

## Report: FBI crime lab work, management flawed

Attorney General Janet Reno says lab still capable of performing its mission despite some problems

WASHINGTON (AP) — FBI crime lab agents produced flawed scientific work or inaccurate testimony in major cases such as the Oklahoma City bombing, the Justice Department inspector general said Tuesday. He recommended discipline for five agents and transfer of the original whistle-blower.

But Inspector General Michael Bromwich concluded in his report that agents of the world-renowned crime lab did not commit perjury or fabricate evidence.

Attorney General Janet Reno said the damaging findings already have been raised by defense attorneys in 13 court cases and "there has been no change in the outcome of the case." Hundreds of prosecutions that used lab evidence remain under review.

Despite "significant instances of testimonial errors, substandard analytical work and deficient practices," the lab is still "capable of performing its mission," Reno said.

Bromwich also criticized lab management and the qualifications of agents in its explosives unit, where he recommended that only scientists be employed. He emphatically endorsed the FBI's current effort to get

the lab accredited by outside experts for the first time.

In a typical criticism of work on high-profile cases, Bromwich blasted lab supervisor David Williams' 1993 testimony that a 1,200-pound urea nitrate bomb damaged New York's World Trade Center. FBI chemists found no explosive residues at the site.

Williams' testimony was "inaccurate and incomplete" and appeared to be "tailored to the most incriminating result," Bromwich said.

The FBI accepted nearly all of Bromwich's recommendations. To avoid any conflict, the Justice Department, not the FBI, will rule on Bromwich's proposals to punish agents and transfer the chief whistle-blower, scientist-agent Frederick Whitehurst.

"There was a clear and serious failing in not adequately detecting these problems and, in many instances, not moving swiftly enough to resolve them," FBI Deputy Director Bill Esposito said.

"The improvements ... must and are being made."

FBI Director Louis Freeh is looking for an expert outside the FBI to head the lab and the bureau will hire more scientists, Esposito added.

Bromwich said Whitehurst, who triggered the investigation, should be transferred because his "overstated and incendiary" allegations have poisoned his relations with other lab workers.

"The problems and deficiencies that Whitehurst brought to our attention are extremely serious," Bromwich said, "but they are a far cry from the rampant and intentional wrongdoing alleged by Dr. Whitehurst: ... perjury, fabricated evidence, obstructed justice and suppressed exculpatory evidence."

Bromwich said those deciding Whitehurst's future "must weigh the significant contributions he has made" and avoid discouraging others from reporting misconduct.

Whitehurst predicted, "Ultimately, they will put me back into the laboratory."

"This is a beautiful day," Whitehurst said in an interview. "That report essentially validates all the major concerns I had. It's the beginning of the correction process" and outside oversight of the FBI.

Bromwich said that since 1989 FBI managers had repeatedly bungled efforts to root out problems in the lab identified by Whitehurst and others. He criticized four retired FBI lab executives for this.

"This report serves as a wake-up call to Congress and the public to rein in the FBI errant leadership," said Sen. Charles Grassley, R-Iowa, chairman of a Senate subcommittee that oversees the FBI. "The FBI chose to improve its image rather than ... the product."

In the Oklahoma bombing, Bromwich said explosives unit supervisor Williams decided a 4,000-pound ammonium nitrate-fuel oil bomb was used based on the defendants' alleged purchases rather than on scientific evidence.

Bromwich said Williams should be transferred from the lab because

he "repeatedly reached conclusions that incriminated the defendants without a scientific basis."

Federal prosecutors have removed Williams from their list of expert witnesses at the trial of Timothy McVeigh for the Oklahoma bombing. They say another FBI expert can present the explosives evidence, but defense attorney Stephen Jones had indicated he will attack the lab's work.

The report found that explosives unit chief J. Thomas Thurman did not properly review Williams' work and said Williams and Thurman "merit special censure" for their Oklahoma work.

Bromwich recommended Thurman, whose college degree is in political science, be transferred from the lab.

Other proposed punishment:

—Demotion and possible transfer for chemistry-toxicology unit chief Roger Martz, who "lacks the judgment and credibility" to supervise. Martz testified to an "opinion stronger than his analytical results would support" in a Florida trial that resulted in a death sentence for George Trepal for putting poison in Coca-Cola bottles and did a "seriously deficient" review

of errors by lab examiner Rudolph, the report said.

—Unspecified discipline for FBI agent Michael Malone, who no longer in the lab, for testifying falsely in proceedings that ultimately removed Alcee Hastings from a federal judgeship.

—Transfer from the lab for examiner Wallace Higgins for altering Whitehurst's reports.

**"This report serves as a wake-up call to Congress and the public ..."**

Frederick Whitehurst  
FBI scientist-agent

### Correction

In a Page 1 story in yesterday's Battalion about minority representation, a quote from Diane Kasper, chair of the minority conditions subcommittee, should have read as follows: "Today we are bringing forth for Senate approval of our recommendations we feel is most important for recruiting and retaining minority faculty on campus and for doing the best job we can in recruiting a diverse student body, now that living under the Hopwood decision seems to be a reality, at least for the immediate foreseeable future."

### ► This day in history

Today is Wednesday, April 16, the 106th day of 1997. There are 259 days left in the year.

On this date:

In 1789, President-elect Washington left Mount Vernon, Va., for his inauguration in New York.

In 1862, a bill ending slavery in the District of Columbia became law.

In 1912, Harriet Quimby became the first woman to fly across the English Channel.

In 1917, Vladimir Ilyich Lenin returned to Russia after years of exile.

In 1935, the radio comedy program *Fibber McGee and Molly* premiered on the NBC Blue Network.

In 1947, America's worst harbor explosion occurred in Texas City, Texas, when the French ship Grandcamp, carrying ammonium nitrate fertilizer, caught fire and blew up, devastating the town. Another ship, the Highflyer, exploded the following day. The explosions and re-

sulting fires killed more than 500 people and left 200 others missing.

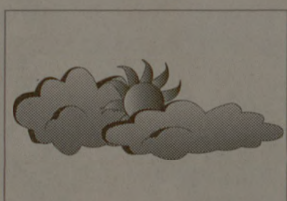

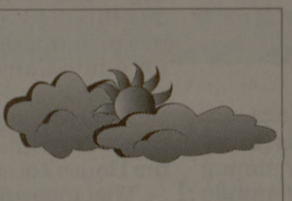
In 1962, Walter Cronkite succeeded Douglas Edwards as anchorman of *The CBS Evening News*.

In 1972, 25 years ago, Apollo 16 blasted off on a voyage to the moon.

### ► Today's birthdays

Actor-comedian Spike Milligan is 79. Actor Barry Nelson is 77. Actor-director-author Peter Ustinov is 76. Actress-singer Edie Adams is 68. Singer Bobby Vinton is 62. Singer Dusty Springfield is 58. Queen Margrethe II of Denmark is 57. Basketball Hall of Famer Kareem Abdul-Jabbar is 50. Singer Gerry Rafferty is 50. Actress Ellen Barkin is 43. Singer Jimmy Osmond is 34. Rock singer David Piner (Soul Asylum) is 33. Actor-comedian Martin Lawrence is 32. Actor Jon Cryer is 32. Actor Lukas Haas is 21.

### ► Weather

Today	Tonight	Tomorrow	Highs & Lows
			Today's Expected High: 74°F
Partly cloudy.	Partly cloudy.	Partly cloudy.	Tonight's Expected Low: 41°F
			Tomorrow's Expected High: High
			Tomorrow's Expected Low: 50°F

Information courtesy of T&E

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