

Videotape Won't Help Theory

Thursday, September 12, 1996 - McCurtain Daily Gazette
By J.D. Cash with Jeff Holladay

Evidence uncovered by the McCurtain Gazette disputes a story this past Sunday in the state's largest newspaper about what federal prosecutors say is the importance of a "getaway map" found in the trash can of bombing co-defendant Terry Nichols' Kansas house.

Quoting unnamed sources, The Sunday Oklahoman said federal investigators located a handwritten piece of paper wadded up in Nichols trash can at his Herington, Kan., home just days after last year's April 19 bombing of the Alfred Murrah Federal Building.

The story said authorities considered the scrap of paper "among the most crucial evidence found at Nichols' home." Federal investigators believe the piece of paper depicts a drawing of the Murrah building, the Regency Tower Apartments, the YMCA and Interstate 235, the newspaper said.

Referring to that same note, the Oklahoman speculated that it also reflected an escape route from the Murrah building to a point north of the YMCA.

It is that location — just north of the YMCA — that authorities had said earlier they believed to be the vicinity where McVeigh's car was hidden on April 16, 1995, with the help of Nichols.

Because the government's theory is that bombing co-defendant Timothy McVeigh drove alone to Oklahoma City in a 20-foot Ryder truck, prosecutors must establish a credible explanation of how he could have been arrested 70 minutes after the bombing in a Mercury sedan halfway to Kansas. The Oklahoman said the map could be used by prosecutors at the trial to challenge Nichols' claim that he was in Oklahoma City a few days before the attack only because McVeigh had developed car trouble and needed a ride.

But an earlier exclusive story broken by the McCurtain Gazette seemed to indicate that Nichols had probably lied to the FBI when he told them McVeigh called on April 16, 1995, asking for a ride back to Kansas because his car was broken down in Oklahoma City.

On the basis of telephone records, this newspaper reported that McVeigh's call was actually placed from a telephone booth a few blocks from the Nichols' Herington, Kan., address — and not from Oklahoma City.

The suggestion was thus that Nichols and McVeigh likely traveled in separate vehicles to Oklahoma City that afternoon in order for McVeigh to drop his care off. Because Terry Nichols, 41, and Timothy McVeigh, 28, remain the only two charged in the Oklahoma

City bombing, the upshot is that federal prosecutors must establish a link to the bombing conspiracy between the two — a linkage made difficult by overwhelming evidence that Nichols was not in Oklahoma City at the time of the bombing but in central Kansas the entire day.

Pitfalls in Map Theory?

Moreover, other pitfalls in the "getaway map" theory include witness statements that the FBI unsuccessfully scoured the area after the bombing, trying to establish that McVeigh's 1977 yellow Mercury sedan had been left before the bombing.

Weeks after the bombing, the FBI even put out a public appeal in the June 25, 1995 edition of the Oklahoman asking for the public's help in establishing where McVeigh's car may have been left.

Additionally, there are the assertions made by management at YMCA and nearby businesses who said confusion arose because a YMCA resident owned a yellow sedan similar to McVeigh's.

Video Tape Destroys Theory?

The government's insistence that only two persons were involved in the conspiracy, plus a videotape in the possession of both defendant's lawyers and eyewitnesses, could prove disastrous for the prosecution's case.

The Gazette has reviewed a portion of a video tape made from a camera on the south side of the Journal Record building on the morning of the bombing, and what it shows does not help the government's case.

Should that videotape be introduced into evidence, the jury may conclude what eyewitnesses have already told the FBI: That minutes before the Oklahoma City blast that killed 168 persons and wounded hundreds more, two persons sped away from the crime scene in a yellow Mercury auto similar to the one McVeigh was driving when he was arrested some 70 miles north of Oklahoma City.

Since the evidence seems incontrovertible that Terry Nichols was in Kansas, who was the other person?

As reported by the Gazette last year, Journal Record pressman Gary Lewis told the FBI and federal prosecutors that there were two persons in the yellow Mercury as it raced east through the business newspaper's parking lot, nearly running over him before heading south down Robinson (paralleling the YMCA) and finally disappearing just moments before the fatal blast.

In short, the evidence shows that at not time did the suspected bombers travel along a route taking them north of the YMCA indicated by the purported "escape map."

The video taken from security cameras as the Journal Record were turned over to the FBI by Danny Payne, operations manager for Hogan Properties, at the behest of his boss, Dan Hogan, who believed the videos might show who blew up the nearby Murrah building.

Video shots from the business newspaper's security cameras contain sequential shots taken from four different locations around the building. But the most critical footage was taken by a camera mounted on the south side of the business newspaper, panning in an easterly direction toward the fire escape stairs and the YMCA building across the street.

Also clearly visible in the high-quality video is the intersection of 5th and Robinson streets and the northeast corner of the Murrah building.

Today, the camera stand and cable are all that remain on the south wall of the building, much of which was heavily damaged in the Murrah building blast, including the camera itself.

Eyewitnesses Dispute Fed Theory

While Terry Nichols' defense lawyers have been tight-lipped about their strategy, many believe they will focus the jury's attention on several eyewitnesses who place McVeigh with persons other than Nichols in the days, hours and minutes before the bombing.

That strategy, legal experts say, is designed to cast suspicions on the prosecutors' overall case — as well as to raise the possibility that the government's arrest of Nichols was a mistake. Danny Wilkerson is one such witness who could cast doubt on the government's theory that McVeigh was alone on the morning of the bombing.

Wilkerson, 37, who operates a shop on the ground floor of the Regency Tower Apartments, just 100 yards from the Murrah building, said that on the morning of the bombing a person he believes to be Timothy McVeigh pulled up outside his business in a yellow moving van. "McVeigh came inside and bought two cokes and a pack of Marlboro cigarettes," Wilkerson said. "It was after 8:30 a.m...I asked him if he was moving in and he very calmly told me, 'No.'"

Wilkerson said that McVeigh during the conversation was "incredible calm."

Was McVeigh alone?

Wilkerson said, "No, there was someone sitting in the Ryder truck. And when McVeigh left, he got in the truck with that person and they left together."

A few minutes later, Wilkerson noted that the truck had returned and was parked at a meter on the other side of 5th Street. "I guess they circled the building, because the first place they parked, the sign says '3 minutes only,'" Wilkerson said. "When the truck showed up next, I noticed that McVeigh had gotten out of the truck and was walking

around...the other person was still inside the van. "Later, it pulled out and then there was the explosion."

Available to verify Wilkerson's account is a video tape from the Regency Tower security camera that is still mounted less than 15 feet from where the van first pulled up that morning.

The poor quality of the video makes it impossible to tell how many persons were in the track. But it does show the track making two appearances before the 9:02 a.m. blast.

Such evidence by Nichols' defense attorney would clearly be aimed at casting suspicion on the prosecution's entire case and implicating McVeigh and others. In fact, Nichols' attorney Michael Tigar recently asked the Denver federal court to separate his client's trial from McVeigh's, contending the two defendants would be forced "to defend themselves by accusing the other."

Jury selection for the federal trial is not expected to begin until after the first of the year.