

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/24/2005

To: Director's Office

Attn: AD Eleni P. Kalisch,

SC [redacted]

SSA [redacted]

Congressional Affairs

Counterterrorism

Attn: EAD Gary M. Bald

AD Willie T. Hulon

DAD Thomas J. Harrington

DAD John Lewis;

DTOS, DTOL

UC [redacted]

A/SSA [redacted]

IA [redacted]

Denver

Attn: A/SAC [redacted]

ASAC [redacted]

SIA [redacted]

IA [redacted]

IA [redacted]

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From: Denver

Squad 12

Contact: SSA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #:

266A-DN-64168-255 (Pending)

✓ 174A-OC-56120 (Pending)

266A-DE-97705-224 (Pending)

Title: TERRY LYNN NICHOLS;

AOT - DT;

CORRECTIONAL INTELLIGENCE INITIATIVE

Synopsis: Document a time-line for investigation into Terry Lynn Nichols' knowledge regarding other explosives and matters related to the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. Additionally, Nichols' request to meet with Congressman Dana Rohrabacher (R-Calif).

Details: On April 19, 1995, Timothy James McVeigh detonated a bomb concealed in a Ryder truck parked outside the Alfred P. Murrah Federal Building in Oklahoma City. The resulting explosion killed 168 people, including children at the Federal

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Building's child care center. The FBI's investigation of this incident resulted in the arrests of McVeigh, Terry Lynn Nichols, [redacted] McVeigh and Nichols were charged in Federal Court of one count of Conspiracy to Use a Weapon of Mass Destruction, and eleven counts of Involuntary Manslaughter. McVeigh was sentenced to death and has been executed. On April 17, 1998, Chief Judge Richard P. Matsch, District of Colorado, sentenced Nichols to life in prison for his role in this incident. [redacted]

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On April 29, 1998, the Federal Bureau of Prisons (BOP) designated Nichols to serve his Federal sentence at the U.S. Penitentiary - Administrative Maximum (ADX), Florence, Colorado. On January 30, 2000, the BOP released Nichols on a Writ of Habeas Corpus to the custody of the U.S. Marshals Service (USMS). From January 30, 2000 through August 24, 2004, the USMS held Nichols in state/local facilities during the preparation and trial phase of his state trial relating to charges stemming from the Oklahoma City Bombing. Nichols was convicted of 168 counts of Murder in state court, and given a corresponding term of 168 Life-Sentences. From August 24, 2004, to the present, Nichols has been in BOP custody at the ADX.

The following is a chronological time-line of Nichols' [redacted] in reference to explosives discovered at his former residence, 102 South 2nd Avenue, Herington, Kansas, as well as Nichols' request to meet with Congressman Rohrabacher.

On March 1, 2005, [redacted]

[redacted]

[redacted] Nichols had knowledge of stored explosive components, which may be utilized for future unknown bombings. [redacted]

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[redacted]

On March 2, 2005, [redacted]

[redacted]

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information [redacted] also forwarded a copy of the letter to FBI Detroit.

On March 3, 2005, FBI Denver interviewed [redacted]

Additionally, [redacted] Nichols advised an individual identified as [redacted] was an active participant in the 1995 bombing. [redacted] was being protected because he was an agent for the U.S. Government [redacted] Nichols advised [redacted] was involved in the 1995 Oklahoma City Bombing, but was never prosecuted. [redacted] further advised the stored explosive components were in the U.S. and [redacted] Nichols knew the location.

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Nichols [redacted]

[redacted] investigates U.S. Government misconduct and allegedly has an extensive laboratory to process evidence. [redacted] the location of the stored explosive components and the [redacted] Nichols wanted the explosives recovered and tested for fingerprints to prove [redacted] involvement in the 1995 bombing and to reveal the U.S. Government conspiracy.

Nichols had [redacted]

[redacted] of the FBI. [redacted] requested FBI Denver provide a [redacted] to Nichols.

FBI Denver reviewed [redacted]

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A review of [redacted] Denver's cursory review of [redacted] identified the likely [redacted]

Referral/Consult

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On March 4, 2005, FBI Denver [redacted] submitted to an [redacted] Upon completion of the [redacted] determined [redacted]

On March 14, 2005, FBI Jacksonville advised FBI Kansas City of a cache of explosive components hidden at Nichols' former residence in Herington, Kansas. This information was obtained [redacted]

On April 1, 2005, FBI Kansas City conducted a search of Nichols' prior residence at 102 South 2nd Avenue, Herington, Kansas. This search uncovered explosive components which were later shipped to the FBI Laboratory for examination.

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FBI Denver attempted to interview [redacted] declined to be interviewed without his attorney being present. Later that day, Attorney [redacted] contacted FBI Denver.

FBI Denver interviewed [redacted] as stated earlier, [redacted]

[redacted] with Nichols and providing the information [redacted] Nichols revealed the name of an unidentified co-conspirator in the 1995 bombing; however, [redacted] Nichols [redacted] referred to the unidentified individual as [redacted] denied any knowledge of [redacted] involvement in the 1995 bombing and any planned future bombings.

FBI Detroit interviewed [redacted] met [redacted] in which [redacted] he knew the location of stored explosives, and Nichols had provided this information.

FBI Newark interviewed [redacted] worked closely with [redacted] [redacted] advised on [redacted] received information from [redacted] (not further identified, but Denver believed these individuals were [redacted] based on previous investigation) regarding the 1995 Oklahoma City Bombing and the existence of additional explosives. [redacted] information indicated a second attack was forthcoming on the 10th anniversary

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of the 1995 bombing. [redacted]

[redacted] the location of a cache of unrecovered explosives from Nichols. Nichols also told them a bombing would occur on the 10th anniversary of the Oklahoma City Bombing. [redacted] immediately contacted FBI Detroit with this information, and SAs subsequently [redacted] on which occasion [redacted] (described above). [redacted]

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[redacted] met with [redacted] 2005, at which time [redacted]

[redacted] Nichols provided very specific information regarding the location of blasting caps and chemicals to be used to make binary explosives. [redacted] initially declined to identify the location of these explosives, but eventually did so on March 11, 2005. [redacted] Nichols believed release of this information would implicate [redacted] through fingerprints, as well as his complicity with the U.S. Government in the Oklahoma City Bombing. [redacted] Nichols also did not want another bombing to occur. [redacted]

[redacted] Nichols revealed [redacted] operatives were involved in the Oklahoma City Bombing [redacted] he knew the identity of John Doe #2. [redacted] refused to reveal the identity of John Doe #2 [redacted] over the telephone, but agreed to reveal this information in person.

On April 4, 2005, FBI Denver opened 266A-DN-64168, a Correctional Intelligence Initiative investigation on Nichols, as a result of the information [redacted] Denver provided the ADX with a [redacted] Referral/Consult pertaining to Nichols [redacted]

[redacted] FBI Detroit interviewed [redacted] [redacted] denied any knowledge of hidden explosive components. [redacted]

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Assistant U.S. Attorney [redacted] District of Colorado, advised he had been attempting to obtain the name of the primary FBI point of contact regarding the Nichols developments for some period of time. He was receiving numerous

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telephone calls from attorneys representing [redacted]
[redacted]

FBI Denver, Oklahoma City, Tampa, and DTOU conducted a conference call to discuss Nichols' latest information and whether the FBI should re-interview [redacted]. Participants decided the FBI would interview [redacted] and should audio record future interviews with Nichols. Denver would obtain District of Colorado U.S. Attorney's Office concurrence for the audio recording. Additionally, participants decided that DOJ Attorney [redacted] would be the primary point of contact for all legal questions regarding this matter. b6 b7C

On April 5, 2005, DTOU advised Counterterrorism Division (CTD) DAD John Lewis did not want [redacted] re-interviewed until Nichols was fully debriefed regarding all of his information.

On April 6, 2005, Denver received [redacted] identifying the location of the explosives at 109 South Second Street, Herington, Kansas. [redacted] where in the basement the previously recovered explosive components were located. Denver [redacted] notified FBI Kansas City and DTOU of the location. b6 b7C b7D

On April 12, 2005, FBI Newark received a telephone call from [redacted]
[redacted]

On April 13, 2005, [redacted] Referral/Consult

[redacted]
[redacted] Denver sent an immediate lead to all FBI Field Offices where Nichols' family members reside to immediately contact and advise them [redacted]. The respective FBI Field Offices immediately contacted and notified all known Nichols family members concerning [redacted]
[redacted]

On April 14, 2005, FBI Denver, CTD Executive Management, DOJ, and BOP participated in a conference call to discuss Congressman Dana Rohrabacher's (R-Calif) request to interview Nichols. During the early part of the previous week, Congressman Rohrabacher had requested via BOP to interview Nichols regarding a possible International Terrorism (IT) nexus to the Oklahoma City Bombing. Nichols had agreed to this interview, provided he could keep copies of the interview notes.

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The U.S. Government had delayed the interview, and explained to the Congressman it would take time to coordinate the visit and obtain the necessary clearances. Participants decided the BOP would be the primary point of contact for the Congressman's visit; however, coordination will also be made with DOJ and FBI. Participants decided the BOP would request the Congressman to delay his interview, pending completion of the FBI's investigation into the recovered explosives, including appropriate FBI laboratory examinations of these materials. Participants agreed the FBI needed to interview Nichols prior to the Congressman's interview with Nichols. FBI Denver began coordinating with the ADX to facilitate the Congressman's interview with Nichols.

On April 15, 2005, FBI Detroit contacted Nichols' [redacted] regarding the threat [redacted]

On April 18, 2005, the FBI Laboratory determined the book, The Poisoner's Handbook, which was recovered from the basement of Nichols' house in Herington, Kansas, contained the fingerprints of [redacted]

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On April 20, 2005, FBI Denver [redacted] to U.S. law enforcement, which resulted in the recovery of explosive components at Nichols' residence. [redacted]

[redacted]

On April 21, 2005, FBI Denver interviewed [redacted] concerning his knowledge of Nichols. [redacted]

[redacted]

[redacted]

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FBI Denver received an e-mail from DTOU authorizing Denver to interview Nichols regarding the recovery of the explosives, the interaction at the prison [redacted] along with the threat to Nichols' family.

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On April 25, 2005, FBI Denver and DTOU participated in a conference call to discuss the upcoming interview of Nichols. Denver was to focus on the threat to Nichols and his family, and the explosives discovered under his former residence. If Nichols began discussing OKBOMB, Denver was to direct the interview toward John Doe #2. DTOU would raise the possibility of recording the interview with DOJ and provide the results to Denver.

On April 27, 2005, Nichols provided 173 pages of written correspondence between him and [redacted] to law enforcement for review.

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On April 28, 2005, FBI Denver interviewed Terry Nichols at ADX. Nichols agreed to talk to the FBI because of false information provided to U.S. law enforcement by other ADX inmates. Nichols described his role in acquiring supplies and building the truck bomb used in the 1995 Oklahoma City Bombing. Nichols was responsible for an armed burglary of [redacted] residence in November 1994. During this burglary, Nichols stole the case of Nitromethane tubes recovered during the April 1, 2005, search of Nichols' residence. Nichols believed [redacted] provided explosives to Timothy McVeigh, which were used to build the 1995 Oklahoma City truck bomb. Nichols revealed the location of a rifle which he also stole from [redacted] and hid in a river bank near Herington, Kansas. He deposited McVeigh's Arizona license plate in a river north of Herington. Nichols provided a copy of a letter sent to Attorney General John Ashcroft dated September 3, 2004. A review of the letter indicated Nichols wanted to discuss the 1995 bombing. Nichols and McVeigh burglarized a quarry to steal blasting materials. Nichols advised his family had no knowledge of the Oklahoma City Bombing, and there was no plan for a second bombing. FBI Kansas City recovered a .50 caliber rifle from a river bank near Herington, Kansas from information provided during the Nichols interview.

The FBIHQ Laboratory advised the cardboard box recovered from Nichols' former residence contained no writing samples that could be attributed to Nichols.

On May 3, 2005, a conference call was held by FBI Denver, Oklahoma City, DTOU, and DOJ regarding recent developments in the 1995 bombing. Video/audio taping of the interview was discussed. Recording of the interview was dismissed by DOJ.

On May 4, 2005, DTOU sent FBI Denver an e-mail advising that Special Administrative Measures (SAMs) should not be placed on Nichols at this time. Several media outlets reported Nichols

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identified [redacted] as being involved in the 1995 Oklahoma City Bombing.

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FBIHQ Laboratory reported the following examination results:

1. The cardboard boxes which held the electric detonators, non-electric shock tube detonator systems (Primadet systems) and tubes of Nitromethane had no useful prints on them.
2. The cellophane wrap and plastic bags which the boxes were wrapped in had no useful prints on them.
3. The duct tape present on these boxes was still being processed.
4. Sixteen of the 68 tubes of Nitromethane had fingerprints on them and were being photographed before analysis for useful prints.
5. The Christmas wrapping paper which covered two of the boxes containing the electric detonators were being analyzed for useful prints.

On May 5, 2005, DTOU notified FBI Denver via e-mail that Congressman Rohrabacher had again requested an interview with Nichols and wanted MSNBC Reporter Rita Cosby, then with Fox News, to accompany him. DOJ and/or BOP would again request the Congressman to delay his interview pending completion of our investigation.

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FBI Denver again interviewed Terry Nichols at ADX, with Nichols clarifying information concerning [redacted] involvement in the 1995 bombing. McVeigh told Nichols that [redacted] provided the Kinestick used to build the truck bomb. Nichols had no further information regarding [redacted] involvement. Nichols had no knowledge of a connection between Elohim City, a white supremacists' compound in southeast Oklahoma, and the Oklahoma City Bombing, other than McVeigh had allegedly stated Elohim City and/or [redacted] residences would be good safe-houses. Nichols stated he had no knowledge about McVeigh's involvement in any bank robberies. On Easter Sunday 1995, while driving from Oklahoma City to Herington, McVeigh told Nichols "something big" was going to happen, after which he would travel to New York to retrieve money and visit his (McVeigh's) family. Nichols had no knowledge of any foreign terrorists or organizations involved in the 1995 Oklahoma City Bombing.

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FBI Denver, Oklahoma City, and DTOU participated in a conference call to discuss Nichols' letter reflecting that [redacted] was a co-conspirator. This statement was in contrast to the information he furnished to Denver during the interview. Participants decided the FBI would not re-contact [redacted] at this time regarding his culpability in OKBOMB. Further, the FBI will not deny Congressman Rohrabacher's request to interview Nichols, but will ask him to delay the interview pending completion of our investigation.

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FBI Denver received an e-mail from DTOU regarding questions to ask Nichols regarding the 1995 bombing. This e-mail was in response to Denver's request of FBIHQ for any additional questions to be posed to Nichols.

The Gazette, a Colorado Springs, Colorado, newspaper, reported the investigation into the 1995 bombing has been closed and would not be re-opened.

FBI Denver received an e-mail advising DOJ Attorney [redacted] would be the point of contact for legal issues for Nichols, [redacted]

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On May 6, 2005, Attorney [redacted] advised UC [redacted] DTOU, via e-mail, that [redacted] Federal Grand Jury [redacted]

FBI Denver interviewed Nichols, and provided Nichols with copies of reports of previous interviews. Nichols made minor changes, resulting in another FD-302. Nichols responded positively to submitting to a polygraph examination and [redacted]

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FBI Denver received an e-mail from FBIHQ requesting dissemination of all FD-302's to FBI Oklahoma City for review. Attorney [redacted] also requested to review information provided by Nichols.

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On May 12, 2005, FBI Denver interviewed Nichols. Nichols advised McVeigh had chosen the Geary Lake Wildlife Area to construct the Oklahoma City truck bomb and Nichols had a very limited relationship with [redacted]. The book, American Terrorist, contained some truths and fabrications. DAD John Lewis directed FBI Denver to establish a more aggressive schedule for interviewing Nichols, requesting FBI Denver conduct several interviews each week.

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On May 13, 2005, FBI Denver provided a [redacted] additional information regarding Nichols to [redacted]

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Referral/Consult

On May 16, 2005, FBI Denver forwarded copies of the Denver-generated serials to FBI Oklahoma City and Detroit.

On May 26, 2005, FBI Denver interviewed Nichols. Nichols declined to identify John Doe #2. Nichols advised John Doe #2's name had not been mentioned during the investigation and, as a result, he feared for his and his family's well being should it become public. Nichols provided a wiring diagram of the truck bomb. FBI Denver advised Nichols no significant, useable forensic evidence was recovered from the explosives. Nichols discussed general correspondence between Nichols and [redacted]. Nichols repeated his fear if the unidentified co-conspirator was identified his (Nichols') family would be "harmed."

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DTOU asked FBI Denver if the present time would be appropriate to allow Congressman Rohrabacher to interview Nichols. DTOU further advised Denver the interview was to focus only on a IT nexus to the Oklahoma City Bombing. Additionally, only Congressman Rohrabacher, possibly one of his Congressional Aide, one FBI Denver SA, and possibly a former OKBOMB Case Agent, were to attend the interview. Denver advised DTOU this time would be an appropriate occasion for the Congressman to interview Nichols. CTD was to identify potential interview dates with Congressman Rohrabacher and advise Denver to ensure coordination with ADX. DTOU expressed concern regarding John Doe #2's name surfacing during the Congressman's interview. After the one Denver SA departed ADX, [redacted]

Referral/Consult

DAD Lewis advised FBI Denver he wanted Nichols re-interviewed on May 27, 2005, by two FBI SAs, during which time the Agents were to advise Nichols that unless he provided new,

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significant information specifically pertaining to John Doe #2, the FBI would not continue interviewing him.

On May 27, 2005, FBI Denver re-interviewed Nichols. Nichols was angry because ADX staff removed Nichols from his cell at FBI Denver's request, without any prior notification or scheduling of this interview. This resulted in Nichols feeling the FBI was manipulating him. FBI Denver told Nichols that Congressman Rohrabacher would probably be traveling to ADX to interview him soon, and that the FBI would be present for this interview. Nichols said he wanted the Congressman to interview him, and also wanted a copy of the transcript/report. Nichols said he thought the FBI would arrest [redacted] based solely on his information. Denver explained investigations take time and discussed Nichols' security concerns regarding identifying John Doe #2; however, Nichols declined to provide any significant new information. Nichols advised he would pass a polygraph examination. Denver FBI SAs told Nichols they would not return until Nichols advised ADX staff he had significant, new information for them.

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FBI Denver, DTOU, OCA, BOP and DOJ conducted a conference call to discuss Congressman Rohrabacher's latest request to interview Nichols, and the logistics for that interview. Participants discussed audio and/or video recording the interview to eliminate any possible dispute regarding Nichols' statement. Participants also discussed whether Nichols and/or the Congressman would have an opportunity to review and modify the interview notes and/or FD-302 prior to approval. Participants decided the interview would not be audio and/or video recorded, and would again ask the Congressman to delay his interview until the pending investigation was completed. [redacted]

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On June 2, 2005, FBI Denver, Oklahoma City, DOJ, and DTOU participated in a conference call to discuss having [redacted] testify before a Federal Grand Jury. DOJ Attorney [redacted]

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On June 3, 2005, OCA advised Congressman Rohrabacher would interview Nichols on June 6, 2005. FBI Denver requested FBIHQ to provide further logistical information to assist in coordinating the interview with the ADX. DTOU relayed this information to OCA. OCA subsequently advised the Congressman agreed to delay the interview until June 10, 2005.

ADX staff advised the ADX Warden had denied the Congressman his interview on June 6, 2005.

DTOU advised DAD Lewis, via e-mail, that DOJ and the U.S. Attorney's Office in Denver [redacted] testify before the Federal Grand Jury [redacted]. DTOU further advised Attorney [redacted] intended to travel to Denver to interview [redacted] and to question [redacted] before the Federal Grand Jury [redacted].

On June 6, 2005, [redacted] to [redacted] before the Federal Grand Jury [redacted] before the Grand Jury [redacted] the Grand Jury [redacted].

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Congressman Rohrabacher had requested to interview Nichols on June 10, 2005, and provided a written request to have Reporter [redacted] now with MSNBC, present during the interview. Participants decided [redacted] would not be permitted to be present for the interview. Participants anticipated her being outside the prison complex during the course of this interview. The Congressman's visit would be a non-contact visit with a Lexan sheet (plexi-glass) between them. The interview would not be recorded, and FBI Denver would not provide Congressman Rohrabacher with a copy of the Agent's notes. DOJ Attorney [redacted] would interview Nichols at the ADX on Wednesday, June 8, 2005, and [redacted] before the Federal Grand Jury [redacted]. [redacted] Congressman Rohrabacher would be permitted to interview Nichols after 11:00 a.m. on Friday, June 10, 2005, and would have to leave the facility by 4:00 p.m. FBI Denver posed the issue of whether [redacted] and testimony before the Grand Jury [redacted].

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FBI Denver reviewed a letter provided by Investigators at the ADX. A review of the letter, written by [redacted]

[redacted]

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On June 7, 2005, OCA advised via e-mail that DOJ had canceled Congressman Rohrabacher's interview of Nichols on June 10, 2005, and established June 17 or June 20, 2005, as possible interview dates.

On June 8, 2005, FBI Denver met with Attorney [redacted] in Colorado Springs, Colorado, to discuss his upcoming interview with Nichols and [redacted] before a Federal Grand Jury in [redacted]. Attorney [redacted] conferred with Nichols' appointed attorney, [redacted], who [redacted] want to talk to the FBI, DOJ, [redacted] Attorney [redacted] advised Attorney [redacted] that was fine. [redacted]

[redacted] The District of Colorado appointed Attorney [redacted] who represented Nichols during Nichols' state trial stemming from the Oklahoma City Bombing, [redacted] testifying before the Federal Grand Jury [redacted]

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[redacted] FBI Denver and DOJ Attorney [redacted] met with ADX staff at ADX. FBI Denver [redacted] with the Federal Grand Jury Subpoena, and advised [redacted]

On June 9, 2005, Attorney [redacted] provided two letters to FBI Denver. The first letter was written by Attorney [redacted] to the U.S. Attorneys Office, New York City, New York, requesting [redacted]. The second letter contained a 1997 State of Oklahoma Grand Jury report, regarding the Oklahoma Grand Jury's investigation of the 1995 Oklahoma City Bombing.

[redacted] before a Federal Grand Jury [redacted]

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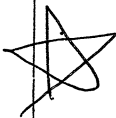
On June 13, 2005, DTOU advised FBI Denver, via e-mail, that Congressman Rohrabacher formally requested in writing on June 3, 2005, that Reporter [redacted] be present during his interview of Nichols, and was provided a scanned copy of this letter.

On June 14, 2005, FBI Denver advised DTOU that June 20, 2005, was preferable as far as Denver's availability, but that Denver would make whatever arrangements were necessary to accommodate the Congressman. DTOU relayed this to OCA, who relayed it to DOJ. OCA also advised Reporter [redacted] would not be present at Nichols' interview. OCA subsequently learned Congressman Rohrabacher desired to audibly record the Nichols interview, and DOJ was awaiting an opinion from BOP regarding this request.

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FBI Denver contacted ADX staff regarding the interview dates. ADX Warden Ron Wiley advised Denver that Monday was preferable, as June 17, 2005, was a regularly scheduled visitation day. This information was relayed to DTOU.



On June 15, 2005, FBI Denver, DTOU, BOP, and DOJ participated in a conference call pertaining to recording the Congressman's interview with Nichols or having a stenographer present to record the interview. Participants decided the Congressman would not be permitted to audibly record or video tape the interview, as the ADX's "practice" since the September 11, 2001, terrorist attacks has been to deny audio and/or video recording equipment inside the facility. If the Congressman did not object to this provision, the matter would be dropped. If the Congressman objected, DOJ would propose the compromise of having a stenographer present to record the interview.

FBI Denver posed the following issues to DTOU: 1) If the Congressman's Nichols interview was truly a "congressional inquiry," what was the investigative purpose of inviting the media to the interview?; 2) If a stenographer were used would the stenographer be a Bureau/U.S. Government employee or someone we don't know?; 3) If a stenographer recorded the interview, would the Congressman be permitted to obtain a copy of the transcript?; and 4) Would it be possible for the FBI to obtain a list of the Congressman's proposed questions before the interview? DTOU relayed these questions to OCA. OCA replied: 1) the Congressman's inquiry was characterized as a congressional matter, leaving it to his discretion who he invited to the interview; 2) BOP would coordinate for the stenographer, but would probably consider FBI Denver's suggestions; 3) The FBI did not know the timing for release of the transcript; and 4) Rohrabacher advised in writing that his focus was a foreign connection and the identity of John Doe #2, so a request for further clarification would cause more "angst."

On June 16, 2005, OCA advised Congressman Rohrabacher would arrive in Colorado Springs, Colorado, on June 20, 2005, at approximately 10:45 a.m., and would then proceed to the ADX. He would be accompanied by two staff members. He was informed Reporter was not permitted to be present for the interview, and that he may not record the interview either audibly or visually. There was no discussion regarding a stenographer.

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DTOU advised Congressman Rohrabacher had reviewed, at FBIHQ, additional video taken the day of the Oklahoma City Bombing. CTD and the Congressman entered into an agreement whereby the Congressman agreed not to relay any new information developed

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during his interview with Nichols to the media until the FBI had an opportunity to follow-up on the information.

On June 17, 2005, at approximately 11:20 a.m. MDT, Lt. [redacted] BOP, ADX, telephonically notified FBI Denver that Nichols sent a letter to SA [redacted] FBI Denver, indicating he would only meet with the FBI, DOJ, a Congressman or other representatives of the U.S. Government, or with the media if his attorney was not present. Lt. [redacted] faxed this letter to SSA [redacted] FBI Denver, Colorado Springs Resident Agency. SSA [redacted] telephonically notified A/SAC Thomas G. Donlon and ASAC Sharrell Gene Slone, FBI Denver, and UC [redacted] CTD, Weapons of Mass Destruction/Domestic Terrorism Operations Section, Domestic Terrorism Operations Unit (DTOU), of this letter and faxed copies of the letter to each. b6 b7c

At approximately 1:00 p.m. MDT, the following agencies/entities participated in a conference call regarding this development: DTOU, Office of Congressional Affairs, FBI Denver, DOJ Criminal Division, DOJ Legislative Affairs, BOP Central Office, and BOP ADX. During this conference call, participants decided to notify Congressman Rohrabacher of Nichols' desire to have his attorney present. DOJ Criminal Division will notify the U.S. Attorney's Office, District of Colorado, of this development and ask the USAO to seek a judicial opinion as to whether Attorney [redacted] continues to represent Nichols for purposes of Congressman Rohrabacher's interview. Participants also decided the addition of Nichols' attorney did not create physical limitations necessitating an alternative interview location. DOJ participants concurred that FBI Denver and BOP ADX expeditiously notified all necessary parties of this development, and FBI Denver had taken all appropriate and necessary steps to determine Nichols' legal representation desires.

On June 20, 2005, OCA advised FBI Denver that Congressman Rohrabacher's office contacted Nichols' attorney to arrange this interview.

On June 21, 2005, OCA advised FBI Denver that DOJ anticipated the Congressman would interview Nichols on June 27, 2005, at an as yet undetermined time. OCA further advised contact with DOJ Legislative Affairs suggested Nichols' attorney would not be present for this interview. FBI Denver advised OCA FBI Denver would be available for this interview on June 27, 2005.

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ADX staff advised FBI Denver they received information that Attorney [redacted] appointment did not cover Congressman Rohrabacher's anticipated interview. ADX staff also expressed concern with Congressman Rohrabacher interviewing Nichols on June 27, 2005. [redacted]

[redacted] is also subject to SAMs. FBI Denver advised ADX staff to relay this concern through their chain of command, ultimately to DOJ. FBI Denver relayed this information to OCA on June 21, 2005. FBI Denver has not received notification from ADX staff or otherwise that the date of Congressman Rohrabacher's interview of Nichols has been changed because of BOP's concern.

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On June 23, 2005, Assistant U.S. Attorney (AUSA) [redacted] [redacted] Denver, Colorado, advised FBI Denver that on June 17, 2005, U.S. District Court Judge Boyd Boland, District of Colorado, Denver, verbally denied Nichols court-appointed counsel for his interview with Congressman Rohrabacher. AUSA [redacted] notified DOJ Attorney [redacted] of this same information.

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LEAD(s):

Set Lead 1: (Info)

DIRECTOR'S OFFICE

AT OCA, DC

Will advise Denver and Counterterrorism Division regarding further information received.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

Will advise Denver and Office of Congressional Affairs regarding further information received.

Set Lead 3: (Action)

DENVER

AT DENVER, CO

Will advise Counterterrorism Division and Office of Congressional Affairs regarding further information received.

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