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The Washington Times

Hill calls on Bush to probe the FBI

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Jerry Seper THE WASHINGTON TIMES

1 Congressional leaders yesterday called for an investigation of the **FBI** following revelations that the bureau misplaced thousands of pages of documents related to the case of condemned Oklahoma City bomber Timothy McVeigh.

2 The chairman of the House Judiciary Committee, concerned about the **FBI's** failure to turn over documents in the McVeigh investigation, is threatening to hold public hearings to probe what he describes as "serious questions" on the bureau's ability to store and retrieve sensitive information.

3 The **FBI's** lapse has prompted members of Congress to urge hearings into how it happened, and one leading Senate Democrat wants President Bush to appoint a blue-ribbon commission to review the **FBI**.

4 "We've had mistake after mistake after mistake," Sen. Charles E. Schumer of New York said on CBS yesterday, referring to the **FBI's** mishandling of the McVeigh case and the recent problems plaguing the bureau.

5 Mr. Schumer, the ranking Democrat on the Senate Judiciary subcommittee with oversight of the **FBI**, said he would ask Mr. Bush for a special commission to examine the **FBI** from top to bottom. He cited a number of problems at the **FBI**, including the February arrest of Agent Robert P. Hanssen, who is charged with selling national secrets to Moscow, and a botched investigation last year of former nuclear scientist Wen Ho Lee.

6 "I am troubled by the revelation that documents pertinent to the discovery agreement between the government and Timothy McVeigh's attorneys were not produced prior to trial," said Rep. F. James Sensenbrenner Jr., Wisconsin Republican who is chairman of the House Judiciary Committee. "This raises serious questions about the ability of the **FBI** to comply with other discovery procedures."

7 House Speaker J. Dennis Hastert, Illinois Republican, said on CNN's "Late Edition" that Congress needs to investigate the **FBI** "to make sure it is operating as it should."

8 He added: "We can't tolerate big mistakes, especially if it has an influence on the outcome of justice, as it may in this case, a very, very important landmark case."

1 However, a former prosecutor in the case said that she believed the foul-up was unintentional and that the documents should not affect the outcome of the case.

2 "He has confessed to the crime. The evidence during the trial was absolutely overwhelming," Beth Wilkinson said on ABC's "This Week." "I believe it is very unlikely that there will be any information that would be useful to Mr. McVeigh."

3 Yet Miss Wilkinson's comments did not assuage critics of the **FBI**, who are demanding that disciplinary action be taken against the bureau. Oklahoma Gov. Frank Keating yesterday blasted the **FBI** for failing to hand over the documents at the time of the trial.

4 "If there is information that the agents knew were supposed to be presented at trial in Denver, were not presented in trial at Denver in violation of the discovery order, severe disciplinary action needs to be taken against those people," he told Fox News.

5 Speaking on the same program, Sen. Arlen Specter, Pennsylvania Republican, said if it was determined evidence regarding McVeigh had been deliberately withheld, "that's obstruction of justice and people ought to go to jail."

6 Sen. Charles E. Grassley, Iowa Republican, criticized the **FBI** and its director, Louis J. Freeh, who recently announced he will retire in June - two years before the end of his 10-year mandate.

7 "I think there is a management culture here that is at fault. I call it a cowboy culture. It is kind of a culture that puts image - public relations and headlines - ahead of the fundamentals," he told ABC. "I don't think he [Freeh] has been willing to challenge the management culture."

8 Congress must approve Mr. Freeh's eventual successor, and several lawmakers said they hope Mr. Bush will choose someone who can reform the agency.

9 The **FBI** admitted last week that it failed to turn over more than 3,000 documents to attorneys for McVeigh, saying they were not discovered until officials found hard copies of the records to be delivered to archivists. That failure resulted in a decision by Attorney General John Ashcroft to delay McVeigh's execution, scheduled for Wednesday, until June 11, to give his attorneys time to review the records.

10 The information included interviews and sworn statements from field offices outside of Oklahoma City, where McVeigh detonated a bomb that killed 168 persons, including 19 children. The records had been included in the agency's computer system but not cross-referenced to the McVeigh case.

Mr. Sensenbrenner, along with three senior members of the Judiciary

1 Committee, asked Mr. Freeh last month about the bureau's information technology problems and questioned whether the system was able to meet the bureau's "critical needs." They said they were concerned that the FBI's computer system was "slow, unreliable and obsolete."

2 "I agree with Attorney General Ashcroft's decision to postpone the execution of Mr. McVeigh and direct the Department of Justice Inspector General to review this matter," Mr. Sensenbrenner said. "The House Judiciary Committee will hold oversight hearings concerning the FBI's inability to comply with basic legal procedures." (2)

3 "I expect our hearings to occur following the IG's prompt investigation," he said.

4 Mr. Sensenbrenner noted that a lengthy investigation of the FBI's information technology systems by the Justice Department's Office of Inspector General (IG), which concluded in 1999, found that there were problems in the way information was entered or searched in the FBI databases. He said the IG's Office found that the way search results were handled within the FBI resulted in "incomplete data being provided." That inquiry related to the department's campaign finance task force.

5 A report by the IG at that time said the FBI's practices and policy handicapped the usefulness of the FBI's databases and that many of the documents investigators discovered regarding key task force subjects could not have been found using the FBI system.

6 "The FBI's procedures for culling information from its teletypes and electronic communications and imputing it into its databases essentially makes it impossible for the FBI to state with confidence that a database search has yielded all information in the FBI's files about a particular subject," the report said.

7 The report also said many of the FBI personnel were not well versed in the use of the bureau's database systems.

8 Mr. Sensenbrenner said the American people "need to be confident" that its federal law enforcement agencies "adhere to the highest standards of integrity, professionalism and competence."

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