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# Review of the Tailhook '91 Scandal

## Statement of Relevant Facts

The 35th Annual Tailhook Association meeting took place at the Las Vegas Hilton in Las Vegas, Nevada from September 8 to September 12, 1991. According to the U.S. Department of Defense, during that time more than 100 U.S. Navy and Marine Corps junior aviation officers sexually assaulted and harassed, and engaged in other unbecoming conduct against 83 women and 7 men in what is now known as the Tailhook '91 scandal. The crime has allegedly occurred on the infamous third floor and other sections of the Hilton, where the said officers abused and molested unsuspecting victims, engaged in gauntlets and other lewd behaviors such as streaking, mooning, and "ballwalking." One victim, Lt. Paula Coughlin, reported that she was groped and squeezed, and despite fighting back, gang raped. On September 8th, Coughlin filed a complaint to her superior, Rear Admiral Snyder. Later that month, the Department of Navy began its investigation of the events of Tailhook headed by Rear Admiral Duvall Williams of the Naval Investigative Service. The report was released in April 1992 stating that the alleged crimes were merely the fault of poorly-chosen behavior of the junior aviation officers. The high-ranking flag officers in attendance were not held responsible for condoning this conduct. After 1,500 people were questioned, only two suspects were named: an Australian air force officer and a marine captain from Mississippi (Ogden, 6-7). Due to an unsatisfactory investigation, assistant secretary of the NAVY Barbara Pope urged Secretary of the Navy Henry L. Garrett III to conduct a more thorough investigation. Garrett agreed and a second investigation was launched, this time led by Derek J. Vander Schaaf, the IG of the Department of Defense.

The report was released in September 1992 and charged 140 junior officers with assault and sexual harassment (Ogden, pg. 11). As a result, six officers were tried. Two of them, Captain Gregory Bonam, accused of assaulting Coughlin, and Lieutenant Cole Cowden, accused of harassing Navy nurse Elizabeth Warnick, were cleared of all charges. One Lieutenant, Roland Diaz, was found guilty of shaving women's legs and was fined \$1,000. The remaining three were acquitted. The rest of the 134 judicial proceedings were dropped. Admiral Frank Kelso and Navy officers such as Thomas Miller and Gregory Tritt were accused for failing to stop junior officers at Tailhook but never charged. Fifty others were disciplined by the Department of Navy. Since then, 14 admirals were disgraced and a total of 300 naval aviators were dismissed and terminated (Ogden, 12).

## Ethical Perspective

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The ethical dilemma is unquestionably clear, at least at first glance. Sexual assault and harassment fundamentally clashes with the ethical obligation of men and women to treat one another with dignity and respect. The junior aviation officers not only violated the rights, but the autonomy of their female and male victims. And because Navy and Marine Corps officers are model heroes of the modern society who are supposed to promote integrity and discipline, their behavior alone to engage in sexual misconduct, or misconduct of any kind, is highly unethical. The Tailhook scandal is an unfortunate example of the hostile attitude and oppression toward military women (Kammer). But the question of ethics is not so clear cut after all. For instance, the Blue Angels commanding officer Bob Stumpf was denied promotion and retired just for attending Tailhook. In fact, many others who attended Tailhook that year found it difficult to advance and get promoted (Browne, pg. 757). Casting a big shadow of ethical repercussion on the whole Tailhook scandal is “damaging to the very fiber of the Navy and the aviation culture” according to John Lehman. The issue is that the ethical burden falls exclusively on the officers charged.

The Department of Navy’s investigation revealed that many of the female “victims” were not really victims at all. Many women knowingly participated in the gauntlets and have attended the Tailhook convention with just such intentions. Many witnesses reported that these women enjoyed themselves and were not offended because they have gone through the gauntlet repeatedly and were smiling and giggling as they did it. One witness testified that a young woman on flight to Tailhook talked about the events that take place at around 3 a.m. on the third floor of the Hilton, implying that she was aware of them and was heading there to participate (Kammer). The case of Cole Cowden and Elizabeth Warnick is also eye-opening. The initial charge was that Lieutenant Cole Cowden, along with two other men, was accused of pushing Elizabeth Warnick down on a bed, stripping her, and grabbing her genitals to gang rape her. Later, Warnick admitted that she lied about the gang rape and fabricated the story because she had consensual sex with Cowden and wanted to conceal this misconduct from her fiancé (Browne, pgs. 756-57). The Tailhook scandal still tainted Cowden’s name and others despite being cleared of charges. Initially, there appears to be a clear violation of the ethical and moral characters by the junior officers at Tailhook, but the ethical obligations break down once individual stories come to light. In regard to the consensual part of Tailhook, the ethical questions falls back on whether or not the behavior of both men and women as a whole was moral? What is unethical then, is the lack of commitment to military preparedness. Tailhook was supposed to be an aviation meeting, not an orgy. Moreover, sexual misconduct and lewd behavior in Tailhook conceal the more complex issue that is integrating women into the military and treating them equally (Kammer). Ultimately, if there were any ethical value violated at Tailhook they were about the equal treatment of men and women in the Navy and about allowing the events to occur in the first place.

By ignoring this big picture and instead focusing on the officers’ adolescent antics, the Navy not

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only failed to be responsible, but it reinforced the idea that the charges were about pesky feminism, and not the greater culture and mindset of the Navy (Faludi). Accountability Perspective The ethical perspective reveals that the underlying problem of Tailhook lies in accountability, or rather, lack thereof. High-ranking flag officers, primarily Frank Kelso the most senior officer present at Tailhook, were not held accountable (and they themselves failed to be accountable) for the behaviors of their subordinates during the 1991 scandal. One can also extend this failure to Rear Admiral Duvall Williams and Rear Admiral John Gordon, who had forsaken their responsibility to conduct a proper and thorough investigation. Specifically, there were four personal failures of responsibility that produced the inadequate Navy investigation of Tailhook: the Under Secretary, the Commander, NIS, the Navy JAG, and the Naval Inspector General. The Under Secretary failed to make sure that the investigation was comprehensive enough to fully scrutinize the evidence and identify the responsible parties. The Under Secretary expressed surprise when he learned that the investigation was lacking despite the fact that failure to pursue leads and interview high-ranking officials was largely known at the time (pg. 14).

The Commander, NIS, held biased, personal views throughout the investigative process. He expressed a negative attitude toward working with women, he was reluctant to interview high-ranking admirals who attended Tailhook '91, and he consistently pushed to terminate the investigation prematurely. Yet, his suitability to investigate was never questioned (pgs. 15-18). The Navy JAG not only failed to make sure the investigation addressed all of the allegations, but also failed to resolve a conflict of interest. Because of the nature of the JAG and the Under Secretary, the Navy JAG should have either recused himself from advising the Under Secretary due to his lack of impartiality or appoint another lawyer to do so. By doing both, the Navy JAG committed conflict of interest and failed to be accountable for either one (pg. 19). The Naval IG did not make sure the final report contained a substantial factual basis (pg. 23-24). The serious lack of accountability for Tailhook was perhaps a scandal on its own. This two-tier failure of responsibility span not only the lack of accountability on the part of senior officers at Tailhook for their subordinates, but also the lack of responsibility of the investigators to interview these senior officers and properly investigate them. As a result, Tailhook exposed a sad reality about the place of women in the Navy, and hurt the prestige of the institution. Preventative Perspective Because Tailhook failed on two levels—the crimes and the initial inadequate investigation— there are two solutions to remedy the problem.

The first is to establish a safe haven for victims of sexual harassment in the Navy, one where they can seek medical care and support and disclose the details of the assault confidentially without launching an investigation. This restricted type of reporting has a couple of advantages. First, victims do not have to take legal action in order to gain access to services. Second, victims have more time and control over their personal information and can decide if and when they want to become part of the investigation. The likelihood of reporting sexual harassment

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would also increase (Friedman, pg. 389-90). One major disadvantage of this solution is that under restricted reporting rules, the assaulter remains free until the victim decides to press charges (Friedman, pg.391). The purpose of this solution is to provide victims a wider range of options and freedoms once sexual harassment occurs and create a victim-friendly environment. The second solution bears a more preventative nature and it calls attention to responsibility in the Navy, particularly moving down the chain of command. High-ranking flag officers need to assume more responsibility for their subordinates and be held fully accountable for the subordinates' actions. Because it is clearly difficult for the Navy, or any organization, to conduct an investigation against its own senior leaders, this can be accompanied by an internal restructuring of the investigative process where the Department of Navy notifies the IG of the Department of Defense on receipt of allegations when charges are pressed (pg. 32).

Media The media played a significant role as the impetus for the first DoD investigation. It was also the driving force in shaming many of the Tailhook attendees via character shaming. Character shaming is the deliberate destruction of one's reputation in order to tarnish their career. The media, directly and indirectly, killed some 300 careers including that of Bob Stumpf. In doing so, it missed the big picture about the Navy and equal treatment of women. Instead the media's goal was to ensure that women can do whatever they want, and any resulting consequences are somebody else's problem (Kammer). The media was also extremely "black and white," failing to cover the gray areas. For instance, it was quick to vilify Codwen, but failed to dig deeper to uncover the truth about Warnick's story (McMichael). The media and especially feminist magazines like Minerva have flipped Tailhook upside-down. When legislation about women in combat position was first introduced, female pilots flew into the capitol and lobbied while in uniform, which is prohibited by law. However, no one called any of the pilots out on it from fear that it would be misconstrued as sexual harassment. By the time, merely the accusation of sexual harassment was sufficient to kill a career in the Navy (Kammer). The media was hungry for a scandal and amid the frenzy the reputation of the Navy as a whole was blackened. John Hall of the General News Service accused the ruling of Tailhook 91 as a "massive cover-up and manipulation of the Navy's justice system to shield the top brass" (McMichael).

The media was never biased, but it super-focused the attention onto the individual allegations and extrapolated it out of reasonable proportions. It wanted to find a scandal so it did. Much like with the Dreyer story, media sources such as the Washington Post spun the story to fit its male-shaming agenda (Kammer). After Tailhook 91 caught fire with the media and the investigation failed to convict a satisfactory number of men, feminist activists took Paula Coughlin's story and begin to spin it focusing much on the patriarchal nature of the Navy and the unequal treatment of women. They were especially referring to Navy's reluctance about placing women in combat positions. Feminists recognized the Tailhook was not so much a case of sexual harassment as it was about the treatment of women and their careers in the Navy (McMichael).

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Conclusion Tailhook 1991 was a sexual scandal that exploded into a debate about the position of women in the Navy, especially in combat positions. It became an issue of gender equality that served as a mirror for the Navy to analyze itself and make some changes. The initial investigation was also a disaster on its own, and like Tailhook, was a massive failure to take responsibility. Tailhook teaches us two important lessons: (1) senior officers ought to be accountable for their subordinates, and (2) the Navy needs to integrate women in combat positions, much like it had to do with African-Americans in the past. The next step may be difficult, but if the Navy wants Tailhook to be a bump on the road to progress, it needs to learn its lessons fast and integrate women with full equality as well as strict anti-sexual harassment policies and preventative sexual harassment programs.

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