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Agents say probe shielded FBI brass

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Jerry Seper THE WASHINGTON TIMES

Illustration: Photo, NO CAPTION

Two FBI agents believe that the bureau's disciplinary process has shielded top-level supervisors from sanctions for wrongdoing in a deadly 1992 shootout at Ruby Ridge, Idaho.

The FBI's recently released disciplinary review, one for senior executives and another for rank-and-file agents, has been criticized for being unfair.

Agents John E. Roberts, unit chief for the bureau's Office of Professional Responsibility, and John Werner, who spent 27 years with the FBI before his 1999 retirement, told a Senate committee last week they were threatened and intimidated by senior FBI managers during an investigation of the bureau's role in the fatal shooting at Ruby Ridge. Vicki Weaver, her 14-year-old son, Samuel, and Deputy U.S. Marshal William F. Degan all were killed during the standoff in August 1992.

Mr. Roberts said the 1999 investigation - which he was assigned to conduct - uncovered the fact that several senior FBI supervisors were involved in "serious misconduct" during the incident, but nobody was ever charged or disciplined because of FBI cronyism.

He testified before the Senate Judiciary Committee that a review of an initial FBI inquiry into the standoff shortly after it occurred found that "significant interviews" had not been conducted and that accusations of misconduct by the senior FBI managers had never been investigated.

Mr. Roberts also told the committee, which is conducting oversight hearings into recent FBI blunders, that "critical interviews" of agents assigned to a command post during the standoff were never conducted and that a required "after-action report" outlining the FBI's role in the Ruby Ridge incident turned up missing.

He described the senior FBI supervisors involved in the standoff as "popular individuals" within the bureau and suggested that some FBI managers sought to favor their friends and associates at the highest levels of the agency. He labeled as "outrageous" an ultimate decision by the Justice Department - which was never made public - that they had committed no wrongdoing.

Mr. Roberts told the committee that during the Ruby Ridge inquiry, he and Mr. Werner - also assigned to the probe - were told by senior FBI managers "that we did not work for the FBI, that our assignment to the Ruby Ridge investigation could have an impact on our careers and that being assigned to the investigation would not be good for us in the end."

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Mr. Werner testified that senior FBI supervisors sought to protect "certain peers" from discipline in the Idaho standoff by "conducting a sloppy and incomplete investigation," but noted that the same supervisors were "most willing to hang lower tier employees out to dry."

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"Hiding behind a wall of arrogance, senior managers are . . . intolerant of any suggestion that their way is wrong," he said. "They use intimidation and retaliation against anyone who would be so impertinent as to challenge their interests."

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Mr. Werner said that some FBI supervisors are motivated by "self-preservation and self-interest at any cost," adding that Mr. Roberts' career at the FBI - which continues - had been "seriously impaired" because of his pursuit of high-profile cases involving senior FBI personnel.

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"These retaliatory practices send a chilling message to any other agent who might be charged with similar investigations," he said.

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Sen. Charles E. Grassley, Iowa Republican and a member of the Senate Judiciary Committee, which has oversight of the FBI, said he is concerned about an "institutional arrogance" within the FBI in the way it deals with its own employees.

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"Part of this arrogance lies with the bureau's propensity to place image and publicity before basics and fundamentals," he said, adding that FBI Director-designate Robert S. Mueller will have to deal with what Mr. Grassley calls a "double standard" of how the FBI treats its rank-and-file agents.

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"It is clear that a double-standard exists today within the FBI, one for senior officials and another for the rank and file," Mr. Grassley said. "While line agents are routinely given penalties that are 'by the book,' senior officials are routinely only given a 'slap on the wrist.'"

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Senior managers inside the FBI are considered members of the Senior Executive Service (SES). A Senate document titled "Policy and Supporting Positions" and nicknamed "the Plum Book" describes SES as a "personnel system covering top-level policy, supervisory and managerial positions in most federal agencies."

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Records show that in March 1997, FBI Director Louis J. Freeh established new disciplinary procedures for the bureau's rank and file and directed that disciplinary measures in the FBI's Senior Executive Service were to conform "as closely as feasible." He changed that order in August 2000, deciding to "revise our SES disciplinary procedures to mirror those for all other employee."

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