

Evidence withheld by FBI could sink Oklahoma's case against Nichols

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In a phone call from a federal prison Friday, convicted bank bandit and former Aryan Republican Army leader Peter Kevin Langan Jr. made a startling revelation to this newspaper - that former associate Richard Lee Guthrie Jr. robbed a Hot Springs, Ark., gun dealer in November 1994, not accused Oklahoma City bomber Terry Nichols.

That revelation from Langan is expected to be one of a number coming to light as the Nichols trial opens Monday in McAlester.

Defense evidence is expected to provide both a much wider conspiracy in the bloody 1995 bombing as well as exposing a massive intelligence failure by the FBI.

Documents, a videotape and a large number of photographs obtained and/or reviewed by this newspaper provide a compelling case that the FBI has for many years maintained extensive information linking a white supremacist group of bank robbers to the bombing conspiracy in Oklahoma.

In 1997, shortly before the federal trials of Timothy McVeigh and Nichols began in Denver, this newspaper broke two important stories: One was related to an affidavit McVeigh's sister gave the FBI, where she swore her brother was involved with a group of bank robbers. The other spelled out warnings the Tulsa office of the ATF received from one of their informants before the April 19, 1995 blast - warnings that men at a paramilitary camp called Elohim City, near Muldrow, were planning to bomb a federal building in Oklahoma City or Tulsa.

It is undisputed that only weeks before the bombing, the ATF's raid at Elohim City was stopped by then-Special Agent in Charge of the Oklahoma City FBI office, Bob Ricks, who sought help from U.S. Attorney Steve Lewis in squelching the planned arrests.

While the FBI has never denied the agency had information from Jennifer McVeigh about her brother's involvement with a gang of bank bandits, the agency continues to vehemently deny it had prior warning of a plan to bomb the Oklahoma City federal building.

Newly discovered evidence

From court filings and statements recently made by lawyers for Terry L. Nichols during pretrial motions, the defense team has indicated it will use newly discovered evidence to shift the jury's focus away from their client toward a group of neo-Nazi bank bandits called the Aryan Republican Army (ARA) and very possibly others once linked to McVeigh.

Among this wide-ranging new evidence are photographs of a number of items seized from some bank bandits suggesting that the ARA robbed Roger Moore, a Hot Springs, Ark., gun dealer. It was a crime the FBI has long said was performed by Nichols to help raise money for the bombing in Oklahoma.

Further, Langan said the pistol grip shotgun used in the Moore robbery, a Winchester Model 1300 Defender, was seized after Guthrie's arrest along with a substantial amount of other gear used in the Moore robbery.

Despite statements made recently by retired FBI special agent Danny Defenbaugh, that the OKBOMB Task Force (which he headed) did not receive details of the ARA's involvement in the bombing, this newspaper has found documents specifically directed to the task force about the gang and its links to McVeigh.

At his trial set to begin Monday, Nichols faces 161 first-degree murder charges as a result of the incredible loss of life in the 1995 truck-bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

The state trial for Nichols was moved to McAlester after the judge in the case ruled excessive pretrial publicity made

it unlikely the defendant could be fairly tried in Oklahoma County.

Nichols was found innocent of first- and second-degree murder in Denver federal court in 1997. The defendant, however, did receive a life sentence for conspiracy and manslaughter in the deaths of eight federal agents who died in the blast.

McVeigh, Nichols' co-conspirator, was executed in 2001.

Shifting the blame

Certain to face a barrage of objections from state prosecutors, the tactic of shifting the blame to others for the gruesome crime will be closely scrutinized by District Court Judge Steven Taylor.

Recently, Taylor turned down some 40 pretrial motions by the state asking the court to bar evidence of a wider conspiracy.

Specifically, the state of Oklahoma does not want the defense to show the jury any evidence that might link the April 19, 1995 bombing to persons who lived at, or frequented, a place Elohim City.

Materials obtained by this newspaper reveal that state and federal investigators believed Elohim City was once a stronghold for neo-Nazi skinheads from around the U.S. to train in subversive tactics, including bomb building and converting weapons to full-automatic.

Central to the illegal activities at Elohim City at the time of the bombing was the presence of number of young men calling themselves the Aryan Republican Army.

Evidence can be admitted

Regarding the introduction of evidence of a wider conspiracy, Taylor ruled that Nichols would be allowed to put on such evidence in his case, "As long as it stays within case law and rules of evidence."

Taylor has also commented recently that should he find that the state has withheld any evidence that might prove important to Nichols, he would dismiss the case "with prejudice" - effectively barring any future prosecution of Nichols in this state.

With evidence linking the bombing in Oklahoma City to the ARA gang, members of the Nichols defense team will be able to offer the jury an alternative theory to the one prosecutors for the state of Oklahoma present.

The FBI came across evidence of a nexus between the bombing in Oklahoma and the ARA, years ago, and most of the evidence has been copied and held in case files related to the ARA's crime spree known as BOMBROB.

While some of this evidence was copied and forwarded to agents involved in the OKBOMB investigation, in many cases, this paper has confirmed, important evidence of the ARA's involvement in the Oklahoma bombing was withheld from defense attorneys in the federal trials of Nichols and McVeigh.

Recently a former leader of the gang, Peter Langan, began cooperating with the Nichols defense about this evidence and its relevance to the bombing case. Of particular interest to the Nichols defense would be any evidence that the ARA perpetrated the robbery of an Arkansas gun dealer in Nov. 1994.

When Nichols was tried in Denver, federal prosecutors told jurors that the defendant robbed Hot Springs gun collector Roger Moore in order to raise funds for the bombing.

Paperwork from Langan's federal trial indeed shows that the government collected considerable evidence that should have linked the gang to the bombing in Oklahoma and caused investigators to focus on members of the ARA.

As an example, documents obtained by the McCurtain Daily Gazette newspaper indicate that just prior to the arrest

of Langan and his partner Richard Lee Guthrie Jr., the OKBOMB task force in Oklahoma City was notified and put on alert that the FBI was gathering intelligence on Guthrie's military records.

Those records show that Guthrie received considerable training in explosives while in the US Navy.

Days later, on Jan. 15, 1996, the FBI apprehended Guthrie after a brief car chase in Cincinnati, Ohio.

A leader of a gang of bank bandits sworn to overthrow the U.S. government, Guthrie received extensive training with explosives during his five-year stint with the Navy.

This extraordinary training included five months in the prestigious SEAL program before the subject entered the Navy's explosives and ordinance (EOD) program at Indian Head, Maryland. The FBI also notified the OKBOMB task force that Guthrie had studied explosives for a brief period at the Redstone Arsenal EOD school in Alabama.

After his arrest, Guthrie reluctantly agreed to cooperate with the FBI in the capture of fellow gang member Langan.

With Guthrie's help, an FBI SWAT team surrounded Langan's parked van at dawn on Jan. 18, 1996. Without warning, the FBI opened fire on Langan. Incredibly, after 47 rounds pieced the subject's van, the fugitive was able to emerge only slightly wounded.

Gang had bomb factory

Inside Langan's van and his rent house in Columbus, Ohio, FBI agents located a portable bomb factory.

During an intense search FBI evidence technicians and investigators located functional improvised explosive devices plus blasting caps, nitro-methane, an exotic military blasting device that is used to set off timed charges, mercury switches, hand grenades, pipe bombs in various stages of completion, gunpowder, a library on how to build complex explosive devices and the tools to complete them.

Along with sophisticated radio equipment with top-secret FBI codes already installed, agents also located several pre-addressed envelopes containing videotapes the gang made in late January of 1995.

Video links to OKC plot

Contained in the two-hour video made to aid the recruitment of other like-minded radicals, gang members wore masks and boasted about robbing banks to finance acts of terror.

Of particular interest is a portion of the video where one of the gang members brags that his men possessed the components and training to build "weapons of mass destruction."

At another point in the video, Langan asked three other masked figures if they were ready to join another ARA cell to commit "the courthouse massacre."

On still another part of the tape, members warn the government, "If we are pushed, we will take action against post offices and federal buildings."

Phone records link

Along with the evidence of the gang's far-flung and bloody plans, agents discovered a number of telephone cards the members were using to communicate.

While the records provide clear links between the gang and other far-right groups, the records also show that members of the gang made calls from Elohim City immediately prior to the bombing - placing them in close proximity to the crime. Additional research into the records provides clues to the gang's whereabouts after the bombing, as well.

With these records, FBI agents could compare phone calls made by a calling card used by McVeigh and Nichols, including one from a motel room registered to McVeigh in Kingman, Ariz., on April 5, 1995.

Placed just seconds after that same phone was used to call a Ryder truck rental, McVeigh next called the Elohim City compound.

Days after the phone call to Elohim City, a Ryder truck was rented in central Kansas and subsequently used to deliver a powerful ammonia-nitrate and fuel bomb to the Murrah federal building.

Arkansas robbery linked

Along with phone records and the gang's videotape describing their plans, federal agents also found a pair of Israeli combat boots, black knit masks, camouflage clothing, a pistol grip shotgun, bullet proof vests and other clues that combined to match precisely what the victim of a home invasion and robbery in Arkansas said the perpetrator was wearing when he was confronted.

Prosecutors have indicated they will put on proof that Nichols robbed a Hot Springs, Ark., gun dealer on Nov. 5, 1994. Prosecutors are expected to tell jurors that the purpose of the robbery was so Nichols and McVeigh would have the funds necessary to purchase ingredients for a fertilizer and fuel bomb.

Indeed, when the Nichols home was raided by the FBI after the bombing, they found a large number of firearms and other property that Roger Moore had earlier reported stolen.

Known by an alias, Bob Miller, Moore testified in Denver that Nichols did not fit the description of the man who approached him that morning.

Key evidence

Moore's testimony on the subject of the robbery indicated that his assailant was wearing a pair of Israeli combat boots, was wearing camo pants and shirt, likely had on a bulletproof vest under his shirt, a black ski mask and was holding a pistol grip shotgun.

The assailant was further described as standing 5' 10, weighing 165 and having some facial hair.

At his arrest, the FBI noted that Guthrie weighed 165 pounds, stood 5 ft, 9 in. and had a moustache.

Langan is expected to testify that Guthrie and at least one other member of the ARA robbed Moore's home.

Additional evidence recovered by the FBI shows that Guthrie had an Arkansas driver license made with a Hot Springs, Ark., address with his own photograph on it. The name on the license was Moore's alias: Robert Miller.

The FBI also recovered another fake ID in the raid, one with the photo of Langan, also with a Hot Springs post office box and an alias.

The FBI also seized a videotape from the gang that's wrapped in mystery.

Inside a file cabinet belonging to the gang, the FBI found a videotape which agents noted contained surveillance of "several locations." On the cover was scribbled the word, "Contract."

Langan claims the tape has footage of Moore's farm. He says Guthrie made the surveillance film in preparation for the robbery.

The defense for Nichols is expected to subpoena a copy of the video for review.