

NEW JUDGE NAMED IN BOMB CASE



The Buffalo News (Buffalo, NY)

December 5, 1995 | JENNIFER MEARS - Associated Press

The judge who tried the white supremacists charged in the slaying of talk-show host Alan Berg was appointed Monday to handle the Oklahoma City bombing case, replacing a judge whose chambers were damaged in the blast.

U.S. District Judge Richard P. Matsch, 65, was assigned the case by the 10th U.S. Circuit Court of Appeals.

Defense attorneys had argued that U.S. District Judge Wayne Alley should be removed because the bombing across the street from the courthouse had damaged his chambers and courtroom and injured one of his staff members.

On Friday, the appellate court ordered Alley to step down, saying that while he had conducted himself professionally, "we conclude that a reasonable person could not help but harbor doubts about the impartiality of Judge Alley."

Alley officially removed himself from the case Monday.

Matsch will decide whether to move the trial, which is scheduled to start May 17.

A profile in the 1995 Almanac of the Federal Judiciary quoted trial attorneys who cautioned, "If you make a stupid argument in front of him, he will take your head off."

Matsch oversaw the federal prosecution of four members of the white supremacist, anti-Semitic group "The Order." They were charged in the 1984 slaying of Berg, a controversial, Nazi-baiting broadcaster who was machine-gunned outside his Denver apartment. Two were convicted, and two were acquitted.

He also presided for two decades over the desegregation lawsuit that brought busing to Denver's public schools. He lifted that order in September, saying the Denver schools had erased "vestiges of past discrimination . . . to the extent practicable."

Timothy J. McVeigh, 27, formerly of Pendleton, N.Y., and Terry L. Nichols, 40, of Herington, Kan., who have been linked to right-wing militias, could face the death penalty if convicted of murder and conspiracy charges in the bombing, which killed 169 people.

Defense attorneys have argued that their clients cannot receive a fair trial in Oklahoma because of the intense media coverage. Alley had agreed to move the trial to Lawton, a town about 90 miles southwest of Oklahoma City.

McVeigh's attorney, Stephen Jones, praised the choice of Matsch and said it was likely that the trial would be moved from Lawton.