

THE FEDS

# Under the Microscope

The once legendary FBI crime lab is swamped by charges of sloppiness

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**F**OR THE BETTER PART of this century—its history can be traced back to 1908—the FBI crime lab has occupied a hallowed niche in the public mind. Thanks to J. Edgar Hoover's tireless efforts to cultivate an aura of invincibility for his fiefdom, the FBI lab seemed to be a place where crackjack technosleuths caught the bad guys with modern science. Field agents—serious young men in dark suits—trooped in with worried frowns and handed over some tiny bit of evidence collected on the scene. The lab guys—they were the ones wearing white coats—put the specimen under a microscope and found the clue that broke the case. Nothing was insignificant: a speck of paint, a fingerprint or a drop of blood could nab a criminal just as clearly as a guilty smirk.

Those days are gone, and now the FBI forensics lab turns out to be a very human and sadly fallible institution. Waco, Ruby Ridge and the misidentification of Richard Jewell as the prime suspect in the Atlanta Olympics bombing have already revealed the fact that the bureau, like any police agency, is capable of bungling big cases. Last week the list of public-relations disasters occurring on Director Louis Freeh's watch got even longer with the leaked disclosure of a new internal report that sharply criticized the crime lab, long regarded as the benchmark for scientific investigation everywhere. At bottom, the controversy is a conflict between the gumshoe culture and the rigorous uncertainties of science: the real problem at the lab, one NEWSWEEK source says, was too many gumshoes and not enough scientists. According to the report by the Justice Department's inspector general, FBI experts not only mishandled evidence but, in some



Blowing  
the  
whistle:  
Whitehurst

Looking  
for  
leverage:  
McVeigh

instances, misled the courts. "This is explosive," said Neal Sonnett, a former assistant U.S. attorney in Miami.

Freeh, facing yet another internal crisis, responded by reassigning three key lab supervisors—and by suspending Frederic Whitehurst, the maverick chemist who has been publicly attacking what he sees as the lab's shortcomings for nearly 15 years. Whitehurst is legendary for lighting the hair on his own arm to illustrate a technical

point, and he is notorious within the bureau for taking his qualms about the FBI's scientific findings to attorneys for the opposing side. In the World Trade Center bombing case, Whitehurst and a colleague deliberately created a phony lab sample by mixing human urine—Whitehurst's—with common fertilizer to create a chemical look-alike for urea nitrate, the basic chemical in a fertilizer bomb. Their goal was to prove that the lab's explosives experts couldn't tell the dif-

ference and to embarrass Roger Martz, chief of the crime lab's chemistry section. It worked: the sample was wrongly identified as a bomb component until Whitehurst revealed the plot—and last week, Martz was one of those reassigned.

According to FBI loyalists, the IG's report dismisses most if not all of Whitehurst's criticisms and supports the notion that the lab on the whole does reliable forensic

to defense attorneys everywhere to demand new trials in cases in which the crime lab's evidentiary work was produced in court. One high-profile case that may now be in doubt is the World Trade Center bombing verdict. David Williams, chief of evidence-gathering for the lab, testified for the prosecution in that case and, according to the IG's investigation, gave inaccurate testimony at the trial. (Williams was also reassigned.)

McVeigh is scheduled to begin in Denver on March 31—and under the rules of evidence, McVeigh's defense team has already received relevant portions of the IG's background investigation. According to those who have read it, the report says that the bomb-site evidence was "a mess" when it arrived at Quantico, Va., and that the lab then compounded the problem by storing other explosives in the same room with the

Oklahoma City debris. That could "cross-contaminate" the Oklahoma City samples. Similarly, the shirt McVeigh was wearing when he was arrested showed traces of explosives when tested by the lab, but McVeigh's lawyer, Stephen Jones, will almost certainly argue the lab's problems mean the shirt is worthless as evidence. David Williams was in charge of evidence-gathering, but will not testify. Prosecution sources, aware of what they call "the Williams problem," say they have dropped him from the witness list.

Government sources insist, however, that the controversy will not sink the case against McVeigh or Terry Nichols. That's because very little of the evidence against the pair is forensic material. If the defense calls Whitehurst, prosecution sources say, they will attack his credibility—which will please the FBI. "It's a shame they didn't fire the bastard [years ago]," one source said, calling Whitehurst "a pompous ass" who thought his doctorate made him better than the rest of the crime-lab staff.

But the lab's scientific expertise—or lack of it—is precisely the point. The FBI crime lab has not kept up with current science or state-of-the-art forensic technique. It tries too hard to support prosecutors by suppressing legitimate scientific doubt, which sometimes means that its findings are overstated. By maintaining the myth of its infal-

libility, the FBI got away with shoddy work for years, principally because defense lawyers could not find experts who would dispute the lab's conclusions. But as the O. J. Simpson case proves, defense lawyers today have no problem finding experts to attack even the most sophisticated scientific evidence. So even if the FBI wins the coming courtroom struggle over OKBomb, it must take drastic steps to ensure the crime lab can restore its battered reputation.

## Explosive Findings

A Justice Department investigation has uncovered complaints of sloppy work inside the FBI's famed crime lab—and tensions with the bureau. A sample of the affected cases:

### World Trade Center

The crime lab allegedly misidentified a simple mixture of urine and fertilizer as urea nitrate—the explosive used in the bombing. The harmless sample was planted by senior lab workers who suspected that their managers had misreported earlier test results.



### Olympic Park bombing

Though FBI lab experts apparently warned agents working the case that Richard Jewell was the wrong man because tests from his home came up empty, they could not prevail within the agency. Zealous agents pressed on anyway—with disastrous consequences for the Feds.



### Oklahoma City

Lab workers at the site shipped McVeigh's faded black jeans back to Washington in a paper sack, instead of in sealed plastic evidence bags, according to a lab worker. A gun and knife thought to be McVeigh's were reportedly sent in a manila envelope.



### Midwest bank robberies

As a result of mismanagement in the FBI lab, prosecutors have withdrawn some forensic evidence against Peter Langan, the alleged leader of a white-supremacist bank-robbing ring.



They've also pulled at least one key witness, an FBI explosives expert.

work. NEWSWEEK has learned that the report also says Whitehurst "accused others of wrongdoing when he did not know the pertinent facts," that he displayed "a serious lack of judgment" and broadly questioned his fitness to serve the FBI in any capacity. But the report, said to be nearly 500 pages long, is still secret, and Freeh's decision to reassign Martz and the others strongly suggests the problems are real. In fact, they are huge—nothing less than an open invitation

FBI Deputy Director Weldon Kennedy boldly promised that no criminal case—"past, present or future"—would be jeopardized by the crime lab's sloppy work. That is probably not true, and top officials at the Justice Department know it: Deputy Attorney General Jamie Gorelick pointedly refused to make "blanket statements" about the report's impact on past or pending cases.

The case on everyone's mind now is OKBomb. The trial for prime suspect Tim