

# Judgment Day



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As Tim McVeigh goes on trial for his life, a NEWSWEEK investigation uncovers the inside story of how the Feds managed to crack the conspiracy to bomb Oklahoma City.

THE FIRST PIECE OF EVIDENCE FELL OUT OF the sky. At about 9 a.m. on April 19, 1995, Richard Nichols, a maintenance man in Oklahoma City, was huddled on the floor of his car, cowering from an enormous blast that seemed to sweep over him like a prairie twister, when he heard a strange whooshing noise. It sounded, he thought, like a giant boomerang spinning right at him. With a crash, a heavy rod of twisted metal smashed into the hood of his car, shattering the windshield. It was a truck axle. It had belonged to a Ryder truck filled with two tons of explosives that had, moments earlier, transformed the nearby Alfred P. Murrah Federal Building into a mass morgue.

The rest of the evidence turned up slowly but steadily in the days ahead. There was a piece of fiberglass impregnated with crystals of explosive residue and tiny markings on the drill bit used to break the lock on a gate to a quarry where blasting munitions were stored. Meanwhile, traces of a chemical used to make detonation cord were found on the prime suspect's clothing--and on the knife he had allegedly used to cut the bomb fuse, and the earplugs he'd worn to shield his ears from the blast. Phone records, motel registrations, the testimony of friends and relatives--all pointing to one central character. For 22 months, the most massive federal investigation since the assassination of John F. Kennedy has been quietly collecting evidence--and the Feds believe that the detail weaves around Tim McVeigh like a noose.

Many Americans, however, have a far less certain view of the Oklahoma City ease. They have read or heard about conspiracy theories involving neo-Nazis and international plotters. Most of these scenarios have been pushed by McVeigh's wily and somewhat outrageous lawyer, Stephen Jones. Now, on the eve of the trial before Judge Richard Matseh, Jones has asked to delay the case--or at least move it--

because, Jones claims, anti-McVeigh news reports are prejudicing potential jurors. There is even fresh confusion about whether the FBI has tracked down all the members of the conspiracy. Sources close to the case tell NEWSWEEK that McVeigh confirmed his role in blowing up the Murrah building on a lie-detector test administered by his own lawyers--but that he flunked a question about whether all of his co-conspirators are known to authorities. (Jones declined to comment on the matter.) Does this mean there is an unknown bomber on the loose? Or is it just another story designed to lead jurors to doubt that the conspiracy has been cracked? Jones himself has spun many such tales, and the press has played along, questioning the case against McVeigh. Jaded by O. J. Simpson's acquittal in his criminal trial, people are looking forward to sharp-witted defense lawyers taking apart hapless government "experts."

But in fact, the Feds have good reason to be confident. The case against McVeigh, scheduled to go to trial March 31, appears to be strong. True, the case against McVeigh's confederate, Terry Nichols, is slightly weaker. But prosecutors believe they will have little trouble placing McVeigh, who faces the death penalty, at the center of the plot. (McVeigh and Nichols have pleaded not guilty.) According to a NEWSWEEK investigation, the story of how the government put the case together is a tale of diligence, uncharacteristic teamwork and not a little luck.

WELDON KENNEDY, THE FBI's senior agent-in-charge in Phoenix, Ariz., was sitting in a meeting of a federal anti-narcotics task force in El Paso, Texas, when his beeper went off shortly after 9 a.m. on April 19. He was ordered to head to Oklahoma City. He was just packing his bags when he got a call from FBI Director Louis Freeh telling him to take charge of the OKBomb investigation. Kennedy, a 33-year veteran of the FBI, had handled some difficult situations, including the 1987 prisoner siege of the federal penitentiary in Atlanta. Still, he was anything but confident. Kennedy, then 56, was five months away from retirement. He worried that the FBI's man on the scene, Oklahoma City SAC Bob Ricks, would be furious about his appointment. "Am I up for another one? One this big?." Kennedy wondered as he picked his way through the rubble around the Murrah building in the predawn hours of April 20. He felt "overwhelmed" as he stared at the blown-out shell that still smelled of smoke and death. Kennedy looked down at his dress black shoes. They had been "cut to ribbons," he recalled, by shards of glass and metal.

Kennedy's command post was a ramshackle office in an abandoned phone-company building that looked as if it would fall down at any moment. When an empty building next door did collapse the day after the bombing, federal agents assumed the worst--that it was the second strike in a more massive conspiracy. (A false alarm: the

neighboring structure's foundations had been weakened by the Murrah explosion.) "It was a very tense time," Kennedy said.

The trail began 250 miles north of Oklahoma City. A vehicle identification number on the Ryder axle had been traced by investigators to Elliott's Body Shop in Junction City, Kans. About the time Kennedy was standing awestruck before the Murrah building, FBI agents were rousting a mechanic named Tom Kessinger out of bed. Kessinger had been sitting in Elliott's lobby on his break when the Ryder truck was rented out on April 17. He told the agents he had seen two men pick up the truck. As an FBI artist sketched, Kessinger described the men. One he recalled clearly by his brown crew cut, beady eyes and blemishes. The other he was less sure of but said he was shorter and more heavysset, with a quarter inch of tattoo visible under his left shirt sleeve. FBI agents fanned out with sketches of the suspects, then dubbed "Unsub [unidentified subject] 1" and "Unsub 2." By midafternoon, at the Dreamland Motel on the edge of town, they scored. Lea McGown, the motel's proprietor, recalled that one of her customers had driven a Ryder truck. She took one look at Unsub 1 and said, "That's Tim McVeigh."

Back in the Oklahoma City command post, Bureau of Alcohol, Tobacco and Firearms Agent Mark Michalic, who was working the "leads section," typed "Timothy McVeigh" into the National Crime Information Center computer. He quickly got a match. The sheriff's office of Noble County, Okla., had run McVeigh's name through the computer on April 19. Michalic began working the phones. He found a trooper who had arrested McVeigh that morning for driving a car without a license plate. The trooper, Charlie Hanger, had put a gun to McVeigh's head when he saw that the driver was carrying a pistol.

Michalic's next call was to the Noble County Jail to ask if that suspect had been booked. "I don't know-let me check," said the slow-talking county sheriff, Jerry Cook. "Y-e-p," he reported back. "What's his name?" asked Michalic hurriedly. "T-i-m-o-t-h-y J-a-m-e-s M-c-V-e-i-g-h," Cook responded. "We got him!" yelled Michalic. The roomful of agents cheered. But they were on the verge of losing their suspect: McVeigh was heading to court with a deputy sheriff for a bond hearing-and his almost certain release. "Sheriff, this is what I want you to do," Michalie said into the phone. "Go tell that deputy to spin that old boy around and put him back in your hotel."

MCVEIGH'S ARREST PRODUCED a trove of evidence. His 1977 Mercury Marquis was full of antigovernment scribblings. Traces of PETN, a chemical used in detonator cords, were later found on his pants, two shirts, his set of earplugs and a five-inch knife McVeigh kept strapped to his back.

As McVeigh was escorted from the county jail by federal agents (to cries of "Baby killer!") that Friday, another investigative minidrama was unfolding in Herington, Kans., home of a very shaken Terry Nichols. The Feds knew very little about Nichols. When McVeigh checked into the Dreamland on April 14, he had left the address of James Nichols's farm in Decker, Mich. Neighbors there told agents that James's brother Terry was a friend of McVeigh's. The FBI had not been watching Terry Nichols's home for long when he walked into the local police station with his wife and daughter. Nichols wanted to talk. While denying involvement in the bombing, he spewed forth for nine hours, telling the FBI that he was an army buddy of McVeigh's, that he had given McVeigh a lift from Oklahoma City just three days before the blast and that McVeigh had told him that something "big" was going to happen.

At the end of that momentous Friday, Kennedy tried to suppress his elation. "How can it get any better than this?" he wondered. But he worried the Feds were just beginning to crack a conspiracy that could strike again.

That same Friday morning, Steve Burmeister, a forensic chemist from the FBI's lab in Washington, was sifting through the rubble around the Murrah building. Short and intense, Burmeister is "not a guy you want to go partying with on Friday night," said a fellow Fed. "But he's a serious scientist." Burmeister worried that a heavy storm that drenched the blast site on Wednesday night had washed away crucial evidence--microscopic traces of explosive. One of Burmeister's assistants spotted what looked like a piece of the Ryder truck's fiberglass paneling. Fortunately, the fragment, about the size of a sheaf of notebook paper, had landed at an angle that protected its underside. The piece was marked "Q-507," photographed and placed in a plastic bag to be shipped back to the lab.

BY THE NEXT DAY, BURMEISTER and his team had moved on to Herington to search Nichols's home. They discovered reams of damning evidence. Agents found detonation cord, ammonium nitrate fertilizer, blasting caps and 55-gallon plastic drums--just like the ones used in the bombing. (News accounts at the time reported that the plastic barrels containing the explosive fertilizer had been made of blue plastic. Actually, NEWSWEEK has learned, most of the blue plastic shards at the blast scene were not from the barrels, which were off-white, but from the blue plastic kiddie furniture from the second-floor daycare center.) Agents also found a receipt for a 2,00-pound purchase of ammonium nitrate, about half of what the Feds believe was used to build the bomb. As he walked up Nichols's front steps, Burmeister noticed something else: pellets of fertilizer, called prills, coated with a special gel like the protective shell on a Tylenol tablet.

Back at the FBI lab in Washington, Burmeister put "Q-507" under his microscope.

He found what he was looking for: bomb residue, specifically crystals of ammonium nitrate embedded in the Ryder truck paneling. Then another find: traces of the rare gel-like coating that later matched the prills he had found on Nichols's porch. The microscopes made more matches, including this crucial one: McVeigh's fingerprints on the receipt for the 2,000-pound ammonium nitrate purchase. Kennedy was ecstatic.

Other physical evidence was scattered across a half dozen states. But Kennedy had enormous assets. Thousands of agents worked hundreds of thousands of manhours--not just FBI agents but scores of others from federal, state and local law enforcement all over the country. Missing, for once, were the turf struggles that can bog down a complex probe. For everyone involved, a terrorist attack on a government building was highly personal. The work was incredibly labor intensive. For example, film from every security camera along I-35 from Oklahoma City to Junction City was seized. It was on one of those reels that the Feds found images of McVeigh in a McDonald's on April 17--which puts McVeigh a mile away from the Ryder truck just before it was rented.

In the months leading up to the attack, McVeigh and Nichols purchased a phone charge card from the Liberty Lobby, a far-right group. From the calls charged to the card, the Feds were able to trace a devil's shopping list--to the rental agency to reserve the Ryder truck, to suppliers of 55-gallon plastic barrels, to producers of racing-car fuel--the better to boost the explosive power of the fuel-soaked fertilizer bomb. McVeigh's phone calls also gave investigators a time line. All during the summer and fall of 1995, while the investigation seemed to be languishing to the impatient press, the Feds were quietly tracking McVeigh's movements on the road to Oklahoma City.

However compelling, physical evidence is usually not enough. Kennedy knew he would need witnesses to make the case stick. Getting those witnesses to talk, he knew, would be difficult. The Feds tried different approaches with McVeigh's sister, Jennifer, a former Jell-O wrestler sympathetic to her brother's extremism. They showed her photos of the victims of the bombing, many of them children, without much success. She finally agreed to testify that she had known her brother was up to something "big."

McVeigh's army buddy Michael Fortier was equally recalcitrant in the beginning, lying low in his Kingman, Ariz., trailer flying a DON'T TREAD ON ME banner. Slowly, warily, Fortier began negotiating. Under a plea agreement, he admitted to knowing about the plot and to helping McVeigh transport stolen weapons. Fortier will testify that McVeigh pointed out the Murrah building as the target. Fortier was also able to explain how the bombing was financed: by a November 1994 robbery of an

Arkansas gun dealer by Terry Nichols. Fortier will testify that Nichols wanted out but that McVeigh boasted he could "make" his army pal go along. Fortier's wife, Lori, will describe how McVeigh stacked soup cans in her kitchen to show how the barrels would be lined up in the truck for maximum blasting effect.

Back in Oklahoma City, Kennedy continued to cast a widening net of investigators. They solved the robbery of several pounds of explosive gel, blasting caps and detonation cord from a Martin Marietta quarry in Kansas in 1994: small brass shavings from the lock on the gate were found in a drill in Terry Nichols's home. Still, there were nagging loose ends. Less than two weeks after the blast, investigators had found a man who exactly fit Kessinger's description of John Doe 2. The man, an innocent soldier named Todd Bunting, had been in Elliott's Body Shop the day after McVeigh rented the Ryder truck. But Kessinger stubbornly insisted that he had seen the two men together on the same day. Only last November did Kessinger finally change his mind and identify Bunting as John Doe 2.

Jones, McVeigh's lawyer, relished bringing out Kessinger's contradictions at a hearing last month. Despite the judge's order not to talk about evidence or strategy to reporters, Jones kept feeding speculation to the press. There was the suggestion that two Ryder trucks were involved in the blast and that the Feds had been warned before the bombing. Government sources say Jones's theories are farfetched. But by hiring conspiracy-minded detectives (at taxpayer expense: Jones has so far billed the government for about \$10 million), he hopes to baffle prospective jurors. The FBI also has to worry about reports that its lab has become slipshod. Fortunately for the government, the FBI lab "whistle-blower," Frederic Whitehurst, was once Burmeister's mentor. In fact, Whitehurst is on record saying that some of Burmeister's OKBomb work was "brilliant."

If Jones is going to play the role of Johnnie Cochran, he must find a sympathetic jury. The pool around Denver may have some anti-government views. It takes only a single juror to hang a verdict. But it would have to be a very stubborn juror indeed to hold out in the face of the evidence against Timothy McVeigh.

With RANDY COLLIER

The Manhunt, Minute by Minute

From their ramshackle command post in downtown Oklahoma City, federal investigators moved fast--and with a lot of luck, they nailed their prime suspect just 48 hours after the deadly blast.

9 a.m., April 19, 1995, Oklahoma City: At the beginning of an ordinary workday, the

nine-story Murrah Federal Building is hit by a giant truck bomb. As rescuers work in the rubble, cops fan out in search of clues. Shortly before noon police spot a badly damaged axle one block away. It is stamped with a VIN--vehicle identification number.

1 p.m., April 19, Junction City, Kans.: A quick search of the 300 million VINs in the National Insurance Crime Bureau's database finds that the axle belongs to a 1998 Ford F-700 truck owned by Ryder. A call to the rental company's Miami headquarters reveals that the truck was leased two days earlier just outside Junction City.

9 a.m., April 21, Perry, Okla.: After picking up Timothy McVeigh's name from the Dreamland Motel in Junction City, the Feds run his name and Social Security number through the National Crime Information Center computer.

They learn he was arrested in Perry a few hours after the blast and is on his way to a bond hearing. Oklahoma City ATF Agent Mark Michalic tells the local sheriff to "spin that old boy around and put him back in your hotel."

Noon, April 21, Oklahoma City: A member of Steven Burmeister's FBI forensic team discovers a small piece of yellow paneling from the Ryder truck. The evidence is embedded with ammonium nitrate crystals, showing that the truck was the bomb.

3:30 p.m., April 21, Herinton, Kans.: Terry Nichols, whose name and address had been obtained in Decker, Mich., tells FBI officials that McVeigh was in Oklahoma City three days before the attack and that McVeigh said something "big" was going to happen. An FBI search of Nichols's home uncovers a receipt for 2,000 pounds of ammonium nitrate fertilizer--material that could be used to make a bomb.

April 21, KinSman, Ariz.: Following a lead from McVeigh's father and others, FBI agents contact Michael Fortier--McVeigh's army buddy. He will testify that McVeigh was a right-wing radical who vowed revenge for the ATF's 1993 Waco assault and targeted the Murrah building.