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ALLEGED IMPROPRIETIES RELATED TO PUBLIC SPEAKING:
LIEUTENANT GENERAL WILLIAM G. BOYKIN, U.S. ARMY
DEPUTY UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE

**Prepared by Directorate for Investigations of Senior Officials
Office of the Deputy Inspector General for Investigations**

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DEPUTY UNDER SECRETARY OF DEFENSE
((INTELLIGENCE AND WARFIGHTING SUPPORT))

I. INTRODUCTION AND SUMMARY

We initiated the investigation to address allegations that Lieutenant General (LTG) William G. Boykin, U.S. Army, Deputy Under Secretary of Defense (Intelligence and Warfighting Support), violated DoD regulations that pertain to speaking in a personal capacity when he made presentations to religious and other faith-based groups over the past 2 years. After conducting an initial review of the matter, we also examined allegations that LTG Boykin violated standards concerning the wearing of the military uniform, use of Government resources and subordinates' official time, use of official travel, and receipt of payments from private sources in connection with his speaking activities. The investigation was prompted by concerns over LTG Boykin's speaking activities that were expressed by public officials and media reports in October 2003. Those concerns focused on the nature of LTG Boykin's comments, some of which were perceived by outside observers as derogatory to the Islamic faith or otherwise "inflammatory."

We found that LTG Boykin spoke at 23 religious-oriented events since January 2002, and that, with few exceptions, he appeared in uniform at those events (summary provided in Attachment 1 to this report). The events consisted of religious or "patriotic worship" services held at Christian churches in a variety of locations (13 such events), meetings of men's fellowship groups with Christian orientation (6 events), nondenominational prayer breakfasts held on military installations and sponsored by members of the military chaplaincy (3 events), and a community prayer breakfast hosted by a city mayor (1 event). LTG Boykin traveled to some speaking locations in connection with Government-funded travel for unrelated official purposes, while his travel expenses for other appearances were privately funded. With the exception of the three breakfasts sponsored by the military chaplaincy, LTG Boykin's speaking activities were sponsored by non-Federal entities and were governed by standards that apply to speeches given while acting in a personal capacity and not in connection with official duties.

We concluded that LTG Boykin's speaking activities violated applicable DoD regulations because: (1) he failed to clear the content of his speeches with appropriate DoD security and public affairs personnel;¹ (2) he failed to issue the required disclaimer on several occasions;² and (3) he failed to report his receipt of one travel payment from a non-Government source on his 2002 Public Financial Disclosure Report. However, we found that the preponderance of the

¹ DoD Directive 5230.9, "Clearance of DoD Information for Public Release," and Army Regulation (AR) 360-1, "The Army Public Affairs Program," impose restrictions on public release of "official DoD information." Official DoD information is defined, in part, as information that "was acquired by DoD employees as part of their official duties or because of their official status within the Department."

² Pursuant to DoD 5500.7-R, "Joint Ethics Regulation (JER)," a disclaimer, when required, "shall expressly state that the views presented are those of the speaker . . . and do not necessarily represent the views of DoD."

evidence supported LTG Boykin's assertions that he made good faith efforts to consult regularly with legal advisors regarding his personal speaking activities. We recommend that management officials charged with taking action based on this report consider that factual finding in assessing the seriousness of the substantiated regulatory violations.

We did not substantiate misconduct on the part of LTG Boykin with respect to other aspects of his speaking activities. We concluded that LTG Boykin's wearing of the uniform in the situations at issue in this investigation did not violate pertinent DoD and Army regulations and determined that his Government-funded travel, which combined official business with personal speaking activities, complied with DoD travel requirements. Further, we concluded that the occasional use of other Government resources for his speaking activities (e.g., Government communication equipment, computers, copying machines) complied with the JER, which permits limited, incidental use of Government property for personal reasons. Finally, we determined that LTG Boykin did not accept honoraria or other compensation for his speaking activities (other than reimbursement of travel expenses).³

By letter dated March 17, 2004, we offered LTG Boykin an opportunity to comment on the initial results of our investigation. In his undated response, which we received on April 23, 2004, LTG Boykin disagreed with our conclusions with regard to the allegations we substantiated and strongly argued that his speaking activities complied with DoD regulations. Further, he emphasized that he regularly sought counsel from legal/ethics advisors concerning the propriety of his speaking activities and that he followed that counsel without exception.⁴

After carefully considering LTG Boykin's response, re-evaluating the evidence, and conducting additional fieldwork, we revised our conclusions regarding: (1) uniform wear and (2) use of Government-funded travel, where we initially substantiated regulatory violations. However, we stand by our conclusions regarding LTG Boykin's failures to properly clear his speeches, issue disclaimers, and report travel reimbursements.

With respect to our conclusion that he failed to properly clear his speeches, LTG Boykin stated that much of the DoD material he used in speeches at religious-oriented events had previously been cleared by public affairs personnel for release at other events, and that most of the information he used was already in the public domain or was available for public access. We were unable to verify LTG Boykin's assertions regarding prior clearance of material and note that prior clearance of material for presentation to one audience does not automatically convey clearance for subsequent presentations. Further, although DoD regulations permit DoD employees to use official DoD information that is already in the public domain when acting in a private capacity, the content of LTG Boykin's speeches, particularly their focus on military matters and national security issues, his appearance in uniform, and his introduction by official position support the conclusion that his speeches should have been cleared.

³ For reasons set forth in the "Scope" section of this report, we did not critique the content of LTG Boykin's speeches.

⁴ While the following paragraphs provide what we believe is a reasonable synopsis of responses provided by LTG Boykin, we recognize that any attempt to summarize risks oversimplification and omission. Accordingly, we incorporated comments by LTG Boykin throughout this report where appropriate and provided copies of his response to the Acting Secretary of the Army together with this report.

LTG Boykin also argued that “it was never my intent to knowingly violate the JER with respect to disclaimers.” He emphasized that he made clear to audiences that he “was speaking from my own point of view” and noted that none of the legal advisors with whom he consulted “raised disclaimers as an issue.” Notwithstanding those arguments, we stand by our conclusion that LTG Boykin improperly failed to observe the JER disclaimer requirement on a number of occasions. In our view, the central theme of LTG Boykin’s speeches concerned the fight against terrorism, arguably an ongoing DoD program, and should have been prefaced with a disclaimer that explicitly stated “the views presented are those of the speaker . . . and do not necessarily represent the views of DoD.” Although LTG Boykin sometimes characterized his comments as “my personal views” or “this is me speaking,” his appearance in uniform, his introduction by rank/position, and his use of military visual aids required a more explicit statement to disassociate his views from DoD policy.

We recommend that the Acting Secretary of the Army take appropriate corrective action with respect to LTG Boykin, considering the mitigating factors that are discussed in this report.

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

II. BACKGROUND

Since July 23, 2003, LTG Boykin has been assigned as the Deputy Under Secretary of Defense (Intelligence and Warfighting Support), Office of the Secretary of Defense, reporting to the Under Secretary of Defense for Intelligence. From March 2000 to July 2003, LTG Boykin served as the Commanding General, U.S. Army John F. Kennedy Special Warfare Center and School (SWC), Fort Bragg, North Carolina. From April 1998 to March 2000, LTG Boykin served as Commanding General, U.S. Army Special Forces Command, at Fort Bragg.

As Commanding General, SWC, LTG Boykin’s duties included training, educating, and developing doctrine for all Army Special Operations Forces, and to “serve as the Branch/Functional proponent for all Special Forces, Civil Affairs, and Psychological Operations, both Active and Reserve Component.” He was the Army’s Executive Agent for security assistance training and proponent for Special Operations Forces simulation (war gaming). He reported directly to Commanding General, Headquarters, U.S. Army Special Operations Command (Commander, USASOC).

As Deputy Under Secretary of Defense (Intelligence and Warfighting Support), LTG Boykin is responsible for coordinating the activities of all DoD intelligence activities and for the resourcing and training of DoD intelligence assets. He advises the Secretary of Defense on intelligence policy and operations. His other duties include overseeing development and acquisition of new technology for the intelligence community, overseeing the collection and coordination of intelligence on non-U.S. persons outside the United States, and coordinating with other Government agencies (including Congress) and foreign countries on intelligence issues.

On October 15, 2003, NBC's "Nightly News with Tom Brokaw," reported that a "highly decorated general [LTG Boykin] who is one of the leaders of a secretive new Pentagon unit formed to coordinate intelligence on terrorists and help hunt down Osama bin Laden, Saddam Hussein and other high-profile targets has a history of outspoken and divisive views on religion -- Islam in particular."

In a letter to the Secretary of Defense dated October 17, 2003, the Chairman and Ranking Member of the Senate Armed Services Committee, requested that we review the remarks attributed to LTG Boykin to determine whether LTG Boykin's behavior was "inappropriate."

III. SCOPE

During our review of the matter, we did not determine whether the substance of LTG Boykin's faith-based statements constituted an appropriate topic for a speech by a senior DoD official, compromised his fitness for performing his assigned special operations or intelligence duties, or reflected on his ability to exercise sound judgment. We took this action for three reasons.

- First, we believe freedom of expression considerations under the First Amendment to the U.S. Constitution apply in this case.
- Second, in the context of the substance of his statements, we believe LTG Boykin's fitness for duty and judgment are subjective issues for consideration solely by appropriate management officials, exercising independent and unfettered discretion, rather than for investigation by an inspector general.
- Finally, we believe our approach in this matter is consistent with the "Quality Standards for Investigations," issued by the President's Council on Integrity and Efficiency (PCIE) in December 2003, which emphasizes that investigative reports "should include a clear and concise statement of the applicable law, rule, or regulation that was allegedly violated or that formed the basis for an investigation." The PCIE standards further provide that investigators are expected to make "sound, objective assessments and observations," and avoid "personal opinions."

Accordingly, this investigation obtained evidence needed to evaluate LTG Boykin's speaking activities against well established DoD standards that apply to speaking activities undertaken by DoD personnel in their personal capacities, irrespective of their rank or position, as well as other ethical issues described above.

We conducted over 40 interviews, including interviews of LTG Boykin, members of his staff at SWC, clergymen who sponsored his speaking engagements, and others familiar with matters at issue. In addition, we reviewed the six available video and audio recordings of LTG Boykin's speaking engagements in religious environments, LTG Boykin's travel and finance documents, and other relevant documents, such as financial disclosure forms, material advertising LTG Boykin's appearances, and itineraries.

IV. FINDINGS AND ANALYSIS

A. Did LTG Boykin violate DoD regulations pertaining to release of official information by failing to clear his speeches with proper DoD authority?

Standards

DoD 5500.7-R, “Joint Ethics Regulation (JER),” dated August 30, 1993, Chapter 3, Section 3, “Personal Participation in Non-Federal Entities”

Subsection 3-307b. of Section 3, “Teaching, Speaking and Writing,” addresses situations where DoD employees engage in outside speaking activities as individuals in their personal, rather than official, capacity. Of interest here, it states, “A lecture, speech, or writing that pertains to military matters, national security issues, or subjects of significant concern to DoD shall be reviewed for clearance by appropriate security and public affairs offices prior to delivery or publication.”

Section 2635.107(b) of the JER states, “Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances.”

Department of Defense Directive (DoDD) 5230.9, “Clearance of DoD Information for Public Release,” dated April 9, 1996

Paragraph 4.2. of the Directive states, “Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense shall be reviewed for clearance by appropriate security review and public affairs offices prior to release.”

Paragraph 4.8. of the Directive provides that “DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD forums or media.” The provision further states that such activity is authorized if it violates no laws or regulations or ethical standards (such as those contained in the JER) and “the preparation activities are not done during normal duty hours or with the use of DoD facilities, property, or personnel.” However, the Directive prohibits employees acting in a private capacity from using “official DoD information generally not available to the public and which would not be released under DoD 5400.7-R [DoD Freedom of Information Act Program].”

Enclosure 2 (E2.1.3.) of the Directive defines “Official DoD Information” as “[a]ll 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.”

Department of Defense Instruction (DoDI) 5230.29, “Security and Policy Review of DoD Information for Public Release,” dated August 6, 1999

Paragraph 6.1. of the Instruction states:

Official DoD information that is prepared by or for DoD personnel and is proposed for public release shall be submitted to the Director, WHS [Washington Headquarters Services], ATTN: DFOISR [Director for Freedom of Information and Security Review] . . . for review and clearance, if the information: . . .

6.1.2. Is or has the potential to become an item of national or international interest;

6.1.3. Affects national security policy or foreign relations;

6.1.4. Concerns a subject of potential controversy among the DoD Components or with other Federal Agencies;

6.1.5. Is presented by a DoD employee, who by virtue of rank, position, or expertise would be considered an official DoD spokesperson . . .

Army Regulation (AR) 360-1, “The Army Public Affairs Program,” dated September 15, 2000

This regulation implements DoDD 5230.9 in the Army. Paragraph 5-3 of the Regulation, “Authority to release information,” subparagraph a., “General procedures,” states:

The Office of the Secretary of Defense (OSD) normally releases general military information on the overall plans, policies, programs, or operations of the DOD, the [Department of the Army], or the Federal Government. Information that meets any of the criteria below will be submitted to [the Department of the Army Office of the Chief of Public Affairs] for OSD clearance prior to release. Doubtful cases also will be submitted for clearance. Prior unofficial publication of information does not constitute authority for official release. . . .

(2) Information that is or has the potential to become an item of national interest or international interest.

(3) Information and public statements with foreign policy or foreign relations implications.

(4) Information and public statements concerning high-level military or DOD policy.

(5) Information concerning U.S. Government policy or policy within the purview of other Government agencies.

- (6) Information approved by HQDA for release by OSD.
- (7) Information on subjects of potential controversy among the military Services or with other Federal agencies. . . .

Paragraph 6–6. of the regulation, “Clearance authorities,” states:

- a.* Headquarters, Department of the Army/OSD clearance is required for all speeches, manuscripts, or other communications products containing information or otherwise meeting the criteria outlined in paragraph 5–3. . . .
- c.* Unofficial materials do not require clearance. These include materials produced on personal time, using personal equipment and open sources. Unofficial letters to the editor, book or similar reviews, and works of fiction (to include those based upon real events) do not need clearance. It is the author’s responsibility to ensure security is not compromised. . . .

Paragraph 6-7., “Official speaking or writing guidelines,” provides guidance concerning official speeches, stating, “Official speech text and written materials must be reviewed through PA [public affairs] channels and cleared for security, accuracy, policy, and propriety by proper authority, at the lowest level possible.” Although most speeches at issue in this investigation were made in LTG Boykin’s personal capacity, LTG Boykin advised us that the information he presented in those speeches had previously been cleared for presentation in official forums (e.g., symposia sponsored by the National Defense Industrial Association and the Association of the United States Army). In that regard, subparagraph 6-7*n* of the Regulation states, “Prior to repetitively using a previously cleared speech or manuscript, the clearance should be revalidated by the approving PAO [public affairs office].”

Facts concerning LTG Boykin’s speaking activities

We found that LTG Boykin spoke at 23 religious-oriented events since January 2002, and that he appeared in uniform in at least 21 of those events. The events consisted of religious services held at churches in a variety of locations (13 such events), meetings of men’s fellowship groups with religious orientation (6 events), nondenominational prayer breakfasts held on military installations and sponsored by members of the military chaplaincy (3 events), and a community prayer breakfast hosted by a city mayor (1 event). (See Attachment 1.) With the exception of the three breakfasts sponsored by the military chaplaincy, LTG Boykin’s speaking activities were sponsored by non-Federal entities and were governed by standards that apply to speeches given while acting in a personal capacity and not in connection with official duties.

LTG Boykin’s non-DoD audiences varied from small men’s support group gatherings (such as those at the Village Baptist Church and Highland Presbyterian Church in Fayetteville, North Carolina) to groups of over 1,000 people. Moreover, several of the large gatherings were advertised locally and included the general public in addition to members of the sponsoring

congregations (e.g., the First Baptist Church, Broken Arrow, Oklahoma, and the First Baptist Church, Daytona, Florida).

Based on witness testimony and/or audio recordings, we determined that LTG Boykin infused his speeches on at least 10 occasions with information that pertained to national security issues and subjects of DoD concern; e.g., U.S. policy toward Israel, the war on terrorism, Islamic extremism, and combat operations. It is possible that his speeches on other events contained similar information because of the similarity of audiences and circumstances. However, audio recordings were not available for most of the events at issue and witness recollection was imprecise; therefore, we are unable to reach factual findings with respect to the exact nature of information contained in other speeches.⁵ Based on our review of transcripts of six of LTG Boykin's presentations to religious and faith-based groups, together with witness statements from other events, we concluded that his speeches followed a standard pattern, exemplified below:

- After telling the story of Esther -- a biblical figure who, according to LTG Boykin, became queen of Persia and was told she had been "raised up for such a time as this" to save her people (the Jews in Persia), LTG Boykin analogized the story to the election of President Bush who, he said, had been placed in the presidency by God "for such a time as this" (referring to the war on terrorism).
- After showing slides of the terrorist attacks of September 11, 2001, on the New York World Trade Center and the Pentagon, LTG Boykin commented, "we watched in disbelief as radical Muslims in other parts of the world danced and rejoiced in our misery."
- LTG Boykin then asked his audience, "why do they [radical Muslims] hate us?" He answered his question by stating that the United States' cultural heritage is Judeo-Christian and "[they hate us] because we support Israel and we will never abandon Israel."
- While showing slides of Osama bin Laden, Saddam Hussein, and Kim Jong Il, LTG Boykin asked his audience if each of these individuals is "the enemy." He answered his own question in the negative, stating the true enemy is a spiritual one: "the principality of darkness"; "a guy named Satan."
- LTG Boykin told his audience the United States is in a spiritual battle and that he was recruiting a spiritual army. He asked the audience to pray "for me, my soldiers, our leaders."
- LTG Boykin then showed slides of Service members in the Special Forces and various weapons systems used by military forces in Afghanistan and Iraq. He noted how some of the Service members were lightly armed, mounted on horseback, and did not appear formidable. He discussed certain devices used by Service members as

⁵ LTG Boykin spoke extemporaneously and did not use a written script or commit his comments to writing.

depicted in slides (personal digital assistants and laser target designators, enabling them to request and direct fire from supporting aircraft onto enemy positions and equipment). He noted these devices rendered Service members capable of defeating large forces, pointing out that these Service members could “reach back” to a greater power to defeat the enemy. He analogized this to a Christian’s ability to “reach back” to a greater power through prayer.

- In several of his presentations, LTG Boykin described personal experiences in operations in Iran, Somalia, and Grenada, and explained how his faith helped him to overcome difficulties he encountered during those operations.

Two of LTG Boykin’s former aides testified that they worked with LTG Boykin to download images contained in the database of a computer at SWC, and to compile a PowerPoint presentation that LTG Boykin used in conjunction with his remarks as described above. We determined that the presentation consisted of approximately 30 slides depicting events surrounding the September 11, 2001, terrorist attacks, images of various world leaders, pictures of combatants (presumably in Afghanistan and Iraq), and pictures of various weapons systems and devices in the U.S. military arsenal. One of LTG Boykin’s aides estimated he worked during duty hours editing and compiling the presentation, which he recalled involved “an hour’s worth of work or less” on each occasion.⁶

Facts concerning legal review of LTG Boykin’s speaking activities

As indicated in the standards section above, the JER considers “good faith reliance upon the advice of an agency ethics official” to be a mitigating factor in cases where a DoD employee is found to have violated the JER or supplementary agency regulations, providing the employee “made full disclosure of all relevant circumstances.” In his sworn testimony and, subsequently, in his response to our tentative conclusions, LTG Boykin emphasized that he regularly obtained legal review of his personal speaking activities and that he strictly complied with advice that he received. Accordingly, we sought to determine the nature and extent of such legal consultations.

With respect to the issue of obtaining clearance for his speeches, LTG Boykin told us that he “consulted with them [legal advisors] a number of times” regarding various issues associated with his speaking activities, including the use of Government-funded travel, wearing the uniform, and acceptance of reimbursement from outside sources. However, despite his frequent requests for legal views of his speaking activities, LTG Boykin stated that the issue of clearing his speeches with public affairs or security officials, “. . . was never an issue. It was never raised with me that I had to have any kind of clearance from anybody. The answer is I never submitted anything [for clearance]. As you obviously know, I didn’t use [written] speeches. I didn’t write things down.”

LTG Boykin also told us that he experienced a situation he described as “revolving JAGs [Judge Advocates General].” He explained that many of his judge advocate legal advisors deployed to Iraq, and that on several occasions he was forced to consult judge advocates assigned to commands other than his own. He was unable to remember names of many judge

⁶ We discuss the use of a subordinate’s time as a separate issue later in this report.

advocates he consulted or the specifics of many of his legal consultations, but he told us that the manner in which he conducted his speaking activities was based on legal advice he received. We found no evidence that LTG Boykin received written legal advice regarding the speaking activities listed on Attachment A.

Staff members and some of the attorneys who supported LTG Boykin during his tours of duty at Fort Bragg (April 1998 through July 2003), corroborated LTG Boykin's testimony regarding his efforts to consult with legal advisors on his speaking activities. [REDACTED] at the U.S. Army Special Forces Command, stated, "Whenever a [speaking] request would come through, we immediately ran it through our staff judge advocate for him to sign off on it before we got serious about trying to arrange it." In response to follow-up questioning, [REDACTED] confirmed that she checked with the JAG on every request for speaking before a religious oriented group. Similarly, [REDACTED] LTG Boykin's [REDACTED] from March 2000 to July 2003 stated that all speaking activities conducted while on official travel were reviewed by LTG Boykin's legal advisors. Finally, two Army majors who served as LTG Boykin's aides told us that they were in regular consultation with legal advisors to insure that LTG Boykin's speaking activities were properly conducted. However, none of these staff members recalled ever obtaining clearance for a speech. As [REDACTED] confirmed, LTG Boykin spoke straight "from the cuff. . . He does not take a paper copy [of his speeches]. I never prepared a paper copy."

We interviewed eight judge advocate officers who had been assigned as LTG Boykin's legal advisors. One confirmed LTG Boykin's "revolving JAGs" situation and four testified that LTG Boykin was exceptional among commanders they had known in soliciting and following legal advice with regard to his proposed actions. [REDACTED] who served as [REDACTED] at SWC from 2001-2003 told us that he had numerous contacts with LTG Boykin's office on speaking engagements, with particular focus on the propriety of trips that combined official travel with personal speaking activities. [REDACTED] confirmed that the issue of obtaining prior clearance on personal speeches was not raised. However, other judge advocates had little specific recollection of providing legal advice to LTG Boykin or his staff regarding his personal speaking activities. None of these judge advocates remembered discussing the issue of seeking public affairs or security clearance with LTG Boykin.

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Discussion

We concluded that LTG Boykin violated DoDD 5230.9, AR 360-1, and Section 3 of the JER by failing to submit speeches, which were made to non-DoD audiences in his personal capacity, for clearance by the appropriate authorities. In arriving at this conclusion, we determined that the content of his speeches brought them within the category of "official DoD information . . . that pertains to . . . national security issues, or subjects of significant concern to the Department of Defense," as defined by DoDD 5230.9. We also determined that, especially with regard to his appearances before the congregations of churches and at events to which the general public was invited, LTG Boykin's speeches constituted "public release" of information.

LTG Boykin's speeches contained "official DoD information" as defined by paragraph E2.1.3. of DoDD 5230.9 because much of the material he used in his standard presentation was

information acquired as part of his official duties or because of his official status within DoD. Although some of the photographs of combatants and military equipment LTG Boykin used may have been within the public domain, LTG Boykin's aides testified that these materials were acquired from an official USASOC database using Government-owned computers. Moreover, LTG Boykin acquired the accounts of combat and military operations (such as the Iran hostage rescue) that he employed in his presentations as a result of his position as a special operations officer and his participation in various military operations. Finally, LTG Boykin's speeches contained material pertaining to "national security issues, or subjects of significant concern" to DoD.

Because LTG Boykin's speeches contained "official DoD information" and constituted "public release" of that information, they should have been cleared by the Director for Freedom of Information and Security Review (DFOISR), Washington Headquarters Services, or other public affairs personnel. Clearance was also mandated pursuant to DoDI 5230.29 and AR 360-1 because the content of LTG Boykin's speeches could (and did) "become an item of national or international interest," "affect[ed] national security policy or foreign relations," and was "presented by an employee who, by virtue of rank, position, or expertise would be considered an official DoD spokesperson." The October 17, 2003, letter from Congress and newspaper articles describing the negative reactions to LTG Boykin's remarks in the Muslim world confirm the national and international interest generated by LTG Boykin's remarks and their potential impact on national security.

Most importantly, however, we believe that as Commanding General, SWC, and Deputy Under Secretary of Defense (Intelligence and Warfighting Support), LTG Boykin could be perceived as a DoD spokesperson by non-DoD audiences. This perception would only be enhanced by aspects addressed further below -- LTG Boykin's appearance in uniform, his introduction by official position and/or rank, and his failure to inform his audiences that his views did not reflect DoD policy.

We concluded that the exception in paragraph 4.8. of DoDD 5230.9, for persons acting in their private capacity and releasing information through non-DoD forums did not apply with regard to LTG Boykin's speeches. First, paragraph 4.8 requires that such private release of information must otherwise comply with applicable regulations or ethical standards. In this case, LTG Boykin's speeches contained official information that pertained "to military matters, national security issues, or subjects of significant concern to DoD," which required clearance to comply with the regulations cited above. Second, paragraph 4.8 prohibits employees acting in a private capacity from using official DoD information generally not available to the public and which would not be released under the Freedom of Information Act. Whether DoD information used by LTG Boykin was already in the public domain, or would have been authorized for public release, was not determined at the time of release. In view of its source (LTG Boykin's personal experience or non-public websites), it is not unreasonable to conclude that portions of that information may have been withheld.

Similarly, we concluded that paragraph 6-6.c. of AR 360-1, which states, "Unofficial materials do not require clearance," did not apply here because LTG Boykin's speeches, although made in his personal capacity, contained official DoD information.

LTG Boykin's Response

In his undated response, which we received on April 23, 2004, LTG Boykin acknowledged that portions of his speeches contained official DoD information, as defined in relevant regulatory material. However, he stated that much of this information (remarks about military operations) had been cleared by U.S. Army Special Operations Command Public Affairs personnel for delivery at symposia sponsored by the National Defense Industrial Association (NDIA) and the Association of the U.S. Army (AUSA). He argued that other information he used was effectively in the public domain because it was the subject of various books and movies, or of reports by DoD. He stated that information acquired from computers at SWC was publicly available. Finally, he emphasized, "I did request reviews from JAG personnel who never advised nor counseled me that I needed to take additional steps to gain approval for my speeches."

We contacted personnel at the Office of the Commander, SWC, and the USASOC Public Affairs Officer (PAO) to determine if any records existed of requests for PAO review of material LTG Boykin intended to use in his presentations to the NDIA and AUSA events. Our intention was to identify the nature of material cleared by PAO for these events to determine if it matched the material that was used in LTG Boykin's addresses at religious events. We found no records of such requests or reviews. While a former aide to LTG Boykin confirmed that LTG Boykin had submitted material for PAO review on at least one occasion (the NDIA symposium), he stated that material submitted for review was not similar to material LTG Boykin used in his speeches at religious events.

We found insufficient basis to revise our conclusion that LTG Boykin violated DoD Regulations pertaining to release of official information by failing to clear his remarks with proper DoD authorities. We also note the language in AR 360-1, "The Army Public Affairs Program," paragraph 6-7n, which states that, "prior to repetitively using a previously cleared speech or manuscript, the clearance should be revalidated by the approving PAO." More significantly, we note that DoDI 5230.29 requires DFOISR review based on the sensitivity of the material released, the speaker's status, and/or the potential effects of the release of the material. In this regard, we concluded LTG Boykin's obligation to clear his remarks with DFOISR stemmed from the sensitive nature of his remarks regarding U.S. policy and the likelihood that he would be perceived by his audiences as a DoD spokesman based on his official position and his appearance in uniform.

Having concluded thus, we nevertheless note our factual finding regarding LTG Boykin's good faith efforts to consult legal advisors. The need to obtain clearance was never recognized as an obligation by either LTG Boykin or his staff, who appropriately pursued legal advice regarding other potential ethical issues associated with his personal speaking activities. We found no indication that legal advisors, who reasonably would be more familiar with the JER requirements for "Teaching, Speaking and Writing," suggested the need for clearance or asked LTG Boykin to describe the content of his speeches. We recommend that management officials taking corrective action regarding LTG Boykin's failure to obtain clearance for his speeches consider these factors in assessing the gravity of the violation.

B. Did LTG Boykin violate the JER by failing to preface his remarks with a disclaimer?

Standards

DoD 5500.7-R, “Joint Ethics Regulation (JER),” dated August 30, 1993, Chapter 3, Section 3, “Personal Participation in Non-Federal Entities”

As indicated above, subsection 3-307 of Section 3, “Teaching, Speaking and Writing,” addresses situations where a DoD employee engages in outside speaking activities as a personal, rather than official, endeavor. Subsection 3-307a., “Disclaimer for Speeches and Writings Devoted to Agency Matters,” states:

A DoD employee who uses or permits the use of his military grade or who includes or permits the inclusion of his title or position as one of several biographical details given to identify himself in connection with teaching, speaking or writing . . . shall make a disclaimer if the subject . . . deals in significant part with any ongoing or announced policy, program or operation of the employee’s Agency . . . and the DoD employee has not been authorized by appropriate Agency authority to present that material as the Agency’s position.

The JER further specifies that the disclaimer “shall expressly state that the views presented are those of the speaker . . . and do not necessarily represent the views of DoD or its Components.” When such a disclaimer is required for a speech or other oral presentation, the disclaimer may be given orally provided it is given at the beginning of the presentation.

Army Regulation (AR) 360-1, “The Army Public Affairs Program,” dated September 15, 2000

Paragraph 6-8 of the Regulation, “Specific and special-case writing guidelines,” subparagraph d., states, “Any individual who uses a title or other identification connected with DOD in an unofficial writing or speech will include with such material the disclaimer at (2) above.” Subparagraph “(2) above” states:

(2) The following disclaimer must be used: ‘The views expressed in this article (book) are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.’

Facts

In addition to the facts set forth in the previous section concerning the content of LTG Boykin’s presentations, we obtained evidence concerning the manner in which LTG Boykin was introduced prior to making his remarks and whether or not he complied with the JER requirement for a disclaimer. The following are examples of recorded comments used to introduce LTG Boykin at several of his appearances:

- *June 1-3, 2002, Fort Myers, Florida:* “General Boykin is one of our leaders in the war on terrorism . . . nearly 25 years [of LTG Boykin’s career] have been spent as a leader in our special operations units . . . he currently commands the U.S. Army John F. Kennedy Special Operations Special Warfare Center and School.”
- *June 21, 2003, Good Shepherd Community Church, Gresham, Oregon:* “[LTG Boykin is] a two-star general. Actually, Donald Rumsfeld, the Secretary of Defense, just announced the last couple of days that President Bush nominated Major General Boykin for the third star He’s not an armchair general. He’s been in combat in many spirited missions. Delta Force, Green Berets. And now, he will be serving as the Deputy Undersecretary of Defense for Intelligence and Warfighting Support.”
- *June 28, 29, 2003, Shandon Baptist Church, Columbia, South Carolina:* “He’s a highly decorated soldier in the United States Army, currently serving as the Commanding General of the U.S. Army, John F. Kennedy Special Warfare Center and School at Fort Bragg, North Carolina Prior to his current position, he was the Commanding General of the United States Army Special Forces. He’s recently been nominated by our President to be promoted to lieutenant general to receive his third star.”
- *September 10, 2003, Church of the Redeemer, Gaithersburg, Maryland:* “Lieutenant General Jerry Boykin. He is the Deputy Undersecretary of Defense for Intelligence and Warfighting Support and Warfighting Support in the Office of the Undersecretary of Defense. As one of the first members of the Army’s famed Delta Force, General Boykin has participated in many combat operations that you’ve known and heard about, and many that you have not known about.”

When we asked LTG Boykin if he informed his audiences that his comments did not necessarily reflect the views of DoD but were his own, he responded, “I have done that regularly.” As an example, he testified as follows concerning a disclaimer he made at a June 2002 appearance at First Baptist Church, Broken Arrow, Oklahoma:

And I said, ‘The first thing is on behalf of the Secretary of Defense, I’m here to tell you . . . thanks for your support for the young men and women that you’ve mobilized to help fight this war’ . . . Then I said, ‘Now everything is me speaking. It’s what I believe. It’s how I see it.’

However, regarding a June 2003 speaking engagement at Good Shepherd Church, Gresham, Oregon, LTG Boykin testified, “I know I didn’t say, ‘I’m here not representing the Secretary of Defense’.” Likewise, regarding an engagement at First Baptist Church, Daytona, Florida, in January 2003, LTG Boykin stated, “I don’t remember doing that [issuing a disclaimer] and I doubt if I did.”

Of witnesses who were present at one or more of LTG Boykin's 23 appearances since January 2002, only witnesses of three of those events could definitively state that LTG Boykin gave a full disclaimer (i.e., that he was not speaking for the Government and that the views he expressed were his own). In the six transcripts of recorded speeches by LTG Boykin, we found no disclaimers that replicated, or conveyed the substance of, the disclaimer language found in the JER or AR 360-1.

None of LTG Boykin's past legal advisors testified to discussing the issue of disclaimers with him, although one of those advisors acknowledged, "That's something I should have, I guess, anticipated and covered." LTG Boykin testified that, although he had consulted legal counsel regarding his personal speaking, "that [a disclaimer] was . . . not an issue" that was discussed.

Discussion

We concluded that LTG Boykin violated the JER and AR 360-1 by failing to issue appropriate disclaimers as a preface to his oral presentations at events hosted by non-Federal entities. This conclusion was based on our determination that: (1) LTG Boykin's activities constituted "personal participation in non-Federal entities," rather than official engagements; (2) he was introduced by rank and/or position, the significance of which was emphasized on at least 21 of the 23 events by his appearance in uniform; (3) his presentations dealt in significant part with DoD matters; and (4) the professed disclaimers that he made did not comply with the JER requirement that the "required disclaimer shall expressly state that the views presented are those of the speaker or author and do not necessarily represent the views of DoD or its components."

We found no evidence that LTG Boykin was authorized to speak for DoD on matters of official policy at the religious-oriented events. By his own admission, LTG Boykin neither sought nor received authorization to present DoD's position as its official representative. Further, he was invited to make most of his appearances privately rather than through official channels. Finally, many of his appearances were funded privately (either by the organization inviting him or by LTG Boykin himself) and were sponsored by non-Federal entities.

Accordingly, the disclaimer requirements of Chapter 3 of the JER were applicable if LTG Boykin was introduced by his military title and/or position and his speeches "dealt in significant part" with DoD policies, programs, or operations. The evidence indicates that, on most occasions, both of these criteria were satisfied. That is, LTG Boykin was introduced using his rank and referring to his official position of Commanding General, SWC, and later as Deputy Under Secretary of Defense (Intelligence and Warfighting Support). His appearance in uniform emphasized the significance of his rank/position to the audience. Moreover, the central theme of LTG Boykin's speeches concerned the fight against terrorism and well publicized military operations that arguably fall in the category of announced DoD programs and operations. Accordingly, his speeches should have been prefaced with a disclaimer that explicitly stated "the views presented are those of the speaker . . . and do not necessarily represent the views of DoD." Although LTG Boykin sometimes characterized his comments as "my personal views" or "this is me speaking," the JER and AR 360-1 required a more explicit statement to disassociate his views from DoD policy.

LTG Boykin's Response

In his response, LTG Boykin stated that the allegation that he failed to preface some of his remarks with disclaimers while appearing in a personal capacity should not be substantiated as a regulatory violation. He argued that such a result is justified because he never intentionally violated JER guidelines on disclaimers, he issued disclaimers on several occasions, and legal advisors never informed him of the disclaimer requirement.

We stand by our conclusion. Our review of recordings and videotapes of LTG Boykin's speeches, as well as testimony of witnesses, established that he failed to issue requisite disclaimers on numerous occasions. While we do not contest LTG Boykin's assertions of good faith, we note that the speaker's intent is not an element in the JER standard. Rather, the disclaimer requirement is designed to dispel audience perceptions of DoD sanction when the speaker is introduced with reference to his official position. In that regard, lack of knowledge of the disclaimer requirement is also irrelevant. Issuing a disclaimer is a common sense measure when a speaker makes personal comments in a setting where it might be perceived that he is appearing as an official spokesman. Although LTG Boykin sometimes characterized his comments as "my personal views" or "this is me speaking," his appearance in uniform, his senior rank/position, and his use of military visual aids required a more explicit statement to disassociate his comments from DoD.

As with our previous conclusion, we note LTG Boykin's propensity to obtain legal advice regarding his speaking activities, coupled with his good faith efforts during some speaking events to emphasize the personal nature of his remarks. We recommend these factors be considered by management officials who act on this report.

C. Did LTG Boykin improperly wear the uniform while engaging in personal speaking activities?

Standards

DoD Directive 1334.1, "Wearing of the Uniform," dated August 11, 1969

Section 3.1. of the Directive sets forth several circumstances where the wearing of the military uniform is prohibited. Of interest here, it prohibits wearing of the uniform:

3.1.3. Except when authorized by competent Service authority, when participating in activities such as public speeches, interviews, picket lines, marches, rallies or any public demonstration . . . which may imply Service sanction of the cause for which the demonstration or activity is conducted.

Army Regulation (AR) 670-1, “Wear and Appearance of Army Uniforms and Insignia,” dated September 5, 2003

Paragraph 1-10.j.(2) of the Regulation states that wearing Army uniforms is prohibited “[w]hen participating in public speeches, interviews, picket lines, marches, rallies, or public demonstrations, except as authorized by competent authority.”

Army Regulation (AR) 600-20, “Army Command Policy,” dated May 13, 2002

Paragraph 2-1.b. states, “Commanders are responsible for everything their command does or fails to do.”

Facts

Testimony and video recordings confirmed that LTG Boykin appeared in uniform at all but two of the 23 speaking engagements that are listed on Attachment 1. When we asked him the rationale for wearing the uniform on those occasions, LTG Boykin told us that after the terrorist attacks on the New York World Trade Center and the Pentagon on September 11, 2001, he appeared in uniform as often as possible because “there was a war going on, I am proud of the uniform, and Americans want to see military leaders in uniform.” Further, LTG Boykin told us that “some of the pastors . . . were insistent that I go in uniform,” because of the need to “speak to my [the pastor’s] people and encourage them. I’ve [referring to the pastor] got families that are being mobilized.”

LTG Boykin also suggested that his wearing of the uniform at speaking engagements over the past 2 years followed the philosophy advocated by the former Army Chief of Staff. He elaborated that General (GEN) Eric Shinseki, Army Chief of Staff from June 1999 to June 2003, exhorted Army leaders to, in LTG Boykin’s words, “get out into these communities and tell the Army story. Talk to people. Get engaged with the American public.” We reviewed the transcripts of several policy addresses delivered by GEN Shinseki when he was Chief of Staff, and verified that he told senior Army commanders in 1999, in reaction to poor Army recruiting results prior to 1999, that everyone in the Army should “reconnect” with American society, take opportunities to talk to the American public, and wear the uniform in public. Although LTG Boykin did not consider those statements to be an authorization to deviate from regulations governing the wear of the uniform, LTG Boykin told us he considered his wear of the uniform at public speaking engagements to be consistent with GEN Shinseki’s guidance.

In testimony to us, GEN Shinseki stated that he did not intend to authorize wear of the uniform in circumstances prohibited by AR 670-1. Rather, he told us he had encouraged Army personnel to speak in civilian venues, such as Kiwanis Clubs and, when invited, at events such as high school graduations, to “explain what the Army was about.” He further stated that if someone was appearing as a representative of the Army, especially on an appropriate occasion, such as Veteran’s Day, that person should be able to appear in uniform. He added that if a person were appearing in a personal rather than an official capacity, that person should use his/her judgment regarding wear of the uniform. In this regard, GEN Shinseki said relevant criteria in deciding whether to appear in uniform would include the nature of the event and the

intent of the organizers of the event in inviting the Service member. Finally, GEN Shinseki stated that he did not believe the events of September 11, 2001, changed this guidance regarding wear of the uniform.

LTG Boykin recalled that, with the exception of one occasion, he “was told repeatedly that there was not a prohibition” against wearing the uniform at his personal speaking engagements. He stated the one occasion in 1999 involved a videotaped religious event, and his legal advisor suggested he not wear his uniform because the videotape might be used for commercial purposes. LTG Boykin testified he did not wear his uniform at that event.

A former secretary and aide both corroborated LTG Boykin’s assertion that he frequently sought and received legal confirmation that wear of the uniform was permitted at his speaking engagements at religious-oriented events. One former secretary told us LTG Boykin’s staff would consult a judge advocate every time they received a request for LTG Boykin to speak for a religious-oriented event, and that the judge advocate stated LTG Boykin could wear his uniform at all such events. The [REDACTED] who served as LTG Boykin’s aide in 2002 stated that he coordinated with a USASOC judge advocate officer to ask whether LTG Boykin could wear his uniform at his speaking appearance at the First Baptist Church of Daytona, Florida in July 2002. The aide said the judge advocate told him wear of the uniform on that occasion was acceptable. Another former secretary, while not speaking specifically about the issue of wear of the uniform, stated that LTG Boykin frequently solicited legal advice regarding his speaking engagements.

Two judge advocate officers who had formerly been assigned as LTG Boykin’s legal advisors corroborated LTG Boykin’s account of receiving advice that he not wear his uniform for a videotaped presentation made for a charitable organization prior to September 11, 2001. They stated that LTG Boykin followed their advice on that occasion, but that they did not recall providing advice regarding uniform wear on any other occasion. Our review of special operations judge advocate records at Fort Bragg revealed an unrelated written opinion advising against LTG Boykin wearing his uniform for a photograph promoting a speaking event at a religious-oriented organization in 1999. The judge advocate officer who served as LTG Boykin’s legal advisor during LTG Boykin’s tenure as Commander, SWC, testified that he received an inquiry about wear of the uniform from LTG Boykin’s staff, but he could not remember the context or exact nature of the question. However, he stated “if GEN Boykin or [his aide] tells you that . . . I gave a specific response to a specific question about uniforms, I’ve got no reason to doubt what they say.”

b7(C)

Discussion

We initially concluded that LTG Boykin violated DoD and Army standards by wearing his uniform while giving speeches to religious-oriented organizations. That conclusion was based on a relatively straightforward interpretation of DODD 1334.1 and AR 670-1 -- (1) LTG Boykin’s speeches were public and (2) he did not obtain “competent authority” (which we defined as authority from a superior) to wear his uniform when speaking in a personal capacity. However, after considering LTG Boykin’s response to that determination, reexamining original evidence, and conducting additional fieldwork, we concluded that LTG Boykin’s

wearing of the uniform in the circumstances at issue in this investigation did not rise to the level of a regulatory violation.

Although LTG Boykin's speaking activities were arguably "public" in the generic sense of the word,⁷ it is not obvious, on reconsideration, that speeches hosted by religious organizations and given in church facilities were "public speeches" as that term is used in DODD 1334.1 and AR 670-1. A reasonable argument can be made that speeches in places of worship are not "public" in the same sense that are "interviews, picket lines, marches, rallies, or any public demonstration[s]. . . ." -- the examples cited by both standards. The regulatory focus appears to be on situations where a Service member appearing in uniform "may imply Service sanction" of a cause for which an activity is conducted. Tape-recordings and witness testimony do not portray LTG Boykin's speeches as promoting a "cause." In that regard, his speeches did not solicit membership in or donations to the organizations that sponsored him.

More significant, however, is the issue of whether LTG Boykin wore his uniform during personal speaking activities without the approval of "competent authority." The preponderance of evidence supports the conclusion that he met the intent of that standard. First, LTG Boykin's testimony that he was "told repeatedly [by legal advisors] that there was not a prohibition" on wearing the uniform at these events was corroborated by a former secretary and an aide. Second, LTG Boykin's regularly-assigned legal advisor during the period under scrutiny in this investigation confirmed giving advice about wear of the uniform and, although he did not remember the details of the request, conceded that LTG Boykin's memory on the issue was probably accurate.⁸ Finally, GEN Shinseki's guidance to "reconnect" with the American public, to include taking opportunities to appear in uniform at public events, while not aimed specifically at speaking engagements before religious-oriented groups, could be interpreted as "service sanction" for LTG Boykin's appearances in uniform.

As indicated above, we found no evidence that LTG Boykin ever sought permission from his superiors to wear the uniform while engaged in personal speaking activities. However, as a commander, LTG Boykin was entrusted with broad responsibilities and authority over the activities of his command (see excerpt from AR 600-20 above). In that capacity, he could reasonably be considered "competent" to authorize his wearing of the uniform, especially when such self-approval is based on legal advice.

The foregoing discussion serves to illustrate the potential lack of clarity in DoDD 1334.1 and AR 670-1, specifically regarding the terms "public speeches" and "competent authority." Because reasonable persons could disagree on the meanings of these terms, we concluded that it

⁷ Dictionary definitions of "public" include "accessible or shared in by all members of the community," and "open to the judgment or knowledge of all." In that regard we note that LTG Boykin's speeches before religious groups were generally open to the public, locally advertised and promoted, and taped or video recorded for public distribution.

⁸ As indicated in the Facts section above, testimony by two other legal advisors and a written legal opinion provided evidence that LTG Boykin was advised not to wear a uniform in two situations. We consider this evidence of LTG Boykin's propensity to seek and follow legal counsel on the uniform issue, lending credence to his fervent, corroborated testimony that he received and complied with advice allowing wear of the uniform in the context of the speaking engagements under consideration here.

would be inequitable to hold LTG Boykin in violation of those standards in view of the fact pattern concerning his personal speaking activities set forth in this report.⁹

D. Did LTG Boykin arrange official travel for primarily personal purposes?

Standards

The Joint Federal Travel Regulations (JFTR), Volume I (Military Personnel)

Chapter 2, Part A, "Travel Policy," Section U2000, "General," of the JFTR provides that each Service shall authorize only travel necessary to accomplish the mission of the Government effectively and economically. It further requires that each Service establish internal controls to ensure that only travel essential to the needs of the Government is authorized. Section U2010, "Obligation to Exercise Prudence in Travel," establishes the obligation of Service members to "exercise the same care and regard for incurring expenses to be paid by the Government as would a prudent person traveling at personal expense." Further, it provides that excess costs, circuitous routes, or delays that are unnecessary or unjustified are the Service member's financial responsibility.

Appendix A of the JFTR defines official travel as, "[a]uthorized travel and assignment solely in connection with business of the DoD or the Government." It also stipulates:

Travel and delays for personal reasons or convenience, by circuitous route, by transportation modes other than authorized/approved, for additional distances, or to places in connection with personal business is not official travel. Nonofficial travel status affects allowances, reimbursements, and pay status.

Army Regulation (AR) 600-8-10, "Leaves and Passes," dated July 31, 2003¹⁰

AR 600-8-10 provides policy and establishes standards regarding leaves and passes in the Army military personnel system. Paragraph 7.7 authorizes leave (i.e., personal business) to be combined with temporary duty (i.e., official business involving travel at Government expense). However, it cautions that "TDY [temporary duty] must be clearly essential," and "[t]here must be no additional cost to the Government." The steps set forth in paragraph 7.8 for granting leave in conjunction with TDY require the leave granting authority to: "Ensure TDY is not arranged to provide transportation for leave at Government expense," and "Avoid appearance that TDY was arranged to serve the leave desires of the soldier."

⁹ We have requested the Under Secretary of Defense (Personnel and Readiness), who is the proponent for DoDD 1334.1, to review the matter.

¹⁰ The version of this Regulation in effect prior to July 2003 contained identical guidance to that set forth below.

Office of Government Ethics (OGE) guidance

We likewise considered the guidance of the Director of the OGE regarding official travel. A memorandum containing OGE analysis, dated March 23, 1992, states, in part, that “A *bona fide* official activity must be the predominant purpose of the travel for the trip to be characterized as official.”

Comptroller General decisions

In applying the standards set forth above, we also considered decisions of the Comptroller General of the United States, relevant to travel in which official business and personal activities are mixed. Those decisions indicate that expenditure of appropriated funds for travel is improper if the primary purpose for the trip is personal, if there is no substantial benefit to the Government, or if official business performed is merely incidental.

DoD 5500.7-R, “Joint Ethics Regulation (JER),” dated August 30, 1993

Section 2635.107(b) of the JER states, “Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances.”

Section 3-207 of the JER provides that “DoD employees may participate in their official DoD capacities as speakers . . . at conferences, seminars, or similar events sponsored by non-Federal entities” subject to the provisions of JER Section 3-211 and public affairs regulations. Section 3-200.a. states that such participation may be “at Federal Government expense if there is a legitimate Federal Government purpose.”

Section 3-211.a. of the JER states, “The head of a DoD Component command or organization may provide DoD employees in their official capacities to express DoD policies as speakers” when the head of the DoD Component command or organization determines that certain criteria have been fulfilled.¹¹ These criteria are:

- The support does not interfere with official duties or readiness.
- DoD relations with the local community or DoD public relations interests are served by the support.
- It is appropriate to associate DoD with the event.
- The event is of interest or benefit to the local civilian community or DoD.

¹¹ JER Section 1-219 defines “Head of DoD Component Command or Organization” as “a commander, commanding officer, or other military or civilian DoD employee who exercises command authority within a DoD Component.”

- The DoD Component command or organization is able and willing to provide support to comparable events sponsored by similar non-Federal entities.
- The support is not restricted by other statutes.
- No admission fees beyond what will cover reasonable costs of sponsoring the event are charged.

Section 3-211.c. of the JER states, “Speeches by DoD employees at events sponsored by non-Federal entities are not precluded when the speech expresses an official DoD position in a public form in accordance with public affairs guidance.”

Department of Defense Directive (DoDD) 5410.18, “Public Affairs Community Relations Policy,” dated November 20, 2001

Paragraph 2, “Applicability and Scope,” subparagraph 2.4. of this Directive states that the Directive, “Does not apply to voluntary participation in community and civic activities by DoD personnel when they participate in a personal capacity in an off-duty status.” Although the Directive would not, therefore, apply to LTG Boykin’s personal speaking activities, we used it to evaluate those speaking activities that LTG Boykin considered official in nature and that were used to justify travel at Government expense.

Paragraph 4.2.3. of the Directive states that official community relations support must be confined to those activities that are of common public interest and of benefit to a “broadly based representational community.” However, subparagraph 4.2.3.5. authorizes official participation in events sponsored by “organizations with a narrow membership base or interest, such as . . . religious or sectarian organizations . . . when it is clear that the support primarily benefits the community at large, rather than the sponsoring organization.” As an example of such authorized official support, the Directive includes the use of a “[c]hurch as a site for a public concert, speech, or display when the activity is not part of a religious service.”

Paragraph 4.2.9. of the Directive states,

Community relations activities shall not support, or appear to support, any event that provides a selective benefit to any individual, group, or organization, including any religious or sectarian organization, ideological movement, political campaign or organization, or commercial enterprise When DoD support is provided to one non-Federal entity, the DoD Component commands or organizations providing such support must be able and willing to provide similar support to comparable events sponsored by similar non-Federal entities.

Paragraph 4.11. of the Directive provides that “Heads of DoD Component commands or organizations may provide applicable support to veterans associations for non-partisan events. . . .” The support can include speakers. The provision defines “veterans associations” as

“organizations oriented toward veterans of military service in general, toward veterans of specific Services, or toward veterans grouped or identified by gender, ethnicity, religion, military campaign, or geographic region.”

With respect to this standard, a representative of the Office of the Assistant Secretary of Defense for Public Affairs told us that DoD support to events sponsored by organizations such as the Veterans of Foreign Wars or Special Forces Associations are generally considered “widely attended gatherings” under the JER, and can therefore receive DoD support. The representative added that a DoD speaker may also speak at a fundraiser for one of these organizations, provided the speaker does not associate him/herself with the fundraising activities.

Army Regulation (AR) 360-1, “The Army Public Affairs Program,” dated September 15, 2000

Paragraph 3-2.b.(2)(b) of the Regulation provides:

Public affairs support may be provided to events sponsored by organizations with a narrow membership base or interest (for example, civilian enterprises, religious or sectarian movements and organizations, ideological movements, and political organizations and campaigns) when it is clear that the support primarily benefits the community at large and/or the Army as opposed to benefiting the sponsoring organization.

The Regulation provides the following example of such an instance: “Using a house of worship as a site for a public concert, speech, or display when the activity is not part of a religious service.”

Paragraph 3-2.c. of the Regulation, “Support to religious organizations and activities,” states,

Religious facilities are often used as nonsectarian centers for community events and activities of common interest and benefit; therefore Army support of community activities conducted in such facilities may be authorized if the following two criteria are met:

- (1) The program is community wide, nonsectarian, and of common interest and benefit.
- (2) The program is broadly publicized.

Facts

During our investigation, we identified nine occasions where LTG Boykin traveled at Government expense to locations where he engaged in speaking activities. Details concerning those nine trips are provided at Attachment 2 to this report. Of the nine trips, we found that three

were conducted solely to support military prayer breakfasts held at military installations and sponsored by the military chaplaincy (trip numbers 2, 7, and 8 on Attachment 2). Because LTG Boykin's travel on those three occasions was in support of an officially sponsored event, we concluded that it was properly funded by the Government and did not further examine it. The following facts pertain to the remaining six trips.

Travel to Fort Myers, Florida -- One Government-Funded Trip in June 2002

LTG Boykin's travel to Fort Myers, Florida, in June 2002 (trip number 3 on Attachment 2) was conducted in response to an invitation by municipal authorities to be the featured speaker at the city's annual prayer breakfast. LTG Boykin told us that the city invited a prominent person to speak at the breakfast each year,¹² and that municipal authorities told him they were prepared to pay his expenses and secure an official request from the Governor of Florida for his appearance. LTG Boykin stated that, because the list of past speakers featured a number of politicians, he was concerned he might create the perception among knowledgeable observers that he was receiving compensation from a non-Federal source to appear at a political event. Accordingly, LTG Boykin approved his own appearance in an official capacity and attended the event in a TDY status.

LTG Boykin testified that his visit to Fort Myers included a meeting the night before the prayer breakfast with civic leaders, to include retired Army General John Dozier, who had been kidnapped by Italian radical groups. He also noted that the prayer breakfast was an interdenominational event, and that the audience included Catholics, Protestants, Jews, Muslims, and members of other faiths.

Travel to Daytona, Florida -- Three Government-Funded Trips (January and July 2002 and January 2003)

We found that, at the request of [REDACTED] **b7(C)**
[REDACTED] LTG Boykin conducted Government-funded travel to Daytona on three occasions -- January 2002, July 2002, and January 2003 (trips 1, 4, and 6 on Attachment 2). We provide the following summary of that travel below:

¹² According to LTG Boykin, Senator Elizabeth Dole had been the featured speaker the year before his appearance, and Senator Bob Graham was the speaker 2 years prior to his appearance.

Date of Trip	Itinerary	Stated Official Purpose for Govt-funded travel to Daytona	Personal Business	Cost to Govt of Daytona visit ¹³
Jan 30-31, 2002 (Wednesday and Thursday)	Fort Myer, VA, to Daytona, FL, and return to Fort Bragg, NC	Met at church with community leaders, veterans, and military families to discuss current military operations.	Spoke at patriotic worship services at First Baptist Church.	Total: \$127. [\$89 (flight differential) plus \$38 per diem.]
July 6-7, 2002 (Saturday and Sunday)	Fort Bragg, NC, to Daytona, FL, then on to unrelated official business at Fort Monroe, VA	Met at church with community leaders, veterans, ROTC cadets, and military families to discuss current military operations. Appeared at Daytona Speedway.	Spoke at July 4th patriotic worship services at First Baptist Church.	Total: \$70.50. [\$42 (flight differential) plus \$28.50 per diem.]
Jan 27-29, 2003. (Monday through Wednesday)	Fort Bragg, NC, to Daytona, FL, then on to unrelated official business at Fort Lewis, WA	Met at church with community groups, veterans, and military families to discuss military operations. Addressed law enforcement personnel & community leaders at Sheriff's Youth Ranch. Visited DoD contractor (Raydon).	Spoke at patriotic worship services at First Baptist Church	Total \$542.60. [\$405.60 (flight differential) plus \$137 per diem.]

With regard to the official purpose of the three trips to Daytona, Florida, in 2002 and 2003, LTG Boykin testified:

I went to Daytona Beach to talk to the community leaders and to the families of those people that were being mobilized. That was my official purpose for going to Daytona Beach. In two cases out of the three, it was enhanced by the fact that [REDACTED] had a conference going where he was bringing in community leaders. These are not preachers. These are community leaders from across the country

Specifically addressing his January 2003 visit to Daytona, LTG Boykin defined the official purpose of the trip as follows:

I was there in an official status for two things. One, I went over and visited a company called . . . [Raydon].¹⁴ The second thing I went out to a . . . Sheriff's Academy . . . and I gave a talk on the war to a group of community leaders as well as some of the police and sheriffs.¹⁵

b7(C)

¹³ Because all trips to Daytona were conducted as part of a longer official travel period, we calculated the cost of the Daytona portion by adding the cost of per diem attributable to Daytona to the extra cost of flying to/from Daytona. Detailed calculations are shown in Attachment 2. We estimated flight costs that were not available from LTG Boykin's travel records using GSA contract rates and itinerary information.

¹⁴ LTG Boykin explained that this company was a potential manufacturer of simulators for fire support, and that he was assessing its capabilities to produce these items for the Army. We determined that Raydon corporation, based in Daytona Beach, Florida, is a DoD contractor that designs and builds advanced simulation trainers.

¹⁵ A spokesman at the "Sheriff's Youth Ranch" (referred to as the "Sheriff's Academy" by LTG Boykin or "Sheriff's Ranch" by [REDACTED]), described the purpose of that facility as: (1) providing camping-type activities for disadvantaged youth during the summer months and 2) offering conference accommodations for business or

LTG Boykin stated that he participated in the talks with community leaders and other groups pursuant to an informal agreement he had made with [REDACTED] whereby LTG Boykin's appearances in Daytona were in return for appearances [REDACTED] made at several events at SWC at Fort Bragg.

LTG Boykin described these talks as meetings he held with various groups of people who had ties to or interest in the military, to include veterans, soldiers on orders to deploy to Afghanistan and Iraq and their families, and Reserve Officer Training Corps (ROTC) cadets from Embry-Riddle Aeronautical University in Daytona. LTG Boykin told us he spoke to each of these groups separately about current military operations, concerns about family members in the military, the current state of U.S. Armed Forces, and other related topics. These meetings were in addition to LTG Boykin's speaking engagements at worship services at the First Baptist Church.

[REDACTED] the [REDACTED] of the [REDACTED] defined the purpose of LTG Boykin's visits to his church as follows:

Overall, each and every time that General Boykin was invited to come here had one explicit purpose, and that is, to engender patriotism and to make our people proud of the United States Army, and to be thankful that our country was defended by those sort of people, and to love and appreciate our military, and also to give help and encouragement to our -- many of our families who had people at war at that time . . . We did not accent Baptist or any other religious thing that day when he was there because his focus was to bring that patriotic touch.

[REDACTED] confirmed that LTG Boykin spoke at what [REDACTED] described as "patriotic worship services" at the [REDACTED] as part of an informal agreement in return for [REDACTED] appearances at Fort Bragg. [REDACTED] told us that LTG Boykin's speech focused on:

a series of events in his life both military and personal . . . where he tried to lift up the Army, military, what our country has done and is doing to, you know, protect and defend our country. . . he talked about some of the terrorism stuff. . . At the same time he kept reaching for places to satisfy our requests to apply his faith in some of those situations.

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Additionally, [REDACTED] recalled that LTG Boykin would describe the war on terrorism being a war "against evil" and "he would just about every time without fail follow it up and say, 'Now bin Laden and Saddam, they're not our enemies. That's not our enemy. That's not who I'm talking about here. I'm talking about Satan. He's the one who's behind all this'."

professional organizations during other seasons. He told us the Sheriff's Youth Ranch in Daytona was affiliated with a nation-wide network of similar facilities privately sponsored by sheriffs' associations.

LTG Boykin's military aide similarly described LTG Boykin's speeches at the [REDACTED] as "focused on his biography . . . on places he had gone, the things he had done, how God had affected his life . . . and how he came to be where he was at now and pretty much his relationship to God."

[REDACTED] also confirmed that he arranged for LTG Boykin to meet with several groups at the church, including people interested in joining the Army as chaplains or in other roles, veterans, current members of the military and their families, and a group of Reserve Officer Training Corps cadets. [REDACTED] variously referred to these meetings as "clusters," "side-bar meetings," and "side meetings," to the "patriotic worship services." Finally, [REDACTED] testified that LTG Boykin made short trips -- at [REDACTED] request -- within the Daytona area to briefly address a gathering of church staff and community members who were taking leadership training at "Sheriff's Ranch" and to make an appearance at the Daytona Speedway during a racing event.¹⁶

[REDACTED] added that LTG Boykin's January appearances coincided with a series of "seminars" held at the church, organized by [REDACTED] and his friends who were "involved in ministry opportunities across the country," and that local civic leaders were also invited so LTG Boykin's audiences exceeded the membership of the [REDACTED]. He stated that the events being held at the church were advertised through church publications and by word of mouth.

[REDACTED] told us the meetings that LTG Boykin conducted with the various groups described above were very beneficial to the public image of the military, to families and others directly impacted by U.S. military policy, and to recruiting in the Daytona area. He also stated that LTG Boykin's July appearance was part of an annual Fourth of July patriotic service hosted by the church.

Regarding LTG Boykin's visit to Raydon, a representative of the company, who identified himself as a former [REDACTED] of LTG Boykin, confirmed that the visit occurred in late January 2003. The representative told us LTG Boykin arrived at Raydon accompanied by an aide at approximately 1:00 p.m., had lunch with the representative, and then toured the company's facility, departing about 3:30 p.m. The representative testified that Raydon manufactures "trainers" (computer simulators), and that LTG Boykin discussed with him the possibility of Raydon making a simulator for "close-in air support." The representative stated that he and LTG Boykin planned LTG Boykin's visit to Raydon in December 2002 after LTG Boykin mentioned that he (LTG Boykin) was already planning travel to Daytona during January 2003. **b7(C)**

¹⁶ Although [REDACTED] was unable to state precisely when these events occurred, he speculated that the "Sheriff's Ranch" event was during LTG Boykin's January 2003 visit, and that LTG Boykin visited the Speedway during his July 2002 trip. [REDACTED] stated that the group meetings at the church occurred during all three of LTG Boykin's visits. He characterized LTG Boykin's appearance at the "Sheriff's Ranch" as "almost a last-minute deal," lasting "less than 30 minutes," which occurred when LTG Boykin was on his way to the Raydon facility.

Travel to Portland, Oregon --One Government Funded Trip in June 2003

In June 2003 LTG Boykin traveled to Portland, Oregon, to address the Special Forces Association there, and to participate in five worship services at Good Shepherd Church in Gresham, Oregon (trip number 9 on attachment 2). Pertinent details regarding that trip are provided below:

Date of Trip	Itinerary	Stated Official Purpose for Govt-funded TDY to Portland	Personal Business in Portland	Cost to Government
June 20-22, 2003. (Friday thru Sunday)	Fort Bragg, NC, to Portland, OR, then to MacDill AFB, FL, for unrelated official business	Friday: Spoke to Special Forces Association members and guests at local auditorium on current military operations. Sunday: Addressed church-sponsored dinner for police & fire fighters at Good Shepherd church.	Saturday: Spoke at two worship services, Good Shepherd Church. Sunday: spoke at three worship services, Good Shepherd Church.	\$73.50 for per diem in Oregon. \$1,006.50 total flight cost.

LTG Boykin noted that, as Commanding General, SWC, he was responsible for liaison with Special Forces associations nationally and was the Special Forces proponent for doctrine regarding civil affairs and psychological operations. In these capacities, he often spoke to associations of Special Forces veterans and reservists throughout the country. On the basis of that role, he was invited to speak at a special event hosted by the Special Forces Association of Portland, Oregon, on Friday, June 20, 2003. LTG Boykin told us his presentation to the Special Forces Association dealt primarily with Special Forces operations in Iraq and Afghanistan, and current training of Special Forces personnel. LTG Boykin told us that, in speaking to the Portland Special Forces Association, he was responding to a long-standing request from that organization.

The event was advertised as a “fund-raiser for Special Forces Association, Chapter 47” according to information on the organization’s website, which said the event would “introduce . . . the public to the mission of special forces and its role in the military today.” The website stated that the event would be held at the auditorium at Camp Withycomb, Clackmas, Oregon, and encouraged association members to invite friends, noting that “seating is limited to 600.”

LTG Boykin testified that the police and fire fighter appreciation dinner was an annual event organized by the Good Shepherd Church, and that it was held on church premises. His remarks at the appreciation dinner were focused on civil affairs operations. The [REDACTED] of the [REDACTED] corroborated LTG Boykin’s testimony regarding the [REDACTED] events. The [REDACTED] stated that [REDACTED] scheduled annual “patriotic services” at [REDACTED] (normally scheduled for a weekend close to the 4th of July) to take advantage of LTG Boykin’s presence. According to the [REDACTED] LTG Boykin spoke at a total of five such | patriotic services on Saturday, June 21, and Sunday, June 22.

b7(C)

LTG Boykin testified that he believed he had the authority to authorize his appearance as an official speaker at appropriate events. However, he stated he was not aware of the criteria in JER Section 3-211 that must be considered before authorizing DoD support of an event sponsored by a non-Federal entity.

Travel to Toronto, Canada -- One Trip in July 2002

In July 2002, in conjunction with official travel from Washington, D.C., to Redwood City, California, LTG Boykin detoured to Toronto over a weekend where he addressed a Pentecostal Holiness Church Men's Conference on Saturday, July 12, 2002 (trip 5 on Attachment 2). On Sunday, July 13, 2002, he continued his official itinerary by flying to Redwood City, California, where official events began on Sunday. LTG Boykin's flight from Washington, D.C., to Toronto was privately funded and he was given private lodging in Toronto, but received meals and incidental (M&IE) reimbursement from the Government totaling \$76.

Discussion

Travel to Daytona, Florida

We initially concluded that LTG Boykin violated standards pertaining to official travel on the three trips to Dayton, Florida. That conclusion was based on our determination, based on the preponderance of evidence compiled during the first phase of the investigation, that his speaking activities at the First Baptist Church did not constitute official business within the meaning of the JER and DoD public relations guidance set forth above. However, after considering LTG Boykin's response, reexamining the original evidence, and conducting additional fieldwork, we revised our conclusion in the matter. The preponderance of all the evidence supported LTG Boykin's assertion that the majority of his activities and his time in Daytona provided a benefit to DoD and, therefore, justified travel at Government expense. We make the following points to support that conclusion:

- LTG Boykin's speeches during the worship services at First Baptist Church, which had a distinct Christian focus, were clearly personal activities that did not warrant travel at Government expense. However, LTG Boykin's "side-bar" meetings with Service members and their families, ROTC cadets, veterans, and community leaders at the First Baptist Church arguably consumed a majority of his time, were not part of a worship service, and provided a benefit to DoD as well as the community at-large. The purpose of those meetings was to generate interest in Army careers, encourage members of military families, and provide some background for current military activities. We obtained no evidence that LTG Boykin made faith-based comments at those meetings.
- LTG Boykin's meetings with various groups satisfied JER criteria that define official support to a non-Federal entity and constituted "official community relations support" within the meaning of DoDD 5410.18. Based on his history of accepting speaking engagements at numerous churches throughout the country, it is reasonable to conclude that LTG Boykin was "able and willing to provide similar support to

comparable events sponsored by similar non-Federal entities.” Additionally, the side-bar meetings promoted DoD public relations interests and arguably were “of benefit to the local civilian community.” Finally, the events were widely publicized.

- LTG Boykin’s visit to the Daytona Speedway in July 2002, to the Sheriff’s Youth Ranch in January 2003, and to a DoD contractor in January 2003 constituted official DoD business that further justified travel at Government expense.

Additionally, we confirmed that LTG Boykin sought and obtained legal advice sanctioning official travel to Florida for the purpose of participating in community activities at the First Baptist Church. With respect to the July 2002 trip, LTG Boykin’s aide advised that he (the aide) coordinated with the USASOC legal office, which approved travel on an official basis. A [REDACTED] who was the [REDACTED] for USASOC from [REDACTED] confirmed that she issued one oral opinion at some time in the first half of 2002 regarding a proposed speaking appearance by LTG Boykin at a church in Daytona, Florida. The [REDACTED] testified that she had opined that the event could be officially supported provided it was truly open to the general community, advertised as a community event, and was not a religious service. Although the [REDACTED] remembered few details of the information given to her by the person requesting her advice, she told us that based on the information she received, she was satisfied that the event fulfilled the JER criteria for a “community event” eligible for official DoD support.

A [REDACTED] told us that he recalled, albeit indistinctly, another official trip to Florida that he pronounced “fine.” In view of the consistent testimony that we received from LTG Boykin’s staff members regarding their effort to coordinate with legal advisors on all official trips that included speaking activities (see Section A above), the preponderance of evidence supported LTG Boykin’s assertion: “Every event I attended where the government funded the travel was carefully reviewed in advance, and I established a long history of seeking and then following the legal advice I received.” **b7(C)**

Remaining Travel at Government Expense that Included Speaking Activities

We concluded that the other six trips listed in Attachment 2 were justified by authorized, official business, which constituted the predominant purpose of that travel. As such, we concluded that the use of Government-funded TDY complied with applicable standards described above. Analysis to support that conclusion is set forth below.

As indicated above, the three military prayer breakfasts (travel to Fort Drum, Shaw AFB, and Fort Dix) were official events and use of Government-funded travel was appropriate.

LTG Boykin’s appearance before the Special Forces Association in Oregon was official. The event was sponsored by a veterans’ organization to which the general public was invited. As such it met the criteria of DoDD 5410.18 and the JER for official support. Because there was no evidence that LTG Boykin spoke on behalf of or endorsed the fundraising aspect of the event, his participation was allowable under the JER.

We questioned the official nature of the police and fire fighter appreciation dinner, hosted by Good Shepherd Church on Sunday evening, which was given as official justification for LTG Boykin's decision to remain in Portland over the weekend. The dinner was arguably linked to the five worship services that preceded it at the church and, therefore, appeared to be part of the church outreach mission which would not qualify for official DoD support.

However, the nature of LTG Boykin's itinerary renders the issue moot. Because LTG Boykin was in a TDY status for the Friday night Special Forces Association meeting and was scheduled to attend an official event in a TDY status at MacDill Air Force Base, Florida, on Monday, June 23, 2003, we concluded he properly remained in a TDY status over the weekend. That is, LTG Boykin's decision to remain TDY in Portland over the weekend and fly directly to MacDill AFB on Sunday (one flight) resulted in less cost to the Government than if he had returned to his permanent duty station (Fort Bragg) on Saturday and resumed his TDY by flying to MacDill AFB on Sunday (two flights). Although he may have saved \$50-75 in per diem (depending on flight times) by returning to Fort Bragg, we found that he would have incurred additional cost of \$374 by taking two flights.

Similarly, we concluded that LTG Boykin's decision to fly to Toronto at his own expense, rather than fly directly from Washington, D.C., (where he was in a TDY status) to Redwood City, California (continuation of TDY), was permissible under the JFTR. That is, Service members may combine official business with personal business, as long as doing so does not result in additional cost to the Government (i.e., the Service member bears the cost of "circuitous routes" taken for personal convenience). In this case, LTG Boykin's diversion to Toronto did not result in significant additional Government cost. Because he would have remained in TDY status on Saturday irrespective of his location, his receipt of per diem while in Toronto was proper.

LTG Boykin's appearance at the Fort Myers, Florida, prayer breakfast was a community event, organized by the city and held at a civic venue. Further, LTG Boykin's appearance at this event did not give a selective benefit to any group because it was city-sponsored, and the audience represented a broad range of religious and civic groups. Accordingly, we concluded the event could legitimately be supported by DoD and that LTG Boykin, in his capacity as "head of a DoD Component command or organization," was authorized to approve his appearance as speaker to support the event.

Although LTG Boykin did not consciously apply the seven criteria listed in JER Paragraph 3-211 in authorizing his appearances in an official capacity in Portland, Oregon, and Fort Myers, Florida, we concluded that LTG Boykin's support of these events in fact satisfied the criteria. In both cases, LTG Boykin worked the events into his schedule so as to avoid interference with his official duties. Both events were open to the local communities in which they were held, and benefited both DoD (public relations benefit) and the community in question (providing information about DoD). It was appropriate to associate DoD with both events -- a prayer breakfast for the benefit of a broad cross-section of the community and a military association meeting honoring veterans and informing the broader community. LTG Boykin's record of numerous speaking appearances at events sponsored by many organizations showed his willingness and ability to provide this support to similar non-Federal entities. Finally, we found

no evidence either event was restricted by other statutes or charged admission in excess of that necessary to cover costs.

E. Did LTG Boykin improperly use Government resources (subordinate time, Government property, and Government communications equipment) to support his personal speaking activities?

Standards

DoD 5500.7-R, “Joint Ethics Regulation (JER),” dated August 30, 1993

Section 2635.704 of the JER, “Use of Government property,” states, “An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.”

Section 2-301.a. of the JER states: “Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.” However, Subsection 2-301.b.(1) of the JER, allows DoD employees to make limited personal use of Federal Government resources other than personnel, including office equipment, if the following criteria are met:

- The use does not adversely affect the performance of official duties by the DoD employee or the DoD employee’s organization.
- The use is of reasonable duration and frequency, and made only during the DoD employee’s personal time, such as after duty hours or lunch periods.
- The use serves a legitimate public interest, such as enhancing the professional skills of the DoD employee.
- The use does not put Federal Government resources to uses that would reflect adversely on DoD or the DoD component.
- The use creates no significant additional cost to DoD or the DoD component.

Section 3-305 of the JER provides:

Because of the potential for significant cost to the Federal Government, and the potential for abuse, DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support of non-

Federal entities, nor for any non-Federal purposes, except as provided in subsections 3-211 and 3-300.b. of this Regulation, above.¹⁷

Section 2635.705(b) of the JER, “Use of subordinate’s time,” states that an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

Additionally, the applicable example under Section 2635.705(b) suggests that directing or coercing a subordinate to perform personal services during nonduty hours constitutes an improper use of public office for private gain in violation of Section 2635.702(a) of the JER. The example in Section 705(b) states that during nonduty hours, where an arrangement is entirely voluntary and appropriate compensation is paid, a subordinate may provide a service for a superior. If the compensation is not adequate, the example states that the services constitute a “gift to a superior” in violation of the JER prohibitions regarding gifts between employees.

Chapter 2, Subpart C of the JER, “Gifts Between Employees,” prohibits gifts from a subordinate to a superior under most circumstances. Specifically, Section 2635.302(a) states that an employee may not: “(1) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or (2) Solicit a contribution from another employee for a gift to either his own or the other employee’s official superior.” Additionally, Section 2635.302(b) states, “Except as provided in this subpart, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless: (1) The two employees are not in a subordinate-official superior relationship; and (2) There is a personal relationship between the two employees that would justify the gift.”¹⁸

Facts

Two former aides of LTG Boykin told us that they helped LTG Boykin prepare a PowerPoint slide presentation to accompany his remarks for private, religion-based organizations, as well as for presentations at officially sanctioned prayer breakfasts. The same aides also testified that on several occasions they accompanied LTG Boykin when he made presentations to religious groups.

LTG Boykin’s aide from January 2002 to January 2003 told us he accompanied LTG Boykin on his two speaking appearances at the First Baptist Church of Daytona and one to the city-sponsored prayer breakfast at Fort Meyers, Florida, all in 2002. He characterized these as official speaking engagements at which the audience included civic leaders and members of

¹⁷ We determined that neither of the exceptions were applicable in this case. Subsection 3-211 allows DoD personnel to assist in making proper use of Government equipment that has been provided as logistical support to a non-Federal entity event. Subsection 3-300.b. authorizes DoD employees “excused absences for reasonable periods of time” to voluntarily participate in the activities of non-profit professional associations.

¹⁸ Section 2635.304 of the JER identifies several exceptions to these restrictions (e.g., gifts with value less than \$10.00, personal hospitality, transferred leave), providing the requirement of Section 2635.302(c) is met -- the superior does not “coerce the offering of a gift from a subordinate.” We determined that none of those exceptions applied in this case.

the general public, and LTG Boykin and the aide were in a TDY status. He stated that in addition to helping prepare the PowerPoint presentation, he coordinated details of the engagements by telephone with persons at the locations where the speaking engagements were to occur, as well as making travel arrangements and preparing itineraries. All these activities were conducted during duty hours. The aide emphasized that, although he accompanied LTG Boykin to some unofficial speaking engagements and performed some functions to support those events, he did so voluntarily, and LTG Boykin's appearances at those events did not involve expenditure of Government funds.

A second aide, who served from January to July 2003, testified that he accompanied LTG Boykin to Florida, and on trips to Fort Dix, New Jersey, and Shaw Air Force Base, South Carolina, for installation prayer breakfasts. He told us that in preparation for the trips, he would call contact persons at the locations of the projected speaking engagements to confirm scheduling items. On the day of LTG Boykin's appearance, the aide stated he would provide LTG Boykin support as needed, to include assembling a PowerPoint presentation and noting the names of members of the audience who wished to contact LTG Boykin in the future. This aide testified that he considered his support of LTG Boykin at all these engagements to be part of his mandatory duties as an aide.

LTG Boykin's [REDACTED] at SWC testified that, with regard to LTG Boykin's trips she often prepared itineraries and coordinated by e-mail with organizers of the events. With regard to LTG Boykin's appearance at the First Baptist Church, Broken Arrow, Oklahoma, on June 29-30, 2002, the [REDACTED] told us she spent approximately 2 hours of duty time researching flights for LTG Boykin's [REDACTED] travel, coordinating with organizers, and preparing an itinerary. However, she stated that LTG Boykin generally instructed his subordinates "not to do things on official time for his personal speaking engagements."¹⁹ The [REDACTED] noted that she often did not distinguish between official and unofficial travel in performing support for LTG Boykin, so that she was unable to state with certainty what percentage of her time was allotted to each.

Discussion

While there was some evidence LTG Boykin's aides and administrative assistant performed tasks that supported his unofficial speaking engagements, we concluded the evidence was insufficient to establish that LTG Boykin violated restrictions on use of Government property and subordinates for tasks supporting his personal speaking engagements.

First, with regard to LTG Boykin's PowerPoint presentation, we note it was used for both official and unofficial events. Accordingly, efforts LTG Boykin's aides expended in constructing the presentation had an official purpose. Second, we were unable to determine that tasks performed by the aides and the [REDACTED] to support LTG Boykin's unofficial travel, as opposed to official travel (telephone calls, preparing itineraries, etc.), constituted a significant proportion of their duty time. Third, military aides were authorized to accompany

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¹⁹ LTG Boykin's testimony and that of his aides confirmed that he reminded subordinates on several occasions of the obligation not to use official time for unofficial purposes.

LTG Boykin on all Government-funded travel if that travel was conducted for primarily official reasons, even though LTG Boykin conducted some personal business during that travel. Finally, there was evidence LTG Boykin exhorted subordinates not to use official time to support his unofficial travel. Based on this, we concluded any work performed by LTG Boykin's subordinates to support his unofficial speaking engagements was both insignificant and without his sanction.

Finally, we concluded that any personal use of Government office/communications equipment to support LTG Boykin's speaking activities was permissible under Subsection 2-301b(1) of the JER. Although we were unable to determine the extent to which Government property was used for unofficial purposes and whether such use occurred "only during the DoD employee's personal time," we believe other JER criteria were met -- primarily that the use was of limited duration and that it resulted in no significant additional cost to the Government.

F. Did LTG Boykin improperly accept honorariums or travel expense reimbursement from non-Federal entities?

Standards

DoD Directive 5500.7-R, "Joint Ethics Regulation (JER)," dated August 30, 1993, Chapters 2 and 7

Section 2634.302(a) of the JER, "Noninvestment income," requires filers to disclose the source, type, and the actual amount or value of earned or other noninvestment income in excess of \$200 from any one source received by the filer during the reporting period, including any honoraria or payments made to charitable organizations on behalf of the filer in lieu of honoraria.

Section 2634.304(a) of the JER, "Gifts and reimbursements," requires filers of Public Financial Disclosure Reports (Standard Form 278) to report "the identity of the source, a brief description, and . . . the value, of all gifts aggregating more than \$285 in value which are received by the filer during the reporting period from any one source."²⁰ Subsection (b) establishes similar requirements (and in addition, for in-kind travel-related gifts, a travel itinerary, dates, and values of expenses provided) for reimbursement of travel-related expenses.²¹

Section 2635.107(b) provides: "Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances."

²⁰ The threshold amount increased from \$260 to \$285 in October 2002.

²¹ Section 2634.304(c) enumerates exclusions to these requirements that are not applicable in this case.

Section 2635.202 states that “an employee shall not, directly or indirectly, solicit or accept a gift” from a prohibited source or given because of the employee’s official position.²²

Section 2635.203 defines “gift” as “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes . . . transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”²³ This Section defines “prohibited source” as a person doing or seeking to do business with the employee’s agency, seeking official action by the employee’s agency, or whose interests may be substantially affected by the employee’s performance or nonperformance of his duties.

Section 2635.807 states that a Government employee “shall not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee’s official duties.”²⁴

Facts

We found no evidence that LTG Boykin accepted compensation for his speaking activities. LTG Boykin’s ██████████ told us that she and LTG Boykin’s aides regularly informed persons requesting LTG Boykin as a speaker that he was not permitted to accept honoraria. Seven of the clergymen we interviewed who had sponsored speaking appearances by LTG Boykin testified to offering him an honorarium and to his refusal to accept it. Three additional clergymen told us LTG Boykin told them to give the honorarium they offered to charity.²⁵

We found that individuals or religious organizations paid expenses associated with LTG Boykin’s appearances at the following events.

- *June 29-30, 2002, Patriotic/Sunday Services, First Baptist Church, Broken Arrow, Oklahoma:* The ██████████ reimbursed LTG Boykin’s airfare and travel expenses totaling approximately \$500.
- *July 12, 2002, Men’s Conference, Toronto, Canada:* The clergyman coordinating LTG Boykin’s appearance told us the Pentecostal Holiness Church Men’s Ministry paid LTG Boykin’s airfare, hotel, and one day per diem for LTG Boykin’s overnight

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²² Section 2635.204 contains exceptions to the restrictions on soliciting and accepting gifts, none of which apply in this case.

²³ The JER definition of “gift” does not include “[m]odest items of food and refreshments, . . . items with little intrinsic value,” and loans, opportunities, and rewards available to the general public. Those types of items were not at issue in this case.

²⁴ The ban on accepting honoraria (e.g., compensation for personal speaking activities) has been deleted.

²⁵ One of these three testified that he gave an honorarium check in the amount of \$100 to LTG Boykin, who immediately returned it, instructing the clergyman to donate it to the clergyman’s church.

stay in Toronto. According to documentation furnished by the travel agency who booked the flight, the cost of the one way flight to Toronto was \$520.47. We did not obtain precise figures for other expenses.

- *March 2, 2003, Men's Conference, Lake City, South Carolina:* The [REDACTED] for the Pentecostal Holiness Church told us that his organization paid for LTG Boykin's hotel lodging and reimbursed LTG Boykin \$300 to cover mileage and per diem costs.
- *June 21-22, 2003, Annual Patriotic Services, Good Shepherd Church, Gresham, Oregon:* The [REDACTED] who arranged LTG Boykin's appearances at various religious services, told us LTG Boykin stayed at [REDACTED] house and that he fed LTG Boykin meals during his stay in Oregon.²⁶
- *July 5-6, 2003, Sunday Service, First Baptist Church, Stuart, Florida:* The [REDACTED] who organized LTG Boykin's appearances stated his church paid all LTG Boykin's travel expenses for this trip, to include airfare, hotel, and food, but was unable to provide precise costs that were incurred.
- *September 26-27, 2003, Men's Conference, Leesburg, Florida:* The [REDACTED] who organized these appearances testified that LTG Boykin's airfare, hotel, and food were paid by three religious based groups which sponsored the events. However, precise amounts paid by each of the three groups were not available.

Two [REDACTED] to LTG Boykin told us he had consulted them on several occasions regarding official and personal travel issues. They both testified that LTG Boykin was more forthcoming than most general officers in their experience in soliciting and following legal advice. Neither [REDACTED] remembered specific issues LTG Boykin and his staff brought to them regarding his speaking engagements in religious settings, with the exception of one incident: LTG Boykin's [REDACTED] recalled LTG Boykin personally asking whether and under what circumstances he could accept a gift of airfare and travel expenses from the [REDACTED], [REDACTED], to enable him to speak there in June 2002. The [REDACTED] stated he advised LTG Boykin he could accept these items provided he properly recorded them on annual financial disclosure forms. We verified that LTG Boykin reported the receipt of reimbursement for the Oklahoma trip on his Public Financial Disclosure Report for calendar year 2002.

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However, LTG Boykin did not report his receipt of reimbursement from the Pentecostal Holiness Church for the Toronto trip on his 2002 Public Financial Disclosure Report. In testimony to us, LTG Boykin stated that he thought the coordinator for the organization "got a super saver seat. He probably didn't pay, you know, \$100 for the ticket, given the flight he had me on and the seat he had me in." LTG Boykin recalled that his legal advisor told him that the threshold for reporting such reimbursement was \$500.

²⁶ LTG Boykin was in a TDY status on this trip, so his transportation was funded by the Government.

LTG Boykin's Public Financial Disclosure Report for calendar year 2003 was not submitted until May 13, 2004, and approved until June 24, 2004, after we completed our investigative work. That report did not disclose the receipt of any travel reimbursement from outside sources in 2003. Because of our desire to report the more significant results of this investigation without further delay, we did not make a determination regarding the accuracy of LTG Boykin's 2003 Public Financial Disclosure Report. Rather, we advised LTG Boykin of his potential failure to include outside travel reimbursements, as enumerated above, and recommended that he review those reimbursements with cognizant DoD ethics advisors to determine whether he should file an amended report.

Discussion

We concluded LTG Boykin did not improperly accept honoraria or other compensation from his speaking activities. While there is no ban on receipt of honoraria, the JER requires proper accounting of any honorarium received. The evidence indicated that in most cases in which LTG Boykin was offered an honorarium, he refused to accept it. In the three cases in which LTG Boykin instructed that the honorarium be given to charity, there was no evidence he directed a gift to a designated charity in his name. Accordingly, we concluded there was no obligation to account for the amount offered and refused.

We concluded that LTG Boykin failed to properly disclose his receipt of travel reimbursement from the Pentecostal Holiness Church in connection with travel to Toronto in July 2002, as required by Section 2634.304(a) of the JER. That reimbursement consisted of the \$520 airplane ticket, plus lodging and one day per diem, exceeding the \$260 reporting threshold in effect at the time. With regard to LTG Boykin's speaking engagements in Broken Arrow, Oklahoma, the evidence revealed that he sought legal advice, that his designated ethics advisor told LTG Boykin he could accept the reimbursements or in-kind travel benefits offered, and that he followed the advice to properly account for the receipts on his yearly financial disclosure statement.

We made no determination regarding the accuracy of LTG Boykin's 2003 Public Financial Disclosure Report, obtained in June 2004, to avoid delay in reporting on the more significant aspects of his public speaking activities. We recommend that LTG Boykin confer with his DoD ethics advisor to determine whether he should file an amended 2003 report to reflect receipt of travel reimbursements enumerated above.

LTG Boykin's response. LTG Boykin made no response to our finding that he failed to properly report the receipt of travel reimbursement on his 2002 disclosure report.

V. OTHER MATTERS

As described above, LTG Boykin's argument that his personal speaking activities complied with applicable regulations was based, in significant part, on ethics advice that he said he, or members of his staff, received from various sources in the Special Operations Judge Advocate community. Although LTG Boykin's assertions regarding the receipt of legal advice

were corroborated by members of his staff, the judge advocates who were in a position to render such advice had limited recollection of doing so.

We interviewed eight judge advocates who were in a position to give LTG Boykin ethics advice during his tenure as Commander, Special Forces, and Commander, SWC, including those whom LTG Boykin identified. With few exceptions (a recommendation not to wear the uniform to a speaking engagement in 1999, use of military aircraft, advice concerning receipt of travel benefits, and approval for travel to Daytona, Florida), none of those advisors could recall specifics of any other advice given to LTG Boykin or his staff with respect to his personal speaking activities. Moreover, we found no written record of ethics consultations with regard to the speaking activities that are the subject of this investigation. Accordingly, we could not verify the nature of the communications between LTG Boykin and ethics advisors -- in particular, whether LTG Boykin "made full disclosure of all relevant circumstances," as required by Section 2635.107(b) of the JER, and whether resultant feedback demonstrated full awareness of those circumstances.

In our view, the regulatory violations identified during this investigation may have been avoided had ethics information been communicated in more comprehensive, preferably written, fashion. Accordingly, we are encouraged by an "Information Paper" issued by the Department of the Army Standards of Conduct Office on June 3, 2004, which provided the following "guidance regarding teaching, speaking, and writing related to official duties:"²⁷

All requests for speaking, writing and teaching for topics, subjects and experiences that are related to official duties shall be reviewed by an Ethics Counselor. In order to render an effective ethics opinion, Counselors are encouraged to obtain all of the relevant information, e.g., complete description of the subject matter, theme, setting, nature of experience(s), characters, and military information (weapons, ordnance, aircraft, vessels, operations, tactics/strategy). Whether the writing or presentation contain classified material. Whether the presentation or writing will be illustrated, or contain pictures, maps or drawings, and the source of the documents. Finally, whether the writing or presentation has been passed through the Public Affairs Officer.

We recommend that the Acting Secretary of the Army continue to emphasize the requirement for full disclosure of relevant information when seeking ethics opinions and the need to properly address and document legal advice provided by command legal advisors to commanders.

²⁷ As described throughout this report, LTG Boykin's speeches to religious-oriented groups were a personal activity, not part of his official duties. However, the substance of his speeches related to his official duties, and the circumstances of their presentation (in military uniform, introduction by rank/position) created a perceived association with his official duties.

VI. CONCLUSIONS

A. LTG Boykin violated DoD Regulations pertaining to release of official information by failing to clear his speeches with proper DoD authority.

B. LTG Boykin violated the JER by failing to preface his remarks with a disclaimer.

C. LTG Boykin did not violate applicable regulations by wearing his military uniform when making speeches sponsored by religious-oriented organizations.

D. LTG Boykin complied with the JFTR when conducting personal speaking activities during Government-funded travel.

E. LTG Boykin did not misuse Government property or subordinates in connection with his personal speaking activities.

F. LTG Boykin failed to report travel reimbursement exceeding \$260 from one non-Federal entity on his 2002 Public Financial Disclosure Report.

G. LTG Boykin did not improperly accept honoraria or other compensation from non-Federal entities.

VII. RECOMMENDATIONS

We recommend that the Acting Secretary of the Army take appropriate corrective action with respect to LTG Boykin, considering the mitigating factors that are discussed in this report.

Additionally, as discussed on the "Others Matters" section of this report, we recommend that the Acting Secretary of the Army continue to emphasize the requirement for full disclosure of relevant information when seeking ethics opinions and the need to properly address and document legal advice provided by command legal advisors to commanders.

We recommend that LTG Boykin confer with his DoD ethics advisor to determine whether he should file an amended Public Financial Disclosure Report for 2003 to report receipt of travel reimbursement from outside sources in 2003.

Summary of LTG Boykin's Religious-Oriented Speaking Engagements

Calendar Year 2002

Date	Location	Purpose	Introduction	Remarks	Uniform Worn?
Jan 13 Sun.	Steadman PH Church, Steadman, NC	Men's support group meeting; Worship service	"Involved in military service"	Mark on photo: "principalities of darkness."	Yes
Jan 30 Wed.	First Baptist Church, Daytona, FL	Patriotic worship service—public Invited	Rank; name; Cdr, SWC	Application of faith to life events. War against evil.	Yes
Feb 21 Thurs.	Ft. Drum, NY	Installation prayer breakfast.	Unknown	Unknown	Yes
Apr 14 Sun.	Village Baptist Church, Fayetteville, NC	Men's support group meeting.		"Joshua's leadership style."	Yes
May 26 Sun.	Western Branch Church, Portsmouth, VA	Sunday service.	Rank; Cdr, SWC.	"We're in a spiritual battle." Devil is force behind terrorism of all types.	Yes
June 1-3 Sat.- Mon.	Ft. Myers, FL	City-sponsored prayer breakfast.	Leader in fight on terrorism. Cdr, SWC; leader in special ops units	Why hate us? Judeo-Christ.; support Israel. "Spiritual enemy."	Yes
June 21 Friday	Highland Presbyterian Church, Fayetteville, NC	Men's support group meeting.	"My good friend, General Boykin."	General comments re: life experiences.	No
June 29-30 Sat., Sun.	1 st Baptist Church, Broken Arrow, OK	Patriotic service; Sunday service.	Rank.	Personal belief; "spiritual war vs. Satan.	Yes--on Sunday
July 7 Sun.	1 st Baptist Church, Daytona, FL	Patriotic service: public invited thru radio/TV.	Rank; Special Ops; Cdr, SWC.	Impact of faith on life. War against evil. Enemy is Satan.	Yes
July 12 Fri.	Toronto, Canada.	Men's conference sponsored by Pentecostal Holiness Church.	Rank; Special Forces.	Fight vs. "demonic presence" (radical Muslims).	Yes
Sept 8 Sun.	Aaron Lake Church, Fayetteville, NC	Unknown.	Unknown.	Unknown.	Unknown
Nov 10 Sun.	S. Henderson Church, Henderson, NC	"Men's Sunday."	Rank; "in the service."	Mark on photo: "principalities of darkness."	Yes

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Summary of LTG Boykin's Religious-Oriented Speaking Engagements

Calendar Year 2003

Date	Location	Purpose	Introduction	Remarks	Uniform Worn?
Jan 28-29 Tues.-Wed.	1 st Baptist Church, Daytona, FL	Patriotic gathering (1000-1200 people)	Army; Cdr, SWC.	"Your god is an idol."	Yes
Feb 24-28 Mon.-Fri.	Shaw AFB, SC	National Prayer Breakfast	Army; Cdr, SWC.	Military operations; how he prayed for his troops.	Yes
Mar 2 Sun.	Lake City, SC	Men's ministry conference sponsored by Pentecostal Holiness Church	Rank; "old man" (commander).	"Demonic presence"; "principalities of darkness" behind a radical element of Islam.	Yes
Mar 6 Thurs.	Ft. Dix, NJ	Installation prayer breakfast.	Cdr, SWC; resume.	"Spiritual battle vs. Satan."	Yes
Apr. 6 Sun.	Gray Pond Church, Laurinburg, NC	Sunday service.	Rank; Cdr, Special Forces, Ft. Bragg	War vs. evil. "your god is an idol." Protect Christian values.	Yes
June 15 Sunday	Eagle Heights Baptist Church, Goldsboro, NC	Sunday service; Patriot Day; Fathers' Day.	"American hero"; general in Army.	No remarks re: religious or ethnic groups.	Yes
June 21-22 Sat.-Sun.	Good Shepherd Church, Gresham, OR	Annual patriotic services (5)	Two-star general; nom. for 3 rd ; Delta, SF; DUSD.	"Spiritual war."	Yes
June 29 Sun.	Shandon Baptist Church, Columbia, SC	3 patriotic religious services.	Cdr, SWC; previous Cdr, SF; nom. for 3-star.	War vs. Satan.	Yes
July 5-6 Sat.-Sun.	1 st Baptist Church, Stuart, FL	4 th of July Sunday service.	Cdr, SWC.		Yes
Sept 10 Wed.	Church of the Redeemer, Gaithersburg, MD	Wed. evening service--9/11 memorial.			Yes
Sept 26-27 Fri.-Sat.	Leesburg, FL; Visitation House Ministries, Vero Beach, FL.	Men's conference, Leesburg; Theater: Vero Beach.	DUSD	Judeo-Christian heritage; Satan was behind 9/11.	Yes

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Personal Speaking Engagements Conducted During Official Travel by
LTG William Boykin
2002 - 2003

Trip	Date	Day	From	To	Purpose	Issues Reviewed	Additional Cost to Govt of Travel for Personal Reasons	
1	1/27/2002	SUN	Fort Bragg, NC	Fort Monroe, VA		Claimed 30 Jan 02 as TDY day. Govt paid \$38 MI&E for 30 Jan 02. Lodging claimed, paid: \$0.	\$127 (\$38 per diem plus \$89 flight cost). The cost differential for air travel to Daytona (\$89) was calculated by subtracting the \$665 estimated cost of contract air travel absent the Daytona visit from \$754.00 -- the actual cost of all flights charged to Government.	
	1/28/2002	MON	Fort Monroe, VA	Fort Myer, VA	Wargame Seminar			
	1/29/2002	TUE	Fort Myer, VA	Fort Myer, VA	Army Staff mtg			
	1/30/2002	WED	Fort Myer, VA	Daytona, FL	Speaker 1st Bap Ch, address citizen groups.			
	1/31/2002	THU	Daytona, FL	Fort Bragg, NC	Travel Complete			
2	2/18/2002	MON	Fort Bragg, NC	Key West, FL	Airborne Training	None -- Military prayer breakfast	None -- Official Business	
	2/19/2002	TUE	TDY at Key West, FL					
	2/20/2002	WED	Key West, FL	Fort Drum, NY	Prayer Breakfast			
	2/21/2002	THU	Fort Drum, NY	Fort Bragg, NC	Travel Complete			
3	6/1/2002	SAT	Fort Bragg, NC	Fort Myers, FL	Dinner with civic leaders	None -- Municipal patriotic prayer breakfast	None -- Official Business	
	6/2/2002	SUN	TDY at Fort Myers, FL		Comm Prayer Bkfst			
	6/3/2002	MON	Fort Myers, FL	Fort Bragg, NC	Travel Complete			
4	7/6/2002	SAT	Fort Bragg, NC	Daytona, FL	Speaker 1st Bap Ch, address citizen groups, Speedway appearance	Claimed 7 Jul as day of TDY. Paid \$28.50 MI&E for 7 Jul 02.	\$70.50 (\$28.50 per diem plus \$42 flight cost). The cost differential for air travel to/from Daytona (\$42) was calculated by subtracting the \$388 contract cost of a flight from Charlotte (Fort Bragg) to Newport News (Fort Monroe) from the \$430 contract cost of flights from (1) Raleigh-Durham (Fort Bragg) to Orlando (auto to Daytona) -- \$173 and (2) Orlando to Newport News (Fort Monroe) -- \$257.	
	7/7/2002	SUN	Daytona, FL	Fort Monroe, VA	Visit TRADOC			
	7/8/2002	MON	Fort Monroe, VA	Washington, DC	MOH ceremony			
	7/9/2002	TUE	Washington, DC	Fort Bragg, NC	Travel Complete			
5	7/11/2002	THU	Fort Bragg, NC	Washington, DC	SecArmy/CIA	Claimed TDY for 13 Jul 02. Only activity at Toronto, Canada, was Pentecostal Holiness Church of Canada General Conference. Paid \$76 MI&E.	None. LTG Boykin's flight from Washington D.C. (BWI) to Toronto was funded by the Pentecostal Holiness Church. LTG Boykin's receipt of TDY in Toronto was authorized since he would have been in TDY status on Saturday, July 13, 2002, whether or not he diverted to Toronto.	
	7/12/2002	FRI	Washington, DC (BWI)	Toronto, Canada	Travel			
	7/13/2002	SAT	Non-official appearance at PHC Men's Conference, Toronto, Canada					
	7/14/2002	SUN	Toronto, Canada	Redwood City, CA	GO training			
	7/14-7/20/2002	SUN-SAT	TA/CA-GO training					
	7/21/2002	SUN	Redwood City, CA	Fort Polk, LA	JRTC visit			
6	1/27/2003	MON	Fort Bragg, NC	Daytona, FL	Speaker 1st Bap Ch,	LTG Boykin paid \$137.00 per diem for Daytona portion (lodging/MI&E)/Aide paid \$73.50 for Daytona portion (MI&E only).	\$542.60 (\$137 per diem plus \$405.60 flight cost). The cost differential for air travel to/from Daytona (\$405.60) was calculated by subtracting the \$685.40 contract cost of a round trip flight between Charlotte (Fort Bragg) and Seattle (Fort Lewis) from the total estimated contract cost of \$1,091 for all flights on this trip.	
	1/28/2003	TUE	TDY at Daytona, FL		Sheriff Academy, Raydon			
	1/29/2003	WED	Daytona, FL	Fort Lewis, WA	Fort Lewis Conf			
	1/29-1/31/2003	WED-FRI	TDY at Fort Lewis, WA					
	2/1/2003	SAT	Fort Lewis, WA	Fort Bragg, NC	Travel Complete			
7	2/24/2003	MON	Fort Bragg, NC	Shaw AFB, SC	Prayer Bkfst	None -- Military prayer breakfast	None -- Official Business	
	2/25/2003	TUE	Shaw AFB, SC	Fort Lauderdale, FL	TRADOC Sym			
	2/28/2003	FRI	Fort Lauderdale, FL	Fort Bragg, NC	Travel Complete			
8	3/5/2003	WED	Fort Bragg, NC	Fort Dix, NJ	Prayer Breakfast	None -- Military prayer breakfast	None -- Official Business	
	3/6/2003	THU	Fort Dix, NJ	Fort Bragg, NC	Travel Complete			
9	6/20/2003	FRI	Fort Bragg, NC	Portland, OR	SF Association Speech	Govt reimbursed LTG Boykin 73.50 (MI&E). No lodging claimed.	None -- Official business constituted the primary purpose of this travel. Weekend stay in Oregon did not result in any additional cost to the Government.	
	6/21/2003	SAT	TDY at Portland, OR					2 services, Good Shepherd Ch
	6/22/2003	SUN	Portland, OR	MacDill AFB, FL	3 services Good Shepherd, address law enforcement dinner (church-sponsored)			
	6/23/2003	MON	MacDill AFB, FL	Fort Bragg, NC	Travel Complete			