

July 30, 1991

Admiral Thomas Lynch
Superintendent's Office
Admin. Bldg.
U.S. Naval Academy
Annapolis, Md. 21402

Re: Midshipman Ken LeBrun, Class of 1966

Dear Admiral Lynch,

After receiving a letter and subsequent phone call from classmate Ken LeBrun, I was moved to write to you in order to provide you with personal, historical information.

My military career ended in 1984 after 25 years of enlisted, Midshipman and Marine Corps officer service. As a Midshipman, I was a three striper, but more importantly, I was Treasurer of my class for three years and then served as Class President during my first class year. In both positions, I was involved in an official capacity with the Honor Concept.

The most important duty that I had as Class President was the administration of the Honor Concept for the entire Brigade of Midshipmen. This included the responsibility for both the training and enforcement of the Honor Concept. I was recipient of the Brainard Award for being the Midshipman who contributed most to the Honor Concept our first class year - 1966.

Ken's letter brought back very clear memories of his case. My first awareness of Ken's problems came when classmates asked why the Honor Committee had found him guilty of an honor offense. I knew nothing about the case because the Honor Committee had not been involved in the dismissal. I was interested in finding out the details.

My relationship with the Superintendent, Admiral Kauffman, and the Commandant, Captain Kinney, was quite good. As Class President, I had nearly immediate access to either of them. In this case, I first approached Commander Barlow, the Commandant's Administrative Officer, for an explanation. Commander Barlow informed me that Ken LeBrun was being discharged for a conduct violation and that there was no need to speak to the Commandant since it was not an Honor Concept matter. I did not pursue it further and until I received Ken's letter, I was unaware of the exact circumstances of his dismissal.

In retrospect, the handling of Ken's case, to the best of my knowledge, was a unique departure from the normal procedures as I knew them from 1962-1966. I support his request in as much as I believe that, for some reason, he may not have been treated the


same as other Midshipmen. In addition, I believe that, at the very least, he deserves an official explanation of what took place in 1966.

If I can be of any further assistance, I remain ready to help. Thank you in advance for your consideration of this matter.

Sincerely,

Robert A. Spooner

Robert Spooner

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BOARD FOR CORRECTION OF NAVAL RECORDS
DEPARTMENT OF THE NAVY

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In re: :
KENNETH L. LeBRUN, :
Petitioner. :

----- X

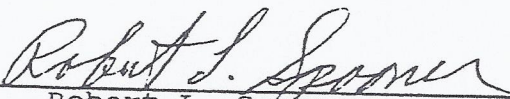
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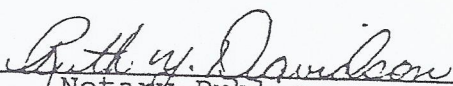
ROBERT L. SPOONER, being duly sworn, deposes and says:

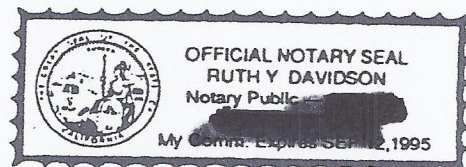
1. I am a resident of the State of California. I make this affidavit based upon my personal knowledge. I submit this affidavit in support of the petition of Kenneth L. LeBrun to correct his naval record.

2. Annexed hereto as Exhibit A is a true and correct copy of a letter, dated July 30, 1991, that I wrote and sent to Admiral Thomas Lynch, Superintendent of the U.S. Naval Academy. The statements made therein are true to the best of my knowledge and belief.


Robert L. Spooner

Sworn to before me this
5th day of May, 1992.


Notary Public



Summary of Affidavits and Statements Submitted in Support of the Petition for Kenneth L. LeBrun

The following include excerpts from affidavits and letters submitted by my former classmates in support of my petition. Complete copies of these documents follow this summary.

Robert L. Spooner
(5/5/92)

Class President and Chairman of the Honor Committee at the time of my summary dismissal:

"My first awareness of Ken's problems came when classmates asked why the Honor Committee had found him guilty of an honor offense."

"In retrospect, the handling of Ken's case, to the best of my knowledge, was a unique departure from the normal procedures as I knew them from 1962-66."

Raymond E. Gadberry:
(5/22/92)

Primary witness and classmate, 33rd company:

"I have received the enclosures concerning Ken's resignation including Captain Lynch's letter to Ken dated 28 October 1991. I find the facts as stated in the Commandant's letter, dated 4 February 1966, to be basically incorrect. As Ken has correctly stated, the muster in question was the early evening muster, not the midnight inspection. LeBrun was informed that Dyer was present at the early muster and acted accordingly and in good faith."

Edward J. Ohlert
(6/24/93)

Classmate and 33rd company Honor Representative:

"No alleged honor violation was processed against Midshipman LeBrun for the events in reference. Further, had an alleged violation been processed, it is not likely that a unanimous guilty vote, or any guilty votes, would have resulted since the single witness to the entire incident, Mr. Raymond Gadberry, states that he believes Midshipman LeBrun acted honorably and in good faith."

"Given that Mr. LeBrun would likely have been found innocent of an allegation of an honor violation, and also that he would

Ohlert (cont'd)

not likely have been dismissed even if found guilty of a conduct offense, Mr. LeBrun was apparently not afforded benefit of the normal procedures for handling either honor or conduct offenses."

"Logically, it appears that there are no grounds upon which Mr. LeBrun would have been dismissed by official action, and the sole reason for his departure was his resignation under duress."

"The Midshipman upon whom Mr. LeBrun relied for information that Midshipman Dyer was present, Midshipman Peter Able, was later dismissed from the naval Academy, having been convicted of a violation of the Honor Concept. I personally wrote up the charge on that violation and personally presented the circumstances in testimony to the Brigade Honor Board. The Thirty-Third Company was unfortunately very polarized, and Midshipman Able, Midshipman Dyer and a few other Midshipmen were close personal friends in a small close-knit group that did not include then-Midshipman LeBrun."

Gerald L. Kerr III
(6/21/94)

Classmate, 33rd company:

"You were a good student, a fine athlete, a decent and fair minded man and an outstanding leader. Your credentials as our Company commander and Class President can never be challenged in my eyes."

"You were spirited away from Mother Bancroft so quickly that I never had the opportunity to either hear your version of the events or to even say farewell."

[Subsequent comments contained within Kerr's affidavit relate to the "official version" of events -- an apparent disinformation campaign conducted by senior officers and former Midshipman Dyer -- and apparently were not released by Ohlert.]

Andrew P. Sosnick
(6/28/93)

Classmate, 33rd company:

"With respect to his dismissal, I recall being mystified at the time for the following two reasons: (1) The alleged honor offense was totally out of character; (2) He was suddenly

Sosnick (cont'd)

gone, with no apparent standard due process for either a conduct offense or an honor offense."

Thomas B. Huffman
(6/28/93)

Classmate, 33rd company:

"During the winter of 1966 Midshipman LeBrun departed the Naval Academy under circumstances which were never explained by the administration to me or my close friends in the company."

Huffman's affidavit explains his role in reporting Abel for an honor offense.

Richard Olsen
(9/30/93)

Classmate, 33rd company:

"I am absolutely stunned by the whole story. I remember that one day you were with us and the next you were gone. No explanation was ever given, except some vague comment about an honor violation."

Michael J. Sweeney
(10/21/93)

Commander of the Brigade of Midshipmen and standing member of the Honor Committee at the time of my departure:

"I was Commander of the Brigade of Midshipmen at the time of Mr. LeBrun's departure from the U.S. Naval Academy. He was, without doubt, one of the finest leaders in the Class of 1966. His dismissal remains one of the biggest disappointments of my four years at the Academy, and I am very concerned about the facts which have recently been presented to me regarding his case. I was surprised to learn that he had been dismissed for a conduct offense, rather than being given a hearing before the Brigade Honor committee."

"The allegation of a false muster report should have been handled as an honor offense, and not processed through the conduct system. As Brigade Commander, I was a standing member of the Brigade Honor Committee. I have assumed over the years that the case of Mr. LeBrun had been handled as an honor offense, and was judged before the committee on one of the occasions where I was absent with other brigade duties. The facts recently presented to me indicate that such

Sweeney (cont'd)

was not the case. It is apparent that the Naval Academy honor system, in which I invested considerable personal energy over four years at the academy, was incorrectly circumvented by the officials involved. This is an injustice to Ken LeBrun, and to the Class of 1966."

Paul Andruchow
(3/3/94)

Classmate, 33rd company:

"Under the circumstances there is serious doubt on whether due process occurred those many years ago."

Dennis Zveare
(2/13/94)

Classmate, 33rd company:

"From what I read in your package, you seem to have them by the short hairs and I cannot see how you can be denied."

Jerome T. Maher, Jr.
(2/25/94)

Classmate and roommate at NAPS (Navy prep school):

"I was told by Lt. Wilson, our Company Officer, and Joseph Taussig III, our Company Commander, that Ken LeBrun was dismissed for an Honor Offense."

"In addition to an Honor Offense, there were two other types of common dismissals that occurred at the U.S. Naval Academy: academic and conduct. Both of these types of dismissals were inconsistently applied while I was at the Academy."

"The insinuation that Ken LeBrun was 'gay' because he was quiet and kept to himself is totally absurd."

James Fleming
(_/_/_)

Classmate and roommate during plebe year:

"That the statement in his Personal Evaluation, dated 4 February 1966, that he was a 'loner with no girl friends' is not true. Ken and I double-dated often during these years. My fiancée at the time (now my wife of almost 28 years) can attest to this and the fact that he was always outgoing, friendly, and easy to like."

Fleming (cont'd)

"That while I did not know the details of the case at the time, I do recall that it had all been handled very quickly."

"That I also find it suspicious that a person who possessed a record of Personal Evaluations as fine as Ken's for almost four (4) years would suddenly be evaluated so differently. It appears contrived."

Richard P. Snaider:
(3/8/94)

Classmate, roommate second class (junior) year and member of Brigade Staff:

"Included in the records were two Midshipman Personal Evaluation Summary Reports that were written after the fact in what appears to have been an ill-disguised attempt to justify Ken's dismissal. As such, they comprise a body of information that departs significantly from the reality that I knew. For Ken to be called a 'poor leader' and a 'loner with no girl or close fiends' flies in the face of the facts. One simply does not get elected as President of his Class at the Naval Academy by exhibiting those attributes."

"Examining other information provided from the files leads me to believe that the process leading to Ken's dismissal deprived him of even the basic rights that we had as midshipmen. The alleged falsification of the muster board would normally have been treated as an honor offense, and thus would have been pursued through the Midshipman Honor Committee."

"Instead, Ken seems to have been subjected to rapid and summary disposition by senior Academy officials using their own set of punitive rules. In short, this appears to have been a 'kangaroo court' whose sole objective, for whatever reason, was to oversee Ken's dismissal from the Academy."

Robert G. Johnson
(6/11/94)

Classmate, Class Secretary and member of the Honor Committee:

"Captain Barlow further states that it was not the policy to use the honor system in such cases, and that the honor system was used in only less serious cases, such as an individual looking at another midshipman's test paper. Such a statement is not only preposterous, but it is profoundly ludicrous."

Johnson (cont'd)

"Neither the Honor Committee nor the brigade of midshipmen were ever given any information or explanation regarding the reasons behind Mr. LeBrun's discharge from the naval Academy. In fact, his discharge was so quiet and abrupt, that it occurred during a three day period over the semester break, when the senior midshipmen were given leave from the naval Academy."

"I find it extremely hard to believe and very difficult to reconcile why this particular case was never brought before the Honor Committee."

"I am not sure where Admiral Kinney received his statistics regarding the 'some 1100 major conduct offenses,' about which he discusses in his affidavit... I do know that in our class of approximately 868 midshipmen, there were fewer than 50 major conduct violations during our entire four years at the Naval Academy."

"I am extremely surprised that Mr. LeBrun would have resigned his position as a member of the class of 1966, unless he were coerced and intimidated into such a resignation."

The above affidavits and statements represent all of the responses that I received from approximately 30 classmates from whom I requested responses. There are no responses from classmates still on active duty or currently dependent on their livelihood from the Navy.

The affidavits included in this Final Submission repeatedly refer to an honor offense, not a conduct offense. The affidavits repeatedly state that the matter should have been heard before the Student Honor Committee and repeatedly repudiate the two performance evaluations which were "newly discovered" and released from Capt. DeCarlo's office. These affidavits stand in stark contrast to the letters from Superintendent Lynch and Capt. DeCarlo and the affidavits submitted by Kinney and Barlow.