

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 09-369
v.	*	SECTION: "N"
CHARLES CLAUSEN	*	VIOLATION: 18 U.S.C. § 111(a)
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FACTUAL BASIS

If this case had gone to trial, the government would have proved the following beyond a reasonable doubt through testimonial and documentary evidence:

Charles Clausen is a retired US Marine who lives in a trailer on his own property adjacent to the Hammond Regional Airport. The airport is home to a battalion of United States Army Air National Guard aircraft. A squadron of Blackhawk helicopters routinely flies training missions in the area.

On October 6, 2009, the squadron was returning to the airport at approximately 8:00 p.m. The pilots were using night vision goggles to see in the dark. As they approached the airport, the helicopter was suddenly hit with a bright beam of light. This caused the J.C., the pilot, and the co-pilot to be temporarily unable to see due to the effect of bright light on the night vision goggles. The crew chief was also wearing the goggles. He looked directly at the beam of light from the ground. This caused a safety function in the goggles to activate and shut down the goggles. The crew was

temporarily blinded for several seconds. After regaining vision in the goggles several seconds later, the crew circled the area until it was able to pinpoint the location from where light was emanating. The pilot then entered the location in his navigation unit, pinpointing the exact location.

Once on the ground, the FBI was contacted. They went to the location where the light was seen. It came from Clausen's property. The agents interviewed Clausen, who freely admitted that he shined the light on the aircraft. He said he did so because they kept flying low over his property. Clausen added that he had gone to the National Guard headquarters in the area to complain about the aircraft on three separate occasions. He spoke to several low ranking personnel on the first two trips to the headquarters. On third trip, he spoke to a colonel who informed Clausen that the aircraft are required to fly at 1,000 feet or above and that the pilots did so and would continue to fly over his property at that altitude. Clausen stated that he was not happy with this response.

Clausen was told that his actions were a violation of federal law. Clausen responded that he was going to keep shining the light as long as the aircraft flew low over his property and that he was not afraid to go to jail.

By shining the light beam upon the helicopter, Clausen intentionally and forcibly interfered with and impeded the pilot of the helicopter, J.C., a member of the Army National Guard, while he was engaged in the official performance of his duties.

The foregoing facts will be proven by the testimony of Special and Task Force Agents of the Federal Bureau of Investigation and members of the United States Army National Guard as well as by production of other relevant and admissible evidence.

VIRGINIA L. SCHLUETER Date
Federal Public Defender

GREGORY M. KENNEDY Date
Assistant U.S. Attorney

CHARLES CLAUSEN Date
Defendant