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Subject: Affidavit Re: ZDT
Date: 5 May 2014 at 20:46
To: Charles Murphy Charles_Murphy@grassley.senate.gov



Affidavit ZDT.pdf



Affidavit of John R. Crane

I, John R. Crane, as Assistant Inspector General of Communications and Congressional Liaison during the evolution of the ZDT report starting with receipt of the request from Chairman King until early February 2013, witnessed or was a participant to the following events:

Narrative:

Chairman King in his letter to the DoD/CIA IGs states that:

I write to express concern regarding ongoing leaks of classified information regarding sensitive military operations. As reported in a New York Times column on August 6, 2011, Administration officials may have provided filmmakers with details of the raid that successfully killed Usama bin Laden (UBL). According to that report, Sony Pictures Entertainment, Inc. and movie director Kathryn Bigelow received 'top-level access to the most classified mission in history' to produce a movie about the raid, due for release in October 2012. Reportedly, a Hollywood filmmaker also attended a CIA ceremony in honor of the team that carried out the raid. . . . Therefore, I request an investigation and classified briefing regarding this matter from the Defense Department's and CIA Inspectors General "to address five specific issues noted in the letter. (Exhibit)

As a result of the letter from Chairman King, a meeting was held between Ms. Halbrooks and Mr. Buckley that resulted in the DoD IG assuming responsibility for most of the responses back to Chairman King in regard to the letter of August 9, 2011. A response was provided to Chairman King on December 23, 2011, that included an announcement memorandum by the DoD IG of December 10, 2011, that stated: "We plan to begin subject investigation immediately. The overall objective of this investigation is to address the congressionally requested action found in the letter of the Chairman of the House Committee on Homeland Security to the DoD Inspector General dated August 19, 2011."

The memorandum also states: "The investigation will be coordinated with affected agencies' Inspectors General when applicable and may be performed at selected elements of the Office of Secretary of Defense and other DoD organizations, as appropriate." The Central Intelligence Agency responded to Chairman King on November 9, 2011, that stated: "The Office of Public Affairs is developing a written policy to create a single point of reference that will govern future interactions with the entertainment industry. The Office of Inspector will review the established guidelines once the policy is completed." Fieldwork by the

DoD IG in regard to the investigation was initiated on January 27, 2012. (Exhibit xxxx)

With the departure of the then Inspector General on December 24, 2011, Ms. Halbooks became Acting Inspector General and immediately began both her efforts to be nominated as the next Inspector General and started her unprecedented involvement in the crafting and development of the report to respond back to Chairman King.

Ms. Halbrooks and I candidly and repeatedly discussed the sensitivity of the investigation in that the allegations touched directly upon the actions of Secretary Panetta, Jeremy Bash, Chief-of-Staff to Secretary Panetta and George Little, the Assistant Secretary of Defense for Public Affairs. Both Mr. Bash and Mr. Little had held equivalent positions with Secretary Panetta when he had been Director of the Central Intelligence Agency. I strongly urged that the intelligence analysts assigned to prepare the report be allowed to conduct their investigation with no influence from Ms. Halbrooks. Ms. Halbrooks stated that she did not want the investigation to upset the Secretary or his two closest aides because they had direct influence on selecting the nominee that would be sent to the White House for approval.

In addition, I stated that there should be no appearance of political motivation by Ms. Halbrooks in both the crafting of the report and the release of the report. The issue of granting inappropriate access to Hollywood producers to release a movie regarding the killing of Usama bin Laden, that was timed for released before the general elections in November 2012, was simply explosive since the film could be seen as trying to influence the general election in support of President Obama. In that regard, I strongly urged Ms. Halbrooks to have a focused effort that would place the issuance of the DoD IG report outside any political considerations. Due to the national political conventions in August, I urged completion and release of the report before the July 4th period.

Ms. Halbrooks, however, stated that she did not want the report to be issued before the expected departure of Secretary Panetta after the start of either a new Administration or the second term of the current Administration. Ms. Halbrooks stated that any early release of the report would involve interviews that could upset Secretary Panetta and his senior aides at the exact time that she was trying to be nominated to be IG. She stated that she would need the support of Secretary Panetta. Ms. Halbrooks stated it was her intent not to interview Secretary Panetta. I strongly objected to that approach stating that the report was about the actions of Secretary Panetta and so Secretary Panetta needed to have the opportunity to provide exculpatory information.

I also noted that DoD IG investigators had interviewed Secretaries of Defense in the past when the actions of the Secretaries were part of the scope of the investigation. I pointed to the interview of Secretary Rumsfeld during the investigation of the Boeing lease issue. In addition, I reminded Ms. Halbrooks that IG investigators had also interviewed Secretary Aspin during the course of an investigation. I stated that a decision not to interview Secretary Panetta was inappropriate and ran counter to the investigative methodology of the DoD IG. Secretary Panetta as a subject of the investigation was required to be interviewed..

The tenor of the extended disclosures to Ms. Halbrooks in connection with decisions on the methodology and release of the report were tightly intertwined with a series of events to include Ms. Halbrooks being interviewed by White House Personnel and questioned on whether Ms. Halbrooks had the military and departmental experience to be Inspector General, and whether there had been former female Inspectors General. Ms. Halbrooks also shared information regarding her interview with the Deputy Secretary and DoD General Counsel who were interviewing two candidates to be nominated to be Inspector General. Ms. Halbrooks shared the fact that she had been told that Mr. Buckley, the CIA IG was the other candidate. Ms. Halbrooks shared that phone calls were being made to her references and that she was hoping her nomination would be announced between Labor Day and July 4th.

Marisa Taylor, McClatchy News, in an article dated December 20, 2013, titled: "*Zero Dark Thirty*' leak investigators now target of leak probe" states:

"Then-acting Pentagon Inspector General Lynne M. Halbrooks, meanwhile found herself smack in the middle of the controversy at an inopportune moment. Halbrooks wanted to be considered for the post permanently, according to current and former officials. Her main competitor was Buckley. Neither got the permanent post." (Exhibit xxxx)

Because of the congressional and media aspects of the report being prepared for Chairman King, Ms. Halbrooks asked me to attend briefing sessions with the intelligence analysts as they were crafting a methodology. It was astounding to me because in almost 25 years as a part of the Front Office I had never witnessed an acting head of agency become so involved in developing the methodology of an investigation or requesting reviews to ensure the analysts remained "on track." In fact, Ms. Halbrooks was engaging in the very activities I had warned her against. The field work for the report was initiated on January 27, 2012

Repeatedly, after a series of briefings with the intelligence analysts, I strongly advised Ms. Halbrooks not to delay the issuance of the report and that

the report would lack credibility if the Secretary was not interviewed. Ms. Halbrooks micromanaged the investigative process to the point that she demanded to be informed before any of Secretary Panetta's chief aides were interviewed. Ms. Halbrooks was upset when Mr. Bash was interviewed by an intelligence analyst without her permission and resolved that unapproved briefings of witnesses would not be allowed. (This occurred in the same timeframe when Ms. Halbrooks would not allow the interview of COL Fassi to determine whether he had made a disclosure to the then Inspector General.)

During the summer, I urged Ms. Halbrooks to take quick action on the report and to interview Secretary Panetta. After the intelligence analysts had concluded fieldwork on the report on August 16, 2012, I again expressed my concern that Secretary Panetta had not been interviewed. The draft of the report titled "*Release of Department of Defense Information to the Media*," in response to the request by Chairman King, was sent to my office on September 13, 2012, for review. Ms. Halbrooks continued to state, to me, however, that the report would not be issued until after the Secretary had left office and certainly not before the elections in November because the findings would embarrass both Secretary Panetta and the White House.

I expressed to Ms. Halbrooks that it was the first time in my experience that political motivations had entered into the crafting of the methodology of an investigation, and it was the first time that political considerations had entered into the timing regarding the release of an investigation. I also noted that it was the first time that personal gain through the pursuit of the IG nomination had ever intruded into the proper and lawful conduct of DoD IG activities.

Accordingly, the same day, on September 13, 2012, in accordance with Executive Order 12674, I contacted the office of Senator Grassley and reported that Ms. Halbrooks, in an abuse of authority, was directly influencing the conduct of an investigation, to include whether to interview the Secretary of Defense, and the timing of the release of the investigation. In an abuse of authority, Ms. Halbrooks was attempting to help her prospects to be nominated as the Inspector General with the intent of not releasing the report until after the elections, and after the Secretary had left office.

The report was, on October 24, 2012, subsequently sent to the original classification authorities regarding the information contained in the report to identify information that could not be included in a publicly issued version of the report. The classification reviews were completed by November 9, 2012, after which a dialogue began between my Public Affairs officers and the intelligence analysts on crafting communication points in anticipation of public release.

Shortly thereafter, I received the formal coordination package that included both the FOUO and public release versions of the report along with the extensively developed communication points that would be used both by my office and the DoD Office of Public Affairs in responding to reporters when the report was issued. The package was in final form and included a proposed memo from Ms. Halbrooks that would transmit the report to the Secretary and my transmittal letter to Chairman King.

On December 6, 2012, after a series of edits, to include my own, I received both the FOUO and public release versions of the report via e-mail.

Both prior to, and immediately after December 6, 2012, I met with Ms. Halbrooks to note some of my observations in regards to those points in the report that would have interest to both Chairman King and the media.

I noted the following:

Release by Panetta of TOP SECRET Information -

"During this awards ceremony, Director Panetta specifically recognized the unit that conduct the raid and identified the ground commander by name. Director Panetta also provided DoD information, identified by relevant Original Classification Authorities as TOP SECRET//SI//REL to USA, AUS, CAN, GBR, NZL, as well as, SECRET//ACCM. According to the DoD Office of Security Review, the individual's name is protected from public release under 5 U.S.C. Section 552a and 10 U.S.C. Section 130b."

Release by Vickers of FOUO and Privacy Act Information -

"At this point USD(I) Vickers had given Mr. Boal and Ms. Bigelow the name of the Special Operations Planner. This individual's name as associated with the operation is "For Official Use Only, not for public release," protected under 5 U.S.C. Section 552a, the Privacy Act, and 10 U.S.C. Section 130b, Personnel in Overseas, Sensitive, or Routinely Deployable Units: Non-disclosure of Personally Identifiable Information."

Panetta Chief of Staff Gives Access to Event -

"According to the DoD PAO, the day of the event, the CIA PAO contacted the DoD PAO to state that efforts failed and the "Chief of Staff" directed that the Hollywood executive be given access to the event. Prior to the ceremony, the DoD PAO was unable to communicate with any of the DoD personnel attending the ceremony. The CIA Chief of Staff, at that time, is now the Secretary of Defense's Chief of Staff."

The report was so close to being issued that the discussion within my office centered on what day the report would be issued rather than on whether the report would be issued. (Exhibit xxxx)

Subsequent to my above mentioned discussions with Ms. Halbrooks in early December, a whistleblower from within the DoD IG, in a December 14, 2012, e-mail to Mr. Charlie Murphy, staff of Senator Grassley, stated their concern in regard to the report being prepared by the intelligence analysts:

"That effort (D2012-DINT01-0079) has been controlled and manipulated since inception by the IG Front Office. Can't comment on reason why sitting on it but definitely controlling the entire effort. There is a version ready to hit the street, been long time ready to hit the street...but we will see if that happens anytime soon. Highly unusual tight controls and tactical involvement from senior leadership on this project." The e-mail continues: "We know IG Schmitz used to sit on reports and efforts so it is plausible the same thing could be happening. In this new system, the oversight components have to get permission to start oversight, what the oversight is, content of the reports, and then approval to issue the reports. IGs are political appointees, now they have too much control over the actual oversight; and politicization of the IGs is a very real concern." (Exhibit xxxx)

The degree of the involvement of Ms. Halbrooks and Mr. Shelley is also demonstrated in the citation of a Team of the Year award given during the 24th Annual Inspector General Honorary Awards Ceremony, to the intelligence analysts who prepared the report. The citation states:

"In an effort to maintain the highest level of awareness among the senior leadership of the OIG, the team organized monthly project updates and briefings to the PDIG (Ms. Halbrooks), OGC (Mr. Shelley), OCCL (Mr. Crane) and IPSA (Intelligence and Special Program Assessments) principals." (Exhibit xxxx)

On December 18, 2012, Ms. Halbrooks after having attended a meeting that morning with senior advisors to Secretary Panetta called me into her office and directly challenged me regarding whether I was the whistleblower and source for a December 17, 2012, article by Marisa Taylor, McClatchy News, titled: *Bin Laden film leak was referred to Justice; leaker top Obama official*. Ms. Halbrooks stated that the information in the article to include the referral to the Department of Justice was close-hold information of which only I and a few others had knowledge. I did not deny being a whistleblower.

Ms. Halbrooks noted that the article mirrored concerns I had raised in regard to the fact that the report should be quickly issued in order to avoid allegations that the DoD IG had politicized the issue in regard to the 2012 General Election, and that Secretary Panetta needed to be interviewed to allow him the opportunity to provide exculpatory information. Ms. Halbrooks challenged me to identify sources or whistleblowers, and what the whistleblowers were telling Congress, and who could have provided information for the article by Ms. Taylor.

I informed Ms. Halbrooks that I had knowledge of one whistleblower who had been in direct written communication with Congress in regard to her extraordinary involvement in the report and that the whistleblower believed that the report had been ready for release for some time. I told Ms. Halbrooks that I could not provide the communications to her since she was the subject of the allegations, and I was concerned about the appearance of possible retaliation if the identity of the whistleblowers could be surmised from the content of the e-mail.

I also told Ms. Halbrooks that I had never spoken with Ms. Taylor about any aspect of the report. Ms. Halbrooks also informed me that Mr. Vickers was "their" choice to become Director of the CIA and that the report would not be issued while Mr. Panetta was Secretary.

As the senior executive responsible for the Director of Whistleblowing and Transparency, I was in possession of the entire e-mail chain from the whistleblower within Intelligence to Charlie Murphy on the staff of Senator Grassley. The e-mail chain confirmed my own observations that the Zero Dark Thirty report had been ready for public release, but senior leadership had been delaying release, and that senior leadership was intimately involved in the crafting of the report. (Exhibit xxxx)

Ms. Halbrooks stated that leaks from the DoD IG had to stop, and as the official responsible for the Director of Whistleblowing and Transparency, who was viewed as a serial whistleblower, I needed to stop the leaks regarding both the Zero Dark Thirty report and the leaks from whistleblowers in Audit. (Senator Grassley had sent a letter, also on December 17, 2012, in which he stated that Mr. Blair in response to Senator Grassley "could have made false and/or misleading statements to Congress.")

Ms. Halbrooks, feeling a double threat from whistleblowers, stated that I was not a team player since I did not provide whistleblower information to her, and that Mr. Brett Mansfield, the Deputy Chief of Staff, was available to replace me.

Ms. Halbrooks abused her authority when she in an articulated direction to me, as the senior executive responsible for Whistleblowing and Transparency, directed me to abuse my management prerogatives, and in violation of statute, to shut down the regular functioning of the whistleblower program. Ms. Halbrooks also abused her authority by threatening to remove me from my position if I did not violate Whistleblower statute.

The article by Ms. Taylor stated:

Vickers as Candidate to be CIA Director -

"Pentagon investigators concluded that a senior Defense Department official who's been mentioned as a possible candidate to be the next CIA director leaked restricted information to the makers of an acclaimed film about the hunt for Osama bin Laden, and referred the case to the Justice Department, according to knowledgeable U.S. officials."

Politicizing Release Date of Report -

"Even though the inquiry was launched at the request of Rep. King, R-NY, the chairman of the House Homeland Security Committee, the Defense Department Inspector General's Office hadn't informed King or any other lawmaker of its findings by midday Monday, a politically risky decision that could ignite charges that officials were trying to protect President Barack Obama during his tough re-election battle."

Panetta Not Interviewed -

"The investigators found no evidence that White House officials were involved in any leaks of classified materials to the filmmakers, according to U.S. officials familiar with the findings. They reached that conclusion, however, without interviewing any White House officials or Panetta, who was the CIA director at the time of the bin Laden raid. Panetta reassured Congress in June - before the investigators reached their findings - that no classified information had been released to the filmmakers." (Exhibit xxxx)

The issues regarding the identity of the whistleblowers and the issuance of the report were contentious and not resolved before my Notice of Proposed Removal less than one month later.

On June 4, 2013, the Project On Government Oversight (POGO) publicly posted the entirety of the report titled: "*Release of Department of Defense Information to the Media*" that Ms. Halbrooks had refused to release. In posting

the report, POGO wrote an article titled: "*Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood.*" (Exhibit xxxx)

On June 12, 2013, the analysts who prepared the unreleased report received a "Team of the Year" award at the "24th Annual IG Awards." Tony Capaccio, Bloomberg News, wrote a story on July 2, 2013, in regard to the team receiving an award titled: "*Zero Dark Thirty: 'And the Award Goes to....'*" (Exhibit xxxx)

On June 14, 2013, the DoD IG issued a revision of the report that had been publicly posted by POGO. The revised report removed most mention of Secretary Panetta, and all mention of Mr. Vickers and the actions by ADM McRaven. (Exhibit xxxx)


On July 8, 2013, Richard Lardner, AP, wrote a story titled: "*Secret move keeps bin Laden records in the shadows.*" The article analyzed the impact, in regard to the FOIA process, of moving records. The article states:

"But secretly moving the records allowed the Pentagon to tell the Associated Press that it couldn't find any documents inside the Defense Department that AP had requested more than two years ago, and would represent a new strategy for the U.S. government to shield even its most sensitive activities from public scrutiny." (Exhibit xxxx)

Further affiant saith not.

I declare tat the foregoing is true and correct to the best of my information, knowledge and belief.

Executed on 5 day of May 2014


John R. Crane