

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN NICHOLS,

Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury: Volume 119)

PROCEEDINGS

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:40 p.m., on the 10th day of December,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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Street, Suite 1308, Denver, Colorado, 80203, appearing for
Defendant Nichols.

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PROCEEDINGS

(Reconvened at 1:40 p.m.)

THE COURT: Be seated, please.

Counsel, approach, please.

(At the bench:)

(Bench Conference 119B1 is not herein transcribed by court
order. It is transcribed as a separate sealed transcript.)

(In open court:)

MR. TIGAR: May I have a moment, your Honor.

Thank you.

THE COURT: Sir, if you would just stand right there.
(David Paulsen was called.)

EXAMINATION

BY THE COURT:

Q. Are you David Paulsen?

A. Yes, I am.

Q. And, Mr. Paulsen, I've been informed that you were subpoenaed to testify in this trial.

A. Correct.

Q. And that you have talked to Mr. Neureiter as one of the defense counsel about the reason that you were subpoenaed and what the subject matter of the proposed testimony is and what kinds of questions would be asked of you. Is that true?

A. Yes.

Q. And then as I understand it, also, you conferred with an attorney and discussed that subject with your attorney, who is in Chicago.

A. Correct.

Q. Is that right?

And after conferring with your attorney and consistent with his advice, you have told Mr. Neureiter that if called to the witness stand here and asked the questions that he

David Paulsen - Examination

identified you would be asked, you would invoke your privilege under the Fifth Amendment to the United States Constitution to refuse to answer those questions; is that true?

A. Correct, sir.

THE COURT: All right. Well, do counsel have any other questions for him?

MR. TIGAR: No, your Honor.

THE COURT: All right. You're excused now.

THE WITNESS: Thank you.

THE COURT: And I'll make the finding that David Paulsen is unavailable as a witness in the case.

Now, we're ready to proceed with the next witness as soon as we get the jury here.

MR. TIGAR: Yes, your Honor.

(Jury in at 1:47 p.m.)

THE COURT: All right, members of the jury. I can tell you it stopped snowing, but don't hold me to that at 5:00. We're ready for the next witness.

MR. TIGAR: Barry Osentoski, your Honor.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand --

THE COURT: If you'll stand and take the oath.

(Barry Osentoski affirmed.)

THE COURTROOM DEPUTY: Would you have a seat, please. Would you state your full name for the record and spell your last name.

THE WITNESS: Barry Lawrence Osentoski,

C O U R T R O O M D E P U T Y

O-S-E-N-T-O-S-K-I.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Thurschwell.

MR. THURSCHELL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Hello, Mr. Osentoski.

A. Hello.

Q. How are you?

A. Very good. Pretty nervous.

Q. Okay. I'll take it nice and slow. Where do you live, Mr. Osentoski?

A. I live in Las Vegas, Nevada, at 7160 North Heights.

Q. Are you working presently?

A. Yes, I am.

Q. And where are you working?

A. At the Fashion Show Mall located in downtown Las Vegas.

Q. Can you speak a little bit slower and lean forward a little --

A. I work at the Fashion Show Mall located in downtown Las Vegas.

Q. And what are you doing there?

Barry Osentoski - Direct

A. I work in a store called Williams and Sonoma as a stocker.

Q. Where did you grow up?

A. I grew up in Michigan.

Q. What part of Michigan?

A. Decker Michigan; Argyle, Michigan.

Q. And do you know Terry Nichols?

A. Yes, I do.

Q. How do you know Terry Nichols?

A. He married my mother in '82 or '83, I think. He's my stepfather.

Q. He was your step --

A. Correct. Stepfather.

Q. He was your stepfather?

A. Yes.

Q. He is no longer?

A. No longer.

Q. Okay. Do you remember -- so for a period of about six years, he was your stepfather?

A. Correct.

Q. Okay. Now, let me take you to November of 1994. Where were you living at that time?

A. I was living with my mother at 7160 North Heights in Las Vegas.

Q. Where you are presently living?

A. Correct.

Barry Osentoski - Direct

Q. During that November period, did Mr. Nichols visit?

A. Correct.

... 00110000.

Q. Do you recall how often he visited?

A. In November?

Q. Yes.

A. I think once.

Q. All right. Do you recall how long a visit it was?

A. Just a few days, if I recall.

Q. Okay. Do you know where he went when he left?

A. When he left Las Vegas?

Q. Yes.

A. I think he visited Zion National Park in Utah.

Q. Okay. Now I'm -- would it refresh your memory if I suggested there was a second visit in November -- you may be thinking of a visit -- thinking that this visit occurred in December.

A. Yes, I am, yeah.

Q. Okay. Does it refresh your memory that there might have been a second visit in November?

A. Yes.

Q. Okay. How long was that visit, if you remember?

A. I think a week.

Q. And do you know where he went after he left Las Vegas from that visit?

A. To the Philippines.

Barry Osentoski - Direct

Q. Okay. Now, I -- did there come a time when your mother told you that Mr. Nichols had left some letters with her when he left?

A. Yes, there was a time.

Q. All right. Did anyone read those letters?

A. Yes.

Q. Who read them?

A. Myself, my mother. As far as I know, that's it.

Q. All right. And did you do anything as a result of reading those letters?

A. Yes, we did.

Q. Okay. What did you do?

A. We basically followed the letters' instructions and read the letters.

Q. All right.

A. Basically.

Q. What were the instructions in the letter?

A. There was instructions to disburse his belongings in case of his death or nonfailure to return; and basically, he -- he informed us that there was, you know -- there was money hid in our house.

Q. Okay. Did it -- did the letter say where his belongings were stored?

A. Yes, it did.

Q. Okay. Where was that?

Barry Osentoski - Direct

A. That was at an AAAABCO storage unit.
Q. AAAABCO?
A. AAAABCO.
Q. And where was that located?
A. In Las Vegas, Nevada, on Boulder Highway and 95.
Q. Did you go to that storage unit?
A. Yes, we did.
Q. And when you say "we," who are you referring to?
A. Me and my mother, Lana Padilla.
Q. Now, as precisely as you can, I'd like you to tell the jury what you did after you arrived at the storage unit.
A. We gained access from the information contained in the letter, and we went to his storage locker, Terry's storage locker to explore the contents of the locker.
Q. Did you go into the storage locker?
A. Yes, we did.
Q. Both of you went in?
A. Well, we both walked into -- I mean to say we went into the storage unit. You had to go inside of the building to get to the storage locker.
Q. Okay.
A. Okay? We gained access to the locker and then proceeded to explore the contents of the locker.
Q. All right. Now, were you both in the storage locker while you were looking at the contents?

Barry Osentoski - Direct

A. No. Not really. Maybe for a second. But my mom, Lana, basically -- you know, explored the items outside in the hallway -- there was more light basically -- while I remained inside looking through the contents.
Q. Okay. Were you passing items out to her?
A. Yes.
Q. Did she have something in particular that she was looking for or a type of item?
A. She was basically looking for paper information, maybe to help us find out what was going on.
Q. Okay.
A. Or --
Q. Now, tell -- sorry. Tell me what you saw in the storage unit.
A. I saw camping equipment, I saw skis, I saw boxes, briefcase.
Q. What kind of camping equipment?
A. Like army-issue camping equipment, or was contained inside of army-issue bagging at least.
Q. Okay.
A. And -- that's about it.
Q. Did you see a tent?
A. I did see a tent.
Q. All right. Did you see a gas cooking stove?
A. Yes.

Barry Osentoski - Direct

Q. And you said you saw skis, as well.

A. Yes.

Q. What kind of ski -- can you describe the skis to the jury?

A. I would say they were downhill-type skis, downhill skis.

Q. Snow skis?

A. Snow skis, yes.

Q. Now, you also mentioned a briefcase.

A. Yes.

Q. What -- what did you -- did you do something with the briefcase?

A. Yes, I did. I handed that out to my mom who was in the hallway more because that may have contained what she was looking for, the papers and stuff like that; and she proceeded to open it and explore the contents of the briefcase.

Q. Did you get a chance to see the contents of the briefcase, as well?

A. She did bring some things to my attention, yes.

Q. Okay. And you went over and looked into the briefcase?

A. Yes, I did.

Q. What do you recall seeing in the briefcase?

A. I recall seeing a lot of paperwork. I recall seeing a makeup kit, a wig, and I think some pantyhose. And I remember that either the wig or one of the items still had the price tag on it.

Q. Still had the price tag on it?

Barry Osentoski - Direct

A. Correct.

Q. Was that in a container of some kind?

A. Yes, it was in a plastic bag.

Q. A sealed plastic bag?

A. Yes.

Q. Did you notice a ski mask?

A. I don't remember seeing a ski mask.

Q. Now, back in the storage unit, itself, you mentioned some boxes. What types of boxes did you see?

A. Just your basic boxes and toolboxes. I seen a toolbox.

Q. Okay. Did you open the toolbox?

A. Yes, I did.

Q. And what did you see in the toolbox?

A. Basically, I seen a handgun.

Q. Okay.

A. And I think a few tools.

Q. Tools.

A. Yes.

Q. Anything else?

A. Not that I can remember.

Q. All right. Did you see any cigar boxes?

A. Yes, I did.

Q. And what do you remember seeing in the cigar boxes?

A. The cigar box contained jade.

Q. Okay.

Barry Osentoski - Direct

A. And that's pretty much it.

Q. Do you remember any other small boxes with other items?

A. Yeah. There was boxes with silver coins and gold coins.

Q. Did that surprise you to see silver coins and gold coins?

A. Not at all.

Q. Why didn't it surprise you?

A. He's basically always had those possessions such as silver coins in all shapes and denominations, so it didn't surprise me at all.

Q. All right. You knew that even back when -- at the time that you were living with Mr. Nichols?

A. Yes.

Q. Okay. Mr. Osentoski, I now -- taking you to a later time period, in the spring of 1995, where were you living at that time?

A. Still with my mom at 7160 --

Q. All right.

A. -- North Heights.

Q. All right. Do you recall getting a phone call concerning a television set?

A. Yes, I did.

Q. Could you tell the jury what about that telephone call -- what did you -- what -- what did you hear and what did you say?

A. Basically, I was informed that I was -- I might be receiving a call from a Timothy McVeigh concerning a television

Barry Osentoski - Direct

set that was being stored inside of our garage. And I did receive that call, and it was Timothy McVeigh.

Q. And did -- you said you were informed.

A. Yes.

Q. Do you remember who told you?

A. I think my mother told me that there might be a call coming into the house.

Q. Okay. And when Mr. McVeigh or the person who identified him as Mr. McVeigh called, did he say anything; do you recall?

A. He just basically asked if there was going to be someone home so he could come and retrieve the television set, and I informed him that there would be -- if not myself, someone else -- to let him in.

Q. Do you recall more precisely when that call -- you received that phone call in the spring of '95?

A. No, I don't. I do not.

Q. All right. Did there come a time when you noticed that the television set was no longer in the garage?

A. Yes. At a later date. I just noticed -- I did not see him retrieve it, but I noticed that it was gone.

MR. THURSCHWELL: One moment, your Honor.

THE COURT: Yes.

MR. THURSCHWELL: Thank you.

Thank you, your Honor. Nothing further.

THE COURT: All right. Mr. Ryan.

MR. RYAN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. RYAN:

Q. Good afternoon.

A. Good afternoon.

Q. I'll try not to butcher your name too bad, but it's Osentoski; correct?

A. Osentoski.

Q. Osentoski -- Osentoski?

A. Correct.

Q. Okay. How are you?

A. Pretty good.

Q. Let me ask you just a few questions about what occurred there in November. You recall, apparently, there were two times when Mr. Nichols came to Las Vegas in the fall or early winter of -- of -- fall of '94, early winter of '94?

A. Correct.

Q. And one of the times, he lived down in the desert and then another time, he lived there at the house?

MR. THURSCHWELL: Objection to characterizing the testimony as "living out in the desert."

BY MR. RYAN:

Q. Did he live out in the desert?

THE COURT: When you say "live," I suppose that could be --

Barry Osentoski - Cross

BY MR. RYAN:

Q. Well, did he -- was he out in the desert at night? Was that your understanding?

A. That was my understanding.

Q. All right. Now, the second time he was there, he stayed at the home; is that correct?

A. Correct.

Q. And during the course of that stay, did you see him writing notes?

A. I did see him writing a note.

Q. And during the course of that stay, did you see him in possession of an old video camera?

A. Yes, I did.

Q. That camera didn't have a manual?

A. Did not.

Q. And Mr. Nichols was not too familiar with how to work it; is that correct?

A. Correct.

Q. And it had a hard case with it?

A. If I recall, yes.

Q. And it was your understanding that after that stay, Mr. Nichols went to the Philippines?

A. Correct.

Q. Now, at some point shortly after he left, you saw the letter that was addressed to Tim McVeigh?

Barry Osentoski - Cross

A. Correct.

Q. Or to Tim?

A. Correct.

MR. RYAN: Let me put on the screen, your Honor, what's been received in evidence as Exhibit 1857.

BY MR. RYAN:

Q. Is this the letter -- can you see it okay?

A. Yes, I can.

Q. Is this the letter you had reference to?

A. Yes.

Q. And this was left -- or was shown to you by your mother a few days after Mr. Nichols left for the Philippines?

A. Correct.

Q. And what did you and your mother do at that time?

A. We formed theories as to why the letter was given --

Q. I mean, what did you physically do?

A. Physically followed the instructions in the letter.

Q. And what did that entail?

A. Retrieving money that was hidden in our house, entailed going to the storage unit.

Q. Where was the money located?

A. In our -- behind our utensil drawer.

Q. In the kitchen?

A. Correct.

Q. And did you assist your mom in removing the -- what was in

Barry Osentoski - Cross

the drawer?

A. I did.

Q. And how did you do that?

A. By removing a fake back and basically pushing it through.

Q. Tell the jury what you found there.

A. I found a bag of money.

Q. How much money?

A. Approximately \$20,000.

Q. Old bills?

A. There were -- they seemed to appear old in denomination --

Q. Excuse me. I'm sorry.

A. They seemed to be old, but in good shape.

Q. In multiple denominations?

A. Correct.

Q. They were in Ziploc bags?

A. I don't recall Ziploc bags. They were in a plastic bag.

Q. All right. And your mother took those down to a safe where she worked?

A. Yes.

Q. And then following that, your mother and you went out to the storage locker?

A. Correct.

Q. And before you went into the unit, you looked into the blue pickup truck owned by Terry Nichols?

A. We looked into the truck.

A. We looked into the truck.

Barry Osentoski - Cross

Q. It had a white camper shell on it?

A. Correct.

Q. And within the cab of the pickup truck, you found some camouflage clothing?

A. I don't remember seeing camouflage clothing. I remember seeing a catalogue. I remember seeing cooking tools and utensils.

Q. Do you remember telling the FBI when they interviewed you on April 21, 1995, Special Agents Clair Elkington and Jay Sieger, that you had seen camouflage -- camouflage clothing in Terry Nichols' pickup truck?

A. I do not.

MR. RYAN: May I approach, your Honor?

THE COURT: Yes.

MR. RYAN: This is the 302, 4-21-95.

BY MR. RYAN:

Q. Ask you to read this first paragraph to yourself.

MR. THURSCHWELL: What page?

THE COURT: What page?

MR. RYAN: It's page 4, first paragraph, I'm asking him to read.

THE WITNESS: I just don't remember seeing the camouflage clothes.

THE COURT: I think the question was do you remember saying this to --

Barry Osentoski - Cross

THE WITNESS: I do not.

THE COURT: All right.

BY MR. RYAN:

Q. Now, after you looked in the pickup truck, you went inside the storage unit and you looked through the locker as you've told us about during your direct examination?

A. Correct.

Q. And I believe you've told us that you found gold bars?

A. Yes.

Q. Gold coins?

A. Yes.

Q. Silver coins?

A. Yes.

Q. A wig?

A. Yes.

Q. Pantyhose?

A. Yes.

Q. A makeup kit?

A. Yes.

Q. Were you surprised to find those last three items in that shed?

A. Yes.

Q. You found cigar boxes?

2- --- -----

A. Yes.

Q. And in one of those cigar boxes, did you find many pieces

Barry Osentoski - Cross

of jade?

A. Yes, I did.

Q. It was filled?

A. It was filled.

Q. And in fact, you took one of those pieces of jade, didn't you?

A. Yes, I did.

Q. And you gave that to a friend of yours?

A. Yes.

Q. And ultimately, the jade was retrieved from your friend and turned over to the FBI?

A. Yes.

Q. Now, you didn't look through everything in the storage locker, I take it?

A. No.

Q. And your testimony is that you don't at this time recall seeing a woman's -- excuse me -- a black face mask?

A. I do not.

Q. And you're not telling us it wasn't there?

A. No.

Q. You just don't recall it?

A. Yes.

Q. Your mother is an honest and truthful person?

A. Yes.

MR. THURSCHWELL: Objection.

Barry Osentoski - Cross

THE COURT: Sustained.

BY MR. RYAN:

Q. Does she have a reputation for being honest and truthful?

MR. THURSCHWELL: Objection again, your Honor.

THE COURT: Overruled.

THE WITNESS: Yes.

MR. RYAN: That's all, your Honor. Thank you.

THE COURT: Any redirect?

MR. THURSCHWELL: No redirect, your Honor.

THE COURT: The witness excused?

MR. THURSCHWELL: Witness is excused.

THE COURT: All right. You may step down. You're excused.

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. TIGAR: Call Edward Killam.

THE COURT: Okay. Mr. Killam.

MR. TIGAR: While Mr. Killam is coming into the courtroom, your Honor, we've reached an agreement with the Government to offer in evidence D1886, which inside the plastic bag are -- is a wire tie or type of plastic tie which Roger

Moore turned over to the Garland County Sheriff's Department on the 5th of November, 1994.

MS. WILKINSON: I believe the agreement, your Honor, is that Sergeant Terry recovered them from Mr. Moore's house on November 5, 1995.

THE COURT: You accept that amendment?

MR. TIGAR: Yes, your Honor.

MS. WILKINSON: With that, we have no objection.

THE COURT: Then it's been agreed, and D1886 is received as that item.

MR. TIGAR: Thank you, your Honor.

(Edward Killam was re-called.)

THE COURT: Mr. Killam, if you'll again resume the stand under the oath taken some time ago.

THE WITNESS: Yes, your Honor.

DIRECT EXAMINATION

BY MR. TIGAR:

Q. Mr. Killam, first, sir, I'd like to show you what has been marked as Defendant's D1885. Do you recognize that?

A. Yes, I do.

Q. What is that?

A. It's a package of flex cuffs.

MR. TIGAR: We offer D1885.

MS. WILKINSON: May I inquire, your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Mr. Killam, did you obtain these, Defense 1885?

A. They were obtained at my request, but I did not obtain them

Edward Killam - Voir Dire personally.

Q. By who --

A. I did not obtain them personally, but they were obtained by John Hough at my request.

Q. And where are they from?

A. We bought them at Tuxall police supply store.

MS. WILKINSON: Okay. We have no further questions and no objection.

THE COURT: All right. D1885 received.

DIRECT EXAMINATION CONTINUED

BY MR. TIGAR:

Q. Mr. Killam, I'm going to place on the monitor what has been received as Defendant's D1886. And have you had a chance to look at this before?

I see it coming up here. Can you tell us, sir, what that appears to be?

A. I have not seen it before. It appears to be a wire tie.

Q. Now, I'm going to take out one of these flex cuffs. And have you ever used a flex cuff before?

A. Oh, yes, I have.

Q. And during what period of time did you use a flex cuff?

A. During the years I was a police officer.

Q. And what is the purpose of a flex cuff?

A. Most officers carry them. I used to carry two of them. And they are used as supplemental restraints. If you arrest

Edward Killam - Direct

more than one or two people at a time, you can bind their elbows together; or if you have an arrestee who is unruly, you can also bind their knees or their ankles, keep them from damaging your car or an individual.

Q. What's the difference between the D1886, the wire tie, and the flex cuff?

A. May I see the wire ties, themselves?

Q. Yes, sir. I'll put them back in the bag from whence they came.

A. Okay. Yes. I'm familiar with these types of wire ties, as well. They are shorter, narrower, thinner and weaker than flex cuffs.

Q. Now, can I -- if I -- if I had fallen afoul of you while you were in the police department, would I be able to get through these things with a pair of scissors?

A. Not likely, no.

Q. What sort of thing does it take to cut these?

A. We usually use wire cutters -- regular, full-size wire cutters.

Q. And are these also known as police ties, D1885?

A. Yes. They are also called police ties.

Q. Sir, at -- as -- you testified before that at our request, you conducted a search of the Nichols home at 109 South 2nd Street?

A. Yes, I did.

Edward Killam - Direct

Q. I'm going to offer now by reading the exhibit numbers a series of exhibits, and the Government counsel has the same list.

MR. TIGAR: Your Honor, this does include a number of books. It is our proposal to show the books to Mr. Killam; but before the exhibits go to the jury, we would make Xerox copies of the title page and the cover so that we don't bulk up the record with them. If -- and that's -- unless Government counsel wants to offer the entire book.

MS. WILKINSON: No. If the understanding is defense counsel has provided me with photographs with the front cover, that's what they are offering as the exhibit, we have no objection.

THE COURT: You're going to use the entire book demonstratively, is that what you're proposing?

MR. TIGAR: Yes, your Honor.

MS. WILKINSON: We have no problem with that.

THE COURT: You may proceed.

MR. TIGAR: But it's just at this point, your Honor, we don't have color photos of all of them, so I'm using the books today for demonstrative purposes.

THE COURT: All right. With the understanding that

THE COURT: All right. With the understanding that what will be actually the exhibits in evidence will simply be the title --

MR. TIGAR: Yes, your Honor.

Edward Killam - Direct

THE COURT: -- pages. Cover pages.

You may proceed.

MR. TIGAR: Yes. Your Honor, at this time, we move in evidence D220, D842 -- should I do them one at a time?

MS. WILKINSON: I'm not as fast as Mr. Tigar.

Perhaps, your Honor, we could just ask one title at a time. I think that would be easier.

THE COURT: It might actually be more efficient and save time.

MR. TIGAR: All right, your Honor. We offer first D220.

THE COURT: Perhaps we can just put the whole box up here with Mr. Killam and --

MR. TIGAR: There we go. These are --

BY MR. TIGAR:

Q. Did you pack the box, sir?

A. No. I didn't. I'm not strong enough.

Q. All right. We'll start at this end, I'm told.

A. All right.

Q. And we'll just go right through it.

MS. WILKINSON: Excuse me, your Honor. May I have a moment with counsel so we can find out --

THE COURT: Yes.

MR. TIGAR: We're all on the same page now. Okay.

We offer D220, your Honor.

Edward Killam - Direct

MS. WILKINSON: No objection.

BY MR. TIGAR:

Q. All right. And what is that, sir?

A. It's a -- may I omit describing the plastic bag each time and just go to the contents?

Q. Yes.

MR. TIGAR: Your Honor --

BY MR. TIGAR:

Q. Yes. Excuse me.

THE COURT: What is your question?

THE WITNESS: May I omit describing the plastic bag each time?

THE COURT: I don't think you need to talk about the bag. We'll just go right into the book.

Right?

MR. TIGAR: That's correct, your Honor. It's not chemistry. This is just stuff.

THE WITNESS: This is a brown paper bag labeled "Kinko's Copy Center" and contains inside a proof sheet for

some business cards and some return address self-adhesive labels.

MR. TIGAR: All right. We offer --

THE COURT: It's received without objection; is that --

MS. WILKINSON: Correct.

Edward Killam - Direct

BY MR. TIGAR:

Q. Next, would you look for D842.

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: To make clear, your Honor, this is a book entitled Bottom Line Yearbook. I understand just the front cover will come in.

MR. TIGAR: Yes, your Honor. Yes, your Honor and Counsel.

THE COURT: D842 is not objected to?

MS. WILKINSON: Not with just the cover.

THE COURT: All right. It's received.

BY MR. TIGAR:

Q. And what is that, sir?

A. It's a book entitled The Bottom Line Yearbook, 1994.

Q. Where did you find that in Mr. Nichols' house, sir?

A. This was located in his -- the storage room on the main level of his home. There are a series of cabinets built into the wall. This one came from Cabinet No. 3.

Q. Now, in the house, did you find a number of boxes that had not yet been unpacked or that were not unpacked?

A. All the boxes that I saw had already been opened and unpacked.

Q. All right. And could you tell whether that had been done by the Nichols when they were moving in or by the prior

Edward Killam - Direct

searches that had happened before you got there?

MS. WILKINSON: Objection, unless he knows.

THE COURT: Yes. I don't know with what foundation you had to --

MR. TIGAR: I was just asking if he could tell whether or not -- tell who it was that did them, the unpacking.

THE WITNESS: No. I could not tell that.

BY MR. TIGAR:

Q. D845, a book, The New World Order.

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: I have one question.

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Mr. Killam, does that book have a price tag on it?

A. Yes, it does.

Q. Is it on the front cover?

A. Yes, it is.

MS. WILKINSON: We have no objection.

THE COURT: D845 received.

DIRECT EXAMINATION CONTINUED

BY MR. TIGAR:

Q. And by whom is that book written?

A. Pat Robertson.

Edward Killam - Direct

Q. Where would you -- where did you find it in Mr. Nichols' house?

A. This was also in that same storage room on the main floor. It was in a box on the floor, cardboard box.

Q. And can you hold it up so the jury can see the price tag?

Would you look for, sir -- for D847.

A. I have it.

Q. Business cards.

MR. TIGAR: We offer that, your Honor.

MS. WILKINSON: No objection.

THE COURT: D847 received.

BY MR. TIGAR:

Q. Where were these -- in whose name are the business cards?

A. The business cards are in the name of Terry Nichols.

Q. And what address?

A. Address of 1228 Westloop, No. 197, Manhattan, Kansas.

Q. Where were these cards, sir?

A. These were in the box, and they were located on the dining room table in the dining room area, the main room of the main floor of the house.

Q. In plain sight?

A. Yes, sir.

Q. Would you look, sir, for D1590, a book.

A. I have it.

MR. TIGAR: We offer D1590, your Honor.

Edward Killam - Direct

MS. WILKINSON: No objection.

BY MR. TIGAR:

Q. What is the --

MR. TIGAR: I'm sorry, your Honor.

THE COURT: D1590 received.

BY MR. TIGAR:

Q. What is the title of that book, sir?

A. It's entitled, The Healing Benefits of Acupressure.

Q. Can you find D1591? 1591 may be one of the two in the bag.

A. I have it. It is one of the two in this bag.

MR. TIGAR: All right. Now, we offer D1591.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. What is the title of that book, sir?

Q. What is the title of that book, Sir?

A. Better Living for Your Home.

Q. Can you find D1592?

A. Yes, I have it.

MR. TIGAR: We offer it, your Honor.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. What is the title of that book?

A. It is entitled, Prescription for Nutritional Healing.

Q. Who are the authors?

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A. The author of D1592 is James F. Balch, M.D. and Phyllis A. Balch.

Q. Can you find D1596?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Put the cover up on the machine. This book is entitled A Lamaze Guide, Preparation for Childbirth?

A. That's correct.

Q. Can you find D1597? A book entitled The Rest of the Story.

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

BY MR. TIGAR:

Q. That's titled The Rest of the Story ... About Agriculture Today by Dr. Harold Willis?

A. Yes, it is.

THE COURT: Let me receive the exhibit.

MR. TIGAR: I'm sorry, your Honor.

THE COURT: All right. It's received.

Now the next. 1597?

MR. TIGAR: Yes.

BY MR. TIGAR:

Edward Killam - Direct

Q. Do you find 1598?

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: D1598 is received.

BY MR. TIGAR:

Q. Is this Ancient Mysteries, Modern Visions, The Magnetic Life of Agriculture by Philip Callahan?

A. Yes, it is.

Q. Do you see D1599?

A. I have it.

MR. TIGAR: We offer it, your Honor.

MS. WILKINSON: No objection.

THE COURT: Received, D1599.

BY MR. TIGAR:

Q. Is this An Acres USA Primer by Charles Walters and C. J. Fenzau?

A. Yes, it is.

Q. Do you see 1609?

A. Yes, I do.

MR. TIGAR: We offer D1609.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this a book entitled More Food From Soil Science?

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A. Yes, it is.

Q. Do you see D1610?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is this a book entitled How to Build Your Own Garage?

A. Yes, it is.

Q. Do you have D1611?

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And what is the title of this book?

A. Be Your Own House Contractor by Carl Heldman.

Q. Do you see D1612?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. The title Reflexology Today?

A. Correct.

Edward Killam - Direct

Q. Do you see D1613?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this book called Colostrum, Nature's Gift to the Immune System?

A. Yes, it is.

Q. Do you see D1614?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this book entitled Healing with Nature by the editors of Prevention magazine?

A. Yes, it is.

Q. Do you see D1615?

A. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And this book is called The Biochemic Handbook, How to Get

Edward Killam - Direct

Well and Keep Fit with Biochemic Tissue Salts?

A. That's correct.

Q. All right. Do you see D1616?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And what is this book called?

A. Luyties Reference Handbook, A Handbook of Pharmacy and Therapeutics.

Q. Do you see 1617?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: D1617 received.

BY MR. TIGAR:

Q. And this is Luyties Homeopathic Practice by Edward L. Perry, M.D.?

A. Yes. It has a subtitle, The Safe System to Health for the Entire Family.

Q. Do you see D1618?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

Edward Killam - Direct

THE COURT: Received.

BY MR. TIGAR:

Q. Is this a book or a booklet, would you say?

A. I describe it as a booklet or a pamphlet.

Q. And what's it called?

A. It's entitled Swedish Flower Pollen Extract.

Q. Do you see D1619?

A. Yes, I do.

MR. TIGAR: We offer it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And what is the title?

A. Herbal Combinations, Synergistic Formulas Specifically Designed For Your Body's Needs.

Q. Do you see D1620?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this a booklet entitled Ask Jeanne Rose About Herbs?

A. Yes, it is.

Q. Do you see D1621?

A. Yes, I do.

Edward Killam - Direct

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this a booklet entitled First Aid with Herbs?

A. Yes, it is.

Q. Do you see D1622?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is this a magazine, Natural Health?

A. Yes, it is. Subtitled The Guide to Well-Being.

Q. Do you see D1843?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is that a book, sir?

A. Yes, a large book.

Q. What's it called?

A. Carpentry and Building Construction, Third Edition.

Q. Do you see D1844?

Edward Killam - Direct

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: I'm sorry. Could I hear the number?

MR. TIGAR: D1844.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is that the Reader's Digest Do-It-Yourself Manual?

A. Yes, it is. The Complete Do-It-Yourself Manual.

Q. Do you see D1861?

A. Yes. I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is this the 1992-93 Seed Guide booklet from a farm in Minnesota?

A. Yes, it is. From Top Farm.

Q. All right. Is it a pamphlet?

A. It's a small booklet, Seed Guide.

Q. Do you see D1862 there?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

Edward Killam - Direct

BY MR. TIGAR:

Q. Is that a book entitled Corn Planting Guidelines or Booklet?

A. 1862?

Q. Yes. 1862.

A. I have it as the Renk, Seeds of Success.

Q. Okay.

A. It's a seed manual from the Renk Seed Company.

Q. Okay. Do you see D1863?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: I have some questions, your Honor, on 1863.

THE COURT: You may ask them. Can you do it from there?

MS. WILKINSON: Thank you.

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Where did you find Defense 1863, Mr. Killam?

A. It came from a cardboard box in the basement of the home.

Q. And you look like you're reading off a plastic bag.

A. I am.

Q. Did you identify that on the plastic bag when you found it?

A. Yes. All these booklets were found together. I packaged them together in a single bag and indicated the room where I

Edward Killam - Voir Dire
received -- or found them.

Q. Did you initial and date it?

A. I initialed it. I did not date it.

Q. So what date did you find Defense 1863?

A. These were originally found during that three-day period in

August, 1995.

MS. WILKINSON: No objection.

THE COURT: All right. D1863 received.

DIRECT EXAMINATION CONTINUED

BY MR. TIGAR:

Q. All right. And what is that book, sir?

A. This is Growers Chemical Corporation, Recommendations for Using Growers Fertilizer Solutions.

Q. Do you see D1864 there?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is that a booklet entitled Farmer's Pocket Notebook from the Tri-County Equipment Company of Marlette, Michigan?

A. Yes, it is.

Q. Okay. Do you see D1865 there?

A. Yes, I have it.

MR. TIGAR: We offer it.

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MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. Is that a booklet entitled Blaney Top-of-the-Line Seeds, '92-'93 Corn Notebook?

A. Yes, it is.

Q. Do you see D1867 there?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is that a Product Data Notebook going back to 1992-93 from Ciba-Geigy Seed Division?

A. Yes, it is.

Q. Do you see D1868?

A. Yes, I have it.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. And is that a Seed Guide Booklet from Dekalb?

A. Yes. It's the Dekalb Fact-finder and Product Guide.

Q. Do you see D1869 then?

A. Yes, I have it.

Edward Killam - Direct

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: Received.

BY MR. TIGAR:

Q. What is that, sir?

A. It's an Asgro Corn Seed Catalogue.

Q. And do you see D1870?

A. Yes, I do.

MR. TIGAR: We offer it.

MS. WILKINSON: No objection.

THE COURT: It's received.

BY MR. TIGAR:

Q. And what is that, sir?

A. It's entitled -- it's another booklet entitled Crop Yield Results from Growers Fertilizer Company.

Q. Now, did you find these various books that you've talked about in different parts of the Nichols home?

A. Yes, I did.

Q. What different parts of the home did you observe books and booklets and pamphlets in when you went in and searched the Nichols home in August of 1995?

A. I would say there were different books in about four different locations. There were some on a kitchen shelf. There were some in boxes on the floor of the storeroom. There were some still in cardboard boxes in the basement. And then

Edward Killam - Direct

there were the cabinets I spoke of in the wall of the storage room, and there were some books in those cabinets shelves, as well.

MR. TIGAR: Thank you, Mr. Killam. No further questions.

THE COURT: Ms. Wilkinson?

CROSS-EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon again, Mr. Killam.

A. Good afternoon, again.

Q. Are these all the books that you found in Mr. Nichols' house?

A. No, they are not.

Q. And you didn't select which books to introduce in court, did you?

A. No, I did not.

Q. There were also other documents that were in Mr. Nichols' house that you haven't brought in today; correct?

A. That's correct.

Q. You found a lot of receipts in Mr. Nichols' house, didn't you?

A. We found some receipts.

Q. He kept a lot of documents about what he purchased, didn't he? Kept Wal-Mart receipts, didn't he?

A. Yes, I recall some Wal-Mart receipts.

Edward Killam - Cross

Q. And he kept other types of receipts for his purchases like purchases of some types of ammunition, didn't he?

purchases of some types of ammunition, didn't he?

A. I don't recall seeing any ammunition receipts, but there were some receipts in the house.

Q. Okay. And you specifically recall that he kept Wal-Mart receipts; correct?

A. I do recall seeing at least one Wal-Mart receipt.

Q. Now, you said that you found one of the items, I believe it was Defense 847 or maybe it's 1847 -- the business cards from Kinko's --

A. Yes.

Q. And you found those on the dining room table; correct?

A. That's correct.

Q. You also found three newspapers there, didn't you?

A. I don't believe so.

Q. On the dining room table?

A. I remember -- no. There were -- I don't recall seeing -- finding three newspapers on the dining room table.

Q. Would a picture of the dining room table refresh your recollection?

A. Sure.

Q. Well, do you recall finding three newspapers somewhere in the house before I show you the photograph?

A. Yes. There were three newspapers on the property.

Q. Okay. And were they all dated Thursday, April 20, 1995,

Edward Killam - Cross

the day after the bombing?

A. Yes, they all were.

Q. And where do you recall those papers were when you found them?

A. I recall one of them being in the home on the dining room table. I believe the other two were found out in the storage area in a separate building attached to the garage.

Q. When you looked -- you looked at those three newspapers, didn't you?

A. Yes, I did.

Q. And do you recall where those newspapers were from or what the names of the newspapers were?

A. Let me answer your second question first. I don't remember the specific names of the newspapers. I believe that they were all Kansas locations. I think it was perhaps Kansas City, Wichita and either Manhattan or Junction City, but I could be mistaken.

Q. You noticed when you looked at all those newspapers that they all had headlines about the bombing, didn't they?

A. No. They didn't. They were all fragments of newspapers. They were not -- they were just some sections, and I recall at least one or two of them had headlines -- I don't recall if the third one was the headline section.

Q. Do you recall that one of the papers that Mr. Nichols had in his house was the Daily Union from Junction City, Kansas?

Edward Killam - Cross

A. It could well have been.

Q. And do you recall that the front page of that paper was missing?

A. I don't recall that it was that paper that was missing, but I remember there was at least one that did not have the front section.

Q. Okay. Let me show you if I could what's already been introduced in evidence as Government's Exhibit 207A.

And this is a Xerox copy, obviously. That's the front page? Do you see that with the Daily Union on top?

A. Yes, I do.

Q. And do you see the date there? Can you read that?

A. Yes. I can read the date.

Q. It says, "Thursday, April 20, 1995"?

A. Yes, it is (sic).

Q. And you found portions of that paper in Mr. Nichols' house, didn't you?

A. I found portions of three different papers of that date. This may well be one of them.

Q. Okay. And this is the rest -- zoom back if I could -- of that front page, is it not? We can see if we match up the picture here if we move it down a little bit. Can you see that?

A. I see it.

Q. Now, if you could look at this copy which I've just

Edward Killam - Cross

highlighted so it'll be easier for you to read --

MR. TIGAR: Excuse me, your Honor. Is this an exhibit?

MS. WILKINSON: Yes. It's already in evidence, 2078.

THE COURT: Was the highlighting in evidence?

MS. WILKINSON: Yes. It was just for me to be able to point out for the witness.

THE COURT: That's what we need to have clarified. This highlighting is not on the exhibit we received.

MS. WILKINSON: I thought I just said it; that I put it on so it would make it easier for the witness to be able to read.

THE COURT: All right. We want to make it clear to the jury.

MR. TIGAR: Thank you, your Honor.

BY MS. WILKINSON:

Q. Mr. Killam, it says here that "FBI agents are probing a possible link between a truck rented in Junction City and the explosion that devastated the federal building in Oklahoma City Wednesday. They are also looking into local sales of a potentially explosive fertilizer." Do you see that?

A. Yes, I do.

Q. If you look over here, the rest of the front page. "Are understood to have made links between the vehicle identification number found on wreckage in Oklahoma City and

Edward Killam - Cross
the truck rented here."

A. Yes.

Q. Correct?

A. I see that. That's correct.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Mr. Tigar, do you have some more?

MR. TIGAR: No questions, your Honor. Thank you very much.

MS. WILKINSON: I do have one other question. I'm sorry, your Honor. If I could.

THE COURT: All right.

BY MS. WILKINSON:

Q. Mr. Killam, you testified about the wire ties -- wire ties, excuse me -- that were recovered by Sergeant Terry at Mr. Moore's house on November 5 and the police ties that you bought or you had someone purchase, Defense Exhibit 1185. Do you recall that?

A. Yes, I do.

Q. Now, you are not saying that the wire ties that were recovered from Mr. Moore's house would not have bound someone, are you?

A. No, I'm not.

Q. Okay. So you don't disagree with Sergeant Terry; correct?

A. I don't know what Sergeant Terry may have said.

Edward Killam - Cross

MR. TIGAR: I object to that.

THE COURT: Sustained as to whether he agrees with Sergeant Terry.

MS. WILKINSON: I will withdraw the question.

THE COURT: All right. Mr. Tigar.

REDIRECT EXAMINATION

BY MR. TIGAR:

Q. Mr. Killam, did you ever use hardware store wire ties to restrain a suspect?

A. No, sir, I didn't.

MR. TIGAR: Thank you. No further questions, your Honor.

REXCROSS-EXAMINATION

BY MS. WILKINSON:

Q. Mr. Killam, did you ever rob anyone at gunpoint?

THE COURT: Objection sustained.

You want to retrieve this?

MR. TIGAR: Yes, your Honor, if I may.

THE COURT: Mr. Killam, you may step down. I don't know if we're going to see you again or not.

MR. TIGAR: No, I don't think so.

THE WITNESS: This was separate.

MR. TIGAR: Thank you.

MR. TIGAR: Thank you.

THE COURT: Next witness, please.

MR. NEUREITER: One moment, your Honor.

THE COURT: All right.

MR. TIGAR: Marife Nichols, your Honor.

THE COURT: All right.

THE COURTROOM DEPUTY: Would you raise your right hand, please.

(Marife Nichols affirmed.)

THE COURTROOM DEPUTY: Would you have a seat, please.

THE WITNESS: Yes.

THE COURTROOM DEPUTY: Would you state your full name for the record and spell your last name.

THE WITNESS: Marife Nichols. Nichols, N-I-C-O-L-S (sic).

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Woods.

MR. WOODS: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. WOODS:

Q. Good afternoon, Mrs. Nichols.

A. Good afternoon.

Q. Do you know Terry Nichols?

A. Yes.

Q. How do you know him?

A. He's my husband.

Q. When were you married?

A. November, 1990.

Marife Nichols - Direct

Q. And where were you married?

A. In Philippines.

Q. Okay. Where are you from?

A. I'm from Philippines.

Q. Okay. Prior to 1990, had you ever left the country of the Philippines?

A. No.

Q. Okay. Where did you meet Terry Nichols and when?

A. I met Terry Nichols in summer of 1990. August in Cebu, Philippines.

Q. Is that where you live?

A. Yes.

Q. Okay. Did Mr. Nichols meet your parents?

A. Yes.

Q. Okay. Was Mr. -- do you know why Mr. Nichols was in the country in August of 1990?

A. He was just having a vacation there.

Q. Okay. How long did he stay in the country?

A. Two weeks.

Q. And after he left, did you stay in communication with Mr. Nichols?

A. Yes.

Q. How did you do that?

A. Through letters.

Q. All right. Did you have phone conversations, also?

Marife Nichols - Direct

A. Sometimes, yes.

Q. Okay. Did there come a time then that you decided to marry Mr. Nichols?

A. Yes.

Q. And the marriage took place on what day again?

A. November -- I'm not quite sure, but it's November.

Q. Okay. Does November the 20th refresh your memory?

A. Yes.

Q. All right.

A. Sorry.

Q. Now, did you immediately go to the United States with Mr. Nichols?

A. No.

Q. Why not?

A. Because we have to work on my visa to come in here in America.

Q. How long did that take?

A. Eight months. Something like that. I'm not sure.

Q. Do you recall when you first came to the United States?

A. July.

Q. Of what year?

A. 1991.

Q. All right. Did Mr. Nichols come to the Philippines and pick you up to escort you back to the United States?

A. Yes.

Marife Nichols - Direct

Q. And where did you go in July of 1991?

A. Henderson, Nevada.

Q. All right. And where did you live in Henderson, Nevada?

A. I'm not -- I've forgotten my address there.

Q. Was it a house or an apartment?

A. It's an apartment.

Q. And what was Mr. Nichols doing at that time in July of '91?

A. He was in school of technician, slot machine.

Q. All right.

A. And he has a little business.

Q. What was the business, if you recall?

A. With Lana. He was selling water filter.

Q. All right. You mentioned that he was in business with Lana. Who is Lana?

A. Lana, his ex-wife.

Q. All right. Is this the first time you had met her when you moved to --

A. Yes.

Q. -- Henderson, Nevada?

A. Yes.

Q. Do you and Mr. Nichols have children?

A. Yes, we do.

- Q. How many?
A. Two.
Q. And who are they?

Marife Nichols - Direct

- A. Nicole and Christian.
Q. When was Nicole born?
A. August 1, 1993.
Q. All right. And when was Christian born?
A. December 15, 1996.
Q. All right.
A. '95.
Q. '95?
A. I'm sorry.
Q. Are you a little nervous?
A. Yeah.
Q. All right. And you were living in Henderson, Nevada, in the summer of '91. How long did you live there before you moved somewhere else?
A. I forgot. It was just about three, four months.
Q. All right. Where did you move?
A. We moved from Henderson, Nevada, to Michigan.
Q. And where did you move to in Michigan?
A. James Nichols' house, his brother.
Q. All right. And what town is that near?
A. Decker, Michigan.
Q. Okay. Do you recall approximately when it was that you moved there to Decker, Michigan, to live in the farmhouse?
A. We moved somewhere October.
Q. All right. And did anyone go with you and Terry when you

Marife Nichols - Direct

- left Nevada to go to the -- to Decker, Michigan?
A. Yeah. His son and my son.
Q. All right. Who was his son?
A. Joshua Nichols.
Q. Okay. And was he a son by the marriage with Lana Padilla, to your knowledge?
A. Yes.
Q. All right. And you mentioned that your son went, also.
A. Yes.
Q. And who's that?
A. Jason.
Q. All right. And how long did you live in Decker, Michigan, from that period of 1991 before you moved again?
A. I was on and off about two years.
Q. Okay. When you say on and off, did you ever move, or what are you speaking of?
A. I -- Terry stays there full-time for the whole -- no, not really, but I was on and off. I was there and then I come back home to Philippines.
Q. And when you would go back home to the Philippines, how

long would you stay?

A. A month.

Q. All right. And when you say "on and off," is that what you mean, that you went back to the Philippines and then came back to Decker?

Marife Nichols - Direct

A. Yes.

Q. Now, how long did you live, then, in Decker before you moved somewhere else?

A. Two years or so.

Q. Do you remember when it was that you left Decker?

A. December of 1993.

Q. Okay. And where did you go when you left Decker, Michigan?

A. We went to Las Vegas, Nevada.

Q. All right. And what was the purpose of going to Las Vegas, Nevada?

A. We moved back there.

Q. All right. What was Terry Nichols doing in Decker, Michigan, during those two years from October, '91, to December, '93?

A. Working in a farm with James Nichols.

Q. All right. And do you know how large that farm is?

A. I know it's pretty big, but I forgot how many acres.

Q. Do you know what type of crops they raise there?

A. Corn, soybeans.

Q. All right. Did you work on the farm, also?

A. Well, I just stayed -- well, I don't know. I -- I cooked for them.

Q. Okay. Did you consider that work?

A. No.

Q. All right. In December '93, you went to Las Vegas; is that

Marife Nichols - Direct

correct?

A. Yes.

Q. Do you recall whether or not you made a stop in Kingman, Arizona, on that trip to Las Vegas?

A. Yes. We stopped by Mike Fortier's house.

Q. Had you ever known Mike Fortier before that time?

A. No.

Q. How were you traveling, if you recall?

A. We load -- we rented a truck -- I forgot what kind of truck was that. We rented a truck, and we just towed the pickup truck of Terry.

Q. All right. Did Terry have a pickup at that time?

A. Yes.

Q. Now how -- you say you towed it. How was it towed?

A. Behind a -- the rent-a-truck that we have.

Q. Okay. It was on a trailer, or was it just a hitch that pulled the car along?

A. I forgot.

Q. Okay. Describe Terry's pickup, if you would

Q. Okay. DESCRIBE TERRY'S PICKUP, IF YOU WOULD.

A. It's a GMC. I forgot what model. It's blue.

Q. Do you recall when Mr. Nichols obtained the truck?

A. Somewhere in 1992.

Q. Okay. Do you recall Mr. Nichols' painting the truck at any point in time?

A. Yes.

Marife Nichols - Direct

Q. And do you remember when that was?

A. October of 1993.

Q. Okay. And was it -- describe for the jury what color it was painted.

A. It was painted blue. Shiny blue.

Q. All right. And when you had the truck, did it remain a shiny blue?

A. Yes.

Q. Was it shiny blue up until the time that you went to the Hering -- Herington police station?

A. Yes.

Q. On April the 21st?

A. Yes.

Q. It was still shiny and not dull?

A. That's correct.

Q. Okay. Now, let me go back to the time that you stopped at the Fortiers'. How long did the visit last at the Fortiers', if you know?

A. About two hours.

Q. Okay. Were you present inside Mr. Fortier's residence, if that's where the meeting took place?

A. Yes.

Q. How did you get to Mr. Fortier's residence?

A. We called -- when we reached to Kingman, Arizona, we called -- he called Mike Fortier's and he came and pick us up

Marife Nichols - Direct

and led us to his house.

Q. Okay. Now, do you know how you had the number of Michael Fortier?

A. I assume he got it from Tim.

Q. All right. Now, you mentioned Tim. Did -- did you meet somebody named Tim McVeigh?

A. Yes.

Q. Okay. And where did you first meet Mr. McVeigh?

A. Back in Decker, Michigan.

Q. All right. Do you recall approximately what time it was -- what year it was when you first met Mr. McVeigh?

A. Somewhere -- November or December of '92.

Q. Okay. Did Mr. McVeigh visit the farm?

A. Yes.

Q. Is that the first time you'd ever seen him?

A. Yes.

Q. Do you know how long he stayed at the farm of James

Nichols?

A. I forgot.

Q. Okay. Was he there full-time, or was he off and on, like you spoke of how you used to go back to the Philippines?

A. I don't understand.

Q. Okay. Did -- when you met Mr. McVeigh in late '92, did Mr. McVeigh stay there at the James Nichols farm, or did he go back to wherever he was from, or did he travel around?

Marife Nichols - Direct

A. He went back to where -- to where he was from.

Q. Do you know where he was from?

A. New York.

Q. All right. And did he come back to the farm off and on or -- can you tell us what period of time Mr. McVeigh was at the James Nichols farm while you were there? You left in December '93; is that correct?

A. Yes.

Q. What period of time was Mr. McVeigh there, also?

A. About weeks or so.

Q. Okay. All right. So he -- he wasn't -- he was not there full-time; is that correct?

A. No.

Q. Okay. Now, do you know where Mr. Nichols had met Mr. -- when I say "Mr. Nichols," do you know where Terry Nichols had met Tim McVeigh before?

A. Yes. He met him in the Army.

Q. Okay. And when you left in December, '93, to go to Las Vegas, what -- where was Mr. McVeigh, if you recall?

A. He was in the farm, Decker Michigan.

Q. Was he there when you and Terry left?

A. Yes.

Q. All right. You stayed for a couple of hours at the Fortiers' house in Kingman, Arizona?

A. Yes.

Marife Nichols - Direct

Q. Did you overhear any conversation between Terry Nichols and Mr. Fortier?

A. Yeah. I was there.

Q. What were they talking about?

A. About jobs around the area.

Q. Okay. And what was the result of that discussion? Did Mr. Nichols look for jobs around that area?

A. No.

Q. What -- how long did you stay there?

A. In Mike Fortier's house?

Q. Yes.

A. About two hours.

Q. Was this a house, or a trailer home, or apartment?

A. It's a trailer.

Q. All right. And after you left his house after two hours,

where did you go?

A. We went directly to Las Vegas.

Q. All right. And how long did you stay in Las Vegas? Did you get there in December '93? Is that correct?

A. Yes.

Q. All right. What did Terry Nichols do at that time?

A. He was working part-time in the temporary service.

Q. All right. How long did the two of you stay in Las Vegas?

A. About two months.

Q. All right. And where did you go at that time?

Marife Nichols - Direct

A. I went back to Philippines.

Q. All right. This is what month?

A. February.

Q. This is February of '94.

A. Yes.

Q. Okay. And what did Terry do when you left?

A. I think he give up the apartment that we have and -- before I left, we sold some of our stuff. And whatever is left, he packed it up and he went to Kansas.

Q. All right. What was Mr. Nichols' plans, if you know, when you left to go to the Philippines in February of '94? What was Mr. Nichols going to do?

A. He was planning to find a job somewhere in Kansas, because he doesn't like Las Vegas.

Q. All right. Did you like Las Vegas?

A. Yes, I do.

Q. Did you want to live on a farm?

A. No.

Q. All right. What did you do when you went to the Philippines in February of '94? What were your plans at that time?

A. I was planning to go to school, but I didn't.

Q. How much schooling have you had, Mrs. Nichols, in the Philippines?

A. I only graduated in high school.

Marife Nichols - Direct

Q. Have you attended some college?

A. Yeah. One semester.

Q. All right. And have you attended college in the United States any?

A. No.

Q. All right. What were you studying in college in the Philippines?

A. Bachelor of science, major in biology.

Q. All right. So when you went back in February of '94, did you go to school at all?

A. No. I did not.

Q. All right. And what city are you from in the Philippines?

A. Cebu.

Q. And what part of the Philippines is that? Northern part

Q. And what part of the Philippines is that? Northern part, southern part?

A. Southern part.

Q. All right.

A. Right in the middle.

Q. Did there come a time when you returned to the United States from the Philippines in early '94?

A. Pardon?

Q. Yes, ma'am. Did you -- how long did you stay in the Philippines? You said that Terry was going to go to Kansas to find a job on a farm. How long did you stay before you returned to the United States?

Marife Nichols - Direct

A. About a month.

Q. Okay. Do you recall when you returned to the United States?

A. April -- no. April 21. I just remember my passport.

Q. Okay. Of '94?

A. Yes.

Q. And did Terry Nichols meet you at the airport?

A. Yes.

Q. And did he take you somewhere?

A. He take me to Marion, Kansas.

Q. Is that the first time you'd ever been to Marion, Kansas?

A. Yes.

Q. Had Terry talked to you on the phone and told you where he was working?

A. Yes.

Q. When you arrived there in April of '94, where was he working, to your knowledge?

A. He was working with Tim Donahue's farm.

Q. Okay. And what kind of housing did you have at Tim Donahue's farm?

A. We have a -- is that a -- it has a basement, so I could not -- I can't tell which one is trailer, which one is a house.

Q. Okay. Was it in the country?

A. Yes. We're in the country.

Q. All right. Were there any other houses nearby around,

Marife Nichols - Direct

people that you could talk to?

A. Not nearby.

Q. Okay. Now, during this time, could you drive a car? Did you have a driver's license?

A. No. I don't have driver's license.

Q. Even today, you still don't have a license?

A. That's right.

Q. All right. So when Mr. Nichols went to work, did you have any -- any way to go to town or move around?

A. No.

Q. What type of hours did Mr. Nichols work there at the Donahue farm?

A. Well, started at 8; and whenever the sun is down, he would be home.
Q. All right. And what -- what about the weekends?
A. Yes. He has the weekends off.
Q. Had those off?
A. Yes.
Q. Okay. Now, you mentioned to the jury that your daughter was born in '93; is that correct?
A. That's right.
Q. August of '93?
A. Yes.
Q. So she's living there with you; is that correct?
A. Yes.

Marife Nichols - Direct

Q. All right. Did there come a time during that year of '94 when Mr. McVeigh showed up?
A. Yes.
Q. Would you tell the jury approximately when it was that he came to visit in Marion, Kansas.
A. As far as I can remember now, he came somewhere in August.
Q. Okay. And I'll come back to this, but when did you leave Marion, Kansas?
A. When did I leave?
Q. Yes.
A. September.
Q. And do you recall approximately what day you left?
A. 22d.
Q. All right. And where were you going?
A. To Philippines again.
Q. And for what purpose?
A. I'm going to school.
Q. Okay. So you are there from April to September 22 of '94 there at the farm in Marion, Kansas?
A. Yes.
Q. And you mentioned that Mr. McVeigh came there in August; is that correct?
A. That's correct.
Q. Excuse me. Did he stay the whole time?
A. No. He was on and off.

Marife Nichols - Direct

Q. Would you explain to the jury what you mean by "on and off" as to Mr. McVeigh being present there in Marion Kansas?
A. He would stay there for a week and then he'll leave.
Q. Did he ever tell you where he was going?
A. Yeah. He was going -- first time, he was going to Kingman, Arizona.
Q. Kingman, Arizona?
A. Yes.
Q. All right. Any other times, did he tell you where he was

going?

A. The second time, he was going to New York.

Q. All right. And you know that's where he's from, or did he tell you that's where he's from?

A. Yeah. He's from New York. That's what he told me.

Q. So how many times was he there on and off that summer of '94, before you left on September 22?

A. Three times --

Q. Okay.

A. -- I guess right now.

Q. All right. Did Mr. Nichols advise -- advise you in August of '94 that he was going to quit his job at the farm?

A. In August?

Q. Yes. Either late August or early September, did Mr. Nichols advise you he was going to quit his job at the farm?

Marife Nichols - Direct

A. Yes.

Q. And what did he tell you?

A. That he's going to do gun show with Tim McVeigh.

Q. Okay. And what did you understand that to mean?

A. I -- I don't understand.

Q. Did Mr. Nichols explain to you what doing gun shows meant? How he was going to earn a living doing gun shows?

A. He would sell guns in every gun show around the country.

Q. All right. And what were your plans, the two of you, you and Mr. Nichols, as to where you would live while he's doing this traveling around the country, going to gun shows?

A. The plan is either I would stay somewhere nearby Marion, either Hillsboro, somewhere that there is a colleges; that he would be gone for weeks or so, or I could go back to home to Philippines and go to school there.

Q. Okay.

A. I'm so independent with him, so -- I decided to go home.

Q. When you mentioned that the option was staying near Hillsboro, near colleges, did Mr. Nichols encourage you to resume your college courses?

A. Yes.

Q. And you decided to return to the Philippines?

A. Yes.

Q. Okay. Was there any set plan on how long you would stay in the Philippines?

Marife Nichols - Direct

A. About a year.

Q. All right. So you left on September 22; is that correct?

A. Yes.

Q. Before you left, did you have an occasion to go to a coin store to obtain some money?

A. Yes.

Q. And how did you get to the coin store?

A. Tim McVeigh and I went to a store in Hillsboro, and he called

A. Tim McVeigh and I went to somewhere in Wichita, and he sold gold coins. I stayed in the car. And we -- he got a check from that, and I am the one who cashed the check. It was in my name.

Q. Yes, ma'am. Where did the gold coins come from?

A. From Terry Nichols.

Q. Did Terry have gold coins in his possession during the time that you knew him from the time you were married in '90 up until his arrest of '95?

A. Yes.

Q. Would you say -- or why did he have gold coins, if you know?

A. He would rather have gold coins than bank account.

Q. Okay. So you obtained some gold coins from Terry Nichols in September of '94; is that correct?

A. Yes.

Q. Do you -- how did you get to the coin store?

A. Tim McVeigh is the one who drove there.

Marife Nichols - Direct

Q. All right. Did you have your daughter with you?

A. Yes.

Q. What did you do about a baby seat for the daughter?

A. Well, we -- I forgotten to take it off from Terry's truck, so we went and tried to find Terry at Tim Donahue's farm.

Q. And did you find him?

A. No. We didn't; but we found his truck, so we got the seat.

Q. Did Mr. Donahue help you find Terry?

A. Yes.

Q. And you obtained the -- the baby seat from the truck; is that correct?

A. That's correct.

Q. Okay. And then what happened next?

A. We went --

Q. How did you get to the coin -- how did you get there?

A. Through McVeigh's car.

Q. All right. How would you describe Mr. McVeigh's driving?

A. He has a lead foot.

Q. A lead foot?

A. He drive fast.

Q. Okay. And you went to the coin store; is that correct?

A. Yes.

Q. And you mentioned to the jury that the check was made payable to you?

A. Yes.

Marife Nichols - Direct

Q. And how were you able to cash it?

A. We went to the bank and cashed it.

Q. All right. And you obtained some money; is that correct?

A. That's correct.

Q. And what did you do with the money?

A. We paid a ticket. airplane ticket for me to Philippines.

A. We paid a check, airplane check for me to Philippines.

Q. Where did you fly out of?

A. Out of Kansas City International Airport.

Q. All right. How much did the ticket cost, if you recall?

A. More than \$1,000.

Q. Okay. Did -- when you arrived in the Philippines, did you have money with you then to be able to live for a while, while you went to college?

A. Yes.

Q. Do you recall approximately how much money you had with you?

A. Somewhere \$1,000.

Q. All right. Did you also have coins?

A. Yes.

Q. And where did you obtain the coins?

A. From Terry Nichols.

Q. And what kind of coins were they?

A. Maple Leaves.

Q. And are those gold coins?

A. Yeah. Gold coins.

Marife Nichols - Direct

Q. And you stayed there in school; is that correct?

A. That's correct.

Q. And from September, '94, till when?

A. Till March of '95.

Q. Did Mr. Nichols visit you during that period any time from September, '94, to March, '95?

A. Yes, he came and visit me on November.

Q. Okay. Do you recall approximately when?

A. November 22 or 23, somewhere.

Q. Were you expecting Mr. Nichols to come that day?

A. No. I was not.

Q. How did Mr. Nichols find you? What -- what happened when

he came?

A. He showed up in the school campus.

Q. All right. And were you surprised?

A. Yes.

Q. How long did Mr. Nichols stay after that visit when he arrived there in November 22 or so?

A. He -- he had a 59-days visa, so he stayed there for 59 days.

Q. And do you recall approximately when he left?

A. January 16.

Q. Okay. So he was there during Christmas?

A. Yes.

Q. All right. Did Mr. Nichols tell you how he was doing in

Marife Nichols - Direct

the gun show business?

A. He said that in the wintertime, the gun show business is not really good.

Q. In the wintertime?

A. But he was doing good on summer when I left.

Q. Okay. Mr. Nichols then left on January the 16th, did you say, of '95?

A. Yes.

Q. Okay. When did you return to the United States?

A. March 17, '95.

Q. Okay. During that period of time, did you and Mr. Nichols talk on the telephone?

A. Yes.

Q. Did Mr. Nichols -- what did Mr. Nichols advise you of during this time from January the 16th, '95, until you came back on March 17th?

A. That he had bought a house there and that he -- if I want, I could stay here in America and continue my schooling.

Q. All right. And anything else you can recall that he told you he was doing during that time?

A. He wasn't doing business with Tim McVeigh anymore.

Q. Did he say why?

A. No. I'm the one who said I don't want McVeigh in our life.

Q. All right. And why did you say that?

A. Because I -- I get jealous with him.

Marife Nichols - Direct

Q. All right. And why were you jealous?

A. Terry would spend time with him.

Q. Okay.

A. And I don't have friends in the country.

Q. Okay. And so did you make that a condition --

A. Yes.

Q. -- of you returning?

A. Yes.

Q. Okay. And what did he say to that?

A. He said that he's not going to do any more business with Tim McVeigh anymore.

Q. All right. Now, when you came back on March 17, where did you fly into?

A. Kansas City International Airport.

Q. Okay. And did you have Nicole, your daughter, with you?

A. Yes.

Q. And did Mr. Nichols meet you there?

A. Yes.

Q. And he took you to Herington?

A. Yes.

Q. Had you ever been to Herington, Kansas, before?

A. We passed by there, but I never get into the town.

Q. Okay. So you had been previously living in Marion; is that correct?

A. Yes. That's correct.

Marife Nichols - Direct

Q. And Herington is sort of near Marion --

A. Nearby.

Q. -- is that correct?

A. Yes.

Q. So you were familiar with the geography in central Kansas a

little bit whenever Terry would drive you around?

A. A little bit, yes.

Q. And you didn't drive at any time during that, even without a license; is that correct?

A. That's correct.

Q. Okay. What did you notice in the house in Herington when you first came?

A. I noticed there's a lot of guns and stuff that he said he's selling that to the gun show.

Q. Okay. Can you describe some of it?

A. I've noticed ammonium nitrate. All kinds of guns. I don't know. Ammo cans. What else? Books.

Q. Okay. When you say "ammonium nitrate," tell the jury what you mean when you say you saw ammonium nitrate.

A. I saw ammonium nitrate inside the house, and he was putting it in this small jar and that he said he was selling it to the

gun show.

Q. Okay. How many bags of ammonium nitrate did you see?

A. Two.

Q. Okay. Did you ever see more than two at any time in the

Marife Nichols - Direct

house?

A. I don't remember.

Q. Okay. What else did you notice in the house that

Mr. Nichols had obtained to sell at gun shows?

A. I don't know. There's all kinds of stuff there that --

Q. Okay. Did there come a time when you went to a gun show with Mr. Nichols shortly after you came in, March 17th, '95?

A. Yes.

Q. And what gun show was that?

A. In Salina, Kansas.

Q. Is that nearby?

A. About an hour or so drive.

Q. Okay. Do you recall what weekend that was?

A. Somewhere in April, the first weekend of April.

Q. All right. And did you go to the gun show with him?

A. Yes.

Q. Did you help load up the pickup to take the goods --

A. Yes.

Q. -- to the gun show?

A. Yes.

Q. Did you take the bottles of ammonium nitrate?

A. I don't remember.

Q. Okay. Would you describe for the jury what the bottles look like of ammonium nitrate.

A. They are 8-ounce plastic bottle and 12-ounce.

Marife Nichols - Direct

Q. All right. What type of goods did you set up at this Salina gun show, if you recall?

A. MREs, guns. I forgot what it's called. It's --

Q. Okay. Did you help sell items at the gun show? Did you stand there at the table and help sell items?

A. Some.

Q. All right. Do you recall whether or not you sold anything at that gun show?

A. I think I sold some ammonium nitrate.

Q. Okay. Do you recall the price on the ammonium nitrate bottles?

A. I forgot. Somewhere -- 5 or something.

Q. \$5?

A. Yeah.

Q. All right. You mentioned MREs. Would you tell the jury what you mean by MRE?

A. That's a military food in the box.

Q. All right. Do you recall how much in dollar volume was sold on that first gun show that you went with Terry?

A. I don't recall.

Q. Okay. When you came home from that gun show the first week of April, '95, what did you do after that?

A. I just stayed in the house.

Q. All right. Was there a time when you obtained more inventory to sell at the gun show?

Marife Nichols - Direct

A. Yeah. Because Terry bought stuff in the military surplus.

Q. All right. Where was the military surplus?

A. Somewhere in Fort Riley.

Q. Okay. Did you help Mr. Nichols load up items that he had purchased?

A. Yes.

Q. Do you recall when that was after the first weekend?

A. I forgot what day. Some day.

Q. Was it soon, or a long time after that first weekend?

A. Soon.

Q. Do you recall what type of items you helped load into the pickup?

A. Ammo cans, axles, was there --

Q. You said "axles"?

A. Yeah. Axles. Shovels. It was in a crate. So I -- definitely did not see -- when they load it, I was just inside the truck, watching.

Q. You were inside the truck as it was being loaded?

A. Yes.

Q. By the people at the army surplus?

A. Yes.

Q. And when you said "axles," you mean axles like on a car, or are you meaning axes?

A. Axes. I'm sorry. I always pronounce words real bad.

Q. All right. What other type of items can you recall that

Marife Nichols - Direct

were purchased?

A. That's about -- nails.

Q. Were there -- how would you describe the nails? What --

A. They are --

Q. How were they packaged?

A. They were inside the crate.

Q. Okay. So did you have just the pickup, or did you have a trailer, or how did you haul all of this?

A. We had the U-Haul trailer.

Q. Was this a small one that you tow behind the pickup, or is this a U-Haul truck?

A. It's a small one that you -- you tow behind the pickup.

Q. All right. And did you then help Mr. Nichols unload those items at the home?

A. Yes.

Q. Okay. Where did you put all these items in the home?

A. Behind our house in the garage.

Q. Okay. Do you recall where -- did you help unload and put some order and organization to the -- to the garage? Is that correct?

A. Yes.

Q. Did you put anything inside the house?

A. Some of the ammo cans. I need to dust it up.

Q. Okay. Did you go to a gun show after that first one in Salina? Did you go to another one?

Marife Nichols - Direct

A. We went to Grand Rapids -- Rapids, Michigan.

Q. And do you recall which weekend in April that was?

A. I forgot.

Q. Okay. You mentioned earlier that the Salina gun show was the first weekend?

A. First weekend. It must be the second weekend that we went.

Q. Do you recall whether or not you were home a long time, or did you go to gun shows back to back?

A. I don't understand.

Q. Okay. Do you recall, after going to the Salina gun show, if you were home in Herington for a long time before you went to the next gun show, or were they near in time to each other?

A. They were near in time.

Q. Okay. How did you get to the Grand Rapids gun show?

A. We drove there. He drove there. I was in the truck.

Q. And were you with him?

A. Yes. With Nicole.

Q. And was Nicole with you?

A. Yes.

Q. What type of items were you taking to the Grand Rapids gun show to sell?

A. Guns, MREs. What else did I have? There was a cable cutter. I just remember -- ammonium nitrate.

Q. Okay. You mention MREs. Where did you obtain the MREs?
Where did you buy that?

Marife Nichols - Direct

A. From this person named "David."

Q. And where?

A. In Fort Riley.

Q. Okay.

A. In Junction City. I forget.

Q. Was that on the Army base, or was this a surplus dealer?

A. It's a surplus store.

Q. Just a surplus store?

A. Yes.

Q. Do you know Dave's last name?

A. I forgot.

Q. Okay. Is it somebody you'd met more than once?

A. Yes.

Q. When you bought things during this period of time, did you buy things from him more than once?

A. Yeah. We -- we bought some military jackets.

Q. Okay. Well, back to the Grand Rapids show. You have a truckload of things that you're taking up to Grand Rapids; is that correct?

A. Yes.

Q. Now, is Grand Rapids near Decker, Michigan?

A. No. It's far.

Q. All right. Before you went to Grand Rapids, did you go by Decker, Michigan?

A. Yes. We went to -- we stopped by at Lapeer, Michigan,

Marife Nichols - Direct

which that's where his mother lives. And then we went to his dad's house.

Q. Let's stop first at Lapeer, Michigan. His mother is who?

A. Joyce Nichols.

Q. Okay. And was anybody home when you went to Lapeer?

A. Nobody was home.

Q. Okay. Was a note left on the door?

A. Yes.

Q. Okay. Did you write the note?

A. No, I did not. He did.

Q. Did you see what the note said?

A. Probably. I forgot what it says.

Q. All right. No one was home there; is that correct?

A. Yes.

Q. And then you went to where?

A. To his dad's house in Imlay.

Q. All right. Is that nearby?

A. 30 minutes away.

Q. Okay. And what's his dad's name?

A. Robert Nichols.

Q. Did he live there?

Q. Did -- was he home?
A. Yes.
Q. Did you visit with him?
A. Yes.
Q. Approximately how long?

Marife Nichols - Direct

A. About an hour or so.
Q. Okay. Where did you go then?
A. We went to -- we stopped by in some office there. I stayed in the truck. He checked on some insurance in Marlette, Michigan.
Q. All right. What type of insurance was he checking on?
A. Car insurance.
Q. Okay. And where did you next go?
A. We stopped -- stopped by the store and buy some candles and flowers and went to the cemetery in Marlette.
Q. All right. And where did you next go?
A. We went to Decker, Michigan. James Nichols' house.
Q. And who was present there?
A. James and his friends.
Q. Who were the friends, if you recall?
A. Neighbors. I -- I don't remember.
Q. All right. Did Terry -- was Terry with you?
A. Yes.
Q. And did Terry know the people? Or could you tell?
A. He -- I can't tell, because I come in -- in the house right then, you know. Just feel at home.
Q. All right. Was anything sold there at James Nichols' house?
A. Yeah. They sold M -- he sold MREs and some guns.
Q. Okay. And how long did you stay at the farm in Decker?
A. About two, three hours.

Marife Nichols - Direct

Q. Where did you next go?
A. We went to Kevin Nicholas' house.
Q. And who is Kevin Nicholas?
A. He used to work in the farm when we were there.
Q. All right. And was he a friend of Terry's?
A. Yes.
Q. Was Kevin at home?
A. Yes.
Q. All right. And did you go into his home and visit?
A. Yes.
Q. And who was present?
A. His wife and her daughter and then Rick Nicholas, Kevin's father, came and visit, too.
Q. Okay. And what was the conversation there with Kevin Nicholas and his wife? Do you remember her name?
A. Sheila.
Q. Okay. What conversation took place there?
A. They are talking about guns and the gun shows, and I was mainly playing with Nicole and her daughter.

Q. Okay. Was there a discussion concerning the gun shows and what type of items were sold at gun shows?

A. Yes.

Q. Do you recall what items they discussed were for sale at gun shows and what items Terry was selling?

A. I recall some of items that he was talking to them is the

Marife Nichols - Direct

rifles and the MREs that he's really doing good in gun show and that he's buying it from the Army surplus store.

Q. Okay. Anything else concerning his inventory that he was selling at the gun shows?

A. That's all I can remember.

Q. Okay. How long did you stay at the Nicholases'?

A. Probably stayed there for four hours.

Q. All right. Where did you next go?

A. We went to Caro, Michigan, and stayed in a motel.

Q. And where is Caro, Michigan?

A. That's -- that's nearby Decker.

Q. Okay. Was this on the way to Grand Rapids?

A. Yes.

Q. All right. You stayed in a motel in Caro. What did you do the next day?

A. The next day, we stopped by in Kevin Nicholas' rental houses, because he was fixing and there were -- I think he was buying some shovels. And then we went --

Q. When you say he was buying shovels, who do you mean?

A. Mr. Nicholas.

Q. Was buying shovels from whom?

A. From Terry.

Q. All right. Did you see Terry sell him some of the goods that he had, the shovels?

A. Yes.

Marife Nichols - Direct

Q. Okay. Then where did you go?

A. We went to Grand Rapids, Michigan.

Q. And how far away was that?

A. About two hours, or three. I forgot.

Q. And is this on -- what -- what day of the week is it, if you recall?

A. Saturday.

Q. Is the gun show on Saturday and Sunday?

A. Yes.

Q. And what happened when you got to Grand Rapids?

A. We -- we tried to find a place to stay because it was already nighttime.

Oh, I was wrong. That was Friday night then.

Q. It was Friday night?

A. That we had to -- yeah. We went to Grand Rapids.

Q. All right.

A. And we tried to find a place to stay for the night. And we

stopped by at the Grand Rapids coliseum. Somewhere where the gun show was.

Q. At the coliseum?

A. Yes.

Q. And had the gun show already started, or do you know?

A. I don't know.

Q. All right. Where did you spend the night?

A. Residential Inn.

Marife Nichols - Direct

Q. Is that in Grand Rapids?

A. Yes.

Q. And what did you do the next day, Saturday?

A. Terry went to the coliseum and set the table and put his stuff that he's selling.

Q. Did you help him do that?

A. Some.

Q. All right. And did you help man the table at the gun show on Saturday there in Grand Rapids?

A. Yes.

Q. Did you do the same thing on Sunday?

A. Yes.

Q. Okay. What type of items did you sell on Saturday and Sunday at the gun show?

A. Guns, MREs. The same stuff that he had.

Q. All right. Did you have any ammonium nitrate in the small bottles?

A. Yes.

Q. Did you sell any yourself?

A. Yes, I did.

Q. Do you know how many you sold?

A. I forgot. But I remember one time and Terry reminded me that I need to give those warning papers to the -- whoever buys the fertilizer.

Q. Tell the jury what you mean by the "warning papers."

Marife Nichols - Direct

A. It has a printed in there that could be dangerous.

Q. All right. And was that a paper that you had to give to the purchasers?

A. Yes.

Q. All right. And did you do that?

A. Yes.

Q. Do you know how many you sold?

A. I forgot how many.

Q. Was it a good gun show, in that you made money that weekend?

A. Yes. It was a good gun show.

Q. All right. How many MREs did you have on hand to sell?

A. A whole bunch. I forgot how many. It was so high up stacked there, and it was just gone within hours.

Q. Did all of the MREs sell out?

A. Yes.

Q. All right. And the other items: Did some of those items sell, also?

A. Yes.

Q. All right. And when you left Grand Rapids, was it overall a financial success?

A. Yes. It was.

Q. Okay.

THE COURT: Would this be a -- maybe this would be an interrupting point.

Marife Nichols - Direct

MR. WOODS: Yes, your Honor. This is fine.

THE COURT: All right. Let's take the afternoon recess. You may step down now, Mrs. Nichols.

Members of the jury, we'll take our usual 20-minute break, during which, of course, remember, continue to follow the cautions given regularly at all recesses, avoiding discussion of any of the witnesses or anything about the case during the time of these recesses and remembering to withhold judgment until you've heard it all. And of course, avoid anything outside the evidence.

You're excused now. 20 minutes.

(Jury out at 3:20 p.m.)

THE COURT: We'll recess. 20 minutes.

(Recess at 3:20 p.m.)

(Reconvened at 3:40 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:40 p.m.)

THE COURT: Mrs. Nichols, if you'll resume the stand.

Mr. Woods, you may continue.

MR. WOODS: Thank you.

BY MR. WOODS:

Q. Mrs. Nichols, when we took our break, we were talking about the Grand Rapids gun show, and you were coming back home from the gun show. Do you recall whether or not you made any stops before you came back to Herington?

Marife Nichols - Direct

A. We stop by at David's, the one who is selling MREs.

Q. And what did you do there?

A. We bought more MREs in his house.

Q. Were you totally out by that time?

A. Yes.

Q. And how many did you buy there, if you recall?

A. I forgot. Some more, 10 boxes.

Q. And what did you do after buying the MREs at Dave's?

A. We went back to the house in Herington.

Q. Okay. Do you recall what day that was that you returned?

A. Monday.

Q. Monday, the what?

A 11 I forgot the date

A. I. I forgot the date.

Q. Does the 10th sound like the day that you got back?

A. Yeah.

Q. You know that you got back on Monday. Is that correct?

A. Yes. On Monday.

Q. This is the week before the bombing?

A. Yes.

Q. All right. The following day, on Tuesday, did you have a visitor?

A. Yes. Josh arrive in Kansas City at early, early morning.

Q. How did he get to Herington, if you know?

A. Terry went and pick him up.

Q. What time did Terry leave on Tuesday to pick up Josh?

Marife Nichols - Direct

A. Somewhere 2:00 in the morning.

Q. Do you know what time Josh's airplane arrived?

A. I forgot. It's early in the morning. I forgot what time.

Q. Did there come a time, then, where Josh and Terry returned home to Herington?

A. Yes. Return home at -- Josh went asleep, went -- Josh went back to sleep and Terry went back to sleep, too.

Q. Okay. And this is on Tuesday, the 11th?

A. Yes.

Q. What did the three of you -- or the four of you with Nicole -- what did do you that day after people woke up?

A. We went to the grocery store.

Q. Okay. Anything else?

A. And there is some store that we went. I forgot what was the name.

Q. All right. Anything unusual that night, Tuesday night, that you recall that the four of you did?

A. I don't remember.

Q. Okay. What about the next day, on Wednesday?

A. On Wednesday -- I forgot what day, somewhere near. But when Josh arrive, we try to find a set of bed for him.

Q. You mean a bedroom set for the guest room? Is that what you're saying?

A. Yes.

Q. During that week, do you recall whether or not you went to

Marife Nichols - Direct

a place and purchased a bed?

A. Yes.

Q. Do you remember where that was?

A. In Fort Riley.

Q. Okay. And was this at the army surplus, or was this from a couple?

A. From a couple.

Q. And what did you buy there, if you know?

A. Just a set of bedroom: Bed, dresser.

Q. All right. And was this for the guest room?

A. Yes.

Q. Did you have furniture in your house when you arrived in Herington?
A. Not much, but we do.
Q. What did you have there, if you recall?
A. Just a couch, a bed, table.
Q. Table?
A. Yeah.
Q. Did you have anything for a dining room?
A. Yes.
Q. Okay. So what you were shopping for this week is a bedroom suite for the guest room; is that correct?
A. Yes.
Q. And you obtained that what day, if you recall?
A. I don't remember exactly what day. It's in that week.

Marife Nichols - Direct

Q. Okay. And this is the week before April 19?
A. Yes.
Q. What did you do Thursday or Friday, if you recall?
A. We went to Wal-Mart and buy stuff.
Q. All right. At Wal-Mart where?
A. Somewhere in -- not in Junction City. Manhattan or Junction City.
Q. Now, was that on Thursday or Friday? I was just about to get to Saturday, next, if you recall. What happened on Saturday?
A. Saturday -- what did we do? I forgot.
Q. Okay. Do you recall what day it was that you went to Junction City and Manhattan to run errands at Wal-Mart and Mail Box EtcÄÄ?
A. I don't know. Somewhere there.
Q. Okay. I understand. Do you recall whether or not you went to a Kinko's?
A. Yes. That week, we went -- he went to Kinko's to copy some business card.
Q. All right. Do you remember what day that was?
A. Friday.
Q. All right. Do you remember what day it was, then, that you went to Wal-Mart?
A. Yeah. It was Friday. It was the same day.
Q. And what did you do at Wal-Mart?

Marife Nichols - Direct

A. We bought stuff for the bedroom, and Josh was buying baseball cards and Terry returned this oil filter. And I don't know what else we buy. I forgot.
Q. Did Terry get a receipt for the oil filter?
A. I don't know.
Q. Did he get a refund, or do you know?
A. He didn't -- I didn't know until we drive off that he didn't get a refund.

Q. Okay. What happened when you drove off that you then learned about the refund?

A. He said that "I forgot to get the refund," and I just didn't know because once we're in the store, we're busy shopping. And we stopped by in Junction City Wal-Mart to get a refund, but I stayed in the -- in the truck.

Q. Okay. And was he able to get a refund then at that Wal-Mart?

A. I don't think so.

Q. Okay. Now, are there two Wal-Marts, one in Manhattan and one in Junction City?

A. Yes.

Q. Have you shopped at both of them?

A. Yes.

Q. Okay. Anything else happen on that Saturday?

A. On Saturday. I forgot.

Q. All right. What about Easter Sunday? Do you recall Easter

Marife Nichols - Direct
Sunday?

A. Oh, yeah. Easter Sunday, we have -- we went to church, me and Terry and Nicole.

Q. Where did you go to church?

A. In Junction City.

Q. Was there a church in Herington?

A. Yes, there is. But it wasn't open or we just --

Q. Did you check?

A. Terry check, and I tried -- no, I didn't call. He checked, but I -- I called Junction City church when he came home. It wasn't open. We don't know what's the schedule of the mass and everything like that.

Q. So did you go to church in Junction City on Easter Sunday?

A. Yes.

Q. Do you recall what time you went to church?

A. More 11 or 12.

Q. And what time did you come home?

A. About 2:00 in the afternoon.

Q. And did you cook a meal for Easter Sunday?

A. Yes.

Q. Who was in the house then?

A. Josh, Terry, Nicole, and me.

Q. Okay. What did you cook?

A. Ham.

Q. And did the four of you eat Easter dinner together?

Marife Nichols - Direct

A. Yes.

Q. Okay. After the dinner, was there a phone call that was received?

A. Yes.

Q. Okay. And who answered the telephone?

A. Terry did.

Q. How long did he talk on the telephone?

Q. How long did he talk on the telephone?

A. Five minutes or so. I forget.

Q. After he got off the telephone, what, if anything, did he say to you?

A. He said that he needs to go and help Tim in Omaha because his car is -- had broke down there and that he needs to pick up the TV set that Tim is -- has from Las Vegas.

Q. Okay. Did you know anything about the TV set; that Terry told you that a TV set was going to be brought at some point in time?

A. Yes. Because we did -- I did complain we didn't have TV, and I stayed in the house most of the time, and -- but when I left the Philippines, he gave it to Josh in Las Vegas, so that's why it was in Las Vegas. It was Terry's TV set.

Q. Okay. Now, as of this day on Sunday, Easter Sunday, had you seen Tim McVeigh anytime that year?

A. No, I did not.

Q. When was the last time you had seen Tim McVeigh?

A. In his trial.

Marife Nichols - Direct

Q. No, I'm sorry. Before that day on Easter Sunday in '95, when had you seen Tim before?

A. I've seen him when I left in Marion, Kansas. That's somewhere September.

Q. So from September, '94, until this Easter Sunday when the phone call comes in, you had not seen Tim McVeigh?

A. Correct.

Q. Okay. And Terry told you again -- tell the jury what he told you.

A. That he needs to go and help Tim in Omaha because his car had broke down and he needs to go like right now, he said.

Q. Okay. And did he say anything about the television?

A. Yeah; that he wants to pick up the television, too.

Q. What time did that call come in, if you recall?

A. Somewhere 3 or 4, 5. Late afternoon.

Q. Did Terry leave after that phone call?

A. Yes.

Q. Okay. What did you and Josh and Nicole do the rest of the day?

A. Nicole and I took a nap, and Josh is just playing with the neighborhood's kids.

Q. Okay. And what time did you go to bed that night?

A. 12 midnight.

Q. Was Terry back home by that time?

A. No. Me and Josh was just talking and waiting for Terry

Marife Nichols - Direct

until he decided to doze off, and I just go to sleep, too.

Q. Did you know what time Terry came home that night or early the next morning? Did you wake up when he came in?

A. No, I didn't wake up when he came in. I don't remember.

Q. What time did you get up the next day, Monday, the 17th?

A. I get up around 9 or so and -- he was right next to me and Nicole, so . . .

Q. He was there in bed asleep?

A. Yes.

Q. All right. What did you do that morning?

A. When Josh woke up and Terry, we went to the store and rent movies.

Q. Okay. Did you notice that there was a television set in your house?

A. Yes, I noticed when I woke up.

Q. Where was it?

A. In the living room.

Q. Okay. Did you try hooking it up to see if it worked?

A. I did.

Q. And did it work?

A. And there was no antenna.

Q. Pardon me?

A. There was no antenna, so it didn't work.

Q. So you could get no reception, no television station on it?

A. Yes. That's right.

Marife Nichols - Direct

Q. Okay. Did you have a VCR?

A. Yes.

Q. And did it work?

A. Yes.

Q. Now, you mentioned that -- who all went to the grocery store to rent videos?

A. All of us.

Q. Who is "all of us" again?

A. Terry, Josh, me, and Nicole.

Q. About what time did you do that?

A. Late morning.

Q. Of Monday, the 17th?

A. Yes.

Q. And where is the grocery store with the video rental?

A. In the town. We just walked there. I think the name is Catlin Grocery Store.

Q. How close is Catlin Grocery Store and video store to your house?

A. It's the same building.

Q. Right. Those businesses are combined in the same building. But how close is it to your house?

A. About two blocks away.

Q. Okay. All of you walked there?

A. Yes.

Q. Did you rent some movies?

Marife Nichols - Direct

A. Yes.

Q. Do you recall what movies were rented?

A. The Lion King, the Tank. I forgot the other one. There

was three movies that we rented.

Q. Now, what was the plan for that day, Monday, the 17th, as to Josh?

A. Josh has a late flight from Kansas City to Las Vegas, so we did plan to take him to the airport.

Q. How long does it take to drive from Herington to the airport in Kansas City?

A. About 2 hours.

Q. What did you do that afternoon, then?

A. We watched the movies. Me and Josh and Nicole, and Terry was in and out the house.

Q. And where was Terry, if you recall?

A. In the garage. He was doing things around the house.

Q. Was your house still full of army surplus items?

A. Yes.

Q. Did you help clean the ammo cans at any time during April?

A. Yes.

Q. What do you have to do to the ammo cans after they're bought?

A. Just dust it up and kind of like clean it off.

Q. Do you know what other items were in the garage at that time?

Marife Nichols - Direct

A. Yeah.

Q. What?

A. Like the stuff that he bought, the nails and the shovels. I forgot what else, but it's a large amount of stuff that he got.

Q. Did you ever see what was described as a fuel meter?

A. No, I haven't.

Q. Okay. Did you ever see an item that was apart in the garage with a bunch of gears?

A. Yeah.

Q. Did you ever know what that was?

A. No.

Q. Okay. How many hours, then, did you watch the three movies?

A. Three hours.

Q. Okay. Till what time did you stop watching the movies?

A. Somewhere around 5:00.

Q. What did you do then?

A. We went -- all of us went to Sirloin Stockade and then head to the airport.

Q. Okay. Now, where is Sirloin Stockade?

A. Junction City.

Q. Okay. What is that?

A. It's a restaurant.

Q. Okay. And you ate dinner there?

Marife Nichols - Direct

A. Yes.

Q. ...

Q. Approximately what time?
A. Somewhere around 6:00 or -- I don't know.
Q. And you then drove to Kansas City airport?
A. Yes.
Q. And again how long does it take to drive?
A. About 2 hours or might be lesser, because that's already in Junction City.
Q. All right. And what time was Josh's flight, if you recall?
A. Late night. Somewhere 10:00.
Q. Okay.
A. Or 11.
Q. Did you have to wait around while in the airport before his flight arrived?
A. I think we only wait for 20 minutes.
Q. And did you see Josh get on the plane and leave?
A. Yes.
Q. All right. And did you see Terry Nichols make a phone call?
A. Yes. When the plane took off, he made a phone calls to Las Vegas.
Q. Okay. How do you know that?
A. Because I overheard their conversation.
Q. Who was he talking to?
A. To Lana.

Marife Nichols - Direct

Q. And what did he say to Lana that you heard?
A. That "the plane is taking off now."
Q. Okay. And what did you do after that phone conversation?
A. Went home.
Q. Okay. Did you see Mr. Nichols make a second call?
A. No, I did not.
Q. Okay. Were you with him the whole time, or did you go to the bathroom, or where --
A. I went to the bathroom when they were in line -- Josh was in line --
Q. Okay.
A. -- to get into the plane, so probably gone for 5 minutes or so.
Q. After he departed on the plane, you saw Terry make one call; is that correct?
A. Yes.
Q. Excuse me. What time did you get back home to Herington?
A. Late.
Q. Late Monday night, the 17th?
A. Yes.
Q. Or early morning --
A. Early morning.
Q. Approximately what time was it, if you recall?
A. 2 or 3.
Q. And what happened? Everybody go to bed?

Marife Nichols - Direct

A. Yes.

Q. Was Nicole -- did Nicole make the trip to the airport and back with you?

A. Yes.

Q. What time did you wake up Tuesday morning?

A. Tuesday morning? 10, 11.

Q. Was Terry there?

A. I don't remember.

Q. Had Terry told you earlier about his plans for Tuesday morning?

A. No.

Q. Do you remember anything about an auction at Fort Riley?

A. Oh, yeah. He did mention to me there is another auction at

Fort Riley.

Q. What day was it that he was going to go to Fort Riley?

A. I forgot what day. It's been so many years now.

Q. Okay. When did you see Terry, then, on Tuesday?

A. When did I see Terry on Tuesday?

Q. Yes.

A. Somewhere at noon.

Q. Okay. Did he come home at noon?

A. Well, I'm not very sure. I don't want to say anything that I'm not sure.

Q. Do you recall on Tuesday when you saw him if he told you anything about where he had been?

Marife Nichols - Direct

A. Yes. He was -- I remember he came home one time and says that he had been to the auction sale.

Q. Did he leave at that time?

A. Yes.

Q. Do you know where he went then?

A. He get the license plate.

Q. Anything else?

A. I don't remember.

Q. Okay. Anything else happen on Tuesday, then, the 18th, that you recall?

A. No.

Q. All right. On Wednesday, the 19th, the day of the bombing, where was Terry when you woke up that morning?

A. He was with us, and we went to buy the dolls -- not really the dolls, the magnets. We went to the store where they were selling magnets.

Q. Okay. And did you go in?

A. Yes.

Q. Okay. Where else did you go on that day?

A. Probably rented movies.

Q. Okay. Did you take the other movies back that you had rented on Monday?

A. Yes.

Q. Did you rent more movies?

A. Yes.

Marife Nichols - Direct

Q. Would the TV work on Wednesday?

A. Yes.

Q. Well, I mean the reception. Could you get a television station?

A. Oh, on Wednesday?

Q. Yes.

A. I don't remember.

Q. Okay.

A. I don't think so.

Q. All right. There wasn't an antenna on the television; is that correct?

A. No, there wasn't any antenna.

Q. What else did Terry do on Wednesday, if you recall?

A. He was fixing the roof. He was up on top of the roof. We were expecting a UPS delivery.

Q. What did he do on the roof, if you recall?

A. I have no idea. I mean he was just up there.

Q. All right. And did you receive a UPS delivery?

A. Yes.

Q. That day?

A. Yes.

Q. Do you know what the delivery consisted of? What was in the delivery?

A. A laser --

Q. Was it items for sale at gun shows?

Marife Nichols - Direct

A. Yes.

Q. Anything else that you recall Terry doing on Wednesday?

A. I don't recall.

Q. What about Thursday, when you woke up? Where was Terry?

A. Thursday -- I think Terry went to the cable to -- to help somebody hook cable in our house.

Q. Did he tell you that that's what he did?

A. Yeah.

Q. Okay. Anything else on Thursday that you recall?

A. No.

Q. When Mr. Nichols told you that he had gone to the cable store to get his cable hooked up, did he tell you anything about a bombing?

A. Oh, okay. Yeah, he told me about the bombing; that he saw it on the cable office or wherever that place is and that there is a bombing in Oklahoma.

Q. And what did the two of you do then later that day?

A. We went for a short drive, and we stop by behind our house to buy -- there is a gasoline station behind our house -- and buy newspapers.

Q. Okay. And what newspapers or how many newspapers did Terry buy, if you recall?

A. Two or three newspapers.

Q. Okay. And what was the reason for buying the newspapers?

A. To see the news.

Marife Nichols - Direct

Q. Concerning?

A. Concerning the Oklahoma City bombing.

Q. Did you read about it, also?

A. Yes, I did.

Q. Okay. At that time, had you seen anything on television about it?

A. No, I did not, because we didn't have any.

Q. When did the television cable get hooked up?

A. Monday -- Friday morning.

Q. Okay. Friday, the 21st?

A. Yes.

Q. And what time did the cable get hooked up?

A. Late morning, 10 or 9:00. I don't know. I was still in bed when the guy came in.

Q. All right. And was Terry home?

A. Yes.

Q. And later that day, were you able to determine that the cable had been hooked up?

A. Yes.

Q. Did you watch television that morning after you got up?

A. No, I did not.

Q. Okay.

A. I probably did watch a little bit the news.

Q. Okay. Did Terry have a phone conversation on Friday morning?

Marife Nichols - Direct

A. Yes. That's what he said.

Q. Okay. And who was the conversation with?

A. Lana called.

Q. Lana Padilla?

A. Lana Padilla, his ex-wife, called; and she's upset, mad to Terry.

Q. What was she upset about that Terry related to you?

A. Terry told Josh about the money that Lana took from Terry when he left the Philippines, and so Lana was kind of upset of that that he told Josh. That's what to my understanding.

Q. Okay. And was there some comment made about you?

A. Yes, that she asked where I'm at; and of course, I never wake up in the morning. She said, "We should get her out of bed and make her work."

Q. Okay. And did that upset you?

A. Yeah.

Q. Okay. Did -- what did you do as a result of being upset?

A. Me and Terry talk about it, and I think I was just tired of everything. And I decided to go back home to Philippines and finish school, so I reserved a ticket on that day. I called the travel agent.

Q. This is a travel agent you had dealt with before?

A. I don't think so. I just -- I always look in the Yellow

A. I DON'T THINK SO. I JUST I ALWAYS LOOK IN THE YELLOW Pages.

Q. All right. When did you reserve a ticket for?

Marife Nichols - Direct

A. Pardon?

Q. When was the flight going back to the Philippines that you made a reservation?

A. Yeah. May 10.

Q. May 10?

A. Yes.

Q. And was that so you could get a discount, advance purchase?

A. Yes.

Q. Now, what did Terry do during that day?

A. He told me that he needs to go run an errands to meet this guy who is supposed to trade shingles to him. He is going to trade the nails for shingles.

Q. Okay. You have nails, boxes of nails in your house?

A. Yes.

Q. Terry said he was going to trade the shingles?

A. Yes.

Q. Was Terry going to work on the roof, to your knowledge?

A. Yes.

Q. What time did Terry come home?

A. Somewhere 1 or 2:00 in the afternoon.

Q. Okay. And did he say anything to you when he came home?

A. Yes. He told me that his name is in the news and James Nichols is in the news and that they're supposed to be armed and dangerous.

Q. That they're armed and dangerous?

Marife Nichols - Direct

A. Yes.

Q. Now, their name is in the news concerning -- why?

A. On that time, I did not understand what he was talking. He was telling me that -- that Tim McVeigh is on the news, too. He's a suspect of the bombing and all this stuff.

Q. Okay. And did -- what did you do after Terry told you that?

A. I told him to calm down, and I did not believe him. I told him to like, you know -- maybe it's just the same name.

And so I look in the news. I turn on the TV.

Q. What did you observe on the television?

A. The composite drawing of skinny guy and then another guy, John Doe No. 1, John Doe No. 2.

Q. Okay. Was there anything on the news about Tim McVeigh?

A. Yeah. That he has been arrested for traffic violation.

Q. For a traffic violation?

A. Yes.

Q. Okay. What did you hear on the news about Terry Nichols?

A. I did not hear anything about Terry.

Q. Okay. What did Terry tell you that he had heard on the news?

A. That he's supposed to be armed and dangerous.

Q. And was there a warrant, or what did he say about the fact that his name is on television and he's armed and dangerous -- what else?

Marife Nichols - Direct

A. I don't know. I don't remember that he tells me that he's a suspect or anything like that, but he said that he's going to police station and find it out, check it out what's going on.

Q. Okay. Describe for the jury how Terry Nichols appeared when he came home and told you this.

A. He was pale and scared.

Q. All right. Anything else?

A. He just start talking to me.

Q. Okay.

A. All the news that he heard.

Q. All right. And what decision was made as to what would happen? What did he say?

A. He said that "I am going to check it out at police station in Herington."

When he gave me some money, I decided to go with him.

Q. Okay. What time was this, if you recall?

A. I don't know. Somewhere 2:00 or 3.

Q. Okay. And did you leave the house shortly thereafter?

A. Yes.

Q. And who was with you?

A. Nicole, me, and Terry.

Q. Now, what were you telling Terry when he's excited and scared and pale? What did you say to him?

A. When we get to the stop sign, I said, you know, "Just calm down."

Marife Nichols - Direct

And he said that there is a car -- a black car behind us.

And I look at the black car. I think I don't know if I've seen anything. I assume there is nothing there, and I just all this question came out to my mind; and I asked him right -- then, "Are you involved to this?"

And he said no.

And -- and that time, I don't know which way is police station, but I told him to just calm down.

And he told me everything about what is his activities

with Tim McVeigh, like he did not pick up Tim McVeigh in Omaha, instead in Oklahoma.

Q. What exactly did he say? Go slow so the jury can follow what you're saying. What did Terry Nichols tell you in the car ride to the police station?

A. He told me that when Tim called, he said, "Just tell them that you're going to pick me up in" Oklahoma -- "in Omaha," not

in Oklahoma.

Q. All right. And what else?

A. I don't know. I mean, I have all kinds of question in that time. I don't know which one I asked and -- I mean -- if he is confused, I'm more confused than ever.

Q. Did Mr. Nichols tell you why he had told you that he was going to Omaha, rather than Oklahoma City?

A. Because Tim told him just to tell us that he is going to

Marife Nichols - Direct

Omaha.

Q. All right. Now, did you stop at a store before you went to the police station?

A. Yeah. We stop and he -- he just walked for a little bit and get fresh air, I guess, and --

Q. Okay. Do you remember what type of store it was?

A. I don't know. In that time, I thought it was a junkyard.

Q. It was a what?

A. On that time, I didn't know it was a store. I thought it was a junkyard.

Q. Junkyard?

A. Yeah.

Q. Okay. And how long did he -- were you stopped there at this store?

A. 2, 3 minutes.

Q. And then what happened?

A. And then we pull off the driveway and turn around and went to another -- opposite direction and went to police station.

Q. What time did you get to the police station?

A. I don't know. The time was probably somewhere 3, 3:30. Somewhere in there.

Q. During that time, did Terry tell you he was going anywhere other than the police station?

A. No.

Q. Did he ever tell you that "We're going to leave the city"?

Marife Nichols - Direct

A. No.

Q. Did you put clothes or anything in the car to flee the city?

A. No.

Q. Where did you understand you were going?

A. To the police station. I didn't even change my clothes.

Q. Okay. Now, what happens when you get to the police station? Do you park the car?

A. Yes. And Terry is the one -- I forgot which of us carry Nicole. Just came in the police station, and he asked the policeman, "I hear my name on the news."

Q. And were you with Terry side by side going in?

A. Yes.

Q. Who was carrying Nicole? Do you remember?

A. I don't remember. Probably him.

Q. And you hear Terry Nichols talk to the

Q. And you hear Terry Nichols talk to who?
A. To the policeman inside the police station.
Q. Was it the first policeman you saw inside?
A. Yes.
Q. What did Terry say to him?
A. "I heard my name in the news. I want to know what's going on."
Q. Did he say anything about being armed and dangerous?

A. No. The guy said that, "Okay, sir, just sit down and we'll check it for you."

Marife Nichols - Direct

And when there is another policeman came out, or I think it was the same man -- he said, "I'm supposed to be armed and dangerous. Would you like to search me?"
Q. Now, who said that?
A. Terry did.
Q. All right. And what happened?
A. The policeman says that "You come over here -- well, sir, you came over here with your own will, so" -- I forgot what was the last word. I think he was walking to the hallway.
Q. Okay. Was Terry searched at that time?
A. No.
Q. Were you searched at that time?
A. No.
Q. What other conversation did you hear Terry and the policeman engage in?
A. I don't know. They were talking about there is some water here in the hallway and to have coffee, stuff like that.
Q. All right. What happened next?
A. I don't know how long time we sit there. I was confused as much as he is; and then FBI, all these people come in.
Q. How long did you sit there waiting before the FBI came?
A. I forgot.
Q. Can you give the jury just a rough estimate?
A. Probably 10, 20 minutes.
Q. And what happened when the FBI people came in?

Marife Nichols - Direct

A. They separate us. They took Terry and they have the policeman, a lady, who searched me and search Nicole. And Terry is somewhere in the police station. I don't know. And they asked my identification and stuff.
Q. Okay. Now, who talked to you?
A. There was an FBI who talked to me. I forgot his name.
Q. Okay. How many FBI?
A. Just one.
Q. Were there people there from other agencies?
A. I don't know.
Q. Okay. How long did the one person talk to you?
A. About 1 or 2 minutes. He or she. I mean -- I forgot. There was like a whole bunch of people there, but there was one

person who asked me my identification, my name and Nicole's name and age.

Q. All right. And what happened after they got your identification?

A. Mr. Thomeczek, another FBI, came in and talked to me; and there was CID.

Q. Now, what is CID?

A. He said he worked for the Army.

Q. All right. So there is -- you mentioned a Mr. Thomeczek. Who is he?

A. Mr. Thomeczek is an FBI.

Q. And there is an Army CID person?

Marife Nichols - Direct

A. Yes. Mr. Tom White.

Q. Did those two people then talk to you?

A. Yes.

Q. For how long?

A. Forever -- I'm sorry. The whole time.

Q. How long is the whole time?

A. When they come in and they asked questions -- I mean we have breaks. I'm allowed to breast-feed Nicole, and they offered me -- there is some, you know, water -- water, drinks there, and they did order pizza and stuff like that, if we need some food.

Q. You got there approximately 3:00?

A. Yes.

Q. What time did you leave?

A. Late at night.

Q. Do you know what time it was?

A. I don't know. There was no clock there.

Q. Were you in an office that whole time?

A. Yes.

Q. Were there any windows?

A. No.

Q. Was there a clock?

A. No.

Q. You were interviewed by Mr. Thomeczek and Mr. White?

A. Yes.

Marife Nichols - Direct

Q. Anybody else?

A. Another FBI agent come in and asked question.

Q. And who was that?

A. Sheila Dobson.

Q. Now, did you know where Terry Nichols was during this period?

A. I probably did ask where Terry, and they said somewhere -- I don't know which one answered -- somewhere in the basement.

Q. Did there come a time when you went down to the basement?

A. Yes.

Q. When was that?

A. After the interview, we went downstairs, because -- I asked to see Terry, so they took us to downstairs.

Q. Is this near the first of the interview, or as you're about to leave?

A. About to leave.

Q. Okay. And you still don't know what time it is?

A. No, I don't.

Q. Were you able to talk to Terry Nichols?

A. Yes.

Q. For a very long period of time?

A. No. This is a short time. He get to -- to hug Nicole and gave me a calling card, his calling card.

Q. Now, what calling card did he give to you?

A. I forgot what was the --

Marife Nichols - Direct

Q. Was it the Southwestern Bell calling card?

A. I think so. Southwestern Bell.

Q. Were you aware that he had another card, the Daryl Bridges phone card, a credit card that he used?

A. Yes.

Q. Had you used that card in the past yourself?

A. No, I did not.

Q. You never used it when he got it back in '93?

A. No.

Q. Never used that card.

A. No.

Q. Okay. But you were aware of it. Is that right?

A. Yes.

Q. And Terry gave you this card, the Southwestern Bell card?

A. Yes.

Q. And did he -- did it have a code number on it so that you could make phone calls?

A. Yes.

Q. Okay. Did the agents tell you where they were taking you?

A. They told me I cannot come into our house on that time.

They're taking me to Junction City, some motel or hotel.

Q. They told you you couldn't go to your house?

A. Yes.

Q. Did they tell you why you couldn't go to your house?

A. They need to have a bomb squad in there.

Marife Nichols - Direct

Q. Okay.

A. I mean they even asked me if, you know -- I would like to come in in the house, and they said it's dangerous for us, there might be some bombs there, which confuses me more.

Q. What did you tell them when they said there may be bombs there?

A. Well, I -- I was confused. I don't know what I said.

Probably have said like "I live in this house that had a bomb?"

Q. Now, during that time that you were being interviewed by

the FBI and the CID, did they ask you a number of questions?

A. Yes, they did.

Q. And did you answer every question that they gave you?

A. Yes.

Q. Did there come a time when they would go down and find out what Terry was saying and then come back and ask you questions about what Terry was saying?

A. Well, there was time that he -- one of them or Mr. Thomeczek get out the room. I don't know where he went, but --

Q. Okay.

A. Then he come back and "This is what Terry said." That's what they said to me.

Q. So they were telling you what Terry was saying and then asking you questions about it?

A. Yes.

Marife Nichols - Direct

Q. Did you always answer their questions?

A. Yes.

Q. And do you recall how long that interview lasted that night?

A. I don't know. I mean I feel it was -- the whole afternoon I talked -- I mean when I get out, I didn't even know it was already nighttime.

Q. When you got to the motel in Junction City, did you -- were you able to tell what time it was then?

A. No. I was so exhausted.

Q. All right. Now, did the FBI and the CID stay there at that motel with you?

A. Yes.

Q. Were they in a separate room next to you?

A. Yes.

Q. What did you do the next day?

A. The next day, I think I'm still not allowed to come in the house. I mean I need things, like clothes. So they said that "We're just going to take you to the store and buy some clothes because we're still not allowed to come into your house."

Q. And did they do that?

A. Yes. They did. We went -- Ms. Sheila Dobson, and there was another girl went with me in the store; and I bought some stuff that I needed.

Q. All right. Did you buy the clothes yourself, rather than

Marife Nichols - Direct

the FBI?

A. I did buy it.

Q. Did they interview you again that day?

A. Yes, they did.

Q. This would be Saturday, the 22d?

A. Yes.

Q. Who interviewed you?

A. Mr. Tom White. Sheila Dobson -- I don't think -- Sheila

A. MR. TOM WHITE, SHEILA DOBSON I DON'T THINK SHEILA Dobson was there, but I don't remember she was questioning me. Mr. Tom White. Thomeczek.

Q. Did you answer all their questions?

A. Yes.

Q. And what did you do the next day, Sunday?

A. Sunday, I think we were -- we went to the house, but we have to go to the Herington police station first to come into the house.

Q. They didn't take you directly to the house?

A. No, they did not.

Q. Why did you have to go -- did they tell you why you were going to the police station?

A. I don't remember if they told me.

Q. Okay. What happened after you went to the police station?

A. I think I receive stuff from Terry's -- like wallets, and I saw his green jacket there and I pick it up.

Q. Okay. Did you then go to your house?

Marife Nichols - Direct

A. Yes.

Q. Were you able -- were you allowed to then go back home and stay home?

A. No. They said I'm not allowed to stay there because it's --

Q. Because it's what?

A. It would be dangerous for us to stay there.

Q. Okay. And what did you do there at the home while you were there?

A. Just packed things that I needed.

Q. Okay. And what did you pack?

A. Clothes, toys for Nicole.

Q. Okay. And where did you then go?

A. We went to either Fort Riley or Junction City. I forgot which. We went to another hotel, motel.

Q. Okay. Did the FBI ask you more questions that day?

A. Yes, I think so.

Q. Okay. How -- were you ever allowed to move back into your home, Mrs. Nichols?

A. On that time, no.

Q. Okay. How many days did the FBI question you?

MR. RYAN: Your Honor, I object to this line of questioning.

THE COURT: Yes. It implies continuous. I don't think you meant that.

Marife Nichols - Direct

MR. WOODS: If I could follow up on the questions, your Honor.

THE COURT: All right.

BY MR. WOODS:

Q. Ms. Nichols, you said that you weren't allowed to go home. Is that correct?

A. That's correct.

Q. And how many cities did you move to while you were being questioned by the FBI?

MR. RYAN: Objection, your Honor.

THE COURT: Well, again, are you --

MR. WOODS: I'll narrow it down.

THE COURT: All right.

BY MR. WOODS:

Q. We're now on Sunday, the 23d. April 23d. Is that correct?

A. That's correct.

Q. Did the FBI question you again about the details of Terry Nichols' whereabouts and Tim McVeigh?

A. They told me that Terry is a material witness.

Q. Okay.

A. And that the U.S. Marshal -- he's in the custody of the U.S. Marshal some more in Wichita.

Q. All right. And did the FBI ask you questions on that day?

A. I think they did. I've forgotten the questions.

Q. We're not going to ask you to recall each and every

Marife Nichols - Direct
question that they asked you.

A. Okay.

Q. But on Monday, the 24th, where were you?

A. Monday, the 24th? I think I'm still at the same motel where they put me on Sunday. I've forgotten if we went to the house or police station -- I'm sure every day, they asked me question.

Q. All right. When you say you're in the same hotel that they put you on Sunday, was that a different hotel than you had gone to on Friday night?

A. Yes, it is different. Different place, too.

Q. Where is it?

A. Somewhere in Junction City or Fort Riley.

Q. And how long did you stay in that motel?

MR. RYAN: Your Honor, I object.

THE COURT: What's the objection?

MR. RYAN: I thought we had an understanding, but

I'll
withdraw it.

THE COURT: All right.

MR. RYAN: I question the relevance of this.

THE COURT: Proceed.

BY MR. WOODS:

Q. How long did you stay in that hotel?

A. I forgot. Somewhere three, four days.

Q. All right. And where did you go after the three or four

Marife Nichols - Direct
days?

A. Somewhere nearby. Across of it is McDonald's. I forgot the -- the address, but it's somewhere in Junction City or Fort

Riley.

Q. All right. How many days were you in motels before you left the country?

A. I think 36 days.

Q. And how many cities were you in?

A. A lot. From Kansas, Wichita, Oklahoma City, Kansas, Missouri. Somewhere there.

Q. Now, during this period of time, were you with the FBI during the daytime?

A. Yes.

Q. Did they ask you questions during the daytime?

A. Yes, they do.

Q. Okay. Did you try to answer every question that they asked you?

A. I did.

Q. Did there come a time when some money was returned to you that was taken from the house?

A. Yes. When I was in Oklahoma City, they finally returned my money.

Q. And how much money did you have in the house?

A. \$500 -- \$5,000 cash.

Q. And was -- where did that money come from?

Marife Nichols - Direct

A. It came from Terry, most of it.

Q. Okay. And did you have it in the Philippines with you before you returned?

A. Some of it.

MR. WOODS: Your Honor, may it please the Court, I would like to offer into evidence a stipulation at this time.

THE COURT: All right.

MR. WOODS: Your Honor, by agreement with counsel, it's a very short stipulation that I will read into evidence.

THE COURT: All right.

MR. WOODS: "On September 18, 1994, Marife Nichols traveled from Kansas to the Philippines. Marife Nichols took approximately \$1,500 currency which she deposited in a branch of the Philippines Commercial International Bank in Cebu City, Philippines.

"On November 22, 1994, the Defendant, Terry Lynn Nichols, traveled from Las Vegas, Nevada, to the Philippines. After arriving in the Philippines, Terry Lynn Nichols provided additional money which was deposited into the same bank.

"On March 15, 1995, Marife Nichols closed the accounts at the bank by withdrawing a total of \$4,035."

BY MR. WOODS:

Q. Ms. Nichols --

THE COURT: Well -- those facts are agreed?

MR. MACKEY: Yes, your Honor.

Marife Nichols - Direct

MARIE NICHOLS - DIRECT

THE COURT: The jury will accept them as agreed facts.

BY MR. WOODS:

Q. When you returned from the Philippines, did you have approximately \$4,000 with you?

A. I think so, yes.

Q. Now, what amount of money was in the house that you told the FBI belonged to you?

A. \$5,000.

Q. And was most of that money returned to you sometime in May?

A. Yes.

Q. Do you remember approximately when it was?

A. May 25 or 24. Somewhere in there.

Q. All right. And were you then able to use that money to buy an airplane ticket to go back home to the Philippines?

A. Yes.

Q. As of that time, did you understand that Terry Nichols had been charged and was in jail for this offense of bombing the federal building?

A. On that time, no, he was not.

I forgot. He probably is.

Q. All right. Was it your understanding that Mr. Nichols was in jail?

A. Yes.

Q. You had earlier told the jury that you had been informed that he was a material witness.

Marife Nichols - Direct

A. Yes.

Q. Was he still a material witness in late May of '95, or do you know?

A. I think he wasn't a material witness in that time, no.

Q. Do you know whether or not he had been charged with the offense?

A. Yes, he has been charged.

Q. And was it your decision, then, to take your child and return to the Philippines?

A. Yes.

Q. Now, Mrs. Nichols, how old are you?

A. 24.

Q. When were you born?

A. June 11, 1973.

Q. When you got married to Terry Nichols, how old were you?

A. 17.

Q. Is there a prohibition in the Philippines of a 17-year-old getting married?

A. Yes. To my understanding, 17 years old, even with the parents' consent, it's not going to be able to get married.

Q. Okay. Was your birth certificate changed to reflect a birth date of 1971?

A. Yes. My father did that.

Q. Okay. And have you put the -- have you used the correct age ever since?

Marife Nichols - Direct

A. When we apply for the visa.

Q. Right.

A. No.

Q. When you applied for the visa, did you use the '71 birth date?

A. Yes. Because it reflects to the marriage contract.

Q. And on the marriage contract, you had to put '91 -- '71 as the birth date?

A. Yes.

Q. All right. Now, you mentioned that you still do not have a driver's license; is that correct?

A. That's correct.

Q. Did Terry Nichols encourage you to get a driver's license?

A. Yes, he did.

Q. Did he attempt to teach you how to drive?

A. Yes.

Q. All right. Did he offer to buy you a small car when you were at the Marion ranch?

A. Yes, he did.

Q. Were you reluctant to drive the large pickup?

A. Around the country, no, I wasn't reluctant at all as long as there is no traffic. I mean on the gravel road, I can drive.

Q. Okay. And -- but you still haven't obtained a driver's license; is that correct?

Marife Nichols - Direct

A. That's correct.

Q. Was that at the insistence of Mr. Nichols that you not drive?

A. No.

Q. Okay. What does your father do in the Philippines? What is his occupation?

A. He is a policeman.

Q. And where?

A. In Cebu, Philippines.

Q. And what is his rank?

A. Corporal.

Q. Okay. When you were being interviewed by the FBI, how many days were you interviewed by the FBI? Do you recall?

A. I don't know how many days. I mean I was with them 36 days.

Q. All right. Any time that they asked you questions, did you attempt to answer them?

A. Yes.

Q. Okay. Did you come to learn that you were pregnant while you were being interviewed by the FBI?

A. Yes.

Q. And is that the pregnancy that resulted in the birth of Christian?

A. Yes.

Q. And Christian, again, was born when?

Marife Nichols - Direct

A. December 15, '95.

Q. Okay. And you did not see Timothy McVeigh in Kansas during 1995. Is that correct?

A. That's correct.

Q. Okay. Did you talk to him on the phone?

A. No, I did not.

Q. Do you recall receiving a phone call from him at all?

A. No.

MR. WOODS: Okay. Thank you. I pass the witness, your Honor.

THE COURT: All right. Mr. Ryan?

MR. RYAN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. RYAN:

Q. Good afternoon, Mrs. Nichols.

A. Good afternoon.

Q. My name is Pat Ryan. I'm the United States Attorney in Oklahoma City.

A. Okay.

Q. We've never met, I don't believe.

A. That's right.

Q. Now, is it -- would I be correct in stating that Timothy McVeigh was Terry Nichols' best friend?

A. Okay. You have to put that what date they were best friend.

Marife Nichols - Cross

Q. At any time prior to the Oklahoma City bombing.

A. I don't think they were best, best friend. I mean -- you have to categorize how much best friend, you know. They're just -- they know each other from the Army and they -- and they decided to have a business together.

Q. Did you tell the FBI on April 21 that Tim McVeigh was Terry Nichols' best friend?

A. I probably did.

Q. Can you think of anyone who is a closer friend of Terry Nichols than Tim McVeigh?

A. No.

Q. Now, when you married Mr. Nichols, he was approximately 15 years older than Mr. McVeigh. Is that right?

A. Yes.

Q. And Mr. Nichols is approximately 17 or 18 years older than you?

A. Yes.

Q. Mr. McVeigh and Mr. Nichols spent a lot of time together?

A. Yes, they do.

Q. In fact, you thought they spent too much time together?

A. That's what I thought, because I don't have friends around and I just get jealous.

Q. You were jealous of all the time that Mr. McVeigh and

Mr. Nichols spent together?

Mr. Nichols spent together?

A. Yes, because Terry works; and when he came home, if Tim

Marife Nichols - Cross

McVeigh is visiting in our house, he would spend time with Tim instead of me.

Q. And Mr. McVeigh was a regular and frequent guest at your home both in Michigan and in Kansas?

A. That's correct.

Q. When I say "Kansas," I'm speaking of Marion, Kansas.

A. Marion, Kansas.

Q. Because you've told the jury that Mr. McVeigh had never been to your home in Herington, Kansas.

A. That's right.

Q. Timothy McVeigh would often stay with you and Terry Nichols when he was traveling about the country?

A. Yes.

Q. Tim McVeigh rarely had any money. Is that fair? That you could tell?

A. I don't know. I never asked the guy if he has money or not.

Q. Did you ever know of him to have a job?

A. Back when he was in New York, yes, and he was in Kingman, too.

Q. Did he have a job in 1993 or 1994 that you knew of?

A. That I know of? Somewhere in Kingman, Arizona.

Q. Did he stay with you and your -- and Terry Nichols to try to save money? Did he tell you that?

A. No. He just visiting.

Marife Nichols - Cross

Q. But whenever he was in the area, he would stay with you, so far as you knew?

A. As far as I know, that's correct.

Q. In fact, did anyone else ever live with you and Mr. Nichols besides Tim McVeigh?

A. You have to put that -- James -- we were living with James Nichols in Michigan.

Q. No. I'm talking about in your home.

A. In my home?

Q. At anyplace that you and Terry Nichols lived, did you ever have a guest other than Tim McVeigh?

A. Yes, we do. Somewhere -- some people, foreigners.

Q. Who was that?

A. I forgot their names. They have -- I don't know. They're from England or somewhere. There used to be student exchange.

Q. Were these friends of yours?

A. No. I never have friends here in America.

Q. Friends of Mr. Nichols?

A. Yes. And the Nichols family.

Q. Is that the only time you've seen these people?

A. Yes.

Q. They were not close friends of Terry Nichols?

X. They were not close friends of Terry Nichols.

A. I have no idea. I mean --

Q. Did you ever know of him to ever talk to these people other than this one occasion?

Marife Nichols - Cross

A. Yes. That occasion, when they came and visit in Michigan.

Q. Any other occasion?

A. I don't know.

Q. Did you ever have a house guest in Marion, Kansas, other than Tim McVeigh?

A. Yes. Our neighbor.

Q. When I say "house guest," let me clarify. I'm speaking of someone who would stay in the home, who would spend the night in your home.

A. No.

Q. Tim McVeigh was the only one?

A. Yes.

Q. And when he was at your home in Kansas, in Marion, Kansas, he was -- had free access to the home?

A. That's right.

Q. He could use any of the utensils or plates or dishes or whatever there was in the home?

A. That's right.

Q. Now, did I understand you correctly that Mr. McVeigh also stayed with you and Mr. Nichols at the farmhouse in Michigan?

A. Yes.

Q. And he would come and he would go and he would come and he would go?

A. That's right.

Q. And this continued over about a two-year period of time?

Marife Nichols - Cross

A. Yes.

Q. Now, when you were living in Michigan at the home of James Nichols and Mr. McVeigh would be there, would Mr. McVeigh spend time together with James Nichols and Terry Nichols?

A. Yes.

Q. They would -- let me back up a minute.

Did you ever go out to see Mr. McVeigh in New York?

A. Yes, we did.

Q. And did you visit him at his apartment there?

A. Yes.

Q. Would that be you and Terry Nichols?

A. Yes.

Q. If Mr. McVeigh was in town anywhere where you and Mr. Nichols lived, would you expect Mr. McVeigh to stay there if he were in the area?

A. Yes.

Q. Would you agree that Mr. McVeigh and Mr. Nichols were a lot alike?

A. A lot alike?

Q. Yes.
A. No, they're not a lot alike.
Q. They have the same interests?
A. Interests in what?
Q. Did you tell Dan Rather in an interview on television --
A. They have the same interest --

Marife Nichols - Cross

Q. Excuse me just a moment.
A. In --

THE COURT: Let him finish the question.

THE WITNESS: I'm sorry, your Honor.

BY MR. RYAN:

Q. Did you tell Mr. Rather on September 29, 1997, that Mr. Nichols and Mr. McVeigh had the same interests?
A. Yes. They have the same interests in the Army and guns.
Q. They also shared antigovernment interests, did they not?
A. Yes.
Q. I mean, you've heard them talk about their antigovernment views, Mr. McVeigh and Mr. Terry Nichols and Mr. James Nichols?
A. Yes, I heard them.
Q. Would that be fair?
You've heard them talk about Waco?
A. Yes.
Q. And --
A. And I've watched the news, too -- I'm sorry.
Q. Excuse me.
A. And I've watched the news, too, about it.
Q. Right now, I'm only asking you about things that you've heard between James Nichols and Terry Nichols and Timothy McVeigh.
A. Okay.
Q. Have you heard them talk about their views of Waco?

Marife Nichols - Cross

A. Yes.
Q. And that they were mad about Waco?
A. They? I mean --
Q. Yes, Mr. Nichols --
A. I did not see Terry being so mad about the Waco than McVeigh.
Q. Mr. Nichols, Terry Nichols, was upset about Waco, was he not?
A. Yes, they were upset.
Q. And you tried not to listen?
A. I did not try. I just -- it just did not get -- I'm not interested to it.
Q. But you heard James Nichols talk about it as well, have you not?
A. Yes.
Q. Have you heard James Nichols quote his favorite saying or a saying that goes, "The tree of liberty must be refreshed from

time to time with the blood of patriots and tyrants"?

A. Excuse me? Who said that?

Q. James Nichols.

A. I did not hear that.

Q. You have not heard that?

A. No.

Q. Have you heard that statement before?

A. No. Just now.

Marife Nichols - Cross

Q. Have you seen letters that have been exchanged between Mr. Nichols, Terry Nichols, and Mr. Tim McVeigh?

A. I've seen McVeigh's letters. I haven't seen Terry's letters to Tim.

Q. But you've seen Mr. McVeigh's letters to Terry Nichols?

A. Yes.

Q. And you've certainly seen them together on many, many occasions?

A. Yes.

Q. And you've certainly heard them talking on the telephone on many occasions?

A. On many occasions? Okay. Yes.

Q. And did you feel that Mr. Nichols -- excuse me -- Mr. McVeigh in his letters to Mr. Nichols wrote in some sort of code in order to hide the true nature of the communication?

A. Did I feel that way?

Q. Yes.

A. I heard that from the FBI. "Did you think that was in code?"

And I said yes, because I want to -- I just don't understand the letters. There are some -- there is lots of English words that I do not understand.

Q. Did you tell the FBI that you thought that Mr. McVeigh wrote in code to Mr. Nichols?

A. I did not say it. They asked me if I thought, and I said

Marife Nichols - Cross

yes.

Q. So you agreed with that statement?

A. I sort of agree with it.

Q. Now, you speak good English. Would you agree? You speak --

A. I hope so.

Q. You speak English in the Philippines?

A. We speak English in school.

Q. Yes. And you went to English-speaking high school?

A. Yes.

Q. And you've taken courses in college that were taught in English?

A. Yes.

Q. You've taken courses, including algebra that was taught in English?

A. Yes.

A. Yes.

Q. And physiology?

A. Physiology.

Q. Anatomy, physiology?

A. That's in high school? I don't remember.

Q. Did you take a psychology course in English?

A. Yes. In English, psychology.

Q. I mean, you've given interviews to the press in English?

A. Yes.

Q. So, I mean, you understand me well right now, don't you?

Marife Nichols - Cross

A. Right now, I understand more.

Q. And did there come occasions where Mr. Terry Nichols would see you reading any letter from Tim McVeigh?

A. Yes.

Q. And he would come and grab it away from you?

A. That was back in Michigan. That's what I question him, "Why would you grab that letter?"

Q. And he said?

A. He was just teasing me.

Q. But he didn't let you read it, did he?

A. There is one occasion he didn't let me read it.

Q. Were you concerned about Terry Nichols' antigovernment views that he shared with Tim McVeigh?

A. No. I -- I was not concerned at all.

Q. Isn't it true that you were so concerned about his antigovernment views that you talked to Terry Nichols' mother about it?

A. Yes, I did, but that wasn't the antigovernment. It was about what he is doing in like the license and -- okay. I don't understand fully what's antigovernment is.

Q. Did you talk to Terry Nichols' mother about Mr. Nichols' negative views about the United States Government?

A. I don't understand what's negative views, because I have no idea what's the positive views of the government.

Q. Were you concerned about the bad things that Mr. Nichols

Marife Nichols - Cross

was saying about the government?

A. About the government. I do not see him talking about bad things to the government. I was saying -- I've seen he was talking about the banks, the -- his credits.

Q. And Mrs. Nichols, his mother, told you to put your foot down?

A. Yes.

Q. But you never did that, did you?

A. I don't know how to put my foot down.

Q. Did Mr. Nichols, in the years during your marriage, ever have a job for more than six or seven months?

A. Mr. Nichols? He stayed in the farm for almost two years.

Q. Working for his brother?

A. Yes.

Q. Did you feel like a maid when you lived in Michigan?
A. No.
Q. When Tim McVeigh was there?
A. No. I did somehow complain that to my parents because my father doesn't like my idea of going back and forth to Philippines and America.
Q. Did you tell a media representative, the "American Journal," that you felt like you were treated as a maid?
A. No.
Q. Did you tell that same journal that Terry Nichols said, "The young ones -- young women are easier to train"?

Marife Nichols - Cross

A. To the "American Journal"? Okay. Can you ask the question, please.
Q. Yes. Did you tell the "American Journal" that Terry Nichols used to say to you that "Young ones were easier to train"?
A. Yes.
Q. Now, as I understood from what you've told us, you had no friends in America?
A. That's right.
Q. You felt totally dependent on Terry Nichols?
A. That's right.
Q. You never learned how to drive?
A. That's right. I never --
Q. Excuse me. Go ahead.
A. Go ahead.
Q. You often fought with Terry Nichols about your wanting to go back to the Philippines to go to school?
A. Yes.
Q. Was Terry Nichols good at letting you know where he was going to be?
A. Yes.
Q. And if he left without telling you where he was going to be, did he always leave a note?
A. I don't remember. Some occasion, he probably did.
Q. Did you -- have you told people in the past that he always

Marife Nichols - Cross

let you know where he was?
A. Yes.
Q. And was that true?
A. That's true.
Q. Now, I heard you testify on direct examination that you and Terry Nichols had two telephone cards.
A. Yes.
Q. One was the Southwestern Bell card, did you say?
A. Yes.
Q. And the other was the Bridges card?
A. Yes.
Q. The Bridges card was owned by Terry Nichols; is that

correct?

A. Yes.

Q. And that card was owned in the name of Daryl Bridges?

A. Yes.

Q. Who is Daryl Bridges?

A. I don't know. He picked that name.

Q. That is an alias?

A. Yes.

Q. Do you understand the term "alias"?

A. Yes, alias.

Q. That is an alias that Mr. Nichols selected?

A. Yes.

Q. When he took that card out?

Marife Nichols - Cross

A. Yes.

Q. And do you know -- did you ever receive an explanation for why that name was selected?

A. I don't know. I didn't ask.

Q. Did you think it was strange that he was using an alias?

A. No.

Q. Have you ever used an alias?

A. Pardon?

Q. Have you ever used an alias?

A. Yes.

Q. What alias?

A. Nowadays?

Q. What alias have you used?

A. My address. It's "May Thomas."

Q. Because of what's happened since the bombing, you're talking about?

A. That's right.

Q. Prior to the Oklahoma City bombing, did you ever use an alias?

A. Back in Philippines?

Q. Yes.

A. No, I did not. But if we would -- met a stranger, sometimes I'd just tell different names.

Q. Did you have an understanding as to why Mr. Nichols took out the Bridges card in the name of an alias?

Marife Nichols - Cross

A. No, I did not ask. It didn't bother me.

Q. Did you ever see any record, telephone record, of the Bridges telephone card?

A. No.

Q. Did you ever see a telephone bill for the Bridges card?

A. No.

Q. You were allowed to use the Southwestern Bell card; is that correct?

A. That's correct.

Q. But you were not allowed to use the Bridges card. Did I understand correctly?

understand correctly:

A. I did not ask for the -- that card.

Q. Terry Nichols used it?

A. I assume, yes.

Q. And Tim McVeigh used it?

A. I guess. There was one time that he asked me the number.

Q. And Tim McVeigh had the special code number for the Bridges telephone card?

A. That's right.

Q. Well, who decided when you -- which card you were going to use, whether it was going to be the Bridges card or the Southwestern Bell card?

A. Okay. When we were in Herington, Kansas? Who decided?

Q. Yes.

A. Nobody did. He just gave me the card.

Marife Nichols - Cross

Q. He gave you the Southwestern Bell card?

A. Yes.

Q. Did you ever have a conversation with him about your not using the Bridges card?

A. No.

Q. But in the time period that that card was in existence, as far as you know, only Tim McVeigh and Terry Nichols used it?

A. Yes. To my knowledge.

Q. Now, at the time the Bridges card was taken out, that was in Michigan. Do you recall that?

A. Yes.

Q. And at that time, Terry Nichols was farming in Michigan. Correct?

A. That's correct.

Q. He was not in the gun show business?

A. That's right. But he did went to some gun shows there and sell -- sold guns.

Q. Now, when Terry Nichols worked at the Donahue Ranch, I think you've told the jury that that was in the year 1994?

A. Yes.

Q. Beginning in around March or so and ending around September?

A. Yes.

Q. He made a good living?

A. Yes.

Marife Nichols - Cross

Q. A good salary?

A. Yes.

Q. And had a home that was provided there by --

A. By Tim Donahue.

Q. -- by Mr. Donahue.

A. Yes.

Q. And in September -- did you tell us October, 1994, Mr. McVeigh showed up?

A. August.

--- ---g----

Q. I'm sorry. I'm not sure what I said. August, 1994?

A. Okay.

Q. Mr. McVeigh showed up?

A. Yes.

Q. And he stayed there at the home?

A. Yes.

Q. And then he left on a couple of trips, but he always came back to the home?

A. Yes.

Q. And when you left for the Philippines -- did you tell us September 22?

A. Yes.

Q. Mr. McVeigh was left there with Terry Nichols?

A. Yes.

Q. Did I understand correctly that at that time, Mr. Nichols advised you that he was leaving Mr. Donahue and the farm and

Marife Nichols - Cross

the home you had there --

A. That's correct.

Q. -- to go in the gun show business with Mr. McVeigh?

A. That's correct.

Q. Is it true that Mr. Nichols gave you one week to decide whether or not you were going to go in the gun show business with him or go to the Philippines?

A. That's correct.

Q. And you chose the Philippines?

A. That's right.

Q. How long were you planning to stay in the Philippines on that occasion, September of 1994?

A. I was planning to stay there for a year. I can only stay in Philippines for a year, or I would lose my green card.

Q. And were you planning on going to school at that time?

A. Yes.

Q. And that is when you attended school?

A. Yes.

Q. You attended, what -- from what period to what period?

A. From October -- late October to March.

Q. Did you know of any other job that Mr. McVeigh had at that time?

A. On that time?

Q. September of 1994.

A. No.

Marife Nichols - Cross

Q. Other than with your husband?

A. That's right.

Q. Did you ever see any property that Mr. McVeigh had to sell?

A. He had stuff in his car.

Q. What was it?

A. I don't know. I didn't look in there.

Q. Did you ever know of anything that Mr. McVeigh had to sell

at gun shows?

A. On that time?

Q. In September of 1994.

A. No.

Q. Did I understand you correctly that Mr. Nichols did not believe in banks?

A. Does not like banks.

Q. Did not want to put his money in banks?

A. That's right.

Q. He believed in holding his money in silver and gold?

A. That's right.

Q. Didn't trust banks?

A. I wouldn't say he didn't trust it, because he opened an account with my name in it.

Q. But never his?

A. Yes.

Q. And you had gold and silver coins?

A. That's right.

Marife Nichols - Cross

Q. In your home in Marion?

A. That's right.

Q. And in fact, I think you told us on direct that when you wanted to go back to the Philippines, you and Tim McVeigh cashed in a number of those coins?

A. Yes.

Q. To pay for your trip back to the Philippines?

A. Yes.

Q. And you told us they were gold Maple Leaf coins?

A. Yes.

Q. Did Mr. McVeigh ever have any gold coins?

A. I have no idea.

Q. That you saw?

A. That I saw? I don't know. I didn't see any.

Q. Did you ever see any evidence at all that Mr. McVeigh ever had any gold or silver coins?

A. No, I did not.

Q. All of the gold and silver coins that belonged in your and Mr. Nichols' house belonged to you and Mr. Nichols?

A. That's right.

Q. And that would be true at the time of Mr. Nichols' arrest in April of 1995?

A. Yes.

Q. All of the gold and silver coins that were in your home at that time belonged to you and Mr. Nichols?

Marife Nichols - Cross

A. Okay. When we were in Herington, Kansas, there were more silver -- I mean silver and gold coins in sort of like a book where he was selling, and I did not ask if it is his or Tim or anybody because I -- I just assume it was his.

Q. You kept some gold and silver coins in a drawer in the

kitchen? Is that correct?

A. That's correct.

Q. And were -- all of those coins in that drawer in the kitchen: Did they belong to you and Mr. Nichols?

A. Yes, to Mr. Nichols.

Q. Just to Mr. Nichols?

A. Yes.

Q. All right. Tim McVeigh had no coins in your home as far as you knew?

A. As far as I know.

MR. RYAN: Now -- I'm going to start in with some exhibits, your Honor. Maybe this would be a good time.

THE COURT: Yes. I think we'll go ahead and recess, then, since it's almost 5:00.

Mrs. Nichols, you may step down now. We'll resume your testimony tomorrow morning.

Members of the jury, I told you yesterday that we would -- I would be able to tell you more today with respect to our schedule, and I can and will and am. We expect that we will complete the testimony in this case this week. It could be tomorrow, it may be on Friday; that is to say, the taking of the evidence, the testimony from the witnesses and whatever exhibits and stipulations and so forth.

And what I have decided to do, then, is that at whatever time we finish the taking of the evidence, we will recess as far as you're concerned and then submit the case to you, as we say, with arguments and instructions on Monday morning.

Now, it will take longer than Monday morning. Obviously, a good deal of evidence has been provided here, and you will hear, as I told you when we started this trial when we talked about the phases of the case and I told you there are four stages or phases: the opening statements, which you heard, of course; then the evidence, which we're hearing now; then there will be closing arguments from the lawyers on each side, and then I will instruct you in detail with respect to the law to be applied.

So that will happen next week; and the case will be in your hands, then, hands of the deliberating jurors, Monday or Tuesday, depending on how long -- and I don't put, you know -- we don't chart the time here with respect to closing arguments, giving both sides full opportunity to address these matters in argument. And then the instructions in the case take a while.

So that will be our schedule. The case will, as I say -- the evidence will be completed this week, and the case will be submitted to the jury next week.

Now, I also want to tell you that I do not now have any plan to sequester the jury during deliberations. I do not intend to change the scheduling that we have here, so that during deliberations, the jury would be here during the working day and then recess overnight, just as we have been. And as I say, I have no plan to do that now. And, of course, I reserve the decision to do it if it should become necessary for some reason, which I do not anticipate happening.

But I just want to keep you advised of where we are and what to expect.

You know. I could do it another way and push this

you know, I could do it another way and push this thing on and then ask you to work over the weekend, but I -- I'm not going to do that. I think that it would be probably an advisable thing for all of us to take that time and then come in fresh for the arguments and instructions next week. So that's what you can expect.

Now, of course, when I tell you, as I just have, that we're nearing the end, obviously there is just a human tendency to want to review in your minds, perhaps, what it is that you think you've heard and what it means. Please don't do that. These arguments that you're going to hear -- first of all, you're going to hear more evidence. But then in addition to that, the arguments that you're going to hear from the lawyers are a very important part of the case, and the instructions that I'm going to give you about the law are a very important part of the case.

So it isn't until all of that is done that it is fair to us and consistent with your oath as jurors to begin to think about what the decisions in the case ought to be. So please continue to withhold judgment in your own minds, avoid discussion of the case among yourselves and with all other persons, and be very careful.

You know, I'm not talking about, as we say, sequestering you, keeping you separate and apart from other people, because we are trusting you to be careful and to avoid things that might appear in any newspapers, magazines, books, publications, radio, television, whatever that could influence you in your -- in this case, because you must decide on what happens in this room and what has been given to you as the evidence and what will be given to you as the law.

So with that, members of the jury, you're excused till 8:45 tomorrow morning.

(Jury out at 5:04 p.m.)

THE COURT: Court is in recess.

(Recess at 5:04 p.m.)

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 10th day of December, 1997.

Paul Zuckerman

Bonnie Carpenter

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