



U.S. Department of Justice
Federal Bureau of Investigation

Office of Congressional Affairs

Office of the Assistant Director

*935 Pennsylvania Avenue, NW
Washington, DC 20535-0001*

November 29, 2022

The Honorable Jim Jordan
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Jordan:

This responds to your letter, dated November 2, 2022, and further responds to your letters, dated May 6, 2022, June 7, 2022, and September 29, 2022, to the Federal Bureau of Investigation (FBI), regarding allegations of political bias within the FBI.

The FBI is comprised of more than 38,000 men and women who are focused on serving the American people and upholding the Constitution by doing their jobs with rigor, objectivity, and a fierce passion for the mission. We strive to vigorously follow the facts wherever they lead and to do things by the book, regardless of who the subject may be. It is every FBI employee's duty to focus on the mission and continue to do their work without fear or favor. The FBI is, and must remain, impartial to political party and ideology.

The FBI's fundamental goal is to do the right thing, in the right way, every single time. When an employee or employees miss the mark or make a mistake, it is critically important that we learn from those instances. This means not only holding people accountable, but also taking a close look at the larger organization so that we can make necessary changes to policies and training to ensure mistakes are not repeated. Indeed, most high performing organizations are not defined by their mistakes, but instead, by how they learn from those mistakes. The FBI, as a law enforcement and intelligence agency, is no different. This has been an especially concerted focus of the FBI under Director Wray's leadership.

To understand and underscore these obligations, the FBI requires several mandatory trainings for all employees regarding ethics responsibilities, interactions with the media, and Hatch Act restrictions on certain political activities by federal employees. The FBI expects all employees to comply with these trainings. It is important to emphasize that allegations against one or a very small number of employees do not reflect a widespread political bias or a lack of objectivity by the FBI's 38,000 employees who perform their jobs objectively, rigorously, and with professionalism. Nor do such allegations fairly call into question the FBI's motivations and actions to fulfill its mission, which reflect the collective judgment and effort of our workforce.

In addition to the extensive training all new employees receive upon entry into the FBI covering ethics, integrity, and the need for impartiality, in 2018, the FBI conducted a full day of mandatory ethics and compliance training at the FBI Academy for all Senior Executives. Additionally, in late 2018, the FBI ensured that all employees attended a three-hour refresher course on ethics and compliance titled, “FBI Fundamentals: Doing the Right Thing the Right Way.” This back-to-basics effort included substantial guidance on compliance with the Hatch Act. In early 2020, the FBI rolled out updated ethics training that must now be completed by every employee annually. This training covers: impartiality; financial conflicts of interest; gifts; fundraising; misuse of position and nepotism; use of government resources; the Hatch Act and political activity; outside employment or activities; and post-employment restrictions. This annual ethics training has been supplemented by case-study-based trainings focused on lessons learned from recent findings by external oversight entities so employees can see what has gone wrong in real cases and learn from those mistakes. The FBI will continue to build upon these efforts moving forward.

The FBI has strong procedures in place to promote accountability when an FBI employee strays from their obligations—including employee actions that create the appearance of political, social, or other bias. The FBI is committed to addressing misconduct head-on and following the disciplinary process. The outcome of any disciplinary action or investigation into alleged misconduct depends on the nature of the conduct. It can include a spectrum of corrective actions, such as: counseling; suspension of a security clearance; suspension from duty without pay; removal from the chain of command; demotion; and removal from the FBI. Referrals can be made to the FBI’s Inspection Division, the Department of Justice (Department) Office of the Inspector General, and/or an outside entity like the Office of Special Counsel, which investigates violations of the laws restricting certain political activities by federal employees.

As we described in our prior correspondence, dated September 2, 2022, with respect to an employee’s security clearance, every FBI employee must maintain a Top Secret security clearance as a condition of employment. Eligibility for a security clearance is based on standards set forth in Executive Order (E.O.) 12968: Access to Classified Information. According to E.O. 12968, the adjudicative process seeks reasonable assurance that persons granted access to classified information are persons “whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information.”

In deciding whether or not a person should retain a security clearance, the FBI is obligated to follow the National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position (Adjudicative Guidelines). These Adjudicative Guidelines were established in the Office of the Director of National Intelligence’s Security Executive Agent Directive Four (SEAD Four) for all U.S. Government civilian and military personnel, consultants, and contractors who require access to national security information. The Adjudicative Guidelines state that “any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

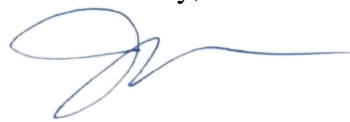
When information indicates that an FBI employee may have acted contrary to these principles, both E.O. 12968 and its implementing policy, SEAD Four, require the FBI to complete a thorough investigation. The investigation and subsequent adjudication must examine all available, reliable information about the employee, “past and present, favorable and unfavorable.” Because E.O. 12968 requires any doubt to be resolved in favor of national security, decisions regarding security clearance eligibility cannot be reached until the FBI’s Security Programs Manager has had an opportunity to carefully weigh all of these variables.

The FBI takes all allegations of misconduct very seriously, and that includes taking seriously our responsibility to FBI employees who make protected disclosures under the whistleblower regulations. Employees should feel they can raise their concerns about wrongdoing and if those concerns are not addressed within their chain of command take them to an appropriate place without retaliation. The FBI has taken considerable steps to ensure that employees are aware of whistleblower protections and of the whistleblower process. The FBI and the Department have worked and continue to work to improve the process, including educating employees and providing guidance so they know the process.

Your letters reference specific FBI employees and investigations. In order to protect the integrity of the adjudicative process and other privacy considerations, the FBI cannot comment on any individual personnel matters related to an FBI employee. Further, the due diligence exercised in the FBI’s security investigation and adjudication process is essential to both protect national security and comply with Executive Orders and Intelligence Community mandates. To protect the integrity of all investigations, and consistent with longstanding Department and FBI policy, we are unable to provide information regarding any ongoing investigation. However, the FBI remains committed to working with you and your staff regarding your additional requests for information.

Thank you for supporting the FBI, our mission, and our people.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill C. Tyson", with a long horizontal flourish extending to the right.

Jill C. Tyson
Assistant Director

cc: The Honorable Jerrold L. Nadler
Chairman