



Written by [Michael Tennant](#) on July 25, 2017

Pentagon Caught Giving Weapons to Phony Federal Agency

The Government Accountability Office (GAO) created a fake federal agency and obtained \$1.2 million worth of former Defense Department hardware, including military-grade weapons, at no cost, a new [GAO report](#) reveals.



“They never did any verification, like visit our ‘location,’ and most of [the communication] was by email,” Zina Merritt, director of the GAO’s defense capabilities and management team, which ran the operation, told the [Marshall Project](#). “It was like getting stuff off of eBay.”

Under the 2016 National Defense Authorization Act (NDAA), GAO was tasked with investigating the Defense Department’s Law Enforcement Support Office (LESO) program, which transfers surplus military property to federal, state, and local law-enforcement agencies that claim to need it. According to the GAO report, since 1991 the Pentagon has transferred over \$6 billion worth of its excess property to more than 8,600 agencies. Four to seven percent of these items consisted of “controlled” property: items that “are typically sensitive in nature, cannot be released to the general public, and require specific actions to ensure proper disposal,” says the report.

Merritt told the Marshall Project that a GAO survey of local law-enforcement agencies “did not turn up any instances of outright abuse at the state level but did find one illegitimate agency that had applied as a federal entity and was approved for equipment” — the impetus for the sting operation described in the report.

Merritt’s team created a fictitious federal law-enforcement agency that they claimed performed “high-level security and counterterrorism work,” according to the Marshall Project. The team e-mailed an application to the LESO program in late 2016. The application “contained fictitious information including agency name, number of employees, point of contact, and physical location,” the report reads. The team also created a website plus mail and e-mail addresses for their fake agency.

LESO officials asked the bogus agency to make some revisions to its application, which the team did, resubmitting the amended application in early 2017. Soon thereafter, the application was approved.

All this took place strictly through e-mail. “At no point during the application process did LESO officials verbally contact officials at the agency we created — either the main point of contact listed on the application or the designated point of contact at a headquarters’ level — to verify the legitimacy of our application or to discuss [the program] with our agency,” wrote the GAO.

Once the phony agency had been approved for the LESO program, Merritt’s team set about requesting controlled property items. According to the report:

In less than a week after submitting the requests, our fictitious agency was approved for the



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transfer of over 100 controlled property items with a total estimated value of about \$1.2 million. The estimated value of each item ranged from \$277 to over \$600,000, including items such as night-vision goggles, reflex (also known as reflector) sights, infrared illuminators, simulated pipe bombs, and simulated rifles. Our investigator scheduled appointments, visited three Disposition Service sites, and obtained the controlled property items.

The investigator managed to enter the three warehouses and procure the requested items using fake credentials; two of the sites did not even request or validate identification. In addition, two of the three sites failed to use checklists to verify that the number of items transferred matched the number approved, leading the phony agency to get more of one item than it had requested.

GAO recommended a number of improvements to the LESO procedures to prevent these types of oversights, and the Defense Department — as agencies always do when caught acting like government agencies — promised to implement them. Whether or not that happens remains to be seen. GAO, after all, has been reporting deficiencies in the program for 15 years, and the Pentagon has purportedly implemented nearly all of the GAO's recommendations during that time, yet the possibility of almost effortless fraud remains.

Even if LESO could be made completely fraud-proof, it would still be a dangerous program because it contributes to the militarization of law enforcement. As Madhuri Grewal of the anti-militarization Constitution Project told the Marshall Project, "There just aren't many everyday policing uses for military equipment like this. The question is why can *real* law enforcement agencies get some of this stuff, let alone fake ones?"

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