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Okla. City bombing interview challenged

McVeigh team voices fears witness will be intimidated

By Kevin Johnson
USA TODAY

Government prosecutors were stopped Thursday from interviewing an FBI scientist who has said that some evidence gathered in the Oklahoma City bombing case may have been tainted.

Federal judge Richard Matsch issued the order after lawyers for bombing defendant Timothy McVeigh and the

FBI's Fredric Whitehurst said they feared Whitehurst could be subject to intimidation.

McVeigh and Terry Nichols have been charged in the April 19, 1995, bombing of the Alfred Murrah federal building. The blast killed 168 people. The trial is being held in Denver.

McVeigh's lawyers, who



Whitehurst: FBI scientist

have identified Whitehurst as a potential witness for the defense, said they were only recently made aware of the government's intention to question the scientist in their absence.

In his order, Matsch has asked prosecutors to explain by Monday why they need to interview Whitehurst outside the presence of defense lawyers.

Justice Department spokeswoman Leesa Brown said

Thursday that the interview was "standard procedure" and that any charges of intimidation were "a very big stretch."

"The government is just trying to do its job in getting on with this case," Brown said.

But defense lawyers and lawyers representing Whitehurst believe the scientist has reason to be concerned about his treatment by prosecutors.

Whitehurst has alleged a pattern of bias in favor of the prosecution and in the administration of the FBI crime laboratory related to a number of high-profile cases, including the New York World Trade Center

and Oklahoma City bombing investigations.

Whitehurst's "ability to speak freely concerning problems at the FBI laboratory ... is critical," McVeigh lawyer Robert Nigh said in court papers. "Dr. Whitehurst clearly has evidence and information which will be beneficial to Timothy McVeigh."

Among the allegations is that an area inside the FBI lab used to store evidence in the case was contaminated with bomb-making material, similar to substances found on clothing McVeigh was wearing shortly after his arrest.