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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN NICHOLS,

Defendant.

ff

REPORTER'S TRANSCRIPT
(Trial to Jury: Volume 110)

ff

Proceedings before the HONORABLE RICHARD P.
MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 11:06 a.m., on the 5th day of
December,
Denver,
1997, in Courtroom C-204, United States Courthouse,
Colorado.

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24
Transcription
Street,
629-9285

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

12845

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and
10 REID NEUREITER, Attorneys at Law, 1120 Lincoln Street,
Suite
11 1308, Denver, Colorado, 80203, appearing for Defendant
Nichols.

12 * * * * *

13 PROCEEDINGS

14 (Reconvened at 11:06 a.m.)

15 THE COURT: Be seated, please.

16 (Jury in at 11:07 a.m.)

17 THE COURT: Next witness, please.

18 MR. WOODS: Yes, your Honor. Germaine
Johnston.

19 THE COURT: Thank you.

20 THE COURTROOM DEPUTY: Would you raise your
right

21 hand, please.

22 (Germaine Johnston affirmed.)

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

24 Would you state your full name for the record
and

25 spell your last name.

12846

1 THE WITNESS: Germaine Ann Johnston, J-O-H-N-
S-T-O-N.

2 THE COURTROOM DEPUTY: Thank you.

3 DIRECT EXAMINATION

4 BY MR. THURSCHWELL:

5 Q. Good morning, Mrs. Johnston.

6 A. Good morning.

7 Q. Mrs. Johnston, are you employed by the federal
government?

8 A. Yes, I am.

9 Q. Could you tell the jury what your position is.

10 A. I'm the chief of multi-family asset management for
the U.S.

11 Department of Housing and Urban Development in
Oklahoma.

12 Q. Briefly tell them what your responsibilities are in
13 connection with that position.

14 A. I am the branch chief, and what we do is oversee
FHA loans

15 and subsidized property, all the multi-family housing
in

16 Oklahoma. We have over 300 properties, and we just
oversee all

17 aspects of their management.

18 Q. And that's for the entire state of Oklahoma?

19 A. Yes.

20 Q. Could you lean in a little bit. It's a little bit
hard to

21 hear you. Thank you, ma'am.

22 A. Oh, okay.

23 Q. Now, did you have that same position in April of
1995?

24 A. Yes, I did.

25 Q. Were you in the Murrah Building at 9:02 a.m. in the
morning

12847

Germaine Johnston - Direct

1 on that day?

2 A. Yes, I was.

3 Q. Were you injured in the blast?

I had
4 A. I was -- I had some glass embedded in my scalp, and
5 some cuts, and I had some ear and lung problems right
6 afterwards; but my injuries were very minor,
relatively.

7 Q. What -- the ear and lung problems, do you know what
that
8 was caused by?

9 A. I think it was caused by the pressure of the bomb
forcing
10 things into my ear and then -- the lung problem, I had
pleurisy
11 several times, was caused by the walking down the
stairway and
12 inhaling all of the glasses and pulverized concrete and
all of
13 those things that were in the stairwell.

14 Q. Were you treated that day for your injuries?

15 A. Yes.

16 Q. Were you released that day?

17 A. Yes.

18 Q. Ma'am, I'm going to show you what's been previously
19 admitted as Government Exhibit G940. Now, were you

able to get

20 out of the Murrah Building that morning?

21 A. Yes.

that's

22 Q. Could you show the jury on the map, using the pen

--

23 connected to a wire on your desk -- there should be one

have to

24 that's the one. And then if you reach under -- You

25 reach under and actually touch the screen.

12848

Germaine Johnston - Direct

1 A. Oh, okay.

2 Q. Can you show them where you emerged from the Murrah
3 Building?

stairwell.

4 A. Right here on the south side out of the east

5 Q. Okay. And onto the plaza area there?

6 A. Yes. Out onto the plaza area.

of the

7 Q. Do you know what time you got -- managed to get out
8 building?

the

9 A. I'm not sure. I think it was 5 or 10 minutes after
10 blast.

you

11 Q. Okay. Now, did you have a particular concern when

12 emerged apart from your own injuries and --
13 A. Well, first, our first thought was that we were
supposed to
14 go over to where our group would meet. We had
evacuation
15 drills for emergencies; and when we would leave the
building,
16 we were supposed to go across on Robinson -- this is
going up a
17 little bit here -- we were to go across on Robinson and
meet in
18 a certain spot. So Bob Smart and I walked over there
to meet
19 people, and there was nobody else there from our
agency.
20 Q. When you got there, did you eventually decide to
try to
21 find your husband?
22 A. Yes. Well, not from there. From there we walked
up to 5th
23 Street and over in front of the Y. We thought maybe
some of
24 our people might be over here. And we walked over
there, and
25 there were medical people set up and things like that.

12849

Germaine Johnston - Direct

1 But Bob's wife, Terry Rees, had worked in this
part of
2 the building, and he was concerned about her; and she

was

front 3 killed. But he decided he was going to go back over in

And I 4 of the building and see if there was word about her.

building 5 decided that I needed to go down to the Kerr-McGee

6 where my husband works and find him.

the 7 Q. Okay. Now, then can you pause. Can you see -- is

sorry. 8 Kerr-McGee building marked in any way on this -- I'm

Avenue. 9 A. No, it's down here. It's down here on the McGee

10 Q. And is it actually on that block?

11 A. Oh, is it on -- it's right here.

12 Q. It is. Okay.

13 A. Uh-huh.

building. 14 Q. Tell the jury how you proceeded to go to that

doesn't 15 A. Okay. There's an alley -- there's an alley that

and 6th 16 show on this map. You can see it up here between 5th

17 Street, but -- right here.

18 Q. Can you show --

all the 19 A. You can see it right here. But it actually goes

20 way through here.

21 Q. How far --

the 22 A. Between the two Southwestern Bell buildings and to
the 23 Kerr-McGee plaza; and from where I was, that would be
24 shortest way to get to McGee Tower.
25 Q. Did you take that route down the alley?

12850

Germaine Johnston - Direct

1 A. Yes, I did.
2 Q. Did you have an encounter with someone that stood
out in 3 your mind?

4 A. Yes, I did. When I got down here, to the
Southwestern Bell 5 property, there was a car sitting facing north, and
there were 6 two young men standing by it. And as -- approached
them. 7

Q. Let me just stop you there and try to get a time.

8 A. Okay.

9 Q. Do you know about how long after the bombing that
would 10 have been?

11 A. My estimate would be that it was 20 or 25 minutes
12 afterwards. I think between 9:25 and 9:35 or something
like 13 that.

14 Q. Okay. Now, you said that there were two young men

that you

15 saw?

16 A. Uh-huh, there were two men standing by the
passenger side

17 of this car. It was yellow car. It was parked in the
alley,

18 close to this building right here, facing north; and
they were

19 standing by the driver's door.

20 Q. It was -- could you show -- point in the direction?
Which

21 direction is north on this map?

22 A. I can't figure out how this thing works here.

23 That's north.

24 Q. Okay. The direction of the arrow?

25 A. Uh-huh.

12851

Germaine Johnston - Direct

1 Q. Now, did you recognize the type of car?

2 A. It was a Mercury.

3 Q. How do you know that?

4 A. My husband and I used to drive a Mercury, about
that same

5 age and about that same color.

6 Q. What model, year model was your Mercury?

7 A. '77.

8 Q. What color was this Mercury?

9 A. It was faded yellow.

10 Q. Okay. Was it a four-door?

11 A. Yes.

12 Q. Now, the two young men that you mentioned: Did you
get a
13 look at either or both of them?

14 A. I'm not -- not that I could describe them in
detail; but

15 one -- one was tall and one was shorter.

16 Q. Did you have any conversation with either of them?

17 A. Yes. As I -- as I walked -- as I approached them,
it was

18 obvious that I had come out of the building because I
was

19 covered with pulverized concrete, I think, and I was
wet

20 because the pipes had broken. My hair was wet and
everything.

21 It was obvious I had come out of there. And as I got
close to

22 them, the tallest one said, "What happened?"

23 And I said, "There was an explosion in the
federal

24 building."

25 Q. And what did he say?

1 A. And he said, "A lot of people killed?"

2 Q. And how did you respond?

3 A. I just -- I said I didn't know. I said, "I don't
know."

4 And just walked on.

5 Q. Did anything strike you as unusual about that
exchange at

6 that time?

7 A. Yes. Because I thought he was going to ask me if
he could

8 help me or if I was okay or something, which several
people had

9 already done that. And it really surprised me that he
just

10 wanted to know how many people were killed.

11 Q. From what you could tell, did he appear to be
concerned

12 about the number of people killed?

13 A. No. No. He just wanted to know.

14 Q. Okay. From that position that you marked on the
map, can

15 you see the Murrah Building?

16 A. Yes. There is a clear view from right here. There
is a

17 clear view over to the Murrah Building.

18 Q. Is that true from the entire length of that alley?

19 A. No. You'd have to be just about in that spot to be
able to

20 see the Murrah Building. If you get further back, it's
blocked

21 by buildings.

22 Q. Mrs. Johnston, did there come a time when you
realized that

23 you could identify the individual who you had some
conversation

24 with?

25 A. Yes. When I saw Timothy McVeigh on television, it
just

12853

Germaine Johnston - Direct

1 instantly -- I realized that he was the person I had
talked to

2 in the alley.

3 Q. You were immediately struck with that thought?

4 A. Yes.

5 Q. Now, could you describe the other individual that
you saw

6 that day?

7 A. Not in -- not in any detail. Just that he was
shorter and

8 darker.

9 Q. Shorter and darker than Mr. McVeigh?

10 A. Yes.

11 Q. Okay. Do you remember anything about his build?

12 A. Not really.

13 Q. Do you recall speaking to the FBI about this
interview --

14 about this encounter in August of 1995?

15 A. Yes.

16 Q. If I showed you a report of your interview, might
that
17 refresh your recollection as to your picture of the
individual?

18 A. It might.

19 MR. THURSCHELL: Your Honor, I'm showing the
witness
20 302 9458.

21 THE COURT: All right.

22 MR. THURSCHELL: And I'm indicating the
fourth and
23 final paragraph on the first page.

24 THE WITNESS: Uh-huh.

25 BY MR. THURSCHELL:

12854

Germaine Johnston - Direct

1 Q. Does that refresh your recollection as you sit here
today
2 about the appearance of the individual?

3 A. No.

4 Q. Okay.

5 A. But that was two years ago. So that must be what I
6 remembered then.

7 Q. Okay. If it doesn't refresh your recollection

today, we

8 won't ask you about it.

9 MR. THURSCHELL: A moment, your Honor.

10 THE COURT: Yes.

11 BY MR. THURSCHELL:

12 Q. Mrs. Johnston, did you eventually see on television
13 sketches of other -- of another individual or
individuals that

14 were commonly referred to as John Doe No. 2?

15 A. Yes, yes, I did.

16 Q. Did -- to the best of your recollection, did you
have the

17 same shock of recognition about the other individual
when you

18 saw those?

19 A. No.

20 Q. But you did when you saw the photographic image of
Timothy

21 McVeigh?

22 A. Yes.

23 MR. THURSCHELL: Nothing further, your Honor.

24 THE COURT: Mr. Ryan.

25 MR. RYAN: Thank you, your Honor.

12855

Germaine Johnston - Cross

1

CROSS-EXAMINATION

2 BY MR. RYAN:

3 Q. Good morning, Mrs. Johnston.

4 A. Good morning.

5 Q. How are you?

6 A. I'm fine.

7 Q. We met for the first time a few minutes ago before
court
8 started?

9 A. Yes.

10 Q. If you would, I want to take you back to the
morning of

11 April 19. Tell us what time that you arrived at work
that day.

12 A. 8:00.

13 Q. And tell us about your morning, leading up to the
14 explosion, if you would.

15 A. Well, I got to the office at 8:00; and I had
several

16 meetings lined up for that morning, and so I went over
and

17 talked to my boss to remind him that we had a meeting
at 10.

18 And then I went over to another department and asked
Don Buelly

19 to come over and talk to me about some reports I
needed. And

20 at 9:00, Don and I were sitting at my desk talking
about those

21 reports; and then in just a few minutes, the building
started

22 to vibrate and the ceiling fell on us and the pipes
broke. And
23 we just -- we were just really disoriented, confused,
and we
24 started saying, "What's happening," you know, "What's
-- God,
25 what's happening to us here?"

12856

Germaine Johnston - Cross

1 And then finally in a few minutes, it stopped.
And I
2 think at that point was when I just went into shock,
but I
3 looked up and I could see the sky where there had been
two
4 floors above me before that; and then just over -- over
to my
5 left -- the floor broke off 2 feet, approximately, to
my left,
6 and about 2 feet behind me. I was by one of those big
columns.
7 That's what was holding up that piece of floor that we
were
8 sitting on. And I could see all the way down to the
ground.
9 Q. I'm confused here. You say you're 2 feet from
what?
10 A. From where the floor broke off. There was no floor
2 feet,
11 just over to my left.

12 Q. All right. Where are you right now? Are you
laying down,

13 or standing up?

14 A. No, I was still sitting at my desk.

15 Q. Okay.

16 A. I was just sitting at my desk. And I honestly
think that

17 if I had stood up or moved at all, that I would have
been

18 killed. It was just -- it was fortunate that I was
just

19 paralyzed and just sat there.

20 Q. And then what happened?

21 A. And then it stopped; and in a few minutes, the
people that

22 were around me started, you know, digging out of the
debris,

23 and we started throwing all these tiles -- the ceiling
tiles

24 off of us and just trying to figure out what had
happened. And

25 we decided that -- several of the people around us
decided that

12857

Germaine Johnston - Cross

1 we just needed to get out of the building.

2 Q. Very disorienting?

3 A. Yes it was. Yes, very confusing.

4 Q. And did you have help getting out of the building?
5 A. Yes, I did.
6 Q. Who helped you?
7 A. Bob Smart and Larry Harris came down. Bob Smart
came down
8 looking for his wife because his wife had been about 10
feet
9 back over behind me. And he came down looking for her.
And
10 when he got to me, he could see that the floor was gone
there
11 and -- you know, he couldn't get any further. And then
Larry
12 Harris was just, you know, helping people get started
towards
13 the stairwell. And they said, "We're leaving, and
you're going
14 to go with us." And I didn't want to go. I just
wanted -- I
15 don't know what I was going to do. I guess I was just
going to
16 sit there.
17 But anyway, Larry came and just got up on my
desk and
18 said, "We're leaving, and you're going with us"; and he
just
19 pulled me up out of the chair and we left.
20 Q. So eventually they got you up and going and helped
you down
21 the stairway?
22 A. Yes.

23 Q. And you came out of the -- what side of the
building did

24 you come out of?

25 A. On the south side.

12858

Germaine Johnston - Cross

1 Q. And I think you told us you were covered in
ceiling-tile

2 debris and dust --

3 A. Pulverized whatever it was --

4 Q. Glass --

5 A. Yes.

6 Q. -- in your hair?

7 A. In my scalp.

8 Q. In your scalp and various places. Now, by the time
you got

9 out of the building, the police had already had time to
put the

10 yellow evidence tape, if you will --

11 A. Yes.

12 Q. -- around the scene; is that correct?

13 A. Yes.

14 Q. So it was sometime before you got out of the
building?

15 A. I don't know exactly how long it was, but the
yellow tape

16 was up when we got down to the plaza area.

-- I

17 Q. Okay. And when you got out of the building and you

18 guess you went under the yellow tape; is that right?

19 A. Well, around it.

20 Q. Okay. Then where did you go?

Robinson

21 A. We went across the street to the meeting place on

22 by the church. And as I said, no one was there,
really, and so

23 we went on up in front of the Y to see if there was
anybody up

24 there. And there were a few people around up there,
but, you

25 know, really not everybody like it was supposed to be.

12859

Germaine Johnston - Cross

1 Q. Okay. And then where did you go after that?

Tower to

2 A. Then I walked over -- I started to go to the McGee

and down

3 look for my husband. And I walked over to the alley

4 the alley to the McGee Tower.

5 Q. Now, this alley that you're speaking of --

would,

6 MR. RYAN: Let's put our ELM0 on again, if you

7 please.

8 THE WITNESS: Uh-huh.

9 BY MR. RYAN:

10 Q. This alley -- would you draw the alley for us one
more

11 time?

12 A. It shows on this block. And then it actually goes
all the

13 way through this block and through this block and
between two

14 buildings down here.

15 Q. Okay.

16 A. It's the shortest distance from where I was to the
tower.

17 Q. All right. And would you put an X where you
stopped and

18 had this conversation with the two men.

19 Thank you. And then would you draw the line
you drew

20 a moment ago from where you were talking to these men
to the

21 Murrah Building?

22 No, don't erase anything, keep the --

23 A. I didn't mean to erase it. I didn't realize it was
going

24 to do that.

25 Q. It's a little tricky.

12860

Germaine Johnston - Cross

1 A minute ago you drew it through the church.
Do you

2 remember that?

3 A. Well, this is just kind of hard to direct.

4 Q. All right.

5 A. Because it's drawing about a quarter of an inch
higher than

6 I intend for it to.

7 Q. The line of vision really goes through that church?

8 A. Well, you can actually see the building from that
stop.

9 Q. The very top parts, you mean?

10 A. Well, no. You can see quite a bit of the south
side of the

11 building.

12 Q. Isn't there a fairly sloping hill down on 5th
Street that

13 goes -- slopes downward as you go further east between
Robinson

14 and Broadway? Are you with me?

15 A. You mean --

16 Q. This street right here that I'm pointing to,
doesn't that

17 go downhill as you get to Broadway?

18 A. Uh-huh, I think it does.

19 Q. So where you are is much lower spot than where the
Murrah

20 Building is sitting; would you agree?

21 A. I don't know.

were in 22 Q. Now, you say when you had this conversation, you
23 shock?
24 A. Yes, I was in shock.
25 Q. And given all of the things that you've told us
about, 9:30

12861

Germaine Johnston - Cross

1 is about as early as you could have been there; is that
fair?

2 A. I think that 9:30 is a pretty good estimate; but
like I

3 say, I couldn't say for sure. It would just be a 10-
or

4 15-minute variance there.

5 Q. No earlier than 9:30?

6 A. It might have been 9:25.

7 Q. Might have been 9:40?

8 A. That's true.

9 MR. THURSCHELL: Objection to what it might
have
10 been.

11 THE COURT: Overruled.

12 THE WITNESS: I don't know what time it was.

13 BY MR. RYAN:

14 Q. Whatever time it was, it was enough time for you to
recover

15 from what had happened in the building, for workers to
come and
16 get you going, to help you get oriented, to help you
out of the
17 building, to have the workers put the tape around the
building,
18 to get under -- around the tape, to try to meet people
over in
19 the parking lot by the church, and to walk over to the
YMCA and
20 then to eventually work your way down this alley; fair
enough?

21 A. We actually did all that.

22 Q. And your best estimate is 9:30?

23 A. I think that's about right.

24 Q. Now, did you read in the media that Mr. McVeigh had
been

25 arrested 77 miles from Oklahoma City at 10:20 that same

12862

Germaine Johnston - Cross

1 morning?

2 A. Yes, I did.

3 Q. Some 50 minutes or so after you had this encounter
with

4 these two men?

5 A. Yes, I do.

6 Q. You say the second man didn't look anything like
the

7 sketch; is that correct?

8 A. I didn't -- I don't know about anything, but I
didn't

9 recognize him from any of the sketches.

10 Q. Well, you'd seen in the media pictures of Tim
McVeigh, had

11 you not?

12 A. Yes.

13 Q. And you'd seen the sketches of John Doe 1 and 2?

14 A. Yes.

15 Q. And you'd seen pictures of the yellow Mercury?

16 A. Yes.

17 Q. In fact, at the time you talked to the FBI was in
September

18 of '95; correct?

19 A. If you say so. I don't remember for sure when it
was.

20 Q. Does that sound about right, about four months
after the

21 bombing?

22 A. Actually, I talked to the FBI two or three times
that

23 summer.

24 Q. Right. I have two reports here that would indicate
August

25 and September. Does that sound about right?

Germaine Johnston – Cross

1 A. Uh-huh.

2 Q. So some four months or so later?

3 A. Uh-huh.

4 Q. And you were trying to find your husband at the
time; is

5 that right?

6 A. Yes.

7 Q. And eventually he found you?

8 A. Yes.

9 Q. And he took you for treatment?

10 A. Yes.

11 Q. And that's when you had the glass fragments removed
as best

12 as possible, and you had a head wound, as I recall?

13 A. Yes.

14 Q. And you had that taken care of?

15 A. Yes. I thought it was taken care of. I ended up,
there

16 were a couple more glass fragments; and I went to a

17 dermatologist and had a couple taken out. And then I
had one

18 that worked its way out about two months later.

19 Q. And you characterized your medical problems as
minor, but

20 you say that only because so many people suffered so
much that

21 day?

22 A. Well, you know, I was very lucky to be alive.
23 MR. RYAN: Thank you. That's all I have, your
Honor.
24 THE COURT: Any redirect?
25 MR. THURSCHELL: Your Honor, no redirect.

12864

1 THE COURT: All right. Is the witness
excused, then,
2 I take it?
3 MR. THURSCHELL: Yes, your Honor.
4 MR. RYAN: Yes, your Honor.
5 THE COURT: You may step down. You're
excused.
6 Next please.
7 MR. WOODS: Ed Killam.
8 THE COURTROOM DEPUTY: Raise your right hand,
please.
9 (Edward Killam affirmed.)
10 THE COURTROOM DEPUTY: Would you have a seat,
please.
11 Would you state your full name for the record
and
12 spell your last name.
13 THE WITNESS: Edward Killam, K-I-L-L-A-M.
14 THE COURTROOM DEPUTY: Thank you.
15 DIRECT EXAMINATION

16 BY MR. TIGAR:

17 Q. I'll put those things next to you, sir. Thank you.

18 Mr. Killam, will you tell the jury, please,
what is
19 your business or occupation?

20 A. I'm a private investigator.

21 Q. How long have you been in the investigation field,
sir?

22 A. Privately, about 19 years.

23 Q. Before you became a private investigator, did you
work in
24 law enforcement?

25 A. Yes, I did.

12865

Edward Killam - Direct

1 Q. Would you tell the jury what your experience was in
law
2 enforcement before you became a private investigator.

3 A. Yes. I was with the Colorado State University
Police
4 Department in Fort Collins, and then eventually I was
the
5 detective sergeant of the Aspen Police Department.

6 Q. And in your police work, what kinds of work did you
do?

7 A. In both departments, I started as a uniformed
patrol

8 officer. I was patrol sergeant up in Aspen. In both
9 departments, I was a detective and then finally a
detective
10 sergeant.

11 Q. Will you tell the jury, please, what is your
educational
12 background.

13 A. I have a bachelor of science degree from Cornell
University
14 and associate in applied science and police science
from Mesa
15 State College here in Colorado and a master's degree in
16 forensic anthropology from Colorado State University.

17 Q. And you will appear here in several installments.
Let's
18 finish your qualifications so we don't have to do it
again.

19 Have you taken any chemistry courses?

20 A. Yes, sir, I have.

21 Q. What were those?

22 A. At Cornell, I had two semesters of general
inorganic
23 chemistry; and at Colorado State as a graduate student,
I had
24 two quarters of organic chemistry.

25 Q. Do you have any certifications that are relevant to
your

Edward Killam – Direct

1 work as an investigator?

2 A. Yes, sir, I do.

3 Q. What are those?

4 A. I belong to several organizations: National
Association of

5 Legal Investigators, associate member of the National
Criminal

6 Defense Lawyers Association. I belong to the
Professional

7 Private Investigators Association of Colorado. And
then

8 certifications for the State of Colorado, certified as
a police

9 officer, as a police academy instructor. And I have
other

10 certifications which are less specific to police work.

11 Q. Do you have a certification as a firearm
instructor?

12 A. Yes, I do, through the National Rifle Association.

13 Q. Have you published any articles in the field of
14 investigation and law enforcement?

15 A. Yes, I've published 35 articles over the years.

16 Q. Have you authored a book?

17 A. Yes, I have.

18 Q. And has that book been published?

19 A. Yes, it has.

20 Q. What is the title of the book?

21 A. It's entitled "The Detection of Human Remains." It

was a

22 version of my master's thesis which was reedited and
23 republished for police professional and coroners'
offices.

24 Q. Directing your attention, sir, to the year of 1995,
were
25 you appointed by the United States District Court for
the

12867

Edward Killam - Direct

1 Western District of Oklahoma to provide investigative
services
2 to the Nichols defense team?

3 A. Yes, I was.

4 Q. Do you remember about when that was?

5 A. It was in early June of 1995.

6 Q. And after you were investigated -- or after you
were
7 appointed, rather, sir, did you have occasion to
conduct a

8 search of 109 South 2nd Street, Herington, Kansas?

9 A. Yes, I did.

10 Q. And did you receive the key from a member of the
defense
11 team?

12 A. I did.

13 Q. Was it your understanding that that was after the
FBI had

14 released the house?

15 A. That's correct.

16 Q. Did you go to the house?

17 A. Yes, I did.

18 Q. Was it locked?

19 A. Yes, it was.

20 Q. Now, sir, in that house, did you find some things
connected

21 with model airplanes?

22 A. Yes, I did.

23 Q. I'm going to ask you to reach into the box there,
the

24 brown cardboard box, and ask you to look at D1785, D17
--

25 without showing it to the jury, 1786, 1787, 1788, 1789,
1790,

12868

Edward Killam - Direct

1 1791 -- actually, all the way, then, through 1796. If
you

2 would just look at those items, please.

3 A. I've looked at them.

4 MS. WILKINSON: Excuse me, your Honor. Just
to ease

5 this process, can I talk to Mr. Tigar about the list of
--

6 THE COURT: You may.

7 MR. TIGAR: Excuse me just a moment.

8 THE COURT: All right.

9 MR. TIGAR: Your Honor, may we step back here?
We

10 have a little list problem, and it would simplify
things

11 greatly if we could have a moment.

12 THE COURT: All right.

13 MS. WILKINSON: We're fine, your Honor.

14 MR. TIGAR: All right.

15 Your Honor, we offer the exhibits numbered
D1785

16 through D1796. I understand counsel may wish to voir
dire with

17 respect to one of those.

18 MS. WILKINSON: Yes, your Honor, I think it
would be

19 easier if we went through the exhibits. It's hard -- I
just

20 didn't have a list for all the exhibits. So I would
ask that

21 they wouldn't be brought in in one group, if we could
go

22 through the exhibits.

23 THE COURT: Okay.

24 BY MR. TIGAR:

25 Q. Do you see 1785 there, sir?

Edward Killam - Direct

1 A. Can you describe it to me?

2 Q. A radio-control unit.

3 A. Yes.

4 MS. WILKINSON: Your Honor, we have no
objection to

5 that item. Maybe if we do it that way, we'll make it
go a

6 little more quickly.

7 BY MR. TIGAR:

8 Q. All right. Let's put that -- let's start a stack
on your

9 desk, and we'll go through these. D1786, a red, white,
and

10 blue cardboard box?

11 MS. WILKINSON: No objection.

12 THE COURT: I'll receive --

13 BY MR. TIGAR:

14 Q. D1787, airplane propeller.

15 THE COURT: Mr. Tigar, let me receive them.
D1785 and

16 D1786 received.

17 MR. TIGAR: I apologize to the Court.

18 BY MR. TIGAR:

19 Q. D1787, sir.

20 A. Yes, sir.

21 MR. TIGAR: We offer that, your Honor.

22 MS. WILKINSON: I didn't hear what that was.
23 MR. TIGAR: Propeller.
24 MS. WILKINSON: No objection.
25 THE COURT: D1787 is received.

12870

Edward Killam - Direct

1 BY MR. TIGAR:

2 Q. D1788.

3 A. Can you describe it for me?

4 Q. A printed sheet entitled, "Byron Originals."

5 A. I have that.

6 MR. TIGAR: We offer that, your Honor.

7 MS. WILKINSON: No objection, your Honor.

8 THE COURT: Received, D1788.

9 BY MR. TIGAR:

10 Q. D1789, the blueprint.

11 A. D1789.

12 MR. TIGAR: We offer that, your Honor.

13 MS. WILKINSON: May I look at that, your
Honor?

14 THE COURT: You may.

15 MS. WILKINSON: We have no objection.

16 THE COURT: D1789 received.

17 MR. TIGAR: Received?

18 MS. WILKINSON: Yes.
19 BY MR. TIGAR:
20 Q. Now, D1790, a pamphlet?
21 A. Did you say 1793?
22 Q. Yes -- no, 1790. 1790, a printed pamphlet.
23 A. I have it.
24 MR. TIGAR: We offer it.
25 MS. WILKINSON: No objection.

12871

Edward Killam - Direct

1 THE COURT: D1790 received.
2 BY MR. TIGAR:
3 Q. D1791, a glow-plug igniter?
4 A. I have it.
5 MS. WILKINSON: No objection.
6 THE COURT: D1791 received.
7 BY MR. TIGAR:
8 Q. D1792, a glow-plug igniter package card.
9 MS. WILKINSON: No objection.
10 THE COURT: D1792 received.
11 BY MR. TIGAR:
12 Q. D1793, a pamphlet.
13 A. I have it.

14 MR. TIGAR: We offer D1793.
15 MS. WILKINSON: May I look at that, your
Honor?
16 THE COURT: Yes.
17 MS. WILKINSON: Thank you.
18 No objection.
19 THE COURT: D1793 received.
20 BY MR. TIGAR:
21 Q. D1794, the two pieces of wood?
22 MS. WILKINSON: No objection.
23 THE COURT: D1794 received.
24 BY MR. TIGAR:
25 Q. D1795, the plastic bottle.

12872

Edward Killam – Direct

1 A. I have it.
2 MS. WILKINSON: No objection.
3 BY MR. TIGAR:
4 Q. D1796, a label?
5 THE COURT: D1795 is received.
6 MR. TIGAR: Thank you, your Honor. I'm sorry,
your
7 Honor.
8 THE WITNESS: I have D1796.
9 MR. TIGAR: I offer D1796.

minute. 10 MS. WILKINSON: I need to look at that for a

11 THE COURT: All right.

voir 12 MS. WILKINSON: May I just ask one question on

13 dire?

14 THE COURT: Yes, right there.

15 VOIR DIRE EXAMINATION

16 BY MS. WILKINSON:

17 Q. Mr. Killam -- we know each other, don't we?

18 A. Yes, we do.

you found 19 Q. That writing here, was that writing on there when

20 it?

21 A. Yes, it was.

22 MS. WILKINSON: No objection, your Honor.

23 THE COURT: D1796 received.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. TIGAR:

12873

Edward Killam - Direct

1 Q. Sir, where did you find these items?

Nichols' 2 A. These were in a portion of the basement in Mr.

3 home.

4 MR. TIGAR: May I approach, your Honor?

5 THE COURT: Yes.

6 BY MR. TIGAR:

7 Q. Well, sir, without -- without going into a lot of
detail,
8 what are these?

9 A. They're all either components or accessories for
model
10 airplanes, gasoline or fuel-powered model airplanes.

11 Q. Now, you can put those back in the box, if you
would, sir.

12 Do you find up there D1797?

13 A. Yes, sir.

14 Q. And could you take that out and put it on the desk.
I'd
15 like to ask you about did there come a time, sir, when
you
16 went, at the direction of the defense team, to Marion,
Kansas?

17 A. Yes, I did.

18 Q. And did you have a conversation there with a person
19 identified as the person who lived in the worker's
house at
20 that Donahue farm after Mr. Nichols moved out?

21 A. Yes, I did.

22 Q. And did you also have a conversation with Mr.
Donahue?

23 A. Yes, I did.

24 Q. As a result of those conversations, did you go to
the trash

25 dump that serves the farm worker's house?

12874

Edward Killam - Direct

1 A. Yes.

2 Q. And did you recover the item which is in the bag
marked

3 17 -- D1797?

4 A. Yes, I did.

5 MR. TIGAR: We offer D1797.

6 MS. WILKINSON: Just one question, your Honor.

7 THE COURT: All right.

8 VOIR DIRE EXAMINATION

9 BY MS. WILKINSON:

10 Q. Mr. Killam, this was in the trash can at Marion,
Kansas,

11 was it?

12 A. No, it wasn't.

13 Q. Where was it?

14 A. It was on the open trash dump.

15 Q. It was on open trash dump. And it belonged to Mr.
Nichols?

16 A. I don't know that, myself.

17 Q. Have you been informed that it belonged to Mr.
Nichols?

18 A. No, I can't say that, either.

counsel? 19 MS. WILKINSON: Could I have a moment with

20 THE COURT: Yes.

21 MS. WILKINSON: I don't object to the hearsay
to 22 elicit the foundation.

23 MR. TIGAR: The Government does not object to
the lack 24 of personal knowledge.

25 DIRECT EXAMINATION CONTINUED

12875

Edward Killam - Direct

1 BY MR. TIGAR:

2 Q. Mr. Killam, were you told by someone that this had
belonged 3 to Mr. Nichols?

4 A. Yes.

5 Q. Who told you that?

6 A. I was told that the information had come originally
from 7 Mr. Nichols, himself, and that this part had been left
behind

8 at his former residence on the Donahue Ranch. I then
contacted

9 Mr. Donahue and the current tenant and found that they
had in

10 fact found it after he had moved out and had
subsequently taken

11 it to the garbage dump.

12 Q. And where had this been found?

13 A. In the storage shed behind the ranch hand's house.

14 Q. The house where Mr. Nichols had been living?

15 A. That's correct.

16 MR. TIGAR: Thank you, your Honor. This
hearsay is

17 received without objection.

18 MS. WILKINSON: And we have no objection to
the

19 exhibit.

20 THE COURT: All right. 1797 --

21 BY MR. TIGAR:

22 Q. Would you open the bag, please, and tell us what
you found.

23 MR. TIGAR: May I approach, your Honor?

24 THE COURT: Yes.

25 THE WITNESS: It is the remains of a model
airplane

12876

Edward Killam - Direct

1 engine and propulsion system, propeller.

2 BY MR. TIGAR:

3 Q. And when you say "propulsion system," what is this

4 little -- well, let me put it on the machine and see if
this

5 technology works.

6 I'm turning this over. What is this little
thing at

7 the top there?

8 A. I believe that's the ignition point, where you turn
it on.

9 Q. And is your understanding that this is the engine
part?

10 A. The part in the center that your left hand is
holding, I

11 believe it is the engine part; and the part that's by
your

12 right hand is, I believe, the fuel tank.

13 Q. Okay. And when you -- what brand of propeller is
this?

14 A. It's a Master Airscrew.

15 Q. And is that the same brand as the propeller that
we've

16 already looked at that was in the cardboard box?

17 A. Yes, this is a Master Airscrew, also.

18 Q. Does it appear to be -- the Master Airscrew out of
the

19 box -- what exhibit number is that?

20 A. It's D1787.

21 Q. Does that appear to be the same make and model as
the

22 Master Airscrew propeller on this ruined thing that I'm
holding

23 up on the ELM0?

24 A. It appears to be the same make, model, and size.

used a 25 Q. Now, when you recovered this item, I noticed you

12877

Edward Killam - Direct

residue 1 polyethylene bag to do it. Were you planning to do any

2 testing on it?

3 A. No, sir, I was not.

colored 4 Q. Now, would you put those things back in the brown-

5 cardboard box.

when you 6 And did there come a time in the recent past

7 were asked to attend a gun show?

8 A. Yes, sir.

shows had 9 Q. Without going into where it was -- how many gun

10 you attended before that?

11 A. In my whole life?

12 Q. Yes, sir.

13 A. Probably a hundred or more.

of those 14 Q. And those hundred gun shows, had you attended most

this case? 15 before you were appointed by Chief Judge Russell in

16 A. Yes, I had.

for 17 Q. Now, at these gun shows, were you directed to look

18 materials that related to explosives, incendiaries, and
19 pyrotechnics which, based on your experience, had been
in
20 circulation and available at gun shows prior to April
of 1995?

21 A. Yes, I was.

22 Q. And will you please take the box -- I'll move the
-- this
23 one out of your way, sir.

24 And would you read off one at a time the
exhibit
25 numbers of the exhibits in that box, please.

12878

Edward Killam - Direct

1 A. D, as in David, 1669, D --

2 MR. TIGAR: We offer it, your Honor.

3 MS. WILKINSON: Your Honor, I'm going to need
to voir
4 dire on each exhibit, just briefly.

5 THE COURT: You can come up here and do it, if
you'd
6 like.

7 MS. WILKINSON: Thank you.

8 THE COURT: And you can see it.

9 There's no objection to that, is there, Mr.
Tigar?

10 MR. TIGAR: No, of course not, your Honor.

11 VOIR DIRE EXAMINATION

12 BY MS. WILKINSON:

13 Q. Mr. Killam, you're talking D1669; correct?

14 A. Yes, it is entitled The Flash Powder Cookbook.

15 Q. Have you personally read that book, Mr. Killam?

16 A. I have not read it. I have skimmed its contents.

17 Q. So are you prepared to answer questions about the
contents
18 of the book?

19 A. If I have the ability to refer to it, probably,
yes.

20 Q. Can you swear that this particular book was
available at
21 any gun shows during the time period of October, '94,
through
22 April of 1995?

23 A. No.

24 MS. WILKINSON: With that limitation, your
Honor, we
25 have no objection. I'll just stand here.

12879

Edward Killam - Voir Dire

1 THE COURT: All right. D1669 is received.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. TIGAR:

4 Q. D1670, a book entitled -- well, tell us what that

book is

5 entitled.

Mixtures and

6 A. It is entitled Two-Component High Explosive

7 Improvised-Shaped Charges.

8 MR. TIGAR: We offer it, your Honor.

9 VOIR DIRE EXAMINATION

10 BY MS. WILKINSON:

11 Q. Mr. Killam, have you read that book?

12 A. I have skimmed its contents, also.

questions

13 Q. Again, the same answer that you could answer

14 about the contents if you were able to review the book?

15 A. Yes, ma'am.

that

16 Q. Is that your testimony? And can you swear that

show from

17 particular book was available at any particular gun

18 October, '94, through April of '95?

19 A. No, I can't.

your

20 MR. TIGAR: D16 -- I'm sorry. We offer it,

21 Honor.

limitations.

22 MS. WILKINSON: No objection with those

23 THE COURT: D1670 is received.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. TIGAR:

12880

Edward Killam - Direct

Booby 1 Q. D1671, Department of the Army field manual entitled

2 Traps.

3 A. I have it.

4 MR. TIGAR: We offer it.

5 VOIR DIRE EXAMINATION

6 BY MS. WILKINSON:

came 7 Q. Mr. Killam, you weren't in the Army when that book

8 out, were you?

9 A. No, I was not.

10 Q. Have you read it?

11 A. Yes, I have.

12 Q. And are you familiar with the contents?

13 A. Yes, I have -- am.

booby traps 14 Q. And can you swear that that particular book on

of '94 15 was available at any particular gun show from October

16 through April of '95?

17 A. Yes, I can.

18 Q. Which gun show was that?

attended 19 A. I have seen it at each Tanner gun show that I have

20 in Denver.

show in 21 Q. You can't say that that book was available at a gun

22 Kansas; correct?

23 A. That is correct, I cannot.

book 24 Q. Is the only gun show you can say you've seen that

in 25 available in the time period we're discussing was here

12881

Edward Killam – Voir Dire

1 Colorado?

2 A. Correct.

3 Q. And in that specific show, the Tanner show?

4 A. The Tanner show in Denver.

5 MS. WILKINSON: No objection with those
limitations.

6 THE COURT: D1771 received.

7 MR. TIGAR: If your Honor please, the
limitation is

8 counsel's limitation. These are admitted; right?

9 THE COURT: No. I'm admitting them with the
10 limitation that he can't say at what show, at what time

a

11 particular book excepting where he can.

12 MR. TIGAR: Except where he can.

13 THE COURT: My understanding of his testimony

is that

14 these materials have been available at shows that he's
15 attended.

16 That's your testimony, isn't it?

17 THE WITNESS: Yes, sir.

18 THE COURT: But you're not able to identify
particular

19 ones as particular times except when you say you can?

20 THE WITNESS: That's correct.

21 THE COURT: All right.

22 MR. TIGAR: Thank you, your Honor.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. TIGAR:

25 Q. D1672, Department of the Army field manual entitled

12882

Edward Killam - Direct

1 Explosives and Demolitions?

2 A. I have it.

3 MR. TIGAR: We offer it.

4 VOIR DIRE EXAMINATION

5 BY MS. WILKINSON:

6 Q. Mr. Killam, have you reviewed this manual?

7 A. Yes, I have.

8 Q. Familiar with its contents?

9 A. Yes, I am.

10 Q. And can you testify that this field manual entitled
11 Explosives and Demolitions was available in any gun
show,
12 specific gun show during the time period October, '94,
through
13 April of '95?

14 A. Yes, I can.

15 Q. Which gun show?

16 A. The Tanner gun shows in Denver.

17 Q. Is that the only one?

18 A. Yes. That is plural. The Tanner gun shows are
held
19 approximately monthly.

20 Q. Monthly. During that time period of October, '94,
through
21 April of '95?

22 A. Correct.

23 Q. You've not seen this book at any other gun shows?

24 A. Yes, I have. I've seen it at gun shows out of that
25 specific time period, in addition to that specific time
period.

12883

Edward Killam - Voir Dire

objection, 1 MS. WILKINSON: With those limitations, no
2 your Honor.

3 THE COURT: D1672 is received.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. TIGAR:

6 Q. D1673, Department of the Army technical manual
entitled

7 Unconventional Warfare Devices and Techniques.

8 A. I have it.

9 MR. TIGAR: We offer it.

10 VOIR DIRE EXAMINATION

11 BY MS. WILKINSON:

12 Q. Mr. Killam, have you read the contents of the
manual

13 entitled Unconventional Warfare Devices and Techniques?

14 A. Yes, I have.

15 Q. Are you familiar with its contents?

16 A. I am.

17 Q. Have you seen it at any gun shows available -- did
you see

18 it at any gun shows available for purchase from
October, '94,

19 through April of '95?

20 A. Yes.

21 Q. Which gun shows were those?

22 A. Tanner gun shows in Denver.

23 Q. Are those the only gun shows during that time
period?

24 A. Of my personal knowledge, yes.

25 MS. WILKINSON: With those limitations, no
objection.

12884

Edward Killam - Voir Dire

1 THE COURT: It's received.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. TIGAR:

4 Q. D1674, Department of the Army technical manual
entitled

5 Improvised Munitions Handbook.

6 MR. TIGAR: We offer it.

7 VOIR DIRE EXAMINATION

8 BY MS. WILKINSON:

9 Q. Mr. Killam, I want to ask you the same questions.
Did you

10 read this book?

11 A. Yes, I have.

12 Q. Familiar with its contents?

13 A. Yes.

14 Q. And if I asked you the question about the time
period from

15 October, 94, to April, '95, would you say that you have
just

16 seen it at the Tanner gun shows in Denver?

17 A. Yes, I would.

18 MS. WILKINSON: With those limitations, your
Honor, we

19 have no objection.

20 THE COURT: Received, D1674.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. TIGAR:

Military 23 Q. D1675, War Department technical manual entitled

24 Explosives.

25 A. I have it.

12885

Edward Killam - Direct

1 MR. TIGAR: We offer it.

2 VOIR DIRE EXAMINATION

3 BY MS. WILKINSON:

4 Q. Mr. Killam, have you read that book?

5 A. No, I've only skimmed it.

shows 6 Q. And have you seen it available for purchase at gun

7 from the period of October, '94, through April of '95?

8 A. I can't recall if I've ever seen this one.

those 9 MS. WILKINSON: With that limitation -- with

10 limitations, we have no objection.

11 THE COURT: Received, D1675.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. TIGAR:

of the 14 Q. D1676, book entitled Black Book Companion – State

15 Art Improvised Munitions?

16 A. I have that.

17 MR. TIGAR: We offer it.

18 VOIR DIRE EXAMINATION

19 BY MS. WILKINSON:

the Art 20 Q. Mr. Killam, have you read that book, the State of

21 of Improvised Munitions?

22 A. I have only skimmed it.

October 23 Q. And have you seen it available at a gun show from

24 of '94 through April of '95?

25 A. Not that I can recall.

12886

Edward Killam – Voir Dire

limitations. 1 MS. WILKINSON: No objection with those

2 THE COURT: Received.

3 DIRECT EXAMINATION CONTINUED

4 BY MR. TIGAR:

of that 5 Q. Book -- D1677. That's a book, and what's the title

6 book, sir?

7 A. Improvised Munitions, Black Book, Volume 3.

8 MR. TIGAR: We offer it.

9 VOIR DIRE EXAMINATION

10 BY MS. WILKINSON:

11 Q. Mr. Killam, have you read that book on improvised
12 munitions?

13 A. I have skimmed it.

14 Q. Seen it at any gun shows for purchase during the
period of
15 October, '94, through April of '95?

16 A. I cannot recall that I have.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. TIGAR:

19 Q. What's the next one in your box, sir?

20 MS. WILKINSON: Excuse me.

21 MR. TIGAR: Oh, I'm sorry.

22 MS. WILKINSON: No objection with those
limitations,
23 your Honor.

24 THE COURT: Received.

25 MR. TIGAR: Sorry, your Honor.

12887

Edward Killam - Direct

1 THE COURT: Okay.

2 BY MR. TIGAR:

3 Q. The next one in your box, sir?

4 A. The next one is D1678, The Chemistry of Powder and
5 Explosives.

6 MR. TIGAR: We offer it.

7 VOIR DIRE EXAMINATION

8 BY MS. WILKINSON:

9 Q. Mr. Killam, you said you had some familiarity with
10 chemistry, is that right?

11 A. Some.

12 Q. Limited, I take it?

13 A. Quite.

14 Q. How long ago was it when you went to college and
took those
15 courses?

16 A. 1972.

17 Q. And have you read the book The Chemistry of Powder
and
18 Explosives?

19 A. I have only skimmed it.

20 Q. And do you know whether that book was available for
21 purchase at any specific gun shows during October, '94,
through
22 April of '95?

23 A. I do not know.

24 Q. You have no personal knowledge of seeing it
available --
25 correct -- during that time period?

12888

Edward Killam - Voir Dire

1 A. Not that book, that's correct.

Honor, we 2 MS. WILKINSON: With those limitations, your

3 have no objection.

4 THE COURT: Received.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. TIGAR:

7 Q. What's the next one, sir?

Home and 8 A. The next item is D1679 entitled Ragnar's Guide to

9 Recreational Use of High Explosives.

10 MR. TIGAR: We offer that.

11 VOIR DIRE EXAMINATION

12 BY MS. WILKINSON:

13 Q. We're not going to talk about the title, are we,

14 Mr. Killam?

15 A. Only if you ask me.

16 Q. Have you read it?

17 A. I've only skimmed this one.

at any 18 Q. Okay. And have you seen it available for purchase

19 time from October, '94, to April, '95?

20 A. Not of my own personal recollection.

objection 21 MS. WILKINSON: With those limitations, no

22 to D1679.

23 THE COURT: Received.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. TIGAR:

12889

Edward Killam – Direct

1 Q. Next one, sir?

2 A. Next one is D1680, Improvised Munitions Systems.

3 MR. TIGAR: We offer it, your Honor.

4 VOIR DIRE EXAMINATION

5 BY MS. WILKINSON:

to court 6 Q. Mr. Killam, have you read that book before coming

7 today?

8 A. I have skimmed this one.

during the 9 Q. And have you seen it for sale at any gun shows

April of 10 time period we're discussing, October, '94, through

11 '95?

12 A. Not that I can recall.

objection. 13 MS. WILKINSON: With those limitations, no

14 THE COURT: Received.

15 DIRECT EXAMINATION CONTINUED

16 BY MR. TIGAR:

17 Q. The next one, sir?

18 A. The next one is D1681, The Do-It-Yourself Gunpowder
19 Cookbook.

20 MR. TIGAR: We offer it, your Honor.

21 VOIR DIRE EXAMINATION

22 BY MS. WILKINSON:

23 Q. Mr. Killam, you've never used this cookbook, have
you?

24 A. No, I have not.

25 Q. Have you read it?

12890

Edward Killam - Voir Dire

1 A. I've skimmed this one.

2 Q. Seen it for sale in any gun shows from October of
'94
3 through April of '95?

4 A. Not that I can recall.

5 MS. WILKINSON: With those limitations, no
objection.

6 THE COURT: Received.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. TIGAR:

9 Q. Next one, sir?

10 A. The next one is D1682, Improvised Explosives – How
to Make
11 Your Own.

12 MR. TIGAR: We offer it.

13 VOIR DIRE EXAMINATION

14 BY MS. WILKINSON:

15 Q. Have you ever used this book to make your own
improvised
16 explosives, Mr. Killam?

17 A. No, I have not.

18 Q. Are you familiar with the contents?

19 A. I'm familiar with the contents.

20 Q. Have you read it or just skimmed it?

21 A. Just skimmed this one.

22 Q. And have you seen that book for sale at any gun
shows
23 during the time period of October, '94, and April of
'95?

24 A. Not that I can recall.

25 MS. WILKINSON: With those limitations, no
objection.

12891

Edward Killam – Voir Dire

1 THE COURT: Received.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. TIGAR:

4 Q. Next one, sir?

5 A. Next one is D1683 entitled Deadly Brew – Advanced
6 Improvised Explosives.

7 MR. TIGAR: We offer, your Honor.

8 VOIR DIRE EXAMINATION

9 BY MS. WILKINSON:

10 Q. Mr. Killam, do you know if this discusses the
consequences

11 of making an advanced improvised explosive device?

12 A. I don't know without reviewing it again.

13 Q. So you've just skimmed it?

14 A. Correct.

15 Q. Have you seen it available at any gun shows during
the time

16 period that we're discussing, October of '94 through
April of

17 '95?

18 A. Not that I can recall.

19 MS. WILKINSON: With those limitations, no
objection.

20 THE COURT: Received.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. TIGAR:

23 Q. The next one, sir?

24 A. The next one is D1684, Pyrotechnics, The Chemistry
of

25 Powder and Explosives – Chapter 3.

Edward Killam – Direct

1 MR. TIGAR: We offer it.

2 VOIR DIRE EXAMINATION

3 BY MS. WILKINSON:

4 Q. Mr. Killam, you purchased this book for purposes of
your

5 testimony; correct?

6 A. Yes, I did.

7 Q. Is the whole book just entitled Chapter 3, is a
pamphlet?

8 A. It appears to be an excerpt from a larger
publication.

9 This appears to be the chapter on pyrotechnics.

10 Q. And did you go and try and find this entire book?

11 A. Yes, I did.

12 Q. And were you able to find it?

13 A. Yes, I did.

14 Q. And did you bring it to court today?

15 A. Yes, I did.

16 Q. Is this one chapter that was sold separately?

17 A. It appears to be, yes.

18 Q. And are you familiar with The Chemistry of Powder
and

19 Explosives?

20 A. I have skimmed this one.

of '94 21 Q. Seen it available at any gun shows during October

22 through April of '95?

23 A. Not that I can recall.

24 MS. WILKINSON: No objection with those
limitations.

25 THE COURT: Received.

12893

Edward Killam - Direct

1 DIRECT EXAMINATION CONTINUED

2 BY MR. TIGAR:

3 Q. What's the next one, sir?

4 A. Next one is D1685, New and Improved C-4 - Better-
Than-Ever

5 Recipes for Half the Money and Double the Fun.

6 MR. TIGAR: We offer it.

7 VOIR DIRE EXAMINATION

8 BY MS. WILKINSON:

9 Q. Mr. Killam, have you read this book?

10 A. I have skimmed it.

11 Q. Have you seen it available or did you see it
available for

12 purchase at any gun shows during October, 94, to April
of '95?

13 A. Not that I can recall.

14 MS. WILKINSON: With those limitations, no
objection.

15 THE COURT: Received.

16 DIRECT EXAMINATION CONTINUED

17 BY MR. TIGAR:

18 Q. 16 -- the next one, sir?

19 A. The next one is D1686, Explosives Dusts - Advanced
20 Improvised Explosives.

21 MR. TIGAR: We offer it.

22 VOIR DIRE EXAMINATION

23 BY MS. WILKINSON:

24 Q. Mr. Killam, have you read this book in its
entirety?

25 A. No, I've only skimmed it.

12894

Edward Killam - Voir Dire

1 Q. Did you see it available for purchase during any
gun shows
2 from October of '94, to April of 95?

3 A. Not that I can recall.

4 MS. WILKINSON: With those limitations, no
objection.

5 THE COURT: Received.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. TIGAR:

8 Q. The next one, sir?

9 A. The next one is D1687, Homemade C-4 - A Recipe for

10 Survival.

11 VOIR DIRE EXAMINATION

12 BY MS. WILKINSON:

13 Q. Mr. Killam, you've read that book, haven't you?

14 A. I have skimmed this one.

during
15 Q. And did you see that for sale at any gun shows
16 October of '94, through April of '95?

17 A. Not that I can recall.

18 MS. WILKINSON: With those limitations, no
objection.

19 THE COURT: Received.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. TIGAR:

22 Q. Next one, sir?

23 A. Next one is D1688, Improvised Radio Detonation
Techniques.

24 VOIR DIRE EXAMINATION

25 BY MS. WILKINSON:

12895

Edward Killam - Voir Dire

1 Q. Did you read this --

2 MS. WILKINSON: Excuse me.

3 MR. TIGAR: We offer it.

4 BY MS. WILKINSON:

5 Q. Have you read this book?

6 A. Only skimmed it.

October

7 Q. And did you see it for sale at any gun shows during
8 of '94, to April of '95?

9 A. Not that I can recall.

10 limitations.

MS. WILKINSON: No objection with those

11 THE COURT: Received.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. TIGAR:

14 Q. The next one, sir?

Arsenal -

15 A. The next one is D1689, The Advanced Anarchist
16 Recipes for Improvised Incendiaries and Explosives.

17 MR. TIGAR: We offer it.

18 VOIR DIRE EXAMINATION

19 BY MS. WILKINSON:

20 Q. Mr. Killam, did you read this book?

21 A. I have skimmed this one.

22 consequences

Q. And do you know if this book talks about the
23 of making a device of this type?

24 A. I don't know that without reviewing it again.

Arsenal,

25 Q. Did you see this book, The Advanced Anarchist

Edward Killam - Voir Dire

of 1 available for sale at a gun show during the time period
2 October of '94 through April of '95?

3 A. Not that I can recall.

4 MS. WILKINSON: With those limitations, no
objection.

5 THE COURT: Received.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. TIGAR:

8 Q. The next one, sir?

9 A. The next one is D1691, Pipe and Fire Bomb Designs -
A Guide
10 for Police Bomb Technicians.

11 MR. TIGAR: We offer it.

12 MS. WILKINSON: May I inquire, your Honor? I
13 believe -- did we just do 1689 before that?

14 MR. TIGAR: Yes.

15 MS. WILKINSON: Are we jumping 1690?

16 THE WITNESS: I don't have 1690 in front of
me.

17 MS. WILKINSON: Okay.

18 VOIR DIRE EXAMINATION

19 BY MS. WILKINSON:

20 Q. Now, we're talking about D1691, Mr. Killam?

21 A. Right.

Police 22 Q. And that's Pipe and Fire Bomb Designs - A Guide for
23 Bomb Technicians?
24 A. Correct.
25 Q. Have you read that book?

12897

Edward Killam - Voir Dire

1 A. Only skimmed it.
2 Q. Did you see that available for purchase at a gun
show
3 during October of '94 through April of '95 time period?
4 A. Not that I can recall.

5 MS. WILKINSON: With those limitations, no
objection.

6 THE COURT: Received.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. TIGAR:

9 Q. D -- the next one, sir?
10 A. The next one is D1692, Explosives and Propellants
From
11 Commonly Available Materials.

12 MR. TIGAR: We offer it.

13 VOIR DIRE EXAMINATION

14 BY MS. WILKINSON:

15 Q. Did you read that book before coming to court, Mr.
Killam?

16 A. Only skimmed it.
17 Q. And did you see it available for purchase at any
gun shows
18 during the time period of October of '94 to April of
'95?

19 A. Not that I can recall.

20 MS. WILKINSON: With those limitations, no
objection.

21 THE COURT: Received.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. TIGAR:

24 Q. The next one, sir?

25 A. The next one is D1693.

12898

Edward Killam - Direct

1 MR. TIGAR: We offer --

2 BY MR. TIGAR:

3 Q. What's the title, sir?

4 A. Titled Improvised Munitions from Ammonium Nitrate.

5 MR. TIGAR: We offer it.

6 VOIR DIRE EXAMINATION

7 BY MS. WILKINSON:

8 Q. Mr. Killam, did you read this pamphlet before you
came to
9 court today?

10 A. Some time ago; but, yes, I have read that one.

11 Q. It's not too long -- right -- 37 pages?

12 A. It's short.

13 Q. And does it discuss how to use ammonium nitrate in
an
14 explosive device?

15 A. Yes, it does.

16 Q. Does it give you the different formulas you can use
using
17 pills of ammonium nitrate?

18 A. Yes, it does.

19 Q. And did you ever see this book available for sale
at a gun
20 show during the period of October, '94, through April
of '95?

21 A. Not that I can independently recall.

22 MS. WILKINSON: With those limitations, no
objection.

23 THE COURT: Received.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. TIGAR:

12899

Edward Killam - Direct

1 Q. And the next one, sir?

2 A. The next one is D1694, Kitchen Improvised
Fertilizer
3 Explosives.

4 MR. TIGAR: We offer it.

5 VOIR DIRE EXAMINATION

6 BY MS. WILKINSON:

7 Q. Mr. Killam, this book talks about kitchen -- or
it's called

8 Kitchen Improvised Fertilizer Explosives; correct?

9 A. Yes.

10 Q. This book also discusses ammonium nitrate?

11 A. Yes, it does.

12 Q. And have you compared this book, Defendant's
Exhibit 1694,

13 with the one that was just previously entered into
evidence,

14 Defense Exhibit 1693, on Improvised Munitions from
Ammonium

15 Nitrate?

16 A. No, I've never compared the contents of the two.

17 Q. Have you compared any of the books that you're
bringing

18 into court today?

19 A. I have looked at some of the formulas contained
within

20 various publications.

21 Q. Are they similar?

22 A. Yes, they are.

23 Q. And do they discuss the formulas used for ammonium
nitrate

24 and fuels?

25 A. Yes, they do.

12900

Edward Killam – Voir Dire

1 Q. Did you ever see Defense 1694 available for sale at
a gun
2 show during the time period of October, '94, through
April,
3 '95?

4 A. Not that I can independently recall.

5 Q. I don't know if I asked you. Did you read or just
skim it?

6 A. I read that.

7 MS. WILKINSON: With those limitations, no
objection.

8 THE COURT: Received.

9 MR. TIGAR: I'll take the box.

10 MS. WILKINSON: Is that all the books?

11 MR. TIGAR: Yes.

12 MS. WILKINSON: Oh, thank you.

13 MR. TIGAR: I'm sorry.

14 MS. WILKINSON: There were more on the list.

15 DIRECT EXAMINATION CONTINUED

16 BY MR. TIGAR:

17 Q. Mr. Killam, you mentioned on the questions asked on
voir
18 dire with respect to some of these exhibits that you
had seen

19 some of these books before the episode in which you
purchased
20 them at a gun show. Do you remember that?
21 A. Yes, sir.
22 Q. Now, with respect to -- when's the first time you
can
23 remember reading a book or pamphlet about how to build
an
24 improvised explosive device?
25 A. About 1974.

12901

Edward Killam - Direct

1 Q. And in what connection was that that you began
reading
2 about how to build an improvised explosive device?
3 A. Part of my responsibilities with the police
department was
4 to handle bomb-threat and bomb-search incidents, and so
I
5 attended numerous -- not numerous, but several law
enforcement
6 training seminars on improvised explosive devices, how
to
7 conduct bomb searches and deal with bomb-threat
situations.
8 And I acquired a number of those books during that time
period
9 and made them part of the department library.

10 Q. Where did you acquire them?

11 A. From gun shows.

12 Q. Now, that was in 1974?

13 A. And in the mid 1970's, yes.

14 Q. Now, after you left the police department, did you
continue
15 to acquire reading materials about bombs?

16 A. A few, yes.

17 Q. And in the intervening years from 1974 to 1977,
about how
18 many gun shows a year did you attend?

19 A. It depended on the year, but somewhere usually
between five
20 and ten per year.

21 Q. And are the materials that we have reviewed here
and that
22 are now in evidence typical of the kinds of materials
about
23 explosives and pyrotechnics that you saw at gun shows
during
24 that time?

25 A. It would depend upon the nature of the gun show,
but

12902

Edward Killam - Direct

1 generally, yes; that's correct.

2 Q. Now, in what parts of the country have you attended
gun

3 shows?

4 A. All over the country except for the deep southeast.

5 Q. And when you say it depends on the type of gun
show, tell

6 the jury what the differences are among or between the
types of

7 gun shows.

8 A. Sure. There are gun shows that are regional, and
there are

9 also gun shows on particular topics. For instance, I'm
a

10 collector of antique military shoulder arms. So there
are

11 specific gun shows around the country which deal with
the focus

12 on Civil War arms or Colonial and Revolutionary War
arms or

13 western arms like Colts and Winchesters, so some of the
shows

14 are specific to a particular type of collectible
firearm.

15 Other gun shows which are held more frequently are
general

16 shows. They have a variety of hunting guns, handguns,
and

17 other general merchandise.

18 Q. And at which type of gun show would you see
booklets,

19 pamphlets, books like have just been introduced in
evidence?

20 A. At the more common, general, open-merchandise
shows.

but did 21 Q. I'm not going to go through all of these in detail,
items that 22 you check the editions or print date on each of the
23 we've introduced in evidence here?
24 A. Yes, I have.
Printing 25 Q. And here is Defendant's 1669. It says, "First

12903

Edward Killam - Direct

1 1991"; correct?
2 A. Correct.
then it 3 Q. And then it has the legend BATF for which -- and
4 says "Bold American Tough Firearms," does it?
5 A. Yes, it does.
High 6 Q. Now, this book, D1670, says -- is Two-Component,
it -- if 7 Explosive Mixtures and Improvised Shape Charges. Does
about a 8 we were to leaf through here, we would see information
9 number of things, including nitromethane solid
explosives;
10 correct?
11 A. Correct.
field 12 Q. All right. Now, 1671 is a Department of the Army

13 manual; correct?

14 A. It's a reprint of Department of Army field manual,
yes.

15 Q. And -- and this is entitled, Booby Traps. Is this
one that

16 you had been familiar with before you made this
shopping trip?

17 A. Yes, I was.

18 Q. And in what connection had you been familiar with
it?

19 A. This was part of our department library.

20 Q. Now, here is a book, the one that you were
mentioning,

21 Ragnar's Guide to Home and Recreational Use of High
Explosives,

22 by someone named Ragnar Benson; correct?

23 A. Correct.

24 Q. And this is published by whom?

25 A. Paladin Press of Boulder, Colorado.

12904

Edward Killam - Direct

1 Q. Now, are you familiar with Paladin Press?

2 A. Yes, I am.

3 Q. And what kinds of materials does Paladin Press
publish?

4 A. They produce various sorts of books for the general
public

5 having to do with survival techniques, firearms,
explosives,

6 military subject areas.

7 Q. Now, does -- where does Paladin Press, to your
knowledge,

8 market their books that they sell?

9 MS. WILKINSON: Objection, your Honor.

10 THE COURT: He's asked if he knows.

11 MS. WILKINSON: His personal knowledge, I take
it.

12 MR. TIGAR: Yes.

13 THE COURT: Yes.

14 MR. TIGAR: I can make it more precise, your
Honor.

15 THE COURT: All right. Fine.

16 BY MR. TIGAR:

17 Q. Have you seen Paladin Press books sold at gun
shows?

18 A. Yes, sir.

19 Q. And in what -- what format? How are they marketed
there?

20 A. Typically they're on a bookrack or laid on tables
for sale.

21 Q. Now, is that -- does -- does the bookrack or table
say

22 "Paladin Press," or are these resellers that are
selling them

23 that you've observed?

24 A. These are resellers.

25 Q. Now, this Improvised Munitions from Ammonium

Nitrate,

12905

Edward Killam – Direct

1 Defendant's Exhibit 1693, who is that published by?

2 A. Desert Publications, El Dorado, Arkansas.

3 Q. And what is the -- can you read the copyright date?

4 A. Yes. Copyright 1980.

5 Q. And they say they are a division of the Delta
Group; is
6 that right?

7 A. It says Desert Publication, a division of the Delta
Group,
8 Limited.

9 Q. Now, before you purchased this book, which is
copyright
10 1980 by Desert Publications, had you seen any
publications that
11 you can recall by this Arkansas outfit?

12 A. I was familiar with Desert Publications as a
publishing
13 entity, yes.

14 Q. And how had you become familiar with them?

15 A. Because like Paladin Press, they also publish a
number of
16 books and booklets on military firearms and explosive-
related
17 topics.

times 18 Q. And in the years from 1974 to 1995, about how many
19 had you seen exhibits or displays of this Desert
Publications 20 books at gun shows you attended?
21 A. It would be difficult to estimate it. They were
common. 22 That's the best I can do.
23 Q. And would your testimony be the same, that they
were common 24 with respect to books by Paladin Press at the gun shows
you 25 attended during that period?

12906

Edward Killam - Direct

1 A. That would be fair, yes.
2 MR. TIGAR: May I have a moment, your Honor?
3 THE COURT: Yes.
4 MR. TIGAR: Thank you very much, Mr. Killam.
I have 5 no further questions.
6 THE COURT: Miss Wilkinson.
7 MS. WILKINSON: Thank you, your Honor.
8 CROSS-EXAMINATION
9 BY MS. WILKINSON:
10 Q. Good morning again, Mr. Killam.
11 A. Good morning.

12 Q. You told us when you were describing your
credentials that

13 you belong to the Association of Criminal Defense
Lawyers; is

14 that right?

15 A. As an associate member; that's correct.

16 Q. You're not a defense lawyer; right?

17 A. No, I'm not.

18 Q. But you work with them quite frequently?

19 A. Very frequently.

20 Q. And in connection with this case, when you were
appointed,

21 you were not personally contacted by the court, were
you?

22 A. No, I was not.

23 Q. You were contacted by Mr. Tigar?

24 A. Originally, yes.

25 Q. And he asked you to work with him on this case;
correct?

12907

Edward Killam - Cross

1 A. That's correct.

-- I 2 Q. Now, you've told us that during your time with the

3 believe it was the Colorado State University Police
Department;

4 is that right?

5 A. Yes, ma'am.

6 Q. That you started to collect books on explosives?

7 A. No, not until after that time period.

8 Q. Okay. What were you doing at that time period,
then, when

9 you collected those books on explosives?

10 A. I was with the Aspen Police Department.

11 Q. And you were collecting these books in your
official

12 capacity as a law enforcement official; correct?

13 A. Yes, I was.

14 Q. You weren't reading them for your personal
pleasure?

15 A. That's correct.

16 Q. And you weren't reading them because you wanted to
learn

17 how to make a bomb, yourself; correct?

18 A. That's correct.

19 Q. You were reading them because you were worried
about the

20 threat; correct?

21 A. Yes.

22 Q. And you wanted to be informed as a law enforcement
23 official?

24 A. Correct.

25 Q. So that's why you maintained a library of those
books; is

Edward Killam - Cross

1 that right?

2 A. That's correct.

3 Q. Now, when you went and searched Mr. Nichols' house
after

4 the FBI had left it locked, you went in there and
searched the

5 entire house, didn't you?

6 A. Yes, I did.

7 Q. You went into every room?

8 A. Yes.

9 Q. You opened all the drawers?

10 A. Yes.

11 Q. Opened boxes?

12 A. Yes.

13 Q. You looked at everything so you could have a full
14 accounting of what was left behind; correct?

15 A. Correct.

16 Q. So you're familiar with everything that remained in
17 Mr. Nichols' house?

18 A. Yes, I am.

19 Q. You might need some documents to refresh your
recollection,

20 but you know what was left there; correct?

21 A. Yes. Or photographs I may need to refer to.

22 Q. And so while you may not have testified to all of
that
23 today, if at some point you're called to discuss what
was found
24 in Mr. Nichols' house, you could do that?
25 A. Yes, I could.

12909

Edward Killam – Cross

1 Q. And was it your understanding when you took custody
of the
2 house or you were able to open the house with the key,
that it
3 was in the same condition as when the FBI left it?
4 A. That was my assumption.
5 Q. All right. You don't have any knowledge of anyone
going
6 into the home and placing anything in there after the
FBI left;
7 correct?
8 A. I have no knowledge of that.
9 Q. But it's your understanding, because you've
testified today
10 about some of the things that you've found, that those
items
11 were there when the FBI left?
12 A. I presume that they were.
13 Q. Well, the items that you've testified about, the

Nichols' 14 model-airplane materials, you found those in Mr.
15 house?
16 A. Yes, I did.
17 Q. And you don't have any reason to believe that
someone else 18 placed them after the FBI left, do you?
19 A. No, I have no reason to believe that anyone did.
20 Q. Now, you told us that all of these books that we've
21 introduced into evidence you can't say were available
at any 22 gun shows Mr. Nichols might have attended during
October, '94, 23 through April of '95; correct?
24 A. That's correct.
25 Q. And you don't have any personal knowledge of
whether

12910

Edward Killam - Cross

1 Mr. Nichols read these books or not; right?
2 A. No, I don't.
3 Q. But you have familiarized yourself with the text?
4 A. Yes, I have.
5 Q. And you know from reading these books that it's
fairly easy 6 to construct an improvised explosive device; is that
right?

7 A. Yes, it is.

8 Q. And these books, including D1693, lay it out for
you, don't

9 they?

10 A. Yes, they do.

11 Q. They tell you the components that you need?

12 A. Yes.

13 Q. They tell you you can use ammonium nitrate prills?

14 A. Yes.

15 Q. They tell you you can use fuel?

16 A. Yes.

17 Q. And some of these books tell you you can use fuel
oil;

18 right?

19 A. That's correct.

20 Q. They tell you you can use nitromethane?

21 A. Yes, they do.

22 Q. And they tell you that once you have those items,
that then

23 you just need a booster; correct?

24 A. Yes.

25 Q. And some way to ignite that booster?

12911

Edward Killam - Cross

1 A. Correct.

2 Q. And all of that is spelled out in these books?

3 A. Yes, it is.

4 Q. And it says that you can use different kind of
containers

5 for ammonium nitrate and a fuel; correct?

6 A. I don't recall that they address containers, but
they may.

7 Q. Okay. And do you know if any of these books
address the

8 type of damage that you can do with that type of
device?

9 A. Once again, I don't recall that they do, but they
may.

10 Q. You didn't become familiar with those portions of
that

11 book; correct?

12 A. That's correct. Without reviewing them.

13 Q. Okay. When you reviewed these books to become
familiar

14 with them for your testimony, were you ever asked to
compare

15 these books or the instructions given in these books to
the

16 book the Hunter?

17 A. No, I was never asked to compare them.

18 Q. So you can't tell us whether the facts in the
Hunter that

19 set forth how you make an ammonium nitrate bomb and how
you

20 detonate it are accurate in comparison to these books;
is that

21 right?

22 A. I have read both of the publications that you have
23 mentioned; but I was not specifically asked to compare
the
24 techniques used.

25 Q. Well, you have no reason to believe that the bomb
described

12912

Edward Killam - Cross

1 in the Hunter couldn't detonate; isn't that right?

2 A. I think the description was a little bit short on
3 specifics; but as described, I don't have any reason to
believe
4 that it would fail.

5 Q. Well, it tells you that you can get ammonium
nitrate from a
6 supply store; correct?

7 A. Yes, I believe it does.

8 Q. It tells you you need a fuel; right?

9 A. Yes.

10 Q. It tells you you can use plastic pails, 55-gallon
drums, I
11 believe it says, doesn't it?

12 A. It may well say 55-gallon drums.

13 Q. It says you can use a blasting cap?

14 A. Yes.

15 Q. Put those items in a truck?
16 A. It describes a truck.
17 Q. And detonate them in front of a building; correct?
18 A. I don't recall if it was in front of a building or
in an
19 underground parking garage.
20 Q. All right, you are right about the underground
garage. And
21 it even describes that you can use Tovex in that book,
doesn't
22 it?
23 A. I don't recall that detail.
24 Q. And in that book, it describes the actual
detonation,
25 doesn't it?

12913

Edward Killam - Cross

1 A. Yes, it does.
2 Q. And is that consistent with the detonation that's
described
3 in 1693, Improvised Munitions from Ammonium Nitrate?
4 A. I don't recall if there's a detonation described in
that
5 publication.
6 Q. In some of the publications, there are detonations
7 described; correct? They even talk about the velocity
of

8 detonation, don't they?

9 A. I believe they describe the detonations, yes.

10 Q. And it was consistent with the damage described in
the book

11 the Hunter; correct?

12 A. I can't say that those books describe the damage,
so I

13 couldn't compare the two.

14 Q. So you don't know anything about velocity of
detonation of

15 explosives; is that right?

16 A. I know about the general classification of
different types

17 of explosives based on their detonation velocity, but
few

18 details of what those might be.

19 Q. Well, you're familiar with it to know that ammonium
nitrate

20 and fuel oil is a midrange-velocity explosive; right?

21 A. Yes, I am.

22 Q. And that's somewhere in the range of 9,000 to
20,000 feet

23 per second; correct?

24 A. Other than the testimony that I heard the other
day, I

25 couldn't say that of my own knowledge.

12914

Edward Killam - Cross

1 Q. So all you know is it's a midrange velocity?

2 A. Yes, I'm familiar with the categories of low, mid,
and
3 high.

4 Q. Are you familiar with the fact that ammonium
nitrate and
5 fuel oil is used to push and heave materials as an
explosive?

6 A. Yes, I am.

7 Q. And the destruction described in the Hunter was
consistent
8 with pushing and heaving, wasn't it?

9 A. I can't say that I recall that much detail.

10 Q. So you're not that familiar with the book?

11 A. That's correct.

12 MS. WILKINSON: I have no further questions,
your
13 Honor.

14 THE COURT: Mr. Tigar.

15 MR. TIGAR: Briefly.

16 REDIRECT EXAMINATION

17 BY MR. TIGAR:

18 Q. Mr. Killam, you've read D1693; correct?

19 A. Yes, I have.

20 Q. And have you read it -- if someone were to ask you,
"Do you
21 know how to make an improvised explosive device that
would do a

22 lot of damage," what would the answer be?

23 A. The answer would be yes.

24 Q. And would that -- that's all one had read, that
would be a

25 truthful answer to that question; is that what you're
saying?

12915

Edward Killam – Redirect

1 A. Yes, it would.

2 Q. Now, counsel asked you at the beginning: Did I ask
you to

3 join this defense team. I'd like to go through the
rest of the

4 details. Were you required to provide a resume?

5 A. Yes, I was.

6 Q. Were you -- it's your understanding that resume had
to be

7 attached to a motion?

8 A. Yes, it did.

9 Q. And was that motion then submitted to Chief Judge
Russell

10 of the United States District Court?

11 A. Yes, it was.

12 Q. And was it he, upon reviewing that material that
was

13 submitted, who signed an order appointing you to this
case?

14 A. He signed the order.

15 MR. TIGAR: No further questions.

16 MS. WILKINSON: We have no more questions. I
17 understand this witness, though, will be available to
re-call.

18 THE COURT: Yes. He's going to be back on the
stand;
19 right?

20 MR. TIGAR: Yes, your Honor.

21 THE COURT: At a different time.

22 MR. TIGAR: This is a serial event.

23 THE COURT: You may step down now, Mr. Killam.

24 MR. TIGAR: May I retrieve the exhibits from
the
25 witness, your Honor?

12916

1 THE COURT: Yes.

2 MR. WOODS: That's the end of our witnesses
today,
3 your Honor.

4 THE COURT: Well, members of the jury, our
usual
5 schedule here is to go till 1:00 on Friday, but you
were so
6 good this week coming through the ice and snow that
we're going
7 to give you an early recess. And another reason is

we're ahead

8 of schedule on our witnesses which is -- I'm sure you
have in
9 your minds a question, well, how long is it going to be
and all
10 that. I can't give you today a specific answer with
respect to
11 that. I am working with counsel. They are working
with the
12 Court to assist in this; but of course what we must do
is take
13 the time that is necessary to get the information
that's being
14 offered through these witnesses and exhibits, so bear
with us.
15 I'll probably be able to tell you next week better how
much
16 more to expect; but stay with us, recognize that you
have not
17 been given the case. You are going to hear the
testimony of
18 other witnesses, and there will be other exhibits. And
with
19 respect to the exhibits, of course we just received a
whole
20 library here this morning; but I want to reassure you
with
21 respect to that, you're not going to be asked to read
every
22 page of every book. So don't pale at that thought.
23 I'm sure, Counsel will be, in their closing arguments,
24 addressing the exhibits and suggesting to you your

approach to

25 the exhibits; and I'll have something to say about
that, too,

12917

1 in the instructions. But I don't want you to get the
wrong
2 idea that every document that comes in has to be
examined in
3 detail, but of course all of the exhibits that have
been
4 received will be available to you during deliberations.
In
5 fact, there will be a room containing the exhibits and
an index
6 so that you can properly utilize them.
7 Now, I mention that just so that you have some
idea of
8 how it is that we will actually handle exhibits. Some
were
9 received, of course, as demonstrative exhibits which
simply
10 mean that just as the testimony of the witnesses for
whom they
11 were received as demonstrative or illustrative
exhibits, you
12 can consider them at the time they're used, but they
don't
13 actually come into the exhibit room and be there for
you. So

14 there's that distinction, and I'll explain all of that
in much
15 greater detail at the time that I instruct you in the
case
16 which comes as the last thing in the presentation of
the case.

17 So, you know, we have a ways to go; and
accordingly
18 and the time of this recess now, please continue to do
as
19 you've been doing at all recesses, keeping open minds
until you
20 have heard it all, avoiding discussion among yourselves
and
21 with all other persons of anything that could in any
way relate
22 to the case which, as I've told you before, covers a
very broad
23 subject matter now; and be careful about all of those
things
24 that you may come into contact with as you read, see,
and hear
25 material to stay away of anything -- from anything that
could

12918

1 conceivably influence you, knowing that your obligation
under
2 the oath taken and under the law is to decide according
to
3 what's presented to you in the course of this trial.

12872
12872 25 Direct Examination Continued by Mr. Tigar
12919
1 1 (Edward Killam)
12874 2 Voir Dire Examination by Ms. Wilkinson
12875 3 Direct Examination Continued by Mr. Tigar
12878 4 Voir Dire Examination by Ms. Wilkinson
12879 5 Direct Examination Continued by Mr. Tigar
12879 6 Voir Dire Examination by Ms. Wilkinson
12879 7 Direct Examination Continued by Mr. Tigar
12880 8 Voir Dire Examination by Ms. Wilkinson
12881 9 Direct Examination Continued by Mr. Tigar
12882 10 Voir Dire Examination by Ms. Wilkinson
12883 11 Direct Examination Continued by Mr. Tigar
12883 12 Voir Dire Examination by Ms. Wilkinson
12884 13 Direct Examination Continued by Mr. Tigar

12884 14 Voir Dire Examination by Ms. Wilkinson
12884 15 Direct Examination Continued by Mr. Tigar
12885 16 Voir Dire Examination by Ms. Wilkinson
12885 17 Direct Examination Continued by Mr. Tigar
12885 18 Voir Dire Examination by Ms. Wilkinson
12886 19 Direct Examination Continued by Mr. Tigar
12886 20 Voir Dire Examination by Ms. Wilkinson
12886 21 Direct Examination Continued by Mr. Tigar
12887 22 Voir Dire Examination by Ms. Wilkinson
12888 23 Direct Examination Continued by Mr. Tigar
12888 24 Voir Dire Examination by Ms. Wilkinson
12888 25 Direct Examination Continued by Mr. Tigar

12920

1 (Edward Killam)
12889 2 Voir Dire Examination by Ms. Wilkinson
12889 3 Direct Examination Continued by Mr. Tigar

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| 12889 | 4 | Voir Dire Examination by Ms. Wilkinson |
| 12890 | 5 | Direct Examination Continued by Mr. Tigar |
| 12890 | 6 | Voir Dire Examination by Ms. Wilkinson |
| 12891 | 7 | Direct Examination Continued by Mr. Tigar |
| 12891 | 8 | Voir Dire Examination by Ms. Wilkinson |
| 12891 | 9 | Direct Examination Continued by Mr. Tigar |
| 12892 | 10 | Voir Dire Examination by Ms. Wilkinson |
| 12893 | 11 | Direct Examination Continued by Mr. Tigar |
| 12893 | 12 | Voir Dire Examination by Ms. Wilkinson |
| 12893 | 13 | Direct Examination Continued by Mr. Tigar |
| 12893 | 14 | Voir Dire Examination by Ms. Wilkinson |
| 12894 | 15 | Direct Examination Continued by Mr. Tigar |
| 12894 | 16 | Voir Dire Examination by Ms. Wilkinson |
| 12894 | 17 | Direct Examination Continued by Mr. Tigar |
| 12894 | 18 | Voir Dire Examination by Ms. Wilkinson |
| 12895 | 19 | Direct Examination Continued by Mr. Tigar |
| | 20 | Voir Dire Examination by Ms. Wilkinson |

12895
 21 Direct Examination Continued by Mr. Tigar
 12896
 22 Voir Dire Examination by Ms. Wilkinson
 12896
 23 Direct Examination Continued by Mr. Tigar
 12897
 24 Voir Dire Examination by Ms. Wilkinson
 12897
 25 Direct Examination Continued by Mr. Tigar
 12897

12921

1 (Edward Killam)
 2 Voir Dire Examination by Ms. Wilkinson
 12898
 3 Direct Examination Continued by Mr. Tigar
 12898
 4 Voir Dire Examination by Ms. Wilkinson
 12899
 5 Direct Examination Continued by Mr. Tigar
 12900
 6 Cross-examination by Ms. Wilkinson
 12906
 7 Redirect Examination by Mr. Tigar
 12914

8 DEFENDANT'S EXHIBITS
 9 Exhibit Offered Received Refused Reserved
 Withdrawn
 10 D1669 12878 12879

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|----|-------|-------|-------|
| 11 | D1670 | 12879 | 12879 |
| 12 | D1672 | 12882 | 12883 |
| 13 | D1674 | 12884 | 12884 |
| 14 | D1675 | 12885 | 12885 |
| 15 | D1676 | 12885 | 12886 |
| 16 | D1677 | 12886 | 12886 |
| 17 | D1678 | 12887 | 12888 |
| 18 | D1679 | 12888 | 12888 |
| 19 | D1680 | 12889 | 12889 |
| 20 | D1681 | 12889 | 12890 |
| 21 | D1682 | 12890 | 12891 |
| 22 | D1683 | 12891 | 12891 |
| 23 | D1684 | 12892 | 12892 |
| 24 | D1685 | 12893 | 12893 |
| 25 | D1686 | 12893 | 12894 |

12922

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|---|-------|-------|-------|
| 1 | D1687 | | 12894 |
| 2 | D1688 | 12895 | 12895 |
| 3 | D1689 | 12895 | 12896 |
| 4 | D1691 | 12896 | 12897 |
| 5 | D1692 | 12897 | 12897 |
| 6 | D1693 | 12898 | 12898 |

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|----|-------------|-------|-----------|
| 7 | D1694 | 12899 | 12900 |
| 8 | D1771 | 12880 | 12881 |
| 9 | D1773 | 12883 | 12884 |
| 10 | D1785-D1786 | | 12869 |
| 11 | D1785-D1796 | 12868 | |
| 12 | D1787 | 12869 | 12869 |
| 13 | D1788 | 12870 | 12870 |
| 14 | D1789 | 12870 | 12870 |
| 15 | D1790 | 12870 | 12871 |
| 16 | D1791 | | 12871 |
| 17 | D1792 | | 12871 |
| 18 | D1793 | 12871 | 12871 |
| 19 | D1794 | | 12871 |
| 20 | D1795 | | 12872 |
| 21 | D1796 | 12872 | 12872 |
| 22 | D1797 | 12874 | 12875 |
| 23 | | | * * * * * |
| 24 | | | |
| 25 | | | |

12923

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REPORTER'S CERTIFICATE

2
transcript from

I certify that the foregoing is a correct

Dated

3 the record of proceedings in the above-entitled matter.

4 at Denver, Colorado, this 5th day of December, 1997.

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Kara Spitler

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