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Agent knew of FBI problem

Reviews uncover serious flaws at Oklahoma office

Associated Press

WASHINGTON — An FBI agent at the center of a foul-up over Oklahoma City bombing documents told lawmakers that he waited for months to alert his superiors because he wanted to ascertain the magnitude of the problem, according to a memo on his meeting with lawmakers.

Danny Defenbaugh, the lead investigator of the Oklahoma City bombing case who was in charge of collecting investigative documents, said the FBI had an inkling that something was amiss as early as January, said the summary, obtained Thursday, of a briefing Defenbaugh gave to members of the Senate Judiciary Committee.

Why the FBI disclosed just a week before Timothy McVeigh's scheduled execution that it had

failed to turn over more than 3,000 records has been one of the most perplexing questions in the documents controversy.

FBI field offices were asked in late December to send all investigative materials to Oklahoma City to be archived. Defenbaugh told lawmakers that archivists discovered a single document that had not been turned over to McVeigh's lawyers as required, according to the summary.

By early February, more items began to arrive that had not been turned over. Over the next several weeks, many other items were discovered.

McVeigh's execution, originally set for Wednesday, was delayed by the Justice Department until June 11 after the FBI revealed that investigative records had not been turned over to McVeigh's lawyers.

Asked why he waited until May to notify FBI higher-ups, Defenbaugh said he wanted to be completely sure what the problem was and how bad it was, the summary says.

Defenbaugh seemed to take offense at the question, according to a source familiar with the conversation. "He was affronted," said the source, who spoke on condition of anonymity.

In a related matter, documents show that the FBI's Oklahoma City office had serious difficulties handling evidence at the height of the McVeigh bombing case. Two internal reviews identified "serious deficiencies" and "systemic problems"

inside the office that were first noticed in a 1995 prison death case that arose four months into the bombing investigation.

The internal reports, excerpts of which were obtained by The Associated Press, did not cite problems with McVeigh case evidence, but they broadly criticized the Oklahoma FBI's day-to-day handling of evidence and cite some agency personnel involved in the bombing case.

For instance, an agent who was awarded the FBI's highest award for bravery in the bombing case made false statements, some under oath, about evidence in the August 1995 death of prisoner Kenneth Michael Trentadue, the Justice Department inspector general concluded. Trentadue was found hanging from his cell, and the death was ruled a suicide.

FBI officials acknowledge that the Oklahoma City office had problems but say they have been fixed.

According to the internal reviews, the Oklahoma City bureau inventoried evidence belatedly and misplaced photographs and lab reports. Bloody clothing from the prison death case was improperly stored.

In 1999, a team from the Justice Department's inspector general's office reported "systemic problems with the FBI OKC evidence program." Separately, an internal FBI review concluded a "very serious problem had arisen in the FBI OKC evidence program."

Defense loses bid to limit embassy victims' testimony

Associated Press

NEW YORK—With another day of jury deliberations ending Thursday without a verdict in the embassy bombings case, a judge rejected efforts to exclude

ple do you need to testify?" Cohn asked during a brief hearing while jurors were out of the courtroom. "It's a parade of people with similar injuries. I think it's too much."

But U.S. District Judge T.

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