

Wednesday, June 4, 1997 (afternoon)

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 133)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:37 p.m., on the 4th day of June,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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for the plaintiff.

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PROCEEDINGS

(Reconvened at 1:37 p.m.)

THE COURT: Be seated, please.

(Jury in at 1:38 p.m.)

THE COURT: Call your next witness.

MR. HARTZLER: Thank you, your Honor. Government calls Tillie Westberry. Miss Wilkinson will question her.

THE COURT: All right.

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

(Mathilda Westberry 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: My legal name is Mathilda, M-A-T-H-I-L-D-A, Westberry, W-E-S-T-B-E-R-R-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Miss Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Ms. Westberry. How you doing?

A. Okay.

Q. You okay this afternoon?

A. Yes.

Q. Why don't you tell the jury where you currently live.

A. In Keystone Heights, Florida.

Q. How long have you lived there?

A. Since October of '95.

Q. Where did you live before that?

A. Oklahoma City.

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Q. And where did you grow up?

A. Enid, Oklahoma.

Q. And did you go to high school in that area?

A. Yes, I went to Kremlin High School, which is about 8 miles north of Enid.

Q. And after you finished high school, did you go on to college?

A. Yes, I went to nursing school at Enid General School of Nursing and then went up to St. Paul Bible College in Minnesota.

Q. When you were at St. Paul Bible College, did you meet

somebody special there?

A. Yes, I met Bob Westberry.

Q. Did you marry him?

A. Yes.

Q. How long were you married to him?

A. 36 1/2 years.

Q. Tell us what happened to him.

A. On the morning of April the 19th, it was a usual morning, and we got up and were preparing to go to work and at breakfast

had spoken about the fact that the next day would be the anniversary date of our daughter's death on the 20th. And I went to -- well, it was my practice to follow him to the door when he left for work. And on that particular morning, for some reason, I gave him a whack on the seat of the pants and

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told him an extra I love you, and then I went back to the cabinet, was fixing my lunch for the day. And I knew about how long it would take for him to back out, and then I quick ran to the front door and watched him back off.

Q. Did you ever see him again?

A. No. No.

Q. Now, you told us or you just mentioned that you had a daughter who passed away; is that right?

A. Yes.

Q. How old was she when she died?

A. She was 28.

Q. And how long ago was that?

A. On April the 20th of 1988.

Q. Do you have other children?

A. I have three other children.

Q. How old are they?

A. Sue is 36, Robin is 34, and Glen is 32.

Q. Do all of your children have children?

A. Yes.

Q. How many children does Sue have?

A. Three.

Q. And how old are they?

A. Rachael is 10, Stephen is 12, and Timothy is 14.

Q. What about Robin, how old are her children?

A. Joshua is six and Rebecca is five months.

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Q. And your youngest child is Glen, right?

A. Yes.

Q. Your baby boy?

A. Yes.

Q. And does Glen have a child?

A. Yes. David

A. Yes, David.

Q. How old is David right now?

A. He's six and a half.

Q. Now, as you and your husband -- during your married years, did you have an opportunity to live close to any of your children?

A. We lived the closest to Glen and Bev and David.

Q. And that was after all your kids left the house, obviously; right?

A. Yeah.

Q. And when were you living close to Glen and his wife and his child?

A. When we lived the first seven years in Hollywood, Florida, from '85 to '92, and then for a short time they relocated to Oklahoma when we moved to Oklahoma City in '92, November of '92.

Q. And did your husband develop a relationship with David, your grandson?

A. Very close. Very close relationship between the two of them.

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Q. Describe that for us briefly, could you?

A. Well, he was -- Bob was known as "papa" to all the grandchildren. And David had always been at our house a lot and of course preferred Bob much -- you know, which I didn't mind. And it was like the one time we -- the first Christmas that -- after we moved back -- after they moved back to Orlando and we went to visit them and I was standing first in the doorway, you know, he just bypassed me and just shot straight into Bob's arms.

And he was just very close.

Q. And how old was David when Bob passed away?

A. Four.

Q. Now, before we talk about the impact on David, can you tell us a little bit about your husband's career.

A. He -- when we first got married, he started with law enforcement. He was a Daytona Beach police officer, and then he was a Florida state trooper for about seven years. And then in '69, he went with Navy intelligence. He spent a year in Vietnam from August of '70 to '71; and when he came back, he was assigned to San Antonio, Texas. And then in 1972, when DIS or Defense Investigative Services was started, and he was a charter employee of DIS until he died.

Q. So he was employed by the Defense Investigative Service in April of 1995?

A. Yes, yes, he was.

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Q. How long had he been an employee with them?

A. Since 1992.

Q. 1992?

A. '72, I'm sorry.

Q. And what was his assignment at the time of the bombing?

A. He was the senior agent in charge or SAC. They called them
SACs.

Q. So he ran the office there in Oklahoma City?

A. Yes, he was a supervisor, uh-huh.

Q. Now, after the bombing, did you find out immediately what had happened to your husband?

A. No, I didn't. I didn't know for about 45 minutes.

Q. And what did you learn?

A. Well, I was at work at Aetna, and there had been a lot of confusion in the office about the explosion and a fire downtown, and I tried to call him twice and with no response. And I was -- continued to do my job, and then one of the fellows walked in that worked for Aetna and said it -- you know, there was some thought that it might have been the courthouse. And he said it wasn't the courthouse, it was the federal building, and that's when -- the first time that I knew

that anything could have possibly happened to him.

Q. Did there come a time when your pastor called you and brought -- or you went down to the church?

A. Yes. I terminated the phone call that I was on at the time

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and went to the conference room where they had a TV on and went
and looked to -- for myself to make sure that it was the

federal building. And when I came back from the conference room, he had left a voice message that he had seen the news and
that -- he would come pick me up or I could come spend the morning over there.

Q. Now, over April 19 and April 20, you didn't know the whereabouts of your husband; right?

A. No, I didn't, not until Saturday, four days later.

Q. While you were waiting for him, did your children and grandchildren come to Oklahoma City?

A. Yes, Glen came in that first evening. He flew in about 11:00. And Sue and Robin and their families came in the next day. And then Glen's wife, Beverly, and David flew in the following day.

Q. On Saturday, you found out about your husband?

A. Yes, that evening, at about 6:00.

Q. And did you tell your family?

A. Well, we were all there when the DIS regional officers

came
in and told us. We all found out at the same time.
Q. And how did your grandson, David, respond?
A. Well, when Glen and Bev told him . . . he cried . . .
sorry -- he cried uncontrollably. He would not be comforted.
He wanted to see his papa right now. And so in the next day
or
so, he had to -- he asked to see the building, because he had

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been in the federal building to visit Bob when Glen and Bev
lived there. And so he -- they had taken, you know -- he had
been there and he knew what the building looked like, and so
he
asked to be taken down there so he could see. So they took
him
as close as they could get to the building, and he found out
for himself, he needed to know that, that he was really not
just at work.

Q. And has this bombing had an impact on all of your
grandchildren?

A. Yes.

Q. Can you tell the jury just briefly about what it's done to
your grandchildren?

A. Well, Rachael and Timothy and Stephen, Sue's children,
have
been in counseling for quite some time. And Rachael was the
only granddaughter at the time, was very close to her
grandfather. And she had developed some heart problems. She
has a prolapsed mitral valve, and they thought she was getting
symptomatic from that, but they found out it was panic
attacks.

Q. Let's -- go ahead. You can finish. I didn't mean to
interrupt you.

A. I forgot where I was at.

Q. Can we take a look at a picture before you move on to the
next grandchild?

A. Yes. Yes.

Q. Let me show you Government's Exhibit 1467. Is that a

Mathilda Westberry - Direct

photograph of you and your husband and Rachael?

A. Yes.

MS. WILKINSON: Your Honor, we offer 1467.

MS. WELCH: No objections, your Honor.

THE COURT: Received, may be displayed.

BY MS. WILKINSON:

Q. That's you on the left and Rachael in the middle and Bob
on
the right?

A. Right. That was taken at our last Christmas at their
house.

Q. Now, tell us about your other grandchildren.

A. My oldest daughter had two children, two boys. The oldest one was born out of wedlock and was adopted, and we knew the parents who adopted him. And the summer before Bob died, we were going to pick Jonathan up and take him to all the children's homes so he wanted to meet his other family, and of course that never happened. We met him for the first time at Bob's services in Orlando.

Q. Now, has your husband's death had a special impact on David?

A. Yes. Very much so.

Q. And you told us that he had a close relationship with his grandfather; right?

A. Yes.

Q. Can you tell us after he went home to Florida, did he have

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any behavioral problems in school?

A. Yes. He became very aggressive. He would sit in the classroom and put his hands over his ears and ask the kids to be quiet. He was very, very afraid because he was afraid his school was going to get blown up.

Q. Did you all explain to him --

A. Yes.

Q. -- his school wouldn't get blown up?

A. Yes, this school was not in a building where people worked for the government and so he was safe at his school, and it took a little while for him to feel safe when he went to school.

Q. What happened after he started to act out in school?

A. They -- between the school's advice -- and Glen and Bev decided to take him to counseling. And at counseling, they had

him reconstruct the building with blocks, but he would not ever

let anybody break it down. And even at home he would -- he would play in his playing with building Legos and stuff. He would -- he would build the building and talk about his papa dying in the building.

Q. How old was he when he went to counseling?

A. About five years old.

Q. And did the therapy help him in dealing with his anger?

A. Yes. He -- in the process of the therapy, he found out that he could communicate with his papa by sending up helium

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balloons with massages.

Q. And has he continued to do that to this day?

A. Yes.

Q. Did there come a time when David expressed a desire to die?

A. Yes.

Q. What did he say?

x. and he say.

A. He would ask Bev when they were traveling, like to the day care and so forth -- he would ask Bev to run a red light so they could crash and die and he could go be with papa.

Q. Has the counseling helped him to deal with his feelings about the bombing?

A. Yes.

Q. Is he doing better in school?

A. Yes, much better.

Q. For just a moment, I'd like you to tell the jury about the impact the loss of your husband has had on you.

A. Well, I've lost my best friend. It's very, very lonely when you're used to -- and you get used to your children being gone, and you have fun going places and doing things together. And we always did something for our anniversary and other times

of the year. Saturday was always our day to kind of bum around, go out to eat or whatever. And so it's been very, very difficult, especially probably driving long distances or even driving home from church on Sunday night and going home to an empty house by yourself.

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So last week I was at my daughter's house, in South Carolina, and to drive home that five-and-a-half-, six-hour drive was so lonely. And, you know, it just -- I saw -- I passed another car with a husband -- apparently a husband and wife in it, and she was kind of massaging his neck, apparently had been driving a while. And I used to do that for him, you know, when we'd be traveling long distances between Oklahoma and Florida or vice versa. So it's -- it just changes your total lifestyle, you know, it's so -- it's hard, very hard.

MS. WILKINSON: Thank you very much, Miss Westberry.

THE WITNESS: Thank you.

THE COURT: Any questions?

MS. WELCH: We have no questions of Miss Westberry.

Thank you.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, sir.

MR. HARTZLER: Pursuant to stipulation, Miss Behenna would like to present a video. It's a short video.

THE COURT: All right.

(Government's Exhibit 1444 was played.)

THE COURT: Is there an exhibit number for that?

MS. BEHENNA: Your Honor, it's Government's Exhibit 1444.

THE COURT: All right. 1444?

MS. BEHENNA: Yes, your Honor.

THE COURT: All right. It's been displayed.

MR. HARTZLER: The Government calls David Florence.

THE COURT: Thank you.

MR. HARTZLER: Miss Behenna will question him.

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

(David Florence 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. It's John David Florence II, F-L-O-R-E-N-C-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Miss Behenna.

MS. BEHENNA: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Mr. Florence, where do you live?

A. Oklahoma City.

Q. Do you work in Oklahoma City as well?

A. Yes, I do.

Q. Are you married, Mr. Florence?

A. Yes. Well, I was.

Q. You're widowed?

A. I'm a widow (sic).

David Florence - Direct

Q. Who was your wife?

A. Linda Florence.

Q. May I show you an exhibit right now, Government's Exhibit 1129A.

A. That's Linda.

Q. Is that your wife, Mr. Florence?

MS. BEHENNA: Your Honor, I would move just for the admission of Government's Exhibit 1129A.

THE COURT: It's received.

BY MS. BEHENNA:

Q. How long had you and Linda been married?

A. 17 years.

Q. And did Linda work outside the home?

A. Yes, she worked for the department of HUD.

Q. HUD. On the --

A. The 7th floor.

Q. On the 7th floor of the Murrah Building?

A. Yes.

Q. Did you and Linda have children?

A. Yes, we had one, a little boy.

Q. And his name?

A. His name is John David Florence III, but she wanted to call

him Tray.

Q. Is that what he's known by?

A. Yes, Tray.

David Florence - Direct

Q. Did you and Linda try for a long time before Tray came along?

A. Yes, we had tried for 10 years to have a child and had no

success. And we had tried to adopt; and in December of '92, an adoption agency informed us that we were accepted to their agency. And then in December -- or February I got home from work and I was sitting on the couch, and she came in and she says, "You're not going to believe this."

And I said, "What's that?"

And she said, "I'm pregnant."

Q. And you all were pretty excited about that?

A. Yes, he's our miracle baby.

Q. What day was Tray born?

A. October 22, 1993.

Q. And I assume you were there when it happened?

A. Oh, yes. In the delivery room. That was one of the best days of my life.

Q. Did Linda want to continue working after Tray was born?

A. Yes. She enjoyed her job at HUD. She felt like she was doing something to help people, and it was a job where she felt

like she had a chance to advance and do something with her career.

Q. What did she do for HUD?

A. She was a secretary with the multi-family division.

Q. Let me direct your attention to April 19, 1995.

David Florence - Direct

A. Yes.

Q. Were you at work that morning?

A. Yes, I was. I had gone in early like usual. We were having trouble with the computer at work, and I had called downtown and got a hold of Tommy there, and she hung up the phone and said something happened. And I called back and got ahold of another one of my employees, Viola, and she said, There's been some kind of explosion, and she didn't know where.

She thought maybe the jail because of all the trouble they had there at the city jail.

And then I walked to the front of the building because something was wrong. And they had the television on up there. And at first I didn't recognize it, and then --

Q. You didn't recognize it as the Murrah Building?

A. Right. And then it kind of hit me what it was. And I tried calling and no answer. And I had called my other employee to see if she had heard anything, and then Loren, another supervisor, put me in the car. And . . . we got as close as possible to the building, and I got out and I made my way up to the building and . . .

Q. You saw the sight and you realized --

A. I came to the front of the building, and I knew Linda worked in the front of the building, and it was gone.

Q. And then --

A. From there I started working my way around the building,

David Florence - Direct

trying to find someone or something. I ran into another employee, Fred Jones, and his wife worked at HUD, too, Steve. And we kept looking. And they had pushed us back because of bomb threats. And then we ended up at St. Anthony's Hospital.

Q. And you spent some time at St. Anthony's Hospital; right?

A. Spent most of the rest of the day there; until they closed it down, they put the names on the walls of people.

Q. Looking for the injured and the survivors that were committed to the hospital?

A. Right. Right.

Q. And at some point, you leave St. Anthony's Hospital and you

go to the First Christian Church -- is that right -- where they're telling all the family members to go?

A. Yeah. With Trent. Steve was there. And I remember what he said because I asked him if he was going up there. And he said no, because he wasn't going to go up there because that's where the dead would be.

Q. Well, you knew the First Christian Church was a place where

they were taking information on missing people; right?

A. Uh-huh. And went up there and waited a while. Some people

from work and friends came.

Q. And you provided information there about --

A. About Linda, what she looked like.

Q. Where she worked?

A. And where she worked and that information.

David Florence - Direct

Q. And that evening of the 19th, you go home?

A. Yes.

Q. Can you tell the jury about a phone call that you received at about midnight that night?

A. Well, it was -- it was our next-door -- my mom's next-door neighbor -- I'd been living there since that happened -- went, she had volunteered for the Red Cross, and she had seen a list with Linda's name on it.

Q. A list of injured?

A. Injured.

Q. At a local hospital?

A. Uh-huh. At St. Anthony's. And so we got in the car. I threw all my clothes, and we went down there.

Q. To St. Anthony's?

A. To St. Anthony and went up to the reception desk and asked to see Linda or where she was at.

Q. And they told you that it was wrong, that it was a mistake; right?

A. She wasn't there.

Q. All right. You wait for Linda, for word from her for several days, do you not?

A. It was the following Wednesday, about 4:00 in the afternoon.

Q. During the meantime, you go get a prescription filled at a High Drug; do you remember that?

David Florence - Direct

A. Yes.

Q. And while you're at High Drug, you decide to check to see if Linda has dropped off a roll of film?

A. Right. We had finished a roll of film Easter, and I'd given it to her and she had put it in her purse. And for some reason, I just thought, well, maybe it would be there. And it was. She had put it in the afternoon of the 18th on the way home from work.

Q. And you picked up that roll of film?

A. Yes.

Q. During that week?

A. Uh-huh.

Q. And on the roll of film -- did you look at the pictures?

A. Yes.

Q. And in those pictures were family pictures as well as some pictures that she had taken of the day-care children in the Murrah Building; right?

A. Yes, she was a member of the federal women's group and they had an Easter party for the children, and she had taken pictures of it as they were going out for an Easter egg hunt.

Q. Let me show you Government's Exhibit 1485.

Can you identify that?

A. That's one of the pictures with the kids in the carts to go out.

Q. And that's one of the pictures that you picked up during

David Florence - Direct

the week following the bombing?

A. Yes, it was.

Q. At the High Drug?

A. Yes.

MS. BEHENNA: Your Honor, I'd move to the admission of Government's Exhibit 1485.

THE COURT: All right. It's received, may be published.

BY MS. BEHENNA:

Q. You don't know any of these children, do you, Mr. Florence?

A. Just what I've seen on the news since then.

Q. Mr. Florence, I don't think I asked you before. Let me ask

you now. How old was Tray when Linda was killed?

A. He would have been 18 months old the 22d of April.

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

THE COURT: All right.

Turn the picture off.

Do you have any cross-examination?

MR. BURR: No.

THE COURT: You may step down, Mr. Florence. You're excused.

THE WITNESS: Thank you, your Honor.

MR. HARTZLER: The Government calls Teresa Brown. Miss Behenna will question her.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Teresa Brown 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: Teresa Brown, B-R-O-W-N.

THE COURTROOM DEPUTY: Thank you.

MS. BEHENNA: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Miss Brown, where do you live?

A. Oklahoma City.

Q. Are you employed?

A. Yes.

Q. Where do you work?

A. Deaconess Hospital.

Q. How long have you worked there?

A. Six months.

Q. Prior to that, did you work for a day-care center?

A. Yes.

Q. What day-care center did you work for?

A. America's Kids.

Q. Was that the day-care center located at the federal building?

Teresa Brown - Direct

A. Yes.

Q. How long did you work for America's Kids?

A. A year.

Q. Did you know most of the children and the other teachers in

that day-care center?

A. Yes.

Q. Can you tell the jury approximately what time the day-care center opened?

A. 7:30.

Q. And it closed when?

A. 5:30.

Q. And you were a teacher at the day-care center?

A. Yes.

Q. Was there a particular age group of children that you took care of?

A. All age groups.

A. All age groups.
Q. All of them? Just wherever they needed you that day?
A. Yes.
Q. Do you remember how many children were in the day-care center in April -- enrolled in the day-care center is what I mean -- in April of 1995?
A. 30.
Q. And what age group of children are we talking about?
A. Six weeks to five years.
Q. So did you have an infant room?

Teresa Brown - Direct

A. Yes.
Q. And a pretoddler room?
A. Yes.
Q. All the way up through kindergarten?
A. Yes.
Q. Do you recall the Friday before the bombing on April 19, 1995?
A. Yes.
Q. Was there a party for the children?
A. Yes.
Q. Where was that party held?
A. In HUD.
Q. Was that on the 7th floor of the Murrah Building?
A. Yes.
Q. And were the children invited up there to go to this party?
A. Yes.
Q. And were pictures taken of the children while they were up on the 7th floor of the HUD?
A. Yes.
Q. Let me show you Government's Exhibit 1485 which has previously been introduced.
That should be on the computer screen down in front of you. Do you see that?
A. Yes.
Q. Have you seen this photograph before?

Teresa Brown - Direct

A. Yes.
Q. Can you identify the children in this photograph?
A. Yes.
Q. I'm going to try and help you out a little bit here, because I think it might be easier for you. I'm just going to point, and if you'd just identify the child by name.
A. Okay. Erin Langer.
Q. And how old was Erin Langer?
A. She was one.
Q. Was she injured in the bombing?
A. No.
Q. Was she there that day?

A. No.
Q. What about this child?
A. Joseph Webber.
Q. Was he injured in the bombing?
A. Yes.
Q. And that child?
A. Elijah Coverdale.
Q. Was Elijah killed that day?
A. Yes.
Q. Next child -- I didn't get it very . . .
A. Tevin Garrett.
Q. And Tevin was killed that day?
A. Yes.

Teresa Brown - Direct

Q. The children behind Tevin, the child behind Tevin?
A. Blake Kennedy.
Q. And Blake was also killed that day?
A. Yes.

Sheridan McKisick.

Q. And Sheridan wasn't there at the day-care center on April 19?
A. No.
Q. Let's go to the back part of the buggy. Who is that?
A. That's Anthony Cooper.
Q. And Anthony also was killed on April 19?
A. Yes.
Q. And next to Anthony?
A. That's Rebecca Denny.
Q. And Rebecca was injured in the bombing?
A. Yes.
Q. Let me move to that second row. Who is that child?
A. Jaci Coyne.
Q. And was Jaci killed on April 19?
A. Yes.
Q. And next to Jaci would have been who?
A. Colton Smith.
Q. And Colton was also killed that morning?
A. Yes.
Q. Who is that child?

Teresa Brown - Direct

A. Zackary Chavez.
Q. And Zackary was killed on the morning of the 19th?
A. Yes.
Q. Next to Zackary was who?
A. Chance Henderson.
Q. Was Chance there on April 19?
A. No.
Q. Let's go to the front now. Who is this child?
A. Aaron Coverdale.
Q. Aaron was killed on the 19th?

A. Yes.
Q. And next to Aaron?
A. Chase Smith.
Q. Was Chase in the day-care center on April 19?
A. Yes.
Q. Was he injured?
A. He was killed.
Q. That child?
A. Kwame McNeeley.
Q. Was Kwame in the day-care center on the 19th?
A. No.
Q. It gets a little more difficult. I'll try and point. Who is that child?
A. Angela Nielson.
Q. Was Angela there on the 19th?

Teresa Brown - Direct

A. No.
Q. And next to Angela?
A. Christopher Nguyen.
Q. Was Christopher in the day-care center on the 19th?
A. Yes.
Q. Was he injured?
A. Yes.
Q. And behind Christopher?
A. Brendon Denny.
Q. Was Brendon injured --
A. Yes.
Q. -- on the 19th?
A. Yes.
Q. And next to Brandon?
A. Daxton Scott.
Q. Was Daxton there?
A. No.
Q. And the child right behind Daxton?
A. Dominique London.
Q. Was Dominique killed on April 19, 1995?
A. Yes.
Q. And I believe behind Brandon is another child who you can't see very well. Do you know who that was?
A. It was Nekia McCloud.
Q. Was Nekia injured as a result of the bombing?

Teresa Brown - Direct

A. Yes. Yes.
Q. Were you at work at the day-care center, Ms. Brown, on April 19, 1995?
A. No.
Q. Why weren't you there?
A. I called in sick.
Q. I forgot to go through the rest of this picture.

MS. BEHENNA: If I could have it up again, your Honor?

THE COURT: All right.

MS. BEHENNA: I apologize.

BY MS. BEHENNA:

Q. I left out the adults standing in the back of the picture.

Can you tell me who --

A. Dana Cooper.

Q. She was a worker at the day-care center?

A. Yes.

Q. Next to Dana?

A. Melva Noakes.

Q. Was she at the day-care center on the 19th?

A. No.

Q. Who is that woman?

A. Wanda Howell.

Q. Was she killed in the building?

A. Yes.

Q. On April 19?

Teresa Brown - Direct

A. Yes.

Q. Next to Wanda is who?

A. Brenda Daniels.

Q. Brenda killed --

A. Yes.

Q. -- on April 19, 1995?

A. Yes.

MS. BEHENNA: Your Honor, that's all I have.

THE COURT: Did you say that concluded the questioning?

MS. BEHENNA: Yes, your Honor.

MR. TRITICO: We have no questions.

THE COURT: All right. You may step down. You're now excused as a witness.

MR. HARTZLER: The Government call Sharon Medearis. Miss Wilkinson will question her.

THE COURT: All right.

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

(Sharon Medearis 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: Sharon Annette Medearis, M-E-D-E-A-R-I-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Miss Medearis.

A. Hi.

Q. Can you tell us where you grew up?

A. Grew up in Norman, Oklahoma.

Q. Where do you live right now?

Q. WHERE DO YOU LIVE RIGHT NOW.

A. In Norman, Oklahoma.

Q. And were you married?

A. I'm not married now. My husband was killed in the bombing.

Q. And what's your husband's name?

A. Claude Arthur Medearis.

Q. What was his job at the time of the bombing?

A. He was a senior special agent for Customs.

Q. And when did you meet Claude; when was the first time you met?

A. I met Claude when I was 12.

Q. And how old were you when you married him?

A. 17.

Q. Did you have any children?

A. We had one together, Kathryn.

Q. And how old is Kathryn right now?

A. She's 25.

Q. How long had Claude been with the Customs Service?

Sharon Medearis - Direct

A. He joined Customs in '87.

Q. Can you tell us just a little bit about what he did before that.

A. He was with the Department of Corrections in Oklahoma, probation and parole board.

Q. And when he was a Customs agent, what type of assignments did he have?

A. Mostly drugs. He worked on the border with drug eradication.

Q. Did you worry about him when he was doing that type of work?

A. Sometimes.

Q. You told us you have one daughter named Kathryn. Does she have any children?

A. She has three daughters.

Q. How old are they?

A. Andy is six, Taylor is four, and Elisa 17 months.

Q. Now, when were you all assigned down at the Texas border?

A. We were in Texas from 1987 to 1991.

Q. And was there some reason that you left Texas in 1991?

A. We got an emergency transfer to come home to Norman when Kathryn's husband was killed in Desert Storm.

Q. And on what day of Desert Storm was Kathryn's husband killed?

A. The last day.

Sharon Medearis - Direct

Q. And at the time of his death, who was responsible for informing her that he was --

A. I was.

Q. -- had passed away?

And did she have any special condition at the time?

A. She was six and a half months pregnant.

Q. And because of that, did your husband take on a special role with her?

A. He was -- she -- she asked him to be her coach when Andy was born.

Q. And after Andy was born, what type of relationship did Andy have with your husband?

A. Claude was her surrogate father. He was the only father she ever knew.

Q. Now, let's turn to April 19, 1995. Do you recall saying good-bye to your husband that morning?

A. I normally got up and had coffee with him, gave him a kiss, asked him what he was going to do, and kissed him good-bye.

Q. Did you know whether he was going to his office that day?

A. He told me he needed to go to El Reno that day, and that's where I thought he was going.

Q. When you heard about the bombing, what did you think?

A. I was hoping he was on the way to El Reno. I called his mobile and didn't get an answer, and I knew immediately he was in the building.

Sharon Medearis - Direct

Q. Did you know the location of his office?

A. It was on the glass side of the building.

Q. And did you talk to your daughter that day?

A. She immediately tried calling the house when the bomb went off and couldn't get ahold of me and sent her boyfriend over to tell me that something had happened in Oklahoma City, because she thought I had already left to go up there. And then she immediately got the babies dressed and came over.

Q. Did you get any news about your husband on April 19?

A. Just that he was still in the building.

Q. Did you receive any contact from representatives of the Customs Service?

A. Daily. Daily. Two and three times a day. The commissioner of Customs flew in from Washington, D.C., to be with the Customs families.

Q. Did you have visitors at your house during that time?

A. Constantly.

Q. And how long did you have to wait before you found out about your husband?

A. Nine days.

Q. How did you find out?

A. Customs called me.

Q. And why did they call instead of visiting with you?

A. Because I had waited long enough and asked them to call me from Oklahoma City as soon as he was found.

Sharon Medearis - Direct

Q. Did you receive the phone call?

A. Yes, I did.

Q. And were you responsible for telling your family members about Claude's death?

A. Yes.

Q. Do you recall what you thought when you realized you were going to have to tell your daughter?

A. I didn't know how I was going to tell her that she'd lost another man in her life.

Q. And did she have another special condition at that time?

A. She was four and a half months pregnant.

Q. What did you say to her?

A. I just told her he wasn't coming home.

Q. And since you've lost your husband and she's lost her father, have you developed a certain special relationship?

A. We're extremely close. I have the biggest fear now that with him gone, there would be nobody to take care of her if something happens to me.

Q. And have you suffered some loss emotionally and physically because of Claude's death?

A. Emotionally I'm home alone every day. I have nobody at my house since Kathryn is grown. Physically I've lost down to in the 80 pounds range. I find myself real tired. It's extremely hard.

Q. Now, you told us that Claude was a special agent with the

Sharon Medearis - Direct

Customs Service. And how do you think he defined himself or how would you define him?

A. He was very gentle, very caring. He never belittled anyone. Even the people he arrested, he called them sir. He treated them with the respect that he would want them to respect him. I never heard a unkind word said against him. He

was a practical joker. He loved to make people smile.

Q. And how important was his relationship with his daughter and his granddaughter?

A. It was very important. That was the only man in her life after her husband was killed. With Andy that was -- that was the only man she knew when she was little.

Q. Have you and your daughter been able to provide some comfort to each other because of the losses that you have suffered?

A. She says that God took her husband first so that she would be able to help me through this, and we spend as much time together as we can. My granddaughter's afraid of losing everyone that she loves. She's only six years old. She shouldn't have to know that fear.

MS. WILKINSON: Thank you, very much, Miss Medearis.

MS. RAMSEY: No questions, your Honor.

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

Next, please.

MR. HARTZLER: Your Honor, we call Susan Walton

MR. HARTZLER: Your Honor, we call Susan Walton. She's going to need some assistance. I think she could hold the microphone but would not be able to enter the witness stand.

THE COURT: All right. Perhaps we could be right in front of the witness stand.

MR. HARTZLER: Thank you, your Honor.

THE COURT: We'll get the microphone.

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

(Susan Walton affirmed.)

THE COURTROOM DEPUTY: Would you state your full name for the record and spell your last name.

THE WITNESS: Susan Kay Walton, W-A-L-T-O-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Hartzler.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Miss Walton, I can't even see you there. Let's get readjusted there, okay?

THE COURT: Move the video out of the way.

MR. HARTZLER: Okay.

BY MR. HARTZLER:

Q. There we go. How are you?

A. Just fine.

Susan Walton - Direct

Q. Good. Mrs. Walton, would you tell us where you live now.

A. In Oklahoma City.

Q. And who do you live with?

A. My husband, Richard.

Q. Do you have any children?

A. Yes, we do. He has two boys, and I have two girls.

Q. And how old? Are they grown?

A. Yes, they are.

Q. No longer living with the two of you?

A. No, sir.

Q. How long have you lived in the Oklahoma City area?

A. All my life.

Q. So you were born and raised in that area?

A. Born and raised, yes.

Q. How far did you go in school?

A. I completed high school and some college.

Q. How old are you now?

A. 46.

Q. And did you ever work for the federal government?

A. Yes, I did.

Q. What agency did you work for?

A. I worked for the FDIC, division of liquidation.

Q. That's Federal Deposit Insurance Corporation?

A. Right.

Q. What years did you work for FDIC?

Susan Walton - Direct

A. From about 1985 until '93.

Q. And were your offices then in the Murrah Building?

A. No. They were not.

Q. But you were a member of the Federal Employees Credit Union?

A. Yes, I was.

Q. And at that time were the offices for that credit union in the Murrah Building?

A. Yes, they were.

Q. Now, after you left the federal government employ -- employment, did you continue to be a member of that credit union?

A. Yes, I did.

Q. So the credit union membership consisted of current federal employees and former federal employees?

A. As long as you kept an account open, yes, sir.

Q. There was no prohibition upon your membership after you left federal employment?

A. No, and in fact, I'm still a member today.

Q. Did you occasionally visit the credit union when you were a federal employee?

A. Not too often because my checks went directly to the bank, so unless I had other business, I just wrote my checks and that was it.

Q. And after you left the federal employment, did you have

Susan Walton - Direct

occasion to visit the credit union?

A. Yes, more frequently because I had to take my payroll checks to the bank, myself.

Q. And you'd take them down to the 3d floor of the Murrah Building?

A. Right.

Q. Were you employed on April 19, 1995?

A. I was a full-time student and employed part-time by my husband, who is self-employed.

Q. What school were you attending full-time?

A. Oklahoma State University, Oklahoma City branch.

Q. And that's obviously there in Oklahoma City?

A. Yes, sir.

Q. What was your course of study?

A. I was studying to be an interpreter for the deaf.

Q. And how far along had you gotten in that course of study?

A. I had gotten about halfway through the program. I entered at an unusual time, well in the middle of the program, so I was not quite with the program; but I still lacked about three semesters.

Q. So how long had you gone and how much did you have to go before you completed and became certified or whatever is

required in that area?

A. I had gone for probably about five semesters and still had three to go, I think.

Susan Walton - Direct

Q. And upon completion of that course of study, what certification or degree would you receive?

A. I would have been -- had to test, but I would have been certified to be an interpreter for the deaf.

Q. And would you have received a degree?

A. Yes, I would have had an associate's degree.

Q. Was your pursuit of an associate's degree cut short by the bombing?

A. Yes, it was. I didn't get to complete my spring semester and have not been able to go back to date, but I still plan on doing so.

Q. Okay. Well, tell us what you were doing on April 19, 1995.

A. Well, I had gotten up and taken my husband to work because his car had broken down. And I was setting in his parking lot trying to study for a test I had later that morning, and he -- I was getting antsy, because I thought, well, I don't want to be late for class; and so I thought, well, I'll just go ahead and run my errand to the credit union and go on to school and go to the library where it would be peaceful and quiet and where I could study before I went into class.

And I can remember heading to the credit union and thinking, man, I'm getting there real quick this morning, where is everybody? And that's basically the last I remember of that day.

Q. So -- well, do you know where your body was after the

Susan Walton - Direct

bombing?

A. I have been told by rescuers that I was pulled out of the pit area.

Q. But you in effect have a short-term amnesia of some sort so

you don't recall parking or where you parked or anything of that sort?

A. Right. Right.

Q. Or actually going up to -- was your check deposited?

A. No, it was not.

Q. But you understand that you had made it to the credit union that morning?

A. Right. My billfold was in the credit union. It was retrieved by the coroner's office and given back to us. My purse was in the ambulance, so I had no identification on me when I got to the hospital.

Q. And then you did not see any other people at the hospital?

Q. And when -- did you gain consciousness in the hospital that day?

A. Just a very short time that I'm aware of. All I can remember is looking up at the ceiling and every now and then a face would come into my range of vision and say, I'm sorry, honey, I don't understand what you're trying to tell me. And I

was unable to speak because of the injuries to my face; so I was signing my name to them, trying to communicate who I was.

Q. Other than injuries to your face, what was your condition when you gained consciousness in the hospital?

Susan Walton - Direct

A. When I gained consciousness. Well, I had a basal skull fracture, nerve damage behind both eyes. I had a broken nose, six fractures in my face. I lost six teeth. I had a ruptured spleen, and both legs were badly damaged from the knees down.

Q. And how long did you stay in the hospital after -- on your first visit after April 19?

A. I was in the hospital for five weeks and rehab for three.

Q. How many operations have you had in total since that time?

A. Well, we've kind of lost track, but we anticipate around 20.

Q. What's your prognosis?

A. Well, I think I'll probably be 85 to 90 percent whole again.

Q. Okay. I'm sure there are some things that you enjoyed doing before you suffered your injuries and can't do now. Why don't you tell us what some of those things are.

A. Well, I am beginning to get back into gardening a little bit. Not quite the same. I have to transfer out of my chair onto a little stool of a thing that I have with wheels that I can kind of push myself around in the garden and dig and plant and things like that.

There are many things that most of us take for granted that I'm not able to do anymore like go to the grocery store by myself. Everywhere I go, I have to be accompanied by someone, my husband or a full-time nurse aide that takes care of me

Susan Walton - Direct

during the day.

Even getting a drink of water is a real struggle sometimes. I have begun to cook a little bit now, but . . . That's about it.

Q. I'm going to ask you just about the gardening. It appears that you're probably not able to kneel down; isn't that correct?

A. Right. I don't think I'll ever be able to kneel again, so it's all done from sitting position.

Q. Okay. How about housework? You pretty disappointed you

Q. Okay. Now about housework. You pretty disappointed you haven't been able to do some housework?

A. Not a bit.

Q. It's obvious you've suffered from injuries to your mouth, and you said you lost six teeth.

A. Correct.

Q. Has that affected your ability to eat?

A. Definitely. And to -- the healing process, my bite was off, so my teeth were in like this on my lower. So I haven't

been able to eat anything that you can't mash with a fork.

And

I eat a lot of mashed potatoes and gravy and green beans and that kind of thing that you can -- we have a food chopper now that we process our -- the meat with, and so I'm getting a little protein that way; but I dropped about 45 pounds after the bombing.

Q. Not on purpose?

Susan Walton - Direct

A. No.

Q. I only have a few more questions, but before you leave, I wonder if you could explain to the Court and the ladies and gentlemen of the jury this contraption on your leg. And I must

tell you that it looks as though it would be painful, but I understand it is not.

A. Not now. At first, right after the surgery and it was very swollen, it was very painful.

MR. HARTZLER: Your Honor, I see that the jurors would like to stand.

THE COURT: Yes, if you would like to stand to look at this.

THE WITNESS: It's called an Ilizarov. It's a Russian device that was developed to help people injured in the war to repair their damage. I had a large wound in my left foot, and my talus bone fell out in three pieces, so they chose not to try to repair that. So by wearing this device, it has -- on this lower ring, it has eight bolts on there that had to be turned every six hours daily, night and day, until the bone was pulled -- they made a cut in the bone and pulled it like 4 inches down where it has now fused and it became my ankle, basically.

I have lost the ability in my foot to ever walk like this, so I anticipate I'll kind of walk around marching, is kind of the way I envision it. But at least the legs are the

Susan Walton - Direct

same length, and I hope within about a year to be walking with a cane.

BY MR. HARTZLER:

Q. It looks as though the contraption pokes through your skin and might be painful. That's not the case?

A. Only when it -- it hangs down quite a bit and I'm up on it and it swells, it's a little uncomfortable. But I only take like two aspirins a day, not only for pain, but to keep the blood a little thin so that I don't get blood clots.

Q. And you're no longer doing the adjustments?

A. No. It has been corrected.

Q. Okay. Did you say how much longer you expect to have this on your leg?

A. Well, I was hoping it would come off last month, but I go back to the doctor June the 10th; and my prayer is that it will come off sometime in June.

Q. And do you have any plans to return and complete your schooling?

A. Yes, I do. I plan on going back to school, I'm hoping this fall. If this thing comes off, I will be able to drive myself again, so I can go back to school. And I'm also working on probably breaking the Guinness Book of World Records of colleges attended to obtain one degree.

Q. So that's something you really --

A. That's my goal in life.

Susan Walton - Direct

Q. Okay. Good. Let me conclude by simply asking you what you regard as the greatest loss that you suffered as a result of your injuries from the bombing.

A. Well, basically my independence and my ability to carry around my grandbabies that have been born in the last couple of

years. I can hold them in my lap; but, you know, that doesn't always please them, you know. They like to be bounced and walked, and I truly miss that. And, you know, they have to be a little careful of grandma, you know. Everybody's going, no, no, watch grandma, you know; so it's kind of like I don't get to play with them the way I wish I could.

MR. HARTZLER: Thank you, Mrs. Walton.

Nothing further, your Honor.

THE COURT: Any cross?

MR. JONES: No questions.

THE COURT: Thank you. You're now excused.

THE WITNESS: Whoops.

MR. HARTZLER: We'll call Eric Thompson, your Honor.

Miss Behenna will question him.

THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Eric Thompson 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: Eric Howard Thompson. T-H-O-M-P-S-O-N.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Sergeant Thompson, where do you live?

A. Oklahoma City.

Q. Are you employed?

A. Yes, I am.

Q. How are you employed?

A. With the Oklahoma City Police Department.

Q. How long have you been with the Oklahoma City Police
Department?

A. Almost nine years.

Q. Are you assigned to a specific squad or unit?

A. Yes. I'm on the Bicycle Patrol Unit.

Q. Were you on the Bicycle Patrol Unit in April of 1995?

A. Yes, I was.

Q. Let me direct your attention to April 19, 1995. Were you
at the police station downtown Oklahoma City that morning?

A. Yes, I was.

Q. Did you hear the explosion?

A. Yes, I did.

Q. What did you do?

A. Ran to the roof, the top floor of the police station,
looked out to the northeast, and saw a column of smoke coming

Eric Thompson - Direct

up from the federal building.

Q. And you immediately headed toward the building?

A. Yes, ran straight down. My car was parked in front of the
police station. I drove directly to the southwest corner of
the federal building.

THE COURT: Excuse me. A little bit hard to hear
you.

THE WITNESS: Okay. I'm sorry.

THE COURT: Raise your voice just a little.

MS. BEHENNA: Thank you.

BY MS. BEHENNA:

Q. Let me further direct your attention to the 3d floor
window

of the Murrah Building on the south side. Do you recall
seeing

a man in that window?

A. Yes, I do. Sergeant Ed Moore, who is a beat officer with
our department, was in the window aiding a man who appeared to
be trapped. His legs appeared to be trapped, and he was right
there facing the south out of the window frame.

Q. And you could see him from the plaza level where you were?

A. Yes, I could.

Q. Did you climb over a retaining wall to that 3d floor
window?

A. Yes, I did.

A. Yes, I did.

Q. What did you do?

A. I attempted to aid Sergeant Moore in freeing the man from the -- from the debris. The man was conscious, he was

Eric Thompson - Direct

coherent; but he was very dazed. He had a glassy look in his eyes. Ed was talking to him. He was telling him to hang on; that we would get him out.

Q. Was the man responding to Sergeant Moore?

A. Not verbally, no. He would grunt and moan.

Q. But he was alive?

A. He was alive. Yes, he was.

Q. Could you see what injuries the man had?

A. Yes. He had several small cuts from, I guess, flying debris. His shirt was torn and tattered, and attempts were made when he was leaning back to pull him from the debris.

His legs were completely pinned. We could not lift him or get him pulled out.

Q. Pinned with rubble?

A. Yes, pinned with rubble.

Q. Was he actually pinned against that south wall on the 3d floor?

A. Yes. The rubble was pinning him up against the south face of the building and the window frame. When he was leaned forward, to try to free him from another vantage point, I noticed that the gentleman had received a severe head wound to the back of his head. I noticed this due to the amount of blood and part of his scalp was loose on the crown of his head.

Q. Were you and Sergeant Moore able to free this man from the rubble?

Eric Thompson - Direct

A. No, we were not.

Q. Can you tell the jury what happened after a few minutes of attempting to work with him and get his legs untrapped?

A. We worked with him for a while, probably five minutes, and were unable to free him. During this time . . . he was still conscious. He would still moan or grunt, he would still try to

hold himself up to an extent. And finally, he just -- he exhaled and he went limp on us. And I believe at that moment he expired. He passed away.

Q. Did Sergeant Moore feel for a pulse?

A. Yes, I believe.

Q. Was he able to find one?

A. No, he was not.

Q. After the man died there on that 3d floor window, did you attempt to lay him back?

A. Yes.

Q. On the rubble behind him?

A. We did lay him back on the rubble. And then we went on.

Q. And you went on to other places inside the building?

A. To help other people, yes.

Q. Let me just show you quickly Government's Exhibit 1016.

Can you identify that?

A. Yes. That is the spot where -- where I was on that slanted

shelf. And Ed was up inside the building on top of the rubble behind him trying to free him.

Eric Thompson - Direct

MS. BEHENNA: Your Honor, I'd move for the admission of Government's Exhibit 1016.

THE COURT: It's received. It may be shown.

BY MS. BEHENNA:

Q. And just briefly for the jury, can you describe what it is they're seeing here. This is the ledge that you were on?

A. Yes, this is the ledge that I climbed up onto. Sergeant Moore was on the window frame, behind the gentleman, with his arms under the gentleman's arms, trying to pull him up and out from the debris. And it was just heavy. There was too much. We had no tools, and we were unable to free him from the debris.

Q. And he wasn't covered with a tarp, as he is in this picture?

A. Not at this time. That was done later.

Q. And this was the position that you would have laid the man back on after he expired?

A. Yes.

Q. Do you know who that person was in this window on the 3d floor?

A. No, I don't.

MS. BEHENNA: Your Honor, that's all I have.

THE COURT: Any questions?

MS. RAMSEY: No, your Honor.

THE COURT: All right. You may step down. You're

Eric Thompson - Direct

excused.

MR. HARTZLER: Government calls Dora Reyes.

THE COURT: Okay.

MR. HARTZLER: Mr. Mendeloff will question her.

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

(Dora Reyes 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: My name is Dora Reyes. R-E-Y-E-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Miss Reyes, where do you live?
A. Edmond, Oklahoma.
Q. Do you have any children?
A. Two children.
Q. Tell us their names and their ages.
A. My daughter's name is Dahlia Northrup, and she will be 36 September 25; and my son is Michael Reyes, and he will be 33 December 16.
Q. On April 19, 1995, did you lose your husband?
A. Yes, I did.
Q. What was his name?

Dora Reyes - Direct

A. Tony Reyes.
Q. Let me show you Government Exhibit 1462; and this will just be to you, please.
What are we looking at?
A. A picture of my husband, my son, my daughter, and myself.
MR. MENDELOFF: We move the admission of 1462, your Honor.

THE COURT: It's received.

BY MR. MENDELOFF:

Q. Miss Reyes, just quickly tell us who -- who we're looking at in this picture. That's yourself?
A. Yes.
Q. Your son?
A. Yes.
Q. Michael?
A. Yes.
Q. And your daughter?
A. Dahlia.
Q. And your husband?
A. Tony.
Q. How did your husband die on April 19?
A. He died as a result of injuries sustained in the bombing of the Alfred Murrah Building.
Q. Where did he work?
A. He worked for the Department of Housing and Urban

Dora Reyes - Direct

Development on the 8th floor.
Q. What was his job at HUD on the 8th floor back in April?
A. He was a fair housing and equal opportunity specialist.
Q. Now, tell us a little bit about his background. How large a family did he come from?
A. Tony was the seventh of nine children.
Q. And what town was he from?
A. San Diego, Texas.
Q. San Diego, Texas?
Is that the same town you're from?

A. Yes.
Q. When did you first meet Tony?
A. When I was about 12 years old.
Q. How old was he?
A. 14.
Q. Have you ever had another man in your life other than Tony Reyes?
A. No.
Q. When were you married?
A. October the 8th, 1960, when I was 18 and he was 20.
Q. So you were married about 34 1/2 years when the bombing occurred; is that right?
A. Yes.
Q. Can you tell us a little bit about your husband's employment background.

Dora Reyes - Direct

A. He graduated from high school in 1958 and joined the Navy in 1959.
Q. How long did he stay in the Navy?
A. He retired in 1983.
Q. So he was a career Navy man for those years?
A. Yes.
Q. What were -- were his assignments at sea as well as shore?
A. He served on various ships and on submarines and shore duty.
Q. Tell us about the only time in your 34 1/2 years of marriage that your husband did not come home and did not call you to tell you where he was.
A. When we were stationed in Long Beach, California, during the Cuban missile crisis, and he left that morning and didn't come home that evening because he was deployed on a ship.
Q. To the area around Cuba?
A. To the area, uh-huh.
Q. While Mr. Reyes was in the Navy, did you have two children,
have your two children?
A. Yes. Our daughter was born in Long Beach, California, and our son was born in Charleston, South Carolina.
Q. And at some point, as you were shipped around the world in various ports, were you assigned to shore duty in Oklahoma City?
A. Yes. My husband was transferred to the Navy recruiting

Dora Reyes - Direct

office in the Alfred Murrah Building in May of 1977.
Q. How long did you and your family remain there?
A. He completed his shore duty in 1981, and then he had to go back to sea. So he was transferred to Norfolk, Virginia, where he was attached to a carrier. And I really don't remember the name at the moment. He retired in 1983. The children and I stayed in Edmond. Michael was in high school and Dahlia had

started college.

Q. So you decided not to move the kids again and you stayed in

Oklahoma City?

A. Right.

Q. While Tony finished his stint in the Navy?

A. Uh-huh.

Q. When he finished his stint in the Navy, did he continue Government service?

A. Yes. He started to work for SBA, I think, in 1984, and then transferred to HUD. I don't remember when -- a couple years later.

Q. Now, in April of 1995, you said Tony was in HUD. Was there

another member of the family that was also employed by HUD at that time?

A. Yes, Michael. Michael had worked a couple of summers at HUD; and then when he graduated from college, he took a job with HUD.

Q. Your son, Michael?

Dora Reyes - Direct

A. Yes.

Q. And on April 14, 1995, was Michael working for HUD in the Alfred P. Murrah Federal Building as well?

A. On April 19, he was working at HUD and he was on the 7th floor.

Q. On the 7th floor of that same building? That's one floor away from Tony?

A. Uh-huh.

Q. Now, was Tony's service to his community limited to service in the Government?

A. No. Once Tony retired from the Navy and the children had finished college and he was already working in civil service, he decided, as so many of us do, that it's time to start putting something back into the community; so he started various volunteer-type jobs, you could say. We had done some work at our church in Guthrie with the youth group. He -- because we're Hispanic, I think he felt a kinship and a need to help people in the Hispanic community.

So the first thing I remember him doing was through Catholic charities. He started trying to help, I think, legal immigrants to learn English; and there's a place called the Lazy E a little north of Edmond where he was -- he would go -- that helped some of these people learn English.

Q. Tell us the other organizations that he ultimately volunteered in, just a sentence about what each of them does.

Dora Reyes - Direct

A. He belonged to OHPA, which was Oklahoma Hispanic

Professional Association. And the main purpose of that organization is to provide scholarships to Hispanics attending colleges in Oklahoma.

He belonged to something -- I believe it's called the Tinker Base Hispanic Task Force Group, which gets involved with things of Hispanic nature in community. And through that, he started becoming involved with the Latino Community Development Agency.

Q. What is the Latino Community Development Agency?

A. It's a nonprofit organization that helps people in the Hispanic community in various ways. One of the things they have is a clinic to help mothers bring babies, you know, for whatever needs they have. And one of the other things that -- one of the things that they were doing when Tony died was converting an old school called Riverside into a community center. And Tony would help on Saturdays and other days where they were trying to clean brush from the yard, pick up trash, scrape walls, paint.

Q. I take it his involvement in these organizations was not passive, in name only; he gave his time substantially to these various organizations?

A. Uh-huh.

Q. What about the Federal Employees Credit Union?

A. He was on the board of directors of the Federal Employees

Dora Reyes - Direct

Credit Union. He had actually been on the credit committee there for quite a while, because he had started that when he was still in the Navy, in the federal building.

Q. Now, is he the only member of your family that had a passion for volunteer work?

A. No. I had gotten involved in my community, too, in Edmond.

I belong to AMBUC. It's American Business Club. I belong to the Edmond Arts and Humanities Council.

Q. Did your husband assist you in your various volunteer work?

A. He was my right arm in my volunteer work. Because whatever

I did with AMBUC -- we put on a charity ball each year, and I think that really I got the credit; but he did the work. And the Edmond Arts and Humanities Council puts on a jazz festival every year and a children's festival, and he was my right arm in that volunteer work, too.

Q. Now, the last evening of Tony's life, April 18, 1995, I believe you came home late. When you arrived home from a meeting of your own, where did you find your husband?

A. He was at the kitchen table, and he was reviewing scholarship applications for the OHPA function that was going to happen, I believe about April 25, where they would present scholarships to these students.

Q. Can you just take a minute and characterize for us what

'Tony's personality was like?

A. Well, I think Tony was the balance in my life, because he

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was the, the jovial . . . the jovial hearty person, the person with the positive attitude all the time, the person who anybody

who knew him would tell me what a pleasant person Tony was, what a joy he was to work with, whether it was in his work life

or his volunteer life. He was the one who always, I believe, was the one who tried to get his brothers and sisters together -- they were all in different states -- to have reunions every once in a while. He'd talk to them every week. He was the balance in my life.

Q. Now, on April 19, 1995, did you see your husband before he went to work that morning?

A. No.

Q. Tell us what happened.

A. Well, I'm a CPA; and April 17 that year was our last day to

file extensions and file returns. And normally I close the office on April -- on the day after, so that was April 18.

And

usually I use that day to kind of just mess around; and that's what I did, except for that meeting I had that night.

And usually, I would hear him when he got up to go to

work in the morning; but he left very early. I don't remember hearing him get up that morning.

Q. Did you go to work that day?

A. Uh-huh. I got to work at 8:30.

Q. Tell us what happened.

A. Well, whenever the bomb went off -- everybody says it was

Dora Reyes - Direct

9:02 -- I heard an explosion; and it sounded like -- I thought it was like a gas explosion. But I just sat at my desk and kept working. And a few minutes later -- I couldn't tell you when -- Emily, a CPA who works for me, and she's kind of down the hall a little bit from me, got a phone call. And she's very emotional, expressive; and I heard that she -- I could hear her being upset. And she said, "What was that," something about a federal building.

So I got up and walked to her doorway. And then she says, "Alfred Murrah Federal Building," and I just leaned against the wall. And I said, "Well, that's where Michael and Tony are."

So she quickly got off the phone; and I keep a little TV in a cabinet in my office; and so we turned it on, and that's when we knew what happened.

Q. When you saw the picture of the building, what was your

Q. When you saw the picture of the building, what was your first reaction?

A. Well, I think when you're in somewhat of a state of shock, you don't know what you're seeing. And I think my first impression was that maybe only the glass was gone from the front of the building. And then as I watched some more and I saw probably a helicopter's overview of the building, I could see where his office was just wasn't there anymore.

Q. How long did it take before you learned anything about your son?

Dora Reyes - Direct

A. I've been told that I knew about 10:00 that morning.

Q. And what did you learn about your son, Michael?

A. Well, he had been on the 7th floor, and he fell four stories to the 3d floor.

Q. Was he injured?

A. Yes.

Q. Tell us about his injuries.

A. He had cuts on his face and on his hands and his back, and he was hurt in the hip area; but things were not broken that he

needed a cast. And he had to stay in the hospital overnight.

Q. And he was out the next day?

Is he back at work at HUD?

A. Yes.

Q. Is he doing fine?

A. Yes.

Q. How long did you have to wait to learn about the condition of your husband?

A. Ten days.

Q. And ten days later, you were informed that your husband was -- husband's body was found?

A. Uh-huh.

Q. What was the impact of your husband's death on the Hispanic community in Oklahoma City?

A. Well, they lost a great volunteer. Several people who he has worked with in the various organizations tell me now and

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then how much they miss him; and every once in a while, I run into people that knew Tony that I don't even know, who may have

volunteered with him by working with him in the federal building or by working with him at LCDA or OHPA; and they'll tell me how much they do miss Tony, because he was such a vital part of their organization.

Q. Now, you have two children and grandchildren?

What has been the impact on your family of Tony's death?

A. Well, when the bombing happened, David was about five and Leah wasn't quite three.

Q. Those are your grandchildren?

A. Uh-huh. And the thing I remember the most, and the hardest thing is that when we became grandparents, well, you would have thought that Tony invented grandparenthood, he was just so excited about the kids. We always tried to get them about once a month. My daughter lives in Coffeyville, Kansas. And, of course, whether I could go with him or not, Tony brought them to Edmond.

And he was -- Tony was such a kid at heart. He -- one of the things that he did with the -- one of the last things I remember him doing is we had a very long hallway in our house. And he would get on all fours and put David on his back and do giddy-up down the hall. And he did that with Leah, too. And at first, the hardest thing for me is that they're going to

Dora Reyes - Direct

forget grandpa.

Q. How about yourself? What has been the impact on your life of the loss of your husband, the man that's been with you for almost your whole life?

A. Well, I've always been a very go-getter type of person, self-employed. I had to always push, but I had a reason to push. I was pushing for . . . saving money for retirement; and the hours that you have to put in as a CPA can be gruesome. And I was really able to do that up until the bombing, and now it's -- it's just very hard to do. My motivation just isn't there anymore. I do it, but I just -- I'm having trouble.

Q. Your community work; has it affected that?

A. I have not done anything with AMBUC or anything with the children's festival; and I went -- I did something with the jazz festival only last year, and I didn't this year. I can't seem to do it anymore.

MR. MENDELOFF: Thank you.

Nothing further your Honor.

THE COURT: Any questions?

MR. BURR: No, your Honor.

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

MR. HARTZLER: Your Honor, the Government calls Laura Kennedy.

Your Honor, you wouldn't want me to provide any forewarning about the testimony on any of these people, would you? I mean some of them are going to be more difficult than others. Is that appropriate?

THE COURT: Well, we'll take it as it comes.

MR. HARTZLER: Thank you.

THE COURT: About how long will this witness be?

MR. RYAN: I would say 15, 20 minutes, your Honor.

THE COURT: All right. Let's go forward with her,
and
then we'll take a recess.

Well, perhaps there's some trouble arranging it.
We'll take the recess now.

MR. RYAN: Thank you, your Honor.

THE COURT: We'll, at this time, members of the jury,
take our afternoon rest stop, which I'm sure is welcome to
you.

And we'll recess now for the usual 20-minute period and with
the usual cautions, avoiding discussion among yourselves about
anything taking place in the courtroom and also keeping open
minds, remembering that you're going to hear much more and
also

will be hearing from the defense with respect to mitigation.
So please follow these cautions and exercise that discipline
in
your own minds.

You're excused, 20 minutes.

(Jury out at 3:04 p.m.)

THE COURT: Was it the next witness that you had in
mind?

MR. HARTZLER: Yes, it was. And then I also need to
tell you that one of the witnesses, we didn't plan on getting
to today, but clearly will -- needs to have a short voir dire.
So I propose that we proceed with the next witness and then
maybe if you could take a ten-minute break, which would well
be
appropriate, we could do the voir dire then. Is that
possible?

THE COURT: What is it with respect to the next
witness that will be --

MR. HARTZLER: She lost a small child.

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

(Recess at 3:05 p.m.)

(Reconvened at 3:24 p.m.)

THE COURT: Be seated, please.

So we have, what, four witnesses and then the voir
dire people?

MR. HARTZLER: If we get word that there is a fifth,
we'll go with five.

THE COURT: All right.

MR. HARTZLER: Four for sure and possibly a fifth.

THE COURT: Well, let's go; and then if those
people -- if we're completed with their testimony before 5,
we'll recess early and do the voir dire.

You let me know where we are.

MR. HARTZLER: I will. And we have some videotapes
we
might fill in, too, depending on the time.

THE COURT: And then we'll do the voir dire at an --
or as soon as we recess.

MR. HARTZLER: Thank you.

THE COURT: Jury.

(Jury in at 3:25 p.m.)

THE COURT: Next, please

THE COURT: Next, please.

MR. HARTZLER: We had called Laura Kennedy, but I believe she's not available, so we will call Pam Whicher.

THE COURT: Thank you.

MR. HARTZLER: And Mr. Mackey will question her.

THE COURT: All right.

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

(Pamela Whicher 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: My name is Pamela Susan Whicher, W-H-I-C-H-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good afternoon, Ms. Whicher.

A. Good afternoon.

Q. Tell the jury where you live.

Pamela Whicher - Direct

A. I live in Rockville, Maryland, suburban area of Washington, D.C.

Q. And are you from that area?

A. Originally, yes. I'm from the Washington area.

Q. And did you go to junior high school in that area?

A. I went to junior high school in Maryland, yes.

Q. And while in junior high school, did you meet another junior high schooler named Alan Whicher?

A. Yes, I did. I met Alan in eighth grade. We were both 14. He was kind of a BMOG. He was president of the class, and I was just a little kind of studious kid, but we knew each other to say hi.

Q. And he saw enough to -- that several years later, the two of you got married?

A. Yes.

Q. And when was that?

A. We got married in 1974, after graduating from high school together. We were high school sweethearts and --

Q. Had both of you gone off to college?

A. Yes. We were both going to Maryland University. I decided

to quit after a year. I really wanted to marry this guy and the sooner the better; so I went to work for the Navy, and Alan

finished his college career at Maryland, majored in law enforcement.

Q. When did he graduate?

Pamela Whicher - Direct

A. He graduated actually a semester early. He went to school during the summer and graduated summa cum laude. I'm very proud of him. No problems with the grades. Great grades.

Q. And he graduated from the University of Maryland?

A. Right. Right.

Q. Did he go to work after getting his college degree?

A. After getting his college degree, he applied to several police departments and several federal agencies. He substitute taught for a while in high school, but the Secret Service called him pretty early. He was only 21, probably one of the youngest agents to work for the Secret Service.

Q. And that's where he went to work?

A. Yes.

Q. In 1976?

A. '76.

Q. The two of you started a family?

A. Right.

Q. And you had three children?

A. We have three children.

Q. Who are they?

A. The oldest one is Meredith Susan. She's 19. My next daughter is Melinda Therese. She's 17. And my youngest is Ryan Gerald. He's 14.

Q. Before you I think, Mrs. Whicher, is Government's Exhibit 1453. Do you see that in front of you?

Pamela Whicher - Direct

A. Yes.

Q. Is that a family photograph taken a few years ago?

A. Yes, it is.

Q. Does that depict your family including your husband, Alan Whicher?

A. Yes, it does.

MR. MACKEY: Your Honor, I'd move to admit and publish Exhibit 1453.

MS. RAMSEY: No objection, your Honor.

THE COURT: Received, and you may publish it.

BY MR. MACKEY:

Q. Ms. Whicher, this young lady on the far left-hand side of the photograph is?

A. Is Melinda.

Q. She's the middle child?

A. Yes, she is.

Q. And approximately how old was she at the time of this photograph?

A. She was 15.

Q. And you're standing next to her?

A. Yes.

Q. And the young man in front of you and Alan?

A. Is Ryan.

Q. How old was he at the time of this photograph?

A. I think he was 11 at that time.

Pamela Whicher - Direct

Q. And the young lady to the far right?

A. Is Meredith.

Q. How old was she at the time?

A. She was 16.

Q. And the person right behind her, then, is your husband, Alan Whicher?

A. Yes, yes.

Q. Where was this particular photograph taken?

A. This was taken on a cruise that we took, a family cruise. We knew we were moving from Washington to Oklahoma and decided to just kind of have some fun; and we went on a family cruise to Panama Canal, almost exactly a year before Alan was killed. It was in April of '93.

Q. Was it just the five of you?

A. Just the five of us.

Oh, no, I'm sorry. Actually, his mom came with us and nieces and nephews. I'm sorry. I thought the picture you were saying was just the five of us.

Yes, we went as a big group. We had a great time.

Q. Extended family?

A. Extended family, right.

Q. Well, let's go back to your husband's career with Secret Service, and tell the jury where he served and the kind of assignments he carried out.

A. He started out working the Washington field office, worked

Pamela Whicher - Direct

there for several years. We had a baby, and I didn't really want to get transferred to another state; so we -- he applied to work for the vice president detail for a while. He worked there.

After working, I think, in Washington for probably, oh, seven, eight years, we were transferred to New York -- he was transferred to the New York field office, worked in the World Trade some for three years, and then came back to Washington for the president's detail, just a real busy career, and decided to go to Oklahoma to get kind of a quieter office so we'd have some time together as a family.

Q. Now, the last several years before moving to Oklahoma City was spent in Washington, D.C. Is that right?

A. Yes, it was.

Q. And was Alan or Alan Whicher in charge of a unit responsible for the protection of the president?

A. Yes, he was. He was shift leader for one of the president's shifts. The Secret Service has several shifts that protect the presidents, and he was a shift leader.

Q. And how many different agents was he responsible for?

A. I'm not real sure. Somewhere between -- in the 25-agent area. It would vary, but around 25 agents.

Q. Did it fall to your husband to assign those agents to ensure the round-the-clock protection of the president?

A. Yes, it did.

Pamela Whicher - Direct

Q. And did his agents come to know him to be famous for any particular expression as he carried out those duties?

A. Yes. Alan, being a shift leader, of course, you kind of have control over all these guys' lives and who gets to go where and when, and they would beg him for a break: I need to be home for this or that. And Alan's famous saying was, "The needs of the many outweigh the needs of the one," a quote from an old Star Trek movie. So the shift got together and made this "Vulcan Shift" T-shirt. And on the bottom it said, "The needs of the many outweigh the needs of the one." He got pretty famous for that.

Q. There came a time then when the family had to make a decision about a shift in career. Correct?

A. Alan's career, especially when he was in PPD, was very consuming. He was gone, traveled probably 30 percent of our lives. He was gone. He missed birthdays, Christmases, Thanksgiving, gave a lot to his job. And he came to me somewhere during the winter of -- early winter of '94 and said,

"You know, I'm looking at my kids. They're growing up. They're growing up without me. I haven't had much time with them." He said, "How do you think they'd feel about a move somewhere that would be quieter, not as much, you know, high-profile work?"

And I said, "Let's talk to them."

We kind of called a family meeting. The kids were --

Pamela Whicher - Direct

girls were in high school. Mindy, I think, was getting ready to go into high school; and they all were for it. They really wanted to spend some time with their dad, too. There was a little pull because they made a lot of friends, but they really wanted some time with him, too.

And, you know, we were ready to have him have a 9-to-5 job and a dad that could spend weekends with us.

Q. And so that was a family decision made together?

A. It was.

Q. And that decision then led to the family moving to Oklahoma City?

A. Yes, it did.

Q. When did that happen?

A. We moved in Oklahoma -- to Oklahoma in August of 1994.

... we moved in Oklahoma to Oklahoma in August of 1991.

Q. And what position did your husband have when he arrived there in Oklahoma City?

A. He was the assistant to the Special Agent in Charge of Oklahoma City field office.

Q. And that would be the equivalent of the No. 2 man in charge of the operation?

A. Right.

Q. Can you tell the jury a little bit about the transition that you went through in the move out to Oklahoma City. How did you begin to integrate into the community?

A. I had had a job in Maryland teaching deaf and hard-of-

Pamela Whicher - Direct

hearing kids. Actually, I was just a teacher's aide, but it was fun. And we moved out to Oklahoma. I contacted some people who work with deaf children, and I do a special kind of interpreting for deaf kids that's not like sign language.

It's a little different.

And so I was kind of trying to integrate this new method for teaching deaf kids into Oklahoma, which I thought would be a fun thing to get into. So I talked to some people there, met a lady who also taught deaf kids, and she invited me

to join her Bible study. I joined her Bible study, really kind

of was making friends in the neighborhood, have morning coffees

and things like that. I felt pretty at home pretty quick in Oklahoma. Very nice place.

Q. Well, let's move our attention to April 19, 1995. And was that a day that this Bible group was to get together?

A. It was the last day of our Bible study. I was one of the new people that had been brought in that year, and I had also come from out of state, so they asked me if I would speak that day at the Bible study, just to say what I had gotten out of the study in a year and the friends I had met, what it meant to me.

The night before, I was kind of preparing a little speech what I was going to say that day. I'm kind of a nervous speaker, so Alan sat down and kind of looked through what I had written and helped me edit it a little bit and pare it down.

Pamela Whicher - Direct

And yes, I was getting ready that morning basically to go out to make my speech, so . . .

Q. That morning was a school morning: I take it the kids went

off to school?

A. Right. It was a pretty average morning. I mean, Alan was running a little late and kind of being a Type A guy, you know, he was really pushing to get out to work.

I was -- the kids were just starting to stir upstairs.

I was making Alan breakfast. Usually, he made his own breakfast. I was making it for him to help him keep moving along. I was actually kind of pushing him out because I also wanted to get dressed up that morning to go to my Bible study.

The kids were kind of leaning -- we have a railing over the top of the family room, and they were kind of leaning down, "Bye-bye, Dad." I think that they really regretted not coming downstairs that day to give him a hug, but it was a busier morning than we usually have, so . . .

Q. What was your last conversation with Alan Whicher?

A. He gave me a hug and went off to work. He called me about quarter of 9, somewhere in that area that morning. He had forgotten to wish me luck on my speech because he was in such a rush that morning and he called me up, you know, a little bit of a pep talk. "I know you can do it, Honey; and you'll do fine. I love you."

He had also asked when we had discussed taking a trip

Pamela Whicher - Direct

that weekend with the kids, you know, to Tulsa or he said, "Call up your girlfriend, get some information, stuff we might do this weekend."

I said okay. I was kind of hurrying him off the phone because I had to get to Bible study by 9:30.

He said, "Love you. "

I said, "I love you" back. Last time I ever spoke to him.

Q. And a few minutes after the end of that phone call, what happened?

A. A few minutes after the end of that phone call, I heard the explosion. I knew it was not normal sound. It was real distinctive. I thought maybe a boiler had blown up in the school, which was right behind our house. I looked out my back window. I couldn't see anything going on.

I turned on my little television set over the kitchen sink and was kind of washing up breakfast, and they said that a building in Oklahoma City had been bombed -- I'm not sure if they said "bombed" right away, but that there had been an explosion. And at first, they said it was the courthouse. I wasn't real worried. When I first heard the word "federal building," I just got real, real scared. I knew there wasn't many federal buildings in Oklahoma City.

Q. Not having lived in Oklahoma City very long, were you aware of the name of the federal building?

Pamela Whicher - Direct

A. No. I did not know that it was called the Alfred P. Murrah Building at all. I -- actually, what I did was I went to Bible study. I got in my car and I tried to call Al and -- the whole time. I had a cell phone. I called him the whole time I was going there. I ran in, and they were the only real friends I could think of at the time. I didn't -- just didn't know that many people off the top of my head, and I just was asking people, did anybody know, you know, if that building had the Secret Service in it.

And a lady called up her father, who worked for the government; and he said that indeed it did have the Secret Service on the 9th floor. And so they offered to drive me home. I drove home myself. They followed me home. And I went home, and the waiting began.

Q. In the course of that afternoon or later that morning, did you begin to assemble the children back home?

A. I hadn't been home very long. I got a phone call from Melinda and she said, "Mom, was that Dad's building?"

I said it was.

And I said, "Please, you know, come home, get your sister and come home," and so they came home.

I thought about calling Ryan. He was just in sixth grade at the time. I decided not to. I didn't see what good it would do him to join in the waiting.

The girls came home. Some friends came over.

Pamela Whicher - Direct

Everybody had cell phones. We were trying desperately to see if we could find Alan or find out where he might be.

Q. Later, by evening, Ryan had made it home, I take it.

A. Ryan called me that morning. I had given him some money, and he really wanted to go to the ice cream shop, which was right beside the school; so he called me from the ice cream shop and asked if that was Daddy's building. And I said it was.

And he said he was just going to come home, he didn't want ice cream anymore. And he came home, and he was just a different little boy walking in my door than when he went out that morning who was worried about what flavor ice cream he might get that day.

It was a different face.

Q. Ms. Whicher, did you know of a special friend that your husband had from Secret Service by the name of Steve Cole?

HUSBAND HAD FROM SECRET SERVICE BY THE NAME OF STEVE COLO:

A. Yes, I did. Alan and Steve went to school together, treasury school in Glynco, Georgia. They kind of got to be good buddies right away, and their careers kind of stuck together.

Q. That night, late that night, April 19, did you see Steve Colo?

A. Yes, I did. He -- I had kind of shooed everybody out of the house around 6:00, right around the time Alan was supposed to come home. I just wanted to be at home with the kids. We

Pamela Whicher - Direct

kind of all fell asleep on my bed. I think it was around 11:00, I got a telephone call from Steve Colo, and he said he was in Oklahoma City. And I knew if Steve was there that the news wasn't good, if they had brought Steve there.

So Steve just came right over and he sat me down in the kitchen, and he -- I remember just facing him, and he said,

"It's not good, Honey. It's not good at all. We don't think Alan survived."

And I remember screaming out that I wanted to die, which I still really regret because my kids were upstairs listening, and I think it kind of frightened them that they'd lost their dad and -- anyway, so I -- Steve and I went upstairs

and talked to the kids and a lot of hugging, a lot of tears.

Q. Eventually, you were formally notified that Alan had indeed died in the blast?

A. Yes.

Q. And when was that?

A. That was, I think, Friday morning around 6:00. I think they had found him around 2 -- 1 or 2 in the morning.

Q. And it was your choice not to observe his body or --

A. I -- I made the decision not to do that. It's something I really wish I had put in front of the children. I think it's something I still think my kids have a hard time dealing with. They really wish they had seen their dad one more time. I made

the best decisions I could at the time. I regret it, but I

Pamela Whicher - Direct

don't beat myself for it. I was doing the best I could.

Q. A lot of time has passed since April, 1995, and I just have

a couple questions. If you would, on behalf of your children, describe to the jury the impact on their lives that you have observed over the course of this time.

A. The worst part for them, I think, has been Meredith graduated from high school last year, and her dad wasn't there.

She was also elected to the court for whatever, the homecoming court. And your dad is supposed to walk you out on the football field at homecoming, and I just remember her walking out on the field teary. All these other girls were all smiling and happy, and she was teary.

She, I think, kind of took over in a way, and she's become tough and strong. And there is good sides to that, but it's a lot to expect of an 18-year-old.

Melinda has had the hardest time. She was like her daddy's little girl. She -- she told me that she has learned to hate, which is a horrible thing to hear coming from your 16-year-old baby. I never expected I'd hear this kind of talk from my girls. She wrote a paper for school. The topic was a day that changed her life. And this is as the year we moved back to Maryland; and at the end of the paper, she said that "I

never knew such a dark, horrible place existed until I had to go there; and I'm clawing my way out as best I can."

I think she's doing a good job. She's coming back.

Pamela Whicher - Direct

Ryan is -- he came to me several days after we got back from the funeral and said, "Mom, I'm going to be the man now and take care of you." He's 12 years old.

And I said, "Honey, you just be a 12-year-old."

He's been very good. He -- for the longest time -- in fact, he told me. He said, "I'm going to pretend --" his daddy traveled a lot, and he was used to his dad traveling. He said,

"I'm going to pretend my dad is on a trip for a while."

I said: "That's okay. You do that for a while as long as you can."

He went through puberty that summer, which is so hard -- to kids anyway. He started to get a little beard. And

I said, "Honey, you've got to shave, that you're looking messy."

And I just remember him -- it's the first time he came out again -- he slammed the wall with his fist and he said, "Who is going to teach me how to shave it?"

So I called my dad, but --

Q. Mrs. Whicher, let me just ask the final question.

A. Sure.

Q. I think we've learned a little bit already.

A. Okay.

Q. But how is your life today?

A. I'm -- my life right now is getting better. It's totally different. It's without Alan -- he's the man I loved from the

Pamela Whicher - Direct

time I was 17. He was my best friend. I remember thinking when I knew he was gone I was never going to see him again, because we grew up together, practically. We had forged such a close bond. It's a little bit like learning to live with -- without your arm. You still do what you got to do, but everything is changed, and you have to find a new way to live your life; and I think I'm doing that.

One of the things I told the kids after this happened -- it's a Bible quote. I said, "Be not overcome by evil but overcome evil with good." And I have determined for myself and my children that we would do that, so we have built a new life. And it's been hard, but we're going to be okay.

MR. MACKEY: Ms. Whicher, thank you.

THE WITNESS: Thank you.

THE COURT: Any questions?

MS. RAMSEY: No, your Honor.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. HARTZLER: Government calls Kathleen Treanor.

Ms. Behenna will question her.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Kathleen Treanor 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: Kathleen Treanor, T-R-E-A-N-O-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Where do you live, Ms. Treanor?

A. I'm sorry?

Q. Where do you live?

A. I live in Guthrie, Oklahoma. It's about 30 miles north of Oklahoma City.

Q. Are you married?

A. Yes, I am. My husband's name is Michael Treanor.

Q. How long have you been married?

A. It will be three years in a couple of weeks.

Q. Is this a second marriage?

A. Yes, it is.

Q. Do you have any children, Ms. Treanor?

A. I had three children. I have two boys remaining, David, who is 11, and Zachary, my son, who is almost 9.

Q. And you had a little girl?

A. Ashley. Ashley Eckles.

Q. How old was Ashley?

A. Ashley was 4 1/2.

Q. Would you consider yourselves to be a blended family?

Kathleen Treanor - Direct

A. Oh, yes. David is Michael's little boy from a previous marriage, and Zachary and Ashley were mine from a previous marriage.

The funny thing about Ashley, though, is she was so very young when we -- our families came together, she was the bridge. She called Michael "Daddy," and she loved him as a daddy.

I can remember one morning -- or one night, actually, whenever she called him into the bedroom and she said, "I'm the luckiest little girl in the world because I have two daddies that love me very much."

And he came out of the room that night and he said, "Thank you for giving me a daughter."

Q. You and Mike don't have children together.

A. No, ma'am. I can't have any children anymore.

Q. I'm going to show you Government's Exhibit 1489. Okay? And it will appear on that computer screen in front of you.

Can you identify that?

A. Yes.

Q. You've seen that before?

A. Lots of times.

MS. BEHENNA: Your Honor, I'd move for the admission of Government's Exhibit 1489.

MR. JONES: No objection.

THE COURT: Received. It may be published.

Kathleen Treanor - Direct

MS. BEHENNA: Thank you, your Honor.

BY MS. BEHENNA:

Q. Describe for the jury who that is and what they're seeing on this photograph.

A. That's my son Zachary and my daughter, Ashley.

Q. When was that picture taken?

A. Not very long before the bombing. Probably a couple of months.

Q. Sometime in 1995?

A. Yes.

Q. Spring of '95?

A. Yes.

Q. You stated that you lived in Guthrie. Do you live on some land in Guthrie?

A. Yes. As a matter of fact, we live on about a quarter of 160-acre section that belonged to my mother-in-law and father-in-law, Luther and LaRue Treanor. There are approximately four houses on that quarter acre of land -- quarter section of land.

Q. Who lives out there?

A. Michael and I have a house; and his sister, Debbie, and Buddy Price live behind us; and also his younger brother, Mark, has a house there as well. Before the bombing, Luther and LaRue lived there as well.

Q. And that's Mike's mother and father?

Kathleen Treanor - Direct

A. Yes.

Q. Let me show you Government's Exhibit 1208C. I'd ask you if you can identify that.

A. Yes. That's LaRue. LaRue Treanor.

MS. BEHENNA: Your Honor, I would move for the admission -- actually, I believe it's already admitted on a chart, Government's Exhibit 1208.

THE COURT: All right. So this is off of that chart.

MS. BEHENNA: It's off the chart, your Honor.

THE COURT: All right. It's received.

BY MS. BEHENNA:

Q. Can you identify that picture for the jury, Ms. Treanor?

A. Yes. That's LaRue Treanor, my mother-in-law.

Q. Let me show you Government's Exhibit 1208D. And who is that?

A. That is Luther Treanor, my father-in-law.

Q. And they lived out there with you on the 80 acres of land as well as the other people that you've identified?

A. Just a hop, skip and a jump away.

Q. Did Luther Treanor work?

A. From the time he was 11 years old, he worked. He was a milkman for Townley's Dairy.

Q. Did he also farm?

A. Yes. He loved his farm. He so loved his cattle. He had just about every one of them named. He could tell you what any

Kathleen Treanor - Direct

one of them was doing at any particular time. He knew what was going on every second of the day with his farm.

Q. What about LaRue Treanor? Did she work?

A. She did at one point. She had a slip-and-fall accident and was confined to the house. Her work was taking care of the children for us.

Q. And the children that you're speaking of are your children and Mike's children? Right?

A. All of her grandchildren, and she had eight great children at the time -- at the time.

Q. Ranging in ages from what to what?

A. Let's see. David would have been the oldest at that time -- he was nine -- clear down to a tiny baby.

Q. And how long had she taken care of her grandchildren?

A. Since David was a tiny baby.

Q. For a long time?

A. For a very long time, yes.

Q. Your in-laws were not federal employees, were they?

A. No, ma'am.

Q. I'm going to direct your attention to the morning of April 19, 1995. You worked outside the home.

A. Yes.

Q. And LaRue Treanor, your mother-in-law, took care of Ashley for you?

A. That's right.

Kathleen Treanor - Direct

Q. She wasn't in school at that time, was she?

A. No, ma'am. She was getting ready to start school in the fall, and she was very excited about that. She was looking forward to it.

Q. And your mother-in-law also helped get the two older boys off to school?

A. Yes. As a matter of fact, that morning I had gathered the three children up in my car, and we made the short drive over there. By habit, I would spend 15 to 30 minutes in the morning

just to visit with mom and to make sure that the kids were situated before I left for work, just kind of was a routine, kind of helped me get my day started; and I did that that morning as well.

Q. And then you left the house, leaving David and Zachary and Ashley with their grandmother?

A. Gave all of them a hug and kiss; and as I was leaving, Ashley ran up to the door and threw her arms against the doors and gave me one of her little, mischievous grins and she said, "You cannot leave."

And I said, "But Ashley, I have to go to work today."

And she said, "You cannot leave until you give me another hug and kiss."

So I leaned down, and she threw her arms around my neck; and she gave me a real hard kiss on the lips and hugged me again, and we rubbed noses.

Kathleen Treanor - Direct

Q. And then you went to --

A. And then I went to work.

Q. When did you learn that your mother-in-law and your father-in-law and your daughter were downtown in Oklahoma City?

A. It was about 10:30 in the morning.

Q. Up until that moment in time, you had no idea that they had gone downtown to the federal building?

A. I knew that they had an appointment downtown, but I did not

connect that it was at the federal building. My sister --

Q. I was just going to ask how did you learn that your in-laws

as well as your daughter were downtown in the Murrah Building?
A. My sister called me. I had just started a new job, and she wasn't certain exactly where I worked downtown; and she was worried about me. She thought I might have been hurt.

And she called and begged me to come home. And I told her no, I needed to stay close, just in case I could do something.

And I asked her, because the phone lines were so jammed -- I said, "Please call Mom and let her know that I'm okay so she doesn't worry."

And she said she would.

And we hung up; and of course, I watched the video on the TV for a while.

And then about 15 to 30 minutes later, she called back. She managed to get through and she said, "Kathleen,

Kathleen Treanor - Direct

where is Ashley?"

And I said, "Well, Ashley is with Mom."

And there was a big pause, and she said, "Did you not remember that Luther and LaRue had an appointment at Social Security today?"

And I said, "Well, yeah, I remember, but that's over at the capital complex; that's nowhere near where this building is."

And she said: "No. I worked downtown. I know that Social Security is in that building."

And I argued with her for probably five minutes before I realized she was right and she knew what she was talking about.

Q. And you made a call, then, to your in-laws' house, didn't you?

A. I hung up with her and I called the house, because I couldn't believe it.

Q. Who did you talk to when you called the house?

A. Brad, Mike's little brother, answered the phone, and he was there.

Q. And he tells you what?

A. I asked him, "Where are Mom and Dad?"

He said: "I don't know. I think they had an appointment downtown. I'm going right now to see if I can find them."

Kathleen Treanor - Direct

He gave me his pager number, and we hung up.

When I hung up from him, I called the Red Cross and I

when I hung up from him, I called the Red Cross and I described Ashley, everything that she was wearing right down to

her little panties, because I dressed her that morning.

Q. You not only called the Red Cross, but you called other hospitals in downtown Oklahoma City?

A. All of them. I made the whole circuit.

Q. And at one point in time, you decide to head downtown to St. Anthony's to see if you can find your in-laws and Ashley; right?

A. I had called Michael and asked him to please come. I needed him to be there with me because I didn't know what else to do.

And my boss at the time -- he said: "Come on. They're putting a list up at St. Anthony's. We need to get you down there and see if she's somewhere in the city, if she had been found."

So we went there, and I ran right over to the wall; and I scoured the list, looking for any sign of any one of them, and none of them were there.

So I just sit down and waited, and finally Michael came; and we waited and we waited all day long, we waited.

Q. And you leave St. Anthony's Hospital later that afternoon and you go --

A. About 5:00 that evening, they told us that any further

Kathleen Treanor - Direct
information would be given to the First Christian Church and that we should move there and we would be made comfortable.

So we did.

Q. And you go to the First Christian Church, and you provide the people there with information about your daughter Ashley; right?

A. That's right.

Q. As well as --

A. And we sat down with the medical examiner, and he asked for any kind of medical records or dental records or any kind of identifying scars or marks that might be able to identify them.

Q. You also provide information about your in-laws.

A. Yes.

Q. And you go home?

A. No. We waited there for probably four or five hours.

Q. And eventually go on home?

A. And finally we did go home, and we had to tell our boys what had happened.

At that point, we hadn't given up hope. We still thought they might be found.

Q. At some point in time, you were called by the law enforcement officers wanting to come over to your house and dust Ashley's things for fingerprints.

A. And I told him that wouldn't be necessary. My husband was a reserve police officer; and he had taken all three of the

Kathleen Treanor - Direct

children down with the Cub Scouts to take their fingerprints, kind of a child-protection-service thing.

Q. And you provide those fingerprints to the law enforcement officers?

A. Yes.

Q. Do you remember the day that you do that?

A. Yeah.

Q. Was it April 21, 1995?

A. Yes.

Q. Did you receive a call later April 21, 1995?

A. Yeah, between 4 and 5 that evening, we got a call, I believe, from the medical examiner's office, asked us to please

come down to the First Christian Church; that they had some information for us.

Q. And you get to the First Christian Church. You're notified that they have recovered and they've identified your daughter, Ashley?

A. Yes.

Q. Do you also tell the medical examiner's staff at that time not to call you again until both LaRue Treanor and Luther Treanor have been found and identified?

A. Yes. Actually, Michael asked them to do that because we were all down there and we were all in utter shock, you know, from losing three people from our family at one time. It would

have been more than we could have taken to be dragged down

Kathleen Treanor - Direct

there two more times, so we asked them just to limit it to one.

Q. And you later receive a phone call about Luther and LaRue Treanor having been found?

A. When we came back from Ashley's funeral, we called from the

church. And we had four messages from the medical examiner's office asking us to please come down to the church again; that they had more information for us. So once again, we gathered all the family together and we went down to the First Christian Church.

Q. Now, that didn't end your contact with the medical examiner's office, did it, Ms. Treanor?

A. No, ma'am.

Q. As a matter of fact, you receive a call from the medical examiner's office in November of 1995, don't you?

A. Yes.

Q. And the voice at the other end of that telephone conversation tells you that he has some more information for

you. Do you remember that call?

A. Yes. It was Ray Blakeney.

Q. What does Mr. Blakeney tell you?

A. He says, "I'm very sorry, but I have to tell you this so I know what I need to do." He said, "We have recovered a portion of Ashley's hand; and we wanted to know if you wanted that buried in the mass grave, or if you would like to have it to do with what you need to do."

Kathleen Treanor - Direct

And I said, "Of course, I want it. It's a part of her, and I need to have it where I know it is."

So we called our funeral director, and he made arrangements for us.

MS. BEHENNA: All right. I know this is difficult, and I'm sorry to have to ask you that.

Your Honor, that's all I have.

THE COURT: All right. Any questions?

MR. JONES: No questions for this witness.

THE COURT: All right. Mrs. Treanor, you may step down. You're excused.

MR. JONES: Your Honor, may I approach the bench?

THE COURT: Yes.

(At the bench:)

(Bench Conference 133B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: Did you announce your next witness? I can't remember.

MR. HARTZLER: No, we haven't. The next witness is Ruth Hightower. Ms. Wilkinson will question her.

THE COURT: Thank you.

A little mixup here? We're moving faster than anticipated, I'm sure, so . . .

MR. HARTZLER: Well, call Laura Kennedy, then, who

MR. PARIZLER: We'll call Laura Kennedy, then, who was not available previously but apparently is now.

Mr. Ryan will question her.

THE COURT: All right.

MR. JONES: Your Honor, may I approach the bench?

THE COURT: Yes.

(At the bench:)

(Bench Conference 133B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

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

(Laura Kennedy 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: Laura Sue Kennedy, K-E-N-N-E-D-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mrs. Kennedy, how are you?

A. Fine.

Q. Would you tell us where you live, please.

A. I live near Amber, Oklahoma.

Q. And where is Amber?

A. Between Chickasha and Tuttle. It's about 45 to an hour drive from Oklahoma City.

Q. And how old are you?

A. I'm 28.

Q. And how long have you lived in Amber?

A. Five years this summer.

Q. And you're in Amber because of who?

Laura Kennedy - Direct

A. My husband.

Q. His name is what?

-

A. Steve.

Q. When did you and Steve marry?

A. June 15 of 1991.

Q. Would you describe for us your home there in Amber.

A. We have a small farm. We own 10 acres, and we raise sheep.

Q. And tell us something of your education, please.

A. I went to school at Verden; and then when I graduated from high school, I went to southwestern Oklahoma State University, which is at Weatherford, Oklahoma. And I graduated with an accounting degree.

Q. How did you use your accounting degree after graduating from school?

A. I -- two months after I graduated, I was offered a job with the United States Department of Health and Human Services, Office of Inspector General, office of audit as an auditor.

Q. And where did you work?

A. In the Murrah Federal Building.

Q. I take it your degree was in accounting?

A. Yes.

Q. On what floor of the Murrah Building did you work?

A. The 3d floor.

Q. There is some water there, if you need it.

A. Okay.

Laura Kennedy - Direct

Q. There is water in the pitcher and cups there for you.

A. Okay.

Q. You had a child.

A. Yes.

Q. And what was your child's name?

A. Blake Ryan Kennedy.

Q. And in April of '95, how old was Blake?

A. He was 18 months.

Q. His birthday was when?

A. October 10 of '93.

Q. Would you help us learn something about Blake? Could you tell us about his personality and the things that he enjoyed.

A. Blake was a very special little boy, very outgoing, very happy, not -- just a really good kid, not any trouble. He was like sunshine. He was just always smiling and grinning, and he attracted people. They wanted to be next to him because he had such a bubbly, outgoing personality.

Q. I'm going to show you an exhibit that we've marked as 1477.

Can you identified that photograph?

A. Yes. That's my husband, Steve, and me and Blake before he had hair.

Q. Okay.

MR. RYAN: Your Honor, we would offer Exhibit 1477

and

offer -- and ask to publish it to the jury, please.

MR. JONES: No objection, your Honor.

Laura Kennedy - Direct

THE COURT: It's received, and you may display it.

BY MR. RYAN:

Q. Now, if you would, the jury has seen it for the first time.

Would you go through the photograph again with them, please.

A. Oh. This is my husband, Steve. And that's me, and this is

Blake.

Q. How old was Blake at the time this photograph was taken?

A. 5 1/2 months. He had just lost his hair and was just getting in some blonde.

Q. Was he outgoing?

A. Yes. He loved the day care. He just loved people in general. He loved the day care. He had several friends at the day care.

Q. Who were his friends at the day care?

A. Tevin Garrett was his best friend at the day care. They had both been going there since they were babies.

Another one of his really good friends was a little girl named Erin.

Q. Did he look after her sometimes?

A. Yes. Erin's mom told me that about three weeks before the bombing, when the day care had changed owners, that Erin was crying and her mom was trying to get her coat off. And Erin wouldn't stop crying because there were so many new workers there and she didn't know who they were.

And Blake came up to her and tapped her on the

Laura Kennedy - Direct

shoulder, and Erin turned around and Blake just gave her a big hug and took her hand and then walked off with her. And she was still wearing her coat.

Q. Blake and your husband, Steve: Were they close?

A. Yes.

Q. Did they play together from time to time?

A. They played together. My husband's still a kid at heart, and they liked to play. And Blake was a ball kid. Everything round he thought was a ball, whether it was a ball or not; and he liked to play ball. And they were really -- they were more like playmates than they were father and son.

Q. Ms. Kennedy, I'm going -- you were in the Murrah Building on the 19th, on the 3d floor, were you not?

A. Yes. Yes, I was.

Q. I'm going to delete from your testimony everything that has

to do with April 19. Okay?

A. Okay.

Q. And that's just what you should have been told about the

Q. And let's just move ahead to have you tell us about the impact of losing your son, Blake, on you and your husband.

A. To say it has been rough is an understatement. Blake was our only child, first born. We both have very big families. Steve is the oldest of five children. Blake was the first grandchild on that side of the family, the second on my side of the family; so he was always the center of attention at the family gatherings. So I know that -- speaking for them, I know

Laura Kennedy - Direct

that they really miss him.

For me personally, Blake was my life. I -- for months after the bombing, I didn't care what happened to me. I didn't care if I lived or died. I didn't care about my physical injuries from the bombing or any kind of physical problems I was having. I didn't -- I didn't, you know -- it was suggested that I go on maybe some antidepression -- depression medicine, and I didn't care because I wanted to be depressed. I had a good reason to be depressed. I had lost the most important thing in my life.

Q. Was counseling recommended for you and your husband, Steve?

A. Yes, it was. And we didn't feel bad about going to counseling. We thought, you know, maybe it would help.

Q. Do you have any other children?

A. No. Blake was our first born.

Q. Have you thought about having other children?

A. A little. At first, I didn't think about it. People always instantly think that that's the thing that will make you

better. And it -- there will never be another Blake. And I -

-
I couldn't see that people would suggest that having another would make the pain go away. The pain --

Q. Excuse me. Go ahead.

A. The pain will always be with us.

Q. Now, Blake had his own room in your house?

A. Yes.

Laura Kennedy - Direct

Q. And have you changed that room in any way?

A. Very little.

Q. Are his clothes still in the closet?

A. Clothes are still in the closet on hangers.

Q. Have you talked to the counselors about this problem?

A. Yes. It's not -- it's not to be a shrine, it's not that -

-
for a little while. I thought about, you know. Blake will be

for a little while, I thought about, you know, Blake will be home soon; but then I realized that that was just -- I was just being foolish. He wasn't coming back. And occasionally, my husband -- my husband and I will go in there and sit, and it makes us feel close to him; but it's just -- it's too hard to go through that stuff. And our counselor said that we didn't have to worry about it; that if we didn't need that room, then we could just leave it like that.

Q. Do you and Steve still go to counseling?

A. Yes, we do.

Q. Have you since Blake died -- have you agreed to take antidepressants?

A. For a little while, I was on them, but it was mostly to help me sleep. There was a short period of time there where I could hardly sleep at all, and they said that this medicine would also help me sleep; and I was on them for a short time until I was able to sleep on my own.

Q. Did you develop problems with your face and jaw?

A. I had -- the physical problems that I had as a result of

Laura Kennedy - Direct

the bombing were mostly I had some back pain and I also had injury to my cheekbone; and after the bombing, I noticed that my ears were ringing, I was getting headaches really bad, I was

hearing some popping when I opened my jaw and I eventually went

to a dentist. And he said partially due to the bombing itself but mostly due to stress that I had TMJ.

Q. And that stands for temporal mandibular joint problem?

A. Yes, it does.

Q. And did your dentist tell you why you were having these problems?

A. Mostly due to stress, when I would get upset or angry, I would grit my teeth, clench my, you know -- clench that and that was causing the problems.

Q. Do you think you're doing better today than you were two years ago?

A. Yes. I've made some progress, but it's very slow. It's a day-to-day struggle. When I still see children, especially if they are blonde-haired, blue-eyed, little boys, it's painful. It's painful to be a mother and not have anybody to mother.

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

MR. JONES: I have no questions, your Honor.

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

MR. HARTZLER: Your Honor, we'd like to take a moment to play Government's Exhibit 1427, which is one of the videos of a glimpse into Brandon Denny's life.

THE COURT: All right.

Excuse me. What -- 1427?

MR. HARTZLER: Correct.

(Government's Exhibit 1427 played.)

THE COURT: What was the date of that? Do we have

that in the record?

MR. HARTZLER: It's in the stipulation. I think it's December of '96.

MS. BEHENNA: Of 1996. Yes.

THE COURT: All right.

MR. HARTZLER: We'll call Sherry Elliott. Mr. Ryan will question her.

THE COURT: All right.

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

(Cheryl Elliott 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: My name is -- full name is Cheryl Lynn Elliott, E-L-L-I-O-T-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MR. RYAN: Thank you, your Honor.

Cheryl Elliott - Direct
DIRECT EXAMINATION

BY MR. RYAN:

Q. Mrs. Elliott, where do you live?

A. I live in Temple, Texas.

Q. How old are you?

A. I'm 39.

Q. 39 and holding?

A. And holding for a couple weeks.

Q. Now, you're married, are you not?

A. Yes.

Q. Who is your husband?

A. Kent Elliott.

Q. And you live in Temple, Texas. Do you have a family?

A. Yes.

Q. Tell us about your family, please.

A. My immediate family?

Q. Your children.

A. Yes. I have three children. My youngest is Amy. She's 10

years old. And then I have a 14-year-old son and a 15-1/2-year-old daughter.

Q. You work outside the home?

A. No. I'm a homemaker.

Q. What about your husband? Does he work there in Temple?

A. Yes.

Q. What does he do?

Cheryl Elliott - Direct

A. He's a physician. He's an anesthesiologist.

Q. And where does he work?

A. At Scott La Wine (phonetic) Hospital.

Q. Now, you're here because your parents, Charles and Jean Hurlburt, died.

A. Yes.

Q. And where are you in the -- how many children did your parents have?

A. Well, four living children. Eight total, but four died and four living children.

Q. And they're all girls?

A. Yes.

Q. And where were you? First, second --

A. Third.

Q. Third?

A. Yes.

Q. Why don't you tell the jury, if you would, a little about your father, Charles Hurlburt, where he was born, a little bit about his life.

A. Okay. He was born in New York City -- Do you want me to face you?

Q. That's all right. Just speak up a little bit.

A. He was born in New York, and my -- his parents were just back on a short furlough. His parents were missionaries, as were his grandparents; and so they went back to the mission

Cheryl Elliott - Direct

field in Africa; and he was raised in Africa till he was 26 and

was schooled out there on the mission compound and was really anxious to have some formal training so he could help the Africans.

And so he worked his way over to the United States on a freighter and went to Wheaton College; and the only reason they let him into Wheaton was just on probation. He graduated -- he had never had any formal education, but he graduated in three years and went on to dentistry and got his dental degree.

Q. Okay.

A. And then he met my mother -- or met --

Q. Let's talk about Anna Jean a little bit. Tell the jury a little bit about her.

A. She was born in Decatur, Texas, and went to college up at Wheaton; and that's where she met my father.

Q. And when were they married?

A. Excuse me?

Q. When were they married?

A. In 1950.

Q. And if you would, then, tell us a little bit about their early married lives.

A. Okay. Well, they got married, and then my mother finished her nurse's training. And they had -- they lived up in Illinois; and my two older sisters were born, Betty and Dawn,

Cheryl Elliott - Direct

and then they felt the Lord leading them, my mother as well, to go out to the mission field. So they went to Belgium to get one year of training. My mother and my dad spoke several languages fluently, but my mother needed training in French and Swahili to speak to the African people, so they went on over to Africa and were missionaries there five years.

Q. And they were there how long?

A. Five years, and I was born out there.

Q. And where were you born out there?

A. In Ruanguba, Belgian Congo.

Q. Could you spell that?

A. R-U-A-N-G -- I can't even think -- U-B-A.

Q. Now, your parents apparently returned from Africa?

A. Yes.

Q. After five years?

A. Yeah. There was a lot of fighting and uprising in Africa, just like there is now in Kinshasa, and they were given orders to return home.

Q. And did they do that?

A. Yes, sir.

Q. Was that eventful?

A. Yes, it was. You know, they had already learned to trust the Lord in all things out in Africa, and so they knew that God

would give them a safe return. And they accidentally -- because of a bad thunderstorm, the plane veered over the

Cheryl Elliott - Direct

Hungarian border, and they were forced down by a Russian MIG; and they were kept there. And they were looking for Americans on board, and my parents knew they were the only Americans. They were out on the black tarmac, and my dad offered a flashlight to assist them; and because of my dad's assisting them, they forgot to check their passports. After several hours, they released the plane, thinking there were no Americans on board. And through that event, so many things have come about. My father was on "To Tell the Truth," but nobody ever knew that because he was a humble person. But that

was something we would brag about, but that was just one of many things that -- instances in their life.

Q. Tell us a little bit about your father's career.

A. Well, he was a -- after they came back to the United States, they felt the Lord leading them to stay here, and he taught at Northwestern University in Chicago. And then he -- when I was 13, he wanted -- I think it was -- I can't think of the year -- but he wanted to get training in dental radiology and be a dental radiologist. So we moved to Birmingham, Alabama; and we were there for three years while he got his degree there.

Something I found out after they were dead, but my

sister told me: I remembered that he asked us if we wanted to go out to move to North Carolina or to Oklahoma City. And he really had wanted to go out to Chapel Hill, North Carolina,

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because it was so beautiful out there, but --

Q. Over Oklahoma?

A. We said -- all the kids, you know -- Oklahoma City. We had

seen the movie "Oklahoma," and we said, "We want to go to Oklahoma." But we thought that was his decision. And it's just meant a lot to me to find out afterwards that, you know, here this is a big move for them and he did what his children -- you know, he had that choice and we moved to Oklahoma, where his children wanted to go. And that's where I met my husband.

Q. What did your father do in Oklahoma City?

A. He was -- began as an associate professor in dental radiology at the university, the dental school, OU dental school there in Oklahoma City, and then was promoted to full professor and was a director of the department there until his retirement in '89, but --

Q. In '89, was he made a professor emeritus of the dental school?

A. I believe that was in 1991. That was honorary even afterwards, because -- you know, he kept in close contact. Even though he had retired, they continued to have those people

over regularly and give them Christmas gifts, you know. Their friends were like family.

Q. Tell us, if you would, a little bit about your mother's career, her professional life.

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A. Okay. Well, she was a nurse in -- you know, wherever we moved, she found a hospital and was a nurse. In Oklahoma City specifically, she worked on several different floors, and I think through that many of the nurses got to know her, but --

Q. She worked at the Deaconess Hospital; is that right?

A. Yes, sir.

Q. Who else at your family worked at Deaconess Hospital?

A. Barbie, my youngest sister.

Q. Now, when you think of your parents, Charles and Jean Hurlburt, what qualities come to mind?

A. Their love for others and their love for the Lord and their

desire to serve the Lord by showing -- by loving others and wanting other people to see Christ's love through them.

MR. RYAN: Your Honor, I have a picture of the Hurlburts I would offer as Exhibit 1536. I showed it to Mr. Burr at the break, but I'd offer it at this time.

Be on the ELMO.

MS. RAMSEY: We have no objection, your Honor.

THE COURT: All right. Thank you.

1536 is received, may be published.

BY MR. RYAN:

Q. These are your parents. When was this picture taken in relationship to their death in April of '95?

A. Let's see. '95? I believe that was New Year's of '94, because it was -- we'd wanted them to come New Year's of '95

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and they couldn't, because my sisters were up there visiting in

Oklahoma City --

Q. Thank you.

A. All right.

Q. Now, you didn't live in Oklahoma City in April of '95, did you?

A. No.

Q. You lived in Temple, Texas?

A. Yes.

Q. Where your husband works?

A. Uh-huh.

Q. But your younger sister -- excuse me -- Barbie, lived there; is that right?

A. Well, she lives in Harrah, and she works in Oklahoma City.

Q. At Deaconess Hospital?

A. Yes.

Q. Tell us, if you would, about the morning of April 19 in terms of what has been related to you through Barbie.

A. Well, okay. What happened with Barbie?

Q. Yes.

A. Right?

Actually, I don't -- when the bomb went off, what I know of the day with Barbie is that she felt, as well as I did -- didn't expect to hear from my parents that day about anything, or didn't expect to call, even like, you know, Did

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you hear that, did you hear the news, because we -- she felt that my parents would have immediately gone down to work with the Red Cross and to help out, because they had just completed their Red Cross training so that they could help.

And so that evening, she -- even though she hadn't heard from them and she had been trying to call them regularly and they had -- they were not at home, but yet she felt like they were -- like they were probably helping out with one of the centers.

Through the night, I know that she and her husband, Roy, continued to call, just to check and see if they had come in. By morning, she had to go in to work.

Q. This is the morning of the 20th, now?

A. Yes. The next morning, Thursday morning, was feeling a little bit nervous thinking that -- you know -- they would have

little bit nervous, thinking that, you know, they would have at least come home and called her. And she went to work and tried several times from there to reach them, and still no answer at their home.

And so then she went -- I believe it was around 9 or 10:00 in the morning, asked permission to leave work. And she needed to go to their home just to check things out, just find out. You know, she was too nervous just to stay at work. She couldn't concentrate.

And when she got to their house, their home was open, windows; and she thought, well, I'll check to see if my dad's

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medicine is there, because he never would go anywhere for an extended period of time without it. And it was there in the cabinet, and my mother's Social Security folder was next to the phone and was opened up. And she saw a statement in there that said, If you have any questions concerning things, go to the Murrah Federal Building. And that's when she realized that it was very likely, you know, since we hadn't been able to reach them and they should have come home, that they could have been there.

So Roy went downtown and circulated a photo of my parents, just asking if anyone had seen them; and a newsman came up and went on the air and said, "If anyone has seen this couple, please call in." And a man called in and said that he had been in line just before my father, he had seen my father in line at the Social Security office; and he left just before, and he had gotten out safely.

And then their van -- later that afternoon, it was discovered their van was parked in front; and that's when we realized that they were there; and by that time, our pastor's wife in Oklahoma City had gone and several people had gone to stay with Barbie at the house.

Q. And had she called you? Who called you to let you know what happened?

A. I was waiting. I was told to wait for word. And my husband was calling from the hospital, and evidently he got

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word from our pastor's wife. And I didn't know that, and he came home and gave me the news that night.

Q. What did you all do?

A. Well, we packed immediately and left the next morning for Oklahoma City.

Q. When did you arrive at Oklahoma City?

A. Oh, well --

O. In terms of Friday, Saturday?

A. That afternoon. Let me see. We found out Thursday. It would have been Friday, early evening or afternoon.

Q. Did your kids -- did your children accompany you?

A. Yes. Yeah. We just took them with us.

Q. Now, where did Dawn and Betty live, your other two sisters?

A. Birmingham, Alabama.

Q. Did they come as well?

A. Yes. They flew in. They flew in.

Q. And how long did you remain in Oklahoma City?

A. Well, let me think of the events. I know through -- throughout the next week -- maybe it was like by Thursday, and they had -- I think we stayed for like seven days. And the children had been out of school all this time, and we -- I think we were told that it would -- it could be several weeks before they would really find everyone. We waited until the time period where they felt like anyone that they found would be alive still.

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And so it was more just waiting for them to be found that they would be dead. And we knew that we needed to get home to get the children's homework; and because of the crowded situation in my parents' home, we thought we could just stay home and wait for news. And we stayed there just a couple days, and we couldn't -- we couldn't take it. So we just went on back and just stayed at a hotel and waited for the 17th day till they were found.

Q. How many grandchildren did they have?

A. Nine.

Q. Four living children.

A. Yes.

Q. Do you have any count on the number of nieces and nephews they had?

A. Oh -- there were a lot. My dad -- I didn't -- my dad had eight brothers and sisters.

Q. Were some of them still alive?

A. Yes. One of his brothers had nine children.

Q. Okay.

A. And in fact, one of his brothers -- they -- because of all their children, they didn't have much in the way of means and financial means. I remember my dad went out at one time to visit them and took their whole family to McDonald's, and they had never done that before; so there were lots of nieces and nephews.

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Q. Lots of cousins?

A. Very large. A lot of cousins on my mother's side.

Q. Many people were impacted?

A. Oh, yes. We have a large family, but the span of friends

is -- was even larger.

Q. How many people turned out for your parents after they died?

A. Well, we were told over 1400. We knew there would be a lot, so we knew that the church that we were in couldn't hold everybody. So we had -- we had to find the largest church in Oklahoma City, and it was -- it was packed. I didn't -- we were told over 1400. I didn't know exact count.

Q. Can you tell us briefly the impact that the loss of your parents has had on you and your family?

There is a pitcher of water there and a cup. Why don't you pour yourself a drink and take a moment.

A. Okay. I had a terrific relationship with my parents, and we talked regularly; and I, you know -- I called my mother and my father all the time just to talk. And there were times my mom was at work and I called my dad because I knew he was home -- he was retired -- and we'd visit. Sometimes he'd get kind of lonely with her at work.

She often would call at 9:00 in the morning just because she knew I'd be back from taking the kids to school and she wanted to call me up before she started her day just to

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start my day off right. That's the way they were. They always were encouragers. That's another way I can describe them. They didn't want you talking badly about anyone around them; and if you did, they changed the subject. And it's like you -

Oh, you're not going to let me complain.

But, you know, in our family, I guess the best way I can describe it is a tremendous void; and they were my -- my husband's in-laws, but yet they were just like parents to him. His parents are living, but my parents didn't have any sons and they treated their four sons-in-law all like kings. I mean they just loved them and they wanted them to call them Mom and Dad, and the -- you know, my children have -- I've tried to stay strong through this, but I think it's important for people to be real and to work through their feelings and not just suppress everything. You know, that's what you hear. You can't go through your life just suppressing anger or hurt or sadness or grief and you need to work through that.

And my parents -- I mean my children and my husband, you know, we've all cried at different times; and my children have not cried a lot, but I know there has been a lot of hurt. And I've tried to -- when I try to get them to talk about it, they don't want to talk about it. But I asked them to write a statement just so that -- so that all the attorneys would know from their hearts, you know, of just the impact on their life.

And that was very difficult for them. I think it was

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good for them to do that. But in my son's letter, just --
just

the void that he was describing as well; that he doesn't want to talk about, but it -- it's just a real void in our lives because they were such a part of our lives. They -- they loved our children and did so much for them. They took care of them for a week during the summer so that my husband and I could go off and have just a little time alone. And they would do everything with them. They'd take them to Sam's and let them buy a video, or take them for doughnuts every morning or just -- there was always something special.

When they'd come see us, their luggage was gifts -- little "love gifts" is what they called them. And I had that growing up. But they were always wrapped so my children would have a gift to open each day, a love gift, so when they left, they knew they were loved.

MR. RYAN: Thank you.

That's all, your Honor.

MS. RAMSEY: No questions, your Honor.

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

THE WITNESS: Thank you.

THE COURT: We're going to recess a little bit early. But before doing so, I want to make a few comments to you, members of the jury, in addition to what I usually say to you regarding not discussing the case. I know that this has been a difficult day for you. It has for everybody in the courtroom, the kind of testimony that we have heard.

I'm not going to instruct you about the law now, because that comes at the end. And I know you're interested in that point, too; that is, how long will you be here in the taking of this information. It will go into next week, but I can't tell you with more specificity about that; but let me just explain something about what we've been hearing today and how you should consider it.

As I said, I will tell you much more about this when it comes time to give you the instructions about the law. But as you heard in Mr. Ryan's opening statement, one of the aggravating factors that the Government relies on and that the statute says can be taken into consideration in determining a sentence in a case in which people have been killed as a result of criminal conduct is that the jury may hear information about the extent and scope of injury and loss suffered by the victims and the victims' families.

Well, of course, the victims, those who were killed, cannot speak for themselves; so you're -- we have testimony from others, just as this last witness, about what their lives were like. And then, of course, the victims' families.

were there. And then, of course, the victims' families.

You've

heard a great deal about that.

Now, the law also says -- and you'll hear me talk about this in greater detail -- that when you exercise your decision in this case and answer the questions that will be put

to you but which I've described this morning in the instructions, the very preliminary instructions, you're going to have to make a decision based on reasoning, and it must be free from the influence of passion, prejudice. What it has to be and what you have to attempt to do is free it from the influence of the human emotions that testimony like this generates in us; and that is anger, rage, a number of other emotions, including grief and sadness. People have been on this stand sharing moments of grief with you.

We have tried through some rulings and also some instructions and cautions to witnesses to try to be careful so that you can hear the important parts, the more objective aspects of loss and impact.

But you understand that these are people. And when they come in here and testify and answer some of these questions that counsel have put to them, it's only because they are human that they come forward with some things that really are not relevant.

And I mention some things like the last moments that some of these women have had with their children or with their husbands. They cried and you cried. But that's -- you know, those most poignant moments in their lives, they want to tell you about it; and it's hard for them to discuss the impact of this loss without going into that.

But those images that have been created by that testimony are not the things for you to consider. We're not here to seek revenge on Timothy McVeigh. We're here to consider these lives and what's happened to these people and also, as you will hear later, his life.

And so, hard as it is, you must wait now and withhold judgment. Don't overreact. And I know you are human beings, too, and so am I. So is everybody here. And we have to be careful and not let ourselves be overly stimulated by some of the testimony that we've heard here and try to suppress some of

the emotional reaction that it's natural to have and to consider this ultimately in this balancing that you will do of aggravating and mitigating circumstances and determining a just punishment in the case, considering all of it.

So I mention these things to you to try to emphasize to you the importance. And there isn't -- you know, I can't expect you to sit here and listen to some of this testimony and not have some reaction to it. It's impossible to ask that of you. But don't let that reaction become the measure of the moral judgment that you will make. So I just give you this bit of caution.

And I know it's been a hard day, and we're going to recess now; and you will be free, of course, to go home. And again, I ask you, just as I did during the trial, to let the matter rest. Come back to us tomorrow, and we'll continue with testimony and further information to be provided to you in the morning beginning at 9:00.

So please put this matter at rest now. And you're, of course, not to discuss the case with other jurors or with anyone else. And of course, we continue to ask you on your honor to avoid anything in any newspapers, magazines, publications of any kind, radio, television, recognizing, just as you did with respect to the earlier questions presented to you in determining whether the evidence proved these crimes were committed -- recognize you're going to have to make the decision about sentencing on the basis of what you see and hear in this room.

So please do that.

You're excused now till 9:00 tomorrow morning.

(Jury out at 4:48 p.m.)

THE COURT: Do we have the witnesses who need the voir dire?

MR. HARTZLER: I believe so. Well, we have two that are here today. I need -- if you'll give me a moment, I will check and see if we need some time tomorrow morning, which I think we will.

THE COURT: But if there is no objection, I'd like to proceed with these folks now to make the necessary determinations.

MR. HARTZLER: We'll call Todd McCarthy.

THE COURT: All right. Thank you.

MR. HARTZLER: While we're waiting, we'd like to address the Court at some point today about scheduling, because I think we've moved more rapidly than we expected.

THE COURT: All right. Well, let's talk to the witnesses and then we'll talk scheduling.

MR. HARTZLER: Of course.

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

(Todd McCarthy 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: Todd Joseph McCarthy, M-C-C-A-R-T-H-Y.

THE COURTROOM DEPUTY: Thank you.

EXAMINATION

BY THE COURT:

Q. Mr. McCarthy, we're here without the jury, as you can tell.

A. Yes, your Honor.

Q. The trial is not really underway here, but we ask that you

come in separately so that we can ask you a few questions to determine whether you will be a witness.

A. Yes, sir.

Q. And the point of this is that it's our understanding that you observed some of the trial in this case.

Todd McCarthy - Examination (Out of the presence of the jury)

A. Yes, your Honor.

Q. Was that here in Denver?

A. No, sir. It was in Oklahoma City.

Q. All right. Would you tell us what parts of the trial you saw there.

A. I attended one day of jury selection -- as a matter of fact, I believe it probably was the first day of jury selection -- and four subsequent days of the trial with three in April and one in May, I believe was what I had, the first week of May.

Q. And do you have a -- can you summarize for us the things that you -- the testimony that you saw? I don't mean to go through each witness, but the general subject matter.

A. Well, basically, what I remember, I remember being present when Ms. Fortier gave some of her testimony and when Ms. McVeigh gave some of her testimony. Other than that, it basically was -- I remember an FBI agent who was a fingerprint analyst. And other than that, I don't -- I don't really remember too many particulars, sir.

Q. All right. And when you saw, you know -- I haven't seen the image in Oklahoma City myself where we have a sort of what I call "panoramic view."

A. Yes, sir.

Q. You see pretty much what the people here can see?

A. Yes, sir.

Todd McCarthy - Examination (Out of the presence of the jury)

Q. Except you don't see the jury, but you saw Mr. McVeigh.

A. Yes, sir.

Q. And Mr. McVeigh's counsel; and you heard Mr. McVeigh's counsel cross-examine witnesses and make objections and so forth?

A. Yes, sir.

Q. Now -- and you're aware of a ruling that I made earlier, way early on in this case, that people who saw -- well, there is a general rule of evidence that a witness cannot attend the trial --

A. Correct.

Q. -- and hear the testimony of other witnesses. And I extended that to the people who may appear, as you are, as to what we call "victim-impact witnesses."

A. Yes, sir.

Q. And then changed that as a result of some legislation that came about as a result of an initiative from people from Oklahoma.

A. Correct.

A. CORRECT.

Q. And with respect to that -- I guess the question is this: whether the fact that I made that ruling and you were excluded at one time and now we're talking about possibly you testifying

here has any influence or effect on you now as a witness.

A. I understand.

No, sir. It hasn't. I guess the best way to

Todd McCarthy - Examination (Out of the presence of the jury) summarize how I felt and how I reacted to attending the trial -- and pardon me -- in Oklahoma City is it was more of an

educational experience. It was something I had never seen before. I didn't have a deep desire to attend every day or great lengths of the trial. I had never been able to go in and

observe a jury selection. I had never been able to witness a federal trial or state trial for that matter.

It merely was an educational experience for me, and I -- basically was the extent of what I took from it.

Q. And as you saw Mr. McVeigh and saw his lawyers, did you get

angry about anything with respect to their attitude or conduct or any --

A. No. I thought in viewing them both sides remained very professional all the way around, the defense and the prosecution. There wasn't anything happening to really upset me. It was done in a very professional form.

THE COURT: Mr. Goelman, what's the testimony going to be here? What's the --

MR. GOELMAN: The impact that the loss of Mr. McCarthy's father has had on Mr. McCarthy and his immediate family.

BY THE COURT:

Q. All right. And can you tell us whether anything that you saw or heard from observing the days of trial that you saw would affect your testimony.

Todd McCarthy - Examination (Out of the presence of the jury)

A. No, sir, I don't believe it would.

Q. Another way to ask that is can you tell us your testimony would be the same here on the things that you're going to be asked about as if you had never seen --

A. Without a doubt, your Honor.

Q. -- those proceedings? Okay.

MR. GOELMAN: I have no further questions.

THE COURT: Do you have any, Mr. Burr, or any from defense?

MS. WELCH: We have no questions, your Honor.

THE COURT: Well, we'll have you back and testify

tomorrow, I assume; and of course, we'll give you the oath again, even though you've taken an oath here. But the jury didn't see you do so, and the jury is entitled to see all aspects of a witness' testimony --

THE WITNESS: Correct.

THE COURT: -- including the taking of the oath.
Thank you.

THE WITNESS: Thank you, your Honor.

MR. HARTZLER: Susan Urbach.

THE COURT: All right. And what will her testimony

be

about, if you could tell me before she comes?

MS. WILKINSON: Your Honor, she'll talk about her injuries and the impact of her injuries and the loss of her friends and her surroundings have had on her life.

THE COURT: Where was she?

MS. WILKINSON: She was in the Water -- I mean in the
Journal Record Building.

THE COURT: Please come in and take the oath, if you will.

THE COURTROOM DEPUTY: Raise your right hand.

(Susan Urbach 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: Susan Urbach, U-R-B-A-C-H.

THE COURTROOM DEPUTY: Thank you.

EXAMINATION

BY THE COURT:

Q. Ms. Urbach, we're here without the jury at this time; and the reason that you're here without the jury is that under a ruling that I made in connection with this case, we'll have to ask you some questions, because it's my understanding that you have seen some of the trial.

A. That's correct, uh-huh.

Q. And tell us, first, what you've seen and where it was.

A. I have been here one week in the courtroom, and then I have been at closed-circuit a number of afternoons in Oklahoma City.

Q. About how many?

A. Let's see. The trial has been going four weeks?

Susan Urbach - Examination (Out of the Presence of the jury)

Q. You tell me.

A. Well, it's been going so fast, sir.

Q. Yes --

A. Let's see. One week here, and then probably about maybe 15

afternoons.

Q. Okay. A good part of the trial?

A. A good part, yes, sir.

Q. What week were you here? Was that the first week?

A. The first week. Not for opening, but for the first full week.

Q. And were you here, or did you see any of the things -- well, were you here in Denver during any of the pretrial?

A. No, sir.

Q. Motion hearings and so forth?

A. No.

Q. And you remember a ruling that I made before the trial started --

A. Yes.

Q. -- that extended this what we call the "sequestration of witnesses" to persons who would come in not during the trial but in this stage of the case, in what we call "victim-impact witnesses."

It's my understanding you were injured.

A. That is correct.

Q. And also had friends in the building.

Susan Urbach - Examination (Out of the Presence of the jury)

A. That's correct.

Q. And that you're going to be asked as a witness here about your injuries.

A. Correct.

Q. And also about the effects of the loss of others.

A. Yes.

Q. Friends of yours.

A. Yes.

Q. And this was in the Journal Record Building?

A. That's correct. I was in the Journal Record Building.

Q. You were?

A. I was, yes.

Q. You had friends in the Murrah Building?

A. Acquaintances, yes.

Q. Okay. Well, the point of your being here now is to determine whether your testimony is in some way influenced by anything that you saw and heard during the trial. And of course, you saw quite a few things. I'm not going to go over all of the witnesses you apparently have seen, but you saw Mr. McVeigh.

A. Yes.

Q. And his counsel.

A. Yes.

Q. And also in the course of the taking of the testimony, there have been objections made, cross-examination.

Susan Urbach - Examination (Out of the Presence of the jury)

A. Yes.

Q. Things done that you could or anyone could interpret as being efforts to obstruct the Government's efforts to prove the case; right?

A. Right.

Q. Any or that affect you in some way, where you had a reaction that you thought it was inappropriate or you got angry about it?

A. Actually, sir, I've had a very positive experience in the courtroom. It's been very, very positive to watch, to hear the evidence, to hear the testimony, and to know more about the law.

Q. Well, you understand the concern that I had --

A. Yes.

Q. -- is that people would be influenced by what they saw and have -- then when they talk here about the impact of the injury

and the event on them, can be influenced not by just that alone

but also anger at the lawyers, anger at Mr. McVeigh, anger at me --

A. Sure.

Q. -- with respect to rulings I've made.

All those things are possible.

A. Sure.

Q. I guess what we're asking of you is do you have any feelings like that?

Susan Urbach - Examination (Out of the Presence of the jury)

A. No, sir.

Q. And the real question is: If you hadn't seen any of the trial, been brought in here to testify about the things that you know you're going to be testifying about, would it be any different than what it's going to be now, having seen the trial?

A. No. It's not going to be any different.

Q. You can assure us of that?

A. Yes, sir.

THE COURT: Okay. Ms. Wilkinson?

MS. WILKINSON: No questions, your Honor.

THE COURT: Mr. Burr?

I don't know if you have seen Mr. Burr in the course of the trial. He's one of the counsel for Mr. McVeigh.

THE WITNESS: I think I've seen him along the back there somewhere.

CROSS-EXAMINATION

BY MR. BURR:

Q. The first day you were here was April 28? Does that sound right to you?

A. Yes.

Q. And in this courtroom.

A. Yes.

Q. Do you remember hearing the testimony of -- I think -- of Firefighter Danny Atchley?

Susan Urbach - Cross (Out of the presence of the jury)

Susan Urbach - Cross (Out of the presence of the jury)

A. I was here for, I guess, just the last part of his testimony. I believe he started on the Friday before and then finished up, yes.

Q. Was that memorable testimony? Do you remember some of the images he talked about and the stories he talked about concerning the rescue?

A. A little bit, yes.

Q. How did you feel during that testimony?

A. Well, of course, being out on the street, what he's talking

about is not particularly different from either things that I've seen or stories that I've heard prior to the trial.

Q. Did his testimony sort of make you relive that day?

A. Oh, I would say in looking -- there was one picture that was shown, and it just reminded me of a -- it was a picture of a small child who was black, and there were some children who were -- who were carried near to me where I was lying in the street; so, you know, I thought about that, certainly.

Q. Did you have a hard time that day --

A. No, sir.

Q. -- hearing that?

Were you present with other persons who were victims as well that day in the courtroom?

A. Yes. It was part of the lottery system.

Q. Did you talk about the testimony that day with other people?

Susan Urbach - Cross (Out of the presence of the jury)

A. Sure.

Q. So that week, the week of the 28th, was the week that you were here --

A. Yes.

Q. -- in Denver.

Have you -- have you had any particular distress as a result of knowing about the trial and observing what was going on, any greater stress than you had before the trial started?

A. Actually, it's quite the opposite. I've had very, very positive experience being able to see the evidence and hear the testimonies.

Q. Do you know Helena Garrett, who works in the Journal Record Building, as well?

A. No, I do not.

MR. BURR: No other questions, your Honor. Thank you very much.

THE COURT: Well, you'll be back tomorrow to testify, presumably will be called tomorrow; and we'll have the jury here then and hear your testimony. And we'll also swear you again, because the jury is entitled to see and hear each witness be sworn, how they react to that, take the stand, and so forth, as part of the demeanor and manner of the witness that we talked about.

THE WITNESS: Okay.

THE COURT: Thank you very much. You're excused for now.

All right. Where are we on scheduling?

MR. HARTZLER: Well, we'd like to have an opportunity to caucus this evening, your Honor --

THE COURT: All right.

MR. HARTZLER: -- and make some decisions; but I think that it's highly likely we will rest tomorrow afternoon sometime.

THE COURT: Okay.

MR. HARTZLER: Just for your information, we have one possible witness that needs to be -- at least one that needs voir dire tomorrow morning and possibly three; but obviously that will depend on the results of our caucus, how many we would actually have.

THE COURT: Well, we'd better convene at 8:30 then, so one or three, we can try to get them in.

Mr. Jones?

MR. JONES: Your Honor, you will recall the motion that I made yesterday with respect to a brief recess; and I wonder if the Court has thought anything more about that, because it depends upon -- it doesn't depend upon, but it helps us in planning on when people are to be here, because we have anticipated, as the Court knows -- anticipated that the Government's case would take three days. So we weren't going to ask -- renew our request since we have the weekend; but we've told these people to be prepared to be put on, and we don't want to bring people in early and have them wait around the hotel lobby for four or five days before testifying. So we would -- if the Court could give us some guidance in that, it would help us in planning.

THE COURT: Well, I'd like to get your opening statement in Friday, if they rest tomorrow; and if you can bring one or two of the witnesses, at any rate -- I won't make you go the full day, if you can't get enough to go the full day.

MR. JONES: We may be able to do that easily. We'll caucus tonight, too. They don't invite us to our (sic) caucuses.

THE COURT: Well, I think my sense is that it would be better to go forward on Friday than to recess for three days; so perhaps you can get in touch with Mr. Jones yet this evening, give him information about your planning.

MR. HARTZLER: We will do that. I think under virtually all circumstances, we're going to try like crazy to rest tomorrow afternoon.

THE COURT: Okay.

MR. JONES: And I assume that should the spirit move us that the Court's indication today is without prejudice to our renewing tomorrow.

THE COURT: Right. You can always make -- I'll
always
let you make your record.

All right. 8:30 tomorrow morning.
(Recess at 5:18 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
1016	11919	11919			
1129A	11882	11882			
1208C	11955	11955			

12000	11935	11935
1453	11938	11938
1462	11921	11921
1467	11877	11877
1477	11977	11978
1485	11888	11888
1489	11953	11953
1536	11990	11990
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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 4th day of June, 1997.

Paul Zuckerman

Kara Spitler