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Subject: Disclosure of Wrongdoing With the U.S. Office of Special Counsel
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OSC Disclosure
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**SUBJECT: DISCLOSURE OF WRONGDOING WITHIN THE U.S. OFFICE OF
SPECIAL COUNSEL**

Mr. Kerner,

I waited over **403** days for the U.S. Office Special Counsel (OSC), Disclosure Unit (DU), under the supervision of Director, **Catherine A. McMullen**/Deputy Director, **Karen Gorman** to make an OSC 45-day “substantial likelihood” finding, as required by law [5 USC 1213(b)].

The inability/reluctance of the OSC’s Disclosure Unit (DU) to make a finding, within the legally mandated 45-day window, must be **fully investigated** and federal employee misconduct immediately addressed.

In my Disclosure (**DI-15-2333**), submitted to the OSC on **09 February 2015**, I delivered over **211** pages of evidence, specifically detailing Senior Leader Misconduct involving Department of Defense (DoD) Acting Inspector General **Lynne Halbrooks** and her General Counsel, **Henry C. Shelley Jr.**

Additionally, my Disclosure (**DI-15-2333**) included Senator **Charles E. Grassley’s** Oversight Review into Acting Inspector General (IG) and Principle Deputy Inspector General (PDIG) **Lynne Halbrooks’** gross mismanagement/abuse of authority on the DoD IG’s production of the *Release of the Department of Defense (DoD) Information to the Media: Zero Dark Thirty (ZDT) Report*.¹

Under the Whistleblower Protection Act (WPA), as amended, I also provided substantive first-hand information to Senate investigators who conducted Senator Grassley’s Oversight Review.

Senator Grassley’s Oversight Review substantiated the fact that **Lynne Halbrooks**, in her capacity as the acting DoD IG, did in fact, exercise Gross Mismanagement/Abuse of

¹<https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Zero%20Dark%20Thirty,%2012-02-14,%20final%20report,%20Redacted.pdf>.

Authority while actively protecting her direct supervisor, former Central Intelligence Agency (CIA) Director and Secretary of Defense, **Leon Panetta**, from a full and fair DoD IG investigation.

Despite the fact that the OSC Disclosure Unit (**DU**) has not published a standard for making a 45-day “substantial likelihood” determination, there can be no reasonable excuse for not making a timely 45-day “substantial likelihood” determination when considering the gravitas of the evidence submitted by a Whistleblower to the OSC with a firm conviction that serious wrong doing had occurred.

This is clearly a case of **intentional misconduct** aimed at actively preventing formal agency head notification and development of an actionable investigative record: a clear and unmistakable violation of federal law.

The importance of my Whistleblower Disclosure, delivered via a safe channel, more than adequately demonstrated what I firmly believe evidenced violation of law, rule, and regulation; gross mismanagement; abuse of authority, and **substantial and specific danger** to public health and safety.

The first-hand information I provided to the OSC’S Disclosure Unit (DU) clearly reflected a **clear and convincing pattern** of Wrongdoing that demanded timely investigation.

The results of Senator Grassley’s Oversight Review, based upon my reliable, first-hand information, offers further credibility on my Whistleblower Disclosure that more than adequately reflects the obvious need for timely agency head notification and development of an investigative record [5 USC 1213(b)/(c)/(d)].

In the words of Senator Grassley discussing his Oversight Review findings:

“I undertook this inquiry because I received reports from whistleblowers (*John R. Crane*) who were concerned that PDIG Halbrooks deliberately suppressed the report for two reasons: (1) to protect senior officials from **disciplinary** action or **prosecution** and (2) in the process, to further her **candidacy** for nomination to be the next DOD IG.”

“Senior officials, including former Central Intelligence Agency (CIA) Director and DOD Secretary **Leon Panetta** and Under Secretary for Intelligence (USDI) **Michael Vickers**, were

accused of allegedly making unauthorized disclosures of highly classified information on the Osama bin Laden raid.”

“These alleged disclosures could have placed DoD Special Operations **personnel** and their families in **harm’s way**.”

“The convergence of these potential conflicts-of-interest **needed scrutiny**. My main concern was that she may have handled the conflicts in ways that could compromise the **integrity** and **independence** of the Inspector General’s Office (OIG).”

In point of fact: Senator Grassley’s Oversight Review revealed that **Lynne Halbrooks** exercised Gross Mismanagement/Abuse of Authority while protecting her direct supervisor, former Central Intelligence Agency (CIA) Director and Secretary of Defense, **Leon Panetta**, from full and fair investigation.

In a pattern of well practiced criminal conduct, the leadership team of the OSC consisting of: U.S. Special Counsel, **Carolyn N. Lerner**; Principle Deputy Special Counsel, **Mark Cohen**; Deputy Special Counsel, Policy & Congressional Affairs, **Adam Miles**; and the leadership of the Government Accountability Project (**GAP**), Executive Director **Louis Clark**, and GAP Legal Director, **Tom Devine** actively conspired to ensure that agency head notification was avoided in order to stop the creation of an agency investigative record in direct violation of 5 USC 1213(b).

This is nothing short of a direct assault upon the Whistleblower Protection Act (WPA), as amended, an insult to the Federal Merit System, and a direct violation of my due-process rights.

I am firmly convinced that I am not the only Whistleblower subjected to this outright criminal conspiracy.

There is no question that the OSC/GAP Leadership Team conspired with the DoD Inspector General, **Glenn A. Fine** and the DOJ Inspector General, **Michael E. Horowitz** to ensure that my Whistleblower Disclosure would not be properly processed in accordance with 5 USC 1213; in order to, avoid agency head notification and development of a legitimate investigative record.

To make matters worse, the DoD Inspector General, **Glenn A. Fine** and DOJ Inspector General, **Michael E. Horowitz**, conspired to use the Council of Inspectors General on

Integrity and Efficiency (CIGIE) to ensure that “Acting” Inspector General **Lynne Halbrooks** and her General Counsel, **Henry C. Shelley Jr.** were inappropriately shielded from accountability demanded of all federal employees under the federal merit system.

There is clear and convincing evidence to substantiate the fact that the collusion of **Glenn A. Fine/Michael E. Horowitz**, two senior level federal Inspectors General (IG) violated numerous laws, rules, and regulations, specifically related to the Inspectors General (IG) Act of 1978, as amended, and took action that clearly demonstrate an unforgivable compromise of the **integrity** and **independence** standard demanded of a presidentially nominated and Senate confirmed Federal Inspector General.

OFFICAL DISCLOSURE: I demand that an immediate criminal referral be made to the agency head, Department of Justice (DoJ), **Jefferson B. Sesssions III**, and that in your capacity as the U.S. Special Counsel, you immediately petition the MSPB for a Stay of Personnel Action pursuant to 5 USC 1214.

Very Respectfully,

John R. Crane

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