

Document Details Events Linked To Oklahoma Bombing

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An FBI affidavit released Thursday suggested that planning for the bombing of the Alfred P. Murrah Federal Building in Oklahoma City began as far back as September 1994, when Terry Nichols began buying thousands of pounds of ammonium nitrate fertilizer and rented the first of several storage sheds in small towns in Kansas.

Nichols was accused of accumulating 2 tons of ammonium nitrate and, just a few days before the April 19 bombing, purchasing unspecified quantities of diesel fuel, another major ingredient in the bomb.

The affidavit, intended to show a judge that sufficient grounds existed to charge Nichols with the bombing, provided the first detailed look at the government's case, which appeared to be built on a chronological chain of circumstantial evidence implicating both Nichols and Timothy McVeigh, the other man charged in the bombing, in the plot.

The affidavit outlined a series of transactions that taken together portrayed Nichols and McVeigh as Army comrades turned amateur terrorists who quietly and methodically acquired the ingredients needed to make the 4,800-pound bomb that the government has accused them of detonating at the federal building, killing 167 people.

In Detroit on Thursday, a federal grand jury indicted Nichols' brother, James Nichols, on charges of conspiring to make bombs on his farm in Decker, Mich. The indictment, applying only to crimes committed in Michigan, permits the government to continue holding James Nichols.

But for all the evidence tying Terry Nichols and McVeigh to the construction of the Oklahoma City bomb, there was no information offered in the affidavit Thursday to indicate that the bombing was carried out by a larger circle of conspirators that investigators have said was responsible for the country's worst domestic terrorist attack.

Specifically, the government offered no evidence of any involvement by the muscular, tattooed man known as John Doe No. 2, the man seen at a Ryder truck rental agency in Junction City, Kan., on April 17 when McVeigh rented the truck that carried the bomb.

Still, the authorities said they were pressing ahead with their hunt for the suspect, because they are convinced such a man exists.

The affidavit did say that "an explosive device of the magnitude" that wrecked the federal building "would have been constructed over a period of time utilizing a large quantity of bomb paraphernalia and materials."

Building such a bomb, the document said, "would necessarily have involved the efforts of more than one person," although it did not say how many.

The affidavit also revealed that five months before the bombing, Nichols wrote a letter instructing McVeigh to clean out two of the storage sheds in the event of Nichols' death. The letter told McVeigh he would be "on his own, the affidavit said, and that after that, he should "go for it!!"

The 10-page affidavit was unsealed Thursday at a hearing for Nichols at the El Reno Federal Correctional Institution, about 20 miles west of Oklahoma City, where Nichols was moved Wednesday after being formally charged in the bombing before a magistrate in Wichita, Kan.

The document for the first time linked Nichols directly to the construction of the bomb and suggested that he may, in fact, have led the bomb-making effort.

Much of the document was a time line that matter-of-factly ticked off events leading up to the bombing.

The affidavit said, for example, that on April 15 and April 16, Nichols purchased the diesel fuel at a Conoco service station in Manhattan, Kan.

The affidavit also said that on April 17, a Ryder truck like the one that carried the bomb was seen behind Nichols' house in Herington, Kan.

On April 18, the Ryder truck and a pickup truck resembling Nichols' 1984 dark blue GMC Sierra Classic were observed at Geary State Fishing Lake near Junction City, Kan., 25 miles north of Herington. On that spot, the affidavit added, investigators found an oily substance which smelled like fuel oil.

The affidavit also said that Nichols was with McVeigh in downtown Oklahoma City on April 16, three days before the bombing. Nichols has told investigators that he drove to Oklahoma City that day only to give McVeigh a lift back to Junction City, about 250 miles north.

Nichols, 40, a former Army buddy of McVeigh, had been held as a material witness to the bombing after he turned himself in to authorities April 21.

At the time, Nichols made statements that appeared to implicate McVeigh in the crime but to exonerate himself.

On Wednesday, however, after three weeks of questioning witnesses, chasing tips and analyzing a large cache of weapons and bomb-making materials found in

Nichols' house, the government charged him with the "malicious damage" and destruction of the federal building and also with "aiding and abetting" McVeigh.

At the conclusion of the 13-minute hearing Thursday afternoon in the prison's visitors' center, U.S. Magistrate Ronald Howland ordered Nichols held without bail pending a preliminary hearing scheduled for May 18 in Oklahoma City.

During the session Thursday, Pat Ryan, the newly appointed interim U.S. attorney for the Western District of Oklahoma, read the charges against Nichols. Ryan told the judge that the government would be seeking the death penalty.

Nichols, his hands shackled, wore an open-collar white shirt, khaki slacks and green tennis shoes. He was asked by the judge if he understood the charges against him. He answered quietly, staring straight ahead: "Yes, sir" and "Yes, your honor."

The judge advised Nichols to "be very cautious about any statements" he made about the case, "but to answer your attorneys' questions openly and candidly."

Nichols was represented at the hearing by David Phillips and Steven Gradert, two federal public defenders who had represented him when he was being held as a material witness in Wichita.

The judge is expected to appoint another lawyer to represent him on the bombing charges before the preliminary hearing.

After the hearing, Associate Deputy U.S. Attorney Merrick Garland said that within a week, the Justice Department would announce the members of the team that will prosecute the case.

He said that the same grand jury now hearing testimony against McVeigh would hear testimony in Nichols' case. The government has 30 days from the time the charges were filed to bring indictments against the two men.

In Oklahoma City on Thursday, officials chose Controlled Demolition Inc. of Phoenix, Md., to raze the federal building by imploding it using timed explosive charges.

The implosion is expected to take place sometime in the next 10 days, said Henry Connors Jr., a spokesman for the Government Services Administration in Washington.

The affidavit released Thursday, signed by Henry Gibbons, an FBI special agent in Oklahoma City, did not indicate whether Nichols accompanied the Ryder truck to Oklahoma City, something that federal sources in Washington have said they suspect.

The affidavit said that the first purchase of 2,000 pounds of ammonium nitrate fertilizer was made Sept. 30, 1994, from Mid-Kansas Cooperative Association in McPherson, Kan., about 70 miles west of Herington.

Forty 50-pound bags of the fertilizer were purchased under the name Mike Havens, which the affidavit said was an alias believed used by Nichols. The receipt for that purchase was found in Nichols' house with McVeigh's fingerprint on it, the affidavit said.

A week before the fertilizer purchase, a storage space known as Unit No. 2 was rented in Herington under the name of Shawn Rivers, also said to be an alias used by Nichols.

This is the storage unit that Nichols told investigators he cleaned out the day after the bombing, following instructions McVeigh gave him before the bombing. On April 17 or April 18, the affidavit said, a pickup truck resembling the one driven by Nichols was seen backed up to this storage shed.

On Oct. 18, 1994, another ton of fertilizer was bought from Mid-Kansas Cooperative under the name Mike Havens, who was seen driving a dark-colored pickup truck with a light-colored camper shell, the kind of truck Nichols drove, the affidavit said.

The day before this purchase was made, storage unit No. 40 was rented in Council Grove, Kan., near Junction City, under the name Joe Kyle, one of the aliases the FBI has said Nichols used. A document with the location of the storage unit was found in Nichols' house.

On Nov. 7, 1994, another storage unit, No. 37, was rented in Council Grove under the name Ted Parker, another of Nichols' aliases, the FBI said. A document about this storage unit was also found in Nichols' house, the affidavit said.

The affidavit said that the letter Nichols wrote to McVeigh was dated Nov. 22, 1994, the day Nichols left the United States to visit the Philippines, where his wife was born and her parents live.

Nichols' former wife, Lana Padilla, has said that he left the letter in a box with her, along with a key to a storage locker that contained tubular pipe, gold and silver bullion, ski masks and other items.

The letter instructed McVeigh to "clear everything out of CG 37," and to "also liquidate 40," apparent references to the Council Grove storage lockers.

The affidavit also recapitulated the evidence to date against McVeigh and described in detail the materials found in Nichols' house and attached garage.

They included a fuel meter, several containers of ground ammonium nitrate, five 60-foot cords with blasting caps, five gas cans, and four white barrels with blue lids made from material resembling the blue plastic fragments found in the debris of the federal building.