

News defends authenticity of documents Lawyer denies accusations that newspaper acquired McVeigh information illegally

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ARLINGTON

The Dallas Morning News categorically denied an accusation Monday by Timothy McVeigh's attorney that the paper stole thousands of computerized documents belonging to the defense team in the Oklahoma City bombing case

In Denver, defense lawyer Stephen Jones said the documents used by The News in reporting Saturday that Mr. McVeigh had acknowledged responsibility for the bombing did come from the defense's files.

However, he said they did not constitute a confession by Mr. McVeigh. And he said the paper got them "by fraud, deception, misrepresentation and theft" involving the defense's computer files.

In Dallas, Paul Watler, an attorney for The News, emphatically denied any wrongdoing by the newspaper.

"The Dallas Morning News categorically denies it committed any crime," he said at a news conference. Mr. Watler said that the story was obtained through "routine news-gathering techniques" and that the newspaper remains convinced that the information is "accurate and authentic." The paper "did not hack into Mr. Jones' computer system, and it did not assist anyone else in doing so," Mr. Watler said. He declined to discuss what, if any, documents the paper had obtained beyond those cited in the published report.

The News on Saturday excerpted defense memorandums in which Mr. McVeigh told a member of the defense team that bombing the Oklahoma City federal building during working hours would leave a "body count" that would get a point across to the government.

The documents are "not a confession by Tim McVeigh," Mr. Jones told reporters Monday at a crowded news conference in a downtown Denver hotel. He refused to say what the disputed material actually is.

Over the weekend, Mr. Jones said his office was not in possession of anything resembling the papers on which The News' report was based. On Monday, he said further investigation had shown that the documents were produced by the defense.

However, he said the documents are not what they purport to be: notes of a defense staffer's conversations with Mr. McVeigh. He said he could not explain further because he was bound both by a gag order imposed by U.S. District Judge Richard Matsch and by attorney-client privilege.

CNBC reported on its Rivera Live program Monday night that the McVeigh defense team had acknowledged faking the document.

CNBC reported that the McVeigh lawyers said they believed a witness might have been involved in the bombing conspiracy and, in an attempt to divert his suspicion and get him to talk to them, concocted a McVeigh confession and planned to show it to the witness.

The McVeigh team declined to comment to The News about the CNBC report.

At his news conference, Mr. Jones cited the gag order and attorney client privilege in declining to answer reporters' questions about whether Mr. McVeigh had ever denied involvement in the bombing. He said only that his client had pleaded not guilty and that "the defense will not present a false defense." Mr. Jones said he met Sunday with Patrick Ryan, the U.S. attorney for the Oklahoma City area, to brief him on the recent turn of events. He said he will "furnish a detailed statement" of his allegations later "for whatever action he [Mr. Ryan] or the United States grand jury or the FBI thought was appropriate." Mr. Watler said the newspaper is confident that its reporters and editors are blameless.

"We have no fear of criminal repercussions," he said. "We've engaged in no wrongdoing of any kind - civil, criminal or otherwise." Monday night, Mr. Ryan issued a statement saying that "neither Mr. Jones nor anyone else" had requested an investigation by the Justice Department.

If Mr. Jones does request an inquiry and provide supporting information, Mr. Ryan said, the department will "evaluate the information and proceed appropriately." Mr. Jones met with reporters just after The News filed a statement in the McVeigh case in federal court, saying it had turned over to its attorneys the material incorporated in its weekend article and planned no further stories based on it.

The statement said the newspaper had published the story because it "served a compelling public interest," but had now "placed the information with its counsel to preclude attention focused on Mr. McVeigh's fair-trial rights if it made further use of the material." Mr. Jones said he was considering asking Judge Matsch to delay the trial, now scheduled to begin March 31, for perhaps 90 days. A postponement would provide a "cooling off period" that would allow "people to move on," he said.

Jury summonses to about 1,000 Denver-area residents have already gone out. In an accompanying letter, Judge Matsch cautioned those summoned to avoid any

news reports that might "interfere with your ability to be open-minded and decide this case according to the law and evidence. " Still, Mr. Jones said he was worried about all the publicity in recent days, especially in the Denver area, where the prospective jurors live.

"I'm concerned about the Typhoid Mary effect," he said. "They don't particularly pay attention to The Dallas Morning News - but if they read it locally it might have some adverse impact. " The News' story was carried Saturday by both major Denver newspapers and has been given extensive attention on local radio and television.

Mr. Jones said he wanted to monitor events for a few days before deciding on any new direction. "I just want to think about it," he said.

Mr. Watler, speaking for the newspaper, said editors were sensitive to Mr. McVeigh's right to a fair trial and considered the possible ramifications of Saturday's story before publishing it.

"That certainly was a factor," he said. "Our judgment was that Judge Matsch, who was committed to seeing that Mr. McVeigh receives a fair trial, had the means available to do so. And we still believe that. " Susan Urbach, who was badly injured in the bombing, said her reaction to The News' Saturday story was: "Boy, this is interesting, but in the interest of reporting, have you hurt us? " If the trial is delayed, she said, she will blame Mr. Jones rather than The News but will regret that the story ran.

Dr. Paul Heath, who heads an association of bombing survivors, speculated that someone provided the documents to The News because "he wanted the truth to see the light of day. " Dr. Heath said he lunched Monday in a cafeteria frequented by employees of the Department of Housing and Urban Development, whose office in the Murrah building was one of the hardest hit by the blast, which killed 168 people and injured hundreds.

"I didn't hear one person who felt Mr. Jones had a legitimate complaint," he said.

"I suspect that the trial will start on time, and that this will be just another bump in the road," Dr. Heath said.

Mr. Jones singled out Pete Slover, the reporter who wrote The News' weekend story, saying he intends to ask the Texas Supreme Court and the Texas Bar Association to investigate whether Mr. Slover should remain a member of the State Bar. Mr. Slover graduated from law school and passed the bar examination but has never practiced law.

"Mr. Slover is a lawyer," Mr. Jones said. "Therefore there is no justification, no justification whatsoever, for this criminal act. " Replied Mr. Watler: "Pete Slover

is . . . an outstanding reporter of The Dallas Morning News, well thought of here. .
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He helps this paper put out one of the finest newspapers in the country every day of the week, and we fully expect that Pete will continue to fulfill that role. " In September 1990, Mr. Slover pleaded no contest to a trespassing charge stemming from an incident in Ellis County in which the reporter became locked in the county clerk's office after hours. Mr. Slover called authorities himself to report that he was in the building.

He was fined \$1,000 and ordered to perform 150 hours of community service. He also was placed on six months of deferred adjudication probation. The charge was dismissed after he successfully completed the probationary period

Caption:

PHOTO(S): 1. (Associated Press) Stephen Jones, attorney for Oklahoma City bombing suspect Timothy McVeigh, accuses The News of stealing defense documents. 2. (The Dallas Morning News: William Snyder) Dallas Morning News attorney Paul Watler defends the newspaper's acquisition of documents pertaining to the Oklahoma City bombing