

It's Time To Disarm All FBI Agents And Return Authority To Local Law Enforcement

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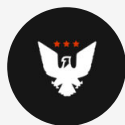
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If the FBI won't submit to the legislative branch's oversight, Congress can take away its guns and its jurisdiction.



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Republicans hammered FBI Director Christopher Wray during his recent testimony before the House Judiciary Committee. Their inquiries concerned illegal FISA searches, overly aggressive arrest tactics, investigations of parents attending school board meetings, labeling traditional Catholics as anti-government extremists, and potential misuses of undercover agents at the U.S. Capitol on Jan. 6, 2021. Throughout the hearing, Wray repeatedly denied knowing the information Republicans sought. He proclaimed FBI policy precluded him from discussing ongoing investigations.

Wray's testimony offered ample evidence of an agency in dire need of reform. In the aftermath, Republicans face questions about funding a new FBI headquarters, countering political investigations of American conservatives, FISA renewal, and how to counter Wray's unwillingness to submit to the legislative branch's oversight authority over his agency. Most importantly, Republicans must contend with growing calls from the electorate to defund the FBI. Many Republican representatives lack the political appetite to withstand a "defund the police" label from corporate media.

I will proffer an alternative option that may appease both factions: Disarm the FBI and force it to partner with local law enforcement agencies for any investigative and enforcement activities.

The Unarmed Criminal Investigator

The U.S. Office of Personnel Management (OPM) defines a series 1811 "criminal investigator" as one who supervises, leads, or performs work involving planning, conducting, or managing investigations related to alleged or suspected criminal

violation of federal laws. OPM similarly defines a lesser-known 1810 general “investigator.” These employees supervise, lead, or perform work involving planning, conducting, or managing investigations. 1810 investigators are unarmed. Their work does not involve criminal violations of federal laws, and they can only make or invoke administrative judgments.

FBI reformation rests in the merger of the series 1810 and 1811 positions. Through budget appropriations, Republicans can defund all 1811 criminal investigators from the FBI. Eliminating special agents will disarm the agency and remove its ability to arrest alleged criminal violators.

Next, Republicans should direct OPM to create a new, 1812 “unarmed criminal investigator.” Any current FBI special agents can transition to unarmed criminal investigators. Like 1810 investigators, 1812 unarmed criminal investigators will not carry firearms. Like 1811 criminal investigators, the new position should be charged with all necessary duties to investigate alleged or suspected criminal violations of federal laws. In addition, 1812 unarmed criminal investigators will not earn availability pay enhancement offered to federal law enforcement personnel. This reduces total FBI investigator salary expenditures by 25 percent.

Empower Local Authorities

Of course, unarmed agents can be just as corrupt as those with firearms. So how will a new series 1812 unarmed criminal investigator position diminish the FBI’s ability to investigate and persecute innocent Americans?

When OPM creates a new series 1812 unarmed criminal investigator position, Republicans can use budget appropriations to prohibit the FBI from investigating any alleged criminal violators without the expressed approval of state, local, or tribal law enforcement agencies holding arrest authorities within the area the investigation transpires. Further, Republicans can require federally deputized “Task Force

Officers” from the approving agencies to partner and participate in all FBI investigations. The FBI presently partners with local law enforcement agencies. These partners commonly nominate personnel for federal deputization as task force officers through the United States Marshal Service. Task force officers maintain their state and tribal arrest powers in conjunction with their new, federal authorities.

These appropriation measures empower local sheriffs and police as a final stopgap measure against an out-of-control, politicized FBI. Once forced to partner with state, local, and tribal police, the FBI must demonstrate the righteousness of investigations to leaders within these agencies and gain their approval. Since these agencies are more accountable to local constituents, they will logically serve as a bulwark against FBI overreach.

Another question this plan raises is how an unarmed FBI can conduct adequate and righteous investigations and bring criminals into custody without the threat of force?

Task force officers are a vital lifeline and significant force multiplier for the FBI. The FBI employs approximately 14,000 special agents. This number is incapable of policing federal crimes for a nation rapidly approaching 400 million citizens. Task force officers enhance FBI staffing and import a wealth of investigative experience and knowledge. For its part, the FBI provides sophisticated, expensive tools and techniques to local law enforcement agencies hamstrung by budgetary constraints. Local police agencies propose task force officers due to their demonstrable abilities as detectives. These individuals are frequently the most skilled and experienced members of an FBI criminal or counterterrorism squad.

Once Republicans mandate local approval and participation in FBI investigations, task force officers are the logical choice to arrest criminal suspects. As state-certified law enforcement officers, the task force officers are qualified and approved to carry firearms in the furtherance of their duties. Republicans should leverage appropriations to mandate task force officers as solely responsible for effecting an

armed arrest of an FBI subject. As was the case with opening investigations, the FBI must gain approval from local agencies before arresting a suspect.

License to Investigate Corruption

The FBI investigates local corruption within government and law enforcement. Will an enhanced partnership between federal and local agents hinder the bureau's ability to address these matters?

FBI task force officers' public corruption investigations are proof of concept for effective cooperation between the FBI and local agencies. Questions commonly arise regarding FBI investigator impartiality and prospects for liaison when the FBI investigates corruption within police departments. In these situations, local FBI personnel have a conflict of interest, and outside agents conduct the investigations. Similarly, if a particular agency or law enforcement officer comes under scrutiny by the FBI, federally deputized task force officers from a neutral, state-level bureau of investigations (ie: Georgia Bureau of Investigations, Florida Department of Law Enforcement, Texas Department of Public Safety, etc.) will conduct an independent investigation.

Prior to the passage of the 17th Amendment, United States senators were selected by state assemblies. This arrangement empowered the states to staff the upper chamber of our federal legislature and ensured that senators were more responsive to the needs of their state governments. Similarly, we can empower state and local authorities to restore traditionally republican government by eliminating armed FBI special agents and forcing the bureau to partner with these agencies.

The answer to a weaponized FBI may not exist in defunding the bureau, merely disarming it. The political pendulum naturally swings between right and left. Both sides should agree they wish to avoid federal government persecution when they

inevitably find themselves out of the majority. If Republicans disarm the FBI, they will ensure it can never inflict a mortal wound upon citizens regardless of who holds federal power.



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