

Agency says FBI froze it out of Oklahoma City bombing

BY MICHAEL HEDGES
STAFF REPORTER

WASHINGTON — FBI agents investigating the Oklahoma City bombing placed the "FBI ahead of the investigation," ignoring the expertise of federal explosives experts and freezing out other investigating agencies, according to bomb experts from the Bureau of Alcohol, Tobacco and Firearms.

The highly critical charges were made to Justice Department investigators examining problems in the once-vaunted FBI crime laboratory.

The allegations, which could weaken the prosecution of the Oklahoma bombing case, include:

- Evidence could have been lost by the FBI's failure to follow proper crime scene procedures.
- Sloppy crime scene management allowed Red Cross volunteers and others to "walk on evidence."
- The FBI explosives unit agent in charge of the bombing investigation spent too much time away from the actual bomb site.
- The FBI froze Bureau of Alcohol, Tobacco and Firearms agents out of the search at the Michigan farm of Terry Nichols and his brother, and the search of Timothy McVeigh's car.

The turf fighting detailed in the memos explains why the Oklahoma City prosecution team is bringing an expert from Great Britain to explain forensic evidence to the jury, a lawyer familiar with the defense strategy said.

"They (prosecutors) knew if they called ATF experts or anyone else

affiliated with the government, that on cross-examination defense lawyers would raise all the problems everyone had with the FBI," the lawyer said.

On April 19, 1995, when the Alfred P. Murrah Federal Building was shattered by a massive blast, the Bureau of Alcohol, Tobacco and Firearms sent a team of experts from its Washington-based Midwestern National Response Team.

On that Bureau of Alcohol, Tobacco and Firearms squad was James Powell, who had four years experience as an explosives expert with the bureau, and 15 years experience on the Washington, D.C., police bomb squad. Powell and others in the Bureau of Alcohol, Tobacco and Firearms were shocked by what they found at the explosion scene, which was controlled by the FBI.

"The crime scene was not adequately secured," Powell told investigators assigned to the Justice Department inspector general's office in a February 1996 interview.

"At the ... crime scene, Red Cross volunteers serving refreshments, and military personnel were allowed to enter this area and walk on evidence," Powell told investigators. "Parts of the damaged courthouse were lifted with cranes onto dump trucks and removed to unknown locations."

Another Bureau of Alcohol, Tobacco and Firearms explosives expert, Daniel Boeh, of the Pittsburgh office, also found the FBI management lacking professionalism. David Williams, the FBI explosives

unit official at the scene, "should have spent more time at the site of the bombing," Boeh said.

Williams placed "the interests of the FBI ahead of the investigation," Boeh told investigators.

The FBI lab work on the Oklahoma City bombing was severely criticized by the inspector general in his report released this week.

The FBI report written by Williams "contains several serious flaws," the inspector general found. "These errors were all tilted in such a way as to incriminate the defendants," the inspector general's report said, recommending that Williams be transferred out of the FBI laboratory.

Not publicly released by the inspector general were witness statements that showed that other federal agents — including bomb experts from the Bureau of Alcohol, Tobacco and Firearms — had found the FBI inquiry wanting well before a whistle-blower's accusations led to an investigation.

One of the most damaging statements comes from Powell.

"Parts of vehicles were removed without first plotting their location in relation to the center of the explosion," Powell said. "The FBI marked their location with paint, removed the parts and then one week later began to plot their locations."

According to protocols used by other investigative agencies, all parts are plotted on a grid before being removed, experts said.

When Bureau of Alcohol, Tobacco

and Firearms experts asked to look at evidence of the explosion, it was withheld by the FBI, Powell said. Only after bureaucratic wrangling were Bureau of Alcohol, Tobacco and Firearms agents given access to the debris.

By that time, "some evidence could have been lost in the debris that was removed."

The Bureau of Alcohol, Tobacco and Firearms and FBI then argued over the accuracy of the reconstruction, Powell said.

Some Bureau of Alcohol, Tobacco and Firearms agents were put on a team headed by an FBI agent to determine the effect of the explosion on 80 damaged vehicles. The Bureau of Alcohol, Tobacco and Firearms agents charged that the FBI agent heading the team "lacked knowledge in this area and violated unspecified protocol," the inspector general's investigative memos said.

When the FBI decided to raid a farm in Michigan where it believed

Terry Nichols, his brother James and McVeigh might have built practice bombs, "The FBI did not ask ATF to participate in execution of search warrants," the witness memos said.

And when Williams searched McVeigh's car, he excluded Powell and other Bureau of Alcohol, Tobacco and Firearms agents. Williams "is not a bomb technician, and the search should have been conducted by a bomb technician," Powell told investigators.