

THE COURT: Please resume the stand, Mrs. Padilla.
(Lana Padilla was recalled to the stand.)

THE COURT: All right. Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

Your Honor, if I could begin by announcing that by agreement of the parties, Mr. Terry Lynn Nichols returned to the United States on January 16, 1995.

MR. WOODS: Yes, your Honor, that is our stipulation.

THE COURT: All right.

DIRECT EXAMINATION CONTINUED

BY MR. MACKEY:

Q. And, Miss Padilla, let's start with that date, January 16, 1995. Do you recall the day that Mr. Nichols returned from the Philippines?

A. Yes.

Q. Did you pick him up?

A. Yes.

Q. That morning, before Mr. Nichols got back, did you receive a phone call at your residence?

A. Yes.

Q. From whom?

A. Tim McVeigh.

Q. Let me show you Government Exhibit 1888. It reflects a

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record, does it not, of a phone call from the residence of Kevin and Jolynn Nicholas, in Vassar, Michigan, to your residence in Las Vegas; is that correct?

A. Yes.

Q. And what time of morning in Las Vegas was it that you received that phone call?

A. It was early. It was -- I don't know, 6:00, 6:30. 5:30. I'm not -- it's a three-hour time difference.

Q. All right.

A. Two-hour time difference. It was early.

Q. What happened in the phone call? Tell us.

A. It was very brief. Just -- in fact, I was still asleep, and Leonard answered the phone and handed it to me. And it was Tim asking me if Terry was coming home. And I said I didn't know when, I was going to wait for a phone call; when he got into town, I was picking him up at the airport.

Q. Were you expecting him sometime that day, though?

A. I don't remember if it was that day. I know Terry called from the Philippines with Marife and said that, you know, he would be coming home, and I don't remember if he said what date. I expected him, but I didn't know what date.

Q. Mr. McVeigh did call on the day that Mr. Nichols arrived back into the U.S.?

A. Yes.

Q. Back in December, as you told the jury, when you talked to

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Mr. Mackey: All right, thank you, that's all, Mr. Mackey.

Mr. Mcveigh, did you tell him then -- that is, Mr. Mcveigh -- when it was you expected Mr. Nichols to return?

A. No.

Q. The reference to Kevin and Jolynn Nicholas in the exhibit, do you know who the Nicholases are?

A. No.

Q. There would be no one at that residence, to your knowledge, that would have any reason to call you?

A. No.

Q. Tell us, then, about Mr. Nichols' return. What time, if you recall, did you pick him up, and what happened?

A. It was in the evening. It was dark, early evening. He got

in, I think, a little earlier than expected. Caught a quicker flight in LA to Las Vegas. I picked him up at McCarran Airport, took him back to my home, and he stayed there. And then the next day he went to get his truck.

Q. On the day of his return on January 16, was he with anyone?

A. I didn't see anyone.

Q. To your knowledge, where was Mrs. Nichols and their daughter?

A. I understood that she was in the Philippines.

Q. On the next day, January 17, could you describe what happened?

A. 17th, I took my son to work, came back in the house. My husband was gone to work. And I think Josh was still asleep,

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and Terry was standing in the kitchen. And he looked at me puzzled, and I knew the puzzled look was he had probably gone behind the drawer to try to find the bag. And I made -- I guess I said, "Um, are you looking for something?" And he thought maybe it had gotten stolen -- his look on his face was as if the money had been stolen.

Q. Did you and Mr. Nichols have a conversation then about the bag that had once been in the kitchen drawer?

A. We talked a little bit about it.

Q. Describe what you recall.

A. I said that it was safe, I took it to my office. And I was . . . I was going to get ready for work. Before I went to go get ready for work, I said -- made a comment that "Let me know if I can keep some of it," in reference to some support for Josh. And that was all I said.

Q. In the conversation in the kitchen that morning, did you say anything to Mr. Nichols in the way of explanation as to why the bag was gone or why the paper bag had been opened?

A. No.

Q. Did you see Mr. Nichols later that same day?

A. Well, when I got ready for work, I took him to Boulder Highway to pick up his truck, and it was my understanding he was going to come over to my office and pick up the money.

Q. Now, before the two of you left your residence on the 17th, did you receive yet another phone call?

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A. I recall a phone call from Tim McVeigh.

Q. Let me show you the Exhibit 1888 as to that date, January 17. Do you see the first entry, again a phone call from the Nicholas residence to that of yours on the 17th at about 8:51 Central Standard Time? You see that entry?

A. Uh-huh.

Q. Does that correspond with the approximate time period of your conversation with Mr. Nichols in the kitchen that morning?

A. Is that 8:51?

Q. Central Standard Time, not Las Vegas.

A. It seemed like it was ten to 7, so I don't know. I thought it was about ten to 7.

Q. Did the phone call from Mr. McVeigh in fact interrupt the conversation you were having with Terry Nichols?

A. We had already had the conversation. And I was -- I believe I was in my room getting ready, and I took the phone and I took it out to Terry, and he took the call, and I went back to my room.

Q. Did you know it was Mr. McVeigh who was calling?

A. Yes.

Q. And how so?

A. Because I've talked with him before, and he identified himself and "Is Terry there?" I didn't pay any attention; I just gave the phone to Terry.

Q. After the close of phone call between Mr. Nichols and

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Mr. McVeigh, what, if any, conversation did you have then with Mr. Nichols?

A. There was reference made to the money; that Tim needed to borrow some money to buy a vehicle.

Q. Can you be more specific?

A. He said that Tim needed to borrow some money to buy a car, I guess. And I just made a comment that "Would you give it to him but not give it to Josh, or to me?"

Q. Now, at that point in time, in the morning of January 17, had you shared with Mr. Nichols your reaction or response to having discovered so much money and other assets?

A. No. I was just --

Q. That had not become a subject of your discussion?

A. No. I was just happy he was there.

Q. Later that same day, did Mr. Nichols come to your office?

A. Yes.

Q. Approximately what time?

A. Two or three hours later, I guess. I think it's two or three hours. Towards noontime.

Q. Tell the jury, please, what took place when Mr. Nichols came to your office.

A. He came to the office. I gave him back the package, the package -- the brown package, which had been opened. And I gave him back the Wal-Mart bag with the cash in it minus \$5,000. And he left, and he called me back later when he

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realized I had kept \$5,000.

Q. Let's go back to the office and give the jury a few more details. Describe the conversation you had with Mr. Nichols when you're relaying back to him the contents of the package.

A. There really wasn't any conversation at that time about it. We were in place of business. He was -- he was professional enough, he took everything, left. Then we had the conversation after that. He came back to my office the next day.

Q. I take it, then, on the 17th when you turned over this property, you did not tell him at that time in doing so that some of the money was gone?

A. No, I didn't tell him.

Q. When was it, Miss Padilla, that you had removed a portion of the 20,000?

A. That morning, when I came to the office, I asked Terry for a figure. He wouldn't give me a figure. We didn't discuss it. I just assessed a figure.

Q. Before you left your residence, then, in conversation with Mr. Nichols, had you made clear that you wanted to make claim to some portion of those moneys?

A. After I asked him, I didn't really ask him after that again.

Q. Had you made any attempt, Miss Padilla, to restore the bag in the same condition as when it had been turned over to you?

A. I don't recall trying to -- I think I left it just

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obviously that I opened it up.

Q. Now, after Mr. Nichols left, you told us that you heard again from him?

A. He called me on -- later on. I don't know if it was from my house or from a pay phone. I don't know. And he expressed to me that there was some of the money missing.

Q. Tell us about that conversation.

A. And I said that I knew there was and I had kept \$5,000. And he didn't like -- like that figure. He didn't really agree to that. And he told me he worked on cash and he needed all of his money. And so we talked about it off and on the next 24 hours.

Q. And did you have yet another conversation at your office that day with Mr. Nichols about the money that you had removed?

A. The next day when he came back.

Q. All right. Tell us about that conversation.

A. He came back and was trying to explain to me that he needed all of the money, and I was . . . I did agree to give him back \$2,000. He really didn't want -- he wanted it all, but he agreed to let me keep the 3,000 if I would open up a savings account for Josh.

Q. And ultimately did you do so?

A. No.

Q. And why not?

A. My life -- things changed in my household. I became

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separated, and the money became used for household.

Q. Miss Padilla, do you recall approximately when it was that Terry Nichols left Las Vegas in January of 1995?

A. Sometime shortly after he got back a part of the money.

Q. Let me show you again Government Exhibit 1888 for the date January 18, Wednesday.

Do you see a phone call from your residence to that of the Nicholases on that morning of Wednesday, January 18, 11:32 Central Standard Time?

A. Yes.

Q. Did you make that phone call?

A. No.

Q. Where would you have been on Wednesday morning that time, Las Vegas time?

A. At my office.

Q. You see a second phone call, then, back to your residence, from the Nicholas residence, from Vassar, Michigan, later that day, approximately an hour later?

A. Yes.

Q. Do you see that? Were you a party to that phone call?

A. No.

Q. To your knowledge, where was Terry Nichols on the morning of Wednesday, January 18, 1995?

A. Probably at my house. I didn't -- that would have been the day that he came over to get the rest of the money.

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Q. Do you recall whether Mr. Nichols then left Las Vegas on or about that date, January 18, 1995?

A. I know he left Vegas. I don't know if it was that night or the next day, but he left.

Q. Before Mr. Nichols left Las Vegas in January 1995, did you ever question him about the contents of the paper bag that you opened?

A. No.

Q. Did you ever question him about any of the letters that you've shown this jury this morning?

A. No.

Q. Do you recall after Mr. Nichols left Las Vegas when it was you next heard from him?

A. I recall a conversation. He called, I think it was the first part of February.

Q. February, 1995?

A. Yeah.

Q. In that conversation, did the two of you talk about pursuits of income or employment?

A. I remember talking with him about -- he may have called to talk to Josh, but it's hard to tell. I mean it's usually to call to talk to Josh. But the conversation was referencing --

call to talk to Josh. But the conversation was referencing we were talking about what he was going to be possibly doing; and in that conversation I think I recall him -- I suggested that Josh was looking forward to spending the summer with him

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and Tim doing gun shows. And he made reference that him and Tim were no longer going to be doing gun shows together.

Q. What explanation or reason did he give you?

A. I recall they had different business ideas, and he also mentioned that Tim didn't like children. And I was really sad because I thought, you know, this was a chance to -- you know, the summer for Josh, and I remember the conversation because I felt sad.

Q. Do you know where Terry Nichols was calling from?

A. No.

Q. In January and February of 1995, did you know any family or friends of Mr. Nichols in the state of Kansas?

A. Repeat that, please.

Q. In that time period, in early 1995, did you know of any family or friends of Mr. Nichols had resided in the state of Kansas?

A. In '95. No.

Q. The conversation in which you learned that Mr. McVeigh and Mr. Nichols were no longer going to do gun shows together, are you positive that it took place in February of 1995 and not the fall of 1994?

A. February.

Q. Let me turn your attention now to March of 1995. Did you and your husband -- or ex-husband I should say, have conversations about spring break plans for Joshua?

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A. Yes.

Q. Would you describe those. What plans were made?

A. I thought Josh had a two-week vacation from school, and I was incorrect. And I had talked to Terry about Josh coming to visit for two weeks, and that wasn't going to fit his schedule because he was going to Michigan and taking his wife and child and they were going to a gun show. But we made plans for Josh to go for a week, and he went just one week.

Q. Do you remember what week it was that Josh Nichols made plans to go to Kansas?

A. I think he departed on the 10th of April, 1995, and came back on the 17th of April, 1995.

Q. And where did he go?

A. He went to Kansas. Herington, Kansas.

Q. And was that because Mr. Nichols was then residing in Herington, Kansas, in April of '95?

A. Yes, he had just bought a home there.

Q. At any point during Josh Nichols' stay, during the spring break, did you and your husband (sic) talk again about extending the time period that Josh would be there?

A. There was a conversation. I don't know if I called Terry's house or if Terry called me, but there was some talk about him staying an extra few days.

Q. And was that a phone conversation?

A. Yes.

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Q. Describe what happened in that call.

A. He just asked if Josh could stay until the end of the week, and he also mentioned Josh coming there to live with him permanently when school was out.

Q. What did you say in response to that request?

A. I said that Josh couldn't miss any more school, and so Josh came home as scheduled.

Q. Take a look, please, at Government Exhibit 2047. 2047.

Do you recognize what that is?

A. It's travel plans, itinerary.

Q. Does it accurately show the time and date of departure to Kansas and return to Las Vegas in April of 1995 for Josh Nichols?

A. Yes.

MR. MACKEY: Your Honor, I'd move to admit Government Exhibit 2047.

MR. WOODS: No objection, your Honor.

THE COURT: 2047 is received.

BY MR. MACKEY:

Q. Miss Padilla, according to that exhibit, if you'd take a look, could you tell the members of the jury what time it was that Josh Nichols was to fly back to last Las Vegas.

A. He was scheduled to leave Kansas City at 10:45 p.m.

Q. On what date, please.

A. April 17, which was a Monday.

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Q. And what was your practice with regard to making arrangements to pick up a family member at the airport in due times?

A. Always call and verify the flight is on time.

Q. Did you have a conversation with Terry Nichols before you left your residence to pick up Josh Nichols on Monday, April 17?

A. Yeah, Terry called and said that Josh was on the airplane. He called from -- I believe he called from the airport.

Q. Do you recall anything else that was said during the conversation?

A. No.

Q. Let me show you Government Exhibit 1888 one more time for April 17, 1995. You see the list of phone calls for Monday, April 17, 1995?

A. Yes.

Q. Do you see a phone call to your residence?

A. Yes.

Q. At 10:46 p.m., Central Daylight Time, from an airport pay phone in Kansas City, Missouri?

A. Yes.

Q. Do you see a phone call immediately before that to the Dreamland Motel?

A. Yes.

Q. On April 17, 1995, had you ever heard of the Dreamland

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Motel?

A. No.

Q. Miss Padilla, do you recall the date of the bombing?

A. The date?

Q. Yes.

A. April 19, 1995.

Q. And after the bombing, did you have occasion to talk to your husband (sic) in Herington, Kansas?

A. I talked to him the night before and on the 21st of April, also.

Q. Would the 21st be Friday?

A. Yes.

Q. Would you describe to the jury that conversation on Friday, April 21.

A. It was early Friday morning, around 7 a.m., and I had called Terry's house in Herington. And I was calling him because Josh had just gotten back, and he was . . . he was sharing some information with my other son that Terry was saying he couldn't get his eyes fixed because I had stolen this \$3,000. So that wasn't like Terry to say anything like that, so I called him up and wanted to know what was going on, why he would talk to Josh about personal things when he could -- you know, we usually talked about those things, so --

Q. In that conversation, Miss Padilla, was it interrupted? Did Mr. Nichols have to leave at any point?

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A. Oh, we had a few words, and I was -- I was, you know, expressing myself, he was expressing himself, and then he said he had somebody there and had to go.

Q. And again, approximately what time of morning was it that you called that day?

A. About 7 a.m., Las Vegas time.

Q. Shortly after that conversation on that same day, Friday, April 21, were you contacted by representatives of the FBI?

A. Yes.

Q. And where were you contacted?

A. I was en route to my office, and they had -- I guess, called my home and then they paged me and they called the office. Finally I was at the office. That's where they came.

Q. And in the course of the conversations, did you provide to the FBI the address -- what you understood to be the address of Mr. Nichols in Herington, Kansas?

MR. NICHOLS IN HERINGTON, KANSAS:

A. Yes.

Q. And what address did you give them?

A. 901 South Main, I think.

Q. Or 2nd Street?

A. Or 2nd Street, yeah. 901, I remember.

Q. Did you look that address up in any record of yours?

A. I looked it up in my -- they asked me when was the last time I talked to Terry and where he was at, and so I told them I had talked to him at his home. And they asked me where that

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was at, and I pulled out my Daytimer and I had written down 901 South 2nd Street.

Q. And that's the information you relayed, then, to the FBI?

A. Yes.

Q. From whom did you receive that address?

A. I would have received it from Terry.

Q. In the course of that morning with the FBI, did you come to know that Mr. Nichols was then being interviewed, or later in the course of that day, I mean, by the FBI in Kansas?

A. Did I --

Q. In the course of Friday, April 21, did you come to know that members of the FBI were interviewing Mr. Nichols in Kansas on that same day, April 21?

A. Much later in the day.

Q. At any point in time, were you requested to make a statement to Mr. Nichols?

A. I didn't request to make a statement to him, no.

Q. Were you requested to make one?

A. I was asked if I would make a statement and tape it; right.

Q. Would you describe what happened and what you did?

A. I hand-wrote out a statement, and it was from me to Terry; and also I hand-wrote out one for Josh, and we taped it.

Q. And did you understand the purpose and what use would be made of that taped statement?

A. Yes. They were to be shared with Terry.

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Q. Would you tell the jury why it was you made the tape recording.

A. We were -- we were really kind of in shock and didn't really -- I don't really know exactly why, but we were asked, and it seemed like a good idea because maybe helping -- I don't know what Terry was going through, but I know what we were going through; and maybe this taped conversation would help Terry with whatever he was going through.

Q. I have just one final subject area, Miss Padilla. In the summer of 1995, did you have occasion to talk with Mr. Nichols again about what you'd seen at the storage shed back in December of 1994?

A. One time when we visited, there was just mention of what I had seen. as far as the -- some items in the storage locker.

Q. Focusing on that topic matter, Miss Padilla, could you describe to the jury who initiated that subject matter, who raised it?

A. From my recollection, when I visited Terry, he mentioned to me, "Did you really see" -- I think he said "pipes." And I didn't remember saying that. I didn't remember seeing that.

Q. We're talking about pipes in the storage shed in Las Vegas?

A. Right.

Q. What did you say?

A. I said, "No." I said, "I saw wigs -- a wig, nylons -- wig, pantyhose, makeup, and a ski mask."

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Q. And what was Mr. Nichols' response?

A. That he was -- used that to scare his wife, Marife.

Q. It would be his wife, Marife Nichols?

A. Yes.

Q. Is that the only explanation he's given you as to the possession of a ski mask, wig, makeup?

A. We have never discussed anything else.

Q. Beyond that?

A. No.

MR. MACKEY: All right. I have nothing else, your Honor.

THE COURT: Mr. Woods.

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

CROSS-EXAMINATION

BY MR. WOODS:

Q. Good afternoon, Miss Padilla.

My name is Ron Woods, as you know, and I'm one of the lawyers appointed to represent Terry Nichols in this case.

You and I first met a couple of months after Mr. Nichols was arrested; is that correct?

A. Yes.

Q. You and your son Josh came to Oklahoma City to visit with Terry Nichols, and you sat down and talked with us; is that correct?

A. Yes.

Lana Padilla - Cross

Q. In fact, you've been very cooperative in talking with the lawyers and the investigators that have been appointed to help Terry Nichols, have you not?

A. Yes.

Q. Is that because you feel that both sides are entitled to all of the facts that -- as you know them?

A. Yes.

Q. Now, you mentioned that -- on direct examination that you grew up in the Thumb area on a farm and you went to college for a little while and then got married in 1970 to Mr. Osentoski. How do you pronounce that name?

A. That's correct, Osentoski.

Q. And how long were you married to him?
A. We divorced in 1978.
Q. Okay. And Barry and Troy are the sons of that marriage?
A. Correct.
Q. And then you mentioned on direct examination that you were married to Terry Nichols from '81 to '89?
A. Yes.
Q. Now, is the -- where were you living when you first met Terry, and what year did you first meet him?
A. I was living -- you mean the address?
Q. Well, what town?
A. Oh. Decker.
Q. Okay. And what year did you first meet Terry Nichols?

Lana Padilla - Cross

A. It was 1980.
Q. What was the occasion -- how did you meet Mr. Nichols?
A. I had sold a piece of property to another farmer that was friends with Terry's family, and then he was farming the land around my house.
Q. All right. And what was the occasion why you or how you met Mr. Nichols?
A. I approached him about real estate.
Q. You were in the real-estate business at that time, were you not?
A. Yes, uh-huh.
Q. And did you ask him if he was interested in buying real estate, to use you as a broker?
A. Yes.
Q. All right. And what month in 1980 was that, if you recall?
A. It seemed like it was -- if he was working the fields, it must have been springtime, but I don't really remember. I don't remember the month.
Q. All right.
A. It might have been '79 in the winter. I don't -- I know I was working with this one family person, and he was looking at farms in the wintertime because that's the least busiest time.
Q. When you say "he" --
A. The other person that bought.
Q. Yes. Now, did Terry Nichols contact you about engaging in

Lana Padilla - Cross

a real estate transaction?
A. I don't remember. If he contacted me or I kept contacting him, I don't know.
Q. Did there come a time shortly thereafter when a real estate transaction was entered into by Terry Nichols?
A. Yes.
Q. And did you broker that?
A. I was the agent.
Q. The agent, okay. Isn't it true that Terry Nichols made a \$70,000 profit on that piece of property that you arranged the

sale of?

A. Best of my recollection, he did get -- and it might be 70.

Q. What month did you get married?

A. January.

Q. Of '81?

A. Uh-huh.

Q. Okay. And where did you all live initially?

A. In my home that I had on Hadley Road, which was across the section from the Nichols' farm home.

Q. In Decker? Was the address connected with the village of Decker?

A. Yes.

Q. Okay. And how long did you live in that home?

A. I don't remember the sale date. But after I got pregnant, we sold my home and we moved over to the Decker farm home.

Lana Padilla - Cross

Q. Is that the one on 3616 North Van Dyke?

A. Correct.

Q. Okay. And Josh's birthday is August of '82; is that correct?

A. Yes.

Q. So you married -- you moved into the Van Dyke address before the birth of Josh?

A. Right.

Q. Now, were your two sons living with you at the time, with you and Mr. Nichols?

A. Yes.

Q. By "two sons," I mean Barry and Troy.

A. My two older sons; right.

Q. And was Mr. Nichols acting as father to those two boys?

A. Yes.

Q. Now, when Josh was born in '82, how old were the two boys, Troy and Barry?

A. Well, Barry was born in '71, so that would have made him 11, going on 11, when Josh was born. And Troy was born in '74, so . . . he would have been like 8 or 9, I guess.

Q. Okay.

MR. WOODS: Your Honor, may I show the witness two photographs?

THE COURT: All right.

MR. WOODS: And I can deliver them to her.

Lana Padilla - Cross

BY MR. WOODS:

Q. I'll ask you to examine photographs that have been identified as D1649 and D1648. And have you seen those photographs before?

A. Yes.

Q. Do they accurately depict what is depicted within those photographs, the individuals, as of that time?

A. Yes.

MR. WOODS: Your Honor, may it please the Court, we

MR. WOODS: Your Honor, may it please the Court, we would offer into evidence the photos marked as 1649 and 1648.

MR. MACKEY: Your Honor, we'd renew our position.

THE COURT: What's the purpose of the photographs?

MR. WOODS: To show the birth of Josh -- not the birth, but the person of Josh and in relation to the age of the other two boys that he was growing up with at that time.

THE COURT: All right. I'll receive them.

D1649, D1648?

MR. WOODS: Yes, your Honor.

May I publish them, your Honor?

THE COURT: Yes.

BY MR. WOODS:

Q. Now, Miss Padilla, how old were you when Josh was born?

A. 32.

Q. Now, were you older than Terry when you all got married?

A. Yes.

Lana Padilla - Cross

Q. About how many years?

A. Five years, I think.

Q. Now, who is depicted in -- thank you.

Who's depicted in that photograph?

A. It's Terry, me, and Josh. And it was a Walton Christmas party.

Q. That's the Christmas of the year '82, right after Josh was born?

A. Yes.

Q. Let me show you Government -- Defense Exhibit 1648. Would you tell the jury who those three males are.

A. The one on the left is Barry, my oldest son, and then Josh and Troy.

Q. And again, Barry is 11 at that time?

A. Yeah.

Q. And Troy is how old?

A. He was born in '74, so --

Q. You recall approximately how old Josh was in this photo?

A. Looks about maybe eight months.

Q. Now, did the three children live with you and Terry during the course of your marriage? You mentioned that you got divorced in '89. As long as you all were living together, you and Terry, were the three children living with you?

A. Yes.

Q. During the course of your marriage, did -- how was

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Mr. Nichols employed?

A. From -- starting with the beginning of the marriage?

Q. Yes, ma'am.

A. When I first met him, he was employed on the Nichols farm, and he was also investing -- he had other rental properties, another rental property. He was looking in also securing -- looking at other properties in real estate.

And then after we got married, he left the farm and started selling fertilizer.

Q. And where was that?

A. In Decker.

Q. What was the name of the business that he was working for selling fertilizer?

A. He was independent. I don't remember the name of the business. I don't remember the name of the fertilizer company, either, but he bought the equipment; and it was liquid fertilizer that he would deliver. He would secure accounts from other farmers that wanted to use liquid fertilizer rather than the granule.

Q. All right. And how long did he do that?

A. I . . . for a couple years. Maybe a year and a half. Then he started working at the co-op elevator, which was in Cass City, and I was home with Josh at that time. Interest rates were high. I wasn't working, and he took that job at the co-op out there.

Lana Padilla - Cross

Q. What was his job at the co-op? What position did he have?

A. Manager. He ran it. He was recruited for the job through stockholders.

Q. He was asked to take that job by the owners of the co-op?

A. Stockholders, uh-huh.

Q. Now, you mentioned that he was a dealer for liquid fertilizer for a short period of time?

Was there occasions where you and Mr. Nichols would attend county fairs and set up tables to sell items?

A. Uh-huh.

Q. And what were you selling, Miss Padilla?

A. Before I was in real estate, I was in direct sales with a company called Stanley Home Products; and even after I got into real estate, I still usually had a booth at the county fairs to continue serving my customers. And Terry and I were very close, and he just went along and did his thing.

Q. All right. Now, what was he selling at this table with you?

A. He had the idea of selling for plant food, fertilizer, liquid fertilizer.

Q. What size of containers do you recall that he --

A. I don't recall that.

Q. Were they small, large, or something that would fit on the table?

A. Various sizes that would be displayed.

Lana Padilla - Cross

Q. Were they in bottles, boxes, or what?

A. Plastic bottles.

Q. Do you recall what years those were?

A. Not exactly. Early 80's.

Q. Was that on more than one occasion that Mr. Nichols did

that that you observed?

A. Yes. We usually worked -- there were three county -- three counties where we lived that were close. There was Huron County, Sanilac County, and Tuscola County, and we usually -- I usually attended those fairs.

Q. Now, during the course of your marriage, did you -- the two of you buy and sell real estate?

A. Yes.

Q. Approximately how many pieces of real estate did the two of you purchase together?

A. That we didn't live in?

Q. Yes, ma'am.

A. 'Cause we moved a lot. We bought -- I think we had three or four rentals. Terry took care of that.

Q. Was the purpose of buying the real estate so that it could be rented out and generate income?

A. It was an investment, uh-huh.

Q. And were the properties eventually sold?

A. Yes.

Q. Now, who managed that during the course of your marriage,

Lana Padilla - Cross

the buying and the renting and the upkeep and the sales of the pieces of property?

A. Terry did.

Q. And what were you doing during that course of time, Miss Padilla, after Josh was born and you stayed home for how long, a year?

A. About a year.

Q. And then what did you do when you went back to work?

A. I became -- interest rates were high. I became insurance licensed and started working with a company out of Columbus, Georgia.

Q. What was the name of the company?

A. American Family Life Assurance. And I'm still licensed with them.

Q. Was there a time that you worked for a company called A. L. Williams?

A. Yes.

Q. When was that?

A. '84, '85, '86; right in that general period.

Q. Did Terry Nichols work there for a period of time, the same time you did?

A. Yes.

Q. What was the nature of that business?

A. It was -- A. L. Williams was a company that believed in buy term and invest the difference, mutual funds, so we had to get

Lana Padilla - Cross

a security license.

Q. Now, during the course of your marriage to Mr. Nichols, did he obtain various licenses --

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A. Yes.

Q. -- that you were personally aware of?

A. Yes.

Q. Would you tell the jury what licenses he obtained.

A. He had to get an insurance license to work with A. L. Williams, and he also obtained a Series 6 and 63 license, which is a securities -- not a full stockbroker, but mutual funds.

Q. Did he do that through self-study?

A. Self-study.

Q. And did he sell securities for a period of time?

A. Yes, he was very good at it.

Q. Now, at A. L. Williams, did you all ever have sales meetings or the managers or people come and have sales meetings?

A. Yes.

Q. Did you ever hear the phrase "go for it" at those meetings or anywhere at A. L. Williams?

A. At those meetings, yes.

Q. Now, what did Terry Nichols do after A. L. Williams, after his employment there?

A. We bought another piece of property, which was like an 80-acre place, and we were busy moving after that; and then

Lana Padilla - Cross

shortly after that, he went to the Army.

Q. Now, you mentioned on direct examination about seeing some

silver coins in the locker when you went to it there in Vegas.

A. Yes.

Q. Have -- when you and Mr. Nichols were married, did you have precious metals in your possession during the course of your marriage?

A. Yes.

Q. What was the occasion that you and Mr. Nichols invested in precious metals? And by that phrase, I'm using your phrase. Do you mean coins, gold and silver coins and bars?

A. He was more familiar than me with the whole thing, but we had pails of -- buckets of silver, and we had bars, and we had large bars and small bars. And we had coins.

Q. Did Mr. Nichols explain to you why he was buying those items?

A. Well, we were diversified, and I -- we were following publications like Howard Ruff and Financial, Marco Harelson; and we were following their direction, and that's what they were directing. And Terry was studying their business plan, and he was diversified into that. We were in real estate and precious metals.

Q. What real -- excuse me. What financial advice or pamphlets or magazines or newspapers did you observe Terry Nichols reading during that period of time?

Lana Padilla - Cross

A. The Wall Street Journal, and we belonged to some bartering

groups, so we got Barter newsletter. Marco Harelson had a newsletter called Financial Independence, I think it was, a monthly magazine. And Ruff Times was a newsletter. And then when we got into penny stocks, there was another publication that we followed and subscribed to.

Q. Did Mr. Nichols subscribe to The Wall Street Journal during the period that you knew him?

A. Yes.

Q. Do you know whether or not he still subscribes to The Wall Street Journal?

A. My understanding: He does. Yeah, he sent me things out of The Wall Street Journal, so he gets it.

Q. Now, you mentioned that you got into penny stocks. Was there a time that you had a substantial investment in the stocks, the penny stocks or the stock market?

A. Yes.

Q. Okay. Can you recall approximately how much was invested in the market during this time, during your marriage?

A. A dollar figure? How much?

Q. Yes, ma'am.

A. Terry took care of all that.

Q. Okay. During the course of the marriage, how would you describe Mr. Nichols' diet -- his living, his health concerns and his diet --

Lana Padilla - Cross

MR. MACKEY: Objection, Judge.

BY MR. WOODS:

Q. That's a rather vague question, but did Mr. Nichols do his own cooking?

MR. MACKEY: Objection, relevancy.

THE COURT: Overruled.

BY MR. WOODS:

Q. Did Mr. Nichols do his own cooking?

A. He did most of the cooking, yes.

Q. Did Mr. Nichols have a garden?

A. Yes.

Q. What was grown in the garden?

A. Everything that you could imagine that would feed our family.

Q. How would you describe his concern about healthy foods against junk foods?

A. He was . . . he was -- he practiced what he talked about.

Q. What did he talk about?

A. About eating right. Natural foods.

Q. Okay.

A. And we -- he would grind up the wheat and make the bread and make the pancakes and the waffles and

Q. Have you ever known Mr. Nichols to use drugs?

A. Never.

Q. Has he ever stated his position on drugs?

Lana Padilla - Cross

A. Oh, yes.

MR. MACKEY: Objection, relevance.

THE COURT: Sustained.

BY MR. WOODS:

Q. How would you describe Mr. Nichols during the course of your marriage as to his personal habits of cleanliness, appearance, etc.?

A. Immaculate.

Q. Even when he worked on the farm, what was his appearance?

A. Neat and clean.

Q. Okay. Is he a type of person who would be slovenly and smell like a pig farm?

MR. MACKEY: Objection.

THE COURT: Sustained as to the form of the question.

MR. WOODS: Yes, your Honor.

BY MR. WOODS:

Q. Have you ever seen him, during the course of your acquaintance with Mr. Nichols from 1980 through today, appear slovenly and smell like a pig farm?

THE COURT: Well, that's -- that's the part I'm sustaining.

MR. WOODS: All right. Your Honor, I'll withdraw the "pig farm."

BY MR. WOODS:

Q. Have you ever seen him appear slovenly and unkempt and

Lana Padilla - Cross

dirty?

A. No.

Q. Now, Miss Padilla, you mentioned for the first time on direct examination something about a smell. And I'll just ask you -- I haven't heard this one before -- but what did you mean by the smell, that you said that Mr. Nichols explained that it was a new cologne or something, or deodorant?

A. It was a different smell. It was almost like he used a different kind of soap, I thought maybe. I didn't know exactly. It was strong, and I didn't know if it was like an organic soap or something, but it was different.

Q. Did it smell like a pig farm?

A. Did it smell like a pig farm?

MR. MACKEY: Objection.

THE COURT: Sustained as to the "pig farm."

MR. WOODS: Yes, your Honor. It's a term that's been used by other witnesses, your Honor.

MR. MACKEY: Objection --

THE COURT: Which is why I sustained the objection to it.

MR. WOODS: Thank you.

BY MR. WOODS:

Q. When you became divorced, Miss Padilla, was it an amicable divorce?

A. I thought so.

Lana Padilla - Cross

Q. There was nothing harsh, bitter over the divorce?

A. It was painful, but it was . . . we kept in communication.

Q. Was that because you had a child?

A. And I think we're both reasonable people.

Q. You mentioned that Terry Nichols went into the Army in '88. Was that the beginning of your separation?

A. He went into the Army in 1988.

Q. Okay. And you --

A. That's what started we were apart. But I don't know if we were really separated at that time, or it was months later.

Q. When he got out of the Army, do you remember the month, of '89? You mentioned he got out of the Army a year later. Do you remember when he got out of the Army?

A. I thought it was in May of '89. I'm not sure of the month.

Q. Did you live together from that period, May, '89, forward?

A. No.

Q. So you were separated at that time?

A. Yes.

Q. The divorce was final in December of '89?

A. Yes.

Q. Okay. Now, did you see Mr. Nichols between his basic training in Fort Benning, Georgia, and his assignment to Fort Riley?

A. I don't remember.

Q. Do you remember whether or not he came home to Michigan?

Lana Padilla - Cross

A. I'm sure we had to see each other, but I don't remember the visit.

Q. Did there come a time when Terry Nichols took custody of Josh, the son, during '88?

A. After basic training.

Q. And do you recall approximately what month that was?

A. No.

Q. And where was Josh at that time?

A. At the time when Terry was in between basic --

Q. Yes. When he took custody of Josh, where was he at that time?

A. He was either with me or with the babysitter.

Q. Okay. Now, where were you working during that time?

A. I was working in Bay City, Michigan.

Q. And were you staying in Bay City during the week?

A. Sometimes.

Q. And where was Josh Nichols, the son, staying?

A. He was with my brother and sister-in-law.

Q. Okay. And he was five or six years old at that time?

A. Correct.

Q. And was it with your agreement and consent that Terry Nichols take custody of him and take him to Fort Riley, Kansas, where he was assigned?

A. After some discussion.

Q. Okay. And what discussion did you have with Mr. Nichols

Lana Padilla - Cross

concerning that?

A. Well, we were separating, and Terry didn't -- because of my working a lot and not being with Josh, of course, he didn't want him to be neglected. And also my oldest son was recovering from drug use, and he didn't want his son around drugs. And I agreed that that was probably true, and I -- Terry had always raised Josh, and I felt that rather than having it -- a court decide, we decided. So that was the decision.

Q. So Terry had Josh living with him in Fort Riley while he was assigned there in the Army?

A. Yes.

Q. Did you ever go down there to visit, or were you aware of what the conditions were?

A. No.

Q. Did you understand that Terry had rented a house off base?

A. Yes.

Q. And that a lady was there during the day taking care of Josh?

A. Yes.

Q. Is that when you heard about Mr. McVeigh, who had rented a room at the house, also?

A. It seems that -- no, I think I heard about Mr. McVeigh when it was basic training.

Q. Okay. Were you aware of whether or not Mr. McVeigh rented

Lana Padilla - Cross

a room from Nichols in the house while he was there at Fort Riley?

A. I might have been aware of that, but haven't recalled it.

Q. Do you recall what the address was on the house outside the base, what town it was in?

A. Manhattan, Kansas, I think. I don't know the address.

Q. Now, when Mr. Nichols was discharged from the Army and came back to Decker, Michigan, where did he live, to your knowledge?

A. He lived on Argyle Road.

Q. What house was that?

A. It was the last home that we bought, the 80-acre farm.

Q. Who lived there with him?

A. My son Troy, and my son Barry was working with his father in construction.

Q. And where was the father living?

A. Oh, there was a time during that wintertime that Barry and Troy's father did live in our home there with the boys.

Q. Same time that Terry was, or that was before Terry got back?

A. It was before Terry came back.

Q. And when Terry got back, who was living with him other than Josh?

A. Troy, my other son.

Q. All right.

A. And he allowed him to live there.

Lana Padilla - Cross

Q. Where were you living?

A. I was living in Bay City, Michigan.

Q. So Terry had Troy and Josh that he was taking care of in the house?

A. Yes.

Q. Do you know how -- what Mr. Nichols was doing then, where he was working?

A. No. I can't recall. I don't know.

Q. Pardon me?

A. I think he started working with some construction, Ulfig Construction, but it was part-time for us. And I didn't really talk to him about it.

Q. And then the divorce was final December of '89; is that correct?

A. Yes.

Q. And then did you learn the next year in late 1990 that Terry Nichols had gotten married to Marife Nichols in the Philippines?

A. He told me before he married her he was going to get married.

Q. Okay. And when was the first time that you met Marife Nichols?

A. Summer of '91.

Q. Okay. And where was Terry Nichols living then, to your recollection?

Lana Padilla - Cross

A. In Las Vegas.

Q. What was he doing in Las Vegas?

A. He was working -- he was trying to pick up where we left off with doing some trust deeds and real estate. And he was working with me doing some installation for water softener -- water -- environmental products.

Q. Was that the company called Consultants?

A. Yes. Yeah.

Q. Is that correct?

A. Yes.

Q. Okay. And what type of business was it, again?

A. It was a communication and environmental company.

Q. Okay. And had Mr. Nichols invested in that?

A. Yes.

Q. Did that business eventually fail?

A. Yes.

Q. And was there a partner that you had in the matter?

A. Yes.

Q. And was the failure of the business the fault of the other partner?

A. Terry and I talked about it, and we made the decision to

close it up, and we did, because of apparent drug use of my partner.

Q. All right. Now, did Mr. Nichols obtain some office equipment at -- when that business was terminated?

Lana Padilla - Cross

A. I think I recall that. It's vague.

Q. You recall a copy --

A. Copy machine. Copy machine.

Q. All right. How long did Mr. Nichols stay in the Las Vegas area where you were living, to your knowledge?

A. He moved there in April of '91 and left in October of '91.

Q. Okay. And where did he go, to your knowledge?

A. I understood he was moving back to help on the farm.

Q. And that's Decker, Michigan?

A. Decker, Michigan.

Q. And Marife Nichols, his wife, where was she at that time?

A. She was with him.

Q. So she had come to Las Vegas, and you met her there?

A. Yes.

Q. They lived there for a short while, until October, '91?

A. Yes.

Q. And to your knowledge, they moved back to the Decker farm; is that correct?

A. Yes.

Q. Now, where was Josh Nichols during this period of time?

A. He was living with Terry.

Q. Did he move back to Decker at that time --

A. Yes.

Q. -- in 91? Did he live in Decker in the year '92?

A. Yes.

Lana Padilla - Cross

Q. How long did Terry live in Decker, Michigan, to your knowledge at that time?

A. The last -- the next time that I -- that I recall that Terry said he was moving was in 1993, when he was going to the Philippines.

Q. And what month, if you recall?

A. I think it was January or February, 'cause Josh came to Las Vegas to live with me.

Q. What month did Josh come to live with you?

A. I thought it was January or February.

Q. And was Terry Nichols with him at that time when they came to Las Vegas?

A. I don't remember.

Q. Did Terry Nichols and Marife leave from Las Vegas to go to the Philippines?

A. I don't remember that.

Q. How long did Mr. Nichols stay in the Philippines, if you recall?

A. Not very long. Very short. Because he was back real short time 30 60 days

time, 30, 30 days.

Q. And did Mrs. Nichols come with him, Marife Nichols, come back to the United States?

A. The best I remember, I believe she did.

Q. And where did they come back to, to your knowledge?

A. They went back to the farm.

Lana Padilla - Cross

Q. Okay. To Decker, Michigan?

A. To Decker, Michigan.

Q. And how long did he stay on the farm in Decker, Michigan, at that time to your knowledge?

A. Until -- to the best of my knowledge, he came to Las Vegas in December of '93, after Jason died.

Q. Okay. So he was at the farm in Decker till December, '93? And then he came to Las Vegas?

A. Yes.

Q. And who was with him?

A. His wife and the baby.

Q. And the baby who?

A. Nicole.

Q. And how old was she, if you recall?

A. About five months. Four months.

Q. And did Terry Nichols tell you anything about why he had left the farm in Michigan?

MR. MACKEY: Objection, hearsay.

THE COURT: Overruled.

BY MR. WOODS:

Q. You may answer that.

A. Terry shared with me that he had a -- there was a problem on the farm. And I -- I knew from Josh that there had been problems. Terry's brother was . . . not nice to Josh or to Marife at certain times, and I think Terry shared with me he

Lana Padilla - Cross

just was fed up and he wasn't going to go back to that situation again.

Q. In your knowledge of Terry Nichols, is he a passive or an assertive person?

MR. MACKEY: Objection.

THE COURT: Overruled.

THE WITNESS: He can be -- he can be a little of

both.

I mean it's kind of hard to say one way or another.

BY MR. WOODS:

Q. Is he one that is confrontational --

A. No.

Q. -- and engages in arguments?

A. No.

Q. Does he try to avoid arguments?

A. Absolutely.

Q. He came to Vegas in '93, December, '93, then?

A. Yes.

Q. Do you know how he was employed or what he did at that time?

A. Well, I'm not sure. I know of a brief employment with -- I know Marife was working, and I think he was doing some work for that restaurant, like a bouncer or a door guard or something.

Q. All right.

A. And we baby-sat on occasion for Nicole. That's how --

Q. Was he seeing Josh during that period, also?

Lana Padilla - Cross

A. Yes.

Q. How long did he stay in the Las Vegas area at that time?

A. Well, he was looking to find a farm opportunity.

Q. Did he tell you this?

A. Yeah. He was looking to find something -- 'cause he loved farming, and it hurt him to leave his farm. And he -- with all of his knowledge and experience, the best thing for him to do would be to find somebody else that appreciated his abilities. And he told me -- the word "sweat equity" was something we knew because of our background in real estate, and he was describing and looking into finding a position like that. And the next thing I knew, he'd found the farm, Donahue farm.

Q. That's the one in Marion, Kansas, Donahue farm?

A. Right.

Q. Tell the jury what you mean by "sweat equity"; and how did Terry Nichols explain that to you, what he wanted to do?

A. Well, for instance, if you have -- there's a lot of people who have been in the agricultural business a long time, and they don't have anyone to take over and continue what they are doing; so they look to bring somebody in that maybe doesn't have any money to buy into it but can earn a position by labor, sweat equity.

Q. All right. And how long did he work at the Donahue farm in Marion, Kansas, to your knowledge?

A. I think about six months. September of '94.

Lana Padilla - Cross

Q. Okay. Now, did he keep in touch with you during that period of time by phone and giving you his address?

A. Yes.

Q. Did he keep in touch with Josh by talking to him on the phone?

A. Yes. And Josh visited him there. He went and spent a part of the summer with Terry and his family.

Q. Is that something that you've encouraged over the years with Josh and Terry Nichols, that the summers be spent together?

A. Whatever time they could spend together, yes.

Q. Have you sent Josh to Decker, Michigan, during '92 and '93 when Terry was living there?

A. Josh was with Terry in '92.

Q. You're right. You're right.

A. But in '93, I did send him there. And he came home early because of confrontations on the farm.

Q. Confrontation, not with Terry?

A. No. Terry's brother.

Q. And then you mentioned the trip over the Easter weekend.

Is that something you encouraged, that Josh spend time with his father?

A. Absolutely.

Q. Now, you also told on direct examination that Terry Nichols asked if Josh couldn't move to Herington in the summer of '95;

Lana Padilla - Cross

is that correct?

A. Terry had just purchased that home in Herington, and he was talking like his business was going to do okay and, you know, everything -- Marife was there, and he was happy. And Josh could come and be able to stay with him and it would be better for him there than in Las Vegas.

Q. Is that something you were considering?

A. Well, Terry and Josh are very close, so it would be kind of up to Josh. And I'm sure that's something that he would never want to be away from his dad.

Q. Now, speaking of the home that he had purchased in Herington, did you receive any information or any inquiries about being a reference for the seller of that home?

A. Yes. I had an inquiry from the owner of the house as far as using Terry -- or Terry used me as a reference.

Q. And do you recall approximately what period of time in '95 that was?

A. It was in February or early March seems like.

Q. Okay. Do you recall the man's name who contacted you, Miss Padilla?

A. No.

Q. What did you tell him in regards to Terry Nichols?

A. I spoke highly of him and told him that -- that his background in real estate and his abilities and, you know -- I spoke highly of integrity and his ability to make the payments.

Lana Padilla - Cross

I don't know what questions he asked me, but I know that there was nothing negative I told him.

Q. All right. Now, was there a time back in the fall of '94 when Mr. Nichols explained to you his understanding of the gun business, the gun show business and how he planned to make money at the gun show business?

A. Would you repeat that?

Q. Yes, ma'am. In the fall of '94, after he left the Donahue farm and you've told the prosecutor that he was in Las Vegas a couple of times in October, '94, did Mr. Nichols explain to you his understanding of the gun show business and how he hoped to have income from that?

A. He explained it to me one time. I don't know if it was then or November

then or November.

Q. Okay.

A. Me, but he talked about it.

Q. Did it appear to be something he had studied like he had other items of self-study?

A. Yes. Absolutely.

Q. Okay. Now, you've told the prosecutor on direct examination that Terry Nichols was there a couple of times in October of '94, there in Las Vegas, and you allowed him to stay there at your house so that he could spend time with Josh.

A. Not in October, he didn't stay. He usually stayed in his truck -- I don't know where he stayed in October. But in

Lana Padilla - Cross

November, we talked about him staying with me.

Q. He was there about two weeks before he left, wasn't he?

A. Approximately, yeah. But he wasn't there every night. And he was there -- he had the privilege to stay or go.

Q. Now, during that period of time in October and November, did you ever see Terry Nichols with a beard?

A. I don't recall.

Q. Did he have a 1-inch growth at all?

A. I don't -- no, not then, no.

Q. Okay. And you say that he stayed in his truck?

A. Sometimes.

Q. Okay.

A. That was my understanding.

Q. Okay. And you said that you went out to the locker and looked at the truck; is that correct?

A. Yes.

Q. Okay. And you described it as a dark-blue color?

A. Dark to me is navy. It wasn't navy. It was just blue.

Q. All right. Did it appear to be old and faded out, the paint job?

A. I don't recall.

Q. Okay. Or did it appear to be a metallic and fairly new-looking paint job?

A. I don't recall.

Q. Okay. Now, you mentioned on direct examination that you

Lana Padilla - Cross

had this phone conversation with Terry Nichols during October of 1994, when you had a problem at home and the two of you talked on the phone. Is that correct?

A. No --

Q. You had written a letter and asked him to call?

A. November.

Q. You wrote the letter in October and he got the letter --

A. Right.

Q. -- and called you back on a Sunday; is that correct?

A. Correct.

Q. And you had been fairly upset with him because you couldn't get in touch with him, hadn't you?

3-- -- -----
A. I'm not a patient person, and I wondered why you don't have a pager or a cellular, so I wrote him a letter -- not a letter: Call me.

Q. Okay. At that time, Josh was talking about running away; is that correct?

A. Yes.

Q. And you were very concerned. You wanted Terry to talk to him?

A. Yes.

Q. When you got the phone call from Terry, you were -- it's not your normal, peaceful phone conversation that you had with Terry, was it?

A. That's correct.

Lana Padilla - Cross

Q. And you started out on him asking, you know, Why don't you have a place where I can call you, etc.

A. Yes.

Q. Would you say that Terry Nichols tried to avoid that argument?

A. I really don't think we had a real argument. I mean, I was -- I was vocal and probably came unglued, but he didn't -- no, he didn't really argue.

Q. Right. He wasn't vocal with you when he was talking about --

A. No.

Q. -- the Waco incident or --

A. No, he was --

Q. Or the --

A. No, he was quiet, but he spoke it, but he was quiet. But his voice was a little -- he was maybe -- maybe I upset him because I was so, you know -- telling him what he should do with his life.

Q. All right. You mentioned that he stated something about civil unrest; is that correct?

A. Yes.

Q. Did he state that he was advocating civil unrest, or that he was afraid and concerned about civil unrest?

A. He didn't say he was advocating it, no.

Q. Okay.

Lana Padilla - Cross

A. It sounded like he was concerned about it.

Q. Because there had been -- did he give examples of American citizens shooting each other?

A. We talked about the shooting at the White House. And we talked about an incident at the grocery store. He was mentioning that people seemed very happy, you know, that were shopping and maybe -- maybe I was going in the wrong direction with my life because I was . . . always seven days a week

Q. During that conversation, did he advocate any violence against the government or any agency of the government or any person in the government or anybody outside the government?

A. Advocate, no.

Q. Have you ever heard him advocate violence against anybody?

A. No. Never.

Q. Have you ever heard him threaten anybody or state that he wanted to bomb or harm anybody?

A. No.

Q. Okay. Now, you told the prosecutor about another phone conversation that you had with Terry Nichols in the first of 1995. It was February of '95. And Terry was over in Kansas, looking for a home, you said.

A. Yes.

Q. Now, you told the prosecutor that you mentioned to Terry that Josh was looking forward to spending the summer and going

Lana Padilla - Cross

to gun shows with Tim and with Terry.

A. That's correct.

Q. Is that correct?

A. That's correct.

Q. And Josh knew Tim McVeigh because they had lived together at Fort Riley for a very short period; correct?

A. Correct.

Q. You had never seen Tim McVeigh at the home there in Las Vegas, have you?

A. No.

Q. In fact, you've never seen him in person?

A. No.

Q. And you mentioned to the prosecutor that sometimes Mr. McVeigh would call for Terry or for Josh. Did he ever call for Josh, or did he do it frequently? Tim McVeigh, that is.

A. Well, he's called me direct when he asked me about Terry's return from the Philippines.

Q. Right, but did he -- he, Tim McVeigh -- ever call for Josh, to speak to Josh, that you know of?

A. I really -- sometimes Josh would get the calls instead of me, and I would maybe hear about them a year later. No, you know, so

Q. Well, back to that conversation in February, '95 that you told the prosecutor about. You said that Josh was looking forward to spending the summer with Terry and Tim and going to

Lana Padilla - Cross

gun shows?

A. Correct.

Q. And that was something that you were encouraging, wanted it?

A. Yes.

Q. And why were you encouraging that? Why did you think that would be a good thing?

A. One reason was because Josh liked being with his father, and he would be out of school, and it would be better than leaving him alone when I'm at work.

Q. Okay. Now, what did Terry tell you when you suggested that; that Josh was looking forward to that?

A. He said that Tim didn't like children and he wasn't going to be doing gun shows with Tim.

Q. Did he say anything further about his business with McVeigh, whether or not it was ongoing, it was split, or they weren't doing gun shows, or what did he say? Anything further?

A. Terry was someone of very few words. He didn't elaborate, just that they had different business ideas.

Q. Okay.

A. And he -- I elaborate, but he's very -- doesn't speak, you know, doesn't elaborate on it.

Q. All right. Now, you mention about the trip that you and your son Barry took to the locker. This is going to be on December 17?

Lana Padilla - Cross

A. December 17.

Q. Is that correct?

A. 1994.

Q. Okay. And the pickup was there at the storage place; is that correct?

A. Yes.

Q. Okay. And you used the directions to get into the locker and the combination; is that correct?

A. Yes.

Q. Now, when you opened it up, you've told the prosecutor about you opened the briefcase; is that correct?

A. Yes.

Q. Now, do you recall the wig being a Tina Turner wig?

A. No.

Q. Okay. You know what a Tina Turner wig is?

A. No.

Q. Okay.

A. We were only in there a few minutes, like I told the prosecution.

Q. Sure. I understand. I understand. The wig was in a bag, wasn't it?

A. My recall was everything was in a bag.

Q. Okay. And there was a label on it, "Pretty Party Shop," from Las Vegas. Do you recall seeing that label?

A. I don't recall seeing that label, no. I didn't look for

Lana Padilla - Cross

labels.

Q. Okay. Did you look at the makeup?

A. Not closely, no.

Q. Did you notice that it was white, creamy, theatrical makeup?

A. I didn't look at it to remember

A. I didn't look at it to remember.

Q. Now, in that storage locker, there was a tent; right?

A. A tent?

Q. Uh-huh.

A. Could have been.

Q. Okay. And some camping gear?

A. There was things pertaining to fishing and camping, but I don't know about a tent. I mean camping and a tent go together, but I don't remember if there was a tent there.

Q. Okay. And you told the prosecutor that Terry had taken Josh camping to Zion National Park?

A. Yes.

Q. And that's the one in Utah; is that correct?

A. Yes.

Q. And it's fairly nearby?

A. Yes. I remember when they went because it was cold and rainy, and I was thinking they're in the back of that truck.

Q. And you saw some bedrolls, some camping gear, and sleeping gear inside the storage locker.

Did you see a tanker's mask, and do you know what a

Lana Padilla - Cross

tanker's mask is?

A. No, I don't know what a tanker's mask is.

Q. Did Terry ever show you any of his Army surplus things?

A. The food. MRIs, I think you call them.

Q. MREs?

A. MREs.

Q. Okay.

A. I don't know. He might have.

Q. Did you ever see an olive-drab mask that tankers wear?

A. No.

Q. Okay.

A. I mean if you showed it to me, I might remember seeing it; but I don't remember seeing a

Q. You saw clothing there that were suitable for camping -- is that correct -- inside there?

A. I saw his orange vest and his fishing and there was some camping. I don't know about a tent.

Q. Okay. Now, Barry was there also; right?

A. Yes.

Q. And Barry was interviewed by the FBI the same day you were, on April the 21st; correct?

A. Yes.

Q. Okay. And you've read the memorandums of interview that the FBI made up when they interviewed you -- right -- when they wrote up the questions and answers?

Lana Padilla - Cross

A. Yes.

Q. Have you read Barry's?

A. No.

Q. Okay. Now, you mentioned that in one of your visits with

Terry Nichols, he told you that the wig was for scaring Marife; is that correct?

A. Yes.

Q. Now, you have sent Terry some birthday cards, haven't you?

A. Yes.

Q. You know what his birthday is?

A. April Fools'.

Q. And is Terry the type that looks to joke and tease around?

A. Yes.

Q. Was that his nature all during your relationship?

A. He was a -- he found -- it was -- No. 1, it was free fun, to be a practical joker.

Q. And did you notice that he -- he remained that way after you were divorced, while you kept in touch with him?

A. I can't -- I didn't live with him, so I can't think of any exact incident.

Q. Okay. During his visits with you, did he ever joke and tease around, when he came to Las Vegas?

A. Oh, yeah. He had a very dry sense of humor, yeah.

Q. Okay. And his birthday is April the 1st?

A. April Fools' Day.

Lana Padilla - Cross

Q. April Fools' Day. Okay.

A. Yeah, there's a few episodes.

Q. A few episodes of what?

A. Humor.

Q. Okay. Of course, he doesn't have the sense of humor in jail when you visit him, though, does he?

MR. MACKEY: Objection.

THE COURT: Sustained.

BY MR. WOODS:

Q. Now, on the time that Terry was there in Las Vegas, right before he was going to the Philippines, you had called -- you had written the letter and said, Look, I'm having trouble with Josh -- when he talked to you on the phone. You said, Look, why don't you come spend some time with Josh; is that correct?

A. Yes.

Q. And he did. Within the week, he was there; is that correct?

A. That's correct.

Q. And he spent -- do you recall approximately the day he got there? We know he left on November 22.

A. It was like the 9th or 10th. Later that week, because we had a football game, Josh's first football game, and he was there.

Q. And the two of you went to that game and watched Josh play football?

Lana Padilla - Cross

A. They were rained out.

Q. Oh, were they? Okay.

A. There was a group of us that went; but, yes, we went.

Q. Was there a game during that period of time where a video was taken?

A. Yes. Oh, we took a video, even though -- we took the video of everybody kind of around the evenings.

Q. Now, was there a time when you had a brunch with you and your family and Josh and Terry?

A. Yeah, right after the game. Terry and Josh and me and my husband and my other sons, and there was about 11 of us that went to brunch.

Q. Now, during that period of time, did Josh change whatever problem that you were facing with Josh?

A. He seemed -- I don't -- I didn't -- I didn't see -- I can't point to any certain incident that would say he did; but just spending time with Terry, I think helped him.

Q. Okay. He was not threatening to run away at the end of Terry's visit; is that correct?

A. No.

Q. Now, before Terry Nichols left for the Philippines, did he state to you some concern about his safety in the Philippines?

A. No. He mentioned his safety to me in 1993.

Q. Okay.

A. When he came back from the Philippines; when I said, Well,

Lana Padilla - Cross

that was short, you know, what are you doing back?

And he said that it wasn't what he thought it was because it was very dangerous. But that was in 1993.

Q. Okay. Before he left in '94, did he advise you about the change in the beneficiary of the insurance policy from you to Marife?

A. No.

Q. Okay. Did he talk to you right before he left for the Philippines in November '94 about some prices on life insurance policies and health insurance policies?

A. Yes. Yes, he did.

Q. And what was that conversation concerning?

A. He was looking at trying to get some health insurance coverage for Marife and Nicole.

Q. And did he discuss life insurance policies, also?

A. Yes.

Q. And it's your recollection that he did not discuss the change of beneficiary?

A. He did not.

Q. Now, you mentioned on direct examination that you were very concerned after reading those letters; is that correct?

A. Yes.

Q. And you were concerned about his safety and about the trip to the Philippines?

A. Yes.

Lana Padilla - Cross

Q. You were not concerned about any illegal plan that he may

Q. You were not concerned about any illegal plan that he may have entered into, were you?

A. No. That didn't enter my mind.

Q. Okay. And did you receive a phone call from Mr. Nichols during that time, while he was in the Philippines?

A. Yes.

Q. And how was his mood and demeanor during that time?

A. Very good --

Q. All right.

A. -- at that time. And I was relieved because my first -- those first few months, after opening the letters, I just was fearful of what -- what his state of mind was.

Q. And when he returned on January the 16th, did you then put the letters out of your mind?

A. Yes.

Q. Was your concern the fact that you thought there was some possibility of danger in the Philippines, or that because of his statements that he may -- well, what was your concern in November '94 and December '94 when you opened -- you opened the letter in November '94. What was your concern at that time?

A. After reading the letter, to me, it sounded like a last will and testament. And there was a time at one time when I was concerned about Terry. He was depressed, and we were

married; and I -- that -- my antennae went out, and I was upset and concerned because I know how much Josh loves his dad, and I

Lana Padilla - Cross

just -- I knew he just lost their son, and I knew that, you know -- that he was trying to -- it seemed like he was happier when Marife was around, and I was concerned about him.

Q. All right. Then when he returned in January, mid January, '95, were you concerned any longer?

A. No. His mood -- he was very . . . he was very happy.

Q. Okay. When you spoke to him on the phone in February of '95, when he told you he and Mr. McVeigh were going to go their separate ways in the gun show business, what was his mood over the phone with you at that time?

A. He seemed fine.

Q. And --

A. Yeah, he seemed fine.

Q. And then you spoke to him during the month of April on more than one occasion, arranging for the trip of Josh; is that correct?

A. Yes.

Q. And the return of Josh via plane?

A. Yes.

Q. Did you speak to him while Josh was there that week?

A. Yes.

Q. How was his mood then?

A. He seemed fine. He brought up the issue of the \$3,000, wanted to know if I opened up the account; and we kind of had that husband -- ex-husband-and-ex-wife talk, but he seemed

Lana Padilla - Cross

fine.

Q. When you say the ex-husband/ex-wife talk, you all were pretty amicable over the phone, weren't you?

A. And in person.

Q. And Terry had requested that the 3,000 that he was leaving with you be placed in a safe, in a savings account for --

A. Josh.

Q. -- Josh, and that he requested that you send him a receipt showing that it had been done; right?

A. Right.

Q. There was no heated discussion about that, was there?

A. No.

Q. Now, did seeing the silver coins in the locker -- were those type of things that you had seen in Terry's possession before, during your marriage?

A. Yes.

Q. Would you describe Terry Nichols as a frugal person, or a spendthrift?

A. Frugal.

Q. Would you say he's very frugal?

A. He's very frugal.

Q. During the course of your marriage, was Terry able to save money, rather than spend money?

A. Yes.

Q. And at the termination of your marriage, was everything

Lana Padilla - Cross

divided up and to the satisfaction of both people?

A. Yeah. Yes.

Q. Now, you mentioned on direct examination that you got a call from the FBI as you were going to work Friday morning; is that correct?

A. When I got to my office, I checked my pager and there was a message from them. And they had already called my office, but I wasn't there yet.

Q. This is April the 21st, Friday; is that correct?

A. Yes.

Q. And this is after you had gotten off the telephone with Terry Nichols earlier that morning.

A. Yes.

Q. Now, do you recall approximately what time it was in Las Vegas that you were talking with Terry on the phone in Herington, Kansas?

A. That morning?

Q. Yes, ma'am?

A. It was about 7:00 Las Vegas time.

Q. You know the time difference between Las Vegas and Herington?

A. I think it's two hours.

Q. Okay. So that would have been approximately 9 a.m. in Herington?

A. Uh-huh.

Lana Padilla - Cross

Q. Did Mr. Nichols tell you who it was that was present at that time that he couldn't discuss matters on the phone with you? Somebody was there?

A. I don't remember him saying who was there.

Q. Okay. But he stated that someone was there?

A. Yeah.

Q. All right.

A. I don't remember who he said. I don't remember if he said.

Q. Okay. Now, what happened when the F -- when you returned the FBI's call?

A. They said they wanted to talk to me regarding the Oklahoma City bombing. And I was in my office. And I said, "I don't know anything, but you're welcome to come by."

Q. And they came to your office?

A. They came to my office.

Q. How many came?

A. Two people.

Q. Okay. Who were they? Do you recall the names?

A. Alan Gough and Dan Kolos. Dan -- Dan Kolos, I think.

Q. You got to know them over the next few days; is that correct?

Did you get to know the head --

A. Yes.

Q. -- of the office there in Las Vegas?

A. Mr. Prillaman?

Lana Padilla - Cross

A. Yes.

Q. Did you spend a lot of time with him?

A. I spent more time in his office with Alan Gough, but Mr. Prillaman would come in and out of the office.

Q. Did you have more than one discussion with Mr. Prillaman?

A. Yes.

Q. Now, when they came to the office, you advised them that you had spoken with Terry that morning and that he's home?

A. Yes.

Q. Now, you had the address as 901 South 2nd in Herington. And his true address is 109. Are you aware of that?

A. I wasn't aware of that until recently.

Q. Do you know whether or not Terry gave you the wrong address, or if you wrote it down wrong?

A. I don't know.

Q. Okay. Did you give the FBI the phone number that you had for Terry Nichols, also?

A. I think so, because they asked me if I would mind calling him again; so I probably pulled the number out.

Q. Now, did you call him?

A. No.

Q. When you were being interviewed by them, did you learn that Terry had gone to the police station to ask questions?

A. NO.

Q. Okay. Wasn't there a time when the FBI was interviewing

Lana Padilla - Cross

you and they advised you that: Well, Terry Nichols has gone down to the police station?

A. Advised me that --

Q. It wouldn't be necessary for you to call.

A. No. They didn't advise me that way. They had me on the phone with the hostage coordinator, and then they came in and said, It's okay, because he's turned himself in.

Q. The hostage coordinator was talking to you to get some background about Terry Nichols so that he could talk to him; is that correct?

A. Yeah. I guess.

Q. It was at that point that somebody else broke in and said, Never mind, he's at the police station.

A. Right.

Q. Okay. And you gave them all the information that you were aware of -- is that correct -- about Terry Nichols?

A. Yes.

Q. And you were trying to cooperate the best you could with the FBI?

A. Yes.

Q. Now, did you spend the next several days with the FBI?

A. Yes.

Q. And where did you spend the evenings?

A. For a few days, we were in Circus Circus.

Q. And why was that?

Lana Padilla - Cross

A. I think -- there was just so much commotion that I believe that we needed time away from the house, and they felt it would be better because of the -- the press and if there were any other people involved or there was any danger to us. They were looking out for us. Me and my children.

Q. All right. And how many evenings did you stay at Circus Circus?

A. I think three or four, because then someone from the press called our room; and then they moved us to a place called the Excalibur.

Q. All right. How many days -- how many evenings did you stay in the Excalibur?

A. I think three.

Q. Now, this is you and Josh and who else?

A. Me and Josh. Troy stayed with a friend. Barry was there for a while. And then there was someone else that was there, a gentleman named Jerry Mongilla.

Q. And he's with who?

A. He's what?

Q. Oh, never mind. He's not an FBI agent; right?

A. No.

... ..

Q. So how many evenings were you placed in hotels and not at home, then, from the 21st on?

A. Six evenings. We went home on --

Q. Did you -- I'm sorry.

Lana Padilla - Cross

A. We went home on Thursday, so it was six nights.

Q. Had you requested to be able to go home during those times?

A. Not really. At -- towards the end of the six days, we started talking about some other things, maybe going out of town and staying. And I just said I want to go home, and we went home.

Q. Now, during the day, were you at the FBI office being interviewed?

A. Quite a bit of the time, from my recall. Then there was a time when they took us to a counselor, you know, different things. They introduced us to a counselor, and I took Josh.

Q. Okay. When you were being interviewed by the FBI, did you notice charts on the wall of statements of various individuals?

A. Not those first six days. The charts on the walls came later.

Q. Okay. Okay. Was there a time when you were meeting with the head of the office, Mr. Prillaman, when he stated to you his opinion of the guilt of the defendants?

A. Yes.

Q. When was that?

A. First day.

Q. What did he say to you?

MR. MACKEY: Objection.

THE COURT: Overruled.

BY MR. WOODS:

Lana Padilla - Cross

Q. What did Mr. Prillaman, the head of the FBI, say to you that first day on April the 21st?

A. He said that they were both going to fry, they were never going to see daylight.

Q. And who was he speaking of?

A. Terry and Tim.

Q. And this is the first day on April the 21st.

Okay. Miss Padilla, when you and Terry were operating your rental business back in Michigan, when you were buying and selling property and renting it out, did you use a P.O. box during that period of time?

A. Yes.

Q. And what was the purpose of doing that?

A. I don't know if I remember. We had a P.O. box, and I don't remember why.

Q. Was that for the receipt and the communications with the renters?

A. Could have been.

Q. You had a mailing address, of course, at your home --

A. Right.

Q. -- where you were living?

A. Right.

Q. But you utilized --

A. I think we thought it was better to get all of our mail there because of the money coming in and the mailbox on the

Lana Padilla - Cross

road. You don't know, you know -- it was just . . .

Q. But you did utilize a P.O. box in the course of your business; is that correct?

A. Yes.

Q. Okay.

MR. WOODS: Your Honor, I have just one item.

THE COURT: Yes.

MR. WOODS: I'm sorry for the delay.

THE COURT: Yes.

BY MR. WOODS:

Q. Now, Mrs. Padilla, you mentioned that there was an occasion when Terry was there during November 1994 and he had a weapon with him?

A. Yes.

Q. Okay. Did -- when you were married to Terry Nichols, did he have weapons in the home?

A. Yes.

Q. Few, or many?

A. I don't remember.

Q. Okay. You're not into weapons?

A. I mean, how many is "many"? I don't remember. I mean, he had numbers, you know; but that was a guy thing.

Q. Okay. And upper Michigan is an area where outdoor activities, hunting, etc., is common; is that correct?

A. Absolutely.

Lana Padilla - Cross

MR. WOODS: Your Honor, may I approach the witness?

THE COURT: Yes.

BY MR. WOODS:

Q. Miss Padilla, let me show you what has been marked for identification purposes only as Exhibit 1220, D1220.

Have you seen that before?

A. Well, it's my writing, but I -- I forgot about it.

Q. Okay.

A. I wrote this.

Q. You recognize it as your writing?

A. Yes.

Q. Do you recall an occasion in 1988 when you helped make a listing of the weapons that Mr. Nichols had?

A. This is my writing, but I don't recall. I don't recall it.

Q. Okay. Do you recall approximately how many weapons Terry had at the time?

A. According to this, it says --

Q. Well, without --

A. No, I don't.

Q. Excuse me. Don't mention the number.

A. No, I don't.

Q. Do you recall during that time of the separation where you were listing items that you had in the household for purpose of division or for purposes of inventory?

A. Terry did that pretty much.

Lana Padilla - Cross

Q. And is this for the purpose of separating the assets in connection with the upcoming divorce?

A. I think so.

Q. Do you recall helping him on some of that, writing down the records?

A. I could have.

Q. Is that something that the two of you did jointly sometimes?

A. Well, in September of '88, we weren't living together, but I still went home. I don't know if he was home or in -- if he was home on -- for leave, or if he was in Fort Riley, Kansas.

Q. Do you remember what period of time -- He started in basic training in Fort Benning in May, '88; is that your recollection?

A. Yes.

Q. And then basic training usually last 14, 16 weeks? Or do you know?

A. No, I don't know.

Q. Okay. Do you recall whether or not Terry Nichols came home between basic training --

A. Yes.

Q. -- and his assignment to Fort Riley?

A. Yes.

Q. He did come home?

And did you see him during that period?

Lana Padilla - Cross

A. Most likely, I saw him.

Q. Did you discuss with him the division of property for the upcoming divorce?

A. We must have, because we did a separation after that.

Q. A separation agreement?

A. Uh-huh.

Q. You recall seeing that on file?

A. Yes.

MR. WOODS: All right. Your Honor, may it please the Court, the defense would offer into evidence the handwritten list of weapons that Miss Padilla agrees is her handwriting; and by agreement with counsel, we've omitted the bottom.

BY MR. WOODS:

Q. The bottom entry is not your handwriting; is that correct, Miss Padilla?

A. The bottom or on the back. No, the back is not my

A. THE BOTTOM OF ON THE BACK. NO, THE BACK IS NOT my handwriting; that is Terry's. The bottom of the front of this is my handwriting, but then the word "over" is his handwriting.

Q. And you recognize his handwriting, the word "over"?

A. Yes.

Q. Okay.

MR. WOODS: Your Honor, by agreement with counsel, we're only going to offer the front page of this document into evidence.

MR. MACKEY: That's correct, your Honor. I believe

Lana Padilla - Cross

that's what the witness will say is of her handwriting.

THE COURT: Well, you have no objection to the document?

MR. MACKEY: That's correct.

THE COURT: All right. D1220 is received, and you're going to modify the exhibit.

MR. WOODS: Yes, if it please the Court. I'll have her identify the modification.

THE COURT: Okay.

BY MR. WOODS:

Q. Miss Padilla, would you look at that document that's placed in front of you, which is D1653. Is that a photocopy or a Xerox copy just of the front side?

A. It's D1220.

Q. All right. D1220?

A. That's my writing.

Q. Is that a photocopy of just the front side?

A. Correct.

MR. WOODS: Thank you.

THE COURT: Well, we've got -- is it 1220A or something?

THE WITNESS: It's 1220.

THE COURT: Well, just let me deal with that.

MR. WOODS: It will be 1220A, your Honor.

THE COURT: All right. So the Xerox and the one that's going to be received in evidence is D1220A; right?

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

THE COURT: Received, 1220A.

MR. WOODS: Your Honor, that's all the questions I have.

Thank you, Miss Padilla.

THE COURT: Mr. Mackey, do you have any follow-up?

MR. MACKEY: Your Honor, may I approach with a question?

THE COURT: Yes.

(At the bench:)

(Bench Conference 82B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

Lana Padilla - Redirect

(In open court:)

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Miss Padilla, I have just a few follow-up questions, if you wouldn't mind. Early in the cross-examination by Mr. Woods, you were shown a couple of photographs of your children. Do you recall that?

A. Yes.

Q. Those are photographs that you provided to the defense; is that correct?

A. Correct.

Q. And they're dated many years ago?

A. Correct.

Q. Mr. Woods asked you some questions concerning Mr. Nichols' propensity to gather information and keep track of things. Do you recall those questions?

A. Kind of, yeah. To gather information, okay.

Q. Have you known Mr. Nichols to be a kind of person who will get as much information before acting?

A. Yes.

Q. Rather than simply relying on the word of someone, will gather facts and then make a decision and act?

A. Correct.

Q. Do you recall when we were talking earlier this morning

Lana Padilla - Redirect

about the exchange of money there in January of 1995 when Mr. Nichols had returned from the Philippines, you had taken some of the money out, and there was a discussion; is that correct?

A. Correct.

Q. Do you remember Mr. Nichols offering how it was that you could resolve that dispute over the money?

A. He said I could give it all back to him and that he would -- and I was to trust him to give me back whatever amount he felt I should have.

Q. Did you decline that offer?

A. Yes, I declined that offer.

Q. Do you recall at any point in time over those two or three days where there was the discussion about the money that Mr. Nichols made any statement to you about making life miserable for you?

A. Yes.

Q. Describe that.

A. We were sitting in my living room and talking, and there was no one else around. And he just said -- he tried -- he was trying to convince me I should return the total \$5,000 and just suggested that he could make my life miserable. And I just laughed at him. Like, oh, yeah, really, I was just miserable for 60 days.

Q. Miss Padilla, you were asked some questions about the

Lana Padilla - Redirect

background and the raising of your children, both Barry, Troy, and Josh. At any point in time, Miss Padilla, have you abandoned your son Josh?

A. The word "abandon" is interpreted by different people different ways. There was a time --

Q. According to you?

A. According to me, there was a time when I had left Josh for too many days; but I wouldn't call it abandoning him.

Q. You told the jury that Mr. Nichols loved farming. Do you recall that?

A. Yes.

Q. Do you remember the last farming job that Mr. Nichols had?

A. On the Donahue farm.

Q. And do you remember that he quit?

A. Yes.

Q. And do you remember what he did when he quit farming?

A. Went to do gun shows with Timothy McVeigh.

Q. You told the jury earlier that in the phone call on November 6, 1994, that you were urging Mr. Nichols to spend some time with his son. Do you recall that?

A. Yes.

Q. And eventually, Mr. Nichols made it to Las Vegas and then left from there to the Philippines, do you recall that?

A. Yes.

Q. Do you know where he had originally booked his departure

Lana Padilla - Redirect

for that flight to the Philippines, where the departure site was?

A. No, I didn't know.

Q. Have you since seen documents that show that that was from Kansas City?

A. Yes.

Q. And not Las Vegas?

A. Yes; correct.

Q. In the conversation on November 6, 1994, you were very concerned about your son; correct?

A. Yes.

Q. And that's why you had written the letter?

A. Yes.

Q. Isn't it fair to say that in that same conversation,

Mr. Nichols was not concerned about Josh?

MR. TERRY NICHOLS WAS NOT CONCERNED ABOUT JOSH?

A. I don't -- I don't think that he wasn't -- I don't think he wasn't concerned about Josh. It just seemed like there was something else that he wanted to say. And he didn't really want to talk about Josh.

Q. Instead what he talked about was Waco, the White House, and other events; correct?

A. Yes.

Q. You described that conversation before like two ships passing in the night?

A. Yes.

Lana Padilla - Redirect

Q. Mrs. Nich -- Mrs. Padilla, do you know that Marife Nichols went to the Philippines in September of 1994? We talked about that before. You recall that?

A. Yes.

Q. Do you recall when it was that she came back to the United States?

A. I believe it was in the spring of '95.

Q. So she was gone for six months or so?

A. Yes.

Q. And that would include the month of October, 1994; correct?

A. Yes.

Q. And that would include Halloween; correct?

A. Yes.

Q. On Halloween, 1994, did Mr. Nichols use a ski mask, wig, makeup, or any other items to scare you or Josh or any of the family members?

A. I can't speak for Josh. But not me.

Q. The ski mask that you've told this jury you saw in the storage shed in Las Vegas was black; is that correct?

A. It was dark. I thought it was black.

Q. You're not confusing it with an olive tanker mask?

A. Is an olive -- I don't know what an olive tanker mask is.

Q. I'm going to show you what was previously admitted into evidence as Defense Exhibit 1549. Is the ski mask that you saw in the storage locker like this, black in color, and full face?

Lana Padilla - Redirect

A. Well, this looks much more dramatic because it's on somebody's head, but I just looked at it. But it was a full face.

Q. Black in color?

A. Black in color.

Q. Mr. Woods asked you some questions about employment that you and Mr. Nichols shared back in the early 80's with an agency called A. L. Williams. Do you recall those questions?

A. Yes.

Q. And he asked you about a slogan that that insurance agency had. Do you recall those questions?

A. Yes.

O. In November of 1994, when you opened the letter that you've

shown this jury and read the words that are on that letter, did you think for a moment of A. L. Williams?

A. When I opened the letter in 1994, I did not think of A. L. Williams.

MR. MACKEY: Nothing further.

MR. WOODS: Just a couple, your Honor.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. WOODS:

Q. Miss Padilla, the prosecutor's asked you about that phone conversation on November the 6th, '94, and asked you was Terry Nichols concerned about Josh Nichols during that call. Did he

Lana Padilla - Recross

immediately come to Las Vegas after you talked to him?

A. Within a few days he came.

Q. And he asked you if you were aware that he was scheduled to fly from Kansas City to the Philippines. But he changed that --

A. That's right.

Q. -- to depart from Las Vegas; is that correct?

A. Yes.

Q. And he was able to spend at least two weeks there with Josh before he left; is that correct?

A. Yes.

Q. Okay. And when you related the conversation about Terry Nichols saying, "I'm going to make your life miserable," was he threatening you in any manner?

A. Terry's very soft-spoken. And for him to say -- see, that statement didn't mean anything to me at the time.

Q. You stated that --

A. I mean, I just ignored it because I was -- like I said, I was traumatized because of the letters anyway; so when he said that, it was like, oh, big deal, right.

Q. You had already been miserable because you were worried about him --

A. That's right.

Q. -- for two months while he was in the Philippines?

A. That's right.

Lana Padilla - Recross

Q. You did not take it as any threatening statement to you, did you?

A. I didn't take it as threatening then, no.

Q. Is Terry Nichols a type of person who would do favors for people when they asked?

MR. MACKEY: Objection.

THE WITNESS: Yes.

THE COURT: Sustained.

MR. WOODS: Thank you, Miss Padilla. I appreciate your answering the questions.

Thank you.

THE COURT: Is she now excused?

MR. MACKEY: Yes, your Honor.

MR. WOODS: Your Honor, she's under subpoena by us; and we would like her just to be available back in Las Vegas in the event we needed to call her.

THE COURT: All right. She can go home, then.

MR. WOODS: Yes, of course.

THE COURT: So you can return back. Consider yourself still under subpoena as a witness. Therefore, you should not be talking about your testimony or anything connected with the case with other witnesses.

All right. You can leave. You may step down.

We'll take our midafternoon recess, members of the jury, during which, of course, please follow the cautions regularly given and regularly reemphasized of avoiding discussion about any of these witnesses or anything about the case, waiting until you hear it all. You're excused now. 20 minutes.

(Jury out at 3:27 p.m.)

THE COURT: Are you going to have the Manning deposition this afternoon?

MR. MACKEY: Your Honor, we have -- yes, one witness before we'd like to offer that.

THE COURT: I don't remember the playing time of that.

MR. MACKEY: And it varies because it was in two stages. But I think it's about an hour.

MR. RYAN: It's 97 minutes, your Honor.

THE COURT: Okay. And your objection is of record with respect to that.

MR. WOODS: I don't think there's anything on there we object to.

THE COURT: Oh.

MR. WOODS: Hopefully they've cut out -- 97 minutes, I don't remember it being that long. Hopefully they've cut out Mr. Nigh's questions.

MR. RYAN: We have cut out everything that includes from Nigh's, including Mr. Mackey's redirect after Mr. Nigh.

THE COURT: Okay.

MR. RYAN: We talked about making it shorter, but defense --

THE COURT: Well, as long as we're certain that it's edited for this case.

MR. RYAN: It is, your Honor.

MR. TIGAR: Those objections are taken care of, if your Honor is talking about the earlier question that we litigated.

THE COURT: Yes.

MR. TIGAR: We still maintain those objections.

THE COURT: That's why I wanted to make this record show that you were not waiving the previous written objection that was argued and decided.

MR. TIGAR: Yes, your Honor.

THE COURT: And I'm doing that just because appellate courts sometimes get confused.

MR. WOODS: Thank you, your Honor.

MR. TIGAR: Mr. Woods and I will get this act together sometime, your Honor.

THE COURT: Court's in recess, 20 minutes.

(Recess at 3:28 p.m.)

(Reconvened at 3:46 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:47 p.m.)

THE COURT: All right. Next witness.

MR. MACKEY: Yes, your Honor. Lois Miller.

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

(Lois Miller 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: Lois Elaine Miller, M-I-L-L-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Ms. Miller, where do you live?

A. I live in Henderson, Nevada.

Q. What city is Henderson near?

A. Las Vegas.

Q. And what do you do for a living?

A. I am a manager of a mini storage.

Q. And how long have you been the manager of a mini storage?

A. 13 years.

Q. What is the name of the mini storage for which you're the manager?

A. AAAABCO Mini Storage.

Q. Is that four As, a B, C and an O?

A. Yes.

Lois Miller - Direct

Q. And you're here because Terry Nichols rented some storage space from you in November of 1994?

A. Yes, a man named Terry -- Nichols -- did rent from me.

Q. And you know that because of the documentation?

A. Yes.

Q. Do you recall that transaction?

A. Well, I mean, I know the document; but as far as remembering the person, no.

Q. How many storage units do you have at the storage -- the mini storage unit?

A. Over 2,000.

Q. Excuse me?

A. Over 2,000.

Q. And are you the only person that leases these facilities?

A. I'm the manager, and then I have assistants

A. I'm the manager, and then I have assistants.

Q. Let me show you what's been marked for identification as Exhibit 1906. Can you recognize that document?

A. Yes. That's our lease agreement.

Q. Is that the lease agreement with Terry Nichols?

A. Yes, it is.

MR. RYAN: Your Honor, Government would offer Exhibit 1906.

MR. TIGAR: No objection, your Honor.

THE COURT: 1906 received, may be shown.

BY MR. RYAN:

Lois Miller - Direct

Q. You should have it on the screen up there at the witness chair there, Ms. Miller.

A. Yes.

Q. I'm going to try to make it a little easier for everybody by zooming in on the front top portion of that lease. Do you see that?

A. Yes, I do.

Q. Whose handwriting is this?

A. Mine.

Q. What did you record here about this lease transaction?

A. The gentleman's name, the unit number that I rented him, and the date and the amount.

Q. All right. And who was the -- what's the name that was used to rent this storage unit?

A. Terry Nichols.

Q. And what storage space was rented?

A. Q106D.

Q. And what was the date?

A. The 16th day of November of '94.

Q. Now, what -- for what time frame was the storage unit rented for?

A. It was rented from November of '94 to February of '95.

Q. Now, if we could, let's zoom to the bottom of the page and talk about the handwriting there. Could you take the pen there on your desk and show me what handwriting on this portion of

Lois Miller - Direct

the document is not yours?

A. The signature -- I'm supposed to go down under here.

Q. There you go.

A. This is not mine, or this, or this.

Q. And whose handwriting is the balance of the writing on this bottom portion of the exhibit?

A. All except what I have circled is mine.

Q. Now, at the top of this -- what's being displayed has the name of Lana Padilla. Do you see that?

A. Yes.

Q. What is the purpose of that on this form?

A. She's an alternate person. That's somebody that I could notify if he failed to pay his rent.

Q. Is the alternate person also entitled to access to the storage unit?

A. She is if he wants her there, yes.

Q. And who provided you that information?

A. Terry did.

Q. In terms of the address provided, that is -- that was provided also by Mr. Nichols?

A. Right.

Q. And that is your signature over there where it says "L. Miller"?

A. Yes, it is.

Q. Now, if we could, let's turn to Exhibit 1904. It has not

Lois Miller - Direct

been admitted in evidence. If you'd click on the side of the pen there, Ms. Miller, on the side of your black pen.

A. Oh, yeah.

Q. Click on the side of it.

There you go.

Tell us what we're looking at here when we view Exhibit 1904.

A. Okay. That is also a lease agreement for a lot where Mr. Nichols had his GMC pickup.

MR. RYAN: Your Honor, we would offer Exhibit 1904.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, 1904.

BY MR. RYAN:

Q. Now, again, Ms. Miller, we'll zoom in to the top here to allow a little easier access for reading. And again, is this your handwriting?

A. Yes, it is.

Q. All of it?

A. Yes.

Q. Now, again, what information does this tell us about the storage unit being -- or the storage space that was being rented by Mr. Nichols?

A. Okay. It shows that it's rented by a person named Terry Nichols and the Lot No. 3, and it was rented on November 26 -- 22 of '94, and it was paid for January 22 of '95, and he parked

Lois Miller - Direct

a GMC truck.

Q. And do you recall that?

A. Yeah.

Q. Not the person coming in, but do you recall the GMC pickup being there?

A. Yes.

Q. At your storage space?

A. Yes, I do.

Q. Now, if we could look down at the bottom of the page, 1904. Again, would you circle for us the handwriting on Exhibit 1904 here that is not yours.

And the balance of the handwriting is yours, I take it?

A. Yes.

Q. And you received the information again from Mr. Nichols?

A. Yes, I did.

Q. Again, we see this alternate person named Lana Padilla.

A. Uh-huh.

Q. Correct?

A. Yes.

Q. So the same information conveyed to us about the storage shed would apply here?

A. Yes.

Q. With respect to the pickup truck.

A. Yes.

Lois Miller - Direct

Q. Would you describe that pickup truck as shiny in color, or dull?

A. I don't really remember.

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

THE COURT: Mr. Tigar?

MR. TIGAR: Yes.

Could we leave that on the screen, please.

THE COURT: Yes.

MR. TIGAR: Thank you very much, Mrs. Hasfjord.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Hello, Ms. Miller.

A. Hello.

Q. My name is Michael Tigar. I'm one of the lawyers that's been appointed to help out Terry Nichols.

You're looking now at the screen; and do you see the name Lana Padilla written in there?

A. Yes, I do.

Q. Now, did you write that in there, or did your customer write that?

A. Actually, the customer wrote that one. That is printing, and I don't print.

Q. Okay. So that would have been written by Mr. Nichols. Right?

A. Uh-huh.

Lois Miller - Cross

Q. Thank you. Now, can you tell me, what does it mean "the alternative person" in your business? What does that person --

A. In my business, like if Mr. Nichols failed to pay his rent and I couldn't get a hold of him at the address that he had given me, then I could get a hold of Lana to tell him that his rent is overdue and I was going to sell his stuff if he didn't pay it.

Q. Okay. And the address that you had then for both the renter and for Lana Padilla, is that 7160 Nordic Lights address. correct?

address; correct?

A. Yes, it is.

Q. And they gave you a local Las Vegas phone number that went along with that?

A. Right.

MR. TIGAR: Thank you very much. I have no further questions.

MR. RYAN: Just one, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. RYAN:

Q. In connection with these lease agreements to Mr. Nichols, did you require some showing of identification?

A. Yes, I did.

Q. And what did you require?

A. A driver's license.

MR. RYAN: That's all. Thank you, your Honor.

MR. TIGAR: Nothing further.

THE COURT: I take it you're excusing the witness.

MR. RYAN: Yes, your Honor.

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

Next.

MR. MACKEY: Your Honor, we'd like to call Mr. Eric McKisick.

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

(Eric McKisick affirmed.)

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

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

THE WITNESS: Eric McKisick, M-C-K-I-S-I-C-K.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. McKisick.

A. Good afternoon.

Q. Where do you live?

A. I live at 11909 Blue Way Avenue, Oklahoma City.

Q. What do you do down in Oklahoma City?

Eric McKisick - Direct

A. I work for the Social Security Administration.

Q. What do you do for them?

A. I'm a staff assistant with them.

Q. And where were you born and raised, sir?

A. I was born and raised in Forest City, Arkansas.

Q. Could you briefly describe your education for the jury?

A. Sure can. I graduated from Forest City High School in Forest City, Arkansas, in 1977, from there went on to Harvard University and graduated from there in 1982.

Q. And what was your degree in at Harvard?

A. American history.

Q. Are you married, sir?

-
A. Yes, sir, I'm married.
Q. Do you have any children?
A. I have two children, Justin, 11, and Sheridan, 4.
Q. And what did you do after graduating from college?
A. Well, shortly after I graduated from college, I started working for the Social Security Administration in May, 1984.
Q. And have you been working for the Social Security Administration ever since?
A. Yes, sir, I have.
Q. Could you describe for us your career in the Social Security Administration?
A. Sure. In May, '84, I was hired as a claims representative trainee; and I worked in that capacity in the Forest City,

Eric McKisick - Direct

Arkansas, office until 1988, at which time I was promoted to supervisor. And I worked in the Dallas North District Office from that point until January, '91.

January, '91, I was promoted to program specialist, systems analyst in the regional office in Dallas; and I worked in that capacity until I moved to Oklahoma City in 1994 as a staff assistant.

Q. That is why you moved to Oklahoma City, because you became a staff assistant?

A. That's correct.

Q. Where in Oklahoma City were the Social Security offices located in 1994 when you moved there?

A. The Social Security office was located at the Alfred P. Murrah Building, 200 N.W. 5th Street, Room 111.

Q. That's where your office was?

A. That's where our office was.

Q. In April, 1995, were you still working in the Murrah Building, sir?

A. Yes, sir, I was.

Q. Were there any other members of your family that spent their days in the Murrah Building?

A. Yes, sir. I had a daughter who was part of the day-care center for a while. She was a drop-in; and fortunately, she did not drop in that day. She was sick and unable to go to the class or day care.

Eric McKisick - Direct

Q. What was your position in April, 1995, in the Social Security Administration?

A. I was detailed as an operations officer for the Social Security office there.

Q. What does that mean, operations officer?

A. As an operations officer, I was supervisor of the four supervisors and second-line supervisor for the rest of the staff.

Q. What did the Social Security office in the Murrah Building do?

A. Well, the Social Security office in the Murrah Building, like 1300 other Social Security offices across the country, provides support and benefits to individuals who are retirement age, survivors of deceaseds and disabled. We pay benefits to about 43-plus million people each month.

Q. How many employees worked at the Social Security Administration there in the Murrah Building?

A. 62.

Q. What were the hours of operation?

A. Our hours of operation for our employees was 7 a.m. to 5 p.m. For the public, we opened the doors from 9 a.m. and closed at 4 p.m.

Q. When you say you opened the doors to the public at 9 a.m., what does that mean exactly?

A. We opened the -- we started interviewing our customers at

Eric McKisick - Direct

9 a.m. On occasion, we might open a little bit early and may have a service representative talk to people before 9:00, but usually at 9:00 our windows opened and we started interviewing our customers.

Q. So that was when the first appointments generally were, at 9?

A. Yes, sir.

Q. What would happen with regard to members of the public before 9:00 in the morning?

A. Usually they traveled into our north entrance on 5th Street and reside in that area inside the building for a while; and we open the doors somewhere before 9:00, and they can come in and sit down or wait in line.

Q. Where would they wait?

A. In our reception area.

Q. What would be the time of day that the maximum number of members of the public would be in the Social Security Administration space in the Murrah Building?

A. We usually get our biggest rush of people when we open the doors, at 9 a.m.

Q. Would you describe what kind of business the people who come in to talk to people at the Social Security Administration would have at 9:00 in the morning?

A. Well, we have several different things that we provide our customers, chief of which -- one thing we're known for is our

Eric McKisick - Direct

Social Security numbers; and many young mothers would come in with children to apply for Social Security numbers, the first Social Security number for their child. Others, like wives who had recently gotten married, would come in to get a Social Security card with their new name on it, same number but a different name. That's usually the biggest --the bulk of our walk-in traffic, those that are not scheduled for appointments.

The rest of our customers are usually appointments;

that is, they are applying for retirement benefits, survivor benefits, or disability benefits.

MR. GOELMAN: I'm going to ask to have displayed the first floor of Government's Exhibit 952.

BY MR. GOELMAN:

Q. Tell me if this is the accurate depiction of the way the floor plan of the first floor of the Murrah Building looked in April, 1995.

A. Yes, sir, it does.

Q. Now, I think you have a light pen over there. Could you place it right on the screen and draw a circle around the waiting room where members of the public would be at 9 a.m. in the morning.

Are you putting it right on the screen, Mr. McKisick?

A. Yes, sir.

Q. Okay. Now, is that area -- was the Murrah Building divided into two parts, with one part being nine stories high and one

Eric McKisick - Direct

part being just one floor high?

A. Yes, sir.

Q. And how is that reflected here on the first floor? Which part of the building was in the main part?

A. From about here all the way over, you'll see -- this little area was like a little -- little steps, some steps here. Right here would be where the building would be separated from the nine stories' segment and the one-story east wall, east segment.

Q. So the area to the left the line that you just drew would be where the one portion of the building was?

A. Yes, sir.

Q. And the area to the right would be the nine floors?

A. Yes, sir.

Q. That includes the waiting room?

A. Yes, sir, it does.

Q. What would be inside that waiting room?

A. Inside the waiting room we'll have two rows of chairs going north and south and one row on the south wall of about four or five chairs that will be facing the north wall but with their back to the south wall.

Q. What would those chairs be for?

A. Our customers who are in the office waiting for appointments or walk-in traffic with -- waiting for their number to be called or their name to be called.

Eric McKisick - Direct

Q. How many chairs were there in the waiting area of Social Security Administration?

A. There were approximately 20 or so chairs.

Q. Would they all be occupied by people with appointments with the Social Security Administration?

A. Not necessarily. They could be individuals who come in for -- right off the street for a Social Security card.

101 right on the screen for a Social Security card.

We also had some stanchions in there that allowed people to line up in a queue so they would wait for their chance to talk to one of our service representatives at the front windows.

Q. Mr. McKisick, could you click the side of your pen a couple times to erase those marks.

MR. GOELMAN: Kathi, we're done with this exhibit for a moment.

BY MR. GOELMAN:

Q. Mr. McKisick, did you go to work on April 19, 1995?

A. Yes, sir, I did.

Q. What time did you arrive at the Social Security Administration that day?

A. Approximately 7:30 a.m.

Q. What did you do when you got there?

A. Usually I just checked to see what I have planned for the day. I knew that at 9:00 I had an appointment with John Smith from Langston University, and at 9:15 we had implemented a

Eric McKisick - Direct

management meeting, a regular management meeting to inform our new boss of what things were going on in the office.

Q. Okay. Who is John Smith of Langston University?

A. He was a gentleman sent over from the university to review some of the equipment that we were about to excess. We had some equipment that was outdated, some typewriters because we'd come into the computer age. We had more PCs and we were going to provide those to educational institutions like Langston, so he was there to review and see how the equipment worked.

Q. What did you do at 9:00 that morning?

A. Well, at 9:00 I went out to the reception area to call for Mr. Smith, see if he was there so that he can start looking at the equipment.

Q. Before April 19, 1995, did you know Mr. Smith?

A. No, sir, I had never met him.

Q. So what did you do -- what did you see when you went out there to the waiting area?

A. Well, when I first went out to the waiting area, I noted that the room was pretty filled with a lot of people, both standing and seated. Seemed like all the chairs were occupied, and we had a little line. I called Mr. Smith's name. And a gentleman at the back of the room, which would be the west side room, was standing near one of the counters and reading a brochure or pamphlet. And when I called his name, he immediately put the pamphlet down and started moving toward me.

Eric McKisick - Direct

And at that time, I introduced myself to Mr. Smith.

Q. What did you do after you introduced yourself to Mr. Smith?

A. I invited him inside the building or office proper and took him to the place where the equipment was stored.

Q. Okay. Mr. McKisick, you testified that at 7:00 is usually

the time when employees would start arriving?

A. Yes, sir.

Q. What's the latest that a Social Security employee could come to work in April, 1995?

A. They can arrive as late as 8:30; and if they arrive at 8:00, they have to work till 5:00. We have flexible beginning and ending time for our employees.

Q. But at 9, everyone is there?

A. Everyone is there.

Q. After you met Mr. Smith, where did you two go?

A. We went to an area not too far from my cubicle in the rear of the building.

Q. What were you doing in that area?

A. Well, that's where we had some typewriters; and what he wanted to do was see how those typewriters operated, to make sure that they were something that he wanted to take back with him.

Q. That was the property you were excessing?

A. Yes, sir.

Q. Okay.

Eric McKisick - Direct

A. We were excessing a couple of typewriters as well as some computer controllers. First thing he wanted to see were the typewriters to make sure that they operated properly.

Q. And when you got back to that area, what did you do?

A. Well, first of all, took a look at them and found some paper for them to put in to roll through the typewriter and plugged them in. And shortly thereafter, we started -- started checking out the equipment to make sure it was working.

Q. And what happened just after you started checking out that equipment?

A. Well, at that point an explosion occurred, and we were plunked into darkness. It was a loud roar. And it was a concussive force that kind of moved us or at least me around and almost off my feet.

And at that point, couldn't see anything, but we could smell horrible smell and very thick air. I mean --

Q. What do you mean by "thick air"?

A. It was not something you really wanted to breathe but something maybe easy enough to taste or eat. It was that thick.

It -- the floors were -- felt like we were kind of like in an earthquake or something. We found out later it was not an earthquake but rather a bomb.

Q. What happened after that?

A. Well, I was moved around a little bit, and I felt around me

Eric McKisick - Direct

because I couldn't see. I felt what I come to find out later was a conduit from the light fixtures that had fallen -- the ceiling was not above us anymore but rather at our feet.

We were able to stumble around a little bit. The floor was uneven because of all the ceiling tiles and light fixtures and things like that that were no longer where they were supposed to be.

Q. Was Mr. Smith where you had left him?

A. Pretty much, yes. He called out to me, asking me not to leave him. And I said, "No, I won't leave you." And I turned around and then started hearing other things or other people.

I guess the first person I heard was one of our supervisors who was in a little conference with another one of the employees. Her name was Gwen Greise, and she was unable to get herself out of her office area.

The filing cabinets -- or actually, the -- the area behind her had fallen forward and pinned her in; so she said she couldn't get out, so I went to her assistance and gave her some aid. I was able to move around enough of the equipment, furniture, to ease her out.

Q. What did you do after you got her out?

A. Started walking further and then started hearing other noises from another employee there by the name of Anita Edge. She was one of our claims representatives. She was in a similar predicament; that is, her office area had combined to

Eric McKisick - Direct

cause her -- well, keep her from getting out of the area.

Q. Did you help her out as well?

A. Yes, sir, I did.

Q. What was the floor like, Mr. McKisick?

A. It was a jumble. It was what should have been flat was uneven, and there was all kinds of equipment strung around, cabinets. We walked over, around, pushed aside trying to get out of the office.

Q. Was it dry?

A. Unfortunately, no. No. We -- well, I heard a -- water running or what I found out later was it was water from -- our chilled-water supply, kept the air-conditioning cool. It had been ruptured, and the water was falling from there. And it was flowing into the office area and rising rapidly.

Q. Mr. McKisick, from the time you started working in the Murrah Building in 1994, had you ever had a fire drill there?

A. Yes, sir.

Q. Did you have certain responsibilities in the case of a fire drill?

A. Yes, sir, I did.

Q. What were they?

A. In the event of a fire drill, we would -- as one of management staff, I would be one of the last people to go out the door, first making sure that certain areas of the office were clear of people, like the rest rooms, both the public and

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our employee rest rooms, as well as reception areas, and travel out that way and make sure the door was closed on the way out

out that way and make sure the door was closed on the way out.

Q. Did you attempt to do that on the morning of April 19?

A. Yes, sir, I did.

Q. Were you able to?

A. I found out very quickly that the drill was not as good as you would think. During normal time, normal course of business we could get out of the area without a problem; but that day was a little bit different.

There was -- it was impassable. The rubble kept us from moving in that direction. Couldn't -- still couldn't see, so we were basically feeling our way around; and it was just impossible to pass through. So I was unable to complete the normal assignment that --

Q. When you couldn't get out the normal way, what did you do?

A. Well, after a while there was a light that started shining in the back, back of us on the east side. Found out later that one of our claims representatives, Rex Irwin, had found his way or made his way through the rubble in the back and was able to escape through the east door, which was a fire door. And that light was enough to steer us in the right direction, so we turned -- pivoted, turned back around and went straight through till we were able to get through and out the door.

Q. You got out that way?

A. Yes, sir, we did.

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Q. Did you stay out of the building at that time?

A. Well, for a few minutes. I caught my breath and breathed some clean, fresh air.

There were some people that started to arrive, fire trucks, firemen. It had taken us quite a few minutes to get through and out there, so there was a congregation of people. One was a marshal who wanted to assist in the evacuation, helping us out, but he didn't know the lay of the office building; so I volunteered to go back in there and help him with trying to locate people and stuff like that.

Q. How many times did you go back inside?

A. Two to three times. I cannot recall exactly.

Q. And during any of those trips, were you able to locate any other survivors?

A. As I was coming in, others were helping out some other people; and I was unable to spot anyone else. It was still very dark. I had, I think, a very small penlight which was given to me by someone outside. A nurse had arrived there pretty quickly on the scene. But I wasn't able to see or spot anyone to help out, really.

Q. Did the Social Security Administration lose any of its people on April 19, 1995?

A. Yes, sir. We lost 16 people.

MR. GOELMAN: I'm going to ask Agent Tongate, with the Court's permission, Government's Exhibit 1194, which are the

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pictures of those 16 people.

THE COURT: All right. Same position?

MR. TIGAR: Yes, your Honor.

THE COURT: You may do it.

BY MR. GOELMAN:

Q. Mr. McKisick, I'm going to call on you to read the names of each the 16 members of Social Security that died on April 19 and tell us what they did for Social Security before their death.

A. The first person you see there is Richard Allen. He was a claims representative for us, former supervisor, good resource.

The next person you see is -- well, Sandy Avery. She was a development clerk as well as our data entry operator.

Next one is Oleta Biddy. She worked as one of our service representatives.

Carol Bowers is the next person. She was an operations supervisor. She was responsible for some Social Security claims representatives as well as our reception service rep. unit.

The next person is Sharon Chestnut. She was a Social Security claims representative.

Next person was Kathy Cregan. She was a service rep. data review technician.

The next person is Margaret Goodson, who was a supplemental security income claims representative.

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Next one is Ethel Griffin, who was also a service rep. data review technician.

MR. GOELMAN: Thank you.

Agent Tongate, could you just put the next chart up, please.

THE WITNESS: The next person is Ron Harding. He was a service representative.

Raymond Johnson was an individual who worked for us through the National Indian Council on Aging.

BY MR. GOELMAN:

Q. But he worked for the Social Security Administration?

A. Well, he was assigned to us; but he really got his paycheck from the National Indian Council on Aging.

Q. Okay.

A. Derwin Miller, who was a Social Security claims representative.

Charlotte Thomas served as our appointment clerk.

Mike Thompson served as our supplemental security income claims representative and worked sometimes as our field rep.

Bob Walker was a Social Security claims representative.

Julie Welch was a claims representative trainee, and she was bilingual; that is, she spoke both English and Spanish.

And Steve Williams was another supervisor who was

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the -- in charge of our -- part of our Title 2 CRs as well as another section of service rep. data review technicians.

Q. How many supervisors did the Social Security Administration lose on April 19?

A. Two. Half of the unit I supervise.

MR. GOELMAN: Thank you, Agent Tongate.

BY MR. GOELMAN:

Q. I just have one more area I'd like to explore with you, Mr. McKisick.

A. Yes, sir.

Q. In addition to the 16 people from your agency who died on April 19, 1995, were there also visitors in your space who died that day?

A. Yes, sir.

Q. Did you have an appointment at Social Security Administration -- do you have an appointment system?

A. Yes, sir, we have an appointment system that we check on each day to determine the people who were scheduled to meet with us regarding their applications for benefits.

Q. And are some kind of computer records kept of this appointment system?

A. Yes, sir, we do.

Q. After the bombing, did you go back and research who had appointments at the Social Security office in the Murrah Building on April 19, 1995?

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A. Yes, sir, I did.

Q. I want to show you Government's Exhibit 1009. Do you see that on your screen, sir?

A. Yes, sir, I can.

Q. What's that?

A. This is our appointment listing for April 19, 1995, for Office 783. Office 783 is our three-digit code for Oklahoma City.

Q. Is that a record that Social Security Administration kept in the regular course of its business?

A. Yes, sir, it is.

MR. GOELMAN: Move to admit Government 1009, your Honor.

MR. TIGAR: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Now, were the people -- would the people accompanying the people on this list be listed anywhere in Social Security's records?

A. No, sir. We'd only list the individuals who were scheduled for the appointment that day.

Q. And so people who had drop-in appointments, they also would not be listed?

A. They would not be listed.

A. They would not be listed.

Q. Why don't you just go across the top of this sheet here and

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explain each of the categories, each of the columns.

A. Okay.

Q. Can you read it? Is it close enough?

A. Yeah, I can read it. It's a little small, but we can go from the beginning.

At the top it shows the appointment listing for April 19, '95, Office 783. The first column or heading is "NH name." "NH" is an acronym for number holder, the person who has worked and paid into the Social Security number.

The next field or column is "NH SSN," number holder of Social Security number.

The next column is "CL name." "CL" is an acronym for claimant.

The next column is a little bit wider. It's "claim types," and it shows the type of benefits the individual is applying for.

Q. Can you give us an example of that?

A. Sure. In the first instance, we have -- the first number-holder name is T. Argo; and the number-holder name is a field that allows for six characters, so Argo would be the person's complete last name. First name is initial T., started with T., their Social Security number. And then the claimant's name is next, same last name, and the first initial is P. for Pamela, I think.

The next field is the claim type. It shows "LSDP."

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"LSDP" is an acronym describing the lump sum death payment, a one-time payment after a number holder has died.

The next field shows the appointment type. In this field, we have two possible characters or numbers, 1 and 2. The 2 indicates an in-office appointment. The 1 would indicate appointment by telephone.

Q. And then the "time" column is self-explanatory?

A. Yes, sir.

Q. Do you see where there seems to be some handwriting that says "Area 3" to the right there?

A. Yes, sir.

Q. Different areas on the way down the sheet?

A. Yes, sir. After the bombing, the people on the list still needed the services that we provide. Some people were disabled, applying for retirement benefits or maybe even lost a loved one, spouse. So our regional office in Dallas split up our appointments for that day and distributed them to other areas in our region. Our region -- Dallas region is comprised of New Mexico, Louisiana, Arkansas, Oklahoma and Texas. So Area 3 in this case is actually Houston. That office would be responsible for looking into and taking the

applications for us on behalf of the individuals at our 9:00 time.

Q. And why did your clients or those individuals have to go to other offices?

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A. We were unable to do it. Our office was just leveled by -- huge explosion that kept us from helping, assisting people. That's our job is to help those who require aid and assistance; and we were just incapable of doing it at that time.

Q. Why couldn't those people just wait until the Oklahoma City office was back on its feet?

A. Well, it's kind of hard. We provide benefits to over 100,000 people in our service area, which is comprised of northern Oklahoma County, Canadian County, Logan and Kingfisher Counties in the frontier part of Oklahoma. Those people needed services or services from the Social Security Administration almost on a continuous basis daily. Some of the things that they need to have happen couldn't be done by us but must be done by someone to assist them.

The programs we administer need space in some areas, and to go a month or more without assistance would be a terrible tragedy for some of the people we serve.

Q. How many people had appointments with the Social Security Administration at 9 a.m. that morning?

A. I can count them up right quick here.

11.

Q. And how many of those were in person, as opposed to telephone appointments?

A. Seven. Seven in person and four telecoms.

Q. Have you compared the list of people who died in the Murrah

Eric McKisick - Direct

Building on April 19 with this list?

A. Yes, sir.

Q. And can you tell us which people who had appointments with Social Security on that morning died in the bombing?

A. First one on the list I described earlier, Ms. Argo, died in the building -- in the bombing.

The third -- the third one down, Fritzler. He and his wife perished as a result of the bombing.

The next one down, the Lusters -- he and his wife perished.

The next one -- I can barely see here.

Q. I can blow it up for you.

A. I think I have one here that's a little bit easier for me.

Q. Okay. Why don't you just read it off the original.

A. Oh, thanks.

Emilio Tapia.

And the Treanors, T-R -- Treanors, both husband and wife, also passed.

Q. In addition to the names you just read, were there also other people who were in the waiting area who died in the

bombing?

A. Yes, sir, there were.

Q. And in addition to that, did visitors and members of the public who had business in other areas of the Murrah Building also die on April 19, 1995?

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A. Yes, sir.

Q. You've already identified the names of the people who were employed by the Social Security Administration who died.

MR. GOELMAN: I now ask with the Court's permission to display Government's Exhibit 1208 and have you just read into the record the names of the visitors who died that day.

THE COURT: Go ahead.

BY MR. GOELMAN:

Q. Can you see it, Mr. McKisick?

A. Yes, sir. The first one is Teresa Alexander.
Next one was a claimant of ours, Pamela Argo.
The next person is Calvin Battle.
The next is Peola Battle.
Cassandra Booker.
Peachlyn Bradley.
Woodrow Brady.
Gabreon Bruce.
Sheila Driver.
Ashley Eckles.
Donald Fritzler.
And Mary Ann Fritzler.

MR. GOELMAN: Okay. Can we have the next board placed up there.

THE WITNESS: Laura Garrison.
Kayla Haddock.

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Cheryl Hammon.
Thomas Hawthorne, Sr.
Anna Hurlburt.
Charles Hurlburt.
Alvin Justes.
Lakesha Levy.
Aurelia Luster.
Robert Luster, Jr.
Gilbert Martinez.
Cartney McRaven.

BY MR. GOELMAN:

Q. Okay. Would you read the last visitors' board, please.

A. Eula Mitchell.

Emilio Tapia-Rangel.

LaRue Treanor.

Luther Treanor.

Scott Williams.

MR. GOELMAN: Thank you very much, Mr. McKisick.

That's all I have.

THE COURT: Mr. Tigar?

MR. TIGAR: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, sir.

A. Good afternoon.

Eric McKisick - Cross

Q. My name is Michael Tigar. I'm one of the lawyers appointed by Judge Russell to help out Terry Nichols. He lived two buildings over from the Murrah Building.

Sir, when you went out there that morning to talk to Mr. Smith, you said the waiting room was full. Is that right?

A. Yes, sir.

Q. And was that a usual thing at 9:00 in the morning, you would have a lot of folks out there in your waiting room?

A. At 9:00 is our busiest time of the day. There are certain times of the month and week that are peak times when we have more than we normally expect.

Q. I'm sorry. Go ahead. I interrupted you.

A. Wednesdays, during the middle of the week, on the 19th, during the middle of the month is usually not a peak time for our traffic; however, that day, we seemed to have a full waiting room, reception area.

Q. Now, you said there were seven people that actually had appointments where they would need to talk to somebody about doing some paperwork; is that right?

A. Yes, sir. They had appointments to come in to talk to us.

Q. Now, in your experience, the folks that did not have appointments -- they were the walk-ins that were doing this business like you talked about, getting a Social Security card for a child or changing a name. Is that right?

A. Usually. However, anyone, even the individuals who are --

Eric McKisick - Cross

well, that want to apply for retirement benefits or disability benefits can also walk in; so we would have a group of people that had appointments and another group that would come in without an appointment but would be seen by our claims representatives.

Q. Now, these people -- folks that had appointments to change a name or to get a card: About how long would those appointments take typically?

A. Those were not appointments.

Q. I'm sorry. How long would those sessions take when people would come in? How long would it take for them to do their business?

BUSINESS.

A. It depends. If the person has completed the application for a Social Security number, then it wouldn't take very long after they see one of our interviewers, our service representatives, and to transact their business in five, ten minutes.

Q. Now, people would come in, most of them, wouldn't they, through the glass front side of the Murrah Building?

A. Yes, sir, they would.

Q. And that's -- that is on 5th Street?

A. It is on 5th Street.

Q. And 5th Street is a one-way street; correct?

A. Yes, sir.

Q. Now, in 5th Street on the glass front side there, there

Eric McKisick - Cross

is -- there was a cutout in the sidewalk for people to pull off; is that correct?

A. Yes, sir.

Q. Now, how was that -- were there sign-postings there -- what was that cutoff (sic) for, if you remember?

A. Well, it made it easier to access the building, so you wouldn't be parked on the street as you let out someone, a customer or something like that.

Q. You wouldn't interrupt the flow of traffic?

A. Exactly.

Q. And at times of day when you would have a lot of customers, did you ever notice whether that little pull-out area was full with people letting off people, people waiting for people, and so on? Did you ever notice that?

A. Rarely went out to the front part of the building and actually noticed that. However, during times coming back from lunch, I could see people in that area, and I could see cars on occasion parked there briefly to let -- pick up passengers or let them off, yes, sir.

Q. So that is an area like we would see in many office buildings; that is, it's for the convenience of the public. You want to let somebody off, you want a wait a few minutes for them while they run an errand and so on. Is that what that was for?

A. I don't think it was designed for any parking of any length

Eric McKisick - Cross

of time.

Q. I understand -- excuse me. It's not for parking; correct?

A. Yes, sir. It was not for parking.

Q. And if you parked there for any great length of time, then somebody might come along and talk to you about it?

A. Yes, sir.

Q. But it -- it was, was it not, for this process of letting people off and for a very brief-type stay, would you say?

A. Yes, sir.

Q. And for -- when you made appointments for people at the

Social Security, they had other options for parking around the area; correct?

A. Yes, sir. There was a parking lot on the north side of the building across 5th Street, and there was some parking available underneath the Murrah Building.

Q. Now, that parking lot that's underneath the Murrah Building: That connected into the underground passageway system?

A. Correct.

Q. That ran underneath Oklahoma City?

A. Yes, sir, it did.

Q. And that's handy because it gets hot in the summer, doesn't it?

A. Yes, sir, and pretty cool in the winter.

Q. And for that area there, was that open to members of the

Eric McKisick - Cross

public all the time, or was that sometimes full?

A. It was sometimes full. There were not very many parking spaces available for the public underneath of the Murrah Building. Most of them were designed for the people who worked there.

Q. Now, in downtown Oklahoma City back at that period of time, when is the heavy rush-hour traffic in your experience?

A. In the mornings before 9, afternoons between 5, 6.

Q. Now, in your work in supervising the operation of Social Security agency, did you ever have talks about people having problems parking to come in and talk to you?

A. I don't recall ever having that conversation, sir.

Q. Can you ever remember talking to one of your customers about, gee, I'm having trouble finding a place to park, or anything like that?

A. That has -- customers mentioned the difficulty of parking in that area, yes, sir.

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

I have nothing further, your Honor.

MR. GOELMAN: No questions, your Honor. The witness may be excused.

THE COURT: Agreed?

MR. TIGAR: Yes, your Honor.

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

MR. MACKEY: Your Honor, at this time we'd move for admission of the Thomas Manning videotape deposition.

THE COURT: All right. And it's going to run past 5:00, but we'll cut into it at 5:00.

Now, I'll explain to the members of the jury what a deposition is. All it means is that occasionally when a witness for some reason is unable because of health or other reasons to come to the courtroom and give testimony, as all of these witnesses have, there is a provision under our procedural rules that accommodates -- accommodates that witness and provides that before the trial ever begins, lawyers on each side have an opportunity to question the witness in the very

same manner that we do here in the courtroom with direct examination and cross-examination; and then that is taken on videotape so that it can be played to the jury in the trial of the case.

And that has happened in this case, and a witness named Thomas Ralph Manning -- his testimony was taken in this fashion before the trial ever began. And so we will be playing this videotape; and what you will do, of course, is listen. And it's done on video so that you can see the witness. It's not quite the same as the demeanor and manner of the witness while on a witness stand, but it's the best we can do to substitute for the actual appearance. And this has been done by agreement.

So you have the tape for Mr. Manning's deposition.

And, members of the jury, you will consider this testimony insofar as it is possible to do so in the same manner as the testimony of witnesses who come in here and testify live.

Mr. Ryan?

MR. RYAN: Thank you, your Honor.

(Video Deposition of Thomas Ralph Manning played.)

MR. RYAN: With the Court's permission, we'll show those exhibits at this time.

THE COURT: We've renumbered them, haven't we?

MR. RYAN: Yes. I'll state the renumbered --

THE COURT: Those are not objected to?

MR. WOODS: No, your Honor.

THE COURT: All right.

Yes. Go ahead and identify and explain -- show them.

MR. RYAN: This was Exhibit No. 2 to the Manning deposition. It's been renumbered for this case as Exhibit 273B, your Honor.

This was Exhibit 3 to the Manning deposition, and it has been remarked for this case as Government's Exhibit 273C.

This was Exhibit 4 to the Manning deposition and has been remarked for this case as Exhibit 273D.

This is Exhibit 5 to the Manning deposition, has been remarked as Exhibit 273E.

This is Exhibit 6 to the Manning deposition and has been remarked as Exhibit 273F.

This is Exhibit 7 to the Manning deposition and has been remarked as Exhibit 273G.

This is Exhibit No. 8 to the Manning deposition, has been remarked as Exhibit 273H.

This is Exhibit No. 9 to the Manning deposition and has been remarked as Exhibit 273I.

This is Exhibit No. 11 to the Manning deposition and has been remarked as Exhibit 273K.

Thank you, your Honor.

THE COURT: All right. Those exhibits are now received.

Since we've interrupted here, another comment, members of the jury.

You heard in the beginning the entry of appearances by attorneys for Timothy McVeigh. You also heard the date of my order -- so please understand that what we did here -- I wasn't

order, so please understand that what we did here -- I wasn't present at the time of this deposition. That's why you also heard objections and no ruling; but to accommodate this witness, it was arranged that his testimony would be taken for use in the separate trials of Mr. McVeigh and Mr. Nichols. So the lawyers for Mr. McVeigh were there as well, and that's why you heard their appearances.

And, of course, we didn't edit out every time there was an objection where the objection was later withdrawn, which it was. We have edited this tape, however, so that portions of it that related only to Mr. McVeigh's trial are not on the tape to be heard by you. But I did want to explain to you why you heard the appearances of lawyers for Mr. McVeigh.

We didn't want to chop it up too much.

Okay.

MR. RYAN: Thank you, your Honor.

(Video deposition of Thomas Ralph Manning resumed.)

THE COURT: Here again, you've redesignated it, I take it.

MR. RYAN: Yes, your Honor. It's been redesignated as Government's Exhibit 273L.

THE COURT: And there is no objection to its receipt?

MR. WOODS: No objection, your Honor.

THE COURT: All right. It's received and may be shown.

MR. RYAN: Thank you, your Honor.

(Video deposition of Thomas Ralph Manning resumed.)

THE COURT: We'll interrupt it at this point, Mr. Ryan. It seems like a good breaking point.

So we'll be returning to this testimony tomorrow morning, members of the jury. And of course, you're now excused until tomorrow morning at the usual 8:45 time with, of course, the usual cautionary instructions of keeping open minds, avoiding discussion about anything connected with this case with anybody and also being careful about all of the things that you might read, see, and hear. Make sure that none of them has anything to do with the issues in this case.

You're excused now until tomorrow morning, 8:45.

(Jury out at 5:00 p.m.)

THE COURT: We'll be in recess.

(Recess at 5:00 p.m.)

* * * * *

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PLAINTIFF'S EXHIBITS

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
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| 273B-273I | 9744 | 9745 | | | |
| 273K | 9744 | 9745 | | | |
| 273L | | | | | |
| 1009 | 9731 | 9731 | | | |
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DEFENDANT'S EXHIBITS

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
|-------------|---------|----------|---------|----------|-----------|
| D1220 | 9688 | 9689 | | | |
| D1220A | | | | | |
| D1648-D1649 | 9636 | 9636 | | | |

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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 19th day of November, 1997.

Paul Zuckerman

Kara Spitler

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