

# **Witness' Account Of McVeigh Differs From Prosecution's**

## **Motorist Recalls Him Driving Car, Not Truck, Just Before Explosion**

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OKLAHOMA CITY -- In a development that could complicate prosecution in the Oklahoma City bombing, a local attorney has given an eyewitness account of the movements of defendant Timothy J. McVeigh minutes before the explosion that seem incompatible with the government's present description of the events.

In the account the government has laid out, McVeigh, formerly of Pendleton, N.Y., parked a Ryder rental truck laden with explosives at the north side of the Alfred P. Murrah Federal Building the morning of April 19 and then fled in a nearby getaway car before the bomb exploded.

But in an interview with the Los Angeles Times, James R. Linehan said that shortly before the blast, he saw McVeigh driving erratically in a car -- not the Ryder truck -- around the federal building and then suddenly disappearing into its underground parking area.

Linehan's description of the car matches the battered yellow 1977 Mercury Marquis that McVeigh was driving when he was arrested on the day of the blast.

Linehan, 39, has been interviewed by the FBI and other investigators but was not called to testify before the grand jury that earlier this month indicted McVeigh and Terry L. Nichols.

While the government account portrays McVeigh as the central figure directly responsible for putting the bomb in place, Linehan's version appears to cast him more as a possible getaway driver or in some other secondary role.

Neither prosecutors nor defense attorneys in the case would comment on Linehan's account.

Linehan specializes in representing federal employees in Social Security and workers' compensation claims. On the morning of April 19, he was driving from his Midwest City, Okla., office to a hearing downtown when he pulled up to a red light directly on the south side of the Murrah building.

"That's when I notice a yellow vehicle beside me," he said. "The driver of this vehicle is hunched over the wheel. It's a white person because there's a white hand showing.

"I cannot see a face because there's either hair or a hood covering his head and because the driver is hunched over the wheel and looking up at the Murrah building.

"The next second, this vehicle just peels out. -- peels out across this intersection. I thought I'd missed the light, but the light was still red."

Linehan said he noticed the rear of the Mercury. "All I remember is I don't see a tag," he said.

When McVeigh was arrested near Perry, Okla., about 70 minutes after the bombing, his Mercury Marquis did not have a rear license plate.

Linehan said he then noticed that the driver had slowed and swerved far into the left lane in order to crane his neck and look up at the Murrah building.

Linehan said it forced him to pull into the oncoming traffic lane to avoid hitting the Mercury.

At this point, Linehan said, he could see into the Mercury again.

"The person driving it is leaning over the wheel so much trying to look at the Murrah building," he said.

"What I saw was either a hood or hair or something dark that covered the left eye completely. All I could see was the end of a sharp nose, no facial hair and a kind of sharp chin. It was smooth features."

He said the Mercury drove up to the next intersection. "Right when I pulled up," he said, "the yellow car again floors it against the red light, fast enough to turn right. He goes to the middle of the street.

"He then turns right and whips it into the bottom of the federal parking under the Murrah building. That's the last I see of it, the yellow vehicle disappearing into the parking drive area."

Linehan went to his hearing three blocks away, where he and other attorneys minutes later heard the blast and saw the commotion outside. The next day, he said, he saw composite drawings of two suspects on a television at his office and told his secretary that the one resembling McVeigh "looks familiar."

That night at his home in Edmond, Okla., "for some reason, over and over in my head that yellow vehicle starts playing over and over," he said. "I don't know why." He called the FBI and gave them his story over the telephone.

The next day, when he saw television film of the Mercury at the arrest site on Interstate 35, "I jumped up and I pointed at the screen in front of the kids and I'm yelling, 'That's the car! That's the car!' "

He said he called the FBI again and the Oklahoma State Bureau Investigation, and told them that he recognized the car on TV. "It was just a brief conversation with both of them," he said.

Later that evening he watched television as McVeigh was moved from the jail in Perry and loaded onto a helicopter. "Right when he turned, the camera caught that nose, cheek and chin area," Linehan said. "Again, I said, 'That's it! That's that same profile.' "

The next week, he gave an affidavit to the FBI detailing his recollections. In July, he was interviewed a second time for about an hour. But in the second session, held at the U.S. attorney's office downtown, he was not asked to sign any statements, and he said the interview was not recorded.

Stephen Jones, the attorney representing McVeigh, declined to comment on the matter. Linehan said he has been interviewed by investigators working for Jones.

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