

Lee, Henry

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Foster Case:

Controversial Lee to Issue His Report

By Christopher Ruddy
FOR THE PITTSBURGH
TRIBUNE-REVIEW
NOVEMBER 24, 1995

WASHINGTON—Forensic scientist Henry Lee is soon to offer his opinions in the case of Deputy White House Counsel Vincent Foster. However, if his previous findings in high-profile cases are any indication, Lee's report is unlikely to lay to rest the issues surrounding Foster's manner of death.

Lee's appearance in August as an expert witness for O.J. Simpson's defense team has made the chief of the Connecticut State Crime Lab perhaps the world's most celebrated forensic scientist. And perhaps one of the world's most controversial.

Since late spring Lee has been preparing to issue a significant report for Independent Counsel Kenneth Starr relating to issues dealing with Foster's July 20, 1993, death. The Tribune-Review reported recently that Lee's findings from physical evidence will bolster government claims Foster died at the spot he was found in Fort Marcy Park.

According to sources close to the probe, Starr and his staff have been anxious to close their investigation into Foster's death in the wake of a cursory grand jury probe that took place earlier this year. They reportedly hoped Lee would do the trick. But criticisms of Lee since the Simpson trial have made that hope illusory.

Starr's then deputy, Mark H. Tuohy III, hired Lee after disclosures that primary Foster

prosecutor, Associate Independent Counsel Miquel Rodriguez, resigned because of resistance from FBI experts to explore alleged problems in the case and the apparent unwillingness of Rodriguez's superiors to allow him to bring experts outside the FBI into the case.

Though Starr hired Lee knowing of his involvement as a defense witness in the Simpson case, Starr was apparently unprepared for the implications of Lee's controversial testimony there. In July, a source close to Starr's probe said Starr's staffers were under the impression that Lee would probably not testify at the trial.

However, Lee did testify and came under harsh criticism from FBI experts for his speculative testimony about bloodstain patterns found at the Ron Goldman-Nicole Simpson death scene.

For that reason, and the fact that Lee has limited the scope of his own inquiry, Starr hired the San Diego Medical examiner to review the autopsy findings in the Foster case.

WEIGHING IN

While drawing sharp criticism from members of the scientific community for his Simpson testimony, Lee again has demonstrated his willingness to weigh in on controversial cases.

He has a powerful reputation in the legal and scientific worlds. "He's the best, the very best," Carla Noziglia, former director of the American Society of Crime Laboratory Director, told the AP earlier this year.

But, other, especially in light of recent events, are less impressed.

John Hicks, who retired in 1994 as an assistant director of the FBI in charge of its crime lab, suggested in a telephone interview last month that Lee's opinion is far from gospel.

Hicks, now working for the Alabama State Crime Laboratory, is highly respected in the scientific community, and under FBI Director William Sessions pioneered the bureau's entry into DNA analysis. Hicks has also supervised crucial scientific work that led to convictions in the New York City World Trade Center bombing.

Asked about Lee's role as an expert witness at the Simpson trial, Hicks said the defense "spent a lot of time building him up as to be the world's greatest, bestest and mostest," but suggested that he fell short of that billing.

Lee "must have been embarrassed," Hicks said, "when he had two (FBI) experts come in and basically point out that what he said with certain things were most certainly not what he said they were."

Hicks criticized Lee's interpretation of several imprints of blood patterns which enabled Simpson defense lawyers to bolster their case that the murders were accomplished by more than one individual. Lee, for example, argued that one blood pattern found on an envelope could have been made from a shoe different than the one prosecutors claimed Simpson wore the night of the killings. But during his testimony Lee said his judgment was not definitive as to whether it was a shoe print.

"When he said, for example, that this appears to be (a shoe print), he was very careful. He said, I see an

imprint, it may be a shoe print, I don't know if it is or not, but if it is a shoe print it's not (Simpson's shoe)." Hicks said, recalling Lee's qualified testimony.

FBI agents William Bodziak and Douglas Deedrich took the stand in September to dispute Lee's findings; Lee did not retake the witness stand to counter their conclusions. Deedrich, an expert on fabrics, said some of the blood patterns were more likely the result of fabric impressions rather than shoe impressions. Deedrich called Lee's research "inadequate" and suggested it had been "irresponsible" of Lee to have made any inferences about the blood patterns.

Lee subsequently held a press conference in Connecticut to defend his testimony. He said he had drawn no specific conclusion about the stains, and that defense lawyers may have exaggerated the significance of his opinions for Simpson's benefit.

He told the press he was sorry to have taken the case because the hardships it had imposed on him and his family were "not worth it."

Today Lee appears uninterested in discussing his Simpson testimony. He declined to address the matter, or Hicks' criticism, with the Tribune-Review last month before giving a speech at the City University Graduate Center in New York, saying that any discussion of the O.J. case was off-limits.

"I don't want to talk about it," he said. And in an hour-long slide show of his most famous cases, the Simpson case was not even mentioned.

CREDIBILITY

Hicks said Lee's O.J. testimony had cost him credibility "with a lot of people in the forensic community"

"I think he is definitely a hired gun," Hicks said, a criticism frequently made of witnesses.

Lee does not take money for himself for his cases. But expert witnesses typically can call a higher

price for their services from the defense than the prosecution, and Lee received a significant fee for his work on the O.J. case. Lee summarily gave the fee to a scholarship fund and to the state crime laboratory he heads.

Lee also says he works for neither the prosecution nor defense, but rather seeks to present scientific truth.

Others suggest Lee is also interested in prestige and attention.

"I think he has an ego as big as his resume," Dr. Richard Saferstein said, noting Lee's 50-page plus curriculum vitae.

Saferstein, former head of the New Jersey State Crime Lab, was a regular commentator on the Simpson case for Geraldo Rivera's talk show, and is considered a leading forensic scientist. He is author of Forensic Science (Prentice-Hall) the standard text in the field.

Saferstein, who conducted tests for two homicide investigators hired by the Western Journalism Center to review aspects of the Foster case, suggests Lee's success can be partly explained because "he is close to being an entertainer."

Hicks agreed with that assessment and suggested that Lee's powerful personality sometimes clouds the serious scientific issues involved in a case.

"Henry is a very personable person, and it's easy to be drawn in by Henry, he's full of . . . stories, very enjoyable, and sort of an exciting person to listen to."

CONTROVERSIAL CASES

For sure, Lee has been involved in some complex, seemingly unsolvable cases. In 1986, Lee figured out a Connecticut murder case involving a husband who had put his wife through a wood chipper to destroy her remains. Lee was able to identify minute fragments of her bones, teeth and other body parts which helped police solve the case.

Though most forensic scientists confine themselves to the

laboratory, Lee's generalist knowledge (he was a police officer before going into forensic science) has enabled him to be something of a Sherlock Holmes at crime scenes.

He stresses during his presentation that he can be most effective when he visits the crime scene in its most pristine state: before it has been bothered by detectives and others.

Other controversial cases in which Lee has played a role:

■ The Levin killing, or better known as "the preppie murder" case of 1987. Lee was working for Robert Chambers' defense when Chambers confessed to the killing of young Jennifer Levin by strangulation during a sexual encounter in Central Park.

■ William Kennedy Smith rape case. Lee was said to have played the lead role in helping Smith get acquitted of raping a Palm Beach woman in 1991. Lee told the jury that had the young lady really struggled on the grass as she was raped, grass stains should have been apparent on her pantyhose. None were, and in court, he produced a handkerchief soiled with grass stains after he had rubbed it against the same area of grass.

Hicks called Lee's handkerchief experiment "outrageous," saying it did not follow proper scientific methodology which would have entailed using the same fabric and making sure conditions, such as moisture, were the same.

Lee is apparently aware of such criticism, and during a recent speech answered his critics: "Give me a break, how many guys you know who carry panties in their pocket."

■ The still-questioned 1991 death of Danny Casolaro, a free-lance journalist found dead in the bathtub of a West Virginia hotel of an apparent suicide. His family contested that ruling and said Casolaro was working on an expose of corruption in the federal government. Lee reviewed the case and said the death, based on blood splatter analysis, was consistent with suicide. ■

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REMEMBER: IF YOU DON'T DO IT, IT WON'T GET DONE!

COVER STORY

Mass graves yield horror in Bosnia

U.S. doctor says small towns reveal 'the largest and worst I've seen'

By Jack Kelley
USA TODAY

KUPRES, Bosnia — Last week, after searching the country for three years, Croatian soldier Bozo Cicak finally found his missing brother.

Marko Cicak was at the bottom of a mass grave here with 33 others, all of them shot, bayoneted or beaten to death, presumably by Serbs.

Only Marko's skull, three rib bones and the black leather jacket his brother had given him at Christmas were left.

"This is not the first time they've done this to us and it won't be the last," says the brothers' father, Mate Cicak, 56, wiping his eyes as he looks at the remains of his 33-year-old son Marko. "These people are worse than Hitler."

For the last week, some of the United States' top forensic scientists, including O.J. Simpson witness Henry Lee, have been plowing the earth in small towns throughout Bosnia

Please see COVER STORY next page ►

Henry Lee ready for his next case, **8A**



By Philip S. Farnsworth

GRIM TASK: Forensic pathologist Henry Lee, who testified for the defense at the O.J. Simpson trial, inspects evidence recently at a mass grave site in Kupres, Bosnia-Herzegovina.

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MONDAY, OCTOBER 16, 1995

NEWSLINE

A QUICK READ ON THE NEWS

OKLAHOMA BOMBING: Letters from bombing defendant Terry Nichols provided "damaging" information, says ex-wife; trial site learning about spotlight. 11A.

DOWN DEMOCRATS: Some political analysts are wondering if USA is seeing a historic transition in which the Democratic Party must adapt or die. 6A.

HILLARY NOW: From health care hardball to standing by her man, Hillary Clinton is a chameleon. As husband's campaign nears, she shows traditional side. 6A.

NICOLE'S DIARY? *National Enquirer* is publishing what it says are entries from a diary kept by Nicole Simpson, left. Passages detail abuse from ex-husband O.J. Simpson. 1D.



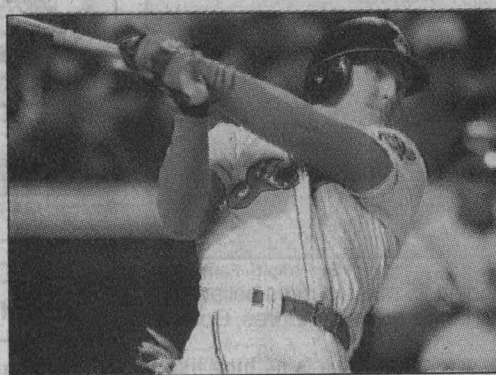
Reuters
SIMPSON: 'I got real scared,' she wrote

▶ Jurors' book. 2D.
▶ NBC's interview that wasn't. 3D.

BIKES AND BUCKS: Towns like Steamboat Springs, Colo., are finding scarce tourism dollars in playing host to motorcycle events; it's one of many communities across the USA to discover that bikers and related activities can bring in the bacon. 10A.

SLOWING CELLULAR: High prices for service could slow growth of new cellular subscribers in the USA, says forecaster, but competition should reignite it. 1B.

FISH SHORTAGE: Number of fish caught can't



By Anne Ryan, USA TODAY
OUT OF HERE: Cleveland's Jim Thome hits a 2-run homer in Game 5 of the AL series Sunday.

Cleveland 1 win from Series

By Mel Antonen
USA TODAY

CLEVELAND — Jim Thome saved Game 5 for the Indians Sunday with a two-run home run that erased a Seattle lead earned on Cleveland errors.

Perhaps contributing to poor fielding: Temperatures at Jacobs Field dropped into the 30s with wind chill reported in the 20s on the field. The Indians had 4 errors; Mariners 2.

The American League Championship Series, which Cleveland leads 3-2, heads to Seattle and a possibly decisive Game 6 Tuesday.

In the fifth inning Sunday, Cleveland's Albert Belle missed a routine fly, allowing Joey Cora to score the tie-breaking run for Seattle. Belle's late throw to home skipped wide for a second error.

But Thome homered, giving Cleveland the 3-2 lead to stay.

The Indians are one victory from

the World Series after waiting 41 years. But they'll have to win in the frantic noise of the Kingdome. Game 7, if necessary, is Wednesday.

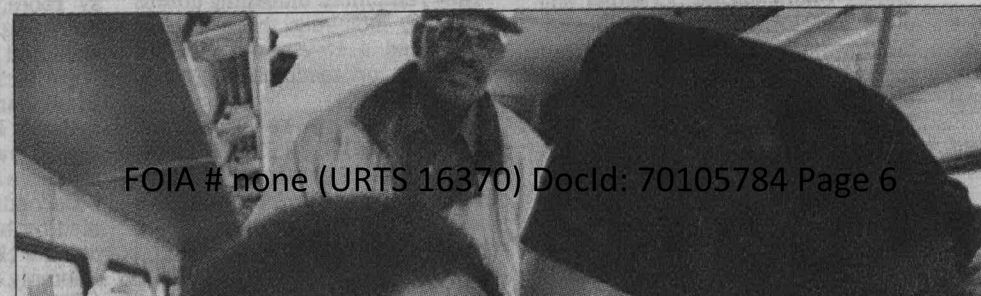
Atlanta meanwhile, is relaxing. The Braves, who have lost the World Series twice this decade, won Game 4 of the National League Series Saturday, sweeping Cincinnati. The World Series starts Saturday.

▶ Playoff report, 1,3C
▶ Atlanta wants sweet ending, 1C

Men ready for rally today

▶ Clinton to praise 'honorable' marchers but not organizer, 3A
▶ Even with economic clout, black wealth still lags, 3B

Message 'simply black unity'



FOIA # none (URTS 16370) DocId: 70105784 Page 6

By Desda Moss
and Gary Fields
USA TODAY

Thousands began arriving in Washington Sunday for today's Million Man March, even as controversy continued to swirl around its organizer, Nation of Islam leader Louis Farrakhan.

He sparked new criticism over the weekend for referring to Jews, Arabs, Koreans and Vietnamese as "bloodsuckers" who profit from the black community but don't give back.

Farrakhan said his words were taken out of context, and canceled appearances on NBC's *Meet the Press* and

Number of two-parent families up

By Linda Kanamine
USA TODAY

Two-parent households are on the rise for the first time in a generation, the Census Bureau reports today.

Last year, there were nearly 25.1 million married couples with kids up more than 500,000

HORROR IN BOSNIA

COVER STORY

'The numbers are overwhelming'

Continued from 1A

and Croatia, examining 25 mass graves believed to contain as many as 700 bodies. Working with local doctors, they are amassing a chilling record of ethnic cleansing.

While reports of atrocities committed by rebel Serbs have become a regular event in recent months, these mass graves are the most carefully researched and documented of the 42-month war.

More than 200,000 people from all sides have been killed or reported missing since Bosnia and Croatia declared their independence from Serb-dominated Yugoslavia in 1992.

So far, the U.S. team has identified more than 30 bodies.

"These are the largest and worst mass graves I've seen," says Lee of the Connecticut State Police forensic lab. "We're seeing a lot of misfortune on a large magnitude, and we don't know how to handle it. The stories the families are telling are horrible."

Lee, who helped discredit the blood evidence in the O.J. Simpson case, is joined by two other defense witnesses from Simpson's trial — Michael Baden of the New York State Police and Barbara Wolf of the Albany, N.Y., County Coroner's Office — and Moses Schanfield of Denver's Analytical Genetic Testing Center.

Croatian officials, overwhelmed by the number of mass graves being discovered, sought help from the pathologists in part to generate publicity about the atrocities. AmeriCares, a New Canaan, Conn.-based international aid group, volunteered to defray the group's costs.

All pictures and evidence gathered from the grave sites will be handed over to the U.N. War Crimes Tribunal in The Hague, Netherlands, which began taking evidence last week on Serb war atrocities.

Sunday, Serb officials in Pale angrily denied the existence of the graves, calling reports little more than Muslim and Croat propaganda.

USA TODAY joined the doctors during their four-day stay.

Kupres, Bosnia

Nearly 100 city officials, soldiers and residents anxiously await the team's arrival at a small roadside pit where 34 bodies had been dug up days earlier in Kupres.

Serb troops captured the area from Croatia in April 1992, destroying most of the homes, shops and



By Philip S. Farnsworth

CHILLING EVIDENCE: Some of the United States' top forensic scientists are examining 25 mass graves believed to contain as many as 700 bodies in Bosnia and Croatia. Thirty-four bodies were found in this grave in Kupres, Bosnia.

churches here before Croatia retook the town last May.

Soon after arriving, Serbs rounded up 34 men and women, including an 82-year-old blind woman, ordering relatives to watch as they were executed, witnesses say.

"The Serbs stabbed my brother in the chest but he still lived," Draga Kuna, 64, tells the AmeriCares team.

Trembling, she holds a piece of sweater found on her brother Marko. "They then held him down and slit his throat but he was still breathing and fighting. They then shot him two times in the head. His blood landed on my blouse."

She and others have placed a small wooden cross and red candle at the top of a site. Lee and the team stand in silence.

Minutes later, they're taken to a well-guarded hillside where Serb officials, during a recent prisoner exchange, had pinpointed a small grave site.

Baden, who has already changed into blue hospital scrubs, begins digging with his gloved hands. Lee, with a five-inch magnifying glass, examines clothing fragments for bullet holes. Wolf records and numbers the artifacts. Schanfield talks to officials to gather relevant information.

Baden and Lee soon find Serb-marked ammunition cases and AK-47 bullets. Lee says the killers probably threw in the ammunition to help

burn the bodies.

Minutes later, three sets of charred bones appear, to the horror of local family members, all of whom blame the Serbs.

But Baden, Lee, Wolf and Schanfield hesitate to rush to judgment. "I have no idea who's at fault — Serbian, Croat or Bosnia — and I have no idea who's right," Baden says. "We have an obligation to tell the truth, an obligation to the living."

Petrinja, Croatia

By late afternoon, the team arrives by helicopter in a cornfield in the recently-liberated Krajina region where local soldiers have begun digging up another mass grave.

The team's timing could not be better. Hours earlier, Croatian soldiers had located three Serb anti-tank grenades at the grave site, put there to prevent anyone from exhuming the bodies. All were removed and the digging went on.

Below the surface, the soldiers find cow and dog bones, thrown into the grave to make identification harder, says pathologist Simun Andelinovic of Split's Clinical Hospital.

Soon, the muddled outlines of 14 of up to 100 decaying bodies appear, all neatly stacked on top of each other. Their skeletons are covered in military coats and combat boots.

"We've never seen anything like this," Wolf says. "The numbers are

overwhelming. This is nothing like I could ever imagine."

Lee and Baden immediately begin taking pictures for their records and soon discover a pattern. Each of the three Serb-dug grave sites have a drainage area about 15 feet away to keep rain water flowing — and not settling — over the bodies. Water flowing over bodies aids in decomposition.

"The Serbs are trained to do this," Lee says, drawing a diagram on paper to explain his case.

Serb troops captured this area in September of 1991. Soon after, two former Croatian prisoners of war who said they had trucked the dead to the site in August convinced officials of the existence of the grave.

They remember unloading dozens of bodies, including three elderly women and a 15-year-old girl. All were axed or machine-gunned to death, they said.

"We are sure there are more," said former POW Mladen Korecic, 36. "Our land is covered with innocent people lying beneath the ground. Their only crime is being born Croat or Bosnian."

Split, Croatia

It's the day everyone on the AmeriCares team has been dreading.

Dozens of family members from Kupres, all of them dressed in black, gather in the morgue of Split's Clinical

Legacy of civil war: Mass graves

Top U.S. forensic scientists are helping exhume and identify bodies in 25 mass graves discovered near five cities in Croatia and two in Bosnia-Herzegovina.



Source: USA TODAY research

By Dave Merrill, USA TODAY

► Profile of forensic expert Henry Lee, 8A

cal Hospital to try to identify remains of loved ones.

They're shown watches, crucifixes and clothing found with the bodies to help identify them.

Earlier, a BMW car key, found on body #28, was given to a woman who claims her husband, hotel manager Mate Steko, 33, had a similar car. The woman, Bozana Steko, 32, races home to see if the car starts.

It does — but she still can't bear to tell her children, Ivan, 5, and Ante, 3, that their father is dead.

"They've been calling out his name for three years," says family friend Mara Jurisic, 36. "Every day they walk the streets yelling, 'Dad, dad, please come home.'"

As Bozana waits outside the autopsy room, Baden unzips the black body bag to find little more than a skull and a few ribs.

He picks up the skull and puts a small hand towel underneath it to make it look presentable. He then uses a rag to clean the teeth "to make it a little better for the family."

Seconds later, Bozana, accompanied by her sister, Catholic nun Anđelka Steko, 45, and Jurisic, 36, walk solemnly into the autopsy room.

Bozana recognizes her husband's protruding teeth and red socks. All three weep uncontrollably.

Lee gently touches the widow on her shoulder. "This is the worst part of this job," Lee says. "Many of them

don't want to believe it's true."

Bozana appears to be one of them.

"I will tell the kids I saw Daddy," she sobs later. "He told me to tell them that he loved them — and would be home soon."

Before the day is over, 27 of 34 bodies from the first Kupres grave and all three bodies from the second are identified. The others will require DNA testing, to be performed by the team in Split.

"What you saw is only the beginning," pathologist Dragan Primorac of the Clinical Hospital tells the team. "We shouldn't be surprised to find more and more graves in the coming months. This is ethnic cleansing, pure ethnic cleansing."

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Even in Balkans, Lee can't escape O.J. mania

By Jack Kelley
USA TODAY

KUPRES, Bosnia-Herzegovina — Within minutes of Henry Lee's arrival to unearth a mass grave here, Bosnian and Croatian soldiers excitedly whisper, "O.J., O.J.," and seek autographs and pictures.

Lee, director of the Connecticut State Police's forensic lab, is happy to oblige.

His testimony in the O.J. Simpson case that "something's wrong" with the prosecution's blood-stained evidence was pivotal, some jurors said, in their innocent verdict.

A week later, in Bosnia, he hands out 6-inch rulers and flashlights, obliging anyone wanting to snap his picture.

"Sometimes I feel like the whole world is watching, counting my hairs, seeing if my tie is straight," says Lee, 57. "I wish I could walk the street without someone taking a picture."

But for right now, he appears to be enjoying it.

At Sargera Restaurant near Split, Croatia, Lee responds to requests from policemen at a dinner. He stands up and sings a Chinese love song.

Then, fellow forensic scientists Michael Baden, Barbara Wolf and Moses Schanfield join in singing *Someone's in the Kitchen with Dinah* and *Yellow Submarine*. The perfor-



LEE: Forensic scientist is being treated like a celebrity in Bosnia.

mance gets a standing ovation.

Lee doesn't like to talk about the Simpson case, preferring to discuss cremation, serial murders and maggot-eaten corpses over a seafood dinner.

"Please tell everybody that I said nothing about O.J.," Lee says. "I don't want to be on *Hard Copy* anymore."

Lee has investigated more than 50,000 cases in his 19-year career, including the Simpson case and the William Kennedy Smith rape case. He testifies at nearly 100 other cases a year.

He says he's working on 372 cases, including the death of White House lawyer Vince Fos-

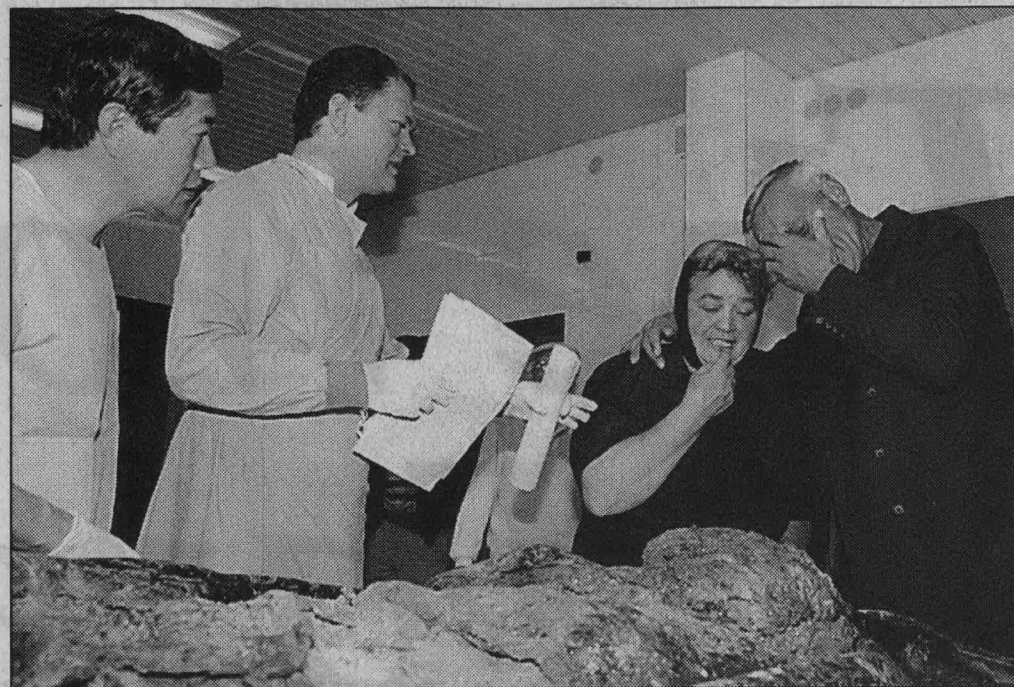
ter, and feels the pressure.

"Everybody's waiting for an answer. I feel like I'm walking on thin ice," Lee says. "People expect too much and you can't live up to your expectations. I don't have a crystal ball."

He earns \$80,000 a year as Connecticut's top forensic scientist. His fee for testifying at the Simpson trial was estimated to be \$25,000. Lee didn't keep any of the money — donating half to train Connecticut police in forensic techniques.

But by his own admission, he is a workaholic.

Lee sleeps four hours a night, rising at 4:30 a.m. to read



TOUGH TASK: Henry Lee and Michael Baden inspect the remains of a victim found in a mass grave in Kupres, Bosnia. Anda and Mate Cicak say their son, Marko, was killed in April 1992.

forensic journals, of which he helps edit six. He arrives at his lab by 7:30 a.m., then works an average of 16 hours a day.

Police officers stop at his home, sometimes as early as 3 a.m., to have him examine evidence in the lab on the third floor of his Branford, Conn., waterfront home. His wife of 32 years, Margaret, often gets

up to make them tea.

Despite his schedule, Lee has found time to become a gourmet cook and learn six languages and calligraphy. He collects unusual rocks from grave sites or murder scenes.

"I have tons," he says of the rocks. "I'm going to build a Berlin Wall in my lab as a museum. Every year, I try to learn

something new. Now I am student of rocks."

Lee, the youngest of 13 children, was born in China's Jiangsu province in 1938. Five years later, his family fled to Taiwan, where his father became a police captain.

Lee arrived in New York City in 1965. He worked as a waiter, self-defense instructor,

and chemistry lab technician before receiving his doctorate in biochemistry from New York University in 1975.

Soon after, he accepted a faculty job at the University of Connecticut and became a one-person forensic lab.

Four years later, he was hired to run the state's crime lab, which he set up in a restaurant. Lee now has a \$2 million lab and 28 forensic scientists working for him.

Lee often works by picturing a crime scene in his head and sometimes re-enacting it mentally for clues.

At the request of Croatian homicide detectives, Lee stands up to simulate how a young woman might have been stabbed. He reaches behind fellow forensic scientist Baden and holds a scissors to his chest.

"Seen this before?" Baden jokes to onlookers, referring to a demonstration used in the Simpson case. Lee then dips his hand into a cup of coffee to show Croatian detectives how blood smears on paper.

As if anticipating a question, Lee tells the crowd: "There are more human lives than the Simpson case. It's over. I did my scientific research, the jury made its decision. Let it be. I'm ready to pick up the next case."

► Mass graves, 1A