

Judge orders inquiry of FBI witness tampering accusation

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SALT LAKE CITY (AP) — A federal judge in Utah has assigned a magistrate to investigate claims that the FBI pressured a former government operative into backing out of testifying in a lawsuit accusing the agency of failing to adequately search its files for additional videos of the 1995 Oklahoma City bombing.

U.S. District Judge Clark Waddoups said in an order issued Thursday that the FBI's report to the court in November denying the accusations didn't dispel his concerns. The evidence "permits a reasonable inference" of wrongdoing by the FBI, Waddoups wrote.

The FBI referred questions to the Department of Justice. That agency wasn't immediately available for comment.

Former operative John Matthews had been set to testify about his involvement in a stealth government operation that tracked militia movements and included Timothy McVeigh, said Salt Lake City attorney Jesse Trentadue.

Trentadue brought the lawsuit that triggered the trial because he believes the FBI has video showing McVeigh was not alone in detonating the bomb. Trentadue believes the presence of a second person would explain why his brother was flown to Oklahoma months after the bombing. Trentadue's brother died in a federal holding cell four months after the April 19, 1995, bombing.

Trentadue says the order validates his assertion that the FBI didn't want the judge to hear what Matthews would have said.

"That would have given the FBI real heartburn," Trentadue said Thursday. "They were scared to death about what he was going to say."

The FBI's report to Waddoups in November said Matthews called the FBI in Utah to tell them he didn't want to testify during the lawsuit and asked how he could get out of it. FBI inspectors said they listened to five recorded phone conversations between Matthews and agent Adam Quirk and determined Matthews was never intimidated or discouraged from testifying.

The report found Quirk should have notified the Justice Department about the calls and been clearer about the FBI not being able to give advice about testifying. Still, the agency said there was no tampering.

Waddoups said he wants to get to the bottom of what happened with this witness before ruling on the root issue in the case: whether the FBI must go back and look for more videos from the bombing.

He appointed Magistrate Judge Dustin B. Pead to handle the inquiry. He will produce a report when he's finished.

The case reached trial because the judge was not satisfied by the FBI's previous explanations after the lawsuit was filed in 2008. The judge also cited the public importance of the possible tapes.