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Subseries: Miscellaneous Files

OA/ID Number: 45045
Folder ID Number: 45045-013

Folder Title:

[Brown Envelope]: [Report from William P. Barr to C. Boyden Gray re: Allegations of Misconduct by
FBI Director William Sessions - January 15, 1993]

Stack:	Row:	Section:	Shelf:	Position:
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Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Report	From Michael Shaheen Jr. to The Attorney General Re: Results of Investigation into Allegations of Misconduct Against FBI Director William S. Sessions (161 pp.)	1/12/93	(b)(6), (b)(7)(c), (b)(7)(d), (b)(7)(e)	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Counsels Office, White House
Series: Gray, C. Boyden, Files
Subseries: Miscellaneous Files
WHORM Cat.:
File Location: [Brown Envelope]: [Report from William P. Barr to C. Boyden Gray re: Allegations of Misconduct by FBI Director William Sessions - January 15, 1993]

Pinksheet Number: ZR989
OA/ID Number: 45045-013
Date Closed: 4/15/2019
FOIA/Sys Case #: 2019-0343-S
Re-review Case #:
P-2/P-5 Review Case #:

TO BE OPENED BY ADDRESSEE
ONLY

Office of the Attorney General
William P. Barr
Attorney General
U.S. Department of Justice

Honorable C. Boyden Gray
Counsel to the President

Transmittal & Three Attachments

Deliver to
Northwest Gate.
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Office of the Attorney General
Washington, D. C. 20530

January 15, 1993

MEMORANDUM

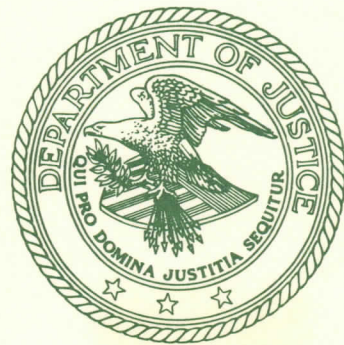
TO: Honorable C. Boyden Gray
Counsel to the President

FROM: William P. Barr *WMB*
Attorney General

SUBJECT: Office of Professional Responsibility Report on
Investigation into Allegations of Misconduct by FBI
Director William Sessions

Attached for your information is a copy of a Report prepared jointly by the Department's Office of Professional Responsibility (OPR) and the FBI's Office of Professional Responsibility (FBI/OPR) on their investigation into certain allegations of misconduct by FBI Director William Sessions. Also enclosed is a copy of my memorandum to Director Sessions advising him that I have accepted the findings and recommendations contained in the Report and directing him to take certain remedial actions. These materials are currently confidential, and I have delegated to the head of OPR the authority to determine whether to publicly release the Report and memorandum in whole or in part.

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Withdrawal/Redaction Sheet

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File Location: [Brown Envelope]: [Report from William P. Barr to C. Boyden Gray re: Allegations of Misconduct by FBI Director William Sessions - January 15, 1993]

Date Closed:	4/15/2019	OA/ID Number:	45045-013
FOIA/SYS Case #:	2019-0343-S	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

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- (b)(3) Release would violate a Federal statute
- (b)(4) Release would disclose trade secrets or confidential or financial information
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Release would disclose information compiled for law enforcement purposes
- (b)(8) Release would disclose information concerning the regulation of financial institutions
- (b)(9) Release would disclose geological or geophysical information concerning wells

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- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]



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Office of the Attorney General
Washington, D. C. 20530

January 15, 1993

MEMORANDUM

TO: Michael E. Shaheen, Jr.
Counsel, Office of Professional Responsibility

FROM: William P. Barr *WPB*
Attorney General

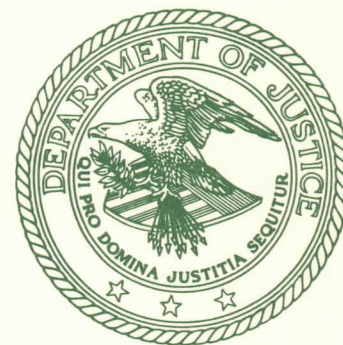
SUBJECT: OPR Report on Director Sessions

I have reviewed the report on your investigation of certain allegations concerning FBI Director Sessions. I have accepted your findings and recommendations, have adopted your report as the Department's, and have so informed the Director. Attached is a copy of my memorandum to the Director.

I hereby delegate to you the authority to decide whether, and, if so, in what manner, to publicly release portions or all of the report and my memorandum to the Director, consistent with precedent with respect to similar reports.

The report obviously reflects an enormous amount of work by your office and the FBI's Office of Professional Responsibility. Please convey my appreciation to those involved for their hard work.

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Office of the Attorney General
Washington, D. C. 20530

January 15, 1993

MEMORANDUM

LIMITED
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TO: William Sessions
Director, FBI

FROM: William P. Barr *WPB*
Attorney General

SUBJECT: OPR Report on Alleged Misconduct

As you know, for quite some time now various complaints about misconduct concerning you have been made by individuals within the FBI. As is their duty, the Department's Office of Professional Responsibility (OPR) and the Bureau's Office of Professional Responsibility (FBI/OPR) have been jointly investigating those allegations. You were interviewed concerning the allegations as part of the investigation and provided a full opportunity to explain the actions in question. OPR and FBI/OPR have now completed their investigation, and provided me with a Report dated January 12, 1993, containing findings and recommendations. I have asked OPR to provide you with a copy of the Report by Tuesday, January 19, 1993, with any redactions necessary to preserve commitments of confidentiality.

This memorandum is to advise you that I have accepted the findings and recommendations of that Report and to direct you to take certain remedial actions. The evidence supporting the Report's conclusions is overwhelming and your explanations, where provided, are wholly unpersuasive.

Failure to Meet Tax Obligations

I am most troubled by the Report's conclusion that you engaged in a sham arrangement for the clear purpose of improperly claiming an exemption from the obligation to pay income tax on your government-provided home-to-work transportation. The law is clear that senior government officials who are provided chauffeur-driven limousines for commuting from home to work are required to pay income taxes on the value of that fringe benefit. The value of this benefit can be significant, amounting to several thousand dollars a year. The obligation to pay taxes on this benefit exists even where home-to-work transportation is independently justified for security reasons. Thus, throughout the government, agency heads, including those with security

details, pay taxes on home-to-work transportation and other authorized personal use of government vehicles. Within the Department of Justice, the Attorney General, Deputy Attorney General and DEA Administrator all pay such taxes, and I think it is clear that the FBI Director has the same obligation.

The Report indicates that in the Spring of 1990, you sought to avoid paying these taxes on the theory that your limousine falls within a narrow exemption for "vehicle[s] which, by reason of its nature (i.e., design) is not likely to be used more than a de minimis amount for personal purposes." Under IRS regulations, this category of exempt vehicle includes such vehicles as ambulances; hearses; cement mixers; and clearly marked police cruisers if they are subject to limits on personal use. This category can also include certain unmarked police vehicles if those vehicles are assigned to "law enforcement officers" who regularly carry firearms, and if any personal use of such vehicle is "incident to law enforcement functions, such as being able to report directly from home to a stake out or surveillance site, or to an emergency situation." This exemption was clearly not meant for chauffeur-driven executive limousines, but rather for police officers and agents who take their cruisers (marked or unmarked) home with them in order to be able to respond to tactical situations.

The Report finds that you sought to take advantage of this exception in an improper manner. You apparently obtained a legal opinion that you could use this exception if you regularly carried a firearm or maintained one in close proximity to your person. (I must say, parenthetically, that this opinion was transparently wrong, and I am surprised that you would have accepted it at face value. Even if regularly carrying a firearm made you a "law enforcement officer" for purposes of the regulation, it is clear that your chauffeur-driven limousine was not the type of vehicle that could qualify -- the personal use that you were authorized to make of the vehicle was not limited; the portal-to-portal service you were given was not "incident to a law enforcement function"; the car did not remain at your residence for purposes of emergency response to a tactical situation; nor would the Director normally be expected to personally respond to the scene of such tactical situations.) But even accepting the reasoning of the legal opinion, you plainly failed to comply with its terms: far from regularly carrying a firearm, you simply had an unloaded gun in a briefcase locked in the trunk; the ammunition was apparently kept in a locked safe at Bureau headquarters. Moreover, despite repeated attempts by FBI staff to schedule it, you refused to take the training required by FBI regulations for those carrying firearms.

Federal law enforcement officials have a special obligation to be scrupulous in meeting their federal tax obligations. The notion that you could convert an executive chauffeur-driven

limousine into a tactical police vehicle simply by keeping an unloaded gun in the trunk does not even pass the "red face test". You must have known that you did not qualify for the law enforcement exception. Given that you are a former US Attorney and Federal judge, and that you are currently Director of the premier federal law enforcement agency, I must conclude that there is no excuse for your conduct.

Improper Use of Government Funds for Personal Travel

OPR and FBI/OPR also found a pattern of abuse of travel by you resulting in the use of government funds for clearly personal travel on a number of occasions. Among other things, it is evident that you and your wife used the FBI plane to make personal trips and then sought to characterize these trips as "official" to avoid reimbursing the government. For example, you have made a number of extended trips on the FBI plane to San Francisco to visit your daughter during holiday seasons. You appear to have charged this all to the government because after you planned the trips you arranged isolated functions of trivial, if any, value to the government, such as a breakfast meeting with a handful of local businessmen. The conclusion is inescapable that these functions were arranged for the sole purpose of allowing you to avoid paying for these personal trips.

In addition, the Report indicates that you abused spousal travel. Your wife appears to have accompanied you on FBI aircraft to 111 locations. Under the regulations then applicable, free spousal travel was arguably authorized where the spouse's presence is in the interests of the government and space is available for the spouse. It is apparent that these requirements were not met on quite a number of these trips; nevertheless you only reimbursed the government for one such trip. Indeed, the Report notes, as one example, that on an extended trip to San Francisco your wife attended an official breakfast that she had not been invited to and was not expected at, and, afterwards, explained to an FBI agent that she had to attend the breakfast to "justify" her travel on the FBI aircraft. (In point of contrast, I note that Attorney General Thornburgh always reimbursed the government for his wife's travel.) Indeed, it is largely because of your excesses that I amended the Department's travel regulations to generally prohibit spousal travel unless specifically authorized by the Attorney General.

The Report also cites a number of other irregularities, including your improperly claiming government per diem while on personal travel; the use of FBI cars to drive your wife to social functions, and on shopping trips and other personal errands; and the failure to account for 120,000 miles of frequent flyer mileage earned on official travel.

Travel regulations can be complex and inevitably involve the exercise of judgment. If all that was involved was one or two lapses of judgment, I would consider harping on this to be petty. But what is troubling here is that there is a clear pattern of your taking advantage of the government. I find that unacceptable, especially given the fact that the Bureau treats even a single instance of travel abuse by agents very seriously - stiff penalties that I understand you have personally approved.

Failure to cooperate in investigation into alleged "sweetheart" mortgage

I am especially troubled by the fact that you refused to cooperate in -- and indeed affirmatively blocked -- the investigation into allegations that you received a "sweetheart deal" from Riggs Bank on your home mortgage. The inquiry was clearly an appropriate one -- in the face of the allegations that have been made, OPR has a responsibility to ascertain whether you did, in fact, receive financial favors that would not have been available to you as a private citizen. OPR must do this to determine whether you had an obligation to disclose such an arrangement or whether such an arrangement constituted a prohibited supplementation of salary.

All officials and employees of the Department of Justice -- from the Attorney General to the most junior -- have a continuing obligation to respond to the kind of legitimate administrative inquiry made here by providing the information sought. I can conceive of no legitimate justification for your refusal to authorize release to OPR of the relevant documents.

Misuse of Government Funds for Privacy Fence

Finally, I am troubled by the misuse of nearly \$10,000 in government funds to install a privacy fence at your residence despite repeated warnings that the fence could not be justified for security reasons and indeed actually derogated from security.

A great deal of effort and expense goes towards protecting your security. This includes government paid for security enhancements at your residence. You were repeatedly advised that only certain types of fences were suitable for security purposes and, therefore, that government funds could only be used for those types of fences. Nevertheless, you used substantial government funds to install a privacy fence that had repeatedly not been approved for installation -- indeed, you had been advised that such a fence actually reduced your security. Thus, taxpayer money intended to enhance your security was actually used by you in a manner that reduced it.

Required Remedial Actions

As noted, I accept the Report's conclusions and recommendations. Accordingly, consistent with the Report's recommendations, I am directing the following remedial steps:

(1) The Department will issue you corrected W-2 forms for the applicable tax years that properly reflect your home to work transportation and other personal vehicle use as income.

(2) I direct that you reimburse the government for the cost of personal travel improperly billed to the government. FBI/OPR is to determine on a case-by-case basis which trips were personal.

(3) I direct that you reimburse the government for the cost of the privacy fence improperly installed at your home at government expense.

(4) I direct that you authorize the release to OPR of all documents relevant to your home mortgage.

(5) I direct that you be counselled concerning the proper use of your security detail and your official vehicle.

(6) I direct that you recuse yourself from participation in any personnel actions involving any of the individuals who conducted or cooperated in this investigation or the preparation of the Report.

I will provide a copy of this memorandum and the Report to the Counsel to the President for his information. I have delegated to Mr. Shaheen authority to decide whether, and, if so, in what manner, to release part or all of this memorandum and the Report. Until any such decision by him, this memorandum and the Report are to be treated as confidential.

cc: Floyd I. Clarke
Deputy Director, FBI

David G. Benney
Assistant Director, Inspection Division

Stephen R. Colgate
Assistant Attorney General, Justice Management Division

Michael E. Shaheen, Jr.
Counsel, Office of Professional Responsibility