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Ashcroft delays McVeigh execution until June 11



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WASHINGTON (CNN) -- U.S. Attorney General John Ashcroft Friday ordered a one-month postponement of the execution of Oklahoma City bomber Timothy McVeigh that was scheduled by lethal injection for Wednesday, May 16, at the U.S. Penitentiary in Terre Haute, Indiana.



Ashcroft delays McVeigh's execution amid revelations that FBI documents were not given to the defense.

Ashcroft set the new execution date as June 11.

Ashcroft's action came after revelations that the FBI failed to turn over a number of documents to defense attorneys as possible evidence in McVeigh's trial. Ashcroft also said he has asked the Justice Department's inspector general to investigate why the FBI failed to turn over the documents.

In a related development, Terry Nichols, who is serving a life prison sentence as McVeigh's co-conspirator in the bombing, was expected to ask the U.S. Supreme Court to intervene in his case as a result of the new disclosures. His previous bid for a new trial was rebuffed both by the trial court and appeals courts.

In Oklahoma City, families of some of the 168 people killed in the April 19, 1995, truck

• Nichols to appeal Oklahoma City bombing conviction

• The Execution of Timothy McVeigh

Oklahoma Governor Frank Keating tells CNN's Greta Van Susteren he's



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bombing of the Murrah Federal Building expressed dismay at the sudden turn of events.

'puzzled and concerned' about the withheld McVeigh evidence (May 10)

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5 "Extending this more just adds to the pain, it adds to the fury as far as I'm concerned," said Kristi McCarthy who lost her father in the bombing.

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6 Jim Denny, whose two children were badly wounded but survived the terrorist attack, said, "It's amazing that the same system he [McVeigh] says is cruel to people and doesn't work is the system that probably is going to let him live a little while longer."

McVeigh execution

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7 A statement also was also expected from the lead investigator for the FBI into the bombing on why the materials, including some 3,000 pages of FBI forms on witness interviews and other documents, were withheld.

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8 The prosecutor in McVeigh's 1997 trial, Patrick Ryan, said the FBI's failure to turn over evidence to the defense team was "embarrassing" and "totally unacceptable."

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9 Ryan said the government should grant a stay of McVeigh's scheduled execution next week if asked to do so by the defense.

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10 McVeigh's attorney, Rob Nigh, began meeting with his client in prison to discuss possible options Friday morning.

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11 McVeigh, 33, a decorated Gulf War Army veteran, admitted in a recently published biography that he was responsible for the April 19, 1995, bombing of the Alfred P. Murrah federal building whose victims included 19 children.

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12 McVeigh earlier waived his appeals, telling his attorneys he would rather be put to death than spend his life in prison.

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13 Richard Burr, a death penalty specialist who helped defend McVeigh and is a consultant for his legal team, told CNN Friday a stay would not require a court order because the execution was not court-ordered. The U.S. Bureau of Prisons would make any decision on a delay, he said.

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14 "The government is fully in charge of what happens," Burr said. "It ought to withdraw the execution date ... Its hands are not tied by anything Tim McVeigh wishes. He cannot make them kill him."

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15 Stephen Jones, McVeigh's former trial attorney, predicted the release of the documents will not affect proof of McVeigh's guilt.

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16 "There's not much [McVeigh] can accomplish, because unfortunately, against his lawyers' advice, he went public and said, 'I did it,'" Jones told CNN.

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"Once he says that, then it's kind of hard for him to come back and say, 'Well, these documents may exonerate me,' because he's pulled the rug out from under that argument."

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17 Jones has long contended McVeigh is part of a larger conspiracy, and stated his guilt to protect others. "Not everybody is locked up," he told CNN Friday.

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"There are others still out there."

18 The U.S. attorney in Denver informed McVeigh's defense team Tuesday of what the FBI called an oversight it only recently discovered -- that investigative documents, including reports on FBI interviews, photographs, letters and tapes were withheld from McVeigh's defense.

19 The materials included more than 3,100 pages of documents, audiotapes and videotapes.

20 One source familiar with the case said the mistakenly withheld documents also concern Terry Nichols and Michael Fortier. The source insisted the documents contained no evidence that would have exonerated them.

21 McVeigh, Nichols and Fortier served together in the Army.

22 Nichols was convicted of helping to build the bomb and prepare for the attack. He was sentenced to life in prison and still faces state charges.

23 Fortier, who knew of the bombing plan but did not alert authorities, testified against McVeigh. He is serving a 12-year federal sentence for his role.

24 The Justice Department said Thursday it had turned over the materials to McVeigh's attorneys, and asked to be notified if the attorneys believe any of them create doubt about McVeigh's guilt. But FBI and Justice officials said the materials contained "nothing that could put McVeigh's conviction in jeopardy."

25 But Burr said a stay was required simply to sort through the various documents. "If there are witnesses the government interviewed who suggest other people were involved or that Tim McVeigh was not involved, those are critical matters that would have to be investigated."

26 Ryan said prosecutors too would scrutinize the material.

27 "One of the things that has been said over and over again since yesterday afternoon is that the government failed to turn these materials over to the defense," he said. "The point has not been made that the FBI didn't turn these materials over to the prosecution either. These are not materials we're familiar with either."

28 Justice officials said the documents -- which included some of the original notes of FBI investigators which were never transcribed -- were discovered by an FBI archivist as the materials in the case were compiled, and that it was still unclear how the papers were missed.

29 Jones said McVeigh was probably elated by the document glitch. "There is egg on the face of the FBI this morning," he said.

CNN Correspondents Charles Bierbauer in Washington, Gina London in Denver, Susan Candiotti in Miami and Justice Department Producer Terry Frieden contributed to this report.

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