

Situation frustrating for ATF agent survivor

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OKLAHOMA CITY (AP) - As a federal law enforcement agent, Luke Franey understands how the investigation into a case as big as the Oklahoma City bombing could produce mistakes such as those that led to a postponement of Timothy McVeigh's execution.

But as someone who survived the April 1995 attack, Franey also empathizes with victims who are upset McVeigh didn't go to the execution chamber as scheduled.

"It's frustrating as a victim to see it come, boom, get postponed at the last minute," said Franey, a special agent for the U.S. Bureau of Alcohol, Tobacco and Firearms. "But I don't think there's any criminal intent.

"Every agency has a system and that system is supposed to work, so I can't, I'm not absolving them of any fault in this deal."

McVeigh was to be executed May 16. But on May 10, the FBI disclosed that the agency had found documents that should have been turned over to McVeigh's lawyers before his trial. The next day, Attorney General John Ashcroft delayed McVeigh's execution until June 11.

"Obviously, if there was material that should have been turned over and wasn't, there's a problem with that," Franey said. "... (But) I don't think there was any intent for them to hide anything. I just think the volume of material produced for this investigation was just phenomenal."

Franey, 38, specializes in bomb explosive investigations. He did not work on the Oklahoma City case, but has worked closely with the FBI in other investigations.

He was trapped on the ninth floor of the federal building before escaping across an outside ledge sloping at a 45-degree angle. He testified at the trials of McVeigh and Terry Nichols, as well as before the Oklahoma County grand jury that investigated the bombing.

Franey noted that the FBI, and not some outside entity, brought its own mistake to light.

"They're the ones that found it, they're the ones that brought it out in public, they're the ones that are trying to solve it," he said. "This investigation, again I hate to harp on it, but people outside the criminal justice system don't understand how large and what an undertaking this was and how much information was actually produced."

Franey said he doubts the missing documents will affect McVeigh's case. He also said McVeigh may be enjoying the FBI's blunder, but that he doesn't expect the enjoyment to last long. "I just know that sooner or later, justice will be served and he will be executed, and then we don't have to deal with Tim McVeigh anymore," Franey said.