

Justice Dept. Probe Casts Shadow on Forensic Data

Sources See No Harm to Bombing Prosecution

1/31/97

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FBI forensic specialists investigating the bombing of the Oklahoma City federal building reached early conclusions based on little or no scientific analysis, failed to take precautions to avoid contamination of some evidence and engaged in shoddy laboratory work, according to allegations developed in a Justice Department investigation.

Some of the allegations have been provided to defense attorneys representing bombing suspects Timothy James McVeigh and Terry Lynn Nichols and probably will be used to cast doubt on the government's forensic findings in the April 1995 bombing that killed 168 people and wounded hundreds more.

But Justice Department officials said the allegations, detailed in memos to the department's inspector general, involved issues that are not likely to affect the enormous quantity of circumstantial and forensic evidence

developed in the Oklahoma City investigation. Although some of the FBI specialists will not likely be called as prosecution witnesses at trial, many of the issues raised in the memos have already been addressed and should not affect the prosecution's case, the officials said. Other expert witnesses both in and outside the government will be available at trial.

Senior officials at the department were more measured than FBI executives in their assessment of the inspector general's findings. Deputy Attorney General Jamie S. Gorelick, at the Justice Department's weekly news briefing, declined to back the FBI's blanket assertion that no problems identified by the inquiry have "compromised any past, present, or future prosecutions."

"Until we have the final report and until the courts have a chance to examine each and every allegation as it applies to each and every case, we won't be able to make blanket statements," Gorelick said, describ-

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Gorelick Says Report Raises Serious Issues

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ing the report as raising "serious" issues. "... We have confidence in the lab. The report reflects allegations as to a limited number of units within the lab and limited number of examinations and cases."

Department sources maintained that the allegations, contained in "reports of interviews" conducted with FBI officials during the inspector general's inquiry, contain hearsay information that should not be considered as fact and may not be included in the final report.

The memos helped form the basis for a series of critical findings in the inspector general's report, sources said. Some of the assertions were made by FBI laboratory employees and Treasury Department officials.

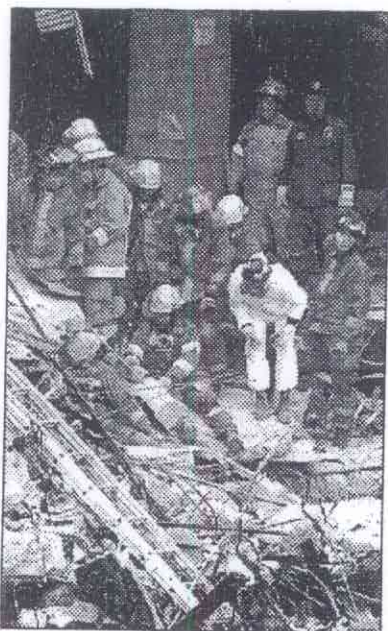
Senior Justice Department officials acknowledged yesterday that some of the allegations have already led to a series of changes in procedures at the FBI laboratory that will give scientists more control over forensics management, rather than leaving supervision to law enforcement officials.

The allegations concerning the FBI lab came one day after the government stated in court papers that it was calling off its international manhunt for "John Doe #2," saying the mystery suspect had been identified in error. The revelations pose potential evidentiary and witness problems for the government as it prepares for the March 31 opening of McVeigh's trial in Denver.

The complaints raised by the inspector general's inquiry concern a relatively small number of FBI and Treasury Department employees and largely focus on the forensic work and evaluations of three senior FBI officials who were transferred from their jobs this week in the laboratory's explosives, chemical and toxicology divisions.

The allegations include complaints that:

- A senior official from the explosives section, after conducting a cursory observation of the blast damage at the site, determined that the detonation velocity was 13,000 feet per second.
- The crime scene was not tightly



FILE PHOTO

Firemen search rubble of federal office building in Oklahoma City demolished by a bomb in April 1995.

supervisors without telling the lab personnel who had written them.

Authorities familiar with the accusations say that although they raise serious procedural questions, there are plausible explanations for the actions of the investigators. For example, in the early hours and days after the bombing, the premium was on saving survivors and victims, not controlling the site. The changes in the reports had to do with descriptions, and in no way were attempts to obstruct justice, sources said.

The more important issue addressed in the inspector general's report concerns long-standing FBI procedures for bombing investigations. For example, field investigators, who often were not scientists, routinely made conclusions, based on observational experience, rather than empirical data. These investigators have routinely been allowed to testify at criminal trials as expert witnesses, offering what appeared to be scientific data. The bureau is now wrestling with the prospect of having to discipline employees who followed these practices for years, seemingly with the agency's approval.

The FBI has until Feb. 20 to respond to the inspector general's report. The bureau can contest findings it deems inaccurate. FBI employees who are criticized will have an opportunity to respond.

The Justice Department probe stemmed from long-standing claims about troubles in the FBI laboratory by Frederic Whitehurst, an FBI forensic expert who was recently placed on administrative leave with pay. FBI officials maintain the action was not retaliatory.

controlled immediately after the blast and that the official from the lab's explosives section ordered forensic workers to use rakes and collect only big pieces of debris rather than continuing a tedious sifting process to obtain blast evidence and residue.

- Evidence reports were changed by