

Affidavit

John R. Crane

Assistant Inspector General (2004 – 2013)

Department of Defense

Subject: *Alleged Misconduct by Senior DoD Officials Concerning the Able Danger Program and Lieutenant Colonel Anthony A. Shaffer, U.S. Army Reserve, H05L97905217, September 18, 2006.*

Allegations:

Mr. Henry Shelley, Acting General Counsel, DoD IG and Mr. Don Horstman, Assistant Inspector General, Administrative Inquiries engaged in:

- 1.) Investigative misconduct in terms of the methodology of the investigation;
- 2.) Investigative misconduct in the manipulation of the evidence to include testimony;
- 3.) Investigative misconduct in misapplication of investigative standards;
- 4.) Investigative conduct to reach a predetermined conclusion;
- 5.) Investigative misconduct to protect senior officials in the Department of Defense from criticism in the identification of Mohammad Atta before 9/11

Elements:

- Mr. John Crane, Assistant Inspector General, along with the Acting Inspector General, Thomas Gimble, met with Dr. Eileen Preisser before issuance of the report, based on allegations of misconduct in the conduct of the investigation by Mr. Shelley and Mr. Horstman, to determine directly if Dr. Preisser would provide testimony that the Able Danger program had identified Mohammed Atta.

[Mr. Crane was responsible to address all congressional and media inquiries, and wrote the Forward to the ROI and was the Point of Contract with the USD (Intelligence), Commander, United States Special Operations Command, and the Director, of the Defense Intelligence Agency.]

Dr. Preisser confirmed that that she had identified a photo of Mohammed Atta to Lt. Col. Shaffer during a meeting at a Starbucks shortly after 9/11.

Dr. Preisser previewed Top Secret SCI material from the Able Danger program to substantiate her claim that Mohammad Atta had been identified.

- The testimony of Mr. Crane, even though he had interviewed Dr. Preisser due to allegations of misconduct by Mr. Shelley and Mr. Horstman was not allowed to be made part of the record of the Report of Investigation at the instruction of Mr. Shelley or Mr. Horstman.

- The allegations of misconduct included the statements of investigator Don Holtz, who stated during a staff meeting in regard to CAPT Phillpott and other witnesses to the effect that: "Tell me what you want him [them] to say, and I will make him [them] say it."

In dependent direct statements, Mr. Shelley informed Mr. Crane that the goal of the investigators was to change the testimony of the witness to agree with a prearranged narrative and conclusion for the ROI.

- Based on the misconduct of Mr. Shelley in Able Danger and other cases, Mr. Crane along with Mr. Daniel Meyer, Director of Civilian Reprisal Investigations, in 2007 made a whistleblower disclosure to Mr. Peter Levine, General Counsel of the Senate Committee on Armed Services.

The allegation involved the lack of legal independence shown by Mr. Shelley and concern that Mr. Shelley was representing the interests of the Secretary of Defense rather than the DoD Inspector General and was not capable of impartial or legally sufficient investigations.

The result of the whistleblower investigation was that the SASC authored language that granted legal independence to the DoD IG General Counsel and established that the client of Mr. Shelley was the Inspector General rather than the Secretary of Defense.

- Mr. Shelley and Mr. Horstman made a decision not to use public information, for purposes of the ROI, that was developed during congressional hearings regarding 9/11 along with congressional reports that clearly demonstrated that Mohammed Atta had been identified.
- Investigative misconduct resulted in an ROI that consciously developed a false premise as a strawman to focus on whether Mohammad Atta had been identified in public charts developed by Orion, rather than the fundamental question of whether Able Danger had identified Mohammad Atta.