

## Oklahoma Panel Finds No Others in Bomb Plot - Grand Jury Rejects Government Cover-Up Theory

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A county grand jury on Wednesday reported that its 18-month investigation of the Oklahoma City bombing failed to uncover enough new evidence to indict any other conspirators in the case.

The panel also said it found no credible evidence that federal agents had any prior knowledge that the Alfred P. Murrah Federal Building had been targeted for attack. It rejected several other conspiracy theories that had been offered by various people since the April 19, 1995, bombing.

And it urged the Oklahoma County prosecutor, Bob Macy, to file state murder charges against Timothy McVeigh and Terry Nichols, though both have been convicted in the bombing in federal court.

"As Americans, we do not want to believe that fellow Americans could plot, scheme and carry out such a cowardly act in the name of protest," the grand jurors wrote.

"Tragically this is the current reality of the world in which we live."

The grand jury - six men, six women and two alternates - did return one indictment, but it was sealed until after authorities arrest the person charged. The indictment may involve one of the 117 witnesses who appeared before the grand jury over the 133 days it has met since June 30, 1997.

All told, the grand jury figured that it spent \$525,434.54 sifting through a mountain of evidence that included hundreds of hours of video and audio tapes and thousands of pages of exhibits.

The judge who presided over the grand jury, state prosecutors and some survivors praised the panel for its efforts, saying the report shows that it was conscientious and diligent.

But the state lawmaker who pushed for the grand jury inquiry complained that it turned out to be nothing more than a rubber stamp of the federal investigation.

Outgoing state Rep. Charles Key, R-Oklahoma City, said a private investigative committee he has formed would produce its own "final report" in the near future.

"It will read quite different from this report today - which, I would say, the only thing it lacked was "signed by the FBI' on it," Mr. Key said.

"It was a ditto of what the federal government presented in the McVeigh trial. It has its huge gaping holes, and it's unfortunate."

Mr. Key's unsuccessful fall re-election campaign centered on his role in the aftermath of the bombing, which killed 168 people and injured hundreds more.

In early 1997, he helped spearhead the petition drive that created the grand jury to investigate whether others were involved in the truck bombing and whether federal agents knew the attack was coming but failed to warn others.

Stephen Jones, Mr. McVeigh's former attorney, called the grand jury's work a "failed process." He said he was not surprised that the panel had basically accepted "uncritically the federal government's theory."

Mr. McVeigh, a decorated Persian Gulf War veteran, was convicted in federal court of conspiracy and murder and sentenced to death for his role in detonating the 4,800-pound mixture of fertilizer and fuel at the federal building's front door.

His old Army buddy, Mr. Nichols, was convicted later in the same Denver courtroom of conspiracy and manslaughter and sentenced to life in prison without parole.

Another former Army pal, Michael Fortier, pleaded guilty to lying to federal agents and failing to warn authorities about the bomb plot. He was sentenced to 12 years in federal prison.

All three federal court cases are being appealed.

Mr. Macy, the Oklahoma County district attorney, was not in his office Wednesday and could not be reached for comment. But he has indicated that he intends to prosecute Mr. McVeigh and Mr. Nichols on state murder charges.

False information

In a 21-page report, read in a hushed courtroom by state District Judge William Burkett, the grand jury said it was convinced that most witnesses "who came before us described events that they believed to be true and accurate accounts of what they had observed."

But the panel also said others testified on "issues that were not relevant or were found to be nothing more than a recitation of the already numerous and varied cover-up and conspiracy theories."

The grand jury said it found a "tremendous amount" of misinformation about the case circulating through "magazines, books, talk radio shows and internet websites."

"The same misprinted information is repeated over and over again without anyone validating its veracity," the report said.

"Sadly, these organizations and individuals have glorified those convicted in federal court by vilifying the federal government and increasing the public's distrust of its government by providing half-truths, uncorroborated, and oftentimes out-right false information."

The grand jury said it was prohibited by Oklahoma law from addressing each "falsehood" individually.

"We are aware that no matter what we do we will be criticized by some," the grand jurors wrote. "We rely on the common sense of the public to recognize the motives for such criticism."

The grand jury said it could "state with assurance that we do not believe that the federal government had prior knowledge that this horrible terrorist attack was going to happen."

The investigation produced no credible evidence that the attack was the work of foreign terrorists or white supremacists operating from a white separatist compound in eastern Oklahoma, the grand jury said.

"We also do not believe that this was a sting operation that went too far or that this was a terrorist attack financed or conceived by individuals outside of this country. This was an act perpetrated by Americans on Americans."

The grand jury said it was convinced that the bombing could have been carried out by one person.

Yet, the panel said, "We cannot affirmatively state that absolutely no one else was involved. . . . However, we have not been presented with or uncovered information sufficient to indict any additional conspirators."

#### Imaginary suspect

As federal agents did, grand jurors concluded that an early suspect - known only as John Doe No. 2 from police sketches - evolved from a case of mistaken identity and did not exist. The grand jury said it heard from 26 witnesses who offered significantly different descriptions of the accomplice allegedly seen with Mr. McVeigh: He stood between 5 foot 3 and 6 foot 3 and weighed between 140 and 210 pounds with a build that was slim or stocky and muscular. He was white, Hispanic, Middle Eastern or Asian, with hair ranging from dark blond to red, brown or black.

When the report was made public Wednesday, Judge Burkett's seventh-floor courtroom in the Oklahoma County Courthouse was nearly full.

Most present were news reporters. But Mr. Key was there. And so were a few victims and survivors whose faces became well-known in the aftermath of America's worst act of domestic terrorism.

Dan McKinney, whose wife, Linda, was killed in the blast, said he hoped that those who "had doubts and speculations" now "will understand that the government wasn't behind this, they didn't have prior knowledge that the Murrah Building was going to be bombed."

"I just hope that they'll let it go and that we can go on and try to rebuild."

Dr. Paul Heath, a Veterans Administration psychologist who survived the blast, said he doubted that Wednesday's report would satisfy those who are convinced of a conspiracy.

"I don't think conspiracy theorists ever put it to rest," he said. "One conspiracy feeds on another. One piece of hard evidence becomes another question to them. Some conspiracy folks can't let it go."

In a 10-page statement he read from the bench, Judge Burkett praised the grand jury for its work and scolded those who publicly criticized the panel.

Key target

There seemed little doubt that much of the judge's ire was aimed at Mr. Key, whom he mentioned by name four times in defending the work of the grand jury, federal agents and prosecutors.

"This grand jury investigation was conducted to find the facts, not to confirm preconceived ideas of what the facts were," Judge Burkett said.

"There are many reasonable people who had serious questions about this tragedy, who will consider the facts as found by . . . their fellow citizens and be satisfied. There are others who will now simply include these jurors as the newest members of the conspiracy.

"My sincere hope is that Oklahomans will give this report serious consideration and find in it the basis for erasing the stain from this city's finest hour."

Caption: PHOTO(S): (Associated Press: J. Pat Carter) Assistant prosecutors Suzanne Lister-Gump and Patrick Morgan listen intently as Judge William Burkett reads the grand jury report on the 1995 federal building bombing.