EVIDENCE: WHAT STORY DOES IT TELL?

Materials

- FBI Factsheet
- Testimonial Evidence Factsheet
- Physical Evidence Factsheet
- Pencils, Scratch Paper, Clear Tape, Index Cards

Background/Overview

The Locard’s Exchange Principle states that “every time someone enters an environment, something is added and removed from it.” In other words, “every contact leaves a trace.” Investigators operate under this assumption to help solve crimes by looking for and collecting physical evidence left behind at crime scenes. Their findings may make the difference between an innocent or guilty verdict.

Once it was determined that the Oklahoma City bombing was not just a tragic accident, but a deliberate act of terrorism, investigators began securing the site and started collecting evidence. Investigators immediately started taking statements made by eyewitnesses and survivors to see if anyone saw anything suspicious prior to the bombing that could lead to the perpetrator(s). Tangible, or physical evidence was also being collected to help solve this crime and bring the perpetrator(s) to justice.

Through countless hours of meticulous work by investigators, there was enough testimonial and physical evidence to try and convict Timothy McVeigh, Terry Nichols and Michael Fortier for their part in the deaths of 168 innocent men, women and children. Physical evidence, such as fingerprints, dental records, and clothing was also critical in determining the identity of many victims.

Objectives

- Students will learn what types of evidence helped solve the Oklahoma City bombing case.
- Students will analyze testimonial versus physical evidence and understand the value of each.
- Students will discuss the consequences of “jumping to conclusions” based on personal biases and/or stereotyping.

1. National Forensic Science Technology Center. “DNA Analyst Training: Types of Evidence.” (2005) [http://www.nfstc.org/pdi/Subject01/pdi_s01_m01_01.htm](http://www.nfstc.org/pdi/Subject01/pdi_s01_m01_01.htm)
**Procedure**

- Share the different types of evidence used to find the perpetrators of the Oklahoma City bombing.
- Discuss types of evidence that may have more value in proving one’s innocence or guilt and why.
- Show video about awareness. Sometimes eyewitness and victim statements can be unreliable due to stress, differing perceptions, lack of awareness, personal biases, and a variety of other reasons.

The following video shows that perception is not always reality. Discuss the consequences of inaccurate eyewitness testimony.

https://www.youtube.com/watch?v=Ahg6qcgoay4

or http://www.teachtube.com/video/perception-awareness-test-28242

**Suggested Activities**

- Start with one person whispering a message to another person. That person then relays the same message to the next person, and so on. After a number of people have heard the message, have the last person reveal what he/she has heard. Sometimes the end result is drastically different from the initial message. This exercise shows how information that is not received firsthand can often be inaccurate and unreliable. The way information is obtained can be critical in proving innocence or guilt. You can also do this activity via text messaging, without copying and pasting the message directly.

- Fingerprint analysis is one way investigators solve crimes and can help lawyers prove the innocence or guilt of a client. Every individual’s fingerprints are unique and no two are alike. Timothy McVeigh’s and Terry Nichols’ fingerprints were found on several documents, helping corroborate testimonial evidence and eventually helping prove their guilt in the bombing.

**Fingerprinting Activity**

- Take a pencil and sketch a dark spot on paper
- Press a finger on the spot and smear until the finger is dark
- Take a piece of clear tape and stick it onto the finger
- Peel off the tape quickly
- Place the tape onto an index card
- Look at the patterns of various students’ prints and note similarities and differences and if any have distinguishing features

- How we perceive experiences becomes our reality, which may differ from others experiencing the same event. Create a video that tests one’s awareness. Share that video with classmates and then compare/contrast what they notice and remember.
TESTIMONIAL EVIDENCE

Investigators had the monumental task of following up on all eyewitness and survivor accounts and proving which ones were credible. Some of the statements provided proved to be unreliable; however, some testimonial evidence helped find and convict the perpetrators.

EYEWITNESS TESTIMONY THAT PROVED TO BE FALSE

- One witness told investigators that McVeigh stopped by his business to ask directions to the Murrah Building the morning of the bombing. The idea of McVeigh not being familiar with his target was not plausible and evidence from Terry Nichols and Michael Fortier contradicted this.

- A witness stated that he saw McVeigh in an alleyway near the Murrah building 20-25 minutes after the bombing. McVeigh was arrested 80 miles from the Murrah building, only 78 minutes after the bombing, making this sighting impossible.

- Shortly after the bombing, a witness reported he saw two Middle Eastern men running from the Murrah Building and getting into a brown Chevrolet pickup about 5 minutes prior to the explosion. The FBI quickly issued a bulletin to be on the lookout for a brown pickup carrying two Middle Eastern males. The media broadcast that information and soon the public thought the bombing was work of Arab nationalists or a Muslim fundamentalist group, as in the case of the 1993 World Trade Center bombing. No one ever thought that the terrorist could be an American.

This fear led to the detainment of a Jordanian-American man who lived in Oklahoma City and was traveling to Amman, Jordan, on the day of the bombing. He was held and questioned at the Chicago O’Hare Airport and was released and traveled to London. In London, he was detained again and sent to Washington, D.C., for questioning. It became apparent he had nothing to do with the bombing and was released on April 20.

EYEWITNESS TESTIMONY THAT HELPED INVESTIGATORS SOLVE THE CRIME AND PROSECUTORS WIN CONVICTIONS

- Employees at Elliott’s Body Shop provided eyewitness accounts of the person who rented the truck that was used in the bombing and from those descriptions, sketches were made and dispersed. John Doe #1 was soon identified as Timothy McVeigh.

- After sketches of John Doe #1 and John Doe #2 were released, investigators canvassed the area motels to see if anyone recognized the individuals. Dreamland Motel owner Lea McGown recognized John Doe #1 as Timothy McVeigh, a guest who rented room #25 from April 14-April 17, drove a yellow Mercury and parked a moving truck.

PHYSICAL EVIDENCE

Over 7,000 pounds of physical evidence was collected in the course of the Oklahoma City investigation. This evidence led investigators to the perpetrators of the crime, and ultimately helped in their conviction.

REAR AXLE

The rear axle of a large truck was found about a block from the Murrah Building. A partial Vehicle Identification Number (VIN), which is unique to every vehicle, was found on the axle. A trace through the National Insurance Crime Bureau (NICB) revealed the full VIN number and that the truck was registered to Ryder Rental, Incorporated, in Miami, Florida. This evidence led investigators to Elliott’s Body Shop in Junction City, Kansas. Employees provided descriptions of the individuals that rented the truck and then sketches were made and John Doe #1 was identified as Timothy McVeigh. The truck was rented under the name Robert Kling.

DREAMLAND MOTEL REGISTRATION CARD

After sketches of John Doe #1 and John Doe #2 were released, investigators canvassed the area motels to see if anyone recognized the individuals. Dreamland Motel owner Lea McGown recognized John Doe #1 as someone who rented room #25 from April 14-April 17. She said he asked if he could park a moving truck there during his stay. The name on the registration card was Timothy McVeigh and the car he listed was a Mercury, the same type of car he was driving when he was arrested.

HUNAM PALACE DELIVERY RECEIPT

On April 15, an order was placed from room #25, registered to McVeigh, at the Dreamland Motel under the name Kling, the same name used to rent the moving truck. The description provided by the delivery person matched McVeigh’s features.

Residue

Chemical residue was found on McVeigh’s clothing and earplugs, indicating recent handling of explosives. McVeigh’s pant pockets and shirt had PETN residue on them, which is found in detonation cord. McVeigh had a set of earplugs in his pants pocket which had EGDN residue, which is found in dynamite.
Makita Cordless Drill

McVeigh had told Michael Fortier that he and Terry Nichols had used a cordless drill to drill the locks from the storage buildings that housed the explosives they stole at a rock quarry near Nichols’ home. A Makita cordless drill was found at Nichols’ home along with drill bits. When the drill bit impressions were compared to those left on the locks, one of the bits matched.

Mid-Kansas Cooperative Association Receipt

A purchase of 2,000 pounds of ammonium nitrate fertilizer, one of the components of the bomb, was made at Mid-Kansas Co-op in McPherson, Kansas, on September 30, 1994. The receipt showed it was purchased by Mike Havens. Two of McVeigh’s fingerprints were identified on the receipt for this purchase, found at Terry Nichols’ home in Herington, Kansas.

FEDERAL BUREAU OF INVESTIGATION (FBI) STATISTICS

Statistics of the Investigation of the Oklahoma City bombing, known as OKBOMB, as of February 13, 1998

- Over 1,008,000 hours of investigation was conducted by the OKBOMB Task Force
- More than 1,400 FBI employees rotated through the OKBOMB Task Force from April 19, 1995 until the conclusion of Terry Nichols’ federal trial
- More than 43,450 investigative leads were generated
- 15,664 John Doe leads were reported
- 900 videotapes were reviewed
- More than 238,000 photographs taken
- More than 7,000 pounds of evidence was collected resulting in over 23,290 pieces of evidence
- 1,506 subpoenas for telephone records issued resulting in the collection of 444,026 records
- More than 1 billion records searched in 26 databases
  - Computer Records
    - 682,187 records of people who made airline reservations
    - 3,100,000 records of people who rented Ryder trucks
    - 13,200,000 hotel registration records collected; 2,613,852 were entered into the computer
- From the hotel records, 44 identifications of Timothy McVeigh and Terry Nichols from 32 different hotels were discovered, 9 different aliases, 13 different address variations, and 18 different license plate variations
- 19 combinations of aliases used by Timothy McVeigh and Terry Nichols were compared to nationwide driver’s licenses generating 7,156 people who had to be eliminated from being identical to McVeigh and Nichols
- 617 military associates of Timothy McVeigh were run against the 26 databases