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Director Kash Patel
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Re: Concerns with the Special Agent Selection System
Applicant File #67B-HQ-1505893 (San Francisco Field Office)

Dear Director Patel,

I am a lawyer in California with my own small law firm and a part-time venture developing Advanced Information Systems with web applications and other software engineering. I want to thank you for your past government service and for your continuing important work at the FBI. The new era of transparency and accountability that you have been talking about online and in interviews sounds great to me, even as a moderate Democrat with no dog in this fight.

In that connection, I'm writing today not to seek any opportunity with the government, nor to seek any type of validation, nor even a response from you or the FBI. I'm writing today simply to share with you my negative experience in the Special Agent Selection System in the hopes that future applicants might benefit from you eliminating what happened to me. This is because I was a highly qualified applicant who only wanted to serve his country, and the things that happened to me should never happen to anyone.

In summary, after getting through nearly the entire hiring process from early to mid-2009 and being just a few weeks away from getting the call to the Academy, an analyst at FBI Headquarters emailed a FBI attorney seeking to non-select me for being "involved" in a drug-related "transaction," which was really just me hanging out with two friends who exchanged less than \$100 of marijuana in 2008. Contrary to the FBI manual, which mandates that only facts appear in applicant investigations, not opinions, the FBI attorney expressed his opinion and trashed me in his reply to the analyst, stating that I as an attorney should not have allowed myself to witness this tiny, meaningless "transaction" and therefore lacked the judgment to be a Special Agent, so I should be discontinued. Most importantly, this incident had already been reviewed and approved by a Supervisory Special Agent in the applicant unit after my polygraph examination that I passed, in which I was extensively questioned about this and it was determined to be harmless. Setting aside the irrelevance of the FBI attorney's opinion, a Special Agent from headquarters also interviewed me by phone and ultimately fabricated statements that I never said to him, reportedly "confirming" that I was "involved" in the "transaction" of illegal drugs. There was no other issue with my application, and I had previously been told multiple times that

I was a highly qualified applicant who tested really highly, and whom the selection interviewers were highly praising in their feedback. Based on that single incident in 2008 in which I at most “witnessed” two friends exchanging a tiny amount of marijuana, and the fact that I was seeing a life coach (who was a psychologist) to optimize my life, I was non-selected from the FBI and I received a form rejection letter. Then when I tried to appeal the decision, instead of following an internal FBI memo/directive to “inform applicant of the appeal process,” the FBI held an appeal review hearing without any material from me, and of course, without notifying me that I could submit anything. Thus, the decision was upheld and I was then told that I had exhausted my administrative remedies. I tried to appeal to then-FBI Director Robert Mueller with the appeal evidence I would have submitted, but I never received a response. I moved on from that difficult period and I now have a successful, hard-won career as a trial attorney and law firm owner, but that is not the point; the point is that this should not have happened.

Sir, according to the FBI manual, applicant selection is “the most important work” of the FBI— and it should be clear why: applicants who want to serve our country and are highly qualified should not be turned away from service for petty, ridiculous, and untrue reasons. Further, because of the non-selection from the FBI, it turns out I was essentially blacklisted from other Executive Branch agencies that I wanted to apply to— and also have endured endless embarrassment and humiliation. This is because every time it comes up, whether in a government application or otherwise, no one believes that this minor non-incident was the only thing standing between me and joining the FBI, so they think I am lying. As should be apparent from my over-disclosure in my SF-86, *I practice radical honesty*, especially with the government. Details are available in the applicant file referenced above, or upon request. Bottom line, a single analyst and/or attorney at FBI Headquarters should not be able to sink any applicant due to opinions, rather than facts.

In all likelihood, the employees involved in this ill-advised, malicious decision are already retired or otherwise have moved on from their positions. That is not the issue, nor am I seeking any form of retribution; the issue is that I would have contributed endless hard work and sacrifice to the government in the service of justice, up to and including my life— so I am only hoping to encourage a cure of the toxic bureaucracy and politics of the applicant selection unit to reduce the chances of this same thing happening to other applicants. And to ensure that the best, most highly qualified applicants have a full and fair opportunity to serve our country in this capacity, or in other capacities that are well-suited to both the government and the applicant. In any case, thank you for your consideration and for your important service in the FBI.

Sincerely,



Andrew G. Watters, Esq.

cc: Special Agent in Charge
FBI San Francisco
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