

February 2, 2016

The Honorable Damon P. Martinez, U.S. Attorney
United States District of New Mexico
P.O. Box 607
Albuquerque, New Mexico 87102

Sent by certified USPS letter

Dear Mr. Martinez:

We, the undersigned, respectfully request that you investigate the questionable suicide in 2002 of Richard Burick, former Deputy Director of the Los Alamos National Laboratory (LANL), and also conclude contemporaneous investigations into procurement fraud at the Lab that could be related to Burick's untimely death. Our current request is prompted by:

- 1) A recent article by the Project on Government Oversight¹ that provides a good overview of the questionable nature of Burick's claimed suicide (enclosed); and
- 2) The recent announcement by the National Nuclear Security Administration (NNSA) that the LANL management contract will be competed in 2017. Our concern is that a full and complete investigation is needed in order to clean house and help ensure that one of the premier nuclear weapons labs long plagued by scandal is properly managed in the future, free of any possible reoccurrence of fraud and corruption.

Our appeal to you is heightened by the fact that while serving as the top federal law enforcement official in New Mexico you also serve as the Chair of the National Lab/Research University Working Group for US Attorneys. Therefore, out of all US Attorneys, you are the most well-positioned and uniquely qualified to address our concerns.

We believe we have the credibility to make this request. Two of us, Glenn Walp and Steve Doran, were hired by LANL to investigate corruption at the Lab. However, we were summarily fired without cause before we could conclude our investigations. During our long careers in law enforcement we were respectively, among other things, Commissioner of Pennsylvania State Police and police chief of Idaho City, Idaho. Our third member, Chuck Montaña, is a multi-credentialed auditor and investigator who was employed at LANL for 32 years. He became a federally protected whistleblower after reporting accounting malpractice and abuses that he had witnessed for years, and for which Lab management retaliated against him.

¹ The Project on Government Oversight is a respected nonpartisan national organization whose "investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government." Its January 12, 2016 article *Once Upon a Time in Los Alamos* is available at <http://www.pogo.org/blog/>

We (Walp and Montaña) first discussed these issues with your predecessor, the Honorable Kenneth Gonzales, at a meeting on July 12, 2012 granted in response to a request by Senator Robert P. Casey, Jr (enclosed). In particular, we call to your attention Walp's analysis of the questionable circumstances of Burick's alleged suicide attached to Senator Casey's request.

The central concern that we expressed to Mr. Gonzales was the need for law enforcement to fully investigate the mysterious and sudden death of LANL's second-in-command, former Deputy Director of Operations Richard Burick. Specifically at issue was the gun found at the scene of his death, and the improbability of this particular type of handgun being left in the state and condition that it was found if truly used in a suicide. Steve Doran, who is a highly qualified investigator, and other weapon experts have concluded that it is impossible that the gun in question would have landed where it did, with an open, undamaged chamber, had it been used in a suicide.

At our July 2012 meeting we supplied Mr. Gonzales with a two-inch stack of supporting documents, including Steve Doran's investigative report, which we respectfully suggest you may find valuable to review. Furthermore, as the material enclosed in this letter describes, a concurrent criminal investigation of a major procurement fraud at LANL was derailed. This, in turn, prevented a congressional committee from learning the full scope of potential criminal activity. As the enclosed POGO article concludes, if there is ever to be full accountability at LANL, "a new investigation into Richard Burick's alleged suicide would be a good place to start."

In mid-2015, New Mexico Senators Tom Udall and Martin Heinrich and Congressman Ben Lujan, Jr. referred our May 2015 request to the House Energy and Commerce Committee (enclosed) to your agency, requesting U.S. Department of Justice intervention.² To date we have received no response.

We are renewing our request through this letter, but with added urgency given the recent decision by NNSA to competitively bid LANL's management contract. It is imperative that decision makers know the full extent of what transpired in order to know how best to proceed with the award of the new contract. Without a deeper understanding and accountability before the award is made, it is possible that the LANL management contract will end up in the hands of those largely responsible for the cover-up of past mismanagement at the Los Alamos Lab, or even worse the possible obstruction of justice that occurred.

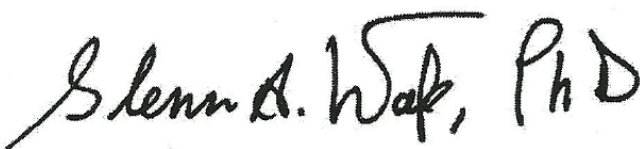
² Senator Udall's Washington, D.C. legal counsel, Matthew T. Nelson, is the delegation's point of contact in this matter.


We respectfully request a meeting with you at your earliest convenience. We hope to discuss with you a possible resumption of the investigation first discussed with your predecessor in July 2012.

Thank you in advance for your consideration.

Sincerely,

/s/ 
Charles "Chuck" M. Montano

/s/ 
Glenn A. Walp, PhD
www.implosionatlosalamos.com/

/s/ 
Steve Doran

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Enclosures:

Letter from Sen. Robert Casey, Jr. to Mr. Ronald Weich, Dept. of Justice, January 12, 2012

Walp, Doran, Montañó request to NM Congressional Delegation and House Energy and Commerce Committee, May 15, 2015

Once Upon a Time in Los Alamos, Project on Government Oversight, January 12, 2016,
<http://www.pogo.org/blog/>