

Both Sides Come Out Swinging

As Nichols Trial Opens In Denver Defense Puts John Doe 2 Back In Picture, While Prosecutors Question Date Of McVeigh Meeting

Rocky Mountain News (Denver, CO)
November 4, 1997 | Flynn, Kevin; Kilzer, Lou

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The prosecution and defense in the Terry Nichols trial laid out new allegations and vastly different interpretations of evidence in dynamic starts to their cases Monday.

For the government, it was the discovery of a receipt for an inexpensive automotive oil filter from Wal-Mart - a little slip of paper that challenges Nichols' claims of innocence.

For Nichols, it was a direct attack on the heart of the prosecution's case, raising afresh the specter of John Doe 2 as the true accomplice of Timothy McVeigh.

Michael Tigar, Nichols' attorney, plowed right into the center of territory left fallow during McVeigh's trial - the ``others unknown," as the indictment refers to them, who may have helped McVeigh and Nichols carry out the bombing.

John Doe 2 was with McVeigh the morning of the bombing when he parked the Ryder truck and its bomb in front of the Alfred P. Murrah Federal Building, Tigar said.

And he'll present some of the witnesses who say so, whose stories never were told in the McVeigh trial.

``Timothy McVeigh was not alone," Tigar told the jurors. ``With him in the cab of that truck were one or two other people."

While McVeigh's defense was held back from pursuing this angle because it implicated him rather than exonerated him, Nichols' attorneys are unfettered by such concerns.

In fact, they plunged into it, hinting at a much broader conspiracy linking McVeigh to the American racist right, gun lovers and neo-Nazis.

But lead prosecutor Larry Mackey brought out a previously undisclosed piece of evidence he says shows Nichols was lying when he told the FBI he hadn't seen McVeigh for more than two months before meeting him on Easter Sunday 1995.

In Nichols' wallet was a Wal-Mart return receipt showing that on the day before Easter, he had obtained a refund for an oil filter at the store in Junction City, Kan., near his home.

The filter had been purchased by McVeigh two days before at the Wal-Mart in Arkansas City, Kan., 130 miles away, Mackey said.

How could Nichols have returned the oil filter and obtained the refund if he didn't meet McVeigh until more than a day later?

Already, this trial has diverged from that of McVeigh.

Tigar managed to mention the names of several people who McVeigh's attorney, Stephen Jones, tried unsuccessfully to bring into the first trial.

Tigar stressed that it was McVeigh - not Nichols - who can be connected to radical German national Andreas Strassmeir, to the Elohim City racist compound in Oklahoma where Strassmeir lived, to a gun-loving Arizona man, Steven Colbern, to Arkansas gun dealer Roger Moore, to Arizona patriot leader Walter Bassett, and to Rick Coffman, an Arizona member of the neo-Nazi National Alliance.

In McVeigh's trial, the single brief mention of Strassmeir's name in the cross-examination of an Oklahoma state trooper brought an immediate objection from the government. U.S. District Judge Richard Matsch sustained it.

Tigar even painted the government's star witness, Michael Fortier, as much more closely involved in the plot with McVeigh than Nichols.

Jannie Coverdale, who lost two grandsons in the blast, said she hopes the trial will answer questions about who else was involved.

A key witness who recently died, Danny Wilkerson, ran a small shop in the Regency Towers apartment building a block from the Murrah Building. Coverdale said Wilkerson saw McVeigh and a second man parked in a Ryder truck right outside his shop before the bombing.

McVeigh came in and bought two sodas and a pack of cigarettes, Wilkerson told investigators. McVeigh doesn't smoke.

``Too many witnesses saw a second person," Coverdale said.

THE NICHOLS TRIAL / DAY 25

MONDAY'S SUMMARY: Prosecution and defense opening statements were delivered, and the government called its first witnesses.

WITNESSES TO DATE: 4

TODAY'S SCHEDULE: More prosecution witnesses.

QUOTE OF THE DAY: ``This is a case about two men who conspired to murder innocent people. Their plan succeeded. The bomb went off and people died.''

- Chief prosecutor Larry Mackey

``Terry Nichols was building a life, not a bomb. Terry Nichols is presumed innocent.''

- Chief defense attorney Michael Tigar

CAPTION(S):

Photo

Steven Colbern is arrested on a warrant stemming from a weapons charge on May 12, 1995, in Oatman, Ariz. By Jack Piercy / Associated Press, 1995.