

## **Dallas FBI Chief Knew About Files Last Week**

Dallas Morning News, The (TX)

May 12, 2001 | Todd Bensman | Page: 24A | Section: NEWS

Dallas' FBI Special Agent in Charge Danny Defenbaugh said he and a small number of bureau insiders did not disclose for about a week that they had discovered thousands of investigation documents that were never turned over to Timothy McVeigh's lawyers before trial.

Agent Defenbaugh, who headed the Oklahoma City bombing investigation, told The Dallas Morning News in an interview Friday that he and a select group of FBI agents involved in the case secretly reviewed the materials for at least a week before informing his Justice Department superiors early this week.

He said he started the review, knowing that the McVeigh execution was scheduled to occur next Wednesday, to determine the significance of the documents.

He said he intended to disclose them to his superiors before the federal death sentence was carried out or before news surfaced about them.

Agent Defenbaugh in recent days has said that the investigation he oversaw was an unblemished "shining star" for an agency criticized in recent years for mishandled investigations.

Last week in a different interview, he said he was proud that the investigation had dodged serious public controversy, but he did not disclose problems he was having with evidence.

He also did not mention the trouble at a meeting Tuesday with The Dallas Morning News editorial board.

"As soon as I found we really had a problem, I advised the special prosecutor the next day [Monday]," Agent Defenbaugh said. "I did it the day we finished ... [an internal review of the documents]. We're not hiding anything. This storm will pass."

The more than 3,000 overlooked trial documents were discovered "a couple of weeks ago," Agent Defenbaugh said.

He said he was aware that the discovery of the documents could affect Mr. McVeigh's execution.

"We're being as fair and serving justice the way it should be done," he said. "If it delays ... [the execution] for a while, it delays it for a while."

Agent Defenbaugh said he reviewed hundreds of the documents and evidentiary items with Supervisory Special Agent Mark White for at least a week after ordering that about 100 boxes of original documents be sent from the Oklahoma City office. Agent White worked under Agent Defenbaugh throughout the bomb investigation.

The documents were among millions that were being collected from various field offices for archiving or destruction but did not show up as ever having been logged in the investigation's 26 computerized databases.

Agent Defenbaugh said his review found that most of the documents were irrelevant to the case and would not have changed the trial's outcome.

He said the bureau still does not know how the materials were overlooked, but he blamed in part inept administration at national field offices.

Danny Coulson, a retired FBI agent who worked on the bombing case, told The Associated Press on Friday that a computer-filing glitch was to blame for the missing documents.

"I'm sure there's nothing there that changes the outcome of the case, but it makes the FBI look bad," he said.