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# WHAT AMERICA NEEDS IN THE NEXT FBI DIRECTOR

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## TOPLINE POINTS

- ★ Americans have lost faith in the FBI as the Nation's premier law enforcement agency.
- ★ To regain Americans' trust, the FBI will require an overhaul that includes a new director and changes to how the agency is managed.
- ★ Helpful changes would include appointing a former FBI special agent as FBI director, reducing the director's term limit, and reinforcing a culture of investigative independence within the FBI's relationship to the DOJ.

## Introduction

As a former Federal Bureau of Investigation (FBI) special agent, I took great pride in my service to the Nation. Like most other new agents, I was inspired by its iconic history to join what I believed to be the Nation's preeminent crime-fighting organization. Sadly, over the course of many years, I began to see the insipid creep of politicization tarnish a once proud and respected institution of law enforcement.

Fortunately, it does not have to be this way. By adopting a few key changes for the appointment of the next director, such as shortening his term from 10 years to five years and inspiring a culture of independence from the political machinations of the Department of Justice (DOJ), the FBI can once again reclaim the public's faith in its fairness and impartiality.

Unfortunately, many Americans today have lost faith in the FBI and its ability to operate independently of political influence and bias, with a poll last year showing that only 37%



of registered voters approved of the Bureau. A deeper analysis of the poll shows that Americans, especially Republicans, have lost trust in the FBI.

Alexandra Marquez, in a report released by NBC News, said:

Among GOP voters, just 17% have a positive view of the FBI ... The FBI, of course, was involved in the investigation of former President Donald Trump that led to his indictment on charges alleging mishandling of national defense documents. Among Democrats, 58% view the FBI positively and 11% view the agency negatively. ([Hart Research Associates/Public Opinion Strategies, 2023](#)) ([Marquez, 2023, para. 6](#)).

Many current and retired FBI agents and employees also have lost trust in the FBI. In a 2023 statement sent to the *Daily Caller*, a group of former senior FBI agents expressed their concerns, saying:

We agree privately and uniformly that the FBI is heading in the wrong direction and has been too entrenched with partisan politics, starting from Director Comey and intensified under Director Christopher Wray.

We identified with Nicole Parker's claim that 'The FBI became politically weaponized, starting from the top in Washington trickling down to the field offices,' illustrated by inflating domestic violent extremism statistics, directing big tech companies to censor Americans, conducting an unprecedented raid on President Trump's home while suppressing key details related to the Hunter Biden probe as 'disinformation' and so on. We have observed firsthand that too many FBI current agents are suffering low morale and too many Americans have lost trust in FBI ([Lynch, 2023, para. 4](#)).

No doubt, recent events have severely tarnished the FBI's reputation. Fixing the problem starts at the top, where significant change needs to be implemented. The most vital step in salvaging the FBI is to appoint a new director.

The FBI director's actions, rather than resembling those of a politician, should reflect their familiarity with what is happening on the ground level of the FBI. Director Wray has never been a special agent or worked in law enforcement—and he rarely visits field offices where the substantive work of the FBI takes place, which diminishes credibility with special agents in the field. Too much focus on “optics” and public relations in key decision-making can contribute to a lack of trust with rank-and-file employees.

When Wray testified before the House Judiciary Committee on July 12, 2023, in a hearing focused on politicization within the FBI, his answers were ambiguous and lacked transparency. This does not foster credibility with the American people. The FBI needs a



director who will address the issues head-on and be forthcoming in repairing the Bureau's previous mistakes.

Equally disconcerting is how FBI leadership appears to have prioritized the FBI's diversity recruitment campaign to the point that many may be left wondering if diversity is a higher priority in recruitment than character. In a paper by the America First Policy Institute on this issue, it was found that while the FBI increased its emphasis on diversity, equity, and inclusion, it also relaxed its drug use standards, allowing potential FBI recruits to have used drugs much more recently than their previous standards allowed. The paper said such policy changes raise "questions about the candidates' judgment and commitment to the law. This is especially relevant because marijuana is still illegal federally and among the many laws that a prospective FBI special agent may be expected to enforce" ([Erickson, 2023](#)). As welcome as diversity is in the FBI, it should never be at the expense of quality candidates. Candidates for special agents should be considered on merit, not on gender, race, or other demographic characteristics.

The FBI needs a director who understands the importance of maintaining the American people's trust and knows that the Bureau will never stray from impartially upholding the rule of law and the U.S. Constitution. An article in *The Hill* pointed to a problem, saying, "If polls are to be believed, almost half the country now lacks trust in the FBI over concerns it is doing the bidding of one political party over another" ([Brock, 2022](#)). The article outlined results from an August 2022 survey by Rasmussen Reports, in which 44% of likely U.S. voters said the raid on Mar-a-Lago made them trust the FBI less. In the same survey, 53% of voters agreed with the statement that there is "a group of politicized thugs at the top of the FBI who are using the FBI ... as Joe Biden's personal Gestapo" ([Rasmussen Reports, 2022](#)).

Americans, including FBI employees, are keenly aware that the FBI appeared to take different investigative steps, and with varying degrees of vigor, depending on where the subject stood on the political or social spectrum.

One dramatic example that my FBI colleagues and I took note of is that, in the aftermath of the violent riots of 2020, the FBI took little action to stop the violence and hold accountable those who were burning cities to the ground and who even attacked the federal courthouse in Portland. Inexplicably, there was no FBI-wide response to this violence, which was largely committed by anarchists and those inspired by progressive left-wing ideologies ([Evans, 2021, para. 4](#)). On the other hand, the January 6, 2021 investigation sparked an all-hands-on-deck response by the FBI and DOJ, which continues to this day with more than 1,000 people charged, the majority with misdemeanors. My colleagues and I were stunned by the disparity in the FBI's response.



Americans deserve the best director this Nation has to offer. As a former special agent, it pains me to see the Bureau suffer under a lack of leadership and focus on its mission. Thankfully, with a few targeted changes, the Bureau can reclaim its place as the Nation's preeminent law enforcement agency. Recommendations to accomplish this monumental task include appointing a former or current FBI special agent as the new FBI director, reducing the director's term limit, and ensuring the FBI maintains investigative independence of the DOJ.

## Recommendations

The following recommendations seek to address the critical deficiencies affecting the execution of leadership within the FBI and offer a path forward for a renewed FBI.

### **The next FBI director should have experience as a field agent**

Ideally, the next FBI director would be a current or former FBI special agent who made a significant difference in the field offices and communities in which that person served. An agent's reputation speaks volumes. FBI employees always knew who the best agents in their division were. Successful agents would be those who had a positive attitude, exercised sound judgment, worked long hours when necessary, and used every FBI resource and investigative technique at their disposal in investigations. A stellar FBI agent also would be one who participated in a multitude of operations, led teams effectively, spent extensive time in the field meeting with victims and witnesses, and was highly respected by peers in the field—characteristics and accomplishments that would be manifested in a range of awards and accolades.

The last three FBI directors have been former U.S. attorneys who never served as FBI special agents. Having served as an FBI special agent for more than a dozen years, I can attest that it is different from being a U.S. attorney. A special agent will have knowledge of the unique complexities and bureaucracy that exist at the FBI. This person would have an advantage in understanding how to navigate administrative minutiae. A current or former special agent would know the internal problems and understand the culture and climate of the FBI. Experience as a special agent would give the director more credibility with employees and with local and federal law enforcement partners. Such a person would be able to get to work on day one to change the trajectory of the FBI instead of spending the first two years learning the role and the key players.

Besides the military, law enforcement is one of the few careers where you may be killed any day you step out the door to go to work. It can be a life-or-death job, which is different from being a prosecutor. It would be beneficial for the FBI director to understand that extraordinary risk based on personal experience.



Being an agent is a complex, demanding, and potentially dangerous career. I knew that each day I left my home to report to duty, I might not come home alive because of the tasks or operations I would execute that day. Recent directors' lack of special agent training and experience is glaringly obvious and does not foster assurance for those in the field carrying out law enforcement duties. Agents have seen little improvement in their ability to perform their jobs effectively in recent years, leading to a common sentiment that their struggles or concerns have not been properly addressed by recent directors, all of whom have been former U.S. attorneys.

The FBI needs a director who will get out to the field offices and present a plan to restore respect for the Bureau effectively, internally and externally. The director needs to communicate to employees that those who violate laws or administrative policies will be terminated. The workforce must trust the FBI director.

A local police department would never appoint a prosecutor or a district attorney as the chief of police who had never been a police officer with extensive law enforcement experience. The standards for the FBI director should be no different.

Scores of retired agents have told me that their favorite FBI director was Louis Freeh, who served from 1993 to 2001. He was legendary because he was a former special agent before becoming the director. He was known to be an agent's director—inspiring and motivating agents to dig deep and give their all. He understood the trauma and the day-to-day challenges of the job. He demonstrated genuine concern and gained the rank and file's loyalty because they knew he cared about them as individuals. He was “one of them,” and it made all the difference in his success as director. He was highly trusted and respected. He is the type of director the FBI is in desperate need at this time.

It would be preferable for the FBI director to have earned the special agent FBI credentials, carried the gun, the badge, and the handcuffs, and to have gone through new agent training at Quantico and investigated criminal matters. Such a director would understand the nuances of federal prosecutions, particularly from the enforcement side.

A director who has taken an investigation through the entire criminal justice process and operated confidential human sources—that is, established trust and managed interactions to extract valuable information from a citizen informant—would appreciate how important it is to be trusted by the citizens and to have the public's cooperation in solving crimes. The director would understand how damaging it can be to politicize the organization and lose the respect of the American people, making it nearly impossible for agents to carry out the FBI's core mission.



The FBI director also needs to understand the risks agents take each day and have empathy for the threats they encounter. When two FBI special agents were shot and killed in the line of duty on February 2, 2021, many at the FBI were disappointed with the way the director addressed the tragedy, or frankly did not address the tragedy. Losing an FBI brother or sister in the line of duty is every agent's worst nightmare. When the shootout occurred, the FBI had not experienced an agent death at the hands of a criminal encounter in 13 years. In the aftermath, no FBI-wide, after-action review advised the workforce on what had transpired that horrific morning or on what bureau-wide policies were being adjusted or reviewed to mitigate potential future risks. The director never met with the entire FBI Miami office to provide comfort to employees. While voluminous emails continued to fill employees' email inboxes with messages about diversity, nothing was provided about what happened that horrific morning. Without having the experience of an agent, the director did not seem to know how to lead the healing of the organization at that critical moment. At the end of the day, the director oversees every aspect of the FBI, including and especially the tragedies.

Although housed within the DOJ, the FBI should maintain some independence from the political machinations of the DOJ. Yet, the last three FBI directors have been former U.S. attorneys, which has turned the Bureau into somewhat of an arm or extension of the DOJ. A telling example of this occurred on July 5, 2016, when then-FBI Director James Comey seemed to have forgotten he was no longer the U.S. attorney. When Comey commented on the investigation into Hillary Clinton's mishandling of classified materials, he swerved outside his lane as director and appeared to have made a prosecutorial decision that was outside his purview. To many FBI employees, this was the turning point for the FBI. The FBI should gather and present the evidence, and the DOJ should make prosecutorial decisions.

When the director comes from within the DOJ, where he has longstanding relationships and a history of reporting to the same individuals, it can become too comfortable. It can be difficult to stand up to the DOJ's requests and demands. If the FBI director were a former special agent with no deep-seated ties to the DOJ, this conflict would likely be diminished.

### **The FBI director's term should be reduced to five years**

Under the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-3351, the director is appointed by the president of the United States and confirmed by the Senate. On October 15, 1976, in reaction to the extraordinary 48-year term of J. Edgar Hoover, Congress passed Public Law 94-503, limiting the FBI director to a single term of no longer than 10 years ([FBI, n.d.-a, para. 1](#)).



The 10-year maximum term of service is not in the Constitution and could be changed through legislation. Congress should limit the FBI director's term from a single term of no longer than 10 years to a single term of up to five years, with the possibility of renewal for another five years by the U.S. Senate at the five-year mark. Director Mueller is the only FBI director, with the exception of J. Edgar Hoover, to serve more than a 10-year appointment. In fact, most directors do not even make it to the 10-year mark. Former Director Louis Freeh served for only eight years despite being well-liked by the workforce. In my observation, 10 years, or even less, of service for an FBI director has led to flat leadership—complacency, staleness, burnout, and a lack of innovation and enthusiasm.

In theory, the purpose of spanning the director's term over 10 years was to mitigate potential political allegiance to any sitting president or political party. While a five-year appointment may not span two presidential administrations, it would similarly accomplish the goal of spanning two single presidential terms. A reduced term limit would mitigate the risk of politically weaponized or ineffective FBI directors overstaying their welcome. In addition, FBI employees could have their voices considered when Congress determines whether the FBI director's term should be renewed. The hope is that the new FBI director would enter the role knowing he had to account for his performance after five years and would be motivated to lead with results. Poor leadership would have consequences.

On the other hand, a highly effective director with the stamina and desire to continue to serve would be permitted to undergo a "performance review" by the U.S. Senate at the conclusion of the director's first five-year term. The director could be granted one additional five-year term, bringing the individual's total service to 10 years.

An incoming director must understand that no term of service is guaranteed and that the director could be dismissed by the president at any point during the individual's term. With the director's productivity rated at the conclusion of the first five-year term, the director should be motivated to remain fair and neutral and to lead the organization successfully to serve and protect the American people.

### **Ensure the FBI maintains investigative independence of the DOJ**

Since the 1920s, the FBI director has reported directly to the politically appointed attorney general, who reports to the president. Since the late 1960s, the director has also been appointed by the president, subject to Senate confirmation ([FBI, n.d.](#)) While the FBI is subordinate to the DOJ, it cannot be subservient to the attorney general's political whims and must be led by a director who will operate independently from the attorney general.



The FBI selects which cases to pursue, conducts investigations, and gathers evidence of crimes before presenting those cases to the DOJ. This should be the extent of the relationship between the DOJ and FBI. The FBI director should never take direct instructions from the politically appointed attorney general.

For example, the FBI coordinated with the DOJ to investigate what the DOJ and FBI Headquarters refer to as the January 6, 2021 (J6) “Capitol Siege.” Fellow FBI agents who had served in the D.C. area advised me that an entire unit consisting of voluminous FBI and DOJ resources was set up out of the Washington, D.C., field office (WFO). For more than two-and-a-half years, an exorbitant amount of time, energy, and FBI resources nationwide have been dedicated to pursuing more than a thousand J6 cases for which the bulk of the charges are misdemeanors. No one is condoning violence at the Capitol, period. But historically, the FBI has not been in the business of focusing its valuable assets on charging misdemeanors. The FBI should be focused on protecting Americans from foreign terrorist organization groups that could cause mass destruction on U.S. soil and on solving more complex cases, such as cyber intrusions, human trafficking, violent crime, public corruption, and other serious felonies.

On the one-year anniversary of J6, Attorney General Merrick Garland hosted an all-employee DOJ call in which I participated and during which he stated that prosecuting the events of J6 was the top priority for the DOJ and the biggest investigation in DOJ history. It was apparent that politically charged J6 investigations had also become the top priority for the FBI. DOJ should not dictate priorities to the FBI, especially when that decision appears to be politically motivated. Each FBI field office should determine the biggest threats for its area of responsibility and allocate resources and investigate accordingly.

In another example, Attorney General Garland tasked the FBI with investigating “violent” parents attending contentious school board meetings. My FBI colleagues and I were astounded, as it is perfectly legal for parents to exercise their First Amendment rights at school board meetings passionately. And even if the goal were to end alleged violence at school board meetings, there is no clear federal nexus for such a crime to involve the FBI. It would be a local law enforcement issue.

During Wray’s July 12, 2023, congressional testimony, he disputed allegations that the FBI was going after parents and said, “I will say to you the same thing that I said to all 56 of our field offices as soon as I read the memo, which is that the FBI is not in the business of investigating or policing speech at school board meetings or anywhere else for that matter” ([Farnous, 2023, para. 30](#)).



Wray should have emphatically and publicly declared to the Nation that the FBI would not be investigating concerned parents attending their local school board meetings. That would have set a strong precedent and shown Americans that the FBI was not subservient to the attorney general but rather independent and fair.

From my vantage point on the inside, the root cause of the FBI's politicization is two-fold. The hierarchy within the FBI has become hyper-focused on social and cultural considerations, starting at the highest levels of management and trickling down to the field offices. But little attention is given to the equally and potentially more concerning politicization at the DOJ, which oversees the FBI.

Although the Biden administration has blatantly amplified politicization at the DOJ, this issue has spanned various presidencies and political parties and is likely to continue regardless of who the attorney general or president may be. Many senior officials at the DOJ have been there for a long time and will continue in power regardless of changes in the administration. Their left-leaning ideologies have seeped deep into the fabric of the DOJ. If key DOJ officials continue to push their political views and influence while advising and instructing the FBI, it can lead to weaponization within the Bureau. The FBI must operate with true autonomy, and the director must remain apolitical, rigorously abiding by the Constitution and the FBI's core values.

### Conclusion

The FBI is at the most critical crossroads in its history. As a former FBI special agent who worked diligently to uphold my oath fairly and constitutionally, I believe that the FBI is in need of change. Due to the political weaponization of the FBI, most Americans no longer trust it. It is time for the Nation's once highly regarded premier law enforcement agency to regain the confidence of the American people. It will require drastic measures. Appointing a new FBI director who is a former FBI special agent with prior law enforcement experience, reducing the director's maximum single-term limit, and ensuring the FBI's independence from DOJ influence would be critical first steps in pointing the Bureau in the right direction.



## Works Cited

- Brock, K. (2022, October 3). Nearly half of the country now has serious doubts about the FBI. Here's why. *The Hill*. <https://thehill.com/opinion/criminal-justice/3671392-nearly-half-of-the-country-now-has-serious-doubts-about-the-fbi-heres-why/>
- Erickson, S. (2023, November 2). *To Impact Culture, the FBI Needs to Value Integrity First and Foremost in the Hiring Process*. America First Policy Institute. <https://americafirstpolicy.com/issues/issue-brief-to-impact-culture-the-fbi-needs-to-value-integrity-first-and-foremost-in-the-hiring-process>
- Evans, Z. (2021, March 12). Rioters Set Fire to Federal Courthouse in Portland One Day after Fencing Removed *National Review*. <https://news.yahoo.com/rioters-set-fire-federal-courthouse-162333860.html>
- Farnous, A. (2023, July 12). *WATCH: FBI Director Chris Wray defends the 'real FBI' against criticism from House Republicans*. PBS News Hour. <https://www.pbs.org/newshour/politics/watch-live-fbi-director-wray-testifies-to-house-judiciary-committee>
- Federal Bureau of Investigation (FBI). (n.d.). *Directors, Then and Now*. <https://www.fbi.gov/history/directors>
- Hart Research Associates/Public Opinion Strategies. (2023). *Study #230169 (NBC News Survey)*. [https://www.documentcloud.org/documents/23858265-230169-nbc-june-2023-poll\\_625-first-release](https://www.documentcloud.org/documents/23858265-230169-nbc-june-2023-poll_625-first-release)
- Lynch, J. (2023, May 7). *EXCLUSIVE: 'It's Time To Clean House': Former Senior FBI Agents Blast Politicization Of The Bureau*. Daily Caller. <https://dailycaller.com/2023/05/07/former-fbi-agents-blast-agency-politicization/>
- Marquez, A. (2023, July 3). *Americans sour on the FBI and DOJ amid Trump investigations*. NBC News. <https://www.nbcnews.com/meet-the-press/meetthepressblog/americans-sour-fbi-doj-trump-investigations-rcna91814>
- Rasmussen Reports. (2022, August 18). *'Biden's Gestapo'? Trump Raid Hurts Voter Trust in FBI*. Rasmussen Reports. [https://www.rasmussenreports.com/public\\_content/politics/public\\_surveys/bidens\\_gestapo\\_trump\\_raid\\_hurts\\_voter\\_trust\\_in\\_fbi](https://www.rasmussenreports.com/public_content/politics/public_surveys/bidens_gestapo_trump_raid_hurts_voter_trust_in_fbi)

