

# Freeh acknowledges `serious' error in McVeigh case

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WASHINGTON \_\_ FBI Director Louis Freeh told a House Appropriations subcommittee Wednesday that his agency made a "serious error" by failing to provide lawyers for Timothy McVeigh with a complete set of FBI documents relating to the 1995 Oklahoma City bombing.

"The buck does stop with me," said Freeh, who has announced his intention to retire from the FBI in June, eight years into his 10-year appointment. Freeh spoke on the day convicted bomber McVeigh would have been executed. His execution was postponed to allow his attorneys to examine the 3,100 documents the FBI belatedly turned up.

Another FBI embarrassment was playing out Wednesday in Alexandria, Va., where a federal grand jury indicted former FBI agent Robert Hanssen on 21 counts of spying for Russia.

Rep. David Obey, D-Wis., ranking Democrat on the subcommittee, ripped into Freeh for a "litany of troubles" at the FBI, calling it "something close to a failed agency."

Attorney General John Ashcroft last week ordered McVeigh's execution delayed a month to allow McVeigh's lawyers to review the documents. He also ordered the Justice Department's inspector general to determine how they got lost.

Freeh blamed "records management" and computer problems, compounded by the massive volume of files gathered in the case. The documents that prosecutors agreed to provide McVeigh's lawyers went beyond the scope of what would normally be turned over, Freeh said. This large number of documents made compliance difficult for FBI field offices nationwide that investigated the bombing.

Freeh said the 46 of the FBI's 56 field offices failed to turn over all relevant files on time. It took 16 separate directives, including two from the director's office, sent before and after McVeigh's 1997 trial before the FBI offices turned over all the documents that have been collected so far.

The "billion pieces of evidence" gathered in the case contributed to the confusion, Freeh told lawmakers. They included 28,000 interviews, 43,000 investigative leads, 28,000 investigative reports, and 3.5 tons of physical evidence.

FBI attorneys, Freeh said, have reviewed all of the documents and nothing in them "raises any doubt about the guilt" of McVeigh and convicted co-conspirator Terry Nichols.

Freeh proposed that the FBI hire a "world-class records expert" to help the agency keep track of documents. Critics on the House panel noted that they had given the FBI \$1.7 billion in recent years to upgrade its computers and record keeping.

Subcommittee chairman Frank Wolf, R-Va., proposed creating an FBI inspector general's office that would report directly to Congress. FBI oversight currently is performed by the Justice Department's inspector general.

Freeh told lawmakers that FBI field offices got 11 directives to turn over Oklahoma documents and evidence between August and November 1995. The FBI's Oklahoma City office compiled the material and created a special computer database to keep track of it.

On Nov. 14, 1996, after an evidence hearing in the case, agents in Oklahoma City realized that "certain surveillance logs" had not been turned over. Another directive went out.

Last December, after McVeigh had been sentenced to die, a directive went to field offices to send in their Oklahoma City records for archiving. When that exercise turned up some documents that had never gone to McVeigh's lawyers, another directive went out.

Thereafter, "rather than merely storing the material for future archiving," Freeh said, FBI analysts reviewed every item to make sure it had been included in the materials given to McVeigh's attorneys.

In early March, an analyst reported turning up "a number of documents" not in the evidence database. She informed Special Agent Danny Defenbaugh, who headed the bombing investigation, Freeh said.

On March 15, all field offices were directed again to send any McVeigh case materials to Oklahoma City. Defenbaugh got the 3,100-plus pages of documents May 7 and sent them to McVeigh's lawyers the next day.

Freeh added that it was possible that some McVeigh case documents still have not been recovered. Freeh learned about the problem on May 10. The next day he issued the final directive, which yielded seven more documents from the Baltimore office.

Freeh said he has ordered all agents in charge of the offices that found the additional materials to submit written explanations to him about why they weren't forwarded sooner.

Wolf also criticized Freeh for picking former FBI Director William Webster to review the agency's handling of the Hanssen case.

Webster headed the FBI in 1985 when Hanssen's spying is alleged to have begun, Wolf noted. He said Freeh should have selected an outsider with no ties to the bureau.