

Federal Bureau of Investigation

Agents Association

October 28, 2020

The Honorable Joseph Biden
Biden for President
1500 Market Street
Philadelphia, PA 19102

Dear Mr. Biden:

On behalf of the more than 14,000 FBI Special Agents who are members of the FBI Agents Association (FBIAA), I write today to respectfully request that, should you win the upcoming election, you maintain the stability, credibility, and integrity of the Bureau by ensuring that FBI Director Christopher Wray completes his statutorily-created, ten-year term.

FBIAA is a voluntary professional association. More than 90 percent of active duty Special Agents are members of the FBIAA. To be clear, FBIAA is the *only* organization that serves as the voice for active FBI Special Agents. Collectively, our members strongly support Director Wray continuing his ten-year term. FBI Special Agents respect Director Wray's leadership and look forward to continuing to work with him to protect this great country from national security and criminal threats.

Director Wray assumed leadership of the Bureau in the midst of numerous controversies. He helped the Bureau effectively respond to criticism while never losing sight of the Bureau's important mission. Director Wray's highest priorities have been to ensure that the Bureau conducts investigations in an impartial way and in compliance with the law and the Constitution, and that Agents perform their duties with integrity and professionalism. Director Wray is an asset to the Bureau and a trusted leader of Agents in the field. Our country is safer because of him.

Director Wray operates independently from partisan activities, and his nomination and acceptance of the position were predicated on that fact. He has not led the Bureau in a political manner, and politics should not determine his fate as Director. While the President can remove an FBI Director, doing so could lead to instability and damage to the Bureau's operations, which is why Congress intended to insulate the position of Director from political whims.

Since 1976, the FBI Director has been subject to a ten-year term limit, created by Congress in order to strike a balance between the need for a Director to be both accountable to the President and functionally independent when it comes to criminal justice. A Senate Judiciary Committee report on the FBI Director's term limit legislation explained,

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The [Director] is not an ordinary Cabinet appointment which is usually considered a politically oriented member of the President's 'team.' A ten-year term would overlap the tenure of a two-term President and would eliminate many of the pressures that could be brought to bear on the Director...Any political loyalties a Director might have, or might acquire, in one administration would be counterbalanced by the prospect of continued service under a succeeding President.

Accordingly, while a President can terminate a Director, Congress intended for the President to exercise this power only with good reason. As the Senate Judiciary Committee report further explained, the President's power to remove should not be used "merely for the reason that a new President desires his 'own man' in the position." To date, a President has removed only two Directors mid-term, and explanations of cause were provided for both actions.

Unanticipated changes in Bureau leadership are challenging and can undermine stability, making it more difficult to effectively protect our country. For example, Congress and the President recognized the risks created by changing the Director when they enacted a two-year statutory extension of Director Mueller's term in 2011. At that time, the Senate Judiciary Committee noted the extension was prudent because the potential change in leadership at the Bureau was coming at "a time of considerable change in leadership in key national security positions" and when "[t]he FBI has never faced a more complex threat environment than it does today." Those same concerns argue strongly against forcing a change in Bureau leadership in the wake of the coming elections.

Right now, the FBI is confronting an even more daunting threat environment than in 2011—with threats from both domestic and foreign terrorists, espionage, cyber-attacks, and traditional crimes. This country needs stability in leadership of the Bureau during these challenging times, and creating upheavals at the Bureau after the elections can only undermine the goal of protecting the safety and security of our country.

Director Wray has led the FBI through a complex period, and is ensuring that FBI Special Agents remain focused on fighting the criminals and terrorists who threaten our safety. No matter the outcome of next week's election, the men and women of the FBI are urging whomever becomes our next President to allow Director Wray to lead the Bureau and serve our country.

Sincerely,



Brian O'Hare
President, FBI Agents Association

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