

Finds Some Discrepancies

Misconduct Allegations Are Not Corroborated

By Pierre Thomas
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A routine audit of the FBI's expert crime laboratory last year found discrepancies in tracking cases and handling test results in some of the thousands of criminal matters the lab handles for local police and state and federal prosecutors.

The audit followed a steady stream of complaints from an FBI explosives expert beginning in 1989 about the quality of the lab's work, including allegations that bureau forensics workers had offered misleading or fabricated evidence in a number of cases to help prosecutors.

The complaints were made by FBI explosives expert Frederic Whitehurst to his FBI superiors and the Justice Department's inspector general. The subsequent inspector general's audit of the lab found problems with its management of evidence and called for improvements.

The audit concluded that "the FBI could provide faster services, strengthen accountability of requests and specimens, enhance quality assurance practices, and provide safer conditions for its employees."

FBI officials said yesterday they quickly moved to address problems uncovered in the audit, and noted that all tests and specimens were accounted for. And in light of Whitehurst's complaints, the agency said it recently reviewed 250 cases processed by the lab and said it found no signs of evidence fabrication or other problems with the work.

Attorney General Janet Reno said yesterday she ordered a complete investigation of the lab's practices last month after Whitehurst's complaints, which were publicized this week, were brought to her attention.

Reno said at her weekly news conference that she talked with the department's inspector general "and told him that I wanted to make sure that we pursued any concern whatsoever and I will await his report."

Whitehurst is being sought as a defense witness in the O.J. Simpson murder trial in an attempt by the defense to cast doubt on the quality of the FBI laboratory work performed in the case.

Whitehurst began citing flaws and misconduct within the lab six years ago. To date, the FBI has corroborat-



BY FRANK JOHNSTON—THE WASHINGTON POST

FBI explosives expert Frederic Whitehurst listens as his lawyer, Stephen M. Kohn, discusses Whitehurst's complaints about the bureau's crime lab.

ed none of the complaints, although some are still under investigation.

Yesterday, in an interview, Whitehurst challenged the FBI's findings in its recent case review, saying that results had been altered to cover up problems.

Whitehurst said that his battle with the FBI lab is one of principle, and that he considers the rights of citizens at serious risk if forensics experts aren't above reproach, reaching conclusions without regard

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to whether they help the prosecution or the defense.

In internal memos, Whitehurst has made allegations of problems in the processing of evidence in the World Trade Center bombing case as well as "fabrication of evidence, perjury and misconduct" in the 1991 trial of Walter Leroy Moody, convicted in the bombing murder of U.S. Judge Robert Vance in Atlanta. Louis J. Freeh, now FBI director, was the lead prosecutor in that case, although Whitehurst's allegations do not suggest Freeh had anything to do with evidence fabrication.

Edward Tolley, Moody's attorney, attacked Whitehurst's claims. "I find his memo has no merit," Tolley said in an interview yesterday. "This doesn't make much sense to me."

Tolley said bureau forensics experts were actually helpful to the defense. For example, they acknowledged that FBI agents found no

evidence at Moody's residence that would link him to the bombing. Defense bombing experts came to similar conclusions, Tolley said.

In the World Trade Center bombing trial, Whitehurst said, prosecutors pressured the laboratory to get the results they wanted.

Whitehurst said he challenged his colleagues' view that the World Trade Center bomb was urea nitrate-based because that material is so common. Because the compound is found virtually everywhere, he said, it would be impossible to draw scientific conclusions about similar material found at the blast site.

To prove his point, Whitehurst recently testified in another New York bomb conspiracy case that he took a urine sample, marked it as evidence and submitted it for testing to an FBI examiner. The urine got the same results as material the FBI forensic expert thought was urea nitrate, Whitehurst said.

He testified that after he complained to his superiors about the urea nitrate theory, the reports were corrected. By the time the case came to trial, he said, the FBI lab reports were accurate.

Whitehurst, then a top explosives expert, participated with Justice Department approval in a confidential interview with defense attorneys in the World Trade Center case, telling them his findings in January 1994.

By June that year, his assignment had been changed to "trainee" in the paint analysis division. Although his grade was not reduced, Whitehurst's attorney said yesterday, a point had been made.

"I think a message was sent," said Stephen M. Kohn, Whitehurst's lawyer. "The record will show he is an exemplary employee. This is not a case of a disgruntled employee who did something wrong and is coming back."