

# Garland was 'man to see' in Oklahoma City bomb inquiry

[usatoday.com/story/news/politics/2016/03/16/garland-oklahoma-city-supreme-court-obama-mcveigh-unabomber/81857652/](http://usatoday.com/story/news/politics/2016/03/16/garland-oklahoma-city-supreme-court-obama-mcveigh-unabomber/81857652/)

Kevin Johnson

3/16/2016



President Obama announced he is nominating Judge Merrick Garland to the Supreme Court. USA TODAY's Richard Wolf analyzes what Obama's nomination of Garland could mean come November. USA TODAY

(Photo: Rick Bowmer, AP)

WASHINGTON — In the months after the Oklahoma City bombing, with federal authorities considering who should face death penalty charges, local defense attorney Michael McGuire entered a crowded downtown conference room there where prosecutors and FBI agents were hotly pursuing the cooperation of McGuire's client.



The attorney had only represented Michael Fortier for a few days before that face-to-face meeting with the government, one of several tense encounters with federal authorities since the moment he had been appointed to counsel the close associate of bomber Timothy McVeigh.

Understanding the enormous potential jeopardy that Fortier faced and desperate to protect the key witness from a possible death prosecution, McGuire demanded to know who was leading the government's case.

"I am," said a man of average build and in shirtsleeves who stepped forward from a knot of assembled suits.

Merrick Garland's formal manner, McGuire recalled, immediately identified him "as a Washington guy," who was then-Attorney General Janet Reno's personal representative in Oklahoma City.

"He didn't look like a trial lawyer; he wasn't a street fighter. But he was the man to see," said McGuire, whose client eventually pleaded guilty to withholding advance knowledge of the bombing. He was released from federal prison in 2006, after serving a little more than 10 years.

Indeed, Garland, President Obama's nominee to succeed Antonin Scalia, has long distinguished himself as more steady workhorse than show horse in the trenches of the Justice Department prior to his elevation to the federal

bench.

His management of the Oklahoma investigation — and later the Unabomber inquiry resulting in the conviction of Ted Kaczynski—won him early and lasting plaudits inside and outside of the Justice Department.

Perhaps the most unlikely supporter of Garland's nomination emerged just two days after Scalia's death, penning a detailed letter to President Obama.

"I write to you as a Republican of nearly 60 years who was a forensic opponent of Judge Garland," the author wrote. "Mr. Garland, at all times, demonstrated adherence to the highest traditions of the attorneys with the Department of Justice. He was uniformly courteous and considerate and demonstrated great skill, perseverance and learning. He was always diplomatic and sought to build a consensus to resolve pre-trial conflict."

(Photo: Andrew Harnik, AP)

The four-page letter was written by Stephen Jones, the attorney for McVeigh (McVeigh was later convicted and executed in 2001, the first federal death sentence carried out in nearly 40 years).

"He dealt with me like a colleague of the bar, not like a pariah representing the devil," Jones said in a recent interview. "At such a tense time, I can't say enough how very professional and cordial he was."

Jamie Gorelick, a former deputy attorney general who served as second-in-command at Justice during Reno's tenure, said Garland was a natural choice to manage what was then the largest criminal investigation in U.S. history.

"The job was extremely difficult," Gorelick recalled recently. "It required immense coordination across the government and he was just superb."

Gorelick, who described Garland as her "right arm" at the sprawling department, said the enormity of the Oklahoma case and the unprecedented loss affected her colleague deeply and personally.

At his insistence, he remained in Oklahoma City for weeks at a time, away from his family, tending to virtually every aspect of the case. While managing the investigation, and later overseeing the prosecution, Gorelick said he also reached out to victims' families and survivors to tend to their personal needs.

The case later became a landmark for victims' rights. Victims won an act of Congress to allow cameras in a federal courtroom to stream the proceedings from Denver (where the bombing trials of McVeigh and accomplice Terry Nichols were moved) back to an auditorium near Oklahoma City. When McVeigh was sentenced to death, victims convinced then-Attorney General John Ashcroft to broadcast the execution from an Indiana federal prison to Oklahoma.



(Photo: David Longstreath, AP)

At his nomination announcement Wednesday, Obama recalled Garland's practice of carrying the program from the Oklahoma City memorial service, listing all 168 victims, in his briefcase as a daily reminder of the task at hand.

Obama also recounted the case had become embedded in the nominee's consciousness, quoting Garland as once describing the experience as "the most important thing" he had ever done.

"There were hard decisions to make virtually every day," Gorelick said of the time that shattered the notion that some parts of America were immune from a terrorist strike. "Attorney General Reno wanted the investigation and prosecution to be a showcase of the justice system. And he worked hard to make that happen."

Joseph Hartzler, the lead courtroom prosecutor in the McVeigh case, said Garland displayed "fabulous judgment on a wide variety of topics, including how best to manage cases, controversies and people."

"If approved, the nation will love the guy," Hartzler said. "There's nothing to dislike about him. How many people can you say that about, other than my wife?"

Accepting the nomination at the White House, Garland directly referred to the case that, among the hundreds that have crossed his desk, perhaps resonates more deeply than the others.

"I saw up close the devastation that can happen when someone abandons the justice system as a way of resolving grievances and instead takes matters into his own hands," Garland said in a quavering voice. "Once again, I saw the importance of assuring victims and families that the justice system could work.

"The people of Oklahoma City gave us their trust, and we did everything we could to live up to it," he said.

