

Utah judge orders FBI to help provide more info on Oklahoma City bombing

THE ASSOCIATED PRESS
PUBLISHED MAY 11, 2011 1:46 PM

A federal judge in Utah on Wednesday ordered the FBI to produce more information about its record-keeping in response to an inquiry by a man who contends unreleased video and other records from the 1995 Oklahoma City bombing will show more people were involved in the attack.

U.S. District Judge Clark Waddoups said he believes Salt Lake City attorney Jesse Trentadue has raised valid questions about whether the agency has done enough to find a pair of videotapes sought as part of a Freedom of Information Act request.

Waddoups also wants to know whether bureau officials believe they can conceal information from the public and the courts and ordered a Department of Justice attorney to detail how difficult it would be for the FBI to manually search for the records in evidence control centers in Oklahoma City, Washington, D.C., and at an FBI crime lab.

Waddoups, who set a June 30 deadline for government attorneys, wants the information before deciding whether the FBI has complied with federal freedom of information laws in Trentadue's case.

Trentadue sued the FBI and the CIA in 2008 seeking release of tapes and records from the fatal bombing at the Alfred P. Murrah Federal building.

The lawsuit came two years after Trentadue first sought the information.

In papers filed in U.S. District Court, Trentadue contends the FBI's efforts to locate the information he wants have been inadequate, and he argues the bureau has failed to meet the requirements of the law that directs the release of government records.

Specifically, Trentadue is seeking surveillance tapes taken the morning of the bombing from exterior cameras on the Murrah building and dashboard camera video from the Oklahoma Highway Patrol's arrest of Timothy McVeigh, who was later convicted of and executed for the bombing.

Trentadue asserts that the videos exist and will expose that others were involved in the terrorist attack that left 168 people dead.

On Wednesday, he told Waddoups he doesn't believe the bureau had looked for the tapes in supplemental evidence files that are not tied to the official case files.

Department of Justice attorneys argue the case should be dismissed. They contend the relevant tapes and records either do not exist, have already been provided, can't be located or are exempt from disclosure under the Freedom of Information Act.

The FBI has provided Trentadue with 23 videotapes — including the dashboard video — and about 200 documents in response to his request, the government's attorney, Kathryn Wyer said Wednesday.

Wyer said the bureau has met FOIA's requirements and even conducted a manual search last year through evidence from the bombing that is stored in an Oklahoma City warehouse. That search turned up no additional records and to suggest that there is anything to find beyond that is "merely speculation," by Trentadue, she said.

Wyer declined to comment after the hearing and referred The Associated Press to a Department of Justice spokesman in Washington, D.C.

Trentadue's inquiry into the bombing was prompted by the death of his brother, Kenneth Trentadue, at the Oklahoma City Federal Transfer Center in August of that year. Trentadue claims his brother, a convicted bank robber, was mistaken for a bombing suspect and beaten during an interrogation by officers. Trentadue says his dead brother was a close physical match for a bombing suspect and that the evidence he's seeking from the FBI may prove that.

Officially, Kenneth Trentadue's death is considered a suicide, but his body had 41 wounds and bruises that his brother believes were the result of a beating. A judge awarded the Trentadue family \$1.1 million in damages for extreme emotional distress in the government's handling of the death.

The CIA portion of Trentadue's case, which also included requests for possible involvement of foreign nationals in the bombing, was dismissed by Judge Waddoups in March 2010. The agency declined to provide the records, citing information act exemptions and national security concerns, but provided the judge with affidavits summarizing their contents.

In his ruling, the judge said the CIA had provided credible evidence of why the information met the exemptions. The case was the first public acknowledgement the CIA played a role in the bombing investigation.