

# FBI Vows Action on Bias

## Sessions Seeks to Avoid Suit by Black Agents

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FBI Director William S. Sessions sought yesterday to avert a class-action lawsuit accusing the agency of systematic racial discrimination and assured more than 200 black agents from across the country that he would rectify past mistakes.

Later, at a smaller meeting with agents from the Washington Field Office and their attorneys, Sessions offered to waive a 30-day limit for filing grievances and thus permit any agent with a past complaint to file a claim.

FBI agent Liz Cassell, spokeswoman for the black agents, praised the director for his offers of cooperation in prodding the FBI's slow-moving bureaucracy.

"I think the director is sincere about moving ahead with negotiations on this," she said. "I'm encouraged and hopeful that we might be able to work this out without litigation."

Cassell, a foreign counterintel-

ligence agent who joined the bureau more than 14 years ago, said the greatest problem voiced at yesterday's meetings concerned frustration in being passed over for promotions.

Another sore point expressed by the agents and their lawyers is how long it takes to resolve the job discrimination complaints that are formally lodged. The bureau has a backlog of 122 of them. Cassell estimated that "better than half of them are bordering on ancient," at least a year old.

Sessions, who agrees that many complaints have dragged on too long, said in a statement that he felt both of yesterday's meetings were "extremely productive." He said he

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looked forward to follow-up sessions that could "help to avert any possible litigation."

David J. Shaffer, an attorney with Arnold & Porter, one of three law firms exploring the possibility of a class-action suit on behalf of the bureau's 463 black agents, said they have talked to more than 150 of them so far. Shaffer said the length of time Sessions would allow for filing past complaints still must be negotiated.

Yesterday's meetings were prompted by Sessions' discovery last week that seven agents from the Washington Field Office had hired attorneys and that a class-action lawsuit was under consideration. Jones said the FBI director wanted to stress his commitment to resolving longstanding job discrimination complaints "at the earliest possible time" and to tell black agents about the "initiatives" he has under way.

Cassell estimated that about 250 agents, including at least one from each of the FBI's 59 field offices, met with Sessions and Deputy Director Floyd Clarke for about four hours yesterday morning at a suburban hotel.

In the afternoon, Sessions, Clarke and other FBI officials met with the Washington agents and their lawyers, Jeffrey Taren of Chicago, Joseph Sellers of The Washington Lawyers Committee for Civil Rights and Shaffer.

"It was a very candid meeting," Shaffer said of the afternoon session. "The Bureau acknowledged it had made serious mistakes in the past and they committed themselves to working with us and trying to work out solutions."

He and Cassell said Sessions offered to provide various records on promotions and assignments. They said the FBI director told them he would notify them Tuesday of the specific information that would be

made available. Another meeting will be held in three weeks with either Sessions or Clarke.

Jones declined to discuss details of Sessions' offers. But he said the director would continue to work with the group without expecting any promise on their part not to file suit.

"The director has no intention of trying to prevent anyone from doing what they need to do," Jones said.

Charges of job discrimination against black and Hispanic agents have dogged the FBI for years. Webster currently is considering disciplinary action against 11 white FBI agents for harassing Donald Rochon, a black former agent who won an out-of-court settlement of more than \$1 million last August.

The Justice Department affirmed that he had been the victim of "blatant racial harassment" at the Omaha office. Charges by Rochon of subsequent mistreatment in Chicago, including anonymous threats of

death and mutilation, were settled with the Bureau conceding no wrongdoing.

Rochon's chief lawyer, David Kairys, a Temple University law professor, said yesterday that the rule requiring government workers to file complaints within 30 days of a discriminatory incident was "most unfair" because it requires people to claim unfair treatment before they can collect all the facts.

Under the rule, "you've got to act like a loose cannon," he said. And in the FBI, he said, "once you go to an equal employment counselor, the counselor has to tell the Special Agent in Charge. Then you're labeled a complainer. In the Bureau, there is nothing worse than that."

The Bureau this week issued a 39-page report on Sessions' equal employment initiatives since becoming director in 1987. He has tripled the size of the Equal Employment Opportunity Office and established a "Special" category to resolve the pending backlog.