

## **Berks man won't testify at Nichols trial \*\* Judge: No evidence Mark Thomas aided Oklahoma bombing.**

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Author: Elliot Grossman Of The Morning Call

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The judge presiding in the latest Oklahoma City bombing trial has found no evidence to prove that a gang of bank robbers headed by a Berks County man had any role in the bombing of the federal building.

In making the ruling, Oklahoma Judge Steven Taylor prevented defense lawyers from calling Mark Thomas of the Kutztown area as a witness in the trial of Terry Nichols. Nichols is accused of helping to plan the 1995 bombing of the Alfred P. Murrah Federal Building that killed 168 people.

Thomas, who once headed a white supremacist, anti-government movement, served more than seven years in federal prison for his involvement in seven Midwestern bank robberies.

The defense wanted to call Thomas and his fellow bank robbers to show that Nichols and Timothy McVeigh had accomplices in the bombing. But Taylor ruled Wednesday that the defense failed to show that anyone other than McVeigh had committed an "overt act" to assist Nichols. That's the legal standard required before a witness can testify that other suspects might have been involved in a crime.

"As to the Midwest bank robbers this is a dry hole," Taylor said. "There is absolutely no evidence of any overt act by the bank robbers in bombing the Murrah Building nothing at all to link the bank robbers to the crime that is being tried before this court."

Investigators failed to prove a connection, Taylor said, even though they had done "all that they could do" to connect the bank robbers to the bombing, including examining fingerprints and shoe

impressions. They conducted a "thorough investigation" and "followed every lead," he said.

In the early 1990s, Thomas helped form the Aryan Republican Army on his farm in Longswamp Township to spread his white supremacist, anti-government views. Since being released in January, he's been living in the Kutztown area.

Hours before being arrested in January 1997, he told news reporters that he believed a member of his gang had been involved in the bombing. Since then, other people have pointed to the ARA as being accomplices.

Mark Hamm, an Indiana State University criminologist, wrote a 2001 book that outlined alleged ties between the Oklahoma City bombing and the ARA. And two months ago, the FBI agreed to review its investigation to look for possible links.

In addition, according to Nichols' lawyers, the ARA used bombs during their robberies and stated that the proceeds of the robberies were to be used to fund acts of terrorism against the government.

A videotape, made by the members of the ARA, mentions that it is preparing for a "courthouse massacre," the defense lawyers said.

But for now, any theory of a wider conspiracy cannot be presented in Nichols' latest trial. Nichols, already convicted in federal court and given a life sentence there, is being prosecuted in state court, where he could get the death penalty.

McVeigh, his co-conspirator, was executed three years ago.

Nichols' lawyers hoped to show that other people were involved in the bombing to diminish his role in it. Though such an approach might not have prevented a conviction, it might have helped convince the jury that he did not deserve the death penalty.

Nichols was not in Oklahoma City when the building was bombed. It was McVeigh who had driven the Ryder truck, packed with explosives, that was used to destroy the building.

In its legal motion, the defense contended that McVeigh manipulated Nichols to take blame for bombing the building to protect other suspects. "The evidence that the defense seeks to offer, such as McVeigh's contacts with other radical violent groups, provides a viable explanation why these persons are more likely than Mr. Nichols, a man without any history of violence, to have aided McVeigh in his plot."

Besides asking that the defense be allowed to prevent evidence of other accomplices, the defense also asked the judge to dismiss Nichols' charges because authorities supposedly failed to turn over evidence of those other suspects.

But in his ruling Wednesday from McAlester, Okla., where the trial is being held, Taylor said the defense motion was "laced with melodrama and hyperbole, but no substance.

"There is nothing new here, just more suggestions of a government conspiracy to cover up evidence in this case," he said, according to an official transcript of his ruling. "There is no proof of that."

He called it ironic that the defense is using details of the official investigation -- the leads that went nowhere -- to try to prove there was a cover-up.

"All of those dead-end leads came to nothing," he said. "But now those tracks, and the efforts that were carried out to follow up that investigation, are used to show some connection, suggesting that if the federal investigators looked, then there must be something there."

But Hamm contends that as many as 10 others might have helped with the bombing by giving technical advice, helping to build and detonate the bomb and providing money from the bank robberies. He said he found connections the FBI missed by preparing separate timelines of the activities of the ARA and McVeigh for the years preceding the bombing. Hamm overlaid the two timelines.

According to Hamm:

McVeigh met Thomas, possibly in December 1992, when Thomas was imperial chaplain of the Imperial Knights of the Ku Klux Klan.

In March 1993, ARA member Peter Langan told an undercover police officer he wanted to bomb a federal building. Langan had extensive knowledge of explosives, the officer noted.

In December 1993, McVeigh wrote a letter to his sister, indicating he is part of a group that believes the government should be overthrown and that robbing banks should be evaluated as a way to finance that objective. McVeigh might have served as a getaway driver for several ARA heists.

In January 1995, Thomas, while visiting his ex-wife in the Alburtis area, made a comment to the effect: "We are going to hit one of their buildings, a federal building, during the day. That's when there will be the most casualties."

grossman@mcall.com

610-820-6168