Case 20140509-025274



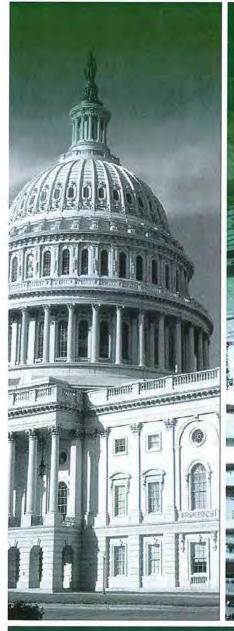
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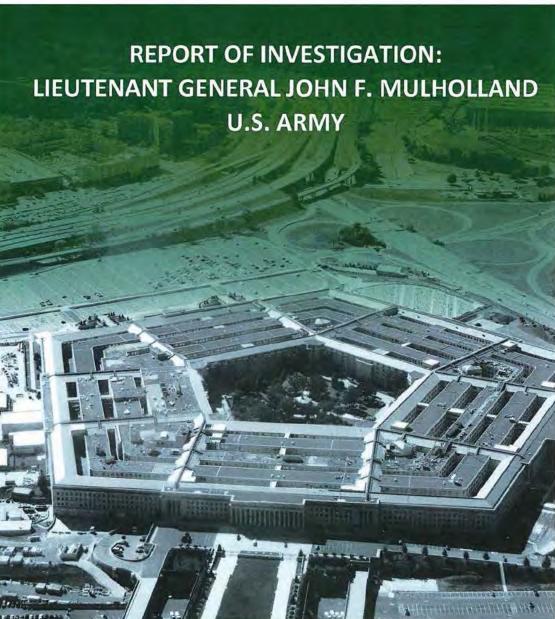
INVESTIGATIONS OF SENIOR OFFICIALS

INSPECTOR GENERAL

U.S. Department of Defense

July 9, 2014





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INSPECTOR GENERAL

DEPARTMENT OF DEFENSE 4800 MARK CENTER DRIVE ALEXANDRIA, VIRGINIA 22350-1500

MEMORANDUM FOR INSPECTOR GENERAL

JUL 9 2014

SUBJECT: Report of Investigation – Lieutenant General John F. Mulholland, Jr., U.S. Army, Deputy Commander, U.S. Special Operations Command (USSOCOM) (Case 20140509-025274)

We recently completed an investigation to address an allegation that Lieutenant General (LTG) John F. Mulholland, Jr., U.S. Army, Deputy Commander, U.S. Special Operations Command, Tampa, Florida, failed to treat his subordinates with dignity and respect.

We substantiated the allegation. We conclude LTG Mulholland failed to treat his subordinates with dignity and respect, and his conduct was inconsistent with DoD 5500,07-R, "Joint Ethics Regulation"; Army Regulation (AR) 600-100, "Army Leadership"; and AR 600-20, "Army Command Policy." We found LTG Mulholland made degrading and personal comments toward subordinates in an open forum of 30 people. We also found all of the witnesses, to include the complainant, testified that this single instance was not indicative of LTG Mulholland's normal comportment. LTG Mulholland acknowledged his comments and stated he had "probably failed [his] own standards," and his conduct was not in keeping with that expected of a general officer.

We offered LTG Mulholland the opportunity to comment on our initial conclusion. LTG Mulholland agreed with our finding and took responsibility for his conduct. We have incorporated LTG Mulholland's response into our final report.

We recommend the Secretary of the Army consider appropriate corrective action with regard to LTG Mulholland.

Marguerite C. Garrison

Deputy Inspector General for Administrative Investigations

REPORT OF INVESTIGATION: LIEUTENANT GENERAL JOHN F. MULHOLLAND, JR., U.S. ARMY

I. INTRODUCTION AND SUMMARY

We initiated this investigation to address an allegation that Lieutenant General (LTG) John F. Mulholland, Jr., U.S. Army, Deputy Commander, U.S. Special Operations Command (USSOCOM), Tampa, Florida, failed to treat his subordinates with dignity and respect. If substantiated, his conduct would be inconsistent with DoD 5500.07-R, "Joint Ethics Regulation (JER)"; Army Regulation (AR) 600-100, "Army Leadership"; and AR 600-20, "Army Command Policy."

We substantiated the allegation. We conclude LTG Mulholland failed to treat his subordinates with dignity and respect, and his conduct was inconsistent with the JER, AR 600-100, and AR 600-20. We found LTG Mulholland made degrading and personal comments toward subordinates in an open forum of 30 people. We also found all of the witnesses, to include the complainant, testified that this single instance was not indicative of LTG Mulholland's normal comportment. The USSOCOM Chief of Staff, a U.S. Marine (USMC) Major General (Maj Gen), testified LTG Mulholland's remarks were "abusive" as they were directed personally toward subordinates in an open meeting. LTG Mulholland acknowledged his comments and stated he had "probably failed [his] own standards," and his conduct was not in keeping with that expected of a general officer.

The JER emphasizes primary ethical values for all DoD employees, including fairness, caring, and respect and treating others with dignity and respect. AR 600-100 requires every Army leader to treat subordinates with dignity, respect, fairness, and consistency. AR 600-20 requires those in authority to exercise courtesy to subordinates. We determined that LTG Mulholland's conduct in this single instance, although not indicative of his normal comportment, was inconsistent with standards.

By letter dated June 23, 2014, we provided LTG Mulholland the opportunity to comment on the results of our investigation. In his response, dated June 26, 2014, LTG Mulholland agreed with our finding, took responsibility for his conduct, and stated he subsequently apologized to the subordinates.

After carefully considering LTG Mulholland's response and reevaluating the evidence, we stand by our initial conclusion.

We recommend the Secretary of the Army consider appropriate corrective action with regard to LTG Mulholland.

This report sets forth our findings and conclusions based upon a preponderance of the evidence.

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¹ Lieutenant General Mulholland is scheduled to retire August 1, 2014.

II. BACKGROUND

LTG Mulholland assumed duty as the Deputy Commander, USSOCOM, in August 2012 and reports to Admiral (ADM) William H. McRaven, U.S. Navy, Commander, USSOCOM. USSOCOM is responsible for providing fully capable Special Operations Forces (SOF) to defend the United States and its interests, and to synchronize planning of global operations against terrorist networks. SOF engage in counterinsurgency, unconventional warfare, and counterterrorism operations, among other responsibilities.

On May 8, 2014, the DoD Hotline received a complaint alleging LTG Mulholland failed to treat his subordinates with dignity and respect during an April 30, 2014, briefing. On May 9, 2014, the DoD Hotline received a separate anonymous complaint with the same allegation. On May 14, 2014, we notified ADM McRaven and LTG Mulholland that we had initiated an investigation into the matter.

III. SCOPE

IV. FINDINGS AND ANALYSIS

Did LTG Mulholland fail to treat his subordinates with dignity and respect?

Standards

DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993, including changes 1-7 (November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2 of the JER, "Standards of Ethical Conduct," incorporates Title 5, Code of Federal Regulations (CFR), Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

Chapter 12, "Ethical Conduct":

Section 4 of the JER, "Ethical Values," states that ethics are standards by which one should act based on values. Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions. Ethical values relate to what is right and wrong and thus take precedence over non-ethical values when making ethical decisions. DoD employees should carefully consider ethical values when making decisions as part of official duties. These values include "accountability," "fairness," "caring," and "respect."

Section 4, Paragraph 12-401, "Primary Ethical Values," elaborates, in part, on those characteristics as follows:

- Fairness requires that individuals be treated equally and with tolerance.
- Caring demands courtesy and kindness, both to those we serve and to those we work
 with, to help ensure that individuals are not treated solely as a means to an end.
 Caring for others is the counterbalance against the temptation to pursue the mission at
 any cost.
- Respect involves treating people with dignity, honoring privacy, and allowing selfdetermination. Respect is critical in a government of diverse people.

AR 600-100, "Army Leadership," dated March 8, 2007

This regulation defines Army policy for leadership as influencing people by providing purpose, direction, and motivation, while operating to accomplish the mission and improve the organization. Chapter 2, Section 2-1 states, in part, that every leader will:

- Ensure the physical, moral, personal, and professional wellbeing of subordinates;
- · Build cohesive teams and empower subordinates;
- Build discipline while inspiring motivation, confidence, enthusiasm, and trust in subordinates;
- · Treat subordinates with dignity, respect, fairness, and consistency.

AR 600-20, "Army Command Policy," dated March 18, 2008

This regulation states that courtesy among members of the Armed Forces is vital to maintain military discipline. Further, this standard explains that military authority is exercised courteously and fairly.

Facts

The Complaints

The complaints alleged that during a meeting on April 30, 2014, LTG Mulholland made abusive and personal comments toward subordinates. The complaints stated LTG Mulholland's comments were a personal attack in a public forum and asserted that LTG Mulholland's conduct was inappropriate for a general officer. One complaint asserted, in part, that LTG Mulholland stated:

you all have f--king failed me and the commander ... you should just all go f--king shoot yourselves right now ... if you try to brief this to the commander, I will do everything I can to f--k it up ...

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you failed to do what the commander asked for, you mother f--kers ... if you try to brief this to the commander [I] will commit seppuku ... I need to stop ... I'm being unprofessional ... I'm just venting ... but you guys have pissed me the f--k off.²

One complainant stated he informed Maj Gen Laster he believed LTG Mulholland's conduct was inappropriate and requested LTG Mulholland apologize. The complainant explained that LTG Mulholland never apologized so he felt compelled to submit a formal complaint.

LTG Mulholland's Leadership Style

The complainant testified LTG Mulholland was a "hands-on" leader whom he respected for leading SOF in Afghanistan. The complainant explained he had never seen LTG Mulholland act in such an offensive manner, and this one instance was not LTG Mulholland's usual style. Every witness offered similar positive descriptions of LTG Mulholland's service and leadership. These witnesses also corroborated the complainant's testimony that this single instance was not indicative of LTG Mulholland's normal leadership style.

Maj Gen Laster stated he served as the USSOCOM Chief of Staff for 2 years alongside LTG Mulholland. Maj Gen Laster stated he interacted with LTG Mulholland on a daily basis, shared an adjacent office, and they were also neighbors. Maj Gen Laster described LTG Mulholland as "courageous" and "one of the finest leaders" he had ever served with. Maj Gen Laster explained LTG Mulholland was deployed for multiple tours and no one had seen more combat than LTG Mulholland.³

ADM McRaven's Initiative

The topic of the April 30, 2014, briefing was an initiative begun by ADM McRaven in 2011, prior to LTG Mulholland's arrival. ADM McRaven directed the formulation of a USSOCOM Global SOF Operational Planning Team (OPT), which was a direct report to the USSOCOM Chief of Staff. ADM McRaven tasked the Global SOF OPT to develop a methodology to formally integrate approximately 14 Foreign Liaison Officers (FLO) assigned to USSOCOM into the USSOCOM functional staff planning and execution of operations. The FLOs were provided office space in trailers located outside the USSOCOM headquarters, lacked routine access to the USSOCOM staff due to security restrictions, and were not formally integrated into the USSOCOM staff.

ADM McRaven's goal was to relocate the FLOs to office space inside the USSOCOM headquarters and functionally align them to a yet to be determined USSOCOM staff element in order to enhance their visibility, stature, and capabilities. As the SOF OPT concept matured, it

² Seppuku was the honorable method of taking one's own life practiced by men of the samurai class in feudal Japan.

³ LTG Mulholland, as a colonel in the immediate aftermath of the September 11, 2001, terrorist attacks, commanded Task Force Dagger, Joint Special Operations Task Force-North, Coalition Land Forces Land Component Command, Afghanistan. LTG Mulholland subsequently served additional tours in Iraq and Afghanistan.

was subsequently renamed the International SOF Coordination Center (ISCC), and on May 7, 2014, was functionally realigned under the USSOCOM J3 Operations Division and designated as the "J3 International."

Maj Gen Laster testified the ISCC team briefed ADM McRaven on April 2, 2014, on a proposed concept for integrating FLOs into the USSOCOM staff. Maj Gen Laster stated ADM McRaven was not satisfied with the ISCC proposal because it offered insufficient detail to explain their proposed concept. Maj Gen Laster explained that ADM McRaven gave specific guidance to the team members regarding his concept, command and control concerns, and expectations. Maj Gen Laster indicated the ISCC team was to address ADM McRaven's guidance in a subsequent briefing.

Maj Gen Laster testified LTG Mulholland wanted to be pre-br	riefed on the ISCC's revised
concept prior to its presentation to ADM McRaven. (0)(0)(0)(0)	
testified LTG Mulholland provided additional guidance to	(b) (6), (b) (7)(C)
who had a longstanding professional relationship with LTG M	fulholland.
LTG Mulholland also testified he gave specific guidance to (6)(6),(6)(7)(9)	, whom he described as
a very talented personal and professional (0,0,0) who had served as	(b) (6), (b) (7)(C) in
Afghanistan.	

April 30, 2014, Pre-Brief to LTG Mulholland

on April 30, 2014, (10.600) presented their revised briefing to LTG Mulholland in a conference room in the USSOCOM headquarters. LTG Mulholland was the senior person present seated at the head of a rectangular conference table, Maj Gen Laster sat at LTG Mulholland's immediate right, and the sat at LTG Mulholland's immediate left. The briefing was attended by 30 people, all males, including an Australian brigadier general who served as the USSOCOM Deputy J3 and several Deputy Staff Directors primarily in the grade of General Schedule (GS)-15 and O-6. Approximately 10 people were seated at the conference table with the remaining attendees seated to their rear. The briefers remained seated while their briefing slides were displayed on screens. Those seated at the conference table were also provided paper copies of the briefing slides. The briefing lasted approximately 50 minutes.

Maj Gen Laster stated within the first minute of the briefing LTG Mulholland stated, "this is not f--king right" and informed the briefers they had not followed ADM McRaven's or his guidance. Maj Gen Laster stated the team deserved to be "admonished," and he also would have sent them "back to the drawing board."

Maj Gen Laster testified LTG Mulholland then stated to (10,0,0,0) if it were up to him (LTG Mulholland) he would "fire all of you f--kers." Maj Gen Laster subsequently clarified LTG Mulholland used the term "mother f--kers." Maj Gen Laster testified such a personal remark directed at the ISCC leadership and team members made in an open forum

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⁴ For consistency, the Operational Planning Team will be referred to as the International Special Operations Forces Coordination Center (ISCC) for the remainder of this report.

"crossed the line" and was "abusive." Maj Gen Laster added that everyone in the room understood LTG Mulholland was angry and not joking. Maj Gen Laster added LTG Mulholland used the "f--king" word about five times to punctuate his comments.

Maj Gen Laster also recalled LTG Mulholland stating, "you should just all go shoot yourselves." Maj Gen Laster did not recall LTG Mulholland stating they should be taken out and shot. Maj Gen Laster stated the briefers tried to "argue" with LTG Mulholland, which made LTG Mulholland angrier.

Maj Gen Laster stated he planned to discuss his concern with LTG Mulholland's comments directly with LTG Mulholland. However, Maj Gen Laster testified the complainant informed him within days after the April 30 briefing that an IG complaint would be submitted regarding the matter. Maj Gen Laster denied the complainant made any request that LTG Mulholland offer an apology. Maj Gen Laster explained that once he was informed a formal complaint would be filed, he determined he would not discuss the matter with LTG Mulholland.

stated he only (10,0,0)(10) before LTG Mulholland made it clear they had not followed the guidance they had been given. We read the description of LTG Mulholland's alleged comments, and (10,0,0)(10) testified the comments were generally an accurate summary of LTG Mulholland's remarks. (10,0,0,0)(10) clarified he did not recall LTG Mulholland using the term "mother f--kers" but that LTG Mulholland did refer to the team leaders or the team on two occasions as "you f--kers."

additional witnesses who were seated at the conference table—

—testified the complainant's account of

LTG Mulholland's remarks was accurate. Each witness also stated LTG Mulholland commented

that he respected the briefers but could not understand their failure to incorporate the guidance they were issued. One of the witnesses corroborated Maj Gen Laster's testimony that the briefers attempted to disagree with LTG Mulholland, which exacerbated LTG Mulholland's frustration and prolonged the meeting. Two of the witnesses offered similar statements that LTG Mulholland reiterated the same message several times, which caused the meeting to last longer than necessary.

All (100) witnesses described their admiration for LTG Mulholland and two offered their disappointment that a complaint was filed. Two of the witnesses characterized his conduct in this instance as inappropriate citing LTG Mulholland's lengthy admonishment of the ISCC. (100) witness stated he understood LTG Mulholland's frustration with the briefing and did not believe LTG Mulholland "crossed the line." One witness described LTG Mulholland's comments as "embarrassing." One witness offered the briefing was an "intimate" setting of LTG Mulholland's "guys" suggesting candid dialogue was expected. None of the (100) witnesses believed LTG Mulholland was personally attacking the ISCC members.

All of the witnesses, including the complainant, testified LTG Mulholland used a normal tone of voice that he occasionally elevated. None of the witnesses indicated LTG Mulholland yelled or used threatening gestures.

LTG Mulholland's Testimony

LTG Mulholland stated ADM McRaven successfully built a program similar to the ISCC in his previous assignment with the North Atlantic Treaty Organization. LTG Mulholland stated ADM McRaven subsequently initiated the ISCC at USSOCOM prior to his [LTG Mulholland's] arrival. LTG Mulholland stated the ISCC had done tremendous work on a very difficult task. LTG Mulholland explained the ISCC operated by design as a separate organization apart from the USSOCOM staff using billets from other USSOCOM Directorates. LTG Mulholland continued the ISCC had matured to the point they needed to develop a transition plan to create an enduring process building on their accomplishments. They considered two primary courses of action—integrate the ISCC roles and functions into the USSOCOM staff or have the ISCC remain a separate entity. LTG Mulholland stated he believed the ISCC should be integrated into the USSOCOM staff and also felt this was the concept preferred by the FLOs.

LTG Mulholland explained ADM McRaven was not satisfied with the ISCC briefing he received in early April 2014. LTG Mulholland stated ADM McRaven provided the ISCC specific guidance and subsequently directed the ISCC to develop a more detailed concept. LTG Mulholland explained he also separately provided guidance to the ISCC contractor whom he described as a "brother" and extremely talented. LTG Mulholland added he wanted to formally establish the process prior to ADM McRaven's change of command in July 2014. LTG Mulholland stated that prior to the April 30 briefing he had high expectations the ISCC transition plan was now on schedule with a viable plan, but the April 30 pre-briefing was disappointing.

LTG Mulholland explained the briefing still lacked sufficient detail to demonstrate how the FLOs—operating separate from the ISCC on a routine basis and integrated with the

USSOCOM staff—delivered a planning capability to subordinate SOF commands operating worldwide. LTG Mulholland stated the ISCC had badly "missed the mark," and he "took them to task" and told them they had failed. LTG Mulholland stated he was the most upset he had ever been during his career.

We asked LTG Mulholland to respond to the assertion that he stated to the ISCC team "you failed to do what the commander asked for, you mother f--kers," or "you f--kers." LTG Mulholland testified he "had no doubt that those words were coming out of my mouth." LTG Mulholland stated he may have said, "you all should just be taken out and shot," but he did not recall stating the ISCC team should shoot themselves. LTG Mulholland recalled he stated words to the effect he "ought to kill" himself if the concept was briefed to ADM McRaven. LTG Mulholland acknowledged he may also have stated, "I'm being unprofessional. I'm just venting, but you guys have pissed me the f--k off." LTG Mulholland added that after he voiced his concerns, he stated, "I love you guys."

LTG Mulholland stated that in retrospect he "probably failed [his] own standards" in allowing himself to get so upset. LTG Mulholland also stated his conduct was probably not in keeping with how a 3-star should conduct himself. LTG Mulholland stated the context under which he made his remarks was important. LTG Mulholland explained there was growing frustration to successfully reach ADM McRaven's objective for the ISCC. LTG Mulholland stated the ISCC team members were his "comrades," and he was speaking with them as if they were "peers" in the Special Forces team room providing candid feedback on their performance. LTG Mulholland added his remarks were not directed at any single individual but at the ISCC team as an entity that had failed in its task. LTG Mulholland stated he had tremendous respect for the ISCC members who were all talented officers. LTG Mulholland explained the comments were made in the context of his own sense of working with men he knew, trusted, admired, and thought the world of, and a sense of having a discussion that did get a "little colorful."

Discussion

We found LTG Mulholland failed to treat his subordinates with dignity and respect. We found LTG Mulholland made degrading and personal comments toward subordinates in an open forum of 30 people primarily in the grade of GS-15 and O-6. Several witnesses testified LTG Mulholland referred to subordinates as "mother f--kers" or "f--kers." Several witnesses also testified LTG Mulholland stated these subordinates should be shot or should shoot themselves. These witnesses also corroborated the complainant's testimony that this single instance was not indicative of LTG Mulholland's normal conduct. We also found all of the witnesses, to include the complainant, testified that LTG Mulholland was a very respected and admired leader who had served with distinction during multiple combat deployments. Two of the witnesses to whom the remarks were directed stated they did not believe LTG Mulholland's remarks were personal or malicious. Maj Gen Laster testified LTG Mulholland's remarks were "abusive" as they were directed personally at the ISCC leadership and team members in an open meeting.

⁵ The Special Forces "team room" is analogous to a sports team's locker room and is considered a location where issues are candidly discussed without regard for rank or personal feelings.

LTG Mulholland testified he referred to subordinates as "mother f--kers" or "f--kers." LTG Mulholland also testified he may have stated these subordinates "should just be taken out and shot." LTG Mulholland stated his remarks were made in the context of talking to his "peers" in a Special Forces team room. LTG Mulholland acknowledged he "probably failed [his] own standards" in allowing himself to become so upset and make such comments. LTG Mulholland also stated his conduct was probably not in keeping with how a 3-star should conduct himself.

The JER emphasizes primary ethical values for all DoD employees, including fairness, caring, and respect and treating others with dignity and respect. AR 600-100 requires every Army leader to treat subordinates with dignity, respect, fairness, and consistency. AR 600-20 requires those in authority to exercise courtesy to subordinates.

We considered LTG Mulholland's testimony that his remarks were made in the context of talking to his "peers" in a Special Forces team room. We determined there was no such "peer" relationship. By virtue of his grade and position as the Deputy Commander, the 30 attendees were LTG Mulholland's subordinates. Accordingly, LTG Mulholland's conduct in this single instance, although not indicative of his normal comportment, was inconsistent with expected behavior and that LTG Mulholland failed to treat his subordinates with dignity and respect.

Response to Tentative Conclusion

By letter dated June 23, 2014, we provided LTG Mulholland the opportunity to comment on the results of our investigation. In his response, dated June 26, 2014, LTG Mulholland took responsibility for his actions and stated there was "no excuse" for his conduct. LTG Mulholland stated he allowed his frustration with an emotional issue of significant importance to the command to "boil over" into inappropriate conduct that violated Army standards as well as his personal standards.

LTG Mulholland stated he apologized to the subordinates after our interview. LTG Mulholland continued he has great respect for the ISSC team members, he regretted his actions, and such conduct would never occur again. LTG Mulholland added that on the evening of April 30, 2014, after the ISCC briefing, he asked Maj Gen Laster if he had been "too rough" on the ISCC team members. LTG Mulholland stated Maj Gen Laster did not convey any heightened concern to him. LTG Mulholland contrasted that statement with Maj Gen Laster's testimony which indicated he felt LTG Mulholland's comments were abusive. LTG Mulholland stated nevertheless, this inconsistency did not excuse his behavior.

Post Investigation Email from Complainant

On June 30, 2014, subsequent to receiving LTG Mulholland's response to our investigation, the complainant sent an email to this Office. The complainant stated, LTG Mulholland apologized on June 11, 2014, to the ISSC team and many of the attendees of the April 30, 2014, meeting, for his conduct. The complainant wrote "I consider the incident closed."

Based on our thorough review of LTG Mulholland's response and the relevant evidence, we stand by our initial conclusion.

V. CONCLUSION

LTG Mulholland failed to treat his subordinates with dignity and respect, and his conduct was inconsistent with the JER, AR 600-100, and AR 600-20.

VI. RECOMMENDATION

The Secretary of the Army consider appropriate corrective action with regard to LTG Mulholland.