

Tainting Evidence (Lecture)

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Synopsis

Author John Kelly discussed his book, “Tainting Evidence: Inside the Scandals at the FBI Crime Lab,” published by Free Press. The book discussed scandals in the FBI, and the way the FBI investigated the cases of Ruby Ridge, the World Trade Center, and the Federal Building in Oklahoma City. After his remarks, he answered questions from the audience.

Transcript

All weekend. Every weekend. John Kelly discusses the book He's co-written called. Tainting evidence. Inside the scandals at the F.B.I. crime lab. The book examines the way the F.B.I. investigated several cases including. Ruby Ridge. And the bombings of the World Trade Center. And the Federal Building in Oklahoma City. John Kelly is an investigative journalist. He spoke at writer scientific and professional books in Washington D.C.. OK. Before we start I want to encourage people to jump in at any point. I'm talking just you know. Question You know aberrate. Because I don't like the idea of giving like lectures. So yeah. There is a way. OK yes. I just thought it was actually working on the book. My five year old daughter. Nanda came to me. And she said dad. You have to stop writing about the F.B.I..

So I was kind of taken aback and I said. Why. And she said dad. Because you can't walk away from them and go home. They follow you. So I want to I want to dedicate my talk today to the to the day when the F.B.I. stops following people. Especially innocent people in Alabama. On death row in Alabama as there's a man called to lead the movie. Known as. Roy moody. And he's going to be executed. This year or next. For the bombing of a federal judge in one nine hundred eighty nine. Judge Robert Vance. Roy Moody was convicted. Prosecuted by F.B.I. Director Louis Freeh. Back in one thousand nine hundred one. And there was absolutely no evidence against Mr Moody. So I would like to open with an appeal. To F.B.I. Director Louis Freeh his conscience. That he come forth with the truth in the case avoid muti before he's executed. What happened in that case. Was a classic example of how the F.B.I. misuses the laboratory. There was no evidence against moody and. What happened was it was nineteen eighty nine one nine hundred ninety. The bombing of the federal judge in a civil rights attorney. In the south. Was considered at that time the largest. Domestic terrorism case. In this country. And George Bush referred to it in his State of the Union speech. So those. Tremendous pressure. To convict somebody for the bombing in one nine hundred ninety one. Louis Freeh who was a prosecutor in New York at the time was assigned a special prosecutor. And what he did. Was he constructed a case against. Moody. Despite the lack of evidence. Despite the eleven month investigation of moody wherein they procured. No evidence at all. In fact they found contrary evidence. His D.N.A. did not match. There were no fingerprints. There were no witnesses. There was absolutely no forensic evidence. Even his wife who. Louis Freeh turned against. Roy had no information to indict. Moody. Even though she was supposed to his partner in these bombings. They found no. Bomb materials in movies residence. Even though they searched it. I don't know twenty times they even searched the cistern.

What they did do is they used. Louis Freeh. As a prosecutor came up with a special arrangement. To allow a bomb technician in the F.B.I. lab Tom Thurman to testify for the other. Lab people. At the F.B.I. lab. Even though it is not a scientist. He's not qualified and. He was he was involved in the law enforcement and of the movie investigation. For example he led the search is a Moody's residence and so forth.

But Louis Freeh. Arranged to have Tom didn't testify at Moody's trial.

In. What movie did. I mean I'm sorry what did he testified to the effect that. A bomb that was found in movies possession. Seventeen years before. Was identical to the bomb that killed. Judge. Robert Vance. And that was the evidence that convicted Roy moody and. For which he's sitting in death row right now. Louis Freeh the prosecutor. Knew that. Testimony was false. Louis Freeh had to. Scientific reports on the bomb. Saying that they would not identical at all these two bombs were how they dissemble and they just were not identical. He allowed that testimony and. In the rest is history. So again I appeal to Louis Freeh not to sit by and watch. ROY be executed on the basis of his wrongful conviction.

What happened after the moody trial. Most people. Tribute. The elevation of. Louis Freeh to the directorship of the F.B.I. in large part because of his successful. Conviction of of muti what Freeh also did. After became director is. People like Tom Sherman. Who gave false testimony that. Put somebody on death row. Promoted to to the There have been operated in the explosives unit for many years. And he's a story. Again that caption. Captures the. Serious problems with the F.B.I. laboratory. For example. Taunt them and secretly altered the lab reports of Dr Frederick Whitehurst. These were. Scientific lab reports. Most of which did not even understand. But he he authored these reports before they were given to the prosecution. And of course. In each case. He sed you them. Towards the conviction and.

Continued.

Like this for sure I don't know how many years maybe fifteen years. And he worked on approximately a. Thousand cases. And he was protected by.

And promoted and awarded. And so forth.

For many years.

Particularly under. Director Freeh.

And this situation. Has not changed at the F.B.I. laboratory despite the investigation last year by the inspector general.

Specifically in the explosives unit would try them and worked.

He of course as he was pretty much discredited by the inspector general's report last year and was eventually phased out. I mean.

Personally I think he should have been arrested and prosecuted. But of course.

You know that doesn't happen at the F.B.I.. He was allowed to retire. Then. But the inspector general did. Strongly recommend that they revamp the explosive unit. And brilliant qualified scientists.

That was a year ago. More than a year ago. And of course. Director Freeh at the time.

Of course we agree with these recommendations.

And we will move quickly to bring in qualified scientists.

OK The inspector general did a follow up. About a month ago.

You know what happened to the recommendations.

They say they discover that Tom Jordan. The new head of the explosive unit. Hired. Consciously hired only. Special agents. In the in the explosives unit. No. Qualified scientists. And they asked him Well why did you do this you know. And he said. Because he wanted his examiners to be able to execute. Search warrants. And forcibly enter homes and buildings. To carry out these search warrants and to. You know capture suspects. I mean this is his understanding of a lab scientist. And this is what the same thing that there are did for years.

So my point is that things have not changed. At the F.B.I. lab.

This basically stick it down at the. Specter general's recommendations.

And then they asked what they asked the new the new head of the laboratory. Richard Kerr.

You know what is this. You know. We gave you the recommendation to hire qualified scientists. Yeah. Money A lot of for that it actually cost less to employ a scientist. Than a special agent and. The new much ballyhooed. Head of the lab said you know it was going on. You know. Right under his nose for a year and a year and a half almost. So that's.

That's were. That's where it was a year ago.

At the F.B.I. laboratory that's where it is today.

A second major recommendation of the Specter general was to bring contamination under control. Expect. Especially in explosives unit.

Again. The follow up recently.

The inspector. Asked Tom Jordan. The head of the explosives unit. You know what has happened we contaminated. He said Oh.

I think the chemistry unit.

Has been monitoring contamination and doing testing testing.

Because he didn't know whether they had or not in obviously hadn't checked any reports.

But that's what he said.

So the inspector general as Steve Bird meister. The head of the chemistry unit. You know if they had been doing.

Contamination testing and he said he didn't know it was talking about. They had done no testing. In more than a year since the I.G. report. So again.

You know. Things. Things that maybe even worse now the laboratory. I mean they that they don't even go through the motions that there been no scientist hired in the explosives unit. There's absolutely.

There's been no contamination. Which is which is a major concern when you know where the examination of explosive devices and. That's where it is. Then on the other hand. Steve Burmeister. Who is the new head of the chemistry unit.

At the at the at the F.B.I. laboratory is another problem.

He miss is well. I'll try to illustrate my points by going through cases.

He was the main. Expert witness for the F.B.I.. At the Timothy McVeigh trial. As a scientist and our investigation showed that there was absolutely no valid. Forensic evidence. In the Timothy McVeigh case. This is aside from whether or not Timothy McVeigh was guilty or not. The F.B.I. had no forensic evidence at all yet. The Burmeister. Testified that. In ammonium nitrate bomb blew up the. The Murray Federal Building in Oklahoma City. Well. How did this happen. And bear in mind now he's testifying. As a scientist.

He claimed that they found ammonium nitrate crystals on a piece of the truck. That blew up. Across the street in a parking lot.

This this piece of the truck was sitting in a tarantula rain for twenty four hours. Ammonium nitrate. Is water soluble.

The second thing was the heat of the explosion and. Most conditions would have destroyed. What is splendid the ammonium nitrate. But somehow. It's the Burmeister and.

The F.B.I. were able to procure ammonium nitrate crystals no less. From this piece of the truck. OK. Well. They yes. Burmeister on the stand how did the ammonium nitrate Christos. Get on the piece of truck. Again keep in mind he's saying this is a scientist. He said that the piece of the panel truck. Blew away. At the rate of five thousand feet per second. And the ammonium nitrate Kristos which were of course behind it. Caught up with this piece a truck. In midair in an better themselves. In the panel.

OK. You know.

And he granted that that was kind of. Phantasmagorical but. You know. He's the expert He's the scientist. All right fine. But the real clincher came the defense experts.

Asked to examine the monium nitrate crystals. Well. Shucks. Burmeister a scientist.

Didn't Brazil. You know .. You know and they said Well. What did you have to do to preserve them. He said Well. I just had to put them in a plastic bag. Put it does it get in there. And seal it. You know one of these sandwich bags. And it would have been Brizard indefinitely. But when the scary part of that is. Aside from the fact that. You know. It's probably going to send McVeigh to the chair. Is that he. Under the law. He is not. He was not required to preserve that evidence. I mean that's. That should be changed. Yesterday you know. And he hid behind that to. He said.

You know. I'm not. Again bear in mind he's supposed to be astounded.

I'm not in the habit of preserving evidence in cases. You know it's like. Well. Great Steve. That's that's really a surety.

So that's. Steve Burmeister and I would also like to appeal to his attorney and his conscience to come clean on. You know. The Timothy McVeigh situation.

I mean.

When you've been into this I guess as much as I have. I mean you just think you think what this is place about sixteen blocks away. You know.

And it's just so bizarre and frightening you know. And you know I mean. I mean this guy. This guy Burmeister. I mean this is the. This isn't the only case where he's been engaged in this type of behavior.

You know. And then I find out the other day he's been he's been given a big award. You know he keeps going up and he was made permanent chief for the chemistry unit. And it's just down the street you know and it's going on and it's just. I don't know. It's just amazing you know I suppose it's a bit fetched but I feel like people are sitting in Germany nine hundred thirty eight.

Where you know this. The stuff that was going on in like. You know how come nobody's doing anything about it. You know.

Yeah. Fred good show. Just for you to be shocking. Right here. You know I go this way to you or was it that it was you know. Take up your time he was going to stop. So in this case. You're stuck with him or you're right there. Getting there were what is that.

Yeah.

My sense from looking out for two years. It's largely career and careerism.

And it's also careerism after they leave the F.B.I..

You have people of like like people.

In terms of their after employment. They really get these incredibly high paying jobs you know. So for example .

You know.

You know if your top there I mean OK He was seen. And he was on national television. As the person who solved the Pan Am one hundred three bombing. You know. Of course he did and it was all false and so forth.

But he was made Person of the week. On A.B.C..

So that's just a tremendous calling card for employment afterwards. So a lot of it. Is career isn't it is the question of free.

You know at the time he was a prosecutor. And literally it's just not me but it's been published many places that.

He was nominated to be F.B.I. director because of his conviction of this guy really moving this successful conviction. So you know. It's just.

And then. Then I think they just get caught up in it you know this this this.

Convicting you convicting you convict you know that in the end but what's interesting too is like. You know I interviewed Dr Edward Blake.

He's by one of the world's leading D.N.A. specialist and. He's worked. Both for the prosecution and. In the defense. You know it's not like he's in T F B I but he told me. And he was referring to the lab. He said in his opinion the lab. The present time. Is a good stop. You know.

We're not we're not talking about you know. The F.B.I. undercover people who go around and. Beat up people and so forth. You start about the last. You know he says because there. They have imposed a model that their perspective on how to do for exit

examinations and. It's resulting in. You know thousands of wrongful convictions. And so. But again.

You know it's just so weird being right here sixteen blocks away from this. And . But I'm going to stray here so let me let me get back to you.

More directly on the lab. OK so the same thing. Was found OK So essentially our conclusion. About investigations of. The the conviction of Timothy McVeigh was that there was. There was no forensic evidence in that case we uncovered to. That the same was true. With the World Trade Center. Case. There was absolutely no forensic evidence in that case. Yet. The F.B.I. in the person of David Williams.

Testified falsely.

That ammonium nitrate bomb blew up the World Trade Center.

Six or seven people were convicted.

And given two hundred forty years apiece. Subsequently it was documented that.

David Williams who was also from the explosives unit.

Testified falsely. This wasn't just our assertion was documented by the inspector general General. And yet. These defendants have been not have not been granted a new trial. And my guess is they won't be they won't be given a new trial despite the fact that. It's been documented that the F.B.I. falsified testified falsely .

The Unabomber Case

Similarly with the with the Unabomber case. In that situation. We uncovered. As did the inspector general. That the F.B.I.. In particular an agent named. Terry Rudolph. Lab agent for I don't know how long ten years at least failed. To examine the evidence properly or. Adequately. So the suggestion there is that.

They may have stopped the Unabomber. A lot sooner. If they had done proper examinations. But of course they. did And of course they then. You know.

Chances are more than likely that the Unabomber. Still be out there if his brother had turned him in.

So they. They totally botched the investigation.

The forensic investigation of the the Unabomber.

Topping that off.

Was the fact that after Ted Kaczynski was arrested. They totally botched the D.N.A. analysis.

I mean this is supposed to be there like top scientific. Unit. OK.

And I discovered like they didn't even carry out. You know. General Science High School. Elementary course. You know procedures.

First of all. And this was done by the head of the unit. Woman called Dr Jennifer Smith.

OK She's the head of the D.N.A. unit at the F.B.I. and she was in charge of the D.N.A. analysis of Ted Kaczynski.

Number one. I mean. I just didn't believe this at first and I called around I call the defense attorneys. She did not.

Procure a sample of. Ted Kaczynski. The you know. All she had to do. Was you know. She didn't have to the cell but have somebody swab the inside of his mouth. And that was it. You know I called the defense attorney Bob glazier and he said they never asked. You know. I mean. Because it's he could have refused. But they. They could have. Quickly got a court order saying hey you know. Open your mouth and there would have been done. OK.

So again no. She's supposed to be a scientist. You know.

So what. What she did do was.

They examined for D.N.A.. Letters the Unabomber had sent to his victims and to other places. And they took samples from the on below. And the idea being that the D.N.A. on that the D.N.A. profile would be the Unabomber as well you know it sounds kind of logical. But they found three or four different profiles. So they really picked one and said This is the. This is the Unabomber. OK All right. OK So concede to them.

OK. Maybe. OK. So you got the you know bombers profile. OK. Then they took.

Letters that letters that he had sent to his brother David OK. And they tested those with D.N.A. on the assumption that the D.N.A. on those. Would be. Ted Kaczynski D.N.A.. Again. This sounds logical.

Again they found three or four D.N.A. profiles. You know the obvious reason being that you know.

The post person's profile can be on there from sweat from his hands on and on and on. OK.

So they have. You know three or four. D.N.A. profiles.

Potentially for the Unabomber. Three or four. For Ted Kaczynski.

So how do they determine whether or not it's a match between. Ted Kaczynski D.N.A. and the Unabomber as. They have a Charlie pick one from the letters he sent to his brother and say this is his they have a Charlie pick one. Which happened to match that one.

From the Unabomber letters letters. And they. And they go to court and say. There's a match. There's a match between the Unabomber suspect. And Ted Kaczynski.

And. And then they lie. They lie in the affidavit.

That's required for a search warrant.

They lied. And I challenge them to you know. Do whatever they want to me.

It's right there in black and white.

They said that they were to test. To D.N.A.

test done. And they both. Confirmed a match between. Ted Kaczynski D.N.A. and. The Unabomber. In fact they did. Only one test. And Jennifer Smith.

Knew this. And she reviewed the affidavit. Jennifer Smith the head of the D.N.A. analysis unit. And she never corrected it and she never informed the court. So on the basis of a.

I don't know how to describe it but illegitimate. Affidavit. The F.B.I. got the right to search because in skis.

Cabin. You know that. You know that there was the end of him but still it's important that they lied.

In that affidavit. And it's like the head of the D.N.A. unit and. This is supposed to be the. The best scientific D.N.A. unit that they have a unit that they have at the lab. And in fact the inspector general's report. Held out the D.N.A.. Unit as a model for the rest that will lead to follow. Well we discovered that. That was curious too.

Because on paper. And in their report. The inspector general did not investigate the D.N.A. unit. Of the F.B.I. lab.

Well we discovered long after the fact that their investigators. Had investigated the D.N.A. unit. And found it. Terribly deficient.

So the specter general's report. Just covered up their own investigation. Of the D.N.A. unit. What we found in the world will end at this point. What we found was that. For example there were three three scientists.

Three actual the German scientists in the D.N.A. unit.

Quoting. Greg persons. And Martin. L.

Levy. Who refused to testify for the F.B.I.. On D.N.A.. Testimony. You know these are their own people in the D.N.A. unit.

Because they considered.

Yes B I's techniques invalid. And unreliable.

And in fact two of them maybe three of them. But two of them. Finally get so fed up. So after great process of Dr Martin. L. Levy that they. They left the lab. Went back to the street as. Agents. What a cut in pay and a demotion.

I mean they thought it was so bad the D.N.A.

D.N.A. unit .

And now Will. Will endear.

Recently.

The F.B.I. D.N.A.

unit came up with. Two new policies.

What is the identification policy. This is we're under certain conditions.

Arbitrate conditions decided by them. They will go to court and say.

This is your D.N.A.. This is your or your blood.

No statistics no. No longer will they say well you know this is one in a million chance that it's somebody else's. It's yours. OK.

I mean. As soon as they come out with that policy I surveyed. All the top D.N.A. specialists in the country. And they were horrified. You know.

First of all there was no. Validation study done before they introduced the no. The the new technique.

Zip nothing. And there's no scientific basis for it at all. I mean this is what I'm told by. You know. Legitimate. D.N.A. specialists.

The one thing that the F.B.I. did announce when they announced this new policies.

They said that. Dr Bruce B. Dolly was the originator of this new identification policy. He would be publishing a study. In a journal a scientific journal. That would validate this procedure. Because that isn't the way science works. You suppose the validated first before you apply it. But OK at least there can lease the doing something OK. OK that was in the very last year. Ninety seven. I called up this journal. About a month ago. In May. You know say you know had you publish Dr .

Well gosh they hadn't even received anything they didn't know what I was talking about. You know. So. So they lied. And this is in a published. You know. Statement from the F.B.I.

.
It's about a very serious matter.

I mean this guy. Bruce Pardo who's head of D.N.A. research at the F.B.I. laboratory. Is making policy. That's affecting the lives of thousands of people in this. country I mean I don't know how many. D.N.A. exams they do a year. But it's in it's in this.

I know tens of thousands.

OK So that's just one of their latest policies. Again it's. No validation at all in science. And they could care less. And they've convicted people using this. This policy. The second one it will end here. Is They're now using what's called mitochondrial D.N.A. analysis. The same situation.

There's been no. Well there's been a little inadequate attempt at validated in this technique. But it wasn't. It didn't. Doesn't qualify as a validation there's been no validation of this technique. There are a lot of problems with using mitochondrial D.N.A. specifically Mitochondrial D.N.A.

Within the same person the profile can different. OK. That's one serious problem. Mitochondrial D.N.A..

Just comes from your mother's side. So everybody in your mother's side back. Through. I don't know how many generations will have the same profile.

You know. A Another problem was a recent study in Britain showed that four out one hundred people. Tested. And we laded. Had the exact same. Mitochondrial D.N.A. profile. So how can you possibly use mitochondrial D.N.A.. To identify somebody as the source of D.N.A. evidence. At a crime scene. You know. So well in there. And take questions.

Sure. Good to watch over the years of history. We are not really surprised. With your research I mean we can go back to Pretty Boy Floyd back in the thirty's. Leonard Peltier. Would be an example of exactly the kind of tainted evidence you're talking about here. Yeah. And I guess my my. My question would be to question. What is what. Is there anything here. The question of incompetence. That you talked about before I think that's. That's pretty interesting. The other question John is your daughter's.

P.R. work with white people that come up against the F.B.I. There's a long history of the F.B.I. going public getting this effort on the part of the F.B.I. to try to discredit the second question. It is fascinating to me. Out there in the countryside. I've been on done to these for your radio shows. And this is a tremendous positive reception.

You. know Here in town. It's a different story of course. And I think for now. I should point out that the F.B.I. hasn't. Challenged. Anything that we've written. I think that says a lot. You know anybody over the age of ten would realize if you're there you know. I mean.

Certain papers would have it on the front page tomorrow or you know .

I think the tactic. Right now is to to to greet it with silence you know.

You know hope that you know to blow over which is a long tradition in this. This town.

But it but I would say to them. You know. I'm a virus background you know.

The British used to say what they thought was an inside. The problem with the Irish is. They don't know when they've lost you know. So I would leave that with them.

But in terms. With regard to your first question. I think what's new is that it's been come. It's become. The problem has become really deeply. Institutionalized. I mean. As I mentioned a year ago.

Because of the courage of Dr Frederick Whitehurst. And I should point out which. You know just came upon me one day. Months later.

He's the first whistleblower the F.B.I. has ever had the first.

I don't know how how old they are I don't know eighty seventy years. You know probably the last. But I mean there have been people left the F.B.I. to criticize that but they haven't they had they had a whistleblower. In the second thing was. There's never been a television program.

In this country. Critical of the ever. F.B.I. never. I worked on one that came close but at the end of the day. For whatever reasons.

It didn't work out. I mean.

It is good but it was my opinion was a whitewash. Even there. OK.

You know.

But Ravel. Of the F.B.I. at the time. He did everything possible to prevent. He had his agents did everything possible to prevent that show from appearing on the day the program of the program was scheduled.

The F.B.I. called W.E.T.A. and said Don't put that on the W.A. E.T.A. considered not putting it on. In what they did do. Is the other thing the F.B.I. said was listen. Don't put a plug on for the producer's book. The producer of the program. Wrote a book. You know with the series. I did not put the plug on for the book. So in terms of what's new. It's like. I think they've actually. Escalated. They've escalated in the last in terms of. You know. Making matters worse. They refuse for example the lead beef. Uses to submit to you know. External blind. What they call proficiency tests that you know. It's absurd that a laboratory. Any laboratory can you know.

Exist without external testing. It's required by law. Of all other types of clinical labs. You know. Congress Congress. Nine hundred ninety four Congress. Put the F.B.I. in charge of D.N.A. analysis in this country. The F.B.I. and that's absurd. And at the same time they won't submit X. to proficiency testing or. Any monitoring. Anybody having any import into the D.N.A. analysis. And then I just gave the example the Unabomber. I mean I could you wanted on about the. You know. Incompetence in the in the conscious manipulation of D.N.A. evidence. By the F.B.I. laboratory. So so so things that I think actually worse and. You know I think it sort of capsulated were visibly Hoover. Well within the within the bureau among certain parts. You know Freeh is known as Hoover. With Kids. So that. That's were that's where it is right now in and actually Freeh testified about a year ago he said look. Left to itself. The F.B.I. is the most dangerous. These are his words the most dangerous agency in the U.S. government. Well they've been left to themselves. And his words are true. And we found out you know that the lab is just running rampant. They're just totally not out of control. They're controlled by people want to convict. At any cost. Regardless of the truth would know. They don't want scientists. You know like I just told you in the explosives unit they spent a year. Consciously not his'. Hiring scientists.

Yeah I know you're sort of all right. I'm sort of used to what's happening here but it seems to me that the D.N.A. evidence is so vital that one of the attorneys for the people or convicted you. Why do they speak out forcefully and commander every camera. Decision of the jury. So or. Take their course in their society you think are a great question I'm sure I'll see you on C-Span television network to get that that there are all these guys get to take. Public so that you get there. But what first of all. Essentially nobody knows. Knows about it. Even very often the defense attorneys. For example.

There was this. Many cases no you're not a very competent attorney said well that is a criticism of them but I agree. Oh I'm hopefully what I'm trying to do. You know I I've been working with attorneys and attorneys. Groups. And there's a very good one the National Association of Criminal Defense Lawyers and. They've been working. To deal with these matters and they they pursued. For example of the laboratory they've been in fact. Danielle Kahn is here today. Maybe you can say a few words they've been. Obtaining documents from the. laboratory Through the Freedom of Information Act. And trying to inform the public inform other lawyers. And I'll let. Dan say a word in a second. If you want. The other problem though is that. I don't know what the latest estimate is. But something like eighty percent of defendants in this country cannot afford a defense expert. OK And. I mean. And it's becoming vital these days to have a defense expert because so much of the prosecution is dependent on. Forensic science and. Very often you know the lawyers that these people have. Is some public defender. Who is overworked. You know. Really has no interest in the defendant was just exhausted. Or is incompetent. And that they then. Cop a plea. And the other thing that does go on though from the forensic side is that. Prosecutors will go to a defense lawyer and say Look. His D.N.A. matches. When it doesn't. OK. They lie. So

they have a person who's totally totally penniless. You're just overwhelmed by the situation doesn't know what's going on. Faces maybe death or maybe. Life. You know. I don't know how many times they'll say well OK we'll plead guilty and get ten years you know. In the store you know. The defense attorneys. You know. You want to do any work so. That's that's that's the reality out there.

It's very real and first that what you do you take the stuff. All you expect to be so that's your you know it's not a lot of court. Well I'll tell you it's not publicized but D.N.A. has a lot of problems actually. And eventually it will come out. But I'm fortunate it's going to be after I don't know how many thousands of people or. Wrongfully convicted.

There's a lot of problems. What do you. Temper when you least that's what. In my estimation it was. They. They planted blood etc etc. What they what was interesting in the O.J. case was that the prosecutor. Chose not to use the F.B.I. lab to do the D.N.A. analysis. Because they knew they weren't covered. You know the public didn't. But what they did do was they sent blood. To. The F.B.I. laboratory. OK. To test for preservative. E.D.T.A.. The reason for that was. If they found preservative in the blood. That was strongly suggest that the blood had been planted. OK. OK said the blood went to Roger Martz. At the chemistry toxicology unit. First of all. Wasn't qualified to do. Any analysis of the blood. But he did it. And he claimed in court that he on the support developed. On the spot developed a technique. There was NO NO NO NO technique at the time for for detecting for some reason. He claimed he created a technique. On the spot. OK. That's not the way science works you know. Just try to expose you have never refrigerated then you have the whole the whole nine yards. But anyway so so so. Roger Martz. Created this new technique and analyze the blood and testified right. In the morning. He testified that he did find it did you have to know to change his testimony. You know. So the. So they asked him the obvious you know. You know what happened. He said. Well. I thought I wasn't telling the whole truth in the morning. With Yes and No no I want to tell the whole truth. So I mean this is a. This is a scientist. At the F.B.I. lab who's who has tremendous power over people's lives. I mean Roger mots. He was involved in the first case that I mentioned Roger moody. Really moody I'm sorry. He was involved in you know invalid. You know. Examinations in the movie case and movies on death row. But Roger Martz has worked. I don't know maybe a thousand cases in his career. You know. I mean this is in my opinion this is the opinion of Dr Frederick Whitehurst who is working in the same lab with Roger Martz. He said. You know he. He put his name on paper saying this man is incompetent. And he's denied justice through. How many. He doesn't know how many people you know. I mean Roy movie did not get a fair trial as guaranteed by the Constitution and this is the. This is the. Opinion not just of our investigation but of. Dr Whitehurst and other scientists at the F.B.I..

Did you want to say something about. I did. The question was a very good question because I think it's what most people would assume which is that every survey system of justice. Brought the scandal out a long time ago. But that is not happening because

the justices feel most of the defendants have no money no resource. At what's happened over the years that the judges have come to rely entirely on the F.B.I. laboratory for the testing of the judges. Most cases do not authorize for them to get a test done for a defendant. And what's happened in the system. Is the F.B.I. laboratory or a state government laboratory. That's become one of those for a while I don't want to give Jack the results that the system is operated that way for some time. Without authorization for us to do it the first never really never come West to find a lot of resources. They could bring to bear and get the right. Part of what happened here is to let you know Jason some trial because of a sense of the resources to put on a laboratory. It's actually this issue. Became public it came to light with Dr Whitehurst a little boy in the whistle when the F.B.I. for some time with no public attention. Became known to the public. Because of a vicious. Trial. And then one of your very bright white. That the system the way it operates just not getting the kind of problem. Out of public view. Would you really need to have pressure brought to bear and governmentally here in Washington. Try to get the salt and get the F.B.I. operating as putting out. Bristles.

But I would like to say to you on the positive side. There are two very significant. Things that have happened. That exist in this town. After Dr White has left the F.B.I. He formed the forensic Justice Project and. What he's doing. He and others. They're taking cases. I think people already been convicted. And they're reviewing the lab documents. And in the lies you know. And if it shows that. You know improper work was done. There. They're providing this to the Justice Department. More or less demanding that the case be reopened and. If the Justice Department doesn't respond. If I get it straight they're going to provide this information. To the defense lawyers. Or the defendants if need be. So I would highly recommend that people become aware of the forensic Justice Project. In related to it is the national center. And David callup Pinto is here. And I'd like to him to tell us about the center and. Ways people can get involved you know. So David's.

Down the back there. Right. I don't mean to put on this but I think what John Ramsey. But now again here. Oh. Oh really demonstrates to me. Urge people come forward like. Dr white boy or a little son and he and other employees of the F.B.I.. Really. Oh we're responsible for ordering. Some of them this conduct that was documented. Really Think Tank you ever had. However there are laws. Place to protect people and yet you know even though Congress passed a law in ninety eight not to give. Whistleblower protection for F.B.I.. Lawyers. The Justice Department has yet. And they were order to turn in General Reno was ordered by President Clinton a neighborhood ninety seven over a year to implement that law. For N.P.R. today. It has not done so for point. Have some sort of. Public. Outside oversight of what the F.B.I. is doing not just in the laboratory. But in other parts of the other law enforcement function. Carries out here. Support. Employees to report. First otherwise never know. And I think that this scandal demonstrates that the F.B.I. succeeded. For almost twenty five years. In covering the song. Keeping it from the American doctor why first just to leave now. Just project he's committed to requesting freedom from. Files for all cases

of people that actually worked on a live band. To go over those tapes. Case by case for scientists to determine whether or not other people that we don't know about yet. Have been hurt by this forensics are all right. Unfortunately the Justice Department. Uses to expend resources like Fred. Whitehurst scientists. Willing to do with people who are interested again. Or center or forensic just. Project right. By the source of. The Internet. W W. WHISTLEBLOWER stuff or W W dot. Forensic justice. Dot.

Think think think think you do. I would like to also give my email address. Because myself and feel but continue. Continuing to pursue this. So it's OK John. Three nine six seven nine. At aol dot com. And one of the actions that we've undertaken as individuals. We've actually a. I guess applied is the right word to the Justice Department for the prosecution of Stephen Burmeister for perjury. In the trial of Timothy McVeigh and. Like you know not to carry Not investigation and. I think if. If justice is done he will be prosecuted. And I think. Part of the intent of that is to. Is to motivate other people that you know. I said the beginning the F.B.I. is right then sixteen blocks away. It's no big big deal. Yet John.

You know situation. This day for and six sides. Is not regulated. Which is outrageous. You know. A truck driver's test is more demanding than than than that of forensic experts. There are no legal requirements. If a judge says it's OK for you to be a D.N.A. analyst. John at a trial. You're on. OK. Yeah. So that. That explains a lot of it and. The F.B.I. has lobbied and. Fought against regulation of the field. And I think that speaks for itself. They want to allow manipulable in competent people so they can just get convictions. That they don't want a legitimate scientists like Fred Y. interest. I mean that's that's a key thing to keep in mind about Dr White here's I mean he wasn't just was. Whistleblowing I mean he was doing his work at the same time. In fact he was receiving. Incredibly high praise from the F.B.I.. But very often when his work consisted of. Was he would he allies say a bomb. And say well there are there are three possibilities. They didn't want to hear that. I mean as a scientist he felt compelled to say. This X. Y. and Z.. Possible reasons. They didn't want to hear that. They wanted to hear the one that indicated that Joe Brown was the bomber. OK. That is on the F.B.I. lab but. All through forensic science. Because there's no regulation. There is. There's no real. Monitoring of the field. They have what's called the ask American Society of crime lab directors. They were founded by the F.B.I. basically. OK But but listen to this. The F.B.I. has never bothered to get. Accredited by this group. So I asked. You know. I asked. I interviewed John Hicks who was the former head of the F.B.I. lab. Until recently. I said you know. You know. You. You all of the F.B.I. tells other labs to get a credit. OK. But you don't get the credit yourself. And basically you'd be a shoo in because you created this group you know. He said. Well you know. We did internal investigation. Of the lab and we concluded that. We met all the. You know. The standards of the Accreditation Agency. So what's the need you know. And. Plus it's expensive. You know. The F.B.I.. It's expensive right. All the money they have it's expensive to get a credit. OK you know maybe put upon looking into it. He lied to me. Their internal investigation. Said they would not receive

accreditation. James Mudd the quality control director. You know. Said no way in hell would they. They qualify you know. And I obtained the report. Saying that they would not receive accreditation. And he lied to me. You know. And. But equally important is the Justice Department received that report saying that they would not be accredited. If they were subjected to review. The Justice Department took no action. Including not publicizing that fact and. Bear in mind. All the time they're churning out cases. Now you did they you know. I don't know they do like a hundred sixty thousand cases a year you know. And they're intervening. To go into little courthouses in Montana you know that they're out there like you know business you know. Just totally incompetent. Consciously manipulating you know on and on and on. I recently read that it's being used to him getting. What you. I see what you expect. I would see none. And you know. My feeling is like. Louis Freeh has been looking for a quiet time to to to to resign because I think. In fact what should happen was it and this is very often how it works in Washington. These people reside in your Nixon resigned just so for. I mean should they be prosecuted. You know. They shouldn't be allowed to just resign. They should be prosecuted Louis Freeh should be prosecuted for what he did in the case of Roy moody and. God knows where else. You know. But again I. It's just the history of. The F.B.I. lab and people reside. For example they have a new head of the laboratory. You know he's always been about a year and guess you know. Big fanfare when he's appointed. He's actually a scientist OK. Which was. I think a first for the F.B.I. lab to have a scientist said the lab. So people. You know you know actually think well OK things are going to pick up. You know. But wait a minute you look a little closer. First of all three in the F.B.I. promised they would appoint a forensic scientist. This guy was a bomb maker. You know. From Los Alamos nuclear bombs you know. That's you know. OK so they don't you have forensic scientists. All right you know always with the F.B.I. going to go. The least they did somebody put a scientist. Under him for a year. Things have gotten worse. You're of one the first thing they said. You know breast beating. Power gosh you know. We're going to hire qualified scientists. And at the time they had a lot of openings because they got rid of some of what they allowed to resign some of the. Really bad guys you know. So they had. openings You know. Like I said earlier. It's cheaper for them it's twenty five percent cheaper or more. To employ a professional scientist than the special agent. Special occasions get higher salaries and bonuses and all this stuff for years. They hired him expose his unit. Only special agents and. So this was under the new. You know. Wonderful. Scientific head of the lab you know. In During that year. They also did not start the accreditation. Investigation. Free promised back in one thousand nine hundred three. That. Oh. You know. Oh gosh. You know I didn't know that lab was an accredited. We're going to get that done right away you know. I keep forgetting what year this is but it's. Seems like it's been quite a while since free promised. And for most of the tenure of the new F.B.I. director. He didn't even do that he didn't even start the question who should process you know. A couple of let me just mention two other points. A couple of other amazing. Recommendations of the inspector general year ago was that. In

essence lab report should be truthful. You know. I think that says a lot that they had to recommend. Right. First of all. You know. But. But they said. And not only does it have. Be true through the lab report should be truthful. But the F.B.I. should put that in writing that. You know. Examiners have to write truthful reports OK. You know. No guarantee that they do it but. The F.B.I. should at least put it in writing a year later. It's not in writing. So the I.G. says. What happened. You know it would take you what ten seconds to put that in writing. Oh well you know in the new version of the protocol We'll put that in there you know. Again this is under the new scientific head of the lab. Second thing they said was. And I think this is telling. Was that. F.B.I. testimony should be monitored and reviewed. Maybe once a year. Once a year. Preferably more often. But why should they be monitored. Because. Because you know the I.G. had found that they'd lie. OK. They lied on the stand. OK. A year later. New Lab director. Did you monitor any testimony. Oh no no we decided not to or what's the problem. Or it's really hard to get transcripts. You know. I mean literally this is in writing. And the updated report isn't ready. It's really difficult for the F.B.I. to get transcripts of their agents just the boys I mean. I mean you can walk into a court downtown to get them. You know. So. And the other funny one was. You know. I'll get back to you actually. If you get you know it's coming out of J. Edgar Hoover. Just like Martin Luther King similar to what you did. Yes. That's my term for health care workers. And the man. You found guilty of murder. As if they didn't give me a very good question. Did they do any testing did they do anything else. That exactly. Martin Luther King's son. Said to me that you know that he believes that. Well first of all I can jump out of a D.N.A. test and they didn't have D.N.A. testing at the time. But. But what's interesting on that particular point was. I don't know the answer to the second body question. But what's interesting is the fact that. You know these letters that Hoover sent around. They were created in the lab. So that's that's how he used one of the examples of a nice way he used. You know these letters claiming he was having affairs or whatever or threatening letters. I think they sent them one that said you should kill himself or something like that. All that stuff was created in the lab and that's how they see the lab. That's how the F.B.I. sees the lab. As an instrument. Through in my opinion. Carry out crimes. And I want to emphasize that this is what we claim in the book. We're not claiming. Simply ups and incompetence and missed and deficiencies. We're saying these crimes these are crimes. You know. Somebody is denied their constitutional right to a trial. That's a crime. Somebody sent to prison wrongfully. That's a crime. Somebody. Somebody is incompetent in the lab. It is a period knows that. And let. Yet lets him function. That's a crime. You know it's not a crime that he's incompetent. But if it's a period knows it. Fact on the constitutional rights of somebody else that's a crime. You know my opinion. Freeze. Is guilty of a crime in the case of Roy moody. He knew that that testimony was false. And so again I want to emphasize that these are crimes and that. You know that there just did to me is just undeniable that. Thousands of people wrongfully imprisoned.

Because the place where you go back. Get letters. Health care for life. That very famous people are not just for their health care sickness. It's in head yes yes. Well again it was the lab. I can't move the exact details but there was a ballistics test that were really. Yeah yeah. It is you know. The affidavit that they get about it they later it was totally absolutely. Every right to me. But I would say. Otherwise in response to your question is that there are two people in Congress. That people should contact. Senator Chuck Grassley from Iowa. And Representative Robert Wexler. It really doesn't take much. Because they get ten calls. Ten Letters. Robert Wexler. W E X L E R. You know my experience is they get calls a ten letters. They think there's a mass movement out there you know. And it also. If you use them for a particular grass the grass has been very good on the F.B.I. and stayed on the case. But if you're just the smallest additional. You know. Response and. From from people out there. In the countryside or here. You know he's encouraged he moves you know. But if nobody calls nothing. But but also you know people can do things like I did I mean. You can just call up the F.B.I. All right. You know. Head Start. That's gave me. What they do. You know part was.

Security. You know. But but people do have to take action you know. Otherwise that. They just keep rolling. They just. That's just been a history like. Again last year they did this. This big exposé the F.B.I. lab you know. The usual breast beating and.

We're going to clean that up right away. Oh no no I haven't had a few nasty. Phone calls and radio shows but that does about it. I think the tactic again. Right now. At least is to greet me with silence you know. But I'll tell you. You know. It's not like I'm not without concern particularly since I'm a father you know. I mean that that frightens me you know. And I and I saw what they did to. Dr Whitehurst. They all but destroyed him and his family and. That's a situation that comes back to Dr Blake'sment of the F.B.I. that in his opinion it's acting as a good Stoppel and. Right there. No No And in particular the F.B.I. did. They by and large. Don't cooperate with the Freedom of Information. Period. And they just they the live say they don't have anything or they they send you. You know. Totally deleted pages. And so. You know. You know. And then in the case in the question here. Two things have to happen. At least two things one is Congress has got to take action. The White House has to take action I mean you know it's not like Clinton isn't aware of all this stuff. I mean I send him stuff. You know. I sent them my book. You know. You know. The other thing. Though And this question here is. Is the forensic science community has to you know. Stand up to these people you know. And so far they are by and large they haven't there are good people out there. And they've taken. On the F.B.I. as a scientist. But what has happened is. They got the usual response from the F.B.I. lab in the lawyers at the F.B.I. and other words. For example. The D.N.A. expert in the Unabomber case. When it became known that he was going to go to work as a defense expert. The F.B.I.. Opened a full. You know background investigation of this person. Simply because he was kind of the defense expert. OK. They were back to his college records. He had been arrested for a in college. And actually been acquitted and

you may see all the file you know. Court case because there was no conviction. You know. So for the F.B.I. I went back and got that opened and subsequently there was a vicious rumor about this person. Totally false and. And you know the guy. The guy with the scientists was just shattered you know he's essentially said. You know God you know I'm not going to get involved in. You know. For in sick. Testimony anymore and you know the guy is still a nervous wreck you know and he's. But that's what they do rather than. Have a scientific dialogue. You know. They go after the scientific defense experts and. With the D.N.A. situation. They have. They had this. Orwellian group called. D.N.A. Legal Assistance Unit. And what that was was a hit T.V.. They compiled files on D.N.A. experts. You know. It's called legal systems right. How do they they compile files. On D.N.A. experts. Real D.N.A. experts real scientist. John Silvester. Who's now in charge a civil rights at the F.B.I.. He was the former head of the D.N.A. Legal Assistance Unit. Like my daughter pointed out. He used to follow. D.N.A. defense experts around the country. Literally court. You know. Taking notes. Sitting with the prosecutor coaching the prosecutor. You know. All around the country. And so that's their scientific response to legitimate scientists. You know. Rather than say. OK. You know we kind of made a mistake. That's the way science works let's get together and work it out. You know. They open a file on you. They track you they discredit you they character assassinate you. This is kind of in the lab. You know this is in the. You know the drugs you work in the undercover operations you have more. Caliber prejudice of you know. You know before you get out of the box they do. They can do. You.

OK. Well I'd like to thank Writers for sponsoring us today. And it was really gracious of them. And again I want to give my email address for folks out there in the country, so it's KJohn39679@aol.com and thank you all for coming.

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