

Fortier Sentenced for Role in Oklahoma Bombing - He Gets 12 years, Apologizes

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A federal judge sentenced Michael Fortier Wednesday to 12 years in prison - about half the maximum penalty he faced - acknowledging Mr. Fortier's cooperation with Oklahoma City bombing prosecutors.

U.S. District Judge G. Thomas Van Bebber, however, slapped Mr. Fortier with a maximum \$200,000 fine for the crime that he called "without parallel in the American justice system."

In a day filled with powerful, often poignant testimony from those whose lives were shattered by the April 19, 1995, truck bombing, Mr. Fortier expressed remorse for not warning anyone about the bombing plot, begging victims and survivors to forgive him.

"Dear people, please, I offer my apology, and I ask you to forgive me," he told the crowded courtroom, just across the street from the site of the Alfred P. Murrah Federal Building. "I offer my apology in the hope that if you will accept it, the pain I have caused you will be reduced.

"Let the anger you feel towards me drain from your hearts and be replaced with feelings of peace. Please, please, don't let thoughts of me continue to hurt you."

Mr. Fortier, whose testimony helped convict Timothy McVeigh and Terry Nichols in America's worst act of domestic terrorism, pleaded guilty to four crimes - that he failed to alert authorities in advance of the attack, helped finance it by selling and transporting stolen weapons and that he lied to the FBI after the bombing.

In his defense, Mr. Fortier said that although Mr. McVeigh had repeatedly described his murderous plans and even tried twice to recruit him into the plot, "I thought his plan would never bear such rotten fruit. . . . I was terribly wrong."

By law, the 29-year-old former drug abuser turned government witness faced up to 23 years in prison on his guilty pleas. But the judge had already said that, under the federal sentencing guidelines, he would sentence Mr. Fortier to no more than 17 1/2 years.

Wednesday, Mr. Fortier's lawyers as well as prosecutors asked the judge for an even lighter sentence, citing his cooperation in helping convict his former Army buddies.

Mr. Fortier had hoped to be released immediately after spending nearly three years in federal custody. While giving him credit for time already served, Judge Van Bebber ordered that Mr. Fortier serve about nine more years for his role in the attack that killed 168 people, including 19 children, and injured more than 500.

The judge also ordered Mr. Fortier to repay an Arkansas gun dealer \$4,100 for weapons and other valuables stolen in a robbery that served as a fund-raiser for the bomb plot.

Judge Van Bebber said it was "extremely difficult" to decide on an appropriate punishment, one that balanced Mr. Fortier's cooperation against his failure to prevent the bombing.

Mr. Fortier's lawyers immediately announced plans to appeal the sentence.

Survivors and family members implored the judge to levy the maximum sentence possible, arguing that Mr. Fortier was just as responsible as Mr. McVeigh and Mr. Nichols for the blast. But the lead prosecutor in the McVeigh case urged leniency for the government's key witness.

Special Assistant U.S. Attorney Joseph Hartzler called Mr. Fortier the "mortar" that held together the "large bricks of evidence" that the government assembled against Mr. McVeigh and Mr. Nichols.

"Mr. Fortier linked a number of the pieces of circumstantial evidence," he said.

Mr. Hartzler said the prosecution's case was strong, even though "a fair amount" was circumstantial. What it lacked, he said, was "a story line . . . it lacked the narrative" that only could be provided by someone on the inside.

"Frankly, your honor," the prosecutor said, "after Mr. Fortier's testimony, the case against Mr. McVeigh was all but over."

Mr. Hartzler said Mr. Fortier also helped provide "sizable bricks of evidence" against Mr. McVeigh and Mr. Nichols, providing, for example, the key testimony that the motive for the bombing was the 51-day standoff in 1993 between federal agents and Branch Davidians near Waco.

He also said Mr. Fortier told federal agents that the Murrah Building was targeted because Mr. McVeigh believed it housed FBI and ATF agents involved in the Waco siege. And he said Mr. Fortier and his wife, Lori, provided key testimony about bomb components.

"To solve these types of crimes, we need someone with inside information," Mr. Hartzler said. "We need cooperators" who know that at the end, "there's a reward."

"We need, your honor, for there to be some reward for that cooperation."

Mr. Hartzler said prosecutors would not have plea-bargained with Mr. Fortier if they could have charged him with the bombing itself. "We all came to the conclusion that he didn't have any criminal responsibility [for the bombing itself] . . . that he was not a co-conspirator," Mr. Hartzler said.

Afterward, Patrick Ryan, the U.S. attorney from Oklahoma City, called the sentence "appropriate." At an earlier stage in the proceedings, prosecutors had argued for a sentence of between 11 and 14 years.

Sixteen survivors and family members who testified Wednesday weren't as impressed with Mr. Fortier's assistance.

"All Michael Fortier needed to do was take some responsibility and call," said Constance Favorite, who lost her daughter, Airman LaKesha Levy, in the attack. "One call and we wouldn't be hurting the way we are today."

Dot Hill, a General Services Administration worker who survived the blast, also called for maximum punishment, declaring, "He chose to let people die."

And Kathy Wilburn, whose grandsons, Chase and Colton Smith, were killed, pointed out that Mr. and Mrs. Fortier helped Mr. McVeigh obtain a fake driver's license that was used to rent the Ryder truck used in the bombing.

"Which is worse?" she asked. "The family that made it possible to rent the Ryder truck? Are they less culpable than the man who allegedly purchased the fertilizer?"

Mr. Fortier frequently wiped tears from his eyes as he listened to the nearly three hours of victim testimony. Mrs. Fortier, who received immunity from prosecution, and other members of Mr. Fortier's family who attended the sentencing also could be seen sobbing at times during the testimony.

Mr. Fortier's reaction was in stark contrast to that of Mr. McVeigh and Mr. Nichols at their trials. Mr. McVeigh remained stoic throughout; Mr. Nichols rarely showed emotion, except when his family members testified about their former life together.

As he read his six-page statement, handwritten on yellow legal sheets, Mr. Fortier's voice broke, and he wiped his face with a handkerchief.

"Your honor, I understand there is nothing I can say or do now that can make up for what I did and didn't do then," said Mr. Fortier, dressed in a brown-tweed jacket, striped dress shirt and khaki pants. "Cooperating with authorities now does not change the facts."

"When I should have been thinking about the safety of my fellow man, I was only thinking of myself. Nothing I can say will change the past, but maybe I can say something to affect the future."

With the sentencing, Mr. Fortier becomes the second of three former Army buddies to be punished for the Oklahoma City bombing.

Mr. McVeigh, 30, was convicted last June and sentenced to death for delivering the 4,800-pound fertilizer-and-fuel bomb to the front door of the 9-story federal office building.

In December, Mr. Nichols, 43, was convicted of conspiracy to use a weapon of mass destruction and eight counts of involuntary manslaughter. But jurors deadlocked on his punishment, leaving him to be sentenced June 4 by U.S. District Judge Richard Matsch.

Judge Matsch presided over the McVeigh and Nichols trials in Denver, where the case was moved because of extensive pretrial publicity. Judge Van Bebber, the chief federal judge in Kansas, was assigned Mr. Fortier's case after Oklahoma City federal judges withdrew because of their proximity to the bombing.

Caption:

PHOTO(S): 1. Michael Fortier . . . his testimony helped convict Timothy McVeigh and Terry Nichols. (2. Associated Press) Dawn Leinen-DeArmon cries as she places a wreath at the fence surrounding the site of the Oklahoma City bombing. Her mother, Kathy Leinen, died in the blast. Ms. DeArmon testified in Michael Fortier's sentencing hearing. (2ST-16A.) CHART(S): (1-2 DMN) 1. The Victims Speak. 2. An Apology.