

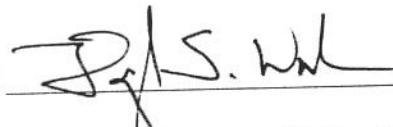


CASEWORK AUTHORIZATION FORM

CONGRESSMAN JAY INSLEE
18560 1ST AVE NE, SUITE E-800
SHORELINE, WA 98155-2150
206-361-0233 PHONE
206-361-3959 FAX

Name CAPT DOUGLAS S. WACKER, USMC Social Security # 538 08 9313
Address 1723 1/2 DIAMOND ST Other case # _____
City & Zip SAN DIEGO, CA 92109 Date of Birth 16 JUNE 1979
Phone (home) 858-401-9392 Phone (other) _____
Email douglas.wacker@gmail.com

I respectfully request and authorize United States Congressman Jay Inslee, and his staff to act on my behalf and to receive information from the proper officials regarding my case.

Signed  Date 24 NOVEMBER 2009

I am requesting assistance with the following: As my mother's letter states, I am in a legal limbo within the military justice system. I would ask that since the charges against me have been dismissed that I be reinstated into the Marine Corps Law Education Program in order to take the bar exam and become a judge advocate.

My permanent address is: 19839 8th Ave NW, Shoreline, WA 98177.

Important note: The Privacy Act of 1974 requires your authorization to access to your private records. Without your authorization, an inquiry on your behalf will not be possible.



OFFICE FOR STUDENT AFFAIRS

Warren Hall, 206
5998 Alcalá Park
San Diego, CA 92110-2492
P: (619) 260-4651
F: (619) 260-7715
www.sandiego.edu

December 2, 2009

VIA CERTIFIED MAIL AND VIA E-MAIL

Mr. Douglas Wacker
1723 ½ Diamond Street
San Diego, CA 92109

Dear Mr. Wacker:

The University of San Diego received your brother's November 23, 2009 email to Dean Cole, which was sent at your request. In the email, your brother asks the University of San Diego School of Law to confer you with a law degree in light of the withdrawal and dismissal of charges issued by the United States Marine Corps in a November 18, 2009, document, a copy of which was provided by your brother.

The document states that the withdrawal is without prejudice and that the matter will be transferred to another USMC convening authority for review and action as deemed appropriate. As a result, your status with the University of San Diego as described in my April 21, 2009, letter to you will continue. Once the military proceedings have concluded, a Critical Issues Board will consider your disciplinary case, and your suspension will remain in effect until that time.

Sincerely,

A handwritten signature in black ink that reads "Carrie Wilson". The signature is written in a cursive style with a large initial "C" and "W".

Carrie Wilson
Assistant Dean for Student Affairs

cc: Donald Godwin, Assistant Vice President for Student Affairs/Dean of Students

LANITA J. WACKER

19839 EIGHTH AVENUE NORTHWEST, SHORELINE, WASHINGTON 98177
PHONE: (206) 542-3906 • EMAIL: rawacker@aol.com

November 27, 2009

FAX COVER LETTER

To: Steve Liewer, San Diego Union-Tribune

From: LaNita Wacker

68 pages

Subj: Case of U.S. v. Wacker (Capt Douglas S. Wacker, USMC)

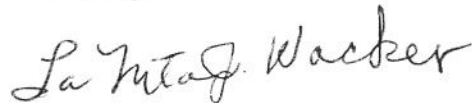
Dear Mr. Liewer,

Please see the attached documents in regard to updates to my son's case and my request for a congressional inquiry. I am currently visiting in San Diego, CA, and can be reached via my cell phone (206) 992-2700. I will be here through December 6, 2009. Please let me know when you have received this fax.

I dropped off the documents at U.S. Representative Jay Inslee's Shoreline, WA office on Monday, November 23, 2009. Kiersten Hutchins is the point of contact for his office in regard to the congressional inquiry. Her contact information is below:

Kiersten Hutchins
District Scheduler
U.S. Representative Jay Inslee (WA-01)
18560 1st Ave NE, Suite E-800
Shoreline, WA 98155
PH: (206)-361-0233
FAX: (206)-361-3959
TOLL FREE: 800-226-7144

Sincerely,



LaNita J. Wacker

LANITA J. WACKER

19839 EIGHTH AVENUE NORTHWEST, SHORELINE, WASHINGTON 98177
PHONE: (206) 542-3906 • EMAIL: rawacker@aol.com

November 21, 2009

Senator Patty Murray

Washington, D.C. Office

173 Russell Senate Office Building
Washington, D.C. 20510
Phone: (202) 224-2621
Toll Free: (866) 481-9186
Fax: (202) 224-0238

Seattle Office

2988 Jackson Federal Building
915 2nd Avenue
Seattle, Washington 98174
Phone: (206) 553-5545
Toll Free: (866) 481-9186
Fax: (206) 553-0891

cc: Senator Maria Cantwell (D.C. (202) 224-3441; Seattle, WA (206) 220-6400)
Representative Jay Inslee (D.C. (202) 225-6311; Shoreline, WA (206) 361-0233)
Representative Duncan Hunter (D.C. (202) 225-5672; El Cajon, CA (619) 448-5201)
Haytham Faraj, Esq. (Maj, USMC ret.) ((888) 970-0005; www.puckettfaraj.com)
Neal Puckett, Esq. (LtCol, USMC ret.) ((888) 970-0005; www.puckettfaraj.com)
Captain Christian Hur, USMC (Judge Advocate) ((760) 207-2625)
Ted Wacker, Esq. ((949) 720-1288)
Steve Liewer (San Diego Union-Tribune) ((619) 542-4572)
Amy Daybert (The Daily Herald) ((425) 339-3491)
Evan Smith (Enterprise Newspapers) ((206) 542-6339)
Captain Douglas Wacker, USMC ((858) 401-9392)

Dear Senator Murray,

Subject: Congressional Inquiry

My name is LaNita J. Wacker, widow of Judge Robert A. Wacker (District Judge of King County, Shoreline Division, from 1974 to 2003, and former King County Prosecuting Attorney). I am writing on behalf of my son, Captain Douglas S. Wacker, United States Marine Corps (USMC). Both of us are permanent residents of Shoreline, WA. He has served honorably in the Marine Corps for nearly 12 years. He enlisted out of Shorecrest High School and after promotion to Corporal in the United States Marine Corps Reserve and achieving his degree from the University of California at Los Angeles, the Marine Corps commissioned him an officer.

The military justice system and commanders attempting to enforce their own sense of rogue justice are treating him, in my opinion, unfairly, without due process, and without a sense of equal justice. By covering up the gross misconduct of Colonel Stephanie Smith, USMC, and Lieutenant Colonel Gregory Bond, USMC, and their tampering of witnesses and jurors, I believe

that the Marine Corps is attempting to use my son as a scapegoat to protect the institution, rather than address the misconduct of the superior officers at a hearing before a military judge.

In 2006, he was selected as one of only ten officers in the Marine Corps to attend law school through the law education program. He and another Marine officer, Captain Christopher Blosser, each completed three years at the University of San Diego School of Law (USD). During this time, two women, also USD students, accused my son of sexually assaulting them simultaneously while on a pro bono legal trip to New Orleans, LA. In June 2007, USD investigated the matter, held an administrative hearing without legal representation, and determined by a "preponderance of evidence" that my son was "not responsible" for any misconduct. The women, not satisfied with the result, seven months after the alleged incident and four months after the university's judgment, went to Louisiana, and filed a police report alleging the same. Unbeknownst to my son, an arrest warrant was issued in October 2007. Upon being notified by his command that an arrest warrant existed for him in January 2008, he immediately travelled to Louisiana and turned himself into law enforcement authorities. In July 2008, the District Attorney of New Orleans dropped the charges and the case was dismissed in the Superior Court of Louisiana. Additionally, the arrest warrant was expunged from my son's record. My son kept his command apprised of the status of his case at all times.

In the fall of 2008 Naval Criminal Investigative Service (NCIS), began investigating the allegations, although they knew about the alleged incident in New Orleans, LA, in January 2008. During this investigation, Colonel Stephanie Smith and NCIS Special Agent Burge, in order to bolster the case, convinced another female USD student to claim that she also had been sexually assaulted despite the fact that she and my son had a five-month consensual sexual relationship in 2007. This woman claimed that the first encounter was non-consensual. On January 9, 2009, my son was issued a military protective order and no contact order for 19 different individuals, which included alleged victims, their friends, and friends of my son who were not even percipient witnesses. These orders were presented to the university and were told by the government, "that charges against Captain Wacker were 'imminent.'" On Jan 16, 2009, my son was placed on "interim leave" from classes by USD. He was allowed to remain enrolled, but not allowed to enter campus. He successfully completed all of the coursework necessary for a Juris Doctor degree in May 2009. One week prior to his final exams, however, the government preferred 24 charges against him. The university officials were provided this information and determined that he would be allowed to take his final exams, but that he would be "suspended" without a formal hearing from law school pending the military proceedings, he would not have his exams graded, and he would not receive his degree in order to take the bar exam until all military proceedings were final.

During this same time, spring of 2009, his command took action to have him disenrolled from the law education program. Despite considerable evidence to the contrary, Brigadier General Walker, Staff Judge Advocate of the Marine Corps, (now retired), made the decision to disenroll my son and send him back to active duty as a communications officer. The grounds upon which he was disenrolled never were pursued for lack of evidence after the Article 32 Hearing and upon recommendation of the acting Staff Judge Advocate, Major Samuel Jackson, Marine Corps Recruit Depot, San Diego, CA.

After the Article 32 Hearing in which none of the civilian witnesses appeared, all of whom were requested by the defense through the government, the misconduct was made clear

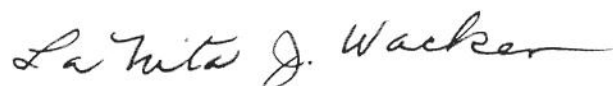
through the admission by NCIS Special Agent John Burge that he had instructed witnesses, "that he wouldn't attend if he didn't have to." The Article 32 Investigating Officer, Major Ted Bonanno, without the opportunity to assess the credibility of the witnesses determined that based on the very low burden of proof necessary for the government to go forward with the case, the prosecution had met their burden.

The convening authority, Commanding Officer of Headquarters and Service Battalion, and former Staff Judge Advocate of Marine Corps Recruit Depot, San Diego, CA, Colonel Stephanie Smith, forwarded the recommendation to convene a General Court Martial against my son. Brigadier General Angela Salinas, then Commanding General of Marine Corps Recruit Depot, San Diego, CA, convened a General Court Martial including 11 of the charges against my son. My son's defense counsel came across evidence of significant misconduct and unlawful command influence in his case and filed the appropriate motion. The government requested time to investigate rather than to proceed to the Article 39(a) motions hearing to present the matter to a military judge. Four weeks later, the government decided to transfer my son to another command, 3d Marine Air Wing, Marine Corps Air Station, Miramar, CA, and dismissed all charges; however, they may still re-prefer the charges against him, thus keeping him in limbo and not allowing him to proceed with his career, graduate from law school, or take the bar exam.

Enclosed you will find several documents that will shed light into the situation which my son now faces. Please evaluate these matters and inquire as you see fit. Please let me know if there is any further information you require. You can find out more information about the situation by contacting my son's defense counsel, Haytham Faraj, Esq. and Capt Chris Hur, USMC.

Thank you for your time and consideration in this matter. Please let me know when you have received this letter and have made inquiry into my son's situation. This is a very stressful and painful situation for all of us and would like to see the matter resolved as quickly as possible.

Sincerely,



LaNita J. Wacker

Enclosures

1. Motion for Dismissal of Charges
2. Letter of Dismissal of Charges
3. Letter from BGen Walker Providing Notice of Request for Disenrollment from Law Education Program
4. Letter from Haytham Faraj, Esq. on behalf of Capt Wacker in Response to BGen Walker's Letter
5. Letter from BGen Walker Disenrolling Capt Wacker from the Law Education Program
6. Preferral of Charges (pre-Article 32 Hearing)
7. USD Letter of Suspension
8. Referral of Charges (post-Article 32 Hearing) and General Court Martial Convening Order