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FBI office bungled earlier case

By [Susan Greene](#)
Denver Post National Writer

Sunday, May 13, 2001 - On Aug. 21, 1995, Kenneth Trentadue died in his cell at a federal detention center in Oklahoma City.

Prison officials called it a suicide, saying they found the 44-year-old convicted bank robber hanging from a ceiling grate with a bedsheet around his neck.

Trentadue's family says a slash in his throat, splits in his skull, bruises on his knuckles and feet, and traces of blood covering his cell indicated he was fatally beaten - possibly by prison guards.

Whatever caused his death, the Justice Department issued a scathing report four years later finding "serious misconduct" in the FBI investigation, including the mishandling of important evidence. This month, a federal judge awarded Trentadue's family \$1.1 million for the Justice Department's blunders.

Critics say the Trentadue case is just one in a series of snafus that raised questions about the bureau's competence in handling evidence long before last week's shocker about evidence withheld in the McVeigh case.

"There's something sinister in the FBI that makes documents magically disappear when (they) don't support their agenda," Trentadue's brother, Salt Lake City attorney Jesse Trentadue, said Friday.

"If those gobs of spit covered up my brother's murder, then they can cover up anything," he said.

"There is a belief within the FBI that they know better than the courts and the prosecutors what evidence should be released," added Ron Woods, a former FBI agent who served as co-counsel for McVeigh's co-conspirator, Terry Nichols. "It will take a cultural change to stop this."

Woods and Jesse Trentadue are among several critics who are skeptical about the FBI's claim that an antiquated computer system is at fault for long-missing evidence related to the April 1995 bombing of the Alfred P. Murrah Federal Building. They question the likelihood that 3,100 pages of evidence in such a high-profile case suddenly surfaced six days before the confessed bomber was scheduled to be executed.

If the nation's premier law enforcement agency lost or withheld evidence in one of its biggest cases ever, critics ask, how many other, lower-profile investigations could be tainted?

FBI can't "police itself"

"The bureau has long since passed the point that it can police itself," added McVeigh's trial attorney, Stephen Jones. "The federal rules of criminal discovery need to be overhauled."

FBI officials refused to comment Friday and Saturday on the McVeigh

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and Trentadue cases. The Oklahoma City bombing probe was headed by top FBI agents from around the country working out of the Oklahoma City office.

"We're not commenting on any of that," said spokesman Gary Johnson.

Harvard law professor Alan Stone, part of a Justice Department review of the FBI's conduct in the 1993 Branch Davidian confrontation near Waco, Texas, suspects there's neither a conspiracy nor a coverup in the McVeigh debacle - just "ineptitude."

"As far as I can tell, they haven't lost evidence on purpose. It's just deep-rooted incompetence within the bureaucracy," he said.

The Justice Department's December 1999 report chastised the Oklahoma City FBI for "insufficient" and "inadequate" work during the first several months of the Trentadue investigation, especially given suspicious injuries to Trentadue's body and concerns of the state medical examiner that he may have been killed.

Acting Inspector General Robert Ashbaugh reported that the FBI's Oklahoma City office conducted no interviews until one week after the death and still "did not interview any inmates at that time, did not examine the cell and did not collect any evidence." The agent assigned to the case expressed reluctance to view pictures of the scene, according to the report, "because he did not like to look at photographs of a dead body."

The report - the full version of which is sealed from the public - also found:

That 41 crucial pieces of evidence were missing from the Trentadue file.

"Fortunately, (the Department of Justice) has not asked for any (documents) which we have not been able to produce, and they are not aware anything was misplaced," reads an e-mail from an FBI agent cited in the report.

That agents waited three months to collect important evidence such as bloody linens and a blood-covered toothpaste tube from Trentadue's cell.

That the FBI mishandled evidence, including improperly storing the bloody sheet so that it was unsuitable for testing by the time it arrived at the FBI lab.

That the FBI lost Polaroid photographs and negatives of other photos taken of Trentadue's body and his cell. Negatives were found in a moving box while agents moved offices in March 1999 - almost four years after the death.

That agents failed to cooperate with the inspector general's office during their probe, refusing to hand over crucial documents, which they later said had been inadvertently destroyed.

And that an FBI employee and three Bureau of Prisons workers lied about the case under oath.

"Was it mere incompetence? I think that's how the government would like to characterize it," said Chuck Sampson, one of the Trentadues' lawyers. "Looking back, if it didn't help the government's position, I believe evidence was deemed by the FBI to be inconsequential."

"We were able to show during the whole case a total lack of respect for

evidence," added Scott Adams, another of the family's attorneys, who added that he has seen "a huge improvement" in the Oklahoma field office since agents there were chastised for how they conducted their probe.

Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, announced in 1997 his "intention to hold an oversight hearing" on the Trentadue case. He didn't follow up.

When asked about the case Friday, Hatch's office said his interest is renewed.

"On Trentadue, I can tell you that the senator is very concerned," said spokesman Christopher Rosche. "They're going to be looking at the possibility of holding a hearing."

McVeigh, an anti-government zealot, has been following the case from prison. This month's Esquire magazine published his letters to an Oklahoma journalist musing about "The Simpsons," Ayn Rand's "Atlas Shrugged" and the Trentadue case.

"The crime is bad enough - but, as in other cases, it's the subsequent coverup that should give cause for reflection," McVeigh wrote. "I think that the Trentadue family is learning something I've seen for a long time. ... Time and time again, (the government) will protect their own and do whatever is necessary to stonewall and cover up."

Given McVeigh's interest in government foul-ups, he was amused by problems with the FBI's handling of his own investigation, especially problems at the bureau's vaunted crime laboratory in Washington, Jones said.

At the very start of their bombing probe, agents in Oklahoma City shipped the jeans McVeigh was wearing when he was arrested in a brown paper sack instead of a sealed plastic bag. A gun and a knife said to belong to him were sent to the lab in a manila envelope. As a result, those and other pieces of evidence couldn't be tested.

The lab's reputation further plummeted in 1997, when a scientist there was suspended after claiming that agents engaged in "scientific fraud, misconduct and gross negligence" in their lab work. Chemist Frederic Whitehurst claimed the lab compromised "numerous high-profile criminal investigations," including the World Trade Center bombing, the Unabomber probe and the Oklahoma City case.

After several other workers came forward with similar accounts, an inspector general's report released in March 1997 concluded that the crime lab made "scientifically unsound" conclusions in the bombing probe.

McVeigh's lawyers questioned the lab's credibility at his trial.

The FBI stood by its evidence and has said since that it has corrected problems in its crime lab.

'We look like China'

Still, a string of other embarrassing revelations has plagued the bureau since the McVeigh trial ended in June 1997. Among them:

The FBI withheld crucial evidence from its probe of the 1963 Birmingham, Ala., church bombing that killed four black girls. Some members of

Congress, as well as civil libertarians, say former Ku Klux Klansman Thomas Blanton Jr. wouldn't have walked free for decades had the agency not suppressed information. Blanton was convicted earlier this month.

The agency failed to turn over internal memos suggesting that Los Alamos National Laboratory scientist Wen Ho Lee hadn't passed weapons technology to the Chinese, as alleged.

And six years after the siege near Waco, the FBI disclosed that it had found an internal memo and other evidence referring to the government's use of pyrotechnic tear gas canisters at the Branch Davidian compound. Officials had claimed in sworn affidavits that they had no knowledge that gas canisters had been used.

"We look like China, South Africa, Iran. This is supposed to be the most just nation on Earth, and our police can't get the evidence straight," said Larry Pozner, a Denver defense attorney who has tried a number of high-profile cases. "We have to wonder how many people are on death row or have been executed while the FBI had documents in the back office that it didn't disclose."

Denver Post staff writer Mike McPhee contributed to this story.

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