

The Defense Has A Plan

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May 22 - While the government's case against Timothy McVeigh centered on carefully prepared witnesses testifying about his actions several months before the bombing, his defense will probably concentrate on the two weeks immediately before April 19, 1995.

For the most part, the witnesses will be strangers to McVeigh - unlike the friends and relatives who testified for the prosecution.

Although the defense witnesses are likely to be on the stand only briefly, their appearances will be aimed at making jurors question the government's case.

Dana Bradley is a key defense witness. Shortly before 9 a.m. on April 19, 1995, she was with her two children, mother and sister in the Social Security Administration office on the first floor of the Alfred P. Murrah Federal Building.

Because the agency's waiting room was warm, she wandered into the lobby of the north entrance. Through the plate glass window, Bradley saw a Ryder truck slowly pull into a parking space and stop. She didn't pay much attention until the passenger side door opened and a man got out.

He paused briefly, walked to the back of the truck and then walked away.

What is crucial for the defense is Bradley's contention the man looked nothing like Timothy McVeigh. She says he was short and stocky and had an olive complexion and black hair. She said he was also by himself.

Seconds later, as Bradley headed back to her family, the Ryder truck exploded, killing Bradley's two children and mother and horribly burning her sister.

Twelve hours later, Bradley was removed from the rubble, but only after her leg was amputated.

It is doubtful that Bradley will undergo extensive cross-examination - if any - by the government. But her testimony could raise doubt about who was driving the truck.

With Bradley, other expected defense witnesses call into question the whole government theory - from the number of people involved in the bombing to the rate at which the plot unfolded.

Army Sgt. James Sargent and Georgia Rucker, a Herington, Kan., real estate broker, will raise the possibility that more than one Ryder truck was connected to the bombing.

The government contends that only one truck was used. Prosecutors say McVeigh used the name Robert Kling when he rented the vehicle from Elliott's Body Shop in Junction City, Kan., on Monday, April 17, 1995.

McVeigh and co-defendant Terry Nichols packed the truck with explosives the next day, April 18, at nearby Geary Lake State Park, the government says.

But Sargent, a soldier who was about to retire from nearby Fort Riley, says he was at Geary Lake

more than a week earlier - on Monday, April 10 - when he looked across the water and saw a Ryder truck backed into a gravel turnaround area where the government contends the bomb was later built.

The next day, Tuesday, April 11, Sargent says he saw the truck still at the lake as he drove north on U.S. 77 on his way to Fort Riley to process his retirement papers.

Rucker, the Herington real estate agent, says she saw the Ryder truck at the lake on April 12 and 13 as she drove to Junction City to drop her son at school.

On Easter Sunday, April 16, Rick Glessner, who lives in the Junction City area, saw a Ryder truck parked near the jetty where Sargent had fished a few days earlier. He thought it odd that somebody would be moving on Easter Sunday.

That same day, Lea McGown, who had just returned from an Easter dinner, saw McVeigh pull into her Junction City motel with a Ryder truck - a full day before prosecutors say McVeigh rented the vehicle. McGown says she saw McVeigh with a different, newer-looking Ryder truck on April 18, the day after the government claims McVeigh rented the truck.

Before trial, investigators try to determine the credibility of would be eyewitnesses. In this case, Sargent and Rucker knew each another - something that made government detectives quizzical.

Prosecutors probably decided not to call McGown because she was so adamant about the Easter sighting. Her son, Eric, testified it might have been Monday, but he was hammered on cross-examination.

Perhaps no more nagging question remains than whether a John Doe No. 2 accompanied "Robert Kling" when he rented the truck on April 17.

Body shop owner Eldon Elliott says that Kling was with a muscular white man, 5-foot-7 to 5-foot-8, who wore a white cap with blue stripes.

Kessinger picked McVeigh from a photo lineup as being John Doe No. 1. He later conceded that John Doe No. 2 was actually a Fort Riley soldier who came into the shop the next day. But at a pretrial hearing in February, he stood by his claim that there was a second man.

Kessinger was not called by the prosecution, again because his testimony would muddy its case. The defense theory is that if an eyewitness is mistaken about John Doe No. 2, he must also be wrong about John Doe No. 1 - McVeigh.