

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

IN RE: OKLAHOMA COUNTY	]	
GRAND JURY	]	No. CJ-95-7278
	]	

FINAL REPORT OF THE GRAND JURY

We, the Grand Jury, duly empanelled on the 30th day of June, 1997, and charged with the responsibility of investigating all public offenses against the State committed or triable within Oklahoma County as contained in the petition for calling of the Grand Jury duly filed in the Office of the Court Clerk of Oklahoma County on June 2, 1997, and having in a fair and impartial manner, to the best of our abilities and understanding and with due regard to the Court's instructions, and having **heard 117 witnesses and received 1,909 exhibits** and having fully considered any and all complaints alleged to exist in Oklahoma County, and **having been in session for 133 working days**, and having heretofore after due deliberation voted according to law, the Grand Jury submits to this Honorable Court its Final Report as follows:

**I. JAILS IN OKLAHOMA COUNTY**

On the 1st, 2nd, 3rd and 14th day of July, 1997, the Grand Jury visited the City Jails in Valley Brook, Harrah, Choctaw, Nicoma Park, Midwest City, Del City, Edmond, Nichols Hills, the Village, Warr Acres, Bethany, Oklahoma City, the old County Jail, the new County Detention Center and the Juvenile Justice Center. The Grand Jury finds as follows:

(A) The Oklahoma County Detention Center is clean and well operated. Sheriff Whetsel and his staff are doing an excellent job maintaining the relatively new facility.

(B) The old Oklahoma County Jail, the Juvenile Justice Center, the City Jails in Valley Brook, Harrah, Choctaw, Nicoma Park, Midwest City, Del City, Edmond, Nichols Hills, the Village, Warr Acres and Bethany were all clean, well maintained and managed, the Grand Jury finds no significant problems in these facilities.

(C) The Oklahoma City Jail was found to be in deplorable condition, but it has since been closed. Therefore, any recommendations for this facility would be a moot point.

(D) At the time of the Juvenile Justice Center visit, it was noted there was a great need for additional space for those housed there. However, the facility is currently under construction to alleviate that problem.

(E) The Grand Jury commends Sheriff Whetsel, Corporal Sonny Briggs and Officer Tony Williams for the implementation of an educational program called Reality Check. The program is designed for Third grade through High School in an effort to educate the youth of Oklahoma County as to the consequences of criminal actions. This deterrent to crime strategy is aimed at minimizing any future increase in juvenile crime.

(F) Recommendations:

1. The Grand Jury recommends Title 22 Section 338 be reviewed for relevancy and repealed. The law requires empanelled Grand Juries to inspect all jails in Oklahoma County.

2. The court records revealing the identities of Grand Jurors should be sealed and their names shall not be read in open court.

## **II. PRISONERS CONFINED IN JAILS**

The Grand Jury has inquired into the legal status of every prisoner confined in Oklahoma County and finds that all of said persons are being lawfully detained.

## **III. ACCUSATIONS**

**The Grand Jury finds no grounds upon which to return an accusation against any public official.**

## **IV. INDICTMENTS**

We have returned one indictment. We leave other charging decisions in this matter in the capable hands of the appropriate prosecutorial authorities. However, we urge the Oklahoma County District Attorney to follow through with his publicly announced intention to pursue State murder charges resulting from the bombing of the Alfred P. Murrah Federal Building.

## **V. EXPRESSIONS OF APPRECIATION**

The Grand Jury wishes to express its appreciation to our Judge, the Honorable William Burkett, who always put the Grand Jury's needs first. His willingness to stop proceedings in his court to hear our Interim Report and to convene court in the Oklahoma County Detention Facility to keep the jurors from having to travel to the Oklahoma County Courthouse are two examples of his professional courtesy to us.

Our Bailiffs, Wanda Bernard and Sonny Briggs, were ever cheerful and patient with the juror's irregular meeting days and times.

We also thank our Court Reporters Kim Fowler and Mark Trebbe, who were readily available when needed.

We wish to express our special appreciation to our legal advisors, Assistant District Attorney Mrs. Suzanne Lister-Gump and First Assistant District Attorney Mr. Patrick Morgan for their excellent, unbiased advice. They were prepared and thorough in their examination of witnesses. All applicable legal statutes were promptly provided pursuant to the Grand Jury's requests for further information by Mr. Morgan, and read by him for clarification. The legal advisors did not at any time offer their opinions regarding the evidence or witnesses.

Oklahoma County District Attorney's Office Investigator Larry Dellinger was assigned to this Grand Jury. He spent countless hours interviewing witnesses, collecting evidence, delivering subpoenas and testifying before this Grand Jury. His efforts were invaluable to this body in its endeavor to address the issues cited in the citizens' petition.

Sheriff John Whetsel and the Oklahoma County Sheriffs Department provided the Grand Jury with transportation, security, parking, and a quiet and secure meeting place. We are deeply appreciative to the Department for enduring the inconvenience of the jury's presence.

We thank our employers and co-workers for their support, understanding and patience during our prolonged service as grand jurors.

Lastly, but most importantly we wish to thank our families. Their patience and support allowed us to focus clearly on our task. Over the past eighteen months many of our families suffered financially and emotionally as a result of our service. We would like to express our heartfelt thanks to them for standing by us throughout this lengthy process.

## VI. EXPLOSION INVESTIGATION

Although we recognize that Section 346 of Title 22 of the Oklahoma Statutes as interpreted in a recent Oklahoma Supreme Court decision severely restricts our ability to report fully the results of our inquiry, we offer the following information, opinions and recommendations based on the evidence and testimony before us regarding the matters asked for by the petition to convene us:

### OVERVIEW

At 9:02 a.m. on April 19, 1995, Oklahoma City experienced the worst act of domestic terrorism ever recorded in United States history, the bombing of the Alfred P. Murrah Federal Building. Within minutes local police, fire and ambulance units arrived on the scene. By 9:30 a.m. the site was cordoned off as a crime scene. Rescue efforts began immediately by citizens and professionals alike.

The FBI assumed control of the crime scene and the investigation because the target of this tragedy was a Federal facility. At approximately 1 1:30 a.m. the rear axle housing of what later was identified as a Ryder truck, was found on N.W. 5 th Street, in front of the Regency Tower Apartments, where it had struck a vehicle and fallen onto the street. The Regency Tower is located one block west of the Alfred P. Murrah Federal Building. A partial vehicle identification number was retrieved from the axle and used to trace the vehicle. It was traced to the Ryder Truck Rental Company in Miami, Florida. Also found was the license tag off the Ryder truck and the ignition key.

The Ryder Truck Rental Company in Florida issued that specific truck to Ellioft's Body Shop in Junction City, Kansas. Through the ensuing interview with Eldon Elliott, owner of Ellioft's Body Shop, and employees Tom Kessinger and Vickie Beemer, the FBI learned a 20 foot Ryder truck had been rented at that facility on April

17, 1995 by Robert D. Kling. With the assistance of Tom Kessinger, who had the best recollection of Mr. Kling of the three body shop employees, a composite drawing was prepared by FBI artists.

A canvas by FBI agents of the area around Junction City, including businesses and motels, was immediately conducted. At the Dreamland Motel, owner Leah McGowan remembered a man in a Ryder truck who had been a recent guest there. She provided a description of the individual to the FBI. When asked if she remembered the man's name, Mrs. McGowan identified him as Timothy McVeigh. Mrs. McGowan was then shown the composite drawing of John Doe I and was asked if Timothy McVeigh resembled the drawing. The response was affirmative.

On April 21, 1995, the FBI conducted an NCIC (National Crime Information Computer) inquiry on Timothy McVeigh and found he had been arrested on April 19, 1995, at 10:20 a.m. in Perry, Oklahoma. He was being held in the Noble County Jail.

On the morning of April 19, 1995, Trooper Charlie Hanger, Oklahoma Highway Patrol, was traveling north on 1-35 between mile markers 202 and 203 in Noble County. Trooper Hanger initiated a traffic stop of a 1977 Mercury Marquis for failure to display a proper license plate. During this routine stop, it became apparent to Trooper Hanger that the driver of the Mercury was carrying a concealed weapon. The driver, Timothy McVeigh, was removed from his vehicle and placed in Trooper Hanger's car. He was subsequently arrested for failure to display a current license plate, failure to maintain proof of insurance, unlawfully carrying a weapon, and transporting a loaded firearm. He was taken to the Noble County Jail. The 1977 Mercury was left on the side of 1-35 at Timothy McVeigh's request. Timothy McVeigh declined the offer of towing the car to Perry.

Upon learning of Timothy McVeigh's whereabouts, the FBI initiated further investigation of his clothing and car. The FBI reported that particles of ammonium nitrate were found on Timothy McVeigh's shirt. Residue from Primadet cord, PETN, was found in both front pockets of his jeans. Ear plugs found on Timothy McVeigh tested positive for nitroglycerine and EGDN (indicative of dynamite).

When he was booked into the Noble County Jail, Timothy McVeigh was wearing a white T-shirt with a picture of Abraham Lincoln and the message SIC SEMPER TYRANNIS on the front. On the back was the message, "The Tree of Liberty must be Refreshed from Time to Time with the Blood of Patriots and Tyrants.", T. Jefferson. The words "refreshed", "with the blood of" and "tyrants" were printed in red with the rest of the words printed in black. The background is a tree, and several red droplets representative of blood are positioned throughout the message.

The contents of the car revealed a hand printed sign, "NOT ABANDONED". "Please do not tow, will move by April 23. (Need battery and cable)". The handwriting is Timothy McVeigh's.

Also found in the car was a white envelope containing several folded papers. One of which again in Timothy McVeigh's handwriting, was the note, "Obey the Constitution of the United States and we won't shoot you". Several clippings from *The American Response to Tyranny*, including the headline "When the Government Fears the People THERE IS LIBERTY. When the people fear the Government THERE IS TYRANNY.", S. Adams. And in Timothy McVeigh's handwriting below it is written, "Maybe now, there will be Liberty!" A copy of *The Turner Diaries* by Andrew Macdonald was also in the car. Numerous entries were highlighted including one statement which read, "But the real value of all our attacks today lies in the psychological impact, not in the immediate casualties."

The FBI's investigation uncovered a telephone calling card issued by *The Spotlight* magazine in the name of Daryl Bridges. The original application was stamped with the date November 12, 1993. The handwriting on the application was Timothy McVeigh's. The calling card was found in the residence of Terry Nichols' brother, James Nichols, in Decker, Michigan.

The telephone calling card records were used by the FBI to build the case against both Timothy McVeigh and Terry Nichols. A sample of calls made on the card are: Terry Nichols' home; Terry Nichols' ex-wife, Lana Padilla; storage unit companies in Las Vegas, Nevada; Kingman, Arizona; Council Grove, Kansas; and Herington, Kansas; James Nichols' home in Decker, Michigan; various barrel companies; demolition companies; chemical companies; Mid-Kansas Coop (where Terry Nichols bought the ammonium nitrate in the name of Mike Havens); various racing fuel companies; V.P. Racing Fuel/Timothy Chambers, Ennis, Texas (where we believe Timothy McVeigh purchased three 55 gallon drums of nitro methane); Elliott's Body Shop, Junction City, Kansas; Bill McVeigh, Timothy McVeigh's father in New York; Michael Fortier, Kingman, Arizona; *The Spotlight* (to check phone card balance), Edward McVeigh, Timothy McVeigh's grandfather in New York; Hunam Palace Chinese Restaurant, Junction City, Kansas; Dreamland Motel, Junction City, Kansas; telephone calls to Terry Nichols' home in Herington, Kansas from the Dreamland Motel in Junction City, Kansas.

With each call retrieved from the records, the FBI was able to corroborate the presence of either Timothy McVeigh or Terry Nichols in the immediate vicinity through the use of motel registration cards, receipts for purchases made, and video tapes from security cameras. The Daryl Bridges calling card has not been used since April 17, 1995.

Both Timothy McVeigh and Terry Nichols purchased money orders to pay on the debit phone card in the name of Daryl Bridges. Both men used the calling card. No persons outside of the Timothy McVeigh or Terry Nichols families have been connected to the use of the Daryl Bridges card.

In September, 1994, Marife Nichols left Kansas for the Philippines not to return until April, 1995. On September 14, 1994, the security camera at the Equity Standard Numismatics of Kansas Coin Shop in Wichita captured on video tape Timothy McVeigh talking with a clerk. On that same date a check from the shop was issued to Marife Nichols in the amount of \$2,330.00.

On September 30, 1994, Terry Nichols quit his job at the Donahue Farm in Marion, Kansas. That same day, we believe Terry Nichols, using the name Mike Havens, made his first purchase of ammonium nitrate at the Mid-Kansas Coop in McPherson, Kansas, some 40 miles from Marion. During searches of Terry Nichols' home, FBI agents seized a pink customer copy of a receipt from MidKansas Coop dated September 30, 1994, issued to Mike Havens for the purchase of forty 50 pound bags of ammonium nitrate in the amount of \$228.74.

On October 3, 1994, the Martin Marietta Rock Quarry near Marion, Kansas, was burglarized. A Makita drill and drill bits found in Terry Nichols' home were matched to the markings on the locks on the trailer and magazines at the Quarry. Taken from the Quarry were 229 sticks of tovox sausage explosive, 93 rolls of Primadet, non-electric blasting caps, and 544 electric blasting caps. No ammonium nitrate was taken. Five rolls of Primadet, non-electric blasting caps were found in Terry Nichols' home, and three more were found in Michael Fortier's home.

On October 17, 1994, Terry Nichols rented storage unit, #40, in Council Grove, Kansas, in the name of Joe Kyle. On October 18, 1994, we believe Terry Nichols made his second purchase of ammonium nitrate at the Mid-Kansas Coop in McPherson, Kansas. At 9:00 a.m. on November 5, 1994, Roger Moore of Royal, Arkansas, was robbed. In testimony given by Michael Fortier in the Federal trial of Timothy McVeigh, Fortier told prosecutors Timothy McVeigh said Terry Nichols robbed Roger Moore by himself.

Based on records of the 6th and 7th of November, 1994, there were a series of attempted telephone calls from Terry Nichols in Manhattan, Kansas, to Timothy McVeigh in Lockport and Pendleton, New York. It appears that contact was finally established on November 7, 1994 at 7:22 p.m. in a call showing a duration time of six minutes nine seconds.

On November 7, 1994, we believe Terry Nichols rented a second storage unit, #37, in Council Grove, Kansas,

using the name Ted Parker. It was in this unit the FBI later found some of the guns stolen from Roger Moore. Terry Nichols' fingerprints were also found at this site.

On November 22, 1994, Terry Nichols left for the Philippines. Lana Padilla, Terry Nichols' ex-wife, having received written instructions from Terry Nichols to send a sealed letter to Timothy McVeigh in case he (Terry Nichols) didn't return, instead opened the letter herself. In it, Terry Nichols instructed Timothy McVeigh to, "clear everything out CG37 by 1 Feb. 95 or pay to keep it longer under Ted Parker of Decker." The reference to CG37 most probably being storage unit #37 in Council Grove. Just before signing the letter, Terry Nichols wrote, sic, "Your on your own. Go for it!!!" Below his signature he wrote "liquidate 40", and "As far as heat - none that I know, this letter would be for the purpose of my death." Lana Padilla also found \$20,000 in cash behind a kitchen drawer in her home in Las Vegas.

In the Las Vegas storage unit, Lana Padilla found a ski mask, ladies stockings, and jade (perhaps from the Moore robbery). Terry Nichols returned from the Philippines on January 16, 1995. Motel registration cards show he was registered at the Sunset Motel in Kingman, Arizona, from February 12 through February 16, 1995. At the same time, Timothy McVeigh was registered at the Hilltop Motel in Kingman. Records from the Daryl Bridges phone card show five calls were attempted from the Hilltop Motel to the Sunset Motel on February 12, 1995. On February 13, 1995, there were two more calls with a connection.

Terry Nichols told the FBI he had not had any contact with Timothy McVeigh for one to two months prior to Easter Sunday, April 16, 1995. However, a Wal-Mart receipt dated April 13, 1995, was found in Terry Nichols' wallet. The receipt was for 4 quarts of oil and an oil filter. The filter fit Timothy McVeigh's Pontiac, J-2000, but not Terry Nichols' pick-up, a 1984 GMC. On April 15, 1995, Terry Nichols used the April 13, 1995, receipt in the Manhattan, Kansas, WalMart to return the oil filter. Timothy McVeigh had left his Pontiac at the Firestone Store in Junction City, Kansas, on April 14, 1995, when he purchased the 1977 Mercury. Both Terry Nichols' and Timothy McVeigh's fingerprints were found on the April 13, 1995, Wal-Mart receipt.

A telephone call was made to Terry Nichols' home on April 15, 1995, from room 25 at the Dreamland Motel in Junction City, Kansas, where Timothy McVeigh was registered in his own name. At 3:08 p.m. on April 16, 1995, Terry Nichols received a call at his house from Timothy McVeigh. Terry Nichols told his wife and son, Josh, that Timothy McVeigh was in Omaha, Nebraska, and that he had car trouble, and wanted Terry Nichols to pick him up. The Daryl Bridges phone card records show that call was made from Timothy's Amoco, a few blocks from Terry Nichols' home in Herington, Kansas. At 8:17 p.m. on April 16, 1995, the security cameras at the Regency Tower Apartments in Oklahoma City video taped what was believed to have been Terry Nichols' pick-up passing west to east in front of the building. Again it was taped at 8:24 p.m. In his initial interview with the FBI, Terry Nichols admitted driving down N.W. 5<sup>th</sup> Street in front of the Regency Tower apartments. The Regency Tower apartments are located at 333 N.W. 5<sup>th</sup>, one block west of the Alfred P. Murrah Federal Building. On April 17, 1995, a security camera in the McDonalds in Junction City, Kansas, video taped Timothy McVeigh at 3:57 p.m. inside the restaurant. That McDonalds is one mile from Ellioff's Body Shop where we believe he picked up the Ryder truck at 4:20 p.m. on April 17, 1995. The video tape from the McDonalds does not show anyone with Timothy McVeigh. He appears to be alone.

Terry Nichols said that on April 18, 1995, at 6:00 a.m. Timothy McVeigh called him to ask to borrow his pick-up truck. They met at McDonalds at 7:30 a.m. in Junction City. Terry Nichols said he had Timothy McVeigh drop him off at a military surplus sale at Ft. Riley, Kansas. He signed in at the sale at 12:50 p.m. A bid by Terry Nichols was recorded at 1:37 p.m. No witnesses can place Terry Nichols at the sale between 8:00 a.m. and 12:50 p.m.

Army Sergeant Rick Wahl saw a large Ryder truck at Geary Lake near Junction City, Kansas, at 9:00 a.m. on April 18, 1995, with another vehicle, a dark pick-up. Bob Nelson, who worked at Ellioff's Body Shop in Junction City, drove by Geary Lake on April 18, 1995, at 7:45 a.m., and also saw a Ryder truck with a pick-up



parked next to it. These were the only two witnesses to report observing a Ryder truck at Geary Lake before the FBI canvassed the area with a road block on Highway 77 on May 2, 1995.

Double tire tracks found in front of the storage unit in Herington were consistent with a 20 foot Ryder truck - the same size used in the bombing. Inside the storage unit, three circular rust stains found on the floor were consistent with the 55 gallon barrels of nitromethane we believe were purchased by Timothy McVeigh in Ennis, Texas, on October 21, 1994.

On April 20, 1995, Terry Nichols cleaned out the storage unit in Herington, Kansas.

A Daryl Bridges calling card coupon booklet with the address 3616 N. VanDyke Road, Decker, Michigan, produced both Terry Nichols' and Timothy McVeigh's fingerprints. Payment coupons were also found to coincide with money orders purchased by Timothy McVeigh and Terry Nichols.

Evidence recovered during searches of Terry Nichols' residence in Herington, Kansas, reportedly included the following: Primadet, non-electric blasting caps, Makita drill in a blue box with drill bits, excerpts from *The Hunter* by Andrew Macdonald, pellets of ammonium nitrate on the front porch, twenty guns belonging to Roger Moore, safe deposit keys which fit safe deposit boxes belonging to Carol and Roger Moore, and a quilt believed taken from Roger Moore's home.

Michael Fortier testified to the following at Timothy McVeigh's trial:

1. Timothy McVeigh and Terry Nichols broke into a magazine and a trailer at a rock quarry near Marion, Kansas, (Martin-Mariefta, October 3, 1994) and stole explosives tolex, Primadet and blasting caps).
2. Terry Nichols robbed "Bob" (Roger Moore) for guns (November 5, 1994). Terry Nichols hid and waited for "Bob" to come out and get his paper. Terry Nichols approached "Bob" from behind with a shotgun and ordered "Bob" back into his house. During the robbery, Terry Nichols became tired and untied "Bob" and had "Bob" help him load weapons and other items into "Bob's" van. "Bob" was retied by Terry Nichols.
3. Lori Fortier was asked to wrap blasting caps in Christmas wrapping paper by Timothy McVeigh before he transported the blasting caps to Kansas (December 1994).
4. December 15, 1994, Michael Fortier and Timothy McVeigh left Kingman, Arizona, to go to Kansas. During the trip, Timothy McVeigh told Michael about the type of truck he wanted to use, he said, "like a Ryder truck with a door on the side."
5. December 16, 1994, Michael Fortier and Timothy McVeigh stopped in Oklahoma City, Oklahoma. Timothy McVeigh showed him the Alfred P. Murrah Federal Building, first going by the back of the building with the courtyard (i.e. south). They then drove around to the side where a truck could park in front of the building (i.e. north). Timothy McVeigh told him about two ways to leave Oklahoma City after the bombing. One, he would have Terry Nichols follow him down the day of the bombing and pick him up. Two, Timothy McVeigh would drop off a vehicle a couple of days before the bombing. Then drive the truck himself, leave it in front of the building, run to his car, get in and drive away. Timothy McVeigh wanted a building between him and the bomb when it exploded.
6. They stopped at a little lake (Geary Lake) on the way to Junction City, Kansas.
7. Timothy McVeigh wanted to do the bombing on the anniversary of Waco because he thought orders (raid) came from the ATF in Oklahoma City, Oklahoma.

8. Timothy McVeigh wanted Michael Fortier to "max-out" his credit cards and give him the money. Fortier refused. Michael Fortier said he could get false ID papers and then Timothy could get credit cards on the false ID. This Fortier did. He gave forms for blank certificate of birth, blank driver's license and blank social security card to Timothy McVeigh in February, 1995.
9. In March of 1995, Timothy McVeigh told Fortier that Terry Nichols did not want to help him anymore. He asked Michael Fortier if he would come to Kansas and help him mix the bomb. Fortier refused.
10. We shall now try to address some of the various allegations presented to us by some of the petitioners.

## A. JOHN DOE II

Numerous sightings. Approximately 26 witnesses testified to the Grand Jury they saw John Doe 11 or saw Timothy McVeigh with John Doe 11. Often the testimony of these witnesses conflicted with each other and these sightings were reported after composites were shown on television or after Timothy McVeigh was led from the Noble County Jail on April 21, 1995.

Based on the descriptions of these witnesses John Doe 11 would have to be as follows: Height 5'3" to 6'3"; Weight 140 pounds to 210 pounds; Build: slim and skinny to stocky and muscular; Race: white, Hispanic, Middle Eastern or Asian; Skin color: white, olive or dark; Hair color: dark blond, red, brown or black; Hair length: crew cut, 2 inches long or shoulder length; Facial hair: mustache or none.

We believe that the most likely identity of John Doe 11 was that of Todd Bunting who with Michael Hertig was in Elliott's Body Shop on April 18, 1995. The similarity of Mr. Hertig to the composite of John Doe I and the similarity of Todd Bunting to the composite of John Doe 11 are remarkable, particularly when you take into account Mr. Bunting's tattoo of a Playboy bunny on his upper left arm and the fact he was wearing a black T-shirt and a Carolina Panthers ball cap when he was at Elliott's Body Shop.

Some of the other claims regarding John Doe II were:

1. The so-called Middle Eastern connection which, based on the evidence available, we believe simply did not exist.
2. The FBI expended over a million man-hours and spent millions of dollars tracking John Doe 11 and Middle Eastern connection leads and interviewing the people who called in the reports. All came to nothing. The most promising lead, involving a man named Robert Jacks, or Jacques, also dwindled away as the FBI pursued it.
3. After the bombing an APB was issued for a brown pick-up truck which was reported speeding away from the vicinity of the Alfred P. Murrah Federal Building. Shortly before 9:00 a.m. on April 19, 1995, an employee of the Journal Record Building received a call that one of her children had become ill at school. She got in her brown pick-up, matching the description given on the APB, and left the Journal Record parking lot at a high rate of speed.
4. It would seem that everybody who saw a Ryder truck on April 19, 1995, saw Timothy McVeigh in it. Some of the sightings had the effect of canceling each other out as Timothy McVeigh could not have possibly, or physically, been at such widespread locations, at the same time.

However, in spite of all the evidence before us we cannot finally put closure to the question of the existence



of a John Doe II. We are encouraged that the FBI continues to have an agent assigned full-time to the Alfred P. Murrah Federal Building bombing and are confident that if any new evidence comes to light, they and other law enforcement agencies will pursue those leads.

## B. CONSPIRACY/PRIOR KNOWLEDGE

1. Part of this Grand Jury's responsibility was to investigate allegations that federal government agencies had received prior warning the bombing of the Alfred P. Murrah Federal Building was to occur. More specifically, an allegation surfaced that agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) assigned to the Oklahoma City Office were contacted on their pagers on the morning of April 19, 1995, prior to 9:02 a.m. and were advised not to come into the office.

Four employees of the ATF who were in the building prior to 9:00 a.m. on April 19, 1995, appeared before us and testified. Additionally, we have received photographic evidence and the testimony of other witnesses. We are convinced that ATF employees Luke Franey, Valerie Rowden, Vernon Buster, James Staggs and Alex McCauley were in the building when it was destroyed. There was no credible evidence presented to us that leads us to believe the ATF had prior warning of the bombing.

2. In January, 1998, for the first time, another allegation relating to prior knowledge surfaced. This allegation focused on a claimed comment by a local United States Congressman the night of the bombing. We heard the testimony of the people who claimed to have heard the comment, the Congressman, and the person who was supposedly with the Congressman that night. We have concluded that whatever words were said (and there was a dispute about this between those who claimed to have heard and those who supposedly said something) they were not evidence of prior knowledge by the Congressman.

## C. ELOHIM CITY

After the bombing of the Murrah Building allegations surfaced that an individual identified as an informant for the ATF had provided information to the ATF prior to April 19, 1995, that the Alfred P. Murrah Federal Building was going to be bombed.

The allegations were basically that several "white supremacists" with connections to Elohim City, a small white separatist community located in Sequoyah County, Oklahoma, may have been involved in the bombing. We have made every effort to try to identify any plausible connection between these individuals and the bombing. In spite of a possible telephone call from Timothy McVeigh to Elohim City in April, 1995, we have been unable to find such a connection. It is our understanding that the FBI has also been unable to find such a link.

## D. STING

There were rumors of a government "sting operation" that went wrong. Knowledgeable witnesses testified under oath and with full knowledge of the law pertaining to perjury, that this was simply not so. We agree. Our view is that everything else in this regard is either fabrication or uninformed speculation.

## E. TELEPHONE CALLS

We investigated several telephone calls that have been called suspicious by some people. These calls and our findings regarding them follow.

1. Fire Chief Charles Gaines received a telephone call allegedly from "Gilmore with OSBI" on April 14, 1995, with a warning to be aware of something that may happen on April 15, 1995. The caller was not specific. It was not unusual to receive such calls. Chief Gaines passed the call on to Dispatch with instructions to notify the chiefs and safety officers. As an Oklahoma City Fire Department District Chief, Harvey Weathers was quoted regarding this call in USA Today.

Additionally, Jon Hansen, Assistant Fire Chief, was paged and made aware of the telephone call taken by Gaines and understood that they needed to be aware of a possible Saron Gas incident similar to Japan. He made an attempt after the bombing to find out who.

2. Opal's Answering Service took calls for the U.S. Secret Service in the Alfred P. Murrah Federal Building, one of their 600 clients. Opal's Answering Service has been answering their calls since 1974, and on Saturday April 15, 1995, at 7:45 a.m., they took a call in regard to a possible terrorist attempt. The operator asked if this was an emergency and the answer was no. The caller said "it's a hunch, I've been up all night thinking about it." On Monday, April 17, 1995, at 8:38 a.m. the call was relayed to the Secret Service. We received into evidence a typed record of the call and determined the call was not specific and this call was not unusual. The Opal's employee who took the call remembered it right after the bombing and reported it to her supervisor who in turn called the Secret Service.

3. Among the many rumors brought before the Grand Jury, was a report of a telephone call allegedly made to the Department of Justice in Washington, D.C., stating the caller was across the street from the Murrah Building which had just been blown up. This call was supposedly made thirty-eight minutes prior to the actual bombing.

The Justice Department employee who took the call, later worked out the timing of the telephone call he had received from Oklahoma City. He was able to determine the time based on a package delivery. The actual time was determined to be after the bombing.

4. Another strange call was reportedly made to the Respiratory Research Unit of Walter Reed Army Institute of Research, Washington, D.C. The call was made on Monday, April 17, 1995, by a person who identified himself as being a Pentagon Congressional Liaison Officer representing the Governor of Oklahoma. The caller was inquiring about how to treat victims of a blast and what type of medical team and equipment would be required to treat such victims. None of the persons involved could recall the caller giving his name. None of them could recall any specific reference to a bombing in Oklahoma City. We were unable to find the source of this call.

5. We also learned of a telephone call made from a pay telephone at a Taco Bell on April 12, 1995, at 4:00 p.m. to 911. The call was taken by an Oklahoma City Police Department dispatcher, and she recalls it was a bomb related call and was categorized as a signal 8, meaning a mentally ill person. We received an audio tape of the telephone call. Police officers responded to the Taco Bell and talked to the individual who made the call. His address was a home that cares for the mentally disabled. The dispatcher with 20 years experience, felt the caller knew about a bombing that was to occur, but had no specifics and never mentioned a Federal Building. We listened to a tape of the call and there was nothing specific mentioned.

6. The FBI emergency headquarters in Oklahoma City had 25 operational communication lines provided by Southwestern Bell. One of which was previously assigned to a R.D. Hardin. This communication line was added to the Command Post billing on April 19, 1995. This would explain a telephone call made from Hardin's previous number on the 27<sup>th</sup> of April to the Fortier's in Kingman, Arizona. This call was verified by Agent Jon Hersley and by Southwestern Bell's billing records.

#### **F. EXPLOSIVES REPORTED TO BE FOUND IN THE BUILDING**

We investigated claims that explosives were found in the Alfred P. Murrah Federal Building. Our investigation determined as follows:

1. A desk ornament that looked like a bundle of dynamite with a clock attached to it. The desk ornament belonged to an ATF agent, and was not an explosive device.
2. Several federal law enforcement agencies were housed in the Alfred P. Murrah Federal Building. Small arms and small arms ammunition were not an uncommon discovery throughout the search and rescue phase.
3. An inert T.O.W. missile was found and mistaken for a secondary explosive device. The inert T.O.W. missile belonged to the U.S. Customs Department.
4. Based on our review of video tapes and photographs, packages of small arms ammunition were mistaken for packs of C4 explosive by one Oklahoma City Police Department officer.

#### **G. SOME HAVE CLAIMED THAT LAW ENFORCEMENT AND RESCUE WORKERS ARRIVED TOO SOON AFTER THE BOMBING**

Our investigation revealed:

1. Many who heard the blast and could see the smoke knew something was wrong.
2. The following departments dispatched themselves and did not wait for a call:

Fire station No. 1 at 820 N.W. 5<sup>th</sup>

Fire station No. 4 at 100 S.W. 4<sup>th</sup>

Fire station No. 5 at N.W. 22<sup>nd</sup> and Broadway

Fire station No. 6 at 620 N.E. 8<sup>th</sup>

3. A Prayer Breakfast for law enforcement being held at the Myriad in downtown Oklahoma City was adjourning at the time of the explosion.
4. Oklahoma Highway Patrol Bomb Squad was conducting a previously scheduled training session at 36<sup>th</sup> and Martin Luther King Boulevard in Oklahoma City.
5. Oklahoma City Police Department is located at 701 Colcord, about four blocks away from the Alfred P. Murrah Federal Building.

6. Oklahoma County Sheriffs Department is located at 201 N. Shartel, less than five blocks away from the Alfred P. Murrah Federal Building.
7. Oklahoma City Police Department had officers on patrol in downtown Oklahoma City.
8. Oklahoma County Sheriffs bomb truck was at the Oklahoma County Sheriffs Office Training Center, N.E. 36<sup>th</sup> and Air Depot, at the time of the blast and responded immediately.

We conclude that these responding units, as well as many other law enforcement officers, medical personnel and other citizens who responded to the building so promptly should be congratulated. There is absolutely no support that this prompt response was evidence of prior knowledge and we do not understand why others have tried to twist this into something evil.

#### H. THE ELEVATORS

There were claims that no one could possibly have been in the elevators in the Alfred P. Murrah Federal Building at the time of the blast. DEA Agent Dave Schickendanz, has said that ATF Resident-in-Charge (RAC) Alex McCauley, was in an elevator with him when the blast occurred.

Through the testimony of other witnesses and photographs of the elevators taken minutes after the blast, the Grand Jury believes RAC McCauley and Agent Schickendanz were in elevator three which stopped on the third floor, and were able to get out on their own.

#### I. UNIDENTIFIED FINGERPRINTS

There were over one thousand latent fingerprints taken from various locations which the FBI has not been able to identify through comparisons with known suspects. However, there are many fingerprints that have been identified. We are confident that the FBI will compare the as yet unidentified prints with additional persons if any future evidence warrants it.

#### J. THE MORE THAN ONE BOMB THEORY

Based on our investigation we believe that there was a single bomb.

1. Testimony about sound waves and layers of the earth's crust, and that ground waves travel faster than air waves rendered the two bomb theory inconclusive. The seismograph closest to the Alfred P. Murrah Federal Building recorded one blast. The seismograph in Norman recorded two sound waves. This was explained due to the density of the earth's crust. The first was the ground wave followed by the airwave five seconds later. The farther the waves go the more separation in time the waves get until they can no longer be measured.
2. The burns on the victims and the building from the blast depict a definite pattern of a singular explosion according to the expert testimony. The intensity and the direction of the burns and debris substantiate only one bomb. The greater distance from the detonation site less debris was found. The rebar in the building was bent in many directions because of falling debris.

## **K. THE SHERIFF'S BOMB TRUCK**

Some people have claimed to have seen the Oklahoma County Sheriffs Bomb Squad truck early the morning of April 19<sup>th</sup>, 1995. It was possible to see the truck, as it was in the downtown area. The driver of the truck picked up the truck at 7:00 a.m. to prepare for a training session. He drove to the County Courthouse to complete a work schedule, and he parked the truck in the alley next to the County Annex and Investors Capital Building. From there he went to a McDonald's located at Western and Sheridan at about 7:40 a.m. He then drove on 1-40 east to the training center which is located at 4001 Air Depot Road. When the Oklahoma County Sheriffs bomb truck driver heard the bomb and felt the shock wave, he proceeded to the building and arrived around 9:12 a.m.

When the bomb exploded the Oklahoma City Police Department Bomb Squad tried to get their bomb truck to the Murrah building, but the truck experienced mechanical difficulties. This bomb truck had to be towed to the Murrah Building. It arrived at around 10:00 a.m.

A box was found in the Alfred P. Murrah Federal Building, and it was believed to be a bomb. After checking it for a possible bomb it was found to be an inert T.O.W. missile. It was put in the Sheriffs bomb truck and taken to the training area. Later it was discovered the inert T.O.W. missile belonged to U.S. Customs for an investigation they were conducting.

## **L. WAS MORE THAN ONE RYDER TRUCK USED IN THE BOMBING OF THE ALFRED P. MURRAH FEDERAL BUILDING**

Many people say they saw the Ryder truck at Geary Lake. The problem with this is that they say they saw the Ryder truck at Geary Lake at times and dates which conflict with other sightings. The Ryder truck we believe to be carrying the bomb was picked up on Monday, April 17, 1995.

Many sightings placed a Ryder truck at Geary Lake before the 17. Some reported that the Ryder truck was seen with the Mercury Marquis. Many describe a Ryder truck with cabover and others with no side door at Geary Lake.

Only two witnesses came forward and talked to the FBI about seeing a Ryder truck at Geary Lake before the stories about the lake were aired in the media. One witness said he saw a Ryder truck with a dark colored pick-up truck parked next to it at around 7:45-8:00 a.m. on April 18, 1995. The other witness described the Ryder truck as having a Bronco type vehicle or dark pick-up parked next to it at 9:00 a.m. on the same day.

On May 2, 1995, the FBI set up a road block to find out whether other witnesses had seen the Ryder truck. It was there that all kinds of Ryder truck sightings were reported. Witnesses described a Ryder truck with trailer, a cabover Ryder truck, or a 15 foot Ryder truck. Numerous witnesses did not report seeing a Ryder truck at Geary Lake until after media coverage.

## **M. VITAL STATISTICS**

After the bombing on April 19, 1995, the FBI conducted over 35,000 personal interviews worldwide. The Grand Jury has also interviewed numerous witnesses generated by local sources not contacted by the FBI. An on-going investigation is still being conducted by the FBI.

Over 2,700,000 motel records were examined concerning the travels of Timothy McVeigh and Terry Nichols prior to the bombing. These were achieved by canvassing the areas around the telephone calls attributed to the Daryl Bridges phone card. Timothy McVeigh had registered at ten different motels and Terry Nichols had

registered at four.

There were 685 calls on the Daryl Bridges phone card between November 1993 and April 17, 1995. 101 pay telephones were used along with eight residential listings. There were no more calls made on the phone card after Timothy McVeigh's arrest on April 19, 1995. Timothy McVeigh, Terry Nichols, and Marife Nichols were the only names established on the Daryl Bridges phone card.

The FBI's intense investigation consisted of over two million man hours along with tens of thousands of other man hours from local authorities.

The FBI set up a 1-800 communication line immediately after the bombing. Anyone who thought they had any information could call the FBI at absolutely no expense. This line is still in active service and is being monitored by the FBI, who take the information and investigate any leads to a logical conclusion.

For the first 10 days (April 1, 1995 through April 29, 1995) the communication bill for the FBI's emergency command post alone was \$ 18,540.02.

#### **N. ESTIMATED COSTS OF THE GRAND JURY**

Oklahoma County Court Clerk Juror and bailiff payroll)	\$ 58,003.71
Oklahoma County Sheriffs Office (security, refreshments, room, supplies, copies, transportation)	\$ 82,271.61
Oklahoma County District Attorney's Office (witness fees and transportation expenses)	\$ 4,857.97
Oklahoma County District Attorney's Office (legal advisors, investigator, support staff and witness coordinator)	\$322,148.25
Oklahoma County Court Administrator (court reporters)	\$ 17,344.00
United States Government (federal witness costs)	\$ 40,809.00
<b>GRAND TOTAL</b>	<b>\$ 525,434.54</b>

#### **CLOSING COMMENT**

This Grand Jury is convinced that most witnesses who came before us described events that they believed to be true and accurate accounts of what they had observed. In some cases, their testimony could not be substantiated by any other evidence we could find.

**There was unfortunately another group of witnesses who testified before us on issues that were not relevant or were found to be nothing more than a recitation of the already numerous and varied cover-up and conspiracy theories.**

During the course of this Grand Jury's investigation, we have observed a tremendous amount of journalistic overlap in a number of magazines, books, talk radio shows and Internet websites. The same misprinted information is repeated over and over again without anyone validating its veracity. Sadly, these organizations and individuals have glorified those convicted in federal court by vilifying the federal government and increasing the public's distrust of its government by providing half-truths, uncorroborated, and oftentimes out-right false information.



We would like to specifically address each of the falsehoods asserted by these individuals. Unfortunately, due to the current status of the law in the State of Oklahoma, we cannot specifically mention individual's testimony or comment on the motivation or professionalism of certain other individuals. We can and have, however, expressed our appreciation towards those individuals that are worthy of such.

We are aware that no matter what we do we will be criticized by some. We rely on the common sense of the public to recognize the motives for such criticism. As 14 individuals that have met for 18 months, we brought to this Grand Jury a wealth of diversity. We dedicated ourselves to trying to find out the truth. In spite of those who criticized us and our legal advisors, we worked hard and we were not distracted. We persevered and continued to focus on our task.

After meeting 133 days, hearing 117 witnesses, listening to over a hundred hours of video and audio tapes, and thoroughly examining several thousand pages of exhibits, we can state with assurance that we do not believe that the federal government had prior knowledge that this horrible terrorist attack was going to happen. We also do not believe that this was a sting operation that went too far or that this was a terrorist attack financed or conceived by individuals outside of this country. This was an act perpetrated by Americans on Americans. Our First Amendment provides for the freedom of speech. Seizing upon this Constitutional right, certain individuals have published and personally profited off books illustrating recipes for such destruction. This was an act that could have been carried out by one individual. We cannot affirmatively state that absolutely no one else was involved in the bombing of the Alfred P. Murrah Federal Building. However, we have not been presented with or uncovered information sufficient to indict any additional conspirators.

As Americans we do not want to believe that fellow Americans could plot, scheme and carry out such a cowardly act in the name of protest. Tragically this is the current reality of the world in which we live. City, county, state and federal law enforcement agencies should be praised for the manner in which they handled this tragedy on the scene, and additionally for the manner in which they investigated and quickly apprehended those responsible.

## **VII. CONCLUSION**

This Final Report concludes the investigation of the Grand Jury and we respectfully request that we be adjourned.

Dated at Oklahoma City, Oklahoma County, Oklahoma, this 30th day of December, 1998.