

OKC BOMBING FALLOUT

FBI refused 22 eyewitness testimonies

Evidence implicating Mideast connection created 'discovery problem'

By Jon Dougherty

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The Justice Department lawyer who informed Timothy McVeigh's defense team the FBI had denied it access to over 3,100 pages of evidence, had earlier been tasked with justifying the FBI's refusal to take possession of evidence provided by an investigative reporter -- including 22 witness statements implicating several Arab men as having acted in collusion with McVeigh and Terry Nichols in the Oklahoma City bombing.

Jayna Davis, a former reporter for NBC affiliate KFOR-TV in Oklahoma City, told WND that FBI officials refused to take custody of evidence she said came from hundreds of pages of "public court records, police reports and statements from intelligence and law enforcement sources" on the eve of OKC bombing co-conspirator Terry Nichols' trial in September 1997.

"They rejected the materials outright and declined to sign a written statement acknowledging that I attempted to turn the information over," she said, adding that Pam Nance, a notary public, witnessed the incident.

Nance confirmed witnessing the incident and said the FBI referred Davis to officials in Denver, Colo., where the OKC trials were being held.

On Fox News' "The O'Reilly Factor" program Monday night, Davis said she "has direct knowledge that there was a prior warning that there would be an Iran-sponsored Islamic attack. The first target was Washington, D.C., Congress and the White House ◆ and I know for a fact that the [OKC primary conspirator Timothy] McVeigh and the Nichols defense team did not receive this information."

McVeigh was convicted earlier in 1997 for his role in the bombing. He was scheduled to die by lethal injection on Thursday where he is being held in a federal facility in Terre Haute, Ind., but Attorney General John Ashcroft issued a 30-day stay of execution late last week after the FBI released thousands of pages of evidence the agency said were never handed over to McVeigh's defense team.

After the agency first refused the information, said Davis, "an FBI agent instructed me to have my attorney contact the U.S. Attorney's office in Denver, because federal prosecutors were concerned about discovery and that they would have to turn my material over to the Nichols defense team."

Davis' attorney, Tim McCoy, told WND he had been in contact with U.S. Assistant Attorney in Denver Sean Connelly about the matter.

Ironically, Davis said, Connelly "was the very Justice Department official who just found 3,100 documents and wrote a letter" to the defense teams for McVeigh and Nichols explaining that documents had been accidentally withheld.

McCoy said he and Davis "were trying to make sure that the information was put in the hands of the Justice Department," in order to protect her from later charges that she may have been trying to impede a federal investigation.

"But they refused to receive it," he said. "As a practical matter, the FBI now knew about her information because she had given them detailed information. But nobody had actually subpoenaed it."

McCoy said he told Connelly the FBI did not have any information on the subjects interviewed by Davis. But Connelly told McCoy that the FBI wasn't interested, because "they'd have to sort through it and it would create a discovery problem" for the prosecution and defense teams in the then-ongoing Nichols trial.

"After we first talked with them, they never followed through or re-contacted us about the information," McCoy said. "I think she [Davis] made a few subsequent calls, but they never called back."

McCoy said he saw her affidavits and other data that implicated involvement by Mideastern suspects.

"But I didn't see the specifics," he added, noting that he could not speculate as to whether or not the government believed discovery of Davis' information would jeopardize the Nichols trial or put the recently completed McVeigh trial in question.

However, he said: "If I was a prosecutor, I would want to have any information about any potential suspects that had been involved in the OKC bombing."

Davis has gathered massive evidence pointing to a conspiracy between McVeigh, Nichols and Osama bin Laden's terrorist organization. Last month, in answer to written questions to McVeigh, Fox News reporter Rita Cosby received the condemned convict's most complete statement to date as to his reasons for the bombing. He scoffed at any suggestion of a connection with the Mideast terrorist leader.

When asked why he used the military term "collateral damage" to describe the murdered children, McVeigh wrote: "Collateral Damage? As an American news junkie; a military man; and a Gulf War veteran, where do they think I learned that? (It sure as hell wasn't Osami [sic] bin Laden.)"

Attempts by WND to obtain comment from the Department of Justice were unsuccessful.

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