

Whistle-Blower to Get Documents

Settlement Gives Whitehurst 200,000 Pages of FBI Lab Reports

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The Justice Department agreed yesterday to release some 200,000 pages of FBI crime lab reports to a whistle-blower who has already sparked an overhaul of the laboratory and who now promises to search out errors in its past work.

Frederic Whitehurst will receive the documents along with \$300,000 to settle a lawsuit in which he claimed the Justice Department spread false and derogatory information about him. Whitehurst, a veteran FBI agent and lab chemist, gained notoriety when he publicly criticized the lab's handling of evidence in several major cases, including the World Trade Center and Oklahoma City bombings.

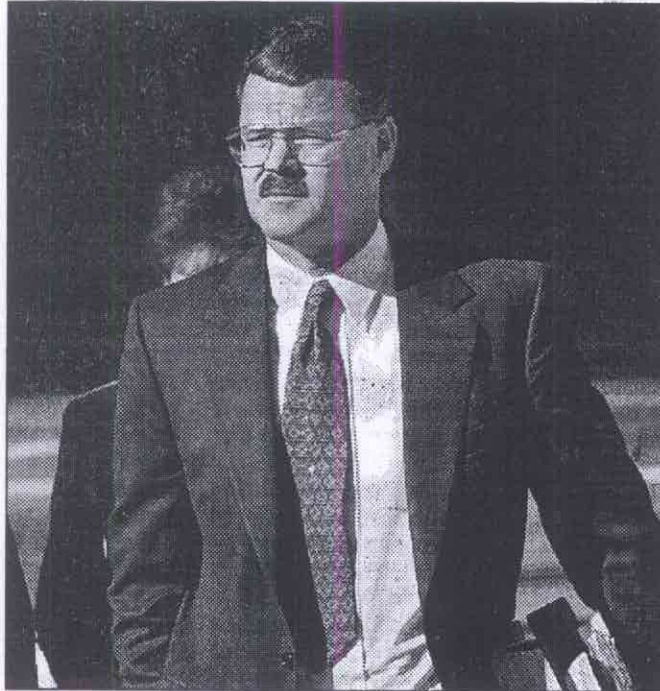
Last month, Whitehurst reached a \$1.16 million settlement with the FBI in exchange for dropping a separate lawsuit alleging that the FBI had retaliated against him for being a whistle-blower. As part of that settlement, Whitehurst, 50, agreed to resign from the FBI voluntarily.

The money settlement will pay his legal fees and provide him with annual payments equal to the salary and pension he would have earned had he reached the normal FBI retirement age of 57.

The government did not acknowledge any wrongdoing in either settlement. Yesterday's settlement resolved all of Whitehurst's pending claims against the government.

A 500-page report on the FBI lab completed last April by the Justice Department's inspector general found that many of Whitehurst's allegations could not be substantiated but that enough of his criticisms proved accurate to require substantial changes in laboratory policies and practices.

The documents that Whitehurst will receive under yesterday's settlement potentially involve as many as 5,000 criminal cases handled by 10 lab examiners who Whitehurst has alleged mishandled evidence, according to his attorney, Stephen M. Kohn.



FILE PHOTO BY ED ANDRIESKI—ASSOCIATED PRESS

Veteran FBI agent and lab chemist Frederic Whitehurst claimed that the Justice Department spread false and derogatory information about him.

Whitehurst will get full case reports involving all the lab analyses performed in each case—not just the work done by the allegedly suspect examiners, Kohn said.

"This settlement will open huge new areas of FBI lab work to outside scrutiny for the first time," Kohn said.

The Justice Department contends that it has reviewed dozens of cases thus far and that no verdicts have been reversed as a result of faulty lab practices uncovered during the inspector general's investigation.

Several cases still remain under appeal, however.

Whitehurst has vowed to investigate personally whether any innocent people were wrongfully convicted as a result of faulty lab analyses.

He is now leading a project at the National Whistleblower Center, an advocacy and research group here, to review past work at

the FBI lab and the implementation of reforms mandated by the inspector general.

In addition, Whitehurst and the National Association of Criminal Defense Lawyers are suing the Justice Department to obtain the records of the inspector general's investigation and documents relating to the department's examination of cases to determine whether faulty laboratory work tainted any prosecutions.

"This settlement sends a very strong signal that a whistle-blower's right to privacy needs to be protected," said Kohn.

Whitehurst alleged in the privacy suit that the FBI divulged incomplete and incorrect information about him in order to discredit him, including information from his personnel and medical files. The Privacy Act of 1975 protects individuals from misuse of information about them by government.