



U.S. SENATE COMMITTEE ON

Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

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For Immediate Release

Monday, May 7, 2001

Grassley Investigates Customs' Disciplinary Practices

WASHINGTON – Prompted by the death of a Customs' Service agent in Arizona, Sen. Chuck Grassley, chairman of the Committee on Finance, is seeking to verify whether the agency's disciplinary practices are adequate.

"I'm looking into the Arizona incident and into the broader questions it raises," Grassley said. "These questions are whether the Customs Service adequately investigates its agents for allegations of wrongdoing in the course of duty and whether agents are adequately disciplined when wrongdoing is substantiated."

Grassley has written to Treasury Secretary Paul O'Neill and acting Customs Commissioner Charles Winwood asking for details of the internal investigation into the death of Customs Special Agent Gary Friedli, as well as information about agency disciplinary procedures in general.

Friedli died in 1998 when the car in which he was riding crashed into a tractor trailer truck on a non-emergency assignment. An internal investigation first cleared the car's driver, a fellow Customs agent, of any wrongdoing. Later, the agent "hurriedly" received a letter of reprimand that prevented future disciplinary action, according to the Associated Press. Subsequent investigations reversed the initial findings and found that the driver had "significantly contributed" to Friedli's death with unsafe driving, official documents said.

The Customs Service has been the subject of several government reports and investigations citing lax scrutiny of agents accused of wrongdoing and inadequate discipline against those found to have committed wrongdoing. The Friedli case came to light because of an Associated Press report and action from Friedli's widow to seek accountability from the Customs Service over his death.

Grassley said he looked forward to getting information on the Customs Service's disciplinary procedures.

"It worries me that the Friedli case may be the symptom of a larger problem," Grassley said. "Allegations of poor discipline aren't new at the Customs Service. If the agency has a deep tolerance of wrongdoing by its agents, that has to change. Americans have to be able to trust the people who keep our borders safe."

The text of Grassley's letter to O'Neill and Winwood follows.

April 30, 2001

Via Regular Mail and Facsimile: Treasury (202-622-0534), Customs (202-927-2152)

The Honorable Paul H. O'Neill
Secretary
United States Department of the Treasury
1500 Pennsylvania, N.W.
Washington, D.C. 20220

The Honorable Charles W. Winwood
Acting Commissioner
United States Customs Service
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Secretary O'Neill and Acting Commissioner Winwood:

As Chairman of the Senate Committee on Finance, I am committed to overseeing the United States Customs Service (Customs) to ensure that it performs its responsibilities efficiently and effectively. These responsibilities include timely and thorough investigations of alleged infractions by its agents of its rules, regulations, and internal guidelines.

The recent and unfortunate death of Special Agent Gary P. Friedli requires examination to determine whether Customs' procedures were followed appropriately, and whether disciplinary actions were carried out judiciously and consistently. In considering this matter, the Committee has endeavored to hear several perspectives on the underlying facts of the accident and subsequent investigations of those facts. The Committee's efforts include meetings with representatives from the United States Department of the Treasury, Inspector General's Office (Inspector General), and Customs' Office of Internal Affairs (Internal Affairs) as well as reviewing written materials from various sources. What I find particularly troubling is the Inspector General's determination that the initial Customs report contained inaccuracies and omitted important information.

Specifically, the Inspector General's confidential Report of Investigation found that the initial Customs report of the incident contained limited information concerning Special Agent Allan Sperling's reputation and documented history of reckless and aggressive driving. The Inspector General's report also determined that the posted speed limit was 35 mph, although it was originally, erroneously reported to be 45 mph. Both the Inspector General and Internal Affairs report that Special Agent Sperling was found to be traveling in excess of 20 mph over the speed limit at the time of the accident on a dirt road with limited visibility. The Inspector General further reported that Customs' supervisory personnel gave Special Agent Sperling preferential treatment, to include providing misleading statements to Internal Affairs during its initial investigation of this matter.

Given the several perspectives by Treasury Offices concerning whether Customs followed its internal disciplinary procedures, I find it necessary to ask Customs to fully explain certain investigative discrepancies. Accordingly, I would like Customs to provide the following:

1. A copy of the rules, regulations, and internal instructions or guidelines governing disciplinary investigations at Customs.

2. The names, titles, offices, addresses, and telephone numbers of all personnel involved with the Friedli investigation to include those individuals supervising and reviewing the investigation. State the title of each employee on or around the date of the Friedli accident as well as that employee's current title, indicating whether the new title reflects a promotion.
3. A copy of all reports, correspondence, e-mails, and/or other documents related to the Friedli investigation, including copies of complaints or lawsuits filed against Customs relating to the underlying accident, if any.
4. A copy of any disciplinary letters and/or reports against Special Agent Sperling.
5. A copy of all Customs' reports regarding the Friedli investigation not limited to any reports of investigation, commonly known as a "Redbook."
6. A copy of the table of penalties for disciplining Customs agents.
7. A list of all agents disciplined in the last five (5) years and a brief description of the infraction and the penalty imposed.
8. A copy of all reports reviewing disciplinary procedures at Customs issued within the last five (5) years.
9. A detailed explanation of any proposed modifications to Customs' disciplinary rules, regulations, and/or internal guidelines since the date of the Friedli accident.

Your cooperation in responding to these requests by Friday, May 18, 2001, is appreciated.

Sincerely,

Charles E. Grassley
Chairman

cc: The Honorable Frank R. Wolf, Member of Congress