

# Nation

## Reno considered probe of FBI chief over whistleblower

By Jerry Seper  
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Attorney General Janet Reno considered the appointment of an independent counsel to investigate accusations that FBI Director Louis J. Freeh testified falsely before Congress on his suspension of a whistleblower who exposed problems in the bureau's crime lab.

The recommendation came at a time Mr. Freeh was challenging a decision by Miss Reno and other senior Justice Department aides not to seek outside counsel to investigate suspected campaign-finance abuses during the 1996 presidential election — including accusations involving President Clinton and Vice President Al Gore.

Miss Reno, after a 30-day pre-

liminary investigation by Justice Department lawyers, ultimately decided that while Mr. Freeh's testimony was inaccurate, there was no evidence that he knew it was false or that he purposely misled a House subcommittee.

Records show that as soon as Mr. Freeh realized his testimony was not accurate, he sent a letter to the House Appropriations subcommittee to correct the testimony.

In a two-page statement yesterday, Mr. Freeh said he cooperated with the Justice Department in the preliminary review and had been exonerated.

"I cooperated fully with this preliminary investigation even though I was confident the subcommittee record was, in fact, made complete by my letter and this simple matter had been appro-

priately resolved," he said.

He pointed out that the preliminary review by the Justice Department's public-integrity section was closed "after concluding without question that I had done nothing wrong."

He said that "immediately after learning" his answers to the subcommittee were not accurate, "I drafted a letter and sent it to both the subcommittee chairman and the DOJ inspector general."

The 30-day preliminary review and the Justice Department's decision not to seek an independent counsel in the Freeh matter are documented in records obtained by House and Senate investigators in an ongoing review of the Justice Department's handling of the campaign-finance investigation.

Accusations against Mr. Freeh first were leveled by the depart-

ment's inspector general, Michael Bromwich. He said the director testified falsely in March 1997 before the subcommittee when he 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 said in a letter at the time. "The inaccuracies in your testimony should be corrected as promptly as possible."

Mr. Freeh told the subcommittee that Mr. Whitehurst — an FBI agent-scientist who in 1995 first questioned the integrity of FBI lab tests, testimony and evidence — was suspended in January with pay "solely and directly on the ba-

sis of the recommendation by the inspector general and their findings with respect to Mr. Whitehurst."

The director testified that Mr. Bromwich did not object to the suspension. But Mr. Bromwich 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.

In a March 11, 1997, letter to Mr. Bromwich and the subcommittee, Mr. Freeh said his March 5, 1997, testimony "was incomplete" and that Mr. Whitehurst's refusal to cooperate in the leak inquiry also was a basis for the suspension.

The FBI said at the time that Mr.

Freeh rejected any contention that he deliberately misled either Congress or the public during his testimony before the House and that he "promptly corrected the record."

In the letter to Mr. Bromwich, the director also acknowledged that the IG's draft report did not recommend Mr. Whitehurst's suspension and that he "did not mean to imply that to the subcommittee."

But, he said, the report recommended that the bureau consider whether Mr. Whitehurst could continue to serve in his lab capacity.

The IG's office had raised questions about lab tests conducted in several cases. Its investigation targeted various units within the lab and a limited number of examinations and cases.