

FBI Suspends Internal Critic Of Its Crime Lab Procedures

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The FBI has suspended a forensic scientist whose long-standing complaints about procedures at the FBI crime laboratory led to a Justice Department investigation that supports some of his charges and concludes that evidence in dozens of cases has been mishandled, federal officials said yesterday.

A report on the internal investigation was delivered to FBI headquarters last week just days before the scientist, Frederic Whitehurst, was put on administrative leave with pay. Whitehurst was ordered last Friday not to enter any FBI facilities and was barred from trying to obtain information from FBI officials. Three other experienced forensics employees also were removed from their jobs.

The contents of the report have not been made public, but an official familiar with the course of the investigation said the report by the inspector general's office criticized some basic procedures at the FBI lab. The report does not allege that evidence had been manipulated to benefit prosecutors, the official said.

However, the report does document about two dozen cases where there were problems with possibly contaminated evidence and other FBI laboratory procedures, the official said. Conducted with the help of a number of world-renowned forensics experts, the report found that in some cases the bureau laboratory exercised lax control over evidence and that accountability over findings needed to be improved. The report also recommends that the FBI laboratory undergo strict accreditation procedures and that scientists be placed in charge of the laboratory rather than law enforcement personnel.

In a statement last night the FBI acknowledged that the report found "problems" but added that the bureau "sharply disagrees with those who contend that the problems identified by the inquiry have compromised any past, present, or future prosecutions." The FBI also noted that the bureau has already taken a number of steps to address the issues raised in the report, which centered on only three of the 23 units in the laboratory.

It is unclear whether the report corroborates Whitehurst's long-standing claims about shoddy forensic work in a number of high-profile cases, including the World Trade Center bombing.

Sen. Charles E. Grassley (R-Iowa), who is chairman of the Judiciary subcommittee on administrative oversight and the courts, complained yesterday in a letter to FBI Director Louis J. Freeh that "the issues raised by Dr. Whitehurst are troubling and have

caused me great concern." He added that Whitehurst's suspension "appears to be a reprisal for his disclosures."

The FBI denied that the personnel moves were retaliatory.

Whitehurst began criticizing the quality of work at the crime lab in 1989 when he was an FBI supervisor and top explosives expert. He subsequently alleged that the lab had produced sloppy, misleading or fabricated evidence in a number of major probes.

A letter from the FBI advising Whitehurst of his suspension offers no specific reason for the action and states that "it does not indicate that you have engaged in any inappropriate conduct."

"This [Whitehurst's suspension] was designed to cut off his information about further misconduct in the bureau," said Stephen Kohn, Whitehurst's attorney. "He had become a lightning rod where people were using him to funnel information about the bureau."

The inspector general's report follows a 1995 federal audit of the FBI laboratory that found discrepancies in tracking cases and handling test results in some of the thousands of criminal matters the bureau handles for local police and state and federal prosecutors.

The FBI lab conducts more than a million evidence examinations a year and its experts testify in hundreds of state and federal courts annually, bureau officials said.

The quality of the FBI's laboratory work has been criticized before. An independent Justice Department task force review of the Ruby Ridge case cited problems with the FBI lab as one of many impediments in the government's prosecution of Idaho white separatist Randy Weaver for the 1992 killing of a U.S. marshal. Weaver was acquitted of the charges.

Whitehurst is a 13-year FBI crime lab veteran with a doctorate in chemistry from Duke University. He served as top scientist for explosive residue analysis for seven years until early 1994, when his assignment was changed to "trainee" in paint and analysis.

In his letter to Freeh yesterday, Grassley also said: "Recently, a Department of Justice official knowledgeable about the [inspector general's] investigation told me privately that Dr. Whitehurst had done a service for his country in bringing forth this information. . . . The fact is, the public will not tolerate the persecution of a bearer of truth by a government agency seeking to shoot the messenger instead of fixing the problem."

FBI Deputy Director Weldon Kennedy and bureau senior congressional and general counsel staffers are scheduled to meet with Grassley today.

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