

Trapped ATF Agent Describes Escape Jurors Hear of 9th-Floor Terror

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DENVER - Federal agent Luke Franey had waited out the screams, the sirens and the calls to "Hang on" as rescuers tried to reach him on the chewed-out top floor of the smoldering ruin.

Then, the shaky-voiced Bureau of Alcohol, Tobacco and Firearms agent told jurors Tuesday in Timothy McVeigh's trial, horror came again.

Franey survived the deadly Murrah Building blast but told jurors he was trapped, nine floors up, on a small island of office. A huge, crumbling gap separated him from the stairs.

For more than an hour, Franey had hung his hopes on the sign he scribbled and pressed against the window:

"ATF trapped - 9th floor."

Rescuers ruled out a helicopter rescue. A ladder wouldn't reach that high. Franey waited, alone.

Then he heard screams in the plaza below. He saw people running.

Through a hand-held radio that kept him in touch with fellow agent Mark Michalic, Franey said he was told to find something sturdy to hang onto - they had found another bomb.

"When he said that, I mean, it was just like someone reaches in and grabs your heart and squishes it," Franey testified.

"I had nowhere to go if there was another one."

Franey's dramatic testimony followed that of Jennifer McVeigh, who told jurors of a note her brother wrote on her computer for ATF agents.

"All you tyrannical (expletive) will swing in the wind one day for your treasonous actions," the note read in part. "Die, you spineless, cowardice bastards!"

Franey had decided he would rather die falling off a building than go through another explosion.

"Were you scared?" prosecutor Vicki Behenna asked him.

"Oh, yes," Franey testified. "Very scared."

The agent said he kicked through two walls and climbed out onto the window ledge. Trying not to look down, he made his way to another window by clutching what was left of the window frames.

Franey then scrambled back inside, found the stairs and ran.

"I remember ... holding onto the handrail and it being covered in blood, the floor covered in blood - sliding, going down some of the landings and stairways - from people that had been carried out or made it out before me."

McVeigh, 29, who is accused of bombing the Murrah Building partly to attack ATF agents, leaned on his elbows and listened closely to Franey's testimony. He showed interest, but not emotion.

Jurors also were shown photographs of Franey standing near his sign in the window, waiting for help. In his arms was a box. Behenna asked what it was.

"That is a lockbox that I kept in my desk," he said, his voice breaking .

"What's in it?" Behenna asked.

"Savings bonds that I'm saving for my daughter's college - college time."

The Oklahoma City bombing claimed 168 lives, but none of them was lost in the ATF office.

Behenna asked Franey where each agent was that morning - apparently addressing earlier claims that ATF agents knew the bombing would happen and made sure they weren't there.

Franey listed where each absent employee was: Don Gillispie and Tim Kelly were in Ponca City, testifying in an arson trial; Delbert Canopp was on his way back from Ponca City; Karen Simpson was at the federal courthouse next door; Darrell Edwards was at home, talking on the phone to Franey - they both worked late the night before on an investigation. Bruce Anderson was on his way to a compliance inspection.

He also testified that two of the five ATF employees in the office that morning were seriously injured.

Agent Jim Staggs was hospitalized with serious head wounds. Agent Vernon Buster was badly hurt.

Agent Alex McCauley, Franey's supervisor, fell five floors while in an elevator. Valerie Rowden, the office manager, was cut all over, Franey said.

Defense attorneys have had few, if any, questions for the bombing survivors. But Stephen Jones quizzed Franey at length.

Jones verbally walked Franey along the window ledge again, pointing out that Franey did part of the walking on the building's inside.

Jones asked Franey if the ATF office housed explosives; Franey answered no. Jones asked the agent if he knew what caused the second bomb scare that morning, which proved to be false.

"I believe at that time someone had either observed a box with wires coming out of it, or it could have been an inert LAW rocket or a TOW missile that Customs had," Franey said.

Jones then asked Franey if any agents in the Oklahoma City office were involved in the 1993 Branch Davidian raid near Waco, Texas. Four ATF agents and six Davidians were killed in the initial raid Feb. 28, 1993.

Two Oklahoma City agents were involved in that raid: Special Agents Michalic and Harry Eberhardt, Franey testified.

When the bomb exploded at the Murrah Building, Eberhardt had just left the ATF office to go to the federal courthouse. He still works in Oklahoma City.

Michalic, who had worked late with Franey the night before on a firearms investigation in Norman, was on his way to the office. He now works in Denver.

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