

Mr. Stephen S. Rosenfeld  
The Washington Post  
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Washington, DC 20071

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Dear Mr. Rosenfeld,

Because I believe that you and Ms. Greenfield are among the best-informed in Washington and because I believe that the person who wrote your today's editorial, "Is the FBI Going Downhill?" <sup>is honest,</sup> I am astounded that you are not aware that all those you regard as current abuses of the FBI have been its practise for years.

(I hope you will once again excuse my typing, which can't be any better. And, I'm almost 84 and ~~had~~ had congestive <sup>heart</sup> ~~heart~~-failure twice in the past year.)

Each and every one of those lab failings was commonplace in my experiences with it and with its work going back more than 30 years. Add perjury, too. But that was ~~not~~ restricted to the lab. They were all capable of that. To prove it and in an unsuccessful effort to end it I placed myself under oath to allege it rather than having my lawyer state it in a motion only. The FBI's ~~reply~~ reply three pages of which I enclose was accepted by federal district court in Washington as a defense of proven perjury before it! So, why should the FBI not regard itself as immune in its practise of those abuses? <sup>(It said that it's a new more</sup> <sup>and its investigation than any in working in the FBI.)</sup> about the JFK assassination  
My connections with the FBI were over its work in the political assassinations. In my FOIA lawsuits I deposed four lab agents. They proved Sanford Ungar's point in his book on the FBI in which he stated that the lab agents were carefully train<sup>d</sup> to confound <sup>cor</sup>s examination. It was quite a spectacle! Each was trained in accord with what he could get away with and they were good at it. One even admitted much of what this editorial says and nobody paid any attention. Not the judge and not the papers.

I doubt if many, if any, in the media have thought of the JFK assassination as I do. I believe that regardless of the intent of the assassin or ~~assassin~~ assassins, the assassination of a president is in effect a coup d'etat. If the media, the Post in particular, had regarded it that way rather than ~~seemingly~~ seeming to believe that the media should support what was clearly the official mythology, I think much of our history/since then would have been different.

I believe, based on my experiences when I could travel and speak to colleges and from innumerable calls and more than 20,000 letters from strangers, is that the media and the government attitude toward the assassination is one of the two greatest causes of disenchantment with both.

George Lardner's has been by far the best reporting on the assassination

but it was entirely inadequate. He knew how far the Post would go and he went no further. But I do recall that once when in one of those FOIA cases I got proof of lab hanky-panky and phoned George at home he did the story and then had to fight with his editor to get it printed. *It was his day off.*

I think George will tell you that I never gave him a bum steer or sought any personal attention. I do not now. I'm trying to inform you, in the hope that it can make a difference. And that one difference can be a better FBI.

The FBI deliberately deceived the Warren Commission which was, mostly, happy to be deceived that way. Senator Russell, with whom I later had a relationship, was an exception but he devoted little time to the Commission. He did not agree with its most basic conclusion. Neither did John Sherman Cooper. The Commission came both into believing that a rephrasing of the conclusion they would not agree to changed it but it did not. It was merely a rephrasing of the same thing. Made possible by the deliberate FBI lab dishonesty that would have been apparent if the media had not so totally accepted what it should not have, proceedings entirely in secret when had Oswald not been killed, it would all have been public-and telecast. I think the extent of this, by the lab, will surprise you. And it relates to the most basic of the alleged evidence.

Please remember that I am alone in restricting my books to the official evidence. I assure you that critical as they are, going back to my first, of 1965, I have yet to get a call or a letter from any of those of whom I was so critical complaining of unfairness or inaccuracy.

And example of the media prejudice on this is that the Post, and with it all the major papers, refused to review any of my nine books. Including the <sup>WV</sup> ~~new~~ more recent ones that were published commercially.

So the Post not only did not do the reporting it should have done, it kept its readers from knowing about other sources of what the Post did not report to them. (But its record is better than that of the NY Times at that.)

Evidence in the JFK assassination was destroyed by the lab. No question! I stated it under oath and the FBI was silent. In fact, it once provided fifth-grade hearsay to explain why it did not give me what it should have in a lawsuit. It said it believed that evidence was destroyed,

There is little question about it, the FBI framed two men as assassins when it had the evidence they were not and could not have been. I can say this because I have their evidence.

I could go on and on but I do not think you want to take that time. However, if anyone at the Post wants me to, I'll take the time to give chapter and verse on what I say.

I believe the Post, along with all the media, ought give thought to what has happened because of what it did not report that it could and should have reported.

To what it did to the country and to popular attitude toward the media.

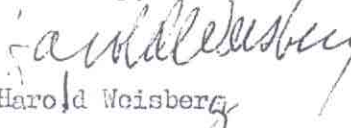
To what will be believed about the media, the Post in particular, in the future as more and more of this tragic history gets attention.

Honest as Mrs. Graham's autobiography selections in the Post were I think she <sup>may</sup> ~~may~~ want to think about how she as the publisher will be regarded in history over the Post's failings in assassination reporting.

With all the faults you attribute to the FBI lab its record in the JFK assassination, do you believe there would be those faults today had they been reported in connection with the assassination?

When they have been the practice for more than 30 years, how much less than their being permanent, the word in your last sentence, have they been?

Sincerely,

  
Harold Weisberg

# Transferred FBI Officials Had Roles in High-Profile Cases

*Move of Supervisor, Unit Chiefs Follows Report Criticizing Lab*

1/29/97  
By Pierre Thomas  
Washington Post Staff Writer

A senior FBI official who helped supervise the crime scenes after the bombings of the Oklahoma City federal building and New York's World Trade Center was among those removed from their positions following an unusual Justice Department report that criticizes the work of the bureau's laboratory.

The transfer of supervisory agent David Williams and two other FBI officials "who had major responsibilities in explosives investigations" renewed long-standing questions about the integrity of the FBI lab and could set off a round of legal challenges to bureau forensic findings in high-profile prosecutions.

Williams, Tom Thurman, unit chief of the explosives division, and Roger Martz, unit chief of the chemistry and toxicology division, were transferred while the FBI evaluates a report by the Justice Department's inspector general about their work in a number of criminal investigations. According to an official familiar with the report, the three were transferred because of questions concerning "sloppiness and mismanagement." The report criticizes some basic procedures at the FBI lab and highlights some two dozen cases in which there were problems with possibly contaminated evidence and other FBI laboratory procedures.

The unreleased report does not allege that evidence was manipulated to benefit prosecutors, officials said. It was not clear whether the inspector general found problems with the Oklahoma City or World Trade Center investigations. Phone calls to the offices of the three officials were not returned.

Justice Department officials maintained yesterday that the allegations should have no adverse effect on pending criminal cases and said FBI lab work did not impair any suspect's right to a fair trial. However, a number of senior law enforcement officials said privately that the report's findings were troubling. The FBI yesterday issued a six-page press release detailing Director Louis J. Freeh's efforts to improve the laboratory, including steps initiated before the Justice inquiry.

Department criminal lawyers have reviewed the inspector general's findings and have sought to address any issues that could

affect pending cases and those on appeal, sources said. Williams, for example, likely will not be called as an expert witness in the Oklahoma City bombing trials of Timothy J. McVeigh and Terry L. Nichols, sources said.

Federal prosecutions, particularly bombing cases such as Oklahoma City, rely heavily on scientific analysis and forensic evidence to convince juries of the government's case. If

the credibility of FBI forensics becomes a major issue, such cases could be jeopardized.

Stephen Jones, attorney for McVeigh, said he is well aware of the Justice probe and is prepared to put the FBI laboratory on trial.

"I think they are engaged in forensic prostitution, especially the bomb analysis unit and perhaps others," Jones said. "The FBI laboratory work will be subjected to close examination during the trial." Jones said he had been given significant access to FBI working papers and lab protocols and that it had proven "beneficial to the defense."

Meanwhile, the FBI leadership spent part of yesterday fending off questions from a key

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congressional oversight figure concerning its recent paid suspension of forensic scientist Frederic Whitehurst, who prompted the Justice investigation with complaints about procedures at the laboratory. In a meeting with Sen. Charles E. Grassley (R-Iowa), who chairs the Judiciary subcommittee on administrative oversight and the courts, the FBI maintained that Whitehurst's suspension was not retaliatory.

The FBI lab conducts more than 600,000 examinations a year for local, state, federal and international law enforcement agencies.

The Justice report, prepared with the help of several world-renowned forensic experts, found that in some cases the bureau laboratory exercised lax control over evidence and that accountability over findings needed to be improved. The report also recommends that the lab undergo strict accreditation procedures and that scientists be placed in charge of the laboratory rather than law enforcement personnel.

FBI officials yesterday were quick to point out that Freeh has sought to get the bureau accredited by the American Society of Crime Laboratory Directors, has obtained funding for a new laboratory and has implemented initiatives aimed at improving the bureau's forensic program, including:

- Formation of a quality assurance unit to ensure sound laboratory practices.
  - \$30 million to modernize laboratory equipment.
  - Creation of evidence response teams to expand the number of personnel trained and equipped to handle crime-scene evidence.
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# FBI Suspends a Critic Of Its Lab Procedures

1/28 '97  
By Roberto Suro and Pierre Thomas  
Washington Post Staff Writers

The FBI has suspended a forensic scientist whose long-standing complaints about procedures at the FBI crime laboratory led to a Justice Department investigation that supports some of his charges and concludes that evidence in dozens of cases has been mishandled, federal officials said yesterday.

A report on the internal investigation was delivered to FBI headquarters last week just days before the scientist, Frederic Whitehurst, was put on administrative leave. Whitehurst was ordered last Friday not to enter any FBI facilities and was barred from trying to obtain information from FBI officials.

The contents of the report have not been made public,

and the Justice Department refused to comment on it. But an official familiar with the course of the investigation said the report by the inspector general's office criticized some basic procedures at the FBI lab. The report does not allege that evidence had been manipulated to benefit prosecutors, the official said.

However, the report does document about two dozen cases where there were problems with possibly contaminated evidence and other FBI laboratory procedures, the official said. Conducted with the help of a number of world-renowned forensic experts, the report found that in some cases the bureau laboratory exercised lax control over evidence and that accountability over findings needed to be improved. The report also recommends that the FBI laboratory undergo strict accreditation procedures and that scientists be placed in charge of the laboratory rather than law enforcement personnel.

It is unclear whether the report corroborates Whitehurst's long-standing claims about shoddy forensic work in a number of high-profile cases, including the World Trade Center bombing.

Sen. Charles E. Grassley (R-Iowa), who is chairman of the Judiciary subcommittee on administrative oversight and the courts, complained yesterday in a letter to FBI Director Louis J. Freeh that "the issues raised by Dr. Whitehurst are troubling and have caused me great concern." He added that Whitehurst's suspension "appears to be a reprisal for his disclosures."

Whitehurst began criticizing the quality of work at the crime lab in

1989 when he was an FBI supervisor and top explosives expert. He subsequently alleged that the lab had produced sloppy, misleading or fabricated evidence in a number of major probes.

A letter from the FBI advising Whitehurst of his suspension offers no specific reason for the action and states that "it does not indicate that you have engaged in any inappropriate conduct."

FBI spokesman Bill Carter said the bureau was preparing a statement.

"This [Whitehurst's suspension] was designed to cut off his information about further misconduct in the bureau," said Stephen Kohn, Whitehurst's attorney. "He had become a lightning rod where people were using him to funnel information about the bureau."

The inspector general report follows a 1995 federal audit of the FBI laboratory that found discrepancies in tracking cases and handling test results in some of the thousands of criminal matters the bureau handles for local police and state and federal prosecutors.

The FBI lab conducts more than a million evidence examinations a year and its experts testify in hundreds of state and federal courts annually, bureau officials said.

The quality of the FBI's laboratory work has been criticized before. An independent Justice Department task force review of the Ruby Ridge case cited problems with the FBI lab as one of many impediments in the government's prosecution of Idaho white separatist Randy Weaver for the 1992 killing of a U.S. marshal. Weaver was acquitted of the charges.

Whitehurst is a 13-year FBI crime lab veteran with a doctorate in chemistry from Duke University. He served as top scientist for explosive residue analysis for seven years until 1994, when his assignment was changed to "trainee" in paint and analysis.

In his letter to Freeh yesterday, Grassley also said: "Recently, a Department of Justice official knowledgeable about the [inspector general's] investigation told me privately that Dr. Whitehurst had done a service for his country in bringing forth this information. . . . The fact is, the public will not tolerate the persecution of a bearer of truth by a government agency seeking to shoot the messenger instead of fixing the problem."

FBI Deputy Director Weldon Kennedy and bureau senior congressional and general counsel staffers are scheduled to meet with Grassley today.