

Harold,

I'm told mentions of  
Kastings are all in the  
same section, which is  
enclosed.

Best,

George



U. S. Department of Justice  
Office of Professional Responsibility

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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.<sup>1/</sup>

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<sup>1/</sup> 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...)

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.<sup>80</sup>

The investigation found that the issue of the security enhancements to the Sessions' residence began when [REDACTED] had 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:

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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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<sup>80</sup> The anonymous letter is found at Tab B-1.

years in San Antonio, Texas, that he knew the Sessions' lifestyle and habits and would do a good job.<sup>81/</sup>

Thereafter, [REDACTED] contacted [REDACTED] [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.<sup>82/</sup>

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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.<sup>83/</sup>

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<sup>81/</sup> Tab A-85, p. 20.

<sup>82/</sup> Tab A-85, p. 20.

<sup>83/</sup> *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.<sup>84/</sup> 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."<sup>85/</sup> When asked "[w]hat was her preference?" Mr. Munford replied: "I believe it was a privacy fence, wood construction of some sort."<sup>86/</sup> In a similar vein, [REDACTED] reported that Mrs. Sessions wanted a fence to keep her dog in, and other dogs out, of her yard.<sup>87/</sup>

<sup>84/</sup> Tab A-85 at 21.

<sup>85/</sup> Tab A-99, p. 15.

<sup>86/</sup> 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.)

<sup>87/</sup> 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.<sup>88/</sup> 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.<sup>89/</sup>

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

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<sup>88/</sup> 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.

<sup>89/</sup> Tab B-15, pp. 3-4.



reflected a total cost of \$97,046.47.<sup>20/</sup> 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.<sup>21/</sup>

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<sup>20/</sup> 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.

<sup>21/</sup> 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] of 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 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. 7(c)

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.<sup>22/</sup>

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.<sup>23/</sup> [REDACTED] because of his experience and training, is an expert in physical security

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<sup>22/</sup> Tab B-18.

<sup>23/</sup> 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."<sup>24/</sup> 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)  
[REDACTED] In  
my opinion, the security fence must have three characteris-  
tics: (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 posi-  
tion or an approach to the fence to require a view."<sup>25/</sup>

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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<sup>24/</sup> Tab B-19.

<sup>25/</sup> 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.<sup>26/</sup>

At about the same time, Ms. Munford questioned [REDACTED] 7(c) several times regarding the status of her husband's security proposal. [REDACTED] reported that on February 14, 1990, "Ms. Munford 7(c) 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."<sup>27/</sup>

On the same day, [REDACTED] prepared the note which was 7(c) 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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<sup>26/</sup> Tab B-20.

<sup>27/</sup> 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.<sup>98/</sup>

DD Clarke acknowledged receiving the Director's February 14, 1990 note and discussing with Director Sessions his concerns about delays.<sup>99/</sup> 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."<sup>100/</sup>

[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

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<sup>98/</sup> Tab B-21.

<sup>99/</sup> Tab A-22, p. 4.

<sup>100/</sup> 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."<sup>101/</sup>  
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."<sup>102/</sup>

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.<sup>103/</sup> 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."<sup>104/</sup>

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 initiated.

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<sup>101/</sup> Tab A-85, p. 28; Tab B-22.

<sup>102/</sup> 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.

<sup>103/</sup> Tab A-85, p. 29.

<sup>104/</sup> 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

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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.<sup>106/</sup>

On April 9, 1990, Mrs. Sessions called [REDACTED] and advised 7(c) 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."<sup>107/</sup> [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.<sup>108/</sup>

<sup>105/</sup> 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.

<sup>106/</sup> Tab B-23.

<sup>107/</sup> Tab A-85, p. 30.

<sup>108/</sup> 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.<sup>109/</sup> 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.<sup>110/</sup> Deputy Director (DD) Floyd I. Clarke; Assistant Director Joseph Davis, Legal Counsel Division; Deputy Assistant Director Kier Boyd, Technical Services Division;

[REDACTED] 7(c)  
[REDACTED] 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.<sup>111/</sup> 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.<sup>112/</sup> 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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<sup>109/</sup> Tab A-175 at 1.

<sup>110/</sup> *Id.* at 2. The meeting Mr. McKay arranged was the March 21, 1990, meeting discussed *supra*.

<sup>111/</sup> Tab A-175 at 2.

<sup>112/</sup> *Ibid.*



was an integral part of the security package.<sup>113/</sup> 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.<sup>114/</sup> 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.<sup>115/</sup> 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."<sup>116/</sup> 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.<sup>117/</sup>

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<sup>113/</sup> Ibid.

<sup>114/</sup> Ibid.

<sup>115/</sup> Id. at 2-3.

<sup>116/</sup> Id. at 3.

<sup>117/</sup> Ibid.

Mr. McKay advised that shortly after the meeting he prepared a note to the Director dated April 6, 1990.<sup>118/</sup> 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.<sup>119/</sup> 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.<sup>120/</sup> 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."<sup>121/</sup> 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.<sup>122/</sup>

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<sup>118/</sup> *Ibid.* A copy of the note is found at Tab B-113 and is also an attachment to Tab A-175.      ↑

<sup>119/</sup> Tab B-113 at 1; Tab A-175 at attachment, p.1.

<sup>120/</sup> *Ibid.*

<sup>121/</sup> 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.)

<sup>122/</sup> 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.<sup>123/</sup> 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.<sup>124/</sup>

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.<sup>125/</sup> Mr. McKay was listed on the distribution list of that memorandum.<sup>126/</sup> 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

<sup>123/</sup> 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).

<sup>124/</sup> Ibid.

<sup>125/</sup> Tab A-176 at 1; Tab A-151 at 1.

<sup>126/</sup> Tab A-176 at 1.



briefing."<sup>127/</sup> 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."<sup>128/</sup>

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:

*April 13, 90 meeting*

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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<sup>127/</sup> Tab A-151 at attachment.

<sup>128/</sup> Tab A-22, p. 8.

the security fence matter. The Director was made fully aware of the elements of this discussion.<sup>129/</sup>

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.<sup>130/</sup>

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.<sup>131/</sup> Moreover, although the Director did not recall the

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<sup>129/</sup> Tab A-22, p. 9, emphasis added.

<sup>130/</sup> Tab A-80, pp. 9-10, emphasis added.

<sup>131/</sup> 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.<sup>132/</sup>

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."<sup>133/</sup> With this letter, Mr. Munford enclosed

<sup>131/</sup>(...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.)

<sup>132/</sup> Tab A-194 at 216-217.

<sup>133/</sup> 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.<sup>134/</sup>

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<sup>133/</sup> (...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)

<sup>134/</sup> 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 23, 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, 7(c) 1990, from DD Clarke to the Director which contained a recommendation for an iron perimeter security fence.<sup>135/</sup> That memorandum was not approved, and [REDACTED] prepared another draft dated May 11, 7(c) 1990.<sup>136/</sup> 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."<sup>137/</sup>

Shortly after the preparation of the May 11, 1990 memorandum, [REDACTED] asked SSA Hartingh about its status. SSA Hartingh said 7(c) 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.<sup>138/</sup>

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

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<sup>135/</sup> Tab B-25. The memorandum was entitled "Proposal to Install Security System at the Director's Residence."

<sup>136/</sup> Tab B-26. This memorandum was also entitled "Proposal to Install Security System at the Director's Residence."

<sup>137/</sup> Tab A-22, p. 10.

<sup>138/</sup> Tab A-86, p. 7.



oversight responsibility for the Director's residential security enhancements.<sup>139/</sup>

Sometime in January or early February 1991, the Director asked SSA Hartingh to coordinate the security enhancements to his residence.<sup>140/</sup> 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.<sup>141/</sup>

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.<sup>142/</sup> Nevertheless, SSA Hartingh re-

<sup>139/</sup> Tab A-22, p. 10. DD Clarke never stated a reason for his refusal.

<sup>140/</sup> 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.

<sup>141/</sup> Tab A-61, p. 3.

<sup>142/</sup> 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.<sup>143/</sup>

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.<sup>144/</sup>

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.<sup>145/</sup> The fol-

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<sup>143/</sup> Tab A-61, p. 4.

<sup>144/</sup> 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 the date October 1989. It also states, in an apparent reference to [REDACTED] "Has all info," and contains a reference to the price of the fence 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.

<sup>145/</sup> Tab B-33.

7(c)  
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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."<sup>146/</sup> 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.<sup>147/</sup>

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, (301-350-2400 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."<sup>148/</sup> 7(c)

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<sup>146/</sup> 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).

<sup>147/</sup> Tab B-32.

<sup>148/</sup> 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.<sup>149/</sup> 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.<sup>150/</sup>

DAD Boyd prepared a memorandum dated February 15, 1991, to AD Kennedy, entitled "Security of Director Sessions' Private Residence."<sup>151/</sup> 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-

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<sup>149/</sup> 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."

<sup>150/</sup> Tab A-18, p. 4.

<sup>151/</sup> 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.<sup>152/</sup>

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.<sup>153/</sup>

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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<sup>152/</sup> Tab A-61, p. 10.

<sup>153/</sup> 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."<sup>154/</sup>

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.<sup>155/</sup>

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."<sup>156/</sup>

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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<sup>154/</sup> Tab A-18 at 4.

<sup>155/</sup> 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.

<sup>156/</sup> Tab A-80, p. 14.

procurement of the fence with Special Assistant Hartingh."<sup>157/</sup> 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<sup>158/</sup> that a competitive bid process should be used in contracting for the installation of the fence.<sup>159/</sup>

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."<sup>160/</sup> 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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<sup>157/</sup> Tab A-80, p. 14.

<sup>158/</sup> Tab B-23.

<sup>159/</sup> Tab A-80, pp. 13-14.

<sup>160/</sup> 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."<sup>161/</sup>

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."<sup>162/</sup> 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."<sup>163/</sup>

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

<sup>161/</sup> 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.

<sup>162/</sup> Tab B-35.

<sup>163/</sup> 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] that the fence procurement had been "in the mill for some time and that [he] should handle it within the next day or two."<sup>164/</sup>

7(c)

Following the meeting [REDACTED]  
[REDACTED]  
[REDACTED]

that he wanted the procurement of the fence completed as soon as possible. [REDACTED] stated that [REDACTED]

[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."<sup>165/</sup>

[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

<sup>164/</sup> Tab A-142, p. 2.

<sup>165/</sup> 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.<sup>166/</sup> 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."<sup>167/</sup>

<sup>166/</sup> Tab A-142, p. 3.

<sup>167/</sup> 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 procurement. SSA Hartingh stated he had several conversations with [REDACTED] and on one occasion, provided [REDACTED] a copy of the February 14, 1991 handwritten notes containing [REDACTED] name, phone numbers, and fence cost information (Tab B-31). 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] name 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]

[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."<sup>168/</sup>

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.<sup>169/</sup> That proposal was accepted, and Purchase Order Number A112170,

<sup>167/</sup> (...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.

<sup>168/</sup> Tab A-142, p. 3.

<sup>169/</sup> 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.

7(c)

signed by [REDACTED] was issued on March 11, 1991, to Long Fence Company.<sup>170</sup> 7(c)

Finally, in a sad footnote to the entire fence situation, [REDACTED] 7(A)  
[REDACTED] that in 7(c)  
response to an announced audit of the fence procurement by the 7(d)  
Department's Inspector General he fraudulently created a procure-  
ment 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]  
[REDACTED] never actually obtained  
bids from either [REDACTED]

<sup>170</sup> Tab B-39.

<sup>171</sup> 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.

(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, \* \* \* ." 17/

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-

17/ (...continued)

[REDACTED]

7(A)

17/ Tab B-35. 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.<sup>173/</sup> This was recommended by Mr. Munford and every Bureau professional who reviewed the situation.<sup>174/</sup> 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-

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<sup>173/</sup> 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.

<sup>174/</sup> 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.<sup>175/</sup> 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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<sup>175/</sup> 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.<sup>176/</sup> The cost of the fence and the gates was determined to be \$9,890.00.<sup>177/</sup>

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

<sup>176/</sup> 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.

<sup>177/</sup> 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