

Boy May Be John Doe No. 2 - Family Says FBI Just Wants to Pressure Dad

Dallas Morning News

May 10, 1995 | Lee Hancock, David Jackson | Page: 1A | Section: NEWS

Federal investigators, hunting for John Doe No. 2 in the Oklahoma City bombing, raised the possibility Tuesday that the 12-year-old son of a key figure in the case could be that elusive target.

Officials said they have no evidence that the boy, Joshua Nichols, had knowledge of the terrorist attack, only that he might have accompanied Timothy McVeigh when he rented the truck believed used in the blast.

Attempts to link the boy to the case were derided by a family spokesman, who said the FBI was trying to pressure the father into cooperating. But others deemed it a possibility, describing the 12-year-old as a husky young man who is close to his father, Terry Nichols.

Authorities said Tuesday that federal prosecutors are preparing charges against Terry Nichols, the Kansas resident initially jailed as a material witness in the bombing. Only Mr. McVeigh has been charged so far.

Officials emphasized that they were concerned for the welfare of Mr. Nichols' son and the potential strain placed on him by the latest bizarre twist of the three-week inquiry.

"While investigators need to clear this up, they are all very concerned about all the attention being focused on a 12-year-old boy," said one official.

The FBI's spokesman in Oklahoma City, Dan Vogel, refused to comment.

Others familiar with the investigation said they are hopeful that the boy can be of help because he was visiting his father in Kansas during the week before the bombing.

"Investigators are giving some credibility to the possibility that the composite is actually a composite of Terry Nichols' 12-year-old son, who is almost six feet tall. He's large for his age - a big kid," said a federal official. "Because of his size, it is possible that someone mistook him for an adult. It's a possible explanation."

From a witness at the Ryder shop, food delivery man and others in Junction City, Kan., the FBI developed three sketches of John Doe 2, a man who was seen with McVeigh. The sketches depict a muscular, square-jawed man with dark, close-cropped hair. He is shown in a baseball cap in two of the sketches. He is also described as having a tattoo on his left upper arm.

"This looks promising, but we've been down this road before," the official said, noting that more than a dozen men have been questioned because of their strong resemblance to the composite of John Doe No. 2.

A spokesman for the boy and his mother, Lana Padilla, who is Mr. Nichols' ex-wife, accused federal agents of trying to pressure Mr. Nichols by spreading reports that his son may be dragged into the case.

Ron Delpit, a family friend, said that Joshua has told federal investigators he was not at the Ryder truck rental agency, and the FBI appeared to have accepted that. The boy doesn't wear baseball caps and hasn't ever played with fake tattoos, he said.

"They (the FBI) said he's not a suspect, and he's not a target," said Ron Delpit. The family is fully cooperating with authorities, he said.

One of the witnesses who helped provide the FBI composite was Jeff Davis, who delivered Chinese food April 15 to a Junction City hotel room where Mr. McVeigh was registered. Mr. Davis recalled handing the dinner to a large, clean-shaven young man whose voice was almost as deep as his own. He recalled seeing no tattoos.

Could that man have been 12 years old?

"I hope not," Mr. Davis said. "Gee, that would be a little bizarre. That's the only way I can put it. Bizarre."

The boy was visiting his father in Kansas during the week preceding the explosion but came home to Las Vegas the day before the blast, said real estate broker Melanie Bignotti, Ms. Padilla's business partner.

She said the boy and his mother were scheduled to go to Oklahoma City Monday, but the trip was delayed until Tuesday. She was not certain whether they had gone.

Ms. Bignotti described the youngster as big but "baby-faced" and said she would doubt the reliability of any witness whose description of Joshua resulted in the John Doe series of composites.

"Josh? John Doe No. 2? He's obviously a 12-year-old boy," Ms. Bignotti said. "He towers over his mother, but she's less than 5-foot-5."

"I didn't see any resemblance to anybody I knew," she said.

Records show that the boy, now in seventh grade, has been enrolled in Las Vegas schools since May 1991.

On another front, investigators have evidence that Mr. Nichols was with Mr. McVeigh in Manhattan, Kan., in the two days before the April 19 bombing, an official said.

Mr. Nichols, a former Army buddy and longtime associate of Mr. McVeigh's, also said during the first days of questioning by federal officials that he drove the rental truck to Kansas from Oklahoma City, the official said. But he denied involvement in the bombing, the official said.

A federal appeals court declined Tuesday to stop prosecutors from moving Mr. Nichols on Wednesday to Oklahoma.

One of Mr. Nichols attorneys, David J. Phillips, said he is unsure exactly what charges are being considered by federal prosecutors.

"It could be anything," Mr. Phillips said.

Meanwhile in Michigan, the attorney for James Nichols - who is Terry's brother - sought to dismiss charges that James Nichols made and possessed bombs in Michigan. Robert Elsey said the charges lack merit and only exist because authorities hope to link James Nichols to the Oklahoma City bombing case.

"They are desperately trying to connect him with the Oklahoma situation without any nexus or proof," Mr. Elsey said. "I don't think it's any secret that the government is trying to make the link. So far, they haven't done it."

James Nichols, who is being held in Michigan, faces a hearing Friday, when Mr. Elsey said he would seek to dismiss the charges.

U.S. Attorney Robert Caress declined to comment Tuesday.

Officials continue building their case against Mr. McVeigh. They said Tuesday they have film from a nearby surveillance camera showing a figure at the wheel of the Ryder truck that resembles Mr. McVeigh, although one official questioned whether the film quality was good enough for a positive identification.

Their case against Terry Nichols includes a receipt for explosive material with Mr. McVeigh's fingerprint on it, as well as blue barrels found on his property that appear to match pieces of blue plastic found on some bombing victims.

Also Tuesday, Buffalo attorney Joel L. Daniels said that Mr. McVeigh's sister, Jennifer McVeigh, has hired his law firm to represent her. Mr. Daniels said he does not believe the government plans to charge Ms. McVeigh in connection with the Oklahoma City bombing.

But, he said, FBI agents from Buffalo have interviewed Ms. McVeigh "almost daily" since her brother was arrested for the bombing.

"We're experienced, and you never take anything for granted," Mr. Daniels said.

Mr. Daniels described Ms. McVeigh as "very forthcoming" during her talks with the FBI. He said the talks are "a continued cooperative process."

Asked why Ms. McVeigh hired his firm, Mr. Daniels said, "She is worried that the FBI may be considering filing a conspiracy charge against her."

Staff writers Selwyn Crawford in Oklahoma City, Scott Parks in Buffalo, N.Y., and Pete Slover in Dallas contributed to this report.