

Witnesses Describe Figure Seen With McVeigh Before Bombing Nichols' Attorneys Could Wrap Up Their Defense Next Week

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DENVER - A woman who survived the Oklahoma City bombing testified Friday that she saw Timothy McVeigh with another man near the Alfred P. Murrah Federal Building on the morning of the blast.

Terry Nichols, who is on trial on accusations of being Mr. McVeigh's accomplice, was at home with his family in Herington, Kan., that morning. But the government says he conspired in the terrorist attack that killed 168 people by helping to plan and build the bomb.

Mr. Nichols' defense contends that the mystery man popularly known as John Doe 2 - rather than Mr. Nichols - is Mr. McVeigh's true accomplice in the April 19, 1995, bombing.

Another defense witness testified Friday that he saw someone resembling Mr. McVeigh with a second man near the Murrah building an hour before the bombing.

Moving swiftly through its witness list, the defense called 55 people to the stand in its first week. Mr. Nichols' lawyers could wrap up their case next week.

The woman who was in the Murrah building, Germaine Johnston, said she encountered the two men in an alley about two blocks from the bomb site after making her way outside. Her best guess, she said, was that she saw them around 9:30 a.m., almost half an hour after the blast.

"Did you read in the media that he [Mr. McVeigh] was arrested 70 miles away at 10:20 a.m.?" prosecutor Patrick Ryan asked her - implying that the bomber could hardly have gotten so far if he were still in downtown Oklahoma at 9:30.

"Yes," Ms. Johnston said.

"You were in shock" from the bombing? the prosecutor asked.

"Yes, I was in shock," she replied.

Ms. Johnston, who works for the U.S. Department of Housing and Urban Development, said the men were beside an old yellow Mercury similar to Mr. McVeigh's getaway car. She said she recognized neither person as John Doe 2, the dark-skinned suspect whose sketch she later saw on television.

The FBI, after releasing the sketch shortly after the bombing, eventually concluded that the man dubbed John Doe 2 was an innocent bystander, not a Mr. Ryan used the bomb survivor's appearance to elicit descriptions of the horror of that morning.

Ms. Johnston told how a man who worked in the building came to her floor after the bombing looking for his wife, who also worked for HUD. "When he got to me, he could see that the floor was gone," she said. "His wife died. "

Morris Kuper, a computer technician who worked for Kerr-McGee in downtown Oklahoma City, said he saw two men walking toward a car, a "pre-1980 Ford product, most likely a Mercury," around 8 a.m. on the day of the bombing.

The car was parked a block or so from the Murrah building, Mr. Kuper testified. One of the men, whom he described as resembling Mr. McVeigh, opened the door on the driver's side, he said. The other man, who went to the passenger side, was the spitting image of John Doe 2: short, stocky, muscular, with a dark complexion and dark hair.

On cross-examination, Mr. Ryan noted discrepancies between Mr. Kuper's description of the men now and what he told the FBI in 1995. He also got the witness to concede that he originally told agents that he might have seen the same two men walking around downtown after the bombing - improbable behavior if they were, in fact, the bombers.

In addition, Mr. Ryan noted that Mr. Kuper didn't come forward with his information until the fall of 1995 - six months after the bombing and long after Mr. McVeigh's picture and the John Doe 2 sketch had been seen around the world. Mr. Kuper replied that he was very ill through much of that year, with a ruptured colon.

see notes

At the last minute, the defense decided not to call at least one other witness who said he saw Mr. McVeigh and another man in downtown Oklahoma City. Dr. Paul Heath, who worked in the Murrah building, said the defense asked him to appear, then released him Friday morning.

Dr. Heath said Mr. McVeigh and two other men came into his Veterans Administration office, ostensibly looking for work, within a month before the attack.

At least one other Oklahoma City witness is still on tap.

Mr. McVeigh was convicted by a different jury in Denver this year and sentenced to die. Mr. Nichols faces identical murder and conspiracy charges. He, too, could be condemned to death if found guilty.

Other defense witnesses testified Friday that Mr. McVeigh's political views were like fingerprints: He left them everywhere.

Their testimony supported the defense's contention that jurors shouldn't read too much into the anti-government literature found at Mr. Nichols' home.

Defense lawyers say that while Mr. Nichols shared many of his friend's stinging criticisms of the government, he - unlike Mr. McVeigh - never resorted to violence to express his anger.

The witnesses - former co-workers, former bosses, friends of friends - said Mr. McVeigh spoke bitterly about the government, especially after the 1993 Branch Davidian siege near Waco. And, they said, he needed little prompting to share with them the right-wing literature to which he subscribed, including newspapers and brochures that likened the United States to Nazi Germany.

"I stuck them in a drawer in my desk," testified Larry Chapman, one of Mr. McVeigh's supervisors at a Kingman, Ariz., security agency.

The defense also called a lineman for a California power company, who testified about finding a bizarre letter from Mr. McVeigh taped to an electrical transmission tower near the Arizona-California border in November 1994. The cryptic letter, written to someone with the initials "S.C.," appeared to be an attempt at recruiting its intended recipient into a secret scheme.

"I'm not looking for talkers, I'm looking for fighters," it said, adding, "Would you back out at the last minute?" Mr. Nichols' lawyers are expected to assert that "S.C." is Steve Colbern, a chemist-turned-firearms-fugitive who lived in rural western Arizona. The defense may suggest that the letter shows Mr. Colbern could have been Mr. McVeigh's accomplice in the bombing plot.

The day's final witness was Edward Killam, an investigator for the Nichols defense team. He testified that after the FBI had combed Mr. Nichols' home in Herington, Kan., he searched it and found a variety of model airplane parts.

The FBI reported finding a bottle of nitromethane in the house.

That is the drag racing fuel allegedly used to build the bomb.

However, it is also used in model airplanes.

Mr. Nichols' chief attorney, Michael Tigar, has implied that the FBI's taking the fuel and not the model airplanes is symptomatic of a government attempt to convict his client through innuendo.

Mr. Killam also produced a box holding dozens of publications he bought at gun shows giving instructions for making improvised explosives. Mr. Tigar says it is

no surprise Mr. Nichols knew something about bombs, since he sold military surplus items at gun shows.

Some jurors snickered openly at the more outlandish titles, such as Ragmar's Guide to the Home and Recreational Use of High Explosives and New and Improved C-4: Recipes for Half the Cost and Double the Fun.

NOTES

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This report says “[the prosecution] noted that Mr. Kuper didn't come forward with his information until the fall of 1995 - six months after the bombing.” Prosecutors were insinuating that Morris Kuper was being dishonest or otherwise wasn't credible witness and media accounts would report that Kuper was discredited during his testimony. However, [a May 27 2001 New York Times piece](#) would vindicate Kuper just over three years later: Under the banner headline “Document Erases Doubt About A McVeigh Witness,” Jo Thomas of the *New York Times* reports that a newly discovered FBI document called a lead sheet was found among a batch of more than 4,000 pages of documents found to have been withheld from the defense at trial. The lead sheet shows Kuper called the FBI's tip line on April 21, just two days after the bombing as he'd always maintained.

At trial Kuper testified that on April 21 he suggested the FBI check any surveillance cameras that might be on or near the Southwestern Bell (SWB) building, saying those cameras would have what he saw on tape. The agents wrote down Kuper's name and number but never called him back. However, the FBI did seize security camera footage from all over the area including from SWB. The SWB footage, designated [#Q77](#) in it's FBI FD-192 property acquisition document, is later [referenced by inventory number in an FBI evidence log](#). The evidence log, written by SA Pamela Matson, has a list of OKC surveillance camera recordings and denotes each of those recordings that show the bombing suspects and/or vehicles. On this evidence log, inventory item [#Q77](#) – the Southwestern Bell footage – is denoted as showing the bombing suspects and/or vehicles. It's reasonable to conclude then that the SWB footage depicts exactly what Morris Kuper testified he had seen: a parked Mercury Marquis, with a man matching the description of John Doe #1 entering the driver's side seat and a man resembling John Doe #2 enter the passenger seat.

It's notable that the FBI withheld this lead sheet from the defense teams, making it impossible for them to introduce evidence to counter the prosecution/FBI's false accusations via the erroneous assertion that Kuper waited six months to contact the FBI (with the implication being that Kuper perjured himself and was a liar.) What this saga proves is that the FBI and prosecution teams were the liars here. So, where is that Southwestern Bell video tape that shows what Morris Kuper saw on the morning of April 19th? Is the footage, item “[#Q77](#),” a part of the FBI's “[restricted](#)” [OKBOMB file](#) in Oklahoma City, or is it held under [lock and key at FBI HQ](#) in Washington, D.C.?