

# FBI Agent Alleges Crime Lab Misconduct



**NPR All Things Considered**

September 14, 1995

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Special Agent Frederic Whitehurst claims lab experts have been pressured to falsify evidence and perjure themselves. He asserts this was done in the World Trade Center case and possibly, the O.J. Simpson case.

ROBERT SIEGEL, Host: Today, procedures used by the Federal Bureau of Investigation in some of its highest profile cases, came under fire. An attorney for FBI Agent Frederic Whitehurst said that the Bureau's crime laboratory has tampered with evidence to influence the outcome of some cases. Those include the bombings at New York City's World Trade Center and Oklahoma City's Federal Building. And newly released transcripts raise questions as to whether Oklahoma City bombing suspect Timothy McVeigh was denied some of his rights. NPR's Phillip Davis has this report.

PHILLIP DAVIS, Reporter: Supervisory Special Agent Frederic Whitehurst had a 13-year track record as the FBI's chief expert in bomb residue when he began to blow the whistle on what he says is sloppy and biased work at the FBI's crime lab. He's since been demoted to a Paint Forensics Trainee.

Last month, he told lawyers involved in the World Trade Center bombing conspiracy case of his doubts. Whitehurst's lawyer is Steven Cohen [sp].

STEVEN COHEN, Attorney for Frederic Whitehurst: The public record that came out of the World Trade Center case shows that, in that case, pressure was placed on Doctor Whitehurst and others to submit, what I would say is false or incorrect testimony. In fact, false testimony was submitted. Reports that could not be scientifically validated were written and given to the defense. There was pressure for perjury. There was pressure for misconduct.

PHILLIP DAVIS: Cohen hinted that there were perhaps 1,000 other cases in which it would be prudent to investigate the FBI lab's handling of evidence. The FBI issued a

statement that it has investigated more than 250 cases in which the crime lab was involved and found no evidence of tampering. But Attorney General Janet Reno says that the Department of Justice and the FBI are taking Whitehurst's allegations seriously. Today, she confirmed that the department's inspector general has launched an investigation of Whitehurst's allegations.

JANET RENO, U.S. Attorney General: I talked with the inspector general in August of this year and told him that I wanted to make sure that we pursued any concern whatsoever and I will await his report.

PHILLIP DAVIS: One of the main targets of Whitehurst's allegations is a fellow FBI forensics expert named Roger Martz. Martz did lab work for the O.J. Simpson trial. He testified in July that blood found on a sock in Simpson's bedroom, probably did not contain a blood preservative. That proved to be a victory for the prosecution and a setback to the defense, who said the presence of a blood preservative would prove their contention that blood had been planted at the scene. Simpson's lawyers say they want to bring in Whitehurst as their mystery witness. It's an effort to impeach crime lab techniques, as well as Martz' testimony. They may even bring in Martz again to grill him on whether he falsified evidence about the bloody sock.

Finally, allegations against the FBI's procedure in arresting Oklahoma bombing suspect Timothy McVeigh were released in Oklahoma City this week. Transcripts of two hearings show that McVeigh was not advised of his rights and not allowed to talk to a lawyer before having his first conversations with FBI agents. McVeigh was at that time being held for a traffic violation in Noble County, Oklahoma. When approached by FBI agents before he was read his rights, he reportedly said he knew they were there because of that, 'thing in Oklahoma City'. McVeigh's lawyer told the Los Angeles Times that that was a procedural error that could undermine the government's case against his client. He says, 'We'll move to have McVeigh's comment excluded as evidence.'

For his part, the whistle-blowing FBI agent, Frederic Whitehurst, says he will be happy to testify at the O.J. Simpson trial. This is Phillip Davis reporting.