

first witness.

MR. MACKEY: Thank you, your Honor.

United States will call John Hurley.

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

(John Hurley affirmed.)

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

WITNESS: Thank you.

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

THE WITNESS: John Allen Hurley, H-U-R-L-E-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good afternoon, Mr. Hurley.

A. Good afternoon.

Q. Would you tell the jury where you're from.

A. Oklahoma City.

Q. And how old are you?

A. 34.

Q. Are you married?

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A. Yes, sir, I am.

Q. And how long married?

A. Three-and-a-half years.

Q. After high school, Mr. Hurley, did you enter the United States military?

A. Yes, sir, I did.

Q. And when was that?

A. August of 1981.

Q. And how long did you serve?

A. I was in the service for 10 years, sir.

Q. Which branch?

A. United States Air Force.

Q. Tell the jury a little bit about the experience you received during those 10 years with the Air Force.

A. I was an avionics instrument systems specialist working on aircraft avionics and electronics and special operations in air rescue.

Q. Take us forward now to this point in time, Mr. Hurley, and could you tell the jury what you're doing for a living.

A. I'm currently a student at Rose State College, studying history and secondary education.

Q. And is your wife employed?

A. Yes, sir.

Q. And where is Rose State College?

A. It's in Midwest City, Oklahoma.

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Q. Is that a suburb of Oklahoma City?

A. Yes, sir, it is.

Q. In your employment career, Mr. Hurley, did you once upon a time work as a security guard for Burns Security?

A. Yes, sir, I did.

Q. And for how long?

A. Approximately a year in two different segments.

Q. And during what time period?

A. October of '84 to June of '85, and then I went back and worked in October of '85 until like January of '86 -- or '96, I'm sorry. All those dates are 90's.

Q. So your time as a security guard was in 1995 to 1996?

A. Yes, sir.

Q. And specifically were you working as a guard in April of 1995?

A. Yes, sir, I was.

Q. For Burns Security?

A. Yes, sir.

Q. And where were you assigned?

A. I was assigned in Regency Tower Apartments.

Q. And what is the Regency Towers Apartments?

A. It's a 24-story apartment complex in downtown Oklahoma City.

Q. And how long did you work there at that location?

A. From October of '95 -- or excuse me, October of '94 to June

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of '95.

Q. In that time period, did you become familiar, then, with the makeup of the Regency Towers and the surrounding buildings in downtown Oklahoma City?

A. Yes, sir. I did.

Q. I've set -- seated next to you, rather, Mr. Hurley, an accordion folder that has a number of exhibits that I would like to direct your attention to. Start at the beginning and look for Government Exhibit 958. Do you find that on top?

A. Yes, sir, I did.

Q. Do you recognize what's depicted in that photograph?

A. Yes, sir, it's a aerial view from the northwest of downtown Oklahoma City.

MR. MACKEY: Your Honor, we would move to admit Government Exhibit 958.

MR. WOODS: No objection, your Honor.

THE COURT: 958 is received.

MR. MACKEY: May we publish to the jury, please?

THE COURT: Yes.

We have it on two screens here, whichever is the more convenient for you, this one on the end of the jury box and one here.

BY MR. MACKEY:

Q. Mr. Hurley, you have the honor of being the first witness in this case, so we're learning from you for the first time

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about Oklahoma City. Take just a moment and get the jury oriented as to what they're seeing in this particular aerial photograph.

A. Okay. There -- like I said, it's a photograph of Oklahoma City from the northwest. You're looking just about dead center downtown. You're looking at the Murrah Building, which is in the center of the picture, to the right, and bottom is the Regency Tower Apartments.

Q. Mr. Hurley, let me interrupt. Do you find a pen up there?

A. The black one, sir?

Q. Yes, sir.

A. Okay.

Q. If you reach underneath your platform and touch the screen, you'll be able to show the jury the buildings as you're doing so. Let's start with the Regency Tower, the place where you work.

A. This is the Regency Tower Apartments.

Q. It's the 24-story structure you described?

A. It's the 24-story complex I worked at.

Q. In the photograph, can you find the Murrah Building as it appeared before the bombing.

A. There's the Murrah Building.

Q. And what distance splits those two buildings, the Regency Towers and the Murrah Building?

A. About a city block and a half, roughly.

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Q. And the orientation again is we're looking south; that is, the Murrah Building is on the south side of the street of the Regency Tower?

A. Yes, sir, it is.

Q. See if we can do it in another way, Mr. Hurley, and take a look, please, at Government Exhibit 949A. It should be your second exhibit.

A. Okay.

Q. And can you tell his Honor and the jury what that appears to be?

A. A graphic depiction of downtown Oklahoma City and the surrounding buildings, the Murrah Building, the Regency Tower Apartments, and the other buildings around that whole area.

Q. Is that an accurate diagram of the city streets surrounding the Murrah Building and the structures by the Murrah Building in April of '95?

A. Yes, sir, it is.

MR. MACKEY: Your Honor, we would move to admit Government Exhibit 949A.

MR. WOODS: No objection.

THE COURT: Received, 949A. You may publish.

MR. MACKEY: Thank you, your Honor.

BY MR. MACKEY:

Q. Mr. Hurley, it's now up in front of the jury, and could you with your pen show us on the diagram where your former place of

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employment was and where the Murrah Building once stood.

A. Okay. This is the Regency Tower Apartments, and this right here would be the Murrah Building.

Q. So the two of those buildings share an address on 5th Street in downtown Oklahoma City; is that correct?

A. Yes, sir, they do.

Q. What direction does the traffic flow or did it in April of 1995 on 5th Street?

A. It flows from the west to the east.

Q. And how about the north/south streets?

A. Hudson Street travels this way. This is southwardly direction. Harvey is a northwardly, and I'm not real sure about Robinson.

Q. But those are one-way streets that you've identified; is that right?

A. Yes, they are.

Q. As is 5th Street?

A. Yes, the 5th Street is, also.

Q. Thank you, Mr. Hurley. Take a look please, now, at Government Exhibit 904.

Tell the jury what you see in that photograph.

A. That's the front east entrance to the Regency Tower apartment complex. It is in the center of it, and off to the left side of the picture is the security office where I worked.

Q. Is that an accurate depiction or photograph of the Regency

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Tower front entrance on 5th Street as it appeared in April of '95?

A. Yes, sir.

MR. MACKEY: Your Honor, we'd move to admit Government Exhibit 904.

MR. WOODS: No objection.

THE COURT: Received. It may be published.

MR. MACKEY: Thank you.

BY MR. MACKEY:

Q. Mr. Hurley, tell the jury what is shown on the left-hand side of that photograph.

A. Okay. This right here is the security office that I worked in. This area here is the main entrance to the Regency Towers where anybody that visited would normally come through.

Q. And the street in the foreground, is that 5th Street?

A. Yes, sir, it is.

Q. How many guards did the Regency employ at the Regency Tower in April of 1995, if you recall?

A. The first part of the month, we had four guards that were assigned; and starting about the 8th or 9th, we went down to three guards.

Q. Was security provided for the facility around the clock; that is, 24 hours a day?

A. Yes, sir, it was.

Q. And were all those guards situated in the guard station

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that you've identified on the left, left-hand portion of this photograph?

A. Yes, sir, for the majority of the tour of duty.

Q. Give the jury an idea of what was in the guard station.

A. In the guard station we had a card-key computer and monitor which monitored as your residents came in and out, their card to get in and out of the building access. We had . . . a video monitor. We had a video control box. We had the fire alarm system in there, other things we needed for a normal tour of duty, rain jackets, things like that.

Q. I'll ask you a few more questions about some of those. But it essentially was the nerve center to the security at that apartment building; am I correct?

A. Yes, sir, it was.

Q. If you were in the guard station looking out on the 5th Street, what kind of range of view did you have?

A. It was a real clear panoramic view. I mean, to look out the front window, you could see roughly a city block to the west and a city block to the east.

Q. Mr. Hurley, take a look at a long, tall photograph that should be to your left there, Exhibit 903. Now, I ask you whether that's an accurate panoramic photograph of the view from within the guard station looking out onto 5th Street?

A. Yes, sir, it is.

MR. MACKEY: Your Honor, we would move to admit

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Exhibit 903.

MR. WOODS: I haven't seen that one, your Honor.

THE COURT: Yes, you may --

MR. WOODS: May I observe it --

THE COURT: -- come and look.

MR. WOODS: Thank you.

Okay. Thank you.

No objection, your Honor.

THE COURT: All right. 903 is received.

MR. MACKEY: Your Honor, may the witness display it

to
the jury, please.

THE COURT: Yes.

BY MR. MACKEY:

Q. Mr. Hurley, could you just hold it up and tell the jury what they're seeing.

A. It's looking out the front of the guard shack. This would be the west side. You've got a little parts store, a parking lot, and then the church and parsonage sit over here, to this side over here.

Q. And again, the street depicted in that photograph is 5th Street?

SUBJECT:

A. Yes, sir, it is.

Q. Thank you. Let's turn our attention now, Mr. Hurley, to one part of the guard's operation. That's the maintenance of the security cameras. Was that part of your responsibility

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during the time that you worked there?

A. We monitored the security cameras during our entire shift.

Q. And tell the jury a little bit about the security system. Where was it placed and what information could that system gather and record?

A. We have 14 video cameras throughout the Regency Tower Apartments, covering main entrances and main areas that we felt needed to be monitored. We had a computer -- well, a video monitor broken up into 16 little screens so we could watch all 14 cameras at one time as they were on the screen. We had a video recorder there that recorded different scenes randomly throughout the period of the 24-hour time period and placed it on the tape as an actual picture.

Q. Can you list a few of the examples of where the security cameras themselves were located throughout the building?

A. Okay. We had one security camera at the drive-in entrance for the parking garage. We had one at the exit of the parking garages. We had one right there by our security guard station that faced out towards 5th Street. We had one to the west of our security guard station inside the main lobby, covering that area, one back by the elevators, two up on the pool deck, one in the lounge that people could rent out so we could -- we had two in that area people could -- so we could monitor that area when they were having private parties and stuff.

Q. All these cameras, I take it, had a feed into the system

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that was there in the guard station?

A. Yes, sir, they did. It was direct feed.

Q. Take a look at Government Exhibits 906 and 907.

Do you recognize what's shown in each of those two photographs?

A. Yes, sir, I do.

Q. And just generically, at this point, what's depicted there?

A. 906 is the main entrance to the Regency Towers on east side looking inward.

And 907 is from inside the lobby looking out towards 5th Street, looking through that same area.

Q. And was that the configuration of the lobby and the placement of the camera in April of 1995?

A. Yes, sir, it was.

MR. MACKEY: Your Honor, I move to admit those two exhibits, 906 and 907.

MR. WOODS: No objection on either one.

THE COURT: They're received; may be published.

MR. MACKEY: Please, your Honor.

BY MR. MACKEY:

Q. We're looking first at Government Exhibit 906. Can you with your words tell the jury what they're seeing?

A. Okay. On the right-hand side of the screen is a listing of all of our apartment numbers. It's a little board that we -- so people could use to access, call up to our residents.

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Q. Now, is that shot taken inside or outside the building?

A. That's inside the building. That's inside what we used to call the east main entrance area. That's where most of our nonresident visitors would come to.

Q. And is the security camera that you described earlier shown in Exhibit 906?

A. Yes, sir, it is.

Q. Could you circle that with your pen, please?

A. I will.

Q. And in what direction is that camera shooting?

A. That shoots southwest. Out through the entrance area out onto 5th Street.

Q. And is that illustrated in Exhibit 907? Let me show that to you, please.

A. Yes, sir, it is.

Q. Same shot, just a different vantage point?

A. Yes, sir, you're looking from behind the camera instead of in front of it.

Q. Show the jury, please, the camera as it's shown in Exhibit 907.

A. There's the camera.

Q. And looking through those two sets of doors, to the public area beyond that, what street is that?

A. That's 5th Street, sir.

Q. And is your guard station shown more predominantly in this

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particular photo?

A. Yes, sir, it is.

Q. Show the jury where that is.

A. Covers this area, approximately right here.

Q. Thank you, Mr. Hurley.

Now, let's return and spend a little more time, if we can, Mr. Hurley, describing the video system itself. Is a tape recording made of various scenes gathered from these cameras, as they're happening?

A. Yes, sir, they are.

Q. How is that done?

A. The video cameras, like I stated earlier, feed a direct-line video signal into a control box inside the guard -- guard's office. That control box sends one picture to the monitor so we can real time monitor it; and then it decides as a random selection it will pick certain pictures off of whichever camera it decides and send a digital signal to our

video recorder, and at that time it's recorded onto the tape.

Q. And how much time or hours on a particular tape is recorded in the course of a day?

A. We used to record 24 hours.

Q. But in the course of that 24 hours of tape, is the same scene from the same camera captured?

A. Not in consecution, no. It could show up, say, this time; and then it may be two, three minutes, or it could be a couple

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seconds before it shows up again. It's not just that scene through the entire tape.

Q. So it's entirely random as you described it?

A. Yes, sir.

Q. So it may be a scene out the front door, then one of the pool and followed by one of the lobby?

A. Yes, sir.

Q. Thank you, Mr. Hurley. Does the equipment, at least as it existed in April of 1995, record the time of the events that it was recording?

A. Yes, sir, it did.

Q. How was that done?

A. The control unit, like I said earlier, decided where the pictures went. It also used a time stamp on the tape. As each picture was sent to the recorder, it would have the time/date stamp on it so we knew later on what picture that was, when it happened.

Q. So in looking at the video, you would see impressed on the photograph a time and a date?

A. Yes, sir, you would.

Q. And did you take any steps to ensure that the calibration of that clock in April of 1995 was accurate?

A. Yes, sir, I did. Every Sunday, about, between 6:30, 7, 7:30 in the evening, I used to set that clock. And what I'd do is call the local time, date, weather center, and get their

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time; and that's what the time we used for that system.

Q. And prior to the bombing, when had you last calibrated the clock on the Regency Towers security system?

A. The Sunday prior to the bombing, about 6:30.

Q. It would be April 16 --

A. Yes, sir.

Q. -- 1995.

A. Yes, sir.

Q. Did you work on Easter Sunday, April 16?

A. Yes, sir, I did.

Q. And were you at work on April 19, 1995, at the time of the bombing?

A. Not at the time of the bombing, sir.

Q. How did you first come to know about it?

A. I had just finished my English class. And when I come out, my instructor knew that I had worked downtown, and he told me

my instructor knew that I had worked downtown, and he told me about the bombing; that something of a bombing or some nature of that had happened downtown, and I went straight home and called in.

Q. Later that afternoon, did you go to the Regency Towers, later the afternoon of April 19?

A. Yes, sir, I did. I was told to -- by Burns Security, to report downtown about 12:00, and that's when I did get downtown.

Q. In the course of the afternoon, did you turn over any of

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the videotapes that had been made by your system in the Regency Towers to law enforcement officials?

A. Yes, sir, I did. I turned over the tape that was in the recorder of that day.

Q. That was on April 19, 1995?

A. Yes, sir.

Q. Were you present when the tape actually came out of the machine?

A. Yes, sir, I was.

Q. What happened to it?

A. It was handed over to law enforcement there, and that's the last I had seen of it.

Q. Take a look, please, Mr. Hurley, for videotape marked Exhibit 670.

A. What was that number again?

Q. 670, 670.

If that's 671, go ahead and leave it out for a moment.

A. It's 671 and A. I don't show a . . .

MR. MACKEY: May I approach?

THE COURT: To help, yes.

MR. MACKEY: Thank you.

BY MR. MACKEY:

Q. Did you find it?

A. Yes, sir, I did. Thank you.

Q. Mr. Hurley, have you looked at the contents of Exhibit 670

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before coming to court today?

A. Yes, sir, I have.

Q. And how do you know that?

A. I've got a date and my initials on that tape.

Q. After examining that tape, do you know what's depicted on it?

A. It's a tape of April 19, the scenes that our video system recorded.

Q. Is that the video you turned over to law enforcement on the day of the bombing?

A. Yes, sir, it is.

MR. MACKEY: Your Honor, we'd move to admit Government Exhibit 670.

MR. WOODS: No objection, your Honor.

THE COURT: 670 received.

BY MR. MACKEY:

Q. Mr. Hurley, we alluded to this earlier, but if someone were to take 670 and put in a video player, would it be easy to watch the scenes on that?

A. No, sir, it wouldn't.

Q. Why is that?

A. It's recorded in such a speed that to actually identify exactly the scene, they're real hard to identify. Unless you've literally watched this machine for months and months on end, you'd have no idea other than it recorded something.

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Q. It's recorded at a very fast speed?

A. Yes, very, very fast speed.

Q. 671, is that a slow version or real-time version of the same scenes on Exhibit 670?

A. Yes, sir, it is.

Q. And have you reviewed that one before coming to court?

A. Yes, sir, I have.

MR. MACKEY: Your Honor, we'd move to admit Exhibit 671.

MR. WOODS: No objection.

THE COURT: 671 is received.

BY MR. MACKEY:

Q. Later in the course of the investigation in this case, Mr. Hurley, were you called upon to produce yet other security tapes from Regency Towers?

A. Yes, sir, I was.

Q. And approximately when was that?

A. The Friday after the bombing.

Q. And at that time did you produce videotapes for the date of April 16, Easter Sunday, 1995?

A. Yes, sir, I did.

Q. Take a look at the other videotapes up there, Mr. Hurley. It should be Exhibits 346 and 347. Do you recognize those?

A. Yes, sir, I do.

Q. And are those first the original, then the real-time

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version of the video for Easter Sunday, April 16, from the Regency Towers?

A. Yes, sir, they are.

Q. Are they the same videos -- at least 346, was that the same video you turned over to the FBI?

A. Yes, it was.

MR. MACKEY: Your Honor, we'd move to admit Government's Exhibit 346, 347.

MR. WOODS: No objection.

THE COURT: They are received.

BY MR. MACKEY:

Q. Mr. Hurley, turn your attention now, please, finally, to photographs, two group exhibits, 346A and 346B. Do you find those?

A. Yes, sir, I did.

Q. Do you recognize what each of those photographs are?

A. Yes, sir, I do. They are still shots that have been taken off of the videotape from our system.

Q. Is that a shot taken from the same security camera you previously identified to this jury?

A. Yes, sir, it is.

Q. For the record, let's focus on 346A. Do you have that in front of you?

A. Yes, sir, I do.

Q. And do you find three photographs that each have a time

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stamp?

A. Yes, sir, I do.

Q. And for the record, are they time stamped respectively 20:17:47, 20:17:49 and 20:17:51?

A. Yes, sir, they are.

Q. And the conversion would be 8:17 p.m.?

A. Yes, sir, it would be.

Q. For example --

MR. MACKEY: Your Honor, I'd move to admit Government Exhibit 346A consisting of the three photographs identified.

MR. WOODS: No objection.

THE COURT: They are received.

BY MR. MACKEY:

Q. Turn your attention now, Mr. Hurley, to 346B, as in boy. Do you find four still photographs there?

A. Yes, sir, I do.

Q. And are those photographs from the same vantage point, from the same camera?

A. Yes, sir, it is.

Q. Simply a few minutes later in time?

A. Yeah.

Q. For the record, do you find photographs marked, time stamped, 20:23:59, 20:24:01, 20:24:02, and 20:24:03?

A. Yes, sir, I do.

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

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Exhibits 346B, four photographs identified.

MR. WOODS: No objection.

THE COURT: Received.

BY MR. MACKEY:

Q. Mr. Hurley, I would like for you to find 44 photographs -- and this will be my last question to you -- in 346A. Find the photograph, please, that has the time stamp of 20:17:49.

A. Yes, sir.

MR. MACKEY: Your Honor, we'd move to publish that

particular photograph.

THE COURT: You may.

BY MR. MACKEY:

Q. Mr. Hurley, what are we looking at in this photograph, please?

A. You're looking from the video camera's perspective out through the main east entrance to the Regency Tower out onto 5th Street.

Q. And what time and day was this photograph taken?

A. It was taken at 20:17 on April the 16th, which would be 8:17 p.m.

MR. MACKEY: Your Honor, that's all the questions I have of this witness. I'd ask the Court to publish Stipulation No. 1.

MR. WOODS: Yes, your Honor, we have agreed to stipulate to that.

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THE COURT: All right. Let me just turn to it.

MR. MACKEY: Your Honor, may we have the photograph shown to the jury while the stipulation is published?

THE COURT: Yes.

And let me explain to the jury about stipulation.

And

you'll be hearing from time to time this reference to a stipulation, which simply means that both sides have agreed -- counsel for both sides have agreed on certain facts. And of course, when there is such an agreement, we accept that stipulation, as we call it, or agreement, as true. And here -- and whenever we come to this, I'll simply read to you what has been agreed upon.

And it's agreed here that Government Exhibit No. 346A is a series of three photographs taken by a security camera located in the lobby of the Regency Towers apartment building in downtown Oklahoma City at approximately 8:17 p.m. on Sunday, April 16, 1995.

Government Exhibit No. 346B is a series of four photographs taken from the same security camera at approximately 8:24 p.m. on the same date.

The vehicle shown in both photographs is a dark-blue 1984 GMC pickup truck with a light-colored cab-level topper shell that was owned by the defendant, Terry Lynn Nichols, on April 16, 1995.

MR. MACKEY: Thank you, your Honor.

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BY MR. MACKEY:

Q. Finally, Mr. Hurley, could you simply circle for the jury the pickup truck that's depicted in that particular photograph.

Thank you so much.

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

THE COURT: All right.

Mr. Woods, do you have some questions?

MR. WOODS, do you have some questions.

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

CROSS-EXAMINATION

BY MR. WOODS:

Q. Good afternoon, Mr. Hurley.

A. Good afternoon.

Q. My name is Ron Woods. It's my privilege to represent Terry Nichols in this case.

You and I have never met, have we?

A. Never.

Q. In those photographs that you've just gone over with the Government, can you tell the jury what time it is that evening on Easter Sunday that this pickup truck goes by twice in front of the Regency Towers, in regular time, rather than military time?

A. Yes, sir. On the second set of photographs, which is 346B, the pickup truck is first come into view at 8:23 in the evening. Then the second picture shows it at 8:24 in the evening and one second.

John Hurley - Cross

The next photograph shows it at 8:24 and 2 seconds, and then the last one at 8:24 and 3 seconds.

Q. All right. That series of photographs shows the vehicle moving by the front; is that correct? And you're into fractions of a second?

A. Yes, sir, it is.

Q. So it's 8 -- what was the time you listed again?

A. 8:23:59 was the start.

Q. All right. Now, did you have a series of photos there that showed that it went by 7 minutes earlier?

A. Yes, sir, I do.

Q. Okay. Would you tell the jury what time it went by and what photos you have capturing that pickup going by the front 7 minutes earlier.

A. The first photograph of the pickup truck was 8:17:47 p.m., the second one was at 8:17:49 p.m., and then the last one was 8:17:51 p.m.

Q. And you told the jury that on that very evening at 6:30, you had checked the accuracy of that clock by calling, what, the time service and getting a accurate time reading?

A. Yes, sir, that's what we used to set the clock.

Q. Okay. So at 6:30, you checked it and it's accurate?

A. Yes, sir.

Q. An hour later it's presumed to be still accurate, I take it?

John Hurley - Cross

A. Yes, sir.

Q. Now, you've looked at that video all the way through, haven't you?

A. Yes, sir, I have.

Q. So you've seen it, you've seen this vehicle go by at 8:17

and then at 8:24. Did you see any vehicle in between those two?

A. Not that I --

Q. That go by --

A. Not that --

Q. Excuse me, that went by?

A. Not that I recall.

Q. How many times have you looked at that video?

A. I've looked at it twice.

Q. Okay. Well, you've met with the Government a number of times, haven't you, in preparation for your testimony?

A. I've met with Mr. Mackey twice.

Q. Okay. What about the FBI: How many times you meet with them?

A. I don't understand your --

Q. Didn't you meet with somebody else also other than Mr. Mackey? You said you met with him two times. Didn't you meet with Mr. Mackey three times?

A. I met with him -- okay. Yes, it was three times. One time in Oklahoma City and then two times up here.

John Hurley - Cross

Q. Okay. What about some of these FBI agents: You meet with them?

A. I met a couple of them down in Oklahoma City.

Q. Okay. Did they sit down with you and go through this video and watch it with you, get you to explain what they're seeing?

A. They --

Q. Either Mr. Mackey or the FBI?

A. We went and looked at both videos to -- from -- that were of the same tape. And we never looked at exactly what was on the tapes or anything. They were looking to see if what -- the fast-speed tape was and slow-speed tape, if they were of the same stuff.

Q. Okay. But you looked at it a number of times; right? You've run it through at fast speed and at regular speed?

A. I've looked at that a couple times, yes, sir.

Q. Did you see any Mercury Marquis, any light-colored, old, beat-up Mercury Marquis right in front of Mr. Nichols' car?

A. I don't recall one. I don't recall ever looking for anything specific on any of these tapes. All they were -- we were trying to determine was if the fast-speed tape and the slowed-down, real-time tape were of the same material.

Q. During these meetings, the FBI didn't ask you, geez, can you see another car on here that Mr. Nichols is following?

A. No, sir.

Q. Okay. Now, when did you turn this tape over? This Sunday,

John Hurley - Cross

Easter, the April the 16 tape, when did you turn that over to the Government?

A. Would have been the Friday -- I believe it was the Friday

after the bombing, sir.

Q. Okay. Approximately what time of the day?

A. I really don't recall the exact time.

Q. Was it late afternoon, early morning?

A. I'd say probably midafter -- midevening, 4, 5, 6:00, probably.

Q. Did they tell you why they all of the sudden wanted to view the tape of the April 16 --

MR. MACKEY: Objection.

BY MR. WOODS:

Q. -- when the bombing had occurred on the 19th?

MR. MACKEY: Excuse me. Objection.

THE COURT: Overruled.

BY MR. WOODS:

Q. Did the law enforcement authorities tell you why they wanted to go back and get the tape of April the 16th?

A. No, sir. They just asked if we had tapes of -- other tapes that were still there, and I told them yes.

Q. Now, the tape that you turned over to the law enforcement, I take it, was in fast speed?

A. The one of the 19th?

Q. Yes, sir, the video cassette -- no, I'm talking about the

John Hurley - Cross

April the 16th.

A. Yes, sir.

Q. The video that you would turn over to law enforcement -- it's in fast speed?

A. Yes, sir, it is.

Q. Somebody has to then rerecord it on two cassettes, slowed down; is that the way it works?

A. I'm not an expert exactly how they're slowed down.

Q. Nor am I. But the tape you turned over was in fast speed?

A. Yes, sir.

Q. Okay. And you looked at it, and you've never seen a beat-up, light-colored Mercury Marquis on that tape anywhere; is that your testimony?

A. Not that I recall, no.

Q. Okay. Now, looking at the photographs that you just looked at, when the pickup goes by twice, 7 minutes apart, that's a one-way street in front of the Regency Towers headed down toward the Murrah Building?

A. Yes, sir, it is.

Q. Could you tell if that street looks damp?

A. I really couldn't tell from this picture.

Q. Okay. How far -- let's see. You've already pointed out to the jury that the streets on both sides of the Regency Tower are one-way streets running opposite directions; is that correct?

John Hurley - Cross

A. Yes, sir, they are.

Q. So if a person is driving by the Regency Towers headed down

Q. So if a person is driving by the Regency Towers headed down toward the Murrah Building, circling the blocks, how many blocks do you have to go down before you can turn and come back in front of the building, in front of the Regency Towers?

A. You would have to go down one -- well, from in front of the Regency Towers Apartment, you would have to go a half a block east. Then you'd have to turn left and go one block north. Then you would have to turn left again, and you would have to go one block west. Then you would turn left one more time and come one block south --

MR. WOODS: You have 940?

BY MR. WOODS:

Q. Let me interrupt you, and maybe we can make it easier for the jury to understand if we use that exhibit showing the streets.

MR. WOODS: If I could have 940?

THE COURT: I think it's 949.

MR. WOODS: Thank you, your Honor. We have a 940 that's also a sketch of it.

THE COURT: Okay. All right. We've got 949A is what we've got in.

MR. WOODS: Yes, your Honor, 949A is in.

THE COURT: Okay.

MR. WOODS: And I have to turn this on.

John Hurley - Cross

THE COURTROOM DEPUTY: You just turned it off.

MR. WOODS: It's on.

BY MR. WOODS:

Q. Mr. Hurley, if you would -- for the benefit of the jury, if you could take your pen again and reach under there and on the screen point out for the jury which way 5th Street runs, a one-way, starting at your Regency Towers Apartments.

A. Okay. The 5th Street runs one way this direction, which is east.

Q. And that's headed toward the federal building?

A. Towards the Murrah Building, yes, sir.

Q. Now, if you would, point out again those side streets. If you would, leave that on there about the one way down 5th Street. And then these side streets, Hudson and Harvey, would you point out which way those run.

A. Okay. This is Harvey, and it runs north one way. This is 6th Street.

Q. Yes, sir.

A. It runs west one direction. Whoops.

And that is Hudson. It runs south in one direction.

Q. Okay. And I believe you told the jury you weren't sure about Robinson over on the other side of the federal building?

A. I don't recall, sir.

Q. All right. Based on your experience of having worked there -- and you still live in that area, I take it -- I take

John Hurley - Cross

it that you could make the circle of that block around Regency Towers in shorter time than 7 minutes; is that correct?

A. If all the red lights were in the right sequence, you could probably do it.

Q. I mean, these are regular-sized city blocks --

A. Yes, sir.

Q. -- they're not extra large?

A. These just regular city blocks.

Q. Within a 7-minute time span, could someone go several blocks and make a circle and then come back within 7 minutes, based on your experience there?

A. I believe they could, sir.

Q. Okay. Okay. And you didn't see any Mercury Marquis on any of that tape; is that correct?

A. I don't recall it, sir.

MR. WOODS: Okay. Thank you so much, Mr. Hurley. We appreciate your time.

THE COURT: Any redirect?

MR. MACKEY: If I might, your Honor.

THE COURT: Okay.

MR. MACKEY: If I might have the same exhibit.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Hurley, take a look at this downtown diagram. Can you tell me if you're traveling east off 5th Street from Regency

John Hurley - Redirect

Tower, where you first find an alley that goes north/south off of 5th Street.

A. The first alley would be between -- not really an alley per se -- but would be right here between the post office and the Regency Tower. It's a little parking lot, so you could turn up that way and go a back alley.

Q. I didn't give you a very good definition of an alley, did I?

A. No, sir, you did not.

Q. Let me do this way. You see the YMCA building?

A. Yes, sir.

Q. You see the blue line to the left of that?

A. Yes, sir, I do.

Q. Sort of a small line. Do you know from living and working in downtown Oklahoma City that that's a traditional alley meant for interpass between 5th and 6th Street?

A. Yes, sir, it's used for interpass, or also delivery trucks run back and forth up and down.

Q. And based on the diagram, the only alley that runs north/south off of 5th Street is just east of the YMCA building?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. Incidentally, Broadway, are you familiar with that street?

John Hurley - Redirect

A. Yes, sir, I am.

Q. And how does traffic travel there? Is it one-way or two-way traffic is my question?

A. That's two-way traffic.

Q. Is there a major thoroughfare?

A. Yes, sir.

Q. If you take Broadway north from 5th Street, turn left, do you intersect 8th Street and take 10th Street?

A. Yes, sir, you will.

Q. Finally, Mr. Hurley, a question I omitted to ask you. How many days of security camera tapes are maintained at any one time at the Regency Towers, or in April of '95?

A. We maintained seven usable tapes, which were labeled Monday through Friday, and we had one backup tape in case something happened to one before the management came in the next morning so we could change it out.

Q. So the only video records on hand after the bombing were seven days' worth prior to that time?

A. Yes, sir.

MR. MACKEY: Thank you.

MR. WOODS: No further questions.

THE COURT: Is this witness now to be excused?

MR. MACKEY: Yes, your Honor. Thank you.

THE COURT: Is that agreed?

MR. WOODS: Yes, your Honor.

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

Next, please.

MR. MACKEY: Your Honor, the United States would call Richard Nichols.

THE COURT: All right.

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

(Richard Nichols 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 Richard Logan Nichols,
N-I-C-H-O-L-S.

THE COURTROOM DEPUTY: Thank you.

MR. MACKEY: May I proceed?

THE COURT: Oh, yes. I'm sorry.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Nichols, where do you live?

A. I live in Oklahoma City.

Q. How long have you lived in Oklahoma City?

A. I've lived there 40 years, all my life.

Q. I put that together.

Richard Nichols - Direct

- A. Yeah, okay.
- Q. How about your family? Long time from Oklahoma City?
- A. As far as I can go back, we've all been from Oklahoma City.
- Q. Are you married?
- A. Yes, sir, I am.
- Q. To whom?
- A. Bertha Nichols.
- Q. How long have you and Bertha Nichols been married?
- A. Oh, now you're going to get me in trouble.
- Q. I withdraw that question.
- A. We've been married since 1981.
- Q. Okay. You can't miss this question. How many children do you have?
- A. I have two.
- Q. Good. How old are they?
- A. I have one boy that's 13 and one boy that's 10.
- Q. Mr. Nichols, how far did you go in school?
- A. I went to the tenth grade, and then I went back to school and got my high school education.
- Q. And in that time period of your youth, did you join the military?
- A. Yes, sir, I did.
- Q. And when did you go?
- A. I joined the military in 19 -- in July of 1974, and I served with the United States Army till 1983. I think it was

Richard Nichols - Direct

- in March. Comes out to eight years and two months.
- Q. And what was your rank when you were discharged?
- A. E5.
- Q. Did you travel overseas on that tour of duty?
- A. Yes, sir, I did. I traveled to Europe, and I stayed there approximately five-and-a-half years.
- Q. When you came back to Oklahoma City, what kind of work did you get into?
- A. I got into apartment building maintenance, apartment maintenance.
- Q. And what was the name of your employer?
- A. My -- at the time it was Regency Towers Apartments. Let's see. Yeah, Regency Towers. Harsh Investment Corporation owns it.
- Q. But to the man on the street, Regency Towers?
- A. Regency Towers, yes.
- Q. Where was Regency Towers, the one you worked, located?
- A. Approximately a half a block down, down the street from the Murrah Federal Building.
- Q. And how many years did you work as a maintenance man for that apartment building?
- A. 10 years.
- Q. When approximately did you leave?
- A. I left in 1996.
- Q. What are you doing now, Mr. Nichols?

Richard Nichols - Direct

A. I work for Atlantic Projects. It's a metal-shaping business. We go out, we do maintenance for cultivators, conveyor belts for cement factories and stuff like that. And we make things out of metal and ship them out. We do a lot of work for Dayton Tires, which is a big tire plant for Firestone in Oklahoma City.

Q. Let's return our attention to your employment at Regency Towers. Could you give the jury a few details about what your job was when you were a maintenance man there?

A. When I was at Regency Towers, we took care of any problems that occurred at the Regency Towers. We fixed and repaired faucets. Drain lines that became stuck in the night, we fixed them, or during the day. We repaired stoves, heating, air-conditioning. Just anything that would go wrong with anybody's normal house, we took care of it in the apartments.

Q. Sort of like having 243 houses right on top of each other, taking care of maintenance?

A. It comes out to 273.

Q. '73, all right. Thanks.

A. Yes.

Q. Were you and others responsible, then, for the maintenance of all those units?

A. Yes, sir, there was me and two other gentlemen.

Q. Mr. Nichols, let me turn your attention now to April 19, 1995. Did you work on that day?

Richard Nichols - Direct

A. Yes, sir, I did.

Q. Do you recall what time of day you reported to work at the Regency Towers?

A. I came to work that morning at 7:00. My shift was from 7:00 to 5.

Q. Did you have plans to leave work at any point in the morning of April 19?

A. Yes, sir, I did. I have -- at the time I had my little nephew. He was staying with us. And me and my wife, we was going to take him to the doctor. And I chose to go with him because he was staying with us as a family member, and I wanted to treat him as my boys; and when I take my boys to the doctor, both of us, we try very hard to go to the doctors with the boys. So I wanted to make a effort to show him that I wanted him part of my family, and I chose to go with him that day, also.

Q. What was your nephew's name?

A. Chad Allen Kilgore.

Q. And how old was he on April 19?

A. 12 or 13. Somewhere along there.

Q. What time was Chad's doctor appointment on that day?

A. His doctor appointment was later on. I think it was around 9:30 or so. I was to meet my wife down in front of our building at 9:00. And she was to pick me up, and then we was to leave from there.

Richard Nichols - Direct

Q. And were you prompt? Did you get out to the street on 5th Street at 9:00 sharp?

A. No, sir, I was late. I was 2 minutes late.

Q. And why was that?

A. The countertop that I was working on that morning come up short. It was supposed to be a 6-foot-long countertop, and it was a quarter inch too short. Although my boss knew where I was going, I just chose to stick by and tell my boss that it was too short, and that threw me 2 minutes behind.

Q. Did you eventually then come down to the street level and join your wife?

A. Yes, sir, I did.

Q. Could you describe to the jury what happened as you walked out the door onto 5th Street on April 19, 1995?

A. Well, as I walked out the door, I greeted my wife in a small foyer, which is two glass doors before you enter out to the street. And we laughed because she heard my keys jingling, and she always made a joke that she could always hear me coming.

As we stepped out into the street, we took approximately two steps when there was a horrific explosion. Glass covered us. And my wife got real nervous, and she kind of spun around, and she asked what was going on. And I told her that the boilers in our building had blowed up.

Q. Is that what you thought at the time?

Richard Nichols - Direct

A. At the time, yes, sir. I just completed a course in boiler school. I was graduating that night. And they showed some very graphic films and damages of boilers that had blowed up. And that was my first thought.

So we made the lunge to get to the car because we was getting showered with glass and rocks, and we opened up the door. I had a hold of the door of the car. My wife bent down to get my nephew out, when I heard a whirling noise like a boomerang coming from my left side, which would have been from the direction of the Murrah Federal Building.

As I looked up, I seen a big chunk of something coming

at us. I didn't know what it was at the time. I remember telling my wife to get down. I don't remember if I pushed her on down into the car.

Q. Mr. Nichols, where was Chad when this was going on?

A. He was in the back seat on the driver's side of the red Ford Festiva.

Q. And your wife was out on the sidewalk with you as you're describing?

A. She was setting (sic) down kind of like on the doorjamb trying to get him out of his seat belt. And I can't remember if I pushed her on down into the car, but this object hit the

car, right about the windshield and the passenger side of the car.

At the time it jerked up the back of the car. Then

Richard Nichols - Direct

the car shot backwards out of my hands. I went back to the car. I grabbed my wife. I grabbed my nephew. I pulled them both out of the car and tried as best as I could to kind of like mother hen them underneath me and take them across the road.

Q. Why were you taking them across 5th Street?

A. I was still under the assumption that my building was coming down behind us, and I wanted to make as much room as I could between us and that building. And as we was going across the road, a block come down in front of us, and I decided I wasn't going that way. So I turned again, and this time I turned, which would have been west, down 5th Street going away from my building and going away from the Murrah Federal Building.

As I got down that way, I got right by a pay phone. The thing seemed to -- I don't know, maybe just kind of subsided a little bit. I had time to check and ask my wife if she was okay. I asked Chad if he was okay. They both assured me they was all right. I laid Chad down to check him in case he didn't know. Then I picked him back up, and I carried him on down to the corner; and that's where I told my wife, I says, "Look," I says, "you guys -- you guys are all right. You guys go on to the hospital. I'll find you." And I said, "I got to get back to our building," because I looked up and all the windows on the south side of our building was completely blown

Richard Nichols - Direct

out. The curtains was out into the -- out into the air. There were pillows and stuff falling from my building still. I looked up the street, and behind the Water Resources I could see black smoke.

I looked back at my car. That's when I first noticed that it was an axle that was laying by my car. I told my wife, "No," I said, "it was a car bomb. Somebody tried to blow up the Water Resources." And I still hadn't known it was the Murrah Federal Building because of the smoke and the debris still coming down.

As I went back across the road, I got to the center of

the road, looking back up to the Murrah Federal Building. That's when it just -- like something just subsided and moved the smoke out of my way, and I could see the whole front of the Murrah Federal Building; that it was completely gone.

Q. And was that the first time that you realized the explosion had happened up the street?

A. Yes, sir.

Q. Mr. Nichols, you should find some photographs in an

Q. Mr. Nichols, you should find some photographs in an accordion folder in front of you.

A. Yes, sir.

Q. Look, please, for Government's Exhibits 631, 632.

A. Yes, sir.

Q. 633, 959, and 1848. Do you find those four -- excuse me, five photographs?

Richard Nichols - Direct

A. Yes, sir, I do.

Q. Have you looked at those photographs before coming to court?

A. Yes, sir, I have.

Q. And do each of those five photographs accurately depict the damage suffered by your vehicle and the surrounding buildings in the early morning hours of April 19, 1995?

A. Yes, sir, it does.

MR. MACKEY: Your Honor, we would move to admit those five exhibits, 631, 632, 633, 959, and 1848.

MR. WOODS: No objection, your Honor.

THE COURT: All right. They are received.

BY MR. MACKEY:

Q. Let me display, first, Mr. Nichols, Government Exhibit 631.

A. Yes, sir.

Q. First let me ask you, what is the tall structure that appears in the upper right-hand portion of that exhibit?

A. That's the Murrah Federal Building.

Q. Which direction is this photograph taken?

A. That's taken to the east from the Regency Tower.

Q. And in the foreground on the left-hand side, there is a -- what appears to be a red vehicle. What is that, if you know?

A. That is my Ford Festiva. The one down at the bottom left?

Q. Yes.

A. Yes, sir, that's my Ford Festiva. The front passenger

Richard Nichols - Direct

side.

Q. And what is the object that appears to be laying to the right of the Ford Festiva?

A. That's the axle that struck my automobile.

Q. That the same axle you were describing in your testimony --

A. Yes, sir.

Q. -- a moment ago?

A. Yes, sir.

Q. Using that photograph, can you retrace the flight of the axle, as you saw it that day?

A. Yes, sir. The axle came from right at this area, as I was standing up here in this area. And it came down at an angle from here downward and struck my automobile.

Q. When you first noticed it, if you recall, how high off the ground was the axle?

A. The axle was way above this awning, which is right here.

Q. And is that an awning attached to the Regency Towers?

A. Attached to the Regency Towers, yes, sir.
Q. Do you have any idea how far off the ground that awning is?
A. No, sir. I'd say at least 40 feet above -- from the road when I noticed it and heard it.
Q. What's the grade between the Regency Towers or where your car is parked and the Murrah Building?
A. There's a slight downgrade from here down this way. There's a slight downgrade. And then it goes downward on that

Richard Nichols - Direct

side of the Murrah Federal Building.
Q. So standing at your car, we're looking up a hill, a slight hill?
A. Yes, we're looking up a slight hill.
Q. Let me show you Government Exhibit 632, Mr. Nichols.
A. Okay.
Q. Tell the jury what's shown there.
A. This is my Ford Festiva. This is the axle that struck my Ford Festiva that day. And right here is a trailer hitch that came down the road skipping at road level, which took out a sign at this -- up here and hit a Marlboro sign and come on down and struck my left front driver's tire, flattened it out, and also flattened the rim, which drove my car backwards approximately 10 feet. It hit almost simultaneously with the axle.
Q. This photograph -- and maybe another one does as well -- shows the back portion of the car up on the curb?
A. Yes, sir; right up here.
Q. Did it start that way?
A. No, sir.
Q. Is that a result of the explosion?
A. Yeah. As a result of the explosion, it stopped. That's where my vehicle stopped at.
Q. What is the red thing that is in the bottom left-hand portion of Exhibit 632?

Richard Nichols - Direct

A. Right here?
Q. Yes, sir.
A. It's the front grill part of my car; right here.
Q. Let me show you Exhibit 633. Is that another vantage point of your car and the axle in the street?
A. Yes, sir, it is.
Q. Using this photograph, Mr. Nichols, could you describe again for the jury where you and your wife were and where Chad was at the moment the axle struck the car?
A. At the moment that the axle struck my car, me and my wife -- well, I was right about here. The car was up here at this end. My wife was on this side of the car, setting approximately on the -- at the doorjamb level, and my nephew was in the back seat behind the driver's door here.
Q. Was Chad in the car when the axle struck it?

A. Yes, sir, he was.

Q. Was he injured as a result of that?

A. Yes, sir. There was slight swelling that came up on his forehead from the car coming up in the air and throwing him upward and hitting the top of the car. And my wife got like bumps and bruises, also, 'cause she went on down into the car when the axle hit.

Q. When your wife, Bertha, and Chad first arrived to pick you up that morning, where was Chad seated in that the car?

A. Right here in this front seat.

Richard Nichols - Direct

Q. And had he moved while waiting for you to the back seat?

A. Yes, sir, he did.

Q. Where did the axle strike the vehicle?

A. Right here.

Q. Let me show you Exhibit 959, please.

Does that show the passenger-side damage to your vehicle?

A. Yes, sir, it does. What it doesn't show is that the dash of this car is crushed down onto the passenger side of this seat.

Q. If one were inside the vehicle, they would see the dash is actually touching the seat?

A. Yes, sir.

Q. The building that appears in the background -- you see the glass windows: What is that, please?

A. That is the Regency Tower.

Q. And specifically the glass windows?

A. Right here, this is the foyer. There's two entryways into the building. There's a double door here, and then there's a double door that's just like it on the other side of this here; and this is the guard post. And it also has glass in it.

Q. In the bottom right-hand portion of the photograph there appears to be a metal object. Driver's side --

A. Right here.

Q. -- tire, yes. Is that the trailer hitch you were

Richard Nichols - Direct

describing?

A. Yes, sir.

Q. Did you see that come and strike your car?

A. No, not at the time. I didn't see it. I was more focused on this object.

Q. Earlier we had seen a pillow laying in the street next to the axle. Where did that come from?

A. Right here. That came from the apartments. Because the windows were blown out and some of the people slept underneath the windows and stuff. So that came from our apartment building.

Q. At the moment that the bomb went off, do you know whether there was anyone working on the Regency Towers building?

A. Yes, sir. We had some people outside that was doing some

A. Yes, sir. We had some people outside that was doing some caulking and stuff. We was getting ready for a complete face-lift of our building. And they were up on a scaffolding on the south side of our building, which would have been this street side.

Q. How far off the ground were they?

A. Probably around the thirteenth floor. I couldn't be sure, but they was up pretty high.

Q. Do you know whether any of them were injured seriously?

A. No, sir. I hollered at them, once I got my family over to safety. I turned around. And I seen them up on the scaffold, and I hollered to them, and they waved to assure me that they

Richard Nichols - Direct

was okay; and then they crawled in one of the busted windows.

Q. Finally, let me show you 1848. And is that more of a rear view of the Ford Fiesta (sic) and the axle laying in the street?

A. Yes, sir, it is.

Q. Mr. Nichols, do you know the approximate distance between the front of the Regency Tower there where the Ford Fiesta (sic) was parked that morning and the front public entrance on 5th Street of the Murrah Building?

A. Yes, sir. I walked it off prior to the McVeigh trial. And I walked off 190 paces from where my car was parked at to the crater that was left at the front of the Murrah Federal Building, and I come up with approximately 400 to 500 feet.

Q. Mr. Nichols, finally I want to turn your attention to Government Exhibit 670A. Have you seen the photographs that make up Government Exhibit 670A before?

A. Yes, sir, I have.

Q. And do you recognize them?

A. Yes, sir.

Q. What are they, please.

A. This depicts the view from our security camera that's going out our front entrance door of the Regency Tower.

Q. And are they still photographs taken from a security camera at the Regency Tower --

A. Yes, sir.

Richard Nichols - Direct

Q. -- on April 19, 1995, moments before the bombing?

A. Yes, sir.

MR. MACKEY: Your Honor, we would move to admit 27 still photographs comprising Government Exhibit 670A.

MR. WOODS: No objection, your Honor.

THE COURT: 670A is received.

BY MR. MACKEY:

Q. Mr. Nichols, with your assistance, I wanted to show the jury each of those photographs and ask you to describe what's shown on them, if you wouldn't mind, please.

A. Okay.

O. Again, for orientation, are we looking from inside the

lobby out onto 5th Street?

A. Yes, sir, we are.

Q. And what's shown in this first frame?

A. This is the front door of the Regency Towers looking out towards 5th Street.

Q. All right. The next frame, please.

A. This is showing same view, only this is my wife pulling up.

Q. That's the same Ford Festiva that you described --

A. Yes, sir.

Q. -- before.

All right. Next frame. What is shown in the frame

8:55:52?

A. This shows my wife waiting out front for me.

Richard Nichols - Direct

Q. And the next frame?

A. The back of her car as she's waiting.

Q. And the next frame?

A. Same as before. The back of the car as she's waiting for me to come out.

Q. The next frame, 8:56:53?

A. Shows the same, only this time shows the Ryder truck.

Q. The earlier frame did not --

A. No, sir.

Q. -- depict the vehicle that has the name "Ryder" on the side, did it?

A. No, sir, it did not.

Q. So this is the first frame, 8:56:53, where the camera has captured a truck with the name "Ryder" on the side?

A. Yes, sir.

Q. Next frame.

A. Still shows my wife waiting. And the Ryder truck.

Q. Next frame.

A. Again, my wife is waiting. The Ryder truck is still stopped and stationary.

Q. Next frame?

A. Same as before. My wife is stopped. The Ryder truck is still waiting.

Q. Now, this frame 8:57:01 shows some public traffic, some people walking down the street?

Richard Nichols - Direct

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. Do you know those people?

A. No, sir. It would be hard for me to recognize them.

Q. Next frame.

A. Still shows my wife waiting, the Ryder truck, and pedestrians walking.

Q. And the next frame.

A. Again my wife's waiting, the Ryder truck.

Q. All right. The next frame.
A. Same. My car, the Ryder truck.
Q. The next frame?
A. The same. My wife, the Ryder truck.
Q. The next frame.
A. Again, my wife, the Ryder truck.
Q. Mr. Nichols, take a moment and fix in your mind, anyway, the position of the Ryder truck on the photograph shown as 8:57:12.
A. Yes, sir.
Q. Mark it against, if you will, the support post in that door. Do you see?
A. What I'm making sure that they're doing is my wife's car is still setting (sic) here. I'm watching this pole 'cause it's stationary, towards this Ryder truck, and watching the wheels

Richard Nichols - Direct

of the Ryder truck.
Q. Is anything changed in the next frame, 8:57:15?
A. No, sir.
Q. In 8:57:15, the next one. I'm sorry.
A. Yes, sir. 'Cause you can see the Ryder truck is on the move, the pole is still stationary. Back tires now are approximately even with the Ryder truck. My wife is still stationary.
Q. Next frame.
A. The Ryder truck has just moved up and has stopped. The back tires are still even with the pole. My wife is still stationary.
Q. And the next frame, 8:57:18.
A. Ryder truck, my wife, the Ryder truck is leaving.
Q. In that frame, 8:57:18, the Ryder truck is virtually --
A. -- gone.
Q. -- out of the picture?
A. Yes, sir, he is.
Q. The next frame.
A. My wife is still waiting. The Ryder truck is gone.
Q. And the next frame?
A. My wife's still waiting. The Ryder truck is still gone.
Q. Next frame?
A. Same as before. My wife is gone -- I mean my wife is here and the Ryder truck is gone.

Richard Nichols - Direct

Q. And what is changed in the next frame, 8:59:55?
A. This is my wife. Shows get on out of the car because she knows I'm usually downstairs. Now she's coming in to ask the guard where I'm at.
Q. And is that shown in the next frame, 8:59:58?
A. Yes, sir, that's my wife. She's walking over to the guard window here.
Q. And the next frame?

A. Yes, sir. Now she's talking with the security guard.
Q. And the next frame?
A. That's me. I'm coming off the elevator. I'm trying to hold my keys so she can't hear me.
Q. You're a maintenance man; you got a lot of keys?
A. Yes, sir.
Q. But that depicts you in an elevator lobby of the Regency Tower shortly after 9:00 on April 19?
A. Yes, sir, it does.
Q. And the next frame?
A. It shows my wife. She's done heard me coming, and she's getting ready to go out.
Q. And the final frame at 9:00, 21 seconds?
A. That's right in front of the elevators of the Regency Tower. That's the last frame on the film.
Q. Do you know why that's the last frame?
A. Because everything stopped. All the electric went out,

Richard Nichols - Direct

cameras quit, everything. The bomb had just blown up.
Q. Mr. Nichols, had you not stopped to report to your boss that morning that you'd run into a problem putting that countertop on, where would you have been just 2 minutes earlier?
A. We'd have been right in front of the Murrah Federal Building.

MR. MACKEY: Thank you, Mr. Nichols.

THE COURT: Mr. Woods, you have some questions?

MR. WOODS: Yes, your Honor, thank you.

CROSS-EXAMINATION

BY MR. WOODS:

Q. Good afternoon, sir.
A. Good afternoon.
Q. My name is Ron Woods. I'm one of the lawyers appointed to represent Terry Nichols. You and I have never met; is that correct?
A. No, sir, we have not.
Q. Mr. Nichols, on those photographs that you've just gone through, have you ever seen a blown-up photograph of that Ryder truck where you can try to pick out more distinguishing factors about it?
A. No, sir, I have not.
Q. Okay. The Government's never shown you any blowup or digitized view in order to see into the cab of that truck?

Richard Nichols - Cross

A. No, sir, they have not.
Q. Okay. You didn't get down there till the truck had already gone by; right?
A. Right. That's correct.
Q. I take it you weren't looking out from the upstairs window or anything, waiting on your wife?
A. No, sir. I was busy

A. No, sir. I was busy.

Q. Was there ever an opportunity for you to look into the cab to see how many people were in there, of that Ryder truck?

A. Would there ever have been an opportunity?

Q. Yes, sir, that morning --

A. I suppose, if I had looked out my maintenance window. I was on the fifth floor. If I had turned and looked out the window, I could have more than likely -- possibly seen if there was somebody setting (sic) in there, yes, sir.

Q. Okay. But you just didn't have that opportunity?

A. No, sir. I was busy with the countertop, trying to cut it down and measure it out.

Q. Okay. Yes, sir.

Do you know whether or not the Government has ever digitized that photo to try and see, get a clearer view of that?

A. Not to my knowledge, no, sir. But I would assume, yes, sir, they have.

Q. Okay. They haven't shown it to you, if they have?

Richard Nichols - Cross

A. No, sir.

Q. Okay. Now, you told the jury that after the bomb, you went across the street and you came back and you sent your family on to the hospital. Did you spend the rest of the day, then, inside the Regency Towers doing what you could to help?

A. Yes, sir, I spent approximately -- it took us approximately 40 to 45 minutes to physically check each room and make sure there was no one in there. We found people that were still terrified; that was hiding in closets. They were bewildered to what was going on. Some of them was trying to leave without shoes. We was trying to get them shoes to get them on, because we knew the whole street down below -- I knew the whole street down below was covered with glass.

I was trying to do everything that I could to assist in assuring that my people in my building -- not only was they getting out safely but making sure that they did get out safely.

Q. Yes, sir. How long did you stay, then, in the Regency Towers that day before you left and went somewhere?

A. We heard -- we had little radios that we had on our side. And it came across our radio that a second bomb had been found. And by that time, we had already cleared the building. We was down to the fourth floor. We was getting ready to come down to get with our boss and security to find out what else was going on. And it came across to our radios that a second bomb had

Richard Nichols - Cross

been found and for us to evacuate the area. Being that we had evacuated the building, we knew no one was in the building, we decided that we would leave at that time, and we left.

Q. Okay. And did you -- where did you go when you left?

A. We went to the corner of the street, just -- I guess it

would be Hudson and 5th Street.

Q. Okay. And did you then go back into the Regency Towers later that afternoon or later that day?

A. No, sir. Marshals wouldn't allow anyone to come across 5th Street at the time. They had it corded (sic) off, and they did -- they did allow our security to go back across; and our manager went back across. But as far as us, no, sir. We had already had the gas turned completely off to our building. We had all the water turned off to our building. So our building was isolated. We had the boilers shut down, everything shut down, and all the people evacuated out of our building.

Q. Okay. Did you have an opportunity to go down the street to that large parking lot that's in front of the Murrah Building that afternoon?

A. No, sir. At that time we started gathering up our residents and reassuring them that everything was okay, checking our people out, getting them ready to put on a bus to take down. We had hotels, motels, and stuff lined up for them, and we was -- we was doing for our people what we could to get them set up because it was -- it was --

Richard Nichols - Cross

Q. Your efforts were concentrated on the Regency Towers, and you didn't have an opportunity to see what was happening at that parking lot, then, across from the building?

A. No, sir.

Q. Okay.

MR. WOODS: Thank you very much, sir. Appreciate it.

THE COURT: Anything else?

MR. MACKEY: Just a few questions.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Nichols, how long was it before the tenants of the Regency Towers were able to get back into their homes?

A. It seemed like it was anywhere from five to six months, anyway, before the first ones started coming back in.

Q. You made reference to an alarm or alert that there may be a second explosion. Was there in fact a second explosion?

A. No, sir, there was absolutely no second explosion.

Q. On April 19, 1995, did you know or had you heard of the name Tim McVeigh?

A. No, sir, I did not.

Q. Would you have recognized him if you had seen him walk past you on the street?

A. No, sir.

Q. Mr. Woods asked you some questions about those injured inside the Regency Tower.

Richard Nichols - Redirect

A. Yes, sir.

Q. Do you know whether any tenants inside the Regency Tower on that morning of April 19 were inside the Murrah Building?

A. At the time, no. Later I found out that there was three babies and two adults that I knew.

Q. And those people died?

A. Yes, sir, they did.

MR. MACKEY: Thank you, Mr. Nichols.

MR. WOODS: No further questions, your Honor.

THE COURT: All right. Is the witness to be excused?

MR. MACKEY: Yes, your Honor.

MR. WOODS: That's fine with us, your Honor.

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

THE WITNESS: Thank you, sir.

THE COURT: Next, please.

MR. MACKEY: Your Honor, United States will call Lou Klaver. Mr. Geoff Mearns will present her.

THE COURT: All right.

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

(Cynthia Klaver 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 Cynthia Lou Klaver, K-L-A-V-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mearns.

MR. MEARNNS: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MEARNNS:

Q. Good afternoon, Miss Klaver.

A. Good afternoon.

Q. Where do you live, ma'am?

A. I live in Oklahoma City, Oklahoma.

Q. And how long have you lived in Oklahoma City?

A. I lived there about 11 years now.

Q. And where were you born?

A. Hutchinson, Kansas.

Q. Where did you go to high school?

A. Hutchinson, Kansas.

Q. Tell us what education you've had since high school.

A. I went to college at Kansas State University in Manhattan, Kansas, and then I went to law school at Washburn University School of Law in Topeka, Kansas.

Q. When did you graduate from law school?

A. 1985.

Q. How are you presently employed?

A. I work with the Oklahoma Water Resources Board, a state

Cynthia Klaver - Direct

agency in Oklahoma.

Q. What is your present position?

A. I'm assistant division chief for the Planning and Management Division of the Water Board.

Q. How long have you had that position?

A. Approximately a year and a half

A. Approximately a year and a half.

Q. And prior to that promotion, what was your position?

A. I served as a staff attorney when I moved down to Oklahoma in 1986 until about a year and a half ago.

Q. So you began working for the Water Resources Board in 1986?

A. Uh-huh, I did.

Q. Would you tell us: What is the Oklahoma Water Resources Board?

A. Well, the Water Board oversees and regulates all the water use in Oklahoma, stream water and groundwater, and oversees the safety of dams and the flood plain, has a financial assistance program, basically water rights.

Q. Tell us what your duties and responsibilities were when you were an attorney.

A. One of my duties was to serve as a hearing examiner in some administrative proceedings. Basically that's sitting in the role of a judge where you listen to both sides and then over water rights proceedings; and you make a recommendation, then, to the nine-member Water Resources Board, was one of my jobs.

Q. Where was the Water Resources Board located in April of

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1995?

A. Its address was 600 North Harvey. It was on the corner of 5th and Harvey in Oklahoma City, across the street from the Murrah Building.

Q. What I'd like to do now is show you what's been marked in evidence as Government Exhibit 958.

And do you recognize this picture?

A. Yes, I do.

Q. And what is -- what do we see in --

A. It's an aerial photograph of downtown Oklahoma City, shows the Water Board and the Murrah Building.

Q. Do you have an electric pen there on the podium there in front of you?

Not that one. There's one connected to --

A. Yes, I do.

Q. Could you circle the Water Resources building there for us?

A. Do I -- there's the Water Board building right here.

Q. And could you also then circle the Murrah Building?

A. And here's the Murrah Building.

Q. What is the approximate distance between those two buildings?

A. Be about 150 feet, just across the street.

Q. What I'd like to do now is show you what's been marked in evidence as Government Exhibit 949A. And do you recognize this exhibit?

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A. Yes, it's a diagram of the buildings and the streets in downtown Oklahoma City.

Q. And once again, would you circle for us the Water Resources Board building.

A. This is the -- on the corner right here is the Water Board.

Q. And where is the Murrah Building there?

A. And just across the street, south, is the Murrah Building.

Q. And now would you click your pen and clear those.

And would you put a small circle where the entrance
to
the Water Resources Board building is?

A. That's the front door right here.

Q. And it's right there on the corner?

A. On the corner, yeah.

Q. In April of 1995, how many people worked in the Water Resources Board building?

A. Approximately 80.

Q. Directing your attention now to Wednesday, April 19, 1995, were you working that day?

A. Yes, I was.

Q. What time did you get to work that morning?

A. I arrived at work about 7:30 that morning, went up to my office which is on the third floor on the north side of the building, and started drafting some findings of fact from a previous hearing I had held.

Q. What happens at a -- at one of those hearings?

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A. Generally it's to determine -- an applicant makes an application to use water and notification is given. For

example, if it's groundwater, they publish in the newspaper; and then they give this certified mail notice to landowners around the well. And so those people that are concerned about the use of water come and protest the hearing and say why their water rights shouldn't be granted, and so I listen to both sides of that and then make a recommendation whether it should be granted or denied, the application.

Q. And what happens with your proposed decision?

A. It gets mailed out to the parties so they're aware and they can attend the board meeting, and then our nine-member board actually votes to approve or deny a water right.

Q. Turning now to April 19, again, did you have an appointment that morning for 9:00 a.m.?

A. Yes, I did. We had a hearing scheduled in our Oklahoma City office at 9:00 that morning, Wednesday.

Q. Where was that hearing scheduled to take place?

A. In the Water Resources Board building on the first floor in Oklahoma City. It's about the middle of the building.

Q. And you told us your office was up on the third floor?

A. Uh-huh. It was in a boardroom.

Q. And tell us, if you can, what type of a hearing was scheduled for 9:00 that morning.

A. It was an administrative hearing on a farmer wanted to use

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groundwater for a commercial bottling operations down in southern Oklahoma, around Ardmore.

MR. WOODS: Your Honor, I'm having trouble hearing the witness. She's facing the jury rather than facing the lawyers.

THE COURT: Speak into the microphone. It will help.
BY MR. MEARNS:

Q. Who was given notice of that hearing prior to April 19?

A. That would have been the applicant would have published the notice of the hearing for two consecutive weeks in a newspaper in that county, Love County, Oklahoma, and also he would have provided mails by certified mail, notice of the hearing to those landowners within 1320 feet of the proposed well.

Q. Do you recall how many people actually attended the hearing that morning?

A. There were eight -- eight people from around the Ardmore, Oklahoma area, and then two employees of the Water Board.

Q. Who were the two employees of the Water Board?

A. It was myself and our recording secretary, Connie Siegel-Gruber.

Q. Tell us what a recording secretary does at one of these hearings.

A. She actually runs the tape. Each time we have a hearing, we make a tape recording. In case it gets appealed to district court, we have a transcript or a record, sort of like the --

Q. Sort of like this court reporter here this afternoon?

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A. Court reporter.

Q. Tell us what happened at 9:00 that morning.

A. Well, I came down to the boardroom and opened up the hearing and basically was -- I was letting the people know that it's an informal meeting where I'm just here to gather facts and we just want to find out about the application and just opened it up and established -- told them what the issues were and what was relevant in the hearing and what we were there to listen about.

And then I was just getting started when, I guess it was 9:02, there was an incredible explosion, deafening roar and the walls started shaking and the ceiling fell down on us and all the ceiling lights came down and it was rubble everywhere and dust, and it happened just shortly after we got started.

Q. What I'd like you to do now, there's a large accordion folder in front of you. What I'd like you to do is look in there and find Government Exhibit 942.

A. Okay.

Q. Do you recognize that?

A. Yes, I do.

Q. What is that?

A. It's a tape, actually a tape that plays in a tape recorder.

Q. And is that the tape from the proceeding, the hearing that morning, April 19?

A. Yes, it is.

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Q. And have you listened to that tape prior to coming to court?

A. I have.

Q. And is it a fair and accurate recording of what transpired that morning?

A. Yes, sir, it is.

MR. MEARNS: Your Honor, we would offer Government Exhibit 942.

MR. TIGAR: No objection, your Honor.

THE COURT: 942 is received.

BY MR. MEARNS:

Q. Miss Klaver, if you would, also look for Government Exhibit 943A.

A. All right.

Q. Do you recognize that, ma'am?

A. Yes, I do.

Q. What is that?

A. It's an audio recording of the tape.

Q. It is essentially a duplicate copy of 942?

A. Yes.

Q. Have you also listened to that audio recording prior to coming to court today?

A. I have.

MR. MEARNS: Your Honor, at this point we would offer 943A.

Cynthia Klaver - Voir Dire

MR. TIGAR: May I take the witnesses on the voir dire?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, ma'am. I'm Michael Tigar, one of the lawyers appointed to help Terry Nichols.

A. Good afternoon.

Q. I just don't understand how 943A differs from 942. Could you help me?

A. I believe it's a duplicate recording. I think it's the same sounds -- is my understanding, yes.

Q. It's the same thing?

A. Uh-huh.

MR. TIGAR: I object.

THE COURT: What is the point of a copy, here?

MR. MEARNS: Your Honor, may I speak to Mr. Woods? I spoke to Mr. Woods about this earlier this afternoon.

THE COURT: Speak to me. What is the reason for it?

MR. MEARNS: As I've explained to Mr. Woods, it's a duplicate copy; and it's just easier to play it on the tape today. We'd be prepared to play 942 or 943A --

MR. TIGAR: May I clear this up with a question, perhaps, through the Court to Government counsel? Is the sole purpose of the duplicate just so it could be played on this machine. whereas the other one can't?

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MR. MEARNS: Yes, sir.

MR. TIGAR: I'm sorry. I did not understand the technology.

THE COURT: Neither did I. We'll receive 943A, and you can play it.

MR. MEARNS: And with the Court's permission, we'd like to play 943A.

THE COURT: Yes.

MR. MEARNS: May I retrieve it from the witness?

THE COURT: Yes.

(Exhibit 943A played.)

DIRECT EXAMINATION CONTINUED

BY MR. MEARNS:

Q. Miss Klaver, what time did the hearing commence that morning?

A. 9:00.

Q. And approximately what time about did the explosion occur?

A. 9:02.

Q. We heard somebody on the tape saying, "Let's get out of here."

A. That was me.

Q. In your own words, now, please tell us what happened after the explosion.

A. Well, it was that incredible, incredible roar that the tape recorder couldn't really catch. The walls -- it seemed like

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everything was shaking and falling down. There was rubble everywhere, things coming down out of the ceiling; and I thought the building was coming down on us. We just waited for everything to kind of calm down; and that's when I -- the audience people at the hearing were looking at me. And that's when I said, "Let's get out of here now," 'cause I really did -- I thought the building was falling in on us.

Q. What did you do next?

A. We got everyone out. We tried to go out the front door, the front hall; but the rubble from the building went up to the ceiling. And there was no way out back the front, the way they came in; so we climbed over the rubble that was at the back through the hall to get out of the back door.

Q. Who was the last one out of the hearing room that morning?

A. I was.

Q. When you exited the hearing room, describe -- describe what you saw when you got out of the hearing room.

A. Just that the whole building looked like it had been destroyed. Everything had fallen in everywhere in the building; and there was rubble everywhere, and we had to climb over a lot just to get out the back door.

Q. And when you exited the back door, where were you?

A. In the parking lot on the north side of the Water Board.

Q. What did you see when you got out the back door?

A. As soon as I turned and went out into the parking lot, I

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saw some few people with other people by them sitting on the curb with cuts, and they were bleeding. I saw incredible amount of smoke. Smell was terrible. Metal falling out of the air. Just -- it looked like a war zone. It was unbelievable.

Q. What I'd like to do now is show you what's been marked for identification as Government Exhibit 945.

A. Okay.

Q. You have the original there. Do you recognize that?

A. Yes, I do.

Q. What is it?

A. It's a photograph looking right after 9:02 that morning. It looks like right -- you're looking east down 5th Street. On the corner there is the Water Board, and then across the street is the Murrah Building on the right there.

Q. Is that a fair and accurate depiction of what you saw that morning?

A. Yes, sir, it is.

MR. MEARNS: Your Honor, we would offer Government Exhibit 945.

MR. TIGAR: No objection, your Honor.

THE COURT: 945 is received.

BY MR. MEARNS:

Q. Describe for us what you see in that picture.

A. Okay. That's the intersection of 5th and Harvey. What you see on the left there is what's left of the front entrance of

Cynthia Klaver - Direct

the Water Board. And the Murrah Building is on the right side of the picture in the haze.

Q. That's just to the right and above where that small group of people is standing?

A. That's the Murrah Building, yeah; and you're looking east down 5th Street.

Q. What I'd like you to do now is look at Government Exhibit 946 for identification. And do you recognize what's depicted in that picture?

A. That's 946?

Q. Yes, ma'am.

A. Yes, I do. That's also looking at the intersection of 5th and Harvey. And it shows -- actually, that's the post office there on the left side. That's the Water Board's right behind there; and the Murrah Building is in the smoke in the middle of the picture, and that's me in the bottom walking with my hand over my eyes.

Q. This is a fair and accurate depiction of what you saw that morning?

A. Yes, sir, it is.

MR. MEARNS: Your Honor, we would offer Government

Exhibit 946.

MR. TIGAR: No objection.

THE COURT: 946 received, may be published.

BY MR. MEARNS:

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Q. You were describing, Miss Klaver, before the jury had an opportunity to see it --

A. Oh. Was I describing too early?

THE COURT: No, you did it right. We have to have it identified before it's published.

BY MR. MEARNS:

Q. Could you describe then, and use the pen and point out what you're speaking -- what you're describing.

A. All right. This building right here is the post office. The Water Board's just a little bit behind there across the street. Harvey runs in between the Water Board and the post office.

This building where the smoke is -- this is the Murrah

Building here. And this is right when I walk out of 5th and Harvey -- that's me right there. And that's 5th Street where all the twisted metal . . .

Q. Okay. What I'd like you to do now is turn to Government Exhibit 944, and just briefly describe what that is. Identify what that is.

A. It's a photograph taken in the same sort of location, a little bit more to the -- to the south there. It's also a picture of the intersection of 5th and Harvey. It shows me walking down 5th Street.

MR. MEARNS: We'd offer 944, your Honor.

MR. TIGAR: No objection.

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THE COURT: Received, may be published.

BY MR. MEARNS:

Q. Describe for us again using the electronic pen there what we see in that picture.

A. This is 5th Street right here. The Water Board is right here. That's where I came out of. I was walking down the street trying to find our secretary. And this is the Murrah Building right here, this big building where all the smoke is.

Q. And what is that on the ground that we see in the foreground?

A. This right here?

Q. Right.

A. There's a lot of twisted metal, just was falling out of the sky and just laying all over the street, glass everywhere. I don't know specifically. There were some car parts here and there scattered on the street as well, and in fact I remember there was an axle right out there.

Q. Now, if you would -- if you would turn to Government Exhibit 1003 and just briefly identify what that is

EXHIBIT 1003, and just briefly identify what that is.

A. Okay. This is a picture of looking east down 5th Street. It also shows a little bit of the Water Board on the left side and mainly shows what the Murrah Building looked like after 9:02 that morning.

MR. MEARNS: Your Honor, we would offer 1003.

MR. TIGAR: No objection, your Honor.

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THE COURT: Received. 1003.

BY MR. MEARNS:

Q. Miss Klaver, now, if you would identify for the jury what's depicted in the photograph.

A. Here's the Water Board right here at 5th and -- 5th and Harvey. Here the street, and this is the Murrah Building and what it looked like, what was left of it, after the bomb went off that morning.

Q. You indicated that when you left the Water Resources building that morning, you were in the intersection or the vicinity of the intersection of 5th and Harvey?

A. Right. That's where I came out.

Q. Did you speak with any fellow employees at that time?

A. I did. I ran into my immediate boss, the general counsel of the Water Board, Dean Couch; and he's the one that told me that Kim -- Kim, our secretary, was missing.

MR. TIGAR: Objection, hearsay, your Honor.

THE COURT: Sustained.

BY MR. MEARNS:

Q. Did you speak to your boss, Mr. Couch, that morning?

A. Yes, I did.

Q. How long did you speak with him that morning?

A. Just a matter of a few seconds.

Q. What did you do after speaking with Mr. Couch?

A. I went off looking for our secretary, any other Water Board

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employees.

Q. What happened next?

A. I ran into Mike Mathis, who works at the Water Board; and he had a deep cut on his head, on his forehead, and was bleeding badly, but he was insisting on driving himself to his doctor. But I was -- I knew that driving with a gash like that on your head was not a good idea, so I offered -- I wasn't hurt, so I offered to drive him to his doctor; and we got in his pickup, and I drove him to south Oklahoma City.

Q. And how far of a drive was that?

A. It was probably a 20-minute -- 15, 20-minute drive.

Q. What did you do after that?

A. Called my sister to come get me from the hospital -- the doctor's office.

Q. And did she come pick you up?

A. Yes, she did.

Q. What did you do that afternoon, the afternoon of April 19?

A. Well, besides kind of staying glued to the television, watching the news, trying to figure out why or what and watching that, we -- people at the Water Board were calling each other, trying to find out who was all right and who had been seen and who was missing.

Q. Did all of your fellow employees from the Water Resources Board survive the explosion?

A. No, they did not.

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Q. Who did not survive?

A. Trudy Rigney and Bob Chipman were both killed that morning.

Q. Were they both at work that morning, April 19?

A. Yes, they were.

Q. What I'd like you to do now is to turn to Government Exhibit 941.

A. All right.

Q. Do you recognize that?

A. Uh-huh. That's a picture of the -- where I worked, the Water Board, at 5th and Harvey before April 19.

MR. MEARNS: Your Honor, we would offer Government

Exhibit 941.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, 941.

BY MR. MEARNS:

Q. Describe what that is.

A. Right here -- this is -- this is a picture of the Oklahoma Water Resources Board. And this is 5th Street right here, going east. The Murrah Building is over here on your right. You can't see it. And this is Harvey, which goes to the north.

Q. And that's a photograph of the Water Resources Board building prior to the explosion?

A. Right.

MR. MEARNS: Your Honor, at this time we would also like the witness to look at Government Exhibit 947.

Cynthia Klaver - Direct

BY MR. MEARNS:

Q. Do you recognize that photograph?

A. Yes, I do.

Q. What is that?

A. It's a photograph of what this blocked area where the Water Board, the Athenian Building, and the Murrah Building looked like after 9:02, an aerial view.

MR. MEARNS: Your Honor, we would offer Government Exhibit 947.

MR. TIGAR: No objection.

THE COURT: 947 received. May be published.

BY MR. MEARNS:

Q. Would you identify for us what you see from that photograph, Miss Klaver?

A. Yes. Here's the Murrah Building, of course; this is the Water Resources Board building where I was; this is the Athenian Building that had a restaurant where people were hurt, killed; and this is the parking lot where there were a lot of cars on fire, burning, and this is 5th Street.

Q. And the line that you just drew is the direction the traffic would flow on the --

A. Right, it's a one-way street with traffic going -- four-lane street with traffic going to the east.

Q. After April 19, 1995, did you ever go back into the Water Resources building?

Cynthia Klaver - Direct

A. I did. As a matter of fact, I had to go in pretty quickly afterwards to oversee a cleanup, to try to find any files, documents, books, things that we could that were still salvageable.

Q. What happened that day?

A. We didn't find very much. The building was basically destroyed on the inside. There wasn't much left to recover. It had all been gotten wet and blown apart, so there wasn't much to recover, but a little bit.

Q. A few moments ago you introduced Exhibit 942, the cassette tape. How was that recovered?

A. Basically the Friday after the bombing, which was on a Wednesday, some of us got together over at the Oklahoma capitol, state capitol, to see how we were going to try and pick up business again, get us back together, kind of get our footing, where we were even going to go to work. And they were going over who was in what hospital and how everybody was; and they were going to send a couple of people in to get purses of -- some personal items and recover purses and things.

MR. TIGAR: Your Honor, I object to the narrative and the hearsay.

THE COURT: Yes, yes. Answer the question, please. How did you recover the tape recording?

THE WITNESS: So I mentioned that I had been holding that hearing, and so the director of the Water Board and the

Cynthia Klaver - Direct

police or the firemen went down that morning, that next day, and got it out of the boardroom.

BY MR. MEARNES:

Q. Did you personally recover or somebody in your presence recover a clock from the building?

A. Yes.

Q. Tell us about that.

A. There's a clock outside the office of general counsel where I worked, and it had fallen off the wall and stopped at 9:02.

Q. Did the Water Resources Board ever resume operations in that building downtown?

A. No. No, we did not. It's now torn down.

Q. Where did you resume operations after April 1995?

Q. where did you resume operations after April 197

A. We moved into temporary quarters that were available from a state insurance building on 19th and Walnut, and we were housed there temporarily with our boxes of what was left.

Q. How long were you in those temporary quarters?

A. We were in there probably about seven months before we moved to a permanent spot, where we are now.

Q. How long was it before the Water Resources Board resumed normal operations?

A. Well, we tried to get started pretty quick, but until our permanent spot now, I guess it was probably about seven or eight months before we really got kind of back on track.

MR. MEARNS: No further questions, your Honor.

Cynthia Klaver - Cross

THE COURT: Mr. Tigar.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Hello again.

A. Hello.

Q. I want to put up on the -- turned it on -- there it is.

This is what's been received in evidence as 949A.

And

I want to point out the Water Resources Board is right here where I'm pointing; is that correct?

A. That's correct.

Q. And that parking lot that you all went into when you went out the building is this little brown space behind; is that right?

A. That's exactly right.

Q. And North Harvey Avenue, is that one way north?

A. Yes, it is.

Q. And Hudson is one way south?

A. Right.

Q. And the -- next to the Water Resources Board, I can't read the name of that building. It's called the Athenium?

A. The Athenian.

Q. The Athenian, thank you.

A. Yeah, they had a restaurant in there.

Q. What is that?

A. Well, they were restoring it. They were really doing a

Cynthia Klaver - Cross

nice job. It was an old building that they were remaking like an old one again, and it had a really good restaurant that was in kind of the bottom, basement area. And they were going to, I guess, lease out some of the office spaces above.

Q. Okay. And this area here that says "parking lot" is just that; is that right?

A. Right. Cars.

Q. And the area that I'm describing here between the Journal Record Building and the parking lot, is that an alleyway?

A. Yes. I -- ves, it is.

--- ---, - ---, -- ---
Q. And cars can go in there and delivery trucks and so on?

A. Right.

Q. Okay. Now, I want to put on what's been received as Government's Exhibit 944.

A. All right.

Q. And that's you; is that right?

A. That's right.

Q. Okay. Now, where are we here and where are we facing in terms of the map that we just saw?

A. In terms of the map, I guess you might say where that intersection is, that is 5th and Harvey. So if I -- I'll use my pen. If you're going this way, this is the way the traffic would flow going east.

Q. Right. And we can see a one-way street sign on there, can't we?

Cynthia Klaver - Cross

A. Right, that's Harvey.

Q. Okay.

A. And so I was walking down the sidewalk on 5th Street, only I was headed west.

Q. You're headed west away from the Murrah Building?

A. Right. And crossing the street there.

Q. Okay.

A. Uh-huh.

Q. So you would be headed towards Hudson?

A. Right.

Q. Okay. Now, there's a green patch here. Is that lawn?

A. Uh-huh, in front of the post office.

Q. Okay. And that's the post office lawn?

A. Right.

Q. Okay. Now I'd like to place before you, if I may, 947, which has been received in evidence. And just so we can orient ourselves, this here that I'm pointing to at the top, where it looks like a piece of the roof is blown away, that's the Journal Record Building?

A. Correct.

Q. And we can see the parking lot that you all exited into because it's got two red cars in it; is that right?

A. That's right.

Q. And this area here that's all charred, where I'm moving my pen, that's the big parking lot; is that right?

Cynthia Klaver - Cross

A. That's right. It was on -- a lot of cars on fire there.

Q. And can you tell me by looking at the fire trucks that have arrived here about how long after 9:02 this picture was taken?

A. Well, I probably can't be absolutely sure about that. The fire trucks came within, I don't know, 5 or 10 minutes after the bombing happened. So I'd say that's probably 30, 30 minutes or so after.

Q. Okay.

A. Maybe longer. That's not smoking so much, so maybe a little longer.

Q. I understand. Well, when you went out of the building, you were -- you were not injured; correct?

A. Correct.

Q. Okay. So that -- and you could be aware of and you could see everything that was going on around you; right?

A. Yes, I could.

Q. Okay. And there was a lot of smoke, I understand; right?

A. Right.

Q. Okay. But as you look towards this parking lot here, did there appear to be a lot of cars on fire in there?

A. Actually, I mainly saw black smoke. It was hard to see much through it. But, yeah, you could tell there was cars on fire, but it was mainly black smoke.

Q. Okay. So -- so -- so whatever it was that was burning was making a lot of black smoke; is that right?

Cynthia Klaver - Cross

A. Yeah, uh-huh.

Q. And the fire trucks, could you see the fire trucks there? Did they arrive?

A. To tell you -- I don't remember them, no. I don't remember seeing them there.

Q. About how long did you spend in the downtown area, then, before you took your injured colleague off to the hospital?

A. I was probably there 45 minutes.

Q. And after you left -- I can pull this off now. After you left, how long was it until you returned to that area of the Water Resources building and the Murrah Building?

A. Probably four or five days. Four days.

Q. Four days. It was over the weekend sometime?

A. Right. We came back Monday or Tuesday to --

Q. Now, when you were walking on the street there, could you see that the fire department had hooked their hoses up to hydrants?

A. No.

Q. Couldn't see that, all right.

When you got back there a number of days later, you said that the Water Resources Board was all wet; is that right?

A. Yes, it had rained in on everything, uh-huh.

Q. Ah. Okay. Now, let me try to -- can we try to figure out when that was. It wasn't raining on Wednesday, the 19th, was it?

Cynthia Klaver - Cross

A. No.

Q. Okay. When did it rain that you remember?

A. Thursday or Friday. It seemed like pretty quick after the 19th that it started raining hard.

Q. And was that a normal, gentle rain from heaven, or was that

a sort of Oklahoma City April-type rain?

A. It was a good April -- good April rain.

Q. So it -- it -- it was coming down in buckets; is that right?

A. Seemed like it to me, yeah.

Q. All right. Did -- would the wetness that you saw or the moisture in the Water Resources building -- was that also due to firefighters being in there or --

A. Yes.

Q. It was. So that from your own experience, you could tell that the firefighters had been there and had used hoses and so on?

A. Well, I knew they'd been there; but I think most of the water was from the rain.

Q. From the fact that the roof had been damaged?

A. Right.

Q. Did you get a chance to look at that big parking lot? Not the little one with the two red cars.

A. Later, I did, uh-huh.

Q. That was on the weekend?

Cynthia Klaver - Cross

A. It was actually the following week, the beginning of the following week, that we went in the building.

Q. Okay. By the time you saw it, then, the following week -- let me put 947 back up -- can you tell me what changes had been made -- that is, had somebody moved all these cars or what, if you remember? I understand it's a long time ago. How had it changed?

A. I guess it seemed like there were less people.

Q. Right.

A. I don't know that it had changed a whole lot. I think some of the cars had been cleared out, yes.

Q. But nothing major comes to mind?

A. No.

Q. As you were walking out there, in the pictures that we saw, did you -- did you look back towards the Murrah Building and see a bomb crater? Did you see a crater?

A. Yes.

Q. Okay. Now, was the crater there when you came back that following weekend or the next time that you looked there?

A. Yes.

Q. Okay. And by the crater, I mean a great big hole in the ground.

A. Right. There was equipment around there, but -- yeah, I think it was there, uh-huh.

MR. TIGAR: Thank you very much.

THE COURT: Do you have any follow-up questions?

MR. MEARNS: I don't, your Honor.

THE COURT: The witness excused?

MR. MEARNS: Yes, your Honor.

THE COURT: Do you agree to excuse the witness --

MR. TIGAR: Excuse me, your Honor. Yes, your Honor, of course.

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

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

Next witness.

MR. MACKEY: The United States will call Mr. Richard Williams. Mr. Aitan Goelman will present him.

THE COURT: All right.

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

(Richard Williams 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: Richard E. Williams, W-I-L-L-I-A-M-S.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Where do you work, Mr. Williams?

A. I work for the General Services Administration.

Richard Williams - Direct

Q. What is the General Services Administration?

A. General Services Administration maintains and operates federal buildings. The branch that I work for is the public building service throughout the United States.

Q. Is it a federal agency?

A. Yes, sir, it is.

Q. How old are you?

A. I'm 51.

Q. Are you married, sir?

A. Yes, I am. I'm married, been married for 23 years.

Q. Do you have any children?

A. I have two sons: Justin, who is 22, and Aaron, who is 16.

Q. Where were you born and raised?

A. I was born in Chickasha, Oklahoma, and raised in Seminole, Oklahoma.

Q. And did you go to high school in Seminole, Oklahoma?

A. Yes, I did.

Q. When did you graduate?

A. 1964.

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

A. I attended one year of junior college on a football scholarship, and I attended East Central College in Ada, before joining the service in 1966.

Q. Which branch of the service did you join?

A. I was in the Air Force.

Richard Williams - Direct

Q. Can you tell us a little bit about your service in the Air Force?

A. I spent about a year and a half in Miami, Florida, in a construction group called civil engineers and a year in Vietnam, and then a year in northern Montana on a radar site and got out of service in 1970, in April of 1970.

Q. What did you do after you got out of the service?
A. I went back to Seminole, worked in the oil field for about a year, and decided to go out to California and work for a while and stayed out there a year and then came back to Oklahoma City, went to work for a hospital, Bone and Joint Hospital, as a refrigeration and air conditioning mechanic.
Q. And did you eventually start working for the GSA?
A. Yes, I did.
Q. When was that?
A. I started in August of 1976.
Q. Have you worked for the GSA constantly since then?
A. Yes, I have.
Q. And have all of those years of service been in Oklahoma City?
A. Yes, they have.
Q. When you started working for the GSA 21 years ago, was the Murrah Federal Building built?
A. The building was under construction when I started in August of '76; and when the building opened, we moved our first

Richard Williams - Direct
tenants in in April of 1977.
Q. Where were the agencies that later moved into the Murrah Building before 1977?
A. They were in various leases, leased facilities throughout Oklahoma City.
Q. Do you know why it was decided to build the Murrah Building?
A. The building was built to consolidate for the federal agencies, to bring them back together in one common location for service to the public.
Q. What was your position at the time that the Murrah Building was built?
A. I was a maintenance mechanic, a Wage Grade 9 maintenance mechanic, responsible for air conditioning and refrigeration in the complex.
Q. How long were you a maintenance mechanic?
A. For eight years. I operated and maintained the Murrah Building by itself. And then in 1984, I became the maintenance supervisor foreman for the entire complex, for the Oklahoma City complex.
Q. Okay. During those first eight years, did you physically and personally take care of the machinery and heating and cooling systems in the Murrah Building?
A. Yes, I did.
Q. And in 1984, you were promoted to what?

Richard Williams - Direct
A. To maintenance supervisor.
Q. What were your responsibilities as maintenance supervisor?
A. I was responsible for the entire downtown complex, the three-building complex, which included the Murrah Building, the

federal building courthouse, and the old post office building courthouse.

Q. What is your position today?

A. Today, I am the manager for the federal buildings throughout the state of Oklahoma. We're called the customer service center or field office, and my responsibility includes the entire state.

Q. How many employees do you supervise in the GSA?

A. We have 33 employees throughout the state of Oklahoma.

Q. You mentioned that in 1984, you became responsible for the entire downtown complex.

A. That's correct.

Q. And explain again what the downtown complex consisted of.

A. That consisted of the Murrah Building, the adjacent parking facility with the plaza, the federal building courthouse, and the old post office building courthouse.

Q. Where were your offices during this period of time?

A. At that time, we were officed in the federal building courthouse in the basement.

Q. How long were you there?

A. Until 1989, and we moved our offices over to the first

Richard Williams - Direct

floor of the Murrah Building.

Q. And until its destruction on April 19, 1995, did you continue to have your offices in the Murrah Building?

A. Yes, we did.

Q. In the 18 years that you cared for the Murrah Building, sir, did you become familiar with that building?

A. I became very familiar with it as a mechanic and also due to the construction and alteration projects that were done through our office.

Q. And in the two decades that you worked in the downtown area, did you become familiar with the neighborhood that the Murrah Building was part of?

A. Yes, I did.

Q. Mr. Williams, before coming to court today, did you review Government Exhibit 949, the video orientation to the Murrah Building and its neighborhood?

A. Yes, I did.

Q. And do all the contents on Government Exhibit 949 fairly and accurately depict the surroundings of the Murrah Building?

A. Yes, they do.

MR. GOELMAN: Your Honor, I move to admit Government Exhibit 949.

MR. TIGAR: No objection, your Honor.

THE COURT: 949 is received.

BY MR. GOELMAN:

Richard Williams - Direct

Q. Mr. Williams, let's first orient ourselves to the geography of the country and the state.

A. This is obviously a map of the United States with the

A. This is obviously a map of the United States, with the state of Oklahoma located in the central part of the United States.

Q. What are we looking at here?

A. This would be an interstate grid of Interstate I-35 -- Interstate 35 and Interstate 40. I-35 runs north to south through the entire state, and Interstate 40 runs from east to west through the entire state.

Q. And is I-35 the main highway that goes north to the Kansas border?

A. Yes, sir, it is.

Q. And what are we looking at here, sir?

A. This would be a highway grid of the area, the streets or the interstates and loops around downtown Oklahoma City.

Q. About how far was the Murrah Building from the two interstates that you mentioned?

A. It was about six blocks to the east -- was I-235. Interstate 35 was probably a mile. Interstate 40 was directly to the south, about eight blocks.

Q. Okay. That's going a little closer. What's the jury seeing here, sir?

A. This is a street grid of the area adjacent to the Murrah site, the street grid showing the streets running north and

Richard Williams - Direct

south, east and west.

Q. Are all the streets that surrounded the Murrah Building two-way streets?

A. No, sir, they are not. 4th Street is a two-way street. 5th Street was a one-way street east, and 6th Street was a one-way street west. And Broadway was two-way, Robinson was one-way south, and Harvey was one-way north.

Q. And would you describe the physical geography of the Murrah Building itself?

A. The Murrah Building was located between North Robinson and North Harvey, between N.W. 4th and N.W. 5th Street. That included the plaza and parking garage.

Q. What was the plaza that you mentioned?

A. The plaza was the area above the parking facility. This was a green area, a landscaped area, with trees and a park-like atmosphere.

Q. And did that extend all the way down to 4th Street?

A. Yes, it did.

Q. Mr. Williams, I'd like to go around the neighborhood of the Murrah Building and highlight different buildings and ask you to speak briefly about them.

A. Okay.

Q. What's that building that's highlighted right now?

A. This is the Journal Record Building that was directly north of the Murrah Building. It extended the full block between the

Richard Williams - Direct

Robinson and Harvey Streets. It housed a newspaper, some law

offices; and I think there was a board of regents housed in that building, also.

Q. Okay. What about this building just across 5th Street from the Murrah Building?

A. This is an old apartment building, former apartment building that we called the Athenian Building, because the Athenian restaurant that moved in -- it moved in several years back, and that was the name over the entrance to the building.

Q. Moving a little bit to the west, what's that building highlighted now?

A. This is the Water Resources building that housed the Water Resources Board.

Q. Mr. Williams, do you know who Lou Klaver is?

A. Yes, I do.

Q. Do you know where she worked?

A. She worked in the Water Resources building.

Q. Okay. Going across Harvey Avenue, what's this building right there?

A. This was what we called the Center City Post Office. This was a branch post office for down -- this area of downtown Oklahoma City. They used to be housed in the old post office building, and they built this facility as the main area for the public to come and get their mail and distribute mail throughout downtown Oklahoma City. It was a small branch

Richard Williams - Direct

office.

Q. Mr. Williams, we don't have it highlighted, but do you recognize the large block building right next to the post office, right to the left of the post office?

A. Yes, sir. That's the Regency Tower Apartments.

Q. What about directly across from the Murrah Building, west from the Murrah Building on Harvey?

A. This was a small building directly behind the St. Joseph's Cathedral, which was the rectory. My understanding was that the priest and -- possibly they officed in this building.

Q. In addition to housing the priests, did the rectory serve any other -- provide any other service to the neighborhood?

A. From time to time at lunch, you could see transients come up to the door of the building and knock on the door; and they would be brought sandwiches. That was almost a daily occurrence.

Q. And that building?

A. That's the St. Joseph's Cathedral, which was directly to the south of the rectory. A beautiful old building.

Q. What's that building?

A. This is the federal building courthouse, which housed the Western District of Oklahoma courts. It is directly south of the Murrah Building.

Q. Was that the building where your offices were until you moved to the Murrah Building --

Richard Williams - Direct

A. That's correct.

Q. -- in 1989?

A. That's correct.

Q. And was that the building that you cared for as part of the overall federal complex in downtown Oklahoma City?

A. Yes, sir, that was the federal complex.

Q. Do you know if there were any underground tunnels connecting the federal building to any other buildings?

A. You could access the downtown concourse from this building from the basement parking garage, and you could go under 4th Street. There was a tunnel that led into the Murrah garage, which would access the Murrah Building.

Q. What's the building to the east of the Murrah Building?

A. This is the First United Methodist Church. My understanding is this building was built in about 1904. It's a very historical building and was heavily used by not only the church family, but also the people in the federal family would go over from time to time and have worship service in that building on Wednesday, I believe.

Q. Can you identify the building just to the northeast of the Murrah Building?

A. Yes, sir. This is the YMCA building. This facility housed a restaurant, a workout facility, I believe some apartments, and also a child-care facility.

Q. And was that child-care facility affiliated with America's

Richard Williams - Direct

Kids, the day-care facilities in the Murrah Building?

A. No, sir, it was not.

Q. Can you describe the location of the Murrah Building itself, please.

A. This is the -- what we call the footprint of the Murrah Building itself, which is located just adjacent to 5th Street adjacent to Harvey and Robinson. It actually extended the full block, but this would have been the outline of the tower portion of the footprint of the building.

Q. Okay. Look at another view of the Murrah Building. Tell us what we're looking at here.

A. This is a view of the Murrah Building looking from the northeast to the southwest. Looking at the north face of the building which was the front, the main entrance, the east wall, and then you see the plaza area directly behind that which covered the entire block, half block; and the lower roof area to the lower left was the extended area of the first floor of Social Security.

Q. Mr. Williams, do you have a light pen up there?

A. Yes, I do.

Q. Can you show us what you mean when you say the lower roof area was the Social Security portion of the building?

A. This area right here was a roofed area over the first floor.

Q. So that extension was only a one-floor extension?

Richard Williams - Direct

A. That's correct.

Q. And the rest of the building had how many floors?

A. Nine floors.

Q. That right side that's facing us now: What was that made of?

A. This area, the north face of the building, was entirely made of glass. Called a curtain wall. And the third through the ninth floors extended out to the edge of the sidewalk and the first two floors were -- the first floor -- excuse me -- was recessed back into the front of the building.

Q. And is that curtain wall where all the glass is -- is that the front or the back of the Murrah Building?

A. That's considered the front of the building, the north entrance.

Q. Was there an area in front of this building where delivery vehicles or people dropping off or picking up a friend or a child could stop for a short period of time?

A. Yes, you could. There was an area between the parking meters that extended almost the full lengths of the tower portion of the building, where you could drop off and park and make small deliveries in that area.

Q. Can you circle that particular driveway with your light pen, please.

A. Extended from about this area down to about this column right there.

Richard Williams - Direct

Q. So you could actually drive a vehicle to where it's underneath seven floors of the building?

A. It would be adjacent to, yes.

Q. Would anything be overhead the vehicle -- would anything be over the vehicle that you drive into the driveway?

A. It would not be extended over. It's not an overhang like a drive-through; but it would be directly adjacent to, within a few feet.

Q. And how long were vehicles allowed to stay in that little indentation?

A. I believe it was a 10- or 15-minute parking zone, which was established by the city.

MR. GOELMAN: Thank you, Mr. Williams.

Can we turn to the computer, please.

BY MR. GOELMAN:

Q. Mr. Williams, I'd like you to take a look at another view of Oklahoma City. Can you find Government Exhibit 1954, please. It should be in your folder there.

A. Yes, sir, I have that.

Q. Do you recognize that?

A. Yes, I do.

Q. What's that?

A. That's an overhead view of the central downtown area.

Q. Is that a fair and accurate depiction of the way central downtown Oklahoma City looked after the bombing on April 19.

Richard Williams - Direct

1995?

A. Yes, sir, I believe that's correct.

MR. GOELMAN: Move to admit, your Honor.

MR. TIGAR: No objection.

THE COURT: 1954 received; may be published.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Can you find the Murrah Building on that exhibit, Mr. Williams?

A. Yes, sir. This is the Murrah Building. Right here.

Q. Thank you. Mr. Williams, who owned the Murrah Building?

A. The Murrah Building was owned by the federal government, by and through the General Services Administration.

Q. Can you please turn to Government Exhibit 950 and tell me if you recognize it.

A. Yes, sir, I do.

Q. What is that?

A. That is a quit claim deed which deeded the property back to the federal government.

Q. Is that a certified copy of the quit claim deed?

A. Yes, sir, it is.

MR. GOELMAN: Move to admit, your Honor.

MR. TIGAR: No objection.

THE COURT: All right. 950 is received.

MR. GOELMAN: May I publish, your Honor?

Richard Williams - Direct

THE COURT: Yes.

BY MR. GOELMAN:

Q. Would you describe generally what this document is.

A. The General Services Administration, through their public building projects, would finance a property for new federal buildings through a financing corporation; and once that financing was complete, then property would be deeded back to the government.

Q. I want to zoom in on a particular section of first page and ask that you read this into the record.

A. "In consideration of \$10 and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, does hereby quit claim, grant, bargain, sell and convey without representation, warranty or recourse whatsoever unto the United States of America, acting by and through the administrator of the General Services having address in care of the Chief Financial Officer of the United States General Services Administration, 18th and S Streets, N.W., Washington, D.C."

Q. So this is essentially the United States of America's receipt for the Murrah Building?

A. Yes, sir; that's correct.

Q. Mr. Williams, I'd like to talk a little bit about the

interior of the Murrah Building. In addition to being familiar with the neighborhood through your years of service in the

Richard Williams - Direct

downtown area, were you also familiar with the nine floors of the Murrah Building from the 18 years that you spent caring for the building itself?

A. Yes, sir, I am.

Q. And could you take a look at Government Exhibit 952. There should be nine pages of it up there.

A. Yes, sir, I do.

Q. Can you identify for us what those nine pages consist of?

A. This would be the floor-by-floor breakdown of the Murrah Building and the agency locations identified by color.

Q. And do those nine pages fairly and accurately depict the different agencies and the floor plans of all nine floors in the Murrah Building?

A. Yes, sir, they do.

MR. GOELMAN: Move to admit, your Honor.

MR. TIGAR: No objection.

THE COURT: All right. Received.

BY MR. GOELMAN:

Q. Mr. Williams, have you also looked at the video that is Government Exhibit 953?

A. Yes, sir, I have.

Q. And is that nothing more than a video presentation of the nine floor plans depicted in Government Exhibit 952?

A. That's correct.

MR. GOELMAN: Move to admit, your Honor.

Richard Williams - Direct

THE COURT: Agreed?

MR. TIGAR: Yes, your Honor, on the assumption that it's the same thing and it's just the technology that need to make it --

THE COURT: That's my understanding of the answer.

That's right, isn't it?

THE WITNESS: Yes, sir, it is.

MR. TIGAR: All right.

BY MR. GOELMAN:

Q. Okay. Starting, Mr. Williams, with the first floor. Is that on video? Tell us what we're looking at here.

A. This is a floor plate or the footprint of the first floor of the Murrah Building identifying the agencies by color, and the whited areas are lobbies and adjacent areas.

Q. Where is the front of the building on that footprint?

A. This is the front of the building, to the north.

Q. And that's where the curtain wall of glass was located?

A. Yes, sir.

Q. How many agencies shared the first floor of the Murrah Building on April 19, 1995?

A. There were three agencies on the first floor. There was a

small branch of the United States Postal Service located in this area that was a distribution point. There was the General Services Administration's office and the Social Security Administration.

Richard Williams - Direct

Q. Did the Social Security Administration on the first floor of the Murrah Building have a waiting room, to your knowledge?

A. Yes, sir, they did.

Q. Mr. Williams, what time did you usually get to work in April of 1995?

A. Normally I got to work around 6:30 a.m. every morning.

Q. And were you familiar with the routine that went on on the other side of the first floor where the Social Security Administration was housed?

A. Yes, sir, I am.

Q. Do you know what would be going on in the waiting room of the Social Security Administration between 8 and 9 in the morning?

A. At 8:00 they opened the outer doors in the waiting room area to allow the visitors, those who had business with the agency, to take a number or wait in the waiting room to be -- till 9:00, until someone from the Social Security Administration would come and receive them.

Q. Mr. Williams, could you look again in your folder and see if you can find Government Exhibit 901.

A. Yes, sir, I have it.

Q. What is that exhibit?

A. That's a picture of the north entrance to the Murrah Building lobby.

Q. Is that a fair and accurate depiction of what you would see

Richard Williams - Direct

if you were looking outside the front lobby of the first floor of the Murrah Building?

A. Yes, sir, it is.

MR. GOELMAN: Move to admit 901, your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: 901 is received.

MR. GOELMAN: May I publish?

THE COURT: Yes.

MR. GOELMAN: Is the computer, not video, Kathi?

BY MR. GOELMAN:

Q. Tell us what we're looking at there.

A. The north entrance to the first floor lobby was a glassed-in area with a foyer, and you entered to the west through a double set of glass doors and you exited to the east. This would be showing the exited area. The wall to -- just to the side of where you see the doors and the people would be the west wall of the lobby or the waiting room area for Social Security.

Q. And when you're looking through the end of that picture, what are you seeing?

what are you seeing:

A. You're seeing 5th Street, the sidewalk, the steps that led up to the sidewalk, and the parking lot across the street with vehicles in it.

Q. Can you circle those steps that you see, please?

A. Yes, sir.

Richard Williams - Direct

These were the one set of steps as you came down the slope.

Q. Why was there a set of steps there in front of the Murrah Building?

A. The property sloped from east to west, from Robinson down almost to the center of the Murrah Building. So it was necessary to have three to five steps in that area and to the east of that to walk down. Plus there was a handicapped ramp.

Q. Can you please circle now what looks like a big, black sign on the right side of that picture.

A. Yes, sir.

Q. What is that?

A. This is the directory for the Murrah Building itself, which was located just inside the entrance which identified the agencies and their floor numbers and locations within the building.

Q. Thank you, Mr. Williams.

Let's move to the second floor now. We need to go back to the video.

Tell us what was located on the second floor of the Murrah Building.

A. The second floor had recently been remodeled to encompass the entire occupiable area for the child-care center. The others to the east and west shown in white were mechanical rooms, so it would not match with the other floors. But the

Richard Williams - Direct

area in green was the day-care center.

Q. Do you know what the hours of the day-care center on the second floor were in 1995?

A. Yes, sir, they opened at 6:30 a.m. and closed at 6:00 p.m.

Q. Going to the third floor now.

A. Okay. This is the same footprint of the third floor, indicating the General -- GAO office to the west, United States Army had a small branch office down on the third floor, and there were two groups of Health and Human Services. One was to the east -- or the west of the credit union in the small area to the north side, but they were a branch of Health and Human Services. The area in light tan was Defense Investigative Services in the northeast corner, and the rest of the area was occupied by Federal Employees Credit Union.

Q. Mr. Williams, it says Federal Employees Credit Union. Is that a federal agency?

A. No, sir, it's not.

Q. And were the people that worked there federal employees?

A. No, they were not.

Q. Going up to the fourth floor now. Can you describe what was located on the fourth floor of the Murrah Building?

A. The fourth floor was split in half. The east half was occupied by the Federal Highway Administration, which included a branch of the motor carriers group. The Army Recruiting office occupied the west end, and the area in white just to the

Richard Williams - Direct

upper center portion was the snack bar for the building, for the complex.

Q. Do you know what the hours of the snack bar were?

A. They were open from 7 to 4, I believe.

Q. Did they serve breakfast, to your knowledge?

A. Some small breakfast. They cooked a little bit of -- maybe biscuits and gravy, that kind of thing.

Q. Okay. Going to the fifth floor now.

A. This is the same footprint of the fifth floor. The agencies located on that floor, the east end was the Department of Agriculture. We called them -- APIS was the acronym. The area to the right of that was their storage room. The area in yellow, part of that was the storage area and part of that was a HUD OIG office. And U.S. Customs was the area in blue. And the area in green was a Department of Labor Wage and Hour office.

Q. Now to the sixth floor.

A. This was the sixth-floor footprint, was only occupied on the west end by the Marine recruiting office. We had recently moved the Small Business Administration out of this space in anticipation of expansion space for HUD.

Q. Speaking of HUD, let's move on to the seventh floor.

A. This was the seventh floor with Housing and Urban Development occupying the majority of the space. There was a small branch in the southwest corner of Drug Enforcement Agency

Richard Williams - Direct

in green.

Q. Mr. Williams, was the eighth floor occupied entirely by one single government agency?

A. Yes, it was.

Q. What agency is that?

A. Housing and Urban Development.

Q. What was the largest agency in the Murrah Building?

A. It was HUD.

Q. And how many people employed by HUD worked in the Murrah Building in April?

A. They had approximately 124 people.

Q. Do you know what HUD stands for?

A. Housing and Urban Development.

Q. And do you know what the HUD office in the Murrah Building in particular did?

A. They were pretty much a service agency. They dealt with

urban housing. I understand that they processed FHA loans for the public, so they were a public agency.

Q. And would they, along with the Social Security Administration, have been one of those service agencies that dealt directly with the public?

A. Yes, sir, they were.

Q. Can you tell us which agencies were housed on the ninth floor of Murrah Building?

A. Yes. The ninth floor was occupied pretty much by law

Richard Williams - Direct

enforcement agencies. The area to -- down in the corner in green was the Drug Enforcement Agency. They also occupied a small portion to the extreme west. The ATF occupied -- Alcohol, Tobacco, and Firearms occupied the southeast corner of that building. The Secret Service occupied the entire middle portion, and the ATF group also had a small group -- I believe it was Compliance -- in the area just to the west of Secret Service. The white area in the middle, just to the upper portion of Secret Service, was the joint-use conference room for the building.

Q. Mr. Williams, let's go all the way back down to the first floor and focus on the office space occupied by your agency, the GSA. And tell us how your office was organized geographically in April 1995.

A. This was our GSA office. We were located to the extreme west end of the first floor. We expanded, a small break room across the hall, around the corner, for our employees. The area to the upper left was our joint-use conference room. It was primarily ours, but we also let the tenants in the building use it from time to time.

Q. Did a part of the GSA office space abut the curtain wall, the glass front of the Murrah Building?

A. The first-floor curtain wall, yes, not the upper portions.

Q. Which part of the GSA office? Could you please use your light pen and point that out for the jury.

Richard Williams - Direct

A. Our entire office space extended the full length, down to the -- what would have been the north entrance. So the first-floor glass also encompassed that entire area.

Q. In April 1995, how many employees did GSA have that worked in the Murrah Building?

A. We had 13.

Q. And did all 12 of your co-workers come to work on the morning of April 19, 1995?

A. No, Sandy Schultz was a purchasing agent, was on leave that day.

THE COURT: We'll interrupt at this point for the recess.

MR. GOELMAN: Yes, your Honor.

THE COURT: We'll hear more from you tomorrow morning.

THE WITNESS: All right, sir.

THE WITNESS: All right, sir.

THE COURT: And you may step down now, Mr. Williams.

THE WITNESS: Thank you.

THE COURT: Members of the jury, we went right on through without a break this afternoon. I hope that was agreeable to all of you. But since we started late after the noon recess, I thought we'd just keep going to use the time efficiently; and it will vary from time to time, but normally we'll be recessing midmorning and midafternoon.

And now we're going to recess for the day and return at 9:00 tomorrow morning in the courtroom for further evidence; and of course we're just getting under way, as you well know, so obviously you heard very little of this case. So please follow the cautions that I give you regularly.

Let me just ask you first, we're doing all of this displaying here with these like television sets and everything. Are you able to see them all right?

JURORS: Yes, sir.

JUROR: It would be nice if it were up about that far.

THE COURT: Well, we have a little problem there. We'll experiment with that. But there's this one here as well, of course.

Now, also I should tell you that there is another bit of electronics here in that at the wall there that you can't see behind this, there's a window and a camera there that is a television camera that transmits by closed-circuit television these proceedings to a room in Oklahoma City. And it is for the purpose of a closed-circuit transmission only to people who have a direct interest in this proceeding who've been authorized by an order entered by me to view these proceedings. So they do not see -- it's a fixed focus. They can see everything that you can see here in the well of the courtroom, but you are not visible on that camera.

And the purpose of that is to give these people who -
-
because this proceeding was moved from Oklahoma City to here, an opportunity to view the trial proceedings from that location. It's, as I've said, closed-circuit. It's not like television transmission that goes out publicly. So only those people who have been authorized by the Court to view it are entitled to do so, and no tapes are being made. It's a very limited transmission. It's just like we were to extend the courtroom to make it larger so that there could be more people in the public area of the courtroom. But I wanted to let you know that.

Now, I do want to of course remind you that, as we will be doing regularly -- and you'll get tired of hearing it -- but we are permitting you to, you know, go home at night, not taking the step that would be available to keep you in a hotel somewhere, keep you separated from your families and your homes. And I determined that it wasn't necessary here because I trust the people serving on the jury to do what is necessary, to be careful, to be able to follow the obligation under the oath that you took here this morning, to decide this case, as you remember the oath, under the law and the evidence.

And accordingly, you must be very careful during all

of these overnight recesses and for that matter, at all recesses, too, as you watch television or read newspapers, read magazines, books, whatever, to stay away from anything at all which could conceivably influence you in this case. And please recognize that that caution includes not only what is happening here in the courtroom but anything that may relate to what is happening in the courtroom.

Just as an example, it would not be appropriate for you to get out your Rand McNally maps or whatever and take a look at Oklahoma or Oklahoma City. I mean I mention these things just so that you will clearly understand the cautions that I'm talking about.

So it's not just a matter of some news reporting of what's going on in the trial, but these things that may relate to the trial; and as we go further into it and begin to get evidence, as we undoubtedly will, about chemistry and about, you know, some of the specialized information that comes in here, you have to stay away from all of those things so that you can decide on what is presented to you in this courtroom without being influenced by anything else. And I know you will cooperate with us in that regard.

So we are now going to excuse you from the courtroom until 9:00 tomorrow morning. And tomorrow we will recess at 4. Will that work for you? So that you'll be able to get to your voting places, those that wish to do so. All right. You can count on it. You're excused now till 9:00 tomorrow morning.

(Jury out at 5:01 p.m.)

THE COURT: Mr. Tigar.

MR. TIGAR: Your Honor, I'm sorry, I didn't hear the Court say to the jurors again at the end of the day, Don't discuss it amongst yourselves until you finally get the case. It may have simply just slipped past me.

THE COURT: No, I didn't.

MR. TIGAR: I would respectfully request that the Court do that at the end of each day.

THE COURT: All right. I will.

MR. TIGAR: Thank you, your Honor.

THE COURT: There was the request that we elevate this television a little. I don't know what problems were involved.

MR. TIGAR: Your Honor, we did look at the sight lines. Our concern was whether the jury could see Mr. Nichols and whether Mr. Nichols could see the jury. It looks like this thing has feet that go up and down; and I think if we talked with Mr. Manspeaker, we could work it out to raise it a little bit without objection.

THE COURT: Okay. We'll be in recess until 9:00.

(Recess at 5:03 p.m.)

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346A	6507	6507			
346B	6507	6508			
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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
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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 3d day of November, 1997.

Kara Spitler

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