

# **Bomb Suspect Picked Quickly In Photo Lineup; Ryder Workers Testify At Pretrial Hearing**

The Washington Post

February 20, 1997 | Tom Kenworthy

Two eyewitnesses who identified Timothy J. McVeigh as the person who rented the Ryder truck used in the 1995 Oklahoma City bombing quickly picked him out of a photo lineup, witnesses told a federal court today.

In the second day of pretrial hearings on defense motions to suppress that eyewitness testimony, several FBI agents also testified that the two Ryder employees in Junction City, Kan., were repeatedly warned to avoid media depictions of the suspect that might affect their memories.

The testimony before U.S. District Judge Richard P. Matsch appeared to seriously undercut the defense's contention that the eyewitness accounts were fundamentally tainted by massive publicity surrounding McVeigh's arrest. In their brief, defense lawyers said that key witnesses "were only invited to identify Mr. McVeigh after his face became so well known that monks living on the mountainside in Tibet could have made the same identification."

McVeigh faces trial next month. In a ruling prosecutors view as crucial to their case, Matsch also denied a defense motion to exclude testimony from a Junction City used-car dealer that McVeigh briefly left his dealership while buying a car five days before the explosion at the federal building, which killed 168 people.

The government contends that telephone records show McVeigh placed a phone call during that time to the Ryder truck rental outlet to make preliminary arrangements for renting the truck he allegedly drove to Oklahoma City. The defense had argued the testimony should be barred because dealer Tom Manning had not mentioned McVeigh's departure during his interviews with federal agents before raising it during formal depositions last fall.

In testimony this morning, two artists who prepared sketches of the man who rented the Ryder truck -- based on testimony from rental outlet owner Eldon Elliott and mechanic Tom Kessinger -- said both men provided detailed descriptions of the man.

"Mr. Kessinger was very confident" in selecting facial characteristics from a standard FBI catalogue, said Raymond Rozycki, an artist used by the FBI.

Comparing the sketch with accompanying photos of McVeigh and Michael Hertig, an Army sergeant who was in the Ryder dealership the day after McVeigh allegedly rented his truck, Rozycki said the sketch much more closely resembled McVeigh.

The defense alleges that the Ryder employees may have confused McVeigh with Hertig. Federal prosecutors also undercut defense arguments that several key witnesses, including Kessinger and Elliott, had described McVeigh as significantly shorter than he actually is.

In various official documents, McVeigh has listed his height as 6 feet 1 inch or 6 feet 2 inches, but a number of witnesses described him as around 5 feet 10 inches tall. Assistant U.S. Attorney Scott Mendeloff said McVeigh had been measured four days ago and his height was 6 feet and one-half inch. "That cuts the discrepancy in half," Mendeloff said. "The witnesses are absolutely consistent that the person who rented the Ryder truck on April 17, 1995 was the defendant, Tim McVeigh."