

Memos: FBI Tried to Avoid Death Hearings

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WASHINGTON (AP) _ On TV and on paper, Senate Judiciary Committee chairman Orrin G. Hatch pledged to hold hearings into the death of a federal prisoner the government says hanged himself even though the victim's throat was cut and his face bruised and bloodied.

Hatch, R-Utah, suggested as long as six years ago that the death was a murder at the hand of government employees and there was an ``aroma of a cover-up." A federal court recently awarded the prisoner's family \$1.1 million for intentional infliction of pain for misleading the family about the case.

But Hatch's hearings never materialized _ one of several examples critics say shows Hatch hasn't been aggressive enough as chairman of the Senate committee that oversees the FBI and Justice Department.

Hatch rejects the criticism, saying he has a lengthy record of questioning FBI and Justice wrongdoing ``and will do so again if warranted."

Internal FBI memos obtained by The Associated Press offer a rare window into how the bureau escaped hearings in the Oklahoma City prison death. Agents convinced one of Hatch's Senate leaders _ then-Republican whip Don Nickles _ that hearings were unnecessary.

Nickles ``intimated that he had a significant role in determining whether this matter would require congressional review, and that such action would most likely not be necessary," FBI agents wrote in a Jan. 28, 1998, memo summarizing their contacts with Nickles.

Those same memos raise questions about whether the FBI told the senator the full story.

They show Nickles wanted to know whether there was evidence of a struggle in the cell before prisoner Kenneth Trentadue died, and agents told him that the blood found on various items in the cell belonged to Trentadue.

But one of the same agents who briefed Nickles later testified at the civil trial that six months after the death he found a mattress in the prison cell with two blood stains on it _ one which belonged to someone other than Trentadue and which was never tested for DNA.

After Trentadue's body was found, with his face was bloodied and bruised and his throat cut, prison officials concluded he hanged himself. The local medical examiner openly questioned the conclusion.

Internal probes by the government reaffirmed the suicide ruling but found Justice employees had lied during the case and that evidence was mishandled, including a bloody sheet that was stuffed in an FBI car and putrefied, destroying its value as evidence.

The FBI's meetings with Nickles occurred just weeks after Hatch sent out a news release to announce that his committee planned hearings. ``It looks as though somebody in the Bureau of Prisons or having relationships with the Bureau of Prisons murdered the man," he told then-Attorney General Janet Reno at one point.

This week, Hatch said he believes his early and aggressive tactics forced the Justice Department to conduct multiple

reviews of Trentadue's death.

“The committee did not hold hearings on the Trentadue matter because it appeared very unlikely that such hearings would add materially to the multiple criminal investigations of the case, as well as a separate investigation by the Justice Department inspector general, all of which concluded that Trentadue committed suicide and was not murdered,” Hatch said.

“This is not to say that I think this case was handled correctly. In fact, it was not,” he said.

The family and other critics say the canceled hearings are evidence of weak oversight.

“The refusal of Senator Hatch to conduct hearings into my brother's murder and the government's actions has taken us beyond frustration to rage,” said Jesse Trentadue, the victim's brother and a Utah lawyer. “We are obsessed by the notion that Kenny's death is due a certain amount of justice.”

Kris Kolesnik, a former GOP Judiciary Committee investigator who worked the Trentadue case, said Hatch missed an opportunity to hold Justice officials accountable.

“It was a typical reaction when Hatch first heard about a case he would be gung-ho to investigate, and at some point there was a meltdown in which either he or the staff decided they didn't want to investigate,” Kolesnik said. “They would do whatever the FBI and Justice department said.”

In February, three of Hatch's colleagues — two of them fellow Republicans — took a rare public swipe at their chairman, suggesting some of the FBI's pre-Sept. 11 lapses might have been avoided by stronger committee oversight.

“While it is impossible to say what could have been done to stop attacks from occurring, it is certainly possible in hindsight to say that the FBI, and therefore the nation, would have benefited from earlier close scrutiny by the committee of the problems the agency faced. ... Such oversight might have led to corrective actions,” Sens. Patrick Leahy, D-Vt., Charles Grassley, R-Iowa and Arlen Specter, R-Pa., wrote.

Leahy also recently criticized Hatch's decision not to hold immediate hearings into the FBI's problems with handling Chinese intelligence assets, exposed earlier this year by a California criminal case. Hatch said he plans to investigate after the criminal matter ends.

And AP reported earlier this month that Hatch was told by senior staff as early as 1995 that the FBI had missed warning signs about the 1993 World Trade Center bombing and was ill-prepared to prevent future domestic terrorist attacks. Though Hatch approved holding hearings in 1995, he never followed through.

As for Trentadue's case, some memories have faded.

Nickles' office said the senator, now the Senate Budget Committee chairman, remembers being upset the FBI was not forthcoming about the case but became satisfied after the briefings that Trentadue died by his own hand. Nickles' office said it was likely he talked to Hatch about the case but he doesn't recall anything else.

Current and former FBI officials said they went to Nickles to allay his concerns about Trentadue's death, and not to scuttle Hatch's hearings.

Tom Linn, the FBI agent who briefed Nickles and testified in the Trentadue case, said he cannot recall six years later whether he told Nickles about the second trace of blood on the mattress. “I certainly would not have withheld that information. I would have freely discussed it as I did with people who needed to know in the case,” said Linn, now retired.

As for why the second blood stain was never tested for DNA, Linn said the preponderance of evidence, including

blood spatter and pooling, pointed toward suicide. By the time the second blood stain was located six months after the death, at least 16 other inmates had slept on the mattress because Trentadue's cell had not been secured, Linn explained.

“I held the blood sample for DNA comparison in case a suspect or suspects emerged,” he said.