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Richard Matsch Has a Firm Grip on His Gavel in the Oklahoma City Bombing Trial

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DENVER -- When a defense lawyer asked the judge in the Oklahoma City bombing case the other day if he could approach the bench to clarify a minor point, the judge impatiently snapped, "No!" Earlier, when a prosecutor asked a potential juror one too many times for assurances that she could vote for the death penalty, he was brought up short when U.S. District Judge Richard P. Matsch huffed, "Move on!"

As the trial of defendant Timothy J. McVeigh begins its third week of testimony here, the whirlwind pace of the proceedings is due in no small part to this 66-year-old jurist who wears cowboy boots beneath his robes.

Although they sometimes describe Matsch (pronounced Maych) as "curt" and "irascible," lawyers also praise him for being an exacting and fair judge who puts a premium on legal ethics, preparation and punctuality. He starts his court precisely at 9 a.m. every day and ends promptly at 5 p.m. A portrait of Gen. George Patton hangs in his office. He is a slight man who sports a thick mustache and -- outside of court -- a tall cowboy hat.

Lance Ito he's not.

"I knew he would run a tight ship," said Stephanie K. Seymour, chief judge of the 10th Circuit Court of Appeals, who appointed Matsch after the appellate court recused all of Oklahoma's federal judges from the case. "I got out my book of judges and looked down the list. I saw Judge Matsch's name and that was pretty much it."

Indeed, when Seymour was faced in late 1995 with selecting a judge to hear the emotionally charged and complicated case, the specter of the O.J. Simpson courtroom circus hung over the nation's judiciary. Ito was widely ridiculed for losing control of his courtroom, allowing the attorneys to stretch the trial on ad

infinitum.

Consequently, Matsch's selection was well received by both defense lawyers and prosecutors on the capital case, in which McVeigh is charged with blowing up the Alfred P. Murrah Federal Building in Oklahoma City and killing 168 people. And his appointment came as no surprise to the legal community in Colorado, where, for more than 20 years, he has presided over the state's highest-profile federal cases with an iron hand and little regard for public opinion.

Lawyers speak of him with a combination of fear and respect. One former prosecutor relishes telling the story of the time Matsch assailed a potential juror who showed up for duty wearing very short shorts. He dismissed the man after humiliating him before the court. The next juror, who also happened to be wearing shorts, looked horrified. But before he could come forward, Matsch recessed for lunch. When he reconvened, the same juror was called forward -- this time wearing a three-piece suit.

For years, Matsch resisted pressure to end forced busing in Denver, doing so only two years ago in a landmark decision in which he ruled that the city had met its legal burden to end segregation in the public schools. He is perhaps best known for presiding over the trial a decade ago of four white supremacists charged with murdering popular local radio talk show host Alan Berg. Lawyers familiar with the case say he gave the defendants their dignity and due -- until two of the men were convicted. He then sentenced the triggerman and the getaway driver to 150 years each in prison, saying they had "forfeited their right to live in society."

He was widely criticized in 1992 when -- despite intense political pressure -- he permitted the Ku Klux Klan to hold a rally in Denver on the Martin Luther King Jr. holiday, after the city had denied the Klan's request for a parade permit. "All ideas are equal under the First Amendment," he wrote in his ruling.


In the Oklahoma City case, Matsch angered relatives of the victims when he ordered them out of his courtroom last summer, invoking a federal rule that bars potential witnesses from hearing other trial testimony. Earlier this spring, Congress passed a law specifically to overturn Matsch's ruling.

"He is pretty fearless," said Denver criminal attorney Phillip Figa, who has tried cases before Matsch. "He consistently does what he thinks is right based on the law and due process -- not what's politically popular."

"He expects you to be thorough and professional and get on with

it," said Miles Cortez, president of the Colorado bar association. "I don't go into his courtroom unless I'm very prepared because if he catches me fumbling around, I pay the consequences."

Born in Iowa, Matsch graduated from the University of Michigan and its law school and was appointed to the federal bench by Richard Nixon in 1974 after spending the previous decade on Colorado's bankruptcy court. Lawyers who have appeared before him say he betrays no political ideology in his opinions. From the outset, they say, he insulated himself from the legal community, rarely attending official bar events and making his home about 30 miles outside Denver.



But many of the lawyers who once found him distant and cranky say they noticed a major change after a freak accident took the life of his 24-year-old daughter in 1992. Elizabeth Matsch and her boyfriend were taking a steam bath in a crack in the steam flats of a Hawaiian volcano when a burst of steam startled them. Elizabeth Matsch lost her footing, slipped farther into the crack and couldn't be rescued because of the intense heat.

Her father is said to have worn her bracelet to court for several years afterward. "There is no question he was a different man in the courtroom," said one lawyer who asked that his name not be used. "He ran his cases the same way, but you saw more of a sense of humor, more compassion, more tolerance."

Some prosecutors do complain quietly that Matsch seems to give the defense much leeway in his courtroom. In the Oklahoma City case, he has ruled for the defendants on some major issues -- moving the case out of Oklahoma and granting defense motions that McVeigh and co-defendant Terry Nichols be tried separately. And although the defense's financial records are sealed, there has been much speculation about the amount of taxpayers' money being spent by McVeigh's court-appointed attorney, Stephen Jones. Matsch has allowed Jones to assemble a 14-member team, some of whom have even traveled abroad to interview experts or witnesses. Some estimates have put the cost of McVeigh's defense in the millions.

"He tends to believe that the government and the prosecution have the resources and don't need to have the same level of protection," says Mike Norton, a former U.S attorney from Denver and practicing lawyer here.

Said another legal source who knows Matsch well: "He simply doesn't care what the press and the government think. When this is all over, and if McVeigh is convicted, he wants to make sure [McVeigh] can never say he didn't get a fair shake."