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Justice Department letter to McVeigh's attorneys



May 10, 2001
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This letter, dated May 9, was sent by the Justice Department to Timothy McVeigh's attorneys and Richard P. Matsch, the federal judge who presided over McVeigh's 1997 trial.

Dear Counsel,

As I told each of you in separate telephone conversations yesterday, the FBI has discovered additional materials generated by its field divisions outside Oklahoma City in connection with the OKBOMB investigation. I first learned of the existence of these materials yesterday, and received them today after they were flown from Oklahoma City to Denver on an FBI plane. The documents were brought to my attention by FBI Special Agent in Charge Danny Defenbaugh, who headed the OKBOMB investigation and currently heads the FBI's Dallas field division. FBI Director Louis Freeh and Agent Defenbaugh had requested on numerous occasions prior to trial that each field division and legal attache forward all OKBOMB-related materials to the Oklahoma City division, and had received assurance that all such materials had been forwarded. The belated discovery of additional such materials came after an FBI archivist requested that all OKBOMB-related materials be sent to the Oklahoma City field office for archiving.

The materials consist of FBI reports of investigation ("302s" and "inserts") and physical evidence, such as photographs, written correspondence and tapes ("1As", "1Bs" and "1Cs"). All reports, and all physical evidence capable of being photocopied, are being delivered to you. The physical evidence not capable of being photocopied is identified in the photocopied materials. For control purposes, we have Bates-stamped all the materials being produced from each field division. For example, the documents from the Albany field division are Bates-stamped numbered 1-153, the documents

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from the Albuquerque field division are Bates-stamped numbered 1-102, etc.

We do not believe anything being produced is Brady material bearing on the federal convictions or sentences of Timothy McVeigh or Terry Nichols. Similarly, we do not believe anything in the materials makes even a prima facie showing of either man's actual innocence. Many of the materials are similar to the previously litigated "lead sheets," in that they involve interviews and information regarding persons whom at one time were thought to resemble the UNSUB sketches. Nonetheless, many of the materials -- in particular, the FBI-302s and inserts -- should have been produced under the reciprocal discovery agreement. We are producing the materials now so you can make your own determinations.

Please feel free to contact me if you have any questions.

Sincerely,
Sean Connelly
Special Attorney to the U.S. Attorney General

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