

63



SEARCH

FBI director: 'Serious error' made in McVeigh case

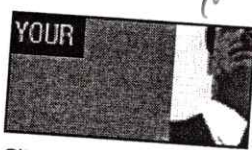
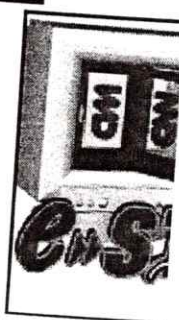
May 16, 2001 Posted: 12:25 p.m. EDT (1625 GMT)



FBI Director Louis Freeh

WASHINGTON (CNN) -- FBI Director Louis Freeh, in testimony before Congress on Wednesday, said the FBI had committed a "serious error" by failing to release thousands of pages of documents in the Oklahoma City bombing case.

Last week's disclosure by the FBI that some investigation files were not turned over to defense attorneys prompted a delay of Timothy McVeigh's execution.



Click Here

McVeigh, 33, convicted for the 1995 bombing of the Alfred P. Murrah federal building that killed 168 people, had his execution delayed Friday for 30 days, until June 11, so his attorneys can review the newly discovered materials.

Wednesday's testimony is being held before members of the House Appropriations Committee.

Freeh announced that FBI agents would "stand down for one day" while implementation of new records training begins throughout the agency.

"Regardless of how extraneous these documents are, if they were covered by the discovery agreement, they should have been located and released during discovery," Freeh said. "As director, I have taken responsibility. The buck does stop with me."

"The FBI committed a serious error by not ensuring that every piece of information was properly accounted for and, where appropriate, provided to the prosecutors so they could fulfill their discovery obligations," Freeh said.

Nevertheless, "the underlying case and his guilt remain unchallenged," he said, referring to McVeigh.

"It appears that most offices of the FBI either failed to locate the documents and items in



CNN's Kelli Arena says Louis Freeh met with senators who are troubled by recent problems at the nation's top law enforcement agency (May 15)

Play video (QuickTime, Real or Windows Media)

- Timeline: The FBI under Louis Freeh
- Ashcroft: No more delays for McVeigh
- Keating: 'How can there be anything wrong?'
- Previous FBI controversies
- Newly revealed FBI documents prompt Nichols' appeal

Languages

Time, Inc.

two trades for \$6.99 a month

BUYANDHOLD
The online broker for long-term investors.

663

failed to locate the documents and items in question, misinterpreted their instructions and likely produced only those that would be disclosed under normal discovery, or sent the documents only to have them unaccounted for at the other end. Any of these cases is unacceptable," Freeh said.

• More on the McVeigh execution

❑ FBI: a troubled agency?

9 "We will have to wait for the inspector general to complete his investigation before we can know what actually happened," Freeh said.

10 "Nothing in the documents raises any doubt about the guilt of McVeigh or Mr. Nichols," Freeh said, referring to Terry Nichols, who has filed an appeal on his conviction for conspiracy in the case.

The McVeigh Documents

WHAT THE FBI WITHHELD:

• About 3,100 pages of documents and pieces of evidence including "Form 302" documents that give the essence of interviews that FBI agents conducted following the Oklahoma City bombing. Many of the documents deal with the search for "John Doe No. 2."

Freeh said the mishandling of the Oklahoma case documents was a management problem and not a problem with the FBI computer system, which have been described by critics as old and troublesome. There were not enough managers to handle the workload in the case, Freeh said.

THE GOVERNMENT'S RESPONSIBILITY:

• The Justice Department says it does not believe the documents have "material bearing" on the case, but McVeigh attorney Nathan Chambers called the discovery "a cause for great concern."

Freeh began his testimony responding to a list of criticisms launched at the agency regarding FBI embarrassments in the past, including federal raids in the 1990s in Waco, Texas, and Ruby Ridge, Idaho.

POSSIBLE REMEDIES:

• The evidence could be grounds for an appeal, but McVeigh's attorneys cannot file one without his consent because he has not been proven to be mentally incompetent.

Freeh acknowledged it was the FBI's fault that the murders of four African-American girls in a church bombing decades ago in Birmingham, Alabama, were not prosecuted until this year.

MORE DETAILS

14 "Yes, the Birmingham case is a disgrace to the FBI," Freeh said. "It should have been prosecuted years ago."

15 Freeh admitted to technical problems in the FBI laboratory and said they had been fixed. He also defended the FBI's handling of the case against fired U.S. nuclear weapons scientist Wen Ho Lee.

16 Freeh, who announced his resignation on May 1, effective next month, appeared Tuesday at a closed-door session of the Senate Intelligence Committee. Freeh is scheduled to testify again on Thursday.

17 Freeh reportedly told the senators that the newly found documents "won't have any bearing on the case," said Sen. Richard Shelby, R-Alabama, who added, "We'll have to wait and see."

18 "It's something that should not have happened, and it shows, probably, a lack of diligence somewhere in the FBI," Shelby said.

19 The bureau, he said, has had "too many failures, too many blunders" of late. The mishandled files followed a number of other bungled FBI cases, including failure of the agency until this year to arrest one of its own agents

663

for alleged espionage over 15 years and the botched investigation of nuclear scientist Wen Ho Lee. Sen. Richard Durbin, D-Illinois, called a news conference for Wednesday to announce plans to propose a separate inspector-general for the FBI to give it greater oversight and accountability.

20 But other senators from both sides of the aisle on Tuesday had praise for Freeh, although they said they held him ultimately responsible for the agency.

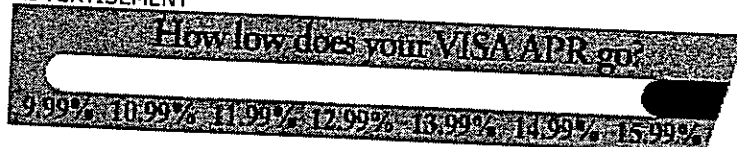
21 "I have confidence in Louis Freeh, because he is an absolute straight shooter," said Sen. Dianne Feinstein, D-California.

22 Sen. Orrin Hatch, R-Utah, said: "I wouldn't blame him because he's done so much to try and straighten the problems out."

CNN Justice Correspondent Kelli Arena contributed to this report.

 [SAVE THIS](#)  [EMAIL THIS](#)  [PRINT THIS](#)

ADVERTISEMENT



NextCard Internet Visa - Apply N

RELATED STORIES:

- [Timeline: The FBI under Freeh](#)
May 1, 2001
- [Senators lining up to question FBI](#)
May 13, 2001
- [Freeh not told of FBI mistake until Thursday](#)
May 11, 2001
- [Freeh was told FBI computer system 'obsolete'](#)
May 11, 2001

RELATED SITE:

- [Federal Bureau of Investigation](#)

Note: Pages will open in a new browser window
External sites are not endorsed by CNN Interactive.

ALLPOLITICS TOP STORIES:

- [White House defends stem cell decision](#)
- [Expert says Russians in 'a listening mode'](#)
- [Teamsters chief discusses Alaska drilling](#)
- [Bush reiterates stem cell stance](#)
- [Congressman 'extremely critical' after surgery](#)

(More)

Freeh

[CNN.com](#) 

[Back to the top](#)

© 2001 Cable News Network LP, LLLP.
An AOL Time Warner Company. All Rights Reserved.
Terms under which this service is provided to you.
Read our [privacy guidelines](#). [Contact us](#).

663