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**From:** Ed [REDACTED]  
**Sent:** Sunday, April 15, 2012 12:18 AM  
**To:** Epstein, Jeff  
**Subject:** My piece in today's Wall Street Journal ( embedded in tmy uthor's ID is announcement of my DSK book)

### Investigating the Investigation

By Edward Jay Epstein, Wall Street Journal ( April 14) <http://on.wsj.com/HIEFFI> At 9:02 a.m. on April 19, 1995, a huge truck bomb destroyed a large part of the Alfred P. Murrah Federal Building in Oklahoma City, damaging more than 300 other buildings and killing 168 people, including 19 children at a day-care center. The bombing was the deadliest terror attack America had experienced before the 9/11 assault and, understandably, caused a public outcry for justice. In a matter of days the FBI established that the bombing was the work of a conspiracy. While that word may not always sit well with journalists, conspiracies are the rule, not the exception, when it comes to perpetrating such crimes. According to the Center on Law and Security at Fordham University, which tracks federal terrorism cases, 2% of all federal indictments for such cases since 2001 contained a conspiracy charge.

The first conspirator arrested was Timothy McVeigh, a 27-year-old Army veteran, who had been awarded the Bronze Star during the first Gulf war. As the evidence clearly showed, McVeigh had driven the truck bomb to Oklahoma City and detonated it. The second conspirator arrested was Perry Nichols, a 40-year-old farmer who had befriended McVeigh in the army and who had helped him prepare and arm the truck bomb. Both McVeigh and Mr. Nichols were found guilty of a conspiracy to use a weapon of mass destruction. McVeigh was sentenced to death and executed on June 11, 2001. Mr. Nichols was sentenced to life imprisonment with no possibility of parole. The only other person charged in the conspiracy was Michael Fortier, who pleaded guilty to not warning authorities of the attack; he was sentenced to 12 years and is now in the witness-protection program, having testified for the prosecution in the McVeigh and Nichols cases.

"Oklahoma City," an extraordinarily well-researched book, asserts that the FBI investigation of the bombing was badly flawed and missed, or disregarded, evidence of a larger conspiracy. The authors, Andrew Ambel and Roger Charles, are both highly regarded investigative reporters who have been immersed in this case for more than a decade. Mr. Charles also worked as an investigator for the legal team defending McVeigh.) They were given access to vast amounts of material assembled by the defense teams, including 18,000 FBI witness interviews; and the authors extensively corresponded with Mr. Nichols in the supermax prison where he is held in Florence, Colo. Messrs. Ambel and Charles have no doubt that McVeigh and Mr. Nichols were guilty as charged in the conspiracy, but the authors raise the question: "How far did the conspiracy go?"

The book brilliantly deconstructs the investigation with the benefit of insight. It describes, most tellingly, a turf war among the law-enforcement agencies, including the Bureau of Alcohol, Tobacco, and Firearms hoarding information and keeping it from the FBI. Danny Deffenbaugh, who led the FBI investigation and is now a private security consultant, told the authors: "When you get agencies working together in a joint Task Force, they should be holding hands, not keeping fingers crossed behind their backs." The book also outlines how federal prosecutors, eager to wrap up the McVeigh and Nichols cases, avoided raising questions about possible co-conspirators that the defense could use to confound a jury.

Among the glaring gaps in the investigation was the failure of the FBI to attempt to match the more than 1,000 unidentified latent fingerprints found in the investigation—taken from McVeigh's car and motel room, as well as from the office where he had rented the truck—to the FBI's computerized database or even to perform a comparison among them to see how many belonged to the same people. This failure proved important because, as the authors demonstrate, almost all the eyewitnesses to the crime claimed that McVeigh was not alone.

No fewer than 24 witnesses said that they saw McVeigh, just before and after the crime, with a man who could not have been either Mr. Nichols or Mr. Fortier. The FBI concluded that these witnesses had all been confused. Certainly eyewitness testimony can be unreliable, but 24 mistaken witnesses—and no accurate ones? The authors suggest that the

=Bl missed the chance to track down a third conspirator. "One of the =rickliest problems with the government's case," they write, "was its =ailure to explain how McVeigh and Nichols could build a huge =estructive device without advanced explosives training and be =onfident it would go off."

Searching for candidates for this "unknown John Doe," Messrs. Gumbel =nd Charles investigate right-wing militias, paranoid religious sects =nd others with whom McVeigh and Mr. Nichols might have associated. =here is no shortage of suspects in this bizarre universe, including =un-show scamsters, bank robbers, drug addicts and neo-Nazis. All that =he authors are able to show is that the most likely suspects were not =dequately investigated by the FBI. If there were other conspirators, =e do not know who they are.

The great value of "Oklahoma City" is not that it solves a mystery but =hat it reveals the limits, and vulnerabilities, of a no-expense-barred =overnment investigation. Yes, the FBI investigation was quantitatively =assive—it collected a vast amount of data, including 13 million =otel and motel records—but it may have missed the bigger picture by =ot pursuing, or dismissing, evidence that went counter to the =rosecution's "two man alone" theory.

—Mr. Epstein's latest book is "Three Days in May: The DSK Thriller," =o be published on April29th by Melville House. The electronic =ersion for Kindle, Nook, and Ipad will contain embedded videos .

Cheers  
Ed Epstein

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