



UNITED STATES MARINE CORPS
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IN REPLY REFER TO
1200
G-3
20 Mar 10

From: Maj Kenneth A. Lee, USMCR XXX XX 2156/4402
To: Commanding General, 3D Marine Aircraft Wing

SUBJ: CLEMENCY RECOMMENDATION FOR CAPTAIN DOUGLAS S. WACKER

1. I am writing this letter in support of the clemency request of Captain Douglas S. Wacker, USMC. I am an activated reservist currently serving at I Marine Expeditionary Force as a Senior Watch Officer in the G-3, Current Operations Section. I have been activated since July 2009. Prior to this I was working as a civil litigation attorney in Los Angeles, CA. I also served on active duty from June 1997 until December 2007 as a Judge Advocate. During my time on active duty I served as a Prosecutor and Defense Counsel where I tried numerous courts-martial to verdict. I also completed deployments to Okinawa, Japan, as well as to Afghanistan and Iraq in support of Operations Enduring Freedom and Iraqi Freedom.

2. I first met Captain Wacker in May 2005, when I joined the 13th Marine Expeditionary Unit and served as the Deputy Staff Judge Advocate. At the time, Captain Wacker was the Assistant Communications Officer for the Command Element. During the workup phases in preparation for our deployment, and through the entire deployment, I worked with Captain Wacker on a daily basis and socialized with him extensively, and we became close friends. The 13th MEU's WESTPAC deployment in 2005 involved a wide spectrum of operations, ranging from humanitarian assistance/disaster relief in the Philippines and Pakistan, Exercise Bright Star in Egypt, sustainment training in Darwin, Australia, and combat operations in the Al Anbar Province, Iraq. Throughout the entire deployment, I was able to observe Captain Wacker work in an environment with an extremely high operational tempo, and can say with confidence that he performed in an excellent manner. He always displayed the utmost professionalism towards superiors and subordinates, and was well respected by all members of the Command Element staff. During this time, Captain Wacker also expressed to me his desire to apply to the Marine Corps' Excess Leave Law Program, which would allow him to pursue a law degree while in the Marine Corps and lateral move into the Judge Advocate MOS. Captain Wacker and I discussed all aspects of the Judge Advocate MOS as well as law school, and it was apparent to me that he was very dedicated to excelling in law school, and truly looking forward to serving the Marine Corps as a Judge Advocate.

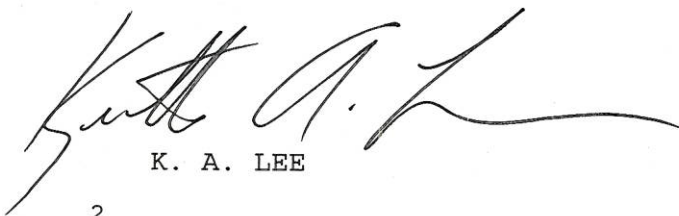
3. I have also interacted with Captain Wacker on numerous social occasions since we met in May 2005, in various settings ranging from command functions, to social gatherings throughout Southern California, as well as port visits in Hawaii and Australia. At all times, Captain Wacker acted in an appropriate and respectful

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manner to everyone. At no time have I ever observed Captain Wacker's behavior deviate from the standards expected of a Marine Officer, whether it was on or off duty or in a work or social setting.

4. I attended Captain Wacker's general court-martial and I am fully aware of the charges that were brought against him and of the verdict as well. The verdict of the members exonerating Captain Wacker of any sexual misconduct was a clear vindication of Captain Wacker. However, I recognize that Captain Wacker had a lapse in judgment and placed himself in an inappropriate situation on the evening in question, and has thus paid a heavy price for this. For nearly four years, he has endured investigations by the New Orleans District Attorney as well as the Naval Criminal Investigative Service, and has been bracing himself for a pending court-martial. He has seen charges brought against him at the Marine Corps Recruit Depot, dismissed, and then brought against him again and finally was able to defend against these charges at trial with the 3D Marine Aircraft Wing. He has been transferred from command to command, and billet to billet, facing constant uncertainty as to his future. He was selected for promotion to Major, but his promotion has been held in abeyance pending the results of his court-martial. He has completed all his coursework at the University of San Diego Law School to receive a law degree, but has not been permitted to graduate, and thus cannot take a bar exam to become a licensed attorney. In view of the verdict at his court-martial, he now faces potential processing for administrative separation, and his status at the University of San Diego and eligibility to practice law remain undecided.

5. In view of what Captain Wacker has endured, as well as the verdict and sentence of the members in his court-martial of "No Punishment", I respectfully request that you grant Captain Wacker's request for clemency and set aside the verdict in this case. Captain Wacker's conviction of the one charge at a General Court-Martial, if allowed to stand, will follow him for the rest of his life as a federal conviction, and the stigma of this conviction will be a huge obstacle for him in many aspects of his life. It will most certainly prevent him from being promoted to Major, thus effectively ending his Marine Corps career. In civilian life, it will not only be an enormous obstacle to his ability to obtain his law degree, or practice law, but to obtain employment, period. Since his marriage in September 2010, Captain Wacker is now responsible for his wife, stepson, and unborn child, and to leave him without the ability to effectively provide for them would be a grave injustice. Granting Captain Wacker's request for clemency would allow him to continue his service as a Marine Officer and demonstrate that he has learned from his mistake, and has recommitted himself to maintaining our Core Values.


K. A. LEE