

Roger Martz

Edward C. Bender

Thomas Mohnal

Richard Hahn

America's Criminal Justice System's

Terry Rudolph

Supervisory Special Agent

Robert Heckman

Supervisory Special Agent



Thomas T. Thurman

Supervisory Special Agent

David Williams

Michael P. Malone

Supervisory Special Agent

Robert Webb

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any of these individuals, contact the

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UNDER SUSPICION

Edward C. Bender

Occupations:

Bender was employed as a technician (according to *OIG Report*)/ forensic chemist (according to the interview transcript; 029749) in the FBI Laboratory from August 1979 until January 1990. He is currently employed by the Bureau of Alcohol, Tobacco and Firearms as a forensic chemist.

Education:

BS, chemistry, Mt. St. Mary's College

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OFFENSES AGAINST JUSTICE

Investigation by the OIG confirmed that Bender inappropriately made racial comments while employed at the lab. The report also concludes that the FBI OPR did not sufficiently investigate whether Bender was a racist and whether this affected his work. OIG reported that it was not evaluating any of Bender's work after he left the FBI to work for the BATF. (*OIG Report, p. 469*)

REMARKS

The OIG Report fails to recommend further investigation by the FBI or the BATF into Bender's work product in light of the confirmatory findings of Bender's racial views.

The OIG Report and investigation also fails to address other concerns outlined in *United States v. Jaime Gonzalez*, 927 F. Supp. 768, at 771-72 (1996), including:

- 1) Bender's failure to follow FBI Materials Analysis Protocol in examining residue and trace materials found on explosive fragments;
- 2) his keeping an inordinately sloppy and dirty work environment in his laboratory;
- 3) his failure to wash and sterilize laboratory glassware to be used in lab analysis work;
- 4) his rendering of scientific opinions without proper empirical basis for his conclusions;
- 5) his failure to label instrument output from testing performed in connection with analysis of physical evidence; and
- 6) his incompetence to testify as an expert in explosives analysis.

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Richard Hahn

Occupations:

Hahn became employed as an FBI agent in 1973 and became an examiner in the FBI lab from 1987 - 1992, at which time he transferred to the FBI's Long Beach, CA office.

OFFENSES AGAINST JUSTICE

Hahn is criticized in the *OIG Report* for giving scientific opinions that were unsound and not justified by his experience. The report also faults him for giving incomplete testimony concerning the Materials Analysis Unit results and for testifying incorrectly and outside his expertise. (*OIG Report, p. 453*)

Education:

BA, English literature, DePaul Univ.

REMARKS

The OIG Report recommends that if Hahn is called to testify about his work as an examiner, his testimony should be subsequently reviewed by qualified examiners to assure he that he has appropriately limited his testimony.

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Robert Heckman

Supervisory Special Agent

Occupations:

Heckman was employed by the FBI in 1978 as an investigator, and became an examiner in the Explosives Unit in 1990.

Education:

BS, business administration, Dusquesne Univ. (1970). Attended Explosive Ordinance Disposal Course (1971) and the Technical Escort Course (1974) in the United States Army.

OFFENSES AGAINST JUSTICE

The OIG Report states that Heckman has made improper additions to auxiliary examiner's dictation by adding statements outside of his expertise and has included his opinion in Laboratory report statements instead of work performed by the auxiliary examiner.
(*OIG Report*, p. 453-455)

REMARKS

The OIG Report recommends that his reports and testimony be monitored in the future.

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Michael P. Malone

Supervisory Special Agent

Occupations:

Malone was employed in the Hairs and Fibers Unit from 1974 until 1994, when he was transferred out of the Laboratory.

OFFENSES AGAINST JUSTICE

The OIG Report found that Malone has given incorrect, inaccurate, and misleading testimony. (OIG Report p. 457-458)

REMARKS

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The OIG Report recommends that Malone's testimony in future cases be monitored to assure that he is accurate and testifies to matters within his knowledge and competence. The report fails to recommend that the FBI review past cases in which Malone testified.

For an salient review of other cases in which Malone's laboratory findings have been questioned, see Laurie P. Cohen, *Strand of Evidence: FBI Crime-Lab Work Emerges As New Issue in Famed Murder Case*, Wall Street Journal, April 16, 1997, at A1.

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Thomas Mohnal

Occupations:

Mohnal has worked as an examiner in the Explosives Unit since 1989.

OFFENSES AGAINST JUSTICE

The OIG reported no misconduct by Mohnal with regard to the matters investigated. (*OIG Report, p. 473*)

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REMARKS

Concerning conduct in the La Familia Case, the report ultimately concluded that "the Laboratory would benefit from a clear delineation of the respective responsibilities of its metallurgists and other examiners in conducting metals-related examinations." (*OIG Report p.370*). The report summarily addressed the concerns of another agent, who felt Mohnal's report in that case mislead the reader to believe two pieces of evidence were identical when in fact they were not, by stating that the agent "displayed poor judgment by failing to discuss his concerns with [Mohnal] before [issuing] his revised dictation. (*OIG Report p.367*; Bates Document 053278).

Transcripts also reveal that Mohnal was a political science major who was criticized as not having the credentials to be making scientific conclusions about metals and materials. (Bates Document 054795-96). The *OIG Report*, however, did not address whether Mohnal testified beyond his expertise.

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Terry Rudolph
Supervisory Special Agent

Occupations:

Rudolph worked as an explosives residue examiner in the laboratory from 1979 until 1988, when he began teaching at the FBI Academy in Quantico, VA. He has since retired.

Education:

Ph.D, analytical chemistry, Univ. of Louisville

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OFFENSES AGAINST JUSTICE

The OIG Report found that Rudolph has failed to conduct appropriate scientific analysis or to adequately document his work and that he was not adequately disciplined when he was orally admonished in 1992 for the condition of his files. (*OIG Report*, p. 444-445)

REMARKS

Every case file in which Rudolph was the principal or auxiliary examiner should have a notation concerning the OIG's findings.

The OIG Report recommends that the FBI not employ Rudolph in any capacity in the future.

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Thomas T. Thurman

Supervisory Special Agent

Occupations:

Thurman worked as an examiner in the Explosives Unit since 1982, and became unit chief in December 1994. He is now at the Bomb Data Center.

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OFFENSES AGAINST JUSTICE

Thurman has failed to incorporate verbatim the dictation prepared by the auxiliary examiner. The report also found that effect of his overstating AE conclusions in certain reports was favorable to the prosecution. As unit chief, he incorrectly approved conclusions in a report that were more specific or definite than could be validly supported; failed to sufficiently review the substantive validity of the conclusions stated in the report and instead inappropriately deferred to the examiner. He has testified inaccurately or ambiguously (VANPAC and Kikumura). (OIG Report p. 448-451)

REMARKS

The OIG Report recommends that any reports prepared by Thurman be reviewed by another qualified examiner and that Thurman be reassigned to a component of the FBI outside of the Laboratory.

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Robert Webb

Occupations:

Webb worked as an examiner in the Materials Analysis Unit from 1976 until 1991.

OFFENSES AGAINST JUSTICE

Webb has stated conclusions more strongly than was justified by the results of his examination and the background data. (*OIG Report, p. 459*)

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REMARKS

The OIG has recommended that if his analytical work is to be used as a basis for future testimony, it should be reviewed by another qualified examiner.

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David Williams

Occupations:

Williams was employed by the FBI in 1976 as a GS-2 clerk in NCIC. He then transferred to the Evidence Control Center within the FBI laboratory in 1978, as a G-4 clerk. After 6 months, he became a physical science technician (a G-5 position) within the explosives Unit of the FBI Laboratory until 1982, when he became a special agent. In 1987, Williams became an examiner in the Explosives Unit.

Education:

BS, biology, Mansfield State College (1975); MA, forensic science, George Washington Univ. (1981).

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OFFENSES AGAINST JUSTICE

Williams failed to display the objectivity, competence, and credibility expected of FBI examiners while testifying. He gave scientifically unsupportable opinion based on speculation that was beyond his scientific expertise and failed to incorporate the AE dictation verbatim. *OIG Report* found that Williams repeatedly reached conclusions in the Oklahoma City Bombing case that incriminated the defendants without a scientific basis and that were not explained in the body of the report. (*OIG Report, p. 451-453*)

REMARKS

The OIG Report recommends that if Williams is called to testify for work he performed as an examiner, that a qualified examiner review his proposed testimony and related reports in advance of trial AND that a qualified examiner review his testimony after it is given to assure he has limited his testimony to reasonable supportable conclusions.

The OIG Report recommended that the FBI reassign William to a position outside of the Laboratory Division.

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Roger Martz

Occupations:

Chief of the Chemistry Toxicology Unit since 1989 and former examiner in the Chemistry Toxicology Unit (1980-1989).

Education:

BS, biology, Univ. of Cincinnati (1974). One course in chemistry in a Master's program.

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OFFENSES AGAINST JUSTICE

As CTU Chief, Martz improperly recommended that no further review be conducted of SSA Rudolph's work. He has also overstated the significance of his analytical results and has failed to acknowledge certain data obtained from tests performed. Martz failed to perform additional tests that were appropriate under the circumstances. He has also offered a stronger opinion while testifying than he had expressed in the laboratory report. The *OIG Report* found that Martz's case notes were incomplete, undated and inaccurate, and case charts were not accurately or clearly labeled. Additionally, investigation revealed that Martz had offered unsupported scientific opinion and was reluctant to acknowledge the limitations of the mass spectrometry data. He was criticized by the *OIG Report* for appearing to have a lower threshold of scientific proof than is generally accepted in forensic science and for lacking appropriate scientific rigor in his approach to examinations. The report also found that Martz has sometimes formed conclusions without acknowledging legitimate questions about their validity.

Martz appears not to have recognized the importance of protocols in forensic examinations or the need to document the reasons for departing from them. He has improperly deviated from the explosives residue protocol while examining specimens. Martz told the OIG that a protocol is a "guideline" and that examiners should have discretion in determining the procedures to apply in a particular case. The OIG also found Martz to be lacking in credibility because he failed to perform adequate analysis to support his conclusions and he did not accurately or persuasively describe his work in the matters in which the OIG investigated. (*OIG Report, p. 445-448*)

REMARKS

The OIG Report recommends that he not hold a supervisory position and if he continues to work as an examiner, he should be supervised by a scientist qualified

examiner, he should be supervised by a scientist qualified to review his work substantively. The report also recommends that another qualified examiner review any analytical work by Martz that is to be used as a basis for future testimony.

Martz claims to be one of the leading experts in the country on tampering cases and has worked most of the product tampering cases in the history of the FBI Laboratory (Bates Document 037615).

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