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June 3, 1998

The Honorable Richard P. Matsch
Chief Judge
United States District Court for the
District of Colorado

RE: United States of America v. Terry Lynn Nichols

Dear Judge Matsch,

I am writing to you in response to the letter sent by James Gordon, M.D., concerning your sentencing of Terry Lynn Nichols tomorrow, June 4, 1998. I have been retained by the United States Government as an expert consultant and potential mitigation rebuttal witness since January, 1997, in the federal prosecutions of Timothy McVeigh and Terry Nichols. Before I directly address the letter by Dr. Gordon, and my own findings and opinions, I would like to briefly outline for you my training and credentials.

Since 1982 I have been a licensed psychologist in the State of California and since 1991 a board-certified forensic psychologist. I am an associate clinical professor of psychiatry at the University of California, San Diego and an adjunct professor at the University of San Diego School of Law. I am a Fellow of the Society for Personality Assessment, a member of the American Psychological Association, and a member of the American Academy of Forensic Sciences. I am currently President of the American Academy of Forensic Psychology.

From 1986-1992 I was Chief of the Forensic Mental Health Division for San Diego County, California, and in that capacity provided administrative and clinical supervision for the diagnosis and treatment of individuals accused and convicted of violent crimes. I have personally conducted over 2000 evaluations in criminal settings. For the past sixteen years I have also conducted a private forensic practice involving consultations, teaching, writing, and research. I have been retained as an expert in civil and criminal matters in 15 states and six federal jurisdictions to date. I am equally retained by both the defense and the prosecution.

I have had published over 100 peer-reviewed science articles in various psychiatric and

psychological journals, and have authored or edited five books, including The Psychopathic Mind, Violent Attachments, and most recently, The Psychology of Stalking: Clinical and Forensic Perspectives. My areas of particular expertise include the relationship between violent criminal behavior and personality, and the motivational understanding of complex homicides involving multiple deaths, more than one perpetrator, or unusual circumstances.

DATABASE

The findings and opinions I offer to you are based on my studying of a voluminous amount of material provided to me by the United States Attorney's Office and the FBI in the prosecution of Terry Nichols. This material included approximately 8000 pages of 600 different documents (including video tapes, audiotapes, and books read by Mr. Nichols), which also contained both defense and prosecution interviews of 185 individuals that had personally known Mr. Nichols over the course of his life. These individuals ranged from family members, neighbors, acquaintances, and employers who knew him primarily in Michigan, Nevada, and Kansas, to individuals who knew him during his tenure in the U.S. Army from 1988-1989. Although I would have liked to have interviewed people that knew him most intimately, such as his son, Josh, and his ex-wife, Lana Padilla, my efforts to conduct such interviews were met with vehement resistance by the defense and did not succeed. In addition to these data sources (which were preceded and complemented by a careful study of 12000 pages of documents during the prosecution of Timothy McVeigh), I also downloaded and read the entire trial transcript in the case of U.S. v. Terry Nichols from November 3, 1997 to January 7, 1998. The trial, as you undoubtedly recall, included the testimony of approximately 85 prosecution and 94 defense witnesses, many of whom knew Terry Nichols personally, and was able to shed further light on his personality, behavior, history, and motivations. I was unable, however, to interview Mr. Nichols directly, and my findings and opinions should be viewed with this limitation in mind.

FINDINGS AND OPINIONS

1. I agree with Dr. Gordon's opinion that Mr. Nichols is a very quiet, private, and self-reliant individual. The evidence clearly describes an introverted, alone individual who preferred his own company, particularly during periods of stress in his interpersonal relationships. Introversion is a part of one's temperament, and appears to be largely inherited. In Mr. Nichols' case, this introversion contributed to a personality that was described by others and Dr. Gordon as a "loner...reclusive, even suspicious...reticent, if not isolated" (p. 6). I also agree with this perception of Mr. Nichols, and find it quite consistent with what we would expect in a bomber.

In the course of the McVeigh and Nichols trials, I and my assistant, Joseph McEllistrem, M.A., conducted an exhaustive review of all the known research on the personality and motivations of bombers (we searched through eight english language computer databases). One of the characteristics that has been documented throughout the research of the past fifty years is that bombers are often introverted, isolated, and suspicious loners who tend to hold their emotions inside and do not express them in any direct way (amply documented in the case of Mr.

Nichols). They choose, instead, a passive-aggressive mode of expressing hostility, a technical term I will elaborate upon below.

2. I agree with Dr. Gordon's opinion that Mr. Nichols is intelligent. In fact, I was able to closely study the results of the vocational testing taken by Mr. Nichols and Mr. McVeigh during their enlistment into the United States Army in April, 1988. Intelligence is a very stable trait, and we can confidently assume that it was the same in 1988 and it was at the time of the bombing seven years later. Test results from the Armed Services Vocational Aptitude Battery indicate that both individuals produced remarkably similar scores which were at least one, and in some cases close to two, standard deviations above their entire unit's score. This means that on all of the subtests, both individuals scored better than most of the men who joined the army at that time, and this vocational battery roughly corresponds to IQ. In fact, Mr. Nichols did appreciably better than Mr. McVeigh on two army composite scores: Surveillance and Communications, and Combat. I draw two conclusions from these data: both individuals have comparable IQs, and both individuals' IQs are in the superior range.

3. I agree with Dr. Gordon that Mr. Nichols, unlike Mr. McVeigh, formed very close attachments to his family members, his ex-spouse, and his children, including children that were not his biological offspring. There is no question that this is a positive attribute, and Dr. Gordon emphasizes his loyalty to these people, and the similarity between his relations with Mr. McVeigh and his two wives and mother (p. 4). One of the very stable characteristics attributed to Mr. Nichols by many different people who have known him is his devotion to others (and eventually to a political belief that no entity, including local, state, and federal government, had jurisdiction over him), and his caretaking of his children as best he could.

In many ways Dr. Gordon is describing an individual with many dependent personality characteristics. Mr. Nichols, when he does attach to others, forms very close attachments, will remain loyal to them, and will actively participate in the relationship. A dependent personality is very active, and is not passive.¹ This is a central aspect of Mr. Nichols that goes to the heart of his active participation in the bombing of the Murrah building. Individuals with dependent personalities are fearful of the loss of their few relationships, and will go to great lengths to never express hostility or anger, a normal emotion felt in all relationships at times, directly toward the other person. This absence of anger or hostility in his personal relationships is a stable and robust finding throughout Mr. Nichols' life. In fact, I could find virtually no incident in the entire body of evidence I reviewed where Mr. Nichols' expressed anger directly and openly toward someone about whom he cared.

¹In one study conducted by the FBI and published in September, 1992, the second most frequent personality disorder diagnosed in a sample of offenders who had murdered law enforcement officers was dependent personality disorder (23%). Source: Killed in the Line of Duty, Uniform Crime Reports Section, FBI, U.S. Dept. of Justice.

What Mr. Nichols did, instead, was to shift his anger, hostility, and frustration onto other people and entities with whom he did not have a personal relationship. The first recorded event of this pattern occurred when he renounced his voter registration card in Feb., 1992, in Evergreen Township, and proceeded through a series of jurisdictional renunciations and declarations that he was an "expatriate absolute", including his renunciation of his United States citizenship two years later. Mr. Nichols ranted against authority because he could not risk expressing anger in his personal life. The most striking illustration of this absence of anger was his welcoming of his second wife, Marife, into the United States after she informed him that she had been impregnated by her former boyfriend while she remained in the Philippines after their marriage. The most striking illustration of his hostility against people and entities he did not personally know was the bombing of the Murrah building.

4. Terrorist bombing is a political act that involves meticulous planning and preparation. In the case of the Oklahoma City bombing, Mr. Nichols was the strategist and Mr. McVeigh was the tactician. Throughout the records there are numerous descriptions of Mr. Nichols' ability to carefully plan, consider his options carefully, focus on details, and as Dr. Gordon writes, "think(ing) things through on his own" (p. 2). There was also little risk that he would reveal the bomb making plans to others given his privacy and secrecy, a finding confirmed in the testimony of Marife Nichols at trial (testimony Dec. 11, 1997), and a perfect complement to Mr. McVeigh's more extraverted and energetic tactical maneuvers. They formed what militia researchers have talked about for several years, "a leaderless cell": no identified leader, no formal association with a hierarchy, and lethally mobile. Mr. Nichols, thirteen years older, provided the long distance, stable anchor for the conspiracy to unfold.

5. Although Dr. Gordon did not comment on this specifically, it is my opinion that Mr. Nichols' absence from Oklahoma City on the day of the bombing is exactly what we would expect from an individual who avoids conflict, has done so all his life, yet is intensely loyal to ideas and close relationships. This illustrates another central characteristic in Mr. Nichols that also emerges from the bombing research: most bombers are passive-aggressive and do not express their hostility, anger, and alienation in a direct manner. After all, bombing (along with firesetting) is the quintessential passive-aggressive criminal act: the perpetrator does not have to be there, no actual violence is directly witnessed, no empathic feelings for the victims will get in the way, yet the ideational and emotional gratification is enormous. Killing from a great distance is efficient, effective, low risk, and especially palatable to an individual who has avoided direct conflict all his life (see Lt. Co. Dave Grossman, On Killing, Little, Brown & Co., 1995).

6. It appears from the records that Mr. Nichols' alienation from the government had a variety of causative factors, including his experiences with other farmers in the Decker, Michigan area, his experience in the Army, and his association with his brother, James, and Timothy McVeigh. It is important to note, however, the first evidence of his renunciation of legal authority over him, February 25, 1992, predates both the Ruby Ridge incident and the Waco incident. It appears to me that Mr. Nichols' alienation and hostility, again only expressed toward people and objects he does not personally know, was much deeper and more profound than

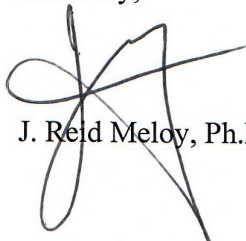
Timothy McVeigh's more open anger toward the government, which he verbally expressed after the Waco tragedy on April 19, 1993.

7. Dr. Gordon talks extensively about the defense of "denial" in Mr. Nichols. I don't quite understand his thinking, other than to conclude that Dr. Gordon somehow believes that Mr. Nichols was not consciously aware of his activity with Mr. McVeigh, and the purpose of it, from September, 1994 until April, 1995. Denial is an important psychological defense, most apparent in young children, and Dr. Gordon attempts to link it to Mr. Nichols by addressing denial and its use among alcoholics, of which Mr. Nichols' mother was arguably one. I find his argument fundamentally flawed since denial as a psychological defense is impossible to infer without a clinical interview (Dr. Gordon makes no comment that he ever personally talked to Mr. Nichols), it is very difficult to measure from a scientific perspective, it is a changeable, dynamic state, rather than an enduring trait, and any data whatsoever in this case (of which there is ample) that Mr. Nichols intentionally attempted to conceal evidence would contradict Dr. Gordon's theory.

8. Mr. Nichols is a true believer. He believes that all the frustrations and disappointments in his life are caused by others. He believes that there is only hope in loyalty to close friends and family. And he believes that all government is fundamentally corrupt. Unfortunately and tragically, his true beliefs were not without hope for sudden, radical change, and they found expression in a terrible act. As Eric Hoffer wrote in The True Believer in 1951: "For there is often a monstrous incongruity between the hopes, however noble and tender, and the action which follows them. It is as if ivied maidens and garlanded youths were to herald the four horsemen of the apocalypse" (p. 11).

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Reid Meloy', with a large, stylized flourish at the end.

J. Reid Meloy, Ph.D., ABPP