

Nichols' lawyers say FBI withheld evidence

By John Solomon
The Associated Press

WASHINGTON — Terry Nichols' attorneys say more than a dozen FBI documents that raise the possibility of additional accomplices in the 1995 Oklahoma City bombing weren't turned over by state prosecutors or the federal government for Nichols' murder trial defense.

The documents, which were cited in a recent series of Associated Press stories, include two 1990s teletypes from then-FBI Director Louis Freeh's office citing possible

connections between Timothy McVeigh and a gang of white supremacist bank robbers, the lawyers said.

The judge in Nichols' trial has said he will dismiss the state murder charges against McVeigh's co-conspirator with prejudice — making it very hard for prosecutors to resurrect the case — if the lawyers can prove that documents that could have aided their defense were withheld.

Under a Supreme Court ruling, prosecutors and the government are obligated to turn over to defense lawyers all materials that

could help clear a defendant, such as evidence that points to other suspects or casts doubt on prosecution witnesses.

Nichols' attorneys agreed to review the materials cited in the AP story and identify which they could not find among the massive files prosecutors and the government provided them. In all, they identified 13 FBI documents, including a memo sent from FBI headquarters to the Cincinnati office regarding a bank robbery in Springdale by members of a white supremacist group.

"To our knowledge, we have not

received these documents from the state or federal government," lead Nichols' attorney Brian Hermonson said Wednesday.

The prosecutor, Oklahoma County District Attorney Wes Lane, said, "Everything the federal government has provided to us has either been given or made available to the Nichols' defense team."

FBI officials declined comment, citing the trial and investigation.

Other documents Nichols' attorneys said they did not receive:

■ FBI reports showing the bank robbers possessed construction-style blasting caps similar to those

McVeigh stole for his bomb and an Arkansas driver's license with the alias name of a gun dealer who was robbed to provide the proceeds for McVeigh's bombing.

■ Lab analyses showing the FBI tried unsuccessfully to match photos and fingerprints of McVeigh to evidence from some of the gang's bank robberies to see if the convicted Oklahoma City bomber participated.

■ A memo stating a sketch of one of the bank robbers resembled that of a mystery man seen with McVeigh and Nichols eight months before the bombing.

The men involved



McVeigh

Timothy McVeigh was executed in 2001. Terry Nichols, 48, is serving a life prison sentence for the April 19, 1995, bombing of the Alfred P. Murrah Federal Building, which killed 168 people. He was convicted in 1997 on federal charges involving eight federal employees. The state charges, which carry the death penalty, are for the 160 other victims and one victim's fetus.



Nichols