

# F.B.I. Lab Practices Faulted In Oklahoma Bomb Inquiry

By DAVID JOHNSTON

WASHINGTON, Jan. 30 — An internal Justice Department investigation into the F.B.I. crime laboratory has uncovered numerous complaints by laboratory employees about the handling of forensic evidence in one of the Government's most important criminal cases — against two men charged with the bombing of the Oklahoma City Federal building in April 1995.

The criticism of the F.B.I.'s conduct emerged in a series of interviews conducted by investigators from the Inspector General's office. In the interviews, some of the laboratory workers said that their superiors engaged in sloppy, improper or unscientific practices in the Oklahoma City case.

Laboratory examiners in Oklahoma shipped critical items to the lab, such as the faded black jeans worn by defendant Timothy J. McVeigh, when he was arrested, in a brown paper sack instead of a sealed plastic evidence bags, one employee said. A gun and a knife purported to belong to Mr. McVeigh was sent to the laboratory sealed only in a manila envelope, the employee added.

At one point, visitors to the laboratory placed travel cases that were potentially contaminated with explo-

sive residue in an area where bomb debris had been stored awaiting testing, another employee said. As a result, none of the material could be tested. In another instance, a laboratory worker reported that a technician testing material from Mr. McVeigh's car found the presence of cocaine on a sample, a false reading that may have resulted from using improperly cleaned equipment. The sample, the worker said, was discarded.

The interviews were conducted over the last two years as part of a

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## F.B.I. Lab Is Criticized Over Bias Evidence

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lengthy review into accusations of lax procedures at the laboratory. A draft of the Inspector General's report was turned over to officials of the Federal Bureau of Investigation last week, but it has not been made public, and it remains unclear how many of the complaints to the Inspector General were sustained in the report's findings. Partial transcripts and portions of internal summaries of the interviews were provided to The New York Times by people outside the Government who are critical of the laboratory's performance in the Oklahoma City bombing case.

Today, Deputy Attorney General Jamie S. Gorelick expressed hope that the Government's prosecutions would not be damaged by problems at the laboratory. "We have taken appropriate steps to preserve the integrity of our case," Ms. Gorelick said, "and we have every confidence that in the end everyone will get a fair trial." But she said that the impact would not be fully understood until the courts assessed how problems at the laboratory could affect each case.

But the information from the Inspector General's investigation has surfaced at an awkward time for the Government. Lawyers for Mr. McVeigh and a second defendant, Terry L. Nichols, have suggested that they will challenge the Government's forensic evidence in trials scheduled to begin this spring. Legal experts said similar challenges could complicate

the prosecution of other cases in which the laboratory played a role in evaluating evidence.

Over all, the transcripts and summaries suggest that the F.B.I.'s procedures for testing explosive material were lax and that non-scientists who managed the laboratory appeared to be casual in their approach to handling evidence. The criticism closely parallels that of Frederic Whitehurst, an F.B.I. chemist who has been critical of the laboratory. The criticism suggests that the procedures in specific cases like the

Bureau officials, who acknowledge problems in handling evidence from the Oklahoma City bombing, said that no agent had been accused of deliberate wrongdoing. They said that they did not expect that any mistakes would seriously undermine the Government's case and they expressed confidence that there was sufficient evidence to convict the two defendants.

Moreover, the officials said that partial transcripts and summaries were in some cases incorrect and reflected exaggerated recollections of a few employees who were interviewed by investigators from the Inspector General's office. The officials said that some complaints raised by employees were investigated and dismissed in preparation of the report by the Inspector General.

But the officials said they some of the allegations appeared serious. For example, Mr. Williams, the chief laboratory examiner in Oklahoma City, has transferred from his job and has also been withdrawn as a prosecution witness in Oklahoma City. Mr. Williams had been responsible for conclusions about several major issues in the case, such as the size of the bomb that tore the front off the Federal building. In one interview with the Inspector General, he acknowledged that his opinion that the bomb contained 4,000 pounds of ammonium nitrate was an estimate based not on scientific studies but in part on searches of the defendants' houses.

Two laboratory workers said that Mr. Williams changed their dictated reports, in violation of F.B.I. policy. They said he made slight alterations in the wording of reports to eliminate uncertainties in the explosives evidence and making it easier for prosecutors to present the evidence as unequivocally consistent with the Government's theory of the case.

One interview summary relating to the Oklahoma City bombing quoted an employee in the laboratory's explosive unit, LaToya Gadson, as telling investigators that "the evidence was a 'mess' when it came in because it had not been collected in an 'orderly fashion.'"

Two F.B.I. employees told the Inspector General that Mr. Martz was not qualified to conduct examinations for traces of explosives, but carried such tests in violation of F.B.I. policy. One of the agents, Steven Burmeister, said of Mr. Martz: "I shouldn't be saying this about my boss. He's shoot from the hip type person. If he makes a call, he'll want to stick with that even if it was a bad call. And he'll defend it because it's easier to go forward than backwards."

## Accusations of sloppy work in one of the agency's most important inquiries.

Oklahoma City bombing illustrate wider problems at a laboratory that has had a reputation as one of the country's premier forensic science institutions.

In response to the Inspector General's findings, agency officials re-assigned three laboratory employees who worked on the Oklahoma City bombing case. They are David Williams, who supervised evidence collection; Roger Martz, head of the laboratory's chemistry unit, and James T. Thurman, chief of the laboratory's explosives unit.

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# The New York Times

NEW YORK, FRIDAY, JANUARY 31, 1997

\$1 beyond the greater New York metropolitan area.

VOL. CXLVI . . . No. 50,689

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