

McVEIGH ORDERED TO TRIAL IN BOMBING - Magistrate Cites "Indelible Trail of Evidence" - FBI Hopes to Stop "Another Bombing"

The Oklahoman

April 28, 1995 | John Parker; Staff Writer | Page: 1 | Section: NEWS

EL RENO - Bombing defendant Timothy McVeigh is tied to an "indelible trail of evidence" that leads from Junction City, Kan., to the front door of Oklahoma City's federal building, where a truck bomb killed more than 100 people nine days ago, a federal magistrate said Thursday.

U.S. Magistrate Ronald L. Howland ordered the decorated Desert Storm veteran to trial after a heavily guarded, 4 1/2 -hour preliminary hearing at the Federal Correctional Institute near El Reno.

An FBI agent also revealed in the hearing why investigators are pushing day and night to find unknown suspect "John Doe 2" and any other conspirators in the April 19 explosion at the Alfred P. Murrah Federal Building.

"So we can prohibit another bombing," Oklahoma City FBI agent John Hersley testified.

Hersley, a 20-year FBI veteran, was one of two witnesses in the hearing in which Howland decided there is "probable cause" to hold McVeigh, 27, without bail before trial.

A formal indictment on bombing charges, which would carry the death penalty upon conviction, is expected within 30 days.

Hersley told of eight witnesses that saw McVeigh in Oklahoma City as early as April 13, six days before the worst bombing in U.S. history destroyed the federal office building and several other structures and damaged at least 200 buildings.

McVeigh - his hands shackled to his waist - wore a wrinkled white T-shirt, khaki drawstring pants and canvas slip-on shoes at the hearing.

He sat erect and appeared relaxed and attentive. He actively conferred with his attorneys, public defender Susan Otto and court-appointed attorney John W. Coyle.

Witnesses told FBI agents that McVeigh, using an alias of Bob Kling, and another man, known as "John Doe 2," rented a Ryder truck April 17 at the Elliott Body Shop in Junction City.

The truck later was loaded with an estimated 4,000 pounds of fuel, fertilizer and other explosive materials to become the mobile bomb detonated at 9:03 a.m. in front of the Murrah Building, Hersley said.

Investigators recovered a charred Florida license plate from the truck rented in Junction City, Hersley said. The plate was on the truck's bumper, also recovered, he said.

The blast hurled a twisted and badly burned axle from the truck about one block, hitting a car and landing in front of the Regency Tower apartments, Hersley said. Agents recovered a partial vehicle identification number from the axle, he said.

Bomb experts told Hersley that the axle was part of the truck because of its "unique" blast damage, such as twisting of the axle in different directions and its cracked housing, which could only have occurred in the vehicle that carried the explosive.

Several witnesses, all unnamed in the hearing, claimed to have spotted McVeigh near the federal building before the blast.

One witness saw McVeigh and another man speeding away, "obviously in an effort to avoid the bomb blast," in a yellow 1977 Mercury Marquis, Hersley said.

The described vehicle matches the description of the car McVeigh was driving when a state trooper arrested him alone in the car 75 minutes after the blast, Hersley testified.

That witness has identified McVeigh from a composite drawing but not from a live lineup. The witness saw the speeding car leave an alley just north of the federal building minutes before the explosion.

The FBI agent said another witness reported seeing McVeigh driving a Ryder truck and stopping to ask for directions to NW 5 and Harvey - the northwest corner of the federal building - before the explosion.

The stop for help was at an unnamed downtown business between 8:30 a.m. and 9 a.m. April 19.

Another man had to slow his car down to keep from hitting McVeigh as he walked away north from the parked Ryder truck, he said. The witness identified McVeigh initially from a composite drawing, he said. "Once he saw Mr. McVeigh on television, he said he was certain that he was the individual walking in front of him across the street that morning," Hersley said.

The FBI claimed in an affidavit released last week that three witnesses saw McVeigh outside the federal building at 8:55 a.m. on April 19.

But Thursday, Hersley said, "These three individuals called back in after viewing Mr. McVeigh on television and were not able to identify him as being at the building."

A "meter maid" also said she saw only one occupant in the truck - McVeigh - when she saw it driving so slowly toward her that she thought he was going to pull over and ask her a question. The truck continued west on Park Avenue, Hersley said.

During a live lineup Saturday, one witness positively identified the defendant as being at the Murrah building, possibly as early as April 13, Hersley said. Records at the Dreamland Motel in Junction City show he paid in advance for a stay there April 14-18.

The second lineup witness picked two people, including McVeigh, he said.

A third could not make an identification, and a fourth initially hesitated to identify McVeigh because McVeigh "looked right at him" during the lineup, he said.

Oklahoma Highway Patrol trooper Charlie Hanger testified that when he stopped McVeigh for driving without a license plate and approached his vehicle, he noticed a bulge under McVeigh's jacket. When he asked McVeigh about it, McVeigh admitted he had a weapon and Hanger took it away from him. Hanger said he was polite.

"He said he felt like he had the right to carry a weapon for his own protection," Hanger said.

Surveillance camera recordings around 9 a.m. April 19 show the Ryder truck heading east on NW 5, a one-way street, near the Murrah Building, Hersley said. The truck's driver cannot be seen, he said.

McVeigh was stoic during most of Thursday's hearing but at one point grinned along with spectators when a court reporter returned late after a recess. Some spectators described him as "cold."

Hersley said the evidence against McVeigh includes results of tests at an FBI lab in Washington, D.C.

Those tests revealed traces of a chemical on McVeigh's shirt that is commonly used in detonator cord. The agent said the chemical indicates that McVeigh was involved in lighting the fuse on the detonator that ignited the 4,800-pound bomb.

Otto bolstered her earlier plea to be let out of the case by reading a list of 10 people she knew who were killed in the blast and another who was still missing. Coyle has also said he knew someone killed in the blast.

"We heard it; we smelled it; we lived through it," Otto said.

"At least at this time, it is inappropriate to transfer venue," said federal prosecutor Merrick Garland. "The judge ruled in our favor. Rules of change of venue apply to change of venue for purposes of trial. It did not apply to change of venue for purposes of the grand jury. We are having a grand jury here, which is the locale of the crime."

In other developments:

- Authorities in Washington, D.C., discounted a published report that the bombers kept a diary outlining plans for simultaneous attacks in Oklahoma City, Phoenix, and Omaha, Neb.

Attorney General Janet Reno, asked during her weekly news conference Thursday morning about the report, said only, "I have not received any evidence to that effect."

- The FBI on Thursday asked for the public's help in finding an important clue - Arizona car tag LZC-646. Investigators suggest the red license plate may have fallen off McVeigh's car as he fled the blast.

Arizona records obtained by The Oklahoman show McVeigh got the tag for a 1983 Pontiac station wagon in February. He wrote down a Kingman, Ariz., mail drop for his address.

The Oklahoman reported Monday that McVeigh traded the Pontiac Sunbird wagon and \$250 for the Mercury, then put the Arizona tag on the Mercury just five days before the blast.

- Investigators have checked motels, convenience stores and restaurants between Oklahoma City and Junction City, where the bomb truck was rented. Special Agent Weldon Kennedy said, "We believe that we have had some success."

- Authorities suggest Terry Nichols lied when he told the FBI he picked up McVeigh in Oklahoma City on Easter Sunday after getting a phone call. Instead, authorities believe, Nichols followed McVeigh to Oklahoma City from Kansas, then drove him back.

Nichols of Herington, Kan., has been held as a material witness since he surrendered to police Friday.

- A crumpled business card found in the trooper's car was identified by a Wisconsin sheriff as one from Paulsen Military Supply in Antigo, Wis.

Sheriff Dave Steger of Langlade County said the FBI had interviewed the store's owners, who denied knowing McVeigh .

- Investigators are checking with a handful of Midwest banks recently robbed by men using explosives to see if any witnesses can identify McVeigh or "John Doe 2."

- In Kansas, Marion County Sheriff Ed Davies confirmed Thursday that the FBI is investigating the theft of 299 sticks of dynamite and 637 blasting caps from a limestone quarry in his county for possible links to the Oklahoma City bombing.

The explosives were stolen Oct. 3 from the Martin Marietta limestone quarry, Davies said. "We have never been able to develop a substantial suspect," he said.

However, the sheriff said that Terry Nichols worked as a ranch hand last year on a ranch located 12 to 15 miles from the quarry.

"Nichols lived up there in our county" for six or seven months last year," Davies said.

Staff writers Diana Baldwin, Robby Trammell, Nolan Clay, Randy Ellis and Chris Casteel, and The Associated Press, contributed to this report.

Correction: Staff writers Diana Baldwin, Robby Trammell, Nolan Clay, Randy Ellis and Chris Casteel, and The Associated Press, contributed to this report.