

## The Witness That Almost Got Away

### Michael Fortier didn't want to sign plea deal at first, scared that he would spend too much time in prison

by Nolan Clay | The Oklahoman | April 13th, 2015

Michael Fortier — the star witness in the Oklahoma City bombing case — at first refused to take a plea deal, worried he would spend too much time in prison, his attorney has revealed.

“It almost didn't happen,” attorney Michael McGuire said. “This is another moment in the case where Fortier decided no.”

McGuire is a fiery attorney who referred to “The Art of War” by Sun Tzu as his textbook for defending Fortier. He had an office in Oklahoma City at the time of the 1995 bombing but now works in Tulsa.

The attorney discussed Fortier's misgivings about the plea deal in a candid oral history for the Oklahoma City National Memorial & Museum. He said Michael's wife, Lori Fortier, also has misgivings about the deal offered her husband.

“They were very afraid of the prejudice against them and how people felt about them not stopping the bombing and all the people that had died, and...held them directly accountable,” he said.

Michael Fortier, 46, eventually accepted the deal in large part because of the guilt he felt for victims, the attorney said in the 2012 interview.

“It was victim-oriented,” the attorney said of the decision.

The attorney said Michael Fortier suffered emotionally from knowing that he failed to act when he could have acted and saved lives.

“If you'd have seen what I'd seen with him and what he went through. ...There were several times I had to pick him up off the floor,” McGuire said.

Interviewers at the museum have done hundreds of such oral histories, interviewing victims, investigators, rescuers, judges, prosecutors, defense attorneys and journalists. Excerpts from many of those interviews can be seen in new wings at the museum, completed in time for the 20th anniversary of the attack.

Under the deal, Michael Fortier agreed to testify against both McVeigh and Terry Nichols.

In exchange, he was not charged in federal court with any direct involvement in the bombing or bomb plot — crimes punishable by the death penalty. And he was not charged with any state crimes at all. Instead, he was indicted for four federal crimes — for never warning anyone of the bombing plot, for helping McVeigh move and then sell stolen guns and for lying to the FBI after the April 19, 1995, attack.

He pleaded guilty in 1995 in Oklahoma City federal court.

His wife, Lori Fortier, got her own deal — immunity from prosecution for her cooperation. She provided key testimony against McVeigh at his federal trial, describing how he used soup cans to demonstrate the design of the bomb.

McVeigh was executed in 2001 for the bombing. Nichols is serving life in federal prison for his role.

Michael Fortier had faced up to 23 years in federal prison for his crimes. A judge sentenced him to serve 12 years. He got out in January 2006 after serving more than 10 years.

McGuire said Michael Fortier never believed McVeigh would go through with the plans, even when McVeigh pointed out the Murrah Building as his target during a drive through Oklahoma City in December 1994.

“Fortier just put it out of his mind like, ‘It’s not really going to happen. This is what he thinks he probably wants to do to get their attention because he’s mad at the government,’” the attorney said.

McGuire said prosecutors would not have had as good a case against McVeigh without Michael Fortier’s cooperation.

“He provided the linkage on the bomb plan, the bomb evidence, the location, why that building was picked, where the materials were stored, where the materials were purchased, the design for the bomb, the information on how to build the bomb. Tim had given him all that information,” the defense attorney said.



Michael Fortier pictured in 2004.  
Associated Press

### **Witness protection**

Michael Fortier lived in Kingman, Ariz., at the time of the bombing. He did not return there after his release from prison, instead going into witness protection with his wife.

Lori Fortier’s attorney, Mack Martin, of Oklahoma City, remembers getting a final call from her in 2006.

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*>>Michael McGuire  
Attorney*

“She...basically thanked me for everything I’ve done,” Martin said in a 2013 oral history for the museum. “Told me how much she appreciated what I had done for her and for Michael. And told me that her and Michael were going into the

witness protection program and I'd probably never hear from her again, and I haven't.

"And I'm not saying they needed it," Martin also said. "I'm not saying that anybody was going to do anything to them, and you would hope that they wouldn't. But it was, under all the circumstances, considered probably the intelligent and appropriate thing to do to ensure that nothing did happen to them or any possible innocent bystanders if something were going to happen."

McGuire in his August 2012 interview said he still talks to Michael Fortier.

"I helped him get through a difficult period in his life. We're still really close," the attorney said.

"Is he still married?" the attorney was asked.

"Yes," McGuire replied.

"Is he working?" the attorney was asked.

"Can't say on that," McGuire replied.