

# Freeh Fall

DPT 4/13/97

## *The FBI's Director Is Losing His Agents' Faith*

By Ronald Kessler

Suddenly, the Federal Bureau of Investigation seems to be self-destructing. From the botched Richard Jewell case, which the Justice Department last week called "a major error in judgment," to problems in the FBI laboratory; from improper overtures to the White House to cost overruns on computer systems, the proud image of the FBI as an effective law enforcement agency has been tarnished.

Those looking for the reason need look no further than the agency's director, Louis J. Freeh. When President Clinton nominated him in 1993, Freeh seemed the perfect choice to head the nation's preeminent law enforcement agency. A federal judge, Freeh had been both an FBI agent and a prosecutor.

But after a promising start, Freeh has

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settled into a controlling, self-protective, image-conscious style that suppresses internal debate while promoting a double standard of conduct: one for favored aides and one for the rest of the bureau. And he has proven ineffective at running the routine operations of the \$3 billion-a-year bureau. The result has been a number of blunders—some embarrassingly public, others the source of festering internal dissent.

In Congress and the administration, Freeh's support is evaporating. Within the bureau, talks with dozens of present and former agents make clear that many FBI employees have lost faith in their leader.

"I think the leadership of the FBI has brought the entire organization into question, and you are the leader," Rep. Bob Livingston (R-La.), chairman of the House Appropriations Committee, told Freeh during a hearing last month.

"The issue is trust and confidence in the nation's number one law enforcement agency,"

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Sen. Charles E. Grassley (R-Iowa), who heads the Senate subcommittee which oversees the bureau, recently said. "And in the context of other recent management fiascoes at the FBI, skepticism is . . . the order of the day."

I have covered the FBI off and on since the 1960s, and never in my experience have FBI agents expressed as much outrage at their director or felt as demoralized as they do now. In writing two books about the agency, and numerous others that dealt with FBI cases, I've gotten to know many agents at all levels of the bureau with whom I keep in touch socially and professionally.

**W**hat they tell me is that the situation is worse than even during the recent problems with Freeh's predecessor, William S. Sessions, who was removed by President Clinton. Sessions's abuse of bureau perks made him look bad, but did not taint the entire bureau, as seasoned agents ran the bureau without him. In contrast, they feel Freeh's management of the FBI has undercut its mission and credibility.

Bureau officials say that Freeh's tendency to suppress dissent has created an atmosphere of mistrust that distorts a normally collaborative decision-making process. This is apparent when Freeh micromanages FBI cases, as he often does. While Freeh is credited with helping some cases, his role in others is criticized. For instance, agents are seething over the fiasco involving Jewell, the one-time Atlanta Olympic bombing suspect. Freeh made a botched case worse, but refused to place any blame on himself or his aides in Washington.

To make sure Jewell would agree to be interviewed, agents devised a plan (approved by FBI lawyers) to tell him the bureau wanted to talk with him as part of a training video. As it turned out, Jewell was perfectly willing to be interviewed, and there was no need for the ruse—which, while stupid, was not necessarily improper or illegal.

During the interview, Freeh called from Washington to insist that Jewell be read his Miranda rights, as would be required of someone being held as a suspect. When the agents did so, Jewell clammed up and asked to see a lawyer. Ultimately, Jewell was found to be not involved, which agents might have quickly realized if he had continued to talk. But Freeh's intervention put the encounter on a hostile footing and set in motion a chain of leaks and press accounts that have savaged Jewell—and humiliated the bureau. In a memo disclosed last week, Freeh endorsed the findings of Justice's Office of Professional Responsibility that field agents made "a major error in judgment."

Bureau insiders see this double-standard as typical. For instance, they cite an early incident that is little-known by the public but well-known inside the bureau. Freeh wanted to hire as his assistants three people he had worked with as a prosecutor, but all three failed FBI polygraph tests on their use of drugs. On Feb. 3, 1994, Freeh issued a memo loosening the rules. Previously, the FBI had accepted employees who had used marijuana "experimentally" when they were young. Under Freeh's new rules, an applicant who had taken hard drugs could be accepted if the activity was "experimental" or more than 10 years old.

Claiming that the applicants had been treated in a hostile way by examiners, Freeh ordered a second polygraph, which is normally against FBI policy. But according to two former agents involved in the process, even with the new rules, two of the applicants "registered deceptive" when asked about hard drugs. In the end, Freeh backed off, and they were rejected. When I asked Freeh about the matter for an epilogue for my book, he refused to comment, citing privacy concerns.

Freeh was equally determined to pursue a dubious personnel choice in promoting Larry A. Potts to the

bureau's No. 2 job. Another pal from Freeh's days as a prosecutor, Potts at the time was immersed in controversy for mishandling the standoff at Ruby Ridge in Idaho, where an FBI agent killed an unarmed woman. Justice officials opposed his promotion and Freeh himself had just reprimanded Potts, yet the director ignored all countervailing advice. Eventually, Justice officials forced Freeh to replace him.

Some people who have worked with Freeh say such unwillingness to consider advice that conflicts with his own views is typical. A former aide described how, when confronted with a bearer of bad news, Freeh "sets his jaw, becomes flinty-eyed, and gives a curt 'thank you.'" The effect: "Louis kills the messenger."

John W. Hicks, the director of the FBI laboratory, got that response when he warned Freeh in November 1993 and again in March 1994 that FBI lab capabilities would be severely impaired if the director proceeded with his plan to put more agents on the street by transferring about half of the 130 lab examiners who are agents to field offices. When Freeh ignored his advice, Hicks decided to retire.

Freeh's cuts diminished the lab's expertise and extended backlogs from about six months to more than a year. Now it turns out the lab might have mishandled some 50 cases. Even though that's a small number of the 20,000 examinations conducted each year, the idea that the sacrosanct FBI laboratory might have mishandled even one is disturbing. In part, the problems are traceable to Freeh's decisions.

Some agents are also appalled by the actions of Freeh's two top aides, chief of staff Robert Bucknam and general counsel Howard M. Shapiro. Bucknam is best known for unilaterally intervening in delicate cases to try to get more publicity—a trait that has made him widely detested both within the bureau and the Justice Department. When Freeh's two proposed assistants ran into drug problems, Bucknam tried, albeit without success, to have the Justice Department hire them and then detail them back to the FBI. Agents compare Bucknam with Sarah Munford, an assistant to Sessions who seemed to think she ran the bureau and was part of the cause of his downfall.

Shapiro has been behind a series of actions that have hurt the bureau's credibility, including warning the White House about aspects of the congressional investigation into FBI files that were wrongly procured by White House security chief Craig M. Livingstone. Justice found that Shapiro had not acted improperly, but concluded that he had exercised "very poor judgment" and had created an appearance that the FBI was not "sufficiently independent of the White House."

**I**f there is any support for Freeh, it is based on the idea that he learns from his mistakes. His recent refusal to comply with requests by the White House for more information about Chinese efforts to influence the U.S. government was a step in the right direction. But the pattern is one of consistent blunders, and as the furor over the Jewell case last week makes clear, they are no longer the mistakes of a new man on the job.

What worries FBI agents most and what should worry all Americans is that much of the success of the FBI in solving crimes comes from cooperation the bureau receives from the public. That cooperation, in turn, depends on a perception that the bureau is trusted beyond question. Not since J. Edgar Hoover's abuses began coming out has the FBI's fundamental credibility been so endangered.

Freeh's 10-year term expires in 2003. Because the FBI is investigating possible criminal conduct by the Clinton administration, it would appear improper if Clinton removed Freeh. But the thought is in the air. In last week's Newsweek, Freeh asked rhetorically if he should resign, then answered his own question in the negative. The agents I talk to think he should change his mind.