

MAX BAUCUS, MONTANA, CHAIRMAN  
JOHN D. ROCKEFELLER IV, WEST VIRGINIA  
KENT CONRAD, NORTH DAKOTA  
JEFF BINGAMAN, NEW MEXICO  
JOHN F. KERRY, MASSACHUSETTS  
BLANCHE L. LINCOLN, ARKANSAS  
RON WYDEN, OREGON  
CHARLES E. SCHUMER, NEW YORK  
DEBBIE STABENOW, MICHIGAN  
MARIA CANTWELL, WASHINGTON  
KEN SALAZAR, COLORADO  
CHARLES E. GRASSLEY, IOWA  
ORRIN G. HATCH, UTAH  
TRENT LOTT, MISSISSIPPI  
OLYMPIA J. SNOWE, MAINE  
JON KYL, ARIZONA  
CRAIG THOMAS, WYOMING  
GORDON SMITH, OREGON  
JIM BUNNING, KENTUCKY  
MIKE CRAPO, IDAHO  
PAT ROBERTS, KANSAS

# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

RUSSELL SULLIVAN, STAFF DIRECTOR  
KOLAN DAVIS, REPUBLICAN STAFF DIRECTOR AND CHIEF COUNSEL

October 23, 2008

## Via Electronic Transmission

Mr. Gordon Heddell  
Acting Inspector General  
Department of Defense  
400 Army Drive  
Arlington, VA 22202

Dear Mr. Heddell:

Enclosed you will find the results of an oversight investigation conducted by my staff. It assesses how well your office watchdogs military reprisal investigations conducted by the Inspector Generals (IGs) within the Department of Defense (DOD).

Although my staff has examined a number of military reprisal investigations, the attached report focuses on one in particular - the case of Navy Lieutenant (LT) Jason Hudson. Your office conducted oversight of this investigation between February 2003 and December 2005. This was several years before you became Acting IG. So this did not happen on your watch. However, most of the individuals who were directly involved in the Hudson case are still members of the DOD IG staff and are still responsible for overseeing such cases in the office of Military Reprisal Investigations (MRI).

Your office maintains a very substantial collection of files and reports on the Hudson case. A careful review of these materials appears to indicate that the Navy failed to conduct its investigations of this matter in a way that was consistent with applicable law - primarily 10USC1034 - as well as applicable rules and regulations pertaining to personnel issues. There appear to be a number of potential violations. IGs at the Navy even flagged major problems with the case. In investigative reports provided to your office, the Navy IGs repeatedly called attention to: 1) potential conflicts of interest; 2) perceived biases and lack of independence; 3) inconsistency in the treatment of personnel; 4) failures to comply with law; 5) inadmissibility of evidence; and 6) the lack of oversight. These red flags were raised by the Navy, but not one of these warning signals seemed to pop up on the DOD IG oversight radar screen - at least as seen through the extensive paper trail in the Hudson case file. The evidence seems to indicate that your office did not ask the Navy one single substantive question about the way the Hudson investigation was being conducted. Nor did your office make one recommendation for corrective action, though the facts appear to suggest that many would have been fully justified and necessary.

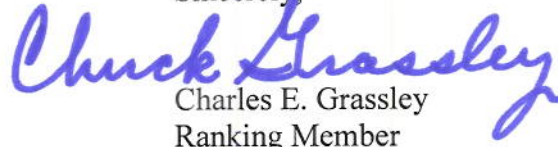
The record appears to indicate that DOD IG at the time failed to conduct effective oversight of this case. Under the IG Act, your office is responsible for watch dogging cases like this and ensuring that whistleblowers like Hudson are treated fairly and protected against retaliation to the full extent of the law.

The failure of oversight on the part of the DOD IG has had a detrimental impact on Hudson's career. As you have said, people are the key ingredient in any organization. In this case, a good Navy officer was apparently harmed for blowing the whistle on an illegal recruiting policy implemented by a Navy admiral who was never held accountable for his questionable actions.

The attached report makes specific recommendations for improving the way your office conducts oversight of military reprisal investigations conducted by the various service IGs.

I urge you to give the findings and recommendations in the attached report all due consideration. I also understand that you intend to ask the IG at the Department of Justice to review the process in your office for evaluating and overseeing military reprisal investigations as well as a thorough examination of the Hudson case. I look forward to hearing from you on these matters.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is stylized and cursive.

Charles E. Grassley  
Ranking Member

Attachment: Report on Military Reprisal Investigations