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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 21, 1997

Dr. Donald Kerr
Assistant Director, Laboratory Division
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Dr. Kerr:

I would like to extend my congratulations to you for your appointment as the new Assistant Director for the Laboratory Division. The public has long awaited your appointment in hopes that your leadership can help restore the integrity of the scientific process within the laboratory, and restore the public's confidence in federal law enforcement. I have had an on-going interest in helping to restore the lab to its past high standards. I would like to assist you in these efforts in any way I can as a member of the Judiciary Committee, and as a concerned citizen.

In the few weeks prior to your appointment, two troubling issues came to my attention. It is my hope that you can address and fix these two problems.

The first involves the September 29 testimony before the Subcommittee on Administrative Oversight and the Courts, which I chair, by Dr. Drew Richardson. Dr. Richardson is perhaps the FBI's most eminently qualified expert on polygraphs. In his testimony, Dr. Richardson states the following regarding polygraph screening:

"It is completely without any theoretical foundation and has absolutely no validity. Although there is disagreement among scientists about the use of polygraph testing in criminal matters, there is almost universal agreement that polygraph screening is completely invalid and should be stopped."

Enclosed is a copy of the full text of Dr. Richardson's testimony. As Chairman of the Subcommittee on Administrative Oversight and the Courts, I request that you respond in writing to the Subcommittee answering Dr. Richardson's charges on grounds of science. If you disagree with his charges, please explain; if you agree with his charges, I ask that you so state, and also indicate your intention to raise the matter with the FBI Director immediately and advise him of your position. If Dr. Richardson is correct, polygraph screening should be banned from the FBI.

The second problem involves the FBI's intended transfer of the Latent Fingerprint Section from the Lab Division to the Criminal Justice Information Systems Division in West Virginia. In a letter dated September 22, 1997, the President of the American Society of Crime Laboratory Directors, Inc., Frank Fitzpatrick, wrote to Director Louis Freeh. Mr. Fitzpatrick warned of the following:

"By moving Latent Fingerprints from the Laboratory Division, the public perception might be that there is something deficient in the quality assurance program in latent prints. Such a perception would run counter to the fine work your agency has done to promulgate quality assurance principles in all all (sic) the sections of the Laboratory Division. The relationship of the Latent Fingerprint Section with your other scientific sections is deep and strong. It should be allowed to remain under one management team - a team of forensic scientists."

I request that you provide the Subcommittee with a response, in writing, as to whether you agree with Mr. Fitzpatrick's advice, in terms of forensic science. If you disagree, please explain. If you agree, please so state, and also indicate your intention to advise the Director of your position. If Mr. Fitzpatrick is correct, the decision to move the Latent Fingerprints Section to West Virginia should be reversed. Enclosed is a copy of Mr. Fitzpatrick's letter.

I would appreciate a response from you no later than October 28. Thank you for your cooperation.

Sincerely,



Charles E. Grassley

Chairman

Subcommittee on Administrative
Oversight and the Courts

Enclosures