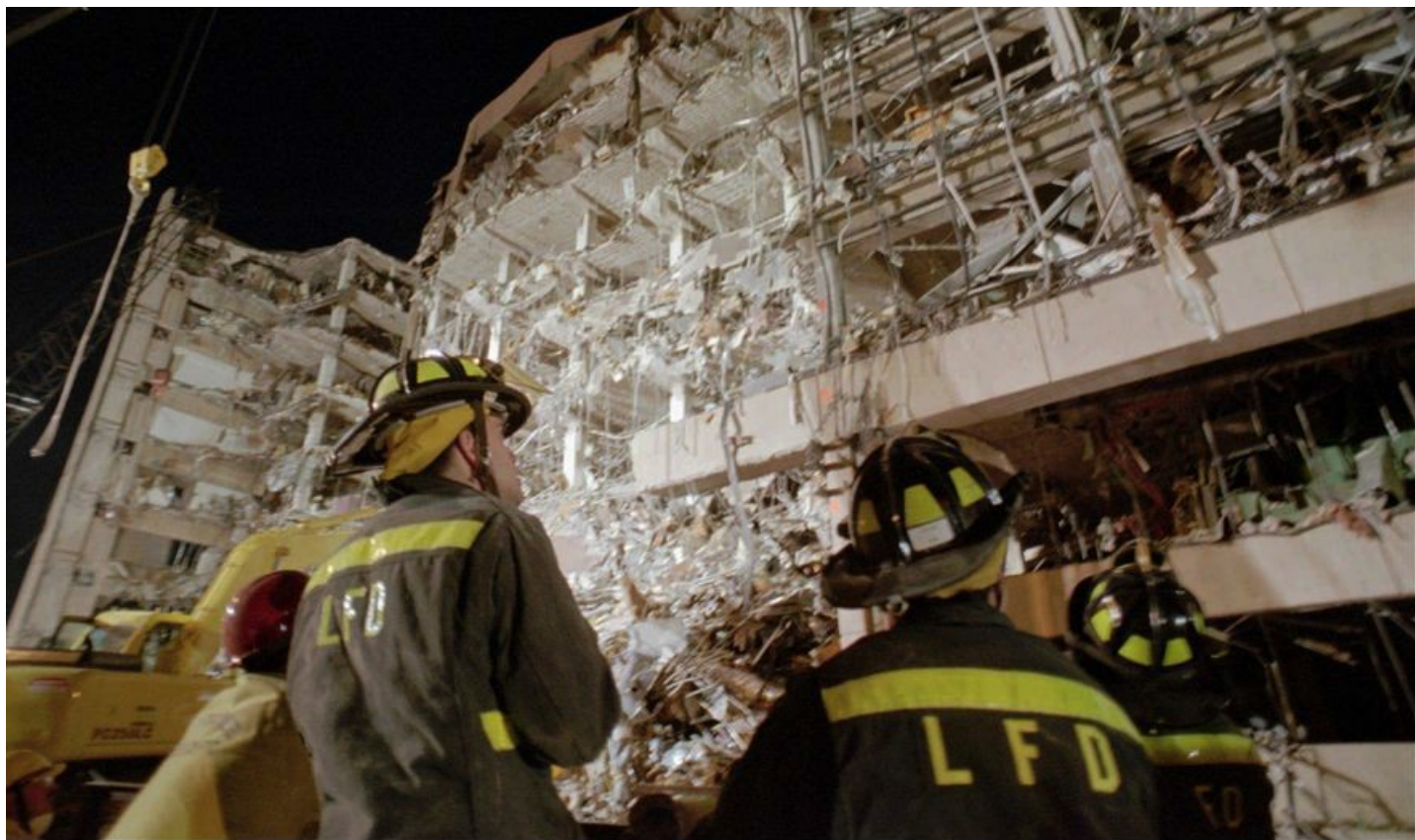


Oklahoma City bombing secret: DNA extracted from unknown leg

Revives possibility of 169th victim or Timothy McVeigh, Terry Nichols accomplice



Fire personnel gather at the base of the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 20, 1995, the day after the bombing. (Associated Press) more >

By [Jeffrey Scott Shapiro](#) - *The Washington Times* - Monday, December 7, 2015

The Oklahoma City Medical Examiner has partial DNA from an unmatched left leg collected from the ruins of the Alfred P. Murrah Federal Building bombing, reviving the possibility of a 169th unidentified victim from the 1995 terror attack as well as defense lawyers' long-held belief that Timothy McVeigh and Terry Nichols had an additional accomplice.

An Oklahoma state forensics expert told *The Washington Times* the DNA tests were conducted by a private lab about two years after the attack, and no known person who was in the vicinity of the building the day of the bombing is presently unaccounted for.

"The Office of the Chief Medical Examiner has a copy of the results. However, the results are confidential pursuant to state law," Oklahoma Chief Toxicologist Dr. Byron Curtis said.

FBI officials said Monday they were unaware of the existence of the DNA findings on the left leg, known only as human specimen P-71, and plan to obtain the data from local authorities and the private lab to investigate its relevance to the case. The request could open the door for new DNA tests with today's vastly improved techniques.

“Exhaustive efforts were made by the FBI to identify the left leg known as P-71. Investigators will follow up with officials from the Office of the Chief Medical Examiner to obtain a copy of the DNA analysis, conducted by the private lab, and determine its validity to the case,” said Special Agent Ann Todd, a spokeswoman for the FBI’s famed forensics lab in Quantico, Virginia.

A spokeswoman for the Oklahoma Medical Examiner told The Times that in 1997, samples of bone, skin, muscle and a blood clot from the leg were sent to LabCorp., a private clinical laboratory that commonly conducts tests for government agencies.

Still, even after the lab was able to extract DNA, the leg remains unmatched to any known victims and is essentially a John Doe body part.

“We aren’t withholding the name at all,” Chief Administrative Officer Amy Elliott said in an email to The Times. “We do not have a name or identity coordinating for the unmatched leg.” Officials said they believe the unidentified leg and its DNA most likely belonged to a female, but it was badly charred and embalmed before the 1997 tests were conducted.

Both the FBI, which led the federal investigation into the terror attack, and the Oklahoma prosecutor who convicted Nichols in state court did not know of the existence of the DNA results from the unidentified left leg.

Nonetheless, the statements by Dr. Curtis and Ms. Elliott are consistent with the conclusions of former Oklahoma coroner Dr. Fred B. Jordan, who, during the 1997 trial against McVeigh, testified that all 168 identified victims had their left legs accounted for.

Retesting the DNA

The existence of extracted DNA from the John Doe leg opens the possibility that the DNA sample could be retested using today’s more sophisticated techniques to glean more evidence about its identity. While DNA science has vastly improved over the last two decades, the FBI lab would only retest the leg today if the agents responsible for the case made a new request, Ms. Todd explained.

“It is the mission of the FBI laboratory to apply scientific capabilities and technical services to the collection, processing and exploitation of evidence in support of investigative and intelligence priorities. When a request is received by the FBI laboratory to analyze cold case evidence — or evidence from older cases — with current scientific capabilities, communication occurs between the investigators and FBI scientists to evaluate whether current technologies can be applied,” she told The Times.

McVeigh and Nichols were charged and convicted in federal court with crimes covering 168 victims. McVeigh was executed, while Nichols remains in prison and was convicted of additional charges in state court years after the federal trials.

Their lawyers told The Times they believe the DNA test was withheld from them during the federal trial and state trials, and ought to be tested anew using today’s tactics.

Mark Earnest, a lawyer who represented Nichols in his 1999 Oklahoma state case, said the mere existence of the DNA should have been revealed to defense lawyers per the “Brady rule,” which requires the disclosure of exculpatory or impeaching evidence.

“The government had a duty to provide all the information they had to defense counsel, and if they purposely or even unintentionally failed to provide that, it violates the Constitution,” Mr. Earnest said in an interview.

Reviving theories of John Doe #2

Former Oklahoma County District Attorney Wes Lane, who took over the Nichols state case in July 2001, said he did not know about the DNA result and would have pursued it aggressively because there had long been rumors of another possible suspect, described only as “John Doe #2.”

“When I came on board in 2001, the question was solely whether we were going to proceed [with the Nichols case]. I caught so much flak for continuing that case, and it would have been a great help to come across John Doe #2, so you can trust if there had been any twist of reality on that issue, we would have been on it like a duck on a junebug. It would have been a marvel and a great thing,” he said.

Nichols has long believed McVeigh, the mastermind of the attack, had an additional accomplice killed in the attack, a theory that might have been bolstered if the results from the DNA test on the unmatched leg had been disclosed, his lawyer said.

“I think evidence like that could have put the focus on the leg having belonged to the bomber or one of the bombers. I think that’s an obvious interpretation of that evidence if it can’t be connected to anyone else,” Mr. Earnest said.

Likewise, McVeigh’s attorney, Stephen Jones, said he still believes it is likely his client had another accomplice the day of the bombing.

“I think it’s a reasonably strong theory because of three reasons,” Mr. Jones said in an interview.

“First, a witness named Dana Bradley consistently maintained she saw a man with an olive complexion get out of the passenger side of the Ryder truck. She saw him go to the back of the truck and start back when the bomb went off. It’s possible, while he was walking, his leg was shielded by a parking meter or waste disposal can, so the force of the blast went all around him, hitting everything but the shielded leg.

“Second, Timothy McVeigh took a polygraph exam administered by a well-known, respected examiner, and when he was specifically asked if there were others involved in downtown Oklahoma City, he said ‘no,’ but the exam showed clear deception.

“Third, I don’t think anyone thinks the car McVeigh was pulled over in was the actual getaway car. He parked it five blocks away and backed it in so that the rear license plate could not be seen. He then used a highlighter to write on a piece of cardboard saying, ‘Not abandoned. Please do not tow. Will move by April 23 (needs battery and cable).’

“But he also left all this political literature in the car, the theory being that a week later the car would draw attention, and the literature would be there to explain why the federal building was bombed. In this scenario, whoever was going to give him a ride didn’t show up, so he had to hoof it back to the car and then head north on the highway, where a trooper stopped him,” Mr. Jones said.

When McVeigh was pulled over, he was driving a yellow 1977 Mercury Marquis with no rear license plate. He had just purchased the car from a Firestone employee in Junction City, Kansas, and never registered the vehicle.

Rep. Dana Rohrabacher, the California Republican who led a renewed congressional inquiry into the bombing attack in 2005, told The Times there was ample evidence John Doe #2 existed, but the FBI veered away from that part of the investigation.

"I spoke to the man who rented the Ryder truck to McVeigh, and he told me McVeigh was with someone, but that the FBI kept trying to convince him [McVeigh] was alone. For a while, the object of the Oklahoma City investigation was to find John Doe #2, but after a couple of weeks they said 'there is no John Doe #2,' and that part of the investigation was canceled."

Confidential FBI interview reports obtained by The Times suggest McVeigh's key conspirator also believes other accomplices were involved.

According to Jesse Trentadue, a lawyer who continues to represent Nichols from where he is incarcerated at the ADX supermaximum security prison in Colorado, a June 24, 2005, FBI report reveals his client has previously expressed fears about naming an additional suspect, commonly referred to as 'John Doe #2.' "Terry has said several times that he will not disclose the identity of 'John Doe #2' because he needs to protect his family," Mr. Trentadue told The Times.

The FBI report, which was obtained by The Times, reads, "Nichols revealed [deleted] operatives were involved in the Oklahoma City bombing. ... On May 26, 2005 FBI Denver interviewed Nichols. Nichols declined to identify John Doe #2. Nichols advised John Doe #2's name had not been mentioned during the investigation and, as a result he feared for his and his family's well being should it become public." Bob Ricks, a former FBI special agent in charge who monitored the investigation from the Oklahoma City field office, told The Times via telephone he also believes the government's investigation located all of the actual participants.

"McVeigh and Nichols encountered fellow travelers from time to time, but the named conspirators have all been captured. It's all been held up to scrutiny, and when I left the FBI I was very confident we had it all," Mr. Ricks said. "We had about 50 different eyewitnesses who thought they saw McVeigh in different places that day. We had sightings all over the United States, but during those key periods of time, on the day of the bombing, he was alone."

Mr. Ricks also disagreed with Mr. Jones' assessment about McVeigh's getaway car.

"There are all kinds of conspiracy theories, even some that suggest McVeigh wanted to get caught. I don't buy that. McVeigh wanted to get away, he just made a stupid mistake. He probably didn't put a license plate on the getaway car before the bombing so no one could link it to him. He was probably going to put one on later but ran out of time. He barely got away because he was so close to the bombing when it happened."

Leg buried with wrong victim

The left leg in question was originally buried in the coffin of Lakesha Levy, a female member of the Air Force who was killed in the bombing, but it was later replaced by another left leg that matched her DNA. The original left leg, erroneously believed to be Levy's, was reportedly embalmed, supposedly preventing authorities from extracting DNA to determine the leg's actual owner.

But, Dr. Curtis said, "DNA was extracted" in 1997 and "we maintain samples of the leg." The DNA results are filed with the chief medical examiner, he said.

He added that there were many forensic explanations as to why the left leg may have survived the bombing but other remains from the owner did not.

“Given that the rubble collapsed several stories and was likely responsible for much of the damage to victims ... it seems logical with that much movement that different items could become widely separated,” he said.

Even FBI officials were surprised to learn about the 1997 DNA extraction by the local lab working with state officials.

“In an effort to provide assistance with The Washington Times inquiry, the FBI laboratory located several DNA reports related to specimens tested from P-71,” Agent Todd, the FBI spokeswoman, said. “Of the reports that were located, the date of the last report was 1997. Without reviewing the investigative case file — which is not readily available — the laboratory has no way of knowing if additional DNA analysis was conducted after 1997.”

White supremacist underground

Roger Charles, a longtime Oklahoma City bombing researcher and co-author of “Oklahoma City,” a scathing critique of the government’s investigation, said the FBI has declined to pursue leads concerning other conspirators because it would risk exposing a sophisticated network of government informants.

“The FBI has spent a lot of time investing in undercover operations in the white supremacist world,” Mr. Charles told The Times. “They can’t compromise their ongoing investigations. Some of them have literally been going on for decades.”

The 2005 Denver FBI interview report partially corroborates Mr. Charles’ assessment in a comment, which references an upcoming interview Mr. Rohrabacher was planning to conduct with Nichols inside the ADX prison.

“DTOU [Domestic Terrorism Operations Unit] expressed concern regarding John Doe #2’s name surfacing during the Congressman’s interview,” the document reads. “After the one Denver SA [special agent] departed ADX, Nichols passed a note to ADX staff indicating he was angry with the FBI and did not want to meet with FBI Denver again.”

Mr. Charles added that some of the undercover operations at the center of the FBI’s concern took place in “Elohim City,” an Oklahoma-based white supremacist “Christian Identity” community, which McVeigh called from Arizona on April 5, 1995, just two weeks before the bombing.

For several years Oklahoma City researchers have proposed that McVeigh had other accomplices, including a white supremacist bank robbery gang known as the Aryan Republican Army (ARA), which was operating out of a Kansas-based safe house at the time the 1995 bombing occurred. Four of the group’s members resided sporadically in Elohim City during the mid-1990s.

“There are travel records and evidence of gun show visits that place both McVeigh and various ARA members in the same towns at the same time,” Mr. Charles said. “There was also a September 1994 bank robbery in the Kansas City suburb of Shawnee Mission where one of the co-conspirators matched McVeigh’s physical description but didn’t match any other ARA members.”

David Millar, whose family still has the Elohim City phone number McVeigh called just days before the attack, told The Times he would not be surprised if McVeigh had an accomplice, but said no one there

actually knew the convicted bomber and that the FBI came to the same conclusion.

“He had no connection to us other than a supposed phone call,” Mr. Millar said. “There was only one phone here at the time, and it was less than a 30-second call. A man called and asked for another man who was here at the time named Andy Strassmeir. When the federal government asked Andy about it, he said he may have met somebody somewhere, and they may have exchanged cards at a gun show or something, but we never knew Timothy McVeigh. McVeigh supposedly contacted a bunch of different groups, including the National Alliance, so it doesn’t really surprise me,” he added.

McVeigh corroborated some of what Mr. Millar told The Times in his authorized biography, “American Terrorist,” admitting he met Mr. Strassmeir at a gun show and called him to ask if he could use Elohim City as a hideout after the bombing.

One former guest of the white supremacist community, Richard Snell, who was formerly accused of plotting to bomb the Alfred P. Murrah Federal Building in the 1980s, warned authorities something drastic would happen on the day of his execution.

That same day, April 19, 1995, McVeigh detonated his bombs in Oklahoma City.

Mr. Rohrabacher said he believes there is still additional investigative work to be done on the Oklahoma City bombing.

“The start-and-stop history of the Oklahoma City bombing is an indication that, from the very beginning, the FBI wasn’t putting their whole heart in disclosing who was engaged in this terrorist act,” he said. “There were roadblocks all over the place, and there are places where the investigation just stopped with no explanation at all.”