

Friday, June 6, 1997 (morning)

IN THE UNITED STATES DISTRICT
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 136)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 9:00 a.m., on the 6th 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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Defendant McVeigh.

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PROCEEDINGS

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

THE COURT: Be seated, please.

Good morning. Are we ready to proceed with the jury?

MR. HARTZLER: We are. Thank you.

THE COURT: Okay.

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

THE COURT: Members of the jury, good morning.

JURORS: Good morning.

THE COURT: We are ready to proceed with further testimony in this matter. We'll call for the next witness.

MR. HARTZLER: Government calls Susan Pate.

Ms. Behenna will question her.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Suzanna Chavez-Pate 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: Suzanna Chavez-Pate. Last name C-H-A-V-E-Z, hyphen, P-A-T-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Behenna.

MS. BEHENNA: Thank you, sir.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Ms. Pate, where do you live?

A. Durant, Oklahoma.

Q. How long have you lived there?

A. About a year.

Q. Are you currently employed?

A. No, I'm not.

Suzanna Chavez-Pate - Direct

Q. In April of '95, where did you work?

A. At Southwestern Bell.

Q. Where is that located?

A. At 707 North Robinson, on the corner of 6th and Robinson.

THE COURT: It's a little bit difficult to hear. Can you -- if you'll just speak up a little and into the microphone.

Thank you.

BY MS. BEHENNA:

Q. Thank you.

Is that approximately two blocks north of the Murrah Building?

A. Yes, it is.

Q. And how long did you work for Southwestern Bell?

A. I was employed for 23 years.

Q. And you quit working for Southwestern Bell why?

A. Because of the bombing. It was very stressful, and I couldn't handle going back to work downtown.

Q. Are you married?

A. Yes, I am.

Q. How long have you been married?

A. 10 1/2 years.

Q. What's your husband's name?

A. Dave.

Q. Do you have any children?

Suzanna Chavez-Pate - Direct

A. Yes. I have three. I have a daughter, Alicia; another daughter, Kathy, and a son, Victor, Jr.

Q. How old is Alicia?

A. Alicia is 24 and Kathy is 21 and Victor, Jr., is 15.

Q. Those are obviously from a previous marriage?

A. Yes. Yes.

Q. Do you have any grandchildren?

A. Yes, I do. I have three grandchildren: Zackary, Jake, and Ben.

Q. Let's start from the bottom. Ben is how old?

A. Ben is a month old.

Q. And Jake?

A. Jake is a year-and-a-half.

Q. Zackary was killed in the bombing on April 19, 1995, wasn't he?

A. Yes, he was.

Q. How old was Zackary when he was killed?

A. Zackary was three years old.

Q. Did Zackary attend the day-care center in the federal building?

A. Yes, he did.

Q. And how long had he been going to that day-care center?

A. Zackary had attended the day care for a year.

Q. And is there a particular reason why you picked that day care for him to attend?

Suzanna Chavez-Pate - Direct

A. Yes. There was a lady in our office that knew someone else that had their babies in the day care and was telling me about it. And I was telling Alicia that would be a nice place for Zack to go, because it was -- we both -- Alicia and I both worked downtown and we rode together a lot; and this way, with us riding together, we could drop him off. And in case of emergency or so, it wouldn't be so far for us to have to pick him up if he was, you know -- had to get sick; and either one of us could go and get him and take him back. So it worked out

real well, and he enjoyed it.

Q. Did Zackary and your daughter live with you?

A. Yes, they did.

Q. Has he lived with you for a long time?

A. Zackary -- Alicia was at home with me when she had Zackary, and Zackary had always lived with us; and so from Day 1, he was there.

Q. So you were very involved in his raising and taking care of him?

A. Yes. Yes.

Q. Can you tell the jury a little bit about Zackary.

A. Zackary was our pride and joy. He was kind of shy, and kind of wanted -- if he wanted to feel or test you out, he wouldn't just walk up to you and talk to you. He kind of wanted to see what you were doing, and then he would be your friend or whatever. Always smiling. Would draw you pictures

friend or whatever. Always smiling. would draw you pictures,

Suzanna Chavez-Pate - Direct

you know, after he got to know you, he would draw you these little pictures and stuff. But he was -- he was --

Q. He was very special to you?

A. Yes. Really was.

Q. Did he have a favorite movie that he liked to watch over and over again?

A. Oh, yes. "Lion King" was his favorite movie, and there is a song in the "Lion King," the "Hakuna Matata," that song, the "no worries"; and that's exactly what you -- you know, children have, no worries. And that was his favorite song. That came on over and over, and we had to watch it at home, and it was real neat song. Still is.

Q. I'm going to direct your attention to Government's Exhibit 1491, which will appear on the screen in front of you; and I don't think it's been admitted. Can you identify that?

A. Yes. Zackary and --

MS. BEHENNA: Your Honor, I'd move for the admission of Government's Exhibit 1491.

MR. BURR: No objection.

THE COURT: It's received and may be published.

BY MS. BEHENNA:

Q. Can you identify for the jury who the young man is in that picture.

A. It's Zackary's uncle, which is Victor, Jr., and Zackary. And Zackary is in Victor, Jr.'s lap.

Suzanna Chavez-Pate - Direct

Q. Now, on April 19, 1995, you were at work. Is that right?

A. Yes, I was.

Q. And as we mentioned earlier, you worked approximately two blocks north of the Murrah Building?

A. Yes.

Q. And I assume you felt and heard the explosion that morning?

A. Yes, I did.

Q. And at some point in time, you made your way out of your own building onto Robinson Street. Right?

A. Yes.

Q. And again some time that morning, you got a glimpse of the Murrah Building. You saw the devastation?

A. Yes.

Q. You spent most of April 19 looking for Zackary with your daughter, didn't you?

A. Yes.

Q. And I know that you ended up at the Red Cross center in downtown or not far from downtown Oklahoma City waiting for word about Zackary. Is that right?

A. Yes.

Q. And you also learned while you were there at the Red Cross center that Zackary has been found.

A. Uh-huh. Yes.

--- -- ----
Q. And that he was dead.

A. Yes.

Suzanna Chavez-Pate - Direct

Q. Can you tell the jury what impact Zackary's death has had on your life and on your daughter's life?

A. It has just turned our life upside down. There is just a hole that can't be filled, never will be filled. For Alicia, Zackary was her whole life. This was -- her life revolved around him.

She was -- after this happened, Alicia didn't know what we were going to do. She says: "Mom, what am I going to do? Zackary was my life."

And I said, "Alicia, we'll just have to take it one day at a time; and we'll get through it."

It's been very hard on all of us. Zackary was more like a son to me, instead of a grandson, because he did live with us. And my other two children also were there at the home, and he was more like a brother to them; and they have not -- it's been real hard on them, also. We basically just take one day at a time.

Q. Have you had to move from Oklahoma City to Durant?

A. Yes. I moved to Durant about a year ago just because it was going to be better, we thought, for us to get away and try,

you know, to get to a point where maybe it just wouldn't hurt so much. But it's still very painful. It really is; and I remember him every day. It's really --

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

THE COURT: Any questions?

MR. BURR: No, your Honor.

THE COURT: All right, Ms. Chavez-Pate, you may step down and are excused.

Next, please.

MR. HARTZLER: Don Browning. Mr. Ryan will question him.

THE COURT: All right.

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

(Don Browning 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: Don Browning, last name is B-R-O-W-N-I-N-G.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Officer Browning, where do you live?

A. In Oklahoma City, outskirts of Oklahoma City.

Q. How old are you?

A. 48.

Q. Married?

A. Yes, sir, I am.

Q. Any children?

Don Browning - Direct

A. Yes, sir. I have three kids.

Q. How long have you been married?

A. 27 years.

Q. And what do you do for a living?

A. I'm a police officer with the city of Oklahoma City.

Q. And how long have you been so employed?

A. 27 years.

Q. And what do you do with the police department?

A. Currently assigned to the canine unit, trainer for the unit.

Q. What did you do -- where did you go to high school?

A. Choctaw High School, sir.

Q. What did you do after you graduated from high school?

A. Joined the Marine Corps and --

Q. When did you serve in the Marine Corps?

A. From '67 to '70.

Q. And were you assigned overseas?

A. Yes, sir, I was. I spent two years in Vietnam.

Q. And where were you attached, or what division were you attached in on?

A. Charlie Company, First Battalion, Seventh Marines.

Q. Did you see a lot of combat?

A. Yes, sir, I did.

Q. A lot of death?

A. Yes, sir.

Don Browning - Direct

Q. Now, on April 19, you reported to the Murrah Building, did you not?

A. Yes, sir, I did.

Q. What time did you arrive?

A. Approximately 9:30 a.m.

Q. And what time did you finally leave the Murrah Building?

A. Approximately 6:30 p.m. on the 29th of May.

Q. So you were there almost six weeks?

A. Yes, sir.

Q. Have you suffered emotional and psychological injury since the bombing, since you left the Murrah Building?

A. Yes, sir, I have.

Q. Do you have nightmares?

A. Yes, sir, I do.

Q. Tell us why you have nightmares. Let's talk about the 19th, and let's don't talk about everything you did that day but talk about what you think occurred on the 19th and what you did on the 19th that attributed -- or contributed to your difficulty.

A. Well, sir, we had left the building for a short break. And while we were taking a break, we were notified there were two children that were trapped; and we began a bucket brigade to

attempt to extract those kids. We were unable to do so.

Q. Okay. What happened on April 20?

A. On the 20th, we had at one point -- I had exited the inner

Don Browning - Direct

perimeter to take a break again. I had my dog, Gunny, with me.

Q. Why don't you stop right there and let me show you a photograph of Exhibit 1517, Government exhibit. Do you have it on your screen?

A. No, sir, I do not.

I do now.

Q. Can you identify that?

A. That is myself and my canine partner, Gunny, and apparently we're talking to one of the officers with the horse patrol.

MR. RYAN: We would offer Government's Exhibit 1517, your Honor.

MR. TRITICO: No objection.

THE COURT: 1517 received.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Now, if you would, go back to April 20 and tell us what happened when you and Gunny were there in front of the building.

A. A man and his little girl approached us and, of course, they were talking to us as they came up; and the father was thanking us for being there.

The little girl was wearing a guardian angel pin on her blouse. She was probably five or six years old; and at the moment, I couldn't really understand what she was saying. I don't know whether just the emotion of the thing or whatever,

Don Browning - Direct

but I couldn't understand what she was saying. And eventually, her father helped me understand that she was saying the angel was a pin that she was wearing for her friends and that she was due to arrive at the day-care center at the Murrah Building at approximately 11:00 that morning.

And we all gave her a little hug and told her how glad we were that she was okay. And she asked me if she could pet my dog, and I did tell her that she could. And she grabbed Gunny around his neck and hugged him closely and stepped back and still while holding the scruff of his neck looked him straight in the eyes and told him, "Mr. Police Dog, will you find my friends?"

Q. Did you continue to provide security there at the building from April 20 all the way through up to May 2?

A. Yes, sir, I did.

Q. What happened on May 2?

A. On May 2, we were still missing approximately 22 people; and through the day we continued to search the building. Later in the evening, closer to around 6 or 7:00, Gunny and I both

in the evening, closer to around 6 or 7:00, Gunny and I both were very tired. And suddenly, he seemed to be charged with a great deal of energy, pulled me to a specific area in the -- what we had begun to term "the pit" of the Murrah Building.

He went to an area around one of the columns towards the very southeast corner of the building and began to dig furiously, so much so that for a heartbeat I thought we had

Don Browning - Direct

found a live victim; and I knew that probably was not the case. And I called Gunny off the indication to make sure. I brought him back into a more open area, and we started to search again. He immediately bounded back into that area and began digging so furiously that he was cutting his feet and slinging blood back at me.

I dropped down to my knees to help him, and we found a baby blanket; and we recovered a small baby male child at that point.

Q. How many babies did you recall -- uncover that day on May 3 and 4?

A. We recovered three children.

Q. And were there people that you were unable -- you and Gunny were unable to get out of the building when the rescue effort ceased at midnight on May 4?

A. Yes, sir, there were. We had found what we believed to be two ladies; however, due to the instability of the immediate area, we had to leave them until after the implosion.

Q. Did you ultimately go into the building in late May and remove those bodies after the implosion?

A. Yes, sir. On the 29th of May, we returned to the site, began a search for those victims. During that time frame, we had learned that there was possibly a -- another victim. We began searching and searched the rubble pile for about 20 minutes. The dogs made indication in three areas, not far from

Don Browning - Direct

one another. We continued to trade off between removing rubble and letting the dogs relocate, re-indicate on the area again. And about 4:30, we found the first of those three victims.

Q. Do you have recurring nightmares?

A. Yes, sir, I do.

Q. I'll ask a question to you, Officer Browning: What is your recurring nightmare?

A. The -- I dream that I'm crawling through the rubble; that there is rebar. It's dark, but I am crawling in more of a confined area, in a tunnel area, and I can hear children crying from in front of me and to my right. And I see a darker tunnel; and as I crawl towards it, I begin to feel the ground tremble underneath me, which turns into a draw, almost a monstrous draw. And I turn and run, and the kids quit crying; and I feel very guilty that I didn't get to them.

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

THE COURT: Any questions?

MR. TRITICO: No.

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

Next.

MR. HARTZLER: Your Honor, the videotape we played yesterday of was of P. J. Allen: We didn't announce who the person was in the video.

We have a video Ms. Behenna will play now of Nekia McCloud.

THE COURT: All right.

MS. BEHENNA: Again, your Honor, for purposes of the record, we need to reflect that those tapes were done in December of 1996.

THE COURT: This one, too?

MS. BEHENNA: This one and the one we played of P. J.,
1425.

This is Government's Exhibit 1426.

THE COURT: Very well. You may proceed and play
1426.

(Exhibit 1426 played.)

MR. HARTZLER: We call Ray Blakeney. Ms. Behenna
will
question him.

THE COURT: Okay.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Ray Blakeney 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: Ray L. Blakeney, B-L-A-K-E-N-E-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MS. BEHENNA: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. BEHENNA:

Ray Blakeney - Direct

Q. Mr. Blakeney, where do you live?

A. I live at 1809 Park Lane Drive, Edmond, Oklahoma.

Q. Are you employed?

A. Yes, I am.

Q. How are you currently employed?

A. I am employed with the office of the Chief Medical Examiner
for the state of Oklahoma.

Q. What do you do for the Medical Examiner's office?

A. I'm the director of operations.

Q. And that entails what?

A. Oversee the daily operations of the Medical Examiner's
office, our day-to-day death investigations.

Q. How long have you been the director of operations for the
Medical Examiner's office?

A. For 10 years.

Q. Prior to that, what did you do?

A. I was the chief investigator for the Medical Examiner's office for seven years.

Q. Before your employment with the Medical Examiner's office, can you give us a brief outline of what you did.

A. I was a police officer for 10 years with the city of Midwest City. Prior to that, I was in the United States Navy. I was a hospital corpsman. I spent a year in Vietnam in a MASH-type unit, and that's where I received my medical training.

Ray Blakeney - Direct

Q. I'm going to direct your attention now to April 19, 1995. Were you en route to Arkansas that morning?

A. Yes, I was. I was en route to Little Rock to visit my father.

Q. And sometime that morning you learned of the explosion in Oklahoma City?

A. Yes, I did.

Q. I assume you then turn around and head back toward Oklahoma City?

A. I immediately turned around and began driving back to the city. Yes.

Q. During your travel back to Oklahoma City, were you talking to other members of the Medical Examiner's office about setting up what you call a Family Assistance Center?

A. Yes. I was continually on the phone to the office, trying to set up different portions of the operation that we knew we'd have to put in place, as well as the Family Assistance Center and trying to find a location to set the center up.

Q. What's the purpose of a Family Assistance Center in a disaster situation like what occurred on April 19, 1995?

A. The center has several different reasons. One of the primary reasons is first we have to gather the families of the victims together and begin gathering pre-death or antemortem information from those families, so that we will have that information to help us make the identifications of the victims

Ray Blakeney - Direct

who have died.

That information includes such things as their name, of course, address, age, race, sex, the type of clothing they were wearing that morning, the jewelry that they may have had on, their dental history, their medical history, any type of fingerprint history that we can obtain, any information that may help us with the identifications of the victims.

Q. Was the Family Assistance Center also a place where, once bodies were identified, the families would be notified that their loved ones had been recovered from the rubble and identified?

A. Yes. As a matter of fact, that's one of the other reasons for the center, and that is a sharing of information with the families of the victims so that they would know what was going on with their loved ones and also so that we could set up

on with their loved ones and also so that we could set up procedures by which we could notify those families once we had made the recovery and the identification.

Q. Was it your job during this disaster to address the families at the Family Assistance Center?

A. Yes, it was.

Q. Can you tell the jury about the first time you addressed the families in the Family Assistance Center and, briefly, what information that you told them then.

A. I first talked to the families on the morning of April 20, which was at about 10 a.m., which was about a little over 24

Ray Blakeney - Direct

hours after the bombing. And the family room at the First Christian Church was filled.

Q. Approximately how many people?

A. I would estimate approximately 1200 family members were present; and I addressed the families and gave them information concerning the family center, the types of things that we were going to try and do to help them deal with this situation and explained to them as much as we knew at that particular time about the procedures that were going to take place.

Q. And did you continue to address the families throughout the recovery process?

A. Yes. I talked to the families each day twice a day, at 9:30 in the morning and 3:30 in the afternoon. And I did that every day for about 15 days.

And each day, we would gather more information about what was going on, and we would share that information every day with the families. We would try and answer all of their questions. We would explain to them the identification process that we were having to go through once we had recovered the bodies. We would -- I would explain the notification process and explain to the families that once we had recovered their loved one and made the identification that we would make the notification through the Medical Examiner's office at the Family Assistance Center.

I would also explain to them that as the days went by,

Ray Blakeney - Direct

the questions concerning the conditions of their loved one -- and I would have to explain sometimes that because of the type of incident this was that there was a possibility that their loved one may not all be intact and explain the procedures that we would use in the event that they were not, so --

Q. Let me -- I'm sorry, Mr. Blakeney. Let me stop you right there and make sure we understand. I understand that they were asking questions about the site and the condition of the bodies. In addition to the questions that you answered, you provided information in a factual, a numerical number or manner. In other words, you gave them information about how many bodies had been recovered; right?

A. Yes, I did.

Q. And how many had been identified?

A. Yes. Each day, when I would go, I would explain to the families that we have recovered so many bodies, we have identified so many bodies. And we would always share this type of information with the families before we would give it to anybody else.

Q. Okay. Now, I interrupted you when you were talking about the discussions you had as the incident progressed, as the days continued, and the recovery operation was continuing. You had questions from the family regarding whether or not everybody was going to be able to be recovered from the site, and I interrupted that process. Can you --

Ray Blakeney - Direct

A. Yes. As the days went by, things became more and more difficult. And of course, the families now instead of just asking -- they would ask initially the questions, Will you find my loved one alive?

After three or four days, it was simply, Will you find my loved one?

And so we had to address that.

We could not answer that matter-of-factly that yes, we will find everybody; and so we had to prepare ourselves for the fact that the possibility existed that we would not find everybody. And I explained that to the families.

And -- but I also explained -- as the rumors began to surface that there would be a certain number of bodies that would never be found because they would be atomized or vaporized or blown into such small pieces that they would never be found, we were not seeing that. In counseling with the doctors that were doing the examinations at the Medical Examiner's office and talking to the bomb experts at the site, we were not seeing that type of destruction. We were certainly seeing bodies that had been dismembered, but we weren't seeing that. And I explained that to the families; and I explained that as long as we could stay in the building and continue to look that we would probably continue to find bodies.

Q. There were three victims of the bombing that you were concerned that you might not be able to find.

Ray Blakeney - Direct

A. Yes. As the days went by, there were three infants that were in the day-care center. It was a habit of the day-care center to place the infants in cribs and place them by the front windows in the day-care center, which would have been on the north side of the building and would have been directly over the truck containing the bomb.

And I felt surely that if there were some that we were

not going to find, it was probably going to be these three babies.

And each day, when I would go to the center, I would answer all of the families' questions as best that I could. And as I was -- I was doing that; and as I would just almost get through answering all of the questions, the mother of one of these babies would always raise her hand and she would ask me, "Mr. Blakeney, did you find any babies today?"

And I'd have to say, "No, ma'am, we didn't." And I did that twice a day for 15 days.

And then on that 15th day in the evening at about 6:30 p.m., we found a baby. And myself and all of the other workers that were involved in that became excited, because we knew that if we found one baby, there was certainly the possibility that we would find the other two. And in fact, we did. By 10:30 that evening on the 15th day, we had found all three babies.

Q. We heard about the recovery operation, the fact that it

Ray Blakeney - Direct

ended at midnight on May 4 or in the early morning hours of May 5. There were 22 bodies left in the building before that last recovery effort begins. Is that right?

A. Yes. On May 4, there were 22 bodies left remaining.

Q. And we found all but what we thought were two bodies -- is that right -- on the morning of May 5?

A. In the early hours of May 5, we had recovered all of the bodies except for two that we knew of at that time.

Q. And you addressed the families at the Family Assistance Center for the last time the morning of May 5, 1995.

A. Yes, I did. Because we had been very successful in finding not only the babies and we got to go to the center that next morning and tell the mothers of those babies we had located them, but also all of the other families we were able to tell that we had located their loved one, with the exception, of course, of the two victims that were left remaining in the building. And that was Christy Rosas and Virginia Thompson, and those are the two that we knew about.

And so some of that excitement was diminished by the fact that shortly after midnight, we had to stop the operation because the building was so in danger of coming down. We knew where these two people were located. We simply could not continue that.

And regardless of how things had gone and the efforts of everyone to recover all of these bodies, I knew that we had

Ray Blakeney - Direct

to go to the family center the next morning and tell these two families that we just simply cannot find your loved ones, but --

Q. Excuse me. Let me interrupt and interject a question here. The building is imploded sometime in May. Right? On May 23?

A. Yes, it is.

Q. And as you mentioned earlier, there were two bodies left in the building?

A. Yes.

Q. When the recovery process began again on May 29, there were actually three bodies that were recovered?

A. By the time we had gotten back to the area where we thought

the two victims were, we had then realized that there were three. Another individual who was in the credit union had been reported missing, and we knew that we now had three to recover.

Q. And those bodies were identified by the Medical Examiner's office on what days?

A. Christy Rosas and Alvin Justes was identified on May 30, and Virginia Thompson was identified and the family notified on May 31, approximately six weeks after the bombing.

Q. Did you know the family of Virginia Thompson?

A. Yes. I'd become very acquainted with that family because, of course, they were one of the last families. And the irony of that situation, Virginia being the last person taken out of the building and identified, was that the family of Virginia

Ray Blakeney - Direct

Thompson was the first one to the family center at 3:30 in the afternoon on the day of the bombing to report their mother missing.

Q. And they were the last ones notified?

A. They were the last ones notified.

Q. Let me direct your attention right now to the Medical Examiner's office and the process that was going on during this disaster, the identification and cause of death.

Numbers were given to each of these bodies, a Medical Examiner's case number. Isn't that right?

A. Yes.

Q. And that number would reflect the number or the body number that that body was brought out of the building; in other words, 2301 would have been the first body taken out of the building?

A. That is correct.

Q. And that's the way your numbering process went for the cases?

A. Yes.

Q. I'm going to talk to you specifically about the eight law enforcement officers right now. Cindy Campbell-Brown was the first person identified, being Case No. 952321, meaning that she was the 21st person out. Right? Isn't that what that number means?

A. That is correct.

Q. And her body was recovered on the 19th of April, 1995?

Ray Blakeney - Direct

A. Yes.

Q. Mickey Maroney was Case No. 9502342, indicating he was the 42d removed from the building?

... removed from the building.

A. That is correct.

Q. Recovered on April 21, 1995?

A. Yes.

Q. Alan Whicher would have been Case No. 9502353, meaning he was the 53d person brought out of the building?

A. That is correct.

Q. On May 21 -- I'm sorry -- 1995?

A. Yes.

Q. Don Leonard was Case No. 9502360, meaning the 60th person brought out?

A. Yes.

Q. On April 21, 1995?

A. Yes.

Q. Kenny McCullough was 9502367, the 67th person brought out of the building?

A. Yes.

Q. On April 21, 1995?

A. That's correct.

Q. Paul Ice was Case No. 9502399, meaning the 99th person brought out of the building?

A. Yes.

Q. On the 27th of April, 1995?

Ray Blakeney - Direct

A. Yes.

Q. Claude Medearis was '2412, which would indicate that he was the 112th person brought out of the building; right?

A. That is correct.

Q. When you went to the 2400 series, that was 100 to you all?

A. Yes.

Q. 112 -- on April 28, 1995?

A. That is correct.

Q. Paul Broxterman was Case No. 9502438, meaning he was the 138th person brought out of the building; right?

A. Yes.

Q. On May 1, 1995?

A. Yes.

Q. The Medical Examiner's office normally employs approximately 30 people. Is that right?

A. Our central office has approximately 30 people working on a daily basis, yes.

Q. And during this incident, how many people were at the Medical Examiner's office helping make identification and cause-of-death determinations?

A. We went from approximately a staff of 30 to about 300, including our outside security and our food service and things.

Q. And those people were involved in a variety of tasks, making identifications and cause-of-death determinations?

A. Yes. We used people from the surrounding areas, from a lot

Ray Blakeney - Direct

of the local hospitals, from the OU Health Sciences Center,

from the dental college, from the medical school. We used a large number of X-ray technicians from all of the surrounding hospitals; and so it took a large staff to accomplish this task.

Q. Did you prepare a wall chart to assist those people that were working at the Medical Examiner's office?

A. Yes, we did. Very shortly after the operation began, I had a large piece of brown paper, approximately 36 inches wide, stretched down the hallway of the Medical Examiner's office. And as we began making identifications, we would list the name of the person that we had identified, their age, the case number, and the means and date of identification for that person. And this paper probably stretched 50 or 60 feet down the hallway. And we continued filling this information in until we had -- were successful in identifying and recovering all of the victims.

And it served several different purposes. First of all, it served as a quick reference for the people in the office to see the number of identifications that were made and who had been identified.

It also served as a check and balance for the listing so that we would have a visual check to make sure that our lists were correct concerning who had been identified and that we were not giving wrong information out to the families and to

Ray Blakeney - Direct

the press.

And then probably the most important aspect of this wall chart was that it served as a focal point for all of the workers at the Medical Examiner's office so that they could see that they were really making some progress for all of the effort that they were doing with these terrible tasks, they could see that they were making progress, making identifications, and being able to return these people to their loved ones.

So any time after the first few days we would go out into the hall, the workers would be out there looking at the chart.

Q. And this wall chart was approximately 50 feet long? Is that what you think?

A. Probably 50 or 60 feet.

Q. Going all the way down one hallway, break at doorways, and continuing on the other side of a door frame?

A. Yes.

MS. BEHENNA: Your Honor, I would like to, for demonstrative purposes, have Mr. Blakeney identify the wall chart that he had and show just a portion of it because it is off the wall, for the jury.

THE COURT: Any objection?

MS. RAMSEY: Your Honor, we would make the same objection we previously made.

Ray Blakeney - Direct

THE COURT: Where is it?

MS. BEHENNA: It's right here, your Honor.

THE COURT: All right. You may use it to illustrate his testimony.

MS. BEHENNA: May I just ask him from here?

BY MS. BEHENNA:

Q. Is this the wall chart that you had prepared?

A. It appears to be. Yes. I can't see it very well yet.

MS. BEHENNA: And I believe it's marked Government's Exhibit 1246 for demonstrative purposes only.

THE COURT: All right.

Well, we'll do it over here at the end so the whole room can see it.

BY MS. BEHENNA:

Q. Is that wall chart in several pieces because it broke at corners and around doorways?

A. Yes, it was in several pieces because we had to keep extending the chart as we recovered the bodies.

Q. And that continues for approximately 50 feet?

A. Yes.

MS. BEHENNA: Okay. That's fine. Thank you.

That's fine. Thank you.

That's all I have of this witness.

THE COURT: All right. Any cross-examination?

MS. RAMSEY: No, your Honor.

THE COURT: Very well.

You may step down. You're excused.

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. HARTZLER: Your Honor, our final witness is Glenn Seidl, and Mr. Ryan will question him.

THE COURT: All right.

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

(Glenn Seidl 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: Glenn Aldon Seidl, S-E-I-D-L.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Seidl, where do you live?

A. Bethel, Oklahoma, about 30 miles east of Oklahoma City.

Q. Do you have a home there?

A. Yes, sir.

Q. How would you describe it, your property?

A. It's a small cabin. It borders a lake. Real peaceful

Glenn Seidl - Direct

place. We consider ourselves as "Bethelbillies." We kind of live out in the sticks

LIVE OUT IN THE SLICKS.

- Q. Do you have a son?
A. Yes, sir, Clint Seidl.
Q. How old is Clint?
A. Nine years old.
Q. And how old are you?
A. 40.
Q. Where were you born and raised, Mr. Seidl?
A. Oklahoma City. Been there all my life.
Q. Are you employed?
A. Yes, sir.
Q. What is your occupation?
A. Plumber.
Q. Are you self-employed?
A. Yes.
Q. Were you married to Kathy Seidl?
A. Yes, sir.
Q. And Kathy Seidl was -- worked at Secret Service in the Murrah Building?
A. Yes, sir.
Q. She died on April 19?
A. Yes.
Q. When did you and Kathy marry?
A. January 26, 1986.

Glenn Seidl - Direct

- Q. Where were you married?
A. Gainesville, Texas.
Q. Tell us, if you would, about your early married years, where you lived and what you did.
A. Well, Kathy and I had met in the sixth grade. Over the years, you know, we lost contact; and then we'd got together again, got married, and lived in Oklahoma City.
It was getting a little rough where we lived, so we decided to move to the country and have a better, you know, maybe environment to raise our child.
Q. Did you have -- you and Kathy have plans for the property that you live on?
A. Yeah. We had purchased 5 acres, and we were -- I made Kathy a promise that I'd build her a new home. And on the weekends, we'd go over there and clear trees; and I would cut them down, and Kathy would load them up, you know. We'd cut firewood; and the cabin we live in, we just heat with firewood. And Kathy was real excited about this.
And that land sets empty except for a garage. I -- sometimes I want to do it, build a home; and then, you know, the next week, I have no interest.
Q. Let's talk about Kathy for just a minute. Where did she grow up?
A. Midwest City. Went to Midwest City High School, graduated from there.

Glenn Seidl - Direct

Q. How long had she worked for Secret Service?

A. She just celebrated her 10-year anniversary in March of '95.

Q. What kind of work did she do for Secret Service?

A. Kathy was an investigative assistant. She helped prepare cases. She worked with counterfeit money. She -- Kathy was a shy girl, and she just started going out and doing presentations to banks and post offices, so, you know, people could recognize counterfeit money.

Q. Did Kathy and Clint have a strong relationship?

A. Yes. Kathy worshipped the ground Clint walked on. If I could just kind of tell a story here. I'd come in from work one evening, and Clint was on the couch and all covered up. And I asked him, you know, what was he doing?

And he said, "Well, mom had to take off work and come and pick me up from school." He says, "I'm sick."

And about that time, he said, "Mom, would you get me a drink of water?"

And boy, Mom is in the kitchen. So here she comes. So she went back in the kitchen.

"Mom, it's been two hours. Do you think I ought to take a little more medicine?"

Boy, here she comes, spoon in one hand, medicine in the other. She goes back to the kitchen.

He said, "Mom, do you think you could make me some

Glenn Seidl - Direct

soup?"

And "What kind?" You know.

And so I looked at Clint and I said, "Watch this." And I said, "Hon, you think you could make me a cup of coffee?"

She said, "Well, I'm kind of busy. Think you could get it yourself?"

I looked at Clint and I held that finger up; and he said, "What's that mean?"

I said, "Boy, you got Mom wrapped right around your finger"; and he grinned about that big.

I worked out of town. My job took me out of town. I took the job so we'd have more money to build a house. And my wife took care of everything and taking Clint to day care, picking him up, taking him to wrestling practice, keeping the wood stove going during the winter; and she -- she didn't take motherhood for granted. She -- when we got married, it was with the understanding that there would probably be, you know -- the chances of ever having a child would be slim. Kathy had scarring of the tubular -- tubes, and so she -- she loved Clint more than anything in the world.

Q. Were you out of town on April 19?

A. I was in Cleveland, Oklahoma. I want to estimate probably 120, 130 miles from Oklahoma City.

Q. Were you there plumbing a house?

A. Yes.

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Q. When did you find out about what had happened at the Murrah Building?

A. I guess it was about 9:30, a police officer pulled up on the job and asked for me and said that my employer wanted me to

call him. And I asked him, you know, "Well, is it an emergency?" Because that just never happens.

And he said, "Not that I know of."

And I called my boss and asked him what was going on.

He said, "Well, you need to load your stuff up and come in."

And I said, "Well, why?" You know.

He said, "Well, there has been some type of explosion downtown."

And being a plumber, I asked, "Well, was it a natural gas pipe?" You know.

And he said, "Well, I don't know." He said, "Just load your stuff up and come to the house."

And so I loaded up. And the old truck I was driving didn't have much of a radio; and so when we got to his house, he said: "Well, the school has called. You need to pick Clint up."

And I -- at that point, I started getting a little worried. I mean, I -- that's something I rarely did except on Fridays was pick Clint up, you know, from day care or from school. And when I got there, the teachers were all pretty

Glenn Seidl - Direct

shook up; and still, I didn't know the extent.

And we got to Kathy's sister's house, Wanda, which lives in Midwest City, which was closer to the city. We pulled

up. I guess it was about 30 cars and people standing out in the yard and, you know, I thought, Boy, this -- you know, something is not right.

And I went in the house and they had the TV on and, boy, I -- I never seen anything like that in my life. I was horrified.

Q. What did you and Clint do that day?

A. Well, I -- I couldn't leave the TV set worrying about, you know, if Kathy was there, if she left, you know, early. She was getting ready to go on a -- to Washington, D.C., for two

weeks that Monday; and, you know, I was thinking maybe she's out getting tickets or getting ready for her trip. And everybody was keeping Clint busy so he didn't, you know, see the TV.

And I guess when I finally -- it was about 1 or 2:00; and what I recollect, they were flashing names of the victims that they had found across the screen. And I guess the word is total shock, you know. I didn't even recognize the building

total snock, you know. I didn't even recognize the building. I asked, you know, "Well, what is it? What building?" And Alfred Murrah Building.

So next day, some counselors come in from Washington, D.C. And they asked if I'd like to talk. And I told them that

Glenn Seidl - Direct

I was worried about Clint. Clint had avoided me. I mean, you know, he -- I'd see him every once in awhile look around the corner. And the counselor came in, Carolyn Ellis; and I told her that Clint had been avoiding me.

And she took him into a room and they talked. And she came back and she said: "Clint has never seen you cry. He's never seen you scared. He thinks the people that have done this are after you and him." And it never dawned on me -- you know, I mean that they weren't after me or him directly; and this very professional lady gets a tear in her eye and says that -- told me that you and your mom have started him a savings account. He's got \$180 in there and that he wants to pay me that money if I'll help you.

And, you know, the emotions are high. You know -- I mean, you're tore up. You don't know what's going on.

And then Friday, you know -- Friday came and you try to prepare yourself. It must have been three days, you know, and no word. Kathy's boss, Mr. Gallo, and two other gentlemen showed up; and as soon as Mr. Gallo got out of his car, the look on his face, I knew it was bad news.

Q. Would you, Mr. Seidl, tell us what the impact of Kathy's death has been on you.

A. Well, you don't look too far down the road like you used to. You -- all the goals you've set, you don't no longer have those goals.

Glenn Seidl - Direct

I deal with -- Clint has asked me some questions that I've been able to answer. Some of them I can't, I have no answers for. Sometimes I have to tell him, "Boy, I have to think about this."

I deal with Clint's hurt all the time. I mean, it's -- I mean, he's a normal boy. We try to live a normal life, but I'm always reminded this isn't a normal situation. Clint's eighth birthday, we had a big birthday party, Grandma and Grandpa, aunts and uncles. And after everybody left, Clint climbed up on my lap and started crying. And he asked me -- he said, "Do you think my mom loved me?"

And I said, "Well, your mom loves you more than anything in the world."

And he said, "Why isn't she here?"

And I told him -- I said, "Hey, if your mom had the choice, she would be here. She wouldn't miss this for the world."

.....

But I deal with that on a once-or-twice-a-month basis. I mean, something that he'll ask me that I have to look for answers; and it's tough sometimes. I mean, it's tough.

Q. Mr. Seidl, did Clint ask for you to say something on his behalf?

A. Yes, he did.

Q. He typed something up the other day, didn't he?

A. Yes, sir.

Glenn Seidl - Direct

Q. Do you have it with you?

A. Yes, I do.

Q. Would you tell us what Clint's words are.

A. This is his original one. It -- words are misspelled. I'll do the best I can.

"I miss my mom. We used to go for walks. She would read to me. We would go to Wal-Mart. Sometimes at school maybe a kid will bring something up --" and he was talking about show and tell -- "something new that he got and someone would ask him or her where they got it. And they usually say, 'My mom got it,' and that makes me sad.

"After the bomb, everyone went to my aunt's house, and my grandma took me to the zoo, my cousin and I to the zoo. While we were at the zoo, I bought my mom a ring. I bought it for whenever they found her.

"Sometimes at school around the holidays, I will still make my mom Mother Days and valentines like the other kids."

And that's just some of the things that he, you know -- he goes through on a, you know, week or daily basis.

MR. RYAN: Thank you, Mr. Seidl.

THE WITNESS: Thank you.

MR. RYAN: Just a second, Mr. Seidl --

THE COURT: Well, there aren't any questions.

You may step down. You are excused.

Does that complete the Government's presentation of information?

MR. HARTZLER: We rest, your Honor.

THE COURT: All right.

Well, members of the jury, I already explained to you yesterday that I have a conflicting matter here unrelated entirely to the case and indeed unrelated to any case. It's an area of administrative responsibilities that I have. This title "Chief Judge" doesn't mean anything except you've got to do a lot of administrative stuff in addition to trying cases, so that's what is involved.

And fairness, of course, is the rule in all judicial proceedings, including the question of determining an appropriate sentence. And you will be hearing from the defense, first on opening statement. You'll recall that counsel for the defense reserved their opening statement. They had the choice of either giving it right after Mr. Ryan's or reserving it till a later time, and now we're at that later

time.

And then there will be witnesses called to give testimony with respect to the defense position and the mitigating circumstances that are going to be presented for your consideration.

I don't want to go forward with that now and have to interrupt it, so we're going to recess early and come back to it at 1:00. And it's a long recess; but, on the other hand, I'm sure you understand the importance of during this time remembering that there is another side here that you will be hearing matters that you must give careful consideration to in making a balanced and measured decision which you will have to make.

So please continue during this time-out to keep open minds, avoiding discussion of anything that you've heard here or anything about the case, and wait until you have heard it all, including instructions that I will give you on the law that talk about the particular analysis that is required of you under the law before you can arrive at a decision concerning the appropriate sentence in the case.

So there is much yet to be heard, and I want you to be capable of performing in accordance with the oath that you took at the very beginning of this case, and that's decide according to the law and the evidence. And it applies to the sentencing decision, just as it applied to the question of guilt or innocence on the charges that you reviewed under the evidence that you heard.

So we're going to excuse you now until 1:00 this afternoon, and we'll resume at that time with the defense opening statement and the beginning of taking of testimony from witnesses called by the defense.

You're excused now until then.

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

THE COURT: All right. We'll recess, 1:00.

(Recess at 10:10 a.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
1491	12323	12323			
1517	12329	12329			

* * * * *

REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from

the record of proceedings in the above-entitled matter. Dated
at Denver, Colorado, this 6th day of June, 1997.

Paul A. Zuckerman