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Investigations of Senior Officials

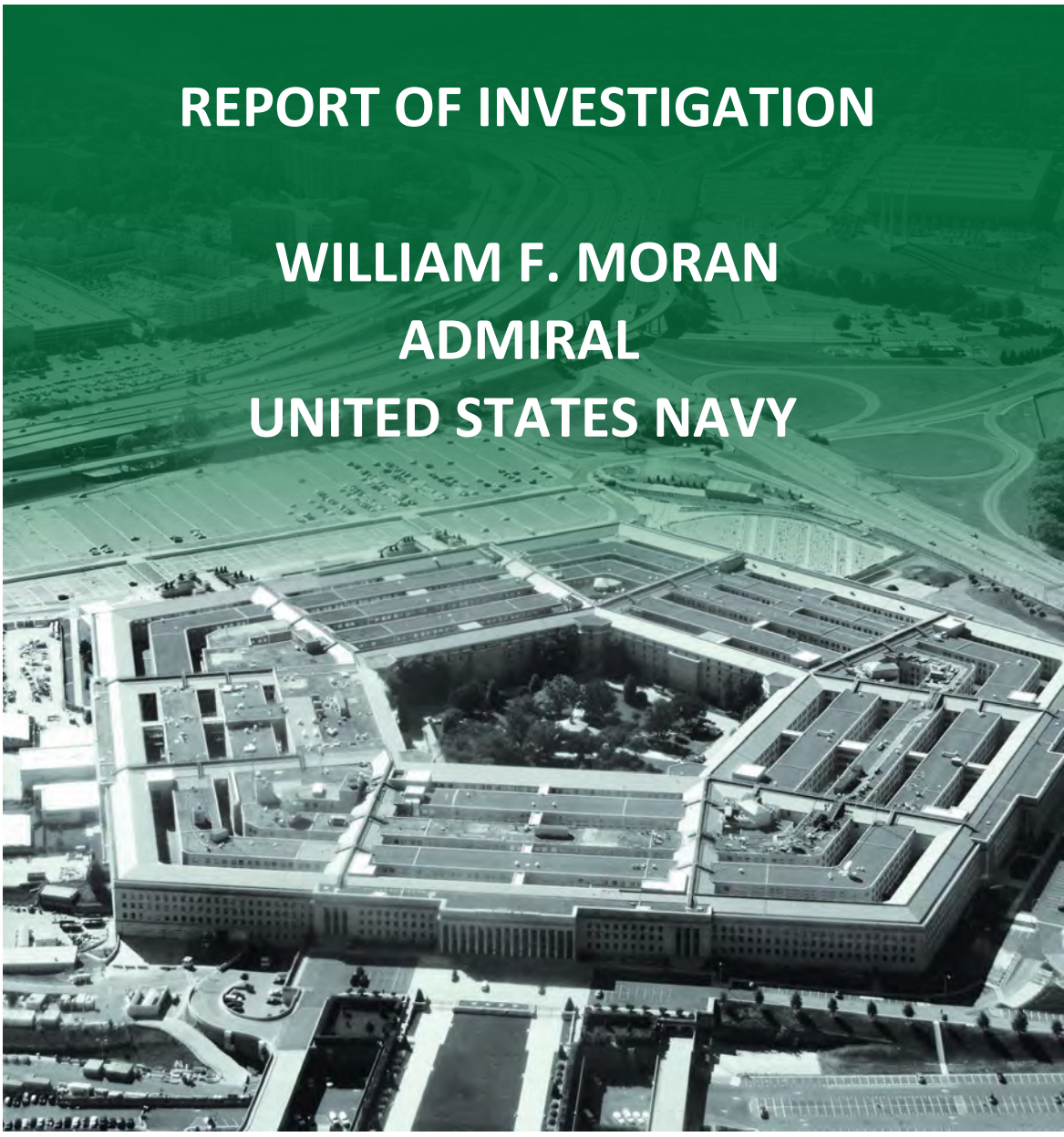
INSPECTOR GENERAL

U.S. Department of Defense

August 26, 2019

REPORT OF INVESTIGATION

WILLIAM F. MORAN
ADMIRAL
UNITED STATES NAVY



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INSPECTOR GENERAL
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REPORT OF INVESTIGATION:
ADMIRAL WILLIAM F. MORAN
U.S. NAVY

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On June 24, 2019, Department of the Navy (DoN) officials referred e-mails from Admiral (ADM) William F. Moran's personal Gmail account to the DoD Office of Inspector General (DoD OIG) for notification of potential senior official misconduct.

Our investigation focused on ADM Moran's use of personal e-mail for "official DoD communications" in which he discussed official DoD information with a Navy commander formerly on the Chief of Naval Operations' (CNO) personal staff, and Navy military, civilian, and contractor employees.[1]

Additionally, we examined whether ADM Moran's continued relationship with the Navy commander may have been inappropriate. The Navy commander had been previously removed from his position as the Public Affairs Officer on the CNOs' staff after being held accountable for inappropriate behavior towards junior female officers and a female civilian employee. The Navy commander also had outside employment as a private media relations consultant after he had been removed as the Public Affairs Officer on the CNO's staff but while he was still in an active duty status.

We initiated our investigation on July 1, 2019.

On July 7, 2019, ADM Moran informed the Secretary of the Navy that he was declining his appointment as the next CNO, and on July 9, 2019, submitted his request to retire from the Navy.

Scope and Methodology of the Investigation

During our investigation, we interviewed ADM Moran and ADM John M. Richardson, the current CNO. We also reviewed relevant documents, including 572 pages of e-mails from ADM Moran's personal e-mail account that DoN officials provided to our office as notification of potential senior official misconduct.

Conclusions

We determined that ADM Moran used his personal e-mail account to conduct official DoD communications, in violation of DoD policies described in this report.

[1] The term "personal e-mail" throughout this report refers to ADM Moran's personal Gmail account. DoDD 5230.09, "Clearance of DoD Information for Public Release," defines official DoD information as, "All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department."

We found that ADM Moran frequently communicated by personal e-mail with the Navy commander to conduct official DoD communications after the commander had been removed from the CNO's staff for inappropriate behavior towards junior female officers and a female civilian employee.

We reviewed ADM Moran's personal e-mails and determined that he used his personal e-mail account to discuss official DoD communications with the former Navy commander and other Navy military, civilian, and contract personnel. The content of these official DoD communications covered a variety of topics, including pending speeches for U.S. Navy ship commissionings and for defense think tanks about force shaping and Navy power projection throughout the world; media articles about sailor retention and Navy personnel policy; future Navy strategies and professional military education; strategic messaging for Navy personnel, industry, and academia; congressional testimony related to Navy readiness and operations; media engagements regarding Navy leadership efforts to prevent future ship collisions; strategic areas of the world where the Navy should increase or withdraw its presence; and ADM Moran's Senate confirmation hearings to become the next CNO.

ADM Moran admitted to us that he used his personal e-mail account to correspond with the Navy commander and others on official DoD communications. He told us that "convenience was the driver" for his continued use of personal e-mail, both for ease of use and for better "connectivity and reliability" than Government communications systems provided.

DoD policies clearly state that personal e-mail accounts must not be used to conduct "official DoD communications." Furthermore, convenience is not an acceptable reason to use personal e-mail to conduct "official DoD communications." We found no evidence that ADM Moran's use of personal e-mail met the DoD's criteria for "rare and extraordinary" circumstances, or that he requested or received an exception to policy to use his personal e-mail account to conduct "official DoD communications." Therefore, we substantiated that his use of personal e-mail violated DoD standards.

Regarding whether ADM Moran's continued relationship with the Navy commander may have been inappropriate due to the Navy commander's outside employment as a private media consultant while still on active duty, we found that the media relations firm the Navy commander founded, [redacted] had no contractual relationship with the DoD or the Navy, and was not a prohibited source. We found that the Navy commander sought and received ethics guidance from Navy attorneys, who advised him that [redacted] In addition, the Navy commander sought and received permission from his commanding officer before engaging in outside employment. We found no evidence that ADM Moran hired the Navy commander or solicited his media relations guidance in the Navy commander's private capacity, nor was ADM Moran aware that the Navy commander had changed his personal e-mail signature block to contain a reference to the consulting firm he founded. Therefore, we concluded that ADM Moran's relationship with the Navy commander was not inappropriate with respect to the Navy commander's outside employment.

With regard to ADM Moran's continued relationship and communications with the Navy commander after his removal from the CNO's staff for inappropriate behavior towards junior female officers and a female civilian employee, ADM Richardson and the Secretary of the Navy issued statements of concern about ADM Moran's on-going professional relationship and collaboration with the Navy commander. ADM Richardson expressed concern that ADM Moran's continued reliance on the Navy commander for public affairs advice even after the Navy commander was removed from

ADM Richardson's staff showed poor judgment and would send the wrong message to the public and Members of Congress about how seriously the Navy, and the CNO's office, took the Navy commander's inappropriate behavior towards junior female officers and a female civilian employee. ADM Richardson also told us that ADM Moran's actions were contrary to assurances ADM Richardson had given personally to Members of Congress that the Navy commander would no longer be in a position of supervision or influence until his retirement. He stated, "I made it very clear that we, Navy leadership, was not in contact with [the Navy commander]. He was not advising us. He was not in the inner groups. He was not providing strategic or public affairs advice." ADM Richardson said he was displeased when he learned that not only was ADM Moran conducting "high-level official Navy business" through personal e-mail, ADM Moran also was conducting this business "in an off-the-record manner" with an officer who the Navy had publicly disciplined for inappropriate behavior towards junior female officers and a female civilian employee.

The Secretary of the Navy stated publicly that ADM Moran's decision to maintain a relationship with the Navy commander "caused me to call his judgment into question."

We agree with ADM Richardson's and the Secretary of the Navy's concerns about ADM Moran's judgment in continuing to solicit and accept the Navy commander's public affairs guidance after his removal from the CNO's staff for inappropriate behavior towards junior female officers and a female civilian employee.

We do not consider ADM Moran's continued relationship with the Navy commander to be misconduct; rather, we consider it a performance issue. We found no applicable standard that prohibited ADM Moran from continuing his personal or professional relationships with the Navy commander after his removal from the CNO's staff. However, we agree with the Secretary of the Navy's and ADM Richardson's consideration of this issue as a performance issue.

With regard to the use of personal e-mail to conduct official DoD communications, we recommend that the Secretary of the Navy consider any additional appropriate action regarding ADM Moran.

We also recommend that the Secretary of the Navy provide guidance to Navy personnel reminding them of the DoD policy against using personal e-mail to conduct official DoD communications.

Admiral Moran's Response to Our Tentative Conclusions Letter

Consistent with our normal process, on August 8, 2019, we provided ADM Moran our tentative conclusions and an opportunity to comment before we issued our final report. On August 14, 2019, ADM Moran, through his assigned counsel, provided us with his response to our preliminary conclusions. We summarize his response here, but present it in its entirety in Section III of this report.

In his response ADM Moran wrote, "I agree with the conclusions of the report that I used my personal email account to conduct some official business and did not appropriately archive this material in a timely manner." ADM Moran emphasized "that at no time was there any exchange of classified material" in any of the e-mail exchanges using his personal e-mail account.

Regarding his relationship with the Navy commander, ADM Moran wrote, "This officer served with me on and off for nearly a decade. He was a personal staff member, trusted advisor and mentee when I was Chief of Naval Personnel and that service carried over during my time as Vice Chief of Naval Operations." ADM Moran equated his professional relationship with the Navy commander to others he had cultivated and wrote:

> When any individual I served with is confronted with a challenge, it is my ethos to ensure accountability and then help get them back on their feet, to sometimes include rebuilding trust. I believe in the power of redemption.

ADM Moran acknowledged that "some view my continuing professional relationship with this Navy commander as insensitive, inappropriate, or wrong. I regret this." He wrote that he decided to retire "rather than put the institution through additional turmoil at a critical time." He added:

> for over a decade, I dedicated myself to eradicating and combating sexual harassment, sexual assault, toxic environments, unconscious bias and all of the other behaviors that are contrary to mutual respect and good order. I am proud of those actions. The ledger of my work on behalf of all Sailors is available for all to review and consider.

ADM Moran concluded his response stating, "This [DoD OIG] report reminds leaders at all levels, but especially senior leaders, that striking the balance between accountability and redemption is at the heart of leading women and men in the profession of arms. Getting that balance right is not always easy."

After considering ADM Moran's response, we stand by our findings and conclusions.

The following sections of this report provide the detailed results of our investigation. We first provide background information on ADM Moran, DoD policies on the use of personal e-mail to conduct official DoD communications, the events relating to the Navy commander's removal from the CNO's personal staff, and the events leading to our review of the personal e-mails. Then we present an analysis of ADM Moran's personal e-mails and ADM Richardson's and ADM Moran's comments about the e-mails. Finally, we present a series of Navy-issued statements regarding ADM Moran.

II. BACKGROUND

Admiral Moran

ADM Moran is a 1981 graduate of the United States Naval Academy. ADM Moran has held a variety of leadership positions throughout his career, including the Chief of Naval Personnel (CNP), and the Vice Chief of Naval Operations (VCNO).

On April 11, 2019, the President nominated ADM Moran for appointment as the next CNO. On May 23, 2019, the Senate confirmed ADM Moran's nomination. ADM Moran ended his tour of duty as the VCNO on June 11, 2019.

On July 7, 2019, ADM Moran informed the Secretary of the Navy that he was declining appointment as the next CNO, and on July 9, 2019, he submitted his request to retire from the Navy.

Current DoD Policy on Conducting Official DoD Communications on Personal E-mail Accounts

DoD Instruction (DoDI) 8550.01, "DoD Internet Services and Internet-Based Capabilities," dated September 11, 2012, states that "personal [e-mail] accounts shall not be used to conduct official DoD communications."

We did not find a precise definition of "official DoD communications." However, DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," defines official DoD information as, "All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department."

On April 6, 2016, the DoD Chief Information Officer (CIO) issued a memorandum to the senior leadership of the DoD titled, "Use of Non-Official Electronic Messaging Accounts and Records Management." This memorandum reiterated the DoDI 8550.01 guidance stating that "non-official electronic messaging accounts shall not be used to conduct official DoD communications barring the absence of official communication channels or when other appropriate circumstances exist." The memorandum provided examples of "other appropriate circumstances," such as lack of availability to official messaging accounts, technological difficulties, and impractical or unreliable connectivity. According to the DoD CIO memorandum, DoD personnel who use non-official electronic messaging accounts to conduct official DoD communications are required to copy the message to their official electronic messaging account at the time of creation, or within 20 days after transmission of the original message.

On January 16, 2018, the Deputy Secretary of Defense issued another memorandum to all DoD personnel re-emphasizing that "non-official electronic messaging accounts including personal email accounts, must not be used to conduct official DoD communications." This memorandum referred to the DoD CIO's April 6, 2016, memorandum for examples of exemptions to this policy.[2] The memorandum also stated, "Personal or other non-official email accounts may be used for official business only in those rare and extraordinary situations where an official email capability is not

[2] We found no evidence that ADM Moran requested or received an exception to policy to use his personal e-mail to conduct "official DoD communications."

available." The memorandum further defined "extraordinary" as a need to send an "urgent DoD mission-related email."

DoDI 8170.01, "Online Information Management and Electronic Messaging," dated January 2, 2019, superseded DoDI 8550.01 and included guidance from the two policy memorandums. The Instruction stated that "DoD personnel must not use personal e-mail or other nonofficial accounts to exchange official information and must not auto-forward official messages to nonofficial accounts or corporate accounts." The Instruction also stated that "nonofficial accounts may not be used to conduct official DoD communications for personal convenience or preferences."

Events Relating to the Navy Commander's Removal from the CNO's Personal Staff

Beginning in August 2015, the Navy commander served as ADM Richardson's Public Affairs Officer (PAO). In December 2016, the Navy commander allegedly sexually harassed three females during and after a Christmas party in the Pentagon.

The Naval Criminal Investigative Service (NCIS) investigated these allegations. On April 26, 2017, after reviewing the results of three NCIS investigations related to the allegations, ADM Richardson decided to impose a non-punitive letter of caution (NPLOC), give the Navy commander an adverse fitness report, and remove the Navy commander from the CNO's personal staff. On August 18, 2017, ADM Richardson directed the immediate removal of the Navy commander from his personal staff and temporarily reassigned him to the Region Naval District Washington, Washington Navy Yard, while he waited for the Navy commander's permanent change of duty orders.

On January 10, 2018, the Navy reassigned the Navy commander to the Defense Media Agency (DMA), located at Fort Meade, MD, where he served as the "Senior Operations Officer, DoD Production/News." In this capacity, the Navy commander managed the "DoD Production Directorate news and information media content to include development, production, and distribution of product communicating themes and messages of the DoD."

In June 2018, while the Navy commander was still on active duty as a Navy public affairs officer at DMA, and approximately one year before he retired, the Navy commander founded his own strategic communications consulting firm, called [redacted]

The legality of a Navy officer establishing a strategic communications consulting firm while on active duty was the subject of an inquiry by Representative Jackie Speier, Chairwoman of the House Armed Services Military Personnel Subcommittee. In her February 12, 2019, letter to ADM Richardson, Representative Speier requested to know whether the Navy commander, "received permission to pursue outside employment, who granted it, and on what basis." In his response to Representative Speier on February 21, 2019, ADM Richardson stated that the Navy commander's supervisor at DMA "was aware of his outside employment activities and determined there was no interference with his official duties and his activities did not create an appearance of impropriety or conflict of interest." ADM Richardson also reported that the Ethics Counselor at DMA had reviewed the Navy commander's outside employment and concluded that it [redacted]

In February 2019, the Navy commander began his transition from active service with the U.S. Navy, initially in a permissive temporary duty status from February 20, 2019 until March 12, 2019, and

then in a terminal leave status from March 13, 2019 until May 31, 2019.[3] On June 1, 2019, the Navy commander retired from the U.S. Navy.

The DoD OIG Investigation of Admiral Richardson

On December 21, 2017, the DoD OIG, in response to a Congressional inquiry, initiated an investigation that examined ADM Richardson's response to the sexual harassment allegations against the Navy commander.

On April 19, 2018, in testimony before the Senate Armed Services Committee, ADM Richardson stated that the four month delay in removing the Navy commander from his staff after he had determined that administrative action was necessary, "may have sent a bad message, particularly to the survivors of the behavior."

On October 10, 2018, the DoD OIG published the results of our investigation.[4] The DoD OIG concluded that ADM Richardson did not commit any misconduct, but we also concluded that he did not take sufficient action to ensure that his decision to remove the Navy commander from his personal staff was implemented in a timely manner. We also concluded that ADM Richardson's failure to ensure that the Navy commander was removed from his personal staff in a sufficiently expeditious manner sent the wrong message about how seriously ADM Richardson took the allegations of sexual harassment.

Freedom of Information Act Request to the Navy

On June 11, 2019, a reporter filed a Freedom of Information Act (FOIA) request with the Navy seeking e-mails between ADM Moran and the Navy commander that were sent and received from ADM Moran's and the Navy commander's personal e-mail addresses.

On June 16, 2019, ADM Moran met with ADM Richardson to discuss his personal e-mails that the attorney assigned to the VCNO's staff thought might be potentially responsive to the FOIA request.

On June 24, 2019, ADM Richardson briefed the Secretary of the Navy, who directed that ADM Moran's personal e-mails be referred to the Naval Inspector General for coordination with the DoD OIG as notification of potential senior official misconduct. On the same date, the DoD OIG received the e-mails from the Navy, and on June 25, 2019, the DoD OIG began an intake review to determine if an investigation was warranted.

We initiated our investigation on July 1, 2019.

III. ANALYSIS OF THE ALLEGATIONS

[3] The Joint Travel Regulation defines Permissive Temporary Duty (PTDY) as TDY at no cost to the Government. PTDY is of limited duration and is commonly granted to a military member in advance of a permanent change of station (PCS) or retirement, to allow the member to locate and secure housing at the new duty station or retirement location.

[4] Our Report of Investigation concerning ADM Richardson's response to the sexual harassment allegations against the Navy commander is available at https://media.defense.gov/2018/Oct/24/2002054820/-1/-1/1/DODIG-2019-002.PDF

Chronology of Significant Events

Table 1 lists the significant events related to this investigation.

Table 1. Chronology of Significant Events

Date	Event
May 31, 2016	ADM Moran assumes duty as VCNO.
Dec. 13, 2016	The Navy commander allegedly sexually harassed three females.
Dec. 14, 2016	The Navy commander sends a message from his personal e-mail to ADM Moran's government e-mail account containing a link to a news article, "Opinion: Want A Better Navy? Fixing the Little Things Can Make A Big Difference." This is the earliest personal e-mail from the Navy commander to ADM Moran in the records the Navy provided to the DoD OIG.
Dec. 15, 2016	ADM Moran forwards the Navy commander's December 14 message to his personal e-mail account.
Dec. 15-21, 2016	The Navy appoints an investigating officer (IO) to conduct a preliminary inquiry into sexual harassment allegations. IO identifies three potential sexual harassment incidents involving the Navy commander and [redacted]
Jan. 5 – Mar. 16, 2017	NCIS conducts three investigations into the sexual harassment allegations.
Apr. 26, 2017	ADM Richardson decides to remove the Navy commander from his personal staff, give the Navy commander an adverse fitness report, and issue him a NPLOC for inappropriate behavior towards junior female officers and a female civilian employee.
Aug. 18, 2017	ADM Richardson removes Navy commander from his personal staff. The Navy commander is reassigned to the Region Naval District Washington after being held accountable for inappropriate behavior towards junior female officers and a female civilian employee.
Sep. 6, 2017	ADM Moran and the Navy commander engage in first personal e-mail exchange after the Navy commander's removal from the CNO's personal staff. The personal e-mail thread discusses the Navy commander's proposal for how he should reply to a newspaper reporter's inquiry about the NCIS investigation into the Navy commander's alleged sexual harassment of female junior officers and a female civilian.
Sep. 7, 2017	U.S. Senator Kirsten E. Gillibrand requests an investigation into how ADM Richardson had responded to the sexual harassment allegations against the Navy commander.
Dec. 21, 2017	The DoD OIG initiates an investigation to assess ADM Richardson's response to sexual harassment allegations against the Navy commander.
Jan. 10, 2018	The Navy reassigns Navy commander from Region Naval District Washington to DMA, Fort Meade, MD
June, 2018	The Navy commander starts a strategic communications consulting firm, [redacted]
Oct. 10, 2018	The DoD OIG issues report of investigation and concludes that ADM Richardson's

	decision to remove the Navy commander from his personal staff was not implemented in a timely manner.
Feb. 20 –Mar. 12, 2019	The Navy commander is in permissive temporary duty status in preparation for retirement.
Mar. 13, 2019	The Navy commander begins terminal leave.
Apr. 11, 2019	The President nominates ADM Moran to become the next CNO.
May 23, 2019	The Senate confirms ADM Moran's nomination.
June 1, 2019	The Navy commander retires.
June 2, 2019	ADM Moran exchanges last e-mail with the Navy commander using his personal e-mail account.
June 11, 2019	ADM Moran ends tenure as VCNO.
June 11, 2019	A reporter submits a FOIA request to the Navy for personal e-mails between ADM Moran and the Navy commander.
June 13, 2019	ADM Moran provides his personal e-mail account password to an attorney on VCNO's staff, who retrieves 572 pages of e-mails potentially responsive to FOIA request.
June 24, 2019	DoN officials refer ADM Moran's personal e-mails to DoD OIG for review.
July 1, 2019	The DoD OIG initiates this investigation.
July 7, 2019	ADM Moran issues statement informing Secretary of the Navy that he is declining appointment as the next CNO and plans to submit a request to retire.
July 7, 2019	Secretary of the Navy issues statement accepting ADM Moran's declination to become the next CNO and accepts ADM Moran's request to retire.
July 8, 2019	ADM Richardson sends e-mail to the Navy's senior military and civilian leaders informing them that ADM Moran will not become the next CNO.
July 9, 2019	ADM Moran submits request for retirement.

OIG's ANALYSIS OF PERSONAL E-MAILS

The DoD OIG reviewed 572 pages of e-mails from ADM Moran's personal Gmail account that DoN officials provided to us as notification of potential senior official misconduct. The e-mails dated from December 14, 2016 through June 5, 2019.

Our review of the 572 pages found 180 unique e-mail conversation threads based on specific message subject lines.[5] We analyzed the 180 e-mail threads and found 472 individual e-mails to or from ADM Moran, the Navy commander, and 12 other individuals. These individuals were Navy military, civilian, and contract employees assisting ADM Moran with his official duties as VCNO as well as with strategic messaging, congressional testimony, media engagements, and Senate confirmation hearings as he prepared to become the next CNO.

We sorted the e-mails into four groups based upon content. Table 2 describes the type of each content group.

[5] An e-mail "thread" is a conversation taking place within an e-mail application that includes a running list of the first e-mail message and succeeding replies. ADM Moran and the Navy commander were included in all of the 180 e-mail threads, but not all of the 472 individual e-mails we reviewed included both of them. For instance, in e-mails that did not initially include the Navy commander, ADM Moran often added him to the list of addressees so he would see the email and offer his opinions or advice.

Table 2. Personal E-mail Thread Types Defined by Content

	Type of Content	Number of E-mails
Content Type 1	Advice or edits on content of ADM Moran's speeches or articles submitted for publication.	174
Content Type 2	Discussion and consideration of future Navy strategy, global hotspots requiring greater or lesser Naval presence, and Professional Military Education reform.	110
Content Type 3	Media stories and other publications of Navy interest.	171
Content Type 4	General correspondence and mentoring discussions.	17

In the remainder of this section, we provide additional descriptions and examples of each of the four personal e-mail content types.

CONTENT TYPE 1 – ADVICE ON ADMIRAL MORAN'S SPEECHES AND ARTICLES

In this group of 174 personal e-mails, there were threads containing advice and suggested content from the Navy commander to ADM Moran for his official speeches and articles, strategic messaging, congressional testimony, media engagements, and Senate confirmation hearings as he prepared to become the next CNO. These e-mails included 123 messages between ADM Moran and the Navy commander, sent or received after the Navy commander had been removed from the CNO's personal staff but was still on active duty. The following are examples of ADM Moran's e-mails contained in this content group.

- On December 1, 2017, the Navy commander sent a link to a video about U.S. Navy reports on four incidents involving Navy ships, including two ship collisions. ADM Moran replied the information was "great insight" for his upcoming speech at the U.S. Naval Institute. ADM Moran also asked the Navy commander to monitor the team writing his speech and to let ADM Moran know "if this [speech preparation] is not going well." Continuing the thread in personal e-mail, the Navy commander then worked with ADM Moran's staff to generate a draft version of the speech ADM Moran would deliver at the U.S. Naval Institute.

- On March 22, 2018, in a personal e-mail discussion with the Navy commander about a Military.com news article describing the expansion of aviation bonus programs to improve Navy pilot retention, ADM Moran asked "[H]ow about if I respond to the comments section associated with this article – to calm the herd if possible? Help me with this?" The Navy commander and ADM Moran then exchanged draft versions of a response to the article, commending the improved aviation bonus program designed by the Chief of Naval Personnel.

- On November 29, 2018, in a personal e-mail discussion about an upcoming speech ADM Moran would make at the U.S.S. Hudner's commissioning ceremony, ADM Moran requested the Navy commander's help in crafting a shorter speech and an op/ed (Opinion/Editorial Page) for a Boston newspaper article. The Navy commander replied with suggested changes to the speech and wrote, "I would take the full version and prep

for an oped to run Sun or Monday." ADM Moran responded, "[Navy commander], are you taking a turn on the oped?" The Navy commander replied, "Yes Sir…will turn this morning and push back." The Navy commander sent a draft version of the proposed op/ed to ADM Moran about 90 minutes later and wrote, "Draft oped…recommend pushing to a Boston outlet for a Mon or Tues posting." ADM Moran replied with his thanks and asked the Navy commander to forward the draft to ADM Moran's staff to prepare for release.

CONTENT TYPE 2 – DISCUSSIONS OF FUTURE NAVY STRATEGY AND PROFESSIONAL MILITARY EDUCATION

In this group of 110 e-mails, there were e-mails with discussions about Navy strategy and education. The following are examples of ADM Moran's e-mails contained in this content group.

- On May 16, 2018, a member of ADM Moran's staff sent an e-mail to ADM Moran, copied to the Navy commander, containing a multi-point brief regarding a plan to improve Navy education.

- On May 20, 2018, ADM Moran forwarded an e-mail to the Navy commander and another member of his staff containing a link to a video of an interview of former Secretary of Defense James Mattis discussing U. S. defense strategy. ADM Moran highlighted how the video was easily understood by the public and that he wanted to craft a strategy of "why a Navy matters" that was also easily understood.

- On January 12, 2019, a member of ADM Moran's staff sent an e-mail to ADM Moran and copied the Navy commander about an outline of a strategy for ADM Moran's actions as the future CNO. The outline discussed the topics of dynamic leadership changes within the Office of the Secretary of Defense; Navy challenges from China and Russia; effects of a networked world; Navy readiness; how to synchronize the Operational Navy staff with the CNO's staff; and aligning ADM Moran's message with the Fleet Commanders over the next six months. ADM Moran responded to the group to consider the content of an e-mail he sent to the Chief of Naval Personnel discussing the same subject in which he stated that his goal was to "hit the deck running" as the new CNO.

- On March 15, 2019, in e-mails between ADM Moran and a member of his staff, in which the Navy commander was copied, ADM Moran and his staff discussed Navy strategy in Asia and China's regional influence. In the e-mails, for example, ADM Moran highlighted [redacted]

- On June 2, 2019, ADM Moran sent an e-mail to members of his staff about his priorities for the Navy over the next four years. ADM Moran spoke to the Navy commander and forwarded the e-mail to him for his awareness and comment. The Navy commander provided ADM Moran with his comments and perspective about ADM Moran's leadership strategy.

CONTENT TYPE 3 – MEDIA STORIES AND OTHER PUBLICATIONS OF NAVY INTEREST

In this group of 171 e-mails, there were e-mails containing links to, or the text from, media stories about the Navy or Department of Defense with very minimal discussion. The following are examples of ADM Moran's e-mails contained in this content group:

- On January 8, 2018, the Navy commander sent an e-mail to ADM Moran containing a link to "Navy Live," the official blog of the U.S. Navy. The link was to an article written by the Commander Naval Surface Forces reflecting on the evolution of the surface warfare community during his 37 years of Navy service. The Navy commander wrote, "Guessing you saw this …" to which ADM Moran replied, "Oh well … ."

- On February 26, 2019, the Navy commander forwarded ADM Moran an e-mail to ADM Moran that he received from his brother containing a link to an article about recent Navy ship collisions. ADM Moran replied, "Thanks, those are high marks from your bro as I am learning ;)."

- On May 13, 2019, the Navy commander forwarded an e-mail to ADM Moran with a link to a web blog praising the relocation of the aircraft carrier U.S.S. Abraham Lincoln establishing a deterring forward presence in the Persian Gulf. ADM Moran replied, "Fantastic piece."

CONTENT TYPE 4 – GENERAL CORRESPONDENCE AND MENTORING DISCUSSIONS

In this group of 17 e-mails, there were e-mails containing general correspondence sent to ADM Moran and other e-mails providing mutual mentoring advice between ADM Moran and the Navy commander. The following are examples of ADM Moran's e-mails contained in this content group:

- On September 6, 2017, the Navy commander sent an e-mail to ADM Moran containing his proposed response to a reporter asking for the Navy commander's comments about the investigation into allegations of sexual harassment against the Navy commander. The Navy commander wrote, "Sir, see below.. .[Reporter]'s question and the statement I intend to provide." ADM Moran replied, "About all you can say."

- On November 17, 2018, the Navy commander sent an e-mail to ADM Moran containing an outline of the Navy commander's talking points for an upcoming interview with a defense oriented blog. ADM Moran replied, "Looks good to me. … Good luck!"

- On March 14, 2019, a representative from the United States Naval Academy Alumni Association (USNAAA) Greater Washington Chapter sent an e-mail to ADM Moran inviting ADM Moran to be a guest speaker at an upcoming luncheon. Copying the Navy commander, ADM Moran replied to the USNAAA representative, "[Representative], thanks for the note...please send me an invite … and I will promptly accept pending any other schedule conflicts I don't see, Appreciate the opportunity to address some alum! Cheers, Bill."

ADMIRAL RICHARDSON

ADM Richardson described to us how he became aware of the e-mails. He told us that ADM Moran requested a private meeting with him for June 16, 2019, during which ADM Moran presented a stack of e-mails and explained that they were the subject of a FOIA request. ADM Richardson told us that his legal advisor reviewed the e-mails, and a few days later ADM Richardson briefed the Secretary of the Navy about them.

ADM Richardson told us about his concerns regarding ADM Moran's use of his personal e-mail for Navy business. ADM Richardson stated, "it should be well understood by leaders of our seniority that that's not something that's condoned. . . . that's not the way that we like to do business." He stated, "then there was also the concern that as I said, this was not just … public business being done in a private e-mail, but it's done with [the Navy commander] who was very visibly disciplined and dismissed from my staff." ADM Richardson considered this a matter of ADM Moran's judgment, stating:

> I had testified publically. I had conveyed in several meetings with Members of Congress. We had made it clear to the American public that we had made an assessment and held [the Navy commander] accountable. I think that was all appropriate, that part of that was that he was going to be assigned to a position where he wouldn't have supervisory responsibilities and he would basically finish his career until retirement, and I made it very clear that we, Navy leadership was not in contact with [the Navy commander]. He was not advising us. He was not in the inner groups. He was not providing strategic or public affairs advice and so to find out that in fact that was going on in this sort of off-the-record manner was concerning as well.

ADM Richardson told us he was aware of the continued relationship between ADM Moran and the Navy commander because they "were friends and they'd known each other for years." However, ADM Richardson stated:

> So I was not surprised that Admiral Moran continued to maybe have contact with [the Navy commander] and that wouldn't be inappropriate. I mean, [the Navy commander] went through a hard time himself, and if you're mentoring somebody you want to make sure that they're doing okay … So, this type of thing would have been completely appropriate.
>
> What concerned me was that in fact after my quick survey of those e-mails was that [the Navy commander] was doing speech writing, was doing public affairs advice, giving guidance to [ADM Moran's] staff on public affairs matters, was helping to I think review testimony. Was doing things like -- that are very involved with this transition team as [ADM Moran] prepared to become CNO, and so this was well beyond just a friend reaching out and helping a friend. This was legitimate high-level Navy strategic business being done and that's -- that was a much different relationship than I was aware of. I was unaware that was going on.

ADMIRAL MORAN

We interviewed ADM Moran regarding his use of personal e-mail accounts. He told us, "Clearly I have used Gmail to communicate with members of the military in my chain of command and otherwise." ADM Moran also told us, "the vast majority [of the retrieved e-mails] were pushes to me on articles and information related to the media." When we asked ADM Moran if he considered drafting speeches, preparing comments, preparing talking points, or discussing strategy as "official DoD communications," he told us, "I do now as I read the strict interpretation of the directives." He told us that "media and communications did not hit me like I'm doing official business."

ADM Moran told us that his practice of using personal e-mail began while he was serving as the Chief of Naval Personnel (CNP) in 2013. He said that during his 3-year tour as the CNP, he travelled globally almost 50 percent of his time and that the use of personal e-mail provided him the ability to, "get at and read things quickly in an airport, in a car, in a train, whatever it is" because his Government-issued devices and systems were unreliable.

In addition, ADM Moran told us it was a common practice for senior Navy leadership to authorize members of their personal staff to access their official Navy e-mail accounts so the staff could monitor important suspenses', requests for information, actions, or calendar management. He said that as a result of allowing multiple members of his personal staff access to his e-mail discussions with other senior Navy leadership, ADM Moran used his personal e-mail to discuss sensitive "flag matters" like assignments and promotions with other senior Navy flag officers because, "we could control who was seeing what." ADM Moran told us "Flag detailing is a really sensitive topic. There is always a risk of our discussions about who might go to this job and that job being leaked."

ADM Moran told us that in order to comply with the requirement to archive such official e-mails in a Government system of records:

> I made a subfolder in my Gmail during this whole time for flag detailing, and I dropped everything in it. I'd go through it, I don't know how often, once a month, once a quarter, dump it into my flag detailing folder and then that would be archived. But I also was assured that the office that does flag detailing gets all of the decisions, and is copied on all of this using their .mil account at the same time because they were not on wider distribution with who was seeing what and their job was to be protective of that information.

ADM Moran also stated:

> as I was wrapping up my time as CNP in 2016 we started archiving all of my Gmail because we knew, especially on the -- it was really archiving the discussions about flag detailing where we were sending flags. That all got archived.

However, ADM Moran acknowledged that this was not done when he became the VCNO in 2016.

ADM Moran told us there were many reasons why he continued to use personal e-mail while serving as the VCNO to conduct official DoD communications. He stated that personal e-mail was the "easiest, most effective, most reliable way to get access to media" especially if there was late breaking

news that would affect the speech or lecture he was about to deliver. ADM Moran also identified access to Wi-Fi on commercial and military aircraft as a contributing factor. He stated that Gmail allowed the user to open any links embedded in e-mails, while the Government blocked access to embedded links in the Government accounts.

ADM Moran told us that, "convenience was the driver" for his continued use of Gmail. He told us his continued use of Gmail, "became a bad habit, or a habit of using Gmail to stay in touch with people that I really relied on to help me effectively communicate and understand the media." ADM Moran also told us that while he continued to use his personal e-mail account to discuss "official DoD communications," with the Navy commander, these were not transferred to his official e-mail account and archived. He stated:

> . . . We lost the connection between my move from CNP to Vice Chief. New staff, new people. I lost the discipline in [archiving my e-mails].

ADMIRAL MORAN'S RELATIONSHIP WITH THE NAVY COMMANDER

We also addressed the issue regarding ADM Moran's continued relationship with the Navy commander after the Navy commander's reassignment from the CNO's staff.

We asked ADM Moran why he remained in contact with the Navy commander after the CNO had removed the Navy commander from his personal staff. ADM Moran told us he had known the Navy commander since 2013 when the Navy commander was ADM Moran's PAO during his tour as the Chief of Naval Personnel. ADM Moran stated:

> [the Navy commander] was my communicator. … He understood my voice really well, and a hell of a good writer, and very good with the media, and incredibly strong instincts about Public Affairs, and the more we got to work together the more I appreciated his skills. Just the best I had ever come across.

ADM Moran told us the Navy commander's inappropriate behavior towards junior female officers and a female civilian employee and subsequent administrative actions taken against him were "hugely disappointing" and "a personal kick in the gut for me." ADM Moran stated that he had to recuse himself from any disciplinary action against the Navy commander because of their relationship and "because I'm in the chop chain of the disciplinary action, and I felt I couldn't get involved." According to ADM Moran, after the Navy commander was reassigned to the Defense Media Agency (DMA), ADM Moran heard how much the staff at DMA "valued [the Navy commander]." ADM Moran stated:

> So, my mental framework here is here's a guy who was held accountable. His career was ended. He got pushed out of the Navy but still on active duty, getting a Navy paycheck. But his talent is still his talent and I continue to have dialogues with him about communicating, communications. So that kind of real fast kind of leads to when I become the presumptive nominee for the job, he reached out to me and said, "Here's some things you ought to think about." And I appreciated that, okay?
>
> I have a lot of respect for his intuition, and his insights, and his professional capabilities, his talent.

ADM Moran said that he understood the "concerns and perceptions" about his continued contact with the Navy commander after he "was fired from a job." He stated:

> I tried to explain that [the Navy commander] was a colleague and a friend who disappointed me terribly on a personal level, but on a professional level that he has an awful lot to offer to make senior leaders like me think clearly. So, the optics for some will be that … I don't get it when it comes to sexual harassment policy, don't take it seriously.
>
> And there are those who would say well, you obviously didn't care about the victim. And I would say no, I didn't have a relationship with the victim. I had a relationship with this guy and I expressed my personal disappointment to him, but I also cared for him. He's a former member of my staff, family member as I mentioned to you earlier. So, you know, when we're talking about judgment about optics there's the institutional piece, and there's the human piece. I try to balance that all the time in decisions I make about the careers and lives of Sailors and their families against the institutional requirements. Do your best to balance those things. Some would argue I got out of balance on this from the optics standpoint. I think I got it about right. That's how I view it.

According to ADM Moran, he still relied on the Navy commander for public affairs and media relations advice rather than relying on the Chief of Information (CHINFO)[6] staff after the Navy commander was removed because, "CHINFO was a mess. No leadership." ADM Moran said that the Navy had not filled the CHINFO flag officer leadership position for "nearly a year and a half" after the previous admiral in charge of CHINFO had retired. ADM Moran said he did not believe he was going to get "good support" and that CHINFO's job was not to write speeches. ADM Moran also said his speech writer was an inexperienced Lieutenant with about "a year to give." His speech writer was great at research, "but putting a speech together is so much more than that." ADM Moran discussed why he depended on the Navy commander in this situation:

> I only leaned on [the Navy commander and personal e-mail group] on really big stuff that I thought I need to make sure that people who know my voice the best were providing me the candor. And that's the other thing, you don't get from always reaching down into CHINFO or others. The candor is not as strong. When you have people who know you very well and know that I'm open and I'm willing to take their feedback when it's not positive, it makes me sharpen the message. It makes me better. …there's a connection there. So it's the human part of reaching out with those you have greatest amount of confidence.

We asked ADM Moran about several e-mails sent from the Navy commander to ADM Moran when the Navy commander was still on active duty, but after he had started his private consulting firm, that contained a reference to the Navy commander's private business in the signature block.

[6] The U.S. Navy Chief of Information (CHINFO) serves as the direct public affairs representative for the Secretary of the Navy and the CNO. The CHINFO is responsible for planning and executing all DoN public affairs missions. Depending on the context, the acronym CHINFO can refer to the individual in charge of the Navy's public affairs community, typically a rear admiral, or to the PAO organization that is located in the Pentagon that supports the rest of the Navy staff.

ADM Moran told us he did not "scroll down" to the bottom of the e-mail discussions to see if a person's signature block had changed in the personal e-mail group. ADM Moran told us he viewed the Navy commander as, "Commander, United States Navy, PAO, being paid by the government, as a friend and as a colleague. I would never have engaged with him [on official DoD business] otherwise."

We also identified one personal e-mail discussion between the Navy commander and ADM Moran that took place after the Navy commander's retirement on June 1, 2019. On June 2, 2019, ADM Moran and several members of his CNO transition team, and the Navy commander, discussed a one page strategic message for ADM Moran to distribute to other senior Navy Flag officers. The particular e-mail discussion thread continued until June 5, 2019 between ADM Moran and the other individuals on his transition team, but did not further include the Navy commander. We found no additional personal e-mail communications between ADM Moran and the Navy commander after the June 2, 2019 exchange. When we asked ADM Moran to explain why he communicated with the Navy commander the day after the Navy commander's retirement, ADM Moran told us:

> I told [the Navy commander], "Hey, we're done. I can't hire you as a contractor. We've tested the waters, it's not there. I'm sorry. I'd love to have you but it's just not in the yard. I've got to tell the team that." And then I just gave him a, "Hey, this is the one pager you've been working on, the last draft if you got any comments great." That was last communication I can recall having with [the Navy commander].

When we asked ADM Moran to address concerns that he may have been receiving official strategic communications advice from the Navy commander's private consulting firm, [redacted] ADM Moran told us:

> never in my mind did I think I was using a contractor. I mean it was clear we had discussions that at some point down the road if the team feels like this is something we would pursue, we would pursue it after he was retired.

In addition, we reviewed DoD contracting and acquisition databases and found no record that the Navy commander's private media consulting agency, [redacted] had competed or was selected for any DoD contract work.

We also found no evidence that ADM Moran was involved in any way with promoting the Navy commander's business.

PUBLIC MESSAGES REGARDING ADMIRAL MORAN

After we interviewed ADM Moran, the Navy issued a series of statements regarding ADM Moran. On July 7, 2019, ADM Moran informed the Secretary of the Navy that he was declining his appointment as the next CNO. In a statement issued by the Navy, ADM Moran wrote:

> I made this difficult decision based on an open investigation into the nature of some of my personal e-mail correspondence over the past couple of years and for continuing to maintain a professional relationship with a former staff officer, now retired, who had while in uniform been investigated and held accountable over allegations of inappropriate behavior.

On July 7, 2019, the Secretary of the Navy accepted ADM Moran's request for retirement and issued the following statement:

> Adm. Bill Moran recently brought to my attention that over the past two years he maintained a professional relationship with an individual who was held accountable and counseled for failing to meet the values and standards of the Naval profession. While I admire his faithful service and commitment to the Navy, this decision on his part to maintain that relationship has caused me to call his judgment into question. Therefore, today I accepted Adm. Moran's request to retire.

On July 8, 2018, the CNO addressed ADM Moran's declination of appointment as the next CNO and his request for retirement in an e-mail message to senior Navy leaders. He wrote:

> Adm. Moran, as VCNO, had maintained an off-the-record collaboration on high-level official Navy business with an officer who had previously been held accountable for inappropriate behavior towards junior female officers. Adm. Moran recognized that the nature of this collaboration made it untenable for him to serve as the CNO, which is why he requested to retire.

Admiral Moran's Response to Our Tentative Conclusions Letter

On August 8, 2019, we provided ADM Moran our tentative conclusions and an opportunity to comment before we issued our final report. On August 14, 2019, ADM Moran, through his assigned counsel, provided us with a response to our preliminary conclusions, which we include here in its entirety.

> I reviewed the draft report of investigation and your tentative conclusions (reference a), and appreciate the opportunity to comment.
>
> I agree with the conclusions of the report that I used my personal email account to conduct some official business and did not appropriately archive this material in a timely manner. My primary practice, however, was to use my government account. It is important to note that at no time was there any exchange of classified material when using my personal email.
>
> The investigation, noting that no applicable standard prohibited it, calls into question my decision to continue to have a professional relationship with an officer who was dismissed from the CNO's staff after being held accountable for poor and inappropriate behavior. Although, the report on this matter is incomplete, I would like to add some context to this relationship. This officer served with me on and off for nearly a decade. He was a personal staff member, trusted advisor and mentee when I was Chief of Naval Personnel and that service carried over during my time as Vice Chief of Naval Operations. My professional relationship with this officer has been like many others drawn from a diverse group of colleagues, mentors and Sailors. When any individual I served with is confronted with a challenge, it is my ethos to ensure accountability and then

> help get them back on their feet, to sometimes include rebuilding trust. I believe in the power of redemption. That is who I am and that is how I have applied my judgment for 38 years.
>
> I understand and accept that some view my continuing professional relationship with this Navy commander as insensitive, inappropriate, or wrong. I regret this. I made the decision to retire rather than put the institution through additional turmoil at a critical time. It is important for the record to note, that for over a decade, I dedicated myself to eradicating and combating sexual harassment, sexual assault, toxic environments, unconscious bias and all of the other behaviors that are contrary to mutual respect and good order. I am proud of those actions. The ledger of my work on behalf of all Sailors is available for all to review and consider.
>
> This report reminds leaders at all levels, but especially senior leaders, that striking the balance between accountability and redemption is at the heart of leading women and men in the profession of arms. Getting that balance right is not always easy. As leaders and servants of the American public, it is important that as part of our own development we continue to have candid, frank and open discussions with Sailors from all walks of life and pay-grades — to listen, to learn, and grow from interactions with fellow shipmates while tempering the need for discipline with the values of sympathy, redemption and trust.

After considering ADM Moran's response, we stand by our findings and conclusions.

IV. OVERALL CONCLUSIONS

We determined that ADM Moran used his personal e-mail account to conduct official DoD communications, in violation of DoD policies described in this report.

We found that ADM Moran frequently communicated by personal e-mail with the Navy commander on official DoD communications after the commander had been removed from the CNO's staff after being held accountable for inappropriate behavior towards junior female officers and a female civilian employee.

We reviewed ADM Moran's personal e-mails and determined that he used his personal e-mail account to discuss official DoD communications with the former Navy commander and other Navy military, civilian, and contract personnel. The content of these official DoD communications covered a variety of topics, including pending speeches for U.S. Navy ship commissionings and for defense think tanks about force shaping and Navy power projection throughout the world; media articles about sailor retention and Navy personnel policy; future Navy strategies and professional military education; strategic messaging for Navy personnel, industry, and academia; congressional testimony related to Navy readiness and operations; media engagements regarding Navy leadership efforts to prevent future ship collisions; strategic areas of the world where the Navy should increase or withdraw its presence; and ADM Moran's Senate confirmation hearings to become the next CNO.

ADM Moran admitted to us that he used his personal e-mail account to correspond with the Navy commander and others on official DoD communications. He told us that "convenience was the driver" for his continued use of personal e-mail, both for ease of use and for better "connectivity and reliability" than Government communications systems provided.

DoD policies clearly state that personal e-mail accounts must not be used to conduct "official DoD communications." Furthermore, convenience is not an acceptable reason to use personal e-mail to conduct "official DoD communications." We found no evidence that ADM Moran's use of personal e-mail met the DoD's criteria for rare and extraordinary circumstances, or that he requested or received an exception to policy to use his personal e-mail account to conduct "official DoD communications." Therefore, we substantiated that his use of personal e-mail violated DoD standards.

Regarding whether ADM Moran's continued relationship with the Navy commander may have been inappropriate due to the Navy commander's outside employment as a private media consultant while still on active duty, we found that the media relations firm the Navy commander founded, [redacted] had no contractual relationship with the DoD or the Navy, and was not a prohibited source. We found that the Navy commander sought and received ethics guidance from Navy attorneys, who advised him that [redacted] In addition, the Navy commander sought and received permission from his commanding officer before engaging in outside employment. We found no evidence that ADM Moran hired the Navy commander or solicited his media relations guidance in the Navy commander's private capacity, nor was ADM Moran aware that the Navy commander had changed his personal e-mail signature block to contain a reference to the consulting firm he founded. Therefore, we concluded that ADM Moran's relationship with the Navy commander was not inappropriate with respect to the Navy commander's outside employment.

With regard to ADM Moran's continued relationship and communications with the Navy commander after his removal from the CNO's staff after being held accountable for inappropriate behavior towards junior female officers and a female civilian employee, ADM Richardson and the Secretary of the Navy issued statements of concern about ADM Moran's on-going professional relationship and collaboration with the Navy commander. For example, ADM Richardson expressed concern that ADM Moran's continued reliance on the Navy commander for public affairs advice even after the Navy commander was removed from ADM Richardson's staff showed poor judgment and would send the wrong message to the public and Members of Congress about how seriously the Navy, and the CNO's office, took the Navy commander's inappropriate behavior. ADM Richardson also told us that ADM Moran's actions were contrary to assurances ADM Richardson had given personally to Members of Congress that the Navy commander would no longer be in a position of supervision or influence until his retirement. He stated, "I made it very clear that we, Navy leadership, was not in contact with [the Navy commander]. He was not advising us. He was not in the inner groups. He was not providing strategic or public affairs advice." ADM Richardson said he was displeased when he learned that not only was ADM Moran conducting "high-level official Navy business" through personal e-mail, ADM Moran also was conducting this business "in an off-the-record manner" with an officer who had been publicly disciplined for inappropriate behavior towards junior female officers and a female civilian employee.

The Secretary of the Navy stated publicly that ADM Moran's decision to maintain a relationship with the Navy commander "caused me to call his judgment into question."

We agree with ADM Richardson's and the Secretary of the Navy's concerns about ADM Moran's judgment in continuing to solicit and accept the Navy commander's public affairs guidance after his removal from the CNO's staff after being held accountable for inappropriate behavior towards junior female officers and a female civilian employee.

We do not consider ADM Moran's continued relationship with the Navy commander to be misconduct; rather, we consider it a performance issue. We found no applicable standard that prohibited ADM Moran from continuing his personal or professional relationships with the Navy commander after his removal from the CNO's staff. However, we agree with the Secretary of the Navy's and ADM Richardson's consideration of this issue as a performance issue.

V. RECOMMENDATIONS

We recommend that the Secretary of the Navy take appropriate action regarding ADM Moran.

We also recommend that the Secretary of the Navy provide guidance to Navy personnel reminding them of the DoD policy against using personal e-mail to conduct "official DoD communications."

Whistleblower Protection
U.S. Depar tment of Defense

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