

## Grand Jury to Probe OC Bombing

by Brian Ford | Tulsa World | Sunday, June 29, 1997

OKLAHOMA CITY -- A grand jury to investigate the Oklahoma City bombing will convene Monday, but one of those who sought the inquiry isn't likely to see the results. Glenn Wilburn, whose two young grandsons were killed in the April 19, 1995, blast, was dying of pancreatic cancer at his Oklahoma City home, said his wife, Kathy, on Saturday. Wilburn and others in Oklahoma City are credited with starting the movement that led to the scheduled grand jury probe. His wife said Saturday that he "could go at any minute."

The Wilburns and some of the others who lost relatives in the bombing believe the federal government has been less than forthcoming about the reasons behind the attack that killed 168 people. Some believe federal government agents had prior knowledge of the attack. Some also believe convicted bomber Timothy McVeigh and bombing suspect Terry Nichols did not act alone.

Those who petitioned for a grand jury will ask the jurors to hear from a long line of witnesses who allegedly saw McVeigh with another man at the time of the bombing and say they have evidence that shows some federal government agents knew of the pending bomb attack. Proponents of the grand jury probe also maintain that the blast was caused by more than one explosive device.

"I was real proud of the work Glenn did," Kathy Wilburn said. "He is a hero. We hope (the grand jury probe) will uncover the truth. We know there were other people who were involved who were kind of swept under the rug," she said.

Following a "20/20" ABC News program that explored the topic last January, many bombing survivors stood up in strong opposition to the idea that the federal government could have known its own building was about to be bombed. Such reports are "terribly painful for many survivors and family members," said Diane Leonard, whose husband, Don, a Secret Service agent, was killed in the blast.

Glenn Wilburn, whose two grandsons, Chase Smith, 3, and Colton Smith, 2, were killed in the Alfred P. Murrah Federal Building, said in January that he did not oppose differing viewpoints and represented "no one else but us."

Cathy Wilburn said one of those who helped spearhead the petition drive that led to the grand jury probe was Rep. Charles Key, R-Oklahoma City.

The soft-spoken, six-term legislator was not well known outside of Oklahoma City until after the bombing. Since then, his

views have made him something of a talk-radio celebrity. Key, who estimates that he has been interviewed at least 200 times on the radio, now employs a person to schedule his numerous media interviews.

Key maintains that state and federal officials have tried to stop the grand jury probe on several occasions. Key said he has raised about \$15,000, which he says is meant to prepare the bombing investigation for the grand jury. He says he has used the money in part to hire investigators to gather testimony and evidence.

Attorney General Drew Edmondson said Key may have misrepresented himself to potential contributors. Since 1995, Key and a small group of Oklahoma City residents who were dissatisfied with the federal investigation of the bombing have sought an independent probe. Their efforts hit a wall in 1995 when Oklahoma County Judge Dan Owens quashed the original petition, saying he saw no reason to ""reinvent the wheel and duplicate an investigation performed by the federal government."

Owens' ruling was overturned by a higher court, which led to a petition drive this spring that garnered more than 10,000 valid Oklahoma County signatures, twice the number needed to put in motion a grand jury.

Oklahoma County District Attorney Bob Macy defended Owens' ruling against the petition, which prompted Key to seek a Supreme Court order for Macy to perform his statutory duty as advisory attorney for the grand jury.

Macy, Oklahoma County's chief prosecutor for the past 17 years, said he plans to do his job with or without a Supreme Court order. He has appointed Patrick Morgan, his first assistant, to advise the grand jury.

""I haven't seen any evidence" pointing to a John Doe No. 2, Macy said, referring to an unknown person who some people claim was with McVeigh at the time of the bombing. But Macy added that he hasn't closed his mind on the matter. ""It's hard to say until we see what (the witnesses) have got to say," he said. ""It could be worthwhile; it could be a waste of resources."

Oklahoma County District Judge Bill Burkett will preside over the grand jury. The 12 jurors and three alternates will be drawn from 100 Oklahoma County residents who were summoned by the court.

Impanelment may take a day, Macy said. Oklahoma County Sheriff John Whetsel said that once the jury is impaneled, it will meet in a room at the county jail for security reasons.

The jury may not even begin examining bombing evidence until next week. The state constitution requires each new grand jury to inspect each jail and holding facility in the county, which will take two days, Macy said. The jury

probably will take a long Fourth of July weekend and not come back until at least the following week.

Key maintained that those who petitioned for the grand jury have the right to make an initial appearance to explain why the jury was impaneled. But Macy said the jury has a "great deal of independence" and doesn't have to hear from Key or his recommended witnesses if it doesn't want to. Key's attorney, Mark Sanford, said such grand juries customarily hear from the petitioners.

Key will seek to have three things proved to the grand jury -- that McVeigh was not alone when he bombed the Murrah Building; that federal agents had prior knowledge of the bombing; and that the bombing was caused by more than one explosive device.

Key plans to recommend as many as 20 "John Doe No. 2" witnesses, people who allegedly saw McVeigh with at least one other person at the time of the bombing.

Key said one witness may be Tulsa banker Kyle Hunt, who told the FBI that when he exited a freeway heading to an Oklahoma City meeting about half an hour before the blast, he saw McVeigh driving a light-colored sedan and following a Ryder truck. At least two other men were in the car with McVeigh, Hunt told agents. Hunt said he thought the car and the Ryder truck belonged to a family who had become lost in the city, and he pulled up alongside to offer help.

He said the man, who was later identified as McVeigh, glared at him, so he said nothing, reports indicate.

Key said another witness will be David Snider, who was standing on a downtown loading dock waiting for a truck when, he said, he saw McVeigh in the passenger seat of a Ryder truck with another man shortly after Hunt's sighting.

Another witness will be Mike Moroz, a former employee of a downtown Oklahoma City tire store. Moroz told the FBI that McVeigh, driving the Ryder truck shortly before the blast, stopped at the shop and asked for directions. He said McVeigh climbed back into the truck, where another person was sitting, and waited a few minutes before driving away.

Others that may be called by the grand jury are the employees of Eldon Elliott's shop in Junction City, Kan., who testified that a second man was with McVeigh at the time the Ryder truck was rented there.

U.S. Attorney Patrick Ryan recently told an Oklahoma City television station that it was not likely that McVeigh had an

accomplice with him when he bombed the federal building. ""I hate to say this, but people like Pat Ryan and other Justice Department officials have to be lying," Key said.

Key maintains that the bombing occurred because of a botched federal Bureau of Alcohol, Tobacco and Firearms ""sting" operation in which the agents unsuccessfully tried to catch the bombers at the site beforehand. He pointed to people who reportedly saw several federal agents in and around the Murrah Building the night before the bombing and those who reportedly saw a bomb squad truck at the building more than an hour before the blast.

Former Tulsa debutante Carol Howe, who recently was indicted along with James Viefhaus in connection with an alleged threat to bomb 15 U.S. cities in 1996, is a likely witness, Key said.

Key maintained that Howe, a former ATF informant, warned federal officials in advance of the bombing in Oklahoma City.

However, the government alleged that Howe ceased being an informant in March 1995. McVeigh's defense attorneys in the federal case wanted to call Howe to the witness stand, but U.S. District Judge Richard P. Matsch wouldn't allow her testimony, ruling that it was irrelevant.

Another witness may be the husband of a federal employee who worked at the Murrah Building. He would testify that on the day of the bombing ATF agents were not in the building because they had been tipped by their pagers not to come to work.

Regina Bonny, a Midwest City police detective who formerly was assigned to the Drug Enforcement Administration, was one of those who voiced indignation that federal law enforcers knew a blast was imminent.