

# Secrets of Timothy McVeigh

by Jim Crogan, LA Weekly | 3/26/2004

The national trauma caused by the Oklahoma City bombing was only 9 days old when an affable, soft-spoken furnace builder got the surprise of his life. Standing outside his suburban Oklahoma City home, he suddenly came face to face with FBI Special Agent Jim Ellis.

“He asked me my name, and then he said, ‘We have some good news and some bad news for you. The good news is, we found your truck. The bad news is, it was used in the Murrah bombing.’”

Ellis’ words left him feeling elated that his truck was recovered, but stunned by its implications. The factory worker recounted the story to the Weekly on the condition that he not be named. “I couldn’t believe my truck was used in this awful crime. It really shook me up.”

Agent Ellis, his partner and an officer from the Oklahoma State Bureau of Investigation interviewed the man on April 28, 1995, nine days after a massive bomb inside a Ryder truck detonated outside the Alfred P. Murrah Building in Oklahoma City. The blast’s shock wave ripped apart the concrete-and-steel facing of the nine-story building, killing 168 people, including two pregnant women, and wounding more than 500. The agent told him that someone had removed the license plate and obliterated the vehicle identification numbers and that he was tracked down with the help of a bank-deposit slip found under the seat.

Nine years later, the Weekly’s investigation into the missing pickup has only deepened the mystery, and questions persist about whether a broader conspiracy was responsible for the bombing. The federal government continues to insist it resolved the case long ago with the death sentence meted out to McVeigh and the conviction of Terry Nichols, as his sole co-conspirator, on eight counts of involuntary manslaughter and one count of conspiracy. Nichols is serving a life sentence in federal prison and now faces new charges on 161 murder counts and the possibility of the death penalty.

Answers could start emerging this week in Oklahoma, when opening statements begin in Nichols’ second trial. Witnesses expected to testify at the trial include David Paul Hammer, who served with McVeigh on federal death row and claims that McVeigh told him others were involved in the Oklahoma City bombing. Another is Peter Langan, a former member of a white-supremacist bank-robbery gang, who is serving a life term. He has said that at least three fellow gang members were in Oklahoma around the time of the bombing and that one had told him of his involvement in the bombing.

One of the more provocative lines of inquiry over the past decade has been whether the plot included Middle Eastern terrorists. In the hours immediately after the blast, law enforcement publicly focused on that possibility. But the arrest of McVeigh, within hours of the bombing, and Nichols, who turned himself in two days later, wiped that theory from the national consciousness. Over the years, the possibility of a larger conspiracy has piqued the interest of only a handful of people with the power to pursue the questions, including a member or two of Congress.

Suspicion that the bombing involves a Middle Eastern connection begins with an all-points bulletin issued by the FBI three hours after the explosion for a truck like one stolen from the blue-collar Oklahoman. It was a brown Chevy pickup, with tinted windows, seen speeding away from the area, with two Middle Eastern-looking men inside. Later that day, the FBI canceled the alert, and has never said why. When Timothy McVeigh, a disillusioned Gulf War vet, was arrested and charged on April 21, questions about that mysterious brown truck and its Arab-looking occupants faded away.

One of the first journalists to air reports on the aborted FBI alert was Jayna Davis of KFOR-TV in Oklahoma City. Her TV stories generated confidential phone tips about a group of local Iraqis, including one who seemed to match an FBI profile sketch of John Doe No. 2.

Davis collected interviews, witness statements and stacks of documents suggesting that the conspiracy went beyond McVeigh and Nichols. She chronicles her investigation and the FBI's probe in her book, *The Third Terrorist*, due out in mid-April.

Two years ago, when Davis' work began drawing national attention, U.S. Senator Arlen Specter (R-Pa.) wrote FBI Director Robert Mueller asking for his comments on Davis' findings. The Bureau met with representatives from the House Committee on Government Reform, and Thomas Swanton, an assistant U.S. attorney assigned to Specter's office. It's not clear what was said at the meeting, but weeks later, Eleni Kalisch, FBI's section chief for government relations, sent Specter a confidential six-page letter responding to questions raised at the meeting.

In the letter, Kalisch did not comment on what role, if any, the pickup may have played. Instead, she noted, "The FBI was aware this truck was stolen in Norman, OK, and a known car thief was the suspect." According to Norman Police Department documents, however, police never identified a suspect. The truck was stolen outside the plant where the owner worked on December 5, 1994, more than four months before the attack.

Perhaps more information will come out about the truck during Nichols' trial. The pickup's owner tells the Weekly that the defense recently mailed him a subpoena to testify at Nichols' trial. "The date to appear is April 6," he explains. The owner phoned the defense team and was told his court appearance would likely come at the end of the month. But defense attorneys seem to know very little about his truck.

"When they called, they just asked me if I owned a truck and if it was returned to me. I said yes. And they said, 'Thanks.' That was about it," says the owner. Citing a court-imposed gag order, Brian Hermanson, Nichols' lead attorney, declined any comment.

The missing truck was actually a brown 1983 GMC High Sierra four-by-four. When the FBI returned it, the truck had been spray-painted yellow and its GMC emblem replaced with a Chevrolet Silverado one. Before it was stolen, the four-by-four drive had broken down. The thieves repaired it. A letter, dated July 11, 1995, sent on behalf of Oklahoma City's FBI Special Agent-in-Charge Bob Ricks confirmed the extra efforts taken to disguise the truck. "The vehicle also had been painted and subjected to cosmetic changes

which made it appear to be a Chevrolet.” The FBI paid the truck owner \$822 to repair damage from the forensic exam.

The pickup was found in an Oklahoma City apartment complex, about five miles from the Murrah Building, by a security guard on April 27, 1995. He called police to impound it. The guard recorded the abandoned vehicle as a “yellow Chevy Silverado.” He also documented the missing public VIN numbers and the truck’s original color — “brown.”

Oklahoma City Police Officer Sean Shropshire noted the missing public VIN numbers and license plate, and the yellow paintwork. He also called the FBI in response to its Teletype about a “Brown Chevy pickup involved in the bombing of the Murrah Federal Building.” A Bureau supervisor told him to get the truck fingerprinted.

Police spokesperson Captain Jeffrey Becker says three sets of fingerprints were found on the pickup: one on the driver’s-side window, a second on the frame around that window, and a third set near the driver’s-side door handle. Becker says his department ran the prints through a nationwide criminal database but came up empty. The police then handed the truck and the fingerprints over to the FBI. “We never heard back from them,” says Becker. “We never knew where it was stolen or heard anything about a suspect.”

A resident of the complex where the pickup was dumped, speaking confidentially, says he saw the truck parked at the complex a week after the bombing. His wife got a close look at the driver, on April 25. He says its “ugly yellow color” caught his eye. Ellis, he adds, came to the complex looking for witnesses. “He showed me a picture of the pickup and asked if he’d seen it. I told him yes,” says this resident. “Ellis then told me, ‘Remember that APB the day of the bombing, with two Middle Eastern-looking men in it? Well, this is the truck.’”

His wife told Ellis she remembered the driver because he glared at her. She said he was “clean-shaven, with an olive complexion, dark wavy hair, broad shoulders, 28 to 34 years old, and of Middle Eastern descent.”

The agent re-interviewed them a few days later. “Again,” according to the resident, “he said, ‘This is the brown pickup from the APB. It had no license plate, no VIN numbers, and was painted yellow.’ He also told us it was fingerprinted by the FBI.” His wife put together a crude drawing of the driver that Ellis picked up. The agent then refused to take their phone calls. “I never heard from him again,” says the husband.

Ellis, who’s assigned to the FBI’s Dallas office, didn’t return the Weekly’s calls. But Lori Bailey, an FBI spokesperson for the Dallas office, confirmed that Ellis worked on the bombing case. She also stood by Kalisch’s claim that the pickup was not involved in the bombing. Asked how she knew this was true, Bailey responded, “I don’t have that information. You’ll have to call our Oklahoma City office.”

Gary Johnson, a spokesperson for the Oklahoma City FBI office, says the truck was impounded by the FBI, examined by forensics and returned to its owner. Johnson also confirms that fingerprints were found. But he says none were matched to a suspect.

Responding to Ellis' reported statements, Johnson adds, "I don't know what he said. But if he said the truck was involved in the bombing, he was wrong. The Bureau is convinced everyone involved has been prosecuted." Asked how the Bureau knew the truck and its occupants were not involved, Johnson replies, "It simply wasn't consistent with our investigation."

John Vincent, a retired FBI agent who worked on part of the OKC bombing investigation, counters, "It sounds like Johnson is saying the truck didn't match up with the scenario of the bombing they put together, so the Bureau threw it out. I believe they should have followed up on all their leads," he adds.

The recovery of the pickup, fingerprint evidence and Ellis' statements about the APB did not come up during the federal trials of Timothy McVeigh and Terry Nichols. Defense attorneys say they were never given the material. Neither Stephen Jones, McVeigh's lead attorney, nor co-counsel Robert Nigh recalls getting that information. And Michael Tigar, Nichols' counsel, says he doesn't remember seeing it either.

This time around, it likely will be different. Federal District Judge Steven Taylor has given Nichols' defense the green light to present evidence of other conspirators. Taylor will then decide if the jury hears it. The judge also warned prosecutors that he would dismiss the case if state or federal governments have withheld important material from the defense that could help show the defendant's innocence. State prosecutors have assured the judge that all relevant material was turned over.

Despite that assurance, the Weekly turned up a signed declaration, provided by Nichols' current prosecutor, Oklahoma County Assistant District Attorney Sandra Howell-Elliot, in January 2000, stating that the FBI had denied defense teams and the state "intra-agency memoranda between the FBI and a host of other agencies."

Howell-Elliot filed her declaration in opposition to a freelance writer's unsuccessful bid to access evidence not introduced in the federal trials. She also claimed the release of these memos would interfere "with our pending enforcement action [Nichols' trial]."

U.S. District Judge Wayne Alley, who wanted to deny the request, but left the final decision up to the trial judge in McVeigh and Nichols' case, also noted, "The FBI's list of responsive materials from its Oklahoma City Field Office includes numerous other videotapes dated April 19, 1995, from several sources." None of these tapes were released.

According to news reports, FBI agents tried unsuccessfully to interview McVeigh on death row in the hope he would fill in the blanks about the case — for instance, McVeigh's whereabouts the night before the attack. Officially, they remain a mystery.

But a number of witnesses at an Oklahoma City motel tried to help the FBI answer that question back in 1995. The two-story motel, with its 50 Holiday Inn-style rooms, sits atop several acres, some seven miles from downtown Oklahoma City.

The motel's co-owner and one current and one former employee, speaking on condition of anonymity, insist McVeigh and some of the Iraqis investigated by former TV reporter

Davis were there on April 18. The owner says McVeigh arrived late that afternoon. The motel owner says he was doing maintenance in one of the rooms when the stench of diesel fumes hit him. (The truck bomb was a mixture of diesel fuel and ammonium nitrate.) “I walked outside to see where it was coming from and discovered it was the Ryder.”

McVeigh had parked in an area reserved for recreational vehicles. The owner intended to tell McVeigh to move it. But the truck had disappeared by the time he checked back on it. After the bombing, the owner learned the Ryder truck had been seen at a gas station next to the motel. The attendant told him a Middle Eastern man had bought a lot of diesel. He gave Davis a signed affidavit stating that the driver “paid \$120 cash for 100 gallons of diesel fuel.”

The attendant remembered the sale because his customers mostly use credit cards. He told Davis he “scrutinizes” his customers’ faces because he’s been robbed once at gunpoint. He also identified the man from a photo lineup (supplied by KFOR-TV).

The owner says his employees found the Ryder “parked on a gravel-covered area behind the motel the next morning.” The owner also says a brown sport utility vehicle arrived at the same time as the Ryder truck and parked beside it. Two Middle Eastern-looking men were inside. A Mercury Marquis turned up on April 16 and drove on and off the lot until the morning of April 19. (A highway patrolman stopped McVeigh on the interstate shortly after the attack for driving his Mercury Marquis without a license plate. He was arrested for possession of a concealed weapon.)

The owner says McVeigh was with several Iraqis. He and several of his employees picked out their faces from a photo spread provided by Davis and KFOR-TV. The owner insists he also matched one of these men to the FBI’s John Doe No. 2 profile sketch. It was the same man identified by the station attendant. One of the Iraqis, Hussain Alhussaini, later came forward and identified himself as the person being fingered in Davis’ reports as John Doe No. 2.

The rooms have been redecorated since 1995, says the owner. “But the room McVeigh used still has two double beds, a small bathroom and vanity. Back then it also had tan striped wallpaper, a white ceiling and gray carpet. But that’s all changed,” he adds. “It was ugly.”

The morning of April 19, McVeigh and John Doe No. 2 drove the Ryder out shortly before 8 a.m. The Mercury Marquis and the SUV followed them out, the owner continues. “About a half-hour after the bombing, the SUV came back. It raced onto the property and drove to a drainage ditch at the far end of the lot,” he adds. “I was standing with my maintenance man, and we stared at it because it seemed strange.”

At the time, the owner and his employee were focused on the plume of black smoke rising from the Murrah Building. “It was incredible. We felt the shock wave from the explosion,” the owner explains. “It rattled doors and windows throughout the motel.”

The owner says two men were in the SUV. They got out, and one of them appeared to throw something into the ditch. Then they drove back out. "I told the maintenance man to keep his eyes open for something that might have been tossed when he checked down there. He later found an Arizona plate in the grass and gave it to me." The motel owner also discovered a T-shirt emblazoned with an American flag in that area. A motel guest told the owner and Davis he saw McVeigh wearing the same shirt on April 18. The owner wanted to give the plate and shirt to the FBI. "But they weren't interested. I wrapped them in plastic and stuck them in my closet. I still have them."

The FBI interviewed the motel owner several times. "I told them [the agents], if you don't believe me, there are four other staff people who saw McVeigh here with those Iraqis. But they wouldn't interview them."

The Weekly interviewed two of those four witnesses. Only one of them still works there. The third, a female clerk, has died, and the fourth, her husband, declined to speak. Both told Davis that McVeigh and a group of Middle Eastern-looking men were at the motel on April 18. "I was with [the motel owner] when that third vehicle came back," says the maintenance man. "We watched them go to the end of the property, get out and throw something in the ditch. Then they left. [The owner] sent me to see what it was. I found the Arizona plate and gave it to him."

This witness says he saw the Ryder truck and McVeigh with some Middle Eastern-looking men, on April 18. The truck made a vivid impression. "It smelled real bad, and I kept walking around it looking for a leak. I was real concerned because diesel is hard to clean up and it would have been my job." He says he was willing to talk to the FBI. "My boss gave them my name, but they never called."

The second witness, an ex-employee, says he phoned the FBI several times after the attack before he finally set up an appointment. The motel owner was already being questioned when this second witness arrived at the FBI's office for his interview. "They left me waiting," he says. "I told the receptionist I had to go. But she asked me to stay. Finally, after three hours, I told her, 'Tell the agents to call me when they want me back.' But they never did."

This witness is also sure he saw the Ryder, McVeigh and a group of "Middle Easterners" at the motel the morning of the attack. At 7:30 a.m., he began his trash detail. "That's when I was overwhelmed by diesel smell from the truck. I worked seven years in oil fields, so I know diesel."

He walked around the Ryder twice, looking for the leak. "Then I saw McVeigh and the Arabs head toward the truck." And he insists, "I didn't see someone who looked like McVeigh. I saw McVeigh. I was 10 feet away and recognized him when I saw him on TV."

McVeigh and another man, this witness says, got into the Ryder and drove to the office. McVeigh, he adds, also stayed there months earlier. "I used to see him walking around. But we never said much, except hello." When his arrest was broadcast, this witness says he told his wife, "I know him. He stayed at the motel.' That's when I decided to call the FBI."

The most recent official scrutiny given to claims of a possible Middle Eastern conspiracy is the briefing the FBI held in October 2002, with Swanton, an assistant U.S. attorney, temporarily assigned to Specter's staff and House committee investigators. The memo Kalisch wrote after the meeting attacks Davis' investigation and the credibility of the motel owner. "Kalisch's letter is filled with lies, omissions and disinformation," responds the former KFOR reporter. "It's the same old story with the FBI. Cover it up," adds David Schippers, Davis' attorney and former lead counsel spearheading the House impeachment of Bill Clinton. "Maybe they just don't know the difference between truth and lies."

The motel owner says Kalisch's statements to Specter's office made him angry. She distorted or omitted much of what he said, he alleges. Kalisch writes that the FBI first interviewed the owner in November 1995. "She implies I waited seven months to call," the motel owner says. "But I called the FBI several times after McVeigh's arrest, to say he was here. I just never heard back." Finally, his business attorney told a retired federal judge who was a friend of McVeigh's prosecutor. "And he arranged my first interview."

Kalisch also claims the motel owner re-contacted the FBI in December 1995 and told agents the "Ryder truck was not at the motel, and he may have been influenced by the news media and a co-worker. That's an outright lie," the owner angrily counters. "I never said that or changed my information."

Kalisch also states that the owner refused to give (the FBI or agents) them information about his guests. But the owner says the FBI wanted all his room records going back to 1990. "I wanted a subpoena or some sort of receipt to prove they took them. They didn't want to give me one," he continues. "So I said no. I was afraid the agents would claim they never got them. I also offered to make them copies." An Alcohol, Tobacco and Firearms agent later made some excuse to get them from the owner's father. And the owner says the FBI won't return his original records.

The FBI scheduled a polygraph test for the motel owner. He was supposed to receive it at his January 1996 interview, but it was never given. Kalisch doesn't explain why. And the motel owner doesn't understand it. "I wanted to take it. But they refused to test me."

Kalisch based her criticism of Davis' findings on an FBI review of KFOR's material on Samir Khalil and Hussain Alhussaini. The TV station also sent over their stories on the pickup and the APB. Kalisch writes, "Channel 4 contradicts themselves in that they contend a brown pickup owned by Khalil was used." But Davis says KFOR transcripts prove the station never reported that Khalil owned the pickup.

Khalil, who has used other names, owns Samara Properties in Oklahoma City. In 1991, this Palestinian native pleaded guilty to insurance fraud and served eight months in federal prison. The FBI also accused him of having links to the Palestine Liberation Organization. Khalil denied that in court papers. He also hired several of the Iraqi refugees investigated by Davis.

Davis zeroed in on Hussain Alhussaini, a former Iraqi soldier and POW in the Gulf War, who appeared to match the FBI's profile sketch of John Doe No. 2. She collected 22

signed affidavits from witnesses alleging that they saw McVeigh with him and/or other Samara workers, in the weeks before the bombing, and tried twice to give this material to the FBI. Davis says only two of the eight Iraqis she investigated are still in Oklahoma City. One travels frequently, and the others have disappeared. Alhussaini was last reported in Massachusetts, working at Logan Airport outside Boston.

The FBI never interviewed Alhussaini, Kalisch states, because Todd Bunting, an Army soldier who went to Elliot's Body Shop the day after McVeigh, was mistakenly identified as John Doe No. 2. Kalisch also claims the sketches of John Does No. 1 and No. 2 were based solely on interviews with Tom Kessinger, Elliot's mechanic, who misidentified Bunting as John Doe No. 2.

But Kalisch ignores the FBI's profile sketch of John Doe No. 2. FBI artist Jean Boylan drew it using descriptions from Oklahoma City witnesses and Kessinger. This third sketch was released on May 1, 1995. Boylan's witnesses included Debbie Nakanashi, who worked at the post office across the street from the Murrah Building. Nakanashi said she saw McVeigh with another man in downtown Oklahoma City before the bombing. She gave Davis a sworn affidavit with that information.

Kalisch also disregards Eldon Elliot, the body shop's owner, who inspected the Ryder truck with McVeigh. Elliot testified at McVeigh's trial and Nichols' preliminary hearing in the state case that McVeigh came to his store twice. He also insists McVeigh was with another man when he rented the truck and that he never identified Bunting as that man. Nevertheless, citing Kessinger's misidentification, the Bureau decided it was all a mistake. John Doe No. 2, it announced, never existed.

Davis' stories on Alhussaini aired in 1995. Although she digitized his face and never identified him by name, Alhussaini came forward and identified himself, but denied any connection to the bombing. He later sued Davis and KFOR for defamation. A federal judge dismissed his suit in 1999. Alhussaini appealed. In March 2003, the appellate court unanimously rejected his claims, noting that Davis had never identified him. The appellate judges also confirmed a lower court's finding that KFOR's reports were "either true or statements of opinion that did not defame the plaintiff."

The Weekly contacted Kalisch at FBI headquarters in Washington, D.C., but she refused to be interviewed. "I understand you're asking me about a letter I signed, but I'm not going to talk to you," she said. An FBI spokesperson said he would try to arrange an interview with Kalisch, but none was ever scheduled.

The Weekly also called Swanton. He confirmed that Davis supplied Specter's office with "volumes and volumes of material" before the FBI briefing. "But I'm wearing two hats, the U.S. Attorney's and Specter's, so I need to get interviews approved. I'll call you back if I can talk." Swanton never called or returned the paper's follow-up calls. He's since left Specter's office.

McVeigh went to his grave denying a larger plot. And the Justice Department maintains no evidence of a conspiracy beyond McVeigh and Nichols ever surfaced. But witnesses and evidence contradicting those claims continue to come up.



The details surrounding the pickup and its recovery, the efforts taken to disguise it, the fingerprints found on this truck, and Ellis' statements are just the latest examples. Davis' material on an alleged Middle Eastern connection and a John Doe No. 2 suspect are others. Kalisch's and Swanton's refusals to comment only fuel the controversy.

Perhaps the Nichols trial will finally set the record straight. If this jury hears the witnesses ignored by the FBI and examines all the evidence, we may finally settle these issues. Then we'll know if there was a larger plot, and other conspirators who must still be brought to justice.