



International Corporate & Financial Investigations

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**Report Number:** 2007-161-01

**Opened:** 08/13/2007

**Closed:** Ongoing

**Case Agent:** Bill E. Branscum

**Client:** LE Systems

**Report Title:** CHP Laser Dazzler; USMC Urgent Universal Needs Statement Issues

## Synopsis:

In August 2007, Bill E. Branscum, the Reporting Investigator [RI], was contacted by Client Titus Casazza, the founder and President of LE Systems, Inc., and LE Technologies, LLC, 79 George Street, East Hartford, CT, 06108; Phone (860) 291-9630, Fax: (860) 291-9475, the manufacturer of the Compact High Power Laser Dazzler [CHPLD], a non-lethal weapon manufactured for law enforcement and military applications. Client Casazza reported that a competitor's product had been selected for employment by the USMC under circumstances that have been widely decried as highly questionable, and he provided considerable documentation in support thereof, including materials authored by Major Franz Gayl, USMC Retired.

Client Casazza stated that he was seeking a third-party analysis of the voluminous documents that he had obtained via Freedom of Information Act requests, and otherwise, as well as an independent evaluation of the views and opinions expressed by Major Gayl. This report is tendered responsive to that request.

As further explicated herein, there is probable cause to believe, and the RI does believe that, corruptly or otherwise, the USMC selection and procurement process failed to provide the best available non-lethal alternative to our men and women in the field, endangering our troops, and leading to unnecessary escalation of force fatalities that were both foreseeable, and avoidable.

This failure should be referred to the appropriate authorities for investigation.

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## **Introduction:**

In August 2007, the Reporting Investigator [RI] was contacted by Titus Casazza, the founder and President of LE Systems, Inc., and LE Technologies, LLC, 79 George Street, East Hartford, CT, 06108; Phone (860) 291-9630, Fax: (860) 291-9475, the manufacturer of the Compact High Power Laser Dazzler [CHPLD], a non-lethal light emitting weapon manufactured for law enforcement and military applications.

Client Casazza reported that two Urgent Universal Needs Statements [UUNS] had been filed by two separate USMC Expeditionary Forces in the field, specifically requesting the CHPLD, but a competing product, the Green Beam Designator III [GBD III], manufactured by BE Meyers, had been selected for deployment by representatives of the Marine Corps Combat and Development Center [MCCDC] instead.

Client Casazza reported that the circumstances of this adverse selection decision have been widely decried as highly questionable, and he provided voluminous documentation in support thereof, including materials authored by Major Franz Gayl, USMC Retired, and various news media exposés.

Client Casazza stated that he was seeking a third-party analysis of the voluminous documents that he had obtained via Freedom of Information Act requests, and otherwise, as well as an independent evaluation of the views and opinions expressed by Major Gayl.

The RI made it clear to Client Casazza that the RI does not have the technical training necessary to proffer an expert opinion on subjects related to laser devices, and non-lethal weapons; Client Casazza stated that he was not looking for that sort of expertise, he was referred to the RI as a person specializing in complex case management, as he needed help managing the information he had.

The RI also disclosed various potential conflicts. Specifically, the RI was the “military brat” of a career Naval officer, grew up on the Navy/Marine Corps base at Guantanamo Bay, Cuba, graduated from high school there, and fraternized with troops from 2/8 Marines for several years. Currently, the RI’s eldest son is a Navy corpsman who requested his current assignment to the United States Marine Corps.

The RI’s preconceptions regarding military tradition in general, and the USMC in particular, would make it difficult, if not outright impossible, for the RI to believe that the Corps is corrupt, or that general officers have any interest above that of their troops.

Client Casazza retained the RI on these bases.

## **Background for Events:**

The I Marine Expeditionary Force [I MEF] and II Marine Expeditionary Force [II MEF] are United States Marine Corps units that rotate thru the current hostilities in Iraq. As such, they maintain various checkpoints, and other positions vulnerable to attack by Iraqis who approach by foot, or vehicle. Daytime or dark, the Marines in the field must be vigilant, and prepared to deal with determined insurgents willing to die in an effort to kill them.

Unfortunately, these suicide bombers do not wear signs; considering the language barrier, it can be exceedingly difficult for the Marine in the field to determine the intentions of those who approach them. Miscommunication can work both ways. In the chaos and confusion of wartime, innocent Iraqis who may perceive American checkpoints to be a place to seek safety, can be killed, and are being killed, for failing to heed the demand to stop.

The fact that the Marines in the field have identified this problem is not in dispute. They have repeatedly, and explicitly requested, and re-requested the CHPLD's manufactured by LE Systems as a non-lethal force alternative. The urgency is such that I MEF attempted to circumvent the delay by purchasing twenty-eight CHPLD's direct from the manufacturer, but their use was prohibited based upon concerns that they might damage the eyes of their intended targets.



CHPLD manufactured by LE Systems

In other words, notwithstanding the fact that these units have been successfully deployed elsewhere, someone decided that the USMC must continue to kill innocent people, until the technocrats and bureaucrats were satisfied that there was no risk of retinal damage.

The reader should be aware that this is not as Kafkaesque as it sounds. War has rules to which civilized nations adhere, and it is against those rules to use weapons designed to cause permanent blindness. Whereas it is justifiable to use deadly force to neutralize potential threats, to deploy a weapon that blinds would be an indefensible political catastrophe.

As will be further delineated herein, the documentation of the fact situation is irrefutable. The unresolved questions relate to the possibility that these developments are a manifestation of corrupt influence within the USMC war materiel procurement process.

## **Chronology of Events:**

### *The Initial Universal Urgent Needs Statement by II MEF (Fwd)*

On June 9, 2005, the II Marine Expeditionary Force (Forward) initiated a Universal Urgent Needs Statement (UUNS), File Number 261-06-05. This document, OIF 04-06 UUNS, is appended hereto as Exhibit 1.

This document describes the urgent need as follows:

***Marine Forces in the MNF-W AO have recently experienced a string of lethal encounters and casualties induced from Marines firing flares at approaching vehicles to warn them to stop or to slow down. That TTP has caused one fatality and several injuries among the Iraqi civilian population.***

***The Laser Dazzler will allow Marines to gain the undivided attention of approaching vehicles without risking injury or death of innocent civilians . . .***

***This capability is essential to protective force operations . . .***

***Marine Forces manning Check Points, ECPs, Convoys and Perimeter security positions need a non-lethal non-damaging method of gaining the attention of Iraqis . . . The Laser Dazzlers provide up to 400 meters standoff ability, to safely focus an eye safe laser at the approaching person to warn them.***

***The Laser Dazzlers will allow for increased standoff and insured warning that will prevent unwarranted escalation of force, and safe guard the lives of innocent civilians who are getting too close to Marine positions.”***

In an effort to deal with these issues, II MEF (Fwd) identified the source for the requested equipment as being LE Systems, Inc., and specifically requested:

|   |                              |
|---|------------------------------|
| <b><i>(200) CHP Laser Dazzlers:</i></b> | <b><i>\$6,750.00</i></b>     |
| <b><i>(200) Standard Dazzlers:</i></b>  | <b><i>\$3,312.00</i></b>     |
| <b><i>Total Estimated Price</i></b>     | <b><i>\$2,012,400.00</i></b> |

Their request was not fulfilled.

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In an e-mail dated August 3, 2005, from Col. Jeffry Butter to GS15 CIV Franz Gayl, and copied to Col. Edward Daniel, Col. Butter stated that the United States Marine Forces Central Command (MARCENT) was keenly interested in equipping the Marines in the field with the CHPLD as rapidly as possible, because they were facing extraordinary circumstances, and ordinary efforts on their behalf were not satisfactory.

This correspondence, appended hereto as Exhibit 2, asserts that Laser Dazzlers were a proven tool that would enable Marines to prevent unnecessary DEATH [their emphasis]. This correspondence conveyed a demand, saying that MARCENT expected these units to be fielded within days or weeks – not months.

MARCENT (U.S. Marine Corps Forces Central Command), the Marine Component Commander for all Marine Corps Forces in the CENTCOM AOR, is keenly interested in equipping our Marines with equipment as rapidly as possible because they are facing extraordinary circumstances. Ordinary efforts on their behalf are not satisfactory.

Laser Dazzlers are a proven tool that will enable Marines to control traffic flow and prevent unnecessary DEATH - a safety review should be conducted with this in mind.

I am prepared to travel TODAY to talk to whoever needs to hear it - Marines in combat need this equipment - MARCENT expects the safety certification and subsequent fielding of these Dazzlers in terms of days or weeks, not months.

That was almost three years and two Universal Urgent Needs Statements ago; the CHPLD has yet to be supplied to the Marines in the field.

In an e-mail dated August 4, 2005, from Col. Edward E. Daniel to Col. Jeffry S. Butler, Col. Daniel purports to explain the failure of the “contract guys” to purchase the CHPLD as requested. According to this e-mail, appended hereto as Exhibit 3, the people responsible for approving the purchase were not satisfied that the CHPLD was safe.

Only problem is I don't think our contracts guys will buy these unless they feel covered by a safety waiver.

This is really the rub...contracts guys won't pull the trigger...whether here or at HQMC or at MCSC. Similarly, nobody will answer the question 'are these safe.'

“Safe,” is a subjective term. The manufacturers of the CHPLD relied upon real world testing as their benchmark, and offered the medical evaluations of their staff members who had been repeatedly “dazzled” by their device.

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In an e-mail dated October 1, 2005, from CIV Raymond Grundy to MR James A. Lasswell, Grundy conveyed Laser Dazzler recommendations identified as having originated from Major Roper, NLW Team Leader. This e-mail is appended hereto as Exhibit 4.

The fact that the Marines in the field specifically requested the CHPLD manufactured by LE Systems notwithstanding, the Non-Lethal Weapons Team Leader's position, purportedly "*based upon their research and reports conducted AFRL/HEDO*" resulted in a "*hands down recommendation*" to select the GBD III manufactured by BE Meyers instead.

Jim: Maj. Roper, NLW Team Ldr provided us with Laser Dazzler recommendations to meet the II MEF UUNS. I understand the legal review to be complete and we expect to have it next week. It is our intention to take the MCSC Dazzler recommendations to the DWG. As you are aware, an MROC decision will take time and then comes the question of funding. I have attached the spreadsheet

As I understand the CG's intent: get capabilities out to the Warfighter. Is there interest and ability by MCWL in purchasing a portion of the requirement and conducting a field/operational test and assessment. Half of the requirement: 200 units; approximately: \$1,790,082.

Based upon our initial research and reports conducted AFRL/HEDO on the above mentioned lasers.

#1 GBD-III by BE Meyers

Based on the AFRL/HEDO review and the requirements, my hands down recommendation would be the B.E.Meyers GBD-III Custom Laser Dazzler. The GBD-III Custom system provides a Credible Glare (Flash Blindness effect) power density out to 108 meters, Nighttime credible glare power density out to 619 meters, with a eye safety range (Nominal Ocular Hazard Distance - NOHD) of 67.3 meters. At \$8,950 it is the most expensive device tested, but it is the only device that is ruggedized for military use. The GBD-III Custom is a power-reduced version of the standard GBD-III Target Illuminator that is deployed with operational units and has been shock tested for rifle mounting. There is an existing, dedicated production line with an existing output of 100 a month that could be increased if needed. The GBD-III consists of all American parts and is powered by AA Alkaline Batteries.

Although this e-mail provides no insight into the underlying machinations behind this recommendation, it evidences the fact that Major Roper's Non-Lethal Weapons Team had reached a "hands down" decision to support the procurement of the GBD III as opposed to the CHPLD sometime prior to October 1, 2005.

The probative question is, "When, how, and by whom, was this "hands down" recommendation reached, and what was it based upon, keeping in mind that subsequent studies, tests, etc., can only be cited as after-the-fact justification for a decision in dispute.

While the exact date is unclear, but the evidence reflects that this "hands down" recommendation originated with CIV Carlton E. Land, who conveyed it to Major Roper.

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The evidence that Carlton Land made the “*hands down recommendation*” that served as the origin for the dazzler issue comes from Carleton Land himself. In an e-mail dated almost a year later, August 24, 2006, from Carleton E. Land to Douglas J. Jerothe, Land provides, “*Some additional background material relating to the origin of the dazzler issue,*” and includes the “*recommendation provided to MCSC*” [Marine Corps Systems Command] within the body of the e-mail. This e-mail is appended to this report as Exhibit 5.

Some additional background material relating to the origin of the dazzler issue: The original UUNS and the initial hazard assessment of the four COTS systems deemed mature enough to support the UUNS are attached. Below is the recommendation provided to MCSC based on the stated operational requirements and the need to deploy 200-400 vice deploying a few for a field/end user assessment.

A review of this e-mail reveals that the text of the e-mail dated October 1, 2005, from Grundy to Lasswell was cut and paste from this e-mail that Carlton Land had sent to Major Roper. The language is verbatim.

Major Roper,

Based on the AFRL/HEDO review and my understanding of the requirements, my hands down recommendation would be the B.E.Meyers GBD-III Custom Laser Dazzler. The GBD-III Custom system provides a Credible Glare (Flash Blindness effect) power density out to 108 meters, Nighttime credible glare power density out to 619 meters, with a eye safety range (Nominal Ocular Hazard Distance - NOHD) of 67.3 meters. At \$8,950 it is the most expensive device tested, but it is the only device that is ruggedized for military use. The GBD-III Custom is a power-reduced version of the standard GBD-III Target Illuminator that is deployed with operational units and has been shock tested for rifle mounting. There is an existing, dedicated production line with an existing output of 100 a month that could be increased if needed. The GBD-III consists of all American parts and is powered by AA Alkaline Batteries.

The next best by a considerable margin would be the ATC CHPLD, manufactured by LE Systems. It would provide credible glare out to 186 meters in daytime, 339 meters nighttime, with a eye safety distance (NOHD) of 45 meters. At \$6.6K this system would appear to yield valuable utility, however the system is powered by Lithium batteries and there were questions raised by the test facility regarding quality control in the production process. Some of the quality control issues can be illustrated by the variation on power output of the four laser elements that comprise the CHP system. Production rates and capability are also a factor.

**Irrelevant Paragraph Omitted**

Please let me know if you have any questions or require additional information.

V/R

Carlton Land

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Since the “hands down recommendation” that Gayl identifies on October 1, 2005, as coming from Major Roper is a verbatim cut and paste of the “hands down recommendation” that Carlton Land sent to Major Roper, it follows that Land must have made this “hands down recommendation” sometime prior to October 1, 2005.

This begs the question, “*what evidence did Carlton Land possess prior to October 1, 2005, that would justify ignoring the II MEF’s specific request for the CHPLD via the Urgent Universal Needs Statement of June 2005, and forcing the BE Myers GBD III upon them instead?*”

The Marines were looking for a “dazzler.” Whereas the CHPLD was designed and marketed as a Compact Hi-Power Laser Dazzler, the BE Meyers GBD III was actually designed and marketed as a Green Beam Designator, intended for long-range target identification, and acquisition. A copy of the BE Meyers GBD III web page, as it was originally uploaded on January 20, 2005, and remained unchanged prior to October 2005, is appended to this report as Exhibit 6.

The recommendation seems to have been based, at least in part, on production capability. Land specifically represented that BE Meyers had, “*an existing output of 100 a month that could be increased if need.*” Investigation reveals that Land’s statement to this effect could not have been true.

According to the Company Profiles published by The Gale Group, and OneSource, appended hereto as Exhibits Next and Next respectively, BE Meyers & Company, Inc., 14540 NE 91st St., Redmond, WA 98052-6553, is actually a small, privately held, corporate entity. Brad E. Meyers is the President and Chief Executive Officer, assisted by his wife, Nancy Meyers who serves as the Secretary and Treasurer. BE Meyers reported that they had sales revenues of a little more than twelve million dollars for each of the last two fiscal years reported (2005 and 2006).

| ***** FINANCIALS *****              |                  |          |
|-------------------------------------|------------------|----------|
| FISCAL YEAR DATE: December 31, 2006 |                  |          |
|                                     | SALES (Mill USD) | SOURCE   |
| 2006                                | \$12.20          | Estimate |
| 2005                                | \$12.20          | Estimate |
| 2004                                | \$9.40           | Estimate |
| 2003                                | \$5.10           | Estimate |

Since BE Meyers advertises a product line that includes various and numerous different lasers, night vision devices, cameras, weapons systems, surveillance systems, counter measures, etc., the representation that they were producing 100 GBD III’s a month seems absurd in light of their total sales revenue. At almost \$10,000 each, 1200 units would be twelve million dollars – the entire sales revenue reported by the company.

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Curiously, in the wake of the “hands down” decision to support the GBD III as opposed to the CHPLD, various parties seem to have been misled to believe that the GBD III was actually the preferred unit requested in the original UUNS submitted by II MEF (Fwd).

One example is an e-mail dated November 2, 2005, from CWO-4 Anthony Carbonari to Lt. Col. Stephen P. Kachelein, where he references the, “*II MEF stated preference for 400 GBD III Laser Dazzlers.*” This document is appended hereto as Exhibit 7.

1. CHP LASER DAZZLERS CDTs 05209UB  
CG II MEF stated preference for 400 GBD III Laser Dazzlers. Is legal review complete? Has MROC occurred yet?

This could have been a simple misunderstanding, but if so, it was a survivor – the misrepresentation that the GBD III was the requested capability of the II MEF (Fwd) original UUNS was repeated in an e-mail dated July 7, 2006, from CTR Floyd E. Watson, to GS14 Bradley Stillabower, et al. This e-mail is appended hereto as Exhibit 8.

- The CDIB decision on II MEF (FWD) JULY 2005 UUNS OIF-III - Laser Dazzlers - 05209UB: To field the II MEF (FWD) requested capability (BE Meyers GBL), because to rework the request to accommodate the I MEF (FWD) preferred system will take almost a year. It will also move the UUNS out of the urgent window and beyond the date of approved usage for at this type of laser. (Note: This decision was a unanimous - all CDIB reps agreed the key was to get the UUNS capability to the operating force.)

This e-mail is mentioned prematurely, out of chronological context . It will be revisited later when the misrepresentation that the GBD III was requested by II MEF (Fwd) was used in response to a second UUNS by I MEF (Fwd) as an excuse not to “*rework that request to accommodate the I MEF (Fwd) preferred system.*”

Having abandoned chronology and leapt forward to July 2006, let us further segue on to 2007 for a moment because it bears mentioning, at this point, that the announcement of the Laser Safety Review Board’s rejection of the CHPLD, also quoted them as claiming to have previously fulfilled the requirement of the initial UUNS with the GBD III.

1) Already fulfilled the requirement of the UUNS with the GBD III, why are you coming back to us? Where's the requirement? Although we stated

Perhaps these were misstatements born of misunderstanding, but they could be evidence of a deliberate misrepresentation, by someone seeking to avoid explaining why the GBD III was forced upon Marines who first requested, and later demanded, the CHPLD.

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Keeping in mind that the objective of the USMC's CHPLD request was the safety of our men and women in the field, and their commitment to protect themselves while avoiding the deaths of innocent civilians to the extent that technology might make that possible, and thereby minimize the trauma to our troops that would invariably be associated with killing those who turn out to have been innocent non-combatants, one would like to believe that these matters would be handled by mature responsible adults who comport themselves like mature, responsible adults, setting ego and attitude aside.

Sadly, the evidence reflects that this has not always been the case.

In an e-mail dated August 24, 2006, addressed to his "Team," and courtesy copied to Major Gayl, USMC Retired, who was employed in a civilian capacity as the I MEF FWD Science Advisor at the time, CIV Carlton E. Land conveyed a "draft hazard assessment" that purportedly revealed that the CHPLD was more dangerous to the eyes than had been reported by the manufacturer. This e-mail is appended hereto as Exhibit 9.

For your amusement and edification, the draft hazard assessment for the "production" run LE Systems CHP laser Dazzler is attached. It seems the NOHD is other than had been reported by the manufacturer.

enjoy,

Carlton

Assuming, *arguendo*, that the Corps' best hope to avoid unwarranted Escalation of Force [EOF] fatalities was actually revealed to be more dangerous than the manufacturer represented, it is unclear how that would be "*amusing*," or why Land would expect any rational person to "*enjoy*" it.

It is disappointing to note that this e-mail was not met with the sober, mature response from his supervisors that one might have expected. On that same day, August 24, 2006, GS15 Douglas J. Jerothe replied to Carlton Land, and commended him on his "*additional gouge*." This e-mail is appended hereto as Exhibit 10.

Thanks Carlton...great additional gouge. I really appreciate the additional follow-up.

Doug

In reviewing the foregoing, offered to illustrate the peculiar, "monkeys in charge of the zoo" mentality that seems to have infected the materiel procurement process in this case, the reader should not be left with the impression that the manufacturer actually misrepresented the Nominal Ocular Hazard Distance as claimed by Carlton Land. Investigation reveals that this representation was as disingenuous as the e-mail was inappropriate, and Land knew it.

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The manufacturer's web site as it exists today does not provide evidence as to what they said about eye safety and their product eighteen months ago; however, that information is available via the Internet Archive. Attached hereto as Exhibit 11, is the image of the manufacturer's web page related to eye-safety as it existed on June 22, 2006, as recorded and maintained in the archive.

This web site page, written in language that requires no particular expertise to understand, makes it clear that LE Systems did not represent themselves as adhering to existing eye safety standards. Instead, they claimed to have pioneered the development of a Laser Dazzler that was safe at distances down to twenty-five (25) meters, and offered as evidence their own retinal photographs and medical reports as evidence thereof.

Carlton Land may not have reviewed the manufacturer's publications on their web site, or the manufacturer might have made different representations to Carlton Land, but there is evidence that Client Casazza communicated this directly to Carlton Land via an e-mail, the receipt of which Carlton Land acknowledged, and this e-mail predated Carlton Land's pronouncement of manufacturer misrepresentation by almost a year. Exhibit 12 consists of:

- E-Mail dated August 25, 2005 from Client Casazza to Derek Dereiter, entitled, Text-Eye Safety ANSI STD Z136.1
- E-mail dated August 29, 2005 from Client Casazza to Carlton Land, entitled, Fwd: Text-Eye Safety ANSI STD Z136.1, conveying the Dereiter e-mail to Land
- E-mail dated August 29, 2005, entitled, RE: Text-Eye Safety ANSI STD Z136.1, from Carlton Land to Client Casazza, Land acknowledged receipt thereof

In the E-Mail dated August 25, 2005 from Client Casazza to Derek Dereiter entitled, Text-Eye Safety ANSI STD Z136.1, Casazza explicitly stated that a functional Laser Dazzler cannot meet the ANSI eye-safety standard, because ANSI requires a measurement at the aperture that is too low to have the power to dazzle at a distance.

For a 0.25 sec blink response the ANSI STD allows 2.55mw/cm<sup>2</sup> to be called eye safe for a CW laser. This energy density and lower values are sufficient for vision impairment. The problem is to have a practical HAND HELD or GUN MOUNTED device (in other words a reasonable size aperture) that creates sufficient energy density at a practical distance and spot size to be used as a visual impairment device cannot meet the 2.55mw/cm<sup>2</sup> at aperture. The energy density AT APERTURE for these devices to be practical is somewhere between 26mw/cm<sup>2</sup>, that which will cause irreversible eye damage, and the 2.55mw/cm<sup>2</sup>.

Casazza went on to explain that LE Systems had developed their own criteria for these devices, and expressed a willingness to share the results of their proprietary research and development, so long as the information would be treated as confidential.

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A number of years ago we were advised buy an individual in the Military well versed in non-lethal devices, to develop our own criteria for hand held devices. We did, and the proof in is our retinal photographs. The number we use is proprietary to L E Systems, Inc. I will pass it on to you, but I will need a statement from you it will not be divulged publicly or to any competing entity. In other words stay within the U S Military and also not given to competing U S Military entities. We have invested considerable time and funds in the determination of the criteria and would economically harmed if this information was divulged to our competition.

Casazza followed up with an example in support of his point, making it explicitly clear that no functional dazzler could meet the existing ANSI eye safety requirements, and claimed that their dazzlers meet their own safety guidelines instead.

Example: The Standard Laser Dazzler is limited to 200mw total. This device works well indoors, out side in low light and at night. With a 75mm aperture and a maximum 200mw (150mw the minimum to be an effective vision impairment device) this device cannot meet the 2.55mw/cm<sup>2</sup> to be called eye safe per the ANSI specification. Some are using the data from the USAF May 2001 Report done on our first laser and the SEA Red. AFRL-HE-TR-2001-0095. Our opinion, not really appropriate. The Standard Laser Dazzler is eye safe at aperture based on our years of us to the guide lines we have established.

The CHPLD: Must be near 500mw average power to be effective in bright sunlight, anything less is a waste of time.

The reader should be aware that the “standards” at issue here are complicated; ANSI STD Z136.1 as most recently revised (2007) is available, ISBN# 978-0-912035-65-9, as a 276 page book. The RI does not pretend to have the technical expertise necessary to discuss, or evaluate, this standard and the related issues, but the following analogy is proffered in an effort to clarify the problem as it appears to me.

There are non-lethal rubber bullets manufactured to be fired in shotguns.

Suppose, for the sake of argument, that there was a standard for these non-lethal rubber rounds specifying that they could not cause serious injury at point blank range – to a person standing directly in front of the muzzle. That would make sense because riot police, and others who employ these devices, are likely to do so face-to-face.

If we further assume that the USMC proposed to use these weapons to prevent unnecessary EOF fatalities at check points, they would obviously need rubber bullets manufactured to a different standard because their non-lethal force objective is to deter the distant subject from approaching to within an unsafe distance where they will be killed.

Under those circumstances, where innocent people are actually being killed for lack of the rubber bullet alternative, how much sense would it make to withhold these higher-power rubber bullets because somebody might get hurt?

In any event, the evidence is clear that LE Systems did not represent their CHPLD device as conforming to ANSI standards related to eye safety. It was their express position that any effort to create a “dazzler” adhering to these standards would be a, “waste of time.”

Carlton Land was fully apprised of this by August 29, 2005.

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In an e-mail dated December 4, 2006, from Col. Martin E. Lapierre to Col. Kirk W. Hymes, and copied to Major Gayl, USMC Retired, who was employed in a civilian capacity as the I MEF FWD Science Advisor at the time, Col. Lapierre expressed concerns bordering upon criminal allegations. This e-mail is appended hereto as Exhibit 13.

In this e-mail, Col. Lapierre identified Carlton Land as the individual who *“worked this issue . . . [and] submitted the GBD III to the LSRB with the specific intent of using it to provide a material solution to the initial II-MEF Laser Dazzler UUNS.”*

1. MCCDC in the person of Mr. Ray Grundy told us that JNLWD was responsible for submitting laser devices to the LSRB, he also told us that Mr. Land was the individual at the JNLWD who worked this issue. Grundy went further and told us that Mr. Land was the individual who submitted the GDB III LaserDazzler to the LSRB with the specific intent of using it to provide a material solution to the II-MEF Laser Dazzler UUNS.

Col. Lapierre stated that Carlton Land had made the representation that the CHPLD was in front of the Laser Safety Review Board not more than two months prior, giving the impression that Lt. General Amos' desires were being fulfilled.

3. Mr. Land indicated to Franz that the CHP Laser Dazzler was already in front of the LSRB not more than two months ago, giving the impression that LtGen Amos' desire to get the device in front of the LSRB was being fulfilled.

Col. Lapierre observed, and questioned the fact, that Carlton Land dispatched his team to I MEF (Fwd) to “advocate” the GBD III in July and August, but did not bring the CHPLD that they requested.

5. Carlton Land had no issue with dispatching his dazzler team to I MEF Fwd in order to advocate the GBD III in Jul - Aug, but interestingly they did not bring a CHP, the device of interest to I MEF Fwd, and called out by name in the II MEF UUNS.

Col. Lapierre asserted that the way in which the matter had been handled created an image of impropriety, in that it appeared that the GBD III was expedited through the LSRB noncompetitively at the expense of the CHPLD by Ray Grundy, Carlton Land and Major Roper, via a completely subjective process that Col. Lapierre was concerned, *“might not withstand deeper scrutiny.”*

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6. The GBD III appears to have been expedited through the LSRB noncompetitively at the expense of the CHP by Ray Grundy, Carleton Land and Maj Roper (SYSCOM) causing a perspective by some of non-competitive practices. Originally this best of breed subjective process was executed in haste was justified as needed to accelerate the UUNS. It was apparently a completely subjective process based on criteria of Grundy and Land. In the end we get anything but an expedited process, with a need signed on 9 June 05 and nothing delivered to date to either MEF, and a process that might not withstand deeper scrutiny.

Perhaps most significantly, Col. Lapierre alleged that Carlton Land had a self-serving motivation, claiming that “their folks” had their own competitive laser, and suggested that this might be connected to the manufacturer of the GBD III. Col. Lapierre categorically denounced this, saying that it would not stand up to Independent Operational Test and Evaluation standards, “*by any measure.*”

7. The CHP was sent to Dahlgren apparently by Carlton Land to receive a technical evaluation NSWC DD, when their laser folks had a dog in the fight, namely their own competitive laser configuration, possibly one connected to the GBD III makers. Carlton said there are firewalls in place, but testing, would reflected badly on the CHP would not have stood up to IOT&E independence standards by any measure.

In the end, Col. Lapierre was conciliatory, reminding Col. Hymes that the Marine Expeditionary Forces are dealing with “disastrous” Escalation of Force incidents that they are anxious to minimize. He stated that this Dazzler issue has become a, “*prime example of the system’s failure to support the troops,*” and maintained that the, “*CHPLD has the superior operational capability that would change this disastrous EOF situation.*”

Please keep in mind that EOF situations are a huge problem out here and the command wants to bring down the number of incidents in the worst way. Laser Dazzlers have become the prime example of how we are not support out here by those charged to do so

**Intervening paragraph deleted**

If any of the above offends you Let me applogize in advance. I don't want to pick a fight. We just want the CHP laser Dazler because of it's superior operational capabilities and how it would change this disaterous EOF situation.

Major Gayl responded to the effort to force the GBD III upon the troops by drafting a second Universal Urgent Needs Statement, obviously intended to be much more difficult to subvert.

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## *The Second Universal Urgent Needs Statement by I MEF (Fwd)*

On December 20, 2006, approximately eighteen (18) months following the submission of the initial UUNS by II MEF (Fwd) requesting CHPLD non-lethal weapons, the I MEF (Fwd) submitted a similar UUNS, specifically requesting the CHPLD manufactured by LE Systems, Inc. This UUNS was authored by Major Franz J. Gayl, USMC, Retired who was a GS-15 employed by the USMC in a civilian capacity as the I MEF FWD Science Advisor at the time.

This document is appended hereto as Exhibit 14.

Whereas the previously referenced initial UUNS was apparently drafted by a layman, this second UUNS was not. Franz Gayl is an expert on the subject.

This second UUNS explicitly referenced the temporary and reversible nature of the visual impairment, and it defined the relevant range as being seventy (70) to greater than three hundred (300) meters. This UUNS also makes it explicitly clear that the object of this UUNS was to protect military forces and ***“safeguard the lives of innocent civilians.”***

***I MEF (Forward) has an urgent need for a Compact High Power Laser Dissuasion (CHPLD) capability. The CHPLD needs to be capable of visually signaling, and then visually dissuading foot and vehicle borne individuals from continuing motion toward denied areas through temporary and reversible impairment to unaided vision. With this non-lethal mechanism in mind, the CHPLD needs to provide Marines manning Entry Control Points (ECPs), engaged in tactical movement, and providing perimeter security a standoff dissuasion capability at target ranges of as little as 70 meters to beyond 300 meters.***

***The CHPLD laser dazzlers will allow for increased standoff application of less than lethal force while delivering an unambiguous warning to help prevent the unnecessary escalation of force (EOF). This will safeguard the lives of innocent civilians who get too close to Marine positions and exclusion zones, while interrogating the intent of more determined adversaries to justify kinetic actions taken against them.***

This UUNS also contemplates the integration of the CHPLD device into individual weapons, ant-sniper tactical vehicles, and combat unmanned aerial vehicles, referencing a Mobile Advanced Shooter Detection and Neutralization System (MASDANS) UUNS signed December 13, 2006, and a Small Unmanned Combat Aerial Vehicle UUNS signed November 23, 2006.

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This second UUNS also specifically identified the CHPLD, as manufactured by LE Systems, as being the object of the UUNS.

***“The II MEF conducted independent market research, and specifically identified the Compact High Power Laser Dazzler (CHPLD) and the Standard Dazzler (SD), both manufactured by LE Systems Inc., as the sole source solutions for the urgent need. II MEF requested 200 of each type dazzler. The CHPLD in particular, was and remains today; the hand-held green laser with the highest average output power and capable of projecting the largest effective laser spot size on target of any U.S. manufactured green laser dazzler. The CHPLD therefore was and remains appropriate for sole source procurement.”***

In fact, this second UUNS could only be perceived to be a sole source request. On page three, it went on to list a litany of “threshold I MEF (Fwd) needs” in the form of bullet point technical specifications, many of which are unique to the CHPLD, such as:

- A planar array of four (4) parallel source diodes
- The power to produce a one (1) meter circular spot
- The energy to cause credible glare in daylight at the edge of the one (1) meter circular spot
- A chassis with an integrated pistol grip

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On Friday, February 16, 2007, at 12:56 PM, Civ. Ray Grundy sent an e-mail to Col. Roger Oltman, GS15 Len A. Blasiol; LtCol Michael W. Johnson MCCDC and GS14 Kevin M. McConnell entitled, Recommendations from the 15 February LSRB on the CHPLD. In this e-mail, appended hereto as Exhibit 15, Grundy stated that the FPID received a back brief that morning from MCSC stating that it was the unanimous recommendation of the LSRB not to approve the CHPLD because it had “multiple problems” that this e-mail did not define.

Gentlemen: The NL Branch, FPID received a back brief this morning from MCSC, PG-13 on the LSRB review of the CHPLD. It was the unanimous recommendation of the LSRB board members not to approve the CHPLD for use. It has multiple problems.

Grundy’s announcement that the LSRB had rejected the CHPLD precipitated a firestorm of e-mails. The number, timing, and recipient list of these e-mails is interesting – a lot of Marines were closely following these developments, and it is undeniable that they were not happy.

It is interesting to note that Grundy appears to have been very anxious to “spread the news,” as he announced the LSRB decision, and set off the series of e-mails that followed prematurely. As subsequently set forth herein, at the meeting he attended that morning, Grundy was specifically admonished not to make any statements regarding this decision.

About two hours after Grundy announced the LSRB rejection of the CHPLD, GS14 Bradley R. Stillabower conveyed the news to Col. Timothy L. Clubb, Capt. Gregory E. Dunay and ND4 Katherine E. Patton-Hall. In an e-mail dated February 16, 2007, at 2:42 PM, appended hereto as Exhibit 16, he advised them that the CHPLD was not approved by the LSRB.

Update on LE CHP certification testing: not approved by LSRB.

On that same day, about four minutes later, Col. Timothy L. Clubb passed the news to BGen Randolph D. Alles, and Col. Jeffrey P. Tomczak. In an e-mail dated February 16, 2007, at 2:46 PM, appended hereto as Exhibit 17, he advised them that the CHPLD was not approved by the LSRB.

Sir  
Hot off the press: UNANIMOUS recommendation by LSRB members NOT to approve CHPLD for use. LSRB met yesterday on it.

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On that same day, about thirteen minutes later, BGen Randolph D. Alles passed the news to Lt. Gen James F. Amos, Lt. Gen James Mattis, Maj. Gen. Stephen T. Johnson, BGen Thomas L. Conant, BGen Michael M. Brogan and SES Barry L. Dillon. In an e-mail dated February 16, 2007, at 2:59 PM, appended hereto as Exhibit 18 he advised them that the CHPLD was not approved by the LSRB, and expressed the intention to find out what would be necessary to correct this.

Gentlemen,

FYI. The LSRB (laser safety review board) has met and rejected the LE Systems CHP laser dazzler for certification. I'll get more details to see what fixes are required.

Within thirty minutes, Lt. Gen James F. Amos replied. On February 16, 2007, at 3:25 PM, sent an e-mail back to BGen Randolph D. Alles, copied to Lt. Gen James Mattis, Maj. Gen. Stephen T. Johnson, BGen Thomas L. Conant, and Lt. Gen Keith J. Stalder, expressing the belief that they needed to, "***press them (LSRB) hard on this one.***" General Amos directed that General Alles be, "***personally involved,***" and require that they (LSRB) explain this to him "***personally***" with the instruction that General Alles then report back to him.

This e-mail is appended to this report as Exhibit 19.

OK...I think that we need to press them hard on this one Tex...I want you personally involved and I want them to personally instruct you on WHY this was not certified. Then come back to me.

Fifteen minutes later, BGen Randolph D. Alles replied. In an e-mail dated February 16, 2007, at 3:41 PM, addressed to Lt. Gen James F. Amos and copied to Col. Timothy L. Clubb passed the news to BGen Randolph D. Alles, and Col. Jeffrey P. Tomczak, Lt. Timothy J. Bove and GS14 Bradley R. Stillabower, General Alles acknowledged General Amos' e-mail and included a note to Col. Clubb expressing the intent to, "***... see you on this on Tuesday before I go to the IW Meeting.***"

Tim,

I'm going to need to see you on this Tuesday before I go to the IW mtg.

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Fifteen minutes later, the chain of e-mails came full circle. In an e-mail dated February 16, 2007, at 3:57 PM, and appended hereto as Exhibit 20, Col. Jeffrey P. Tomczak advised Civ. Raymond A. Grundy and Civ. Scott A. Allen that he needed to talk to both of them as soon as possible.

Need to talk to both of you soonest.

Civ. Scott A. Allen evidently “felt the heat.” Forty five minutes later, he sent an e-mail dated February 16, 2007, at 4:36 PM, and appended hereto as Exhibit 21, to Lt. Col Scott A. Huelse, copied to Maj. Gregory T. Roper, Civ. Timothy B. Ferris, Civ. Robert A. Forrester, Col. David P. Karcher, SES Barry L. Dillon, and BGen Michael M. Brogan referencing the “*attention this is getting,*” and asking for something to, “*support this event.*”

Scott, You can see the attention this is getting. MCWL is meeting with BGen Alles at 1200 on Tue (2/20) can we provide an information paper or something with some initial insight to support this event?

In an e-mail dated February 16, 2007, at 6:03 PM, CIV Robert Forrester attempted to explain the decision of the Laser Safety Review Board regarding the CHPLD, the Laser Dazzler manufactured by LE Systems that had been specifically requested by II MEF (Fwd) UUNS in June 2005, and even more adamantly requested by I MEF (Fwd) in the second UUNS in December 2006.

In this e-mail, appended hereto as Exhibit 22, Forrester verified that the CHPLD was unanimously rejected by the Laser Safety Review Board.

Curiously, as previously referenced above, Forrester quoted the LSRB as claiming to have previously fulfilled the requirement of the initial UUNS with the GBD III, and questioning why the USMC was “*coming back to them.*”

1) Already fulfilled the requirement of the UUNS with the GBD III, why are you coming back to us? Where's the requirement? Although we stated

Although it is not clear why, this e-mail reflects that the LSRB expressly adopted a “one or the other” position. He quotes them as saying that they would retract their prior approval of the GBD III if they were to approve the CHPLD.

3) If the LSRB approved the CHP they would retract their approval of the GBD III. The approval for the GBD III expires in March 2008. The

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This announcement reports that there were no significant technical/safety issues; considering that the USMC was desperately and aggressively seeking their help in limiting the deaths of innocent civilians, a third party, objective evaluation, might well describe the LSRB issues pertaining to lanyard caps and labeling as picayune in the extreme.

4) Technical barriers to LSRB approval are few:

- Get rid of the click on rear cap and replace with arming lanyard cap (already provided)
- Needs military exemption (manufacturer claims he's already requested from the FDA)
- Warning label needs to reflect correct NOHD (77 meters on the unit tested). This distance varies because of the power output variations between individual laser modules.
- Needs to establish nomenclature and model numbers to differentiate between the varying configurations of his products
- A member of the LSRB recommended that consideration be given to establishing NOHDs and ODs based on a 10 second exposure (vice a 1/4 sec) given the intended use of the system which is targeting human eyes. This in effect would push the NOHD out close to the credible glare limits of the system and impact its intended employment.

Civ. Forrester went on to report that the technical issues raised by the LSRB would be “easily addressed,” and commented that the LSRB should essentially mind it’s own business insofar as matters that do not concern them.

As discussed earlier, the technical fixes are easily addressed. I think the LSRB is out of its box questioning the requirement for additional systems, and it should relegate itself to considering solely the laser system and those parts of the testing related to the laser system as noted in MCO 5104.1B.

Finally, Civ. Forrester is critical of the fact that the results of the LSRB deliberations were leaked prematurely. He stated that they had met that morning and specifically asked the MCCDC attendee [Grundy] to wait for our information paper . . . before this information got out.

PG 13 attendees at the LSRB were requested not to broadcast the board's recommendation until formal release of the LSRB chairman's letter. We met to discuss the results this morning and asked the MCCDC attendee to wait for our information paper to be staffed here before this information got out.

Apparently unable to contain himself, Civ. Grundy leaked this information, notwithstanding the fact that he had been specifically admonished not to broadcast the board’s recommendations that very morning.

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The firestorm that Grundy ignited with his Friday afternoon revelation that the LSRB had rejected the CHPLD, continued through the weekend.

In an e-mail dated Saturday, February 17, 2007, at 3:56 PM, from BGen Michael M. Brogan to BGen Randolph D. Alles, General Brogan expressed the sentiment that they might be going to war over this, but they should probably wait to see the final LSRB report. This e-mail is appended to this report as Exhibit 23.

Tex: FYSA; We may need to go to General Quarters, but we should probably wait for the final report. SF, Mike

For the benefit of the reader, "FYSA" is an acronym this is generally used to mean "for your situational awareness," and the term "General Quarters," is synonymous with "Battle Stations."

In an e-mail dated Sunday, February 18, 2007, at 11:44 AM, from Lt. Gen James F. Amos to BGen Michael M. Brogan to BGen Randolph D. Alles, copied to Lt. Gen Keith J. Stalder, MGen Walter E. Gaskin, Lt. Gen James Mattis, Col Jeffrey P. Tomczak and Col Timothy L. Clubb, General Amos expressed a need for a *"coordinated re engagement immediately"* and echoed the sentiments expressed by Civ. Forrester saying, *"I don't need the LSRB questioning the requirement coming from the warfighter . . . that's not their purview."* This e-mail is appended to this report as Exhibit 24.

Tex and Mike...as indicated below I need a coordinated reengagement on this immediately. We'll do it unemotionally and professionally...but I don't need the LSRB questioning the reqmt coming from the warfighter...that's not their purview. We have Iraqis and Marines being put in situations that deal in life-or-death every day of the week...many of which could be mitigated by use of a quality dazzler. If

General Amos also stated that, *"This is hot as far as I am concerned and I need a full court press applied,"* and observed that this situation, *"already has press and Congressional interest (rightfully so) and the board may find itself professionally embarrassed and trying to publicly defend its position."*

as an option to reopen the door if necessary...but this is hot as far as I'm concerned and I need a full court press applied. I am willing to make the trip to Dalhgren (??) if necessary to speak face to face. As you both know, this already has press and congressional interest (rightfully so) and the board may find itself professionally embarrassed and trying to publically defend it's position.

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On February 18, 2007, at 3:07 PM, Lt. Gen James Mattis replied to the e-mail from General Amos via an e-mail copied to BGen Michael M. Brogan to BGen Randolph D. Alles, copied to Lt. Gen Keith J. Stalder, MGen Walter E. Gaskin, Col Jeffrey P. Tomczak and Col Timothy L. Clubb

In this rather colorful e-mail, General Mattis refers to the LSRB as being, "*rear-echelon fucks who would question the requirement out of theater*" that he goes on to further describe as being, "*smug, safe, stay-at-home shits questioning the need to avert tragic EOF engagements because they have chosen to dismiss the requests from our lads in the fight.*"

Tamer: Only the fact that you, Tex and Mike Brogan are engaged in this fight on our behalf keeps me from climbing on an airplane and hunting down these rear-echelon fucks who would question the requirement out of theater. I could not agree more with your e-mail below. Don't hesitate to call on MARCENT should you need more info, etc.

In reference to the GBD III laser unit that the LSRB approved and the CHP-LD that they would not, General Mattis described the problem as, "*killing folks due to a less than capable laser that they wish to replace with a more capable version.*"

We have Marines in difficult positions and need to work together to help them resolve EOF without killing folks due to a less than capable laser that they wish to replace with a more capable version.

General Mattis also proffers his personal assessment as to the explanations as to the LSRB's position as expressed by Civ. Forrester in his previously referenced e-mail as "*claptrap*" that he found to be, "*not compelling since the technical decision appears to be personalized and bordering on irresponsible.*"

those problems or forego the CHP. But the claptrap reported in part below in Mr. Forrester's e-mail is not compelling since the technical decision appears to be personalized and bordering on irresponsible.

This e-mail is appended to this report as Exhibit 25.<sup>1</sup>

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<sup>1</sup> In deciding whether this e-mail should be included in this report, and attached hereto as an exhibit, the RI carefully considered the its probative value versus it's provocative nature. While I am fully aware that there are those noble, liberal, misguided few who might recoil at the language, I believe that the parents of our young men and women in the field, deserve to know that the Corps has not yet been taken over by the namby pamby politically correct. I also considered the possibility that this could be read by an Iraqi who should know that at the highest level, our Marines are desperate to avoid unnecessary Iraqi casualties. Therefore, I concluded that this e-mail could not possibly be an embarrassment to General Mattis, or the Corps, in the eyes of anyone who matters.

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On June 18, 2007, it was reported that BE Meyers had been awarded a \$6.5 million dollar modification to a previously awarded contract by the USMC for 725 GBD III's. This certainly represented a significant windfall for this small corporation that had reported total annual sales of \$12 million for the prior two fiscal years.

B.E. Meyers & Co. Inc., Redmond, Wash., is being awarded a \$6,511,116 modification to previously awarded contract (M67854-07-F-1014) for 725 Green Beam Designator-IIIC, remote activation cables, mounting brackets, and spare parts. Work will be performed in Redmond, Wash., and is expected to be completed January 2008. Contract funds will not expire at the end of the current fiscal year. The Marine Corps Systems Command, Quantico, Va., is the contracting activity.

**LOAD-DATE:** June 19, 2007

It has been widely reported that this money was added (“earmarked”) to the federal budget by Reps. Dave Reichert, R-Auburn; Jay Inslee, D-Bainbridge Island; Rick Larsen, D-Lake Stevens; and Adam Smith, D-Tacoma.

In an effort to document this, the RI discovered that Taxpayers for Common Sense, describing themselves as a “non-partisan budget watchdog group,” reported that Representative Reichert was one of four signees on a \$7 Million dollar earmark benefitting BE Meyers. This document, downloadable from their taxpayer.net web site is appended hereto as Exhibit 26.

|     |      |  |       |  |        |   |    |   |     |   |
|-----|------|--|-------|--|--------|---|----|---|-----|---|
| 317 | RDTE | Fuel Reduction Research for Army YRDCOM National Automotive Center | 6,000 | TACOM - Warren, MI                     | Inglis | R | SC | 4 | yes |   |
| 318 | RDTE | Advanced Non-Lethal Hail and Warning System                        | 1,750 | B.E. Meyers Company- Redmond, WA       | Inslee | D | WA | 1 | yes | One of four signees on a \$7 million earmark  |
| 319 | RDTE | Force Health Protection Genotyping System                          | 750   | CombiMatrix Corporation - Mukilteo, WA | Inslee | D | WA | 1 | yes | One of two signees on a \$1.5 million earmark |

This is interesting because a query of political contributions reveals that BE Meyers paid \$80,000 to Capitol Resources Washington Representation, and Lundquist, Nethercutt and Griles, LLC, both of whom are professional lobbyists who lobbied the House, Senate and Defense Department on their behalf.

| Lobbyist name                               | Amount   | Lobbied organization              | Purpose   |
|---|----------|-----------------------------------|---|
| Capitol Resources Washington Representation | \$40,000 | House, Senate, Defense Department | FY 07 Defense Appropriations and Authorizations bills Special Operations Forces (SOF) Electro o... more |
| Lundquist, Nethercutt & Griles LLC          | \$40,000 | House, Senate, Defense Department | HR 5361 Defense Appropriations Act Procurement of laser designation and other optical equipment         |

The Seattle Times makes this information available via their web page entitled, Favor Factory, a copy of which is appended hereto as Exhibit 27.

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In reviewing the above referenced Favor Factory report (Exhibit 27), it is especially interesting to note that, in addition to paying \$80,000 to lobbyists, Brad E. Meyers, and his wife Nancy Meyers, directly contributed to the political campaigns of Reps. Dave Reichert, R-Auburn; Jay Inslee, D-Bainbridge Island; Rick Larsen, D-Lake Stevens; and Adam Smith, D-Tacoma.

| Contributor                                      | Amount  | Date       | Lawmaker            |
|--|---------|------------|---------------------|
| Meyers, Nancy, BE Meyers/Owner                   | \$2,000 | 07/15/2004 | Inslee, Jay R.      |
| Meyers, Nancy, BE Meyers/Owner                   | \$500   | 07/15/2004 | Inslee, Jay R.      |
| Meyers, Nancy, BE Meyers/Owner                   | \$2,100 | 06/15/2005 | Inslee, Jay R.      |
| Meyers, Brad Mr.                                 | \$800   | 06/15/2005 | Inslee, Jay R.      |
| Meyers, Nancy, BE Meyers/Owner                   | \$2,100 | 06/15/2005 | Inslee, Jay R.      |
| Meissner, Robert M, executive/BE Meyers and Co.  | \$250   | 12/07/2005 | Larsen, Rick R.     |
| Meyers, Nancy, part owner/BE Meyers and Co       | \$500   | 12/07/2005 | Larsen, Rick R.     |
| Meyers, Brad, operating officer/BE Meyers and Co | \$250   | 09/19/2006 | Larsen, Rick R.     |
| Meyers, Nancy, part owner/BE Meyers and Co       | \$250   | 09/19/2006 | Larsen, Rick R.     |
| Meyers, Nancy, B E Meyers & Co Inc/Executive     | \$250   | 05/20/2005 | McMorris, Cathy Ann |
| Meyers, Brad, B E Meyers & Co/Executive          | \$750   | 03/23/2006 | McMorris, Cathy Ann |
| Meyers, Nancy                                    | \$350   | 04/28/2006 | Reichert, Dave      |
| Meyers, Brad, BE Meyers/Executive                | \$1,000 | 09/19/2006 | Reichert, Dave      |
| Meyers, Nancy, None/Homemaker                    | \$1,000 | 09/19/2006 | Reichert, Dave      |
| Meyers, Nancy, homemaker                         | \$500   | 09/18/2006 | Smith, Adam         |

This report also provides a sort of “return on investment analysis” reflecting that BE Meyers money appears to have been well spent. In 2007, their Representatives earmarked \$1.5 million tax-payer dollars to their benefit.

| Totals  |
|---|
| 2007 defense earmarks: <b>\$1,560,000</b>       |
| Total spent on lobbying: <b>\$80,000</b>        |
| 2001-07 Campaign contributions: <b>\$12,600</b> |

If the \$7 million dollar earmark to the 2008 defense budget is factored in to this equation, the BE Meyers lobbying expenses and campaign contributions appear to have been very well spent indeed.

## **Summation:**

With respect to the “eye safety” issues touted as the basis for this imbroglio, I did not attempt to directly address that within the body of my report as it well beyond the scope of my technical knowledge and expertise. Limited by my understanding of these “eye safety” standards, I would like to have someone ask these experts to explain how “safe,” safe must be to meet the testing requirements.

If, for example (and as I believe I understand it), the eye-safety standard is designed to allow ten percent of the power necessary to cause some measurable degree of retinal damage within a significant number of people thus exposed, we are not talking about banning rubber bullets that might kill at point blank range – we are talking about forcing the USMC to kill innocent civilians rather than risk the possibility of leaving a mark!

As a Private Investigator, I do not have the resources necessary to adequately investigate this case. In the absence of ongoing civil litigation, I can neither compel the testimony of any witness who would choose not to talk to me, nor force the production of any evidence that I have not been freely given. That’s just as well because, even if I had those resources, and no matter what I disclosed, I could not present this case to a federal grand jury, and that is where this case may ultimately belong.

Based upon my review of thousands of pages of documents, a select few of which are appended hereto, I can only conclude that there is probable cause to believe, and I do believe, that whether corruptly or otherwise, the United States Marine Corps war materiel selection and procurement process failed to provide the best available non-lethal alternative to our men and women in the field, endangering our troops, and leading to unnecessary escalation of force fatalities that were both foreseeable, and avoidable.



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February 25, 2008

## **Table of Exhibits:**

Exhibit 1: On June 9, 2005, the II Marine Expeditionary Force (Forward) initiated a Universal Urgent Needs Statement (UUNS), File Number 261-06-05.

Exhibit 2: E-mail dated August 3, 2005, from Col. Jeffrey Butter to GS15 CIV Franz Gayl, and copied to Col. Edward Daniel stating that the United States Marine Forces Central Command (MARCENT) was keenly interested in equipping the Marines in the field with the CHPLD as rapidly as possible, because they were facing extraordinary circumstances, and ordinary efforts on their behalf were not satisfactory.

Exhibit 3: E-mail dated August 4, 2005, from Col. Edward E. Daniel to Col. Jeffrey S. Butler, purporting to explain the failure of the “contract guys” to purchase the CHPLD as requested.

Exhibit 4: E-mail dated October 1, 2005, from CIV Raymond Grundy to MR James A. Lasswell, Grundy conveyed Laser Dazzler recommendations identified as having originated from Major Roper, NLW Team Leader. This e-mail is appended hereto as Exhibit 4.

Exhibit 5: E-mail dated August 24, 2006, from Carleton E. Land to Douglas J. Jerothe, Land that provides, “*Some additional background material relating to the origin of the dazzler issue,*” and includes the “*recommendation provided to MCSC*” [Marine Corps Systems Command] within the body of the e-mail.

Exhibit 6: Copy of the BE Meyers GBD III web page, as it was originally uploaded on January 20, 2005, and remained unchanged prior to October 2005.

Exhibit 7: E-mail dated November 2, 2005, from CWO-4 Anthony Carbonari to Lt. Col. Stephen P. Kachelein, where he references the, “*II MEF stated preference for 400 GBD III Laser Dazzlers.*”

Exhibit 8: E-mail dated July 7, 2006, from CTR Floyd E. Watson, to GS14 Bradley Stillabower, et al.

Exhibit 9: E-mail dated August 24, 2006, from Carlton Land to his “Team,” and courtesy copied to Major Gayl, USMC Retired, conveying a “draft hazard assessment” that purportedly revealed that the CHPLD was more dangerous to the eyes than had been reported by the manufacturer.

Exhibit 10: Email dated August 24, 2006, from GS15 Douglas J. Jerothe to Carlton Land, commending him on his “*additional gouge.*”

Exhibit 11: Image of the LE Systems web page related to eye-safety as it existed on June 22, 2006, as recorded and maintained in the Internet Archive.

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Exhibit 12:

- E-Mail dated August 25, 2005 from Client Casazza to Derek Dereiter, entitled, Text-Eye Safety ANSI STD Z136.1
- E-mail dated August 29, 2005 from Client Casazza to Carlton Land, entitled, Fwd: Text-Eye Safety ANSI STD Z136.1, conveying the Dereiter e-mail to Land
- E-mail dated August 29, 2005, entitled, RE: Text-Eye Safety ANSI STD Z136.1, from Carlton Land to Client Casazza, Land acknowledged receipt thereof

Exhibit 13: E-mail dated December 4, 2006, from Col. Martin E. Lapierre to Col. Kirk W. Hymes, and copied to Major Gayl, USMC Retired, who was employed in a civilian capacity as the I MEF FWD Science Advisor at the time, expressing concerns bordering upon criminal allegations.

Exhibit 14: I MEF (Fwd) UUNS dated December 20, 2006, requesting CHPLD non-lethal weapons authored by Major Franz J. Gayl, USMC, Retired who was a GS-15 employed by the USMC in a civilian capacity as the I MEF FWD Science Advisor at the time.

Exhibit 15: E-mail dated February 16, 2007, at 12:56 PM, from Civ. Ray Grundy to Col. Roger Oltman, GS15 Len A. Blasiol; LtCol Michael W. Johnson MCCDC and GS14 Kevin M. McConnell entitled, Recommendations from the 15 February LSRB on the CHPLD.

Exhibit 16: E-mail dated February 16, 2007, at 2:42 PM, from Bradley R. Stillabower to Col. Timothy L. Clubb, Capt. Gregory E. Dunay and ND4 Katherune E. Patton-Hall.

Exhibit 17: E-mail dated February 16, 2007, at 2:46 PM, from Col. Timothy L. Clubb to BGen Randolph D. Alles, and Col. Jeffrey P. Tomczak advising them that the CHPLD was not approved by the LSRB.

Exhibit 18: E-mail dated February 16, 2007, at 2:59 PM, from BGen Randolph D. Alles to Lt. Gen James F. Amos, Lt. Gen James Mattis, Maj. Gen. Stephen T. Johnson, BGen Thomas L. Conant, BGen Michael M. Brogan and SES Barry L. Dillon.

Exhibit 19: E-mail dated February 16, 2007, at 3:25 PM, from Gen James F. Amos to BGen Randolph D. Alles, copied to Lt. Gen James Mattis, Maj. Gen. Stephen T. Johnson, BGen Thomas L. Conant, and Lt. Gen Keith J. Stalder, expressing the belief that they needed to, ***"press them (LSRB) hard on this one."***

Exhibit 20: E-mail dated February 16, 2007, at 3:57 PM, from Col. Jeffrey P. Tomczak to Civ. Raymond A. Grundy and Civ. Scott A. Allen advising them that he needed to talk to both of them as soon as possible.

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Exhibit 21: E-mail dated February 16, 2007, at 4:36 PM, from Civ. Scott A. Allen to Lt. Col Scott A. Huelse, copied to Maj. Gregory T. Roper, Civ. Timothy B. Ferris, Civ. Robert A. Forrester, Col. David P. Karcher, SES Barry L. Dillon, and BGen Michael M. Brogan referencing the ***“attention this is getting,”*** and asking for something to, ***“support this event.”***

Exhibit 22: E-mail dated February 16, 2007, at 6:03 PM, from CIV Robert Forrester attempting to explain the decision of the Laser Safety Review Board regarding the CHPLD

Exhibit 23: E-mail, dated February 17, 2007, at 3:56 PM, from BGen Michael M. Brogan to BGen Randolph D. Alles, expressing the sentiment that they might be going to war over this, but they should probably wait to see the final LSRB report.

Exhibit 24: E-mail dated February 18, 2007, at 11:44 AM, from Lt. Gen James F. Amos to BGen Michael M. Brogan and BGen Randolph D. Alles, copied to Lt. Gen Keith J. Stalder, MGen Walter E. Gaskin, Lt. Gen James Mattis, Col Jeffrey P. Tomczak and Col Timothy L. Clubb, expressing a need for a ***“coordinated re engagement immediately”*** and echoing the sentiments expressed by Civ. Forrester saying, ***“I don't need the LSRB questioning the requirement coming from the warfighter . . . that's not their purview.”***

Exhibit 25: E-mail dated February 18, 2007, at 3:07 PM, from Lt. Gen James Mattis replying to the e-mail from General Amos, copied to BGen Michael M. Brogan to BGen Randolph D. Alles, Lt. Gen Keith J. Stalder, MGen Walter E. Gaskin, Col Jeffrey P. Tomczak and Col Timothy L. Clubb

Exhibit 26: Taxpayers for Common Sense report indicating that Representative Reichert was one of four signees on a \$7 Million dollar earmark benefitting BE Meyers.

Exhibit 27: Seattle Times Favor Factory document