

By STEPHEN J. HEDGES

A high-contrast, black and white photograph of an FBI agent in a dark, industrial setting. The agent is wearing a dark uniform with "FBI" visible on the sleeve and is holding a flashlight, illuminating a dark, textured surface.



evidence that could change the nature of a case.

Often it was the way "Doubting Frederick" made his point, not necessarily the point itself, that rankled FBI bosses. In the World Trade Center bombing case, for instance, Whitehurst felt the lab's method of testing for the presence of urea nitrate—believed to be a key element in the bomb—was flawed. To prove his case, he urinated in a beaker and slipped the beaker in among the evidence. Sure enough, lab tests showed the presence of urea nitrate. Whitehurst came clean, proving his point—that urea nitrate can be found in urine and lots of other places. But he angered some colleagues.

"Deficiencies." The FBI assigned a string of investigators to check Whitehurst's allegations. One review found only "minor deficiencies." A 1994 study recommended few changes, but allowed that the lab "would not meet minimal accreditation standards until changes were made in several areas." The lab still isn't accredited, though FBI sources insist that will occur by the time the bureau moves its 623 employees from cramped quarters at its Washington, D.C., headquarters to a new facility in several years.

It is unclear how much damage the lab's problems may have done. Whitehurst's lawyer, Stephen Kohn, argues that the lab's past work brings up to 1,000 cases into doubt. Defense lawyers tend to agree. "Given the number of cases the lab has been involved in, this could spawn a lot of litigation," says Neal Sonnett, a Miami defense attorney and a past president of the National Association of Criminal Defense Lawyers. The FBI, however, says that no cases have been compromised, and, of the 50 reviewed so far, prosecutors have found just 20 instances in which prosecutors had to give defendants new information about lab work. None of those disclosures, bureau sources say, have changed a case's outcome.

The Oklahoma bombing trial may prove who is right. The defense is expected to attack the FBI's recovery of evidence and tests of bomb residue on a single piece of wood at the crime scene and on McVeigh's clothing. They will also call Whitehurst and try to plant doubt in jurors' minds about the lab's practices in general.

As for Whitehurst, he has sued the FBI and, true to form, is unequivocal in his belief that great wrongs have been committed. "There are a lot of good, honest people in the lab who are just as frustrated as I am by what's gone on there," he says. "But they're afraid to speak up, because they've seen what can happen, what happened to me."