

# **DEFENSE PLOTS BROAD CONSPIRACY STRATEGY TO GET MCVEIGH OFF**

by Sam Walker  
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OKLAHOMA CITY - Stephen Jones lunges forward in his swivel chair, plants two fists on his desktop, and issues a warning about the Oklahoma City bombing trial: "When you know what I know, and someday you will, you will never think of the United States the same way."

The statement is part lawyerly bluster, for sure. As the attorney charged with defending Timothy McVeigh, the prime suspect in one of the most disturbing crimes in US history, Mr. Jones has little to gain from subtlety.

But as the first anniversary of the bombing approaches, the government's case against Mr. McVeigh and his alleged co-conspirator, Terry Nichols, is still far from airtight.

To exonerate their clients, or thwart consideration of the death penalty, defense attorneys will argue that the federal investigation was inconclusive and inadequate -that the bombing may have been carried out by a coalition of international terrorists and hate groups. They will also contend that federal agents may have had advance warning of a bombing.

As the world watches, the stakes will be enormous. If the defense has its way, the verdict will have less to do with the culpability of their clients than the integrity of the federal justice system itself.

"There is no criminal act in United States history that approaches the Oklahoma City bombing," says Randall Coyne, a law professor at the University of Oklahoma. "The government will have to take extraordinary care to offer a fair trial, or at least the impression of a fair trial."

By any measure, prosecutors have a wagonload of circumstantial evidence against McVeigh and Mr. Nichols.

In its indictment, the government charges that McVeigh rented the Ryder truck used in the explosion, that his clothing contained traces of bomb chemicals, anti that agents found a receipt for 40 bags of fertilizer in Nichols's basement, complete with one of McVeigh's fingerprints. The government's star witness, Michael Fortier, an old Army buddy of McVeigh's, is expected to testify that McVeigh talked about bombing the Murrah building.

In addition, Jones's defense could be significantly weakened if Michael Tigar, Nichols's attorney, decides to steer suspicion away from his client by casting blame on McVeigh. Both parties have requested separate trials.

But as the O.J. Simpson trial illustrated, the burden of proof, especially in a high-profile case that relies largely on physical evidence, is a tall order. It only takes one dubious juror to bury the prosecution. Indeed, many Americans, inside Oklahoma and out, may be willing to believe this crime could not have been planned and coordinated by two people, particularly the duo in custody. The grand jury indictment, for instance, suggests the involvement of "others unknown."

"I think there's got to be a little more to this than a couple of idiots who thought all this up on their own and built a giant bomb," says Jack Gobin, a Department of Agriculture worker who survived the blast.

It is this uncertainty that Jones hopes to exploit. Among the theories he is pursuing:

Foreign and extremist involvement. Jones says the bombing may have been orchestrated and funded by an international collection of white supremacists, perhaps in retaliation for the federal raid against Branch Davidians in Waco, Texas.

He has made at least two trips abroad to dig up information to support these theories. He has sought sworn statements from two right-wing British activists and two Americans, including a former Ku Klux Klan leader. He has even floated the idea that there is a shadowy Middle Eastern connection.

One person Jones wants to talk to is a German national, Andreas Strassmeir, who once resided at Elohim City, a Christian Identity compound in eastern Oklahoma. Jones's interest in Mr. Strassmeir stems from what telephone records show was a 90-second call McVeigh placed to Elohim City on April 5, about four minutes after phoning a Ryder rental agency.

In a voluntary affidavit filed in federal court in Denver, Strassmeir says he met McVeigh at a gun show in Tulsa, Okla., in 1993. He says he traded some military items with him and discussed the Waco standoff. Strassmeir says he gave McVeigh his telephone number in Elohim City and never heard from him again. When McVeigh called, he says he was not there. He denies any role in the bombing.

Aided by a pending civil suit against his client, Jones has subpoenaed Strassmeir and his US lawyer, Kirk Lyons. Mr. Lyons says he helped Strassmeir return to Berlin earlier this year, in part to protect his client from possible legal action. Though Strassmeir's connection to McVeigh seems tenuous at best, and there is no evidence linking him to the bombing, he could still prove useful to the defense.

Jones could challenge the thoroughness of the government's investigation, if the FBI doesn't question Strassmeier.

According to an FBI memo, an Oklahoma state trooper listed items found in Strassmeier's car during a routine traffic stop in 1992. They include a copy of "The Terrorist's Handbook," as well as an envelope addressed to Strassmeier from Vincent Petruskie, a retired Air Force colonel.

In an interview, Mr. Petruskie says he hosted Strassmeier when he came to the US in 1990 to participate in a reenactment of the battle of Gettysburg. He describes Strassmeier as being "fascinated by guns and special-forces-type military operations." He says he had sent some personal items to Strassmeier and has not heard from him since.

To flesh out his theories, Jones has asked for permission to use classified documents from the Central Intelligence Agency and two other groups.

A wider conspiracy. Jones notes that several witnesses have offered information about other suspects in the case, and that several witnesses say they saw McVeigh in the company of a "dark-skinned" man in the days before the bombing who matches the FBI description of an early suspect in the bombing, "John Doe No. 2."

Prosecutors now say their investigation has turned up little evidence that John Doe No. 2 ever existed. But they have not dismissed out of hand the claims of witnesses who say they saw such a man. Jones dismisses this rationale as "ridiculous" and says the FBI's failure to present John Doe No. 2 -- a suspect the bureau first identified -- could aid his attempts to portray a wider conspiracy.

#### Prior knowledge

One of the most incendiary claims Jones will make is that the government may have had advance warning of a terrorist plot. As evidence, he points to a year-old article in the Portland Oregonian that quoted a federal judge, Wayne Alley, whose offices were in the courthouse behind the Murrah building.

In the interview, Mr. Alley said he had been warned in the weeks before the bombing to be on the lookout for "people casing homes or wandering about in the courthouse who weren't supposed to be there."

In addition, Jones will likely call witnesses who say they saw a bomb squad patrolling the area around the Murrah building shortly before the blast. One such witness is Dan Adomitis, a lawyer here, who told the Fort Worth Star Telegram he saw a bomb-disposal parked behind the Murrah building 90 minutes before the blast. Claude Criss, a local private investigator, told the monitor he also saw a vehicle, as well as agents with bomb-sniffing dogs.

While these witnesses do not refute any of the evidence against McVeigh or Nichols, Coyne says the defense could use them to suggest that the government had a tip that morning, possibly from an informant, and is not telling the whole truth. Steve Steele, a spokesman for the Bureau of Alcohol, Tobacco and Firearms in Dallas, denies the agency had any knowledge of an advance warning or information about a bomb-disposal unit.

Inconsistencies and alibis. The major thrust of the defense case, Jones says, will be discrediting witnesses and physical evidence and offering alibis. He says he will show that statements made by Nichols and the owner of a Kansas motel place McVeigh in two different places on the Sunday before the bombing.

To explain the government's claim that McVeigh had chemical residue on his clothes consistent with a bomb ingredient, he will challenge the test's reliability. And Jones alluded to a possible explanation for McVeigh's presence 90 miles from Oklahoma City on the day of the bombing, where he was detained by a state trooper for driving without a license plate and carrying a concealed weapon. McVeigh, Jones says, may have been on his way to Waco to mark the first anniversary of the day the Branch Davidian compound burned.

In a pretrial hearing in Denver last week, government lawyers noted that after reviewing 21,000 witness statements, more than 10,000 pieces of physical evidence, and other material, they have not found anything to indicate anyone other than McVeigh and Nichols carried out the plot.

They argued that both defendants held antigovernment views that constitute grounds for a motive, and they also dismissed the idea that the bombers must have had a source of money: The bomb's total cost, prosecutors say, was about \$1,000.

Because of the pending trial, Justice Department officials said they could not comment on the allegations of foreign involvement or prior knowledge. But spokesman John Russell said federal prosecutors would be "ready to thwart any attempt to distract the jury."

As the trial unfolds, more evidence will surface. Harvey Burstein, a former FBI agent who teaches at Northeastern University in Boston, calls the defense arguments "smoke-screens." He argues that time will show "the FBI does not leave a lot of loose ends lying around."

But others contend that no matter how thorough the investigation was, the trial could change public views of federal law enforcement.

"That's true of any high-profile case," Coyne says. "I had a different picture of the Los Angeles Police Department before I heard about Mark Fuhrman. The government could come out looking very good or very bad."

**PHOTO (COLOR): TIMOTHY MCVEIGH: Suspect in the Oklahoma City bombing.**

**PHOTO (COLOR): THE PROSECUTION: US Attorney Joseph Hartzler will present the case, which relies heavily on physical and circumstantial evidence, against the defendants.**

**PHOTO (COLOR): HEARINGS: The courtroom scene during a pretrial hearing in Denver April 9 for Oklahoma City bombing suspects Terry Nichols and Timothy McVeigh. They have requested separate trials.**

**Walker, Sam. "Defense plots broad conspiracy strategy to get McVeigh off. (cover story)." Christian Science Monitor 15 Apr. 1996: 1. Newspaper Source. Web. 21 Jan. 2015.**