

Rubber Stamp Report on OKC

by William F. Jasper

The long-awaited report of the Oklahoma County Grand Jury, released on December 30th, was undoubtedly cause for wild celebration and early New Year's merriment at the Clinton White House, Janet Reno's Justice Department, and Louis Freeh's FBI. The grand jury, which had been empaneled in June 1997 to investigate the 1995 Oklahoma City bombing, held the potential for exposing the massive bungling, corruption, cover-up, obstruction of justice, destruction of evidence, and conspiracy that had been so blatantly evident in the biggest and deadliest terrorist case the federal government had ever prosecuted. But the jury's report showed once again the awesome power of the federal apparatus — especially since the advent of the Clinton regime — to smother truth and subvert justice. Ignoring mountains of contradicting evidence, the jury bent over backwards to produce a ludicrously glowing endorsement of the federal government's absurd lone-bomber/single-bomb theory.

The 21-page report was read aloud to television cameras on December 30th by District Judge Bill Burkett, who had presided over the grand jury. Like Oklahoma's governor, attorney general, and Oklahoma County's district attorney, Judge Burkett had publicly stated his satisfaction with the federal investigation and his opposition to the county grand jury investigation. These and other officials had gone to great lengths to demonize as "conspiracy wackos" and "extremists" the many Oklahomans who were dissatisfied with the appalling flaws in the federal investigation and prosecution. In fact, at a speech to a Kiwanis Club last September, Judge Burkett had suggested that the grand jury ought to consider indicting State Representative Charles Key, who had played a central role in convening the grand jury. Such a statement, said Key in a court complaint, is not only improper and injudicious, but also in violation of court rules for judges and Oklahoma statutes which prohibit judges from commenting about ongoing cases and grand jury investigations, especially those over which the judge is presiding. In his own remarks prefacing the reading of the report, Burkett again lapsed from judicial decorum to deliver a ranting tirade against Key and the citizens who had pressed for the grand jury investigation.

Flawed FBI Investigation

According to Judge Burkett, the trials of Timothy McVeigh (who received the death penalty) and Terry Nichols (who received a life sentence without parole) "gave all citizens a renewed confidence in the judicial system." Besides presuming to speak the mind of *all* citizens, Burkett also proclaimed that "the prosecution team was nothing short of superb" and "the investigation was exhaustive." To prove his point, he echoed the argument that formed the thrust of

the grand jury report (which was, in turn, but a parroting of the same argument that had issued from the FBI and Justice Department press offices over the past three and a half years).

"More than a billion records were reviewed," Judge Burkett stated with dramatic emphasis, "including every single record of the rental of a Ryder truck for two years, the records of every motel and hotel in Oklahoma, Kansas, and four other surrounding states for 1994 and 1995...." Perhaps there is investigative value in such systematic sifting of huge quantities of largely irrelevant data, but does it make sense to squander massive resources checking on, say, the Jones family's move from Tallahassee to Pittsburgh — and millions of other innocent Ryder truck uses like theirs — while prime evidence and important leads from eyewitnesses and bombing survivors go unchecked? It would be like prosecutors of Mafia don John Gotti arguing that they had conducted an "exhaustive" investigation because they had interviewed 40 million Italian Americans, tapped every telephone in New York City, and raided thousands of pizza shops from coast to coast, but hadn't bothered to subpoena Gotti's books, listen to their own undercover agents in his organization, or interview the eyewitnesses to his mob hits. Yet this is what happened repeatedly in the Oklahoma City bombing case.

"After the bombing on April 19, 1995, the FBI conducted over 35,000 personal interviews worldwide," notes the grand jury report. Continuing its recitation of prosecutorial factoids in the case, the report states:

The FBI's intense investigation consisted of over two million man hours along with tens of thousands of other man hours from local authorities.

The FBI set up a 1-800 communication line immediately after the bombing. Anyone who thought they had any information could call the FBI at absolutely no expense. This line is still in active service and is being monitored by the FBI, who take the information and investigate any leads to a logical conclusion.

Media coverage of the grand jury report likewise focused obsessively on the sheer *quantity* of evidence amassed in the case as a positive guarantee of the *quality* of the investigation. But to those familiar with the facts and evidence in the case, the grand jury's findings — and Judge Burkett's accompanying fulminations — were ridiculous.

John Doe No. 2

"What reasonable person could believe that there were those other than McVeigh, Nichols, and Fortier, who knew about this and deliberately withheld the knowledge, condemning 168 to die, or that such a conspiracy could possibly be kept secret?" Burkett asked. Well, to start with, there were the members of the original federal grand jury who indicted Timothy McVeigh, Terry Nichols, Michael Fortier, and "others unknown" for the bombing. And they did that in spite of one

juror's charge that the federal prosecutors were covering up and going to "a lot of trouble to try and make John Doe No. 2 go away."

The county grand jury stated that it had received testimony of "numerous sightings" of John Doe No. 2, but often "the testimony of these witnesses conflicted with each other and these sightings were reported after composites were shown on television." But those are straw man arguments; there are many credible witnesses whose testimonies don't conflict, including those who provided information to the FBI *before* the John Doe composite drawings were released.

It is also important to understand that a major part of the concerted attempt to debunk the existence of John Doe No. 2 involves the conscious comingling by federal authorities of eyewitness testimony concerning *multiple* John Does. As *The New American* has reported, our investigation indicates that there were three or more co-conspirators operating with Timothy McVeigh on the morning of the bombing, and perhaps several additional co-conspirators operating with him in the days leading up to the morning of April 19th.

Following are a few of the many points worth noting about John Doe No. 2 and the "others unknown":

- In May 1995, while telling the rest of the world that it was still hotly pursuing John Doe No. 2, the FBI's Oklahoma City command post had issued a directive to field offices to "hold in abeyance" efforts to track down John Doe No. 2 leads.
- The prosecution had to drop *all* of its eyewitnesses placing McVeigh in Oklahoma City on the day of the bombing because every one of them saw him with one or more John Does.
- The prosecution's key eyewitnesses in Junction City, Kansas, including the three eyewitnesses at the Ryder truck agency, saw McVeigh with one or more John Does.
- Liberal establishment media organs such as the *New York Times*, the *Dallas Morning News*, the *Denver Post*, and *NBC Dateline* have done major pieces on the compelling, credible testimony of eyewitnesses from Junction City to Oklahoma City concerning McVeigh and multiple John Does.
- Multiple eyewitnesses have told this writer and other reporters of FBI pressure, intimidation, and improper "leading" in interviews — all aimed at trying to change their testimony concerning John Does associated with McVeigh and/or the Ryder truck.

The Single-Bomb Theory

"Based on our investigation we believe that there was a single bomb," asserts the grand jury report, adding that the "burns on the victims and the building from

the blast depict a definite pattern of a singular explosion according to the expert testimony." To the contrary, the government's "expert testimony" on the bomb forensics fell apart at both trials. Hard science and experts with impeccable credentials have completely demolished the single-bomb scenario. The New American has led a comprehensive investigation of this aspect of the bombing, revealing the following:

- On the eve of the McVeigh trial, the prosecutors were forced to pull their top FBI experts as witnesses because a devastating report by the Justice Department's Inspector General on abuses and fraudulent practices at the FBI crime lab specifically cited the FBI's Oklahoma City investigation.
- Dave Williams, the FBI agent in charge of the Oklahoma bombing crime scene, egregiously violated all of the basic protocols for crime scene security and evidence collection, preservation, labeling, and transference.
- Agent Williams was forced to admit that his determination that the Murrah Building had been destroyed by an ANFO (ammonium nitrate-fuel oil) bomb — a central thesis of the government's case — had been based not on science, but on his knowledge that Nichols had possessed fertilizer and diesel fuel.
- Williams grossly fudged the evidence on all of the major points concerning the truck bomb: the size and composition, the velocity of the explosives, the type of detonator used, the containers that supposedly were used, and the presence of explosive residue on clothing and other articles belonging to Timothy McVeigh.
- In one of the most important criminal investigations in our nation's history, the federal authorities moved with incredible haste to destroy the crime scene before adequate investigation, evidence collection, and testing could be conducted, especially by independent experts.
- Preeminent authorities such as military explosives expert General Benton K. Partin, neutron bomb inventor Sam Cohen, and NASA physicist Frederick Hansen have asserted that it would be physically impossible for the blast from the truck bomb outside the building to have caused the destruction of the massive, steel-reinforced concrete columns of the Murrah Building, without supplementary demolition charges inside the building.
- The asymmetrical pattern of the bomb damage — in which columns nearer the truck bomb were spared while those farther away from the blast collapsed — is totally incompatible with physics and explosives experience.
- The prosecution's star witness, Michael Fortier, testified that a few months before the Oklahoma bombing, McVeigh and Nichols had been unable successfully to detonate even a small milk carton of ANFO, yet now they are credited with constructing a crude bomb that was 100 percent efficient in burning

all of its explosive components, something not even attained by scientists in lab settings with high-grade materials.

- In addition to the asymmetrical damage pattern and the photographic evidence of demolition charge effects to the bases of the collapsed columns, official radio logs and communiqués from police, fire department, and the U.S. Defense Department testify that undetonated demolition charges were removed from the Murrah Building during the first several hours after the blast.

Fingerprints and Elevators

Among the most telling of the arguments made in the grand jury report were those defending some of the least defensible of the prosecution's assertions. Consider this excerpt: "There were over one thousand latent fingerprints taken from various locations which the FBI has not been able to identify through comparisons with known suspects.... We are confident that the FBI will compare the as yet unidentified prints with additional persons if any future evidence warrants it." *If any future evidence warrants it? What, pray tell, does it take to warrant a check of the fingerprints? Many of these prints FBI Agent Louis Hupp, the Bureau's fingerprint expert in the Nichols trial, admitted were taken from McVeigh's room at the Dreamland Motel and from his Mercury Marquis getaway car. Witnesses have placed John Doe suspects in both places. Hupp could not explain at the trial why he had been instructed *not* to run a computerized search to identify these fingerprints, which arguably constitute some of the most important evidence in the case. Nor have any of his superiors explained why this elementary effort still has not been made.*

"This conscious decision not to investigate these other fingerprints, when Mr. Hupp admitted it would only have taken a matter of hours, is incredible," Kathy Wilburn told *The New American*. "They have spent tens of millions of dollars ... investigating this crime, but have repeatedly refused to do some of the most obvious things that might lead to others involved in the bombing besides McVeigh and Nichols." Mrs. Wilburn, whose two young grandsons were killed in the bombing, said, "Why, even to this day, have those unidentified prints not been checked? Why have some of the most obvious suspects never been questioned and the most solid evidence ignored?"

Perhaps even more incredible still was the grand jury report's endorsement of the long discredited tale that DEA Agent Dave Schickendanz and ATF Resident-in-Charge Alex McCauley were in an elevator that went into a five-story free fall when the bombs exploded. The elevator inspectors who were on the scene minutes after the blast say no such fall occurred. The elevator safety reports and the massive photographic evidence (which this writer has inspected), together with the opinions of other elevator experts, support the elevator inspectors' assessment that the McCauley-Schickendanz story is a fantasy.

Further Effort for Truth

Although extremely disappointed that the grand jury he had worked so hard to establish ended up as a rubber stamp of the disgraceful federal cover-up, Charles Key said he was not surprised at the outcome. "As you know, we had hoped at the beginning to be able to have an independent counsel appointed, which is allowed by state law," Key told The New American. "Since District Attorney Bob Macey had been so vocal and vehement in fighting our effort to empanel the grand jury, he should have recused himself and his office from handling the grand jury. We could have appealed his decision, but then we would have faced the alternatives of prosecutors appointed by Attorney General Drew Edmondson or Governor Frank Keating, both of whom were even more adamantly opposed to our effort. We would still be tied up in appeals today."

"We had the deck stacked against us and we gave our best shot at using the legal processes available to us," said Key. But, he notes, the battle is far from over. The Oklahoma Bombing Investigation Committee which he heads expects to issue its comprehensive report in early February. "I think when fair-minded people have access to all of the compelling evidence we intend to present in our report," said Key, "they will have no doubt that others who were involved in this bombing are still on the loose and they will demand an end to the cover-up."