

Time to unseal videotapes of Murrah Federal Building

by James Patterson, Indianapolis Star

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Though time is running out on his chairmanship of the Government Reform Committee, Rep. Dan Burton, R-Ind., continues to push for copies of surveillance videotapes and still photos taken on the day of the Oklahoma City bombing.

A tip from a police officer who claimed to have seen tapes of the 1995 explosion turned out to be false. But Burton's committee, which has subpoenaed the Office of Naval Intelligence, still wants to know if videotape exists that could prove or disprove reports of a Middle Eastern-looking John Doe No. 2 getting out of the Ryder truck, which blew up minutes later, killing 168 people. The feds maintain that executed bomber Timothy McVeigh and Terry Nichols acted by themselves.

"It doesn't really affect what we are doing," said Kevin Binger, the committee's chief of staff, "except to the extent that we have just dismissed this one witness."

Sen. Arlen Specter, R-Pa., also is looking into a foreign link to the explosion.

While Burton now says that J.W. Reser's claims were untrue, the former policeman's accusations were taken seriously for good reason. A federal judge confirmed the existence of the videotapes in a little publicized Freedom of Information Act case last year.

In July 2001, in the FOIA lawsuit filed by an Oklahoma journalist, the Justice Department reluctantly conceded the existence of 23 videotapes. The tapes photographed the area around the Murrah Federal Building between April 15, 1995, and 9:02 a.m. April 19, when the bomb went off.

This is significant because the government has long denied the existence of surveillance videotapes that are alleged to show John Doe No. 2 exiting the Ryder truck with McVeigh before it exploded. The Justice Department has steadfastly maintained that only one surveillance videotape, from the nearby Regency Tower apartments, captured the events of April 19. The government produced a blurry, black and white image of a large Ryder truck heading east on Fifth Street toward the federal complex at McVeigh's trial.

Is the Regency Tower's videotape the only record of scenes from the morning of the bombing? The judge who presided over the FOIA case says no. After looking over a confidential index of the surveillance videotapes in federal custody, U.S. District Judge Wayne Alley ruled: "The FBI's list of responsive material from its Oklahoma City Field Office includes numerous other tapes dated April 19, 1995, from several sources."

Where is the videotape of the vehicle that resembled McVeigh's yellow Mercury Marquis parked directly north of the Murrah Federal Building moments before the blast? FBI Agent Jon Hersley testified he viewed photographs from that security tape in April 1995.

McVeigh trial Judge Richard Matsch granted the Justice Department's request to seal much of the evidence, including videotapes.

Why is the government so against releasing tapes showing the area in and around the federal building and any people or vehicles that might have been there? It's a question that Burton's committee and others continue to ask.

The existence of several videotapes around the federal building is not news to Stephen Jones, McVeigh's chief defense lawyer and author of "Others Unknown," a book about the bombing.

"There (are) a lot of very disturbing questions that have never been truthfully or fully answered about the Oklahoma City bombing," Jones told me. "Some of them may not have a basis in fact; some of them appear to have substantial basis in fact. But the government, for reasons I outlined in the book and perhaps other reasons, in my opinion, suppressed the truth and continues to suppress it to this day.

"With the World Trade Center (attack) and the (pending) war with Iraq and all of that, it tends to overshadow the Oklahoma City bombing. And there's always the risk that it will fall into the crack of history and be forgotten," Jones said. "I think the government has gone to enormous lengths to control the public's access to information and to resist public disclosures and to minimize what is available."

The Government Reform Committee may be hunting for the right fox, yet down the wrong hole. The FOIA suit clearly shows the Justice Department has videotapes under wraps, not the Office of Naval Intelligence. Though they're under seal, Congress could still subpoena them. Isn't it time those tapes be released to the public?

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