

Istook and the OKC Cover-up

by William F. Jasper

David Kochendorfer was on his way to an insurance appointment and waiting at a stop light when the bomb went off. It was 9:02 a.m. "I looked up and saw this big black plume of smoke," he recalls. "And my first impression by the black smoke was that it was probably a [fuel] tank or something exploded." An insurance agent by profession, Kochendorfer is also a reserve deputy with the Oklahoma County Sheriff's Department. He knew instinctively that his help would be needed at the explosion site. By the time he had wended his way through traffic to the Alfred P. Murrah Building, it was 9:30. The area looked like a war zone, with wounded people lying about and rescue personnel ministering to them and searching the rubble. Kochendorfer flashed his badge to a deputy sheriff and asked where he could help. He was told to join in the search effort for survivors inside the hulking remains of the devastated federal building.

Throughout the day Kochendorfer worked with other rescuers, searching for bodies of the dead as well as live victims who might be trapped. Sometime in the afternoon he teamed up with fellow reserve deputy Don Hammons, with whom he had frequently worked on past assignments. Later that afternoon they were approached by a U.S. Marshall. His agency had taken over from the Oklahoma City Fire Department, he said, and the area was now a federal crime scene. Deputies Kochendorfer and Hammons were assigned to protect the northwest corner of the perimeter and instructed to keep all unauthorized persons out of the area.

Stunning Admission

"It was about 9:00 p.m. when the dignitaries started showing up. Governor Keating, [District Attorney] Bob Macy, and the mayor all came in with their people," recalls Kochendorfer. "I spotted Congressman [Ernest] Istook walking toward me from the east perimeter. He stopped and we spoke for about 15 to 20 minutes — small talk mostly, about what a tragedy it was and such." Then, says the deputy, the congressman uttered a stunning comment. "Istook said, 'Yeah, we knew this was going to happen.'" Kochendorfer was shocked, and asked, "Pardon me? How did you know that?" He says Istook responded, "Well, we got word there's an undercover ... right-wing, Muslim, fundamentalist group operating in Oklahoma City," and that "an information source thought that a federal building was going to be bombed." The deputy was even more stunned.

Then, says Kochendorfer, Congressman Istook looked closely at his hat and asked, "What department are you with?" It had been raining and the deputy's uniform was covered by a yellow slicker. Kochendorfer told him he was with the Oklahoma County Sheriff's Department. The deputy says the Oklahoma City congressman replied, "Oh, I thought you were with the Highway Patrol," and then turned and walked away. According to Kochendorfer, his deputy's hat and those of the Oklahoma Highway Patrol are both of the Smokey-the-Bear type, so it was easy for him to understand the congressman's mistake. What he didn't understand was Istook's odd reaction and apparent snub of the Sheriff's Department.

While Deputy Kochendorfer was talking with Istook, his partner, Don Hammons, was accompanying Lana Tyree, a local attorney, around the bombing area. He had noticed her taking photographs of the site and was under strict orders not to allow anyone but official law enforcement photographers to shoot pictures. This photo ban was put in effect for several reasons: to protect the identities of undercover officers who were working the scene; to protect the privacy of victims whose bodies or body parts were lying exposed; and to keep from having the crime scene invaded by hordes of photographers. Throughout the day, Deputy Hammons and other officers had confiscated the film of several individuals who had slipped onto the site illicitly to take photos. According to Hammons, when he told Ms. Tyree that photography was prohibited, "she stated to me that she was with Congressman Istook and that Mr. Istook wanted her to take pictures of the crime scene." Since she had been admitted through the security gate and it was clear that she and the congressman "were definitely together," the deputy says he decided this was an exceptional case. He allowed her to take pictures, but stayed close by to be sure that none of her shots would capture any of the "photo sensitive" law enforcement officers. While they conversed, Hammons attests, Ms. Tyree stated: "Congressman Istook told me there had been a bomb threat called in back on April 9th." The startled deputy says he "thought to myself ... hum ... ten days. They knew for ten days?"

Comparing Stories

When the two deputies got back together that night, the statements by the congressman and Ms. Tyree were some of the many things they discussed. However, they reasoned, if Congressman Istook knew about some prior warning, he must have been informed about it by the FBI, Highway Patrol, or other law enforcement or intelligence agency — in which case, the details would probably come out publicly at the appropriate time during the investigation or the trial of the perpetrators. But, other than ATF informant Carol Howe's greatly restricted testimony in the Nichols trial, the McVeigh and Nichols trials did not bring out any information about forewarning. To the contrary, there had been repeated, categorical denials by public officials that there had been any prior knowledge whatsoever.

"We didn't feel right about what we knew," says Don Hammons. The two deputies thought that maybe the county grand jury needed to know about what they had heard and recalled that State Representative Charles Key had led the effort to seat the grand jury to investigate the bombing. Thinking that maybe the grand jury had already heard plenty of testimony similar to theirs, they decided to contact Key anonymously by telephone to see if their testimony would be helpful. Mr. Key and James Grace, a private investigator for the Oklahoma Bombing Investigation Committee established by Key, met with Kochendorfer and Hammons.

"We were very, very impressed with these two men," Representative Key told THE NEW AMERICAN. "We checked them out and found them to be solid citizens, trustworthy, with good reputations, not given to exaggeration. They are both reputable businessmen: Mr Kochendorfer is an insurance agent; Mr. Hammons owns a spa business. Neither of them was eager to go public, but they agreed to give us sworn affidavits of their testimony and were willing to take a polygraph and to testify under oath before the grand jury."

"We could find no ulterior motive or reason for them to concoct this story," the legislator said. "They had much to lose and nothing to gain — other than the personal satisfaction from knowing they had done what was right — by coming forward. They already seemed to understand that, but we warned them nonetheless that they could expect a lot of criticism and condemnation from the same politicians and media critics who had been attacking us — and anyone else who questioned the many disturbing lapses, discrepancies, and contradictions of the official investigation."

Press Conference

On Thursday, January 15th, the two deputies told their stories publicly for the first time, at a press conference called by Key's Oklahoma Bombing Investigation Committee. The outdoor press conference, held at the bombing site under the Survivors' Tree, was opened by Key and Kathy Wilburn, whose grandsons Chase and Colton were killed in the Murrah Building's daycare center. After becoming convinced that the government investigation had gone completely askew and had degenerated into a cover-up, the Wilburns — Kathy, her husband Glenn, and daughter Edye — launched their own independent investigation. Together with a network of other survivors, private investigators, journalists, and local citizens, they have scored a number of important breakthroughs that have shredded the government's lone-bomber theory. But those victories came at a high cost. Glenn Wilburn, the driving force behind the investigative effort, died last year due largely, says his widow, to the heartache, stress, anger, and frustration over the official stonewalling and obstruction, which compounded his grief over the loss of his grandsons.

As David Kochendorfer began to tell his story to the assembled reporters, aides to Congressman Istook started handing out a brief, two-sentence printed statement. The release, on Istook's congressional stationery, declared: "It is garbage and a total fabrication to suggest that I have information that the government supposedly had prior knowledge of the Murrah Building bombing. Any such suggestion is the product of somebody's sick and warped imagination." In subsequent interviews that night, the congressman tempered his strident response, allowing that perhaps misunderstanding and faulty memories, rather than mendacity or neurotic imaginings, were behind the allegations.

Portions of the press conference, including statements by Deputies Kochendorfer and Hammons, were carried on all four of the television news broadcasts in Oklahoma City that evening and were the focus of heated debate on Talk-Radio KTOK's Mike McCarville Show, the state's largest radio talk show. McCarville interviewed both deputies as well as Charles Key and Istook, then took calls from listeners and ran an automated call-in poll to see whether the radio audience found the congressman or the deputies more believable. The program prompted over 900 calls, with over 55 percent registering in favor of the deputies.

Beginning with his response to McCarville's first question, Istook's credibility was on the downward slide. After welcoming the congressman to the program, McCarville simply asked Istook for his reaction to the deputies' statements. "I certainly have no prior knowledge of, you know, what led up to the bombing or any threats that were given that were specific to the bombing, and I don't know of any agency that does," said the legislator. "Now this theory that there was this specific threat to the Murrah Building, or where people could have been able to figure out that it was the Murrah Building, and therefore prevent the bombing — I don't know of any credible evidence that points to any prior knowledge on the part of anyone other than the people that have already been convicted, namely Timothy McVeigh and Terry Nichols."

Not *any* credible evidence of prior knowledge or other conspirators besides McVeigh and Nichols? That was pretty hard for many listeners to swallow. Over the past year and a half or so, polls have shown steady increases in the majority of Oklahomans who disbelieve the government's lone-bomber theory and continuing gains in the public's belief in the mounting evidence that some elements of federal law enforcement must have had specific prior knowledge about the bomb plot, and, for some reason, failed to stop it. Although the Oklahoma County Grand Jury that is investigating the bombing has been ignored by the national media, Oklahomans have been able to follow the steady stream of more than 60 witnesses who have testified before that body over the past several months. They are more keenly aware than most Americans of the solid evidence and the shocking number of eyewitnesses that have been inexplicably ignored and excluded from the bombing trials by the federal prosecutors.

The significance of the deputies' statements is magnified by considerable independent evidence indicating there was indeed official knowledge of specific prior warning. THE NEW AMERICAN has surveyed much of that evidence in previous issues (see December 11, 1995 and March 31, 1997). That evidence includes:

- Many witnesses who saw bomb squad trucks and personnel around the Murrah Building before the blast.
- The absence of ATF agents from their offices in the Murrah Building at the time of the blast.
- ATF-FBI informant Carol Howe's testimony that she gave specific warning.
- Federal informant Cary Gagen's testimony (supported by a corroborating witness) that he warned authorities on April 6th.
- A U.S. Marshals' memo of March 22, 1995 warning of expected bomb attacks on federal buildings.

McCarville asked the congressman if it was his opinion that maybe Deputy Kochendorfer "is inaccurately recalling bits and pieces of a 15 to 20 minute conversation," that occurred long ago. "I would like to think that he is making honest mistakes in recollections of conversations that are now almost three years old," said Istook. This faulty memory/jumbled facts explanation was a theme the congressman returned to again and again. He reminded McCarville and his listeners that many early news accounts and speculations by experts were attributing the bombing to Arab or Middle Eastern terrorist groups. Perhaps the deputy had confusedly joined parts of these stories and conversations together.

That is certainly one possible explanation that should be considered. And, in fact, THE NEW AMERICAN did just that, posing similar questions in an exclusive interview with the deputies in Oklahoma City the evening before the press conference. Was it possible, this writer asked Deputy Kochendorfer, that he had mistaken rhetorical comments by the congressman about the terrorist menace in general for remarks about a specific warning of an impending attack by Muslim terrorists? The deputy was emphatic that his memory was not playing tricks on him and that Istook was not talking in vague generalities the night of the bombing.

As to Istook's speculation that the deputy's story is a recently "recovered memory," the testimony of Mrs. Kochendorfer would appear to be highly relevant. The deputy's wife assured THE NEW AMERICAN that her husband told her the same account of the conversation with Istook after he arrived home late the night of the bombing. "He's mentioned it a number of times since, usually after seeing something on the news about denials [of any prior knowledge] and he has always been consistent," she told this reporter. "It really bothered him."

Kochendorfer also insists he has no axe to grind with the congressman. To the contrary, "I identify with Istook's [pro-life] stand on abortion, school prayer, and other moral issues. I've been one of his fans." After Congressman Istook's repeated denials the following day, however, Kochendorfer admitted he was disappointed, and that his representative "may be more interested in the next election" than in seeing the truth come out.

Polygraph Proof

Deputy Hammons' account may be even harder to dismiss as a confused memory. Ms. Tyree's statement "was just a short sentence out of the blue, not some big, long conversation that I might have gotten mixed up," he says. "And it really stuck in my mind because she mentioned April 9th, which is an easy-to-remember ten-day period before the bombing." It became all the more memorable, he says, when he learned that his partner had gotten a similar comment from the congressman himself.

Are the deputies lying? They say they will take a polygraph test. Representative Istook's responses to invitations to do likewise are interesting, as this exchange on KTOK illustrates:

McCarville. "Congressman, there are those who say, 'There's one easy way to resolve this. Let's just get all four of these people — Lana Tyree, Ernest Istook, Dave Kochendorfer, and Don Hammons — and let's strap them to polygraph machines, and let's let the needles run and see what transpires.' What's your reaction to that thought process?"

Istook. "Well, that will show sincerity, but it won't show truth. For example, if somebody sincerely believes that they heard something, even if they're mistaken, even if they've taken an answer to one question and put it with a different question, a polygraph test won't show that."

While the congressman is right as far as the deputies' sincerity goes, his response begs the question as to the sincerity and truthfulness of his own statements. That point quite obviously was not missed by many listeners, as evidenced by some of the callers to the program who saw his evasion of the polygraph question as a weasel-worded dodge. So, too, with his categorical denunciation of all reports of prior knowledge being the products of wild "conspiracy theories" and "conspiracy publications." Even mainstream media vehicles such as ABC's *20/20* and *Primetime* have acknowledged the compelling evidence of prior knowledge presented by ATF/FBI informant Carol Howe and eyewitnesses at the bomb scene. Likewise, establishment media organs such as *USA Today*, the *Denver Post*, the *Dallas Morning News*, and even the *New York Times* have reported on the multitude of credible eyewitnesses and the extraordinary amount of solid evidence that there are additional bombing conspirators still at large. These media outlets are not what most folks would

consider "conspiracy publications," but their reports and commentaries have challenged the government's stubborn assertion, which daily grows more absurd, that it has wrapped up the whole bombing case with the convictions of Timothy McVeigh and Terry Nichols.

Oklahoman Absent

On Friday morning, January 17th, this reporter checked to see how Oklahoma City's *Daily Oklahoman*, the state's largest newspaper, had handled the story of the press conference. Its coverage of the entire bombing investigation and trials had been uniformly abysmal, noted principally for parroting the official government line, ignoring the most important leads and developments, and debunking those who question the obvious flaws in the prosecution's theory of the bombing. But on this day the *Oklahoman* outdid itself; it censored the story completely! It was as if, as far as the *Oklahoman's* editors were concerned, the press conference had never happened. And yet we had seen the *Oklahoman's* Diana Baldwin there at the press conference scribbling fiercely. What had become of the story?

Intrigued, this writer decided to call the *Oklahoman* to see if someone there could shed some light on why the paper had deep-sixed the story. On reaching the "City Desk" of the *Oklahoman* by phone, I explained that I had attended the news conference and was perplexed that the paper had not carried a single word on the event. "That's easy," the voice on the other end answered matter-of-factly. "Too bogus." Bogus? But it had been a real event, with real victims, real survivors, a real state legislator, and real deputy reserve officers who had signed real affidavits, I responded. And every television station in the city had reported on it, as had at least one national news network program. Stories had also appeared in the *Dallas Morning News*, the *Tulsa World*, and the *Denver Post*, and an undetermined number of newspapers had carried an Associated Press article on the event.

No answer from the "city desk" voice. Instead, the phone was picked up by assistant editor John Perry. Again I ran through my same comments and questions. A moment of silence on the other end. Then a polite parry from Mr. Perry to the effect that if I wanted a statement on the decision not to run a story on the Istook-deputies controversy, it would have to come from Managing Editor Mike Kelly or Assistant Managing Editor Mike Shannon. But alas, neither was available; both had departed the premises for the day.

Unwelcome Appearance

By spiking the story, the newspaper at least spared its readers yet another hypocritical homily by Dr. Paul Heath, self-anointed leader of the bombing victims. The psychologist's name, face, and commentary have become so ubiquitous in OKC bombing coverage as to make him easily one of the most widely recognized

"spokespersons" for the bombing survivors. Whenever the federal prosecutors need to debunk a Glenn Wilburn, Charles Key, V.Z. Lawton, or other "dissenters," they can count on Heath to carry their water. Thus, it was to be expected that before the Oklahoma Bombing Investigation Committee press conference had concluded, Dr. Heath would attempt to horn his way onto center stage. Rebuffed by Charles Key in his attempt to commandeer the podium, Heath, undeterred, appealed to the assembled press corps to once again give ear to his voice of reason.

"It is such a beautiful afternoon," he intoned soothingly, "to be under a Survivors' Tree, not a Conspirators' Tree." It was vintage Heath, who has developed to a fine art form the tactic of classifying all who disagree with the declared wisdom as "anti-government," "paranoid," "delusional," or "conspiracy nuts."

However, this reporter recalls an interview in Dr. Heath's office in October 1995, when the good therapist degenerated into a state of certified clinical paranoia by his own current standards. I had asked Dr. Heath to recount the story he had told soon after the bombing about Tim McVeigh's visit to his Veterans Affairs office in the Murrah Building on a Friday afternoon one or two weeks before the bombing. Dr. Heath said, yes, it is true that McVeigh and two companions had visited his office claiming to be looking for work. He had even conversed with McVeigh who, amazingly, had identified himself by name. Heath vividly recalled commenting to the young veteran that he had known a "McVey" family in his hometown. When I asked him to describe the two men who accompanied McVeigh, however, Heath's demeanor changed dramatically. "Please, please, don't write anything about that," he pleaded desperately, his mouth quivering and his eyes filling with tears. "They're still out there and I have a wife and children and grandchildren. They could come back and blow us all away — in our living room ... or *anywhere*.... If these men could kill 168 people, they wouldn't hesitate to kill a few more.... *Please*, don't say anything about this!" As I had no wish to endanger him or his family, or see him have a nervous breakdown before my eyes, I readily acceded to his pleas. However, since other newspapers recently have published accounts of his McVeigh-John Does story, and since he has been so relentless in his attacks on others who have the courage to say publicly what he cravenly refuses to discuss privately, I no longer feel obligated to honor his request.

I also asked Heath about another matter that three separate witnesses had reported discussing with him. All three said he had complained of having been mistreated by the FBI during questioning by agents. Heath reportedly was angry that agents had disbelieved his story about McVeigh and the John Does and had even made what he viewed as veiled threats to the effect that his reputation might be destroyed if he continued to talk about such things. The psychologist became evasive when I attempted to probe this issue. He wouldn't straightforwardly deny or affirm the reports, but was clearly uncomfortable and uncharacteristically at a loss for words. Ultimately, he mumbled that he had been misunderstood and that his "disagreement" with the FBI had been exaggerated.

Eyewitness Account

I have interviewed a number of other witnesses in this bombing case, however, and read the statements of many more, who do not equivocate about having been chided, bullied, harassed, or designated "not credible," in efforts to get them to change or forget their testimonies. Usually their testimonies concern seeing additional John Does with McVeigh. To their credit, many of these witnesses have stood by their stories. One of them was at the January 16th press conference that Dr. Heath denounced as absurd. His name is Rodney Johnson.

Johnson, who is now completing training to become a paramedic, was driving a delicatessen truck past the entrance to the Murrah Building just moments before the bomb went off. He had to swerve to avoid McVeigh and another man who were walking hurriedly away from the Ryder truck. Johnson was a block away from the bomb site when the blast occurred. He left his truck and was one of the first to join the rescue effort. He notified the FBI that night and was one of the first witnesses to identify McVeigh with the crime scene. He also has steadfastly refused to change his story about the John Doe accompanying McVeigh, even though he is subject to the same criticism and fears concerning personal safety and possibilities of reprisal that so visibly shook Dr. Heath when I visited him in his office more than two years ago. Dr. Heath and others of his ilk owe these courageous stalwarts a major apology.