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Office of Professional Responsibility

Washington, D.C. 20530

January 12, 1993

MEMORANDUM FOR: THE ATTORNEY GENERAL

FROM: Michael E. Shaheen Jr.
Counsel

SUBJECT: Results of Investigation into Allegations of Misconduct against FBI Director William S. Sessions

This memorandum sets forth our conclusions and recommendations based upon an investigation undertaken jointly with the FBI's Office of Professional Responsibility (FBI/OPR), into allegations of misconduct made against Director Sessions.[1]

[1] These allegations came to our attention through two letters. The first received was a June 25, 1992 anonymous letter which contained various allegations that the Director misused his position and abused his authority; the second, although dated June 24, 1992, was received later. That letter was from an author writing a book about the FBI and it also made various allegations of misconduct involving the Director. The letters are found at Tab B-
(continued...)

That investigation established that: (i) the Director participated in a sham arrangement designed to evade income taxes on his government-provided home-to-work transportation; (ii) the Director improperly used government funds to install a fence at his residence; (iii) the Director repeatedly transported non-official passengers in his official limousine and other FBI vehicles in violation of applicable law and despite knowing that FBI Special Agents have been suspended without pay for thirty days for each such violation; (iv) the Director abused government travel for personal purposes; (v) by refusing to authorize the release of bank records, the Director refused to cooperate in, and affirmatively blocked, our investigation into allegations that he received an improper "sweetheart deal" from a bank on his home mortgage, an allegation that depending on the circumstances could involve a violation of law, even though there is already sufficient evidence to warrant further investigation of the allegation; and (vi) the Director has systematically abused his security detail for personal purposes. In a number of these areas, we found that the Director permitted his wife to perform a role in Bureau management and affairs that was entirely inappropriate for a private citizen.

Because the Director is a presidential appointee, we recommend that this report be forwarded to the President for his consideration. Our findings raise serious issues that only the President

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1/ (...continued) 1 and B-2 respectively. Tab references are explained infra, at note 3.

can resolve regarding whether Director Sessions should continue to enjoy the President's full faith and confidence in his ability to properly conduct his office.[2]

In the interim, we recommend that the following steps be taken:

(1) The Bureau be directed to issue corrected W-2 forms for all prior years in which the Director's taxable income improperly excluded the value of his government-provided home-to-work transportation, to include the value of such transportation as income on his 1992 W-2, and to provide copies of all corrected W-2's to all appropriate taxing authorities.

(2) That the Director be ordered to reimburse the Department for the cost of the fence improperly installed at his residence in the amount of $9,890.00 plus interest.

(3) That the Director be ordered to reimburse the Department for all personal travel based upon a case-by-case review to be undertaken by FBI/OPR. Based upon our review of the travel, it appears at least three trips to San Francisco were for personal rather than official business.

(4) The Director be directed not to transport non-official passengers in his limousine or other official FBI vehicles.

(5) The Director be ordered to immediately authorize Riggs Bank to release all relevant documents concerning his mortgage.

(6) The Director be counselled concerning the proper use of his security detail.

(7) The Director be ordered to recuse himself, for the duration of his tenure, from any and all personnel actions involving anyone who was involved in this investigation in any respect whatsoever.

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[2] Once the President has made a decision, we suggest that the Senate and House Judiciary Committees be given a copy of the report, redacted as necessary, along with a briefing, if requested.

Our key findings are set forth below; additional details are contained in a multi-volume report of investigation.[3]

I. BACKGROUND

As noted above, this matter arose from two letters which made numerous allegations of misconduct against the Director. After a preliminary review of those allegations, we determined that the following merited inquiry:[4]

(A) Director Sessions keeps a revolver in a locked briefcase in the locked trunk of his official limousine for the sole purpose of evading income taxes on his home-to-work transportation.

(B) Director Sessions rejected the advice of the Bureau's security experts as well as the recommendation of his own consultant and obtained, at government expense, a fence for his residence which actually reduced the level of his security.

(C) On numerous occasions, Director Sessions has transported friends, relatives, and/or other non-government employees in his official limousine and other FBI vehicles in violation of 31 U.S.C. § 1344.

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[3] The signed, sworn statements and FD-302 reports of interview obtained during the course of the investigation are each individually tabbed and sequentially numbered. We refer to those documents as "Tab A" followed by the tab number. The documentary evidence obtained during the investigation is also individually tabbed and sequentially numbered. We refer to those documents as "Tab B" followed by the tab number.

[4] These allegations were contained in either or both letters or were developed during the investigation. The allegations in the two letters which related to Director Sessions' Special Assistant Sarah Munford were the subject of a separate report provided to the Deputy Attorney General on October 13, 1992.

(D) The Director gave a ride in an official FBI vehicle to two Soviets and subsequently directed the Legal Attache in Paris to facilitate the passage of those Soviets through France.

(E) Director Sessions arranged government-paid trips to visit with his family.

(F) The Director failed to properly account for his official frequent flyer mileage resulting in a loss to the government of substantial benefits.

(G) The Director obtained a "sweetheart deal" on the purchase of his Washington, D.C. residence.

(H) The Director's office was redecorated without obtaining the required congressional authorization for exceeding the statutorily mandated limit of $5000. The redecoration included a cabinet built by the Laboratory Division which cost several thousand dollars in materials and required several weeks to complete, to the detriment of mission-oriented projects.

(I) Director Sessions abused the Security Detail provided for his protection by requiring them to do various personal tasks all of which reduced their ability to provide an appropriate level of security.

(J) Director Sessions arranged for his wife to receive an FBI Headquarters building access badge and parking place when she did not have the required security clearances.

(K) [redacted] 7(

(L) [redacted] 7(

5/ This allegation was the subject of criminal investigations which, as to Director Sessions, was reviewed pursuant to the Independent Counsel provisions of the Ethics in Government Act, by the Public Integrity Section. Public Integrity determined that no Independent Counsel was necessary and declined prosecution. [redacted] 7(

(M) [redacted] 7(c)

II. ISSUANCE OF A WEAPON TO THE DIRECTOR TO OBTAIN TAX EXEMPT STATUS FOR HOME TO WORK TRANSPORTATION

This issue arose during the course of a July 16, 1992 interview of [redacted] 7(c) [redacted] stated he learned that SSA Jeffrey Higginbotham, then a Special Assistant to the Director, and Legal Counsel Division (LCD) Assistant Director (AD) Joseph R. Davis had met with the Director and recommended that he carry a firearm so he could be considered a "law enforcement officer" and thereby be entitled to tax-free home to work transportation.[7] According to [redacted] Director 7(c)

[5] (...continued) [redacted] 7(c)

[6] This allegation was also the subject of a preliminary investigation under the Independent Counsel provisions of the Ethics in Government Act; however, the Criminal Division determined that no Independent Counsel was warranted. That decision was not made before the Director's interview; accordingly, he was not questioned on that issue. Therefore, that allegation is not further addressed in this memorandum.

[7] Changes in the tax laws and implementing regulations resulted in the value of home-to-work transportation provided to government employees being taxed as ordinary income. An exception to this imputed income requirement was provided for "law enforce-
(continued...)

Sessions "initially carried the firearm, unloaded, in his brief-case, and he later put the firearm in the trunk [of the Bureau limousine]." [redacted] advised that he was unaware of Director Sessions ever receiving any formal firearms training.[1] 7(c)

Following Congress' enactment of legislation requiring that the value of government-provided home-to-work transportation be included as taxable income, the Internal Revenue Service (IRS) issued implementing regulations. Those regulations provided an exemption from that requirement for a law enforcement officer receiving such transportation incident to a law enforcement function.[2] The regulation defines law enforcement officer as: "an individual who is employed on a full-time basis by a governmental unit that is responsible for the prevention or investigation of crime, * * * who is authorized by law to carry firearms, * * * and

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[7](...continued)
ment officers." The Director was also told that he "might be liable for paying taxes for those commutes to and from work in which he traveled in the Government vehicle" for periods prior to his carrying a firearm (Tab A-64, p. 4). Accordingly, the Director was issued amended W-2 statements for the 1987-1990 period, the years for which the IRS regulations would be applicable prior to the date that the Director's firearm was issued (*id.* at 5).

[1] Tab A-85, p. 13.

[2] 26 C.F.R. § 1.274-5T(k)(2). That section speaks in terms of a "vehicle which by reason of its nature (i.e., design), is not likely to be used more than a de minimis amount for personal purposes." An example of such a vehicle as cited in the regulation is an "unmarked vehicle used by law enforcement officers * * * ." We question at the outset whether the Director's limousine falls within the definition of vehicle which by nature of its design is not likely to be used "more than a de minimis amount for personal purposes" especially since the Director makes substantial use of the vehicle for "personal purposes."

who regularly carries firearms (except when it is not possible to do so because of the requirements of undercover work)."[10] Within this framework, we examined the circumstances surrounding the issuance of a weapon to the Director.

In his September 25, 1992 signed, sworn statement, SSA Higginbotham reported that he attended a meeting sometime in the Spring of 1990, with the Director and AD Joseph R. Davis, in which AD Davis informed the Director of an Internal Revenue Service (IRS) regulation that government officials utilizing official government vehicles for commuting between work and home were required to pay income taxes on the value of that benefit. SSA Higginbotham stated that AD Davis informed the Director that while there was an IRS exemption for law enforcement officials who "regularly carried" a firearm in the course of their duty, "it would not be sufficient simply to have a gun in his [the Director's] car, but the Bureau would outfit his personal briefcase to contain a concealed weapon in order for the Director to meet this requirement."[11]

According to SSA Higginbotham, although the Director accepted this proposal he "was not enthusiastic about having to carry a firearm."[12] Moreover, AD Davis specifically cautioned the Director that he should not carry the weapon in his briefcase or on

[10] 26 C.F.R. 1.274-5T(k)(2)(ii)(R), emphasis added.

[11] Tab A-54 pp. 2-3.

[12] Id. at 3.

his person without first receiving firearms training and that the Director concurred with these instructions and directed that they be carried out.[13] SSA Higginbotham initiated the process for the Director to obtain a firearm, but he was later told by Sarah Munford, also one of the Director's Special Assistants, "that the Director asked her to handle the matter."[14]

In his October 1, 1992 interview, AD Davis stated that Congress had "tightened up" the income tax laws by requiring certain fringe benefits, such as government provided home-to-work transportation, be taxed as ordinary income. As a result, the IRS had issued new regulations governing the tax liability for those fringe benefits which contained an exemption for law enforcement officers. One of the elements required to meet the IRS' definition of a "law enforcement official" is that he/she be armed.[15]

Under 18 U.S.C. § 3052, "[t]he Director, Associate Director, Assistant to the Director, Assistant Directors, Inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas * * * ." However, AD Davis confirmed that because the Director did not carry a firearm he did not meet the IRS' definition of a "law enforcement

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[13] *Ibid.*

[14] *Id.* at 7.

[15] Tab A-35, pp. 1-3.

official." Therefore, he faced tax liability for his Government-provided home-to-work transportation.[16]

In the Spring of 1990, AD Davis met with the Director and informed him of the tax liability problem.[17] The Director found it incredible that other FBI executives did not incur tax liability for home-to-work transportation but, because he was not armed, he would have to pay taxes on the benefit.[18] The Director was also upset because the home-to-work transportation he received, and which obligated him to pay additional taxes, was based on security concerns rather than his personal convenience.[19]

AD Davis specifically informed the Director that he would "qualify as a law enforcement officer" if he began carrying a weapon. However, like all other armed FBI employees, he would: (1) need to be trained by the FBI and qualify with the weapon, and (2) need to carry the weapon on his person, or at least keep it in

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[16] *Id.* at 2-3.

[17] AD Davis contacted the Director as the FBI's chief legal counselor to inform him that the tax liability issue had arisen, that amended W-2 statements for past years would be issued, that amended tax returns would have to be filed, and that, in order to prevent future tax liability, the Director should consider carrying a firearm (Tab A-35, at 3-4).

[18] The Director is the only FBI official who is authorized chauffeur-driven home-to-work transportation. Field office personnel who are authorized to take FBI cars home are expected to respond to the scene of emergency situations whenever they arise. The Director is not expected to respond in his chauffeur-driven limousine to law enforcement emergencies.

[19] *Id.* at 3-4.

reasonably close proximity. AD Davis also noted that because of potential liability, the FBI could not issue weapons to employees without proper training.[20]

AD Davis also informed the Director that the FBI would be required to assess him for his past tax liability.[21] The Director requested that a very careful review and analysis be conducted on the tax issue, and AD Davis recalled that SSA Higginbotham worked with the Administrative Services Division to compute the Director's tax liability and may have been involved with efforts to have the FBI Laboratory Division construct a specially built briefcase to hold the Director's firearm. AD Davis stated that, after having provided the Director with the information he requested, he had no further involvement in the matter and does not know if the Director actually obtained and carries a weapon.[22] AD Davis was certain that Sarah Munford was aware of these issues, possibly through discussions with SSA Higginbotham.[23]

In a signed, sworn statement, dated September 24, 1992, [redacted] 7(
[redacted] received a telephone call from Ms. Munford regarding the availability of a small weapon that was concealable and capable of

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20/ *Id.* at 4.

21/ *See,* Tab A-68, including attachments.

22/ *Id.* at 5-6.

being placed inside a briefcase.[24] [redacted] stated [redacted]rranged for a Smith & Wesson, Model 60, 5-shot, .38 caliber revolver, serial number AHF1308, with holster and adaptor, to be issued to the Director.[25]

Although 18 U.S.C. § 3052 authorizes Special Agents of the FBI, including the Director and other FBI executives, to carry firearms, the Bureau imposes certain additional requirements which must be met to retain the authority to carry firearms. These additional requirements are found in the FBI's *Manual of Investigative Operations and Guidelines* (*MIOG*) which states, in part, that "An agent with issued and/or Bureau-approved revolvers must qualify four times a year with revolvers on either the Revolver Qualification Course (RQC) or the Double Action Course (DAC). In the course of meeting this requirements [sic], each issued or approved revolver must be fired for qualification at least once a year. Failure to qualify * * * suspends authority to use that revolver * * * ."[26]

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[24] Tab A-58, pp. 1-3.

[25] Tab A-58, p. 2; Tab A-117 with attachments. A review of records at the FBI Firearms Training Unit disclosed a "Receipt for Government Property" form (FD-281), dated July 5, 1990, documenting that this weapon was issued to the Director. (Tab A-117, p. 2).

[26] *MIOG*, Part II, § 12, ¶ 12-2.1.2 (7)(a), p. 1092.02. At his interview, the Director, through counsel, took the position that these manual provisions did not apply to the Director because the manual does not specifically say "the Director." In our view, the provision was intended to apply to all FBI employees who regularly carry a firearm. The regulation specifies sound principles [illegible] training and procedures for personnel who are armed.

This investigation found no documentary evidence indicating that Director Sessions received any firearms training in the use of the weapon issued to him.[27] Moreover, [redacted] 7(c) / 7(D) contacted Ms. Munford several times in an effort to schedule the Director for firearms training, [redacted] was "put off."[28] In addition, [redacted] reported that at one point "[S]omeone, whose name I cannot recall, at one time suggested that I certify the Director on paper so he could be qualified to carry a firearm. I flat out refused."[29] [redacted] never gave the Director any firearms training and that [redacted] the Director's weapon remains in its briefcase, "unloaded and in the trunk of the Director's limousine."[30] [redacted]

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[26](...continued)
There is no basis to conclude that the Director is or should be exempt from those provisions. Moreover, had the FBI's Legal Counsel Division believed that those provisions of the *MIOG* were not applicable to the Director, Assistant Director Davis would not have told the Director that he needed to qualify. Finally, to the extent that position indicates that the Director believes he should simply be given a gun "on paper" without having to comply with the normal requirements for the Bureau's law enforcement officials, it also leads to the conclusion that the purpose of his obtaining the weapon was solely to avoid payment of legitimate taxes.

[27] *See*, Tab A-117.

[28] Tab A-123, p. 25.

[29] *Id.* at 26.

[30] *Ibid.* [redacted] advised [redacted] 7(c) [redacted] assigned the responsibility of providing firearms training to the Director; however, "no one ever provided any firearms training to the Director"(Tab A-87 at 3-4). According to [redacted] the weapon was never loaded and "wound up" in a briefcase in the trunk of the Bureau limousine (*ibid.*).

[redacted] never known the Director to have touched the weapon 7(c) / 7(d)
or seen him handle it [redacted]

Ms. Munford, who was responsible for, among other things, arranging the Director's schedule and calendar, recalled some discussion regarding the need for firearms training for the Director; however, she said it was never accomplished because the Director was having "therapy" for a physical affliction affecting his hand.[12] Ms. Munford also acknowledged that although discussions regarding the need for firearms training for the Director were held "more than once,"[13] she never scheduled any firearms training for him. Moreover, she was responsible for the Director's schedule, and she was not aware of his completing any firearms training.[14] Ms. Munford also said she had observed the Director's weapon in his briefcase."[15] When asked if she ever saw the Director carry the briefcase, Ms. Munford replied that he probably had four or five briefcases, "but I haven't seen the gun."[16]

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[11] *Id.* at 26.

[12] Tab A-101, p. 202.

[13] *Id.* at 207.

[14] *Id.* at 208. Ms. Munford denied taking any action to stop any efforts to provide firearms training for the Director, *Id.* at 209.

[15] *Id.* at 206.

[16] *Id.* at 207.

The investigation found that several other individuals were aware that the Director had been issued a firearm and that it was kept in a briefcase in the trunk of his limousine.[37] In particular, [redacted] 7(c)/ was aware that "an empty gun was maintained in a briefcase in the trunk of the [Director's limousine] in order that Director Sessions could claim that he was a law enforcement officer and would not be taxed on his transportation from his residence to his place of employment and back."[38] [redacted] 7(c)/ stated, "I have heard him [the Director], on several occasions, say that he had no knowledge of guns, has no firearms proficiency, and is unfamiliar with guns."[39] This point was reinforced by [redacted]ho reported 7(c)/ that [redacted][40] 7(

7(d) 7(d)

In his interview, the Director admitted that he had been assigned a weapon following discussions with AD Davis regarding taxes he would have to pay based upon imputed income from his

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[37] *See,* Tab A-47, p. 6; Tab A-66, p. 7; Tab A-81, pp. 8-9; Tab A-87, pp. 3-4; Tab A-92, pp. 4-5; Tab A-111, p. 7; Tab A-120, p. 28.

[38] Tab A-128, p. 14.

[39] Tab A-21, p. 33.

[40] Tab A-39, p. 8.

government-provided home-to-work transportation.[41] Moreover, he also admitted that he had not seen the weapon since within ten days of the date he received it.[42] In addition, the Director admitted that he has never received any training in the use or handling of the weapon and that he never even fired it.[43] Finally, the Director confirmed that the gun had been kept in a briefcase for the entire time it had been issued to him.[44]

Based upon these findings, we must conclude that the Director was fully aware of the obligation to pay taxes on the value of his home-to-work transportation. He was also aware that there was an exception by which he could avoid such taxes if he could meet the requirements of a "law enforcement officer." He was told by the Bureau's chief legal officer that he could meet the requirements if he were issued a firearm, underwent the required training, qualified with the weapon, and carried it on his person or at least in

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[41] Tab A-194 at 23. AD Davis' discussions involved the ability of the Director to be exempt from such taxes if he met IRS' definition of a "law enforcement officer" which AD Davis said required carrying a firearm.

[42] *Id.* at 18.

[43] *Id.* at 14.

[44] *Id.* at 13.

close proximity,[45] so that it could be used if and when necessary.[46]

We also conclude that the Director specifically refused to undergo the required firearms training which had been planned for him, and he took no action to reschedule that training. As a result, he never qualified with or even fired the weapon.[47] Moreover, the Director has not seen the weapon since shortly after it was issued to him, and he has no idea where it is presently located. There is also no evidence that the Director ever even handled the weapon. The investigation also found that Special Agents who do not qualify may not carry their assigned weapon.

Accordingly, the record establishes that the Director has not met the requirements of the governing IRS' regulations and has, therefore, improperly claimed law enforcement status under the governing IRS regulations. As a result, he understated his income

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[45] We do not consider having the weapon in a locked briefcase which is then locked in the trunk of the car as meeting the "close proximity" requirement. It was certainly not available for use.

[46] It is obvious, however, that the Director in his chauffeur-driven limousine is not expected to respond to law enforcement emergencies.

[47] "Qualification" with a firearm entails firing a prescribed number of rounds on a target range in a specific manner and achieving at least the established minimum score to demonstrate sufficient proficiency with the weapon to minimize the liability which could arise from its use.

in 1990 and 1991.[48] We also believe that the investigation establishes that this was not a mere oversight by the Director. As noted, AD Davis told him precisely what was required for him to meet the definition of "law enforcement personnel" contained in the IRS regulations, and he failed to take any of the steps required to meet that definition.[49] As a result, his reliance upon the law enforcement exception to avoid paying appropriate tax is a sham.

III. GENERAL SECURITY MATTERS RELATING TO THE DIRECTOR

In order to understand fully the issues relating to the security at the Director's residence, as well as issues discussed later in this memorandum relating to his use of his official limousine and his official travel, a brief background is necessary. The following discussion explains the government's significant interest in ensuring the security of important government officials such as the Director and it provides some insight into the Director's approach to and level of concern for his security.

The Attorney General and the Director of the FBI, by virtue of their role in the United States' efforts to combat traditional and non-traditional organized crime, drug-related organized crime, ter-

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[48] The Director's 1990 income included the value of the home-to-work transportation until the point where he was issued the firearm. Thereafter, the value of such transportation was not considered taxable.

[49] He did not carry the weapon on his person or in close proximity nor did he train or qualify with the weapon.

rorism and foreign intelligence efforts are subject to significant risk of attack for retaliation and publicity by terrorists, drug cartels, organized criminal groups, and individuals seeking revenge or notoriety. This risk is sufficiently specific that the Bureau formed a unit charged with the responsibility for protecting the Attorney General and the Director from those who would target them because of their positions. Indeed, the Bureau has taken the position "that every reasonable precaution must be taken to ensure the safety of the AG and the Director * * * ."[10]

This level of security is justified by the government's strong interest in ensuring that its principal law enforcement officers may discharge their duties without fear of harm from targeted criminal or other organizations.[11] In addition, the government has a strong interest in avoiding any circumstances in which its principal officers could be taken hostage and compromised or the gov-

[10] *See, e.g.* April 21, 1989 memorandum to J. Michael Luttig, Principal Deputy Assistant Attorney General, from Anthony Daniels, Acting Assistant Director, Criminal Investigative Division, entitled "Use of Government Aircraft for the Transportation of the Attorney General and the Director of the FBI" at 2-3.

[11] Similar levels of security are afforded other principal officers of the United States Government. The President is subject to the most comprehensive security procedures, but other government officials, including the Director, are provided with security to minimize the risk of attack or compromise. Examples include the Secretary of State, the Director of Central Intelligence, and the Secretary of Defense. Unquestionably, there is such a significant concern for the security of these individuals that the government expends substantial resources to protect them. If an official does not follow prescribed security procedures, he exposes himself and the government to risk and wastes the resources expended for his protection.

ernment extorted for their return. Accordingly, the Bureau has established specific procedures designed to protect the Attorney General and the Director by minimizing the risk of attack by providing specially trained agents to accompany them as well as physical security for their homes and offices and for their transportation.[12]

In October of 1986, the Bureau began the process of establishing standard operating procedures for the protection of the Attorney General and the Director. In early 1987, the procedures were approved by the Bureau and were placed into effect.[13] The procedures provide that a protectee should always be accompanied by the Security Detail and that the protectee's safety is always the Detail's first and foremost priority. Accordingly, the procedures provide that advance security should be provided whenever a protectee moves from one location to another outside of the Bureau or the Department. In addition, [redacted] b(

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[12] The Standard Operating Procedures for the Director's Security Detail are found at Tab B-163.

[13] Upon assuming office, Director Sessions was provided with a briefing book which contained the Standard Operating Procedures for the Security Detail (Tab A-121 at 6). In addition, Director Sessions was warned by the then supervisor of the Security Detail not to abuse the perquisites which would be provided to him as part of his security protection, and he specifically explained the rules for using the Bureau aircraft and automobiles (*Id.* at 7-8). The Director was also advised that the Security Detail intended to provide him with security protection "from the moment he left his residence to the moment he returned." (*Id.* at 9.) The Director was also told that security would be provided on personal as well as official trips, and specific provisions of the Security Detail's procedures were explained to him (Id. at 9-12).

[redacted] b(2)

The agents in the follow car are responsible for having readily available [redacted] as well as other b(2)
weapons and equipment. The purpose of that equipment is to [redacted] b(2)/ 7(E)
Finally, in the event a protectee uses his own vehicle to attend church or to go to a store, the Security Detail must accompany him in a follow car and into the church or store. There is never a situation in which the protectee should be left alone in public.[24]

Even though the government places great importance on the protection of the Attorney General and the Director, the Director has rejected the advice of the FBI's security experts and frequently instructed the Security Detail to deviate from its standard procedures. Moreover, he has taken actions which are directly contrary to good security and which interfere with the ability of the Security Detail to perform its mission or are inconsistent with the expenditure of resources for his protection. For example, on many occasions, the Director has given rides in his official limousine

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[24] The Standard Operating Procedures also contains detailed instructions for particular events such as airport arrivals and departures, speaking engagements, restaurants, and other social functions. We have not detailed their procedures for each possible event requiring security protection; rather, we have provided the general guidance applicable to all phases of the security detail's operations. *This information was provided to Director Sessions upon his assuming office* (Tab A-121 at 9-12).

and/or follow car to non-government personnel thus impeding the Security Detail agents' ability to execute their standard procedures in the event of an emergency.[13]

On the other hand, when having a security detail suits the Director's purpose, he is quick to cite its necessity. For example, when he wants to use the Bureau's executive jet aircraft for personal travel he cites his need for security and communications as the justification for the use of the aircraft even though, once he arrives, he dismisses his Security Detail and therefore has neither security protection nor communications capabilities. Another example involves the alarm system for the Director's residence which was installed at government expense. In the event of an emergency, the alarm system does not alert the FBI. The Director is quite happy with this arrangement and stated that he does not even expect the Security Detail to respond to his residence in the event of an emergency.[14] In addition, this

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[13] If the agent assigned to the limousine has been displaced by non-official riders, he is not in position to provide appropriate protection. Moreover, it would be more difficult for the agents in the follow car to [redacted] if there are passengers [redacted], an agent driving the foll[redacted]d in using the car [redacted] if the follow car contained passengers [redacted]ing location. Director Sessions was specifically advised of the rules governing use of official vehicles and the requirement that only official passengers be transported (Tab A-121 at 8). b(2) / 7(E

[14] Tab A-194 at 259-260. The Director also made other statements regarding his security in his residence. First, at night, he disconnects the telephone which immediately connects him with the FBI's equivalent of the command center (Tab A-194 at 253).

(continued...)

investigation revealed that the Director uses the Security Detail more as an "escort service" than for security.[57]

As noted above, the procedures of the Security Detail require that "[t]he Attorney General/Director should always be accompanied by Special Detail Unit agents whenever he departs his residence or the DOJ/FBIHQ. This is true for all movements."[58] However, on a number of occasions the Director has elected to shop or go to restaurants without any members of the Director's Security Detail accompanying him.

[redacted] reported several instances in which the Director did not use or disregarded the

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[56](...continued) Second, the Security Detail [redacted] (Tab A-194 at 261-262; Tab A-143 at 2). Third, the Security Detail does not have the ability to open the automatic gates which the Bureau installed for the Director's security to allow him to be picked up or dropped off within a secure area (Tab A-194 at 245; Tab A-143 at 2).

[57] For example, the Director has requested the Security Detail and the FBI Suburban automobile when he wanted to take the family dog somewhere or to haul something. In addition, there was a direct correlation between the Director's use of the Security Detail and the potential to impress people. For example, the Security Detail would almost always be used, and often with a larger complement of agents, whenever the Director and Mrs. Sessions went to the Kennedy Center. Also, if parking was not readily available, the Director would request the Security Detail (Tab A-85, p. 13). *See, also,* Tab A-96 at 65-66; Tab A-9 at 40; Tab A-128 at 5; Tab A-120 at 22, 25.

[58] Tab B-163 at 4.

Security Detail.[59] Even after being advised that because he was particularly recognizable [redacted] and, therefore, he was more vulnerable,[60] the Director [redacted] 7(c)/ 7(c

On other occasions, the Director has not intervened when his wife displaced Security Detail Agents from first class seats and forced them to sit in other areas thus reducing the level of

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[59] Tab A-144 at 2-3. "I can recall several occasions in the early days of the Director's tenure during which the Director either did not use or disregarded the Security Detail [redacted] A Detail member gently scolded the Director telling him that we were worried about his security and were concerned that he could have even been kidnapped. The Director laughed and shrugged off the admonishment. [redacted] From the very beginning, I would characterize the Director's attitude towards the Security Detail and the security that it provides as nonchalant." *See, also,* Tab A-120 at 22. "The Director frequently dismissed the detail for the weekend. [redacted] I further noted that the Security Detail was not present to protect the Director on this occasion. This was a single example of the Director's overall view of the Security Detail. In my opinion, the Director used the Security Detail like an escort service whose primary function was to provide him with transportation. The Security Detail was used when convenient for the Director's purposes and was discarded when not needed." 7(c)/ 7((7(c)/ 7(D 7(c)/ 7(D

[60] Tab A-4 at 2-3; Tab A-112 at 7; Tab A-144 at 5-6.

[61] Tab A-4 at 2-3; Tab A-112 at 7; Tab A-144 at 5-6.

security provided for him.[62] For example, on a train trip to New York, New York, [redacted] the Director and members of the Security Detail had first class tickets. Mrs. Sessions had a lower class fare, but insisted on sitting with the Director on both legs of the trip which forced a member of the Director's Security Detail to take her seat in another section of the train.[63] 7(c)/7(D)

There are also instances in which the Director has reduced the level of security even though the risk has increased.[64] For example, the Director traveled to Bangkok, Thailand, in November of

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[62] As a result, Mrs. Sessions obtained a first class ticket for the price of a coach ticket courtesy of the government while at the same time frustrating the government's interest in providing the maximum level of security for Director Sessions.

[63] Tab A-4 at 5-9; Tab A-109 at 10-11. In an emergency situation, the Security Detailee traveling in a car other than the Director's would not have been able to respond.

[64] [redacted] advised that changes were ordered in the security detail's procedures which reduced the level of security for the Director: [redacted] (1) The Security Detail was instructed to reduce the number of security agents around the Director. (2) While in Washington, D.C., the advance security agent required to secure the Director's residence prior to his arrival was eliminated. Prior to this change, standard procedures required a security agent to arrive at his residence prior to the Director. This was necessitated to allow the agent to review the overall security of the area prior to the Director's arrival [redacted] However, Sarah Munford instructed that no agents were to conduct advance security at the Director's residence. In order to provide the security we felt was minimally necessary, we worked around this rule by [redacted] (3) On international trips, the Security Detail was instructed by Sarah Munford to reduce the number of agents conducting advance security to one agent. This undertaking was an immense task and was particularly burdensome on multiple [stop] trips" (Tab A-44 at 19-21). 7(c)/7(D) b(2) b(2)/7(E)

1988. No advance security was conducted for the trip which was an extraordinary departure from standard security planning.[65] Similarly, the Director and Mrs. Sessions took a vacation to Paris in late May 1989. The Director did not want anyone to accompany him on this trip; however, the Director was told that his security requirements extended to personal as well as business trips. Ultimately, the Director took only one Security Detail agent even though he is more vulnerable in a foreign country.[66]

On occasion, the Director has traveled with only one member of his Security Detail, and, on at least one occasion, the Director flew with no member of his Security Detail aboard the FBI aircraft. The latter situation would have left him without security had the plane been forced to make an emergency landing or to deviate to an alternate airport.[67]

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[65] Tab A-132 at 8-9.

[66] Tab A-4 at 60; Tab A-112 at 58; Tab A-132 at 18. See also Tab A-44 at 16. In another example, during a trip [redacted] the Director and Mrs. Sessions were accompanied by only one member of the Security Detail, who also functioned as their driver although [redacted] Moreover, the Director instructed that [redacted] and FBI Headquarters not be advised of their travel [redacted] and plans. (Tab A-96 at 36-42). 7(c)/ 7(D)

[67] [redacted] Sarah Munford determined how many security people could travel on FBI aircraft. Security agents who normally could be expected to fly on FBI aircraft were occasionally required by Sarah Munford to fly on commercial airlines. This was usually done to accommodate other passengers on the aircraft. Standard operating procedures of the Security Detail required [redacted] travel with the Director on FBI aircraft when departing [redacted] D.C., and [redacted] when returning to Washington, D.C. The 7(c)/ 7(D) b(2)/ 7(E)

(continued...)

Another example of the Director's selective use of his Security Detail occurred [redacted] The Security Detail accompanied the Director and Mrs. Sessions [redacted] Another instance occurred [redacted] when the Director traveled to San Francisco. Contrary to Security Detail procedures, no member of the Director's Security Detail provided advance security for the trip.[69] Also, the Director [redacted] The Director instructed the Security Detail agents to leave them alone. [redacted] They

7(c)/
7(D)

[67] (...continued)
three agents included two security agents and the advance security agent. When a security agent was required to travel by commercial airline rather than FBI aircraft so others could travel on FBI aircraft, what is called 'bumping,' it was planned by Sarah Munford in advance of departure from Washington, D.C. The travel plans, including bumps, were made by Sarah Munford and could not be altered without her approval. [redacted]

7(c)/
7(D)

[68] Tab A-96 at 9; Tab A-4 at 27-28.

[69] Tab A-96 at 16.

[redacted] 7(c)/ 7(D)

[redacted] The agent reported: "I felt very uneasy during this whole evening because I was the only Special Agent assigned to the Director's security, and I was concerned that this arrangement was insufficient to provide proper security for the Director. In retrospect, it would have been very difficult for me to handle any emergency situations should [one] have arisen."[71]

[redacted] the Director and Mrs. Sessions flew to [redacted] FBI aircraft, with only one member of the Security Detail. Upon arrival [redacted] that he would call him if he needed him. The Director had no assigned security until [redacted]

[70] Tab A-96 at 16-17; Tab A-44 at 14.

[71] [redacted]

[72] [redacted] It is important to note that the Director's [redacted]aircraft is, in part, justified by the need for "security and communications." However, it is apparent that when the Director abandons his Security Detail he also (continued...)

[redacted] While there, the Director instructed his Security Detail not to accompany him [redacted]

7(c)/ 7(D)

Investigation has also disclosed that the Director frequently invited passengers into his limousine, thereby often requiring that the Security Agent be displaced from the Director's limousine. [redacted] * * * On that occasion, the agent who was to accompany the Director in his limousine was 'bumped' from the limousine and required to ride the follow car. The agent was removed from the official limousine in order that the Director's neighbors could accompany the Director in his official car."[24]

[redacted] "Director Sessions on numerous occasions has directed that non-official passengers be given rides in his official limousine. The security agent who normally accompanies the Director in the limousine was

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[22](...continued) abandons his security and his ability to be in constant communication with FBIHQ.

[23] Tab A-144 at 16-17.

[24] Tab A-21 at 34.

routinely 'bumped' to allow the Director's personal friends and acquaintances to be given rides in the limousine."[75]

Another example of the Director's requiring the Security Detail to deviate from its usual procedures involves his arrival at his residence -- [redacted] However, the Director has insisted that the Security Detail not have [redacted].[77]

b(2)/ 7(E)

b(2)

[75] Tab A-120 at 11 [redacted] "The Director has provided [illegible] to family and friends in the Bureau automobile on many occasions. When this occurred, the Security Agent riding with the Director in his limousine usually shifted to the follow car. I remember this occurring at Georgetown, various [redacted] the Washington area, and specifically [redacted] wife riding in the Bureau car on many occasions." Tab A-123 at 22. 7(c)/ 7(D) 7(c)

[76] Tab B-163 at 45.

[77] *See*, Tab A-9 at 49-51; Tab A-96 at 27. The locks on the doors of the Director's residence were changed in February, 1990. No members of the Director's Security Detail were [redacted] but Mrs. Sessions [redacted] Although [redacted] was kept in the Director's limousine, [redacted] leaving the Director's Security Detail [redacted] However, [redacted] and on one occasion, Mrs. Sessions, in the Director's presence, told a member of the Security Detail over a "clear" FBI radio channel, the location of the key and the code to the electronic gate opener. Moreover, the government-provided alarm at the Director's residence does not directly alert the Security Detail. [redacted] advised that he replaced the security alarm in the Director's residence in early 1992. He (continued...) b(2) 7(c)

Members of the Director's Security Detail are also unable to open the gates at the Director's driveway. These gates are part of the government-provided security enhancements for the Director's residence.[78] The gates are made of wrought iron, are equipped with an electronically activated automatic opening and closing device, and were originally designed to enable the Director to be picked-up or dropped-off within the area secured by the gates. Without the ability to open the gates the Security Detail must meet the Director at the end of his walkway by the street. If they had the ability to open the gates, they could pick him up in the controlled space behind the fence which the Bureau installed for his security.[79]

With this background, issues relating to security at the Director's residence and in his vehicle can be placed in better context.

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[77] (...continued) stated that the system is monitored by [redacted] any breach of the security system would result [redacted] would notify the police and the FBI switchboard [redacted] Security Detail (Tab A-145 at 1-2). b(2)

[78] The gates are part of the fence which was designed to provide security for the residence. The Director's manipulation of the Bureau's processes to obtain a government-provided fence which was aesthetically pleasing to him, but which actually reduced the level of security at his residence is discussed in detail *infra*.

[79] Tab A-143 at 2-3.

IV. THE PROCUREMENT OF SECURITY UPGRADES TO THE DIRECTOR'S RESIDENCE

This issue was based upon an allegation in the June 25, 1992 anonymous letter that the Director instructed FBI officials to award a contract to Mr. Donald Munford, husband of Sarah Munford, the Director's Special Assistant, to install a security system at the Sessions' residence. It was also alleged that Mrs. Sessions demanded that the Government pay for a fence around her property to keep out the "neighbor's dogs" and that other features that were "clearly not necessary" for security purposes were included.[10]

The investigation found that the issue of the security enhancements to the Sessions' residence began when [redacted] had 7(c)
concerns regarding the security system in the house. [redacted] told the Director that he wanted a security survey conducted of the Director's residence. According to [redacted] Director Sessions instructed him to coordinate the survey with Mrs. Sessions. [redacted] reported the following discussion with Mrs. Sessions:

> She did not want anybody from the FBI to upgrade the security because of the shoddy job they had done on the Sessions' residence in San Antonio and later at their apartment in Arlington. I suggested that a local security firm be contacted to prepare a security survey. Mrs. Sessions suggested that I call Don Munford, husband of Ms. Sarah Munford. Mrs. Sessions stated that Mr. Munford had been in the security business for

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[10] The anonymous letter is found at Tab B-1.

years in San Antonio, Texas, that he knew the Sessions' life-style and habits and would do a good job.[11]

Thereafter, [redacted] contacted [redacted], Administrative Services Division, to determine what would be needed to contract with Mr. Munford to perform the survey. [redacted] advised that such a small purchase, believed to be less than $1000, could be authorized without competition.[12] 7(c)

Based upon his discussion with [redacted] on or about September 10, 1989, accompanied Mr. Munford to the Sessions' residence where, together, they conducted a physical survey of the property. During the survey, they had a discussion with some Metropolitan Police Officers who were investigating a break-in to a neighbor's garage. The police officers, upon learning of the physical security survey, suggested that either a chain-link or iron picket fence be installed so that police patrols could see through the fence. The police officers noted that a privacy fence would make it impossible for police officers to see behind the fence and would offer a place of concealment for a would-be assailant or intruder.[13]

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[11] Tab A-85, p. 20.

[12] Tab A-85, p. 20.

[13] Id. at 21.

[redacted] reported that, when Mrs. Sessions was made aware of the suggestion of a wrought iron security fence during the survey, she objected, stating that an iron fence would make her residence look like a fortress.[14] Mr. Munford also stated that Mrs. Sessions "was concerned that the fence would devalue her property" -- she "didn't like the idea of the iron fence."[15] When asked "[w]hat was her preference?" Mr. Munford replied: "I believe it was a privacy fence, wood construction of some sort."[16] In a similar vein, [redacted] reported that Mrs. Sessions wanted a fence to keep her dog in, and other dogs out, of her yard.[17] 7(c)

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[14] Tab A-85 at 21.

[15] Tab A-99, p. 15.

[16] *Ibid*. Indeed, Mrs. Sessions' preference for the wooden privacy fence had been known for some time. [redacted] of the Long Fence Company (the company which ultimately installed the fence at the Sessions' residence pursuant to a contract with the FBI) was interviewed in connection with his contacts with Mr. Munford and Mrs. Sessions regarding the fence. [redacted] provided copies of his official file on the March 1991, fence procurement, as well as the contents of an informal file which he had maintained regarding his contacts with Mr. Munford beginning in September 1989. [redacted] files contained a September 19, 1989 letter to Mr. Munford, submitting a proposal to install a six-foot-high, iron picket fence with iron gates and an automatic gate opener for the Sessions' residence. (Tab A-19, p. 1; Tab B-16.) [redacted] reported that sometime after his initial contact with Mr. Munford, he became aware of the fact that Mrs. Sessions wanted a "board-on-board or Wyngate-style fence with a lattice top. Mrs. Sessions had observed a fence somewhere in her neighborhood which she felt was compatible with her need for privacy and aesthetic appearance. It was based on this observation that Mrs. Sessions selected the Wyngate-style with lattice top." (Tab A-19, pp. 2-3.)

[17] Tab A-85, p. 21. Such a fence would be called a "privacy fence" because, by restricting visibility behind the fence it provides a measure of privacy. However, such a fence does not provide enhanced security because a potential intruder can use the fence for a hiding place. *See, infra*, n. 149, and text following.

Nevertheless, Mr. Munford completed his security analysis in November 1989 and recommended a security fence.[13] Mr. Munford's plan included the following analysis of the fence situation:

> A major contribution to home security is appropriate boundary fencing. Some people think privacy fencing is the most secure. In fact, it is the least secure. It allows intruders to congregate, hide and/or wait for opportune moments to initiate an attack or carry out their devious activities. An assassin with a high-powered rifle can easily camouflage himself behind a privacy fence, pick off his targeted victim with accuracy, and make a clean get-away undetected.
>
> The best type of fencing recommended for security purposes is a six-foot-high iron picket fence around the property perimeter. Picket elements should be comprised of at least one-half inch iron with spear points on each, spaced at four-inch intervals. The yard and driveway should have remotely controlled gates. The driveway gate would allow passenger pick-up and delivery within the controlled area. This will also protect privately-owned vehicles from exposure to bomb plants.
>
> This type of picket fence makes it very difficult for intruders to gain access to the property; it also makes it easy to spot anyone trying. It would most certainly stop the happenstance intruder and would effectively delay any others, thereby increasing the chances for detection and interception by security personnel.[14]

In November 1989, [redacted] received Mr. Munford's "Personal 7(c)
Security Plan, designed for the Sessions' Residence" which

[13] A security fence must have three characteristics: (1) it must restrict access to the area being secured. (2) There must be unobstructed visibility through both sides of the fence. (3) The fence should enclose all sides of the building being protected. *See, e.g.*, Tab A-88, pp. 4-5.

[14] Tab B-15, pp. 3-4.

reflected a total cost of $97,046.47.[20] A meeting was held on November 17, 1989, attended by Director Sessions, Deputy Director (DD) Floyd Clarke, [redacted] Mr. Munford, and [redacted] 7(c)
regarding Mr. Munford's proposal. Mr. Munford, made a presentation to the group, including his recommendation of an iron fence. Director Sessions took the position that if the plan did not suit his wife, he would not want any of it.[21]

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[20] Tab A-85, p. 22; Tab B-15, p. 14. The plan included a Security Fence, an Exterior Trespass Seismic Alert System, an Exterior Trespass Video Verification System, an Internal Security and Fire Alarm System, an In-House Video Intercom System, and a Radio Telemetry System. See, Tab B-15 at 3-13.

[21] Tab A-100, pp. 28-29. While the FBI was internally reviewing and analyzing Mr. Munford's proposal, he continued discussing the fence question with Mrs. Sessions. During this time, Mr. Munford was still recommending the iron security fence, but Mrs. Sessions was insisting on a privacy fence. When Mr. Munford was asked if he believed that the other security recommendations were being held in abeyance until the fence issue was resolved, Mr. Munford said: "Yes." (*Id.* at 26.) Mrs. Sessions ultimately persuaded Mr. Munford to recommend the wooden privacy fence. [redacted] 7(c)
[redacted]f Long Fence Company (*See*, n. 86, *supra*.) provided a copy of a letter dated December 8, 1989, he sent to Mr. Munford in which he offered a new proposal replacing the iron picket fence with a six-foot-high Wyngate wood fence with a one-foot lattice topping. The proposal called for the posts to be set in concrete (Tab B-17). When Mr. Munford was asked why he solicited the new proposal from Long Fence Company, essentially changing his recommendation included in his November 1989, proposal, he stated: "As I recall it, this was at the request of the FBI, and I don't know which person. I was talking to several, [redacted]being the main 7(c)
person I was talking to. And, as I understand, it was also at the request of Mrs. Sessions." (Tab A-100, p. 18). We found no evidence to support Mr. Munford's assertion that anyone at the FBI requested that he change his original proposal regarding the security fence.

During this same time, [redacted] submitted the security proposal to LCD for review. On January 8, 1990, LCD rendered a legal opinion which reached the following conclusions: (1) the FBI may expend funds to install security enhancements at the Director's residence provided none of the improvements are "permanent" in nature; (2) although the FBI has the ability to provide these enhancements in-house [by using FBI personnel and materials], this would not preclude using a private contractor; (3) the enhancements proposed by Mr. Munford would require the utilization of competitive procurement procedures; (4) that based on the limited facts available to LCD, there did not appear to be a legitimate basis for awarding a sole source contract for the enhancements; (5) if structured properly, the installation of the security enhancements would not create a taxable event for, nor would they be subject to reimbursement by, the Director; (6) that contracting with the spouse of an employee by conducting the procurement outside the normal procurement procedures would create the appearance of impropriety.[21] 7(c)

Questions persisted over the proper type of fence to install at the Director's residence. Accordingly, on February 9, 1990, [redacted] of the Technical Services Division (TSD) conducted a survey at the Sessions' residence.[22] [redacted] because of his experience and training, is an expert in physical security 7(c) 7(c) 7(c)

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[21] Tab B-18.

[22] Tab A-85, p. 26.

measures. SSA McDevitt stated that he reviewed the recommendations made by Mr. Munford and conducted a physical survey of the Sessions' residence. As a result of that review, he documented his recommendations in a memorandum dated February 20, 1990, from [redacted] 7(c) [redacted] to Mr. Bayse, Assistant Director, TSD, entitled, "Proposal To Install Security System At The Director's Residence."[50] With regard to the fence proposal, the memo stated:

> Based on my years of experience [redacted] b(2)|7(c) [redacted] it is my opinion that a fence which obstructs the view of a person is a detriment to security and not an enhancement. On occasions in which I have [redacted] b(2)|7(c) In my opinion, the security fence must have three characteristics: (1) it must restrict access to the area being secured. (2) There must be unobstructed visibility through both sides of the fence. (3) The fence should enclose all sides of the building being protected.
>
> In preparing a security plan for residential (property), the aesthetic appearance of the fence has to be considered because of its impact upon the community. Nevertheless, an unobstructed view from both sides of the fence should be easy and unrestrained and should not require manipulation of position or an approach to the fence to require a view."[51]

Subsequently, DAD Kier Boyd, TSD, prepared an addendum to [redacted] February 20, 1990 memorandum which he sent on March 7(c) 22, 1990. The addendum stated:

> We continue to endorse recommendations made in our 2/20/90 memorandum insofar as they pertain to the residential

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[50] Tab B-19.

[51] Tab A-88, pp. 4-5.

structure itself. With respect to the property's perimeter and grounds security, a re-evaluation has been made since later information indicates that a properly constructed fence can be legally accommodated.

The proposed six-foot, metal, spiked fence around the property's perimeter is appropriate for both classes of potential subjects. To the individual looking for a target of opportunity, the fence poses a significant deterrent in both gaining access to and escaping from the premises. The construction affords this individual no protection from external view (by neighbors, passers-by, or law enforcement patrols), and thus facilitates recognition and neutralization of the danger.[illegible]

At about the same time, Ms. Munford questioned [redacted] several times regarding the status of her husband's security proposal. [redacted] reported that on February 14, 1990, "Ms. Munford again asked me about the status of the security system. I advised her that the LCD still had the proposal. Ms. Munford was irate and said the Director had already approved the purchase of the system as proposed by Mr. Munford. I suggested that the Director talk to Mr. Clarke. Ms. Munford said he would, and she instructed me to write a memorandum from the Director to Mr. Clarke inquiring as to the status of the security system proposal."[illegible]

On the same day, [redacted] prepared the note which was initialed by the Director. The note stated:

> I am concerned about the delays involved in getting the alarm system upgraded. Naturally, I want to ensure that what

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[illegible] Tab B-20.

[illegible] Tab A-85, p. 26.

is done at my residence is in complete compliance with all applicable laws and regulations, but I believe that this review has taken far too long.

I would appreciate your resolving this as quickly as possible.[98]

DD Clarke acknowledged receiving the Director's February 14, 1990 note and discussing with Director Sessions his concerns about delays.[99] AD Kennedy recalled having received the February 14, 1990 note and was puzzled over the concern about delays in the project since he believed that the delays had been caused by the Director and his wife. AD Kennedy stated that: "His wife absolutely refused to allow FBI employees to install the security alarm system in the Director's residence."[100]

[redacted] reported that on about March 13, 1990, "Mr. Munford called and told me Mrs. Sessions wanted a privacy fence and not a security fence. He suggested that it would be better to compromise on that one issue so we could move forward with the other enhancements to the Director's security system. Mr. Munford told me he was going to send me a facsimile to be inserted into his original 7(c)

[98] Tab B-21.

[99] Tab A-22, p. 4.

[100] Tab A-80, p. 11. Mr. Munford observed that Mrs. Sessions would not approve the alarm upgrades until the fence issue was settled and, as a result, he attempted to modify his original recommendation to accommodate Mrs. Sessions' preference for a wooden privacy fence despite the detrimental impact upon the Director's security. See, supra, n. 86.

proposal and which would be in support of a privacy fence."[101] Mr. Munford submitted the amended pages because he believed that, "Rather than have no fence at all * * * I chose to recommend this [wooden privacy] fence here."[102]

In a March 21, 1990 meeting with a number of Bureau executives, [redacted] stated that he had no intention of inserting the revised pages into Mr. Munford's original proposal, and all in attendance were in agreement.[103] DD Clarke also attended the March 21, 1990 meeting and reported that there was "unanimous agreement that the proposal to the Director should include a recommendation for an iron picket security-type fence, and that a wooden privacy-type fence [which Mr. Munford's revised pages recommended] was inappropriate as a security enhancement."[104] 7(c)

Following the March 21, 1990 meeting, [redacted] prepared a memorandum, dated March 23, 1990, from AD Kennedy to DD Clarke entitled "Proposal to Install Security System at the Director's Residence," which recommended that the security plan, including the iron picket fence, be approved and that procurement action be init- 7(c)

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[101] Tab A-85, p. 28; Tab B-22.

[102] Tab A-100, p. 36. Mr. Munford went on to state that in a telephone conversation concerning the security proposal SSA John Hartingh (then serving as a Special Assistant to the Director) informed him that the FBI was not considering the wooden fence, but only the wrought iron fence. Tab A-100, p. 39.

[103] Tab A-85, p. 29.

[104] Tab A-22, p. 6.

iated. This memorandum was approved by both DD Clarke and AD Kennedy. In addition, AD Kennedy wrote on the memorandum: "Procurement should be accomplished by full and open competition * * * ."[105]

In an Addendum, dated April 2, 1990, to the March 23, 1990 memorandum, LCD amended its January 8, 1990 opinion by stating that it would be legally permissible to install any fence provided it was constructed in such a way as to allow for its removal thereby preserving its salvage value.[106]

On April 9, 1990, Mrs. Sessions called [redacted] and advised him that the Director had put her in charge of the security enhancements. [redacted] reported that, "She was upset that she had not been designated in the copy count of the 3/23/90 memo. She told me she should receive copies of future correspondence pertaining to the security system."[107] [redacted] informed DD Clarke and AD Kennedy of Mrs. Sessions' demand and of the fact that he had no intention of placing her name on the copy count.[108] 7(c)

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[105] Tab B-23. AD Kennedy reported that in regard to his note, it was his intent that, "A competitive bidding procurement process be used and that a sole source contract award should not be awarded." Tab A-80, p. 7. He went on to state that he had discussions with [redacted] ASD, and that [redacted] understood that he (AD Kennedy) wanted competitive bidding.

[106] Tab B-23.

[107] Tab A-35, p. 30.

[108] Tab A-85, p. 30.

During this same period, the Director assigned his Special Assistant, John McKay, the responsibility for coordinating various aspects of the Director's residential security.[109] Sometime in the March-April, 1990, time frame, Mr. McKay arranged a meeting to resolve some of the security issues being addressed by various FBIHQ components.[110] Deputy Director (DD) Floyd I. Clarke; Assistant Director Joseph Davis, Legal Counsel Division; Deputy Assistant Director Kier Boyd, Technical Services Division; [redacted] 7(c) Mr. McKay, and others met to discuss these security issues and to finalize work on a package of recommendations to be forwarded to the Director for his approval.[111] Mr. McKay advised that during the meeting, one of the primary areas of discussion involved the point that it was important that any security enhancements be done primarily for security and not aesthetics.[112] Also discussed was the recommendation for the construction of a wrought iron security fence. Even though it was known to all in the group that Mrs. Sessions did not want a wrought iron fence, all present at the meeting were in agreement that the issue of a wrought iron fence

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[109] Tab A-175 at 1.

[110] *Id.* at 2. The meeting Mr. McKay arranged was the March 21, 1990, meeting discussed *supra*.

[111] Tab A-175 at 2.

[112] *Ibid.*

was an integral part of the security package.[113] It was Mr. McKay's understanding in the meeting that DD Clarke would handle discussing the consensus recommendations of the group with the Director.

Mr. McKay stated that no one attending the March 21, 1990 meeting wanted to deal with Mrs. Sessions' demands that any security enhancements be based on aesthetics rather than giving priority to improvements which maximized security.[114] Mr. McKay's view was that a legitimate security concern existed for the Director's safety, and, since the FBI was providing other security for the Director, such as an armor-plated limousine, it did not make sense to neglect physical security at his residence.[115] Mr. McKay noted that if anyone intended harm to the Director, they would not storm FBIHQ, "but [they] would choose the place where his security was the weakest, and that was the Director's residence."[116] Mr. McKay stated that all the attendees agreed that the Director should be approached with the group's security recommendations and that the Director should be made aware of the fact that Mrs. Sessions' fence desires were incompatible with what the group considered to be appropriate security.[117]

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[113] *Ibid.*

[114] *Ibid.*

[115] *Id.* at 2-3.

[116] *Id.* at 3.

[117] *Ibid.*

Mr. McKay advised that shortly after the meeting he prepared a note to the Director dated April 6, 1990.[118] The note recounted that Mr. McKay had coordinated a meeting with all of the components of the Bureau with an interest in the security proposal and that all were now in agreement on a recommended course of action.[119] As a result, Mr. McKay suggested that the Director be briefed on the matter and, following his approval, that Mrs. Sessions receive a subsequent briefing.[120] Mr. McKay's note specifically stated that it was "very important that your decision be based on the best advice available from your managers. The essential consideration should be the security of the FBI Director, and not aesthetics."[121] The note went on to recommend that the Director approve the package and then Mr. McKay would arrange a briefing of the Director and, subsequently, Mrs. Sessions.[122]

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[118] *Ibid*. A copy of the note is found at Tab B-113 and is also an attachment to Tab A-175.

[119] Tab B-113 at 1; Tab A-175 at attachment, p.1.

[120] *Ibid*.

[121] Tab B-113 at 1-2; Tab A-175 at attachment pp. 2-3. In a footnote to his note, Mr. McKay recognized that "Mrs. Sessions did not approve of the wrought iron fence -- but this is an integral part of the security assessment." (Tab B-113 at 2; Tab A-175 at attachment p. 3.) Mr. McKay suggested that the Director deal with Mrs. Sessions' opposition after he had approved the security package. (*Ibid*.) In his interview, the Director said he did not agree with Mr. McKay that the security improvements should be based on security considerations and not aesthetics. In fact, the Director characterized Mr. McKay's note as "a little presumptuous * * * and a good bit arrogant * * * ." (Tab A-194 at 211.)

[122] Tab B-113 at 2; Tab A-175 at attachment p. 3.

Shortly after he received the April 6, 1990 note, the Director removed Mr. McKay from any involvement in the home security effort. Mr. McKay believed that his support of the construction of an iron fence, which was opposed by Mrs. Sessions, was one of the factors that led to his being removed from the project.[123] Mr. McKay believed that "giving in" to the desires of Mrs. Sessions was inappropriate because installing a privacy fence at the Director's residence actually worsened the Director's security.[124]

Mr. McKay recalled that DD Clarke prepared a routing slip, dated April 4, 1990, to transmit to the Director a memorandum from Assistant Director Weldon Kennedy to DD Clarke entitled "Proposal to Install Security System at the Director's Residence," dated March 23, 1990.[125] Mr. McKay was listed on the distribution list of that memorandum.[126] In that routing slip, DD Clarke "advised the Director we had completed our review of the needed and appropriate security enhancements for his residence and that I was prepared to furnish that proposal to him and give him any necessary

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[123] Tab A-175 at 3. In his interview, the Director stated his belief that Mr. McKay was not relieved of responsibility for the security enhancements. Rather, the Director believed that it was inappropriate for Mr. McKay, a White House Fellow, to be working on such a project. Accordingly, he asked another of his Special Assistants, John Hartingh, to resume responsibility for the security enhancements (Tab A-194 at 230).

[124] *Ibid.*

[125] Tab A-176 at 1; Tab A-151 at 1.

[126] Tab A-176 at 1.

briefing."[127] DD Clarke reported that the Director "suggested that I give such a briefing to Alice Sessions[,] [but] I responded that I was of the belief that it would not be appropriate for me to brief Alice. I suggested that I provide a briefing to the Director and, if he desired, Alice could be present."[128]

As a result, a meeting was held on April 13, 1990, attended by the Director, Mrs. Sessions, AD Kennedy, AD Davis, and DD Clarke. According to DD Clarke:

> During the meeting * * * I presented the recommended enhancements to the Director's residential security system. I made a series of recommendations to upgrade the security at the Director's residence, which included the installation of an iron fence. Director Sessions was present during my presentation. There was much discussion following my presentation, and at some point, the Director left the meeting and, thereafter, made occasional visits while discussions continued with Alice Sessions. Mrs. Sessions voiced her objections to the iron fence and made known her preference for a wooden privacy-type fence. I explained that a privacy fence would allow an individual or individuals to conceal themselves behind the fence and, therefore, could create a security threat to the Director. *I explained that our recommendations were based solely on security issues and concerns, however, if it were the personal preference of the Director for a wooden privacy-type fence, he should feel free to have such a fence installed. However, I did believe that, inasmuch as such a fence would not enhance the security of the residence, it would be inappropriate for the Government to pay for its construction.*
>
> At some point during our discussion, Alice Sessions stated that SSA McCall had inappropriately omitted Donald Munford's aforementioned revisions to his security proposal. During this discussion, I did not alter my position regarding

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[127] Tab A-151 at attachment.

[128] Tab A-22, p. 8.

the security fence matter. The Director was made fully aware of the elements of this discussion.[129]

AD Kennedy recalled the April 13, 1990 meeting as follows:

> At the beginning of the meeting, Director Sessions stated to all present that [his] residence was Mrs. Sessions' home, and that any security upgrades installed should generally meet with her approval.
>
> Alice Sessions immediately advanced her belief that a wooden privacy fence should be constructed at the Director's residence because an iron picket fence would allow passers-by to view the Director when he was in the back yard barbecuing on the grill or playing with the dog. She stated that a privacy fence would allow him to go into his back yard without being observed. She stated that an iron picket fence would allow hostile individuals to drive by the residence, observe the Director's movements in the backyard, and shoot him. DD Clarke advanced the FBI's position that if a security fence was to be constructed, it would have to be an iron picket fence. *During this discussion, Director Sessions walked back and forth between his private office and the Director's Conference Room. He did not hear the entire conversation; however, he did hear DD Clarke's insistence that, if the FBI paid for a security fence at the Director's residence, it would have to be an iron picket fence.* During the course of this approximately two- to three-hour meeting, the Director, on a number of occasions, asked Mrs. Sessions if the issue regarding the fence had been resolved and she answered in the negative. He eventually terminated the meeting.[130]

Director Sessions stated in his interview that it was his best recollection that when he left the April 13, 1990 meeting he did not return.[131] Moreover, although the Director did not recall the

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[129] Tab A-22, p. 9, emphasis added.

[130] Tab A-80, pp. 9-10, emphasis added.

[131] Tab A-194 at 214. "What happened was I was called out of the meeting, and I don't recall -- now that I know the date, I will (continued...)

specific statement that the Bureau could only pay for an iron fence at the Director's residence, he did not dispute that such a statement was made in the course of the meeting.[132]

By letter dated April 17, 1990, [redacted] 7(c)

Mr. Munford stated, in part, that: "I hope something is decided soon regarding the security plan for the Director's protection. I am sure you wish the same. I only hope my involvement in the plan preparation has not created a problem for the FBI. Please remember that I told you, because of Sarah's position, I would withdraw from further participation at any time if it appeared a conflict of interest might exist."[133] With this letter, Mr. Munford enclosed

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[131](...continued) go look at my calendar and my calls and see if I can figure out what it was that called me out of the meeting but I was out for a good while and when I came back I thought the meeting was adjourned. Maybe it wasn't, maybe there were still people there, but I do not recall if they were." (*Id.* at 218-219.)

[132] Tab A-194 at 216-217.

[133] Mr. Munford reported that he believed the reason he raised the issue of conflict of interest in the letter was based on a prior discussion with SSA John Hartingh, who was serving as a Special Assistant to the Director. Tab A-99, p. 42.

SSA Hartingh was interviewed on September 23, 1992, and he advised that, during April 1990 he spoke to Mr. Munford regarding the status of his security proposal. He informed Mr. Munford that if he were awarded the contract there would be an appearance of impropriety because his wife was a Special Assistant to the Director. Therefore, SSA Hartingh told Mr. Munford that he would not be allowed to bid on the Director's residential security contract. Later that same evening, Mrs. Sessions approached SSA Hartingh and asked if it were true that Mr. Munford would not receive the contract and SSA Hartingh replied in the affirmative. He explained LCD's opinion regarding the appearance of impropriety should the contract be awarded to Mr. Munford. Tab A-61 at 21-22.

(continued...)

a bill for his expenses in completing the security plan totaling $18,016.02.[124]

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[123] (...continued)

Mr. Munford advised that, during the April 1990 SAC's Conference, he had a discussion with Director Sessions. Mr. Munford stated, "And I think he realized that I was disappointed -- not because I didn't get the contract. I was disappointed with the bureaucracy. He just kind of apologized for me being involved, not that I didn't get the contract." Tab A-100, p. 63. Mrs. Sessions also thanked Mr. Munford for his assistance and stated that she was sorry about "all of the confusion." Tab A-100, p. 63.

[redacted] reported that SSA Hartingh informed him that the Director refused to talk about the security system because he was upset over the manner in which Mr. Munford had been treated. Tab A-85, p. 31. 7(c)

[124] Tab B-24. In a note from DD Clarke to the Director entitled, "Security Plan Prepared by Don Munford," dated July 5, 1990, the Director was apprised of a bill Mr. Munford submitted for his expenses for preparing the security plan for the Director's residence. The note, in part, states:

> Generally, for such services, we pay a percentage of 6 percent of the amount of any contract that is subsequently awarded based on the design or plan submitted. For example, if we awarded a contract for the entire plan at a cost of $97,046.47, we would pay Don Munford 6 percent of that amount or $5,822.79. On the other hand, if we only upgrade the interior alarm system at a cost of $25,000, as has been recommended, we would pay him 6 percent of that amount, or $1500.
>
> In view of the extensive work Don performed, I have approved payment of the higher amount, $5,822.79.

A handwritten note by SSA Hartingh is contained on this memorandum which reads, "7/6 Director advised in general terms only that FIC [DD Floyd I. Clarke] handled with assist from LCD/ASD. JH.". Tab B-28.

In a July [illegible], 1990 letter to Mr. Munford, [redacted] ASD, forwarded a check for $5,822.79 to Mr. Munford for his time and expenses in preparing the security plan for the Director's residence. Tab B-29. 7(c)

Following the April 13, 1990 meeting with the Director and Mrs. Sessions, [redacted] prepared a draft memorandum dated May 7, 1990, from DD Clarke to the Director which contained a recommendation for an iron perimeter security fence.[115] That memorandum was not approved, and [redacted] prepared another draft dated May 11, 1990.[116] That draft, which was approved by DD Clarke, AD Kennedy, and AD Davis, did not contain any fence recommendation. The security fence recommendation was taken out of the final draft at the request of the Director because "the issue of the security fence had become so contentious."[117] 7(c) 7(c)

Shortly after the preparation of the May 11, 1990 memorandum, [redacted] asked SSA Hartingh about its status. SSA Hartingh said that the proposal remained in his (SSA Hartingh's) desk drawer because the Director refused to discuss the matter because he was upset at the manner in which Mr. Munford had been treated.[118] 7(c)

At about this same time, DD Clarke discontinued his involvement in the implementation of the proposed enhancements to the Director's residential security and did not know precisely who had

[115] Tab B-25. The memorandum was entitled "Proposal to Install Security System at the Director's Residence."

[116] Tab B-26. This memorandum was also entitled "Proposal to Install Security System at the Director's Residence."

[117] Tab A-22, p. 10.

[118] Tab A-56, p. 7.

oversight responsibility for the Director's residential security enhancements.[139]

Sometime in January or early February 1991, the Director asked SSA Hartingh to coordinate the security enhancements to his residence.[140] There was a general concern for the Director's security based on the Gulf War and the threat of possible terrorist incidents. SSA Hartingh reviewed the Director's Security Detail file including, specifically, Mr. Munford's recommendation for a security fence constructed out of wrought iron.[141]

Based on his discussions with the Director and a review of the security file, it became clear to SSA Hartingh that the Director did not want a wrought iron security fence, but was more interested in a fence that would blend in with the neighborhood, such as a wooden board-on-board fence.[142] Nevertheless, SSA Hartingh re-

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[139] Tab A-22, p. 10. DD Clarke never stated a reason for his recusal.

[140] Contained in SSA Hartingh's security file were notes identified by SSA Hartingh as being in the Director's handwriting. Tab A-61, p. 11. The notes instructed SSA Hartingh to coordinate the security enhancements with Mrs. Sessions. Tab B-32.

[141] Tab A-61, p. 3.

[142] According to SSA Hartingh, after the April 13, 1990 meeting, Director Sessions expressed frustration over the lack of a resolution of the conflict between the fence recommended in the May 7, 1990 memorandum and the fence which Mrs. Sessions desired. At about this same time, Director Sessions indicated his own preference for a board-on-board wooden fence, and at some point, he specifically told SSA Hartingh that he did not want an iron fence because it would make his residence look "like a fortress." Tab A-61, p. 5.

ported that the Director was fully cognizant of the requirements for the security fence contained in the security surveys of his residence.[143]

SSA Hartingh was aware of the April 1990 meeting with the Director and Mrs. Sessions and that Mrs. Sessions had objected to the iron fence proposal and had voiced her preference for a board-on-board wooden fence. The fact that both the Director and Mrs. Sessions wanted a board-on-board wooden fence is documented in two notes in SSA Hartingh's handwriting, one dated February 13, 1991, and one dated February 14, 1991.[144]

In an attempt to accommodate Director and Mrs. Sessions' preference, SSA Hartingh prepared a routing slip to DAD Kier Boyd, TSD, dated February 15, 1991, to facilitate a review by Mr. Boyd of the fence recommendations. Attached to the routing slip were a series of memoranda and handwritten notes from SSA Hartingh.[145] The fol-

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[143] Tab A-61, p. 4.

[144] Tab B-30 and Tab B-31, respectively. In particular, a February 14, 1991 note documents a conversation with Mrs. Sessions in which she provided the name of [redacted] of Long Fence Company, his telephone numbers, and t[redacted]ober 1989. It also states, in an apparent reference to [redacted] "Has all info," and contains a reference to the price of [redacted] ranging from $4,100 to $4,600, plus $2,500 for an electric gate. The note also states that another "iron man" could bid on the gate, but not the electric opener. The note also states that a "brick man could do brick posts - Director would have to pay." Tab B-31. A copy of this note was subsequently provided to [redacted] and was found in the official procurement file for the fence. 7(c)

[145] Tab B-33.

lowing was handwritten on the routing slip: "Latest attached. [redacted] 7(c)
[redacted] says ASD will sole source contracts. Thanks!" Of particular note among the documents attached to the routing slip was a memorandum entitled "Security Enhancements to Director's Residence," that recommended a board-on-board wood fence. In the margin, in the Director's hand, is the phrase "Coordinate W/Mrs. Sessions K/FBI."[146] Also contained among the documents attached to the routing slip was a diagram prepared by the Director showing how the fence should be installed around his property line.[147]

An undated memorandum entitled "Re: Security of Director's Residence," prepared by SSA Hartingh, states that "Kier Boyd is doing a memorandum evaluating what security enhancements need to go into the Director's residence, after having discussed them with me and having input into what the Director wants. This will include the following: (a) A 7-foot-high board with boards spaced to provide visual ingress and egress. [redacted] Long Fence, (301- 7(c)
350-2400 or 301-520-3496) has information indicating $4,100 to $4,600 estimate[;] (b) An electronic gate on the driveway side estimated by Long Fence to cost $2,500."[148]

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[146] Tab B-32. SSA Hartingh did not know if the "K/FBI" was the Director's shorthand for "Contract with the FBI." (Tab A-61 at 11.) The Director could not recall why he had made that notation on the document (Tab A-194 at 234).

[147] Tab B-32.

[148] Tab B-34.

DAD Boyd considers himself to be well trained and educated in matters of physical security. He was also familiar with Mr. Munford's proposal and its recommendation for a wrought iron picket security fence.[149] Although he concurred with that recommendation, it had been made clear to him that Mrs. Sessions did not want that type of fence. Instead, she wanted a board fence that offered more privacy. The Director's staff asked DAD Boyd to evaluate the 7-foot Westwood Wyngate fence desired by Mrs. Sessions. His recommendations were made to reconcile the differences between the security considerations and Mrs. Sessions' privacy concerns.[150]

DAD Boyd prepared a memorandum dated February 15, 1991, to AD Kennedy, entitled "Security of Director Sessions' Private Residence."[151] The purpose of the memorandum was to furnish DAD Boyd's observations concerning the security enhancements proposed by the Director's staff. According to SSA Hartingh, several proposed additions/changes were contained in the notes attached to the February 15, 1991 routing slip, including: "A 7-foot Westwood Wyngate fence to enclose the back and side yards" and an "electron-

[149] DAD Boyd stated that, in his opinion, at least three elements needed to be met for a good security fence: "(1) It will assist in keeping people from entering the property; though a determined assailant will be able to penetrate this barrier. (2) Once an intruder enters the yard, it should be secure enough to hinder easy escape. (3) There is sufficient visibility through the fence from points both interior and exterior to the fence to ensure individuals cannot hide from observation."

[150] Tab A-18, p. 4.

[151] Tab B-35.

ically activated, electro-mechanically operated gate protecting the driveway." The proposal called for the 7-foot fence to have boards affixed to stringers being alternated between the front and back sides of the stringers.[152]

DAD Boyd's memorandum contained the following analysis:

> Assessment: The fence would discourage the opportunistic intruder and deprive a potential assailant of a ready target within the yard. It will not, however, pose a serious obstacle to a professional attacker and *will, in fact, aid him/her by offering cover from observation. Overall, it does not increase the Director's security.*
>
> Recommendation: Retain the same style fence, place the fence boards on only one side of the stringers and space the boards no closer than one and one-half inches apart. This should afford a reasonable degree of privacy without hampering security forces, especially during routine checks of the property. If the proposal for a single-side fence boards is aesthetically unacceptable, a *means must be retained for viewing the interior of the yard area from points external to the yard.* The fence company should be able to furnish options.[153]

DAD Boyd "arrived at [his] recommendation to space the boards no closer than one and one-half inches apart based on calculations [he] performed to ensure that a human body could not hide from

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[152] Tab A-61, p. 10.

[153] Tab B-35, emphasis added. To further understand DAD Boyd's recommendation, it is important to review, briefly, the construction of a board-on-board fence: The fence is constructed in sections consisting of two fence posts at either end, two horizontal boards called "stringers" connecting the fence posts to which the fence boards are nailed on alternate sides of the stringers so that there is limited visibility through the fence because the fence boards are placed in such a way that small animals may not slip through the fence.

either interior or exterior observation while, at the same time, affording Mrs. Sessions a reasonable amount of privacy given the security concerns."[154]

DAD Boyd was never asked to reconsider his February 15, 1991 recommendation against a board-on-board fence, and he was not aware until he was interviewed on August 15, 1992, that the fence had been constructed as a board-on-board Wyngate-style fence.[155]

AD Kennedy approved the recommendation in DAD Boyd's February 15, 1991 memorandum for the fence, electronic gate opener and iron gates: "I viewed DAD Boyd's recommendation as a reasonable compromise with Alice Sessions and I concurred with DAD Boyd."[156]

AD Kennedy understood that, after he approved the document, it would go to Director Sessions for his approval and then to the Procurement Unit, for action. AD Kennedy advised that, "I do not recall Special Assistant Hartingh bringing this memorandum back to me after the Director signed it. Nor do I recall discussing the

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[154] Tab A-18 at 4.

[155] *Id.* at 5-6. DD Clarke stated that he does not recall seeing DAD Boyd's February 15, 1991 memorandum. He stated he believed the recommendation was inconsistent with his prior assessment of the appropriate security enhancements and, if the memorandum had gone through him for approval, he would have disagreed with it. Tab A-22, p. 12.

[156] Tab A-30, p. 14.

procurement of the fence with Special Assistant Hartingh."[157] Although AD Kennedy did not at that time provide further instructions to any ASD employee regarding the procurement of the fence, he reiterated his position contained in his March 23, 1989 memorandum[158] that a competitive bid process should be used in contracting for the installation of the fence.[159]

On a copy of DAD Boyd's February 15, 1991 memorandum located in SSA Hartingh's files, a number of "Post-it notes" were found from SSA Hartingh to the Director which, in part, read "Re: Security at your Residence, (1) I recommend that you and Alice review the 2 recommendations and 6 items I have tabbed and let me know your preliminary views on them. (Memo is classified; this is my copy) (2) Original is going from TSD to ASD to LCD to Greenleaf to you - so we have time to adjust. *Also, once we get approval we can adjust as we implement.* JH" (emphasis added). Found on page 2 of the memorandum was another "Post-it" affixed next to DAD Boyd's recommendation on the fence which stated "I think we can work this out. You won't want them on one side."[160] SSA Hartingh "was surprised that Director Sessions approved the recommendation to place the boards on only one side of the stringer. After he indicated his approval, [SSA Hartingh] asked him if he was sure that he

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[157] Tab A-80, p. 14.

[158] Tab B-23.

[159] Tab A-80, pp. 13-14.

[160] Tab B-36.

wanted boards on only one side of the stringer. He indicated that he was willing to go along with the recommendation. [SSA Hartingh] asked him if he was going to talk to Alice Sessions about the features he had approved and he indicated that he would talk to his wife."[161]

Although he approved the fence recommendation, the Director did not approve the recommendation to replace the alarm system and instructed, "Possibly later WSS 3/4."[162] SSA Hartingh stated that: "The Director approved the fence recommendation on 3/4/91, however, he did not approve the alarm installation recommendation. [redacted] later indicated to me that he was disappointed that the Director failed to approve this component of the security system. All along, [redacted] had maintained that the existing alarm system in the Director's residence was antiquated and that he had been pushing for approval to replace the alarm system."[163]

After the Director approved the fence recommendation, [redacted] introduced SSA Hartingh to [redacted]

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[161] Tab A-61, p. 14. The Director could not recall why he approved that recommendation for the fence to have the boards on one side of the stringers and be spaced no closer than 1 & 1/2 inches apart (Tab A-194 at 242-243). However, the note from Mr. Hartingh is instructive. Only after the Director had approved a recommendation could procurement action begin, and then they would be in a position to "work this out" as Mr. Hartingh had suggested.

[162] Tab B-35.

[163] Tab A-61, p. 14.

that SSA Hartingh was working on a procurement to have a fence installed at the Director's residence. SSA Hartingh told [redacted] 7(c) that the fence procurement had been "in the mill for some time and that [he] should handle it within the next day or two."[160]

Following the meeting [redacted] that he wanted the procurement of the fence completed as soon as possible. [redacted] stated that [redacted] Long Fence Company had been contacted by SSA Hartingh and that the FBI should issue a "sole source contract" to Long Fence Company. [redacted] who was present during the meeting [redacted] informed [redacted] to get "Mr. and Mrs. Sessions what they wanted."[161]

[redacted] met with SSA Hartingh who told him that [redacted] Long Fence Company had been in contact with Mrs. Sessions and that [redacted] knew what Mrs. Sessions wanted. During their meeting, SSA Hartingh called Mrs. Sessions and confirmed that [redacted] knew Mrs. Sessions' requirements for the fence at the residence. SSA Hartingh directed [redacted] "to go with" the Long Fence

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[160] Tab A-142, p. 2.

[161] Tab A-142, pp. 2-3. When interviewed on September 10, 1992, [redacted] advised that he has no recollection of instructing [redacted] to "sole source" the contract to the Long Fence Company. Tab A-45, p. 10.

proposal. Specifically, SSA Hartingh requested [redacted] "sole source" the contract with the Long Fence Company.[166] 7(c)

Following his meeting with SSA Hartingh, [redacted] went back to see [redacted] told him that although there were a number of companies that could install the fence at the Director's residence, SSA Hartingh wanted the fence as soon as possible and he wanted it to be "sole sourced" to the Long Fence Company. [redacted] instructed [redacted] "make it legal."[167]

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[166] Tab A-142, p. 3.

[167] Tab A-142, p. 3. SSA Hartingh advised that after the Director approved DAD Boyd's February 15, 1991 memorandum, [redacted] telephoned him to advise that he was assigned to handle the [redacted]curement. SSA Hartingh stated he had several conversations with [redacted] and on one occasion, provided [redacted] a copy of the February 14, 1991 handwritten notes cont[redacted]name, phone numbers, and fence cost information (Tab [redacted]). SSA Hartingh stated he also provided [redacted] with a letter from [redacted] (Tab B-37) and with the name of [redacted] both the letter and [redacted]ame had originally been given to SSA Hartingh by either the Director or Mrs. Sessions. SSA Hartingh claims that [redacted] told him he would use the Long Fence Company and [redacted] as bidders on the fence procurement. However, SSA Hartingh denies that he ever instructed [redacted] to "sole source" the contract to Long Fence Company. Tab A-61, pp. 17-19.

SSA Hartingh stated: "I have been asked if I recall [redacted] questioning whether or not a board-on-board fence was OK. I recall him asking that question and my referring to notes I had on that issue and from that stating my understanding. I also recall advising him that TSD would have to officially opine on that issue, as they had done the original 2/15/91 memo." Tab A-61, p. 20.

Additionally, Hartingh stated, [redacted] did call me or visit me during the construction phase to inform me that Long Fence was installing board-on-board fencing, which was contradictory to the recommendation approved by the Director in the February 15, 1991 memorandum. Tab A-61, p. 18.

(continued...)

[redacted] contacted [redacted] and asked him if he were familiar with the fence specifications [redacted] stated, "he was familiar with the specifications, that he had spoken with Mrs. Sessions, and that he would fax me his quote for constructing a fence at [redacted] address."[168] 7(c)

Long Fence Company's proposal, dated March 7, 1991, called for the installation of a 6-foot-high Wyngate wood fence including a 1-foot heavy-duty lattice topping at a total cost of $9,890.[169] That proposal was accepted, and Purchase Order Number A112170,

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[167] (...continued)
SSA Hartingh also stated: "When I told" OPR investigators "I was only a conduit from Alice Sessions [redacted]' I meant: I passed information from Mrs. Sessions [redacted] notes, etc.) [sic] and procurement numbers, etc., from [redacted] to Mrs. Sessions." Tab A-61, p. 20.

[168] Tab A-142, p. 3.

[169] Tab B-38. The proposal is similar to that made to Mr. Munford on December 8, 1989 (Tab B-17).

With regard to that proposal, [redacted] advised that, sometime early in 1991, he was contacted by Mrs. Sessions or by an FBI procurement official regarding the fence, after which he decided to revisit the residence and remeasure the property lines. He stated that when he arrived at the residence, he was met by Mrs. Sessions, who expressed that her primary concern was for privacy, and she expressed an interest in having the fence constructed in such a way that individuals could not hide behind it. During the construction of the fence, Mrs. Sessions reportedly requested that the vertical boards be spaced a little wider than they were initially being installed. However, this was not done. [redacted] no one, during this period of time, ever suggested placing the boards on only one side of the stringers. [redacted] said that he considered the Wyngate style of fence to be a privacy fence. Tab A-19, p. 4.

signed by [redacted] was issued on March 11, 1991, to Long Fence Company.[170] 7(c)

~~7(A)~~/

Finally, in a sad footnote to the entire fence situation, [redacted] that in response to an announced audit of the fence procurement by the Department's Inspector General he fraudulently created a procurement folder which reflected that the fence had been procured using competitive bidding. The folder showed that bids were requested from three bidders: Long Fence Company, [redacted] never actually obtained bids from either [redacted] 7(C)/ 7(D)

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[170] Tab B-39.

[171] Tab A-142, pp. 6-7; Tab B-14. That matter remains under investigation; however, there is no evidence that the Director was aware of this fraudulent activity.

[redacted]

(continued...)

[redacted] advised in a May 11, 1991 addendum to DAD Boyd's 7(c)
February 15, memorandum that the "Wyngate security fence and automatic gate opener [were] installed on April 11, 1991, * * * ."[172]

Based upon our findings, we conclude that from the outset Mrs. Sessions did not want the FBI involved in selecting the security enhancements for their residence. There followed a manipulation of the Bureau's processes to accommodate Mrs. Sessions' aesthetic con-

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[171](...continued)
[redacted] ~~7(A)~~ 7(c) 7(D)

[172] Tab B-39. A series of photographs, taken on July 24, 1992, of the fence constructed at the Sessions' residence is found at Tab B-40.

cerns at the expense of the Director's security. As a result, the government paid a substantial premium for Mr. Munford to perform a security survey which could easily have been accomplished by professionals within the FBI. In addition, the government paid for a fence which actually reduced the level of security afforded the Director.

We also conclude that the Director was fully aware of the necessity that any fence constructed at government expense must clearly enhance the security of his residence and should promote his security.[173] This was recommended by Mr. Munford and every Bureau professional who reviewed the situation.[174] Specifically, the Director and Mrs. Sessions were told unequivocally by Mr. Clarke in the April 13, 1990 meeting that the government could not pay for a wooden privacy-type fence (such as the Wyngate board-on-board fence which was ultimately installed) because it would not enhance the security of the residence. We also conclude that de-

[173] While it might be argued that the level of security afforded the Director should be primarily his own concern, the government has a clear interest in ensuring that the Director of the FBI does not become an easy target for anyone who would seek to gain an advantage over the government by taking action against a high-visibility official such as Director Sessions. Accordingly, it is obvious that if the government expends funds which also inure to the personal benefit of the Director, the expenditure must clearly promote a governmental interest, in this case security.

[174] It is clear that Mr. Munford attempted to change his recommendation only after it became apparent to him that Mrs. Sessions would not approve the remaining security enhancements unless she got the type of fence she wanted -- a fence which would keep her dog in and the neighbors' dogs out. *See, supra*, n. 91.

spite his awareness, the Director failed to take appropriate action to ensure that government funds were not wasted.

In fact, the Director took actions which could be viewed as designed to facilitate the acquisition, at government expense, of the wooden privacy fence. For example, the Director would not approve the other elements of the security enhancement package -- such as an alarm system and stronger doors and locks -- until the fence issue was resolved. The only explanation we can find for delaying the other enhancements was to increase the pressure on the Bureau to relent and to approve Mrs. Sessions' desired privacy fence.

Moreover, even though the Director ultimately approved a compromise fence which DAD Boyd designed to accommodate Mrs. Sessions' aesthetic concerns while preserving the visibility required of a security fence, he took no action whatsoever once he was aware that the type of fence he had approved had not been constructed.[121] As a result, the Bureau purchased a fence which clearly reduced the level of security for the Director. That fence also clearly en-

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[121] There is evidence in the form of SSA Hartingh's handwritten notes to the Director following his approval of DAD Boyd's compromise that the Director was aware that once the contract was awarded the specifications would be altered to accommodate Mrs. Sessions' demand for a privacy fence. There is no evidence that the Director ever instructed Mrs. Sessions to either accept the security fence recommendation for a government funded fence or use their personal resources to pay to have the fence of her choice installed.

hanced the value of the Director's property with no concomitant benefit to the government whatsoever.

Accordingly, we have concluded that the Director's knowing failure to take appropriate action to ensure that government funds were not wasted on the security enhancements to his residence constitutes misconduct. Moreover, because the value of the Director's property was enhanced as a result of his misconduct, we conclude that he must reimburse the government for the cost of the fence, including the automatic gates.[176] The cost of the fence and the gates was determined to be $9,890.00.[177]

V. VIOLATIONS OF 31 U.S.C. SECTION 1344 PERSONAL USE OF GOVERNMENT AUTOMOBILES

This issue was based upon allegations contained in the anonymous letter that FBI Agents had been inappropriately assigned to drive Alice Sessions, the Director's wife, on personal business and

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[176] The investigation also established that the Director's Security Detail does not have the ability to automatically operate the gates. Therefore the Director is not within a secure area when he enters or exits his limousine. The security recommendations clearly envisioned that the security fence would be on the property lines and that the Security Detail would automatically open the gates, drive the Director's limousine through the gates into the secure area, and close the gates before he would enter or exit the limousine.

[177] The total figure is broken down as follows:

Wooden Fence	$3,750.00
Iron Gates	$3,750.00
Gate Opener	$2,390.00
Total	$9,890.00

shopping trips.[178] Investigation into the original allegations disclosed numerous other possible violations of Title 31 by the Director.[179]

Congress has provided in 31 U.S.C. § 1344 a strict prohibition against the misuse of official government vehicles. 31 U.S.C. § 1349 requires a minimum 30-day suspension without pay for each instance of vehicle misuse. During the period of the Director's tenure, from 1988 through 1992, the Bureau has substantiated 21 cases of vehicle misuse by Special Agents. At least one of those cases was affirmed by the Director when an appeal was made to him. Some examples of vehicle misuse by agents which have resulted in thirty-day suspensions include (1) en route to his field office, a management-level agent, driving his assigned FBI vehicle, came upon his eldest son who had been driving his younger brother to school in the agent's personally-owned vehicle which had become disabled. The agent transported his youngest son in the FBI vehicle to school which was in a direct line to and only seven blocks from the field

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[178] *See*, Tab B-1.

[179] 31 U.S.C. § 1344, and the FBI *Manual of Administrative Operations and Procedures* (*MAOP*), prohibit the use of Government vehicles for other than official business. (Tab B-41; Tab B-42.) The *MAOP* states, in pertinent part: "[T]ransportation for other than FBI employees is to be restricted to individuals and their families, or aides accompanying them, who are traveling to attend FBI-sponsored or FBI-participating functions or have other direct business to transact with FBI officials and/or officials of the Department of Justice traveling on official business." (Tab B-42.) 31 U.S.C. § 1349 mandates a minimum 30-day suspension without pay for each violation of Section 1344.

office's location. The agent was suspended for thirty days for transporting an unauthorized passenger. (2) An agent was suspended for thirty days for transporting an unauthorized passenger in an FBI vehicle when he picked-up his two minor children and the minor child of a neighbor and drove them home from school. (3) An agent was suspended for thirty days for transporting his wife and son in his assigned FBI vehicle. (4) An agent was suspended for thirty days for transporting his neighbor in an FBI vehicle to pick-up a rental car.

Very shortly after he was sworn in, Director Sessions was given a briefing [redacted] by Legal Counsel Division Assistant Director Joseph R. Davis.[111] One of the items covered in those briefings was the permissible and impermissible uses of FBI vehicles.[112] The Director was specifically informed that there were instances in which it was inappropriate for non-official passengers to be carried in FBI vehicles.[113] Moreover, the Director has been given at least two opinions by Legal Counsel that 7(c)

110/ Tab A-121 at 6-7.

111/ Signed, sworn statement of Joseph R. Davis dated November 24, 1992 (hereinafter "Davis Statement"), at 13.

112/ Tab A-121 at 8; Davis Statement at 13. The Director was specifically told that it was improper for Mrs. Sessions to be transported alone in FBI vehicles except in very rare instances. He was also told of the substantial amount former Attorney General William French Smith paid to reimburse the Department for his wife's use of a Department vehicle unaccompanied by her husband.

113/ *Ibid.*

it is impermissible for him to transport non-official passengers in his FBI vehicle.[184] The apparent violations revealed in the course of the investigation are set forth below.[185]

MRS. SESSIONS TRANSPORTED ALONE IN FBI VEHICLES

Washington, DC - 1987-1992

During the Winter of 1991, Mrs. Sessions was transported alone in an FBI vehicle to the Georgetown area of Washington to visit a dressmaker and on another occasion, Mrs. Sessions was driven in an FBI vehicle to the Ritz Carlton Hotel in Washington to attend a social function.[186] In both instances transportation in the Government vehicle was not in connection with any official function.[187]

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[184] Davis Statement at 13.

[185] In his interview, the Director contended that he was not responsible for the violations because it was up to the Security Detail to tell him when it was improper to transport a non-official passenger (Tab A-194 at 305, 332, 335, 336, 338). Moreover, the Director found it "offensive" that he should be "subject to question" about his use of the vehicle when he was only using it because the FBI required him to use it (Tab A-194 at 332). Even so, the Director took the position that he could lawfully transport anyone in the FBI vehicle because of the requirement for his security (Tab A-194 at 336). However, the Director never asserted that he had made any inquiry to the FBI's Legal Counsel Division regarding when non-official passengers could be transported in FBI automobiles.

[186] Tab A-76 at 2.

[187] *Ibid.*

While on Official Travel with Director Sessions

Mrs. Sessions often accompanied the Director during trips outside Washington, D.C. Special Agents were routinely required to transport Mrs. Sessions, for apparently purely personal reasons, when the Director was not present in the vehicle:[118]

1. [redacted] Mrs. Sessions accompanied the Director on his trip to the Special Agents in Charge (SAC) Conference [redacted] During this conference, [redacted] transport Mrs. Sessions in an FBI vehicle to get her hair and nails done.[119] 7(c)/ 7(D)

2. Mrs. Sessions accompanied the Director on a trip to an SAC Conference [redacted] transport the Director's wife in an FBI vehicle to local shopping outlets.[120]

3. [redacted] the Director and Mrs. Sessions traveled to [redacted] so the Director could attend a DEA Senior Executive Conference. Two female FBI Special Agents [redacted] were assigned to accompany Mrs. Sessions and transport her in an FBI vehicle to the Lord and Taylor department store, where she shopped, and then transport her back to her hotel.[121]

UNAUTHORIZED PASSENGERS IN GOVERNMENT VEHICLES

Director Sessions frequently offered rides in his FBI limousine to non-Government and non-family persons prior to August 1992. [redacted] the Director gave

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[118] Tab A-44, pp. 21-22; Tab A-109, p. 14; Tab A-12, p. 79.

[119] Tab A-123, p. 4.

[120] Tab A-123, pp. 9-10; Tab A-44, p. 3.

[121] Tab A-46, p.34; Tab A-104, pp. 1-2; Tab A-113, pp. 1-2.

rides in his FBI limousine to non-FBI individuals on the average of two times a week.[122] Logs maintained for the Director's limousine also contained references to instances when apparently unauthorized passengers were provided transportation in the Director's limousine.[123] Set forth below are several examples:

1. During the Christmas season, in 1990 or 1991, the Director and Mrs. Sessions were transported in an FBI automobile to a reception at the Embassy of the Soviet Union.[124] When Director and Mrs. Sessions emerged from the embassy, they were accompanied by [redacted] (CNN). [redacted] to the CNN offices where they picked up luggage and a man who was apparently an acquaintance of [redacted] who was going to travel with her.[125] Because there was not enough room in the FBI limousine, [redacted] companion was provided transportation in the FBI "follow vehicle" and [redacted] and her male companion were then transported to Washington National Airport where they were dropped off to board a flight.[126] The Director and Mrs. Sessions returned to their residence.[127] 7(c)

122/ Tab A-162 at 1. Since August, 1992, when the investigation concerning the Director became known, the Director has not given any rides to unauthorized individuals (Tab A-162 at 1- 2; Tab A-190 at 2).

123/ Tab A-161; Tab A-168.

124/ Tab A-96 at 74; Tab A-162 at 2.

125/ *Ibid.*

126/ Tab A-96 at 74-75; Tab A-163 at 2.

127/ [redacted] 7(c) 7(c)

(continued...)

2. [redacted] agents assigned to the Director's security detail drove the Director, Mrs. Sessions and several of the Sessions' family members in FBI vehicles [redacted] The Director's limousine was used to transport several family members and the FBI "follow car" was also used to transport one of the Director's sons, his wife and a newborn child.[199] The passenger assignments were made by Director Sessions.[200] The transportation of these additional passengers violated the security procedures established by the Director's Security Detail.[201] After [redacted] the Director and his family were then driven in FBI vehicles [redacted] 7(c) / 7(

3. On December 22, 1989, Director Sessions, accompanied by Mrs. Sessions, arrived in San Francisco, California, for a visit which included a tour of the Lawrence Livermore Laboratory and, during the latter part of the trip, breakfast with Special Agent in Charge Richard W. Held.[203] On approximately five occasions, the Director's daughter was driven in an FBI vehicle from a theater where she was performing to an apartment the Director was using near downtown San Francisco.[204]

4. [redacted] a friend of Director Sessions, accompanied the Director in the FBI limousine to the [redacted] Virginia.[205] [redacted] rode with Director Sessions back to [redacted] hotel.[206] The Director was then driven to his residence.[207]

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[197] (...continued)
[redacted] 7(c) 7(

[198] Tab A-21 at 29; Tab A-169 at 1-2.

[199] *Ibid.*

[200] *Ibid.*

[201] Tab A-21 at 30; *see, also*, Tab B-163.

[202] Tab A-21 at 30.

[203] *See*, Tab B-89.

[204] Tab A-81 at 3; Tab A-123 at 2-3; Tab A-124 at 1-2; Tab A-172 at 2.

[205] Tab A-81 at 5; Tab A-169 at 2.

[206] Tab A-81 at 6; Tab A-169 at 2.

5. [redacted]

7(c)/
7(D)

6. [redacted] Director Sessions was driven [redacted] party at an embassy in Washington, D.C.[210] After the party, a former judge and his wife were transported with the Director in the FBI vehicle to the Jefferson Hotel on 16th Street, Washington, D.C.[211]

7. [redacted] the Director and Mrs. Sessions were driven to the [redacted] in Washington, D.C. The Director, Mrs. Sessions, and [redacted] were transported in an FBI vehicle to the [redacted] where they viewed an art exhibit.[212] After visiting the art exhibit, all four were transported back to [redacted] residence where [redacted] were dropped off.[213]

8. On another occasion, the Director, Mrs. Sessions, [redacted] were driven in FBI vehicles to [redacted] Connecticut Avenue.[214] The Director and [redacted] rode in the follow car while their wives rode in the limousine. Following the auction, [redacted] were given a ride back to their residence.[215]

9. [redacted] the Director's grandchildren flew into the local airport and were picked up in an FBI vehicle and transported to the residence where the Director and Mrs. Sessions were staying.[216] [redacted]

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[207] (...continued)

[207] *Ibid.*

[208] Tab A-96 at 16-17; Tab A-155 at 1.

[209] *Ibid.*

[210] Tab A-81 at 4; Tab A-169 at 2.

[211] *Ibid.*

[212] Tab A-163 at 3; Tab A-9 at 47-48.

[213] *Ibid.*

[214] Tab A-163 at 3; Tab A-46 at 44-45.

[215] *Ibid.*

[216] Tab A-190 at 2; Tab A-[illegible] at [illegible].

[redacted] 7(c)/ The Director and Mrs. Sessions were driven directly from one airport where the FBI aircraft arrived from Washington, D.C., to another airport where the grandchildren arrived.[217] [redacted] 7(c) 7(; however, one of the grandchildren was transported in an FBI vehicle to and from the airport.[218] Director Sessions was not in the FBI vehicle at the time, but was driving his personal vehicle.

10. In the summer of 1992, the Director and Mrs. Sessions were transported in an FBI vehicle to the residence of [redacted] in Washington, D.C. From there, [redacted] the Director and Mrs. Sessions were driven in the FBI vehicle to the [redacted] in Washington, D.C.[219] The Director and Mrs. Sessions were transported back to their residence in the FBI vehicle.[220] [redacted] was not provided transportation from the [redacted] 7(c), 7(

11. The Director and [redacted] were driven in an FBI vehicle from the Director's residence to a social event at the Mayflower Hotel in Washington, D.C.[222] 7(c)

12. On at least two occasions, a woman [redacted] in Washington, D.C., was a passenger in the FBI limousine. On one of these trips, the Director was dropped off first and he instructed Security Detail Agents to transport the woman to her residence.[223] 7(c)

GOVERNMENT VEHICLES UTILIZED FOR PERSONAL ERRANDS

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[217] *Ibid.*

[218] *Ibid.*

[219] Tab A-96 at 75; Tab A-169 at 2.

[220] *Ibid.*

[221] *Ibid.*

[222] Tab A-112 at 77; Tab A-169 at 3.

[223] Tab A-96 at 76; Tab A-169 at 3.

FBI vehicles were used to pick up tickets at the White House for Kennedy Center events that the Director and Mrs. Sessions were to attend.[224] In addition, government vehicles were used to transport purchases made by Mrs. Sessions at an auction house across the street from FBIHQ to the Director's residence and to and from a furniture refinisher in West Virginia.[225]

VI. CONTACT WITH AND ATTEMPTED INTERCESSION WITH A FOREIGN GOVERNMENT ON BEHALF OF SOVIET NATIONALS

During the course of our inquiry, we learned that in June, 1991, the Director and Mrs. Sessions were scheduled to attend a performance of the Kirov Ballet at the Wolf Trap Farm Park. They departed in an FBI limousine, followed by another FBI vehicle with additional personnel from the Director's Security Detail. Enroute to Wolf Trap, the motorcade made an unscheduled stop at a hotel located in Fairfax, Virginia, at the intersection of Route 50 and Interstate 495. Mrs. Sessions left the vehicle and entered the hotel. She later emerged from the hotel in the company of a man and woman. Mrs. Sessions informed the Director that the two people needed a ride. The Director assented, and the two people were transported to Wolf Trap in the FBI vehicle which followed the Director's limousine. At some point, a member of the Director's Security Detail learned that the two people who were given the ride

[224] Tab A-81, p. 3; Tab A-162, p. 4.

[225] Tab A-54 at 7; Tab A-96 at 58-59; Tab A-81 at 7; Tab A-123 at 13.

were ballet dancers performing with the Kirov Ballet and presumably citizens of the Union of Soviet Socialist Republics.[226]

In addition, Mrs. Sessions gave an envelope containing several hundred dollars in cash to a member of the Security Detail to hold for her. She subsequently borrowed $20 from an agent assigned to the Director's Security Detail because she reportedly was "short $20 to pay the dancers." After she obtained the additional $20 she gave the envelope containing the cash to the ballet dancers.[227]

On June 10, 1991, the agent received a letter from the Wolf Trap Foundation for the Performing Arts which enclosed a $20 check. The letter reported that the check was to reimburse the agent for the $20 loaned to Mrs. Sessions while at Wolf Trap attending the Kirov Ballet performance.[228]

We also learned that subsequent to the ballet performance, the Director personally contacted John E. Guido, Inspector-in-Charge (IC), Office of Liaison and International Affairs (OLIA), FBIHQ. The Director advised that he had met a couple of dancers from the

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[226] *See*, Tab A-96 at 76-77. This encounter with the two Soviets took place before the breakup of the Soviet Union on December 26, 1991, and also before the attempted coup d'etat in the Soviet Union on August 19, 1991 which ultimately led to the breakup.

[227] Tab A-96 at 77.

[228] Tab A-96, at 77; Tab A-178 at 2. We presume that Mrs. Sessions has some role in the organization which sponsored the Kirov Ballet at Wolf Trap.

Soviet Union, who were enroute back to the Soviet Union with a layover in Paris, France.[229] The Director told IC Guido that the dancers spoke neither English nor French, and he was concerned that the dancers might have problems in making their flight connection in Paris.[230] The Director asked that IC Guido contact the Legal Attache, Paris, and ask that he attempt to facilitate the dancers' movement through the airport.[231]

SSA Alan G. Ringgold, Legal Attache, Paris, France, was contacted by IC Guido and informed of the Director's request.[232] SSA Ringgold was told that one of the dancers was expected to have visa problems and that he (SSA Ringgold) was being requested by the Director to facilitate the dancers' transit through the Paris airport.[233] [redacted] 7(c)/ 7(d)

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[229] Tab A-165 at 1.

[230] Id. at 1-2.

[231] Id. at 2; Tab A-182 at 1; Tab A-96 at 78.

[232] Tab A-165 at 2; Tab A-182 at 1.

[233] Tab A-182 at 2.

[234] Ibid.

[redacted] 7(c)/ 7(D)

During his interview, the Director confirmed that a ride had been given in an FBI automobile to two dancers from the Soviet Union to Wolf Trap.[237] The Director did not know the names of the individuals nor did he have any checks made to ensure the Soviets were not of official interest to those in the Bureau responsible for foreign counterintelligence.[238] In addition, the Director saw nothing inappropriate about giving the Soviets a ride in an FBI vehicle in his motorcade.[239] The Director also said he was unaware of the cash payment by Mrs. Sessions or the reasons for the payment, if it occurred.[240] Finally, The Director did not comply with FBI procedures and report his contact with the Soviets to the FBI Security Programs Manager.[241]

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[235] *Ibid.*

[236] *Ibid.*

[237] Tab A-194 at 299.

[238] *Id.* at 301.

[239] *Id.* at 304.

[240] *Id.* at 305.

[241] *Id.* at 301. *See,* Tab B-142. The FBI's *Manual of Administrative Operations and Procedures* Part I, Section I-19.1, dated March 28, 1989, states:

> "All FBI employees who have unofficial written or personal contact with nationals of foreign nations listed in the Foreign Counterintelligence Manual, Part III, Section 1-1, are required to report these contacts in writing to the FBI Security Programs Manager."

The Director also confirmed that he requested that these Soviets' transit through Paris be assisted by the FBI Legal Attache.[242] The Director believed that because "one of the dancers was going on to China and had airline connection problems[,] [a]nd one of them was going someplace other than back to the Soviet Union and had problems * * * it would be appropriate for an attache * * * to be of assistance if he could."[243] Although the Director recognized that there was no "official reason" for the Legal Attache's assistance,[244] he thought it was appropriate to expend the resources and the goodwill of the FBI to "help persons who have an extremely tight schedule or who have difficulty with getting to where they're going on time."[245]

These incidents with the Soviets demonstrate clearly the Director's attitude towards FBI procedures and use of government resources. In addition, it amply illustrates the Director's very poor judgment, especially with regard to the effect of his wife's activities on the FBI. First, the Director has disdain for FBI procedures which interfere with his personal desires. In the case of the firearm issued to him to allow him to avoid payment of taxes on the value of his government-provided home-to-work transportation, the Director ignored FBI regulations requiring employees is-

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[242] Id. at 306.

[243] Id. at 306.

[244] Ibid.

[245] Ibid.

sued firearms to be trained and qualified in order to be properly issued a weapon. Similarly, the Director, who is the head of the government agency charged with the responsibility for counterintelligence, met with two Soviets -- citizens of the country most likely to be engaged in hostile intelligence activities in the United States -- and did not even check to ensure that his agency had no official interest in the two individuals. Moreover, he totally ignored a specific agency regulation requiring him to report his contact to the appropriate agency officials.

Second, the Director believed it was entirely appropriate to direct that agency resources and goodwill be expended to assist these Soviets by intervening with a foreign government regarding intransit formalities. There was no law enforcement reason for the Legal Attache to be involved in any aspect of these Soviets' travel. Accordingly, it was entirely improper for the Legat to take any action with respect to the Soviets. Obviously, it is not the mission of the FBI to operate as a travelers' aid for United States citizens, much less for citizens of another country. [redacted] Even if we assumed that the Director did not "order" the Legat to intervene on behalf of the Soviets, but that he merely suggested that the Legat do whatever he could for them, it would nevertheless demonstrate the Director's inability to recognize and avoid the appearance of impropriety. There was absolutely no reason for the Director to transport these Soviets in an official FBI vehicle, and there was no reason for the Director to direct or permit the expenditure of FBI resources for non-law enforcement purposes on behalf of two Soviets.

Finally, this incident illustrates the Director's very poor judgment with respect to avoiding the appearance of impropriety. Based upon his own statement, the Director had no idea whether either or both of the Soviets were involved in intelligence activities. The mere fact that they were apparently dancers with the Kirov Ballet certainly does not preclude their being KGB operatives. Given the Bureau's foreign counterintelligence responsibilities, the Director exercised extraordinarily bad judgment when he made contact with these Soviets without first checking with appropriate Bureau officials to ensure that there was no official interest in them. Moreover, given the Director's position, it would not be unusual for his activities to be of interest to foreign intelligence services; accordingly, he should have avoided such informal contact with unknown Soviets because of the potential that his activities might suggest that he had an improper relationship with the Soviets and thereby hamper the foreign counterintelligence activities of the Bureau. This possibility becomes even more problematical when Mrs. Sessions' activities with respect to the envelope of cash are considered.[145] The Director simply

[145] For example, if either of these Soviets were KGB operatives and the transaction were observed by any other intelligence (continued...)

should have insisted that his wife avoid activities which create the appearance of impropriety. However, as this investigation has demonstrated, the Director cannot or will not insist that his wife accept the fact that she is not an official of the FBI, has no power to insist upon official action being taken, and accept that there are rules, regulations, and procedures which are applicable to the Director's activities which may preclude her from engaging in certain activities.[247]

VII. AIR TRAVEL BY THE DIRECTOR AND MRS. SESSIONS

It was alleged that Director Sessions arranged official business in locations where he joined his family members on holiday. The anonymous writer claimed that these trips involved

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[246] (...continued) service how likely would it be that that service would cooperate with the FBI?

[247] Mrs. Sessions' interference in official FBI activities began before the Director even assumed office. Mr. John E. Otto, who retired as Associate Deputy Director of the FBI on April 28, 1990, was the Acting Director of the FBI from May 26, 1987, through November 2, 1987. During this period, Judge William S. Sessions was nominated to be the next Director of the FBI. Subsequent to Judge Sessions' nomination, Mr. Otto was telephonically contacted on numerous occasions by Mrs. Alice Sessions, at which times she made derogatory comments, several requests, and gave directions and instructions pertaining to official FBI matters. Mr. Otto told Mrs. Sessions that she had no official standing with the FBI and told her he would not follow her instructions, but she disregarded all the advice and comments regarding her behavior, and continued to interject herself in matters pertaining to the FBI's official business (Tab A-156 at 1-2). Moreover, the Director was aware of Mrs. Sessions' activities and was also aware of Mr. Otto's admonition (Ibid.).

visits to San Francisco, where the Director's daughter, Ms. Sara Sessions, resides; a trip to Memphis to spend time with friends; and at least one trip to San Antonio, Texas, in 1990, during which, it was alleged, a larger Government aircraft had to be flown to San Antonio to ferry the Director's entourage, including Mrs. Sessions and Ms. Sara Sessions, back to Washington, D.C.

The investigation determined that the Director has visited approximately 330 locations during his term of appointment, either by round trip to one location or visits to several locations on the same trip. During this period, Director Sessions utilized air transportation to visit approximately 297 of the locations. Visits to approximately 234 involved the use of FBI operated aircraft. Mrs. Sessions accompanied the Director to 126 of these locations, which included approximately 111 locations in which she was transported aboard aircraft operated by the FBI.[241] During the period

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[241] By memorandum from the Legal Counsel Division (LCD), dated 1/31/89, and entitled: "SPOUSAL TRAVEL," the Director was informed that a spouse may accompany a Government official in a Government motor vehicle or aircraft on a space-available basis to participate in social events of an official nature at which the spouse's attendance would be appropriate. However, the memo further states:

> The Comptroller General has approved travel for non-official passengers on a "space-available basis" incident to an otherwise authorized use of the vehicle. However, in an opinion rendered regarding the personal travel of spouses of upper-level Governmental officials, the Comptroller General stated that there are "serious questions about the propriety of such transportation, even on a space-available basis, because of the increased potential of liability for the United States in the event of personal injury to these passengers." (B-211586-O.M., July 8, 1983)

(continued...)

from October 1, 1988 through March 31, 1990, the spouse of then Attorney General Thornburgh accompanied him on ten trips, and the Attorney General reimbursed for all of the trips. During the same period, Mrs. Sessions accompanied the Director on 32 trips, and the Director reimbursed for only one of the trips.[249]

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[248](...continued)

By memorandum from the LCD, dated 6/6/89, and also entitled: "SPOUSAL TRAVEL," the Director was informed of the standard which would permit Mrs. Sessions to accompany him in a Government vehicle:

> Consistent with Title 31, U.S.C., Section 1344 (4) (1), * * * the Comptroller General has ruled that an employee's spouse may accompany him in a Government vehicle on a trip scheduled for the transaction of official business where the agency has determined that the spouse's presence is in the interest of the Government and that space is available for the spouse in the vehicle * * *.

In addition, DOJ Order 2460.1, Section 7 (d) (3) states in pertinent part:

> (W)hen a private individual (such as a relative of an employee) * * * is not traveling at the request of a Department official to assist in the mission of the Department, he or she must be billed for the travel provided at the commercial rate (coach class) for the trip provided.

[249] The FBI took the position that all of Mrs. Sessions' travel with the Director was in connection with his official travel and "reimbursement was unnecessary because it was neither required nor appropriate." See, Office of the Inspector General, Department of Justice, Audit of the Executive Use of Department of Justice Aircraft, Report No. 92-9, March 1992, at 19.

Listed below are the locations most frequently visited by the Director and the number of days spent in each city for the period July 23, 1987, to July 2, 1992:

Location	Frequency	#Days
New York, N.Y.	23	33
San Antonio, Tx.	17	60
Chicago, Il.	10	13
San Francisco, Ca.	10	40
Atlanta, Ga.	9	10
Boston, Ma.	8	12
Dallas, Tx.	8	16
Philadelphia, Pa.	6	6

Since his appointment as Director of the FBI, the children of the Director have resided in San Antonio, Texas; Dallas, Texas and its suburb Richardson, Texas; Bridgewater, New Jersey; and San Francisco, California. The Director's father has resided in Ft. Smith, Arkansas during the Director's tenure. The Director has made several official visits to each of these cities since his appointment as Director. Listed below are the dates the Director made official visits to the above locations and the official functions during the visit:

San Antonio, Texas[230]

1/29/88	Seminar on Crime Law and the Press at the University of Texas (San Antonio campus)
3/24/88	Bar Association Award Portrait Presentation
5/6/88	Speech - St. Mary's University Law School Commencement Speech - United Parcel Service
7/26/88	Station KLRN San Antonio Week in Review TV Show San Antonio Rotary Club
2/22/89	Station KENS TV Taping Visit San Antonio Field Office Law Enforcement Luncheon
9/25/89	Speech - U.S. Attorney's Conference Meeting - Mexican General Consulate Speech - Drug-Free Business Initiative Symposium
1/18/90	Speech - International Security Management Association meeting Visit San Antonio Field Office
4/21/90	FBI SAC Conference
5/31/90	St. Mary's Hall graduation Federal Bar Association Good Scout Awards Banquet
4/18/91	Speech - Committee of 200 Speech - John Wood Middle School Speech - San Antonio Bar Association
9/11/91	Speech - U.S. Marshals Service conference Speech - Hispanic National Bar Association
6/1/92	Speech - NCIC Advisory Policy Board Visit San Antonio Field Office
7/1/92	Remarks - LULAC Presidential Award Speech - LULAC Youth Conference

[230] The Director also visited San Antonio on four other occasions; however, these trips were personal and travel costs were reimbursed by the Director or the Director did not bill the Government for his travel.

Dallas, Texas

11/19/87	Remarks - Former Agents Society Visit Dallas Field Office
5/5/88	Speech - YMCA
6/9/88	Speech - State Bar of Texas convention Visit Ft. Worth RA
2/22/89	Speech - combined meeting of the Dallas Council Affairs and the Dallas Rotary Club
3/21/90	Speech - Southwestern Legal Foundation Command and Management School Speech - Dallas Friday Group
4/10/90	Testimony - Committee on Banking Finance & Urban Affairs
5/2/91	Speech - 1991 Law Day Luncheon Speech - Ft. Worth Rotary Club Visit Ft. Worth RA Visit Dallas Field Office
11/12/91	Speech - International Association of Airline Security Officers Speech - National Center for Policy Analysis Visit Dallas Field Office

Richardson, Texas

1/21/90	No official function
3/20/90	No official function (speech the following morning in Dallas, Texas)

Bridgewater, New Jersey

6/25/88	No official function (speech on 6/27/88 in New York City)
9/2/89	No official function

San Francisco, California

12/20-23/87	Speech - Commonwealth Club of California Visit San Francisco Field Office Tour FCI Lockout

3/11/88	No official function - Layover from Australia trip
11/27/88	No official function - Layover from Australia trip
12/20/88	Reception at the Presidio Meet with James R. Perez @ Barden residence
6/23/89	Speech - American Academy of Achievement (Golden Plate awards)
12/21/89	Visit Lawrence Livermore Laboratory Visit San Francisco Field Office
9/6/90	Speech - Commonwealth Club of California
5/25/91	No official function
12/23/91	Law Enforcement/CEO breakfast
	<u>Ft. Smith, Arkansas</u>
7/19/89	Speech - Ft. Smith Rotary Club[251]

Several trips raise the issue whether there was a sufficient official purpose to the trip to justify the Director's not reimbursing the FBI for what was essentially a personal trip. Our analysis of these trips is set forth below.

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[251] We determined that two refueling stops for FBI aircraft were made in Ft. Smith, Arkansas on March 24, 1989, and July 26, 1992. On the March 24, 1989 refueling stop, the Director visited his father at his father's residence on the return flight from Phoenix, Arizona to Washington, D.C. On July 26, 1992, which is the Director's father's birthday, the Director's father met the FBI aircraft at the airport. He was carrying a birthday cake. This refueling stop was originally planned for another location and lasted approximately one hour. One FBI pilot reported that he is not in favor of refueling stops at the Ft. Smith, Arkansas airport due to slower service, a shorter runway, less crash support equipment, and a lack of radar.

San Francisco During the Christmas Holidays

General

The Director generally spends time at Christmas each year in San Francisco, the home of his daughter, Sara Sessions.[252] During the course of this inquiry, questions were raised about the Director's trips to San Francisco during Christmas. The issue was whether or not sufficient official business existed to justify the government's paying for the trip. Accordingly, we examined the Director's San Francisco travel.

When Director Sessions took office, Richard W. Held, Special Agent in Charge (SAC) of the San Francisco Division of the FBI, took it upon himself to assign SA [redacted] and SA [redacted] to "get to know" Sara Sessions.[253] According to SAC Held, Ms. Sara Sessions was employed with the San Francisco Ballet and lived in a boarding house in a neighborhood he considered to be 7(c)

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[252] During the Christmas Holidays in 1987, 1988, 1989, and 1991 the Director travelled to San Francisco on official business. That official business was all generated from within the FBI and appears to have been scheduled to enable the Director and Mrs. Sessions to visit their daughter [redacted] The only year the Director has not travelled to San Francisco during the Christmas Holidays since he was confirmed as Director of the FBI was in 1990. In 1990, Ms. Sara Sessions spent the Holidays in Washington, D. C. [redacted] 7(c) 7(c)

[253] Tab A-166 at 1-2.

"rough."[254] Because she "was only about 16 years old at the time and living alone in a questionable neighborhood," SAC Held considered it "important for her to have some familiar relationship with the FBI and that the FBI have a relationship with her."[255]

SAC Held encouraged the Director to attend functions in San Francisco and its related Resident Agencies (RAs) to further the FBI's mission. SAC Held could not recall being asked to arrange official business in San Francisco by the Director or anyone on his behalf.[256]

1987

[redacted] 7(c)

reported that Director and Mrs. Sessions visited the San Jose and Santa Rosa RAs on December 24, 1987.[257] The visits to the San Jose and Santa Rosa RAs were not scheduled when the Director's travel itinerary for that period was prepared. According to an internal San Francisco Memorandum dated December 17, 1987, the Director planned to depart San Francisco on December 22 enroute to the Salt Lake City and

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254/ *Id.* at 2.

255/ *Ibid.* SAC Held considered this important for security reasons. SAC Held said that he was not asked to do this by the Director, Mrs. Sessions, or anyone in the Director's Office.

256/ *Ibid.*

257/ Tab A-187.

Butte Divisions and return to San Francisco on the afternoon of December 23.[258] An itinerary of the Director's trip prepared by the San Francisco Division for December 24 does not indicate he planned to visit the RAs and notes "Personal time" on that date.[259]

A review of SAC Held's calendar for December, 1987, disclosed that the Director was expected to attend a breakfast at the Presidio on December 21 and later that day give a speech before the Commonwealth Club.[260] There is no other business noted for the Director on SAC Held's calendar from December 22 through December 27, 1987.[261]

1988

SAC Held reported that he arranged a reception on December 21 for the Director at the Presidio and "probably" arranged the reception after learning of the Director's anticipated visit to San Francisco.[262] A review of SAC Held's calendar for the period from December 19-28, 1988, disclosed a notation regarding the reception

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[258] Tab B-153 at 4.

[259] *Ibid.*

[260] Tab A-167 at attachment p. 24.

[261] *Id.* at 24-25.

[262] Tab A-166 at 4.

on December 21. There is no other business noted for the Director on SAC Held's calendar during the period.[263]

1989

SAC Held reported that the Director visited the Lawrence Livermore Laboratories (LLL) on December 24, 1989, as indicated on his calendar.[264] To the best of SAC Held's recollection, the LLL visit was arranged by Assistant Director William A. Bayse.[265] SAC Held did not remember Mrs. Sessions' attendance at the LLL.[266]

The Director also attended a breakfast meeting on December 27, 1989, which included approximately six to eight non-FBI employees.[267] The people included influential business persons, a professional football player who had assisted the FBI in its Drug Demand Reduction Program, and others from the San Francisco community.[268] To the best of SAC Held's recollection, the breakfast meeting took place at the Marina Memorial Club in San Francisco and not at the Treasure Island Naval Base, as indicated on the itiner-

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[263] Tab A-167 at attachment p. 27.

[264] Tab A-166 at 4.

[265] *Ibid.*

[266] *Ibid.*

[267] *Ibid.*

[268] *Ibid.*

ary.[269] SAC Held stated that Mrs. Sessions did not attend the breakfast.[270]

According to an internal San Francisco Division memorandum, dated December 18, 1989, Mrs. Sessions was not expected to accompany the Director to the LLL. There is no mention of a breakfast meeting on December 27, 1989, on the pertinent itinerary.[271]

SAC Held could not recall the Director's attendance at any other official business during this trip.[272] There is no other business noted for the Director on SAC Held's calendar during the period.[273]

1990

A review of SAC Held's calendar disclosed that the Director was expected in San Francisco on December 24, 1990, and was expected to stay through December 29, 1992.[274] However, the entry was marked through, apparently indicating the visit was can-

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269/ *Ibid.*

270/ *Id.* at 4-5.

271/ *See*, Tab B-153.

272/ Tab A-166 at 4-5.

273/ Tab A-167 at attachment pp. 30-33.

274/ Tab A-166 at 5.

celed.[225] SAC Held was shown a copy of an invitation to the Director to speak before the World Affairs Council of Northern California, dated March 19, 1990, and a letter, dated April 2, 1990, from the Director accepting the invitation for sometime in late December, 1990.[226] SAC Held reported that he was not involved in arranging the speech and could not recall the reason it was canceled.[227]

[redacted] 7(c) FBIHQ, was interviewed regarding the invitation to the Director to speak to the World Affairs Council of Northern California and the Director's subsequent acceptance. [redacted] 7(c) could not recall the official reasons given for the cancellation.[228]

A review of the Speech Unit file for the World Affairs Council of Northern California disclosed both the invitation and the acceptance. However, no other documentation could be located in the file to explain the cancellation. The file reflected that the Director intended to give a speech to the same group in July, 1992.

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[225] Tab A-167 at attachment p. 34.

[226] Tab A-194 at Exhibits F11 and F12.

[227] Tab A-166 at 5.

[228] Tab A-180 at 1.

A review of documentation in San Francisco Division files revealed a copy of the Director's April 6, 1990 acceptance letter to speak to the World Affairs Council in late December, 1990.[209]

In his interview, the Director initiated a discussion about this trip: "I bought a ticket, I bought two tickets to go to San Francisco that year. There was no law enforcement business contemplated at all."[210] The Director also stated during the interview that his daughter was not in San Francisco during the Christmas season, 1990, and instead spent the holidays in Washington, D.C. The Director stated that she routinely [redacted] 7(c)
[211]

1991

SAC Held reported that the Director attended a breakfast meeting on December 26, 1991.[212] According to SAC Held, the meeting included influential members from the law enforcement and business

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[209] Tab A-167 at attachment p. 2.

[210] Tab A-194 at 428.

[211] Id. at 430.

[212] Tab A-166 at 5.

communities as well as senior management officials from the San Francisco Division.[213] This was the only official business scheduled for the Director during this trip.[214] SAC Held was informed that the itinerary submitted to the Aviation and Special Operations Unit (ASOU) at the time the aircraft was requested did not include the breakfast meeting or any other official business in San Francisco during this trip. SAC Held did not know when he scheduled the breakfast. However, SAC Held stated that the breakfast would not have been scheduled until *after* the Director's planned visit to San Francisco was confirmed.[215]

The investigation also found problems with the Director's travel beyond his frequent travel to cities in which he has family. For example, Mrs. Sessions frequently accompanies the Director as a passenger on FBI aircraft although his travel files contain few invitations for her attendance.[216] In addition, Mrs. Sessions' intention to accompany her husband is often not made known until

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[213] *Id.* at 6.

[214] Tab A-167 at attachment pp. 37-38.

[215] Tab A-166 at 6.

[216] Mrs. Sessions may accompany the Director on official travel if she has been invited to an official function, if it is one she would be expected to attend, and if she actually attends. On one occasion the Director and Mrs. Sessions flew on an FBI aircraft to San Francisco, where their daughter lives, and where Mrs. Sessions attended an official function (breakfast) to which she had not been invited nor was she expected to attend. After the function, Mrs. Sessions commented to an FBI agent that she had to go to the breakfast to "justify" her transportation aboard an FBI aircraft.

the last possible moment and official hosts reportedly were frequently notified of her attendance only after the Director's arrival in the host city.[237]

An issue was also raised over the diversion of an FBI aircraft to pick-up Mrs. Sessions and transport her to meet the Director. In another instance, an additional FBI aircraft was diverted to San Antonio to provide a larger aircraft to transport the Director, Mrs. Sessions and the Director's daughter.[238] There are other trips where the aircraft has been diverted to accommodate the Director's personal interests, and no reimbursement has been made. Finally, there are instances where the Director has obtained reimbursement for per diem and lodging expenses in situations where he was not entitled to claim such expenses. Some particularly pertinent trips are discussed below. The full extent of the problems with the Director's travel is set forth in the Report of Investigation prepared in this matter and accompanying this memorandum.

[237] For example, prior to the Director's departure for Houston, Texas, in January, 1992, to speak to the World Affairs Council and the Houston Rotary Club, Mrs. Sessions' participation in the trip was unknown. AD Joseph R. Davis was requested to provide a legal opinion regarding Mrs. Sessions' travel on that trip only 67 minutes prior to the aircraft's departure. In response to AD Davis' request for more advance notification if the Director wishes an opinion on each trip, Ms. Sarah W. Munford, the Director's Special Assistant replied, by note which stated: "I think it might be best for me to ask you on each trip since I never know that she is going until the last minute."

[238] It is also noteworthy that when the aircraft was diverted to San Antonio, luggage belonging to the Director, Mrs. Sessions and Sara Sessions was transported from San Antonio to Washington, D. C. aboard the original FBI aircraft.

On July 23, 1992, after the Director had flown to San Francisco aboard an FBI aircraft, the Director and [redacted] an acquaintance of the Director, were driven in an FBI automobile from San Francisco to the Bohemian Grove, a private all-male club, in Monte Rio, California.[289] Mrs. Sessions did not accompany the Director and [redacted] to the Bohemian Grove.[290] On July 26, 1992, the Director departed the Bohemian Grove in an FBI automobile enroute to a nearby airport, where he was met by Mrs. Sessions who had flown there by FBI aircraft from San Francisco.[291] 7(c) 7(c)

[redacted] prior to the Director's departure from San Francisco, [redacted] Mrs. Sessions, had made arrangements with the FBI pilots to be flown alone from San Francisco to Santa Rosa by FBI aircraft.[292] [redacted] while the Director was at Bohemian Grove, the pilots participated in some specialized training in Sacramento, California, after which they had planned to pick up the Director at Santa Rosa and transport him back to Washington, D. C.[293] It appears, however, that the pilots first picked-up Mrs. Sessions in San Francisco and 7(c)/ 7

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[289] Tab A-96 at 49; Tab A-9 at 34.

[290] Tab A-96 at 49; Tab A-123 at 18.

[291] Tab A-96 at 51; Tab A-123 at 18.

[292] Tab A-96 at 51; Tab A-123 at 18. Santa Rosa is the airport closest to the Bohemian Grove.

[293] *Ibid.*

flew her to Santa Rosa where the Director was to be picked up.[294] The investigation found no official reason why the aircraft should have returned to San Francisco from Sacramento rather than fly directly to Santa Rosa to pick-up the Director. Accordingly, we must conclude that it was improper for Mrs. Sessions to be flown in the FBI aircraft without the Director.[295]

On another occasion, a larger FBI aircraft was flown to San Antonio to replace the aircraft originally scheduled to fly the Director, Mrs. Sessions, and Sara Sessions to Washington, D.C. On June 5, 1990, the Director, Mrs. Sessions and Ms. Sara Sessions departed San Antonio as passengers aboard FBI aircraft enroute to Washington, D. C. Prior to departing on this trip to San Antonio, a member of the Director's Security Detail was told that Ms. Sara Sessions would be accompanying the Director on the return flight to Washington, D. C., and she was expected to continue to New York, New York.

According to the Individual Flight Records maintained by the Aviation Unit at FBIHQ, the transportation of the Director, Mrs. Sessions and Ms. Sara Sessions on June 5, 1990, was aboard a different aircraft than the one that transported the Director and Mrs.

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[294] Tab A-96 at 51-52; Tab A-123 at 18.

[295] When the Director went to the Bohemian Grove, Mrs. Sessions elected to remain in San Francisco. Accordingly, it was her responsibility, not the FBI's, to get herself to the departure point for the return trip to Washington.

Sessions to San Antonio on May 31, 1990.[296] Further, a Special Agent Pilot reported that based upon the amount of luggage and equipment and with the addition of Ms. Sara Sessions as an extra passenger, it would have been very difficult to fit all of the luggage into the aircraft that originally transported the Director and Mrs. Sessions to San Antonio.[297] As a result, the original aircraft was flown to Nashville, Tennessee, where it was swapped for a larger FBI aircraft that had flown there with another FBIHQ executive aboard for an official function.[298] The larger aircraft, identified as the Sabreliner, was flown back to San Antonio to pick up the Director, Mrs. Sessions, Ms. Sara Sessions, their luggage and members of the Director's Security Detail, apparently as a result of the added requirements posed by the amount of luggage and the addition of Ms. Sara Sessions as a passenger.[299] The Director was informed of the planned switch.

The investigation also established that a member of the Director's Security Detail was required to return to Washington from San Antonio by commercial aircraft. The commercial ticket

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[296] Tab B-164.

[297] Tab A-93 at 11.

[298] Tab A-95 at 11; Tab A-77 at 2.

[299] *Ibid.* According to the pilot, the aircraft swap also obviated the need for a refueling stop on the return. However, it is doubtful that the cost of the swap was less than whatever

used for the return flight was purchased on May 22, 1990.[100] This FBI Agent was scheduled on the Director's official itinerary to accompany the Director, Mrs. Sessions, Ms. Sara Sessions and other members of the Director's Security Detail and to return to Washington, D. C., aboard the FBI aircraft.[101] However, it is apparent from the date of the ticket -- nine days prior to the Sessionses' departure for San Antonio -- that it was never intended that this FBI Agent accompany the Director and other official travelers aboard the FBI aircraft on the return flight. Instead, the FBI Agent traveled commercially to allow Mrs. Sessions and Ms. Sara Sessions to return on FBI aircraft.[102]

After the switch of the aircraft in Nashville, the Bureau executive who had originally flown on the Sabreliner returned to Washington, D. C., aboard a different FBI aircraft which was full of luggage.[103] The pilot of the aircraft informed the executive that the luggage belonged to Ms. Sara Sessions, that she was traveling to Washington, D. C., with the Director and Mrs. Sessions, and that she was going to continue on to New York.[104]

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[100] Tab A-44 at 11-12.

[101] Tab B-95.

[102] *Ibid.*

[103] Tab A-77 at 2.

[104] *Ibid.*

The pilot also told him that Mrs. Sessions had requested the larger aircraft to accommodate Sara Sessions and her luggage.[105]

The travel record for this trip indicates that the Director issued a check to the FBI for $99.00, dated June 6, 1990, for reimbursement for the cost of Ms. Sara Sessions' travel aboard FBI aircraft from San Antonio to Washington, D.C.[106] No Legal Counsel Division opinion was located commenting on the propriety of Ms. Sara Sessions' travel on any FBI aircraft associated with this trip.

During his interview, the Director offered a reason why only five people flew back on the aircraft: "That's probably luggage in the rear."[107] The Director also stated that it was possible luggage belonging to his family was transported aboard the first aircraft, empty of passengers, from San Antonio to Nashville where it picked up an Inspector and flew him back to Washington, D. C.[108]

Mrs. Sessions and Ms. Sara Sessions flew aboard the aircraft from San Antonio to Washington, D. C. The presence of one of them required that a member of the Security Detail return by commercial

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[105] *Ibid.*

[106] The Security Detail Agent who returned via a commercial airline paid a fare of $175.00 as reflected on his travel voucher.

[107] Tab A-194 at 446.

[108] *Id.* at 449.

aircraft. Accordingly, it cannot be said that both Mrs. Sessions' and Sara Sessions' transportation was on a "space available" basis.

On October 27, 1989, the Director and Mrs. Sessions flew aboard an FBI aircraft from Washington, D. C. to New Haven, Connecticut.[109] A review of the Director's travel file for this trip disclosed a letter, dated February 3, 1989, from the Hartford County Chapter of the Federal Bar Association inviting the Director to speak at a dinner on October 27, 1989.[110] The letter states that it was being sent in accordance with a phone call from Ms. Sarah Munford on February 1, 1989. There was no indication of any invitation extended to Mrs. Sessions. However, a subsequent letter from a personal friend in Hartford who learned of the Director's appearance at the dinner invited both the Director and Mrs. Sessions to spend the night of October 27 at his residence.[111]

Upon their arrival in New Haven, the Director and Mrs. Sessions attended a luncheon at The Graduate Club arranged by the SAC of the New Haven FBI Field Office and afterwards the Director and Mrs. Sessions visited the New Haven Field Office.[112] After the Field Office visit, they flew via FBI aircraft to Hartford, Connecticut, and were driven to the dinner sponsored by the

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[109] Tab B-97.

[110] *Ibid.*

[111] *Ibid.*

[112] Tab A-95 at 5.

Hartford County Chapter of the Federal Bar Association.[113] During the dinner, the Director gave a speech and afterwards, he and Mrs. Sessions were driven to the residence of [redacted] a 7(c) personal friend/acquaintance of the Director and a member of the Hartford County Chapter of the Federal Bar Association.[114] The Director and Mrs. Sessions stayed at [redacted] that 7(c) night.[115]

On October 28, 1989, the Director and Mrs. Sessions flew via FBI aircraft to Portland, Maine, and the Director delivered a speech during a brunch sponsored by the World Affairs Council of Maine.[116] After the brunch, the Director and Mrs. Sessions flew aboard an FBI aircraft to Poughkeepsie, New York, and were then driven in an FBI automobile to Salisbury, Connecticut.[117] Enroute to Salisbury, Connecticut, the motorcade was diverted to Vassar College for an unscheduled stop so the Director and Mrs. Sessions could visit the son of an acquaintance of Mrs. Sessions.[118] Following a visit with the student at the college, the motorcade

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[113] Tab A-96 at 5; Tab B-97.

[114] Tab A-96 at 6.

[115] Tab B-97.

[116] Tab A-96 at 6; Tab A-4 at 36; Tab B-97.

[117] Tab A-96 at 6; Tab A-4 at 36-37; Tab B-97.

[118] Tab A-96 at 6-7; Tab A-4. at 37.

continued to Salisbury where the Director and Mrs. Sessions visited [redacted] 7(c)

On October 29, 1989, the FBI Agents assigned to protect the Director arrived at [redacted] residence at a predetermined time to escort the Director back to Poughkeepsie. However, the residence was vacant when they arrived and the Director's whereabouts was unknown.[120] Eventually, the Director returned in the personal automobile of [redacted] accompanied by Mrs. Sessions and [redacted] at which time Mrs. Sessions directed FBI Agents assigned to the Security Detail to load firewood into an FBI vehicle.[121] The Director and Mrs. Sessions were then driven in an FBI automobile from Salisbury to Poughkeepsie, where they boarded an FBI aircraft, which had been loaded with the firewood, to return to Washington, D. C.

Although an FBI aircraft transported the Director and Mrs. Sessions from Portland to Poughkeepsie, the investigation found, and the Director conceded, that he did not engage in any official business while in Poughkeepsie.[122] Moreover, there was no reimbursement for this diversion.

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[119] *Ibid.*

[120] Tab A-96 at 9; Tab A-4 at 37-38.

[121] Tab A-96 at 10; Tab A-4 at 38.

[122] Tab A-194 at 459.

Another instance in which the Director caused the FBI aircraft to proceed from its direct route to another location for his personal convenience occurred in May, 1991. On Thursday, May 23, 1991, the Director flew via FBI aircraft from Washington, D.C., to Los Angeles, California.[123] While in Los Angeles, the Director gave a speech on Friday, May 24, 1991, before the Town Hall of California.[124]

On Saturday, May 25, the Director flew via FBI aircraft from Los Angeles to Monterey, California to visit with [redacted] 7(c) severely injured in an accident and was hospitalized in Monterey.[125] After visiting the hospital, the Director flew via FBI aircraft to San Francisco, and remained until his departure on Sunday, May 26, 1991.

SAC Held reported that no official business was scheduled for the Director while in San Francisco.[126] A review of SAC Held's calendar for the period May 23-26 indicates the Director was expected in San Francisco at approximately 1:45 p.m., on the 25th.[127] There is no other business noted for the Director on SAC

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[123] Tab B-154.

[124] *Ibid.*

[125] *Ibid.*

[126] Tab A-166 at 7.

[127] Tab A-167 at attachment p. 16.

Held's calendar during the period.[128] During his interview, the Director stated: "I cannot think of any law enforcement meeting that I had on Saturday the 25th or on Sunday the 26th."[129]

Based upon our inquiry, we identified several additional areas in which the Director's conduct with respect to travel-related matters was improper.

A. <u>Overseas Travel -- Stopover in San Francisco</u>

During the period from March 3 - 10, 1988, the Director attended a conference in Melbourne, Australia. The Director flew to Melbourne aboard a military aircraft and was accompanied by then CIA Director William H. Webster and other officials from the CIA and FBI.[130] On March 10, the Director departed Australia aboard a commercial aircraft, at a cost of $3236.27, according to the following itinerary:[131]

Date	Time	Itinerary	Travel Status
3/10/88 (Thurs.)	7:00 pm	LV Sydney, Australia	1st Class
3/10/88	7:20 am	AR Honolulu, Hawaii	

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[128] *Ibid.*

[129] Tab A-194 at 441.

[130] *See*, Tab B-148.

[131] *See*, Tab B-149.

3/11/88 (Fri.)	8:20 am	LV Honolulu, Hawaii	1st Class
3/11/88	3:25 pm	AR San Francisco, CA	
3/12/88 (Sat.)	12:25 pm	LV San Francisco, CA	1st Class
3/12/88	8:09 pm	AR Washington, D.C.	

According to the Director's travel itinerary, there was no official business in either Honolulu, Hawaii, or San Francisco, California. The itinerary states that the Director will have "free time in Honolulu/San Francisco staying overnight." The Director claimed per diem throughout the travel days and claimed $98.49 lodging in Honolulu and $60.00 lodging in San Francisco.

Federal Travel Regulations and the FBI's *Manual of Administrative Operations and Procedures* (*MAOP*) state:

> When travel is direct between duty points which are separated by several time zones and at least one duty point outside the CONUS [Continental United States], a rest period not in excess of 24 hours may be authorized or approved when air travel between the duty points is by less-than-first-class accommodations and the scheduled flight time (including stopovers of less than 8 hours) exceeds 14 hours by a direct or usually traveled route * * * . The rest stop shall not be authorized when an employee, for personal convenience, elects to travel by an indirect route resulting in excess travel time.[111]

In this instance, The Director travelled by *first class* accommodations and stayed in Honolulu for approximately 25 hours and in

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[111] *See*, Tab A-181.

San Francisco for approximately 21 hours. According to the regulations, the Director was not entitled to a "stopover," since he travelled first-class, nor was he entitled to lodging in Honolulu or San Francisco.[113]

A similar situation occurred during the period from November 13-27, 1988. The Director attended the 57th INTERPOL General Assembly in Bangkok, Thailand, and the Far East Legal Attache Conference in Sydney and Canberra, Australia.[114] The Director travelled throughout this trip by commercial aircraft, at a cost of $7,407.10. On November 26, 1988, the Director departed Australia and travelled according to the following itinerary:[115]

Date	Time		Itinerary	Travel Status
11/26/88 (Sat.)	7:00	pm	LV Sydney	1st Class
11/26/88	7:20	am	AR Honolulu, Hawaii	
11/27/88 (Sun.)	2:10	pm	LV Honolulu, Hawaii	1st Class
11/27/88	9:00	pm	AR San Francisco, CA	
11/29/88 (Tues.)	9:15	am	LV San Francisco, CA	1st Class

[113] Tab A-181; *See, also,* Tab B-161 and Tab B-162. Had a "stopover" been permissible, then, it would appear the Director would have been permitted to claim the expenses in either Honolulu or San Francisco. He would not be entitled to lodging and per diem in both places.

[114] *See,* Tab B-150.

[115] Tab B-151.

11/29/88	1:35	pm	AR Omaha
11/30/88 (Wed.)	1:35	pm	LV Omaha via FBI plane
11/30/88	2:05	pm	AR Sioux Falls
12/1/88 (Thurs.)	9:30	am	LV Sioux Falls via FBI plane
12/1/88	10:00	am	AR Minneapolis
12/1/88	2:30	pm	LV Minneapolis via FBI plane
12/1/88	5:45	pm	AR Washington, D.C.

According to the Director's travel itinerary, there was no official business in either Honolulu, Hawaii, or San Francisco, California. The Director claimed per diem throughout the travel days and claimed $186.04 for two nights lodging (vouchered by a Security Detail Special Agent) in Honolulu.[116] In San Francisco, the Director resided at the home of a personal friend [redacted] 7(c)
[redacted] and claimed no lodging.

The Director travelled by first class accommodations and stayed in Honolulu for approximately 28 hours and in San Francisco for approximately 36 hours. According to the pertinent travel regulations, the Director was not entitled to a "stopover", since he travelled first-class, nor was he entitled to two nights lodging in Honolulu.[117]

116/ Tab B-152.

117/ Tab A-181; See, also, Tab B-161 and Tab B-162. Even if a "stopover" were permissible, the Director would only have been (continued...)

B. Lyon, France, March 26, 1992 - April 4, 1992

The investigation determined that the Director and Mrs. Sessions arrived in Paris, France, on March 27, 1992 (Fri.), for the purpose of attending the INTERPOL Conference in Lyon, France, on March 30. On the morning of March 28 (Sat.), the Director and Mrs. Sessions departed Paris, France, and toured, stopping in Dijon for the evening. On March 29 (Sun.), they departed Dijon and again toured, arriving at Lyon at approximately 5:30 p.m. The Director attended functions associated with INTERPOL from March 30 until approximately 1:00 p.m. on April 1, when the INTERPOL function ended.[111]

The Director and Mrs. Sessions toured the countryside on the afternoon of April 1 and remained in Lyon overnight. On April 2, they toured again, stopping in Moulin, for the evening. On April 3, they were transported back to Paris. The Director departed Paris on April 4, enroute back to Washington, D. C.

A review of the Director's official travel voucher during this period disclosed that he claimed per diem throughout his stay in France. According to his official travel voucher, the Director

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[110](...continued) permitted to claim expenses in either Honolulu or San Francisco. He would not be entitled to two nights lodging in Honolulu nor be entitled to per diem in both places.

[111] Tab A-96; Tab A-123; Tab B-[illegible].

claimed he departed Paris on March 28 at 2:00 p.m. and arrived in Lyon, France, at 5:30 p.m. *on the same day*. The Director's voucher also claims that he remained in Lyon until April 1, when he departed Lyon and arrived in Paris *the same day*. The voucher claimed full per diem of $76.00 per day in Lyon, France, during the period March 28-31, 1992, and also claimed full per diem of $92.00 per day in Paris, France, during the period April 1-3, 1992. The Director claimed 2/3 day of per diem in Paris for April 4, 1992.[139]

During his interview, the Director stated he had no official business in either Dijon or Moulin and spent his travel time between Paris and Lyon touring and sightseeing. During this travel, the Director engaged in no official business. The Director also stated during his interview that he could have arranged a flight directly into Lyon or could have been transported from Paris to Lyon by train within two hours.[140]

The entire issue of official travel by the Director is one in which he takes a passive posture. He often touts that his travel

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[139] Tab B-107.

[140] Tab A-194 at 478-479. The Director stated that his travel expenses to the INTERPOL Conference were reimbursed by INTERPOL and the Director endorsed the reimbursement check over to the FBI. The Director also observed that INTERPOL "is more generous than the Bureau * * * ." (Id. at 477-478). This statement was made apparently in an attempt to justify the claims of per diem for days on which the Director had no official business. That INTERPOL reimbursed the Director does not alter the fact that he claimed per diem on days in which he was not entitled to make such a claim because he had no official business.

is always approved by the FBI's Legal Counsel Division, but he takes no active role in ensuring that all of the pertinent facts are known. Moreover, it appears from our investigation that the Director never takes affirmative action to correct that which is, or appears to be, improper.

VIII. USE OF THE DIRECTOR'S BUSINESS FREQUENT FLYER ACCOUNT

This allegation arose during the course of this inquiry, and was based upon the claim that Mrs. Sessions had improperly used mileage from the Director's official frequent flyer account to travel to the SAC's Conference. During our inquiry into this allegation, [redacted] frequent flyer accounts used by the Director. [redacted] Delta Airlines Frequent Flyer account statements for Director Sessions, for the period August 31, 1987, through January 31, 1992, [redacted] Director Sessions had 62,360 miles credited to his Delta frequent flyer account prior to becoming Director of the FBI. [redacted] in March of 1989, 50,000 Delta Airlines frequent flyer miles were utilized to purchase a ticket for Mrs. Sessions to travel to an SAC Conference in Phoenix, Arizona. [redacted] the Legal Counsel Division (LCD) had determined that Mrs. Sessions'

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trip to Phoenix was for official business. [redacted] 7(c)/ 7(d) [redacted] 70,000 Delta frequent flyer miles were used in October of 1990 to purchase a ticket and two upgrades for a trip to California in December 1990. [redacted]

In an interview on September 17, 1992, [redacted] 7(c) [redacted] Delta Airlines, Washington National Airport, advised that Delta's records reflected that Director Sessions has two frequent flyer accounts, one for business and one for personal use.[141]

On September 27, 1992, [redacted] provided computer records for Director Sessions' "business" Delta frequent flyer account for the period from July 31, 1986, through October 23, 1990. [redacted] noted that on June 28, 1988, Director Sessions had 129,016 miles in his Delta business frequent flyer account. On March 20, 1989, 50,000 miles were deducted from that account.[142] That withdrawal was just prior to the SAC Conference in Phoenix, Arizona.

The computer records also showed three frequent flyer mileage deductions were made on October 23, 1990, two for 10,000 each and

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[141] Tab A-39, pp. 6-7.

[142] Tab A-28, pp 5-12.

[143] Tab A-29, attachment.

one for 50,000 miles (total of 70,000 miles deducted).[144] [redacted] 7(c) [redacted] advised that the 50,000 mile deduction was most likely for a domestic first-class round-trip ticket.[145]

In a statement taken on September 24, 1992, Ms. Munford stated that she had spoken to LCD AD Joseph R. Davis concerning the propriety of Mrs. Sessions using a frequent flyer award from the Director's business account for her own personal transportation to join the Director at the SAC Conference in Phoenix. According to Ms. Munford, Mrs. Sessions had missed the FBI plane which had flown the Director to the conference.[146] With respect to the October 1990 withdrawal of 50,000 miles from the Director's Delta business frequent flyer account, Ms. Munford recalled that in December of 1990, the Director received a round trip ticket from Delta Airlines. Ms. Munford advised that she believed the ticket was to be used to go to California in December of 1990, but she believed that the ticket was not used. Ms. Munford stated it was her belief that the Director did not go to San Francisco during December of 1990 and his daughter, Sara, instead came to Washington, D.C., for the holidays. Ms. Munford stated she did not know if Sara Sessions

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[144] *Ibid.*

[145] *Id.* at 2. [redacted] advised that the date a deduction is made from an account is not indicative of the date of a flight, and her records were incomplete with regard to any mileage used between October 23, 1990, and the present. Moreover, the lack of a coupon number or a ticket number made it impossible to state with certainty the name of the passenger using the award. 7(c)

[146] Tab A-101, pp. 74-76.

used the Delta ticket for that trip.[147] Ms. Munford had no idea what became of the unused ticket.[148]

In an interview on September 25, 1992, AD Davis advised that neither Ms. Munford nor Darlene Fitzsimmons, the Director's secretary, contacted him regarding the propriety of using the Director's Delta business frequent flyer account to obtain a travel award for Mrs. Sessions' use.[149] AD Davis advised that if that question had been presented to him he would have advised that it would be improper for Mrs. Sessions to use the Director's business frequent flyer account to obtain air transportation to accompany the Director.[150]

In his interview on November 5, 1992, the Director confirmed that he maintained a business frequent flyer account with Delta.[151] The Director also confirmed that the account discussed above was his business account.[152] The Director could not

[147] Tab A-101, pp.71-73

[148] *Id.* at 72.

[149] Tab A-34, p. 1.

[150] *Ibid.* AD Davis noted that miles logged on a business frequent flyer account must be used for the benefit of the Federal Government. Moreover, AD Davis pointed out that Mrs. Sessions flies on FBI aircraft on a space available basis when she accompanies the Director. AD Davis advised there is no money appropriated in the FBI budget for Mrs. Sessions' travel.

[151] Tab A-194 at 68.

[152] *Id.* at 69.

specifically recall either the March 1989 withdrawal of 50,000 miles[153] or the October 1990 withdrawal of 70,000 miles.[154] The Director stated that he relied on his staff to ensure that his business frequent flyer account was used properly.[155] Moreover, he indicated that his staff had the authority to access that account on his behalf.[156] Finally, the Director stated that he had not taken any action to have his staff account for their actions with respect to his Delta business frequent flyer account.[157]

Based upon our inquiry, we found that the Director cannot account for the withdrawal of 120,000 miles -- the equivalent of at least two first class round-trip tickets within the continental United States -- from his business frequent flyer account with Delta Airlines.[158] The Director's response to assert that it is his staff's responsibility to ensure that the account is properly used and maintained is simply unacceptable. It is axiomatic that

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153/ *Id.* at 74.

154/ *Id.* at 80-81.

155/ *Id.* at 77.

156/ *Ibid.*

157/ *Id.* at 90-91.

158/ Based upon the evidence available, it appears that 50,000 miles was used for a first class round-trip ticket for Mrs. Sessions to attend the SAC Conference in Phoenix. While we could not locate documentary evidence to establish that Mrs. Sessions used the frequent flier ticket, there is no doubt that she did attend the SAC Conference in Phoenix.

the Director could not delegate his responsibility to ensure that his business frequent flyer miles are not misused or otherwise squandered. Regardless of what actually happened to the miles, their use has been lost to the government. As a result, we must conclude that the Director has been irresponsible in his management of the frequent flyer account with a resulting loss to the government of 120,000 miles.[159]

We also reviewed an allegation that in preparation for an overseas trip by the Director in December of 1989, Sarah Munford, the Director's Special Assistant, made travel arrangements for the accompanying Director's Security Detail Agents and required them to book their airline tickets through her. According to the allegation, Ms. Munford wanted to handle the travel arrangements in such a manner that all the travel would be charged to the Director's American Express Card so that the Director could get additional credit under a frequent flyer program.[160]

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[159] It also appears that Ms. Munford falsely represented that she had obtained an LCD opinion that it was proper for Mrs. Sessions to use the Director's business frequent flyer account to attend the SAC Conference. Nevertheless, that fact provides no excuse for the Director. First, the Director was unaware of Ms. Munford's representations until his interview, and second, the Director could not provide any documentation to substantiate the proper use of the 50,000 miles. Finally, based upon Mr. Davis' interview, it would have been improper for Mrs. Sessions to have used the 50,000 miles under any circumstances.

[160] Tab A-35, pp. 14-15.

Based upon our inquiry, we determined that the tickets were charged to the Director's American Express Card. Moreover, the resulting benefit was not frequent flyer miles but American Express Gift Cheques in the amount of $4500.00. We also found that the Gift Cheques had been properly accounted for and returned to the appropriate Bureau officials for deposit to the FBI's account.[161]

IX. SWEETHEART DEAL REGARDING PURCHASE OF THE DIRECTOR'S RESIDENCE

This allegation arose during our inquiry. Several individuals reported that the Director had received some sort of preferential treatment in the purchase of his residence in northwest Washington. As a result of those allegations, we inquired into the circumstances surrounding the purchase of the Director's residence. The results of that inquiry follow.

A review of public records reflected that the Director had purchased his residence from the University of Texas System (UTS).

161/ [redacted] 7(C)
was contacted by Ms. Munford concerning a special promotion offered by the American Express Company that involved the granting of Gift Cheques for travel by the Director and various other officials. (Tab A-62) The benefits of this promotion were tracked by the Voucher and Payroll Section and a series of cheques, totaling $4,500, were sent directly to the Director in his name by American Express Company. According to [redacted] the cheques were subsequently endorsed by the Director and 7(C)
deposited into the miscellaneous travel allowance account of the FBI.

Accordingly, [redacted] Endowment Real Estate, The University of Texas System, was interviewed regarding the property sold to Director and Mrs. Sessions at [redacted], Washington, D. C., by the UTS. [redacted] handled the sale of the property to the Director. 7(c)

The property had been bequeathed to the University of Texas (U.T.) by Judge Mastin G. White. After Judge White's death, the property was managed by the executor of the estate, Mr. Andrew B. White, an attorney in Houston, Texas. The Director, in December, 1987, made an unsolicited offer to purchase the property from the estate for $350,000. The payment was to consist of a $15,000 deposit, a $110,000 balance of downpayment, and a first trust mortgage of $225,000.[162] Under the terms of the offer, the purchaser was to place a mortgage consisting of a fixed rate of 10% per annum, or the prevailing rate at the time of settlement, amortized over 30 years.[163] Since the UTS was not familiar with the Washington, D.C., real estate market, appraisals had not yet been performed on the property, and with the possibility of more favor-

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[162] This offer is consistent with a discussion the Director had with an FBI Agent while the Sessionses were initially searching for a residence in the Washington area. According to [redacted] he escorted the Sessionses through the Georgetown area while they were searching for a residence. [redacted] reported that the Sessionses' stated financial limit was approximately $225,000 (Tab A-109 at 13).

[163] See, Tab B-136.

able appreciation with the then pending U.S. Presidential election, the offer was not accepted.[164]

After the rejection of the offer, the executor and the UTS agreed to lease the property to the Sessionses on a short term basis, from approximately February, 1988, through June, 1988, for $800 per month.[165] The property was vacant at the time of the lease and in need of repair. The property remained under the control of the executor until the Summer of 1988, when it was turned over to the UTS.[166]

According to a memorandum, dated June 23, 1988, the UTS determined that the market value of the residence was at least $400,000.[167] Mrs. Sessions had remained in contact with the UTS and she had indicated that a sales price greater than $350,000 for the property might be more than they could afford.[168] The UTS then decided to offer the property for sale by sealed bids, in part to obtain the proceeds from such a sale quickly.[169] The memorandum further stated that the lease rate of $800 per month was far

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[164] Tab A-152 at 1.

[165] *Ibid*. *See*, Tab B-137.

[166] Tab A-152 at 1-2; Tab B-114.

[167] Tab B-114 at 1.

[168] *Ibid*.

[169] *Ibid*.

below a conservative market rate of $2,300 per month.[170] Therefore, after receiving a $457,000 appraisal of the property, the UTS offered to sell the residence to the Sessionses for the appraised price of $457,000.[171]

The Sessionses rejected the offer and informed the UTS that under District of Columbia law all tenants have the right of first refusal on any sale of the leased property. The Sessionses waived their right of first refusal to purchase the property, but maintained the right to submit a sealed bid.[172] The UTS mailed 'bid packages' to 27 different people who had expressed an interest in bidding on the property.[173] However, no bids were received for the sale of the property.[174]

By letter, dated December 16, 1988, the UTS informed the Sessionses that another attempt to sell the property would be made in early Spring, 1989. Furthermore, the Sessionses' rent would increase to $1,500 per month beginning January 1, 1989, through March 31, 1989, at which time necessary repairs to the property were expected to have been completed. The letter listed necessary

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[170] *Id.* at 1-2.

[171] Tab B-115.

[172] Tab B-116.

[173] Tab B-117.

[174] Tab B-118.

repairs and informed the Sessionses they could deduct the cost of repairs up to the amount of the monthly rent.[175]

On May 2, 1989, the UTS listed the property with Shannon and Luchs Realtors for sale at $449,000.[176] By letter, dated May 3, 1989, the Sessionses offered to purchase the property for $422,000.[177] On May 4, 1989, a second contract offer was made by [redacted] to purchase the property for 7(c)
$460,000. The contract for $460,000 was accepted and ratified by [redacted] on behalf of the UTS, on May 5, 1989.[178] The UTS subse- 7(c)
quently notified the Sessionses of the accepted contract and of the Sessionses' rights of first refusal. The Sessionses were also advised that the net proceeds to UTS of the sale to the Washingtons would be $430,300.[179] As a result, the Sessionses would have to match the net proceeds plus the additional $5,000 to cover the re-

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[175] Tab B-119.

[176] Tab A-152 at 3; Tab B-120. The listing agreement included an addendum which specifically excluded payment of the usual six percent (6%) commission to Shannon and Luchs if the property were sold to the Sessionses. Should the property be sold to the Sessionses, the UTS agreed to pay a $5,000 referral fee to Shannon and Luchs and to reimburse them for any advertising and/or other actual expenses, not to exceed $1,500.

[177] Tab A-152 at 3; Tab B-121.

[178] Tab A-152 at 3; Tab B-122.

[179] Tab B-122A at 2; Tab A-152 at 3. The difference between the contract price and the net proceeds was the sales commission ($27,600), which was not to be applicable to a sale to the Sessionses, and one point ($2,100) which UTS had agreed to pay.

ferral fee to Shannon and Luchs, for a net offer of $435,300.[110] The requirement to match only the net proceeds was approved by the D.C. Department of Consumer Regulatory Affairs.[111]

The Sessionses subsequently notified the UTS they would match [redacted] offer and agreed to pay $435,300.[112] [redacted] 7(c) was surprised by the Sessionses offer, given their stated financial limits. It was [redacted] understanding that the Sessionses had 7(c) unexpectedly come into some extra money either through a family member or as beneficiaries of an estate.[113]

According to the Settlement Statement, the property was sold to the Sessionses for the contract price of $435,300.[114] The Statement disclosed that the Sessionses obtained a $375,000 loan from The Riggs National Bank of Washington.[115]

In his interview, the Director was questioned about how he was able to afford a $435,000 house. The Director responded that "the

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[110] *Ibid.*

[111] Tab A-152 at 3; Tab B-123.

[112] Tab A-152 at 3; Tab B-124.

[113] Tab A-152 at 3. There is no evidence of any substantial increase in the Sessionses income or assets.

[114] Tab B-129 at 2; Tab B-140.

[115] *Ibid.* A one-half percent (1/2 %) loan origination fee was charged to the Sessionses. There were no charges for a loan discount.

interest rates had come down, making possible what was not possible before."[316] The Director also stated that his [redacted] residence was purchased using the proceeds from the sale of his San Antonio residence and money obtained through a mortgage. The Director described the mortgage as a 2-year, adjustable rate mortgage (ARM), with an initial rate, he believed, of about 8 3/4 percent.[317] 7(c)

In order to fully understand the financing of this purchase, we requested, during the Director's interview, that he sign a release authorizing The Riggs National Bank of Washington to provide information about his mortgage. The Director refused to sign the release despite his being assured that none of the information he provided could be used against him in a criminal prosecution and that he was required to provide information.[318] As a

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[316] Tab A-194 at 122. As explained *infra,* there does not appear to have been a substantial decrease in interest rates during the relevant period.

[317] *Id.* at 122-123.

[318] *Id.* at 484. The Director was informed at the time of his interview when he signed an FD-645 form entitled: *Warning and Assurance to Employee Required to Provide Information*, that this was an administrative inquiry and that he was required to provide information. Furthermore, the Director was advised that neither his answers nor any information or evidence gained by reason of his answers could be used against him in any criminal proceeding, except that if he knowingly and wilfully provided false statements or information in his answers. During the course of the interview, the Director was asked to execute a waiver authorizing The Riggs National Bank of Washington to release information relating to the loan he received on the [redacted] property. The Director refused to grant the waiver. 7(c)

(continued...)

result, we were unable to ascertain the exact terms of the loan. Nevertheless, we have examined the transaction based upon information available to us. Based upon that analysis, it appears that the Director may have received special consideration from Riggs Bank.[119]

We analyzed available interest rates in both 1987 and 1989. We also examined the Director's Financial Disclosure Reports, as well as information the Director provided prior to his 1987 confirmation hearings. We reviewed the Director's salary and examined standards utilized by The Riggs National Bank of Washington to evaluate real estate loans. Based upon that analysis, we reached the following conclusions:

(1) The Director's salary did not change between 1987 and 1989.[120]

(2) Published interest rates did not change substantially between 1987 and 1989.[121]

[118](...continued)
The Director's refusal also raises questions of potential for compromise because of the high security clearances he holds as part of his significant responsibilities to combat foreign intelligence agencies' activities in the United States.

[119] Based upon our investigation, there is no evidence that the Director received a "sweetheart" deal from the UTS on the purchase price of the property.

[120] See, Tab A-159.

[121] See, Tab A-160.

(3) Given available information, the Director's loan was extraordinary in that it did not meet internal published requirements of The Riggs National Bank.[192]

The Director's salary upon assuming office was $89,500. That salary did not change until February 1, 1990, when it was increased to $96,600, pursuant to a pay adjustment made by Executive Order 12698.[193]

Prior to his 1987 confirmation, the Director reported to the U.S. Government that at the time of his nomination, his net worth (total assets less total liabilities) was $ 141,750.[194] The Director's Financial Disclosure Reports reveal the following maximum total assets and income:[195]

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[192] *See*, Tab A-192.

[193] *See*, Tab A-157.

[194] Tab B-130 at 8.

[195] Because the forms only require reporting income in ranges (e.g. $101-1000), we have assumed the maximum income for each range. The information presented represents the total asset value reported by the Director for property owned solely and/or jointly with Mrs. Sessions and any earned income from the assets. In addition, salary and/or consulting fees earned by Mrs. Sessions were identified as *sources* of income; however, the *amount* of income earned by Mrs. Sessions derived from the sources was not disclosed. Financial Disclosure Reports are only required to report the total assets of the Director and Mrs. Sessions as well as the amount of income earned from the assets. Spousal earned income must be identified by source, but the amount earned by the spouse is not required to be disclosed. During the Director's interview, he never asserted that his wife's income would have substantially increased their total income.

Disclosure Statement Date	Total Assets	Total Income
7/27/87[396]	$ 35,000	$ 4,000
5/05/88[397]	$ 25,000	$ 3,000
5/09/89[398]	$ 70,000	$ 3,500
4/29/90[399]	$ 120,000	$ 3,500

This investigation has not determined the sources of the increase in assets reported in 1989 and 1990. It is known that the Director's father transferred to him common stock in AT&T and Exxon Corporation in December, 1989, after the closing on the Director's Washington, D.C., residence.[400]

The Director's reported income did not substantially change between 1987 and 1989. Therefore, it appears that the Director's ability to meet monthly obligations did not increase appreciably unless Mrs. Sessions' income increased significantly during this same period.

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[396] Tab B-131 at 2.

[397] Tab B-132 at 2.

[398] Tab B-133 at 2.

[399] Tab B-134 at 2.

[400] Tab B-135 at 2.

A review of "The Mortgage Rate Chart," published weekly in the Real Estate Section of *The Washington Post*, disclosed the following as the lowest available mortgage rates for a $375,000 loan:[401]

Terms	Lowest Rates Published 12/5/87-12/12/87	8/17/89-8/26/89
30 year fixed	10 1/2% + 2 pts	10% + 3 pts
15 year fixed	10% + 3/4 pts	9 3/4% + 2 1/2 pts
1 year adjustable	7% + 3 1/2 pts	7 3/4% + 3 pts

According to The Riggs National Bank Real Estate Loan Product Profile Manual, dated May 12, 1992, monthly housing expenses of a borrower should not exceed 28% of monthly gross income.[402] Monthly housing expenses consist of principal, interest, tax and insurance (PITI) requirements.[403] In addition, the total obligations of a borrower, to all sources, should not exceed 36% of gross monthly income.[404] These percentages are referred to as the Debt Service Ratio (DSR). According to an official with The Riggs National Bank, the DSR percentages in the Manual have not changed appreciably since August 1988.[405]

401/ *See*, Tab A-160.

402/ Tab A-192 at 3.

403/ *Ibid*.

404/ *Ibid*.

405/ Tab A-192 at 1.

Based upon the rates disclosed in *The Washington Post* and the Director's statement that the initial terms of the loan was approximately 8 3/4%, the following table shows the monthly payment which would be required for various loan types in the amount of $375,000 amortized over 30 years, plus the monthly cost of property taxes and hazard insurance (taken from the Settlement Statement):

	Monthly			
Rate	Principal and Interest	Property Taxes	Hazard Insurance	Total Payment
10 % 30 yr	$ 3,290	$ 508	$ 96	$ 3,894
9 3/4 % 15 yr	$ 3,972	$ 508	$ 96	$ 4,576
7 3/4 % 1 yr	$ 2,686	$ 508	$ 96	$ 3,290
8 3/4 % 2 yr	$ 2,950	$ 508	$ 96	$ 3,554

At the time the loan was obtained, Director Sessions' annual salary was $ 89,500 per year, or approximately $7,458 *gross* salary per month. To evaluate the terms of the Sessionses' loan and compare it to The Riggs National Bank's DSR requirements, an analysis was conducted using the lowest posted rates available during the month preceding the August 31, 1989 settlement on the property as well as the 8 3/4% rate mentioned by the Director in his statement. Given the available information, the Sessionses' monthly housing expenses to income ratios would be as follows:

1989 Terms	Monthly Housing Exp. to Income Ratio
10 % 30 yr	3894 / 7458 = 52 %
9 3/4 % 15 yr	4576 / 7458 = 61 %
7 3/4 % 1 yr	3290 / 7458 = 44 %
8 3/4 % 2 yr	3554 / 7458 = 47 %

Based upon the internal requirements of The Riggs National Bank, none of the loans noted above would meet either the 28% household expenses to income ratio or the 36% total debt to income ratio required to approve a loan.[406]

In December, 1987, the Sessionses offered to purchase the [redacted] property for $350,000. As a part of the offer, the 7(c
Sessionses indicated an ability to obtain a $225,000 loan, at 10%, or the then prevailing rate, amortized over 30 years.[407] The principal and interest on the loan would have been $1,974.54. Assuming the same taxes ($508) and insurance ($96) as listed on the August 31, 1989 Settlement Statement, the Sessionses' total monthly payment would have been approximately $2,578. Director Sessions'

[406] While the listed ratios are as of May 12, 1992, they are not materially different from those in effect at the time the Director obtained his mortgage. *See*, Tab A-192 at 1.

[407] Tab B-136.

gross annual salary at that time was $89,500, or $7,458 monthly.[408]

The loan anticipated with the original 1987 offer would have an approximate monthly housing expenses-to-income ratio of 34.5% ($2,578/$7,458).[409] This loan also would not meet the requirements of The Riggs National Bank. However, it is apparent the Director's ability to meet the anticipated mortgage in 1987 was much better than his ability to meet the 1989 mortgage.

The $375,000 real estate loan for the purchase was $150,000 *more* than anticipated in December, 1987, and represented a 67% ($150,000/$225,000) increase in mortgage debt and, at a minimum, a 27% [($3,290 - $2,578) / $2,578] increase in the monthly mortgage, taxes and insurance payment.

Based upon the foregoing analysis, it is apparent that the Director could not have met the standard Riggs Bank mortgage qualification standards unless his wife had substantial additional income or Riggs made an exception to its standard lending practices. Moreover, the Director's mortgage at Riggs Bank does not appear on his credit report from the credit reporting agency which supplies the Department with credit reports in conjunction with

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[408] *See*, Tab A-157.

[409] Even assuming lower taxes and insurance based on a lower selling price, the ratio would be approximately 33%.

background investigations.[410] The fact that the Director refused to provide a release to allow us to substantiate the propriety of the transaction with Riggs coupled with the above analysis suggests that there may indeed have been a "sweetheart deal" with respect to the financing of the purchase of the Director's home.

X. ISSUANCE OF A "GOLD" SECURITY ACCESS BADGE AND PARKING SPACE TO MRS. ALICE SESSIONS

This issue was based upon an allegation contained in the June 25, 1992 anonymous letter that Director Sessions had ordered that his wife, Alice Sessions, be given a building pass and a parking space at FBIHQ without her having obtained the required security clearances.

The investigation verified that a plastic Security Access Control System (SACS) Badge[411] with a "gold" background color was issued to Mrs. Alice Sessions on February 17, 1988, apparently pursuant to a December 10, 1987 memorandum from [redacted] 7(c) [redacted] to then Assistant

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[410] This fact further bolsters the assessment that the Director has made some special arrangement with Riggs. Clearly, if the bank reported the Director's mortgage, it is doubtful that other creditors would extend credit based upon the amount of income required to service the mortgage debt.

[411] Access to FBIHQ is controlled through the use of a plastic Security Access Control System (SACS) badge, which allows the holder to enter the building at various locations which are electronically controlled and monitored by security guards.

Director Edwin Sharp.[412] The memorandum set forth Mrs. Sessions' desire to have an access badge to "enhance" her "mission" as wife of the Director.[413]

The "gold" access badge is issued only to Assistant Directors and above within the FBI. It permits the holder to gain entry into the J. Edgar Hoover building without normal electronic screening and further permits the holder to bring visitors into the building without even identifying the visitors.[414] The investigation also determined that existing guidelines require a completed background investigation before a SACS Badge may be issued to an employee or otherwise authorized badge recipient.[415] The investigation disclosed that there was no background investigation of Mrs. Alice Sessions.[416]

The investigation also disclosed that arrangements were made to enable Mrs. Sessions to park her personally owned vehicle in a parking space made available for the Director's Security Detail.[417] [redacted] 7(c) [redacted] was interviewed. [redacted]

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[412] Tab A-107 at attachment, p. 7.

[413] *Ibid.*

[414] Tab A-107 at 2.

[415] *Id.* at attachment p. 1; Tab A-139 at attachment.

[416] Tab A-139 at 1.

[417] *Id.* at 2-3.

[redacted] 7(c)
[redacted] provided a copy of the December 10, 1987 memorandum which requested that Alice Lewis Sessions be issued a SACS Badge for FBIHQ. The memorandum states: "The Director's wife has requested that the Security Unit, FBIHQ, issue her a SACS Badge for access to Headquarters. The Director's wife currently obtains a visitor's badge from the Security Escort Desk, and her mission as the wife of the Director would be enhanced by her having her own access badge." A review of this memorandum disclosed that the request was approved and initialed by AD Sharp.[418]

[redacted] shown a copy of the December 10, 1987 memorandum. Although his initials appeared on the memorandum indicating he had previously seen it, [redacted] did not recall the Director, Ms. Munford or, as stated in the memorandum, Mrs. Sessions, asking him to obtain the SACS badge for Mrs. Sessions.[419] 7(c) 7(c)

The investigation also disclosed a memorandum from the FBI Security Unit informing Security Unit employees that Mrs. Sessions had received SACS Badge 14592 with a gold background and that Mrs. Sessions would be provided parking in the "drive-thru" anytime she came to FBIHQ. This documentation further reports that should there be no parking spaces available, Security Officers were to

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418/ Tab A-107 at attachment.

419/ Tab A-122.

allow Mrs. Sessions to park on the yellow lines in front of the escort area. In the event Mrs. Sessions should bring visitors into the building, they were first to go to the courtesy escort desk and obtain Escorted Visitor (EV) badges and that once Mrs. Sessions obtained the EV badges she could escort her guest(s) into the building.[470]

[redacted] 7(c)

[redacted] advised that in early to mid-1988 he was aware there had been some difficulty experienced by the Security staff when Mrs. Sessions attempted to gain entrance into FBIHQ, and several alternatives were considered to facilitate her entrance.[471] [redacted] discussions with then AD Sharp concerning the possibility of securing a SACS Badge for Mrs. Sessions.[472]

[redacted] the Security staff experienced certain difficulties with Mrs. Sessions because of her tendency to forget to carry her SACS Badge and her notion that individuals accompanying her should gain entrance to the building unchal-

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[470] Tab B-13.

[471] Tab A-3 at 1.

[472] *Id.* at 2. [redacted] believed this matter was discussed with FBI's [redacted] (LCD) and that LCD ultimately approved providing a SACS Badge to Mrs. Sessions (*Ibid.*). A review of records and interviews with pertinent FBI officials in the LCD failed to identify any information that LCD counsel was sought or obtained regarding Mrs. Sessions' receipt of a SACS Badge (Tab A-24; Tab A-34; Tab A-79).

lenged.[473] [redacted] believed, along with a number of others involved in the Security Unit staff, that this situation posed a security hazard because Mrs. Sessions could be taken hostage and explosives could be driven into the building, undetected by the Security staff.[474] 7(c)

Investigation further determined that a special access code is utilized to gain access to the Director's suite of offices on the 7th floor of the FBIHQ Building. [redacted] 7(c) advised that Mrs. Sessions once insisted that she be given the access code to the Director's inner office. [redacted] referred the request to Ms. Munford [redacted] that Mrs. Sessions was not allowed to have the special access code.[475] However, [redacted] Ms. Munford controlled the names of the individuals who receive this access code and he has determined that Mrs. Sessions' name is on that list.[476]

In her September 25, 1992 interview, Ms. Munford denied having any involvement in Mrs. Sessions receiving a "gold" SACS Badge.[477] She stated she did not realize Mrs. Sessions had such a badge until

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[473] Tab A-3 at 2.

[474] Tab A-3 at 2; Tab A-6 at 3; Tab A-121 at 16-17.

[475] Tab A-39 at 8-9.

[476] Tab A-107 at 4.

[477] Tab A-101 at 23.

she mentioned it, possibly in connection with Mrs. Sessions' being queried about the matter by author Ronald Kessler.[428] Ms. Munford also denied having any role in issuing the access code to the Director's inner offices to Mrs. Sessions. She stated that it is the responsibility of FBIHQ building security and suggested that they provided the code to Mrs. Sessions.[429]

Based upon the investigation, we found no evidence to support the allegation that the Director ordered that his wife be given a gold SACS Badge. He did, however, become aware of the situation,[430] but he took no action.[431] Moreover, this is another example of the Director's acquiescing in a special benefit for his wife which would not be available to the spouse of any other FBI employee.

XI. DIRECTOR'S OFFICE CABINET AND REDECORATION OF THE DIRECTOR'S OFFICE

The June 25, 1992 anonymous letter alleged that Ms. Sarah W. Munford, the Director's Special Assistant, ordered the FBI Laboratory Division to handcraft a custom cabinet unit for the Director's

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[428] *Id.* at 24.

[429] Tab A-101 at 24-25.

[430] Tab A-194 at 280.

[431] Indeed, the Director would not even state his opinion regarding whether or not he believed issuing the gold SACS badge to his wife was proper. The Director laid the blame to the staff and denied any personal responsibility (*Id.* at 281).

Office and that this project was accomplished at the cost of several thousand dollars, causing the delay of other more important projects. In addition, the anonymous letter contained allegations regarding the Director's having his office redecorated. In light of these allegations, we conducted an inquiry.

Based upon the inquiry, we found that the Bureau's Laboratory Division received a Special Projects Work Order dated September 13, 1992, requesting that the Structural Design Unit (SDU), Special Projects Section (SPS), Laboratory Division "construct all cabinets and other items according to attached plans."[432] The form specified that the project be coordinated with Ms. Munford, who was also the requesting official on the form. The work order was accepted and approved by the SDU Assistant Section Chief and referred to the SDU Unit Chief, who assigned the actual task of constructing the cabinet unit to one of the Unit's Visual Information Specialists (VIS).

This project was in the planning stages prior to the date the Work Order was issued. The plans for the cabinet were drawn by a Supervisory Special Agent (SSA) assigned to the FBI Academy and are dated August 8, 1989.[433] In addition, records reviewed during the course of this investigation disclosed that a meeting was held on August 28, 1989, between Ms. Munford, [redacted] General 7(c)

[432] Tab B-44 at 1-2.

[433] Tab B-45, pp. 3-9.

Services Administration (GSA), and the SDU Assistant Unit Chief.[414]

On November 6, 1989, the assigned VIS and a helper went to the Director's Office to take some necessary measurements for the cabinet unit. The VIS was told by Ms. Munford that he should not begin the project yet as they were looking into the possibility of utilizing an outside vendor for the project.[415] On December 13, 1989, Ms. Munford was contacted by the SDU regarding the project, at which time she advised that the SDU should obtain cost comparisons from outside vendors.[416] On December 14, 1989, the SDU Chief contacted a retired FBI employee, [redacted] to obtain an estimate, and, on December 15, 1989, the SDU Chief contacted a [redacted] at Commonwealth Technology, Inc., for an estimate.[417] On December 21, 1989 and December 29, 1989, respectively, the SDU Chief received estimates from [redacted] for $10,000[418] and from Commonwealth Technology, Inc., for $27,562.[419] [redacted] advised, however, that he was not interested in the job.[420]

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[414] Tab B-47.

[415] Tab B-48 at 2.

[416] *Ibid.*

[417] *Ibid.*

[418] *See,* Tab B-49.

[419] *See,* Tab B-51.

[420] Tab B-48 at 2.

Ms. Munford was advised of the receipt of outside estimates, and she was told that the SDU could complete the project at an estimated cost of $10,250.[441] The time required was estimated to be six weeks and 400 labor hours and the cost of materials would be $3,000.[442] On January 5, 1990, the SDU was instructed that work should begin on the project on Monday, January 8, 1990.[443] The assigned VIS requested that another VIS assist him on the project. Work on the Director's cabinet unit began as requested.

On March 23, 1990, Ms. Munford visited the SDU to inspect the work to date.[444] She commented favorably on the project.[445] Ms. Munford inquired as to the completion date and was told that the assigned VIS would have to contact her with that information. On March 28, 1990, Ms. Munford returned to the SDU with the Director who expressed his appreciation for the work thus far completed, and he commended the VISs for their workmanship.[446] Ms. Munford again inquired as to the completion date, and the Director apparently gently scolded Ms. Munford saying that you cannot rush a craftsman.[447]

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[441] *See*, Tab B-52.

[442] *Ibid*.

[443] *See*, Tab B-53.

[444] Tab B-54 at 1.

[445] *Ibid*.

[446] *Ibid*.

[447] Tab A-41 at 7.

The completed cabinet unit was installed in the Director's Office between April 17, 1990, and April 30, 1990. The cost of constructing the cabinet unit for the Director's Office was $4,429.50 in materials and $18,049.18 in labor for a total cost of $22,478.68.[448] A total of 892 hours was expended on this project by technicians in the SDU.[449]

The primary mission of the SDU is to provide investigative support to the field.[450] This mission includes such projects as building the Strategic Information Operations Center (SIOC) at FBI Headquarters, field office command centers, and Bureau "lookouts" which are utilized in the furtherance of Bureau criminal and security investigations. Secondarily, the SDU builds and maintains trial models, FBI Headquarters exhibits, and special exhibits for the field. While no interviewee advised of any delay in the completion of deadline work as a result of the assignment of this project, it was acknowledged that some secondary projects of higher priority than the Director's cabinet did suffer delays.[451] The assigned VIS's dedicated 458 and 412 hours, respectively, to the project.[452]

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[448] Tab B-44 at 2.

[449] *Ibid.* The total cost in hours expended does not include time expended by the Quantico SSA who originally designed the cabinet unit.

[450] Tab A-82 at 3; Tab A-17 at 3; Tab A-41 at 9.

[451] Tab A-17 at 4.

[452] Tab B-44 at 2.

Based upon the allegations in the June 25, 1992 anonymous letter, we examined the question of whether the Director's redecoration of his office exceeded the congressionally mandated limit of $5,000.

A January 3, 1992 memorandum from Stephen R. Colgate, Deputy Assistant Attorney General, Justice Management Division, to Executive/Administrative Officers, Department Components, reminded the addressees of limitations on expenditures for Presidential appointees' offices.[453] The memorandum references GSA bulletin FPMR D-222, dated February 16, 1990,[454] which addresses limitations on expenditures for Presidential appointees' offices. That GSA bulletin in turn references an earlier GSA bulletin, FPMR D-215, dated August 19, 1988, which reminded all agencies that Congress had included in various continuing resolutions a prohibition on the expenditure of more than $5,000 for ravovation, remodeling, furnishing, or redecorating the offices of Presidential appointees. Bulletin FPMR D-222 notes that the Treasury, Postal Service, and General Government Appropriations Act of 1990,[455] continued the restriction contained in prior law that "Agencies and Departments may not obligate or expend in excess of $5,000 to furnish or redecorate, or to purchase furniture or make improvements for Presidential appointees' offices. * * * Advance notification and express

[453] See, Tab B-79.

[454] Tab B-80.

[455] Pub. L. 101-136, 103 Stat. 783 (1989).

approval by the House and Senate Committees on Appropriations are required where the expenditures will exceed the $5,000 limitation."[456]

On September 28, 1992, Harriett Fisher, Acting Assistant Director, Facilities and Administrative Staff, Justice Management Division, confirmed that at the time the Director's office was redecorated there was a $5,000 limitation placed on the furnishing and redecorating of Presidential appointees' offices and that advance approval of the House and Senate Appropriations Committee was necessary in order to exceed that limitation. Ms. Fisher also advised that the Comprehensive Crime Control Act of 1984, Public Law 98-473, set the $5,000 limitation.[457] Those limitations and contingencies are the same as those contained in the Treasury, Postal Service, and General Government Appropriations Act of 1990, referenced above.[458] The GSA bulletin advised that the Treasury, Postal Service, and General Government Appropriations Act of 1990, changed the previous language by making the limitation applicable for the duration of each Appointee's term of office.[459]

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[456] Tab B-80. The 1990 law changed the existing restriction by removing the words "renovate" and "remodel." Thus, the restriction in effect at the time the Director's office was redecorated was more strict. The 1990 law also made the $5000 limitation applicable for the duration of the appointee's term of office.

[457] Tab B-81.

[458] See, Tab B-81; Tab B-82.

[459] *See, also,* Pub.L. 100-440, § 614, 102 Stat. 1721, 1754 (1988); Pub.L 101-136, § 614, 103 Stat.783, 819 (1989). Tabs B-146 and B-145, respectively.

The investigation disclosed that the Director's Office and attendant areas were fully refurnished and redecorated between August 15, 1989, and September 14, 1990. New furniture, including the custom-built cabinet, window treatments, wallpaper, pictures, and plants were purchased for all areas at a total cost of $97,073.55. With regard to the Director's immediate office, which is the only space to which the limitation applied in 1989-1990, the cost was $37,987.18. The investigation also revealed that no approval was requested from or granted by the appropriations committees for these expenditures.[460]

The investigation produced copies of the original Purchase Orders for Supplies or Services (form 3-512), and corresponding Requisitions for Supplies and/or Equipment (FD-369), dated from August 15, 1989, through September 14, 1990, pertaining to the Director's Office.[461] This documentation includes the requisition and purchase of furniture used in the redecoration and refurnishing of the Director's Office suite and attendant areas. The following items were purchased for the Director's immediate office:

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[460] Tab A-64 at 1; Tab A-24a; Tab A-58a.

[461] *See*, Tabs B-56 through B-76, inclusive.

Director's Office Purchase Order	Date	Total	Item
A 915900	9/18/89	$ 1,680.40	sofa
A 915899	9/18/89	$ 1,092.00	fabric for sofa
A 915898	9/18/89	$ 3,403.68	wing and side chairs
A 915897	9/18/89	$ 1,013.00	fabric for chairs
A 004575	6/6/90	$ 535.00	entertainment center
A 004478	4/2/90	$ 389.00	pictures
A 004480	4/2/90	$ 408.00	pictures
A 004479	4/3/90	$ 277.50	plants
Total		$ 8,798.58	

The investigation also examined documentation regarding the purchase and installation of draperies and wallpaper in the Director's Office.[462] We also reviewed bills submitted for payment by Yardstick Interiors of Georgetown. The following information was obtained from those documents:

Location	Item	Cost
Director's Office	draperies	$ 6,479.92
	wallpaper	$ 230.00
Total		$ 6,709.92

The grand total of the above expenditures, including the custom-built cabinet, is $37,987.18.[463]

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[462] Tab B-77; Tab B-78.

[463] The purchase orders and requisitions described above include only furniture, draperies, wallpaper, pictures, and plants. This figure does not include the cost of installing the wallpaper. The total installation cost of $3,767.00 for the Director's entire office suite could not be broken down by specific office area so we could not determine a cost for the Director's immediate office. Accordingly, we have not included any wallpaper installation cost in our calculations.

[redacted] 7(c)
[redacted] Administrative Services Division (ASD), Inspector-in-charge John E. Collingwood, Congressional Affairs Office (CAO), and [redacted] 7(c)
[redacted] ASD, advised that there was no official request by the Director's Office or the FBI to the Committees on Appropriations of the House and Senate to exceed the $5,000 limitation placed on the refurnishing and redecorating of the Director's Office.

In his interview, the Director stated that he was involved in the decision to redecorate his office.[464] In addition, he had a general recollection of some limit on the amount of funds that could be expended on redecoration;[465] however, consistent with the Director's method of operation, he took no action himself and relied upon his staff, principally Ms. Munford.[466] In this particular instance, given the obscurity of the limitation provision, we are willing to accept the assertion that the staff should have been aware of the limitation and sought the appropriate approvals. Nevertheless, we do believe that the Director had the

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[464] Tab A-194 at 286.

[465] Id. at 291.

[466] Id. at 292-293.

responsibility to raise his concerns to ensure that the FBI and the Department remained in compliance with the law.[467]

XII. [redacted]

7(c)

It was alleged in the June 25, 1992 anonymous letter that the Director had [redacted]

Based upon our investigation, we determined that in 1989, a decision was made by the Department to enhance then Attorney General Richard Thornburgh's personal security in light of intelligence reports that U.S. Government officials were being targeted for assassination.[469] One result of the security enhancements was [redacted]

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[467] It is somewhat ironic that the Director insists that his staff frequently contact the Legal Counsel Division to obtain a legal opinion that he does not have to reimburse the FBI for Mrs. Sessions' travel on board the FBI aircraft, but he made no such specific request with respect to the expenditure of a considerable sum to redecorate his office.

[468] Tab B-1 at 2.

[469] Tab A-128 at 2.

[470] Ibid.

The investigation determined that the plan to purchase [redacted] was based exclusively on security concerns and was not requested by the Director.[471] 7(c)

[redacted]

[redacted]

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[471] Tab A-85 at 18; Tab A-128 at 2-3.

[472] Tab A-85 at 18; Tab A-128 at 3.

[473] *Ibid.*

[474] *Ibid.*

[475] Tab A-128 at 4.

[476] *Ibid.* [redacted] since the purchase had to be made through an [redacted] the Central Intelligence Agency (CIA) had already negotiated. [redacted]

(continued...)

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[redacted]

[redacted]

. . . .

[redacted]

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[476] (...continued) [redacted]

[477] *Ibid.* [redacted]

[478] Tab A-128 at 4.

[479] *Id.* at 4-5. [redacted]

[480] Tab A-70 at 3.

7(c)

[redacted] The total cost for [redacted] was $153,590.[illegible]

[redacted]

[illegible] Tab A-184 at 1.

[illegible] *Ibid.*

[illegible] *Ibid.*

[illegible] *Id.* at 2.

[illegible] *See*, Tab A-191.

[illegible] *Ibid.* [redacted]

[illegible] Tab A-191 at 9.

[redacted] 7(c)

Based upon this inquiry, we have determined that the allegation that the Director was impermissibly involved in the procurement of [redacted] is without merit. There is no evidence that the Director was involved in the decision to purchase [redacted] we have also determined that there was no misconduct. [redacted]

418/ Tab A-194 at 58-58. [redacted]

419/ Tab A-194 at 60-61, [redacted]

420/ Tab A-194 at 63. [redacted]

[redacted]

7(c)

XII. CONCLUSION

Based upon the findings of the investigation, we conclude that the Director is entirely inconsistent in his actions with respect to accepting the advice of the Bureau's professionals. First, he accepted the advice of his Legal Counsel when following that advice would permit him to avoid the payment of taxes for government-provided home-to-work transportation. However, he disregarded Legal Counsel's instructions to follow prescribed procedures regarding possession of the official weapon, procedures which Legal Counsel told him were required to validly assert the exemption. Then, despite his knowing failure to abide by those procedures, he utilized his possession of the weapon to claim an exemption from federal income tax on the value of his government-provided home-to-work transportation.

Second, with respect to the government-provided fence for his residence, the Director rejected the advice of not only FBI experts regarding the type of fence which would enhance his security, but also rejected the advice of his own expert who was specifically selected because he knew of the Sessionses' lifestyle and habits. The Director then embarked upon a plan to refuse to approve any security enhancements to his residence until he was able to obtain the type of fence he wanted. Only then did he consider improvements to the alarm system even though he had known from the outset that the existing alarm system was inadequate. In addition, he complained in his interview of the delays that occurred in obtaining the needed security upgrades at his residence when it was his refusal to accept the advice and recommendations of his professional staff that caused the delay. The result was a manipulation of the Bureau's processes to secure a fence which met the aesthetic desires of his wife, but which actually reduced the level of security at the residence. The Director compounded the problem by insisting that [redacted] b even though he had been advised that [redacted] He further rejected the advice of his professionals by refusing to allow the government-provided security alarm to alert directly the FBI. Rather, the alarm sounds at a private company and the FBI is called after the company notifies the D.C. Police. Even then, the call is made to the FBI switchboard and not the FBI's equivalent of the Command Center.

Third, the Director disregarded the advice of both the chief of his Legal Counsel Division and the head of his Security Detail and allowed numerous unauthorized passengers to ride in his official limousine. The result was an increase in the government's liability exposure and a decrease in the level of security afforded the Director. In addition, the Director took no action to ensure that his wife was not improperly transported in government vehicles either in the Washington, D.C. area or while travelling elsewhere. When questioned about the propriety of allowing unofficial passengers to ride in the limousine, the Director placed the responsibility for any violations on the Security Detail because they did not tell him it was improper.

Fourth, the Director found no impropriety in his transporting two essentially unknown Soviets in his official limousine to a ballet performance without checking with the Bureau's foreign counterintelligence professionals to ensure that the individuals were not the subject of official interest. In addition, the Director failed to recognize the appearance problem created when his wife entered into a financial relationship with the Soviets which involved the exchange of an envelope of cash and when he thereafter instructed the Bureau's Legal Attache in Paris to facilitate those Soviets' transit through the Paris airport because of visa or other entry problems.

Fifth, the Director was oblivious to the appearance of impropriety resulting from his official travel to locations where he had family. The frequency alone of such trips suggests their real purpose was for personal visits. This suggestion is reinforced by an analysis of the events attended which demonstrates that many were arranged after the Director decided to visit. The result was transportation for the Director and his wife in a government aircraft primarily to accommodate his personal desires at no cost to him; limited official activities were involved. It is noteworthy in this regard that the Director made the decision to accept or reject speaking engagements often without obtaining the advice of the Bureau's professionals. When he sought a Legal Counsel opinion for a particular trip, the critical issue was not the potential impropriety of the trip, either actual or apparent, but whether reimbursement was required for his wife's travel. Moreover, there is evidence that the facts provided to Legal Counsel were tailored to achieve the desired finding that Mrs. Sessions' travel was permissible on a non-reimbursable basis.[491]

Sixth, the Director has not adequately safeguarded and accounted for frequent flier miles earned on official travel. He placed all of the blame for the way his official frequent flier awards were used on his staff. He took no independent action to ensure that his staff handled the awards properly, and he would not

[491] Signed, sworn statement of Assistant Director Joseph R. Davis dated November 24, 1992, at 4.

accept responsibility for any apparent misuse of the awards on the ground that that was his staff's responsibility. Moreover, he would not exercise his own judgment regarding the propriety of using an award for travel for his wife. As a result of his failure to exercise his responsibility to oversee his staff, the government lost the equivalent of at least two round-trip first class tickets for air travel within the contiguous United States.

Seventh, it would appear that the Director has obtained a financing arrangement for his residence from Riggs Bank which is unlike that offered to the general public. Moreover, he has exacerbated the apparent impropriety by refusing to provide the Department with legitimate access to those financial records which would establish or refute the bona fide nature of the transaction. As a result, based upon the available evidence, there is an appearance that the Director has received special treatment from Riggs which results from his position as Director of the FBI.

Eighth, the Director acquiesced in the issuance to his wife of a pass to the FBI building which was not provided to the spouse of any other FBI employee, which permitted her unrestricted access, including the introduction of unescorted visitors, without her having the required security clearances. This acquiescence resulted in a reduction of the level of security at the FBI building. This is another example of the Director's refusing to act in the face of actions which he should have known were contrary to accepted practice and contrary to good security, but which would restrict his or his wife's personal activities.

Ninth, the Director did not obtain the necessary congressional approval required when he redecorated his office suite at a cost which exceeded by almost eight times the authorized limit of $5,000. There is no evidence that the Director sought any opinion from Legal Counsel before the redecoration project was begun, even though he had a recollection of some upper limit on such expenditures and even though he seeks advance opinions from FBI Legal Counsel whenever he wants to ensure that he will not have to reimburse the government for his wife's travel aboard an FBI aircraft.

Finally, taken together, the Director's actions and inactions with respect to questions of propriety or the appearance of impropriety reveal a disturbing subordination of such considerations to the personal convenience of the Director and his wife. Moreover, he avoids responsibility for his actions by professing to rely on others to tell him when he should or should not do something. In fact, in his interview, the Director repeatedly asserted that if any impropriety resulted from his actions or inactions, it was not his responsibility because he expects his staff to tell him when he is acting improperly.[197] In his view, if staff did not tell him any

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[197] See, Tab A-194 at 59, 65, 70, 90, 248-249, 258, 261, 281, 292-293, 305, 315, 318, 330-332, 335-336, 338, 363, 391, 425, 438, 448, 457, 474, 477.

particular action was improper, he is absolved of responsibility. Indeed, the Director appears to subscribe to an exceedingly strained ethical standard: he exercises no independent judgment and absolves himself of responsibility through his reliance on others. Whenever, however, it is to his advantage to claim that his actions have been sanctioned by an "independent" review, he does so.[493] Yet when the independent review does not produce the desired opinion, he seeks another forum until he finds an acceptable answer. This practice was demonstrated in conjunction with the Director's trip to Atlantic City to attend a performance of the Bolshoi Ballet as the "guest" of the Russian ambassador. When the Director sought the advice of his professional staff, both Assistant Director Wayne Gilbert who heads the Bureau's Intelligence Division and Associate Deputy Director Doug Gow recommended against the trip. In the face of his staff's recommendation, he contacted Secretary of State Eagleburger. When the Secretary of State did not object, Director Sessions made the decision to go on the trip. This is in direct conflict with the Director's statement during his interview regarding his staff's advice: "If they say it, I do it."[494]

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[493] The Director has made the claim that the FBI's Legal Counsel Division reviews all of his travel. Assistant Director Davis, in his signed, sworn statement dated November 24, 1992, specifically stated the Director's claims that Legal Counsel reviews all of his travel "is not an accurate statement" and AD Davis has "personally reminded the Director that LCD has not provided opinions on all of his travel."

[494] Tab A-194 at 457.

These actions of Director Sessions are not, in our view, consistent with the high standards the Department expects of its principal officers. The Director's conduct is also inconsistent with that expected of the head of the nation's premier law enforcement agency. Moreover, the Director's actions tend to bring disrespect upon the Department in violation of the Standards of Conduct. Finally, the Director's refusal to cooperate with the administrative inquiry is virtually identical to conduct which has routinely resulted in disciplinary action against other employees of the FBI.

[redacted]

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U.S. Department of Justice

Office of Professional Responsibility

January 26, 1993 Sessions

[redacted]

TO: Stuart M. Gerson
Acting Attorney General

FROM: Michael E. Shaheen Jr.
Counsel

SUBJECT: Chronology of FBI Director Sessions' Investigation

Attached is the chronology you requested.

Baa

Chronology of Sessions Investigation

July 6, 1992	Anonymous letter received
b6 b7C July 7, 1992	(b)(6) (b)(7)(C) [redacted] letter received
July 8, 1992	Investigation commenced

b6 b7C

(b)(6) (b)(7)(C) [redacted]

November 18, 1992	OPR receives a Freedom of Information Act request for information pertaining to the investigation of the Director

b6 b7C

(b)(6) (b)(7)(C) [redacted]

November 30, 1992	OPR denies the FOIA request because the investigation is still open
December 1, 1992	The FOIA request is renewed in lieu of an appeal
January 12, 1993	OPR report completed
January 13, 1993	OPR report submitted to the Attorney General

January 15, 1993	The Attorney General makes a final decision on the OPR investigation, and he sends a memorandum to the Director reporting his decision and directing the Director to take specific action
January 15, 1993	The Attorney General advises OPR that he has made a final decision on the OPR report, and he directs OPR to prepare a copy of the report for the Director and to provide it to him by January 19
January 15, 1993	The Attorney General delegates to OPR the discretion to release the OPR report
January 19, 1993	A copy of the OPR report is dispatched to the Director and his attorney at 10:30 a.m.
January 19, 1993	OPR releases the redacted report to the FOIA requester, along with Attorney General Barr's memoranda, at approximately noon
January 19, 1993	OPR makes a public release of the redacted report along with Attorney General Barr's memoranda at approximately 3:00 p.m.

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Scanned/Dale - Pls ensure that the proper enclosures go to Mr. Gill & to ~~the~~ OIP. Thanks MW 6/2

Marlene, 6/29

Attached is a proposed partial denial response to Robert Lee Gill, Jr., and a response to OIP concerning their request for consultation. OIP referred six documents to OPR for consultation and 14 documents for OPR review and direct response concerning Mr. Gill's request for records pertaining to former FBI Director William Sessions. The requester is a third-party requester and did not provide any written release authorizations from the subjects of the records referred to OPR by OIP.

For the 14 documents referred to OPR for review and direct response, I determined the following: 1) OPR's report of investigation, document #7, (redacted version) is the Department's official version authorized for public disclosure. This report was first disclosed to the L.A. Times on January 19, 1993 (a copy is in the FOIA file folder). Information on pages 63 and 64 was originally withheld pursuant to Exemption (b)(7)(A) and other exemptions. 2) Documents #8, #9, #11, #14, #16, #19 and #20 have not been previously disclosed either directly to the public or through the FOIA. 3) Documents #10, #13, #15 and #17 contain no exempt information. 4) Document #12 is a report that originated in FBI/OPR and contains information that is outside the scope of the allegations of misconduct discussed in OPR's report of investigation.

I recommend that OPR should inform Mr. Gill that records pertaining to investigations of professional misconduct are maintained in a Privacy Act system of records and that he is being provided access to that information which the FOIA requires. Access to any additional information would require written release authorizations from the subjects of those records. I recommend that OPR should inform Mr. Gill that OPR is releasing four documents in full, two documents in part, one document is a duplicate, another document is being returned to OIP for referral to the FBI and is withholding the remaining information, including six documents in their entirety, pursuant to Exemptions (b)(2), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D) and (b)(7)(E). In addition, I recommend that OPR should inform Mr. Gill the redacted OPR report is the Department's official version authorized for public release. Also, I recommend that OPR should advise Mr. Gill the information on pages 63 and 64 of the report was originally withheld pursuant to Exemption (b)(7)(A) as part of open law enforcement proceedings. While that exemption is no longer applicable, OPR is withholding that information pursuant to Exemptions (b)(7)(C) and (b)(7)(D). Furthermore, I recommend that OPR should withhold information concerning internal personal rules and practices of an agency, deliberative information, personal privacy information for both law enforcement and non law enforcement purposes, information that would reveal the identity of confidential sources, and information that would reveal law enforcement techniques or procedures.

With respect to the consultation request, I recommend that OPR should advise OIP of the following: 1) That OPR has no objection to the release of OPR information contained in document #1 and that OPR defers to OIP regarding the remainder of the information in the document. 2) Document #2 should be withheld in its entirety pursuant to Exemption (b)(6) and (b)(7)(C) as this document is a submission by subject's attorney and reflects the subject's views and opinions of the OPR report of investigation. 3) That document #3 is a chronology of the Department's deliberative process with respect to the post-investigation disciplinary process. OPR should recommend that specific events in the chronology as it relates to OPR's role in the disciplinary process, except for the OPR report, should be withheld pursuant to Exemptions (b)(5), (b)(6) and (b)(7)(C). Disclosure would adversely affect the personal privacy of the subject and reveal the nature of OPR's role in the deliberative process as it pertains to the post-investigation decision making process. Also, the reference to the document #2 in the chronology should be withheld pursuant to Exemptions (b)(6) and (b)(7)(C). 4) That document #4 provides the same basic information as document #3, except it is in reverse chronological order. OPR should recommend that the OPR information should likewise be withheld for the same rationale as in document #3 pursuant to Exemptions (b)(5), (b)(6) and (b)(7)(C). 5) That OPR should recommend that document #5 should be released in full as it was previously released in a FOIA request to the L.A. Times on January 19, 1993. 6) That OPR should recommend that document #6 should be considered either a duplicate or withheld in its entirety pursuant to Exemption (b)(6) and (b)(7)(C) as in document #2.

Dale 5/11/05

(b)(6)

Please prepare and mail the response letter to the requester along with the enclosed documents. Also, please prepare and send the consult memo to OIP along with the attached documents. Return the file to me for logging out and filing.

Thanks,
Dale

U.S. Department of Justice

Office of Professional Responsibility

Washington, D.C. 20530

JUL 12 2005

Robert Lee Gill, Jr.
(b)(6) [redacted]

Dear Mr. Gill:

This is in response to your October 30, 2003 Freedom of Information Act (FOIA) request to the Attorney General of the Department of Justice for records concerning former Federal Bureau of Investigation (FBI) Director William S. Sessions. The Office of Information and Privacy (OIP) referred 14 documents to this Office for review and direct response to you. We received OIP's referral on April 29, 2005.

Records pertaining to investigations of professional misconduct conducted by this Office are maintained in a system of records covered by the Privacy Act. The Privacy Act prohibits agencies from disclosing records contained in a system of records absent written authorization from the subjects of those records. 5 U.S.C. §552a(b). However, the Privacy Act does not prohibit the disclosure of records that are required to be disclosed pursuant to the FOIA. You are being provided access to that information which the FOIA requires. The disclosure of any additional information will require a written release from the subjects of these records.

I have determined that four documents may be released to you in full and two documents may be released in part. Copies are enclosed. In addition, one of the 14 documents is a duplicate and another document originated in FBI. I am returning the FBI document to OIP for referral to the FBI.

I am withholding the remaining information, including six documents in their entirety, pursuant to 5 U.S.C. §552(b)(2), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D) and (b)(7)(E). Exemption (b)(2) allows for the withholding of information that is "related solely to the internal personnel rules and practices of an agency." Exemption (b)(5) permits the withholding of "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." Exemption (b)(6) permits the withholding of information about individuals in "personnel and medical files and similar files" when disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Exemption (b)(7)(C) allows for the withholding of information compiled for law enforcement purposes the release of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Exemption (b)(7)(D) allows for the withholding of information the release of which "could reasonably be expected to disclose the identity of a confidential source." Exemption (b)(7)(E) permits the withholding of law enforcement information if release would disclose techniques or procedures for law enforcement investigations or prosecutions.

Please be advised that the enclosed redacted version of the Office of Professional Responsibility's January 12, 1993 report of investigation represents the Department's official authorized version for public disclosure. This report contains information on pages 63 and 64 that was previously withheld pursuant to Exemption (b)(7)(A) because of open law enforcement proceedings. While Exemption (b)(7)(A) no longer applies, this information is being withheld pursuant to Exemptions (b)(7)(C) and (b)(7)(D) as described above.

If you are not satisfied with this response, you may appeal in writing within sixty days of your receipt of this letter to the Co-Director, Office of Information and Privacy. Your letter and envelope should be marked "FREEDOM OF INFORMATION APPEAL" and addressed to:

U.S. Department of Justice
Office of Information and Privacy
Flag Building
Suite 570
Washington, D.C. 20530

If you are dissatisfied with the result of any appeal you make, judicial review may thereafter be available to you in the United States District Court for the judicial district in which you reside, or in which you have your principal place of business, or in the District of Columbia, which is the location of the records you seek.

Sincerely,

Marlene M. Wahowiak
Special Counsel
for Freedom of Information and Privacy Acts

Enclosures

cc: Melanie Ann Pustay
Deputy Director
Office of Information and Privacy

OPR:DHALL:JMR 6/30/05
G:\dhall$\Myfiles\Docs\gill response b2567c7d7e.wpd

cc: chron
File F05-0032
Hall

U. S. Department of Justice

Office of Professional Responsibility

Washington, D.C. 20530

January 19, 1993

Mr. Ronald J. Ostrow
The Los Angeles Times
Washington Bureau
International Square
1875 Eye St., N.W.
Washington, D.C. 20006-5482

Dear Mr. Ostrow:

This is in response to your December 1, 1992 Freedom of Information Act request to this Office. In your letter, you renewed your earlier request of November 18, 1992, in which you sought all documents pertaining to this Office's investigation of FBI Director William S. Sessions. Because the information you sought was part of an ongoing investigation, I advised you on November 30, 1992, that I had decided to withhold the release of any information pertaining to that investigation pursuant to 5 U.S.C. §552 (b)(7)(A), which permits the withholding of information which could interfere with ongoing investigations. In your December 1, 1992 letter you stated that, rather than appealing my denial, you wished to renew your request and asked that it be considered and acted upon once the investigation had been completed. The investigation is now concluded and I am responding to your renewed request, as amended by our subsequent conversation. During that discussion, you asked that this Office not wait until all documents had been considered and processed before advising you of my decision on your request. In particular, you requested that I consider and decide, as soon as possible, whether this Office's report to the Attorney General on the investigation could be released to you.

I have determined that the enclosed redacted copy of this Office's 161 page memorandum to the Attorney General reporting the results of the investigation into Director Session's conduct is appropriate for release. Excisions were made in the report pursuant to 5 U.S.C. §552(b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), and (b)(7)(E). Exemption (b)(2) allows an agency to withhold information that pertains to purely internal agency practices, in this instance security information. Exemption (b)(7)(A) allows an agency to withhold information compiled for law enforcement purposes if its release could reasonably be expected to interfere

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with enforcement proceedings. Exemption (b)(7)(C) permits an agency to withhold information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption (b)(7)(D) permits the withholding of law enforcement information if its release could reasonably be expected to disclose the identity of a confidential source. Exemption (b)(7)(E) permits the withholding of law enforcement information if its release would disclose techniques or procedures for law enforcement investigations or prosecutions.

Also enclosed are unexcised copies of three January 15, 1993 memoranda of Attorney General Barr. One is addressed to Michael E. Shaheen Jr., Counsel, Office of Professional Responsibility; one is addressed to William Sessions, Director, Federal Bureau of Investigation; and one is addressed to C. Boyden Gray, Counsel to the President. OPR files contain approximately 100 additional documents. Many of these originated in other Department components, particularly the FBI, and they will be referred to those components. For your information, I am considering a fourteen volume Report of Investigation of the FBI's Office of Professional Responsibility to this Office to constitue one document for referral purposes.

In your December 1, 1992 letter you also requested information pertaining to "the investigation of Sarah Munford and Alice Sessions[.]" This response includes all information generated in this Office pertaining to Mrs. Alice Sessions. We are still considering your request as it pertains to Ms. Munford.

If you are not satisfied with this response, you may appeal by writing within thirty days of your receipt of this letter to the Co-Director, Office of Information and Privacy. Your letter and envelope should be marked "FREEDOM OF INFORMATION APPEAL." If you are dissatisfied with the results of any appeal you take, judicial review may thereafter be available to you in the United States District Court for the judicial district in which you reside, or in which you have your principal place of business, or in the District of Columbia, which is the location of the records you seek.

Sincerely,

Signed: Richard M. Rogers

Richard M. Rogers
Deputy Counsel

LIMITED
OFFICIAL USE

Office of the Attorney General
Washington, D.C. 20530

January 15, 1993

MEMORANDUM

TO: Michael E. Shaheen, Jr.
Counsel, Office of Professional Responsibility

FROM: William P. Barr
Attorney General

SUBJECT: OPR Report on Director Sessions

I have reviewed the report on your investigation of certain allegations concerning FBI Director Sessions. I have accepted your findings and recommendations, have adopted your report as the Department's, and have so informed the Director. Attached is a copy of my memorandum to the Director.

I hereby delegate to you the authority to decide whether, and, if so, in what manner, to publicly release portions or all of the report and my memorandum to the Director, consistent with precedent with respect to similar reports.

The report obviously reflects an enormous amount of work by your office and the FBI's Office of Professional Responsibility. Please convey my appreciation to those involved for their hard work.

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Office of the Attorney General
Washington, D. C. 20530

January 15, 1993

MEMORANDUM

TO: Honorable C. Boyden Gray
Counsel to the President

FROM: William P. Barr
Attorney General WPB

SUBJECT: Office of Professional Responsibility Report on Investigation into Allegations of Misconduct by FBI Director William Sessions

Attached for your information is a copy of a Report prepared jointly by the Department's Office of Professional Responsibility (OPR) and the FBI's Office of Professional Responsibility (FBI/OPR) on their investigation into certain allegations of misconduct by FBI Director William Sessions. Also enclosed is a copy of my memorandum to Director Sessions advising him that I have accepted the findings and recommendations contained in the Report and directing him to take certain remedial actions. These materials are currently confidential, and I have delegated to the head of OPR the authority to determine whether to publicly release the Report and memorandum in whole or in part.

LIMITED
OFFICIAL USE

Office of the Attorney General
Washington, D.C. 20530

January 15, 1993

MEMORANDUM

LIMITED
OFFICIAL USE

TO: William Sessions
Director, FBI

FROM: William P. Barr
Attorney General

SUBJECT: OPR Report on Alleged Misconduct

As you know, for quite some time now various complaints about misconduct concerning you have been made by individuals within the FBI. As is their duty, the Department's Office of Professional Responsibility (OPR) and the Bureau's Office of Professional Responsibility (FBI/OPR) have been jointly investigating those allegations. You were interviewed concerning the allegations as part of the investigation and provided a full opportunity to explain the actions in question. OPR and FBI/OPR have now completed their investigation, and provided me with a Report dated January 12, 1993, containing findings and recommendations. I have asked OPR to provide you with a copy of the Report by Tuesday, January 19, 1993, with any redactions necessary to preserve commitments of confidentiality.

This memorandum is to advise you that I have accepted the findings and recommendations of that Report and to direct you to take certain remedial actions. The evidence supporting the Report's conclusions is overwhelming and your explanations, where provided, are wholly unpersuasive.

Failure to Meet Tax Obligations

I am most troubled by the Report's conclusion that you engaged in a sham arrangement for the clear purpose of improperly claiming an exemption from the obligation to pay income tax on your government-provided home-to-work transportation. The law is clear that senior government officials who are provided chauffeur-driven limousines for commuting from home to work are required to pay income taxes on the value of that fringe benefit. The value of this benefit can be significant, amounting to several thousand dollars a year. The obligation to pay taxes on this benefit exists even where home-to-work transportation is independently justified for security reasons. Thus, throughout the government, agency heads, including those with security

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details, pay taxes on home-to-work transportation and other authorized personal use of government vehicles. Within the Department of Justice, the Attorney General, Deputy Attorney General and DEA Administrator all pay such taxes, and I think it is clear that the FBI Director has the same obligation.

The Report indicates that in the Spring of 1990, you sought to avoid paying these taxes on the theory that your limousine falls within a narrow exemption for "vehicle[s] which, by reason of its nature (i.e., design) is not likely to be used more than a de minimis amount for personal purposes." Under IRS regulations, this category of exempt vehicle includes such vehicles as ambulances; hearses; cement mixers; and clearly marked police cruisers if they are subject to limits on personal use. This category can also include certain unmarked police vehicles if those vehicles are assigned to "law enforcement officers" who regularly carry firearms, and if any personal use of such vehicle is "incident to law enforcement functions, such as being able to report directly from home to a stake out or surveillance site, or to an emergency situation." This exemption was clearly not meant for chauffeur-driven executive limousines, but rather for police officers and agents who take their cruisers (marked or unmarked) home with them in order to be able to respond to tactical situations.

The Report finds that you sought to take advantage of this exception in an improper manner. You apparently obtained a legal opinion that you could use this exception if you regularly carried a firearm or maintained one in close proximity to your person. (I must say, parenthetically, that this opinion was transparently wrong, and I am surprised that you would have accepted it at face value. Even if regularly carrying a firearm made you a "law enforcement officer" for purposes of the regulation, it is clear that your chauffeur-driven limousine was not the type of vehicle that could qualify -- the personal use that you were authorized to make of the vehicle was not limited; the portal-to-portal service you were given was not "incident to a law enforcement function"; the car did not remain at your residence for purposes of emergency response to a tactical situation; nor would the Director normally be expected to personally respond to the scene of such tactical situations.) But even accepting the reasoning of the legal opinion, you plainly failed to comply with its terms: far from regularly carrying a firearm, you simply had an unloaded gun in a briefcase locked in the trunk; the ammunition was apparently kept in a locked safe at Bureau headquarters. Moreover, despite repeated attempts by FBI staff to schedule it, you refused to take the training required by FBI regulations for those carrying firearms.

Federal law enforcement officials have a special obligation to be scrupulous in meeting their federal tax obligations. The notion that you could convert an executive chauffeur-driven limousine into a tactical police vehicle simply by keeping an unloaded gun in the trunk does not even pass the "red face test". You must have known that you did not qualify for the law enforcement exception. Given that you are a former US Attorney and Federal judge, and that you are currently Director of the premier federal law enforcement agency, I must conclude that there is no excuse for your conduct.

Improper Use of Government Funds for Personal Travel

OPR and FBI/OPR also found a pattern of abuse of travel by you resulting in the use of government funds for clearly personal travel on a number of occasions. Among other things, it is evident that you and your wife used the FBI plane to make personal trips and then sought to characterize these trips as "official" to avoid reimbursing the government. For example, you have made a number of extended trips on the FBI plane to San Francisco to visit your daughter during holiday seasons. You appear to have charged this all to the government because after you planned the trips you arranged isolated functions of trivial, if any, value to the government, such as a breakfast meeting with a handful of local businessmen. The conclusion is inescapable that these functions were arranged for the sole purpose of allowing you to avoid paying for these personal trips.

In addition, the Report indicates that you abused spousal travel. Your wife appears to have accompanied you on FBI aircraft to 111 locations. Under the regulations then applicable, free spousal travel was arguably authorized where the spouse's presence is in the interests of the government and space is available for the spouse. It is apparent that these requirements were not met on quite a number of these trips; nevertheless you only reimbursed the government for one such trip. Indeed, the Report notes, as one example, that on an extended trip to San Francisco your wife attended an official breakfast that she had not been invited to and was not expected at, and, afterwards, explained to an FBI agent that she had to attend the breakfast to "justify" her travel on the FBI aircraft. (In point of contrast, I note that Attorney General Thornburgh always reimbursed the government for his wife's travel.) Indeed, it is largely because of your excesses that I amended the Department's travel regulations to generally prohibit spousal travel unless specifically authorized by the Attorney General.

The Report also cites a number of other irregularities, including your improperly claiming government per diem while on personal travel; the use of FBI cars to drive your wife to social functions, and on shopping trips and other personal errands; and the failure to account for 120,000 miles of frequent flyer mileage earned on official travel.

Travel regulations can be complex and inevitably involve the exercise of judgment. If all that was involved was one or two lapses of judgment, I would consider harping on this to be petty. But what is troubling here is that there is a clear pattern of your taking advantage of the government. I find that unacceptable, especially given the fact that the Bureau treats even a single instance of travel abuse by agents very seriously -- stiff penalties that I understand you have personally approved.

Failure to cooperate in investigation into alleged "sweetheart" mortgage

I am especially troubled by the fact that you refused to cooperate in -- and indeed affirmatively blocked -- the investigation into allegations that you received a "sweetheart deal" from Riggs Bank on your home mortgage. The inquiry was clearly an appropriate one -- in the face of the allegations that have been made, OPR has a responsibility to ascertain whether you did, in fact, receive financial favors that would not have been available to you as a private citizen. OPR must do this to determine whether you had an obligation to disclose such an arrangement or whether such an arrangement constituted a prohibited supplementation of salary.

All officials and employees of the Department of Justice -- from the Attorney General to the most junior -- have a continuing obligation to respond to the kind of legitimate administrative inquiry made here by providing the information sought. I can conceive of no legitimate justification for your refusal to authorize release to OPR of the relevant documents.

Misuse of Government Funds for Privacy Fence

Finally, I am troubled by the misuse of nearly $10,000 in government funds to install a privacy fence at your residence despite repeated warnings that the fence could not be justified for security reasons and indeed actually derogated from security.

A great deal of effort and expense goes towards protecting your security. This includes government paid for security enhancements at your residence. You were repeatedly advised that only certain types of fences were suitable for security purposes and, therefore, that government funds could only be used for those types of fences. Nevertheless, you used substantial government funds to install a privacy fence that had repeatedly not been approved for installation -- indeed, you had been advised that such a fence actually reduced your security. Thus, taxpayer money intended to enhance your security was actually used by you in a manner that reduced it.

Required Remedial Actions

As noted, I accept the Report's conclusions and recommendations. Accordingly, consistent with the Report's recommendations, I am directing the following remedial steps:

(1) The Department will issue you corrected W-2 forms for the applicable tax years that properly reflect your home to work transportation and other personal vehicle use as income.

(2) I direct that you reimburse the government for the cost of personal travel improperly billed to the government. FBI/OPR is to determine on a case-by-case basis which trips were personal.

(3) I direct that you reimburse the government for the cost of the privacy fence improperly installed at your home at government expense.

(4) I direct that you authorize the release to OPR of all documents relevant to your home mortgage.

(5) I direct that you be counselled concerning the proper use of your security detail and your official vehicle.

(6) I direct that you recuse yourself from participation in any personnel actions involving any of the individuals who conducted or cooperated in this investigation or the preparation of the Report.

I will provide a copy of this memorandum and the Report to the Counsel to the President for his information. I have delegated to Mr. Shaheen authority to decide whether, and, if so, in what manner, to release part or all of this memorandum and the Report. Until any such decision by him, this memorandum and the Report are to be treated as confidential.

cc: Floyd I. Clarke
Deputy Director, FBI

David G. Benney
Assistant Director, Inspection Division

Stephen R. Colgate
Assistant Attorney General, Justice Management Division

Michael E. Shaheen, Jr.
Counsel, Office of Professional Responsibility

Subject Record: C92-0466-01

Date Opened: J\   6, 1992

Date Closed: August 31, 1993

Subject Name: SESSIONS, WILLIAM S.

Subject Position: None

Subject Location: L300 (FBI) -- FBI Headquarters.

Case Name: DIRECTOR

Attorney: Ezell, J. Thomas

Secondary Attorney: None

Source Name: ANONYMOUS

Source Code: S99 -- Unknown

Complainant Name: None

Complainant Code: S99 -- Unknown

Allegation/Disposition Codes:

A001 D98 -- Abuse of authority or misuse of official position.
Substantiated.

Allegations:

ABUSE OF AUTHORITY; MISCELLANEOUS ADMINISTRATIVE MISCONDUCT

Disposition:

ALLEGATIONS WERE SUBSTANTIATED. OPR'S FINDINGS AND CONCLUSIONS WERE ACCEPTED BY THE ATTORNEY GENERAL. SUBJECT WAS REMOVED FROM OFFICE BY THE PRESIDENT. SUBJECT REMOVED FROM OFFICE BY THE PRESIDENT.

Prosecutive Determination: No

Disciplined: Yes

OFFICE OF PROFESSIONAL RESPONSIBILITY
UNITED STATES DEPARTMENT OF JUSTICE

BOX LISTING OF OPR INVESTIGATIVE FILES (CASETRAK)
CLOSED IN CALENDAR YEAR 1993

PERMANENT RETENTION FILES

Accession Number: (b)(2) [redacted]

Records Disposal Authority:
Records Center Location Number

6 BOXES OF RECORDS

Box 1 of 6

C90-0014 (b)(6) (b)(7)(C) [redacted]

C91-0274

C92-0116

C92-0202

C92-0489

C93-0166

Box 2 of 6

C92-0466 Sessions, William S., Director, FBI Hqs
Folders 1- 4

Box 3 of 6

C92-0466 Sessions (continued)
Folders 5 - 10

Box 4 of 6

C92-0466 Sessions (continued)
Folders 11 - 13

OPR 13
F05-0032

OFFICE OF PROFESSIONAL RESPONSIBILITY
UNITED STATES DEPARTMENT OF JUSTICE

BOX LISTING OF OPR INVESTIGATIVE FILES (CASETRAK) CLOSED IN CALENDAR YEAR 1993

PERMANENT RETENTION FILES

Box 5 of 6

C92-0466	Sessions (continued) Folders 14 - 16

Box 6 of 6

C92-0466	Sessions (continued) Folders 17 - 22

F05-0032

Robert Lee Gill, Jr.
(b)(6) [redacted]

OIP referral of six documents for consultation and 14 documents for OPR review and direct response concerning request for records pertaining to former FBI Director William Sessions.

10/30/03 received 4/29/05

Marlene,

Please review and return for further action.

Thanks,
Dale

OPR 14
F05-0032

FOIA

U.S. SENATOR JOHN CORNYN
507 HART SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

and

UNITED STATES ATTORNEY GENERAL JOHN ASHCROFT
10th STREET AND CONSTITUTION AVENUE, N.W.
WASHINGTON, D.C. 20530

and

U.S. SENATOR EDWARD KENNEDY
507 HART SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

and

U.S. CLERK OF THE COURT OF APPEALS
333 CONSTITUTION AVE., NW
WASHINGTON, D.C. 20001

RE: URGENT REQUEST PURSUANT TO THE FREEDOM OF INFORMATION ACT FOR IMMEDAITE ACCESS TO THE JUSTICE DEPARTMENT RECORDS ON THE "FIRING OF FORMER F.B.I. DIRECTOR WILLIAM S. SESSIONS BY PRESIDENT WILLIAM JEFFERSON CLINTON". AND;

(b)(6)
[redacted]

IF THESE REQUESTED FILES ARE "NOT" IN YOUR CUSTODY THEN AFFORD ME THE NAME, ADDRESS AND PHONE NUMBER OF THE PRESENT CUSTODIAN. AND;

REQUEST FOR **WAIVER OF THE TEN DAY WAITING PERIOD** BECAUSE

THESE REQUESTED RECORDS (b)(6) [redacted]

(b)(6) [redacted]

Dear Senator Cornyn, Attorney General Ashcroft & Senator Kennedy:

(b)(6) [redacted]

In the event that either one of you assert that you ARE NOT THE CUSTODIAN of the requested files then Please, immediately, provide me with the Name, Address, & Phone Number of the Present Custodian.

(b)(6) [redacted]

(b)(6) [redacted]

I DO DECLARE UNDER THE PENALTY OF PERJURY THAT THE ABOVE GOING IS TRUE AND CORRECT.

SIGNED: THE 30th DAY OF OCTOBER, 2003; /s/

/Robert Lee Gill, Jr.

CC: FIles;

U.S. Rep. John Lewis

(b)(6) [redacted]

(b)(6) [redacted]

ROBERT LEE GILL, JR. / P05-0032

Documents Related to Casetrack File # C92-0466

OIP Consultation Documents

1. (b)(5) (b)(6) (b)(7)(C)

2.

3.

OPR DOCUMENTS

RELEASE	[redacted]	PARTIAL	REFERRAL	DUPLICATE
4	6	2	1	1

4. (b)(5) [redacted]

5.

6.

OIP Referral Documents for OPR Release Determination

7. (b)(5) [redacted]

(b)(5) (b)(6) (b)(7)(C)

8. [redacted]

9. [redacted]

10. [redacted]

11. [redacted]

12. [redacted]

(b)(5)

13. [redacted]

14.

15.

16.

17.

18.

19.

20.