

# THE CQ Researcher

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## The FBI Under Fire

*How serious are the bureau's recent problems?*

For decades, the FBI has ruffled feathers as it sought to balance tough law enforcement with sensitivity toward civil liberties. But today's bureau operates in a climate vastly altered from the days when agents in J. Edgar Hoover's virtually unchecked empire could burglarize homes and keep files on political opponents. With stepped-up scrutiny from Congress and the press, the modern FBI under Louis Freeh has demonstrated new willingness to admit its mistakes. Currently, the bureau is under fire for, among other things, alleged misconduct in its famous forensics lab and possible political favoritism toward the White House. The FBI's defenders, nonetheless, say the agency's record-high budgets are needed more than ever to fight high-tech criminals in globalized drug-running, terrorism, espionage and organized crime.



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# The FBI Under Fire

BY CHARLES S. CLARK

## THE ISSUES

“A whole generation of people like me grew up believing the FBI could do no wrong,” Sen. Charles E. Grassley, R-Iowa, declared in an impassioned speech on the Senate floor recently. “Now, that confidence, that trust, has been shaken.”<sup>1</sup>

The conservative lawmaker’s wrath was triggered by the steady drumbeat of allegations last winter of corruption and mismanagement in the FBI’s world-famous forensics laboratory. Each year the 65-year-old lab helps police departments and prosecutors from around the country to analyze more than a half-million pieces of evidence—from paint chips to blood droplets and shoe prints. An FBI lab analyst-turned-whistleblower has charged that evaluations of evidence by the lab were subject to manipulation by FBI officials. Critics deride the secretive facility as “the last redoubt of Hooverism,” after the bureau’s iron-fisted founding director, J. Edgar Hoover.

Controversy over the lab prompted the 63-year-old Grassley to warn that the “integrity of the American criminal justice system is at stake.” But it is not the only problem that has beset the FBI in recent days.

Last June came revelations that the FBI acceded to Clinton White House security officers when they improperly sought and obtained FBI background files on 900 Republican former White House staffers. Then in July, the FBI’s investigation of a fatal bombing during the Olympics in Atlanta was marred when security guard Richard Jewell was identified to news media as the prime suspect, only to be exonerated later.

Most recently, the politically neutral FBI became embroiled with the White House in a clash of conflicting statements over Chinese campaign



donations (*see p. 327*).

The way the agency has handled the mud on its image says much about today’s FBI. During Hoover’s 48-year reign, the agency was loath to admit a mistake. Contrast that with the mea culpas by Director Louis J. Freeh. Since he took over the bureau in September 1993, he has continued to answer for the FBI’s conduct in, among other things, the 1992 shootout at a tax-resister’s isolated cabin in Ruby Ridge, Idaho, which killed a federal agent, an unarmed woman and her teenage son.

The FBI’s performance was “terribly flawed,” Freeh told a congressional panel in 1995, referring not only to the deaths but also to slanted reports on the FBI’s conduct and his own “blind spot” in later promoting his friend Larry Potts, who was criticized for his role in the controversial affair.<sup>2</sup>

“I am not saying that I approve of” the gunshot that killed Vicky Weaver, Freeh told the lawmakers. “I am not trying to justify it. . . . I am certainly not saying that in a future similar set of circumstances, FBI agents or law enforcement officers could take such a shot. . . . But on careful balance,” he said, the shot was “constitutional” under the cir-

cumstances.

Freeh also reminds his inquisitors of the FBI’s recent successes—the arrests of suspect Timothy McVeigh in the 1995 Oklahoma City bombing, of Unabomber suspect Ted Kaczynski, of CIA spy Aldrich Ames and of the Muslim terrorists who bombed the World Trade Center in 1993. And there was last year’s arrest of the Mountaineer Militia, which was planning to blow up the FBI’s fingerprint analysis facility in West Virginia.<sup>3</sup>

But the FBI still takes heat for unsolved cases, such as the still mysterious crash last summer of TWA Flight 800 into Long Island Sound and the terrorist bombing of the U.S. Air Force barracks in Saudi Arabia. And the arrest of Earl Edwin Pitts, the highest FBI official ever accused of spying, sullied the bureau’s image, though the sting operation that nabbed him was praised.

During the Clinton administration, the FBI’s annual budget (currently \$2.8 billion) has grown by 25 percent. Freeh has persuaded Congress to pay for 3,600 new employees (among them more than 1,000 agents), and he has moved 500 agents out of headquarters and into the field. He is beefing up the fingerprint operation (recently criticized for being slow in performing naturalization background checks). He is hiring staff to trim the FBI’s backlog of 16,000 Freedom of Information Act requests (*see p. 328*). And he is setting up two new computer systems intended to streamline the collection and retrieval of nationwide information on crime.

Critics, however, see remnants of what they view as arrogance from the Hoover era (nearly 6,200 current FBI employees worked under Hoover). “Hoover was so focused on protecting his own position in government that in a funny way he actually had a rather narrow understanding of what a police agency could do,” says Marcus Raskin,

a distinguished fellow at the left-leaning Institute for Policy Studies. The forensics lab troubles and the FBI's handling of the Olympic Park bombing case, he says, "show that this new notion of a professionalized FBI that has cleaned up its act is just not so."

Other critics, who were tough on the FBI for domestic civil liberties violations in the 1970s, argue that the bureau's insensitivity toward privacy and free speech has not changed, only its political targets. "Their focus has shifted from left-wing groups to supporters of right-wing militia, pro-lifers and Arab-Americans," says Kate Martin, director of the Center for National Security Studies.

Indeed, the FBI's storming of the Branch Davidian cult's compound near Waco, Texas, in 1993 has guaranteed an ongoing barrage of accusations on talk radio and on the Internet. Rightist critics such as the John Birch Society claim that federal agents knew in advance of the Oklahoma City bombing.

"This hostility toward the FBI and the government nowadays is kind of a weird twist from the situation of 25 years ago," when the bureau's targets were anti-Vietnam War activists, says former Sen. George S. McGovern, D-S.D., on whom Hoover opened a secret FBI file after the one-time presidential nominee criticized his firing of an agent.<sup>4</sup> "Hoover ran the FBI as sort of a personal fiefdom, but the type of director we have today is much better."

Surveys indicate that most Americans actually backed the FBI's handling of Waco. According to a Harris Poll, 71 percent believed that defiant religious leader David Koresh was more to blame for the deaths than the FBI and other federal agencies.<sup>5</sup>

FBI veterans say today's agents deserve all the respect the country can muster. "The work they do is more dangerous now," says security consultant Sean McWeeney, a 24-year FBI veteran. "I probably drew my gun about six times in my whole career. But now agents are facing drug traffickers in flak vests and all



*FBI critics note that the bureau has failed to solve several big cases, among them the crash of TWA Flight 800 into Long Island Sound in July 1996.*

Reuters

these street gangs and Mafia from Colombia, Russia and Mexico who are armed to the teeth."<sup>6</sup>

Heroics aside, the controversy over the forensics lab could seriously damage the FBI's worldwide reputation, and possibly decide what happens to Freeh, who prosecuted some of the cases being questioned.

"I doubt the lab was ever on the up-and-up," says media consultant John Kelly, who is writing a book on the lab.

"But under Freeh, the corruption and abuse have become institutionalized."

As scrutiny of the FBI continues, these are some of the key questions being asked:

### ***Does the FBI lab need major reforms?***

The crime lab controversy reaches back to 1989, when federal Judge Robert S. Vance was killed by a mail bomb at his home in Birmingham, Ala. Walter Leroy Moody Jr., a scam artist and known bomb maker, was convicted in Vance's death. The prosecutor in the highly publicized case was future FBI Director Freeh, who used evidence analyzed by the FBI lab.

Actually, the forensics lab had been under scrutiny since a 1988 internal review (following a 1980 General Accounting Office critique) had raised concerns about lab methodology. There were charges of sloppy handling of specimens, analytical procedures biased in favor of prosecutors and pressure on analysts from higher-ups to modify their findings.

One employee who shared such concerns was chemist Frederic Whitehurst, who in June 1991 wrote a memo to his

superiors with the goal of documenting "fabrications of evidence" in Moody's trial. Whitehurst wrote of the "bullying ways" of his immediate superior (not Freeh) that "circumvented the established protocols and procedures of the FBI laboratory in order to get the answer that he wanted for the residue analysis of the explosive in the pipe" bomb used to kill the judge. Whitehurst cited numerous other cases for which he felt

results were being manipulated.

Whitehurst's complaints did not become public until after another internal review of the lab in 1994. Soon after, an in-depth investigation by the Justice Department's inspector general had gotten under way. Having fed material to the I.G. and gone public with his complaints, Whitehurst was abruptly suspended by the FBI this January. Other lab employees who deny misconduct in the lab have dismissed him as unstable.<sup>7</sup> The Justice Department, however, found Whitehurst's statements credible and possibly exculpatory enough to warrant sending them to Moody, who sits on death row in Alabama.

Whitehurst was not the only lab employee to make charges, as was indicated in excerpts from a draft of the inspector general's report that were leaked to the media in January. The FBI immediately transferred four key employees out of the lab. In February, the Justice Department made the startling announcement that misconduct in the lab had jeopardized as many as 50 recent or pending cases — including the Oklahoma City, Olympic Park and World Trade Center bombings and the 1989 impeachment of then-Judge Alcee Hastings, now a Democratic House member from Florida.<sup>8</sup>

Criminal defense attorneys from around the country immediately began planning new strategies to discredit evidence used to convict their clients. They unsuccessfully sought the inspector general's 500-page draft report; the final report is expected to

be released this month.

To add to the mess, Freeh in mid-March had to back off key statements he had made to skeptical members of Congress when he said that he was on top of the lab situation — that none of the transferred supervisors had altered evidence and that his actions against lab personnel had been in accordance with the inspector general's wishes.<sup>9</sup> "Mr. Freeh totally rejects any contention that he deliberately misled the Congress or the public," the FBI said in a March 17 statement.



Reuters

*The Branch Davidian cult compound near Waco, Texas, burns April 19, 1994. Seventy-five adults and children died in the fire, which erupted after the FBI began pouring tear gas into the building.*

Questions of Freeh's credibility, given his personal stake in the cases, were followed by debate about the overall purpose of the FBI lab: whether, for example, it should be required to be more open about its methodologies and whether defense attorneys should have access to analyses currently available only to the prosecution.

"We think it is in the public interest to have lab information available for academics, litigation, habeas corpus appeals and preparing pending cases for cross-examination," says G. Jack King Jr., public affairs director of the National Association of Criminal

Defense Lawyers. "The reason we wanted the draft report was that we'd like to know who has done sloppy work or shaded the truth, so that people can judge for themselves or use exculpatory evidence to reopen their cases. The people best qualified to judge are the defendant and his lawyer, not the prosecutors," he adds. "It saddens me to think that the Justice Department is more concerned with the FBI's image than with innocent people who might be in prison."

To James E. Starrs, a professor of forensic sciences and law at George Washington University — Hoover's alma mater — and a longtime critic of the FBI lab, "There is no doubt that Whitehurst is onto something; the only question is whether the problems are deliberate or reckless. The real issue is the lab's mind-boggling secrecy. In a sample report on, say, paint analysis, there is no method identified. There are vague, uncertain conclusions, but no

indicator of who did the tests," he says. "The FBI might say a certain fingerprint is less than a month old, when in fact there is no science that says that. The FBI waits until it is challenged, and if it is not challenged, it doesn't have to do the necessary research and get the supportive data. And it doesn't ever back down."

In general, Starrs adds, "the more secrecy, the less reliability and integrity. The FBI puts itself on a pedestal with its untouchable forensic science. The requirements for scientific candor don't apply because these cops in lab coats generally favor prosecut-

## New Thriller Reveals Love-Hate Relations . . .

After watching the new hit movie “Donnie Brasco,” a retired FBI official wrote an angry letter to FBI Director Louis J. Freeh. “The film is disgraceful,” said security consultant Sean McWeeney, a 24-year veteran of the FBI’s organized crime and anti-drug divisions.

The crime thriller, starring Johnny Depp and Al Pacino, is based on the true story of Joseph D. Pistone, who in the 1970s spearheaded the FBI’s longest and most successful undercover operation against the Mafia.<sup>1</sup> But far from being thrilled by the film’s portrayal of FBI derring-do (as many FBI employees were), McWeeney was appalled at what he sees as the film’s numerous inaccuracies. “I supervised many of these cases, and Pistone was never present at murders in Brooklyn or at the killing of informants,” he says. “He never sawed the legs off of any body, and never would have slapped his wife. He did a tremendous job.”

Many FBI employees were also upset, McWeeney adds, by the scene in which “Brasco,” the undercover agent, offers \$300,000 to the Mafia hitman he befriended “so he can get on a boat and sail off into the sunset. That’s a figment of Hollywood’s imagination,” McWeeney says, “yet

my [teenage] son saw ‘Brasco’ and asked me whether the FBI really did those things.”

There is some irony in complaints from FBI loyalists about the bureau’s treatment by the entertainment media. That’s because the FBI’s reputation for crime-fighting heroics was built with sizable assistance from popular portrayals (some of them FBI-instigated) in radio, film, comic books, magazines and television.

Beginning in the early 1930s, before the young FBI Director J. Edgar Hoover had become a household name, the bureau’s success stories were dramatized on the popular radio program “The Lucky Strike Hour.”<sup>2</sup> Then followed numerous knockoffs with names like “Gangbusters,” “This is Your FBI” and “The FBI in War and Peace.” Even more influential were movies such as the 1935 James Cagney smash “G-Men.” It and such follow-ups as “Persons in Hiding” and “Queen of the Mob” spawned a nationwide craze of Junior G-Men Clubs and a popular song that went, “I Wanna Be a G-man and Go Bang, Bang, Bang.”<sup>3</sup>

According to former FBI Assistant Director Ray Wannall, who appeared in the 1952 espionage movie “Walk East on



Johnny Depp (left) is an undercover FBI agent and Al Pacino is a Mafia member in “Donnie Brasco.”

© 1997 Mandalay Entertainment

ing.” (See “At Issue,” p. 329.)

Some in the FBI resist the notion of an FBI lab that could be used equally by defense attorneys. The ideal lab specialist “stands in the shoes of the investigator in the field, whom he is serving,” said John J. McDermott, a senior FBI official.<sup>10</sup> Defenders also argue that lab analysts have no incentive to cook their conclusions because they often know very little about the case surrounding the piece of evidence they’re handling.

“Obviously,” says former special agent McWeeney, “if the lab has specific problems, they should be fixed — and perhaps the lab should be opened

up. I’m not a guy who says ‘Hey, the FBI’s perfect.’ But hundreds of men and women work in the lab, and only a handful work in that bombing analysis area where there are questions. And Whitehurst, from what I’ve seen on TV, doesn’t seem very sharp to me.”

In response to the lab furor, Freeh released a statement on Jan. 27 outlining recent changes the bureau had made to improve performance. By 2000, the lab will have moved from Washington to a larger facility at Quantico, Va. A new director, possibly an outside expert, is being sought. A panel of experts — including a British specialist on terrorism in Northern Ireland — has been

assembled to review lab methodology. Some \$30 million will be spent on technological improvements. For the first time, the lab will seek accreditation with the American Society of Crime Laboratory Directors.

Finally, Freeh recused himself from deciding the fate of Whitehurst and other whistleblowers, given his own stake in the cases. “I pledge to you,” he told a House Appropriations subcommittee on March 5, “that I will do everything in my power to ensure that the FBI lab remains, as I believe it is, the foremost forensic laboratory in the world.”

Meanwhile, members of a violent

## ... Between the FBI and Hollywood

Beacon,” Hoover “had been critical of Hollywood for glorifying gangsters, so our Los Angeles office had someone go over to the studios to make sure the filmmakers got it right. Hoover had influence on Hollywood, and Hollywood in turn had an influence on the public.”

Historians disagree over whether it was Hoover, Hoover’s boss in the 1930s (Attorney General Homer Cummings), or a public relations man he hired named Henry Suydam who did the most to shine a spotlight on Hoover and his G-Men. What was clear, though, was the explosion of Hoover appearances on magazine covers and in newsreels and FBI-orchestrated movies. They were justified, as a pair of criminologists wrote, because “public opinion is a strong deterrent, and when you have the public conscience and public opinion well-organized, there is bound to be progress.”<sup>4</sup>

Yet even then, the Hollywood image of the FBI was at variance with the prosaic reality. “Pop culture creates audience identification with action heroes like the G-Man by using them as embodiments of the public’s most cherished cultural fantasies: absolute freedom, irresistible power, total self-reliance,” cultural critic Richard Gid Powers wrote. “On the contrary, the special agent in the FBI formula was the antithesis of the action hero. He was faceless and anonymous, and repelled the sort of projective fantasies that the G-Man formula encouraged.”<sup>5</sup>

The FBI’s efforts to mold its reputation through entertainment reached their peak in 1965, when the bureau created and supervised what became the popular TV show “The FBI,” starring Efram Zimbalist Jr. (It was followed in 1981 by a short-lived imitation, “Today’s FBI.”)

But by the early 1970s, the rise of a counterculture and

revelations about FBI abuses of domestic civil liberties made the popular image of the stout-hearted G-Man passé. The Hoover long revered as every boy’s role model was caricatured by a black actress in Woody Allen’s movie “Bananas.” The 1980s and ’90s would offer the public idiosyncratic FBI agents in surreal TV shows such as “Twin Peaks” and “The X-Files.”

FBI officials today are as conscious as ever of the power of popular media. They cooperated extensively to show off the bureau’s serial-killer profiling operations for the 1991 hit movie “The Silence of the Lambs.” They cooperate regularly with producers of reality crime shows such as the Fox network’s “America’s Most Wanted” and NBC’s “Unsolved Mysteries.” They also work closely with the producers of ABC’s fictionalized “The FBI: The Untold Stories.”

But the most common portrayals can be offensive to FBI veterans such as McWeeney. The ABC drama “NYPD Blue” showed an FBI agent “so frightened he urinated in his pants, which is disgraceful,” McWeeney says. “What is the media’s problem with the bureau? Real agents are out there being killed, and yet Hollywood is portraying agents as either nerdy stiffs or turf-grabbing bureaucrats. It drives me insane.”

<sup>1</sup> Pistone was profiled in *The Washington Post*, Feb. 28, 1997.

<sup>2</sup> Ronald Kessler, *The FBI* (1993), p. 363.

<sup>3</sup> Diarmuid Jeffreys, *The Bureau: Inside the Modern FBI* (1995), p. 60.

<sup>4</sup> Richard Gid Powers, *G-Men: Hoover’s FBI in Popular Culture* (1983), p. 110.

<sup>5</sup> *Ibid.*, p. 112.

paramilitary group went on trial in February in Seattle, Wash., marking the first case in which evidence from the FBI lab has actually been questioned in court.<sup>11</sup> “It’s time the bureau stopped its narcissistic infatuation with its own image,” thundered Sen. Grassley.

“It’s time to stop selling an inferior product with false advertising. The American people deserve from [their] chief law enforcement agency a product with integrity. . . . This is an issue of leadership.”

### **Can the FBI be trusted with expanded powers?**

“To my amazement, there are

voices that . . . claim repression by government — and fear of government,” Freeh said in May 1995. He was immediately pounced on by libertarian author James Bovard, who wrote: “It is especially ludicrous for an FBI chief to express amazement at people’s fear of the government when the FBI itself trampled many citizens’ rights in the 1950s and ’60s with burglaries, illegal wiretaps, character assassination and intimidation.”<sup>12</sup>

Right-wingers’ smoldering resentment of the FBI’s role in the 1993 Waco tragedy is revisited in a new book, *No More Wacos: What’s Wrong With Federal Law Enforcement and*

*How to Fix It*. The authors argue that the FBI lied when it said it didn’t expect Branch Davidian cult members to commit suicide, and that bureau agents tricked Attorney General Janet Reno about the lack of progress of negotiations to win approval for a gas attack (*see p. 326*).<sup>13</sup>

From the left, Martin of the Center for National Security Studies expresses concern over how the FBI in the Clinton era has accelerated its efforts to win new powers. In the name of investigating terrorism, it has been reinterpreting and loosening the Justice Department’s guidelines (handed

*Continued on p. 321*

## FBI Tours End With a Bang

“Inside the FBI” is a snappy phrase for a reporter’s exposé. It is also a ready-made boast for postcards sent by the tourists who flock to FBI headquarters — a half-million every year.

The thousands who line up daily to tour the J. Edgar Hoover FBI Building on Washington’s Pennsylvania Avenue were anticipated when the imposing building — detractors describe the architectural style as “fascist” — opened in 1975. Visitors wait in a comfortable lounge before being guided around the building’s two lowest floors on a tour designed by Disney to avoid disrupting the facility’s 7,300 employees.

Observers have suggested that the tourist-friendly layout is just another of the FBI’s Hoover-era public relations techniques. But former Assistant Director Ray Wannall points out that Hoover was already dead when the building was under construction in the early 1970s and that there was little room to splurge on tourists. He recalls how pressed they were for space when the employees first moved in, and how concerned his colleagues were that the open access to the first two floors would permit an intruder to plant a bomb.

Engraved in the courtyard is a quotation from Hoover: “The most effective weapon against crime is cooperation.” A gift from the Society of Former Special Agents of the FBI, the engraving was actually a second choice. They had originally proposed this Hooverism: “Law and order are the pillars of democracy on which our safety and welfare rest,” but then-FBI Director William H. Webster thought it too militant.<sup>1</sup>

Walls along the FBI tour are covered with portraits of past directors as well as Attorney General Janet Reno. There are posters promoting the many movies made with the FBI’s blessing, among them “G-Men” and “Federal Agent at Large.” Also on display is a blow-up of the FBI seal, with its motto of “fidelity, bravery, integrity.”

Visitors are told that the FBI employs 10,089 agents, of whom 1,500 are women. Only 611 agents work at headquarters, where the majority of employees are civil servants toiling in administrative services, criminal justice information services, technical services, criminal investigations, the laboratory and training.

To enforce the laws against more than 250 categories of federal crimes, the bureau maintains 56 field offices and 400 smaller satellite offices, as well as 23 offices overseas. It has a total work force of 25,750.

The FBI maintains a fingerprint facility near Clarksburg,

W. Va., and its famous training academy 35 miles south of Washington, in Quantico, Va. Along with a police academy on the same grounds, the FBI participates in the training of some 14,000 law enforcement personnel annually.

The headquarters tour emphasizes the FBI’s successes. A series of photos shows the 1994 arrest of CIA spy Aldrich Ames near his Arlington, Va., home. A display of the FBI’s 10 Most Wanted criminals reports that 446 names have been on the list since it was started in 1950, and that 418 fugitives have been caught. Ten of those arrests were made following appeals on the TV show “America’s Most Wanted,” two came after their cases were dramatized on “Unsolved Mysteries” and one arrest, last year, was made after a fugitive’s picture appeared on the FBI’s Internet home page.

The tour includes a stop at the memorial to agents who have died in the line of duty: 33 from gunfire and 13 others in automobile or training accidents. Signs discussing the FBI’s mission explain that anti-

terrorism efforts were made a priority in 1982, along with illegal drugs.<sup>2</sup>

Upstairs, visitors can peer through windows to see work being performed in the famous forensics laboratory, established in 1932. The tourguide describes how technicians perform “materials analysis” of paint, glass, or metal from cars, and how they analyze shoe-sole patterns to identify footprints. An exhibit on microscopic analysis of fibers from carpeting or bedding tells how crucial pieces of evidence can rub off invisibly from one person to another when there is close human contact. Technicians analyzing a human hair can tell which part of body it came from, visitors are told, and whether the hair is its original color.

Visitors can also get a glimpse of the FBI’s 5,000-piece firearms reference collection, which contains samples of every known firearm used by criminals in this country as well as 12,000 specimens of test-fired ammunition. There also is an exhibit of the bureau’s National DNA Index, which preserves semen samples from each of the country’s released sex offenders, in case one is again suspected of an offense.

Following an agent’s ear-splitting demonstration of three different firearms at the shooting range — including a vintage tommy gun — the tour ends with a visit to the gift store, which offers T-Shirts, hats and mugs celebrating the FBI.



*Tours of FBI headquarters in Washington were designed by Disney.*

<sup>1</sup> Ronald Kessler, *The FBI* (1993), p. 30.

<sup>2</sup> See “War on Drugs,” *The CQ Researcher*, March 19, 1993, pp. 241-264.



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*Continued from p. 319*

down in 1976 and modified in the early 1980s) for determining when it is appropriate to conduct surveillance on a domestic group.

During debate on the 1994 crime bill and the 1996 anti-terrorism bill, Martin says, the Democrats, who long opposed such powers, were “mushy, and have been rolling over ever since the 1993 World Trade Center bombing. Now the FBI can break in and photograph all your papers and replicate everything on your computer, and you won’t know it unless you were later indicted.”

Civil libertarians on the right continue objecting to the FBI’s success in molding the 1994 Communications Assistance in Law Enforcement Act. The so-called “digital telephony law” is designed to prevent the telephone industry from making technological improvements that block the FBI’s capacity to install wiretaps.

Barry Steinhardt, associate director of the American Civil Liberties Union (ACLU) in New York City, warns that current FBI proposals for implementing the law pose an unprecedented burden on a national industry, tantamount to “requiring all home builders to include an electronic bug in every new home.” There is also a fear that the FBI, which so infamously wiretapped civil rights leader the Rev. Dr. Martin Luther King Jr. in the 1960s, will misuse information gleaned serendipitously during authorized wiretaps to pursue other investigations.

“Wiretapping is the worst sort of general search, precisely what the Fourth Amendment was intended to prevent,” Steinhardt told a March conference at the Cato Institute. The FBI, he says, has only a 17 percent efficiency rate in using wiretaps to convict criminals, and yet wiretapping has reached record highs under the Clinton administration. The question, he said, “is whether we can trust the FBI not to abuse these powers.”

The ACLU and Martin’s group also object to the FBI’s longstanding practice of keeping files on the political activities of Americans suspected of disloyalty. For decades, FBI files have been the subject of countless investigations, legal battles and rumors. (Excerpts from the FBI’s once confidential files on former Beatle John Lennon and the late poet Allen Ginsberg can be found on the World Wide Web.) “Are we now to assume that an FBI file doesn’t constitute an invasion of privacy, that having an FBI file is somehow part of civic life, like having a driver’s license?” columnist Andrew Cockburn asked during the White House files controversy.<sup>14</sup>

Last December, however, the District of Columbia Circuit Court affirmed the FBI’s right to determine on its own whether it should keep files on a domestic group or individual under suspicion. The case, brought in 1988 by the Center for National Security Studies, was prompted by a Freedom of Information Act request the group had made for FBI files on an academic named Lance Lindbloom, then president of the Chicago-based J. Roderick MacArthur Foundation. Citing national security concerns, the FBI had refused to release its complete files on Lindbloom, who had met several times with South Korean dissident Kim Dae Jung and accompanied Kim, along with a member of Congress and former State Department officials, when he returned to South Korea from exile in 1985.

One group with particular reasons to fear the FBI is Arab-Americans, many of whom received visits from FBI agents during the 1991 Gulf War. According to James Zogby, president of the Arab American Institute, “the FBI sent out a press release saying they had questioned 200 Arab leaders. Many were longtime city council members, small-town mayors or state senators. It was a night-

mare until we got support from the editorial pages of about 50 newspapers that condemned it.”

Zogby describes the FBI’s interviews as “harassment,” in which Arab-Americans were questioned in front of their employers or customers or neighbors. His own experience with the bureau began as far back as 1980, when the FBI interrogated fellow members of a church-based group called the Palestinian Human Rights Campaign after it had been firebombed. “The FBI was using the occasion to find out about the Arab community, which was just getting organized, in order to create a political chill by saying, ‘We’re watching you,’” he says.

FBI spokesmen emphasize that the bureau’s law enforcement powers are determined by the checks and balances in the Constitution, Congress and the Supreme Court. Alan McDonald, general counsel for the FBI’s Information Resources Division, says wiretaps are always used in accordance with the amended 1968 electronic surveillance law. It requires police to obtain court-ordered warrants before tapping a criminal suspect’s phone, and warrants can only be obtained when police have “probable cause” and specific suspicions. Further, the number of wiretaps must be tabulated and reported annually to Congress.

Wiretaps are executed “in a surgical fashion,” McDonald says, in only about 1 percent of investigations. “The FBI and prosecutors must convince courts that other means are not available or are too dangerous. The situation is far from some tantalizing prospect of a pervasive Big Brother.” Wiretaps are not used against political dissidents or those with unpopular opinions. In fact, 70 percent of them are against people suspected of dealing illegal drugs, he says. “But the high-quality, unbiased evidence that wiretaps furnish can allow law

enforcement to react promptly to head off heinous crimes.”

As for secret files, McWeeney points out that agents are constantly receiving information from multiple sources, and the procedure is to write it up for a file in case the subject is later investigated. “But just because there’s a file doesn’t mean there’s an active investigation,” he says. “If someone calls in and says a certain guy is in the Mafia, we document it.”

The FBI can be trusted with new anti-terrorism powers, argues social scientist James Q. Wilson. Justice Department guidelines on infiltrating domestic groups are clear enough, he writes, but the FBI has trouble interpreting them. “FBI agents have learned to be politically risk-averse,” he writes. “The intelligence guidelines under which the FBI operated would not have barred infiltration of the group responsible for the Oklahoma bombing, assuming that anybody had heard of it in advance. But the bureau has been whipsawed so many times by contrary political pressures — ‘Stop terrorism!’ ‘Protect civil liberties!’ — that many of its top officials have adopted a perfectly understandable bureaucratic reaction: ‘Who needs the trouble?’ ”<sup>15</sup> ■

## BACKGROUND

### Flawed First Steps

The world’s most famous law enforcement agency was created in 1908, the brainchild of Charles Joseph Bonaparte, who was attorney general during the administration of Theodore Roosevelt. A descendent of Emperor Napoleon of France, Bonaparte had authority under the

1870 act that created the Justice Department to launch a new federal investigative unit — and he would need that authority. Many in Congress steadfastly opposed the idea, warning that any sort of federal police force would degenerate into a “secret police” operation like the one that terrorized czarist Russia.<sup>16</sup>

Bonaparte was undaunted, and the following year his plan to switch 10 Secret Service agents from Treasury to join several others from elsewhere at Justice was implemented in the Taft administration by Attorney General George W. Wickersham. The new Bureau of Investigation was to pursue crimes on the high seas, violations of neutrality laws, crimes on Indian reservations, narcotics trafficking, violations of anti-peonage (slave labor) law and violations of antitrust laws. Within a year, Congress passed the Mann Act, making it a federal crime to transport women across state lines for immoral purposes.<sup>17</sup>

For the next decade and a half, the bureau would confirm the fears of its congressional detractors. Headed by William Burns, whom many saw as a self-aggrandizing union-buster obsessed with wiretapping, the bureau focused on ferreting out Bolsheviks, anarchists and German sympathizers during World War I. Congressional hearings at the time, one historian notes, revealed that the bureau had found suspects “in all walks of American life.” Among those guilty of pro-Germanism, the public learned, were members of the Senate, judges, mayors and former Secretary of State William Jennings Bryan.<sup>18</sup>

The bureau ended this era of its history, says former FBI Assistant Director Ray Wannall, as “a dumping ground for political hacks, alcoholics, ex-cons and procurers of women.”

#### *The Young Hoover*

By 1924, the situation had moved Attorney General Harlan Fiske Stone

to action. He had noticed J. Edgar Hoover, then a 29-year-old assistant attorney general who had been active in the Justice Department’s “Red Scare” raids. Stone charged him with reinvigorating the bureau.

A devout Presbyterian, Hoover was the son and grandson of civil servants and still lived with his mother. Hoover set out to retrain the bureau’s 650 employees in order to “merit the respect of the public.” That meant no foul language, and everyone clean-shaven and wearing a white shirt. Hoover encouraged citizens to “refrain from making private investigations” but to “report the information you have [to the bureau] and leave the checking of data to trained investigators.”<sup>19</sup> It was Hoover’s professionalization, says veteran McWeeney, that led the bureau to “memorialize information in reports instead of just jotting it on the back of matchbooks.”

As Prohibition and the Depression enveloped America, the rise of notorious gangsters — such as Al Capone, Bonnie and Clyde and Baby Face Nelson — gave Hoover’s bureau its big chance. “Racketeering has got to a point where the government [must] stamp out this underworld army,” declared Attorney General Homer S. Cummings soon after Franklin D. Roosevelt’s administration came to power. On July 30, 1933, Cummings tapped Hoover to head a new unit combining the Justice Department’s Prohibition Bureau, Bureau of Identification and Bureau of Investigation. He was handed 226 new agents and vast amounts of publicity, partly as psychological warfare against the famous criminals he was up against. Hoover’s appearances on multiple magazine covers made him a household name.<sup>20</sup>

In 1935, the rejuvenated agency was renamed the Federal Bureau of Investigation. Congress throughout

*Continued on p. 324*

# Chronology

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## **1900s-1940s**

*First federal anti-crime unit focuses on anarchists and Bolsheviks, then expands to deal with gangsters during the Great Depression.*

**July 26, 1908**

Bureau of Investigation created within Justice Department.

**1924**

Young J. Edgar Hoover appointed head of bureau.

**1930**

Bureau begins publishing national crime statistics.

**1932**

Bureau's forensics laboratory created.

**1933**

Hoover named to head expanded bureau.

**1935**

Bureau renamed FBI. National Academy created to train law enforcement personnel.

**1940**

Wartime federal law gives FBI authority to investigate domestic subversives.

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## **1950s-1960s**

*FBI focuses on anti-Communism, corruption of American youth.*

**1968**

Congress passes crime bill limiting FBI directors to 10 years and requiring Senate confirmation.

## **1970s** *FBI criticized for civil liberties violations.*

**1970**

Passage of Racketeer Influenced and Corrupt Organizations (RICO) law, giving FBI more power to investigate organized crime.

**1972**

Hoover dies; L. Patrick Gray named acting director.

**1973**

Kansas City Police Chief Clarence Kelley named FBI director.

**1975**

Senate Select Committee on Intelligence Activities exposes FBI civil liberties abuses.

**1976**

Attorney General Edward Levi issues guidelines on FBI surveillance.

**1978**

William H. Webster becomes director.

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## **1980s** *FBI focuses on drugs, white-collar crime and international terrorism.*

**1980**

FBI's ABSCAM undercover operation convicts 12 public officials of bribery.

**1987**

William S. Sessions named director.

**1988**

Revelation that FBI inappropriately targeted domestic activists on human rights in El Salvador.

## **1990s** *FBI acknowledges mistakes.*

**August 1992**

FBI involved in shootout at Ruby Ridge, Idaho, in which an unarmed woman and her teenage son are killed.

**April 19, 1993**

FBI assault on the Branch Davidian complex near Waco, Texas, leaves 75 adults and children dead.

**Sept. 1, 1993**

Louis J. Freeh becomes director.

**1994**

Congress passes communications law preserving FBI wiretap capabilities.

**1995**

FBI chemist Frederic Whitehurst sets off inquiry by complaining of sloppiness and misbehavior in FBI lab.

**April 24, 1996**

Congress passes Anti-Terrorism and Effective Death Penalty Act broadening FBI powers.

**June 1996**

FBI captures anti-government "Freeman" after three-month standoff in Montana.

**Feb. 28, 1997**

FBI agent Earl Edwin Pitts pleads guilty to spying for Moscow.

**March 1997**

FBI and White House clash over investigation of Chinese efforts to influence U.S. elections.

*Continued from p. 322*

the 1930s would expand its charter with new laws making federal crimes of such offenses as kidnapping, while Secretary of State Cordell Hull authorized Hoover to investigate fascists and communists within the U.S.

Hoover responded with many crime-fighting coups, notably his agents' shooting of murderer and bank robber John Dillinger in 1934 as he emerged from a Chicago cinema. Hoover also made a big splash that year by helping to collar kidnapper Alvin Karpis, "Public Enemy No. 1," following criticism that Hoover himself had never made an arrest.

But as FBI agents who became disgruntled with Hoover would later reveal, many of the successes were exaggerated. Former agent William W. Turner charged that the famous "Lady in Red" who betrayed Dillinger was actually working with the private Hargrave Secret Service, not the FBI. The 1934 capture of Lindbergh baby kidnapper Bruno Richard Hauptmann was accomplished by Treasury agents rather than the FBI, and the German saboteurs who landed in the U.S. by submarine in the early 1940s were betrayed by one of their own, not nabbed by the FBI.<sup>21</sup>

In fact, the FBI agent who shot Dillinger, Melvin Purvis, saw his career dead-end, apparently because Hoover was jealous of the credit he received, and he later committed suicide.<sup>22</sup>

Hoover loyalists chalk up much of the myth-busting to the resentment of disgraced agents. "Hoover was a staunch disciplinarian," Wannall recalls. "Some agents couldn't live with that so they became dissidents. We who stayed recognized that the head

of law enforcement and intelligence has to rule with a pretty strong hand."

## Making Enemies

By the early 1940s, Hoover had assembled a staff of 13,000, in-



*Portrait of a G-man: Legendary J. Edgar Hoover ran the FBI for 48 years until his death in 1972.*

cluding 4,000 agents, and the power to go after foreign spies and draft evaders. All the while, he put out word of steadily worsening crime statistics, warning once of "a horde larger than any of the barbarian hosts that overran Europe and Asia in ancient times."<sup>23</sup>

But the rapid growth was not always welcomed by local law enforcement, who viewed the FBI as stingy in sharing information and too eager to take over their cases. "Despite a

public facade of normalcy, relations between the FBI and local police departments have also been tense for years," wrote ex-agent Turner. "It is only natural that the police seethe under the bureau's air of superiority and the way the bureau is pampered by Congress and the public."<sup>24</sup>

Others faulted the bureau for emphasizing statistics at the expense of selectivity in tackling the crime problem. "When I came into the bureau, we used to go to the Metropolitan Police Department [in Washington] every day and check the stolen-car list," said one ex-agent. "If the car was recovered, we took credit; if it was stolen in Washington and recovered in Maryland, we would claim that as a stat, interstate theft."<sup>25</sup>

Still, Hoover continued building on his status as an American hero. His most famous book, a 1958 anti-communist tract called *Masters of Deceit*, is said to have been ghostwritten on government time, and the bureau also had a hand in Don Whitehead's 1956 celebratory chronicle *The FBI Story*. Through the 1950s and '60s, Hoover's byline was familiar in *Reader's Digest*, Sunday

supplements and PTA magazines, in the later period warning of the impending corruption of youth by a new type of "conspiracy" characterized by "non-conformity in dress and speech, even by obscene language, rather than by formal membership in a specific organization."<sup>26</sup>

The seeds for the subsequent disillusionment with Hoover among many members of the public were sown by critics, particularly on the left. Fred Cook, writing first in *The*

*Nation* and *Ramparts* and later in a book, *The FBI Nobody Knows*, accused the FBI of ignoring organized crime.<sup>27</sup> After the 1963 assassination of President John F. Kennedy, Turner wrote that Hoover had withheld information from the investigating Warren Commission showing that the FBI had received advance word that alleged assassin Lee Harvey Oswald had made violent threats against the government.<sup>28</sup> By the mid-1970s, explosive revelations about FBI and CIA misconduct were being investigated by a special Senate committee headed by Sen. Frank Church, D-Idaho. They led to a 1975 *Time* magazine cover story, “The Truth About Hoover,” and later a 1981 book by David Garrow, *The FBI and Martin Luther King Jr.*

## Hoover's Secrets

Only now was the public learning about Hoover as a master bureaucrat who was often able to hide his actual budget from prying congressional oversight. “One of Hoover’s regular practices was to turn off many [FBI wiretaps] just before his annual appearance in front of the House Appropriations Committee, to avoid . . . having to lie to Congress about the huge number of illicit taps that were in place,” one historian wrote.<sup>29</sup>

It emerged that Hoover had not only wiretapped Martin Luther King Jr.’s phones (with authorization from Attorney General Robert F. Kennedy) because he suspected him of being a communist, but that he had amassed secret

files on celebrities and politicians, such as Marilyn Monroe and John F. Kennedy. The story is told of how the aging Hoover blackmailed Kennedy into reappointing him by flaunting his evidence of Kennedy’s extramarital affairs. (“You don’t fire God,” Kennedy would say.<sup>30</sup>)

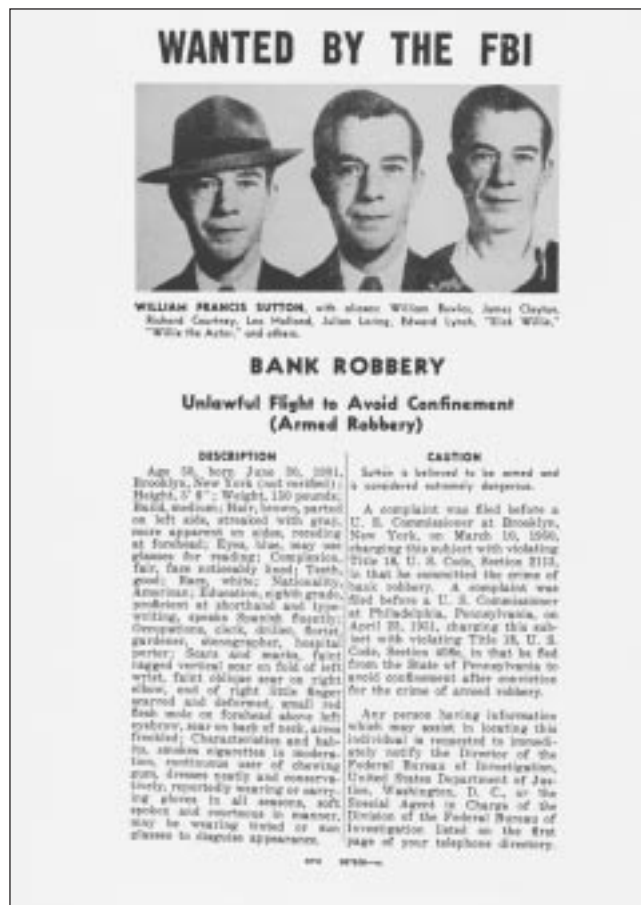
burglaries, and others reputedly are filled with surveillance data on sexual deviancy.<sup>31</sup> Many are thought to have been destroyed by his secretary, Helen Gandy, or other aides.

Former Assistant Director Wannall says all the talk about secret files is overdone. “I have 85 pages of them, and any member of the public can get them,” he says. “Most of the files kept in his office were personal correspondence about his investments in oil. One file was simply a survey of what electronic equipment the FBI owned at the time. We agents had access to the files in Hoover’s office. We just went to Miss Gandy.”

### Domestic Surveillance

The most controversial Hoover secret to emerge in the 1970s was the bureau’s 14-year counterintelligence program to monitor the political activities of leftists and anti-Vietnam War protesters. COINTELPRO, as it was known, was launched in 1956 when the FBI was instructed to go after the Communist Party USA, and ended in 1970, when activists calling themselves the Citizens Committee to Investigate the FBI stole documents from the FBI office in Media, Pa., and leaked them to the press.<sup>32</sup>

The exposure of COINTELPRO prompted Ford administration Attorney General Edward H. Levi to issue guidelines as to when the FBI can infiltrate or conduct surveillance on domestic groups. Litigation against the FBI for civil liberties abuses went on into the 1980s, and two top bureau officials, Mark Felt and Edward S. Miller, were convicted of ordering illegal burglaries. The Society of Former Special



Dramatic “Wanted by the FBI” posters helped catch notorious criminals and raise the bureau’s public image. Bank robber Willie Sutton was among the bureau’s most celebrated cases.

Histories being published in the 1990s have revealed more detail about Hoover’s special files, some of which were marked “Personal and Confidential” and others “Official and Confidential” and kept in Hoover’s own office so that ordinary FBI clerks would not have access. Some of these files are said to contain information on the bureau’s illegal domestic

Agents of the FBI raised more than \$1 million to defend them and others; Felt and Miller were pardoned by President Ronald Reagan in 1981.

Wannall, who testified before Congress in defense of COINTELPRO, says the program was fully authorized by the presidents and attorneys general of each administration. "Lyndon Johnson spoke to the nation on July 24, 1967, at the time of the race riots in Detroit, saying that we must use 'every means at our command' and that 'no American has the right to loot,'" he says. "Johnson made it clear that we couldn't do business in our usual way, that he expected more than what was being done."

When bombs started to go off on American college campuses a few years later, Wannall continues, "there were real American people looking to their government and the FBI to protect their rights and property."

## Post-Hoover Era

Hoover's death in 1972 (he was the first civil servant to lie in state in the Capitol Rotunda), heralded a new era for the FBI. The 1968 crime bill had already required future FBI directors to be confirmed by the Senate and limited their terms to 10 years. For the first time, amid considerable unease, black and female agents were recruited. Training was updated to emphasize "quality over quantity," as a director put it, to place less emphasis on mere statistics. The FBI also began taking advantage of undercover techniques. It enjoyed great successes against organized crime in New York, Cleveland and other cities, McWeeney notes.

Under Acting Director L. Patrick Gray and later under former Kansas City Police Chief Clarence Kelley, the FBI also demonstrated the kind of

political neutrality that the public expected. Gray, despite his desire to ingratiate himself with President Richard M. Nixon to win a permanent appointment, refused to conduct wiretapping and break-ins against White House enemies, and wouldn't help Nixon cover up the Watergate scandal. Indeed, FBI agents took pride in ferreting out White House misdeeds committed during Watergate, staying a couple of months ahead of *Washington Post* reporters Bob Woodward and Carl Bernstein, who got the credit.<sup>33</sup>

Under the firm leadership of Judge William H. Webster, who became director in 1978, the bureau took on the international Mafia, foreign counter-intelligence, world terrorism and white-collar crime, such as the savings and loan abuses.

It was under Webster and Reagan Attorney General William French Smith that Justice Department guidelines for domestic surveillance were relaxed in the hope that the bureau would "anticipate crime." What occurred, however, was considered by many as another FBI abuse.

From 1984-86, the FBI conducted extensive surveillance against leftist opponents of U.S. policy toward El Salvador. The primary target was the Committee in Solidarity with the People of El Salvador (CISPES), whose associates included such "subversives" as former U.S. Ambassador Robert White, musician Jackson Browne, actor Charlie Sheen and 10 members of Congress. When media attention forced the project's demise, new FBI Director William S. Sessions was required to apologize for a policy he called "an unfortunate aligning of mistakes . . . of which the FBI is not proud."<sup>34</sup>

Though Sessions had merely inherited the CISPES policy, it may have been a factor in President Clinton's decision in 1993 to fire him following a series of controversies over his reported misuse of government perks

and the alleged involvement of his wife in policy matters.

## Standoff at Waco

The Clinton era began with the FBI's botched standoff against the Branch Davidian cultists outside Waco. An official post-mortem criticized the bureau after the deadly tank assault, tear gassing and fire on April 19, 1993, that killed 75 adults and children. The bureau was faulted for being impatient in negotiations with the religious group; for employing dangerous CS gas of which it had little understanding; and for failing to adequately consult religious experts concerning the potential for mass suicide.

In addition, recalls Alan Stone, the Harvard University law and psychiatry professor who headed the review, "The FBI and the Justice Department did not help our panel to get the necessary information until I made a terrible fuss and insisted. Then, after we filed the report, the FBI condemned it." (The FBI insisted it did consult experts, and several months after Waco the FBI's Active Agents Association issued a special award to hostage rescue team members.)

After Republicans took control of Congress in 1995, they conducted new hearings on the Waco and Ruby Ridge episodes and reiterated the critiques. "FBI officials on the ground had effectively ruled out a negotiated end long before April 19, and had closed minds when presented with evidence of a possible negotiated end following completion of Koresh's work on interpreting the Seven Seals of the Bible," a House report said.<sup>35</sup>

Stone says he was impressed with the FBI's successful, non-violent resolution of the 1996 standoff in Jordan, Mont., against the anti-government Freeman group. "The FBI has taken the criticism to heart," he says. "I wrote letters of congratulation to both Louis Freeh and Janet Reno. I have great respect for Freeh." ■

# CURRENT SITUATION

## Political Independence?

“I don’t see how Louis Freeh can survive this confrontation with the president,” newsman Sam Donaldson said March 16 on ABC’s “This Week.” He was referring to the clash between the FBI and the White House over what the White House said was the FBI’s failure to tell Clinton that the FBI was investigating whether the Chinese government was funneling money illegally into Democratic campaigns. Though Attorney General Reno subsequently attributed the conflict to a “misunderstanding,” it later emerged that Freeh may have been withholding information on his 30-agent probe into Chinese funding because of earlier charges that the FBI was too cozy with the White House.<sup>36</sup>

The situation only dramatizes the political tightrope Freeh must walk these days. For nearly two years, Republicans have been blasting the FBI for, among other things, allegedly allowing itself to be used by the White House after Clinton aides fired White House travel office employees in 1993, and then sought an FBI probe to prove their criminality.<sup>37</sup>

Last year, the bureau’s counsel was criticized for providing the White House with an advance copy of former special agent Gary Aldrich’s titillating memoir,

*Unlimited Access: An FBI Agent at the White House.* And last month, Rep. Charles H. Taylor, R-N.C., told Freeh at a hearing that “it seems like the FBI is acting like Stepin Fetchit for the White House and giving up its role as a respected law enforcement agency.” Moreover, Rep. Dan Burton, R-Ind., who is chairing a major probe into Clinton fund-raising improprieties, dismissed as “a blatant political move” the report that he had become the target of an FBI investigation into charges that

from federal judge to FBI director was that there be no White House interference with his work.<sup>38</sup>

Freeh also said that he takes “full responsibility” for the problems on his watch, noting that he has introduced new procedures to avoid a repeat of allowing partisan White House staffers to obtain FBI files on political opponents. “I did not call it an administrative snafu,” he said. “I called it an egregious violation of privacy, and I said it was the result of the abdication of management responsibility in the FBI.”

Freeh is not a pawn of the White House, McWeeney says. “Those charges are just the Republicans trying out their own political agenda. Freeh is a decent man with integrity who is now faced with issues in the media spotlight that years ago would have been kept quiet.”

### **The Jewell Case**

An area where Freeh has also been promising action is the FBI’s investigation of the Olympic Games bombing, in which someone, apparently in law enforcement, leaked the name of security guard Richard Jewell as a suspect, and the FBI may have tricked Jewell into giving interviews under the guise of coming to help make a training video. In March, senior FBI official David Tubbs and others were reported to be facing

disciplinary action in the Jewell affair.

Freeh said he has “zero tolerance” for leaks by agents, but he noted that “over 500 FBI agents, local detectives and other people” knew [Jewell’s] identity. “They reported up 10 organizational chains. It was much too many people to be aware of a



Reuters

*The FBI’s investigation of a fatal bombing during the Olympics in Atlanta was marred when security guard Richard Jewell was identified to news media as a suspect, only to be exonerated later.*

he shook down a Democratic lobbyist for campaign cash.

Freeh has replied to the Republicans by citing the pride he takes in the fact that his identity as either a Republican or Democrat has never been made public. He said his only conditions for accepting Clinton’s offer to elevate him

subject's identity in a case where you had 15,000 reporters in town." <sup>39</sup>

Tom Rosenstiel, director of the Project for Excellence in Journalism, says "the press in this case was used by the FBI to try to squeeze Jewell. This violates the first tenet of journalism, which is don't become an arm of government." The press in the future should return to the old code of waiting until a suspect has been officially charged to report his name, and to require the police to offer evidence as to why someone is a suspect, he says. "The FBI's reliability has been tarnished, too, and perhaps that's good, because the press had gotten too cozy with it." Jewell later sued several news organizations for naming him as a suspect.



Reuters

*The FBI counts the capture of CIA spy Aldrich Ames among its biggest recent successes.*

## Freedom of Information

Last summer's "Filegate" controversy at the White House produced a surge in requests from journalists, academics, prison inmates and average citizens for FBI files under the Freedom of Information Act. <sup>40</sup> Kevin O'Brien, chief of the FBI's FOIA and Privacy Acts section, last June reminded Congress that "FBI files contain very sensitive information, and [reviewing requests] is necessarily time-consuming, and the analysis cannot be done properly if it is done in haste. We are critically understaffed." <sup>41</sup>

In February, the FBI began sending letters to all requesters explaining the backlog. "If we do not receive a response within 30 days of the date

of this communication," it said, "we will conclude that you are no longer interested and close your request (s) administratively."

The FBI generally handles FOIA requests on a first-come, first-served basis, though it does have a special track for requests that can be filled

cies. "The law and intelligence agencies have the worst time because they are overly cautious, and the reviews are labor-intensive," he says. But the common notion that most requests are from outraged average citizens seeking suspected files on themselves is overblown. "There are

an awful lot of people in jail or in the justice system who make requests, as well as reporters and researchers and public interest groups," he says. "I'll bet the FBI doesn't think it's being too secretive, but I say they apply too much caution, and that more could be disclosed. They spend huge amounts of time and money in court defending their policies." In the FBI's defense, a

in one day. In balancing citizen rights against the FBI's need to protect national security and confidential sources, courts have ruled that action on FOIA requests must be accelerated if their topics are newsworthy, or if they involve possible government misconduct.

Recent court rulings have backed the FBI's right to keep certain information (such as the file on murdered Teamster boss Jimmy Hoffa) secret if officials judge that the case could still be reopened. Courts have also ruled that the FBI may not withhold documents if they have already been reviewed for other FOIA requests. FBI exemptions from FOIA requirements must be justified case by case.

Harry Hammitt, editor-publisher of *Access Reports*, a biweekly on the FOIA, says that the FBI receives far more FOIA requests than other agen-

single request from a journalist can amount to 3,000 pages, he adds, and require a staff of 60 to handle. <sup>42</sup>

By 1999, the bureau plans to have an electronic imaging system installed at FBI headquarters and at all field offices for the tracking and processing of information requested under the FOIA and the Privacy Acts. <sup>43</sup> The FBI's track record on new computer systems in general, however, has been flagging. There have been delays and cost overruns in its effort to upgrade its National Crime Information Center, a computerized system designed to handle 100,000 inquiries a day from law enforcement officials. The bureau's planned Integrated Automated Fingerprint Identification System, which will allow police in squad cars to check fingerprints via portable computers, is also behind schedule. <sup>44</sup>

*Continued on p. 330*



# At Issue:

## *Is the FBI forensics laboratory too secretive?*

**JAMES E. STARRS**

*Professor of law and forensic sciences, George Washington University*

*FROM "UNINVITED AND UNWELCOME GUESTS: BIASES IN THE HOUSE OF FORENSIC SCIENCES," SPEECH PRESENTED TO AMERICAN ACADEMY OF SCIENCES, FEB. 20, 1997.*

**f**orensic scientists are expected to keep abreast of the times, especially when the times are changing under the impetus of judicial decisions and statutory revisions. As the front-runner in the field of forensic science, the FBI lab could be expected to take the lead in accommodating the old ways to the new rules.

Ruefully, that has not been the policy at the FBI lab. Change resulting in more open and reviewable practices . . . seems to cut against the establishment mentality of the FBI laboratory. The hidebound attitude at the FBI laboratory seems to be saying out with the new and on with the old.

In this regard, the FBI lab suffers from a very acute case of mural dyslexia, by which I mean it has failed to see the handwriting on the wall. It is no wonder that it is steeped in controversy at the present time. To be hidebound is no guarantee that the slings and arrows of criticism will be aimed elsewhere. Quite to the contrary.

Closed doors, I would submit, lead to closed minds, and closed minds are a substantial opening to inefficiency and ineptitude and possibly worse . . .

External proficiency testing is the norm for responsible and accredited laboratories, but not for the FBI lab. Its internal proficiency testing best serves its fixation with bolting its doors to the peer review of outsiders, even outsiders who are preeminent in their scientific fields.

The studied refusal of the FBI lab . . . to countenance a second opinion is indicative of the FBI's negative posture toward peer review. Of course, it could be said that the FBI's unwillingness to accept evidence that has been or will be analyzed elsewhere is just a matter of sensible conservation of its resources. In light, however, of the determined refusal of the FBI lab to stand the criticism of peer review in other circumstances, it would appear that resource conservation is a secondary motive against second opinions of, or at, the FBI lab. . . .

Everything in the FBI lab is being played by the adversarial book. All disclosures are made grudgingly, and only when and in the terms required by the rules. The forensic scientists at the FBI lab seem to be more scrupulously lawyerlike in their close-to-the-vest view of pretrial discovery than even lawyers would be. All the better to squelch peer review and to advance the cause of the prosecution, which, from every viewpoint, seem to be the dual purposes of the FBI lab.

**DAVID FISHER**

*Author, Hard Evidence: Inside the FBI Sci-Crime Lab*

*FROM "FBI CRIME LAB RECEIVES UNFAIR CRITICISM FROM WHISTLE-BLOWER," CONTRA COSTA TIMES, MARCH 5, 1997.*

**f**or some of us who naturally believe whistle-blowers, it was a source of great confusion to read allegations by FBI Special Agent Fred Whitehurst that the bureau's criminal laboratory had mishandled or fabricated evidence in many cases.

Whitehurst's loud whistle led to a Justice Department investigation, and parts of the resulting inspector general's report recently leaked to the media seemed to support some of his complaints.

Newspaper headlines criticized the lab and stated that hundreds of cases might have been reopened. On "Nightline," Sen. Charles Grassley, R-Iowa, suggested that work done by the lab was so poor that the lab could not even be accredited by forensic organizations . . .

Having spent more than six months inside the FBI lab, where I conducted more than 180 hours of interviews, Whitehurst's claims made little sense to me. And, while it is certainly possible that there are serious problems inside the lab about which I know nothing, the evidence thus far made public has confirmed my belief that this story is only slightly more accurate than recent news coverage of Richard Jewell in Atlanta and Michael Irvin in Dallas. . . .

Grassley is correct that the FBI lab has not been accredited. But not because, as the senator seems to suggest, the work done there is substandard. The FBI lab established the American Society of Crime Lab Directors, the parent of the accrediting organization, many years ago to standardize procedures used by crime labs.

Smaller state and local labs had little difficulty conforming to these standards, but problems faced by the bureau are considerably different. Until recently, for example, the bureau's lab has not been a restricted facility, which is mandatory for accreditation; that the entire building was a restricted facility was not acceptable.

Most of the reasons the lab has not been accredited . . . are structural or mechanical, rather than quality-based, and will be resolved when the lab moves to a new facility. . . .

There simply is no reason for FBI agents to falsify data. In many cases their tests simply provide lead information, rather than trial evidence. Examiners and technicians rarely know any more than is necessary about the materials they are examining, and most often never learn how an investigation or trial ended. . . .

Unlike J. Edgar Hoover's FBI, where the publicity was far greater than its accomplishments, in this instance the crime lab is much better than these headlines.

## FOR MORE INFORMATION

**Center for National Security Studies**, Gelman Library, Suite 701, 2130 H St. N.W., Washington, D.C. 20037; (202) 994-7060. Sponsored by the Fund for Peace, the center conducts research and performs legislative and legal advocacy to ensure that civil liberties and human rights are not eroded in the name of national security.

**Federal Bureau of Investigation**, 10th St. and Pennsylvania Ave. N.W., Washington, D.C. 20535; (202) 324-2614. The FBI maintains a headquarters in Washington as well as 56 field offices nationwide, 400 smaller local offices and 23 overseas offices.

**Freedom of Information Center**, 127 Neff Annex, University of Missouri, Columbia, Mo. 65211; (573) 882-4856. Founded in 1958, this nonprofit group maintains files that document actions by government, media and society affecting the flow and content of information. It monitors FBI policy on Freedom of Information Act requests.

**Society of Former Special Agents of the FBI Inc.** P.O. Box 1027, Building 715, Quantico, Va., 22134; (800) 527-7372. Founded in 1937, the 8,000-member group holds annual conferences and social events, maintains a memorial to slain agents and raises funds for scholarships, members' families in need and agents' legal fees.

*Continued from p. 328*

"The bureau has not delivered vital law enforcement systems . . . anywhere near within budget or on time," House Appropriations Subcommittee on Commerce, Justice, State and Judiciary Chairman Harold Rogers, R-Ky, told Freeh recently.<sup>45</sup> ■

## OUTLOOK

### FBI Ethics

Working for the FBI, makes for a stressful life, and the bureau employs two full-time counselors to work with troubled agents. Despite the danger and frequent travel, some 10,000 men and women apply to become agents every year; 400 are chosen. About 10 percent drop out during the tough training course at the FBI Academy, where Freeh recently added new courses in ethics.

To further bolster the agency's moral fiber, Freeh announced in March that he was creating an expanded and newly independent Office of Professional Responsibility to investigate and adjudicate internal misconduct allegations. To speed up the handling of cases, Freeh said he had doubled the number of employees assigned to internal investigations.

For some, the decades-old fear of the FBI has not disappeared. In March, attorneys in Northern California revived a lawsuit on behalf of Judi Bari, a member of the radical environmental group Earth First!, who was injured in a 1990 car bombing in Oakland, Calif. Police arrested her and accused her of carrying the bomb, while she accused the FBI of portraying her as a suspect to smear her group. The suit on behalf of Bari, who recently died of cancer, is another one likely to challenge the credibility of the FBI's forensics lab.

The influence of J. Edgar Hoover persists at the modern bureau, Wannall says. "His policies haven't changed," even if there are people at the FBI now

who get in situations that require them to apologize for mistakes.

Hoover loyalists were especially irked at the bizarre reports by a British journalist in 1993 asserting that Hoover and his top aide, Clyde Tolson, were gay lovers, that Hoover had been seen in the late 1950s wearing a dress and makeup, and that the Mafia used its knowledge of these hypocritical behaviors to prevent Hoover from going after the mob.<sup>46</sup>

There is "no cogent evidence" that such stories are true, says A.J. McFall, executive director of the former special agents society. The source for them, he notes, is Susan Rosenstiel (no relation to Tom Rosenstiel), the ex-wife of a wealthy former bootlegger with contacts both in the mob and the FBI. "She had gone through a divorce and was bitter at the property settlement, and she blamed the former FBI agents that her ex-husband had hired as private eyes," McFall says. "FBI agents who worked with Hoover every day were pretty straight types, and if Hoover had done anything like this, someone would have come forward," McFall adds. "To say that Hoover and Tolson were anything more than professional and above board is absolute slander."

### Global Reach

Efforts by Freeh and the FBI to become more active overseas have raised some concerns. Last winter, Freeh traveled to Jordan to discuss the extradition of a Muslim militant wanted in Israel. He also recently traveled to Saudi Arabia in connection with the U.S. barracks bombing. "It seems that Mr. Freeh and Ms. Reno hadn't bothered to consult the Clinton foreign policy team before rattling around in one of Washington's most sensitive bilateral relationships," complained

columnist George Melloan.<sup>47</sup>

Martin of the Center for National Security Studies worries about new powers the FBI acquired under last year's intelligence appropriations bill. In the course of going after terrorists overseas, the FBI will now be allowed to be guided by intelligence-gathering rules that apply to the CIA, which are looser about protecting civil liberties than the rules for law enforcement. "There used to be a wall between the two which Congress used to protect civil liberties," she says.<sup>48</sup>

The FBI is expected to continue seeking expanded powers for "roving" wiretaps using satellite technology, and to require airlines, courier services and hotels to give the FBI information it seeks. Such new capabilities are needed as a matter of survival, says former agent McWeeney. "You have to grow with the criminal element with all these state-of-the-art digital telephones and wire transfers. If the FBI doesn't keep up with the bad guys, who will?"

"We're living now in a society of surveillance," says Raskin of the Institute for Policy Studies. "You must show a picture ID when you enter a government or corporate building, or when you board an airplane. The police and the FBI are one piece of this apparatus, and it's a very scary picture."

Zogby of the Arab American Institute says the FBI has become a bit more sensitive to the hurt caused by some of its investigations of ethnic Americans, particularly after years of surveillance that reached almost comic proportions have yielded so little in crime fighting. "But the FBI is still more feared than trusted because of what happened in the 1970s and '80s," he says. "Perhaps they could make an affirmative effort at confidence building, and say they are sorry for what happened during the Gulf War."

"The American public trusts the FBI," says FBI counsel McDonald, "when they look at what it has done and not what it has been accused of

doing. It hasn't been running afoul of the law. It has a good record."

Moreover, the old feeling that the FBI runs over local law enforcement is no longer the case, says Daniel N. Rosenblatt, executive director of the International Association of Chiefs of Police. "The cooperation today is stellar. Freeh has the right kind of attitude. He's a courageous man who has made no secret about the problems of the FBI, which he's trying to address. The evaluation of an agency head is not whether he's free of problems but what he is doing about the problems."

But Freeh's days at the FBI may be numbered. "I have wondered about leaving," he says in the current issue of *Newsweek*. The magazine also quoted friends saying they have heard Freeh wonder aloud, "Am I hurting the FBI?"<sup>49</sup> ■

## Notes

<sup>1</sup> *Congressional Record*, Feb. 25, 1997, p. S1547.

<sup>2</sup> *The Washington Post*, Oct. 20, 1995.

<sup>3</sup> See "Combating Terrorism," *The CQ Researcher*, July 21, 1995, pp. 633-656.

<sup>4</sup> Athan Theoharis, *From the Secret Files of J. Edgar Hoover* (1991), p. 80.

<sup>5</sup> See "Cults in America," *The CQ Researcher*, May 7, 1993, pp. 385-408.

<sup>6</sup> See "Mafia Crackdown," *The CQ Researcher*, March 27, 1992, pp. 265-288.

<sup>7</sup> *The Washington Post*, Feb. 15, 1997.

<sup>8</sup> *The Washington Post*, Feb. 14, 1997.

<sup>9</sup> *Los Angeles Times* [Washington edition], March 18, 1997.

<sup>10</sup> Quoted in *The Washington Post*, Feb. 14, 1997.

<sup>11</sup> *The New York Times*, Feb. 13, 1997.

<sup>12</sup> James Bovard, "The New J. Edgar Hoover," *The American Spectator*, August 1995.

<sup>13</sup> David B. Kopen and Paul H. Blackman, *No More Wacos: What's Wrong with Federal Law Enforcement and How to Fix It* (1997).

<sup>14</sup> *Los Angeles Times* [Washington edition], June 28, 1996.

<sup>15</sup> James Q. Wilson, *Time*, May 1, 1995, p. 73.

<sup>16</sup> Max Lowenthal, *The Federal Bureau of*

*Investigation* (1950), p. 3.

<sup>17</sup> Harry and Bonaro Overstreet, *The FBI in Our Open Society* (1969), p. 73.

<sup>18</sup> Lowenthal, *op. cit.*, p. 36.

<sup>19</sup> Overstreet, *op. cit.*, p. 37.

<sup>20</sup> Richard Gid Powers, *G-Men: Hoover's FBI in Popular Culture* (1983), p. 97.

<sup>21</sup> Pat Watters and Stephen Gillers (eds.), *Investigating the FBI* (1973), p. 88.

<sup>22</sup> Diarmuid Jeffrey, *The Bureau: Inside the Modern FBI* (1995), pp. 61-62.

<sup>23</sup> Max Lowenthal, *The Federal Bureau of Investigation* (1950), p. 394.

<sup>24</sup> Watters and Gillers, *op. cit.*, p. 118.

<sup>25</sup> Ronald Kessler, *The FBI* (1993), p. 2.

<sup>26</sup> Powers, *op. cit.*, p. 265.

<sup>27</sup> Overstreet, *op. cit.*, p. 354.

<sup>28</sup> Gentry, *op. cit.*, p. 544.

<sup>29</sup> Jeffrey, *op. cit.*, p. 200.

<sup>30</sup> Gentry, *op. cit.*, p. 472.

<sup>31</sup> Athan Theoharis, *From the Secret Files of J. Edgar Hoover* (1991), p. 7.

<sup>32</sup> Jeffrey, *op. cit.*, p. 67.

<sup>33</sup> Kessler *op. cit.*, p. 269.

<sup>34</sup> Jeffrey, *op. cit.*, p. 267.

<sup>35</sup> House Judiciary and Government Reform and Oversight committees, "Investigation into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians," Aug. 2, 1996.

<sup>36</sup> *The New York Times*, March 25, 1997; *The Washington Post*, April 9, 1997.

<sup>37</sup> House Government Reform and Oversight Committee, "Investigation of the White House Travel Office Firings and Related Matters," Sept. 26, 1996.

<sup>38</sup> Testimony before House Appropriations Subcommittee on Commerce, Justice, State and Judiciary, March 5, 1997.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Privacy Times*, Oct. 17, 1996, p. 10.

<sup>41</sup> *Insight*, Aug. 19, 1996, p. 20.

<sup>42</sup> See Carl Stern, "Journalists Could do a Lot to Make Their Requests Easier to Fill," *The American Editor*, July-August 1995, p. 14.

<sup>43</sup> *FOIA Update*, winter 1996, p. 1.

<sup>44</sup> *The Washington Post*, March 16, 1997.

<sup>45</sup> *The Washington Post*, March 16, 1997.

<sup>46</sup> Anthony Summers, *Official and Confidential: The Secret Life of J. Edgar Hoover* (1993), p. 248.

<sup>47</sup> "Is the FBI Making Foreign Policy?" *The Wall Street Journal*, Feb. 3, 1997.

<sup>48</sup> See "Reforming the CIA," *The CQ Researcher*, Feb. 2, 1996, pp. 97-120.

<sup>49</sup> *Newsweek*, April 14, 1997.

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## *Selected Sources Used*

### **Books**

**Gentry, Curt, *J. Edgar Hoover: The Man and the Secrets*, Penguin, 1991.**

An author of popular works of American history produced this less-than-flattering biography of the legendary FBI director using newly released classified documents and more than 300 interviews.

**Jeffreys, Diarmuid, *The Bureau: Inside the Modern FBI*, Houghton Mifflin, 1995.**

A British television producer and author offers an in-depth portrait of today's FBI and its longstanding "myths" based on dozens of interviews with current and former employees.

**Kessler, Ronald, *The FBI: Inside the World's Most Powerful Law Enforcement Agency — by the Award-Winning Journalist Whose Investigation Brought Down FBI Director William S. Sessions*, Simon and Schuster, 1993.**

A former *Washington Post* reporter produced this thorough history and profile of the FBI's successes and failures, with an emphasis on the bureau's internal culture and its interface with Washington politics.

**Lowenthal, Max, *The Federal Bureau of Investigation*, William Sloane Associates, 1950.**

In one of the earliest full-length works to critique the FBI, Lowenthal explores the bureau's early failures and successes, with a special emphasis on its role in countering espionage.

**Overstreet, Harry and Bonaro, *The FBI in Our Open Society*, W.W. Norton, 1969**

Two authors of popular psychology works trace the history of the FBI with an emphasis on the bureau's chartered powers and its clashes with critics.

**Powers, Richard Gid, *G-Men: Hoover's FBI in American Popular Culture*, Southern Illinois University Press, 1983.**

A cultural historian at the College of Staten Island traces the history of the FBI with an emphasis on its public relations efforts and its portrayal in film, television and popular press.

**Summers, Anthony, *Official and Confidential: The Secret Life of J. Edgar Hoover*, G.P. Putnam's Sons, 1993.**

A British author and television correspondent made worldwide headlines with this biography's assertion that Hoover was a homosexual transvestite who allowed the Mafia to blackmail him.

**Theoharis, Athan, *From the Secret Files of J. Edgar Hoover*, Ivan R. Dee, 1991.**

An author specializing in intelligence and security issues filed numerous Freedom of Information Act requests to produce these annotated selections from FBI personal files on such notables as President John F. Kennedy, Attorney General Robert F. Kennedy and Sen. George S. McGovern.

**Watters, Pat, and Stephen Gillers, *Investigating the FBI*, Doubleday, 1973.**

These proceedings from a 1971 Princeton University conference on the FBI in American life contain some of the most critical commentary on the bureau's conduct in such areas as domestic surveillance, budgetary gamesmanship and public-image manipulation.

### **Articles**

**Bovard, James, "The New J. Edgar Hoover," *The American Spectator*, August 1995.**

Bovard writes that FBI Director Louis J. Freeh runs an agency "inclined to destroy evidence of its botched investigations."

**"FBI's Freeh: About to bolt?" *National Journal*, July 20, 1996, p. 1563.**

Rumors are circulating that FBI Director Louis J. Freeh may leave his position. Sources say a law firm has offered Freeh an \$800,000-a-year salary.

**Klaidman, Daniel, and Evan Thomas, "The FBI: The Victim of His Virtues," *Newsweek*, April 14, 1997.**

The authors argue that FBI Director Louis J. Freeh's biggest problem may be his pride.

# The Next Step

## *Additional information from UMI's Newspaper & Periodical Abstracts™ database*

### ***Campaign Finance Investigations***

**Duffy, Brian, and Bob Woodward, "FBI Probes China-Linked Contributions; Task Force Examines Influence on Congress,"** *The Washington Post*, Feb. 28, 1997, p. A1.

A witness interviewed by FBI agents assigned to the task force said he was told that one focus of the Justice Department inquiry is to determine whether members of both parties in Congress had been improperly influenced by Chinese representatives who may have made illegal payments to them.

**Duffy, Brian, "Senator Says FBI Warned of Chinese Influence-Buying Plans in 1995,"** *The Washington Post*, March 17, 1997, p. A6.

The FBI told the State Department, the CIA, the Justice Department and some members of Congress in 1995 that China as planning to make illegal campaign contributions to members of Congress, Sen. Orrin G. Hatch, R-Utah, said March 16, 1997.

**Mathis, Nancy, "Clinton says he should've been told of briefing/ FBI denies agents demanded confidentiality on China probe,"** *Houston Chronicle*, March 11, 1997, p. A1.

In a stunning public spat between the White House and the FBI, President Clinton said Monday he should have been informed last June of the agency's suspicions that China wanted to influence congressional elections. The White House told reporters that FBI agents provided two National Security Council staff members with information on China's interest in political races, but insisted that no one else be told. White House spokesman Mike McCurry stood by his earlier account of the June meeting, maintaining the FBI was "in error."

### ***Civil Liberties***

**"A Reasonable Response to Terror,"** *The New York Times*, July 30, 1996, p. A16.

An editorial urges that Congress not give in to pressure in the wake of the terrorist bombing in Atlanta, Ga., in considering the anti-terrorism bill. The editorial argues that a plan to make explosives easier to trace should have been approved long ago, but the proposal to extend the government's wiretapping authority is excessive, given the "proven need" to watch the FBI for invasion of civil liberties.

**McGee, Jim, "Heightened tensions over digital taps,"** *The Washington Post*, Oct. 27, 1996, p. H1.

Tensions between the FBI and the U.S. telecommunications industry came to a boil in late 1996 because of new efforts by the FBI and other intelligence agencies to monitor cellular telephones and other mobile communications systems. Civil liberties groups contend the surveillance is too broad.

**Newton, Jim, "ACLU seeks review of pepper spray,"** *Los Angeles Times*, Feb. 29, 1996, p. A3.

The American Civil Liberties Union asked state and federal officials to overhaul methods of testing police weapons and to stop using a brand of pepper spray in the wake of FBI Special Agent Thomas Ward's admission that he took \$57,500 from the spray's manufacturer as he conducted research that eventually endorsed its use.

**"World-wide: The FBI suspended,"** *The Wall Street Journal*, Jan 28, 1997, p. A1.

The FBI suspended a crime laboratory supervisor who in 1995, alleged that pro-prosecution bias and mishandling of evidence may have tainted testimony in several big cases, including the World Trade Center and Oklahoma City bombings.

### ***"Filegate"***

**"Filegate flap,"** *Houston Chronicle*, July 14, 1996, p. C2.

An editorial comments on the "Filegate" controversy in which White House security personnel have been caught with hundreds of confidential FBI files on various persons of the opposite political persuasion, and asserts that no matter to whatever degree misuse of the files eventually is proved, the mere fact that the files were there is cause for public outrage.

**"Filegate scandal begins to develop a strong odor,"** *Atlanta Journal*, July 9, 1996, p. A6.

An editorial opines that of all the scandals and reports of scandals that have touched the Clinton administration, the most troubling is the still-developing story of official snooping into the personal FBI files of potential enemies.

**McGrory, Brian, "FBI report condemns file requests,"** *The Boston Globe*, June 15, 1996, p. 1.

FBI officials on June 14, 1996, condemned the Clinton administration's acquisition of bureau background files as "egregious violations of privacy," while FBI Director Louis J. Freeh ordered strict new controls over access to the agency's files.

**McGrory, Brian, "Panetta apologizes on FBI files," *The Boston Globe*, June 10, 1996, p. 1.**

White House Chief of Staff Leon Panetta issued a formal and blanket apology on June 9, 1996, to the hundreds of people, including many former Republican officials, whose classified FBI personnel files were obtained by the Clinton administration and reviewed by an Army security officer.

## ***Forensics Lab***

**"Is the FBI Going Downhill?" *The Washington Post*, Jan. 30, 1997, p. A18.**

The FBI's world-renowned crime laboratory is less than the reliable operation it was once thought to be. Indications of evidence mishandling have turned up in dozens of cases, according to the Justice Department's inspector general. That may not seem like many for a laboratory that conducts hundreds of thousands of evidence examinations a year. But hundreds of state and federal courts annually rely on the testimony of FBI experts.

**Jackson, Robert L., and David G. Savage, "FBI Warns of Possible Flaws in Lab Evidence; Courts, Prosecutors, defense counsel nationwide are told of potential problems due to alleged misconduct," *Los Angeles Times*, Jan. 31, 1997, p. A1.**

Fearing that an undetermined number of federal prosecutions could be put in jeopardy, Justice Department officials said Thursday that they have been telling prosecutors and defense attorneys across the country in recent weeks about potential flaws in evidence caused by serious problems at the FBI crime laboratory here.

**Serrano, Richard A., "Workers Portray FBI Lab as a Shoddy Shop; Probe: Some current, former employees tell investigators of shortcomings, including possible contamination of tests by tour groups," *Los Angeles Times*, Jan. 31, 1997, p. A16.**

Public tour groups filed through a hallway, kicking up dust, as delicate experiments were conducted nearby. Agents, fresh from the FBI's gun range or bomb unit, passed through — perhaps unwittingly spreading residue that could jeopardize tests. Lab technicians sometimes ignored or violated scientific protocols, some examiners were unqualified to issue test reports and, in one case, an analyst enhanced his scientific knowledge by "viewing videos." Throughout the history of the FBI, the lab on the third floor of the J. Edgar Hoover Building here has enjoyed a reputation for precision and expertise. But for more than a year now, the Justice Department's inspector general has been reviewing widespread allegations of abuse and shortcomings at the lab.

**Serrano, Richard A., "FBI Lab Hasn't Jeopardized Cases, Freeh Tells Panel," *Los Angeles Times*, March 6, 1997, p. A1.**

FBI Director Louis J. Freeh testified Wednesday that no

criminal cases will be jeopardized by widespread reports of sloppy and incompetent work at the bureau's crime laboratory in Washington, D.C. Freeh's comments to a House Appropriations subcommittee suggested that the government's high-profile cases against the Oklahoma City bombing defendants and the accused Unabomber, plus as many as 50 other criminal cases, had not been compromised.

**Suro, Roberto, and Pierre Thomas, "FBI Lab Woes Put 50 Cases In Jeopardy," *The Washington Post*, Feb. 14, 1997, p. A1.**

The Justice Department has identified at least 50 criminal cases where evidentiary problems created by questionable forensic analysis at the FBI laboratory may have resulted in improper prosecutions, Deputy Attorney General Jamie S. Gorelick said yesterday, acknowledging that the number of problem cases could go higher.

## ***Louis J. Freeh***

**Cannon, Angie, and Robert A. Rankin, "FBI curbs White House access to personal files," *Detroit News & Free Press*, June 15, 1996, p. A6.**

FBI Director Louis J. Freeh on June 14, 1996, ordered new measures to protect sensitive agency background files from White House misuse while also disclosing that the White House wrongly obtained 408 files, more than was previously known.

**"More trouble at the FBI," *The Washington Post*, Dec. 20, 1996, p. A26.**

An editorial states that FBI Director Louis J. Freeh needs to do some hard introspection in relation to the number of scandals that have involved the agency in 1996.

**Nelson, Jack, "Memo by Freeh denies rumors he'll quit FBI," *Los Angeles Times*, Oct. 26, 1996, p. A27.**

FBI Director Louis J. Freeh, battered by a cross-fire of partisan politics and widely rumored to be planning to resign, has sent a memorandum to bureau employees assuring them that he intends to remain on the job.

**Nichols, Bill, "FBI enters travel office controversy," *USA Today*, June 6, 1996, p. A1.**

FBI Director Louis J. Freeh on June 5, 1996, ordered an inquiry into who at the White House asked the FBI for travel office chief Billy Dale's background file seven months after Dale was fired along with six other White House travel office workers in 1993. The request stated Dale was being considered for renewed White House access, but Dale said he had not sought the access.

**Suro, Roberto, "FBI chief finds himself under microscope," *The Washington Post*, Nov. 18, 1996, p. A1.**

FBI Director Louis J. Freeh's judgments in several high-profile episodes, such as the deadly 1992 Ruby Ridge standoff, are coming under increased scrutiny that is

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likely to escalate as 1996 comes to a close.

## **Montana Freemen**

**Freemantle, Tony, "After Waco tragedy, FBI stays low-key in Montana case," *Houston Chronicle*, April 3, 1996, p. A1.**

The FBI is staying low-key in the case of the Montana Freemen after the disastrous confrontations between federal law enforcement teams and members of extremist groups at Ruby Ridge in Idaho and the Branch Davidian compound near Waco, Texas. The Freemen have been holed up since March 25, 1996.

**Thomas, Pierre, and George Lardner, "FBI ponders mediation offer in Montana standoff," *The Washington Post*, March 31, 1996, p. A10.**

The FBI is considering whether to accept an offer from Randy Weaver, whose wife was killed by an FBI agent in 1992 in a bloody standoff near Ruby Ridge, Idaho, to mediate an end to the siege with anti-government Freemen holed up on a remote ranch in Jordan, Mont., officials said March 30, 1996.

**Smith, Wes, "Militants test FBI's resolve," *Chicago Tribune*, March 31, 1996, p. 1.**

The 1,500 residents of Jordan, Mont., have asked the FBI to rid their town of the anti-government group known as Freemen. The problems facing the government officials, remembering the Waco, Texas, fiasco, are noted.

## **Olympics Bombing Incident**

**"FBI ends surveillance of Jewell," *Chicago Tribune*, Oct. 8, 1996, Sec. EVENING, p. 1.**

The FBI questioned former security guard Richard Jewell over the Oct. 5, 1996, weekend and has dropped the surveillance it started after the Olympic Park bombing in Atlanta, Ga., his lawyer said on Oct. 8. All of Jewell's private property that had been seized by bombing investigators has been returned.

**"Hyde vows probe of FBI, Jewell leak," *Atlanta Constitution*, Dec. 27, 1996, p. E2.**

U.S. Rep. Henry J. Hyde, R-Ill., says his House Judiciary Committee will scrutinize the FBI, including its handling of a news leak in the 1996 Olympic bombing in Atlanta, Ga., after the new Congress convenes in January 1997.

**"Jewell has his say about the FBI, media," *Houston Chronicle*, Oct. 29, 1996, p. A1.**

Leveling a blistering attack on the FBI and the news media on Oct. 28, 1996, Richard Jewell held an emotional news conference that laid the groundwork for lawsuits against those who portrayed him as the leading suspect in the bombing at Centennial Olympic Park in July 1996

**Johnson, Kevin, and Gary Fields, "Jewell investigation unmasks FBI 'tricks'," *USA Today*, Nov. 8, 1996,**

**p. A13.**

The FBI investigation of Richard Jewell in the July 1996, bombing of the Atlanta Centennial Park in Georgia is examined in light of the Justice Dept.'s investigation of whether the FBI's treatment of Jewell crossed the line.

## **Ruby Ridge**

**Jackson, Robert L., "FBI official pleads guilty in Ruby Ridge case," *Los Angeles Times*, Oct. 31, 1996, p. A16.**

Suspended FBI official E. Michael Kahoe pleaded guilty on Oct. 30, 1996, to obstructing justice by destroying a critical report on the ill-fated shoot-out at Ruby Ridge, Idaho. Kahoe pledged to cooperate in the continuing investigation into an alleged cover-up of FBI actions in the 1992 incident.

**"The FBI tries to clean its tarnished reputation," *San Francisco Chronicle*, Nov. 4, 1996, p. A24.**

An editorial comments on the tarnished image that the FBI suffered the week of Oct. 28, 1996, with the announcement that a senior FBI official, E. Michael Kahoe, has pleaded guilty to obstructing justice in the 1992 Ruby Ridge siege and the disclosure of possible misconduct in the agency's investigation of Richard Jewell as a possible suspect in the July 1996 bombing at Olympic Park in Atlanta, Ga.

**Potok, Mark, "Ruby Ridge: FBI official charged," *USA Today*, Oct. 23, 1996, p. A1.**

Ranking FBI agent E. Michael Kahoe was charged Oct. 22, 1996, with obstructing justice amid indications he'll testify against others in a probe of a cover-up of events surrounding the deadly siege at Ruby Ridge, Idaho, in 1992. Kahoe is charged in a one-count criminal information filed by federal prosecutors in Washington, D.C.

## **Waco**

**Pankratz, Howard, "FBI avoided Waco's pitfalls," *Denver Post*, June 16, 1996, p. A11.**

According to U.S. Deputy Attorney General Philip B. Heyman's lengthy report assessing the Waco tragedy, the multiple deaths of federal agents limited what negotiators could do with David Koresh and the Branch Davidians while the Freemen standoff in Jordan, Mont., presented the FBI with considerably more options.

**Nealon, Patricia, "Critic of Waco praises 'landmark' FBI effort," *The Boston Globe*, June 15, 1996, p. 8.**

Harvard Professor Alan Stone, who sharply criticized the FBI for its tactics after the deadly Waco, Texas, Branch Davidian standoff, said on June 14, 1996, that the FBI should be congratulated for orchestrating the peaceful surrender of the anti-government Freemen at their Montana ranch.

# Back Issues

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***Great Research on Current Issues Starts Right Here...Recent topics covered by The CQ Researcher are listed below. Before May 1991, reports were published under the name of Editorial Research Reports.***

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