

Freeh misled Congress, IG says

By Jerry Seper
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The Justice Department's inspector general has accused FBI Director Louis J. Freeh of testifying falsely before Congress on why he ordered the suspension of a whistleblower who exposed problems in the bureau's crime lab and has suggested Mr. Freeh correct the testimony "as promptly as possible."

Inspector General Michael

FBI chief urged to correct record

Bromwich said in a letter to Mr. Freeh that his testimony implied that the IG's office had recommended that agent Frederick J. Whitehurst be put on administrative leave.

"The draft report in fact contains no such recommendation,

nor can it be fairly construed to imply that such action should be taken while the draft was being reviewed," Mr. Bromwich wrote. "The inaccuracies in your testimony should be corrected as promptly as possible."

Mr. Freeh testified March 5 before a House Appropriations subcommittee that Mr. Whitehurst — an FBI agent-scientist who in 1995 first questioned the integrity of

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FBI lab tests, testimony and evidence — was suspended in January with pay "solely and directly on the basis of the recommendation by the inspector general and their findings with respect to Mr. Whitehurst."

The director told the subcommittee, headed by Rep. Harold Rogers, Kentucky Republican, that Mr. Bromwich did not object to the suspension.

But in letters Mr. Bromwich wrote to Mr. Freeh — released yesterday by Sen. Charles E. Grassley, Iowa Republican — the inspector general said he expressed his opposition to FBI officials three days before the ordered suspension. He said that position was "consistent" with one he took for more than a year after the FBI first proposed firing or suspending Mr. Whitehurst.

Mr. Bromwich said FBI officials have told him the suspension was the result of Mr. Whitehurst's refusal to be interviewed by Justice Department investigators looking into a leak to the media of his accusations.

"The bureau is now doing a mad scramble to control the problems," Mr. Grassley said in a floor speech. "At the heart of its damage-control operation is an effort to mislead. And that effort comes right from the top of the FBI, right from the director himself, Louis Freeh."

Mr. Grassley, who heads a Senate Judiciary subcommittee that oversees the FBI, accused Mr. Freeh of inappropriately trying to interpret the IG's report "as he wishes, not as the IG intended," and of playing a "game of semantics" with the subcommittee.

Mr. Freeh, in a March 11 letter to Mr. Bromwich and Mr. Rogers, acknowledged that his March 5 testimony "was incomplete" and

that Mr. Whitehurst's refusal to cooperate in the leak inquiry also was a basis for the suspension.

Last night the FBI issued a statement saying: "Director Freeh totally rejects any contention that he deliberately misled either the Congress or the public during recent testimony before the House. . . . He promptly corrected the record. Freeh regrets his inadvertent omission."

In a separate letter to Mr. Bromwich, the director also acknowledged that the IG's draft report did not recommend Mr. Whitehurst's suspension. He said he "did not mean to imply that to the subcommittee." But, he said, the report recommended the bureau consider whether Mr. Whitehurst could continue to serve in his lab capacity.

The IG's office, according to outgoing Deputy Attorney General Jamie Gorelick, raised "substantial questions" about lab tests conducted in several cases.

The review, she said, targeted "a limited number of units within the lab and a limited number of examinations and cases." Two of the cases believed affected by the review are the pending Oklahoma City bombing trial in Denver and the initial convictions in the World Trade Center bombing in New York.

The FBI has denied that any past, present or future prosecutions were affected by questionable lab tests, although the bureau removed four lab employees as part of the review. Suspended or transferred with Mr. Whitehurst were James Thurman, chief of the explosives unit; Dave Williams, supervisory agent in the unit; and Roger Martz, chief of a chemistry and toxicology unit.

Beginning in 1995, Mr. Whitehurst said colleagues slanted testimony and fabricated evidence in high-profile trials. The FBI responded that a review of 250 cases found no evidence of wrongdoing.