

GAPS IN THE IRAN PLOT DOCKET TO GO ALONG WITH THE GAPS IN THE STORY

[youtube]WfsWI02CPc[/youtube]

Retired Lieutenant Colonel Anthony Shaffer has some questions about the Iran plot, based partly on what his friend at DOJ said about the lack of record on the purported assassination plot at DOJ.

I did talk to one of my inside guys today and he's saying that he thinks the same thing—you know why? Because he can't find any real information and he's got a clearance. So that tells him that there's something going on that's extraordinary by the fact that he's an inside investigator, knows what's going on, and yet—I'm gonna quote here, "There's nothing on this within the DOJ beyond what they've talked about publicly," which means to him there's something very wrong with it.

The docket in Manssor Arbabsiar's case at least partly confirms what Shaffer's buddy said, because there are things that would normally be there but aren't.

Date Filed	#	Doc#	Title
06/20/2011			Arrest of Manssor Arbabsiar. (jgg/Strawick: 10/1/2011)
03/19/2011	1	181-0101	MEMORANDUM FOR THE COURT as to Manssor Arbabsiar's, Ghobad Mirzani's (sic) violation of 18 U.S.C. (17), 108, 2, 1155a, 1159. (jgg/Strawick Judge Michael H. Dolinger) (jgg/Strawick: 10/1/2011)
03/19/2011	4	181-0101	ORDER as to Manssor Arbabsiar/Ghobad Mirzani. After the United States District Court is satisfied. (Signed by Magistrate Judge Michael H. Dolinger on 10/1/2011) (jgg/Strawick: 10/1/2011)
03/19/2011	5	181-0101	181-0101 Proposed Affidavit by Manssor Arbabsiar. (jgg/Strawick Judge Michael H. Dolinger) (jgg/Strawick: 10/1/2011)
03/19/2011	6	181-0101	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Manssor Arbabsiar, Ghobad Mirzani. (Signed by Magistrate Judge Michael H. Dolinger on 10/1/2011) (jgg/Strawick: 10/1/2011)
03/19/2011			Arrest of Manssor Arbabsiar to SDNY. (jgg/Strawick: 10/1/2011)
03/19/2011	8	181-0101	Minute Entry for proceedings held before Magistrate Judge Michael H. Dolinger before appearance of Manssor Arbabsiar/Ghobad Mirzani. Each appears with Assistant Federal Defender Amy Melissa Bland. All have been kept and returned to the court's attention on a return to the court. Federal detention. (Prothonotary Meeting on the 10/1/2011 at 10:00 AM before Judge Strawick) (jgg/Strawick: 10/1/2011)
03/19/2011			ORDER FOR MENTION ATTENTION FROM as to Manssor Arbabsiar. (jgg/Strawick Judge Michael H. Dolinger on 10/1/2011) (jgg/Strawick: 10/1/2011)
03/19/2011	9	181-0101	ORDER as to Manssor Arbabsiar On 10/1/11, the Court received from the U.S. Post a letter request by a journalist for public access to the CD of Proposed Affidavit submitted by 181-0101 Arbabsiar to the above-captioned action. The procedure for granting an adjustment to public access to such information requires a finding on the merits, an agreement that has been made by consent, notwithstanding the court does not act on the court's request. (jgg/Strawick Judge Michael H. Dolinger on 10/1/2011) (jgg/Strawick: 10/1/2011)

There are a couple of weird aspects to the docket (click to enlarge).

First (and this is what got me looking at the docket in the first place), the complaint is an amended complaint. That says there's a previous complaint. But that complaint is not in the

docket. Not only is it not in the docket, but the docket starts with the arrest on September 29 (notice the docket lists his arrest twice, on both September 29 and October 11), but the numbering starts with the amended complaint (normally, even if there were a sealed original complaint, it would be incorporated within the numbering, such that the docket might start with the amended complaint but start with number 8 or something).

Two things might explain this. First, that there was an earlier unrelated complaint—say on drug charges, but the charges are tied closely enough to this op such that this counts as an amended complaint. Alternately, that Arbabsiar was charged with a bunch of things when he was arrested on September 29, but then, after at least 12 days of cooperation (during which he waived Miranda rights each day), he was charged with something else and the new complaint incorporated Ali Gholam Shakuri's involvement, based entirely on Arbabsiar's confession and Shakuri's coded conversations with Arbabsiar while the latter was in US custody.

Both of those scenarios suggest that what we see—the WMD and terror charges—might be totally different charges than what the original complaint included (or just focused less closely on Arbabsiar). In any case, the presence of an original complaint, even putting the docket weirdness aside, makes it pretty likely that Arbabsiar decided to cooperate because of what was in that complaint.

Now look at his status. "Detention on consent without prejudice." Arbabsiar wants to be in jail. Given that his cooperation and implication of the Qods Force has turned into an international incident, I don't blame the guy.

All of which does sort of make you wonder what medical attention the court ordered for Arbabsiar.

Now we may find there are perfectly reasonable explanations for why an already funky complaint

that goes to great lengths to pretend the spooks weren't involved in the case when they played an explicitly critical role has some oddities in its docket. But I would suggest—and I hope to at more length tomorrow—that DOJ's records system might be the wrong place to look for background information on Manssor Arbabsiar.

And at the very least, the gaps in the docket mean that DOJ is currently unwilling to tell us when and on what charges Arbabsiar was first charged, and on what basis he cooperated with the authorities.

Update: This post was tweaked for clarity.

Update: As I was responding to EH, I realized something. As I said to him, the least damning explanation for the two complaints is that the original complaint had the same charges—WMD, terrorism, etc.—but charging just Arbabsiar.

But that's not right! Three of the four charges are conspiracy charges (the exception was Foreign Travel and Use of Interstate and Foreign Commerce Facilities in the Commission of Murder-for-Hire). Unless the government were preparing a really crazy prosecution theory, you don't charge just one person with conspiracy. Which raises real questions about what the charges in the original complaint were, particularly given the only evidence they had were money transfers not tied directly to Qods Force. And some tapes (as well as some key conversations that were not taped). The missing tapes would be particularly problematic given that Arbabsiar claims he was not sent to do murder for hire, he was sent to do kidnapping, and those missing tapes might explain how the plot evolved).

Update: I think I finally got the August/September fix right. Thanks, MD.