

FBI'S SHRINK-FOR-HIRE UNDERMINES THEIR CASE WHILE TRYING TO REBUT MANIC DEFENSE

When last we heard from Dr. Gregory Saathoff, he suggested doing and managed production of a thoroughly hackish report trying to argue that the anthrax case against Bruce Ivins was solid. (See also this post, and Jeff Kaye's post laying out what other hacks Saathoff recruited for it.) That report took all the FBI's theories about Ivin's alleged acts as a factual baseline—even the ones undermined by the National Academy of Science's scientific review—but then claimed it was not predisposed to support the FBI case.

All that suggests a certain desperation on the part of the FBI, which called on Saathoff to rebut Manssor Arbabsiar's defense argument that he was manic during the period when he was confessing to the Scary Iran Plot. Yet, in his attempt to do so, Saathoff reveals several new problems with the case against Arbabsiar.

Two things to lay out before I review how Saathoff's report makes the government case worse. First, here are some of the symptoms that both Saathoff and defense expert Psychiatrist Michael First used in diagnosing whether or not Arbabsiar was bipolar:

1. Inflated self-esteem or grandiosity
2. Decreased need for sleep
3. More talkative than usual or pressure to keep talking
4. Flight of ideas or subjective experience that thoughts are racing
5. Distractibility
6. Increase in goal-directed

activity

7. Excessive involvement in pleasurable activities that have a high potential for painful consequences

Now, in just one way, Saathoff's report does make the government's case stronger: an FBI Agent named Mustafa Shalabi (Shalabi was replaced as Arbabsiar's night guard by Damon Flores the following night for the remainder of his pre-presentment custody; Flores says he would cut off Arbabsiar when he talked about his crime) had a conversation with Arbabsiar in the middle of his third night in US custody. Among the other things Shalabi said Arbabsiar told him was,

He said that his cousin was a "big general", [who] was "senior" with decision-making powers. [He was] Approached by cousin to then give money to kill the Saudi Ambassador. As he was telling me this, he reflected back on the whole situation. As he told me the story, [as] he said that, he looked upset and [said that he] had been used by his cousin.

This is as clear as any statement in the complaints in this case that Arbabsiar's cousin, Abdul Reza Shahlai, did ask him to hire someone to kill Saudi Ambassador Adel al-Jubeir (though Arbabsiar's comment that he had been used may suggest far more). As with all the evidence in the complaint, it in no way supports that that's what the money transferred was about (elsewhere the report repeatedly cites Arbabsiar emphasizing no one got killed), but it does provide one more witness implicating Shahlai in a conspiracy to assassinate al-Jubeir. But note, even there,

Shalabi described this brief ten-minute period when Mr. Arbabsiar had chain-smoked several cigarettes and washed his

shirt in the bathroom sink using the term “erratic” as defined by “deviating from what is ordinary or standard.”

Shalabi insisted Arbabsiar wasn't crazy multiple times, but provided clear evidence that Arbabsiar was exhibiting sleeplessness, poor judgment, and grandiosity at the time he offered up a confession, just days after his capture.

The treatment of Shalabi's interview comes among abundant evidence that Arbabsiar was describing his shitty used car dealership as one of the best dealership in Corpus Christi and being “narcissistic” or a “braggart” (according to jail personnel) about other issues, dealing with insomnia until drugged to treat it, and fighting depression. Saathoff also dismisses Arbabsiar's practice of bringing lovers to his home as simple long-term “hypersexuality,” not that of a manic. That is, there's plenty here that to my totally untrained eye sounds like could be symptoms of bipolar, and each Saathoff dismisses (I expect Jeff Kaye will bring a more professional analysis to this shortly). My favorite is the way Saathoff dismisses Arbabsiar gifting airline staffers with duty free fragrance and getting himself a tour of the cockpit.

Around 2004, while on a Lufthansa flight from Europe to Iran, Mr. Arbabsiar spoke with the flight attendant and suggested that he would like to buy her some cologne from the duty-free catalogue. “She was beautiful, and I told her I would do something for her.” When she declined, Mr. Arbabsiar stated that he would also like to do something for the pilot and express his gratitude for their dedication in maintaining a safe flight during the increased flight security following September 11, 2001. He purchased duty-free cologne costing approximately \$30 each for only the flight attendant and the pilot, who then both expressed their appreciation for

what the pilot termed “the nice gesture.” In fact the pilot, with 25 years of flight experience, personally escorted Mr. Arbabsiar from his economy seating to the cockpit, where he was allowed to sit in the co-pilot’s seat for approximately five minutes as the pilot described and showed Mr. Arbabsiar the controls for operating the plane.

Note, Saathoff doesn’t say he interviewed the pilot (and he doesn’t cite how he learned the pilot had 25 years of experience). But he would have you believe that a man gifting his way into a cockpit after 9/11 is perfectly normal because once he got there he didn’t do anything crazy.

Because coach class passengers manage to gift their way into cockpits during flights all the time.

I’m more interested, though, in two specific details that show Arbabsiar treated his interrogation as grandiose.

First, Saathoff doesn’t find it at all grandiose that Arbabsiar believed his personal interrogator was President Obama’s right-hand man.

Because the crime he is charged with involves the planned assassination of a Saudi official, he felt that it would have the attention of top U.S. leadership, including President Obama. In my interview with FBI Special Agent (SA) # 1, he affirmed that one of the agents told Mr. Arbabsiar that FBI SA # 1 knew the president. This impressed Mr. Arbabsiar, who would then ask the agent about the president’s involvement following the case. Another FBI agent who questioned him, FBI SA # 2, stated to me that, “we portrayed [the other agent] as the president’s right hand man. That impressed him. He wants to be important.”

“He wants to be important” sure sounds like grandiose.

And then Saathoff dismisses Arbabsiar’s references to starting World War III as a joke.

Mr. Arbabsiar made references to World War III (WWIII) that were sarcastic in nature, according to FBI SA# 1. Exasperated with his Iranian handlers and their directives to him to avoid sending emails, Mr. Arbabsiar would say, “If I start WWIII, I start WWIII.” In fact, Mr. Arbabsiar indicated to the agents that he believed that the Iranian handlers were overcautious and was confident that even if sending incriminating emails from his address was wrong: “One mistake will not start WWIII.”

One curious detail about this passage: Saathoff doesn’t describe whether this was a reference to sent email before he was arrested or after. But there’s no reference to email in the complaint, suggesting the FBI may have been trying to get Arbabsiar to exchange email with Gholam Shakuri while he was in custody. If so, that would suggest Arbabsiar “joked” about starting WWIII for the actions he was doing while in custody, not before.

In any case, this exhibits the same lack of caution Arbabsiar used when first talking about avoiding transferring large sums, but then transferring two almost \$50,000 sums.

And note that elsewhere, Saathoff insists on contextualizing Arbabsiar’s comments in the interrogation techniques the FBI Agents were using. Yet, having laid out Arbabsiar’s seeming flouting of his handler’s caution about email (and also money laundering, which Saathoff doesn’t mention), Saathoff makes this claim.

In fact, Mr. Arbabsiar’s ability to successfully and appropriately engage his Iranian contact during three phone

conversations, using prearranged code words at times, on three separate days demonstrates an absence of mania in that he demonstrated the ability to interact appropriately in a novel situation. To conduct three separate phone calls and converse in code without arousing the suspicion of his Iranian contact required a significant amount of emotional and cognitive control.

Now, I'm not sure why Saathoff claims that Arbabsiar's calls didn't arouse his Iranian contact—Shakuri's—suspicion. In spite of FBI efforts, Arbabsiar never succeeded in getting Shakuri to transfer additional money (and therefore almost the only evidence against Shakuri the FBI has is Arbabsiar's confession), which suggests either the plot(s) weren't all that important to Shakuri or he was suspicious (though he may have been already, since he advised Arbabsier not to go to Mexico in the first place). Moreover, the FBI's claims about the codes never matched the actual syntax of the calls as quoted in the complaint (the FBI conflates "the building" and "the Chevrolet"—though I still suspect that suggests there was a drug deal that may have been a priority), so it's totally unclear Arbabsiar did get the codes right. That is, Saathoff's claim reflect a very flimsy reading of the complaint, which he cites among his sources.

And note one more detail about Saathoff's review. Among the other resources he relied on, he cites this:

Walsh, J. F. (2011, October 10). FBI post arrest statements made by Manssor Arbabsiar from September 29-October 10, 2011, pp. 558-633

James F. Walsh Jr is the FBI Agent who wrote the first of two complaints in this case. Saathoff may have interviewed Walsh, but he did, it's sekret (he lists interviews with Special Agent 1

and 2, but not interviews with Walsh or Robert Woloszyn, the author of the other complaint; but it's almost certain that's just a dumb ruse to hide Walsh and Woloszyn's identities as Arbabsiar's interrogators).

But it seems that Saathoff has only referred to 75 pages out of at least 633 recording Arbabsiar's statements. If that's right, not only does Saathoff not deal with the bulk of First's evidence, Arbabsiar's speech (though it seems likely the references to Obama and WWII were among the redacted citations First included), but he never looked at at least 88% of Arbabsiar's comments.

Now all these details just assess Saathoff's interpretations about people who think they're going to start WWII. His report damns the government's claims that this was a consensual interview in some other ways, which I'll describe in a follow-up post.