

OKC: More Truth Leaks Out

by William F. Jasper

On January 17th, millions of television viewers of ABC's popular **20/20** program discovered what readers of THE NEW AMERICAN had learned over a year before: that a substantial body of compelling evidence and a considerable number of credible witnesses point to the strong likelihood that federal law enforcement agencies knew in advance about a plot to bomb a federal building in Oklahoma City on April 19, 1995. Entitled "The Families Want to Know," the **20/20** segment was an actual blockbuster that should help greatly to convince many Americans that there has indeed been an ongoing, massive cover-up in the federal investigation of the "deadliest terrorist attack on American soil."

Familiar Ground

Produced by Donald Thrasher and anchored by veteran ABC reporter Tom Jarriel, the **20/20** investigation covered much of the same ground that was plowed by THE NEW AMERICAN in our major cover story of December 11, 1995, "Did Federal Agents Have Prior Knowledge?" and in subsequent stories in these pages over the past year. Investigators for **20/20** interviewed witnesses who reported seeing bomb squad vehicles at the Alfred P. Murrah Building an hour and a half before the blast, and a private investigator who testified seeing several bomb squad personnel with dogs searching the shrubbery and base of the federal courthouse across the street from the Murrah Building just a half hour before the explosion.

Tom Jarriel also conducted a shadow interview with the witness THE NEW AMERICAN interviewed earlier who had rushed to the Murrah Building to find his wife and was told by an ATF (Bureau of Alcohol, Tobacco and Firearms) agent at the blast site that the ATF officers had been warned on their pagers not to come in to work that morning. The ATF, of course, still denies that it had any forewarning and would not, says **20/20**, grant any interviews. To its credit, the ABC team took the ATF to task for continuing to perpetuate one of the more patently fraudulent and ludicrous of the agency's cover-ups in the case: the falling-elevator-and-ATF-superman myth. In an attempt to defuse public concern stemming from reports that the ATF had prior knowledge of the bomb plot, the Bureau concocted an apocryphal tale that had ATF Agent Alex McCauley and DEA Agent David Chickendance caught in one of the Murrah Building's elevators that free-fell five stories as a result of the bombing. According to this yarn, the dynamic duo forced open the steel doors and then led ten or 15 people to safety. But **20/20** disposed of that fable by interviewing Oscar Johnson and Duane James of the Midwestern Elevator Company, who had inspected the elevators shortly after the explosion and found that none of them had fallen. Mr. James

described the ATF account as "humorous" -- humorous from the standpoint of having caught someone in a pathetically inept lie, perhaps, but infuriatingly contemptible from the standpoint of those who lost loved ones in the murderous explosion and are still desperately seeking answers.

Perhaps the most interesting and significant new evidence brought forward on the ABC program was a piece of videotape from a surveillance camera at the Regency Tower apartments one block from the Murrah Building. The tape, shot from inside the Regency lobby, shows a Ryder truck parked across the street. According to ABC's Jarriel, the rest of the tape *may* show the individual (or individuals) associated with the truck. The location of the truck shown on the **20/20** video appears to fit with the eye-witness account of a nearby cafe operator who says he sold Timothy McVeigh and a companion two soft drinks and a pack of cigarettes shortly before the bomb went off.

Jarriel ended the segment with a group interview of bombing survivors and family members in the home of Glenn and Kathy Wilburn, whose grandsons Chase and Colton Smith were killed in the explosion. Jarriel asked: "What if these were honest men who made an honest mistake that literally blew up in their face?" To which Glenn Wilburn responded, "Then [they should] stand up and admit it." "We can deal with the truth," replied Kathy Wilburn. "Just give us the truth."

Push for Grand Jury

Back at the **20/20** studio set for the program's wrap-up, Barbara Walters asked Jarriel, "Now we saw *some* people here, but, in general -- there were many more involved, you know -- how widespread is this feeling?" "We don't really know," said Jarriel. "There's an Oklahoma legislator who has received permission to gather petitions for a grand jury investigation of this by the county for the first time. He says he has broad support for this effort, so we'll see."

The legislator Jarriel was referring to, of course, is Oklahoma State Representative Charles Key, who is familiar to readers of *THE NEW AMERICAN*. Over the past year and a half, Key has courageously carried on a lonely fight to address some of the most troubling aspects of the bombing case. Together with the Wilburn family and a close circle of supporters, he has battled the federal and state political power brokers and the media in an effort to impanel a county grand jury to look into the bombing. The need for a county grand jury became obvious for a number of reasons, he says. "The federal government has filed charges against only two people they claim are responsible for the murders of eight U.S. federal agents who died in the bombing," notes Key. "No charges have been filed on behalf of the remaining 160 who lost their lives in the bombing, and the federal government has blocked witnesses and important evidence from being brought before the federal grand jury."

In October 1995, Hoppy Heidelberg, a member of that grand jury, was dismissed

from duty after he complained that federal prosecutors were hampering the investigation and restricting the jury's rights of full access to evidence and witnesses. He had grown especially concerned when it became apparent that the prosecution was trying to limit the indictments to Timothy McVeigh and Terry Nichols, and attempting to discredit the existence of the suspect known as "John Doe No. 2." "They went to a hell of a lot of trouble to try and make John Doe No. 2 go away," Heidelberg said.

Representative Key, the Wilburns, and other advocates of a county grand jury want the many witnesses who allegedly saw John Doe No. 2 and other John Does who may have been involved in the bombing to be called forward to testify. "Such a jury, operating outside the scope of the federal investigation," says the legislator, "would not only have the power to investigate the facts ignored by the federal government, but would have the power to level criminal obstruction of justice charges against anybody whom they believe has impeded the investigation." "The legal questions are very clear," observes Key. "The Oklahoma Constitution gives the people the right to have a county grand jury impaneled if they believe the need exists. The Oklahoma Supreme Court fully agreed with this in 1975 in the only precedent-setting case law." The case, *State ex rel. Harris v. Harris*, concerned a district court judge's power to deny a county grand jury to be impaneled because of "insufficiencies" in the people's petition. The Supreme Court ruled that the grand jury must be impaneled because "the Constitution and statutes do not require specific allegations of crime or offense in content of a grand jury petition" and "the sufficiency of a grand jury petition should be liberally construed."

Two days after Heidelberg was thrown off the federal grand jury, Key and the Wilburns began the formal petition process for a county grand jury. When state District Judge Daniel Owens ruled that their petition was "insufficient," Key's attorney attempted to "correct" it to meet the judge's objections. However, Judge Owens, ignoring the Supreme Court's 1975 admonition to "liberally construe" petitions, quashed the effort. Key appealed that action to the state Supreme Court. Early in 1996, the Oklahoma Supreme Court remanded the case to the State Court of Appeals. On December 4, 1996, Charles Key and attorney Mark Sanford presented their case before the Appeals Court panel of three judges. They were heartened by the aggressive grilling two of the judges gave the attorney representing Oklahoma County District Attorney Bob Macy, who was opposing the call for a county grand jury. "It was obvious they were very upset with the tactics being used to deny the jury petition," Key told THE NEW AMERICAN. On Christmas Eve the court handed the persevering petitioners a wonderful Christmas present: a unanimously favorable decision.

"They Won't Let Me..."

That, however, was still not the last legal word on the matter. The court gave District Attorney Bob Macy until Monday, January 13th, to appeal the decision.

On January 2nd Charles Key, Glenn Wilburn, and Mark Sanford met in Bob Macy's office with Macy and three of his staff members. "Macy told us he wouldn't appeal the decision or stand in our way if it were up to him," Key recalled to THE NEW AMERICAN. Yet when Key called Macy's office on the afternoon of January 13th, shortly before the filing deadline, he received a rude awakening: Macy informed him that he would be filing an appeal. "I was upset and angry," recalled Key, "and I asked him, 'Why are you going to do that, Bob, after you told us you weren't?' And he replied, 'They won't let me *not* appeal it.' I asked 'Who is this *they* that won't *let* you?' but he was just silent and wouldn't answer."

Representative Key says they agreed to meet the next morning in Macy's office, but that get-together did not prove any more productive than the telephone call. When Key pressed the DA about his flip-flop on the matter and urged him to drop his opposition, Macy again stated, "They won't let me."

"There you go again," said the angry legislator. "Who are 'they'?" But according to Key, Macy evaded the issue by bringing up other tangential matters.

Charles Key believes he has a fairly good idea who some of the leading "they" suspects might be. He has learned that on January 2nd, after the meeting at which Macy had pledged *not* to appeal, Macy received a conference call from Governor Frank Keating and Oklahoma City Fire Chief Gary Marrs. He also received a call from federal prosecutors Patrick Ryan and Joseph Hartzler. Of course, there was also Judge Owens.

Then there is the city's main newspaper, the **Daily Oklahoman**. "**The Oklahoman** has opposed Key's mission from the beginning," the paper admitted in a January 17th editorial entitled, "Drop It, Mr. Key." "State Rep. Charles Key's quest to prove that a government conspiracy played some role in the Murrah Building bombing is a weird and misguided exercise," opined the **Oklahoman**. "Oklahoma County District Attorney Bob Macy is correct in appealing a court ruling that allows Key a free hand to seek a county grand jury probe of his conspiracy theories."

But if you want to consider something "weird and misguided," how about this from the same **Daily Oklahoman** editorial:

As we argued when Key first set out on this course, the Legislature and its staff had no business investigating the bombing. It was, and is, poorly equipped to do so. The same can be said of a panel of local citizens who would be asked to investigate one of the most complicated cases ever to come before the courts.

State legislatures regularly carry out investigative responsibilities. And why disparage the county grand jury by suggesting the case is too complicated? After all, the federal grand jury, in which the **Oklahoman** seems to have supreme

confidence, is also a mere "panel of local citizens."

On the same day as its Key-bashing editorial, the **Oklahoman** also devoted considerable newsprint and ink to a sensational "news" story concerning Oklahoma Attorney General Drew Edmondson's vituperative attack on Charles Key because of a bill the resolute lawmaker had authored to fund the county grand jury. Edmondson accused Key of proposing a "wasteful witch hunt" and of engaging in "the worst kind of paranoid conspiracy pandering." The article also reported that Edmondson had convinced the state District Attorneys Council to oppose Key's funding bill. Nevertheless, the intrepid legislator remains undaunted. "This is unprecedented, as far as I know, for the Attorney General to go to such lengths with the District Attorneys Council and to use such intemperate language," the soft-spoken Key told THE NEW AMERICAN. Then, showing the sense of humor which has helped him survive the grueling gauntlet over the past 18 months, he joked, "You just gotta know something's fishy here; how often do you ever see a room full of attorneys turn down a bunch of money?"

In his tirade against Key, Attorney General Edmondson declared, "The very idea that a county grand jury could uncover something that the FBI and Stephen Jones [McVeigh's defense attorney] do not already know is ridiculous." Likewise, the **Oklahoman** expressed unbounded faith in the justice and competence of the federal overlords. "The first trial is nearing," it chided. "A federal jury -- and a rapt world attuned to news accounts -- will be given all the evidence against the defendants."

Federal "Star" Witness

But only a few days earlier, on January 8th, federal prosecutors revealed that they plan to call only *one* eyewitness who claims to have seen suspect Timothy McVeigh park a Ryder truck outside the Murrah Building that tragic April morning. Of the tens of thousands of witnesses interviewed by the FBI and the numerous eyewitnesses who claim to have seen McVeigh, John Doe No. 2, and other John Does on that morning, only *one* is to be called? Yes, and his name is William Dunlap. Dunlap's name was revealed in court papers unsealed on January 8th by U.S. District Judge Richard Matsch. Why was Dunlap chosen as the lucky witness? Most likely because he attests to seeing only McVeigh with the Ryder truck. On the morning of April 19, 1995, Dunlap, an airline employee, had stopped at the post office across from the Murrah Building. After leaving the post office, he drove by the Murrah Building just seconds before the blast. He says he saw McVeigh get out of the Ryder truck and go to the rear of the vehicle. Since he did not see any other individuals associated with the truck, he is a "safe" witness for the prosecution.

But if Oklahoma's power brokers and political elites are willing to rubber-stamp the federal prosecutor's pathetic charade, it seems that a good many Oklahomans are not. When Oklahoma City radio station KTOK conducted a call-

in poll recently they found that 90 percent of their callers were in favor of Charles Key's effort to impanel a county grand jury. This is particularly significant since KTOK has been, if anything, antipathetic to the petition effort. Indeed, the station admitted to being very "surprised" at the amount of support for the measure. Representative Key, a Republican, also expressed surprise at the 90 percent rating, but said he has regularly seen what he would estimate to be 60 to 70 percent support registered at public forums he has attended, even those with high Democratic and liberal representation. Says Key, "We're going to see this through, and I believe we're going to have our grand jury."