

Lawyer Meets Bomb Grand Jury

Judy Kuhlman • *Published: March 28, 1998*

An Oklahoma City attorney who has been accused of saying that U.S. Rep. Ernest Istook told her he knew about the Oklahoma City bombing before it happened testified before the Oklahoma County grand jury Friday.

Earlier, Oklahoma County District Attorney Bob Macy said he intends to prosecute federally convicted conspirator Terry Nichols on murder charges whether Nichols makes a deal with federal authorities or not.

On Friday, Lana Tyree said she asked to appear before the grand jury to deny allegations made by two earlier witnesses - reserve county deputies David Kochendorfer and Don Hammons.

The grand jury is investigating possible larger conspiracies in the bombing.

Kochendorfer, who worked at the bomb site, said Istook told him on April 19, 1995, the federal government knew about the bombing before it happened. Hammons said Tyree told him she was with Istook and that he told her about a bomb threat on April 9.

Istook, R-Warr Acres, appeared before the grand jury in February. Istook said he told grand jurors he never talked to the deputies about the federal government having prior knowledge of the bombing.

Tyree, who spent nearly three hours with the grand jury, said she did not enter the site with Istook. The attorney also said she never told anyone she was with him.

"Neither one of those deputy sheriffs had any conversation with me ... Neither of those deputies escorted me around nor governed my activities at any time," she said.

Tyree was followed by Oklahoma City Fire Department Maj. Monte Baxter, 41, who declined to talk.

Baxter, who said he assisted with rescue efforts and media interviews at the bomb site, carried a videotape, three audiotapes and a briefcase as he entered the Oklahoma County jail where the jury has been meeting since June 30.

Baxter said the tapes were "information from some national broadcasts that I did." He spent about 90 minutes with the grand jury.

Convicted bomber Timothy McVeigh, 29, was sentenced to death in the bombing that resulted in 168 deaths. Nichols, 42, is awaiting sentencing.

In a Denver presentencing hearing Wednesday U.S. District Judge Richard Matsch told Nichols that he could help himself if he told the court what he knows about the Oklahoma City attack.

"There are, as a result of the investigation and the presentation of the evidence in this case, a number of questions unanswered," Matsch said.

Matsch took over the sentencing of Nichols after a jury failed to reach a decision on punishment.

Defense attorney Michael Tigar told Matsch that Nichols could be reluctant to talk because he could still face an Oklahoma trial.

In an interview Thursday Macy said, "Mr. Tigar is absolutely right. Anything Nichols does say in (federal) court could be used against him in a state prosecution."

"But I don't expect anything to come of this. I think Mr. Tigar is a good attorney and will recommend his client not talk," Macy said.

When asked if any type of federal court agreement with Nichols would affect his case or prosecution, Macy said no. BIOG: NAME: UPD:

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