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3 District of Oklahoma, and RANDAL SENDEL, Assistant U.S.
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13 Denver, Colorado, 80203, appearing for Defendant
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14 * * * * *

15 PROCEEDINGS

16 (In open court at 9:00 a.m.)

17 THE COURT: Be seated, please.

18 Good morning.

19 ALL: Good morning, your Honor.

20 THE COURT: Are we ready for the jury?

21 MR. MACKEY: Yes.

22 THE COURT: Okay.

23 (Jury in at 9:00 a.m.)

24 THE COURT: Members of the jury, good morning.

25 JURY: Good morning.

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recessed 1 THE COURT: You will recall that when we

Richard 2 yesterday afternoon, we were hearing testimony from Mr.

3 Williams of the General Services Administration. We'll
4 continue with his testimony now this morning.

under 5 Please come in and resume the stand. You are

6 oath, Mr. Williams.

7 (Richard Williams was recalled to the stand.)

8 THE COURT: Mr. Goelman, you may proceed.

9 MR. GOELMAN: Thank you, your Honor.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. GOELMAN:

12 Q. Mr. Williams, you told us yesterday, in April 1995,
there

13 were 13 people who worked for the General Services
14 Administration in the Murrah Building.

15 A. That's correct.

16 Q. I want to refer you back to the diagram of the
General
17 Service Administration space inside the Murrah
Building.

18 Taking the light pen that you have on the witness
stand, could

19 you display for the jury where your co-workers sat in
20 April 1995?

21 A. Yes, sir. This was Don Rogers' office, who was my
manager

22 at the time. This was my office. This was Sherman
Catalone,

23 assistant building manager's, office. Tom Grufman,
assistant

24 building manager. Kathy Brady, who at that time was
the lease

25 inspector, this was her work station. Just outside my
office

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Richard Williams - Direct

1 was Joanne Hutchinson's work station. Just a little
bit to the

2 east of that column was Pam Briggs, who was federal
building

3 fund clerk. This was Dot Hill, work station. Sandy
Schultz,

4 Steve Curry, Tom Hall, Mike Loudenslager, and then
Melissa

5 McCully was our student aide, worked at the reception
desk.

6 Q. Mr. Williams, would you point out again where the
front of

7 the building, where the glass curtain wall, was
located?

8 A. Yes, sir. The glass would encompass the entire
area on the

9 front north side of our office.

10 Q. And that's at the bottom of that particular
diagram?

11 A. That's at the bottom, yes.

12 Q. Were the work spaces of Mike Loudenslager and Steve
Curry

13 right next to each other?

14 A. No, they were not. Tom Hall's work station was in
between

15 these two.

16 Q. Thank you, Mr. Williams. Let's turn to April 19,
1995.

17 Did you go to work that day?

18 A. Yes, I did.

19 Q. You mentioned yesterday that one of your co-workers
did not
20 go to work that day?

21 A. Sandy Schultz, our purchasing agent, was on leave
that day.

22 Q. Was there anyone working in the GSA space that was
not
23 usually there?

24 A. Randy Ledger had come over that morning to make
some copies
25 of an application for a job and was in the office that
morning.

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Richard Williams - Direct

1 Q. What time did you get to work on April 19?

2 A. About 6:30.

3 Q. What did you do then?

4 A. I usually come in, as I did that morning. I
checked the
5 energy management system computer to make sure the
building was
6 on line, make sure that things were up and running. I
would
7 check my phone calls from the previous day and start
writing
8 memos or answering requests.

9 MR. GOELMAN: Can we get that -- remove that?

10 THE COURTROOM DEPUTY: Pardon?

11 BY MR. GOELMAN:

12 Q. Do you remember what your schedule was for
Wednesday,

13 April 19?

14 A. That morning we had a meeting at 8:30 in Mr.
Rogers' office

15 with myself and Robert Dennis, the clerk of court for
the

16 Western District of Oklahoma, along with Sherman
Catalone and

17 Tom Hall to discuss some needed repairs for the
courtroom.

18 Q. Mr. Williams, can you click your pen a couple times
to

19 remove the

20 You said that Mr. Dennis was present at that
meeting?

21 A. That's correct. We were in Mr. Rogers' office.

22 Q. Did Mr. Dennis work in the Murrah Building?

23 A. No, sir, he did not. His office was in the federal
24 building courthouse across the street.

25 Q. What time did the meeting actually begin?

6614

Richard Williams - Direct

1 A. Around 8:30.

2 Q. And about how long did it last?

minutes till 3 A. I believe we broke the meeting up around five

4 9.

at about 5 Q. And what happened after you finished your meeting

6 five till 9?

Don 7 A. Mr. Dennis and Don Rogers left his office, I think

went into 8 escorted Mr. Dennis out to the lobby. Mr. Catalone

9 his office, and Tom Hall and I went into my office.

10 Q. What were you and Tom Hall doing?

and 11 A. Tom and I were discussing results of the meeting

needed to 12 talking about where we would go from here, what we

13 process, those kinds of things.

talking 14 Q. So you and Tom Hall are standing in your office

15 about the subject of the meeting --

16 A. Right.

17 Q. -- about 9:00?

18 A. That's correct.

19 Q. What's the next thing that you remember?

to or 20 A. That's the last thing that I remember until I came

underneath the 21 woke, best I can tell, lying on the floor, lying

visualize 22 rubble pile; and I was lying on my side, and I could

23 my left arm out to my side. I had no idea what had
happened,
24 had no idea where I was. At that point I could not
feel
25 anything. I don't know if my body was in shock or what
the

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Richard Williams - Direct

1 situation was, but that's the only thing I remember to
that
2 point.

3 Q. Do you remember seeing your left arm?

4 A. I remember seeing my left arm. I recognized the
pink shirt
5 that I had on that morning with my watch.

6 Q. What was the first thing that you heard after you
came to?

7 A. The first thing that I could hear was someone
saying, "Hang

8 on, I'll be back." And the next thing I remember is
seeing

9 this huge gray torso of a body that turned out to be
the person

10 who helped dig me out of the rubble pile that I was
buried

11 under and carried me out of the building. It turned
out to be

12 a Oklahoma City policeman by the name of Terry Yeakey.

13 Q. And you said that he carried you out of the

building?

14 A. I don't know how he got me out from under where I
was
15 buried. I just remember him carrying me to what would
have
16 been Mr. Rogers' office, the window mullions, and at
that point
17 asking me if I could walk, and I tried. I could not,
so he
18 picked me up at that point. Next thing I remember was
being
19 laid on a backboard out on the street and someone
talking over
20 me, asking me things.

21 Q. So did Officer Yeakey carry you out of the
building,

22 Mr. Williams?

23 A. That's correct.

24 Q. How much did you weigh at that time?

25 A. About 220 pounds.

6616

Richard Williams - Direct

1 Q. What happened after Officer Yeakey carried you
outside of

2 what remained of the Murrah Building?

3 A. The next thing I remember is hearing someone
working over

4 me asking me things. I was in and out. I don't recall
most of

5 the conversation. I do remember being put in an
ambulance, and

6 I remember bits and pieces of the ride to the hospital.
And I

7 remember someone screaming and yelling as we went, and
it

8 turned out to be Tom Hall --

9 MR. TIGAR: Objection to who it turned out to
be, your

10 Honor.

11 THE COURT: All right. I think we're going
beyond

12 what's relevant here.

13 MR. GOELMAN: Yes, your Honor.

14 BY MR. GOELMAN:

15 Q. Can you briefly tell us what your injuries were
from the

16 bombing, Mr. Williams?

17 A. Yes, sir. I had over 150 stitches from shrapnel
wounds.

18 My right ear was evulsed, was torn and sewn back on. I
had a

19 fracture to my cheek. I had staples in my head. I had
-- my

20 hand was crushed and had subsequent surgeries to that.

21 Q. Did your body have any other parts of the Murrah
Building

22 inside of it besides what you've already described?

23 A. Yes. I continually have glass coming out of my
body.

24 Q. How long were you in the hospital?

25 A. I was in the hospital about three days and was
released to

6617

Richard Williams - Direct

1 go home and with follow-up doctors' visits.

2 Q. When were you able to walk again, Mr. Williams?

3 A. After about two weeks, I could walk without help.

4 Q. And when did you return to work?

5 A. I came to work, came back to work after -- it was
June the

6 3d, be about 43 days, I returned to work in the command
center.

7 Q. When was the next time you were able to go see the
Murrah

8 Building?

9 A. About three weeks after April the 19th, I was able
to walk

10 enough to go over and was escorted through the building
so I

11 could just go see where our office was.

12 Q. Could you please look inside your folder and see if
you can

13 find Government Exhibit 951.

14 A. 951.

15 Q. 951.

16 A. Yes, sir.

17 Q. Do you recognize that?

18 A. Yes, I do.

19 Q. What is it?

20 A. That's a picture of the Murrah Building looking
from the
21 north on an aerial view, looking down on the building.

22 Q. Is that a fair and accurate depiction of the
building when
23 you first saw it after you got out of the hospital?

24 A. Yes, sir, it is.

25 MR. GOELMAN: Move to admit Government Exhibit
951,

6618

Richard Williams - Direct

1 your Honor.

2 MR. TIGAR: No objection.

3 THE COURT: Received, 951.

4 MR. GOELMAN: May I publish, your Honor?

5 THE COURT: Yes.

6 THE COURTROOM DEPUTY: What is it?

7 MR. GOELMAN: It's computer.

8 BY MR. GOELMAN:

9 Q. Would you please describe for the jury the extent
of the
10 damage to the Murrah Building.

11 A. The building damage was basically the column

structures

12 failed, fell; the transfer beam which was the main beam
that
13 ran along the front edge of the building failed; and
the
14 columns and the roof collapsed.

15 Q. Okay. Point out for the jury where the GSA offices
were
16 located before April 19, 1995.

17 A. Our offices extended from this column, the circular
column,
18 air chase, clear to the east end which would have been
the west
19 side of the front entrance, of the lobby.

20 Q. And where was the Social Security waiting room
located
21 before the bomb?

22 A. Social Security waiting room was just to the east
of the
23 front entrance, right in here. And then the rest of
the Social
24 Security extended out to this area.

25 Q. What was the function of the GSA office located on
the

6619

Richard Williams - Direct

1 first floor of the Murrah Building until April 19?
2 A. The GSA office provided service to our customer
tenants

work 3 throughout the state and alterations work, reimbursable
general 4 for their space, custodial, maintenance repairs, just
5 facilities maintenance to the building.

in the 6 Q. The GSA obviously could not return to its offices
7 Murrah Building?

8 A. That is correct.

9 Q. What did GSA do, then?

building 10 A. We were provided new space within the old postal
11 at 215 Dean A. McGee in June.

carry 12 Q. How did the bombing affect your agency's ability to
13 out its function of maintaining government buildings?

that we had 14 A. It severely impacted our ability to function in
15 people who were obviously injured, lost, or emotionally
not

the 16 capable of functioning. We had to bring people in from
17 outside, from the other regional offices to assist us
for a

18 long period of time.

Building 19 Q. What were the hours of operation for the Murrah
20 before it was destroyed?

21 A. The building was open from 6:00 a.m. to 6:00 p.m.

22 Q. Does that open mean for the general public or for

its

23 employees?

24 A. Yes, sir, for the public also.

25 Q. What about for its employees?

6620

Richard Williams - Direct

1 A. Employees could come and go, if they had access,
card-key

2 access to the garage, anytime day or night. Social
Security

3 would work on weekends. The other agencies would work
around

4 the clock. They had access to the building through the
garage.

5 Q. Mr. Williams, was there ever a time of day or week
that you

6 could guarantee that there wouldn't be anyone at all
inside the

7 Murrah Building?

8 A. No, sir.

9 Q. And when was the building most crowded?

10 A. Generally the building was most crowded around 9:00
a.m.

11 due to the Social Security waiting room, due to the
agencies

12 coming in, opening their offices around 9. And the
public

13 would come in and do business with VA or HUD or any of
the

14 other agencies in the building.
15 Q. Mr. Williams, did any of your co-workers in the GSA
die in
16 the bombing?
17 A. Yes, sir, they did.
18 Q. What were their names?
19 A. Steven Curry and Michael Loudenslager.
20 Q. Before coming to court today, did you fix name tags
of
21 Steve Curry and Mike Loudenslager to a diagram of the
first
22 floor?
23 A. Yes, sir, I did.
24 MR. GOELMAN: Your Honor, with the Court's
permission,
25 I'd asked Agent Tongate to put the diagram of the first
floor

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Richard Williams - Direct

1 with the names of the deceased up on the easel.
2 THE COURT: All right.
3 THE COURTROOM DEPUTY: Can everybody see?
4 BY MR. GOELMAN:
5 Q. Mr. Williams, is that an accurate display of where
Mike
6 Loudenslager and Steve Curry worked before the bombing?

7 A. Yes, sir, there is.

8 THE COURT: Is there a reference?

9 MR. GOELMAN: As far as the exhibit number?

10 THE COURT: Yes.

11 THE COURTROOM DEPUTY: 951.

12 MR. GOELMAN: 951.

13 THE COURTROOM DEPUTY: 952.

14 THE COURT: Well, however it's marked,
somebody look

15 at it and tell me how it's marked.

16 THE COURTROOM DEPUTY: 952.

17 MR. GOELMAN: 952, your Honor.

18 THE WITNESS: All right.

19 THE COURT: Just a moment. We have an exhibit
in

20 front of the jury. It hasn't been admitted.

21 MR. GOELMAN: My apologies. Move to admit.

22 MR. TIGAR: We object, your Honor, on the
grounds

23 previously discussed in chambers.

24 THE COURT: That's overruled. You may have a

25 continuing objection for this --

6622

Richard Williams - Direct

1 MR. TIGAR: Thank you.

2 BY MR. GOELMAN:

3 Q. Is that an accurate depiction of where Steve Curry
and Mike

4 Loudenslager worked before the bombing?

5 A. Yes, it is.

6 Q. Did anyone work in the space in between them?

7 A. Yes. Tom Hall, the planner/estimator who was in
our

8 office, worked between the two work stations.

9 Q. Do you know if Tom Hall was at his desk when the
bomb went

10 off?

11 A. No, sir, he was not. He was in my office with me.

12 Q. And did Mr. Hall survive the bombing?

13 A. Yes, he did.

14 Q. Finally, Mr. Williams, before coming to court
today, did

15 you review Government Exhibit 1126, a poster board with
two

16 pictures on it?

17 A. Yes, I did.

18 Q. And what's depicted in that Government exhibit?

19 A. Those are pictures of Steve Curry and Mike
Loudenslager.

20 Q. Do those photographs accurately portray those
individuals

21 the way they appeared before the bombing?

22 A. Yes, they do.

23 MR. GOELMAN: Your Honor, we'd offer

Government

24 Exhibit 1126.

25 MR. TIGAR: We have an objection, and it is
the one

6623

Richard Williams - Direct

1 previously made in chambers and ruled on; and I'm just
trying

2 to protect the record.

3 THE COURT: Overruled. And again, you may
have a

4 continuing objection for such photographs when they're
offered

5 for other persons.

6 MR. TIGAR: Thank you, your Honor.

7 THE COURT: So display 1126.

8 BY MR. GOELMAN:

9 Q. Mr. Williams, will you please tell us what Steven
Curry did

10 for the GSA.

11 A. Steven Curry was a maintenance-work inspector. He
come to

12 work for GSA in about 1987 as an electrician, and Steve

13 inspected our construction and alteration work
throughout the

14 state.

15 Q. What about Mike Loudenslager?

16 A. Mike Loudenslager was a planner/estimator. He
estimated
17 alterations projects and put together specification
packages
18 for our office.

19 MR. GOELMAN: That's all I have, your Honor.

20 THE COURT: All right. Mr. Tigar, do you have
21 questions?

22 MR. TIGAR: Yes, your Honor.

23 There are a lot of things on the desk here.

24 CROSS-EXAMINATION

25 BY MR. TIGAR:

6624

Richard Williams - Cross

1 Q. Good morning, sir.

2 A. Good morning.

3 Q. My name is Michael Tigar. I'm one of the lawyers
appointed
4 to help Terry Nichols in this case, sir.

5 A. Nice to meet you, sir.

6 Q. You had worked for GSA for quite some time; is that
right,
7 sir?

8 A. Yes, sir, that's correct.

9 Q. Now, when you were first describing for us
yesterday where

United 10 the Murrah Building is, you remember that map of the
there? 11 States where Interstate 40 and Interstate 35 crossed

12 A. Yes, sir.

two 13 Q. So Oklahoma City is at the intersection of those
14 interstates; is that right?

15 A. To the east -- to the west of those two
intersections, yes.

16 Q. More or less where they cross?

17 A. Yes, sir.

to 18 Q. And if you take I-40 on west, pretty soon you get
19 Kingman, Arizona; right? Or after a couple of days?

20 A. I believe that's correct.

21 Q. And I-40 east runs to Arkansas; correct?

22 A. Yes, sir.

I'm 23 Q. Now, there was something that I wanted to clear up.
952, which 24 going to put up on the -- this is Government Exhibit

This is 25 has been admitted in evidence. If we could have that.

6625

Richard Williams - Cross

1 the first floor.

2 A. Yes, sir.

3 Q. Do you see that, sir?

4 A. Yes, I do.

5 Q. And that was a part of that video presentation, and
there

6 are some numbers and letters on that diagram. Could
you tell

7 us what those are?

8 A. Those are column line locations for the structure
of the

9 building.

10 Q. I see. And so on the first floor, we would find,
what, 37

11 columns, is that right, across the front?

12 A. Yes, sir.

13 Q. All right. And then D, E, F, G, those are columns
that

14 support it on the other side?

15 A. Those would be locations from east to west.

16 Q. I see. And I'm going to put up another page from
that same

17 exhibit, sir. And I see 8, 10, 12, 14. Is that
because some

18 of the columns do not rise the full nine floors?

19 A. I'm not familiar with that part of the structure.

20 Q. Okay. But at any rate, your understanding is that
these do

21 refer to the columns?

22 A. Yes, sir; that's correct.

23 Q. Now I want to put up on here Government Exhibit

949A.

I'm 24 That's been admitted; and I'll ask you, sir, this --
connected to 25 pointing with this pen. This old post office is

6626

Richard Williams - Cross

fourth 1 the Federal Courthouse with a walkway on the third or
2 floor, isn't it?

3 A. That's correct, it's a walkover.

other? 4 Q. Right, a walkover, so you can get from one to the

5 A. Yes, sir.

6 Q. And that's not shown on the plan, is it?

7 A. No, it's not. That's a crossover across the alley.

alleyway? 8 Q. And the -- where I'm running my line, that's an

buildings. 9 A. Yes, sir, that is an alley between the two

Murrah 10 Q. Now, as of that morning, before 9:02, here in the

Building 11 Building, if somebody wanted to get into the Murrah

12 parking lot, where would they go?

to the 13 A. They would go either to the east or west entrance

two 14 garage, unless they had access to one of these other

15 buildings themselves, which would have been someone
like the
16 court clerk or someone who works in the other two
buildings.
17 Q. But if it was just a civilian person who had
business,
18 didn't have any kind of a special card, they were just
going in
19 the Murrah Building underground parking, what street
would they
20 enter off of? Could you just point to that?
21 A. Either Robinson -- do I need the pointer?
22 Q. No, that's okay. I can do it. Either Robinson
which is on
23 this side --
24 A. Either Robinson side or the Harvey side.
25 Q. Or the Harvey side, either way?

6627

Richard Williams - Cross

1 A. Either way, you can enter through there.
2 Q. And Harvey, as I understand, is a one-way street?
3 A. It's one-way north.
4 Q. Is Robinson two-way?
5 A. One-way south.
6 Q. One-way south.
7 A. Yes, sir.

8 Q. Okay. And north is up in this direction towards
the top;

9 is that right?

10 A. That's correct.

11 Q. Now, I'd like to put up, sir, if I could, 951,
which has

12 been admitted. I think you talked about that. That's
that

13 picture of the building. Now, do you know when this
picture

14 was taken?

15 A. No, sir, I'm not familiar with the date on it.

16 Q. All right. Well, does it appear from -- you
mentioned that

17 it looks like what the building looked like when you
were able

18 to -- you know, when you were recovered enough to get
back

19 there.

20 A. Right.

21 Q. And do these -- are these, what, construction
cranes that

22 are removing rubble and so on? Is that what that
appears to

23 be?

24 A. Construction cranes were hauling debris from the
upper

25 floors.

Richard Williams - Cross

1 Q. Okay. Turn that off. Thank you.

2 Now, was GSA in charge of the elevators in the
3 building?

Elevators 4 A. We had a contract with the GSA with Midwestern
5 that maintained our elevators.

6 Q. Okay. And did you ever receive a report from --
about what 7 happened to the elevators as a result of the explosion?

8 MR. GOELMAN: Objection, your Honor.

9 THE COURT: What's the objection?

10 MR. GOELMAN: Beyond the scope.

later 11 THE COURT: Well, shall we call him back at a
12 time in the trial?

13 MR. GOELMAN: Withdraw.

14 THE COURT: You may proceed.

15 MR. TIGAR: Thank you.

question. 16 THE WITNESS: I'm sorry, would you read the

17 BY MR. TIGAR:

18 Q. Sure. Did you ever hear a report of what happened
to the 19 elevators as a result of the explosion that happened at
9:02

20 there?

21 A. No, sir, I did not personally receive a report

there.

22 Q. Did you ever hear any government employee report to
you

23 what, if anything, happened to the elevators?

24 A. No.

25 MR. GOELMAN: Objection. It calls for
hearsay, your

6629

Richard Williams - Cross

1 Honor.

2 THE COURT: He said no. That's an answer.

3 BY MR. TIGAR:

4 Q. I wanted to ask you about GSA's duties within the
building

5 that you were describing. Do you all have a
responsibility for

6 cleaning -- does GSA crews -- I'm not saying you
personally,

7 but do you all's crews clean the buildings?

8 A. The contract we have is in Oklahoma City was with
NISH,

9 National Institute for Severe Handicapped, through the
10 Goodwill. That was our contract in Oklahoma City.

11 Q. And who is it that ordered the supplies, the
cleaning

12 supplies and so on that would be used in the building,
sir?

13 A. Generally the contractor did. There were some

joint

14 ventures that we did with the contractor for recycling.

15 Sometimes we would order some of the materials.

you did

16 Q. Well, that was going to be my next question. So

17 have recycling programs in place?

18 A. Yes, we did.

19 Q. Now, did you recycle plastics?

20 A. No, sir, we only recycled paper at that time.

plastic

21 Q. Okay. And do you know what, then, happened to the

to the --

22 containers in which cleaning solutions were delivered

building?

23 for use by these people that were cleaning the

disposal of

24 A. Generally the contractor is responsible for

25 those types of materials.

6630

Richard Williams - Cross

regular

1 Q. Were those -- I mean was that sort of like the

would be

2 trash pickup? The stuff would be put out there and

3 taken away every few days or something like that?

If it

4 A. That would depend on the material in the barrels.

5 was a toxic material, they had a specific type of

disposal they

6 had to go through. Otherwise, it was their
responsibility to

7 dispose of those.

8 Q. Okay. And then my next question is did cleaning
supplies

9 arrive in barrels that you observed while you were
there?

10 A. There were some floor-stripping materials or wax
that would

11 come in barrels.

12 Q. And you're not an expert on plastics, are you, sir?

13 A. No, sir, I'm not.

14 Q. Okay. You said your main job was in maintaining
the

15 air-conditioning systems; is that right?

16 A. As a maintenance mechanic early in my career, yes.
As a

17 building manager, I was responsible for all of that.

18 Q. I see. Everything?

19 A. Right.

20 Q. Did your expertise extend to what the different
kinds of

21 plastics were that were used for different purposes in

22 air-conditioning, heating, water pipes, and so on?

23 A. No, sir. Because most of our buildings did not
have

24 plastic materials in them in terms of plumbing or
electrical.

25 Those were all hard-drawn products like metals.

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I have 1 MR. TIGAR: I see. Thank you very much, sir.
2 no further questions. I appreciate your answering my
3 questions.

redirect? 4 THE COURT: Mr. Goelman, do you have any

5 MR. GOELMAN: No.

6 THE COURT: May the witness be excused, then?

7 MR. GOELMAN: Yes, your Honor.

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

excused. 9 THE COURT: You may step down. You're

10 Next, please.

Hunt. 11 MR. MACKEY: The United States will call Susan

12 Miss Beth Wilkinson will present her.

right 13 THE COURTROOM DEPUTY: Would you raise your
14 hand, please.

15 (Susan Hunt affirmed.)

16 THE COURTROOM DEPUTY: Have a seat, please.

and 17 Would you state your full name for the record
18 spell your last name.

19 THE WITNESS: Yes. Susan Gail Hunt, H-U-N-T.

20 THE COURTROOM DEPUTY: Thank you.

21 THE COURT: Miss Wilkinson.

22 MS. WILKINSON: Thank you, your Honor.

23 DIRECT EXAMINATION

24 BY MS. WILKINSON:

25 Q. Good morning, Miss Hunt. How are you doing?

6632

Susan Hunt - Direct

1 A. I'm fine.

2 Q. Could you tell the jury where you live?

3 A. I live in Mustang, Oklahoma. It's a suburb of
Oklahoma

4 City, to the southwest of the city.

5 Q. About how far away is it from downtown Oklahoma
City?

6 A. It's about a 25-minute drive.

7 Q. And how long have you lived in Mustang?

8 A. We have lived in Mustang 25 years.

9 Q. You say "we." Are you married?

10 A. Yes, I am married. I've been married 30 years.
We'll be

11 married 31 in the end of November.

12 Q. Do you have any children?

13 A. Yes. We have two sons: Jerry that just turned 30
and

14 Lance that's 27.

15 Q. And you have one grandchild; is that right?

16 A. And I have 12-year-old grandson.

17 Q. Can you tell the jury where you grew up?

18 A. I grew up in Wichita Falls, Texas.

19 Q. And did there come a time when you moved to
Oklahoma City

20 with your husband?

21 A. Yes, ma'am.

22 Q. Okay. Go ahead.

23 A. We moved in 1967.

24 Q. Now, after you had your children, did you start
working at

25 a bank?

6633

Susan Hunt - Direct

1 A. Yes. First I managed apartments and worked for a
2 commercial leasing company, and then I started a career
in
3 banking.

4 Q. And how long did you work at a private bank?

5 A. I worked at a private bank -- actually two
different banks

6 for 12 years.

7 Q. And then did you join the government?

8 A. Yes. When I left the bank, I was assistant vice
president
9 in loans, and so it was a natural evolution. I applied
for a
10 job with HUD in the REO or the Real Estate Owned
Department and
11 was hired with HUD in 1989.

12 Q. HUD is the --

13 A. U.S. Department of Housing and Urban Development.

14 Q. All right. Tell us what you did for HUD when you
were
15 first employed by them.

16 A. When I first went to work for them, I went to work
in the

17 Real Estate Owned, or at that time it was called
Property

18 Disposition. This was the branch of Single Family
Housing

19 where foreclosures would have already been completed on
FHA

20 loans. We would take the property that was rendered
from that

21 foreclosure and ready them for resale. What you would
know as

22 HUD homes.

23 Q. Are you still employed by HUD today?

24 A. Yes, I am.

25 Q. What is your current position?

Susan Hunt – Direct

Family
the State

1 A. I am single-family housing specialist in the Single
2 Division. I act as the underwriter and appraiser for
3 of Oklahoma.

4 Q. Were you employed by HUD back in April of 1995?

5 A. Yes, ma'am, I was.

6 Q. What did you do for them back then?

world, we
manager,
of the
that

7 A. I was the administrative officer. In the real
8 would think of administrative officer as an office
9 basically someone who would take care of all the needs
10 office from space, pencils, papers, handbooks, anything
11 was needed so that the employees could do their job.

12 Q. Did you also deal with personnel issues?

--
person.

13 A. Yes. I dealt with personnel, health, all kinds of
14 anything that was specialized for that individual

back in

15 Q. Now, where was the office, the HUD office, located
16 April of 1995?

17 A. The HUD office was located at the Alfred P. Murrah
18 Building, which was on N.W. 5th Street.

the

19 Q. And how many men and women were working for HUD in

20 Murrah Building in April of 1995?
21 A. The HUD office on 200 N.W. 5th at that time, 124
people
22 were officially assigned to that building.
23 Q. And where within the building were the HUD
employees
24 located?
25 A. We had three floors. Actually the fifth floor, we
had a

6635

Susan Hunt - Direct

1 small office where just one person officed. On the
seventh
2 floor, we had almost the whole floor except for
probably
3 10 percent at one end. And we had the entire eighth
floor. We
4 had been planning an expansion to the sixth floor, but
we had
5 not moved our personnel there yet.
6 Q. Okay, let's talk about that for a moment. You said
one of
7 your job duties was to work on space issues; is that
right?
8 A. Yes.
9 Q. When did you start your plan to increase your space
for HUD
10 employees?

an 11 A. September of 1994, we started aggressively planning
12 expansion of our space in the Murrah Building.

the 13 Q. And did you work on that plan up until the day of
14 bombing, April 19, 1995?

15 A. Yes, ma'am, I did.

plan 16 Q. In fact, did you -- were you going to work on that
17 that day?

that was 18 A. Yes. I had an appointment at 9:00 with a vendor

floor. 19 coming in for equipment that we'd be using on the sixth

tell 20 Q. Let me show you Government's Exhibit 952 so you can

Now, I'm 21 the jury about the floor plans for your employees.

that on 22 starting you here with the seventh floor. Do you see

23 your computer screen?

24 A. That. I have the first floor.

sorry. 25 MS. WILKINSON: Oh, we need the computer. I'm

6636

Susan Hunt - Direct

1 THE WITNESS: Yes, ma'am, I do.

2 BY MS. WILKINSON:

located 3 Q. And can you tell the jury about what divisions were

4 on the seventh floor for HUD?

5 A. The seventh floor, primarily housing encompassed

6 area. We had Asset Management, which was a branch of

7 Single Family Housing, and we also had Multi-family Asset

8 Management. They were in the, in this . . . I hold that down. In

9 this area would be the Asset Management.

10 We had Contracting, which was really an

11 administrative function; but Contracting handled housing issues. They

12 were in this area.

13 We had REO, which would be the Real Estate

14 Owned, both multi-family and single-family; and they encompassed

15 this entire area.

16 appraisal Next to it was Valuation which was the

17 entity of single-family.

18 MR. TIGAR: Your Honor --

19 THE COURT: Excuse me for just a moment.

20 MR. TIGAR: Object to the narrative and to the

21 detail, I think it's --

22 THE COURT: Yes, let's go question and answer.

23 MS. WILKINSON: Yes, your Honor.

24 BY MS. WILKINSON:

25 Q. Did you go to the next division that was assigned
and

6637

Susan Hunt - Direct

1 seated?

2 A. Yes, public housing.

3 Q. Do you recall how many people were assigned to the
seventh

4 floor on April 19, 1995?

5 A. There was approximately 80 employees.

6 Q. Let's move up to the eighth floor. And if you
start from

7 the left, can you tell us what agency was there at the
front of

8 the building?

9 A. Yes.

10 Q. On the left side?

11 A. On the northwest --

12 Q. Yes, please.

13 A. I mean northeast corner?

14 Q. Yes, please.

15 A. Legal division --

16 Q. Can you mark that with the pen.

of them 17 A. -- are the offices that you see. And to the south
deputy 18 was the management, which was our area coordinator,
economist that 19 management. We also had a labor person, and an
20 sat in this area.

and just 21 Q. Okay. Can you go back to the legal office there
22 put an X where the legal staff resided?

over 23 A. Okay. We had a legal library, and we had -- I went
Okay. The 24 too far, because this part of that was FH and E0.
was the 25 three offices here and then right out in front of them

6638

Susan Hunt - Direct

1 legal staff.
marked 2 Q. All right. Now, you see the front where you just
3 and it has the column numbers?

4 A. Yes.
or follow 5 Q. That black line along the way: Can you mark that
6 that with your pen?

7 A. Yes.
8 Q. Can you tell the jury --

9 A. That would be --

10 Q. What's right there along the line?

11 A. That would be -- 28 to 26 was Legal. The office --
well, I

12 guess it would be -- I can't hardly read it -- 25. The
three

13 offices from 28 to 25 would be where Legal is.

14 Q. And what kind of structure was there right there,
the front

15 of that?

16 A. That was glass windows.

17 Q. And was that true for the entire face of the
offices of the

18 Housing and Urban Development on the eighth floor?

19 A. Yes, ma'am.

20 Q. Okay. Now, can you go over to the right, continue
on and

21 tell us who had their offices in the center of that
space.

22 A. The next office would be Fair Housing and Equal

23 Opportunity, which is what we called FH and EO. And
that would

24 be the office that would start at where 25 would be if
there

25 was a number there.

6639

Susan Hunt - Direct

1 Q. Uh-huh.

23
through
Our
and the
almost the
area.
corner.
against
X right

2 A. And to 23, if there was a number.
3 Next to it was an office, and it would be like
4 through 19.
5 Q. You can just put an X there. You don't have to go
6 the numbers.
7 A. Okay. That was Community Planning and Development.
8 block grant division.
9 Q. And what was right there below the computer room
10 break room?
11 A. The Office of Native American Programs took up
12 full rest of the floor, except for the administrative
13 Q. And show us where the administrative area was.
14 A. The administrative area took in the full southwest
15 These were storerooms back in the back, in the office
16 the plaza windows.
17 Q. Did you have an office back in that area?
18 A. Yes, ma'am, I did. It was the corner office in the
19 southwest corner.
20 Q. Can you just mark that with a -- you did -- with an
21 there in the back corner.

22 A. Yes, ma'am.

what
23 Q. And from there, if you looked out your back window,
24 did you see?

Murrah
25 A. I could see the plaza on the south side of the

6640

Susan Hunt - Direct

1 Building.

the fifth
2 Q. Okay, I'm going to switch to the ELM0 to show you
3 floor. You said you had a small office space for an
employee
4 down there?

5 A. Yes.

6 Q. Okay. If you can erase those.

pointing?
7 That's this yellow area right here where I'm

8 A. Yes, ma'am.

9 Q. Tell us who had an office there.

assigned --
10 A. The OIG. The Office of the Inspector General

And he was
11 he was an investigator, and he was assigned to HUD.

floor.
12 the only HUD employee that was officing on the fifth

13 Q. What was his name?

14 A. Paul Broxterman.

15 Q. Was he a law enforcement officer?

16 A. Yes, ma'am, he was.

17 MS. WILKINSON: You can go back to the
computer.

18 BY MS. WILKINSON:

19 Q. Now, you said that one of the floors was too
crowded and

20 you were going to be moving employees from that floor.
Which
21 floor was overcrowded?

22 A. The seventh.

23 Q. And where were you going to move those employees?

24 A. They were being moved to the sixth floor. We had
moved
25 another agency out, and they were preparing the space
for HUD

6641

Susan Hunt - Direct

1 employees to move.

2 Q. You told us that there were 124 employees assigned
to the
3 building --

4 A. Yes, ma'am.

5 Q. -- on April 19; is that right?

6 A. Yes, ma'am.

7 Q. How many of those people were present in the Murrah

8 building on that day?

9 A. There were 82 of the HUD employees present.

10 Q. Was that typical of HUD, to have that many
employees out?

11 A. Yes. We -- our main emphasis is dealing with
community

12 outreach. We dealt with not only lenders but
municipalities,

13 state entities, nonprofits. So it -- we had a
significant

14 amount that day out on a seminar, a housing seminar.
And

15 others on -- meeting with municipalities.

16 Q. Did you go to work on April 19, 1995?

17 A. Yes, ma'am, I did.

18 Q. What time did you arrive at the Murrah Building?

19 A. I arrived at the Murrah Building a little bit after
7:30.

20 Q. And did you see people who were present that day in
the

21 office?

22 A. Yes. When I first got in, I chatted with my staff,
Freida

23 Bean and Tom Ward; and I -- after I took care of some
business

24 that morning, I started out to get a cup of coffee, and
I saw

25 Paul Broxterman at the storeroom door. He was --

Susan Hunt - Direct

was it
right?

1 Q. Go ahead and show us on this eighth floor map -- or
2 on the seventh floor -- you were on the eighth floor;

3 A. Right.

4 Q. Show us where you saw Mr. Broxterman.

5 A. Well, the door -- I was standing about where I put
the X.

6 But the door to the storeroom was the door just north
of where

7 I put the X. He was standing there; but being a new
employee

8 to HUD, Oklahoma City, he had not had a chance to get
supplies,

9 and he was trying to get ready for a trial; and so he
was

10 needing pencil, papers, note cards, and so forth. And
I helped

11 him gather those.

12 Q. Did you ever see Paul Broxterman alive again?

13 A. No, I did not.

14 Q. What happened after you saw Mr. Broxterman?

15 A. After I saw Paul, I got the coffee pot. Freida had
made

16 coffee, but grounds had gotten down in it. And the
only source

17 of water we had was at the women's rest room on the
southeast

18 end of the building. So I left the office and walked
on the

19 outer space, the hallway space that on this shows in
white.

20 Q. Who was the next person that you saw?

21 A. The next person I saw when I -- I came in the
security door

22 and turned the corner to walk back through HUD space,
and I saw

23 Tony Reyes. We spoke. He offered me a piece of candy
for

24 breakfast, and I kept walking.

25 Q. Who did you see next?

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Susan Hunt - Direct

1 A. The next person I saw was Ruth Hill. She officed
in Native

2 American Programs, and her office would have backed up
to the

3 women's rest room about in that area.

4 Q. Now, did you move on and see some other folks in
that area?

5 A. Yes.

6 Q. Who did you see?

7 A. I saw Don Burns, and I saw Lanny Scroggins. Lanny
and Don

8 work for Native American Programs, and they were
construction

9 analysts. They were dealing with a construction issue
and

and kept 10 talking to each other, so I just spoke to them briefly
11 walking.

12 Q. You didn't engage in any conversation with them at
that --

13 A. No, I did not.

14 Q. Did you ever see Don Burns or Lanny Scroggins alive
again?

15 A. I did not.

16 Q. What did you do after you left that area?

17 A. After I left that area, I was still trying to make
my way

18 back to the administrative office. When I got even
with the

19 door, which was by the break room and the rest of the
Native

20 American staff were there, and George Howard called me
over to

21 his desk. He was also a fairly new employee to the
Oklahoma

22 City HUD office. And we discussed his health insurance
that we

23 were trying to convert from California to Oklahoma.

24 Q. Which division was Mr. Howard assigned to?

25 A. He was in the Community Planning and Development
Branch of

6644

Susan Hunt - Direct

1 what we call ONAP which is Office of Native American

Programs.

2 It's housing for Native Americans.

3 Q. Let's move on to 9:00, Miss Hunt. Did you have a
meeting
4 planned for that morning?

5 A. Yes, ma'am. I had a meeting with a vendor that I
had set
6 up on Monday.

7 Q. And what was that vendor supposed to help you with?

8 A. He was going to help me with some lateral files.
Even
9 though the Government is trying to go to a paperless
workplace,
10 it became obvious that it was necessary for us to have
lateral
11 files.

12 MR. TIGAR: Excuse me, your Honor, please. I
object
13 to the detail which is not really relevant.

14 THE COURT: Yes, we don't need that much
detail.

15 MS. WILKINSON: Yes, your Honor. I just have
one
16 follow-up question on that.

17 THE COURT: All right.

18 Please limit your answers to just what's
necessary to
19 answer the question.

20 THE WITNESS: All right.

21 BY MS. WILKINSON:

22 Q. Was that part of your plan, from September 1994, to
move

23 your employees to the sixth floor?

24 A. Yes, it was.

25 Q. Now, did you do anything in preparation for that
meeting at

6645

Susan Hunt - Direct

1 around 9 a.m.?

2 A. Yes, I did. I walked back through the HUD space
and went

3 to the security door at the other end of the building.

4 Q. Did you see any employee -- HUD employees at that
time?

5 A. Yes, I did.

6 Q. Who did you see?

7 A. I saw Mike Weaver in legal department. He was one
of our

8 attorneys. Susan Ferrell, one of our attorneys, walked
by me

9 briefly.

10 Q. Was that the last time you ever saw those two
people alive?

11 A. Yes, it was.

12 Q. Now, what did you do after you saw those folks?

13 A. I talked to Lee Sells, who was secretary to the
legal

14 department. And talked to Kim Clark. I didn't see
them, but
15 we had partitions; so I just talked to them through the
16 partition and asked them to please listen for the
security bell
17 to let my person in.

18 Q. Did Lee Sells and Kim Clark die in the bombing on
April 19?

19 A. Yes, they did.

20 Q. Now, did you go, head back toward your office for
the
21 meeting?

22 A. Yes, I did.

23 Q. Did you see other people that morning?

24 A. I saw Tony Reyes again, but he was standing in the
doorway,
25 talking to Peter Avillanoza. Peter and he were
discussing a

6646

Susan Hunt - Direct

1 issue, so I just said hi to them and kept walking.

2 Q. Was that the last time that you saw Mr. Reyes and
3 Mr. Avillanoza?

4 A. Yes, it was.

5 Q. Did you see David Burkett that morning?

6 A. Yes. When I got almost even with the
administrative

George 7 hallway, Dave Burkett sat just behind a partition; and
about 8 Howard called me back to his desk to talk to him again
9 the insurance.

10 Q. Did you see anyone else that day?

11 A. I did see Jules Valdez. Jules Valdez officed
against the 12 windows, just parallel to Dave Burkett and to George
Howard.

13 Q. Was that the last time you saw those three
gentlemen alive?

14 A. Yes, it was.

15 Q. Did you go back to your area in the administrative
16 division?

17 A. Yes, ma'am.

18 Q. And who were you with?

19 A. When I got back, Freida had called me from that
area to 20 take a phone call. I took the phone call; and I
chatted with 21 Larry Cook, who was acting chief of Single Family
Property 22 Disposition and another Single Family employee.

23 Q. Miss Hunt, what happened at 9:02 a.m. on April 19?

24 A. I had left my office. Freida was on the phone with
the 25 regional office dealing with a travel problem. There
were

Susan Hunt - Direct

1 several Native American Program employees in the
office. Her
2 break buddy was waiting on her to go to break. I was
standing
3 in front of Freida's desk urging her to go ahead and go
to
4 break when all of the sudden, everything just started
falling
5 in on us. There was so much debris in the air, we
couldn't
6 see.

7 Q. Did you hear anything?

8 A. No. We really didn't hear anything. We heard some
debris
9 falling; but as for the blast, we did not hear the
blast.

10 Q. Can you show the jury on this Government's Exhibit
952
11 where you and your secretary were at the time of the
blast?

12 Just mark an X for us.

13 A. I had my back to the plaza windows.

14 Q. What happened to those plaza windows?

15 A. Although debris was hitting us from the front, the
plaza
16 windows sucked back in and the glass hit my back -- and
which
17 we now know is good, because it would have blown us out
the

18 window. But it knocked us all to the ground.

19 Q. Were you unconscious?

20 A. I think for a short period of time.

21 Q. What did you do after that?

22 A. After that, when I kind of got my senses back, I
unhooked

23 Marla's -- Marla Hornberger from Native American
Programs was

24 hooked in all the debris that had fallen from the
ceiling, in

25 wiring; so I unhooked her earring; and I looked over
and Dianne

6648

Susan Hunt - Direct

1 McDonald was lying on the floor, and I helped her up.

2 Q. Did you see anybody else on the floor?

3 A. Freida had been knocked under her desk, and a
filing

4 cabinet had fallen from -- a whole wall had caved in
from

5 behind her.

6 Q. Were you able to get her out?

7 A. I'm sure I couldn't have done it by myself; but
evidently

8 she helped me, and I was able to lift her.

9 Q. What did you ladies do after you got yourselves on
your

10 feet?

11 A. Tom Ward, my male clerk, was helping us over the
debris.

12 There was a large copier that had blown over into the
floor.

13 So we had to climb over the copier to get towards the
door

14 where the door used to be. And it was so thick with
smoke and

15 debris, we had a hard time seeing. So Tom helped us
over that

16 copier.

17 Q. Where did you go then?

18 A. We went to the doorway of the administrative
office, which

19 would be about right here.

20 Q. Were you able to get out?

21 A. At that point, everybody else kind of went ahead.
We were

22 trying to make it to the stairwell. I tried to go back
into

23 the space because I had just seen so many people there.
And

24 Tom stopped me, and that was when I knew that it was
pretty

25 bad, 'cause I could see the sky through the smoke.

6649

Susan Hunt - Direct

1 Q. What do you mean you could see the sky through the

smoke?

2 A. Where the front of the building had been, I now
could look

3 up and see blue sky.

4 Q. Did you go down the stairs?

5 A. Yes. Troy Grigsby had been in charge of our escape
plan

6 from the building. Like all buildings, we had a fire
drill

7 occasionally in GSA, and Troy worked with all the
building

8 employees.

9 Q. Did you follow that escape plan, or try to?

10 A. Yes, we did. We went to the stairwell which was
behind the

11 administrative office.

12 Q. Did you see anyone as you went down the stairs?

13 A. By the time I got to the seventh floor, I met a
lady from

14 Drug Enforcement that I recognized as Bonnie. And she
--

15 Q. Was that her first name, or her last name, or did
you know?

16 A. I just knew her as Bonnie.

17 Q. Okay.

18 A. And the -- she was holding Larry Cook, who had been
in my

19 office earlier; and he had a gash on his head and arm.
And he

20 was a big guy. And with me being 6-foot tall and her
being

21 little, I took Larry from her to try to support him
down the

22 stairs.

23 Q. Did you help him get down?

24 A. Yes.

25 Q. Did you get out on the right floor?

6650

Susan Hunt - Direct

1 A. First we counted the floors down. Larry was
disoriented,

2 and we were trying to -- I was trying to give him hope
that we

3 could get out. And when we got to the second floor, I

4 miscounted and went down to the basement.

5 Q. Did you see anyone else as you were going down the
stairs?

6 A. There were people coming out on all the floors in
varying

7 degrees of injury, a lot of them like me that was still

8 walking, and some of them supporting others.

9 Q. Did you see any rescue workers coming into the
building?

10 A. At that point, no. I saw a man when we came to the
-- back

11 up to the second floor, and he asked where the day-care
center

12 was, and I told him the second floor.

13 Q. And did you go on out of the building at that time?

14 A. I went on out of the building.

15 Q. What did you do with Mr. Cook?

16 A. I was still supporting him. And when we got to the plaza

17 area, there's stairways that went down in all directions to the

18 street, and I tried to make my way to one of the -- to the

19 street.

20 Q. Let me show you Government's Exhibit 954. Do you see that

21 on your screen? It's not before the jury yet.

22 A. Yes, ma'am, I do.

23 Q. Do you recognize that photo?

24 A. Yes. It's the plaza, looking at the Murrah Building from

25 the south.

6651

Susan Hunt - Direct

1 Q. Does it fairly and accurately depict what you saw that day?

2 A. Yes.

3 MS. WILKINSON: Your Honor, Government would offer

4 954.

5 MR. TIGAR: No objection, your Honor.

6 THE COURT: Received. 954. It may be
published.

7 MS. WILKINSON: Thank you.

8 BY MS. WILKINSON:

9 Q. And Miss Hunt, if you could take your pen again and
show
10 the jury generally where you came out.

11 A. The little black dots that are going up the
building are
12 really windows that had been blown out. You can't see
it from

13 here, but -- the trees are blocking it -- but from the
doorway

14 that was right next to the windows, I went to a
stairwell that

15 went down to the lower area of the building and to the
street.

16 Q. Is this the -- the front of this photo, is this the
plaza
17 area that you talked about that you could see from your
window?

18 A. Yes. My window would have been right here. Well,
no, I'm

19 on seven, so it would be the one above it. Eight.

20 Q. Now, where did you take Mr. Cook?

21 A. Excuse me. Mr. -- I took Mr. Cook down the
stairwell, down

22 to the street, which is on Harvey.

23 Q. Did he receive medical attention?

24 A. When I got him down there, I laid him on the
sidewalk; and

25 a policeman ran up, and I told him that he needed
medical

6652

Susan Hunt - Direct

1 attention. And he ran back to his car to get blankets
to cover

2 Mr. Cook.

3 Q. All right. Let me show you another photo. This is
4 Government's Exhibit 1004. You recognize that?

5 A. Yes.

6 Q. Is that a close-up of the plaza?

7 A. Yes, it is.

8 MS. WILKINSON: Your Honor, Government offers
1004.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: All right. 1004 is received.

11 BY MS. WILKINSON:

12 Q. Now, after you left Mr. Cook with the police
officer, what

13 did you do, Mrs. Hunt?

14 A. I came back up the same stairwell, and I went back
to the

15 door that I had come out of. I went in for a few
minutes, but

16 seeing rubble, I could not get through. I came back
out and

17 started back towards the front of the plaza.

18 Q. Did you see anyone from HUD as you were coming back
onto
19 the plaza?
20 A. When I came back out on the plaza, I heard someone
that I
21 know to be V. Z. Lawton, and he was -- worked for ONAP,
and I
22 also saw Ken Altizer. He was our economist on the
eighth
23 floor, and they were supporting a blond-headed lady
that was
24 injured.
25 Q. Who was that?

6653

Susan Hunt - Direct

1 A. That was Ruth Hill that I had seen earlier.
2 Q. And what happened to Miss Hill?
3 A. They gave Ruth to me to take her to the triage.
They
4 had -- there had started to be some medical personnel
kind of
5 setting up a triage on the 4th Street by that point.
And Ruth
6 didn't -- wasn't sure who I was, but she recognized my
voice
7 and said, "Susan, I know that's you, but I can't see
you." And
8 I looked at her and saw that she had lost a eye, and I
told her

9 to just come with me, that I would help her to the
curb, and I
10 did.
11 Q. You took her to the triage?
12 A. Yeah. I sat with her because she was bleeding real
bad,
13 and I held her neck and waited for -- in triage for
someone to
14 help her.
15 Q. And did they come and help her?
16 A. Yes, they did.
17 Q. Did she survive the bombing?
18 A. Yes, she did.
19 Q. And what did you do after she received medical
treatment?
20 A. I went back up to the plaza. There were ledges
around that
21 were decorative, and a bunch of HUD employees had
gathered
22 there, and we all started throwing out information,
what HUD
23 employee we had seen go to the hospital, what employee
we saw
24 that was one of the walking wounded like we were, who
we knew
25 not to be in the building.

6654

Susan Hunt - Direct

1 Q. Did you think it was part of your responsibility to
2 determine where your HUD employees were and their
condition?

3 A. As the administrative officer, it was my job to
take care
4 of these people.

5 Q. Did you do that on that day?

6 A. I tried to.

7 Q. What did you do that day to determine the location
of each
8 HUD employee?

9 A. We tried to -- all of us just kept looking in the
crowds

10 and around, but it became obvious that we were not
going to be

11 able to keep up with 124 names unless we had something
to write

12 on. So Bob Chumard, although he was worried about his
wife

13 that was in the building -- Bob Chumard went down to a

14 building -- or told me he would run down Robinson and
try to

15 find somebody that would give him paper and a pen so
that we

16 could list the names.

17 Q. While he was gone, what happened?

18 A. While he was gone, it was pretty chaotic. We had a
lot of

19 people running, looking for people. I think that's
when Sheila

20 Schick came up to -- and it's real hard to know the

sequence to

21 keep it clear in my mind. But Sheila Schick was our
computer

22 specialist, and she had run up to me and told me that
Michael

23 Reyes was injured and would I go hunt for his father.

24 Q. Now, who was Michael Reyes?

25 A. Michael Reyes was . . . he worked in Single Family
Housing

6655

Susan Hunt - Direct

1 on the seventh floor, and he -- his father worked in
Fair

2 Housing and Equal Opportunity. So Mike had fallen from
the

3 seventh floor to the third and was still alive, but
Sheila

4 wanted me to find his dad so that Tony would know what
hospital

5 he went to.

6 Q. So what was his father's name?

7 A. Tony Reyes.

8 Q. And where -- where was his office located?

9 A. Tony Reyes's office was located at the windows just
next to

10 legal department on the northeast corner of the Alfred
P.

11 Murrah.

12 Q. So what did you do?
13 A. I ran down the stairs towards the 4th Street,
Robinson
14 corner.
15 Q. When you came around the corner, did you see the
parking
16 lot across the street from the Murrah Building?
17 A. Not at that point. I ran through the crowds. Not
until I
18 got up to 5th Street and Robinson.
19 Q. What did you notice?
20 A. At that point I saw fire -- cars on fire and a
police --
21 and a fireman in the parking lot.
22 Q. Okay. Let me show you Government's Exhibit 964.
If you
23 can take a look at your screen. You recognize that
photograph?
24 A. Yes.
25 Q. Does that depict what you just described?

6656

Susan Hunt - Direct

1 A. Yes, ma'am, it does.
2 MS. WILKINSON: Your Honor, we move to admit
3 Government's Exhibit 964.
4 MR. TIGAR: No objection, your Honor.
5 THE COURT: Received. 964 may be published.

6 MS. WILKINSON: Thank you.

7 BY MS. WILKINSON:

8 Q. Miss Hunt, tell the jury what you saw that day and
what's
9 depicted in this photograph.

10 A. There were firemen. We could hear sirens. The
sirens had
11 been blowing for a long time. It sounded like every
police and
12 fire engine in Oklahoma City was coming. But firemen
were
13 trying to put the fire out in all the cars. There were
three
14 parking lots across the street just north of the Alfred
P.
15 Murrah Building, and the cars were all on fire.

16 Q. At this point had you seen the front of the Murrah
17 Building?

18 A. No, I had not.

19 Q. What did you see next?

20 A. I turned and saw that the front of the building had
21 disappeared, that it appeared to be in rubble all in
front of
22 the building and in the building, and there was no more
windows
23 or it didn't look like I had known the building to
look.

24 Q. All right. Let me show you Government's Exhibit
957. You
25 recognize that photograph?

Susan Hunt - Direct

1 A. Yes.

2 Q. Is that what you saw that morning?

3 A. That is what I saw.

4 MS. WILKINSON: Your Honor, we move for the
admission
5 of 957.

6 MR. TIGAR: No objection, your Honor.

7 THE COURT: Received. May be published.

8 BY MS. WILKINSON:

9 Q. Miss Hunt, is this what you saw as you rounded the
corner?

10 A. Yes, it is.

11 Q. And did you look for Mr. Reyes's office at that
point?

12 A. No. Because when I saw the building, I knew it was
a
13 futile effort.

14 Q. Can you tell us where Mr. Reyes's office was
located? Can
15 you mark with your pen -- or would have been located
before the
16 bombing?

17 A. It would be the seventh floor just right here.

18 Q. At that point what did you do, Mrs. Hunt?

19 A. At that point I ran back to the side of the Murrah
20 Building, to the east side. There was a stairwell.
Instead of
21 going all the way back to the 4th Street stairwell, I
went up a
22 small staircase and came adjacent to the building. And
when I
23 got at the back on the plaza, I heard something above
me, and I
24 looked up and saw two HUD employees.
25 Q. Who did you see?

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Susan Hunt - Direct

1 A. I saw Rhonda Griffin and I saw Glenda Riley.
2 Q. Where were they?
3 A. They were on the -- appeared to be at a ledge on
the
4 seventh floor, and they were needing help to get out.
5 Q. Take a look at Government's Exhibit 1017. Do you
recognize
6 that photograph?
7 A. Yes, I do.
8 Q. And does that depict the two ladies you just
described?
9 A. Yes. This is Glenda Riley. And this is Rhonda
Griffin.
10 MS. WILKINSON: Your Honor, we move for the
admission

11 of 1017.

12 MR. TIGAR: No objection, your Honor.

13 THE COURT: Received. 1017 may be published.

14 BY MS. WILKINSON:

15 Q. Now, Miss Hunt, could you tell the jury who's
depicted in

16 this photograph?

17 A. Yes. Rhonda Griffin is the lady in the bluer
color. My

18 pen isn't working.

19 Q. Which lady has her hand to her mouth?

20 A. That, Glenda Riley.

21 Q. Okay. And who's next to her?

22 A. Rhonda Griffin.

23 Q. What floor were they on when this photograph was
taken?

24 A. They were on the seventh floor.

25 Q. Was that where they had offices?

6659

Susan Hunt - Direct

1 A. Yes. They officed on the plaza side of the
building up

2 against the glass.

3 Q. Were they later rescued from the building?

4 A. Yes, they were.

5 Q. And they survived the bombing?

6 A. Yes, they did.

7 Q. Now, back on the plaza, did you work with other HUD
8 employees on the list of names and the locations of the
9 personnel who worked for you?

10 A. Yes, I did.

11 Q. And did Mr. Chumard return with a piece of paper?

12 A. Bob had gone down to an office, and he brought back
a piece

13 of paper and a pen. And we stood together on the
plaza; and if

14 one HUD employee left, another one would come. Calvin
Mosher

15 was there helping, Sonya Key, Robert Roddy, several HUD
16 employees; and if they went to help someone, another
one would

17 come up; and we started making a list.

18 Q. Did you keep that list?

19 A. Yes, ma'am, I did.

20 Q. Did you turn it over to the FBI after the bombing?

21 A. Yes, I did.

22 Q. Let me show you Government's Exhibit 955. Do you
recognize

23 that?

24 A. I can't see it.

25 Now, yes. That's the list I made. It's in my

Susan Hunt - Direct

1 handwriting.

2 MS. WILKINSON: Your Honor, we'd offer 955.

3 MR. TIGAR: I have no objection, your Honor.

4 THE COURT: All right. 955's received and may
be

5 published.

6 BY MS. WILKINSON:

7 Q. Now, Miss Hunt, we're not going to go down the list
for

8 every name, but I want you to tell the jury briefly
starting on

9 the left-hand of this document, what these three
categories

10 indicate.

11 A. Hospital. If we saw someone that was injured and
was taken

12 to the hospital, we tried to list their names under the
heading

13 hospital.

14 Q. And then what's the next column there?

15 A. The next one was okay. That was not necessarily
that they

16 weren't injured, but they were like me, that they were
able to

17 get around because there were -- those of us that had
injuries

18 that left us mobile, we did not go to the hospital.

19 Q. And do the checks indicate that you're sure that
this is

people? 20 the location of these people or the condition of these

21 A. Yes.

22 Q. What's the final column on the right-hand side?

people 23 A. The final column was unknown. These were the

sure 24 that -- 12 of them were the people I saw, so I knew for

that we -- 25 that they were in the building. Others were people

6661

Susan Hunt - Direct

1 other HUD employees knew were in the building --

they were 2 Q. When you say "in the building," you mean you knew

right? 3 present before 9:02 in the Murrah Building; is that

4 A. Yes.

you were 5 Q. And now you don't know where they are at the time

6 making the list?

7 A. Right. No one had seen them.

those 8 Q. There are a few names crossed out here. Why are

9 names crossed out?

And we 10 A. Well, in making our list, of course we were upset.

11 would write someone's name down and then someone would

tell us

12 that they had found them or they knew that they were
not there.

13 Some of our people were in Washington, D.C., and we had
their

14 names down. We marked them off when we knew that they
were

15 accounted for.

16 Q. Did you determine how many people in HUD died in
the

17 bombing that day?

18 A. 35.

19 Q. Do you recall being on the plaza when other people
tried to

20 enter the Murrah Building that day?

21 A. Yes. I did -- I was. There were parents that were
trying

22 to get in. The police and the -- the police and the
firemen

23 had asked us, as we were standing there, because we
didn't

24 stand one solid time making this list. We were all
scurrying

25 around, trying to see what HUD employees we could see.

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Susan Hunt - Direct

1 Q. Were you told not to let anyone back into the
building?

2 A. Yes, I was.

3 Q. And did you have to stop someone from going back
into the
4 building?

5 A. Yes. Two young people, young women, were
hysterical and
6 trying to get in. They wanted to get in the day care.
One of
7 them said that her baby was in the day care.

8 MR. TIGAR: Objection.

9 THE COURT: Sustained.

10 BY MS. WILKINSON:

11 Q. Did you know who that person was at the time?

12 A. It's --

13 Q. Did you know who that person was at that time?

14 A. I did not.

15 Q. Now, eventually did you go home that evening?

16 A. Yes. I did. We had a bomb scare, and they ran us
down the
17 Harvey Street, and we kept being pushed further and
further
18 away. We got to the parking garage at Harvey and Main
Street,

19 and we finally found someone that had a phone that
would let us
20 use it, and we asked a family member to come get us.

21 Q. All right. When you got home, did you continue to
talk to
22 other people from HUD to determine where people were
and their

23 condition?
24 A. Yes. Soon after I got home, the phone started
ringing. I
25 had people from Washington and from Fort Worth regional
office

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Susan Hunt - Direct

1 and other HUD employees and family members calling,
knowing
2 that I was kind of the central -- there were a lot of
3 supervisors that couldn't be accounted for at that
time. So I
4 was the prime one for them to call. And I never hung
up from
5 one until call waiting would beep in another.
6 Q. Did you also call your superiors in Washington and
in the
7 regional office to report on the status of HUD
employees?
8 A. Yes. I had called from the attorney's office, the
regional
9 office, and told them at that point I thought there
were 46
10 unaccounted for.
11 Q. Did you go to work the next day, Miss Hunt?
12 A. Yes, I did.
13 Q. Where did you go?
14 A. I went to -- we had -- didn't have a office to go
to, so we

housing 15 set up -- because we are affiliated with Oklahoma
opened 16 authorities, the Oklahoma Housing Authority on N.E. 4th
center. 17 their doors to us and allowed us to set up a command

day? 18 Q. Were you able to engage in the business of HUD that

mean it 19 A. No. We had lost all of our people, all of our -- I

nothing. 20 was -- we had no paper, no pencil, no computers,
All

21 we could do is try to account for each other.

22 Q. How many supervisors were lost in the bombing?

each 23 A. There were approximately 14 in the staff meetings

24 Monday. And of that 14, nine were missing.

you 25 Q. Now, Miss Hunt, before coming to court today, did

6664

Susan Hunt - Direct

and how 1 determine which divisions lost what number of employees

the 2 many years of HUD employment experience was lost due to

3 bombing?

4 A. Yes, I did.

2058. Do 5 Q. All right. Let me show you Government's Exhibit

6 you recognize that?

7 A. Yes, ma'am.

8 Q. And is this one of the charts that you created?

9 A. Yes, it is.

10 MS. WILKINSON: Your Honor, we would move for
the

11 series of 2058, 1 through 8, to be admitted.

12 MR. TIGAR: Objection, your Honor, relevance.

13 THE COURT: I don't know what we're talking
about

14 here.

15 MS. WILKINSON: This is a list of the
divisions and

16 the loss, the interruption of services to HUD, your
Honor,

17 broken down by each division and the employees'
experience.

18 THE COURT: All right. So this is showing the
effects

19 on the agency.

20 MS. WILKINSON: Yes, your Honor.

21 MR. TIGAR: Well, then it's subject to our
continuing

22 objection.

23 THE COURT: Yes. So that objection is
overruled and

24 will be shown to continue. You may proceed with this
exhibit.

25 How's it marked?

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Susan Hunt - Direct

Honor. 1 MS. WILKINSON: It's 2058, 1 through 8, your

2 It's a series.

3 THE COURT: Received.

4 MS. WILKINSON: This is No. 2.

5 BY MS. WILKINSON:

Inspector 6 Q. Briefly, Miss Hunt, does this show the Office of

7 General, Investigation?

8 A. Yes, it does.

9 Q. What does it show?

percent 10 A. There was one employee killed. There was a hundred

experience 11 loss of that division. There were two years of HUD

12 lost.

13 Q. Let's move on to the legal division.

killed, which 14 A. The legal division, there were five employees

lost. 15 was 100 percent loss. 58 years of HUD experience was

affected. 16 Q. Please tell the jury how the Housing Division was

which was 17 A. The Housing Division, 13 employees were killed,

18 24.5 percent loss, 164 years of HUD experience lost.

19 Q. What about the effect on the Fair Housing Division?
20 A. Fair Housing and Equal Opportunity lost two
employees.

21 That was 50 percent of the division or 32 years of HUD
22 experience lost.

23 Q. How was the Community Planning Division affected by
the
24 bombing?

25 A. There were three employees killed. That was a 60
percent

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Susan Hunt - Direct

1 loss of personnel and 47 years of HUD experience lost.

2 Q. You had a Public Housing Division; is that right?

3 A. Yes, ma'am.

4 Q. How were they affected by the bombing?

5 A. Public Housing lost six employees, 54.5 percent
loss, which

6 was 92 years of HUD experience.

7 Q. And you've talked quite a bit about the Native
American

8 Programs Division. How were they affected?

9 A. Native American Programs lost five employees. That
was a

10 25 percent loss of personnel, which was 93 years of HUD
11 experience lost.

in 12 Q. Miss Hunt, did you calculate the total loss to HUD
13 Oklahoma City as of April 19, 1995?
14 A. Yes, I did.
15 Q. Please tell the jury about that.
16 A. There were 124 employees that were assigned to the
Murrell
17 Building. 35 of our employees died. That's 28 percent
of the
18 agency or 488 years of experience. There's been 14
people
19 since the bombing that are unable to work, which is 11
percent
20 of the agency, additional 185 years of experience,
which is a
21 total of 673 years' experience lost because of bombing.
22 Q. Now, before coming to court today, did you review a
series
23 of photographs of the 35 HUD employees who died that
day?
24 A. Yes, I did.
25 Q. And could you identify those individuals and tell
the jury

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Susan Hunt - Direct

1 briefly what their responsibilities were for the HUD.

2 A. Yes, ma'am.

3 MS. WILKINSON: Your Honor, we'd move for the

4 admission of Government's Exhibit 1129.

5 THE COURT: With the same continuing
objections.

6 Overruled.

7 MS. WILKINSON: May Agent Tongate step forward
to put

8 the charts up?

9 THE COURT: Yes.

10 MS. WILKINSON: Thank you.

11 THE COURT: This is 1129?

12 MS. WILKINSON: Yes, your Honor.

13 THE COURT: All right.

14 BY MS. WILKINSON:

15 Q. Can you see all those photographs, Miss Hunt?

16 A. Yes, I can.

17 MS. WILKINSON: Can everyone on the jury see
those

18 photographs?

19 BY MS. WILKINSON:

20 Q. Okay. Could you start at the left hand and tell us
just

21 briefly the name of the individual --

22 MS. WILKINSON: Your Honor, may she step down?

23 THE COURT: Yes.

24 BY MS. WILKINSON:

25 Q. Miss Hunt, just keep your voice up please and turn
toward

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Susan Hunt - Direct

1 the jury so they can see you.

Community

2 A. Okay. Ted Allen. He was acting director of

3 Planning and Development.

4 Q. Who was -- go ahead.

Single Family

5 A. Diane Althouse. Diane was a realty clerk for

6 Asset Management.

and

7 Peter Avillanoza was director of Fair Housing

8 Equal Opportunity.

credit,

9 Andrea Blanton was a realty clerk for mortgage

10 Single Family Housing.

11 Paul Broxterman was the OIG investigator.

12 Dave Burkett was in Community Planning and

13 Development, Native American Programs.

American

14 Don Burns was construction analyst for Native

15 Programs.

for the

16 Kim Clark was the assistant legal assistant

17 legal department.

18 Kim Cousins was a realty clerk in the property

19 disposition or REO Single Family Housing.

Housing. 20 Diana Day was a housing specialist for Public

mortgage 21 Castine Deveroux was a realty specialist in
22 credit, Single Family Housing.

legal 23 Susan Ferrell was an attorney for HUD in the
24 department.

chart, 25 Q. Miss Hunt, while Mr. Tongate is getting the second

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Susan Hunt - Direct

at HUD? 1 did you know all of those employees while they worked

2 A. Yes, I did.

3 Q. Could you please continue with the next chart.

Housing. 4 A. Judy Fisher was a realty clerk for Single Family

department, 5 Linda Florence was secretary for the REO

6 Single Family Housing.

for Single 7 Colleen Guiles; Colleen was the underwriter

8 Family Housing.

Valuation, a 9 Gene Hodges was the acting director of

10 branch of Single Family and Multi Family Housing.

Programs, 11 George Howard was with Native American

12 Community Planning and Development.

13 Ann Kreyborg. Ann was a realty clerk for
Asset
14 Management, Single Family Housing.

15 Q. Miss Hunt, could you just keep your voice up a
little bit
16 harder. The court reporter is also trying to record
you.

17 A. I'm sorry.

18 Q. That's okay.

19 A. Teresa Lauderdale was secretary to the director of
Housing.
20 Jim McCarthy was the director of Housing.

21 Betsy McGonnell was a realty clerk in Single
Family
22 Asset Management, Single Family Housing.

23 Trish Nix was a housing specialist in Public
Housing.

24 Terry Rees was a housing specialist in Public
Housing.

25 And Mary Rentie was a housing specialist in
Public

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Susan Hunt - Direct

1 Housing. Mary was actually the chief of one of the
branches.

2 Q. Miss Hunt, would you like a drink of water?

3 A. Please.

Housing 4 Tony Reyes was a housing specialist for Fair
5 and Equal Opportunity.

Native 6 Lanny Scroggins was a construction analyst for
7 American Programs.

8 Lee Sells was secretary to the legal
department.

9 John Stewart was chief of one of the branches
of
10 Public Housing.

11 Jules Valdez was a supervisor, Community
Planning and
12 Development in Native American Programs.

13 John Vaness. John was the appraiser, Single
Family
14 and Valuation.

15 Dave Walker was the environmentalist.
16 Mike Weaver was the attorney in the legal
division.

17 Jo Ann Whittenberg was secretary to Public
Housing
18 director.

19 Fran Williams was secretary to the Community
Planning
20 and Development director.

21 And Clarence Wilson was the chief counsel of
HUD in
22 Oklahoma City.

23 Q. I just have one other question, Miss Hunt. Before

you came

HUD 24 to court today, did you affix the names of each of the

could 25 employees who died on April 19 onto a floor plan so you

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Susan Hunt - Direct

bombing? 1 show where those people were before the time of the

2 A. Yes, I did.

display 3 MS. WILKINSON: Your Honor, we're not going to

Government's 4 it; we'd just like to move into evidence. It's

5 Exhibit 952B.

being the 6 THE COURT: With the continuing objection

7 only one?

8 MR. TIGAR: Yes.

9 THE COURT: It's received, 952B.

your 10 MS. WILKINSON: I have no further questions,

11 Honor.

12 THE COURT: I think we'll recess before the
13 cross-examination.

back in 14 You may step down, Ms. Hunt. We'll have you

15 20 minutes.

16 Members of the jury, we'll be taking now our
morning
17 recess; and of course, during the time of this recess,
I ask of
18 you that you not discuss the case or any part of it
among
19 yourselves or, of course, with anyone else. You won't
be
20 seeing anyone else; but it is important for you to
recognize,
21 as I'm sure you do, but also I must repeat for the
record, the
22 importance of keeping open minds, recognizing that
we're just
23 beginning the evidence in the case and that of course
it is a
24 natural tendency for all of us when we're together in a
matter
25 like this to -- and I'm speaking of you as jurors of
course --

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1 to talk about -- want to talk about with the other
jurors what
2 you've seen and heard so far in connection with the
case. And,
3 of course, you know that you must not do that. The law
4 requires of you that you maintain open minds until
you've heard
5 it all. So while that is a difficult thing to do and

which is

6 really contrary to human nature, still and all, you
must do it.

7 That's a part of your obligation as jurors.

8 Also, you know, I can't tell you as each
witness comes

9 on here what that witness means to -- and the testimony
of that

10 witness means to the overall case; but I do ask of you
as we

11 are proceeding with witnesses who were in Oklahoma City
and who

12 were there at the time of this explosion and who
testify about

13 things that have some emotional content to them to
please

14 recognize the limitations of this evidence, what it's
being

15 offered for.

16 For example, with this witness who has
testified about

17 how many years of experience, and so forth, are lost
here, the

18 purpose of that is, as you will learn ultimately in the
case,

19 with respect to one of the charges in this indictment,
the

20 effects on the operations of the government may be
considered;

21 so that's why this evidence is coming in. But of
course, you

22 know, this is a case in which a lot of this evidence
that you

the 23 will be hearing from people who experienced directly
to 24 immediate impacts of this explosion, it's -- you have
you will 25 consider it and not consider the emotions of it. And

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who did 1 be hearing more from these people who were there and
the 2 experience injuries and saw death. Please understand
3 importance of putting that in perspective.

course, 4 Now, also, at this and all other recesses, of
continuing 5 you must avoid anything outside of their evidence,

6 to recognize that what may be in newspapers, magazines,
7 publications of all kinds are not something that you
can take

8 into consideration in your decisions to be made. I'm
sure 9 you'll understand that and cooperate with us.

You're 10 We're going to take a 20-minute recess.

11 excused now from the courtroom for that time.

12 (Jury out at 10:23 a.m.)

13 THE COURT: All right. We'll be in recess, 20

14 minutes.

15 (Recess at 10:24 a.m.)

16 (Reconvened at 10:45 a.m.)

17 THE COURT: Please be seated.

18 MR. TIGAR: Your Honor, could we have this
covered
19 while I'm cross-examining? I think it --

20 THE COURT: Yes.

21 MS. WILKINSON: Sure.

22 MR. TIGAR: I'm not real interesting at the
best of
23 times, your Honor; but with that distraction --

24 THE COURT: All right. Just cover it up.

25 (Jury in at 10:46 a.m.)

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1 THE COURT: Let's get the witness.

2 If you'll resume the stand, please, Mrs. Hunt.

3 Mr. Tigar, you may inquire.

4 MR. TIGAR: Thank you, your Honor.

5 CROSS-EXAMINATION

6 BY MR. TIGAR:

7 Q. Good morning, ma'am.

8 A. Good morning.

9 Q. My name is Michael Tigar, and I'm one of the

lawyers that's

10 been appointed to help Terry Nichols.

11 A. Uh-huh.

12 Q. And I wonder if you could just answer for me a few
13 questions about what you saw from the time the bomb
went off

14 until the time that you all had to move down the street
because
15 of that second bomb scare.

16 A. Uh-huh.

17 Q. That period of time. About -- do you remember
about what
18 time it was that that second, you know -- the bomb
scare

19 happened?

20 A. I have no idea.

21 Q. Okay. But whenever it was, the officers told you
to move
22 off from the area where you were, and you did have to
leave the
23 area of the Murrah Building; is that right?

24 A. Yes.

25 Q. Okay. So I'm going to put up on here what's been
received

6675

Susan Hunt - Cross

1 in evidence as Government's Exhibit 949A. It's a chart
of the

2 map of the area there. And do you recognize that?

3 A. Yes, I do.

4 Q. Okay. Let me zoom in a little.

5 When you told us -- you left the building by
what's

6 called the plaza area on this map; is that right?

7 A. Yes.

8 Q. And then did you move across and go north on Harvey
Avenue?

9 A. No.

10 Q. Okay. How did you go -- well --

11 A. When?

12 Q. I'm sorry. When you first came out of the
building. You

13 told us --

14 A. Oh, yes.

15 Q. Okay?

16 A. That's true.

17 Q. Did there come a time when you got to this parking
lot

18 that's on N.W. 5th Street here?

19 A. Yes.

20 Q. And would you remind me, please, how it was that
you walked

21 around there?

22 A. I was about right here, and I went down the
stairwell and

23 this way.

it? 24 Q. I see. So you went up Robinson Avenue to get to

25 A. Yes, sir.

6676

Susan Hunt - Cross

those 1 Q. All right. Thank you. And I know that -- I guess
2 details will never leave your mind, will they?

3 A. No.

evidence as 4 Q. I'm going to put up now what's been received in

direct 5 Government's Exhibit 1004. You saw that during your
6 examination.

7 And this is the plaza area; is that right?

8 A. Yes, sir.

of that 9 Q. So you would have gone out towards the lower right
10 picture. Is that right? Looking at that?

11 A. Actually, I came around this way.

those 12 Q. I see. All right. Down right at the bottom where
13 steps are; is that right?

14 A. We were standing in this area.

shortly 15 Q. Okay. And that picture was taken, was it not,
16 after the bomb exploded; correct?

17 A. By the debris, it appears so.

18 Q. Right. Because you notice that the flag is at full
staff;

19 correct?

20 A. Yes.

21 Q. And you can see a shadow, and the shadow from the
flagpole

22 is in a westerly direction, as though the sun were to
the east.

23 Is that --

24 A. Yes.

25 Q. Okay. Now I'd like to show you 954, which has been

6677

Susan Hunt - Cross

1 received in evidence. That's another picture.

2 Now, do you know when this picture was taken?

3 A. I have no idea.

4 Q. Now, if we can look for some clues here on the
picture, if

5 you could help me, it appears that the flag on the
flagpole is

6 at half staff. Can you see that?

7 A. I can't see it.

8 Q. All right. It does appear that there are
construction

9 vehicles around here in this area in the parking lot
and a

there? 10 Quonset hut, and so on. You see that on Robinson

11 A. Yes.

12 Q. Now, that Quonset hut -- and so that would have
been set up

13 after the bomb; right? That wasn't -- well, I -- I got
ahead

14 of myself. That wasn't usually on Robinson Street
before the

15 bombing, was it, the Quonset hut?

16 A. No.

17 Q. Okay. Finally, I'd like you to look at this
picture, which

18 is 964. It's been received in evidence. And you
described

19 that as the scene that you had witnessed, or something
like it,

20 in that parking lot across the street from the Murrah
Building.

21 Correct?

22 A. Right.

23 Q. And when you got there, did you -- had the
firefighters

24 already arrived when you came around the corner?

25 A. There was a firefighter.

6678

Susan Hunt - Cross

1 Q. Okay. And had they laid their hoses out?

2 A. I don't remember.

3 Q. Okay.

4 A. I'm sorry.

5 Q. Please, I'm -- I'm not here to quarrel with you.

You

6 understand how important this is because you were --

you were

7 on the scene.

8 A. Sure.

9 Q. And we need to get as much detail as we can. Okay.

10 Would you look at the picture and see at the

bottom

11 there if you can tell if that is a fire hose stretched

out

12 there, if that refreshes your recollection as to what

you saw

13 by that firefighter?

14 A. It looks like it could be.

15 Q. Okay. Now, as you saw the firefighters there, were

they

16 attacking those car fires with anything other than

their water

17 out of their fire hoses? Did you see them using other

kinds of

18 equipment, and so on?

19 A. No. My focus was on finding my people.

20 Q. I understand. I understand. And the problem of

trying to

21 find your people was made more difficult by all of this

smoke

fair to 22 that was going on from all of these fires. Is that

23 say?

24 A. Yes.

big 25 Q. Did you happen to -- did you notice the crater, the

6679

Susan Hunt - Cross

1 hole that was in the front of the Murrah Building?

2 A. I didn't -- I didn't.

3 Q. You didn't pay -- I understand.

4 A. I was probably in shock like everybody else.

5 Q. I understand. I understand.

6 A. I didn't.

you very 7 MR. TIGAR: All right. Well, I want to thank

very much. 8 much for sharing these details with us. I thank you

witness, 9 I don't have any further questions of the

10 your Honor.

11 THE COURT: Ms. Wilkinson, any follow-up?

your Honor. 12 MS. WILKINSON: None, and she's dismissed,

may be 13 MR. TIGAR: Of course, your Honor, the witness

14 excused.

15 THE COURT: You may step down. You are now
excused.

16 Next, please.

17 MR. MACKEY: The United States will call James
18 Elliott. Ms. Wilkinson will question.

19 THE COURT: All right.

20 THE COURTROOM DEPUTY: Raise your right hand.
21 (James Elliott affirmed.)

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

23 THE WITNESS: Thank you.

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

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1 THE WITNESS: James F. Elliott, E-L-L-I-O-T-T.

2 THE COURT: Proceed, yes.

3 MS. WILKINSON: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MS. WILKINSON:

6 Q. Mr. Elliott, where were you employed until very
recently?

7 A. Federal Bureau of Investigation.

8 Q. Did you just retire?

9 A. Yes, ma'am.

10 Q. When did you retire?

11 A. August 1.

12 Q. And how many years did you work for the FBI?

13 A. 32 years.

14 Q. What was your job at the FBI?

15 A. I was a special agent.

16 Q. And can you tell us where you were born?

17 A. McAlester, Oklahoma.

18 Q. Have you lived there most of your life?

19 A. A portion.

you
20 Q. And where were you stationed with the FBI before
21 retired?

22 A. McAlester, Oklahoma.

the
23 Q. And did there come a time when you were assigned to
24 Task Force investigating the Oklahoma City bombing?

25 A. Yes, ma'am.

6681

James Elliott - Direct

1 Q. When did you get assigned to the Task Force?

April 19,
2 A. I was assigned to the Task Force actually from

3 1995, but on a full-time basis from August, 1995.

4 Q. Okay. Now, you told us at that time you were
assigned to

5 McAlester; is that right?

6 A. Yes, ma'am.

7 Q. What type of office is -- does the FBI have in
McAlester,

8 Oklahoma?

9 A. We have a resident agency.

10 Q. What is a resident agency?

11 A. A resident agency is essentially a sub office from
a

12 headquarters office, in this case Oklahoma City, which
-- and

13 from the resident agency, we handle violations assigned
to the

14 FBI in a specific geographical area.

15 Q. Does that mean you handle all types of
investigations

16 conducted by the FBI?

17 A. Yes, ma'am.

18 Q. What type of investigations have you worked on
during your

19 career?

20 A. During my career, I've worked reactive crimes such
as auto

21 theft, bank robbery, white-collar crime, drugs, civil
rights.

22 Q. When you worked on stolen car cases and those type
of

23 cases, did you become familiar with vehicles and
vehicle

24 identification numbers?

25 A. Yes, ma'am.

6682

James Elliott - Direct

1 Q. During your career with the FBI, were you ever
assigned to

2 the Oklahoma City office?

3 A. Yes, ma'am.

4 Q. When was that?

5 A. From July, 1966, to I think November of 1977.

6 Q. Were there other times during your career when you
worked

7 or did investigations in the Oklahoma City area?

8 A. Yes, ma'am. From -- from 1966 to 1977 and then
from 19 --

9 November of 1977 till March of 1978, I was assigned to
the

10 Enid, Oklahoma, resident agency; and the seat of the
courts is

11 Oklahoma City.

12 Q. During your tenure as an FBI agent, did you become
familiar

13 with the downtown Oklahoma City area?

14 A. Yes, ma'am.

15 Q. Now, when you were with the FBI, did you have any
16 specialized responsibilities?

17 A. Yes, ma'am. I was part of the Evidence Response
Team.

18 Q. What is an evidence response team?

19 A. Evidence Response Team is a group which goes to
major crime

20 scenes, collects evidence.

21 Q. And did you have any type of special training?

22 A. Yes, ma'am. There is an 80-hour course.

23 Q. Had you completed that prior to the bombing?

24 A. Approximately six weeks prior.

25 Q. Now, turning your attention to April 19, 1995,
where were

6683

James Elliott - Direct

1 you that morning?

2 A. I was in my office in McAlester, Oklahoma.

3 Q. And what did you do when you heard about the
bombing?

4 A. I initially tried to call the Oklahoma City office
but

5 could not get through. I then went downstairs to my
car,

6 turned on the car radio, and determined there had been
an

7 explosion of undetermined origin at that point at the
federal

8 building in Oklahoma City.

9 I assumed that the Evidence Response Team

would be

10 called; so I went to my residence, got my clothing,
went back

11 to my office, picked up crime-scene kit and cameras;
and at

12 that point there was a message on my answering machine
to

13 respond to Oklahoma City.

14 Q. What type of clothing did you go get when you went
home?

15 A. Utility clothing, military-type battle-dress
uniform.

16 Q. What type of shoes?

17 A. Boots.

18 Q. And what type of equipment did you pick up from
your

19 office?

20 A. I picked up crime-scene equipment, fingerprinting-
type

21 equipment, containers for evidence collection, tools to
remove

22 evidence.

23 Q. Were all --

24 A. And my camera.

25 Q. Excuse me. Were all of these items new?

6684

James Elliott - Direct

1 A. Yes, they were.

2 Q. They had never been used before?

3 A. Never have.

4 Q. Were your boots clean?

5 A. Boots were clean, yes.

6 Q. Did you leave immediately thereafter?

7 A. Yes. I left, I would estimate, at about 10:15 to
10:30.

8 Q. Approximately what time did you arrive in downtown
Oklahoma
9 City?

10 A. Arrived in downtown Oklahoma City somewhere between
12:30
11 and 12:45.

12 Q. What did you see when you arrived?

13 A. I saw a great deal of devastation.

14 Q. Did you notice what was on the streets?

15 A. It was debris. Yes. That was --

16 Q. What type of debris?

17 A. Well, there was a great deal of debris. Building
debris.

18 Rock, metal.

19 Q. Did you see any glass?

20 A. Oh, yes.

21 Q. Now, where did you go when you got to the downtown
area?

22 A. I reported to our mobile command center, which was
located

23 at 8th and Harvey, I believe.

24 Q. What is a mobile command center?

25 A. A mobile command center is a motor home which has
telephone

6685

James Elliott - Direct

1 lines and radio equipment installed.

2 Q. What was the purpose of that mobile command center
at that
3 time?

4 A. Well, to maintain contact with the agents who were
5 responding to the scene.

6 Q. Did you have any difficulty in getting access to
the
7 command post?

8 A. I went through several checkpoints.

9 Q. Now, once you arrived at the crime scene on April
19, 1995,
10 did you stay in Oklahoma City over the next few weeks?

11 A. Yes, ma'am.

12 Q. What were your general duties and responsibilities?

13 A. I was assigned after the first day or actually on
the first
14 day to assist in the coordination of the collection of
the
15 physical evidence.

16 Q. And what did you do in that capacity? What did you
do on a

17 day-to-day basis?
18 A. On a day-to-day basis, I would report to our
evidence
19 collection center, assist in the -- in categorizing and
storing
20 evidence. I was also assigned as liaison with the
property
21 room of the Oklahoma City Police Department as well as
the
22 on-scene rescue command post for the fire department.
23 Q. Now, what is an Evidence Control Center?
24 A. Evidence Control Center is a point where we enter
the
25 evidence as it is brought to us, after it is collected,
place

6686

James Elliott - Direct

1 it -- categorize it and store it.
2 Q. Is it a secure location?
3 A. It is very secure.
4 Q. Tell us how.
5 A. The building was alarmed. During working hours,
there were
6 six to seven people there. At night it was -- the
alarm was
7 set, and the Oklahoma City Police Department maintained
8 heightened surveillance on that area.

the
walk
9 Q. Now, as part of your responsibilities of managing
10 Evidence Control Center, did you have an opportunity to
11 through the crime scene?

12 A. Yes, ma'am. Daily.

the
due to
13 Q. And during that time, did you become familiar with
14 streets and buildings and the damage that had occurred
15 the bombing?

16 A. Yes, ma'am.

17 Q. Did you observe the damage to the Murrah Building?

18 A. Yes, I did.

buildings?
19 Q. Did you observe the damage to the surrounding

20 A. Yes, ma'am.

21 Q. How large was the area damaged by the explosion on
22 April 19?

23 A. I would estimate about 16 blocks.

24 Q. Did you walk all of those blocks?

25 A. Not all of them.

6687

James Elliott - Direct

blocks?
1 Q. Was evidence recovered from virtually all those

2 A. Yes, ma'am.

you and
area?
3 Q. Now, during the course of this investigation, did
4 others create a model of the downtown Oklahoma City

5 A. Yes.

6 Q. How was that model created?

7 A. The model was created by individuals from our
headquarters
8 in Washington, D.C., Special Projects Unit, who came to
9 Oklahoma City after the bombing -- I think the day
after --
10 made exact measurements of downtown Oklahoma City and
of the
11 building and created -- buildings, rather -- and
created a
12 model from scale -- or to scale.

13 Q. Have you examined the model that was constructed
prior to
14 coming to court today?

15 A. Yes, I have.

16 Q. Is it a fair and accurate representation of
downtown
17 Oklahoma City shortly after the bombing?

18 A. Yes, it is.

19 MS. WILKINSON: Your Honor, we would move for
the
20 admission of Government's Exhibit 642 as a
demonstrative
21 exhibit.

22 MR. WOODS: There is no objection, your Honor.

23 THE COURT: All right. 642 is received as a
24 demonstrative exhibit.

25 Members of the jury, that means to illustrate

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James Elliott - Direct

1 testimony, as opposed to being an exhibit which in
itself is
2 evidence.

3 MS. WILKINSON: Your Honor, may the witness
step down
4 so he can point out the model to the jury?

5 THE COURT: Yes, he may.

6 You may need a microphone there.

7 MS. WILKINSON: Mr. Elliott, do you need a
microphone,
8 or can you keep your voice up?

9 THE WITNESS: I'll try to talk loudly.

10 THE COURT: It may be that members of the jury
in the
11 back row or next have trouble seeing that. If you want
to
12 stand up, you can feel free to do that.

13 MS. WILKINSON: Let me hand you a pointer.

14 MR. WOODS: Your Honor, may I stand over here?

15 THE COURT: You may. Sure.

16 BY MS. WILKINSON:

with the 17 Q. If you can tell the members of the jury starting
18 legend what this model depicts.

19 A. This model depicts downtown Oklahoma City from
20 approximately the Santa Fe tracks, which would be at
the east 21 side of Oklahoma City, to Hudson Avenue on the west.
The

22 Murrah Building is located in the middle. Its
direction is 23 north, east, west, and south.

24 There are dots on the model. These dots
demonstrate 25 positions where pieces of truck, which are yellow --
I'm

6689

James Elliott - Direct

1 sorry -- yes, truck, which is yellow. Green are parts
of the 2 box, the rear of the truck. Blue are plastic, and
there is a 3 purple dot which depicts a sign across from the Murrah
4 Building.

5 Q. When you say blue for plastic, are you talking
about 6 plastic fragments that were recovered at the crime
scene?

7 A. Plastic fragments, yes.

8 Q. Let's start by orienting the jury.

9 A. This is N.W. 5th Street, which is one way to the
east.

10 This is Robinson, which is one-way south.

11 Harvey, which is one-way north.

12 Broadway is a two-way street.

13 Q. Let's start down here.

14 A. All right.

15 Q. This building is what building?

16 A. This is the Regency Tower, which is a high-rise
17 apartment -- is and was a high-rise apartment building.

18 Q. Now, the jury heard testimony from Mr. Nichols who
was

19 here. Can you show the jury how far the Regency Towers
is from

20 the Murrah Building?

21 A. The Regency Tower is here. The Murrah Building is
here.

22 Q. And if you were traveling from the Regency Tower to
the

23 Murrah Building and you were following the traffic
pattern,

24 which way would you go?

25 A. You would be traveling this direction, on a one-way
street.

6690

James Elliott - Direct

right? 1 Q. This shows the Murrah Building intact. Is that

2 A. That's correct.

3 Q. And back here?

the 4 A. Is a courtyard area, which is actually the front of

5 building.

6 Q. Let me remove this portion.

and the 7 Does this depict the damage to the building

8 crater after the bombing at 9:02 on April 19, 1995?

9 A. Yes, it does.

depicts? 10 Q. And can you describe briefly for the jury what it

here, 11 A. All right. It depicts -- if I may swing around

12 please.

13 Q. Sure.

The 14 A. It depicts the crater where the explosion occurred.

what 15 collapsed part of the building collapsed back to this

16 would actually be the front wall.

17 Q. Why don't I lift this up and then you can --

18 A. And then this whole area here collapsed into rubble

19 probably this high.

20 Q. Now, what about this yellow hole?

of the 21 A. This yellow hole is a crater where the main force

22 explosion dug into the sand and concrete underneath.
23 Q. Mr. Elliott, what's across the street from the
Murrah
24 Building?
25 A. Across the street was a parking lot. Directly
behind this

6691

James Elliott - Direct

1 parking lot is the Journal Record Building. Yes. The
roof
2 from the Journal Record Building was taken off and laid
down in
3 that parking lot.

4 Q. Caused by the explosion?

5 A. Caused by the explosion.

6 Q. What is this building right here?

7 A. This is the Athenia Building; and the Athenia
Building also
8 sustained considerable damage, depicted by this portion
of the
9 building being destroyed.

10 Q. What's next to the Athenian Building?

11 A. Next to the Athenia Building is the Water Resources
12 building, which also sustained a great deal of damage
that's
13 not depicted here.

14 Q. When this model was constructed, were only these
three

and the 15 buildings, the federal building, the Athenian Building

16 Journal Record Building, depicted for damage?

17 A. That's correct.

buildings had 18 Q. As we go along, could you explain if other

19 some damage?

20 A. Yes.

21 Q. We started with the Water Resources building.

glass 22 A. Well, the Journal Record Building had extensive

23 breakage on this side.

debris -- 24 The Water Resources building had pitting and

damage 25 shrapnel holes in the front of it as well as structural

6692

James Elliott - Direct

1 inside.

2 Across from it is the U.S. Post Office, which
3 sustained a good deal of structural damage to the roof;
however

4 it was still -- was used later as a rescue center.

5 Q. How about across 5th Street?

6 A. Across 5th Street was Saint Joseph's Rectory, which
7 sustained extensive structural damage and was later
destroyed,

8 torn down.

9 Then we have the Regency Tower -- excuse me --
the
10 Firestone building, all of which sustained glass damage
and
11 blast damage.

12 A garage behind the Regency Tower sustained
blast
13 damage, structural damage, as did this Law Office
Building
14 which was later torn down.

15 Q. All right. Let's go back across Robinson and over
there --

16 A. Across Robinson is the Kirkpatrick Hotel, which
sustained a
17 lot of shrapnel damage as well as glass breakage and
structural
18 damage inside the building. A series of stores along
here
19 suffered considerable amount of structural damage.

20 Q. When you say "along here," could you tell us --

21 A. Yes, I'm sorry. It actually fronts on 6th Street
and is
22 directly behind the YMCA.

23 Office furnishings building which also
sustained some
24 damage. This was an old -- I think at the time of the
blast it
25 was empty, but it was an old car dealership which
sustained

James Elliott - Direct

1 glass and some structural damage.

2 Q. And you're talking about a building that's on the
alley?

3 A. It's on the alley.

4 Q. And 5th Street?

5 A. And the corner 5th and Broadway.

6 Q. What about Bentley Carpets?

7 A. Bentley Carpets sustained damage from shrapnel
going

8 through the front of the building as well as some
pockmarking

9 on the brick on the side. It's located on Broadway
just south

10 of 5th Street.

11 Q. I think we didn't describe the YMCA.

12 A. We did not describe the YMCA. The YMCA suffered
extensive

13 structural and glass damage. There was debris along
the --

14 both the south side and the west side. I didn't go in
the

15 interior, so I can't tell you what damage there
appeared in the

16 interior; but from the outside, it appeared that there
was a

17 good deal of damage inside.

18 Q. You can take your seat.

19 You told us, Mr. Elliott, that you arrived at
the

20 command post sometime midday on April 19. Is that
correct?

21 A. That's correct.

22 Q. What happened when you got there?

23 A. I reported to the command post and asked them if
they had

24 any assignment for me. They told me to stand by.

25 Q. And did you get an assignment?

6694

James Elliott - Direct

1 A. Not long after that, I -- within minutes -- I
encountered

2 FBI Agent Jim Norman, who gave me a number that he had
taken

3 from a piece of debris and asked if I could identify
this

4 number.

5 Q. Did he tell you the number, or did he write it down
for

6 you?

7 A. He gave it to me and I wrote it down.

8 Q. What was the number that he initial --

9 A. He gave me 6.4PVA26077.

10 Q. Now, based on your training and experience, did you
know

11 what that number indicated?
12 A. It indicated to me that -- the PVA26077 indicated
to me it
13 was a confidential vehicle identification number.
14 Q. What did you do when you got that number from Agent
Norman?
15 A. I called the National Crime Insurance Bureau in
Dallas,
16 Texas, gave them that number so that it could be
traced.
17 Q. You said you gave it to --
18 A. An employee there at the National Crime Insurance
Bureau in
19 Dallas, Texas.
20 Q. And what is the National Crime Insurance Bureau?
21 A. The National Crime Insurance Bureau is an agency
funded, to
22 my knowledge, principally by insurance companies, which
23 maintains records of all automobiles manufactured and
sold
24 within the United States.
25 Q. Now, you gave them a series of numbers and letters
that

6695

James Elliott - Direct

1 were eight characters? Is that right?
2 A. That's correct.
3 Q. You believe that to be the confidential VIN number?

4 A. Appeared to be a confidential vehicle
identification number

5 to me, yes.

6 Q. What is a confidential vehicle identification
number?

7 A. Confidential Vehicle -- CVIN is an easier way to
say it.

8 It's a number which is stamped at various places on
hard parts

9 of a vehicle as it's being manufactured and is
essentially

10 hidden from public view, so that should the vehicle be
stolen

11 and the public vehicle identification number changed,
the

12 vehicle can be traced.

13 Q. What is a public vehicle identification number?

14 A. The public vehicle identification number is a 17-
digit

15 number which is displayed on most vehicles -- well,
it's

16 displayed on all vehicles on the dashboard and on most
vehicles

17 also on the driver's side post.

18 Q. Is a public VIN unique to each car or truck
manufactured in

19 the United States?

20 A. Yes, it is.

21 Q. And is the confidential VIN also unique to each car
or

22 truck manufactured in the United States?

23 A. Yes, it is.

VIN? 24 Q. Does the confidential VIN relate in any way to the

the last 25 A. The confidential vehicle identification number are

6696

James Elliott - Direct

number. 1 eight characters of the public vehicle identification

vehicle 2 Q. Does that include the sequential numbers as the

3 comes off the assembly line?

sequential 4 A. In this case, the last five numbers are the

5 production numbers.

a 6 Q. Is it common practice in your investigations to use

the 7 confidential vehicle identification number to determine

8 public vehicle identification number of a car or truck?

9 A. It's very common.

Crime 10 Q. Now, once you called into the National Insurance

11 Bureau, what did you do?

told me 12 A. I then went down to the place where Mr. Norman had

make sense 13 he had seen this truck part, because the 6.4 didn't

14 confidential

to me. I did not believe it was part of the

the

15 vehicle identification number, and I wanted to verify

16 number.

17 Q. Where did you go to look for this truck part?

18 Apartments.

A. I went directly in front of the Regency Tower

19 Q. What did you see when you got there?

20 rear-axle

A. I saw a rear axle -- what appeared to me to be a

21 housing lying in the street next to a red Ford Festiva.

22 which I

Q. Okay. Let me show you Government's Exhibit 631,

23 believe has been previously moved into evidence.

24 A. Yes, ma'am.

25 Q. Do you recognize that photograph?

6697

James Elliott - Direct

1 A. Yes, I do.

2 Tower

Q. What did you see when you came down to the Regency

3 and if you --

4 direction

A. I actually approached the Regency Tower from the

5 photograph is to

this photograph shows from the east. And this

6 the west, but I saw this rear-axle housing in the 5th

Street

7 next to this red Ford Festiva.

8 Q. And did you cause someone to take photographs,
close-up

9 photographs of this rear-axle housing?

10 A. I didn't actually cause it, but it was done, yes.

11 Q. And have you reviewed those photographs --

12 A. Yes, I have.

13 Q. -- prior to coming to court today?

14 Let me show you what's been marked as
Government's

15 Exhibit 635.

16 A. Yes.

17 Q. Do you recognize that?

18 A. Yes.

19 Q. Is that a closeup --

20 A. That is a close-up photograph of the rear-axle
housing that

21 I saw on April 19.

22 MS. WILKINSON: Your Honor, we move for the
admission

23 of 635.

24 MR. WOODS: No objection.

25 THE COURT: Received. 635 may be shown.

6698

James Elliott - Direct

1 BY MS. WILKINSON:

2 Q. Tell the jury what they're seeing from this angle.

3 A. From this angle, they're seeing the -- there is a
dot down
4 here. They're seeing the Ford -- or the rear-axle
housing and
5 a portion of the bumper of the Ford Festiva.

6 MS. WILKINSON: Your Honor, this other
television, we
7 turned off during the break to move it. It's not on
again. I
8 wonder if I can just go on up and turn it on.

9 THE COURT: Sure.

10 MS. WILKINSON: If I can do it.

11 Thank you.

12 BY MS. WILKINSON:

13 Q. Now, can you just use your pen, and see that little
bump
14 there in the middle on the rear-axle housing?

15 A. Right here?

16 Q. Yes. What is that?

17 A. This is the area -- well, that's a little low.

18 This is the area where the confidential
vehicle
19 identification number would be located.

20 Q. Okay. Let me show you Government's Exhibit 636.

21 A. Whoops. Okay.

22 Q. You recognize that?

23 A. Yes.

24 Q. And what is that?

25 A. Well, that is the confidential vehicle indication
number.

6699

James Elliott - Direct

1 It is upside down.

2 Q. Okay. But that's a closeup of that number?

3 A. That is a closeup of the confidential VIN located
on that
4 rear-axle housing.

5 Q. And is that what you saw on April 19, 1995?

6 A. That's exactly what I saw as I saw it.

7 MS. WILKINSON: We'd move for the admission of
8 Government's 636.

9 MR. WOODS: No objection, your Honor.

10 THE COURT: Received.

11 BY MS. WILKINSON:

12 Q. Mr. Elliott, with your pen can you try and circle
for the
13 jury the number that you saw that day.

14 A. Here we go. Okay.

15 Q. Now, do you see the other number that Agent Norman
gave
16 you?

17 A. I -- really, I don't on here.

18 Q. Did you see it that day?

19 A. I saw it that day, yes.

20 Q. Okay. Now, what did you do once you saw this
confidential

21 VIN number on the rear-axle housing?

22 A. As soon as I saw that, I received a radio message
that I

23 had a telephone call awaiting at the command post. I
returned

24 to the command post and talked -- well, actually,
called back

25 that number, which was the National Crime Insurance
Bureau in

6700

James Elliott - Direct

1 Dallas.

2 Q. Was the rear-axle housing that you saw that day
taken into

3 custody by the FBI?

4 A. Yes. It was under guard.

5 Q. And have you reviewed that item before coming to
court

6 today?

7 A. Yes.

8 MS. WILKINSON: Your Honor, may I move the
exhibit so

9 Mr. Elliott can examine it?

10 THE COURT: All right.

11 BY MS. WILKINSON:

12 Q. Mr. Elliott, could you step down, please.

13 A. Yes, ma'am.

14 Q. Now, is the rear-axle housing that you saw that day
on

15 April 19, 1995, in front of the Regency Tower
underneath this

16 cover?

17 A. Yes, it is.

18 MS. WILKINSON: Your Honor, we'd move into
admission

19 Government's Exhibit 630.

20 MR. WOODS: No objection, your Honor.

21 THE COURT: 630 is received. Display it.

22 BY MS. WILKINSON:

23 Q. Mr. Elliott, is this the rear-axle housing you saw
that

24 day?

25 A. Yes, it is.

6701

James Elliott - Direct

1 Q. Now, show the jury where the confidential VIN
number is.

2 A. Confidential VIN number is right here, PVA26077.

3 To the left is a number 6.4. I don't know the

4 significance of 6.4.

5 Q. But it's not part --

6 A. It is not part of -- absolutely not part of the
7 confidential VIN.

8 Q. Okay. Now, can you describe to us what you saw
that day in

9 terms of the condition of this rear-axle housing?

10 A. Well, it's exactly as it's shown here. It's ripped
through

11 this housing here. The axle portion is severely
twisted in

12 this direction. I don't know whether that's front or
back,

13 frankly.

14 The other axle or wheel area is right here,
and you

15 can see the bolts where the wheel would be attached.

16 Q. What about this piece of metal that's bent back
this way?

17 A. That's a piece of the axle housing which is
severely

18 twisted back toward the wheel.

19 Q. Go ahead and point that out.

20 A. Okay. This is the -- a piece of the -- of the axle
housing

21 which is -- force of explosion, I would assume -- was
forced

22 back toward the wheel.

23 Q. And was this the same condition it was in when you
saw it

24 on April 19?

25 A. Exactly.

6702

James Elliott - Direct

you saw 1 Q. Now, can you just show the jury on the model where

2 Government's Exhibit 630.

dot -- 3 A. Yes. It was located right here where this yellow

4 Q. I'll move this back out of the way.

5 Go ahead.

in front 6 A. Okay. Right here where the yellow dot is located

7 of the Regency Towers Apartments.

8 Q. Okay. You can take your seat, Mr. Elliott.

how heavy 9 Mr. Elliott, did you calculate approximately

10 Government's Exhibit 630 is, the rear-axle housing?

11 A. I believe it's around 250 pounds.

Building 12 Q. And how far did it travel that day from the Murrah

13 to get to the Regency Tower?

14 A. 575 feet.

and you 15 Q. Now, once you found out that you had a phone call

16 had seen the rear-axle housing, what did you do?

National 17 A. I returned to the command post and called the
18 Crime Insurance Bureau office in Dallas.
19 Q. Did they give you information about the
identification of
20 the truck from which this rear-axle housing had come?
21 A. Yes, they did.
22 Q. What did you learn?
23 A. I learned the true vehicle identification number of
the
24 vehicle; that it was registered to Ryder Rental,
Incorporated,
25 in Miami, Florida, and was a current rental.

6703

James Elliott - Direct

number? 1 Q. Did they give you the public vehicle identification
2 A. Yes. Public number was F --
3 Q. Why don't we do it this way. Did they give you the
entire
4 number?
5 A. Yes, they did.
6 Q. Did you turn it over to people in the command post?
7 A. Yes, I did.
8 Q. And did they use that to contact Ford and Ryder?
9 A. Yes, they did.
10 Q. Okay. What else did you learn about the vehicle?

to 11 A. I learned that it had a gross vehicle weight of 19
12 26,000 pounds.

you 13 Q. What did you do with all of that information once
14 received it?

post, who 15 A. I furnished it to the duty agent at the command
16 in my presence called and gave that information to FBI
17 headquarters.

18 Q. Did you assume your other duties at that time?

other 19 A. Actually, at that point I had not been assigned any
20 duties. I then went -- went outside to wait further
21 instructions and was assigned later in the day to work
in the 22 Evidence Control Center.

Control 23 Q. Did you go down to the location of the Evidence
24 Center?

25 A. Yes, I did, in the afternoon.

6704

James Elliott - Direct

1 Q. Where was it located?

2 A. Located between Classen and Western on 4th Street.

3 Q. How far was this from the Murrah Building?

4 A. It's approximately eight blocks.

Control 5 Q. What did you do after you went down to the Evidence
6 Center?

7 A. We started setting up computers, cleaned the
floors, moved
8 some -- it was a facility that the FBI already owned or
rented,
9 area, cleared out some evidence that had been there so
we would
10 have room to store as evidence came in and set up bins,
as they
11 were, on the floor so we could separate evidence.

12 Q. To your knowledge, had any ammonium nitrate ever
been
13 stored in that area before then?

14 A. Not to my knowledge.

15 Q. And did you have segregated storage areas within
that
16 facility?

17 A. They were segregated -- there were three different
rooms
18 that we used. They were segregated to the extent in
each room
19 that we essentially took masking tape or duct tape,
actually,
20 on the floor and made bins so that we could trace where
we
21 stored things.

22 Q. Did you control access to the Evidence Control
Center?

23 A. It was strictly controlled.
24 Q. How did you control that?
25 A. Only a limited number of people -- well, to the
Evidence

6705

James Elliott - Direct

1 Control Center itself?
2 Q. Yes, sir.
3 A. Yes, to an extent. People would bring evidence in,
and we
4 would allow them in a large common area; but no one but
the
5 people employed in the Evidence Control Center were
allowed in
6 the facility -- the places where we stored the evidence
--
7 unless they signed in and had specific good reason to
be there.
8 Q. So they could come to turn in evidence, but they
couldn't
9 gain access to the actual evidence unless they had some
10 specific purpose for doing that. Is that right?
11 A. Exactly.
12 Q. And you kept track of the people who had access to
that
13 center?
14 A. Absolutely.
15 Q. All right. Did you --

16 A. Well, actually, we kept a record of everyone who
came into

17 the Evidence Control Center.

18 Q. And then further sign-in sheets?

19 A. And then further sign-in sheets in each room.

20 Q. Did you go back to the crime scene that afternoon
or

21 evening?

22 A. Yes, I did. Around 6:30, I went back to the crime
scene to

23 determine what, if any, evidence would be brought to us
that

24 evening.

25 Q. And what did you find when you got back there?

6706

James Elliott - Direct

1 A. I found they were clearing the area in front of the
street,

2 actually, in front of the Murrah Building from about
Hudson to

3 Broadway and along Robinson.

4 Q. What did you see? What did you see?

5 A. I saw agents picking up evidence.

6 Q. And did you --

7 A. Collecting evidence.

8 Q. Did you collect evidence that --

9 A. Yes, I did.

10 Q. From whom?

11 A. I saw two Oklahoma County auxiliary sheriffs at the
corner
12 of the Athenia Building looking at a piece of twisted
metal. I
13 stopped and examined that metal and saw that it
contained what
14 appeared to be a Florida license tag. I seized it as
evidence
15 and placed it in evidence in the Evidence Control
Center.
16 Q. So you don't have to step down, let me point: This
is the
17 Athenian Building. Is that right?

18 A. Yes.

19 Q. Right here in front of the Murrah Building?

20 A. In front of the Murrah.

21 Q. Is this where you --

22 A. I can't actually see, but I assume -- it's the
corner of
23 it.

24 Q. Right in front of that building?

25 A. Well, the southeast corner of the building.

6707

James Elliott - Direct

Exhibit 1 Q. Okay. Now, I'm going to show you Government's

2 637A. Have you seen this before?

3 A. Yes, ma'am.

4 Q. How do you recognize it?

5 A. I recognize it from the twisted nature of the piece
of
6 metal, a piece that I collected on April 19, 1995, in
which the
7 Florida license was entrapped.

8 Q. Okay. There should be an envelope up there which
should
9 have Government's Exhibit 637, a license plate. Do you
see
10 that?

11 A. Yes.

12 Q. When you found 637A, the piece in your hand, was
the
13 license plate attached to it in some way?

14 A. It was trapped inside the twisted metal, yes.

15 MS. WILKINSON: Okay. Your Honor, we'd move
for the
16 admission of Government's Exhibit 637 and 637A.

17 MR. WOODS: No objection.

18 THE COURT: They are received.

19 BY MS. WILKINSON:

20 Q. You can set that back down, Mr. Elliott, if you
want to put
21 it on the cover there.

22 You told us that when you first found those
two

bumper; is 23 pieces, the license plate was trapped inside of the

24 that right?

25 A. Yes, ma'am.

6708

James Elliott - Direct

1 Q. Is there a picture depicting that?

2 A. Yes, there is.

638. Do 3 Q. Take a look at your screen, Government's Exhibit

4 you recognize that?

5 A. Yes, I do.

in the 6 Q. Is that a photograph of the license plate trapped

7 bumper as you've just described?

8 A. Yes, it is.

9 MS. WILKINSON: Your Honor, we'd move for the
10 admission of 638.

11 MR. WOODS: No objection.

12 THE COURT: 638 is received.

13 BY MS. WILKINSON:

14 Q. Mr. Elliott, tell the jury what they're seeing.

In it 15 A. What they see is the piece that we just looked at.

16 is a portion, the only readable portion, of what
appeared to be

a 26R. 17 a Florida license tag. You can see what appears to be

license 18 Q. At a certain point, did you want to extract the

19 plate so you could read the entire thing?

20 A. Yes.

21 Q. Did you do that?

22 A. We did that.

23 Q. Did you cause a photograph to be taken of that?

24 A. Yes, ma'am.

25 Q. Let me show you Government's Exhibit 639.

6709

James Elliott - Direct

1 MS. WILKINSON: Computer just went off.

2 THE COURTROOM DEPUTY: It did?

3 639 is not admitted.

4 MS. WILKINSON: I'm sorry.

5 BY MS. WILKINSON:

6 Q. Mr. Elliott, do you recognize that photograph as
the one

7 you just described?

8 A. Yes, I do.

9 MS. WILKINSON: Move for the admission of 639.

10 MR. WOODS: No objection.

11 THE COURT: Received. May be shown.

12 BY MS. WILKINSON:
13 Q. Mr. Elliott, were you able to determine the full
license
14 plate number from this license in this photograph?
15 A. Yes. It is NEE26R.
16 Q. What else is depicted in this photograph?
17 A. It's a Florida license which expires in December of
1995.
18 Q. Now, you were in Oklahoma City for all of April 19;
is that
19 right?
20 A. Yes, ma'am.
21 Q. Do you recall it raining that evening?
22 A. Yes.
23 Q. And how hard did it rain?
24 A. Well, it rained several times. It started raining
at
25 around 4 and rained moderately, and then later -- and I
can't

6710

James Elliott - Direct

1 recall what time -- it rained very hard.
2 MS. WILKINSON: No further questions, your
Honor.
3 THE COURT: Mr. Woods?
4 MR. WOODS: Yes, your Honor, thank you.

CROSS-EXAMINATION

5

6 BY MR. WOODS:

7 Q. Good morning, Mr. Elliott.

8 A. Good morning.

9 Q. My name is Ron Woods. I represent Terry Nichols.

10 A. Yes, sir.

11 Q. You and I are acquainted; right?

12 A. Yes, we are.

13 Q. Even though we both joined the FBI in '65, we never
served

14 with each other. Is that correct?

15 A. That's correct, sir.

16 Q. Okay. Did you help the Special Projects Unit build
this,

17 take the measurements?

18 A. I did not help them take the measurements, no, sir.

19 Q. Did you witness them take measurements to make sure
it's to

20 scale?

21 A. I saw them out making measurements when I was out
doing

22 work; but I did not assist them or -- nor was I with
them when

23 they did it.

24 Q. Okay. But to your understanding, it is to scale;
is that

25 correct?

6711

James Elliott - Cross

1 A. Yes, that's correct.

2 Q. Okay. If you wouldn't mind just stepping down one
minute.

3 Can you remove the Federal Building so the
jury can

4 see the parking lot.

5 A. Sure.

6 Q. And can you give us an estimation about what the
size of

7 that parking lot was?

8 A. Well, it's -- to this alley, it's a half a block in
this

9 direction. I would say it's closer to two-thirds of a
block in

10 this direction.

11 Q. Can you give us in feet?

12 A. Feet, I really can't.

13 Q. Okay. You got there about 12:30.

14 You can take your seat back.

15 You got to Oklahoma City about 12:30?

16 A. Yes.

17 Q. And you went down to the scene to the mobile
command unit.

18 A. Correct.

19 Q. And where was that parked?

20 A. It was up at 8th and Harvey.

21 Q. Okay. Approximately what time was it when you got
to the
22 parking lot across from the building? You did walk the
scene
23 and go down near the building and the parking lot
across the
24 street?
25 A. Well, it was about 6:30.

6712

James Elliott - Cross

1 Q. 6:30 that night?
2 A. Yes.
3 Q. Did you see it at all before 6:30 that night, the
fires?
4 A. No. When I arrived there, there was no fire.
5 Q. Had the fire department already put out the fires
of the
6 automobiles that were in the parking lot?
7 A. I assume so, sir. They weren't burning when I was
there.
8 Q. Okay. Had you -- in connection with your duties
with the
9 FBI, have you seen the photographs of all the cars that
were on
10 fire then?
11 A. Yes, sir, I have.
12 Q. When you first saw it at 6:30, how many cars were
still

13 there that you recall?

14 A. I don't know how many cars were there, but I know
that all

15 of the vehicles that were parked there at the time of
the

16 explosion were there because none had been moved.

17 Q. Okay. Later on, they were moved, were they not?

18 A. That's correct.

19 Q. Do you recall how they were moved? Were you
present when

20 they were moving them?

21 A. I was not actually present when they were moving
most of

22 them. I was again in and out of that area. They were
taken to

23 Robinson Street, where -- in my understanding -- and I
didn't

24 actually observe this. My understanding, they were
examined at

25 that point.

6713

James Elliott - Cross

1 Q. Okay. Okay. But back to the scene that day, the
time you

2 got there at 6:30, all the fires were out, but the cars
were

3 still there?

4 A. Yes.

5 Q. Can you give the jury just a rough estimation of
how many 6 cars were there?
7 A. 30 to 40, I would guess.

8 Q. Okay. Do you know how the fire department put out
those 9 fires? Was it with a regular fire hose to a fire
hydrant, or 10 was it chemicals, or dirt, or do you know?
11 A. I have no knowledge of that.

12 Q. Okay. Did you go down and examine the area at that
time at 13 6:30? You mentioned to the jury that you had gone out
to the 14 Evidence Control Center and got that set up and working
and 15 then came back to help in collection of the evidence.
Did you 16 focus your collection within that parking lot?
17 A. No. I wasn't in the parking lot. No.

18 Q. Where were you collecting evidence?
19 A. I actually -- I collected only one piece of
evidence. 20 Q. Oh, just that bumper and license plate?
21 A. Yes. Yes. By happenstance, actually.

22 Q. I'm sorry. Okay.
23 Did you see the other agents that were
searching that 24 parking lot?

25 A. I don't recall anyone being in a parking lot at
that time.

6714

James Elliott - Cross

1 Q. Okay. And was it -- you said it started raining
about

2 4 p.m.

3 A. Yes.

4 Q. And at 6, when you got back there and found that
bumper,

5 was it raining pretty hard then?

6 A. I don't believe so. My recollection is it wasn't
raining.

7 It rained two or three different times during the day;
and the

8 best of my recollection, it was not raining at that

time.

9 Q. Okay. What about the next day on the 20th? Was it
raining

10 during that day?

11 A. I can't recall. It rained several days during the
period

12 of collection. Whether it rained the 20th or not, I
don't

13 recall.

14 Q. Didn't a bunch of agents come in from Washington
right

15 after the bombing on the 19th and the 20th?

16 A. Yes.

of the 17 Q. Do you recall that their plane was diverted because
18 rainstorm there that night?

is not 19 MS. WILKINSON: Objection, your Honor. This
20 his personal knowledge.

21 THE COURT: All right. Sustained.

22 BY MR. WOODS:

that 23 Q. You told the jury that it rained on the 19th; is
24 correct?

25 A. That's correct.

6715

James Elliott - Cross

1 Q. Do you know how long it rained, to what hour?

2 A. No, sir, I don't. It was into the night.

3 Q. How long were you on the scene there on the 19th?

evening, 4 A. I wasn't actually on the scene very long that
5 maybe 30 minutes at the most.

6 Q. That's that 6:30 period you're talking about?

7 A. Yes.

8 Q. Where did you go then?

9 A. I went to the Evidence Control Center.

evidence 10 Q. And you set up a control mechanism to take in the

11 that was being removed from the scene; is that correct?

12 A. Yes, sir.

13 Q. Okay. Now, that's just a big, old warehouse, isn't
it?

14 A. Yes, it is.

15 Q. In fact, you and I have spent a lot of time in that
16 warehouse?

17 A. Quite a lot.

18 Q. What was it used before -- used for before the FBI
rented

19 it?

20 A. I don't know that.

21 Q. Do you know when they rented it?

22 A. No, sir, I don't.

23 Q. Now, you told the jury that there was some evidence
in

24 there before you took it over --

25 A. That's correct.

6716

James Elliott - Cross

1 Q. -- that day.

2 A. That's correct.

3 Q. Now, there were some automobiles in there, weren't
there?

4 A. Yes.

5 Q. Do you remember how many?

6 A. About -- three horse trailers and I think four
automobiles.

7 Q. Okay. Now, the horse trailers -- were those the
big
8 trailers that handle two horses at a time, or what size
were
9 they?

10 A. One was a stock trailer -- actually two. One was a
stock
11 trailer, and one was I believe a four-horse trailer.

12 Q. Where did you move those automobiles and the horse
13 trailers?

14 A. They stayed where they were.

15 Q. Okay.

16 A. On the opposite side of the building.

17 Q. You just moved them or kept them segregated within
that
18 building?

19 A. Yes.

20 Q. Can you give the jury an idea about how big this
building
21 was, this warehouse where you're storing the evidence?

22 A. I'm pretty poor at that, but 30,000 feet, something
like
23 that.

24 Q. Okay. Did the Special Projects Unit make a model
of that
25 building for us?

James Elliott - Cross

1 A. No, they did not.

2 Q. Okay. Now, what else was in there besides your
automobiles

3 and the horse trailers? What other evidence did you
have in

4 there on the 19th, when you took it over?

5 A. There were some purses that were knock-off-type
purses.

6 Q. Trademark violation?

7 A. Trademark violations, yes.

8 Q. So you had those gathered up somewhere?

9 A. Yes.

10 Q. All right.

11 A. And I believe there were some slot machines and
some

12 gambling machines of some sort and then some other

13 miscellaneous items.

14 Q. All right. Now, you told the jury that you swept
the place

15 out?

16 A. Yes.

17 Q. It was pretty dirty, wasn't it?

18 A. Yes.

19 Q. Did you use any cleaning equipment to clean that
floor or

20 try to disinfect --
21 A. No.
22 Q. -- the place? Or lay down a new covering or
anything in
23 the warehouse to put all this evidence on?
24 A. No, sir.
25 Q. Okay. In fact, sweeping it didn't get everything
out, did

6718

James Elliott - Cross

1 it?
2 A. Still pretty dirty.
3 Q. Yes, sir. Now, what kind of doors did you have
opening up
4 into that warehouse?
5 A. From the outside?
6 Q. Yes, sir.
7 A. It was an overhead-type garage door in the front,
or two of
8 them, one which was barred and did not open. And there
was
9 a -- just a regular door, 6-foot door, 8-foot door.
10 Q. Now, that big door that lets cars drive in: That
remained
11 opened when you were there during the day if the
weather
12 permitted?

13 A. When it got warm, yes, sir.

14 Q. And the 4th Street -- was that 4th or Classen that
ran

15 right by the door?

16 A. 4th Street.

17 Q. 4th Street. Okay. So anything from the street
could blow

18 in while that door is open; is that correct?

19 A. Possible.

20 Q. You recall how many times -- did you have to sweep
out

21 every day when you began the day down there?

22 A. No.

23 Q. Okay.

24 A. Not really.

25 Q. Did you ever sweep again after that first time?

6719

James Elliott - Cross

1 A. Yes. Yes.

2 Q. Can you give us an idea how many times you had to
sweep out

3 while the evidence was there before it was sent to the
lab in

4 Washington?

5 A. Three, four times at the most.

6 Q. But never did anything further as to cleaning the

area?

7 A. No.

8 Q. Okay. Now, you told the jury that you put this
evidence in

9 bins. "Bins" to you means you designate an area on the
10 concrete floor and you separated it out with duct tape.

Is

11 that correct?

12 A. That's correct.

13 Q. So whatever evidence they brought in, you just put
on the

14 floor within the parameters of duct tape.

15 A. That's correct.

16 Q. Okay. There was a lot of stuff being brought in,
wasn't

17 there?

18 A. Yes, sir.

19 Q. In fact, didn't you at one time make an estimation
about

20 how many thousands of pounds of evidence came in?

21 A. Approximately 7,000.

22 Q. Okay. Now, can you give the jury an idea of what
kind of

23 evidence was being brought in to you there at the
Evidence

24 Control Center?

25 A. It was principally truck parts, pieces of twisted
metal,

James Elliott - Cross

1 plastic. Essentially, that's it.

of the

2 Q. Didn't you recover the -- the agents recover a lot

3 pieces of the box from the Ryder truck?

4 A. Not a great --

based on

5 Q. By pieces, I mean -- well, can you give the jury,

you give

6 what you saw of the evidence that was recovered -- can

behind

7 the jury an idea of what that box was made of that sits

8 the cab of a Ryder truck?

some sort

9 A. Well, it's a fiberglass and appears to me to be

10 of pressed -- like pressed wood.

make a

11 Q. Okay. Didn't you all bring a truck to the scene to

12 comparison?

13 A. Yes, sir.

same

14 Q. Did you look inside of the Ryder truck that was the

15 size for comparison purposes?

16 A. To my knowledge.

17 Q. Was the floorboard wooden, or was it a metal -- by

18 floorboard, I mean inside the box.

19 A. I don't know that I ever looked in there, sir.

the scene 20 Q. You didn't look in the Ryder that they brought to
21 to show the agents what they may be looking for?
22 A. The Ryder they took to the scene?
bomb 23 Q. Right. Didn't ATF bring a Ryder truck with mock
24 inside of it?
25 A. I didn't see it.

6721

James Elliott - Cross

1 Q. You didn't see that?
2 A. No.
truck to 3 Q. Okay. Well, did you ever look inside of a Ryder
4 see how it was constructed inside?
5 A. Yes.
6 Q. Do you remember what the floorboard was?
7 A. I think it's wood, but I wouldn't be absolutely
certain of 8 that.
Ryder 9 Q. Okay. And then the walls, the interior walls of a
10 truck: What they were made of?
11 A. I think it's a part of that whole pressed piece of
wood
12 that has a Tevlar (phonetic) exterior and then pressed
wood

13 inside.

sacks 14 Q. Didn't the agents bring to you just sacks, garbage

15 full of wood splinters in boxes?

16 A. Yes, sir.

warehouse, 17 Q. And you all just had that spaced throughout that

18 didn't you?

yes, sir. 19 A. There was -- it was most of it in one spot, but

20 Q. So you designated a bin for all the pieces?

21 A. Not necessarily. We designated a bin for each day
22 essentially.

type of 23 Q. Oh, you were segregating it by days rather than

24 evidence?

25 A. Yes.

6722

James Elliott - Cross

1 Q. So you would have all types of evidence in one bin?

2 A. Could have, yes.

there on the 3 Q. And they were just intermingled there together

4 floor, the concrete floor?

stored. 5 A. Well, they were packaged; but yes, sir, they were

6 Q. Well, by "packaged," there were a bunch of torn

garbage

7 sacks that this stuff was sticking out of and falling
out of,

8 wasn't there?

9 A. Not at that time, no, sir. Not the time it was
stored,

10 they weren't torn, no, sir.

11 Q. Are you saying that there was a plastic protection
bag

12 around every single piece --

13 A. Oh, no.

14 Q. -- of wood or metal that came in there, Mr.
Elliott?

15 A. No.

16 Q. You're not telling the jury that, are you?

17 A. No.

18 Q. Okay. Can you tell us about what time you were
able to get

19 that VIN number to NCIB, National Crime Information
Bureau, and

20 then determine that it was a Ryder truck? About what
time in

21 the afternoon did that occur?

22 A. It was around 1:00.

23 Q. Okay. And then were you -- do you recall based on
your

24 involvement there about what time the FBI was able to
determine

25 that it was rented in Junction City?

James Elliott - Cross

later 1 A. I actually -- no, I can't. I didn't hear that till

2 in the day.

3 Q. Okay. What time did you hear about it?

4 A. 4, 5:00.

the FBI 5 Q. Okay. So by that time, it was information within

that 6 that the truck had been rented in Junction City; is

7 correct?

8 A. Best of my recollection.

to that 9 Q. Okay. And you told the jury that people could come

in. Is 10 warehouse and inspect the items as long as they signed

11 that correct?

12 A. If --

13 Q. If they had a purpose?

items. They 14 A. If they had a purpose, they could inspect the

purpose, 15 could come to the warehouse; and again if they had a

16 they had to sign in, yes.

17 Q. Did you keep that log?

18 A. Yes.

19 Q. How many notebooks does it fill?

maintain 20 A. I don't know. I've never -- I didn't personally

21 it, but yes, we keep every day's log.

22 Q. You had about six people working with you there?

23 A. Yes.

happened 24 Q. And you had a big, thick notebook every day that I

25 to come, didn't you?

6724

James Elliott - Cross

1 A. There was a sign-in sheet, yes, sir.

agency 2 Q. Right. And there were agents from every federal

that 3 known to man that signed in and wanted to look through

4 evidence, weren't there?

5 A. Not indiscriminately, no, sir.

but you 6 Q. Well, perhaps Social Security didn't look through,

of items 7 had a lot of people that came and inspected that group

8 there in your warehouse, didn't you?

is 9 MS. WILKINSON: Objection, your Honor. This

10 argumentative.

of 11 THE COURT: Well, no. Is the question "a lot

12 people"?

13 MR. WOODS: Yes, your Honor.

14 THE COURT: You may answer that.

15 BY MR. WOODS:

16 Q. Did you have a lot of people sign in to inspect
that?

17 A. A matter of semantics. Yes, several people.

18 Q. Who has those notebooks that shows that sign-in
period from

19 April 19 to the period that you shipped it to
Washington? How

20 long did you keep it there at the warehouse, the
Evidence

21 Control Center, before you shipped it to Washington for
22 examination by the lab?

23 A. The evidence?

24 Q. Yes, sir.

25 A. I think it was around March 5. I'm sorry. May 5,
but the

6725

James Elliott - Cross

1 exact date, I can't recall, but it was in that area.

2 Q. Okay. So we're looking at a week to two weeks,
something

3 like that?

4 A. Yeah. Closer to three, probably.

5 Q. And there is a sign-in sheet for that period of

time that

6 would show everybody that had access to --

7 A. Yes.

8 Q. -- to the evidence? Okay.

9 Now, how did you ship it to Washington?

10 A. It was placed on over-the-road trailers, 60-foot
trailers,

11 I guess they are -- placed in one actually and shipped
and

12 driven by FBI personnel to Washington -- Quantico and
then to

13 Washington.

14 Q. Okay. By trailer, can you give the jury a little
15 description what you mean here? Just a regular
commercial --

16 A. Commercial tractor trailer.

17 Q. One of these enclosed things that you see on the
road all

18 the time?

19 A. Correct.

20 Q. So you removed everything that you had in your
Evidence

21 Control Center and put it in a truck?

22 A. A trailer, yes.

23 Q. In one trailer?

24 A. Yes.

25 Q. And drove it to Washington and then to the lab?

James Elliott - Cross

1 A. That's my understanding. I wasn't present.

2 Q. Okay. Now, the Mercury Marquis: When did that
come to the

3 Evidence Control Center? By the Mercury Marquis, I'm
talking

4 about the one that was recovered up near Perry,
Oklahoma, that

5 McVeigh was in.

6 A. I -- from the top of my head, I can't tell you the
contact

7 date. But it was the day it was recovered in Noble
County.

8 Q. Now, if Mr. McVeigh was taken into custody on
Friday,

9 April 21, were you there when the Mercury Marquis was
brought

10 into the Evidence Control Center?

11 A. Yes, I was.

12 Q. Okay. And I'm not trying to tell you what date it
was.

13 Does that refresh your memory at all?

14 A. I still would not know the exact -- I don't recall
the

15 exact date. I remember the events, but I don't recall
the

16 date.

17 Q. With the bombing being the 19th, could you tell the
jury

in? 18 about how many days it was before the car was brought

19 A. Well, if he was taken into custody the 21st --

20 Q. Yes, sir.

21 A. Then it would have been the 21st.

are, but 22 Q. Again, I'm not trying to tell you what the dates

23 just get your recollection.

24 A. Two or three days. Three days or four.

there 25 Q. Now, were there other vehicles that were brought in

6727

James Elliott - Cross

everything 1 at the Evidence Control Center before you shipped

2 out to Washington?

3 A. Not that I -- yes, there was another vehicle.

4 Q. What vehicle was that?

5 A. It was a Chevrolet truck, yellow Chevrolet truck.

with this 6 Q. And what -- what vehicle was that in connection

7 case?

turned 8 A. It was recovered -- it was a stolen vehicle, as it

all the 9 out, and was returned to an individual. I don't know

was 10 ins and outs of why it was brought there. I know it

being 11 examined, and the vehicle -- I was present when it was
the 12 examined. The vehicle identification numbers and all
one 13 identification numbers had been destroyed except for
14 number.

then you 15 Q. I assume it had nothing to do with this case, and
16 all removed it from this warehouse?

17 A. That's correct.

18 Q. Any other vehicle come in there before you shipped
19 everything to Washington?

20 A. Not that I recall.

McVeigh had 21 Q. Okay. When was it that the blue vehicle that
brought to 22 traded in for the Mercury Marquis -- when was that
23 your Evidence Control Center?

that 24 A. I don't know that date, and I wasn't present when
25 vehicle was brought there.

6728

James Elliott - Cross

1 Q. But it was there a couple of months later,
certainly when

2 we began to inspect the evidence --

3 A. Yes, it was.

4 Q. -- inspect the items?

5 And Mr. Nichols' car, the GMC pickup with the
topper:

6 When was that brought to your Evidence Control Center?

7 A. Again, I was not present when that occurred, and I
don't

8 know the date.

9 Q. Did you ever check to see when it was checked into
the

10 Evidence Control Center?

11 A. Not that I recall.

12 Q. You were in command of the control center, weren't
you?

13 A. During the post-bomb era, yes.

14 Q. Right.

15 A. Well, for a period. Then I left the Task Force for
a

16 period.

17 Q. You were assigned -- you got assigned on April 19.

18 A. Right.

19 Q. Sort of informally and then they created a Task
Force and

20 you were assigned to it; is that correct?

21 A. That's correct. I was there till May 7. Then I
returned

22 for the post-implosion investigation. Then I was not
directly

23 in contact -- probably once a week I was in Oklahoma
City until

24 August of '95.

25 Q. And that's when you took over the Evidence Control

--

6729

James Elliott - Cross

1 A. Evidence Control Center.

2 Q. -- Center? Who was in command of it before then?

3 A. During the post bomb, Special Agent Jeff Hayes was.

4 Q. Okay. Okay. Well, do you recall seeing Mr. Nichols'

5 vehicle there at the Evidence Control Center?

6 A. Oh, yes.

7 Q. Do you, based on your knowledge that you have, being

8 connected with the investigation -- do you know how that

9 vehicle got to your Evidence Control Center from Herington,

10 Kansas?

11 A. No, sir, I don't know.

12 Q. Were you aware that it was taken to Washington first for

13 analysis?

14 A. No, I wasn't.

15 Q. And then didn't you and I discuss this before, that it had

16 been flown to Washington? Weren't you informing me

about how

17 it was flown to Washington?

18 MS. WILKINSON: Objection, your Honor, to
hearsay.

19 THE COURT: Sustained.

20 MR. WOODS: Okay.

21 BY MR. WOODS:

22 Q. Do you recall any discussion about Mr. Nichols'
vehicle

23 going from Herington to Washington and back to Oklahoma
City?

24 A. No, sir, I don't.

25 Q. Do you recall a discussion about the broken -- the
window

6730

James Elliott - Cross

1 and the back door being broken out?

2 MS. WILKINSON: Objection, same.

3 THE COURT: He's asking if he recalls a
discussion.

4 That's not hearsay.

5 BY MR. WOODS:

6 Q. Do you recall you and I discussing this broken-out
window?

7 A. Yes.

8 Q. In the back?

9 A. Yes, I do.

out? 10 Q. Do you know how that window happened to be broken

11 A. No, I don't.

was flown 12 Q. Okay. And you don't know whether or not that car

13 to Washington in a C130?

14 A. No, sir, I don't.

exhibit 15 MR. WOODS: Your Honor, may I have the witness

16 some photographs -- examine some photographs?

17 THE COURT: Sure.

and for 18 MR. WOODS: And I have copies for the Court

19 the Government.

20 BY MR. WOODS:

there. 21 Q. That's my only set of originals that you have

22 A. Okay.

23 Q. And these are Xerox copies.

through 24 If you would, Mr. Elliott, if you'd just look

you if you 25 those, which are marked F1 through F16, and I'll ask

6731

James Elliott - Cross

1 recognize the items photographed or depicted by
photograph to

placed 2 see if they are true and accurate depictions of what's
3 there in the photograph.

4 A. Yes, sir.

while 5 Q. And you very kindly allowed us to take photographs
6 we're in there, did you not?

7 Okay. Are those -- can you tell us what those
8 photographs depict?

photograph 9 A. Photograph 1 appears to be a photograph or is a
10 of Mr. Nichols' truck from the right front.

accurate 11 Q. Well, let me -- before we describe them: Are they
12 your 12 photographs depicting the interior and the items within
13 warehouse?

14 A. Yes.

evidence F1 15 MR. WOODS: The defense would move into
16 through F16 before we get into the description of them.

17 MS. WILKINSON: No objection, your Honor.

18 THE COURT: All right. They're received.

the Xerox 19 MR. WOODS: May I exchange the originals for
20 so I can show the originals?

21 THE COURT: Sure.

22 May we have the date when these were taken?

23 MR. WOODS: That's a good question, your

Honor. We --

24 THE COURT: Well, an approximate date.

25 MR. WOODS: Well, if I could ask Mr. Elliott a
few

6732

James Elliott - Cross

1 questions.

2 BY MR. WOODS:

3 Q. You took over in August, '95.

4 A. That's correct, yes.

5 Q. And we were there for months on end. It came onto
winter

6 and we had to dress up --

7 A. Yes.

8 Q. -- in coats. You told us never to wear clean
clothes over

9 there because it was so dirty.

10 A. Yes.

11 THE COURT: Should we swear you as a witness,
12 Mr. Woods?

13 MR. WOODS: Well, the Court asked for a date,
your

14 Honor. I'm uncertain. It's late '95, early '96.

15 THE COURT: Okay.

16 MR. WOODS: I'm sorry.

17 THE COURT: Do you agree with that?

18 THE WITNESS: Yes.

19 THE COURT: All right. Go ahead.

20 MR. WOODS: Thank you.

21 If I may publish to the jury one at a time and
have
22 the witness explain?

23 THE COURT: Yes.

24 BY MR. WOODS:

25 Q. Now, Mr. Elliott, I want to get this zoomed.

6733

James Elliott - Cross

1 Can you tell the jury what that is?

2 A. That's Mr. Nichols' truck, or what's identified to
me as
3 Mr. Nichols' truck.

4 THE COURT: It's in front of you, I think. It
should
5 be.

6 THE WITNESS: No, sir.

7 MR. WOODS: And this is F1. It's on all the
other
8 screens.

9 THE COURT: It's not on the screen in front of
you?

10 THE WITNESS: No, sir.

11 THE COURTROOM DEPUTY: Somebody turned it off.

12 THE COURT: Now is it?

13 THE WITNESS: Not yet.

14 Now it is.

15 THE COURT: Okay. I just want to save you
craning

16 your neck looking behind you.

17 MR. WOODS: Thank you, your Honor.

18 BY MR. WOODS:

19 Q. Mr. Elliott, can you describe for the jury what
that is?

20 A. That is what was identified to me as Mr. Nichols'
truck.

21 It's a right front view.

22 Q. Okay. And what's in the background, if you could
just tell

23 the jury.

24 A. Well, there is a wire fencing. Is that what you're
talking

25 about?

6734

James Elliott - Cross

1 Q. Is that the interior of your warehouse?

2 A. It's the interior of the warehouse, yes.

3 Q. What's on the concrete floor there?

4 A. It looks like some sort of fluid.

5 Q. Okay. I'm going to show you what's been marked and

6 admitted as F2. And can you tell the jury what you
recognize

7 F2 to be?

8 A. It's a yellow Mercury Marquis which was identified
to me as

9 belonging to Terry Nichols. I'm sorry. To Tim
McVeigh.

10 Q. Okay. Now, when -- is this the vehicle that was
brought in

11 on April 21?

12 A. If that's the date, yes, sir.

13 Q. And again, I don't want to suggest names (sic) to
you. Was

14 it brought in the same day that Mr. McVeigh was
arrested?

15 A. Yes.

16 Q. And what's in the background there, sir?

17 A. That's the interior of the warehouse, the rear
interior.

18 Q. Okay. And what's on the floor, the concrete floor?

19 A. Looks like a fluid, probably leakage from that
vehicle.

20 Q. Okay. I'm going to show you what's marked for
21 identification purposes as F3.

22 THE COURT: These are in evidence now, so --

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

24 THE COURT: Okay.

25 BY MR. WOODS:

6735

James Elliott - Cross

view 1 Q. This is F3 in evidence. Can you tell the jury what

2 that is?

of the 3 A. It's a front view of the vehicle and the interior

4 warehouse.

these 5 Q. Now, what is this located over here to the side,

6 items to the side there?

case. 7 A. Those are items that have nothing to do with this

8 They are items that apparently had been forfeited.

separate? 9 Q. So that's evidence from another case that's kept

10 A. Either evidence or forfeiture, yes.

11 Q. What's on the concrete floor here?

12 A. That same fluid.

these that 13 Q. All right. Now I'm going to skip over some of

14 have the same view.

And can 15 I want to show you what's in evidence as F8.

16 you tell the jury what that is?

17 A. That's a left rear view of the GMC pickup truck.

jury 18 Q. Yes, sir. And the back window: Can you tell the

19 whether or not there is a window in that vehicle?

20 A. It's broken out. Appears to be broken out.

21 Q. Okay. And I'm going to show you a closer-up view,
which is

22 F7.

23 A. Yes, sir.

24 Q. You see this caved-in part down here on the metal?

25 A. Yes, sir.

6736

James Elliott - Cross

1 Q. Do you have any idea how that window was broken and
the

2 back caved in?

3 A. No, sir.

4 Q. Was it that way when it was brought to you back
from

5 Washington?

6 A. As I said, I wasn't there when it was brought in.

7 Q. Yes, sir.

8 A. But it was that way when I first saw it, yes, sir.

9 Q. And do you know how long it had been in your
evidence

10 control center before you first saw it?

11 A. No, I don't.

12 Q. Days? Hours?

13 A. I really don't know.

Can you
14 Q. I'm going to show you what's in evidence as F11.
15 tell the jury what that is?
16 A. It's a box of wood fragments.
17 Q. You recall seeing that there in your warehouse?
18 A. Yes, sir, I do.
scene?
19 Q. Now, is that evidence that was recovered from the
20 A. Yes, sir.
correct?
21 Q. These were kept in a cardboard box; is that
22 A. That's correct, yes, sir.
axle on
23 Q. Okay. I'm going to show you F12. And that's your
24 the cart that you use, isn't it?
25 A. Yes, sir.

6737

James Elliott - Cross

1 Q. And what's in the background there, sir?
2 A. That's evidence that's been laid out for discovery
3 purposes.
4 Q. And doesn't that show a bunch of grocery sacks and
some
5 boxes?
6 A. Yes, sir.
7 Q. And you recall what was in those things?

8 A. Evidence that had been collected.

9 Q. Okay. And by evidence, you're speaking of generic,
10 anything that was collected at the scene?

11 A. Well, items that had been collected at the crime
scene.

12 Q. Okay. Now I'm going for show you F14. Can you
describe
13 for the jury what that is, sir?

14 A. It's a blue -- I believe it's a Pontiac station
wagon.

15 Q. And based on your knowledge of the case, what piece
of
16 evidence is that?

17 A. Honestly, I don't know who that belongs to.

18 Q. Okay.

19 A. It was never discussed with me. It was there when
I came
20 back in August.

21 Q. But they just put this stuff in there and say,
"You're
22 responsible for it," and don't tell you what it is?

23 A. Well, I suppose they'd have told me if I had asked.

24 Q. Okay. What's in the background there, sir?

25 A. The yellow Mercury and the blue GMC pickup.

1 Q. And the yellow Mercury shows some primer paint or
2 distortion or a different paint job on the rear left;
is that
3 correct?

4 A. Yes. Yes.

5 Q. Okay. Okay. Thank you.

6 Now, on the 20th, the next day --

7 A. Yes, sir.

8 Q. -- had some agents fly in from the laboratory, some
FBI
9 agents came in from Washington?

10 A. From everywhere, yes.

11 Q. Did you go back to the scene on the 20th, Thursday?

12 A. Yes.

13 Q. Did you take part in searches for evidence at that
time?

14 A. No, sir.

15 Q. Okay. What did you do on the 20th at the scene?

16 A. On the 20th and every other day thereafter, I would
respond

17 to requests from the fire department when rescue
workers would

18 locate pieces of or items they thought might be of
evidentiary

19 nature or belong to certain government agencies. And I
would

20 consult with them about what should be done with them,
with

21 those items.

on that 22 Q. Okay. On the 20th -- did you see the parking lot
23 day?
24 A. I probably did, but I don't have a distinct
recollection of
25 it.

6739

James Elliott - Cross

there, 1 Q. Can you give the jury a description, since you were
2 of what the parking lot looked like on the 20th, either
the 3 evening of the 19th or the day of the 20th?

the 4 MS. WILKINSON: Your Honor, could I object to
5 20th, since Mr. Elliott said he didn't have a specific
6 recollection of the parking lot.

7 MR. WOODS: He said he was there, your Honor.

8 THE COURT: Do you have a recollection of
seeing the 9 parking lot on the 20th?

10 THE WITNESS: Not necessarily, no, sir.

11 BY MR. WOODS:

12 Q. Okay. What about the 21st?

13 A. Well, I saw it several times. Whether -- I didn't
pay that 14 specific attention to it.

15 Q. You didn't go over there and pick up any piece of
16 evidence --

17 A. No, I did not.

18 Q. -- that anybody was pointing out to you?

I would
19 A. Not in that area. The area I'm talking about when
20 respond to the -- was the building.

lot?
21 Q. Oh, okay. Which is right across from the parking

22 A. Well, yes, sir.

mess?
23 Q. Would it be fair to say that that parking lot was a

24 A. Yes, sir.

25 MR. WOODS: Thank you, your Honor. No further

6740

James Elliott - Cross

1 questions.

2 THE COURT: Do you have any redirect?

3 MS. WILKINSON: Yes, your Honor.

4 THE COURT: All right.

5 REDIRECT EXAMINATION

6 BY MS. WILKINSON:

7 Q. Mr. Elliott, how many thousands of pounds of debris
did the

Evidence
8 FBI recover and turn in for you to control in the

9 Control Center during the investigation?

10 A. Approximately 7,000.

11 Q. And did you receive every piece of evidence that
was

12 collected at the crime scene?

13 A. Personally? No, ma'am.

14 Q. No. Did the Evidence Control Center receive and
store --

15 A. Yes, yes. They did.

16 Q. -- every single piece?

17 A. Well, they received it. They didn't necessarily
store it.

18 Q. Okay. Mr. Woods asked you about portions of the
box of the

19 Ryder truck. Do you recall that?

20 A. Yes.

21 Q. And you know that certain portions of the box were
22 recovered at the crime scene. Is that right?

23 A. Right.

24 Q. And are you aware of a piece of evidence marked or
called

25 Q507?

6741

James Elliott - Redirect

1 A. Yes, ma'am.

2 Q. Was Q507 ever stored in the Evidence Control
Center?

3 A. No, ma'am.

4 Q. Was it sent directly back to the laboratory?

5 A. Yes, ma'am.

6 Q. Now, the photographs that you were shown by defense
7 counsel: Those were taken, what, six to eight months
after the

8 initial recovery of the evidence? Is that right?

9 A. That would be correct.

10 Q. So those photos don't depict the storage room on
the days

11 that followed the bombing; is that right?

12 A. No, ma'am, they don't.

13 Q. Now, you talked about the ways that you stored
items, and

14 you showed the jury the rear axle. Were there other
items like

15 that that were ripped and torn pieces of metal?

16 A. Yes.

17 Q. Were they difficult to store or put in containers?

18 A. Yeah. They weren't put in containers because they
couldn't

19 be.

20 Q. Other pieces like the box of fragments in
Defendant's

21 Exhibit F17 that were storable in that way: Did you
store them

22 in boxes or other containers?

23 A. Yes.

the 24 Q. All right. And did you send all of those items to
them? 25 laboratory for testing before defense counsel reviewed

6742

James Elliott - Redirect

1 A. Yes.
2 Q. So the photos that you were shown by defense
counsel show 3 items after they'd been tested by the laboratory; is
that 4 correct?

5 A. That's correct.
6 Q. You also said that you responded to the building,
the 7 Murrah Building, to consult with the fire department.
Is that 8 right?

9 A. And rescue workers, yes.
10 Q. And where were the items that they were finding?
Where 11 were they located that they were asking you questions
about? 12

13 A. They were located in the collapsed floors and the
rubble.
14 Q. You didn't respond to the recovery of evidence
outside the 15 building; is that right?

15 A. No, ma'am.

a 16 Q. So you're not familiar. That's why you don't have
17 specific recollection of the parking lot or other
areas?

18 A. That's correct.

19 Q. When you did see the parking lot, could you
determine just
20 from a visual inspection that there had been some
damage, not
21 how it was caused but some damage to the cars in the
parking
22 lot?

23 A. Oh, yes.

24 MS. WILKINSON: No other questions, your
Honor.

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

6743

1 THE COURT: All right. Is Mr. Elliott going
to
2 return, or --

3 MS. WILKINSON: I hope not, your Honor. We're
not
4 going to call him.

5 THE COURT: He's excused, then?

6 MS. WILKINSON: He's excused.

7 MR. WOODS: We have no further questions for

8 Mr. Elliott, your Honor.

9 THE COURT: Then, Mr. Elliott, you are
excused.

10 I think we'll take our recess at this time,
members of
11 the jury. And again, you know, we take a recess here
about an
12 hour -- well, that clock and my watch are different,
13 unfortunately. We'll have to do something about that;
but
14 we'll recess till 1:40.

15 And again, you know, I realize sometimes you
get
16 impatient: Why are we taking so long? But I want to
again
17 remind you that there are things that need to happen so
that we
18 can keep the evidence coming, as it were, and the
witnesses in
19 succession and so forth, so please bear with us with
that.

20 Also, of course, during this time, you must
continue
21 to do, as at all other recesses, keep open minds,
avoiding talk
22 with others about anything connected with this case,
and of
23 course continue to be careful about anything that you
may come
24 into contact with and any publications and so forth, to
stay
25 away from anything that could relate to the case.

1 There has been mention here in this last
witness' 2
3 testimony about discovery, and you heard Mr. Woods
referring to 4
5 a time when he was there. I just want to mention what
6 "discovery" means. Discovery is an opportunity --
there are 7
8 rules that govern this; but there is an opportunity for
defense 9
10 counsel to examine, or their representatives -- to
examine 11
12 physical evidence in a case before the trial. And, of
course, 13
14 that's again a part of the fairness that is required of
us; so 15
16 when there is reference to "discovery," it means this
process 17
18 by which the Government must give access to physical
evidence. 19
20 There can also be discovery of some other things; and
that may 21
22 come up, too from time to time. But that's what
"discovery" 23
24 means, the opportunity before trial to get some
information. 25
26 Also, you hear me refer to "you may publish."
That 27
28 seems like a strange word to you, when what it really
means is 29

16 you can see these pictures or see these exhibits.
That's just

17 another one of these rather arcane expressions, I
guess.

18 "Publish" means to us, as lawyers and judges "show it,"
exhibit

19 it to the jury. So I just -- I'll try to explain some
of these

20 things as we go along so that you can understand some
of the

21 expressions we use, because they don't seem to be
everyday

22 expressions. They are to us, but they may be strange
to you.

23 So we'll excuse you now until 1:40 with these

24 cautions.

25 Sometimes I'm tempted to just say keep your
minds open

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1 and your mouth shut, but that's pretty harsh. But you
know

2 what I mean.

3 You're excused now till 1:40.

4 (Jury out at 12:12 p.m.)

5 THE COURT: Mr. Tigar.

6 MR. TIGAR: Yes, your Honor. I wanted to make
two

7 things very briefly of record.

8 I didn't want to make a speaking objection on
Exhibit
9 2058. That was the series of exhibits about the HUD
employees
10 and how many years of experience they had. We would
object to
11 that as other than a demonstrative exhibit; that is to
say, we
12 do not believe it's something that should go to the
jury for
13 their deliberation. The witness did read out each one
of those
14 things. It's a form of summary exhibit. We just don't
think
15 it's otherwise appropriate.

16 THE COURT: All right.

17 MR. TIGAR: The other matter I wanted to bring
to the
18 Court's attention was the Government has on a couple of
19 occasions raised hearsay objections to our
interrogation of
20 Government witnesses about conversations they've had
with other
21 government employees within the scope of their duty.
It's --
22 it was our view that that is covered by Federal Rule of
23 Evidence 801; that is to say, if a government employee
gave
24 information to someone within the scope of the
declarant's
25 duties that that would be non-hearsay.

1 THE COURT: Well, I don't agree with that,
your
2 interpretation of 801.

3 MR. TIGAR: Well, I wanted to make -- I
gathered that;
4 and I understand the Court makes the rulings. I wanted
to make
5 our position clear so that we did not get into
evidentiary
6 disputes unnecessarily.

7 THE COURT: What was it? 2058?

8 MR. TIGAR: 2058, yes, your Honor.

9 THE COURT: I think that should be
demonstrative and
10 not go to the jury. I agree with you on that.

11 MR. TIGAR: Thank you for the clarification.

12 MR. MACKEY: One matter on behalf of the
Government.

13 THE COURT: Yes.

14 MR. MACKEY: Speaking of discovery, as a
general
15 matter we're not going to object to the offer and
admission of
16 defense exhibits during the course of the Government's
case;
17 however, this is the first time we saw any of those

18 photographs. We'd ask for better cooperation for the
19 production of those exhibits.

We are in
20 MR. WOODS: Your Honor, Counsel is correct.
21 the process of getting our exhibit list in within the
next
22 couple of days. We've given him everything, but those
photos
23 had not been shown; and we didn't anticipate using
those until
24 Mr. Elliott's testimony. And I apologize to Counsel
for doing
25 it.

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1 THE COURT: All right. Well, I'm sure you
accept that
2 apology.

3 MR. MACKEY: I do.

4 THE COURT: It is necessary, obviously, that
opposing
5 counsel have these so that they can formulate any
objections,
6 if there be any.

7 Okay. 1:40.

8 (Recess at 12:15 p.m.)

9 * * * * *

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Item

3

WITNESSES

4

Richard Williams

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5

Direct Examination Continued by Mr. Goelman

1 PLAINIFF'S EXHIBITS (continued)

Withdrawn

2	Exhibit	Offered	Received	Refused	Reserved
3	954	6651	6651		
4	955	6660	6660		
5	957	6657	6657		
6	964	6656	6656		
7	1004	6652	6652		
8	1017	6658	6658		
9	1126	6622	6623		
10	1129	6667	6667		
11	2058	6664	6665		

12 DEFENDANT'S EXHIBITS

Withdrawn

13	Exhibit	Offered	Received	Refused	Reserved
14	F1-F16	6731	6731		

15 * * * * *

16 REPORTERS' CERTIFICATE

17 transcript from

We certify that the foregoing is a correct

Dated

18 the record of proceedings in the above-entitled matter.

19 at Denver, Colorado, this 4th day of November, 1997.

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23

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Paul Zuckerman

Kara Spitler