

The Fourteenth Annual
Chester Bedell Memorial Lecture

"THE INDEPENDENCE OF THE AMERICAN LAWYER"

Presented to The Florida Bar

By

The Chester Bedell Memorial Foundation

in cooperation with

The Trial Lawyers Section

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STEPHEN JONES

Enid, Oklahoma

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Stephen Jones is a 59-year-old Enid, Oklahoma, attorney 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 was personal assistant to Richard M. Nixon, and in 1967 was legal counsel to the Governor of Oklahoma. From 1966 to 1969, he worked as administrative assistant to Congressman Paul Findley and special assistant to Senator Charles Percy. From 1970 to 1974, he was general counsel for the A.C.L.U. in Oklahoma. He was the Republican nominee for Attorney General of Oklahoma in 1974 and his party's nominee for the United States Senate in 1990. Stephen was a member of the Oklahoma Supreme Court Committee on Civil Jury Instructions. In 1979, he was appointed Special United States Attorney to investigate allegations of criminal wrongdoing by the Administrative Director of the United States Court System, William Foley. On May 8, 1995, he was appointed by the United States District Court to serve as the principal defense counsel for Timothy James McVeigh, charged in the Oklahoma City bombing case. Mr. Jones is the author of numerous Law Review articles on the subject of the Oklahoma City bombing case, and is the author of *Others Unknown, The Oklahoma City Bombing Case and Conspiracy*, published by Public Affairs Press, New York, in 1998. He is also the author of a recent two-volume work, *Oklahoma Criminal Law Practice & Procedure*, published by West Publishing Company.

"THE INDEPENDENCE OF THE AMERICAN LAWYER
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Stephen Jones

Ladies & Gentlemen, it is a great honor and privilege for me to address you today. It is no indication of a lack of respect or affection for my adopted state of Oklahoma to say that under the circumstances, it would be very difficult for me to receive such recognition there. We understand the reasons for that and it makes it all the more special for me to be invited to give the Chester Bedell Lecture.

When Chester Bedell was admitted to the Bar nearly 75 years ago, Jacksonville was a small town in north Florida. It was also the county seat.

Justice Robert Jackson wrote a remarkable and elegant essay published in the American Bar Association Journal 50 years ago entitled, "The County Seat Lawyer." One of his descriptions rings very true in speaking of Mr. Bedell. "Paper rights," Justice Jackson wrote, "are worth only what some lawyer respected by his neighbors is willing to stand up and defend in a controversial and unpopular cause."

I would like to begin today by recalling for you another lawyer, actually Tim McVeigh's first lawyer, Royce Hobbs, who is a lawyer in the small town of Perry, the county seat of Noble County, Oklahoma. Royce, a long-time friend, practices typical county seat law with his wife as his secretary. On April 21, 1995, Royce kept receiving a telephone call from the jail located across the street, but the caller could give only his name, "Tim McVeigh," and that was all. The calls were never completed although each time Royce acknowledged that he would accept the charges.

Royce's attention was attracted by the fact that a large crowd was gathering on the courthouse lawn and the center of gravity of the town seemed to be moving in that direction. He also noticed a large number of reporters, television cameras and disks mounted on top of trucks.

He walked across and asked to see McVeigh but was refused. He came back to his office and requested his secretary/wife type a writ of habeas corpus, demanding that the "body of the prisoner" be produced. He filed this petition with the Associate District Judge, who immediately granted it, and the whole media circus, which was beginning to take form, was halted while Mr. McVeigh was granted his Sixth Amendment right of assistance of counsel. Royce conferred with the accused for a few minutes, undoubtedly gave him advice and wished him luck. Mr. McVeigh was then surrendered to federal custody.

Royce acted in the highest traditions of our profession and consistent with the sense of professional obligations and honor that characterized Chester Bedell's life.

On the evening of May 5, 1995, at about 9:30 p.m., I was walking through the front door of my home north of Enid, about 85 miles from Oklahoma City. It was a typical spring night with blustery winds, rain, hail and lightning. The first floor was dark and I did not turn the lights on when I heard the phone ring, for I knew my way in my own home.

I had practiced law in the community of Enid for nearly 30 years, and my practice was not dissimilar from Chester Bedell's in his time or many of you here

today. It was a typical county seat practice, representing people in divorces, criminal cases, bankruptcies, commercial and civil litigation. But all of that was about to change.

I entered the library, picked up the telephone and heard a voice as though speaking from a great distance say to me, "Mr. Stephen Jones?" "Yes", I replied. The voice said, "Mr. Jones, this is the Department of Justice, Watch Command Center in Washington, D.C., please stay on the line for Chief Judge Russell from Oklahoma City." In a moment I heard the familiar voice of Judge Russell, and then from the other end in Washington, I heard that voice say, "Your Honor, Mr. Jones is on the line. This is a secured telephone."

Judge Russell came right to the point with me. "Stephen," he said, "I have talked with the other judges and I want to know, if asked, whether you would agree to represent an individual who has been or will be charged with the Oklahoma City bombing?"

I thought about it for a moment and then replied, "I don't have a professional problem with it. I understand what you are trying to do. Although I have been in controversial cases before where I may have been at risk, I have never been involved in a case where there was a reasonable possibility that my wife or children or home or office or business associates might be at risk and I would like to think about it overnight and talk with them tomorrow and call you about 6:30. Would that be agreeable?" It was, and we spent 15 or 20 minutes talking on the phone, with Judge Russell answering various questions I had.

After we had concluded our conversation, I turned around and stared out into the night, reflecting on his call and what it might mean, remembering that when I was six or seven years old, I had been standing outside my home in Houston, Texas, when I felt the ground beneath my feet move and shake, as I heard a loud rumble. Sixty miles away in the harbor at Texas City, Texas, the SS Grand Camp, carrying over 100 tons of ammonia nitrate fertilizer, said to have been the ingredient in the Oklahoma City bomb, had exploded, killing more than 500 people including all 23 members of the Texas City Fire Department.

I also knew the lawyer the Public Defender had asked to help her had withdrawn within three days because of violent opposition and numerous threats of death.

I also remembered that 19 children under the age of six had died in the Murrah Building bombing and I recalled that when I was 19, the week before I went away to college, that I had been in the first emergency unit to arrive on the grounds of the Edgar Allen Poe Elementary School in Houston, Texas, where I myself had been a student for four years. A man from Seminole, Oklahoma, had walked onto the grounds and detonated a bomb, killing a teacher, a custodian and several students. I could still remember pulling up to the front of Poe that morning and seeing a small boy, eight, nine or ten, staggering around the corner of the building, covered in blood, with his right arm blown off.

I spent Christmas Eve and every Christmas Eve thereafter for 19 years at Christ Church Cathedral in Houston. Each Christmas Eve, the Bishop of Texas,

J. Milton Richardson, had preached the same sermon, "What does Christmas Eve mean to a dying child?"

I thought about the rest of my life and career, my parents, the other controversial cases I had been involved in, my wife and children.

After nearly an hour had passed, my wife, who had been out for the evening, returned home. As she came in the back door, I called to her, "Jonsie, could you come into the library, I have something to tell you."

When she came in her first question to me was, "Why are all the lights off?" Ignoring her question, I said to her in the darkness, "Booter," one of my nicknames for her, "the call that you had feared would come has come." My wife had a premonition I might be called. I did not. I did not ask or seek to be appointed in any way, directly or indirectly.

She said, "Oh, my God, what are you going to do?" And I said, "Well, we're going to discuss it as husband and wife together, whether we would have to move or possibly sell our home, then call the children and some of our closest friends, and decide what to do." And so we did through the night and into the next day.

As promised, the next afternoon about 6:30, I telephoned the judge and told him I would accept an appointment, if tendered. He responded, "Great. I appoint you to represent Timothy James McVeigh. Please be in my chambers at 1:30 on Monday."

The secret held, it was not leaked, and on Monday I drove to the United States Courthouse in Oklahoma City, about 1,000 feet from where the bomb crater was.

The Murrah Building by now had the famous fence we have all come to recognize around it; the outer perimeters were patrolled by the National Guard, Sheriff's Deputies and Oklahoma City Police Officers. The FBI was still shifting through the debris for evidence and the Medical Examiner was removing bodies.

No one paid any attention to me as I went in through the front door, through security, and to the Judge's chambers, where in a small ceremony, I accepted the responsibility to be Tim McVeigh's lawyer.

When it was over, the Judge asked everyone in the room to leave. He closed the door behind them, came over to where I was sitting, and I stood up. He extended his hand and I shook it and he said, "Stephen, I hope I haven't signed your death warrant." To which I replied, "David," the first time I had used his Christian name in addressing him since he became a federal judge, "I can assure you that makes two of us."

He smiled and said the marshals were waiting to take me to meet my new client. So, in their company, I traveled 30 miles west of Oklahoma City to the federal prison. After going through what can be described as very elaborate security devices, I was ultimately escorted by the Warden and the marshals to a small conference room where a thin young man wearing khakis with a crew cut was seated.

He stood up, I walked over, looked him in the eye, shook his hand and said, "Mr. McVeigh, my name is Stephen Jones. I have been appointed by the federal judges to represent you." He replied, "I heard you were coming."

As the marshals closed the door to leave me alone with the person who has been described as "the most hated man in America," I am sure they heard me say to him, "Why don't you tell me something about yourself?"

Thus it was, under an act signed into law by President George Washington, the Crimes & Offenses Act of 1790, did Tim McVeigh, an indigent, facing a capital charge in federal court of murdering 168 people, secure the advice and counsel of a court-appointed lawyer, as the very first Congress had authorized in New York.

I have come here today to tell you a little bit about my experience, what I think the bombing means, why Oklahoma City was chosen and why it happened. Nothing that I say today is based upon anything learned from the attorney-client privilege.

For two and one-half years, I represented Tim McVeigh through trial and sentencing. I have been asked, what was it like? What did we experience and feel? Why did I take the case? And was I afraid?

In order for me to answer those questions, or at least so many of them as I can in the time allocated to me, I must take you back to that terrible morning of April 19, 1995. Just as my mother and father remember where they were when they heard that Franklin Delano Roosevelt had died, or the Japanese had attacked Pearl Harbor, my generation of Oklahomans remember where we were on the morning of April 19, when we first heard the news. For those of us in Oklahoma, it is the standard by which all time is now measured.

At 6:30 that morning over 1,000 civic and community leaders gathered at the Convention Center for the Mayor's Annual Prayer Breakfast. Among those attending was Captain Michael Norfleet, a Marine fighter pilot, then serving as a recruiter in Oklahoma. Following the prayer breakfast, he drove his vehicle to the Alfred P. Murrah Building where the Marine Recruiting Offices were located. He parked his car in front of the building and at 9:00 o'clock exited the car and walked past a large yellow Ryder truck parked directly in front of the main door of the building. Inside were more than 16 federal offices where about 500 employees worked, with a child day care center, America's Kids, on the second floor directly above the door.

Across the street and 500 feet west were the offices of the Oklahoma Water Resources Board. That morning, Lori Claver, an Administrative Law Judge, was conducting a routine hearing for a water permit. Because the Water Resources Board could not afford a court reporter, she tape recorded the proceedings. At 9:00 o'clock, she turned on the tape recorder. It was still running two minutes later. (Recording played).

In an instant the calm of that ordinary working day was shattered by an explosion that rocked every downtown building. The force of the explosion could be heard and felt as far away as 50 miles. At 9:02:16, the seismograph at the

University of Oklahoma School of Geology, 18 miles south, recorded an unusual shock wave: the bomb. A few seconds later it recorded a second shockwave: tons of building material, furniture and human beings crashing into the earth.

The bomb destroyed the Murrah Building, collapsing most of the north front into a pile of rubble. The force and heat of the blast caused 60 cars to catch fire. The impact area was a scene of terror and chaos, with the wounded and non-wounded wandering about in shock, some with their clothes in shreds and others bleeding heavily. Almost immediately six fire trucks and seven ambulances arrived. A six-alarm call was sounded.

At 9:20, the Mayor was telephoned at his business office and notified that Oklahoma City had sustained a stage one disaster. At 9:45, the Mayor telephoned the Governor and told him that Oklahoma City was being overwhelmed and needed assistance.

Governor Keating immediately declared downtown Oklahoma City a disaster area. He ordered the Commissioner of Public Safety to release all available personnel for the rescue and recovery effort, directed the State Crime Bureau to assist in a criminal investigation, told the Office of Civil Defense to go to 24 hours a day footing, and ordered the Adjutant General to call up the National Guard and send them to Oklahoma City.

At 10:00 a.m. as the physicians' parking lots at the city's hospitals are filling up, the largest, St. Anthony's, barely 10 blocks away from the Murrah Building, goes to code black, immediately discharging all patients in the hospital who are in any way ambulatory in order to make way for the waves of victims of the bombing arriving at the emergency bays below. It notifies the Roman Catholic Arch Diocese of Oklahoma City that its sister hospital, Mercy, operated by the Order of the Sisters of the Sacred Heart of Jesus Christ, should be prepared to receive the overflow.

At 10:10, the following message is received in the Department of Justice in Washington, D.C., by teletype:

"Urgent. Highest national priority. To the Attorney General of the United States from the United States Attorney's Office, Oklahoma City. An explosion of undetermined origin has destroyed the Alfred P. Murrah Federal Building in downtown Oklahoma City within the last hour. Emergency rescue and recovery teams are on site. Extent of casualties unknown but feared very high. FBI, SAC, OKC has been asked to commence preliminary investigation. Request all appropriate government agencies be notified and that Federal Emergency Management Administration commence operations here. A tragedy of unbelievable proportions has occurred this morning in Oklahoma City."

The President of the United States is interrupted and informed.

At 10:15, the nation's networks break into regular broadcasting and begin continuous live feed from Oklahoma City.

Dan Rather is the first to tell the nation, "The Oklahoma City Police Department has just confirmed that a car/truck bomb of unusual force within the

last hour has been detonated directly in front of a 10-story federal office building in downtown Oklahoma City where more than 500 people work. The building is said to be completely destroyed."

At 10:28, having just received news that there is a child day care center in the building, the Murrah site is evacuated in response to a report that a second and third bomb have been found.

The Oklahoma City Fire Chief says to no one in particular at the command post, "My God, they are going to kill us all." Two minutes later, Oklahoma City's first ever general fire alarm is called. It sends every truck, every man, every piece of equipment to the downtown perimeter. Even as every fire station in Oklahoma City is emptied, fearing that an Apocalypse which will overwhelm them is about to occur, the cities of Mustang and El Reno on the west, Edmond and Guthrie on the north, Norman and Moore on the south, and Midwest City, Del City and Shawnee on the east are asked to advance to the second perimeter with their fire-fighting equipment to cover the rest of the city. By early afternoon, rescue and recovery teams from Sacramento, Phoenix and New York City are en route to Oklahoma.

At 2:00 p.m., the Provost of the University of Oklahoma College of Medicine telephones Dr. Andrew Sullivan, Chief of the Department of Orthopedic Surgery, and tells him that he is needed downtown and that a state police car has been sent for him.

Throwing a few medical instruments and a flashlight into his bag, Dr. Sullivan runs out the front door and gets in the police car. When he arrives at the Murrah Building site, he is taken down to the bowels of the building to an area called the cave, which has a narrow circumference.

There he is shown 19-year-old Dana Bradley, whose right leg is trapped under thousands of pounds of debris. Water from the broken pipes is rising and Dr. Sullivan is told that unless her right leg is amputated and she is removed, she will either drown or die of shock.

He agrees to perform the emergency surgery and crawls in on top of her, his head at her feet. He reaches back and takes her hand in his. Together they say a prayer that they will survive; but that if they don't, their families will not forget them. Members of the fire and police departments hold two-by-fours over his head to protect him from falling debris.

Taking a small surgical knife, without benefit of anesthetic, he amputates her knee and leg at the knee joint with the building swaying in the wind and rain and debris falling on top of the boards. The surgery is successful, Dana Bradley is removed and survives; her mother and two small children die in the bombing.

At 6:30 p.m., the National Weather Service notifies the Command Center that at 8:00 p.m. a severe thunderstorm carrying high winds of 40 to 50 miles an hour, hail, lightning and more rain will pass directly over the center of downtown Oklahoma City. The engineers and architects notify the Command Center that the building in its weakened condition will not sustain 40 mile-an-hour winds and will collapse on top of the rescue workers and those still buried alive in the rub-

ble. There is nothing the Command Center can do except to pray, and that is what they did. They stopped work, joined hands and prayed for divine intervention that at least the winds will bypass Oklahoma City.

Thirty miles to the south and west, thousands of feet above Union City, Carnegie and Mustang, the invisible forces of nature are reshaped and redirected. At 7:45, the National Weather Service announces there has been a distinct change in the wind pattern and they will now pass to the south and southwest of Oklahoma City in the vicinity of Will Rogers Airport. So great is the storm that night that all commercial aviation into Oklahoma City is halted, and planes are held on the ground as far away as Denver, Kansas City, Dallas and St. Louis. Over in Little Rock, three FBI command planes sit patiently at the end of the runway, their engines idling. They, too, could not get to Oklahoma City this night, but the Murrah Building stands and the rescue effort continues.

At that same hour 5,400 miles to the north and east, five time zones ahead and 35,000 feet above the North Atlantic, another drama is played out. A message from Gander Air Control to the Captain of a United 747 flying that night from Chicago to London shatters the routineness of the flight. The Captain is told that the FBI has confirmed that a passenger on the flight is the prime suspect and material witness in the Oklahoma City bombing, which had killed dozens of people earlier that day. The FBI does not know whether there could be a bomb or explosive device in the suspect's baggage in the cargo hole or whether the suspect himself might have planted a bomb elsewhere on the plane.

As the plane continues through the night, the Captain notifies the crew members in groups of two or three that their lives and safety, as well as those of their passengers, are possibly at risk and that they could become another Pan Am 103 or Air India flight blown out of the sky.

The Captain does not know that 29,000 feet above him, British Airways Flight 2, the Concorde, is making its nightly return trip to London from New York. Traveling at twice the speed of sound, it reaches, overtakes and passes the slower moving 747. On board the Concorde are three late-arriving passengers; special agents of the FBI on their way to London to intercept the passenger when he lands.

Three hours ahead in London, preparations are already under way. In the elegant words of British court protocol, "Our Gracious Britannica Majesty's Principal Secretary of State for the Home Department" has signaled a red alert at Heathrow Airport. At King George VI's barracks at Croyden outside London, 500 young British soldiers, members of the elite SAS, just back from 18 months active duty in Northern Ireland, are roused out of bed in the pre-dawn hours to be sent to Heathrow, where members of Scotland Yard's Special Branch and the British Security Service, MI5, are already converging.

Shortly after dawn the following morning, the State Medical Examiner reports 36 bodies have been recovered, 12 of whom are children. As the media and rescue workers watch, three refrigerated trucks are stationed immediately

east of the Murrah Building in the parking lot of the Methodist Church to serve as a temporary morgue. Two hundred body bags are sent to the scene. An honor guard from the National Guard stands watch 24 hours a day. The flags of the Republic are creped and at half-staff by Presidential Order. White arch lights are strung so that at night the dead are not left in darkness.

On Sunday, 12,000 people attend a memorial funeral service at the State Fairground, including President and Mrs. Clinton and my clients, Governor and Mrs. Keating. They enter as the great choir sings, "O' Sacred Head, Now Wounded."

On the following Wednesday, at 9:02, seven days after the bombing, the nation observes a one-minute moment of silence in memory of the dead.

No symbol appeared to represent the devastation, the loss, the hurt, the sense of emptiness of a never-ending wrong than the teddy bear. First donated by the wife of the Governor of Illinois, it came to be accepted as the universal symbol of pain and suffering and then of hope and recovery.

The bomb which killed at least 168 people also killed Mimi and Papa, which is to say it killed grandfathers, grandmothers, grandchildren, aunts, uncles, nieces, nephews, brothers, sisters, mothers, daughters, fathers, sons, friends, lovers and co-workers. Five sets of married couples perished together, two sets of infant brothers, one mother and son, and two women heavy with child. The bomb killed the newly wed and the soon-to-be wed. One mother testified at trial that her 8-year-old son continually wished to die, so he could go to heaven and be with his grandfather. More than two dozen children lost both parents, more than 200 one. Over 500 people were injured: the blind, the deaf, those who lost an eye, an ear, an arm or a leg. There was nearly \$750 million worth of damage, hundreds of family businesses destroyed, and the skyline of Oklahoma City permanently altered.

This then was the backdrop to my appointment by the court to represent Tim McVeigh.

There were many reasons why I accepted the court's appointment. Mr. McVeigh needed a lawyer and I thought it important he be defended by an Oklahoma trial lawyer. The bombing was an assault upon our constitutional system and it was important that the public have confidence in the process by which the verdict was reached, as well as the verdict itself. It was also important that nothing be taken from Mr. McVeigh except by due process of law. Neither his life nor his liberty could be forfeited to a lynch mob atmosphere. I took the case because as I viewed my oath of obligation as a lawyer, I had the duty to accept.

Once I accepted, it was my duty to say and do for Tim McVeigh zealously, without mental or professional reservation, that which he could not say or do for himself in court and to the public at large, where necessary.

I recognized my position as his counsel was a nearly impossible one in the sense that I could not possibly satisfy everybody and ultimately decided I need only satisfy my professional conscience.

I was to try to accomplish this in the face of an overwhelming public condemnation of my client, a demonization of Tim McVeigh in which the presumption of innocence was overtaken and replaced by the assumption of guilt. I was to try and accomplish it in a community where literally thousands if not tens of thousands of lives had been adversely affected, indeed ruined, by the act with which he was charged.

Then as now, no matter how severe the public, professional or media criticism might be, how damning of me, I was required to be blind to all considerations and to subordinate my self interests to that which was best for Tim McVeigh and his defense. I was to work for him under my oath, to protect his life and interests with the highest degree of skill and professionalism, not with one arm tied behind my back, but with fire in my belly. I could never fully explain why I had or had not done a certain thing, because professional honor would in some instances mean I could never tell anyone what I knew.

Then there was the media, a corrupting influence in many respects on the fairness of any trial. If I spoke to the media too much, my critics accused me of self-promotion. If I spoke less, they accused me of being unavailable. If we used the media, we were accused of trying the case in the press. If we remained silent, we yielded the control of public opinion and ultimately the question of whether the trial would be fair to the government. If I did not appear zealous enough to some people, I was accused of being a toady because I was paid for by the government; but if I was too energetic, I was accused of going around in all sorts of directions and flailing about and being insensitive to the victims. Tim McVeigh always stood before three courts – (1) the trial court, (2) the court of public opinion, and (3) the congressional inquisition.

My wife and I lived in an atmosphere of motion detectors and electronic eyes, of emergency response numbers, and of armed guards at our house and office, paid for by the court for two and one-half years. We lived with the knowledge that the FBI actively investigated threats against my life and we slept with a loaded shotgun under our bed for the duration. There were no less than six serious security incidents at our home. One member of the defense team was authorized to carry a concealed weapon. And my Mercedes automobile, with 150,000 miles, would have made Q and James Bond jealous with its gear.

For me, personally, the experience was professionally challenging. I cannot remember a day which I was not tinged with some element of adventure, either of hope or disappointment, or of failure or achievement.

As his defense team, we became familiar with some of the most sensitive aspects of criminal investigation and intelligence gathering of our government. We were present at the disinterment of Mrs. Levy's body in New Orleans. We also met with individuals in the cloistered confines of King's College, London; the elegance of the Anthenum Club overlooking the mall; the National Headquarters of the Israeli Police; a Victorian gothic-styled hospital in Wales; a beautiful and graceful, quiet Scottish Church; in lean-to shacks in the Philippines; Bedouin tents

in the West Bank; laboratories in the Weizmann Institute in Israel; and for four nights, I was a guest in one of the most famous terrorist's bombing sites in the world, the King David Hotel in Jerusalem.

We read over 30,000 witness statements, studied over 15,000 FBI lab sheets and reports, examined over 100,000 photographs and reviewed hundreds of video and audio tapes, 156 million phone records and a million hotel registrations.

Though the jury ultimately convicted Mr. McVeigh and sentenced him to death, he did in fact, in my opinion, receive a zealous defense. His lawyers secured disqualification of the Oklahoma City federal judges, moved successfully for a change of venue from Oklahoma to Colorado, secured suppression of Terry Nichols' statements as evidence against Tim McVeigh, secured a separate trial for our client, conducted three weeks of lawyer-directed individualized voir dire of the prospective jurors and obtained adequate funding for the defense.

Though we won almost all of the contested legal points of any importance before trial, we were constantly bombarded with lacerating adverse and critical commentary by so-called media experts, who were lawyers who were either not in the courtroom during the entire trial or who didn't know the facts. Few of them had any experience in defending a capital murder case. We were not simply charged with representing a man accused of serial homicides or mass murder; and while our client was charged with murdering more people than Ted Bundy, the Uni-Bomber, John Garcy, Richard Speck, Charles Whitman and the Hillside Stranger combined, it would be more accurate to say that we were defending a man charged with revolutionary violence and terror on a scale never before seen in this country.

As a part of my duties, I traveled to China, the Philippines, Macau, Hong Kong, Germany, Scotland, England, Wales, Northern Ireland, Syria, Jordan, Israel and Korea. I saw the Golan Heights from the Syrian side and met in secret locations with members of Jewish organizations here and abroad, who were as interested in American Neo-Nazis and whether they had a connection with the bomb as I was. In other locations, I met with representatives of arguably the world's most successful terrorist organization, the provisional Irish Republican Army.

We reviewed satellite photographs taken of downtown Oklahoma City and rural Kansas. It meant I missed my son's graduation from high school and not being able to see my mother for nearly four weeks after she suffered a stroke. I stood in my apartment in Denver on the second anniversary of the bombing, during jury selection, and listened to more than 200 churches ring their bells throughout Denver, 168 times in memory of the dead.

I paused at St. Matthew's Episcopal Church, where I had been a member for more than three decades serving as Vestryman, Usher and Senior Warden, and prayed that I would have the strength, stamina and hopefully the courage to be obedient even unto death if that was required; but, my faith was not my only source of strength. Judge Richard Matsch, the trial judge, is a man committed to the concept of a fair trial and protection of the rights of the accused; and, he did

precisely that. There are a few areas where I disagree with him, but of his honor and integrity, there can be no question. I have described him as Gary Cooper in "High Noon" with black robes. He could also be compared to famous American generals – George Patton and "Vinegar" Joe Stillwell.

Because I have talked too much about myself, I conclude with two very brief observations.

Death and escape from death were determined by decisions which seemed largely unimportant at the time. Marine Captain Michael Norfleet, of whom I spoke, came into the building and sat down in his chair at his desk to make a phone call to Washington to see whether his colleague, Sgt. Benjamin Davis, had been accepted into Officer's Candidate School. The line was busy so he got up and walked into the other room. Sgt. Davis came and sat down where he was found four days later, dead, still sitting at the desk. He did not know that on the day he died he had been accepted into OCS.

Army Sgt. Titsworth took his six-year-old daughter, Twila, to his office that day so she could see where he worked. When the bomb went off, Sgt. Titsworth survived; Twila did not. A young college co-ed walking on the side of 5th Street across the parking lot from the Murrah Building was killed instantly by the force of the blast. At 9:00, the Director of the Federal Employees Credit Union, Florence Rogers, asked six women to come to the conference room for a meeting; but because the conference room was already occupied, Florence, Cathy Finley, Jamie Lee Jensen, Valerie Kolesch, Claudette Meek, Jill Diane Randolph, Sonya Sanders and Victoria Texer met in Mrs. Roger's office. Florence sat at her desk, the women sat in a semi-circle in front of her. At 9:02, she watched in horror as they fell six floors to their death, the bomb crater stopping two and one-half inches from Mrs. Roger's desk; she alone survived.

Those who bombed the Murrah Building struck a building without any security, no metal detector, no video cameras, not a single guard. We in Oklahoma City that day were largely innocent - we have come of age since.

Finally, I do agree with the government, and not based on any privileged or confidential information, that the motive of the bombing was the assault, first by the ATF in February of 1993 and then by the FBI on the Branch Davidians at Mt. Carmel, Texas. I have learned many things about that event, which I did not know or even imagine at the time. Today, I have no trouble believing that assault was an egregious violation of our constitution and unnecessary for any legitimate law enforcement purposes and that it represented the tragedy of the mediaization and militarization of federal law enforcement. All of the Branch Davidians, who survived and then were charged with murder, were acquitted. No federal officials stood trial for their incompetence, arrogance and foolishness. When the Attorney General of the United States offered her resignation to the President, he should have accepted it. In no other western democracy would a minister of justice have survived politically such a debacle.

At Mt. Carmel, the means of justice were used to defeat the ends of justice. The Branch Davidians were marginalized and made to appear kooks. The result was a mini-holocaust in which C-S gas, which we cannot use against our enemies in wartime because of the Geneva Convention, was used against small children, the elderly, a Harvard Law School graduate, a registered civil engineer and other people in that wooden frame residence and church building. What happened at Mt. Carmel does not justify or mitigate what happened in Oklahoma City, but it does explain it. Vigilantism is always the response to justice denied on such a scale.

The 257 men, women and children who died at Mt. Carmel and Oklahoma City, along the same interstate highway, barely four hours apart, almost to the same hour on the same day separated by two years, suffered and endured the passion of death and in accordance with the promise of our faith, they receive the gifts of salvation and grace.

They are dead and we are left alive; but in a larger sense, they are not dead. For is it not so -- the spirit of the dead always survive in the memory of the living.

THE BEDELL LECTURERS

David Boies	1986
Hon. Parker L. McDonald	1987
Robert W. Meserve	1988
Benjamin R. Civiletti	1989
Brendan V. Sullivan	1990
Julius LeVonne Chambers	1991
Roxanne B. Conlin	1992
Joe Stamper	1993
William Steele Sessions	1994
Lord William of Mostyn QC	1995
Ambassador Sol M. Linowitz	1996
Warren B. Lightfoot	1997
Lawrence E. Walsh	1998
Stephen Jones	1999

The Chester Bedell Memorial Lecture on "The Independence of the American Lawyer" is an annual event at the Trial Lawyers' Section luncheon meeting at the Convention of The Florida Bar. The Bedell Foundation, which receives tax-deductible contributions for support of the Lecture, was created by the Jacksonville Bar Association in 1981 to help preserve the independent bar and to extend that sense of history, duty and destiny that Bedell exemplified in more than 50 years of practice in the courtrooms of Florida.