



**Louis Freeh
hasn't fixed everything
at the bureau,
not by a long shot.
But he is giving it two
things that used to
be in short supply:
morale and morality.**

Running the F.B.I.

By **Bruce Porter** Photographs by Stephen Crowley



HE HAD INTERROGATED SUSPECTS IN back rooms as an F.B.I. agent, made witnesses sweat when he was a United States Attorney and sat in judgment from the Federal bench, but Louie Freeh had never been in the hot seat himself, not the way he was last spring and summer, staring grimly over batteries of microphones as Senators and Congressmen grilled him

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about his failures and mistakes at the F.B.I. They berated him for being too cozy with the Clinton White House, for the shabby tricks agents played on Richard Jewell when he was a suspect in the Atlanta bombing case, for violating the rights of leading Republicans by supplying confidential security files to a low-level White House employee — even for Waco and Ruby Ridge, disasters that occurred well before he became F.B.I. director in September 1993. Freeh was questioned about the sloppy science at the scandal-ridden F.B.I. forensics lab, about the bu-

reau's failure to upgrade its plodding criminal-records computers and its glacially slow fingerprint division, which still depends on bleary-eyed clerks who have to thumb through inky index cards, sometimes taking up to six months to come up with a match.

"I've always had tremendous faith in the credibility and integrity of the F.B.I., and I still have faith in the rank-and-file F.B.I. agents," Chairman Robert L. Livingston of the House Appropriations Committee told Freeh in front of a packed hearing room last March. "But I think the leader-



ship of the F.B.I. has brought the entire organization into question. And you are the leader." It was a harsh rebuke, given the deference with which F.B.I. directors have traditionally been received on Capitol Hill, especially from Republicans like Livingston. But Freeh's response was the big surprise. He agreed with Representative Livingston. Yes, the forensics lab had done sloppy work; yes, the F.B.I.'s handling of the Atlanta bombing showed terrible judgment, and no question about it, handing over those Republican files was a lamentable violation of the indi-

viduals' right to privacy. Freeh described the reforms he was putting into effect to prevent similar mistakes in the future, but he accepted responsibility, not just for the sins perpetrated on his watch, but for mistakes that had happened even before he got there.

"I don't pass the buck to anybody in my organization," Freeh told Chairman Livingston, who seemed taken aback. "I am the Director and, as you said, I'm the leadership, and, if I'm not doing a good job in this regard, then they ought to get a new F.B.I. Director."

Shaping Up: Freeh (center) leads an early-morning run at the F.B.I. Academy in Quantico.

The technique was unorthodox, but it worked. "He reminds me of Jack Armstrong, the all-American Boy," said Senator Charles Grassley, the Iowa Republican who witnessed a similar performance by Freeh three months later before the Senate Judiciary Committee. "If you're not used to it, his candidness catches you off guard. It's uncharacteristic of most people who testify before Congress. He's very



'As soon as a director does things they don't like, things they think are hurting the bureau, the old white-boy network turns vicious, and they'll take him down.'

open, very honest. And if there's anything wrong, he's going to correct it, so he always ends up on the right side of the matter."

The F.B.I. Director's candid approach may have disarmed certain critics on the Hill, but the question remains: What has Louis Freeh really accomplished, four years into his 10-year term? He has won many admirers for upgrading the bureau's computer systems and labs, for creating new initiatives to counter terrorism and for bringing new talent into the bureau's upper management. But critics still abound. For example, does his new policy of openness and the claim that he's holding his agents to a higher ethical standard signal an end to the bureau's nasty old habits of playing fast and loose with citizens' rights? Not according to Greg Nojeim, legislative counsel for the American Civil Liberties Union. "What is happening under Freeh is an unprecedented concentration of police power at the Federal level," says Nojeim, who is alarmed by Freeh's requests for new and expanded wiretap and surveillance authority. "What is not happening under Freeh is the creation of any accountability mechanisms to insure that this power doesn't result in abuses of civil liberties."

Freeh has also been criticized by members of the F.B.I.'s old guard — which includes current and former agents — who argue that his eagerness to acknowledge mistakes has damaged the bureau's credibility with the public, reducing its effectiveness as a crime fighter. "In the four years he's been there, Louie's gone from 100 percent approval rate, a no-lose situation, to a very disastrous situation for himself and the organization," says Oliver Revell of Dallas, an associate deputy director under Freeh's predecessor, William Sessions, and unofficial spokesman for many present and retired members of the bureau's "good ol' boy" set. "I say this sadly because the country badly needs an effective F.B.I. But it's a fragile organization; it operates with the consent and support of the public, and if it loses that support, it can become substantially diminished and lose its way."

Freeh's supporters within the bureau like to point out that when he arrived, morale couldn't have been much worse. William Sessions had been under investigation for months for alleged abuses of the perquisites of his office. "A lot of us view Louie as a godsend," says George Clow, former head of the Unabom investigation. "When he showed up, the F.B.I. was in absolute disarray, and this not only resulted in a paralysis

at headquarters but permeated the whole organization. There was not a lot getting done, and you had heads of field offices who were afraid to make a decision because no one knew who was really running the F.B.I."

Support for Freeh has also come from law-enforcement officials in other parts of the country because of his new emphasis on providing help and sharing information with local police departments. "The bureau always had tremendous institutional pride, but this great strength also became their great weakness, because they thought they were better than anybody else," says Mayor Rudolph W. Giuliani, Freeh's boss for five years in the U.S. Attorney's office in Manhattan. "My commissioners tell me the bureau's so much more of a partner these days, it's been almost a revolution."

OF COURSE, THE NEW DIRECTOR MADE some highly visible mistakes. He mistreated Frederic Whitehurst, the F.B.I. whistle-blower who was suspended after trying to get the bureau to deal with unprofessional practices in the forensics lab. And Freeh promoted Larry Potts, a friend from his prosecutor days, to the bureau's No. 2 position, despite Potts's poor showing as chief of the criminal division during the Ruby Ridge fiasco — a move he rescinded after the predictable furor.

"No director can avoid criticism or making mistakes," says Ron Noble, a former Undersecretary of the Treasury in charge of that department's law-enforcement agencies and now a New York University law professor. "The question was what kind of a Director he would be when they occurred. And, watching him before Congress, one of the things I was struck by was his saying he wanted and welcomed more scrutiny, more oversight of the F.B.I. by Congress, which is an extraordinary thing for an F.B.I. Director to say."

Despite his deft handling of Congress, Freeh handled several other political aspects of his job rather poorly. As a Clinton appointee, he has to be careful not to be seen as the President's man, but early in his tenure he left himself open to charges that he was a Clinton "patsy." There was the revelation that the F.B.I. had turned over Republican security files to the White House, and the suspicious fact that the bureau had given the President's staff an advanced copy of a tell-all



The Director, 1935: Hoover keeping tabs.

memoir written by an agent formerly assigned to the White House. Freeh was also accused of being too willing to keep the President apprised of investigations into possible Chinese attempts to influence the 1996 election — investigations that might have implicated White House officials.

In the last year, however, Freeh has resolved many of his political problems by distancing himself from the White House, most noticeably during the latest round of the Clinton-Gore campaign finance investigations, to which he has assigned dozens of agents. He has always refused to appear at ceremonial bill signings at the White House, and last spring he privately recommended to Attorney General Janet Reno that she appoint an independent counsel to look into the Clinton campaign's fund-raising. Although Freeh won't discuss the matter, his aides say that he has repeated the recommendation to Reno several times.

His stature with his Congressional overseers is improving. "Has Louie done everything perfectly?" asks Senator Patrick Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a friend of the director's. "No. But he did give a much greater sense of confidence to Congress and the American people that the F.B.I. could not only learn from its mistakes but do things to keep from making more of them, and that feeling just wasn't there before."

For her part, Attorney General Reno seems to have sensed Freeh's increasing status among Republicans, and she has invoked his name in order to appease critics. Last month she assured the House Judiciary Committee that she had promised Freeh she wouldn't abandon any avenue of her campaign finance inquiry without first getting his consent. It was as if she was trying to suggest that an independent counsel



The Director, 1997: Freeh runs a studiously informal office, and often brings his sons to work.

wouldn't be necessary because, in effect, there already was one: F.B.I. Director Louie Freeh.

THERE ARE NO CRITICS OF FREEH'S PERFORMANCE among the new recruits at the F.B.I. Academy in Quantico, Va., a place the director repairs to every chance he gets. At 7:30 one Friday morning, as the sun slices through the oak and poplar trees, he comes jogging around a bend in the road in a T-shirt and running shorts, followed by three dozen F.B.I. recruits in gray sweats, red-faced and puffing like steam engines. At 47, Freeh has 20 years on most of them, but he's the only one not breathing hard, and when the group comes to a panting halt at a set of stairs outside the modern complex of buildings, he checks his watch and says: "Not bad. Compared to other classes you're in very good shape. Keep up the good work."

"Thank you, sir!" the recruits shout, and Freeh launches into a post-run pep talk.

"In your classes," he tells them, "you'll be learning how to conduct interviews, how to testify in court, perform arrests, do surveillance. But in many ways the most important instructions for doing your job you've already learned. You got them when you were 4 and 5 years old.

You had it from your parents, who I'll have an opportunity to thank at your graduation. They were instrumental in teaching you the fundamental values for being good F.B.I. agents, which are: integrity, honesty, trustworthiness, and reliability." When he's done, an instructor hurries over with an armful of cameras, and one after another the recruits sidle up, drape a damp arm around the director's shoulders, smile and wait for the shutter to click.

Freeh's Boy Scout routine causes some of the older hands to roll their eyes in private, but sharpening the bureau's haphazard regard for ethics has been the new Director's top priority since he took the oath of office. He has expanded the academy's ethics course from 2 to 18 hours, and he laid out his philosophy in a tartly worded "airtel" sent to every field office five months after he assumed office.

"I have determined," Freeh wrote, "that we have been too tolerant of certain types of behavior which are fundamentally inconsistent with continued F.B.I. employment. I am therefore drawing a 'bright line' which should put all employees on notice of my expectations."

The new rules sounded simple enough, but considering the structured cynicism that had

become part of the bureau's routine since the Hoover days, Freeh's directive meant a new way of doing business for its 11,500 agents. There was the small stuff, for instance. No more upgrading expense vouchers for out-of-town meals. No more covering up for colleagues who were subjects of misconduct investigations. And no more inflating overtime, known inside the bureau as "banging the books."

His main concerns, however, were with the way the bureau conducted its investigations. Not too long ago, says Michael Shaheen, counsel of the Justice Department's Office of Professional Responsibility, which investigates certain categories of F.B.I. misconduct, when agents wanted to show a judge what material they expected to find if granted a search warrant, they first entered the targeted premises surreptitiously and made a list of everything that was there. On the warrant application they characterized the incursion as a "feasibility study." "I once asked someone in the F.B.I. counsel's office," says Shaheen, "what's the difference between a 'feasibility study' and plain breaking and entering? 'None,' he told me."

As a former Federal judge, Freeh was appalled to find that when agents embellished statements



'We wanted to let Cunanan do what we figured he wanted to do. I know it sounds hardhearted, but in a choice between going out with a gun battle, I'll take a suicide any day.'

on the witness stand — "juicing the testimony" — or lied under oath to obtain search warrants or court-approved wiretaps, they might receive some minor discipline, but the presiding judge in the case was never told. From now on, he said, even if it meant the defendant would go free, the judge and the U.S. Attorney would be informed, and the agent involved would not only be sacked, he would also very likely be prosecuted on a charge of perjury.

"The larger question," Freeh says, after he has showered and dressed from his run, "is can the organization have a culture that treats seriously, not just the bright-line rules — because directors change — but can we honestly apply the core principles that I talk to the new agents about when we run in the morning? If we break a rule on overtime, if we overlook sexual harassment, if we interview nine witnesses but don't interview the 10th because we think that witness might have exculpatory evidence and our case is nice and neat so far — that's the kind of mentality we have to get over."

FREEH'S WORKDAY USUALLY BEGINS AT 6 A.M., when his chauffeur picks him up from his house in Virginia. If he's not going to Quantico first, he heads for the J. Edgar Hoover Building at 935 Pennsylvania Avenue, where he spends most of his time on the seventh floor, in a suite of offices decorated with thick carpeting and neo-Colonial furniture.

Freeh's office features portraits of his personal heroes: Teddy Roosevelt and Federal Judge Frank Johnson of Alabama, the civil rights figure who administered the oath of office at Freeh's swearing-in ceremony. One wall is covered with crayon art work done by Freeh's five young sons. (A sixth child is on the way.) His wife, Marilyn, whom he met when she was a clerk in the bureau's civil rights division and he was an agent, often drops off the smaller children at the office. Aides regularly come upon secretaries in the anteroom bottling and diapering Liam, 13 months, while Freeh is wrestling with a couple of his other boys as he tries to get some business done over the phone.

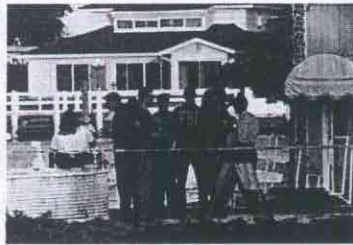
In contrast to his predecessors, Freeh is studiously informal. He wears baggy blue suits and scuffed wingtips, and though he spent the two years before becoming F.B.I. Director as a Federal judge, no one calls him Judge Freeh. He avoids the D.C. restaurant circuit, and usually eats a bag lunch at his desk.

"For many years," he says, settling into a couch in a corner of his office, "if there were problems inside the F.B.I., they were not known to anyone, since if you had a dishonest employee, the person would resign and no one would prosecute him or write a story about it. We now have a very sensitive early-warning system to put our own people under scrutiny when necessary. If somebody, for instance, makes a complaint that a supervisor is harassing women on his block, we will look at it discreetly, and if it shows some substance, we'll follow up with a full-court press and we'll treat it publicly, even if we have to charge somebody. We don't hold back anymore, we're very quick to find things and to deal with them. I think that's a big change in the culture."

Freeh established specific goals for his tenure at the F.B.I., and he expects to be judged by the standards he has set for himself. Along with the bright-line ethics initiative, his top priorities are expanding the bureau's presence overseas, improving its cooperation with local law enforcement and thoroughly modernizing its technical capabilities.

His first act as Director was to bring in a cadre of ex-colleagues from his days at the U.S. Attorney's office in New York, including Robert Bucknam, a bluff, deceptively jokey assistant prosecutor, who Freeh installed as the bureau's first-ever chief of staff. Bucknam's job was to monitor access to Freeh and make sure his orders got carried out. As chief counsel, and his main adviser, he hired Howard Shapiro, a 32-year-old Yale law graduate and law professor at Cornell; they first met when Shapiro was clerking for the Federal judge who presided over one of Freeh's cases. Shapiro promptly moved most of the 70 odd lawyers in the counsel's office, all of whom were F.B.I. agents, back out to the field and replaced them with experienced legal talent. This strengthened the bureau's capacity to more forcefully argue prosecution strategy with the Justice Department, which had always regarded the bureau's legal staff as lightweights.

Freeh appointed the first female assistant director, as well as two blacks and a Hispanic, and he made clear that homosexuality was no longer a bar to being an agent. (Not that there had been an outright ban, but being gay was considered a "negative factor," and, in the history of the bureau, no one with a negative factor had ever achieved agenthood.) Also, a little pot-



The boathouse where the Cunanan manhunt ended.

smoking in college wasn't an impediment anymore, as long as you weren't arrested for it.

By bringing in so many outsiders, Freeh rattled the bureau's old guard — and they did their best to make the newcomers feel unwanted. When Freeh brought people to headquarters to implement Attorney General Janet Reno's request that the F.B.I. and D.E.A. stop fighting over drug-war turf, they were shunned for handing F.B.I. duties over to the D.E.A., including control over both agencies' anti-drug activities in all foreign countries. "It was quite an education," one of them said later. "People had warned me about what a treacherous place it was, I mean, watch your back, but also watch your front. People were warned to stay the hell away from us, that if they were seen talking to us or working with us they had to account for themselves."

Freeh had a simple solution to the good ol' boy problem. He cleaned house. None of the eleven assistant directors who were there when he arrived are still in place, and to find out what agents are really thinking, he makes frequent visits to the bureau's 56 field offices, where he holds closed-door question-and-answer sessions with his ordinary "brick" agents. The local special agent in charge, or SAC, is not invited. "Our employees are not shy, and they know that whatever they tell me is not going to come back in an adverse way," he says of these meetings. "So on every visit you learn something." After Freeh's first round of field office visits, nearly a quarter of the SAC's were transferred to lesser duty.

Freeh is not the first director to try changing the F.B.I. Clarence Kelley came in a year after Hoover's death in 1972 and tried to concentrate the bureau's efforts on larger cases rather than pur-

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The Hot Seat: Freeh fields gripes and questions from "brick agents," the F.B.I. equivalent of beat cops, in the bureau's Tampa office.

suings Hoover's mania for statistics. "In the old days the local sheriffs would love to see us coming," recalls Sean McWeeney, retired chief of the organized-crime division. "We'd come along and give them 25 bucks and a picture of someone who hadn't shown up for the Vietnam draft, and they'd go out on horseback or in their pickup and ride around the backwoods and catch this guy. Then you'd type up the report for them and send it off to Washington. That went down as a 'captured fugitive.'"

William H. Webster, who ran the bureau from 1978 to 1987, brought respectability back to the agency after it had been rocked by scandals involving the F.B.I.'s counterintelligence program in the mid-1970's, but he left the day-to-day operations to a group of longtime F.B.I. officials who traded jobs among themselves and soon formed a permanent government within the agency. The result was a high-level management team that was very thin on talent. "This is something the new director has always had to face," says Philip Heymann, former Deputy Attorney General, now a Harvard law professor. "When you lose one or two at the top, the bureau just doesn't have 25 other top-notch people to compete for the jobs."

The good ol' boys resisted opening up the agency to women and members of other minority groups, and Webster's successor, William Sessions, also a former Federal judge, incurred their wrath in the early 1990's when he settled a discrimination suit brought by Hispanic agents. Soon afterward he started reading in the papers about how his wife was using the bureau's limo and an F.B.I. chauffeur for shopping trips, and that he had improperly used funds to build a fence around his house. Some of the charges were probably true, but they might have been overlooked had he not transgressed a higher law. "As soon as a Director does things they don't like, things they think are hurting the bureau, the old white-boy network turns vicious, and they'll take him down," says a former aide to Senator Joseph Biden, who chaired the Judiciary Committee at the time. "And that's what they did to Bill Sessions."

Some people think Freeh is next. "If Freeh wasn't looking over his shoulder, he better start now, because they're busy painting a bull's-eye on his back," says Hugo Rodriguez, a former agent who served as the plaintiff's lawyer in the successful Hispanic lawsuit. "I think Freeh is a fish out of water, being pulled in 15 different

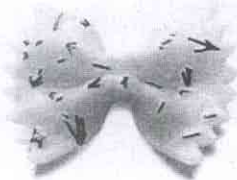
directions at once, and they're beating up on him. You're not going to change an institution that ingrained overnight."

FREEH WANTED TO BE AN F.B.I. AGENT since he was a kid, which may have had something to do with all those nights sitting with his two brothers on the floor of the family's cramped three-room apartment near Jersey City watching Efrim Zimbalist Jr. catch crooks and spies in "The F.B.I." Mostly of Italian heritage (although the family name comes from a great-grandfather born in Germany), Freeh says he learned about compassion from his father, a not-terribly-successful real-estate salesman, who took young Louie with him when he made his rounds on behalf of the St. Vincent de Paul Society. "He'd visit old people who couldn't make it down the stairs, and do homework with children whose parents didn't speak English," recalls Freeh. "As busy as he was with work and taking care of his family, he found time to do all that, and I was very impressed with that. Still am."

During his college years at Rutgers in the late 60's, he spent summers loading trucks in North Bergen, where he first encountered the wide reach of organ-

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ized crime. The Teamsters local was controlled by the notorious Anthony (Big Tony) Provenzano, and hanging in the middle of the grimy loading dock was a full-length oil portrait of the big man himself — "You passed him 50 times a day," Freeh recalls — and every payday workers had to fork over \$25 for a "lottery ticket" that produced suspiciously few winners. "One day another kid who worked there came up and asked me, 'Who's winning the lottery?' I told him I didn't think we were supposed to ask."

Like many agents, Freeh joined the F.B.I. in 1975 right out of law school (also Rutgers). He started off in the Manhattan field office, where he made himself indispensable by becoming the only agent in the place who fully understood the intricate workings of the new RICO statute, which still provides the bureau with its main tools for building anti-racketeering cases against the mob. "Normally new agents go out and check bank records or do surveillance under the auspices of other agents," says James Kallstrom, Freeh's former supervisor and now the assistant director of the New York office. "But Louie, he was sitting back planning the next move against some organized crime group, coordinating all the information, doing the job it normally took 10 years to get to."

Freeh also did undercover work. For one assignment he was told to strip naked, hang around the steam room of a Brooklyn health club and chum up to Michael (Big Mike) Clemente of the Genovese crime family. The bureau gave him a briefcase with a camera rigged to a peephole in the center, which Freeh was supposed to take into the gym section of the club and catch Big Mike accepting money from couriers. "The thing never really worked, because you almost had to stick it in a guy's face to get a decent picture," he remembers, though they still managed to get a conviction.

After being transferred from New York to the rigidly bureaucratic headquarters in Washington, a move normally regarded as a promotion, Freeh quit the bureau in 1981, partly out of boredom. He joined the U.S. Attorney's office in

Manhattan, where he stood out in a number of ways, the first being that he arrived with a comparatively modest résumé — no Ivy League law school, no distinguished clerkship. Nor were his ambitions the same as most of his colleagues. "The tradition in that office was you came from a white-shoe firm and took a pay cut to have your ticket punched by working for the U.S. Attorney's office for three or four years," says Jeh Johnson, a former colleague of Freeh's, now a partner with the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison. "After that you went back to the firm and spent your career defending white-collar cases. But Louie, he was really interested in law enforcement."

As a prosecutor, Freeh adopted novel solutions to old courtroom problems. During the 17-month-long trial in the landmark Pizza Connection drug case in the late 1980's, so named because much of the heroin involved was retailed through pizza parlors, Freeh hired professional actors to read the dialogue from some 600 wiretaps — translated from the Italian — so jurors wouldn't doze off. And while a co-prosecutor in the case, Richard Martin, played the bad cop, Freeh would happily let the defendants spin out their stories however they wanted, and then, piece by piece, cut the ground out from everything they'd said. In his opening statement, for instance, the lawyer for the chief defendant, an extradited Sicilian named Gaetano Badalamenti, tried to gain sympathy for his client by referring to his World War II record serving in the anti-Fascist underground against Mussolini. Freeh got his records from Italy and discovered not only that he never served in the resistance, but also that he deserted from the Italian Army and spent the war hiding in a hospital. "When Louie confronted him with this on the stand," says Martin, "Badalamenti got tremendously upset and talked on and on, while Louie just went over and sat in his chair. When Badalamenti was done, Louie got up and walked back over and said simply, 'Are you finished?' It was very effective."

WHEN FREEH BECAME F.B.I. DIRECTOR, the bureau was still haunted by the fiery deaths at Waco and the shootings at Ruby Ridge. There was a growing feeling that as the century neared its end, new situations were

arising for which the F.B.I. was grossly unprepared — from nuclear terrorism to foreign mafias to armed domestic anti-government groups. "The bureau had this sense that it could do more than it was really capable of," says Freeh, noting the new kinds of threats. "At Waco and Ruby Ridge we had a very competent and expert hostage response team, but there weren't any hostages to rescue. These people *wanted* to be there."

Freeh ordered his field commanders to develop less confrontational tactics in such circumstances. And in the case of the militia movement, he told every field office to set up contact with the groups in their areas before problems erupt. "We should sit down with them, like we should have with David Koresh, and say, 'We've got a problem here and we need your help to resolve it,'" says Clint Van Zandt, the head F.B.I. negotiator at Waco whose pleas to superiors to hold off on the final assault fell on deaf ears. "Go out and see these guys, sit on their front porch, drink with them out of a Mason jar. Tell them you were in the military in Vietnam, you've seen battle, and if they ever see black helicopters coming in overhead with United Nations paratroops pouring out, they should call us right away and we'll help push them off their property."

During the 1992 confrontation with the Weaver family at Ruby Ridge, which resulted in the fatal shooting of Randy Weaver's wife, the couple's son and a Federal marshal, the F.B.I. considerably worsened the situation by roaring up to the cabin in a borrowed Army APC, smashing the children's bicycles and yelling surrender ultimatums over a loudspeaker. "The thinking now," says Van Zandt, one of the first people Freeh sought out for advice when he took over, "is more along

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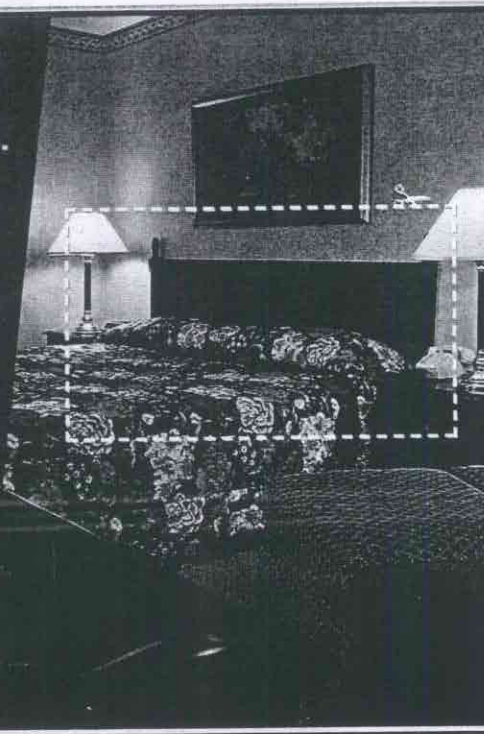
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the lines of why go to nuclear war right away when you might be able to talk things out?"

The F.B.I.'s intensely trained Hostage Rescue Team, whose decision to attack the Branch Davidians at Waco sparked the tragic finale, has tried to soften its appearance. Body armor and ninja-like jump suits are still available if needed, but team members are now more likely to go out on assignment dressed in hiking outfits from Eddie Bauer. Also, during confrontations and sieges, the H.R.T. now must share decision-making power with negotiators from the behavioral science unit, a balancing act that led to a peaceful conclusion to last year's 81-day standoff involving the Freemen in Montana.

One of Freeh's top priorities is to restore the F.B.I.'s edge in technology and science, areas where the bureau has fallen dangerously behind. The main reason for the F.B.I.'s many computer problems, as well as for the scandals in its forensics lab, has been the bureau's mania for secrecy. Until Freeh arrived, if the bureau needed a computer programmer or a lab technician, he or she had to be a fully trained F.B.I. agent as well. "This is where they're really gotten into trouble, because technological advances have moved so far ahead of the bureau's capability," says a key aide in the technology area attached to the House Appropriations Committee. "I mean these guys went to law school, they majored in criminology; they're way behind when it comes to this stuff. But when you suggest getting in some help, hiring people who actually know what they're doing, they answer: 'Wait a minute, you're going to let

someone from outside have access to our information? Know all about what we're doing?'"

A result of this policy is the lamentable state of the bureau's crime lab, first exposed by Frederic Whitehurst, an F.B.I. scientist, many of whose accusations were later backed up by a report from the Office of the Inspector General issued earlier this year. "We couldn't believe that this was the forensics lab of the United States," said the Appropriations Committee aide after a recent inspection. "There were leaks going into buckets on the floor. The storage was abysmal — evidence stacked here and there haphazardly. You want to think that if the F.B.I. is doing your case, if something awful happens to you or your family, that you have the best scientists doing a thorough, professional job. After going over there and looking at it I had some real doubts."

Plans for a new \$130 million facility at Quantico are taking shape, and Freeh has submitted an application to have the new lab accredited by the American Society of Crime Laboratory Directors, something the F.B.I. never did for the old lab. Last month he announced the appointment of a new director for the lab, Dr. Donald M. Kerr Jr., former head of the Los Alamos National Laboratory. Kerr is an F.B.I. outsider — which obviously appealed to Freeh — and his background in nuclear weapons research may give him an edge in dealing with new problems related to theft of nuclear material and international terrorism.

In the fingerprint division — the F.B.I.'s traditional strength — Freeh found another appalling situation. Ten years ago the bureau rejected a computerized system known as AFIS, or Automated Fingerprint Identification

System, already used by some police agencies. They chose instead to develop their own program, which was incompatible with existing systems. Freeh brought in a police chief from upstate New York with a national reputation as a computer expert to fix the problem, but it will take until at least 1999, by which time he has promised to unveil a more compatible system.

THE F.B.I. IS INCORRECTLY perceived as an exclusively domestic law-enforcement agency, but one of the other priorities Freeh set for himself when he arrived was expanding the bureau's already considerable foreign presence. The F.B.I. is now in 33 countries, and Freeh plans to double the number of foreign agents, called "legats," legal attachés. He has also set up Russian squads in four U.S. cities — hooked in with the police in Moscow — to monitor the growing threat from the Russian mafia and to track the theft of former Soviet nuclear material that might end up in the hands of domestic U.S. terrorists. On the criminal front, the Russian legats recently cracked a ring in Moscow trying to extort money from R.J. Reynolds by threatening to adulterate its cigarettes, and they tracked down a computer hacker from St. Petersburg who had broken into a Citibank branch in Helsinki and moved \$10.4 million out of a customer's account.

"It's a much more dangerous world today in certain degrees," says Freeh. "The enemy in the cold war had different uniforms and a geographical demarcation by which we could distinguish our vulnerability. Now we're dealing with loosely knit, ad hoc groups. They've got the ability to work against us with ano-

nymity, speed and sophistication. If a terrorist gets control of a nuclear weapon or decides to attack a subway station with a chemical agent, he's a much more formidable adversary, and much more difficult for us to apprehend."

Some of the new coziness Freeh has promoted between the F.B.I. and the C.I.A. has not gone down well with civil rights groups. At Freeh's urging, Congress passed a law last fall that allows the C.I.A. to gather intelligence on behalf of bureau cases overseas, as long as the individual involved is not an American citizen. Critics point out that while the F.B.I. must operate according to the laws of whatever country it's doing business in, the C.I.A. gathers intelligence in a much more unrestrained manner. The fear is that if the individual involved is ever extradited back to the United States, evidence that was gained unconstitutionally will be used to help convict him.

Indeed, despite the bright-line initiative, Freeh has not won many friends among civil libertarians. They applauded his intervention in the Richard Jewell case, in which he ordered agents who were interrogating Jewell under the pretext of making a phony training film to drop the pretense and read the man his Miranda rights, but they're a lot less thrilled with the new surveillance powers Freeh has requested from Congress. One is the capability to continue listening in to telephone conference calls when the target of the original wiretap warrant hangs up but the other parties keep talking. Another is something called "key-escrow encryption." Because of the difficulties cracking encrypted computer files, including records of money transfers, Freeh wants a law requiring

that all new encryption hardware and software allow the placing of a copy of the code, or "key," in escrow with a third party — an institution like Chase Manhattan Bank. Using a court order, the F.B.I. could then extract the key and break into the files. While Freeh argues that this is no different from getting a warrant to tap someone's phone line, privacy advocates strongly disagree. "The F.B.I. is saying that businesses or individuals now have to build their technical infrastructure around the Government's surveillance needs," says Greg Nojeim of the A.C.L.U. "But we've never told builders they must place the windows in people's homes at eye level so the F.B.I. can peek in, or insert microphones in the walls of offices so the F.B.I. can turn them on anytime it wants."

Even without these new powers, the F.B.I. under Freeh has had several recent well-publicized successes. Though it failed to stop the World Trade Center bombing, agents in the New York field office last winter collared a group of Muslim fundamentalists before they fulfilled visions of blowing up the Holland and Lincoln tunnels as well as the United Nations building. It didn't stop the bombing in Oklahoma City, either, but, in an extraordinary feat of detection, within a day's time agents had located the Ryder axle, got a description of who rented the truck and had put out a sketch that was a dead ringer for Timothy McVeigh. The next day they had his name, found out that such a person had been stopped by the Kansas state police — who were about to let him go — and made a phone call to say, hold on, the F.B.I. wants to talk to this guy. Then there

Continued on page 77

was Andrew P. Cunanan. By the time Gianni Versace was murdered in Miami Beach in mid-July, the F.B.I. had come under increasing criticism for not moving faster as Cunanan killed his way across the country. The bureau listened to its psychological profiling unit, whose unorthodox advice was not to worry about catching the killer, but to let nature take its course. Cunanan, the profilers said, was a classic paranoid, and paranoia is an illness that intensifies when a person undergoes stress, often unbearably so. Their advice was to keep the press briefings bland — no macho talk that might provoke him into going out in a blaze of glory — and keep reiterating that all the exits were blocked, that there was no escape. The subliminal message was supposed to be that if he was giving any thought to doing away with himself, better sooner than later. "We wanted to let Cunanan do what he wanted to do," says Bill Hagmaier, head of the bureau's profiling unit in Quantico. "I know it sounds hardheaded, but in a choice between going out with a gun battle, I'll take a suicide any day."

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OF OCTOBER 26, 1997



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F.B.I.

Continued from page 72

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