

THE WITNESS: Clark H. Anderson, A-N-D-E-R-S-O-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Anderson, do you work for Ryder?

A. Yes, sir, I do.

Q. Did you work for them on April 19, 1995?

A. Yes, I did.

Q. On that day did you learn that the truck that blew up in downtown Oklahoma City was a Ryder?

A. Yes, sir, I did.

Q. And on that day thereafter did it fall to you to represent Ryder in the production of records and witnesses?

A. Yes, it has.

Q. And is that the capacity that you appear here today?

A. Yes, sir, it is.

Q. Mr. Anderson, how many years have you worked for Ryder?

A. A little over 24.

Q. And I don't mean this to be an insult, but is there a sync way that you can summarize the jobs and the duties that you've carried out for Ryder over those 24 years?

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A. Sure. I started with Ryder as a rental representative, which is a rental agent that rents trucks at the rental counter. I rose through the ranks from there to a salesman, and then as a regional sales manager in charge of a multiple-state area; from there as a district manager, which is a profit center manager of a metropolitan area in Evansville, Indiana; St. Louis, Missouri; and New York City; and from New York City moved to our corporate headquarters in Miami as the director of operations for the Consumer Truck Rental Business Unit.

Q. Based on those many jobs and those many places, have you become thoroughly familiar with the operations of Ryder, at least that part of Ryder that rents consumer trucks?

A. Very much so, yes, sir.

Q. Are you familiar with the manufacture of those vehicles?

A. Yes, I am.

Q. And the record keeping regarding both the origin, titling, and rental of those same vehicles?

A. Yes, sir, I am.

Q. I'm going to ask you a few questions, Mr. Anderson, about all those subject matters. And let's start with the truck in question. On April 19, 1995, did you search your files to determine whether a particular VIN number represented a truck owned by Ryder?

A. Yes, sir, I did.

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Q. And for the record, was that VIN No. 1FDNF72J4PVA26077, two sevens at the end?

A. That's it.

Q. All right. You've studied that number more than once before?

A. That number is committed to memory, yes, sir.

Q. Once you had that VIN number, Mr. Anderson, what did you do to determine whether that was a Ryder truck?

A. I went to our records and searched our database that matches VIN numbers to unit numbers, and I found that in fact it was a certain unit number and that, you know, it was manufactured on a certain date and licensed and titled by Ryder and was out in our rental fleet at a certain location.

Q. You were satisfied on April 19 that was a Ryder truck?

A. Yes, sir, I was.

Q. Let's talk, then, about the origin of that vehicle. Did you research how that truck came to exist?

A. Yes, sir, I did.

Q. In the course of your answers as to that, would you refer to Government's Exhibit 644 and 645. Should be on the top of your stack of exhibits.

And did the information in each of those two exhibits help you track down when that truck was built and first owned by Ryder?

A. Yes, sir. These two documents are the purchase orders that

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Ryder issued to Ford Motor Company and . . . for the manufacture of the vehicle.

Q. For the record, is the purchase order to Ford Government Exhibit 644?

A. Yes, sir, it is.

Q. And for the record, what is Exhibit 645?

A. Exhibit 645 is a purchase order from Ryder to Morgan Corporation for the purchase -- manufacture and purchase of the body that fits on the Ford chassis.

Q. What I might call the compartment, the storage compartment?

A. Yes, sir.

Q. The two pieces that go to a Ryder, the chassis and the compartment?

A. Right.

Q. And those two exhibits represent Ryder's records as it relates to the truck in question?

A. Yes, sir, these are Ryder records from our files that describe the vehicle.

MR. MACKEY: Your Honor, we would move to admit Government's Exhibit 644 and 645.

MR. TIGAR: No objection, your Honor.

THE COURT: They are received.

BY MR. MACKEY:

Q. Based, Mr. Anderson, on those records and your other research, could you tell the jury when the truck bomb -- the

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truck that was first used in the bombing, when was it built?

A. This truck was ordered in December of 1992; and these two pieces of evidence, Mr. Mackey, do not show when it was built. This just shows the ordering of the same. But it was ordered on December 23, 1992.

Q. And ordered from Ford and then --

A. Ordered from Ford, and the body was ordered on January 8, 1993, from Morgan.

Q. What kind of truck did Ryder order from Ford in that time period?

A. The truck is a Ford F-700 conventional chassis, truck chassis, made at a proper length to fit a 20-foot body.

Q. And what kind of box or compartment did Ryder order for placement on that chassis?

A. A 20-foot, and it's described as a low-profile body. And it's manufactured primarily of a material called FRP, fiberglass-reinforced plywood.

Q. Are you intimately familiar with the design and manufacture of that truck to Ryder's specification?

A. Yes, sir, I am.

Q. And how so?

A. I was one of the executives that negotiated with Ford for the purchase of this group of trucks and subsequently ordered the trucks and supervised the receiving of the invoices for same and their preparation for being put in service and being

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put in service and into our rental fleet.

Q. How many total trucks did Ryder order on that same purchase order?

A. This is for an order of 400 units. All identical.

Q. And how do you know by looking at those records that the truck in question was among those covered in the purchase order?

A. The purchase order is for a group of units from Unit No. 137200 to 137599, and the particular truck that you described in that VIN number, 26077 falls within that range of purchase order numbers.

Q. Ryder keeps track of its trucks by unit numbers?

A. Yes, sir, we do.

Q. And the unit numbers referred to in the purchase order?

A. Yes, sir.

Q. So every one of those 400 trucks within that range of unit numbers was built to the same specs?

A. Yes, sir, they were.

Q. Mr. Anderson, help me, if you would, by looking at Government's Exhibits 311 through 315. It should be next in your stack.

A. Yes, sir.

Q. And have you seen those photographs before?

A. Yes, sir. I have.

Q. And do each of those photographs represent accurate

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depictions of 20-foot F-700 series Ford model Ryder truck --

A. Yes, sir.

Q. -- as to the precise kind as the truck in question?

A. The exact kind, yes, sir.

MR. MACKEY: Your Honor, we would move to admit Government's Exhibits 311 through 315.

MR. TIGAR: No objection.

THE COURT: All right. They're received.

MR. MACKEY: And may we publish these photographs to the jury?

THE COURT: Yes.

BY MR. MACKEY:

Q. Let's start with 311, and could you describe with your expertise, Mr. Anderson, a little bit about the 20-foot Ryder truck we're looking at.

A. This is a view of the left-hand side, driver's side of the 20-foot Ryder truck. And it shows the -- almost all of the truck from the hood back through the end of the body.

Q. And are the decal markings that are depicted in that photo precisely the same as on the truck in question?

A. Yes, sir, they are.

Q. Showing you 312.

A. Yes, sir.

Q. What is that, please?

A. This is the right-hand view of the side of the truck,

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passenger-side view, if you will, showing from the front of the truck to the back of the truck.

Q. This is on the passenger side?

A. This is -- taken from the passenger side, yes, sir.

Q. I note that there is a compartment door, what appears to be an entryway into the storage compartment on 312. Could you tell the jury about that?

A. The Ryder 20-foot consumer vehicle is the only one of the large trucks in our fleet that comes equipped with what we call a curbside side door, "curbside" meaning the side that is always closest to the curb of the street. You see the side door right almost towards the front half of the body.

Q. Is the door that's meant to be opened and shut --

A. Yes, sir.

Q. -- to allow access without --

A. Allow easier loading from the sidewalk.

Q. In 1995, were you familiar with the features of competitors; that is, other companies that offer consumer trucks for rental?

A. Yes, sir, I was.

Q. And in 1995, did any competitor offer a storage compartment with a side-door entry?

A. No, sir.

Q. Ryder was unique?

A. Ryder was unique in this, yes.

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Q. Showing you Government Exhibit 313.

A. Yes, sir.

Q. Tell us what we're looking at.

A. This is a head-on front view of the same truck, so it shows the grille and cowling and the front of the body.

Q. And in the upper right-hand corner, do you see a series of numbers, six numbers?

A. Yes, sir.

Q. And what are those; what do they represent?

A. These are the unit numbers that are decalcd on each of the trucks. So each truck has its own unique unit number, and each truck is decalcd with its own unique unit number.

Q. And what unit number would the truck in question, the one that blew up, have at that same spot?

A. 137328.

Q. Show you 314, please. And what is that?

A. This is the rear view, so the view facing the rear door of the truck, the back end of the truck, of the same truck that's depicted in all of these photographs.

Q. Let's turn now, Mr. Anderson, to the title and registration history for the truck in question. Did you research those documents as well?

A. Yes, sir, I did.

Q. And can you find Government Exhibit 650 and 651 among your materials?

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A. Yes, sir. I have them.

Q. Tell his Honor and the jury what Exhibit 650 and 651 are, please.

A. Exhibit 650 is the original certificate of title for this particular unit, 137328.

Q. And would that exhibit prove ownership of that vehicle by Ryder?

A. Yes, sir, this is the proof of ownership of that vehicle.

Q. And for the same truck with the same VIN that we've read into the record earlier?

A. Yes, sir.

MR. MACKEY: Your Honor, we'd move to admit into evidence Exhibit 650.

MR. TIGAR: No objection.

THE COURT: Received, 650.

BY MR. MACKEY:

Q. In the course of your duties, did you see to it that all of the vehicles were lawfully licensed and registered for the states they were in?

A. Yes, sir, I did.

Q. Is that the case with the unit in question?

A. Yes sir it is

A. 163, 311, 10 13.

Q. Turn to Exhibit 651 and tell everyone, please, what that is.

A. 651 is a collection of documents that include the

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registration, application for title, and manufacturer's certificate of origin, all of which make up the necessary documents for this truck to be registered and receive a license plate to drive on the roads.

Q. How was this truck, the one in question, licensed? By what state?

A. This particular truck was licensed in the state of Florida.

Q. And is that true for many of your trucks because of the Miami headquarters?

A. No. Actually, the trucks are licensed in every state in the United States on a pro rata portion of the fleet. However, this particular truck just happened to be licensed in the state of Florida.

Q. In 1995, approximately how many Ryder trucks were in the consumer rental fleet?

A. 33,000.

MR. MACKEY: Your Honor, we would move to admit, if I haven't already, please, 651.

MR. TIGAR: No objection, your Honor.

THE COURT: 651 is received.

BY MR. MACKEY:

Q. Mr. Anderson, before a Ryder truck is put out on the road for use by its customers, are there any final maintenance steps that are taken?

A. One final last check that it goes through an in-service

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inspection where the -- for one last time. We make sure all the bolts and nuts are tight on it and the truck is full of oil and air pressure is correct and all of the unique elements of the truck are recorded in the maintenance records so that one final check and recording of unique things to that truck.

Q. And was that done or followed in the case of Unit 137328?

A. Yes, sir, it was.

Q. Turn your attention to Exhibit 668. Tell the jury, please, what that document is.

A. 668 is a photostat copy of the consumer new truck inspection work sheet and repair order for Unit No. 137328.

Q. And does that document show when the Ryder truck in question was placed into service?

A. It shows that -- yes, it does. It shows when the inspection was complete and when it was ready for service.

Q. And does it also record the key code assigned to that particular truck?

A. Yes, sir, it does.

MR. MACKEY: Your Honor, we would move to admit Exhibit 668.

MR. TIGAR: No objection.

THE COURT: Received, 668.

BY MR. MACKEY:

Q. Mr. Anderson, how is the key code used by Ryder?

A. The key code is used by Ryder to create duplicate keys in

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the event that the key to the truck is lost.

Q. Turn your attention now, Mr. Anderson, to Exhibit 652. Do you know what that is, please.

A. Yes, sir. This is the registration, original registration certificate for Unit No. 137328.

Q. And that's the same unit in question?

A. Yes, sir, it is.

Q. And would that document reflect the registration decal number for that truck as it existed in April of 1995?

A. Yes, sir, it does.

MR. MACKEY: Your Honor, we would move to admit Exhibit 652.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. Mr. Anderson, in the course of your participation in this proceeding, have you seen physical evidence gathered from the crime scene that relates to or corresponds to information from Ryder's own records?

A. Yes, sir, I have.

Q. Would you take a look at Exhibit 637. Previously been admitted into evidence. You might recognize it as a very bent-up license plate.

A. Yes, sir.

Q. Is there information on that exhibit, the license plate

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itself, that corresponds with the registration document you've just previously identified?

A. Yes, sir, in two ways. The license plate number is the exact same that is recorded on the registration certificate, and the decal, the -- has the exact same number on the license plate that is recorded on the certificate.

Q. Mr. Anderson, in addition, relying upon many of the documents you've already identified, did you examine a rear axle housing and associate CVIN number on that piece of evidence with information in your own files?

A. Yes, sir, I've seen a rear-axle housing and examined the confidential VIN number that's stamped thereon.

Q. And do those numbers correspond to your own records?

A. Yes, sir, same truck.

Q. Mr. Anderson, let's shift gears now and talk about the rental history of that particular truck. In doing so, let me start by asking if you'd tell the jury a little bit about the dealership system that Ryder operated in April of 1995.

A. Ryder operates its business -- rents those trucks through a distributed network of independent business people that we call dealerships. They act as commissioned sales agents for Ryder, if you will. Ryder places the vehicles at their place of business. The dealer will rent them to the public and in return receive a commission on the gross sales for doing so.

And they're located in every continental state in the

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nation, all 48 lower states in the nation, yes, sir.

Q. I'm sorry, how many dealerships existed in 1995?

A. In the neighborhood of 4500 or so.

Q. In 1995, in the spring of '95 particularly, what size vehicles did Ryder offer through its consumer dealerships?

A. We offered four vehicle sizes: A 10-foot minivan, a 15-foot parcel van, a 20-foot what we called a full-sized truck, and a 24-foot moving van -- big, long moving van.

Q. Did you mention a 15-footer?

A. Yes, sir, 15-footer, parcel van.

Q. Parcel van, all right.

Could you describe for the jury what system of record keeping was common to dealerships in the spring of '95?

A. All of the dealers around the country have a computerized system that they rent the trucks by. This computerized system is owned by Ryder, operated by Ryder, and the only way the dealer has to conduct the Ryder rental business at their dealership, if you will, is by using the Ryder computer system. So that allows us to have consistent record keeping or creation of records at every point in the United States that we rent our trucks.

Q. Mr. Anderson, did you have some personal role in the development and implementation of this nationwide computer network?

A. Yes, sir, I was the executive in charge of the development

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and roll-out of the system that we call Ryder First that I'm describing.

Q. And based on that involvement, are you familiar with the kinds of information about individual rental transactions that's available to you in Miami by examining your own computer files?

A. Yes, sir.

Q. Did you do so in the case of the unit in question in April of 1995?

A. Yes, sir, I did.

Q. And would you tell the jury what you learned from examining your records about the last known rental of the truck in question.

A. The last known rental of the truck in question took place at Elliott's Body Shop in Junction City, Kansas; and the vehicle was rented one way to -- from Junction City, to Omaha, Nebraska, by a Mr. Bob Klies.

Nebraska, by a Mr. Bob Kling.

Q. Mr. Anderson, did Ryder keep on record, both in Miami and its dealership locations, a rental agreement number for each transaction?

A. Yes, sir, we did.

Q. And did it keep on file the name and address of the renter?

A. Yes, sir.

Q. Did it keep on file the name and address of the Ryder dealer that was dispatching or releasing that truck?

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A. Yes, sir, we did.

Q. Did it keep on file the date and time the truck was released to the renter?

A. Yes, sir.

Q. Did it keep on file information about the size of truck rented?

A. Yes, sir.

Q. Did it keep on file the unique unit number?

A. Yes, sir, it did.

Q. And did it keep on file identifying information about the renter, driver's license and the sort?

A. Yes, sir.

Q. Turn your attention now, Mr. Anderson, to Government Exhibit 2050.

A. Yes, sir.

Q. And does that document contain the same sorts of information or categories of information that I've just asked you by way of question as relates to the Kling rental?

A. Yes, sir, it does.

Q. Is the information on Exhibit 2050 then information kept by Ryder in the course of its business as it relates to that particular transaction?

A. Yes, sir.

Q. Does it bear any signatures?

A. No, sir, it does not.

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MR. MACKEY: Your Honor, we would move to admit Government Exhibit 2050.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. Excuse me. Received.

MR. MACKEY: May we publish, please.

THE COURT: Yes.

BY MR. MACKEY:

Q. Can we focus in on the far left-hand corner under "rental agreement"? Can you see that?

A. I can see it, yes, sir.

Q. All right. Maybe we'll just read some of the information into the record. Mr. Anderson, with your pen, can you circle the rental agreement for the Kling transaction off that document.

A. The rental agreement number?

--- --- -----
Q. Yes, sir. And could you read that number to the record.
A. The rental agreement number is 1964911.
Q. According to Ryder's records, what was the name and address given by the renter for the Kling transaction?
A. The customer's name is Bob Kling, and address is 428 Maple Drive, Omaha, Nebraska, 68107.
Q. And immediately to the right is information recorded about who was dispatching that same truck?
A. Yes, sir. There is.
Q. What's shown there, please.

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A. The dispatching dealer is Elliott's Body Shop with an address of 1430 Goldenbelt, Junction City, Kansas, 66441.
Q. And back now again to the left-hand column, does your record show when that truck was picked up?
A. Yes, sir. It shows that the truck was picked up on April 17, 1995, at 1619 hours, which is 19 minutes after 4:00 in the afternoon.
Q. And does that same record show when it was due back?
A. The -- yes, sir, it does. It was due back on April 21, 1995, again at 1619 hours, which is 19 minutes after 4 in the afternoon.
Q. If we can enlarge the information just below that, please.
A little farther down, please.
A. There's a -- this is a --
Q. Two-sided document?
A. Two-sided document.
Q. Let's turn to page 2 of Exhibit 2050. And in the bottom left-hand corner of that document, if we could enlarge that, please. There we go.
According to that exhibit, Mr. Anderson, where was that truck supposed to end up?
A. This truck was to go to Exhaust Pros with an address of 3216 Q Street, Omaha, Nebraska, ZIP Code 68107.
Q. And if we could go back up to the -- just slightly up on the right-hand corner of that same document. Focusing in on

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the driver's information on the bottom left-hand corner.
A. The driver's information is -- driver's name is Bob Kling. It shows a driver's license number of YF942, I believe that's an A6.
Q. A, as in Adam, 6?
A. A, as in Adam, 6, yes, sir.
Q. What state was the license?
A. South Dakota.
Q. Mr. Anderson, in researching this matter, did you identify other documents relevant to the transaction?
A. Yes, sir, I did.
Q. And did you find a quote and reservation document?
A. Yes, sir, I did.

Q. Turn your attention now, please, to Exhibit 305.
A. I have it, yes, sir.
Q. And just generically, what is Exhibit 305?
A. 305 is a quotation document quoting a price to a Bob Kling for rental of a 20-foot van, one-way, from Elliott's Body Shop --
Q. Is it a quote --
A. -- to Omaha, Nebraska.
Q. Is it a quote document relating to the Kling transaction?
A. Yes, sir.
Q. All right. Does it contain any customer signatures?
A. No customer signatures, no, sir. This is -- this document

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is not signed.
Q. And would not be in the normal course?
A. Not in the normal course of our records, no, sir.
Q. Is this document, Exhibit 305, one that's routinely created and maintained according to the system set up by Ryder in each of these dealerships?
A. Absolutely, yes, sir.
MR. MACKEY: Your Honor, we move to admit Exhibit 305.

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

MR. MACKEY: Sure.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Hello, Mr. Anderson. My name is Michael Tigar. I've been appointed to help out Terry Nichols.

I just want to ask, this document, and the one that you're looking at, looks like it has smudges on it, on the copy.

A. It's quite dirty is what it looks like.

Q. Well, what I want to know is: Is that a document that comes out of you-all's records in Miami, Florida?

A. No. The information contained hereon is the same, but this document is printed at the dealer location on the Ryder-owned computer.

Q. I see.

A. So it's a Ryder record, yes, sir.

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Q. Well, if -- I don't want to quibble about this, but do you have a document that looks exactly like this with all this information on it in your records in Miami?

A. I have a copy of it in my records.

Q. And that is made and kept in the regular course of your business; is that right?

A. Not all the time, no. Sometimes we keep copies of quotes and reservations, and sometimes we do not. Just depends upon their significant importance, I suppose.

MR. TIGAR: I'm going to object to this particular

document, your Honor.

THE COURT: What's the objection?

MR. TIGAR: The objection is lack of foundation, your Honor, that this is not kept in the regular course of their business but in the regular course of the Elliott's Body Shop business there in Junction City, and that's the business entity that would have to authenticate -- that would have to lay the foundation for it.

THE COURT: How is this record prepared and how does Ryder get it -- your main office get a copy?

THE WITNESS: This document is printed off of the computer printer from the Ryder First machine at Elliott's Body Shop, and it comes -- this particular record came to Ryder by being hand-carried to us. We picked it up and kept it and later day turned it over to the FBI.

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THE COURT: So who carried it in?

THE WITNESS: It was brought back by one of my fellow employees from Elliott's.

THE COURT: Sustained.

DIRECT EXAMINATION CONTINUED

BY MR. MACKEY:

Q. Mr. Anderson, do each of the dealerships throughout the country, including Elliott -- were they required to keep quote and rental and reservation agreements on file?

A. Yes, sir.

Q. Mr. Anderson, turn your attention now, please, to Government Exhibit 670A. 670A.

A. Yes, sir.

Q. It's a series of photographs previously admitted into evidence. Prior to coming to court, Mr. Anderson, have you examined carefully what is shown on each of those 27 photographs?

A. Yes, sir. I've seen all of these before.

Q. And among that set, did you see a number of photographs that depicted what appear to be Ryder truck in the center of several of those photographs?

A. Yes, sir.

Q. Sir, based on 24 years of experience and your involvement in the manufacture of Ryder trucks, can you describe the vehicle that's depicted in those photographs?

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A. The vehicle that's described in these -- or depicted in those photographs is a 20-foot Ryder truck. I believe it's a 20-foot Ryder truck.

Q. And what do you base that on?

A. The Ryder truck part of it is the unique Ryder decals that are visible in here, and the 20-foot part on it based upon my knowledge and experience is the relative length of the wheel base and truck body and the position of the rear axle relative to the truck body

to the truck body.

Q. All right. Let's take a moment and just illustrate that description, if we can. We have one up now, okay.

A. Okay.

Q. Does that photograph --

A. That's not a very good photograph to do this. It has a car in front of it, it appears like, Mr. Mackey. I don't know if they're numbered or not.

Q. There we go. Take a look at the photo now in front of you.

A. Okay.

THE COURT: Which number is being displayed?

MR. MACKEY: It is one photograph, your Honor, of

670A

and specifically the frame noted at the time 8:56:56.

THE COURT: Thank you.

MR. MACKEY: Thank you, your Honor.

THE WITNESS: Obviously you can see the Ryder name on the truck. And the wheel base, there is the front -- there's

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the front axle. There's the rear axle back in here. And the relative distance that the rear axle is from about the front of the truck body up in here and also the amount of overhang past the rear axle to the end of the truck body is the information that I am using my experience to say that that is a 20-foot vehicle.

BY MR. MACKEY:

Q. Just a couple final questions, Mr. Anderson. You mentioned earlier that you offered a 15-foot rental vehicle?

A. Yes, sir.

Q. Are the tires on a 15-foot presumably smaller than the tires on the 20-foot?

A. Substantially so.

Q. You recognize the tire size of 75R165 to be the size tire affixed to 15-foot Ryder trucks?

A. A 75R165 are the size of the 15-foot tires, yes.

Q. And what load capacity would a 15-foot Ryder offer?

A. A 15-foot vehicle has a maximum load capacity of 2800, 3,000 pounds.

Q. As opposed to 20-foot?

A. A 20-foot vehicle can carry as much as 10,000 pounds.

MR. MACKEY: Thank you, Mr. Anderson.

Thank you, your Honor.

THE COURT: Do you have questions, Mr. Tigar?

MR. TIGAR: Yes, I do, your Honor. I'm just looking for an exhibit.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Mr. Anderson -- take your time. You ready?

A. I'm ready.

Q. Okay. Do you have records that show who rented this truck from the time that it was first delivered to you until the time that this fellow named Kling represented -- rented it?

A. Yes, sir, we do.

Q. Okay. And so that if we could go back in the records and

see each person who had it and what dealership it was rented out of from the time it was first delivered to you; is that correct?

A. That is correct.

Q. Now, you mentioned when you were talking about the rental there at Elliott's Body Shop that there is certain information that your dealer is required to collect; is that correct?

A. That's correct.

Q. Okay. Now, do you have a training program for your dealers?

A. Yes, sir, we do.

Q. And in that training program, do you teach them how to spot theft and fraud; that is, potential theft and fraud?

A. We do our best.

Q. I understand. And -- it's not always going to work;

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correct?

A. Doesn't always work, no, sir.

Q. Now, do you ask them to be particularly careful about noting or remembering the descriptions of people who rent vehicles?

A. That part I don't recall specifically in the training program, that they memorize physical descriptions of customers.

Q. Not to memorize physical descriptions, but is there something in the training that tells them that if there's a loss out of their agency or their dealership, that somebody from Ryder may be coming and wanting to ask questions about that?

A. Yes, sir, we do tell them that if -- you know, when bad things happen to good people, we're going to ask them some questions about what happened.

Q. Okay. And every one of your dealers would be aware that that's your policy; right?

A. Every one of them.

Q. Do you know Mr. Eldon Elliott?

A. Yes, sir, I do.

Q. Had you known him before April 19, 1995?

A. I had met him once before, yes, sir.

Q. And best of your knowledge, he's a good, responsible businessman there in Junction City?

A. Very much so.

Clark Anderson - Cross

Q. And in addition to renting you-all's trucks, what does he do there?

A. His primary business is a body repair shop. He fixes cars when they're dinged and dented.

Q. And have you ever met his employees Tom Kessinger and Vicki Beemer?

A. I have met them, yes, sir.

Q. Had you met them before April 19, 1995?

A. No, sir, I had not met them prior.

Q. Now, you said when good things happen to bad people, Ryder does look into it --

A. Bad things happen to good people.

Q. You said it right and I said it wrong, and you excuse me. When things happen, let's just put it that way.

A. Yes, sir.

Q. Did Ryder conduct an investigation in this case?

A. Yes, sir, we did.

Q. And did -- did Ryder prepare any sort of a report to management on what had happened?

A. Written report, no, sir, I don't believe so. I briefed the chairman of the company on what had happened.

Q. But there's no -- no written document that you know about?

A. I did not sit down and prepare a written document detailing what had happened.

Q. All right. You identified when you were testifying a

Clark Anderson - Cross

purchase order for this vehicle. And I wanted -- that was Government Exhibit 644. I want to put that up on the page here, the first page of it up on the -- turn on light. There it is. And then I have to zoom out, now in.

Now, you notice over here that the total price -- you've got a price here, and then right underneath it you see a \$256 item there?

A. Yes, sir.

Q. What is that \$256 item?

A. That \$256 is the price of the particular option that is detailed on that line, which is a 225-inch wheel base with a bumper-to-back-of-cab dimension of 103.1 inches.

Q. All right. Now, when you were negotiating these, the purchase of these vehicles, did you have occasion to look at the Ford Motor Company body builder's book that shows how they put these things together?

A. No, sir.

Q. All right. Are you familiar with the F-700 series of Ford trucks?

A. Yes, sir.

Q. All right. Let me take this off of here, then, and just ask you: Ford makes the F-700 series for other customers than Ryder; is that correct?

A. Absolutely, yes, sir.

Q. And they make the F-700 series with the dual wheels in a

Clark Anderson - Cross

number of different wheel bases; is that correct?

A. Yes, sir; that's correct.

Q. And the item that we were just looking at, the 225 inches, that reflects a particular wheel base in the Ford F-700 series; correct?

A. That's correct.

Q. Now, your 24-foot truck that you have, is that also an

Q. Now, your 24-foot truck that you have, is that also an F-700 series truck?

A. Yes, sir, it is.

Q. Now -- does that have -- so is it fair to say it's the same truck, but it has a different wheel base?

A. Mr. Tigar, if I'm not mistaken -- and I'm doing this strictly from my memory -- it -- I believe it has the same wheel base as the 20-foot truck.

Q. Okay.

A. Don't hold me to it. I'm doing that from memory. I don't have those documents here.

Q. I understand. And this is not a memory contest. I guess what I'm asking is in that Ford F-700 series, the stance of your truck -- that is to say, the track width of the truck -- will be the same for different wheel bases; is that your understanding?

A. The "track width" meaning the dimension from the outside of --

Q. From the centerline of the outer tire of the dual wheels to

Clark Anderson - Cross

the centerline of the opposite one, left or right.

A. On all of the vehicles that they manufacture?

Q. No, I'm just asking, sir, about your 20 and 24 inches (sic), and then I'll move on.

A. Yes. Ours would, yes, sir.

Q. So that if I -- so if I went to your lot and had a 20 or 24, it would be that same wheel base -- or same track width?

A. Same track width, yes, sir.

Q. Now, I wanted, then, to look at some of the features of this Ryder truck that we were talking about. I want to put up what's been received as Government 314, if I could. This, sir, is the rear view of your Ryder truck; is that correct?

A. Yes, sir, it is.

Q. Now, I'm pointing to a slot right here. That's a ramp, isn't it?

A. Yes, sir, it is. Loading ramp.

Q. Loading ramp. And when the customer gets that -- goes and rents the truck and they want to load it, they can pull that loading ramp out; is that correct?

A. And attach it with a hook assembly to the back of the truck, yes.

Q. Okay. So it is not integral to the truck, it has to be hooked on; is that right?

A. It's -- when you pull it out, it's a -- you can see the ramp pocket is several inches below the floor.

Clark Anderson - Cross

Q. Yes, sir.

A. And so what you do, you pull it all the way out. And you pick it up, and you can see the little holes right there; and it has --

Q. Okay. There --

A. -- little L brackets on the end of the ramp that fit into those holes so that the ramp is flush with the floor.

Q. Okay.

A. And it's tied to the truck.

Q. All right.

Take that off there.

If -- now, when this fellow who called himself Kling rented a truck, he also rented a hand truck; is that right?

A. Yes, sir, he did.

Q. Now, is that part of the regular Ryder truck inventory that is carried by the dealers?

A. Yes, sir.

Q. The hand trucks?

A. Yes, sir, it is.

Q. So those are owned by Ryder as well?

A. Yes, sir, they are.

Q. And is the hand truck that this fellow called himself Kling rented -- is that the sort of thing that we'd be familiar with from just watching people move heavy things?

A. Yes, sir. Quite common.

Clark Anderson - Cross

Q. All right. So it's got two wheels, and I can put a load in it and then lean it back and then wheel it just like I'm showing you?

A. Put a load in it, strap it down, lean it back, and push it, pull it.

Q. Does it have straps?

A. It has straps, yes, sir.

Q. Are the straps such that I could take a large object, such as a large barrel, and strap it around to the dolly or the hand truck and then -- then wheel it without the thing shifting from side to side?

A. Yes, sir.

Q. Okay. Now, you also said, sir, that -- I forgot to -- what is the gross vehicle weight rated -- rated gross vehicle weight of this 20-foot truck that you all do?

A. The 20-foot truck has a manufacturer's gross vehicle weight of 23,900 pounds.

Q. Okay. And when you say the manufacturer's now, do you advise your customers not to load it that much?

A. Yes, sir. We license it for a lower registered weight, and we also tell them to -- not to put that much in it. We tell them how much it can carry.

Q. Okay.

A. Legally.

Q. Understood. And that's based on your arrangement with the

Clark Anderson - Cross

state licensing authorities; correct?

A. That's correct, yes, sir.

Q. Now, in addition to being the man that orders all these

trucks, you are also the man who oversees building the boxes; is that right?

A. Yes.

Q. And you told us that the boxes are made of FRP; is that correct?

A. Yes, sir, FRP, fiberglass-reinforced plywood.

Q. And if I'm -- is it correct that that's a sandwich?

A. Of a type, yes, sir.

Q. All right. And in the center of the sandwich or in the middle of the sandwich is a piece of plywood; correct?

A. That's correct.

Q. What, three-quarter-inch ply?

A. It's probably about a three-eighths-inch, half-inch.

Q. And then on the outside, you put something to give it the color of your characteristic Ryder yellow; is that right?

A. Well -- it starts out with the plywood, and then it's laminated with fiberglass resin, you know, on either side of the plywood. On the exterior, the Ryder yellow side, what is added to the vehicle is a -- that gives it that Ryder yellow color, is a -- much like a -- very thin film decal. It's a Monsanto product called Tedlar.

Q. And if we wanted to get real technical, we could read the

Clark Anderson - Cross

spec sheet that you read earlier and got in evidence; right?

A. Yes, sir.

Q. But basically find that this plywood has fiberglass cloth and then the resin?

A. Yes, sir.

Q. Is there another layer applied on the inside, a paint-type substance?

A. It's called a gel coat, and the interior of the truck is a white-colored gel coat, gel coat being kind of a shiny, smooth finish.

Q. And gel coat's familiar to -- that's the layer on a boat? If we went out to the lake and looked at white boats, that's gel coat?

A. That's gel coat, yes, sir.

Q. And then how do you caulk the seams inside? What do they use to make sure that stuff doesn't get down in the corners there?

A. There's a -- the fiberglass-reinforced plywood panel sits into an extruded aluminum piece at the top and bottom rails and a steel piece at the rear rails that had a channel that the plywood piece fits in. And there is a silicone caulking that is placed on the edge of the -- or of the panel so that water cannot, you know -- it's an attempt to waterproof it, if you will.

Q. And the silicone caulking, that's not very different from

Clark Anderson - Cross

what we see in the supermarket sold as tub and tile caulk and

that sort of thing?

A. Probably not, no, sir.

Q. Okay. But silicone being the big ingredient there?

A. That's correct.

Q. Now, you mentioned that there are these aluminum extrusions that are there. In addition to that, are there wooden rails inside?

A. On the inside of the 20-foot body, there are several rows of what we call wooden slats that are riveted to the sides of the body, placed at various heights up from the floor that you would -- if you were moving your household goods, would tie them to the walls of the truck or, you know, secure your load to these slats, if you would.

Q. Okay. Now, you first heard that it might have been a Ryder truck that was involved in the Oklahoma City bombing on the 19th; is that right?

A. Yes, sir.

Q. Okay. And then you proceeded to do the things that you described on direct examination: to get documents and records and so on?

A. Yes, sir.

Q. Now, when did you make your first -- strike that.

Did you make a trip out to Junction City, Kansas, to find out what had happened?

Clark Anderson - Cross

A. I personally did not, no, sir. I made the trip to Oklahoma City that night.

Q. Okay. Did you ever go to Junction City, Kansas, to talk to the folks in Elliott's Body Shop?

A. Yes. I have been to Junction City, yes, sir.

Q. All right. And when was the first time that you went to Junction City?

A. Couple years ago.

Q. All right. How many times have you been -- I mean for the purpose of talking to the folks at Elliott's about this?

A. Just once.

Q. Just once?

A. I've talked to them over the phone, but one personal visit.

Q. When was the first time that you talked to them over the phone?

A. Shortly, you know, 19th, 20th, somewhere in there.

Q. And at that time did they tell you what they could remember about who had rented the truck?

MR. MACKEY: Objection. Hearsay.

THE COURT: Sustained.

MR. TIGAR: Your Honor, all I want to know is whether or not they did. I don't want the conversation.

THE COURT: All right.

MR. MACKEY: Objection. Lack of foundation as to which one of the employees he's identifying.

Clark Anderson - Cross

THE COURT: Do you want to change it to did any of them tell you?

BY MR. TIGAR:

Q. Did any of them tell you?

A. That was not the nature of our conversation first time I spoke with them, no, sir.

Q. Okay. And when you went out, did you ever talk to either Mr. Elliott, Miss Beemer, or Mr. Kessinger about what had happened that day or what had happened during the rental telephone conversations? Just yes or no. I don't want the content of that.

A. No.

Q. Did you talk to them about that when you visited up there in person?

A. Briefly.

Q. All right. And as best you can remember, when was that visit that you were able to make up there in person, sir?

A. Summer of '95, I think. To the best of my memory, during the summer of 1995.

Q. And were you doing that in connection with your duties as a senior management person from Ryder Trucks?

A. Yes.

Q. Now, one of the things that -- let me see if I can find the picture here.

There it is.

Clark Anderson - Cross

If I can show you what's been received as Government Exhibit 313. That's the -- part of the front view of that Ryder truck; is that correct?

A. Head-on view of the front of a Ryder truck, yes, sir.

Q. Right. And one of the -- when you were shopping for trucks and trying to figure out, you know, what brand you would buy for Ryder, did you look at this question of what the visibility from the cab would be for the person driving the truck? Was that important to you; that you could get a good, clear view?

A. That's an important safety feature of any vehicle. I don't know that that was a decision driver, Mr. Tigar.

Q. Okay. I'm not talking about decision driver, but you did take it into account; right?

A. I'm sure we did.

MR. TIGAR: Thank you, very much, sir, for answering my questions.

I don't have anything further, your Honor.

THE COURT: Mr. Mackey.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. I have just a few follow-up questions, Mr. Anderson. Just so that we're all clear, I take it it was not your responsibility to investigate what role Eldon Elliott or Vicki Beemer or Tom Kessinger may have had in the rental of the Kling transaction?

Clark Anderson - Redirect

A. No, sir.

MR. TIGAR: Objection as to leading, your Honor.

THE COURT: Sustained as to leading.

BY MR. MACKEY:

Q. Could you describe in a general view, Mr. Anderson, what your purpose was in going to Junction City after the bombing?

A. My purpose in going to Junction City was just to assure Eldon that when bad things happen to good people is not a reason that you would lose your Ryder dealership necessarily. And so it was more of a "hello, how are you, I think you're doing great, keep up the good work, nice place you have here, let's put up a few more Ryder signs and get the brochures out and sell some more business."

Q. Two final questions: Mr. Tigar asked you a series of questions about the makeup of the compartment box. You recall those questions?

A. Yes, sir.

Q. And you described your background and expertise in that?

A. Right.

Q. Can you tell the jury whether ammonium nitrate is used in the manufacture of the compartment box?

A. Ammonium nitrate is not used in the manufacture of the box.

Q. Before coming to court, have you examined a piece of evidence commonly referred to as Q507?

A. Yes, sir, I have.

Clark Anderson - Redirect

Q. And is that a piece of a Ryder compartment box?

A. That is a piece of a Ryder truck, yes, sir. Piece of body.

Q. And how were you able to identify it? By description?

A. By description, from the Ryder yellow color, the Tedlar Ryder yellow decal that is on it, and the red decal that is on it. They're all unique colors to Ryder.

MR. MACKEY: Thank you, Mr. Anderson.

REXCROSS-EXAMINATION

BY MR. TIGAR:

Q. Sir, I forgot to ask you before: It's a wooden floor in the Ryder truck; right?

A. Yes, it is.

Q. And I also forgot to ask you: You have an agency in Lake Havasu City; is that correct?

A. Yes, sir, we do.

Q. Or did as of April 1995. Do you know anyone named Sandy Crigler?

A. Yes, sir, I do.

Q. Who is Sandy Crigler?

A. Sandy operates the dealership in Lake Havasu City.

Q. And did Sandy Crigler -- that's a she; is that correct?

A. It's a she.

Q. Did Ms. Crigler operate that in April of 1995?

A. Yes, sir, she did.

Q. Now, on the redirect, you were asked some questions about

Clark Anderson - Recross

something called Q507; is that correct?

A. Yes, sir.

Q. All right. Now, when was the first time you saw Q507?

A. Perhaps a little over a year ago.

Q. Where did you see it?

A. I saw Q507 at the FBI office.

Q. In what city, sir?

A. Denver, Colorado.

Q. And to your recollection, it's a piece of what at one time was a part of a Ryder truck box; is that correct?

A. It is a piece of a Ryder truck box. It's a delaminated piece of FRP.

Q. That's what I'm -- I'm using the verb tense. I mean it's not attached to a Ryder truck anymore?

A. No, sir, not anymore.

Q. And at the time that you saw it, in fact it was charred and had evidently been through some stress; is that correct?

A. I can say that it had been through quite a bit of stress, yes, sir, to delaminate it like that.

Q. And did you -- did you examine it? You didn't perform any chemical tests or other tests on it at that time?

A. Oh, absolutely not.

Q. That wasn't your function?

A. No, sir.

Q. In what context was it being shown to you?

Clark Anderson - Recross

A. It was being shown to me as could I identify this as, you know, a part of a Ryder truck and, you know, what is it and from what part of the body is it and that type of thing.

Q. Okay. And one last thing: Do you have any standards as to how often your dealers are supposed to power wash the insides of those trucks in between rentals?

A. We don't have any standards as to the exact timing. But we do have standards that the inside of the vehicles are to be kept clean, broom clean, yes, sir.

Q. Oh, broom clean?

A. Broom clean.

Q. You don't any standards about power washing?

A. No. They're to be kept broom clean. Sometimes they need to be power washed, and sometimes a broom will do it.

MR. TIGAR: Thank you very much.

MR. MACKEY: Nothing else, your Honor.

THE COURT: Is Mr. Anderson to be excused?

MR. MACKEY: Yes, your Honor.

MR. TIGAR: Yes, your Honor.

THE COURT: Step down. You're excused. We'll take a recess at this point, members of the jury.

There's reference here to something called Q507, and you haven't seen that or heard about that yet. Don't worry about it. Sometimes so that a witness can come on and be

about it. Sometimes, so that a witness can come on and be excused and not have to stay and come back, the lawyers in the case will anticipate something later in the case and ask about it; and I think that's what happened here. We asked about an exhibit that may be received in evidence later, or at least probably be offered, but I just -- you know, you didn't miss a page here. So I just wanted to reassure you of that.

Now, also, of course it's my duty to remind you once again during this 20-minute recess of continuing to avoid discussion of anything connected with the case among yourselves and with all others and also to maintain open minds. You're excused now, 20 minutes.

(Jury out at 2:40 p.m.)

THE COURT: Okay. We'll recess.

(Recess at 2:41 p.m.)

(Reconvened at 3:01 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:02 p.m.)

THE COURT: Next witness, please.

MR. MACKEY: The United States would call Helena Garrett. Ms. Wilkinson will question her.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Helena Garrett affirmed.)

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

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

THE WITNESS: Helena Annette Garrett, G-A-R-R-E-T-T.

THE COURT: Ms. Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Ms. Garrett, in answering the questions this afternoon, can you keep your voice up?

A. Yes.

Q. How old are you?

A. 29.

Q. Where were you born?

A. Peoria, Illinois.

Q. Where did you grow up?

A. Oklahoma City.

Q. Did you go to high school there?

A. Yes.

Q. Do you have any children?

A. I have two.

Q. Tell us about your oldest child.

A. Her name is Sharonda, and she's 8.

Q. Did you have a son?

A. Yes, I did.

Q. What was his name?

A. His name was Tevin.

Q. How old was he?

Helena Garrett - Direct

A. 16 months.

Q. Did he die in the bombing on April 19, 1995?

A. Yes, he did.

Q. When was Tevin born?

A. November 25, 1993.

Q. And where was he born?

A. Oklahoma City.

Q. Let's turn to April, 1995, if we could.

Could you tell the jury where you were employed at that time?

A. Regents for Higher Education.

Q. What did you do for them?

A. Micrographics clerk.

Q. What does that mean?

A. We used to film the student files and so that we could destroy the files. We just put it all on microfilm to cut down on paper.

Q. What hours did you work when you worked for the Regents?

A. 8 to 5.

Q. And did you work Monday through Friday?

A. Yes, I did.

Q. And where was your office located in April of 1995?

A. In the Journal Record Building.

Q. And what floor were you on?

A. The second floor.

Helena Garrett - Direct

Q. Were there any other offices on that floor with yours?

A. There was an attorney's office.

Q. I'm going to show you Government's Exhibit 940. It should come up on your screen. It's already in evidence.

Do you recognize that diagram?

A. Yes, I do.

Q. Could you take out your -- the pen up there? See that, the one -- no, the other one that's attached. There you go.

Can you show the jury where your building is located on this diagram?

A. Yes. Right here.

Q. Okay. And show the jury where the Alfred P. Murrah Building is, please.

A. It's right here.

Q. So how far was your office from the Murrah Building in April of 1995?

A. Just a block.

Q. And what's between the Journal Record Building and the Alfred P. Murrah Building?

A. A parking lot.

Q. Now, when you worked at the Regents and you were at work from -- during the week from 9 to 5, where was Tevin?

A. He was in the day-care center of the federal building.

Q. How long had he been at the day-care center in the federal building?

Helena Garrett - Direct

A. Since he was 8 weeks.

Q. And so he was there from 8 weeks to 16 months?

A. Uh-huh.

Q. Why did you choose that day-care center to put Tevin there?

A. Because it was close to my job; and when I went to go see it for the first time, it was open and big, and I was impressed with the workers.

Q. Now, look at this diagram. You see the YMCA building over there?

A. Yes.

Q. Was there a day-care center there?

A. Yes, there was.

Q. And were there people in your building who had their children in the YMCA day-care center?

A. Yes.

Q. Now, since Tevin was there from 8 weeks to 16 months, did you become familiar with the day-care center in the Murrah Building?

A. Yes.

Q. And did you learn about the -- did you get to know the children who were there?

A. Yes, I did.

Q. Did you get to know the facility?

A. Yes.

Q. All right. And did you know all of the children who were

Helena Garrett - Direct

killed in the day-care center on April 19, 1995?

A. Yes, I did.

Q. Can you identify those 15 children for us if I show you an exhibit marked Government's Exhibit 1047?

A. Yes.

MS. WILKINSON: Your Honor, we'd move Government's Exhibit 1047 into evidence.

MR. TIGAR: I think we have a continuing objection.

THE COURT: Yes. Your continuing objection is noted. 1047 is received. It may be published.

MS. WILKINSON: Your Honor, while Agent Tongate steps to exhibit the chart, could I ask whether 940 has been accepted? Could I move it into evidence, please.

MR. TIGAR: Our records show that it has not, your Honor; but of course, there is no problem with us. It's just that map.

MS. WILKINSON: Just the diagram I just showed.

THE COURT: I don't think it had been received. I agree. So it's in now.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Ms. Garrett --

A. Yes.

Q. -- if I ask you to step down, can you keep your voice up and tell us --

Helena Garrett - Direct

THE COURT: We'll use a microphone. I think it will help.

MS. WILKINSON: Thank you, your Honor. That would help.

BY MS. WILKINSON:

Q. Ms. Garrett, let me ask you one or two questions before you do that while they're getting the microphone ready.

A. Okay.

Q. You told us you got to know the children who were in the day-care center; is that right?

A. Yes.

Q. Did you also get to know the women who worked in the day-care center?

A. Yes.

Q. Now you can step down.

Could you tell the jury the name of each child and where they would have been in the day-care center?

A. The first baby is Aren's. That's Baylee Almon. She was in the infant's room.

The second room was Danielle Bell. That's Denise's baby. Most of these are in the infant's room.

This is Zackary Chavez. That's Alicia's baby. He was in the three-year-olds.

This is Anthony Cooper. He was Dana Cooper's baby.

Q. Who was Dana Cooper?

Helena Garrett - Direct

A. She was the new director of the day-care center. She had just taken over three weeks prior.

Q. Is that her son?

A. Yes, that's her baby.

This is Antonio Cooper. That's Ren,'s baby, and he was in the infant's room.

That's Dana Cooper, the worker.

And that's Aaron Coverdale. That's Jannie's grandbaby. And this is his brother, Elijah Coverdale. Elijah had been with the two-year-olds, the toddler's room.

This is Jaci Coyne. She was -- she would have been in the baby's room, in the infant's room mostly.

Q. We'll show you the next chart.

Ms. Garrett, could you start again in the far left-hand corner?

A. That's Brenda Daniels. She was a worker, and she was the toddler -- mostly with the toddler babies.

That's Tylor Eaves. That's Mia's baby. He was mostly in the baby's room, also.

This is my son, Tevin. And he was in the toddler's room.

That's Babv Lee -- I'm sorrv -- that's Kevin.

- Q. Is Baby Lee the nickname?
A. Yes. We called him Baby Lee.
Q. And could you give us his full name?

Helena Garrett - Direct

A. Kevin Gottshall. He was in the infant's room.

Q. Who is next to him?

A. Wanda Howell. She was a new worker. She just started three weeks prior.

That's Blake Kennedy. That's Laura's baby. He was in the toddler's room.

That's Dominique London. He would have been like with the two-year-olds.

And this is Chase Smith. That's one of -- of Edye's babies.

And this is Colton Smith, and that's Edye's baby.

Q. Were those two brothers?

A. Yes, they're brothers. And he would have be with Tevin, also.

Q. Ms. Garrett, why don't you take your seat and you can get yourself some water.

I want to show you Government's Exhibit 952, the second-floor plan, which has previously been admitted into evidence.

MS. WILKINSON: Your Honor, could I ask the marshal to take down the easel? It's blocking the view.

THE COURT: Yes, we'll do that.

BY MS. WILKINSON:

Q. You just told us about the different children and that they were in different areas of the day-care center. Is that right?

Helena Garrett - Direct

A. Yes.

Q. Does this floor plan depict the day-care center as of April 19, 1995?

A. Yes.

Q. And can you tell us, starting where you would enter the day-care center, about the security of the day-care center and the different rooms that are depicted on this floor plan.

A. Okay.

Q. Why don't you start by showing us where you would bring the children in.

A. The stairways was here. Here's the elevator.

You normally would come this way, to this hallway.

Q. What were the procedures you used when you entered the day-care center?

A. You ring a doorbell.

Q. And then once you got in, what did you do?

A. You sign your baby in on the in-and-out list.

Q. Were those the procedures that you followed every day?

A. Yes.

Q. Okay. Now, tell us about what you see when you get into the day-care center once you've signed in?

A. On this side it was glass doors going into the three-year-olds' room. And over here was the kindergarten's room.

Q. What was located in the three-year-olds' room?

Helena Garrett - Direct

A. A big slide, a house that the children could go into and play in, toys.

Q. Now, let's go over to the next room, the two-year-olds' room.

A. A lot of toys. Tables where they could sit at and TV.

Q. The next room next to that, please.

A. It was a table where the children, the toddlers, actually sat in to eat their lunch at. A lot of toys, cubbyholes, things like that, cots for them to take their naps.

Q. And finally, the last room on the left?

A. It was rocking chairs. Cubbyholes was against this wall. Baby beds was all against the front of it.

Q. Now, look at the front of the diagram there, that heavy black line. Do you see that?

A. Yes.

Q. Can you follow that with your pen? Tell the jury what was located all along that wall.

A. Windows.

Q. And could you see up into those windows from the street in front of the Murrah Building?

A. Yes, you could.

Q. Could you see into those windows when you were driving by the Murrah Building?

A. Yes, you could.

Q. Did you, yourself, look into those buildings -- those

Helena Garrett - Direct

windows?

A. Yes, I did.

Q. Now, I want you to tell us about April 19, 1995. Did you go to work that day?

A. Yes, I did.

Q. Did you take your children with you?

A. Yes, I did.

Q. What did you do with your children?

A. At the time Sharonda was five, so she went to St. John Christian Academy the days that she didn't go to the day care with Tevin, and that day she went to St. John.

Q. And what did you do after you dropped her off?

A. I took Tevin to the day care.

Q. And where did you park your car that day?

A. In the federal building garage.

Q. And were you allowed to park your car there all day long?

A. No. It's a two-hour parking. I was running late.
Q. Had you done that before?
A. Yes, I had.
Q. What was your plan as to what you were going to do about leaving your car there all day long?
A. Take Tevin, go to work, and go get my car on a break and move it.
Q. Had you done that on previous occasions?
A. Yes.

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Q. Do you recall what time you arrived at the day-care center on April 19?
A. About 7:50.
Q. Did you take Tevin upstairs?
A. Yes, I did.
Q. What happened?
A. I rung the doorbell. And Aaron Coverdale came, and he let me in.
Q. Do you recall how old Aaron was at the time?
A. Five.
Q. Was he one of the oldest children in the day-care center?
A. Yes. Yes.
Q. What happened when he let you in?
A. I asked him why did he open the door, and he says, "She told me to."
Q. Did you know who he was referring to?
A. When I went in, the teacher, Wanda -- she said, "I'm sorry, I couldn't open the door. I have a baby on the changing table." She was changing a baby.
Q. Could you tell who that baby was that day?
A. No. I just know the little legs was white, but I didn't know which baby it was.
Q. Did you see other children in the day care that morning on April 19?
A. Yes, I did.

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Q. Who did you see?
A. I saw Elijah and --
Q. Elijah Coverdale?
A. Coverdale, Chase and Colton Smith. I seen the Denneys, Rebecca and Brandon. I seen Christopher and --
Q. Christopher Nguyen?
A. Nguyen, uh-huh. And Dominique. They were all sitting together on the floor.
Q. Were they all together in one room at the time that you saw them?
A. Yes, they was watching TV.
Q. What did you do next?
A. I put a form down that I had to fill out for the teachers: who could pick up Tevin, who couldn't. And I was going to leave and Tevin start crying and --

leave, and Tevin starts crying, and

Q. What did you do?

A. When I turned around to look at Tevin, Aaron and Elijah set him down, and they was patting his back.

Q. Did you sneak out?

A. Yeah.

Q. And did you go to work?

A. Yes, I did.

Q. What time did you arrive at your office?

A. A couple minutes before 8.

Q. And what did you do when you got to your office?

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A. I sat at my area and started filming.

Q. Now, you told us that you had parked your car underneath the Murrah Building that day. Is that right?

A. Right.

Q. And had you -- when was the last time you had done that?

A. It was about a week prior to the bombing.

Q. And do you recall running into anyone on the street that day or in the building?

A. I saw Anita Hightower inside of the federal building in the lobby area. She had a table set up with her job. And I used to work with Anita Hightower.

Q. Had you seen her recently before that meeting?

A. No. I haven't seen her.

Q. Did you tell her that you had a baby?

A. Yes, I did.

Q. What did you do?

A. I told her that I had a new baby and it was a boy and he was just upstairs on the second floor. And she told me she couldn't leave her area to go up there.

And I said to her, "You could come outside and see him." And we did. We went outside of the federal building and we looked up, and Aaron was at the window. And he went and got Brenda, and she came back with Tevin. And she held Tevin to the window.

Q. Did she -- did you or Ms. Hightower have any difficulty

Helena Garrett - Direct

seeing Tevin at that time?

A. No.

Q. Could you see other things in the windows when you looked from outside the building?

A. The cribs, rocking chairs.

Q. Did you see any pictures?

A. Pictures and paintings and hand prints that the children would make. They would always tape them to the glass.

Q. To the best of your recollection, were you always able to see those items in the windows of the Murrah Building when you either walked or drove by?

A. Yes.

Q. Now, let's go back to April 19. You went to work at 8:00

and started filming. Is that right?

A. Right.

Q. And what happened at about 9:00?

A. I was going to go move my car, and a co-worker stopped me to ask me some questions.

Q. Was that the time of your break?

A. No.

Q. Why were you going to go move your car?

A. Because I wanted to go see Tevin.

Q. And what happened?

A. I -- she stopped me to ask about the filming; and then shortly after that, it was the big boom.

Helena Garrett - Direct

Q. Do you recall what happened after you heard the boom?

A. It got dark, and the tiles from the ceiling start falling on us and stuff.

Q. What did you do?

A. I screamed. Everybody was screaming, and I yelled for Deborah.

Q. Who is Deborah?

A. She's my best friend I used to work with.

Q. What did you and Deborah do at that point?

A. I grabbed her hand, and we took the stairs out. We went out to the hallway to get to the stairway.

Q. Were you able to get out of the building?

A. No.

Q. What happened?

A. The door wouldn't open. When we got down to the bottom floor, and it was -- we couldn't open it. And some people on the outside opened it and we were able to go out. And we had to climb a wall to actually get out of the Journal Record Building.

Q. Now, I want to show you again Government's Exhibit 940, which is the diagram. Can you use your pen and show the jury how you came out of the Journal Record Building that morning after the bombing?

A. Came out on this side of the -- of 6th Street.

Q. And what did you do at that point?

Helena Garrett - Direct

A. We went across the street to the parking garage.

Q. What happened then?

A. I noticed that the buildings around us, the glass had been blown out. And Deborah started yelling for Kendra.

Q. Who is Kendra?

A. Kendra is Deborah's baby. She went to the YMCA day care.

Q. What did you two do at that point?

A. We start running from the Journal Record Building to the Y.

Q. What did you find when you got to the Y?

A. The fence was down. It was destroyed. But there was a man standing there, and he told Deborah that all the kids are okay

and they're around the building.

Q. Let me show you Government's Exhibit 974. Do you recognize that photograph?

A. Yes.

Q. What does that photograph show?

I'm sorry. That's not the right photograph that I want to show you. Hold on one second.

Here it is. Government's Exhibit 1014. Do you recognize that photograph?

A. Yes, I do.

Q. What does that photograph show?

A. That's the Y -- outside the playground of the YMCA.

Q. Is that what you saw when you came around the corner?

A. Yes.

Helena Garrett - Direct

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 1014.

MR. TIGAR: No objection.

THE COURT: 1014 is received. May be published.

BY MS. WILKINSON:

Q. Tell the jury what they're seeing in this photograph.

A. This is the YMCA playground, all of this area; and this fence used to be up -- this way.

Q. Did you leave Deborah there so she could find her daughter?

A. I told her -- when the man told her that all the children were okay, they were around the corner, I said, "Deborah, see if Kendra is okay. I'm going to go see Tevin now." And I turned around to the federal building.

Q. And what did you see?

A. That it was gone.

Q. Let me show you Government's Exhibit 957. Do you recognize that?

A. Yes, I do.

Q. Is that what you saw when you turned the corner?

A. Yes.

Q. Ms. Garrett, would you like a Kleenex?

A. No, I'm okay.

MS. WILKINSON: Your Honor, we'd like to -- oh, it's published, 957.

BY MS. WILKINSON:

Helena Garrett - Direct

Q. Now, Ms. Garrett, what did you do when you saw the building?

A. I tried to go to the building, and there was a policeman on the corner and he said I couldn't go up there.

Q. So what did you do then?

A. I went around another way.

Q. Okay. Let's show the jury. Let's go back. Hold on one second.

Go back to the diagram.

Now, show the jury with a pen where you tried to get

now, show me July with a pen where you tried to get to the Murrah Building and how you went around the other way, please.

A. I tried right here.

Q. And what did you do?

A. He told me I couldn't go, so I went back down Robinson around 6th Street. I came down Harvey to 5th Street.

Q. Tell us why you didn't cross through the parking lot.

A. The cars was on fire. All of the cars in this parking lot was on fire.

Q. Let me show you Government's Exhibit 965. Do you recognize that photograph?

A. Yes.

Q. Is that what you saw --

A. Yes.

Q. -- at the parking lot?

Helena Garrett - Direct

MS. WILKINSON: Your Honor, we'd offer 965.

MR. TIGAR: No objection, your Honor.

THE COURT: 965 received, may be published.

BY MS. WILKINSON:

Q. Is this what the parking lot looked like that morning when you tried to cross, Ms. Garrett?

A. Yes.

Q. Now, you came around the other way. Is that right?

A. Yes.

Q. And did you see the Murrah Building from the other side?

A. Yes.

Q. All right. Let me show you Government's Exhibit 2101. You recognize that?

A. Yes.

Q. Is that similar to the view that you saw that day?

A. The other way.

Q. The other side?

How about that?

A. Yes.

Q. Okay. You recognize that photo?

A. Yes.

Q. Is that what you saw when you came around the corner?

A. Yes.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 968. Actually -- yes, 968.

Helena Garrett - Direct

MR. TIGAR: No objection, your Honor.

THE COURT: 968 is received, may be published.

BY MS. WILKINSON:

Q. When you came around that side, Ms. Garrett, what did you do?

A. I tried to come up the federal building. I start climbing the -- the debris and stuff.

Q. How did you do that?

-
A. I tried to find Tevin.
Q. And how were you able to determine where the day-care center was?
A. Because when I got to the building, I just closed my eyes and I imagined the first floor still there and the second floor still there, and I figured he would have been on this side of the day-care center.
Q. Did you attempt to climb the rubble?
A. Yes, I did.
Q. What happened when you did that?
A. A man told me -- he said, "You can't go up there," and he pulled me back down.
Q. What did you do after he pulled you down?
A. I told him my baby is in there.
Q. And then what did you do?
A. I went to two ladies who was laying on the ground on gurneys, and I went to one of them and asked her does she know

Helena Garrett - Direct

where the babies were.
Q. What did she say, or did she respond at all?
A. Yes, she did.
Q. What did she say?
A. She said, "I don't know where the babies are. Sorry."
Q. So what did you do?
A. I went around the back of the federal building.
Q. Do you recognize Government's Exhibit 1004?
A. Yes.

MS. WILKINSON: Your Honor, I believe this has been previously moved into evidence.

MR. TIGAR: It is, your Honor. That's what our record shows.

THE COURT: All right. Thank you.

BY MS. WILKINSON:

Q. Did you come around to the back to the plaza?
A. Yes, I did.
Q. What did you do when you got to the plaza, Ms. Garrett?
A. I screamed for Tevin and Brenda. And there was two men standing on the back of the plaza, and I told them that my baby was in there; and they went inside. They said, "We'll go get your baby." They went inside.
Q. Where did you go when they went inside?
A. I stayed right there.
Q. Show us on this photo, if you can, approximately where you

Helena Garrett - Direct

were at that time.
A. Right up in here.
Q. What happened next?
A. They stayed in there and -- they started bringing out babies.

Q. Could you see who they were bringing out?

A. Yes.

Q. Who was the first baby that you saw?

A. Rebecca Denney.

Q. And could you tell whether she was dead or alive at that time?

A. She was alive, and she was looking at me; and she looked as if she's been dipped in blood. She's covered with blood.

Q. But you recognized her as Rebecca Denney?

A. And I told the man -- yes, I did. And I told the man, "That's Rebecca."

Q. Why did you tell him the name of the baby?

A. Because he didn't know her. And I said, "That's Rebecca," and he didn't hear me. And I said, "That's Rebecca."

And he said, "Yes, I hear you." And he walked

Rebecca

down the stairs.

Q. Who was the next child that you saw?

A. Nekia McCloud. Nekia.

Q. How did you recognize Nekia?

A. Because she looked just like my daughter, Sharonda. She

Helena Garrett - Direct

used to get them mixed up in the day care, except her hair was longer. I ran up to the man who was carrying her. I said, "That's my baby"; and when I got there, I realized that wasn't Sharonda.

Q. Did that gentleman take Nekia to get medical care?

A. Yes.

Q. Who was the next child that you saw?

A. Brandon Denney, Rebecca's brother.

Q. How did you recognize him?

A. By his legs. He had fat legs. And I thought it was Tevin;

and -- and I asked the man was that my baby. And when I ran up there, I saw that it was Brandon; and I thought he was dead.

Q. Brandon survived the bombing; is that right?

A. Yes, he did.

Q. Do you want to take a moment.

You all right?

A. Uh-huh.

Q. Okay. Who was the next child that you saw?

A. I saw Christopher Nguyen.

Q. How did you recognize Christopher?

A. I recognized his age and I recognized his hair. He's a little bit bigger. His pants was pulled down to his thighs, below his thighs.

Q. Was he taken for medical attention?

A. Yes, he was.

Helena Garrett - Direct

Q. And you were still there after those children were taken

away?

A. Yes, I was.

Q. What happened after that?

A. Then they brought out Colton Smith, Edye's baby.

Q. You recognized Colton?

A. Yes, I did.

Q. What did they do with Colton when they brought him out?

A. I was there by a bench when they brought out Colton, and there was a doctor beside me; and the man ran Colton out, and he laid the baby on the bench. And the doctor said, "I'm sorry, there is nothing I could do."

And I stayed with Colton.

Q. Did they bring other children after that?

A. Yes, they did; but I stayed with Colton.

Q. What did they do with the other children when they brought them out?

A. The children after Colton was wrapped in white sheets, but their legs wasn't covered. And they laid the first baby -- he was bigger, and they laid him right at my feet. And then they brought out some more babies; and they laid them in a row in front of me on the ground by Colton, and they made a line of our babies.

Q. Did you stay with those children?

A. Yes, I did.

Helena Garrett - Direct

Q. Did you know at that time whether they were dead or alive?

A. No. I thought -- no. I didn't want them -- there was glass everywhere all over the place. It was thick, black glass; and I remember screaming, "Don't lay our babies on the glass." They wouldn't want their babies on the glass. And a man -- he went and got a custodian broom, and he actually swept the glass around where our babies were. And he was crying when he swept the glass away.

Q. At that time, did you see your son, Tevin?

A. No.

Q. And what happened then?

A. They just kept bringing out more babies and lining them in front of me. And I was still by Colton's head at the top of the bench.

Q. And did there come a time when you had to leave that area?

A. Yes.

Q. What happened?

A. It was a second bomb threat, and they said that we had to leave. And I told them, "No, don't leave our babies up here."

And the nurse said, "We're not going to leave the babies." And she said, "I promise. You leave. We're going to get the babies," and that's how they got me to leave the plaza area.

Q. They assured you they were going to take care of the children?

Helena Garrett - Direct

A. Yes.

Q. What did you do?

A. I left. We all had to leave the plaza area.

Q. You didn't find Tevin that day, I take it.

A. No.

Q. And did there come a time when you were asked to provide or allow people to take fingerprints?

A. They came to my home Friday after the bombing and fingerprinted things that Tevin would have touched.

Q. What happened on Saturday afternoon?

A. They -- we was at the church where the families had to wait at, and they -- Saturday evening, they called me back to the room and they told me that Tevin was dead.

Q. You were able to say goodbye to Tevin?

A. Yes.

MS. WILKINSON: No further questions, your Honor.

THE COURT: All right. Questions?

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Ms. Garrett, good afternoon. My name is Michael Tigar. I'm a lawyer appointed to help Terry Nichols. And I just have two questions.

A. Okay.

Q. Okay?

A. Okay.

Helena Garrett - Cross

Q. All right. I wasn't clear about this picture of the parking lot. Government's Exhibit 965. It should come up on your screen there.

A. I see it.

Q. It's in evidence.

Would you help me -- let me zoom out here. There we go.

Is this building that I'm pointing to here -- that's the Journal Record Building where you worked?

A. Yes, it is.

Q. Okay. And so where this street is here, where I'm running finger along, that's N.W. 5th Street?

A. Yes.

Q. Okay. And then -- and these cars -- this is the parking lot that essentially lies between N.W. 5th Street and the alleyway that runs behind the Journal Record Building?

A. I'm not understanding your question.

Q. Okay. Let me put this up, then, which is Government's Exhibit 940. And I just want to make sure. That parking lot that we're seeing: Is that the one that's marked right here?

A. Yes.

Q. Okay. And the picture looks like it's taken from about where I have my finger here; right?

A. Right.

Q. Right at the end of the T in the word "street" on there?

Helena Garrett - Cross

A. Uh-huh.

Q. Is that about right where that was taken?

A. It looks like that.

Q. Okay. And all these cars that are in the picture that are on fire: That's what you saw when you tried to get around to go to the front of the building; right?

A. Yes.

Q. It looked about like that?

A. Yes.

MR. TIGAR: Thank you very much for clearing that up. I really appreciate it.

Thank you.

THE COURT: Witness excused?

MS. WILKINSON: Yes, she is, your Honor.

THE COURT: Agreed?

MR. TIGAR: Yes, your Honor.

THE COURT: You may step down. You're now excused. Next, please.

MR. MACKEY: United States would call Phil Monahan. Mr. James Orenstein will question.

THE COURT: All right.

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

(Philip Monahan 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: Philip Matthew Monahan, M-O-N-A-H-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Orenstein?

MR. ORENSTEIN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. ORENSTEIN:

Q. Good afternoon, Mr. Monahan.

A. Hello.

Q. Where do you live, sir?

A. I live in Phoenix, Arizona.

Q. And how are you currently employed?

A. I'm a news photographer with a television station there.

Q. Are you employed by a particular station now?

A. Yes, by KPNX TV.

Q. That is in Phoenix?

A. Yes, it is.

Q. What do you do for them?

A. I am a photographer in the newsroom.

Q. Do you do any particular kind of photography?

A. Yes, videotape for the newscasts.

Q. And how long have you worked for Channel 12 in Phoenix?

A. I've been there about four months now.

Q. Prior to working in Phoenix, where were you working?

Philip Monahan - Direct

A. I was at KOCO TV in Oklahoma City, the ABC affiliate.
Q. That is a particular channel in Oklahoma City?
A. Yes, it's Channel 5.
Q. How long have you been employed overall as a video
photographer in news?
A. It will be 18 years very shortly.
Q. Mr. Monahan, were you employed on April 19, 1995, for KOCO
in Oklahoma City?
A. Yes, I was.
Q. Do you remember that morning?
A. Yes, I do.
Q. Can you tell the jury what you were doing on that morning.

A. I was sitting in the morning editorial meeting in the
conference room off the newsroom at Channel 5 discussing what
we'd do to fill our newscasts that day.
Q. What's the next thing that you remember happening?
A. Very sharp explosion that rattled the windows in the room;
and everybody at the table, about 15, came to their feet.
Q. Did you see anything when you looked out the window?
A. Not look out the window. I left the room and ran through
the newsroom and out into the parking lot at Channel 5 and
looked towards my left towards downtown Oklahoma City and saw a
large plume of smoke rising above the skyline.
Q. How far from downtown Oklahoma City was your office?
A. 8 or 10 miles.

Philip Monahan - Direct

Q. When you saw the smoke from rising above downtown Oklahoma
City, what did you do?
A. I turned around and started back into the building and
encountered one of our reporters, Rhonda Chapman, and told her,
"We need to go," and got in the car and headed downtown as fast
as I could.
Q. How long did it take you to get downtown?
A. Not quite 10 minutes.
Q. Do you recall about what time it was when you arrived
there?
A. I believe 12 or 13 after the hour.
Q. Mr. Monahan, I'd like to use the computer, please, to show
you what's been admitted already as Government's Exhibit 949A.
Do you have that on your screen?
A. No.

Yes.

Q. Using the diagram that's on your screen -- do you have a
light pen there?
A. This one?
Q. No, the thing connected by the black wire. Yes.
Would you show the jury where you went when you
arrived in Oklahoma City, in the downtown area?
A. Okay. I got off the interstate and came to --
Q. You have to reach under the glass.
A. Reach under? Okay.

Philip Monahan - Direct

-- and came to this intersection and parked at Broadway and N.W. 6th Street.

Q. And what did you do when you arrived there?

A. I got my equipment out of the back of my car and crossed Broadway and proceeded west down N.W. 6th Street and started taking pictures of what I saw along the way.

Q. Could you just press the pen down on the screen so you can show the jury where you were?

A. I'm pressing.

Q. All right. You were at the corner of 6th and where?

A. 6th and Broadway.

There we go. And started -- right there -- and started west down the street from that point.

Q. What did you see as you went down the street?

A. I saw a lot of -- a lot of people bleeding and leaving the area and a lot of broken windows. Saw an overhead garage door on the north side of 6th Street about here that was blown back into a building a couple feet and shot pictures of that and continued west on N.W. 6th to this intersection of Robinson and N.W. 6th.

Q. What did you see when you arrived at Robinson and N.W. 6th?

A. I saw a large number of injured people, ambulances, a lot of emergency medical technicians and people from the hospitals nearby doing first aid and loading people into all sorts of vehicles and driving them away from the area.

Philip Monahan - Direct

Q. Were they doing triage at that place?

A. It appeared to me that they were, yes.

Q. Did you shoot any film of that scene?

A. Yes, I did.

Q. You mentioned before that you heard an explosion and saw it over downtown Oklahoma City. Did you realize by the time you were at 6th and Robinson where the explosion had occurred?

A. No, I hadn't. I heard on the police scanners driving downtown that it was at the federal building, but I didn't realize when I got to N.W. 6th and Robinson that I wasn't there yet. There were so many hurt people, so much damage, it was kind of hard to see past; but when I realized probably five minutes after reaching that intersection that I wasn't there yet, I started south down Robinson. And just as I cleared the Journal Record Building, about there, I saw the front of the

Murrah Building.

Q. Did you continue filming as you went down north Robinson?

A. Yes, I did.

Q. Were you the only news photographer from your station in that area that morning?

A. No, I wasn't.

Q. Who else was there from your station?

A. Kyle Hamm, Chris Lee, Richard Jackson, Charles Shepard, and

De Hoang.

Q. Could you spell that last name, please.

Philip Monahan - Direct

A. H-O-A-N-G.

Q. First name is De?

A. Yes, D-E.

Q. Those were all news photographers from your station that morning?

A. Yes.

Q. How long did you stay in the downtown area?

A. I believe about 90 minutes. After the second bomb scare came out, we got moved back across the railroad tracks to the east; and at that point, I realized there was -- I wasn't where I was any more, so I went back to the station with the tape that I had shot.

Q. What did you do with those tapes when you went back to the station?

A. Started editing to get the tape on our air as quickly as I could.

Q. Since then, have you also reviewed and edited film taken by other photojournalists for Channel 5?

A. Yes, I have.

Q. And have you seen a videotape of some of those scenes?

A. Yes, I have.

Q. Is that Government's Exhibit 1380?

A. Yes, sir.

MR. ORENSTEIN: Your Honor, the Government would move the admission of 1380.

Philip Monahan - Direct

MR. TIGAR: May I inquire, your Honor?

THE COURT: Yes, you may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Mr. Monahan, my name is Michael Tigar. I'm one of the lawyers appointed to help Terry Nichols.

There were six camera people down there that day?

A. Yes, sir.

Q. And from your station?

A. Yes, sir.

Q. And the tape to which you just referred: That represents footage shot by all of those camera people?

A. Yes, sir.

Q. And how many minutes of tape was that altogether?

A. I can't tell you exactly. There was a large amount of tape that I went over often over the next year and a half.

Q. All right. And at what point did you deliver this tape to the Government?

A. I honestly don't remember, sir.

Q. Was it in January of 1996?

A. That is possible. It was before the McVeigh trial.

Q. All right. An FBI agent came to get it?

A. Yes, sir.

Q. And how many -- do you have any idea of how many boxes or videocassettes that you delivered at that time?

Philip Monahan - Voir Dire

A. I believe at that point I delivered just the tape that I had shot that day.

Q. To your knowledge, was the tape shot by the other five photographers from your station also delivered?

A. Yes, it was, at some other point. I did not deliver that personally.

Q. Now, when you reviewed what's been referred to here as this exhibit -- How long is this exhibit?

A. I'd say five minutes or so.

Q. Does it have sound?

A. Yes, it does. "Natural sound" is what we call it. It's just the --

Q. Did you shoot all of the footage on it?

A. No, sir, I didn't.

Q. Do you have any idea what percentage of that shot -- of footage was shot by you?

A. I'd say 80 or more.

Q. And who selected the images to be edited out of the tape and presented as part of this Exhibit 1380?

A. I don't know.

Q. So what happened was at some point you delivered some tape; right?

A. Yes, sir.

Q. At some point some of your colleagues delivered some tape. Correct?

Philip Monahan - Voir Dire

A. Yes, sir.

Q. That was hours of tape?

A. Yes, sir.

Q. And then somebody -- you don't know who -- edited it. Is that right?

A. Yes, sir.

Q. From your experience, are you able to tell us that everything you saw on the tape that you reviewed is something that was observed that morning?

A. Yes, sir.

Q. Can you tell that from your personal knowledge?

A. Yes, sir, I can.

Q. And that's because you were all around the downtown area?

A. I was -- I saw the images and similar images to what are on that tape. There is nothing on that tape that is not something that I saw there that morning.

Q. Okay. I understand. And there is -- and it was clear, then, that there is hours and hours more of tape that isn't on this excerpt we're seeing; right?

A. Yes, sir.

A. Yes, sir.

MR. TIGAR: Your Honor, may I have just a moment?

THE COURT: Yes.

MR. TIGAR: Your Honor -- with that explanation, your Honor, we have no objection. Thank you.

THE COURT: All right. And the time of this is about

Philip Monahan - Voir Dire

five minutes?

MR. ORENSTEIN: Approximately, Judge, yes.

THE COURT: All right. So I assume you intend to run it.

MR. ORENSTEIN: I do. I have one more question

before

I --

THE COURT: All right.

MR. ORENSTEIN: -- run the tape.

For the purposes of the record, it's been loaded onto a video laser disk, as I understand the technology, but it's the same exhibit; and I've discussed that with counsel.

MR. TIGAR: Yes, your Honor. I don't understand the technology, but I do agree that the Government can play it.

THE COURT: Probably no one in this room understands the technology.

MR. ORENSTEIN: That's probably true.

DIRECT EXAMINATION CONTINUED

BY MR. ORENSTEIN:

Q. Mr. Monahan, the tapes that Government's Exhibit 1380 has been culled from: Are they many hours long?

A. Yes, sir.

MR. ORENSTEIN: At this point, your Honor, I'd like to publish the exhibit. And with the Court's permission, I'll ask Mr. Monahan to describe the locations that he -- that scenes are from as it plays, if that's permissible.

Philip Monahan - Direct

THE COURT: I thought there was an audible part of the tape.

MR. ORENSTEIN: If I could inquire just to set the record.

THE WITNESS: The audio on the tape is what we call "natural sound." It's simply ambient sound that was there. Fire trucks driving by.

BY MR. ORENSTEIN:

Q. There is no narration on the tape. Is that correct, sir?

A. Yes.

THE COURT: All right. You may do that. I just want to make sure the court reporter knows what is expected of him. Go ahead.

(Government's Exhibit 1380 played.)

THE WITNESS: This is on the N.W. 5th Street looking west towards the Murrah Building.

And this is north on Robinson looking south on the north side of the Murrah Building.

This is from the south of the Murrah Building looking at the upper floors.

And from the north of the building.

This is on North Robinson just south of 6th Street.

This is the intersection of N.W. 6th and Robinson.

THE COURT: It's a little hard to hear you over the ambient noise, so speak up a little.

Philip Monahan - Direct

THE WITNESS: Yes, sir.

This is in front of the YMCA on N.W. 5th Street.

And back to 6th and Robinson.

And this is south of the Murrah Building on Robinson looking north.

And N.W. 6th and Robinson.

This is in front of the YMCA on 5th Street.

This is N.W. 6th Street.

MR. ORENSTEIN: With that, your Honor, I have nothing further. Thank you.

THE COURT: All right. Do you have cross-examination?

MR. TIGAR: Yes, your Honor, very briefly; and I think we can do it by 4:00.

THE COURT: Good.

MR. TIGAR: We'll let this witness go back to Phoenix.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Mr. Monahan, once again, sir, the -- we saw a lot of images there of injured people. Is that right?

A. Yes, sir.

Q. And again, you didn't make the selection of the images that were to be shown from the hours you shot; is that right, sir?

A. No, sir, I didn't.

Q. But that was what you saw that day?

A. Yes, sir.

Philip Monahan - Cross

Q. Now, when the film first started, sir, we saw a parking lot with a bunch of cars on fire.

A. Yes, sir.

Q. And that's the parking lot across from the Murrah Building. Is that right?

A. Yes, directly north of the Murrah Building.

Q. And you mentioned that there was a bomb scare that caused people to have to leave; right?

A. Yes, sir.

Q. Now, when was that?

A. I believe that was approximately 90 minutes after the explosion. But I'm not entirely sure of the time line.

Q. Your best recollection, about 10:30?
A. I -- yes, sir.
Q. Now, by the time that happened, had the fires in that parking lot been put out yet?
A. To the best of my knowledge, yes, sir.
Q. When the firemen arrived to put out those fires, what did they do? Do they use regular hoses to hydrants, or chemical extinguishers, or what did you see them doing?
A. They had hoses. I don't know what their supply was.
Q. Did you notice any hoses hooked to hydrants?
A. I can't say that I did, sir.
Q. Did you notice the crater in front of the building?
A. I did not get that close.

Philip Monahan - Cross

Q. You were not permitted to; right?
A. No, sir. I got down about to the corner of the Journal Record Building on 6th Street, which was just adjacent to that parking lot.
Q. Your main concern was to take pictures; right?
A. Yes, sir.
Q. When you heard it, you raced for the door and said, "I need a reporter"; right?
A. Yes, sir.
Q. And you can remember doing that and grabbing the first reporter you could get and getting downtown; correct?
A. Yes, sir.
Q. Now, in the tape that we saw, we also saw a group of firemen walking; and they had their fire jackets on. And they were walking in some kind of formation, and they were behind a piece of earth-moving equipment.
A. Yes.
Q. Do you remember that picture?
A. Yes.
Q. Did you see that happen?
A. Yes, I took that picture.
Q. What was that earth-moving equipment being used for as you saw it in operation?
A. It was brought in and taken down to the very front of the Murrah Building. By that time, I could not see the front of

Philip Monahan - Cross

the building, because we had been moved back to the corner of 6th and Robinson; so I can't say what exactly was done.
Q. Now, that piece of earth-moving equipment is one -- and all we could see was the big rear tires. Is that correct?
A. I believe so, yes.
Q. Was it a skip-loader?
A. They brought in several pieces of equipment past me while I was there, including front-end loaders, backhoes, and heavy cranes.
Q. All right. And the front -- a front-end loader is --

that's an item that has a bucket on the front to push earth and so on around?

A. Yes.

Q. The final image I want to ask you about is it looked like from when we were looking at it there was somebody up in a window that had ATF on their jacket.

A. Yes, sir.

Q. Did you see a number of people on the scene that had "ATF" on their jackets?

A. I recall seeing FBI jackets. I don't remember seeing ATF jackets.

Q. You do remember that one thing we saw on the screen that said "ATF"?

A. Yes, sir.

Q. Is that the only one you can remember seeing?

Philip Monahan - Cross

A. I did not take that picture. Kyle Hamm shot that picture, so I did not see him that day.

Q. All right. Who shot? I'm sorry.

A. Kyle Hamm.

Q. He's a good photographer, isn't he?

A. Yes, sir.

Q. He doesn't take pictures of things that didn't happen?

A. No, sir.

Q. So if we saw "ATF," that's what that was?

A. Yes, sir.

MR. TIGAR: Thank you very much, sir. I appreciate your help.

THE WITNESS: Certainly.

MR. TIGAR: That's all the questions I have.

MR. ORENSTEIN: No further questions.

THE COURT: Witness excused, then?

MR. ORENSTEIN: Yes.

THE COURT: Agreed?

MR. TIGAR: Yes.

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

Members of the jury, I told you we'd recess early today so that you could vote; and we're going to do that. But before we do that, I again want to caution you, as I must, on the record, even though I'm quite confident you know these cautions. But, of course, it is important that you do keep open minds, remembering that we're just getting started, so to speak; and the significance or not of evidence that you hear, you know, will become clearer as we go along.

But you have to wait till you've heard it all, including the arguments of counsel and the instructions of the Court before even in your own minds you can decide the significance of these things. So please withhold judgment in your own minds; and, of course, don't talk about it with other jurors or with anybody else. And be very careful now about the things that you read, see, and hear to avoid anything which could in any fashion influence your judgment in this case.

I don't think any of the ballot titles on any of the

I don't think any of the ballot tickets on any of the ballots that I know about will have that effect on you; but this just is, of course, a responsibility that you have under your oath, and I'm sure you will meet that responsibility.

So you're now excused. We'll resume the trial at 9:00 tomorrow morning.

(Jury out at 3:58 p.m.)

THE COURT: There is -- it's sealed, as appropriately it was: a motion in limine concerning three exhibits filed this morning. Mr. Mackey, do you have that?

MR. MACKEY: Yes. May I approach?

MR. TIGAR: Yes, your Honor, we actually filed two such motions.

THE COURT: Well, I only got one of them. I got one with respect to three exhibits.

MR. TIGAR: There is that, your Honor, with respect to three exhibits and -- four exhibits, your Honor. The fourth exhibit is listed on page 4, if it's the same one to which I'm thinking your Honor is referring.

THE COURT: Yes, that's right.

MR. MACKEY: May we approach?

THE COURT: Yes.

(At the bench:)

(Bench Conference 62B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We don't have many of these side bars, but when we have them it is because there is a discussion of things about the evidence that may never be in evidence; and accordingly, it is consistent with the criteria that I established for the non-public part of the trial that we do that. And we're going to do more of it at 8:45 tomorrow morning. We'll -- trial with the jury will resume at 9.

Court is in recess.

(Recess at 4:05 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
305	6772				
311-315	6758	6758			
644-645	6755	6755			
650	6761	6761			
651	6762	6762			

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
652	6764	6764			
668	6763	6763			
940	6800	6800			
965	6815	6815			
968	6815	6816			
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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 4th day of November, 1997.

Paul Zuckerman

Kara Spitler

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