

From: Brady, Quinton (Finance) Quinton_Brady@finance.senate.gov
Subject: RE: Immediate Direct Chief Executive and Attorney General (AG) Notification of Office of Special Counsel (OSC) Actions to Obstruct Federal Investigative Process
Date: 22 July 2020 at 17:08
To: John Crane johnrcrane@me.com

QB

Mr. Crane,

Are you free to speak next Monday morning? 11am?

Thanks.

From: John Crane <johnrcrane@me.com>
Sent: Wednesday, July 22, 2020 4:45 PM
To: Cummings, Aaron (Grassley) <Aaron_Cummings@grassley.senate.gov>
Cc: Davis, Kolan (Finance) <Kolan_Davis@finance.senate.gov>; Ragsdale, DeLisa (Finance) <DeLisa_Ragsdale@finance.senate.gov>; Brady, Quinton (Finance) <Quinton_Brady@finance.senate.gov>; Darrell Whitman <doc.wber0945@yahoo.com>; Adam Lovinger <oslinger1@gmail.com>
Subject: Immediate Direct Chief Executive and Attorney General (AG) Notification of Office of Special Counsel (OSC) Actions to Obstruct Federal Investigative Process

Chairman Grassley,

I request that you make **immediate Chief Executive and Attorney (AG) notification** that Special Counsel **Henry J. Kerner**, the Responsible Management Official (RMO) for the Office of Special Counsel (OSC), based on three separate clear and convincing **OSC-12** Whistleblower Disclosures of Wrongdoing [**DI-18-4904**, Dr. Darrell L. Whitman; **DI-18-5015**, Adam S. Lovinger; and **DI-18-4945**, John R. Crane] has engaged in actions to obstruct the federal investigative process into allegations and disclosures of wrongdoing against **selected preferred** Responsible Management Officials operating under the color of office (18 U.S.C. § 1505.)

The three **OSC-12** Whistleblower Disclosures of Wrongdoing are criminal in nature in regard to: 1.) actions by members of the Council of Inspectors General on Integrity and Efficiency (CIGIE); 2.) actions by members of the CIGIE Integrity Committee (IC); 3.) actions by members of the Allegations Review Group (ARG); and 4.) actions by Special Counsel **Henry J. Kerner**.

As such, the **OSC-12** Whistleblower Disclosures of Wrongdoing cannot be examined by the subjects of the allegations, requiring **immediate Chief Executive and Attorney General (AG) notification**.

I look forward to your response and your actions to make **immediate Chief Executive and Attorney General (AG) notification**.

V/r

John R. Crane

Begin forwarded message:

From: John Crane <johnrcrane@me.com>

**Subject: Immediate Direct Chief Executive and Attorney General (AG)
Notification of Office of Special Counsel (OSC) Actions to Obstruct
Federal Investigative Process**

Date: 21 July 2020 at 14:04:28 GMT-4

To: hkerner@osc.gov, eepstein@osc.gov, awagner@osc.gov, llopez@osc.gov,
sullmann@osc.gov

**SUBJECT: IMMEDIATE DIRECT CHIEF EXECUTIVE AND
ATTORNEY GENERAL (AG) NOTIFICATION OF OFFICE OF
SPECIAL COUNSEL (OSC) SENIOR OFFICIALS ACTIONS TO
OBSTRUCT THE FEDERAL INVESTIGATIVE PROCESS
(ADMINISTRATIVE/CRIMINAL) TO DEGRADE THE EVIDENTIARY
BASE (WITNESS STATEMENTS/DOCUMENTATION) REQUIRED TO
PROPERLY SUBSTANTIATE OR NON-SUBSTANTIATE INDIVIDUAL
ALLEGATIONS AND DISCLOSURES OF WRONGDOING AGAINST
RESPONSIBLE MANAGEMENT OFFICIALS OPERATING UNDER
COLOR OF OFFICE (18 U.S.C. § 1505)**

Mr. Kerner,

1. Your position as Special Counsel, and your role as the Responsible Management Official (RMO) for the Office of Special Counsel (OSC) has given you a unique statutory responsibility to act as the sole federal legal representative to protect over two million federal employees against Prohibited Personnel Practices (PPPs) to include whistleblowing, and to safeguard the Merit System on behalf of the American people.

2. It is your singular responsibility, as a Presidentially Appointed and Senate Confirmed (PAS) authority, to act as the guardian for the American people to ensure that the actions of Responsible Management Officials (RMOs) within the federal government align with statute, and the Code of Ethics for Government Service. [Public Law 96-303]

3. In that regard, I have directly contacted you for two years, and provided through statutorily created safe channels, Whistleblower Disclosures of Wronging regarding criminal misconduct within the Office of Special Counsel (OSC), and have implored you as the Special Counsel, and Responsible Management Official (RMO), to take actions that are within the scope of your duties as Special Counsel to include direct notification of the **Chief Executive** and **Attorney General** to ensure an independent and objective investigation of both your actions

ensure an independent and objective investigation of both your actions and the actions of other Responsible Management Officials (RMOs) within the Office of Special Counsel (OSC).

4. To date, in violation of statute [5 U.S.C. Part II, Chapter 12, Subchapter II: Office of Special Counsel] governing the Office of Special Counsel (OSC), you have not responded in a single instance to Whistleblower Disclosures of Wrongdoing I have provided directly to you, as Special Counsel, in accordance with statutorily created safe channels, that have provided clear and compelling evidence of criminal activity within the Office of Special Counsel (OSC) of which you are the Responsible Management Official (RMO).

5. I would note that the U.S. Government Accountability Office in GAO-18-400, June 2018, entitled: *Office of Special Counsel Actions Needed to Improve Processing of Prohibited Personnel Practice and Whistleblower Disclosure Cases*, found that the Office of Special Counsel (OSC) was unable “to locate” 80% of the **OSC-11** Whistleblower Complaints and **OSC-12** Whistleblower Disclosures of Wrongdoing that had been alleged against senior Office of Special Counsel (OSC) Responsible Management Officials by Special Counsel personnel. [p. 46]

6. Today, I am again asking you to make immediate direct **Chief Executive** and **Attorney General** notification of collaborative inter-agency efforts by statutory Inspectors General and Office of Special Counsel (OSC) Responsible Management Officials (RMOs) to obstruct the federal investigative process (administrative/criminal) to degrade the evidentiary base (witness statements/documentation) required to properly substantiate or non-substantiate individual allegations and disclosures of wrongdoing against Responsible Management Officials (RMOs) operating under color of office (18 U.S.C. Sec. 1505).

7. On **27 May 2020** 15:12, I provided directly to you, as Special Counsel, Whistleblower Disclosures of Wrongdoing, in accordance with statutorily created safe channels, via email [**See: Enclosure 1.**] and Certified Mail, **2 July 2020**, by the U.S. Postal Service [**See: Enclosure 2.**] my letter dated **20 May 2020** [**See: Enclosure 3.**] I requested that you, as Special Counsel, “make immediate direct notification to **William P. Barr**, Attorney General of the United States, of obstruction of the federal investigative process by Responsible Management Officials (RMOs) within the Office of Special Counsel (OSC) operating under color of office in violation of 18 U.S.C. Sec. 1505.”

8. My letter directly to you, as Special Counsel, also transmitted my 15 May 2020 letter to **Michael J. Rigas**: Acting Deputy Director of Management (DDM), OMB; Acting Director, U.S. Office of Personnel Management (OPM); and Executive Chairperson of the Council of Inspectors General for Integrity and Efficiency (CIGIE), outlining the

Inspectors General for Integrity and Efficiency (CIGIE), obtaining the collaborative inter-agency effort, to include your actions, to obstruct the federal investigative process in violation of 18 U.S.C. Sec. 1505. [See: Enclosure 4.]

9. As you know, I first provided directly to you, as Special Counsel, Whistleblower Disclosures of Wrongdoing, in accordance with statutorily created safe channels via email on **9 July 2018 20:59**, [See: Enclosure 5.] my letter of **July 9, 2018**, [See: Enclosure 6.] that the Office of Special Counsel (OSC) needed to be “fully investigated and federal employee misconduct immediately addressed” based on a “clear and convincing pattern” 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.” [p. 2.]

10. I stated that the actions of Responsible Management Officials (RMOs) within the Office of Special Counsel (OSC) were “nothing short of a direct assault upon the Whistleblower Protection Act (WPA), as amended, an insult to the Federal Merit System, and direct violation of my due-process rights.” [p. 3.]

11. I directly pointed out to you, as Special Counsel, that 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 M. Halbrooks** was shielded from accountability in her efforts to protect Secretary of Defense **Leon E. Panetta** from a full and fair investigation of criminal disclosure of Top Secret information to the media while she was simultaneously being considered by **Leon E. Panetta** to be nominated to be statutory Inspector General. [pp. 4, 5.]

12 After failing to receive an acknowledgement of my email and letter of **9 July 2018**, that I sent directly to you, as Special Counsel, I then filed via a statutorily created safe channel, an **OSC-12** Whistleblower Disclosure of Wrongdoing with the same information on **20 July 2018** at 4:13 PM. [See: Enclosure 7.] The OSC E-Filing System responded on **24 July 2018 13:13** and created file number **DI-18-4945** in response to my **OSC-12** Disclosure of Wrongdoing on **20 July 2018**. [See: Enclosure 8.]

13. On **17 August 2018 00:06**, I provided directly to you, as Special Counsel, Whistleblower Disclosures of Wrongdoing, in accordance with statutorily created safe channels, via email, [See: Enclosure 9.] my letter of **16 August 2018**, [See: Enclosure 10.] in which I again provide clear and convincing evidence of obstruction of the federal investigative process (administrative/criminal) to degrade the evidentiary base (witness statements/documentation) required to substantiate or non-substantiate allegations and disclosures of wrongdoing against

substantiate allegations and disclosures of wrongdoing against responsible management officials operating under color of office and cite the loss of independence and objectivity displayed by **Carolyn N. Lerner, Michael E. Horowitz, Scott S. Dahl, and Glenn A. Fine.** [pp. 1, 2, 4.]

14. In the **16 August 2018** letter I request:

- (1)** the U.S. Special Counsel comply with the statute governing the U.S. Special Counsel “substantial likelihood” finding determination [5 U.S.C. Sec. 1213(b)] on my **OSC-12 Whistleblower Disclosure of Wrongdoing (DI-15-2333)** and make Agency Head Notification (Secretary of Defense, **James N. Mattis**/U.S. Attorney General, **Jefferson B. Sessions**);
- (2)** the U.S. Attorney General, **Jefferson B. Sessions**, be requested to initiate an independent investigation into criminal misconduct by DoD IG **Lynne M. Halbrooks** and DoD IG General Counsel (GC) **Henry C. Shelley, Jr.**, and
- (3)** an immediate independent investigation be undertaken by the U.S. Special Counsel into allegations of multiple violations of the Whistleblower Protection Act (WPA), as amended, by the following members of the Federal Inspector General community: **Michael E. Horowitz; Glenn A. Fine;** and **Scott S. Dahl**, ref: 5 U.S.C. Sec. 7515(b)(1)(B). [pp. 5, 6.]

15. On **10 December 2018 08:52**, I provided directly to you, as Special Counsel, Whistleblower Disclosures of Wrongdoing, in accordance with statutorily created safe channels, via email, [**See: Enclosure 11.**] and Certified Mail, **11 December 2019**, by the U.S. Postal Service [**See: Enclosure 12.**] my letter of **07 December 2018**, [**See: Enclosure 13.**] The subject of the **10 December 2018** email is: “Demand for Positive or Negative 45-Day ‘Substantial Likelihood’ determination (**DI-18-4045**) in Compliance With Statute.”

16. The subject of **07 December 2018** letter is: “OSC-12 Whistleblower Disclosure of Criminal Wrongdoing by the Leadership of the U.S. Office of Special Counsel (**DI-18-4945**).” In the letter I demanded that “you perform the duties of your office [and] comply with law, rule and regulation, and that you make a positive or negative 45-day ‘substantial likelihood’ determination on OSC-12 Whistleblower Disclosure (**DI-18-4945**).”

17. On **11 June 2019 10:55**, I provided directly to you, as Special Counsel, Whistleblower Disclosures of Wrongdoing, in accordance with statutorily created safe channels via email, [**See: Enclosure 14.**] and Certified Mail **11 June 2019** by the U.S. Postal Service [**See:**

Enclosure 15.] my letter of **11 June 2019**. [See: **Enclosure 16.**] The subject of the **11 June 2019** email is: "OSC Loss of Independence/Objectivity and Violation of 18 U.S.C. 1512(b) – Also See: **DI-18-4945; DI-18-4904; DI-18-1506.**"

18. Federal Whistleblowers who have filed **OSC-12** Whistleblower Disclosures of Wrongdoing Against you, as Special Counsel, and Responsible Management Officials (RMOs) within the Office of Special Counsel (OSC) under your direct supervision include: **DI-18-4904 [Dr. Darrell L. Whitman]; DI-18-4945 [John R. Crane]; DI-18-5016 [Adam S. Lovinger].**"

19. The subject of the **11 June 2019** letter is: "Documented Loss of Statutory Independence and Objectivity within the Office of the U.S. Special Counsel/Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee (IC) Chaired by **Scott S. Dahl** Specifically Related to Investigatory Obstruction [18 U.S.C. Sec. 1512(b) of U.S. Special Counsel Disclosure of Wrongdoing (**DI-15-2333**)" [**John R. Crane**].

20. In the letter I demand that you as Special Counsel:

- (1) immediately notify the **Chief Executive** of the OSC inability/reluctance to comply with the OSC statute to demand investigation;
- (2) notify the affected agency head [SECDEF - Dr. Mark T. Esper] of the credible report of senior leader wrongdoing within an independent and objective unit in the DoD;
- (3) notify the respective Congressional oversight committee leaders of the inability/reluctance of the U.S. Special Counsel to safeguard the merit system and protect federal employees in cases concerning allegations of wrongdoing against fellow members of the CIGIE;
- (4) demand that the CIGIE Integrity Committee (IC), under the direction of **Scott S. Dahl**, comply with federal statute and conduct a legitimate investigation into fellow members of the CIGIE;
- (5) notify the Executive Chair of the CIGIE, **Margaret Weichert**, of the threat to safeguarding the merit system and the failure of the U.S. Special Counsel to protect federal employees; and
- (6) that the U.S. Special Counsel/Deputy U.S. Special Counsel be immediately removed from the "authority" of the CIGIE,

Chair, **Michael E. Horowitz**, and Integrity Committee,
Chair, **Scott S. Dahl**. [p. 4.]

21. I look forward to your response and your actions to make immediate **Chief Executive** and **Attorney General** notification of criminal wrongdoing by both yourself, as Special Counsel, and the Responsible Management Officials (RMOs) under your direct authority.

V/r,

John R. Crane

Enclosures:

- (1) J.R. Crane Email to H.J. Kerner - dtd 27 May 2020
- (2) J.R. Crane Certified Mail Receipt ltr to H.J. Kerner dtd 2 July 2020
- (3) J.R. Crane ltr to H.J. Kerner dtd 20 May 2020
- (4) J.R. Crane ltr to M.J. Regas OMB/OPM/CIGIE dtd 15 May 2020
- (5) J.R. Crane Email to H.J. Kerner dtd 09 July 2018
- (6) J.R. Crane ltr H.J. Kerner dtd 09 July 2018
- (7) J.R. Crane OSC-12 Whistleblower Disclosure dtd 20 July 2018
- (8) J.R. Crane Receipt OSC E-Filing System Case No. DI-18-4945 dtd 24 July 2018
- (9) J.R. Crane Email to H.J. Kerner dtd 17 August 2018
- (10) J.R. Crane ltr to H.J. Kerner dtd 16 August 2018
- (11) J.R. Crane Email to H.J. Kerner dtd 10 December 2018
- (12) J.R. Crane Certified Mail Receipt ltr to H.J. Kerner dtd 11 December 2018
- (13) J.R. Crane ltr to H.J. Kerner dtd 07 December 2018
- (14) J.R. Crane Email H.J. Kerner dtd 11 June 2019
- (15) J.R. Crane Certified Mail Receipt ltr to H.J. Kerner dtd 11 June 2019
- (16) J.R. Crane ltr H.J. Kerner dtd 11 June 2019

