

FBI Withholding Bomb Evidence?

Agency's Own Expert Says Information Helpful To Timothy McVeigh Is Being Suppressed

Rocky Mountain News (Denver, CO)

March 29, 1996 | Abbott, Karen

Byline: Karen Abbott Rocky Mountain News Staff Writer

A top FBI bombing expert believes the agency is withholding evidence that could help Oklahoma City bombing suspect Timothy McVeigh, according to court documents filed by McVeigh's lawyers Thursday.

"I will consider it an obstruction of justice and will testify in court to that opinion . . . if that information is suppressed by the Department of Justice and / or the FBI," Fred-eric Whitehurst wrote in a letter last November to a U.S. Justice Department official, McVeigh's lawyers said.

The purported Whitehurst letter is attached as an exhibit to defense documents seeking to force the government to disclose more information about its investigation.

Whitehurst, a supervisory special FBI agent, is a bombing specialist in the FBI's forensics laboratory in Washington, D.C. He won an award in 1994 for his work on the World Trade Center bombing case.

The letter refers to two earlier letters that Whitehurst allegedly wrote to federal colleagues last November and December, containing information that might indicate McVeigh and a defendant in a separate case are innocent or not solely responsible.

The law requires prosecutors to disclose such evidence, and the purported Whitehurst letter says the government should disclose it but probably won't.

The other federal defendant mentioned in the letter is Walter Leroy Moody, who allegedly mailed a package bomb that killed an Alabama federal judge in 1989.

The nature of any evidence that could help McVeigh is not disclosed in the exhibit letter.

Whitehurst referred a reporter to his attorney, who did not return phone calls. Prosecutors in Oklahoma City referred inquiries to U.S. Justice Department spokesmen in Washington, D.C., who did not return telephone calls.

McVeigh and co-defendant Terry Nichols face the death penalty if they are convicted of the April 19 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The blast killed 168 people and injured about 500 more.

Denver U.S. District Judge Richard Matsch will try McVeigh and Nichols in Denver. No trial date has been set.