

AFFIDAVIT

AFFIANT, being first duly sworn, deposes and says of his/her own personal knowledge:

Press Release

Marine Corps Recruit Depot San Diego and the Western Recruiting Region is very judicious in its release of information. Unlike most installations and commands we do not release redacted charge sheets. We only release summaries of the charges.

There is certain information that we are required by law to release if asked. This information includes: name, rank, gross salary, duty assignments, duty phone numbers, source of commission or enlistment, promotion sequence number, awards and decorations, professional military education, duty status, and other non-sensitive details of individual military personnel. Military members have no expectation of privacy regarding this information.

I was read into the case approx one week before Capt Wacker was charged.

We prepared Public Affairs Guidance to include an official statement from the command if queried and, standard questions and answers. The PAG is continually updated with the latest information i.e. court dates, charges etc.

The following press release was issued on August 14 to the following media outlets: Local LA Times, Local Marine Corps Times, Union Tribune, North County Times, and San Diego TV outlets.

Capt. Douglas S. Wacker has been charged with several alleged violations of the Uniform Code of Military Justice. He is currently serving on active duty as a member of Headquarters and Services Battalion, MCRD, San Diego.

An Article 32 pretrial investigating officer held a hearing in this matter and determined that there was sufficient evidence to recommend a trial by general court-martial. An Article 32 pretrial investigation is similar to a civilian grand jury in that an Article 32 investigating officer impartially reviews evidence submitted by both the prosecution and defense and then makes a recommendation at the conclusion of the hearing with regard to whether probable cause exists to proceed with further prosecution.

The commanding general, MCRD, San Diego, referred charges for trial by general court-martial on July, 14.

Wacker has been charged under the Uniform Code of Military Justice with the following alleged violations:

Article 80 (One count) — Attempted rape

Article 120 (Two counts) — Rape

Article 133 (Five counts) — Conduct unbecoming an officer

Article 134 (Three counts) — Obstruction of justice (2), Indecent assault (1)

Arraignment is scheduled for Aug. 19, 2009 at MCRD San Diego.

This release was timed to coincide with the Western Circuit Court docket that appears online each Friday. The decision had been made by General Salinas that legal cases that were sure to garner media attention would necessitate a press release before said case would appear on the docket, or otherwise be available to the media. The intent behind this lies in the desire to be as transparent and open as possible in cases that could jeopardize the public's trust and confidence in the Marine Corps. I think this is especially true of cases involving officers because of the additional trust and confidence placed upon them. It is also important to establish legitimacy to remove public doubt about things being handled properly.

The Daily Media Report

The Daily Media Report (DMR) is a product produced by HQMC PA on a daily basis. This product is distributed via e-mail and posted to the PA net. The DMR pulls news articles and coverage from across the country that directly relates to or impacts the Marine Corps.

MCRDSD/WRR does not control the content of the DMR. Per our SOP Depot Order P5720.1J we distribute the DMR depot wide via e-mail. We utilize the TECOM_MCRDSD_Depot_Wide e-mail distro list maintained by NMCI/G-6.

We copy and paste the full story DMR highlights into the depot wide e-mail for blackberry use and to eliminate the need to open up the PDF version. Many of the links to the abbreviated stories will not work due to NMCI restrictions.

Additional news clips from that day that do not make into the DMR will be prepared for the CG and CoS. These additional news items are not sent depot wide.

The prosecution expressed a concern about the DMR e-mail impacting potential panel members. I concurred that the cut and paste aspect of the e-mails, and the fact that the Wacker stories were the first stories listed in the DMR, could have a negative impact on panel selection. From that point on we did not cut and paste the Wacker stories for the all hands e-mail distro of the HQMC DMR.

I think it is a logical conclusion that the local media coverage and the DMR made more base personnel aware of the case and will in turn make panel selection more difficult. This is an unfortunate consequence of any case that garners media attention. This is the first time we have dealt with an officer 120 case aboard the depot. Unfortunately this case has many of the aspects for a juicy media story.


We had no intention of further complicating the panel selection process and have modified our SOP to limit internal communication that may negatively impact judicial proceedings.

M. C. B. Lopez
Print Name


Signature

21/09/2009
Date

Subscribed and sworn to before me on 21 Sep 09 at MCRD, San Diego, California.


C. P. HUR
Captain, USMC

Authorized to administer oaths
and act as notary by 10 USC 936
and 10 USC 1044a. No seal required.