

The defense rests

McVeigh's lawyer does not regret trying experience

Editor's note: This story provides the account of the Oklahoma City bombing trial from the point of view of Timothy McVeigh's attorney Stephen Jones, based on an interview with the Daily Nebraskan. All statements of fact have been verified, but the opinions are his own.

BY MICHAEL WARREN
Staff Photographer

Three years ago, the nation was rocked by the devastating blast of the Oklahoma City federal building.

For many, April 19, 1995 will live on through the memories of its 168 victims.

For Stephen Jones, the day is a reminder of his client Timothy McVeigh and the two-month-long trial that led to a conviction and death sentence.

It's been more than 10 months since the trial ended, and Jones refuses to state his beliefs on McVeigh's guilt or innocence.

What he does believe, though, is that an incident like Oklahoma City can happen again. Citing speculation surrounding the trial and initial suspicions of the bombing, he urges a re-examination of America's judicial system and law enforcement agencies.

Opening arguments

"In Oklahoma, it had such a devastating impact that it has sort of a Pearl Harbor standard. It is the standard by which all time is measured," Jones said. "People remember where they were on April the 19th."

Jones was in his 11th-floor law office of Broadway Towers in Enid, Okla., when he heard about the bomb in Oklahoma City, 84 miles away. He and attorney Mike Roberts watched the events unfold on television as media from across the state converged on the demolished building.

About 80 miles north, and 90 minutes later, 26-year-old Timothy McVeigh was being pulled over on Interstate 35 near Perry, Okla., for not having license plates on his vehicle. When an officer approached, he noticed McVeigh was carrying a concealed weapon and issued an arrest.

Hours before McVeigh was expected to post bail on the firearms charge in Perry, he was arrested by federal authorities based on a resemblance to composite sketches of suspects in the federal building blast.

It wouldn't be for another two weeks that Jones and McVeigh would meet.

Take the stand

Jones said that on May 5, 1995, he received a call from Chief District Judge David L. Russell of the federal court in Oklahoma City asking him to represent McVeigh. The original public defender withdrew because her office was damaged in the explosion, he said, and the lawyer she appointed asked to withdraw because he had received death threats.

Jones told the judge he would need 24 hours to decide. He had to consider the possible risk to his family, business associates and property, he said. His family understood his obligation as a trial lawyer, he said, and knew he had a professional obligation to see that McVeigh had a fair trial.

He called Judge Russell back and agreed to take McVeigh — the man who many Americans already were directing their disgust at — as a client.

"I've always been a strong believer that a lawyer has a duty to take on controversial or unpopular clients," he said. "I felt it would be a black mark on Oklahoma if they couldn't find a single lawyer in Oklahoma willing to defend (McVeigh)."

Jones met McVeigh for the first time in the federal prison in El Reno, Okla. Jones said his meetings with McVeigh were always cordial and businesslike.

"He was much different than what I had seen on television," he said. "That particularly didn't surprise me. He was very extroverted, outgoing. He had a sense of humor. Looked you straight in the eye. Shook hands ... firm handshake ... friendly. And obviously very intelligent."

His demeanor, Jones said, was contrary to his stoic and stone-faced portrayal in the media.

"I've represented all kinds of people who have committed, or have been accused of committing,



all kinds of crimes," he said. "I know that one human being is capable of doing anything."

"So I don't ever think to myself, 'Does this look like the type of person who could do that?' Certainly, looks are no match."

Nothing but the truth

An engraving over Jones' fireplace reads: "The justice of a society is measured not by how it treats its best citizens, but how it treats its worst."

And Jones hoped this would be the justice to prevail.

In the public's eye, it may have seemed McVeigh already was tried and sentenced. But Jones thought a hung jury or an acquittal was still possible. Even with the publicity surrounding his client, Jones said he thought McVeigh could get a fair trial in Denver.

A fair trial was at the top of Jones' goals. He also wanted to make himself available to the press so the public would know what was happening. And he didn't want to leave a trail of conspiracy theories in the trial's wake.

Jones did interviews with the media and allowed television cameras into the defense's offices on one occasion. However, it was an action by the press, Jones said, that made his first goal almost impossible. On Feb. 28, 1997, a story ran in the Dallas Morning News referring to a confession of guilt by McVeigh.

Jones said the confession was fake. He said someone on his staff helped steal more than 100,000 documents from the defense's computer banks. The defense team did not know about the article until it ran, he said, and it wasn't until the following day that it discovered how the newspaper received its information.

The story ran 30 days before the case was to go to trial. The defense team's request to have the trial moved to a different city was denied.

Also, Chief U.S. District Judge Richard Matsch would not allow what Jones said was key evidence into testimony. For instance, Jones said he wanted to use testimony of those who said they warned the government of the bombing ahead of time.

At that point, Jones thought a fair trial was impossible. All they could hope for then was to start building a case for appeal, he said.

"We went through the motions. We did everything we could," he said. "We were very aggressive. We were very zealous. But we were not very optimistic."

His third goal of not leaving any conspiracies behind also failed. There are numerous theories as to the actors and the methods surrounding the bombing. Jones is still pursuing that goal in his to-be released book "Others Unknown," which refers to the federal grand jury indictment that named McVeigh, his associate Terry Nichols and "others unknown" as defendants.

Overruled

Jones said that when losing a trial, and the feelings of disappointment depend on the circumstances.

"My opportunity to be Tim McVeigh's lawyer in an hour of great need was one of the highlights of my life and professional career," he said. "I don't regret it. I don't wish him ill. I hope that he finds peace, the faith of his fathers and that his legal appeals are successful."

In McVeigh's trial, Jones said he was satisfied with how hard the defense team worked to defend

McVeigh in the face of adversity in the courtroom and with the public.

The guilty verdict in the Oklahoma City trial had wide public acceptance, he said. It wasn't as divisive as the not-guilty verdict in the O.J. Simpson trial, he said, and probably would not have an impact on changes in the judicial system.

It will have an impact on people in the federal government, he said, after the case revealed the undercurrent of negative feelings against them.

Two prior cases of anti-government extremists were tied to the Oklahoma City bombing from the start.

During the sentencing phase, the bombing was discussed in the context of the 1992 FBI shootings at Ruby Ridge, Idaho, in which anti-government activist Randy Weaver's wife and son were killed. A greater emphasis was made to April 19, 1993 — exactly two years before the Oklahoma City bombing — when the Bureau of Alcohol, Tobacco and Firearms' raid on the Branch Davidian compound in Waco, Texas, resulted in more than 80 Davidians' deaths.

The tie to the Waco raid was one of Jones' first suspicions on the day of the bombing.

"I knew there had been just a phenomenal amount of dislike, hatred and mistrust of the federal government in the Midwest," he said.

Closing argument

Flaws in America's law enforcement and judicial system were revealed to Jones through the trial, he said.

In law enforcement, he said, the police will help a case along by leaning on witnesses or tampering with evidence. The problem is that someone will find out about it, Jones said, and the person who was accused will eventually go free.

"They put a thumb on the scales of justice, and they do something to make the case stronger," he said. "That's obstruction of justice. That's not what law enforcement is about, and that's not what due process of law is about."

"It has an inherently corrupting influence on law enforcement, and so, incrementally, it damages all of our freedoms. That's where the real risk is, and that is what we must be on guard against."

These incidents may have already had an impact. The government settled the claims of Randy Weaver for \$3.1 million. Congress reopened hearings on Waco and Ruby Ridge, which led to the FBI's decision to replace its shoot-



PHOTO COURTESY OF KATHY ROBERTS
ABOVE: ATTORNEYS ROB NIGH (left) and Jones (right) met with McVeigh (middle) many times to gather information prior to the trial.

MICHAEL WARREN/DN
TOP: STEPHEN JONES, the lead defense attorney for Timothy McVeigh during last summer's Oklahoma City bombing trial, lives with his family in Enid, Okla., where he continues to practice law. Sunday was the third anniversary of the Alfred P. Murrah Federal Building bombing that killed 168 people.

ing rules of engagement with a uniform policy that encourages all federal agents to use an alternative to deadly force, if possible. Many analysts say the reforms were tested March 25, 1996, when members of the Freemen right-wing extremist group holed themselves up on a 960-acre Montana ranch. They were accused of threatening to kill a federal judge and circulating millions of dollars in bogus checks, and faced criminal charges.

According to a report by The Associated Press, the FBI used third-party negotiators for months, did not try to forcefully enter the compound and did not shut the compound's power off until June 3, the 71st day of the standoff. On June 13, the Freemen surrendered, ending the 81-day standoff without bloodshed. Federal agents checked them for weapons but did not handcuff them as they were taken into custody.

Jones said, "I think (the FBI) realized they couldn't go on like they had done at Waco and Ruby Ridge."

From all these incidents, Jones said, lessons must be learned.

"The lesson is that if police kill people under inflammatory circumstances where there is a serious open question as to whether it is justified or not, and it is not thoroughly and independently investigated and seen to be fair, that you invite acts of revenge."

"And I think it'll happen again."

Staff photographer Michael Warren wrote this account after a trip to Enid, Okla., to visit with Stephen Jones. Warren's brother, Robert Warren, a defense attorney in Enid, was appointed as a co-counsel for McVeigh during the Oklahoma City bombing trial.