

Agent: Feds told of threats to blow buildings

Published: 11/10/2005 at 1:00 AM

Judge had sealed woman's testimony regarding Oklahoma City blast

Unearthed by a Salt Lake City, Utah, attorney, statements made by a Tulsa Bureau of Alcohol Tobacco and Firearms agent in a federal courtroom confirm that a confidential informant did warn the agency of plans to bomb federal buildings before the attack in Oklahoma City that left 168 dead and hundreds more injured.

Moreover, a federal judge in Oklahoma ordered that the information be kept sealed because of its potential impact on the trial of bomber Timothy McVeigh, records show.

Civil attorney Jesse Trentadue submitted as an exhibit a transcript from a 1997 federal court proceeding in Tulsa that contains admissions by a BATF agent that she had prior warning of a bomb plot being discussed inside a right-wing paramilitary compound in eastern Oklahoma called Elohim City.

The information emerges now because in May of this year a federal judge in a Utah Freedom of Information case ordered the Oklahoma City FBI office to surrender all responsive documents requested by Trentadue – without redactions. The FBI has been fighting the order ever since.

As part of that suit, Trentadue on Friday responded to the FBI's delivery to the judge of just under 100 pages of documents related to a little-known undercover operation involving the Southern Poverty Law Center, or SPLC; the FBI; and the \$85 million OKBOMB investigation.

In presenting the documents under seal to the court, lawyers for the Department of Justice once again argued that the identity of certain SPLC informants and others – along with important details of the undercover operation involving McVeigh and the far right – should be kept secret from the public.

Almost since the day of the bombing, there has been considerable information emerging that various law enforcement agencies had intelligence pointing to a bomb plot by McVeigh and others well ahead of the attack.

Federal officials have consistently denied that they had evidence of a pending attack.

Questions immediately surfaced after the bombing as to why there were no BATF field agents on duty at the building the morning terrorists struck. The Oklahoma City office had over a dozen employees assigned to the ninth floor office. However, none was killed and only two auditors were treated for injuries afterward.

Responding to press inquiries, the BATF at the time of the bombing said most of their agents had been out the night before on a surveillance operation and had slept in.

Trentadue has obtained a 1997 transcript from a Tulsa federal court case that casts doubt on BATF claims that the agency had no advance warning of an Oklahoma City bombing.

The 1997 case involved a Tulsa BATF contract informant who stood accused, along with a boyfriend, of making bomb threats in 1996.

With no media present, Carol E. Howe's BATF handler, Angela Finley-Graham, responded to questions from Howe's attorney, Clark Brewster, about her work for the agency.

In particular, Finley-Graham was asked whether Howe had warned the BATF in 1994 and 1995 that Andreas Strassmeir and others at Elohim City were plotting to bomb an Oklahoma federal building in the spring of 1995.

The transcript of Graham's testimony includes this exchange:

Brewster: And Ms. Howe told you about Mr. Strassmeir's threats to blow up federal buildings, didn't she?

Graham: In general, yes.

Brewster: And that was before the Oklahoma City bombing?

Graham: Yes.

During the proceeding, Graham also acknowledged that she was aware Howe traveled to Oklahoma City with members of the radical group before the attack and had later reported the incident. Upon her return to Tulsa, Howe was debriefed and then taken to Oklahoma City to show Graham the areas she visited with the individuals who were part of a wide-ranging terrorist investigation that was receiving substantial funding and attention in Washington, D.C.

At the conclusion of Graham's testimony, the judge in the case was encouraged by Justice Department prosecutors to order Howe's attorney not to turn the information over to bombing defense attorneys for McVeigh, whose trial had just begun.

In a closed-door, "in camera" hearing on April 24, 1997, U.S. District Judge Michael Burrage commented on the BATF records involving Howe's undercover file and referred to a mass-murder case that was not before him.

Burrage: With that McVeigh trial going on, I don't want anything getting out of here that would compromise that trial in any way.

Brewster: What do you mean by "compromise"? Do you mean shared with McVeigh's lawyers?

Burrage: Yes, or something that would come up – you know, we have got evidence that the ATF took a trip with somebody that said buildings were going to be blown up in Oklahoma City before it was blown up or something of that nature, and try to connect it to McVeigh in some way or something.

Brewster: That would be up to their representation of the client in some regard, Your Honor. If you are asking me not to share any documentation from these files with those lawyers, then I won't.

Howe was not allowed to testify in the McVeigh trial. However, after she was acquitted of all charges brought by the DOJ against her in Tulsa, the former beauty queen and debutante was allowed to testify in a very limited manner in the Terry Nichols trial in Denver.

Under strict orders by U.S. District Judge Richard Matsch, Howe was not allowed to tell Nichols' jurors that she was under contract for the BATF when she visited Elohim City in the months before the bombing.

Thus, Howe was not allowed to discuss any portion of her BATF file that showed the Tulsa office was planning a February 1995 raid of Elohim City and then arrest Strassmeir.

Nor was evidence allowed into the Nichols' trial that the FBI intervened to stop the raid. Howe was only allowed to tell jurors that she saw McVeigh at Elohim City before the April 19, 1995, blast and that he walking with Strassmeir.

Earlier this year, individuals involved in the OKBOMB investigation came forward to the McCurtain Daily Gazette and claimed the FBI's OKBOMB case was corrupted by the Clinton White House and federal prosecutors in Denver who covered up evidence of a wider conspiracy in the bombing.

Each of those officials has continued to follow media reports about the bombing for over a decade. They came forward – albeit without attribution – to express concerns and to provide details of a government cover-up of a failed sting operation at Elohim City – a sting operation, each said, that was very likely bungled by the BATF.

“I was close to the bombing case immediately,” one former official told the Gazette, “and over time it became clear the White House had taken the investigation away from the FBI and handed it over to officials at the Department of Justice.

“And that’s not how it works. The FBI should investigate and then turn the evidence over to them to decide if they want to proceed with a prosecution. That didn’t happen in this case. In this case, after the original commanders left the case, the DOJ began calling the shots – telling field agents what they could investigate and what they couldn’t.”

Documents withheld

Various lawyers who worked for the defendants in the bombing case have reviewed the documents central to the Trentadue FOIA lawsuit and have told the newspaper they were never turned over to them in discovery by DOJ as the court had ordered.

At issue is close to 100 pages of heavily redacted documents about the FBI's interest in phone calls and associations involving McVeigh, Elohim City and informants privy to that information before the bombing in Oklahoma and afterward.

Much of the information involves teletypes from the then-director of the FBI, Louis Freeh.

Central to Trentadue's FOIA litigation, the FBI is now asking the court to allow it to continue to withhold details of the SPLC operation at Elohim City – including the names of the informants that assisted the SPLC and others. The FBI also wants to redact how much information the government and the SPLC knew of the bomb plot before terrorists struck in Oklahoma City.

Trentadue alleges that the SPLC and the FBI through their informants and agents actually helped McVeigh and his cohorts bomb the federal building as part of a failed “sting operation” that went awry. At no stage in the litigation has the FBI denied this allegation.

Also contained in Friday's filing in Salt Lake City, Trentadue writes:

“During the course of investigating his brother Kenneth Michael Trentadue's murder, Plaintiff discovered that the Southern Poverty Law Center (SPLC) and the FBI had conducted a joint sting operation at a white supremacist compound in eastern Oklahoma, known as Elohim City, and that Timothy McVeigh was a visitor at Elohim City, which was also a paramilitary training camp. Another visitor to Elohim City was Richard Lee Guthrie. Prior to McVeigh's execution, Plaintiff received a message from McVeigh stating that McVeigh believed Plaintiff's brother was killed because of FBI Defendants' mistaken belief that Kenneth Michael Trentadue was actually Richard Lee Gurthrie.

“Gurthrie was one of McVeigh's accomplices in the Oklahoma City bombing and a member of the Mid-West Bank Robbery Gang, which was an arm of the Aryan Republican Army. Approximately nine months after Kenneth Trentadue was murdered, Guthrie was found hanging in his cell while in federal custody. Plaintiff commenced this action to obtain records/documents from FBI Defendants concerning the joint SPLC-FBI sting operation, the Mid-West Bank Robbery Gang and the murder of his brother.

“FBI Defendants have filed 96 pages of responsive documents with the Court. Plaintiff has been provided with redacted copies of these same documents. FBI Defendants have now asked the Court to reconsider and vacate its

Order of May 5, 2005. If that Motion is granted, FBI Defendants will continue to conceal their involvement in the greatest act of domestic terrorism to occur in the United States of America during the 20th Century, which involved the murders of 169 people including 19 children and Plaintiff's brother."

In one explosive document from the FBI after the bombing, Trentadue points out, "Exhibit 2 is the SPLC Bombing Memorandum. The Court should note that there are at least two informants mentioned in this document. One is a Cincinnati cooperating witness for whom FBI Defendants assert the implied assurance of confidentiality exemption, but there is nothing in the record before the Court to indicate that this witness, who is Shawn Kenny, is entitled to that exemption. Of more significance, however, is the other informant at Elohim City, Andreas Carl Strassmeir.

"There is no exemption asserted for Andreas Carl Strassmeir. This document is crucial because it reveals that McVeigh had a lengthy relationship with Strassmeir, a weapons and explosives instructor at Elohim City and that two days prior to the Murrah Building bombing, McVeigh had called Elohim City looking for help."

Dees responds

SPLC's Morris Dees in an interview with the Gazette over a year ago admitted involvement in an operation at Elohim City, but refused to provide details. That interview was tape recorded by this reporter and filmed by a Texas television network. Since that interview, Dees' assistant Mark Potok has said his employer was just making a joke. Potok has refused to communicate further with the Gazette.

Today in Salt Lake City the parties in the lawsuit expect the court to rule on the manner. If the judge in the case once again orders the FBI to surrender the unaltered documents to Trentadue, the matter could be appealed to the 10th Circuit Court of Appeals in Denver.
