REPORT OF RESULTS OF INVESTIGATION
MDIG-23-011

PART I
EXECUTIVE SUMMARY

The California Military Department Inspector General (CMD-IG) Office received a complaint from MG (CA) Jay Coggan, Commander, California State Guard (CSG) regarding MG Matthew P. Beevers, Acting Adjutant General (ATAG), on or around (o/a) 20 November 2022. MG (CA) Coggan alleges that MG Beevers made offensive remarks as identified by the MG (CA) Coggan (complainant). On 9 December 2022, the Office of Governor Newsom directed the CMD-IG to investigate and report on the allegation that MG Beevers made offensive remarks. The specific allegation is listed below: (Appx B and C).

ALLEGATION: Determine whether MG Beevers, ATAG, made offensive remarks in violation of Army Command Policy (AR 600-20), Chapter 6-2(b), CMD Regulation 600-1, Chapter 14-4, TAG Policy memorandum 2020-08, 2020-11, and 2020-13.

STANDARDS:

a. Army Command Policy (AR 600-20), Chapter 6-2(b)

b. California Military Department (CMD) Regulation 600-1, Chapter 14-4

c. TAG Policy memorandum 2020-08

d. TAG Policy memorandum 2020-11

c. TAG Policy memorandum 2020-13

FINDINGS 1: The allegations that MG Beevers made offensive remarks in violation of Army Command Policy (AR 600-20), Chapter 6-2(b), CMD Regulation 600-1, Chapter 14-4, TAG Policy memorandum 2020-08, 2020-11 and 2020-13 were not substantiated. This office determined that there was insufficient evidence to support the allegation(s) that MG Beevers made offensive remarks.

PART II
SCOPE

O/a 20 November 2022, this office received a complaint, reflected in Part I of this report. O/a 9 December 2022, the Governor's Office directed this office to investigate MG Beevers' conduct (Appx B). This office notified MG Beevers of the unfavorable information against him o/a 12 December 2022. In this investigation we interviewed 3 witnesses who had knowledge of the allegation (Appx E, J and K). The subject, MG Beevers, provided Sworn Statements regarding the allegations (Appx F-I). This office also reviewed documentary evidence including emails and applicable standards (Appx D-Q).

PART III
BACKGROUND

O/a 20 November 2022, this office received an official complaint filed by MG (CA) Coggan, Commander California State Guard (CSG) (the complainant). The complainant alleges that MG Beevers made offensive remarks. MG (CA) Coggan was not a witness to these alleged offensive remarks made by MG Beevers but filed based on hearsay from Brig Gen Magram. Below is a summary of the complaint:

> O/a 7-18 August 2022 the complainant alleges that Brig Gen Magram called him and informed him that he (Brig Gen Magram) heard MG Beevers make the following or similar offensive remark: *MG (CA) Coggan was a rich lawyer and was being cheap wanting the department to pay travel and made all "you people have a bad name"* (offensive remark 1). This offensive remark was allegedly made o/a May-June 2021.
>
> O/a 18 November 2022, according to MG (CA) Coggan, Brig Gen Magram called him again and informed him that MG Beevers had made the following or similar offensive remark: *That MG Beevers dislike the State Guard because it was "run by kike lawyers"* (offensive remark 2). This offensive remark was allegedly made o/a June 2022. MG (CA) Coggan then called MG Baldwin who confirmed to MG (CA) Coggan that MG Beevers made that offensive remark. MG (CA) Coggan then proceeded to file a complaint with the CMD-IG. He also stated that he was filing a complaint with the Governor's Office.

This report investigated three (3) alleged offensive remarks made by MG Beevers. Two of the alleged offensive remarks (Offensive Remark 1 and Offensive Remark 2) reflected above was presented by MG (CA) Coggan in a complaint filed with our office. The third alleged offensive remark was identified during the investigation. MG Baldwin and Brig Gen Magram, during separate interviews, alleged that MG Beevers made the following or similar offensive remark 'how Jewish can you get' (Offensive Remark 3) o/a May 2021. This investigation analyzed each offensive remark separately to determine if preponderance of credible evidence established if MG Beevers made the offensive remark and if the offensive remark was in violation regulations and / or policy.

According to testimony from MG Baldwin and Brig Gen Magram, no complaints were filed against MG Beevers and there is no documented record/evidence that MG Beevers made any offensive remarks. According to MG Baldwin's testimony, he verbally admonished MG Beevers for his offensive remarks that: "...*He dislike the State Guard because it was "run by kike lawyers".* MG Baldwin testified that he did not hear any further offensive remarks from MG Beevers after his admonishment.

MG Beevers testified regarding the three alleged offensive remarks: *"I have never made any such comment, under any circumstance, in any setting, ever."* "*And MG Baldwin never admonished me for anything.*"

CHRONOLOGY OF SIGNIFICANT EVENTS:

Approximate Date	Event
May 2021	Offensive Remark 3: MG Beevers allegedly makes offensive remark to MG Baldwin and Brig Gen Magram; offensive remark 3 is only identified to this office through the course of conducting IG interviews. This alleged offensive remark was not documented via IG, EEO or counseling statement.
18 May 2021	Memorandum for Record (MFR), Subject: CMD Verification TAG Letter, signed by MG Baldwin (this MFR pertained to MG Beevers alleged offensive remark 3). (Appx L)
May – June 2021	Offensive Remark 1: MG Beevers allegedly makes offensive remark to Brig Gen Magram; Brig Gen Magram did not report the offensive remark to TAG or IG/EEO and the offensive remark was not documented via IG/EEO or counseling.
2 June 2022	MG Beevers issued Brig Gen Magram a Proposed Disciplinary Action (PDA) to separate him from State Active Duty (SAD); Brig Gen Magram elected to have a Disciplinary Action Board (DAB). (Appx M)
June 2022	Offensive Remark 2: MG Beevers allegedly makes offensive remark 2 to MG Baldwin; MG Baldwin alleged that he verbally admonished MG Beevers for the offensive remark. This offensive remark was not documented via IG/EEO or counseling.
July 2022	Brig Gen Magram informs MG Baldwin of alleged unprofessional conduct and Offensive Remark 1 allegedly made by MG Beevers. MG Baldwin advises Brig Gen Magram to file a complaint.
15 July 2022	CMD-IG receives an anonymous complaint pertaining to MG Beevers that does not pertain to the alleged offensive remarks covered by this investigation and forwards to the Governor's office o/a 20 July 2022.

31 July 2022	MG Baldwin retires from the CA ARNG. (Appx Q)
1 August 2022	MG Beevers is officially appointed in writing as Acting, TAG. (Appx D)
9 August 2022	Brig Gen Magram submits a memorandum to the CMD-IG detailing MG Beevers alleged unprofessional conduct, no reference to offensive remarks. (Appx N)
10 August 2022	DAB convenes, and Brig Gen Magram is provided due process in submitting his response/rebuttal to the board. (Appx M)
7-18 August 2022	Brig Gen Magram informs MG (CA) Coggan of Offensive Remark 1.
12 September 2022	Brig Gen Magram withdraws his memorandum dated 9 August 2022, regarding MG Beevers unprofessional conduct and states he will pursue other means to file his complaint.
10 November 2022	Brig Gen Magram is issued notification of separation from SAD, effective separation date is 9 January 2023 (Appx M)
10 November 2022	The Governor's Office provides the CMD-IG a letter with the determination that the anonymous complaint filed o/a 15 July 2022, did not warrant any further investigation based on lack of credibility of the underlying allegations. (Appx O)
18 November 2022	Brig Gen Magram informs MG (CA) Coggan of Offensive Remark 2.
18 November 2022	MG Baldwin and MG (CA) Coggan discuss Offensive Remark 2. MG Baldwin confirms to MG (CA) Coggan that MG Beevers allegedly made the offensive remark.
20 November 2022	MG (CA) Coggan files an IG complaint to the CMD-IG regarding Offensive Remarks 1 and 2.

9 December 2022	The Governors office issues directive to investigate the Offensive Remarks 1 and 2. (Appx B)
14 December 2022	Brig Gen Magram testified that MG Beevers made Offensive Remarks 1 and 3. (Appx K)
22 December 2022	MG Baldwin testified that MG Beevers made Offensive Remarks 2 and 3. (Appx E)
29-30 December 2022	MG Beevers provides sworn statements and denies all offensive remarks (1-3). (Appx F-I)

PART IV
ANALYSIS AND DISCUSSION

Offensive Remark 1

ANALYSIS: Below is the analysis of evidence pertaining to Offensive Remark 1 allegedly made by MG Beevers:

Offensive Remark 1: [Directly taken from complaint filed on 20 November 2022]: *"That I* [MG (CA) Coggan] *was a rich lawyer and I was being cheap wanting the department to pay travel. That I* [MG (CA) Coggan] *made all "you people" have a bad name. "*

Background: O/a May – June 2021, Offensive Remark 1 was allegedly made during a discussion that occurred between MG Beevers and Brig Gen Magram regarding State travel; this conversation allegedly occurred in MG Beevers' office. The only witness was Brig Gen Magram. There is no record that documents this comment, i.e.: EEO, CMD-IG, counseling, etc. MG Coggan filed a complaint with our office, after Brig Gen Magram told him that MG Beevers made the offensive remark, approximately 17 months after the comment was allegedly made. It should be noted that this offensive remark was not addressed until after MG Beevers presented Brig Gen Magram with a PDA, and it was not included in the 9 August 2022 memorandum that Brig Gen Magram submitted to CMD-IG.

Below is the testimony pertaining to offensive remark 1:

On 14 December 2022, Brig Gen Magram testified that: (Appx K)

> **BRIG. GEN. MAGRAM**: *...And he [MG Beevers] said, I think, you know, there's, you know, special privilege with a couple of people, one in particular, in the State Guard. And he just began kind of going down this road of, you know, this is all about Jay Coggan. Because the way I explained it to him when I brought it to him was, hey, Gen. Baldwin asked me to look into state tra -- you know, coming*

up with uniform guidelines for state travel and some kind of procedure to make sure that travel is authorized prior to you, you know, using funds. And as I was explaining it, that's when he jumped in and said, hey, this is all about Jay Coggan. Let's -- let's cut to the chase here, you know.

And he made some references to a couple of different issues regarding Jay Coggan. But then he began to talk about, well, Jay really -- Jay really is compensated better than, you know, other people who have had that job. And you know, he doesn't really need the money. And I said, well, again, the boss asked me to look at the scope of this issue, not necessarily focusing on one person. He goes, but this is about one person. This is about him. And I said, well, you know, I can -- I can't look at it that way. It's not the way he asked me to look at it. So I've got to look at it from a bigger picture perspective. Yes, we're going to look at what -- what was done here with Jay -- or Co -- Col. Co -- Gen. Coggan. And we're going to look at, you know, the State Guard's, you know, travel policy and what they do and -- but I said, overall, I'm going to look at the larger scope issue.

And he said, well -- he said, here's the bottom line, Coggan is -- he is cheap. And I said, well, again, I don't -- I -- I'm not looking at it in those terms, but I -- I know the man. I said, I've not really seen that to be an issue. And he goes, he's cheap. And I said, okay, well, I appreciate what you're saying, but, like, I haven't seen that. And then he used an expletive, "he's fucking cheap". And I said, okay, well, I appreciate it, but again, my focus is just on completing this mission here. And then that's when he looked, like, down, like straight ahead, with his eyes kind of rolling above his glasses. And that's when he made the statement, you know, he gives you guys a bad name.

MG (CA) Coggan's summary from a telephonic clarification interview (extract): (Appx J)

2. On 21 Nov 22, I conducted a telephonic interview with MG (CA) Coggan regarding his IGAR. I asked MG (CA) Coggan questions relating to his complaint and the following comment allegedly made by MG Beevers: That MG (CA) Coggan was a rich lawyer and was being cheap wanting the department to pay travel, and that [MG (CA) Coggan] "*made all you people have a bad name.*"

a. MG (CA) Coggan said that Brig Gen Magram called him recently to let him know that MG Beevers had said the above comment. MG (CA) Coggan does not recall if Brig Gen Magram called him the week of 14-18 Aug 22 or 7-11 Aug 22, but states that it was within that time frame. Since MG(CA) Coggan did not question Brig Gen Magram, MG (CA) Coggan does not know when the alleged comment was made or who may have been present during the comment. The

assumption made by MG (CA) Coggan is that Brig Gen Magram heard MG Beevers make the comment(s).

b. MG (CA) Coggan stated that he asked Brig Gen Magram if he [Brig Gen Magram] took any action regarding the comments. MG (CA) Coggan stated that Brig Gen Magram replied that he did nothing because he was afraid of losing his job.

c. MG (CA) Coggan stated that he got angry at Brig Gen Magram and told Brig Gen Magram that he was very disappointed at him and that he [Brig Gen Magram] should have filed a complaint.

d. MG (CA) Coggan does not know Brig Gen Magram's intent for telling him [MG (CA) Coggan] of MG Beevers allege comments.

DISCUSSION: Brig Gen Magram testified that he was offended by the alleged offensive remark made o/a May-June 2021. Brig Gen Magram testified that he and MG (CA) Coggan are Jewish and that MG Beevers' offensive remarks were clearly directed at them. Brig Gen Magram stated that the offensive remark is a "*gross stereotypes that Jews are cheap.*" Brig Gen Magram continued that he has heard MG Beevers make other references that he is Jewish.

Although Brig Gen Magram admitted he was offended by the alleged offensive remark, he testified that took no action to address his concerns directly with MG Beevers and/or MG Baldwin. Brig Gen Magram testified that he did not discuss Offensive Remark 1 with anyone in the department and did not file a complaint or attempt to address the matter until after he received the PDA from MG Beevers, approximately 17 months later.

As senior leader, Brig Gen Magram, had a responsibility to address the offensive remark in a timely manner in accordance with TAG Policy Memorandum, subject Policy Memorandum 2020-11, Workplace Consideration of Others which states: *Anyone believing he or she is a victim or has knowledge of discrimination, harassment, hazing, bullying, reprisal, or hostility in the work environment shall report such conduct to his or her supervisor, chain of command, Inspector General's office, or the Equal Opportunity & Equal Employment Opportunity (EO/EEO) Office. Your full cooperation is needed to implement and maintain this important policy.*

MG Beevers stated regarding the offensive remark: "*I have never made any such comment, under any circumstance, in any setting, ever.*" (Appx I)

Based on the evidence provided to this office there was insufficient evidence to confirm that the offensive remark was made by MG Beevers.

CONCLUSION: The allegations that MG Beevers made Offensive Remark 1 is not substantiated. There is insufficient evidence that the allege offensive remark was made by MG Beevers. The only alleged witness is Brig Gen Magram who's credibility may be

questioned in this matter considering that MG Beevers submitted a PDA on him shortly before he told MG (CA) Coggan of the offensive remark. Additionally, Brig Gen Magram, also had a responsibility to address the matter in a timely manner according to TAG policy memorandum, subject Policy memorandum 2020-11 and 2020-08. MG (CA) Coggan, the complainant testified that he had no direct knowledge of the offensive remark. Absent additional witnesses or documentary evidence, this office is unable to substantiate this allegation.

Offensive Remark 2

ANALYSIS: Below is the analysis of evidence pertaining to the Offensive Remark 2 allegedly made by MG Beevers:

Offensive Remark 2*:* [Directly taken from complaint filed on 20 November 2022]: "*That MG Beevers dislike the State Guard because it was "run by kike lawyers".*

Background: O/a June 2022, MG Beevers allegedly made Offensive Remark 2 in front of MG Baldwin during a conversation regarding the CSG. MG Baldwin is the only witness. It should be noted at this time, MG Baldwin was MG Beevers' supervisor. MG (CA) Coggan stated that Brig Gen Magram called him o/a 18 November 2022 and informed him that MG Beevers said Offensive Remark 2. MG (CA) Coggan stated that he became furious and ended the phone call with Brig Gen Magram and called MG Baldwin. According to MG (CA) Coggan, MG Baldwin confirmed that MG Beevers made the offensive remark and as his supervisor he (MG Baldwin) admonished MG Beevers. O/a 20 November 2022, MG (CA) Coggan filed an IG complaint against MG Beevers for the alleged offensive remarks.

MG Baldwin testified that he told MG (CA) Coggan about Offensive Remark 2. MG (CA) Coggan testified that he was informed of the comment from Brig Gen Magram, and then contacted MG Baldwin to validate the statement. MG (CA) Coggan, the complainant, was not present to hear or observe MG Beevers make the offensive remarks. There is no documented record/evidence that the offensive remark was made. Below is the testimony pertaining to offensive remark 2:

On 14 December 2022, Brig Gen Magram testified that: (Appx K)

> **BRIG. GEN. MAGRAM:** *So the following Monday [o/a 14 November 2022], we talked and he* [MG Baldwin] *told me, hey, there was -- there was the one incident where you and I were in the office with Coggan -- I mean, and with Beevers, and he said, you know, how Jewish can you get. He said, but I wanted to let you know that ten days after that, or approximately, there was a situation where -- where he was -- he, being Gen. Beevers -- was referring to leadership in the State Guard, and he said, the State Guard is run by a bunch of kike lawyers.*

And he (MG Baldwin) said he corrected it on the spot, but when he -- well, admonished him on the spot when he said that -- but he said, I'm calling -- I'm letting you know this because I just feel like Gen. Beevers' actions in your case have gone so far overboard, and he's -- he has so much angst for you.

On 22 December 22, MG Baldwin testified that: (Appx E)

MAJ. GEN. BALDWIN: *I'm trying to remember. This would have been about in June, sometime in June, I think, this past June '22, and I was in -- I had come into Gen. Beevers' office, and because there was some -- I don't know -- I don't really remember the specifics, but what I remember is there was something that the State Guard wanted to do or had done or was doing, and I came in to tell Gen. Beevers about it because I thought it was innovative, I don't know. It was something to do with the foundation and I think the maritime unit, and Gen. Beevers didn't like it.*

We got into a little bit of a discussion, you know, I perceived that he -- there was something fundamental that he doesn't like about the State Guard, and then he made a comment and said well, that's -- something to the effect of that's what you get when -- that's what you get the State Guard -- he actually said SMR, not State Guard, but he meant the State Guard, the SMR is run by a bunch of kike lawyers, and I said dude, you can't – you can't talk like that.

So I immediately admonished him and said you can't say stuff like that, and he kind of, you know, rolled his eyes and was a little bit dismissive, but that was it, and -- and I was kind of taken aback because I mean, that's -- as I understand it, using the word kike is like using the N word.

MSG. MATTHEWS: *And sir, do you recall having a conversation or a discussion with anyone regarding that comment that Gen. Beevers made about the kike lawyers?*

MAJ. GEN. BALDWIN: *Yeah. I'm pretty sure that -- because I was not happy at all, and I discussed it -- I think I mentioned it -- if I didn't mention it to -- I'm almost positive I mentioned it to Jay Coggan -- Gen. Coggan because I was mad, and I knew that -- and I wanted to get his perspective because it's -- it's, you know, kike is also kind of like an East Coast term, and I knew it was bad, but I didn't know how bad it was. So I wanted to get a little insight from somebody that was from the East Coast and actually Jewish and that would have been Gen. Coggan, and I don't know if I talked to anybody else about it. I'd have to think about that.*

COL. RANGEL: *So when -- going back to the comment regarding the kike lawyers, you don't recall if anybody else was present?*

MAJ. GEN. BALDWIN: *I don't. If there was anybody else, it would have been, like,* [redacted] *I'm sorry. I just don't remember.*

DA Form 2823 from [redacted] **dated 13 January 2023:** (Appx P)

You have been [redacted] *first under MG Baldwin and currently under MG Beevers.*

Q1. As the [redacted] *have you heard MG Beevers remark "that he dislike the State Guard because it is run by Kike lawyers."*

A1. No, I have not.

Q2. Have you heard MG Beevers make antisemitic remarks. If yes, describe the circumstances, what was said, dates, and who was present.

A2. No, I have never heard MG Beevers make anti-semitic remarks.

Q3. Do you wish to add a statement.

A3. I would like to make a statement. In regards to the questions I believe if I ever heard any anti-semitic remarks from MG Beevers it would be completely out of character and I would be shocked.

MG (CA) Coggan's summary from a telephonic clarification interview (extract): (Appx J)

3. I also asked MG (CA) Coggan questions relating to the alleged comment that Brig Gen Magram told him that MG Beevers said that he [MG Beevers] disliked the State Guard because it was "*run by kike lawyers.*":

a. MG (CA) Coggan stated that Brig Gen Magram called him on 18 Nov 22 and told him of what MG Beevers had said [regarding the State Guard being ran by kike lawyers].

b. I asked MG (CA) Coggan if Brig Gen Magram told him when MG Beevers allegedly made the comment(s) and what actions did Brig Gen Magram take. MG (CA) Coggan stated that he got so furious and ended the conversation with Brig Gen Magram. MG (CA) Coggan stated that he then called MG Baldwin to confirm the comments.

c. MG (CA) Coggan has no knowledge when or who was present when the alleged comment was made by MG Beevers. MG (CA) Coggan does not know if Brig Gen Magram heard the comments or if someone told Brig Gen Magram about MG Beevers allege comments.

DISCUSSION: According to MG Baldwin, he does not recall that there was someone else present when MG Beevers made the alleged offensive remark. MG Baldwin stated he was offended and was angered by the offensive remark. MG Baldwin felt that MG Beevers "*had really crossed the line and I lit him up a little bit over it*," MG Baldwin believes that he called MG (CA) Coggan the same day or the following day to get a better prospective on the term "*kike*" because he believed MG (CA) Coggan would have a better insight. MG Baldwin, as the supervisor, believes he took appropriate action to admonish MG Beevers.

This alleged comment only came to light because MG (CA) Coggan, filed an IG complaint o/a 20 November 2022 alleging that MG Beevers had made offensive remarks, approximately 5 months after the alleged offensive remark was made. MG (CA) Coggan was not a witness to the offensive remark. MG (CA) Coggan became aware of the offensive remarks because Brig Gen Magram called him o/a 18 November 2022, which contradicts the testimony from MG Baldwin that he believes he called MG (CA) Coggan the same day or the day following the alleged statement.

MG Beevers denies that he made the offensive remarks, thereby he also denies any admonishment occurred. There is no documented record/evidence that the alleged offensive remark was made by MG Beevers. There are no other witnesses, outside of MG Baldwin, that has firsthand knowledge that MG Beevers made the offensive remarks. Additionally, if the offensive remark was made, MG Baldwin, as the supervisor, addressed the offensive remark with a verbal admonishment and testified that he did not hear any other inappropriate comments after that incident.

MG Beevers stated regarding the offensive remark #2: *"I have never made any such comment, under any circumstance, in any setting, ever."* "*And MG Baldwin never admonished me for anything."*

CONCLUSION: The allegations that MG Beevers made offensive remark 2 is not substantiated. There is insufficient evidence that the allege offensive remark was made by MG Beevers. The only alleged witness is MG Baldwin. If the alleged offensive remark was made, MG Baldwin testified that he believed he took appropriate action by issuing a verbal admonishment. MG (CA) Coggan, the complainant, testified that he had no direct knowledge of the offensive remark. Absent additional witnesses or documentary evidence this office is unable to substantiate this allegation.

Offensive Remark 3

ANALYSIS: Below is the analysis of evidence pertaining to the Offensive Remark 3 allegedly made by MG Beevers:

Offensive Remark 3: [From interviews with MG Baldwin and Brig Gen Magram in December 2022]: "*How Jewish can you get.*"

Background: O/a May 2021, the third alleged offensive remark pertained to a request from [redacted] (a CSG member) to TAG (MG Baldwin) for a signed letter indicating that he [redacted] was an active member of the CSG; this letter was requested for [redacted] to receive a $500 military discount for a vehicle purchase (Appx L). According to Brig Gen Magram, [redacted] is Jewish. It is alleged that in response to this request that MG Beevers stated in front of MG Baldwin and Brig Gen Magram, 'how Jewish can you get'. The witnesses were Brig Gen Magram and MG Baldwin. This offensive remark was only identified during interviews conducted regarding the investigation of offensive remark 1 and 2.

Below is the testimony pertaining to offensive remark 3:

On 14 December 2022, Brig Gen Magram testified that: (Appx K)

> **BRIG. GEN. MAGRAM:** *Well, his comment about* [redacted] *was, I guess, trying to buy a new car or car from a dealership and, somehow, through the grapevine -- because it wasn't something that -- that I brought up, that I recall -- I don't recall bringing this up at all. I recall it came from Gen. Beevers because I was in his office with Gen. Baldwin and he began discussion about, you know,* [redacted] *on how he was trying to get a 500 disc -- 500-dollar discount on his car -- or, like, the military discount, which, I think, is 500 dollars. And he talked about it back and forth for a little bit. But then I recall his comment being "how Jewish can you get".*

On 22 December 22, MG Baldwin testified that: (Appx E)

> [redacted] *was buying a car, a Mercedes or something like that, and he had asked me, and I don't know why he asked me and not Gen. Coggan for proof of him being in the State Guard in order for him to qualify for like a military discount at the dealership, and so I had* [redacted] *-- which his name just escaped me -- the SGS.*
>
> *Yeah.* [redacted] *-- I had* [redacted] *draft up a letter for my signature that just validated that he was an active member of the State Guard, and I was in Gen. Beevers's office because, you know, that's kind of how me and Gen. Beevers always did business was I would hang in his office. He'd sit at his desk and people would come and go, and* [redacted] *came in with the letter, and we started*

discussing it, and Gen. Beevers got a little bit incensed because, you know, those discounts are usually for actively serving, federally recognized people.

And there was somebody else in the office with us, and I got to think about it. It was somebody from the Air Guard, but I don't really remember who it was in the office with us, and -- and when [redacted] *and I were discussing the letter and changing some wording or something like that, Gen. Beevers got kind of bent out of shape about, you know, well, hey, he's not really eligible for this, and then when I said well, we're going to do it, and he rolled his -- he, Gen. Beevers, rolled his eyes and said something like that's so Jewish or how Jewish can you get.*

Oh, I know who was in the office. It was Gen. Magram because he's Jewish, and I looked at Gen. Magram, and Gen. Magram shot a look back at me, and Magram started kind of chuckling, so I didn't do anything at that point because I just figure, well, here's a Jewish guy. I couldn't tell if Magram was put off by that comment or not. So I didn't engage on that one, but as I said, this had been, you know, over time there had been kind of a pattern of this kind of behavior, which why in June when it finally happened, I said something to Gen. Beevers, and then -- and then I never heard anything after that. But again, I was only there for what, like a month after that anyway.

DISCUSSION: Brig Gen Magram testified on 14 December 2022, that o/a May 2021, that he and MG Baldwin are in MG Beevers office when MG Beevers made the offensive remark "*How Jewish can you get*". MG Baldwin corroborates Brig Gen Magram testimony almost verbatim.

MG Baldwin and Brig Gen Magram both testified that they heard the alleged offensive remark but did nothing to address the issue with MG Beevers. MG Baldwin who is MG Beevers' supervisor did not address the offensive remark. Brig Gen Magram did not discuss his concerns with MG Baldwin or MG Beevers. Additionally, neither MG Baldwin nor Brig Gen Magram reported the offensive remark to IG/EEO.

As senior leaders, both MG Baldwin and Brig Gen Magram, had a responsibility to address the offensive remark in a timely manner in accordance with TAG Policy Memorandum, subject Policy Memorandum 2020-11, Workplace Consideration of Others states: *Anyone believing he or she is a victim or has knowledge of discrimination, harassment, hazing, bullying, reprisal, or hostility in the work environment shall report such conduct to his or her supervisor, chain of command, Inspector General's office, or the Equal Opportunity & Equal Employment Opportunity (EO/EEO) Office. Your full cooperation is needed to implement and maintain this important policy.*

There is no documentary evidence that the alleged offensive remark was made. The only evidence is the testimony from MG Baldwin and Brig Gen Magram. MG Baldwin

and Brig Gen Magram testified that they just looked at each other after the alleged offensive remark was made and took no further action.

Brig Gen Magram testified that shortly after MG Beevers had issued him the PDA o/a 2 June 2022, that he then complained to MG Baldwin regarding Offensive Remark 1 and his experience of disparaging treatment from MG Beevers. MG Baldwin's advice to Brig Gen Magram is to file a complaint.

O/a 09 August 2022, Brig Gen Magram submits a memorandum, subject unprofessional conduct – MG Beevers to CMD-IG. In the memorandum, he makes allegations that MG Beevers "*...engage in disparate treatment coupled with the routine use of language that is unprofessional shows a blatant disregard for common decency and respect*," and further states that it "*..may be driven by antisemitism.*" Brig Gen Magram did not specifically address Offensive Remarks 1 and/or 3. O/a 12 September 2022, Brig Gen Magram subsequently withdraws his complaint with the CMD-IG and states that he will pursue other means to file a complaint against MG Beevers.

MG Beevers stated regarding Offensive Remark 3: "*I have never made any such comment, under any circumstance, in any setting, ever.*"

If the alleged offensive remark was made, MG Baldwin and Brig Gen Magram had a duty to address the offensive remark (misconduct) and based on their own testimony, chose to take no action. The alleged offensive remarks only surfaced 17 months later, prompted by a complaint submitted by MG (CA) Coggan who had no knowledge of any of the alleged offensive remarks.

Evidence indicates that Brig Gen Magram was motivated by the issuance of his PDA to take the following actions: 1) Inform MG Baldwin about MG Beevers alleged disparaging treatment and Offensive Remark 1; 2) File a complaint with the CMD-IG office (later withdrawn); and 3) Inform MG (CA) Coggan of alleged Offensive Remarks 1 & 2.

This office determined that there was insufficient evidence to substantiate this offensive remark.

CONCLUSION:
The allegation that MG Beevers made Offensive Remark 3 is not substantiated. There is insufficient evidence that the alleged offensive remark was made by MG Beevers. This office found it difficult to reconcile that the most senior officer in the CMD CA ARNG heard Offensive Remark 3, made by MG Beevers, and chose to take no action. The only alleged witnesses are MG Baldwin and Brig Gen Magram. Further, this office determined that Brig Gen Magram's motive to have this complaint substantiated is likely linked to his PDA and subsequent separation from SAD. If the alleged offensive remark was made, MG Baldwin had a responsibility to address the matter in a timely manner. Additionally, Brig Gen Magram, also had a responsibility to address the matter in a timely manner according to TAG policy memorandum, subject Policy memorandum

2020-08. Absent additional witnesses or documentary evidence this office is unable to substantiate this allegation.

PART V
RECOMMENDATIONS

Recommend mandatory state and federal ethics and EEO/EO training for Senior Personnel assigned to Joint staff and TAGs office.

SAUL RANGEL
COL (CA), CSG
Inspector General

DATE: 18 January 2023