BOOK REVIEW

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Review of Tainting Evidence Inside the Scandals at the FBI
Crime Lab

REFERENCE: Kelly JF, Weame PK. Tainting Evidence Inside
the Scandals at the FBI Crime Lab. The Free Press, New York
1998; $25.00.

Science and law approach problems and arrive at solutions in
completely different ways. Law arrives at conclusions by taking
established principles and applying them to new facts, a deductive
process. Science arrives at conclusions by observing facts, creating
hypotheses and testing them, an inductive process. Law relies upon
precedence and procedure. Science is innovative and iconoclastic.

Forensic Science is a shotgun marriage of science and law. This
unhappy marriage is exposed, at some of its worst, in Tainting
Evidence. The authors demonstrate that the FBI laboratory, which
through years of carefully honed public relations, dating back to
J. Edgar Hoover, has created an image of infallibility. Analytical
science is never infallible; the probabilities of error can be reduced,
but never eliminated. As the FBI laboratory is believed by many
in and out of the FBI to be infallible, and as it is not, there is the
added tension of infidelity in this shotgun marriage.

The book in large part is the story of Dr. C. Frederick Whitehurst,
a larger than life chemical scientist who also was a sworn agent
of the FBI. Dr. Whitehurst came to work in the bombing section of
the FBI laboratory. He took seriously all of the memos requesting
employees to report waste, fraud and abuse. He is also finicky,
pedantic, methodical and straight as an arrow. He found that his
colleagues and supervisors did not share these traits. His persis-
tence in letting the defense know of improprieties during the prose-
cution of Steve Psinakis, led to his censure and suspension. His
continued persistence led to an Inspector General’s (IG) investiga-
tion that found many improper work practices, and resulted in Dr.
Whitehurst being fired.

The book concentrates on the “bombers”, the folk who do the
analytical chemistry defining the chemical composition of de-
nated explosives, and who also create and test bombs. Often with-
out decontaminating after doing the latter and handling the former.
The exploits and errors of this group in handling the Unabomber,
VANPAC, World Trade, and Oklahoma City cases are examined
detail with good documentation. In addition, the problems with
cover-up and just plain poor crime-scene search are documented
in the Ruby Ridge Case. Problems in the DNA unit are explored,
using the O.J. Simpson case, as the vehicle. Finally, the hair and
fiber unit, and some extremely bad practices by an examiner from
that unit are revealed in a series of cases including the Jeffrey
MacDonald prosecution.

The book reads well. The facts that I know first hand are accu-
rate, such as the MacDonald case, and what I have observed of FBI
laboratory personnel, generally working with them as prosecution
witnesses. The only error I have discerned is that the American
Association of Forensic Sciences was called the American Society
of Forensic Sciences on page 271.

Hopefully, there is change coming following the exposures made
by Tainting Evidence. The laboratory is getting a new facility in
Quantico, where hopefully the contamination problem will be less-
ened. Another extremely good sign is that the FBI laboratory has
applied for and been granted accreditation by the ASCLD-LAB.
They had resisted this for years. One extremely bad sign is that
many of the other recommendations of the IG have not been imple-
mented, such as appointment of a forensic scientist as the labora-
tory director and forensic scientists instead of FBI agents as labora-
tory personnel.

I recommend this book to anyone who works in or with forensic
science laboratories. The book teaches that the approach to prob-
blems should be to effect change, not attempt to cover them up.
Further, the book shows that it is important to continually strive
to improve our science. Many of the complaints Dr. Whitehurst
makes are extremely valid, not just concerning the FBI lab, but are applicable to State and local labs as well.