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Pro Se Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

vs.

FEDERAL BUREAU OF
INVESTIGATION and FEDERAL
BUREAU OF INVESTIGATION'S
OKLAHOMA CITY FIELD OFFICE ,

Defendants.

**MOTION TO CONDUCT
DISCOVERY**

Case No.: 2:04 CV 00772 DAK

Judge Dale A. Kimball
Magistrate David Nuffer

On May 5, 2005, the Court entered an *Order* (Doc. No. 31) requiring FBI Defendants to conduct a search for records and to produce documents/records responsive to Plaintiff's *FOIA* requests seeking information related to a failed sting operation by the Southern Poverty Law Center (SPLC) and/or FBI Defendants at a white supremacist paramilitary camp compound in Elohim City, Oklahoma which, directly or indirectly, led to the bombing of the Murrah Building in Oklahoma City, Oklahoma on April 19, 1995. In that *Order*, the Court likewise stated that "Upon *Motion*, the Court will allow Plaintiff to conduct discovery should the FBI fail to produce documents and/or records responsive to his *FOIA* requests." (*Order*, p. 6.)

In response to that *Order*, FBI Defendants did produce documents. (Doc. Nos. 58 and 96.) On its face, however, FBI Defendants' response was clearly in bad faith. FBI Defendants, for example, produced only about 30 documents with the oldest being dated April 25, 1995, one week post bombing. It is Plaintiff's position that it is not credible that so few documents exist on this subject and for none of them to be older than April 25, 1995, because: (1) by FBI Defendants' own admissions there were at least four (4) informants involved with this sting operation; and (2) the operation obviously existed and/or predated the April 19, 1995, bombing. Plaintiff's position that FBI Defendants

have responded in bad faith has been bolstered by two events that have occurred since the Court entered its *Order*.

The first event is the *Report* from the House Oversight Investigation Subcommittee on International Relations. This *Report* sets forth the results of that Subcommittee's investigation into a possible foreign involvement in the Oklahoma City bombing. The *Report* documents what that Subcommittee believes may have been participation in the Murrah Building bombing by members of the Midwest Bank Robbery Gang and residents of Elohim City, including Andres Strassmeir. This *Report* also documents the Department of Justice's bad faith refusal to cooperate with the Subcommittee's investigation.¹ A similar lack of cooperation and good faith is obvious from the FBI Defendants' response to this Court's *Order*.

The second event is the recent *Declarations* provided by Terry Lynn Nichols and David Paul Hammer. Nichols was convicted for his involvement in the bombing. Hammer spent almost two years on death row with McVeigh during which time he and McVeigh discussed the bombing in detail. In their *Declarations*, Nichols and Hammer

¹ A true and correct copy of that *Report* is attached hereto as **Exhibit A**. More importantly, that *Report* is not hearsay. See *Petition of W*, 164 F. Supp. 659 (E.D. Pa. 1958). ("Facts found in reports prepared by public officials in the course of their duty, in accordance with express statutory authority, are admissible as an exception to the hearsay rule where there is no motive for the official to be partial.")

discuss Strassmeir and other's who participated in the bombing, including informants. Both men set forth facts establishing a link between Elohim City and the Murrah Building bombing. More importantly, Nichols, and Hammer set out in their respective *Declarations* facts establishing FBI Defendants' apparent complicity in that crime through informants.

WHEREFORE, pursuant to *Federal Rules of Civil Procedure* 26 and 30, Plaintiff hereby seeks an *Order* from this Court allowing him to take the depositions of Terry Lynn Nichols and David Paul Hammer and to videotape those depositions.² This *Motion* is supported by a *Memorandum* and by the sworn *Declarations of Terry Lynn Nichols*, and *David Paul Hammer* filed herewith.

DATED this 16th day of February, 2007.

/s/ Jesse C. Trentadue
Jesse C. Trentadue
Pro Se Plaintiff

² Terry Nichols federal registry number is 08157-031 and he is incarcerated at the United States Penitentiary Administrative Maximum Facility located at Florence, Colorado. David Paul Hammer's federal registry number is 24507-077 and he is presently on Death Row at the United States Penitentiary at Terra Haute, Indiana.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16TH day of February, 2007, I caused a true and correct copy of the foregoing **MOTION TO CONDUCT DISCOVERY** to be served via, electronic process upon the following:

Carlie Christensen
Assistant United States Attorney
185 South State Street, Suite 400
Salt Lake City, UT. 84111

/s/ Jesse C. Trentadue

NICHOLS MOTION.wpd

Exhibit A

Chairman's Report
Oversight and Investigations Subcommittee of the
House International Relations Committee

The Oklahoma City Bombing: Was There A Foreign Connection?

Representative Dana Rohrabacher (R - CA)

Staff Investigator: Phaedra Dugan

Press Contact: Tara Setmayer (202) 225-2415

On Wednesday, April 19, 1995, at approximately 9:02 AM, a bomb exploded in front of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, killing 168 people, including 19 children, and injuring countless others. Within days, Timothy McVeigh and Terry Nichols were in custody as the prime suspects and were eventually convicted of the crime. Undoubtedly, McVeigh and Nichols were responsible for this violent domestic terrorist attack, and, with the conviction of these murderers, justice was served. However, from the time of the bombing until today, questions persist as to whether others were involved. Especially alarming has been speculation that there might have been a foreign connection.

Within our jurisdictional, legal and resource limits, the Oversight and Investigations Subcommittee has conducted an intensive investigation into whether there was a foreign connection to the Oklahoma City bombing. The effort focused primarily on two theories that seemed to be based on factual evidence that, if verified, would indicate a foreign participation in the bombing.

First, we attempted to determine whether McVeigh or Nichols received any help from Middle Easterners, and, second, whether a German national living at an extremist compound in eastern Oklahoma played a role. Adding credence to the suspicions is a number of credible sightings putting Timothy McVeigh with another person before and on the day of the bombing (at the time, this apparent accomplice was dubbed John Doe Two by the FBI). This report details the investigation and presents its findings, conclusions and discoveries.

At the outset, members of Congress were met with a startling development. On March 31, 2005, the FBI was alerted that a second stash of explosives was missed by the FBI in their first search of Terry Nichols' house after the Oklahoma City bombing. The tip-off included instructions on how to find the explosives which were, according to the tipster, still underneath the floorboards of Terry Nichols' small wooden framed structure. Instead of immediately checking this lead, the FBI waited. It was not until members of Congress were alerted and began to investigate that the FBI rushed forward only to discover explosives that had eluded them in their first search. This episode was serious enough to precipitate an investigation to determine what else may have been missed or mis-analyzed in the original bombing probe.

PART I: Possible Middle Eastern Connections

There is serious, yet in some cases circumstantial, evidence that suggests a possible Middle Eastern connection to the Oklahoma City bombing (named "OKBOMB" by federal investigators):

For example, of all the cities in the world, convicted terrorist Ramzi Yousef and Terry Nichols were in Cebu City in the Philippines at the same time three months before the Oklahoma City bombing. Yousef was the perpetrator of the first World Trade Center attack as well as the mastermind behind the planning of other high-profile attacks on Americans. Furthermore, Ramzi Yousef's phone records, from the months before he detonated the first World Trade Center bomb in early 1993, show calls placed to the Filipina neighbor and close friend of Terry Nichols' in-laws in Queens, New York. The opportunity for interaction between American terrorist, Nichols, and al-Qaeda terrorist, Yousef, is evident.

One indicator that this terrorist act had broader implications came directly from Abdul Hakim Murad, Yousef's roommate, childhood friend, and fellow convicted terrorist. On the day of the bombing, Murad claimed responsibility for this terrorist act from his jail cell in New York. He bragged to his prison guards, verbally and in writing, that the bombing of the Murrah federal building was the work of the "Liberation Army." His confession was similar to the one Yousef had made two years earlier in the immediate aftermath of the first attempt to destroy the World Trade Center. Hours after he drove a Ryder truck into the garage of the north tower of the World Trade Center and detonated the deadly bomb, Yousef called the FBI from a pay phone in Newark International Airport and boasted that the "Liberation Army" had conducted the attack. He then boarded a plane and escaped, ending up in Manila, Philippines.

Note: the Oklahoma City Bombing followed a similar pattern to the 1993 attack on the World Trade Center—a rental truck loaded with ammonium-based explosives, using similar detonation devices, based on the strategy of driving a vehicle into or near a target.

Another possibility of Islamic terrorist involvement in the Oklahoma City bombing was pursued by Jayna Davis, a local Oklahoma City television reporter. Davis did extensive research in the immediate and long term aftermath of the crime and concluded that a small group of recent Iraqi émigrés living in the Oklahoma City area helped McVeigh bomb the Murrah building. She documented multiple witnesses who placed Timothy McVeigh with a foreign-looking person (and/or persons) in the days leading up to, as well as the day of, the Oklahoma City bombing. Her witnesses offer substantial support to the theory of a Middle Eastern connection and relate directly to the existence of John Doe Two. The FBI, much to the frustration of some of its own investigators, discarded the possibility of the existence of John Doe Two, two months into the investigation. There are a number of factors, including information provided by Davis, indicating the existence of John Doe Two and a possible Middle Eastern connection.

Note: at the outset of the subcommittee's investigation, former Oklahoma governor Frank Keating personally requested that the investigation be called off. During his meeting with the subcommittee chairman, Governor Keating mentioned that then-President Bill Clinton had called him only hours after the bombing. According to Keating, President Clinton's first comment to him after the bombing was "God, I hope there's no Middle Eastern connection to this."

This mindset, described by Governor Keating, may or may not have influenced the original Oklahoma City bombing investigators. There were many reasons to believe that there might have been a foreign connection. There should have been no hesitation to investigate and make that determination, even if it would have required a forceful retaliation.

Terry Nichols in the Philippines

Terry Nichols began traveling to the Philippines in August 1990. He traveled to Cebu City with Shelton Paradise Tours, a business run by Tom Shelton and his son, Earl, who were allegedly involved in several disreputable ventures. Shelton Paradise Tours touted itself as a "mail order bride business," but apparently was also a prostitution ring. Shelton ran ads in fringe publications in the United States targeted at men who wanted to travel to the Philippines to find women for pleasure or marriage. He also ran ads in the Cebu City daily newspaper for young women who wanted to escape a life of poverty by becoming mail order brides. His Cebu City ad was answered by a young woman named Flordaliza "Lisa" Torres, who later brought her sister, Marife, into the business.

Marife met Terry Nichols on his first trip to the Philippines in August 1990 and the couple married in November of the same year. When Marife joined him in the United States a short time later, she was pregnant with another man's child. When interviewing Marife's friends and family in the Philippines, the Oversight and Investigations Subcommittee discovered that Nichols may have promised the Torres family land and U.S. citizenship, even though he lacked regular employment and had no means of support other than occasional odd jobs. Terry and his Filipina bride moved to his family's farm in Michigan, where her child was born, before eventually moving to Herington, Kansas.

Terry Nichols' Activities in the Philippines

On his first trip to Cebu with Shelton Paradise Tours, Terry Nichols was initially introduced to "tour guide" Daisy Gelaspi. They spent about four days together and, in a sworn signed statement to police and investigators, Gelaspi claimed that Nichols asked her if she knew anyone in the military or anyone else who could help him make a bomb. Additionally, on his final trip to the Philippines just months before the Oklahoma City bombing, Nichols had with him a bomb-making book entitled *The Chemistry of Powder and Explosives*. Nichols' interest in bomb making during his trips to the Philippines raises some doubt about whether he was genuinely there for a wife, or whether he was there to network with underground criminals and terrorists.

Terry Nichols' behavior prior to his last trip to the Philippines in November 1994 also raises questions. He left a sealed note for his ex-wife that instructed her to open it in

case he did not return. She opened it almost immediately and found a letter from Nichols telling her where he had hidden \$20,000 for her and their son. When asked directly about this by the Oversight and Investigations Subcommittee, his answers were not credible; Nichols suggested the \$20,000 came from babysitting money. Nichols had also written a note to McVeigh saying "Your [sic] on your own, go for it." The Oversight and Investigations Subcommittee inquired into why Nichols would have feared for his life on his last trip to the Philippines as well as where he got \$20,000. Our answers are speculative at best. The money could have come from his robbery of Arkansas gun dealer Roger Moore, but this could not be confirmed. Additionally, it has not been ascertained as to why Nichols feared for his life.

Nichols' skill as a terrorist seems to have grown while in the Philippines. Initially he was an unsuccessful bomb-maker. According to Michael Fortier's testimony, Nichols and McVeigh failed miserably when they tested an explosive device in the Arizona desert just six months before they bombed the Murrah building. After Nichols' final trip to the Philippines, he and McVeigh were fully capable of manufacturing the crude but deadly bomb that was used to bring down the Murrah federal building.

Terry Nichols and Ramzi Yousef

Lisa and Marife Torres had a Filipina friend and fellow "tour guide" in Shelton's mail order bride business named Vilma Elumbaring. Lisa claims that Vilma dated a man whose last name was "Khan" and that Marife, Vilma, and Khan were together on at least one occasion at a disco in Cebu one month before Terry Nichols first traveled there. This Khan could possibly be Yousef friend and fellow terrorist, Wali Khan, who trained aspiring terrorists in the Philippines and was later convicted of plotting to blow up U.S. airliners. According to one Abu Sayyaf (see below) member who trained with Khan, he was a master at making explosives. If the "Khan," identified by Vilma as part of the Cebu disco scene was convicted terrorist Wali Khan, that would place Terry Nichols and a Yousef ally in the same circles in Cebu City.

NOTE: The Oversight and Investigations Subcommittee was unable to confirm the identity of Vilma's "Khan" because, even with the help of the Philippine National Police and the American Embassy in Manila, we could not locate Vilma Elumbaring or Tom Shelton. Additionally, the Subcommittee requested an interview with Wali Khan in Colorado's Supermax prison, but Khan refused.

In addition to a "Khan" being with Marife's group in Cebu, a prominent member of the Philippine terrorist organization, Abu Sayyaf, made statements to investigators and police in the aftermath of the Oklahoma City bombing. Edwin Angeles had trained at the terrorist camp in Mindanao around the time Wali Khan was there. Angeles told McVeigh defense team interviewers that Terry Nichols had met with Yousef, Khan, and Murad on at least one occasion in Mindanao in the early 1990s.

Angeles' credibility is another matter. Members of the Philippine National Police insisted to Oversight and Investigations Subcommittee staff that Angeles was unreliable. The authorities asserted that Angeles was a drug user, a likely double agent, and had made several conflicting statements. He was released from a Philippine jail in 1997 and

was promptly murdered in broad daylight on a public street. His statements about an alleged terrorist meeting that included Nichols and Yousef should not be ignored, but cannot be relied upon without verification. The subcommittee was unable to find such verification.

There is no doubt, however, that Nichols and Yousef were both in Cebu City in December and January prior to the April 19, 1995 Oklahoma City bombing. Yousef, having successfully escaped America after exploding a bomb in the World Trade Center in February 1993, had been living in Manila with Murad and Khan. They were working on their next two part plan, Project Bojinka: a conspiracy to place bombs on twelve American airliners which would explode over the Pacific Ocean, potentially killing hundreds of Americans, and to overtake the cockpits of American airliners and crash them into buildings such as the CIA headquarters in Langley, Virginia.

Yousef decided to do a test-run of his airline-bombing plot in December 1994. He took a Philippine Airline flight from Manila where, after placing his test bomb underneath a seat, he disembarked in Cebu City. The bomb exploded on its way to Tokyo, killing a Japanese businessman. Meanwhile, Terry Nichols and his wife were in Cebu City, where Marife was attending college at Southwestern University.

In the December 1994 and January 1995 time period when Yousef and Nichols were in Cebu City, it is not known where Yousef stayed; however, items found one month later by the Philippine National Police in his Manila apartment suggest that he had either stayed at or visited the Sundowner Hotel, where Marife and Terry had met years before and where Tom Shelton ran his "tour guide" business. The opportunity for a Yousef-Nichols link-up during this time is clear. The proof, however, has not been established.

Note: Nichols hastily departed the Philippines immediately after the Yousef bomb operation was discovered and Murad was arrested in Manila. Shortly before, Nichols had arranged his reservations to leave at a later date. Inexplicably, his plans changed the day the Manila bomb plot was broken up. All this justifiably leads to speculation that the Bojinka bombing plot may have been tied to a more grandiose scheme. Had the Bojinka plot and the Oklahoma City bombing occurred in the same time frame, it would have been a spectacular worldwide attack on the American people. Evidence is circumstantial but serious questions remains.

Phone Records Possibly Linking Yousef to Nichols

Ramzi Yousef was in the United States for about five months prior to his attack on the World Trade Center in February 1993. His cell phone records from that time period show that he placed three phone calls to the residence of a Filipina in Queens, New York named Mila Densing, with one call lasting approximately 30 minutes. At the time of the phone calls, Densing was living in the same row-house apartment building as Adora and Ernesto Malaluan, close friends and neighbors, who were also from Cebu City. Ernesto Malaluan is the cousin of Marife Nichols and owned the boarding house in Cebu City where Terry and Marife lived during their last trip to the Philippines.

The Oversight and Investigations Subcommittee interviewed Ernesto and Adora Malaluan, who said they knew nothing about Ramzi Yousef or any of the aliases he used while in the United States. Mila Densing denied speaking to Yousef according to a source of the subcommittee, but she was unresponsive to official efforts to reach her, including certified mail sent by the subcommittee and numerous phone calls.

As Chairman of the Oversight and Investigations Subcommittee in October 2005, I provided the FBI with the evidence showing Yousef's phone calls to the close friends and neighbors of Terry Nichols' in-laws in Queens, but have not received a response that addressed these facts. To date, the FBI has not responded to my request for their assessment. Additionally, I asked the FBI for information from their Yousef investigation concerning Mila Densing. Inexplicably, they do not seem to have interviewed her.

As one would expect of someone willing to plot the death of fellow Americans, Nichols' own veracity is far from clear. His initial interview with police was replete with lies and half-truths. To this day, he repeatedly promises to disclose more information about the case, only to blame it on Arkansas gun dealer Roger Moore, or hint of a sinister government conspiracy. At the same time, he has convinced his friends and family that he was a virtual patsy. Contrary to this passive image, McVeigh told his defense team that Nichols had actually threatened to kill *him* if he caught McVeigh sleeping with his wife. Furthermore, Nichols was on his own in the Philippines where he obviously believed his life was in danger.

Nichols has gotten something of a pass on the culpability of his participation in this horrific act of violence. His complicated attempts to manipulate those investigating OKBOMB, including the subcommittee, suggest capabilities that belie his image as subservient to McVeigh. To this day, Nichols does not fully acknowledge his complicity in this monstrous crime, seeking instead to draw attention to others, some of whom he self-servingly hints have yet to be exposed.

John Doe Two

Timothy McVeigh visited Elliot's Body Shop in Junction City, Kansas on the afternoon of Monday, April 17, 1995, in order to rent a Ryder Truck for the bombing. After the bombing, FBI sketch artist Roy Rozycki interviewed Elliot's Body Shop employees Eldon Elliot, Vicki Beemer, and Tom Kessinger. They assisted the FBI in producing a likeness of "John Doe One" and "John Doe Two," which were released to the public on Thursday, April 20, 1995. McVeigh was clearly John Doe One. Only Kessinger could sufficiently describe a second man with McVeigh when he rented the truck that afternoon. The release of these sketches led to thousands of telephone calls reporting sightings of McVeigh, Nichols, John Doe One, and John Doe Two.

An employee at a tire store in Oklahoma City stated that he saw McVeigh and a "dark" passenger wearing a ball cap pull into the driveway of his tire store at 8:45 a.m. on April 19 and asked for directions to 5th and Harvey Streets. This witness identified Timothy McVeigh from a lineup without having seen the composite drawings. McVeigh

denied stopping at a tire store to his lawyers and his methodical planning may make it unlikely that he did. Nevertheless, the witness is credible.

Jeff Davis delivered Chinese food to McVeigh's room at the Dreamland Motel in Kansas on April 15. Davis, another credible witness, claims the man who opened the door to accept the order was not McVeigh. Here, again, another participant in the crime is apparent, yet never explained by authorities.

On June 14, 1995, the FBI called off the hunt for John Doe Two. The FBI based its decisions on the belief that Michael Hertig and Todd Bunting, two US Army soldiers, had rented a truck at Elliot's Body Shop on April 18, the day after McVeigh transacted his business. Hertig and Bunting, we are told, resembled John Doe One and Two. According to the FBI, Elliot's Body Shop employee Tom Kessinger had confused the days on which the customers appeared. The FBI's insistence, that these and other witnesses who saw McVeigh with someone else, reflects a curious mindset to discredit or ignore any such report. In this instance, queried on the issue, the owner of the Junction City Ryder truck rental remains adamant that a second man accompanied McVeigh. Eldon Elliot emphatically states that there was a second man with McVeigh, and that the FBI has aggressively pressured him to change his story. He, too, is a credible witness.

Oklahoma City Iraqis

Within minutes of the Oklahoma City bombing, local television reporter Jayna Davis was at the scene of the crime interviewing witnesses. In the weeks and months afterward, she continued to investigate the bombing and, in her television broadcasts, asked viewers with information to come forward. She was particularly focused on the FBI's original sketch of John Doe Two. There are multiple witnesses in Oklahoma City who placed Timothy McVeigh with another person at the scene of the bombing. The description of this accomplice offered by the witnesses at the scene closely resembles the sketch made of McVeigh's companion when he rented the Ryder truck. The hard fact remains that witnesses saw McVeigh with a man leading up to and on the day of the bombing. Authorities still contend that McVeigh was alone. The belief that the FBI dropped its search for John Doe Two prematurely appears justified.

Davis has presented evidence that John Doe Two, who was with McVeigh in the Ryder truck on the day of the bombing, was a recent Iraqi immigrant who lived and worked in Oklahoma City. The Iraqi in question, Hussain Al-Hussaini, was one of a group of Iraqis hired to do odd jobs for a Palestinian landlord, Samir Khalil, who owned properties throughout the area. Khalil hired the Iraqi newcomers, supposedly refugees from the first Gulf War, to maintain his rental properties. Khalil himself served time for insurance fraud in the early 1990s. Hussaini resembles John Doe Two and was identified by witnesses on the scene. Adding to the suspicion, Hussain al Hussani was less than forthcoming about his whereabouts the morning of the bombing. His alibi, brought out in civil court depositions, is contradictory and unconvincing. One more disturbing revelation of this investigation is that Hussain Al-Hussaini was never interviewed by federal law enforcement.

More alarming is the discovery of a published list of un-indicted coconspirators from the first World Trade Center bombing that includes the name Samir Khalil. This subcommittee asked the Department of Justice to determine if the man's name on the un-indicted coconspirators World Trade Center bombing list is the same man in Oklahoma City. A letter responding to this request stated that such a task would be too "burdensome." This unwillingness on the part of the Justice Department to look into a possible solid link between the Oklahoma City bombing and the first World Trade Center attack is extremely disappointing, bordering on dereliction of duty.

To this day, federal law enforcement cannot explain what, if anything was done to examine these possible links or scrutinize Khalil's activity related to terrorism in his hometown. Justice officials should at least show some curiosity about the subcommittee's request as to whether there is circumstantial evidence linking two major domestic terrorist attacks. As a result, our investigation into this matter is incomplete.

PART II: A Possible Link to a German National in Elohim City

The subcommittee staff investigated whether there was a connection between a German, Andreas Strassmeir, and Timothy McVeigh. There is reason for suspicion.

Timothy McVeigh met Strassmeir at a gun show in Tulsa, Oklahoma, sometime during the siege of the Branch Davidian compound in Waco, Texas between February 28 and April 19, 1993. Although they claim never to have met again, Nichols suggested that McVeigh often talked of his good friend "Andy the German."

Although officially having only met Strassmeir once before, McVeigh attempted to call Strassmeir on April 5, 1995, in the time leading up to the Murrah bombing. He called from the Imperial Motel in Kingman, Arizona. This phone call lasted 1 minute, 56 seconds. Why would McVeigh try to recruit a virtual stranger to join him in such a monstrous criminal act? Obviously there was more to this relationship than is currently acknowledged.

Timothy McVeigh and Andreas Strassmeir

Andreas Strassmeir is a German national who arrived in the United States in May 1991 and joined the Texas Light Infantry Brigade, a Civil War reenactment group. In 1992, he moved to a white separatist compound called Elohim City near Muldrow, Oklahoma, where he worked as a security coordinator. According to both Strassmeir and McVeigh, the two met at a gun show in Tulsa, Oklahoma, in early spring of 1993. Strassmeir talked to McVeigh about a knife he was selling and the two shared their dismay over the federal attack on the Branch Davidian cult compound in Waco, Texas. McVeigh asked Strassmeir if he could visit Elohim City; Strassmeir agreed and gave him a card that said "Richard Millar." Later Strassmeir and McVeigh both asserted that McVeigh never visited Elohim City.

Approximately two weeks before the bombing, Michael Fortier and Terry Nichols expressed a lack of interest in further participation. On April 5, 1995, at 3:48 p.m., McVeigh called Elohim City, ostensibly searching for a place to hide out after the

bombing. Reverend Millar's daughter-in-law answered the phone and McVeigh asked to speak with Strassmeir, who was unavailable. According to Strassmeir, he never received the message that McVeigh called.

There is speculation that a second phone call from McVeigh to Strassmeir on April 17 occurred, but the Oversight and Investigations Subcommittee could find no evidence confirming this.

Some time after the bombing, Strassmeir was asked to leave Elohim City by Reverend Millar, supposedly because of an incident with another resident. Strassmeir moved to Black Mountain, North Carolina, where his lawyer, Kirk Lyons, resided. In January 1996, Strassmeir returned to Germany. Given the federal scrutiny Elohim City was under, it is unclear why the FBI failed to question Strassmeir until January 1996, when he had already left the United States.

Additionally, Kathy Sanders, the grandmother of two young Oklahoma City bombing victims and author of the book *After Oklahoma City*, notified the Subcommittee of two witnesses who placed Timothy McVeigh and Andreas Strassmeir together. Catina Lawson told the Subcommittee that she had gone to a party with Timothy McVeigh and that they ran into Andreas Strassmeir and it was clear McVeigh knew him. Lawson's mother told the Subcommittee that Strassmeir and McVeigh together visited her home. According to Sanders, the older Lawson, without prompting, picked Strassmeir's picture out of a batch of photos shown to her. Catina Lawson says she does not remember McVeigh and Strassmeir being at her house together. While Lawson and her mother are credible witnesses, neither daughter nor mother corroborate each other's eyewitness account.

Carol Howe

Carol Howe came from a prominent Tulsa family. She was attracted to the white supremacist movement in February 1994 after she was allegedly attacked by three African-American men. She became a paid informant for the ATF and a frequent visitor to Elohim City in June 1994. Howe testified in Terry Nichols' federal trial that she saw McVeigh with Strassmeir at Elohim City in July 1994.

Howe dated Strassmeir in 1994 and January 1995. Howe asserted that Strassmeir trained Elohim City racist radicals in weaponry and had discussed assassinations, bombings and mass shootings. Strassmeir, according to Howe, frequently called for direct action against the U.S. federal government. Howe reported these statements to the ATF. It is not clear how seriously they were taken, as authorities have tried their best to discredit Howe as a witness. She was a former drug abuser and had other personal weaknesses; nonetheless, she was a paid ATF informant and in the aftermath of Waco and Ruby Ridge must have been considered an important source of information.

Howe also talked to the ATF regarding Dennis Mahon, an occasional inhabitant of Elohim City who is listed as a terrorist in several countries (including Germany and Canada) and is a leader of the White Aryan Resistance. Strassmeir also stayed with Mahon while attending weekend gun shows in Tulsa. Howe reported that Mahon talked about targeting federal buildings for bombings. Her reports could be interpreted as

warnings of the upcoming Oklahoma City bombing. Howe, for example, claimed that Mahon and Strassmeir took three trips to Oklahoma City, in November 1994, December 1994, and February 1995, on one of which she accompanied them.

Note: Carol Howe was unresponsive to numerous attempts to reach her.

Midwest Bank Robbers

It is widely suspected that a group of white supremacist bank robbers, known as the Midwest Bank Robbers or the Aryan Republican Army, helped finance McVeigh's activities. The radical bank robbers included Michael Brescia (who was Andreas Strassmeir's roommate for a time at Elohim City), Pete Langan, Richard Guthrie, Jr., Scott Stedeford, Kevin McCarthy (another one-time Strassmeir roommate), and Mark Thomas. During the mid-1990s these marauders were responsible for a series of at least 18 bank robberies throughout the Midwest.

The Oversight and Investigations Subcommittee interviewed Michael Brescia, Pete Langan, and Scott Stedeford. Richard Guthrie is deceased and Kevin McCarthy could not be found. Of the bank robbers we interviewed, all denied knowing Timothy McVeigh or having any part of the Oklahoma City bombing, though their stories have been murky, if not contradictory, through the last decade. They also denied any knowledge of a relationship between Strassmeir and McVeigh. Contrary to what he told a reporter earlier, when interviewed by the Oversight and Investigations Subcommittee chairman by telephone in prison, Langan denied any knowledge of or connection to the bombing.

Another bank robber who had something to say about the Oklahoma City bombing and then backed away was Mark Thomas. Thomas has denied his own involvement in the Oklahoma City bombing; however, in a February 5, 2004 article, the Associated Press reported that his girlfriend, Donna Marazoff, told the FBI that in the Spring of 1995 Thomas bragged to her "we are" going to bomb a federal building. The same AP report states that Thomas told agents he had no memory of saying that to his girlfriend. In his FBI file, according to the story, there is an article which claims that Thomas hinted that one of his fellow robbers was involved in the bombing.

Bank robber Richard Guthrie claimed that he would soon be revealing information that would blow the lid off the Oklahoma City bombing case. The next day, he was found dead, hanging in his cell, purportedly a suicide. This suspicious "suicide" mirrored the similar death of Kenneth Trentadue, another prisoner, who may have been tangentially and incorrectly linked to the Oklahoma City bombing. The death of these two prisoners, who happened to be very similar in appearance, is more than disturbing.

The subcommittee's unsuccessful yet repeated attempts to reach Kevin McCarthy created more unanswered questions. Law enforcement officials told subcommittee staff that, after serving 5 years in federal prison for his role in the robberies, McCarthy was released on probation and returned to his native Philadelphia. However, a federal probation officer in Philadelphia could find no record of McCarthy in the federal probation system. A confidential law enforcement source informed the subcommittee that McCarthy was in some type of federal witness protection program and even located

him living in Newtown, Pennsylvania. When pressed for details a week later, this same source told staff that he could no longer help with this matter and that it was "above his pay grade."

Continuing the attempt to locate McCarthy, the subcommittee chairman contacted the head of the Department of Justice's federal witness protection program. The official confirmed that in the past McCarthy had been in the program but had no information on his current status. Similarly, the subcommittee also discovered, through a private source, that McCarthy is no longer attached to the Social Security Number he had at the time of entry into the federal prison system. These facts raise questions about whether McCarthy is, in fact, still under some sort of federal protection as well as why the Department of Justice was unable or unwilling to help find him. It is astonishing that officials from the Department of Justice and other law enforcement agencies were unwilling to permit congressional investigators to question a former bank robber with a possible connection to a large-scale terrorist attack.

Midwest Bank Robber Pete Langan has alluded at times to the group's participation in the Oklahoma City bombing. He told the Associated press, for example, that one bank robber told him that several of them were involved. When the subcommittee chairman interviewed him by telephone in prison, however, he denied any connection.

There is limited and indirect evidence of McVeigh's relationship with the bank robbers. Jennifer McVeigh, in a sworn FBI affidavit dated May 2, 1995, claimed that her brother, Timothy McVeigh, gave her several 100-dollar bills. According to McVeigh's sister, McVeigh claimed that the currency had been part of the loot that came from a bank robbery. However, Timothy McVeigh told his defense team he believed that his sister had confused a "bank robbery" with the robbery he ordered of Roger Moore, an Arkansas gun dealer. Under questioning by the Oversight and Investigations Subcommittee, Terry Nichols admitted for the first time that he was responsible for the robbery of Roger Moore, perhaps explaining at least some of the assets used to finance the bombing...and perhaps not.

Note: Jennifer McVeigh was unresponsive to numerous attempts to reach her.

In retrospect, it is not clear if federal law enforcement expended an adequate amount of time or effort exploring the links between the Aryan bank robbers, Andreas Strassmeir and Timothy McVeigh. For nearly a year after the bombing, the FBI did not interview Strassmeir. Only when he had fled the country was he queried briefly on the phone by the FBI. The agents apparently accepted his denial of any relationship with McVeigh, and there is no evidence of any further investigation into this possible link.

Conclusions

Federal law enforcement has been accused of an institutional mind-set that congressional oversight is a nuisance to be avoided or blocked. That mind-set was painfully obvious during this subcommittee's inquiry into the Oklahoma City bombing. If the Oversight and Investigations Subcommittee was successful, it should have resulted

in a positive affirmation of federal law enforcement's willingness to find and share vital information. Instead, Justice Department officials (and perhaps, the CIA) were less than responsive in crucial stages of this investigation, exemplifying needless defensiveness. Most of the official narrative of the OKBOMB investigation survives close scrutiny. However, this inquiry would have been significantly more complete with greater cooperation from federal law enforcement. Congressional investigators should not face such resistance in doing their job, which is to find the facts and determine the truth.

Nevertheless, the Oversight and Investigations Subcommittee's efforts uncovered significant new and relevant information not previously discovered or disclosed; however, unanswered questions and unresolved mysteries remain.

Discoveries

- In 2005, ten years after the bombing, after a tip to the FBI and Congress, a second stash of explosives was found under the floorboards of Terry Nichols' house. It had been inexcusably missed during the FBI's original searches.
- Terry Nichols brought a book entitled *The Chemistry of Powder and Explosives* with him to the Philippines. This clearly suggests that sensual indulgence was not the only reason Nichols visited the Philippines.
- Terry Nichols was responsible for the robbery of Arkansas gun dealer Roger Moore. Nichols acknowledged this for the first time in a two-hour prison interview with the chairman and staff of the Oversight and Investigations Subcommittee.
- Ramzi Yousef called Mila Densing's apartment on multiple occasions in the period leading up to the World Trade Center bombing in February 1993. The FBI failed to interview Densing, who was a friend and neighbor of the relatives of Marife, Terry Nichols' Filipina wife.
- Palestinian émigré Samir Khalil hired Iraqis who witnesses claim were with Tim McVeigh at the scene of the bombing. The name Samir Khalil appears on the list of possible unindicted coconspirators to the first World Trade Center bombing.
- Although there are indications that McVeigh may have been involved with the bank robbers along with Strassmeir, three of the bank robbers that the committee was able to contact, Langan, Stedford and Brescia all denied being involved with McVeigh in anyway. Michael Brescia, a paroled Midwest Bank Robber, asserted to staff that he had never met Timothy McVeigh. McVeigh privately denied knowing Brescia in communications with his legal team.
- McVeigh conceded to his legal team the OKBOMB conspiracy did begin September 13, 1994 with the passage of the assault weapons ban.

Unanswered Questions

- While McVeigh affirmed that the OKBOMB conspiracy began in September 1994, it remains a question if there was a meeting with Elohim radicals, including Strassmeir, on or after that date. What has been verified is that on that day McVeigh checked into a motel that day near Elohim City.
- Did McVeigh receive funds from the Midwest Bank Robbers?
- Did Kevin McCarthy ever see Strassmeir with McVeigh or did he know of a friendship between them? For a time, McCarthy was Strassmeir's roommate in Elohim City. After being arrested, another gang member suggested McCarthy had helped McVeigh with the Oklahoma City bombing.
- Why has the Department of Justice been unable or unwilling to help the subcommittee locate Kevin McCarthy?
- Where was Hussain Al-Hussaini the morning of April 19, 1995?
- Were the several reliable witnesses wrong when they claimed to have seen McVeigh with Hussaini?
- Why was Terry Nichols concerned for his personal safety when he traveled to the Philippines in November 1994?
- Why did Terry Nichols leave \$20,000 in a package at his ex-wife Lana Padilla's house before departing for the Philippines in November 1994? Where did Nichols get the money?
- How did Terry Nichols, a man with no steady job or source of income, finance his five trips to the Philippines?
- Why was an unaccounted-for leg found in the debris after the bombing?
- Did Terry Nichols play a bigger role than he has admitted or has been thus far proven?
- Why was there so little investigatory focus on Strassmeir and Hussaini?
- Why the rush to rule out the existence of John Doe Two?

Findings

- 1) The FBI was not justified in calling off any further investigation into John Doe Two.
- 2) The FBI did not thoroughly investigate the potential involvement of Andreas Strassmeir and Hussain al-Hussaini, et. al. despite evidence showing they may have played a role.
- 3) Authorities erred in allowing Timothy McVeigh to move forward the time of his execution while major questions remained about whether others were involved in the crime.

- 4) The DoJ has not seriously examined new information uncovered by this subcommittee. Specifically: phone records from Ramzi Yousef to a friend of Nichols' in-laws as well as the name Samir Khalil appearing on an unindicted coconspirators World Trade Center bombing list.
- 5) Whether or not there was a foreign connection to the bombing is inconclusive. Questions remain unanswered and mysteries remain unresolved.

Final Thoughts

The original date of the 2001 execution of Timothy McVeigh was postponed by 30 days, following the belated discovery of more than 3000 documents. The files related primarily to the question of John Doe Two and eyewitness sightings. These documents did not raise significant doubt about McVeigh's guilt. Their disappearance, nevertheless, demonstrated that, despite multiple admonitions from the presiding judge and reassurances from law enforcement, the authorities missed key files in what was then the most prominent case in US legal history. We know now they even missed a second stash of explosives hidden in the Nichols house.

A close look at the findings of this subcommittee suggests that it is reasonable to question if all leads were thoroughly pursued, all evidence gathered and properly analyzed. While the desire of most of the victims' families for swift justice is understandable, with the benefit of hindsight, the McVeigh execution should have been further delayed until there was greater consensus on the subject of John Doe Two. As is clear by their documents (which the Oversight and Investigations Subcommittee has had access to for the first time), his own defense team had significant internal doubts about McVeigh's candor with them on this subject. His only failure on a polygraph test involved his response to a question on whether he had additional help with the bombing.

The question persists, and the only person who might have shed light on it is gone. Further, it was McVeigh's decision to end his appeals that expedited his execution. His time from the end of trial to execution was only four years; the average condemned inmate spends well over a decade on death row. Given the significance of this case and the lingering questions, the execution date appears hasty in retrospect. Perhaps McVeigh would have continued to adamantly deny anyone else's involvement but simply keeping him alive closer to the typical death row stay would have allowed more opportunity for determining the truth.

We have found no conclusive evidence of a foreign connection, but there remain questions that need to be answered before this final chapter can justifiably be closed. This investigation determined that many pieces of so-called evidence backing various theories of a foreign involvement were not based in fact. In some instances, our own research is inconclusive. Specifically, Hussaini and Strassmeir, as well as the Yousef phone calls, needed more investigatory attention. The Subcommittee investigators are dismayed that there remains a lack of willingness by the Department of Justice and others to examine certain legitimate issues. The overall assessment is inconclusive on the varied theories.