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5 Avenue, Suite 400, Oklahoma City, Oklahoma, 73102,
appearing
6 for the plaintiff.
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Denver,

13 Colorado, 80203, appearing for Defendant Nichols.

14 * * * * *

15 PROCEEDINGS

16 (Reconvened at 1:30 p.m.)

17 THE COURT: Be seated, please.

18 MR. TIGAR: May we approach?

19 THE COURT: Yes.

20 (At the bench:)

21 (Bench Conference 82B1 is not herein transcribed by
court

22 order. It is transcribed as a separate sealed
transcript.)

23

24

25

9613

1 (In open court:)

2 (Jury in at 1:32 p.m.)

3 THE COURT: Please resume the stand, Mrs.
Padilla.

4 (Lana Padilla was recalled to the stand.)

5 THE COURT: All right. Mr. Mackey.

6 MR. MACKEY: Thank you, your Honor.

7 Your Honor, if I could begin by announcing
that by
8 agreement of the parties, Mr. Terry Lynn Nichols
returned to
9 the United States on January 16, 1995.

10 MR. WOODS: Yes, your Honor, that is our
stipulation.

11 THE COURT: All right.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. MACKEY:

14 Q. And, Miss Padilla, let's start with that date,
January 16,

15 1995. Do you recall the day that Mr. Nichols returned
from the
16 Philippines?

17 A. Yes.

18 Q. Did you pick him up?

19 A. Yes.

20 Q. That morning, before Mr. Nichols got back, did you
receive
21 a phone call at your residence?

22 A. Yes.

23 Q. From whom?

24 A. Tim McVeigh.

25 Q. Let me show you Government Exhibit 1888. It
reflects a

of
1 record, does it not, of a phone call from the residence
2 Kevin and Jolynn Nicholas, in Vassar, Michigan, to your
3 residence in Las Vegas; is that correct?

4 A. Yes.

you
5 Q. And what time of morning in Las Vegas was it that
6 received that phone call?

5:30.
7 A. It was early. It was -- I don't know, 6:00, 6:30.

8 I'm not -- it's a three-hour time difference.

9 Q. All right.

10 A. Two-hour time difference. It was early.

11 Q. What happened in the phone call? Tell us.

asleep,
12 A. It was very brief. Just -- in fact, I was still

And it was
13 and Leonard answered the phone and handed it to me.

didn't
14 Tim asking me if Terry was coming home. And I said I

he got
15 know when, I was going to wait for a phone call; when
16 into town, I was picking him up at the airport.

17 Q. Were you expecting him sometime that day, though?

called
18 A. I don't remember if it was that day. I know Terry

know, he
19 from the Philippines with Marife and said that, you

20 would be coming home, and I don't remember if he said

what

21 date. I expected him, but I didn't know what date.

22 Q. Mr. McVeigh did call on the day that Mr. Nichols
arrived

23 back into the U.S.?

24 A. Yes.

25 Q. Back in December, as you told the jury, when you
talked to

9615

Lana Padilla - Direct

1 Mr. McVeigh, did you tell him then -- that is, Mr.
McVeigh --

2 when it was you expected Mr. Nichols to return?

3 A. No.

4 Q. The reference to Kevin and Jolynn Nicholas in the
exhibit,

5 do you know who the Nicholases are?

6 A. No.

7 Q. There would be no one at that residence, to your
knowledge,

8 that would have any reason to call you?

9 A. No.

10 Q. Tell us, then, about Mr. Nichols' return. What
time, if

11 you recall, did you pick him up, and what happened?

12 A. It was in the evening. It was dark, early evening.
He got

quicker 13 in, I think, a little earlier than expected. Caught a
14 flight in LA to Las Vegas. I picked him up at McCarran
And 15 Airport, took him back to my home, and he stayed there.
16 then the next day he went to get his truck.

17 Q. On the day of his return on January 16, was he with
anyone?

18 A. I didn't see anyone.

19 Q. To your knowledge, where was Mrs. Nichols and their
20 daughter?

21 A. I understood that she was in the Philippines.

what 22 Q. On the next day, January 17, could you describe
23 happened?

house. My 24 A. 17th, I took my son to work, came back in the
asleep, 25 husband was gone to work. And I think Josh was still

9616

Lana Padilla - Direct

at me 1 and Terry was standing in the kitchen. And he looked

probably gone 2 puzzled, and I knew the puzzled look was he had

-- I 3 behind the drawer to try to find the bag. And I made

he 4 guess I said, "Um, are you looking for something?" And

5 thought maybe it had gotten stolen -- his look on his
face was

6 as if the money had been stolen.

7 Q. Did you and Mr. Nichols have a conversation then
about the

8 bag that had once been in the kitchen drawer?

9 A. We talked a little bit about it.

10 Q. Describe what you recall.

11 A. I said that it was safe, I took it to my office.
And I

12 was . . . I was going to get ready for work. Before I
went to

13 go get ready for work, I said -- made a comment that
"Let me

14 know if I can keep some of it," in reference to some
support

15 for Josh. And that was all I said.

16 Q. In the conversation in the kitchen that morning,
did you

17 say anything to Mr. Nichols in the way of explanation
as to why

18 the bag was gone or why the paper bag had been opened?

19 A. No.

20 Q. Did you see Mr. Nichols later that same day?

21 A. Well, when I got ready for work, I took him to
Boulder

22 Highway to pick up his truck, and it was my
understanding he

23 was going to come over to my office and pick up the
money.

24 Q. Now, before the two of you left your residence on
the 17th,
25 did you receive yet another phone call?

9617

Lana Padilla - Direct

1 A. I recall a phone call from Tim McVeigh.

2 Q. Let me show you the Exhibit 1888 as to that date,
3 January 17. Do you see the first entry, again a phone
call
17th at

4 from the Nicholas residence to that of yours on the
5 about 8:51 Central Standard Time? You see that entry?

6 A. Uh-huh.

7 Q. Does that correspond with the approximate time
period of
8 your conversation with Mr. Nichols in the kitchen that
morning?

9 A. Is that 8:51?

10 Q. Central Standard Time, not Las Vegas.

11 A. It seemed like it was ten to 7, so I don't know. I
thought

12 it was about ten to 7.

13 Q. Did the phone call from Mr. McVeigh in fact
interrupt the

14 conversation you were having with Terry Nichols?

15 A. We had already had the conversation. And I was --
I

16 believe I was in my room getting ready, and I took the

phone

went 17 and I took it out to Terry, and he took the call, and I

18 back to my room.

19 Q. Did you know it was Mr. McVeigh who was calling?

20 A. Yes.

21 Q. And how so?

identified 22 A. Because I've talked with him before, and he

attention; I 23 himself and "Is Terry there?" I didn't pay any

24 just gave the phone to Terry.

and 25 Q. After the close of phone call between Mr. Nichols

9618

Lana Padilla - Direct

then with 1 Mr. McVeigh, what, if any, conversation did you have

2 Mr. Nichols?

needed to 3 A. There was reference made to the money; that Tim

4 borrow some money to buy a vehicle.

5 Q. Can you be more specific?

a car, 6 A. He said that Tim needed to borrow some money to buy

give it to 7 I guess. And I just made a comment that "Would you

8 him but not give it to Josh, or to me?"

9 Q. Now, at that point in time, in the morning of
January 17,
10 had you shared with Mr. Nichols your reaction or
response to
11 having discovered so much money and other assets?
12 A. No. I was just --
13 Q. That had not become a subject of your discussion?
14 A. No. I was just happy he was there.
15 Q. Later that same day, did Mr. Nichols come to your
office?
16 A. Yes.
17 Q. Approximately what time?
18 A. Two or three hours later, I guess. I think it's
two or
19 three hours. Towards noontime.
20 Q. Tell the jury, please, what took place when Mr.
Nichols
21 came to your office.
22 A. He came to the office. I gave him back the
package, the
23 package -- the brown package, which had been opened.
And I
24 gave him back the Wal-Mart bag with the cash in it
minus
25 \$5,000. And he left, and he called me back later when
he

9619

Lana Padilla - Direct

1 realized I had kept \$5,000.

2 Q. Let's go back to the office and give the jury a few
more

3 details. Describe the conversation you had with Mr.
Nichols

4 when you're relaying back to him the contents of the
package.

5 A. There really wasn't any conversation at that time
about it.

6 We were in place of business. He was -- he was
professional

7 enough, he took everything, left. Then we had the
conversation

8 after that. He came back to my office the next day.

9 Q. I take it, then, on the 17th when you turned over
this

10 property, you did not tell him at that time in doing so
that

11 some of the money was gone?

12 A. No, I didn't tell him.

13 Q. When was it, Miss Padilla, that you had removed a
portion

14 of the 20,000?

15 A. That morning, when I came to the office, I asked
Terry for

16 a figure. He wouldn't give me a figure. We didn't
discuss it.

17 I just assessed a figure.

18 Q. Before you left your residence, then, in
conversation with

19 Mr. Nichols, had you made clear that you wanted to make

claim

20 to some portion of those moneys?

that

21 A. After I asked him, I didn't really ask him after

22 again.

the bag

23 Q. Had you made any attempt, Miss Padilla, to restore

to you?

24 in the same condition as when it had been turned over

25 A. I don't recall trying to -- I think I left it just

9620

Lana Padilla - Direct

1 obviously that I opened it up.

heard

2 Q. Now, after Mr. Nichols left, you told us that you

3 again from him?

was from

4 A. He called me on -- later on. I don't know if it

expressed

5 my house or from a pay phone. I don't know. And he

6 to me that there was some of the money missing.

7 Q. Tell us about that conversation.

\$5,000.

8 A. And I said that I knew there was and I had kept

really agree

9 And he didn't like -- like that figure. He didn't

needed all of

10 to that. And he told me he worked on cash and he

next 24 11 his money. And so we talked about it off and on the
12 hours.
office 13 Q. And did you have yet another conversation at your
removed? 14 that day with Mr. Nichols about the money that you had
15 A. The next day when he came back.
16 Q. All right. Tell us about that conversation.
he needed 17 A. He came back and was trying to explain to me that
him back 18 all of the money, and I was . . . I did agree to give
19 \$2,000. He really didn't want -- he wanted it all, but
he 20 agreed to let me keep the 3,000 if I would open up a
savings 21 account for Josh.
22 Q. And ultimately did you do so?
23 A. No.
24 Q. And why not?
became 25 A. My life -- things changed in my household. I

9621

Lana Padilla - Direct

1 separated, and the money became used for household.
was that 2 Q. Miss Padilla, do you recall approximately when it

3 Terry Nichols left Las Vegas in January of 1995?
4 A. Sometime shortly after he got back a part of the
money.
5 Q. Let me show you again Government Exhibit 1888 for
the date
6 January 18, Wednesday.
7 Do you see a phone call from your residence to
that of
8 the Nicholases on that morning of Wednesday, January
18, 11:32
9 Central Standard Time?
10 A. Yes.
11 Q. Did you make that phone call?
12 A. No.
13 Q. Where would you have been on Wednesday morning that
time,
14 Las Vegas time?
15 A. At my office.
16 Q. You see a second phone call, then, back to your
residence,
17 from the Nicholas residence, from Vassar, Michigan,
later that
18 day, approximately an hour later?
19 A. Yes.
20 Q. Do you see that? Were you a party to that phone
call?
21 A. No.
22 Q. To your knowledge, where was Terry Nichols on the
morning
23 of Wednesday, January 18, 1995?

24 A. Probably at my house. I didn't -- that would have
been the
25 day that he came over to get the rest of the money.

9622

Lana Padilla - Direct

1 Q. Do you recall whether Mr. Nichols then left Las
Vegas on or
2 about that date, January 18, 1995?

3 A. I know he left Vegas. I don't know if it was that
night or
4 the next day, but he left.

5 Q. Before Mr. Nichols left Las Vegas in January 1995,
did you
6 ever question him about the contents of the paper bag
that you
7 opened?

8 A. No.

9 Q. Did you ever question him about any of the letters
that
10 you've shown this jury this morning?

11 A. No.

12 Q. Do you recall after Mr. Nichols left Las Vegas when
it was
13 you next heard from him?

14 A. I recall a conversation. He called, I think it was
the
15 first part of February.

16 Q. February, 1995?

17 A. Yeah.

18 Q. In that conversation, did the two of you talk about
19 pursuits of income or employment?

20 A. I remember talking with him about -- he may have
called to

21 talk to Josh, but it's hard to tell. I mean it's
usually to

22 call to talk to Josh. But the conversation was
referencing --

23 we were talking about what he was going to be possibly
doing;

24 and in that conversation I think I recall him -- I
suggested

25 that Josh was looking forward to spending the summer
with him

9623

Lana Padilla - Direct

1 and Tim doing gun shows. And he made reference that
him and

2 Tim were no longer going to be doing gun shows
together.

3 Q. What explanation or reason did he give you?

4 A. I recall they had different business ideas, and he
also

5 mentioned that Tim didn't like children. And I was
really sad

6 because I thought, you know, this was a chance to --
you know,

7 the summer for Josh, and I remember the conversation
because I 8 felt sad.

9 Q. Do you know where Terry Nichols was calling from?

10 A. No.

11 Q. In January and February of 1995, did you know any
family or 12 friends of Mr. Nichols in the state of Kansas?

13 A. Repeat that, please.

14 Q. In that time period, in early 1995, did you know of
any 15 family or friends of Mr. Nichols had resided in the
state of 16 Kansas?

17 A. In '95. No.

18 Q. The conversation in which you learned that Mr.
McVeigh and

19 Mr. Nichols were no longer going to do gun shows
together, are

20 you positive that it took place in February of 1995 and
not the 21 fall of 1994?

22 A. February.

23 Q. Let me turn your attention now to March of 1995.
Did you

24 and your husband -- or ex-husband I should say, have
25 conversations about spring break plans for Joshua?

Lana Padilla – Direct

1 A. Yes.

2 Q. Would you describe those. What plans were made?

3 A. I thought Josh had a two-week vacation from school,
and I

4 was incorrect. And I had talked to Terry about Josh
coming to

5 visit for two weeks, and that wasn't going to fit his
schedule

6 because he was going to Michigan and taking his wife
and child

7 and they were going to a gun show. But we made plans
for Josh

8 to go for a week, and he went just one week.

9 Q. Do you remember what week it was that Josh Nichols
made

10 plans to go to Kansas?

11 A. I think he departed on the 10th of April, 1995, and
came

12 back on the 17th of April, 1995.

13 Q. And where did he go?

14 A. He went to Kansas. Herington, Kansas.

15 Q. And was that because Mr. Nichols was then residing
in

16 Herington, Kansas, in April of '95?

17 A. Yes, he had just bought a home there.

18 Q. At any point during Josh Nichols' stay, during the
spring

19 break, did you and your husband (sic) talk again about

20 extending the time period that Josh would be there?
Terry's 21 A. There was a conversation. I don't know if I called
about him 22 house or if Terry called me, but there was some talk
23 staying an extra few days.
24 Q. And was that a phone conversation?
25 A. Yes.

9625

Lana Padilla - Direct

1 Q. Describe what happened in that call.
the week, 2 A. He just asked if Josh could stay until the end of
him 3 and he also mentioned Josh coming there to live with
4 permanently when school was out.
5 Q. What did you say in response to that request?
so Josh 6 A. I said that Josh couldn't miss any more school, and
7 came home as scheduled.
2047. 8 Q. Take a look, please, at Government Exhibit 2047.
9 Do you recognize what that is?
10 A. It's travel plans, itinerary.
11 Q. Does it accurately show the time and date of
departure to 12 Kansas and return to Las Vegas in April of 1995 for
Josh

13 Nichols?

14 A. Yes.

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

16 Exhibit 2047.

17 MR. WOODS: No objection, your Honor.

18 THE COURT: 2047 is received.

19 BY MR. MACKEY:

20 Q. Miss Padilla, according to that exhibit, if you'd
take a

21 look, could you tell the members of the jury what time
it was

22 that Josh Nichols was to fly back to last Las Vegas.

23 A. He was scheduled to leave Kansas City at 10:45 p.m.

24 Q. On what date, please.

25 A. April 17, which was a Monday.

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Lana Padilla - Direct

1 Q. And what was your practice with regard to making
2 arrangements to pick up a family member at the airport
in due
3 times?

4 A. Always call and verify the flight is on time.

5 Q. Did you have a conversation with Terry Nichols
before you

6 left your residence to pick up Josh Nichols on Monday,

7 April 17?

8 A. Yeah, Terry called and said that Josh was on the
airplane.

9 He called from -- I believe he called from the airport.

10 Q. Do you recall anything else that was said during
the

11 conversation?

12 A. No.

13 Q. Let me show you Government Exhibit 1888 one more
time for

14 April 17, 1995. You see the list of phone calls for
Monday,

15 April 17, 1995?

16 A. Yes.

17 Q. Do you see a phone call to your residence?

18 A. Yes.

19 Q. At 10:46 p.m., Central Daylight Time, from an
airport pay

20 phone in Kansas City, Missouri?

21 A. Yes.

22 Q. Do you see a phone call immediately before that to
the

23 Dreamland Motel?

24 A. Yes.

25 Q. On April 17, 1995, had you ever heard of the
Dreamland

Lana Padilla - Direct

1 Motel?
2 A. No.
3 Q. Miss Padilla, do you recall the date of the
bombing?
4 A. The date?
5 Q. Yes.
6 A. April 19, 1995.
7 Q. And after the bombing, did you have occasion to
talk to
8 your husband (sic) in Herington, Kansas?
9 A. I talked to him the night before and on the 21st of
April,
10 also.
11 Q. Would the 21st be Friday?
12 A. Yes.
13 Q. Would you describe to the jury that conversation on
Friday,
14 April 21.
15 A. It was early Friday morning, around 7 a.m., and I
had
16 called Terry's house in Herington. And I was calling
him
17 because Josh had just gotten back, and he was . . . he
was
18 sharing some information with my other son that Terry
was
19 saying he couldn't get his eyes fixed because I had
stolen this

20 \$3,000. So that wasn't like Terry to say anything like
that,
21 so I called him up and wanted to know what was going
on, why he
22 would talk to Josh about personal things when he could
-- you
23 know, we usually talked about those things, so --
24 Q. In that conversation, Miss Padilla, was it
interrupted?
25 Did Mr. Nichols have to leave at any point?

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Lana Padilla - Direct

1 A. Oh, we had a few words, and I was -- I was, you
know,
2 expressing myself, he was expressing himself, and then
he said
3 he had somebody there and had to go.
4 Q. And again, approximately what time of morning was
it that
5 you called that day?
6 A. About 7 a.m., Las Vegas time.
7 Q. Shortly after that conversation on that same day,
Friday,
8 April 21, were you contacted by representatives of the
FBI?
9 A. Yes.
10 Q. And where were you contacted?
11 A. I was en route to my office, and they had -- I
guess,

12 called my home and then they paged me and they called
the

13 office. Finally I was at the office. That's where
they came.

14 Q. And in the course of the conversations, did you
provide to

15 the FBI the address -- what you understood to be the
address of

16 Mr. Nichols in Herington, Kansas?

17 A. Yes.

18 Q. And what address did you give them?

19 A. 901 South Main, I think.

20 Q. Or 2nd Street?

21 A. Or 2nd Street, yeah. 901, I remember.

22 Q. Did you look that address up in any record of
yours?

23 A. I looked it up in my -- they asked me when was the
last

24 time I talked to Terry and where he was at, and so I
told them

25 I had talked to him at his home. And they asked me
where that

9629

Lana Padilla - Direct

1 was at, and I pulled out my Daytimer and I had written
down 901

2 South 2nd Street.

3 Q. And that's the information you relayed, then, to

the FBI?

4 A. Yes.

5 Q. From whom did you receive that address?

6 A. I would have received it from Terry.

7 Q. In the course of that morning with the FBI, did you
come to

8 know that Mr. Nichols was then being interviewed, or
later in

9 the course of that day, I mean, by the FBI in Kansas?

10 A. Did I --

11 Q. In the course of Friday, April 21, did you come to
know

12 that members of the FBI were interviewing Mr. Nichols
in Kansas

13 on that same day, April 21?

14 A. Much later in the day.

15 Q. At any point in time, were you requested to make a
16 statement to Mr. Nichols?

17 A. I didn't request to make a statement to him, no.

18 Q. Were you requested to make one?

19 A. I was asked if I would make a statement and tape
it; right.

20 Q. Would you describe what happened and what you did?

21 A. I hand-wrote out a statement, and it was from me to
Terry;

22 and also I hand-wrote out one for Josh, and we taped
it.

23 Q. And did you understand the purpose and what use
would be

24 made of that taped statement?

25 A. Yes. They were to be shared with Terry.

9630

Lana Padilla - Direct

tape 1 Q. Would you tell the jury why it was you made the
2 recording.

3 A. We were -- we were really kind of in shock and
didn't

4 really -- I don't really know exactly why, but we were
asked,

5 and it seemed like a good idea because maybe helping --
I don't

6 know what Terry was going through, but I know what we
were

7 going through; and maybe this taped conversation would
help

8 Terry with whatever he was going through.

9 Q. I have just one final subject area, Miss Padilla.
In the

10 summer of 1995, did you have occasion to talk with Mr.
Nichols

11 again about what you'd seen at the storage shed back in
12 December of 1994?

13 A. One time when we visited, there was just mention of
what I

14 had seen, as far as the -- some items in the storage
locker.

15 Q. Focusing on that topic matter, Miss Padilla, could

you

16 describe to the jury who initiated that subject matter,
who

17 raised it?

18 A. From my recollection, when I visited Terry, he
mentioned to

19 me, "Did you really see" -- I think he said "pipes."
And I

20 didn't remember saying that. I didn't remember seeing
that.

21 Q. We're talking about pipes in the storage shed in
Las Vegas?

22 A. Right.

23 Q. What did you say?

24 A. I said, "No." I said, "I saw wigs -- a wig, nylons
-- wig,

25 pantyhose, makeup, and a ski mask."

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Lana Padilla - Direct

1 Q. And what was Mr. Nichols' response?

2 A. That he was -- used that to scare his wife, Marife.

3 Q. It would be his wife, Marife Nichols?

4 A. Yes.

5 Q. Is that the only explanation he's given you as to
the

6 possession of a ski mask, wig, makeup?

7 A. We have never discussed anything else.

8 Q. Beyond that?

9 A. No.

10 MR. MACKEY: All right. I have nothing else,
your
11 Honor.

12 THE COURT: Mr. Woods.

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

14 CROSS-EXAMINATION

15 BY MR. WOODS:

16 Q. Good afternoon, Miss Padilla.

17 My name is Ron Woods, as you know, and I'm one
of the
18 lawyers appointed to represent Terry Nichols in this
case.

19 You and I first met a couple of months after
20 Mr. Nichols was arrested; is that correct?

21 A. Yes.

22 Q. You and your son Josh came to Oklahoma City to
visit with
23 Terry Nichols, and you sat down and talked with us; is
that

24 correct?

25 A. Yes.

9632

Lana Padilla - Cross

1 Q. In fact, you've been very cooperative in talking
with the

to help 2 lawyers and the investigators that have been appointed

3 Terry Nichols, have you not?

4 A. Yes.

entitled to 5 Q. Is that because you feel that both sides are

6 all of the facts that -- as you know them?

7 A. Yes.

that you 8 Q. Now, you mentioned that -- on direct examination

college for 9 grew up in the Thumb area on a farm and you went to

Osentoski. 10 a little while and then got married in 1970 to Mr.

11 How do you pronounce that name?

12 A. That's correct, Osentoski.

13 Q. And how long were you married to him?

14 A. We divorced in 1978.

marriage? 15 Q. Okay. And Barry and Troy are the sons of that

16 A. Correct.

you were 17 Q. And then you mentioned on direct examination that

18 married to Terry Nichols from '81 to '89?

19 A. Yes.

met 20 Q. Now, is the -- where were you living when you first

21 Terry, and what year did you first meet him?

22 A. I was living -- you mean the address?

23 Q. Well, what town?

24 A. Oh. Decker.

Nichols? 25 Q. Okay. And what year did you first meet Terry

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Lana Padilla - Cross

1 A. It was 1980.

Nichols? 2 Q. What was the occasion -- how did you meet Mr.

that was 3 A. I had sold a piece of property to another farmer

the land 4 friends with Terry's family, and then he was farming

5 around my house.

how you 6 Q. All right. And what was the occasion why you or

7 met Mr. Nichols?

8 A. I approached him about real estate.

were you 9 Q. You were in the real-estate business at that time,

10 not?

11 A. Yes, uh-huh.

real 12 Q. And did you ask him if he was interested in buying

13 estate, to use you as a broker?

14 A. Yes.

15 Q. All right. And what month in 1980 was that, if you

recall?

16 A. It seemed like it was -- if he was working the
fields, it

17 must have been springtime, but I don't really remember.

I

18 don't remember the month.

19 Q. All right.

20 A. It might have been '79 in the winter. I don't -- I
know I

21 was working with this one family person, and he was
looking at

22 farms in the wintertime because that's the least
busiest time.

23 Q. When you say "he" --

24 A. The other person that bought.

25 Q. Yes. Now, did Terry Nichols contact you about
engaging in

9634

Lana Padilla - Cross

1 a real estate transaction?

2 A. I don't remember. If he contacted me or I kept
contacting

3 him, I don't know.

4 Q. Did there come a time shortly thereafter when a
real estate

5 transaction was entered into by Terry Nichols?

6 A. Yes.

7 Q. And did you broker that?

8 A. I was the agent.

9 Q. The agent, okay. Isn't it true that Terry Nichols
made a

10 \$70,000 profit on that piece of property that you
arranged the

11 sale of?

12 A. Best of my recollection, he did get -- and it might
be 70.

13 Q. What month did you get married?

14 A. January.

15 Q. Of '81?

16 A. Uh-huh.

17 Q. Okay. And where did you all live initially?

18 A. In my home that I had on Hadley Road, which was
across the

19 section from the Nichols' farm home.

20 Q. In Decker? Was the address connected with the
village of

21 Decker?

22 A. Yes.

23 Q. Okay. And how long did you live in that home?

24 A. I don't remember the sale date. But after I got
pregnant,

25 we sold my home and we moved over to the Decker farm
home.

1 Q. Is that the one on 3616 North Van Dyke?

2 A. Correct.

3 Q. Okay. And Josh's birthday is August of '82; is
that

4 correct?

5 A. Yes.

6 Q. So you married -- you moved into the Van Dyke
address

7 before the birth of Josh?

8 A. Right.

9 Q. Now, were your two sons living with you at the
time, with

10 you and Mr. Nichols?

11 A. Yes.

12 Q. By "two sons," I mean Barry and Troy.

13 A. My two older sons; right.

14 Q. And was Mr. Nichols acting as father to those two
boys?

15 A. Yes.

16 Q. Now, when Josh was born in '82, how old were the
two boys,

17 Troy and Barry?

18 A. Well, Barry was born in '71, so that would have
made him

19 11, going on 11, when Josh was born. And Troy was born
in '74,

20 so . . . he would have been like 8 or 9, I guess.

21 Q. Okay.

two 22 MR. WOODS: Your Honor, may I show the witness
23 photographs?
24 THE COURT: All right.
25 MR. WOODS: And I can deliver them to her.

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Lana Padilla – Cross

1 BY MR. WOODS:
2 Q. I'll ask you to examine photographs that have been
3 identified as D1649 and D1648. And have you seen those
4 photographs before?
5 A. Yes.
6 Q. Do they accurately depict what is depicted within
those
7 photographs, the individuals, as of that time?
8 A. Yes.
9 MR. WOODS: Your Honor, may it please the
Court, we
10 would offer into evidence the photos marked as 1649 and
1648.
11 MR. MACKEY: Your Honor, we'd renew our
position.
12 THE COURT: What's the purpose of the
photographs?
13 MR. WOODS: To show the birth of Josh -- not
the
14 birth, but the person of Josh and in relation to the
age of the

15 other two boys that he was growing up with at that
time.

16 THE COURT: All right. I'll receive them.

17 D1649, D1648?

18 MR. WOODS: Yes, your Honor.

19 May I publish them, your Honor?

20 THE COURT: Yes.

21 BY MR. WOODS:

22 Q. Now, Miss Padilla, how old were you when Josh was
born?

23 A. 32.

24 Q. Now, were you older than Terry when you all got
married?

25 A. Yes.

9637

Lana Padilla - Cross

1 Q. About how many years?

2 A. Five years, I think.

3 Q. Now, who is depicted in -- thank you.

4 Who's depicted in that photograph?

5 A. It's Terry, me, and Josh. And it was a Walton
Christmas

6 party.

7 Q. That's the Christmas of the year '82, right after
Josh was

8 born?

9 A. Yes.

10 Q. Let me show you Government -- Defense Exhibit 1648.

Would

11 you tell the jury who those three males are.

12 A. The one on the left is Barry, my oldest son, and

then Josh

13 and Troy.

14 Q. And again, Barry is 11 at that time?

15 A. Yeah.

16 Q. And Troy is how old?

17 A. He was born in '74, so --

18 Q. You recall approximately how old Josh was in this

photo?

19 A. Looks about maybe eight months.

20 Q. Now, did the three children live with you and Terry

during

21 the course of your marriage? You mentioned that you

got

22 divorced in '89. As long as you all were living

together, you

23 and Terry, were the three children living with you?

24 A. Yes.

25 Q. During the course of your marriage, did -- how was

9638

Lana Padilla - Cross

1 Mr. Nichols employed?

2 A. From -- starting with the beginning of the
marriage?

3 Q. Yes, ma'am.

4 A. When I first met him, he was employed on the
Nichols farm,

5 and he was also investing -- he had other rental
properties,

6 another rental property. He was looking in also
securing --

7 looking at other properties in real estate.

8 And then after we got married, he left the
farm and

9 started selling fertilizer.

10 Q. And where was that?

11 A. In Decker.

12 Q. What was the name of the business that he was
working for

13 selling fertilizer?

14 A. He was independent. I don't remember the name of
the

15 business. I don't remember the name of the fertilizer
company,

16 either, but he bought the equipment; and it was liquid

17 fertilizer that he would deliver. He would secure
accounts

18 from other farmers that wanted to use liquid fertilizer
rather

19 than the granule.

20 Q. All right. And how long did he do that?

21 A. I . . . for a couple years. Maybe a year and a
half. Then

Cass
rates
the co-op

22 he started working at the co-op elevator, which was in
23 City, and I was home with Josh at that time. Interest
24 were high. I wasn't working, and he took that job at
25 out there.

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Lana Padilla – Cross

he have?
through
co-op?
would
with a
got into

1 Q. What was his job at the co-op? What position did
2 A. Manager. He ran it. He was recruited for the job
3 stockholders.
4 Q. He was asked to take that job by the owners of the
5 A. Stockholders, uh-huh.
6 Q. Now, you mentioned that he was a dealer for liquid
7 fertilizer for a short period of time?
8 Was there occasions where you and Mr. Nichols
9 attend county fairs and set up tables to sell items?
10 A. Uh-huh.
11 Q. And what were you selling, Miss Padilla?
12 A. Before I was in real estate, I was in direct sales
13 company called Stanley Home Products; and even after I

fairs to 14 real estate, I still usually had a booth at the county
15 continue serving my customers. And Terry and I were
very 16 close, and he just went along and did his thing.

with 17 Q. All right. Now, what was he selling at this table
18 you?

fertilizer, 19 A. He had the idea of selling for plant food,
20 liquid fertilizer.

21 Q. What size of containers do you recall that he --

22 A. I don't recall that.

on the 23 Q. Were they small, large, or something that would fit
24 table?

25 A. Various sizes that would be displayed.

9640

Lana Padilla - Cross

1 Q. Were they in bottles, boxes, or what?

2 A. Plastic bottles.

3 Q. Do you recall what years those were?

4 A. Not exactly. Early 80's.

did 5 Q. Was that on more than one occasion that Mr. Nichols
6 that that you observed?

7 A. Yes. We usually worked -- there were three county
-- three
8 counties where we lived that were close. There was
Huron
9 County, Sanilac County, and Tuscola County, and we
usually -- I
10 usually attended those fairs.

11 Q. Now, during the course of your marriage, did you --
the two
12 of you buy and sell real estate?

13 A. Yes.

14 Q. Approximately how many pieces of real estate did
the two of
15 you purchase together?

16 A. That we didn't live in?

17 Q. Yes, ma'am.

18 A. 'Cause we moved a lot. We bought -- I think we had
three
19 or four rentals. Terry took care of that.

20 Q. Was the purpose of buying the real estate so that
it could
21 be rented out and generate income?

22 A. It was an investment, uh-huh.

23 Q. And were the properties eventually sold?

24 A. Yes.

25 Q. Now, who managed that during the course of your
marriage,

Lana Padilla – Cross

of the 1 the buying and the renting and the upkeep and the sales
2 pieces of property?

3 A. Terry did.

Miss 4 Q. And what were you doing during that course of time,
5 Padilla, after Josh was born and you stayed home for
6 how long,
7 a year?

8 A. About a year.

9 Q. And then what did you do when you went back to
10 work?

11 A. I became -- interest rates were high. I became
12 insurance
13 licensed and started working with a company out of
14 Columbus,
15 Georgia.

16 Q. What was the name of the company?

17 A. American Family Life Assurance. And I'm still
18 licensed
19 with them.

20 Q. Was there a time that you worked for a company
called A. L.
Williams?

21 A. Yes.

22 Q. When was that?

23 A. '84, '85, '86; right in that general period.

24 Q. Did Terry Nichols work there for a period of time,

the same

21 time you did?

22 A. Yes.

23 Q. What was the nature of that business?

24 A. It was -- A. L. Williams was a company that
believed in buy

25 term and invest the difference, mutual funds, so we had
to get

9642

Lana Padilla - Cross

1 a security license.

2 Q. Now, during the course of your marriage to Mr.
Nichols, did

3 he obtain various licenses --

4 A. Yes.

5 Q. -- that you were personally aware of?

6 A. Yes.

7 Q. Would you tell the jury what licenses he obtained.

8 A. He had to get an insurance license to work with A.
L.

9 Williams, and he also obtained a Series 6 and 63
license, which

10 is a securities -- not a full stockbroker, but mutual
funds.

11 Q. Did he do that through self-study?

12 A. Self-study.

13 Q. And did he sell securities for a period of time?

14 A. Yes, he was very good at it.

15 Q. Now, at A. L. Williams, did you all ever have sales
16 meetings or the managers or people come and have sales
17 meetings?

18 A. Yes.

19 Q. Did you ever hear the phrase "go for it" at those
meetings
20 or anywhere at A. L. Williams?

21 A. At those meetings, yes.

22 Q. Now, what did Terry Nichols do after A. L.
Williams, after
23 his employment there?

24 A. We bought another piece of property, which was like
an
25 80-acre place, and we were busy moving after that; and
then

9643

Lana Padilla - Cross

1 shortly after that, he went to the Army.

2 Q. Now, you mentioned on direct examination about
seeing some

3 silver coins in the locker when you went to it there in
Vegas.

4 A. Yes.

5 Q. Have -- when you and Mr. Nichols were married, did
you have

6 precious metals in your possession during the course of

your

7 marriage?

8 A. Yes.

9 Q. What was the occasion that you and Mr. Nichols
invested in

10 precious metals? And by that phrase, I'm using your
phrase.

11 Do you mean coins, gold and silver coins and bars?

12 A. He was more familiar than me with the whole thing,
but we

13 had pails of -- buckets of silver, and we had bars, and
we had

14 large bars and small bars. And we had coins.

15 Q. Did Mr. Nichols explain to you why he was buying
those

16 items?

17 A. Well, we were diversified, and I -- we were
following

18 publications like Howard Ruff and Financial, Marco
Harelson;

19 and we were following their direction, and that's what
they

20 were directing. And Terry was studying their business
plan,

21 and he was diversified into that. We were in real
estate and

22 precious metals.

23 Q. What real -- excuse me. What financial advice or
pamphlets

24 or magazines or newspapers did you observe Terry
Nichols

25 reading during that period of time?

9644

Lana Padilla – Cross

1 A. The Wall Street Journal, and we belonged to some
bartering
2 groups, so we got Barter newsletter. Marco Harelson
had a
3 newsletter called Financial Independence, I think it
was, a
4 monthly magazine. And Ruff Times was a newsletter.
And then
5 when we got into penny stocks, there was another
publication
6 that we followed and subscribed to.

7 Q. Did Mr. Nichols subscribe to The Wall Street
Journal during
8 the period that you knew him?

9 A. Yes.

10 Q. Do you know whether or not he still subscribes to
The Wall
11 Street Journal?

12 A. My understanding: He does. Yeah, he sent me
things out of
13 The Wall Street Journal, so he gets it.

14 Q. Now, you mentioned that you got into penny stocks.
Was
15 there a time that you had a substantial investment in
the
16 stocks, the penny stocks or the stock market?

17 A. Yes.

18 Q. Okay. Can you recall approximately how much was
invested

19 in the market during this time, during your marriage?

20 A. A dollar figure? How much?

21 Q. Yes, ma'am.

22 A. Terry took care of all that.

23 Q. Okay. During the course of the marriage, how would
you

24 describe Mr. Nichols' diet -- his living, his health
concerns

25 and his diet --

9645

Lana Padilla - Cross

1 MR. MACKEY: Objection, Judge.

2 BY MR. WOODS:

3 Q. That's a rather vague question, but did Mr. Nichols
do his

4 own cooking?

5 MR. MACKEY: Objection, relevancy.

6 THE COURT: Overruled.

7 BY MR. WOODS:

8 Q. Did Mr. Nichols do his own cooking?

9 A. He did most of the cooking, yes.

10 Q. Did Mr. Nichols have a garden?

11 A. Yes.

12 Q. What was grown in the garden?

13 A. Everything that you could imagine that would feed
our
14 family.

15 Q. How would you describe his concern about healthy
foods
16 against junk foods?

17 A. He was . . . he was -- he practiced what he talked
about.

18 Q. What did he talk about?

19 A. About eating right. Natural foods.

20 Q. Okay.

21 A. And we -- he would grind up the wheat and make the
bread
22 and make the pancakes and the waffles and

23 Q. Have you ever known Mr. Nichols to use drugs?

24 A. Never.

25 Q. Has he ever stated his position on drugs?

9646

Lana Padilla - Cross

1 A. Oh, yes.

2 MR. MACKEY: Objection, relevance.

3 THE COURT: Sustained.

4 BY MR. WOODS:

5 Q. How would you describe Mr. Nichols during the

course of

6 your marriage as to his personal habits of cleanliness,

7 appearance, etc.?

8 A. Immaculate.

9 Q. Even when he worked on the farm, what was his
appearance?

10 A. Neat and clean.

11 Q. Okay. Is he a type of person who would be slovenly
and

12 smell like a pig farm?

13 MR. MACKEY: Objection.

14 THE COURT: Sustained as to the form of the
question.

15 MR. WOODS: Yes, your Honor.

16 BY MR. WOODS:

17 Q. Have you ever seen him, during the course of your
18 acquaintance with Mr. Nichols from 1980 through today,
appear

19 slovenly and smell like a pig farm?

20 THE COURT: Well, that's -- that's the part
I'm

21 sustaining.

22 MR. WOODS: All right. Your Honor, I'll
withdraw the

23 "pig farm."

24 BY MR. WOODS:

25 Q. Have you ever seen him appear slovenly and unkempt
and

Lana Padilla - Cross

1 dirty?

2 A. No.

3 Q. Now, Miss Padilla, you mentioned for the first time
on

4 direct examination something about a smell. And I'll
just ask

5 you -- I haven't heard this one before -- but what did
you mean

6 by the smell, that you said that Mr. Nichols explained
that it

7 was a new cologne or something, or deodorant?

8 A. It was a different smell. It was almost like he
used a

9 different kind of soap, I thought maybe. I didn't know
10 exactly. It was strong, and I didn't know if it was
like an

11 organic soap or something, but it was different.

12 Q. Did it smell like a pig farm?

13 A. Did it smell like a pig farm?

14 MR. MACKEY: Objection.

15 THE COURT: Sustained as to the "pig farm."

16 MR. WOODS: Yes, your Honor. It's a term
that's been

17 used by other witnesses, your Honor.

18 MR. MACKEY: Objection --

19 THE COURT: Which is why I sustained the

objection to

20 it.

21 MR. WOODS: Thank you.

22 BY MR. WOODS:

23 Q. When you became divorced, Miss Padilla, was it an
amicable

24 divorce?

25 A. I thought so.

9648

Lana Padilla - Cross

1 Q. There was nothing harsh, bitter over the divorce?

2 A. It was painful, but it was . . . we kept in
communication.

3 Q. Was that because you had a child?

4 A. And I think we're both reasonable people.

5 Q. You mentioned that Terry Nichols went into the Army
in '88.

6 Was that the beginning of your separation?

7 A. He went into the Army in 1988.

8 Q. Okay. And you --

9 A. That's what started we were apart. But I don't
know if we

10 were really separated at that time, or it was months
later.

11 Q. When he got out of the Army, do you remember the
month, of

12 '89? You mentioned he got out of the Army a year

later. Do

13 you remember when he got out of the Army?

14 A. I thought it was in May of '89. I'm not sure of
the month.

15 Q. Did you live together from that period, May, '89,
forward?

16 A. No.

17 Q. So you were separated at that time?

18 A. Yes.

19 Q. The divorce was final in December of '89?

20 A. Yes.

21 Q. Okay. Now, did you see Mr. Nichols between his
basic

22 training in Fort Benning, Georgia, and his assignment
to Fort

23 Riley?

24 A. I don't remember.

25 Q. Do you remember whether or not he came home to
Michigan?

9649

Lana Padilla - Cross

1 A. I'm sure we had to see each other, but I don't
remember the

2 visit.

3 Q. Did there come a time when Terry Nichols took
custody of

4 Josh, the son, during '88?

5 A. After basic training.

6 Q. And do you recall approximately what month that
was?

7 A. No.

8 Q. And where was Josh at that time?

9 A. At the time when Terry was in between basic --

10 Q. Yes. When he took custody of Josh, where was he at
that

11 time?

12 A. He was either with me or with the babysitter.

13 Q. Okay. Now, where were you working during that
time?

14 A. I was working in Bay City, Michigan.

15 Q. And were you staying in Bay City during the week?

16 A. Sometimes.

17 Q. And where was Josh Nichols, the son, staying?

18 A. He was with my brother and sister-in-law.

19 Q. Okay. And he was five or six years old at that
time?

20 A. Correct.

21 Q. And was it with your agreement and consent that
Terry

22 Nichols take custody of him and take him to Fort Riley,
Kansas,

23 where he was assigned?

24 A. After some discussion.

25 Q. Okay. And what discussion did you have with Mr.
Nichols

Lana Padilla - Cross

1 concerning that?

2 A. Well, we were separating, and Terry didn't --
because of my

3 working a lot and not being with Josh, of course, he
didn't

4 want him to be neglected. And also my oldest son was

5 recovering from drug use, and he didn't want his son
around

6 drugs. And I agreed that that was probably true, and I

--

7 Terry had always raised Josh, and I felt that rather
than

8 having it -- a court decide, we decided. So that was
the

9 decision.

10 Q. So Terry had Josh living with him in Fort Riley
while he

11 was assigned there in the Army?

12 A. Yes.

13 Q. Did you ever go down there to visit, or were you
aware of

14 what the conditions were?

15 A. No.

16 Q. Did you understand that Terry had rented a house
off base?

17 A. Yes.

18 Q. And that a lady was there during the day taking

care of

19 Josh?

20 A. Yes.

21 Q. Is that when you heard about Mr. McVeigh, who had
rented a

22 room at the house, also?

23 A. It seems that -- no, I think I heard about Mr.
McVeigh when

24 it was basic training.

25 Q. Okay. Were you aware of whether or not Mr. McVeigh
rented

9651

Lana Padilla – Cross

1 a room from Nichols in the house while he was there at
Fort

2 Riley?

3 A. I might have been aware of that, but haven't
recalled it.

4 Q. Do you recall what the address was on the house
outside the

5 base, what town it was in?

6 A. Manhattan, Kansas, I think. I don't know the
address.

7 Q. Now, when Mr. Nichols was discharged from the Army
and came

8 back to Decker, Michigan, where did he live, to your
knowledge?

9 A. He lived on Argyle Road.

10 Q. What house was that?

11 A. It was the last home that we bought, the 80-acre
farm.

12 Q. Who lived there with him?

13 A. My son Troy, and my son Barry was working with his
father

14 in construction.

15 Q. And where was the father living?

16 A. Oh, there was a time during that wintertime that
Barry and

17 Troy's father did live in our home there with the boys.

18 Q. Same time that Terry was, or that was before Terry
got

19 back?

20 A. It was before Terry came back.

21 Q. And when Terry got back, who was living with him
other than

22 Josh?

23 A. Troy, my other son.

24 Q. All right.

25 A. And he allowed him to live there.

9652

Lana Padilla – Cross

1 Q. Where were you living?

2 A. I was living in Bay City, Michigan.

3 Q. So Terry had Troy and Josh that he was taking care
of in

4 the house?

5 A. Yes.

6 Q. Do you know how -- what Mr. Nichols was doing then,
where
7 he was working?

8 A. No. I can't recall. I don't know.

9 Q. Pardon me?

10 A. I think he started working with some construction,
Ulfig
11 Construction, but it was part-time for us. And I
didn't really
12 talk to him about it.

13 Q. And then the divorce was final December of '89; is
that
14 correct?

15 A. Yes.

16 Q. And then did you learn the next year in late 1990
that
17 Terry Nichols had gotten married to Marife Nichols in
the

18 Philippines?

19 A. He told me before he married her he was going to
get
20 married.

21 Q. Okay. And when was the first time that you met
Marife
22 Nichols?

23 A. Summer of '91.

24 Q. Okay. And where was Terry Nichols living then, to

your

25 recollection?

9653

Lana Padilla - Cross

1 A. In Las Vegas.

2 Q. What was he doing in Las Vegas?

3 A. He was working -- he was trying to pick up where we
left

4 off with doing some trust deeds and real estate. And
he was

5 working with me doing some installation for water
softener --

6 water -- environmental products.

7 Q. Was that the company called Consultants?

8 A. Yes. Yeah.

9 Q. Is that correct?

10 A. Yes.

11 Q. Okay. And what type of business was it, again?

12 A. It was a communication and environmental company.

13 Q. Okay. And had Mr. Nichols invested in that?

14 A. Yes.

15 Q. Did that business eventually fail?

16 A. Yes.

17 Q. And was there a partner that you had in the matter?

18 A. Yes.

19 Q. And was the failure of the business the fault of
the other

20 partner?

21 A. Terry and I talked about it, and we made the
decision to

22 close it up, and we did, because of apparent drug use
of my

23 partner.

24 Q. All right. Now, did Mr. Nichols obtain some office

25 equipment at -- when that business was terminated?

9654

Lana Padilla - Cross

1 A. I think I recall that. It's vague.

2 Q. You recall a copy --

3 A. Copy machine. Copy machine.

4 Q. All right. How long did Mr. Nichols stay in the
Las Vegas

5 area where you were living, to your knowledge?

6 A. He moved there in April of '91 and left in October
of '91.

7 Q. Okay. And where did he go, to your knowledge?

8 A. I understood he was moving back to help on the
farm.

9 Q. And that's Decker, Michigan?

10 A. Decker, Michigan.

11 Q. And Marife Nichols, his wife, where was she at that
time?

12 A. She was with him.

13 Q. So she had come to Las Vegas, and you met her
there?

14 A. Yes.

15 Q. They lived there for a short while, until October,
'91?

16 A. Yes.

17 Q. And to your knowledge, they moved back to the
Decker farm;

18 is that correct?

19 A. Yes.

20 Q. Now, where was Josh Nichols during this period of
time?

21 A. He was living with Terry.

22 Q. Did he move back to Decker at that time --

23 A. Yes.

24 Q. -- in 91? Did he live in Decker in the year '92?

25 A. Yes.

9655

Lana Padilla - Cross

1 Q. How long did Terry live in Decker, Michigan, to
your

2 knowledge at that time?

3 A. The last -- the next time that I -- that I recall
that

4 Terry said he was moving was in 1993, when he was going
to the

5 Philippines.

6 Q. And what month, if you recall?

7 A. I think it was January or February, 'cause Josh
came to Las

8 Vegas to live with me.

9 Q. What month did Josh come to live with you?

10 A. I thought it was January or February.

11 Q. And was Terry Nichols with him at that time when
they came

12 to Las Vegas?

13 A. I don't remember.

14 Q. Did Terry Nichols and Marife leave from Las Vegas
to go to

15 the Philippines?

16 A. I don't remember that.

17 Q. How long did Mr. Nichols stay in the Philippines,
if you

18 recall?

19 A. Not very long. Very short. Because he was back
real short

20 time, 30, 60 days.

21 Q. And did Mrs. Nichols come with him, Marife Nichols,
come

22 back to the United States?

23 A. The best I remember, I believe she did.

24 Q. And where did they come back to, to your knowledge?

25 A. They went back to the farm.

Lana Padilla - Cross

1 Q. Okay. To Decker, Michigan?

2 A. To Decker, Michigan.

3 Q. And how long did he stay on the farm in Decker,
Michigan,

4 at that time to your knowledge?

5 A. Until -- to the best of my knowledge, he came to
Las Vegas

6 in December of '93, after Jason died.

7 Q. Okay. So he was at the farm in Decker till
December, '93?

8 And then he came to Las Vegas?

9 A. Yes.

10 Q. And who was with him?

11 A. His wife and the baby.

12 Q. And the baby who?

13 A. Nicole.

14 Q. And how old was she, if you recall?

15 A. About five months. Four months.

16 Q. And did Terry Nichols tell you anything about why
he had

17 left the farm in Michigan?

18 MR. MACKEY: Objection, hearsay.

19 THE COURT: Overruled.

20 BY MR. WOODS:

21 Q. You may answer that.

problem
22 A. Terry shared with me that he had a -- there was a
23 on the farm. And I -- I knew from Josh that there had
been
24 problems. Terry's brother was . . . not nice to Josh
or to
25 Marife at certain times, and I think Terry shared with
me he

9657

Lana Padilla - Cross

1 just was fed up and he wasn't going to go back to that
2 situation again.

3 Q. In your knowledge of Terry Nichols, is he a passive
or an
4 assertive person?

5 MR. MACKEY: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: He can be -- he can be a little
of both.

8 I mean it's kind of hard to say one way or another.

9 BY MR. WOODS:

10 Q. Is he one that is confrontational --

11 A. No.

12 Q. -- and engages in arguments?

13 A. No.

14 Q. Does he try to avoid arguments?

15 A. Absolutely.

16 Q. He came to Vegas in '93, December, '93, then?

17 A. Yes.

18 Q. Do you know how he was employed or what he did at
that
19 time?

20 A. Well, I'm not sure. I know of a brief employment
with -- I
21 know Marife was working, and I think he was doing some
work for
22 that restaurant, like a bouncer or a door guard or
something.

23 Q. All right.

24 A. And we baby-sat on occasion for Nicole. That's how
--

25 Q. Was he seeing Josh during that period, also?

9658

Lana Padilla - Cross

1 A. Yes.

2 Q. How long did he stay in the Las Vegas area at that
time?

3 A. Well, he was looking to find a farm opportunity.

4 Q. Did he tell you this?

5 A. Yeah. He was looking to find something -- 'cause
he loved

6 farming, and it hurt him to leave his farm. And he --
with all

7 of his knowledge and experience, the best thing for him

to do

8 would be to find somebody else that appreciated his
abilities.

9 And he told me -- the word "sweat equity" was something
we knew

10 because of our background in real estate, and he was
describing

11 and looking into finding a position like that. And the
next

12 thing I knew, he'd found the farm, Donahue farm.

13 Q. That's the one in Marion, Kansas, Donahue farm?

14 A. Right.

15 Q. Tell the jury what you mean by "sweat equity"; and
how did

16 Terry Nichols explain that to you, what he wanted to
do?

17 A. Well, for instance, if you have -- there's a lot of
people

18 who have been in the agricultural business a long time,
and

19 they don't have anyone to take over and continue what
they are

20 doing; so they look to bring somebody in that maybe
doesn't

21 have any money to buy into it but can earn a position
by labor,

22 sweat equity.

23 Q. All right. And how long did he work at the Donahue
farm in

24 Marion, Kansas, to your knowledge?

25 A. I think about six months. September of '94.

9659

Lana Padilla - Cross

that
1 Q. Okay. Now, did he keep in touch with you during
2 period of time by phone and giving you his address?

3 A. Yes.

the
4 Q. Did he keep in touch with Josh by talking to him on
5 phone?

6 A. Yes. And Josh visited him there. He went and
spent a part
7 of the summer with Terry and his family.

years
8 Q. Is that something that you've encouraged over the
9 with Josh and Terry Nichols, that the summers be spent
10 together?

11 A. Whatever time they could spend together, yes.

and '93
12 Q. Have you sent Josh to Decker, Michigan, during '92
13 when Terry was living there?

14 A. Josh was with Terry in '92.

15 Q. You're right. You're right.

early
16 A. But in '93, I did send him there. And he came home
17 because of confrontations on the farm.

18 Q. Confrontation, not with Terry?

19 A. No. Terry's brother.

weekend. 20 Q. And then you mentioned the trip over the Easter

with his 21 Is that something you encouraged, that Josh spend time
22 father?

23 A. Absolutely.

Nichols 24 Q. Now, you also told on direct examination that Terry
of '95; 25 asked if Josh couldn't move to Herington in the summer

9660

Lana Padilla - Cross

1 is that correct?

and he was 2 A. Terry had just purchased that home in Herington,

know, 3 talking like his business was going to do okay and, you

Josh 4 everything -- Marife was there, and he was happy. And

better 5 could come and be able to stay with him and it would be

6 for him there than in Las Vegas.

7 Q. Is that something you were considering?

kind of 8 A. Well, Terry and Josh are very close, so it would be

would never 9 up to Josh. And I'm sure that's something that he

10 want to be away from his dad.

11 Q. Now, speaking of the home that he had purchased in
12 Herington, did you receive any information or any
inquiries

13 about being a reference for the seller of that home?

14 A. Yes. I had an inquiry from the owner of the house
as far

15 as using Terry -- or Terry used me as a reference.

16 Q. And do you recall approximately what period of time
in '95

17 that was?

18 A. It was in February or early March seems like.

19 Q. Okay. Do you recall the man's name who contacted
you,

20 Miss Padilla?

21 A. No.

22 Q. What did you tell him in regards to Terry Nichols?

23 A. I spoke highly of him and told him that -- that his
24 background in real estate and his abilities and, you
know -- I

25 spoke highly of integrity and his ability to make the
payments.

9661

Lana Padilla - Cross

1 I don't know what questions he asked me, but I know
that there

2 was nothing negative I told him.

3 Q. All right. Now, was there a time back in the fall
of '94

the gun 4 when Mr. Nichols explained to you his understanding of
make 5 business, the gun show business and how he planned to
6 money at the gun show business?

7 A. Would you repeat that?

Donahue 8 Q. Yes, ma'am. In the fall of '94, after he left the
Vegas a 9 farm and you've told the prosecutor that he was in Las
10 couple of times in October, '94, did Mr. Nichols
explain to you

11 his understanding of the gun show business and how he
hoped to 12 have income from that?

13 A. He explained it to me one time. I don't know if it
was 14 then or November.

15 Q. Okay.

16 A. Me, but he talked about it.

he had 17 Q. Did it appear to be something he had studied like
18 other items of self-study?

19 A. Yes. Absolutely.

20 Q. Okay. Now, you've told the prosecutor on direct
21 examination that Terry Nichols was there a couple of
times in 22 October of '94, there in Las Vegas, and you allowed him
to stay 23 there at your house so that he could spend time with

Josh.

in his 24 A. Not in October, he didn't stay. He usually stayed

in 25 truck -- I don't know where he stayed in October. But

9662

Lana Padilla - Cross

1 November, we talked about him staying with me.

he? 2 Q. He was there about two weeks before he left, wasn't

night. And 3 A. Approximately, yeah. But he wasn't there every

4 he was there -- he had the privilege to stay or go.

November, 5 Q. Now, during that period of time in October and

6 did you ever see Terry Nichols with a beard?

7 A. I don't recall.

8 Q. Did he have a 1-inch growth at all?

9 A. I don't -- no, not then, no.

10 Q. Okay. And you say that he stayed in his truck?

11 A. Sometimes.

12 Q. Okay.

13 A. That was my understanding.

and 14 Q. Okay. And you said that you went out to the locker

15 looked at the truck; is that correct?

16 A. Yes.

17 Q. Okay. And you described it as a dark-blue color?
18 A. Dark to me is navy. It wasn't navy. It was just
blue.
19 Q. All right. Did it appear to be old and faded out,
the
20 paint job?
21 A. I don't recall.
22 Q. Okay. Or did it appear to be a metallic and fairly
new-
23 looking paint job?
24 A. I don't recall.
25 Q. Okay. Now, you mentioned on direct examination
that you

9663

Lana Padilla - Cross

1 had this phone conversation with Terry Nichols during
October
2 of 1994, when you had a problem at home and the two of
you
3 talked on the phone. Is that correct?
4 A. No --
5 Q. You had written a letter and asked him to call?
6 A. November.
7 Q. You wrote the letter in October and he got the
letter --
8 A. Right.
9 Q. -- and called you back on a Sunday; is that

correct?

10 A. Correct.

11 Q. And you had been fairly upset with him because you
couldn't

12 get in touch with him, hadn't you?

13 A. I'm not a patient person, and I wondered why you
don't have

14 a pager or a cellular, so I wrote him a letter -- not a
letter:

15 Call me.

16 Q. Okay. At that time, Josh was talking about running
away;

17 is that correct?

18 A. Yes.

19 Q. And you were very concerned. You wanted Terry to
talk to

20 him?

21 A. Yes.

22 Q. When you got the phone call from Terry, you were --
it's

23 not your normal, peaceful phone conversation that you
had with

24 Terry, was it?

25 A. That's correct.

9664

Lana Padilla - Cross

1 Q. And you started out on him asking, you know, Why
don't you

2 have a place where I can call you, etc.

3 A. Yes.

4 Q. Would you say that Terry Nichols tried to avoid
that
5 argument?

6 A. I really don't think we had a real argument. I
mean, I
7 was -- I was vocal and probably came unglued, but he
didn't --
8 no, he didn't really argue.

9 Q. Right. He wasn't vocal with you when he was
talking
10 about --

11 A. No.

12 Q. -- the Waco incident or --

13 A. No, he was --

14 Q. Or the --

15 A. No, he was quiet, but he spoke it, but he was
quiet. But

16 his voice was a little -- he was maybe -- maybe I upset
him
17 because I was so, you know -- telling him what he
should do
18 with his life.

19 Q. All right. You mentioned that he stated something
about
20 civil unrest; is that correct?

21 A. Yes.

22 Q. Did he state that he was advocating civil unrest,

or that

23 he was afraid and concerned about civil unrest?

24 A. He didn't say he was advocating it, no.

25 Q. Okay.

9665

Lana Padilla - Cross

1 A. It sounded like he was concerned about it.

American

2 Q. Because there had been -- did he give examples of
3 citizens shooting each other?

And we

4 A. We talked about the shooting at the White House.

that were

5 talked about an incident at the grocery store. He was
6 mentioning that people seemed very happy, you know,

direction

7 shopping and maybe -- maybe I was going in the wrong
8 with my life because I was . . . always seven days a
9 week

violence

10 Q. During that conversation, did he advocate any

or any

11 against the government or any agency of the government

government?

12 person in the government or anybody outside the

13 A. Advocate, no.

anybody?

14 Q. Have you ever heard him advocate violence against

15 A. No. Never.

16 Q. Have you ever heard him threaten anybody or state
that he

17 wanted to bomb or harm anybody?

18 A. No.

19 Q. Okay. Now, you told the prosecutor about another
phone

20 conversation that you had with Terry Nichols in the
first of

21 1995. It was February of '95. And Terry was over in
Kansas,

22 looking for a home, you said.

23 A. Yes.

24 Q. Now, you told the prosecutor that you mentioned to
Terry

25 that Josh was looking forward to spending the summer
and going

9666

Lana Padilla – Cross

1 to gun shows with Tim and with Terry.

2 A. That's correct.

3 Q. Is that correct?

4 A. That's correct.

5 Q. And Josh knew Tim McVeigh because they had lived
together

6 at Fort Riley for a very short period; correct?

7 A. Correct.

Las 8 Q. You had never seen Tim McVeigh at the home there in
9 Vegas, have you?
10 A. No.
11 Q. In fact, you've never seen him in person?
12 A. No.
13 Q. And you mentioned to the prosecutor that sometimes
14 Mr. McVeigh would call for Terry or for Josh. Did he
ever call
15 for Josh, or did he do it frequently? Tim McVeigh,
that is.
16 A. Well, he's called me direct when he asked me about
Terry's
17 return from the Philippines.
18 Q. Right, but did he -- he, Tim McVeigh -- ever call
for Josh,
19 to speak to Josh, that you know of?
20 A. I really -- sometimes Josh would get the calls
instead of
21 me, and I would maybe hear about them a year later.
No, you
22 know, so
23 Q. Well, back to that conversation in February, '95
that you
24 told the prosecutor about. You said that Josh was
looking
25 forward to spending the summer with Terry and Tim and
going to

1 gun shows?

2 A. Correct.

3 Q. And that was something that you were encouraging,
wanted

4 it?

5 A. Yes.

6 Q. And why were you encouraging that? Why did you
think that

7 would be a good thing?

8 A. One reason was because Josh liked being with his
father,

9 and he would be out of school, and it would be better
than

10 leaving him alone when I'm at work.

11 Q. Okay. Now, what did Terry tell you when you
suggested

12 that; that Josh was looking forward to that?

13 A. He said that Tim didn't like children and he wasn't
going

14 to be doing gun shows with Tim.

15 Q. Did he say anything further about his business with
16 McVeigh, whether or not it was ongoing, it was split,
or they

17 weren't doing gun shows, or what did he say? Anything
further?

18 A. Terry was someone of very few words. He didn't
elaborate,

19 just that they had different business ideas.

20 Q. Okay.

21 A. And he -- I elaborate, but he's very -- doesn't
speak, you

22 know, doesn't elaborate on it.

23 Q. All right. Now, you mention about the trip that
you and

24 your son Barry took to the locker. This is going to be
on

25 December 17?

9668

Lana Padilla - Cross

1 A. December 17.

2 Q. Is that correct?

3 A. 1994.

4 Q. Okay. And the pickup was there at the storage
place; is

5 that correct?

6 A. Yes.

7 Q. Okay. And you used the directions to get into the
locker

8 and the combination; is that correct?

9 A. Yes.

10 Q. Now, when you opened it up, you've told the
prosecutor

11 about you opened the briefcase; is that correct?

12 A. Yes.

13 Q. Now, do you recall the wig being a Tina Turner wig?
14 A. No.
15 Q. Okay. You know what a Tina Turner wig is?
16 A. No.
17 Q. Okay.
18 A. We were only in there a few minutes, like I told
the
19 prosecution.
20 Q. Sure. I understand. I understand. The wig was in
a bag,
21 wasn't it?
22 A. My recall was everything was in a bag.
23 Q. Okay. And there was a label on it, "Pretty Party
Shop,"
24 from Las Vegas. Do you recall seeing that label?
25 A. I don't recall seeing that label, no. I didn't
look for

9669

Lana Padilla - Cross

1 labels.
2 Q. Okay. Did you look at the makeup?
3 A. Not closely, no.
4 Q. Did you notice that it was white, creamy,
theatrical
5 makeup?
6 A. I didn't look at it to remember.

right? 7 Q. Now, in that storage locker, there was a tent;

8 A. A tent?

9 Q. Uh-huh.

10 A. Could have been.

11 Q. Okay. And some camping gear?

but I 12 A. There was things pertaining to fishing and camping,

13 don't know about a tent. I mean camping and a tent go

14 together, but I don't remember if there was a tent

there. 15 Q. Okay. And you told the prosecutor that Terry had

taken 16 Josh camping to Zion National Park?

17 A. Yes.

18 Q. And that's the one in Utah; is that correct?

19 A. Yes.

20 Q. And it's fairly nearby?

21 A. Yes. I remember when they went because it was cold

and 22 rainy, and I was thinking they're in the back of that

truck. 23 Q. And you saw some bedrolls, some camping gear, and

sleeping 24 gear inside the storage locker.

25 Did you see a tanker's mask, and do you know

what a

Lana Padilla - Cross

1 tanker's mask is?

2 A. No, I don't know what a tanker's mask is.

3 Q. Did Terry ever show you any of his Army surplus
things?

4 A. The food. MRIs, I think you call them.

5 Q. MREs?

6 A. MREs.

7 Q. Okay.

8 A. I don't know. He might have.

9 Q. Did you ever see an olive-drab mask that tankers
wear?

10 A. No.

11 Q. Okay.

12 A. I mean if you showed it to me, I might remember
seeing it;

13 but I don't remember seeing a

14 Q. You saw clothing there that were suitable for
camping -- is

15 that correct -- inside there?

16 A. I saw his orange vest and his fishing and there was
some

17 camping. I don't know about a tent.

18 Q. Okay. Now, Barry was there also; right?

19 A. Yes.

20 Q. And Barry was interviewed by the FBI the same day
you were,

21 on April the 21st; correct?

22 A. Yes.
23 Q. Okay. And you've read the memorandums of interview
that
24 the FBI made up when they interviewed you -- right --
when they
25 wrote up the questions and answers?

9671

Lana Padilla – Cross

1 A. Yes.
2 Q. Have you read Barry's?
3 A. No.
4 Q. Okay. Now, you mentioned that in one of your
visits with
5 Terry Nichols, he told you that the wig was for scaring
Marife;
6 is that correct?
7 A. Yes.
8 Q. Now, you have sent Terry some birthday cards,
haven't you?
9 A. Yes.
10 Q. You know what his birthday is?
11 A. April Fools'.
12 Q. And is Terry the type that looks to joke and tease
around?
13 A. Yes.
14 Q. Was that his nature all during your relationship?

free fun, 15 A. He was a -- he found -- it was -- No. 1, it was
16 to be a practical joker.
after 17 Q. And did you notice that he -- he remained that way
18 you were divorced, while you kept in touch with him?
of any 19 A. I can't -- I didn't live with him, so I can't think
20 exact incident.
and 21 Q. Okay. During his visits with you, did he ever joke
22 tease around, when he came to Las Vegas?
23 A. Oh, yeah. He had a very dry sense of humor, yeah.
24 Q. Okay. And his birthday is April the 1st?
25 A. April Fools' Day.

9672

Lana Padilla - Cross

1 Q. April Fools' Day. Okay.
2 A. Yeah, there's a few episodes.
3 Q. A few episodes of what?
4 A. Humor.
humor in 5 Q. Okay. Of course, he doesn't have the sense of
6 jail when you visit him, though, does he?
7 MR. MACKEY: Objection.
8 THE COURT: Sustained.

9 BY MR. WOODS:

10 Q. Now, on the time that Terry was there in Las Vegas,
right

11 before he was going to the Philippines, you had called
-- you

12 had written the letter and said, Look, I'm having
trouble with

13 Josh -- when he talked to you on the phone. You said,
Look,

14 why don't you come spend some time with Josh; is that
correct?

15 A. Yes.

16 Q. And he did. Within the week, he was there; is that
17 correct?

18 A. That's correct.

19 Q. And he spent -- do you recall approximately the day
he got

20 there? We know he left on November 22.

21 A. It was like the 9th or 10th. Later that week,
because we

22 had a football game, Josh's first football game, and he
was

23 there.

24 Q. And the two of you went to that game and watched
Josh play

25 football?

9673

Lana Padilla - Cross

1 A. They were rained out.

2 Q. Oh, were they? Okay.

3 A. There was a group of us that went; but, yes, we
went.

4 Q. Was there a game during that period of time where a
video

5 was taken?

6 A. Yes. Oh, we took a video, even though -- we took
the video

7 of everybody kind of around the evenings.

8 Q. Now, was there a time when you had a brunch with
you and

9 your family and Josh and Terry?

10 A. Yeah, right after the game. Terry and Josh and me
and my

11 husband and my other sons, and there was about 11 of us
that

12 went to brunch.

13 Q. Now, during that period of time, did Josh change
whatever

14 problem that you were facing with Josh?

15 A. He seemed -- I don't -- I didn't -- I didn't see --
I can't

16 point to any certain incident that would say he did;
but just

17 spending time with Terry, I think helped him.

18 Q. Okay. He was not threatening to run away at the
end of

19 Terry's visit; is that correct?

20 A. No.

21 Q. Now, before Terry Nichols left for the Philippines,
did he

22 state to you some concern about his safety in the
Philippines?

23 A. No. He mentioned his safety to me in 1993.

24 Q. Okay.

25 A. When he came back from the Philippines; when I
said, Well,

9674

Lana Padilla - Cross

1 that was short, you know, what are you doing back?

2 And he said that it wasn't what he thought it
was

3 because it was very dangerous. But that was in 1993.

4 Q. Okay. Before he left in '94, did he advise you
about the

5 change in the beneficiary of the insurance policy from
you to

6 Marife?

7 A. No.

8 Q. Okay. Did he talk to you right before he left for
the

9 Philippines in November '94 about some prices on life
insurance

10 policies and health insurance policies?

11 A. Yes. Yes, he did.

12 Q. And what was that conversation concerning?

13 A. He was looking at trying to get some health

insurance

14 coverage for Marife and Nicole.

15 Q. And did he discuss life insurance policies, also?

16 A. Yes.

the

17 Q. And it's your recollection that he did not discuss

18 change of beneficiary?

19 A. He did not.

were very

20 Q. Now, you mentioned on direct examination that you

21 concerned after reading those letters; is that correct?

22 A. Yes.

the trip

23 Q. And you were concerned about his safety and about

24 to the Philippines?

25 A. Yes.

9675

Lana Padilla – Cross

he may

1 Q. You were not concerned about any illegal plan that

2 have entered into, were you?

3 A. No. That didn't enter my mind.

Nichols

4 Q. Okay. And did you receive a phone call from Mr.

5 during that time, while he was in the Philippines?

6 A. Yes.

7 Q. And how was his mood and demeanor during that time?

8 A. Very good --

9 Q. All right.

10 A. -- at that time. And I was relieved because my
first --

11 those first few months, after opening the letters, I
just was

12 fearful of what -- what his state of mind was.

13 Q. And when he returned on January the 16th, did you
then put

14 the letters out of your mind?

15 A. Yes.

16 Q. Was your concern the fact that you thought there
was some

17 possibility of danger in the Philippines, or that
because of

18 his statements that he may -- well, what was your
concern in

19 November '94 and December '94 when you opened -- you
opened the

20 letter in November '94. What was your concern at that
time?

21 A. After reading the letter, to me, it sounded like a
last

22 will and testament. And there was a time at one time
when I

23 was concerned about Terry. He was depressed, and we
were

24 married; and I -- that -- my antennae went out, and I
was upset

25 and concerned because I know how much Josh loves his
dad, and I

Lana Padilla - Cross

1 just -- I knew he just lost their son, and I knew that,
you
2 know -- that he was trying to -- it seemed like he was
happier
3 when Marife was around, and I was concerned about him.

4 Q. All right. Then when he returned in January, mid
January,
5 '95, were you concerned any longer?

6 A. No. His mood -- he was very . . . he was very
happy.

7 Q. Okay. When you spoke to him on the phone in
February of
8 '95, when he told you he and Mr. McVeigh were going to
go their
9 separate ways in the gun show business, what was his
mood over

10 the phone with you at that time?

11 A. He seemed fine.

12 Q. And --

13 A. Yeah, he seemed fine.

14 Q. And then you spoke to him during the month of April
on more
15 than one occasion, arranging for the trip of Josh; is
that

16 correct?

17 A. Yes.

18 Q. And the return of Josh via plane?

19 A. Yes.

20 Q. Did you speak to him while Josh was there that
week?

21 A. Yes.

22 Q. How was his mood then?

23 A. He seemed fine. He brought up the issue of the
\$3,000,

24 wanted to know if I opened up the account; and we kind
of had

25 that husband -- ex-husband--and--ex-wife talk, but he
seemed

9677

Lana Padilla - Cross

1 fine.

2 Q. When you say the ex-husband/ex-wife talk, you all
were

3 pretty amicable over the phone, weren't you?

4 A. And in person.

5 Q. And Terry had requested that the 3,000 that he was
leaving

6 with you be placed in a safe, in a savings account for
--

7 A. Josh.

8 Q. -- Josh, and that he requested that you send him a
receipt

9 showing that it had been done; right?

10 A. Right.

11 Q. There was no heated discussion about that, was
there?

12 A. No.

13 Q. Now, did seeing the silver coins in the locker --
were
14 those type of things that you had seen in Terry's
possession
15 before, during your marriage?

16 A. Yes.

17 Q. Would you describe Terry Nichols as a frugal
person, or a
18 spendthrift?

19 A. Frugal.

20 Q. Would you say he's very frugal?

21 A. He's very frugal.

22 Q. During the course of your marriage, was Terry able
to save
23 money, rather than spend money?

24 A. Yes.

25 Q. And at the termination of your marriage, was
everything

9678

Lana Padilla - Cross

1 divided up and to the satisfaction of both people?

2 A. Yeah. Yes.

3 Q. Now, you mentioned on direct examination that you

got a

4 call from the FBI as you were going to work Friday
morning; is

5 that correct?

6 A. When I got to my office, I checked my pager and
there was a

7 message from them. And they had already called my
office, but

8 I wasn't there yet.

9 Q. This is April the 21st, Friday; is that correct?

10 A. Yes.

11 Q. And this is after you had gotten off the telephone
with

12 Terry Nichols earlier that morning.

13 A. Yes.

14 Q. Now, do you recall approximately what time it was
in Las

15 Vegas that you were talking with Terry on the phone in

16 Herington, Kansas?

17 A. That morning?

18 Q. Yes, ma'am?

19 A. It was about 7:00 Las Vegas time.

20 Q. You know the time difference between Las Vegas and

21 Herington?

22 A. I think it's two hours.

23 Q. Okay. So that would have been approximately 9 a.m.
in

24 Herington?

25 A. Uh-huh.

9679

Lana Padilla - Cross

1 Q. Did Mr. Nichols tell you who it was that was
present at
2 that time that he couldn't discuss matters on the phone
with
3 you? Somebody was there?

4 A. I don't remember him saying who was there.

5 Q. Okay. But he stated that someone was there?

6 A. Yeah.

7 Q. All right.

8 A. I don't remember who he said. I don't remember if
he said.

9 Q. Okay. Now, what happened when the F -- when you
returned
10 the FBI's call?

11 A. They said they wanted to talk to me regarding the
Oklahoma

12 City bombing. And I was in my office. And I said, "I
don't
13 know anything, but you're welcome to come by."

14 Q. And they came to your office?

15 A. They came to my office.

16 Q. How many came?

17 A. Two people.

18 Q. Okay. Who were they? Do you recall the names?

think. 19 A. Alan Gough and Dan Kolos. Dan -- Dan Kolos, I

that 20 Q. You got to know them over the next few days; is

21 correct?

22 Did you get to know the head --

23 A. Yes.

24 Q. -- of the office there in Las Vegas?

25 A. Mr. Prillaman?

9680

Lana Padilla - Cross

1 A. Yes.

2 Q. Did you spend a lot of time with him?

but 3 A. I spent more time in his office with Alan Gough,

4 Mr. Prillaman would come in and out of the office.

Prillaman? 5 Q. Did you have more than one discussion with Mr.

6 A. Yes.

that 7 Q. Now, when they came to the office, you advised them

home? 8 you had spoken with Terry that morning and that he's

9 A. Yes.

Herington. 10 Q. Now, you had the address as 901 South 2nd in

11 And his true address is 109. Are you aware of that?

12 A. I wasn't aware of that until recently.

13 Q. Do you know whether or not Terry gave you the wrong
14 address, or if you wrote it down wrong?

15 A. I don't know.

16 Q. Okay. Did you give the FBI the phone number that
you had
17 for Terry Nichols, also?

18 A. I think so, because they asked me if I would mind
calling
19 him again; so I probably pulled the number out.

20 Q. Now, did you call him?

21 A. No.

22 Q. When you were being interviewed by them, did you
learn that
23 Terry had gone to the police station to ask questions?

24 A. No.

25 Q. Okay. Wasn't there a time when the FBI was
interviewing

9681

Lana Padilla - Cross

1 you and they advised you that: Well, Terry Nichols has
gone
2 down to the police station?

3 A. Advised me that --

4 Q. It wouldn't be necessary for you to call.

5 A. No. They didn't advise me that way. They had me

on the

6 phone with the hostage coordinator, and then they came
in and

7 said, It's okay, because he's turned himself in.

8 Q. The hostage coordinator was talking to you to get
some

9 background about Terry Nichols so that he could talk to
him; is

10 that correct?

11 A. Yeah. I guess.

12 Q. It was at that point that somebody else broke in
and said,

13 Never mind, he's at the police station.

14 A. Right.

15 Q. Okay. And you gave them all the information that
you were

16 aware of -- is that correct -- about Terry Nichols?

17 A. Yes.

18 Q. And you were trying to cooperate the best you could
with

19 the FBI?

20 A. Yes.

21 Q. Now, did you spend the next several days with the
FBI?

22 A. Yes.

23 Q. And where did you spend the evenings?

24 A. For a few days, we were in Circus Circus.

25 Q. And why was that?

Lana Padilla – Cross

1 A. I think -- there was just so much commotion that I
believe
2 that we needed time away from the house, and they felt
it would
3 be better because of the -- the press and if there were
any
4 other people involved or there was any danger to us.
They were
5 looking out for us. Me and my children.
6 Q. All right. And how many evenings did you stay at
Circus
7 Circus?
8 A. I think three or four, because then someone from
the press
9 called our room; and then they moved us to a place
called the
10 Excalibur.
11 Q. All right. How many days -- how many evenings did
you stay
12 in the Excalibur?
13 A. I think three.
14 Q. Now, this is you and Josh and who else?
15 A. Me and Josh. Troy stayed with a friend. Barry was
there
16 for a while. And then there was someone else that was
there, a
17 gentleman named Jerry Mongilla.

18 Q. And he's with who?

19 A. He's what?

20 Q. Oh, never mind. He's not an FBI agent; right?

21 A. No.

22 Q. So how many evenings were you placed in hotels and
not at

23 home, then, from the 21st on?

24 A. Six evenings. We went home on --

25 Q. Did you -- I'm sorry.

9683

Lana Padilla - Cross

1 A. We went home on Thursday, so it was six nights.

2 Q. Had you requested to be able to go home during
those times?

3 A. Not really. At -- towards the end of the six days,
we

4 started talking about some other things, maybe going
out of

5 town and staying. And I just said I want to go home,
and we

6 went home.

7 Q. Now, during the day, were you at the FBI office
being

8 interviewed?

9 A. Quite a bit of the time, from my recall. Then
there was a

10 time when they took us to a counselor, you know,
different

Josh. 11 things. They introduced us to a counselor, and I took

12 Q. Okay. When you were being interviewed by the FBI,
did you

13 notice charts on the wall of statements of various
individuals?

14 A. Not those first six days. The charts on the walls
came

15 later.

16 Q. Okay. Okay. Was there a time when you were
meeting with

17 the head of the office, Mr. Prillaman, when he stated
to you

18 his opinion of the guilt of the defendants?

19 A. Yes.

20 Q. When was that?

21 A. First day.

22 Q. What did he say to you?

23 MR. MACKEY: Objection.

24 THE COURT: Overruled.

25 BY MR. WOODS:

9684

Lana Padilla - Cross

1 Q. What did Mr. Prillaman, the head of the FBI, say to
you

2 that first day on April the 21st?

3 A. He said that they were both going to fry, they were

never

4 going to see daylight.

5 Q. And who was he speaking of?

6 A. Terry and Tim.

7 Q. And this is the first day on April the 21st.

8 Okay. Miss Padilla, when you and Terry were
operating

9 your rental business back in Michigan, when you were
buying and

10 selling property and renting it out, did you use a P.O.
box

11 during that period of time?

12 A. Yes.

13 Q. And what was the purpose of doing that?

14 A. I don't know if I remember. We had a P.O. box, and
I don't

15 remember why.

16 Q. Was that for the receipt and the communications
with the

17 renters?

18 A. Could have been.

19 Q. You had a mailing address, of course, at your home
--

20 A. Right.

21 Q. -- where you were living?

22 A. Right.

23 Q. But you utilized --

24 A. I think we thought it was better to get all of our
mail

the 25 there because of the money coming in and the mailbox on

9685

Lana Padilla - Cross

1 road. You don't know, you know -- it was just . . .

your 2 Q. But you did utilize a P.O. box in the course of

3 business; is that correct?

4 A. Yes.

5 Q. Okay.

6 MR. WOODS: Your Honor, I have just one item.

7 THE COURT: Yes.

8 MR. WOODS: I'm sorry for the delay.

9 THE COURT: Yes.

10 BY MR. WOODS:

occasion 11 Q. Now, Mrs. Padilla, you mentioned that there was an

weapon 12 when Terry was there during November 1994 and he had a

13 with him?

14 A. Yes.

Nichols, did 15 Q. Okay. Did -- when you were married to Terry

16 he have weapons in the home?

17 A. Yes.

18 Q. Few, or many?

19 A. I don't remember.

20 Q. Okay. You're not into weapons?

21 A. I mean, how many is "many"? I don't remember. I
mean, he
22 had numbers, you know; but that was a guy thing.

23 Q. Okay. And upper Michigan is an area where outdoor
24 activities, hunting, etc., is common; is that correct?

25 A. Absolutely.

9686

Lana Padilla – Cross

1 MR. WOODS: Your Honor, may I approach the
witness?

2 THE COURT: Yes.

3 BY MR. WOODS:

4 Q. Miss Padilla, let me show you what has been marked
for
5 identification purposes only as Exhibit 1220, D1220.

6 Have you seen that before?

7 A. Well, it's my writing, but I -- I forgot about it.

8 Q. Okay.

9 A. I wrote this.

10 Q. You recognize it as your writing?

11 A. Yes.

12 Q. Do you recall an occasion in 1988 when you helped
make a

13 listing of the weapons that Mr. Nichols had?

14 A. This is my writing, but I don't recall. I don't
recall it.

15 Q. Okay. Do you recall approximately how many weapons
Terry

16 had at the time?

17 A. According to this, it says --

18 Q. Well, without --

19 A. No, I don't.

20 Q. Excuse me. Don't mention the number.

21 A. No, I don't.

22 Q. Do you recall during that time of the separation
where you

23 were listing items that you had in the household for
purpose of

24 division or for purposes of inventory?

25 A. Terry did that pretty much.

9687

Lana Padilla - Cross

1 Q. And is this for the purpose of separating the
assets in

2 connection with the upcoming divorce?

3 A. I think so.

4 Q. Do you recall helping him on some of that, writing
down the

5 records?

6 A. I could have.

7 Q. Is that something that the two of you did jointly
8 sometimes?
9 A. Well, in September of '88, we weren't living
together, but
10 I still went home. I don't know if he was home or in
-- if he
11 was home on -- for leave, or if he was in Fort Riley,
Kansas.
12 Q. Do you remember what period of time -- He started
in basic
13 training in Fort Benning in May, '88; is that your
14 recollection?
15 A. Yes.
16 Q. And then basic training usually last 14, 16 weeks?
Or do
17 you know?
18 A. No, I don't know.
19 Q. Okay. Do you recall whether or not Terry Nichols
came home
20 between basic training --
21 A. Yes.
22 Q. -- and his assignment to Fort Riley?
23 A. Yes.
24 Q. He did come home?
25 And did you see him during that period?

1 A. Most likely, I saw him.

2 Q. Did you discuss with him the division of property
for the
3 upcoming divorce?

4 A. We must have, because we did a separation after
that.

5 Q. A separation agreement?

6 A. Uh-huh.

7 Q. You recall seeing that on file?

8 A. Yes.

9 MR. WOODS: All right. Your Honor, may it
please the

10 Court, the defense would offer into evidence the
handwritten

11 list of weapons that Miss Padilla agrees is her
handwriting;

12 and by agreement with counsel, we've omitted the
bottom.

13 BY MR. WOODS:

14 Q. The bottom entry is not your handwriting; is that
correct,

15 Miss Padilla?

16 A. The bottom or on the back. No, the back is not my
17 handwriting; that is Terry's. The bottom of the front
of this

18 is my handwriting, but then the word "over" is his
handwriting.

19 Q. And you recognize his handwriting, the word "over"?

20 A. Yes.

21 Q. Okay.

22 MR. WOODS: Your Honor, by agreement with
counsel,
23 we're only going to offer the front page of this
document into
24 evidence.

25 MR. MACKEY: That's correct, your Honor. I
believe

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Lana Padilla – Cross

1 that's what the witness will say is of her handwriting.

2 THE COURT: Well, you have no objection to the
3 document?

4 MR. MACKEY: That's correct.

5 THE COURT: All right. D1220 is received, and
you're
6 going to modify the exhibit.

7 MR. WOODS: Yes, if it please the Court. I'll
have

8 her identify the modification.

9 THE COURT: Okay.

10 BY MR. WOODS:

11 Q. Miss Padilla, would you look at that document
that's placed

12 in front of you, which is D1653. Is that a photocopy
or a

13 Xerox copy just of the front side?

14 A. It's D1220.

15 Q. All right. D1220?

16 A. That's my writing.

17 Q. Is that a photocopy of just the front side?

18 A. Correct.

19 MR. WOODS: Thank you.

20 THE COURT: Well, we've got -- is it 1220A or
21 something?

22 THE WITNESS: It's 1220.

23 THE COURT: Well, just let me deal with that.

24 MR. WOODS: It will be 1220A, your Honor.

25 THE COURT: All right. So the Xerox and the
one

9690

right? 1 that's going to be received in evidence is D1220A;

2 MR. WOODS: Yes, your Honor; thank you.

3 THE COURT: Received, 1220A.

4 MR. WOODS: Your Honor, that's all the
questions I

5 have.

6 Thank you, Miss Padilla.

7 THE COURT: Mr. Mackey, do you have any
follow-up?

8 MR. MACKEY: Your Honor, may I approach with a
9 question?

10 THE COURT: Yes.

11 (At the bench:)

12 (Bench Conference 82B2 is not herein transcribed by
court

13 order. It is transcribed as a separate sealed
transcript.)

14

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22

23

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25

9695

Lana Padilla - Redirect

1 (In open court:)

2 THE COURT: Go ahead.

3 REDIRECT EXAMINATION

4 BY MR. MACKEY:

5 Q. Miss Padilla, I have just a few follow-up
questions, if you

6 wouldn't mind. Early in the cross-examination by Mr.
Woods,

7 you were shown a couple of photographs of your
children. Do

8 you recall that?

9 A. Yes.

10 Q. Those are photographs that you provided to the
defense; is

11 that correct?

12 A. Correct.

13 Q. And they're dated many years ago?

14 A. Correct.

15 Q. Mr. Woods asked you some questions concerning Mr.
Nichols'

16 propensity to gather information and keep track of
things. Do

17 you recall those questions?

18 A. Kind of, yeah. To gather information, okay.

19 Q. Have you known Mr. Nichols to be a kind of person
who will

20 get as much information before acting?

21 A. Yes.

22 Q. Rather than simply relying on the word of someone,
will

23 gather facts and then make a decision and act?

24 A. Correct.

25 Q. Do you recall when we were talking earlier this
morning

9696

Lana Padilla - Redirect

1 about the exchange of money there in January of 1995
when

2 Mr. Nichols had returned from the Philippines, you had
taken

3 some of the money out, and there was a discussion; is
that

4 correct?

5 A. Correct.

6 Q. Do you remember Mr. Nichols offering how it was
that you

7 could resolve that dispute over the money?

8 A. He said I could give it all back to him and that he
9 would -- and I was to trust him to give me back
whatever amount

10 he felt I should have.

11 Q. Did you decline that offer?

12 A. Yes, I declined that offer.

13 Q. Do you recall at any point in time over those two
or three

14 days where there was the discussion about the money
that

15 Mr. Nichols made any statement to you about making life
16 miserable for you?

17 A. Yes.

18 Q. Describe that.

19 A. We were sitting in my living room and talking, and
there

20 was no one else around. And he just said -- he tried
-- he was

21 trying to convince me I should return the total \$5,000
and just

22 suggested that he could make my life miserable. And I
just

23 laughed at him. Like, oh, yeah, really, I was just
miserable

24 for 60 days.

25 Q. Miss Padilla, you were asked some questions about
the

9697

Lana Padilla - Redirect

1 background and the raising of your children, both
Barry, Troy,

2 and Josh. At any point in time, Miss Padilla, have you
3 abandoned your son Josh?

4 A. The word "abandon" is interpreted by different
people

5 different ways. There was a time --

6 Q. According to you?

7 A. According to me, there was a time when I had left
Josh for

8 too many days; but I wouldn't call it abandoning him.

Do you 9 Q. You told the jury that Mr. Nichols loved farming.

10 recall that?

11 A. Yes.

Nichols had? 12 Q. Do you remember the last farming job that Mr.

13 A. On the Donahue farm.

14 Q. And do you remember that he quit?

15 A. Yes.

farming? 16 Q. And do you remember what he did when he quit

17 A. Went to do gun shows with Timothy McVeigh.

18 Q. You told the jury earlier that in the phone call on
19 November 6, 1994, that you were urging Mr. Nichols to
spend

20 some time with his son. Do you recall that?

21 A. Yes.

and then 22 Q. And eventually, Mr. Nichols made it to Las Vegas

23 left from there to the Philippines, do you recall that?

24 A. Yes.

departure 25 Q. Do you know where he had originally booked his

9698

Lana Padilla - Redirect

1 for that flight to the Philippines, where the departure
site

2 was?

3 A. No, I didn't know.

4 Q. Have you since seen documents that show that that
was from

5 Kansas City?

6 A. Yes.

7 Q. And not Las Vegas?

8 A. Yes; correct.

9 Q. In the conversation on November 6, 1994, you were
very

10 concerned about your son; correct?

11 A. Yes.

12 Q. And that's why you had written the letter?

13 A. Yes.

14 Q. Isn't it fair to say that in that same
conversation,

15 Mr. Terry Nichols was not concerned about Josh?

16 A. I don't -- I don't think that he wasn't -- I don't
think he

17 wasn't concerned about Josh. It just seemed like there
was

18 something else that he wanted to say. And he didn't
really

19 want to talk about Josh.

20 Q. Instead what he talked about was Waco, the White
House, and

21 other events; correct?

22 A. Yes.

23 Q. You described that conversation before like two

ships

24 passing in the night?

25 A. Yes.

9699

Lana Padilla - Redirect

Nichols 1 Q. Mrs. Nich -- Mrs. Padilla, do you know that Marife

2 went to the Philippines in September of 1994? We
talked about

3 that before. You recall that?

4 A. Yes.

United 5 Q. Do you recall when it was that she came back to the

6 States?

7 A. I believe it was in the spring of '95.

8 Q. So she was gone for six months or so?

9 A. Yes.

correct? 10 Q. And that would include the month of October, 1994;

11 A. Yes.

12 Q. And that would include Halloween; correct?

13 A. Yes.

wig, 14 Q. On Halloween, 1994, did Mr. Nichols use a ski mask,

of the 15 makeup, or any other items to scare you or Josh or any

16 family members?

17 A. I can't speak for Josh. But not me.

18 Q. The ski mask that you've told this jury you saw in
the
19 storage shed in Las Vegas was black; is that correct?

20 A. It was dark. I thought it was black.

21 Q. You're not confusing it with an olive tanker mask?

22 A. Is an olive -- I don't know what an olive tanker
mask is.

23 Q. I'm going to show you what was previously admitted
into
24 evidence as Defense Exhibit 1549. Is the ski mask that
you saw
25 in the storage locker like this, black in color, and
full face?

9700

Lana Padilla - Redirect

1 A. Well, this looks much more dramatic because it's on
2 somebody's head, but I just looked at it. But it was a
full
3 face.

4 Q. Black in color?

5 A. Black in color.

6 Q. Mr. Woods asked you some questions about employment
that
7 you and Mr. Nichols shared back in the early 80's with
an
8 agency called A. L. Williams. Do you recall those
questions?

9 A. Yes.

10 Q. And he asked you about a slogan that that insurance
agency

11 had. Do you recall those questions?

12 A. Yes.

13 Q. In November of 1994, when you opened the letter
that you've

14 shown this jury and read the words that are on that
letter, did

15 you think for a moment of A. L. Williams?

16 A. When I opened the letter in 1994, I did not think
of A. L.

17 Williams.

18 MR. MACKEY: Nothing further.

19 MR. WOODS: Just a couple, your Honor.

20 THE COURT: All right.

21 RE-CROSS-EXAMINATION

22 BY MR. WOODS:

23 Q. Miss Padilla, the prosecutor's asked you about that
phone

24 conversation on November the 6th, '94, and asked you
was Terry

25 Nichols concerned about Josh Nichols during that call.
Did he

9701

Lana Padilla - Recross

1 immediately come to Las Vegas after you talked to him?

2 A. Within a few days he came.

3 Q. And he asked you if you were aware that he was
scheduled to

4 fly from Kansas City to the Philippines. But he
changed

5 that --

6 A. That's right.

7 Q. -- to depart from Las Vegas; is that correct?

8 A. Yes.

9 Q. And he was able to spend at least two weeks there
with Josh

10 before he left; is that correct?

11 A. Yes.

12 Q. Okay. And when you related the conversation about
Terry

13 Nichols saying, "I'm going to make your life
miserable," was he

14 threatening you in any manner?

15 A. Terry's very soft-spoken. And for him to say --
see, that

16 statement didn't mean anything to me at the time.

17 Q. You stated that --

18 A. I mean, I just ignored it because I was -- like I
said, I

19 was traumatized because of the letters anyway; so when
he said

20 that, it was like, oh, big deal, right.

21 Q. You had already been miserable because you were
worried

22 about him --

23 A. That's right.

24 Q. -- for two months while he was in the Philippines?

25 A. That's right.

9702

Lana Padilla - Recross

1 Q. You did not take it as any threatening statement to
you,

2 did you?

3 A. I didn't take it as threatening then, no.

4 Q. Is Terry Nichols a type of person who would do
favours for

5 people when they asked?

6 MR. MACKEY: Objection.

7 THE WITNESS: Yes.

8 THE COURT: Sustained.

9 MR. WOODS: Thank you, Miss Padilla. I
appreciate

10 your answering the questions.

11 Thank you.

12 THE COURT: Is she now excused?

13 MR. MACKEY: Yes, your Honor.

14 MR. WOODS: Your Honor, she's under subpoena
by us;

15 and we would like her just to be available back in Las
Vegas in

16 the event we needed to call her.

17 THE COURT: All right. She can go home, then.

18 MR. WOODS: Yes, of course.

19 THE COURT: So you can return back. Consider
yourself

20 still under subpoena as a witness. Therefore, you
should not

21 be talking about your testimony or anything connected
with the

22 case with other witnesses.

23 All right. You can leave. You may step down.

24 We'll take our midafternoon recess, members of
the

25 jury, during which, of course, please follow the
cautions

9703

1 regularly given and regularly reemphasized of avoiding
2 discussion about any of these witnesses or anything
about the

3 case, waiting until you hear it all. You're excused
now. 20

4 minutes.

5 (Jury out at 3:27 p.m.)

6 THE COURT: Are you going to have the Manning
7 deposition this afternoon?

8 MR. MACKEY: Your Honor, we have -- yes, one
witness

9 before we'd like to offer that.

10 THE COURT: I don't remember the playing time
of that.

11 MR. MACKEY: And it varies because it was in
two
12 stages. But I think it's about an hour.

13 MR. RYAN: It's 97 minutes, your Honor.

14 THE COURT: Okay. And your objection is of
record
15 with respect to that.

16 MR. WOODS: I don't think there's anything on
there we
17 object to.

18 THE COURT: Oh.

19 MR. WOODS: Hopefully they've cut out -- 97
minutes, I
20 don't remember it being that long. Hopefully they've
cut out

21 Mr. Nigh's questions.

22 MR. RYAN: We have cut out everything that
includes
23 from Nigh's, including Mr. Mackey's redirect after Mr.
Nigh.

24 THE COURT: Okay.

25 MR. RYAN: We talked about making it shorter,
but

1 defense --

2 THE COURT: Well, as long as we're certain
that it's
3 edited for this case.

4 MR. RYAN: It is, your Honor.

5 MR. TIGAR: Those objections are taken care
of, if
6 your Honor is talking about the earlier question that
we
7 litigated.

8 THE COURT: Yes.

9 MR. TIGAR: We still maintain those
objections.

10 THE COURT: That's why I wanted to make this
record
11 show that you were not waiving the previous written
objection
12 that was argued and decided.

13 MR. TIGAR: Yes, your Honor.

14 THE COURT: And I'm doing that just because
appellate
15 courts sometimes get confused.

16 MR. WOODS: Thank you, your Honor.

17 MR. TIGAR: Mr. Woods and I will get this act
together
18 sometime, your Honor.

19 THE COURT: Court's in recess, 20 minutes.

20 (Recess at 3:28 p.m.)

21 (Reconvened at 3:46 p.m.)

22 THE COURT: Be seated, please.
23 (Jury in at 3:47 p.m.)
24 THE COURT: All right. Next witness.
25 MR. MACKEY: Yes, your Honor. Lois Miller.

9705

right 1 THE COURTROOM DEPUTY: Would you raise your
2 hand, please.
3 (Lois Miller affirmed.)
please. 4 THE COURTROOM DEPUTY: Would you have a seat,
5 Would you state your full name for the record
and 6 spell your last name.
7 THE WITNESS: Lois Elaine Miller, M-I-L-L-E-R.
8 THE COURTROOM DEPUTY: Thank you.
9 THE COURT: Mr. Ryan.
10 MR. RYAN: Thank you your Honor.
11 DIRECT EXAMINATION
12 BY MR. RYAN:
13 Q. Ms. Miller, where do you live?
14 A. I live in Henderson, Nevada.
15 Q. What city is Henderson near?
16 A. Las Vegas.

17 Q. And what do you do for a living?
18 A. I am a manager of a mini storage.
19 Q. And how long have you been the manager of a mini
storage?
20 A. 13 years.
21 Q. What is the name of the mini storage for which
you're the
22 manager?
23 A. AAAABCO Mini Storage.
24 Q. Is that four As, a B, C and an O?
25 A. Yes.

9706

Lois Miller - Direct

1 Q. And you're here because Terry Nichols rented some
storage
2 space from you in November of 1994?
3 A. Yes, a man named Terry -- Nichols -- did rent from
me.
4 Q. And you know that because of the documentation?
5 A. Yes.
6 Q. Do you recall that transaction?
7 A. Well, I mean, I know the document; but as far as
8 remembering the person, no.
9 Q. How many storage units do you have at the storage
-- the
10 mini storage unit?

11 A. Over 2,000.

12 Q. Excuse me?

13 A. Over 2,000.

14 Q. And are you the only person that leases these facilities?

15 A. I'm the manager, and then I have assistants.

16 Q. Let me show you what's been marked for identification as

17 Exhibit 1906. Can you recognize that document?

18 A. Yes. That's our lease agreement.

19 Q. Is that the lease agreement with Terry Nichols?

20 A. Yes, it is.

21 MR. RYAN: Your Honor, Government would offer Exhibit

22 1906.

23 MR. TIGAR: No objection, your Honor.

24 THE COURT: 1906 received, may be shown.

25 BY MR. RYAN:

9707

Lois Miller - Direct

1 Q. You should have it on the screen up there at the witness

2 chair there, Ms. Miller.

3 A. Yes.

4 Q. I'm going to try to make it a little easier for everybody

Do you 5 by zooming in on the front top portion of that lease.

6 see that?

7 A. Yes, I do.

8 Q. Whose handwriting is this?

9 A. Mine.

10 Q. What did you record here about this lease
transaction?

11 A. The gentleman's name, the unit number that I rented
him,

12 and the date and the amount.

13 Q. All right. And who was the -- what's the name that
was

14 used to rent this storage unit?

15 A. Terry Nichols.

16 Q. And what storage space was rented?

17 A. Q106D.

18 Q. And what was the date?

19 A. The 16th day of November of '94.

20 Q. Now, what -- for what time frame was the storage
unit

21 rented for?

22 A. It was rented from November of '94 to February of
'95.

23 Q. Now, if we could, let's zoom to the bottom of the
page and

24 talk about the handwriting there. Could you take the
pen there

25 on your desk and show me what handwriting on this

portion of

9708

Lois Miller - Direct

1 the document is not yours?

2 A. The signature -- I'm supposed to go down under
here.

3 Q. There you go.

4 A. This is not mine, or this, or this.

5 Q. And whose handwriting is the balance of the writing
on this
6 bottom portion of the exhibit?

7 A. All except what I have circled is mine.

8 Q. Now, at the top of this -- what's being displayed
has the
9 name of Lana Padilla. Do you see that?

10 A. Yes.

11 Q. What is the purpose of that on this form?

12 A. She's an alternate person. That's somebody that I
could

13 notify if he failed to pay his rent.

14 Q. Is the alternate person also entitled to access to
the

15 storage unit?

16 A. She is if he wants her there, yes.

17 Q. And who provided you that information?

18 A. Terry did.

was 19 Q. In terms of the address provided, that is -- that
20 provided also by Mr. Nichols?

21 A. Right.

"L. 22 Q. And that is your signature over there where it says
23 Miller"?

24 A. Yes, it is.

has not 25 Q. Now, if we could, let's turn to Exhibit 1904. It

9709

Lois Miller - Direct

of the 1 been admitted in evidence. If you'd click on the side
2 pen there, Ms. Miller, on the side of your black pen.

3 A. Oh, yeah.

4 Q. Click on the side of it.

5 There you go.

view 6 Tell us what we're looking at here when we
7 Exhibit 1904.

where 8 A. Okay. That is also a lease agreement for a lot

9 Mr. Nichols had his GMC pickup.

1904. 10 MR. RYAN: Your Honor, we would offer Exhibit

11 MR. TIGAR: No objection, your Honor.

12 THE COURT: Received, 1904.

13 BY MR. RYAN:

14 Q. Now, again, Ms. Miller, we'll zoom in to the top
here to
15 allow a little easier access for reading. And again,
is this
16 your handwriting?

17 A. Yes, it is.

18 Q. All of it?

19 A. Yes.

20 Q. Now, again, what information does this tell us
about the
21 storage unit being -- or the storage space that was
being
22 rented by Mr. Nichols?

23 A. Okay. It shows that it's rented by a person named
Terry

24 Nichols and the Lot No. 3, and it was rented on
November 26 --

25 22 of '94, and it was paid for January 22 of '95, and
he parked

9710

Lois Miller - Direct

1 a GMC truck.

2 Q. And do you recall that?

3 A. Yeah.

4 Q. Not the person coming in, but do you recall the GMC
pickup

5 being there?

6 A. Yes.

7 Q. At your storage space?

8 A. Yes, I do.

9 Q. Now, if we could look down at the bottom of the
page, 1904.

10 Again, would you circle for us the handwriting on
Exhibit 1904

11 here that is not yours.

12 And the balance of the handwriting is yours, I
take

13 it?

14 A. Yes.

15 Q. And you received the information again from Mr.
Nichols?

16 A. Yes, I did.

17 Q. Again, we see this alternate person named Lana
Padilla.

18 A. Uh-huh.

19 Q. Correct?

20 A. Yes.

21 Q. So the same information conveyed to us about the
storage

22 shed would apply here?

23 A. Yes.

24 Q. With respect to the pickup truck.

25 A. Yes.

9711

Lois Miller - Direct

1 Q. Would you describe that pickup truck as shiny in
color, or

2 dull?

3 A. I don't really remember.

4 MR. RYAN: That's all I have, your Honor.
Thank you.

5 THE COURT: Mr. Tigar?

6 MR. TIGAR: Yes.

7 Could we leave that on the screen, please.

8 THE COURT: Yes.

9 MR. TIGAR: Thank you very much, Mrs.
Hasfjord.

10 CROSS-EXAMINATION

11 BY MR. TIGAR:

12 Q. Hello, Ms. Miller.

13 A. Hello.

14 Q. My name is Michael Tigar. I'm one of the lawyers
that's

15 been appointed to help out Terry Nichols.

16 You're looking now at the screen; and do you
see the

17 name Lana Padilla written in there?

18 A. Yes, I do.

19 Q. Now, did you write that in there, or did your
customer

20 write that?
21 A. Actually, the customer wrote that one. That is
printing,
22 and I don't print.
23 Q. Okay. So that would have been written by Mr.
Nichols.
24 Right?
25 A. Uh-huh.

9712

Lois Miller - Cross

1 Q. Thank you. Now, can you tell me, what does it mean
"the
2 alternative person" in your business? What does that
person --
3 A. In my business, like if Mr. Nichols failed to pay
his rent
4 and I couldn't get a hold of him at the address that he
had
5 given me, then I could get a hold of Lana to tell him
that his
6 rent is overdue and I was going to sell his stuff if he
didn't
7 pay it.
8 Q. Okay. And the address that you had then for both
the
9 renter and for Lana Padilla, is that 7160 Nordic Lights
10 address; correct?
11 A. Yes, it is.

12 Q. And they gave you a local Las Vegas phone number
that went

13 along with that?

14 A. Right.

15 MR. TIGAR: Thank you very much. I have no
further

16 questions.

17 MR. RYAN: Just one, your Honor.

18 THE COURT: All right.

19 REDIRECT EXAMINATION

20 BY MR. RYAN:

21 Q. In connection with these lease agreements to Mr.
Nichols,

22 did you require some showing of identification?

23 A. Yes, I did.

24 Q. And what did you require?

25 A. A driver's license.

9713

1 MR. RYAN: That's all. Thank you, your Honor.

2 MR. TIGAR: Nothing further.

3 THE COURT: I take it you're excusing the
witness.

4 MR. RYAN: Yes, your Honor.

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

6 Next.

Eric 7 MR. MACKEY: Your Honor, we'd like to call Mr.

8 McKisick.

right 9 THE COURTROOM DEPUTY: Would you raise your

10 hand, please.

11 (Eric McKisick affirmed.)

please. 12 THE COURTROOM DEPUTY: Would you have a seat,

and 13 Would you state your full name for the record

14 spell your last name.

15 THE WITNESS: Eric McKisick, M-C-K-I-S-I-C-K.

16 THE COURTROOM DEPUTY: Thank you.

17 THE COURT: Proceed.

18 MR. GOELMAN: Thank you, your Honor.

19 DIRECT EXAMINATION

20 BY MR. GOELMAN:

21 Q. Good afternoon, Mr. McKisick.

22 A. Good afternoon.

23 Q. Where do you live?

24 A. I live at 11909 Blue Way Avenue, Oklahoma City.

25 Q. What do you do down in Oklahoma City?

1 A. I work for the Social Security Administration.

2 Q. What do you do for them?

3 A. I'm a staff assistant with them.

4 Q. And where were you born and raised, sir?

5 A. I was born and raised in Forest City, Arkansas.

6 Q. Could you briefly describe your education for the jury?

7 A. Sure can. I graduated from Forest City High School in

8 Forest City, Arkansas, in 1977, from there went on to Harvard

9 University and graduated from there in 1982.

10 Q. And what was your degree in at Harvard?

11 A. American history.

12 Q. Are you married, sir?

13 A. Yes, sir, I'm married.

14 Q. Do you have any children?

15 A. I have two children, Justin, 11, and Sheridan, 4.

16 Q. And what did you do after graduating from college?

17 A. Well, shortly after I graduated from college, I started

18 working for the Social Security Administration in May, 1984.

19 Q. And have you been working for the Social Security
20 Administration ever since?

21 A. Yes, sir, I have.

22 Q. Could you describe for us your career in the Social

23 Security Administration?

24 A. Sure. In May, '84, I was hired as a claims
representative

25 trainee; and I worked in that capacity in the Forest
City,

9715

Eric McKisick - Direct

1 Arkansas, office until 1988, at which time I was
promoted to

2 supervisor. And I worked in the Dallas North District
Office

3 from that point until January, '91.

4 January, '91, I was promoted to program
specialist,

5 systems analyst in the regional office in Dallas; and I
worked

6 in that capacity until I moved to Oklahoma City in 1994
as a

7 staff assistant.

8 Q. That is why you moved to Oklahoma City, because you
became

9 a staff assistant?

10 A. That's correct.

11 Q. Where in Oklahoma City were the Social Security
offices

12 located in 1994 when you moved there?

13 A. The Social Security office was located at the
Alfred P.

14 Murrah Building, 200 N.W. 5th Street, Room 111.

15 Q. That's where your office was?

16 A. That's where our office was.

Murrah

17 Q. In April, 1995, were you still working in the

18 Building, sir?

19 A. Yes, sir, I was.

spent

20 Q. Were there any other members of your family that

21 their days in the Murrah Building?

day-care

22 A. Yes, sir. I had a daughter who was part of the

fortunately, she

23 center for a while. She was a drop-in; and

go to the

24 did not drop in that day. She was sick and unable to

25 class or day care.

9716

Eric McKisick - Direct

Social

1 Q. What was your position in April, 1995, in the

2 Security Administration?

Social

3 A. I was detailed as an operations officer for the

4 Security office there.

5 Q. What does that mean, operations officer?

four

6 A. As an operations officer, I was supervisor of the

7 supervisors and second-line supervisor for the rest of
the
8 staff.

9 Q. What did the Social Security office in the Murrah
Building
10 do?

11 A. Well, the Social Security office in the Murrah
Building,
12 like 1300 other Social Security offices across the
country,
13 provides support and benefits to individuals who are
retirement
14 age, survivors of deceaseds and disabled. We pay
benefits to

15 about 43-plus million people each month.

16 Q. How many employees worked at the Social Security
17 Administration there in the Murrah Building?

18 A. 62.

19 Q. What were the hours of operation?

20 A. Our hours of operation for our employees was 7 a.m.
to
21 5 p.m. For the public, we opened the doors from 9 a.m.
and
22 closed at 4 p.m.

23 Q. When you say you opened the doors to the public at
9 a.m.,
24 what does that mean exactly?

25 A. We opened the -- we started interviewing our
customers at

9717

Eric McKisick – Direct

and may
9:00, but
interviewing

1 9 a.m. On occasion, we might open a little bit early
2 have a service representative talk to people before
3 usually at 9:00 our windows opened and we started
4 our customers.

were, at

5 Q. So that was when the first appointments generally
6 9?

7 A. Yes, sir.
8 Q. What would happen with regard to members of the
public
9 before 9:00 in the morning?

5th Street
while; and we
in and

10 A. Usually they traveled into our north entrance on
11 and reside in that area inside the building for a
12 open the doors somewhere before 9:00, and they can come
13 sit down or wait in line.

14 Q. Where would they wait?
15 A. In our reception area.

number of

16 Q. What would be the time of day that the maximum
17 members of the public would be in the Social Security
18 Administration space in the Murrah Building?

open the 19 A. We usually get our biggest rush of people when we
20 doors, at 9 a.m.

who 21 Q. Would you describe what kind of business the people
22 come in to talk to people at the Social Security
Administration
23 would have at 9:00 in the morning?

provide our 24 A. Well, we have several different things that we
is our 25 customers, chief of which -- one thing we're known for

9718

Eric McKisick - Direct

come in 1 Social Security numbers; and many young mothers would
first 2 with children to apply for Social Security numbers, the
wives who 3 Social Security number for their child. Others, like
Social 4 had recently gotten married, would come in to get a
but a 5 Security card with their new name on it, same number
of our 6 different name. That's usually the biggest --the bulk
7 walk-in traffic, those that are not scheduled for
appointments.

8 The rest of our customers are usually
appointments;

survivor 9 that is, they are applying for retirement benefits,
10 benefits, or disability benefits.

11 MR. GOELMAN: I'm going to ask to have
displayed the 12 first floor of Government's Exhibit 952.

13 BY MR. GOELMAN:

14 Q. Tell me if this is the accurate depiction of the
way the 15 floor plan of the first floor of the Murrah Building
looked in 16 April, 1995.

17 A. Yes, sir, it does.

18 Q. Now, I think you have a light pen over there.
Could you 19 place it right on the screen and draw a circle around
the 20 waiting room where members of the public would be at 9
a.m. in 21 the morning.

22 Are you putting it right on the screen, Mr.
McKisick?

23 A. Yes, sir.

24 Q. Okay. Now, is that area -- was the Murrah Building
divided 25 into two parts, with one part being nine stories high
and one

1 part being just one floor high?

2 A. Yes, sir.

3 Q. And how is that reflected here on the first floor?

Which

4 part of the building was in the main part?

5 A. From about here all the way over, you'll see --

this little

6 area was like a little -- little steps, some steps

here. Right

7 here would be where the building would be separated

from the

8 nine stories' segment and the one-story east wall, east

9 segment.

10 Q. So the area to the left the line that you just drew

would

11 be where the one portion of the building was?

12 A. Yes, sir.

13 Q. And the area to the right would be the nine floors?

14 A. Yes, sir.

15 Q. That includes the waiting room?

16 A. Yes, sir, it does.

17 Q. What would be inside that waiting room?

18 A. Inside the waiting room we'll have two rows of

chairs going

19 north and south and one row on the south wall of about

four or

20 five chairs that will be facing the north wall but with

their

21 back to the south wall.

22 Q. What would those chairs be for?

23 A. Our customers who are in the office waiting for
24 their appointments or walk-in traffic with -- waiting for
25 their number to be called or their name to be called.

9720

Eric McKisick - Direct

Social 1 Q. How many chairs were there in the waiting area of
2 Security Administration?

3 A. There were approximately 20 or so chairs.

4 Q. Would they all be occupied by people with
appointments with

5 the Social Security Administration?

6 A. Not necessarily. They could be individuals who
come in

7 for -- right off the street for a Social Security card.

8 We also had some stanchions in there that
allowed

9 people to line up in a queue so they would wait for
their

10 chance to talk to one of our service representatives at
the

11 front windows.

12 Q. Mr. McKisick, could you click the side of your pen
a couple

13 times to erase those marks.

14 MR. GOELMAN: Kathi, we're done with this
exhibit for

15 a moment.

16 BY MR. GOELMAN:

17 Q. Mr. McKisick, did you go to work on April 19, 1995?

18 A. Yes, sir, I did.

19 Q. What time did you arrive at the Social Security
20 Administration that day?

21 A. Approximately 7:30 a.m.

22 Q. What did you do when you got there?

23 A. Usually I just checked to see what I have planned
for the

24 day. I knew that at 9:00 I had an appointment with
John Smith

25 from Langston University, and at 9:15 we had
implemented a

9721

Eric McKisick - Direct

1 management meeting, a regular management meeting to
inform our

2 new boss of what things were going on in the office.

3 Q. Okay. Who is John Smith of Langston University?

4 A. He was a gentleman sent over from the university to
review

5 some of the equipment that we were about to excess. We
had

6 some equipment that was outdated, some typewriters
because we'd

7 come into the computer age. We had more PCs and we
were going

8 to provide those to educational institutions like
Langston, so

9 he was there to review and see how the equipment
worked.

10 Q. What did you do at 9:00 that morning?

11 A. Well, at 9:00 I went out to the reception area to
call for

12 Mr. Smith, see if he was there so that he can start
looking at

13 the equipment.

14 Q. Before April 19, 1995, did you know Mr. Smith?

15 A. No, sir, I had never met him.

16 Q. So what did you do -- what did you see when you
went out

17 there to the waiting area?

18 A. Well, when I first went out to the waiting area, I
noted

19 that the room was pretty filled with a lot of people,
both

20 standing and seated. Seemed like all the chairs were
occupied,

21 and we had a little line. I called Mr. Smith's name.
And a

22 gentleman at the back of the room, which would be the
west side

23 room, was standing near one of the counters and reading
a

24 brochure or pamphlet. And when I called his name, he

25 immediately put the pamphlet down and started moving

toward me.

9722

Eric McKisick - Direct

1 And at that time, I introduced myself to Mr. Smith.

2 Q. What did you do after you introduced yourself to
Mr. Smith?

3 A. I invited him inside the building or office proper
and took

4 him to the place where the equipment was stored.

5 Q. Okay. Mr. McKisick, you testified that at 7:00 is
usually

6 the time when employees would start arriving?

7 A. Yes, sir.

8 Q. What's the latest that a Social Security employee
could

9 come to work in April, 1995?

10 A. They can arrive as late as 8:30; and if they arrive
at

11 8:00, they have to work till 5:00. We have flexible
beginning

12 and ending time for our employees.

13 Q. But at 9, everyone is there?

14 A. Everyone is there.

15 Q. After you met Mr. Smith, where did you two go?

16 A. We went to an area not too far from my cubicle in
the rear

17 of the building.

18 Q. What were you doing in that area?

19 A. Well, that's where we had some typewriters; and
what he
20 wanted to do was see how those typewriters operated, to
make
21 sure that they were something that he wanted to take
back with
22 him.

23 Q. That was the property you were excessing?

24 A. Yes, sir.

25 Q. Okay.

9723

Eric McKisick - Direct

1 A. We were excessing a couple of typewriters as well
as some
2 computer controllers. First thing he wanted to see
were the
3 typewriters to make sure that they operated properly.

4 Q. And when you got back to that area, what did you
do?

5 A. Well, first of all, took a look at them and found
some
6 paper for them to put in to roll through the typewriter
and
7 plugged them in. And shortly thereafter, we started --
started
8 checking out the equipment to make sure it was working.

9 Q. And what happened just after you started checking
out that

10 equipment?

were 11 A. Well, at that point an explosion occurred, and we

a 12 plunked into darkness. It was a loud roar. And it was

around 13 concussive force that kind of moved us or at least me

14 and almost off my feet.

we could 15 And at that point, couldn't see anything, but

16 smell horrible smell and very thick air. I mean --

17 Q. What do you mean by "thick air"?

but 18 A. It was not something you really wanted to breathe

that 19 something maybe easy enough to taste or eat. It was

20 thick.

kind of 21 It -- the floors were -- felt like we were

it was 22 like in an earthquake or something. We found out later

23 not an earthquake but rather a bomb.

24 Q. What happened after that?

around me 25 A. Well, I was moved around a little bit, and I felt

9724

Eric McKisick - Direct

1 because I couldn't see. I felt what I come to find out

later

-- the
2 was a conduit from the light fixtures that had fallen
3 ceiling was not above us anymore but rather at our
feet.

The
4 We were able to stumble around a little bit.

light
5 floor was uneven because of all the ceiling tiles and

they
6 fixtures and things like that that were no longer where

7 were supposed to be.

8 Q. Was Mr. Smith where you had left him?

not to
9 A. Pretty much, yes. He called out to me, asking me

turned
10 leave him. And I said, "No, I won't leave you." And I

people.
11 around and then started hearing other things or other

our
12 I guess the first person I heard was one of

one of
13 supervisors who was in a little conference with another

unable to
14 the employees. Her name was Gwen Greise, and she was

15 get herself out of her office area.

area
16 The filing cabinets -- or actually, the -- the

said
17 behind her had fallen forward and pinned her in; so she

gave her
18 she couldn't get out, so I went to her assistance and

19 some aid. I was able to move around enough of the
equipment,

20 furniture, to ease her out.

21 Q. What did you do after you got her out?

22 A. Started walking further and then started hearing
other

23 noises from another employee there by the name of Anita
Edge.

24 She was one of our claims representatives. She was in
a

25 similar predicament; that is, her office area had
combined to

9725

Eric McKisick - Direct

1 cause her -- well, keep her from getting out of the
area.

2 Q. Did you help her out as well?

3 A. Yes, sir, I did.

4 Q. What was the floor like, Mr. McKisick?

5 A. It was a jumble. It was what should have been flat
was

6 uneven, and there was all kinds of equipment strung
around,

7 cabinets. We walked over, around, pushed aside trying
to get

8 out of the office.

9 Q. Was it dry?

10 A. Unfortunately, no. No. We -- well, I heard a --
water

-- our 11 running or what I found out later was it was water from
It had 12 chilled-water supply, kept the air-conditioning cool.
And it 13 been ruptured, and the water was falling from there.
14 was flowing into the office area and rising rapidly.

the 15 Q. Mr. McKisick, from the time you started working in
there? 16 Murrah Building in 1994, had you ever had a fire drill

17 A. Yes, sir.

of a fire 18 Q. Did you have certain responsibilities in the case
19 drill?

20 A. Yes, sir, I did.

21 Q. What were they?

22 A. In the event of a fire drill, we would -- as one of
go out 23 management staff, I would be one of the last people to
office 24 the door, first making sure that certain areas of the
public and 25 were clear of people, like the rest rooms, both the

9726

Eric McKisick - Direct

1 our employee rest rooms, as well as reception areas,
and travel

2 out that way and make sure the door was closed on the
way out.

3 Q. Did you attempt to do that on the morning of April
19?

4 A. Yes, sir, I did.

5 Q. Were you able to?

6 A. I found out very quickly that the drill was not as
good as

7 you would think. During normal time, normal course of
business

8 we could get out of the area without a problem; but
that day

9 was a little bit different.

10 There was -- it was impassable. The rubble
kept us

11 from moving in that direction. Couldn't -- still
couldn't see,

12 so we were basically feeling our way around; and it was
just

13 impossible to pass through. So I was unable to
complete the

14 normal assignment that --

15 Q. When you couldn't get out the normal way, what did
you do?

16 A. Well, after a while there was a light that started
shining

17 in the back, back of us on the east side. Found out
later that

18 one of our claims representatives, Rex Irwin, had found
his way

19 or made his way through the rubble in the back and was
able to

And that 20 escape through the east door, which was a fire door.
we 21 light was enough to steer us in the right direction, so
through 22 turned -- pivoted, turned back around and went straight
23 till we were able to get through and out the door.
24 Q. You got out that way?
25 A. Yes, sir, we did.

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Eric McKisick - Direct

1 Q. Did you stay out of the building at that time?
2 A. Well, for a few minutes. I caught my breath and
breathed
3 some clean, fresh air.
4 There were some people that started to arrive,
fire
5 trucks, firemen. It had taken us quite a few minutes
to get
6 through and out there, so there was a congregation of
people.
7 One was a marshal who wanted to assist in the
evacuation,
8 helping us out, but he didn't know the lay of the
office
9 building; so I volunteered to go back in there and help
him
10 with trying to locate people and stuff like that.
11 Q. How many times did you go back inside?

12 A. Two to three times. I cannot recall exactly.
13 Q. And during any of those trips, were you able to
locate any
14 other survivors?
15 A. As I was coming in, others were helping out some
other
16 people; and I was unable to spot anyone else. It was
still
17 very dark. I had, I think, a very small penlight which
was
18 given to me by someone outside. A nurse had arrived
there
19 pretty quickly on the scene. But I wasn't able to see
or spot
20 anyone to help out, really.

21 Q. Did the Social Security Administration lose any of
its
22 people on April 19, 1995?

23 A. Yes, sir. We lost 16 people.

24 MR. GOELMAN: I'm going to ask Agent Tongate,
with the
25 Court's permission, Government's Exhibit 1194, which
are the

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Eric McKisick - Direct

1 pictures of those 16 people.

2 THE COURT: All right. Same position?

3 MR. TIGAR: Yes, your Honor.

4 THE COURT: You may do it.

5 BY MR. GOELMAN:

6 Q. Mr. McKisick, I'm going to call on you to read the
names of
7 each the 16 members of Social Security that died on
April 19
8 and tell us what they did for Social Security before
their
9 death.

10 A. The first person you see there is Richard Allen.
He was a
11 claims representative for us, former supervisor, good
resource.

12 The next person you see is -- well, Sandy
Avery. She
13 was a development clerk as well as our data entry
operator.

14 Next one is Oleta Biddy. She worked as one of
our
15 service representatives.

16 Carol Bowers is the next person. She was an
17 operations supervisor. She was responsible for some
Social
18 Security claims representatives as well as our
reception
19 service rep. unit.

20 The next person is Sharon Chestnut. She was a
Social
21 Security claims representative.

22 Next person was Kathy Cregan. She was a
service rep.

23 data review technician.

24 The next person is Margaret Goodson, who was a
25 supplemental security income claims representative.

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Eric McKisick - Direct

1 Next one is Ethel Griffin, who was also a
service rep.

2 data review technician.

3 MR. GOELMAN: Thank you.

4 Agent Tongate, could you just put the next
chart up,
5 please.

6 THE WITNESS: The next person is Ron Harding.
He was
7 a service representative.

8 Raymond Johnson was an individual who worked
for us
9 through the National Indian Council on Aging.

10 BY MR. GOELMAN:

11 Q. But he worked for the Social Security
Administration?

12 A. Well, he was assigned to us; but he really got his
paycheck
13 from the National Indian Council on Aging.

14 Q. Okay.

15 A. Derwin Miller, who was a Social Security claims

16 representative.
17 Charlotte Thomas served as our appointment
18 clerk.
19 Mike Thompson served as our supplemental
20 security
21 income claims representative and worked sometimes as
22 our field
23 rep.
24 Bob Walker was a Social Security claims
25 representative.
26 Julie Welch was a claims representative
27 trainee, and
28 she was bilingual; that is, she spoke both English and
29 Spanish.
30 And Steve Williams was another supervisor who
31 was

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Eric McKisick - Direct

1 the -- in charge of our -- part of our Title 2 CRs as
2 well as
3 another section of service rep. data review
4 technicians.

5 Q. How many supervisors did the Social Security
6 Administration

7 lose on April 19?

8 A. Two. Half of the unit I supervise.

9 MR. GOELMAN: Thank you, Agent Tongate.

10 BY MR. GOELMAN:

you, 8 Q. I just have one more area I'd like to explore with

9 Mr. McKisick.

10 A. Yes, sir.

died on 11 Q. In addition to the 16 people from your agency who

who died 12 April 19, 1995, were there also visitors in your space

13 that day?

14 A. Yes, sir.

15 Q. Did you have an appointment at Social Security
16 Administration -- do you have an appointment system?

check on 17 A. Yes, sir, we have an appointment system that we

meet 18 each day to determine the people who were scheduled to

19 with us regarding their applications for benefits.

20 Q. And are some kind of computer records kept of this
21 appointment system?

22 A. Yes, sir, we do.

had 23 Q. After the bombing, did you go back and research who

Murrah 24 appointments at the Social Security office in the

25 Building on April 19, 1995?

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Eric McKisick - Direct

1 A. Yes, sir, I did.

2 Q. I want to show you Government's Exhibit 1009. Do
you see

3 that on your screen, sir?

4 A. Yes, sir, I can.

5 Q. What's that?

6 A. This is our appointment listing for April 19, 1995,
for

7 Office 783. Office 783 is our three-digit code for
Oklahoma

8 City.

9 Q. Is that a record that Social Security
Administration kept

10 in the regular course of its business?

11 A. Yes, sir, it is.

12 MR. GOELMAN: Move to admit Government 1009,
your

13 Honor.

14 MR. TIGAR: No objection.

15 THE COURT: Received.

16 BY MR. GOELMAN:

17 Q. Now, were the people -- would the people
accompanying the

18 people on this list be listed anywhere in Social
Security's

19 records?

20 A. No, sir. We'd only list the individuals who were
scheduled

21 for the appointment that day.

22 Q. And so people who had drop-in appointments, they
also would
23 not be listed?
24 A. They would not be listed.
25 Q. Why don't you just go across the top of this sheet
here and

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Eric McKisick - Direct

1 explain each of the categories, each of the columns.
2 A. Okay.
3 Q. Can you read it? Is it close enough?
4 A. Yeah, I can read it. It's a little small, but we
can go
5 from the beginning.
6 At the top it shows the appointment listing
for
7 April 19, '95, Office 783. The first column or heading
is "NH
8 name." "NH" is an acronym for number holder, the
person who
9 has worked and paid into the Social Security number.
10 The next field or column is "NH SSN," number
holder of
11 Social Security number.
12 The next column is "CL name." "CL" is an
acronym for
13 claimant.
14 The next column is a little bit wider. It's

"claim

15 types," and it shows the type of benefits the
individual is

16 applying for.

17 Q. Can you give us an example of that?

18 A. Sure. In the first instance, we have -- the first
19 number-holder name is T. Argo; and the number-holder
name is a

20 field that allows for six characters, so Argo would be
the

21 person's complete last name. First name is initial T.,
started

22 with T., their Social Security number. And then the
claimant's

23 name is next, same last name, and the first initial is
P. for

24 Pamela, I think.

25 The next field is the claim type. It shows
"LSDP."

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Eric McKisick - Direct

1 "LSDP" is an acronym describing the lump sum death
payment, a

2 one-time payment after a number holder has died.

3 The next field shows the appointment type. In
this

4 field, we have two possible characters or numbers, 1
and 2.

5 The 2 indicates an in-office appointment. The 1 would

indicate

6 appointment by telephone.

7 Q. And then the "time" column is self-explanatory?

8 A. Yes, sir.

9 Q. Do you see where there seems to be some handwriting
that

10 says "Area 3" to the right there?

11 A. Yes, sir.

12 Q. Different areas on the way down the sheet?

13 A. Yes, sir. After the bombing, the people on the
list still

14 needed the services that we provide. Some people were
even lost a

15 loved one, spouse. So our regional office in Dallas
split up

16 our appointments for that day and distributed them to
other

17 areas in our region. Our region -- Dallas region is
18 compromised of New Mexico, Louisiana, Arkansas,
19 Oklahoma and

20 Texas. So Area 3 in this case is actually Houston.
That

21 office would be responsible for looking into and taking
the

22 applications for us on behalf of the individuals at our
9:00

23 time.

24 Q. And why did your clients or those individuals have
to go to

25 other offices?

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Eric McKisick - Direct

1 A. We were unable to do it. Our office was just
leveled by --
2 huge explosion that kept us from helping, assisting
people.
3 That's our job is to help those who require aid and
assistance;
4 and we were just incapable of doing it at that time.
5 Q. Why couldn't those people just wait until the
Oklahoma City
6 office was back on its feet?
7 A. Well, it's kind of hard. We provide benefits to
over
8 100,000 people in our service area, which is comprised
of
9 northern Oklahoma County, Canadian County, Logan and
Kingfisher
10 Counties in the frontier part of Oklahoma. Those
people needed
11 services or services from the Social Security
Administration
12 almost on a continuous basis daily. Some of the things
that
13 they need to have happen couldn't be done by us but
must be
14 done by someone to assist them.
15 The programs we administer need space in some
areas,

16 and to go a month or more without assistance would be a
17 terrible tragedy for some of the people we serve.

18 Q. How many people had appointments with the Social
Security
19 Administration at 9 a.m. that morning?

20 A. I can count them up right quick here.

21 11.

22 Q. And how many of those were in person, as opposed to
23 telephone appointments?

24 A. Seven. Seven in person and four telecoms.

25 Q. Have you compared the list of people who died in
the Murrah

9735

Eric McKisick - Direct

1 Building on April 19 with this list?

2 A. Yes, sir.

3 Q. And can you tell us which people who had
appointments with

4 Social Security on that morning died in the bombing?

5 A. First one on the list I described earlier, Ms.
Argo, died

6 in the building -- in the bombing.

7 The third -- the third one down, Fritzler. He
and his

8 wife perished as a result of the bombing.

9 The next one down, the Lusters -- he and his

wife

10 perished.

11 The next one -- I can barely see here.

12 Q. I can blow it up for you.

13 A. I think I have one here that's a little bit easier
for me.

14 Q. Okay. Why don't you just read it off the original.

15 A. Oh, thanks.

16 Emilio Tapia.

17 And the Treanors, T-R -- Treanors, both
husband and

18 wife, also passed.

19 Q. In addition to the names you just read, were there
also

20 other people who were in the waiting area who died in
the

21 bombing?

22 A. Yes, sir, there were.

23 Q. And in addition to that, did visitors and members
of the

24 public who had business in other areas of the Murrah
Building

25 also die on April 19, 1995?

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Eric McKisick - Direct

1 A. Yes, sir.

2 Q. You've already identified the names of the people

who were

3 employed by the Social Security Administration who
died.

4 MR. GOELMAN: I now ask with the Court's
permission to

5 display Government's Exhibit 1208 and have you just
read into

6 the record the names of the visitors who died that day.

7 THE COURT: Go ahead.

8 BY MR. GOELMAN:

9 Q. Can you see it, Mr. McKisick?

10 A. Yes, sir. The first one is Teresa Alexander.

11 Next one was a claimant of ours, Pamela Argo.

12 The next person is Calvin Battle.

13 The next is Peola Battle.

14 Cassandra Booker.

15 Peachlyn Bradley.

16 Woodrow Brady.

17 Gabreon Bruce.

18 Sheila Driver.

19 Ashley Eckles.

20 Donald Fritzler.

21 And Mary Ann Fritzler.

22 MR. GOELMAN: Okay. Can we have the next
board placed

23 up there.

24 THE WITNESS: Laura Garrison.

25 Kayla Haddock.

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Eric McKisick – Direct

1 Cheryl Hammon.

2 Thomas Hawthorne, Sr.

3 Anna Hurlburt.

4 Charles Hurlburt.

5 Alvin Justes.

6 Lakesha Levy.

7 Aurelia Luster.

8 Robert Luster, Jr.

9 Gilbert Martinez.

10 Cartney McRaven.

11 BY MR. GOELMAN:

12 Q. Okay. Would you read the last visitors' board,
please.

13 A. Eula Mitchell.

14 Emilio Tapia-Rangel.

15 LaRue Treanor.

16 Luther Treanor.

17 Scott Williams.

18 MR. GOELMAN: Thank you very much, Mr.
McKisick.

19 That's all I have.

20 THE COURT: Mr. Tigar?

21 MR. TIGAR: Thank you, your Honor.

22 CROSS-EXAMINATION

23 BY MR. TIGAR:

24 Q. Good afternoon, sir.

25 A. Good afternoon.

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Eric McKisick - Cross

appointed 1 Q. My name is Michael Tigar. I'm one of the lawyers
two 2 by Judge Russell to help out Terry Nichols. He lived
3 buildings over from the Murrah Building.

4 Sir, when you went out there that morning to

talk to 5 Mr. Smith, you said the waiting room was full. Is that
right?

6 A. Yes, sir.

7 Q. And was that a usual thing at 9:00 in the morning,
you 8 would have a lot of folks out there in your waiting
room?

9 A. At 9:00 is our busiest time of the day. There are
certain 10 times of the month and week that are peak times when we
have

11 more than we normally expect.

12 Q. I'm sorry. Go ahead. I interrupted you.

19th, 13 A. Wednesdays, during the middle of the week, on the
time for 14 during the middle of the month is usually not a peak
full 15 our traffic; however, that day, we seemed to have a
16 waiting room, reception area.
had 17 Q. Now, you said there were seven people that actually
about 18 appointments where they would need to talk to somebody
19 doing some paperwork; is that right?
to us. 20 A. Yes, sir. They had appointments to come in to talk
have 21 Q. Now, in your experience, the folks that did not
this 22 appointments -- they were the walk-ins that were doing
Security card 23 business like you talked about, getting a Social
24 for a child or changing a name. Is that right?
are -- 25 A. Usually. However, anyone, even the individuals who

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Eric McKisick - Cross

disability 1 well, that want to apply for retirement benefits or
people 2 benefits can also walk in; so we would have a group of
3 that had appointments and another group that would come

in

4 without an appointment but would be seen by our claims
5 representatives.

change
6 Q. Now, these people -- folks that had appointments to

7 a name or to get a card: About how long would those
8 appointments take typically?

9 A. Those were not appointments.

people
10 Q. I'm sorry. How long would those sessions take when

their
11 would come in? How long would it take for them to do

12 business?

application
13 A. It depends. If the person has completed the

very long
14 for a Social Security number, then it wouldn't take

15 after they see one of our interviewers, our service

five, ten
16 representatives, and to transact their business in

17 minutes.

they,
18 Q. Now, people would come in, most of them, wouldn't

19 through the glass front side of the Murrah Building?

20 A. Yes, sir, they would.

21 Q. And that's -- that is on 5th Street?

22 A. It is on 5th Street.

23 Q. And 5th Street is a one-way street; correct?

24 A. Yes, sir.

there 25 Q. Now, in 5th Street on the glass front side there,

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Eric McKisick - Cross

pull 1 is -- there was a cutout in the sidewalk for people to
2 off; is that correct?

3 A. Yes, sir.

-- what 4 Q. Now, how was that -- were there sign-postings there
5 was that cutoff (sic) for, if you remember?

you 6 A. Well, it made it easier to access the building, so
7 wouldn't be parked on the street as you let out
someone, a 8 customer or something like that.

9 Q. You wouldn't interrupt the flow of traffic?

10 A. Exactly.

customers, 11 Q. And at times of day when you would have a lot of
12 did you ever notice whether that little pull-out area
was full

13 with people letting off people, people waiting for
people, and 14 so on? Did you ever notice that?

and 15 A. Rarely went out to the front part of the building
16 actually noticed that. However, during times coming

back from

17 lunch, I could see people in that area, and I could see
cars on

18 occasion parked there briefly to let -- pick up
passengers or

19 let them off, yes, sir.

20 Q. So that is an area like we would see in many office
21 buildings; that is, it's for the convenience of the
public.

22 You want to let somebody off, you want a wait a few
minutes for

23 them while they run an errand and so on. Is that what
that was

24 for?

25 A. I don't think it was designed for any parking of
any length

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Eric McKisick - Cross

1 of time.

2 Q. I understand -- excuse me. It's not for parking;
correct?

3 A. Yes, sir. It was not for parking.

4 Q. And if you parked there for any great length of
time, then

5 somebody might come along and talk to you about it?

6 A. Yes, sir.

7 Q. But it -- it was, was it not, for this process of
letting

say? 8 people off and for a very brief-type stay, would you

9 A. Yes, sir.

the 10 Q. And for -- when you made appointments for people at

around the 11 Social Security, they had other options for parking

12 area; correct?

side of the 13 A. Yes, sir. There was a parking lot on the north

14 building across 5th Street, and there was some parking
15 available underneath the Murrah Building.

16 Q. Now, that parking lot that's underneath the Murrah
17 Building: That connected into the underground
passageway

18 system?

19 A. Correct.

20 Q. That ran underneath Oklahoma City?

21 A. Yes, sir, it did.

doesn't 22 Q. And that's handy because it gets hot in the summer,

23 it?

24 A. Yes, sir, and pretty cool in the winter.

of the 25 Q. And for that area there, was that open to members

1 public all the time, or was that sometimes full?

2 A. It was sometimes full. There were not very many
parking
3 spaces available for the public underneath of the
Murrah
4 Building. Most of them were designed for the people
who worked
5 there.

6 Q. Now, in downtown Oklahoma City back at that period
of time,
7 when is the heavy rush-hour traffic in your experience?

8 A. In the mornings before 9, afternoons between 5, 6.

9 Q. Now, in your work in supervising the operation of
Social
10 Security agency, did you ever have talks about people
having
11 problems parking to come in and talk to you?

12 A. I don't recall ever having that conversation, sir.

13 Q. Can you ever remember talking to one of your
customers
14 about, gee, I'm having trouble finding a place to park,
or
15 anything like that?

16 A. That has -- customers mentioned the difficulty of
parking
17 in that area, yes, sir.

18 MR. TIGAR: Thank you very much, sir. I
appreciate
19 your help.

20 I have nothing further, your Honor.

witness 21 MR. GOELMAN: No questions, your Honor. The
22 may be excused.

23 THE COURT: Agreed?

24 MR. TIGAR: Yes, your Honor.

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

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1 MR. MACKEY: Your Honor, at this time we'd
move for 2 admission of the Thomas Manning videotape deposition.

3 THE COURT: All right. And it's going to run
past 4 5:00, but we'll cut into it at 5:00.

5 Now, I'll explain to the members of the jury
what a 6 deposition is. All it means is that occasionally when
a

7 witness for some reason is unable because of health or
other 8 reasons to come to the courtroom and give testimony, as
all of

9 these witnesses have, there is a provision under our
procedural 10 rules that accommodates -- accommodates that witness
and

11 provides that before the trial ever begins, lawyers on
each

12 side have an opportunity to question the witness in the
very
13 same manner that we do here in the courtroom with
direct
14 examination and cross-examination; and then that is
taken on
15 videotape so that it can be played to the jury in the
trial of
16 the case.

17 And that has happened in this case, and a
witness
18 named Thomas Ralph Manning -- his testimony was taken
in this
19 fashion before the trial ever began. And so we will be
playing
20 this videotape; and what you will do, of course, is
listen.

21 And it's done on video so that you can see the witness.
It's
22 not quite the same as the demeanor and manner of the
witness
23 while on a witness stand, but it's the best we can do
to
24 substitute for the actual appearance. And this has
been done
25 by agreement.

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1 So you have the tape for Mr. Manning's
deposition.

2 And, members of the jury, you will consider
this
3 testimony insofar as it is possible to do so in the
same manner
4 as the testimony of witnesses who come in here and
testify
5 live.

6 Mr. Ryan?

7 MR. RYAN: Thank you, your Honor.

8 (Video Deposition of Thomas Ralph Manning played.)

9 MR. RYAN: With the Court's permission, we'll
show
10 those exhibits at this time.

11 THE COURT: We've renumbered them, haven't we?

12 MR. RYAN: Yes. I'll state the renumbered --

13 THE COURT: Those are not objected to?

14 MR. WOODS: No, your Honor.

15 THE COURT: All right.

16 Yes. Go ahead and identify and explain --
show them.

17 MR. RYAN: This was Exhibit No. 2 to the
Manning
18 deposition. It's been renumbered for this case as
Exhibit
19 273B, your Honor.

20 This was Exhibit 3 to the Manning deposition,
and it
21 has been remarked for this case as Government's Exhibit
273C.

22 This was Exhibit 4 to the Manning deposition

and has

23 been remarked for this case as Exhibit 273D.

24 This is Exhibit 5 to the Manning deposition,
has been

25 remarked as Exhibit 273E.

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1 This is Exhibit 6 to the Manning deposition
and has

2 been remarked as Exhibit 273F.

3 This is Exhibit 7 to the Manning deposition
and has

4 been remarked as Exhibit 273G.

5 This is Exhibit No. 8 to the Manning
deposition, has

6 been remarked as Exhibit 273H.

7 This is Exhibit No. 9 to the Manning
deposition and

8 has been remarked as Exhibit 273I.

9 This is Exhibit No. 11 to the Manning
deposition and

10 has been remarked as Exhibit 273K.

11 Thank you, your Honor.

12 THE COURT: All right. Those exhibits are now
13 received.

14 Since we've interrupted here, another comment,
members

15 of the jury.

16 appearances by

of my

wasn't

also

20 heard objections and no ruling; but to accommodate this
21 witness, it was arranged that his testimony would be
taken for

22 use in the separate trials of Mr. McVeigh and Mr.
Nichols. So

23 the lawyers for Mr. McVeigh were there as well, and
that's why

24 you heard their appearances.

25 there

And, of course, we didn't edit out every time

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1 was an objection where the objection was later
withdrawn, which

2 it was. We have edited this tape, however, so that
portions of

3 it that related only to Mr. McVeigh's trial are not on
the tape

4 to be heard by you. But I did want to explain to you
why you

5 heard the appearances of lawyers for Mr. McVeigh.

6 We didn't want to chop it up too much.

7 Okay.

8 MR. RYAN: Thank you, your Honor.

9 (Video deposition of Thomas Ralph Manning resumed.)

10 THE COURT: Here again, you've redesignated
it, I take

11 it.

12 MR. RYAN: Yes, your Honor. It's been
redesignated as

13 Government's Exhibit 273L.

14 THE COURT: And there is no objection to its
receipt?

15 MR. WOODS: No objection, your Honor.

16 THE COURT: All right. It's received and may
be

17 shown.

18 MR. RYAN: Thank you, your Honor.

19 (Video deposition of Thomas Ralph Manning resumed.)

20 THE COURT: We'll interrupt it at this point,
21 Mr. Ryan. It seems like a good breaking point.

22 So we'll be returning to this testimony
tomorrow

23 morning, members of the jury. And of course, you're
now

24 excused until tomorrow morning at the usual 8:45 time
with, of

25 course, the usual cautionary instructions of keeping
open

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with this 1 minds, avoiding discussion about anything connected
the 2 case with anybody and also being careful about all of
that none 3 things that you might read, see, and hear. Make sure
case. 4 of them has anything to do with the issues in this

8:45. 5 You're excused now until tomorrow morning,

6 (Jury out at 5:00 p.m.)

7 THE COURT: We'll be in recess.

8 (Recess at 5:00 p.m.)

9 * * * * *

10 INDEX

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12 WITNESSES

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		PLAINTIFF'S EXHIBITS			
Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	3	273B-273I	9744	9745	
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Withdrawn	11	Exhibit	Offered	Received	Refused	Reserved
	12	D1220	9688	9689		
	13	D1220A		9690		
	14	D1648-D1649	9636	9636		

15 * * * * *

16 REPORTERS' CERTIFICATE

17 We certify that the foregoing is a correct
transcript from

18 the record of proceedings in the above-entitled matter.

Dated

19 at Denver, Colorado, this 19th day of November, 1997.

20

21

22

Paul Zuckerman

23

24

Kara Spitler

25