



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

FEB 05 2002

ROBERT G WRIGHT JR
CHICAGO DIVISION
IL 60604

Subject: EEO INQUIRY JANUARY 2000 (11 PAGES)

FOIPA No. 0942577-000

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☐ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☐ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☐ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☒ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

11 page(s) were reviewed and 11 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

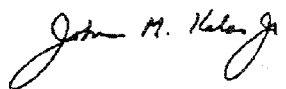
☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown,

Handwritten initials: R. Wright

when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☐ See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John M. Kelso Jr.", with a stylized, cursive script.

John M. Kelso Jr.
Section Chief,
Freedom of Information-
Privacy Acts Section
Office of Public and
Congressional Affairs.

Enclosure(s) 1

The enclosed documents were processed in response to your Freedom of Information Act request for records pertaining to an EEO inquiry of which you are the subject. Specifically, a signed sworn statement given in January, 2000.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Chicago, Illinois

SWORN STATEMENT

I, Robert G. Wright, Jr., Special Agent, Chicago Field Office, Chicago, Illinois, of the Federal Bureau of Investigation (FBI), do hereby solemnly swear the following:

I have been advised by Supervisory Special Agent (SSA) Mark Van Steenburg of FBI Headquarters, Washington, D.C. that he is investigating a complaint of employment discrimination F-99-5371 pursuant to Title VII of the Civil Rights Act of 1964, as amended, and/or Title 29 of the Code of Federal Regulations, Part 1614, et seq.

I understand that the claimant is Special Agent (SA)

b7C [REDACTED] and that the issues under investigation are his beliefs that he was discriminated against based on Religion (Muslim) and National Origin (Arab/Middle Eastern) when:

1.) on May 26, 1999, a Special Agent (SA) of the FBI Chicago Field Office telephonically discussed with a SA in the FBI Dallas Field Office, the complainant's refusal to wear a recording device for SAs in the FBI Washington and Tampa Field Offices, which resulted in damage to his professional reputation, questioned his integrity, credibility, and loyalty to the United States of America;

2.) on May 26, 1999, a SA of the FBI Chicago Field Office insinuated during a telephone conversation with a SA of
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Affiant's Initials R64

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FBI Dallas Field Office that HAMAS, a terrorist group, had successfully infiltrated the FBI through the complainant;

3.) On May 26, 1999, the Case Agent stated that Muslim agents should not be assigned to International Terrorism matters, but to matters such as Bank Robbery and White Collar Crime;

4.) On May 26, 1999, the Case Agent said that he was going to request that the complainant be removed from the Grand Jury 6 (e) list;

5.) On May 26, 1999, the Case Agent stated that Muslims will always sympathize with each other;

6.) On May 27, 1999, the complainant learned that the Case Agent from the FBI Chicago Field Office did not want the complainant to have access to his case files.

BACKGROUND

The following is a brief description of my background and experience with the FBI:

Entered on Duty:	09/09/90
Offices of Assignment:	01/91 - 10/93 Kansas City Field Office
	10/93 - Present Chicago Field Office

I was assigned to the International Terrorist squad at FBI Chicago Field Office during the spring of 1999. At that time I was aware that a member of HAMAS, a terrorist organization, had attempted to secure employment with the FBI.

In April of 1999, SA [REDACTED] had telephoned and advised me that a friend of his worked as an accountant for a company upon which I had served the company President and Vice-President with Federal Grand Jury subpoenas. He also advised me that the accountant was concerned about harming his application he had submitted to the FBI to become a translator. Through the course of my investigation it had been determined that this company had receive financing from [REDACTED] and United States designated HAMAS terrorist [REDACTED]. Each of the aforementioned are Muslim. SA [REDACTED] stated that the accountant had inquired of him if he should quit his employment, as it appeared there was a criminal investigation underway. SA [REDACTED] advised that he had gone to Detective [REDACTED] of the Dallas, Texas Police Department, who is assigned to a Terrorism Task Force and the Case Agent on the Dallas FBI HAMAS investigation. SA [REDACTED] stated he had reviewed Detective [REDACTED] investigative files which contained intelligence and investigation from my cases.

67C

A few weeks later I received another telephone call from SA [REDACTED]. He advised he had been telephoned by the accountant who stated that the President of the company was aware of his relationship with SA [REDACTED]. The President inquired if the accountant could arrange a meeting between SA [REDACTED] and the company President regarding the Chicago investigation. The accountant then mentioned his concern to SA [REDACTED] that

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funds the accountant was transferring overseas on behalf of the company may have been used to finance the embassy bombings in Africa. In addition, the accountant recounted unusual events following the receipt of the subpoenas. One of the events that was highly unusual to him involved a friend of his coming to the United States from a middle eastern country and secretly meeting with the company President and Vice-President, and never disclosing his presence in the United States to the accountant. This was unusual as when either the accountant or the other individual would travel to each others country, they would have dinner and spend time together.

b7C SA [REDACTED] asked if I desired him to speak with the President. I advised him that I desired him to have the meeting and to wear a concealed recording device (wire) to record what transpired. I then told my supervisor that SA [REDACTED] may be wearing a wire during a discussion with an individual of interest to one of our investigations. I then went to the United States Attorney's Office and discussed this matter with them and they agreed the wire would be of great interest to our investigation. When I returned to the office my supervisor summoned me to his office and advised me that SA [REDACTED] was not going to wear the wire and that I should forget about it.

Later while at the United States Attorney's Office on other matters the question of SA [REDACTED] wearing the wire was brought up by one of the attorneys. The Assistant United States

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Attorneys still desired SA [REDACTED] to wear the wire. A conference telephone call was then arranged between three Assistant United States Attorneys, a fellow FBI SA, and myself calling from Chicago, Illinois and speaking with SA [REDACTED] and his supervisor in Dallas, Texas. The Assistant United States Attorneys expressed to SA [REDACTED] the importance of this investigation and the purposed wire. SA [REDACTED] stated that he would only record the individual if he told him he was wearing a wire. One of the Assistant United States Attorneys told SA [REDACTED] they would get a meeting location and wire it, so that SA [REDACTED] would not have to wear the wire. This was not acceptable to SA [REDACTED] who then purposed placing a tape recorder on a table and then speaking with the individual. When this was deemed unacceptable by those present, SA [REDACTED] advised he would meet with the individual and report the meeting on an FD-302 (official report form) as he had done before in response to a similar request for FBI Tampa.

The Assistant United States Attorneys present advised this was not what they desired and inquired what the root of SA [REDACTED] objection was to wearing the wire. SA [REDACTED] advised that he feared for his safety. When he was told the FBI could protect him, SA [REDACTED] told them he did not trust the FBI to protect him. The Assistant United States Attorneys continued to ask why SA [REDACTED] would not wear the wire and he stated, "A Muslim does not record another Muslim."

Thereafter, SA [REDACTED] supervisor concluded the telephone conference. I was aware that the Assistant United States Attorneys spoke with their superior, the United States Attorney for the Northern District of Illinois, and he spoke with the FBI Chicago Special Agent in Charge Kathleen McChesney.

I then telephoned FBIHQ and spoke with Acting Unit Chief (A-UC) [REDACTED] and explained to him what had transpired. A-UC [REDACTED] told me that I would have to understand SA [REDACTED] perspective and I disagreed with him. After I explained that we had both taken the same oath and this was his duty, A-UC [REDACTED] told me I had a good point. I then met with SAC McChesney and my supervisor. SAC McChesney directed me to draft a document to FBI Dallas with all of the background and to set a lead for SA [REDACTED] to conduct the recording in a covert manner.

Sometime thereafter, the United States Attorneys believing this the telephone conference would be re-visited, drafted a document describing the events discussed. I believe this was done as they felt the decision reached would come into question at a later date and they desired to have a record of their position. I believe this document may also have been signed by the United States Attorney and is maintained by his office.

Later while speaking about a different matter to SA [REDACTED] of the FBI Washington Field Office, I explained the

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problems I was having getting SA [REDACTED] to wear a wire. SA [REDACTED] informed me that his office had problems with SA [REDACTED] previously. SA [REDACTED] advised that his office had drafted a document and set it to FBI Dallas expressing their concerns about SA [REDACTED] contacting subjects of their investigations and not disclosing these contacts to the SAs conducting these investigations. Further, SA [REDACTED] told me to speak with SA [REDACTED] of FBI Tampa.

b7C SA [REDACTED] is a friend of mine and he related that the subject of one of his investigations who is Muslim had once reached out to SA [REDACTED] and he refused to wear a wire when they requested. I told him I might let SA [REDACTED] meet with the subject of my investigation and record the results on an FD-302. SA [REDACTED] gave me an idea of what I was looking forward to if I allowed the meeting under those conditions. SA [REDACTED] advised that he had allowed SA [REDACTED] to meet with the subject of his investigation and report the results on an FD-302 and it was a mistake. I asked him to explain and he told me the FD-302 contained only self serving statements for the subject, " and he later sent me a copy of the FD-302. I recall the FD-302 stating that subject had advised that SA [REDACTED] did not have anything on the subject of the investigation and that he was keeping the investigation alive in order that he could receive one-year extensions to his mandatory retirement date. This was

not the type of information I was looking for in my investigation.

Sometime later SA [REDACTED] of FBI Dallas telephoned me at my office to discuss an investigation he was conducting and his desire to review my Grand Jury records. I told him that whatever information he receive to not share it with SA [REDACTED]. The reason I did not want SA [REDACTED] to have access to these documents was the fact that he was not on the Grand Jury 6(e) list (a list of those allowed by law to view Grand Jury materials). Even if SA [REDACTED] was on the 6(e) list, the Assistant United States Attorney had indicated he would have removed him after the aforementioned conference call.

b7C During this conversation with SA [REDACTED] I relayed a story told to me by SA [REDACTED] of the FBI Milwaukee Field Office. She advised me that an SA who was Catholic had refused to go to an abortion site when ordered by his supervisor. She recounted that the SA was told to either go to the site or put his weapon and badge on his supervisors desk. In SA [REDACTED] comment that "A Muslim does not record another Muslim," I saw that he did not want to record because of his religion. I found them to be the same. I, as a Catholic SA, would do my duty regardless of religious beliefs. I related my concerns to SA [REDACTED] as to what had transpired between Dallas and Chicago FBI offices and what had happened in Chicago with the United States

Attorney's Office. I advised him that until these issues were resolved, that SA [REDACTED] had no need to review my documents.

In the above listed issue #1, I did not state to anyone that SA [REDACTED] refused to wear a recording device for SAs in the FBI Washington Field Office. The conversation was based on information personally known to me, and those relayed by SAs [REDACTED]

In issue #2, I deny stating or insinuating that SA [REDACTED] had any improper connection to HAMAS. I have discovered through the course of my investigation that members of HAMAS are attempting to obtain employment with the FBI.

b7C I do not recall making the statement attributed to me in issue #3. However, if one is Muslim and their faith interferes with their duty, it concerns me.

I believe in issue #4, I told SA [REDACTED] that I was going to check if SA [REDACTED] was on the Grand Jury 6(e) list, and if he was on it he was going to be removed. I was unsure if SA [REDACTED] was on the list, as people working Terrorism investigations throughout the United States were on it. I did check the list several days later and determined that he was not on the list.

I do not recall ever stating the contents of issue #5. I can not imagine in what context I would ever make such a statement.

Regarding issue #6, it is true that I did not desire SA [REDACTED] to access to my case files. One reason was the fact that SA [REDACTED] was in contact with the accountant for the subjects who were under Federal Grand Jury subpoenas in this investigation. Further, SA [REDACTED] was assigned to other matters and access to these files was on a "need to know" basis.

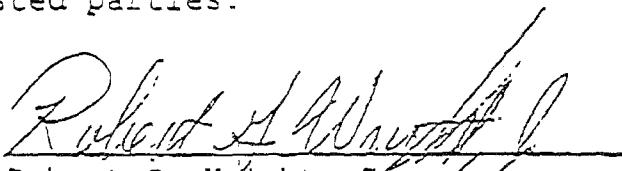
In December 1998, while conducting investigation in Dallas, Texas, SA [REDACTED] assisted me in the review of documents. Following this investigation in Dallas, I expressed to a fellow Chicago SA that I was more comfortable with SA [REDACTED] and felt that I could contact him in the future if I had any questions regarding middle eastern terrorism investigations.

67C I have not discriminated against SA [REDACTED] based upon his religion (Muslim) or his national origin (Arab/Middle Eastern), and do not have any knowledge of anyone discriminating against him on these bases. My only bias is against terrorists.

I was not the only SA to be concerned with SA [REDACTED] refusal to wear the wire. Due to the serious nature of the events surrounding this terrorism investigation, a senior SA of the Chicago FBI attempted on three separate occasions, to determine the proper procedure to initiate an inquiry into SA [REDACTED] refusal. The attempts made through the FBI Chicago security officer were never responded to by FBI Headquarters.

I do not have any knowledge of any additional information that I believe is relevant to the scope of the inquiry as described to me by SSA Mark Van Steenburg.

I have read this statement consisting of this and ten other pages. The entire statement is true and complete to the best of my knowledge and belief. I understand that the information I am giving is not to be considered confidential and that it may be shown to interested parties.


Robert G. Wright, Jr.

Sworn to and subscribed before me at Chicago, Illinois,
on this 21st day of March, 2000.


Mark Van Steenburg
Supervisory Special Agent
EEO Investigator