



ARTICLES The Oklahoma City Bomb Trial

FBI MEMO: BOMB SUSPECT SEARCH SUSPENDED

by RYAN ROSS

Denver, Colo. -- An internal FBI [memo](#) indicates FBI agents suspended their search for the elusive Oklahoma City bomb suspect John Doe No. 2 in the critical weeks soon after the April 1995 blast, belying assurances by federal officials at the time that the search was continuing.

The [memo](#), the existence of which is publicly disclosed for the first time here, undercuts the government contention that federal agents have done everything they can to find the mystery suspect. And it fuels suspicions that soon after the bombing they downplayed or ignored evidence pointing to suspects other than accused bombers Timothy McVeigh and Terry Nichols.

In the [memo](#), San Francisco-based FBI agent Thomas Ravenelle writes that he's discontinuing efforts to investigate a lead relating to attempts to find and identify John Doe No. 2 "in view of the fact that the Oklahoma City Command Post has directed all offices to hold (John Doe No. 2) leads in abeyance."

There is no public record of such an order from the FBI's Oklahoma command or any other FBI office. In fact, in public statements at the time and since, federal officials have said the search continued. "The existence and identity of (John Doe No. 2)... is the subject of a continuing investigation," bombing case prosecutor Joseph Hartzler wrote in a March 25, 1996 letter to McVeigh attorney Stephen Jones, for example.

Former federal prosecutor William Pizzi, now a law professor at the University of Colorado, discounts the threat the failure to find John Doe No. 2 poses to prosecutors. The magnitude of the crime is too great, he says, for jurors to be sidetracked by concerns about the failed search for the mystery suspect.

But he concedes that any indication the government didn't pursue John Doe No. 2 thoroughly would bolster a defense strategy of putting the FBI on trial. "It would put the government on the defensive, back on its heels," Pizzi says.

Lawyers are prohibited by Judge Richard Matsch from commenting on the case.

McVeigh attorney Stephen Jones declined comment except to say that the memo undercuts the credibility of the government's case against his client.

"It was the grand jury that found there were others involved in this crime," Jones noted. "But the government stopped looking for the other main suspect and ignored what its own grand jury said because that finding and the existence of John Doe No. 2 is inconsistent with the prosecution's theory."

Jones says he's aware of the [memo](#) that halted the search for John Doe No. 2. It was provided to him by the government, he says. He's satisfied it is authentic. Digital City Denver obtained it from a source not connected to the McVeigh defense.

There are indications FBI agents revived their search for John Doe No. 2 later. But however long the search was halted, suspending it was a critical decision given the importance the FBI once attached to finding the mystery man.

Most ominous for prosecutors, the memo threatens to fuel doubts about the heart of the government's case: the identification of Timothy McVeigh as John Doe No. 1.

The [memo](#) -- initialed by agent Ravenelle -- isn't dated. Nor does it provide a date for the order from the Oklahoma command post to hold John Doe No. 2 leads "in abeyance."

But the references it makes to details about the bomb probe indicate it couldn't have been written sooner than mid-May of 1995, and was probably written no later than late June, ten weeks after the blast.

It was in mid-June that some federal officials said they had found and cleared John Doe No. 2.

The first witnesses to tell agents they saw John Doe No. 2 were the three employees of the truck rental outlet in Junction City, Kansas, at which someone posing as "Robert Kling" rented the truck used in the blast on April 17, two days before the bombing. The employees later identified McVeigh as "Kling." They said there was a muscular man whose name they didn't know with "Kling." The FBI dubbed this man John Doe No. 2, declared him armed and dangerous, and launched a manhunt for him and John Doe No. 1.

Some agents subsequently decided John Doe No. 2 was Todd Bunting, an Army private then posted at Fort Riley in Junction City. Bunting had been in the store in which the Ryder truck used in the blast had been rented the day after "Kling" was there. Like John Doe No. 2, Bunting wore a baseball cap and had a tattoo on his left arm.

Denise Bunting told reporters agents had told her and her husband that they had concluded the employees in the truck rental store had been mistaken. They had their days confused, the agents said. Her husband was John Doe No. 2, they said.

On June 14, 1995, Justice Department officials issued [a statement](#) clearing Bunting of any involvement in the bombing (without naming him). "The FBI is continuing to investigate whether there was a second man who participated in the rental of the Ryder truck on April 17," the statement added.

But the statement didn't identify that second man as John Doe No. 2, enabling federal officials asking for anonymity to suggest to reporters that Bunting was John Doe No. 2, and that John Doe No. 2 was therefore no longer a suspect. "Investigators identify, clear John Doe No. 2," the Dallas Morning-News reported the next day in an article similar to many others.

In fact, agents had almost certainly not found John Doe No. 2, as they knew at

the time or soon thereafter. In his March 1996 letter to Jones, prosecutor Hartzler said that the previous June two of the rental truck agency employees were shown the baseball cap Bunting was wearing when he was in their store. They said it wasn't the cap John Doe No. 2 had been wearing. The effort to determine whether John Doe No. 2 existed, and, if so, who he was, was still on, Hartler wrote. The next month, the Associated Press quoted an unnamed federal official as saying the June 1995 press release had been "a ruse" designed to reduce public pressure to find John Doe No. 2.

But if it's introduced at trial, the June 14, 1995 statement -- combined with the articles citing statements by anonymous federal officials -- poses a problem for prosecutors. Why were Justice Department officials issuing statements that were, as one anonymous official confessed, designed to mislead?

And if the account of the truck rental outlet employees as it applied to their sighting of John Doe No. 2 was unreliable, how can agents trust the identification by truck rental outlet employees of McVeigh as John Doe No. 1?

"If there really is no John Doe No. 2, that squirrels up the identification of John Doe No. 1," Jones says. "It's a little awkward when your own witnesses are mixed up."

That problem for prosecutors increased in January, when they acknowledged in court papers that Kessinger changed his mind during a meeting with them last November, and decided that he had, after all, been thinking of Bunting when he provided the description of John Doe No. 2. That gives Jones ammunition to attack Kessinger's credibility as a witness. The government now has only one witness without a credibility problem who will testify that McVeigh was "Kling."

The FBI [memo](#) about John Doe No. 2 reached the highest level of the Bureau's bomb probe team, and had a concrete effect: suspending the search for the mystery suspect. But if the probe team leaders believed John Doe No. 2 was in the store the day AFTER McVeigh, then they don't trust the accounts of the store employees. And if the FBI leaders don't trust them, why should anyone else?

The suspension may have been the result of a sincere belief by some officials that John Doe No. 2 had been found and cleared, but it also avoids the impression that the Bureau couldn't find one of the key suspects in the case.

Either way, it gives the defense team a powerful courtroom tool. McVeigh's trial is to start March 31.