

Nichols' Lawyers Point to Another Suspect

■ **Trial:** Defense in Oklahoma City bombing case presents witnesses who recall seeing McVeigh with man matching description of John Doe No. 2.

By RICHARD A. SERRANO
TIMES STAFF WRITER

DENVER—Defense lawyers for Terry L. Nichols pushed their case on several fronts Friday, presenting witnesses who recalled seeing Timothy J. McVeigh with a man other than their client in the moments before the bombing of the federal building in Oklahoma City.

They also read a letter McVeigh left taped to a utility pole in the California desert in which he encouraged someone named "SC" to join him in his cause of striking out against the federal government.

In addition, some of McVeigh's former employers and friends described him as extremely angry with the government, in sharp contrast to what the defense has presented about Nichols.

The lawyers are not only trying to distance Nichols from McVeigh but also are suggesting that someone other than their client played a key role in destroying the Alfred P. Murrah Federal Building. The bombing killed 168 people and injured more than 500.

McVeigh was convicted in the case last summer and sentenced to die. Nichols, who has pleaded not guilty, could receive the same penalty if he is convicted.

Maurice Kuper, an oil and gas worker in Oklahoma City, described seeing two men near McVeigh's yellow Mercury Marquis getaway car about an hour before the April 19, 1995, bombing.

He described the driver as similar in appearance to McVeigh, but the second man did not match Nichols' description; instead he appeared to fit the sketch of John Doe No. 2.

Three people have said they saw the John Doe No. 2 character with McVeigh when he rented a Ryder

truck two days before the bombing.

The government contends that the Ryder employees mistook John Doe No. 2 for someone else and that McVeigh rented the truck alone. The defense, however, is trying to show that John Doe No. 2, and not Nichols, was the main bomb collaborator.

Germaine Johnston, a Housing and Urban Development employee in the Murrah building who was slightly injured in the blast, said she recalled seeing two men near the same car about 20 or 25 minutes after the bombing.

She described one man as tall, fitting McVeigh's height, and the other as shorter and having a darker complexion, fitting John Doe No. 2.

"The tallest one said, 'What happened?'" she said. "I said, 'There was an explosion in the federal building.' He said, 'A lot of people killed?' I said I didn't know."

Johnston considered the man odd. "I thought he was going to ask if he could help me or if I was OK," she said. "It really surprised me that he just wanted to know how many people were killed."

But under cross-examination by prosecutors, she admitted that she knew McVeigh was arrested near Perry, Okla., 77 miles north of Oklahoma City, a little more than an hour after the bombing—the inference being that it would seem impossible for McVeigh to have gotten that far if he had not left Oklahoma City right after the bombing.

Johnston also acknowledged she was in shock from the explosion when she talked to the man.

Defense lawyer Ron Woods read from a letter that both sides agreed was written by McVeigh and was taped to a utility pole in the California desert, near the border with Arizona. The letter was in a plastic, waterproof bag stuck inside a brown Manila envelope and affixed with a glow stick that lights at night.

The letter was addressed to "SC," which authorities believe is a

reference to Steve Colbern, a chemist and fellow anti-government enthusiast who at the time was a fugitive facing federal firearms charges.

The FBI investigated Colbern as a John Doe No. 2 suspect but never connected him to the bombing.

"I am not interested in anyone who has money/gain as an underlying motive," McVeigh wrote in the letter. "On the other hand, if you are sincere, then you could be a valued asset. A man with nothing left to lose is a very dangerous man, and his energies/anger can be focused towards a common/righteous goal."

He added: "In short, I'm not looking for talkers. I'm looking for fighters. Keep in contact. Notify me of any change of 'address' or situations, and respond to my other concerns. I do have a safe haven for your 'goods'; if interested, I would pick them up and transfer them to said safe 'haven,' but could not take you."

He added a postscript: "And if you are a fed, think twice. Think twice about the Constitution you are supposedly 'enforcing.' (Isn't 'enforcing freedom' an oxymoron?!?), and THINK TWICE about catching us with our guard down.—You will lose."

Also testifying Friday were several McVeigh associates in Kingman, Ariz., who recalled his anger over the 1993 FBI siege on a religious compound near Waco, Texas, and how he often distributed tapes and pamphlets railing against the government, specifically the federal Bureau of Alcohol, Tobacco and Firearms—behavior inconsistent with the more reserved, quiet Nichols.

Man Kills Wife, 3 Children

NEW YORK—A Yonkers man fatally shot his wife and three children Friday and then killed himself, police said. Police identified the gunman as Patrick Biller, 53. He and his family were found dead in their apartment. Autopsies were planned.

—Reuters