

One oops for prosecution

By Steven Wilmsen Denver Post Staff Writer

May 11 - A small but irksome hole showed last week in the government's case against Oklahoma City bombing suspect Timothy McVeigh.

It came during cross examination of Eric McGown, an employee at the Dreamland Motel in Junction City, Kan., where McVeigh stayed in the days before the bombing. The government put him on the witness stand to testify that he had seen McVeigh parking a Ryder truck at the motel - ostensibly the Ryder he rented from nearby Elliott's Body Shop.

But under cross examination by McVeigh's attorneys, McGown said he'd seen McVeigh in the Ryder truck on Easter Sunday, a full day before McVeigh allegedly rented the truck that blew up in Oklahoma City.

That brings up a subject the government would rather not raise: the possibility of a second Ryder truck being involved in the bombing plot and the suggestion that someone besides McVeigh and his co-defendant, Terry Nichols, somehow participated in the plan. That muddies the case against McVeigh and potentially weakens it.

The Denver Post in December published the results of a six-month investigation that turned up witnesses and documents suggesting the presence of a second truck.

In the trial, which enters its third full week of testimony Monday, prosecutors have so far dealt with that matter by simply ignoring it.

For instance, they reportedly decided to do away with the entire portion of their case that deals with the construction of the bomb at Geary State Fishing Lake in Kansas rather than raise the issue at all.

The government had claimed that McVeigh and Nichols took the truck to a semi-secluded spot near the lake's shore and mixed fertilizer and fuel oil in plastic barrels, loading them into the cargo hold of the truck.

That testimony could open the door for the defense to raise the issue of the other Ryder truck. According to The Post's investigation, at least five witnesses reported seeing a Ryder truck at Geary Lake parked in the very spot the government has alleged McVeigh built the bomb. They reported seeing that truck before the truck that carried the bomb was even rented.

A Ryder truck parked at such an unlikely place for precisely one week before the bomb truck was parked in the same spot is too improbable to be coincidence, McVeigh's lawyer, Stephen Jones, has said.

The witnesses who saw the truck that week said recently they were contacted by investigators from the U.S. Attorney's office months before the trial but that they have not received subpoenas to appear. Attempting to mute the testimony from the Dreamland employee, prosecutors last week intimated that he remembers the wrong day - that Sunday April 16th was transposed in his memory with Monday April 17th, the day the bomb truck was rented.

But that seems unlikely. According to FBI documents, McGown told investigators just days after the blast, when his memory would have been freshest, that he was sure of the day because he had just returned from Easter dinner when he saw McVeigh attempting to park the truck in the motel lot.

His story of seeing McVeigh in the truck is corroborated by his mother, Lea McGown, the motel's owner, who was with him in the office at the time, FBI documents show.

The government has not called her to testify in McVeigh's trial.

A second truck wouldn't necessarily mean McVeigh is innocent or even that his role was smaller than the government alleges. But it raises vexing issues for the government, namely that someone else could have been involved.

A fisherman, retired Army Sgt. James Sargent, told The Post he saw a Ryder truck at the secluded spot at Geary Lake on Monday, April 10, 1995. That's one week before the bomb truck was rented. He said a rust-colored pick-up came and parked next to the Ryder. That truck matches a description of one seen weeks earlier at Terry Nichols' house. Neither McVeigh nor Nichols could have driven the Ryder truck at the lake that day because both were out of town. That means someone else did. And that's a possibility Jones would like to exploit.