

Judge Won't Hold Hearing On Witnesses

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Federal authorities have "credibly and reasonably" refuted claims that they blocked access to bombing-related witnesses, and no court hearing will be held on the issue, a judge ruled Monday.

U.S. District Judge David L. Russell also ruled that the defense team for bombing suspect Timothy McVeigh failed to show that authorities are improperly leaking information about grand jury proceedings that could lead to McVeigh's indictment.

McVeigh's attorneys claimed earlier this month the FBI told Eldon Elliott and Oklahoma Highway Patrol trooper Charles Hanger not to speak with defense investigators.

Elliott is the owner of the Junction City, Kan., body shop where the bomb-carrying truck was rented.

Hanger arrested McVeigh on Interstate 35 north of Perry about 75 minutes after the bombing.

"Eldon Elliott attests in his sworn statement ... that he has never been told by FBI Special Agent (R. Scott) Crabtree or by any other federal government agent that he should not speak with defense representatives in the bombing case," Russell's ruling said.

Hanger was told by John K. Lindsey, the patrol's chief legal counsel, not to speak with defense investigators, the ruling and an affidavit by Lindsey said.

Lindsey's decision was not at agents' direction, the ruling said, but based on Lindsey's opinion about the patrol's "best interests." Stephen Jones, McVeigh's lead attorney, filed a supplemental affidavit Monday on the same issue, claiming that FBI agents told a Kingman, Ariz., mail room manager not to speak to anyone about the contents of McVeigh's private mailbox.

Defense investigator Richard Reyna said the manager of the Mail Room, Lynda Willoughby, told him on July 24, "... according to the FBI, her instructions were for her not to release anything to anyone," Reyna's affidavit said.

Willoughby told The Oklahoman on Monday that Phoenix FBI Agent Kevin Mooney and another agent told her not to tell anyone what kind of mail has shown up in McVeigh's box.

"They have instructed me not to give out the kind of mail that has been received that I can remember and anything that has been seized," she said.

FBI agents last took "quite a bit" of mail from the box Thursday, she said. Agents have paid for the box to remain active until Oct. 1, she said.

The box has been getting letters, pamphlets, magazines and "all that kind of stuff like everybody else receives," she said.

Willoughby keeps a list of the small box's contents, in part so the FBI can present it in a request for a seizure order, she said.

Authorities have obtained a court order to seize the contents "a few times," she said.

In a related legal claim, defense attorneys said grand jury leaks are evident from anonymous sources quoted in various news articles. Russell ruled Monday that the articles were weak evidence of secrecy violations.

The judge denied the defense's request, because of the alleged leaks, for a transcript of grand jury proceedings within 10 days after an indictment.

Russell also will not order law enforcement officials to refrain from alleged disclosures about the grand jury, as the defense requested.

McVeigh, 27, and Terry Nichols, 40, are the only people charged in connection with the April 19 bombing that left 168 people dead.

They are being held on a complaint, but cannot be tried unless they are indicted. BIOG: NAME:

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