

John Doe No. 2 Takes Center Stage at Nichols Trial

By Lois Romano

Washington Post Staff Writer

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DENVER, Dec. 3—A mysterious suspect -- never identified and never found -- dominated the Oklahoma City bombing case today as defense lawyers tried to shift attention away from defendant Terry L. Nichols.

The defense launched its case with a stream of witnesses who claimed convicted bomber Timothy J. McVeigh was seen with a man who did not fit the description of Nichols around the time of the April 19, 1995, blast. Looming on courtroom evidence monitors was the now-famous FBI sketch of John Doe No. 2, the bombing suspect never located by the authorities and who they now say is no longer being sought.

Nichols's lawyers have long maintained their client's innocence in the bombing of the Alfred P. Murrah Federal Building and claim the government stopped looking for other suspects after his arrest. McVeigh was sentenced to death for the bombing, which killed 168 people; Nichols, 42, faces identical murder and conspiracy charges.

The morning after the bombing, employees of Elliott's Body Shop in Junction City, Kan. -- where McVeigh rented the Ryder truck used in the blast -- assisted the FBI in creating a composite drawing of a man who allegedly accompanied McVeigh to the shop. Tom Kessinger, who was not called today, gave the FBI a detailed description of the man as full-faced and stocky, with dark hair and an olive complexion.

Today, Eldon Elliott, owner of the shop, testified that McVeigh was accompanied by a second man wearing a white baseball cap when he rented the 20-foot Ryder truck used in the bombing.

"I just took a glance at him," said Elliott, who said that he saw the men chatting.

A former Elliott's employee, Vicki Beemer, testified earlier that two days before the bombing, McVeigh was accompanied by a second man. A nurse from Herington, Kan., told jurors that she saw a Hispanic-looking man riding with McVeigh in the passenger seat of a Ryder truck several days before the blast. Numerous others testified that they saw a man resembling the sketch of John Doe No. 2 in or near a Ryder truck in the days preceding the bombing.

Under cross-examination, prosecutors sought to discredit all the witnesses by highlighting the differences between their testimony and what they told the authorities right after the bombing, suggesting their descriptions were colored by the pervasive news media coverage of the investigation.

The identity of John Doe No. 2 has been an enduring mystery and a rallying point for conspiracy theorists who believe McVeigh and Nichols had accomplices. This third, unidentified suspect ultimately became a problem for prosecutors, who worried that placing another, unknown man in the conspiracy would only confuse jurors in both trials. The government now takes the position that John Doe No. 2 was actually an innocent Army private who happened to be at Elliott's the day after McVeigh rented the truck.

But that was not the government's position two years ago. The sketches of the men who rented the truck - - neither of which resembled Nichols -- were widely circulated around the world as the FBI launched the biggest manhunt in history.

The first man was immediately identified as McVeigh. But despite sightings all over Kansas and Oklahoma, John Doe No. 2 was never found. Shortly before the McVeigh trial, the government stated that John Doe No. 2 was no longer a suspect and withdrew the warrant for his arrest.

The notion of yet a fourth suspect also was introduced today, when a delivery man insisted that the person to whom he delivered Chinese food several days before the blast was neither McVeigh, Nichols nor John Doe No. 2.

Jeff Davis of Junction City, Kan., said that he delivered food to a motel room where McVeigh was registered but that the man who accepted the delivery was not McVeigh.

Davis testified that he believed the federal authorities, who spoke with him a dozen times, were displeased with his descriptions because they did not fit the government's theory of the case. Prosecutors have never called Davis as a witness.