

McVeigh Set to Die in May - He Still Has Right to Seek Clemency

Dallas Morning News, The (TX)

January 17, 2001 | Arnold Hamilton | Page: 1A | Section: NEWS

Timothy McVeigh's date with death is now only four months away.

Federal authorities announced Tuesday that the decorated Persian Gulf War veteran will die by injection May 16 - six years after he detonated a truck bomb at the doorstep of the Oklahoma City federal building, killing 168 people. Nineteen of those killed were children.

"If there is any individual who deserves the ultimate punishment, it is Timothy McVeigh," said Oklahoma Gov. Frank Keating. "[He] forfeited his life the moment he detonated that deadly cargo he had brought to downtown Oklahoma City."

Mr. McVeigh, 32, recently abandoned the second - and final - round of appeals of his June 1997 murder and conspiracy convictions and death sentence.

A court-imposed deadline for changing his mind passed Thursday without Mr. McVeigh seeking to jump-start his appeals.

The U.S. Bureau of Prisons reported Tuesday that it notified Mr. McVeigh in writing that it had scheduled the lethal injection for May 16. If carried out, it would be the federal government's first execution in more than 37 years.

Mr. McVeigh offered no explanation for his decision to drop his remaining appeals but did reserve the right to seek executive clemency, a move that could delay the execution for months or even result in commuting his death sentence to life in prison without the possibility of parole.

Nathan Chambers, a Denver attorney who represented Mr. McVeigh on appeal, said his client has 30 days to seek clemency through the Justice Department's Office of Pardon Attorney, which then would make a recommendation to incoming President George W. Bush. "That's something Mr. McVeigh has under consideration," Mr. Chambers said.

Legal experts said they doubt Mr. McVeigh would be successful seeking clemency. During Mr. Bush's six years as governor, Texas executed more than 150 people.

Mr. McVeigh was convicted of masterminding the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in retaliation for what he considered the government's mishandling of the deadly 1993 raid on the Branch Davidian compound near Waco.

Two of Mr. McVeigh's former Army buddies - Terry Nichols, 45, and Michael Fortier, 32 - also were held responsible for the attack, America's worst act of domestic terrorism. Mr. Nichols, who still faces 160 murder counts in Oklahoma County, was sentenced to life in prison, and Mr. Fortier, who pleaded guilty to several charges, was sentenced to 12 years in federal prison. Both are appealing their sentences.

The May execution date triggered mixed emotions among survivors and victims' families Tuesday.

"If this is what the man wants, give it to him," said Jim Denny, whose son Brandon and daughter Rebecca survived the blast. "I really believe it's a deterrent."

Survivor Dennis Purifoy, assistant manager of the Social Security Administration office here, said he hopes Mr. McVeigh finally will break his silence and detail what happened and why. "I don't think he'll do that," Mr. Purifoy said. "What he still wants is a revolution. I believe he'll be glad to go down as a martyr for that revolution. I just hope he's smart enough to know he won't be considered a martyr except by a small group of ... right-wing militia nuts who tend to believe anything bad about the government and who still believe it was a government conspiracy to blow up our own building."

The lethal injection is set for the federal death chamber near Terre Haute, Ind. Authorities said they expect many victims' relatives and survivors to apply for the limited number of seats available to witness the execution. It is unclear how the seats will be allotted.

Oklahoma City Attorney Karen Howick, however, said she is seeking a closed-circuit television hookup for victims' families to view the execution. She helped secure a similar feed for Mr. McVeigh's and Mr. Nichols' trials, which were moved to Denver because of extensive pretrial publicity. The trials were beamed through a secure line to an auditorium at the Federal Aviation Administration complex near the Oklahoma City airport.

Mr. McVeigh didn't explain his decision to abandon his appeals in either a written statement submitted to U.S. District Judge Richard Matsch or in a late December closed-circuit appearance before the judge. But in a December 1997 letter to The Dallas Morning News, he hinted at the belief that his appeals would be futile since the "demand for my blood" is so great.

"I have no fear of execution," he wrote. "If anything, death by execution is much more predictable than normal life or combat - because I at least know when and how I'm checking out."

Mr. McVeigh's trial attorney, Stephen Jones of Enid, Okla., said Tuesday that he was not surprised by his former client's bid to accelerate the death sentence.

"I don't think his demeanor or personality will change," he said. "He will die as a soldier. ... He will accept it as a political statement and as an execution of the court's judgment in a stoic, dignified manner."

Within days of the blast, Mr. McVeigh became the focus of an exhaustive, worldwide investigation into who loaded a two-ton fertilizer-and-fuel bomb into a yellow Ryder rental truck and detonated it outside the Murrah building.

The bomb ravaged the north side of the nine-story downtown office tower, triggering a collapse in which concrete floors plunged to the earth, pancake style.

Caption:

PHOTO(S): Timothy McVeigh.