



# **Chapter Two**

## **Homegrown Terrorists: Tim McVeigh and Terry Nichols**

# **Parallels between the 1993 World Trade Center bombing and the Oklahoma City Bombing**

- **The parallels to the 1993 World Trade Center bombing are striking:**
  - **A huge, homemade bomb, concocted mainly from readily available ingredients such as fertilizer, driven in a rented truck to the site of the attack by a terrorist, who activates the fuse and then escapes**
  - **A subsequent arrest primarily due to the stupidity or carelessness of a prime suspect**
- **The contrasts are even more stark:**
  - **Where the 1993 World Trade Center bombing was perpetrated by Islamic extremists, the April 19, 1995, destruction of the Murrah Federal Building in Oklahoma City was the hateful act of two young Americans, veterans of the U.S. Army, one of them a decorated Gulf War vet**
  - **While the World Trade Center attack was destructive, it failed to topple the Twin Towers, as the terrorists had hoped; Tim McVeigh and Terry Nichols utterly ruined their target, killing 168 fellow Americans in the process**



# Background on the life of Timothy McVeigh

- McVeigh and Nichols met during army basic training at Fort Benning, Georgia, in May 1988.
- After McVeigh quit the army, his “Bible” was a book called *The Turner Diaries*, written by the white supremacist William Luther Pierce.
- McVeigh submerged himself in the world of right-wing militias
- Between September 1994 and April 19, 1995, McVeigh executed his plans.
- Preparations involved renting storage facilities, accumulating the requisite quantity of ammonium nitrate fertilizer and nitromethane racing fuel, as well as dynamite and blasting caps, which he stole from a Marion, Kansas quarry.

# Pretrial Proceedings

- Stephen Jones was appointed by the federal court to represent McVeigh.
- Michael Tigar, a Texan, was appointed to defend Nichols.
- The two defendants were slated to be tried together.
- Tigar and Jones contended that no Oklahoma judge could render unbiased justice. When Judge Alley refused to recuse himself, the defense attorneys appealed to the U.S. Court of Appeals for the Tenth Circuit. the court concluded that because his honor's impartiality might reasonably be questioned, recusal was required.
- The defense's next move was to move for a change of venue. The trial was moved to Denver.
- The defense team next sought to have McVeigh and Nichols receive separate trials. Judge Matsch ruled that not only would the two receive separate trials, but additionally, none of Nichols's police station statements could be heard by McVeigh's jury.



# The McVeigh Trial

- Hartzler laid out evidence he planned to present during the course of the government's case:
  - A business card for a military supplies firm, found in McVeigh's car and carrying his prints, and in his handwriting a reminder to himself, "TNT at \$5 a stick. Need more. Call after May 1."
  - A sealed envelope, also in the car, containing pamphlets and news clippings that the prosecution contended were windows into McVeigh's mind.
  - The truck axel with the crucial VIN and the witness who watched it land and bounce into the street.
  - Receipts for bomb-making materials
  - Calling cards and phone records of transactions
  - The leases for three storage lockers
  - The anticipated testimony of Michael and Lori Fortier, like-minded Arizonans in whom McVeigh allegedly confided his plans
  - Correspondence with his sister Jennifer, in which his motives once again appeared to be plain
  - Records of the motel and truck rental proximate to the crime
  - Surveillance tape placing him in a MacDonald's near where the yellow getaway was purchased



# The McVeigh Trial

- At the end of May, little more than a month after they opened, lead counsel closed their cases.
- A few days later, the jury returned a verdict of guilty. They had deliberated about three days.
- McVeigh was sentenced to death.



# Appeals and Execution

- The U.S. Court of Appeals for the Tenth Circuit affirmed McVeigh's conviction and sentence.
- Six months later, the U.S. Supreme Court declined to review the Tenth Circuit's decision.
- In January 2001, McVeigh expedited the matter, dropping all pending appeals.
- Judge Matsch set May 16 as execution day. And then U.S. Attorney General John Ashcroft released some 4,000 pages of government documents not previously provided to the defense. Angered, McVeigh at first threatened to seek reinstatement of his appeals. But on June 7, he renewed his request to die.
- McVeigh was put to death on June 10, 2001.

# Class Discussion Questions

- Why is “Leaderless Resistance” such a difficult tactic against which to take counter terrorism measures?
- What were the main causes of McVeigh’s radicalization?
- When a weapon of mass destruction can be made from readily available, legal ingredients, is there any way from preventing a determined terrorist from building and using such a bomb?
- Given the dangers of profiling of our civil liberties, but also taking into account (a) law enforcements challenges in mounting effective counter terrorism efforts against radicals like McVeigh, and the horrific harm that can result from a successful attack, on balance are you pro or con profiling?
- Was McVeigh unfairly prejudiced by the admission of the victim testimony which the U.S. District Judge permitted U.S. Court of Appeals approved?