

OKC Grand Juror Vindicated

by William F. Jasper

It was after 10:00 p.m. on February 29th when this reporter rolled into Oklahoma Stallion Station, the thoroughbred stud ranch of Hoppy Heidelberg south of Oklahoma City. It had not been an easy day for Mr. Heidelberg; a few hours earlier a kick from an uncooperative mare had dislocated his right shoulder, leaving his arm in a painful and severely disfigured position. The paramedics who had responded to his son's 911 call were aghast at the grotesque rearrangement of the horse breeder's physique and the obvious agony it was causing him, but apologetically explained that they were not permitted to touch his shoulder. They *could* take him to the emergency room in the ambulance, however.

"Heck, I wasn't going to pay \$500 for an ambulance ride," said Heidelberg. Instead he had his son, Houston, drive him into town. But with his arm twisted around and sticking out backwards, just getting into the car was a trick in itself. And the ride was excruciating. Then the doctor had "a devil of a time" putting the displaced appendage back in its socket.

Proof Positive

But in spite of the pain, exhaustion, and the restriction of an arm sling, the spunky horseman was in high spirits. He had just acquired the proof he needed — and which he had been seeking for the past four months — to clear his name. On October 24th, U.S. District Judge David L. Russell had dismissed Heidelberg from the federal grand jury that had indicted Timothy McVeigh and Terry Nichols for the April 19th bombing of the A.P. Murrah Building. Heidelberg was accused of having violated his oath of secrecy by allegedly leaking details of the grand jury proceedings to Lawrence Myers of *Media Bypass* magazine. In his letter of dismissal, Judge Russell warned the dissident juror that his "obligation of secrecy continues" and held out the prospect of fines and prison for any disclosure of jury proceedings. (See "New Charges of OKC Cover-up" in our November 27, 1995 issue).

Although many have commended Heidelberg for attempting to uphold the rights of jurors and expose misconduct and cover-up by federal prosecutors, much of the media treatment has tended to cast him in an unfavorable light, to present him as "anti-government," "right-wing," "extremist." The day this writer arrived at his ranch he had just weathered another round of criticism and condemnation. Television news coverage of court hearings the day before had carried interviews with some family members of bombing victims who had harshly criticized the former juror for allegedly jeopardizing the indictments. In a February 29th

article, *The Daily Oklahoman* quoted a woman whose husband had been killed in the blast as calling Heidelberg “a nut.” “Anybody ... (who) would break the law the way he did, I don’t think that’s right,” she said. “He took an oath, and he apparently didn’t think that was worth a whole lot.”

Honesty Bypass

Heidelberg had contended from the beginning that he had not been the source of the leak to *Media Bypass*, but he had been unable to prove it — until now. How, then, did the magazine obtain its information about the juror’s run-ins with the federal prosecutors and his objections to apparent attempts to cover up evidence and witnesses concerning John Doe No. 2? Using answering machine tapes and tape recordings of telephone conversations he had just acquired, Hoppy Heidelberg pieced together this timeline for *The New American*:

- August 10, 1995: The grand jury delivers its indictments against Timothy McVeigh and Terry Nichols.
- Early September 1995: Heidelberg contacts Nebraska attorney John DeCamp to represent him. Concerned that federal prosecutors are stymieing his legitimate efforts to question witnesses and carry out his sworn duty as a grand juror, and convinced that an effort is underway “to protect the identity of certain suspects, namely John Doe II,” Heidelberg is seeking legal advice regarding his options. Unable to get free to interview Heidelberg himself, DeCamp sends his investigator to do the attorney-client interview. DeCamp says he never authorized his investigator to bring anyone else to the interview. Apparently fearing for Heidelberg’s safety, however, the investigator decides to videotape the interview and brings a video producer along with him. Heidelberg refuses to be videotaped, but allows the producer to sit in, believing the interview to be protected by attorney-client privilege.*
- September 23, 1995: At the Sports Edition bar of the Hilton Hotel in Pasadena, California, the video producer relates Hoppy Heidelberg’s story to a group of five or six people at his table. One of those in the group is Troy Underhill, research director for *Media Bypass*. Underhill notifies Lawrence Myers, *Media Bypass*’ lead investigator on the OKC bombing.
- September 24 or 25, 1995: Lawrence Myers contacts the video producer and learns the identity of the grand juror (Heidelberg) and details of the grand jury proceedings. Myers then contacts Heidelberg and attempts to get an interview. On advice from DeCamp and due to his own wish not to break the story before the grand jury completes its tour, Heidelberg refuses to grant an interview.
- September 26, 1995: Myers tapes a telephone interview with the video producer based on the information the producer heard during the privileged interview between Heidelberg and DeCamp’s investigator. Myers then leaves a

message on DeCamp's voice mail: "I've already got the whole story É He [Heidelberg] will not consent to an interview...." Myers says he intends to run the story anyway and it would be better if Heidelberg would talk with him. DeCamp advises Heidelberg of the message; both believe Myers is bluffing and are not aware that the video producer has leaked the story to him. Myers calls Heidelberg, who takes the call in an effort to determine whether or not he is bluffing. It is soon evident that Myers is not bluffing, that someone has indeed divulged intimate details of the grand jury proceedings. Heidelberg plays along to find out who leaked the story.

No Regrets

The tape recordings bear out what Hoppy Heidelberg has contended all along: 1) that he was frustrated by the failure of federal prosecutors to present important evidence and witnesses and by their attempts to intimidate him and prevent him from exercising his right to question witnesses; 2) that he pursued all legal and honorable means at his disposal to address what he viewed as a terribly flawed process; and 3) that he had no intention of leaking the story to the press and was not responsible for doing so.

Although it has cost him a great deal of heartache and turmoil, Heidelberg is not bitter about, nor does he regret, the leaking of the story. "In the long run it was probably a good thing," he says. "Otherwise I may never have gone public with this and an enormous injustice may have been done. As I've said before, the reason I was so concerned with the way the grand jury was going was that it looked like the whole truth was not going to be allowed to come out, and I think the families of the victims have a right to know who all was involved and to know that every effort was made to bring all involved to justice. I'd like to think that my efforts contributed to making sure that happens."

* Mr. Heidelberg has shared with THE NEW AMERICAN the names of the investigator and the video producer but has requested that they remain confidential.