



U.S. Department of Justice

Office of the Inspector General

December 17, 2003

MEMORANDUM FOR ROBERT S. MUELLER, III
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

FROM:

Glenn A. Fine
GLENN A. FINE
INSPECTOR GENERAL

SUBJECT:

Investigation Regarding Removal of a Tiffany
Globe from the Fresh Kills Recovery Site

Attached is the Office of the Inspector General (OIG) report of investigation regarding an allegation that [REDACTED] a Special Agent (SA) from the Minneapolis office of the Federal Bureau of Investigation (FBI), committed misconduct by removing a Tiffany & Co. crystal globe paperweight (globe) from the Fresh Kills site that was processing materials from the World Trade Center.

This investigation was based on a complaint that the OIG received from Minneapolis FBI Special Agent Jane Turner. Around the same time, the Minneapolis FBI office reported the allegation to the FBI Office of Professional Responsibility (FBI OPR), which also referred the matter to the OIG.

[REDACTED] was part of the Minneapolis Evidence Recovery Team (ERT) that worked at the Fresh Kills landfill in Staten Island, New York, along with other ERTs, to sift through the material from the World Trade Center. [REDACTED] and the Minneapolis ERT were deployed to New York from September 23, 2001, to October 9, 2001. They worked the first week at Ground Zero inspecting trucks leaving the site. During the second week, they were assigned to Fresh Kills to sort through materials that came from Building 7 of the World Trade Center complex. Building 7 housed the offices of the [REDACTED] and the United States Secret Service (USSS).

[REDACTED] and the ERT were assigned to search through the debris of Building 7 for items such as guns, money, classified information, and body parts, as well as personal items that could be attributable to individuals. As part of the review process of sorting through the Building 7 debris, a front-end loader would bring loads of debris and spread them

out over a field. The 30 to 50 people working in the area (including the 8 member Minneapolis ERT) would rake and dig through the debris to find the items described above. The remaining items were picked up by the front loader and put in the rubble pile, which were later taken to another area of the landfill by the New York Department of Sanitation and buried.

The retained items were placed into separate buckets for each category of items. The buckets containing items were that potentially belonged to the USSS and [REDACTED] were reviewed by their representatives at the site. The buckets containing human remains were turned into the FBI Command Post, where the items were reviewed and turned over to the New York City Medical Examiner's Office. The buckets containing personal effects were cleaned and reviewed by the FBI and then given to the New York Police Department, which had the responsibility of cataloging them and finding their owners. The FBI retained and cataloged the items in the buckets containing evidence of terrorism.

[REDACTED] said that while raking and inspecting through the material he found what looked like a globe that one would find on a person's desk. He said that the globe was chipped and cracked, and that he did not realize that it was from Tiffany. He admitted that he took the globe from Fresh Kills as a souvenir. He said he also took three rocks and a metal bolt as souvenirs. [REDACTED] claimed to the OIG that he did not think that the globe had any value or that it was an item that could be attributed to anyone. He said he believed that the item was rubble, and if he had thought the item had value he would not have taken it.

[REDACTED] acknowledged, however, that he thought the globe was "interesting" and that he showed it to several other Minneapolis ERT employees at Fresh Kills when he found it. Several of them confirmed to the OIG that [REDACTED] had shown them the globe. One of them remembered him stating something to the effect "Can you believe this survived?" We determined that the globe, when new, sells for \$350. (We did not determine the value of the globe as an artifact from the World Trade Center, but it certainly was much higher than \$350.)

When [REDACTED] returned from Fresh Kills to Minneapolis, he gave the globe to the secretary for his squad. The secretary said that after he gave it to her, he often joked with her "Don't ever sell this on eBay." She displayed the globe on her desk. She said that, several months later, she noticed the Tiffany inscription on the bottom of the globe, and she pointed out the inscription to [REDACTED]. [REDACTED] told the OIG that it then dawned on him that "it could be a possible problem." However, he said he did not discuss the globe at that point with FBI managers because he had already given it to the secretary and it had been on her desk for everyone to see.

█████ asserted that he and other ERT members were told at Fresh Kills that they could remove “non-evidentiary items” from the rubble to take home as souvenirs. In support of this claim, he said that an unknown male had told him and others that if they wanted to take a piece of rubble as a memento they could. He said he did not know who the individual was or whether he even worked for the FBI.

We interviewed other Minneapolis ERT members assigned to Fresh Kills to determine what they remembered being told about the removal of items. We found a divergence among them about what they thought they could take. However, several said that they were told there was a designated pile of marble and granite building pieces that they could take as mementos, and several acknowledged taking such items.

We also investigated whether ERT employees from other FBI offices assigned to Fresh Kills and Ground Zero had taken mementos, and what they said they were told about this practice.¹ We found that FBI OPR had conducted an investigation of an Oklahoma City ERT employee who had removed 70 to 80 pounds of materials from Fresh Kills, mostly rocks and rivets, but also a rusted pliers, an electrical outlet, and two patches that said “World Trade Center Security” removed from uniforms. We determined that a marble building piece was the most common memento taken from Fresh Kills by FBI personnel.

In addition, we found that the FBI had no written policy on what could be taken from recovery sites. One person from another ERT at Fresh Kills, identified by two members of the Minneapolis ERT as the individual who said they could take souvenirs, told us that there was an “informal policy” that permitted ERT members to take small pieces of the granite building façade as mementos. He said he thought that ERT members also could take what he called “tourist trash,” which he described as small items such as refrigerator magnets with the WTC logo.

When we interviewed the FBI Quantico ERT Unit Chief, he said that he would not have a problem with an ERT member taking a rock, bolt, or soil that was “non-evidentiary,” but he thought it was improper to take anything of value or anything that may belong to someone, even if

¹ The ERT members who admitted to taking mementos from Fresh Kills stated that they did not take any mementos from Ground Zero when they worked there, with one notable exception. █████, an ERT member from New York who was assigned to the Command Post at Ground Zero, acknowledged to the OIG that she took a part of a trophy that was left at the Command Post by U.S. Customs personnel in a box of recovered materials and an American flag found by another ERT member. █████ gave the flag to her husband, who gave it to the American Legion, and kept the part of the trophy at her house.

it had been discarded or had no evidentiary value. In contrast, New York Division ERT and other New York employees who we interviewed said that they did not think anything should be taken from the site, because the ERT members were not there to take souvenirs.

In the course of our investigation we interviewed Richard Marx, an FBI Special Agent from Philadelphia who was identified as the FBI site manager for the Fresh Kills recovery site. We asked him what he had advised FBI employees about removing items from the recovery site as mementos. Marx provided inconsistent answers to us that, in our view, showed a lack of candor. In addition, Marx's vague and inconsistent answers prolonged our investigation considerably.

Marx initially had told FBI OPR in its investigation that he had advised people that he did not want them taking things from Fresh Kills. However, in his first interview with the OIG, he was non-committal as to what he had told ERT members about taking items from the site, but he told us he was not aware of anyone from the FBI taking items.

In our second interview of Marx, he said that his previous statements were not accurate as to what he had told ERT members about taking items. He said it was more accurate to state that he told ERT members that any items not being retained for evidence or for identifying victims were trash. He stated that he did not tell ERT members they could take these items, but he did not tell them they could not. He added that he was not concerned with "souvenir taking." However, he refused to sign his sworn statement memorializing his OIG interview, and stated that he was going to retain an attorney.

After this second interview, the OIG learned that Marx had given marble and a flag from the World Trade Center site as souvenirs to a retired New York FBI Assistant Director in Charge (ADIC), contrary to Marx's claim that he was not aware of any FBI employees removing items as souvenirs. We therefore interviewed Marx again, with his attorney present. In this interview, Marx claimed to have little recollection of what he had told FBI employees. He said he could not recall if he had told any FBI employees that they could take mementos; he could not recall if anyone from the FBI had asked if they could take mementos; and he had no recollection of giving any items to FBI employees, including the ADIC.

Based upon these inconsistencies, we asked FBI OPR to compel Marx to take an OIG polygraph examination. In that polygraph, Marx was determined to be deceptive when he claimed he did not recall giving the items from the World Trade Center to the ADIC, when he stated that he did not recall allowing the removal of mementos by ERT personnel, and when he stated that his OIG affidavit was completely true to the best

of his knowledge. When told he was deceptive, Marx simply responded, "All I am going to say is that I don't recall."

In sum, we concluded that both [REDACTED] and Marx committed misconduct in this matter. We believe that [REDACTED] committed misconduct by taking the Tiffany globe. The globe was an item of value, and it also was a personal item that may have belonged to someone. [REDACTED] himself recognized that it was an unusual item, and he showed it to several Minneapolis ERT members when he found it. [REDACTED] even described the Tiffany globe to the OIG as the type of item found on a person's desk. As noted above, while there was some ambiguity and difference of opinion about whether ERT members could take rocks, rubble, and bolts as mementos, there should have been no uncertainty that an item like a crystal globe, which had value and may have belonged to someone, could not be taken from the site. We also note that, even after he realized the globe was a Tiffany globe, he failed to alert his supervisors to the issue. We believe that [REDACTED] misconduct warrants discipline.

Second, we believe that Marx lacked candor in his varying interviews with FBI OPR and the OIG. He was inconsistent in his statements, changing his version of what he had told employees, and eventually resorting to claims that he did not recall what he had told employees. Moreover, it is clear that Marx had given the former FBI ADIC souvenirs from the World Trade Center, including a flag, despite Marx's specific denial. Marx's polygraph also indicated deception in his answers, and he had no response to the result. We believe that his lack of candor constituted misconduct that warrants discipline.

Finally, many FBI employees took rubble as souvenirs from Fresh Kills, and a wide disparity of opinion existed as to whether it was appropriate to do so. We also learned that FBI personnel have taken mementos from other response sites, such as the bombing of the Alfred J. Murrah Federal building and the Unabomber's cabin. The removal of items by FBI personnel from an incident site can cause ramifications. For instance, we learned that as a result of [REDACTED] removal of the globe the Minneapolis U.S. Attorney's Office declined to prosecute a civilian for taking a fire truck door from the Fresh Kills site. The prosecuting attorney told us that she did not believe she could prosecute a civilian for taking a memento from the site, when an FBI agent had done a similar thing.

We found no written FBI policy governing what could be taken from recovery sites or mass crime scenes, like the World Trade Center or Fresh Kills. We recommend that the FBI develop formal written guidance that addresses the taking of mementos from recovery sites by FBI employees. As part of this policy, the FBI should also create a written

procedure for the removal of items from recovery sites for display in FBI Offices, for instruction in FBI training, or for use as memorials.

If you have any questions about this report or our investigation, please feel free to contact me. Also, please let us know the action that is taken in this matter.

Attachment

SUBJECT [REDACTED] Special Agent, GS-12/01811 Minneapolis Division Minneapolis, Minnesota		CASE NUMBER 2002008741		
OFFICE CONDUCTING INVESTIGATION Chicago Field Office		DOJ COMPONENT Federal Bureau of Investigation		
DISTRIBUTION	STATUS			
	<input checked="" type="checkbox"/> Field Office	<input type="checkbox"/> OPEN	<input type="checkbox"/> OPEN PENDING PROSECUTION	<input checked="" type="checkbox"/> CLOSED
	<input checked="" type="checkbox"/> AIGINV	PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	<input checked="" type="checkbox"/> Component	Date of Previous Report:		
<input type="checkbox"/> USA				
<input type="checkbox"/> Other				

SYNOPSIS

This investigation was initiated based on an allegation that an FBI special agent from the Minneapolis Division removed a Tiffany & Co. crystal globe paperweight from Ground Zero and gave it to FBI secretary [REDACTED]. The agent was subsequently identified as [REDACTED], an Evidence Response Team (ERT) member deployed to New York City following the 9/11 terrorist attacks.

The Office of the Inspector General (OIG) investigation determined that [REDACTED] removed the Tiffany globe from the Fresh Kills Landfill, which served as the World Trade Center recovery site, during his deployment to New York City from September 23, 2001 through October 9, 2001. He stated that he gave the globe to [REDACTED] as a gift to memorialize the tragedy of 9/11. [REDACTED] also acknowledged removing three rocks and a metal bolt from the recovery site. He said he had been authorized to take mementos that were non-evidentiary and of no value, and he considered the globe, rocks and metal bolt to fit into that category.

This matter was presented to the United States Attorney's Office for the Southern District of New York, which declined prosecution of the removal of the globe from the Fresh Kills recovery site. Our inquiry continued as an administrative investigation.

Our investigation identified FBI personnel from several Division offices who removed items from the World Trade Center material. Those employees, when interviewed, said that they had received authorization to take non-evidentiary items of no value that could not be attributable to a person. Several employees also claimed that they knew of other items being removed from past FBI major

DATE 12/16/03	SIGNATURE [REDACTED]
PREPARED BY SPECIAL AGENT [REDACTED]	
DATE 12/14/03	SIGNATURE [Signature]
APPROVED BY SPECIAL AGENT IN CHARGE Edward Dyner	

response sites.

██████████ claimed that the Tiffany globe had no value, but he acknowledged that it was the type of item that would be displayed on someone's desk. Our investigation concluded that ██████████ should not have taken the globe as a memento because it was an item of value and may have belonged to someone else. Moreover, we concluded that ██████████ failed to report to FBI Minneapolis Division management that he had removed the globe from the Fresh Kills site, even after he learned that the globe was from Tiffany and it dawned on him "that it possibly could be a problem".

The removal of the Tiffany globe from the World Trade Center debris materially affected a criminal case in the District of Minnesota, which related to the taking of a fire truck door from the Fresh Kills site. The Minnesota United States Attorney's Office declined to prosecute a civilian for taking the memento, in part because an FBI agent had done a similar thing by taking the Tiffany globe.

In a related part of the OIG investigation we interviewed FBI Special Agent Richard Marx, Philadelphia Division, who was identified as the site manager for the Fresh Kills recovery site, regarding whether FBI employees had permission to remove souvenirs from the site. Marx told the OIG he did not recall advising any employees that they could take items from the debris as mementos or souvenirs. However, two ERT members from the Oklahoma City Division told the OIG that Marx had authorized the removal of "non-evidentiary" items from the debris.

Marx also initially told the OIG that he had no knowledge of any FBI employees removing items as souvenirs. Our investigation showed that Marx gave an American Flag and a piece of building marble to former FBI Assistant Director in Charge Barry Mawn, New York Division, who had requested a memento from the World Trade Center material, prior to retiring from the FBI. When confronted with this information in a subsequent interview, Marx claimed to have no recollection of giving any items as mementos to any FBI employees, including Mawn.

Prior to the OIG investigation, the FBI Office of Professional Responsibility (OPR) conducted an investigation pertaining to an allegation of an ERT member from the Oklahoma City Division who allegedly took items from the debris while deployed to the Fresh Kills site. Marx was interviewed in the OPR investigation and provided two sworn statements. In his first sworn statement, Marx said that he told ERT members in briefings, "I did not want people taking souvenirs, and that this was not a good idea." In his second statement, he stated that although he could not remember the exact words, he essentially told ERT members "they should not take things."

During his interviews with the OIG when asked whether he told ERT members they could take items Marx provided inconsistent answers that ranged from responses such as "I told ERT members that I did not want anything to end up on eBay" to "I don't recall." Marx ultimately told the OIG that he did not tell ERT members they could take items as souvenirs, but he did not tell them they could not. He said he told ERT members that any items not being retained for evidence or identifying victims were trash, and this may have been interpreted by ERT members as permission to remove items. We found that the statements Marx made to the OIG were inconsistent with the statements he made to the OPR investigators, and contradicted the statements provided by two members of the Oklahoma City Division

ERT.

Based on the inconsistency in his statements, the OIG initiated an investigation into whether Marx lacked candor and had failed to reply fully and truthfully during interviews with the OIG, in violation with the FBI Director's "bright-line" pronouncement regarding information provided during an administrative inquiry.

Marx submitted to a polygraph examination and was found to be deceptive when he claimed that:

- He did not recall allowing ERT members to take items from the debris
- He did not recall giving items to Mawn
- His signed sworn statement provided to the OIG was true and correct

Based on his various versions of non-committal answers to the OIG regarding whether FBI personnel were allowed to take souvenirs from the World Trade Center debris, the deceptive results of his polygraph examination, and the information provided by the Oklahoma City ERT members and Mawn, our investigation concluded that Marx allowed FBI personnel to remove items from the Fresh Kills site.

We also concluded that he failed to reply fully and truthfully in his signed sworn statement to the OIG when he stated that he had he did not give any items to Mawn; that he could not recall if he had told any employees they could take items as mementos; and that he could not recall anyone from the FBI asking if they could take items as mementos. In addition, our investigation found that Marx's responses to our questions about what he told ERT members regarding the taking of souvenirs and his deceptive polygraph results were in conflict with what he told FBI OPR.

Finally, the OIG investigation determined that there was a lack of adequate oversight at the Fresh Kills site. Although the site was operated within the New York Division area, the involvement of that Division's management with Marx was minimal.

Our investigation also determined that the FBI had no written policy or direction pertaining to:

- The removal of non-evidentiary items from crime scenes for mementos or for personal use
- The removal of items to be given to individuals or organizations outside of the FBI
- The removal of non-evidentiary items to be used for training purposes, for memorials, or for display in FBI offices

We concluded that the failure of the FBI to set proper written policy and to provide proper management oversight contributed to the actions of [REDACTED] and others at the Fresh Kills site. The precedent of FBI employees removing non-evidentiary items at prior response sites also contributed to the circumstances surrounding this case.

The OIG has completed its investigation and is providing this report to the FBI for appropriate action.

Additional Subjects

Richard M. Marx
Special Agent, GS-13/01811
Philadelphia Division
Philadelphia, Pennsylvania

DETAILS OF INVESTIGATION

Predication

This investigation was based on allegations received by the OIG on September 12, 2002, that a Tiffany crystal globe paperweight (the Tiffany globe) had been removed from Ground Zero by an FBI agent, later identified as [REDACTED], who was a Minneapolis ERT member deployed to New York (NY) City after the 9/11 terrorist attacks. [REDACTED] gave the Tiffany globe—a crystal paperweight etched with the continents of the world and damaged with nicks and scratches—to [REDACTED], a secretary in the Minneapolis Division of the FBI, who displayed it on her desk.

The allegation was first reported by Minneapolis Special Agent (SA) Jane A. Turner to her supervisor, [REDACTED] on August 30, 2002. [REDACTED] then reported the matter to the Minnesota Special Agent in Charge (SAC) Deborah Pierce, who forwarded the complaint to FBI OPR on September 9, 2002.

At the time Turner learned from [REDACTED] that a Minneapolis ERT member had removed the Tiffany globe from Ground Zero and given it to [REDACTED] she was the case agent on an interstate transportation of stolen property investigation involving, among other items, the removal of a fire truck door as a “souvenir” from the Fresh Kills landfill, World Trade Center (WTC) recovery site by a civilian. Based on her research, she believed the door far exceeded the \$5,000 prosecutorial base set in the Interstate Transportation of Stolen Property Act (ITSP), because it was a collectible item from the World Trade Center terrorist attacks. The removal of the fire truck door as a possible ITSP violation was based, in part, on Turner’s interview of Marx, the FBI site manager, who stated that items could not be removed from the Fresh Kills landfill for memorial or display purposes without permission.

Upon learning about the Tiffany globe that had been given to [REDACTED] Turner stated that she was concerned that FBI employees engaged in the very conduct that laid the basis for an indictment of a non-FBI employee. Turner reported the Tiffany globe and her discussion with [REDACTED] to Assistant United States Attorney (AUSA) [REDACTED], District of Minnesota, who was handling the ITSP case. Shortly thereafter, [REDACTED] advised Turner that the United States might not prosecute the fire truck door aspect of the ITSP case due to possible government misconduct involving the Tiffany globe.

On September 12, 2002, Turner provided the information regarding the Tiffany globe to the OIG’s Washington Field Office. She stated that she did this because she believed that her superiors had not acted on her complaint. Turner provided the OIG with the Tiffany globe, which she had taken from [REDACTED] desk as evidence on September 10, 2002.

During the course of our investigation, FBI SA Richard M. Marx, Philadelphia Division, was identified as the site manager for the Fresh Kills Landfill recovery site. Marx was initially interviewed as a witness by the OIG. The information he provided the OIG and FBI OPR (in a prior FBI OPR investigation of the removal of WTC items from Fresh Kills by an Oklahoma City ERT member) was inconsistent with information obtained in the investigation from other witnesses. Based on the inconsistency in his statements, on June 9, 2003 the OIG initiated an investigation of allegations that Marx lacked candor and failed to reply fully and truthfully during interviews with the OIG thereby

violating the Director's "bright-line" pronouncement regarding information provided during an administrative inquiry.

Investigative Process

The OIG's investigation involved over 55 interviews, including:

- SA Jane Turner, Minneapolis Division
- Minneapolis ERT Members, who were deployed to NY City from September 23, 2001 through October 9, 2001
- Minneapolis Division support staff who were given mementos from the WTC debris
- Members of Minneapolis Division management
- Individuals from Federal Emergency Management Agency, Office of the Inspector General
- [REDACTED] former AUSA, District of Minnesota

During the initial stages of the investigation, we developed information that Minneapolis ERT members were allegedly told they could take mementos from the debris, and that upper levels of management had approved it. Based on this information, the OIG conducted interviews to determine the standard operating procedures at the two WTC recovery sites—Ground Zero and the Fresh Kills Landfill—and to determine whether the removal of items from the WTC debris was authorized. These interviews included the following:

- SA [REDACTED], Houston ERT Senior Team Leader, who allegedly told Minneapolis ERT members that they could take WTC debris items as mementos
- Members of the Quantico ERT Unit who coordinated the WTC Recovery Effort
- SA Richard Marx, Site Manager, Fresh Kills Landfill
- NY ERT members who worked at the WTC Recovery Sites
- Former and current members of NY Division Management

During the investigative process the OIG identified problems regarding the lack of FBI oversight at Fresh Kills, and the lack of FBI policy and procedure in regards to the taking of mementos from FBI response sites. These findings will be discussed in the report, along with problems we noted regarding the justifications ERT members had for taking mementos.

Background

On September 11, 2001, terrorists flew two airplanes into the World Trade Center (WTC), resulting in the collapse of the two towers and the deaths of approximately 2,800 people.

In addition to the two towers collapsing, Buildings 3 (Marriott Hotel) and 7 (Office Building) in the WTC were destroyed. Buildings 4 (Commodities Exchange Center), 5 (Northeast Plaza), and 6 (U.S. Customs House) were heavily damaged. The area of the collapse of the WTC Complex was known as Ground Zero.

WTC Building 7 housed several financial and insurance company offices, including Salomon Smith Barney, American Express Bank Int'l, ITT Hartford Insurance Group, and the Federal Home Loan Bank. Additional tenants of Building 7 included the Internal Revenue Service, the ██████████ ██████████ the Securities and Exchange Commission and the United States Secret Service (USSS). It also housed NY City's Emergency Operations Center.

Within 48 hours of the attacks it was determined by the United States Attorney's Office, Southern District of NY; Barry Mawn FBI ADIC of the NY Division; and other officials that the rubble and debris from the entire WTC complex would be removed from Ground Zero and sorted for evidence, personal effects, and human remains. The debris that was not retained for the previously mentioned reasons was to be buried. The Fresh Kills Landfill, Staten Island, NY was reopened to handle the search through the rubble and material of Ground Zero.

The FBI's primary role at both Ground Zero and Fresh Kills was to search for evidence of the terrorist acts. The FBI was searching for the black boxes from the two planes, and any evidence from the hijackers, such as weapons, box cutters, identification, cellular telephones, and palm pilots. The FBI also played a humanitarian role in helping the City of NY to identify victims, and to recover human remains and personal effects.

The NY ERT was responsible for handling issues at Ground Zero. However, some NY ERT members worked a rotating schedule at Fresh Kills beginning sometime in October 2001.

Fresh Kills

The Philadelphia ERT was the first ERT to arrive at Fresh Kills, and remained at the site for the first two weeks. Houston ERT then came to replace the Philadelphia ERT. Richard Marx was the Team Leader of the Philadelphia ERT. He was a GS-12 with 5 years of FBI experience at the time. ADIC Mawn requested through FBI Supervisory Special Agent (SSA) ██████████ from the Quantico ERT Unit (ERTU), that Marx remain on TDY to run the Fresh Kills operation.

Marx ran the Fresh Kills operation jointly with NY Police Department (NYPD) Deputy Inspector James Luongo. Marx served as the focal point for all the federal agencies present at the site, while Luongo represented the City of NY agencies.

During the eleven months that the Fresh Kills site was operating, approximately 1.8 million tons of debris was sent from Ground Zero. Eight-member FBI ERTs were sent to Fresh Kills on two-week deployments to help sift and inspect the rubble. ERTs from 55 of the 56 FBI Field Offices participated. Some offices deployed more than one team (depending on office size), and other offices deployed teams more than once. Over 400 FBI employees were deployed to Fresh Kills during its operation. Marx is quoted in a January 15, 2002, Associated Press article stating that Fresh Kills was "the biggest crime scene in history."

A trailer was used as the FBI Command Post at Fresh Kills. Separate buckets were used for personal effects (such as jewelry, and driver's licenses), possible evidence (such as box-cutters, knives, film, cell

phones, audiotape, and airplane parts) and human remains. The items collected in the buckets were given to those working in the Command Post—that is, Marx, and NY ERT members. They would log in evidence, release human remains to the NY City Medical Examiner's Office, and turn over personal effects and items (attributable back to a person) to the NYPD, Property Clerk Division.

Based upon the magnitude of the debris, ERT members were told that the personal effects they were to retain were items attributable back to an owner, such as credit cards, driver's licenses, photographs, passports, jewelry, and items with inscriptions. Jewelry was retained because it was believed that an owner or the owner's next of kin could later identify it.

Once the debris was combed through and items of evidentiary and personal value were removed, the debris was buried in designated areas of the landfill by the New York Department of Sanitation.

There were large amounts of U.S. currency located in the debris at Fresh Kills. There were also items from stores, including tourist type items, jewelry, and clothing. Also in the debris were valuable works of art and artifacts, including several valuable sculptures and drawings. The U.S. currency that was retained was initially turned over to the NYPD, who later returned it to the U.S. Mint as contaminated money.

Most of the debris was contaminated with various substances, including oil, asbestos, and human remains. The members of the NY ERT submitted informational paperwork advising that they had been exposed to toxins from working with the debris. Most human remains were pulverized and/or charred. The largest piece of human remains discovered in the WTC material at Fresh Kills was a torso. Body parts, including bones, tissue, and hair, were continually found throughout the operation. A part of a rib cage was found close to the last day of operation of Fresh Kills.

No one from the FBI was searched entering or leaving Ground Zero. Proper identification was needed to get on site, and through checkpoints. According to members of the Minneapolis ERT after the first day or so of their assignment to Ground Zero, the National Guard began looking through their backpacks for cameras upon entering the site. They did not search through their backpacks when they left the site.

At Fresh Kills, members of the FBI were not searched entering or leaving the site. FBI ERTs could not get on site without a placard they had to place on their vehicle's dashboard.

The Minneapolis ERT was deployed to NY City from September 23, 2001 to October 9, 2001. During approximately the first week of deployment, the Minneapolis ERT worked at Ground Zero on the outer perimeter inspecting trucks containing I-Beams leaving the site for human remains and possible evidence. A few of the team members worked at the pier searching I-beams and rubble that was going to be shipped by barge to Fresh Kills or a steel recycler. During the last week of their deployment they worked at Fresh Kills sifting through the debris of Building 7 of the World Trade Center complex. According to [REDACTED] he found the Tiffany globe while sorting through the Building 7 debris.

According to NY ERT members, although Building 7 fell hours after the WTC towers collapsed, there was cross-contamination. Rubble from the towers was mixed with rubble from Building 7. Many

human body parts were found in the Building 7 debris inspected at Fresh Kills.

During the first two months that Fresh Kills was operated as a recovery site, debris from the area around where Building 7 stood was sifted through to assist the [REDACTED] and the USSS, which had offices in Building 7. The debris from Building 7 was searched in a special location at the landfill. At first, only agencies with the appropriate security clearances could sift through this debris because it may have contained classified information. At some point, a decision was made to have NYPD (even though they did not have the appropriate security clearances) help with the sifting because of the lack of manpower.

The debris from Building 7 was spread out by front-end loaders onto a football field sized area at Fresh Kills. Then the 30 to 50 law enforcement officers working in the area would rake and dig through the dumped debris. In addition to looking for the black boxes, items identifying the hijackers, items identifying victims, and human remains, they were looking for classified material, including documents and hard drives. They were also looking for items belonging to the USSS, including guns and evidence from cases. Once the debris was inspected, it was removed by a front loader and placed into a rubble pile. The inspected debris was later taken to another area of the landfill by the New York Department of Sanitation and buried.

In the Building 7 inspection area, the items retained were placed into buckets by the searchers for each category of items they were looking for. The buckets containing items that potentially belonged to the USSS and [REDACTED] were reviewed by their representatives at the site. The buckets containing human remains were turned into the FBI Command Post, who reviewed the items and turned them over to the New York City Medical Examiner's Office. The buckets containing personal effects were cleaned and reviewed by the FBI and then given to the New York Police Department who had the responsibility of cataloging them, and finding their owners. The FBI retained and cataloged the items in the buckets containing evidence for the terrorism investigation.

Tiffany Globe

FBI ERT Minneapolis, MN

Eight members of the Minneapolis ERT were deployed to New York City and provided signed sworn statements to the OIG in this investigation:

- SA [REDACTED]
- SA [REDACTED] (ERT Team Leader)
- SA [REDACTED]
- SA [REDACTED]
- SA [REDACTED]
- SA [REDACTED]
- SA [REDACTED]
- SA [REDACTED]
- [REDACTED] Photographer

In his statement, [REDACTED] said he was deployed with the Minneapolis ERT to NY City from September

23, 2001 through October 9, 2001. He spent the first 2-3 days learning about the sites and getting orientated, and the next several days of the first week at Ground Zero. He spent his second week at Fresh Kills.

He stated that at Ground Zero, he worked in various locations. He normally worked with at least one other team member inspecting trucks leaving the site. He also remembered standing on Church Street acting as a representative for the FBI. He also worked at the pier inspecting debris before it was placed on the barges that were transporting debris from Ground Zero. He said that at Ground Zero, the Minneapolis ERT was told to look for body parts, personal belongings, and possible evidence. He said that while at Ground Zero there was no direction (written or verbal) regarding the removal of items for personal use or for the purpose of obtaining a memento. However he stated that it was a "no brainer" that you did not take anything from Ground Zero.

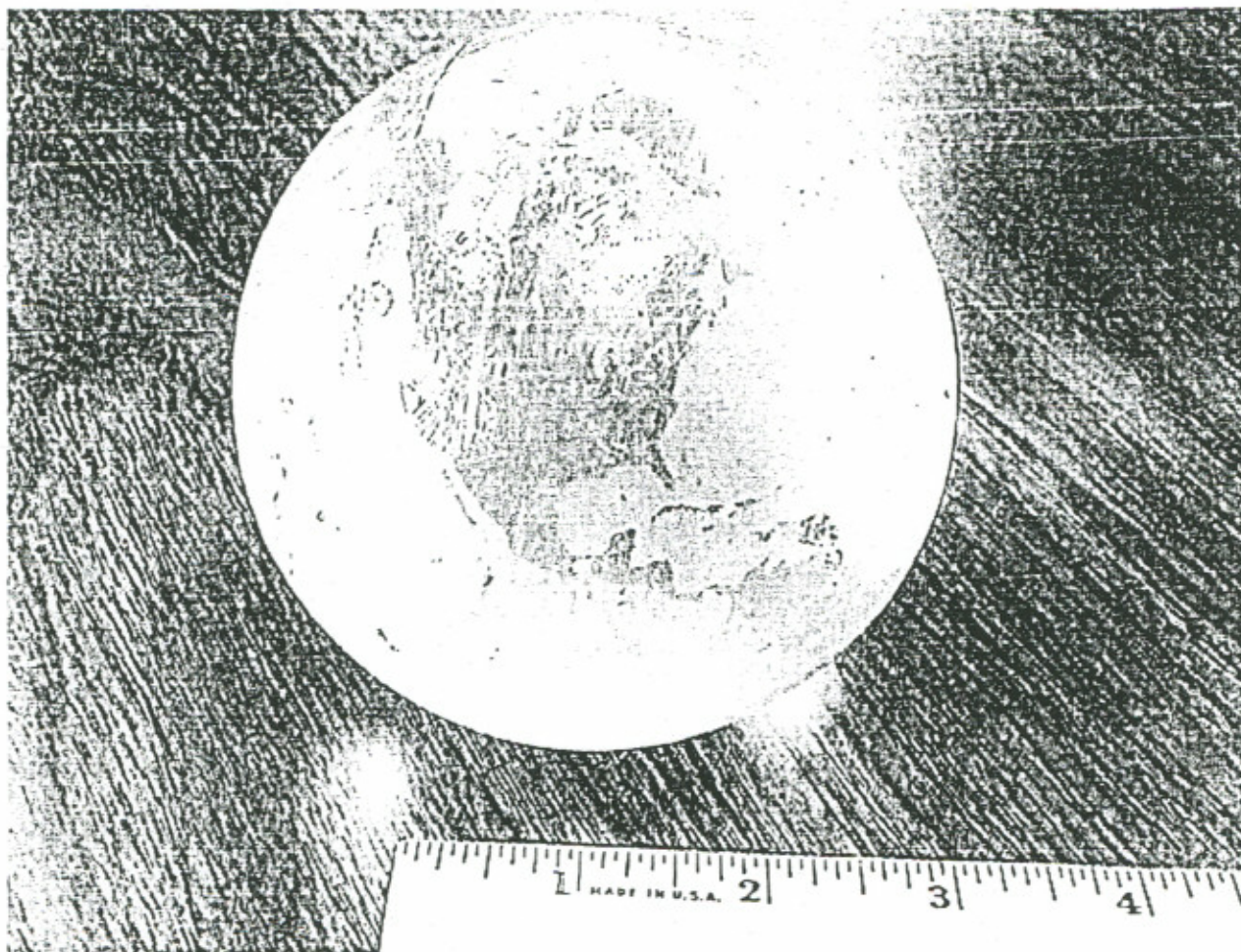
During the second week of deployment [REDACTED] and the Minneapolis ERT worked 12-hour night shifts at Fresh Kills inspecting debris from the Building 7 Inspection Area of Fresh Kills. They were advised that the [REDACTED] and USSS had an interest in the debris from the building. He said they were tasked with looking for guns, money, drugs, classified information, hard drives, magnetic tapes, photographs, and personal items attributable to any individuals, and body parts. They were told they were assigned to Building 7 because FBI agents had the appropriate security clearances.

[REDACTED] said that as part of the process of sorting through the Building 7 debris, a front-end loader would bring loads of debris and spread them out over a field. Then the 30 to 50 people working in the area (including the 8 member Minneapolis ERT) would rake and dig through the dumped debris for the purpose of finding the above-mentioned items. Once the debris was inspected, the remaining items were picked up by the front loader and put in the rubble pile to be buried later in a designated area of the landfill.

According to [REDACTED] while working at Fresh Kills, he and others were told that they could remove non-evidentiary items from the Building 7 rubble to be taken home as mementos. He said that sometime before the last day of the deployment, an unknown male said that if they wanted to take a piece of rubble as a memento, they could. He did not know who the individual was, or whether he worked for the FBI.

[REDACTED] said he observed other people taking chunks of rock so he thought it was okay. He said he had a general discussion with other Minneapolis team members regarding the taking of mementos. He did not hide the fact that he planned to take an item. At some point after being told it was okay, he gathered up pieces of rock and a metal bolt and put them by his chair at the FBI Command Post. He thought that there were some people back home who would appreciate a memento from such a tragic event.

He recalled that after he had already taken the rocks and bolt, he found the globe on another day while he was raking and searching through the debris field for evidence and personal items. When he found the globe, it was covered in mud and dirt, but he said it looked like a plastic globe one would find on a person's desk. It was chipped and cracked. He advised that in his mind it was rubble, was not going to be retained, and did not fall into the categories of items the ERT was searching for: evidence, human remains, and personal belongings.



Photograph of the Tiffany Globe

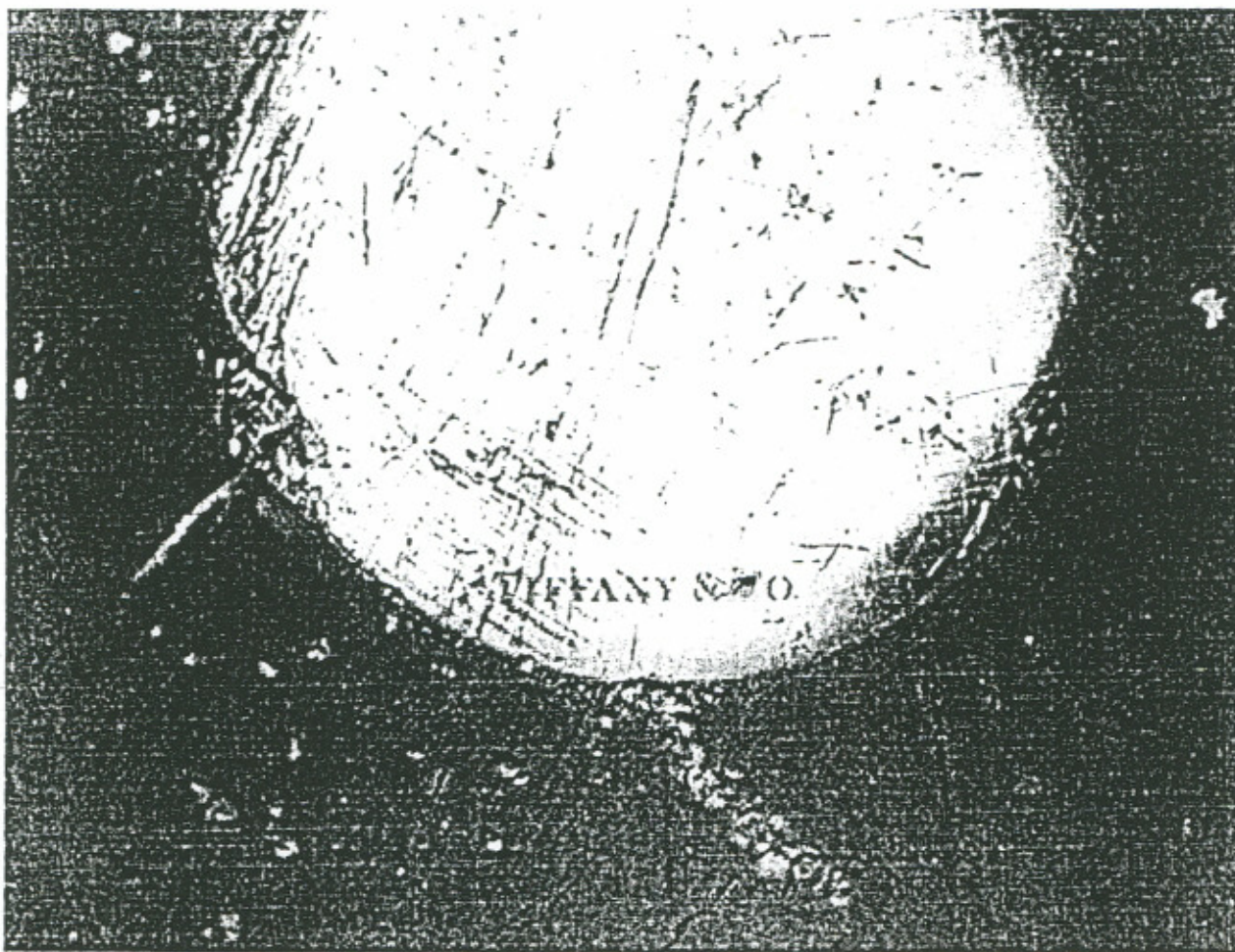
██████████ acknowledged that he removed the Tiffany globe from Fresh Kills as well as three rocks and a metal bolt from Fresh Kills. Upon his return to Minneapolis, he gave all the items (except for one rock, which he kept for himself) to FBI staff working in the Minneapolis Division and to a Minnesota state employee who worked on an FBI Task Force. He gave the Tiffany globe to ██████████ secretary for his squad. He said he gave it to her as a nice gesture because she was very affected by the 9/11 terrorist attacks.

██████████ said he took the globe because he thought it was an interesting item. He said he showed it to other Minneapolis ERT members. He did not think it had any value. It was his understanding that it would have been buried in the landfill. He said that had he thought the item was of value, he would not have taken it. He noted that the fact he gave the globe to the squad secretary illustrated that he was not making any attempts to conceal that he took the item.

He said he did not see that the globe was inscribed "Tiffany & Co." until sometime later, after he gave it to [REDACTED]. She pointed out the inscription to him. When [REDACTED] pointed out that the globe was from Tiffany, it dawned on him that it could be a possible problem. He said he did not discuss this with anyone in FBI management because he had already given it to [REDACTED] and it was already on her desk for all to see.

[REDACTED] said he never would have taken the items from Fresh Kills if he had not been told it was acceptable.

Six other Minneapolis ERT members who were interviewed advised that they were told there was a designated pile of marble/granite building pieces that they could take as mementos of their experience. Like [REDACTED] Minneapolis ERT members [REDACTED] stated they did not know the identity of the individual who said they could take marble/granite pieces from the designated pile. [REDACTED] said the individual was from the FBI. [REDACTED] said she believed the individual was from the [REDACTED]. However, [REDACTED] said that the individual who authorized the removal of pieces of the building façade was FBI SA [REDACTED] Houston ERT.



Photograph of the Tiffany Globe with inscription "Tiffany & Co." on bottom.

██████████ stated he believed that ██████████ the Minneapolis ERT Team Leader, told him that an item could be taken, as long as it was a rock or piece of the building, because no ownership could be attached to such things. He said that there were no specific instructions on what a person could take.

██████████ advised he was with ██████████ when ██████████ found the Tiffany globe. According to ██████████ ██████████ located it after they had been told they could take something as a memento. ██████████ said he thought it was a piece of molten glass. He had no idea it was from Tiffany.

██████████ remembered that while at Fresh Kills he was shown a glass globe by a Minneapolis ERT team member. He could not recall which member showed him the glass globe. The person said something to the effect, "Can you believe this survived?"

██████████ stated that while at Fresh Kills, ██████████ showed him a round object that was dirty, muddy and discolored. The object was not from the pile of designated marble/granite building pieces. ██████████ did not observe what ██████████ did with the object.

██████████ said that while working at Ground Zero—not Fresh Kills—██████████ showed him a glass globe that looked like an item you would see on someone's desk. ██████████ did not say he was going to keep the globe, but ██████████ got the impression he was.

All four ERT members who said ██████████ showed them the globe at Fresh Kills told the OIG that they did not know ██████████ had removed it from the site.

██████████ admitted they took a piece of the building as a memento from the designated pile. ██████████ said he did not take a piece of the building from the designated pile, because he had already taken a piece of cement that had fallen off an I-Beam at the pier while he was assigned to the Ground Zero site.

██████████ was the only Minneapolis ERT member who admitted taking an item other than a piece of building from the rubble. He said he did not recall that there was a pile of building pieces designated for mementos. He said that it was his understanding he could take an item from the rubble as long as it was not what they were searching for.

To date, all the items that Minneapolis ERT members said they took from Fresh Kills were provided voluntarily to the OIG. We did not obtain the piece of marble that ██████████ gave to an employee of the Department of Public Safety, State of Minnesota.

FBI Minneapolis Division Employees

██████████ Secretary, Minneapolis Division, said that shortly upon ██████████ return from the ERT deployment to NY City, ██████████ gave her a crystal globe. She did not realize that "Tiffany & Co." was inscribed on the globe until several months later. She said she felt ██████████ gave her the globe in order to share the experience. She placed the globe on her desk and thought of it not as a souvenir, but a relic. If

anyone inquired about the globe, she would tell him or her where it came from.

According to [REDACTED] would joke with her and say "Don't ever sell this on eBay." [REDACTED] said she never intended to sell the globe and felt it belonged to the office. She never thought that having it was inappropriate.

However, according to FBI Assistant Special Agent in Charge (ASAC) [REDACTED] Minneapolis Division, he spoke with [REDACTED] after she learned of the OIG investigation regarding [REDACTED] taking the Tiffany globe. [REDACTED] advised that [REDACTED] indicated that the Tiffany globe was a personal belonging and said that one day she hoped to find out whom it belonged to and give it back to them.

[REDACTED] Minneapolis Division said that in October 2001, she received a broken steel bolt, approximately five inches in length from [REDACTED]. When [REDACTED] gave her the bolt he said he had brought it back from the WTC. She viewed the steel bolt as a piece to remember what happened on September 11, 2001.

[REDACTED] Minneapolis Division said that [REDACTED] gave her a rock from the World Trade Center shortly after he returned from his deployment in New York. She did not ask him to bring anything back for her. She viewed it as a thoughtful gesture by [REDACTED].

FBI Management Response to the Tiffany Globe

Turner said that she first learned about the Tiffany globe on August 27, 2002. The globe was on the counter around [REDACTED] desk. Turner said that [REDACTED] told her that a member of the Minneapolis ERT had given her the Tiffany globe, which he had obtained from Ground Zero. Turner said that when she asked [REDACTED] who had given it to her, [REDACTED] said, "You'll just get him in trouble."

Turner said she reported the existence of the globe to her supervisor [REDACTED] on August 29, 2002. On August 30, 2002, [REDACTED] told her he reported the allegation to SAC Deborah Pierce. According to Turner, [REDACTED] said he indicated to Pierce that she should make a referral to FBI OPR. Turner said she was never told that an FBI OPR referral had been made. She advised that from August 29 through September 10, 2002, the globe remained on [REDACTED] desk and no action was taken by FBI management to secure it. Turner said she believed that the Tiffany globe needed to be secured as evidence, so she removed it from [REDACTED] desk on the evening of September 10, 2002. On September 11, 2002, she provided the Tiffany globe to the OIG in Washington, DC.

[REDACTED] said that Turner reported the Tiffany globe to him on August 30, 2002. He said he advised Turner that reporting the Tiffany globe to him was the right thing to do, that he would advise Pierce about the allegation and he would draft a referral to FBI OPR. He wrote a draft referral to FBI OPR on September 3, 2002 and gave the draft referral to Pierce.

According to Pierce, [REDACTED] reported the allegation concerning the Tiffany globe to her on approximately August 30, 2002. Pierce said she told [REDACTED] to draft an FBI OPR referral. [REDACTED] provided her with a draft of the referral on September 3, 2002. Pierce edited it and forwarded the

referral to FBI OPR on September 9, 2002. She stated that the referral was submitted to FBI OPR within five working days of learning of the allegation (August 30, 2002 was on a Friday before the Labor Day weekend). Pierce said she never saw the Tiffany globe. She said she asked Assistant Special Agent in Charge (ASAC) [REDACTED] to locate the globe around one or two weeks after the OPR referral was submitted, and subsequently learned the globe was missing. Pierce later learned that Turner had turned it over to the OIG. Pierce advised that Turner never came to her to see what action had been taken regarding the allegation.

Impact on an Ongoing Criminal Investigation

Turner advised that at the time she learned of the Tiffany globe, she had been working an Interstate Transportation of Stolen Property criminal investigation dealing with a contractor from Minnesota who had taken a fire truck door (which Turner estimated as an artifact of the September 11 attacks to be worth over \$5,000 by curators) from Fresh Kills, and brought it back to Minnesota. She said that when she learned about the Tiffany globe, she informed AUSA [REDACTED] about its existence, and [REDACTED] said that the office might not indict the crime regarding the fire truck door due to government misconduct involving the Tiffany globe.

[REDACTED] told the OIG that the United States Attorney's Office had considered indicting the fire truck door count around September 11, 2002. She said the fact that the Tiffany globe was taken from the site by an FBI agent hurt the fire truck door charge. She considered the Tiffany globe as the same type of item, a memento. The Tiffany globe concerned [REDACTED] because the defense attorney and his private investigator (a former SSA in the Minneapolis FBI Office) had made mention that they did not understand why the government was pursuing the fire truck door case because FBI agents had also taken things. [REDACTED] had no idea that they had proof of this, and she did not know that an FBI agent from Minneapolis had actually taken something. The Tiffany globe made [REDACTED] worry what else was out there that she did not know about. She said the existence of the Tiffany globe was a factor in deciding not to indict the individual for taking the fire truck door.

Value of the Tiffany Globe

The majority of FBI employees interviewed, including FBI management, indicated that the Tiffany globe should not have been taken from Fresh Kills as a memento because it was an item of value.

FBI employees working at the site stated that regardless of its value, the Tiffany globe would have been buried in the landfill because it did not have a specific personal inscription and could not be attributed back to a person. Two FBI employees maintained that they would have retained the Tiffany globe as a personal effect to be turned over to the NYPD, Property Clerk Division. They explained they believed the Tiffany globe could possibly be identified by its owner, and that it may be the only item left that a family member would have belonging to their lost relative.

According to Tiffany & Co. the Tiffany globe was only available for purchase at a Tiffany & Co. store. They did not have a store in the WTC complex.

Due to the cross-contamination of debris at Ground Zero, we could not definitively conclude that the Tiffany globe came from Building 7. It also could have come from other destroyed WTC buildings.

According to Tiffany & Co., the retail value of the globe if purchased new is \$350. Our investigation was unable to determine the value of the Tiffany globe as an artifact from the WTC.

FBI OPR Investigation Regarding the Removal of Items from Fresh Kills

The OIG learned that FBI OPR had conducted an administrative investigation of SA [REDACTED] Oklahoma City (OKC) ERT, regarding the removal of items from Fresh Kills. FBI OPR obtained signed sworn statements of the OKC ERT members on this subject.

The investigation revealed that [REDACTED] had taken approximately 70-80 lbs. of debris from the Fresh Kills site during the deployment of the OKC ERT from March 18, 2002 to April 2, 2002. However, he claimed to FBI OPR that he only took home 35-40 pounds of material. The majority of items he took were rocks and rivets. In addition, he took home pieces of plate glass, an electrical outlet cover, rusted pliers and two patches that said "WTC Security." He said he found the patches on pieces of shirtsleeves in the debris.

[REDACTED] said he gave ten pounds of rocks and rivets to family members, in addition to the 40 pounds he brought home. He said he used the debris from the landfill for liaison purposes, giving the items to outside agency members that he worked closely with. For instance, he gave items from the debris to the United States Attorney for the Eastern District of Oklahoma, and one of his AUSAs in that office.

OPR found that [REDACTED] exhibited poor judgment in removing the 70-80 lbs. of material from Fresh Kills, and he was suspended for ten days, at least in part for taking the material from the site.

Another OKC ERT member, [REDACTED], told FBI OPR that he also took two or three patches that said "WTC Security" from destroyed clothing in the debris. He said everyone was taking a few rocks. He "saw the taking of mementos as an accepted common practice throughout the FBI."

Two of the OKC ERT members advised that another OKC ERT on a prior deployment to Fresh Kills had brought back rocks and rivets as mementos, and displayed them on their desks.

Five of the OKC ERT members stated that Marx had told them that they could take rocks and building pieces from the debris as mementos or souvenirs, but to not be obnoxious about it and be mindful of other people working at the site. Three members said SA Marx advised that other ERTs had taken mementos.

The OIG interviewed [REDACTED] and FBI SA [REDACTED]. Both said that they, individually and on separate occasions, asked Marx if non-evidentiary items could be taken from the debris. Marx advised them that it was permissible. They indicated that they would never have taken anything if Marx had said no.

Additional ERT Members Who Removed Items from the WTC Material

Through the course of our investigation, additional FBI ERT members from different Division Offices were identified as having taken items from the WTC debris. The following is a chart indicating the individuals that acknowledged removing items and the items they removed:

ERT Member	Division	Items Taken	Location	Justification	Disposition (Personal Use/Gave)
[REDACTED]	Detroit	Two pieces of stone, a mangled fork, and a rivet.	Fresh Kills	Prior Precedent/Was not given permission/Items were going to be buried	Personal Use/Refused to Give to the OIG
[REDACTED]	New York	A U.S. flag, a broken statue of a police officer and a baggie of WTC dust	Ground Zero	The flag needed to be retired/the statue was left behind by U.S. Customs	Personal Use/But Provided to the OIG
[REDACTED]	New York	2 pieces of marble, and a piece of I-Beam	Fresh Kills	The pieces of Marble were given to WMD Coordinators for Training/The I-Beam was taken at the request of SAC Greg Jones for a Memorial	Gave to Others
[REDACTED]	New York	A piece of marble	Fresh Kills	Gave to an Army Soldier being shipped to Afghanistan/Because he was going to face the Terrorists and he said ADIC Mawn sent him to get a piece of debris	Gave to Others
[REDACTED]	Houston	Several pieces of red granite, and a small metal plate that reads "WTC"	Fresh Kills	Prior Precedent/Cannot remember who approved, possibly SSA [REDACTED] SSA [REDACTED] NY ERT members and/or Richard Marx. Believes he asked several times.	Personal Use
[REDACTED]	Oklahoma City	9-10 Rivets (He had welded into a windmill as a gift to his wife) and two pieces of flooring tile	Fresh Kills	Prior Precedent	Personal Use
[REDACTED]	Oklahoma City	3-4 pieces of glass, 3-4 rivets, 2 "WTC Security" patches, and a key blank stamped "WTC"	Fresh Kills	Approval from SA Marx/ Prior Precedent	Personal Use
[REDACTED]	New York	A WTC Christmas Ornament and a piece of marble	Fresh Kills	Donated to Youngstown State University with the Approval of SA Marx	Gave to Others
[REDACTED]	Oklahoma City	A key that says "WTC", a "WTC Security" patch, 4-6 rivets, 2-3 elevator markers, and approx. 3 building pieces	Fresh Kills	Approval from SA Marx	Personal Use

[REDACTED]	Oklahoma City	About 10 items, including 2-3 "WTC Security" patches, rocks, rivets, and small computer circuit board	Fresh Kills	Approval from SA Marx	Personal Use
Richard B. Marx	Philadelphia	Elevator Wheel, Airplane spare tires, fire truck door, 4 police cruiser doors, WTC souvenirs, pieces of the building, melted guns, Airplane pieces, WTC keys, lamp posts, Street sign, 8 American Flags, WTC Observation Deck Plate, and other misc. WTC items	Fresh Kills	Stored in ERT Philadelphia Division Facility/To be used in FBI Tour, for Display in NY Division offices, and "other places"/ done at request of ADIC Kevin Donovan, NY Division and a man named [REDACTED] from HQ (later identified as [REDACTED])	Personal Use

[REDACTED] was the only agent who admitted to removing items from Ground Zero, as opposed to Fresh Kills. She acknowledged removing, among other things, an American flag and a part of a trophy. She did not claim that she was given permission to remove any of these items. [REDACTED] an agent with the FBI's New York Division, was assigned after September 11 to the FBI Command Post at Ground Zero. She said that she found a box with the trophy inside in the FBI Command Post and that the box had been left there by personnel from the United States Customs Service who had completed their work at Ground Zero. In addition to the trophy and some dust [REDACTED] also took to her home an American flag found by another agent who had told [REDACTED] that she wanted to make a quilt out of the flag. Instead, [REDACTED] gave the flag to her husband, who gave it to a local chapter of the American Legion.

As indicated in the above chart, Marx removed a significant number of WTC artifacts, which he stored at the Philadelphia Division ERT facility. Marx claimed the items were for eventual display at the FBI Headquarters (for the public tour of the J. Edgar Hoover Building), for display in the NY Division offices, and for display at "other places." Marx, when asked, would not specify "the other places." He claimed he removed the items at the request of Assistant Director in Charge (ADIC) Donovan, NY Division and a man named [REDACTED] in headquarters who ran the FBI Tour. Marx said that he had not heard from anyone about what should be done with the items. He said that since the OIG investigation regarding the removal of items from the WTC sites, FBI interest in the items has waned. Marx advised that the items would probably be donated to a museum if the FBI did not want them.

ADIC Donovan, NY Division told the OIG he had no knowledge that Marx had removed items from the Fresh Kills site for the FBI tour, for display in the NY Division office or at other places, or that the items had been in storage in Philadelphia since the late summer of 2002. When re-interviewed, Marx recanted his claim that Donovan had asked him for items, and said that it may not have been Donovan but an FBI agent from the NY Division who told him that Donovan wanted the items.

The OIG investigation identified the man named [REDACTED] in headquarters who ran the FBI tour as FBI Public Affairs Specialist, [REDACTED]. [REDACTED] stated that he did not know that Marx had items stored in Philadelphia for the FBI Tour. [REDACTED] said that even though he expressed to Marx the desire to have items that would document the historical significance of the 9/11 World Trade Center Attacks and the FBI's involvement, he did not have the authority to tell Marx to give him items from the WTC material for the FBI tour. In hindsight, [REDACTED] said the request for the items should have probably

gone up the chain and documented through Electronic Communications (ECs). [REDACTED] said that although he did not have the authority to request the items for the tour, he believed that Marx, as the site manager, did have the authority.

In October or November 2001, FBI SSA [REDACTED] former ERT Coordinator, NY Division said he was asked by Executive Assistant Director (EAD) Pasquale D'Amuro, to obtain about a half dozen items from the WTC debris so that the items could be given to dignitaries. [REDACTED] advised he did not know if D'Amuro said the word "dignitary" but he interpreted that D'Amuro intended to give the items to dignitaries. [REDACTED] had someone gather up approximately six non-evidentiary items, such as building pieces, from the debris and he then sent them to D'Amuro.

D'Amuro told the OIG that since he was the Inspector in Charge for the PENTTBOMB investigation, in the late fall of 2001 he requested pieces of the WTC building from [REDACTED] for himself and possibly others working on the investigation. He said he asked for a piece of the building as memento, and advised that FBI personnel had taken non-evidentiary items from prior terrorist incident sites as mementos. He said he did not receive a piece of the building from [REDACTED] until June 2003. He denied asking for items for dignitaries or giving any WTC debris items to dignitaries.

Former ADIC Mawn, NY Division, advised that at the end of February 2002, prior to his retirement, he was at Fresh Kills and asked Marx for a memento of the 9/11 WTC Terrorist Attacks. Marx gave Mawn an American Flag and a piece of marble from the debris.

FBI SAC Gregory Jones, NY Division, advised that around December or January 2002, FBI SAC Joe Clark, Knoxville office, contacted him and requested a piece of debris to be displayed in exhibit dealing with hate crime at the FBI Knoxville office. Jones said that he had [REDACTED] obtain a hundred pound piece of steel approximately 2 feet tall. Jones had the piece of steel crated and delivered to SAC Clark.

Several NY ERT members and Marx indicated that they had received articles made from the debris, such as crosses cut from marble pieces and items made from I-Beams, from the NYPD and from the NY Port Authority, to commemorate their hard work. Many of these types of items made out of the debris were initially intended for relatives of the victims.

According to an article from the New York Daily News dated September 23, 2003, a memorial sculpture made of steel from the WTC was placed on auction on eBay. The bidding on the sculpture started at \$9.99 and it ultimately sold for \$255. The sculptures had originally been sent free upon request to relatives of the victims.

Permission to Take Items from Fresh Kills

Upon obtaining information that the Minneapolis ERT claimed that they had obtained approval to take building façade and debris, the OIG investigation focused on whether any authorization had been given for items to be removed as mementos by ERT members. Interviews were conducted of the following individuals:

- SA [REDACTED] Team Leader, Houston ERT, who some members of the Minneapolis ERT said authorized the removal of items for mementos
- Members of the Quantico ERT Unit (ERTU) who handled the WTC site
- NY ERT members who worked at the WTC Recovery Sites and members of the NY Division Legal Unit who dealt with legal matters that arose from the WTC Recovery Sites
- Former ADIC Barry Mawn, NY Division
- SSA [REDACTED] former ERT Coordinator, NY Division
- SA Richard M. Marx, site manager for the Fresh Kills Recovery Operation

SA [REDACTED], *Team Leader, Houston ERT*

FBI SA [REDACTED] Team Leader, Houston ERT, said that from September 25, 2001 through October 20, 2001, he was deployed to Fresh Kills where he worked in the Command Post. He said he coordinated the work activities of members of ERT Phoenix, ERT Seattle and two other ERTs that were searching the debris removed from Ground Zero, including debris from the Building 7 area.

[REDACTED] said that ERT members were looking for personal property, evidence, and body parts. He explained that personal property was classified as certain identifiable items to be retained, such as money, watches, identification cards, credit cards, photographs, firearms, badges, bunker gear, uniforms, and patches. The items were placed in buckets by ERT members and given to the FBI Command Post so the items could be cleaned and eventually traced to their owners/agencies. [REDACTED] said that untraceable or non-personal items were not retained, and were buried in the landfill. According to [REDACTED] on or about October 18, 2001, custody of personal items, as well as the responsibility for cataloging them and finding their owners, was transferred to the NYPD.

[REDACTED] said that there was an "informal policy" in effect at Fresh Kills permitting ERT members to remove small pieces of red granite building façade as mementos. In addition, he said that ERT members could take "tourist trash", i.e., small items such as refrigerator magnets bearing the World Trade Center logo. He said he asked members of Quantico ERTU—probably SSA [REDACTED]—as well as members of the New York City ERT who were at the Command Post, if ERT members could take items that would be impossible to trace and were destined to be buried in the landfill. He recalled being told it would be permissible to remove the items, with the caveat that the items "not end up on eBay." He believed Marx might have also authorized the removal of the items.

According to [REDACTED] everyone from the Houston ERT took a piece of red granite.

FBI Quantico ERT Unit

Based on [REDACTED] interview, the OIG interviewed members of Quantico ERTU. FBI Unit Chief [REDACTED] ERTU said the FBI had no written policy about the taking of mementos from a crime scene. He did not recall telling anyone that they could take items from Fresh Kills, but said in his affidavit, "I would not have a problem with an ERT member taking a rock, a bolt, or soil from the non-evidentiary debris pile." However, [REDACTED] explained that he believed it was not ethically proper for an FBI employee to take anything of value or anything that may belong to someone else, even if it has been

discarded and has no evidentiary value. He stated that if someone was going to take something from the debris, they should have gone through the proper channels to get approval. If he had been asked, he would not have allowed the Tiffany globe to be taken from Fresh Kills.

██████████ added that he had advised FBI SSAs ██████████ ERTU, who were sent to New York on numerous occasions, that no personal photographs or mementos were to be taken at/from the crime scene or landfill without specific approval.

██████████ said that as part of his duties he coordinated the deployments of ERTs to Ground Zero and Fresh Kills. Upon the arrival in New York of newly deployed ERTs, he and/or SSA ██████████ would conduct briefings to the ERTs before they began working at the sites. He said he told everyone that no mementos were to be taken. He advised the OIG that there was no written FBI policy on the taking of items from ERT sites.

██████████ said that ERTs were never specifically instructed not to take memento items from the rubble. He told the OIG there is no specific FBI policy regarding the taking of mementos from recovery sites. He said ERT members "may have believed that since they were generally searching through trash at the landfill, and that since all the uncollected material was going to be buried at the landfill, that there was no harm in putting a worthless item in their pocket." He said the taking of pieces like building façade bricks, rocks and glass from ERT recovery sites never rose to a level to worry about. He never thought that any ERT members would take items of value from the WTC debris.

██████████ advised that at other crime scenes, such as the Oklahoma City bombing, some searchers chose to collect pieces of rock or brick to put on their desks to remember the crime scenes.

Both ██████████ denied instructing ██████████ that non-evidentiary items could be removed from the WTC debris as mementos.

FBI NY Division ERT and Legal Unit

OIG interviews at the NY Division offices included nine NY ERT members, ██████████
██████████

FBI employees in the NY Division displayed a strong opinion about the taking items from Fresh Kills. Many interviewed called the debris at Fresh Kills "sacred" and were disgusted by the fact that anyone would want to take items, including pieces of the building, which were contaminated with blood and human body parts. One ERT member stated that it was a ghoulish prospect that anyone would want things from a crime scene where people have died.

All the NY ERT members that worked at Fresh Kills advised in their interviews that they did not grant approval for items to be taken as mementos by ERT members working at the site.

SA ██████████ advised that she worked with Marx at Fresh Kills beginning in mid-October 2001 until the operation finished. She remembered three specific instances of FBI ERT members taking items. The first time was when she and SA ██████████ observed the team leader from Houston

with a piece of marble on his desk, which he was going to take home as a paperweight. They told him it was disgusting and that he could not take it.

On another occasion, she observed an agent from OKC ERT with a duffel bag full of rocks. She made him dump out the bag. She told Marx about the incident because he was the FBI site manager, and he said he would talk to the agent.

She also remembered an agent from Detroit ERT who had "World Trade Center" key chains with people's first names on them (the kind of items you would find in souvenir shops). The agent was in the trailer passing them out to other ERT members. He asked if she wanted one with her name on it. She said she got very angry and told him, "If you take those home, you are taking pieces of our agent who died with you." She told him she was going to the food tent and when she got back, the key chains had better be gone. She thought Marx was present at the time. [REDACTED] told SSA [REDACTED] ERTU, "that people were taking stuff," and "he had better make it part of his briefing" to advise that items were not to be taken.

She expressed to Marx her concerns that she thought ERT members were apparently taking items from Fresh Kills. She observed rocks and pieces of the building in the supply trailer where the bathroom was located and where ERT members stored their personal belongings. She said she sabotaged them by throwing the rocks out into a garbage bag or into the debris pile.

[REDACTED] provided a copy of an EC dated October 30, 2002, which she wrote to NY Division Management, after reading the New York Times article of October 8, 2002, "FBI Agent Tells of Ground Zero Theft." In the EC she stated that when she had observed ERTs taking items, she informed them that taking items from the debris was unacceptable and to return the items to the debris field. She gave the EC to her supervisor, SSA [REDACTED] SSA [REDACTED] told the OIG that he failed to forward the EC. He advised that the inaction on his part was not done in any effort to avoid reporting the matter, but rather an oversight.

[REDACTED] FBI Investigative Specialist, who worked full-time at Fresh Kills, said he heard Marx instruct ERT members at briefings that Fresh Kills was a crime scene. Marx would tell them "to not take anything, but if they need to take a rock or piece of the building to remember the experience by, that's one thing." Marx would then say to the effect that "I, personally, would not take anything, but I am not in a position to tell you not to."

SA [REDACTED] indicated that he observed non-evidentiary items set aside by ERT members working at Fresh Kills. He was never asked if items could be taken, and he never observed anyone leaving the recovery site with any items. The items set aside included building pieces, rocks, bolts, and golf balls. He believed that the question of individual ERT members being allowed to take items was the responsibility of the ERT Team Leaders.

SA [REDACTED] said that [REDACTED] and other NY Division management, instructed NY ERT members at various times to obtain items from Fresh Kills for dignitaries. SA [REDACTED] pointed out that she had seen the U.S. Secretary of Defense, Donald Rumsfeld, on "60 Minutes" holding up pieces of

building from the WTC and the Pentagon, saying he kept those items on his desk to remember the terrorist attacks. Through an inquiry to the official website of the U.S. Secretary of Defense (Question and Answer section), we confirmed that Rumsfeld has a piece of the airplane that flew into the Pentagon.

[REDACTED] were interviewed regarding the taking of items from Ground Zero and Fresh Kills. They stated that they were only consulted for legal opinions regarding giving airplane parts to the Smithsonian and other museums, and regarding the requests by auto insurance companies to have vehicles released from Fresh Kills.

[REDACTED] noted that FBI ERT members were at Fresh Kills strictly by virtue of their position. He said they were not there to souvenir hunt. They were on official FBI business. They should not profit in any way from the fact that they were responsible for sorting through the debris. He also said that all items, even if they were going to be buried, did not belong to FBI ERT members or the FBI. According to [REDACTED] the debris items belonged to the building owners and the insurance companies, which had determined their disposition. He said that even if an item were going to be destroyed, the FBI would have to go through court forfeiture proceedings before it could be considered FBI property.

[REDACTED] who is also the Ethics Officer for the NY Division, stated that he never heard that individuals were allowed to take souvenirs from Building 7. No such request was coordinated through his office or staff. He said he would have remembered such a request. He emphatically stated FBI agents could not profit from working at any location. The burying of the debris was its final resting point; it was not abandonment. He said the calamity of the event was inconsistent with the taking of items for personal use.

Both [REDACTED] advised that the NY Division Legal Unit would never have granted authority to take anything for personal use. They were never asked for their legal opinion on the taking of mementos. They were never consulted about the taking of items for memorials, for U.S. soldiers supposedly to have in their pockets while fighting in Afghanistan, for creating plaques or crosses, or for dignitaries.

NY Division Management

SSA [REDACTED] advised that he did not recall anyone from the NY ERT or Marx asking him if FBI personnel could take items from the debris for personal use as mementos, and he would have remembered such a request. He said he was not aware of anyone in the NY Division giving approval for the removal of items as mementos. [REDACTED] said Marx should not have authorized any FBI personnel to take mementos. [REDACTED] said that condoning the removal of a rock could lead an individual to believe they could take other items, such as the Tiffany globe. For this reason, the FBI does not condone the taking of items even if they are of no value. He never had any conversations with Marx about employees removing items from Fresh Kills.

Former ADIC Mawn said he was not advised by anyone in the NY Division that items were being taken or that FBI employees were attempting to remove items. He said he would not have condoned the taking of items as souvenirs because of the difficulty in drawing the line on what can or cannot be taken.

However, although they stated the taking of items from the debris was not condoned both [REDACTED] and Mawn had items removed from the WTC debris. As previously mentioned:

- [REDACTED] said he provided pieces of non-evidentiary building pieces to EAD D'Amuro and a piece of I-beam to SAC Jones
- Mawn had a U.S. flag and a piece of marble as personal mementos

Explaining the discrepancy in his statement about the FBI not condoning the taking of items from crime scenes versus his own actions, [REDACTED] claimed that he removed the debris at the request of his superiors, D'Amuro and Jones.

Mawn stated he took the U.S. flag and marble from the WTC debris because he was retiring and wanted something to remember the 9/11 WTC terrorist attacks.

SA Richard Marx

FBI SA Richard Marx, Philadelphia Division, was identified as the site manager for the Fresh Kills recovery operation. Marx was initially interviewed as a witness by the OIG. The information he provided the OIG and FBI OPR, however, was inconsistent with information obtained in the investigation from other witnesses. Based on the inconsistency of his statements, on June 9, 2003, the OIG initiated an investigation of allegations that Marx lacked candor and failed to reply fully and truthfully during interviews with the OIG.

Signed Sworn Statements SA Marx Provided to FBI OPR

Marx provided a signed sworn statement on June 6, 2002 to FBI OPR in response to the inquiry involving [REDACTED] the OKC ERT member who allegedly took items from Fresh Kills without authorization. A review of the FBI OPR investigative file revealed that Marx was interviewed to determine what he had told ERT members at briefings about taking mementos. Specifically, several OKC ERT members claimed that Marx had authorized the removal of such items. In his June 6, 2002 sworn statement to FBI OPR, Marx said that during briefings given to new FBI ERT members reporting for their two-week detail to Fresh Kills, "I told ERT members that I did not want people taking souvenirs, and that this was not a good idea."

FBI OPR asked Marx to provide an additional sworn statement regarding what he specifically told ERT members in briefings. In a subsequent signed sworn statement, dated July 26, 2002, Marx said he did not recall the exact words he used at briefings; however, he said something to the effect of "you should not take things."

Initial OIG Contacts with SA Marx

On October 25, 2002, the OIG contacted Marx to schedule an interview in the OIG criminal

investigation of the removal of the Tiffany globe from Fresh Kills. He was advised that:

- The investigation was criminal
- He was a witness
- The purpose of the interview was to obtain information about the Fresh Kills operation and determine FBI personnel were permitted to remove items from the site
- The interview would be voluntary

Marx initially agreed to be interviewed, but later called back and left a voicemail message stating that since the investigation was criminal in nature, and "since it was an open-ended thing"; and he was at the landfill for 11 months, and since he "did not know the scope of the OIG investigation or the whole aspect of the thing," he would not agree to be voluntarily interviewed. He advised he would not speak with the OIG unless he was compelled to provide information.

December 6, 2002 Interview of SA Marx

After consultations with the United States Attorney's Office in the Southern District of NY, the OIG compelled Marx to be interviewed on December 6, 2002. He was given an administrative warning advising him that he was required to answer the OIG's questions fully and truthfully.

In this interview, Marx was non-committal regarding what he told ERT members about taking items. He advised that he wanted to stand by the statement he provided to FBI OPR.

Continuing with his interview, however, Marx insisted:

- He could not recall a specific instance where anyone from the FBI asked him if they could take anything
- He was not aware of anyone from the FBI taking items, except for [REDACTED] (the subject of the FBI OPR investigation)
- He did not realize that [REDACTED] was taking any items until someone complained
- He told ERT members at their initial briefings that he did not want any embarrassment for the FBI, and he did not want anything to end up on eBay

Marx also said he was aware that pieces of the building façade were stacked in a designated location of the Building 7 inspection area at Fresh Kills. He said he knew members of the USSS took those pieces of building façade. He said he did not think it mattered if other agencies, which had offices in Building 7, took items since it was their building. He said that if they would ask about taking an item, he would tell them, "It's your building." (As noted in the background of this report, Building 7 was not a federally owned building, and it contained offices of private financial and insurance companies.)

Marx claimed that because everyone wore similar white Tyvek suits, he may have mistakenly told an FBI ERT member they could take items from the Building 7 inspection area, believing they were from one of the other federal agencies that had offices in Building 7.

Marx pointed out that numerous museums were allowed to take items from the site. The U.S. Drug Enforcement Administration was permitted to take a large I-Beam for its museum. He said ADIC Mawn directed Marx to release 350 pounds of debris to a U.S. military organization because allegedly "a General in the armed services thought it would be a good idea to put a piece of debris in the pocket of every soldier who was sent into Afghanistan."

Marx was vague about his chain of command at Fresh Kills. He said he answered directly to Mawn. He said that he also had discussions with the NY Division Legal Unit regarding the removal of airplane parts by the Smithsonian Institute and other museums.

May 27, 2003 Interview of SA Marx

The OIG interviewed Marx again on May 27, 2003 to obtain a signed sworn statement for the administrative aspect of the investigation. (At this time, the OIG had reviewed Marx's June 6, 2002 statement to FBI OPR and the statements from OKC ERT members to FBI OPR.) It was pointed out to Marx that several individuals had stated that he (Marx) had authorized them to remove items. During this second OIG interview Marx stated that:

- His previous statements to the OIG did not accurately address what he had said at briefings regarding souvenir taking. He said it was more accurate to state that he told ERT members that any items not being retained for evidence or for identifying victims were trash. ERT members possibly construed his attitude about the items being trash as permission to take items.
- He did not explicitly tell ERT members they could take items but he also did not tell them that they could not take items. He realized that this statement was contradictory to his previous statement to FBI OPR. He realized now that his statement to FBI OPR could have resulted in disciplinary action against the target of the administrative inquiry and possibly others. He regretted that his previous June 6, 2002, statement to FBI OPR was worded so sternly.
- He realized that he was being defensive in his previous interview with the OIG.
- He should take the "brunt" of the blame for the fact that items were taken at Fresh Kills by FBI personnel.
- He was not concerned with souvenir taking. In December 2001, after it was declared that the FBI was there for humanitarian purposes only (to recover body parts and identify victims); he had to prioritize what was important. He did not have time "to sweat" the small stuff. He stated "People are going to do what people are going to do," and that he had too much to do than to hold people's hands. Memento taking was such a widespread problem with all the other agencies; it was too difficult to tell the FBI personnel that they could not take items as well.

Upon completion of his interview with the OIG, Marx was advised that a signed sworn statement would be prepared for him the following morning. While he was leaving the interview, Marx apologized for being so defensive, and any problems he may have caused.

When Marx returned the next day to sign his sworn statement, he told the OIG that he had retained an attorney and declined to review the statement unless his attorney was present. He left without signing his statement.

On June 2, 2003, the OIG learned from an interview of retired ADIC Mawn that Marx had given Mawn an American Flag and a piece of marble from the WTC debris as souvenirs of the 9/11 terrorist attacks. Mawn voluntarily brought OIG investigators into his home office and showed them the items. While showing the American flag, Mawn said that when he asked Marx for the items, he told Marx that the transaction was between "just the two of them."

As noted earlier, Marx had claimed to the OIG on December 6, 2002 that he was not aware of any FBI employees taking items as souvenirs. However, OKC ERT members had advised that Marx told them they could remove items, and Mawn said that Marx gave him items. Based on the inconsistency in Marx's statements, on June 9, 2003, the OIG initiated an investigation of allegations that Marx lacked candor and failed to reply fully and truthfully during interviews with the OIG.

June 16, 2003 Signed Sworn Statement of SA Marx

On June 16, 2003, Marx was re-interviewed by the OIG with his attorney present. He provided a sworn statement recanting several statements he made in his May 27, 2003 interview with the OIG. He maintained in the signed sworn statement:

- He could not recall if he had told any FBI employees they could take items as mementos from the WTC
- He could not recall if anyone from the FBI asked if they could take items as souvenirs, or mementos
- He did not explicitly tell ERT members they could take items but he also did not tell people that they could not take items
- He had no recollection of giving items to any FBI employee
- He did not give items to former ADIC Mawn; he did not recall giving Mawn a flag or a piece of marble
- He did not confront [REDACTED] at Fresh Kills when he saw him putting a piece of metal into the OKC ERT rental van

Marx did not directly say that he was aware FBI personnel were taking items. He also could not directly recall if he told FBI employees that items can be taken. However, he made the following statements indicating he was aware that items were being removed from the site by FBI personnel:

- "It [souvenir taking] was such a widespread problem with all the other agencies; it was too tough to tell the FBI personnel that they could not take items as well."
- "I was a GS-12 that did not have the 'teeth' to tell people that they could not take items."

These statements are not consistent with what he told the OIG in his initial December 6, 2002 interview, when he stated that he was not aware of any employees taking items, except for [REDACTED]

Marx was interviewed again on July 8, 2003, regarding the WTC artifacts he had in storage at the Philadelphia Division. In his sworn statement of June 16, 2003 to the OIG, and in his sworn statement

of July 26, 2002 to FBI OPR, Marx had claimed that ADIC Donovan asked for WTC artifacts for display in the NY Division offices, and for the public tour at FBI Headquarters. When advised that Donovan had no knowledge of the items being removed from Fresh Kills, Marx said that it may not have been Donovan that made the request, but rather an agent from the NY Division who used Donovan's name.

Polygraph Examination

Based on a request from the OIG, FBI OPR sent an EC dated August 4, 2003 requesting that Marx take a voluntary polygraph examination, or if necessary, a Substantial Objective Basis (SOB) polygraph. The EC advised that if Marx refuses to submit to a SOB polygraph, his refusal might result in an adverse inference being drawn from that refusal.

On September 10, 2003, Marx took the SOB polygraph examination. In the pretest phase of the examination, Marx was given the opportunity to review each page of his signed sworn statement of June 16, 2003. Marx maintained that he could not recall if he ever allowed the taking of personal mementos by ERT personnel. He claimed that he could not recall ever presenting Mawn with any debris items. Marx also stated that he would stand by his June 16, 2003 sworn statement.

Marx was asked in his polygraph examination:

1. Polygrapher: "Do you recall providing Fresh Kills items to ADIC Mawn?"
Marx: "No."
2. Polygrapher: "Other than [REDACTED] [Marx said he allowed her to take items to give to a university for display] do you recall OK'ing the removal of mementos by ERT personnel?"
Marx: "No."
3. Polygrapher: "Is your June 16th affidavit [to the OIG] completely true to the best of your knowledge?"
Marx: "Yes."

The results of the examination indicated that Marx was deceptive in his responses to all three questions.

During the post-test interview, Marx commented, "All I am going to say is I don't recall."

FBI Oversight and Policy

We found that there was a lack of managerial oversight at the Fresh Kills Operation and a lack of specific policy regarding memento taking from response sites, which contributed to ERT members taking items as mementos. The lack of FBI control allowed ERT members to use their own discretion and justifications for taking items.

FBI Oversight

All members of the Minneapolis ERT described the management at both Ground Zero and Fresh Kills as chaotic and unorganized. They said there was no real chain of command at either site, and no one knew who was in charge. They said they would be told one thing one day, and then told something entirely different the next. For instance, ██████ said in briefings by the Quantico ERTU, they were told not to take photographs. When they got to Ground Zero, they were paired up with NY Division FBI agents who told them they could take pictures. Then on a subsequent day, the National Guard began searching backpacks for cameras.

We were also advised by members of the Minneapolis ERT, and by Marx, that it was difficult to determine the agency an individual represented because everyone wore the same white Tyvek suits with no further identifiers.

Our investigation determined that FBI employees at Fresh Kills operation had little interaction with NY Division management. NY Division management oversight at the Fresh Kills operation was minimal. In the winter of 2002 until the closing of the Fresh Kills operation in the late summer of 2002, Marx and an Investigative Specialist, GS-11, from the Support Operations Group were the only individuals representing the Office of Origin—the NY Division—at Fresh Kills. One Investigative Specialist worked the day shift and the other the night shift. At times an Investigative Specialist worked alone, without Marx or any manager present.

One ERT member from the OKC said that the team received their directions and assignments from the NYPD and the contractor, not from the FBI.

The chain of command at Fresh Kills was unclear. Marx said that he relayed what was happening at Fresh Kills to ADIC Mawn. According to Mawn, he spoke with Marx only a half dozen times until he retired on March 1, 2002, and did not deal with him on a day-to-day basis.

██████ said that although Marx was directed to report to him, Marx was just as likely to go to Quantico ERTU, ASAC ██████ or ADIC Mawn with questions or updates. Depending on the situation, Marx appeared to think he was working for ERTU, or directly for ADIC Mawn, and no one in between. There were times that it appeared Marx thought his primary responsibility was to provide support to the NYPD.

██████ remembered Marx calling him several times with questions regarding matters at Fresh Kills that did not require a legal opinion. ██████ said he asked Marx a couple times, "Who is your supervisor?" and Marx never really answered him, although Marx did mention SSA ██████ and a supervisor from the Terrorism Unit of the NY Division. According to ██████ Marx appeared to make decisions on his own at Fresh Kills.

Marx advised that he was not given any oral or written instruction from management about what could be taken from the site. He said that he did not have a policy to quote in order to address souvenir taking more concretely.

Marx advised that although his job was to operate the site, he saw himself as a "guest" of the NY Division, and he felt awkward running the site.

Except for airplane parts given to museums, Marx did not document the removal of items from the site. For example, he did not document that:

- A U.S. Military organization took 350 pounds of debris so every soldier going to Afghanistan could have a piece of the WTC in their pocket.
- Marx "sent a concrete planter on a truck to Quantico so that it could be donated to some civic group at the request of a female ASAC." (Our investigation showed that a concrete planter was sent by truck, and [REDACTED] has it in storage for the FBI Tour.)
- [REDACTED] NY Division, took and gave items of debris to a university in Ohio.
- Marx removed artifacts and stored them at the ERT facility of the Philadelphia Division.

FBI Lack of Policy

Our investigation showed that the FBI had no specific written policy regarding the removal of non-evidentiary items from crime scenes to be used as mementos for personal use, or to give to individuals or organizations outside of the FBI. In addition, we found no FBI policy exists regarding the removal of non-evidentiary items to be used for training purposes, for memorials, or for display in FBI offices.

Our investigation found that memento taking at recovery sites has been a long-standing practice with FBI agents, which further demonstrates the need for an FBI policy. Many ERT members interviewed said they either had items or had seen items displayed on the desks of other FBI employees that were taken from previous crime scenes.

According to [REDACTED], the ERTU has drafted new policy regarding memento taking based on this OIG investigation. However, a review of the proposed policy does not impose a blanket prohibition on taking mementos. It also does not address the removal of items from sites that are not crime scenes or the removal of items for training and display purposes.

The proposed policy specifically addressed memento taking by ERT members. Our investigation showed that not only ERT members removed items from the site but also other FBI personnel. We learned that additional FBI personnel are often deployed to response sites, such as hazardous material teams, bomb squads, and administrative personnel. In short, we conclude that the policy should address all FBI personnel.

FBI officials informed us that the Quantico ERTU now advises ERT members during training to not take anything from crimes scenes.

Personal Justifications for Taking WTC Debris Items

FBI personnel who removed items from Fresh Kills gave several different justifications for doing so,

including:

- Fresh Kills was not a crime scene
- The items were non-evidentiary and of no value
- Other federal, state, and local agencies were removing items
- They were given authorization
- There was FBI precedent for taking items

Fresh Kills Was Not a Crime Scene

The claim that Fresh Kills was not a crime scene is inaccurate. Because of the magnitude of the destruction, the debris from the entire WTC complex was removed from Ground Zero and transported to Fresh Kills, where it was sorted for evidence, personal effects, and human remains. Our investigation found that although Fresh Kills was not the actual location where the incident occurred, FBI ERT's working there were primarily searching for evidence in the WTC debris. They were searching for the black boxes from the two airplanes, and for any evidence from the hijackers, such as weapons, box cutters, identification, cellular telephones, and palm pilots. They were also tasked with recovering human remains and looking for personal effects to help identify victims.

In short, although Fresh Kills was not the scene of the crime in the literal sense, Fresh Kills had the elements of a crime scene, including:

- Controlled access
- Recovery of evidence, personal effects, valuables and human remains.

Items Were Non-Evidentiary and of No Value

We found many conflicts in the claim that non-evidentiary items of no-value could be removed and kept for personal use. For instance, [REDACTED] believed that he could take the Tiffany globe because he thought it was going to be buried in the landfill as rubble or trash. Other FBI personnel, however, maintained that the Tiffany globe was an item of value, was possibly personal effect, and should have been retained.

Also, with regard to FBI employees claiming they could take items of no value, it should be noted that items from the debris, even pieces of the building, could be considered historic memorabilia or artifacts, making them items of value. As mentioned earlier, the United States Attorney's Office in Minneapolis had considered charging a civilian with removing a fire truck door that curators estimated, as a WTC artifact, had a value exceeding \$5,000. As also previously noted, a sculpture made from the debris, which was given at no cost to family members of the victims, recently sold on eBay for \$255.

Also, by taking "non-evidentiary" items for personal use, FBI personnel used their FBI status to obtain artifacts from the 9/11 WTC terrorist attacks that were not available to members of the general public. Moreover, [REDACTED] never consulted with anyone as to whether the Tiffany globe was an evidentiary item, a personal effect, or something that should be retained. Rather, he simply decided that he could take it.

Other Agencies Were Removing WTC Debris Items

The argument that other state, local and federal agencies were taking items, and therefore, FBI employees were justified in taking items is not persuasive. It also conflicts with the FBI's policy that FBI employees should always be mindful of the higher standards of behavior expected of them, and that FBI employees should comport themselves so their activities both on and off duty will not discredit either themselves or the FBI.

The [REDACTED] for the NY Division also pointed out the ethical aspect of taking debris items from the WTC debris, where approximately 2,800 people died. He stated, "The calamity of the event was inconsistent with the taking of any items for personal use."

Many witnesses we interviewed noted that the removal of items as mementos by FBI employees in general, and the publicity regarding the removal of the Tiffany globe in particular, have cast a negative light upon all the hard work conducted by the FBI during the eleven month recovery operation.

Permission Was Given To Take WTC Debris Items

The OIG investigation showed that some FBI employees claimed to have been given permission to take mementos from Fresh Kills. They advised that they would not have taken any items if they had not been given permission.

Richard Marx, the FBI agent responsible for Fresh Kills vacillated on what he told FBI employees. He ultimately advised the OIG in his signed sworn statement that he told incoming ERT members that the debris that was not retained was trash, which could possibly have been interpreted as permission to remove the items. Yet, Marx repeatedly claimed he could not recall anyone asking to remove items. His claims conflicted with information that we obtained from witness interviews and the results of his polygraph investigation.

Based on the above, we believe that Marx allowed FBI personnel to remove some WTC debris items as mementos from Fresh Kills. However, it is unclear as to what he said could be removed.

All of the FBI employees who said they had permission to take items as mementos said it was their understanding that the items they took needed to be non-evidentiary and of no-value. In contrast, [REDACTED] took the globe, which was of value and potentially belonged to someone.

FBI Precedent

Our investigation revealed that the removal of items as mementos and for display purposes by FBI personnel did not only occur at the WTC recovery sites. Several FBI personnel interviewed in this case

justified taking mementos based on FBI precedent. As previously mentioned one ERT member stated he "saw the taking of mementos as an accepted common practice throughout the FBI." Interviews revealed that non-evidentiary items had been removed as mementos from previous crimes scenes pertaining to:

- The U.S. Embassy Bombings in Africa (1998) where building pieces, a U.S. flag, and an African bunting were taken by FBI personnel.
- The Execution of a Search Warrant at the Cabin of Convicted Unabomber Ted Kaczynski (1996) where elk antlers and shingles and other pieces of the cabin were taken by FBI personnel
- The Bombing of the Alfred J. Murrah Federal Building in Oklahoma City (1995) where building pieces were taken by FBI personnel and engraved with the FBI seal and the date of tragedy

Some NY ERT members also told the OIG that had they seen non-evidentiary building pieces from the Bombing of Khobar Towers in Saudi Arabia (1996), and the WTC Bombing (1993) in the possession of other FBI employees. Yet, we have no indication that any item worth the value of the Tiffany globe was removed from any of these sites.

SUMMARY

Our investigation showed that [REDACTED] took the Tiffany globe paperweight while working at Fresh Kills during his two-week deployment from September 23, 2001 through October 9, 2001. He found the Tiffany globe while sifting through debris for evidence, human remains, and personal effects. Upon his return to the Minneapolis Division, he gave it to squad secretary [REDACTED] as a reminder of the 9/11 WTC terrorist attacks.

[REDACTED] and several other FBI employees removed WTC debris items from Fresh Kills, claiming that authorization had been given to remove certain items as mementos. They stated that those items that could be removed needed to be:

- Non-evidentiary
- Of no value
- Not attributable back to an owner

[REDACTED] claimed that he took the Tiffany globe because it had no value and was not a personal effect. He described the Tiffany globe, however, as the type of item that may have been on someone's desk.

Our investigation found that the Tiffany globe was an item of value. It retailed at \$350 when purchased new. Its value as an artifact from the 9/11 WTC terrorist attacks could not be determined. The Tiffany globe was also a personal item that could have belonged to someone. Moreover, its removal from the Fresh Kills site undermined a criminal case in the District of Minnesota. The United States Attorney's office declined to prosecute a civilian for taking a fire truck door from the WTC debris, because an FBI agent had done a similar thing.

The OIG investigation concluded that [REDACTED] should not have removed the Tiffany globe from the Fresh Kills site because it was an item of value and could have belonged to someone from the WTC. [REDACTED] also failed to report to FBI Minneapolis Division management that he had removed the globe from the World Trade Center site, even after he learned that the globe was Tiffany and it dawned on him "that it possibly could be a problem." Although removing the Tiffany globe did not appear to violate any specific FBI order or procedure, FBI policy states that FBI employees are held to higher standards and must comport themselves so their activities both on and off duty will not discredit either themselves or the FBI.

Our investigation found that a lack of written policies and clear direction from FBI management at Fresh Kills contributed to FBI employees to using their own discretion to decide to remove certain items for personal use or as mementos. In addition, the precedent of FBI employees having removed non-evidentiary items at prior major incident response sites contributed to the circumstances in this case.

Finally, we concluded that FBI Special Agent Marx lacked candor and did not reply fully and truthfully in his sworn statements to the OIG about his actions regarding the removal of material from Fresh Kills and in providing such material to others.

The OIG has completed its investigation and is providing this report to the FBI for appropriate action.

Pages 36 and 37 contain further information about the subjects of the investigation. Pages 38-42 contain a list of exhibits. These pages have been redacted in their entirety.