

Witness recalls renting truck to Murrah building bomber

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Retired Kansas body shop owner Eldon Elliott turned red and trembled with emotion Wednesday as he testified about learning he'd rented the truck used in the Oklahoma City bombing.

"I tried to forget it," he admitted later in his testimony.

Elliott was the key witness on the third day of Terry Nichols' preliminary hearing. A judge is trying to determine whether prosecutors have enough evidence for a state trial.

The preliminary hearing is set to resume 9 a.m. today with more testimony from Nichols' wife, Marife.

"I'm just a little bit nervous here," she said as she began testifying Wednesday for the prosecution.

The truck used in the April 19, 1995, bombing was picked up two days before from Elliott's Body Shop in Junction City, Kan.

A hidden number on a twisted axle from the destroyed Ryder truck allowed Oklahoma City police and the FBI to trace the rental to the Kansas body shop.

Elliott shook, clenched his jaws and blinked repeatedly Wednesday as he recalled learning from a Ryder vice president how the truck had been used.

District Judge Allen McCall asked whether Elliott needed a quick break, but the witness shook his head and continued.

The preliminary hearing is being held in a small courtroom in the Oklahoma County jail.

After his testimony, victims hugged Elliott in a hallway and thanked him. Elliott's eyes filled with tears.

"Hang in there," a prosecutor told him.

The truck's renter used the name, "Robert Kling," and gave a South Dakota address, according to the testimony and rental documents. The renter said he was going to Omaha, Neb.

Elliott testified the customer was bomber Timothy McVeigh.

"I was positive," he said.

Elliott recalled two meetings with the customer. He said the customer paid \$280.32 in cash for the 20-foot truck on April 15, 1995. He said the customer picked up the truck on April 17, 1995.

He said the customer declined insurance, claiming to be a good driver with experience with large trucks at the nearby Army base.

He also said the customer was with another man the second time. He said the second man had an unusual ball cap.

"They was talking together when I came back in", he said.

He said the other man was not Nichols.

Nichols, 48, was convicted at a federal trial of the bombing conspiracy and the involuntary manslaughter of eight federal agents. His state case is over the 160 others who died as a result of the explosion.

Elliott was called as a defense witness at Nichols' federal trial.

The former body shop owner's insistence on a second man has kept alive theories that McVeigh had another, still unknown accomplice.

FBI agents and federal prosecutors contend Elliott is mistaken about the second man. State prosecutors have said only that Elliott's belief is not relevant to Nichols' preliminary hearing.

The FBI searched for weeks for a second man and released three sketches of the suspect that came to be called "John Doe No. 2.

The drawings were based on the recollection of a body-shop mechanic. The FBI and federal prosecutors later concluded the mechanic had described instead an innocent Army private who was helping a friend move.

The Army private, Todd Bunting, had gone to the shop a day after McVeigh. Bunting wore a blue-and-white Carolina Panthers hat.

The mechanic eventually agreed he had been confused.

Before his execution, McVeigh confessed in interviews for a biography that he was the bomber, but he claimed John Doe No. 2 never existed.

His trial attorney, Stephen Jones of Enid, said McVeigh once said he'd spoken to a stranger in the body shop, but implied it was a delivery man or another customer.

In the testimony Wednesday, Elliott described how FBI agents tried to persuade him he'd gotten confused, too.

"They wanted me to change my mind that there was a second person there. And I wouldn't change my mind," he said.

Elliott said he wasn't even at his shop the day the other men Bunting and his friend had rented a truck.

The preliminary hearing Wednesday again featured witnesses who were not used in the federal case against Nichols.

A salesman, Jerry Knapp, told the judge that Nichols had inquired about buying a trailer to haul 55-gallon barrels.

The two spoke on the phone March 20, 1995. The T.O. Haas Tire salesman recalled Nichols "became somewhat agitated" the trailer was not enclosed and did not buy it.

Another new witness, Ruth Hailey, testified she saw a yellow Ryder truck behind Nichols' home in Herrington, Kan.

She lives eight blocks away and said she saw the truck on April 17 or 18, 1995, while taking a son to either soccer or to play golf.

"I said, Oh, look, somebody's moving."

Her testimony Wednesday differed in key points from a typed FBI report of her statements to agents in 1995. She said the agents erred in the report.

Prosecutors have called 17 witnesses so far and have another dozen or so to go. The judge has set aside this week and next to hear testimony.

Marife Nichols' testimony is expected to take much of today. She was questioned for 90 minutes Wednesday and repeatedly glanced at her husband at the defense table.

He showed little emotion, taking notes most of the time. He grinned slightly a few times. He still wears his wedding ring. She did not.

The two met in the Philippines and married in November 1990 when she was 17.

She told the judge she was jealous of her husband's friendship with McVeigh. She said she eventually insisted that McVeigh be barred from their house.

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