

FBI surrenders documents that judge ordered

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Under pressure from a federal judge to produce at least 87 pages of “un-redacted” internal FBI documents related to the 1995 bombing of the 1995 Oklahoma City federal building, the Oklahoma City FBI office has filed under seal documents with a Salt Lake City federal court that could unlock some of the mysteries surrounding the terrorist attack that left 168 dead.

Along with the documents under seal the agency cited a number of reasons the court should continue to protect persons whose names were originally blacked out of some of the crucial documents and certain facts the FBI alone possesses about activities at a paramilitary terrorist training camp called Elohim City.

Filed in federal court in Salt Lake City, Utah, attorneys for the U.S. Department of Justice (DOJ) argued that the FBI Oklahoma City office should not have to make public details that some believe could prove the FBI had prior knowledge of the plot to bomb the Oklahoma City federal building, but somehow failed to stop it.

This litigation is part of a Freedom of Information Act lawsuit filed by Salt Lake City attorney Jesse Trentadue.

At the center of the controversy is an unclassified copy of a memorandum marked “From the Director of the FBI” that contains several references to an FBI undercover operation at Elohim City before the bombing of the Murrah Federal Building.

The electronic message was sent to the OKBOMB investigation task force and a select group of FBI offices around the nation some eight months after the 1995 federal building bombing.

The potentially explosive contents of the teletype, among other things, exposed for the first time an informant operation being conducted by nationally known civil rights lawyer Morris Dees through his organization the Southern Poverty Law Center (SPLC).

In some detail the FBI acknowledged the SPLC was engaged in an undercover role where it monitored subjects for the FBI believed to be linked to executed bomber Timothy McVeigh, the white supremacist compound at Elohim City and the mysterious German national Andreas Carl Strassmeir.

Dated Jan. 4, 1996, the four-page teletype was drafted and issued under the authority of FBI director Louis Freeh, but was heavily redacted (portions blacked out).

Despite these redactions, the document clearly describes individuals the FBI believed were associated with the OKBOMB and BOMBROB cases – two high profile domestic terrorism cases the FBI was investigating as possibly connected.

Many of the details in this potentially explosive document had never been made public before.

The OKBOMB case focused several hundred FBI agents on the truck bombing of the Alfred P. Murrah Federal Building.

The FBI's BOMBROB investigation was much smaller. It involved a wide-ranging search for a group of neo-Nazi bank robbers in the mid-1990s whose stated goal was the overthrow of the U.S. government through violence. Many of the subjects listed in the BOMBROB investigation lived at or frequented Elohim City and were closely associated with Strassmeir.

Only days after the Jan. 4, 1996, cable was sent, the first two arrests were made in the BOMBROB case. Within 13 months of the electronic message, four more persons were jailed in connection with 22 bank robberies the radical rightwing group participated in across seven Midwestern states.

Three of the individuals arrested in the BOMBROB case lived at Elohim City with Strassmeir, who has been repeatedly been linked to McVeigh in numerous accounts published in this newspaper.

Since this newspaper first published its story about the Freeh teletype on December 14, 2003, a series of FOIA requests have turned up additional teletypes from the FBI director, providing even more details about the surveillance operation the agency was involved in with the SPLC at Elohim City and elsewhere.

Litigation growing out of the Trentadue FOIA requests recently led to an order by Judge Kimball in Salt Lake City, directing federal agents to turn over to him all copies of FBI documents responsive to Trentadue's FOIA requests so the court could decide if the names and details contained on the complete documents should be made public.

Hoping to influence the court to keep those documents away from the public, the FBI cited numerous privacy considerations for withholding them.

Evidencing the degree of prior knowledge the FBI had of activities at Elohim City and other terror camps associated with McVeigh and the bombing of the federal building, government lawyers admitted this week for the first time that redactions of names contained in these explosive documents at the center of the controversy included:

“Three third parties (who) provided information to the FBI that concerns organizations and individuals known or suspected to be violent and possibly engaged in domestic terrorism.

“In particular, the information in question here was related and relevant to the FBI’s investigation of the bombing of the Murrah Federal Building in Oklahoma City. One of the third parties acquired some of the information by interacting directly, undercover, with the above described organizations and individuals.”

Apparently referring to spies working for the SPLC, the government wrote: “The names and identifying information of the parties who provided information to the FBI under an implied assurance of confidentiality have been redacted and withheld from release.”

Bombing suspects withheld

Referring to persons the FBI says it still could be investigating for the bombing 10 years ago, the lawyers for the government said: “Names and identifying information of third parties who were (and, possibly, still are) of investigative interest to the FBI have been redacted and withheld from release. ... Being a suspect or person of interest in an FBI investigation – in particular, the FBI investigation of the bombing of the Murrah Federal Building – carries obvious negative connotations and stigmas... Accordingly these third parties have a significant privacy interest in the nondisclosure of their names and other information that would lead to their identification.”

Nearly a decade ago, U.S. attorneys in the federal trials of Terry Nichols and McVeigh assured U.S. District Judge Richard Matsch that that all investigative leads about Elohim City had been exhausted and no connections other than a single phone call and a chance meeting between Strassmeir and McVeigh had been uncovered.

After this newspaper acquired these new but heavily redacted copies, attorneys for both McVeigh and Nichols have reviewed them and told the Gazette they were never turned over in discovery.

A hearing has been scheduled in Salt Lake City on Nov. 10 to hear arguments as to whether the court will release some or all of the contents of the documents submitted under seal.