

## The Whitehurst Settlement

Post 2/28/98  
THE FBI HAS reached a \$1.16 million settlement with Supervisory Special Agent Frederic Whitehurst, the whistle-blower who sparked the Justice Department's devastating review of the FBI lab's handling of evidence. It is a good deal for both sides. Mr. Whitehurst receives the equivalent of the salary and pension he would have been paid had he never done battle with his employer; he gets his legal bills paid; he gets the FBI's disciplinary proceeding against him dropped; and he gets a measure of vindication following his suspension from the bureau early last year. The FBI, in turn, gets rid of Frederic Whitehurst, who agreed to resign voluntarily as part of the settlement and drop a suit against the bureau.

Mr. Whitehurst is a complex figure. It was his persistent complaining, initially ignored by the bureau, that finally got the lab examined. Few still doubt that what Justice Department Inspector General Michael Bromwich discovered during his exhaustive probe of the lab were grave deficiencies that affected—although they did not fatally compromise—several high-profile investigations. Mr. Whitehurst's complaints ultimately resulted in a much-needed overhaul of lab procedures—and for that he deserves a good deal of credit. But Mr. Whitehurst was not simply a truth-teller oppressed by the mighty power of the

federal government. He submitted hundreds of single-spaced pages of allegations against his colleagues, most of which Mr. Bromwich's investigation did not ultimately substantiate. While these charges never panned out, they nonetheless hurt people's careers, and many in the bureau came to regard Mr. Whitehurst as vindictive. They saw his seeming eagerness to make allegations against his fellow agents—some true, some not—as reckless. And even some people who sympathize with him recognized that his mission and the bureau's had, at some point, diverged.

Mr. Whitehurst clearly had no future at the FBI, and there was, therefore, no point either in his litigating allegations against the bureau or in its pursuing its allegations against him. Mr. Whitehurst is planning to join the National Whistleblower Center to head a project examining past FBI lab work to ensure that innocent people have not been falsely convicted because of flawed FBI science. This is the right role for him. And while there will be those in the bureau who see any payment to the chemist as a bitter pill for the agency to swallow, the deal will allow the FBI to put the matter behind it. Mr. Whitehurst, despite the legitimate criticism he has received, has done a real service, and it seems right that he should be made whole.