

# Profile: FBI document blunder reopens speculation about co-conspirators of Timothy McVeigh and Terry Nichols



**NPR All Things Considered**

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Host: SCOTT SIMON, ROBERT SIEGEL Time: 9:00-10:00 PM

SCOTT SIMON, host:

From NPR News, this is ALL THINGS CONSIDERED. I'm Scott Simon.

ROBERT SIEGEL, host:

And I'm Robert Siegel.

The FBI has turned over another batch of information to defense lawyers for death row inmate Timothy McVeigh. Seven documents came from the FBI's Baltimore office. They join masses of interview notes, tapes and papers revealed last week. Much of this new material documents the FBI's long search for additional suspects. NPR's Steve Inskeep reports on the search for a wider conspiracy.

STEVE INSKEEP reporting:

People who remember Timothy McVeigh are scattered across the Plains. Before the bombing he traveled from Kansas to Arizona to Missouri to Oklahoma. Sometimes his friend Terry Nichols came along. Some witnesses remember a third man. In November 1994, the trio walked into a real estate office in southwest Missouri. Real estate broker William Maloney(ph) says the third man asked about buying a chunk of land.

Mr. WILLIAM MALONEY (Real Estate Broker): He was extremely sharp. He did most all the talking when he was here. If, you know, three people come into your place, there's going to be normally one of them does all the talking that's in charge more or less, and he was.

INSKEEP: Maloney says he makes a habit of noting people's appearances, including the man who gave the name Robert Jacks.

Mr. MALONEY: Well, he was about, I would say, five-seven to five- eight. Might be just a little bit taller than five-eight, not much. Age, about 28 to 35. He was real husky, square-shouldered, black hair and it was a crew cut, and his eyes were

dark brown. His skin wasn't really super dark, but it was dark enough--it was--you know, tell that he was part Indian, I thought, or maybe Hawaiian.

INSKEEP: That sighting of the man with the distinctive skin came months before the bombing. But another witness claimed she saw a third man in April 1995 in Kansas just before the blast. The owner of the Santa Fe Diner in Herington, Kansas, began chatting with some customers who had arrived in a Ryder truck.

Ms. BARBARA WHITTENBURG (Diner Owner): I asked, 'Well, where are you headed?' and suspect two said, 'Oklahoma.'

INSKEEP: Speaking a few months after the bombing, Barbara Whittenburg said she knew Terry Nichols and Tim McVeigh. They'd been in the restaurant before. As for the third man, Whittenburg remembers his skin.

Ms. WHITTENBURG: Olive skin. I would--if you put him in with a group of Hawaiian people, that's the skin he'd have.

INSKEEP: By the morning of April 19th, Timothy McVeigh had arrived in Oklahoma City driving a truck full of fertilizer. And a man named Mike Murro(ph) said McVeigh stopped his Ryder truck and asked for directions.

Mr. MIKE MURRO (Witness): There was another gentleman sitting beside him. He seemed to be dark-skinned. The reason I say dark-skinned- -I'm fair complected and he wasn't fair complected. He had dark hair and he had a baseball cap on.

INSKEEP: For months after the bombing, the FBI believed there were other suspects. The original indictment charged Timothy McVeigh, Terry Nichols and others unknown. Now the FBI has given defense lawyers fresh information about its search for those suspects. Prosecutors say the files contain nothing important, but one of McVeigh's former attorneys doubts that. In 1997, Stephen Jones tried and failed to convince a jury that somebody other than McVeigh set off the bomb. He's since written a book contending that McVeigh acted as part of a conspiracy.

Mr. STEPHEN JONES (Former Defense Attorney): And if that information was withheld from the defense, then I think the government could be in a very awkward position.

INSKEEP: Jones knows McVeigh himself claims he acted alone. He said so in 75 hours of interviews with the authors of a book. But Jones claims his former client lied to cover up for somebody or inflate his own role. The lawyer points to all those witnesses who say they saw a third man.

Prosecutors insist they see things differently. The man who delivered the closing argument in the McVeigh trial says eyewitnesses are not always the most reliable

evidence. Larry Mackey says he relied on difference evidence, suggesting McVeigh conspired with nobody except Terry Nichols.

Mr. LARRY MACKEY (Former Prosecuting Attorney): One's reasoning is you come to the conclusion about what's not there by looking at what is there, and this was proof of constant, consistent and confined communications between these two gentlemen, largely.

INSKEEP: Mackey says Timothy McVeigh carried a phone card and made calls from pay phones in cheap motels. Records show he called Terry Nichols, but nobody else that prosecutors linked with the attack. Then there are the fingerprints.

Mr. MACKEY: Well, there was a receipt for a ton of ammonia nitrate purchased from one of the area farm stores found at Terry Nichols' house with Tim McVeigh's fingerprints on it.

INSKEEP: And nobody else's fingerprints.

Mr. MACKEY: And nobody else's that was linked to either one of these two.

INSKEEP: It may be impossible to prove that somebody else didn't take part, but Larry Mackey says he remains convinced.

Mr. MACKEY: Tim McVeigh clearly had a plan in mind with the help of Terry Nichols for the purpose of acquiring components that by him alone in delivering the bomb that he would take this political strike against America.

INSKEEP: And Mackey can now point to still more words from Tim McVeigh. In a letter published today in the Houston Chronicle, McVeigh says again that it's outlandish to claim there was another suspect. His handwritten note says, 'The truth is on my side.' Steve Inskeep, NPR News, Washington.

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