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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF COLORADO  
3                   Criminal Action No. 96-CR-68  
4                   UNITED STATES OF AMERICA,  
5                   Plaintiff,  
6                   VS.  
7                   TERRY LYNN NICHOLS,  
8                   Defendant.

ffffffffff  
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10                   REPORTER'S TRANSCRIPT  
                     (Trial to Jury: Volume 62)

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ffffffffff  
12                   Proceedings before the HONORABLE RICHARD P.  
MATSCH,  
13                   Judge, United States District Court for the District of  
14                   Colorado, commencing at 1:40 p.m., on the 4th day of  
November,  
15                   1997, in Courtroom C-204, United States Courthouse,  
Denver,

16                   Colorado.

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24 Proceeding Recorded by Mechanical Stenography,  
Transcription  
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## APPEARANCES

2 PATRICK RYAN, United States Attorney for the  
Western

3 District of Oklahoma, and RANDAL SENGEL, Assistant U.S.

4 Attorney for the Western District of Oklahoma, 210 West Park

5 Avenue, Suite 400, Oklahoma City, Oklahoma, 73102,  
appearing

6 for the plaintiff.

JAMIE 7 LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNS,

U.S. 8 ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the

9 Attorney General, 1961 Stout Street, Suite 1200,  
Denver.

10 Colorado, 80294, appearing for the plaintiff.

11 MICHAEL TIGAR, RONALD WOODS, and JANE TIGAR,  
Attorneys

12 at Law, 1120 Lincoln Street, Suite 1308, Denver.

Colorado,

13 80203, appearing for Defendant Nichols.

14 \* \* \* \* \*

15 PROCEEDINGS

16 (Reconvened at 1:40 p.m.)

17 THE COURT: Be seated, please.

18 Ready?

19 MR. MACKEY: Yes, your Honor.

20 (Jury in at 1:40 p.m.)

21 THE COURT: Next witness, please.

22 MR. MACKEY: United States would call Clark  
Anderson.

23 THE COURTROOM DEPUTY: Raise your right hand,  
please.

24 (Clark Anderson affirmed.)

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

6752

and 1 Would you state your full name for the record

2 spell your last name.

0-N. 3 THE WITNESS: Clark H. Anderson, A-N-D-E-R-S-

4 THE COURTROOM DEPUTY: Thank you.

5 THE COURT: Mr. Mackey.

6 MR. MACKEY: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MR. MACKEY:

9 Q. Mr. Anderson, do you work for Ryder?

10 A. Yes, sir, I do.

11 Q. Did you work for them on April 19, 1995?

12 A. Yes, I did.

13 Q. On that day did you learn that the truck that blew  
up in

14 downtown Oklahoma City was a Ryder?

15 A. Yes, sir, I did.

16 Q. And on that day thereafter did it fall to you to  
represent

17 Ryder in the production of records and witnesses?

18 A. Yes, it has.

19 Q. And is that the capacity that you appear here  
today?

20 A. Yes, sir, it is.

21 Q. Mr. Anderson, how many years have you worked for  
Ryder?

22 A. A little over 24.

23 Q. And I don't mean this to be an insult, but is there  
a sync

24 way that you can summarize the jobs and the duties that  
you've

25 carried out for Ryder over those 24 years?

Clark Anderson - Direct

1 A. Sure. I started with Ryder as a rental  
representative,

2 which is a rental agent that rents trucks at the rental  
3 counter. I rose through the ranks from there to a  
salesman,

4 and then as a regional sales manager in charge of a  
5 multiple-state area; from there as a district manager,  
which is

6 a profit center manager of a metropolitan area in  
Evansville,

7 Indiana; St. Louis, Missouri; and New York City; and  
from New

8 York City moved to our corporate headquarters in Miami  
as the

9 director of operations for the Consumer Truck Rental  
Business

10 Unit.

11 Q. Based on those many jobs and those many places,  
have you

12 become thoroughly familiar with the operations of  
Ryder, at

13 least that part of Ryder that rents consumer trucks?

14 A. Very much so, yes, sir.

15 Q. Are you familiar with the manufacture of those  
vehicles?

16 A. Yes, I am.

17 Q. And the record keeping regarding both the origin,  
titling,

18 and rental of those same vehicles?

about

19 A. Yes, sir, I am.

20 Q. I'm going to ask you a few questions, Mr. Anderson,

truck in

21 all those subject matters. And let's start with the

to

22 question. On April 19, 1995, did you search your files

truck

23 determine whether a particular VIN number represented a

24 owned by Ryder?

25 A. Yes, sir, I did.

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Clark Anderson - Direct

1 Q. And for the record, was that VIN No.  
1FDNF72J4PVA26077, two

2 sevens at the end?

3 A. That's it.

once

4 Q. All right. You've studied that number more than

5 before?

6 A. That number is committed to memory, yes, sir.

did you do

7 Q. Once you had that VIN number, Mr. Anderson, what

8 to determine whether that was a Ryder truck?

that

9 A. I went to our records and searched our database

in fact

10 matches VIN numbers to unit numbers, and I found that

11 it was a certain unit number and that, you know, it was  
12 manufactured on a certain date and licensed and titled  
by Ryder

13 and was out in our rental fleet at a certain location.  
14 Q. You were satisfied on April 19 that was a Ryder  
truck?

15 A. Yes, sir, I was.

Did  
16 Q. Let's talk, then, about the origin of that vehicle.

17 you research how that truck came to exist?

18 A. Yes, sir, I did.

refer  
19 Q. In the course of your answers as to that, would you  
top of  
20 to Government's Exhibit 644 and 645. Should be on the

21 your stack of exhibits.

exhibits  
22 And did the information in each of those two

owned  
23 help you track down when that truck was built and first  
24 by Ryder?

orders that  
25 A. Yes, sir. These two documents are the purchase

6755

Clark Anderson - Direct

1 Ryder issued to Ford Motor Company and . . . for the  
2 manufacture of the vehicle.

3 Q. For the record, is the purchase order to Ford

Government

4      Exhibit 644?

5      A. Yes, sir, it is.

6      Q. And for the record, what is Exhibit 645?

Morgan  
7      A. Exhibit 645 is a purchase order from Ryder to

purchase of the  
8      Corporation for the purchase -- manufacture and

9      body that fits on the Ford chassis.

10     Q. What I might call the compartment, the storage  
compartment?

11     A. Yes, sir.

the  
12     Q. The two pieces that go to a Ryder, the chassis and

13     compartment?

14     A. Right.

it  
15     Q. And those two exhibits represent Ryder's records as

16     relates to the truck in question?

that  
17     A. Yes, sir, these are Ryder records from our files

18     describe the vehicle.

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

20     Government's Exhibit 644 and 645.

21                    MR. TIGAR: No objection, your Honor.

22                    THE COURT: They are received.

23                    BY MR. MACKEY:

24     Q. Based, Mr. Anderson, on those records and your

other

-- the 25 research, could you tell the jury when the truck bomb

6756

Clark Anderson - Direct

built? 1 truck that was first used in the bombing, when was it

these two 2 A. This truck was ordered in December of 1992; and

built. 3 pieces of evidence, Mr. Mackey, do not show when it was

ordered 4 This just shows the ordering of the same. But it was

5 on December 23, 1992.

6 Q. And ordered from Ford and then --

January 8, 7 A. Ordered from Ford, and the body was ordered on

8 1993, from Morgan.

that time 9 Q. What kind of truck did Ryder order from Ford in

10 period?

truck 11 A. The truck is a Ford F-700 conventional chassis,

12 chassis, made at a proper length to fit a 20-foot body.

for 13 Q. And what kind of box or compartment did Ryder order

14 placement on that chassis?

body. And 15 A. A 20-foot, and it's described as a low-profile

16 it's manufactured primarily of a material called FRP,  
17 fiberglass-reinforced plywood.

18 Q. Are you intimately familiar with the design and  
manufacture

19 of that truck to Ryder's specification?

20 A. Yes, sir, I am.

21 Q. And how so?

22 A. I was one of the executives that negotiated with  
Ford for

23 the purchase of this group of trucks and subsequently  
ordered

24 the trucks and supervised the receiving of the invoices  
for

25 same and their preparation for being put in service and  
being

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Clark Anderson - Direct

1 put in service and into our rental fleet.

2 Q. How many total trucks did Ryder order on that same  
purchase

3 order?

4 A. This is for an order of 400 units. All identical.

5 Q. And how do you know by looking at those records  
that the

6 truck in question was among those covered in the  
purchase

7 order?

Unit                    8 A. The purchase order is for a group of units from  
range of                9 No. 137200 to 137599, and the particular truck that you  
                        10 described in that VIN number, 26077 falls within that  
order?                11 purchase order numbers.  
                        12 Q. Ryder keeps track of its trucks by unit numbers?  
                        13 A. Yes, sir, we do.  
                        14 Q. And the unit numbers referred to in the purchase  
of unit                15 A. Yes, sir.  
                        16 Q. So every one of those 400 trucks within that range  
next in                17 numbers was built to the same specs?  
                        18 A. Yes, sir, they were.  
                        19 Q. Mr. Anderson, help me, if you would, by looking at  
                        20 Government's Exhibits 311 through 315. It should be  
                        21 your stack.  
                        22 A. Yes, sir.  
                        23 Q. And have you seen those photographs before?  
                        24 A. Yes, sir. I have.  
                        25 Q. And do each of those photographs represent accurate

6758

Clark Anderson - Direct

truck --              1 depictions of 20-foot F-700 series Ford model Ryder

2 A. Yes, sir.

3 Q. -- as to the precise kind as the truck in question?

4 A. The exact kind, yes, sir.

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

6 Government's Exhibits 311 through 315.

7 MR. TIGAR: No objection.

8 THE COURT: All right. They're received.

9 MR. MACKEY: And may we publish these  
photographs to

10 the jury?

11 THE COURT: Yes.

12 BY MR. MACKEY:

13 Q. Let's start with 311, and could you describe with  
your

14 Ryder expertise, Mr. Anderson, a little bit about the 20-foot

15 truck we're looking at.

16 A. This is a view of the left-hand side, driver's side  
of the

17 20-foot Ryder truck. And it shows the -- almost all of  
the

18 truck from the hood back through the end of the body.

19 Q. And are the decal markings that are depicted in  
that photo

20 precisely the same as on the truck in question?

21 A. Yes, sir, they are.

22 Q. Showing you 312.

23 A. Yes, sir.  
24 Q. What is that, please?  
25 A. This is the right-hand view of the side of the  
truck,

6759

Clark Anderson - Direct

1 passenger-side view, if you will, showing from the  
front of the  
2 truck to the back of the truck.  
3 Q. This is on the passenger side?  
4 A. This is -- taken from the passenger side, yes, sir.  
5 Q. I note that there is a compartment door, what  
appears to be  
6 a entryway into the storage compartment on 312. Could  
you tell  
7 the jury about that?  
8 A. The Ryder 20-foot consumer vehicle is the only one  
of the  
9 large trucks in our fleet that comes equipped with what  
we call  
10 a curbside side door, "curbside" meaning the side that  
is  
11 always closest to the curb of the street. You see the  
side  
12 door right almost towards the front half of the body.  
13 Q. Is the door that's meant to be opened and shut --  
14 A. Yes, sir.  
15 Q. -- to allow access without --

16 A. Allow easier loading from the sidewalk.

17 Q. In 1995, were you familiar with the features of

18 competitors; that is, other companies that offer  
consumer

19 trucks for rental?

20 A. Yes, sir, I was.

21 Q. And in 1995, did any competitor offer a storage  
compartment

22 with a side-door entry?

23 A. No, sir.

24 Q. Ryder was unique?

25 A. Ryder was unique in this, yes.

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Clark Anderson - Direct

1 Q. Showing you Government Exhibit 313.

2 A. Yes, sir.

3 Q. Tell us what we're looking at.

4 A. This is a head-on front view of the same truck, so  
it shows

5 the grille and cowling and the front of the body.

6 Q. And in the upper right-hand corner, do you see a  
series of

7 numbers, six numbers?

8 A. Yes, sir.

9 Q. And what are those; what do they represent?

of the 10 A. These are the unit numbers that are decaled on each  
and each 11 trucks. So each truck has its own unique unit number,  
the one 12 truck is decaled with its own unique unit number.  
13 Q. And what unit number would the truck in question,  
that's 14 that blew up, have at that same spot?  
15 A. 137328.  
16 Q. Show you 314, please. And what is that?  
door of 17 A. This is the rear view, so the view facing the rear  
that's 18 the truck, the back end of the truck, of the same truck  
19 depicted in all of these photographs.  
registration 20 Q. Let's turn now, Mr. Anderson, to the title and  
those 21 history for the truck in question. Did you research  
22 documents as well?  
23 A. Yes, sir, I did.  
among your 24 Q. And can you find Government Exhibit 650 and 651  
25 materials?

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Clark Anderson - Direct

- 1 A. Yes, sir. I have them.
- 2 Q. Tell his Honor and the jury what Exhibit 650 and

651 are,

3 please.

4 A. Exhibit 650 is the original certificate of title  
for this

5 particular unit, 137328.

6 Q. And would that exhibit prove ownership of that  
vehicle by

7 Ryder?

8 A. Yes, sir, this is the proof of ownership of that  
vehicle.

9 Q. And for the same truck with the same VIN that we've  
read

10 into the record earlier?

11 A. Yes, sir.

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

13 evidence Exhibit 650.

14 MR. TIGAR: No objection.

15 THE COURT: Received, 650.

16 BY MR. MACKEY:

17 Q. In the course of your duties, did you see to it  
that all of

18 the vehicles were lawfully licensed and registered for  
the

19 states they were in?

20 A. Yes, sir, I did.

21 Q. Is that the case with the unit in question?

22 A. Yes, sir, it is.

23 Q. Turn to Exhibit 651 and tell everyone, please, what

that

24 is.

25 A. 651 is a collection of documents that include the

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Clark Anderson - Direct

1 registration, application for title, and manufacturer's  
2 certificate of origin, all of which make up the  
necessary  
3 documents for this truck to be registered and receive a  
license  
4 plate to drive on the roads.

5 Q. How was this truck, the one in question, licensed?  
By what

6 state?

7 A. This particular truck was licensed in the state of  
Florida.

8 Q. And is that true for many of your trucks because of  
the

9 Miami headquarters?

10 A. No. Actually, the trucks are licensed in every  
state in

11 the United States on a pro rata portion of the fleet.  
However,

12 this particular truck just happened to be licensed in  
the state

13 of Florida.

14 Q. In 1995, approximately how many Ryder trucks were  
in the

15 consumer rental fleet?

16 A. 33,000.

17 MR. MACKEY: Your Honor, we would move to  
admit, if I

18 haven't already, please, 651.

19 MR. TIGAR: No objection, your Honor.

20 THE COURT: 651 is received.

21 BY MR. MACKEY:

22 Q. Mr. Anderson, before a Ryder truck is put out on  
the road

23 for use by its customers, are there any final  
maintenance steps

24 that are taken?

25 A. One final last check that it goes through an in-  
service

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Clark Anderson - Direct

1 inspection where the -- for one last time. We make  
sure all

2 the bolts and nuts are tight on it and the truck is  
full of oil

3 and air pressure is correct and all of the unique  
elements of

4 the truck are recorded in the maintenance records so  
that one

5 final check and recording of unique things to that  
truck.

6 Q. And was that done or followed in the case of Unit  
137328?

7 A. Yes, sir, it was.

8 Q. Turn your attention to Exhibit 668. Tell the jury,  
please,

9 what that document is.

10 A. 668 is a photostat copy of the consumer new truck  
11 inspection work sheet and repair order for Unit No.  
137328.

12 Q. And does that document show when the Ryder truck in  
13 question was placed into service?

14 A. It shows that -- yes, it does. It shows when the  
15 inspection was complete and when it was ready for  
service.

16 Q. And does it also record the key code assigned to  
that

17 particular truck?

18 A. Yes, sir, it does.

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

20 Exhibit 668.

21 MR. TIGAR: No objection.

22 THE COURT: Received, 668.

23 BY MR. MACKEY:

24 Q. Mr. Anderson, how is the key code used by Ryder?

25 A. The key code is used by Ryder to create duplicate  
keys in

Clark Anderson - Direct

1 the event that the key to the truck is lost.

2 Q. Turn your attention now, Mr. Anderson, to Exhibit  
652. Do

3 you know what that is, please.

4 A. Yes, sir. This is the registration, original  
registration

5 certificate for Unit No. 137328.

6 Q. And that's the same unit in question?

7 A. Yes, sir, it is.

8 Q. And would that document reflect the registration  
decal

9 number for that truck as it existed in April of 1995?

10 A. Yes, sir, it does.

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

12 Exhibit 652.

13 MR. TIGAR: No objection, your Honor.

14 THE COURT: Received.

15 BY MR. MACKEY:

16 Q. Mr. Anderson, in the course of your participation  
in this

17 proceeding, have you seen physical evidence gathered  
from the

18 crime scene that relates to or corresponds to  
information from

19 Ryder's own records?

20 A. Yes, sir, I have.

21 Q. Would you take a look at Exhibit 637. Previously

been

very 22 admitted into evidence. You might recognize it as a

23 bent-up license plate.

24 A. Yes, sir.

plate 25 Q. Is there information on that exhibit, the license

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Clark Anderson - Direct

you've 1 itself, that corresponds with the registration document

2 just previously identified?

the 3 A. Yes, sir, in two ways. The license plate number is

certificate, 4 exact same that is recorded on the registration

license 5 and the decal, the -- has the exact same number on the

6 plate that is recorded on the certificate.

7 Q. Mr. Anderson, in addition, relying upon many of the

rear 8 documents you've already identified, did you examine a

9 axle housing and associate CVIN number on that piece of  
10 evidence with information in your own files?

examined the 11 A. Yes, sir, I've seen a rear-axle housing and

12 confidential VIN number that's stamped thereon.

13 Q. And do those numbers correspond to your own

records?

14 A. Yes, sir, same truck.

the  
15 Q. Mr. Anderson, let's shift gears now and talk about

let me  
16 rental history of that particular truck. In doing so,

about the  
17 start by asking if you'd tell the jury a little bit

18 dealership system that Ryder operated in April of 1995.

through a  
19 A. Ryder operates its business -- rents those trucks

we call  
20 distributed network of independent business people that

Ryder,  
21 dealerships. They act as commissioned sales agents for

of  
22 if you will. Ryder places the vehicles at their place

in  
23 business. The dealer will rent them to the public and

doing so.  
24 return receive a commission on the gross sales for

in the  
25 And they're located in every continental state

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Clark Anderson - Direct

1 nation, all 48 lower states in the nation, yes, sir.

2 Q. I'm sorry, how many dealerships existed in 1995?

3 A. In the neighborhood of 4500 or so.

4 Q. In 1995, in the spring of '95 particularly, what

size

5 vehicles did Ryder offer through its consumer  
dealerships?

6 A. We offered four vehicle sizes: A 10-foot minivan,  
a

7 15-foot parcel van, a 20-foot what we called a full-  
sized

8 truck, and a 24-foot moving van -- big, long moving  
van.

9 Q. Did you mention a 15-footer?

10 A. Yes, sir, 15-footer, parcel van.

11 Q. Parcel van, all right.

12 record Could you describe for the jury what system of  
keeping was common to dealerships in the spring of '95?

13 computerized A. All of the dealers around the country have a  
system

14 system that they rent the trucks by. This computerized  
the

15 is owned by Ryder, operated by Ryder, and the only way  
their

16 dealer has to conduct the Ryder rental business at  
system.

17 dealership, if you will, is by using the Ryder computer  
creation

18 So that allows us to have consistent record keeping or  
rent our

19 of records at every point in the United States that we  
trucks.

20 21 Q. Mr. Anderson, did you have some personal role in  
the

computer 23 development and implementation of this nationwide

24 network?

development 25 A. Yes, sir, I was the executive in charge of the

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Clark Anderson - Direct

that I'm 1 and roll-out of the system that we call Ryder First

2 describing.

with the 3 Q. And based on that involvement, are you familiar

transactions 4 kinds of information about individual rental

computer 5 that's available to you in Miami by examining your own

6 files?

7 A. Yes, sir.

in April 8 Q. Did you do so in the case of the unit in question

9 of 1995?

10 A. Yes, sir, I did.

examining 11 Q. And would you tell the jury what you learned from

in 12 your records about the last known rental of the truck

13 question.

14 A. The last known rental of the truck in question took

place

the 15 at Elliott's Body Shop in Junction City, Kansas; and

Omaha, 16 vehicle was rented one way to -- from Junction City, to

17 Nebraska, by a Mr. Bob Kling.

Miami and 18 Q. Mr. Anderson, did Ryder keep on record, both in

each 19 its dealership locations, a rental agreement number for

20 transaction?

21 A. Yes, sir, we did.

Ryder 22 Q. And did it keep on file the name and address of the  
renter?

23 A. Yes, sir.

Ryder 24 Q. Did it keep on file the name and address of the

25 dealer that was dispatching or releasing that truck?

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Clark Anderson - Direct

1 A. Yes, sir, we did.

2 Q. Did it keep on file the date and time the truck was  
3 released to the renter?

4 A. Yes, sir.

truck 5 Q. Did it keep on file information about the size of

6 rented?

7 A. Yes, sir.

8 Q. Did it keep on file the unique unit number?

9 A. Yes, sir, it did.

10 Q. And did it keep on file identifying information  
about the

11 renter, driver's license and the sort?

12 A. Yes, sir.

13 Q. Turn your attention now, Mr. Anderson, to  
Government

14 Exhibit 2050.

15 A. Yes, sir.

16 Q. And does that document contain the same sorts of

17 information or categories of information that I've just  
asked

18 you by way of question as relates to the Kling rental?

19 A. Yes, sir, it does.

20 Q. Is the information on Exhibit 2050 then information  
kept by

21 that Ryder in the course of its business as it relates to

22 particular transaction?

23 A. Yes, sir.

24 Q. Does it bear any signatures?

25 A. No, sir, it does not.

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

2 Government Exhibit 2050.

3 MR. TIGAR: No objection, your Honor.

4 THE COURT: Received. Excuse me. Received.

5 MR. MACKEY: May we publish, please.

6 THE COURT: Yes.

7 BY MR. MACKEY:

8 Q. Can we focus in on the far left-hand corner under  
"rental

9 agreement"? Can you see that?

10 A. I can see it, yes, sir.

11 Q. All right. Maybe we'll just read some of the  
information

12 circle into the record. Mr. Anderson, with your pen, can you

13 the rental agreement for the Kling transaction off that  
14 document.

15 A. The rental agreement number?

16 Q. Yes, sir. And could you read that number to the  
record.

17 A. The rental agreement number is 1964911.

18 address Q. According to Ryder's records, what was the name and

19 given by the renter for the Kling transaction?

20 A. The customer's name is Bob Kling, and address is  
428 Maple

21 Drive, Omaha, Nebraska, 68107.

22 Q. And immediately to the right is information

recorded about

23 who was dispatching that same truck?

24 A. Yes, sir. There is.

25 Q. What's shown there, please.

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Clark Anderson - Direct

an 1 A. The dispatching dealer is Elliott's Body Shop with

66441. 2 address of 1430 Goldenbelt, Junction City, Kansas,

your 3 Q. And back now again to the left-hand column, does

4 record show when that truck was picked up?

5 A. Yes, sir. It shows that the truck was picked up on  
6 April 17, 1995, at 1619 hours, which is 19 minutes  
after 4:00

7 in the afternoon.

8 Q. And does that same record show when it was due  
back?

9 A. The -- yes, sir, it does. It was due back on April  
21,

in the 10 1995, again at 1619 hours, which is 19 minutes after 4

11 afternoon.

12 Q. If we can enlarge the information just below that,  
please.

13 A little farther down, please.

14 A. There's a -- this is a --

15 Q. Two-sided document?

16 A. Two-sided document.

bottom  
17 Q. Let's turn to page 2 of Exhibit 2050. And in the

that,  
18 left-hand corner of that document, if we could enlarge

was  
19 please. There we go.

20 According to that exhibit, Mr. Anderson, where

address of  
21 that truck supposed to end up?

up on  
22 A. This truck was to go to Exhaust Pros with an

in on  
23 3216 Q Street, Omaha, Nebraska, ZIP Code 68107.

24 Q. And if we could go back up to the -- just slightly

25 the right-hand corner of that same document. Focusing

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Clark Anderson - Direct

corner.  
1 the driver's information on the bottom left-hand

Kling.  
2 A. The driver's information is -- driver's name is Bob

that's  
3 It shows a driver's license number of YF942, I believe

4 an A6.

5 Q. A, as in Adam, 6?

6 A. A, as in Adam, 6, yes, sir.

7 Q. What state was the license?

8 A. South Dakota.

9 Q. Mr. Anderson, in researching this matter, did you  
identify

10 other documents relevant to the transaction?

11 A. Yes, sir, I did.

12 Q. And did you find a quote and reservation document?

13 A. Yes, sir, I did.

14 Q. Turn your attention now, please, to Exhibit 305.

15 A. I have it, yes, sir.

16 Q. And just generically, what is Exhibit 305?

17 A. 305 is a quotation document quoting a price to a  
Bob Kling

18 for rental of a 20-foot van, one-way, from Elliott's  
Body

19 Shop --

20 Q. Is it a quote --

21 A. -- to Omaha, Nebraska.

22 Q. Is it a quote document relating to the Kling  
transaction?

23 A. Yes, sir.

24 Q. All right. Does it contain any customer  
signatures?

25 A. No customer signatures, no, sir. This is -- this  
document

Clark Anderson – Direct

1 is not signed.

2 0. And would not be in the normal course?

3 A. Not in the normal course of our records, no, sir.

4 Q. Is this document, Exhibit 305, one that's routinely  
created

in each 5 and maintained according to the system set up by Ryder

6 of these dealerships?

7 A. Absolutely, yes, sir.

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

10 MR. MACKEY: Sure.

11 VOIR DIRE EXAMINATION

12 BY MR. TIGAR:

13 Q. Hello, Mr. Anderson. My name is Michael Tigard.  
I've been

14 appointed to help out Terry Nichols.

15 I just want to ask, this document, and the one  
that

the 16 you're looking at, looks like it has smudges on it, on

17 copy.

18 A. It's quite dirty is what it looks like.

19 Q. Well, what I want to know is: Is that a document  
that

20 comes out of you-all's records in Miami, Florida?

21 A. No. The information contained hereon is the same,

but this

22 document is printed at the dealer location on the  
Ryder-owned

23 computer.

24 Q. I see.

25 A. So it's a Ryder record, yes, sir.

6773

Clark Anderson - Voir Dire

do you 1 Q. Well, if -- I don't want to quibble about this, but

this 2 have a document that looks exactly like this with all

3 information on it in your records in Miami?

4 A. I have a copy of it in my records.

your 5 Q. And that is made and kept in the regular course of

6 business; is that right?

quotes 7 A. Not all the time, no. Sometimes we keep copies of

depends upon 8 and reservations, and sometimes we do not. Just

9 their significant importance, I suppose.

10 particular MR. TIGAR: I'm going to object to this

11 document, your Honor.

12 THE COURT: What's the objection?

13 foundation, your MR. TIGAR: The objection is lack of

14 Honor, that this is not kept in the regular course of  
their

15 business but in the regular course of the Elliott's  
Body Shop

16 business there in Junction City, and that's the  
business entity

17 that would have to authenticate -- that would have to  
lay the

18 foundation for it.

19 how does THE COURT: How is this record prepared and

20 Ryder get it -- your main office get a copy?

21 the THE WITNESS: This document is printed off of  
the

22 computer printer from the Ryder First machine at  
Elliott's Body

23 Shop, and it comes -- this particular record came to  
Ryder by

24 being hand-carried to us. We picked it up and kept it  
and

25 later day turned it over to the FBI.

6774

Clark Anderson - Voir Dire

1 THE COURT: So who carried it in?

2 fellow THE WITNESS: It was brought back by one of my

3 employees from Elliott's.

4 THE COURT: Sustained.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. MACKEY:

7 Q. Mr. Anderson, do each of the dealerships throughout  
the

8 country, including Elliott -- were they required to  
keep quote

9 and rental and reservation agreements on file?

10 A. Yes, sir.

11 Q. Mr. Anderson, turn your attention now, please, to  
12 Government Exhibit 670A. 670A.

13 A. Yes, sir.

14 Q. It's a series of photographs previously admitted  
into

15 evidence. Prior to coming to court, Mr. Anderson, have  
you

16 examined carefully what is shown on each of those 27  
17 photographs?

18 A. Yes, sir. I've seen all of these before.

19 Q. And among that set, did you see a number of  
photographs

20 center of that depicted what appear to be Ryder truck in the

21 several of those photographs?

22 A. Yes, sir.

23 Q. Sir, based on 24 years of experience and your  
involvement

24 the in the manufacture of Ryder trucks, can you describe

25 vehicle that's depicted in those photographs?

Clark Anderson - Direct

1 A. The vehicle that's described in these -- or  
depicted in

2 those photographs is a 20-foot Ryder truck. I believe  
it's a

3 20-foot Ryder truck.

4 Q. And what do you base that on?

5 A. The Ryder truck part of it is the unique Ryder  
decals that

6 are visible in here, and the 20-foot part on it based  
upon my

7 knowledge and experience is the relative length of the  
wheel

8 base and truck body and the position of the rear axle  
relative

9 to the truck body.

10 Q. All right. Let's take a moment and just illustrate  
that

11 description, if we can. We have one up now, okay.

12 A. Okay.

13 Q. Does that photograph --

14 A. That's not a very good photograph to do this. It  
has a car

15 in front of it, it appears like, Mr. Mackey. I don't  
know if

16 they're numbered or not.

17 Q. There we go. Take a look at the photo now in front  
of you.

18 A. Okay.

19 THE COURT: Which number is being displayed?

20 MR. MACKEY: It is one photograph, your Honor,  
of 670A

21 and specifically the frame noted at the time 8:56:56.

22 THE COURT: Thank you.

23 MR. MACKEY: Thank you, your Honor.

24 THE WITNESS: Obviously you can see the Ryder  
name on

25 the truck. And the wheel base, there is the front --  
there's

6776

Clark Anderson - Direct

1 the front axle. There's the rear axle back in here.  
And the

2 relative distance that the rear axle is from about the  
front of

3 the truck body up in here and also the amount of  
overhang past

4 the rear axle to the end of the truck body is the  
information

5 that I am using my experience to say that that is a 20-  
foot

6 vehicle.

7 BY MR. MACKEY:

8 Q. Just a couple final questions, Mr. Anderson. You  
mentioned

9 earlier that you offered a 15-foot rental vehicle?

10 A. Yes, sir.

the 11 Q. Are the tires on a 15-foot presumably smaller than

12 tires on the 20-foot?

13 A. Substantially so.

size tire 14 Q. You recognize the tire size of 75R165 to be the

15 affixed to 15-foot Ryder trucks?

16 A. A 75R165 are the size of the 15-foot tires, yes.

17 Q. And what load capacity would a 15-foot Ryder offer?

2800, 18 A. A 15-foot vehicle has a maximum load capacity of

19 3,000 pounds.

20 Q. As opposed to 20-foot?

pounds. 21 A. A 20-foot vehicle can carry as much as 10,000

22 MR. MACKEY: Thank you, Mr. Anderson.

23 Thank you, your Honor.

24 THE COURT: Do you have questions, Mr. Tigar?

looking 25 MR. TIGAR: Yes, I do, your Honor. I'm just

6777

1 for an exhibit.

2 CROSS-EXAMINATION

3 BY MR. TIGAR:

4 Q. Mr. Anderson -- take your time. You ready?

5 A. I'm ready.

6 Q. Okay. Do you have records that show who rented  
this truck

7 from the time that it was first delivered to you until  
the time

8 that this fellow named Kling represented -- rented it?

9 A. Yes, sir, we do.

10 Q. Okay. And so that if we could go back in the  
records and

11 see each person who had it and what dealership it was  
rented

12 out of from the time it was first delivered to you; is  
that

13 correct?

14 A. That is correct.

15 Q. Now, you mentioned when you were talking about the  
rental

16 there at Elliott's Body Shop that there is certain  
information

17 that your dealer is required to collect; is that  
correct?

18 A. That's correct.

19 Q. Okay. Now, do you have a training program for your  
20 dealers?

21 A. Yes, sir, we do.

22 Q. And in that training program, do you teach them how  
to spot

23 theft and fraud; that is, potential theft and fraud?

24 A. We do our best.  
25 Q. I understand. And -- it's not always going to  
work;

6778

Clark Anderson - Cross

1 correct?  
2 A. Doesn't always work, no, sir.  
3 Q. Now, do you ask them to be particularly careful  
about  
rent  
4 noting or remembering the descriptions of people who  
5 vehicles?  
6 A. That part I don't recall specifically in the  
training  
7 program, that they memorize physical descriptions of  
customers.  
8 Q. Not to memorize physical descriptions, but is there  
9 something in the training that tells them that if  
there's a  
somebody  
10 loss out of their agency or their dealership, that  
about  
11 from Ryder may be coming and wanting to ask questions  
12 that?  
bad  
some  
13 A. Yes, sir, we do tell them that if -- you know, when  
14 things happen to good people, we're going to ask them  
15 questions about what happened.

16 Q. Okay. And every one of your dealers would be aware  
that

17 that's your policy; right?

18 A. Every one of them.

19 Q. Do you know Mr. Eldon Elliott?

20 A. Yes, sir, I do.

21 Q. Had you known him before April 19, 1995?

22 A. I had met him once before, yes, sir.

23 Q. And best of your knowledge, he's a good,  
responsible

24 businessman there in Junction City?

25 A. Very much so.

6779

Clark Anderson - Cross

1 Q. And in addition to renting you-all's trucks, what  
does he

2 do there?

3 A. His primary business is a body repair shop. He  
fixes cars

4 when they're dinged and dented.

5 Q. And have you ever met his employees Tom Kessinger  
and Vicki

6 Beemer?

7 A. I have met them, yes, sir.

8 Q. Had you met them before April 19, 1995?

9 A. No, sir, I had not met them prior.

10 Q. Now, you said when good things happen to bad  
people, Ryder

11 does look into it --

12 A. Bad things happen to good people.

13 Q. You said it right and I said it wrong, and you  
excuse me.

14 When things happen, let's just put it that way.

15 A. Yes, sir.

16 Q. Did Ryder conduct an investigation in this case?

17 A. Yes, sir, we did.

18 Q. And did -- did Ryder prepare any sort of a report  
to

19 management on what had happened?

20 A. Written report, no, sir, I don't believe so. I  
briefed the

21 chairman of the company on what had happened.

22 Q. But there's no -- no written document that you know  
about?

23 A. I did not sit down and prepare a written document  
detailing

24 what had happened.

25 Q. All right. You identified when you were testifying  
a

6780

Clark Anderson - Cross

1 purchase order for this vehicle. And I wanted -- that  
was

page

2       2   Government Exhibit 644. I want to put that up on the  
3       3   here, the first page of it up on the -- turn on light.  
There

4       4   it is. And then I have to zoom out, now in.

--

5       5       Now, you notice over here that the total price  
you see a

6       6   you've got a price here, and then right underneath it  
7       7   \$256 item there?

8       8   A. Yes, sir.

9       9   Q. What is that \$256 item?

that is

10      10   A. That \$256 is the price of the particular option  
with a

11      11   detailed on that line, which is a 225-inch wheel base  
the

12      12   bumper-to-back-of-cab dimension of 103.1 inches.

look at

13      13   Q. All right. Now, when you were negotiating these,  
how they

14      14   purchase of these vehicles, did you have occasion to  
of Ford

15      15   the Ford Motor Company body builder's book that shows  
just

16      16   put these things together?

17      17   A. No, sir.

18      18   Q. All right. Are you familiar with the F-700 series  
trucks?

20      20   A. Yes, sir.

21      21   Q. All right. Let me take this off of here, then, and

22 ask you: Ford makes the F-700 series for other  
customers than

23 Ryder; is that correct?

24 A. Absolutely, yes, sir.

25 Q. And they make the F-700 series with the dual wheels  
in a

6781

Clark Anderson - Cross

1 number of different wheel bases; is that correct?

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

3 Q. And the item that we were just looking at, the 225  
inches,

4 that reflects a particular wheel base in the Ford F-700  
series;

5 correct?

6 A. That's correct.

7 Q. Now, your 24-foot truck that you have, is that also  
an

8 F-700 series truck?

9 A. Yes, sir, it is.

10 Q. Now -- does that have -- so is it fair to say it's  
the same

11 truck, but it has a different wheel base?

12 A. Mr. Tigar, if I'm not mistaken -- and I'm doing  
this

13 strictly from my memory -- it -- I believe it has the  
same

14      wheel base as the 20-foot truck.

15      Q.    Okay.

16      A.    Don't hold me to it. I'm doing that from memory.  
I don't

17      have those documents here.

18      Q.    I understand. And this is not a memory contest. I  
guess

19      what I'm asking is in that Ford F-700 series, the  
stance of

20      your truck -- that is to say, the track width of the  
truck --

21      will be the same for different wheel bases; is that  
your

22      understanding?

23      A.    The "track width" meaning the dimension from the  
outside

24      of --

25      Q.    From the centerline of the outer tire of the dual  
wheels to

6782

Clark Anderson - Cross

1      the centerline of the opposite one, left or right.

2      A.    On all of the vehicles that they manufacture?

3      Q.    No, I'm just asking, sir, about your 20 and 24  
inches

4      (sic), and then I'll move on.

5      A.    Yes. Ours would, yes, sir.

6      Q.    So that if I -- so if I went to your lot and had a

20 or

7 24, it would be that same wheel base -- or same track width?

8 A. Same track width, yes, sir.

9 Q. Now, I wanted, then, to look at some of the features of

10 this Ryder truck that we were talking about. I want to put up

11 what's been received as Government 314, if I could. This, sir,

12 is the rear view of your Ryder truck; is that correct?

13 A. Yes, sir, it is.

14 Q. Now, I'm pointing to a slot right here. That's a ramp,

15 isn't it?

16 A. Yes, sir, it is. Loading ramp.

17 Q. Loading ramp. And when the customer gets that -- goes and

18 rents the truck and they want to load it, they can pull that

19 loading ramp out; is that correct?

20 A. And attach it with a hook assembly to the back of the

21 truck, yes.

22 Q. Okay. So it is not integral to the truck, it has to be

23 hooked on; is that right?

24 A. It's -- when you pull it out, it's a -- you can see the

25 ramp pocket is several inches below the floor.

Clark Anderson - Cross

1 Q. Yes, sir.

2 A. And so what you do, you pull it all the way out.  
And you3 pick it up, and you can see the little holes right  
there; and

4 it has --

5 Q. Okay. There --

6 A. -- little L brackets on the end of the ramp that  
fit into

7 those holes so that the ramp is flush with the floor.

8 Q. Okay.

9 A. And it's tied to the truck.

10 Q. All right.

11 Take that off there.

12 If -- now, when this fellow who called himself  
Kling13 rented a truck, he also rented a hand truck; is that  
right?

14 A. Yes, sir, he did.

15 Q. Now, is that part of the regular Ryder truck  
inventory that

16 is carried by the dealers?

17 A. Yes, sir.

18 Q. The hand trucks?

19 A. Yes, sir, it is.

20 Q. So those are owned by Ryder as well?

21 A. Yes, sir, they are.

22 Q. And is the hand truck that this fellow called himself Kling

23 rented -- is that the sort of thing that we'd be familiar with

24 from just watching people move heavy things?

25 A. Yes, sir. Quite common.

6784

Clark Anderson - Cross

load in 1 Q. All right. So it's got two wheels, and I can put a

I'm 2 it and then lean it back and then wheel it just like

3 showing you?

push it, 4 A. Put a load in it, strap it down, lean it back, and

5 pull it.

6 Q. Does it have straps?

7 A. It has straps, yes, sir.

object, such 8 Q. Are the straps such that I could take a large

the hand 9 as a large barrel, and strap it around to the dolly or

shifting from 10 truck and then -- then wheel it without the thing

11 side to side?

12 A. Yes, sir.

13 Q. Okay. Now, you also said, sir, that -- I forgot to  
-- what

14 is the gross vehicle weight rated -- rated gross  
vehicle weight

15 of this 20-foot truck that you all do?

16 A. The 20-foot truck has a manufacturer's gross  
vehicle weight

17 of 23,900 pounds.

18 Q. Okay. And when you say the manufacturer's now, do  
you

19 advise your customers not to load it that much?

20 A. Yes, sir. We license it for a lower registered  
weight, and

21 we also tell them to -- not to put that much in it. We  
tell

22 them how much it can carry.

23 Q. Okay.

24 A. Legally.

25 Q. Understood. And that's based on your arrangement  
with the

6785

Clark Anderson - Cross

1 state licensing authorities; correct?

2 A. That's correct, yes, sir.

3 Q. Now, in addition to being the man that orders all  
these

4 trucks, you are also the man who oversees building the

boxes;

5    is that right?

6    A. Yes.

7    Q. And you told us that the boxes are made of FRP; is  
that

8    correct?

9    A. Yes, sir, FRP, fiberglass-reinforced plywood.

10   Q. And if I'm -- is it correct that that's a sandwich?

11   A. Of a type, yes, sir.

12   Q. All right. And in the center of the sandwich or in  
the

13   middle of the sandwich is a piece of plywood; correct?

14   A. That's correct.

15   Q. What, three-quarter-inch ply?

16   A. It's probably about a three-eighths-inch, half-  
inch.

17   Q. And then on the outside, you put something to give  
it the

right?  
18   color of your characteristic Ryder yellow; is that

it's  
19   A. Well -- it starts out with the plywood, and then

side of  
20   laminated with fiberglass resin, you know, on either

what is  
21   the plywood. On the exterior, the Ryder yellow side,

yellow  
22   added to the vehicle is a -- that gives it that Ryder

It's a  
23   color, is a -- much like a -- very thin film decal.

24 Monsanto product called Tedlar.  
25 Q. And if we wanted to get real technical, we could  
read the

6786

Clark Anderson - Cross

right? 1 spec sheet that you read earlier and got in evidence;  
2 A. Yes, sir.  
cloth 3 Q. But basically find that this plywood has fiberglass  
4 and then the resin?  
5 A. Yes, sir.  
paint-type 6 Q. Is there another layer applied on the inside, a  
7 substance?  
truck is a 8 A. It's called a gel coat, and the interior of the  
smooth 9 white-colored gel coat, gel coat being kind of a shiny,  
10 finish.  
boat? 11 Q. And gel coat's familiar to -- that's the layer on a  
that's 12 If we went out to the lake and looked at white boats,  
13 gel coat?  
14 A. That's gel coat, yes, sir.  
do they 15 Q. And then how do you caulk the seams inside? What

16 use to make sure that stuff doesn't get down in the  
corners

17 there?

18 A. There's a -- the fiberglass-reinforced plywood  
panel sits

19 into an extruded aluminum piece at the top and bottom  
rails and

20 a steel piece at the rear rails that had a channel that  
the

21 plywood piece fits in. And there is a silicone  
caulking that

22 is placed on the edge of the -- or of the panel so that  
water

23 cannot, you know -- it's an attempt to waterproof it,  
if you

24 will.

25 Q. And the silicone caulking, that's not very  
different from

6787

Clark Anderson - Cross

1 what we see in the supermarket sold as tub and tile  
caulk and

2 that sort of thing?

3 A. Probably not, no, sir.

4 Q. Okay. But silicone being the big ingredient there?

5 A. That's correct.

6 Q. Now, you mentioned that there are these aluminum  
extrusions

7 that are there. In addition to that, are there wooden

rails

8       inside?

9       A. On the inside of the 20-foot body, there are  
several rows

10      sides of     of what we call wooden slats that are riveted to the

11      that you   the body, placed at various heights up from the floor

12      tie       would -- if you were moving your household goods, would

13      your load   them to the walls of the truck or, you know, secure

14       to these slats, if you would.

15      a Ryder   Q. Okay. Now, you first heard that it might have been

16      the       truck that was involved in the Oklahoma City bombing on

17       19th; is that right?

18      A. Yes, sir.

19      you       Q. Okay. And then you proceeded to do the things that

20      records   described on direct examination: to get documents and

21       and so on?

22      A. Yes, sir.

23      Q. Now, when did you make your first -- strike that.

24      Kansas, to   Did you make a trip out to Junction City,

25       find out what had happened?

Clark Anderson - Cross

1 A. I personally did not, no, sir. I made the trip to  
Oklahoma

2 City that night.

3 Q. Okay. Did you ever go to Junction City, Kansas, to  
talk to

4 the folks in Elliott's Body Shop?

5 A. Yes. I have been to Junction City, yes, sir.

6 Q. All right. And when was the first time that you  
went to

7 Junction City?

8 A. Couple years ago.

9 Q. All right. How many times have you been -- I mean  
for the

10 purpose of talking to the folks at Elliott's about  
this?

11 A. Just once.

12 Q. Just once?

13 A. I've talked to them over the phone, but one  
personal visit.

14 Q. When was the first time that you talked to them  
over the

15 phone?

16 A. Shortly, you know, 19th, 20th, somewhere in there.

17 Q. And at that time did they tell you what they could  
remember

18 about who had rented the truck?

19 MR. MACKEY: Objection. Hearsay.

20 THE COURT: Sustained.

21 MR. TIGAR: Your Honor, all I want to know is  
whether

22 or not they did. I don't want the conversation.

23 THE COURT: All right.

to 24 MR. MACKEY: Objection. Lack of foundation as

25 which one of the employees he's identifying.

6789

Clark Anderson – Cross

any of 1 THE COURT: Do you want to change it to did

2 them tell you?

3 BY MR. TIGAR:

4 Q. Did any of them tell you?

time I 5 A. That was not the nature of our conversation first

6 spoke with them, no, sir.

either 7 Q. Okay. And when you went out, did you ever talk to

had 8 Mr. Elliott, Miss Beemer, or Mr. Kessinger about what

**rental** 9 happened that day or what had happened during the

10 telephone conversations? Just yes or no. I don't want  
the

11 content of that.

12 A. No.

there 13 Q. Did you talk to them about that when you visited up

14 in person?

15 A. Briefly.

that 16 Q. All right. And as best you can remember, when was

sir? 17 visit that you were able to make up there in person,

during 18 A. Summer of '95, I think. To the best of my memory,

19 the summer of 1995.

duties as a 20 Q. And were you doing that in connection with your

21 senior management person from Ryder Trucks?

22 A. Yes.

find the 23 Q. Now, one of the things that -- let me see if I can

24 picture here.

25 There it is.

6790

Clark Anderson - Cross

Government 1 If I can show you what's been received as

that 2 Exhibit 313. That's the -- part of the front view of

3 Ryder truck; is that correct?

4 A. Head-on view of the front of a Ryder truck, yes,

sir.

5 Q. Right. And one of the -- when you were shopping  
for trucks

6 and trying to figure out, you know, what brand you  
would buy

7 for Ryder, did you look at this question of what the  
visibility

Was 8 from the cab would be for the person driving the truck?

9 that important to you; that you could get a good, clear view?

I don't 10 A. That's an important safety feature of any vehicle.

11 know that that was a decision driver, Mr. Tigar.

12 Q. Okay. I'm not talking about decision driver, but  
you did

13 take it into account; right?

14 A. I'm sure we did.

15 MR. TIGAR: Thank you, very much, sir, for  
answering

## 16 my questions.

17 I don't have anything further, your Honor.

18 THE COURT: Mr. Mackey.

19 REDIRECT EXAMINATION

20 BY MR. MACKEY:

21 Q. I have just a few follow-up questions, Mr. Anderson. Just

22 so that we're all clear, I take it it was not your

23 responsibility to investigate what role Eldon Elliott  
or Vicki

24 Beemer or Tom Kessinger may have had in the rental of  
the Kling  
25 transaction?

6791

Clark Anderson - Redirect

1 A. No, sir.  
2 MR. TIGAR: Objection as to leading, your  
Honor.  
3 THE COURT: Sustained as to leading.  
4 BY MR. MACKEY:  
5 Q. Could you describe in a general view, Mr. Anderson,  
what  
6 your purpose was in going to Junction City after the  
bombing?  
7 A. My purpose in going to Junction City was just to  
assure  
8 Eldon that when bad things happen to good people is not  
a  
9 reason that you would lose your Ryder dealership  
necessarily.  
10 And so it was more of a "hello, how are you, I think  
you're  
11 doing great, keep up the good work, nice place you have  
here,  
12 let's put up a few more Ryder signs and get the  
brochures out  
13 and sell some more business."  
14 Q. Two final questions: Mr. Tigar asked you a series  
of

recall            15    questions about the makeup of the compartment box. You

              16    those questions?

              17    A. Yes, sir.

that?            18    Q. And you described your background and expertise in

              19    A. Right.

used in            20    Q. Can you tell the jury whether ammonium nitrate is

              21    the manufacture of the compartment box?

the box.            22    A. Ammonium nitrate is not used in the manufacture of

of            23    Q. Before coming to court, have you examined a piece

              24    evidence commonly referred to as Q507?

              25    A. Yes, sir, I have.

6792

Clark Anderson - Redirect

1    Q. And is that a piece of a Ryder compartment box?

of body.            2    A. That is a piece of a Ryder truck, yes, sir. Piece

description?            3    Q. And how were you able to identify it? By

Tedlar            4    A. By description, from the Ryder yellow color, the

that is on            5    Ryder yellow decal that is on it, and the red decal

              6    it. They're all unique colors to Ryder.

7 MR. MACKEY: Thank you, Mr. Anderson.

8 RECROSS-EXAMINATION

9 BY MR. TIGAR:

10 Q. Sir, I forgot to ask you before: It's a wooden  
floor in

11 the Ryder truck; right?

12 A. Yes, it is.

13 Q. And I also forgot to ask you: You have an agency  
in Lake

14 Havasu City; is that correct?

15 A. Yes, sir, we do.

16 Q. Or did as of April 1995. Do you know anyone named  
Sandy

17 Crigler?

18 A. Yes, sir, I do.

19 Q. Who is Sandy Crigler?

20 A. Sandy operates the dealership in Lake Havasu City.

21 Q. And did Sandy Crigler -- that's a she; is that  
correct?

22 A. It's a she.

23 Q. Did Ms. Crigler operate that in April of 1995?

24 A. Yes, sir, she did.

25 Q. Now, on the redirect, you were asked some questions  
about

- 1 something called Q507; is that correct?
- 2 A. Yes, sir.
- 3 Q. All right. Now, when was the first time you saw  
Q507?
- 4 A. Perhaps a little over a year ago.
- 5 Q. Where did you see it?
- 6 A. I saw Q507 at the FBI office.
- 7 Q. In what city, sir?
- 8 A. Denver, Colorado.
- 9 Q. And to your recollection, it's a piece of what at  
one time
- 10 was a part of a Ryder truck box; is that correct?
- 11 A. It is a piece of a Ryder truck box. It's a  
delaminated
- 12 piece of FRP.
- 13 Q. That's what I'm -- I'm using the verb tense. I  
mean it's
- 14 not attached to a Ryder truck anymore?
- 15 A. No, sir, not anymore.
- 16 Q. And at the time that you saw it, in fact it was  
charred and
- 17 had evidently been through some stress; is that  
correct?
- 18 A. I can say that it had been through quite a bit of  
stress,
- 19 yes, sir, to delaminate it like that.
- 20 Q. And did you -- did you examine it? You didn't  
perform any
- 21 chemical tests or other tests on it at that time?

22 A. Oh, absolutely not.  
23 Q. That wasn't your function?  
24 A. No, sir.  
25 Q. In what context was it being shown to you?

6794

Clark Anderson - Recross

as, you  
and  
thing.  
standards as to  
insides  
But we  
to be  
they need

1 A. It was being shown to me as could I identify this  
2 know, a part of a Ryder truck and, you know, what is it  
3 from what part of the body is it and that type of  
4 Q. Okay. And one last thing: Do you have any  
5 how often your dealers are supposed to power wash the  
6 of those trucks in between rentals?  
7 A. We don't have any standards as to the exact timing.  
8 do have standards that the inside of the vehicles are  
9 kept clean, broom clean, yes, sir.  
10 Q. Oh, broom clean?  
11 A. Broom clean.  
12 Q. You don't any standards about power washing?  
13 A. No. They're to be kept broom clean. Sometimes  
14 to be power washed, and sometimes a broom will do it.

15                   MR. TIGAR: Thank you very much.  
16                   MR. MACKEY: Nothing else, your Honor.  
17                   THE COURT: Is Mr. Anderson to be excused?  
18                   MR. MACKEY: Yes, your Honor.  
19                   MR. TIGAR: Yes, your Honor.  
20                   THE COURT: Step down. You're excused. We'll  
take a  
21                   recess at this point, members of the jury.  
22                   There's reference here to something called  
Q507, and  
23                   you haven't seen that or heard about that yet. Don't  
worry  
24                   about it. Sometimes, so that a witness can come on and  
be  
25                   excused and not have to stay and come back, the lawyers  
in the

6795

ask about  
1                   case will anticipate something later in the case and  
about an  
2                   it; and I think that's what happened here. We asked  
least  
3                   exhibit that may be received in evidence later, or at  
miss a  
4                   probably be offered, but I just -- you know, you didn't  
5                   page here. So I just wanted to reassure you of that.  
6                   Now, also, of course it's my duty to remind

you once

7 again during this 20-minute recess of continuing to  
avoid

8 discussion of anything connected with the case among  
yourselves

You're 9 and with all others and also to maintain open minds.

10 excused now, 20 minutes.

11 (Jury out at 2:40 p.m.)

12 THE COURT: Okay. We'll recess.

13 (Recess at 2:41 p.m.)

14 (Reconvened at 3:01 p.m.)

15 THE COURT: Be seated, please.

16 (Jury in at 3:02 p.m.)

17 THE COURT: Next witness, please.

Helena 18 MR. MACKEY: The United States would call

19 Garrett. Ms. Wilkinson will question her.

right 20 THE COURTRoom DEPUTY: Would you raise your

21 hand.

22 (Helena Garrett affirmed.)

please. 23 THE COURTRoom DEPUTY: Would you have a seat,

last 24 Would you state your full name and spell your

25 name for the record.

1                   THE WITNESS: Helena Annette Garrett, G-A-R-R-  
E-T-T.

2                   THE COURT: Ms. Wilkinson.

3                   MS. WILKINSON: Thank you, your Honor.

4                   DIRECT EXAMINATION

5    BY MS. WILKINSON:

6    Q. Ms. Garrett, in answering the questions this  
afternoon, can

7    you keep your voice up?

8    A. Yes.

9    Q. How old are you?

10   A. 29.

11   Q. Where were you born?

12   A. Peoria, Illinois.

13   Q. Where did you grow up?

14   A. Oklahoma City.

15   Q. Did you go to high school there?

16   A. Yes.

17   Q. Do you have any children?

18   A. I have two.

19   Q. Tell us about your oldest child.

20   A. Her name is Sharonda, and she's 8.

21   Q. Did you have a son?

22   A. Yes, I did.

23 Q. What was his name?

24 A. His name was Tevin.

25 Q. How old was he?

6797

Helena Garrett - Direct

1 A. 16 months.

2 Q. Did he die in the bombing on April 19, 1995?

3 A. Yes, he did.

4 Q. When was Tevin born?

5 A. November 25, 1993.

6 Q. And where was he born?

7 A. Oklahoma City.

8 Q. Let's turn to April, 1995, if we could.

9 Could you tell the jury where you were  
employed at

10 that time?

11 A. Regents for Higher Education.

12 Q. What did you do for them?

13 A. Micrographics clerk.

14 Q. What does that mean?

15 A. We used to film the student files and so that we  
could

16 cut down destroy the files. We just put it all on microfilm to

17 on paper.

18 Q. What hours did you work when you worked for the  
Regents?

19 A. 8 to 5.

20 Q. And did you work Monday through Friday?

21 A. Yes, I did.

22 Q. And where was your office located in April of 1995?

23 A. In the Journal Record Building.

24 Q. And what floor were you on?

25 A. The second floor.

6798

Helena Garrett - Direct

1 Q. Were there any other offices on that floor with  
yours?

2 A. There was an attorney's office.

3 Q. I'm going to show you Government's Exhibit 940. It  
should

4 come up on your screen. It's already in evidence.

5 Do you recognize that diagram?

6 A. Yes, I do.

7 Q. Could you take out your -- the pen up there? See  
that, the

8 one -- no, the other one that's attached. There you  
go.

9 Can you show the jury where your building is  
located

10 on this diagram?

11 A. Yes. Right here.

12 Q. Okay. And show the jury where the Alfred P. Murrah  
13 Building is, please.

14 A. It's right here.

15 Q. So how far was your office from the Murrah Building  
in

16 April of 1995?

17 A. Just a block.

18 Q. And what's between the Journal Record Building and  
the

19 Alfred P. Murrah Building?

20 A. A parking lot.

21 Q. Now, when you worked at the Regents and you were at  
work

22 from -- during the week from 9 to 5, where was Tevin?

23 A. He was in the day-care center of the federal  
building.

24 Q. How long had he been at the day-care center in the  
federal

25 building?

6799

Helena Garrett - Direct

1 A. Since he was 8 weeks.

2 Q. And so he was there from 8 weeks to 16 months?

3 A. Uh-huh.

4 Q. Why did you choose that day-care center to put  
Tevin there?

5 A. Because it was close to my job; and when I went to  
go see

6 it for the first time, it was open and big, and I was  
impressed

7 with the workers.

8 Q. Now, look at this diagram. You see the YMCA  
building over

9 there?

10 A. Yes.

11 Q. Was there a day-care center there?

12 A. Yes, there was.

13 Q. And were there people in your building who had  
their

14 children in the YMCA day-care center?

15 A. Yes.

16 Q. Now, since Tevin was there from 8 weeks to 16  
months, did

17 you become familiar with the day-care center in the  
Murrah

18 Building?

19 A. Yes.

20 Q. And did you learn about the -- did you get to know  
the

21 children who were there?

22 A. Yes, I did.

23 Q. Did you get to know the facility?

24 A. Yes.

25 Q. All right. And did you know all of the children  
who were

Helena Garrett - Direct

1       killed in the day-care center on April 19, 1995?

2       A. Yes, I did.

3       Q. Can you identify those 15 children for us if I show  
you an

4       exhibit marked Government's Exhibit 1047?

5       A. Yes.

6                   MS. WILKINSON: Your Honor, we'd move  
Government's

7       Exhibit 1047 into evidence.

8                   MR. TIGAR: I think we have a continuing  
objection.

9                   THE COURT: Yes. Your continuing objection is  
noted.

10                  1047 is received. It may be published.

11                  MS. WILKINSON: Your Honor, while Agent  
Tongate steps

12       to exhibit the chart, could I ask whether 940 has been  
13       accepted? Could I move it into evidence, please.

14                  MR. TIGAR: Our records show that it has not,  
your

15       Honor; but of course, there is no problem with us.  
It's just

16       that map.

17                  MS. WILKINSON: Just the diagram I just  
showed.

18                  THE COURT: I don't think it had been

received. I

19 agree. So it's in now.

20 MS. WILKINSON: Thank you.

21 BY MS. WILKINSON:

22 Q. Ms. Garrett --

23 A. Yes.

24 Q. -- if I ask you to step down, can you keep your  
voice up

25 and tell us --

6801

Helena Garrett - Direct

it will 1 THE COURT: We'll use a microphone. I think

2 help.

would 3 MS. WILKINSON: Thank you, your Honor. That

4 help.

5 BY MS. WILKINSON:

before you 6 Q. Ms. Garrett, let me ask you one or two questions

7 do that while they're getting the microphone ready.

8 A. Okay.

in the 9 Q. You told us you got to know the children who were

10 day-care center; is that right?

11 A. Yes.

the  
12 Q. Did you also get to know the women who worked in

13 day-care center?

14 A. Yes.

15 Q. Now you can step down.

and  
16 Could you tell the jury the name of each child

17 where they would have been in the day-care center?

She was in  
18 A. The first baby is Aren's. That's Baylee Almon.

19 the infant's room.

Denise's  
20 The second room was Danielle Bell. That's

21 baby. Most of these are in the infant's room.

He was  
22 This is Zackary Chavez. That's Alicia's baby.

23 in the three-year-olds.

baby.  
24 This is Anthony Cooper. He was Dana Cooper's

25 Q. Who was Dana Cooper?

6802

Helena Garrett - Direct

She had  
1 A. She was the new director of the day-care center.

2 just taken over three weeks prior.

3 Q. Is that her son?

4 A. Yes, that's her baby.

and he

5           This is Antonio Cooper. That's RenC's baby,  
6         was in the infant's room.

7           That's Dana Cooper, the worker.

8           And that's Aaron Coverdale. That's Jannie's  
9         grandbaby. And this is his brother, Elijah Coverdale.  
Elijah

10         had been with the two-year-olds, the toddler's room.

been in

11         This is Jaci Coyne. She was -- she would have  
12         the baby's room, in the infant's room mostly.

13         Q. We'll show you the next chart.

14         Ms. Garrett, could you start again in the far  
15         left-hand corner?

was the

16         A. That's Brenda Daniels. She was a worker, and she  
17         toddler -- mostly with the toddler babies.

was mostly

18         That's Tylor Eaves. That's Mia's baby. He  
19         in the baby's room, also.

toddler's

20         This is my son, Tevin. And he was in the  
21         room.

22         That's Baby Lee -- I'm sorry -- that's Kevin.

23         Q. Is Baby Lee the nickname?

24         A. Yes. We called him Baby Lee.

25         Q. And could you give us his full name?

Helena Garrett - Direct

1 A. Kevin Gottshall. He was in the infant's room.

2 Q. Who is next to him?

3 A. Wanda Howell. She was a new worker. She just  
started

4 three weeks prior.

5 That's Blake Kennedy. That's Laura's baby.  
He was in

6 the toddler's room.

7 That's Dominique London. He would have been  
like with

8 the two-year-olds.

9 And this is Chase Smith. That's one of -- of  
Edye's

10 babies.

11 And this is Colton Smith, and that's Edye's  
baby.

12 Q. Were those two brothers?

13 A. Yes, they're brothers. And he would have be with  
Tevin,

14 also.

15 Q. Ms. Garrett, why don't you take your seat and you  
can get

16 yourself some water.

17 I want to show you Government's Exhibit 952,  
the

18 second-floor plan, which has previously been admitted  
into

19 evidence.

20 MS. WILKINSON: Your Honor, could I ask the  
marshal to

21 take down the easel? It's blocking the view.

22 THE COURT: Yes, we'll do that.

23 BY MS. WILKINSON:

24 Q. You just told us about the different children and  
that they

25 were in different areas of the day-care center. Is  
that right?

6804

Helena Garrett - Direct

1 A. Yes.

2 Q. Does this floor plan depict the day-care center as  
of

3 April 19, 1995?

4 A. Yes.

5 Q. And can you tell us, starting where you would enter  
the

6 day-care center, about the security of the day-care  
center and

7 the different rooms that are depicted on this floor  
plan.

8 A. Okay.

9 Q. Why don't you start by showing us where you would  
bring the

10 children in.

11 A. The stairways was here. Here's the elevator.

12            You normally would come this way, to this  
hallway.

13    Q.   What were the procedures you used when you entered  
the

14    day-care center?

15    A.   You ring a doorbell.

16    Q.   And then once you got in, what did you do?

17    A.   You sign your baby in on the in-and-out list.

18    Q.   Were those the procedures that you followed every  
day?

19    A.   Yes.

20    Q.   Okay. Now, tell us about what you see when you get  
into

21    the day-care center once you've signed in?

22    A.   On this side it was glass doors going into the  
23    three-year-olds' room. And over here was the  
kindergarten's

24    room.

25    Q.   What was located in the three-year-olds' room?

6805

Helena Garrett - Direct

1    A.   A big slide, a house that the children could go  
into and

2    play in, toys.

3    Q.   Now, let's go over to the next room, the two-year-  
olds'

4    room.

5 A. A lot of toys. Tables where they could sit at and  
TV.

6 Q. The next room next to that, please.

7 A. It was a table where the children, the toddlers,  
actually

8 sat in to eat their lunch at. A lot of toys,  
cubbyholes,

9 things like that, cots for them to take their naps.

10 Q. And finally, the last room on the left?

11 A. It was rocking chairs. Cubbyholes was against this  
wall.

12 Baby beds was all against the front of it.

13 Q. Now, look at the front of the diagram there, that  
heavy

14 black line. Do you see that?

15 A. Yes.

16 Q. Can you follow that with your pen? Tell the jury  
what was

17 located all along that wall.

18 A. Windows.

19 Q. And could you see up into those windows from the  
street in

20 front of the Murrah Building?

21 A. Yes, you could.

22 Q. Could you see into those windows when you were  
driving by

23 the Murrah Building?

24 A. Yes, you could.

25 Q. Did you, yourself, look into those buildings --

those

6806

Helena Garrett - Direct

1 windows?

2 A. Yes, I did.

3 Q. Now, I want you to tell us about April 19, 1995.  
Did you

4 go to work that day?

5 A. Yes, I did.

6 Q. Did you take your children with you?

7 A. Yes, I did.

8 Q. What did you do with your children?

9 A. At the time Sharonda was five, so she went to St.  
John

day care 10 Christian Academy the days that she didn't go to the

11 with Tevin, and that day she went to St. John.

12 Q. And what did you do after you dropped her off?

13 A. I took Tevin to the day care.

14 Q. And where did you park your car that day?

15 A. In the federal building garage.

long? 16 Q. And were you allowed to park your car there all day

17 A. No. It's a two-hour parking. I was running late.

18 Q. Had you done that before?

19 A. Yes, I had.

about 20 Q. What was your plan as to what you were going to do

21 leaving your car there all day long?

break and 22 A. Take Tevin, go to work, and go get my car on a

23 move it.

24 Q. Had you done that on previous occasions?

25 A. Yes.

6807

Helena Garrett - Direct

center 1 Q. Do you recall what time you arrived at the day-care

2 on April 19?

3 A. About 7:50.

4 Q. Did you take Tevin upstairs?

5 A. Yes, I did.

6 Q. What happened?

he let 7 A. I rung the doorbell. And Aaron Coverdale came, and

8 me in.

9 Q. Do you recall how old Aaron was at the time?

10 A. Five.

center? 11 Q. Was he one of the oldest children in the day-care

12 A. Yes. Yes.

13 Q. What happened when he let you in?

"She 14 A. I asked him why did he open the door, and he says,  
15 told me to."

16 Q. Did you know who he was referring to?

"I'm sorry, 17 A. When I went in, the teacher, Wanda -- she said,  
18 I couldn't open the door. I have a baby on the  
changing

19 table." She was changing a baby.

20 Q. Could you tell who that baby was that day?

didn't 21 A. No. I just know the little legs was white, but I  
22 know which baby it was.

morning on 23 Q. Did you see other children in the day care that  
24 April 19?

25 A. Yes, I did.

6808

Helena Garrett - Direct

1 Q. Who did you see?  
2 A. I saw Elijah and --  
3 Q. Elijah Coverdale?  
4 A. Coverdale, Chase and Colton Smith. I seen the  
Denneys,  
5 Rebecca and Brandon. I seen Christopher and --  
6 Q. Christopher Nguyen?

sitting

7 A. Nguyen, uh-huh. And Dominique. They were all  
8 together on the floor.

you saw

9 Q. Were they all together in one room at the time that  
10 them?

11 A. Yes, they was watching TV.

12 Q. What did you do next?

teachers:

13 A. I put a form down that I had to fill out for the  
14 who could pick up Tevin, who couldn't. And I was going  
to

15 leave, and Tevin start crying, and --

16 Q. What did you do?

Elijah set

17 A. When I turned around to look at Tevin, Aaron and  
18 him down, and they was patting his back.

19 Q. Did you sneak out?

20 A. Yeah.

21 Q. And did you go to work?

22 A. Yes, I did.

23 Q. What time did you arrive at your office?

24 A. A couple minutes before 8.

25 Q. And what did you do when you got to your office?

1 A. I sat at my area and started filming.

2 Q. Now, you told us that you had parked your car  
underneath

3 the Murrah Building that day. Is that right?

4 A. Right.

5 Q. And had you -- when was the last time you had done  
that?

6 A. It was about a week prior to the bombing.

7 Q. And do you recall running into anyone on the street  
that

8 day or in the building?

9 A. I saw Anita Hightower inside of the federal  
building in the

10 lobby area. She had a table set up with her job. And  
I used

11 to work with Anita Hightower.

12 Q. Had you seen her recently before that meeting?

13 A. No. I haven't seen her.

14 Q. Did you tell her that you had a baby?

15 A. Yes, I did.

16 Q. What did you do?

17 A. I told her that I had a new baby and it was a boy  
and he

18 was just upstairs on the second floor. And she told me  
she

19 couldn't leave her area to go up there.

20 see And I said to her, "You could come outside and

21 building and him." And we did. We went outside of the federal

and got 22 we looked up, and Aaron was at the window. And he went

Tevin to 23 Brenda, and she came back with Tevin. And she held

24 the window.

25 Q. Did she -- did you or Ms. Hightower have any  
difficulty

6810

Helena Garrett - Direct

1 seeing Tevin at that time?

2 A. No.

looked 3 Q. Could you see other things in the windows when you

4 from outside the building?

5 A. The cribs, rocking chairs.

6 Q. Did you see any pictures?

children 7 A. Pictures and paintings and hand prints that the

8 would make. They would always tape them to the glass.

able to 9 Q. To the best of your recollection, were you always

when you 10 see those items in the windows of the Murrah Building

11 either walked or drove by?

12 A. Yes.

at 8:00 13 Q. Now, let's go back to April 19. You went to work

14 and started filming. Is that right?

15 A. Right.

16 Q. And what happened at about 9:00?

17 A. I was going to go move my car, and a co-worker  
stopped me

18 to ask me some questions.

19 Q. Was that the time of your break?

20 A. No.

21 Q. Why were you going to go move your car?

22 A. Because I wanted to go see Tevin.

23 Q. And what happened?

24 A. I -- she stopped me to ask about the filming; and  
then

25 shortly after that, it was the big boom.

6811

Helena Garrett - Direct

1 Q. Do you recall what happened after you heard the  
boom?

2 A. It got dark, and the tiles from the ceiling start  
falling

3 on us and stuff.

4 Q. What did you do?

5 A. I screamed. Everybody was screaming, and I yelled  
for

6 Deborah.

7 Q. Who is Deborah?

8 A. She's my best friend I used to work with.

9 Q. What did you and Deborah do at that point?

10 A. I grabbed her hand, and we took the stairs out. We  
went

11 out to the hallway to get to the stairway.

12 Q. Were you able to get out of the building?

13 A. No.

14 Q. What happened?

15 A. The door wouldn't open. When we got down to the  
bottom

16 floor, and it was -- we couldn't open it. And some  
people on

17 we had the outside opened it and we were able to go out. And

18 Record to climb a wall to actually get out of the Journal

19 Building.

20 Q. Now, I want to show you again Government's Exhibit  
940,

21 the jury which is the diagram. Can you use your pen and show

22 morning how you came out of the Journal Record Building that

23 after the bombing?

24 A. Came out on this side of the -- of 6th Street.

25 Q. And what did you do at that point?

- had been  
care.  
to the Y.  
was a man  
are okay  
recognize  
that I  
you
- 1 A. We went across the street to the parking garage.
  - 2 Q. What happened then?
  - 3 A. I noticed that the buildings around us, the glass blown out. And Deborah started yelling for Kendra.
  - 4 Q. Who is Kendra?
  - 5 A. Kendra is Deborah's baby. She went to the YMCA day care.
  - 6 Q. What did you two do at that point?
  - 7 A. We start running from the Journal Record Building to the Y.
  - 8 Q. What did you find when you got to the Y?
  - 9 A. The fence was down. It was destroyed. But there was a man standing there, and he told Deborah that all the kids are okay and they're around the building.
  - 10 Q. Let me show you Government's Exhibit 974. Do you recognize that photograph?
  - 11 A. Yes.
  - 12 Q. What does that photograph show?
  - 13 A. I'm sorry. That's not the right photograph I want to show you. Hold on one second.
  - 14 Q. Here it is. Government's Exhibit 1014. Do you recognize that photograph?
  - 15 A. Yes, I do.

22 Q. What does that photograph show?

23 A. That's the Y -- outside the playground of the YMCA.

24 Q. Is that what you saw when you came around the corner?

25 A. Yes.

6813

Helena Garrett - Direct

1 MS. WILKINSON: Your Honor, we'd offer  
Government's

2 Exhibit 1014.

3 MR. TIGAR: No objection.

4 THE COURT: 1014 is received. May be  
published.

5 BY MS. WILKINSON:

6 Q. Tell the jury what they're seeing in this  
photograph.

7 A. This is the YMCA playground, all of this area; and  
this

8 fence used to be up -- this way.

9 Q. Did you leave Deborah there so she could find her  
daughter?

10 A. I told her -- when the man told her that all the  
children

11 were okay, they were around the corner, I said,  
"Deborah, see

12 if Kendra is okay. I'm going to go see Tevin now."  
And I

13 turned around to the federal building.

14 Q. And what did you see?

15 A. That it was gone.

16 Q. Let me show you Government's Exhibit 957. Do you  
recognize

17 that?

18 A. Yes, I do.

19 Q. Is that what you saw when you turned the corner?

20 A. Yes.

21 Q. Ms. Garrett, would you like a Kleenex?

22 A. No, I'm okay.

23 MS. WILKINSON: Your Honor, we'd like to --  
oh, it's

24 published, 957.

25 BY MS. WILKINSON:

6814

Helena Garrett - Direct

1 Q. Now, Ms. Garrett, what did you do when you saw the  
2 building?

3 A. I tried to go to the building, and there was a  
policeman on

4 the corner and he said I couldn't go up there.

5 Q. So what did you do then?

6 A. I went around another way.

7 Q. Okay. Let's show the jury. Let's go back. Hold  
on one

8 second.

9 Go back to the diagram.

10 Now, show the jury with a pen where you tried  
to get

11 to the Murrah Building and how you went around the  
other way,

12 please.

13 A. I tried right here.

14 Q. And what did you do?

15 A. He told me I couldn't go, so I went back down  
Robinson

16 around 6th Street. I came down Harvey to 5th Street.

17 Q. Tell us why you didn't cross through the parking  
lot.

18 A. The cars was on fire. All of the cars in this  
parking lot

19 was on fire.

20 Q. Let me show you Government's Exhibit 965. Do you  
recognize

21 that photograph?

22 A. Yes.

23 Q. Is that what you saw --

24 A. Yes.

25 Q. -- at the parking lot?

6815

Helena Garrett - Direct

1 MS. WILKINSON: Your Honor, we'd offer 965.

2                   MR. TIGAR: No objection, your Honor.

3                   THE COURT: 965 received, may be published.

4 BY MS. WILKINSON:

5 Q. Is this what the parking lot looked like that  
morning when

6 you tried to cross, Ms. Garrett?

7 A. Yes.

8 Q. Now, you came around the other way. Is that right?

9 A. Yes.

10 Q. And did you see the Murrah Building from the other  
side?

11 A. Yes.

12 Q. All right. Let me show you Government's Exhibit  
2101. You

13 recognize that?

14 A. Yes.

15 Q. Is that similar to the view that you saw that day?

16 A. The other way.

17 Q. The other side?

18                   How about that?

19 A. Yes.

20 Q. Okay. You recognize that photo?

21 A. Yes.

22 Q. Is that what you saw when you came around the  
corner?

23 A. Yes.

24 MS. WILKINSON: Your Honor, we'd offer

Government's

25 Exhibit 968. Actually -- yes, 968.

6816

Helena Garrett - Direct

1 MR. TIGAR: No objection, your Honor.

2 THE COURT: 968 is received, may be published.

3 BY MS. WILKINSON:

4 Q. When you came around that side, Ms. Garrett, what  
did you

5 do?

6 A. I tried to come up the federal building. I start  
climbing

7 the -- the debris and stuff.

8 Q. How did you do that?

9 A. I tried to find Tevin.

10 Q. And how were you able to determine where the day-  
care

11 center was?

12 A. Because when I got to the building, I just closed  
my eyes

13 and I imagined the first floor still there and the  
second floor

14 still there, and I figured he would have been on this  
side of

15 the day-care center.

16 Q. Did you attempt to climb the rubble?

17 A. Yes, I did.

18 Q. What happened when you did that?

19 A. A man told me -- he said, "You can't go up there,"  
and he

20 pulled me back down.

21 Q. What did you do after he pulled you down?

22 A. I told him my baby is in there.

23 Q. And then what did you do?

24 A. I went to two ladies who was laying on the ground  
on

25 gurneys, and I went to one of them and asked her does  
she know

6817

Helena Garrett - Direct

1 where the babies were.

2 Q. What did she say, or did she respond at all?

3 A. Yes, she did.

4 Q. What did she say?

5 A. She said, "I don't know where the babies are.  
Sorry."

6 Q. So what did you do?

7 A. I went around the back of the federal building.

8 Q. Do you recognize Government's Exhibit 1004?

9 A. Yes.

10 MS. WILKINSON: Your Honor, I believe this has  
been

11 previously moved into evidence.

12                   MR. TIGAR: It is, your Honor. That's what  
our record

13       shows.

14                   THE COURT: All right. Thank you.

15       BY MS. WILKINSON:

16       Q. Did you come around to the back to the plaza?

17       A. Yes, I did.

18       Q. What did you do when you got to the plaza, Ms.  
Garrett?

19       A. I screamed for Tevin and Brenda. And there was two  
men

20       standing on the back of the plaza, and I told them that  
my baby

21       go get      was in there; and they went inside. They said, "We'll

22       your baby." They went inside.

23       Q. Where did you go when they went inside?

24       A. I stayed right there.

25       Q. Show us on this photo, if you can, approximately  
where you

6818

Helena Garrett - Direct

1       were at that time.

2       A. Right up in here.

3       Q. What happened next?

4       A. They stayed in there and -- they started bringing  
out

5 babies.

6 Q. Could you see who they were bringing out?

7 A. Yes.

8 Q. Who was the first baby that you saw?

9 A. Rebecca Denney.

10 Q. And could you tell whether she was dead or alive at  
that

11 time?

12 A. She was alive, and she was looking at me; and she  
looked as

13 if she's been dipped in blood. She's covered with  
blood.

14 Q. But you recognized her as Rebecca Denney?

15 A. And I told the man -- yes, I did. And I told the  
man,

16 "That's Rebecca."

17 Q. Why did you tell him the name of the baby?

18 A. Because he didn't know her. And I said, "That's  
Rebecca,"

19 and he didn't hear me. And I said, "That's Rebecca."

20 And he said, "Yes, I hear you." And he walked  
Rebecca

21 down the stairs.

22 Q. Who was the next child that you saw?

23 A. Nekia McCloud. Nekia.

24 Q. How did you recognize Nekia?

25 A. Because she looked just like my daughter, Sharonda.  
She

Helena Garrett - Direct

1 used to get them mixed up in the day care, except her  
hair was

2 longer. I ran up to the man who was carrying her. I  
said,

3 "That's my baby"; and when I got there, I realized that  
wasn't

4 Sharonda.

5 Q. Did that gentleman take Nekia to get medical care?

6 A. Yes.

7 Q. Who was the next child that you saw?

8 A. Brandon Denney, Rebecca's brother.

9 Q. How did you recognize him?

10 A. By his legs. He had fat legs. And I thought it  
was Tevin;

I ran up 11 and -- and I asked the man was that my baby. And when

dead. 12 there, I saw that it was Brandon; and I thought he was

13 Q. Brandon survived the bombing; is that right?

14 A. Yes, he did.

15 Q. Do you want to take a moment.

16 You all right?

17 A. Uh-huh.

18 Q. Okay. Who was the next child that you saw?

19 A. I saw Christopher Nguyen.

He's a  
thighs,

20 Q. How did you recognize Christopher?  
21 A. I recognized his age and I recognized his hair.  
22 little bit bigger. His pants was pulled down to his  
23 below his thighs.  
24 Q. Was he taken for medical attention?  
25 A. Yes, he was.

6820

taken

1 Q. And you were still there after those children were  
2 away?  
3 A. Yes, I was.  
4 Q. What happened after that?  
5 A. Then they brought out Colton Smith, Edye's baby.  
6 Q. You recognized Colton?  
7 A. Yes, I did.  
8 Q. What did they do with Colton when they brought him  
out?  
Colton, and  
9 A. I was there by a bench when they brought out  
10 there was a doctor beside me; and the man ran Colton  
out, and  
11 he laid the baby on the bench. And the doctor said,  
"I'm  
12 sorry, there is nothing I could do."

13                   And I stayed with Colton.

14   Q. Did they bring other children after that?

15   A. Yes, they did; but I stayed with Colton.

16   Q. What did they do with the other children when they  
brought

17   them out?

18   A. The children after Colton was wrapped in white  
sheets, but

19   their legs wasn't covered. And they laid the first  
baby -- he

20   was bigger, and they laid him right at my feet. And  
then they

21   brought out some more babies; and they laid them in a  
row in

22   front of me on the ground by Colton, and they made a  
line of

23   our babies.

24   Q. Did you stay with those children?

25   A. Yes, I did.

6821

Helena Garrett - Direct

1   Q. Did you know at that time whether they were dead or  
alive?

2   A. No. I thought -- no. I didn't want them -- there  
was

3   black glass everywhere all over the place. It was thick,

4   glass; and I remember screaming, "Don't lay our babies

on the

And a 5 glass." They wouldn't want their babies on the glass.

6 man -- he went and got a custodian broom, and he  
actually swept

7 the glass around where our babies were. And he was  
crying when

8 he swept the glass away.

9 Q. At that time, did you see your son, Tevin?

10 A. No.

11 Q. And what happened then?

12 A. They just kept bringing out more babies and lining  
them in

13 top of front of me. And I was still by Colton's head at the

14 the bench.

15 Q. And did there come a time when you had to leave  
that area?

16 A. Yes.

17 Q. What happened?

18 A. It was a second bomb threat, and they said that we  
had to

19 here." leave. And I told them, "No, don't leave our babies up

20 the And the nurse said, "We're not going to leave

21 going to babies." And she said, "I promise. You leave. We're

22 the plaza get the babies," and that's how they got me to leave

23 area.

the

24 Q. They assured you they were going to take care of

25 children?

6822

Helena Garrett - Direct

1 A. Yes.

2 Q. What did you do?

3 A. I left. We all had to leave the plaza area.

4 Q. You didn't find Tevin that day, I take it.

5 A. No.

6 Q. And did there come a time when you were asked to  
provide or

7 allow people to take fingerprints?

8 A. They came to my home Friday after the bombing and  
9 fingerprinted things that Tevin would have touched.

10 Q. What happened on Saturday afternoon?

11 A. They -- we was at the church where the families had  
to wait

12 at, and they -- Saturday evening, they called me back  
to the

13 room and they told me that Tevin was dead.

14 Q. You were able to say goodbye to Tevin?

15 A. Yes.

16 MS. WILKINSON: No further questions, your  
Honor.

17 THE COURT: All right. Questions?

18

CROSS-EXAMINATION

19 BY MR. TIGAR:

20 Q. Ms. Garrett, good afternoon. My name is Michael  
Tigar.

21 I'm a lawyer appointed to help Terry Nichols. And I  
just have

22 two questions.

23 A. Okay.

24 Q. Okay?

25 A. Okay.

6823

Helena Garrett - Cross

the  
1 Q. All right. I wasn't clear about this picture of

up on  
2 parking lot. Government's Exhibit 965. It should come

3 your screen there.

4 A. I see it.

5 Q. It's in evidence.

There we  
6 Would you help me -- let me zoom out here.

7 go.

8 Is this building that I'm pointing to here --  
that's

9 the Journal Record Building where you worked?

10 A. Yes, it is.

running 11 Q. Okay. And so where this street is here, where I'm

12 finger along, that's N.W. 5th Street?

13 A. Yes.

parking 14 Q. Okay. And then -- and these cars -- this is the

the 15 lot that essentially lies between N.W. 5th Street and

16 alleyway that runs behind the Journal Record Building?

17 A. I'm not understanding your question.

Government's 18 Q. Okay. Let me put this up, then, which is

parking lot 19 Exhibit 940. And I just want to make sure. That

here? 20 that we're seeing: Is that the one that's marked right

21 A. Yes.

about 22 Q. Okay. And the picture looks like it's taken from

23 where I have my finger here; right?

24 A. Right.

there? 25 Q. Right at the end of the T in the word "street" on

1 A. Uh-huh.

2 Q. Is that about right where that was taken?

3 A. It looks like that.

4 Q. Okay. And all these cars that are in the picture  
that are

5 on fire: That's what you saw when you tried to get  
around to

6 go to the front of the building; right?

7 A. Yes.

8 Q. It looked about like that?

9 A. Yes.

10 MR. TIGAR: Thank you very much for clearing  
that up.

11 I really appreciate it.

12 Thank you.

13 THE COURT: Witness excused?

14 MS. WILKINSON: Yes, she is, your Honor.

15 THE COURT: Agreed?

16 MR. TIGAR: Yes, your Honor.

17 THE COURT: You may step down. You're now  
excused.

18 Next, please.

19 MR. MACKEY: United States would call Phil  
Monahan.

20 Mr. James Orenstein will question.

21 THE COURT: All right.

22 THE COURTROOM DEPUTY: Would you raise your  
right

23 hand, please.

24 (Philip Monahan affirmed.)

25 THE COURTROOM DEPUTY: Would you have a seat,

please.

6825

and                   1                 Would you state your full name for the record  
                        2                 spell your last name.  
H-A-N.              3                 THE WITNESS: Philip Matthew Monahan, M-0-N-A-  
                        4                 THE COURTROOM DEPUTY: Thank you.  
                        5                 THE COURT: Mr. Orenstein?  
                        6                 MR. ORENSTEIN: Thank you, your Honor.  
                        7                 DIRECT EXAMINATION  
                        8     BY MR. ORENSTEIN:  
                        9     Q. Good afternoon, Mr. Monahan.  
                       10    A. Hello.  
                       11    Q. Where do you live, sir?  
                       12    A. I live in Phoenix, Arizona.  
                       13    Q. And how are you currently employed?  
there.              14    A. I'm a news photographer with a television station  
                       15    Q. Are you employed by a particular station now?  
                       16    A. Yes, by KPNX TV.  
                       17    Q. That is in Phoenix?  
                       18    A. Yes, it is.  
                       19    Q. What do you do for them?

20 A. I am a photographer in the newsroom.  
21 Q. Do you do any particular kind of photography?  
22 A. Yes, videotape for the newscasts.  
23 Q. And how long have you worked for Channel 12 in  
Phoenix?  
24 A. I've been there about four months now.  
25 Q. Prior to working in Phoenix, where were you  
working?

6826

Philip Monahan - Direct

1 A. I was at KOCO TV in Oklahoma City, the ABC  
affiliate.  
2 Q. That is a particular channel in Oklahoma City?  
3 A. Yes, it's Channel 5.  
4 Q. How long have you been employed overall as a video  
5 photographer in news?  
6 A. It will be 18 years very shortly.  
7 Q. Mr. Monahan, were you employed on April 19, 1995,  
for KOCO  
8 in Oklahoma City?  
9 A. Yes, I was.  
10 Q. Do you remember that morning?  
11 A. Yes, I do.  
12 Q. Can you tell the jury what you were doing on that  
morning.  
13 A. I was sitting in the morning editorial meeting in  
the

14 conference room off the newsroom at Channel 5  
discussing what

15 we'd do to fill our newscasts that day.

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

17 A. Very sharp explosion that rattled the windows in  
the room;

18 and everybody at the table, about 15, came to their  
feet.

19 Q. Did you see anything when you looked out the  
window?

20 A. Not look out the window. I left the room and ran  
through

21 the newsroom and out into the parking lot at Channel 5  
and

22 looked towards my left towards downtown Oklahoma City  
and saw a

23 large plume of smoke rising above the skyline.

24 Q. How far from downtown Oklahoma City was your  
office?

25 A. 8 or 10 miles.

6827

Philip Monahan - Direct

1 Q. When you saw the smoke from rising above downtown  
Oklahoma

2 City, what did you do?

3 A. I turned around and started back into the building  
and

4 encountered one of our reporters, Rhonda Chapman, and  
told her,

as fast            5 "We need to go," and got in the car and headed downtown

6 as I could.

7 Q. How long did it take you to get downtown?

8 A. Not quite 10 minutes.

arrived            9 Q. Do you recall about what time it was when you

10 there?

11 A. I believe 12 or 13 after the hour.

to show            12 Q. Mr. Monahan, I'd like to use the computer, please,

Exhibit 949A.      13 you what's been admitted already as Government's

14 Do you have that on your screen?

15 A. No.

16 Yes.

have a            17 Q. Using the diagram that's on your screen -- do you

18 light pen there?

19 A. This one?

20 Q. No, the thing connected by the black wire. Yes.

you                21 Would you show the jury where you went when

22 arrived in Oklahoma City, in the downtown area?

23 A. Okay. I got off the interstate and came to --

24 Q. You have to reach under the glass.

25 A. Reach under? Okay.

Philip Monahan - Direct

1                   -- and came to this intersection and parked at  
2 Broadway and N.W. 6th Street.

3 Q. And what did you do when you arrived there?

4 A. I got my equipment out of the back of my car and  
crossed

5 Broadway and proceeded west down N.W. 6th Street and  
started

6 taking pictures of what I saw along the way.

7 Q. Could you just press the pen down on the screen so  
you can

8 show the jury where you were?

9 A. I'm pressing.

10 Q. All right. You were at the corner of 6th and  
where?

11 A. 6th and Broadway.

12                   There we go. And started -- right there --  
and

13 started west down the street from that point.

14 Q. What did you see as you went down the street?

15 A. I saw a lot of -- a lot of people bleeding and  
leaving the

16 area and a lot of broken windows. Saw an overhead  
garage door

17 blown back on the north side of 6th Street about here that was

18 and into a building a couple feet and shot pictures of that

19 continued west on N.W. 6th to this intersection of  
Robinson and

20 N.W. 6th.

21 Q. What did you see when you arrived at Robinson and  
N.W. 6th?

22 A. I saw a large number of injured people, ambulances,  
a lot

23 hospitals of emergency medical technicians and people from the

24 sorts of nearby doing first aid and loading people into all

25 vehicles and driving them away from the area.

6829

Philip Monahan - Direct

1 Q. Were they doing triage at that place?

2 A. It appeared to me that they were, yes.

3 Q. Did you shoot any film of that scene?

4 A. Yes, I did.

5 Q. You mentioned before that you heard an explosion  
and saw it

6 time you over downtown Oklahoma City. Did you realize by the

7 occurred? were at 6th and Robinson where the explosion had

8 driving A. No, I hadn't. I heard on the police scanners

9 didn't downtown that it was at the federal building, but I

10 realize when I got to N.W. 6th and Robinson that I  
wasn't there

11 yet. There were so many hurt people, so much damage,  
it was

12 kind of hard to see past; but when I realized probably  
five

13 minutes after reaching that intersection that I wasn't  
there

14 yet, I started south down Robinson. And just as I  
cleared the

15 Journal Record Building, about there, I saw the front  
of the

16 Murrah Building.

17 Q. Did you continue filming as you went down north  
Robinson?

18 A. Yes, I did.

19 Q. Were you the only news photographer from your  
station in

20 that area that morning?

21 A. No, I wasn't.

22 Q. Who else was there from your station?

23 A. Kyle Hamm, Chris Lee, Richard Jackson, Charles  
Shepard, and

24 De Hoang.

25 Q. Could you spell that last name, please.

2 Q. First name is De?

3 A. Yes, D-E.

4 Q. Those were all news photographers from your station  
that

5 morning?

6 A. Yes.

7 Q. How long did you stay in the downtown area?

8 A. I believe about 90 minutes. After the second bomb  
scare

9 came out, we got moved back across the railroad tracks  
to the

10 east; and at that point, I realized there was -- I  
wasn't where

11 I was any more, so I went back to the station with the  
tape

12 that I had shot.

13 Q. What did you do with those tapes when you went back  
to the

14 station?

15 A. Started editing to get the tape on our air as  
quickly as I

16 could.

17 Q. Since then, have you also reviewed and edited film  
taken by

18 other photojournalists for Channel 5?

19 A. Yes, I have.

20 Q. And have you seen a videotape of some of those  
scenes?

21 A. Yes, I have.

22 Q. Is that Government's Exhibit 1380?

23 A. Yes, sir.

24 MR. ORENSTEIN: Your Honor, the Government  
would move

25 the admission of 1380.

6831

Philip Monahan - Direct

1 MR. TIGAR: May I inquire, your Honor?

2 THE COURT: Yes, you may.

3 VOIR DIRE EXAMINATION

4 BY MR. TIGAR:

5 Q. Mr. Monahan, my name is Michael Tigar. I'm one of  
the

6 lawyers appointed to help Terry Nichols.

7 There were six camera people down there that  
day?

8 A. Yes, sir.

9 Q. And from your station?

10 A. Yes, sir.

11 Q. And the tape to which you just referred: That  
represents

12 footage shot by all of those camera people?

13 A. Yes, sir.

14 Q. And how many minutes of tape was that altogether?

15 A. I can't tell you exactly. There was a large amount  
of tape

16 that I went over often over the next year and a half.

tape to           17 Q. All right. And at what point did you deliver this  
                  18 the Government?

                  19 A. I honestly don't remember, sir.

                  20 Q. Was it in January of 1996?

                  21 A. That is possible. It was before the McVeigh trial.

boxes or       22 Q. All right. An FBI agent came to get it?

                  23 A. Yes, sir.

                  24 Q. And how many -- do you have any idea of how many  
                  25 videocassettes that you delivered at that time?

6832

Philip Monahan - Voir Dire

that I         1 A. I believe at that point I delivered just the tape  
                  2 had shot that day.

five            3 Q. To your knowledge, was the tape shot by the other  
                  4 photographers from your station also delivered?

deliver that   5 A. Yes, it was, at some other point. I did not  
                  6 personally.

as this        7 Q. Now, when you reviewed what's been referred to here  
                  8 exhibit -- How long is this exhibit?

                  9 A. I'd say five minutes or so.

10 Q. Does it have sound?

11 A. Yes, it does. "Natural sound" is what we call it.  
It's

12 just the --

13 Q. Did you shoot all of the footage on it?

14 A. No, sir, I didn't.

15 Q. Do you have any idea what percentage of that shot  
-- of

16 footage was shot by you?

17 A. I'd say 80 or more.

18 Q. And who selected the images to be edited out of the  
tape

19 and presented as part of this Exhibit 1380?

20 A. I don't know.

21 Q. So what happened was at some point you delivered  
some tape;

22 right?

23 A. Yes, sir.

24 Q. At some point some of your colleagues delivered  
some tape.

25 Correct?

6833

Philip Monahan - Voir Dire

- 1 A. Yes, sir.
- 2 Q. That was hours of tape?
- 3 A. Yes, sir.

4 Q. And then somebody -- you don't know who -- edited  
it. Is

5 that right?

6 A. Yes, sir.

7 Q. From your experience, are you able to tell us that  
8 everything you saw on the tape that you reviewed is  
something

9 that was observed that morning?

10 A. Yes, sir.

11 Q. Can you tell that from your personal knowledge?

12 A. Yes, sir, I can.

13 Q. And that's because you were all around the downtown  
area?

14 A. I was -- I saw the images and similar images to  
what are on

15 something that tape. There is nothing on that tape that is not  
something

16 that I saw there that morning.

17 Q. Okay. I understand. And there is -- and it was  
clear,

18 isn't on then, that there is hours and hours more of tape that

19 this excerpt we're seeing; right?

20 A. Yes, sir.

21 moment? MR. TIGAR: Your Honor, may I have just a

22 THE COURT: Yes.

23 explanation, your MR. TIGAR: Your Honor -- with that

24 Honor, we have no objection. Thank you.

is about

25

THE COURT: All right. And the time of this

6834

Philip Monahan - Voir Dire

1 five minutes?

2 MR. ORENSTEIN: Approximately, Judge, yes.

3 THE COURT: All right. So I assume you intend  
to run

4 it.

5 MR. ORENSTEIN: I do. I have one more  
question before

6 I --

7 THE COURT: All right.

8 MR. ORENSTEIN: -- run the tape.

9 For the purposes of the record, it's been  
loaded onto

10 a video laser disk, as I understand the technology, but  
it's

11 the same exhibit; and I've discussed that with counsel.

12 MR. TIGAR: Yes, your Honor. I don't  
understand the

13 technology, but I do agree that the Government can play  
it.

14 THE COURT: Probably no one in this room  
understands

15 the technology.

16 MR. ORENSTEIN: That's probably true.

17 DIRECT EXAMINATION CONTINUED  
18 BY MR. ORENSTEIN:  
19 Q. Mr. Monahan, the tapes that Government's Exhibit  
1380 has  
20 been culled from: Are they many hours long?  
21 A. Yes, sir.  
like to  
22 MR. ORENSTEIN: At this point, your Honor, I'd  
I'll ask  
23 publish the exhibit. And with the Court's permission,  
scenes  
24 Mr. Monahan to describe the locations that he -- that  
25 are from as it plays, if that's permissible.

6835

Philip Monahan - Direct  
1 THE COURT: I thought there was an audible  
part of the  
2 tape.  
the  
3 MR. ORENSTEIN: If I could inquire just to set  
call  
4 record.  
there.  
5 THE WITNESS: The audio on the tape is what we  
6 "natural sound." It's simply ambient sound that was  
7 Fire trucks driving by.  
8 BY MR. ORENSTEIN:  
9 Q. There is no narration on the tape. Is that

correct, sir?

10 A. Yes.

11 just want THE COURT: All right. You may do that. I

12 to make sure the court reporter knows what is expected  
of him.

13 Go ahead.

14 (Government's Exhibit 1380 played.)

15 looking THE WITNESS: This is on the N.W. 5th Street

16 west towards the Murrah Building.

17 the And this is north on Robinson looking south on

18 north side of the Murrah Building.

19 looking This is from the south of the Murrah Building

20 at the upper floors.

21 And from the north of the building.

22 Street. This is on North Robinson just south of 6th

23 Robinson. This is the intersection of N.W. 6th and

24 over the THE COURT: It's a little hard to hear you

25 ambient noise, so speak up a little.

2                   This is in front of the YMCA on N.W. 5th  
Street.

3                   And back to 6th and Robinson.

4                   And this is south of the Murrah Building on  
Robinson

5                   looking north.

6                   And N.W. 6th and Robinson.

7                   This is in front of the YMCA on 5th Street.

8                   This is N.W. 6th Street.

9                   MR. ORENSTEIN: With that, your Honor, I have  
nothing

10                  further. Thank you.

11                  THE COURT: All right. Do you have cross-  
examination?

12                  I think            MR. TIGAR: Yes, your Honor, very briefly; and  
we can do it by 4:00.

13                  THE COURT: Good.

14                  MR. TIGAR: We'll let this witness go back to  
Phoenix.

15                  CROSS-EXAMINATION

16                  BY MR. TIGAR:

17                  Q. Mr. Monahan, once again, sir, the -- we saw a lot  
of images

18                  there of injured people. Is that right?

19                  A. Yes, sir.

20                  Q. And again, you didn't make the selection of the  
images that

21                  were to be shown from the hours you shot; is that

right, sir?

23 A. No, sir, I didn't.

24 Q. But that was what you saw that day?

25 A. Yes, sir.

6837

Philip Monahan - Cross

1 Q. Now, when the film first started, sir, we saw a  
parking lot

2 with a bunch of cars on fire.

3 A. Yes, sir.

4 Q. And that's the parking lot across from the Murrah  
Building.

5 Is that right?

6 A. Yes, directly north of the Murrah Building.

7 Q. And you mentioned that there was a bomb scare that  
caused

8 people to have to leave; right?

9 A. Yes, sir.

10 Q. Now, when was that?

11 A. I believe that was approximately 90 minutes after  
the

12 explosion. But I'm not entirely sure of the time line.

13 Q. Your best recollection, about 10:30?

14 A. I -- yes, sir.

15 Q. Now, by the time that happened, had the fires in  
that

16 parking lot been put out yet?

17 A. To the best of my knowledge, yes, sir.

18 Q. When the firemen arrived to put out those fires,  
what did

19 they do? Do they use regular hoses to hydrants, or  
chemical

20 extinguishers, or what did you see them doing?

21 A. They had hoses. I don't know what their supply  
was.

22 Q. Did you notice any hoses hooked to hydrants?

23 A. I can't say that I did, sir.

24 Q. Did you notice the crater in front of the building?

25 A. I did not get that close.

6838

Philip Monahan - Cross

1 Q. You were not permitted to; right?

2 A. No, sir. I got down about to the corner of the  
Journal

3 Record Building on 6th Street, which was just adjacent  
to that

4 parking lot.

5 Q. Your main concern was to take pictures; right?

6 A. Yes, sir.

7 Q. When you heard it, you raced for the door and said,  
"I need

8 a reporter"; right?

9 A. Yes, sir.

first 10 Q. And you can remember doing that and grabbing the  
reporter you could get and getting downtown; correct?

12 A. Yes, sir.

of 13 Q. Now, in the tape that we saw, we also saw a group  
firemen walking; and they had their fire jackets on.  
And they 14 were walking in some kind of formation, and they were  
behind a 15 piece of earth-moving equipment.

16 A. Yes.

18 Q. Do you remember that picture?

19 A. Yes.

20 Q. Did you see that happen?

21 A. Yes, I took that picture.

as you 22 Q. What was that earth-moving equipment being used for  
23 saw it in operation?

of the 24 A. It was brought in and taken down to the very front  
front of 25 Murrah Building. By that time, I could not see the

2 6th and Robinson; so I can't say what exactly was done.

3 Q. Now, that piece of earth-moving equipment is one --  
and all

4 we could see was the big rear tires. Is that correct?

5 A. I believe so, yes.

6 Q. Was it a skip-loader?

7 A. They brought in several pieces of equipment past me  
while I

8 was there, including front-end loaders, backhoes, and  
heavy

9 cranes.

10 Q. All right. And the front -- a front-end loader is  
--

11 that's an item that has a bucket on the front to push  
earth and

12 so on around?

13 A. Yes.

14 Q. The final image I want to ask you about is it  
looked like

15 from when we were looking at it there was somebody up  
in a

16 window that had ATF on their jacket.

17 A. Yes, sir.

18 Q. Did you see a number of people on the scene that  
had "ATF"

19 on their jackets?

20 A. I recall seeing FBI jackets. I don't remember  
seeing ATF

21 jackets.

22 Q. You do remember that one thing we saw on the screen

that

23 said "ATF"?

24 A. Yes, sir.

25 Q. Is that the only one you can remember seeing?

6840

Philip Monahan - Cross

1 A. I did not take that picture. Kyle Hamm shot that  
picture,

2 so I did not see him that day.

3 Q. All right. Who shot? I'm sorry.

4 A. Kyle Hamm.

5 Q. He's a good photographer, isn't he?

6 A. Yes, sir.

7 Q. He doesn't take pictures of things that didn't  
happen?

8 A. No, sir.

9 Q. So if we saw "ATF," that's what that was?

10 A. Yes, sir.

11 MR. TIGAR: Thank you very much, sir. I  
appreciate

12 your help.

13 THE WITNESS: Certainly.

14 MR. TIGAR: That's all the questions I have.

15 MR. ORENSTEIN: No further questions.

16 THE COURT: Witness excused, then?

17                   MR. ORENSTEIN: Yes.

18                   THE COURT: Agreed?

19                   MR. TIGAR: Yes.

20                   THE COURT: Mr. Monahan, thank you. You may  
step

21                   down. You're excused.

22                   Members of the jury, I told you we'd recess  
early

23                   today so that you could vote; and we're going to do  
that. But

24                   before we do that, I again want to caution you, as I  
must, on

25                   the record, even though I'm quite confident you know  
these

6841

1                   cautions. But, of course, it is important that you do  
keep

2                   open minds, remembering that we're just getting  
started, so to

3                   speak; and the significance or not of evidence that you  
hear,

4                   you know, will become clearer as we go along.

5                   But you have to wait till you've heard it all,

6                   including the arguments of counsel and the instructions  
of the

7                   Court before even in your own minds you can decide the

8                   significance of these things. So please withhold  
judgment in

9        your own minds; and, of course, don't talk about it  
with other

10      jurors or with anybody else. And be very careful now  
about the

11      things that you read, see, and hear to avoid anything  
which

12      could in any fashion influence your judgment in this  
case.

13           I don't think any of the ballot titles on any  
of the

14      ballots that I know about will have that effect on you;  
but

15      this just is, of course, a responsibility that you have  
under

16      your oath, and I'm sure you will meet that  
responsibility.

17           So you're now excused. We'll resume the trial  
at 9:00

18      tomorrow morning.

19           (Jury out at 3:58 p.m.)

20           THE COURT: There is -- it's sealed, as  
appropriately

21      it was: a motion in limine concerning three exhibits  
filed this

22      morning. Mr. Mackey, do you have that?

23           MR. MACKEY: Yes. May I approach?

24           MR. TIGAR: Yes, your Honor, we actually filed  
two

25      such motions.

1                   THE COURT: Well, I only got one of them. I  
got one  
2                   with respect to three exhibits.

3                   MR. TIGAR: There is that, your Honor, with  
respect to

4                   three exhibits and -- four exhibits, your Honor. The  
fourth

5                   exhibit is listed on page 4, if it's the same one to  
which I'm

6                   thinking your Honor is referring.

7                   THE COURT: Yes, that's right.

8                   MR. MACKEY: May we approach?

9                   THE COURT: Yes.

10                  (At the bench:)

court               11                  (Bench Conference 62B1 is not herein transcribed by

12                  order. It is transcribed as a separate sealed  
transcript.)

13

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22  
23  
24  
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6850

1 (In open court:)

2 THE COURT: We don't have many of these side  
bars, but

3 when we have them it is because there is a discussion  
of things

4 about the evidence that may never be in evidence; and

5 accordingly, it is consistent with the criteria that I

6 established for the non-public part of the trial that

7 that. And we're going to do more of it at 8:45  
tomorrow

8 morning. We'll -- trial with the jury will resume at  
9.

9 Court is in recess.

**10**                   (Recess at 4:05 p.m.)

11 \* \* \* \*

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22  
23  
24  
25

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1 PLAINTIFF'S EXHIBITS (continued)

	2	Exhibit	Offered	Received	Refused	Reserved
Withdrawn						

3	652	6764	6764
4	668	6763	6763
5	940	6800	6800
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8	1014	6813	6813
9	1047	6800	6800
10	1380	6830	6833
11	2050	6769	6769

12 \* \* \* \*

14 We certify that the foregoing is a correct  
transcript from

15 the record of proceedings in the above-entitled matter.

16 at Denver, Colorado, this 4th day of November, 1997.

17

18

10

28

Paul Zuckerman

1

21

22

Kara Spitler

24

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