

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

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Brian P. Carr,  
Rueangrong Carr, and  
Buakhao Von Kramer  
Plaintiffs  
versus  
United States,  
US Department of Justice,  
USPS, USPS OIG, USPS BoG,  
US CIGIE, Department of State,  
Department of State OIG,  
USCIS, DHS OIG, and SSA  
Defendants

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Civil No. 3-23CV2875 - S

Verified<sup>1</sup> Brief of Mr. Carr  
Duties of IG and DoJ to  
Enforce Lawful Statutes and the  
Constitution

**Duties of IG and DoJ to Enforce Lawful Statutes and the Constitution**

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**Importance of Vigilance by DoJ, CIGIE, and OIG's**

The role of DoJ, CIGIE, and OIG's in supporting the constitution and good government can not be overemphasized.

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<sup>1</sup> The Verification of this document is at the end of this document.

### **Afghan Fiasco Result of Insufficient Oversight, Illegal Orders**

The fiasco of the rapid fall of the Afghan government represented a serious tragedy for millions of Afghans as well as America as a whole. It can be argued that this fiasco was also the result of insufficient oversight by the relevant IG's (not defendants in this matter), CIGIE and DoJ.

### **Falsified Readiness Reports Caused Unexpected Collapse**

The commonly stated cause of the fiasco was inaccurate estimates of the number and training / capabilities of Afghan government soldiers and para-military police as well as similarly inaccurate estimates of Taliban soldiers / combatants / terrorists. A good approximation would be that the Afghan government had about half as many soldiers as reported and the Taliban had about twice as many combatants as reported.

These substantial deviations from the 'readiness reports' can be attributed to the high level of corruption in Afghan culture. Indeed, corruption is, practically speaking, not even a concept in Afghan culture as it is just normal gift giving and ordinary business practices, no different from purchasing an item in a store.

The result was that a substantial portion of the American funding for the expansion of the Afghan military was misdirected with Afghan government commanders siphoning money into their own pockets rather than hiring soldiers as reported and even bribing Taliban units to not attack the areas of responsibility of their units. It was cheaper to pay the bribes to the Taliban rather than hiring the soldiers required to fight the Taliban. That left more money to pocket and better apparent results, the Taliban were no longer active in their area.

### **Officer Rotation and Illegal Orders Led to Massive Fraud**

Of course there were American military service officers (MSOs) responsible for insuring that American funds were not misdirected in this fashion. But there is a problem with this as well.

In order to have well rounded senior MSOs, American MSOs are rotated through different assignments with about ten assignments in the critical first twenty years (to be eligible for retirement benefits as well as the potential for the most senior positions). As the required promotions are increasingly fiercely competitive, each MSOs must get an outstanding performance review from each assignment.

In the current environment, almost all soldiers in each unit are rotated. There is also an effort to stagger the rotations so that not too many soldiers are rotated at any one time. On arriving in a new two year assignment an MSO could expect that most of his subordinates would have about one year of experience as would the most of his / her superiors. This maintained some level of continuity for the various units.

An MSO on arriving in the assignment of monitoring Afghan units and the disbursement of American funds might find that his predecessor had attained an actual readiness of about 15% readiness but the reported readiness might have been 50%. The MSO would have received objectives from his / her commander to improve the readiness up to 60% with decreasing Taliban activity within the next year and before the superior rotated out.

In any discussions with the superior of inaccurate reports by the MSO's predecessor, the superior would almost certainly verbally inform the MSO that the superior doesn't care about the mistakes of the MSO's predecessor, the MSO had better get his / her numbers up to snuff (meeting the objectives) before the MSO's superior rotated out or the superior would give the MSO a negative review thereby ending the MSO's career. Needless to say this is a verbal illegal order to falsify records, but being ambiguous and verbal the superior would have plausible deniability.

If the MSO were to properly insure that American funds were being properly disbursed and Afghan unit readiness was accurately reported, his readiness reports might increase to an actual level of 20% (from 15%) but show an apparent decline from the 50% of his predecessor.

He would almost certainly also be removed from the position for some other reason by his / her superior. The MSO can only make real corrections by 'throwing under the bus' all his superiors and subordinates by being a 'whistleblower'. It is certainly unclear how successful such a strategy would be as longevity as an MSO through 10 assignments really depends on low risk successes (no one can depend on winning 10 flips of a coin).

If the MSO chose to instead ignore falsified reports by the Afghans and encouraged them to improve their reports (with illegal orders similar to those of the MSO's superior), then the Readiness Reports could easily improve to 70% though the actual readiness would likely decline to 10%.

In essence, because of the staggered rotations and the hyper competitive promotion process for MSO's, they are all playing 'hot potato' hoping that the whole thing won't explode on their watch, that they can rotate out before their negligence is found out.

### **Failure of OIG to Fully Investigate Led to Extensive Corruption**

Throughout the Afghan occupation there were sporadic reports of corruption within the Afghan military but instead of a massive investigation by the Army IG and DoJ, the problems were mostly ignored. I believe that had there been an investigation of the magnitude of the Naval 'Tailhook' investigation then Afghan government military readiness would have been reported as much lower but could have improved over time.

### **Accurate Reporting Would Fiasco**

The Afghan fiasco would have been completely different with Afghan government forces much stronger and the Taliban not as strong (and with accurate estimates of Taliban strength). Were a withdrawal made, the results would be more in line with the expectations of senior commanders.

### **Mr. Carr's Conjectures Based on Limited Experience**

Of course all this is purely conjecture relying solely on publicly available sources and my experience as a junior MSO. When I graduated from West Point in 1975, I was allowed significant choice in first assignments due to his superior academic standing. I chose an academic assignment (graduate school at M.I.T.) for his first assignment. For my second assignment, I chose a short / hardship one year tour in Korea for my only normal military assignment. For my third and final assignment I chose a scientific / technology assignment at an Army Research and

Development Lab (Harry Diamonds Labs, HDL). I understood that choosing such assignments guaranteed that I would not be able to continue his career.

The Army ‘passed over’ my promotion to captain twice before granting the promotion. Three passes and you’re out according to the ‘move up or move out’ rules of the time. The Army and I understood that it would be appropriate for me to separate once my military service obligation was completed (three and a half years at HDL instead of the normal three).

I am deeply appreciative of his excellent training and experience from the Army. I parted ways with the Army amiably after completing his service obligations.

### **Illegal Orders and Falsified Documents Undermine Government of Law**

This discussion of the Afghan fiasco is included solely to explain my conclusion that illegal orders and federal crimes such as falsified documents must be addressed by DoJ and can not be overlooked based on executive discretion. The DoJ should be encouraged to enlist the assistance of relevant OIG's and the CIGIE as feasible. The DoJ should also be encouraged to use the cudgel of the threat of prosecution to efficiently promote future compliance and minimize the demands on DoJ and OIG resources.

### **Accuracy of Government Records, Disbursements Foundational Democracy Depends on Accurate Records**

I concede that there are many criminal statutes that the DoJ must enforce in precedence to falsifying government records or fraudulent disbursement of government funds. For example, assassinating a federal judge or federal attorney is most heinous. However, the question is how can the U.S. insure that Seal Team 6 is never ordered to commit such heinous acts.

The previous Secretary of Defense (SoD) was Lloyd Austin (Mr. Austin) who also graduated from West Point in 1975 with me. I am comfortable that Mr. Austin would resist an illegal order to misuse Seal Team 6. Unfortunately, due to Mr. Austin's age he was in a civilian position and was removed on 'Day One' of by the newly president elected who had promised to be a dictator on day one and deport millions of illegals on day one.

While it is my belief that the majority of senior MSO's would not obey an illegal order to misuse Seal Team 6, it is not clear how many would be successful in that having seen one or two of their predecessors jailed and silenced for disobeying a direct order. It takes strong and courageous senior MSO's to collude and overcome a president who ignores the law.

The best way to insure we have senior MSO's and executives in the federal government who will support the constitution when it is required is to develop a culture where short cuts like falsifying records and disbursements leads to termination, not success.

Respectfully submitted,

### **Verification of Document**

Mr. Carr hereby affirms under penalty of perjury in both the United States and Thailand that as an individual:

1. I have reviewed the above affirmation and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered to remove sensitive personal information or other redactable information (as cited in the redaction) according to normal redaction procedures.

I hereby reaffirm that the above is true to the best of my knowledge under penalty of perjury in both the United States and Thailand.

/s Brian P. Carr

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Brian P. Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 5. Aug. 2025  
Location: Irving, Texas

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