



Department of Justice

STATEMENT BY ATTORNEY GENERAL GRIFFIN B. BELL
ON THE RELEASE OF THE U.S. RECORDING REPORT

I am today releasing a report on an investigation of allegations that certain individuals misused their official positions while employed by the Federal Bureau of Investigation. After careful consideration, I decided to issue a full public report.

When reporting on disciplinary actions taken against government employees, federal agencies have traditionally made public the administrative action taken and the nature of the conduct which caused the action to be taken, but have not always identified the particular individuals involved.

There are, however, certain instances of employee misconduct which call into question the integrity of the institution itself. If the agency's mission is particularly sensitive, the misconduct serious, or the officials of high rank, then the public interest is best served by more extensive disclosure.

It is this kind of wrongdoing which is described in the report I am releasing.

In cases such as this one, personal privacy considerations must give way to the legitimate interest of the American public in knowing how its government operates and

how high-ranking officials have abused their official positions and neglected their official responsibilities.

High-ranking officials entrusted with public office simply cannot expect the same measure of privacy about the way they perform their official duties or use their offices as they could expect if they were private citizens. Moreover, the public has a legitimate interest in knowing and being able to evaluate how the heads of Executive agencies deal with official misconduct and take corrective action to ensure that similar abuses of power and position do not recur. In this particular instance, it is my judgment that the public is entitled to know which officials engaged in the misconduct and which officials did not.

The misconduct summarized here, and reports in the news media about these allegations, have cast a shadow over a great institution and over those of its officials who engaged in no wrongdoing whatsoever. I am vitally interested in restoring public confidence in the Federal Bureau of Investigation. This report will confirm that very few individuals engaged in improper conduct. We should bear in mind that this small number of individuals in no way represents the thousands of FBI employees who are dedicated, honest public servants and whose personal and professional integrity is beyond reproach.

Today I asked Director Kelley to issue a bulletin to all Bureau officials in which it will be made clear that neither the Department of Justice nor the FBI as institutions, nor I, as Attorney General, will tolerate the kind of misuse of office or abuse of authority described in this report. I am pleased to note that Director Kelley has made the following structural reforms to prevent the recurrence of the kind of improper practices described in this report:

1. Reorganized the Inspection Division and renamed it the Planning and Inspection Division; created the Office of Professional Responsibility, an Office of Inspections, and an Office of Planning and Evaluation; established within the Office of Inspections a separate Audit Unit, responsible for auditing all FBI funds and financial transactions; and organized the Division so that it reports directly to him, as Director.

2. Removed the Property Procurement and Management Section from the Division with budget responsibility, the Finance and Personnel Division, thereby making one Division head responsible for procurement and another responsible for the FBI budget and funds. Director Kelley has placed a Special Agent Accountant, a Certified Public Accountant, as Section Chief of the Property Procurement and Management Section.

3. Discontinued the use of the U. S. Recording Company as a "cover" or "cut-out" for confidential purposes and established controls to ensure that all purchases are made in accordance with government regulations.

4. Restructured the FBI inventory system, to provide built-in controls and audit trails, and initiated automation of the inventory system to provide better accountability.

5. Discontinued the FBI Laboratory and Exhibits Sections' practice of providing personal services to FBI officials. Director Kelley also has discontinued the use of the unauthorized cash fund once maintained in the Exhibits Section.

6. Reorganized the management and handling of the FBI Recreation Association (FBIRA) and its funds, so that FBIRA officers are aware of their responsibilities to prevent unauthorized expenditures. A new Treasurer of the FBIRA has taken office and is not responsible for any other FBI fund.

7. Replaced the FBI Confidential Fund with the Field Support Account, an imprest fund approved by the Treasury Department.

8. Developed and improved the FBI career development program for Special Agents to ensure that the best qualified individuals are selected for administrative advancement, substantially reducing the possibility that one person or group can control the selection of such candidates.

In addition, Director Kelley assures me that the FBI has taken other steps to prevent the kind of misconduct described here. The Bureau has increased legal instruction within its training curriculum; held training sessions on the FBI guidelines for career agents; and issued detailed instructions to the field on legal questions concerning the legality and propriety of investigative techniques. In connection with the latter step, the FBI is seeking advice from the Department's Office of Legal Counsel with increasing frequency.

I have asked Director Kelley to bring to my attention any improper attempts to have FBI agents conduct investigations or undertake activities which are not within the Bureau's authorized jurisdiction. I have directed all Bureau personnel to bring reports of misconduct to the attention of appropriate Bureau officials and, when necessary, the Office of Professional Responsibility at the Bureau and Office of Professional Responsibility here at the Justice Department.

Recognizing the concern of Bureau personnel about threatened civil litigation, we have submitted legislation to the Congress which would protect FBI personnel against civil suits by substituting the government as defendant. I believe this approach will protect the rights of citizens without unfairly penalizing individual agents.

The release of this summary report is intended to assure the nation that the Justice Department can investigate and police itself. It will also put all officials of this Department on notice that they will be held accountable to the American people for the manner in which they discharge their official responsibilities while employed as servants of the American people.

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STATEMENT OF ATTORNEY GENERAL
GRIFFIN B. BELL

I am releasing today a report summarizing the findings of an investigation into allegations of misconduct by officials of the Federal Bureau of Investigation. My decision to make this information available to the public was reached by a process which I believe should itself be made a matter of record.

The common practice when reporting on disciplinary actions taken against government employees is to make public the action taken and the nature of the misconduct, but not to identify the individuals involved. As a general rule, I strongly favor that practice. As a universal rule, however, I am convinced that it can ill serve the Government and the public.

Some misconduct by government employees, even though it may warrant disciplinary action, is in no way employment related. In such cases, personal privacy considerations will almost always be paramount. Even when misconduct is employment related to some extent, it rarely calls into question the integrity of the agency. In cases of this sort, I again believe that personal privacy considerations will ordinarily outweigh any curiosity which may exist as to the identity of a disciplined employee.

There are, however, instances of misconduct by government personnel which do cast doubt upon the integrity of the

agency. It is this kind of wrongdoing which is summarized in the report I am releasing today. In these cases, personal privacy considerations must give way to the legitimate interest of the American public in knowing how its Government operates. High-ranking officials simply cannot expect the same measure of privacy regarding how they perform their official duties as they can expect regarding their private lives. I also believe that the public has a legitimate interest in knowing how official misconduct is dealt with by those higher-ranking officials who are responsible for taking corrective action to insure that similar abuses of power and position will not occur in the future.

The misconduct summarized in the report involved abuse of office and could not have occurred but for the positions these very few individuals held. I have concluded that the public is entitled to know which officials engaged in misconduct, what action was taken as to each of them, and why those actions were taken. This will remove a shadow from a great institution and those of its officials who did not engage in any wrongdoing. It will also serve to put all officials of this Department on notice that they are accountable to me and to the American people for the manner in which they discharge the responsibilities of the positions of trust they hold.