

Chapter 1 – 1:20

Introduction

John Erling: Stephen Jones is an attorney from Enid, Oklahoma whose practice is limited to trials and appeals. He attended the University of Texas, graduated from the University of Oklahoma law school in 1966 and was admitted to the bar that same year. In 1964 he served as research assistant for Richard M. Nixon and in 1967 with legal counsel to the governor of Oklahoma. Of his many accomplishments he was appointed by the United States District Court on May 8, 1995, to serve as the principal defense counsel for Timothy McVeigh charged in the Oklahoma City Bombing Case. In the interview you are about to hear, Stephen Jones discredits Timothy McVeigh's confession. And you will hear Mr. Jones say that Mr. McVeigh takes too much credit for the bombing and believes that there are others unknown. His book on this matter is titled, *Others Unknown: The Oklahoma City Bombing Case and Conspiracy*. This interview was recorded in Mr. Jones office in downtown Oklahoma City, January 27, 2010, and made available on **VoicesofOklahoma.com**.

Chapter 2 – 3:45

Coming to Oklahoma

John Erling: My name is John Erling and this is January 27, 2010. Stephen if you will state your full name date of birth and present age.

Stephen Jones: Stephen Jones, July 1, 1940 and I'm 69 years old.

JE: Where were you born?

SJ: Lafayette, Louisiana.

JE: Your mother's maiden name? And where was she-

SJ: Sure. I was an only child. My mother's maiden name was Williams. She was from East

Tennessee, Elizabethton and her name was Gladys Ann Williams and my father's name was Leslie Winfred Jones he was a native of Houston. They met in Louisiana when the oil play was down there and married in about 1936 or 1937 and I was born in 1940.

JE: How did the family make it to Oklahoma?

SJ: Well they didn't, except later when they retired. My father was in the war. They moved to Houston and he worked for Reed Roller Bit. He enlisted in was in the Army Air Corps and my mother worked during the war, and I stayed with my grandparents on the north side of Houston. I grew up in Houston. I lived about two and a half years in Tyler, Texas. I think Tyler had an impact on me, a favorable impact. And then when we moved back to Houston we actually lived in a suburb, which was a hotbed of Republican activism, so I got interested in politics. But after the war the state of Texas, which was then probably sixth in population, had an enormous economic boom. The temperature was right. Labor unions were weak. The State had had this dominant role in the defense industry, and the population took off. And with it the economy of the state and a lot of schoolteachers that were trained in Oklahoma moved to Texas as the new schools were built. A woman by the name of Molly Martin who entered Central State at 16 and graduated when she was 19, she was the debate coach in Purcell, Oklahoma. She applied for one of the positions at a new high school in Houston, the first high school built since the war, Bellaire. The principal Harlan Andrews who was a giant of a man, in fact two of his brothers were Hollywood movie stars. He employed Molly and the school opened in September 1955. I was in the freshman class, and I enrolled in her speech class, and it changed my life. I became a high school debater. I was pretty good at it. And Molly, because Oklahoma had been a hotbed of high school debate, speech and forensic activities, would bring us up to Oklahoma for tournaments. And we went to Muskogee in the fall of 1956. And I just really liked Oklahoma, and I think Muskogee had that effect. And then when I was a senior in high school, my history teacher a man named Jim McBride gave me a book to read called *Lanterns on the Levee* by William Alexander Percy who was a poet from Mississippi. His father served briefly in the United States Senate. That book had an enormous impact on me and I thought, that's the type of life I want to lead. I want to live that life. So I went to OU as a freshman. Went back to the University of Texas, and I really missed Oklahoma, and I had encouragement to move up here. So I came here in the summer of 1963. And I went to work for Richard Nixon in his private office, so I moved to New York. And I moved to Washington, D.C. for three and half years. Of course, I was in Denver during the bombing trial. Other than that I've been in Oklahoma, and I love it. Oklahoma's been very good to me.

JE: Your law degree is from?

SJ: OU.

Chapter 3 – 6:55**Working for President Nixon**

John Erling: I want to jump back to Nixon again. Let's just talk a little bit about him. This was in the '60s, it was before he ran again for President.

Stephen Jones: Yes.

JE: He had been defeated by John Kennedy—and he had lost the governor's race—

SJ: Right. He had been defeated by Pat Brown—

JE: In 1962. So then he had practiced law, and between there you went to work for him?

SJ: Yes. Mr. Nixon after he left the Vice Presidency, an early supporter of his named Earl Adams had a prominent law firm in Los Angeles and he invited Mr. Nixon to join the firm. Adams, Duque & Hazeltine I believe it was called. And Mr. Nixon and Mrs. Nixon returned to Los Angeles and ran for Governor and he was defeated. He didn't want to stay in Los Angeles. He thought New York was the fast track. A man that had taken a great interest in his career, put Mr. Nixon and this law firm that was then known as Mudge, Stern, Baldwin & Todd together. And Mr. Nixon moved to New York in October 1963 before the President died in Dallas. And I joined him in January and was there until the national convention. He had two research assistants. One was in Washington; I was in New York. Rosemary Woods, his longtime personal secretary and Shelley Scarney who became Mrs. Patrick Buchanan. That's how I got to work for him.

JE: How did you get the job?

SJ: He, in his letter to me, and I had no previous association with him, I mean I had written him a couple of times in the past, and met him a couple of times, but he wouldn't know who I was. He had read something that I had written, and he just wrote me out of the blue. He said, "I've taken on some writing assignments and a mutual friend gave me this item that you had written and I was interested in it. If you would be interested in being my research assistant, call me and I'll fly you to New York for an interview."

JE: How old were you?

SJ: I was 23. I later found out though that was not untypical of Mr. Nixon. He hired a lot of young people just based on something they had written. His last assistant, Monica Crowley who's now a television commentator for Fox, I read her book about Mr. Nixon and she got her job the same way I got mine, he read something.

JE: What was it he read of yours, do you recall?

SJ: Yes, he read *200,000 Votes Lost, Strayed or Stolen*. And I worked for the Republican Party of Texas. I was actually a paid staff employee. There weren't many of us, but I was one of them. And I had developed his theory that Mr. Nixon and Mr. Lodge should carry Texas, but had been counted out by a very unusual ballot maneuver that the Democrats

had passed in the legislature in 1959. Which was thereafter repealed, the 1960 election was the only one where it was used. It attracted Mr. Nixon's interest because Earl Mazo who had written the first biography of Mr. Nixon when he was Vice President had been hired just recently to be the first political reporter of the New York Times, I mean with that title, since Jim Hagerty, who had been a political reporter before he became governor Dewey's Press Secretary. And his father had been a political reporter. Mr. Mazo was working on a book that had as its thesis that Mr. Nixon had carried Illinois and Texas but had been counted out, and was really elected President. So Mr. Nixon sent Earl a copy of the paper. I know that because I later saw the letter and later made a copy of the letter and said this fellow, I've forgotten now what he said, he seems sharp or smart or something. Why don't you and he collaborate on the book? Well then, when the President was assassinated, there was no interest in a book that John F. Kennedy had not been elected President. So my theory was that Mr. Nixon discouraged that idea and brought me on as a research assistant.

JE: Talk about Nixon the person. You were around him a lot-what kind of a person was he? And how did he treat you, this young, 23-year-old assistant?

SJ: Well he was very gracious to me, as was Mrs. Nixon. Mr. Nixon was a handsome man. I had met Sen. Kennedy before he became President. I thought it was a cruel twist of fate Mr. Nixon was not camera friendly. The camera never really caught what I thought was a very handsome man. He was tall. He was slender. He had that curly, wavy black hair. He had very piercing eyes, a ready smile, and he had that famous ski nose. Unfortunately, Mr. Kennedy a lot of the time, looked like a person taking cortisone. I mean he was kind of bug eyed and his skin kind of had an unnatural powder, but other times he was a very handsome man. But Mr. Nixon was always that way. He always dressed conservatively. I don't recall ever seeing him in short sleeves and I don't recall ever seeing him without a tie. He worked at his desk. He had the same thing for lunch every day, unless he was eating out, which was cottage cheese with ketchup. I thought God what a diet. He was very cordial to people that had been in politics with him, but really could not help him. I mean, they would come by to see him and he would spend time with them and serve them tea. He had an open-door policy. After I left his employment, I would say he wrote to me maybe once or twice a year. I came back at the very end to help his legal effort in the impeachment struggle. And his family was kind enough to invite me to his funeral. My wife and I agreed that I would take our youngest son. The truth of the matter is, my work or employment with him meant everything to me. I can't really say that I helped him any. I was the beneficiary there. And as I would apply for jobs or positions, people would read my resume and say, "You worked for Dick Nixon?" And I would say, "Yes." And I think half of the time they didn't believe me, so

they would call Rosemary Woods. And finally I asked Rosemary Woods, I said, "Why don't you write me a letter because you must be tired of these phone calls occasionally." So she sent me a letter ... Dear Stephen this is to confirm, etc. etc. I still have the letter. He and Mrs. Nixon on occasion gave me his seats at the opera, at Lincoln Center. They took me to lunch. They always asked about me. When I was defeated for a couple of political offices, he wrote me a nice letter. He was a very smart man.

Chapter 4 – 6:26

Nixon, Khrushchev & Hoover

Stephen Jones: I sat in on a conference that he had one time when the President had authorized grain sales to the Soviet Union. There was a problem inside the Maritime Union and Soviet leadership, and the firm represented Cargill, also known as Continental Grain Company. I remember some of their executives came out to talk with Mr. Nixon and I sat in his office, he had a corner office, and took notes. Mr. Nixon listened to them and he said, "Well here's what your problem is." He rattled off the names of these mid-level Soviet bureaucrats that he had met, and he said, "This is the problem." At that time Mr. Khrushchev had not been deposed. And so Khrushchev was known as a semi-reformer. He said, "You have to remember that there may be reform elements of the Soviet leadership at the top, but underneath they're all (inaudible). When Mr. Khrushchev was forced to resign, Mr. Nixon made a trip to Moscow in 1965. And he found out where Mr. Khrushchev's Moscow apartment was. He had his driver take him over there, and a maid answered the door, and of course she said Khrushchev wasn't there. And Mr. Nixon wrote him a note that he'd come by and he was sorry that he'd missed him and hoped he was doing well. He was an unusual man.

John Erling: Did he talk politics with you? Did you have any feeling that he would ever go back into the game again?

SJ: No. Not really. There was a movement in early '64- that thought the Republican Party should nominate him instead of Gov. Rockefeller or Sen. Goldwater. That didn't last very long after the New Hampshire primary, when Ambassador Lodge, who had run with Mr. Nixon in 1960, won that right in victory. But Mr. Nixon didn't really have much respect for the political skills of Lodge. I think he sensed that the selection of Lodge in 1960 had been a mistake. Lodge was not a very vigorous campaigner. He had a reputation of taking a nap every day. I never asked Mr. Nixon if that was true, by Rosemary Woods said it was true. I did ask Mr. Nixon one thing. I said, "Sir, is it true that in your 1950 race against Helen Gahagan Douglas that Sen. Kennedy and Congressman Kennedy gave

you \$1,000?" He said, "Well no, that's not quite true." He said, "Jack brought to my office a \$1,000 contribution from his father, the ambassador, and shook my hand and wished me well." You asked me about Mr. Nixon, and I'll just share two things with you. One time, all the ladies, and this was very unusual, they had three women that worked in the office who had gone out to lunch, usually they didn't do that. They would just eat lunch at their desk. But maybe one of them had a birthday or something. So I stayed in the office. And of course Mr. Nixon stayed in his office and the phone rang. And I answered it and I said, "Mr. Nixon's office." In this very officious female voice said, "The Director is calling." The Director is calling for Mr. Nixon. And for a moment, I almost asked, "Who is the director?" But something told me that I shouldn't. It was just instinct. So I said, "One moment please." So I got up from Shelley's desk. I went into Mr. Nixon. I said, "Sir, the Director is on the phone for you." Mr. Nixon had his feet up on the desk. He swerved around and picked up the phone and he said, "Edgar how are you?" Well of course, it was J. Edgar Hoover, so I'm glad I didn't ask to the Director was. I asked Earl Mazo one time, the last night it was in New York Earl took me to dinner at *The New York Times* employee cafeteria and I asked him if he thought Mr. Nixon would be President and if so what kind of President? He gave me his answer, which was obviously 100% accurate. Mr. Mazo had a reading of the President that few people had. He studied him very carefully.

JE: What year was that?

SJ: That was '64.

JE: All right, so again in between his being defeated and running for President.

SJ: Right. I don't think in '64 anybody ever thought—first of all the only Republican that it ever been re-nominated after losing, was Tom Dewey. But there was a hint. One day, Raymond Moley came up to see Mr. Nixon. And Moley was an early member of the brain trust of President Franklin Roosevelt. He had turned conservative, left, and was then the prize columnist at *Newsweek* magazine. Mr. Moley's column appeared every week on the last page of *Newsweek*. Lots of people read it. He had an enormous influence. And he came in to see Mr. Nixon, and they were in there (his office) about 45 minutes. And Mr. Nixon buzzed-out and one of the ladies told me that he wanted to see me. So I grabbed my notepad and when the office and Ray Moley was sitting there, talking to him, and then Mr. Nixon introduced me. And he said, "Stephen I'd like for you to prepare a memorandum on how many men have been re-nominated for President after having been defeated for President. And, while you're at it, why don't you add anybody that's been defeated for state office and nominated for President." Of course I could see where that was going. So I said, "Yes sir." So I prepared the memorandum. I still have a copy of it today. It was one page. After I gave it to him, about three weeks later, with the wording slightly rearranged, there it was in Ray Moley's column. Actually there

were quite a few men who had a second chance at being President. And I think I found four that had been defeated for state office and nominated for President. John Quincy Adams had run for Governor of Massachusetts, had been defeated. Franklin Roosevelt had run for the nomination for United States Senator, and had been defeated. You see, here's the thing that people forget about Richard Nixon. In the entire history of the United States, no person served in national, elected, federal office longer than Richard Nixon. The second is Franklin Delano Roosevelt, only Franklin Roosevelt and Richard Nixon appeared on the national ballot five times. Mr. Roosevelt four times for President and once for Vice President. Mr. Nixon, twice for Vice President and three times for President. Yes, he was a fascinating man to work for.

Chapter 5 – 6:54

Kent State and OU

John Erling: Your first law practice and maybe your first case of any significance?

Stephen Jones: Well, I worked in Washington for three years for various Republican Congressmen. Donald Rumsfeld, Paul Findley and Sen. Percy. And actually my first case was in Washington. I represented a man and a woman. He was divorced, and she was a Catholic nun. And they had fallen in love, and she wanted to leave the order in good standing. She wanted to be released from her vows in the appropriate way, and to marry this man in the Catholic Church, even though he was divorced. Well, I hadn't taken anything in law school that prepared me for that. But I did some research, and I found a way to get it done. I got it done, and she was released in good standing by Rome. They later were married by a Catholic priest at a church in Washington. I'm not a Catholic, but I'm Episcopalian. So I'm a lapsed Catholic maybe or a Catholic that couldn't read Latin. That was the first case I had. They are still alive today, and still married.

JE: Before we get to the Oklahoma City bombing, another case that was big for you?

SJ: The case that probably changed my life, was a prosecution against Keith Green who was an OU student that carried a homemade Vietcong flag at an ROTC drill the day after the Kent State incident in May of 1970. You remember that Kent State was right after the President had announced this incursion or invasion of Vietnam. And there was a great deal of upheaval on college campuses, and these four, young people had been killed at Kent State, by members of the Ohio National Guard. There was open rebellion on the college campuses. OU didn't close, probably because of the leadership of Herbert Holloman but many campuses just shut down. But, there was a lot of student anger and Keith Green had a homemade Vietcong flag that had been used in a model UN. He

carried it on a pole and weaved in and out of the ROTC students, and some law students saw him, who had been in Vietnam. And they convinced the OU police department that this was a felony. They showed them a statute. So the OU Police Department arrested Keith in the presence of several hundred students—put him in the back of the car to take him to the courthouse. Well when they did that, about 500 or 600 students sat down, surrounded the car, and wouldn't move. Of course, TV cameras are there and reporters are there, and they film all of this, and the University calls the Governor's office. And the Governor dispatches the Highway Patrol and perhaps some national guardsmen. And the students take the civil rights demonstrator action. In other words, they just go limp. So finally, they get enough of them out of the way that they got Keith down to the courthouse about 10 o'clock, and the Judge let him out on bond, and then he went to get a lawyer. He went to 12 lawyers, talked with them and no one would represent him. They just wouldn't do it. Feelings were very high. So we went to Phil Horning, who was a friend of mine. And Phil couldn't represent him, but Phil said, "Well, I've got a friend in Enid that's just come back. I don't think he's very busy. Why don't you call him?" So Keith called me. I said, "Well, sure." He took the bus back to Enid. I did a little research. He came in and I agreed to represent him. We went down for the preliminary hearing, and he was open ultimately bound over. It was hard for the state to bind him over because they couldn't prove it was a Vietcong flag. And finally they did that. And as we walked out of the courtroom there were two reporters present. And they asked me, "What you going to do now?" And being young, and pretty inexperienced, I said, "Well, I'm going to take this case to federal court." Which was silly. That got the attention it deserves. Which means, it got about a half an inch of space in every newspaper in the state, except the Enid newspaper. And the next day the *Enid Daily Eagle* came out, the afternoon paper and above the fold as they say, three columns on the right, headline's Enid lawyer to take Vietcong flag case to federal court. The manager of the firm came in and he was quite upset. And he said, "Well, you'll either drop the case were leave the firm." I said, "Well, I can't drop the case." He said, "Why not?" I said, "Well first of all, he's got a defense, the statute is unconstitutional. Second, I don't have a conflict of interest. And third, he's already paid me and I've spent the money. (Laughter). So, but, I said, "It's your firm, and I'll follow your advice, I'll leave." Well, that would've ended it. But that night he went to Oakwood Country Club, he and his wife, and I guess caught un-shirted hell. So the next day he absented himself most of the day. And I kept hearing this Xerox machine in the office running. And I went to one of the secretaries and I said, "What's going on?" She said, "I can't tell you." She said, "Come by my desk in 10 minutes." So I went by the desk in 10 minutes and here was a letter on the firm stationery that said: "To our clients, please be advised Mr. Jones has resigned from our firm." My name was

struck out—with ink through it. And attached to it, was this newspaper story. Well of course, that clearly indicated they had fired me. I went in and I asked him if I could talk to him. He said, “Well, I’ll be back. I’ve got to run out to George Failing Company. I’ll be back at 3pm.” Well by 4pm he had not come back, and his secretary told me he wasn’t coming back. So I went over to the courthouse to talk to old judge. He called him on the phone for me. And he said, “Frank, what are you doing?” And I guess he told him. And he said, “Well, I am telling you this isn’t going to turn out the way you think it is.” And he said, “Steve, I’ve done all I can do.” And I said, “Well, fine.” So, I went on down to Dallas for the weekend. And on Sunday afternoon at three o’clock I was driving up old Highway 77 and I had WFAA on, out of Fort Worth is it? And the three o’clock national news came on, and I led the story. It said, “An Enid Oklahoma lawyer has been fired from his law firm for representing a student carrying a Vietcong flag.” The car must have, it didn’t turn over, but it certainly turned over in my mind. I pulled off the road and I thought “What?” I turned up the volume and sure enough when I went in and pulled out some Sunday newspapers it was all over the papers. And so that’s how I started my private practice of law. (Laughter) And I’ve been doing it ever since.

Chapter 6 – 3:15

April 19, 1995

John Erling: Let’s take you to April 19th, 1995. What was your morning like prior to 9 a.m. that morning?

Stephen Jones: I was in my office in Enid on the 11th floor of the Broadway Tower.

JE: At 9am approximately a 20-foot rental truck, yellow with black lettering, pulled up in front of the Alfred P. Murrah Building in downtown Oklahoma City. It parked near the entrance just below the America’s Kids Daycare Center on the 2nd floor. Then at 9:02am an explosion takes place, killing 168 people and 19 of those were children under the age of 6. How did you first hear about the explosion?

SJ: Probably 20 to 30 minutes after it happened, and I had television in my office one of the lawyers that worked with me came in and said, “There’s been some kind of an explosion or fire down at the Murrah Building in Oklahoma City, it’s on television. I guess his wife or somebody had called him. So I turned on the television and I saw it and I looked at it for a minute and the reason that I think he said explosion was—within the last year, there had been an incident at the federal building where everybody had left the building, because there was some kind of gas leak in the building. I remember seeing Judge Thompson on the street and everybody standing there. It turned out to be nothing. But nevertheless,

they had evacuated the building. And I looked at it for a minute, and thought about it being a gas explosion and I said, "I don't think so." Because if you have a gas explosion then the building's on fire; the only thing on fire is these automobiles. I said, "I don't think that's the story." So I kind of looked at it for a little bit and I remember Tammy Payne who did an excellent job, she covered that thing for hours for I think Channel 9 in OKC. And I watched her reporting. And I of course had been involved in politics. And I was aware of various movements in the country and I thought...April 19th, what happened on April the 19th? Then about that time, one of the people came on and mentioned that it was the 2nd anniversary of the assault on the Branch Davidians. And I thought, well of course! Now, I don't think that particular date, that incident was determinative, I think April the 19th nobody recognized at the time, or not many people, was also the 10th anniversary of the raid on the The Covenant, the Sword and the Ark in Arkansas. I think that may have been more significant but at the time it was tied in to the Branch Davidian assault. And as I watched it, I have to tell you, I was not surprised that somebody would blow up a federal building. I thought for some time that between Indiana and California, from the Dakotas to Texas, the Great Plains area and the prairie states that there was an enormous amount of hatred, distrust and unhappiness with the federal government, with banks, with the Clintons, everything. It had been building for this long period of time that there was this boil waiting to be pricked. But, I think I was shocked that it was Oklahoma City.

JE: 503 people were injured, 320 buildings were damaged. \$651 million dollars spent on recovery efforts. It destroyed the Murrah Building of course. It was the worst case of domestic terrorism in the history of the United States.

Chapter 7 – 4:34

McVeigh Arrested

John Erling: An hour and a half after the explosion, a 1977 pale yellow Mercury Marquis was pulled over on Interstate 35. In your own words, tell us about that.

Stephen Jones: Well, Mr. McVeigh was traveling in his automobile north and Mr. Charles Hanger who's now the Sheriff of Noble County was at that time a State Highway Trooper. Most people of course in law enforcement and rescue and recovery efforts were heading south. Mr. Hanger was actually heading north on the Interstate. His testimony, which I don't have any reason to doubt, was that he observed Mr. McVeigh's automobile and noticed that there was no license plate on it. And that's why he pulled him over. When he pulled him over, Mr. McVeigh exited the car and Mr. Hanger has said, "Do you know why I stopped you?" McVeigh said, "No," Hanger said, "Well, it's because you don't have

a license plate.” And he said that Mr. McVeigh looked over his shoulder and looked at the car. When he asked him for some identification, his coat kind of bulged open and Trooper Hanger saw that Tim had a pistol, a shoulder harness. So at that point, he pulled his gun. Mr. McVeigh said, “My gun is loaded.” And Mr. Hanger said, “So is mine.” Now, I think when Tim told him his gun was loaded he wasn’t saying he was threatening him. He was just telling him the gun was loaded, because I’m sure Tim knew what was coming next. So, he had no driver’s license, no valid insurance, in a car without a tag and carrying a concealed weapon, so he booked him in the Noble County jail in Perry, OK.

JE: Did Mr. McVeigh explain why he did not have a license plate?

SJ: Yes, he gave an explanation.

JE: What was that?

SJ: Well, before I answer that question, I need to tell you that ordinarily I would not be able to discuss that with you, but without going into unnecessary detail, it’s been determined that Mr. McVeigh substantially waived the attorney-client privilege and the rule of confidentiality. Not that, it doesn’t survive death, because it does. He waived it by giving 75 hours of interviews on the tape recorder to Buffalo, New York reporters. Which did not surprise me. He did that after I was no longer his lawyer. And he waived it in other ways. So there was some litigation and some filings, some of which are public and some of which are under seal, so I can answer that question. His explanation to me was that, “Well, the mission had been accomplished, I was just testing fate to see whether I’d be caught.” And when he gave me that explanation, I said, “Well, what am I doing here? You’ve been caught. I mean you said you wanted to be caught, so, you’re caught. What’s the deal?” That kind of surprised him and he didn’t say anything and I said, “Listen Tim, partner, when you got to the jail, you called every bail bondsman that was listed on the bulletin board there by the phone. And, in fact, you called Royce Hobbs who was a Perry attorney so many times collect, that he actually left his office to come over to the courthouse to find out why some inmate in the jail was calling him 10, 15, 20 times in two days. So, if you wanted to get caught, then why were you trying to get out of jail? For which, of course, he had no answer. So I didn’t believe that he wanted to get caught, and I don’t think that the license accidentally fell off. I think it was taken off. Tim had previously told me that he had parked the car in such a way that the rear end of the car was parked up against a building so that no one could see the license plate. Well, if there was no license plate on there, why go to that trouble? Furthermore, what did he do with the license plate if he took it off? Where did he throw it? I mean, I’m sure that license plate was the subject of intense FBI scrutiny and search. We know, because there were eyewitnesses that said that when he purchased the Mercury he changed license plates on it in order to obscure its identity. Now, he may have taken the license plate off, but

it wasn't because he wanted to get caught. He may have forgotten to put it back on, in which case where is the license plate? Maybe it was just one of those things that was just overlooked. More likely though, I think somebody took the license plate off.

JE: It seems like I read about others like him who had these negative thoughts of the government, that it was a sign of protest that they took their plates off. Did you ever hear of that?

SJ: I've never heard that.

JE: Okay.

Chapter 8 – 6:16

Ryder Truck Rental

John Erling: So he has this loaded .45 caliber Glock pistol and he didn't use it when he could have on that patrolman.

Stephen Jones: That's true.

JE: Was that a discussion?

SJ: Yes. The Tim McVeigh that I knew was much different than the caricature of Tim, much different. And I asked him about that. He said, "Well, I recognized Mr. Hanger as a state policeman. I didn't have any quarrel with the state."

JE: He wasn't federal property, was he?

SJ: No, he wasn't.

JE: So the Ryder truck axle was found in the rubble and was traced to this rental agency in Junction City, Kansas and they had rented the truck two days earlier to a Robert Kling and another man. Talk to us about that.

SJ: The official version is that Tim McVeigh was Robert Kling, and that he rented the truck. The government disputed that there was another person present. That, of course, is fiction. Four people say that there was another man present. Eldon Elliott who owned Elliott's Body Shop, Vicki Beemer who was the secretary and book-keeper at Elliott's, Tom Kessinger who was a mechanic, and Tim McVeigh. Well when Mr. McVeigh and I had our conversation just before the trial about all of this, what I finally figured out with the help of a very talented staff member, the key to unlocking this tissue of lies that I had been presented with—I reminded him that he acknowledged that there was another person present in Elliott's office when allegedly he rented the Ryder truck. And I said, "Now who can this other person be Tim?" Well, no other Ryder truck was rented that day. No other Ryder truck was returned that day. No other Ryder truck was reserved that day. This is a very small room (we're talking about) – probably the size of my office and I guess

my office is maybe 20 x 16 feet and that's probably larger than the office at Elliott's. This is the person that was John Doe 2. So somebody knows this person if it's an innocent, would-be person going through Elliott's. He's got a wife, a girlfriend, a sister, a significant other, a roommate, an Army buddy, a Mother, a Father. There are drawings plastered all over the world, so somebody has said, "Gee, that looks like you." But, nobody said that. He said, "Well, I told you there was no John Doe 2." And I said, "No, that's not what you said." I said, "You and I have come to know each other very well and I understand that you phrase things carefully. What you said was, when I asked you, who was John Doe 2? You said 'John Doe 2 doesn't exist.' And I don't doubt that. On the day that I asked you that question, I'm satisfied he didn't exist." So, I said, "You and the other three people are saying the same thing." Nobody picked up a car. Nobody made a purchase. Why would somebody just wander into Elliott's Body Shop at the very time that you're there? And nobody comes forward to claim the \$2 million dollar reward? And he said, "You have an answer to that question?" And I said, "Indeed I do." And he said, "I'd like to hear it." And I said, "Well, there is a photograph of you at McDonald's at 4pm that afternoon. The Government has it, and I have it. McDonald's at Junction City had a series of stationary cameras that just took instant photographs, not video, probably in six locations. So every 6th photograph in that sequence is you. In the very first one there's a clock on the wall and it shows 4 o'clock. You come in and you move in fashion toward the south and just before you exit you look at your watch. There's a picture of it. At 4:19:10 the computer at Elliott's Body shop is turned on 19 minutes and 10 seconds later. Because, Robert Kling is there, and they're printing out the contract for the rental truck. Now, you told me that you went out of McDonald's and started walking up to Elliott's and that a young man in a red Pontiac picked you up and gave you a ride." I said, "There are two problems with that. The first and basic problem is that you didn't realize you could walk it in 19 minutes when you and I had the conversation. I had somebody about your build and height and weight walk it. And you can walk it in 19 minutes. You can walk it exactly in 19 minutes. But Tim, the problem is, three people in Elliott's say that Robert Kling was wearing Army fatigues. The picture of you in McDonald's has you wearing a white T-shirt, sports shirt and slacks. You have nothing in your hands. You don't have a backpack. You're not carrying a change of clothes. So what are you going to do? Tell me that you changed clothes in this perfect stranger's car? And where did you get the clothes? I mean that must have been something unusual. You just start changing clothes in this stranger's car that's giving you this ride? And who is this person? This back road to Elliott's that you supposedly were taking is not ordinarily how people would go. I mean it's not a major highway. So, somebody would remember picking you up and dropping you off at Elliott's. They would remember you. And, there's another thing. It was misting rain. The three

people at Elliott's say that not only was the person that rented the truck in fatigues, he wasn't winded, and he wasn't wet. He said, "Well, I don't understand what you're telling me." And I told him one other thing that was unusual. And I said, "What I'm telling you is that they didn't see you." And he said, "What do you mean?" I said, "*They didn't see you.*"

Chapter 9 – 5:01

Rocket Fuel

Stephen Jones: The third incident, which is worth mentioning because it's even more dramatic, is that Tim had told me that he had purchased the three barrels of nitro-methane at a racetrack south of Fort Worth I believe. On a Sunday afternoon, he said there are about 5,000 automobiles there. And he'd gone up and given this kid \$1,000 cash for these three barrels of rocket fuel. Nitro-methane. I asked him if he could be a little more specific about where this racetrack was. He claimed he didn't know and, it was just, somewhere. I said, "Well, first of all, you can tell me every flea bag hotel you've stayed in the last three years, every route that you took on these trips. And you even told me that one time there was a blizzard in Amarillo, and you led a bunch of people in your automobile and they were following you through some back roads over into New Mexico, but you can't tell me where this racetrack is? Where there were 5,000 automobiles?" He said, "Well, I just remember it was somewhere off I-35." I said, "Indeed. Which I-35?" He said, "There are two of them?" I said, "Yes, I-35 East and I-35 West." Well, it actually turns out that it's off Interstate 45. But, be that as it may. I said, "Tim, here's the problem. How many times do you think this young man was given \$1,000 cash on a Sunday afternoon to get three barrels of my nitro-methane? I mean, don't you think he would remember that? He would remember you?" Well, the FBI did find this kid, and he testified at trial. I think I asked him only one question on cross-examination. I said, "Would you please look around the room carefully, and tell me if you see the person that gave you \$1,000 cash?" And he very slowly and very deliberately looked around the room and said, "No." And I said, "I don't have any other questions."

John Erling: Robert Kling—was that a fictitious name?

SJ: Yes, it was a fictitious name.

JE: And Timothy McVeigh used that name?

SJ: Well, yes and no. First of all, not to belabor the point, because I wrote a book about it and my voice wasn't heard. And I don't live the McVeigh or the Oklahoma City bombing case. I mean, I had my say, and I leave it to history. I've tried to assist history by giving everything I had to the University of Texas Library. But, suffice it to say I don't accept

the official version. I think, it's shot full of holes. If you study the Oklahoma City bombing case carefully, you come up with probably 8 to 10 people that are involved. Clearly, Lori Fortier was a co-conspirator as was her husband. And Lori Fortier testified that she typed Robert Kling a false driver's license, laminated it and gave it to McVeigh. Now, the name Kling comes from, and I've forgotten the name of the story now. But my assistant immediately caught the significance of it and I'm sorry I don't retain it. So the question is did McVeigh rent the truck? Well, given the descriptions of the three people in the building, about who rented the truck it's hard to imagine that was Tim McVeigh, because their descriptions don't match Tim.

JE: It turns out that John Doe Number 1 had been a guest at a nearby motel?

SJ: Yes.

JE: The Dreamland Motel in Junction City. But the name he used was not Robert Kling, but it was Timothy McVeigh?

SJ: Yes.

JE: He gave his home address as Decker, Michigan?

SJ: Yes.

JE: So the FBI then goes to Decker, Michigan where they find the Nichols farm, home of James Nichols the brother of Terry Nichols?

SJ: Yes.

JE: So that's how Terry Nichols comes to this story. And then, how was it that they traced Timothy McVeigh, who's already in jail in Noble County?

SJ: There's no question that Tim McVeigh checked into the Dreamland Motel. The question is, why would Tim McVeigh on that Sunday before April 19th—I don't remember—maybe it was the Friday before—but in any event, a few days before, use his own name when allegedly he had a false ID showing himself to be Robert Kling? And more importantly why use James Nichols address? Because all that does is tie it right back to James Nichols. Clearly, Tim McVeigh went out of his way to protect James, James' other brother, and Terry Nichols, all three of them. Emphatically he went out of his way. I can't speak about the third brother, but I think clearly a strong case exists that James Nichols and obviously Terry Nichols were involved. But they do find out that James Nichols was there. And they find that Tim McVeigh is in the Noble County Courthouse. According to the official story, an ATF employee puts his name into the NCIC registry and it turns up that he's in custody in Noble County.

JE: So the FBI and ATF believe that they had found the bomber.

SJ: Yes, or at least one of the bombers.

Chapter 10 – 4:24
Defending McVeigh

John Erling: And the crowd outside the jail?

Stephen Jones: The crowd had been allowed to gather. I mean it had been leaked what was going on. And I personally think, that the FBI waited to arrest him, so it would be the lead story on the evening news broadcasts. Because it was in fact the lead story, and that's when they brought him out. Of course they would deny it. But as Mandy Wrights Davies said about John Profumo in the Christine Keeler scandal, "You would expect them to say that wouldn't you?"

JE: And the crowd outside the jail yelling, "Baby killer! Baby killer!"

SJ: Yes, and other things. Yes. And he walks out with 1,000-yard stare as one person said.

JE: So May 8, 1995 you were selected as the principal defense counsel. Prior to that, did you think that you would be receiving a phone call?

SJ: I did not. My wife did, but I did not.

JE: How did it happen?

SJ: Well, it happened about 9:30 Friday night. I had been down in Oklahoma City and I returned to my office. And there was a note on my chair that had been scotch-taped that Judge Russell wanted me to call him. And the note left couple of numbers. One of them I take it was his home number, and one I guess was his office number. And I called his home and no one answered and I left a message. I said, "Your Honor this is Stephen Jones I am returning your call and I'll be at home." And I gave him my home number. I didn't think anything about it. And about 9:30 that night, my wife was out, and my children were away at school, and I was there by myself. And I was walking down to the kitchen to get a glass of water in preparation of going to bed. And the phone rang, I went into the library and it was Judge Russell. He said, something to the effect, "I guess you know what I'm calling you." And I said, "I have no idea why you're calling me." He said, "Well I'll come straight to the point. We've had a meeting down here and I have a question to ask you. We want to know, if asked, would you agree to represent one of the individuals charged or will be charged with the Oklahoma City bombing?" And I sort of caught that "*has been charged*" or "*will be charged*". I said, "Well, I don't have a professional problem with it. I mean, I understand what you're trying to do. And I've certainly been involved with controversial cases. But I don't think I've ever been involved in the case where I thought my wife or children or my home or my business associates or even the building where I practice law might be at risk. So I think in fairness I should talk to them. He said, "Well, how long will that take?" And I said, "Oh 24 hours." He said, "Can you call me tomorrow evening?" I said, "Certainly." He said, "Well you can reach me at

this number.” So we talked about another 20 minutes and he never said that it would be Mr. McVeigh, but I inferred that just the way he talked. I hung up the phone and I turned around and looked outside. It was raining that night. I think there was some kind of storm. Various images went through my mind. I just sort of sat there and maybe 45 minutes later my wife came in. She came into the library where I was, and she asked, “Why are you sitting in the dark?” Or something like that. I said-I can’t remember whether I called her Booter or Jonesy, but those are my nicknames for her. Maybe I said Booter. The call that you were afraid would come has come. She at least thought I would be called. She told me that. She said, “They will call you.” And I said, “That’s ridiculous.” She said, “My God what are you going to do?” I said, “Well we’re going to sit down and talk about it as husband and wife and call the children will come to a decision.” So she sat down and we talked about it for maybe a couple of hours just kind of free-flowing conversation. And then I called each of the children. I got their opinions and then the next day I called about half a dozen people whose judgment I respected, and asked them their evaluation and what they thought. And I called Judge Russell back about 6:30pm. He answered the phone and I said, “Your Honor in response to the question that you asked me ... and I repeated the question, somewhat formally, the answer is yes.” And I remember he kind of had this-like some burden had been lifted from him, which I’m sure is imaginary on my part. But he did sound that way. And he said, “I appoint you as lead counsel to represent Timothy James McVeigh.” He was kind of formal saying, “Be in my chambers Monday at 1:30pm.” I said, “I’ll be there.”

Chapter 11 – 6:02

Public Reaction

John Erling: Let’s talk a little bit about the follow-up to the public, how you were treated, your family, members of your law firm, the community. How did they react to this?

Stephen Jones: In Enid, I called the Enid newspaper to tell them. When I came to the Judge’s chambers he said he would not file the order until I think either 4pm or 4:30pm. So I went over to the prison and met Mr. McVeigh just briefly. I came back and my daughter’s head had been hit by the car door as we were getting out, and I was a little concerned about her. So Bob Wyatt and myself and Jim Hankins we went by Presbyterian Hospital. And I went into the emergency room and I said I would just appreciate if you would check Rachel out. And there was a television that was sort of suspended on the ceiling and there were maybe 30 people in the waiting room there. Tony Clark from CNN came on. He said, “CNN interrupts with breaking news on the Oklahoma City bombing.”

And I thought well I better listen to this. I step back and I look up and I see my face. They have a picture of me. "CNN has learned that Enid attorney Stephen Jones has been appointed to represent Timothy McVeigh." Immediately, everybody stop talking. I mean, they knew. They just figured it out. By that time the doctor came out and I explained whom I was and that I really needed to leave and he said, "Don't worry about that Mr. Jones. We'll take good care of your daughter. You go ahead." Well, I told my office to call the Capitol Press Room as I thought there might be some interest, and I would stop by about 5:30pm, if anybody had any questions I'd answer them. And I mean, I did it that matter-of-factly routine. Judge Russell had told me on the phone, he said, "Your life's getting ready to change, you'll be followed everywhere. CNN and all that." And I said, "That's hard for me to believe. I can certainly see interest in McVeigh. Why would there be any interest in me? The bombing and the victims, I mean all that's understandable. But, I don't think any lawyer had ever had that much publicity all at one time so unexpectedly. But in any event Bob Wyatt and I drove up to the Capital. And I remember as we got out of the car, there were three television station mobile vans there. I told Bob, I said, "Well, I guess the Legislature's finishing up." Because, it was in the May and Bob and I didn't think anything about it, we went in the Capital, kind of nodded that some people, got in the elevator and I punched 5, as you know, that's where the Press Room was at that time. We rode up and that was the last quiet moment in two and half years. When the elevator doors opened, I'm sure there weren't that many there, it seemed like there were hundreds. But there were probably 25 or 30. Immediately, the flash bulbs go off and you've seen these scenes where they're walking backwards, all the cameramen and they've got the microphone booms. And I thought my God what is this? They were just all over the Press Room. I couldn't even pick out any Oklahoma City reporters. I mean there were all these people here from all over the country. So, that was the immediate reaction. Now, here's the truth of the community reaction. The Oklahoma City bombing case was exceptional. In previous cases where I had been involved with controversial defendants, either with the Black Muslims or Abby Hoffman or the Klan or somebody. Like a prominent murder case, Roger Dale Stafford. I generally had the backing or support of what I would call the elites—the media, the bar, the judges, the elites. The problems I had were with the general public, and I mean some of them were pretty severe. Not anything that I would call life threatening, but certainly uncomfortable moments. The Oklahoma City bombing was the exact opposite. I was amazed at how John Q. Public supported me, and how the elites made my life miserable. The media, the bar, some judges, the Governor's office and a number of other people—that should have known better. It was uncomfortable. But, I got probably between 2,500 to 3,000 letters e-mails, faxes and phone calls from people all over the state. I would walk down

the street and people would stop me. And the one that I remember particularly, I was in Denver and a security officer in our office, which was on the 24th floor of some building brought me a brown envelope and he said, "We think you ought to see this." So I reached in and pulled out three photographs. My home, my office building, and I forgot now what the third one was, maybe the courthouse in Enid. They took that as an implied threat. That somebody knew where to find me. I reached back in the envelope and I pulled out this letter. It was handwritten on a notepad, the kind that you would expect older people to write on. I remember my grandmother used to write on them. And here in this ballpoint pen it said: "Dear Mr. Jones, you don't know me. I'm so-and-so. I'm a farmer up in Grant County. I was in Enid last weekend, and I took these pictures to remind you of where you are, where you live, to let you know that you're welcome back and we want you back." And I thought, what a remarkable thing. What a generous thing. Now, you're here in my office on Fourth Street. The Murrah Building is a block and a half from where we're sitting. My name is on the front door. I am not molested. I walk here back and forth to my apartment. In Enid, I'm a member of the same club, the same church. Everybody knows where I live. Or certainly it's not obscure where I live. I picked up my work unmolested. I'm not sure that you can say that everywhere in this country.

Chapter 12 – 4:36

Change of Venue

John Erling: So the elite. Attorneys? Others? Were you shunned socially? How did you feel their coldness?

Stephen Jones: Candor compelled me to tell you that I used it for my client. It was part of the change of venue. Every time Pat McGahan the chief editorial writer of *The Oklahoman* wrote some searing editorial about me, or my client, I just clipped it out and put it in the motion for change of venue. I remember one, and I know Pat, it starts out: "Stupid insult to right-thinking Oklahomans. Offense to law-abiding citizens such is Stephen Jones' motion for change of venue." And every newspaper comment, every media source that was critical of me, or my client, I put together and used in the motion for a change of venue. I remember Mike Tigar, who I had suggested to Judge Russell, might be Terry Nichols' lawyer. Mike came to me, and he and I had done a case before, and had a good result. And Mike said, "I want to call Frank Keating as a witness for the change of venue. I said, "Well, Mike I've got to tell you that that creates a problem for me. Because before I was appointed, Frank Keating was a client. I represented Frank and Cathy Keating on personal and political matters. And as Governor, I was his special counsel. And that

would be awkward.” And I said, “Secondly, I’ve got to tell you that Frank Keating is a smart man. Now, you put Frank Keating on that witness stand with a bunch of media people and, I’m telling you, you’re doing him a favor. You’re helping him politically.” He said, “Well, do you have a better idea?” I said, “Well, I don’t know that it’s a better idea, but it’s a different idea. Why don’t we just get the videotapes and play those for Judge Matsch? I mean, by the time Judge Matsch he’s going to think this guy was going to be on the 10th circuit? And had the power to review and overturn my decisions? Which she remember, Pres. George Herbert Walker Bush, Bush 41, had nominated Frank Keating to the 10th circuit, but the Senate had not confirmed him. And Mike said, “Well, that’s a hell of an idea.” So we played those tapes. And I just watched Judge Matsch’s expression. And particularly the one where Gov. Keating said, “Well, they caught the first creep that did this and now they’re going to catch the second creep.” Judge Matsch, I wouldn’t want to play poker against Judge Matsch. He has an expressionless face. But there’s one thing he can’t control, and that’s his eyebrows. It’s almost involuntary. And I just put my hand over my eyes and I knew right then that we were going to go somewhere and it wasn’t going to be in Oklahoma.

JE: So the elite were upset because you asked for a change of venue? Or because you were merely defending—

SJ: I think all of it. They were upset at the fact that I agreed to do it. I mentioned the Enid paper, I will tell you that the next morning they quoted me it said, “I am a draftee not a volunteer.” And I told Ed Hauck, who represented the Enid newspaper at that time, and told him, I said, “Ed, you have unlimited credit in my bank. The way you have presented it, has made it possible for me to continue to live here.” They were very supportive, Jerry Pittman, the editor, and Ed, who is the publisher. Julie Delcour over in Tulsa was pretty fair—well, very fair and later after the trial, the *Tulsa World* wrote a nice editorial. But in Oklahoma City, I didn’t receive that. But of course I could understand that. But they were angry that I did it. They didn’t understand my strategy. They were angry about the publicity. They were angry about the money. They didn’t understand why we made the trips overseas. And at that time, there was very little that we can say about that, almost nothing. We were not in a position to defend ourselves. Outside Oklahoma, I had some uncomfortable moments. And there were a few in Oklahoma, but not that many, and I don’t know that the people were Oklahomans that created the problems.

JE: Fifteen years later do you feel anything from the so-called elite or any attorneys? Is there anything that’s lingered over all these years later?

SJ: I’m always careful to ask on voir dire. And one time recently I did a military court-martial and I was surprised that three officers knew people that had been killed in the bombing. So I always ask the question. I didn’t start out to ask it. Then I realized

that was a mistake. I am sure that there are some people that call me because I was Tim McVeigh's lawyer. I'm equally sure that there are some people that don't call me because I was Tim McVeigh's lawyer. So that's probably a wash. But I'm not aware today of any overt objective problem.

Chapter 13 – 5:57
Meeting McVeigh

Stephen Jones: He was wearing khakis. He stood up. I walked over and I extended my hand. I said, "Mr. McVeigh and my name is Stephen Jones and I'm a lawyer from Enid, Oklahoma and I've been appointed to represent you." He shook my hand and looked me in the eye and said, "I heard you were coming." The marshals and the warden were withdrawn at that time. And I think my first question to him was, tell me a little bit about yourself. We talked maybe 20 minutes and I said, "I'll be back tomorrow."

John Erling: And how did he strike you?

SJ: He looked much different. I was surprised. His face was friendly. He was outgoing. Tim was a slender person. Tall, but he didn't seem as tall as the videos of him coming out of the courthouse in Perry. He was not aloof. He was very open. And, I didn't believe him as I listened. But when I met with him the next day I believe it was, I spent a long period of time there. I just let him talk. I said, "Why don't you just start wherever you want to."

JE: You didn't believe him, from the first day?

SJ: I was skeptical.

JE: Of his story of how this happened?

SJ: Yes.

JE: He was a veteran of the Gulf War. What would you say was his political profile? Did he explain that to you at the outset, his ideology?

SJ: Yes. He quoted the Declaration of Independence. He quoted it verbatim in large portion. I listened to him. And then he explains to me very candidly and forthrightly his views on the federal government, the Brady Bill, gun control and what had happened at the Branch Davidians' compound outside Waco. I listened to him. He did not refer to himself as a martyr. He did refer to himself as a terrorist. He explained that he thought it was justified.

JE: What was justified?

SJ: The bombing. And he explained how he did it. He went into enormous detail about the bomb. And as he was explaining it to me I had this mental image of people falling. I could see the victims falling in the Murrah Building as it collapsed. Because of course, what kills most people is not the bomb. It's the trauma of the building falling, the steel and concrete,

and so forth—the weight and pressure. I mean certainly the blast kills some people, but it's really the effect of the blast that does it. I didn't interrupt him. I listened very carefully. I'm sure as I've said, I went to the restroom, or had something to drink, or lunch. I honestly don't remember it. I just remember listening to him. I didn't take any notes.

JE: So he's telling you he did it,

SJ: He did.

JE: And you didn't believe him?

SJ: I was skeptical.

JE: Why?

SJ: First of all, I had practiced law for 43 years and at that time 25 years I guess an experience has taught me that clients often in violent crimes do not tell you the truth at the beginning. This was outside my experience. Also, I just sort of instinctively knew that it was not a one-man operation. Now, objectively I didn't have any evidence that he was not telling me the truth until about two weeks later when I read this story that took up a full page in *USA Today* written by a very good reporter, a man that I came to respect. Well, I respected the story and respected him, for the rest of it he was a straight shooter. And I went down to talk to Tim and I told him, "You told me that Michael and Lori Fortier didn't have anything to do with this?"

JE: We should say they lived in Arizona.

SJ: Yes. They lived in Kingman, Arizona. Michael and Tim had been army buddies. He said, "That's right." I said, "Well if they didn't have anything to do with it, then why is the government giving them immunity? I mean the government doesn't casually give immunity. They give immunity when you know something, and when, if you said anything that would incriminate you." So he told me a lot about Michael and Lori then. I said, "Well then, why did you lie to me?" He said, "Well, I didn't trust you." But he said, "I know the defense now and I know you and me we're working together." So I said, "So I can count on what you're going to tell me?" He said, "Yes." And I said, "Okay." Well about 10 days after that, I get a telephone call from a reporter I think from *The Detroit News*, either the *News* or the *Free Press*. And he introduced himself, and he said, "I'm calling you about the gun dealer in Arkansas." And I said, "I'm sorry, but I don't know who that is." And he said, "You don't know who that is?" I said, "The name means nothing to me." And he said, "Well he knows your client." I said, "Tell me a little bit more." So he told me a little bit more. So I said, "Oh, you mean Bob Miller?" He said, "Oh no, that's not his name." His name is, whatever it was—John Smith. Well, I was satisfied this reporter knew what he was talking about. So I got back in my car, drove down to see Tim, and I said, "Why don't you tell me about, and I gave (the name) John Smith?" He kind of acted surprised and I said, "Well, let's cut the bullshit. You told me that guy's name was Bob Miller." He said, "Well,

that's the alias he used at gun shows." And I said, "Tim, you stayed in this man's house. You knew this man. You corresponded with this man. You knew his girlfriend. He thinks you set up the robbery at his house. You didn't know him as Bob Miller. You knew him as..." I've forgotten the man's name, but John Smith. I said, "Let me tell you the reason that you didn't tell me who he is. It's because you didn't want him connected to this case. And as a result the media has found out about his connection to this case and they've told me. I didn't hear about this from my client. I heard this from a reporter in Detroit, Michigan." So from that point on, I became increasingly skeptical. And finally, after spending a lot of time and a lot of the taxpayers' money investigating it, I simply could not break the nut-couldn't crack it.

Chapter 14 – 5:23

"The Revolution Can Continue"

Stephen Jones: And I had a young woman that worked for me by the name of Ann Bradley, who is originally from Enid. She now lives in Paris. She graduated from Georgetown University Law school, and has two children and husband and so forth. But at that time she had worked with me off and on as my assistant. And I had brought her into the case as a minister without portfolio. And the reason that I had done that was because A) I trusted her and B) She was a good writer and C) She had a remarkable ability to analyze people and situations. She had really first-class analytical skills. So one day I called her into my office and I said, "I have a project for you." I told her this story. I said, "When I was an undergraduate at the University of Texas, I majored in English. I had this class entitled Southern Literature, which was fascinating. And one day, the instructor told us he was going to discuss the new critics, and the new criticism. So he explained that the new criticism was really founded by T.S. Eliot but that it become an accepted canon of literary criticism by the work of John Crowe Ransom and Allen Tate and Robert Penn Warren and others, Kenneth Brooke, Southerners that called themselves the fugitives and the agrarians and I knew Robert Penn Warren's works, and I thought *All the King's Men* was a great novel. I had read it many times, and seen the movie many times. In his lecture that afternoon in the spring of 1961 absolutely captivated me. And I remembered it. I remember to this day. And he said that the theory of the new criticism was that you don't read or study the author's biography or the life and times or any of that. But if you want to know what a poem or play or a story means, you study the text. The meaning is derived from the text-close textual reading. So, what I would like for you to do- is to go in there to the safe and get all of the memoranda of our conversations with Tim

McVeigh. All of the transcripts, and I would like for you as much as possible to forget everything you know about the Oklahoma City bombing and give me a memorandum on whether our client is lying to us or not. And develop his personality, and an alternative theory that the facts may suggest this nothing more than on what he said. Close textual criticism, close reading of the text.” And I was satisfied that she had the intellectual equipment to do it. She came back maybe three weeks later. She had worked on it full-time. She gave me two memorandums about 16 pages long, single-spaced, on blue paper as I recall, typed. And she said, “I think this may be what you want.” I glanced at them. I went over to my apartment in Denver and I read them, and reread them and I probably read them for five times and I thought my God this is it. I called the warden and I said I wanted to see Tim McVeigh the next day. And that’s when he and I had the conversation that I alluded to earlier in her interview about these three men. After Ann had gone through all of the memoranda of conversation and his wording, on the last page of one of the memos she wrote, “If what our client says is true, the following people saw him.” And she listed seven people. And I simply took the first, the second, and the fourth. I’ve forgotten now who the third was. Maybe I simply took them because they were easy to make the point. And as I thought about it, I thought, well of course that’s right. So when I confronted him, it’s not that I knew what happened. I knew what hadn’t happened. From that shock of recognition as Edmund Wilson would say, I began to think of the bombing in a whole different way. And I called in Rob Nigh one day. And we were talking, and we were making such good efforts in defending Tim. I mean, we really were, it was going our way. And I said, “Let me tell you something partner. These four people, the government is going to have to change two of them. They’re going to have to change their story to convict our client. It doesn’t make any difference which of the two, but two of them have to do it. Because as it is, despite all of this newspaper publicity. They don’t have it.” And sure enough, two of them change their story. Unfortunately, that wasn’t what Tim McVeigh wanted to hear, because it was a zero-sum game. To diminish Tim McVeigh’s role was to enlarge the role of others, and he didn’t want others enlarged. He was protecting the others. That’s the famous leak that he authorized me to make to the media. That’s the reason that he did those 75 hours of interviews and why he attracted all of the anger and hatred for himself. It was a shield to the others. And there’s no more classic example of that than two things. When I told him that I thought that early on that Mike Tigar might acquit Terry Nichols. He said, “Good, then the revolution can continue.”

Chapter 15 – 5:14**McVeigh Slips Up**

Stephen Jones: Then toward the beginning of the trial, Tim got pretty angry with me. And so one weekend he did three or four stupid things. He wrote a letter in his handwriting to Beth Wilkinson one of the prosecutors. He wrote a letter to Phil Bacharach who was a reporter for *The Oklahoma Observer*. Now keep in mind this comes at the very time when we're trying to suppress Tim McVeigh's handwriting. And he calls James Nichols. I thought this is an important conversation. So I went out to see him, and I said, "Tim I've got to tell you something. Listen, I'm not your babysitter. So if you want to do these stupid and foolish things I can't stop you. And furthermore, I'm not going to stop you. If you want to write this Wilkinson then you absolutely detest and you want to give her samples of your handwriting and you want to write Phil Bacharach when I'm over here in court trying to keep this evidence out, that's your prerogative." But I said, "The phone call to James Nichols does surprise me." He said, "Why does that surprise you?" I said, "Well, I've read the transcript. You know these conversations are recorded. I've got the transcript from the Bureau of Prisons." I said, "Let me ask you something Tim—what's Terry Nichols' defense?" He said, "Well, that I duped him, got him involved and he didn't intend to be involved." I said, "Exactly, exactly." So you call up his brother, his older brother, who accepts your collect call and you all are talking like your buddies, friends. How's everything going? How's so-and-so? Now, I'd like to think that if I had an older brother and somebody had set me up and put me in jail and locked me down and I was facing the death penalty, why would my older brother accept a collect telephone call from the person that was responsible? He'd slam the phone down and say, 'Go to hell.' But you and James Nichols, you all act like it's no big deal." I said, "What you've done is simply convinced the government if they weren't already convinced, that James Nichols is at the heart of this." Now that, he hadn't figured. So I said, "If I were you, I'd be real careful about calling James Nichols. You don't want him involved." He never talked to him again. That was his slip-up. He was protecting others. When he helped write that book, Herbeck and Michel they came to Oklahoma City and in the book they say they interviewed me twice. And they didn't interview me. I saw them on the street one day, and they asked if they could make it talk to me and we had ice tea down here at the high-rise on Fifth Street. They said, "Will you mind if we talk to you?" I said, "As a matter of fact, I do mind." I said, "First of all, you're trying to kill my ex-client." They say, "Oh no, we're not." I said, "Sure you are. That's exactly what you're doing. Furthermore you're writing a dishonest book." Oh man, they didn't like that. They asked me why and I said, "Because you're the two highest-paid stenographers in the United States. This is

Tim McVeigh's book, and you are repeating what he's told you even though it's riddled with factual errors. Any good newspaper reporter, or any reporter, checks and double-checks his story. If you were to go back to Tim McVeigh and say, "Well, we saw Stephen Jones last week in Oklahoma City and he told us such and such, what's your answer to that? Do you know what Tim McVeigh would say you? He would say, 'Gentleman, I don't have anything further to say to you. Good day.' And there would go your \$350,000 advance that Judith Regan has given you to write this book. You are not conducting an independent inquiry. You are simply repeating what he's told you." Well, when the book came out, one of the things in it that I was surprised to read was that Tim said, while he and Terry Nichols were assembling the bomb, that Terry stayed late. Which, I seriously doubt. But nevertheless, he said that. This man was fishing with his eight-year-old son and that they got curious about this Ryder truck over here and they started to walk toward it. And McVeigh told these two authors that if they had come in any closer, they would have killed the father and tied up the eight-year-old boy, gagged him and put him in a motel. I said, "Wait a second. This is the very man that according to the government blew up a building that killed 19 children under the age of six? So he's not going to kill the eight-year-old? Furthermore, maybe you know differently, but what motel is going to let you check in an eight-year-old boy gagged and duct tape over his mouth? Where are you going to put him? In a room so housekeeping finds him?" I said, "That's absurd. There is no father and his eight-year-old son. That's the first time I've ever heard that. It just sounds good. It's sort of a propitiation for the fact that 19 children were killed. Nineteen were. There was no eight-year-old boy saved. There was no eight-year-old boy. That is designed to draw anger to him and to obscure the others. That's exactly what he's doing."

JE: The title of that book?

SJ: *American Terrorist*. Herbeck and Michel. Lou Michel and I forgot what Mr. Herbeck's first name is.

Chapter 16 – 4:50

Others Unknown

John Erling: We know that Timothy McVeigh was convicted. Terry Nichols was convicted. Tell the audience about James Nichols. How far the case went against him?

Stephen Jones: In my personal opinion, James Nichols was involved. I think the government believes he was involved. But there was insufficient evidence to charge him or to stand trial. I mean that's the truth of the matter.

JE: You think he was the kingpin?

SJ: I don't know that he was the kingpin, however he did give an interview to *The Times of London* that was never reprinted in this country in which he made certain admissions that I thought were highly damaging and I'm aware of some FBI interviews with people that certainly suggest very strongly his involvement.

JE: And the Fortiers?

SJ: Yes, the Fortiers. Yes, Michael and Lori without question.

JE: I've forgotten, what were they given?

SJ: Michael received 12 years on basically compounding a felony and interstate transportation of stolen goods. Lori was never charged.

JE: And Michael knew the date that-

SJ: Oh, they both knew the date. Lori had helped arguably more than Michael had.

JE: The book that you have written *Others Unknown*, there are others unknown out there today?

SJ: Well, I think the identity of some of them probably is slowly emerging. Certainly there is a lot more knowledge today, but there's no interest in finding the others.

JE: But you believe there are-

SJ: Oh yes, absolutely.

JE: That it was a bigger ring than of the names that we've even talked about today?

SJ: Yes.

JE: And Timothy? Did he describe himself? He was a soldier for this cause?

SJ: No, no, no, no. He describes himself as the ringleader.

JE: And you discount that?

SJ: Absolutely.

JE: And somebody else is the ringleader?

SJ: Absolutely.

JE: But you are not sure that it's James?

SJ: I'm not sure that it's James.

JE: Do you think the ring goes out of our country? Goes into other countries?

SJ: Well, I don't know that. There is some evidence that points that way. We spent a lot of time investigating Terry Nichols' trips to the Philippines, which I think there were five. We went to the Philippines. We had investigators there. In the first book, which was published in 1998, there's a chapter devoted to what we found in the Philippines. Osama Bin Laden, plans to blow up buildings in the United States and so forth. Now keep in mind this is a full, three years before the events of September 11. But, although the evidence I think is strong and I can imagine intellectually how it's related to neo-Nazis and the United States, I don't have that link. I can't close that circle. And ultimately I decided that from the standpoint of the government, what we had stumbled across was something that we weren't supposed to stumble across. There is a name that we gave the

project in our office, the McVeigh defense office, we called it Fatima, after the apparition of the three children at Fatima in 1917. Where the Virgin Mary appears to them and gives them three secrets. The third secret of Fatima is the most intriguing one. And, because it was not generally known what the third secret was, we said while this is a Fatima. There's something here but we don't know what it is. We know it's there but we don't see how it connects. So everything in our files and our work that dealt with that was called Fatima, which may seem strange to the outsider. I thought it was the perfect description of what we were struggling with. There is a book coming out and there have been two books published, credible books one is by Mark Hamm who's a sociology professor at Indiana University entitled, *I Believe in Bad Company*. Dr. Hamm closes the circle about the others, probably 75%. The second book is by Stuart Wright and it's entitled *I believe Patriots, Politics, and the Oklahoma City Bombing*. It's published by one of the premier university presses of the world Cambridge University out of Cambridge, England. In his Chapter 8, he pretty well pieces it together. I would say he closes the circle 95%. And then if you take the three articles written by John Solomon who is the Deputy Bureau Chief of the Associated Press in Washington, which obviously got no play in Oklahoma, they were brushed off. He closes the circle probably 98%. I think Roger Charles in his book will close it 100%, which I think is due out in April of this year (2010).

Chapter 17 – 6:44

Who Built the Bomb?

John Erling: The actual bomb making—that was done by Timothy and Terry Nichols?

Stephen Jones: No, I don't think so.

JE: Isn't that what we were led to believe?

SJ: That's what we were led to believe. I don't think so.

JE: You think there were others in the building of that bomb?

SJ: Yes. I think that's a very sophisticated device. That's what I've been told by the people who have spent a career, a lifetime doing that sort of thing. And by doing that sort of thing I mean they were in law enforcement in the UK and Israel and that explanation has no credibility among them. And there are various reasons why. Tim's description to me of how it was built. And they said that's a myth, that's fiction, that's not possible.

JE: He wasn't even capable as bright as he was of building something so sophisticated, he and Terry?

SJ: They were not. The only evidence of the one time that Tim McVeigh attempted to build any improvised explosive device is the testimony of Lori and Michael Fortier, in which

Tim takes them out to the desert in Arizona and tries to blow a rock, and it fizzles. That was I think in December of 1994. In April of 1995 he is able to do the engineering of the largest improvised explosive device ever detonated in this country, even greater than World Trade Center One. I'm satisfied that he didn't do it. The government says well of course he had this book on plastic explosives and how to make a bomb. But if you read those books, *The Anarchist Cookbook*, that was it. And it's not just simply a question of extrapolating the formula and saying well, instead of using half a teaspoon, we'll use a pint. It doesn't work that way. We sat down and talked to people in Israel and the United Kingdom. The United Kingdom was really the best place because the improvised explosive device that was used by the provisional IRA for 20 or 30 years were ammonia nitrate bombs, allegedly the bomb here. They explained to me how they worked, and what the mechanics were, and how they were dangerous and put together. I left the meeting convinced that if you are going to protect the others you say I did it, Terry Nichols and I did it. Of course he never said publicly that he and Terry Nichols did it. But he told me, and it's in the transcript, because we tape-recorded it, that when he got ready to leave to drive to Oklahoma City, Terry Nichols shook his hand and said, "Good luck." Of course they were all involved. There are two or three things that unless you want to suspend all belief, and you are willing to assume that you can pile coincidences on coincidences; here is, kind of, a definitive test. After the bombing, the FBI and the Columbus, Ohio Police Department arrest several of the Midwest Bank Robbers. Now the Midwest Bank Robbers I am convinced were involved in one of the cells that planned the Oklahoma City bombing. When they raid this safe house that they are maintaining in Columbus, Ohio, they find in a sack explosives that are exactly the same as allegedly stolen by McVeigh and Nichols from the quarry in Marion, Kansas.

JP: Real quick, the Midwest Bank Robbers?

SJ: The Midwest Bank Robbers held up 22 banks in the Midwest. They were in and out of Elohim City. Elohim City is the so-called Christian identity compound in northeastern Oklahoma, where the remnants of the Covenants of the Sword and the Ark went after the raid of April 19, 1985. In the sack, there is a cigarette lighter and a small box and Christmas wrapping. First of all, let me tell you that the FBI destroys within 24 hours the explosives. But before they did it, the Columbus, Ohio Police Department took photographs and I think Roger Charles may have those photographs in his book. But in any event, the significance of that event is Lori Fortier testified that in December of 1994 as Tim McVeigh is coming back this way she goes to his motel room and packs all of his explosives that he has because they had moved all of this stuff out to Kingman, Arizona and stored it and he was now bringing it back. That she had wrapped them in Christmas wrapping, so that if he was stopped, and he had all these boxes, whoever stopped him would think this kid

is returning home for Christmas. He's got these Christmas presents. So here, six or seven months later, in some of the very same bank robbers' stuff are the same explosives that are identical to the ones taken from Marion, Kansas in a sack with Christmas wrapping? Now, unless you want to believe that those people gave each other Christmas gifts, and saved the wrapping, which I personally find a little difficult to believe, those are some of the same things that Lori Fortier wrapped. Well, how did they get there? They got there because 10 or 15 of these people were all in this together. And the government at one time even came close to alleging that. And the key is, if you read the indictment, that was returned against Tim McVeigh, you will find—I used to know what paragraph it is, but I don't remember anymore. But, there is a paragraph in there that says the conspiracy to bomb The Alfred P. Murrah Building began, and it gives a specific date, and it's like let's just say September 21, 1994. While on September 21, 1994, Tim McVeigh was in Vian, Oklahoma, because he's registered at a motel there. Vian, Oklahoma is right down the street from Robert Millar's residence. Robert Millar was the person in charge of the compound at Elohim City and most of the Midwest City Bank Robbers were also at Elohim City on that weekend. Now, is that a coincidence? I suppose it's possible. Except, Tim McVeigh didn't usually go to Vian, Oklahoma. But what is really significant about it is that never again did the government mention September 21, 1994. It disappeared from the government's case. Not introduced at trial, no evidence of it, no discovery of it, nothing. So why did the government put it in there in the first place? Why did the government take satellite photographs of Elohim City? Why did they have undercover informants there? Because they knew that those people had an agenda. Reverend Millar in one of his sermons said, "We're next after Waco. You all know what to do."

Chapter 18 – 5:08

Some Never Prosecuted

Stephen Jones: I believe that the Alfred P. Murrah Building had nothing to do with the Branch Davidians. It may have been the motivation for Tim McVeigh. I can see that. That wasn't the motivation of the others. The motivation of the others was that April 19, 1995 was the day that Snell, Mr. Snell, Mr. Snell was to be executed in Arkansas, as he was that night. His religious counselor was the Reverend Millar. His ashes are at Elohim City. He committed two murders. He shot and killed a Jewish pawnbroker and an African-American Missouri State patrolman. I think the jeweler was in Arkansas, hence he was executed by the state of Arkansas. But, several years before that, Mr. Snell, Mr. Ellison and a man named—I'm sorry I don't remember his last name, entered into another

conspiracy to destroy the Alfred P. Murray Federal Building by firing a rocket at it. In the same way the provisional IRA fired a rocket into the Cabinet room at 10 Downing Street when John Major was Prime Minister. The target that day was Asa Hutchinson. Asa Hutchinson was visiting the Murrah Building. Asa Hutchinson was I believe the United States attorney when the Covenant of the Sword and the Ark was created in 1985. The government produced this evidence in a trial in Fort Smith, Arkansas, the sedition trial. All of those individuals were acquitted. It doesn't mean they were innocent. It merely means that the government's proof failed. But in the media presentation by the government all of these facts and possible coincidences or relevance are marginalized. And instead, what is created is Tim McVeigh as the leader. Tim McVeigh is the ringleader. As I said before, when you kill 168 people, 19 of them are children under the age of six, and eight of whom, are federal law enforcement officials, you don't say we caught some of them, but not all of them. You say we solved it. We got them all. So, for whatever reason, many of them are dead now. Most of them are in prison. Some of them sleep in their own beds at night. Never prosecuted. Never convicted. That's my belief. When it was over with, I gave all of my files, roughly 1 million sheets of paper-everything I had, good, bad, indifferent, ugly, all of my work product, all of the government's discovery once McVeigh had waived the attorney-client privilege to the University of Texas. So that independent historians, or reporters, or family of victims, whomever, could go and at least have access. Because you're sure not going to get that information from the federal government.

JE: Why didn't your work end up in Oklahoma at the University of Oklahoma?

SJ: Several reasons. First, I went to the University of Texas, I have never contributed anything after I graduated. I owe a lot to the University of Texas and I thought this is a way for me to acknowledge that. Number 2, the University of Texas has three major depositories of documents. Pres. Lyndon Johnson's presidential library, the Harry Hunt Ransom Center for Rare Books Collection and the Eugene C. Barker Center for American History. The Barker Center alone I think has 92 employees. So they have the facilities for staff and the money to take care of the documents, to preserve them, to administer them, to go through them. And third Texas was the site of the Branch Davidians' assault, and a lot of the material we gathered had to do with that. And forth, the only I think real condition that I put on the University of Texas was, that I did not want this to be a memorial for the victims, that the victims have their memorial in Oklahoma City. I thought it was appropriate that this was for an independent inquiry. There was no agenda. The agenda was to be developed by the people that did the research. Whether it was with my theory or somebody else's theory or the government. I did put two other conditions on it, I'm sorry. The photographs of the victims as they were found, and for purposes of identification developed by the medical examiner, were to be sealed forever, never to

be opened. I had those. And secondly, Mike Tigar had given me his investigative reports. And he asked them to keep them confidential, so I said, "You can't open these under the terms of which I got them, and I want that respected."

Chapter 19 —4:55

Government Obscures Truth

John Erling: Our government or the FBI knows just what you've told us today. The leading out from Timothy McVeigh and Terry Nichols, the other players and the mystery players and they must've had the same questions that you've had, and chose A) either not to walk down that way. It was easier to have Nichols and McVeigh, and that solves the case. So somewhere in the bowels of our government and FBI and whatever there are the same questions there. I'm not saying there's a cover-up, but there's a shutdown?

Stephen Jones: Well, a couple of things. I mentioned John Solomon. The reason that Mr. Solomon was able to write those three articles was if you go back, Mr. Solomon is the first reporter that broke the story about Colleen Crowley I think her name is, the female agent for the FBI in Minneapolis that tried to get into Zachariah Musawi's computer. And he also broke the story about the FBI agent in Phoenix that told headquarters that he noticed that there were Arabs, and Muslims that were taking flying lessons. And he thought that was an anomaly. And, they were ignored by FBI headquarters. Mr. Solomon broke that story. And he told me later that as a result of that, he had developed friends within the FBI. And that he had been told that he should make a further examination of the Oklahoma City bombing, that the full story had not come out. So he began to make FOIA requests and he got some things officially and unofficially over the transom or under the door however you want to put it. And he developed the stories that raised these questions for the first time. So, I think that there are some people that know. But the FBI and Department of Justice—well the Department of Justice is a prosecuting agency. Their job was to prosecute. If they couldn't get enough evidence, then they didn't have the ability to indict, much less convict. And I think it was a failure of evidence. Did they scare the truth from me, and ultimately the American people? I believe that they did. But that's not the first time that that's happened. What our government knew about the attack on the USS Liberty by the Israeli Air Force and the Six-Day War managed to escape revelation for 30 years. And there are other incidents where we know that for whatever reason, political leaders or bureaucrats bury inconvenient facts. And I think in the Oklahoma City bombing case, the FBI got incredibly lucky the first 72 hours, hence, the arrest of McVeigh and Nichols, and attention (placed) on the Fortiers. But they

couldn't make it go anywhere after that. Suspicion is not the same thing as conviction. I don't have enough evidence. I only know that there's a lot of evidence that has not yet been developed. And I don't think everyone involved has been brought to justice.

JE: Do you think the story will ever come out?

SJ: I'll wait and see what Roger Charles writes. Roger Charles is an amazing investigative reporter. I wouldn't be surprised if Roger doesn't increase public knowledge.

JE: How much did the government pay to defend Timothy McVeigh?

SJ: I think ultimately about \$20 million. I think this figure may be \$18.9 million something like that.

JE: When you were handed the case by Susan Otto and John Coyle who had the case early for a short time—

SJ: Yes.

JE: Susan said, "When you know everything I know, and you will soon enough, you will never think of the United States of America again in the same way." Is that true?

SJ: Yes. Susan's an amazingly—she's a very good lawyer.

JE: Tell us then, how you think of the United States now looking back?

SJ: I think that the United States of America's a great country with great democratic institutions. But, I think the concept of American exceptionalism is a myth. We're not always right. And we will do things that we shouldn't. And we will hide, and we will cover up. And we will engage in unseemly activities. And I believe personally, that the conduct of the FBI at the assault on the Branch Davidians at best was manslaughter and at worst, it was murder. The Branch Davidians that survived were charged with murder of federal law enforcement agents. They stood trial. Every one of them was acquitted of murder. Juries sometimes see things that other people don't see. The judge watches the jury. The government watches the jury. The jury watches them. The final story has not yet been written.

Chapter 20 – 6:00

Senator Arlen Specter

John Erling: Do you feel like the lone man, here you have Timothy McVeigh that you began to distrust because his story was falling apart, you couldn't believe him. Then you have the government over here, who, there is some distrust and you can't believe either. So, both sides you have a huge question mark about. Are you standing alone, or in between the two?

Stephen Jones: No, no. That's an exaggeration of my role, and I don't claim that for myself. I did tell Tim one time I said, "You know Tim, I do think it's ironic that only you and Joe

Hartzler believe the theory that you did it. Joe was of course the Chief Prosecutor. And the one and only time that Joe and I socialized, he was a difficult man to get to know, I'm sure many people would say the same thing about me, but our understudies Larry Mackey and Rob Nigh got us together one night at dinner at Morton's in Denver. Joe asked me, he said, "Did it ever occur to you that Vincent Cannistraro in his story was lying?" I said, "Well, let's see Joe, let me think about that for a second. You're saying that the Director of Operations for the Counter Terrorism Desk of the Central Intelligence Agency committed a felony when he telephoned the principal FBI special agent in New York on terrorism cases and reported to him that forces in Saudi Arabia had told him about the Oklahoma City Bombing. No, I didn't consider that Vincent might be lying. Now, could he lie to me? Sure. Could he lie as an ABC consultant? Sure. Lie to a Special Agent of the FBI that he had known for years about information that was given to him by the intelligence service? What was Vincent's motive? Why would he do that? No, I didn't consider that he was lying."

JE: From your book *Others Unknown* you saw little concern for justice in the functioning of the Justice Department, less respect for the law, still less passion for the truth. You saw an arrogant clan of bureaucrats hell-bent on winning.

SJ: Yes.

JE: A few comments about that.

SJ: That was my impressions at the time and I haven't seen anything in the 15 years since the bombing that has caused me to subtract any of that.

JE: Less passion for the truth. That just seems, I don't know what word to use—if they didn't have passion for the truth here, then when?

SJ: Well the history of government, or at least agents of the government, employees of the government committing perjury, obstruction of justice, convicting innocent people, that's not unique. Whole books have been written about that subject. I will tell you though, and I don't mean that I'm so certain in my own opinion. Part of this comes from my experiences with others, and someone that I deeply respect is Arlen Specter. I've known of Mr. Specter's career and his work ever since the Warren Commission when I was a Republican nominee for the United States Senate. He was very gracious to me. I did not know that he had attended OU and that he had played football for Bud Wilkinson. That's probably something of Arlen Specter's life that's not generally known. He was very supportive of me during my work for Mr. McVeigh and telephoned me two or three times. He was a senior member of the Senate Judiciary Committee. After the trial was over he called me, personally. Well, he called me personally several times, but he called me personally after the trial was over. He said, "Mr. Jones, I've talked with..." (whomever the Chairman of the Senate Judiciary Committee was at the

time). He said, "I want to know if you will agree to come to Washington and testify in front of a Subcommittee of the Committee about this? I said, "Well, I will Senator, but there are some things I can't discuss." He said, "Well, I understand that. I watched your 60 Minutes interview and I'm like you, I don't think the full story has been told." I said, "When would you like for me to come?" He gave me a date and I said, "Well, I'll come. I have to come east anyway. So I was actually in New York City maybe two days before I was supposed to be in Washington, and it was on a Monday as I recall. I was in my hotel room and the telephone rang and I answered it and it was one of Senator Specter's assistants. Said, "Mr. Jones, Senator Specter has asked me to call you and tell you that you don't need to come to Washington." I said, "Okay, I understand. Can you elaborate?" He said, "Yes. The Senator specifically asked me to tell you that the Department of Justice had been in contact with him, and asked him to not have the hearing, and that they would make it worth his while not to have it—that they would do something for him. And the Senator said he would understand." I said, "Well, I do understand. Please tell the Senator that I thank him for his honesty." Arlen Specter was so good to me. A couple times, when I was running for the Senate and during the McVeigh case. And I have to be frank, so was Jim Inhofe and Don Nickles. Senator Inhofe called me a couple of times in my office at night. And another time he told the press he said, "I don't see why everyone is on Stephen Jones' back. He didn't ask for this. Somebody's got to do it." I later wrote the Senator. I'd run for attorney general the year that he had run for governor. We were on the ticket together and I thanked him. And Don Nickles saw me at the airport in Washington one time and offered to give me a ride into town and talk to me. And I said, "No, no, I have a car, you go on." All my criticism as I was making before, it didn't include the two senators. They were pretty supportive. I mean, I've got to tell you, they were supportive, as was Judge Matsch. Judge Matsch probably more than anybody else. He's a wonderful man.

Chapter 21 – 5:53

Told for the First Time

John Erling: For students listening to this conversation, law students, they may want to be defense lawyers. They find themselves on the opposite side of the table from our government. What do you say to these young people?

Stephen Jones: Persevere. The system requires an adversarial search for the truth. The government puts forward its evidence. The defense puts forward its evidence. We put this evidence in front of 12 strangers. They tell us that they will reach a fair verdict

according to the law and the evidence, so help them God. I'm sure that occasionally that slips. But, persevere.

JE: Have you told everything about this? Is there anything you haven't told or haven't talked about, that you could right now?

SJ: Yes. The defense didn't have many good days. Given the nature of it, we didn't. But, we did have two good days. One was in court the day that I cross-examined Fred Jordan the chief medical examiner. And Dr. Jordan candidly and truthfully caused the government great indigestion when he said, "We have 12 victims with traumatically amputated left legs and we have 13 left legs." That was the keystone of the defense. Not foreign involvement or any of that. That was the keystone. That got us a front-page story with photographs in the New York Times. Our expert witness was the retired chief state pathologist of Northern Ireland Sir T.K. Marshall who explained to the jury how that could happen. That was a good day. But I'll tell you one other good day we had. On April 19, 1997, the second anniversary of the bombing, the trial is underway in Denver. Every church in Denver that had any church bell tolled it 168 times. I sat in my apartment that I think was 34 floors above the street in Denver. And I'm telling you, I thought I heard every one of them. Because, it was a deafening sound-it was silent, and these bells tolled 168 times while the trial is going on. But I knew something that the government didn't know. The next morning, the Archbishop of the Archdiocese of Denver, from the same lectern, same pulpit at Holy Family Cathedral that John Paul II had preached from, read a pastoral letter. And he said that capital punishment in all circumstances is contrary to the teachings of Christ and his church. And, he had instructed every parish priest in the Archdiocese to read the letter from the pulpit of his church at 11am Sunday morning. The government was not counting on that. It was a great moment. The Pope wrote a letter, a personal letter, hand-written to the President of the United States, delivered through the Apostolic Nuncio in Washington, the Embassy of the Holy See asking the President to commute Mr. McVeigh's sentence to life. That was an incredibly generous thing to do. During the planning, as we grappled with the issue of if the jury convicted Mr. McVeigh, what could we say that would cause them not to give him the death penalty ... Up until that time, and we had researched this, and there was no time in the United States in a death-eligible state, because not all states have capital punishment, no one had committed more than six first-degree murders had escaped the death penalty. We had 168. Now, Terry Nichols did in McAlester, but that was very good lawyering. Within the McVeigh defense camp there was a dispute of how to do the second stage. I felt that none of the traditional reasons of litigation would apply. But Dick Burr, who was in charge of the second stage, we had five teams and he was in charge of two, knew a friend and he knew archbishop Desmond Tutu. And he said, "I think that he might be

able to get Archbishop Tutu to come to Denver to testify in the second stage. I said, "Dick, Archbishop Tutu is a political figure, not a religious figure. I mean he's nominally a religious figure, but he's mainly a political figure and there is no way in hell that he is going to come to Denver and get on the stand and say to an American jury don't give Tim McVeigh the death penalty. He said, "Well, then what do you suggest?" I said, "Well, the thought occurs to me that we should go to our natural allies." And he said, "Who are our natural allies?" I said, "The Holy See. McVeigh is a Catholic. He was raised a Catholic. He was baptized as a Catholic. He was confirmed as a Catholic. The Pope and the Catholic Church's position is that they are against the death penalty. They are our natural allies, so we need to enlist our natural allies." Not in Stage 1, in Stage 2. They were wonderful men, very generous. They did not fail us. They did not fail us. Our mission failed. The Church did not fail us. And even as they helped the victims, and even as they knew that their old Cathedral had been severely damaged, and the house where the priests lived had to be destroyed. And even as they fed the families every day in Denver and provided them sanctuary, they did not forget one of their own. So, are there still stories about the Oklahoma City Bombing that haven't been told? Of course, and there will always be.

Chapter 22 – 5:22

McVeigh Wanted Death

John Erling: Finally, it was your job to prove to the jury that there is reasonable doubt as to whether Tim McVeigh was actually the Oklahoma City Bomber, is that true?

Stephen Jones: Yes.

JE: The jury deliberated for three days

SJ: Actually Friday 'til Monday.

JE: Did you think that as the days went on that it was favoring you or not? Or did you expect an early decision?

SJ: I did not think that delay was necessarily favoring us. After *The Dallas Morning News* story there was an earthquake for the defense and the ground tilted away from us. I think before that we could have had a different result. I believe that if you go back and read the newspapers at the time, the magazines, Rick Serrano's book, I think the government was truly worried. As in fact it turned out in the Nichols case, they had reason to be worried. I mean it could have been won. What's winning? Well, there are various definitions of winning but certainly a conviction for murder, conspiracy, and a death sentence anything less than that is a victory. How much less? I don't know. But Tim McVeigh didn't want a life sentence.

JE: He didn't want—

SJ: He made that very clear. And in fact, Ann Bradley, the same person that I mentioned earlier, she advised me, she wrote me a memorandum. And she said, "If he is convicted, what do you intend to do? And I said, "Well they'll probably appoint me to do the appeal." And she said, "You must not do the appeal." I said, "Why do you say that?" And she said, "Because he's going to sabotage it. It's all for nothing. You can't control him any longer." And I thought about that and I realized that was right. And when I went out to see him, I told him I wouldn't represent him on appeal. And he was quite surprised. He said, "Well, why?" I said, "Well, I could tell you various reasons but the truth of the matter is, I can't control you any longer. I could barely control you through the trial." Sure, enough. That's exactly what he did. And then when I went to Judge Matsch and I said, "I'd like permission to withdraw." He said, "I'm not going to let you withdraw. You can't withdraw until judgment and sentence is pronounced and you file notice of appeal. Now, if you want to talk to the Circuit, you need to go talk to them." So I took his advice and I went over and I talked to Elisabeth Shumaker who's now the Clerk, at that time she was the Deputy Clerk, and she said, "Well, we're not going to let you out. Why would we let you out? You know the rules. You've been here. Any lawyer that's appointed to do the trial does the appeal. Is there a conflict of interest?" I said, "No, not that I'm aware of." Which probably was a little less than candid. She said, "Well, you're going to do the appeal." She said, "You can file the application with the court if you want to. But I can tell you now that it's not going to be granted." Well in fact it was granted, but there were some changes. And actually, Tim gave me the key. He didn't want me to do the appeal. I didn't want to do the appeal. I told him the Circuit wouldn't let me out. And for once, McVeigh figured a way to get me out. So he was rather ingenious in that respect.

JE: So, your parting was not good with Mr. McVeigh?

SJ: I wouldn't say that it was not good. I would say that it was correct. It was not cordial, but it was correct. Tim McVeigh was capable of acting like a soldier. He could act appropriately I suppose is the best choice of words. A lot of the time we got along very well. He called my house one night collect. My wife answered the phone. The Operator said, "Collect call from Tim." Sherril said, "Tim? Tim who?" And McVeigh was on the line and he said, "TIM!" And Sherril said, "Oh yes, of course." She said, "Oh yes, we'll accept it." I wasn't there and she talked to him for a few minutes. He was an interesting man. I can tell you one thing. He was not a coward, despite the government's depictions of him. He was bright. Perhaps the most telling thing about Tim McVeigh, and this was hard for people to understand. In the second stage, the death penalty stage, we brought 44 people to Denver to testify to save Tim McVeigh's life. Thirty-eight of them actually testified. Friends, family, employers, co-employees, neighbors, relatives, army buddies,

parents. When Terry Nichols had his hearing on punishment, no one testified outside his family. One of the people that we brought was a former girlfriend of Tim's. He'd given me her name and we had found her and brought her to Denver. I told Tim, I said, "So-and-so is here." He said, "Well, I don't want you to use her. I don't want you to call her to the stand." I said, "Well, why not?" He said, "Well it's not going to make any difference and secondly, she'll never escape that." He said, "She'll never escape that. It's not right." I said, "Okay, partner. I'll tell her." He said, "Well, I started to ask you if she could see me, but I realize that's not possible either. Just tell her I appreciated her willingness to help." I said, "Okay, I'll tell her." So I think Rob Nigh actually told her. So he thought the government had done a great wrong. And he was used, in his words, to avenge that wrong.

Chapter 23 – 6:55

Duty Is To The Client

John Erling: If the jury had come back and said, "Not guilty." That they thought there was reasonable doubt, and you knew that he had admitted his role, how would that make you feel?

Stephen Jones: That's interesting you ask that question, because Joe Hartzler asked me that question. About six months after the trial, I was up in Illinois. I went by to see Joe. His office was in the Paul Findley Federal Courthouse and Office Building, and I had worked for Findley. In fact, my office had once been in that building. I'd been over to see Mr. Findley. And I thought well, I'll just drive over and see old Joe. So I called, and they said, "Sure, come on over." So, Joe was there and we were talking a little bit and it was a difficult conversation because neither one of us particularly liked the other. And Joe asked me almost identically worded question. And I said, "Well Joe, the only person that I know that freed somebody that was involved in the bombing is you." He said, "Me?" I said, "Yeah, you." He said, "Where do you get that idea?" And I said, "Well, let me ask you something. Do you believe Lori Fortier's testimony?" He said, "Well, sure." I said, "Well let's think about that for a minute. Lori Fortier testified that she knew the date and place of the bombing and didn't tell anybody. She testified that she and her husband knew Tim McVeigh, that they had discussed the bombing, that she had gone out to the desert and seen him do this experiment. She testified that she had typed on the fake ID Robert Kling, put that address in North Dakota, wherever it was, the date of his birth which was April the 19th of some year. That she actually laminated that and that when Tim got ready to carry all of that stuff back to Kansas, that she went out with Mike to the hotel room and put all that stuff in boxes and wrapped it in Christmas wrapping and helped

Tim load it in the car. Furthermore she testified that she and Tim McVeigh were on the floor of her trailer house, and that Tim McVeigh took soup cans and showed her the configuration of the bomb.” I said, “Joe, what did you think Tim McVeigh and Lori Fortier were doing on the floor of her trailer house while her husband was gone?” And I said, “And another thing, when Michael Fortier read that statement to CNN News, about how Tim was innocent, Lori Fortier wrote that statement, you know that. In fact, she wrote several drafts of it. You found them when you pulled the search warrant, in her house. Lori Fortier never served a day in jail, never was arrested and sleeps in her own bed at night and you’re asking me what I think if Tim McVeigh had been acquitted?” Let me tell you that that was the end of our conversation. That was it. But I submit to you that Lori and Michael were members of the conspiracy. But Lori Fortier was a very smart woman. She never opened her mouth. She had a good lawyer the court appointed to her, Mack Martin. And when Michael said, “Well, Lori you go first” when the FBI Agent went out to the motel in Bethany where they were staying. She says to Michael, and it’s in the FBI report, “No. Michael, you go first.” That’s why Michael had to serve 12 years.

JE: It was the lead prosecutor who asked you that question?

SJ: Yes.

JE: He asked you that question. I’m going to press you again, how would you have felt?

SJ: I would have felt I did my job.

JE: Because that’s what the justice system calls for?

SJ: That’s the role of an advocate. Lawyers, criminal defense lawyers, we’re trained to have a different ethical scheme. Our duty is to the client. And it might seem strange that I say these things about Tim today. But I only say them because I had told him not to break silence. There was a member of the defense team that was a consultant that he very much respected, a lawyer from Kentucky. This lawyer had told him, he said, “Tim, leave it a mystery, don’t talk about it.” In our last conversation, I said, “Tim, I want to tell you, I believe that you should not discuss it. But, you and I need to have an understanding. If you go public and you try to say that Terry Nichols is innocent and that nobody else is involved but you, you have waived the attorney client privilege and the rule of confidentiality and I will answer you. And you need to understand that. Now, you don’t say anything, I can’t say anything.” I think those were almost the last words I said to him.

JE: And he broke that?

SJ: He did.

JE: Cases will often affect lawyers’ lives, at least one. Is this that one that affected your life?

SJ: No, I can’t honestly say, as I understand the question, that it did. The key I think to my own understanding is William Faulkner’s short story called *Tomorrow*. It’s the only Faulkner work that was made into a short story, a novelette, a TV drama, a movie and a play. In the

movie, Robert Duvall plays the lead character. It's a beautiful story, complicated, but, it's a beautiful story. And I'm sort of like the man in that story in my feelings toward McVeigh. I would say that the case that disturbed me the most is the young man that I represented that shot and killed both of his parents, who were wonderful people in the community, who had showered love and affection on him in a senseless violent act.

JE: And his name was?

SJ: Doni Moreland. It was about a year before the bombing.

JE: A remarkable family. African-American. I was paid by the life insurance proceeds on his parents. His sister paid me. The family, it was difficult for them to understand, they lived around the Tyler/Bullard area, Jacksonville, in East Texas, and I guess that had a special appeal to me. And I even brought in as a consultant, a lawyer in Los Angeles who specializes in representing young people that kill their parents. Can you believe that there's an actual lawyer that specializes in that? And there was absolutely nothing. He wasn't insane. He was competent. He waived his rights. He had no defense. The Police recovered the weapon. There was nothing, except to throw ourselves on the mercy of the Court. He was 16 years old. It was premeditated. He thought about it. That's the case that haunts me, and still does.

JE: Do any blood relatives of McVeigh—did they stay in touch? Or be in touch with you?

SJ: No, his Father is a wonderful man, but I suspect still in a state of shock. His sister lives on the East Coast. And his Mother in my opinion is emotionally unbalanced, and his other sister refused to talk to us.

JE: Well, I thank you very, very much.

SJ: Well, I thank you.

JE: And for those who will listen for generations to come, they'll now know your side of the story.

Chapter 24 – 0:33

Conclusion

John Erling: You have just heard attorney Stephen Jones who defended Timothy McVeigh charged in the Oklahoma City Bombing Case. We suggest you visit our “For Further Reading” section for more information relating to April 19th, 1995. We invite you to listen to our growing collection of Oklahoma stories on **VoicesofOklahoma.com**.