

Bombing Trial Judges Absence on Day of Blast 'an Amazing Coincidence'

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By J.D. Cash with Jeff Holladay

Coincidence?
Playing it Safe?
Or forewarned?

The same questions raised in the wake of revelations about wholesale absences from the Bureau of Alcohol, Tobacco and Firearms (ATF) offices on the day of the April 19 explosions at the Alfred P. Murrah Federal Building are now being raised about the federal district judge picked to preside over the trial of the bombing defendants.

And, as the Gazette is learning, there were a number of strangely coincidental absences the day of the explosion, particularly among law enforcement agencies.

The jurist alluded to above is U.S. District Court Judge Wayne Alley, whose office faces across the street from the Alfred P. Murrah Building — but who says it was mere coincidence that he was absent that day and not the result of being "tipped off" to possible terrorist action.

In light of the revelations, the defense attorney for one of the two bombing defendants, Michael Tigar, earlier this week filed a motion asking that Alley be disqualified from being the presiding judge at the trial of his client and co-defendant Timothy McVeigh.

Tigar cited an article in the Portland Oregonian, Alley's hometown newspaper, which interviewed the judge just hours after the explosion. "Of all the days for this to happen, it's absolutely an amazing coincidence" that the explosion happened on the day he was doing some legal work at home, Alley told the newspaper in a telephone interview. He then volunteered that "the bombing came just weeks after security officials had warned (me) to take extra precautions."

"Let me say that within the past two or three weeks, information has been disseminated...that indicated concerns on the part of people who ought to know that we ought to be a little bit more careful."

Alley said he was cautioned to be on the lookout for people casing homes, for letter bombs or people wandering around in the courthouse who didn't belong there. Alley was asked by reporter Dave Hogan if such warnings were routine security reminders. "My subjective impression was there was a reason for the dissemination of these concerns," Alley said, strongly suggesting an impending proximate event.

When the blasts occurred shortly after 9 a.m. on April 19, Alley was not in his office to see why the warnings were made. The explosion shattered glass in his office, with some of his law clerks injured by flying glass.

First revelations of Judge Alley's absence, ironically, came from Edye Smith, who disclosed it on an Oklahoma City radio talk show. Within a week, Tigar had issued his challenge to Alley. Smith, an IRS employee, lost two young sons when the Murrah Building exploded and collapsed on a kindergarten they were attending.

She was one of the first to ask why other employees of the Murrah Building weren't warned in advance — asserting ATF agents were, since most were absent the day of the explosion. Gov. Frank Keating, a former FBI agent, called her remarks "hysterical."

But as the Gazette has learned, there were a number of officials who did not report to work at the Murrah Building on April 19 besides Judge Alley.

Not only were all but one of the ATF's field agents away at the time of the blast but so, too, were the heads of the Secret Service, Drug Enforcement Administration, U.S. Customs, Housing and Urban Development — and even the federal security detail assigned to protect the building.

Moreover, a number of witnesses not only took issue with an ATF report about the agent-in-charge free-falling five floors in an elevator at the time of the explosion but said it was impossible.

Here is the memo sent out by Lester Martz, head of the Dallas office of the ATF, to victims of the Oklahoma City bombing:

ATF's Resident Agent in Charge Alex McCauley was with a DEA agent in the elevator when the bomb exploded. The elevator dropped in a free fall from the eighth floor to the third. The two men were trapped in the smoke-filled elevator. The emergency buttons and the phone were inoperable. On their fourth attempt they managed to break through the doors and escape from the elevator"

Pure fantasy, Murrah Building elevator repairman Duane James told the Gazette in an exclusive story published July 30. He was one of the three elevator repairman interviewed who said the ATF's claim was impossible.

ATF said they were on the scene just minutes after the devastating blasts. And of the six passenger elevators, five were stopped between floors, their doors blown inward — prompting the safety mechanism to freeze them in place. And once that happens, they said, the doors simply cannot be opened. Nor would an elevator be able to free-fall, they said.

Later, Martz (with the Dallas area office of the ATF) recanted the story.

Further evidence of a possible impending terrorist attack on Oklahoma City surfaced during an interview several weeks ago with Jon Hansen, assistant Oklahoma City fire chief. During that interview, Hansen revealed for the first time to this newspaper that his office had received a call from the FBI on the Friday before the bombing — warning the department to be on the lookout for a terrorist attack.

Asked if the warning related to suspicions of an upcoming bombing attack against a federal building in Oklahoma City, Hansen said he doubted it and thought it might have something to do with a Japanese cult which weeks before the bombing had sprayed a poison in a Tokyo subway.

But in checks around major cities throughout the U.S., Gazette investigative reporter J.D. Cash has been unable to find a fire or police department in any other location which received a warning similar to that issued to the Oklahoma City Fire Department.

Subsequently, Hansen was asked if the audio tapes (of all incoming telephone calls to the fire department, which are routinely recorded) would back up the "Japanese terrorists" story he told. "No," he replied, explaining that "all the transmission tapes have been erased." Hansen said it did. Asked to explain why such important crime scene evidence was destroyed, Hansen replied, "We made a boo-boo."

When were they erased?

Hansen said he wasn't sure. But a source inside the department told Cash that they were erased shortly after the national media made requests for copies. As if this were not curious, Chief Hansen later changed his story when interviewed last week by Jayna Davis of KFOR-TV in Oklahoma City.

The spokesman for the Oklahoma City Fire Department told the TV reporter he was no longer certain who had called his department and put it on alert to terrorist attacks.

"The FBI came in yesterday and told me it wasn't them," he said.

The FBI has repeatedly denied it issued such warnings, though the Gazette's investigation has found such warnings a recurring litany.

When a downtown Oklahoma City steam-generating plant had a night-time backfire at its plant less than 24 hours before the explosion, for example, Oklahoma City police came to the plant — without being called — to ask the night maintenance crew if there had been a shot fired...and if there were terrorists trying to take over the plant.