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McVeigh attorney blasts FBI conduct in document snafu



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DENVER (CNN) -- In the wake of revelations that the FBI failed to disclose more than 500 documents as required by court order, the lead attorney for convicted Oklahoma City bomber Timothy McVeigh is blasting the agency's conduct and competency.

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"This is the FBI's most important investigation, maybe ever, and they hold themselves out as being the premier law enforcement agency in the world," Nathan Chambers told a news conference Friday. "If they're incapable of handling their most important investigation in a matter that instills confidence, we all need to be concerned."

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Chambers also said he thinks Attorney General John Ashcroft's decision to delay McVeigh's scheduled execution until June 11 was an exercise in damage control.

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"The Department of Justice faced a public relations nightmare, and it's through their own doing that they're in this circumstance," Chambers said. "They're trying to spin it in a way that makes them look like the good guys."

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He said while Ashcroft is trying to restore confidence in federal law enforcement, "the most recent episode demonstrates in dramatic fashion why trust and confidence should be reserved."

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Oklahoma Gov. Frank Keating, a former FBI agent and U.S. attorney whose state was targeted for McVeigh's attack, called the failure to disclose documents an "unforgivable screw up." But he said he doesn't think the mistake was deliberate or a sign of FBI incompetence.

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"I haven't lost my faith in the bureau," Keating said. "I think the FBI ... is the best law enforcement organization in the world. It's a big family. There are a lot of people. Sometimes systems break down. In this case, it looks like a system malfunctioned. That needs to be addressed."

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1 The FBI special agent who headed up the Oklahoma City bombing task force, Danny Defenbaugh, now in charge of the bureau's Dallas office, released a statement Friday outlining how the undisclosed documents were uncovered.

2 Last December, the FBI started archiving all of the documents related to the bombing, comparing the material with the items listed in 26 different databases. In the process, it was discovered that some material collected by FBI field offices had not been recorded in the databases and then turned over to McVeigh's defense attorneys, as required by a court agreement between the defense and prosecution.

3 However, Defenbaugh said the disputed material also had not been seen by the task force and was not used by the government during its prosecutions in the bombing case. He said he informed senior FBI officials in Washington on Tuesday about the new material found during the archiving process.

4 Defenbaugh's statement did not explain why the documents were missing from the databases. Ashcroft has ordered the Justice Department's inspector general to look into why the material was not disclosed.

5 In the wake of the disclosure of new documents and the postponement of the execution, Chambers said that "there are a number of legal options that may be available to [McVeigh] at this point. " He would not disclosure what options are being discussed.

6 McVeigh had previously decided that he did not want to fight his death sentence, but Chambers said, "There's a new constellation of circumstances today that didn't exist before, and he will make his decision based upon the circumstances as they exist now."

7 "I'm sure that the considerations that entered into Mr. McVeigh's decision-making in the past will affect his decision-making in the future," Chambers said.

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