

Man to testify in McVeigh case - Arizonan says he sold drugs to Oklahoma bombing suspect

Dallas Morning News

July 25, 1995 | Stephen Power | Page: 11A | Section: NEWS

An Arizona man who says he sold drugs to Oklahoma City bombing suspect Timothy McVeigh is scheduled to appear Tuesday before a grand jury hearing evidence in the case, Arizona officials said Monday.

Federal agents are holding Jason J. Hart, 30, at an undisclosed site in Oklahoma City, where he was flown Saturday from Phoenix. Before Saturday, Mr. Hart was being held in the Mohave County Jail in Kingman, Ariz., on unrelated charges of burglary and narcotics possession.

Mr. Hart, who could not be reached Monday for comment, has told FBI agents that he knew Mr. McVeigh and another Kingman man, Michael J. Fortier, and occasionally sold methamphetamines to them.

FBI agents conducting the investigation in Kingman could not be reached Monday for comment. Mohave County sheriff's Sgt. Joe Chastain said U.S. marshals took Mr. Hart from the county jail Friday using a writ of habeas corpus that said Mr. Hart was to be taken to Oklahoma City to appear before the grand jury.

Mr. Hart's transfer surprised his court-appointed attorneys. The chief public defender for Mohave County, Gerald T. Gavin, accused FBI agents Monday of failing to "play by the rules" by not notifying his office that they were taking Mr. Hart to Oklahoma City.

"I think this stinks," Mr. Gavin said. "We had absolutely no notice. To do this behind people's backs is really wrong."

Mr. Gavin said he had not spoken to FBI agents about the transfer and had no idea how to reach Mr. Hart. "We don't even know where he is," he said. Mr. Gavin said his office has advised Mr. Hart not to speak to anyone about his case without a legal defender present out of concerns that he might incriminate himself.

Mr. Gavin said the Mohave County legal defender's office had no plans to represent Mr. Hart on Tuesday in Oklahoma City.

"We don't have the budget to afford to send someone," Mr. Gavin said.

Previously, Mr. Hart said the FBI questioned him June 28 about purported drug sales involving Mr. Fortier and Mr. McVeigh.

Sgt. Chastain said federal authorities told his office that they would return Mr. Hart to Kingman within seven days.

Meanwhile, in Oklahoma City, a lawyer for Mr. McVeigh suggested Monday that federal authorities engineered the dismissal of a civil lawsuit against the bombing suspect after his attorneys tried to use it to interview key witnesses in the criminal case.

The case filed in Canadian County District Court on behalf of Brandi Ligons, 15, the last survivor rescued from the building, was abruptly dismissed Friday without notification to Mr. McVeigh's lawyers, Stephen Jones said in a statement.

Mr. Jones said he had used the lawsuit to get a court order allowing him to interview Eldon Elliott, Vickie Beemer and Gail Waters, the owner and employees of Elliott's Body Shop in Junction City, Kan. Authorities think that Mr. McVeigh rented the truck used in the April 19 bombing at the body shop.

Mr. McVeigh and Terry Nichols are the only two people charged in the bombing, which killed 168 people and injured more than 500.

Mr. Elliott has declined to speak with the defense team, and Mr. Jones has accused federal prosecutors of ordering him not to talk. However, Mr. Elliott states in an affidavit filed recently that he is choosing not to speak with Mr. McVeigh's attorneys.

In Monday's statement, Mr. Jones said that Gaylon Hayes, the attorney representing Miss Ligons, violated court rules by dismissing the case without notifying Mr. McVeigh's defense team.

"There is a reasonable basis to conclude that Mr. Hayes' civil action was dismissed at the instigation of the Department of Justice as part of its continuing effort to keep Mr. Elliott and his employees from being interviewed by the defense," Mr. Jones said.

Assistant U.S. Attorney Steve Mullins would not comment on Mr. Jones' suggestion. Mr. Hayes could not be reached for comment.

Also Monday, Mr. Jones renewed his request for an evidentiary hearing into whether FBI agents are telling witnesses not to speak with defense lawyers.

The Associated Press contributed to this report.

Memo: A shorter version of this story appeared on page 18d in the Home Final edition.