unusual or improper about a good relationship or the necessary respect for an effective chain of command. However, what causes concern is that we are talking about the policies and procedures that govern military inspectors general, people who are supposed to exercise independence. To have an effective command and component IG system, any directive which tacitly implies such 'reverence' for the Commander is inappropriate. On the other hand, the Regulation appears to give only passing emphasis to independence and the importance of keeping the TIG and the Secretary of the Army apprised. The Regulation's requirement that IG's provide commanders with undocumented "informal verbal reports" is a recipe for suspicion and uncertainty about their independence.

I would recommend that the Military Service Departments consider the factors that have made the Inspector General Act an effective oversight tool.

The Inspector General of the Department of Defense, like all Senate Confirmed IG's "... reports to and (is) under the general supervision of the head of the Department. The law is clear that the IG "shall not" report to or be subject to supervision by any other officer of the Department. In this case, it would be the Secretary of Defense. There is no mention or requirement in the IG Act that the Inspector General be the Secretary's conscience; that the IG understand the Secretary's personality, or that the IG work through a chain of command.

The IG Act does not mince words. It addresses the issue of 'independence' head-on, stating that the head of the establishment, in this case, the Secretary of the Department of Defense, shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or

investigation. The concept of "Independence" is manifested throughout the IG Act. Lack of independence, or even a perceived lack of independence, is antithetical to Congressional intent.

Although Federal Inspectors General have a dual reporting requirement to the Head of the Department and the Congress, Senate Confirmed IG's, first and foremost, view their ultimate reporting to be to the American people.

I would make the following recommendations to the Military Service Departments:

1. Establish specific reporting requirements whereby command and component IG's report directly to their respective TIG.
2. Require command and component IG's to promptly report particularly serious or flagrant problems, abuses, or deficiencies to their respective TIG.
3. Require TIG's to hold hearings internal to the Department of Defense, similar to the hearing we are having here today, where command and component IG's face questioning from their respective military service Chief of Staff (COS) on matters of grave concern.
4. Establish policy stating that while the Commander has the right to screen communications before transmittal to the respective TIG or Service Secretary, no one has the authority to alter an IG's reports.
5. The Homeland Security Act of 2002 vested certain Federal Inspectors General with full law enforcement authority. Component IG's, on the other hand, do not have such authority. When a matter is determined to be criminal, the IG must report this to the Commander, who will decide whether to refer it to the appropriate military criminal investigative organization (MCIO's).
During the recent Ft. Hood criminal investigation, the Army Criminal Investigation Command,

commonly known as CID, investigated. I recommend that all referrals for criminal investigations be forwarded by the component IG directly to the respective TIG, who would refer it to the respective MCIO.

6. The Inspector-General Reform Act of 2008 further demonstrated Congressional support for independent IGs by authorizing them to obtain legal advice from their own counsel. At the component IG level fully dedicated attorneys who serve only the IG system do not exist. I recommend that the military services establish unique offices staffed with attorneys who work solely to support component IG's.

7. Component IG's must have **timely access to all** agency records. I recommend that the component IG, the dedicated attorney in recommendation 6, and the respective TIG jointly address obstacles that are placed in the component IG's path.

8. Persons selected to be component inspectors general must be individuals who are not only trusted by the command structure but by all members of the rank-and-file organization.

Therefore, the system of recruitment and qualifications for selection to be a component IG are critically important.

The Army IG system consists of commissioned officers, WOs, NCOs, and Army civilians who "embrace and exemplify Army Values, Warrior Ethos, and the Army Civilian Corps Creed." The Regulation recommends "broad experience, strong written and verbal communication skills, and impeccable ethics." I suggest that Army policy be more specific.

IG assignments are, in essence, collateral duty. IG's are appointed to perform IG duties for 36 months before reassignment to a non-IG position. A 36-month assignment hardly gives them

sufficient time to mature and apply what they have learned. Such rotations also diminish the value that could be derived from maintaining a seasoned corps of mentors. The position of component IG as it stands now is not a career path but a stop-over on the way to something else. Consequently, there is no career or long-term commitment to the IG concept. The position of component inspector general should be a career-long assignment and not a collateral duty.

Training and experience are critical factors in the development of a top-performing IG. Selection to the position of component inspector general should be considered an elite assignment. Further, that selection be based not only on past performance but also on unique qualities that reflect integrity, maturity, independence, and dedication. I recommend component IG's hold the rank of warrant officer or above depending on qualifications. I also recommend that once nominated for selection, the nominee go through a rigorous training program geared to assess a nominee's overall fitness and that he or she must pass to meet final selection criteria. The Regulation should plainly state that loyalty to one's Commander is not a prerequisite for selection

The military services have stated that they know the right way forward. And I do not doubt their sincerity. Yet, we continue seeing these matters going in the wrong direction. How much longer must women and minorities in the military wait to be treated with fairness and equality and to have the same standing that all military members are supposed to have? Sometimes, even the ablest of leaders fail to see the forest for the trees.

For the good order and discipline of our military services, it is past time. We must dramatically change how military women and minorities are addressed and do so now, once and for all.

