

**Congress of the United States**  
**Washington, DC 20515**

September 8, 2020

The Honorable Ryan D. McCarthy  
Secretary of the Army  
Department of Defense  
1600 Army Pentagon  
Washington, D.C. 20310-1600

Dear Secretary McCarthy:

By mutual agreement, the Committee on Oversight and Reform Subcommittee on National Security and the Committee on Armed Services Subcommittee on Military Personnel are jointly investigating whether an alarming pattern of recent tragedies at Fort Hood, Texas, may be symptomatic of underlying leadership, discipline, and morale deficiencies throughout the chain-of-command. As Members of Congress, it is our solemn responsibility to provide a full accounting of the conditions and circumstances that may have contributed to the recent disappearances and deaths of U.S. Army personnel at Fort Hood. Where appropriate, we intend to seek justice on behalf of those in uniform, and their families, who may have been failed by a military system and culture that was ultimately responsible for their care and protection.

According to the Army, between 2014 and 2019, there were an average of 129 felonies committed annually at Fort Hood, including cases of homicide, sexual assault, kidnapping, robbery, and aggravated assault. During an August visit to Fort Hood, you acknowledged, “The numbers are high here. They are the highest, the most cases for sexual assault and harassment murders for our entire formation of the US Army.”<sup>1</sup>

This year alone, three U.S. servicemembers—Specialist Vanessa Guillen, Private Mejhor Morta, and Sergeant Elder Fernandes—all went missing from Fort Hood and were later found deceased, while the remains of a fourth soldier, Private Gregory Wedel-Morales, were discovered in June nearly a year after he went missing in August 2019.<sup>2</sup> While foul play is suspected in the deaths of Guillen and Wedel-Morales, investigations into the circumstances of the deaths of Fernandes and Morta remain ongoing.<sup>3</sup> In addition, the recent deaths of Private First Class Brandon Scott Rosecrans, Specialist Freddy Delacruz Jr., and Specialist Shelby Tyler Jones are all being investigated as homicides.<sup>4</sup>

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<sup>1</sup> U.S. Army, *Secretary of the Army Press Briefing at Fort Hood August 6, 2020* (Aug. 6, 2020) (online at [www.army.mil/article/238088/secretary\\_of\\_the\\_army\\_press\\_briefing\\_at\\_fort\\_hood\\_august\\_6\\_2020](http://www.army.mil/article/238088/secretary_of_the_army_press_briefing_at_fort_hood_august_6_2020)).

<sup>2</sup> *Why Is Fort Hood The Army's Most Crime-Ridden Post?*, Stars and Stripes (Aug. 21, 2020) (online at [www.stripes.com/news/us/why-is-fort-hood-the-army-s-most-crime-ridden-post-1.642104](http://www.stripes.com/news/us/why-is-fort-hood-the-army-s-most-crime-ridden-post-1.642104)).

<sup>3</sup> *Fort Hood Soldier's Death Under Police Investigation*, Army Times (July 21, 2020) (online at [www.armytimes.com/news/your-army/2020/07/21/fort-hood-soldiers-death-under-police-investigation/](http://www.armytimes.com/news/your-army/2020/07/21/fort-hood-soldiers-death-under-police-investigation/)).

<sup>4</sup> *Why Is Fort Hood The Army's Most Crime-Ridden Post?*, Stars and Stripes (Aug. 21, 2020) (online at [www.stripes.com/news/us/why-is-fort-hood-the-army-s-most-crime-ridden-post-1.642104](http://www.stripes.com/news/us/why-is-fort-hood-the-army-s-most-crime-ridden-post-1.642104)).

It is significant and disturbing that both Specialist Guillen and Sergeant Fernandes allegedly were sexually abused or harassed prior to their deaths. An attorney for the family of Sergeant Fernandes claims that he was “bullied” and “hazed” by his peers after he reported his harassment, while Specialist Guillen reportedly was too afraid of retribution to file a formal complaint.<sup>5</sup> According to Guillen’s sister:

She was afraid to report it. She reported it to her friends. She reported it to her family. She even reported to other soldiers on base, but she didn’t want to do a formal report because she was afraid of retaliation and being blackballed, and she, like most victims, just tried to deal with it herself.<sup>6</sup>

Families of missing Fort Hood soldiers have expressed anguish and frustration about the Army’s response to the disappearance of their loved ones and the dearth of information about the status of the Army’s investigations.<sup>7</sup> For example, according to the mother of Private Wedel-Morales, she has “fought from Day One” with Army investigators who originally and erroneously determined that her son was absent without authorized leave.<sup>8</sup>

While the Army has directed an independent review of Fort Hood, Congressional oversight is necessary to determine whether base leadership—by omission or commission—has allowed or enabled a culture to exist that undermines the values and traditions of the U.S. Army.

For all of these reasons, please provide the following documents and information by October 2, 2020, for the period between January 1, 2019, and the present:

1. All documents, including relevant medical and administrative records, and communications between Fort Hood leadership, military police, the Army Criminal Investigative Division (CID), and state and local law enforcement authorities related to any sexual assault or harassment allegations made by, and

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<sup>5</sup> *Soldier Missing From Fort Hood Was ‘Bullied’ After Reporting Sexual Assault, Lawyer Says*, Task and Purpose (Aug. 25, 2020) (online at <https://taskandpurpose.com/news/army-missing-elder-fernandes-sexual-assault/>); *Remains of Missing Soldier Vanessa Guillen Likely Found, Family Says, As Suspect Kills Himself*, Washington Post (July 1, 2020) (online at [www.washingtonpost.com/national-security/2020/07/01/vanessa-guillen-remains/](http://www.washingtonpost.com/national-security/2020/07/01/vanessa-guillen-remains/)).

<sup>6</sup> *Family of Missing Fort Hood Soldier Vanessa Guillen Speaks Out, Urges No One Enlist Until ‘We Get Justice’*, ABC News (July 2, 2020) (online at <https://abcnews.go.com/US/family-missing-fort-hood-soldier-vanessa-guillen-speaks/story?id=71569227>).

<sup>7</sup> *Dead Soldier, Formerly Listed as AWOL, is Finally Taken Off List of Deserters*, Army Times (July 1, 2020) (online at [www.armytimes.com/news/your-army/2020/07/15/dead-soldier-formerly-listed-as-awol-is-finally-taken-off-list-of-deserters/](http://www.armytimes.com/news/your-army/2020/07/15/dead-soldier-formerly-listed-as-awol-is-finally-taken-off-list-of-deserters/)); *Missing Fort Hood Soldier Found Dead, Lawyer Says, In Growing Toll of Deaths There*, Washington Post (Aug. 26, 2020) (online at [www.washingtonpost.com/national-security/2020/08/26/elder-fernandes-missing-soldier-fort-hood/](http://www.washingtonpost.com/national-security/2020/08/26/elder-fernandes-missing-soldier-fort-hood/)); *‘No One Believes That Story’: Guillen Family Says They Don’t Trust Army*, ABC News (Aug. 7, 2020) (online at <https://abc13.com/army-secretary-ryan-mccarthy-vanessa-guillen-fort-hood-soldier-deaths/6358907/>).

<sup>8</sup> *Army Leaders Are Debating How to Categorize Soldiers Who Go Missing*, Army Times (Aug. 7, 2020) (online at [www.armytimes.com/news/your-army/2020/08/07/army-leaders-are-debating-how-to-categorize-soldiers-who-go-missing/](http://www.armytimes.com/news/your-army/2020/08/07/army-leaders-are-debating-how-to-categorize-soldiers-who-go-missing/)).

the disappearance and deaths of, Sergeant Elder Fernandes, Specialist Vanessa Guillen, Private Gregory Wedel-Morales, and Private Mejhor Morta.

2. Detailed timelines related to the Fort Hood response to any sexual assault or harassment allegations made by, and the disappearance and deaths of, Sergeant Elder Fernandes, Specialist Vanessa Guillen, Private Gregory Wedel-Morales, and Private Mejhor Morta.
3. All investigative files and communications between Fort Hood leadership, CID, and state and local law enforcement authorities related to the deaths of Private First Class Brandon Scott Rosecrans, Specialist Freddy Delacruz Jr., and Specialist Shelby Tyler Jones.
4. All Fort Hood policies, directives, guidance, and standards related to:
  - a. determining the status of personnel absent without leave;
  - b. reporting missing personnel to military, local, and federal law enforcement authorities;
  - c. the search and rescue of missing military personnel;
  - d. communicating with military, local, and federal law enforcement during a missing or deceased persons investigation;
  - e. communicating with next-of-kin during a missing or deceased persons investigation; and
5. All reports, data, or surveys related to:
  - a. the command climate or culture at Fort Hood;
  - b. sexual assault, abuse, and harassment at Fort Hood;
  - c. the occurrence of felony level crimes on Fort Hood, the occurrence of such crimes involving servicemembers off base, and the Uniform Code of Military Justice statistics for such crimes, relative to other U.S. Army bases; and
6. All Fort Hood policies, guidance, and standards provided to military officers for handling allegations of sexual assault, abuse, and harassment;
7. All policies, directives, and instructions provided to Fort Hood personnel related to reporting allegations of sexual assault, abuse, and harassment;
8. When completed, all findings or reports produced by the Fort Hood Independent Review Committee.

If you have any questions regarding this request, please contact Committee on Oversight and Reform staff at (202) 225-5051 or Committee on Armed Services staff at (202) 225-4151.

Sincerely,



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Stephen F. Lynch  
Chairman  
Subcommittee on National Security  
Committee on Oversight and Reform



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Jackie Speier  
Chairwoman  
Subcommittee on Military Personnel  
Committee on Armed Services

Enclosure

cc: The Honorable Glenn Grothman, Ranking Member  
Subcommittee on National Security  
Committee on Oversight and Reform

The Honorable Trent Kelly, Ranking Member  
Subcommittee on Military Personnel  
Committee on Armed Services

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.