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The Inspector General of the Air Force

Report of Investigation (S8138P)

Maj Gen Jack L. Briggs II

April 2015

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REPORT OF INVESTIGATION (Case S8138P)

CONCERNING

MAJOR GENERAL JACK L. BRIGGS II

PREPARED BY
COLONEL [redacted]
April 2015

I. INTRODUCTION

This investigation was directed in response to complaints filed by three members of the 721st Security Forces Squadron (SFS), 721st Mission Support Group (MSG), 21st Space Wing (SW), Cheyenne Mountain Air Force Station (CFAMS), CO: [redacted] (Ex 1:1) The three Airmen filed the Air Force Forms 102 with the 21 SW Inspector General (IG). (Ex 2:1-3; 3; 4; 5) The 21 SW/IG forwarded the complaints to the North American Aerospace Defense Command (NORAD) and U.S. Northern Command (USNORTHCOM) IG who in turn sent the complaints to the Secretary of the Air Force IG via a memorandum dated 12 Nov 14. (Ex 1) All three individuals alleged Maj Gen Jack L. Briggs II, Director of Operations for USNORTHCOM, Peterson Air Force Base, CO, yelled and cursed at them on the morning of 26 Oct 14 during CMAFS entry processing. Two of the three individuals alleged Maj Gen Briggs attempted entry without proper authority to include forcible entry into CMAFS' Protection Level One (PL-1) facility.[1] (Ex 3; 4; 5)

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This investigation considered Maj Gen Briggs a suspect, and Maj Gen Briggs was advised of his rights under Article 31.

II. SCOPE AND AUTHORITY

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force.[2] When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General has the authority to inquire into and report on the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.[3] The Inspector General must cooperate fully with The Inspector General of the Department of Defense.[4] Pursuant to Air Force Instruction (AFI) 90-301, *Inspector General Complaints Resolution*, 23 Aug 11 (Incorporating Change 1, 6 Jun 12),

[1] AFI 31-101 provides guidelines, procedures and minimum physical security levels required for Protection Level (PL) 1 non-nuclear, 2, 3, and 4 resources. The question of whether Maj Gen Briggs attempted to breach PL-1 security is not addressed in this investigation because it is irrelevant to the framed allegations.
[2] Title 10, United States Code, Section 8014
[3] These authorities are outlined in Title 10, United States Code, Section 8020
[4] Title 10, United States Code, Section 8020(d)

paragraph 1.13.4, The Inspector General has oversight authority over all IG investigations conducted at the level of the Secretary of the Air Force. (Ex 6:2)

Pursuant to AFI 90-301, paragraph 1.13.3.1, the Director, Senior Official Inquiries Directorate (SAF/IGS), is responsible for performing special investigations directed by the Secretary, the Chief of Staff, or The Inspector General and all investigations of senior officials. AFI 90-301 defines senior official as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above, and Air National Guard Colonels with a Certificate of Eligibility (COE). Current or former members of the Senior Executive Service (SES) or equivalent and current and former Air Force civilian Presidential appointees are also considered senior officials. (Ex 6:2)

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One of several missions of The Inspector General of the Air Force is to maintain a credible inspector general system by ensuring the existence of responsive complaint investigations characterized by objectivity, integrity, and impartiality. The Inspector General ensures the concerns of all complainants and subjects, along with the best interests of the Air Force, are addressed through objective fact-finding.

On 12 Jan 15, The Inspector General approved a recommendation that SAF/IGS conduct an investigation into allegations of misconduct by Maj Gen Briggs. The case was assigned to Col [redacted] who holds a SAF/IG appointment letter dated 20 Aug 14, and the investigation started on 13 Jan 15. (Ex 7)

III. BACKGROUND

The 21 SW, headquartered at Peterson Air Force Base, CO, oversees five groups at locations around the world. The 21 SW commands two MSGs. The 21 MSG is located at Peterson Air Force Base, and the 721 MSG is located at CMAFS. The 721 MSG host's a variety of tenants on CMAFS, to include the largest tenant, NORAD. The 721 MSG Commander (CC) acts as the CMAFS installation commander. The 721 MSG provides security to CMAFS, in part, through the 721 SFS. (Ex 8:2-3)

CMAFS includes an underground facility and the surrounding areas that house many support functions. Access to the underground facility from outside of CMAFS requires transit through a system of check points. First, vehicles depart Hwy 115 and travel approximately 2 miles to reach the Installation Main Gate known as Echo 1 (E-1). E-1 is a standard Air Force Facility entrance, primarily a vehicle check point. After E-1, vehicles travel approximately 1.5 miles to a PL-1 access point. (Ex 8:5; 12) PL-1 access includes both Echo 2 (E-2) for vehicles and Echo 3 (E-3) for pedestrian entry. (Ex 8:5) Both E-2 and E-3 are housed in the same temporary building. (Ex 8:8) There is a large parking lot outside this PL-1 access point, as most

individuals are not authorized to drive passed this point. (Ex 8:14) Pedestrians enter the temporary facility and show their Air Force Entry Control Card (AFECC), or "line badge," to a guard in a bullet proof cage. Next the individuals proceed to one of three AFECC readers. The individuals have their AFECC scanned and enter their personal identification number (PIN) into the keypad. Proper scanning and PIN entry, under normal conditions, unlocks the associated door and allows access to an awaiting bus. The bus proceeds approximately 1 mile into the underground facility to the blast door. The individuals disembark and walk through the blast door and to the NORAD Command Center. (Ex 8:14)

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At the time of the events which led to this investigation, GEN Charles Jacoby, United States Army, commanded NORAD and the unified Combatant Command, USNORTHCOM (N-NC) (Ex 9:1); Lt Gen J. A. J. Parent, Canadian Air Force, was the Deputy Commander, NORAD (Ex 10:1); and Lt Gen Michael Dubie was the Deputy Commander, USNORTHCOM. (Ex 11:1) GEN Jacoby and these two Lt Gens function as Assessors, and as such, are provided expedited entry to CMAFS to support National Leadership decision making. During the expedited entry, a security forces vehicle leads the Assessor's vehicle from Hwy 115 to E-1, and all other traffic at E-1, E-2, and E-3 is stopped. (Exs 8:10, 12; 13:1-2) The stopped traffic flow promotes safety and allows for the Assessor's unimpeded travel.[5] (Ex 13:1)

[redacted]

On the early morning of 26 Oct 14 during [redacted] a Joint Staff Level exercise with USNORTHCOM as the supported commander, an exercise vignette occurred that resulted in the expedited entry of the commander and the deputy commander of NORAD. (Ex 8:9) At 0505 local, [redacted] initiated the expedited entry of Lt Gen Parent, and all posts and patrols were briefed to stop inbound and outbound traffic. At 0511 local, [redacted] terminated the expedited entry, and all post and patrols returned traffic to normal operations. (Ex 14:10) At 0518 local [redacted] initiated expedited entry for GEN Jacoby, and all posts and patrols were

[5] There are two types of expedited entry: emergency and non-emergency. The procedures are similar except during non-emergency entry, the Assessor's vehicle is stopped at E-2 for inspection. (Ex 14)

[redacted]

briefed to stop inbound and outbound traffic. At 0528, [redacted] terminated the expedited entry, and all post and patrols returned traffic to normal. (Ex 14:10)

Maj Gen Briggs became the USNORTHCOM Director of Operations in Jun 14 with a Jul 14 date of rank. (Ex 15:2-3)

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IV. ALLEGATIONS, STANDARDS, ANALYSIS AND CONCLUSIONS

ALLEGATION 1. That on or about 26 October 2014, Maj Gen Jack L. Briggs II wrongfully behaved in a disrespectful manner by yelling and using derogatory and demeaning language toward 721st Security Forces Squadron members who were in the execution of their duties, in violation of Article 134, *Disrespect to a Sentinel or Lookout*, Uniform Code of Military Justice.

STANDARDS.

Manual For Courts-Martial United States, 2012 Edition

Article 134—Disrespect to a sentinel or lookout
Elements.
(a) That a certain person was a sentinel or lookout;
(b) That the accused knew that said person was a sentinel or lookout;
(c) That the accused used certain disrespectful language or behaved in a certain disrespectful manner;
(d) That such language or behavior was wrongful;
(e) That such language or behavior was directed toward and within the sight or hearing of the sentinel or lookout;
(f) That said person was at the time in the execution of duties as a sentinel or lookout; and
(g) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces. (Ex 16:1-2)

ANALYSIS.

The conduct in question occurred at the gates E-1 and E-3 in less than a thirty minute span of time. (Ex 14:10) The complainants' testimony describing what occurred substantially differed from that of Maj Gen Briggs' testimony. About twenty minutes after the interaction at E-3, Maj Gen Briggs and Mr. [redacted] had the first of two conversations. (Ex 8:10, 11) Mr. [redacted] testimony of these conversations differed in parts from that of Maj Gen Briggs' testimony. To reconcile what occurred at E-1 and E-3, individuals who were physically present during these interactions on the morning of 26 Oct 14 were interviewed. The 721 SFS provided the names of

21 individuals who used the AFECC reader at E-3 within three minutes of Maj Gen Briggs. (Ex 21) These individuals were contacted to obtain third-party witness accounts of these interactions.

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E-1 Entry Control Point

On the early morning of 26 Oct 14, E-1 was manned by [redacted] and [redacted] (Ex 17:3) They were members of the 721 SFS and wearing SF uniforms, berets, and insignia. (Ex 17:2; 18:2) As Maj Gen Briggs drove toward the main gate, he testified he met a long line of traffic and sat in the line of traffic five to ten minutes before it started to move. (Ex 19:11) Maj Gen Briggs testified the traffic started to move because the line of cars was being directed into the visitor center parking lot. (Ex 19:11) [redacted] testified he directed Maj Gen Briggs' car into the visitor center parking lot. (Ex 17:3) At this point in their recounting of their interaction Maj Gen Briggs' and [redacted] testimonies started to differ.

> Maj Gen Briggs: [S]o I am a two-star, I figured I might be the senior guy. So I got out of my car, just to go find out what was going on. And I tooled on over to the...guard facility and there was an, the airman that had been vectoring traffic was standing out there. And I said, hey are you in charge out here? And he said no. I said, well what are we waiting on? And, uh, he said we're waiting for a DV. I'm thinking a commander at this point and I said oh, okay, well that's who we are, we're his staff, all these people, we need to get in so that we can work for him...and then I asked are you in charge? And he said no, and he sort of pointed at the guard shack. So I said, okay, so I walked over to the guard shack..." (Ex 19:12, 13)

> [redacted] Maj Gen Briggs pulled into the Visitor Control Center Parking Lot, got out of his vehicle and walked towards me he was basically he was in my face asking me what the fuck was going on. I went to explain to him that we had an expedited entry going on...to which he told me I need to get my fucking Flight Chief or my fucking supervisor down here to talk to him...Before I finished that sentence he went to go walk over to my leader that was on post with me. (Ex 17:3)

During Maj Gen Briggs' suspect interview, the IO asked Maj Gen Briggs to address other witnesses' testimony.

> IO: But with that initial airman were you calm, were you just hey, what's going on; what was you demeanor?
>
> Maj Gen Briggs: I don't think I was joking. I mean I think I was serious.... (Ex 19:26)
>
> ...
>
> IO: The guy that said we're waiting on a DV. Did you use profane or vulgar language with this individual?

Maj Gen Briggs: No

IO: All right. It has been said that you stated "what the fuck is going on?"

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Maj Gen Briggs: No. I said what's going on? The only time I would have used the word fuck is someone needs to un-fuck this...I would not have cursed at the airman....

IO: So, if someone said that Gen Briggs said, "you need to get your fucking flight chief," um, you would not have said that to the first airman?

Maj Gen Briggs: No. I did not say that to the first airman. (Ex 19:30)

When asked whether [redacted] had been the recipient of similar foul language or behavior from anyone else, [redacted] stated, "Yes I have, it has actually never been as bad as Gen Briggs, no one has screamed at the top of their lungs like he did...." (Ex 17:6-7)

[redacted] stated the interaction with Maj Gen Briggs lasted between one and one and a half minutes. (Ex 17:5) Maj Gen Briggs testified the interaction lasted less than a minute. (Ex 19:25)

Of the individuals contacted by the IO the investigation, only [redacted] a named complainant, specifically recalled witnessing the interaction between [redacted] and Maj Gen Briggs. (Ex 18:2) [redacted] testified:

> ...Major General Briggs stepped out of his car, walked over to ... [redacted] who was in the middle of the intersection directing traffic. I saw him [Maj Gen Briggs] get in his [redacted] face and it looked like he was confronting him or yelling at him so I attempted to go landline my Control Center to see if I could get additional patrol down here but I was not able to complete that because Major General Briggs started walking toward my location. (Ex 18:2)

Following the interaction between Maj Gen Briggs and [redacted] Maj Gen Briggs walked over to [redacted] position at the gate facility. (Ex 19:13; 18:2) Again, there were differences between Maj Gen Briggs' and [redacted] recounting of the interaction:

> Maj Gen Briggs: [S]o I walked over to the guard shack and as I approached the guard shack there was an airman standing in the doorway...I'm getting no answers to what's going on here, um and not to his fault at all, but there was, I mean, there wasn't a huge sense of urgency...**I looked at him and I said well you need to get somebody down here to unscrew this, I might have said to un-fuck this**....And then I looked at him and

I turned away and I walked back, and then I went back to my car. (Ex 19:13) (emphasis added)

An email from [redacted] and [redacted] to [redacted] (721 SFS [redacted] dated 26 Oct 2014, and sent at 08:16 AM, stated:

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> After the 2 star general stopped yelling at [redacted] He [sic] walked over to my position at the entrance to echo-1, asked "what the fuck is going on" and continued to yell at myself explaining that he needs to be in the mountain. I tried to get him to calm down and explain to him the situation that traffic was stopped but he would not listen at all. As I was trying to explain to him that we are properly releasing traffic he told me "you need to unfuck this situation" and walked away back to his car. (Ex 20:1)

In order to determine what occurred during these interactions, the IO attempted to contact all 21 individuals who swiped their AFECC within 3 minutes of Maj Gen Briggs. (Ex 21:1) The IO discussed the 26 Oct 14 morning incidents with 16 of these individuals. Ten of the individuals remembered nothing exceptional or out of the ordinary, except for two individuals who remembered someone walked up to the guard at the main gate while traffic was stopped but did not recall anything else significant occurring. The other six were interviewed and provided a wide range of testimony. (Ex 21:1)

The first, third-party, eye-witness interviewed was COL [redacted] USA, [redacted] (Ex 22) COL [redacted] testified Maj Gen Briggs was one of his supervisors. (Ex 22:3) Of note, Maj Gen Briggs requested the investigation interview COL [redacted] (Ex 23:1) COL [redacted] testified to the morning's events:

> I was the second vehicle in line. The situation was we had a 6 o'clock start ex for a final exercise...The gate was closed. I pulled up and waited for...approximately fifteen minutes. During that fifteen minutes roughly fifty or so vehicles stacked behind me and started winding back down the mountain....So we just waited until eventually Maj Gen Briggs walked up to ask the gate guard what was going on and why it was going on and to get a supervisor. **And I was within audible range...[Maj Gen Briggs'] tone was inpatient and the interaction lasted no more than two minutes max...[Maj Gen Briggs] asked him what the hell was going on and why were we waiting for all these cars when we have an exercise**....Well his tone was inpatient....But there were no F bombs dropped but he did say the word hell so it was a stem. (Ex 22:4) (emphasis added)

Later in the interview COL [redacted] characterized Maj Gen Briggs conduct as:

...acceptable. I mean, he was not happy. **In 26 years' experience, I have seen...butts chewed and in this case I would consider probably lower/moderate....** (Ex 22:6) (emphasis added)

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...

But frankly, if Gen Briggs hadn't have stepped up, there would have been somebody eventually who would have done it but it would have put us significantly behind so I mean he was just a, what I would characterize as you know, a change agent at the time to get folks flowing into the mountain. (Ex 22:8)

Based on above testimony, the investigation found COL [redacted] recollection of the interaction more closely resembled Maj Gen Briggs' testimony than the complainants' testimony. The IO weighed COL [redacted] testimony against three factors to gauge his credence. First, the IO considered COL [redacted] experience as an infantry officer affected his scoring the "butts chewed" rating of "lower to moderate." (Ex 22:2) What rates lower to moderate in the Army infantry may not equate to a similar rating in the Air Force. Second, COL [redacted] stated he was not aware of the NORAD Expedited Entry Procedures. (Ex 22:2) The IO found it difficult to understand how the [redacted] could not be aware of the NORAD Assessor expedited entry procedures. Third, COL [redacted] thought it was appropriate and beneficial for Maj Gen Briggs to engage these entry controllers as a means of promoting entry into the Mountain. (Ex 22:8) The IO found COL [redacted] testimony less reliable than others' testimony.

Mr. [redacted] described the interaction at the lower gate similarly to Maj Gen Briggs and COL [redacted] "it was just a direct line of questioning in a, uh, forceful voice." (Ex 24:5) Mr. [redacted] spent 22 years in Army Special Forces. (Ex 24:2) Mr. [redacted] also answered he did not recall hearing Maj Gen Briggs use foul language. (Ex 24:5) Capt [redacted] Royal Canadian Air Force (RCAF), testified that Maj Gen Briggs, "...might have mentioned that yeah this scenario was messed up or fucked up or something like that...he was not directed anything at him [the airman]"; "swore a couple of times" and "was a bit agitated, but not like flying off the handle." (Ex 25:6, 7) In an attempt to rate the interaction, Capt [redacted] testified , "it was a little tame...I've seen General Officers get out and rip strips[7] off of guys." (Ex 25:9) The IO found Capt [redacted] aperture of respectable conduct to be tempered by his time in the RCAF when he stated, "but then I'm from the point of view that if I'm in the military and a senior officer wants to raise his voice at me, that's fine, you know that's his prerogative, he can do that...I expect every now and again to get shit on whether I deserve it or not from the senior rank." (Ex 25:11) From COL [redacted] Mr. [redacted] and Capt [redacted] testimonies, the IO found evidence Maj Gen Briggs used profanity. The investigation considered these three characterizations of the interaction as well as the individuals' background.

[7] Capt [redacted] used the term strips and not stripes. (Ex 25:9)

Mr. [redacted] retired USAF Lt Col, recalled the events of the morning differently than Mr. [redacted] and COL [redacted] Mr. [redacted] testified:

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> I see an individual walking up, um, in a flight suit, uh, to go talk to the gate guard and he was very condescending. **He [Maj Gen Briggs] was yelling**...he was telling this gate guard that he needed to get through because he needed to meet with the commander and that he wanted to, to know who his boss was, his boss had to come down here...**I could tell he was mad right away because he was actually yelling at this guy. Uh, and yelling at the top of his lungs** that he, you know, that he needed to be let through... (Ex 26:3) (emphasis added)

Mr. [redacted] later testified Maj Gen Briggs used profanity to include "god damn" and the "F-bomb." (Ex 26:4) Mr. [redacted] estimated the interaction with [redacted] lasted five minutes and "[Maj Gen Briggs] wouldn't let go." (Ex 26:4-5) Mr. [redacted] characterized the appropriateness of the interaction, "these guys are out there...all hours of the night doing a job, you don't need to be talking to these guys this way....definitely disrespectful." (Ex 26:6, 7) Mr. [redacted] stated he "was disappointed" and "expected a lot more from a two-star general....[Maj Gen Briggs] lost his cool because he got caught out." (Ex 26:7) Mr. [redacted] stated he would not have appreciated being on the receiving end of this interaction. (Ex 26:11)

Though the witnesses remembered these interactions differently, the IO found it more likely than not that Maj Gen Briggs used profanity and yelled at the entry controllers at ECP E-1.

E-3 Entry Control Point

After the interaction with [redacted] Maj Gen Briggs returned to his vehicle. He drove to the Installation Main Gate, where Maj Gen Briggs handed [redacted] the required identification, returned [redacted] salute, and drove through the gate to the E-3 parking lot. (Ex 19:14; 18:6) [redacted] manned E-3. (Ex 27:2)

Again, Maj Gen Briggs' and the complainant's, [redacted] testimonies differed in how their interaction occurred.

> Maj Gen Briggs: I went up to the, to the, to the door to try to, to try to gate in, and it, and he said, hey sir you got to come over here. I went okay, so and I might have pushed on the door, I don't remember if I did that, but it wouldn't take my code or something...so I went over or I punched it in wrong but it didn't, I mean the door didn't open...then I went over to the, uh, to where the guard was...he said, **can I see your ID, or can I see your badge. And so I showed it to him....**[8] (Ex 19:20) (emphasis added)

[8] At this point in his testimony, Maj Gen Briggs transitioned from the events of 26 Oct 14 to a recounting of his various transits of the CMAFS entry control post. (Ex 19:20-21)

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[redacted] Instead of approaching me so I could check his badge [Maj Gen Briggs] automatically went for the doors. I called to him and said Sir I need to check your badge before you go in. **He walks over, throws his badge through the opening, I check it. I give it back to him that he is good to go. I inform him that traffic is stopped at this time so he is going to have to stand by. Pardon my language he said 'fuck that I'm going in anyway'**[9]...Then it was about three to five minutes after that I got the call to release traffic. I unlocked the door told everybody that they were good to go, they all processed through the doors. The bus was already waiting so everybody was getting on the doors or getting on the bus and at that time I started hearing a loud banging behind me. I turned around and Major General Briggs was at the door leading to my post banging on it. So I walked up to the door and asked him through the door if I could help him with anything and he said um, **basically asked me who was in charge and I asked him if he wanted to talk to my Flight Chief or my Commander because I wanted to make sure he was talking to the right person that he wanted to talk to and he said 'well actually you are too dumb to know who is in charge so once you figure it out tell them to come find me, I am Major General Briggs and I work for J3.'** (Ex 27:4-5) (emphasis added)

During Maj Gen Briggs' suspect interview, the IO asked Maj Gen Briggs to address the other witness's testimony.

> IO: We have been told that you were told you can't go through the door and you said, "Bullshit, I'm going through anyway."
>
> Maj Gen Briggs: No...Absolutely not. (Ex 19:36-37)
>
> ...
>
> IO: Did you ever make a comment similar to, you're not smart enough to know who's in charge, so when you figure that out come see me?
>
> Maj Gen Briggs: No...I would never. I would never say that. (Ex 19:38)

In order to determine what occurred during this interaction, the IO attempted to contact all 21 individuals who swiped their AFECC within 3 minutes of Maj Gen Briggs. Again, the third-party witnesses provided a wide range of testimony.

The first, third-party witness interviewed was COL [redacted]

[9] In the email accounting of the incident to his flight chief on 26 Oct 14 at 0800, [redacted] remembered Maj Gen Briggs' comments slightly different than in his testimony. In the email, [redacted] wrote Maj Gen Briggs stated, "Bullshit, I'm going in." (Ex 28:1)

But the, again, **it was Gen Briggs that had walked up and you know, asked the question well why are we waiting**. Clearly the tone at that time was completely different. There was no, you know, there was no impatience or anxiety or what somebody would consider as you know, the General you know, telling them to get their supervisor. So it was, but the door was opened up eventually so I think it was a matter of dissemination. (Ex 22:9) (emphasis added)

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Another third-party witness interviewed was [redacted]

IO: What was the manner and tone of [Maj Gen Briggs'] voice?

[redacted] He seemed pissed.

IO: Did you hear him say any foul language?

[redacted] No...

IO: And **how would you characterize his behavior?**

[redacted] ...well **it was not something the norm, especially for him being Air Force...Well based on the regulations as far as entering there it was disrespectful**, ma'am, because they were just doing their job. The bottom line was that, they were just doing their job. So I'm, I'm not going to lie. For me it was kind of surprising because I was, **he was a 2 star general**, so but the security forces was [sic] doing their job. He started, **you know, he was saying some stuff, I need to see your boss and what sort of like that. It was out of the norm because I've never seen any general officer react that way in regard to procedures**.... (Ex 29:6-7) (emphasis added)

[redacted] found the interaction between Maj Gen Briggs and [redacted] remarkable enough to share with the members of her duty station upon her arrival inside the Mountain. (Ex 29:7-8; 30:1) [redacted] supervisor, LCDR [redacted] N-NC J15, described what [redacted] shared: the person who exited his vehicle was irate; the gate guard informed the person it was protocol to close gate access whenever Gen Jacoby was transiting the base; and [redacted] was astonished by the interaction and the general's officer's comportment while addressing the gate guard. (Ex 30:1) When asked why [redacted] felt the need to talk about the interactions with LCDR [redacted] stated, "Because it was a, a behavior out of the norm. It was like, wow, I couldn't believe that...." (Ex 29:8)

Mr. [redacted] Department of the Air Force civilian for 17 years and military service of 22 years, remembered Maj Gen Briggs being at E-3 and being angry. Mr. [redacted] testified, "I don't think I would expect a general officer or a flag officer normally to address an

NCO in that manner. So if you want to classify that as unprofessional, then it was unprofessional."[10] (Ex 31:9) Later Mr. [redacted] testified:

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> I personally do not believe that someone of a superior rank yelling at a subordinate is respectful. Certainly, I think [Maj Gen Briggs] could have questioned the process and the procedures that had probably been in place for a great many years, but I don't think that **the way he addressed or the anger that he displayed towards the two people was respectful...It's because I just don't expect that from a general officer. After being in the service for twenty-two years, after being a civil servant for seventeen-plus years, I just, I don't think it's appropriate.** (Ex 31:13) (emphasis added)

Though the witnesses remembered these interactions differently, the IO found it more likely than not that Maj Gen Briggs used profanity and yelled at the entry controller at ECP E-3.

Mr. [redacted] testimony about the bus ride was insightful into Maj Gen Briggs' frame of mind on the morning of 26 Oct 14.

> [W]ell the bus was full....To my knowledge, no one else spoke except Maj Gen Briggs and again, he was going on about, I believe the process and why he wasn't allowed to go ahead and go up the Mountain Road. And I don't remember the exact wording, but it was something to the effect that the Commander needs me to be there anyway. (Ex 31:10)

Maj Gen Briggs provided testimony of the importance of the staff being inside the Mountain:

> You have to remember this is the staff that's going to respond to a nuclear incident or activity and we have a limited amount of time to get into the mountain. There are minutes to do this, and then probably we won't have to worry about it anymore... (Ex 19:35)

The IO found Maj Gen Briggs' testimony about his perceived importance of getting inside the mountain may have affected his attitude about being delayed and his perception the entry control airmen lacked a sense of urgency.

In the Mountain

At approximately 0550 local time (MDT) on 26 Oct 14, Mr. [redacted] met with Maj Gen Briggs to discuss that morning's events. (Ex 8:10) According to Mr. [redacted] Maj Gen Briggs

[10] Of note, Mr. [redacted] did not remember Maj Gen Briggs directing his comments at the Airmen in the cage rather Mr. [redacted] testified about Maj Gen Briggs actions and comments in general.

and Mr. [redacted] spoke again approximately two hours later. (Ex 8:11) The IO first analyzed how each recalled the meetings and then how each responded to the other's testimony.

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> Maj Gen Briggs: [W]e started chatting about the process of getting into the mountain. I described to him, um, the fact that we had a hard time getting into the mountain. That it was an exercise that was well planned in advance and I was surprised at how hard it was to get in, that the procedures did not seem to match the urgency of the situation. And, uh, [Mr. [redacted] acknowledged that...So it's, it, it, as the director of operations, the guy who's responsible for this,[11] I was keenly interested in how we were going to fix this...and **then, just as we were leaving I said, hey, you know what, I'd like to go down and talk to the airman[12] that I met today, because I know I probably put him in a tough situation,** because here's a two-star who's trying to get something done. They're frustrated because they, they don't have the power to solve this problem and here's this two-star who's trying to get something across to me and there's nothing that I can do about it. And I said I want to let him know that they did a good job...I have the utmost respect for those guys. (Ex 19:40, 42) (emphasis added)
>
> Mr. [redacted] ...I was sort in a defused [sic], please explain what was the problem sir, you know, kind of listen mode...[Maj Gen Briggs] explained...he got held up at Echo 1 down at the main gate, for his words, several minutes and after asking the guard to let him go then the guard trying to, to explain to him the procedures...And then again General Briggs' words was then I was finally released, got up to Echo 3 and was stopped again and then said at that point in time things got rather heated and finally I was released and was late getting to my job. (Ex 8:10)

In a follow-up interview about his meetings with Maj Gen Briggs, Mr. [redacted] stated:

> Conversation started at, as still kind of, he was still kind of jazzed up, emotional, you know, about the whole thing and started, you know, that, not nasty...but then I calmed him down, talked to him about what our procedures were and how long they had been steeped. I slowly calmed him down, diffused him to the point at the end of the forty minutes, **the last five minutes there was a sort of well, yeah, probably should have known the procedures but I, and I shouldn't have taken it out on the airmen. So there was at the very end of that forty minutes that last five minutes where he felt uh I guess remorse might be the right word.** (Ex 32:7) (emphasis added)

During the second meeting on 26 Oct 14 approximately two hours after the first meeting, Mr. [redacted] testified, "[Maj Gen Briggs] said I think I probably got a little overheated and I need to apologize to the airmen. And [Maj Gen Briggs] goes, can you drive me out so I can say I'm

[11] Earlier in the interview when asked about whose purview the expedited transfer fell, Maj Gen Briggs answered the chief of staff. (Ex 19:4)
[12] The IO determined Maj Gen Briggs meant [redacted]

sorry." (Ex 8:11) Mr. [redacted] stated he informed Maj Gen Briggs the airmen were no longer on station to which Maj Gen Briggs stated, "hey I really probably shouldn't have done that." (Ex 8:11) According to Mr. [redacted] Maj Gen Briggs reached in his pocket and said, "I only have one coin, but could you give one of the airmen this coin on my behalf and apology the next time they're on shift." (Ex 8:11) Mr. [redacted] testified the SFS members told him that Maj Gen Briggs had used many expletives, to include "at least 8 time[s] usage of the F word." (Ex 8:10)

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When Maj Gen Briggs was asked if he told Mr. [redacted] that "things got rather heated and I need to go apologize," Maj Gen Briggs stated, "I'm not going to say that's out of the realm of possibility that, um, but I wouldn't have probably used those words...maybe heated situation, maybe I said something like that and I want them [SFS airmen] to know that it wasn't them; they, they didn't do anything." (Ex 19:50-51)

Later in the interview, Maj Gen Briggs testified "absolutely not true" when confronted with "I have sworn testimony that during processing through the entry control points you used at least 'eight time usage of the f-word.'" (Ex 19:49) Maj Gen Briggs admitted he, "on occasion," had used the f-word, "but to use it eight times; no way." (Ex 19:49) Maj Gen Briggs further explained:

> It's not a punctuation mark for me. ... It's a raising, you know, I, it, it, I mean it's a word that sort of gets people's attention sometimes I would say, ...but I, I don't, I, I just don't use it that, I mean, I don't use in that way. I, I, uh, if you're making it sound like I was using it as a punctuation mark on all the time when I'm talking to people and, and I don't, um, I didn't. That's, you know, that, that's a thing that I'm, I'm pretty shocked, pretty shocked that you, that you said eight and I'm completely shocked at the line about, I'm going anyway or you don't know the difference, wow. (Ex 19:50)

In a follow-up interview about his meetings with Maj Gen Briggs, Mr. [redacted] explained how he arrived at "eight time[s] usage of the f-word":

> [F]rom the interaction I had with the airmen twelve hours later...how many did you get, how many did you get. I actually asked all three of them and so I said, so [redacted] got the most and they said yeah, he got the most and I, I finally gave the coin to him...and that's how I came up with the number eight. (Ex 32:20)

Maj Gen Briggs testified about asking Mr. [redacted] to present Maj Gen Briggs' coin to [redacted]

> Here's a coin, would you please give him this because he did a good job? I mean, I respect what he did and how he did it. It wasn't his fault that the instructions were bad. I mean, if, if I had a problem it was with the leadership. The fact that there are no NCO's around. The fact that, you know, the instructions don't match the situation, um,

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uh, so I've used this in the, this technique in the past on occasion, actually on a lot of occasions where I'll, I'll tell the supervisors or I'll tell the, the, the command chain that I'm, I appreciate what this young airman did for a couple of reasons. One, it tells the airman that, uh, that I thought they did a good job. Two, it tells his chain of command that I thought he did a good job. And they get to know that this airman did a good job. I mean how often does an AIC or, you know, a young airman get recognized up through the entire chain. Well, now they all know that he did a good job. So, he said sure; I will do that. I mean, I don't remember the exact words that he used but I said okay and then I gave him the coin to give him and then we parted ways at that point. (Ex 19:43)

Maj Gen Briggs' and Mr. [redacted] testimonies described: Maj Gen Briggs' processing into the mountain; Maj Gen Briggs' interaction with the 721 SFS members; and Maj Gen Briggs' asking Mr. [redacted] to present Maj Gen Briggs' coin. The testimonies differed in what was emphasized and the details remembered or omitted. Based on the testimony of Mr. [redacted] Capt [redacted] Mr. [redacted] and the complainants, the IO found it more likely than not that Maj Gen Briggs' used profanity more than the one time. The IO found no evidence, beyond Maj Gen Briggs' testimony, to support Maj Gen Briggs' claim he wanted to present a coin to [redacted] for "doing a good job."

Article 134, UCMJ, Disrespect to a Sentinel

The investigation used the above evidence to analyze the Article 134 elements.

Element 1: That a certain person was a sentinel or lookout.
All three complainants were sentinels assigned to 721 SFS as security forces personnel. (Ex 17:2; 18:2; 27:2)

Element 2: That the accused knew that said person was a sentinel or lookout.
Maj Gen Briggs testified that he knew the three airmen were sentinels. (Ex 19:18, 30)

Element 3: That the accused used certain disrespectful[13] language or behaved in a certain disrespectful manner. Based on the testimony of Mr. [redacted] Capt [redacted] Mr. [redacted] and the complainants, the IO found it more likely than not that Maj Gen Briggs used profanity more than the one time in dealing the with SFS airmen. Further, the IO found that Maj Gen Briggs' use of profanity in this situation was disrespectful language used in a disrespectful manner toward the airmen. [redacted] characterized Maj Gen Briggs with, "Well based on the regulations as far as entering there it was disrespectful, ma'am, because they were just doing their job." (Ex 29:6) Mr. [redacted] characterized the appropriateness of the interaction, "these guys are out there...all

[13] "Disrespectful means behavior or language which detracts from the respect due to the authority of a sentinel or lookout." Department of the Army Pamphlet 27-9, *Military Judges' Benchbook*, 10 Sep 2014.

hours of the night doing a job, you don't need to be talking to these guys this way....definitely disrespectful." (Ex 26:6, 7) Mr. [redacted] characterized it with, "I don't think that the way he addressed or the anger that he displayed towards the two people was respectful." (Ex 31:13)

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Element 4: That such language or behavior was wrongful.
As stated above, the IO found the evidence indicated it more likely than not that Maj Gen Briggs used disrespectful language, and behaved io a disrespectful manner. The IO found no evidence that Maj Gen Briggs had a legal justification or excuse to use disrespectful language toward the airmen. Therefore, the IO concluded that Maj Gen Briggs' use of profane language toward the airmen was wrongful.

Element 5: That such language or behavior was directed toward and within the sight or hearing of the sentinel or lookout. The preponderance of evidence showed that the language used by Maj Gen Briggs was directed toward and within the sight and hearing of the sentinels. Each complainant testified that Maj Gen Briggs was yelling at each of them and used profane language toward each of them. (Ex 17:3; 18:3; 27:4) Additionally, as discussed above, several individuals (to include COL [redacted] Mr. [redacted] Mr. [redacted]) who were several feet away from the interaction heard Maj Gen Briggs raising his voice or yelling at the security forces airmen.

Element 6: That said person was at the time in the execution of duties as a sentinel or lookout. The Military Judges' Benchbook indicates that "[a] sentinel is in the execution of his/her duties when doing any act or service required or authorized to be done by him/her by statute, regulation, the order of a superior or by custom of the service." (Ex 34:2) All three complainants were executing duties of a sentinel. (Ex 17:2; 18:2; 27:2) Mr. [redacted] testimony also confirms that the airmeo were security forces personnel on duty as well as the SFS' blotter. (Ex 8:10-11; Ex 18:10) Furthermore, the evidence showed these Airmen executed their duties in a highly professional manner while being faced with a general officer who had lost his professionalism. (Ex 19:24, 33; 26:5; 29:5)

Element 7: That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces. The Military Judges' Benchbook defines conduct prejudicial to good order and discipline as "conduct which causes a reasonably direct and obvious injury to good order and discipline." (Ex 34:2) The Benchbook contioues, "...In resolving this issue, you should consider all the facts and circumstances" such as "where the conduct occurred, the nature of the official and personal relationship between the persons who were involved, who may have known of the conduct...." (Ex 34:3-4) When asked what [redacted] thought of Maj Gen Briggs after this interaction, [redacted] stated, "I didn't think of him in any positive way...." (Ex 18:4) [redacted] responded to "have you received this type of interaction or behavior from

others" with "we had people that seemed to get a little frustrated but they didn't act like he did...." (Ex 18:5) Mr. [redacted] testified:

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> **I personally do not believe that someone of a superior rank yelling at a subordinate is respectful.** Certainly, I think he could have questioned the process and the procedures that had probably been in place for a great many years, but I don't think that the way he addressed or the anger that he displayed towards the two people was respectful...It's because **I just don't expect that from a general officer.** After being in the service for twenty-two years, after being a civil servant for seventeen-plus years, I just, I don't think it's appropriate." (Ex 31:13)

Mr. [redacted] stated he "was disappointed" and he "expected a lot more from a two-star general....he lost his cool because he got caught out." (Ex 26:7)

The IO considered [redacted] testimony to analyze whether Maj Gen Briggs' actions demeaned the sentinels.

> IO: Do you think General Briggs disgraced himself in this episode?
>
> [redacted] Possibly a little bit, there was a large amount of witnesses in the area I feel like maybe I was getting yelled at in front of that many people might have disgraced us more. (Ex 18:4)

Maj Gen Briggs' interactions with the security forces airmen occurred in front of numerous witnesses; all members were on official duty at the time at a secure facility where entry is tightly controlled; and the incidents occurred between junior airmen and a two-star general officer. Accordingly, the IO concluded, based on a preponderance of the evidence, that Maj Gen Briggs' conduct was prejudicial to good order and discipline.

CONCLUSION.

The testimony of the suspect, the three complainants, and other witnesses varied widely. The evidence showed that the airmen were executing their duties as sentinels at the time of the interactions with Maj Gen Briggs, and that Maj Gen Briggs knew they were performing their duties as sentinels. About half of the witnesses testified Maj Gen Briggs used profanity toward the airmen and about half testified Maj Gen Briggs lost his temper and acted in a manner below that of what is expected of a general officer. The IO found no evidence that Maj Gen Briggs' yelling and using profanity at the airmen was justifiable. By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that on or about 26 October 2014, Maj Gen Jack L. Briggs II wrongfully behaved in a disrespectful manner by yelling and using derogatory and demeaning language toward 721st Security Forces Squadron members who were

in the execution of their duties, in violation of Article 134, *Disrespect to a Sentinel or Lookout*, Uniform Code of Military Justice, was **SUBSTANTIATED**.

ALLEGATION 2. That on or about 26 October 2014, at or near Cheyenne Mountain Air Force Station, Colorado, Maj Gen Jack L. Briggs II conducted himself in a manner contrary to the ethical standard of respect, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011.

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STANDARDS.

DOD 5500.07-R, *Joint Ethics Regulation* (JER), Incorporating Changes 1-7, 17 Nov 11

SECTION 4. ETHICAL VALUES

12-400. General. 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. Not all values are ethical values (integrity is; happiness is not). 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.

12-401. Primary Ethical Values

...

g. Respect. **To treat people with dignity,** to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community. (Ex 33:2-3)

ANALYSIS.

See ALLEGATION 1.

The investigation determined the sentinels followed their orders and properly executed their prescribed duties during the expedited entry procedures. According to the 721 SFS flight chief on duty the morning of 26 Oct 14, [redacted] testified, "my guys followed procedures. If you want things changed, I would rather you go through the chain of command and not yell at my guys...they're just following procedures." (Ex 35:17) The [redacted] Col [redacted] was questioned about his knowledge of the incident and what he was prepared to discuss with N-NC leadership. Col [redacted] testified, "I was ready to say my guys were following procedure and I'm disappointed that perhaps profanity was used." (Ex 36:5)

The complainants discussed Maj Gen Briggs' treatment of them. According to [redacted] "it has actually never been as bad as Gen Briggs, no one has screamed at the top of their lungs like he did...." (Ex 17:6-7) [redacted] also stated that Maj Gen Briggs "was basically...in my face asking me what the fuck was going on." (Ex 17:3) [redacted] testified that "After the 2 star general stopped yelling at [redacted] he walked over to my position...continued to yell at myself...". (Ex 20:1) The IO also considered Mr. [redacted] characterization of the interaction:

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> [redacted] **Because my expectation of a General Officer that's in a leadership position is, is not to act like that in front of everybody, especially, especially subordinates and especially, uh, the gate guards that are doing their job.**
>
> IO: All right Mr. [redacted] I'm going to read you a definition of the word respect from the Joint Ethics Reg which all Armed Forces members are required to follow. I'll read it more than once if need be. Respect – To treat people with dignity, to honor privacy, and to allow self-determination are critical in a government of diverse people. What is your opinion of whether Maj Gen Briggs complied with that Joint Ethics Regulation requirement?
>
> [redacted] He did not comply. (Ex 26:11)
>
> ...
>
> IO2: Okay and then going back to the Joint Ethics Reg for one second. You said that you don't think he met the definition of respect to treat people with dignity, honor, so forth. Is that pretty much basically what you've been saying that you just expect more of a General Officer or is there a different reason?
>
> [redacted] No, no; that's, that's the reason. **He did not, uh, respect the person.** He didn't, uh, you know, based on dignity and everything that you just described there. (Ex 26:11) (emphasis added)

[redacted] characterized the interaction as, "...not something the norm, especially for him being Air Force...It was out of the norm because I've never seen any general officer react that way in regard to procedures..." (Ex 29:6-7) Mr. [redacted] described Maj Gen Briggs' conduct as not respectful, "...because I just don't expect that from a general officer...I don't think it's appropriate." (Ex 31:13)

CONCLUSION.

Multiple witnesses testified that Maj Gen Briggs failed to treat the Airmen with respect (Ex 25:6, 7; 26:3-7, 11; 29:7-8; 31:9, 13). The IO found that using profane language at airmen who were in the proper execution of their duties was not respectful. Accordingly, the IO determined by a preponderance of the evidence that Maj Gen Briggs failed to abide by the JER

principle of respect when he yelled and used profanity at the security forces airmen who were in the performance of their duties. By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that on or about 26 October 2014, at or near Cheyenne Mountain Air Force Station, Colorado, Maj Gen Jack L. Briggs II conducted himself in a manner contrary to the ethical standard of respect, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011, was **SUBSTANTIATED**.

V. SUMMARY

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ALLEGATION 1, that on or about 26 October 2014, Maj Gen Jack L. Briggs II wrongfully behaved in a disrespectful manner by yelling and using derogatory and demeaning language toward 721st Security Forces Squadron members who were in the execution of their duties, in violation of Article 134, *Disrespect to a Sentinel or Lookout*, Uniform Code of Military Justice, was **SUBSTANTIATED**.

- The preponderance of evidence supported the conclusion that Maj Gen Briggs ranted and yelled profanity at the Airmen in a disrespectful and demeaning manner.

ALLEGATION 2, that on or about 26 October 2014, at or near Cheyenne Mountain Air Force Station, Colorado, Maj Gen Jack L. Briggs II conducted himself in a manner contrary to the ethical standard of respect, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011, was **SUBSTANTIATED**.

- The preponderance of evidence supported the conclusion that Maj Gen Briggs failed to treat the 721 SFS Airmen during the execution of their prescribed duties with respect and failed to abide by the JER when he yelled and cursed at the Airmen.

[redacted] Colonel, USAF
Investigating Officer
Directorate of Senior Official Inquiries

I have reviewed this Report of Investigation and the accompanying legal review and I concur with their findings.

GREGORY A. BISCONE
Lieutenant General, USAF
The Inspector General