

**Wednesday, May 21, 1997 (morning)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,

Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury - Volume 106)

Proceedings before the HONORABLE RICHARD P. MATSCH,  
Judge, United States District Court for the District of  
Colorado, commencing at 9:00 a.m., on the 21st day of May,  
1997, in Courtroom C-204, United States Courthouse, Denver,  
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription  
Produced via Computer by Paul Zuckerman, 1929 Stout Street,  
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APPEARANCES

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Houston, Texas, 77007, appearing for Defendant McVeigh.

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PROCEEDINGS

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

THE COURT: Be seated, please.

Good morning. We're going to start with the  
stipulations.

MR. HARTZLER: Yes, sir.

THE COURT: All right. We will bring in the jury.

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

THE COURT: Members of the jury, good morning.

We're going to begin this morning with reading to you some stipulations. "Stipulation" is a word we use in legal proceedings, a fancy word to mean agreement, when certain things have been agreed between both sides in the case, the Government and the defendant. And there are several here with respect to what witnesses, if called, would testify. By doing this this way, it's not necessary for the witnesses to actually come here to the trial and give the testimony where the -- both sides agree as to what the witness would say under oath if he or she were to be here. So I'm going to read to you what has been stipulated with respect to these witnesses.

And the first of these is with respect to a William Davis. And the parties have agreed that if he were called as a witness in this case, he would testify as follows: "I am married to Patricia Davis, who is the sister of the defendant, Timothy James McVeigh. In early 1993, I owned and operated a business known as Bill Davis Electric which was then located in my home at 11240 N.W. 27th Court, Plantation, Florida, 33323.

"In early 1993, the defendant, Timothy James McVeigh, visited my wife and I and stayed with us for approximately one month. During that time, I hired the defendant, Timothy James McVeigh, to be an apprentice electrician for Bill Davis Electric.

"On February 5, 1993, at my home, I provided a blank W-4 tax withholding exemption form to the defendant, Timothy James McVeigh, for him to complete before starting to work for Bill Davis Electric. Mr. McVeigh had possession of that form for approximately the amount of time necessary to complete and sign it and then gave it back to me in my home that same day. I do not recall whether or not I witnessed Mr. McVeigh sign the form. I do not recall any other person being present with Mr. McVeigh while he had possession of the form. The form was filled out, signed and dated when I received it back from Mr. McVeigh. I have no reason to believe that any person other than Timothy James McVeigh signed the W-4 form dated February 5, 1993.

"Government Exhibit 1287 is a copy of the completed, signed, and dated W-4 form that Mr. McVeigh returned to me on February 5, 1993. I kept it in the files of Bill Davis Electric until it was turned over to the United States Government. I have examined the signature on a copy of Government Exhibit 1287. I did not write that signature. I am familiar with the handwriting of my wife, Patricia Davis, and I know that the signature on Government Exhibit 1287 is not in my wife's handwriting. No other person was living in my home on February 5, 1993, when I received this fully completed, signed, and dated form back from Timothy James McVeigh."

It's also been agreed that if called as a witness in this case, Randal A. Wolverton would testify as follows -- and Randal Wolverton spells the last name W-O-L-V-E-R-T-O-N. "I am a Special Agent in the Federal Bureau of Investigation. On May 4, 1995, I met with Terry Lynn Nichols and his attorney for the purpose of obtaining samples of Mr. Nichols' handwriting. Government Exhibit 1289 contains pages of handwriting samples that I saw Terry Lynn Nichols write on May 4, 1995."

It's also been agreed and stipulated that if called as

a witness in this case, Dennis Stewart -- spelling the name S-T-E-W-A-R-T -- would testify as follows: "I have been Postmaster of Redfield, South Dakota, for 12 years." Redfield is one word. "There is not now nor has there ever been a street by the name of Malp," M-A-L-P, "or Maple," M-A-P-L-E, "in Redfield. There is no city in South Dakota by the name of Red Field," in two words, "and there is only one Redfield," one word, "South Dakota."

There is another type of stipulation here. These stipulations are agreements about what the witnesses would say if they were called as witnesses. There's also an agreement about certain facts. Now, what the jury does with these stipulations is, first those which relate to what witnesses would say, you, of course, accept that testimony as you would the testimony of any other witness who does come in and testify here before you. With respect to this stipulation, these are statements of fact and they are agreed as fact and the jury will accept these as facts without the need for calling any witnesses or introducing any other evidence with respect to these facts.

"The parties stipulate and agree:

"(1) That Special Agent Paul Gregory Broxterman," B-R-O-X-T-E-R-M-A-N, "was a federal law enforcement officer with the Office of Inspector General, Housing and Urban Development, and engaged in the performance of his official duty on April 19, 1995.

"(2) That Special Agent Paul Douglas Ice," I-C-E, "was a federal law enforcement officer with the United States Customs Service and engaged in the performance of his official duty on April 19, 1995.

"Third, that Special Agent Claude Arthur Medearis," M-E-D-E-A-R-I-S, "was a federal law enforcement officer with the United States Customs Service and engaged in the performance of his official duty on April 19, 1995.

"(4) That Government Exhibits 1070, 1074, and 1136 are admissible."

So with that -- those particular exhibits are admitted. The Government is offering these other exhibits that relate to the testimony of Mr. Wolverton and Mr. Davis?

MR. HARTZLER: That's correct, your Honor. 1287 and 1289.

THE COURT: Yes. Are there objections?

MR. NIGH: Your Honor, on 1289, some of it, we do think is not admissible. The handwriting exemplars. Some of it is case-specific, and we think that should not be admissible, those aspects.

THE COURT: Well, I haven't looked at the exhibit.

MR. JONES: Shall we bring that to you?

MR. HARTZLER: May I make a suggestion?

THE COURT: Yes.

MR. HARTZLER: Why don't we at the break discuss it with counsel. We can certainly withdraw any portion that might be --

THE COURT: All right. Maybe that could be worked out then with a short break.

With respect to 1289, what is the defendant's

with respect to 1289, what is the defendant's position?

MR. NIGH: I'm sorry, your Honor --

THE COURT: That was 1289.

MR. JONES: Right.

THE COURT: 1287 is the W-4.

MR. NIGH: We don't object to that one.

THE COURT: All right. So 1287 is admitted. And then we may be redacting portions of 1289.

MR. HARTZLER: Your Honor, we would also move the admission under Rule 902 of certain public records that we have shown the defense. The first is Government Exhibit 53, which is a certified copy of an application for a Michigan license.

THE COURT: Any objection to 53?

MR. JONES: No, your Honor.

THE COURT: Received.

MR. HARTZLER: The second is 266, which is a certified copy of a title history for a J2000 Pontiac.

MR. JONES: No objection.

THE COURT: 266 received.

MR. HARTZLER: Government Exhibit 267 is a certified copy of an Arizona title history for a license number.

MR. JONES: No objection.

THE COURT: 267 received.

MR. HARTZLER: Government Exhibit 321, 322, and 323 are certified copies of information obtained from the South Dakota Bureau of Motor Vehicles.

MR. JONES: No objection.

THE COURT: 321, 322, 323 received.

MR. HARTZLER: We're prepared to call our next witness.

THE COURT: All right. You may do so.

MR. HARTZLER: The Government calls Florence Rogers. Ms. Behenna will question her.

THE COURT: Thank you.

(Florence Rogers affirmed.)

THE COURTROOM DEPUTY: Would you have a seat, please. Would you state your full name for the record and spell your last name.

THE WITNESS: Florence E. Rogers, R-O-G-E-R-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Behenna.

MS. BEHENNA: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Ms. Rogers, where do you live?

A. I live in far southwest Oklahoma City.

Q. Are you employed?

A. Yes, I am.

Q. Where are you employed?

A. I am the president/CEO of Federal Employees Credit Union in Oklahoma City.

Q. The Federal Employees Credit Union?

A. Yes.

Q. And how long have you worked for the Federal Employees Credit Union?

A. 26 years.

Q. And how long have you been the CEO of that credit union?

A. 26 years.

Q. What type of -- let me ask the question this way. Is the Federal Employees Credit Union a financial institution?

A. Yes, it is. It is chartered under the Oklahoma state banking laws, so therefore we are not a federal agency.

Florence Rogers - Direct

Q. And what kind of activities is the Federal Employees Credit Union engaged in, what kind of things?

A. All kinds of financial transactions such as loans, savings accounts, checking accounts, mortgage lending, IRA accounts, anything that a financial institution would offer.

Q. How big is the Federal Employees Credit Union?

A. We are now 78 million. In April of 1995, we were 77 million.

Q. How many members of the credit union do you have?

A. 15,700.

Q. And would that have been the same in April of '95?

A. That's -- that number, yes.

Q. How many employees does the credit union have now?

A. We have about 45 now.

Q. In April of '95, how many employees did you have?

A. We had 33.

Q. You stated earlier that the Federal Employees Credit Union is not a federal agency; is that right?

A. That's true.

Q. Where did the Federal Employees Credit Union office?

A. We were on the 3d floor of the Alfred P. Murrah Federal Building.

Q. In April of 1995?

A. Yes.

Q. Were you at work the morning of April 19, 1995?

Florence Rogers - Direct

A. Yes, I was.

Q. Can you tell the jury what time you arrived at work?

A. About 8:00 --

Q. And what did you do --

A. -- in the morning.

Q. -- after you got to work?

A. Scurried around and found me some coffee and then prepared for a meeting that I had planned for some of my staff members.

Q. And what time was the meeting supposed to begin?

A. As soon as we could arrange for it to after 8:00. However, it was about 8:35 before we had decided to start the meeting.

Q. Where were you originally going to hold the meeting that morning?

A. We had originally planned to have it in our board room on the north side of the Alfred P. Murrah Federal Building; that my -- my printer wasn't working, and I therefore had decided to read the little agenda items from the computer screen in my office.

Q. Let me have you look at Government's Exhibit 952, which has

previously been admitted. It's the 3d floor, and it should show up on your computer screen. Do you see it?

A. Yes.

Q. Can you show the jury where the board room is located and where you originally were going to hold that meeting that morning.

Florence Rogers - Direct

A. Our board room is right here.

Q. And you moved the meeting -- because your printer wasn't working, you moved the meeting to where?

A. To my office, which is located here.

Q. And if you click that pen, those marks will come off the screen.

A. It's not --

Q. There you go. All right.

How many employees were going to attend that meeting?

A. Seven.

Q. And do you know who they were?

A. Yes, I do.

Q. Can you tell the jury who was in attendance at that meeting at 8:30 on April 19, 1995?

A. Yes. I had notified all the people that were responsible for different areas of responsibility in the credit union. The ones that were in charge of the lending operations, VISA cards, those kind of things. You want me to name the employees?

Q. Yeah, if you would just tell us who was at that meeting.

A. Kathy Finley: She was my vice president of operations.

Claudette Meek --

Q. Let me just stop you right there. How long had Kathy Finley worked for you?

A. Kathy had worked for me for 21 years. I had hired her as a teller in 1974.

Florence Rogers - Direct

Q. All right. I'm sorry. You said Claudette Meek?

A. Yes. Claudette Meek had worked for me for 13 years, and she was my vice president of the lending department.

Q. Who else was in attendance?

A. Jamie Genzer: 3-1/2-year employee that had -- was called a management trainee.

Sonja Sanders: 5-year employee, the head cashier.

Victoria Texter was in charge of our VISA credit card operations, and she had worked for me for 13 years.

Jill Randolph, our CPA and accountant, who had worked for us a year and a half.

And Valerie Koelsch, my marketing director, who had worked for me for 10-1/2 years.

Q. Can you tell the jury and kind of diagram on the screen for us exactly where you were sitting and where the other seven women were sitting.

A. I was sitting here.

Q. I assume you were on the other side of the wall. That's okay. It doesn't calibrate exactly. Your desk was along that south wall?

A. Yes. That was my wall -- my desk area.

Q. All right.

A. The ladies in attendance that morning was Kathy Finley -- erase that. Kathy was sitting on a couch to my right about 4 feet from where I was sitting.

Florence Rogers - Direct

Sitting next to her was Claudette Meek.

Sitting next to her on the couch was Jamie Genzer.

This is not working very well.

Q. That's okay. Just go ahead and describe it for us.

A. And then on the north wall on my couch was Sonja Sanders and Victoria Texter.

And then Jill Randolph had pulled in a chair and was sitting on the west side of the wall.

And right across from my desk from me was sitting Valerie Koelsch.

Q. And you were sitting at your desk?

A. Yes.

Q. What was the purpose of this meeting?

A. We were to discuss items that had been requested by the Oklahoma State Banking Department for their annual audit that was to begin the next week.

Q. And were you making assignments to these seven women that were in attendance?

A. Yes, I was.

Q. Can you tell the jury what happened at 9:02 a.m. that morning.

A. I just turned around from my computer screen, reading the next agenda item, and then was covering some items on a sheet of paper; and I had leaned back in my chair to kind of relax while one of them started talking when, literally, the whole

Florence Rogers - Direct

building started to blow up. I was thrown against the floor in kind of a tornado-like rush; and when I was able to stand up, all the girls that were in my office with me had totally disappeared with the six floors from above us on top of them.

Q. How much --

A. I never saw them again.

Q. How much floor did you have between the south wall and where you had been sitting?

A. There was only about 18 inches left.

Q. Was your desk still there?

A. It was about to fall off into the hole that had been made from the blast.

Q. And everything north of your desk was gone?

A. Literally gone. I could see the blue sky through the north building.

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Q. Did you call out for the women that were in your office?

A. Yes, I did.

Q. And no response, I assume?

A. No response. All I could hear was quiet.

Q. You could see through the building?

A. Yes, I could. I could see the smoke and the fire from the parking lot.

Q. Were you stuck on that ledge for some time?

A. Not long, actually. I began yelling out the window for help. And it wasn't long before two of the GSA employees

Florence Rogers - Direct

assisted me out of the building. Once outside on the plaza, I began to hyperventilate and shake very uncontrollably. Then I started walking around the streets, witnessing all the chaos and --

Q. How long do you think you walked the streets of downtown Oklahoma City?

A. Until noon.

Q. About three hours?

A. Yes. I was desperately trying to search for my staff members and a phone so we could call my family.

Q. Did you find any of your staff members?

A. I found five of my staff members who had made it out of the

building before we were all shoved back when the second bomb scare happened.

Q. And you said that you wanted to make a call to your family. Did you do that, as well?

A. Yeah. It was after noontime before I was able to find a phone. It was very important for me to try to locate my youngest son, because he works right across the street from the Murrah Building and I knew that he would be there looking for me immediately. And he had been. But it was noon before I was able to find a phone and call his pager number. He had gone to --

THE COURT: We're going beyond --

MS. RAMSEY: Your Honor, we would object.

Florence Rogers - Direct

THE COURT: -- beyond what is appropriate.

BY MS. BEHENNA:

Q. I assume your son -- did you connect with him --

A. Yes.

Q. -- by telephone? And then does he --

A. He came immediately and got me. And we went to my home, and him and I began calling my employees' families. By the end of the day, we had determined that 15 had survived or were not there that day, and I still had 18 missing.

Q. Do you know how many employees were at work at the credit union the morning of April 19?

A. There were 28 of them present that morning.



Q. 28. And 18 of them were missing that evening?

A. Yes.

Q. You weren't able to locate?

A. No.

Q. Did you know each of these women and men?

A. I had been responsible for hiring each and every one of them.

Q. We've talked about seven of the women that were in your office that morning.

MS. BEHENNA: With the Court's permission, could I have the marshal put -- well, let me move the admission of Government's Exhibit 1092, your Honor.

MS. RAMSEY: No objection, your Honor.

Florence Rogers - Direct

THE COURT: 1092 is received.

MS. BEHENNA: Thank you. I believe it's the first chart on the left.

THE COURT: All right.

MS. BEHENNA: Your Honor, may I assist?

THE COURT: Yes. Has he got the wrong one?

BY MS. BEHENNA:

Q. Ms. Rogers, are you able to see that?

A. Yes.

Q. Can you identify for those women that we haven't talked about before -- describe what they did for you at the credit union.

A. Kimberly Ruth Burgess was my little administrative assistant. She had worked for me for a year and three months.

Q. And Kathy Finley, we've discussed.

A. Yes. She was my vice president of operations.

Q. Jamie Genzer?

A. Jamie Genzer was a management trainee of two and a half years.

Q. And she was in attendance in the meeting?

A. Yes, she was. Linda Coleen Housley was a loan officer, and she had only been with us about a year and a half.

Robin Huff had been with us for six years. She was a loan officer.

Christi Jenkins was a teller, and she had been with us

Florence Rogers - Direct

for ten years.

Valerie Jo Koelsch was the little marketing director that I hired right out of college that had worked for me for ten and a half years.

Q. And she was in attendance in the meeting in your office?

A. Yes, she was.

Q. All right.

A. Cathy Leinen had been with me for 12 years, and she was my collection officer.

Tresia Worton had been with us about seven months.

She was a teller.

MS. BEHENNA: With the Court's permission, we broke it down into two charts because it was too big.

THE COURT: All right. What's the other one?

MS. BEHENNA: Excuse me. Could you -- may I approach, your Honor?

THE COURT: Yes.

MS. BEHENNA: The next chart, if we could put it up . . .

THE COURT: Is this all labeled 1092?

MS. BEHENNA: Yes, it was. It was one chart, and we broke it out into two.

THE WITNESS: Claudette Meek had been with me 13 years. I had initially hired her as a teller, and she had made it through the branch, vice president of lending.

Florence Rogers - Direct

Frankie Ann Merrell was a teller, and she had been with us for three and a half years.

Jill Diane Randolph, who was in my office that morning, was a CPA and accountant and had been with us a year and a half.

Claudine Ritter was a collection officer, also. She had been with me for eight years.

Christine Rosas had only been employed with us for eight days. She was a receptionist in the loan office.

Sonja Lynn Sanders had worked for me for five years. She was my head cashier and was present in my office that morning.

Karan Denise Shepherd was a loan officer, and she had been with us for six years.

Victoria Texter, initially hired as a teller, was in charge of my VISA department; and she had been with us for 13 years.

Virginia Thompson had come to work for me in January of 1995 as a receptionist in the loan office.

MS. BEHENNA: With the Court's permission, I'd like to put up the floor plan so we can place the names.

THE COURT: Yes. All right.

MS. BEHENNA: It's the big floor plan.

BY MS. BEHENNA:

Q. Ms. Rogers, I believe you have in front of you a folder

Florence Rogers - Direct

that has some name plates on it -- or in it. With the Court's permission, if you could approach the board and place the names of the women that were killed that morning on the floor plan, where their office was located or where they were in attendance in the meeting.

THE WITNESS: Cathy Leinen was in the collection department located right here.

Claudine Ritter sat next to her

CLAUDINE RICCEL SET NEXT TO HER.

Kim Burgess, my little administrative assistant's office, which is outside my door, located here.

Kathy Finley, who normally officed in this area, was present in my office that morning.

And sitting next to Kathy was Claudette, and then Jamie on the couch, and then Sonja and Vicki and Jill Randolph and Valerie Koelsch.

Coleen Housley's office was here on the north side in our loan office.

Karan Shepherd's office was on the far north wall of the building.

Virginia Thompson's receptionist desk was located right here.

Christi Rosas set next to her.

Christi Jenkins, a teller, was at her teller station that morning; Frankie Merrell, next to her, and Tresia Worton next to her.

Florence Rogers - Direct

Robin Huff normally set here, was in our VISA department that morning, showing ultrasound pictures to Amy Petty. She was expecting her first baby in June.

Q. You can go ahead and take your seat.

Ms. Rogers, were two of the last three people removed or recovered from the building employees of yours?

A. Yes, they were, Virginia and Christi.

Q. Do you know what date they were recovered from the building?

A. I believe it was May the 29th, about five days after the building was imploded.

MS. BEHENNA: That's all I have, your Honor.

THE COURT: Do you have any questions?

MS. RAMSEY: No, your Honor.

THE COURT: I take it, then, she's excused.

MS. BEHENNA: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

THE COURT: All right. Ms. Rogers, you may step down. You're excused.

Next please.

MR. HARTZLER: Government calls Mike Shannon.

Mr. Ryan will question.

THE COURT: Thank you.

(Mike Shannon affirmed.)

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

State your full name for the record and spell your last name.

THE WITNESS: Mike Shannon, S-h-a-n-n-o-n.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Shannon, where do you live?

A. Mustang, Oklahoma.

Q. And where is that in relationship to Oklahoma City?

A. It's in Oklahoma City limits.

Q. And what do you do for a living?  
A. I'm the special operations chief for the Oklahoma City Fire Department.  
Q. What does that job entail?  
A. I'm the chief over hazardous materials, special tactics, and rescue and underwater rescue and recovery.  
Q. Where were you born and raised?  
A. Oklahoma City.  
Q. Where did you go to school?  
A. Fountain City West High School.  
Q. Have you had some college courses after high school?  
A. Yes, sir.  
Q. Tell us briefly about that.  
A. I've had college at Oklahoma City University in Oklahoma City.

Mike Shannon - Direct

Q. Are you an instructor?  
A. Yes, sir.  
Q. Where do you instruct?  
A. At Oklahoma State University, Oklahoma City; Emmitsburg, Maryland, at the National Fire Academy, and Louisiana State University.  
Q. Can you tell us what you teach?  
A. Hazardous materials.  
Q. What does that mean?  
A. Chemistry, hazardous materials that affect transportation, how to react to those and how to respond in emergencies.  
Q. Now, following your graduation from high school, what did you do with your life?  
A. Spent -- I went to the Navy for four years and was in nuclear and biological, chemical warfare, damage control in the Navy for four years.  
Q. Where were you assigned?  
A. On board the U.S.S. Barbie.  
Q. Where was it located?  
A. On the West Coast; Long Beach, and then San Diego.  
Q. Did you have an overseas duty?  
A. We went overseas several times.  
Q. Where did you go?  
A. Into partial West Pac's. Escorted many vessels into the extreme South Pacific, Vietnam area. Extreme west.

Mike Shannon - Direct

Q. What was the date of your service?  
A. '72 -- from '72 to '76.  
Q. And after you left the military, did you join the fire department shortly thereafter?  
A. A year after I left the Navy, I joined the fire department.  
Q. Why did you choose the fire department?  
A. To continue the type of response, the type of actions, training, things I had done in the Navy, continued with -- with

that operation. My father had been on -- in the fire department and my great uncle, stepfather. It's all I ever wanted to be in my life.

Q. Now, you told us that you began with the Oklahoma City Fire Department in 1977.

A. Yes, sir.

Q. And have you been continuously with the Fire Department for the past 20 years?

A. Yes, sir.

Q. Can you take us -- and not on a long route but in a short route through your career.

A. I started out as a firefighter at headquarters, became a sergeant, a driver; then became a lieutenant; took and passed the captain's test; went to the rank of captain, major, station officer, and applied for this position and got this position.

Q. How many men and women are there in the Oklahoma City Fire Department?

Mike Shannon - Direct

A. About a thousand.

Q. Okay. And setting modesty aside, where are you in the chain of command?

A. I'm a two bugle chief. A district chief. And then there are three bugle chief a battalion -- deputy chief. There is a four bugle chief, which is an assistant type chief, and then the fire chief has five bugles.

Q. Is that a long way of saying there are three people on top of you?

A. There's three people on top of me. One between me and the fire chief.

Q. Now, have you prior to -- or had you prior to April 19 ever

been involved in any type of explosion where death ensued?

A. We've had a lot of gas-type explosions, lots of tornadoes causing houses, structures to explode, be leveled, destroyed -- that type of thing, for years.

Q. Have you prior -- had you prior to April 19 had occasion to

enter structures that were dangerous and remove people?

A. Yes, sir.

Q. Again, setting modesty aside, have you been honored for your heroism?

A. Yes, sir.

Q. And I'd like to turn to April 19, and I won't go through the details of your receiving -- hearing the explosion, that testimony. Let's just talk about when you arrived at the

Mike Shannon - Direct

scene.

A. I parked at the corner of Hudson and 5th and walked the block through the debris to get to the building. My initial thought was the Water Resources Building was the -- was my focal point and ended up looking to my right to the south and

local point and ended up looking to my right to the south and seeing the Murrah Building.

Q. Now, how far did you have to come to respond to the Murrah Building?

A. Five blocks.

Q. And I'm going to show you Exhibit 944, which is already in evidence. Can you see that photograph? Tell us what we're looking at here.

A. This is a -- this is myself.

Q. Would you -- okay.

A. Yes, sir.

Q. Okay.

A. With an SCBA on.

Q. What does that mean?

A. Self-contained breathing apparatus. At the time, where I parked, I couldn't see the Murrah Building. All I could see was parts of the Water Resources had -- the smoke led me to believe there was a -- a fire in the area.

Q. Okay. And about what time are we looking at where we see you here in this photograph?

A. Two, three minutes after the explosion.

Mike Shannon - Direct

Q. Okay. And what are you doing?

A. I had put on my mask, the SCBA, and was going up the street. And it was about in this area, someplace here between this line and the intersection, that I was able to see the -- get through the smoke well enough to see the Murrah Building, the damage in the Murrah Building, itself.

Q. All right. Now, if you would, you've got a folder there in front of you, Chief Shannon. If you would -- the very first exhibit in the folder is the one we're looking at here, 944. Do you see that?

A. Yes, sir.

Q. Now, if you'll turn to the next exhibit, 979.

A. Yes.

Q. And are you looking at it?

A. On the paper?

Q. Yeah. Keep turning the exhibit pages until you come to 979.

A. I see. Yes.

Q. Would you tell us what that is.

A. That's a -- when I was standing right about in the middle of the intersection.

Q. Is this a photograph of what you saw that morning?

A. At this position, that's what it appeared when looking east.

Q. All right. And also while we're looking at these exhibits,

Mike Shannon - Direct

would you look at 1001, 1002, and 1000.

A. 1001 . . .

O. 1002 and 1000.

2- ---- ---- ----

A. Yes.

Q. Are these all photographs of what you saw the morning of April 19?

A. Yes.

MR. RYAN: Your Honor, 1001 and 944 are in evidence; but the Government would move the admission of 979, 1000 and 1002.

MR. JONES: No objection.

THE COURT: All right. They are received. 979, 1000, 1002.

MR. RYAN: Yes, your Honor.

BY MR. RYAN:

Q. Now, let's turn to Exhibit 979. And tell us what we're looking at here.

A. This is what it looked standing in -- you can see the -- the center stripe in the road here. This gave an idea from across 5th Street. Across 5th Street --

Q. Excuse me. Go ahead.

A. About center of the street, you can see the edge of the Murrah Building here.

Q. And where are you with reference to this photograph?

A. Standing in the middle of the street, of 5th Street,

Mike Shannon - Direct

looking east.

Q. Towards the building?

A. Looking straight east. The building is just in partial view.

Q. Okay. And where is the building? Point out actually where the building is.

A. There's a line going down and across. That outlines the edge of the building.

Q. Okay. Now, let's turn to Exhibit 1001. Tell us what we're looking at here.

A. This is looking about where I entered the building, looking to the north of the 50 car fires that are on the north -- in the parking lot.

Q. Now, yesterday, the jury looked at a number of vehicles that were directly north of the -- of the Murrah Building but didn't have all the smoke in the photograph. Is that what we're looking at, that parking lot?

A. Yes. This is the parking lot straight across the street.

Q. And what is -- what are we looking at here on the ground?

A. There's a seat here. We have a -- this is all the debris from the building, all the littered papers.

Q. And where you just circled there, is that the street, itself?

A. Yes, sir. The street was -- you couldn't tell any marking of the street, whether it had markings of traffic lanes and the

Mike Shannon - Direct

like, completely obscured from the debris.

Q. All right. Now, let's turn to Exhibit 1002. Tell us what we're looking at here.

A. This is a few minutes after -- probably 15 -- around the 15-minute time line of being in the building. Engine 1 had already arrived on scene. Their crew had disembarked. I see the edge of a victim laying in the street here. That -- that tells me the time line that I'm speaking about.

Q. All right. And Exhibit 1000. What time line are we looking at here?

A. This was just before the previous picture, before the crew had -- of Engine 1 had disembarked. Tom Hall is here in the street. I already brought him out, so that puts it a little bit earlier.

Q. All right. Let's go back a little bit then. And we saw the photograph of you running towards the building there on 5th Street. Tell us what you did after you arrived at the building.

A. I entered the structure through the smoke what would be now just behind the cab of the -- the rig here, just behind the cab, in that area on the building, and put a chair down to climb up into the chair, get footing onto the chair, stumbled into the -- the office area, found two ladies on the inside, asked them of their injuries. They told me of a -- some 25 children they expected to be in the -- in the 2d floor above

Mike Shannon - Direct

us.

Q. How did they do that?

A. I bent over and asked one lady how -- how -- if she was injured. They were laying down on the piece of office divider. And she had a dress, light-colored dress on, and she grabbed me by my bunker gear like she was threatening me, chastising me, and she put her nose to my nose and chastised me about the children on the 2d floor, telling me to get up there and leave the building -- to leave that room. Go walking to the doorway.

I -- I found a police officer carrying Tom Hall; and he had handed me that gentleman, and I took him outside. So that delayed some of that response.

Q. And that's the man we're looking at here in the street?

A. Yes, sir.

Q. Okay. After you got Mr. Hall out of the building, what did you do?

A. Went back in and tried to find the stairs to the 2d floor, knowing the stairs would be close to the elevator shaft. The hallway that I had taken Tom Hall from was real dark, pitch black. Stumbling down the hallway, finding the stairs and hand -- on all fours crawling over the debris to get to the stairwell and working up the stairwell to the 2d floor. Started searching the 2d floor.

Q. What happened on the 2d floor, and who was with you?

A. By that time, Danny Atchley had caught up with me.



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Q. All right. So are you getting ready to describe the scene that occurs with Danny Atchley and the babies?

A. Just probably in passing.

Q. All right. Why don't we skip over that since Mr. Atchley has already testified.

A. Okay.

Q. And tell us what you did after that event.

A. I received a large blow in the head from a rock that was in a cross piece and looking up. The blow like staggered me, dropped me to my knee -- one knee. Looking up to the cross member, you could see that the cross beam was nothing but rebar and office furniture in that cross piece. And shaking. There was people up on the 3d floor that were jumping and doing searches. Just anybody could get in the building trying to help. And they were causing debris to fall on myself, put a -- real heavy gash in my helmet. And other rocks and debris was falling around me, office -- computer monitors and the like.

Q. All right. Where did you go?

A. Went back to the stairs, went to the 3d floor and trying to get some -- trying to calm the people down on the 3d floor of not jumping off the office furniture and jumping off the piles of debris which was causing the shock waves to travel onto the concrete of the other floors.

Q. Okay. After you cautioned them about what they were doing, what did you do?

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A. Searched more of the 3d floor and ran across two more victims on the 3d -- on the 1st -- on the 3d floor, on the -- what would be now the north face. The middle part of the building was now the north face of the structure.

Q. And we have the photograph of you in that position, don't we? It's Exhibit No. 981.

A. Yes.

Q. Would you identify the photograph. Don't describe it. Just tell us is that the photograph of you on the 19th in the building?

A. Yes.

MR. RYAN: Your Honor, we'd move the admission of Exhibit 981.

MR. JONES: No objection.

THE COURT: Received.

BY MR. RYAN:

Q. Okay. Chief Shannon, what are we looking at in this photograph?

A. There is a --

Q. First of all, before you do that, what time is this, about?

A. Probably around the area of 9:20 to 9:30.

Q. Okay.

A. I remember looking at my watch before I got out here and kept thinking that I should see the rest of the fire department showing up, but they were being detained in the streets by the

Mike Shannon - Direct

injured.

Q. All right. Go ahead and tell us what we're looking at with this photograph.

A. This is Column -- right here, Column 18, and you see the debris up here of the column.

Q. Why don't we stop right there. Explain to the jury, when you talk about columns, what you're talking about, Column 18.

A. The structural members that hold each floor up, the columns; and they are numbered in two numbered sequences like Column 12, 14, 16, 18, 20, 22, so forth.

Q. Okay.

MR. RYAN: Marshal, could I ask you to set up one of the floor plans -- and it doesn't matter which one -- on the easel.

BY MR. RYAN:

Q. All right. Now, when you're talking about Column 18, could you show the jury what you're speaking about.

A. These were the columns that were support columns in the structure, and they were in sequence. They were columns back here also. This is one -- here the G line, E and F.

Q. Would you tell us the order of the columns. I can't quite see it from here.

A. I'm sorry. They are numbered 8 through 28. The area that we're looking at here is just outside of 18 on the G line. G, F and E. And just outside the G line here.

Mike Shannon - Direct

Q. So each one of those numbers that are evenly numbered are columns in the building?

A. It was like an address to us.

Q. Okay. And what is the -- what is the column doing?

A. Holding up the structure above it.

Q. Okay.

A. And in turn, the floors and so forth.

Q. And you talked about G, E and F?

A. The lines that went across -- the front line of the structure is the G line, the center of the structure is the F, and the further south wall is considered the E line.

Q. And what structures were actually in the building at those points? G, E and F?

A. They were columns that -- support columns for the structure, and in between each one of these was a support beam that ran under the floor about 2-foot thick and 4-foot thick -- 4-foot wide.

Q. All right. Now, again -- I'm sorry for that little diversion there -- but now, if you would take us back to the photograph and with -- now that we understand the columns, where are you located in this photograph?

A. The picture is taken of me just outside of this line on the G line right here -- excuse me -- on the F line, right here.

This all part is fallen away from 12 in. This is all now debris pile -- about 7,000 square feet of debris pile, and this

Mike Shannon - Direct

is -- I'm right here.

Q. All right. What are you doing in this photograph?

A. I had found Nancy and Patty --

Q. Nancy and Patty are who?

A. Two victims that -- in the building, Nancy Hall and -- Nancy Ingram and Patty Hall.

Q. All right.

A. On between 16 and 18, backing up from Nancy -- Patty was taken out before Nancy. I saw a boot in the debris pile. Swinging myself around the column, because now this was going down to the -- to this -- this fell down three floors now. There wasn't anything out here but midair. In here was cave -- was -- part of the pit was in this area. Swinging around to here and getting on the outside edge and removing the debris, and there was a gentleman at my feet, a Mr. Youngblood. This is his elbow and his -- his blue shirt, light blue shirt, and his blue pants and hip, and he's curled around my feet. He was conscious with really severe injuries.

Q. All right. Now, were you able to get these three people out of the building?

A. Yes.

Q. Fire Department --

A. The Fire Department took out Mr. Youngblood by an aerial ladder --

Once I got out on this platform, I couldn't get back

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in the building. I had removed the articles that I used to get out there to swing on, some steel on some computer cable and electrical cable to swing out to there with; and since I had cleared the debris off Mr. Youngblood, I couldn't -- I could no longer go back into the structure again. And here, I'm requesting Truck 7 to bring me their aerial ladder, and they brought a Stokes stretcher. I told them they had a victim, and they brought the equipment it took to remove Mr. Youngblood; and we later on took the other two victims out.

Q. Now, there were quite a few people trapped in that building, were there not?

A. Yes, sir.

Q. Do you know how many?

A. At -- at which time? Total?

Q. Well, let's say during that first morning, how many people -- there's been some talk about a bomb scare that occurred -- well, you tell me. Approximately what time was there a bomb scare that people dealt with?

A. The bomb scare came about 10:30 -- the first one did, came about 10:30.

Q. And what was that about?

A. It ended up being a desk ornament from an ATF agent that was knocked into the stairwell, a desk clock that has the appearance of a very typical type of what you'd see on TV or a comic strips of a bomb; and it was in the stairwell, and people

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were real nervous at the time.

Q. And that came to your attention?

A. Yes, sir.

Q. And what did you do when you were told that there could possibly be another bomb present?

A. In terms of the people in the building, I felt real torn between duty and responsibility. I was sworn to deal and help with the survivors that I've been doing for 18 years at the time. And to what -- you perform a function with them and you perform rescue with them and torn between getting your other rescuers out of the building not to create -- not to lose more rescuers if it were to be a second explosion; so you have to draw the line between getting your -- your first responsibility has to be get the rescuers out to fight another day, you might say, to return when the area became safe again. An extremely mental, physical, emotional, difficult few moments.

Q. Because you were going -- what were you doing in the moments after you heard about the bomb scare and before you left the building?

A. I had four teams working at four different locations, two on the third floor and two in the pit area. And there were a lot of people in the cave area, and two people -- and there were a lot of people working in the pit. And the pit was the third floor that had collapsed into the first floor, making a pit -- a pit-type of arrangement of debris.

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Getting those people out, trying to get understanding to them that they need to leave, then going to each one of my teams and telling them to leave and in some cases allowing them to work another 4 or 5 minutes. They begged, requested, pleaded to stay another 4 or 5 minutes to finish up their rescues and to making the rounds of the different teams and ensuring when they would -- obtained their objective and to leave with their patient as each team finished up. And it had to come to the pit area of saying you have to leave. They didn't get to complete their objective.

Q. When you say they don't -- they didn't complete their objectives, you mean they left victims in the building that were trapped?

A. Yes.

Q. And do you know about how many of those victims were left in there at the time of the bomb scare?

A. That we knew about, four to five.

Q. Did you personally talk to those victims as you were leaving the building?

leaving the building:

A. Yes.

Q. Now, if you would, turn to your exhibits there to 986 -- excuse me -- yeah. 986, 993, and 988. Should be the next three exhibits.

A. 986?

Q. 986, 99 --

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A. 993.

Q. -- 3, and 988.

A. Yes.

Q. All right. Are those scenes from what you were involved with on the morning of April 19?

A. Yes.

MR. RYAN: Your Honor, we would offer those into admission, please.

MR. JONES: No objection.

THE COURT: They are received.

BY MR. RYAN:

Q. What are we looking at here in 986?

A. Collapses fall into several categories, and this is one of the categories considered as a pancake-type collapse. This is all the floors. The nine floors of the building is all compiled into one.

Q. Show us where the 9th floor is.

A. The 9th floor, sir?

Q. Yes.

A. The 9th floor. Right there.

Q. Where is the 8th floor?

7th?

6th? And then it gets a little harder to tell down further -- or can you tell?

A. Yes, sir.

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Q. Where is the 5th?

A. We have 9, 8, 7, 6, 5. This runs into a slab here. 2 and 3 -- 2 and 3 have angled off, and all we're seeing here is debris. We're not getting the full floor. And right in here is 1.

Between 7 and 6, the debris pile here, the wall -- the floors looked real compacted because you're getting more debris than you're getting floor.

Q. Why don't you erase those marks for us, please.

Now, when you left, was Amy Petty still in the building?

A. Yes.

Q. Where was she?

A. If you were looking straight into the building, if you had x-ray vision, she would have been right in here.

Q. What about Dana Bradley? Was she still in the building?

A. She would have been in about that area.

Q. How about Terry Shaw?  
A. Back this way with Amy.  
Q. Priscilla Salyers?  
A. This way. Now, they are all moving towards me now.  
Q. Brandy Liggons?  
A. Who?  
Q. Brandy Liggons.  
A. Brandy was the furthest right in here, but the furthest

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south.  
Q. You did not know about her at the time, did you?  
A. Until 6:00 that evening.  
Q. Now, let's turn to Exhibit 993. Tell us what we're looking at here.  
A. This is the column that joined 20F and 20 -- 20F and 20G.  
Q. All right. What are --  
A. Excuse me. 22G and 22F.  
Q. What are we looking at here in this photograph?  
A. The column that runs right through here, and it is in about this location. This is the column that Dana's leg was trapped under; and the amputation of the leg -- this is after all the debris was cleared out so you can -- you have a lot better access to it. You accessed through that area --  
Q. All right.  
A. -- on your stomach.  
Q. Okay. Let's look at Exhibit 988. Who is in this photograph?  
A. That's myself.  
Q. All right. What are you doing there?  
A. This is in the -- the cave area. Just to my right in this area before the shoring was placed in and before this cribbing was placed. Brandy Liggons came from this area just out -- out of view of the shoring. This is after all the debris had been cleared.

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Q. What are we looking at in this photograph, No. 997?  
A. This is the -- a piece of -- called lattice shoring.  
MR. RYAN: Excuse me. Excuse me. That's a -- I apologize. That photograph I stuck up, your Honor, I hadn't admitted yet. I apologize.  
THE COURTROOM DEPUTY: The jury didn't have it.  
MR. RYAN: Excuse me?  
THE COURTROOM DEPUTY: The jury didn't have it.  
MR. RYAN: Oh, okay.

BY MR. RYAN:

Q. Now, I want to spend the rest of our time this morning for a few minutes talking about the problem of locating the bodies, identifying the bodies, and removing the bodies. And I want to caution you here: I don't want to talk about any of the individual scenes of bodies or what you saw. I just want to

talk about the procedures and practice of what occurred there following April 19. Okay?

A. Okay.

Q. If you would, describe for us the hazards, the problems, the difficulties that you and your firemen faced from April 19 until May 5.

A. Some of the hazards were a fall hazard. The floors had a lot of office debris on them that the winds were -- were blowing off the building: Chairs, monitors, computers, rocks, debris. So you had fall hazards.

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You had collapse hazards from moving debris. People unconscious of what they were trying to pick up to look for -- someone could move a piece of steel that 10 or 15 or 20 feet away would cause a slide. So we had collapse hazards, fall hazards.

We had hazards that -- disease type from the body fluids that were being pressed through.

We looked back on the -- on the pancake -- the pancake picture, the average floor in the building in the pancake area, 986, was the distance between -- I measured for my future reference was the distance between the palm of my hand and my elbow. So all the office debris, computers, furniture, the people, the chairs, filing cabinets, everything was crushed into a very small space. That created like a grape effect, squeezing grapes. Body fluids were dripping through, and it would just drip onto your gear as you were crawling through, onto your helmet, wiping it off your helmet, so there was a problem with disease and the breakdown of that type problem.

So the hazards were not just the fall -- physical. They were also -- they were biological- and chemical-type hazards.

Q. All right. And these are the kinds of problems that you had particular expertise in?

A. Yes.

Q. Now, if you would, turn to Exhibits that you have before

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you there, 997, 982, 990, 955 -- or 985, 991, 998, 999, 992, 994, and 995. Faster, please.

A. Every chance I get.

Q. Are those photographs that show the building and show the conditions between April 19 and May 5?

A. Yes.

Q. And can you identify those as the actual scenes from inside the Murrah Building?

A. Yes.

MR. RYAN: Your Honor, we would offer the exhibits I just named.

MR. JONES: Could you go over the numbers?

MR. RYAN: Yes. I'm sorry. 997, 982.

THE COURT: That's all the exhibits that you have?

THE COURT: Let's take them one at a time.  
MR. JONES: No objection.  
THE COURT: All right. 997, 982.  
MR. RYAN: Yes, your Honor. 990 is already in. 985.  
MR. JONES: No objection.  
THE COURT: 985 in.  
MR. RYAN: 991.  
MR. JONES: No objection.  
THE COURT: 991 received.  
MR. RYAN: 998.  
MR. JONES: No objection.  
THE COURT: 999 was that?

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MS. RAMSEY: 998.  
THE COURT: 998 received.  
MR. RYAN: 999.  
MR. JONES: No objection.  
THE COURT: Received.  
MR. RYAN: 992.  
MR. JONES: No objection.  
THE COURT: Received.  
MR. RYAN: 994.  
MR. JONES: No objection.  
MR. RYAN: 995.  
THE COURT: All right. 994, 995, received.

BY MR. RYAN:

Q. All right. What I would like to do, Chief Shannon, is to show you these photographs and just have you describe for us what we're looking at in terms of the condition of the building. This is Exhibit 993.

A. Interior collapse of the building. This is the 2d floor that we see up here. In the cave area, cave and pit area.

Q. Okay. 991?

A. This is some makeshift shoring, inadequate shoring; had to be replaced before people would want to dig or work in a particular area like into this bank to be worked. I would go by and inspect their shoring; and in this case, they had to remove this piece of shoring. It was taken to show improper

Mike Shannon - Direct

shoring. Take this piece of shore out, and they had to put a foot across it to make a better -- a better -- a better structure there, a better -- safer structure.

Q. 982?

A. This is the original area that it took to get in to Brandy Liggons. The problems we had in here was a collapse/fall hazard. To climb into it, it took people lying on their stomach, taking debris, pushing it down under their belly down between their legs. The second person would lay his head on the first person's bottom and take that debris and pass it between his legs, and they would work their way into the pile. It was just big enough for just one person to wiggle through.



it was just big enough for just one person to wiggle through.  
All the fall hazards you see here, the small rocks that fall,  
is some of the hazards that as working in this area, that those  
things would just fall on their own.

Q. All right. Let's turn to 990. What are we looking at  
here?

A. Affectionately called "the mother slab."

Q. And --

A. Disaffectionate.

Q. -- where is this -- where are we looking at in relationship  
to the building?

A. We're in the street, looking on -- from the north, looking  
south. This is part of the roof.

Q. So we're looking at the 9th, 8th, 7th floor?

Mike Shannon - Direct

A. The 9th floor -- this is the roof of the 9th floor here.  
This area came from here. It's resting on the 9th floor. The  
8th floor. It had three points of attachment -- four points of  
attachment. Excuse me. And it had the rebar on the back side.  
No. 8 rebar holding this -- about 40,000 pounds of concrete  
there.

Q. And what was holding this 40,000 pounds of concrete?

A. It had a -- a little -- a slight rest on three floors, a  
little bit on the 9th, and the rebar there from the back side  
holding it on.

Q. And was that there the entire time you all were working the  
building?

A. We worked beneath that for the entire time.

Q. All right. 985. Tell us what we're looking at here.

A. We're looking at the back side of the mother slab, what we  
just looked at.

This is -- this is myself.

This is the edge of the 9th floor. This goes across  
what was called the bite.

And this is the other side of the 9th floor on the far  
side.

This is the column that -- this is the -- one of the  
support beams that was on the back side of the mother slab.

I'm pointing to this rebar, what we were just  
discussing. This rebar here was what was holding the mother

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slab up to the building, kept it from falling off.

Q. All right. 991. I think we've already looked at that one.  
998.

A. This is going back into the cave area. This is before a  
lot of the cleanout was done. We had to build roads to get  
above the -- the compression of body fluids and the like that  
was down in here. We had to build roads to get us up out of  
the fluid, about 3, 4 inches high.

A lot of the cracks you see here, we had problems with

the same fluid coming through the cracks, seeping through all the cracks as you were working underneath there.

Q. All right. 999.

A. This is a little further back, shot of that same area. This is a -- myself looking back under some of the slabs that -- that got further back under the 2d floor. And this is a -- typical of the -- the fall hazards that are present. That's in that area that was constantly moving and shaking.

Q. 992? What are we looking at here?

A. This is Column -- this is the -- this -- this and Column 12 brought us a lot of concern structurally. We're looking right here at the air duct on G at 28. 12 and 28 had a lot of structural problems, and we were fearful that we would lose a major portion of the building.

If you look here -- I will draw just above this crack there and there. There. Up above. We had several cracks

Mike Shannon - Direct

there that we were afraid that that piece would collapse if the wind -- we had a lot of heavy, bad weather during that time, and we were afraid that the stress of the weather, wind force, would -- would cause greater collapse possibility.

Q. Now, do you know where the entrance of the building is, using the 3d floor behind you? I realize we're on the 3d floor here, not the 1st. Approximately what column number?

A. I want to say -- I believe it's between 18 and 20.

Q. All right. Now, what was the condition of the columns of -- of these columns, 18 and 20, in the building, the ones directly in front of the building?

A. They had to be reinforced with epoxies, steel girding and belting, strapping, to hold the rebar inside the column. The concrete had been blown apart from the rebar. Structurally, you want to hold the rebar in place, so we banded it with steel and then started filling it full of high ex -- quick-drying epoxies and cements and then encasing that, trying to lend -- get back the structural integrity.

Q. At which level are you talking about?

A. Well, now we're talking about dealing with these actual columns here.

Q. What line is that?

A. This is on the F line.

Q. What about the E line, Columns 18 and 20?

A. Back here.

Mike Shannon - Direct

Q. Were --

A. These ones back here.

Q. Where were they originally?

A. The E line are the columns that are working here. The F line are these.

Q. All right. What about the Columns 18 and 20 on the G line?

A. They were gone.  
Q. Were they in the building?  
A. They were laid into the structure.  
Q. How far up?  
A. They were broke off. They were -- they started bending; and as each floor collapsed, you'll find short sections of them as the floor accordioned them into the pile.  
Q. So the entire -- from top to bottom of Columns 18 and 20 were collapsed?  
A. All the Columns 22, 20, 18, 16, and 14 were all piled up in -- in part of the rubble pile, and they were -- some of them were kicked out into the street.  
Q. All right. So we're talking about 14 and 2 on the front, north level.  
A. Yes.  
Q. Those columns are gone?  
A. Yes.  
Q. All right. Now, what about in the middle level there, E level, were any of those columns missing, collapsing?

Mike Shannon - Direct

A. 24 was missing.  
Q. Excuse me?  
A. 24 was missing. With it being gone is why you saw the bite go back into the building. There was no support for it, causing the loss of all the -- of all the floors all the way back to the E line, passing from the west side to the east side. What was left only was from the 26 line out back here. You had about a foot to 10 inches to walk back and forth across to do the checks, survey checks on this side.  
Q. All right. So if you would, with your pointer there, just point to us where the -- where the columns -- or circle the area, if you will, where the columns were completely destroyed.  
A. Everything from this line.  
Q. What column is that?  
A. 26 all the way across to 14. These lines. All of these were missing.  
Q. All right.  
A. Were in the -- the debris pile.  
Q. All right. Now, let's turn to Exhibit 994. And again, if you would, tell us what we're looking at in this exhibit.  
A. This is the connection on 2 -- would have been 24. But it was all the way back on the E line. This picture is a shot of the E line with the -- the beam -- the support beam going between E and the F -- what would be F24 and E24. That's the beam that was in the ceiling to support the roof -- roof

Mike Shannon - Direct

concrete. That went down to the mother slab, was holding the mother slab on.  
Q. All right. 995.  
A. This is a section -- this is a part of the carrier beam. The carrier beam was on -- was on the front of the -- was in

THE CARRIER BEAM WAS ON -- WAS ON THE FRONT OF THE -- WAS IN support of the 3d floor, was at the -- excuse me. I believe the 2d floor level. 3d -- the 2d floor level and all the floors rested on it. The beam is about 45,000 pounds if you come up with the estimate that it's about 5-foot high by 4 feet thick and about 15 feet long. And from the picture, it's around that -- for Mother to pick it up -- the crane, 200-ton crane to pick that up, it would -- it would be that estimate.

Q. All right. And this was the beam that did what now?

A. This was the carrier beam that ran across the front of the structure at the day-care level.

Q. Show us, if you would, where we're talking about.

A. It would have run across -- about there from 26 to 12. One

of the earlier pictures depicted just a piece of -- of it sticking out from 12, and it was broke off about 4 feet away from 12. When that caused -- when that fell, that caused this whole third of the building to fall.

Q. And what floors did this particular beam that we're looking at in 995 -- what floors did it support?

A. It supported all the floors from the 2d floor up.

Q. All right. Now, we've talked about the condition of the

Mike Shannon - Direct

building, the hazards of where the building broke away. What was the initial challenge to the firefighters in terms of identifying or locating the bodies?

A. We had no numbers of who were in what places. We didn't have the accurate floor plan at the time. All the records of the building was in the building. So trying to find where a -- it was hunting for -- proverbial needle in the haystack, trying to say how many needles in the haystack, when there's nobody to tell you how many needles there are, if that makes any sense. If you pick up a straw from the haystack and you cause something to move within the haystack, you cause further damage. So since firemen decline further damage themselves, you're trying to find a way to avoid the situation.

Q. So what did you do in terms of -- what was done in terms of determining how many people are there, who they are and where they are located?

A. For the first several days, we had nothing but just turning every rock over over the neestack -- looking for the needle in the haystack straw by straw. We didn't have good data that we could depend on for the first three, four, five days.

Q. And what happened after the first three or four days?

A. The ME's office, unbeknownst to us --

Q. ME?

A. ME is medical examiner. Excuse me. The Medical Examiner's office was doing interviews with the Police Department. Many

Mike Shannon - Direct

of their people were working on it, interviewing survivors, people that worked in the building, family, relatives, about

now we find out about what they were wearing, where they worked, where -- their normal routine of the day, that time of the morning, to find out who was in the building actually and where their actual locations were at.

Q. All right. Now, I want to show you what's been marked as 989. Can you identify that exhibit? It's on your screen below you there. It's not? Okay.

A. I got 989. I got it.

Q. Okay. Got it. What are you looking at there?

A. This is probably the highlight of the -- of my time of the building. Chuck Smith and --

Q. Is this a photograph of you and others working on the --

A. This was our first introduction --

Q. Trying to identify the location of the people?

A. It was our first introduction to the information of the people.

MR. RYAN: Your Honor, we would offer Exhibit 989.

MR. JONES: No objection.

THE COURT: Received.

BY MR. RYAN:

Q. Now, if you would, Chief Shannon, tell us what's going on in this meeting of significance.

A. In the afternoon of day -- of day -- of day six, Chuck

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Smith, a medical examiner from Baton Rouge, and Todd Ellis from Texas appeared, and they asked us if this information -- they didn't know if this would do us any good or not, but they had been compiling some data about victims and we were out in the street, Ray Downey and myself. And he started to unroll a set of plans, and it was the -- it was the floor plan of the -- of the building, and it had small circles; and on the small circles were numbers. And on a separate sheet of paper were suspected victims that were -- that coincided with the numbers.

Q. These were locations where they were prior to the blast?

A. Prior -- they were suspected locations prior to the blast.

Q. All right.

A. He had accumulated and was brought to us the con -- the accumulation of all the data for the first time when he rolled this out. It was too big for us to carry. They brought us back three sets, one for Chuck, one for Ray and one for myself; and we carried -- we were the only three that carried all the pieces at one time. And you could look at the map and see on each floor where that person was suspected to be, and then you can look on the other sheet, the coinciding number, and say if 28 was whoever. Then it gave their height, their weight, all the characteristics about them; and when you got to that area, you could look at 28, if so be the number, and determine that's who we thought it was going to be by --

Q. Let's use an example. A moment ago, we had Ms. Rogers from

Mike Shannon - Direct

the credit union in, and she placed some names there on the board of people that were in her office at the time of the blast. Do you see the name of Burgess over there?

A. Yes.

Q. Why don't you take that and explain -- that's the kind of information you got right here is what we have in front of you; right?

A. Yes. Instead of a name, there would just be a circle on the page and there would be a number. We'll grab No. 28 out of

the air. 28. And then on a separate sheet, you would find K. Burgess.

Q. But essentially, it was the same kind of data in a slightly different format?

A. Yes.

Q. Tell us: Once you received this information from the medical examiners, how did that assist you and the others in terms of locating the bodies?

A. As you worked in the area, such as Mrs. Rogers' area, that area there, when we dug into that area, you could eliminate and actually check off the boxes of the needles you were finding and you could eliminate what had been found and what was left to be found. Once you'd cleared the area of all the suspected people in that area, you no longer had to subject the people to the debris falling, to the rocks falling, to the fluids, and the like, and you could move on to the next box.

Mike Shannon - Direct

Q. What about the people, let's say on the 9th floor who would fall? They would fall to where?

A. They would fall down to that 7,000 square feet of rubble space that was in the bite.

Q. To what level?

A. The -- the debris pile piled up to about the third floor. And the 9th floor people were high on the pile, obviously. Some had rolled out on top of the pile from a -- from the fall, from the energy of the fall.

Q. Now, again, I'm going to show you Exhibit 986.

THE COURT: Let's take a recess at this point. You may step down. We'll take the mid-morning recess, members of the jury, during which again, please continue to avoid discussion of the case or anything about it among yourselves and others and continue to avoid anything outside of the evidence that may influence you in the decisions to be made.

You are excused now. 20 minutes.

(Jury out at 10:24 a.m.)

MR. JONES: Your Honor, may I approach?

THE COURT: On what issue is this testimony probative?

MR. RYAN: Your Honor, we were hoping it would be probative in terms of the testimony of Ms. Jones, in terms of the way the building collapsed, be probative --

THE COURT: You're going far beyond that with respect to hauling bodies out and identifying them.

Mike Shannon - Direct

MR. RYAN: Yes, your Honor.

THE COURT: There's no real issue here with respect to who was killed.

MR. RYAN: Your Honor, I'll bring it to a close.

MR. JONES: May I approach the bench just a moment?

THE COURT: Yes.

(At the bench:)

(Bench Conference 106B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

Mike Shannon - Direct

(In open court:)

THE COURT: We'll take a 20-minute recess.

(Recess at 10:26 a.m.)

(Reconvened at 10:46 a.m.)

THE COURT: Please be seated.

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

THE COURT: Please resume the stand.

Mr. Ryan, you're withdrawing Exhibit 991?

MR. RYAN: Yes, your Honor. And I believe 990 is not admitted, and I'm not sure that I moved its admission; but if I haven't, I do so at this time.

MR. JONES: Pat, I have this as 99A. I'm sorry.

THE COURT: I think 990.

MR. JONES: Never mind. It is 990. Ms. Ramsey put "A" on it. I have no objection to 990.

THE COURT: 990 is received. Thank you.

MR. RYAN: Your Honor, I've only got about 5 more minutes with Chief Shannon. Could I have the help of Special Agent Hersley to put the floor plans on the easel for me?

THE COURT: Sure. Come on up.

BY MR. RYAN:

Q. Prior to coming to trial today, Chief Shannon, did you review the floor plans like the one we looked at a moment ago involving the 3d floor?

A. Yes.

--- ----

Mike Shannon - Direct

Q. And are these floor plans accurate in accordance with the floor plans you were provided while you were working in the building?

A. Yes.

Q. And did you at my request review outlines or plastic overlays of these floors that demonstrate where the building was blown away or broken away from the floors?

A. Yes, I did.

Q. And are those overlays to the Exhibit 952 the floor plans -- do they accurately reflect where the building was broken apart and collapsed?

A. The collapse add -- addresses the collapse.

MR. RYAN: If we could, then, Agent Hersley -- would you put the 1st floor plan up there? 1st floor plan.

BY MR. RYAN:

Q. If you would, Chief Shannon, just explain to the jury what we're looking at with this exhibit.

A. This goes the total debris pile that the -- that we worked within, starting the break here. There was a slight damage that went out, but the actual fall was inside -- the 2d floor was above this, but this is just showing damage. There wasn't a collapse of this. This is just showing destruction in the 1st floor.

Q. So when we look on the --

A. -- the collapse, too.

Mike Shannon - Direct

Q. Excuse me. When we looked at the pile -- it's kind of a slide pile in front of the building -- are we looking at, at least in part, this space?

A. Yes.

Q. And the red line signifies what on this floor?

A. This line?

Q. Yes.

A. This is -- this is showing the destruction in the site here of the 1st floor. Although the 2d floor didn't fall in this area, there were heavy destruction, office space destroyed, laid down, pushed to the side.

My interest was from here -- excuse me, from here; and this area was clear. This is a pile of these dividers.

MR. RYAN: If you would, Agent Hersley, would you put the 2d floor up, please.

I should offer at this time the overlays on each of these exhibits, 952, the floor plans.

MR. JONES: No objection.

THE COURT: All right. The overlays are received.

BY MR. RYAN:

Q. Chief Shannon, then if you would, do the same for the 2d floor. What are we looking at here with the red line, the dotted line?



A. The line in through here -- this was the debris pile. The collapse went along 12 to here. This is again depicting damage

Mike Shannon - Direct

of the 2d floor along the -- the walls were pushed back. This also -- this area here had a broken -- the break in the floor, and it fell with about 35 firemen on it on the first day. It dropped about a foot with all them on it. Needless to say, it was easy to get them off this area. So this is showing the actual breakaway vs. some of the damage that was extended over here.

MR. RYAN: All right. Could you please put the 3d floor up there, Agent Hersley.

THE WITNESS: This is showing a better fall-off at the 12th -- at Column 12 back to the F line. The 3d floor -- this was the highest floor that fell.

The bite became at 22, so this is the area known as the pit, what we called the pit. From the area right through these bathrooms, what would be bathrooms on the 1st floor -- but these two office spaces fell into bathrooms, real tight area.

BY MR. RYAN:

Q. All right. 4th floor, please.

A. From the outside, this is what most people saw. This line of debris pile was here, and you notice in the 1st and 2d floors and 3d floors the line extended out to 18. This was the -- called the "pit" and the "cave" area; but from the outside of the structure, all the pictures, you don't depict the other fall that was in there, because it was covered by

Mike Shannon - Direct

other floors or by debris hanging. So this is what most people are recognizable with in the building in this area, starting from 12 and working over here. This is called the "bite."

Q. Everything inside the bite, which you call it, the red line there: What happened to it?

A. This was essentially -- if you could take this line and go straight to the ground floor -- this was the debris pile, just -- it was all piled up down there.

Q. So what's inside the red lines dropped --

A. This is all nine floors compacted into the distance of about -- just shy of the 3d floor, so nine floors are packed into three floors.

Q. All right. Let's go to the 5th floor, please.

A. Again, the same area. This -- above the 4th -- the 4th and up, the cuts became clearer; and we were looking at -- coming out to the edge here posed some particular hazards because a

lot of the rebar and concrete went back underneath here causing the floors on the 4th and 5th to be real unstable. There wasn't any steel in it anymore, and you'd see fractures move from, as the days would go by, the heat, the wind, the rain,

and so forth.

Q. Now, structurally, why would the bite be deeper there, as we can see over there to the columns on the left side, than they were on the right?

A. Can I get up?

Mike Shannon - Direct

THE COURT: Yes, you may.

THE WITNESS: At the loss of 24 here, on the F line, this column was taken out, too. There is a lot of structural debate about why and how come; but with the loss of this, there was no support. And the line went all the way back -- the collapse went all the way back to the E line, causing this to fall; and the bite here causing the pile. And inside, you could see from here inside the pit just by looking -- you could see the debris. There was just dangling debris through this area.

BY MR. RYAN:

Q. All right. Could we have the 6th floor, please.

A. The same -- some of the areas moved a little bit, and it varied a little bit from the E line how far back you could cross over. This space varied between a foot at the widest floor to 8 inches on the narrowest floor to pass back and forth at. Again, this stuck out here, which you couldn't inhabit this with rescue operations later on because the floors became so damaged here.

Now we're getting to the floors where structurally you had a lot of debris swinging -- a lot of debris swinging into the other floors, causing cracks, fissures to go back into the other floors.

Q. Why don't you stay there. It probably would be more efficient.

Mike Shannon - Direct

MR. RYAN: If you would, Agent Hersley, set the 7th floor up for us.

BY MR. RYAN:

Q. What are we looking at here with respect to the breakaway?

A. The 7th floor, we had -- the people here came off -- they were in the shallower part of the pile, and it seemed to be a little easier for them -- to get down to them; and the upper floors had a higher angle on them. The lower floors were more pancaked. So the upper floors was easier to get into, easier to support the floors that were at the higher pitch vs. the ones that were in the true pancake.

And you had some unique possibilities over here of getting out into here and getting -- making some of the early rescues on the 7th and 8th and 9th floors -- posed a problem, because there was no structural point out here for this area to connect to. It was just in the wind. And to walk out onto here early on -- on the first and second day, Ray Downey and I, you could feel the concrete really cracking under your feet.

So that the upper floors didn't have the compression

so that the upper floors didn't have the compression the bottom floors did to help them like a Coke can being crushed. They were a lot more solid pieces, and they just kind of pull away.

MR. RYAN: Agent Hersley, the 8th floor, please.

THE WITNESS: You can see the configuration here changed. The mother slab is laying against this floor, and

Mike Shannon - Direct

this caused a lot of debris pileup. Getting in and out became a chore with no access.

Everybody off this side, there was a problem. Again you saw the same reaction here. There is nothing connecting it to the G line.

This had a lot of cantilevers. The 8th and 9th floors and 7th had a lot of cantilever, a piece of concrete still connected by steel; and it dangles by the steel in kind of a precarious ledge to deal with. That became a problem because that -- pieces of it could fall straight down; and clearing the pile, the hazard of all these cantilevers back in here was falling around and by the people digging in the debris pile.

MR. RYAN: Now, if we could have the 9th floor.

THE WITNESS: This is the most precarious of all the floors to work with. It seemed to have a tie to here, to the support column; but getting out to here, you found that the cracks here went all the way to the east and the flooring was bad. A lot of the cleanest breaks were up here with few exceptions of cantilevers. The mother slab was tied on this floor and was laying against this portion back here.

A little more of this -- this is a little of exaggeration. This little outcropping, you could put the size of a bucket, 5-gallon bucket, on and sit down on the bucket, this little wide spot, have enough room to put both feet on both side of the bucket; and then you could look down past your

Mike Shannon - Direct

shoes and see all the way to the bottom. It was a good place in the mornings to kind of put yourself together.

MR. RYAN: Thank you. If you would please take the stand.

Before you take that off, Agent Hersley --

BY MR. RYAN:

Q. When we were looking earlier at a photograph you showed us with the floors pancaking and you pointed out where the 9th floor was and the 8th floor was and the 7th floor was, what are we looking at in relationship to that photograph in this diagram?

A. The photograph was an area that was about midway out -- just inside here. We were in here 8 to 10 feet, and there is about a 20-foot span. So what we saw in the picture of the pancake was this part of the structure had been removed, and you were looking into the floors from about this position, right out in front of this looking straight into the pile.

MR. RYAN: Thank you. Please be seated.

That's all the questions I have, your Honor.

THE COURT: All right. Mr. Jones, do you have questions?

MR. JONES: Very few, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. JONES:

Michael Shannon - Cross

Q. Mr. Shannon, from your work at the building, did you form the opinion that the water pipes were broken?

A. Yes.

Q. And there were pipes and water outlets on each of the floors?

A. Yes.

Q. What time was the water turned off?

A. The actual shutdown, we -- utilitywise was 30, 45 minutes into the incident, in that area.

Q. All right. And are you satisfied that from the moment of the explosion and the building began to collapse until 30 or 40 minutes later that the water ran?

A. There was a lot of drainage and it was hard -- a lot of the

water -- the direct waterline, there was some running from it, but a lot of drainage from the building was coming in.

Q. Sure. In addition to that, do I understand that that night it rained?

A. Yes.

Q. It's been described here by various witnesses as being a pretty good storm. Would you agree with that?

A. Yes.

Q. In fact, it was severe enough that some FBI agents and other people could not land in Oklahoma City that night, stopped at Little Rock. You were there at the scene that night?

Michael Shannon - Cross

A. Yes.

Q. And just tell us how bad was the storm.

A. We curtailed a lot of the outside operations the first portion of the first several days because of weather, lightning, and the like, and the cranes being in the air.

Q. All right. And was this a typical Oklahoma spring storm?

A. Yes, sir.

Q. Thunderstorm?

A. Yes.

Q. A lot of rain?

A. Yes, sir.

Q. A lot of lightning?

A. Yes.

Q. A lot of wind?

A. Yes, sir.

Q. A lot of thunder?

A. Yes, sir.

Q. About how long did the storm last that night?

A. It would be hard -- I was inside, and I didn't get the -- I

wasn't outside with getting to see the sky and getting to feel that part of it.

Q. Did it storm the next morning?

A. There were a lot of clouds moving around, a lot of wind, dark skies, that type thing.

Q. All right. And what about on the afternoon of the 20th?

Michael Shannon - Cross

Was it still cloudy?

A. It's hard to remember the afternoon. The days run in together.

Q. Sure. Do you remember any rain on the afternoon of the 20th?

A. I don't remember any rain on the afternoon.

Q. Any wind?

A. There was always lots of wind in the first half of the operation.

Q. I'm sorry. The first what?

A. There was a lot of wind during in -- almost every day during those operations -- early in the operation.

Q. Did you form an opinion how fast the wind was?

A. We had estimates from 30- to 40-mile-an-hour gusts at times.

Q. And when was that?

A. The first several days they had gusts and winds we were -- of things being blown off the building.

Q. And that was one of the reasons you were concerned the building might collapse?

A. Yes, sir.

Q. Because of the wind?

A. Yes, sir.

MR. JONES: Thank you. No further questions, Chief.

THE COURT: Mr. Ryan?

MR. RYAN: None, your Honor.

THE COURT: You're excusing the witness, then, I assume. Agreed?

MR. JONES: Yes, your Honor.

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

Next, please.

MR. HARTZLER: Your Honor, during the break, we spoke with Mr. Nigh. I think we have an agreement if we reform Government's Exhibit 1289 just to include the 12 pages of printed exemplars. We'll do that --

THE COURT: All right. 1289 is received subject to the redaction agreed upon.

MR. NIGH: Yes, your Honor.

THE COURT: All right.

MR. HARTZLER: We will call our final witness,

Dr. Jordan. Mr. Ryan will question

DR. JORDAN. MR. RYAN WILL QUESTION.

THE COURT: All right.

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

(Frederick Jordan affirmed.)

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

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

THE WITNESS: Okay. My full name is Frederick Briggs Jordan. Last name is spelled J-O-R-D-A-N.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Dr. Jordan, where do you live?

A. I live in Oklahoma City.

Q. And what do you do there?

A. I'm a forensic pathologist and serve as Chief Medical Examiner for the State of Oklahoma.

Q. What does it mean to be the state -- Chief Medical Examiner for the State of Oklahoma?

A. In Oklahoma we have a statewide system in all 77 counties, in which we're required to investigate deaths that fall into certain categories as defined by law. We maintain two offices, one in Oklahoma City on the University of Oklahoma Health Sciences Center campus and one in Tulsa, on the Campus of the Oklahoma State University College of Osteopathic Medicine and Surgery.

The central division office in Oklahoma City takes care of the western two-thirds of the state. The office in Tulsa takes care of the eastern third of the state. We are responsible for receiving calls of human deaths to define whether those deaths fall into our jurisdiction or not and then if they do, to assure that an investigation of that death from the medical standpoint occurs.

Q. All right. Now, as a practical matter, in laymen's terms,

Frederick Jordan - Direct

does the medical examiner examine the bodies -- all the bodies of people who die in connection with a murder or a crime?

A. Yes, sir.

Q. And how long have you been the Chief Medical Examiner in Oklahoma?

A. I was made Acting Chief in October of 1982 and Chief in May of 1983.

Q. All right. Let's go back a bit and talk about your background and what led you to be the Chief Medical Examiner for a few minutes. Would you tell the jury where you were born and raised.

A. Yes. I was a New Year's baby, actually, in Westbrook, Maine, in 1940; and I was raised in Maine and went to college in Maine and went to medical school in Boston, graduated in 1966.

Q. All right. Now, after you graduated from medical school in 1966, did you attend a residency or internship of some type?

A. Yes. I did an internship for one year at the Maine Medical

Center in Portland delivering babies and taking out appendixes and setting fractures, and so forth, got interested in pathology. And I did a year three-year residency in anatomic and clinical pathology, which is learning to do -- interpret surgical biopsies, do autopsies, and run a clinical laboratory.

My mentor at that time was a man named Dr. Charles Branch, who had been professor and dean of the medical school

Frederick Jordan - Direct

of Boston University Medical School. I got interested in the field of forensic pathology through Dr. Branch. And following that residency in Maine, I went to the Medical College of Virginia at -- in Richmond, and did a two-year fellowship in forensic pathology and legal medicine.

Q. Now, for those of us who aren't doctors, could you explain for us in laymen's terms what you mean or what the term means "forensic pathologist"?

A. I think the term "forensic" -- Pathology is the study of disease, basic study of disease, how disease presents itself, how it manifests itself, how you make the diagnosis. And forensic pathology -- is a lot of debate, depending on who you ask as to exactly what that means; but I think basically it means related to the debate, or related to the court. And in forensic pathology, we basically concern ourselves with trying to determine cause and manners of deaths of people who die suddenly or unexpectedly or in apparently violent circumstances and all the other issues that may relate to the definition of that cause and manner of death.

Q. What are you trying to determine when a -- when you, as a forensic pathologist or state medical examiner, examine a body following a criminal act or an act involving unusual circumstances? What is your objective?

A. Basically our objective is to determine the identification, to recover any evidence that may be present on or around that

Frederick Jordan - Direct

body, particularly around -- if we happen to be involved in the scene of death, then to do whatever examination we feel necessary to try to determine the cause of that death, whether just external examination, whether it involves an autopsy and weeks and weeks and weeks of laboratory work.

And then once we determine the cause of death, we coordinate our investigation from the medical aspects with information from the police and other investigators, maybe a lot of consultants in certain areas, to arrive at a conclusion as to the manner of death. Our state law requires us to determine a manner of death in each case, and we are restricted to natural, homicide, accident, suicide, or unknown.

Q. Now, identification: You talked about just means who it is you're examining.

A. Yes, sir.

Q. In terms of cause of death, what does that mean?

A. Cause of death is what caused -- what happened to the person, why did they die.

Q. And manner of death means what?

A. The manner of death means how did that death occur, how did it happen, by what means.

Q. So if a person was stabbed in the lungs, they might die.

The cause of death would be what?

A. Cause of death would be a stab wound to the chest.

Q. And the manner of death would be what?

Frederick Jordan - Direct

A. Manner of death might be homicide, it might be suicide, it might even be accident.

Q. All right. Now, are you licensed to practice medicine in Oklahoma?

A. Yes, sir.

Q. Are you licensed in any other states?

A. Yes, sir.

Q. What states are those?

A. I'm licensed in my old home state of Maine, in Oklahoma, in Arizona, and in Virginia.

Q. Are you a member of any hospitals, on the hospital staff?

A. Yes. I'm on the courtesy staff at our teaching hospitals, at our university, and emeritus staff at Columbia Presbyterian Hospital in Oklahoma City.

Q. Do you teach as well as --

A. Yes.

Q. -- act as the Chief Medical Examiner?

A. Yes, I'm Clinical Professor of Pathology at the University of Oklahoma Health Sciences Center and Assistant Clinical Professor of Pathology --

THE REPORTER: Could you slow down for me, sir.

BY MR. RYAN:

Q. You've got that New England speed.

A. It does come out.

Q. Okay.

Frederick Jordan - Direct

A. I am Clinical Professor of Pathology at the University of Oklahoma Health Sciences Center.

Q. How long have you taught pathology at the University of Oklahoma Health Sciences Center?

A. Since 1972.

Q. Now, are you board certified in any fields?

A. Yes, sir.

Q. And what fields are you board certified in?

A. Anatomic pathology and forensic pathology.

Q. Explain to the jury briefly what is meant by the term "board certification."

A. In order to become board certified, you have to complete a prescribed course of training after you get out of medical school that is approved by a board that is throughout the



United States. It sets rules and regs. And then you have to take qualifying examinations and pass those qualifying examinations, and then the board will certify you as at least basically qualified to practice the medical specialty that you find yourself involved in.

Q. All right. Now, Dr. Jordan, have you been recognized and honored throughout your career?

A. Occasionally, yes.

MR. JONES: If your Honor please, I know Dr. Jordan is modest. I'm well familiar with him, stipulate to all his qualifications. He's an eminently qualified pathologist.

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THE COURT: All right.

MR. RYAN: I'll accept that stipulation, your Honor.

BY MR. RYAN:

Q. Now, if we could, let's turn to why we know you're here. April 19, 1995, did you, as the Chief Medical Examiner, and the staff that you employ there in Oklahoma do work in connection with the bombing?

A. Yes, sir.

Q. If you would, just overview the things that you did for the jury without talking about any specific person or any specific injury.

A. We basically set up a system and coordinated with all the other people that were working in this situation. We set up -- we worked out of four different areas: We worked at the scene. We had representatives at the scene.

We worked at our medical examiner's office on our campus where we processed cases.

We also set up and worked -- and when I say "we," representatives of our office worked at the Family Assistance Center at the First Christian Church at 36th and Walker where we dealt with families who were waiting for answers with regard to their relatives.

And then we also had crews at the sheriff's gun range, where we did some other work that was related to aspects of searching for material after the building was -- while the

Frederick Jordan - Direct

building was being cleared, pieces were being taken away. We had a crew at the sheriff's station also looking for material that might be important to us at that site.

Q. This is the sifting --

A. Yes.

Q. -- we've already talked about some in this case, where the debris of the building was sifted to locate evidence that might be important?

A. Yes, sir.

Q. In connection with that, at least that fourth site, there were matters that were extracted from there that were important in your work?

A. Yes. there were things extracted there that were part of

... too, there were things checked there that were part of our job and were related to us.

Q. That's one of the four areas you've talked about, is the sifting site.

The second area you talked about was the building itself. And in a general sense, what work was done by your office at the building?

A. We had some of our investigators, medical investigators, at the site at all times, 24 hours a day, during the first 17 days and then later after the building was imploded.

With them we had homicide detectives from Oklahoma City with whom we are very used to working because we work with them every day. In essence, when the Fire Department or one of

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the many search-and-rescue teams would recover an individual at the site, that individual would be brought out to our people, information would be exchanged, and then our people would assure that everything from that point on was transmitted, recorded, and got to our office and continue the whole chain of the process of identification and examination.

Q. The third area you mentioned was the sheriff's department. What work did they do?

A. The sifting site.

Q. In connection with this matter?

A. The sifting site.

Q. No, sir. You said the sifting site, you said the building, you said your medical office itself; and then there was a fourth area?

A. The fourth area was the Family Assistance Center.

Q. Excuse me. Family Assistance Center. What work of the medical examiner's office was done at the Family Assistance Center?

A. We set up the Family Assistance Center, and we had about 25

representatives there at all times, not people that work for us full-time but many people from the Oklahoma State Funeral Directors Association who were affiliated with us. Their job was to take care of the families that were at that church waiting for information; and their job also was to gather information regarding possible missing persons, then transmit

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that information to us at our office so that we could integrate that material on a computer and have that material available so that we could use that for the process of identification.

Q. Who was in charge of that effort for your office?

A. Ultimately, I was; but it was basically the responsibility of Mr. Ray Blakeney, who is my operations director.

Q. The work that was done at the Chief Medical Examiner's office: What work was that?

A. That was processing of the bodies.

Q. And what does the processing of a body consist of?

A. First of all, we -- the bodies would be kept at the scene at our temporary morgue in Donco refrigerated trucks until we were able to receive them. We were able to control the flow of bodies, and that allowed us to avoid a lot of confusion and other problems we might have gotten into.

When we had cleared a certain number and we were ready for more bodies, we would communicate with our investigators at the scene, and those bodies would be transported by people that work for us on a regular basis to our facility. They would then be brought into our facility and signed in. The body was first taken to what we call a "station" that was -- that was a station where we first examined the individual. We would open the black body bag in which the body had been placed and examine the clothing, everything in that bag and the body itself.

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We would do that in concert with either an ATF or an FBI bomb expert in order because there might be things that they would see that we weren't familiar with that they might think was important.

Q. What was the next station after that?

A. And then we would examine the body and make any notes that we had at that time. We would also obtain specimens at that time; for instance, a blood specimen or something else that we might need later.

The second station was a fingerprint station, and that was run jointly by the Oklahoma City Police Department and the FBI. The fingerprint station: All of the people were printed there, palm prints and fingerprints usually. And also photography was done by the same technical investigators that the police and the FBI -- same type of procedure that they use in any routine case.

Q. What was the next station?

A. The next station was an X-ray station, where total body X rays were taken of every victim.

Q. What was the next station?

A. The next station was the dental identification station, where all the individuals had dental charting and dental examinations done.

Q. What was the purpose of these radiological films, the fingerprinting, the dental X rays? What was the point of that?

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A. Well, the purpose -- the purpose of the dental X rays and the fingerprinting went toward identification. The X-ray films went toward identification and also looking for things like we always do in our work that we might want to recover from that body, things that might be of an evidentiary nature.

But X rays were also used for identification.

Q. And was material supplied to you from outside your office,

such as fingerprint cards and dentist records and whatnot, that were used to compare these records that you were creating in your office?

A. Yes, sir.

Q. And again, that was for what?

A. For purposes of identification.

Q. All right. After you had examined the body and all of the fingerprinting and dental X rays had been completed, what did you, as a pathologist, do with respect to the body?

A. After all those cases -- all those stations were completed, then the body went back to one last station where everything was reviewed. All the dental material, the X rays were reviewed, and everything was done. And at that time, a decision was made about collecting trace evidence, and at that time a decision was made as to whether or not an autopsy was needed.

Following that decision and following what procedure was carried out at that time, then the body, always with a

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tracker with it -- we had one individual assigned to the body from the time it came into our building till the time it went from our building into a refrigerated truck parked on our lawn for storage. So once everything was done, the body went back into a refrigerated truck until all that information had been processed and the body had been identified and was adjudged ready to be released.

Q. How many bodies were removed from the Alfred P. Murrah Building?

A. 163.

Q. And how many of these bodies did you conduct an autopsy on?

A. We only autopsied, I think, 13.

Q. And why did you autopsy 13, as opposed to the 163?

A. We autopsied ones in which we were not clear as to what the manner of death was from the initial examination.

Q. Now, what is an autopsy in a very general sense?

A. Autopsy is just simply a systemic examination of an individual where you open that individual and examine all the organs of the head, neck, chest, abdomen, and pelvis.

Q. And with respect to the other 150, it was not necessary to do that?

A. That's correct.

Q. Cause of death was obvious?

A. We believe that's correct, yes.

Q. Now, with respect to each of these 163 people, did you

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prepare a report?

A. Yes, sir.

Q. And what do you call that?

A. Well, just -- a case file. We prepared a report that included the X rays, the fingerprints, anything that we did, a record of what we had done

RECORD OF WHAT WE HAD DONE.

Q. And do you eventually prepare a medical examiner's report with respect to each of the victims?

A. Yes, sir, because I prepared a death certificate.

Q. You have before you there a copy of 160 death certificates. Would you take a moment and look at that, please. It's Exhibit 1266.

Don't need to examine each one. I will represent to you that these are --

A. Okay.

Q. -- 160 persons who are listed in the indictment.

MR. RYAN: If counsel would accept that stipulation.

MR. JONES: Yes.

THE COURT: All right.

BY MR. RYAN:

Q. I simply ask you, Dr. Jordan, are these the death certificates for the 160 people named in the indictment and what we've marked here as Government's Exhibit 1266?

A. Yes, they appear to be certified copies of the death certificates issued by the state Department of Health.

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MR. RYAN: Your Honor, we would offer Government's Exhibit 1266.

MR. JONES: No objection.

THE COURT: Received.

BY MR. RYAN:

Q. Dr. Jordan, you indicated that there were 163 people that came out of the Murrah Building. True?

A. Yes, sir.

Q. And yet we only have 160 death certificates in Exhibit 1266.

A. Yes, sir.

Q. Why is that?

A. The -- when we finished the main -- first body of the exercise from the 19th of April till the 5th May and we began to try to do our after-incident reports, trying to put everything together -- and as I've already told you, fire department or rescue teams would find bodies, they would bring those bodies out to us, they would exchange information with our people, and then we would take custody of those bodies and deal with them from then on.

During that process, my chief investigator called the Oklahoma City Fire Department and said, "We need to get together and talk and make sure that we have all the information about body removals." At that point in time -- this was early in June. At that point, the Fire Department

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said, "We don't really have everything together yet," which was not surprising, because we didn't either; but in the process of conversation, they said there were four people that came out of the Athenian Restaurant. We only had one person coming out of

the Athenian Restaurant in our building.

Q. Just for a reminder to the jury, the Athenian Building is a small building directly north of the Murrah Building?

A. Right. Just north and a little bit west, just kind of diagonally across from the building.

Q. All right. So you originally thought four people came out of the Athenian.

A. We thought one person came out originally, but there had been a persistent rumor at the scene that we had heard that four people had come out of the Athenian Building. So when the Fire Department reinforced that, we thought, Well, we're going to have to go back over again and see where we made an error.

And so the Phoenix Task Force 1 and Sacramento -- California Task Force 7 were the first urban search and rescue task forces that came into our city on the 19th. And they were the two that worked the Athenian Building.

So we contacted them, and that was -- in June; and they said, "Well, we are not --" "We don't have everything complete yet, but we do remember that definitely there were four people that came out of the Athenian Building, and they were all brought out at the same time."

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And so we went back with our investigators. That particular morning would have been the 21st of April. Our investigators had three from Tulsa, from our Tulsa office that were on duty. So they said there are only three bodies that came out at the same time. At 6:28 in the morning on the 21st of April, the Fire Department brought up to us Bodies 54, 55, and 56. Those must be the bodies; that we must have gotten that information incorrect.

At that point in time, my chief investigator contacted Mr. Dennis Purafoy, who was a supervisor at Social Security, and said, "We have Bodies 54, 55, and 56 that we thought came out of Social Security, but the other search and rescue people felt they came out of the Athenian Building. Would you ask around and see if anybody saw these people."

And he asked around and reported back to us that they hadn't; so we decided these must be the four because everybody except us -- all the urban search and rescue people, fire department, everybody except us said there were four. So we amended the report incorrectly to show that in addition to Anita Hightower coming out of the Athenian Building -- that we felt we had been wrong; that the three that we had, 54, 55 and 56, had actually come out of the Athenian Building; that we made an error. So the location of those bodies was amended at that time. That turns out, we believe, to be an incorrect amendment.

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I've been lengthy and I apologize.

Q. That's all right. It's a complicated story.

A. You asked me why the indictment only showed 160, and yet I've told you there were 163. That's the reason.

Q. So at the time of the indictment in this case, the medical examiner's office in Oklahoma believed that 160 bodies had come out of the Murrah Building, not 163.

A. Yes, sir.

Q. And you've told us that about the three bodies in the Athenian Building, and now you have since determined through your visits with the families and reinvestigating the entire matter that those three people you had thought were in the Athenian were in fact in the Murrah Building?

A. Yes, sir.

Q. And who were those three people?

A. Katherine Cregan, Raymond Johnson and Charlotte Thomas.

Q. Where did they all work?

A. Where did they all work?

Q. Yes.

A. Social Security.

Q. All right. Now, the jury has also heard in this case the number 168 deaths in connection with this bombing. Okay?

A. Yes, sir.

Q. Would you explain to us without naming names, going into details, just the difference -- why we have a difference

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between 163 people who died in the Murrah Building and the 168 people that have been talked about in news reports and elsewhere.

A. Because we had five other people that died outside the building: one in the Athenian Restaurant, two in the Water Resources Board, one in the parking lot, and one rescue worker who died outside.

Q. Now, Dr. Jordan, I'm going to -- you should have on your screen here in a moment a list of eight law enforcement

officers who comprise eight murder counts in this case, Exhibit 1264. What does this exhibit tell us? Don't tell us the content, but what is it designed to do?

A. The exhibit lists the victims and the method of identification.

MR. RYAN: Your Honor, we would offer Exhibit 1264.

MR. JONES: No objection.

THE COURT: Received. 1264 may be shown.

BY MR. RYAN:

Q. Now, if you would Dr. Jordan, with respect to these eight murder counts, would you tell us how these officers were identified by your office.

A. Individually?

Q. Yes, sir. Just go down the list.

A. Cynthia Campbell Brown was identified by fingerprints.

Paul Broxterman by fingerprints.

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Paul Ice by fingerprints.

Don Leonard by fingerprints.

Mickey Maroney by fingerprints.

Ken McCullough by fingerprints.

Claude Medearis by fingerprints.

And Alan Whicher by fingerprints.

Q. These officers: Other methods were used to confirm those identifications made by fingerprints. Is that correct?

A. Yes.

Q. Dental records?

A. There were some dental records, and there was one visual ID.

Q. Now, with respect to the remaining 163 people that we've talked about, were each of those also identified by some method, an acceptable scientific method to the medical examiner's office?

A. Yes, sir.

Q. Generally speaking, what were those methods of identification?

A. Fingerprints, dental, radiographic identifications.

Q. Now, with respect to the building that we've -- the jury has heard evidence with respect to 134 people that were removed from the building. They've heard evidence with respect to where those people worked, and their names have been placed on floor plans in the building. What's the difference between the

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134 that the jury has heard about in this case and the 163 that you've discussed?

A. The 134 people represent people that worked in the Murrah Building or people that were in the child-care center; and there are 29 visitors to the building, and those together make 163.

Q. All right. Now, I'm going to show you what has been marked as Exhibit 1265; and would you tell us in general terms what we're looking at with this exhibit.

A. Exhibit 1265, again, lists 29 victims and method of identification.

MR. RYAN: Your Honor, we would move into evidence Exhibit 1265.

MR. JONES: No objection.

THE COURT: Received.

BY MR. RYAN:

Q. Now, Dr. Jordan, prior to coming here today, you looked at photographs of 29 persons who were visitors of the Murrah Building; is that correct?

A. Yes, sir.

Q. And did you have photographs such as those in your office at the medical examiner in connection with your work in this case?

A. Yes, sir.

MR. RYAN: Now, if I could ask the marshal to find --



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If I could go up there, your Honor, I could probably expedite this.

THE COURT: Yes.

MR. RYAN: Your Honor, this is Exhibit 1208 the Government would offer in evidence at this time.

MR. JONES: Is that the photographs?

MR. RYAN: Yes.

MR. JONES: No objection.

THE COURT: All right. Received.

MR. RYAN: If I could publish 1265.

THE COURT: Yes.

BY MR. RYAN:

Q. Now, Dr. Jordan, would you take us down this list of visitors and state their names and tell the jury how each was identified, if you would, please.

A. Is this a pointer?

Q. Yes, sir.

A. First one we have is Teresa Alexander, and Mrs. Alexander was identified by fingerprints.

The second lady is Pamela Argo, and Pamela Argo was identified by a dental comparison.

The third picture there on the top is Calvin Battle, and the fourth is Peola Battle. Calvin Battle was identified by fingerprints, and Peola Battle by dental X rays.

The next person is Cassandra Booker, and Ms. Booker

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was identified by fingerprints.

The next individual in the last aisle here is Peachlyn Bradley. Peachlyn Bradley was identified by an ovoid scar on her left arm that was allegedly caused by an old curling iron incident. We also had a photograph of this child, and she had -- just to the right of the right eye had a small birthmark, and that was also very apparent on Peachlyn.

In addition, we had a photograph like this that showed a smile and some teeth. The dentist thought that was all consistent. The dental age of this child was somewhere around three years or older; and the bone age was around three, three and a half. So she was identified by a series of different things, which together we believe makes a fine identification.

The next individual down there is Mr. Brady, Woodrow Brady. Mr. Brady was identified by radiology. We had an X ray of his right knee that had been taken about two months before. He had a lot of degenerative disease in his right knee, including a few little loose fragments of bone that are called joint mice.

Gabreon Bruce, which is next to Mr. Bradley -- Gabreon Bruce was identified by clothing through our interviews at the Family Assistance Center. We knew what clothing this baby had on at the time he left that day.

The next individual is Sheila Driver. And Sheila Driver was identified by a dental examination.

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The next is Ashley Eckles. Ashley Eckles was identified by fingerprints.

The next was Donald Fritzler. Mr. Fritzler was identified by fingerprints; and his wife, Mary Anne Fritzler, was identified by dental records.

MR. RYAN: If you would, please, take that chart off, Marshal, and place the next one.

BY MR. RYAN:

Q. Please continue, Dr. Jordan.

A. Starting from our left again is Laura Jane Garrison; and Mrs. Garrison was identified by latent fingerprints picked up at her home on a video. We had a team of FBI agents that went to -- and OSB, Oklahoma State Bureau of Investigation agents and some Oklahoma City police officers that went to homes and lifted latent prints. That's how she was identified.

Kayla Marie Haddock was also identified that way by latent prints; also a Hawaiian Punch bottle. And I believe also some latent prints were from a car that Kayla had ridden in.

The next is Cheryl Hammon, and Cheryl Hammon was identified by fingerprints.

The next was Thomas Hawthorne. Mr. Hawthorne was another radiological identification. He had gallstones which we were able to match up. He also had an old broken eighth rib and also comparison of hospital X rays showing his spine and

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chest and ribs corresponded with X rays that we had. So he was a radiological identification.

Mrs. Hurlburt was identified by dental exam.

And the last person on the top row, Dr. Hurlburt, was identified by his dental records.

Alvin Justes, the individual on the bottom row on your extreme left, was another radiological identification.

Mr. Justes was identified by arthritic spines on his spine and a spine on the bottom of his foot, very distinctive.

Next is Lakesha Levy. And Mrs. Levy was identified by fingerprints.

The next lady is Aurelia Luster, and Mrs. Luster was identified by latent fingerprints taken from a book at her home.

The next one is Mr. Robert Luster, and Mr. Luster was identified by fingerprints.

Mr. Martinez, the next to the last, was identified by fingerprints.

And Cartney McRaven was also identified by fingerprints.

Q. Thank you.

MR. RYAN: If you would, Marshal, go to the next set of photographs.

BY MR. RYAN:

Q. Dr. Jordan, would you please continue.

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A. Eula Leigh Mitchell was identified by latent fingerprints removed from a Clairol box on the bureau in her bedroom.

Mr. Emilio Rapia-Rangel was identified by fingerprints off his resident alien card.

LaRue Treanor was identified by radiology, again comparison of aspects of her spine in particular with X rays that we had of the body we thought was Mrs. Treanor.

LaRue -- excuse me -- Luther Treanor was identified by fingerprints.

And Scott Williams was identified by a dental comparison.

MR. RYAN: Thank you. If you would, Marshal, take the last set of photographs down.

BY MR. RYAN:

Q. Dr. Jordan, in connection with your duties as the Chief Medical Examiner, did you also, you and your investigators who were in the building, attempt to determine the location where each of these persons was at the time of the blast?

A. Yes, sir.

Q. And did you do that?

A. Yes, we did.

MR. RYAN: Now, if I could ask the marshal there to please place on the board the next chart, which is already in evidence. It's Exhibit 952.

This is a chart of the 1st floor.

Frederick Jordan - Direct

Excuse me, your Honor. May I approach?

THE COURT: Yes.

MR. RYAN: May I approach the witness, your Honor?

THE COURT: Yes.

BY MR. RYAN:

Q. If you would --

MR. JONES: Your Honor, I'm going to interpose an objection that this is cumulative under 403.

THE COURT: What are we doing now?

MR. RYAN: Can I approach, your Honor?

THE COURT: No. What do you intend to do?

MR. RYAN: I'm going to ask Dr. Jordan to place these names where each of these people were at the time of the blast. We can do that on a break, your Honor, if you would prefer.

THE COURT: All right. I don't think we need to take the time for him physically to do that.

MR. RYAN: All right, your Honor.

BY MR. RYAN:

Q. Dr. Jordan, how many people were on the visitors' area of the 1st floor?

THE 1ST FLOOR.

A. In the visitors' area, there were 29.

Q. How many were -- how many of the 29 visitors were on the 1st floor in Social Security when they died?

A. 24 of those.

Q. And how many of -- were any on the 2d floor?

Frederick Jordan - Direct

A. Yes, on the 2d floor, Scott Williams, who was, we believe, making a delivery.

Q. It's one of the 29 people you just discussed?

A. One of the 29.

Q. Were any of the 29 on the 3d floor?

A. Yes.

Q. Who were they, please.

A. We believe Mr. William Brady, Sheila Driver, and Alvin Justes were in the credit union area.

Q. And was anyone on the 4th floor?

A. Yes.

Q. Who was that?

A. We believe Kayla Haddock was on the 4th floor at Army Recruiting.

MR. RYAN: Thank you.

That's all I have, your Honor.

THE COURT: Any questions?

MR. JONES: I have just a few questions.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. JONES:

Q. Dr. Jordan, you and I have known each other for a quarter of a century?

A. Quarter of a century, that's right.

Q. And we've gone at each other tooth and tongue across

Frederick Jordan - Cross

courthouses in Western Oklahoma?

A. Well, I don't think I could sit here and deny that.

Q. And while you're telling the truth, I notice also that you were born in 1940; so you're a young man?

A. Absolutely, and getting younger every year.

Q. Just a very few questions: You indicated in response to a question that Mr. Ryan asked you that you found or recovered one individual in the parking lot.

A. Yes.

Q. And that individual's name?

A. Kathryn Ridley.

Q. And you recovered one individual in the Athenian Restaurant?

A. Yes.

Q. And that individual's name?

A. Anita Hightower.

Q. And you recovered two individuals in the Oklahoma Water Resources Board?

A. Yes.

Q. And their names?

A. Trudy Rigney and Robert Chipman.

Q. Now, all of the individuals that you have identified either in response to my questions now, Mr. Ryan's questions, you fixed the manner of death at homicide?

A. Yes, sir.

Frederick Jordan - Cross

Q. Now, there was one other rescue worker, and that was Rebecca Anderson?

A. Yes, sir.

Q. Did you determine the manner of death there as homicide, or accidental?

A. Homicide.

MR. JONES: Okay. I believe that's all the questions I have -- well, I'm sorry, I do have one other.

BY MR. JONES:

Q. Dr. Jordan, after I became Mr. McVeigh's lawyer, it is true, is it not, that I came to your office and you and I had a visit for a long period of time there in which you made your files and records available to me and my staff? Is that correct?

A. That's correct.

Q. And in addition to that, you permitted myself and

Ms. Bradley, our researcher, and Mr. Nigh and Mr. Wyatt and some of the other lawyers back into your facility and made available the records that were back there; is that correct?

A. That's correct.

Q. And certain other matters which we were also permitted to examine?

A. Yes, sir.

MR. JONES: Thank you very much. No further questions.

MR. RYAN: No further questions, your Honor. I will potentially call Dr. Jordan later in the case.

THE COURT: All right. Well, you may step down now.

THE WITNESS: Thank you, sir.

THE COURT: Mr. Hartzler?

MR. HARTZLER: Your Honor, on behalf of the United States, I'm pleased to announce that we rest.

THE COURT: All right. Members of the jury, that means again -- "resting" simply means that we've passed a stage in the case; but, of course, that doesn't mean that the case is ready for your decision. What it means is that you have now heard and seen evidence offered by the Government in what we call the "Government's case in chief."

We proceed, then -- and as I've told you way back in the beginning on jury selection time that it is the Government who has the burden of proof in the case and must bring in the evidence and that a defendant in a criminal case has no burden

or duty of calling any witnesses or introducing any evidence. In this case, however, there will be witnesses called by the defense and evidence submitted by the defense.

But rather than going right to that now, we're going to give you the rest of the day off today. This is another one of those situations where it is often important to take time to save time. And it's never a certainty as to when we reach any particular point in the trial. And by taking the rest of the day off, so to speak, for the jury, we give an opportunity to get the witnesses here and ready to testify without delays in the same manner as we've proceeded before.

You recognize, of course, that these witnesses have to travel here; that they're from out of Colorado, so they have to travel here. Travel arrangements have to be made; and also, just as has been done with the Government's witnesses, the defense lets counsel for the Government know who is going to be here and in what order and so forth. And that helps us to proceed.

So you probably don't object to taking the rest of the day off. I don't see any of you looking unhappy about the idea, so I'm sure that's agreeable to you. And again, of course, it does not slow us down. In fact, it helps us to move forward with the case.

Now, it is extremely important to again give you the cautions that I have regularly given to you, because when you hear me say, well -- well, you heard Mr. Hartzler say that the Government rests in the case; and of course, it is a natural thing for you at this point to think about, Well, what does it all mean, what have I heard, and what is the significance of this or that?

But, of course, it would violate your oath in your own minds to begin that process of thinking about what this all means. Please wait till you've heard it all; and that means, of course, the additional witnesses and exhibits that will be offered in the case. And let me tell you, too, that under our procedures, after we hear from witnesses for -- called by the defense and evidence is introduced through the -- these witnesses, the Government will have another opportunity, if they wish, to bring on rebuttal evidence. So it goes back and forth, so to speak. So I can't tell you now how much time will be taken in the completion of the evidence. What you have to do is be patient with us, wait till you've heard it all; and then of course not only must you wait for all of the evidence to come in, but important parts of the trial are the closing arguments of the lawyers, who will through their arguments assist you in thinking about -- helping you to think about the meaning or significance or lack thereof of what you have seen and heard. So that's an important part of the trial.

And then finally, I have the last word in the case, so to speak, before you deliberate, which is to tell you about the law, the principles of law. And we discussed that briefly again during the jury selection process. So you understand that at the last stage of the trial, I'll be instructing you in detail with respect to the principles of law that you must follow. You decide the facts, but you have to follow the law as given in these instructions.

as given in these instructions.

So there is a ways to go.

And during the -- we're going to resume again at 9:00 tomorrow morning, and we'll expect to be going forward with witnesses at that time.

So we'll give you, as I say, this time off.

Also, while I'm thinking about time off, next Monday is a national holiday, and we will give you that holiday as well. So you can make family plans and that sort of thing for the three-day weekend. You'll have the three-day weekend.

But of course, your side of that is that you have to continue to be very careful, avoiding anything in any newspapers, magazines, radio, television, any kind of publication that concerns or could conceivably concern the issues in this case and influence your decision. Also, continue to avoid discussing the case, not only among yourselves but of course with all other persons. People hear about what stage we're in. People hear that the Government has rested today. There are going to be people wanting to talk to you about it. I mean, I'm talking about friends and people you know: What do you think? And of course, what you've got to say: You'd be in big trouble if you not only talked about it but thought about it.

So with all that, members of the jury, you're excused till 9:00 tomorrow morning.

(Jury out at 12:48 a.m.)

THE COURT: I would suggest we recess and come back for motions.

MR. JONES: That's fine. I didn't intend to argue them, and they're very brief; but I'll certainly come back.

THE COURT: Well, I don't -- if you want to go with them now, that's all right with me, too.

MR. JONES: Do you want me to stand here, or at the lectern?

THE COURT: I prefer you to be at the lectern.

#### DEFENDANT'S MOTIONS

MR. JONES: If your Honor please, on behalf of the defendant, Timothy James McVeigh, we renew our motions to dismiss the indictment, renew our motions to strike and move for the -- an entry of an order under Rule 29 of the Federal Rules of Criminal Procedure, motion for judgment of acquittal on Counts 1 through Count 11. And in addition -- do you want me to state all of these at the same time?

THE COURT: Whatever you prefer, Mr. Jones.

MR. JONES: All right. May I inquire of the Court if you have a copy of the indictment in front of you?

THE COURT: I do.

MR. JONES: And finally, your Honor, I move that the Court strike from the indictment the following language, sentences, or paragraphs:

On page 2, paragraph 6, beginning "McVeigh and Nichols used storage units to conceal truck bomb components and stolen property," end quote. The basis of that is that the Government

has introduced no evidence to show that any truck bomb components or stolen property was used in the storage sheds. The closest that might come to that is the testimony of Mr. Fortier that he saw one box of, I believe, blasting caps or some type of explosive at the storage unit outside Kingman, Arizona.

On page 3, paragraph 12, I move to strike Mr. McVeigh's name in the sentence that says, "On or about September 30, 1994, McVeigh and Nichols purchased 40 --" I'm sorry -- "forty 50-pound bags of ammonium nitrate in McPherson, Kansas, under the name of Mike Havens." There is evidence offered by the Government which suggests under the standard here that Mr. Nichols may have used the name "Mike Havens" as an alias. There is information that he had a receipt for fertilizer, and there is evidence of Mr. McVeigh's fingerprint on the receipt. Our position is that the fingerprint on the receipt is not sufficient to justify the inference that he purchased the 50-pound bags.

We move that the Court strike paragraph 16, "On or about October 4, 1994, McVeigh rented a storage unit in Kingman, Arizona, for the stolen explosives." Arguably, there is evidence that Mr. McVeigh rented the storage unit; but there is no evidence that it was for stolen explosives. There is only the evidence of Mr. Fortier that he saw a box of explosives.

On page 4, move to strike Mr. McVeigh's name in paragraph 19, having to do with the October 18 purchase for which there is not even a receipt. I believe the receipt is the one for September 30, not October 18.

And then move to strike paragraph 21, "On or about November 5, 1994 . . ." I move to strike Mr. McVeigh's name from that paragraph.

I move to strike paragraph 22 and paragraph 23. There is no evidence that a ski mask was stored in the unit in Las Vegas, Nevada; and there is no evidence that the storage Unit No. 37 was used to conceal property stolen in the Arkansas robbery. There has been no evidence of an Arkansas robbery. The alleged victim of the robbery did not testify, nor did the deputy sheriff nor anyone associated with it. It's simply Mr. Fortier's statement that Mr. McVeigh said that Mr. Nichols was going to commit the robbery, sort of third-hand hearsay.

Paragraph 24, I don't believe there has been any evidence to support any allegations in that paragraph. Move to strike it.

Paragraph 26 on the next page, the sentence beginning, "In early 1995, following Nichols' return from the Philippines . . ." Move to strike that, as there has been no evidence.

And I move to strike in its entirety paragraph 35, which reads, "On or about April 18, 1995, at Geary Lake State Park, in Kansas, McVeigh and Nichols constructed an explosive truck bomb with barrels filled with a mixture of ammonium nitrate, fuel, and other explosives placed in the cargo compartment of the rental truck." There has been no evidence of any such bomb being constructed at Geary State Lake.

THE COURT: You talked about renewing a previous



motion to strike. Now, there was one about striking "surplusage" from the indictment. Is that the one you're referring to?

MR. JONES: Yes, sir. That is the one.

THE COURT: It was filed in 1995.

MR. JONES: Yes, sir. And overruled at that time.

THE COURT: Yes. But it relates to some of these very same things with respect to allegations in the indictment.

MR. JONES: It does, your Honor.

RULING ON DEFENDANT'S MOTIONS

THE COURT: All right. And the Rule 29 motion for judgment of acquittal is denied.

These motions to strike provisions in the -- or allegations in the indictment, I'm reserving, because I think we need to discuss how the indictment is to be submitted to the jury. This indictment includes overt act allegations. The Government has taken the position in proposed instructions that no overt act is necessary for the conspiracy charged in Count 1. That's a disputed legal question; but I had in mind some redaction of the indictment or perhaps even more substantial changes before submitting it to the jury. So I'm going to reserve that, and I think we'll deal with it at the instructions conference as the most appropriate time.

And then I can hear the Government's response and also see if there is some alternative.

MR. JONES: All right, sir.

THE COURT: Did I miss any of your motions?

MR. JONES: Just a moment, your Honor.

I also move to readopt the multiplicity and duplicity motion filed on September 27, 1995 -- I'm sorry. September 29.

THE COURT: All right. Those -- that's denied.

I believe, then -- well, there are some scheduling things that I'd like to meet with counsel on; so I'll ask you to be in chambers at 1:30.

MR. HARTZLER: Very well.

THE COURT: The trial is in recess until 9:00 tomorrow morning.

(Recess at 11:58 a.m.)

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PLAINTIFF'S EXHIBITS

| Exhibit   | Offered | Received | Refused | Reserved | Withdrawn |
|-----------|---------|----------|---------|----------|-----------|
| 53        | 9990    | 9991     |         |          |           |
| 266       | 9991    | 9991     |         |          |           |
| 267       | 9991    | 9991     |         |          |           |
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| 985       | 10029   | 10029    |         |          |           |
| 986       | 10024   | 10024    |         |          |           |
| 988       | 10024   | 10024    |         |          |           |

PLAINTIFF'S EXHIBITS (continued)

| Exhibit   | Offered | Received | Refused | Reserved | Withdrawn |
|-----------|---------|----------|---------|----------|-----------|
| 989       | 10039   | 10039    |         |          |           |
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Floor Plan

Overlays 10050 10050

REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 21st day of May, 1997.

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Paul Zuckerman

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Bonnie Carpenter

