

McVeigh receives ultimate penalty

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By Steven Wilmsen and Kevin Simpson

June 14 - A federal jury Friday returned a death sentence for convicted Oklahoma City bomber Timothy McVeigh, eliciting a somber mix of emotions across the country more than two years after 168 people died and hundreds more were injured in the worst domestic terrorist act in history.

Jurors needed only 11 hours over two days to reach their decision, which the 29-year-old McVeigh met with typical stoicism and others greeted with satisfaction tempered by the horrible memory of what began as an innocent April morning.

"This is not a day of great joy for the prosecution team," lead prosecutor Joseph Hartzler said when he emerged from the courthouse after the first federal death-penalty case ever tried in Colorado.

"We're pleased that the system worked and justice prevailed," he said. "But the verdict doesn't diminish the great sadness that occurred in Oklahoma City two years ago. Our only hope is that the verdict will go some way toward preventing such a terrible, drastic crime from ever occurring again."

McVeigh, with hands clasped and his elbows propped on the defense table, sat expressionless as Judge Richard Matsch read the litany of aggravating and mitigating factors the jury weighed to reach its decision.

As the sentence was read, emotions quietly emerged.

McVeigh's father slumped in his seat. The younger sister who had been forced to testify against him broke into tears. Some victims' relatives reached for tissues.

McVeigh stood, appeared to say something to his family and then shook the hand of one of his lawyers. As he was escorted from the courtroom, he nodded to the jury of seven men and five women - and then waved two fingers, apparently signaling either victory or peace.

"It was difficult because we're talking about a life," said juror Tonya Stedman outside her Denver home a few hours after the jury reached its decision. "Yes, 168 died as a result of it, but this is another life to consider. This was a big decision. I feel confident in the decision we made."

Even with the new, streamlined federal appeals process, McVeigh's death by lethal injection might not be carried out for three years or more. His execution date and site - most likely the federal penitentiary in Terre Haute, Ind. - probably will be set within 60 days by the director of the Federal Bureau of Prisons.

Meanwhile, Terry Nichols, McVeigh's alleged coconspirator in the bombing of the Alfred P. Murrah Federal Building, now faces identical charges.

About 200 onlookers lined the plaza outside Denver's federal courthouse, just as they had while awaiting the guilty verdict. But in marked contrast to almost jubilant reaction 11 days ago, observers displayed a muted mixture of approval, relief and lingering sadness as word of the death sentence emerged.

Reaction from victims' relatives also ran the gamut.

"I could see the strain on them (the jurors)," said Charles Tomlin, whose son was killed in the bombing. "You know it was a hard decision to make to put a man to death, but I'm glad they did."

"I really did not want the death penalty," said James Kreyborg, who lost his wife and daughter. "I've had enough death."

The same range of feelings swirled at the former site of the Murrah building, where on April 19, 1995, explosives concealed in a Ryder truck tore into the building and into the heart of the nation.

"It's not going to bring back my wife and lessen my loss," said Mike Lenz, whose wife was pregnant when killed by the explosion. "My reason for believing or wanting to put McVeigh to death is it stops. It stops here. He can't reach out and try to recruit anybody else to his cause."

Outside the courthouse, lead defense attorney Stephen Jones' brief statement acknowledged respect for the jury's decision and then touched on the larger issues that have framed an often gut-wrenching trial.

"We ask that the barriers and intolerance that have divided us may crumble and suspicions disappear and hatred cease," Jones said. "And our divisions and intolerance being healed, we may live together in justice and peace. God save the United States of America. God save this honorable court."

The death sentence fulfilled the wishes of President Clinton, who called for it only hours after the blast. On Friday, he avoided direct comment on the jury's decision, citing the pending trial of Nichols.

"This investigation and trial have confirmed our country's faith in its justice system," Clinton said. "To the victims and their families, I know that your healing can be measured only one day at a time. The prayers and support of your fellow Americans will be with you every one of those days."

Unanimous findings on all the aggravating factors of the crime quickly indicated that the jury had agreed to put McVeigh to death, but Judge Matsch addressed the mitigating factors before pronouncing the actual death sentence.

The jurors unanimously rejected the first mitigating factor - that McVeigh believed in the ideals upon which the United States was founded. They agreed that he believed the FBI and the Bureau of Alcohol, Tobacco and Firearms were responsible for the deaths at the standoffs at Waco, Texas, and Ruby Ridge, Idaho, that he had no criminal record and that he earned a bronze star while serving in the Gulf War.

Later, in an interview with the CBS Evening News, defense attorney Jones said that McVeigh was not surprised by the death sentence and had "prepared for it." Asked if McVeigh wanted to die a martyr, Jones said that would be an "incorrect characterization." The attorney also said that attorney-client privilege prevented him from saying whether McVeigh might reveal information about any possible co-conspirators.

Oklahoma prosecutors may still try McVeigh on at least 160 state murder charges.

The government's case, legal analysts say, was a masterpiece of prosecutorial work. It moved faster than anyone imagined, taking less than a month rather than the six months many had predicted before the trial began.

In the way of evidence, the case was strong and simple. Prosecutors assembled witnesses who made a string of connections that, in the end, seemed irrefutable.

According to the testimony, McVeigh made a fake driver's license in the name of Bob Kling; somebody matching McVeigh's description and giving a driver's license with the name Bob Kling rented a Ryder truck in Junction City, Kan.; that truck, identified by an identification number on the axle, blew up in Oklahoma City.

Government evidence also showed that McVeigh's fingerprint was on a receipt for 2,000 pounds of ammonium nitrate, an ingredient in the bomb; he told his friend Michael Fortier he planned to stash a getaway car in an alley near the Murrah building; the key to the Ryder truck was found in that alley.

Testimony also showed that McVeigh was arrested 90 minutes after the bombing heading north from Oklahoma City; ear plugs in his car had explosive residue; an envelope was crammed full of newspaper clippings and papers with revolutionary writings; he wore a T-shirt with the revolutionary slogan, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

Legal analysts said the prosecution's case broke new ground because, unlike any high-profile case before, it was scripted as though it were a drama. It was, in the words of Denver Post legal analyst Andrew Cohen, made for the MTV generation.

The prosecution, led by Hartzler, chose to radically trim its case rather than risk boring jurors. It moved swiftly through potentially mind-dulling technical testimony, pacing its witnesses often so that the day ended with the emotional testimony of a victim or family member.

During the penalty phase, that kind of testimony, in its horror and sheer grief, left jurors and observers in the courtroom often weeping openly.

On the stand, a grandmother widowed in the blast said her 5-year-old grandson wanted to die in a car crash so he could join "Paw Paw" in heaven.

Rescuer Alan Prokop told of the hand that rose from under the rubble of the Murrah building and grasped his. Prokop grabbed back at the woman pinned under a 12-foot slab of concrete. As time went on, though, he felt her pulse fading

beneath his fingers and her hand growing cold.

Prokop heard the sound of running water. "The rescue worker said, 'It isn't water, Alan, it's blood.' " There was little McVeigh's defense could do in the face of that testimony. His attorneys didn't cross-examine such witnesses.

Lead defense lawyer Jones could only try to sow seeds of doubt and, in the penalty phase, persuade jurors to let McVeigh live. He put witnesses on the stand who said the FBI lab was contaminated with exactly the kind of explosive residue found on McVeigh's clothing and earplugs.

He offered witnesses to contradict the prosecution's assertion that it was McVeigh who rented the Ryder truck. And he tried to discredit the prosecution's star witnesses, Michael and Lori Fortier.

To many observers, those attempts to shoot holes in the government's case seemed feeble compared with the weight of the evidence. Moreover, the defense shocked many with statements in the penalty phase of the proceedings that appeared to admit McVeigh's guilt and attempt to justify an unjustifiable act.

But for those intimately connected with the bombing, the trial, the verdict and even the ultimate punishment for one man deemed responsible did not put an end to the nightmare.

"There is no such thing as closure for people who lost family in the bombing," said Darlene Welch, who lost a 4-year-old niece in the blast. "The only closure is when they close the lid on my casket."

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