

FIRST BEING DULY CAUTIONED AND SWORN, AFFIANT STATES:

- 1. My name is a not and I am of legal age, sound mind and otherwise competent to make this affidavit. I am currently the
- 2. I have personal, direct knowledge of each of the facts set forth in this affidavit.
- 3. I am a subject matter expert with 35 years of expertise as a chief/senior principal systems engineer in the defense and space industries. I have received numerous honors and awards for this electrical engineering activity. My activities specialize in space, satellite and missile research, development requirements, analysis, risk management and customer service with U.S. Air

Force	, Martin Marietta	, Rockwell International /		
	, General Dynan	nics Eaton Corporation /		
, Rockwell International Autonetics, Raytheon Company,				
		Raytheon Missile Systems		
Company,		, Liedos, Inc., Science		
Applications International Corporation, Inc. (SAIC),				
Engineering,				
		I have meatows of		

I have mastery of

numerous development platforms including IBM Rational DOORS with Git that has been promoted by the IBM Eclipse Foundation since its founding on Nov. 29, 2001. I have extensive experience leading and mentoring staff from clean sheet designing through production delivery and sustainment (cradle to grave programs). See Professional Resume, **Exhibit A**.

4. RE: INTERACTIONS WITH:

- a. <u>Andrew W. Marshall</u>, director, Office of Net Assessment, The Highlands Group, sponsor of The Highlands Forums
- b. James P. Chandler, III, executive principal, Office of Net Assessment, The Highlands Group
- c. <u>**Richard P. O'Neill**</u>, president, The Highlands Group, sponsor of The Highlands Forums
- d. <u>Anthony J. Tether</u>, director, Defense Advanced Research Projects Agency (DARPA), The Highlands Group executive principal
- 5. From 1981-2005, I was a participant in numerous meetings of a group that called itself "The Highlands Group" that sponsored "The Highlands Forums" which was sponsored by the U.S. Department of Defense Office of Net Assessment and The Defense Advanced Research Projects Agency (DARPA).¹
- 6. These meetings in which I was in attendance were overseen by one or more of the following people: James P. Chandler, III ("<u>Chandler</u>"), Andrew W. Marshall ("<u>Marshall</u>") Richard P. O'Neill ("<u>O'Neill</u>") and Anthony J. Tether ("<u>Tether</u>").
- The Senior Executive Service (SES) and the Senior Executives Association directed and funded Marshall (1978-d. Mar. 26, 2019) and continue to direct Tether (2001-current) according to the Plum Book.²

https://web.archive.org/web/20180226185459/http://www.highlandsgroup.net:80/about.php?ID=1

¹ About. (Accessed Apr. 16, 2019). Highlands Group Overview. The Highlands Group. The WayBack Machine.

² About the Plum Book. (Accessed Apr. 16, 2019). United States Government Policy and Supporting Positions (Plum Book). Government Printing Office. https://www.govinfo.gov/collection/plum-book

- 8. The purpose of The Highlands Group ("<u>Highlands</u>") was very evidently intended by the Office of Net Assessment to gather government agencies and selected nongovernment contractors and financiers to make recommendations on promising innovations over which the government could apply its financial and contracting muscle to weaponize. In short, Highlands made the recommendations on war fighting systems winners and losers.³
- 9. In this noncompetitive environment, patents, copyrights and other forms of intellectual property were mere speed bumps to Highlands' public-private members. Their confiscations of private property are, in my opinion, in flagrant violation of the Fifth Amendment Takings Clause, among others. In fact, the very existence of Highlands was/is noncompetitive and worked more like a fascist system where government insiders picked winners and losers based on political alignment, rather than capability.
- 10.It is my belief that many of the Highlands' private corporate participants were eagerly carrying forward the tradition of intellectual property confiscation by the U.S. government that was instituted by President Franklin D. Roosevelt, and which fueled America's post-World War II economy—much to the benefit of the beneficiary robber barons and to the impoverishment of inventors worldwide. While American industry gave lip service to respecting the property rights of *American* inventors, my observation is that they treated American inventors with equal disdain.
- 11.It is my belief that Highlands participants starting in 1942 have been the beneficiaries of "over 50,000 [seized] patents" that "cover inventions in every field of applied science and representing millions of man-hours of

³ Op. cit.

research and the expenditure of many millions of dollars. These inventions represent some of the finest research achievements of modern science, particularly in the production of dyestuffs, plastics, pharmaceuticals, and electrical goods." These patents were "owned and controlled by enemy nationals, or in certain cases, by non-enemy foreign nationals." They were seized by the President under the First War Powers Act of December 1941 that resulted in Executive Orders No. 9095 (March 11, 1942), as amended by No. 9193 (July, 6, 1942). These executive orders created the Office of Alien Property Custodian as a part of the Office of Emergency Management of the Executive Office of the President. "Such property includes business enterprises of all kinds and sizes, real property, trusts, estates, ships, patents, copyrights, trademarks, and certain miscellaneous property" (but curiously, not "cash, bank deposits, and securities"). The U.S. Patent Office assisted the Office of Alien Property Custodian in the reclassification of these seized patents before they were *given* to American business applicants.⁴

12.In December 1982, I was introduced to Richard P. O'Neill (he prefers as Dick O'Neill) at an Office of Net Assessment / Highlands Group aftermeeting in the lounge area of the hotel where most of us were staying during the initial congressional testimonies where



⁴ Leo T. Crowley, Alien Property Custodian. (Dec. 7, 1942). Patents At Work, A Statement of Policy by the Alien Property Custodian of the United States, No. 3999066566405, No. JX5313.U6A5 1943. Office of Alien Property Custodian.

13.O'Neill's interest in a survivors, did to survive the incident.

I thought his question was crass at the time. I left the gathering shortly after this distasteful exchange.
14. Chandler was also at this gathering. I do not recall whether or not Chandler had attended but presumably he did. I was not introduced to Chandler, although one cannot help but remember his dark complexion, crooked teeth and stoic, emotionless face. Marshall attended but he did not attend the gathering afterwards.
15. In 1984, while working on the Shuttle program at Vandenberg AFB, the

- team at Rockwell International Space and Missile Division / figure and the Sensor monitoring screens in which during the monitoring cycle (every 2 minutes the screen would transition to the next screen)(there were 16 screens in all). The issue was that it would take a total of 32 minutes for the initial cycle to complete and start over leaving the status of a particular screen unknown for up to 32 minutes.
- 16. If the software so that a ribbon menu was placed at the bottom of the screen that would flash if something was identified on a screen that had already cycled past the status viewer, and allowed human intervention to select the flashing menu ribbon identifier which would bring that monitoring screen up immediately.
- 17. It is identified a long term fix that would automatically bring up the status screen if an issue was identified without the need for human

intervention. As was the requirement at the time, all safety hazard analysis reports had to be provided to the Cape Canaveral Safety Department for approval to implement. It was rejected by this organization stating that they did not feel it was critical to the operation.

- 18. When the Space Shuttle Challenger blew up on January 28, 1986, called back to Washington, D.C. to testify about findings at Vandenberg, and present the details of suggested fix to the issue, as well as the response by the Review Board from Cape Canaveral. During this testimony, all three of the Office of Net Assessment/Highlands Group principals attended from the Office of Net Assessment/Highlands Group principals attended from the Office. Chandler took copious notes.
- 19.In October 1991, the Office of Net Assessment / Highlands Group held a meeting in a nondescript building in the Washington, D.C. suburbs also attended by Chandler, Marshall and O'Neill. The meeting participants included approximately 45 people representing an array of public and private sector entities and individuals.
- 20. In a "black" project by Rockwell Engineer
 (). ⁵ I continue to be constrained by a nondisclosure agreement from discussing the details of this project outside of appropriate clearances.
 21. The stated purpose for the meeting was to discuss Rockwell's contributions to the project ("Black"). (Contributions are present Black at this meeting and had to obtain a grassial clearance. We program d that all the attendance.

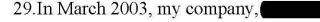
and had to obtain a special clearance. We presumed that all the attendees would be similarly cleared to discuss this project.

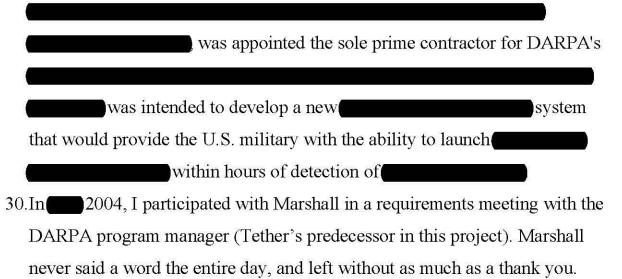
⁵ A black project is a term used for a highly classified military or defense project publicly unacknowledged by government, military personnel, and contractors.

- 22.O'Neill welcomed the 45 participants then totally switched the agenda away from discussing Black—the bait that motivated this large group to travel to Washington, D.C. for the meeting. O'Neill changed the agenda to surveying the participants on their views of the security impacts of using third-party software packages (commercial off-the-shelf software—COTS) on classified programs.
- 23.O'Neill introduced Chandler who then facilitated the meeting the rest of the day. Marshall was silent the whole day. O'Neill was also silent after introducing Chandler.
- 24. The participants were equally shocked, miffed and bewildered by this bait and switch agenda.
- 25.All day long, Chandler elicited comments and opinions from the participants who mostly responded with questions and requests for more context. Some even outright said there was no reason to use third-party software since the software and security needs of the U.S. government were already well in hand.
- 26.Chandler exploded into a tirade following the participant questions and push back. He lambasted the entire gathering with profanity laced epithets about their ignorance and lack of understanding about what was going on at his strategic level. Remarkably, Chandler pulled rank on the participants, some high ranking military officers, without briefing them.
- 27.Remarkably, following the short lunch break, only 23 of the 45 contractors (51%) returned for Chandler's afternoon session. Half of the invited participants left without notice. The afternoon session with the other half who stayed was filled mostly with arguments about the pros and cons of COTS software. Frankly, COTS was a well-publicized wider conversation in

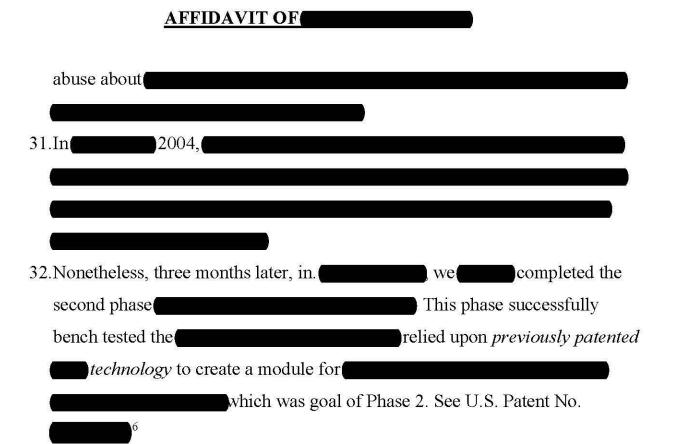
the industry across the board. It was not an issue unique to classified projects. For those with whom I spoke during the day, we agreed that if Chandler's purpose was evidently to cause rifts and political disruptions among some of the U.S. government's largest defense contractors., he achieved his goal. The meeting did not arrive at any solutions, and there was *no* discussion of Black.

28.I have never before or since attended such an odd government meeting as Black. It was memorable. Hindsight shows that the Department of Defense Office of Net Assessment (Andrew W. Marshall), the Highlands Group (Richard P. O'Neill), James P. Chandler, III (evidently directing both organizations) were intent on moving classified government systems away from internal to selected Highlands private sector participants. This Black meeting was evidently designed to give them enough to make their arguments plausible. There was no other reason to have this meeting, in my opinion.





On the other hand, the DARPA Program Manager gave us a ration of verbal



- 33.In A swe were beginning our PDR, we were informed that the DARPA Program Manager on our project had been removed and that Tether, the director of DARPA himself, would be acting as the Program Manager for our PDR.
- 34. After a full day presenting our designs and test results for the head-end module (that incorporated our previously patented innovations), Tether, with his head full of our fresh information, summarily canceled the program effective immediately. We were given one (1) month to provide all work product paid for by DARPA. Note that this work product *did not include* the

since work owned the patents and the design.

U.S. Patent Office.

35. As a result of this DARPA project cancellation, **Sector 1** laid off its employees and ceased operations by **Sector 1** took a new position at SAIC in **Sector 1**

36.For the record, certain misinformation about this project injects fabrications

That information is materially incorrect. 37.However, six months after stopped operations, Northrup-Grumman announced that they had been awarded a new program. Tellingly, the DARPA Program Manager who had been fired was now *employed* by Northrup-Grumman on this new award. Tether had included all the proprietary inventions in the Northrup-Grumman specification. In short, in my opinion these actions by DARPA misappropriated proprietary patent properties.

- 38.In 2004 and 2005, I again participated in meetings with Chandler and O'Neill at Office of Net Assessment / Highlands Group meetings associated with the transitioning from Internet Protocol version 4 ((IPv4)-Digital) to IPv6 (Hexadecimal) in conjunction with the Future Combat System program. Again they were interested in what security concerns there were between the two protocols, as well as the length of time to implement the migration efforts.
- 39.I became aware of substantial conflicts of interest between DARPA and Army personnel with regard to IPv6 implementation. Once DARPA realized that I had inadvertently become aware of these conflicts, I was summarily escorted out of the Boeing facility where I had learned about the conflicts and was transferred immediately to another SAIC program (Space and

Into the program. It was evident that the Army and DARPA strategies were not aligned, and that DARPA (Chandler, O'Neill, Marshall, Tether) was in control of and not the Army. I found this odd since the *raison d'ê·tre* of the entire DARPA program was Future Systems for the Army. The Army's supposed need appears to me in hindsight to have been a ruse for another agenda.

FURTHER AFFIANT SAYETH NAUGHT

SWORN AND SUBSCRIBED before me, a Notary Public, this

_____ day of ______, 2019.

Exhibit A Curriculum Vitae.

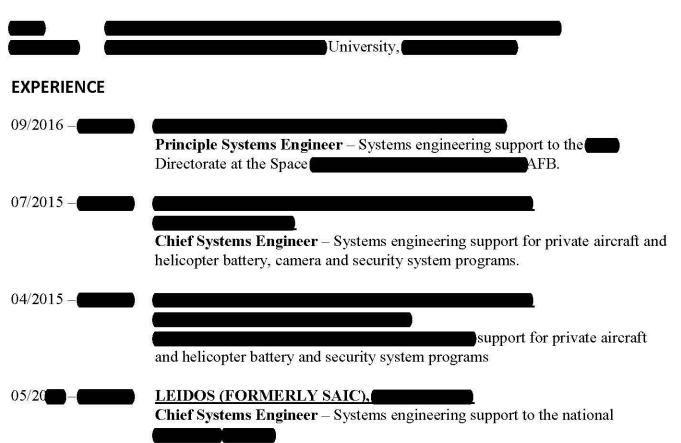
Exhibit A

Curriculum Vitae

SUMMARY

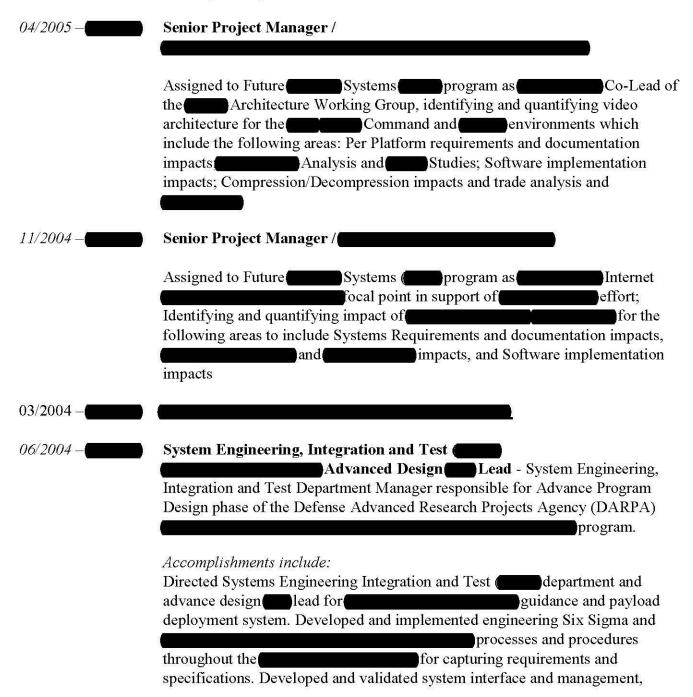
Extensive experience that includes large scale integration for net-centric operational systems, DODAF system architecture development including information assurance, SIGINT, architectures for ground and mobile assets. sub/supersonic missiles, space, Global Positioning Satellite (GPS) systems, aeronautical, aircraft, helicopters, RF/ECM/ECCM systems, power (aircraft/helicopter) and camera security systems, launch operations, analysis, and hardware to software integration. Leadership utilizing effective integrated project-teaming concepts, cross-functional matrixed program management, kaizen manufacturing, six sigma and engineering best practices; Experience includes hands-on, program management, supervisory, project leadership and group management with contract/sub-contract management with funding of \$167M combined.

EDUCATION



Cu:	rriculum Vitae	Page 2 of 9
01/2011 –	Chief Systems Engineer – Demonstration Systems Engineering and Integration (SE&I)	
11/2004 – 11 /2004 – 11 /2008 –	Chief Systems Engineer –	
	Conventional Accomplishments include: Primary technical interface to the customer as Chief Enginee Performs all system technical readiness assess development of program documentation and planning; Provi systems integration and safety risk assessments Supports program contractor intermediary for system design, integration activity status reporting for all aspects of the demonstration phase activity office start-up activities and operations; Supports Customer vand data inputs for manning levels and performance to budge	sments (TRA) and des direction for m office as ties, and program tivities; Program with information
12/2005 —	Principal Software Systems Engineer / Program Assigned to System Engineering Technical Advisory (SETA) software (P), network integration (P), and test supporting increment 1 programmatic and technical expen- increment 2 initial engineering planning meetings, into the papelication in support of planning meetings, into the planning include: Orchestrated integration for poperational systems, planning/implementation assessments and training, network development, system architecture development include flow-down for system security assurance requirements for the	engineering (engineering (ertise. Supporting provided insight al scenarios.

program offices; Provided direction for and a program compliancy and supporting IG inspection criteria inputs; Performed as program office contractor intermediary for System Design Documentation and Design development activities and program status reporting for software development/test activities; Coordinated and chaired the Network Support Working Group to establish network architecture configuration requirements and discuss information assurance configuration requirements and issues with the transition to the mandatory Active Directory and Standard Desktop Configurations.



system design analysis, technical risk management, and system trade studies. Worked with executive management as well as engineering staff, contractors, and customer representatives to ensure that requirements were flowed down and documented. Systematically evolved the

e Preliminary Design Review (PDR) level. Established the Systems Safety/Reliability engineering processes and analysis procedures to establish baseline assessments. Performed project and risk management assessments, identifying and establishing metrics tracking toolset; development of design implementation schedules, and preformed project monitoring through tracking and reporting to earned value measurement system criteria: monitored configuration management statistics; Specification development, review and publication throughout Advanced Design phase. Performed Systems integration and integration assessment for preliminary failure mode and evaluation analysis (**constant**) and programmic risk identification. Implementing Six Sigma and Integrated Product Development Systems Management Process and Procedures throughout the Advanced Design Phase to ensure customer satisfaction: Successfully implemented Integrated Product Team leadership resulting in an 85% increase in productivity; Established baseline assessments in Systems Safety/Reliability engineering and provided analysis coordination with design engineering teams; Implemented Project and risk management processes, schedule development and adherence criteria, project monitoring through tracking and reporting to Earned Value criteria, configuration management, documentation development, review and production, Specification development and release in first week of assignment.

11/99 -

RAYTHEON

Senior Principle Engineer /

Responsible for

leadership and mentoring of multi-discipline engineers and program support personnel in support of multiple contract sub component awards spanning over four major contracts in excess of \$15M each. Also, project and risk management, schedule development and adherence, project monitoring through tracking and reporting to Earned Value criteria, configuration management, procurement, documentation review and production, prime item identification and descriptions, global and detailed acceptance test plans, flight test plans and technical procedures. Missile Lead for guidance test vehicle, At builds and test activities. Provide mentor leadership for junior engineers. Launch crewmember for **Field** Operations team at and Integration IPT Lead for) program; Audit IPT Co-Lead for technical project coordination

with customer, responsible for the technical demonstrative population of the

Functional Configuration Audit Matrix for the Test program.

06/99 - 1

Software Engineer / Lead Software Quality Assurance

Software Engineer - Responsibilities included but not limited to development of GUI software user interfaces, query based user interfaces using SQL queries, installation development using Install Shield products, report generation using Crystal Reports 6/7 and ActiveX controls for manufacturing management software products

01/92 - 0<u>CONSULTING</u>

Founder / Chief Technology Consultant (CTC) (Concurrent)

NOTE: Operated consulting company on a non-interference basis concurrently with other jobs listed here.

- Performed evaluations, technical analysis, maintenance, troubleshooting computerized systems builds, and software installations for small businesses and medical offices.
- Developed recovery plans and maintenance schedules, analysis, and anomaly tracking databases, software applications for secured medical digital records database with reporting systems, time accounting, inventory control and expense reporting.
- Provided direct and computerized training of software applications, Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliance requirements for medical offices, and help desk support to clients.
- Provide Management Information System (MIS) services in support of physicians, medical staff, Individuals, Small Business Owners and their employees.
- Preformed network architecture analysis with layout planning, implemented software utilization on personal and mini-mainframe computer systems and peripherals at various customer locations.
- Provided Cyber-security support and post-event forensic assessments and reporting.

01/92 - 1

EATON

Division Financial Manager / Senior Analyst / **Systems Engineer**

Integrated Management Interface Software (IMIS) network Interface team member performing pre-planning and hierarchy structuring layout, and Technical advisor in the purchasing of computer equipment, telephonic support and data transmission links, development tools and OTC software; Responsible for the design, development and implementation of various Data Reduction and Management tools using DOS and Windows based spreadsheets and relational database programs. Prepare and present Executive Management Financial Reviews. Prepared technical inputs and assessed pricing for proposals in association with the B-1B Bomber Flight Test and Follow-on Support contracts.

09/91 – **ROCKWELL**

Lead Software / Systems Integration Engineer

Black Program

10/85 -

EATON

Financial Manager / Senior Systems & Flight

Prepared documentation, Test Plans and Procedures, ground test schedules, documentation, Test Plans and Procedures, ground test systems documentation schedules, and briefings. Performed systems documentation testing in a laboratory, ground predocumentation testing and post-flight data reduction processing. Performed Data Analysis to evaluate and validate system function during various flight test scenarios. Project Engineer on Technical Information Meetings (Preliminary and Critical Design Reviews (Management Review Boards (

04/84 -

MARTIN MARIETTA

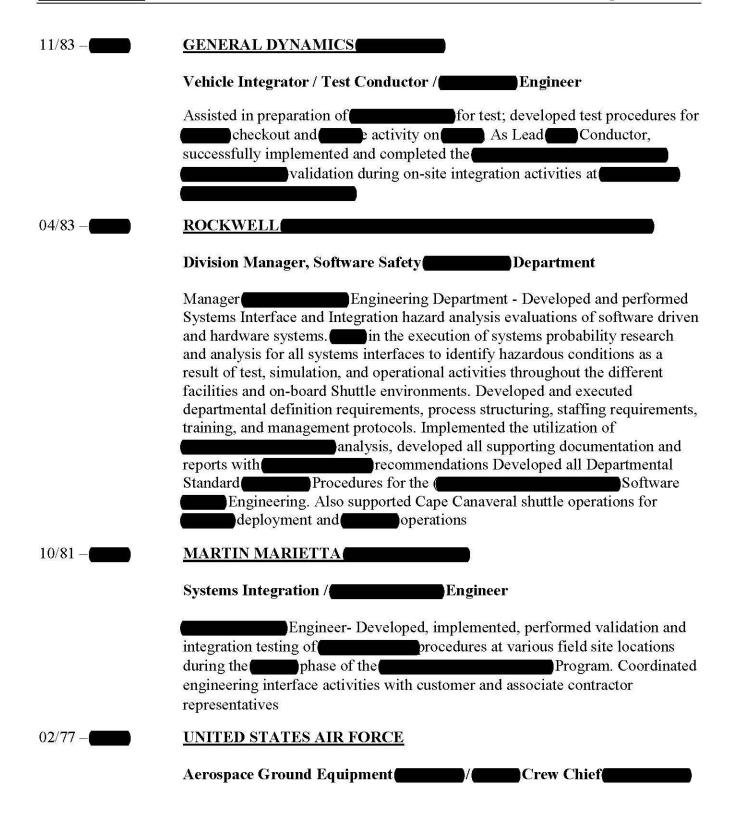
Instrumentation Flight Systems

Developed implemented and maintained Automated Test procedures, Test Plans, and support documentation during the Development, Test and Evaluation (DT&E), and Operational, Test and Evaluation (OT&E) phases of the Peacekeeper (MX) missile Program; Developed and maintained

procedures throughout the

Engineer

cycles. Performed Flight Test Data Analysis on flight telemetry data for evaluation and reporting on systems proficiency and performance. Implemented systems integration and communications test validations through data reduction and analysis processes at various remote site locations. As Engineer, planned, developed, and performed validation and integration testing utilizing manual and automated test procedures for missile component testing and build activities. Responsible for customer and associate contractor interfaces and chairing of team-member review meetings. Supported launch operations for the statement of the statement of the statement.



Computer Proficiencies

Operating Systems:	Applications:	Languages:	Architectures/Protocols:
Windows 2000, XP, NT, Vista, and 7-10	Microsoft's Office, Project, Access, and Visio	Visual Studio Suite, with C++ and Java	planning/implementation
MAC OS 10.X DOS	Lotus Notes Crystal Reports	SQL .NET Visual Studio	Network planning

ADDENDUM

Professional Society Affiliations

• CA; Memberships within IEEE, includes

•	to 2010 - Affiliate Member, Society of	, CA; Membership
	through SAIC	

• Current - Member, National Association of

Additional Training

- ILEAD: Performance Management, Science applications International Corporation (SAIC),
- ILEAD: SAIC Culture Module, Science applications International Corporation (SAIC)
- Leading Technical Professionals, **Company States (Company sponsored** Management training)

Training Certificates

- SEI Introduction to the CMMI, Software Engineering Institute (SEI),
 Certification in
- CompTIA Security+ Certification, CompTIA, CompTIA, Certification in CompTIA, Certification in CompTIA, Certification in CompTIA, Certification, CompTIA, Certification, CompTIA, Certification, CompTIA, Certification, CompTIA, Certification, CompTIA, Certification, Certificati, Certification, Certification, Certificati, Certificati
- CompTIA INet+ Certification, CompTIA, CompTIA, Certification in
- Certified Six Sigma Specialist (Green Belt), Raytheon Company, Certification in
- Phase 1 Certification for the Certified Program Management Program (CPMP) Certification in

Honors

- Recipient SAIC Team Achievement Recognition Award, Science Applications International Corporation (SAIC), El Segundo, CA; Team Achievement Recognition Award as part of the CSM Demonstration SE&I Team
- Moninee SAIC Individual Achievement Recognition Award, Science Applications International Corporation (SAIC), El Segundo, CA; Individual Achievement Recognition Award as Chief Systems Engineer on CSM Demo SE&I Team
- Monimee US Air Force SMC/XRF Individual Achievement Recognition, as Chief Systems
 Engineer on CSM Demo SE&I Team
- Mominee SAIC Individual Achievement Recognition Award, Science Applications International Corporation (SAIC), Torrance, CA; Individual Achievement Recognition Award as Chief Systems Engineer on CSM Demo SE&I Team
- Nominee SAIC Individual Achievement Recognition Award, Science Applications International Corporation (SAIC), Torrance, CA; Individual Achievement Recognition Award for contributions to the CSM SE&I program start up
- Mominee SAIC Team Award, Science Applications International Corporation (SAIC), Torrance, CA; Team Award as part of RAIDRS Engineering Support Team
- Nominee Raytheon Engineering Honors, Raytheon Company Missile Systems, Based on a company-wide Systems Engineering labor force.
- Recipient of Raytheon Engineering Honors, Raytheon Company Missile Systems,
 Based on a company-wide Systems Engineering labor force.
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