

McVeigh Lawyer Wants Order To Stand

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Lawyers for Timothy McVeigh and Terry Nichols want a 1996 order prohibiting the release of certain information about the Oklahoma City bombing to remain in effect.

Lawyers for the two men filed their responses Monday in the wake of a government motion asking whether the order still stands.

"This case should continue to be adjudicated in the courtroom and not on the courthouse steps or in the court of public opinion," Mr. McVeigh's attorney wrote in his response.

Mr. McVeigh is on death row after being convicted of murder and conspiracy in the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Mr. Nichols was convicted of involuntary manslaughter and conspiracy and sentenced to life in prison without parole.

NOTES

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This report is incredibly important in the chronology of this case. The 1996 order “prohibiting the release of certain information” relates to an order issued by Judge Richard Matsch sealing the evidence from both cases. This evidence includes the thousands of FBI 302 reports in the Defense teams’ files, and most importantly, on the government’s side of the case the evidence gag order protected sensitive material that the FBI had in its [restricted OKBOMB file](#). That file—containing all of the evidence from the case—has a single FBI agent assigned to the case file – Linda Vernon - - and Vernon is the only person in the Bureau today with the authority to add reports to the case file or to search and retrieve items from the case file. This level of security ensures that nothing in the OKBOMB file will ever be leaked.

In 2000, when Matsch’s evidence gag was upheld, there was a Freedom of Information Act lawsuit that had been filed by journalist David Hoffman for all the videotape evidence from the bombing. Hoffman’s FOIA suit was presided over by Judge Wayne Alley and through court it emerged that the [FBI had in its possession 23 video tapes](#) in the Oklahoma City bombing investigation’s file. 22 of these recordings were stored at the Oklahoma City field office under Vernon’s custody. Interestingly, one recording was held under lock and key at FBI HQ in Washington D.C.

These video tapes represent what is probably the most direct evidence of the involvement of other people in the bombing, portending to show both the delivery of the truck bomb and two men fleeing the Ryder truck.

When the government filed its motion to request from McVeigh and Nichols their “permission” to keep Judge Matsch’s evidence seal in place they were protecting sensitive material – the video tapes. As a result of McVeigh and Nichols’ response that they want Judge Matsch’s order to remain in place, Judge Wayne Alley wrote in his [July 2000 FOIA trial decision](#) that while he was “inclined” to force the FBI to produce the tapes “the Court is presently powerless to grant plaintiff relief under FOIA” due to Judge Matsch’s order.

In his order, Judge Alley wrote the FBI had put forward unacceptable “justifications for withholding all materials in its investigative files concerning the Oklahoma City Bombing” and further stated that the FBI had exhibited “shoddy conduct” during the FOIA litigation.

Almost a decade later Salt Lake City attorney Jesse Trentadue would file a FOIA lawsuit seeking, among other evidence, the video tapes. By this point, Matsch’s order would be viewed to have lapsed after McVeigh’s execution and Nichols having exhausted his appeals. This litigation, still ongoing as of April 2020, has produced some video recordings, though none of them show anything prior to 9:02 AM – when the bomb went off -- and therefore [appear to have been edited](#).