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Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
Produced via Computer by Paul Zuckerman, 1929 Stout
P.O. Box 3563, Denver, Colorado, 80294, (303)

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1 APPEARANCES
2 PATRICK RYAN, United States Attorney for the
Western
3 District of Oklahoma, and RANDAL SENDEL, Assistant U.S.
4 Attorney for the Western District of Oklahoma, 210 West
Park
5 Avenue, Suite 400, Oklahoma City, Oklahoma, 73102,
appearing
6 for the plaintiff.
7 LARRY MACKEY, SEAN CONNELLY, BETH WILKINSON,
GEOFFREY
8 MEARNS, JAMIE ORENSTEIN, and AITAN GOELMAN, Special
Attorneys
9 to the U.S. Attorney General, 1961 Stout Street, Suite
1200,
10 Denver, Colorado, 80294, appearing for the plaintiff.
11 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
REID
12 NEUREITER, and JANE TIGAR, Attorneys at Law, 1120

Lincoln

for 13 Street, Suite 1308, Denver, Colorado, 80203, appearing
14 Defendant Nichols.

15 * * * * *

16 PROCEEDINGS

17 (Reconvened at 2:25 p.m.)

18 THE COURT: Please be seated.

19 Are we ready?

20 MR. MACKEY: Yes, sir.

21 THE COURT: Okay. Bring in the jury.

22 (Jury in at 2:26 p.m.)

having 23 THE COURT: All right. Members of the jury,

the 24 heard the opening statements, we're proceeding now into

25 second phase or stage of the trial: The taking of the

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1 testimony of witnesses and the introduction of
exhibits, the

2 evidence-taking stage, and we'll call for the
Government's

3 first witness.

4 MR. MACKEY: Thank you, your Honor.

5 United States will call John Hurley.

right 6 THE COURTROOM DEPUTY: Would you raise your
7 hand, please.
8 (John Hurley affirmed.)
please. 9 THE COURTROOM DEPUTY: Would you have a seat,
10 WITNESS: Thank you.
full name 11 THE COURTROOM DEPUTY: Would you state your
12 for the record and spell your last name.
13 THE WITNESS: John Allen Hurley, H-U-R-L-E-Y.
14 THE COURTROOM DEPUTY: Thank you.
15 THE COURT: Mr. Mackey.
16 MR. MACKEY: Thank you, your Honor.
17 DIRECT EXAMINATION
18 BY MR. MACKEY:
19 Q. Good afternoon, Mr. Hurley.
20 A. Good afternoon.
21 Q. Would you tell the jury where you're from.
22 A. Oklahoma City.
23 Q. And how old are you?
24 A. 34.
25 Q. Are you married?

1 A. Yes, sir, I am.

2 Q. And how long married?

3 A. Three-and-a-half years.

United

4 Q. After high school, Mr. Hurley, did you enter the
5 States military?

6 A. Yes, sir, I did.

7 Q. And when was that?

8 A. August of 1981.

9 Q. And how long did you serve?

10 A. I was in the service for 10 years, sir.

11 Q. Which branch?

12 A. United States Air Force.

13 Q. Tell the jury a little bit about the experience you
14 received during those 10 years with the Air Force.

15 A. I was an avionics instrument systems specialist
working on
16 aircraft avionics and electronics and special
operations in air

17 rescue.

18 Q. Take us forward now to this point in time, Mr.
Hurley, and

19 could you tell the jury what you're doing for a living.

20 A. I'm currently a student at Rose State College,
studying

21 history and secondary education.

22 Q. And is your wife employed?

23 A. Yes, sir.

24 Q. And where is Rose State College?

25 A. It's in Midwest City, Oklahoma.

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John Hurley - Direct

1 Q. Is that a suburb of Oklahoma City?

2 A. Yes, sir, it is.

3 Q. In your employment career, Mr. Hurley, did you once
upon a

4 time work as a security guard for Burns Security?

5 A. Yes, sir, I did.

6 Q. And for how long?

7 A. Approximately a year in two different segments.

8 Q. And during what time period?

9 A. October of '84 to June of '85, and then I went back
and

10 worked in October of '85 until like January of '86 --
or '96,

11 I'm sorry. All those dates are 90's.

12 Q. So your time as a security guard was in 1995 to
1996?

13 A. Yes, sir.

14 Q. And specifically were you working as a guard in
April of

15 1995?

16 A. Yes, sir, I was.

17 Q. For Burns Security?

18 A. Yes, sir.

19 Q. And where were you assigned?

20 A. I was assigned in Regency Tower Apartments.

21 Q. And what is the Regency Towers Apartments?

22 A. It's a 24-story apartment complex in downtown
Oklahoma
23 City.

24 Q. And how long did you work there at that location?

25 A. From October of '95 -- or excuse me, October of '94
to June

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John Hurley - Direct

1 of '95.

2 Q. In that time period, did you become familiar, then,
with
3 the makeup of the Regency Towers and the surrounding
buildings
4 in downtown Oklahoma City?

5 A. Yes, sir. I did.

6 Q. I've set -- seated next to you, rather, Mr. Hurley,
an
7 accordion folder that has a number of exhibits that I
would
8 like to direct your attention to. Start at the
beginning and
9 look for Government Exhibit 958. Do you find that on
top?

10 A. Yes, sir, I did.

11 Q. Do you recognize what's depicted in that
photograph?

12 A. Yes, sir, it's a aerial view from the northwest of
downtown

13 Oklahoma City.

14 MR. MACKEY: Your Honor, we would move to
admit

15 Government Exhibit 958.

16 MR. WOODS: No objection, your Honor.

17 THE COURT: 958 is received.

18 MR. MACKEY: May we publish to the jury,
please?

19 THE COURT: Yes.

20 We have it on two screens here, whichever is
the more

21 convenient for you, this one on the end of the jury box
and one

22 here.

23 BY MR. MACKEY:

24 Q. Mr. Hurley, you have the honor of being the first
witness

25 in this case, so we're learning from you for the first
time

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John Hurley – Direct

1 about Oklahoma City. Take just a moment and get the
jury

aerial 2 oriented as to what they're seeing in this particular
3 photograph.
Oklahoma 4 A. Okay. There -- like I said, it's a photograph of
5 City from the northwest. You're looking just about
dead center 6 downtown. You're looking at the Murrah Building, which
is in 7 the center of the picture, to the right, and bottom is
8 Regency Tower Apartments.
9 Q. Mr. Hurley, let me interrupt. Do you find a pen up
there?
10 A. The black one, sir?
11 Q. Yes, sir.
12 A. Okay.
13 Q. If you reach underneath your platform and touch the
screen,
14 you'll be able to show the jury the buildings as you're
doing
15 so. Let's start with the Regency Tower, the place
where you
16 work.
17 A. This is the Regency Tower Apartments.
18 Q. It's the 24-story structure you described?
19 A. It's the 24-story complex I worked at.
20 Q. In the photograph, can you find the Murrah Building
as it
21 appeared before the bombing.

22 A. There's the Murrah Building.

Regency 23 Q. And what distance splits those two buildings, the

24 Towers and the Murrah Building?

25 A. About a city block and a half, roughly.

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John Hurley - Direct

that is, 1 Q. And the orientation again is we're looking south;

of the 2 the Murrah Building is on the south side of the street

3 Regency Tower?

4 A. Yes, sir, it is.

take a 5 Q. See if we can do it in another way, Mr. Hurley, and

your 6 look, please, at Government Exhibit 949A. It should be

7 second exhibit.

8 A. Okay.

appears 9 Q. And can you tell his Honor and the jury what that

10 to be?

the 11 A. A graphic depiction of downtown Oklahoma City and

Tower 12 surrounding buildings, the Murrah Building, the Regency

area. 13 Apartments, and the other buildings around that whole

14 Q. Is that an accurate diagram of the city streets
surrounding
15 the Murrah Building and the structures by the Murrah
Building
16 in April of '95?

17 A. Yes, sir, it is.

18 MR. MACKEY: Your Honor, we would move to
admit
19 Government Exhibit 949A.

20 MR. WOODS: No objection.

21 THE COURT: Received, 949A. You may publish.

22 MR. MACKEY: Thank you, your Honor.

23 BY MR. MACKEY:

24 Q. Mr. Hurley, it's now up in front of the jury, and
could you
25 with your pen show us on the diagram where your former
place of

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John Hurley - Direct

1 employment was and where the Murrah Building once
stood.

2 A. Okay. This is the Regency Tower Apartments, and
this right
3 here would be the Murrah Building.

4 Q. So the two of those buildings share an address on
5th
5 Street in downtown Oklahoma City; is that correct?

6 A. Yes, sir, they do.

7 Q. What direction does the traffic flow or did it in
April of 8 1995 on 5th Street?

9 A. It flows from the west to the east.

10 Q. And how about the north/south streets?

11 A. Hudson Street travels this way. This is
southwardly

12 direction. Harvey is a northwardly, and I'm not real
sure

13 about Robinson.

14 Q. But those are one-way streets that you've
identified; is

15 that right?

16 A. Yes, they are.

17 Q. As is 5th Street?

18 A. Yes, the 5th Street is, also.

19 Q. Thank you, Mr. Hurley. Take a look please, now, at
20 Government Exhibit 904.

21 Tell the jury what you see in that photograph.

22 A. That's the front east entrance to the Regency Tower
23 apartment complex. It is in the center of it, and off
to the
24 left side of the picture is the security office where I
worked.

25 Q. Is that an accurate depiction or photograph of the
Regency

John Hurley – Direct

1 Tower front entrance on 5th Street as it appeared in
April of 2 '95?

3 A. Yes, sir.

4 MR. MACKEY: Your Honor, we'd move to admit
Government 5 Exhibit 904.

6 MR. WOODS: No objection.

7 THE COURT: Received. It may be published.

8 MR. MACKEY: Thank you.

9 BY MR. MACKEY:

10 Q. Mr. Hurley, tell the jury what is shown on the
left-hand 11 side of that photograph.

12 A. Okay. This right here is the security office that
I worked 13 in. This area here is the main entrance to the Regency
Towers 14 where anybody that visited would normally come through.

15 Q. And the street in the foreground, is that 5th
Street?

16 A. Yes, sir, it is.

17 Q. How many guards did the Regency employ at the
Regency Tower 18 in April of 1995, if you recall?

19 A. The first part of the month, we had four guards
that were

20 assigned; and starting about the 8th or 9th, we went

down to

21 three guards.

22 Q. Was security provided for the facility around the
clock;

23 that is, 24 hours a day?

24 A. Yes, sir, it was.

25 Q. And were all those guards situated in the guard
station

6495

John Hurley - Direct

1 that you've identified on the left, left-hand portion
of this

2 photograph?

3 A. Yes, sir, for the majority of the tour of duty.

4 Q. Give the jury an idea of what was in the guard
station.

5 A. In the guard station we had a card-key computer and
monitor

6 which monitored as your residents came in and out,
their card

7 to get in and out of the building access. We had . . .
a video

8 monitor. We had a video control box. We had the fire
alarm

9 system in there, other things we needed for a normal
tour of

10 duty, rain jackets, things like that.

11 Q. I'll ask you a few more questions about some of
those. But

that 12 it essentially was the nerve center to the security at

13 apartment building; am I correct?

14 A. Yes, sir, it was.

5th 15 Q. If you were in the guard station looking out on the

16 Street, what kind of range of view did you have?

look out 17 A. It was a real clear panoramic view. I mean, to

the 18 the front window, you could see roughly a city block to

19 west and a city block to the east.

that 20 Q. Mr. Hurley, take a look at a long, tall photograph

you 21 should be to your left there, Exhibit 903. Now, I ask

view 22 whether that's an accurate panoramic photograph of the

Street? 23 from within the guard station looking out onto 5th

24 A. Yes, sir, it is.

admit 25 MR. MACKEY: Your Honor, we would move to

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John Hurley - Direct

1 Exhibit 903.

Honor. 2 MR. WOODS: I haven't seen that one, your

3 THE COURT: Yes, you may --

4 MR. WOODS: May I observe it --

5 THE COURT: -- come and look.

6 MR. WOODS: Thank you.

7 Okay. Thank you.

8 No objection, your Honor.

9 THE COURT: All right. 903 is received.

10 MR. MACKEY: Your Honor, may the witness
display it to

11 the jury, please.

12 THE COURT: Yes.

13 BY MR. MACKEY:

14 Q. Mr. Hurley, could you just hold it up and tell the
jury

15 what they're seeing.

16 A. It's looking out the front of the guard shack.
This would

17 be the west side. You've got a little parts store, a
parking

18 lot, and then the church and parsonage sit over here,
to this

19 side over here.

20 Q. And again, the street depicted in that photograph
is 5th

21 Street?

22 A. Yes, sir, it is.

23 Q. Thank you. Let's turn our attention now, Mr.
Hurley, to

24 one part of the guard's operation. That's the

maintenance of

25 the security cameras. Was that part of your
responsibility

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John Hurley - Direct

1 during the time that you worked there?

2 A. We monitored the security cameras during our entire
shift.

3 Q. And tell the jury a little bit about the security
system.

4 Where was it placed and what information could that
system

5 gather and record?

6 A. We have 14 video cameras throughout the Regency
Tower

7 Apartments, covering main entrances and main areas that
we felt

8 needed to be monitored. We had a computer -- well, a
video

9 monitor broken up into 16 little screens so we could
watch all

10 14 cameras at one time as they were on the screen. We
had a

11 video recorder there that recorded different scenes
randomly

12 throughout the period of the 24-hour time period and
placed it

13 on the tape as an actual picture.

14 Q. Can you list a few of the examples of where the
security

15 cameras themselves were located throughout the
building?
16 A. Okay. We had one security camera at the drive-in
entrance
17 for the parking garage. We had one at the exit of the
parking
18 garages. We had one right there by our security guard
station
19 that faced out towards 5th Street. We had one to the
west of
20 our security guard station inside the main lobby,
covering that
21 area, one back by the elevators, two up on the pool
deck, one
22 in the lounge that people could rent out so we could --
we had
23 two in that area people could -- so we could monitor
that area
24 when they were having private parties and stuff.
25 Q. All these cameras, I take it, had a feed into the
system

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John Hurley - Direct

1 that was there in the guard station?
2 A. Yes, sir, they did. It was direct feed.
3 Q. Take a look at Government Exhibits 906 and 907.
4 Do you recognize what's shown in each of those
two
5 photographs?

6 A. Yes, sir, I do.

7 Q. And just generically, at this point, what's
depicted there?

8 A. 906 is the main entrance to the Regency Towers on
east side
9 looking inward.

10 And 907 is from inside the lobby looking out
towards
11 5th Street, looking through that same area.

12 Q. And was that the configuration of the lobby and the
13 placement of the camera in April of 1995?

14 A. Yes, sir, it was.

15 MR. MACKEY: Your Honor, I move to admit those
two
16 exhibits, 906 and 907.

17 MR. WOODS: No objection on either one.

18 THE COURT: They're received; may be
published.

19 MR. MACKEY: Please, your Honor.

20 BY MR. MACKEY:

21 Q. We're looking first at Government Exhibit 906. Can
you
22 with your words tell the jury what they're seeing?

23 A. Okay. On the right-hand side of the screen is a
listing of

24 all of our apartment numbers. It's a little board that
we --

25 so people could use to access, call up to our
residents.

John Hurley - Direct

1 Q. Now, is that shot taken inside or outside the
building?

2 A. That's inside the building. That's inside what we
used to

3 call the east main entrance area. That's where most of
our

4 nonresident visitors would come to.

5 Q. And is the security camera that you described
earlier shown

6 in Exhibit 906?

7 A. Yes, sir, it is.

8 Q. Could you circle that with your pen, please?

9 A. I will.

10 Q. And in what direction is that camera shooting?

11 A. That shoots southwest. Out through the entrance
area out

12 onto 5th Street.

13 Q. And is that illustrated in Exhibit 907? Let me
show that

14 to you, please.

15 A. Yes, sir, it is.

16 Q. Same shot, just a different vantage point?

17 A. Yes, sir, you're looking from behind the camera
instead of

18 in front of it.

Exhibit 19 Q. Show the jury, please, the camera as it's shown in
20 907.
21 A. There's the camera.
public 22 Q. And looking through those two sets of doors, to the
23 area beyond that, what street is that?
24 A. That's 5th Street, sir.
in this 25 Q. And is your guard station shown more predominantly

6500

John Hurley - Direct

1 particular photo?
2 A. Yes, sir, it is.
3 Q. Show the jury where that is.
4 A. Covers this area, approximately right here.
5 Q. Thank you, Mr. Hurley.
6 Now, let's return and spend a little more
time, if we
7 can, Mr. Hurley, describing the video system itself.
Is a tape
8 recording made of various scenes gathered from these
cameras,
9 as they're happening?
10 A. Yes, sir, they are.
11 Q. How is that done?
12 A. The video cameras, like I stated earlier, feed a

guard -- 13 direct-line video signal into a control box inside the
the 14 guard's office. That control box sends one picture to
decides as 15 monitor so we can real time monitor it; and then it
16 a random selection it will pick certain pictures off of
17 whichever camera it decides and send a digital signal
to our 18 video recorder, and at that time it's recorded onto the
tape.

19 Q. And how much time or hours on a particular tape is
recorded 20 in the course of a day?

21 A. We used to record 24 hours.

22 Q. But in the course of that 24 hours of tape, is the
same 23 scene from the same camera captured?

24 A. Not in consecution, no. It could show up, say,
this time;

25 and then it may be two, three minutes, or it could be a
couple

6501

John Hurley - Direct

1 seconds before it shows up again. It's not just that
scene 2 through the entire tape.

3 Q. So it's entirely random as you described it?

4 A. Yes, sir.

5 Q. So it may be a scene out the front door, then one
of the

6 pool and followed by one of the lobby?

7 A. Yes, sir.

8 Q. Thank you, Mr. Hurley. Does the equipment, at
least as it

9 existed in April of 1995, record the time of the events
that it

10 was recording?

11 A. Yes, sir, it did.

12 Q. How was that done?

13 A. The control unit, like I said earlier, decided
where the

14 pictures went. It also used a time stamp on the tape.
As each

15 picture was sent to the recorder, it would have the
time/date

16 stamp on it so we knew later on what picture that was,
when it

17 happened.

18 Q. So in looking at the video, you would see impressed
on the

19 photograph a time and a date?

20 A. Yes, sir, you would.

21 Q. And did you take any steps to ensure that the
calibration

22 of that clock in April of 1995 was accurate?

23 A. Yes, sir, I did. Every Sunday, about, between
6:30, 7,

24 7:30 in the evening, I used to set that clock. And
what I'd do

25 is call the local time, date, weather center, and get
their

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John Hurley - Direct

1 time; and that's what the time we used for that system.

2 Q. And prior to the bombing, when had you last
calibrated the

3 clock on the Regency Towers security system?

4 A. The Sunday prior to the bombing, about 6:30.

5 Q. It would be April 16 --

6 A. Yes, sir.

7 Q. -- 1995.

8 A. Yes, sir.

9 Q. Did you work on Easter Sunday, April 16?

10 A. Yes, sir, I did.

11 Q. And were you at work on April 19, 1995, at the time
of the

12 bombing?

13 A. Not at the time of the bombing, sir.

14 Q. How did you first come to know about it?

15 A. I had just finished my English class. And when I
come out,

16 my instructor knew that I had worked downtown, and he
told me

17 about the bombing; that something of a bombing or some

nature

and 18 of that had happened downtown, and I went straight home

19 called in.

Towers, 20 Q. Later that afternoon, did you go to the Regency

21 later the afternoon of April 19?

Security, to 22 A. Yes, sir, I did. I was told to -- by Burns

23 report downtown about 12:00, and that's when I did get

24 downtown.

any of 25 Q. In the course of the afternoon, did you turn over

6503

John Hurley - Direct

Regency 1 the videotapes that had been made by your system in the

2 Towers to law enforcement officials?

in the 3 A. Yes, sir, I did. I turned over the tape that was

4 recorder of that day.

5 Q. That was on April 19, 1995?

6 A. Yes, sir.

the 7 Q. Were you present when the tape actually came out of

8 machine?

9 A. Yes, sir, I was.

10 Q. What happened to it?

11 A. It was handed over to law enforcement there, and
that's the

12 last I had seen of it.

13 Q. Take a look, please, Mr. Hurley, for videotape
marked

14 Exhibit 670.

15 A. What was that number again?

16 Q. 670, 670.

17 If that's 671, go ahead and leave it out for a
moment.

18 A. It's 671 and A. I don't show a . . .

19 MR. MACKEY: May I approach?

20 THE COURT: To help, yes.

21 MR. MACKEY: Thank you.

22 BY MR. MACKEY:

23 Q. Did you find it?

24 A. Yes, sir, I did. Thank you.

25 Q. Mr. Hurley, have you looked at the contents of
Exhibit 670

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John Hurley - Direct

1 before coming to court today?

2 A. Yes, sir, I have.

3 Q. And how do you know that?

4 A. I've got a date and my initials on that tape.

5 Q. After examining that tape, do you know what's
depicted on

6 it?

7 A. It's a tape of April 19, the scenes that our video
system

8 recorded.

9 Q. Is that the video you turned over to law
enforcement on the

10 day of the bombing?

11 A. Yes, sir, it is.

12 MR. MACKEY: Your Honor, we'd move to admit
Government

13 Exhibit 670.

14 MR. WOODS: No objection, your Honor.

15 THE COURT: 670 received.

16 BY MR. MACKEY:

17 Q. Mr. Hurley, we alluded to this earlier, but if
someone were

18 to take 670 and put in a video player, would it be easy
to

19 watch the scenes on that?

20 A. No, sir, it wouldn't.

21 Q. Why is that?

22 A. It's recorded in such a speed that to actually
identify

23 exactly the scene, they're real hard to identify.
Unless

24 you've literally watched this machine for months and
months on

25 end, you'd have no idea other than it recorded
something.

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John Hurley – Direct

1 Q. It's recorded at a very fast speed?

2 A. Yes, very, very fast speed.

3 Q. 671, is that a slow version or real-time version of
the

4 same scenes on Exhibit 670?

5 A. Yes, sir, it is.

6 Q. And have you reviewed that one before coming to
court?

7 A. Yes, sir, I have.

8 MR. MACKEY: Your Honor, we'd move to admit
Exhibit

9 671.

10 MR. WOODS: No objection.

11 THE COURT: 671 is received.

12 BY MR. MACKEY:

13 Q. Later in the course of the investigation in this
case,

14 Mr. Hurley, were you called upon to produce yet other
security

15 tapes from Regency Towers?

16 A. Yes, sir, I was.

17 Q. And approximately when was that?

18 A. The Friday after the bombing.

19 Q. And at that time did you produce videotapes for the
date of

20 April 16, Easter Sunday, 1995?

21 A. Yes, sir, I did.

22 Q. Take a look at the other videotapes up there, Mr.
Hurley.

23 It should be Exhibits 346 and 347. Do you recognize
those?

24 A. Yes, sir, I do.

25 Q. And are those first the original, then the real-
time

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John Hurley - Direct

1 version of the video for Easter Sunday, April 16, from
the

2 Regency Towers?

3 A. Yes, sir, they are.

4 Q. Are they the same videos -- at least 346, was that
the same

5 video you turned over to the FBI?

6 A. Yes, it was.

7 MR. MACKEY: Your Honor, we'd move to admit
8 Government's Exhibit 346, 347.

9 MR. WOODS: No objection.

10 THE COURT: They are received.

11 BY MR. MACKEY:

12 Q. Mr. Hurley, turn your attention now, please,
finally, to
13 photographs, two group exhibits, 346A and 346B. Do you
find
14 those?

15 A. Yes, sir, I did.

16 Q. Do you recognize what each of those photographs
are?

17 A. Yes, sir, I do. They are still shots that have
been taken
18 off of the videotape from our system.

19 Q. Is that a shot taken from the same security camera
you
20 previously identified to this jury?

21 A. Yes, sir, it is.

22 Q. For the record, let's focus on 346A. Do you have
that in
23 front of you?

24 A. Yes, sir, I do.

25 Q. And do you find three photographs that each have a
time

6507

John Hurley - Direct

1 stamp?

2 A. Yes, sir, I do.

3 Q. And for the record, are they time stamped
respectively

4 20:17:47, 20:17:49 and 20:17:51?

5 A. Yes, sir, they are.

6 Q. And the conversion would be 8:17 p.m.?

7 A. Yes, sir, it would be.

8 Q. For example --

9 MR. MACKEY: Your Honor, I'd move to admit
Government

10 Exhibit 346A consisting of the three photographs
identified.

11 MR. WOODS: No objection.

12 THE COURT: They are received.

13 BY MR. MACKEY:

14 Q. Turn your attention now, Mr. Hurley, to 346B, as in
boy.

15 Do you find four still photographs there?

16 A. Yes, sir, I do.

17 Q. And are those photographs from the same vantage
point, from

18 the same camera?

19 A. Yes, sir, it is.

20 Q. Simply a few minutes later in time?

21 A. Yeah.

22 Q. For the record, do you find photographs marked,
time

23 stamped, 20:23:59, 20:24:01, 20:24:02, and 20:24:03?

24 A. Yes, sir, I do.

25 MR. MACKEY: Your Honor, I'd move to admit
Government

John Hurley - Direct

1 Exhibits 346B, four photographs identified.

2 MR. WOODS: No objection.

3 THE COURT: Received.

4 BY MR. MACKEY:

5 Q. Mr. Hurley, I would like for you to find 44
photographs --

6 and this will be my last question to you -- in 346A.
Find the

7 photograph, please, that has the time stamp of
20:17:49.

8 A. Yes, sir.

9 MR. MACKEY: Your Honor, we'd move to publish
that

10 particular photograph.

11 THE COURT: You may.

12 BY MR. MACKEY:

13 Q. Mr. Hurley, what are we looking at in this
photograph,

14 please?

15 A. You're looking from the video camera's perspective
out

16 through the main east entrance to the Regency Tower out
onto

17 5th Street.

18 Q. And what time and day was this photograph taken?

19 A. It was taken at 20:17 on April the 16th, which

would be

20 8:17 p.m.

21 MR. MACKEY: Your Honor, that's all the
questions I

22 have of this witness. I'd ask the Court to publish
Stipulation

23 No. 1.

24 MR. WOODS: Yes, your Honor, we have agreed to
25 stipulate to that.

6509

John Hurley - Direct

1 THE COURT: All right. Let me just turn to
it.

2 MR. MACKEY: Your Honor, may we have the
photograph

3 shown to the jury while the stipulation is published?

4 THE COURT: Yes.

5 And let me explain to the jury about
stipulation. And

6 you'll be hearing from time to time this reference to a
7 stipulation, which simply means that both sides have
agreed --

8 counsel for both sides have agreed on certain facts.
And of

9 course, when there is such an agreement, we accept that
10 stipulation, as we call it, or agreement, as true. And
here --

11 and whenever we come to this, I'll simply read to you

what has

12 been agreed upon.

No. 346A 13 And it's agreed here that Government Exhibit

14 is a series of three photographs taken by a security
camera

15 located in the lobby of the Regency Towers apartment
building

16 in downtown Oklahoma City at approximately 8:17 p.m. on
Sunday,

17 April 16, 1995.

18 Government Exhibit No. 346B is a series of
four

19 photographs taken from the same security camera at

20 approximately 8:24 p.m. on the same date.

21 The vehicle shown in both photographs is a
dark-blue

22 1984 GMC pickup truck with a light-colored cab-level
topper

23 shell that was owned by the defendant, Terry Lynn
Nichols, on

24 April 16, 1995.

25 MR. MACKEY: Thank you, your Honor.

6510

John Hurley - Direct

1 BY MR. MACKEY:

2 Q. Finally, Mr. Hurley, could you simply circle for
the jury

3 the pickup truck that's depicted in that particular
photograph.

4 Thank you so much.

5 MR. MACKEY: That's all I have, your Honor.

6 THE COURT: All right.

7 Mr. Woods, do you have some questions?

8 MR. WOODS: Yes, your Honor. Thank you.

9 CROSS-EXAMINATION

10 BY MR. WOODS:

11 Q. Good afternoon, Mr. Hurley.

12 A. Good afternoon.

13 Q. My name is Ron Woods. It's my privilege to
represent Terry

14 Nichols in this case.

15 You and I have never met, have we?

16 A. Never.

17 Q. In those photographs that you've just gone over
with the

18 Government, can you tell the jury what time it is that
evening

19 on Easter Sunday that this pickup truck goes by twice
in front

20 of the Regency Towers, in regular time, rather than
military

21 time?

22 A. Yes, sir. On the second set of photographs, which
is 346B,

23 the pickup truck is first come into view at 8:23 in the

24 evening. Then the second picture shows it at 8:24 in

the

25 evening and one second.

6511

John Hurley – Cross

seconds, 1 The next photograph shows it at 8:24 and 2

2 and then the last one at 8:24 and 3 seconds.

vehicle 3 Q. All right. That series of photographs shows the

4 moving by the front; is that correct? And you're into
5 fractions of a second?

6 A. Yes, sir, it is.

7 Q. So it's 8 -- what was the time you listed again?

8 A. 8:23:59 was the start.

there that 9 Q. All right. Now, did you have a series of photos

10 showed that it went by 7 minutes earlier?

11 A. Yes, sir, I do.

and 12 Q. Okay. Would you tell the jury what time it went by

front 7 13 what photos you have capturing that pickup going by the

14 minutes earlier.

8:17:47 p.m., 15 A. The first photograph of the pickup truck was

one was 16 the second one was at 8:17:49 p.m., and then the last

17 8:17:51 p.m.

6:30, 18 Q. And you told the jury that on that very evening at

what, 19 you had checked the accuracy of that clock by calling,

20 the time service and getting a accurate time reading?

21 A. Yes, sir, that's what we used to set the clock.

accurate? 22 Q. Okay. So at 6:30, you checked it and it's

23 A. Yes, sir.

take 24 Q. An hour later it's presumed to be still accurate, I

25 it?

6512

John Hurley – Cross

1 A. Yes, sir.

through, 2 Q. Now, you've looked at that video all the way

3 haven't you?

4 A. Yes, sir, I have.

at 8:17 5 Q. So you've seen it, you've seen this vehicle go by

those 6 and then at 8:24. Did you see any vehicle in between

7 two?

8 A. Not that I --

9 Q. That go by --

10 A. Not that --

11 Q. Excuse me, that went by?

12 A. Not that I recall.

13 Q. How many times have you looked at that video?

14 A. I've looked at it twice.

15 Q. Okay. Well, you've met with the Government a
number of

16 times, haven't you, in preparation for your testimony?

17 A. I've met with Mr. Mackey twice.

18 Q. Okay. What about the FBI: How many times you meet
with

19 them?

20 A. I don't understand your --

21 Q. Didn't you meet with somebody else also other than

22 Mr. Mackey? You said you met with him two times.
Didn't you

23 meet with Mr. Mackey three times?

24 A. I met with him -- okay. Yes, it was three times.
One time

25 in Oklahoma City and then two times up here.

6513

John Hurley - Cross

1 Q. Okay. What about some of these FBI agents: You
meet with

2 them?

3 A. I met a couple of them down in Oklahoma City.

4 Q. Okay. Did they sit down with you and go through
this video
5 and watch it with you, get you to explain what they're
seeing?
6 A. They --
7 Q. Either Mr. Mackey or the FBI?
8 A. We went and looked at both videos to -- from --
that were
9 of the same tape. And we never looked at exactly what
was on
10 the tapes or anything. They were looking to see if
what -- the
11 fast-speed tape was and slow-speed tape, if they were
of the
12 same stuff.
13 Q. Okay. But you looked at it a number of times;
right?
14 You've run it through at fast speed and at regular
speed?
15 A. I've looked at that a couple times, yes, sir.
16 Q. Did you see any Mercury Marquis, any light-colored,
old,
17 beat-up Mercury Marquis right in front of Mr. Nichols'
car?
18 A. I don't recall one. I don't recall ever looking
for
19 anything specific on any of these tapes. All they were
-- we
20 were trying to determine was if the fast-speed tape and
the
21 slowed-down, real-time tape were of the same material.
22 Q. During these meetings, the FBI didn't ask you,

geez, can

23 you see another car on here that Mr. Nichols is
following?

24 A. No, sir.

25 Q. Okay. Now, when did you turn this tape over? This
Sunday,

6514

John Hurley – Cross

1 Easter, the April the 16 tape, when did you turn that
over to
2 the Government?

3 A. Would have been the Friday -- I believe it was the
Friday
4 after the bombing, sir.

5 Q. Okay. Approximately what time of the day?

6 A. I really don't recall the exact time.

7 Q. Was it late afternoon, early morning?

8 A. I'd say probably midafter -- midevening, 4, 5,
6:00,
9 probably.

10 Q. Did they tell you why they all of the sudden wanted
to view
11 the tape of the April 16 --

12 MR. MACKEY: Objection.

13 BY MR. WOODS:

14 Q. -- when the bombing had occurred on the 19th?

15 MR. MACKEY: Excuse me. Objection.

16 THE COURT: Overruled.

17 BY MR. WOODS:

18 Q. Did the law enforcement authorities tell you why
they

19 wanted to go back and get the tape of April the 16th?

20 A. No, sir. They just asked if we had tapes of --
other tapes

21 that were still there, and I told them yes.

22 Q. Now, the tape that you turned over to the law
enforcement,

23 I take it, was in fast speed?

24 A. The one of the 19th?

25 Q. Yes, sir, the video cassette -- no, I'm talking
about the

6515

John Hurley - Cross

1 April the 16th.

2 A. Yes, sir.

3 Q. The video that you would turn over to law
enforcement --

4 it's in fast speed?

5 A. Yes, sir, it is.

6 Q. Somebody has to then rerecord it on two cassettes,
slowed

7 down; is that the way it works?

8 A. I'm not an expert exactly how they're slowed down.

speed? 9 Q. Nor am I. But the tape you turned over was in fast

10 A. Yes, sir.

11 Q. Okay. And you looked at it, and you've never seen
a

12 beat-up, light-colored Mercury Marquis on that tape
anywhere;

13 is that your testimony?

14 A. Not that I recall, no.

15 Q. Okay. Now, looking at the photographs that you
just looked

16 at, when the pickup goes by twice, 7 minutes apart,
that's a

17 one-way street in front of the Regency Towers headed
down

18 toward the Murrah Building?

19 A. Yes, sir, it is.

20 Q. Could you tell if that street looks damp?

21 A. I really couldn't tell from this picture.

22 Q. Okay. How far -- let's see. You've already
pointed out to

23 the jury that the streets on both sides of the Regency
Tower

24 are one-way streets running opposite directions; is
that

25 correct?

1 A. Yes, sir, they are.

2 Q. So if a person is driving by the Regency Towers
headed down

3 toward the Murrah Building, circling the blocks, how
many

4 blocks do you have to go down before you can turn and
come back

5 in front of the building, in front of the Regency
Towers?

6 A. You would have to go down one -- well, from in
front of the

7 Regency Towers Apartment, you would have to go a half a
block

8 east. Then you'd have to turn left and go one block
north.

9 Then you would have to turn left again, and you would
have to

10 go one block west. Then you would turn left one more
time and

11 come one block south --

12 MR. WOODS: You have 940?

13 BY MR. WOODS:

14 Q. Let me interrupt you, and maybe we can make it
easier for

15 the jury to understand if we use that exhibit showing
the

16 streets.

17 MR. WOODS: If I could have 940?

18 THE COURT: I think it's 949.

19 MR. WOODS: Thank you, your Honor. We have a

20 that's also a sketch of it.

21 THE COURT: Okay. All right. We've got 949A
is what

22 we've got in.

23 MR. WOODS: Yes, your Honor, 949A is in.

24 THE COURT: Okay.

25 MR. WOODS: And I have to turn this on.

6517

John Hurley – Cross

1 THE COURTROOM DEPUTY: You just turned it off.

2 MR. WOODS: It's on.

3 BY MR. WOODS:

4 Q. Mr. Hurley, if you would -- for the benefit of the
jury, if

5 you could take your pen again and reach under there and
on the

6 screen point out for the jury which way 5th Street
runs, a

7 one-way, starting at your Regency Towers Apartments.

8 A. Okay. The 5th Street runs one way this direction,
which is

9 east.

10 Q. And that's headed toward the federal building?

11 A. Towards the Murrah Building, yes, sir.

12 Q. Now, if you would, point out again those side
streets. If

13 you would, leave that on there about the one way down

5th

14 Street. And then these side streets, Hudson and
Harvey, would

15 you point out which way those run.

16 A. Okay. This is Harvey, and it runs north one way.
This is

17 6th Street.

18 Q. Yes, sir.

19 A. It runs west one direction. Whoops.

20 And that is Hudson. It runs south in one
direction.

21 Q. Okay. And I believe you told the jury you weren't
sure

22 about Robinson over on the other side of the federal
building?

23 A. I don't recall, sir.

24 Q. All right. Based on your experience of having
worked

25 there -- and you still live in that area, I take it --
I take

6518

John Hurley - Cross

1 it that you could make the circle of that block around
Regency

2 Towers in shorter time than 7 minutes; is that correct?

3 A. If all the red lights were in the right sequence,
you could

4 probably do it.

5 Q. I mean, these are regular-sized city blocks --

6 A. Yes, sir.

7 Q. -- they're not extra large?

8 A. These just regular city blocks.

9 Q. Within a 7-minute time span, could someone go
several
10 blocks and make a circle and then come back within 7
minutes,
11 based on your experience there?

12 A. I believe they could, sir.

13 Q. Okay. Okay. And you didn't see any Mercury
Marquis on any
14 of that tape; is that correct?

15 A. I don't recall it, sir.

16 MR. WOODS: Okay. Thank you so much, Mr.
Hurley. We
17 appreciate your time.

18 THE COURT: Any redirect?

19 MR. MACKEY: If I might, your Honor.

20 THE COURT: Okay.

21 MR. MACKEY: If I might have the same exhibit.

22 REDIRECT EXAMINATION

23 BY MR. MACKEY:

24 Q. Mr. Hurley, take a look at this downtown diagram.
Can you
25 tell me if you're traveling east off 5th Street from
Regency

John Hurley - Redirect

1 Tower, where you first find an alley that goes north/
south off
2 of 5th Street.

3 A. The first alley would be between -- not really an
alley per
4 se -- but would be right here between the post office
and the
5 Regency Tower. It's a little parking lot, so you could
turn up
6 that way and go a back alley.

7 Q. I didn't give you a very good definition of an
alley, did
8 I?

9 A. No, sir, you did not.

10 Q. Let me do this way. You see the YMCA building?

11 A. Yes, sir.

12 Q. You see the blue line to the left of that?

13 A. Yes, sir, I do.

14 Q. Sort of a small line. Do you know from living and
working
15 in downtown Oklahoma City that that's a traditional
alley meant
16 for interpass between 5th and 6th Street?

17 A. Yes, sir, it's used for interpass, or also delivery
trucks
18 run back and forth up and down.

19 Q. And based on the diagram, the only alley that runs

20 north/south off of 5th Street is just east of the YMCA
21 building?

22 A. Yes, sir.

23 Q. Is that correct?

24 A. Yes, sir.

25 Q. Incidentally, Broadway, are you familiar with that
street?

6520

John Hurley - Redirect

1 A. Yes, sir, I am.

2 Q. And how does traffic travel there? Is it one-way
or

3 two-way traffic is my question?

4 A. That's two-way traffic.

5 Q. Is there a major thoroughfare?

6 A. Yes, sir.

7 Q. If you take Broadway north from 5th Street, turn
left, do

8 you intersect 8th Street and take 10th Street?

9 A. Yes, sir, you will.

10 Q. Finally, Mr. Hurley, a question I omitted to ask
you. How

11 many days of security camera tapes are maintained at
any one

12 time at the Regency Towers, or in April of '95?

13 A. We maintained seven usable tapes, which were

labeled Monday

14 through Friday, and we had one backup tape in case
something

15 happened to one before the management came in the next
morning

16 so we could change it out.

17 Q. So the only video records on hand after the bombing
were

18 seven days' worth prior to that time?

19 A. Yes, sir.

20 MR. MACKEY: Thank you.

21 MR. WOODS: No further questions.

22 THE COURT: Is this witness now to be excused?

23 MR. MACKEY: Yes, your Honor. Thank you.

24 THE COURT: Is that agreed?

25 MR. WOODS: Yes, your Honor.

6521

You're 1 THE COURT: Mr. Hurley, you may step down.

2 excused.

3 Next, please.

would call 4 MR. MACKEY: Your Honor, the United States

5 Richard Nichols.

6 THE COURT: All right.

right 7 THE COURTROOM DEPUTY: Would you raise your
8 hand, please.
9 (Richard Nichols affirmed.)
please. 10 THE COURTROOM DEPUTY: Would you have a seat,
and 11 Would you state your full name for the record
12 spell your last name.
Nichols, 13 THE WITNESS: My name is Richard Logan
14 N-I-C-H-O-L-S.
15 THE COURTROOM DEPUTY: Thank you.
16 MR. MACKEY: May I proceed?
17 THE COURT: Oh, yes. I'm sorry.
18 MR. MACKEY: Thank you, your Honor.
19 DIRECT EXAMINATION
20 BY MR. MACKEY:
21 Q. Mr. Nichols, where do you live?
22 A. I live in Oklahoma City.
23 Q. How long have you lived in Oklahoma City?
24 A. I've lived there 40 years, all my life.
25 Q. I put that together.

6522

Richard Nichols - Direct

1 A. Yeah, okay.

City? 2 Q. How about your family? Long time from Oklahoma

Oklahoma City. 3 A. As far as I can go back, we've all been from

4 Q. Are you married?

5 A. Yes, sir, I am.

6 Q. To whom?

7 A. Bertha Nichols.

8 Q. How long have you and Bertha Nichols been married?

9 A. Oh, now you're going to get me in trouble.

10 Q. I withdraw that question.

11 A. We've been married since 1981.

children do 12 Q. Okay. You can't miss this question. How many

13 you have?

14 A. I have two.

15 Q. Good. How old are they?

16 A. I have one boy that's 13 and one boy that's 10.

17 Q. Mr. Nichols, how far did you go in school?

school 18 A. I went to the tenth grade, and then I went back to

19 and got my high school education.

the 20 Q. And in that time period of your youth, did you join

21 military?

22 A. Yes, sir, I did.

23 Q. And when did you go?

I
it was

24 A. I joined the military in 19 -- in July of 1974, and
25 served with the United States Army till 1983. I think

6523

Richard Nichols - Direct

1 in March. Comes out to eight years and two months.

2 Q. And what was your rank when you were discharged?

3 A. E5.

4 Q. Did you travel overseas on that tour of duty?

5 A. Yes, sir, I did. I traveled to Europe, and I
stayed there

6 approximately five-and-a-half years.

7 Q. When you came back to Oklahoma City, what kind of
work did

8 you get into?

9 A. I got into apartment building maintenance,
apartment

10 maintenance.

11 Q. And what was the name of your employer?

12 A. My -- at the time it was Regency Towers Apartments.
Let's

13 see. Yeah, Regency Towers. Harsh Investment
Corporation owns

14 it.

15 Q. But to the man on the street, Regency Towers?

16 A. Regency Towers, yes.

located? 17 Q. Where was Regency Towers, the one you worked,
18 A. Approximately a half a block down, down the street
from the 19 Murrah Federal Building.
20 Q. And how many years did you work as a maintenance
man for 21 that apartment building?
22 A. 10 years.
23 Q. When approximately did you leave?
24 A. I left in 1996.
25 Q. What are you doing now, Mr. Nichols?

6524

Richard Nichols - Direct

1 A. I work for Atlantic Projects. It's a metal-shaping
2 business. We go out, we do maintenance for
cultivators,
3 conveyor belts for cement factories and stuff like
that. And
4 we make things out of metal and ship them out. We do a
lot of
5 work for Dayton Tires, which is a big tire plant for
Firestone
6 in Oklahoma City.
7 Q. Let's return our attention to your employment at
Regency
8 Towers. Could you give the jury a few details about
what your

9 job was when you were a maintenance man there?

10 A. When I was at Regency Towers, we took care of any
problems
11 that occurred at the Regency Towers. We fixed and
repaired
12 faucets. Drain lines that became stuck in the night,
we fixed
13 them, or during the day. We repaired stoves, heating,
14 air-conditioning. Just anything that would go wrong
with
15 anybody's normal house, we took care of it in the
apartments.
16 Q. Sort of like having 243 houses right on top of each
other,
17 taking care of maintenance?
18 A. It comes out to 273.
19 Q. '73, all right. Thanks.
20 A. Yes.
21 Q. Were you and others responsible, then, for the
maintenance
22 of all those units?
23 A. Yes, sir, there was me and two other gentlemen.
24 Q. Mr. Nichols, let me turn your attention now to
April 19,
25 1995. Did you work on that day?

6525

Richard Nichols - Direct

1 A. Yes, sir, I did.

at the 2 Q. Do you recall what time of day you reported to work

3 Regency Towers?

from 4 A. I came to work that morning at 7:00. My shift was

5 7:00 to 5.

the 6 Q. Did you have plans to leave work at any point in

7 morning of April 19?

little 8 A. Yes, sir, I did. I have -- at the time I had my

we was 9 nephew. He was staying with us. And me and my wife,

with him 10 going to take him to the doctor. And I chose to go

I wanted 11 because he was staying with us as a family member, and

doctor, 12 to treat him as my boys; and when I take my boys to the

the 13 both of us, we try very hard to go to the doctors with

wanted 14 boys. So I wanted to make a effort to show him that I

day, 15 him part of my family, and I chose to go with him that

16 also.

17 Q. What was your nephew's name?

18 A. Chad Allen Kilgore.

19 Q. And how old was he on April 19?

20 A. 12 or 13. Somewhere along there.

21 Q. What time was Chad's doctor appointment on that
day?
22 A. His doctor appointment was later on. I think it
was around
23 9:30 or so. I was to meet my wife down in front of
our
24 building at 9:00. And she was to pick me up, and then
we was
25 to leave from there.

6526

Richard Nichols - Direct

1 Q. And were you prompt? Did you get out to the street
on 5th
2 Street at 9:00 sharp?
3 A. No, sir, I was late. I was 2 minutes late.
4 Q. And why was that?
5 A. The countertop that I was working on that morning
come up
6 short. It was supposed to be a 6-foot-long countertop,
and it
7 was a quarter inch too short. Although my boss knew
where I
8 was going, I just chose to stick by and tell my boss
that it
9 was too short, and that threw me 2 minutes behind.
10 Q. Did you eventually then come down to the street
level and
11 join your wife?
12 A. Yes, sir, I did.

walked 13 Q. Could you describe to the jury what happened as you
14 out the door onto 5th Street on April 19, 1995?
15 A. Well, as I walked out the door, I greeted my wife
in a 16 small foyer, which is two glass doors before you enter
out to 17 the street. And we laughed because she heard my keys
jingling,
18 and she always made a joke that she could always hear
me 19 coming.
20 As we stepped out into the street, we took
21 approximately two steps when there was a horrific
explosion.
22 Glass covered us. And my wife got real nervous, and
she kind
23 of spun around, and she asked what was going on. And I
told
24 her that the boilers in our building had blowed up.
25 Q. Is that what you thought at the time?

6527

Richard Nichols - Direct

1 A. At the time, yes, sir. I just completed a course
in boiler
2 school. I was graduating that night. And they showed
some
3 very graphic films and damages of boilers that had
blowed up.

4 And that was my first thought.

5 So we made the lunge to get to the car because
we was
6 getting showered with glass and rocks, and we opened up
the
7 door. I had a hold of the door of the car. My wife
bent down
8 to get my nephew out, when I heard a whirling noise
like a
9 boomerang coming from my left side, which would have
been from
10 the direction of the Murrah Federal Building.

11 As I looked up, I seen a big chunk of
something coming
12 at us. I didn't know what it was at the time. I
remember
13 telling my wife to get down. I don't remember if I
pushed her
14 on down into the car.

15 Q. Mr. Nichols, where was Chad when this was going on?

16 A. He was in the back seat on the driver's side of the
red
17 Ford Festiva.

18 Q. And your wife was out on the sidewalk with you as
you're
19 describing?

20 A. She was setting (sic) down kind of like on the
doorjamb
21 trying to get him out of his seat belt. And I can't
remember
22 if I pushed her on down into the car, but this object

hit the

of the 23 car, right about the windshield and the passenger side

24 car.

Then 25 At the time it jerked up the back of the car.

6528

Richard Nichols - Direct

the 1 the car shot backwards out of my hands. I went back to

pulled them 2 car. I grabbed my wife. I grabbed my nephew. I

kind of 3 both out of the car and tried as best as I could to

the 4 like mother hen them underneath me and take them across

5 road.

6 Q. Why were you taking them across 5th Street?

was 7 A. I was still under the assumption that my building

room as I 8 coming down behind us, and I wanted to make as much

going across 9 could between us and that building. And as we was

decided I 10 the road, a block come down in front of us, and I

time I 11 wasn't going that way. So I turned again, and this

going away 12 turned, which would have been west, down 5th Street

13 from my building and going away from the Murrah Federal
14 Building.

15 As I got down that way, I got right by a pay
phone.

16 The thing seemed to -- I don't know, maybe just kind of
17 subsided a little bit. I had time to check and ask my
wife if

18 she was okay. I asked Chad if he was okay. They both
assured

19 me they was all right. I laid Chad down to check him
in case

20 he didn't know. Then I picked him back up, and I
carried him

21 on down to the corner; and that's where I told my wife,
I says,

22 "Look," I says, "you guys -- you guys are all right.
You guys

23 go on to the hospital. I'll find you." And I said, "I
got to

24 get back to our building," because I looked up and all
the

25 windows on the south side of our building was
completely blown

6529

Richard Nichols - Direct

1 out. The curtains was out into the -- out into the
air. There

2 were pillows and stuff falling from my building still.
I

could 3 looked up the street, and behind the Water Resources I
4 see black smoke.

noticed 5 I looked back at my car. That's when I first
my wife, 6 that it was an axle that was laying by my car. I told
blow up 7 "No," I said, "it was a car bomb. Somebody tried to
the 8 the Water Resources." And I still hadn't known it was
debris 9 Murrah Federal Building because of the smoke and the
10 still coming down.

center of 11 As I went back across the road, I got to the
Building. 12 the road, looking back up to the Murrah Federal
moved 13 That's when it just -- like something just subsided and
front of the 14 the smoke out of my way, and I could see the whole
15 Murrah Federal Building; that it was completely gone.

explosion 16 Q. And was that the first time that you realized the
17 had happened up the street?

18 A. Yes, sir.

19 Q. Mr. Nichols, you should find some photographs in an
20 accordion folder in front of you.

21 A. Yes, sir.

22 Q. Look, please, for Government's Exhibits 631, 632.

23 A. Yes, sir.

24 Q. 633, 959, and 1848. Do you find those four --
excuse me,

25 five photographs?

6530

Richard Nichols - Direct

1 A. Yes, sir, I do.

2 Q. Have you looked at those photographs before coming
to

3 court?

4 A. Yes, sir, I have.

5 Q. And do each of those five photographs accurately
depict the

6 damage suffered by your vehicle and the surrounding
buildings

7 in the early morning hours of April 19, 1995?

8 A. Yes, sir, it does.

9 MR. MACKEY: Your Honor, we would move to
admit those

10 five exhibits, 631, 632, 633, 959, and 1848.

11 MR. WOODS: No objection, your Honor.

12 THE COURT: All right. They are received.

13 BY MR. MACKEY:

14 Q. Let me display, first, Mr. Nichols, Government
Exhibit 631.

15 A. Yes, sir.

that 16 Q. First let me ask you, what is the tall structure
exhibit? 17 appears in the upper right-hand portion of that

18 A. That's the Murrah Federal Building.

19 Q. Which direction is this photograph taken?

20 A. That's taken to the east from the Regency Tower.

is a -- 21 Q. And in the foreground on the left-hand side, there

know? 22 what appears to be a red vehicle. What is that, if you

bottom left? 23 A. That is my Ford Festiva. The one down at the

24 Q. Yes.

passenger 25 A. Yes, sir, that's my Ford Festiva. The front

6531

Richard Nichols - Direct

1 side.

the 2 Q. And what is the object that appears to be laying to

3 right of the Ford Festiva?

4 A. That's the axle that struck my automobile.

testimony -- 5 Q. That the same axle you were describing in your

6 A. Yes, sir.

7 Q. -- a moment ago?

8 A. Yes, sir.

of the 9 Q. Using that photograph, can you retrace the flight
10 axle, as you saw it that day?

as I was 11 A. Yes, sir. The axle came from right at this area,
12 standing up here in this area. And it came down at an
angle 13 from here downward and struck my automobile.

off the 14 Q. When you first noticed it, if you recall, how high
15 ground was the axle?

here. 16 A. The axle was way above this awning, which is right

Towers? 17 Q. And is that an awning attached to the Regency

18 A. Attached to the Regency Towers, yes, sir.

awning is? 19 Q. Do you have any idea how far off the ground that

the road 20 A. No, sir. I'd say at least 40 feet above -- from

21 when I noticed it and heard it.

where your 22 Q. What's the grade between the Regency Towers or

23 car is parked and the Murrah Building?

24 A. There's a slight downgrade from here down this way.

on that 25 There's a slight downgrade. And then it goes downward

Richard Nichols – Direct

1 side of the Murrah Federal Building.

2 Q. So standing at your car, we're looking up a slight
slight hill, a

3 hill?

4 A. Yes, we're looking up a slight hill.

5 Q. Let me show you Government Exhibit 632, Mr.
Nichols.

6 A. Okay.

7 Q. Tell the jury what's shown there.

8 A. This is my Ford Festiva. This is the axle that
struck my

9 Ford Festiva that day. And right here is a trailer
hitch that

10 came down the road skipping at road level, which took
out a

11 sign at this -- up here and hit a Marlboro sign and
come on

12 down and struck my left front driver's tire, flattened
it out,

13 and also flattened the rim, which drove my car
backwards

14 approximately 10 feet. It hit almost simultaneously
with the

15 axle.

16 Q. This photograph -- and maybe another one does as
well --

17 shows the back portion of the car up on the curb?

18 A. Yes, sir; right up here.

19 Q. Did it start that way?

20 A. No, sir.

21 Q. Is that a result of the explosion?

That's

22 A. Yeah. As a result of the explosion, it stopped.

23 where my vehicle stopped at.

hand

24 Q. What is the red thing that is in the bottom left-

25 portion of Exhibit 632?

6533

Richard Nichols - Direct

1 A. Right here?

2 Q. Yes, sir.

3 A. It's the front grill part of my car; right here.

vantage point

4 Q. Let me show you Exhibit 633. Is that another

5 of your car and the axle in the street?

6 A. Yes, sir, it is.

describe

7 Q. Using this photograph, Mr. Nichols, could you

where Chad

8 again for the jury where you and your wife were and

9 was at the moment the axle struck the car?

my

10 A. At the moment that the axle struck my car, me and

here at

11 wife -- well, I was right about here. The car was up

12 this end. My wife was on this side of the car, setting

nephew 13 approximately on the -- at the doorjamb level, and my
14 was in the back seat behind the driver's door here.
15 Q. Was Chad in the car when the axle struck it?
16 A. Yes, sir, he was.
17 Q. Was he injured as a result of that?
18 A. Yes, sir. There was slight swelling that came up
on his
19 forehead from the car coming up in the air and throwing
him
20 upward and hitting the top of the car. And my wife got
like
21 bumps and bruises, also, 'cause she went on down into
the car
22 when the axle hit.
23 Q. When your wife, Bertha, and Chad first arrived to
pick you
24 up that morning, where was Chad seated in that the car?
25 A. Right here in this front seat.

6534

Richard Nichols - Direct

1 Q. And had he moved while waiting for you to the back
seat?
2 A. Yes, sir, he did.
3 Q. Where did the axle strike the vehicle?
4 A. Right here.
5 Q. Let me show you Exhibit 959, please.

6 Does that show the passenger-side damage to
your

7 vehicle?

8 A. Yes, sir, it does. What it doesn't show is that
the dash

9 of this car is crushed down onto the passenger side of
this

10 seat.

11 Q. If one were inside the vehicle, they would see the
dash is

12 actually touching the seat?

13 A. Yes, sir.

14 Q. The building that appears in the background -- you
see the

15 glass windows: What is that, please?

16 A. That is the Regency Tower.

17 Q. And specifically the glass windows?

18 A. Right here, this is the foyer. There's two
entryways into

19 the building. There's a double door here, and then
there's a

20 double door that's just like it on the other side of
this here;

21 and this is the guard post. And it also has glass in
it.

22 Q. In the bottom right-hand portion of the photograph
there

23 appears to be a metal object. Driver's side --

24 A. Right here.

25 Q. -- tire, yes. Is that the trailer hitch you were

Richard Nichols - Direct

1 describing?

2 A. Yes, sir.

3 Q. Did you see that come and strike your car?

4 A. No, not at the time. I didn't see it. I was more
focused
5 on this object.

6 Q. Earlier we had seen a pillow laying in the street
next to
7 the axle. Where did that come from?

8 A. Right here. That came from the apartments.
Because the

9 windows were blown out and some of the people slept
underneath
10 the windows and stuff. So that came from our apartment
11 building.

12 Q. At the moment that the bomb went off, do you know
whether

13 there was anyone working on the Regency Towers
building?

14 A. Yes, sir. We had some people outside that was
doing some

15 caulking and stuff. We was getting ready for a
complete face-

16 lift of our building. And they were up on a
scaffolding on the

17 south side of our building, which would have been this
street

18 side.

19 Q. How far off the ground were they?

20 A. Probably around the thirteenth floor. I couldn't
be sure,

21 but they was up pretty high.

22 Q. Do you know whether any of them were injured
seriously?

23 A. No, sir. I hollered at them, once I got my family
over to

24 safety. I turned around. And I seen them up on the
scaffold,

25 and I hollered to them, and they waved to assure me
that they

6536

Richard Nichols - Direct

1 was okay; and then they crawled in one of the busted
windows.

2 Q. Finally, let me show you 1848. And is that more of
a rear

3 view of the Ford Fiesta (sic) and the axle laying in
the

4 street?

5 A. Yes, sir, it is.

6 Q. Mr. Nichols, do you know the approximate distance
between

7 the front of the Regency Tower there where the Ford
Fiesta

8 (sic) was parked that morning and the front public
entrance on

9 5th Street of the Murrah Building?

10 A. Yes, sir. I walked it off prior to the McVeigh
trial. And

11 I walked off 190 paces from where my car was parked at
to the

12 crater that was left at the front of the Murrah Federal
13 Building, and I come up with approximately 400 to 500
feet.

14 Q. Mr. Nichols, finally I want to turn your attention
to

15 Government Exhibit 670A. Have you seen the photographs
that

16 make up Government Exhibit 670A before?

17 A. Yes, sir, I have.

18 Q. And do you recognize them?

19 A. Yes, sir.

20 Q. What are they, please.

21 A. This depicts the view from our security camera
that's going

22 out our front entrance door of the Regency Tower.

23 Q. And are they still photographs taken from a
security camera

24 at the Regency Tower --

25 A. Yes, sir.

6537

Richard Nichols - Direct

1 Q. -- on April 19, 1995, moments before the bombing?

2 A. Yes, sir.

admit 27 3 MR. MACKEY: Your Honor, we would move to

4 still photographs comprising Government Exhibit 670A.

5 MR. WOODS: No objection, your Honor.

6 THE COURT: 670A is received.

7 BY MR. MACKEY:

8 Q. Mr. Nichols, with your assistance, I wanted to show
the

9 jury each of those photographs and ask you to describe
what's

10 shown on them, if you wouldn't mind, please.

11 A. Okay.

12 Q. Again, for orientation, are we looking from inside
the

13 lobby out onto 5th Street?

14 A. Yes, sir, we are.

15 Q. And what's shown in this first frame?

16 A. This is the front door of the Regency Towers
looking out

17 towards 5th Street.

18 Q. All right. The next frame, please.

19 A. This is showing same view, only this is my wife
pulling up.

20 Q. That's the same Ford Festiva that you described --

21 A. Yes, sir.

22 Q. -- before.

23 All right. Next frame. What is shown in the

frame

24 8:55:52?

25 A. This shows my wife waiting out front for me.

6538

Richard Nichols - Direct

1 Q. And the next frame?

2 A. The back of her car as she's waiting.

3 Q. And the next frame?

4 A. Same as before. The back of the car as she's
waiting for

5 me to come out.

6 Q. The next frame, 8:56:53?

7 A. Shows the same, only this time shows the Ryder
truck.

8 Q. The earlier frame did not --

9 A. No, sir.

10 Q. -- depict the vehicle that has the name "Ryder" on
the

11 side, did it?

12 A. No, sir, it did not.

13 Q. So this is the first frame, 8:56:53, where the
camera has

14 captured a truck with the name "Ryder" on the side?

15 A. Yes, sir.

16 Q. Next frame.

17 A. Still shows my wife waiting. And the Ryder truck.

18 Q. Next frame.
19 A. Again, my wife is waiting. The Ryder truck is
still
20 stopped and stationary.
21 Q. Next frame?
22 A. Same as before. My wife is stopped. The Ryder
truck is
23 still waiting.
24 Q. Now, this frame 8:57:01 shows some public traffic,
some
25 people walking down the street?

6539

Richard Nichols - Direct

1 A. Yes, sir.
2 Q. Is that correct?
3 A. Yes, sir.
4 Q. Do you know those people?
5 A. No, sir. It would be hard for me to recognize
them.
6 Q. Next frame.
7 A. Still shows my wife waiting, the Ryder truck, and
8 pedestrians walking.
9 Q. And the next frame.
10 A. Again my wife's waiting, the Ryder truck.
11 Q. All right. The next frame.

12 A. Same. My car, the Ryder truck.
13 Q. The next frame?
14 A. The same. My wife, the Ryder truck.
15 Q. The next frame.
16 A. Again, my wife, the Ryder truck.
17 Q. Mr. Nichols, take a moment and fix in your mind,
18 anyway, the position of the Ryder truck on the photograph shown
19 as 8:57:12.
20 A. Yes, sir.
21 Q. Mark it against, if you will, the support post in
22 that door. Do you see?
23 A. What I'm making sure that they're doing is my
24 wife's car is still setting (sic) here. I'm watching this pole
25 'cause it's stationary, towards this Ryder truck, and watching the
wheels

6540

Richard Nichols - Direct

1 of the Ryder truck.
2 Q. Is anything changed in the next frame, 8:57:15?
3 A. No, sir.
4 Q. In 8:57:15, the next one. I'm sorry.
5 A. Yes, sir. 'Cause you can see the Ryder truck is on

the

6 move, the pole is still stationary. Back tires now are
7 approximately even with the Ryder truck. My wife is
8 stationary.

still

9 Q. Next frame.

The

10 A. The Ryder truck has just moved up and has stopped.

still

11 back tires are still even with the pole. My wife is
12 stationary.

13 Q. And the next frame, 8:57:18.

14 A. Ryder truck, my wife, the Ryder truck is leaving.

virtually --

15 Q. In that frame, 8:57:18, the Ryder truck is

16 A. -- gone.

17 Q. -- out of the picture?

18 A. Yes, sir, he is.

19 Q. The next frame.

20 A. My wife is still waiting. The Ryder truck is gone.

21 Q. And the next frame?

gone.

22 A. My wife's still waiting. The Ryder truck is still

23 Q. Next frame?

is here

24 A. Same as before. My wife is gone -- I mean my wife

25 and the Ryder truck is gone.

6541

Richard Nichols - Direct

1 Q. And what is changed in the next frame, 8:59:55?

2 A. This is my wife. Shows get on out of the car
because she

3 knows I'm usually downstairs. Now she's coming in to
ask the

4 guard where I'm at.

5 Q. And is that shown in the next frame, 8:59:58?

6 A. Yes, sir, that's my wife. She's walking over to
the guard

7 window here.

8 Q. And the next frame?

9 A. Yes, sir. Now she's talking with the security
guard.

10 Q. And the next frame?

11 A. That's me. I'm coming off the elevator. I'm
trying to

12 hold my keys so she can't hear me.

13 Q. You're a maintenance man; you got a lot of keys?

14 A. Yes, sir.

15 Q. But that depicts you in an elevator lobby of the
Regency

16 Tower shortly after 9:00 on April 19?

17 A. Yes, sir, it does.

18 Q. And the next frame?

19 A. It shows my wife. She's done heard me coming, and
she's

20 getting ready to go out.

21 Q. And the final frame at 9:00, 21 seconds?

22 A. That's right in front of the elevators of the
Regency

23 Tower. That's the last frame on the film.

24 Q. Do you know why that's the last frame?

25 A. Because everything stopped. All the electric went
out,

6542

Richard Nichols - Direct

1 cameras quit, everything. The bomb had just blown up.

2 Q. Mr. Nichols, had you not stopped to report to your
boss

3 that morning that you'd run into a problem putting that
4 countertop on, where would you have been just 2 minutes
5 earlier?

6 A. We'd have been right in front of the Murrah Federal
7 Building.

8 MR. MACKEY: Thank you, Mr. Nichols.

9 THE COURT: Mr. Woods, you have some
questions?

10 MR. WOODS: Yes, your Honor, thank you.

11 CROSS-EXAMINATION

12 BY MR. WOODS:

13 Q. Good afternoon, sir.

14 A. Good afternoon.

15 Q. My name is Ron Woods. I'm one of the lawyers
appointed to
16 represent Terry Nichols. You and I have never met; is
that
17 correct?
18 A. No, sir, we have not.
19 Q. Mr. Nichols, on those photographs that you've just
gone
20 through, have you ever seen a blown-up photograph of
that Ryder
21 truck where you can try to pick out more distinguishing
factors
22 about it?
23 A. No, sir, I have not.
24 Q. Okay. The Government's never shown you any blowup
or
25 digitized view in order to see into the cab of that
truck?

6543

Richard Nichols - Cross

1 A. No, sir, they have not.
2 Q. Okay. You didn't get down there till the truck had
already
3 gone by; right?
4 A. Right. That's correct.
5 Q. I take it you weren't looking out from the upstairs
window
6 or anything, waiting on your wife?

7 A. No, sir. I was busy.

8 Q. Was there ever an opportunity for you to look into
the cab

9 to see how many people were in there, of that Ryder
truck?

10 A. Would there ever have been an opportunity?

11 Q. Yes, sir, that morning --

12 A. I suppose, if I had looked out my maintenance
window. I

13 was on the fifth floor. If I had turned and looked out
the

14 window, I could have more than likely -- possibly seen
if there

15 was somebody setting (sic) in there, yes, sir.

16 Q. Okay. But you just didn't have that opportunity?

17 A. No, sir. I was busy with the countertop, trying to
cut it

18 down and measure it out.

19 Q. Okay. Yes, sir.

20 Do you know whether or not the Government has
ever

21 digitized that photo to try and see, get a clearer view
of

22 that?

23 A. Not to my knowledge, no, sir. But I would assume,
yes,

24 sir, they have.

25 Q. Okay. They haven't shown it to you, if they have?

Richard Nichols - Cross

1 A. No, sir.

2 Q. Okay. Now, you told the jury that after the bomb,
you went

3 across the street and you came back and you sent your
family on

4 to the hospital. Did you spend the rest of the day,
then,

5 inside the Regency Towers doing what you could to help?

6 A. Yes, sir, I spent approximately -- it took us
approximately

7 40 to 45 minutes to physically check each room and make
sure

8 there was no one in there. We found people that were
still

9 terrified; that was hiding in closets. They were
bewildered to

10 what was going on. Some of them was trying to leave
without

11 shoes. We was trying to get them shoes to get them on,
because

12 we knew the whole street down below -- I knew the whole
street

13 down below was covered with glass.

14 I was trying to do everything that I could to
assist

15 in assuring that my people in my building -- not only
was they

16 getting out safely but making sure that they did get
out

17 safely.

18 Q. Yes, sir. How long did you stay, then, in the
Regency

19 Towers that day before you left and went somewhere?

20 A. We heard -- we had little radios that we had on our
side.

21 And it came across our radio that a second bomb had
been found.

22 And by that time, we had already cleared the building.
We was

23 down to the fourth floor. We was getting ready to come
down to

24 get with our boss and security to find out what else
was going

25 on. And it came across to our radios that a second
bomb had

6545

Richard Nichols - Cross

1 been found and for us to evacuate the area. Being that
we had

2 evacuated the building, we knew no one was in the
building, we

3 decided that we would leave at that time, and we left.

4 Q. Okay. And did you -- where did you go when you
left?

5 A. We went to the corner of the street, just -- I
guess it

6 would be Hudson and 5th Street.

7 Q. Okay. And did you then go back into the Regency
Towers

8 later that afternoon or later that day?

9 across 5th

A. No, sir. Marshals wouldn't allow anyone to come

10 they

Street at the time. They had it corded (sic) off, and

11 and our

did -- they did allow our security to go back across;

12 We had

manager went back across. But as far as us, no, sir.

13 building. We

already had the gas turned completely off to our

14 building

had all the water turned off to our building. So our

15 shut

was isolated. We had the boilers shut down, everything

16 down, and all the people evacuated out of our building.

17 street to

Q. Okay. Did you have an opportunity to go down the

18 Building

that large parking lot that's in front of the Murrah

19 that afternoon?

20 A. No, sir. At that time we started gathering up our

21 residents and reassuring them that everything was okay,

22 bus to

checking our people out, getting them ready to put on a

23 for them,

take down. We had hotels, motels, and stuff lined up

24 to get

and we was -- we was doing for our people what we could

25 them set up because it was -- it was --

Richard Nichols – Cross

1 Q. Your efforts were concentrated on the Regency
Towers, and
2 you didn't have an opportunity to see what was
happening at
3 that parking lot, then, across from the building?

4 A. No, sir.

5 Q. Okay.

6 MR. WOODS: Thank you very much, sir.
Appreciate it.

7 THE COURT: Anything else?

8 MR. MACKEY: Just a few questions.

9 REDIRECT EXAMINATION

10 BY MR. MACKEY:

11 Q. Mr. Nichols, how long was it before the tenants of
the
12 Regency Towers were able to get back into their homes?

13 A. It seemed like it was anywhere from five to six
months,

14 anyway, before the first ones started coming back in.

15 Q. You made reference to an alarm or alert that there
may be a
16 second explosion. Was there in fact a second
explosion?

17 A. No, sir, there was absolutely no second explosion.

18 Q. On April 19, 1995, did you know or had you heard of
the

19 name Tim McVeigh?

20 A. No, sir, I did not.

21 Q. Would you have recognized him if you had seen him
walk past

22 you on the street?

23 A. No, sir.

24 Q. Mr. Woods asked you some questions about those
injured

25 inside the Regency Tower.

6547

Richard Nichols – Redirect

1 A. Yes, sir.

2 Q. Do you know whether any tenants inside the Regency
Tower on

3 that morning of April 19 were inside the Murrah
Building?

4 A. At the time, no. Later I found out that there was
three

5 babies and two adults that I knew.

6 Q. And those people died?

7 A. Yes, sir, they did.

8 MR. MACKEY: Thank you, Mr. Nichols.

9 MR. WOODS: No further questions, your Honor.

10 THE COURT: All right. Is the witness to be
excused?

11 MR. MACKEY: Yes, your Honor.

12 MR. WOODS: That's fine with us, your Honor.

You're 13 THE COURT: Mr. Nichols, you may step down.
14 excused.
15 THE WITNESS: Thank you, sir.
16 THE COURT: Next, please.
call Lou 17 MR. MACKEY: Your Honor, United States will
18 Klaver. Mr. Geoff Mearns will present her.
19 THE COURT: All right.
right 20 THE COURTROOM DEPUTY: Would you raise your
21 hand, please.
22 (Cynthia Klaver affirmed.)
please. 23 THE COURTROOM DEPUTY: Would you have a seat,
your 24 Would you state your full name for the record and spell
25 last name.

6548

1 THE WITNESS: My name is Cynthia Lou Klaver,
2 K-L-A-V-E-R.
3 THE COURTROOM DEPUTY: Thank you.
4 THE COURT: Mr. Mearns.
5 MR. MEARNs: Thank you, your Honor.
6 DIRECT EXAMINATION

7 BY MR. MEARNS:

8 Q. Good afternoon, Miss Klaver.

9 A. Good afternoon.

10 Q. Where do you live, ma'am?

11 A. I live in Oklahoma City, Oklahoma.

12 Q. And how long have you lived in Oklahoma City?

13 A. I lived there about 11 years now.

14 Q. And where were you born?

15 A. Hutchinson, Kansas.

16 Q. Where did you go to high school?

17 A. Hutchinson, Kansas.

18 Q. Tell us what education you've had since high
school.

19 A. I went to college at Kansas State University in
Manhattan,

20 Kansas, and then I went to law school at Washburn
University

21 School of Law in Topeka, Kansas.

22 Q. When did you graduate from law school?

23 A. 1985.

24 Q. How are you presently employed?

25 A. I work with the Oklahoma Water Resources Board, a
state

1 agency in Oklahoma.

2 Q. What is your present position?

3 A. I'm assistant division chief for the Planning and
4 Management Division of the Water Board.

5 Q. How long have you had that position?

6 A. Approximately a year and a half.

7 Q. And prior to that promotion, what was your
position?

8 A. I served as a staff attorney when I moved down to
Oklahoma

9 in 1986 until about a year and a half ago.

10 Q. So you began working for the Water Resources Board
in 1986?

11 A. Uh-huh, I did.

12 Q. Would you tell us: What is the Oklahoma Water
Resources

13 Board?

14 A. Well, the Water Board oversees and regulates all
the water

15 use in Oklahoma, stream water and groundwater, and
oversees the

16 safety of dams and the flood plain, has a financial
assistance

17 program, basically water rights.

18 Q. Tell us what your duties and responsibilities were
when you

19 were an attorney.

20 A. One of my duties was to serve as a hearing examiner
in some

21 administrative proceedings. Basically that's sitting

in the

22 role of a judge where you listen to both sides and then
over

23 water rights proceedings; and you make a
recommendation, then,

24 to the nine-member Water Resources Board, was one of my
jobs.

25 Q. Where was the Water Resources Board located in
April of

6550

Cynthia Klaver - Direct

1 1995?

2 A. Its address was 600 North Harvey. It was on the
corner of

3 5th and Harvey in Oklahoma City, across the street from
the

4 Murrah Building.

5 Q. What I'd like to do now is show you what's been
marked in

6 evidence as Government Exhibit 958.

7 And do you recognize this picture?

8 A. Yes, I do.

9 Q. And what is -- what do we see in --

10 A. It's a aerial photograph of downtown Oklahoma City,
shows

11 the Water Board and the Murrah Building.

12 Q. Do you have an electric pen there on the podium
there in

13 front of you?

14 Not that one. There's one connected to --

15 A. Yes, I do.

16 Q. Could you circle the Water Resources building there
for us?

17 A. Do I -- there's the Water Board building right
here.

18 Q. And could you also then circle the Murrah Building?

19 A. And here's the Murrah Building.

20 Q. What is the approximate distance between those two
21 buildings?

22 A. Be about 150 feet, just across the street.

23 Q. What I'd like to do now is show you what's been
marked in

24 evidence as Government Exhibit 949A. And do you
recognize this

25 exhibit?

6551

Cynthia Klaver - Direct

1 A. Yes, it's a diagram of the buildings and the
streets in

2 downtown Oklahoma City.

3 Q. And once again, would you circle for us the Water
Resources

4 Board building.

5 A. This is the -- on the corner right here is the
Water Board.

6 Q. And where is the Murrah Building there?

7 A. And just across the street, south, is the Murrah
Building.

8 Q. And now would you click your pen and clear those.

9 And would you put a small circle where the
entrance to

10 the Water Resources Board building is?

11 A. That's the front door right here.

12 Q. And it's right there on the corner?

13 A. On the corner, yeah.

14 Q. In April of 1995, how many people worked in the
Water

15 Resources Board building?

16 A. Approximately 80.

17 Q. Directing your attention now to Wednesday, April
19, 1995,

18 were you working that day?

19 A. Yes, I was.

20 Q. What time did you get to work that morning?

21 A. I arrived at work about 7:30 that morning, went up
to my

22 office which is on the third floor on the north side of
the

23 building, and started drafting some findings of fact
from a

24 previous hearing I had held.

25 Q. What happens at a -- at one of those hearings?

Cynthia Klaver – Direct

an
For
1 A. Generally it's to determine -- an applicant makes
2 application to use water and notification is given.

3 example, if it's groundwater, they publish in the
newspaper;

4 and then they give this certified mail notice to
landowners

5 around the well. And so those people that are
concerned about

6 the use of water come and protest the hearing and say
why their

7 water rights shouldn't be granted, and so I listen to
both

8 sides of that and then make a recommendation whether it
should

9 be granted or denied, the application.

10 Q. And what happens with your proposed decision?

11 A. It gets mailed out to the parties so they're aware
and they

12 can attend the board meeting, and then our nine-member
board

13 actually votes to approve or deny a water right.

14 Q. Turning now to April 19, again, did you have an
appointment

15 that morning for 9:00 a.m.?

16 A. Yes, I did. We had a hearing scheduled in our
Oklahoma

17 City office at 9:00 that morning, Wednesday.

18 Q. Where was that hearing scheduled to take place?
19 A. In the Water Resources Board building on the first
floor in
20 Oklahoma City. It's about the middle of the building.
21 Q. And you told us your office was up on the third
floor?
22 A. Uh-huh. It was in a boardroom.
23 Q. And tell us, if you can, what type of a hearing was
24 scheduled for 9:00 that morning.
25 A. It was an administrative hearing on a farmer wanted
to use

6553

Cynthia Klaver – Direct

1 groundwater for a commercial bottling operations down
in
2 southern Oklahoma, around Ardmore.
3 MR. WOODS: Your Honor, I'm having trouble
hearing the
4 witness. She's facing the jury rather than facing the
lawyers.
5 THE COURT: Speak into the microphone. It
will help.
6 BY MR. MEARNS:
7 Q. Who was given notice of that hearing prior to April
19?
8 A. That would have been the applicant would have
published the
9 notice of the hearing for two consecutive weeks in a
newspaper

10 in that county, Love County, Oklahoma, and also he
would have
11 provided mails by certified mail, notice of the hearing
to
12 those landowners within 1320 feet of the proposed well.
13 Q. Do you recall how many people actually attended the
hearing
14 that morning?
15 A. There were eight -- eight people from around the
Ardmore,
16 Oklahoma area, and then two employees of the Water
Board.
17 Q. Who were the two employees of the Water Board?
18 A. It was myself and our recording secretary, Connie
19 Siegel-Gruber.
20 Q. Tell us what a recording secretary does at one of
these
21 hearings.
22 A. She actually runs the tape. Each time we have a
hearing,
23 we make a tape recording. In case it gets appealed to
district
24 court, we have a transcript or a record, sort of like
the --
25 Q. Sort of like this court reporter here this
afternoon?

1 A. Court reporter.

2 Q. Tell us what happened at 9:00 that morning.

3 A. Well, I came down to the boardroom and opened up
the
4 hearing and basically was -- I was letting the people
know that
5 it's an informal meeting where I'm just here to gather
facts
6 and we just want to find out about the application and
just
7 opened it up and established -- told them what the
issues were
8 and what was relevant in the hearing and what we were
there to
9 listen about.

10 And then I was just getting started when, I
guess it
11 was 9:02, there was an incredible explosion, deafening
roar and
12 the walls started shaking and the ceiling fell down on
us and
13 all the ceiling lights came down and it was rubble
everywhere
14 and dust, and it happened just shortly after we got
started.

15 Q. What I'd like you to do now, there's a large
accordion
16 folder in front of you. What I'd like you to do is
look in
17 there and find Government Exhibit 942.

18 A. Okay.

19 Q. Do you recognize that?

20 A. Yes, I do.

21 Q. What is that?

22 A. It's a tape, actually a tape that plays in a tape
recorder.

23 Q. And is that the tape from the proceeding, the
hearing that

24 morning, April 19?

25 A. Yes, it is.

6555

Cynthia Klaver – Direct

1 Q. And have you listened to that tape prior to coming
to

2 court?

3 A. I have.

4 Q. And is it a fair and accurate recording of what
transpired

5 that morning?

6 A. Yes, sir, it is.

7 MR. MEARNS: Your Honor, we would offer
Government

8 Exhibit 942.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: 942 is received.

11 BY MR. MEARNS:

12 Q. Miss Klaver, if you would, also look for Government
Exhibit

13 943A.

14 A. All right.

15 Q. Do you recognize that, ma'am?

16 A. Yes, I do.

17 Q. What is that?

18 A. It's an audio recording of the tape.

19 Q. It is essentially a duplicate copy of 942?

20 A. Yes.

21 Q. Have you also listened to that audio recording
prior to
22 coming to court today?

23 A. I have.

24 MR. MEARNS: Your Honor, at this point we
would offer

25 943A.

6556

Cynthia Klaver – Voir Dire

1 MR. TIGAR: May I take the witnesses on the
voir dire?

2 THE COURT: You may.

3 VOIR DIRE EXAMINATION

4 BY MR. TIGAR:

5 Q. Good afternoon, ma'am. I'm Michael Tigar, one of
the
6 lawyers appointed to help Terry Nichols.

7 A. Good afternoon.

8 Q. I just don't understand how 943A differs from 942.
Could
9 you help me?
10 A. I believe it's a duplicate recording. I think it's
the
11 same sounds -- is my understanding, yes.
12 Q. It's the same thing?
13 A. Uh-huh.
14 MR. TIGAR: I object.
15 THE COURT: What is the point of a copy, here?
16 MR. MEARNS: Your Honor, may I speak to Mr.
Woods? I
17 spoke to Mr. Woods about this earlier this afternoon.
18 THE COURT: Speak to me. What is the reason
for it?
19 MR. MEARNS: As I've explained to Mr. Woods,
it's a
20 duplicate copy; and its just easier to play it on the
tape
21 today. We'd be prepared to play 942 or 943A --
22 MR. TIGAR: May I clear this up with a
question,
23 perhaps, through the Court to Government counsel? Is
the sole
24 purpose of the duplicate just so it could be played on
this
25 machine, whereas the other one can't?

Cynthia Klaver – Direct

1 MR. MEARNS: Yes, sir.

2 MR. TIGAR: I'm sorry. I did not understand
the
3 technology.

4 THE COURT: Neither did I. We'll receive
943A, and
5 you can play it.

6 MR. MEARNS: And with the Court's permission,
we'd
7 like to play 943A.

8 THE COURT: Yes.

9 MR. MEARNS: May I retrieve it from the
witness?

10 THE COURT: Yes.

11 (Exhibit 943A played.)

12 DIRECT EXAMINATION CONTINUED

13 BY MR. MEARNS:

14 Q. Miss Klaver, what time did the hearing commence
that
15 morning?

16 A. 9:00.

17 Q. And approximately what time about did the explosion
occur?

18 A. 9:02.

19 Q. We heard somebody on the tape saying, "Let's get
out of
20 here."

21 A. That was me.

22 Q. In your own words, now, please tell us what
happened after

23 the explosion.

24 A. Well, it was that incredible, incredible roar that
the tape

25 recorder couldn't really catch. The walls -- it seemed
like

6558

Cynthia Klaver - Direct

1 everything was shaking and falling down. There was
rubble

2 everywhere, things coming down out of the ceiling; and
I

3 thought the building was coming down on us. We just
waited for

4 everything to kind of calm down; and that's when I --
the

5 audience people at the hearing were looking at me. And
that's

6 when I said, "Let's get out of here now," 'cause I
really

7 did -- I thought the building was falling in on us.

8 Q. What did you do next?

9 A. We got everyone out. We tried to go out the front
door,

10 the front hall; but the rubble from the building went
up to the

11 ceiling. And there was no way out back the front, the
way they

back 12 came in; so we climbed over the rubble that was at the

13 through the hall to get out of the back door.

14 Q. Who was the last one out of the hearing room that
morning?

15 A. I was.

16 Q. When you exited the hearing room, describe --
describe what

17 you saw when you got out of the hearing room.

18 A. Just that the whole building looked like it had
been

19 destroyed. Everything had fallen in everywhere in the

20 building; and there was rubble everywhere, and we had
to climb

21 over a lot just to get out the back door.

22 Q. And when you exited the back door, where were you?

23 A. In the parking lot on the north side of the Water
Board.

24 Q. What did you see when you got out the back door?

25 A. As soon as I turned and went out into the parking
lot, I

6559

Cynthia Klaver – Direct

1 saw some few people with other people by them sitting
on the

2 curb with cuts, and they were bleeding. I saw
incredible

3 amount of smoke. Smell was terrible. Metal falling

out of the

4 air. Just -- it looked like a war zone. It was
unbelievable.

5 Q. What I'd like to do now is show you what's been
marked for

6 identification as Government Exhibit 945.

7 A. Okay.

8 Q. You have the original there. Do you recognize
that?

9 A. Yes, I do.

10 Q. What is it?

11 A. It's a photograph looking right after 9:02 that
morning.

12 It looks like right -- you're looking east down 5th
Street. On

13 the corner there is the Water Board, and then across
the street

14 is the Murrah Building on the right there.

15 Q. Is that a fair and accurate depiction of what you
saw that

16 morning?

17 A. Yes, sir, it is.

18 MR. MEARNS: Your Honor, we would offer
Government

19 Exhibit 945.

20 MR. TIGAR: No objection, your Honor.

21 THE COURT: 945 is received.

22 BY MR. MEARNS:

23 Q. Describe for us what you see in that picture.

24 A. Okay. That's the intersection of 5th and Harvey.
What you

25 see on the left there is what's left of the front
entrance of

6560

Cynthia Klaver – Direct

1 the Water Board. And the Murrah Building is on the
right side

2 of the picture in the haze.

3 Q. That's just to the right and above where that small
group

4 of people is standing?

5 A. That's the Murrah Building, yeah; and you're
looking east

6 down 5th Street.

7 Q. What I'd like you to do now is look at Government
Exhibit

8 946 for identification. And do you recognize what's
depicted

9 in that picture?

10 A. That's 946?

11 Q. Yes, ma'am.

12 A. Yes, I do. That's also looking at the intersection
of 5th

13 and Harvey. And it shows -- actually, that's the post
office

14 there on the left side. That's the Water Board's right
behind

15 there; and the Murrah Building is in the smoke in the

middle of

16 the picture, and that's me in the bottom walking with
my hand

17 over my eyes.

18 Q. This is a fair and accurate depiction of what you
saw that

19 morning?

20 A. Yes, sir, it is.

21 MR. MEARNS: Your Honor, we would offer
Government

22 Exhibit 946.

23 MR. TIGAR: No objection.

24 THE COURT: 946 received, may be published.

25 BY MR. MEARNS:

6561

Cynthia Klaver – Direct

1 Q. You were describing, Miss Klaver, before the jury
had an

2 opportunity to see it --

3 A. Oh. Was I describing too early?

4 THE COURT: No, you did it right. We have to
have it

5 identified before it's published.

6 BY MR. MEARNS:

7 Q. Could you describe then, and use the pen and point
out what

8 you're speaking -- what you're describing.

office. 9 A. All right. This building right here is the post
10 The Water Board's just a little bit behind there across
the
11 street. Harvey runs in between the Water Board and the
post
12 office.

13 This building where the smoke is -- this is
the Murrah
14 Building here. And this is right when I walk out of
5th and
15 Harvey -- that's me right there. And that's 5th Street
where
16 all the twisted metal . . .

17 Q. Okay. What I'd like you to do now is turn to
Government
18 Exhibit 944, and just briefly describe what that is.
Identify
19 what that is.

20 A. It's a photograph taken in the same sort of
location, a
21 little bit more to the -- to the south there. It's
also a
22 picture of the intersection of 5th and Harvey. It
shows me
23 walking down 5th Street.

24 MR. MEARNS: We'd offer 944, your Honor.

25 MR. TIGAR: No objection.

Cynthia Klaver – Direct

1 THE COURT: Received, may be published.

2 BY MR. MEARNS:

3 Q. Describe for us again using the electronic pen
there what
4 we see in that picture.

5 A. This is 5th Street right here. The Water Board is
right
6 here. That's where I came out of. I was walking down
the
7 street trying to find our secretary. And this is the
Murrah
8 Building right here, this big building where all the
smoke is.

9 Q. And what is that on the ground that we see in the
10 foreground?

11 A. This right here?

12 Q. Right.

13 A. There's a lot of twisted metal, just was falling
out of the
14 sky and just laying all over the street, glass
everywhere. I
15 don't know specifically. There were some car parts
here and
16 there scattered on the street as well, and in fact I
remember
17 there was an axle right out there.

18 Q. Now, if you would -- if you would turn to
Government

19 Exhibit 1003, and just briefly identify what that is.

Street. 20 A. Okay. This is a picture of looking east down 5th

left side 21 It also shows a little bit of the Water Board on the

after 22 and mainly shows what the Murrah Building looked like

23 9:02 that morning.

24 MR. MEARNS: Your Honor, we would offer 1003.

25 MR. TIGAR: No objection, your Honor.

6563

Cynthia Klaver - Direct

1 THE COURT: Received. 1003.

2 BY MR. MEARNS:

jury what's 3 Q. Miss Klaver, now, if you would identify for the

4 depicted in the photograph.

and 5 A. Here's the Water Board right here at 5th and -- 5th

Building and 6 Harvey. Here the street, and this is the Murrah

bomb went 7 what it looked like, what was left of it, after the

8 off that morning.

Resources 9 Q. You indicated that when you left the Water

the 10 building that morning, you were in the intersection or

11 vicinity of the intersection of 5th and Harvey?

12 A. Right. That's where I came out.
13 Q. Did you speak with any fellow employees at that
time?
14 A. I did. I ran into my immediate boss, the general
counsel
15 of the Water Board, Dean Couch; and he's the one that
told me
16 that Kim -- Kim, our secretary, was missing.

17 MR. TIGAR: Objection, hearsay, your Honor.

18 THE COURT: Sustained.

19 BY MR. MEARNS:

20 Q. Did you speak to your boss, Mr. Couch, that
morning?

21 A. Yes, I did.

22 Q. How long did you speak with him that morning?

23 A. Just a matter of a few seconds.

24 Q. What did you do after speaking with Mr. Couch?

25 A. I went off looking for our secretary, any other
Water Board

6564

Cynthia Klaver - Direct

1 employees.

2 Q. What happened next?

3 A. I ran into Mike Mathis, who works at the Water
Board; and

4 he had a deep cut on his head, on his forehead, and was

5 bleeding badly, but he was insisting on driving himself
to his
6 doctor. But I was -- I knew that driving with a gash
like that
7 on your head was not a good idea, so I offered -- I
wasn't
8 hurt, so I offered to drive him to his doctor; and we
got in
9 his pickup, and I drove him to south Oklahoma City.

10 Q. And how far of a drive was that?

11 A. It was probably a 20-minute -- 15, 20-minute drive.

12 Q. What did you do after that?

13 A. Called my sister to come get me from the hospital
-- the
14 doctor's office.

15 Q. And did she come pick you up?

16 A. Yes, she did.

17 Q. What did you do that afternoon, the afternoon of
April 19?

18 A. Well, besides kind of staying glued to the
television,
19 watching the news, trying to figure out why or what and
20 watching that, we -- people at the Water Board were
calling
21 each other, trying to find out who was all right and
who had
22 been seen and who was missing.

23 Q. Did all of your fellow employees from the Water
Resources
24 Board survive the explosion?

25 A. No, they did not.

6565

Cynthia Klaver – Direct

1 Q. Who did not survive?

2 A. Trudy Rigney and Bob Chipman were both killed that
morning.

3 Q. Were they both at work that morning, April 19?

4 A. Yes, they were.

5 Q. What I'd like you to do now is to turn to
Government

6 Exhibit 941.

7 A. All right.

8 Q. Do you recognize that?

9 A. Uh-huh. That's a picture of the -- where I worked,
the

10 Water Board, at 5th and Harvey before April 19.

11 MR. MEARNS: Your Honor, we would offer
Government

12 Exhibit 941.

13 MR. TIGAR: No objection, your Honor.

14 THE COURT: Received, 941.

15 BY MR. MEARNS:

16 Q. Describe what that is.

17 A. Right here -- this is -- this is a picture of the
Oklahoma

18 Water Resources Board. And this is 5th Street right
here,

right. 19 going east. The Murrah Building is over here on your

20 You can't see it. And this is Harvey, which goes to
the north.

Board 21 Q. And that's a photograph of the Water Resources
22 building prior to the explosion?

23 A. Right.

also 24 MR. MEARNS: Your Honor, at this time we would

25 like the witness to look at Government Exhibit 947.

6566

Cynthia Klaver – Direct

1 BY MR. MEARNS:

2 Q. Do you recognize that photograph?

3 A. Yes, I do.

4 Q. What is that?

5 A. It's a photograph of what this blocked area where
the Water

6 Board, the Athenian Building, and the Murrah Building
looked

7 like after 9:02, an aerial view.

8 MR. MEARNS: Your Honor, we would offer
Government

9 Exhibit 947.

10 MR. TIGAR: No objection.

11 THE COURT: 947 received. May be published.

12 BY MR. MEARNS:

13 Q. Would you identify for us what you see from that
14 photograph, Miss Klaver?

15 A. Yes. Here's the Murrah Building, of course; this
is the

16 Water Resources Board building where I was; this is the
17 Athenian Building that had a restaurant where people
were hurt,

18 killed; and this is the parking lot where there were a
lot of
19 cars on fire, burning, and this is 5th Street.

20 Q. And the line that you just drew is the direction
the

21 traffic would flow on the --

22 A. Right, it's a one-way street with traffic going --
23 four-lane street with traffic going to the east.

24 Q. After April 19, 1995, did you ever go back into the
Water

25 Resources building?

6567

Cynthia Klaver - Direct

1 A. I did. As a matter of fact, I had to go in pretty
quickly
2 afterwards to oversee a cleanup, to try to find any
files,
3 documents, books, things that we could that were still
4 salvageable.

5 Q. What happened that day?

6 A. We didn't find very much. The building was
basically
7 destroyed on the inside. There wasn't much left to
recover.

8 It had all been gotten wet and blown apart, so there
wasn't
9 much to recover, but a little bit.

10 Q. A few moments ago you introduced Exhibit 942, the
cassette
11 tape. How was that recovered?

12 A. Basically the Friday after the bombing, which was
on a
13 Wednesday, some of us got together over at the Oklahoma
14 capitol, state capitol, to see how we were going to try
and
15 pick up business again, get us back together, kind of
get our
16 footing, where we were even going to go to work. And
they were
17 going over who was in what hospital and how everybody
was; and
18 they were going to send a couple of people in to get
purses
19 of -- some personal items and recover purses and
things.

20 MR. TIGAR: Your Honor, I object to the
narrative and
21 the hearsay.

22 THE COURT: Yes, yes. Answer the question,
please.

23 How did you recover the tape recording?

holding
24 THE WITNESS: So I mentioned that I had been
and the
25 that hearing, and so the director of the Water Board

6568

Cynthia Klaver – Direct

1 police or the firemen went down that morning, that next
day,

2 and got it out of the boardroom.

3 BY MR. MEARNS:

4 Q. Did you personally recover or somebody in your
presence

5 recover a clock from the building?

6 A. Yes.

7 Q. Tell us about that.

8 A. There's a clock outside the office of general
counsel where

9 I worked, and it had fallen off the wall and stopped at
9:02.

10 Q. Did the Water Resources Board ever resume
operations in

11 that building downtown?

12 A. No. No, we did not. It's now torn down.

13 Q. Where did you resume operations after April 19?

14 A. We moved into temporary quarters that were
available from a

15 state insurance building on 19th and Walnut, and we

were housed

16 there temporarily with our boxes of what was left.

17 Q. How long were you in those temporary quarters?

18 A. We were in there probably about seven months before
we

19 moved to a permanent spot, where we are now.

20 Q. How long was it before the Water Resources Board
resumed

21 normal operations?

22 A. Well, we tried to get started pretty quick, but
until our

23 permanent spot now, I guess it was probably about seven
or

24 eight months before we really got kind of back on
track.

25 MR. MEARNS: No further questions, your Honor.

6569

Cynthia Klaver – Cross

1 THE COURT: Mr. Tigar.

2 CROSS-EXAMINATION

3 BY MR. TIGAR:

4 Q. Hello again.

5 A. Hello.

6 Q. I want to put up on the -- turned it on -- there it
is.

7 This is what's been received in evidence as
949A. And

here 8 I want to point out the Water Resources Board is right

9 where I'm pointing; is that correct?

10 A. That's correct.

you went 11 Q. And that parking lot that you all went into when

that 12 out the building is this little brown space behind; is

13 right?

14 A. That's exactly right.

15 Q. And North Harvey Avenue, is that one way north?

16 A. Yes, it is.

17 Q. And Hudson is one way south?

18 A. Right.

can't read 19 Q. And the -- next to the Water Resources Board, I

20 the name of that building. It's called the Athenium?

21 A. The Athenian.

22 Q. The Athenian, thank you.

23 A. Yeah, they had a restaurant in there.

24 Q. What is that?

doing a 25 A. Well, they were restoring it. They were really

6570

Cynthia Klaver - Cross

remaking like 1 nice job. It was an old building that they were

that was 2 an old one again, and it had a really good restaurant
going to, 3 in kind of the bottom, basement area. And they were
4 I guess, lease out some of the office spaces above.

is just 5 Q. Okay. And this area here that says "parking lot"
6 that; is that right?

7 A. Right. Cars.

Journal 8 Q. And the area that I'm describing here between the
alleyway? 9 Record Building and the parking lot, is that an

10 A. Yes, I -- yes, it is.

on? 11 Q. And cars can go in there and delivery trucks and so

12 A. Right.

as 13 Q. Okay. Now, I want to put on what's been received

14 Government's Exhibit 944.

15 A. All right.

16 Q. And that's you; is that right?

17 A. That's right.

facing in 18 Q. Okay. Now, where are we here and where are we

19 terms of the map that we just saw?

that 20 A. In terms of the map, I guess you might say where

I'll use 21 intersection is, that is 5th and Harvey. So if I --

22 my pen. If you're going this way, this is the way the
traffic
23 would flow going east.
24 Q. Right. And we can see a one-way street sign on
there,
25 can't we?

6571

Cynthia Klaver – Cross

1 A. Right, that's Harvey.
2 Q. Okay.
3 A. And so I was walking down the sidewalk on 5th
Street, only
4 I was headed west.
5 Q. You're headed west away from the Murrah Building?
6 A. Right. And crossing the street there.
7 Q. Okay.
8 A. Uh-huh.
9 Q. So you would be headed towards Hudson?
10 A. Right.
11 Q. Okay. Now, there's a green patch here. Is that
lawn?
12 A. Uh-huh, in front of the post office.
13 Q. Okay. And that's the post office lawn?
14 A. Right.
15 Q. Okay. Now I'd like to place before you, if I may,
947,

16 which has been received in evidence. And just so we
can orient

17 ourselves, this here that I'm pointing to at the top,
where it

18 looks like a piece of the roof is blown away, that's
the

19 Journal Record Building?

20 A. Correct.

21 Q. And we can see the parking lot that you all exited
into

22 because it's got two red cars in it; is that right?

23 A. That's right.

24 Q. And this area here that's all charred, where I'm
moving my

25 pen, that's the big parking lot; is that right?

6572

Cynthia Klaver – Cross

1 A. That's right. It was on -- a lot of cars on fire
there.

2 Q. And can you tell me by looking at the fire trucks
that have

3 arrived here about how long after 9:02 this picture was
taken?

4 A. Well, I probably can't be absolutely sure about
that. The

5 fire trucks came within, I don't know, 5 or 10 minutes
after

6 the bombing happened. So I'd say that's probably 30,
30

7 minutes or so after.

8 Q. Okay.

9 A. Maybe longer. That's not smoking so much, so maybe
a
10 little longer.

11 Q. I understand. Well, when you went out of the
building, you
12 were -- you were not injured; correct?

13 A. Correct.

14 Q. Okay. So that -- and you could be aware of and you
could
15 see everything that was going on around you; right?

16 A. Yes, I could.

17 Q. Okay. And there was a lot of smoke, I understand;
right?

18 A. Right.

19 Q. Okay. But as you look towards this parking lot
here, did
20 there appear to be a lot of cars on fire in there?

21 A. Actually, I mainly saw black smoke. It was hard to
see
22 much through it. But, yeah, you could tell there was
cars on

23 fire, but it was mainly black smoke.

24 Q. Okay. So -- so -- so whatever it was that was
burning was

25 making a lot of black smoke; is that right?

Cynthia Klaver – Cross

- 1 A. Yeah, uh-huh.
- 2 Q. And the fire trucks, could you see the fire trucks
there?
- 3 Did they arrive?
- 4 A. To tell you -- I don't remember them, no. I don't
remember
- 5 seeing them there.
- 6 Q. About how long did you spend in the downtown area,
then,
- 7 before you took your injured colleague off to the
hospital?
- 8 A. I was probably there 45 minutes.
- 9 Q. And after you left -- I can pull this off now.
After you
- 10 left, how long was it until you returned to that area
of the
- 11 Water Resources building and the Murrah Building?
- 12 A. Probably four or five days. Four days.
- 13 Q. Four days. It was over the weekend sometime?
- 14 A. Right. We came back Monday or Tuesday to --
- 15 Q. Now, when you were walking on the street there,
could you
- 16 see that the fire department had hooked their hoses up
to
- 17 hydrants?
- 18 A. No.
- 19 Q. Couldn't see that, all right.

20 When you got back there a number of days
later, you
21 said that the Water Resources Board was all wet; is
that right?
22 A. Yes, it had rained in on everything, uh-huh.
23 Q. Ah. Okay. Now, let me try to -- can we try to
figure out
24 when that was. It wasn't raining on Wednesday, the
19th, was
25 it?

6574

Cynthia Klaver - Cross

1 A. No.
2 Q. Okay. When did it rain that you remember?
3 A. Thursday or Friday. It seemed like pretty quick
after the
4 19th that it started raining hard.
5 Q. And was that a normal, gentle rain from heaven, or
was that
6 a sort of Oklahoma City April-type rain?
7 A. It was a good April -- good April rain.
8 Q. So it -- it -- it was coming down in buckets; is
that
9 right?
10 A. Seemed like it to me, yeah.
11 Q. All right. Did -- would the wetness that you saw
or the
12 moisture in the Water Resources building -- was that

also due

13 to firefighters being in there or --

14 A. Yes.

15 Q. It was. So that from your own experience, you
could tell

16 that the firefighters had been there and had used hoses
and so

17 on?

18 A. Well, I knew they'd been there; but I think most of
the

19 water was from the rain.

20 Q. From the fact that the roof had been damaged?

21 A. Right.

22 Q. Did you get a chance to look at that big parking
lot? Not

23 the little one with the two red cars.

24 A. Later, I did, uh-huh.

25 Q. That was on the weekend?

6575

Cynthia Klaver - Cross

1 A. It was actually the following week, the beginning
of the

2 following week, that we went in the building.

3 Q. Okay. By the time you saw it, then, the following
week --

4 let me put 947 back up -- can you tell me what changes
had been

5 made -- that is, had somebody moved all these cars or
what, if
6 you remember? I understand it's a long time ago. How
had it
7 changed?

8 A. I guess it seemed like there were less people.

9 Q. Right.

10 A. I don't know that it had changed a whole lot. I
think some
11 of the cars had been cleared out, yes.

12 Q. But nothing major comes to mind?

13 A. No.

14 Q. As you were walking out there, in the pictures that
we saw,
15 Building and did you -- did you look back towards the Murrah

16 see a bomb crater? Did you see a crater?

17 A. Yes.

18 Q. Okay. Now, was the crater there when you came back
that
19 following weekend or the next time that you looked
there?

20 A. Yes.

21 Q. Okay. And by the crater, I mean a great big hole
in the
22 ground.

23 A. Right. There was equipment around there, but --
yeah, I
24 think it was there, uh-huh.

25 MR. TIGAR: Thank you very much.

1 THE COURT: Do you have any follow-up
questions?

2 MR. MEARNS: I don't, your Honor.

3 THE COURT: The witness excused?

4 MR. MEARNS: Yes, your Honor.

5 THE COURT: Do you agree to excuse the witness
--

6 MR. TIGAR: Excuse me, your Honor. Yes, your
Honor,

7 of course.

8 THE COURT: You may step down. You're
excused.

9 Next witness.

10 MR. MACKEY: The United States will call Mr.
Richard

11 Williams. Mr. Aitan Goelman will present him.

12 THE COURT: All right.

13 THE COURTROOM DEPUTY: Would you raise your
right

14 hand, please.

15 (Richard Williams affirmed.)

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

17 Would you state your full name for the record
and

18 spell your last name.

A-M-S. 19 THE WITNESS: Richard E. Williams, W-I-L-L-I-

20 THE COURT: Mr. Goelman.

21 MR. GOELMAN: Thank you, your Honor.

22 DIRECT EXAMINATION

23 BY MR. GOELMAN:

24 Q. Where do you work, Mr. Williams?

25 A. I work for the General Services Administration.

6577

Richard Williams - Direct

1 Q. What is the General Services Administration?

operates 2 A. General Services Administration maintains and

public 3 federal buildings. The branch that I work for is the

4 building service throughout the United States.

5 Q. Is it a federal agency?

6 A. Yes, sir, it is.

7 Q. How old are you?

8 A. I'm 51.

9 Q. Are you married, sir?

10 A. Yes, I am. I'm married, been married for 23 years.

11 Q. Do you have any children?

is 16. 12 A. I have two sons: Justin, who is 22, and Aaron, who

13 Q. Where were you born and raised?

14 A. I was born in Chickasha, Oklahoma, and raised in
Seminole,

15 Oklahoma.

16 Q. And did you go to high school in Seminole,
Oklahoma?

17 A. Yes, I did.

18 Q. When did you graduate?

19 A. 1964.

20 Q. What did you do after you graduated from high
school?

21 A. I attended one year of junior college on a football
22 scholarship, and I attended East Central College in
Ada, before

23 joining the service in 1966.

24 Q. Which branch of the service did you join?

25 A. I was in the Air Force.

6578

Richard Williams - Direct

1 Q. Can you tell us a little bit about your service in
the Air
2 Force?

3 A. I spent about a year and a half in Miami, Florida,
in a
4 construction group called civil engineers and a year in
5 Vietnam, and then a year in northern Montana on a radar
site

6 and got out of service in 1970, in April of 1970.

7 Q. What did you do after you got out of the service?

8 A. I went back to Seminole, worked in the oil field
for about

9 a year, and decided to go out to California and work
for a

10 while and stayed out there a year and then came back to

11 Oklahoma City, went to work for a hospital, Bone and
Joint

12 Hospital, as a refrigeration and air conditioning
mechanic.

13 Q. And did you eventually start working for the GSA?

14 A. Yes, I did.

15 Q. When was that?

16 A. I started in August of 1976.

17 Q. Have you worked for the GSA constantly since then?

18 A. Yes, I have.

19 Q. And have all of those years of service been in
Oklahoma

20 City?

21 A. Yes, they have.

22 Q. When you started working for the GSA 21 years ago,
was the

23 Murrah Federal Building built?

24 A. The building was under construction when I started
in

25 August of '76; and when the building opened, we moved
our first

Richard Williams - Direct

1 tenants in in April of 1977.

Murrah

2 Q. Where were the agencies that later moved into the

3 Building before 1977?

throughout

4 A. They were in various leases, leased facilities

5 Oklahoma City.

6 Q. Do you know why it was decided to build the Murrah

7 Building?

federal

8 A. The building was built to consolidate for the

location

9 agencies, to bring them back together in one common

10 for service to the public.

Building

11 Q. What was your position at the time that the Murrah

12 was built?

maintenance

13 A. I was a maintenance mechanic, a Wage Grade 9

14 mechanic, responsible for air conditioning and
refrigeration in

15 the complex.

16 Q. How long were you a maintenance mechanic?

Murrah

17 A. For eight years. I operated and maintained the

maintenance

18 Building by itself. And then in 1984, I became the

Oklahoma 19 supervisor foreman for the entire complex, for the
20 City complex.
21 Q. Okay. During those first eight years, did you
physically
22 and personally take care of the machinery and heating
and
23 cooling systems in the Murrah Building?
24 A. Yes, I did.
25 Q. And in 1984, you were promoted to what?

6580

Richard Williams - Direct

1 A. To maintenance supervisor.
2 Q. What were your responsibilities as maintenance
supervisor?
3 A. I was responsible for the entire downtown complex,
the
4 three-building complex, which included the Murrah
Building, the
5 federal building courthouse, and the old post office
building
6 courthouse.
7 Q. What is your position today?
8 A. Today, I am the manager for the federal buildings
9 throughout the state of Oklahoma. We're called the
customer
10 service center or field office, and my responsibility
includes

11 the entire state.

12 Q. How many employees do you supervise in the GSA?

13 A. We have 33 employees throughout the state of
Oklahoma.

14 Q. You mentioned that in 1984, you became responsible
for the
15 entire downtown complex.

16 A. That's correct.

17 Q. And explain again what the downtown complex
consisted of.

18 A. That consisted of the Murrah Building, the adjacent
parking
19 facility with the plaza, the federal building
courthouse, and
20 the old post office building courthouse.

21 Q. Where were your offices during this period of time?

22 A. At that time, we were officed in the federal
building
23 courthouse in the basement.

24 Q. How long were you there?

25 A. Until 1989, and we moved our offices over to the
first

6581

Richard Williams - Direct

1 floor of the Murrah Building.

2 Q. And until its destruction on April 19, 1995, did
you

3 continue to have your offices in the Murrah Building?

4 A. Yes, we did.

5 Q. In the 18 years that you cared for the Murrah
Building,

6 sir, did you become familiar with that building?

7 A. I became very familiar with it as a mechanic and
also due

8 to the construction and alteration projects that were
done

9 through our office.

10 Q. And in the two decades that you worked in the
downtown

11 area, did you become familiar with the neighborhood
that the

12 Murrah Building was part of?

13 A. Yes, I did.

14 Q. Mr. Williams, before coming to court today, did you
review

15 Government Exhibit 949, the video orientation to the
Murrah

16 Building and its neighborhood?

17 A. Yes, I did.

18 Q. And do all the contents on Government Exhibit 949
fairly

19 and accurately depict the surroundings of the Murrah
Building?

20 A. Yes, they do.

21 MR. GOELMAN: Your Honor, I move to admit
Government

22 Exhibit 949.

23 MR. TIGAR: No objection, your Honor.

24 THE COURT: 949 is received.

25 BY MR. GOELMAN:

6582

Richard Williams - Direct

1 Q. Mr. Williams, let's first orient ourselves to the
geography

2 of the country and the state.

3 A. This is obviously a map of the United States, with
the

4 state of Oklahoma located in the central part of the
United

5 States.

6 Q. What are we looking at here?

7 A. This would be an interstate grid of Interstate I-35
--

8 Interstate 35 and Interstate 40. I-35 runs north to
south

9 through the entire state, and Interstate 40 runs from
east to

10 west through the entire state.

11 Q. And is I-35 the main highway that goes north to the
Kansas

12 border?

13 A. Yes, sir, it is.

14 Q. And what are we looking at here, sir?

15 A. This would be a highway grid of the area, the
streets or

16 the interstates and loops around downtown Oklahoma
City.

17 Q. About how far was the Murrah Building from the two
18 interstates that you mentioned?

19 A. It was about six blocks to the east -- was I-235.
20 Interstate 35 was probably a mile. Interstate 40 was
directly
21 to the south, about eight blocks.

22 Q. Okay. That's going a little closer. What's the
jury
23 seeing here, sir?

24 A. This is a street grid of the area adjacent to the
Murrah
25 site, the street grid showing the streets running north
and

6583

Richard Williams - Direct

1 south, east and west.

2 Q. Are all the streets that surrounded the Murrah
Building
3 two-way streets?

4 A. No, sir, they are not. 4th Street is a two-way
street.

5 5th Street was a one-way street east, and 6th Street
was a

6 one-way street west. And Broadway was two-way,
Robinson was

7 one-way south, and Harvey was one-way north.

8 Q. And would you describe the physical geography of
the Murrah

9 Building itself?

10 A. The Murrah Building was located between North
Robinson and

11 North Harvey, between N.W. 4th and N.W. 5th Street.
That

12 included the plaza and parking garage.

13 Q. What was the plaza that you mentioned?

14 A. The plaza was the area above the parking facility.
This

15 was a green area, a landscaped area, with trees and a
park-like

16 atmosphere.

17 Q. And did that extend all the way down to 4th Street?

18 A. Yes, it did.

19 Q. Mr. Williams, I'd like to go around the
neighborhood of the

20 Murrah Building and highlight different buildings and
ask you

21 to speak briefly about them.

22 A. Okay.

23 Q. What's that building that's highlighted right now?

24 A. This is the Journal Record Building that was
directly north

25 of the Murrah Building. It extended the full block
between the

Richard Williams – Direct

1 Robinson and Harvey Streets. It housed a newspaper,
some law
2 offices; and I think there was a board of regents
housed in
3 that building, also.

4 Q. Okay. What about this building just across 5th
Street from
5 the Murrah Building?

6 A. This is an old apartment building, former apartment
7 building that we called the Athenian Building, because
the

8 Athenian restaurant that moved in -- it moved in
several years
9 back, and that was the name over the entrance to the
building.

10 Q. Moving a little bit to the west, what's that
building
11 highlighted now?

12 A. This is the Water Resources building that housed
the Water
13 Resources Board.

14 Q. Mr. Williams, do you know who Lou Klaver is?

15 A. Yes, I do.

16 Q. Do you know where she worked?

17 A. She worked in the Water Resources building.

18 Q. Okay. Going across Harvey Avenue, what's this
building
19 right there?

Office. 20 A. This was what we called the Center City Post
This
21 was a branch post office for down -- this area of
downtown
22 Oklahoma City. They used to be housed in the old post
office
23 building, and they built this facility as the main area
for the
24 public to come and get their mail and distribute mail
25 throughout downtown Oklahoma City. It was a small
branch

6585

Richard Williams - Direct

1 office.
2 Q. Mr. Williams, we don't have it highlighted, but do
you
3 recognize the large block building right next to the
post
4 office, right to the left of the post office?
5 A. Yes, sir. That's the Regency Tower Apartments.
6 Q. What about directly across from the Murrah
Building, west
7 from the Murrah Building on Harvey?
8 A. This was a small building directly behind the St.
Joseph's
9 Cathedral, which was the rectory. My understanding was
that
10 the priest and -- possibly they officed in this
building.

11 Q. In addition to housing the priests, did the rectory
serve

12 any other -- provide any other service to the
neighborhood?

13 A. From time to time at lunch, you could see
transients come

14 up to the door of the building and knock on the door;
and they

15 would be brought sandwiches. That was almost a daily
16 occurrence.

17 Q. And that building?

18 A. That's the St. Joseph's Cathedral, which was
directly to

19 the south of the rectory. A beautiful old building.

20 Q. What's that building?

21 A. This is the federal building courthouse, which
housed the

22 Western District of Oklahoma courts. It is directly
south of

23 the Murrah Building.

24 Q. Was that the building where your offices were until
you

25 moved to the Murrah Building --

6586

Richard Williams - Direct

1 A. That's correct.

2 Q. -- in 1989?

3 A. That's correct.

4 Q. And was that the building that you cared for as
part of the

5 overall federal complex in downtown Oklahoma City?

6 A. Yes, sir, that was the federal complex.

7 Q. Do you know if there were any underground tunnels

8 connecting the federal building to any other buildings?

9 A. You could access the downtown concourse from this
building

10 from the basement parking garage, and you could go
under 4th

11 Street. There was a tunnel that led into the Murrah
garage,

12 which would access the Murrah Building.

13 Q. What's the building to the east of the Murrah
Building?

14 A. This is the First United Methodist Church. My
15 understanding is this building was built in about 1904.

It's a

16 very historical building and was heavily used by not
only the

17 church family, but also the people in the federal
family would

18 go over from time to time and have worship service in
that

19 building on Wednesday, I believe.

20 Q. Can you identify the building just to the northeast
of the

21 Murrah Building?

22 A. Yes, sir. This is the YMCA building. This
facility housed

23 a restaurant, a workout facility, I believe some
apartments,

24 and also a child-care facility.

25 Q. And was that child-care facility affiliated with
America's

6587

Richard Williams - Direct

1 Kids, the day-care facilities in the Murrah Building?

2 A. No, sir, it was not.

3 Q. Can you describe the location of the Murrah
Building

4 itself, please.

5 A. This is the -- what we call the footprint of the
Murrah

6 Building itself, which is located just adjacent to 5th
Street

7 adjacent to Harvey and Robinson. It actually extended
the full

8 block, but this would have been the outline of the
tower

9 portion of the footprint of the building.

10 Q. Okay. Look at another view of the Murrah Building.
Tell

11 us what we're looking at here.

12 A. This is a view of the Murrah Building looking from
the

13 northeast to the southwest. Looking at the north face
of the

14 building which was the front, the main entrance, the

east wall,

15 and then you see the plaza area directly behind that
which

16 covered the entire block, half block; and the lower
roof area

17 to the lower left was the extended area of the first
floor of

18 Social Security.

19 Q. Mr. Williams, do you have a light pen up there?

20 A. Yes, I do.

21 Q. Can you show us what you mean when you say the
lower roof

22 area was the Social Security portion of the building?

23 A. This area right here was a roofed area over the
first

24 floor.

25 Q. So that extension was only a one-floor extension?

6588

Richard Williams - Direct

1 A. That's correct.

2 Q. And the rest of the building had how many floors?

3 A. Nine floors.

4 Q. That right side that's facing us now: What was
that made

5 of?

6 A. This area, the north face of the building, was
entirely

7 made of glass. Called a curtain wall. And the third
through
8 the ninth floors extended out to the edge of the
sidewalk and
9 the first two floors were -- the first floor -- excuse
me --
10 was recessed back into the front of the building.
11 Q. And is that curtain wall where all the glass is --
is that
12 the front or the back of the Murrah Building?
13 A. That's considered the front of the building, the
north
14 entrance.
15 Q. Was there an area in front of this building where
delivery
16 vehicles or people dropping off or picking up a friend
or a
17 child could stop for a short period of time?
18 A. Yes, you could. There was an area between the
parking
19 meters that extended almost the full lengths of the
tower
20 portion of the building, where you could drop off and
park and
21 make small deliveries in that area.
22 Q. Can you circle that particular driveway with your
light
23 pen, please.
24 A. Extended from about this area down to about this
column
25 right there.

Richard Williams - Direct

1 Q. So you could actually drive a vehicle to where it's
2 underneath seven floors of the building?

3 A. It would be adjacent to, yes.

4 Q. Would anything be overhead the vehicle -- would
anything be
5 over the vehicle that you drive into the driveway?

6 A. It would not be extended over. It's not an
overhang like a
7 drive-through; but it would be directly adjacent to,
within a
8 few feet.

9 Q. And how long were vehicles allowed to stay in that
little
10 indentation?

11 A. I believe it was a 10- or 15-minute parking zone,
which was
12 established by the city.

13 MR. GOELMAN: Thank you, Mr. Williams.

14 Can we turn to the computer, please.

15 BY MR. GOELMAN:

16 Q. Mr. Williams, I'd like you to take a look at
another view
17 of Oklahoma City. Can you find Government Exhibit
1954,
18 please. It should be in your folder there.

19 A. Yes, sir, I have that.

20 Q. Do you recognize that?

21 A. Yes, I do.

22 Q. What's that?

23 A. That's an overhead view of the central downtown
area.

24 Q. Is that a fair and accurate depiction of the way
central

25 downtown Oklahoma City looked after the bombing on
April 19,

6590

Richard Williams - Direct

1 1995?

2 A. Yes, sir, I believe that's correct.

3 MR. GOELMAN: Move to admit, your Honor.

4 MR. TIGAR: No objection.

5 THE COURT: 1954 received; may be published.

6 MR. GOELMAN: Thank you, your Honor.

7 BY MR. GOELMAN:

8 Q. Can you find the Murrah Building on that exhibit,
9 Mr. Williams?

10 A. Yes, sir. This is the Murrah Building. Right
here.

11 Q. Thank you. Mr. Williams, who owned the Murrah
Building?

12 A. The Murrah Building was owned by the federal
government, by

13 and through the General Services Administration.

tell me 14 Q. Can you please turn to Government Exhibit 950 and
15 if you recognize it.

16 A. Yes, sir, I do.

17 Q. What is that?

back to 18 A. That is a quit claim deed which deeded the property
19 the federal government.

20 Q. Is that a certified copy of the quit claim deed?

21 A. Yes, sir, it is.

22 MR. GOELMAN: Move to admit, your Honor.

23 MR. TIGAR: No objection.

24 THE COURT: All right. 950 is received.

25 MR. GOELMAN: May I publish, your Honor?

6591

Richard Williams - Direct

1 THE COURT: Yes.

2 BY MR. GOELMAN:

3 Q. Would you describe generally what this document is.

public 4 A. The General Services Administration, through their
federal 5 building projects, would finance a property for new
that 6 buildings through a financing corporation; and once

back to 7 financing was complete, then property would be deeded
8 the government.

9 Q. I want to zoom in on a particular section of first
page and 10 ask that you read this into the record.

11 A. "In consideration of \$10 and other good and
valuable 12 consideration, in hand paid, the receipt of which is
hereby 13 acknowledged, does hereby quit claim, grant, bargain,
sell and 14 convey without representation, warranty or recourse
whatsoever 15 unto the United States of America, acting by and
through the 16 administrator of the General Services having address in
care of 17 the Chief Financial Officer of the United States
General 18 Services Administration, 18th and S Streets, N.W.,
Washington,
19 D.C."

20 Q. So this is essentially the United States of
America's 21 receipt for the Murrah Building?

22 A. Yes, sir; that's correct.

23 Q. Mr. Williams, I'd like to talk a little bit about
the 24 interior of the Murrah Building. In addition to being
familiar

the 25 with the neighborhood through your years of service in

6592

Richard Williams - Direct

1 downtown area, were you also familiar with the nine
floors of

2 the Murrah Building from the 18 years that you spent
caring for

3 the building itself?

4 A. Yes, sir, I am.

5 Q. And could you take a look at Government Exhibit
952. There

6 should be nine pages of it up there.

7 A. Yes, sir, I do.

8 Q. Can you identify for us what those nine pages
consist of?

9 A. This would be the floor-by-floor breakdown of the
Murrah

10 Building and the agency locations identified by color.

11 Q. And do those nine pages fairly and accurately
depict the

12 different agencies and the floor plans of all nine
floors in

13 the Murrah Building?

14 A. Yes, sir, they do.

15 MR. GOELMAN: Move to admit, your Honor.

16 MR. TIGAR: No objection.

17 THE COURT: All right. Received.

18 BY MR. GOELMAN:
19 Q. Mr. Williams, have you also looked at the video
that is
20 Government Exhibit 953?
21 A. Yes, sir, I have.
22 Q. And is that nothing more than a video presentation
of the
23 nine floor plans depicted in Government Exhibit 952?
24 A. That's correct.
25 MR. GOELMAN: Move to admit, your Honor.

6593

Richard Williams - Direct

1 THE COURT: Agreed?
2 MR. TIGAR: Yes, your Honor, on the assumption
that
3 it's the same thing and it's just the technology that
need to
4 make it --
5 THE COURT: That's my understanding of the
answer.
6 That's right, isn't it?
7 THE WITNESS: Yes, sir, it is.
8 MR. TIGAR: All right.
9 BY MR. GOELMAN:
10 Q. Okay. Starting, Mr. Williams, with the first
floor. Is

11 that on video? Tell us what we're looking at here.

12 A. This is a floor plate or the footprint of the first
floor

13 of the Murrah Building identifying the agencies by
color, and

14 the whited areas are lobbies and adjacent areas.

15 Q. Where is the front of the building on that
footprint?

16 A. This is the front of the building, to the north.

17 Q. And that's where the curtain wall of glass was
located?

18 A. Yes, sir.

19 Q. How many agencies shared the first floor of the
Murrah

20 Building on April 19, 1995?

21 A. There were three agencies on the first floor.
There was a

22 small branch of the United States Postal Service
located in

23 this area that was a distribution point. There was the
General

24 Services Administration's office and the Social
Security

25 Administration.

6594

Richard Williams - Direct

1 Q. Did the Social Security Administration on the first
floor

2 of the Murrah Building have a waiting room, to your

knowledge?

3 A. Yes, sir, they did.

4 Q. Mr. Williams, what time did you usually get to work
in

5 April of 1995?

6 A. Normally I got to work around 6:30 a.m. every
morning.

7 Q. And were you familiar with the routine that went on
on the

8 other side of the first floor where the Social Security

9 Administration was housed?

10 A. Yes, sir, I am.

11 Q. Do you know what would be going on in the waiting
room of

12 the Social Security Administration between 8 and 9 in
the

13 morning?

14 A. At 8:00 they opened the outer doors in the waiting
room

15 area to allow the visitors, those who had business with
the

16 agency, to take a number or wait in the waiting room to
be --

17 till 9:00, until someone from the Social Security

18 Administration would come and receive them.

19 Q. Mr. Williams, could you look again in your folder
and see

20 if you can find Government Exhibit 901.

21 A. Yes, sir, I have it.

22 Q. What is that exhibit?

Murrah 23 A. That's a picture of the north entrance to the
24 Building lobby.
25 Q. Is that a fair and accurate depiction of what you
would see

6595

Richard Williams - Direct

1 if you were looking outside the front lobby of the
first floor
2 of the Murrah Building?

3 A. Yes, sir, it is.

4 MR. GOELMAN: Move to admit 901, your Honor.

5 MR. TIGAR: No objection, your Honor.

6 THE COURT: 901 is received.

7 MR. GOELMAN: May I publish?

8 THE COURT: Yes.

9 MR. GOELMAN: Is the computer, not video,
Kathi?

10 BY MR. GOELMAN:

11 Q. Tell us what we're looking at there.

12 A. The north entrance to the first floor lobby was a
13 glassed-in area with a foyer, and you entered to the
west
14 through a double set of glass doors and you exited to
the east.

15 This would be showing the exited area. The wall to --
just to

16 the side of where you see the doors and the people
would be the
17 west wall of the lobby or the waiting room area for
Social
18 Security.
19 Q. And when you're looking through the end of that
picture,
20 what are you seeing?
21 A. You're seeing 5th Street, the sidewalk, the steps
that led
22 up to the sidewalk, and the parking lot across the
street with
23 vehicles in it.
24 Q. Can you circle those steps that you see, please?
25 A. Yes, sir.

6596

Richard Williams - Direct

1 These were the one set of steps as you came
down the
2 slope.
3 Q. Why was there a set of steps there in front of the
Murrah
4 Building?
5 A. The property sloped from east to west, from
Robinson down
6 almost to the center of the Murrah Building. So it was
7 necessary to have three to five steps in that area and
to the

8 east of that to walk down. Plus there was a
handicapped ramp.

9 Q. Can you please circle now what looks like a big,
black sign

10 on the right side of that picture.

11 A. Yes, sir.

12 Q. What is that?

13 A. This is the directory for the Murrah Building
itself, which

14 was located just inside the entrance which identified
the

15 agencies and their floor numbers and locations within
the

16 building.

17 Q. Thank you, Mr. Williams.

18 Let's move to the second floor now. We need
to go

19 back to the video.

20 Tell us what was located on the second floor
of the

21 Murrah Building.

22 A. The second floor had recently been remodeled to
encompass

23 the entire occupiable area for the child-care center.
The

24 others to the east and west shown in white were
mechanical

25 rooms, so it would not match with the other floors.
But the

6597

Richard Williams - Direct

1 area in green was the day-care center.

2 Q. Do you know what the hours of the day-care center
on the
3 second floor were in 1995?

4 A. Yes, sir, they opened at 6:30 a.m. and closed at
6:00 p.m.

5 Q. Going to the third floor now.

6 A. Okay. This is the same footprint of the third
floor,

7 indicating the General -- GAO office to the west,
United States

8 Army had a small branch office down on the third floor,
and

9 there were two groups of Health and Human Services.
One was to

10 the east -- or the west of the credit union in the
small area

11 to the north side, but they were a branch of Health and
Human

12 Services. The area in light tan was Defense
Investigative

13 Services in the northeast corner, and the rest of the
area was

14 occupied by Federal Employees Credit Union.

15 Q. Mr. Williams, it says Federal Employees Credit
Union. Is

16 that a federal agency?

17 A. No, sir, it's not.

18 Q. And were the people that worked there federal
employees?

19 A. No, they were not.

20 Q. Going up to the fourth floor now. Can you describe
what
21 was located on the fourth floor of the Murrah Building?

22 A. The fourth floor was split in half. The east half
was

23 occupied by the Federal Highway Administration, which
included

24 a branch of the motor carriers group. The Army
Recruiting

25 office occupied the west end, and the area in white
just to the

6598

Richard Williams - Direct

1 upper center portion was the snack bar for the
building, for

2 the complex.

3 Q. Do you know what the hours of the snack bar were?

4 A. They were open from 7 to 4, I believe.

5 Q. Did they serve breakfast, to your knowledge?

6 A. Some small breakfast. They cooked a little bit of
-- maybe

7 biscuits and gravy, that kind of thing.

8 Q. Okay. Going to the fifth floor now.

9 A. This is the same footprint of the fifth floor. The
10 agencies located on that floor, the east end was the

Department

11 of Agriculture. We called them -- APIS was the
acronym. The
12 area to the right of that was their storage room. The
area in
13 yellow, part of that was the storage area and part of
that was
14 a HUD OIG office. And U.S. Customs was the area in
blue. And
15 the area in green was a Department of Labor Wage and
Hour
16 office.

17 Q. Now to the sixth floor.

18 A. This was the sixth-floor footprint, was only
occupied on
19 the west end by the Marine recruiting office. We had
recently
20 moved the Small Business Administration out of this
space in
21 anticipation of expansion space for HUD.

22 Q. Speaking of HUD, let's move on to the seventh
floor.

23 A. This was the seventh floor with Housing and Urban
24 Development occupying the majority of the space. There
was a
25 small branch in the southwest corner of Drug
Enforcement Agency

6599

Richard Williams - Direct

1 in green.

2 Q. Mr. Williams, was the eighth floor occupied
entirely by one

3 single government agency?

4 A. Yes, it was.

5 Q. What agency is that?

6 A. Housing and Urban Development.

7 Q. What was the largest agency in the Murrah Building?

8 A. It was HUD.

9 Q. And how many people employed by HUD worked in the
Murrah

10 Building in April?

11 A. They had approximately 124 people.

12 Q. Do you know what HUD stands for?

13 A. Housing and Urban Development.

14 Q. And do you know what the HUD office in the Murrah
Building

15 in particular did?

16 A. They were pretty much a service agency. They dealt
with

17 urban housing. I understand that they processed FHA
loans for

18 the public, so they were a public agency.

19 Q. And would they, along with the Social Security

20 Administration, have been one of those service agencies
that

21 dealt directly with the public?

22 A. Yes, sir, they were.

ninth 23 Q. Can you tell us which agencies were housed on the
24 floor of Murrah Building?

law 25 A. Yes. The ninth floor was occupied pretty much by

6600

Richard Williams - Direct

corner in 1 enforcement agencies. The area to -- down in the
occupied a 2 green was the Drug Enforcement Agency. They also
3 small portion to the extreme west. The ATF occupied --
corner of 4 Alcohol, Tobacco, and Firearms occupied the southeast
middle 5 that building. The Secret Service occupied the entire
believe 6 portion, and the ATF group also had a small group -- I
Secret 7 it was Compliance -- in the area just to the west of
upper 8 Service. The white area in the middle, just to the
room 9 portion of Secret Service, was the joint-use conference
10 for the building.

first 11 Q. Mr. Williams, let's go all the way back down to the
agency, 12 floor and focus on the office space occupied by your
13 the GSA. And tell us how your office was organized

14 geographically in April 1995.

15 A. This was our GSA office. We were located to the
extreme

16 west end of the first floor. We expanded, a small
break room

17 across the hall, around the corner, for our employees.
The

18 area to the upper left was our joint-use conference
room. It

19 was primarily ours, but we also let the tenants in the
building

20 use it from time to time.

21 Q. Did a part of the GSA office space abut the curtain
wall,

22 the glass front of the Murrah Building?

23 A. The first-floor curtain wall, yes, not the upper
portions.

24 Q. Which part of the GSA office? Could you please use
your

25 light pen and point that out for the jury.

6601

Richard Williams - Direct

1 A. Our entire office space extended the full length,
down to

2 the -- what would have been the north entrance. So the

3 first-floor glass also encompassed that entire area.

4 Q. In April 1995, how many employees did GSA have that
worked

5 in the Murrah Building?

6 A. We had 13.

7 Q. And did all 12 of your co-workers come to work on
the
8 morning of April 19, 1995?

9 A. No, Sandy Schultz was a purchasing agent, was on
leave that
10 day.

11 THE COURT: We'll interrupt at this point for
the
12 recess.

13 MR. GOELMAN: Yes, your Honor.

14 THE COURT: We'll hear more from you tomorrow
morning.

15 THE WITNESS: All right, sir.

16 THE COURT: And you may step down now, Mr.
Williams.

17 THE WITNESS: Thank you.

18 THE COURT: Members of the jury, we went right
on

19 through without a break this afternoon. I hope that
was

20 agreeable to all of you. But since we started late
after the

21 noon recess, I thought we'd just keep going to use the
time

22 efficiently; and it will vary from time to time, but
normally

23 we'll be recessing midmorning and midafternoon.

24 And now we're going to recess for the day and
return

25 at 9:00 tomorrow morning in the courtroom for further
evidence;

6602

1 and of course we're just getting under way, as you well
know,
2 so obviously you heard very little of this case. So
please
3 follow the cautions that I give you regularly.

4 Let me just ask you first, we're doing all of
this
5 displaying here with these like television sets and
everything.

6 Are you able to see them all right?

7 JURORS: Yes, sir.

8 JUROR: It would be nice if it were up about
that far.

9 THE COURT: Well, we have a little problem
there.

10 We'll experiment with that. But there's this one here
as well,
11 of course.

12 Now, also I should tell you that there is
another bit

13 of electronics here in that at the wall there that you
can't

14 see behind this, there's a window and a camera there
that is a

15 television camera that transmits by closed-circuit

television

16 these proceedings to a room in Oklahoma City. And it
is for

17 the purpose of a closed-circuit transmission only to
people who

18 have a direct interest in this proceeding who've been
19 authorized by an order entered by me to view these
proceedings.

20 So they do not see -- it's a fixed focus. They can see
21 everything that you can see here in the well of the
courtroom,

22 but you are not visible on that camera.

23 And the purpose of that is to give these
people who --

24 because this proceeding was moved from Oklahoma City to
here,

25 an opportunity to view the trial proceedings from that

6603

1 location. It's, as I've said, closed-circuit. It's
not like

2 television transmission that goes out publicly. So
only those

3 people who have been authorized by the Court to view it
are

4 entitled to do so, and no tapes are being made. It's a
very

5 limited transmission. It's just like we were to extend
the

6 courtroom to make it larger so that there could be more
people
7 in the public area of the courtroom. But I wanted to
let you
8 know that.

9 Now, I do want to of course remind you that,
as we
10 will be doing regularly -- and you'll get tired of
hearing
11 it -- but we are permitting you to, you know, go home
at night,
12 not taking the step that would be available to keep you
in a
13 hotel somewhere, keep you separated from your families
and your
14 homes. And I determined that it wasn't necessary here
because
15 I trust the people serving on the jury to do what is
necessary,
16 to be careful, to be able to follow the obligation
under the
17 oath that you took here this morning, to decide this
case, as
18 you remember the oath, under the law and the evidence.

19 And accordingly, you must be very careful
during all
20 of these overnight recesses and for that matter, at all
21 recesses, too, as you watch television or read
newspapers, read
22 magazines, books, whatever, to stay away from anything
at all
23 which could conceivably influence you in this case.
And please

24 recognize that that caution includes not only what is
happening
25 here in the courtroom but anything that may relate to
what is

6604

1 happening in the courtroom.
2 Just as an example, it would not be
appropriate for
3 you to get out your Rand McNally maps or whatever and
take a
4 look at Oklahoma or Oklahoma City. I mean I mention
these
5 things just so that you will clearly understand the
cautions
6 that I'm talking about.

7 So it's not just a matter of some news
reporting of
8 what's going on in the trial, but these things that may
relate
9 to the trial; and as we go further into it and begin to
get
10 evidence, as we undoubtedly will, about chemistry and
about,
11 you know, some of the specialized information that
comes in
12 here, you have to stay away from all of those things so
that
13 you can decide on what is presented to you in this
courtroom

you will 14 without being influenced by anything else. And I know
15 cooperate with us in that regard.

courtroom 16 So we are now going to excuse you from the

recess at 4. 17 until 9:00 tomorrow morning. And tomorrow we will

to your 18 Will that work for you? So that you'll be able to get

You can 19 voting places, those that wish to do so. All right.

morning. 20 count on it. You're excused now till 9:00 tomorrow

21 (Jury out at 5:01 p.m.)

22 THE COURT: Mr. Tigar.

hear the 23 MR. TIGAR: Your Honor, I'm sorry, I didn't

Don't 24 Court say to the jurors again at the end of the day,

case. 25 discuss it amongst yourselves until you finally get the

6605

1 It may have simply just slipped past me.

2 THE COURT: No, I didn't.

the 3 MR. TIGAR: I would respectfully request that

4 Court do that at the end of each day.

5 THE COURT: All right. I will.

6 MR. TIGAR: Thank you, your Honor.

7 THE COURT: There was the request that we
elevate this
8 television a little. I don't know what problems were
involved.

9 MR. TIGAR: Your Honor, we did look at the
sight
10 lines. Our concern was whether the jury could see Mr.
Nichols
11 and whether Mr. Nichols could see the jury. It looks
like this
12 thing has feet that go up and down; and I think if we
talked
13 with Mr. Manspeaker, we could work it out to raise it a
little
14 bit without objection.

15 THE COURT: Okay. We'll be in recess until
9:00.

16 (Recess at 5:03 p.m.)

17 * * * * *

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1 REPORTER'S CERTIFICATE

2 I certify that the foregoing is a correct
transcript from

3 the record of proceedings in the above-entitled matter.
Dated

4 at Denver, Colorado, this 3d day of November, 1997.

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Kara Spitler

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