

## **Judge Allows McVeigh to Drop Appeals - Execution Will be Set if Bomber Doesn't Reconsider by Jan. 11**

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A federal judge on Thursday agreed to let Timothy McVeigh drop all appeals in the Oklahoma City bombing and receive an execution date for the deadliest act of terrorism on U.S. soil.

U.S. District Judge Richard Matsch said he will give Mr. McVeigh until Jan. 11 to change his mind. He said if the deadline passes without Mr. McVeigh filing an appeal, he will let the U.S. Bureau of Prisons set a date for him to die by injection.

"You're making a decision today that may be the final decision on your future," Judge Matsch warned.

"I understand. It is the position I take now. I do not foresee changing this decision by January 11," said Mr. McVeigh, who participated in the Denver hearing via closed-circuit television from the maximum-security prison in Terre Haute, Ind., where he is on death row.

Mr. McVeigh, 32, offered no clue as to why he made such a request. But he made it clear that he reserves the right to seek clemency from the White House, telling the judge: "The president, as I understand it, has almost unlimited power in this respect."

Judge Matsch warned him that the decision on clemency could fall to Attorney General Janet Reno because of the transition to a new administration.

The last execution carried out by the federal government was in 1963.

Bombing survivor Paul Heath contended that Mr. McVeigh is trying to mock the U.S. government with his petition for clemency, knowing Washington has not put anyone to death in 37 years.

"He is arrogantly rubbing the government's nose in that fact," Mr. Heath said. "He's mocking all of us."

Outside court, Dennis Hartley, Mr. McVeigh's lawyer, said he would not try to persuade Mr. McVeigh to file another appeal.

"I will continue to advise against it, but I don't imagine that he'll change his mind, and I don't think anybody's going to try to persuade him to change his mind," Mr. Hartley said.

Prosecutor Sean Connelly said: "It's a case in which the jury verdict has been repeatedly affirmed and the death sentence has been repeatedly affirmed by the courts.

"At this point, it's for the Bureau of Prisons to set an execution date," he said.

Earlier this month, Mr. McVeigh asked Judge Matsch to stop the appeals process and schedule his execution to take place before the summer.

Judge Matsch, who presided over Mr. McVeigh's trial, had the option of approving the request, rejecting it or ordering a competency hearing, in which case experts would be assigned to examine Mr. McVeigh and report back to the judge.

The judge reached his decision Thursday after asking Mr. McVeigh a series of questions to establish that he knew his rights and understood the consequences of his request.

As about 100 people in the courtroom watched, the decorated Gulf War veteran responded quickly and tersely, his hands folded on a table in front of him. A telephone sat nearby in case he wanted to consult an attorney, but Mr. McVeigh didn't use it.

Mr. McVeigh said he had researched previous court decisions on ending the appeals process before helping his lawyers draft the request. He also described his life in a 10-foot-by-8-foot cell, where he eats his meals, exercises and has a TV set.

"I'm under no duress from the condition of my confinement. Nor am I under any duress from the officers who work here," he said.

Mr. Connelly told the judge that Mr. McVeigh had made a "knowing and voluntary" decision.

Mr. McVeigh was convicted of murder, conspiracy and other charges and sentenced to die for the April 19, 1995, bombing of the Alfred P. Murrah Federal Building that killed 168 people and injured more than 500.

He has lost two appeals, at the U.S. Supreme Court and the federal appeals court. But he has not exhausted all appeals.

Mr. McVeigh has never admitted any involvement in the bombing. And his latest request confounded court-watchers, some of whom speculated that he wants to become a martyr for anti-government causes. Others said he wants to control the only thing he can - the date of his execution.

Andrew Cohen, a legal analyst who followed Mr. McVeigh's trial, said there is legal precedent for what Mr. McVeigh wants to do, provided he can establish that he is mentally competent.

"The courts, in the past, have said that is OK. He is not killing himself; he has already been sentenced to die. The only thing stopping it are his appeals," Mr. Cohen said.

Prosecutors argued at his trial that Mr. McVeigh hoped the bombing would touch off a revolution against the government. Mr. McVeigh was said to be angry over the fiery deaths of about 80 Branch Davidians in Waco at the end of a government siege, and the deadly FBI standoff with white separatist Randy Weaver and his family at Ruby Ridge, Idaho.

Mr. McVeigh's Army buddy Terry Nichols was convicted separately of involuntary manslaughter and conspiracy and was sentenced to life in prison. He is awaiting trial in Oklahoma on state murder charges that could bring the death penalty.

Caption:

PHOTO(S): 1. Timothy McVeigh 2. (Associated Press: Ed Andrieski) Victims assistance advocates hug Ralph Duke, whose daughter was killed in the Oklahoma City bombing, as he arrives at the federal courthouse in Denver for a hearing on the execution of Timothy McVeigh.