



## DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340

December 16, 2005



By Facsimile and First Class Mail

Mr. Donald M. Horstman  
Office of the Inspector General  
Department of Defense  
400 Army Navy Drive  
Arlington, VA 22202-4704

Dear Mr. Horstman:

This responds to your memorandum to me of December 7 requesting documents and asking that attorneys from my office not meet with prospective witnesses or attend interviews involving the DoD IG's ongoing investigation concerning Able Danger and Mr. Anthony Shaffer.

As I explained to you by phone, the intended purpose of such preparatory sessions was to ensure that DIA personnel identified by your office as witnesses would be able to respond fully and accurately, based on their own personal knowledge, to IG investigators' questions, in order to facilitate your investigation. My office represents the United States, not the individual witnesses, and has no interest in this matter other than facilitating your office's ability to find the truth concerning the subjects of your investigation. Your memorandum's reference to coaching of witnesses is therefore misplaced. The central guidance DIA lawyers gave to prospective witnesses was to be forthcoming in response to questions and to tell the truth. Nevertheless, upon receipt of your memorandum and following our telephone conversation of December 7, I instructed my legal staff to cease meeting with any prospective witnesses and told them not to attend any further DoD IG interviews of such witnesses.

Your memorandum also inquired about "feedback sessions" with witnesses after their interviews with IG investigators. I have confirmed with my staff that no feedback discussions took place, and I did not have any such session with [REDACTED] after his interview. Indeed, we were all mindful of the investigators' instructions to the witnesses that they not discuss the substance of their testimony with anyone.

Enclosed in response to your request for records are copies of the following:

1. Four pages comprising my handwritten notes prepared during the IG interview with [REDACTED] on November 29. I have not provided these notes to anyone else; they were prepared for my own reference and to note follow-up questions the investigative team asked me to answer, which has been done).

(b) (3)  
(b) (6)

2. Emails of November 29 and 30 between [REDACTED] and me to obtain the answer to the DoD IG team's follow-up question whether the DIA IG investigation discussed during [REDACTED] interview had been subjected to a legal review.
3. Emails of December 1 and 2 between [REDACTED] and me concerning his upcoming IG interview and the fact that, at the DoD IG's request, I would not be attending his interview. (I subsequently informed [REDACTED] by phone that I would not be meeting with him in advance of the interview.)

Please call me at [REDACTED] if you have any questions.

Sincerely,

[REDACTED]  
General Counsel

Enclosures