

Nichols judge bans evidence

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McALESTER - Terry Nichols' jurors will not be getting evidence that he called the federal government "a fraudulent, usurping octopus" or complained to a U.S. Senate aide before the 1995 bombing.

Judge Steven Taylor last week again rejected a prosecution request to allow the evidence at the state murder trial.

"Jurors will never know the truth if the court continues to restrict us," lead prosecutor Sandra Elliott argued.

At issue is the relevance of certain political statements - many made months or years before the plot to blow up the Oklahoma City federal building began in September 1994.

In the banned statements, Nichols does not preach violent action against the federal government. Because of that, the judge ruled before trial the potential prejudicial impact of that evidence outweighs what it might help prove.

Jurors were allowed to hear about anti-government literature found in Nichols' Kansas home. They also heard of his complaints about the government to an ex-wife and former boss.

The boss, Kansas rancher Tim Donahue, testified that Nichols in 1994 talked about "the duty of the people to overthrow the government when it got too big and too powerful."

Jurors also have been told Nichols admitted to FBI agents he heard talk at guns shows the government was getting out of hand and "felt that way ... on occasion."

The banned evidence includes his signing of a form describing the federal government as a "fraudulent, usurping octopus." Nichols hand-delivered the form to the Marion County, Kan., courthouse in March 1994.

Also banned is an August 1992 demand to be removed from Michigan voter rolls. Nichols wrote "there is total corruption in the entire political system, from the local government on up through and including the president of the United States."

Also banned was testimony from Lee Alexander, an aide in 1995 to then-U.S. Sen. Nancy Kassebaum of Kansas.

She said Nichols called the senator's office two days before the bombing to complain about the government's actions near Waco, Texas, gun laws and then-Attorney General Janet Reno.

Prosecutors argued they need to counter defense testimony about bomber Timothy McVeigh's violent anti-government sentiments dating back years before the attack.

Prosecutors worry jurors will get the wrong impression.

Prosecutors said some of the banned evidence proves Nichols "was engaged in anti-government rhetoric and anti-government beliefs long before he met Mr. McVeigh."

Taylor noted that U.S. District Judge Richard Matsch banned the same evidence from Nichols' 1997 federal trial.